



What Is Probation Itself? What Kind of System Is It?

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Abstract

The meaning of the word probation within the article, the work in this heading in other nations, the types of punishments for probation, the work of employees on a weekly premise; the types of punishments to be served in probation, the standardizing documents controlling the activities of the probation service, some of the problems encountered in probation activities were analyzed.

Keywords: *Probation; Punishment; Conviction; Correctional Work; Compulsory Community Service; Restriction of Liberty; Certain Right; Release; Social Adaptation*

Introduction

Since the days of independence, the head of our state has been improving this direction by reforming the penitentiary system in our country; ensuring the protection of the rights, freedoms and legitimate interests of convicts; prevention of recidivism by convicts, respect for their dignity and honor; to adapt them to life in the future, to be an active participant in the upbringing of their minor children as perfect human beings; signed legal normative documents and, most importantly, Resolution No. PD-4006 “On measures to radically improve the criminal executive legislation”, introducing fair and useful legal mechanisms for morally healthy, spiritually healthy, love of work and profession.

By this choice, from January 1, 2019, the Probation Service of the Ministry was built up the premise of the Ministry of Internal Affairs of the Republic of Uzbekistan and its regional divisions.

What is probation and its history? What is probation?

Probation may be a generally recognized international term meaning “trial”, and in international practice, we can observe that this term deals with the enforcement and control of non-custodial sentences.

Probation is derived from the English word probation and has been introduced as a conditional form of criminal liability within the United States, the United Kingdom, and a few European countries. The Latin word probation implies analysis, verification, whereas in Russian the lexical meaning implies verification.

What are the goals and objectives of probation nowadays, what is the structure? Everyone has their own place and glory in society, but not everyone can discover their place in this life, they drop somewhere,

they make mistakes somewhere. The probation service, on the other hand, specifically states within the court's verdicts that a person should be sentenced to a non-custodial sentence for a criminal act committed by him or her wrongfully and that the sentence must be served under the supervision of the probation service; in addition, the control imposed on those who return from penitentiary institutions after serving a certain period of time may be called internal control.

The Main Findings and Results

In terms of types of punishment, one of the most bearings of the probation service is control over the execution of such sorts of punishment by people as remedial labor, obligatory community service, confinement of liberty, deprivation of certain rights.

In addition, the service facilitates the social adjustment and placement of detainees in study and employment. There is a resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated July 17, 2018 No 543, based on it, practical measures have been identified to further improve the social and living conditions and employment structures of persons released from prisons; in particular, approved in the annex to the resolution "Roadmap" on the improvement of the system of rehabilitation and social adaptation of persons released from prisons for 2018-2022, almost all of the tasks set out in this Roadmap are for the police, and it is clear that these tasks must be completed in a timely manner with other partner organizations.

For example, in addition to the social adjustment of people discharged from detainment facilities, enhancement of their quality of life, formation of monitoring of mental and social adaptation, development of a social association between government offices and civil society institutions included in this work, social welfare, and employment planning, forecasting, and planning of support activities, taking compelling measures to decrease the number of recidivism and recidivism, strengthening the system of early prevention of offenses.

The probation benefit may not be subject to control only in cases other than the court's verdict and administering, for example, a written or oral order of the head of the department shall not be the basis. It should be noted that the fines imposed by the court on the respondent are implemented only by officers of the Bureau of Enforcement, and for crimes committed by servicemen; restrictions on benefit and inconvenience of penalties on the disciplinary unit are carried out by the Ministry of Defense.

There are four main sorts of discipline that can be enforced by a probation benefit designated by a court, in case we consider them;

Procedure for execution of the sentence in the form of **deprivation of certain rights** from Article 21 to Article 25 of the Criminal-Executive Code of the Republic of Uzbekistan; the obligations of the penitentiary service, the obligations of the administration of the enterprise, institution, organization to enforce the sentence, the obligations of the body authorized to revoke the permit for a particular type of activity, the obligations of the convict.

