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Article

The Concept of Criminal Punishment Not Related to Deprivation of Liberty

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Abstract: Background: Imprisonment is costly, often ineffective in preventing reoffending and socially harmful, yet in Uzbekistan many people are still isolated from society for less serious offences, and the terminology of non-custodial sanctions (alternative punishments, alternatives to deprivation of liberty, alternative measures) is used inconsistently. Objective: The article analyzes the concept of non-custodial criminal punishment on the basis of the experience of Uzbekistan and other countries, clarifies the related terms and assesses current trends in the application of such punishments. Methods: The study applies formal-legal and comparative analysis of the Criminal Code of the Republic of Uzbekistan, the 1990 United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the doctrinal literature, together with an analysis of official statistics for 2020. Results: In 2020, 22,153 persons were serving punishments not involving separation from society, against 7,153 held in places of detention; nevertheless, such penalties remain rarely applied compared with countries with developed legal systems. The analysis reveals terminological confusion and leads to a five-part classification that distinguishes alternatives to criminal liability, alternative measures, alternative measures to punishment, alternative punishments and alternatives to deprivation of liberty. Conclusion: Alternative punishments, understood as principal punishments in the Criminal Code that do not involve isolation from society, are more humane, more favourable for resocialization and economically more feasible than imprisonment. The article recommends expanding their use, systematically evaluating their application and ensuring a consistent understanding of these concepts in law-enforcement practice.

Keywords: punishment, release from punishment, coercion, convict, penitentiary system, socialization, probation.

1. Introduction

There is no doubt that the 21st century requires the introduction of new types of punishment that respect human rights, go beyond existing practices, are effective and efficient, and take the penal system beyond the narrow framework that is currently limited in most countries. Of course, alternatives to imprisonment are an important part of any modern penal system, since imprisonment is not only an ineffective method of combating crime, but also has negative social consequences for the individual and even for society as

a whole. Keeping criminals who have not committed serious crimes in prison is neither a good criminal policy nor a good choice for the state. The consequences are the breakdown of social relations, the deterioration of public health, and the moral climate of society. The economic aspect of this problem is also important, because "imprisonment is an expensive method that makes a bad person even worse."

As of August 1, 2020, for every 100,000 people, 639 are serving sentences in correctional institutions in the USA, 340 in Russia, 335 in Turkey, 343 in Belarus, and 68 in Uzbekistan [1]. Despite the positive trend of a declining prison population, it must be noted that a significant portion of these individuals have been isolated from society for committing less serious offenses—crimes for which the Criminal Code of the Republic of Uzbekistan provides alternative penalties that do not require separation from the community. By applying such alternatives to imprisonment in these cases, we could achieve significant success in reducing the number of inmates. Furthermore, the state is unable to ensure either decent conditions of detention for these individuals or their subsequent integration into society; consequently, this issue has evolved from a purely legal matter into a broader societal problem.

Undoubtedly, analyzing the practice of applying alternative punishments abroad makes it possible to offer recommendations for their implementation in Uzbekistan. However, to date, there has been virtually no independent comparative legal research within the field of national criminal law regarding the application of alternative punishments abroad.

The modern trend in the criminal law policy of developed countries envisages the widespread use of penalties that do not involve isolating the convicted person from society [2].

The 1990 United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) are the main international instruments guiding the use of alternative sanctions [3]. According to paragraph 1.5 of the Rules, "Member States shall develop, in their legal systems, non-custodial measures, with a view to reducing the use of deprivation of liberty and to ensuring that the rights and requirements of the individual are respected, taking into account the needs of the offender, social justice and the rehabilitation of the offender in society" [3]. According to paragraph 2.3 of the Rules: "In order to ensure greater flexibility in sentencing and to prevent the unjustified use of imprisonment, in accordance with the nature and gravity of the offense, the identity and background of the person, as well as the interests of protecting society, the criminal justice system should provide for a wide range of pre-trial and post-trial non-custodial sentences" [3].

The term "alternative punishment" appeared relatively recently in connection with the revision of national criminal policy in the direction of increasing the effectiveness of punishment as one of the main means of combating crime.

In the field of crime and criminal law, punishments not related to deprivation of liberty are defined under the general term "alternative punishments". However, it should be noted that, considering this issue, several different terms are used. We often use the term "alternative to imprisonment" [4]. The same term is used by Utkin [5]. Filimonov likewise writes about alternatives to imprisonment [6]. Other authors speak of an "alternative to deprivation of liberty" [7]. Utkin also uses this term [8]. Sundurov refers to "alternative exposure measures" [9, pp. 40–60]. Belyaeva uses the term "alternative measures" [10]. We also encounter other terms. An examination of various sources reveals a lack of consensus regarding the criteria for distinguishing these terms within the theory of criminal and penal-executive law, as well as differing views on the concept of "alternatives," their types, and their content; this limits practical activity related to the application of such measures, even though the issue of alternatives in criminal and penal-executive legislation is, in our view, of great importance.

