



**JINOYAT-IJROIYA QONUNCHILIGINING MAHKUMGA
NISBATAN INSONIY MUOMALADA BO‘LISH TAMOYILINING O‘ZIGA
XOS XUSUSIYATLARI**

**DISTINCTIVE CHARACTERISTICS OF THE PRINCIPLE OF
HUMANE TREATMENT OF PRISONERS WITHIN THE FRAMEWORK
OF PENITENTIARY LAW**

*O‘zbekiston Respublikasi IIV Akademiyasi kunduzgi ta’lim 3-o‘quv kursi 333-
guruh kursanti*

Nuraliyeva Sabina Adash qizi

Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan

cadet of group 333 of the 3rd year of study

Nuraliyeva Sabina Adash qizi

A N N O T A T S I Y A

Jinoyat-ijroiya qonunchiligida mahkumlarga nisbatan insoniy muomalada bo‘lish tamoyili jazoni ijro etish tizimining asosiy huquqiy, ijtimoiy va axloqiy mezonlaridan biri hisoblanadi. Ushbu tamoyil inson huquqlari ustuvorligini ta’minlash, mahkumlarning sha’ni va qadr-qimmatini hurmat qilish hamda ularni ijtimoiy rehabilitatsiya qilishga xizmat qiladi. Shunga qaramay, amaliyotda ushbu tamoyilning to‘liq amalga oshirilmasligi holatlari saqlanib qolmoqda, bu esa inson huquqlari buzilishiga va penitensiar tizim samaradorligining pasayishiga olib keladi.

Mazkur ilmiy tadqiqot insonparvarlik tamoyilining samaradorligini oshirish masalalarini huquqiy, institutsional va ijtimoiy-psixologik omillar kesimida kompleks tahlil qiladi. Tadqiqot davomida aralash metodologiya qo‘llanilib, jazoni



ijro etish muassasalari xodimlari va huquqshunos mutaxassislar o'rtasida so'rov hamda yarim strukturalangan suhbatlar o'tkazildi.

Natijalar shuni ko'rsatdiki, insoniy muomala tamoyilining samarali amalga oshirilishi quyidagi omillarga bog'liq: (1) milliy qonunchilikning xalqaro standartlarga mosligi va aniqligi, (2) jazoni ijro etish muassasalari xodimlarining kasbiy va axloqiy tayyorgarligi, (3) samarali nazorat va monitoring tizimlarining mavjudligi, (4) mustaqil inson huquqlari institutlarining faol ishtiroki.

Tadqiqot natijalari asosida insonparvarlik tamoyilini mustahkamlashga qaratilgan ierarxik model taklif etilib, qonunchilar, amaliyotchi xodimlar va ilmiy doiralar uchun tegishli tavsiyalar ishlab chiqilgan.

Kalit so'zlar:

jinoyat-ijroiya huquqi, insonparvarlik tamoyili, mahkum huquqlari, penitensiar tizim, reabilitatsiya, inson huquqlari, jazoni ijro etish.

A B S T R A C T

The principle of humane treatment of prisoners within penitentiary law constitutes one of the fundamental legal, social, and ethical foundations of the penal enforcement system. This principle ensures the primacy of human rights, respect for the dignity of inmates, and their social rehabilitation. However, in practice, incomplete implementation of this principle continues to result in human rights violations and reduced effectiveness of correctional systems.

This study provides a comprehensive analysis of mechanisms for improving the effectiveness of humane treatment through legal, institutional, and socio-psychological perspectives. A mixed-methods approach was applied, including



surveys and semi-structured interviews with correctional officers and legal professionals.

The findings demonstrate that effective implementation of humane treatment depends on: (1) clarity and alignment of national legislation with international standards, (2) professional and ethical competence of correctional staff, (3) effective monitoring and accountability mechanisms, and (4) active involvement of independent human rights institutions.

Based on the findings, a hierarchical enhancement model is proposed, and practical implications are provided for policymakers, practitioners, and scholars.

Keywords:

penitentiary law, humane treatment, prisoners' rights, correctional system, rehabilitation, human rights, penal enforcement.

1. Kirish

Zamonaviy jamiyatda jinoyat-ijroiya tizimi nafaqat jazolash, balki mahkumlarni tuzatish, ularni ijtimoiy hayotga qayta moslashtirish va huquqbuzarliklarning oldini olish vazifalarini ham bajaradi. Shu jihatdan, mahkumlarga nisbatan insoniy muomalada bo'lish tamoyili alohida ahamiyat kasb etadi.