In short, Article 45 of the Criminal Code of the Republic of Uzbekistan stipulates that the deprivation of certain rights might be imposed on the ventures of the offender within the period prescribed by the court; it is prohibited from holding any position in institutions or organizations or engaging in any sort of action indicated in a court order. Such a career or sort of activity is specified by the court in the conviction. Deprivation of a certain right is imposed for a period of one to five years when sentenced as the main punishment for the commission of a crime straightforwardly related to the position or work of the offender, and for a period of one to three years when forced as an extra punishment.

If hardship of a certain right is not imposed on the wrongdoer as the most discipline, this discipline may be forced by the court as an extra discipline to any type of discipline given for within the significant article of the Special Part of the Criminal Code.

Punishments in the form of deprivation of the right to lock in in entrepreneurial activity should not be forced on people locked in in entrepreneurial activity unless the entrepreneur has caused the kill and other serious results.

From Article 25¹ to Article 25⁸ of the Criminal-Executive Code of the Republic of Uzbekistan, execution, and execution of punishment within the form of compulsory public works, procedure, and conditions of execution of discipline, obligations of penitentiary service, obligations of nearby official bodies, execution of sentence by administration of organization (body) obligations of a person sentenced to compulsory public work, calculation of the term of punishment, results of infringement of the arrange and conditions of serving a sentence, refusal to serve compulsory public work.

In brief, according to Article 45¹ of the Criminal Code of the Republic of Uzbekistan, obligatory public work is the obligatory involvement of a convict within the execution of unpaid useful public work. If the convict is working or studying, compulsory community service is carried out in his save time from work or study.

The places (objects) where convicts may experience obligatory community service and the type of compulsory community service might be determined by the bodies supervising the execution of this punishment. Compulsory community benefit might be assigned for a period of one hundred and twenty to four hundred and eighty hours and might final no more than four hours a day for six months, and no more than four hours a day for a period of up to one year in cases unrelated to the convict.

Compulsory public work does not apply to people who have come to retirement age, persons beneath sixteen a long time of age, pregnant women, women with children beneath three a long time of age, persons with incapacities of the primary and second groups, servicemen, foreign nationals and persons not for all time dwelling in the Republic of Uzbekistan. If the convict denies serving the sentence, the court may replace the unserved period of obligatory community benefit, ie four hours of obligatory community benefit, with one day of deprivation of freedom or deprivation of liberty and replace it with deprivation of liberty or detainment. The time of refusal to serve the sentence shall not be added in the period of serving the sentence.

From Article 26 to Article 32 of the Criminal-Executive Code of the Republic of Uzbekistan, the order of execution of punishment in the form of correctional work, the obligations of the penitentiary service, the obligations of the administration of enterprises, institutions, organizations; the convict's obligations, the calculation of the sentence, the procedure for deducting the convict from work, the consequences of refusing to undergo correctional work. Article 46 of the Criminal Code of the Republic of Uzbekistan defines the concept of correctional labor. According to him, correctional work is the forcible recruitment of a person with ten to thirty percent of his salary at the cost of state income, and the punishment is carried out by the court at the convict's put of work or in other places decided by the penitentiary authorities. Correctional work does not apply to those who have reached retirement age, the crippled, pregnant ladies, ladies with children beneath the age of three, and military personnel. Correctional work is assigned for a period of six months to three years. If an individual denies serving more than one-tenth of the entire term of correctional labor imposed by the court, the court shall supplant the unserved term of remedial labor with a sentence of restriction of freedom or imprisonment for the same period. The time of refusal to serve the sentence should not be included to the period of serving the sentence.

Articles 44¹ to 44⁴ of the Criminal Method Code of the Republic of Uzbekistan indicate the procedure for execution of a sentence within the form of confinement of liberty, the arrange of serving the sentence, the strategy, and conditions of serving the sentence. Restriction of liberty under Article 481 of the Criminal Code of the Republic of Uzbekistan could be a total boycott by a court on a convict leaving his place of home for one reason or another or a limitation on leaving a put of home at a certain time of the day. Restriction of liberty is forced for a period of one month to five a long time and is carried out beneath the supervision of bodies decided by the court. Restriction of freedom, conditions of exchange of the convict

at the place of residence might be decided by the court taking into consideration the nature of the act committed and the avoidance of defiance within the execution of the court decision.

