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OBJECTIVES OF THE PENITENTIARY SYSTEM: CORRECTION, RESOCIALIZATION, RETRAINING

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ЦЕЛИ ПЕНИТЕНЦИАРНОЙ СИСТЕМЫ: ИСПРАВЛЕНИЕ, РЕСОЦИАЛИЗАЦИЯ, ПОДГОТОВКА

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Abstract. The article discusses the problems of the general goals of the penitentiary system as a leading element of its activities, forms a system of goal setting principles and requirements that must meet these goals, and analyzes its compliance with the goals and penalties of the Penal Code. The lack of clear scientifically based goals of the penitentiary system opens up vast opportunities for their further study.

Аннотация. В статье раскрываются проблемы общих целей пенитенциарной системы как ведущего элемента ее деятельности, формируется система принципов и деятельности, которые должны соответствовать а также анализируется ее соответствие нормам Уголовного Кодекса. На сегодняшний день отсутствие четких научно обоснованных целей пенитенциарной системы открывает широкие возможности для их дальнейшего изучения.

Keywords: prison system, correction of prisoners, crime prevention.

Ключевые слова: пенитенциарная система, исправление заключенных, профилактика правонарушений.

Improvement and liberalization of criminal legislation, humanization of criminal penalties - ensuring the rule of law and further strengthening the judicial system in the "Action Strategy for the five priority areas of development of the Republic of Uzbekistan in 2017-2021", approved by the Decree of the President of the Republic of Uzbekistan dated February 7, 2017 PF-4947 priorities for reform have been identified [1].

In particular, the ongoing democratic reforms in the country are aimed not only at improving the social, economic and political spheres of society, but also at improving the conditions of detention in penitentiaries, improving the classification of prisoners and re-socializing prisoners. This process is especially evident in the work on the goals of the penitentiary system: correction, resocialization, retraining.

At present, large-scale public debates, scientific-practical debates and even heated debates around the common goals of these criminal punishments, their execution and, accordingly, the main problems of the system of bodies implementing them have not stopped. It is well known and

scientifically proven that the goals of any activity not only determine its social purpose and structural model, define the direction and direct it to certain results, motivate and give content to the work of employees, define the essence and content, choose methods, tools and forms, create expediency. Organizational-managerial and other conditions, including the provision of staff to implement them, but also create the necessary conditions for social assessment of the level of work efficiency. The similar importance of the goal suggests that it is a leading element of the work of the penitentiary system. Therefore, taking into account the historical experience and current trends in the development of society, scientifically substantiate and clearly define this category, as well as the multifaceted features of the penitentiary system, ie punishment, social protection, crime prevention, isolation of convicts, socially useful work, general and vocational education, correctional impact, place of residence, preparation of convicts for free life in society, and so on are topical scientific tasks.

Punishment is one of the most important institutions of criminal law and is the leading form of criminal liability [2]. It is the punishment of crimes that makes criminal law a means of influencing social relations and makes legal norms a real mechanism for protecting the individual, society and the state from unlawful aggression. The issue of criminal liability is largely based on the issue of criminal punishment. The effectiveness of punishment, in turn, depends on its definition, because the more correctly the role and essence of punishment is understood, the more effective will be the choice of methods and techniques of influencing the perpetrators. This increases the impact of criminal liability in the management of social relations.

It is of fundamental importance to the institution of criminal punishment and legally records the signs and characteristics of the methods chosen by the state as an influence on social relations in order to be recognized as a punishment. The normative definition of the purpose and concept of punishment not only promotes the uniform application of criminal law, but also the improvement of legal techniques and ensures the gradual development of criminal law on a uniform basis.

Penitentiary system (lat. Poenitentia from "repentance") - a system of law enforcement agencies, the state apparatus of law enforcement, responsible for the execution of criminal penalties imposed on citizens in accordance with the law. Ensures the execution of sentences related to deprivation of liberty and non-deprivation of liberty, as well as the detention of persons under investigation from the time of arrest until trial (until the measure of restraint in the form of imprisonment is changed).

One of the important directions in the restoration of social justice, along with the punitive function of the modern penitentiary system, is the prevention of recurrence of this disease.

