



ISSN 2181-9130

Doi Journal 10.26739/2181-9130

ҲУҚУҚИЙ ТАДҚИҚОТЛАР ЖУРНАЛИ

11 ЖИЛД, 6 СОН

ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ

ТОМ 11, НОМЕР 6

JOURNAL OF LAW RESEARCH

VOLUME 11, ISSUE 6



ТОШКЕНТ-2026

ҲУҚУҚИЙ ТАДҚИҚОТЛАР ЖУРНАЛИ

ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ | JOURNAL OF LAW RESEARCH

№6 (2026) DOI <http://dx.doi.org/10.26739/2181-9130-2026-6>

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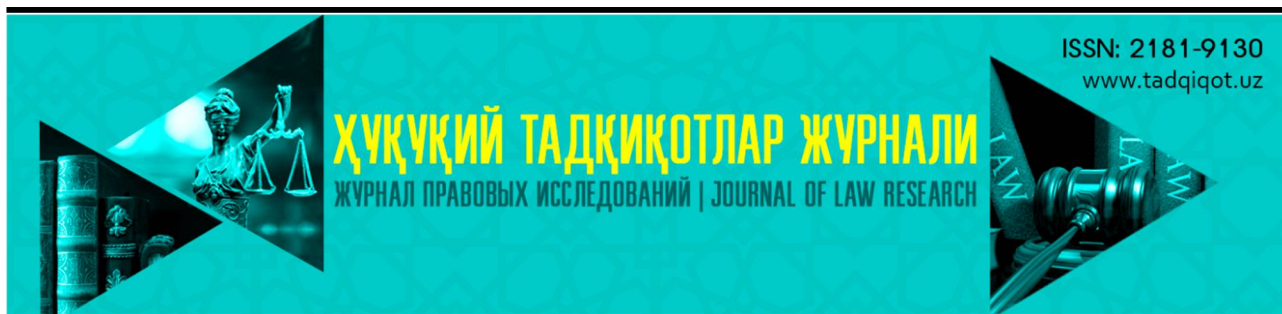
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TRANSFORMATION OF UZBEKISTAN'S PENAL ENFORCEMENT LEGISLATION: A NEW PARADIGM OF HUMANISM, REINTEGRATION AND INNOVATIVE PENITENTIARY POLICY

For citation: Salaev Nodirbek Saparbaevich. TRANSFORMATION OF UZBEKISTAN'S PENAL ENFORCEMENT LEGISLATION: A NEW PARADIGM OF HUMANISM, REINTEGRATION AND INNOVATIVE PENITENTIARY POLICY. Journal of Law Research. 2026, 11 vol., issue 6.



<http://dx.doi.org/10.5281/zenodo.21938749>

ANNOTATION

This article analyzes the transformation of penal enforcement legislation in the Republic of Uzbekistan on the basis of contemporary scholarly approaches. The study examines legislative reforms implemented during 2018–2026, in particular the improvement of the probation system, the expansion of alternative forms of punishment, the strengthening of legal safeguards for convicted persons, and innovations aimed at the humanization of criminal sanctions. The article provides a comparative analysis of the experience of developed countries and examines problems arising in the enforcement of correctional labour and restriction of liberty, as well as the effectiveness of reintegration mechanisms. Based on the findings of the study, scientifically grounded proposals and recommendations are advanced for improving penal enforcement policy, enhancing the effectiveness of alternative sanctions, and developing innovative penitentiary governance.

Keywords: penal enforcement law, penitentiary policy, probation, alternative sanctions, restriction of liberty, correctional labour, reintegration, recidivism, electronic monitoring, humanism, law.

