

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
ILMIY DARAJALAR BERUVCHI DSc.07/13.05.2020.Yu.22.03 RAQAMLI
KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

ABDUSAMIYEVA DILROBO ABDUVAXOB QIZI

**JAZONI IJRO ETISH MUASSASALARIDAN OZOD ETILGAN
SHAXSLAR RESOTSIALIZATSIYASINI TAKOMILLASHTIRISH**

12.00.08 – Jinoyat huquqi. Jinoyat-ijroiya huquqi

**Yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi
AVTOREFERATI**

Toshkent – 2025

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KIRISH (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda jazoni ijro etish muassasalaridan ozod etilgan shaxslar tomonidan qayta jinoyat sodir etish holatlari yildan-yilga ortib bormoqda. Xususan, World Population Review tomonidan yuritiladigan statistik ma'lumotga ko'ra, bugungi kunda dunyo bo'yicha jinoiy jazoni o'tab bo'lgan shaxslar tomonidan sodir etilgan qayta jinoyatchilik ko'rsatkichi o'rtacha 50 foizni tashkil etmoqda¹. Bunga, penitensiar tizimning profilaktik funksiyasini amalga oshirishdagi kamchiliklar, mahkumlarga qo'llaniladigan axloqan tuzatish vositalarining yetarli darajada samarali emasligi, jazo va jinoyat-huquqiy ta'sir choralarini ijro etishni mahkumlarni axloqan tuzatish va ularni qayta ijtimoiylashtirish bilan birgalikda olib borilmayotganligi, mahkumlar ozod etilgach ularning jamiyatga qayta moslashuv jarayonida vujudga keladigan qator muammolar sabab bo'lmoqda. Bu esa jazoni ijro etish bilan birga mahkumlarni tarbiyalash va ularni qayta ijtimoiylashtirishga qaratilgan ta'sirchan chora-tadbirlarni qo'llashni kuchaytirish, ozod etilgach muayyan ijtimoiy, iqtisodiy, tibbiy-psixologik va boshqa turdagi ko'makka muhtoj bo'lgan sobiq mahkumlarga yordam berish orqali ularni jamiyatga qayta moslashuv jarayonini takomillashtirish masalasini taqozo qiladi.

Jahonda jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasini samarali tashkil etish, sobiq mahkumlar oldida vujudga keladigan muammolarni keltirib chiqaruvchi sabab va sharoitlarini o'rganish hamda mazkur muammolarni bartaraf etish mexanizmini takomillashtirishga qaratilgan ilmiy tadqiqotlarga alohida e'tibor berilmoqda. Jumladan, jazoni ijro etish muassasalaridan ozod etilgan shaxslar tomonidan sodir etiladigan qayta jinoyatchilikka sabab bo'luvchi omillarni qayta ko'rib chiqish, ilg'or xorijiy davlatlar tajribasi asosida qayta ijtimoiylashtirish mexanizmlarini yanada takomillashtirish yuzasidan muayyan natijalarga erishilgan. Shunga qaramasdan sobiq mahkumlar tomonidan jinoyat sodir etish ko'rsatkichi hamon yuqori bo'lib qolayotganligi muammosi bugungi kunda postpenitensiar tizimning nazariy, amaliy va huquqiy masalalarini kompleks tarzda o'rganish, tizimdagi mavjud muammolarni aniqlash va ularga yechim berish masalasini taqozo etmoqda.

Mamlakatimizda jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasini samarali amalga oshirish uchun Jazoni ijro etish bosh boshqarmasi huzurida Probatsiya xizmati tashkil etilib, xizmat faoliyatini tartibga solishga qaratilgan "Probatsiya to'g'risida"gi qonun qabul qilindi hamda ozodlikdan mahrum etish jazosini o'tab bo'lgan fuqarolarning tadbirkorlik, me'morchilik, hunarmandchilik kabi yo'nalishlardagi loyihalarini moliyalashtirish maqsadida bir martalik "dastlabki ijtimoiy-moddiy yordam paketi"ni berish tartibi o'rnatildi². Shuningdek, 2022–2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot

¹ World Population Review. <https://worldpopulationreview.com/country-rankings/recidivism-rates-by-country>

² O'zbekiston Respublikasi Prezidentining 2022-yil 29-iyundagi "Ozodlikdan mahrum etish jazosini o'tab bo'lgan fuqarolarning ijtimoiy moslashuviga ko'maklashish tizimini takomillashtirish chora-tadbirlari to'g'risida"gi PQ-299-sonli Qarori // Qonunchilik ma'lumotlari milliy bazasi, 30.06.2022-y., 07/22/299/0572-son.

strategiyasi¹da mahkumlar va jazoni o‘tab bo‘lgan shaxslarning mehnat, ijtimoiy ta‘minot va xalqaro e‘tirof etilgan boshqa huquqlarini ta‘minlash, ularning ijtimoiy moslashuvi va jamiyatga reintegratsiyasiga ko‘maklashishning samarali mexanizmlarini joriy etish, ushbu yo‘nalishda davlat va jamiyat institutlarining birgalikdagi faoliyatini yo‘lga qo‘yish masalalari mahkumlar va jazoni o‘tab chiqqan shaxslar resotsializatsiyasining asosiy vazifalari etib belgilangan. Ushbu vazifalar jazoni ijro etish muassasalaridan ozod etilgan shaxslar qayta ijtimoiylashuvini amalga oshirishga qaratilgan chora-tadbirlarni xalqaro andozalarga muvofiq ravishda qayta ko‘rib chiqish, sobiq mahkumlarni baholashning aniq mezonlarini yaratish, resotsializatsiya jarayoniga fuqarolik jamiyati institutlarini jalb etishning samarador yo‘llarini ishlab chiqish masalalarini tadqiq etishni taqozo etadi.

O‘zbekiston Respublikasining 2024-yil 7-avgustdagi O‘RQ-938-son “Probatsiya to‘g‘risida”, 2014-yil 15-avgustdagi O‘RQ-371-son “Huquqbuzarliklar profilaktikasi to‘g‘risida”gi Qonunlarida, O‘zbekiston Respublikasi Prezidentining 2018-yil 7-noyabrdagi PQ-4006-son “Jinoyat-ijroiya qonunchiligini tubdan takomillashtirish chora-tadbirlari to‘g‘risida”, 2022-yil 28-yanvardagi PF-60-son “2022–2026-yillarga mo‘ljallangan Yangi O‘zbekistonning taraqqiyot strategiyasi to‘g‘risida”, 2022-yil 7-martdagi PF-87-son “Oila va xotin-qizlarni tizimli qo‘llab-quvvatlashga doir ishlarni yanada jadallashtirish chora-tadbirlari to‘g‘risida”, 2023-yil 11-sentyabrdagi PF-158-son “O‘zbekiston – 2030 strategiyasi to‘g‘risida”gi farmon va qarorlarida, O‘zbekiston Respublikasi Vazirlar Mahkamasining 2018-yil 17-iyuldagi VMQ-543-son “Ozodlikdan mahrum etish joylaridan ozod qilingan shaxslarni ijtimoiy-maishiy ta‘minlash va ishga joylashtirish tizimini yanada takomillashtirish bo‘yicha amaliy chora-tadbirlar to‘g‘risida”gi qarori hamda sohaga oid boshqa normativ-huquqiy hujjatlarda belgilangan vazifalarni amalga oshirishga mazkur tadqiqot ishi xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi. Mazkur dissertatsiya respublika fan va texnologiyalarini rivojlantirishning I. “Axborotlashtirilgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma‘naviy-ma‘rifiy rivojlantirishda innovatsion g‘oyalar tizimini shakllantirish va ularni amalga oshirish yo‘llari” ustuvor yo‘nalishiga muvofiq bajarilgan.

Tadqiqot mavzusining o‘rganilganlik darajasi. Jazoni ijro etish muassasalaridan ozod etilgan shaxslarning postpenitensiar resotsializatsiyasi masalasi nafaqat milliy, balki xalqaro miqyosda ham dolzarb masalalardan sanaladi. Aynan jazoni ijro etish muassasalaridan ozod etilgan shaxslarni qayta ijtimoiylashtirish masalalari mamlakatimizda tadqiq etilmagan. Biroq penitensiar tizimni takomillashtirishga qaratilgan ayrim tadqiqot ishlarida mazkur masalaga qisman to‘xtalib o‘tilgan. Xususan, N.S. Salayev, D.A. Tadjibayeva, G‘.O.Ermatov, S.S.Niyozova, G.U.Axmedova, A.A.Saidov va boshqalarning ilmiy ishlarida o‘rganilgan.

¹ O‘zbekiston Respublikasi Prezidentining 2022-yil 28-yanvardagi “2022–2026-yillarga mo‘ljallangan Yangi O‘zbekistonning taraqqiyot strategiyasi to‘g‘risida”gi PF-60-sonli Farmoni // Qonunchilik ma‘lumotlari milliy bazasi, 28.12.2024-y., 06/24/227/1089-son.

Jumladan, N.S.Salayev penitensiar tizimning profilaktik funksiyasi samaradorligini oshirish orqali mahkumlar tomonidan kelgusida sodir etilishi mumkin bo'lgan qayta jinoyatchilikning oldini olish masalalarini, D.A. Tadjibayeva mahkumlarni qayta ijtimoiylashtirish orqali ular tomonidan penitensiar muassasalarda sodir etilishi mumkin bo'lgan jinoyatlarning oldini olishni takomillashtirish masalalarini, A.A. Saidov mahkumlar bilan muomalada bo'lishning xalqaro andozalarini tahlil etgan holda, ushbu andozalarga muvofiq O'zbekiston jinoyat-ijroiya siyosatini takomillashtirishga doir ayrim jihatlarni tadqiq etgan.

MDH davlatlari olimlari: Yu.V.Andreyeva, L.A.Latisheva, Z.Sh.Maxmudov, S.M.Oganesyan, I.I.Xvan, M.A.Shapar, M.S.Ribak, A.R.Abutalipov, Yu.M.Antonyan, A.Ya.Grishko, S.L.Babayan, Yu.B.Xarmayev, Ye.A.Toxova, Ye.A.Timofeyeva, B.N.Kazansev, M.Kuznetsov, A.V.Brilliantov, S.M.Zubarev, A.M.Morozov va boshqalarning tadqiqot ishlari jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasining u yoki bu jihatlarga bag'ishlangan.

Xorijiy davlatlarda B.D.Williams, M.Bobbitt, C.A.Visher, J.Graffam, A.Nilsson, A.Fox, A.J.Shinkfield, J.R.Scroggins, J.E.Cobbina, R.Walmsley, R.Matthews, S.A.Kinner, D.Plecas, E.S.Scott, P.Tolan va boshqalarning ishlarida postpenitensiar resotsializatsiya masalalari muhokama qilingan¹.

Respublikamizda jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasi jarayonini takomillashtirish bo'yicha kompleks monografik tadqiqot o'tkazilmagan.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta'lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog'liqligi. Tadqiqot ishining mavzusi Toshkent davlat yuridik universitetining ilmiy tadqiqotlar rejasiga kiritilgan hamda "O'zbekiston Respublikasi Jinoyat-ijroiya kodeksi va uni qo'llash amaliyotini takomillashtirish muammolari", "Sud-huquq sohasini isloh qilish va jinoyat qonunini liberallashtirish sharoitida jazo tizimini isloh qilish muammolari" mavzusidagi ilmiy tadqiqotlarning ustuvor yo'nalishlari doirasida amalga oshirilgan.

Tadqiqotning maqsadi jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasi bilan bog'liq munosabatlarni ilmiy-nazariy nuqtai nazardan kompleks tadqiq etish orqali postpenitensiar tizimni takomillashtirish bo'yicha tegishli taklif, tavsiya va xulosalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

postpenitensiar resotsializatsiyaning mohiyatini tahlil qilish;

postpenitensiar resotsializatsiyaning huquqbuzarliklar profilaktikasidagi ahamiyatini tahlil qilish;

jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasida penitensiar tizimning o'rnini tahlil qilish;

jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasida differentsiatsiya va individuallashtirishga rioya etish prinsiplarining ahamiyatini yoritish;

¹ Ushbu mualliflarning ilmiy ishlari dissertatsiyaning foydalanilgan adabiyotlar ro'yxati qismida keltirilgan.

jazoni ijro etish muassasalaridan ozod etilgan ayollar resotsializatsiyasi masalalarini tahlil etish;

jazoni ijro etish muassasalaridan ozod etilgan voyaga yetmagan shaxslar resotsializatsiyasi masalalarini yoritish;

sobiq mahkumlar ijtimoiy moslashuvini amalga oshirishda Probatsiya xizmati va hokimiyatlar qoshidagi rehabilitatsiya markazlari faoliyatini takomillashtirish masalalarini tahlil qilish;

jazoni ijro etish muassasalaridan ozod etilgan shaxslarni ijtimoiy moslashtirishda fuqarolik jamiyati institutlarining faoliyatini takomillashtirish masalalarini muhokama qilish;

ayrim xorijiy davlatlardagi mahkumlar resotsializatsiyasi masalalarini o'rganish.

Tadqiqot obyekti sifatida jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasini tashkil etish borasida vujudga keladigan ijtimoiy huquqiy munosabatlar tizimi olingan.

Tadqiqot predmetini jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasiga oid normativ-huquqiy hujjatlar, huquqni qo'llash amaliyoti, ilg'or xorijiy mamlakatlar qonunchiligi hamda ilmiy-nazariy konseptual yondashuvlar va huquqiy kategoriyalar tashkil etadi.

Tadqiqotning usullari. Tadqiqotda tarixiy, tizimli-tuzilmaviy, mantiqiy, induksiya, deduksiya, qiyosiy-huquqiy, ilmiy manbalarni kompleks tadqiq etish, statistik ma'lumotlar tahlili hamda intervyu kabilardan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

ijtimoiy xavfliligi yuqori bo'lgan shaxslarni ozodlikka chiqarish orqali jamiyatda jinoyatchilik xavfi vujudga kelayotganligi sababli Jinoyat kodeksi 73-moddasi uchinchi qismining "v" bandidagi "shuningdek jazodan muddatidan ilgari shartli ozod qilingan yoki jazosi yengilrog'i bilan almashtirilgan shaxs jazoning o'talmagan qismi mobaynida qasddan yangi jinoyat sodir etganligi uchun hukm qilingan bo'lsa" degan so'zlarni chiqarib yuborish lozimligi asoslantirilgan;

ozod etilgach sobiq mahkumlarni moddiy jihatdan ta'minlash va tenglik prinsipiga rioya etish zarurati sababli ijtimoiy soliq to'langan davr ozodlikdan mahrum etishga hukm qilingan shaxslarning umumiy mehnat stajiga qo'shib hisoblanishi kerakligi asoslantirilgan;

mahkumlarni axloqan tarbiyalash jarayonida ularning ruhiyati bilan ishlash muhim ahamiyat kasb etishi sababli tuzalish yo'liga o'tmagan deb topilgan mahkumlar bilan tarbiyaviy-profilaktika ishlari muassasa psixologini jalb etgan holda alohida reja asosida amalga oshirilishi kerakligi asoslantirilgan;

Yoshlar ishlari agentligi yoshlarga oid davlat siyosatini kompleks ravishda amalga oshiruvchi davlat tuzilmasi bo'lganligi sababli huquqbuzarliklar profilaktikasini bevosita amalga oshiruvchi organlar va muassasalar tizimiga O'zbekiston Respublikasi Yoshlar ishlari agentligi va uning hududiy bo'linmalarini kiritish kerakligi asoslantirilgan;

Yoshlar ishlari agentligi va uning hududiy bo'linmalari huquqbuzarliklar profilaktikasini bevosita amalga oshiruvchi organlar va muassasalar tizimiga kiritilganligi sababli Yoshlar ishlari agentligi huquqbuzarlikdan jabrlanuvchilarni,

huquqbuzarliklar sodir etishga moyil bo'lgan, huquqbuzarlik sodir etgan, shu jumladan ilgari sudlangan va ozodlikdan mahrum etish joylaridan ozod qilingan shaxslarni (yoshlarni) ijtimoiy rehabilitatsiya qilish va ijtimoiy moslashtirish bo'yicha chora-tadbirlarni amalga oshirishda ishtirok etishi kerakligi asoslantirilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

