

DEVELOPMENT OF THE JUVENILE JUSTICE SYSTEM IN THE REPUBLIC OF UZBEKISTAN: CURRENT TRENDS AND INTERNATIONAL STANDARDS

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Abstract

The article examines the development of juvenile justice in the Republic of Uzbekistan, taking into account current trends and international standards for the protection of children's rights. Particular attention is paid to the specific features of criminal proceedings involving minors, their rehabilitation and resocialization, as well as the use of diversion, mediation and alternatives to imprisonment. The article substantiates the need to further improve the national juvenile justice system, strengthen the protection of minors' rights and develop specialized mechanisms of child justice.

Keywords: Juvenile justice, minor, criminal proceedings, deviant behavior, resocialization, diversion, mediation, international standards, child rights.

Introduction

In the era of globalization in the world, increasing importance is being attached to the spiritual and moral education of the younger generation. Crimes committed by minors are a pressing issue for all countries. In the late 19th and early 20th centuries, the system for protecting the rights and legitimate interests of minors was not sufficiently developed and remained at a low level. There was no institution that, on the one hand, represented a body protecting the rights of minors, and on the other hand, possessed jurisdictional powers to review and resolve cases against minors who had violated the law. This situation was changed when, as a result of public initiative, the world's first juvenile court was established in Chicago (Illinois, USA) based on the Law "On Abandoned, Neglected, and Criminal Children and Their Care" dated July 2, 1899. Gradually, such courts were established in all states of America [1]. However, the authors who conducted research on this issue cite the 1869 law of the state of Massachusetts as the first instance of US statutory law regulating a special approach to juvenile offenders. According to this law, it was required to isolate minors in the courtroom and recommended that they be tried separately from other persons [2].

What is juvenile justice? Juvenile justice (derived from the Latin words "juvenalis" - youth; "justitia" - justice) is the administration of justice in cases committed by children and adolescents. The concept of juvenile justice is inextricably linked to juvenile proceedings, which explains the definition of the term juvenile justice and juvenile justice. According to researcher E.E. Zabuga, there is no uniformity in the understanding of juvenile justice among scientists and practicing lawyers. Usually, only specialized judicial bodies intended for considering cases involving minors are linked to the juvenile justice system; it is proposed to establish specialized



juvenile courts within the existing judicial system. Juvenile justice is not only a system of specialized judicial bodies regarding minors, but also a set of other bodies and institutions, which follows from the provisions of the Beijing Rules, which include so-called social services in the juvenile justice system, and is also confirmed by some researchers [3].

Every person is unique. Therefore, human behavior is also heterogeneous. It is formed from early childhood until the end of life. This process occurs during human interaction with the environment, mediated by individual characteristics and the internal activity of the individual, and takes the form of predominantly external actions and actions. The commission of unlawful acts by minors may be caused by their deviant behavior. What, then, is deviant behavior? In other words, it is deviant behavior that does not correspond to the norms established in society. The antisocial behavior of minors usually violates cultural, social, and especially legal norms. In cases where acts are considered minor, they are called offenses, and when they are serious and subject to criminal liability, they are called crimes.

Issues related to criminal proceedings in cases involving minors have been the subject of scientific research by a significant number of scholars and have been reflected in the works of proceduralist scholars such as M.A. Usmanova, D.J. Suyunova, U.Sh. Kholikulov, Z.S. Zaripov, G. Abdumajidov, I.V. Grechanaya, L.M. Karnozova, O.H. Galimov, N.I. Gukovskaya, A.I. Dolgova, G.M. Minkovsky, T.V. Isakova, O.P. Koludanova, O.V. Borovik, K.S. Avaliani, Joan McCord, Cathy Spatz Widom, and Nancy A. Crowell. The aforementioned procedural scholars addressed the main aspects of both judicial and pretrial proceedings in criminal cases involving crimes committed by minors. This issue is always relevant for all countries in the world. For the reason that children and minors are the future of this or that country. How they grow will affect the development of the country as a whole. Therefore, their proper upbringing and resocialization after serving their sentence play a significant role.

The current stage of juvenile justice development in Uzbekistan is characterized by the need to further transition to a child-oriented justice model. According to the Situation Analysis of Children and Adolescents in Uzbekistan published by UNICEF in 2024, the main problems in the field of child justice include insufficient specialization of specialists, a lack of child-sensitive procedures, limited access to legal assistance, insufficient support from social workers and school psychologists, as well as limited application of sabotage mechanisms and alternatives to imprisonment. This shows that the further improvement of juvenile justice must be not only criminal-procedural but also interdepartmental in nature[4].

It is worth providing statistics to gain a clearer understanding of the number of minors in our country. More than half of the population of the Republic of Uzbekistan (67%) consists of young people under the age of 30, of whom 11 million are under the age of 18. The total number of minors in the republic accounts for 48.2% of the total population. Consequently, the problem of complying with the provisions of the Convention is gaining particular relevance [5].

As the President of the Republic of Uzbekistan Sh.M. Mirziyoyev emphasized:"The upbringing of youth in the spirit of national and universal values remains a matter that never loses its relevance and significance for us" [6].

Today, special attention is being paid worldwide to the normal, mentally healthy, and correct development of minors. In the Decree of the President of the Republic of Uzbekistan "On the Development Strategy of New Uzbekistan for 2022–2026," dated January 28, 2022 NoPF-60, 7 priority areas have been defined, where the second direction is to transform the principles of justice and the rule of law into the fundamental and necessary condition for the country's



development. The second direction of the development strategy includes 8 goals for achieving justice in New Uzbekistan. It should also be noted that the development strategy identifies the formation of a juvenile justice system and the codification of child rights legislation as one of the most important goals for the state [7].

