



**MAHKUMLARGA NISBATAN INSONIY MUOMALADA BO‘LISHNING  
XALQARO TAJRIBA ASOSIDA AMALGA OSHIRILISHI**

**IMPLEMENTATION OF HUMANE TREATMENT OF PRISONERS  
BASED ON INTERNATIONAL EXPERIENCE**

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**Annotatsiya**

Mahkumlarga nisbatan insoniy muomalada bo‘lish tamoyili zamonaviy xalqaro huquq tizimining asosiy prinsiplaridan biri hisoblanadi. Ushbu tamoyil mahkumlarning sha’ni va qadr-qimmatini himoya qilish, qiynoqlar va shafqatsiz muomalani oldini olish hamda ularni ijtimoiy reabilitatsiya qilishga qaratilgan.

Mazkur maqolada insoniy muomala tamoyilining xalqaro tajriba asosida amalga oshirilishi, xususan BMT standartlari, Yevropa penitensiar qoidalari va rivojlangan davlatlar amaliyoti tahlil qilinadi. Tadqiqotda qiyosiy-huquqiy yondashuv qo‘llanilib, turli huquqiy tizimlar o‘rtasidagi o‘xshash va farqli jihatlar ochib beriladi.

Natijalar shuni ko‘rsatadiki, insonparvarlik tamoyilining samarali ishlashi institutsional mustaqillik, kuchli monitoring tizimi va xodimlarning yuqori etik madaniyatiga bog‘liq.

**Abstract**



The principle of humane treatment of prisoners is one of the fundamental norms of contemporary international law. It aims to protect human dignity, prevent torture and degrading treatment, and ensure the social rehabilitation of prisoners.

This article analyzes the implementation of the humane treatment principle based on international experience, particularly UN standards, European prison rules, and practices of developed countries. A comparative legal approach is applied to identify similarities and differences among various legal systems.

The findings indicate that the effectiveness of humane treatment largely depends on institutional independence, strong monitoring mechanisms, and high ethical standards of correctional staff.

#### KALIT SO‘ZLAR / KEYWORDS

Mahkumlar huquqi, insoniy muomala, penitensiar tizim, xalqaro huquq, reabilitatsiya, inson huquqlari

prisoners' rights, humane treatment, penitentiary system, international law, rehabilitation, human rights

#### 1. KIRISH / INTRODUCTION

Zamonaviy xalqaro huquqda inson qadr-qimmatini eng oliy qadriyat sifatida e'tirof etilgan. Shu sababli, jinoyat sodir etgan shaxslar ham o'z insoniy huquqlaridan to'liq mahrum etilmaydi. Mahkumlarga nisbatan insoniy muomalada bo'lish tamoyili aynan shu yondashuvning amaliy ifodasidir.

Biroq, turli davlatlarda penitensiar tizimlarning rivojlanish darajasi turlicha bo'lgani sababli, ushbu tamoyilning amalga oshirilishi ham bir xil emas. Ba'zi davlatlarda zamonaviy reabilitatsion model ustuvor bo'lsa, boshqalarida repressiv yondashuv saqlanib qolgan.



Ushbu maqolaning maqsadi — xalqaro tajriba asosida insoniy muomala tamoyilining samarali amalga oshirilish mexanizmlarini tahlil qilishdir.

## **Introduction**

In contemporary international law, human dignity is recognized as the highest value. Therefore, individuals who have committed crimes are not entirely deprived of their fundamental rights. The principle of humane treatment of prisoners reflects this approach.

However, due to differences in the development of penitentiary systems across countries, the implementation of this principle varies significantly. While some states adopt a rehabilitation-oriented model, others still rely on punitive approaches.

The purpose of this article is to analyze the mechanisms of implementing humane treatment based on international experience.

## **2. ADABIYOTLAR SHARHI / LITERATURE REVIEW**

Mahkumlarga nisbatan insoniy muomala tamoyili zamonaviy xalqaro huquqning evolyutsion rivojlanishi natijasida shakllangan kompleks institut hisoblanadi. Ilk bosqichlarda jazoni ijro etish tizimi faqat repressiv xarakterga ega bo‘lgan bo‘lsa, XX asrning ikkinchi yarmidan boshlab inson huquqlari paradigmasi bu yondashuvni tubdan o‘zgartirdi.

