



## LEGAL FRAMEWORK FOR COOPERATION BETWEEN THE PROBATION DEPARTMENT AND CIVIL SOCIETY INSTITUTIONS

Amanov Abrorjon Abdullaevich

Professor at the Institute for Advanced Training of the Ministry of  
Internal Affairs of the Republic of Uzbekistan

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### Abstract

The article discusses the legal foundations of the Probation Department's cooperation with civil society institutions and offers proposals and recommendations for more effective organization of this activity.

**Key words:** Probation Department, civil society institutions, cooperation, legal framework, law, decree, resolution.

One of the main foundations of the New Uzbekistan reforms being implemented in our country today is to increase the effectiveness of the crime prevention system, identify and eliminate the causes and conditions that contributed to their occurrence, raise the legal culture and awareness of citizens, and foster in them the spirit of adherence to established rules of conduct in society. The implementation of these tasks is one of the main and urgent responsibilities assigned to the Ministry of Internal Affairs, and the Probation Department makes a worthy contribution to the fulfillment of these tasks.

Furthermore, in these processes, the cooperation of the Probation Department with civil society institutions is of particular importance, and it would not be an exaggeration to say that establishing this cooperation is one of the important and necessary requirements of today. In particular, the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, emphasized the importance of further strengthening ties with the public in ensuring the rule of law, preventing offenses, combating crime, maintaining public order, protecting citizens' rights, and elevating the work on interaction between law enforcement agencies and civil society institutions to a new level.[1]

Specifically, in accordance with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 84 dated February 14, 2020, "On Additional Measures to Effectively Organize the Activities of the Probation Service of Internal Affairs Bodies," appropriate preventive measures have been established for effective control over the behavior of those under probation supervision throughout the republic. Starting from March 1, 2020, this will be carried out in cooperation with public structures and regional divisions of the Ministry of Employment and Labor Relations, the Ministry of Health, the Ministry of Public Education, the Women's Committee of Uzbekistan, the Youth Union of Uzbekistan, the Republican Council for Coordinating the Activities of Citizens' Self-Governance Bodies, and the Committee for Religious Affairs of the Republic of Uzbekistan. Special attention will be given to the social adaptation, employment, and vocational training of minors under supervision.

Annex 2 to this resolution approved the mechanism of joint activities of ministries and agencies to provide social, legal and psychological assistance to persons under the supervision of Probation Offices.

It can be said that the active participation of civil society institutions (self-governing bodies, political parties, mass social movements, trade unions, public associations and foundations, non-governmental non-profit organizations) in the processes of democratization and renewal of society is an important factor in solving issues related to the life of every person living in the country, determining the future of the state.[3] As experts correctly note, effective interaction between law enforcement agencies and civil society institutions also serves to realize the interests of citizens, society, and the state, ensuring a balance and harmony of interests.

It should be noted that, as a rule, no state body can ensure the effectiveness of its activities only within its internal capabilities without collaborating with other structures.[5] One of the main forms of governance in internal affairs bodies is cooperation, and one of the main conditions for joint activity is the organization of the service in mutual agreement. Cooperation in ensuring public order and security, crime prevention, is the effective use of forms and methods of activity, official authority by entities engaged in this activity in accordance with the law, in mutual agreement, while two or more services, that is, separate participants of management, who are not subordinate to each other, coordinate their actions.[8] In particular, the Probation Department cooperates with civil society institutions, which are state bodies and public structures, in carrying out the tasks and functions assigned to it by regulatory legal acts. In particular, the relevant legal framework for organizing effective cooperation between the Probation Department and civil society institutions in the prevention of offenses has been created in our country.

When discussing the legal foundations of this cooperation, it is advisable to note the Constitution of the Republic of Uzbekistan. It notes that law enforcement agencies can be assisted by public organizations and citizens in protecting legality and legal order, rights and freedoms of citizens. This constitutional norm is the most important legal basis for interaction between law enforcement agencies (in particular, Probation Department) and civil society institutions, and it should be noted that this direction has been granted constitutional status in our country.

In the Law of the Republic of Uzbekistan "On Internal Affairs Bodies," the internal affairs bodies cooperate with state bodies, citizens' self-government bodies, and other organizations in order to fulfill the tasks assigned to them. State bodies, self-government bodies and other organizations are obliged to assist the internal affairs bodies within their powers in protecting the rights, freedoms and legitimate interests of citizens, maintaining public order and ensuring public safety, preventing, detecting, disclosing and suppressing crimes and administrative offenses, investigating criminal cases, searching for criminals, establishing the whereabouts of missing persons, as well as preventing offenses.[11]

Article 4 of the Law of the Republic of Uzbekistan "On Non-Governmental Non-Commercial Organizations" is titled "Interaction of Non-Governmental Non-Commercial Organizations with State Bodies," which states: the state ensures the observance of the rights and legitimate interests of non-governmental non-commercial organizations, creating equal legal opportunities for their participation in public life. The state may provide assistance to specific socially beneficial programs of non-governmental non-profit organizations. These provisions reflect the organizational and legal framework for the interaction of civil society institutions with state bodies, including the Probation Department.

