

# EXPERIENCE OF SOME FOREIGN COUNTRIES IN THE APPLICATION OF CORRECTIONAL MEANS FOR CONVICTS

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**Annotation:** *In this article, the author covered the experience of some foreign countries in the application of correctional means for convicts.*

*The author notes that World experience shows that in many foreign countries, the issues of the development and implementation of the most effective, at the same time, promising methods and methods of influencing convicts serving the sentence of imprisonment have been solved in different ways.*

*In particular, in Finland, Switzerland, the Federal Republic of Germany, the United Kingdom and the United States, rich practical experience has been accumulated in the formation of various systems of penal institutions and bodies, the development and application of scientifically based methods of dealing with convicts during the period of serving sentences, categorization of convicts and a differentiated approach to them.*

**Key words:** *reforming the judicial system, types of jails, convict, place of residence of convicts, nutrition of convicts, material and household provision, primary need, provision of clothing, criminal liability measures.*

In the years of independence, measures to liberalize the penal system and expand the use of convicted Correctional means are considered by the leadership of our country as an issue of enormous social and socio-political importance. This, in turn, assumes the solution of the task of improving the moral correction of the convicted person and studying, analyzing the experience of foreign countries in this area, if necessary, applying the positive aspects of the experience in our republic as well.

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In particular, in Finland, Switzerland, the Federal Republic of Germany, the United Kingdom and the United States, rich practical experience has been accumulated in the formation of various systems of penal institutions and bodies, the development and application of scientifically based methods of dealing with convicts during the period of serving sentences, categorization of convicts and a differentiated approach to them.

In Finland, the system of stays is under the Ministry of Justice, with a total of 23 stays (17 in closed form and 6 in open form) in the country as of 2005, and 36 institutions holding about 3,000 prisoners in total. In addition, a mental health hospital for convicts and a turma hospital operate in Turku. The number of storage space in the stands is 3,438, of which 29% falls on open facilities. The number of employees is 2,544 people, 599 Finnish marks (\$90.8) are spent on one convicted person per day, and every one hundred thousand inhabitants (Finnish population is 5 million. person) there are 46 convicts. Closed-type stands hold an average of 50 to 250 convicts, open-type stands hold 16 to 31 convicts, and vary according to order type as follows:

- tightly ordered (enhanced security);
- General Order (Safety average);
- open stands.

Strict supervision of convicts is established in strict orderly stands, which are kept in complete isolation from society and other convicts.

In general-order stands, convicts can communicate among themselves. At the same time, within the framework of the turma area, it is allowed to walk on the watch of Supervisors.

In open stands, no special engineering and technical devices have been additionally built to prevent convicts from escaping (there are fences and iron bars, of course), convicts live in chamber-view rooms with door keys in them, have the opportunity to freely move around the territory of the institution and walk in clothes of a civil pattern.

Each convict is placed in separate cells with a bed, table, chair, wardrobe for personal clothing, shower and toilet, and is allowed to use television, tape recorder, book, educational equipment, computer games.

Each penal institution under the Ministry of Justice of Finland employs one to three welfare workers and psychologists. Although the state of welfare workers was introduced in the 40s of the 20th century, it was not until 40 years later that training in this specialty was established.

In Finland, like all skandinavian countries, convicts must engage in socially useful activities: work or study, and in both cases are paid by the state. The working day is set at 40 hours a week. Production mainly covers the areas of metalworking, construction, agriculture, handicrafts and daily work in the institution. The organization and establishment of training courses is carried out by the social welfare workers of Thurman in cooperation with local authorities. On Saturday and Sunday, convicts rest like citizens of the country. There are also such types that convicts are only on the land at night, work in normal production enterprises, like other citizens during the day, or are educated in educational institutions.

The training of convicts is officially carried out according to the general legislation of the state of Finland on secondary and Secondary Education. However, the leadership of the penitentiary system of the country is looking for new forms and methods of education by organizing special training courses for convicts and developing specific training programs. About 50% of the financial costs for convict education are borne by the bodies of the maorif and the municipality (the administration that governs cities and villages itself), and the rest by the administration of turma.