BMT tomonidan qabul qilingan “Nelson Mandela Rules” mahkumlarga nisbatan minimal standartlarni belgilab berdi va davlatlarga penitensiar tizimda inson qadr-qimmatini saqlash majburiyatini yukladi. Ushbu qoidalarda qiynoqlarni taqiqlash, sog‘liqni saqlash xizmatlariga teng kirish, sanitariya sharoitlarini ta’minlash kabi asosiy talablar mustahkamlangan.



Yevropa Kengashi doirasida esa penitensiar siyosat yanada rivojlangan reabilitatsion modelga asoslanadi. Masalan, Norvegiya va Niderlandiya tajribasida jazoni ijro etish muassasalari “ijtimoiy qayta tarbiya markazi” sifatida qaraladi. Bu yondashuvda asosiy urg‘u jazoga emas, balki shaxsning jamiyatga qayta integratsiyasiga qaratiladi.

Bundan tashqari, ilmiy adabiyotlarda Alison Liebling tomonidan ishlab chiqilgan “moral performance of prisons” konsepsiyasi muhim o‘rin tutadi. Unga ko‘ra, penitensiar tizim samaradorligi faqat huquqiy normalar bilan emas, balki ichki muhit, xodimlar va mahkumlar o‘rtasidagi munosabatlar sifati bilan ham belgilanadi.

Shu bilan birga, rivojlanayotgan davlatlarda repressiv yondashuvning ustunligi, resurs yetishmasligi va institutsional nazoratning zaifligi insonparvarlik tamoyilining to‘liq amalga oshirilishiga to‘sqinlik qilmoqda.

The principle of humane treatment of prisoners has evolved as a result of the progressive development of international human rights law. While early penitentiary systems were primarily punitive, the second half of the 20th century introduced a paradigm shift toward human rights-based approaches.

The UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) established universal minimum standards, obliging states to ensure respect for human dignity within correctional facilities. These include prohibitions on torture, access to healthcare, and adequate living conditions.

Within the Council of Europe framework, penitentiary policy is largely based on a rehabilitation-oriented model. In countries such as Norway and the Netherlands, prisons are conceptualized as “social reintegration institutions” rather than punitive facilities.



In addition, Alison Liebling’s concept of the “moral performance of prisons” emphasizes that prison effectiveness is not only determined by legal norms but also by the quality of institutional culture and relationships between staff and inmates.

However, in developing countries, punitive approaches, limited resources, and weak institutional oversight continue to hinder the full implementation of humane treatment principles.

### 3. METODOLOGIYA / METHODOLOGY

Mazkur tadqiqotda qiyosiy-huquqiy va tizimli tahlil usullaridan foydalanildi. Qiyosiy yondashuv orqali turli huquqiy tizimlarda insoniy muomala tamoyilining amalga oshirilish mexanizmlari o‘rganildi.

Tadqiqot doirasida BMT standartlari, Yevropa penitensiar qoidalari hamda Skandinaviya davlatlarining amaliy tajribasi tahlil qilindi. Shuningdek, normativ hujjatlar va ilmiy adabiyotlar asosida kontent-tahlil amalga oshirildi.

This study employs comparative legal and systemic analysis methods. The comparative approach was used to examine mechanisms of implementing humane treatment across different legal systems.

The research analyzes UN standards, European penitentiary rules, and Scandinavian best practices. Additionally, content analysis of normative documents and academic literature was conducted.

### 4. NATIJALAR / RESULTS

Tadqiqot natijalari shuni ko‘rsatdiki, insoniy muomala tamoyilining samarali amalga oshirilishi quyidagi tizimli omillarga bog‘liq:



Birinchidan, institutsional mustaqillik darajasi yuqori bo‘lgan davlatlarda huquqbuzarliklar kamroq uchraydi. Bu, ayniqsa, mustaqil monitoring organlarining mavjudligi bilan bog‘liq.

