

Ensuring The Legality of Implementation of The Rights of Consumed in Institutions For The Execution of Punishments in The Republic of Uzbekistan

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Abstract: In the article, based on the study of legal acts on the execution of criminal punishments in the Republic of Uzbekistan, as well as the analysis of the opinions of scientists, the provision of law and discipline in institutions for the execution of sentences was studied.

Key words: ensuring the rule of law, rights and freedoms, reforms, public administration, convicts, foreign citizens and stateless persons.

In the context of the ongoing large-scale reforms in the Republic of Uzbekistan, the judicial and legal system has been radically revised. One of the important priority areas being implemented in the country is the Strategy of Actions for the Further Development of the Republic of Uzbekistan in 2017-2021, is to ensure the rule of law and further reform of the judicial and legal system. The tasks of improving and liberalizing the norms of criminal and criminal procedure legislation, decriminalizing certain criminal acts, humanizing criminal penalties and the procedure for their execution, etc[1].

As the head of state noted, «... Our Basic Law guaranteed the equality of all citizens of the country, regardless of their gender, race, nationality, language, religion, social origin, and laid a solid foundation for modern democratic development»[2].

At the same time, in accordance with Article 6 of the Criminal Executive Code of the Republic of Uzbekistan, it is determined that criminal executive legislation is based on the principles of

legality, justice, humanism, democracy, differentiation and individualization of the execution of punishment, rational use of coercive means and stimulation of law-abiding behavior of convicts.

Compliance with the rule of law by convicts and employees of the penitentiary system is also important because it is they who are active participants in lawmaking and law enforcement processes; the state of law and order in penal institutions largely depends on them. In this regard, a theoretical study of the state of legality in the activities of employees of the bodies of the penitentiary system is the main direction of preventing violations of the law and service discipline, as well as ensuring the rights and freedoms of convicts.

It should also be noted that the Constitution of the Republic of Uzbekistan secures the citizens of the Republic of Uzbekistan and the state are bound by mutual rights and mutual responsibility. The rights of citizens, enshrined in the Constitution and laws, are inviolable, and no one has the right to deprive or restrict them without a court.

It should be noted that a very important aspect of the implementation of the political rights of citizens, in accordance with Article 32 of the Constitution of the Republic of Uzbekistan, citizens of the Republic of Uzbekistan have to participate in the management of the affairs of society and the state both directly and through their representatives. Such participation is carried out

through self-government, the holding of referendums and the democratic formation of state bodies, as well as the development and improvement of public control over the activities of state bodies. This right of convicts is enshrined in the norm of Article 9 of the Criminal Executive Code of the Republic of Uzbekistan convicts held in places of imprisonment for crimes that do not pose a great public danger and less serious crimes have the right to participate in the elections of the President of the Republic of Uzbekistan, deputies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, deputies of regional, district and city Kengashes of people's deputies and a referendum.

This clause of the norm of Article 9 of the Criminal Executive Code of the Republic of Uzbekistan was introduced by the Law of the Republic of Uzbekistan «On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with Improving the Legislation on Elections» on September 4, 2019, providing for additions to part three of the following content [3].

As the head of state noted, «... another important step has been taken towards the full provision of the citizens' electoral rights enshrined in the Constitution. The right to vote was given to persons who are in places of imprisonment by a court verdict who have committed crimes that do not belong to the categories of grave and especially grave. 1905 persons deprived of their freedom will exercise this right in the upcoming elections»[4].

In addition, it should be noted that not only citizens of the Republic of Uzbekistan sentenced to punishment, but also foreign citizens and stateless persons who have the rights, freedoms and obligations established by international treaties of

the Republic of Uzbekistan are serving sentences in institutions or bodies executing sentences [5].

Thus, in accordance with Article 23 of the Constitution of the Republic of Uzbekistan, foreign citizens and stateless persons who are on the territory of the Republic of Uzbekistan are provided with rights and freedoms in accordance with the norms of international law. They bear the duties established by the Constitution, laws and international treaties of the Republic of Uzbekistan.

Along with this, in accordance with Article 9 of the Criminal Executive Code of the Republic of Uzbekistan, convicted foreign citizens also have the right to maintain contact with diplomatic missions and consular offices of their states, and citizens of countries that do not have diplomatic and consular offices in the Republic of Uzbekistan - with diplomatic missions the state that has assumed the protection of their interests.

As noted by the domestic scientist Odilkoriev H.T. the legalization process is carried out by the parties in the preparation, discussion, adoption and publication of draft normative legal acts, primarily on the basis of the Constitution. In the basic sense of the rule of law, it is necessary to implement it in accordance with the law of the legislature - parliament, as well as other legislatures. The judicial process and law enforcement agencies and the activities of all state bodies and officials must fully comply with the law. This principle of legality in the activities of all authorities, obedience to the law in the behavior of officials and citizens is manifested in obedience to its requirements. Legitimacy is characterized by the qualities of community and uniqueness. Obedience to the law is inherent in all subjects to demand [6, p. 207].

According to the foreign scientist V.G. Pavlov. legality is a special kind of legal relations between state bodies, other organizations vested with power and officials with other entities, including citizens, based on strict observance of the law and respect for human and civil rights and freedoms. Within the framework of these relations, legality is proclaimed as a principle, is implemented as a method of activity of powerful subjects and, ultimately, is implemented as their regime [7, p. 15], another scientist Baranov A.M. believes legality is just at the forefront of ensuring, protecting, protecting the legal rights and interests of man and citizen. A citizen who does not have power usually appeals to the relevant state bodies and officials when there is an infringement of his rights, freedoms, interests, but does not have the legal authority to give orders or orders [8, p. 34].

Along with this, it is necessary to conclude that at present in legal science, in addition to the existing traditional understanding of legality, serious attempts are being made to create a new definition of this legal phenomenon, which would take into account the modern liberal legal understanding of law. At the same time, various features of modern social life are taken into account, directly related to the desire to create a full-fledged civil society, with the introduction of legal laws into social relations, the recognition of the highest value of the individual along with his rights and freedoms.

Also, the moral and psychological climate, the state of educational work and social protection of both personnel and convicts have a great influence on the state of legality in penal institutions. After analyzing the entire system of factors affecting the state of legality, we concluded that the above confirms the fundamental reforms carried out in the country, the creation of

conditions for the further development of social relations, the deepening of democratic reforms, the strengthening of guarantees for the protection of universal human values, primarily the protection of the individual, her life, freedom, honor, dignity and other inalienable rights.

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