The task of training qualified personnel for the tours is assigned to the training center of employees of the penitentiary institution, which is considered the leading (at the same time the only) educational institution of the Ministry of Justice of Finland and has been operating since 1976.

The procedure for submitting and receiving documents to the educational center is carried out on the basis of the general requirements for the country's educational system, and those who have successfully passed the entrance exams are issued the usual document (student certificate) introduced. Enrolments are also required to have the same age (not younger than 19 years), health (physically healthy), education (at least the second stage of general education or high school education) and other qualities as in other states. The base courses of the training center are completed annually by an average of 40-60 cadets, and the average age of learners is 24-26 years, or one in three, by women.

From 1988 to 2005, only 10% of total applicants with different professions who applied with the desire to study at the training center were enrolled. The duration of study consists of 40 Study weeks, including theoretical and practical training, as well as 13 weeks of work practice.

In addition, more than 100 different types of seminar sessions are organized during the year in order to improve the qualifications of the staff of the tour.

It is worth saying that Finland has long been progressive in the organization of the execution of punishment in the history of deprivation of liberty, and at the same time it is a state where it is possible to study its advanced experience in this area. In Finnish law, it is noted separately that the conditions for keeping convicts in a dwelling should not differ in any way from the way of life in their liberation. At the same time, it is a notable aspect that the sentence of imprisonment in Finland is considered one of the most severe types of punishment, and it is not advisable to aggravate it again with some kind of behavior that looks degrading to human dignity[1].

We should note that Switzerland is a state with several common features, at the same time with special differences, as in other European countries, regarding the organization of the execution of punishment in the subject of deprivation of Liberty. One of the main differences is that this state does not have a single criminal-executive legislation.

In total, the administration of the estates in 26 counts (provinces)[2] in Switzerland sets the rules of procedure for organizing the execution of punishment in the history of deprivation of Liberty based on restrictions in criminal law, the only one for the country[3].

Convicts sentenced to imprisonment are kept in cells with small windows, which are not very large and are designed for one person (many people do not have molded cameras). It is allowed to store TV and music apparatus in the cells where convicts, showing themselves from positive behavior, are kept. Convicts can rent these apparatus from the turma administration, paying 20 Swiss francs (about US \$ 10) per month. About 30 programs are broadcast on television in German, French and Italian.

In case of violation of regime requirements by the convict (when evading forced labor, violating the agenda), the turma administration, as a disciplinary punishment, can deprive him of the right to watch TV shows. Convicts are kept in cells only at night. The rest of the time (8 hours of working day and one and a half hours of lunch time are introduced) is involved in production and study. The extreme modernity of production equipment and equipment has a positive effect on the quality of the products being prepared, in turn, competitiveness.

One of the peculiarities in the organization of convict labour in Switzerland is that one sector of production, like in other states, is not monopolized (for example, forestry or wood processing, like in Russia, metal processing, like in Finland, etc.k.). Convicts work mainly in not very large workshops, and given the interest and aspiration of convicts, they are taught the necessary professions, and the main purpose of this should serve and contribute to the search for their future lives with the help of the professions that the convicts occupy even after their release.

Analysis of the literature shows that in recent years, the average monthly salary of each convicted person serving a sentence in the ranks of deprivation of Liberty in Swiss settlements was US \$ 60. Convicts were allocated to detachments, and it was established that the number of convicts in each detachment would not exceed 30 men. Ensuring the safety of the Jail does not cause much difficulty even because it is done by observing the entire jail area using telecamera.

The involvement of convicts' free time in socially useful activities is a constant focus of the turma administration, this activity is carried out by the involvement of convicts in forced labor, the establishment of general and vocational education, the implementation of sports, religious – spiritual and similar activities. Of those shown, only Labour is compulsory for convicts, and may volunteer for the rest. In Swiss law, the active participation of convicts in such activities plays a leading role in determining their positive behavior, determining the degree of moral recovery, and increases the possibility of early parole of a convict[4].

In addition, the active participation of convicts in programs for treatment courses against alcoholism, drug addiction or poisoning, in programs at the stage of preparation for release, in religious-spiritual programs is also the basis for stimulation.

