

## PROBLEMS OF THE IMPLEMENTATION OF SUPERVISION OF PERSONS SERVING A SENTENCE IN PENAL COLONIES AND CONSIDERATIONS ON THEIR ELIMINATION

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<https://doi.org/10.5281/zenodo.8086801>

**Abstract.** *The article reflects the conditions of convicts serving their sentences in penal colonies, the existing problems in the implementation of the control of the special contingent and their elimination, as well as suggestions and comments on amendments and additions to legal documents.*

**Keywords:** *address-colony, control, surveillance, control area, evasion of punishment, security measures.*

The regime of detention of those sentenced to deprivation of liberty is regulated by laws and regulations and is ensured by the strict adherence of all persons who are part of the administration of the institution.

This is achieved by:

- 1) strict compliance of the employees of JIEMs with the requirements of criminal law;
- 2) to ensure the protection of prisoners;
- 3) encouragement and application of disciplinary sanctions against convicts;
- 4) application of security measures to prisoners[1].

In our opinion, during the maintenance of a special contingent in penal institutions, the activity of guarding prisoners and monitoring prisoners occupies an important place.

Guarding of prisoners in penal institutions - including military measures, quick-order (quick-regime), transport-technical and educational measures[1].

Article 16 of the Law of the Republic of Uzbekistan "On Internal Affairs Bodies" defines the duties of internal affairs bodies as "guarding detainees and prisoners, moving them to other places and guarding them, distributing prisoners to penal institutions"[3].

In addition to guarding prisoners according to the requirements of the criminal law, they must be kept under constant supervision, and the supervision must be carried out regularly everywhere.

Along with the control of prisoners, the concept of "Monitoring" is also used. Surveillance is a system of monitoring and controlling the behavior of prisoners. It is carried out by a military cadre of supervisors and the administration of the penal institution[4].

Monitoring and control includes:

- 1) observation of convicts in living and production areas;
- 2) checking the presence of prisoners;
- 3) control of loading and unloading vehicles;
- 4) to ensure that prisoners follow the rules of wearing clothes of the specified pattern;
- 5) prevention and elimination of evasion, insubordination, harassment and the like;
- 6) ensuring holding of meetings;

7) search of prisoners, their places of residence and work[5].

The concept of "controlling" a special contingent in penal institutions should be defined as follows.

*"Supervision" of the special contingent in penal institutions - direct monitoring, checking, using electronic technical means, of the special contingent's compliance with the legal norms specified in regulatory legal documents, orders and other documents by authorized personnel in penal institutions. It is an activity aimed at preventing and eliminating crimes and disorder committed by prisoners, serving sentences in institutions using other methods of control.*

*Another purpose of monitoring is to ensure that the agenda is followed.*

The word "surveillance" comes from the meaning of monitoring, guarding someone or something in penal institutions. The term "supervision" originated in criminal-executive legislation documents to describe the guarding and monitoring of prisoners in places of execution[6].

The organization of the preservation and control of convicts in settlement colonies has its own aspects. Because, among penal institutions, this type of institution is the most flexible in terms of storage conditions and established order rules.

The conditions of convicts held in the settlement colonies were very closely related to the lives of free persons, creating many favorable conditions for convicts. Such facilities will help the convict adapt to life once he is released[7].

Convicts are kept without guards, but under control, that is, the land of convicts is limited. If the work they are doing or the training they are receiving, they can walk outside the colony without supervision with the permission of the colonial administration[8].

However, the lightness of the regime of detention in the settlement-colonies, as well as the fact that the legislation does not specify specific mechanisms and rules for the implementation of convict control, can cause various problems.

In particular, in the settlement-colonies, convicts can enjoy the right to walk freely within the territory of the colony during the period from morning to evening bedtime;

they store money and valuable items on their side and use the money unrestricted;

unlimited number of phone calls, parcels, annihilation and banderolls can be received and sent;

there are gaps in regulations such as the right to receive an unlimited number of short-term meetings, as well as the fact that meetings, usually given off at work[9].

In our opinion, these norms provide unlimited benefits to convicts and cause inconveniences in the implementation of control.

For example, in destination colonies, convicts are marked to store money and valuable items. However, it is not clearly defined what valuables they can store.

Also, the fact that convicts can use an unlimited number of telephone calls, or have the right to an unlimited number of short-term meetings, causes convicts to come using the phone or use a short-term meeting during working hours or in violation of the agenda established in accordance with internal order rules[10].

Or the law establishes that the meeting can be held at the request of the convicted person outside the territory of the destination-colony, in our opinion, the lack of a clear definition of this rule gives the understanding that the meeting can be held in all regions of the Republic.

In addition, it is established that convicts who do not violate the storage regime, have a family can be allowed to live separately with their family in the territory of the destination-colony or outside it by the decision of the head of the institution, this norm determines that the convict can apply regardless of the derailment of social danger.

We believe that it is advisable to take into account the criminal act committed by the convicted person when granting this right.

For this reason, we consider it necessary to re-develop the procedure and mechanisms for the implementation of convict control in the settlement-colonies and set the conditions for serving the sentence in the following wording.

*Article 114. Conditions of serving the sentence in address-colonies*

*Convicts in the colonies:*

*unguarded but kept under control;*

*during the time from getting up in the morning to going to bed in the evening, they use the right to walk freely within the territory of the colony;*

*if the work they are doing or the education they are receiving requires, they can walk outside the territory of the colony without supervision with the permission of the administration;*

*they walk in the clothes that citizens wear;*

*can store money and valuables and use them in unlimited quantities;*

*during their free time they can make unlimited phone calls, receive and send parcels, parcels and parcels;*

*prepares meals independently from food products purchased at the expense of his own funds and from products in stores.*

*Prisoners have the right to an unlimited number of short-term meetings and twenty-four long-term meetings during the year. Meetings, as a rule, are given during non-working hours. If it is not possible to hold a long-term meeting in the area of the address-colony, the meeting may be held outside the area of the address-colony, in the area of the district (city) where this colony is located, based on the prisoner's application.*

*Prisoners live in dormitories divided into rooms. Convicts who have not violated the detention regime and have families may be allowed to live separately with their families in the area of the settlement colony or in the district (city) where the settlement colony is located, according to the decision of the head of the institution. Such persons must be present for registration in accordance with the rules of internal procedure. A representative of the prison-colony administration can enter the place where prisoners live at any time of the day.*

*The right to live outside the territory of the settlement-colony is not granted to the convicts specified in clauses "v" and "g" of the fourth part of Article 73 of the Criminal Code.*

*The procedure for the detention and control of convicts in residential colonies is determined by the Cabinet of Ministers of the Republic of Uzbekistan in accordance with the norms established in the Criminal Procedure Rules.*

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