Regarding the importance of the meaning of the concept in law, N.N. Polyansky wrote: "Giving a term the correct form that fully defines it - sometimes it can be no less important than even a serious technical discovery" [11, p. 132]. V.M. Savitsky, in turn, describes terms in law as follows: "all other linguistic units around cumulative, oral textile with ...act as a rod serving as a core around which the structure winds" [12, p. 9].

At present, the need to revise the priority directions and methods of crime prevention has become evident [13]. Experience shows that imprisonment is not always a necessary or sufficient condition for achieving the objectives of criminal policy. This type of punishment is applied to entirely different categories of offenders, including those who do not pose a significant threat to public safety.

At the same time, in our country, despite the official presence in the arsenal of justice, a number of alternative punishments (fines; deprivation of the right to hold certain positions or engage in certain activities; deprivation of special, military or honorary titles), class title and state awards; mandatory community works; morality ...there is no practice of widely applying alternative punishments (such as correctional labor, restriction of liberty, or restriction of military service). From this perspective, foreign experience appears highly valuable.

In Uzbekistan, the Criminal Code has become the regulatory foundation for criminal policy—including penal policy—incorporating a range of penalties that, unlike deprivation of liberty, do not entail isolating the convicted person from society. In criminal law, these include the following:

a) fine;

b) deprivation of certain rights;

c) mandatory public works;

g) correctional works;

d) restriction of service;

e) restriction of liberty.

It assumes the need to formulate the problem of introducing alternatives to isolation from society, analyze their social status and approximate the expected social effect. The main arguments for introducing and using alternatives to deprivation of liberty are: 1) their humaneness in comparison with deprivation of liberty; 2) high efficiency in achieving specific prevention due to wide opportunities and favorable conditions for resocialization; 3) high efficiency in comparison with the execution of a custodial sentence.

In national criminal law, it is standard practice to categorize penalties into two main groups: those involving the separation of convicts from society and those that do not. The latter group comprises so-called alternative measures and represents a more humane penal system; their implementation does not require removing convicts from their usual environment or placing them in institutions characterized by strict isolation.

2. Materials and Methods

A concept is a scientific term representing the result of the methodical study of a specific subject. First and foremost, to correctly interpret terms, it is essential to utilize scientific and legal concepts that have been developed within the field of criminal law and tested in practice. Disregarding or underestimating the importance of terminological consistency can lead to legal conflicts, a loss of substantive meaning, and ambiguity regarding objectives. Guided by these principles, we must examine issues of equivalence within criminal legislation.

The concept of "alternative" (from the Latin "alter" — one of two) has several etymological meanings: a) the necessity of choosing one of two (or several) possible

solutions, b) the necessity of choosing between mutually exclusive options, c) each of the mutually exclusive options [14, p. 40].

S.A. Borovikov proposes to define alternative as the most widespread semantic category, as a term that denotes a choice or the need to choose among various possibilities. Alternatives allow for such a choice, which is an option that meets the specified requirements, in which, on the one hand, it is possible to achieve the planned goals with the best results, and on the other hand, it is possible to spend the least time and money [15, p. 119].

So, we can say that "alternative" is a scientific term that means the right of choice with the characteristic of preference.

An analysis of statistical data regarding sentences handed down in 2020 was conducted to explore the potential for applying penalties that do not involve deprivation of liberty. According to 2020 data from the State Statistics Service, the number of individuals convicted under court judgments that had entered into legal force totaled 38,356. Based on this data—and drawing upon legislative norms as well as historical and modern international practices—we propose examining the feasibility of increasing the use of non-custodial sentences; such changes would help improve the penal execution system and enhance economic efficiency.

3. Results

According to 2020 data, the shares of various penalties are as follows: deprivation of liberty – 20.3%, fines – 3.7%, correctional labor – 20.2%, probationary periods – 2.4%, and deferral of sentence execution – 0.4%.

According to 2020 probation service statistics, 22,153 individuals were sentenced to punishments that did not involve separation from society; by the end of 2016, the number of such convicts stood at 47,576. In 2020, the number of individuals held in places of detention was 7,153—a figure only one-fifth the size of the population of convicts serving sentences outside of confinement. The ratio of custodial sentences to alternative punishments is very low compared to countries with developed legal systems; in European nations (such as France, Germany, and the UK), the number of people held in detention is three to four times lower than the number of those sentenced to alternative punishments.