It should be noted that in Switzerland, when attracting convicts with socially useful activities, high-level equipped sports fields, schools, prayer rooms and existing libraries filled with literature written in different languages are used productively. The peculiarity of the activities of the country's system of derivatives is that serious attention is paid to the life of convicts not only in the process of serving their sentence, but also in their lives after their release[5].

The experiences accumulated in the Federal Republic of Germany regarding the organization of the execution of punishment in the history of deprivation of Liberty have been recognized by most countries in Europe for their large number of positive aspects. The country's penal system is part of the Ministry of Justice, one of the specific aspects of which is the use of social assistance personnel, priests and psychologists as the main specialists in the conduct of measures of interaction with convicts. One of the main principles in the activities of these employees is the fact that in the process of working with convicted convicts sentenced to imprisonment, they sooner or later, anyway, realized and recognized that they would return to society and become its equal member. Another consideration is that the role of religion in penal institutions in the history of deprivation of Liberty is of paramount importance. That is why each penal institution has its own Catholic and protestant priest, who continue their assistance to the convicts even after they are released[6].

From the experience of the Germans it is possible to know that, as in other areas, long-sighted work is carried out in attracting convicts who are held in penal institutions to socially useful activities. In particular, convicts are trained in highly qualified specializations such as atomic reactor welder, automatic line tuner, and the main purpose of this is to be able to easily work in high-tech-based production enterprises once the convict is released. That is why correctional institutions in Germany are practically a place for preparing a reserve of highly qualified personnel, and this thing, as German experts believe, increases the chances of preventing relapse crime.

In addition, the turma administration is in close cooperation with Labor exchanges and conducts an in-depth study and analysis of what specialists are in great need in the labor market, in which areas there is a need for qualified labor in the future, and other similar issues.

Serious emphasis is also placed on the education and vocational training of convicts in Jail. Trained convicts are conditionally divided into the following two categories:

- illiterates studying in elementary education (reading, writing, arithmetic) courses;
- literates who receive education on reduced programs of general education.

In recent years, there has been a growing interest in the introduction of distance (long-distance) training in German residential communities. This, in fact, makes it possible to realistically master the training programs that are given through the telemarkets of several European countries by convicts. At the same time, the isolation of convicts from society when passing tests and exams in distance learning is causing some complications. The period of serving the sentence of convicted persons in the history of imprisonment is conditionally divided into the following three stages: adaptation of the order and conditions of serving the sentence (adaptation); Correctional Institution; preparation for release. Also, prominent public figures of the city where the turma is located (doctor, educator, worker, etc.k.) a board of Trustees is formed, this board is actively involved in the areas of activity in all aspects carried out by the turma administration, as well as assisting in preparing for the life of the daily lifestyle in freedom[7].

In the United Kingdom, the system of stays is administered by the Home Office rather than by the Ministry of Justice, as in most European states, and consists of the following three independent networks:

Northern Ireland tours service;

Scottish tours service;

Tours service of England and Wales.

There are the following types of residential institutions:

- Central prisons are designed to house convicts sentenced to imprisonment for long periods, i.e. three years or more;

- regional (territorial) types, serving several administrative-territorial units and specially selected, designed to house convicts sentenced to first time trial and imprisonment for 12 months or more;

- the correctional Penitentiary institutions, that is, consisting of sections of the tours or tours, are designed to house recidivistic convicts over the age of 21, who have entered the path of moral recovery;

- local estates, an institution that serves one administrative area, to which convicts convicted for the first time are sent.

There are borstal correctional facilities and schools in England to house young convicts under the age of twenty-one. In addition, a system of correctional and educational centers operates to keep minor offenders for a short period of time[8].

The period of serving the sentence in the history of imprisonment of convicts is divided into:

trial period (convict kept individually);

moral recovery period (kept in common rooms together with other convicts through forced labor involvement);

a period of parole before the deadline (for convicts who have served at least three-quarters of the sentence).

Between the period of moral recovery and early parole from punishment, another stage is envisaged – the transfer to a semi-open type of storage conditions (exit to work without a guard, free communication with the outside world) (the existing address in our republic-similar to the storage conditions in the colonies). These storage conditions are successfully used in the penitentiary system of other countries, including in the penal system of our country. Because such storage conditions provide a convenient opportunity for freed convicts to quickly and easily adapt to free life in society.

