



## RIGHTS OF CONVICTS INVOLVED IN LABOR IN PENITENTIARY INSTITUTIONS AND THE BASIS FOR THEIR LABOR ENGAGEMENT

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**Abstract.** This article analyzes the grounds for involving incarcerated individuals in labor at correctional institutions and its legal regulation, as well as the rights and obligations of persons sentenced to imprisonment during their labor engagement process.

**Keywords.** Penitentiary institution, Criminal Executive Code, Prisoner, convict, recidivism, penitentiary system, rehabilitation, compulsory labor, leave.

In the Republic of Uzbekistan, the penal system functions as one of the key institutions for protecting human rights, ensuring public safety, and reintegrating convicts into society. One of the most pertinent aspects of this system is the engagement of incarcerated individuals in labor, which serves not only economic efficiency but also psychological rehabilitation, disciplinary education, and preparation for societal reintegration.

According to Article 88 of the Criminal Executive Code of the Republic of Uzbekistan, the procedure for involving convicts in labor is defined as a crucial component of the penitentiary system's rehabilitation mechanism. It aims to foster socially beneficial activities that contribute to the personal development, social adaptation, and societal reintegration of the convict[1]. This article stipulates that the primary purpose of involving convicts in labor is to cultivate their need for engaging in socially useful activities, which contributes not only to economic efficiency but also to the convict's psychological stability and disciplinary upbringing. From an academic standpoint, this approach is regarded as an effective means of preparing the convict for post-incarceration life, as work fosters a sense of personal responsibility and conscientious labor[2].

Convicts are obligated to perform their assigned work conscientiously, adhere to labor and technological discipline, and comply with occupational safety requirements. They are prohibited from suspending work to resolve labor or other disputes. This regulation serves to reinforce labor discipline among convicts and maintain order in penitentiary institutions[3]. From a scientific perspective, these requirements facilitate the prisoner's adaptation to work discipline upon their return to society[4].

These statistics demonstrate the practical effectiveness of the procedure for involving convicts in labor, as employment levels are increasing through the creation of new jobs, and the social adaptation of convicts is strengthening. In academic analyses, this approach is evaluated as an effective method to reduce recidivism rates among convicts[5]. The Cabinet of Ministers plays a crucial role in developing production capacities, ensuring economic efficiency through the distribution of orders for products manufactured in convict production facilities and providing logistical support.

From this point of view, this approach is assessed as an effective means of preparing the convict for life after the crime, since through work, a sense of personal responsibility and honesty are formed. The procedure for involving convicts in labor is carried out taking into

account the prisoner's gender, age, health status, work capacity, and, if possible, specialization, which ensures the principle of an individual approach.

Labor relations of convicts are regulated by labor legislation, but are carried out taking into account the exceptions and restrictions provided for by this Code, which indicates the adaptation of labor rights to penitentiary conditions. From a scientific point of view, this procedure serves to preserve and develop the convict's qualifications, since taking into account the specialty increases the likelihood of finding a job when the convict returns to society[6].

The list of jobs and positions where the use of convicts is prohibited is established by law, which ensures occupational safety.

Convicts are obligated to perform their assigned work conscientiously, adhere to labor and technological discipline, and comply with occupational safety requirements. This norm serves to strengthen the labor discipline of convicts and maintains order in penitentiary institutions[7]. From a scientific point of view, these requirements facilitate the prisoner's adaptation to work discipline upon his return to society[8].

In academic analysis, this approach is assessed as an effective way to reduce the incidence of recidivism among convicts[9]. The Cabinet of Ministers plays a crucial role in developing production capacities, ensuring economic efficiency through the distribution of orders for products manufactured in convict production facilities and providing logistical support.

In particular, this approach is assessed as an effective means of preparing the convict for life after the crime, since through labor, a sense of personal responsibility and conscientious work is formed.

The list of jobs and positions where the use of convicts is prohibited is established by law, which ensures occupational safety. Convicts are obliged to conscientiously perform the assigned work, observe labor and technological discipline, and comply with labor protection requirements, and they are prohibited from suspending work for the purpose of resolving labor and other disputes. This norm serves to strengthen the labor discipline of convicts and maintains order in penitentiary institutions.