Jinoyat-ijroiya kodeksi 99-moddasiga tegishli o'zgartirish kiritgan holda mahkumlarga tarbiyaviy ta'sir ko'rsatish ishlarida qarindoshlarning ishtirokini belgilash lozimligi asoslangan;

Jinoyat-ijroiya kodeksi 6-moddasiga tegishli o'zgartirish kiritgan holda, "jazo va jinoyat-huquqiy ta'sir choralarini ijro etishni mahkumlarni axloqan tuzatish va ularni qayta ijtimoiylashtirish bilan birlashtirish prinsipi"ni kiritishni maqsadga muvofiq ekanligi asoslangan;

oliy ta'lim muassasasida ta'lim olayotgan shaxsni ozodlikdan mahrum qilinganligi munosabati bilan o'qishdan chetlatish tartibi maqsadga muvofiq emasligidan kelib chiqqan holda, Vazirlar Mahkamasining 2017-yil 20-iyundagi 393-sonli qarori bilan tasdiqlangan "Oliy ta'lim muassasalari talabalari o'qishini ko'chirish, qayta tiklash va o'qishdan chetlashtirish tartibi to'g'risida"gi Nizom 36-bandining "j" kichik bandini chiqarib yuborish orqali o'qishdan chetlatish tartibini bekor qilish lozimligi asoslangan;

tumanlardagi har bir probatsiya bo'limlarida psixolog lavozimi uchun 1 ta shtat birligi ajratilishi lozimligi taklif etilib, bunda haftada bir marotaba nazorat ostidagilarning ruhiy holati hamda muammolaridan kelib chiqqan holda psixologik trening tashkil etilishi lozimligi asoslangan;

jazoni ijro etish muassasalaridan ozod etilgan shaxslarni rehabilitatsiya qilish va ijtimoiy moslashtirish markazlarini Probatsiya xizmatlari qoshida qaytadan tashkil etish lozimligi asoslangan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalari milliy qonunchilik normalari, xalqaro hujjatlar, ayrim xorijiy davlatlar tajribasi, huquqni qo'llash amaliyotiga asoslangan, probatsiya xizmati xodimlari va 30 dan ortiq yurist-pedagog, ilmiy tadqiqotchilar o'rtasida o'tkazilgan sotsiologik tadqiqotlar, 15 dan ortiq jazoni ijro etish muassasalaridan ozod etilgan shaxslar bilan o'tkazilgan intervyular, statistik ma'lumotlar tahlili natijalarini umumlashtirish orqali amaliy jihatdan asoslantirilgan, olingan natijalar vakolatli tuzilmalar tomonidan tasdiqlangan va amaliyotga joriy qilingan.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalarining ilmiy ahamiyati undagi ilmiy-nazariy xulosalar, taklif va tavsiyalardan kelgusi ilmiy faoliyatda, qonun ijodkorligida, huquqni qo'llash amaliyotida, jinoyat-ijroiya qonun hujjatlarining tegishli normalarini sharhlashda foydalaniladi hamda milliy qonunchilikni takomillashtirish va Jinoyat huquqi, Jinoyat-ijroiya huquqi fanlarini ilmiy-nazariy jihatdan boyitishg xizmat qiladi, tadqiqot natijalaridan yangi ilmiy tadqiqotlar olib borishda foydalanish mumkin.

Tadqiqot natijalarining amaliy ahamiyati qonun ijodkorligi faoliyatida, xususan, normativ-huquqiy hujjatlar tayyorlash hamda ularga o'zgartirish va qo'shimchalar kiritish jarayonida, qonunni qo'llash amaliyotini takomillashtirishda

hamda oliy yuridik ta'lim muassasalarida jinoyat huquqi va jinoyat ijroiya huquqi fanlarini o'qitishga xizmat qiladi.

Tadqiqot natijalarining joriy qilinishi. Jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasini takomillashtirish mavzusini tadqiq etish bo'yicha olingan xulosalar natijalari asosida:

ijtimoiy xavfliligi yuqori bo'lgan shaxslarni ozodlikka chiqarish orqali jamiyatda jinoyatchilik xavfi vujudga kelayotganligi sababli Jinoyat kodeksi 73-moddasi uchinchi qismining "v" bandidagi "shuningdek jazodan muddatidan ilgari shartli ozod qilingan yoki jazosi yengilrog'i bilan almashtirilgan shaxs jazoning o'talmagan qismi mobaynida qasddan yangi jinoyat sodir etganligi uchun hukm qilingan bo'lsa" degan so'zlarni chiqarish haqidagi taklifidan O'zbekiston Respublikasi 2024-yil 7-avgustdagi "Probatsiya to'g'risida"gi O'RQ-938-son Qonunining 71-moddasi 3-bandi birinchi xatboshisini tayyorlashda foydalanilgan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari institutining 2024-yil 13-avgustdagi 3/08-141-sonli ma'lumotnomasi). Ushbu taklifning amalga oshirilishi jazodan muddatidan ilgari shartli ozod qilingan yoki jazosi yengilrog'i bilan almashtirilgan shaxs jazoning o'talmagan qismi mobaynida qasddan yangi jinoyat sodir etsa, unga nisbatan jazoni o'tashdan muddatidan ilgari shartli ravishda ozod qilish qo'llanilmasligiga xizmat qilgan;

ozod etilgach sobiq mahkumlarni moddiy jihatdan ta'minlash va tenglik prinsipiga rioya etish zarurati sababli ijtimoiy soliq to'langan davr ozodlikdan mahrum etishga hukm qilingan shaxslarning umumiy mehnat stajiga qo'shib hisoblanishi kerakligi haqidagi taklifidan O'zbekiston Respublikasi 2023-yil 15-fevraldagi "O'zbekiston Respublikasining ayrim qonun hujjatlariga mahkumlarning huquqlari va qonuniy manfaatlarini ishonchli himoya qilishga qaratilgan o'zgartish va qo'shimchalar kiritish to'g'risida"gi O'RQ-817-son Qonunning 2-moddasi 7-bandi (Jinoyat-ijroiya kodeksining 96-moddasiga kiritilgan qo'shimcha: ikkinchi qism)ni tayyorlashda foydalanilgan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari institutining 2024-yil 13-avgustdagi 3/08-141-sonli ma'lumotnomasi). Ushbu taklifning amalga oshirilishi mahkumlarning ijtimoiy soliq to'lagan davri ularning umumiy mehnat stajiga qo'shib hisoblanishiga xizmat qilgan;

mahkumlarni axloqan tarbiyalash jarayonida ularning ruhiyati bilan ishlash muhim ahamiyat kasb etishi sababli tuzalish yo'liga o'tmagan deb topilgan mahkumlar bilan tarbiyaviy-profilaktika ishlari muassasa psixologini jalb etgan holda alohida reja asosida amalga oshirilishi kerakligi haqidagi taklifidan O'zbekiston Respublikasi 2023-yil 15-fevraldagi "O'zbekiston Respublikasining ayrim qonun hujjatlariga mahkumlarning huquqlari va qonuniy manfaatlarini ishonchli himoya qilishga qaratilgan o'zgartish va qo'shimchalar kiritish to'g'risida"gi O'RQ-817-son Qonunning 2-moddasi 8-bandi (Jinoyat-ijroiya kodeksining 97¹-moddasi uchinchi qismi)ni tayyorlashda foydalanilgan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari institutining 2024-yil 13-avgustdagi 3/08-141-sonli ma'lumotnomasi). Ushbu taklifning amalga oshirilishi tuzalish yo'liga o'tmagan deb topilgan ahkumlar

bilan tarbiyaviy-profilaktika ishlari muassasa psixologini jalb etgan holda amalga oshirilishiga xizmat qilgan;

Yoshlar ishlari agentligi yoshlarga oid davlat siyosatini kompleks ravishda amalga oshiruvchi davlat tuzilmasi bo'lganligi sababli huquqbuzarliklar profilaktikasini bevosita amalga oshiruvchi organlar va muassasalar tizimiga O'zbekiston Respublikasi Yoshlar ishlari agentligi va uning hududiy bo'linmalarini kiritish kerakligi haqidagi taklifidan O'zbekiston Respublikasi 2022-yil 25-yanvardagi "Yoshlar bilan ishlash tizimi takomillashtirilishi munosabati bilan O'zbekiston Respublikasining ayrim qonun hujjatlariga qo'shimchalar kiritish to'g'risida"gi O'RQ-747-son Qonunning 2-moddasi 1-bandi ("Huquqbuzarliklar profilaktikasi to'g'risida"gi Qonunning 9-moddasi birinchi qismiga kiritilgan qo'shimcha: o'n beshinchi xatboshi)ni tayyorlashda foydalanilgan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari institutining 2024-yil 13-avgustdagi 3/08-141-sonli ma'lumotnomasi). Ushbu taklifning amalga oshirilishi huquqbuzarliklar profilaktikasini bevosita amalga oshiruvchi organlar va muassasalar tizimiga O'zbekiston Respublikasi Yoshlar ishlari agentligi va uning hududiy bo'linmalarining kiritilishiga xizmat qilgan;

Yoshlar ishlari agentligi va uning hududiy bo'linmalari huquqbuzarliklar profilaktikasini bevosita amalga oshiruvchi organlar va muassasalar tizimiga kiritilganligi sababli Yoshlar ishlari agentligi huquqbuzarlikdan jabrlanuvchilarni, huquqbuzarliklar sodir etishga moyil bo'lgan, huquqbuzarlik sodir etgan, shu jumladan ilgari sudlangan va ozodlikdan mahrum etish joylaridan ozod qilingan shaxslarni (yoshlarni) ijtimoiy rehabilitatsiya qilish va ijtimoiy moslashtirish bo'yicha chora-tadbirlarni amalga oshirishda ishtirok etishi kerakligi haqidagi taklifidan O'zbekiston Respublikasi 2022-yil 25-yanvardagi "Yoshlar bilan ishlash tizimi takomillashtirilishi munosabati bilan O'zbekiston Respublikasining ayrim qonun hujjatlariga qo'shimchalar kiritish to'g'risida"gi O'RQ-747-son Qonunning 2-moddasi 2-bandi ("Huquqbuzarliklar profilaktikasi to'g'risida"gi Qonunning 19¹-moddasi birinchi qismi beshinchi xatboshi)ni shakllantirishda foydalanilgan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari institutining 2024-yil 13-avgustdagi 3/08-141-sonli ma'lumotnomasi). Ushbu taklifning amalga oshirilishi Yoshlar ishlari agentligining huquqbuzarliklar profilaktikasini amalga oshirishdagi vakolatini belgilashga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari 7 ta ilmiy anjumanda, jumladan 3 ta xalqaro, 4 ta respublika miqyosida o'tkazilgan ilmiy-amaliy konferensiya, davra suhbatlari va seminarlarda sinovdan o'tgan.

Tadqiqot natijalarining e'lon qilinganligi. Mazkur tadqiqot natijalari bo'yicha jami 13 ta ilmiy ish, jumladan O'zbekiston Respublikasi Oliy attestasiya komissiyasining doktorlik dissertasiyalarining asosiy ilmiy natijalarini chop etish tavsiya etilgan ilmiy nashrlarda 7 ta maqola (shundan 3 ta maqola xorijiy jurnalda) va to'plamlar tarkibida 6 ta ilmiy maqola chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, 9 paragrafdan iborat uchta bob, xulosa, foydalanilgan adabiyotlar ro'yxati va ilovalardan iborat. Dissertatsiyaning hajmi 144 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning kirish (falsafa doktori dissertatsiyasi annotatsiyasi) qismida tadqiqot mavzusining dolzarbligi va ahamiyati, tadqiqot ishining respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo'nalishlariga bog'liqligi, tadqiqot etilayotgan muammoning o'rganilganlik darajasi, dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari bilan bog'liqligi, tadqiqotning maqsad va vazifalari, obyekti va predmeti, usullari, tadqiqotning ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, tadqiqot natijalarining ilmiy va amaliy ahamiyati, ularning joriy qilinishi, tadqiqot natijalarining aprobatatsiyasi, natijalarning e'lon qilinganligi, dissertatsiyaning hajmi va tuzilishi yoritib berilgan.

Dissertatsiyaning birinchi bobi **“Postpenitensiar resotsializatsiyaning umumiy tavsifi va uning ijtimoiy zarurati”** deb nomlangan bo'lib, uch paragrafdan iborat. Birinchi paragraf *“Postpenitensiar resotsializatsiyaning mohiyati”*ga bag'ishlangan bo'lib, unda “postpenitensiar tizim”, “postpenitensiar huquq” “resotsializatsiya” tushunchalarining mohiyati tahlil etilgan. Muallif postpenitensiar resotsializatsiya tushunchasini ikki tarkibiy qismlarga bo'lib, dastlab, postpenitensiar tizim tushunchasining mazmun-mohiyatini ilmiy nazariy jihatdan tahlil qilgan hamda O'zbekistonda mazkur tizimning nazariy asoslari va ilmiy ta'rifi ishlab chiqilmaganligidan kelib chiqqan holda “postpenitensiar tizim” tushunchasiga o'zining ilmiy-nazariy ta'rifini taklif etgan. Shuningdek, postpenitensiar tizimda vujudga keladigan munosabatlar alohida huquq sohasi sifatida shakllanishi uchun barcha obyektiv shart-sharoitlar mavjud ekanligini joriy amaliyot va huquq nazariyasi nuqtai nazaridan kelib chiqqan holda quyidagicha asoslab bergan:

birinchidan, mazkur sohada vujudga keladigan munosabatlar hech bir huquq sohasi bilan to'liq qamrab olinmagan, jinoyat-ijroiya huquqi sohasi, asosan, penitensiar tizim bilan cheklangan va amaldagi jinoyat-ijroiya kodeksi normalari mahkumlar ozod etilganidan keyingi munosabatlarni tartibga solmaydi.

ikkinchidan, ijtimoiy munosabatlarning o'ziga xosligi, hajmi va murakkabligi alohida huquq sohasining shakllanishiga asos bo'luvchi omil hisoblanadi. Quyidagi statistik ma'lumotlar sohaning hajmi va murakkabligini ko'rsatib bera oladi. 2023-yilda jami 73797 nafar shaxsga nisbatan jinoyat ishi ko'rib tamomlangan bo'lib, shundan 17396 nafar shaxsga ozodlikdan mahrum qilish tariqasidagi jazo qo'llanilgan¹. 16810 nafar shaxs esa turli asoslarga ko'ra jazoni ijro etish muassasalaridan ozod etilgan². Demak, davlat va jamiyat oldida bir yil davomida o'rtacha 16810 nafar shaxsni qayta ijtimoiylashtirish masalasi turibdi. Bundan tashqari, ozod etilgan shaxslar tomonidan qayta jinoyat sodir etish ko'rsatkichi ham yuqori hisoblanadi va mazkur munosabatlar o'ziga xos bo'lib, hech bir huquq sohasi bilan to'la tartibga solishning imkoni mavjud emas.

¹ O'zbekiston Respublikasi Oliy Sudi tomonidan 2024-yil 12-martda berilgan 07/14-3385-141-sonli xat.

² O'zbekiston Respublikasi Ichki ishlar vazirligi huzuridagi Jazoni ijro etish departamenti Maxsus hisob boshqarmasi tomonidan 2023-yil 28-oktyabrda berilgan 28/10-10-6134-sonli xat.

uchinchidan, A.Y.Grishko, Y.V.Andreyeva kabi ko‘plab xorijiy olimlar ham postpenitensiar tizimda vujudga keladigan munosabatlarni alohida huquq sohasi sifatida etirof etish zaruratini o‘z tadqiqotlarida asoslab berganlar.

