



## LEGAL STATUS OF PROBATION ACTIVITIES IN THE REPUBLIC OF UZBEKISTAN AND THE PROCEDURE FOR ORGANIZING THESE ACTIVITIES

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### Abstract

This article discusses the legal status of probation activities in the Republic of Uzbekistan and the procedure for organizing these activities. It also offers proposals and recommendations for improving the effectiveness of this work.

**Key words:** Probation activities, legal status, activity, organization.

In our country, the activities of internal affairs bodies' structural units that carry out probation work in ensuring the execution of non-custodial sentences are characterized by their broad scope and unique multifaceted nature. In this regard, their main tasks are to prevent factors leading to public order violations, maintain public order, and effectively ensure public safety, along with properly enforcing punishments on individuals sentenced to non-custodial measures. In other words, maintaining public order prevents violations, while preventing violations helps maintain public order and ensure public safety.

It should be noted that just as each participant in administrative and legal relations in society's social life has its own legal status, the Probation Department of the Public Security Department of the Ministry of Internal Affairs, which is the entity directly carrying out probation activities in the Republic of Uzbekistan, also has its own legal status. In particular, some sources define legal status as the condition of a subject determined by legal norms, encompassing the set of their rights and obligations.[1]

M.Z. Ziyodullaev notes that when discussing the legal status of a legal entity, along with its rights and obligations, it is possible to include its main functions.[2] In our view, the "rights and obligations of the subject" in the above-mentioned concept of "legal status" includes both "the functions of the subject," that is, the rights and obligations assigned to the subject by normative legal acts, as well as its tasks and functions.

Regarding the legal status of the Probation Department of the Department of Public Security of the Ministry of Internal Affairs, it is no exaggeration to say that over the past years, normative legal acts defining their legal status have been improved in a unique way in accordance with the development of public life.

Looking at history, during the years of independence, large-scale work has been carried out to improve not only the structural structure of the internal affairs bodies carrying out probation activities, but also the entire system of internal affairs bodies, and work in this direction continues consistently in order to more effectively ensure peace and tranquility, public order and public safety in our country.

It can be said that, as a rule, in the social life of society, every organized entity, whether it is an enterprise, institution, organization, or their structural unit, regardless of whether it belongs to the state or is non-state, has the goal of its organization, and to achieve this goal, the tasks and functions of the organized structure are determined. Similarly, the structural

structure of the internal affairs bodies that carries out probation activities, which we are about to discuss, has the purpose of its creation as an integral part of a state organization, and to achieve this goal, they have the corresponding tasks and functions. In particular, it would not be an exaggeration to say that today the provision of law and order is becoming increasingly preventive,[3] and the role and importance of the structural units carrying out probation activities in society is increasing.

It should be noted that the correct definition of the relevant rights and obligations of any subjects serves the effective organization of their activities, proper and systematic management, including the structural structure of the internal affairs bodies carrying out probationary activities.

It can be said that Article 43 of the Criminal Code of the Republic of Uzbekistan[4] defines the system of punishment and the following main punishments can be applied to persons found guilty of committing a crime:

- a) fine;
- b) deprivation of a certain right;
- b1) compulsory image communities;
- c) correctional work;
- g) service restriction;
- d1) restriction of liberty;
- e) sending to the disciplinary unit;
- j) deprivation of liberty;
- z) life imprisonment.

Among the punishments applied to persons found guilty of committing a crime, ensuring the execution of punishments such as deprivation of certain rights (Article 45 of the Criminal Code), compulsory community service (Article 451 of the Criminal Code), correctional labor (Article 46 of the Criminal Code), restriction of freedom (Article 481 of the Criminal Code) is directly entrusted to the Probation Department of the Department of Public Security of the Ministry of Internal Affairs, and they perform these functions in accordance with the Criminal Executive Code of Execution of punishment in the form of deprivation of a certain right; Chapter 61. Execution and serving of a sentence in the form of compulsory community service; Chapter 7. Execution of punishment in the form of correctional labor; Chapter 81. The execution of punishment in the form of restriction of liberty) is intended to be carried out in accordance with the Law of the Republic of Uzbekistan.