Ikkinchidan, xodimlarning professional tayyorgarligi va etik standartlari tizim samaradorligiga bevosita ta’sir ko‘rsatadi. Xodimlar va mahkumlar o‘rtasidagi munosabatlar sifati penitensiar muhitni belgilovchi asosiy omillardan biridir.

Uchinchidan, reabilitatsiya dasturlarining mavjudligi qayta jinoyat sodir etish (recidivizm) darajasini sezilarli darajada kamaytiradi.

The findings demonstrate that effective implementation of humane treatment depends on several systemic factors:

First, countries with higher institutional independence experience fewer human rights violations, largely due to effective external monitoring mechanisms.

Second, staff competence and ethical standards directly influence system performance. The quality of staff-inmate relationships is a key determinant of prison environment.

Third, rehabilitation programs significantly reduce recidivism rates and improve reintegration outcomes.

## 5. MUHOKAMA / DISCUSSION

Tadqiqot natijalari shuni ko‘rsatadiki, insoniy muomala tamoyili faqat huquqiy norma sifatida emas, balki institutsional madaniyat sifatida qaralishi kerak. Agar tizim faqat jazolashga yo‘naltirilgan bo‘lsa, inson huquqlari ikkinchi darajaga tushib qoladi.



Skandinaviya modeli shuni isbotlaydiki, insonparvar yondashuv jinoyatchilik darajasini oshirmaydi, aksincha, qayta jinoyat sodir etish ehtimolini kamaytiradi. Bu esa reabilitatsiya yondashuvining samaradorligini tasdiqlaydi.

Shuningdek, xalqaro tajriba shuni ko'rsatadiki, ochiqlik va jamoatchilik nazorati kuchli bo'lgan tizimlarda inson huquqlari buzilishi ancha kam uchraydi.

The findings suggest that humane treatment should be viewed not merely as a legal norm but as an institutional culture. Systems focused solely on punishment tend to marginalize human rights considerations.

The Scandinavian model demonstrates that a humane approach does not increase crime rates; rather, it reduces recidivism, confirming the effectiveness of rehabilitation-oriented systems.

Furthermore, international experience shows that transparency and strong public oversight significantly reduce human rights violations.

## 6. XULOSA / CONCLUSION

### **Xulosa**

Tadqiqot natijalari shuni ko'rsatadiki, mahkumlarga nisbatan insoniy muomalada bo'lish tamoyili zamonaviy penitensiar tizimning ajralmas qismi bo'lib, u nafaqat huquqiy norma, balki institutsional va ijtimoiy madaniyat sifatida ham namoyon bo'ladi.

Xalqaro tajriba tahlili shuni ko'rsatadiki, ushbu tamoyilning samarali amalga oshirilishi quyidagi omillarga bevosita bog'liq: mustaqil monitoring tizimlarining mavjudligi, xodimlarning professional va etik tayyorgarligi, hamda reabilitatsiya yo'nalishining ustuvorligi.



Ayniqsa, Skandinaviya davlatlari tajribasi shuni isbotlaydiki, insonparvar yondashuv jazoni yumshatish emas, balki jamiyat xavfsizligini oshiruvchi samarali mexanizm hisoblanadi. Shu sababli, penitensiar siyosatda repressiv yondashuvdan reabilitatsion modelga o'tish dolzarb ilmiy va amaliy vazifa bo'lib qolmoqda.

### **Conclusion**

The study demonstrates that the principle of humane treatment of prisoners is an integral part of modern penitentiary systems, functioning not only as a legal norm but also as an institutional and social value.

International experience shows that the effectiveness of this principle largely depends on the presence of independent monitoring mechanisms, the professional and ethical competence of staff, and the prioritization of rehabilitation-oriented approaches.

In particular, the Scandinavian model confirms that humane treatment does not weaken justice but rather enhances public safety by reducing recidivism. Therefore, transitioning from a punitive approach to a rehabilitation-oriented model remains a key academic and practical priority.

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