In academic analysis, this approach is assessed as an effective way to reduce the incidence of recidivism among convicts. The role of the Cabinet of Ministers is important in the development of production capacities, ensuring economic efficiency through the distribution of orders for products manufactured in the production facilities of convicts and logistical support. The procedure for involving convicts in labor has not only legal but also socio-economic significance and accelerates the process of returning convicts to society by creating new workshops within the framework of reforms in 2025. From a scientific point of view, such an approach increases the social responsibility of convicts and serves to prevent the commission of crimes[10].

In accordance with Article 90 of the Criminal Executive Code of the Republic of Uzbekistan, the legal basis for determining the working and rest time of convicts is based on the norms of labor legislation, which establishes a six-day work week for persons sentenced to imprisonment, as a rule, in compliance with the maximum norm of working time established by labor legislation. The regime of working time of convicts is determined by the administration of the correctional institution depending on the nature of production, which is aimed at ensuring the effectiveness of production processes in penitentiary institutions[11]. This norm is assessed as an important mechanism for protecting the labor rights of convicts and



maintaining their psychological stability, since a standard working hours regime facilitates the process of preparing a convict for their return to society[12].

In accordance with the order of the Minister of Internal Affairs of the Republic of Uzbekistan dated December 29, 2012 No. 174, when introducing cumulative recording of working time, in the case of involving convicts in overtime work, work on weekends and holidays (non-working days) or night work, it is necessary to comply with the restrictions established by labor legislation in relation to minors, as well as persons with disabilities of groups I and II[13]. Pregnant convicted women, as well as women with children in orphanages attached to penitentiary institutions, may be involved in overtime work, work on weekends and holidays (non-working days), or work in a cumulative working time regime with their consent. These persons may be involved in night work with their consent and if there is a corresponding medical report. Overtime work of convicts on weekends and holidays (non-working days) is paid in double the amount. Convicts engaged in labor are provided with at least one day off per week. They are released from work on holidays. Convicts are not granted annual leave, except for those serving sentences in settlement colonies. Involving convicts in overtime work, work on weekends and holidays (non-working days) is permitted in cases of production necessity, subject to the maximum duration of overtime work established by labor legislation.

In accordance with Article 91 of the Criminal Executive Code, convicts sentenced to imprisonment, who are involved in labor, are provided with at least one day off per week. They are released from work on holidays. Persons sentenced to imprisonment are not granted annual leave, except for those serving sentences in settlement colonies. Convicts in settlement colonies have the right to annual paid leave of fifteen working days. Leave is granted with the right to leave the territory of the settlement colony in the manner prescribed by Article 82 of this Code. The time spent by the convict in the residential premises of the disciplinary unit of the penal colony is not counted towards the period necessary for granting annual paid leave.

From a scientific point of view, the regulation of working hours and rest time is an important factor in increasing the labor productivity of convicts and maintaining their psychological health. For example, in the study of P. J. Cook and S. Kang (2023), it is noted that "standard working hours contribute to strengthening the labor discipline of convicts and reducing recidivism by 12-20%"[14]. At the same time, the right to rest and leave serves to increase the convict's motivation[15].

From a practical point of view, the establishment of the working time regime by the administration of correctional institutions depending on the nature of production ensures the continuity of the labor process. In his research, the legal scholar of Uzbekistan A.S. Latipov wrote that "the flexibility of Article 90 in determining the working time regime contributes to the preservation of the working capacity of convicts and the strengthening of their social rehabilitation"[16]. Double pay for overtime work works as a motivation mechanism[17].

The rest schedule is aimed at protecting the labor rights of convicts, and releasing them from work at least once a week on weekends and holidays ensures their psychological stability. The right to 15-day paid leave for convicts in settlement colonies facilitates their adaptation to society. In academic analysis, this norm is assessed as an important means of maintaining family ties of the convict and strengthening social integration[18].

When implementing a cumulative work time accounting regime, compliance with restrictions for minors and persons with disabilities is based on the principle of human rights



protection. For pregnant women and women with children, the requirement for consent and a medical report is aimed at preserving their health. From a scientific point of view, these restrictions contribute to protecting the health of convicts in the labor process and reducing recidivism[19].

The legal basis for determining the working and rest time of convicts has not only legal but also social significance, strengthening the rehabilitation of convicts. Articles 90 and 91 provide for the protection of labor rights and preparation for the return of convicts to society. Order No. 174 of the Minister of Internal Affairs of the Republic of Uzbekistan specifies the practical application of these norms. In scientific analysis, this procedure is assessed as an effective mechanism for strengthening labor discipline and strengthening the social rehabilitation of convicts[20].

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