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O'ZBEKISTONDA JINOYAT QONUNCHILIGINING TRANSFORMATSIYASI: GUMANIZM, REINTEGRATSIYA VA INNOVATSION JAZONI IJRO ETISH SIYOSATINING YANGI PARADIGMASI

ANNOTATSIYA

Ushbu maqolada O'zbekiston Respublikasida jinoyat qonunchiligining zamonaviy ilmiy yondashuvlar asosida transformatsiyasi tahlil qilinadi. Tadqiqotda 2018 va 2026 yillar oralig'ida amalga oshirilgan qonunchilik islohotlari, xususan, shartli ravishda ozod qilish tizimini takomillashtirish, muqobil jazo choralarini kengaytirish, mahkumlar uchun huquqiy kafolatlarni kuchaytirish va jinoiy sanksiyalarni insonparvarlashtirishga qaratilgan innovatsiyalar o'rganiladi. Ushbu maqolada rivojlangan mamlakatlar tajribasining qiyosiy tahlili keltirilgan va axloq tuzatish ishlari va ozodlikni cheklashdan kelib chiqadigan muammolar, shuningdek, reintegratsiya mexanizmlarining samaradorligi o'rganilgan. Tadqiqot natijalariga asoslanib, jinoiy javobgarlikka tortish siyosatini takomillashtirish, muqobil sanksiyalar samaradorligini oshirish va jazoni ijro etish tizimini innovatsion boshqarishni rivojlantirish bo'yicha ilmiy asoslangan takliflar va tavsiyalar ilgari surildi.

Kalit soʻzlar: jinoyat-huquqiy tartibga solish, jazoni ijro etish siyosati, shartli ozodlik, muqobil sanksiyalar, ozodlikni cheklash, axloq tuzatish ishlari, reintegratsiya, retsidivizm, elektron monitoring, gumanizm, qonun.

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ТРАНСФОРМАЦИЯ УГОЛОВНОГО ЗАКОНОДАТЕЛЬСТВА УЗБЕКИСТАНА: НОВАЯ ПАРАДИГМА ГУМАНИЗМА, РЕИНТЕГРАЦИИ И ИННОВАЦИОННОЙ ПЕНИТЕНЦИАРНОЙ ПОЛИТИКИ

АННОТАЦИЯ

В данной статье анализируется трансформация уголовного законодательства в Республике Узбекистан на основе современных научных подходов. В исследовании рассматриваются законодательные реформы, реализованные в период 2018–2026 годов, в частности, совершенствование системы условно-досрочного освобождения, расширение альтернативных форм наказания, усиление правовых гарантий для осужденных и нововведения, направленные на гуманизацию уголовных санкций. В статье представлен сравнительный анализ опыта развитых стран и рассмотрены проблемы, возникающие при применении исправительно-трудового труда и ограничении свободы, а также эффективности механизмов реинтеграции. На основе результатов исследования выдвинуты научно обоснованные предложения и рекомендации по совершенствованию политики уголовного преследования, повышению эффективности альтернативных санкций и развитию инновационного управления пенитенциарной системой.

Ключевые слова: уголовно-правовое регулирование, пенитенциарная политика, пробация, альтернативные санкции, ограничение свободы, исправительно-трудовой труд, реинтеграция, рецидивизм, электронный мониторинг, гуманизм, право.

There exists a civilizational criterion that is measured not by the height of the walls behind iron bars, but by the extent to which a person released from them is able to return to society. This criterion is the degree of humanity embodied in penal enforcement policy. Across different parts of the world, this criterion is interpreted in diverse ways: in some states, imprisonment is viewed as a means of “cleansing” society, while in others it is regarded as a stage in the process of an individual’s social readaptation. Over the past decade, Uzbekistan has made significant progress precisely in relation to this criterion: the custodial penalty in the form of confinement has been abolished, the probation system has been established, and the legal status of convicted persons has been consolidated

at the constitutional level. However, this path has not yet been completed; it remains an ongoing process marked by continuous inquiry, reform and adjustment.

The legal and ideological foundation of the reforms currently being implemented was laid on 7 November 2018. The Concept for Improving the Penal Enforcement Legislation of the Republic of Uzbekistan for 2019–2021, approved by the Resolution of the President of the Republic of Uzbekistan “On Measures for the Fundamental Improvement of Penal Enforcement Legislation[1]”, served as a “strategic roadmap” for reforms in this field. The Concept openly acknowledged that the Penal Enforcement Code of 1997 had played a positive role for its time; however, the outcomes of public discussions and practical analysis demonstrated the need for its further improvement.