Mazkur omillarni inobatga olgan holda, postpenitensiar huquq sohasini jinoyat-ijroiya huquqi sohasi tarkibidagi huquq sohasi (tarmoqchasi) sifatida e’tirof etish lozimligi haqida xulosaga kelgan hamda “postpenitensiar huquq” tushunchasiga mualliflik ta’rifini ishlab chiqqan.

Muallif Y.M.Antonyan, M.A.Shapar, M.S.Ribak kabi olimlarning ilmiy-nazariy qarashlarida, turli davlatlarning normativ-huquqiy hujjatlarida resotsializatsiya tushunchasiga berilgan ta’riflarni batafsil tahlil etgan holda uning mazmun mohiyatini yoritib bergan va bu bo‘yicha o‘zining shaxsiy pozitsiyasini ifoda etib “resotsializatsiya” tushunchasiga mualliflik ta’rifini ishlab chiqqan. Shu o‘rinda mahkumlarni jamiyatga qayta moslashtirish jarayoniga nisbatan qo‘llaniladigan bir nechta tushunchalar: rehabilitatsiya, reintegratsiya, adaptatsiya tushunchalarini tahlil etib, mahkumlarni qayta ijtimoiylashtirish chora-tadbirlarini qamrab oluvchi jarayonga nisbatan aynan resotsializatsiya tushunchasining qo‘llanilishi maqbul ekanligi, rehabilitatsiya, adaptatsiya va reintegratsiya tushunchalari esa turli-xil ma’nolarni anglatib resotsializatsiya jarayonining tarkibiy qismi hisoblanishi haqida xulosaga kelgan.

Muallif ushbu bobning *“Postpenitensiar resotsializatsiyaning huquqbuzarliklar profilaktikasidagi ahamiyati”* deb nomlangan ikkinchi paragrafida, sobiq mahkumlarni qayta ijtimoiylashtirishga qaratilgan chora-tadbirlarining ular tomonidan kelgusida sodir etilishi mumkin bo‘lgan jinoyatlarni oldini olishdagi ahamiyatini yoritib bergan. Tadqiqotchining qayd etishicha, jazoni ijro etish muassasalaridan ozod etilgan shaxslarning muvaffaqiyatsiz resotsializatsiyasiga ular ozodlikka chiqqach duch keladigan bir qator muammolar sabab bo‘ladi. Tadqiqotchi mazkur muammolar sifatida quyidagilarni ko‘rsatadi: ish topish muammosi, uy-joy muammosi, ozodlikdan mahrum qilinishi natijasida oila a’zolari bilan munosabatning buzilishi, sog‘liqdagi muammolar, jamiyat a’zolari tomonidan stigma va diskriminatsiyaga uchrash hamda davlat tomonidan mazkur toifadagi shaxslarni qayta ijtimoiylashtirish ishlarini tashkil etishning huquqiy asosi va mexanizimi yetarlicha ishlab chiqilmaganligi kabilarni sanab o‘tgan hamda mazkur muammolarga birma-bir to‘xtalib o‘tgan holda ularni bartaraf etish bo‘yicha turli yechimlarni taklif etgan. Jumladan, sobiq mahkumlarni joylashtirish uchun ayrim uy-joy turlarini taklif etgan, ya’ni ijaraga beriladigan uy-joy (qisman davlat mablag‘i hisobidan to‘lanadi), oila a’zolari yoki do‘stlari bilan yashash, davlat yoki imtiyozli uy-joylar, qayta ijtimoiylashtirish markazlari. Sobiq mahkumlarni mazkur turdagi turar-joylar bilan vaqtinchalik ta’minlash ularning jamiyatga qayta moslashish va moddiy jihatdan holatini yaxshilab olishga imkon berishini asoslab bergan.

“Jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasida penitensiar tizimning o‘rni” deb nomlangan uchinchi paragrafda, tadqiqotchi jazoni ijro etish muassasalaridan ozod etilgan shaxslarni qayta ijtimoiylashtirishda penitensiar tizimda amalga oshiriladigan mahkumlarning resotsializatsiyasiga qaratilgan chora-tadbirlarning ahamiyatini muhokama qilgan va penitensiar tizimda

mahkumlar qayta ijtimoiylashuvini samarali tashkil etmay, penitensiar va postpenitensiar tizimlarning o‘zaro aloqadorlikda faoliyatini yo‘lga qo‘ymay turib postpenitensiar tizimda qo‘llaniladigan chora-tadbirlarning muvaffaqiyatli amalga oshirish imkonsiz ekanligi haqida xulosaga kelgan. Shundan kelib chiqqan holda, dastlab, jinoyat-ijroiya huquqining mahkumlar resotsializatsiyasini nazarda tutuvchi prinsiplarini tahlil etgan va turli nazariy qarashlar va xorijiy mamlakatlar qonunchiligini tahlil etgan holda Jinoyat-ijroiya kodeksiga “jazo va jinoyat-huquqiy ta’sir choralarini ijro etishni mahkumlarni axloqan tuzatish va ularni qayta ijtimoiylashtirish bilan birlashtirish” prinsipini kiritishni taklif etgan. Jazo va jinoyat-huquqiy ta’sir choralarini ijro etishni mahkumlarni axloqan tuzatish va ularni qayta ijtimoiylashtirish bilan birlashtirish prinsipining ifodasi sifatida Jinoyat-ijroiya kodeksining ayrim normalariga o‘zgartirish-qo‘shimchalar kiritish haqida takliflar ilgari surilgan. Takliflar mahkumlar resotsializatsiyasida oila a’zolarining qo‘llab-quvvatlovining ahamiyati, mahkumlar qarindoshlarini jazoni ijro etish muassasalarida mahkumlar bilan o‘tkaziladigan qayta ijtimoiylashtirishga qaratilgan jarayonlarga jalb qilishning samaradorligi, muassasa psixologlari tomonidan turli treninglarning muntazam ravishda o‘tkazilishi zarurati va boshqalar haqida kelingan xulosalar asosida shakllantirilgan. Shuningdek, mahkumlarni qayta ijtimoiylashtirish aniq ishlab chiqilgan dasturlar asosida amalga oshirilishi lozimligidan kelib chiqib, mazkur dasturlarni quyidagi toifalarga ajratadi:

jazoni ijro etish muassasalaridagi ijtimoiy moslashtirish dasturlari;
ozodlikdan keyingi resotsializatsiya dasturlari.

Muallif ozodlikdan keyingi resotsializatsiya dasturlari ishlab chiqilayotgan vaqtda jazoni ijro etish muassasalarida qo‘llanilgan ijtimoiy moslashtirish dasturlari o‘rganib chiqilishi lozimligini ta’kidlaydi.

Bundan tashqari, jazoni ijro etish muassasalarida mahkumlarni ozodlikka tayyorlash lozim darajada amalga oshirilmayotganligi sababli ozodlikka chiqqan shaxslar turli xil qiyinchiliklarga duch kelayotganliklari sababli mahkumlarni ozodlikka tayyorlash jarayonida ularda quyidagi ko‘nikmalarni shakllantirish lozimligini asoslab beradi: mahkumlarga ish qidirish, intervyu(suhbat) ko‘nikmalarini rivojlantirish, intervyuda kutilgan masalalarni muhokama qilish, ish qidirish jarayoni bilan bog‘liq ishlarni boshqarish, mehnat bozori ma’lumotlarini taqdim etish, rezyume va arizalarni tayyorlash, bandlik agentliklari bilan aloqalar qilishga yordam beradigan xizmatlar bilan tanishtirish. Mazkur chora-tadbirlar bilan bir vaqtda yaqin qarindoshlar bilan uchrashuvlar sonini ko‘paytirish orqali ularning o‘zaro munosabatini yaxshilashga imkon berish lozimligini ta’kidlab, ushbu chora-tadbirlar qayta ijtimoiylashuv jarayonining muvaffaqiyatli amalga oshishiga xizmat qilishini asoslab bergan.

Dissertatsiyaning ikkinchi bobi **“Postpenitensiar resotsializatsiyada differentsiatsiya va individuallashtirish masalalari”** deb nomlangan bo‘lib, uch paragrafdan iborat. Tadqiqot ishining *“Jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasida differentsiatsiya va individuallashtirishga rioya etish prinsiplarining ahamiyati”* deb nomlangan birinchi paragrafida, differentsiatsiya va individuallashtirishga rioya etish prinsipining mazmun-mohiyati, mazkur prinsipning sobiq mahkumlarni qayta ijtimoiylashtirish jarayonidagi

ahamiyati, prinsip turli normativ-huquqiy hujjatlarda turlicha ifoda etilishi va bu uning turlicha tushunishga olib kelayotganligi hamda Jinoyat-ijroiya kodeksida differenziatsiya tushunchasi o‘rniga tabaqalashtirish so‘zi qo‘llanilib, bu tushuncha ham normani turlicha tushunishga sabab bo‘layotganligi asoslab berilgan.

Muallif tadqiqot ishi natijasida differenziatsiya va individuallashtirishga rioya etish prinsipiga amal qilish mahkumlarni axloqan tuzatish ishlarining muvaffaqiyatli amalga oshirilishida juda muhim ahamiyatga ega ekanligini va bu prinsipni postpenitensiar tizimda ham qo‘llash lozimligini asoslab bergan va sobiq mahkumlarga qayta ijtimoiylashtirish chora-tadbirlari qo‘llashdan oldin ularni “axloqan tuzalish yo‘liga o‘tgan”, “axloqan tuzalish yo‘liga o‘tayotgan”, “axloqan tuzalish yo‘liga o‘tmagan” tarzida tasniflash lozimligini turli ilmiy materiallarni tahlil qilgan holda asoslab bergan. Bundan tashqari, mazkur prinsipning turli normativ-huquqiy hujjatlarda turlicha ifoda etilishi uni tushunishda va qo‘llashda turlicha yondashuvlarni keltirib chiqarayotganligini quyidagicha asoslaydi: Jinoyat-ijroiya kodeksida mazkur prinsip jazoni ijro etishda tabaqalashtirishga va yakka tartibda yondashishga rioya etish, “Jazoni ijro etish muassasalaridan ozod qilingan ayrim toifadagi shaxslar ustidan ma‘muriy nazorat to‘g‘risida”gi Qonunda belgilanadigan cheklovlarning differensiallashganligi va individuallashtirilganligi, “Huquqbuzarliklar profilaktikasi to‘g‘risida”gi Qonunda ta‘sir ko‘rsatish chora-tadbirlarini farqlash va yakka tartibdagi yondashish, “Probatsiya to‘g‘risida”gi Qonunda tabaqalashtirish va individual yondashish tarzida ifodalangan.

Ko‘rinib turganidek, bir prinsip turli normativ-huquqiy hujjatlarda turlicha ifoda etilmoqda va ayrimlarida qo‘llanilgan so‘z g‘aliz bo‘lib, prinsipning asl mazmuniga bevosita mos kelmaydi. Masalan, differenziatsiya qismi tabaqalashtirish, differensiallashganlik, farqlash kabi so‘zlar bilan ifodalangan. Differenziatsiya so‘zi o‘zbek tili lug‘atida mavjud bo‘lib, bir butun narsaning turli xil qismlarga, shakllarga, bosqichlarga ajralishi, bo‘linishi, tabaqalanishi; butunning qismlarini o‘zaro farqlash, ajratish, tabaqalash ma‘nolarini anglatadi. Demak, jazoni ijro etish muassasalarida saqlanayotgan, u yerdan ozod etilgan, ma‘muriy nazorat qo‘llanilgan va boshqa shaxslarga nisbatan ularni axloqan tuzatishga qaratilgan chora-tadbirlarni qo‘llashdan oldin ular turli me‘zonlar asosida farqlab olingan holda guruhlarga ajratiladi. Ya‘ni ushbu tushunchaga berilgan ta‘rifda farqlash, tabaqalash so‘zlari qo‘llanilmoqda. Lekin bu so‘zlar faqatgina differenziatsiya so‘zining mazmunini ochib berish uchungina qo‘llanilgan bo‘lib, ularni yakka holda qo‘llash prinsipning asl mazmunini ochib bermaydi. Masalan, tabaqalashtirish so‘zidan xalqni muayyan ijtimoiy qatlamlarga bo‘lishda foydalaniladi, farqlash so‘zi esa yakka o‘zi qo‘llanilganida juda ham yopiq bo‘lib, muayyan ma‘noni ochib bera olmaydi. Shuning uchun prinsipning mazmunini ochib beradigan yagona bir tushunchani topish va barcha normativ-huquqiy hujjatlarda bir-xil qo‘llanilishini ta‘minlash lozim.

Mustaqil davlatlar hamdo‘stligiga a‘zo davlatlar qonunchiligida mazkur so‘z differenziatsiya ko‘rinishida ishlatilgan bo‘lsa, Mahkumlar bilan muomala qilishning minimal standart qoidalarida “Classification” tarzida ifoda etilgan. Classification o‘zbek tilida tasniflash so‘ziga to‘g‘ri keladi va axloqan tuzatish vositalari

qo‘llanilayotgan shaxslar ham turli me‘zonlar asosida aynan tasniflanadi. Individuallashtirish esa, yakka tartibda yondashish, individuallashtirilganlik, individual yondashish tarzida ifodalanib, mazkur tushunchalar ichida yakka tartibda yondashish so‘z bo‘lishi bilan birgalikda, nazarda tutilayotgan ma‘noni ham ochib bera oladi.

Shuningdek, tadqiqotchi differentsiatsiya prinsipidan kelib chiqqan holda jazoni ijro etish muassasalaridan ozod etilgan shaxslarni qayta ijtimoiylashtirishda ularni ayollar, erkaklar, voyaga yetmaganlar, giyohvandlik va alkogolizmga chalinganlar va ma‘muriy nazoratga olinganlar toifasiga ajratish va mazkur toifalarning o‘ziga xos xususiyatlaridan kelib chiqqan holda qayta ijtimoiylashtirish dasturlarini ishlab chiqish haqidagi qarashlarini ifoda etgan. Ushbu guruh tarkibiga kiruvchi voyaga yetmaganlar va ayollar qayta ijtimoiylashuvining o‘ziga xos jihatlari batafsil muhokama etgan.

Ikkinchi paragraf *“Jazoni ijro etish muassasalaridan ozod etilgan ayollar resotsializatsiyasi masalalari”* deb nomlangan bo‘lib, unda ayollar postpenitensiar resotsializatsiyasini amalga oshirishda ularning psixofiziologik xususiyatlari, jamiyatdagi mavqeyi va moddiy ehtiyojlari inobatga olinishi lozimligi, ayollarni qayta ijtimoiylashtirishga qaratilgan dasturlar erkaklardan alohida ishlab chiqilishi zarurati va ozod etilgach ayollar duch kelishi mumkin bo‘lgan muammolar tahlil etilgan. Birlashgan Millatlar Tashkilotining mahkuma ayollar bilan muomala qilish va jinoyatchi ayollarga nisbatan qamoqqa olish bilan bog‘liq bo‘lmagan choralarni qo‘llash qoidalari (Bangkok qoidalari) va joriy amaliyotni tahlil qilgan holda ayollarga nisbatan ozodlikdan mahrum qilish bilan bog‘liq bo‘lgan jazolarni imkon qadar kamroq qo‘llash zaruratini asoslab bergan. Shuningdek, turli xorijiy mamlakatlarda ayollarni qayta ijtimoiylashtirish chora-tadbirlarini amalga oshirish maqsadida tashkil etilgan klublar va ularning faoliyatini tahlil etgan holda mamlakatimizda ham shu toifadagi klub va markazlarni tashkil etish orqali ayollarning kasbiy mahoratini oshirish va jamiyatga muvaffaqiyatli moslashish imkoniyatini asoslab bergan.

