



CONCEPT AND SOCIAL NECESSITY OF SOCIAL REHABILITATION AND ADAPTATION OF PERSONS RELEASED FROM PENITENTIARY INSTITUTIONS

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Abstract. This article highlights the concept and social necessity of social rehabilitation and adaptation of persons released from penitentiary institutions. Existing problems in this area were also studied, and proposals and recommendations for their solution were provided.

Keywords: execution of punishment, individual, offense, social, rehabilitation, adaptation, prevention.

Large-scale reforms have been carried out in our country to strengthen human rights and freedoms, ensure the rule of law, and improve the judicial and legal sphere. Tasks have been defined to support the population, provide them with assistance, and address their problems in a targeted manner. Currently, a number of laws and regulations have been adopted to address the social problems of our citizens. The President of the Republic of Uzbekistan is implementing a number of targeted reforms aimed at guaranteeing the protection of human rights and freedoms and ensuring the rule of law.

In particular, Sh.M. Mirziyoyev stated, "Life may present us with many more trials and problems, and we must be prepared for any situation. But no matter how difficult and complex it may be, we will never turn back from the path of democratic reforms. We will go forward, only forward. And we are fully capable of this. Because today's people are not yesterday's people. Today's Uzbekistan is also not yesterday's Uzbekistan"[1], emphasizing that the reforms had become irreversible.

As a result of these ongoing legal reforms, legal concepts in the judicial and legal sphere of our republic, their significance, stages of formation and development are becoming increasingly relevant. In the practice of applying the norms of crime prevention, this includes the social rehabilitation and adaptation of persons released from correctional institutions.

Persons released from correctional institutions are, first of all, persons in need of social rehabilitation and adaptation. Based on this, we believe that it is important to reveal the essence of such concepts as a person released from a penal institution, social rehabilitation and adaptation.

When the term "person previously convicted" is used in legal literature, it is understood as a legal situation arising from the conviction of a person by a court for a previously committed crime. A person is considered convicted from the date of entry into force of the guilty verdict for which the sentence was imposed, and acquires legal significance when the person commits an offense or crime[2]. Persons released from correctional institutions are referred to differently as "Persons released from correctional institutions" or "Previously convicted persons." However, these two concepts have the same meaning.

Also, persons released from correctional institutions can be divided into the following groups:

- persons released after full serving of a sentence;
- in case of parole;
- when replacing the punishment with a milder one;
- due to illness or loss of working capacity;
- due to amnesty or pardon;
- rehabilitated persons.

However, today the concept of "previously convicted person" has been clarified to a certain extent with the adoption of the Law of the Republic of Uzbekistan "On Crime Prevention" (2014) [3].

In particular, Article 25 of this law provides for measures for the special prevention of offenses committed among previously convicted persons. Including:

It is stated that it may include: identifying and eliminating the causes and conditions for the commission of offenses among persons released from correctional institutions and sentenced to non-custodial sentences; developing and implementing special measures for the prevention of offenses; preparing persons serving sentences of imprisonment for social rehabilitation and social adaptation; social rehabilitation and social adaptation of released persons; developing and implementing measures to encourage organizations creating jobs for employment, and other measures in accordance with the legislation[4].

Today, in order to identify and solve the problems of persons released from correctional institutions, provide them with targeted social assistance, and ensure their right to a decent life, reducing the risk of serving sentences falling into one group in society and their adaptation to society in freedom, their subsequent behavior, and ultimately preventing recidivism largely depends on the effectiveness of social rehabilitation and adaptation measures.

Based on the foregoing, persons released from correctional institutions are primarily those in need of social rehabilitation and adaptation. Based on this, we believe that it is important to reveal to a certain extent such concepts as social rehabilitation and adaptation of persons released from correctional institutions.

In legal documents, the concepts of "socialization," "desocialization," "resocialization," "rehabilitation," "social rehabilitation," "social adaptation" are defined as activities carried out by state bodies, various non-governmental non-profit organizations, and citizens to provide social, legal, medical, psychological, and pedagogical assistance to various categories of the population: sick, elderly, women, minors, those without permanent residence, victims of violence, victims of human trafficking, and persons released from correctional institutions.

In explanatory dictionaries, the meaning of the word "social"[5] includes many meanings such as "human," "community," "related to society," "related to social life," "social system," "social development," "social production," "social relations."

Also, the concept of the word "social" comes from the English word "social," which literally translates into Uzbek as "related to the life of a person and society"[6].