In our country, the concept of penitentiary system has been introduced into scientific circulation. The term "penitentsiar" is derived from the Latin word "poenitentia", which means "repentance" (raskayanie) [3]. Significantly, the main purpose of the application of punitive and criminal sanctions is to ensure the moral correction of the convict, in other words, to ensure that he repents and returns to the path of the crime.

In international practice, it is generally accepted to call penitentiary and penitentiary institutions "penitentiary bodies", as well as the penitentiary system "penitentiary system" [4].

Obviously, you have to keep that in mind when dealing with it.

1. Legitimate formation of the goals of the penitentiary system is a priority for specialists in the field of criminal and criminal law, who must take into account the achievements of other sciences, especially "human" (philosophy, sociology, history, psychology, pedagogy).

2. The objectivity of defining, defining and predicting the objectives of the penitentiary system assumes that they reflect the laws of development of the system, which in turn takes into

account the historical perspective of the problem, internal and external approaches, as well as the current state and practice of society and the penitentiary system case study.

3. The purpose of the penitentiary system should be consistent with the scientific principles of goal setting as specific social goals.

The main problem in the implementation of the principles of criminal law is the imperfection of the executive bodies of criminal penalties and other measures of influence, as well as the existence of gaps and conflicts in the legislation [5]. Problems arising from the inconsistency of existing criminal-executive norms with the principles of existing criminal-executive legislation; significant differences between the goals and objectives of the criminal-executive system and the scientific content of the theory of criminal-executive law; technical, linguistic ambiguities and ambiguities in the language in which the criminal-executive norms are expressed, non-unification of terms, shortcomings in interpretation; gaps in the legislation in the field of application of disciplinary measures to convicts who have violated the established order of punishment; are penitentiary conflicts in the criminal, criminal-procedural, and criminal-executive codes.

The analysis of socio-political, economic and other processes affecting the penitentiary system allows us to identify the main problems in the functioning of the penitentiary system at this stage, without which it is impossible to move to the next stage of reform. First of all, we believe that this is the formation of a criminal enforcement policy by the state.

Analysis of political decisions related to our penitentiary system The state has clearly defined its policy towards the current penitentiary system. The decision and concept of the penitentiary system [6] is a clear example of this. Therefore, it can be concluded that this shows the consistency and completeness of both political and organizational-legal decisions on the penitentiary system.

Principles of criminal executive law in criminal law strengthened and criminalized in every developed country.

The essence of the policy of executive law includes the leading principles that reflect modern principles, as well as reflect the socio-political, economic, ethical and legal vision of the execution of punishment, including the rule of law, justice, humanity, democracy, execution of punishment. adherence to the principles of differentiation and individualization, rational use of coercive means and encouragement of law-abiding behavior of convicts (Article 6 of the Criminal Code).

The Constitution states that a person who meets the needs of the individual, society and the state, his rights and freedoms are the highest value. It is the duty of the state to observe and protect the rights and freedoms of man and citizens. Despite the fact that the convict is temporarily deprived of certain rights and freedoms, the purpose of the penitentiary system as an element of the state system must be related to the provision of a priority constitutional purpose, even in certain conditions of imprisonment and in the execution of sentences.

Objectives of the penitentiary system A comparative analysis of the rights and freedoms of citizens with the legal status of convicts established by the Constitution and laws allows us to draw fundamental conclusions:

- The list of fundamental rights and freedoms of convicts should be as wide as possible, including the right to life of fundamental human and civil rights and freedoms; health, personal inviolability, freedom of conscience and religion, respect for human dignity; on housing rights, private property, personal information and obligations; on social security; legal protection and psychological assistance; consideration of complaints, applications and proposals; on general and vocational education; the right to motherhood, childhood and family protection; freedom of scientific and technical creativity, etc;

- The list of constitutional rights and freedoms of citizens in relation to convicts includes certain privileges and restrictions, which constitute the essence of criminal punishment in the form of imprisonment during joint execution. The creation of organizational and legal conditions and reliable mechanisms to ensure the implementation of these rights and freedoms in the penitentiary system gives human meaning to the process of execution of the sentence and its activities.