“Jazoni ijro etish muassasalaridan ozod etilgan voyaga yetmagan shaxslar resotsializatsiyasi masalalari” deb nomlangan uchinchi paragrafda, muallif voyaga yetmagan shaxslar resotsializatsiyasi masalasini yoritarkan, Birlashgan Millatlar Tashkilotining Voyaga yetmaganlarga nisbatan odil sudlovni amalga oshirishning minimal standart qoidalari va boshqa xalqaro hujjatlarga muvofiq, avvalo, voyaga yetmagan shaxslarga nisbatan ozodlikdan mahrum qilish bilan bog‘liq jazolarni imkon qadar kamaytirish va ular ular ozodlikdan mahrum etilgan taqdirda jazoni ijro etish vaqtida davlat ularning ta‘lim olish va kasbiy tayyorgarligini qo‘llab-quvvatlashi lozimligini asoslantirib beradi.

Tadqiqot ishining uchinchi bobi **“Postpenitensiar resotsializatsiyani amalga oshiruvchi organ va muassasalar faoliyatini takomillashtirish masalalari”** deb nomlanib, mazkur bobning birinchi paragrafi *“Sobiq mahkumlar ijtimoiy moslashuvini amalga oshirishda Probatsiya xizmati va hokimiyatlar qoshidagi rehabilitatsiya markazlari faoliyatini takomillashtirish”* deb nomlangan bo‘lib, unda postpenitensiar resotsializatsiyani amalga oshiruvchi tuzilmalar: probatsiya xizmati, hokimiyatlar qoshidagi rehabilitatsiya markazlari faoliyati jarayoni tahlil etilgan va

mazkur tuzilmalarning sobiq mahkumlarni qayta ijtimoiylashtirish jarayonini samarali tashkil etish va amalga oshirish faoliyatiga to‘sqinlik qiluvchi masalalar keng tahlil etilgan holda bayon etilib, ularni barataraf etishga qaratilgan bir nechta takliflar ilgari surilgan.

Muallif, dastlab, Probatsiya xizmatining tashkil etilishi tarixini qisman yoritgan holda uning asl mazmun-mohiyatini tahlil etgan va shundan kelib chiqqan holda O‘zbekiston Respublikasining bugungi kundagi Probatsiya xizmati faoliyatini tadqiq qilgan hamda uning samarali amalga oshirilishiga to‘siq bo‘luvchi ayrim omillarni aniqlab, ularni bartaraf etish bo‘yicha muayyan takliflarni ishlab chiqqan. Jumladan: O‘zbekiston Respublikasining “Probatsiya to‘g‘risida”gi Qonuni qabul qilinganiga ko‘p bo‘lmagan bo‘lsada, uning takomillashtirilishi lozim bo‘lgan ayrim normalari mavjud ekanligini izohlagan, ya’ni Qonunda probatsiya tushunchasiga berilgan ta’rif mukammal emasligini, unda probatsiyaning asl mazmuni hisoblangan shaxslarni qayta ijtimoiylashtirish funksiyasi ifoda etilmaganligini turli ilmiy tadqiqot ishlarini hamda xorijiy davlatlar qonunchiligida “probatsiya” tushunchasiga berilgan ta’riflarni o‘rganib chiqib, probatsiyaning mazkur belgisi uning ta’rifida ifoda etilishi zarurligi asoslab berilgan va quyidagicha mualliflik ta’rifini taklif etgan: “Probatsiya deganda, tegishli vakolatli subyektlarning ozodlikdan mahrum qilish bilan bog‘liq bo‘lmagan jazolarni ijro etishga, shartli hukm qilingan va jazoni o‘tashdan muddatidan ilgari shartli ozod qilingan shaxslar ustidan nazoratni amalga oshirishga, shuningdek nazorat ostidagi shaxslarga ijtimoiy, iqtisodiy, huquqiy, tarbiyaviy, tibbiy-psixologik jihatdan yordam berish orqali qayta ijtimoiylashtirishga qaratilgan faoliyat tushuniladi”.

Bundan tashqari, 2024-yil 1-yanvar holatiga probatsiya bo‘linmalari hisobida nazorat ostida jami 83 763 nafar shaxs mavjud bo‘lib, 2024-yilning dastlabki 9 oyi mobaynida Probatsiya nazoratida turgan shaxslar tomonidan 701 ta jinoyat sodir etilgan. Nazorat ostidagi shaxslar tomonidan sodir etilgan jinoyatlarning ko‘rsatkichi yuqori ekanligidan kelib chiqqan holda, mazkur jinoyatlarga sabab bo‘layotgan omillar tahlil etilgan. Tadqiqot natijasida probatsiya xizmatida shtatlarning kamligi masalalasi probatsiya xodimlarining o‘z zimmlariga yuklatilgan vazifalarni lozim darajada amalga oshirishlariga to‘sqinlik qilayotganligi aniqlandi. Ya’ni O‘zbekiston Respublikasi Prezidentining “Jinoyat-ijroiya qonunchiligini tubdan takomillashtirish chora-tadbirlari to‘g‘risida”gi Qaroriga muvofiq bir nafar xodimga shaharlarda – 100, tumanlarda – 75 nafar mahkum birlashtirilishi mumkin bo‘lgani holda, 2024-yil 26-iyun holatida Yunusobod tuman Probatsiya bo‘limi hisobida 966 nafar shaxs turganligini ko‘rishimiz mumkin, bu raqm har bir inspektorga deyarli 200 nafardan shaxs to‘g‘ri kelayotganligini bildiradi, mazkur holat probatsiya xodimlari tomonidan nafaqat nazorat ostidagi shaxslarni qayta ijtimoiylashtirishni amalga oshirish vazifasi, balki jazoning ijrosini ham yetarlicha amalga oshirilishiga to‘sqinlik qilayotganligini ko‘rsatadi.

Shuningdek, Probatsiya xizmatida psixolog lavozimi uchun jami bo‘lib 15 ta shtat ajratilgani, ulardan 1 ta shtat markaziy apparatda, qolgan 14 tasi Qoraqalpog‘iston Respublikasi, Toshkent shahri va viloyatlardagi probatsiya boshqarmalariga tegishli bo‘lib, ularning har biriga 1 tadan psixolog to‘g‘ri kelayotganligi aniqlandi. 2024-yil 1-yanvar holatida probatsiya nazoratida 83763

nafar shaxs turganini inobatga olganda, har bir psixologga 5983 nafardan shaxs to'g'ri keladi. Bu raqamlar esa "Probatsiya to'g'risida"gi qonun bilan probatsiya psixologlariga yuklatilgan vazifalarni amalga oshirishni imkonsiz ekanligini ko'rsatadi. Shundan kelib chiqqan holda muallif tomonidan tumanlardagi har bir probatsiya bo'limlarida psixolog lavozimi uchun 1 ta shtat birligi ajratilishi lozimligi taklif etilgan hamda nazorat ostidagilarning ruhiy holati va muammolaridan kelib chiqqan holda haftada bir marotaba psixologik trening tashkil etilishi lozimligini asoslagan.

Bundan tashqari, Ozodlikdan mahrum etish joylaridan ozod qilingan shaxslarni reabilitatsiya qilish va ijtimoiy moslashtirish markazlarining sobiq mahkumlar resotsializatsiyasi jarayonidagi ahamiyatini tahlil etgan holda markazlar faoliyatini amalga oshirishda vujudga kelayotgan kamchilik va muammolarni aniqlagan va ularni bartaraf etishga qaratilgan takliflarni ilgari surgan.

"Jazoni ijro etish muassasalaridan ozod etilgan shaxslarni ijtimoiy moslashtirishda fuqarolik jamiyati institutlarining faoliyatini takomillashtirish" deb nomlangan ikkinchi paragrafda, jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasini amalga oshirishda fuqarolik jamiyati institutlarining o'rnini tahlil etib, ozodlikdan mahrum etish joylaridan ozod qilingan shaxslarni ijtimoiy moslashtirish va reabilitatsiya qilish sohasidagi ishlarni amalga oshirish doirasida davlat organlari va fuqarolik jamiyati institutlari o'rtasida ijtimoiy sherikchilikni rivojlantirish, mahkumlarga mutaxassislar, psixologlar va mahkumlar orasidan murabbiylar, shuningdek, fuqarolik jamiyati institutlarining boshlang'ich tashkilotlari vakillarini birlashtirish orqali ular bilan manzilli ishlashni ta'minlovchi mexanizmi joriy etish masalalarini muhokama qilgan va qayta ijtimoiylashtirish jarayoniga turli oliy ta'lim muassasalari talabalarini, belgilangan tartibda jazoni o'tab, axloqan tuzalish yo'liga o'tgan shaxslarni jalb etishni taklif etib, bunda talabalar o'zlarining mutaxassisligidan kelib chiqqan holda tibbiy, psixologik, huquqiy va boshqa sohalarda yordam ko'rsatishlarini nazarda tutgan.

Uchinchi paragraf *"Ayrim xorijiy davlatlarda mahkumlar resotsializatsiyasi masalalari"* deb nomlangan bo'lib, unda ayrim xorijiy mamlakatlarda jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasining o'ziga xos jihatlari muhokama qilingan va tahlil etilgan davlatlarning mamlakatimiz qonunchiligi va amaliyotiga qo'llash mumkin bo'lgan tajribalarini joriy etish bo'yicha takliflarni ilgari surgan.

Jumladan, takroriy jinoyatchilik darajasi eng past hisoblangan davlatlardan biri bo'lgan Yaponiyada jazoni o'tab chiqqan shaxslarning qayta ijtimoiylashuv masalasi bilan, asosan, fuqarolik jamiyati institutlari shug'illanishi, qo'llaniladigan chora-tadbirlar tasniflash prinsipiga muvofiq amalga oshirilishi, ozodlikdan mahrum qilish bilan bog'liq jazolarni qo'llash ko'rsatkichi pastligi jihatlarni o'rganib, ushbu chora-tadbirlarni mamlakatimizda ham takomillashtirish lozimligi haqida xulosaga kelingan. Shuningdek, Janubiy Koreyada jamoatchilik asosida faoliyat olib boradigan Fuqarolik reabilitatsiya agentligining samarali faoliyati, Finlandiya va Shveysariyada penitensiar tizimni tashkil etish mexanizimi, AQSHda yo'lga qo'yilgan keng ko'lamlil qayta ijtimoiylashtirish dasturlari va ularni amalga

oshirishda fuqarolik jamiyati institutlarining ro'li o'rganilgan va eng ijobiy tajribalarni O'zbekistonda ham joriy etish masalalari tahlil etilgan.

XULOSA

Jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasini tashkil etish bilan bog'liq munosabatlar tizimini ilmiy-nazariy nuqtai nazardan tahlil etish hamda tadqiqot oldiga qo'yilgan vazifalarni hal etish natijalari quyidagi ilmiy-amaliy xulosalarga kelishga, shuningdek normativ-huquqiy bazani yanada takomillashtirish bo'yicha taklif va tavsiyalarni ilgari surishga xizmat qildi.

I. Ilmiy-nazariy xulosalar

1. Postpenitensiar huquq deganda, jazoni ijro etish muassasalaridan ozod etilgan shaxslarni qayta ijtimoiylashtirish bilan bog'liq munosabatlarni tartibga soluvchi huquq normalari yig'indisi tushuniladi.

2. Postpenitensiar tizim deganda, vakolatli subyektlar tomonidan jazoni ijro etish muassasalaridan ozod etilgan, shuningdek muddatidan ilgari shartli ozod etilgan hamda ozodlikdan mahrum qilish bilan bog'liq bo'lgan jazosi ozodlikdan mahrum qilish bilan bog'liq bo'lmagan jazoga almashtirilgan shaxslarni qayta ijtimoiylashtirish chora-tadbirlarini qamrab oluvchi tizim tushuniladi.

3. Resotsializatsiya deganda, qonunda belgilangan vakolatli subyektlarning mahkumlar hamda jazoni ijro etish muassasalaridan ozod etilgan shaxslar tomonidan qayta jinoyat sodir etilishining oldini olish, ularda qonunga itoatkor xulq-atvorni, inson, mehnat va ijtimoiy turmush qoidalari hamda an'alariga hurmat munosabatini shakllantirishga qaratilgan ijtimoiy-iqtisodiy, pedagogik-psixologik, huquqiy xarakterdagi chora-tadbirlar majmuasi tushuniladi.

4. Postpenitensiar resotsializatsiya vakolatli subyektlar tomonidan sobiq mahkumlar huquqlarini ishonchli himoya qilishni ta'minlash, ular tomonidan qayta jinoyat sodir etilishining oldini olish, ularda qonunga itoatkor xulq-atvorni, inson, mehnat va ijtimoiy turmush qoidalari hamda an'alariga hurmat munosabatini shakllantirish, shuningdek jamiyatdagi normal yashash imkonini beradigan ko'nikmalarga ega bo'lishga qaratilgan chora-tadbirlarni o'z ichiga oladi.

5. "Differensiatsiya va individuallashtirishga rioya etish prinsipi" "tasniflash va yakka tartibda yondashish" tarzida ifoda etilishi lozim. Bundan tashqari mazkur prinsip amal qiladigan barcha normativ-huquqiy hujjatlarga tegishli o'zgartirish kiritgan holda prinsipning bir xil holda ifoda etilishi ta'minlanishi lozim.

6. Jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasini amalga oshirishda tasniflash va yakka tartibda yondashish prinsipning ahamiyatidan kelib chiqqan holda postpenitensiar resotsializatsiyani tartibga soluvchi normativ-huquqiy hujjatlarda asosiy prinsip sifatida quyidagi tarzda ifodalanishi lozim: jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasini amalga oshirishda tasniflash va yakka tartibda yondashishga amal qilish.

7. Probatsiya deganda, tegishli vakolatli subyektlarning ozodlikdan mahrum qilish bilan bog'liq bo'lmagan jazolarni ijro etishga, shartli hukm qilingan va jazoni o'tashdan muddatidan ilgari shartli ozod qilingan shaxslar ustidan nazoratni amalga oshirishga, shuningdek nazorat ostidagi shaxslarga ijtimoiy, iqtisodiy, huquqiy,

tarbiyaviy, tibbiy-psixologik jihatdan yordam berish orqali qayta ijtimoiylashtirishga qaratilgan faoliyat tushuniladi.

II. Normativ-huquqiy bazani yanada takomillashtirish bo'yicha taklif va tavsiyalar

8. Jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasini amalga oshirish tartibini belgilovchi "Postpenitensiar resotsializatsiya to'g'risida"gi Qonunni ishlab chiqish taklif etiladi. Ushbu qonun bilan quyidagilar tartibga solinishi lozim:

qonun tadbiriq etiladigan munosabatlar doirasi, resotsializatsiya subyektlari bo'lgan shaxslar va ularning huquq va majburiyatlari, resotsializatsiyani amalga oshiruvchi subyektlar va ularning huquq va majburiyatlari va vokolatlari, resotsializatsiyani amalga oshirish tartibi, moddiy xarajatlar manbai va boshqalar.

9. Jinoyat-ijroiya kodeksiga tegishli o'zgartirish kiritgan holda mahkumlarga tarbiyaviy ta'sir ko'rsatish ishlarida qarindoshlarning ishtirokini belgilash lozim. Ya'ni Jinoyat-ijroiya kodeksi 99-moddasi quyidagi tahrirda bayon etilishi lozim:

"Korxonalar, muassasalar, tashkilotlar, jamoat birlashmalari, mahkumning qarindoshlari va fuqarolar ozodlikdan mahrum etishga hukm qilingan shaxslarni tarbiyalashda qonunchilikda nazarda tutilgan hollarda va tartibda ishtirok etadilar".