In the explanatory dictionary of the Uzbek language, the meaning of the word "rehabilitation" [7]. comes in two forms: the first is a set of medical, pedagogical, and social measures aimed at quickly and fully restoring the disrupted functions of the body and the working capacity of patients and disabled people; the second is the restoration of the pure name, honor, and dignity of a person unjustly suspected or accused of committing a crime by law enforcement agencies.



Also, in the new explanatory dictionary of the Russian language, the definition of the concept of "rehabilitation" [8] means "return to the former good reputation," or "return to the former rights," "restoration of legal rights," "good name," "restoration of the former reputation."

In the Russian Encyclopedia, the word "rehabilitation" means "restoration of rights"[9]. Another meaning of this word is "to help create and restore the functions of public relations"[10].

Looking back at history, the concept of "rehabilitation" in Latin "restitutio in integrum"[11], meaning "restoration of previous rights," "restoration of the former state," first appeared in Roman law.

Until the end of the 19th century, in legal sciences, rehabilitation was considered as a form of pardon, the return of persons serving sentences in correctional institutions to their previous state.

Although historically the emergence of ideas about rehabilitation is associated with the evolution of the science of criminal law, for a long time, almost until the beginning of the 20th century, the institution of rehabilitation meant only cases related to pardon and amnesty. As A. F. Kistyakovsky[12] emphasized, a pardon is a pardon of the guilt in whole or in part and the cancellation or mitigation of the punishment. Pardon, depending on its scope, form, and effect, is divided into pardon, amnesty, and rehabilitation. As a type of pardon, rehabilitation consists of returning the convicted person to their previous state. This was applied to persons who had served their sentences and were worthy of full political and civil legal capacity.

Regarding this concept, in the Encyclopedic Dictionary of Constitutional Law, the concept of "rehabilitation"[13] means "good name of a person," "violation or restriction of rights," and "restoration of legitimate interests."

In this regard, when studying American law and the Western encyclopedia, the concept of "rehabilitation"[14] is defined as the restoration of rights or abilities aimed at preparing a convict for life after release from a correctional institution.

There are also very controversial definitions that do not correspond to existing ideas about the concept of rehabilitation as an interdisciplinary phenomenon, which means "restoration," but also the return of previously existing abilities and other statuses.

Also, theoretical and practical issues of social rehabilitation of persons released from correctional institutions have been studied in the disciplines of criminal execution, penitentiary, pedagogical, and penitentiary psychology.

In our view, when the concept of "social rehabilitation" is used in relation to persons released from penal institutions, it is directly manifested in such measures as their moral correction or removal of a criminal record. At the same time, "adaptation" is directly expressed in the provision of education or employment, housing for a certain period, material assistance by special commissions under the khokimiyats, as well as legal assistance by law enforcement agencies. In our view, it is necessary to consider the process of social rehabilitation of persons released from correctional institutions in conjunction with the process of adaptation.

The word "адаптация" in the Uzbek language and literature is considered an orttirma nisbat of the verb[15], but the term "адаптация"[16] came from natural science, the humanities, and refers to the process, structure, and functions of organisms (individuals, populations, species) adapting to environmental conditions[17].



In philosophical literature, the concept of "adaptation" is considered as "adaptation," "acclimatization," "perception of norms and ideals," "adaptation," "joining the community"[18].

This term is widely used today in legal literature and regulatory legal acts and is defined as the possibility and necessity of restoring the behavior of persons released from correctional institutions in society[19].

Also, in the literature on legal psychology, the problems of social adaptation of persons serving sentences in correctional institutions are studied, and it is noted that the process of adaptation to new social conditions can lead to negative consequences.

When analyzing the norms of our national legislation and studying its history, we can see that there is a unique approach to the institution of rehabilitation.

"Rehabilitation" is one of the important conditions for building a state governed by the rule of law and a just civil society. In the Republic of Uzbekistan, the rights and legitimate interests of the individual are protected and guaranteed by the Constitution of the Republic of Uzbekistan, as well as international documents. Normative documents aimed at perpetuating the memory of victims of repression of the 1930s-1940s and restoring their honor and dignity provide for the application of Rehabilitation.

Also, during the Soviet era, some citizens of our country were rehabilitated and sent to remote areas. If unlawful procedural coercive measures were applied to our citizens, such as detention, imprisonment, removal from office, or placement in a medical institution, they were required to be compensated for material and moral damages, and all their rights restored.