As noted above, the goals of the penitentiary system should be based on a high social humanitarian goal, consistent and to some extent subordinate to it. Their internal and external relations, functional-target and structural unity, can serve as a sequence of goals, content and methods, as well as the interdependence of goals.

The accuracy and scalability of the objectives of the penitentiary system require that they be objective, that is, scientifically based and identified places, events, facts, happenings, situations that exist in practical time and space; their achievement is objectively possible. The outcome of the activity depends directly and completely on the system of execution of the sentence, and this can be achieved in the process of targeted organized work of all subjects, but not under the influence of random situations. This result can be accurately recorded, identified, diagnosed, measured and evaluated using science-based research methods.

The list of requirements for the content and order of development of the objectives of the penitentiary system is incomplete and not generally accepted, only reflects the position of the author. A number of experts and scholars have identified mission formation, prioritization, resource accounting, clarity over time, goal tree, precision and achievability, and more as the basic and independent principles of goal setting.

Considering that it is possible to accept punishment as the goal of punishment before the penitentiary system and to warn convicts of new crimes by themselves (creating conditions for disobedience to the law, preventing its further negative development, moral depravity and personal misconduct), it is difficult to recognize the identity of the convict. Because the highest social significance is used as a means of solving the criminal problems of other people and society as a whole.

By defining the organizational and legal basis of the system and defining its principles (legitimacy, humanity, respect for human rights), the law established no mechanisms but the means to implement the latter.

This, on the one hand, disrupts its activities and, on the other hand, opens up great opportunities for scientific research. In addition to the categories considered, promising areas such as analysis include concepts such as “transition to residence”, “adaptation in society after release”, “social learning”, “preparation for life in freedom (in society)”, and “relationship building”. Correction, “correction and repositioning,” as well as their individual combinations. The main condition for their justification is compliance with the requirements for social purposes.

After all, the Penitentiary JIC encourages prisoners to be rehabilitated judicious application of disciplinary and disciplinary norms is one of the current problems of today.

At present, the punishment in our country is repressive from the penitentiary system to the concept of protection transition to a system based on.

Social work is an indicator of the humanization of social relations, especially in public opinion always about re-education and creating opportunities to show kindness to people in need of repentance.

The structure of the penitentiary system of our country, first of all, first places of detention and, subsequently, places of execution of a sentence in the form of deprivation of liberty:

- temporary storage insulators;

- pre-trial detention facilities;
- colonies serving a sentence of imprisonment;
- educational colony;
- prison;
- address institutions.

Social work with prisoners is alive is a component of a multidisciplinary system of assistance to governmental and non-governmental organizations to a citizen in a difficult situation part and element. This is the execution of a criminal sentence social assistance, rehabilitation and rehabilitation of prisoners during socialization (resocialization) support is also a type of professional activity that has a special feature of adaptation (readaptation) after discharge. The purpose of social work with convicts in a penitentiary institution is to rehabilitate and rehabilitate convicts socialization, and after dismissal, to lay the groundwork for successful adaptation.

The main tasks of the organization of such work in the penitentiary institution [7]:

identification and solution of social problems of convicts to make them differential social support;

- in all categories, especially the most needy (retirees, the disabled, those who have lost relatives, from foster colonies the elderly, the elderly, those addicted to drugs and alcohol, those who do not have clear housing conditions are irreparable or difficult those suffering from incurable diseases) social prisoners ensuring and organizing protection;

- The social life of the pamphlet in the process of serving a sentence assistance in providing conditions;

- strengthening socially useful ties of convicts and in rehabilitation, employment and resettlement after release, assistance in resolving issues related to boarding;

- measures to obtain identity documents of the convict vision and identification, as well as social security determination of the existing right;

- Various social protection services experts to assist prisoners and provide advice to attract to give;

- social problems of convicts, including issues of employment and living conditions even after their release involving the public in the solution;

- in the social development of the convict, as well as in raising the social culture, improving the social needs, changing the direction of normative values, assistance in increasing the level of social control;

- preparation of convicts for release, "To release Training School "in conducting them interested services of the institution, regional and regional involvement of social security services.