We can also observe the norms of cooperation in this area in the Law of the Republic of Uzbekistan "On Citizens' Self-Government Bodies," which regulates the activities of citizens' self-governing bodies, one of the largest and most influential institutions of civil society in our country. Specifically, Article 13 of this law is titled "Powers of the Council of the Citizens' Assembly," and we can see that several paragraphs define the tasks of the Council of the Citizens' Assembly in assisting state bodies. In particular, according to the fifth paragraph of part 3 of this article, the citizens' assembly council "assists state bodies in conducting public-political, spiritual-educational, cultural, sports and other events." Additionally, in part 3 of this article, we can observe the norms regarding the powers and cooperation of the citizens' assembly council directly in the prevention of offenses. Specifically, paragraph fourteen states: "assists law enforcement agencies in ensuring public order and public safety in the relevant territory, including organizing the accounting of arrivals and departures of citizens, preventing neglect and delinquency among minors, and protecting their rights"; paragraph twenty-three states: "carries out joint activities with social adaptation centers for social and labor rehabilitation and crime prevention of persons released from places of deprivation of liberty."

Article 21 of the Law of the Republic of Uzbekistan "On the Prevention of Offenses" states that citizens' self-government bodies can participate in the prevention of offenses, and non-governmental non-profit organizations and citizens can participate in the prevention of offenses by assisting and providing necessary support to bodies and institutions that carry out and participate in the prevention of offenses.

According to Article 3 of the Law of the Republic of Uzbekistan "On Social Partnership": "Social partnership is the cooperation of state bodies with non-governmental non-profit organizations and other institutions of civil society in the development and implementation of programs for the socio-economic development of the country, including sectoral and territorial programs, as well as regulatory legal acts and other decisions affecting the rights and legitimate interests of citizens." Based on this norm, the Probation Department can cooperate with civil society institutions. In particular, today we can cite as an example the practical work of the Probation Department with civil society institutions in the relevant regions, such as organizing job fairs for the employment of previously convicted persons.

The Decree of the President of the Republic of Uzbekistan "On the Fundamental Improvement of the System for Raising Legal Awareness and Legal Culture in Society" dated January 9, 2019, emphasizes the importance of "strengthening mutual cooperation between state authorities and institutions of civil society in the implementation of targeted legal awareness campaigns."

It can be said that "state bodies" in the above-mentioned legal norms mean the status of "state" in the general sense. We can apply this directly to the activities of the Probation Department of the internal affairs bodies and its territorial structural units. Also, Article 12 of the Law of the Republic of Uzbekistan "On the Cabinet of Ministers of the Republic of Uzbekistan"<sup>18</sup> reflects the norms regarding the interaction of the Cabinet of Ministers with non-governmental non-profit organizations, according to which: "The Cabinet of Ministers interacts with non-governmental non-profit organizations on issues within its competence and provides them with necessary assistance in accordance with the law." Given that the Minister of Internal Affairs of the Republic of Uzbekistan, by virtue of his status, is part of the Cabinet of Ministers of the Republic of Uzbekistan, and on certain issues, he is subordinate to

the Cabinet of Ministers of the Republic of Uzbekistan, cooperation at the Cabinet of Ministers creates appropriate opportunities and conditions for them to carry out their functional tasks, and we should evaluate this norm as an important norm of interaction between the Probation Department and civil society institutions. This means that the cooperation of these entities in this area is legally regulated.

Article 9 of the Law of the Republic of Uzbekistan "On Internal Affairs Bodies" states that "the internal affairs bodies carry out their activities openly and transparently, in cooperation with state bodies, self-government bodies of citizens, other organizations and citizens, as well as with the mass media" and Article 11 "Cooperation of internal affairs bodies with other bodies and organizations" states that in order to fulfill the tasks assigned to them, the internal affairs bodies must cooperate with state bodies, self-government bodies of citizens and other organizations in the manner prescribed by law,

The Decree of the President of the Republic of Uzbekistan "On Measures to Fundamentally Improve the Activities of Internal Affairs Bodies in the Field of Preservation of Public Order and Ensuring Public Safety" notes that the implementation of the main directions for increasing the effectiveness of maintaining public order and ensuring public safety in the country is the most important task of the Ministry of Internal Affairs of the Republic of Uzbekistan and its territorial divisions, strengthening coordination and organizational and methodological support for the activities of maintaining public order and ensuring public safety, developing mechanisms.