The Concept has a logically structured framework consisting of four key directions: first, improving the penal enforcement system and harmonizing legislative norms; second, ensuring the moral correction of convicted persons and preventing reoffending; third, providing reliable protection of the rights, freedoms and legitimate interests of convicted persons; and fourth, defining the expected final outcomes. This structure itself sends an important signal: the legislator has begun to perceive punishment not merely as an “instrument of retribution”, but as a complex socio-legal institution.

In recent years, the Penal Enforcement Code of the Republic of Uzbekistan has experienced what is perhaps the most intensive period of modernization since its adoption in 1997. If the Concept for 2018–2021 determined “what should be done” within the reform process, the period of 2024–2026 may be regarded as the stage during which those plans were legally consolidated in the form of legislative norms.

The Law of the Republic of Uzbekistan No. LRU-948 of 28 August 2024 constitutes the most comprehensive legislative act of this period in terms of the number of provisions affected[2]. First and foremost, it reformulated Article 6 of the Code, which establishes the fundamental principles of penal enforcement legislation[3]. Alongside the principles of legality, justice, humanism and democracy, the principles of differentiation and individualization in the execution of sentences, the rational application of coercive measures, and the encouragement of law-abiding behaviour among convicted persons were articulated with greater precision. This is not merely a stylistic revision. Rather, it represents normative evidence that the legislator has elevated an individualized approach to convicted persons to the level of a priority principle.

Shortly before that, the Law of the Republic of Uzbekistan No. LRU-915 of 27 February 2024 introduced a second paragraph into Article 10 of the Code[4]. Under this provision, an authorized official of an institution or body responsible for the execution of sentences and other criminal-law measures is obliged, at the request of a convicted person entitled to receive state-funded legal aid, to take measures to ensure the participation of the relevant defence lawyer when court judgments, rulings and decisions are reviewed, as well as when issues related to their enforcement are resolved.

This norm creates real rather than merely declarative access to legal assistance for convicted persons, guaranteeing such access specifically within the framework of penal enforcement law.

The Law of the Republic of Uzbekistan No. LRU-938 of 7 August 2024 represents the most profound institutional change[5].

First, the first paragraph of Article 21 of the Penal Enforcement Code was set out in a new wording. According to this provision, the execution of the punishment in the form of deprivation of a specific right is now carried out by the probation division of the internal affairs bodies at the convicted person’s place of residence. This constitutes a fundamental departure from the previous procedure, under which this function was assigned by the Code to various separately designated bodies. Under the new arrangement, the probation division has acquired the status of a single “coordination centre” not only for the execution of correctional labour and restriction of liberty, but also for the enforcement of punishment in the form of deprivation of a specific right.

Second, the same Law amended the fourth paragraph of Article 25¹ of the Code[6]. This provision is aimed at aligning the procedure for the execution of punishment in the form of compulsory community service with the broader changes introduced into the probation system. As a result, probation divisions are now entrusted with ensuring the execution of a total of four types of

alternative sanctions: deprivation of a specific right, compulsory community service, correctional labour, and restriction of liberty.

The Law of the Republic of Uzbekistan No. LRU-1114, which entered into force on 15 January 2026, arguably embodies the most original innovation of the period under analysis[7]. This Law introduced amendments and additions to the Criminal Code, the Criminal Procedure Code and the Penal Enforcement Code, providing for the reduction of a convicted person's term of punishment on the ground that he or she has embarked upon the path of rehabilitation.

The substantive content of this norm deserves particular attention. A convicted person referred to in part four of Article 73[8] of the Criminal Code — that is, a person belonging to the category of offenders to whom conditional early release from punishment is not applicable, with the exception of those sentenced to life imprisonment — may have the term of serving his or her sentence reduced if it is duly confirmed that he or she has read books included in the list of literature approved in the prescribed manner[9]. For each book read, the sentence may be reduced by three days, but by no more than thirty days within one year.

In other words, the legislator has created a clear, measurable and transparent path towards moral transformation even for the category of convicted persons subject to the strictest penal regime and possessing the most limited prospects for conditional release.

The legal and philosophical significance of this institution is considerable. First, it signifies a transition from a static model of sentence execution based merely on the “passage of time” to a dynamic model in which a convicted person may influence his or her own legal fate through personal conduct. Second, by encouraging reading, the legislator directly links the intellectual and spiritual development of the convicted person to his or her legal status. This, in turn, constitutes a far more creative and humanistic instrument for achieving the objective of the “moral correction of convicted persons” established in Article 7 of the Code.