Social work with all convicts, especially with prisoners in need of material, legal, psychological and other assistance must be transferred. The object of activity of social workers is a person who is imprisoned and cannot get out of difficult life situations alone without someone's help. pensioners, the disabled, the bereaved, those in correctional facilities, the elderly, drug addicts and alcoholics; those who do not have, those who have incurable or difficult-to-cure diseases, pregnant women, women with young children, and minors.

Educational work is one of the main means of moral correction of prisoners, in accordance with the requirements of the law and in society to adhere to accepted rules of conduct, as well to form a desire to raise the level of knowledge and culture focused. Moral correction and re-education of convicts educational measures are applied to them in order to.

Promoting religious knowledge of the spiritual upbringing of prisoners it is not permissible to organize in the spirit of doing or teaching, but nor does it prevent the voluntary formation of his

religious worldview [8]. Of convicts in penitentiary institutions The implementation of religious rites is also an internal agenda without compromising the rules.

Legal education of convicts is based on their legal knowledge aimed at enrichment. Improving the legal knowledge of the state to explain and interpret the norms of the law, to respect the norms of the criminal law and to raise the legal culture of the convicts focused. The organization of legal education of convicts can be done in different ways. Law enforcement to promote and introduce social legislation employees of law enforcement agencies, experts or scientists may be involved. In the field of legal education, convicts are on the path to recovery, early release from punishment. The same as making or considering transfer to address-colonies it is important that they review cases on the ground.

Physical punishment of convicts in penitentiary institutions.

Special attention is paid to their upbringing. In particular, in each institution (except for the type equipped with a camera) there are special places for sports competitions and physical training of prisoners. Focuses on the physical education of prisoners The measures include organizing sports competitions among prisoners the daily agenda is made up of cases such as the allocation of time for physical education.

The educational measures applied to prisoners are individual in order, can be organized in group or public views.

It is their morality to conduct educational work with prisoners correction (behavior) of a person, society, respect for the rules, labor and traditions established in it, their aimed at raising the level of knowledge and culture.

Their in carrying out educational work with prisoners personal description and characteristics of the crimes they committed.

Specialists engaged in social and educational work in carrying out their professional activities are in accordance with the Constitution of the country, ratified and agreed international agreements, laws of our country, criminal executive legislation and normative documents.

The UN's treatment of detainees is minimal Standard Rules [9] define the functions of social work specialists in penitentiary institutions marked. An expert in social work in this field has a special position. According to Article 61 of these Rules, from within the whole complex of criminal-executive policy have to solve tasks:

- family of convicts, socially useful and entitled strengthening and maintaining relations with security organizations;
- protection of civil interests of convicts;
- protection of the rights of convicts to social security and other social benefits;
- Advising and informing prisoners.

The UN's treatment of detainees is minimal In Article 80 of the Standard Rules, the subsequent fate of a convict must be considered from the moment he or she begins to serve his or her sentence; and organized work within the group in order to facilitate the socialization of the convict after his release recommends.

One of the most pressing and pressing issues today is the issue of socialization and adaptation of prisoners after their release from prisons. Adaptation

The process is related to the adaptive situation in the social environment because of the change in circumstances and the new environment in the individual changes occur during the transition process. Life plans sudden breakdown, change of lifestyle through social isolation to the manifestation of separate complexes in man resulting in 'excess human syndrome'. A prisoner can cope with such a difficult situation by preparing for a separate release.

The lawful punishment of a person, even if he has committed a crime the highest human of his rights and freedoms for the past recognition as a value is only different from the situation that arises to develop positivity through various aids, to reduce (correct) negative influences, to find their place in society and to support their full life, to make the new environment healthier.

Such problems are great social importance the solution is not always and everywhere. The process of socialization (resocialization) during the execution of the sentence of social work carried out with is an urgent task enshrined in law.

Resolution of the President of the Republic of Uzbekistan "On measures to radically improve the criminal law" dated November 7, 2018 No PP-4006 [6] to develop a new version of the Criminal Code of the Republic of Uzbekistan until June 1, 2020 the task of exit is defined, it is expedient to create standards of detention and best practices of prison management, re-socialization of prisoners and alternative punishment measures that can be applied instead of imprisonment, using the experience of foreign countries.