10. Jinoyat-ijroiya kodeksi 6-moddasiga tegishli o'zgartirish kiritgan holda, "jazo va jinoyat-huquqiy ta'sir choralari ijro etishni mahkumlarni axloqan tuzatish va ularni qayta ijtimoiylashtirish bilan birlashtirish prinsipi"ni kiritishni maqsadga muvofiq deb topdik va 6-moddani quyidagi tahrirda bayon etishni taklif etamiz:

"Jinoyat-ijroiya qonunchiligi qonuniylik, adolat, insonparvarlik, demokratizm, jazoni ijro etishda tabaqalashtirishga va yakka tartibda yondashishga rioya etish, majburlov vositalarini oqilona qo'llash va mahkumlarning qonunga itoatkor xulq-atvorini rag'batlantirish, jazo va jinoyat-huquqiy ta'sir choralari ijro etishni mahkumlarni axloqan tuzatish va ularni qayta ijtimoiylashtirish bilan birlashtirish, mahkumlarga nisbatan insoniy muomalada bo'lish, mahkumlarning inson shaxsiga xos bo'lgan sha'ni va qadr-qimmatini hurmat qilish prinsiplariga asoslanadi".

11. Oliy ta'lim muassasasida ta'lim olayotgan shaxsni ozodlikdan mahrum qilinganligi munosabati bilan o'qishdan chetlatish tartibini maqsadga muvofiq emasligidan kelib chiqqan holda, Vazirlar Mahkamasining 2017-yil 20-iyundagi 393-sonli qarori bilan tasdiqlangan "Oliy ta'lim muassasalari talabalari o'qishini ko'chirish, qayta tiklash va o'qishdan chetlashtirish tartibi to'g'risida"gi Nizom 36-bandning "j" kichik bandini chiqarib yuborish taklif qilinadi.

12. Jinoyat-ijroiya kodeksi 97¹-moddasi nomini quyidagicha bayon etish taklif etiladi:

"97¹-modda. Mahkumlarni ijtimoiy-psixologik baholash mezonlari";

birinchi qism birinchi xatboshisini quyidagicha bayon etish taklif etiladi:

"Jazoni ijro etish muassasalarida jazoni o'tayotgan mahkumlarning tuzalish yo'liga o'tganligi va ijtimoiy moslashuvi darajasi ushbu Kodeksning 102¹-moddasida nazarda tutilgan komissiya tomonidan har chorak yakunlariga ko'ra quyidagi mezonlar asosida baholanadi va baholash natijalari mahkumlarga kelgusida qo'llaniladigan axloqan tarbiyalash chora-tadbirlariga asos bo'ladi"

birinchi qismni quyidagi beshinchi xatboshi bilan to'ldirish taklif etiladi:

“mahkumning ruhiy holati, fe'l atvoridagi o'zgarishlar, sodir etgan qilmishiga munosabati”.

13. Jinoyat-ijroiya kodeksi 102¹-modda uchinchi qismini quyidagi tahrirda bayon etish taklif etiladi:

“Komissiya jazoni ijro etish muassasasining xodimlari, shuningdek muassasa psixologi hamda jamoatchilik vakillari orasidan kamida sakkiz nafar a'zodan iborat tarkibda tuziladi”.

14. Jinoyat-ijroiya kodeksi 171-moddasi birinchi qismini quyidagi tahrirda bayon etish taklif etiladi:

“Jazoni ijro etish muassasasi ma'muriyati ozodlikdan mahrum etishga hukm qilingan shaxsning jazoni o'tash muddati tugashiga kamida olti oy qolganda uning ijtimoiy-psixologik baholash natijalariga muvofiq ozod qilish rejasini ishlab chiqib, mazkur reja asosida mahkumni ozodlikka tayyorlaydi va uning muassasadan ozod bo'lgandan keyingi huquqlari va majburiyatlarini tushuntirish maqsadida mahkum bilan tarbiyaviy ish olib boradi. Shu bilan birga, muassasa ma'muriyati mahkum ozod etilganidan keyin uning ijtimoiy moslashuvi uchun zarur bo'lgan ijtimoiy-huquqiy yordam to'g'risida individual dastur tuzadi va u tomonidan tanlangan yashash joyidagi mahalliy ijro etuvchi organga yuboradi”.

171-modda birinchi qismi o'zgartirilishi natijasida ikkinchi qism bekor qilinadi.

15. “Jazoni ijro etish muassasalaridan ozod qilingan ayrim toifadagi shaxslar ustidan ma'muriy nazorat to'g'risida”gi Qonunning 6-moddasi birinchi qismini quyidagi tahrirda bayon etish taklif etiladi:

“Ushbu Qonun 8-moddasining birinchi qismida nazarda tutilgan asoslar mavjud bo'lganda quyidagi voyaga yetgan shaxslarga nisbatan sud tomonidan ma'muriy nazorat o'rnatiladi:

tuzalish yo'liga o'tmagan deb topilgan shaxslarga;

jazoni ijro etish muassasalaridan ozod etilgach, ma'muriy huquqbuzarlik sodir etgan shaxslarga”.

16. “Jazoni ijro etish muassasalaridan ozod qilingan ayrim toifadagi shaxslar ustidan ma'muriy nazorat to'g'risida”gi Qonunning 8-moddasi birinchi qismi ikkinchi va uchinchi xatboshilarini quyidagi tahrirda bayon etish taklif etiladi:

“Jinoyat-ijroiya kodeksi 102¹-moddasida nazarda tutilgan komissiya tomonidan tuzalish yo'liga o'tmagan deb topilgan shaxslarga nisbatan – ularni ozod etishdan kamida bir oy oldin jazoni ijro etish muassasasining boshlig'i tomonidan;

boshqa davlat hududida ozodlikdan mahrum qilish tarzidagi jazoni o'tagan va hokimiyatlar qoshidagi Ijtimoiy moslashuv markazlarida tashkil etilgan komissiya tomonidan tuzalish yo'liga o'tmagan deb topilgan shaxslarga nisbatan – mazkur markazning boshlig'i tomonidan”.

17. Jinoyat kodeksi 73-moddasining ikkinchi qismini quyidagi tahrirda bayon etish taklif etiladi:

“Jazoni o'tashdan muddatidan ilgari shartli ravishda ozod qilishda mahkumning xulq-atvori, mehnatga va sodir etgan qilmishiga munosabati hisobga

olinadi, shuningdek psixologning mahkumning shaxsiy portreti haqidagi ijobiy xulosasi ham talab etiladi”.

18. Jinoyat kodeksi 74-moddasining ikkinchi qismini quyidagi tahrirda bayon etish taklif etiladi:

“Jazoni yengilrog‘i bilan almashtirishda mahkumning xulq-atvori, mehnatga va sodir etgan qilmishiga munosabati hisobga olinadi, shuningdek psixologning mahkumning shaxsiy portreti haqidagi ijobiy xulosasi ham talab etiladi”.

19. “Jazoni ijro etish muassasalaridan ozod etilgan shaxslarni rehabilitatsiya qilish va ijtimoiy moslashtirish markazlari to‘g‘risida”gi nizomni ishlab chiqish taklif etiladi.

III. Jazoni ijro etish muassasalaridan ozod etilgan shaxslar resotsializatsiyasini tashkil etishga oid amaliy takliflar

20. Oliy yuridik ma‘lumot beruvchi ta‘lim muassasalarida Postpenitensiar huquq o‘qitilishi maqsadga muvofiq hisoblanadi. Bunda jinoyat-ijroiya huquqi tarkibiga tizimning asosiy mazmun mohiyatini ochib beruvchi muayyan mavzularning kiritilishi nazarda tutilmoqda.

21. Sobiq mahkumlarning “Ishga marhamat” monomarkazlari hamda kasb-hunarga o‘qitish markazlarida o‘qishga real ehtiyoji mavjud bo‘lgani holda unda o‘qish istagini bildirishi yoki ijtimoiy moslashuv markazlari sobiq mahkumlarni ushbu markazlarga yuborishni lozim topsa, ularni ta‘limga jalb etish darhol amalga oshirilishi lozim. Shuningdek, jazoni ijro etish muassasalaridan ozod etilgan shaxslar ishsiz deb e‘tirof etilgan yoki etilmaganidan qat‘iy nazar monomarkaz va kasb-hunarga o‘qitish markazlarida stipendiya olish huquqi belgilanishi lozim.

22. Covid-19 pandemiyasi davrida mazkur kasallikka chalingan bemorlarni davolash uchun qurilgan vaqtinchalik uy-joylarga sobiq mahkumlarni ko‘pi bilan 1 yil muddatga joylashtirish va shu toifadagi uylarning sonini ko‘paytirish taklif etiladi.

23. Jazoni ijro etish davomida turli kasalliklarga chalingan mahkumlar ozodlikka chiqarilishidan oldin tibbiy sug‘urta qilinishi lozim. Mazkur sug‘urta jazoni ijro etish muassasalarida boshlangan davolanish kurslarini agar lozim bo‘lsa, ozodlikka chiqqach ham davom ettirish hamda muassasada orttirilgan kasallik ozod etilgandan keyin yana takrorlansa davolashni qamrab olishi lozim.

24. Probatsiya xodimlari shtat birligini ko‘paytirish lozim. Bunda shtat birligi har bir probatsiya inspektoriga ko‘pi bilan 100 nafar shaxs birlashtirilishidan kelib chiqib belgilanishi lozim. Shuningdek, tumanlardagi har bir probatsiya bo‘limlarida psixolog lavozimi uchun 1 ta shtat birligi ajratilishi lozimpligi taklif etiladi. Bunda haftada bir marotaba nazorat ostidagilarning ruhiy holati hamda muammolaridan kelib chiqqan holda psixologik trening tashkil etilishi lozim.

25. Jazoni ijro etish muassasalaridan ozod etilgan shaxslarni rehabilitatsiya qilish va ijtimoiy moslashtirish markazlarini Probatsiya xizmatlari qoshida qaytadan tashkil etish lozim.

**SCIENTIFIC COUNCIL AWARDING SCIENTIFIC DEGREES
DSc.07/13.05.2020.Yu.22.03 AT THE TASHKENT STATE
UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

ABDUSAMIYEVA DILROBO ABDUVAXOB KIZI

**IMPROVEMENT OF RE-SOCIALIZATION OF PERSONS RELEASED FROM
PENAL INSTITUTIONS**

12.00.08 – Criminal Law. Criminal-executive law

ABSTRACT
of dissertation for Doctor of Philosophy (PhD) in Legal Sciences

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The theme of the doctoral dissertation (PhD) was registered at the Supreme Attestation Commission under Ministry of higher education, science and innovations of the Republic of Uzbekistan number No. B2024.2.PhD/Yu1469.

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The doctoral dissertation (PhD) is available at the Information Resource Center of Tashkent State University of Law (registered under №1396), (Address: 100047, Sayilgokh street, 35. Tashkent city. Phone:+99871 233-66-36).

The abstract of the dissertation is distributed on 5th of June 2025.
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INTRODUCTION (abstract of PhD dissertation)

The actuality and relevance of the dissertation theme. Worldwide, the incidence of repeat offenses committed by individuals released from penal institutions is increasing year after year. In particular, according to statistics maintained by the World Population Review, the current global average recidivism rate for individuals who have completed their criminal sentences stands at 50 percent¹. This is due to shortcomings in implementing the preventive function of the penitentiary system, insufficient effectiveness of correctional measures applied to convicts, failure to carry out the execution of punishments and criminal-legal measures alongside the moral correction and resocialization of convicts, and a number of problems arising in the process of convicts' readjustment to society after their release. This necessitates not only the execution of sentences but also the intensification of effective measures aimed at rehabilitating and re-socializing convicts. It also calls for improving the process of reintegrating former inmates into society by providing assistance to those who, upon release, require specific social, economic, medical-psychological, and other forms of support to facilitate their readjustment to community life.

Globally, special attention is being given to scientific research aimed at effectively organizing the resocialization of individuals released from penal institutions, studying the causes and conditions that lead to problems faced by former inmates, and improving mechanisms to address these issues. Notably, certain results have been achieved in re-examining factors contributing to recidivism among those released from correctional facilities and further enhancing resocialization mechanisms based on the experiences of advanced foreign countries. Nevertheless, the persistent high rate of crimes committed by former inmates necessitates a comprehensive study of the theoretical, practical, and legal aspects of the post-penitentiary system, identifying existing problems within the system, and developing solutions to address them.

To effectively implement the resocialization of individuals released from penal institutions in our country, a Probation Service was established under the Main Directorate for the Execution of Sentences. The Law “On Probation” was adopted to regulate the service’s activities, and a procedure was established to provide a one-time “initial social and material assistance package”. This package aims to finance projects for citizens who have completed their sentences of imprisonment in areas such as entrepreneurship, architecture and craftsmanship². In addition, in the New Uzbekistan Development Strategy for 2022-2026³, ensuring the labor, social security and other internationally recognized rights of convicts and persons who have served their sentences, introducing effective mechanisms to assist in their social adaptation and reintegration into society, and establishing joint activities of state and public institutions in this direction are defined as the main tasks of the resocialization

¹ World Population Review. <https://worldpopulationreview.com/country-rankings/recidivism-rates-by-country>

² Decision of the President of the Republic of Uzbekistan dated June 29, 2022. No. DP-299 “On measures to improve the system of assistance to the social adaptation of citizens who have served sentences of deprivation of liberty” // National Database of Legislative Information, 30.06.2022, No. 07/22/299/0572.

³ Decision of the President of the Republic of Uzbekistan dated January 28, 2022. No. DP-60 “On the Development Strategy of New Uzbekistan for 2022-2026” // National Database of Legislative Information, 28.12.2024, No. 06/24/227/1089.

of convicts and persons who have served their sentences. These tasks necessitate a review of measures aimed at implementing the resocialization of individuals released from penal institutions in accordance with international standards. They also require the development of specific criteria for evaluating former convicts and the formulation of effective ways to involve civil society institutions in the resocialization process. Additionally, these tasks call for research into the aforementioned issues.

This dissertation will, to a certain extent, serve the implementation of the tasks set out in Law of the Republic of Uzbekistan “On Probation” on August 7, 2024, No. LRU-938, “On Crime Prevention” on August 15, 2014, No. LRU-371, in the Decree of the President of the Republic of Uzbekistan “On Measures to Radically Improve the Criminal and Executive Legislation” on November 7, 2018, No. DP-4006, “On the Development Strategy of New Uzbekistan for 2022-2026” on January 28, 2022, No. DP-60, “On Measures for Further Accelerating Work on Systemic Support for Families and Women” on March 7, 2022, No. DP-87, On the Strategy “Uzbekistan — 2030” on September 11, 2023, No. DP-158, Resolution of the Cabinet of Ministers of the Republic of Uzbekistan “Practical Measures for the Further Improvement of the System of Social and Domestic Support and Employment of Persons Released from Places of Imprisonment” on July 17, 2018, No. 543 and other regulatory legal acts related to the research topic.

The dependence of the research on the priority areas of development of science and technologies in the country. This research corresponds to the priority direction of the republic’s science and technology development I. “Formation of a system of innovative ideas and ways to implement them in the social, legal, economic, cultural, spiritual and educational development of an information society and a democratic state”.

The extent of the research on the problem. The issue of post-penitentiary resocialization of individuals released from penal institutions is considered a pressing matter not only at the national level but also internationally. Specifically, the matter of reintegrating persons released from penal institutions into society has not been thoroughly researched in our country. However, some studies aimed at improving the penitentiary system have partially addressed this issue. In particular, it has been examined in the scientific works of N.S. Salayev, D.A. Tadjibayeva, G.O. Ermatov, S.S. Niyozova, G.U. Axmedova, A.A. Saidov, and others.

For instance, N.S. Salayev examined issues of preventing potential future recidivism by convicts through enhancing the effectiveness of the penitentiary system’s preventive function. D.A. Tadjibayeva explored ways to improve the prevention of crimes committed by inmates in penal institutions through their resocialization. A.A. Saidov analyzed international standards for the treatment of prisoners and investigated certain aspects of improving Uzbekistan’s penal policy in accordance with these standards.