Before assessing any national reform, it is useful to consider the broader global landscape. According to the 14th edition of the World Prison Brief, published[10] in 2024 and maintained by the Institute for Crime and Justice Policy Research (ICPR) at Birkbeck, University of London, more than 11 million people are currently held in prisons worldwide. This figure alone demonstrates the truly global significance of penal enforcement policy.

However, the aggregate number does not measure all states by the same “scale”; what matters more is the rate per capita. According to the ranking compiled as of February 2026, El Salvador was recorded as the country with the highest imprisonment rate in the world, with 1,659 prisoners per 100,000 population, followed by Cuba. In terms of the absolute number of prisoners, the United States, with approximately 1.8 million people, China and Brazil are the leading countries[11].

The disparity between these figures raises an important question: why is imprisonment almost always the response to crime in one country, while community-based control measures are prioritized in another? The answer lies, to a considerable extent, in each state's historical, political and legal culture. Yet the general trend suggests that excessive reliance on imprisonment is usually associated with a significant economic burden, social tension and higher levels of reoffending.

Although states retain legislative discretion in the field of penal enforcement law, the international community has established, through several universal instruments, a minimum threshold below which national systems should not fall. The first of these is the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted by the UN General Assembly in 1955 and widely known in international practice as the Nelson Mandela Rules[12]. These Rules regulate such issues as respect for the inherent dignity of prisoners, the right to medical care, and restrictions on the use of solitary confinement.

With regard to alternative sanctions, the principal normative framework is provided by the United Nations Standard Minimum Rules for Non-custodial Measures, adopted in 1990 and known as the Tokyo Rules[13]. It is precisely this instrument that elevated probation, community service and other community-based measures to the status of internationally recognized legal mechanisms.

A separate international standard concerning women prisoners is represented by the 2010 Bangkok Rules[14], the fifteenth anniversary of which was marked in 2025. In this regard, the Global

Prison Trends 2025 report published by Penal Reform International emphasizes that, despite fifteen years of implementation, the imprisonment of women worldwide continues to increase steadily, while the expansion of gender-sensitive alternative measures remains an urgent challenge. This is a clear example of the fact that even the most advanced international standards may not be fully internalized in practice.

In the European region, the European Prison Rules[15] of the Committee of Ministers of the Council of Europe, revised in 2020, serve as a regional standard. They regulate in detail issues relating to prison conditions, staff training and the maintenance of prisoners' contact with the outside world. Taken together, these international instruments essentially constitute a “common language” in the field of penal enforcement law, enabling states belonging to different legal systems to compare and study one another's experience.

International criminological literature frequently discusses two opposing “approaches” to penal enforcement policy. The first is the so-called “Scandinavian model”, often described as Nordic exceptionalism, at the centre of which stands Norway. In a comparative study published[16] in 2022, Ben Crewe, a researcher at the University of Cambridge, and his colleagues identify the concept of “normalization” as the core principle of this model. According to this principle, life inside prison, within the limits required by security, should resemble life outside as much as possible.

The practical outcome of this approach deserves particular attention. In Norway, the recidivism rate is approximately 20 per cent, which is significantly lower than in most countries of Western Europe and North America[17]. By way of comparison, in the early 1990s, before the reforms were launched, Norway itself had a recidivism rate reaching 60–70 per cent. The difference between these figures demonstrates that institutional choices in penal enforcement policy are not an abstract theoretical matter, but a factor that directly affects human destinies.

The second approach consists of punitive models, that is, systems in which imprisonment occupies the central place. In such systems, prison sentences tend to be longer, recourse to alternative sanctions is more limited, and, as a result, prisons often operate under conditions of chronic overcrowding. Between these two approaches, most states — including countries in the post-Soviet space — are seeking their own path and are gradually moving towards a broader use of alternative sanctions.

The experience of continental European states is also worthy of attention. According to the German legal scholar Frieder Dünkell[18], in the reintegration systems of various European countries, three factors are of decisive importance for the successful return of convicted persons to society: stable housing, employment, and the preservation of social ties.