The Decree of the President of the Republic of Uzbekistan No. PP-4006 "On Measures to Fundamentally Improve the Criminal Enforcement Legislation" of November 7, 2018, is of particular importance in improving the legal status of probation activities and the procedure for organizing this activity in the Republic of Uzbekistan. In particular, on the basis of this Resolution, the Probation Service and its territorial divisions were established respectively in the composition of the Department of Public Security of the Ministry of Internal Affairs of the Republic of Uzbekistan and its territorial divisions, and the personal composition of probation divisions of district (city) internal affairs bodies, when performing the tasks assigned to them, is distributed, as a rule, at the expense of one employee in cities - 100, in districts - 75 convicts, probation divisions are filled with qualified personnel from officers with experience.

At the same time, the proposal of the Ministry of Internal Affairs of the Republic of Uzbekistan on the establishment of the Probation Service Development Fund, which is formed

at the expense of 100% of deductions from serving correctional labor, was approved, and the Minister of Internal Affairs of the Republic of Uzbekistan was granted the following rights at the expense of the Fund:

- introduction of additional staff units of employees, workers and employees of probation units on reasonable proposals of the Department of Public Security, taking into account the number of persons serving sentences of restriction of liberty, correctional labor, compulsory community service and deprivation of certain rights, conditionally convicted and conditionally released from punishment;

- involvement of specialists-psychologists in probation units on a contractual basis, with the determination of the amount of remuneration for their work taking into account the current situation in the labor market;

- Placement of temporarily free funds of the Fund on deposit accounts of commercial banks;

- establishing incentive interest rates for employees of probation units, regardless of other allowances and payments provided for by law.

It was also indicated that the funds of the Fund will be spent only on:

- strengthening the material and technical base of probation units and encouraging their employees;

- provision of additional staff units of probation units that are not financed from budgetary funds, as well as specialist psychologists engaged on a contractual basis;

- organization of activities for the professional training of convicts serving sentences not related to imprisonment, as well as minors released from penal institutions.

By this Decree, the Minister of Employment and Labor Relations of the Republic of Uzbekistan, the Chairman of the Council of Ministers of the Republic of Karakalpakstan, the khokims of regions and the city of Tashkent are personally responsible for providing comprehensive practical assistance to probation units and organizing effective cooperation in the social adaptation of those sentenced to non-custodial sentences and their employment, and the Council of Ministers of the Republic of Karakalpakstan, khokimiyats of regions and the city of Tashkent together with the Ministry of Internal Affairs of the

The resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated February 14, 2020, No. 84 "On Additional Measures to Effectively Organize the Activities of the Probation Service of Internal Affairs Bodies," also plays a special role in strengthening the legal status of probation activities and determining the procedure for carrying out this activity. In particular, this resolution approved the proposals of the Ministry of Internal Affairs, the Ministry of Employment and Labor Relations, the Ministry of Health, the Ministry of Public Education of the Republic of Uzbekistan, the Women's Committee of Uzbekistan, the Youth Union of Uzbekistan, the Republican Council for Coordinating the Activities of Citizens' Self-Government Bodies and the Committee on Religious Affairs of the Republic of Uzbekistan on establishing mutual cooperation on the provision of socio-legal and psychological assistance to persons under supervision from March 1, 2020, and in accordance with Appendix No.

The Law of the Republic of Uzbekistan "On Probation," adopted on August 7, 2024, plays a significant role in strengthening the procedure for conducting probation activities in our country and the legal status of this area. In particular, this law defines the basic concepts in

the field of probation - probation, probation information system, probation control, probationary control, electronic tracking device (electronic bracelet).

At the same time, this law stipulates that citizens' self-government bodies, non-governmental non-profit organizations and citizens can participate in probation control as subjects of probation control on a voluntary basis with the consent of the probation service.

According to this law, the probation service system includes:

- the central apparatus of the probation service of the Department of Public Security of the Ministry of Internal Affairs of the Republic of Uzbekistan;

- Probation departments (departments) of the Public Security Service of the Ministry of Internal Affairs of the Republic of Karakalpakstan, the Main Departments of Internal Affairs of the city of Tashkent and the Tashkent region, the regional departments of internal affairs.