Research works by scientists from CIS countries, including Yu.V. Andreeva, L.A. Latysheva, Z.Sh. Makhmudov, S.M. Oganesyanyan, I.I. Khvan, M.A. Shapar, M.S. Rybak, A.R. Abutalipov, Yu.M. Antonyan, A.Ya. Grishko, S.L. Babayan, Yu.B. Kharmaev, E.A. Tokhova, E.A. Timofeeva, B.N. Kazantsev, M. Kuznetsov, A.V. Brilliantov, S.M. Zubarev, A.M. Morozov, and others are dedicated to various aspects of the resocialization of individuals released from penal institutions..

The issues of post-penitentiary resocialization have been discussed in the works of foreign scholars such as B.D. Williams, M. Bobbitt, C.A. Visser, J. Graffam, A. Nilsson, A. Fox, A.J. Shinkfield, J.R. Scroggins, J.E. Cobbina, R. Walmsley, R. Matthews, S.A. Kinner, D. Plecas, E.S. Scott, P. Tolan, and others¹.

In our republic, a comprehensive monographic study on improving the process of resocialization of persons released from penal institutions has not been conducted.

Relation of the dissertation's theme to the scientific-research work of the higher education institution where it was implemented. The research topic has been included in the scientific research plan of Tashkent State University of Law and has been carried out within the priority areas of scientific research on "Problems of Improving the Criminal-Executive Code of the Republic of Uzbekistan and Its Application" and "Issues of Reforming the Penal System in the Context of Judicial-Legal Reforms and the Liberalization of Criminal Law."

The aim of the research is to develop relevant proposals, recommendations, and conclusions for improving the post-penitentiary system through a comprehensive scientific and theoretical study of relationships associated with the resocialization of individuals released from penal institutions.

The tasks of the research are to:

- analyze the essence of post-penitentiary resocialization;
- analyze the role of post-penitentiary resocialization in the prevention of offenses;
- analyze the role of the penitentiary system in the resocialization of persons released from penal institutions;
- highlight the importance of adhering to the principles of differentiation and individualization in the resocialization of persons released from penal institutions;
- analyze the issues of resocialization for women released from penal institutions;
- coverage of issues of resocialization of minors released from penal institutions;
- analyze the issues related to improving the activities of the Probation Service and rehabilitation centers under local authorities in implementing social adaptation of former inmates;
- discuss the issues of improving the activities of civil society institutions in the social adaptation of persons released from penal institutions;
- study of issues of resocialization of convicts in certain foreign countries.

The object of the research is the system of social and legal relations arising in connection with the organization of the resocialization of persons released from penal institutions.

The subject of the research is normative legal acts on the resocialization of persons released from penal institutions, law enforcement practice, legislation of advanced foreign countries, as well as scientific and theoretical conceptual approaches and legal categories.

Research methods. Methods such as historical, systemic-structural, logical, induction, deduction, comparative-legal, comprehensive research of scientific sources, analysis of statistical data and interviews was applied.

Scientific novelty of the research is as follows:

¹ The scientific works of these authors are listed in the list of references of the dissertation.

it is justified that the emergence of a crime risk in society through the release of highly socially dangerous individuals, the words “as well as a person who has been conditionally released early from punishment or whose sentence has been commuted to a milder one and who has been convicted of committing a new intentional crime during the unserved part of the sentence” should be removed from clause “v” of part three of Article 73 of the Criminal Code;

it is justified that the necessity to provide material support for former convicts after release and to observe the principle of equality that the period of payment of social tax should be counted towards the total length of service of persons sentenced to imprisonment;

it is justified that the importance of working with the psyche of convicts in the process of moral education, educational and preventive work with convicts who have not embarked on the path of correction should be carried out on the basis of a separate plan with the involvement of an institutional psychologist;

it is justified that the Agency for Youth Affairs and its territorial subdivisions should be included in the system of bodies and institutions directly implementing crime prevention, given that the Agency for Youth Affairs is a state structure comprehensively carrying out state youth policy;

it is justified that the Youth Affairs Agency and its territorial subdivisions have been incorporated into the system of bodies and institutions directly responsible for crime prevention, the Youth Affairs Agency should participate in implementing measures for the social rehabilitation and social adaptation of various groups of young people. These groups include victims of offenses, individuals prone to committing offenses, those who have committed offenses, as well as previously convicted individuals and those released from places of detention.

Practical results of the research include the following:

the necessity of establishing the participation of relatives in the educational work aimed at influencing convicts has been justified, with a corresponding amendment proposed to Article 99 of the Criminal Executive Code;

the rationale for introducing the “principle of combining the execution of punishment and criminal-legal measures with the moral correction and resocialization of convicts” has been justified, along with a corresponding amendment to Article 6 of the Criminal Executive Code;

the impracticality of the procedure for expelling a person studying in a higher educational institution due to imprisonment, it is justified that the procedure for expulsion from studies should be abolished by removing subparagraph “j” of paragraph 36 of the Resolution of the Cabinet of Ministers “On the Approval of the Regulation on the Procedure for Admission, Transfer, Reinstatement, and Expulsion of Students in Higher Educational Institutions”, adopted on June 20, 2017, No. 393.

the necessity to abolish the procedure for expulsion from studies by removing subparagraph “j” of paragraph 36 is justified;

the necessity to allocate 1 staff unit for the position of psychologist in each probation department in the districts, and it is justified that psychological training should be organized once a week based on the mental state and problems of those under supervision;

the necessity to reorganize centers for the rehabilitation and social adaptation of persons released from penal institutions under the Probation Service is justified.

Reliability of research results. The research results are based on the norms of national legislation, international documents, the experience of some foreign countries, law enforcement practice, sociological research conducted among probation service employees and more than 30 lawyers-teachers, scientific dissertators, interviews conducted with more than 15 persons released from penal institutions, statistical data analysis, the obtained results are confirmed by competent structures and implemented in practice.

The scientific and practical significance of the results of the research. The scientific significance of the research results lies in the fact that the scientific and theoretical conclusions, proposals, and recommendations contained in it will be used in future scientific activities, lawmaking, law enforcement practice, interpretation of relevant norms of criminal-executive legislation, and will serve to improve national legislation and scientifically and theoretically enrich the disciplines of Criminal Law, Criminal-executive law, the results of the research can be used in conducting new scientific research.

The practical significance of the research results lies in the fact that they can be used in legislative activity, in particular, in the process of preparing normative legal acts and making amendments and additions to them, in improving the practice of law enforcement, as well as in teaching criminal law and penal enforcement law in higher legal educational institutions.

Implementation of the research results. Based on the results of the study of the topic of improving the resocialization of persons released from penal institutions:

the proposal to exclude from clause “v” of part three of Article 73 of the Criminal Code the words “as well as if a person conditionally released early or whose sentence has been commuted to a milder one was convicted of committing a new intentional crime during the unserved part of the sentence” due to the emergence of a threat of crime in society through the release of socially dangerous persons has been submitted in the development of the first paragraph of Clause 3, Article 71 of the Law of the Republic of Uzbekistan “On Probation” on August 7, 2024, No. LRU–938 (Reference of the Institute of Parliamentary Research under the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on August 13, 2024, No. 3/08-141). The implementation of this proposal served to prevent the application of parole to a person who has been conditionally released early from serving a sentence or whose sentence has been commuted to a lighter one, if they commit a new intentional crime during the unserved part of the sentence;

the proposal that the period during which social tax was paid should be included in the total length of service for individuals sentenced to imprisonment, due to the necessity of providing material support for former convicts after their release and adhering to the principle of equality has been submitted in the development of paragraph 7 of Article 2 of the Law of the Republic of Uzbekistan “On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Aimed at Ensuring the Reliable Protection of the Rights and Legitimate Interests of Convicts” (addition to Article 96 of the Criminal Executive Code: part two) on February 15, 2023 No. LRU–817. (Reference of the Institute of Parliamentary Research under the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on August 13, 2024, No. 3/08-141). The implementation of this proposal served to include the period of payment of social tax by convicts in their total length of service;

the proposal that the importance of working with the psyche of convicts in the process of their moral education, educational and preventive work with convicts recognized as not on the path of correction should be carried out on the basis of a separate plan with the involvement of an institutional psychologist has been submitted in the development of paragraph 8 of Article 2 of the Law of the Republic of Uzbekistan “On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Aimed at Ensuring the Reliable Protection of the Rights and Legitimate Interests of Convicts” (part three of Article 97 of the Criminal Executive Code), on February 15, 2023, No. LRU-817 (Reference of the Institute of Parliamentary Research under the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on August 13, 2024, No. 3/08-141). The implementation of this proposal served to carry out educational and preventive work with convicts recognized as not having entered the path of correction, with the involvement of a psychologist of the institution;

the proposal that the Youth Affairs Agency is a state structure that comprehensively implements state youth policy to include the Youth Affairs Agency of the Republic of Uzbekistan and its territorial subdivisions in the system of bodies and institutions directly responsible for crime prevention has been submitted in the development of paragraph 1 of Article 2 of the Law of the Republic of Uzbekistan “On Amendments to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of the System of Working with Youth” (addition to the first part of Article 9 of the Law “On Crime Prevention”: paragraph fifteen) on January 25, 2022 No. LRU-747 (Reference of the Institute of Parliamentary Research under the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on August 13, 2024, No. 3/08-141). The implementation of this proposal served to include the Agency for Youth Affairs of the Republic of Uzbekistan and its territorial subdivisions in the system of bodies and institutions directly carrying out the prevention of offenses;

the proposal that the inclusion of the Youth Affairs Agency and its territorial divisions in the system of bodies and institutions directly responsible for crime prevention, the Youth Affairs Agency should participate in implementing measures for the social rehabilitation and social adaptation of various groups of youth. These groups include victims of offenses, individuals prone to committing offenses, those who have committed offenses, as well as those previously convicted and released from places of imprisonment has been used in the development of paragraph 2 of Article 2 of the Law of the Republic of Uzbekistan “On Amendments to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of the System of Working with Youth” (paragraph five of part one of Article 19 of the Law “On Crime Prevention”) on January 25, 2022, No. LRU-747 (Reference of the Institute of Parliamentary Research under the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on August 13, 2024, No. 3/08-141). The implementation of this proposal served to define the authority of the Youth Affairs Agency in the implementation of crime prevention.

Approbation of the results of the research. The results of this research have been shared at 7 scientific conferences, including 3 international and 4 republican scientific and practical conferences, round tables and seminars.

Publication of the research results. According to the results of this research, 13 scientific works have been published, including 7 articles in scientific publications recommended by the Higher Attestation Commission of the Republic of Uzbekistan for the publication of the main scientific results of doctoral dissertations (including 3 articles in foreign journals) and 6 scientific articles in collections.

The structure and volume of the dissertation. The content of the dissertation consists of an introduction, three chapters consisting of 9 paragraphs, a conclusion, a list of references, and appendices. The volume of the dissertation is 144 pages.

THE MAIN CONTENT OF THE DISSERTATION

The introduction of the dissertation includes the relevance and necessity of the research theme, the relevance of the research to the main priorities of the national science and technology development, the review of foreign scientific research on the subject, the level of studying the problem, the relation of the dissertation theme to the scientific research work of higher education institution where the dissertation is written, the aim and tasks, object and subject, methods, scientific novelty and results of the research, reliability of the research results, scientific and practical significance of the research results, their implementation, the approbation, announcement of the results, structure and the volume of the dissertation.

The first chapter of the dissertation is entitled “**General characteristics of post-penitentiary resocialization and its social necessity**”, consists of three paragraphs. The first paragraph is devoted to “*The essence of post-penitentiary resocialization*”, in which the essence of the concepts of “post-penitentiary system”, “post-penitentiary law”, “resocialization” is analyzed. The author divided the concept of post-penitentiary resocialization into two components. Initially, he analyzed the essence of the post-penitentiary system concept from a scientific and theoretical perspective. Then, considering that the theoretical foundations and scientific definition of this system have not been developed in Uzbekistan, he proposed his own scientific and theoretical definition for the concept of “post-penitentiary system”. In addition, from the point of view of current practice and the theory of law, he justified the existence of all objective conditions for the formation of relations arising in the post-penitentiary system as a separate branch of law as follows:

firstly, relations arising in this sphere are not fully covered by any branch of law, the sphere of penal enforcement law is mainly limited to the penitentiary system and the norms of the current criminal enforcement code do not regulate relations after the release of convicts;

secondly, the specifics, volume, and complexity of social relations are the basis for the formation of a separate branch of law. The following statistical data can show the size and complexity of the industry. In 2023, criminal cases were completed against a total of 73,797 persons, of which 17,396 persons were sentenced to imprisonment¹. 16,810 people were released from penal institutions on various

¹ Letter No. 07/14-3385-141 issued by the Supreme Court of the Republic of Uzbekistan on March 12, 2024.

grounds¹. This means that the state and society face the task of re-socializing an average of 16,810 people per year. In addition, the rate of recidivism by released persons is also high, and these relations are unique and cannot be fully regulated by any branch of law;

thirdly, many foreign scientists, such as A.Y. Grishko, Y.V. Andreyeva, in their research justified the necessity to recognize relations arising in the post-penitentiary system as a separate branch of law.

Taking these factors into account, it has been concluded that the sphere of post-penitentiary law should be recognized as a branch of law within the sphere of criminal enforcement law, and an author's definition for the concept of "post-penitentiary law" has been developed.

The author having thoroughly analyzed the definitions of resocialization given in the scientific-theoretical views of scholars such as Y.M. Antonyan, M.A. Shapar, M.S. Ribak, as well as in the normative legal acts of various states, has illuminated its essence and content. In addition, expressing their personal position on this matter, the author has developed an original definition of the concept of "resocialization". Meantime, having analyzed several concepts applied to the process of reintegration of convicts into society: the concepts of rehabilitation, reintegration, adaptation, it was concluded that it is advisable to apply the concept of resocialization to the process covering measures for the reintegration of convicts, and the concepts of rehabilitation, adaptation, and reintegration have different meanings and are considered an integral part of the resocialization process.

The second paragraph of this chapter is entitled "*The significance of post-penitentiary resocialization in the prevention of offenses*", the author highlights the significance of measures aimed at the resocialization of former convicts in preventing crimes that may be committed by them in the future. The dissertator notes that the unsuccessful resocialization of persons released from penal institutions is caused by a number of problems they face after release. The dissertator identifies that the following issues: difficulty in finding employment, housing problems, deterioration of relationships with family members due to imprisonment, health concerns, stigma and discrimination from society, as well as the state's insufficient development of legal frameworks and mechanisms for reintegrating this category of individuals into society. The dissertator addresses each of these problems in turn and proposes various solutions for their resolution. Specifically, regarding housing for former inmates, the dissertator suggests several options: rental housing (partially subsidized by state funds), living with family members or friends, state-provided or subsidized housing, and reintegration centers. The dissertator argues that providing temporary accommodation of these types to former inmates would enable them to readjust to society and improve their financial situation.

The third paragraph is entitled "*The Role of the penitentiary system in the resocialization of persons released from penal institutions*", the dissertator discusses the importance of measures aimed at the resocialization of inmates implemented within the penitentiary system for the resocialization of individuals released from penal institutions. The dissertator concludes that it is impossible to successfully

¹ Letter No. 28/10-10-6134 issued on October 28, 2023 by the Special Accounts Department of the Department of Execution of Sentences under the Ministry of Internal Affairs of the Republic of Uzbekistan.

implement post-penitentiary measures without effectively organizing the resocialization of inmates within the penitentiary system and establishing interconnected functioning between the penitentiary and post-penitentiary systems. Based on this, the dissertator initially analyzed the principles of criminal enforcement law that provide for the resocialization of convicts. After examining various theoretical perspectives and legislation of foreign countries, they proposed introducing a new principle into the Criminal Executive Code. This principle combines the execution of punishment and criminal law measures with the moral correction and resocialization of convicts. The proposals have been put forward to amend and supplement certain provisions of the Criminal Executive Code as an expression of the principle of combining the execution of punishments and criminal-legal measures with the moral correction and resocialization of convicts. These proposals are based on conclusions regarding the importance of family support in the resocialization of convicts, the effectiveness of involving convicts' relatives in resocialization processes conducted with inmates in penal institutions, the necessity of regular training sessions by institutional psychologists, and other factors. Furthermore, recognizing that the resocialization of convicts should be implemented based on specifically developed programs, these programs are categorized as follows:

- social adaptation programs in penal institutions;
- post-release resocialization programs.