When studying the legislation of the Republic of Uzbekistan, the concept of "social rehabilitation and social adaptation," derived from the combination of the concepts "social," "rehabilitation," and "adaptation," is given in Article 3 of the Law of the Republic of Uzbekistan "On Crime Prevention" No. ZRU-371 (2014). "Social rehabilitation and social adaptation" is defined as a set of measures aimed at providing legal, social, psychological, medical, pedagogical, and other types of assistance to victims of offenses, persons with antisocial behavior, prone to committing offenses, who have committed offenses, as well as instilling in them the norms and rules of behavior accepted in society[20].

At the same time, Chapter 37[21] of Section 7 of the Criminal Procedure Code of the Republic of Uzbekistan provides for "grounds and consequences of rehabilitation," and Chapter 38[22] provides for "the procedure for compensation for damage caused to a rehabilitated person and the restoration of his other rights."

Today, the concept of "social rehabilitation and social adaptation" is one of the large, multifaceted categories of the terminological apparatus of legal policy and is used not only in the theory of law, but also in the constitutional, civil, labor, and other spheres of law.

In this regard, G. Blumer argues that the most difficult problem of the discrepancy between theory and practice arises precisely in the absence of clear concepts, which are an important condition for scientific development[23]. Even representatives of the relevant social sciences find it difficult to understand each other when talking about various aspects of social adaptation. Often this situation is associated with a diametrically opposite definition of social adaptation as a basic concept.

Unfortunately, in foreign literature, the processes and phenomena of social adaptation that interest us are still the complexity and dialectical incompatibility of the individual's social adaptation in society, expressed in concepts and categories that do not have clear concepts.



To study the problems of social rehabilitation and adaptation of persons released from correctional institutions in society, it is very important to study comprehensive approaches related to the correct combination of sociological research with relevant scientific disciplines.

When analyzing the theoretical views on social rehabilitation and adaptation in society, the founders of the American School of Sociology in Chicago, E. Burgess and R. Park, studied adaptation, maladaptation, as well as adaptation problems, which have become traditional in the study of deviant behavior, T. Parsons "Problems of Adaptation as a Social Phenomenon," G. Adorno and J. Gurvichu "The Idea of Adaptation as a Social Phenomenon," R. Merton "Social Change," P. Blau and R. Glirson "Social Exchange," and E. Giddenza and Yu. Habermas "Theories of Structure."

However, the foundations of the theory of social adaptation were laid directly in the works of L.Bristola, G.Chatertona-Hila, J.Thomson, M.Thorpa. In the study of the phenomenon of adaptation, J.G. Mead, D. Moreno, R. Linton, T. Parsons, T. Newcomb considered it mainly from the point of view of "role theory" as the process of adaptation of individuals to existing norms in society.

The English sociologist B. Horace drew attention to the fact that some signs (characteristics of adaptation) can be flexible or neutral, that is, they carry out or do not increase adaptation. At any given time, he argues that individuals who were previously flexible may not be flexible in a new situation[24].

In foreign literature, the diversity of the concept of "social adaptation" to one degree or another tends towards a sociological model. Moreover, these samples, which have long been traditional in various classifications, are designated in different ways. Examples of "objectivism" and "subjectivism," "macro" and "micro-sociology," "normative" and "interpretative," in turn, are fully reflected in the works of representatives of interactionism J.G.Mida, G.Blumera, as well as sociologists and philosophers of the phenomenological and hermeneutical direction E.Husserl, G.G.Gadamer, I.Hofman, A.Schütz, P.Berger, T.Lukman, L.Wittgenstein, P.Ricker.

In particular, according to the interactionist concept of adaptation, developed by L. Phillips, all types of adaptation are defined as follows: firstly, internal psychological factors; secondly, factors related to the external environment[25]. Furthermore, interactionists emphasized that effective personality adaptation is a type of person who meets the demands and minimal requirements of society.

It should be noted that the classic representative of sociology E. Durkheim defines the concept of "social adaptation" in the dictionary of terms as follows: "social" is the assimilation of social norms by an individual, and the adaptation of an individual is a process of adaptation to society, and the concepts of "adaptation" and "socialization" are synonyms. The concept of positivism is interpreted as a methodological basis necessary, but not sufficient, for revealing the theory of social adaptation[26].