Under the British rules of stay, every convict is required to have access to knowledge. Evening training programs are developed in all tours, and those who wish can either increase their level of knowledge in the form of correspondence or evening training, or undergo professional training in absenteeism. If all the conditions for professional training are sufficient, this preparation is organized in the hours allotted for labor and the salary is paid. The process of education for convicts in UK Penitentiary institutions is organized at a high level, where it is possible to get from primary education to higher education. The forms of education are also colorful: evening education, full-time education organized on certain days of the week, correspondence education in open universities and colleges, study in special courses, separate training courses for women. While education for convicts is mostly free at the expense of sponsors as well as charities, some educational services are monetary. It is a notable aspect that the interruption of the educational process is ensured not only during the period of serving the sentence, but also after the end of the sentence. All this seriously contributes to the adaptation of the freed convict to society[9].

In the United Kingdom, a specific mechanism for controlling the system of derivatives has been formed. That is, there is a system of committees for inspecting tours. Each of the estates operates a council composed of local citizens of respect and consideration, appointed by the minister of the interior and performing the duties specified in the law. The College of inspectors is made up of individuals who are not affiliated with the system of standing, and are also sometimes referred to as supervising Magistrates. Their principal obligations are set out in paragraph 94 of the rules of tours as follows: "collegiate inspectors must personally make sure that the condition of the buildings of tours, the rules of the management of tours and the treatment of convicts are observed at the required level"[10].

Members of the collegium have the right to inspect the desired location of the stands, to chat with convicts and staff in an anonymous manner. It should be noted that such a form of control over the system of types in the United Kingdom is a kind of experience in ensuring the effective organization of the execution of punishment in the country's history of imprisonment, in the moral correction of convicts, in the Prevention of crimes, in the protection of the rights, freedoms and legitimate interests of convicts.

The implementation of leadership over places of deprivation of Liberty in the United States was entrusted to the chief attorney[11]. Also, management over penal institutions is carried out by bilateral, that is, local (municipality) bodies, as well as the Directorate of penitentiary institutions of the district.

There are three main categories of jails in the US:

1) protection in maximum security types is organized in such a way that convicts are provided with a whole separation from society, as well as employees of the institution;

2) although the average level of security is in some ways similar to the maximum level of security, however, convicts will have more access to hiking, household services and library [12];

3) in minimum security tours, convicts are kept in common sleeping areas, have the right to move freely in the territory of the settlement (similar to the address-colonies in our republic).

Prisoners held in moderate to minimal security tours will have the right to use the services of welfare workers, the help of a lawyer, a psychiatrist, receive general and higher education in school and university programs, undergo professional training [13], receive treatment from alcoholism and drug addiction, as well as participation in religious groups. Penal institutions have developed a number of programs to moralize convicts and reduce crime rates [14]. These include:

1) programs of a spiritual nature-applicable to convicts who do not confess to the crime they committed, or convicts who cannot attend other programs because their sentences are too short;

2) intensive (long-term) programs-aimed at recidivists, drug addicts and perpetrators of the crime of sexual harassment;

3) transitional (adaptation) programs-developed for convicts passing the last 9 months of punishment [15];

4) extended programs – provide for work with convicts with a low level of intelligence.

One of the peculiarities of organizing the execution of punishment in the history of imprisonment in the USA is the presence of private tours. Criminologist scientist at the University of Oslo (Norway) N. Christy believes that in the United States, since the 80s of the last century, the activities of private tours have been widely used. In particular, 3,000 convicts were held in private stands in 1987, while by 1996 the number had grown to 85,000 [16]. According to a " USA Today " report on June 5, 1996, it was predicted that this

figure would reach 360,000 people over the next decade . To date, along with the fact that this forecast finds its confirmation in life, private dwellings have become a separate layer of industry and economy of the country. At the moment, US tours are not without the following problems found in the penitentiary systems of other countries: violation of the norms of the place intended for the detention of convicts, failure to provide convicts with full jobs in penal institutions, insufficient performance of work on the protection of the rights and freedoms of convicts and their legal interests, etc.

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