So'nggi yillarda xalqaro hamjamiyat tomonidan inson huquqlarini ta'minlashga bo'lgan e'tibor ortib borayotgan bo'lsa-da, amaliyotda ayrim muammolar saqlanib qolmoqda. Xususan, jazoni ijro etish muassasalarida mahkumlarga nisbatan munosabat, ularning huquqlarini ta'minlash va nazorat mexanizmlarining samaradorligi masalalari dolzarbligicha qolmoqda.



Mazkur tadqiqot quyidagi ilmiy savolga javob beradi: jinoyat-ijroiya qonunchiligida insonparvarlik tamoyilini samarali amalga oshirishning asosiy omillari nimalardan iborat?

1. Introduction

In modern society, the penal enforcement system performs not only punitive functions but also aims at correction, rehabilitation, and reintegration of offenders into society. In this regard, the principle of humane treatment of prisoners plays a crucial role.

Despite growing international attention to human rights protection, practical challenges remain. Issues related to the treatment of prisoners, protection of their rights, and effectiveness of monitoring mechanisms continue to be highly relevant.

This study addresses the following research question: what are the key factors ensuring effective implementation of the humane treatment principle in penitentiary law?

2. Adabiyot sharhi / Literature Review

2.1 Nazariy asoslar / Theoretical Foundations

Jinoyat-ijroiya qonunchiligida mahkumlarga nisbatan insoniy muomalada bo‘lish tamoyili zamonaviy huquqiy davlatning asosiy prinsiplaridan biri hisoblanadi. Ushbu tamoyil inson huquqlarining universalligi, ajralmasligi va daxlsizligi haqidagi fundamental g‘oyalarga asoslanadi. Mazkur prinsipga ko‘ra, shaxs jinoyat sodir etgan bo‘lsa ham, u o‘zining insoniy qadr-qimmatidan mahrum etilmaydi va davlat tomonidan unga nisbatan hurmatli munosabat ta‘minlanishi shart.



Insonparvarlik tamoyili xalqaro huquqiy hujjatlarda mustahkamlangan bo‘lib, u qiynoqlarni, shafqatsiz yoki qadr-qimmatni kamsituvchi muomalani qat’iyan taqiqlaydi. Ushbu yondashuv jazoni ijro etish tizimini faqat jazolovchi mexanizm emas, balki mahkumlarni tuzatish va jamiyatga qayta integratsiya qilish vositasi sifatida ko‘rishni taqozo etadi.

Nazariy jihatdan ushbu tamoyil uch asosiy komponentdan iborat: normativ-huquqiy, institutsional va aksiologik komponentlar. Normativ komponent qonunchilikda mustahkamlanishni anglatadi, institutsional komponent esa uning amaliyotda qo‘llanilishini ifodalaydi, aksiologik komponent esa inson huquqlari va qadriyatlar tizimi bilan bog‘liqdir.

The principle of humane treatment of prisoners within penitentiary law is one of the fundamental elements of a modern legal state. It is grounded in the universal, inalienable, and inviolable nature of human rights. According to this principle, even individuals who have committed crimes retain their inherent human dignity and must be treated with respect by the state.

This principle is закрепed in international legal instruments, which strictly prohibit torture and any form of cruel, inhuman, or degrading treatment. Such an approach requires that the penal system be viewed not merely as a punitive mechanism, but as a means of rehabilitation and social reintegration.

From a theoretical perspective, the principle consists of three main components: normative-legal, institutional, and axiological. The normative component refers to legal закрепation, the institutional component relates to implementation in practice, and the axiological component reflects underlying human rights values.

2.2 Empirik tadqiqotlar / Empirical Studies



Empirik tadqiqotlar shuni ko'rsatadiki, insonparvarlik tamoyilining amalga oshirilishi ko'p jihatdan inson omiliga bog'liq. Xususan, jazoni ijro etish muassasalari xodimlarining kasbiy tayyorgarligi, ularning huquqiy ong darajasi va etik madaniyati muhim rol o'ynaydi.