The author emphasizes the necessity to study the programs of social adaptation used in penal institutions during the development of post-release resocialization programs.

In addition, due to the inadequate preparation of inmates for release in penal institutions, individuals who are released face various difficulties. This justifies the necessity to develop the following skills in inmates during the process of preparing them for release: job searching, developing interview skills, discussing anticipated topics in interviews, managing tasks related to the job search process, providing labor market information, preparing resumes and applications, and familiarizing inmates with services that will help them connect with employment agencies. While implementing these measures, it is emphasized that increasing the number of visits with close relatives should be allowed to improve their mutual relationships. It is justified that these measures contribute to the successful implementation of the resocialization process.

The second chapter of the dissertation is entitled “**Issues of Differentiation and Individualization in Postpenitentiary Resocialization**”, consists of three paragraphs. The first paragraph of the dissertation is entitled “*The significance of the principles of compliance with differentiation and individualization in the resocialization of persons released from penal institutions*”, the essence of the principle of observance of differentiation and individualization, the significance of this principle in the process of resocialization of former convicts, the fact that the principle is expressed differently in various regulatory legal acts, which leads to its different interpretation, and the use of the word “differentiation” instead of the concept of differentiation in the Criminal Executive Code, which also leads to different interpretations of the norm are justified.

As a result of the research work, the author justified that adherence to the principle of differentiation and individualization is very important for the successful implementation of penal labor of convicts and that this principle should also be applied in the post-penitentiary system, and based on the analysis of various scientific materials, it was justified that before applying measures of resocialization to former convicts, they should be classified as “those who have embarked on the path of moral correction,” “those who are embarking on the path of moral correction”, “those who have not embarked on the path of moral correction”. Moreover, the fact that this principle is expressed differently in different regulatory legal acts leads to different approaches to its understanding and application is justified as follows: in the Criminal Executive Code, it is reflected through adherence to differentiation and individual approach in the execution of punishment; in the Law “On Administrative Supervision over Certain Categories of Persons Released from Penal Institutions”, it is manifested in the differentiation and individualization of established restrictions; in the Law “On Crime Prevention”, it is represented by the differentiation of influence measures and an individualized approach; in the Law “On Probation” it is embodied through differentiation and an individualized approach.

As evident, the same principle is expressed differently in various regulatory legal documents, and in some cases, the words used are ambiguous and do not directly correspond to the original meaning of the principle. For instance, the concept of differentiation is expressed using words such as stratification, differentiatedness, and distinction. The word “differentiation” exists in the Uzbek language dictionary and means the separation, division, or stratification of a whole into various parts, forms, or stages; as well as the mutual distinction, separation, or stratification of parts of a whole. Thus, before applying measures aimed at moral correction to individuals held in penal institutions, those released from such facilities, those under administrative supervision, and other relevant persons, they are divided into groups based on various criteria. In the definition given to this concept, the terms “differentiation” and “classification” are used. However, these words are employed solely to elucidate the meaning of “differentiation” and using them individually does not fully convey the true essence of the principle. For instance, the term “classification” is used to divide people into specific social strata, while the word “distinction” when used alone, is too vague and fails to convey a specific meaning. Therefore, it is necessary to identify a single concept that accurately captures the content of the principle and ensure its consistent application across all regulatory legal documents.

In the legislation of member states of the CIS, this concept is used in the form of “differentiation” while in the Standard minimum rules for the treatment of prisoners, it is expressed as “Classification”. In the Uzbek language, “Classification” corresponds to the word “tasniflash” and individuals subject to moral correction measures are also classified based on various criteria. Individualization, on the other hand, is expressed as an individual approach, individualization, or personalized treatment. Among these concepts, individual approach is in pure Uzbek and effectively conveys the intended meaning.

In addition, based on the principle of differentiation, the dissertator expressed views on re-socializing individuals released from penal institutions. The dissertator

suggested categorizing these individuals into groups: women, men, minors, those suffering from drug addiction and alcoholism, and those under administrative supervision. The dissertator then proposed developing resocialization programs tailored to the specific characteristics of each category. The dissertator discussed in detail the unique aspects of resocialization for minors and women included in these groups.

The second paragraph is entitled “*Issues of resocialization of women released from penal institutions*”, this paragraph analyzes the necessity of considering women’s psychophysiological characteristics, social status and material necessities when implementing their post-penitentiary resocialization. It emphasizes the importance of developing separate resocialization programs for women and men and examines the challenges women may face after release. Based on an analysis of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) and current practices, the paragraph argues for minimizing the use of imprisonment-related punishments for women. Furthermore, by examining clubs and their activities organized in various foreign countries to implement women's resocialization measures, it substantiates the potential for improving women's professional skills and successful reintegration into society through the establishment of similar clubs and centers in our country.

In the third paragraph, entitled “*Issues of resocialization of juveniles released from penal institutions*”, the author addresses the matter of juvenile resocialization. Following the United Nations Standard Minimum Rules for the Administration of Juvenile Justice and other international documents, the author substantiates that, first and foremost, punishments involving deprivation of liberty for minors should be minimized as much as possible. In addition, in cases where juveniles are deprived of their liberty, the state should support their education and vocational training during the execution of their sentence.

The third chapter of the dissertation is entitled “**Issues of improving the activities of bodies and institutions carrying out post-penitentiary rehabilitation**”, the first paragraph of this chapter is entitled “*Improving the activities of the probation service and rehabilitation centers under the hokimiyats in the implementation of social adaptation of former convicts*”, in which the process of activity of the structures carrying out post-penitentiary rehabilitation: the probation service, rehabilitation centers under the Hokimiyats is analyzed, and the issues hindering the activities of these structures in the effective organization and implementation of the process of resocialization of former convicts are widely analyzed, and several proposals aimed at their elimination are put forward.

The author, having partially covered the history of the establishment of the Probation Service, analyzed its true essence and, based on this, studied the current activities of the Probation Service of the Republic of Uzbekistan, identified some factors hindering its effective implementation, and developed specific proposals for their elimination. Although the Law of the Republic of Uzbekistan “On Probation” was adopted relatively recently, it has been noted that some of its provisions require improvement. Specifically, the definition of probation provided in the Law is not comprehensive, as it does not express the function of re-socializing individuals, which is considered the true essence of probation. After examining various scientific research works and definitions of “probation” in foreign legislation, it has been

justified that this characteristic of probation should be reflected in its definition. Consequently, the following author's definition has been proposed: “Probation refers to the activities of authorized entities aimed at executing non-custodial sentences, implementing supervision over conditionally sentenced individuals and those conditionally released early from serving their sentences, as well as re-socializing supervised persons by providing them with social, economic, legal, educational, and medical-psychological assistance”.

In addition, as of January 1, 2024, there were a total of 83,763 persons under probationary supervision, and during the first 9 months of 2024, 701 crimes were committed by persons under probationary supervision. Based on the high rate of crimes committed by supervised persons, the factors causing these crimes were analyzed. As a result of the study, it was established that the lack of staff in the probation service hinders the proper implementation of the tasks assigned to probation officers. That is, in accordance with the Decree of the President of the Republic of Uzbekistan “On Measures for the Radical Improvement of Criminal-Executive Legislation”, one employee can be assigned 100 convicts in cities, 75 convicts in districts, and as of June 26, 2024, 966 persons are registered with the Yunusabad District Probation Department, which means that almost 200 persons are assigned to each inspector, which indicates that this situation prevents probation officers not only from carrying out the task of resocialization of supervised persons, but also from adequately carrying out the execution of punishment.

It was determined that a total of 15 staff positions have been allocated for psychologists in the Probation Service, with 1 position in the central office and the remaining 14 distributed among the probation departments of the Republic of Karakalpakstan, Tashkent city, and the regions, resulting in 1 psychologist per department. Considering that as of January 1, 2024, 83,763 individuals are under probation supervision, each psychologist is responsible for 5,983 individuals. These figures demonstrate the impossibility of fulfilling the tasks assigned to probation psychologists by the Law “On Probation” Based on this, the author has proposed allocating 1 staff position for a psychologist in each district probation department and has justified the necessity to organize weekly psychological training sessions, taking into account the mental state and problems of those under supervision.

In addition, having analyzed the role of rehabilitation and social adaptation centers for persons released from places of deprivation of liberty in the process of resocialization of former convicts, he identified shortcomings and problems arising in the activities of the centers and put forward proposals aimed at their elimination.

In the second paragraph is entitled “*Improving the activities of civil society institutions in the social adaptation of persons released from penal institutions*”, analyzing the role of civil society institutions in the implementation of the resocialization of persons released from penal institutions, within the framework of carrying out work in the sphere of social adaptation and rehabilitation of persons released from places of deprivation of liberty, issues of developing social partnership between state bodies and civil society institutions, introducing a mechanism that ensures targeted work with convicts by assigning specialists, psychologists and mentors from among convicts, as well as representatives of primary organizations of civil society institutions, were discussed, and it was proposed to involve students of various higher educational institutions, persons who have served their sentences

and embarked on the path of moral correction in the prescribed manner, in the process of resocialization.

The third paragraph is entitled “*Issues of the resocialization of convicts in some foreign countries*”, discusses the specifics of the resocialization of persons released from penal institutions in some foreign countries and puts forward proposals for the implementation of the experience of the analyzed states, which can be applied to the legislation and practice of our country.

In particular, in Japan, which is one of the countries with the lowest rates of recidivism, the issue of resocialization of persons who have served their sentences is mainly dealt with by civil society institutions, the measures taken are carried out in accordance with the principle of classification, the low indicator of the application of punishments related to deprivation of liberty was studied, and a conclusion was made about the necessity to improve these measures in our country. In addition, the effective activities of the Civil Rehabilitation Agency, which operates on a public basis in South Korea, the mechanism for organizing the penitentiary system in Finland and Switzerland, large-scale reintegration programs implemented in the USA, and the role of civil society institutions in their implementation were studied, and the issues of introducing the best practices in Uzbekistan were analyzed.

CONCLUSION

The results of the scientific and theoretical analysis of the system of relations related to the organization of resocialization of persons released from penal institutions, as well as the solution of the tasks set for the research, are served to draw scientific and practical conclusions, as well as to put forward proposals and recommendations for further improvement of the regulatory framework.

I. Scientific and theoretical conclusions

1. The post-penitentiary law is understood as a set of legal norms regulating relations related to the resocialization of persons released from penal institutions.

2. The post-penitentiary system refers to a system encompassing measures for the resocialization of individuals released from penal institutions by authorized entities, as well as those granted early conditional release and those whose imprisonment-related sentences have been commuted to non-custodial punishments.

3. The resocialization refers to a comprehensive set of socio-economic, pedagogical-psychological, and legal measures implemented by authorized entities as defined by law. These measures are aimed at preventing the commission of repeat offenses by convicts and individuals released from penal institutions. The goal is to cultivate law-abiding behavior in these individuals and foster respect for human values, labor norms, social life rules, and traditions.

4. The post-penitentiary resocialization includes measures aimed at ensuring reliable protection of the rights of former convicts by authorized subjects, preventing them from committing repeated crimes, forming in them law-abiding behavior, respect for the rules and traditions of human, labor, and social life, as well as acquiring skills that allow them to live normally in society.

5. The “principle of differentiation and individualization” should be expressed as “classification and individual approach”. In addition, consistent articulation of

this principle should be ensured by introducing appropriate amendments to all relevant normative legal acts where this principle is applied.

6. Based on the importance of classification and individualized approach in implementing the resocialization of persons released from penal institutions, the following should be expressed as the main principle in regulatory legal documents governing post-penitentiary resocialization: adherence to classification and individualized approach in carrying out the resocialization of persons released from penal institutions.

7. Probation refers to the activities of authorized entities aimed at executing non-custodial sentences, supervising individuals who have received suspended sentences or have been conditionally released early from serving their sentences, as well as re-socializing supervised persons through the provision of social, economic, legal, educational, and medical-psychological assistance.

II. Suggestions and recommendations for further improving the normative legal base

8. It is proposed to develop a Law “On Post-Penal Rehabilitation”, defining the procedure for carrying out the resocialization of persons released from penal institutions. This Law should regulate:

the scope of relations to which the law applies, the persons who are the subjects of resocialization and their rights and obligations, the subjects carrying out resocialization and their rights, obligations and powers, the procedure for carrying out resocialization, the source of material costs, etc.

9. It is necessary to introduce relevant amendments to the Criminal Executive Code to establish the participation of relatives in the educational influence on convicts. Specifically, Article 99 of the Criminal Executive Code should be revised as follows:

“Enterprises, institutions, organizations, public associations, relatives of the convict, and citizens shall participate in the rehabilitation of persons sentenced to imprisonment in cases and the manner prescribed by legislation”.

10. Having made a relevant amendment to Article 6 of the Criminal Executive Code, we consider it appropriate to introduce the “principle of combining the execution of punishment and criminal-legal measures with the moral correction and resocialization of convicts” and propose to state Article 6 as follows:

“Criminal-executive legislation is based on the principles of legality, justice, humanism, democracy, adherence to differentiation and an individual approach in the execution of sentences, rational use of coercive measures and encouragement of law-abiding behavior of convicts, combining the execution of punishments and measures of criminal-legal impact with the moral correction and resocialization of convicts, humane treatment of convicts, and respect for the honor and dignity inherent in the human personality of convicts”.

11. According to the inexpediency of the procedure for expulsion of a person studying in a higher educational institution in connection with imprisonment, it is proposed to exclude subparagraph “j” of paragraph 36 of the Resolution of the Cabinet of Ministers “On the Approval of the Regulation on the Procedure for Admission, Transfer, Reinstatement, and Expulsion of Students in Higher Educational Institutions”, adopted on June 20, 2017, No. 393.

12. It is proposed to state the title of Article 97¹ of the Criminal Executive Code as follows:

“Article 97¹. Criteria for socio-psychological assessment of convicts”;

it is proposed to state the first paragraph of the first part as follows:

“The level of rehabilitation and social adaptation of convicts serving sentences in penal institutions is assessed quarterly by the commission stipulated in Article 102¹ of this Code. The assessment is based on the following criteria, and its results serve as the foundation for future moral education measures to be applied to the convicts”.

it is proposed to supplement the first part with the following fifth paragraph:

“change in the convict’s mental state, behavior, attitude towards the committed act”.

13. It is proposed to state part three of Article 102¹ of the Criminal Executive Code as follows:

“The Commission is formed from among employees of the penal institution, as well as a psychologist of the institution and representatives of the public, consisting of at least eight members”.

14. It is proposed to state part one of Article 171 of the Criminal Executive Code in the as follows:

“At least six months before the end of the imprisonment term, the administration of the penal institution develops a release plan based on the results of the socio-psychological assessment of the person sentenced to imprisonment. Following this plan, the administration prepares the convict for release and conducts educational work with them to explain their rights and obligations after release from the institution. In addition, the administration of the institution prepares an individual program for social and legal assistance necessary for the convict’s social adaptation after release and sends it to the local executive body at the place of residence chosen by the convict and develops an individual program of social and legal assistance and sends it to the local executive body at the place of residence chosen by him.”.

As a result of the amendment to part one of Article 171, part two is canceled.

15. It is proposed to state part one of Article 6 of the Law “On Administrative Supervision of Certain Categories of Persons Released from Penal Institutions” as follows:

“When the grounds specified in the first part of Article 8 of this Law are present, the court shall establish administrative supervision over the following adult persons:

to persons deemed uncorrected;

to persons who have committed an administrative offense upon release from penal institutions”.