Proceedings on juvenile cases are specific to the criminal procedure system of the Republic of Uzbekistan. Criminal proceedings against minors differ from the general procedure in their particular complexity. This is observed during the investigation of criminal cases and during judicial proceedings. Significant distinctive features are explained by the specific status and specific psychophysical qualities of the minor. The procedure for conducting criminal cases involving crimes committed by minors differs from that for persons who have reached the age of eighteen. However, the responses of the specialists who participated in the survey indicate that the number of interpreters and the quality of their work are disproportionate when considering cases involving juvenile defendants. The majority of judges (67.1%), some lawyers (24.5%), and inspectors of guardianship and trusteeship bodies (40%) expressed the opinion that not many minors in need were provided with an interpreter. Furthermore, 49.4% of judges, 54.2% of lawyers, and 42.8% of guardianship and trusteeship inspectors emphasized that translators lack sufficient skills and training for effective communication with minors [8]. Consequently, it is necessary to add part 3 to Article 71 of the Criminal Procedure Code of the Republic of Uzbekistan and state it in a new edition: "An interpreter who is involved in the proceedings of criminal cases involving the crimes of minors must possess sufficient skills and preparation for effective communication with minors." The interrogation of a minor with physical disabilities (deaf and mute and others) shall be conducted with the participation of a person possessing the relevant knowledge.

In addition to the investigator, prosecutor, and court, specialists such as a teacher, psychologist, and representatives of guardianship and trusteeship authorities should act as the primary subjects in criminal procedural activities regarding cases involving juvenile crimes. At the same time, in addition to passing the sentence, the judge must entrust these specialists with the responsibility of drafting an individual program for the resocialization of the minor. Such a program should include clauses that make it easier for a minor who has served a sentence for a crime to interact with people. Resocialization is a set of measures, primarily of an educational, psychological, and legal nature, carried out by correctional facility staff with convicted minors before their release from places of deprivation of liberty, with the aim of their reintegration into society.

In legal terminology, there is the concept of "juvenile divergence," which refers to the exclusion of a minor from criminal proceedings [9]. According to the latest amendments made to the Criminal Procedure Code of the Republic of Uzbekistan, in accordance with Law No. 735 of December 7, 2021, the minimum age for criminal liability was changed from thirteen to fourteen years. No However, all individuals who have reached the age of 16 before committing a crime are subject to criminal liability.

Reliable security will be best implemented if the activities of the investigator, prosecutor, or court facilitate the socialization of the minor and the elimination of the causes and conditions that contributed to the commission of crimes. Thus, the activities of preliminary investigation bodies, the prosecutor, and the court regarding the prevention of juvenile delinquency must be an unconditional and integral part of criminal procedural activities. Juvenile justice should be



understood and considered as an integral part of social policy when working with minors in difficult life situations, rather than merely as a set of criminal law and criminal procedure norms that regulate their proceedings. It also includes issues regarding the socialization of minors, which are currently being sharply discussed. Punishment of any kind is, first and foremost, a compulsory measure applied on behalf of the state to a person convicted of a specific crime, in the form of deprivation or restriction of the criminal's certain rights and freedoms. Each punishment imposed on a person who has committed a crime is, in turn, aimed at their moral upbringing, preventing them from resuming their criminal activities or committing a criminal act, and preventing the convict from committing a new crime by other persons.

As stated by the Deputy Prosecutor General of Uzbekistan, S.B. Artykova, at the UNICEF conference in Sarayevo in 2020, the state is guided by the recommendations of the United Nations Human Rights Committee when working with juvenile offenders. This activity is part of the general judicial and legal reforms in the state. According to official data, the number of children placed in educational institutions in September-December 2019 was 60.5% less than in the same period of 2018, while the number of those released increased by 18%. The number of crimes committed by children and adolescents decreased by 25.6%, while the number of juvenile offenders decreased by 20%. This indicates that the reforms being implemented in the state are yielding positive results [10].

Currently, in the Republic of Uzbekistan, raising children in the spirit of patriotism, love, and respect for elders and juniors is one of the most pressing tasks. To implement this task, many programs are being adopted in the country. For example, for the first time in the Republic of Uzbekistan, a mechanism was introduced that facilitated the mitigation of punishment in courts based on a guarantee letter from the regional councils of the Youth Union. An increasing number of young people who made a mistake and sincerely repented were sentenced to non-custodial sentences. Additionally, the Prosecutor General's Office, together with the United Nations Children's Fund (UNICEF) Representative Office in Uzbekistan and other responsible agencies, has prepared a television series dedicated to the main causes of children being placed in closed institutions and the change in attitudes and stereotypes regarding such children. The purpose of the telenovella is also to draw the attention of parents, specialists, and society to the issues of raising children, as well as to prevent mistreatment of children, which can subsequently lead children to commit crimes.

Thus, the further formation of the juvenile justice system in the Republic of Uzbekistan should be linked to the creation of specialized justice mechanisms for children, the enhancement of professional training for judges, prosecutors, lawyers, investigators, internal affairs officers, psychologists, and social workers, the expansion of sabotage and restorative justice mechanisms, and the development of individual rehabilitation and resocialization programs. Such an approach will ensure not only the fair consideration of cases but also the achievement of the main goal of juvenile justice - protecting the rights of the child, preventing recidivism, and returning them to a full life in society. Children should be raised to value their teachers and mentors, who play a vital role in their development as individuals in society. It is necessary to follow the principle: "Not to blame and punish minors, but to change their living conditions for the better, to educate and socialize them".



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