In addition, the UN Standard Minimum Rules for the Treatment of Prisoners reflect the universally recognized standards for the management of penitentiaries and the treatment of prisoners, and these standards form the basis for developing the Concept for Improving Criminal Enforcement Law as outlined in the Action Strategy and Implementation Plan.

In conclusion, it should be noted that the experience of reforming the penitentiary system in other countries has also been studied. That is, work is being done to work with children and other vulnerable groups, to treat people with disabilities related to drug use, to work with prisoners involved in extremist wars, and to prevent radicalism that causes violence in penitentiaries [7; 9].

It should be noted that the goals of the penitentiary system are a holistic social process, consisting of correction, resocialization, retraining, identification and elimination of the causes and conditions of illegal actions of prisoners, and the development of new methods of combating crime in prisons. Complex measures for the development and improvement of existing ones [8].

They can be distinguished by their social, economic, legal characteristics, as well as general and individual preventive measures, the correct application of which will help to effectively influence the personality of the penitentiary offender, fight and prevent crime in places of deprivation of liberty.

References:

1. Decree of the President of the Republic of Uzbekistan no. PF-4947 of February 7, 2017 "On the Action Strategy for the further development of the Republic of Uzbekistan". <http://www.lex.uz>
2. Rustamboev, M. H., & Abdukhalikov, S. O. (2005). Legal methodology: the basics of dialectical cultural understanding of history and law. Book 2.
3. Wines, F. H. (1910). Punishment and reformation: A study of the penitentiary system. Thomas Y. Crowell Company.
4. Roth, M. P. (2006). Prisons and prison systems: A global encyclopedia. Greenwood publishing group.
5. Tadjibaeva, D. (2020). Penitentsiar muassasalar makykumlar zhinoyatchiligi profilaktikasini takkomillashtirishga oid amaliyeta uchraetgan muammolar. *Yurist akhborotnomasi*, 1(1), 82-94.
6. Resolution the President of the Republic of Uzbekistan from 08/11/2017 "About measures to improve the activities of the bodies of the internal affairs in the sphere of execution of punishments related to detention of freedom" №3200.

7. Kuzmin, Yu. A. (2018). Sotsial'naya rabota v ispravitel'nykh uchrezhdeniyakh ugovolno-ispolnitel'noi sistemy. *European Science*, (1), 82-91. (in Russian).

8. Abdurasulova, K. R. (2016). Comments to the Criminal Procedure Code of the Republic of Uzbekistan. Tashkent.

9. Nesterova, G. F., & Aster, I. V. (2011). *Tekhnologiya i metodika sotsial'noi raboty*. Moscow. (in Russian).

Список литературы:

1. Указ Президента Республики Узбекистан №ПФ-4947 от 7 февраля 2017 года «О Стратегии действий по дальнейшему развитию Республики Узбекистан». <http://www.lex.uz>.

2. Rustamboev M. H., Abdukhalikov S. O. *Legal methodology: the basics of dialectical cultural understanding of history and law*. Book 2. 2005.

3. Wines F. H. *Punishment and reformation: A study of the penitentiary system*. Thomas Y. Crowell Company, 1910.

4. Roth M. P. *Prisons and prison systems: A global encyclopedia*. Greenwood publishing group, 2006.

5. Tadzhibaeva D. Penitentsiar muassasalar ma'xkumlar zhinoyatchiligi profilaktikasini takkomillashtirishga oid amaliyda uchraetgan muammolar // *Yurist akhborotnomasi*. 2020. V. 1. №1. P. 82-94.

6. Постановление Президента Республики Узбекистан от 11.08.2017 «О мерах по совершенствованию деятельности органов внутренних дел в сфере исполнения наказаний, связанных с лишением свободы» № 3200.

7. Кузьмин Ю. А. Социальная работа в исправительных учреждениях уголовно-исполнительной системы // *European Science*. 2018. №1 (33). С. 82-91.

8. Абдурашулова К. Р. Комментарии к Уголовно-процессуальному кодексу Республики Узбекистан. Ташкент, 2016.

9. Нестерова Г. Ф., Астэр И. В. *Технология и методика социальной работы*. М.: Академия, 2011.

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