The "Strategy of Actions on Five Priority Directions for the Development of the Republic of Uzbekistan in 2017-2021," approved by the Decree of the President of the Republic of Uzbekistan "On the Strategy of Actions for the Further Development of the Republic of Uzbekistan," outlines important provisions for enriching the legal foundations of this activity, such as raising the legal culture and awareness of the population, organizing effective interaction of state structures with civil society institutions and the media in this regard.

At the same time, the Decree of the President of the Republic of Uzbekistan "On Measures to Fundamentally Enhance the Role of Civil Society Institutions in the Process of Democratic Renewal of the Country" became a solid legal basis for a new stage of cooperation between state bodies and civil society institutions. Because it outlined the most important areas of state support for civil society institutions and further strengthening their activities.

As another legal basis, we can note the Decree of the President of the Republic of Uzbekistan "On the Fundamental Improvement of the System of Raising Legal Awareness and Legal Culture in Society"[4] and the "Concept of Raising Legal Culture" approved by it. In particular, it highlights the issue of "ensuring broad cooperation between state bodies and civil society institutions in raising the legal culture of the population."

In accordance with the Decree of the President of the Republic of Uzbekistan "On Measures to Raise the Activities of Internal Affairs Bodies in the Field of Ensuring Public Safety and Combating Crime to a Qualitatively New Level," and in order to further enhance the role and responsibility of internal affairs bodies in ensuring the effective implementation of new mechanisms for ensuring public safety, based on the Decree of the President of the Republic of Uzbekistan "On Additional Organizational Measures to Further Improve the Activities of Internal Affairs Bodies in the Field of Ensuring Public Safety," according to this regulation, the mahalla is a structural structure of the lower-level internal affairs bodies that directly carries



out activities to protect public order, prevent crime and combat crime in makhallas and villages, as well as organizes the joint work of internal affairs bodies, other law enforcement agencies and public structures in the context of makhallas to ensure the safety and wellbeing of citizens.

The Decree of the President of the Republic of Uzbekistan "On the Strategy for the Development of New Uzbekistan for 2022-2026" also states that "in order to assess the level of achievement of the goals set out in the Development Strategy and the State Program, an Independent Monitoring and Evaluation Public Group under the "Yuksalish" Nationwide Movement, consisting of representatives of civil society institutions, preparing annual alternative reports; establishing cooperation with civil society institutions in the fight against corruption, improving the practice of conducting consultations with civil society institutions in the legislative process.

In conclusion, it can be said that every member of our society is responsible for protecting the rights, freedoms and legitimate interests of citizens in society, maintaining public order and ensuring public safety, preventing and combating offenses, identifying and eliminating their causes and conditions that allow them to be committed, identifying individuals prone to committing offenses, raising legal awareness and legal culture in society. In other words, an offense is a socially dangerous act, primarily committed by a subject with the right and legal capacity, that contradicts the requirements of legal norms and causes harm to the individual, property, the state, and society as a whole. Every member of society is responsible for effectively combating it. In particular, effective interaction between the Probation Department of internal affairs bodies and civil society institutions is crucial for shaping a sense of belonging among all members of society. In other words, strengthening the cooperation of the Probation Department with civil society institutions is one of the most pressing issues today. As a result of such cooperation, it is of particular importance, first of all, in the re-education and adaptation of persons serving non-custodial sentences or, in other words, under probation, to social life, in raising their legal awareness and culture, in implementing the principles of legality and social justice, in the timely solution of various problems in society, and their mutual effective cooperation is a social necessity for the social life of our society.

### References:

Мирзиёев Ш.М. Қонун устуворлиги – инсон манфаатларини таъминлашнинг муҳим омили // Халқ сўзи. 2017 йил 8 январь; Ички ишлар органлари фаолияти тизимида мавжуд муаммо ва камчиликлар, истиқболдаги вазифалар // Халқ сўзи. 2017 йил 10 февраль.

Ўзбекистон Республикаси Вазирлар Маҳкамасининг 2020 йил 14 февралдаги "Ички ишлар органлари пробация хизмати фаолиятини самарали ташкил этиш бўйича қўшимча чора-тадбирлар тўғрисида"ги 84-сон қарори // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Бафоев Ф., Шукруллаев Ю., Воҳидова М. Жамиятни демократлаш ва янгилаш тобора чуқурлашиб бораётган жараён сифатида // Фуқаролик жамияти, 2014, 2-сон – Б. 7.