16. It is proposed to state the second and third paragraphs of the first part of Article 8 of the Law “On Administrative Supervision of Certain Categories of Persons Released from Penal Institutions” as follows:

“For individuals deemed by the commission, as provided for in Article 102¹ of the Criminal Executive Code, to have not taken the path of correction - the head of the penal institution shall, at least one month before their release;

in relation to persons who have served a sentence in the form of imprisonment in the territory of another state and have not embarked on the path of correction by

a commission created in the Centers for Social Adaptation under the khokimiyats - by the head of this center”.

17. It is proposed to state part two of Article 73 of the Criminal Code in the following:

“When considering conditional early release from serving a sentence, the convict’s behavior, attitude towards work, and stance on the committed offense are taken into account. In addition, a positive assessment from a psychologist regarding the convict’s personal profile is required.”.

18. It is proposed to state part two of Article 74 of the Criminal Code in the following wording:

“When considering the substitution of a lighter sentence, the convict’s behavior, attitude towards work, and response to their committed offense are taken into account. In addition, a positive assessment from a psychologist regarding the convict’s personal profile is required.”.

19. It is proposed to develop a regulation “On Centers for Rehabilitation and Social Adaptation of Persons Released from Penal Institutions”.

III. Practical proposals for organizing the resocialization of persons released from penal institutions

20. It is advisable to teach Post-penitentiary Law in higher legal educational institutions. Meantime, it is envisaged to include in the structure of criminal-executive law certain topics that reveal the essence of the main content of the system.

21. If former convicts express a desire to study at “Ishga Marhamat” monocenters and vocational training centers, given that there is a real necessity for such education, or if social adaptation centers deem it necessary to send former convicts to these centers, their enrollment in education should be implemented immediately. In addition, regardless of whether persons released from penal institutions are recognized as unemployed or not, they should be granted the right to receive stipends at monocenters and vocational training centers.

22. It is proposed to utilize temporary housing facilities, which were built to treat patients with Covid-19 during the pandemic, to accommodate former convicts for a period of up to 1 year. In addition, it is suggested to increase the number of such housing units.

23. Prisoners who have contracted various diseases during their sentence must be provided with medical insurance before their release. This insurance should cover the continuation of treatment courses initiated in penal facilities after release, if necessary, as well as treatment in case the disease acquired in the institution recurs after the prisoner is freed.

24. It is necessary to increase the number of probation officer positions. The staffing should be determined based on assigning no more than 100 individuals to each probation inspector. Additionally, it is proposed to allocate one staff position for a psychologist in each district probation department. Furthermore, psychological training sessions should be organized once a week, addressing the mental state and problems of those under supervision.

25. Centers for the rehabilitation and social adaptation of persons released from penal institutions should be reorganized under the Probation Service.

**НАУЧНЫЙ СОВЕТ DSc.07/13.05.2020.Yu.22.03 ПО ПРИСУЖДЕНИЮ
УЧЕНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ
ГОСУДАРСТВЕННОМ ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

АБДУСАМИЕВА ДИЛРОБО АБДУВАХОБ КИЗИ

**СОВЕРШЕНСТВОВАНИЕ РЕСОЦИАЛИЗАЦИИ ЛИЦ,
ОСВОБОЖДЕННЫХ ИЗ УЧРЕЖДЕНИЙ ПО ИСПОЛНЕНИЮ
НАКАЗАНИЯ**

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АВТОРЕФЕРАТ
диссертации доктора философии по юридическим наукам (PhD)

Ташкент – 2025

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Ведущая организация:

**Академия Министерства внутренних дел
Республики Узбекистан**

Защита диссертации состоится 19 июня 2025 года в 14:00 на заседании Научного совета DSc.07/13.05.2020.Yu.22.03 при Ташкентском государственном юридическом университете (Адрес: 100047, г.Ташкент, улица Сайилгох, 35. Тел.: +998 71-233-66-36; факс: +9989 71-233-37-48; e-mail: info@tsul.uz).

С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрирована за № 1396) (Адрес: 100047, г. Ташкент, улица Сайилгох, 35. Тел.: +998 71-233-66-36).

Автореферат диссертации был распространен 5 июня 2025 года.
(Протокол реестра № 48 от 5 июня 2025 года).

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ВВЕДЕНИЕ (аннотация диссертации доктора философии (PhD))

Цель исследования заключается в комплексном научно-теоретическом изучении отношений, связанных с ресоциализацией лиц, освобождённых из учреждений исполнения наказаний, и разработке соответствующих предложений, рекомендаций и выводов по совершенствованию постпенитенциарной системы.

Объектом исследования является система социально-правовых отношений, возникающих при организации ресоциализации лиц, освобождённых из учреждений исполнения наказаний.

Предметом исследования выступают нормативно-правовые акты, практика применения законодательства, передовое законодательство зарубежных стран, а также научно-теоретические концептуальные подходы и правовые категории, относящиеся к ресоциализации лиц, освобождённых из учреждений исполнения наказаний.

Методы исследования. В исследовании использованы исторический, системно-структурный, логический, индуктивный, дедуктивный, сравнительно-правовой методы, комплексный анализ научных источников, статистических данных, а также интервью.

Научная новизна исследования заключается в следующем:

обоснована необходимость исключения слов «а также если лицо, условно-досрочно освобождённое от наказания или которому наказание заменено на более мягкое, в течение неотбытого срока совершило новое умышленное преступление» из пункта «в» части третьей статьи 73 Уголовного кодекса Республики Узбекистан, поскольку освобождение лиц с высокой степенью общественной опасности увеличивает уровень преступности в обществе;

обоснована необходимость включения оплаченного социального налога в общий трудовой стаж лиц, осуждённых к лишению свободы, исходя из принципа равенства и необходимости материального обеспечения бывших заключённых после освобождения;

обоснована необходимость проведения воспитательно-профилактической работы с осуждёнными, не вставшими на путь исправления, на основе отдельного плана с привлечением психолога учреждения исполнения наказаний;

обоснована необходимость включения Агентства по делам молодежи Республики Узбекистан и его территориальных подразделений в систему органов и учреждений, непосредственно осуществляющих профилактику правонарушений, поскольку оно является государственным органом, комплексно реализующим государственную молодежную политику;

обоснована необходимость участия Агентства по делам молодежи в мерах по социальной реабилитации и адаптации жертв правонарушений, лиц, склонных к совершению правонарушений, совершивших правонарушения, в том числе ранее судимых и освобождённых из мест лишения свободы.

Практические результаты исследования заключаются в следующем:

обоснована необходимость внесения соответствующих изменений в статью 99 Уголовно-исполнительного кодекса Республики Узбекистан с целью определения участия родственников в воспитательной работе с осуждёнными;

обоснована целесообразность внесения в статью 6 Уголовно-исполнительного кодекса принципа «исполнение наказания и иных уголовно-правовых мер должно сочетаться с нравственным исправлением осуждённых и их ресоциализацией»;

обоснована необходимость исключения пункта «ж» статьи 36 Положения «О переводе, восстановлении и отчислении студентов высших учебных заведений», утверждённого постановлением Кабинета Министров Республики Узбекистан от 20 июня 2017 года № 393, поскольку отчисление обучающегося в вузе лица в связи с его осуждением к лишению свободы является нецелесообразным;

предложено выделить по одной штатной единице психолога в каждом районном отделе пробации, организовав еженедельные психологические тренинги для поднадзорных лиц с учетом их психического состояния и возникающих проблем;

обоснована необходимость повторного создания центров реабилитации и социальной адаптации лиц, освобождённых из учреждений исполнения наказаний, при службах пробации.

Внедрение результатов исследования. На основании выводов, полученных в ходе исследования по теме совершенствования ресоциализации лиц, освобождённых из учреждений исполнения наказаний:

предложение об исключении слов «а также если лицо, условно-досрочно освобождённое от наказания или которому наказание заменено на более мягкое, в течение неотбытого срока совершило новое умышленное преступление» из пункта «в» части третьей статьи 73 Уголовного кодекса Республики Узбекистан было использовано при подготовке первой части пункта 3 статьи 71 Закона Республики Узбекистан «О пробации» № ЗРУ-938 от 7 августа 2024 года (справка Института парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан № 3/08-141 от 13 августа 2024 года). Внедрение данного предложения позволило исключить применение условно-досрочного освобождения к лицам, совершившим новое умышленное преступление в течение неотбытого срока наказания;

предложение о включении оплаченного социального налога в общий трудовой стаж осуждённых к лишению свободы было использовано при подготовке пункта 7 статьи 2 Закона Республики Узбекистан «О внесении изменений и дополнений в некоторые законодательные акты Республики Узбекистан в целях надежной защиты прав и законных интересов осуждённых» № ЗРУ-817 от 15 февраля 2023 года (справка Института парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан № 3/08-141 от 13 августа 2024 года). Внедрение данного предложения обеспечило включение периода уплаты социального налога в общий трудовой стаж осуждённых;

предложение о проведении воспитательно-профилактической работы с осужденными, признанными не вставшими на путь исправления, с привлечением психолога учреждения на основе индивидуального плана, было использовано при подготовке пункта 8 статьи 2 Закона Республики Узбекистан от 15 февраля 2023 года № ЗРУ-817 «О внесении изменений и дополнений в некоторые законодательные акты Республики Узбекистан, направленных на надежную защиту прав и законных интересов осужденных» (третья часть статьи 97¹ Уголовно-исполнительного кодекса) (справка Института парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан от 13 августа 2024 года № 3/08-141). Реализация данного предложения обеспечила проведение воспитательно-профилактической работы с привлечением психолога учреждения в отношении осужденных, не вставших на путь исправления;

предложение о включении Агентства по делам молодежи Республики Узбекистан и его территориальных подразделений в систему органов и учреждений, непосредственно осуществляющих профилактику правонарушений, было использовано при подготовке пункта 1 статьи 2 Закона Республики Узбекистан от 25 января 2022 года № ЗРУ-747 «О внесении дополнений в некоторые законодательные акты Республики Узбекистан в связи с совершенствованием системы работы с молодежью» (дополнение к первому абзацу статьи 9 Закона «О профилактике правонарушений»: пятнадцатый абзац) (справка Института парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан от 13 августа 2024 года № 3/08-141). Реализация данного предложения способствовала включению Агентства по делам молодежи и его территориальных подразделений в систему органов и учреждений, осуществляющих профилактику правонарушений;

предложение о необходимости наделения Агентства по делам молодежи Республики Узбекистан полномочиями по участию в мероприятиях по социальной реабилитации и адаптации жертв правонарушений, лиц (молодежь), склонных к совершению правонарушений, правонарушителей, включая ранее судимых и освобожденных из мест лишения свободы, было использовано при подготовке пункта 2 статьи 2 Закона Республики Узбекистан от 25 января 2022 года № ЗРУ-747 «О внесении дополнений в некоторые законодательные акты Республики Узбекистан в связи с совершенствованием системы работы с молодежью» (пятая часть первой части статьи 19¹ Закона «О профилактике правонарушений») (справка Института парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан от 13 августа 2024 года № 3/08-141). Реализация данного предложения определила полномочия Агентства по делам молодежи в осуществлении профилактики правонарушений.

Апробация результатов исследования. Результаты данного исследования были апробированы на 7 научных мероприятиях, в том числе на 3 международных и 4 республиканских научно-практических конференциях, круглых столах и семинарах.

Публикация результатов исследования. По результатам данного исследования опубликовано 13 научных работ, включая 7 статей в научных изданиях, рекомендованных Высшей аттестационной комиссией Республики Узбекистан для публикации основных научных результатов докторских диссертаций (в том числе 3 статьи в зарубежных журналах) и 6 статей в сборниках.

Структура и объем диссертации. Диссертация состоит из введения, трех глав, включающих 9 параграфов, заключения, списка использованной литературы и приложений. Общий объем диссертации составляет 144 страницы.

E'LON QILINGAN ISHLAR RO'YXATI
LIST OF PUBLISHED WORKS
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ

I bo'lim (I part; I часть)

1. *Абдусамиева Д.* Маҳкумлар ижтимоий мослашувини амалга оширишда пробация хизматининг аҳамияти. Юриспруденция. – Тошкент, 2022. – № 1. – Б. 25-31. (12.00.00; №19).

2. *Abdusamiyeva D.* Problems of resocialization of women and their solutions. Жамият ва инновациялар. – Toshkent, 2024. – № 11. Maxsus son. – B. 318-322. (ОАК Rayosatining 2020-yil 31-dekabrdagi 290-son qarori).

3. *Абдусамиева Д.* Вопросы ресоциализации бывших осужденных в некоторых международных стандартах. Ijtimoiy-gumanitar fanlarning dolzarb muammolari. – Toshkent, 2024. – № 8. 4-jild, – B. 401-406. (ОАК Rayosatining 2022-yil 30-noyabrdagi 327/5-son qarori).

4. *Абдусамиева Д.* Превентивная функция постпенитенциарной ресоциализации. Ijtimoiy-gumanitar fanlarning dolzarb muammolari. – Toshkent, 2024. – № 10. Maxsus son. 4-jild, – B. 294-299. (ОАК Rayosatining 2022-yil 30-noyabrdagi 327/5-son qarori).

5. *Abdusamiyeva D.* Issues in the organization of the re-socialization of certain categories of persons // Web of scientist: international scientific research journal (ISSN–2776-0979). – 2023. Volume 4. Issue 1. – P. 222-228. <https://wos.academiascience.org/index.php/wos/article/view/3150> (IFactor: SJIF 8.53/2022).

6. *Abdusamiyeva D.* The Content and Social Necessity of Postpenitentiary Resocialization // Journal of intellectual property and human rights (ISSN–2720-6882). – 2024. Volume 3. Issue 2. – P. 189-192. <https://journals.academiczone.net/index.php/jiphr/article/view/2232> (IFactor: SJIF 12.43/2024).

7. *Abdusamiyeva D.* Some issues of resocialization of former prisoners // Journal of intellectual property and human rights (ISSN–2720-6882). – 2025. Volume 4. Issue 2. – P. 347-349. <https://journals.academiczone.net/index.php/jiphr/article/view/4561> (IFactor: SJIF 12.43/2024).

II bo'lim (II part; II часть)

7. *Абдусамиева Д.* Жазони ўтаб чиққан аёллар постпенитенциар ресоциализациясида индивидуализация ва дифференциация принципларининг аҳамияти // “Ўзбекистон жиноят-процессуал қонунчилигини такомиллаштириш истиқболлари” мавзусидаги халқаро илмий-амалий конференция материаллари тўплами (2021 йил 31 март). – Тошкент, 2021. –Б. 334-339.

8. *Abdusamiyeva D.* Jazoni ijro etishda differentsatsiya va individuallashtirishga rioya etish prinsipining mohiyati // Yosh olimlar ilmiy-amaliy konferensiyasi. (2023-yil 26-dekabr). – Toshkent, B. 48-50.

9. *Абдусамиева Д.* Особенности ресоциализации несовершеннолетних // “Yangi O‘zbekistonda tabiiy va ijtimoiy-gumanitar fanlar” Respublika ilmiy-amaliy konferensiyasi. (2024-yil 8-noyabr). – Toshkent, B. 35-38.

10. *Абдусамиева Д.* Маъмурий назорат қачон ва қимларга нисбатан қўлланилади // International journal of conference series on education and social sciences. (Online) (August, 2022). Turkey. Volume 2, Issue 6. P. 53-57.

11. *Abdusamiyeva D.* The role of the probation service in the execution of non-custodial sentences // Theoretical aspects in the formation of pedagogical sciences. International scientific-online conference. (27th of February, 2024). Great Britain. P. 101-104.

12. *Abdusamiyeva D.* The role of the penitentiary system in the resocialization of persons released from correctional institutions // International conference of natural and social-humanitarian sciences. International scientific-online conference. (30th of August, 2024). Belgium. P. 11-13.

Avtoreferat TDYU “Yuridik fanlar Axborotnomasi” jurnali tahririyatida tahrirdan o‘tkazilib,
o‘zbek, ingliz va rus tillaridagi matnlar o‘zaro muvofiqlashtirildi.

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