According to the law, the probation service has the following rights:

- demanding compliance with probation law from probationary detainees, the cessation of illegal actions;

- carrying out verification of documents confirming the identity of persons under probation;

- conducting a personal inspection of persons sentenced to a punishment in the form of restriction of liberty, in respect of which the court has imposed a prohibition (restriction) on the possession or storage of certain items, inspection of their belongings, carry-on luggage, baggage in order to verify compliance with this prohibition (restriction);

- carrying out, in the manner prescribed by this Law, a check of the place of residence of probationary persons in order to exercise control over compliance of probationary persons with these prohibitions (restrictions) and obligations, in respect of which the court has imposed on them the obligation to be at their place of residence at a certain time, as well as prohibitions (restrictions) on changing their place of residence without the consent of the district (city) probation department, leaving the relevant administrative territory;

- involvement of relevant state bodies and organizations, as well as citizens' self-government bodies, non-governmental non-profit organizations and citizens in activities related to the social adaptation of persons under probation;

- making, within its competence, mandatory submissions to state bodies, other organizations or officials on the elimination of violations of probation legislation, as well as their causes and conditions that contributed to their commission;

- determination of the state of intoxication of persons under probation with the help of a certified special technical means or with the help of responsible employees of district (city) medical and preventive institutions;

- taking measures to attach public educators (at the place of residence) or mentors (at the place of study or work) to persons under probation in order to positively influence their behavior;

- obtaining from the place of work of persons under probationary supervision who are serving a sentence in the form of correctional labor, certificates of calculation of wages, working days, amounts of withholding from wages.

Probation service may have other rights in accordance with the law.

At the same time, according to the law, the Probation Service has the following obligations:



- to provide relevant information at the request of the court on issues related to the implementation of probation control;

- explain to probationary detainees the procedure for supervising their behavior, the conditions for complying with the prohibitions (restrictions) and obligations established by the court, as well as the legal consequences that may arise in case of violation of these prohibitions (restrictions) or non-fulfillment of these obligations;

- checking compliance of probationary detainees with the prohibitions (restrictions) and obligations established by the court;

- electronic socio-psychological profile of persons under probationary supervision for work on their social adaptation.

According to the law, the control over the activities of the probation service is carried out by the Prosecutor General of the Republic of Uzbekistan and subordinate prosecutors within the limits of their powers, in cases and in the manner prescribed by law by the relevant state bodies and organizations, as well as over the exact and uniform implementation of laws.

This law also defines the rights and obligations of persons under probation, the legal consequences of their failure to comply with established prohibitions (restrictions) and obligations, the procedure for registering a person for probation and exercising probation control, the procedure for executing punishments in the form of deprivation of a certain right, compulsory community service, correctional labor and restriction of freedom, the procedure for applying an electronic means of observation (electronic bracelet) to a person under probation, the procedure for exercising probation control over compliance

In conclusion, it can be said that the activities of the structural units of the internal affairs bodies that carry out probationary activities in ensuring the execution of punishments not related to imprisonment are distinguished by their breadth and specific diversity. In this direction, their main tasks are the prevention of factors leading to violations of public order, the protection of public order and the effective provision of public safety, along with the appropriate imposition of punishment on persons sentenced to punishments not related to imprisonment.

It should be noted that, as society always develops, raising the effectiveness of the probation department of internal affairs bodies to a new level is a requirement of today. In other words, it is advisable for the Probation Department of the Department of Public Security of the Ministry of Internal Affairs to ensure public order and ensure public safety, carry out crime prevention, eliminate the causes and conditions that allowed the commission of offenses, based on laws and subordinate regulatory legal acts, effectively use forms and methods of activity, as well as official powers.

Furthermore, today, when important reforms are being implemented in our country to develop a democratic state governed by the rule of law and a free civil society, the study and comparative analysis of foreign experience in the social cooperation of the Probation Department of the Department of Public Security of the Ministry of Internal Affairs with civil society institutions, that is, the implementation of their advanced achievements into our national system and legislation through the study of forms, methods, and principles of cooperation in them, is of particular importance.

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