Against the backdrop of the international landscape outlined above, what position does Uzbekistan occupy? The legislative dynamics of the past decade — including the abolition of punishment in the form of detention, the establishment of the probation system, and the expansion of alternative sanctions such as correctional labour and restriction of liberty — indicate that the country is moving away from a predominantly punitive approach and gradually drawing closer to states that prioritize alternatives to imprisonment.

This trajectory is generally consistent with international standards, particularly the requirements of the Tokyo Rules and the Nelson Mandela Rules. At the same time, international experience shows that normative convergence does not, in itself, amount to institutional maturity. As the Norwegian example illustrates, low recidivism rates are achieved not merely through the text of the law, but through human resource capacity, financial sustainability and public participation developed over many years. In this sense, the problems emerging in national practice may be regarded as a form of “growing pains” already familiar in international experience.

Correctional labour and restriction of liberty[19] are types of punishment that may appear highly effective on paper, yet encounter numerous obstacles in practice. They are designed to give practical effect to the principle of humanism by involving convicted persons in labour without isolating them from society, or by allowing them to remain at liberty under supervision.

However, it must be acknowledged that an alternative sanction is not merely a “lighter punishment”, but an entirely different type of control mechanism. As the British criminologist Fergus

McNeill notes[20], community-based control measures, if not supported by adequate social and psychological assistance, risk turning into a “wide-ranging punishment” that penetrates deeply into various spheres of a convicted person’s life. In other words, where control mechanisms are weak or improperly organized, the absence of bars does not necessarily mean the presence of full liberty.

This very risk is also becoming apparent in Uzbekistan’s practice. Difficulties in securing employment for convicted persons, the shortage of probation officers, and weak cooperation with organizations constitute the main factors reducing the effectiveness of these types of punishment:

First, difficulties in securing employment for convicted persons, together with employers’ limited willingness to hire individuals belonging to this category, weaken in practice the very mechanism of labour involvement that constitutes the core content of this type of punishment. This problem may be described as the most difficult stage of reintegration.

Second, the insufficient number of probation officers and their excessive workload make it difficult to ensure an individualized approach to each convicted person. This indicates that the staffing standards set out in the 2018 Concept are not being fully implemented in practice. According to those standards, the personnel of probation divisions of district and city internal affairs bodies should, as a rule, be allocated on the basis of the number of convicted persons assigned to them: one officer per 100 convicted persons in cities and one officer per 75 convicted persons in districts.

Third, weak cooperation among state bodies, organizations and employment placement structures, as well as insufficiently developed monitoring of sentence enforcement, complicate the timely detection of cases in which convicted persons evade serving their sentence. It should be noted that the introduction of “electronic bracelets” was envisaged for the purpose of monitoring the execution of punishment in the form of restriction of liberty. However, there is no open official statistical data confirming that monitoring bracelets are being widely used in practice throughout the entire republic. On the contrary, available information indicates that in 2024 an electronic bracelet and the software intended for it were developed, while work on its production and commercialization was ongoing.

It is true that the introduction of a new system requires considerable effort. Nevertheless, to date, punishment in the form of restriction of liberty has been imposed on 14,644 persons in 2024 and on 18,733 persons in 2025. In this context, a natural question arises: have the persons behind these large figures genuinely undergone moral correction? What is the actual state of their sentence enforcement?

The normative expansion of alternative sanctions does not automatically ensure their practical effectiveness. This conclusion is characteristic not only of Uzbekistan’s experience, but also of global practice as a whole. The 2024 Global Prison Trends report[21] published by Penal Reform International and the Thailand Institute of Justice identifies prison overcrowding, inequalities in prison labour, and the uneven introduction of digital technologies as common global trends. Many of these problems, in adapted forms, can also be observed within Uzbekistan’s probation system.

The 2025 Global Prison Trends report, in an analysis[22] prepared with the participation of Professor Ioan Durnescu of the University of Bucharest and Professor Dirk van Zyl Smit of the University of Nottingham, emphasizes that approximately one-third of the world’s prison population is held in detention without having been convicted. This once again demonstrates the global need to expand alternative control measures, particularly measures applied during court proceedings. This conclusion confirms that Uzbekistan’s policy of expanding sanctions and measures not involving deprivation of liberty is moving in the right direction. At the same time, it highlights the need to pay particular attention to the quality of practical enforcement.

