



COMPARATIVE LEGAL ANALYSIS OF CORRECTIONAL LABOR AS A CRIMINAL PUNISHMENT IN THE LEGISLATION OF UZBEKISTAN AND THE RUSSIAN FEDERATION

Xudoberdi Ergashev, a PhD candidate at Tashkent State University of Law

ANNOTATION

This article presents a comparative legal analysis of the legal nature, content, and procedures for applying correctional labor as a criminal punishment in the legislation of Uzbekistan and the Russian Federation. The study examines how this institution is regulated in the Criminal Codes of both countries, including the duration of the punishment, the percentage of wages withheld for the benefit of the state, the locations and conditions under which the punishment is served, as well as the categories of individuals to whom it does not apply. The role of probation bodies in enforcing the punishment, mechanisms for involving convicts in labor, practical challenges encountered in implementation, and approaches to addressing them are analyzed. The organizational and legal approaches of the Russian Federation are compared with the practice of Uzbekistan, and practical recommendations that may contribute to improving the national system are proposed. The results of the study highlight the social significance of correctional labor, its potential to rehabilitate offenders without isolating them from society, and the opportunities for increasing the efficiency of the probation system.

Keywords:

Correctional labor, probation, criminal-executive system, non-custodial punishments, Criminal Code, punishment duration, withholding percentage, comparative legal analysis, Criminal Code of the Russian Federation, Criminal Code of the Republic of Uzbekistan, probation inspection, labor involvement, punishment execution.



One of the modern directions of criminal policy is the expansion of punishment types that allow the rehabilitation of offenders without isolating them from society, instill labor discipline, and facilitate reintegration. The core essence of the punishment in the form of correctional labor is based on these principles. This punishment allows the convict to maintain social ties while being involved in labor activity, thereby reducing the negative consequences of crime and preventing the organizational and social problems associated with imprisonment.

In Uzbekistan, correctional labor is a relatively new and developing institution, while in the Russian Federation it has been legally and practically established for a much longer period. Therefore, the main principles, legal norms, and applied approaches of the Russian model serve as valuable comparative material for Uzbekistan.

According to the Criminal Code of the Republic of Uzbekistan, correctional labor is established as a separate type of punishment, providing that the convict is rehabilitated through labor, a certain percentage of his income is withheld in favor of the state, and his behavior is supervised by probation authorities. The essence of the punishment is that the convict is not isolated from society, continues his daily life, but must fulfill the obligations related to the punishment and comply with labor discipline.

According to A.A. Ustinov, the advantages of this punishment include:

- the ability to preserve or develop the convict's labor skills;
- economic benefit in the form of financial contributions to the state budget;
- the formation and strengthening of labor discipline;
- the opportunity to maintain social ties, communicate with relatives, start a family, raise children, and remain socially active;
- protection from the negative influence of the criminal subculture;
- a significantly lower degree of social stigma compared to imprisonment.

According to the criminal legislation of Uzbekistan, correctional labor is one of the main alternatives to imprisonment. Article 46 of the Criminal Code defines its legal content. Correctional labor consists of mandatory involvement in labor



with withholding from ten to thirty percent of the convict's income in favor of the state. The punishment is served either at the convict's workplace or at another location designated by probation authorities. Correctional labor may be imposed for a period ranging from six months to three years. Article 46 also specifies categories of persons to whom this punishment cannot be applied: individuals of retirement age, incapacitated persons, pregnant women, women with children under the age of three, and military servicemen.

In the Russian Federation, correctional labor is regulated by Article 50 of the Criminal Code. In Russia, this punishment may be imposed for a period ranging from two months to two years. Between five and twenty percent of the convict's wages are withheld for the benefit of the state. A convict who has a primary place of work serves the punishment there, while those without a workplace are assigned employment by local self-government bodies in coordination with criminal-executive inspections. Russian legislation also excludes certain groups from this punishment: persons with first-degree disabilities, pregnant women, women with children under the age of three, conscripted military personnel, and certain categories of contract-based servicemen.

A comparative analysis shows that both systems share the principle of rehabilitating offenders without isolating them from society. In both Uzbekistan and Russia, convicts are involved in labor, a portion of their wages is withheld, and they are subjected to educational influence without being deprived of liberty. However, differences exist in terms of the duration of the punishment and the range of wage withholding: in Uzbekistan the maximum term is three years with withholding ranging from 10–30 percent, while in Russia the maximum is two years with withholding ranging from 5–20 percent. Both countries also provide humanitarian exemptions for vulnerable groups.

In practice, several challenges arise. Employers often refuse to hire individuals sentenced to correctional labor. Low-skilled convicts face limited job opportunities, usually in low-paying sectors. Furthermore, probation officers face heavy workloads, and organizational, supervisory, methodological, and



educational tasks remain insufficiently systematized.

Similar difficulties are found in the Russian Federation. Employers often avoid hiring convicts due to concerns about labor discipline or additional legal obligations. Many convicts lack necessary documents, complicating their employment. Obtaining passports or temporary identification documents is often bureaucratic, further burdening probation authorities.

Thus, while the fundamental principles of correctional labor are similar in both countries, practical challenges follow similar patterns as well. The Russian system, however, has a more established structure due to its longer history, whereas Uzbekistan's system is still developing.

Solutions proposed in Russian practice—such as incentives for employers, tax benefits, employment quotas for convicts, simplification of documentation processes—may be effectively adapted for Uzbekistan. Developing methodological guidelines, reducing the workload of probation officers, and implementing electronic monitoring may enhance the quality of punishment execution.

The regulation of correctional labor in both countries demonstrates that its main purpose is to rehabilitate offenders without isolating them from society. While Uzbekistan has the legal basis for this punishment, practical issues related to employment, supervision, labor involvement, and documentation remain. The Russian experience shows similar challenges but offers more developed mechanisms for addressing them.

Theoretical and organizational approaches from Russian practice may serve as a beneficial model for Uzbekistan. Enhancing employer incentives, systematizing the authority of probation officers, simplifying documentation, and strengthening integration with employment services can increase the effectiveness of the correctional labor system.

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