According to the German sociologist and philosopher M. Weber, there is a possibility of simultaneous existence of several mutually exclusive norms[27]. This approach shows the importance of the norm in the formation of the individual, as well as the role of the individual in the formation of the norm.

T. Parsons's views on "social adaptation" are also interesting. His concept of "a balanced society" is devoted to the balance between the needs of the individual and the social



environment in the process of the individual's assimilation of important social norms that are prioritized in this environment. As long as there is balance, society is stable; if there is no balance, social conflict occurs. The important task of society is to strive for this equilibrium, although, according to T. Parsons, absolute equilibrium cannot be achieved. Individual needs and social norms are dynamic values, and their correspondence can occur only for an unexpected short period of time. T. Parsons, using the terms "adaptation" and "social environment," emphasized that each time a person interacts not with society as a whole, but with a small part of it[28].

American sociologist R. Merton, in his research, discussing the concept of "social adaptation," highlighted the most important conditions in the classification of social adaptation: he put forward the idea that social adaptation does not necessarily require the assimilation of social norms by a person. From this it follows that unconditionally, the social adaptation of a person, connected with and subordinate to social norms, is directed not from society to the individual, but from the individual to society, not the opposite of these norms or the cause of their emergence.

At the same time, R. Merton, having studied the social and cultural sources of deviant behavior, focused on the types of adaptation and proposed 5 types of adaptation. Including: conformity, innovation, ritualism, retreatism, and rebellion[29].

We can see that the concept of "social adaptation" was deeply studied in the scientific work of P. Berger and T. Lukman, who were creators of social accuracy. In their opinion, starting from certain periods of personality development, a person creates something that replaces social norms for themselves and uses them in their activities. In this case, an incompatible situation arises between the objectively existing world and the world created by humanity. Adaptation, on the other hand, is designed to achieve harmony and mutual balance in this essence[30].

In this regard, when analyzing the opinions of scientists from the Commonwealth of Independent States, it should be especially noted that they have scientifically studied the concept of "social adaptation." According to O.A. Vlasova, the functional essence of social adaptation, first of all, from the point of view of the preservation of the individual and the environment, is expressed in interpersonal connections and relationships in the process of human life activity.

Another scholar, L.A. Gordon, emphasizing the mobilizing function of social adaptation, expressed his opinion that adaptation is expressed not only in the acceptance of individual elements, but also in the ability to master a changing holistic system of public relations, as well as the ability to overcome emergency situations.

Also, according to M.A. Shabanova, the function of adaptation is expressed in the following: the individual has the opportunity not only to survive, but also to grow and grow, and the macroenvironment provides the opportunity for self-expression and transition to a higher stage. P.S. Kuznetsov also expressed a similar opinion: "The goal of adaptation is to achieve the development of the individual, the growth and elevation of these needs from an ontogenetic point of view, and from a phylogenetic point of view - to increase the level of organization and culture"[31].

Furthermore, another issue that scholars I.S. Diskin and E.M. Avramova focused on is the discovery of the stimulating function of adaptation in the context of social uncertainty and the

absence of a productive model of social action[32]. In their opinion, this is expressed not only in the ability of people to consciously orient themselves in the current situation, but also in the ability to develop an appropriate model of social behavior and rationally use various resources in order to realize their very important abilities and interests. Summarizing all the above views on the functions of social adaptation, it can be said that most scientists emphasized not the function of development, but the function of forming the social mechanisms of individuals.

In our opinion, under this function, it is necessary to understand, firstly, the assimilation of new behavioral strategies, secondly, the normative regulation of these strategies, the introduction of new norms and values that are morally acceptable to the individual, and thirdly, the harmonization of the individual's self-esteem and aspirations not only with their capabilities, but also with socio-economic certainty. A number of scholars interpret the mutual harmonization of the requirements and results of both sides as a result of social adaptation.

In conclusion, it should be noted that one of the reasons for the recurrence of crimes is the imperfection of the state legal mechanism for regulating the activities of social rehabilitation and adaptation of persons released from correctional institutions. Without a clear legal mechanism for providing them with social, legal, medical, psychological, and pedagogical assistance, it is impossible to successfully carry out the process of social rehabilitation and adaptation. In our legal literature, the concept of social rehabilitation and adaptation activities is not fully covered. There are no comprehensive studies on the structure of social rehabilitation and adaptation activities. In such a situation, it is impossible to develop a scientifically based mechanism for its implementation without studying the features and qualities of social rehabilitation and adaptation..

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