Taking into account the specifics of the applicable prohibition (restriction), the court may impose the following additional prohibitions (restrictions) on the convict:

- not to go to certain places;
- not to participate in public and other events;
- not to engage in certain activities;
- not to have or keep certain items;
- not to drive a vehicle;
- not to change the place of residence, place of work and study, not to leave the relevant administrative territory without the consent of the body supervising the convicts;
- not to communicate with certain people;
- not to use means of communication, including the Internet;
- not to consume alcoholic beverages.

The court may impose on the person sentenced to restriction of liberty the obligation to compensate for the fabric and moral harm caused by him, to put him in work or study, as well as other obligations that facilitate his recuperation. In case a convict intentionally denies serving a sentence of restraint of liberty, as well as fails to fulfill the commitments forced on him by the court, the court may supplant the unserved term of imprisonment with another sort of discipline. Limitation of freedom might not be forced on servicemen, foreign citizens, as well as persons who do not have a permanent residence within the Republic of Uzbekistan.

An employee of the probation bunch keeps up a compilation record on convicts for each sort of discipline in agreement with Order No. 157 of the Ministry of Internal Affairs of 2017. Probation officers carry out a number of exercises amid the week in accordance the plan in the prescribed manner. In specific, it'll guarantee the work of controlled people on Monday. At the same time, in order to guarantee the work of controlled people, in participation with the agents of the Employment Promotion Center, organizes work fairs for opening in ventures, organizations and teach. Provides referrals to employment centers for the reason of work of people under control on the built up save quotas. Organizes training courses on vocational guidance of non-professionals under supervision in cooperation with "Pre-adjustment and vocational training center". In order to increase the amount of money received from deductions from the salaries of convicts to the Probation Service Development Fund on Tuesday, the special electronic system "OZASBO" will transfer to the state deductions from the salaries of convicts.

Wednesday of the week may be a day to construct a positive image of the probation benefit. At the same time, the positive work carried out in this direction is broadly covered on television, radio, Internet sites, and daily papers. Along with accomplice organizations, sports competitions incorporate different trips and more. Thursday of the week. Ensuring the Inevitability of Punishment and Empowering Submission to the Law - Mobile courts and open courts will hold hearings on the parole or revocation of parole for people who have been found to have corrected themselves by their model conduct. Friday of the week. Day of arrangement of socio-psychological representations of controlled people. At the same time, agreeing to the expert's mental counsel, the directed people will be completely examined, rectified, at risk of wrongdoing, inclined to wrongdoing, the high hazard of wrongdoing, and within the future will work with them systematically.

Conclusion

In summary, despite the fact that probation officers today are doing a number of positive things, there are still a number of problems in their service activities. For example, the fact that a person sentenced by a court to a sentence not related to imprisonment is not clear, is not registered anywhere; or a prisoner who has been transferred from the penitentiary to the probation service for the remainder of his sentence, but whose former home has been sold or demolished, causing problems for him in finding a place to live, as well as employment assistance for those sent to the probation service lack of quota vacancies in the centers; the absence of a permanent contract with any organization in this regard, the absence of tax and similar benefits for enterprises, organizations, institutions and farms that employ penitentiaries; bankruptcy of farmers, NGOs, the private sector, etc. Failure to transfer money to the account for several months and years due to non-fulfillment of the plan, which leads to untimely collection of salaries from supervisors serving in the same organization, and some other problems.

To conclude, it should be noted that the majority of prisoners discharged from the prison framework, who do not have a calling and are registered with the probation office, are inclined to recidivism due to need of calling; Vacancies will be made if this category of people becomes a part of the Craftsmen's Association and creates a joint choice with the Craftsmen's Association to present a framework of low-interest subsidies for them in the generation of workmanship gear and items, beginning their claim little business. The words of the President of the Republic M.M.Mirziyoev "It is everyone's responsibility not only to punish the perpetrators, but also to re-educate them on the basis of the idea of "enlightenment against ignorance" so that they can take a worthy place in society through their honest work" certainly have a great meaning.

Reference

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