

LABOR OF CONVICTS IN PLACES OF DEPRIVATION OF LIBERTY AS ONE OF THE MAIN MEANS OF THEIR CORRECTION

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ANNOTATION

The article is devoted to the issues of legal and organizational problems of labor regulation of convicts serving sentences in places of deprivation of liberty. The author considers the reasons and examples of the emergence of problems of legal regulation.

Keywords: convicts, convicted labor, legal regulation of convicted labor, criminal-executive legislation.

INTRODUCTION

The labor of convicts is organized in accordance with certain principles, the content of which is determined, firstly, by the nature of the labor of social production and, secondly, by its special purposes in correctional institutions.

The legal status of those sentenced to imprisonment deserves great attention. In order to determine their status, we refer to the recommendation of the Ministry of Internal Affairs of the Republic of Uzbekistan as a textbook, in which the legal status should be understood as a set of basic civil special rights and obligations related to the type of punishment, the goals of punishment caused by the behavior of the convict arising in the process of executing punishment.

The labor of convicts faces the most important goals; these include:

1) Re-education of the guilty. With the help of labor, convicts form useful habits and strengthen discipline. 2) Achievement of a social goal. The skills that the convicted person acquires during the execution of the sentence, in the process of work, can help him in ordinary life after serving a criminal sentence. 3) Pursuit of wellness goals. Convicts improve their physical health in the process of labor activity.

In accordance with Article 7 of the Criminal Executive Code of the Republic of Uzbekistan (here in after RUz) correction of the convict - the formation of his law-abiding behavior, respectful attitude to a person, society, work, norms and traditions of human community [1].

In accordance with Article 45 of the Criminal Executive Code of the Republic of Uzbekistan, there are the following types of institutions for the execution of sentences: penal colonies (penal colonies are subdivided into settlement colonies, general, strict, special regimes and are intended for keeping convicts who have reached the age of majority .); educational colonies; prisons.

In the context of the Nelson Mandela UN Rules, different categories of prisoners should be held in different institutions or in different parts of the same institution based on their gender, age, previous convictions, legal reasons for their imprisonment and prescribed treatment. [2]

It should be noted that the penal system of the Republic of Uzbekistan is in the "power" department - the Ministry of Internal Affairs of Uzbekistan. Due to this circumstance, most of

the punishments are carried out by the internal affairs bodies. These punishments include: 1) deprivation of a convicted person of a certain right; 2) compulsory community service; 3) correctional labor; 4) restriction of freedom; 5) imprisonment and life imprisonment.

Article 88 of the Republic of Uzbekistan contains a provision on the purpose of bringing convicts to work. The Uzbek legislator does not associate this attraction with the solution of economic, economic problems, determining that the main goal is to form the needs of convicts for socially useful activities. Article 88 of Criminal executive code of the Republic of Uzbekistan stipulates that recruitment to work should be carried out taking into account the sex, age, health status and working capacity of convicts and, if possible, their specialty. Disabled persons of I and II groups, men over 60 years old, women over 55 years old enjoy the right to choose whether to work or refuse to work.

Convicts are obliged to observe labor discipline, that is, observe the working hours, work conscientiously, observe safety regulations, etc. Violation of labor discipline entails the application of disciplinary measures.

An important place in the legal regulation of the serving by convicts of a sentence of imprisonment is occupied by the legal regime of their labor. The UN Standard Minimum Rules for the Treatment of Prisoners (2015) provides that "... prisoners should be assigned useful work sufficient to fill a normal working day" (Rule 71.2) [3]. Thus, bringing convicts to work does not contradict international legal acts in the field of criminal justice, taking into account all the necessary conditions for such work. Thus, article 88 of the Republic of Uzbekistan states that "... it is not allowed to use the labor of convicts in favor of private individuals."

It is worth noting that, as a rule, for those sentenced to imprisonment, a six-day working week is established in compliance with the maximum working hours established by labor legislation. At the same time, persons serving time on annual labor leaves are not provided, with the exception of persons serving sentences in penal settlements. Convicts in settlement colonies have the right to an annual paid labor leave of fifteen working days. Leave is granted with the right to leave the colony-settlement in the manner prescribed by Article 82 of this Code.

An important question arises when determining the amount of remuneration for those sentenced to imprisonment. And so, according to Art. 92 of the Criminal Executive Code the labor of those sentenced to imprisonment is paid in accordance with labor legislation, namely, Articles 153-164 of the Labor Code of the Republic of Uzbekistan.

The monthly wages of convicts who have fulfilled the labor standards and labor duties cannot be lower than the amount established by law for the first category of the Unified Wage Schedule. However, those sentenced to imprisonment can be brought to work without remuneration, this is most specifically explained in Article 93 of the Republic of Uzbekistan. In addition, they can also be held liable for damage caused in the performance of their labor duties - in the amount and manner, stipulated by labor legislation and other actions - in the amount and in the manner prescribed by civil legislation.

Persons sentenced to imprisonment after release from punishment have the right to state pensions in accordance with the law. This is discussed in more detail in the Law of the Republic of Uzbekistan "On state pension provision of citizens".

Those sentenced to imprisonment who are involved in labor are subject to compulsory state social insurance, and convicted women are also provided with maternity benefits in accordance with the procedure established by the government. In this case, the latter are paid regardless of the performance of labor duties and other circumstances.

Convicted persons who have lost their ability to work during the period of serving their imprisonment have the right to compensation for damage in the cases and in the manner prescribed by law.

In line with the recommendations of the Nelson Mandela Rules, close attention should be paid to the education and training of prisoners. Chapter 15 of the Republic of Uzbekistan talks about creating conditions for convicts to receive general secondary education. At the same time, Article 110 of the Criminal executive code of the Republic of Uzbekistan restricts the right of convicts to receive higher education, leaving it only to convicts held in penal colonies and having the opportunity to study in absentia. It seems that in order to re-socialize convicts, more effective correctional action, it is necessary to ensure the availability of higher education for prisoners in other correctional institutions. This problem can be solved through distance learning, but its implementation depends not only on the technical resources of correctional institutions, but also on whether the distance learning model is allowed by the legislation of the Republic of Uzbekistan on education.

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