Жалилов А., Мухаммадиев У., Жўраев Қ. ва бошқ. Фуқаролик жамияти асослари. – Т., 2015. – Б.120-124.

Бобохонов А.А. Жамоат тартибини сақлаш ва фуқаролар хавфсизлигини таъминлашда ҳуқуқни муҳофаза қилувчи органларнинг ўзаро ҳамкорлиги // Жамоат тартибини сақлаш ва фуқаролар хавфсизлигини таъминлашнинг долзарб масалалари: Респ. илмий-амалий конф. мат-ри. – Т.: ЎзР ИИБ Академияси, 2015. – Б. 11.

Камишников А.П. Основы управления в правоохранительных органах. – М., 2004. – С. 27.  
Афанасьев В.А. Организация работы участкового инспектора милиции. – М., 1990. – С. 38.

Пуллатов Ю.С., Исмаилов И., Курбонов А. Ички ишлар органларида бошқарув асослари: Дарслик. –Т.: ЎзР. ИИБ Академияси, 2005.

Ўзбекистон Республикасининг Конституцияси // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикасининг «Ички ишлар органлари тўғрисида»ги қонуни // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

[11] Ўзбекистон Республикасининг «Ички ишлар органлари тўғрисида»ги қонуни // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

[12] Ўзбекистон Республикасининг «Нодавлат нотижорат ташкилотлари тўғрисида»ги қонуни // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

[13] Ўзбекистон Республикаси Олий Мажлиси палаталарининг Ахборотномаси. – 2013. – № 4. 96-модда; – 2016. – № 4. 125-модда.

[14] Ўзбекистон Республикаси қонун ҳужжатлари тўплами. – 2013. 29 апрель. – № 17. 220-модда; Ўзбекистон Республикаси Олий Мажлиси палаталарининг Ахборотномаси. – 2013. – № 4. 97-модда.

Ўзбекистон Республикасининг «Ҳуқуқбузарликлар профилактикаси тўғрисида»ги қонуни // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикасининг «Ижтимоий шериклик тўғрисида»ги қонуни // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикаси Президентининг 2019 йил 9 январдаги «Жамиятда ҳуқуқий онг ва ҳуқуқий маданиятни юксалтириш тизимини тубдан такомиллаштириш тўғрисида»ги Фармони // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикасининг «Ўзбекистон Республикаси Вазирлар Маҳкамаси тўғрисида»ги қонуни // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикасининг «Ички ишлар органлари тўғрисида»ги қонуни // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикаси Президентининг «Ички ишлар органларининг жамоат тартибини сақлаш ва жамоат хавфсизлигини таъминлаш соҳасидаги фаолиятини тубдан такомиллаштириш чора-тадбирлари тўғрисида»ги ПҚ-2940-сон қарори //

Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикаси Президентининг 2017 йил 7 февралдаги ПФ-4947-сон «Ўзбекистон Республикасини янада ривожлантириш бўйича Ҳаракатлар стратегиси тўғрисида»ги Фармони // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикаси Президентининг 2018 йил 4 майдаги «Мамлакатни демократик янгилаш жараёнида фуқаролик жамияти институтларининг ролини тубдан ошириш чора-тадбирлари тўғрисида»ги ПФ-5430-сон Фармони // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикаси Президентининг 2019 йил 9 январдаги «Жамиятда ҳуқуқий онг ва ҳуқуқий маданиятни юксалтириш тизимини тубдан такомиллаштириш тўғрисида»ги Фармони // Халқ сўзи, 2019 йил 10 январь.

Ўзбекистон Республикаси Президентининг 2021 йил 26 мартдаги «Жамоат хавфсизлигини таъминлаш ва жиноятчиликка қарши курашиш соҳасида ички ишлар органлари фаолиятини сифат жиҳатидан янги босқичга кўтариш чора-тадбирлари тўғрисида»ги ПФ-6196-сон Фармони // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикаси Президентининг 2021 йил 2 апрелдаги «Ички ишлар органларининг жамоат хавфсизлигини таъминлаш ва жиноятчиликка қарши курашиш соҳасидаги фаолиятини янада такомиллаштириш бўйича қўшимча ташкилий чора-тадбирлар тўғрисида»ги ПҚ-5050-сон Қарори // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.

Ўзбекистон Республикаси Президентининг 2022 йил 28 январдаги «2022» – 2026 йилларга мўлжалланган Янги Ўзбекистоннинг тараққиёт стратегияси тўғрисида»ги ПФ-60-сон Фармони // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси – <http://Lex.uz>.