On the basis of the foregoing, the following proposals may be advanced to enhance the effectiveness of alternative sanctions: (1) to bring the staffing levels of the probation service fully into line with the standards established in the 2018 Concept and to introduce a system of specialized training for probation officers; (2) to adapt and implement, in accordance with national conditions, foreign experience, particularly social partnership programmes with employers widely used in European countries; (3) to fully implement a centralized electronic monitoring system for probation; (4) to gradually integrate restorative elements of punishment, including reconciliation with the victim

and compensation programmes, into the system of alternative sanctions; and (5) drawing on the experience of Norway and other Scandinavian states, to address issues of housing and employment for convicted persons simultaneously with the execution of punishment, within the framework of separate state programmes.

When tracing the path from the 2018 Concept to the most recent legislative amendments of 2026, one clear trend becomes visible: Uzbekistan's penal enforcement policy is gradually moving from the logic of "retribution" towards the logic of "restoration and reintegration". The expansion of the powers of the probation system, the introduction of digital technologies, and the institution allowing for the reduction of the term of punishment are concrete manifestations of this trajectory.

Viewed against the broader international landscape, Uzbekistan today appears to be a state situated between two poles: on the one hand, the rehabilitation-oriented model of Scandinavian countries such as Norway, and, on the other hand, punitive models that rely excessively on imprisonment. Uzbekistan's current trajectory indicates a gradual movement towards the former. This shift is consistent with universal standards such as the UN Tokyo Rules and the Nelson Mandela Rules, as well as the European Prison Rules.

Only through such a comprehensive approach — one grounded in both national experience and international scholarly and legal knowledge — can the new paradigm of innovative penitentiary policy be transformed from an idea on paper into a living practice. Just as Norway succeeded, over a period of three decades, in reducing its recidivism rate from 70 per cent to 20 per cent, Uzbekistan, with the same consistency and determination, yet relying on its own historical and legal foundations, can follow its own path of transformation.

The analysis of the process of improving penal enforcement policy demonstrates that, in recent years, the system of sentence execution in the Republic of Uzbekistan has entered a qualitatively new stage. The principal direction of the reforms is aimed at shaping punishment not merely as a measure of state coercion, but as a complex legal institution serving the social rehabilitation of the individual, the restoration of his or her legal consciousness, and reintegration into society. The development of the probation system, the expansion of alternative sanctions, the strengthening of legal safeguards for convicted persons, and the improvement of mechanisms for the individualization of punishment constitute the practical expression of this policy.

The findings of the study indicate that national legislation is increasingly approximating the modern international standards established in the UN Nelson Mandela Rules, the Tokyo Rules, and the European Prison Rules. However, the improvement of the normative legal framework does not, in itself, ensure a high level of effectiveness. The genuine effectiveness of alternative sanctions directly depends on the institutional capacity of probation bodies, their provision with qualified personnel, the full implementation of modern digital supervision tools, including electronic monitoring systems, and effective cooperation between the state and civil society institutions in securing employment for convicted persons and facilitating their social adaptation.

From this perspective, the next stage in the development of penal enforcement policy requires a transition from normative reform to practical effectiveness. To this end, it is advisable to strengthen the material and technical base of the probation system, fully introduce electronic monitoring mechanisms, expand the legal and economic instruments for ensuring the employment of convicted persons, gradually integrate elements of restorative justice into the system of alternative sanctions, and regularly assess the effectiveness of sentence execution on the basis of scientific indicators.

In conclusion, Uzbekistan's penal enforcement legislation has today entered a new stage of development based on the principles of humanism, reintegration, and innovative penitentiary governance. If the consistent reforms being carried out in this direction continue in harmony with international standards and advanced foreign experience, a solid legal foundation will be created for increasing the effectiveness of the sentence execution system, reducing recidivism, ensuring public security, and developing a modern penitentiary model that facilitates the social adaptation of convicted persons.

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ҲУҚУҚИЙ ТАДҚИҚОТЛАР ЖУРНАЛИ

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