Tadqiqotlar shuni ham ko'rsatadiki, ortiqcha repressiv yondashuv, xizmat yuklamasining yuqoriligi va nazoratning sustligi inson huquqlari buzilishiga olib kelishi mumkin. Bundan tashqari, moddiy-texnik ta'minotning yetarli emasligi va infratuzilma muammolari ham muhim omillar sirasiga kiradi.

Xalqaro tajriba mustaqil monitoring mexanizmlarining ahamiyatini ko'rsatadi. Ombudsman institutlari, jamoatchilik nazorati va xalqaro tashkilotlar inson huquqlarini ta'minlashda muhim rol o'ynaydi.

Empirical studies indicate that the implementation of the humane treatment principle largely depends on human factors. In particular, the professional competence, legal awareness, and ethical standards of correctional staff play a crucial role.

Research also shows that excessive punitive approaches, high workload, and weak oversight mechanisms can lead to violations of human rights. Additionally, inadequate infrastructure and limited resources further complicate the situation.

International experience highlights the importance of independent monitoring mechanisms. Ombudsman institutions, public oversight bodies, and international organizations play a vital role in ensuring compliance with human rights standards.

3. Metodologiya / Methodology

Mazkur tadqiqotda aralash metodologiya qo'llanildi. Miqdoriy usul sifatida so'rovnoma, sifatli usul sifatida esa yarim strukturalangan suhbatlardan



foydalanildi. Ma'lumotlar statistik va tematik tahlil orqali qayta ishlanib, umumlashtirildi.

This study employs a mixed-methods approach, combining quantitative surveys and qualitative semi-structured interviews. The collected data were analyzed using statistical and thematic analysis techniques.

4. Natijalar / Results

Natijalar shuni ko'rsatdiki, insonparvarlik tamoyilining samarali amalga oshirilishi quyidagi omillarga bog'liq:

- xodimlar malakasi va etik tayyorgarligi;
- nazorat va monitoring tizimlari;
- qonunchilik va amaliyot o'rtasidagi uyg'unlik;
- moddiy-texnik sharoitlar.

The findings indicate that effective implementation of humane treatment depends on:

- staff competence and ethical training;
- monitoring and oversight mechanisms;
- consistency between law and practice;
- material and infrastructural conditions.

5. Muhokama / Discussion

Tadqiqot natijalari insonparvarlik tamoyilini ta'minlash uchun kompleks yondashuv zarurligini ko'rsatadi. Bu jarayonda huquqiy, institutsional va ijtimoiy omillar o'zaro uyg'unlikda ishlashi lozim.



The findings suggest that ensuring humane treatment requires a comprehensive approach integrating legal, institutional, and social dimensions.

6. Xulosa va tavsiyalar / Conclusion and Recommendations

Insonparvarlik tamoyilini samarali ta'minlash uchun quyidagilar tavsiya etiladi:

- qonunchilikni xalqaro standartlarga moslashtirish;
- xodimlar malakasini oshirish;
- mustaqil nazorat tizimlarini kuchaytirish;
- rehabilitatsiya dasturlarini kengaytirish.

To enhance humane treatment, the following measures are recommended:

- aligning national legislation with international standards;
- improving staff training;
- strengthening independent oversight;
- expanding rehabilitation programs.

FOYDALANILGAN ADABIYOTLAR / REFERENCES

- Rustamboyev M.X. — *Jinoyat-ijroiya huquqi*. Toshkent, 2022.
- Xudoyqulov F.B. — *Inson huquqlari va jazoni ijro etish tizimi*. Toshkent, 2021.
- Aliyev O.O. — *Axborot xavfsizligi va davlat siyosati*. Toshkent, 2023.
- Yigitaliyev O.H. — *Inson huquqlari himoyasi masalalari*. 2022.
- Jabborov Z.B. — *Davlat va jamiyatda huquqiy siyosat*. 2021.



1. Nelson Mandela — *United Nations Standard Minimum Rules for the Treatment of Prisoners*. United Nations, 2015.
2. Andrew Coyle — *A Human Rights Approach to Prison Management*. 2009.
3. Dirk van Zyl Smit, Sonja Snacken — *Principles of European Prison Law and Policy*. Oxford University Press, 2009.
4. Alison Liebling — *The Moral Performance of Prisons*. Oxford University Press, 2004.
5. United Nations — *Universal Declaration of Human Rights*. 1948.
6. United Nations — *Convention Against Torture*. 1984.