The criteria for classifying alternative penalties are based on mechanisms for influencing the convicted person other than isolation from society. When determining liability measures for an individual found guilty of a crime—where such measures are applied specifically in lieu of imprisonment—the penalty holds the status of a "principal penalty," on an equal footing with imprisonment imposed for other criminal acts. The essence of the term "alternative punishment" is not always correctly understood by law enforcement officers. In this context, fines are not included; they can only serve as an additional measure—supplementing the primary punishment and acting as a means of individualization in the formulation and application of cumulative sanctions. Such measures include deprivation of special, military, or honorary titles, rank, and state awards.

Based on the foregoing, alternative punishments should be viewed as state coercive measures applied to a person found guilty of a crime; while these measures involve compulsion and serve as a substitute for imprisonment, they do not entail isolation from society. They are designed to address the degree of public danger posed by the offense and aim to restore social justice, rehabilitate the convicted person, and ensure both general and specific prevention of future crimes.

Alternative punishments. This term is currently gaining widespread currency in the field of criminal law. While the issues surrounding alternative punishments have become

a subject of active discussion at academic forums, it is worth noting that there is some terminological confusion regarding their designations [16]. According to the Code, the punishment system is structured from the mildest to the most severe punishments [17, p. 72]. According to S.I. Dementieva, A.S. Mikhlin, V.M. Khomich and V.A. Yakushin, this system should allow one punishment to be replaced with another (i.e., alternation) during the execution of a punishment [18, p. 60]. The same approach is reflected in the textbook edited by F.R. Sundurov [19, p. 87].

To classify punishments as alternative types, I.V. Dvoryanskov, V.V. Sergeyeva, and D.E. Batalin consider it necessary to distinguish two criteria:

— a mechanism of influence distinct from isolating the convicted person from society;

— a penalty with the status of a principal punishment, whereby it is considered on an equal footing with deprivation of liberty when determining the measure of liability for a person found guilty of committing a crime, and—rather than being applied in parallel for other criminal acts—may be specifically imposed as a substitute for the penalty of deprivation of liberty [20, p. 9].

According to I.V. Dvoryanskov and V.A. Zaichenko, alternative punishments are coercive measures of the state applied to a person guilty of a crime that are not associated with separation from society, but are a worthy and sufficient replacement for it, in accordance with its essence and the degree of social danger of the act, and that are aimed at restoring social justice, the moral correction of the convict, and the general and special prevention of new crimes [21, p. 47]. Zaichenko gives the same understanding in his dissertation [22, p. 52].

Based on this, it can be stated that alternative punishments are penalties—provided for in the Criminal Code as principal punishments—that do not involve deprivation of liberty.

Alternatives to deprivation of liberty. The issue of alternatives to deprivation of liberty is relevant not only to domestic legislation but also to foreign legal systems, where such measures are considered in the context of imprisonment. Notably, B. Karoli defines alternatives to deprivation of liberty as "...all measures for responding to acts prohibited by criminal law that do not involve deprivation of liberty" [23, p. 67]. At the same time, G.A. Stenichkin emphasizes that this definition is incomplete and insufficient, and highlights the need to develop a conceptual framework for alternative measures [24, p. 37].

Alternative measures to deprivation of liberty "... can be expressed as alternative punishments (Article 43 of the Criminal Code); imposing a lighter punishment than that provided for this crime (Article 57 of the Criminal Code); replacing the punishment with a lighter one (Article 74 of the Criminal Code); criminal legal measures aimed at preventing the actual execution of the penalty of deprivation of liberty; other measures of influence carried out within the framework of criminal liability (compulsory educational measures)", that is, when we talk about alternatives to deprivation of liberty, we can talk about both alternative punishments, alternative measures, and alternative measures to criminal liability. At the same time, it is necessary to take into account the differences between alternative punishments, other alternative sanctions (measures of a criminal nature) and alternatives - measures of release from criminal liability, which is also given special attention in the scientific literature.

Alternative measures. Although the concept of "alternative measures" is frequently used in academic literature, it does not appear in the Criminal Code. Criminal law employs the concept of "other measures of legal impact." They are termed "other" because the primary measure of criminal-law impact is punishment. These measures differ from punishment in that they are not specified in the sanctions of the Special Part of the Criminal Code and may be imposed only in lieu of punishment. On this basis, F.R. Sundurov

proposes referring to them as "measures substituting for punishment" or "alternative measures of criminal-law impact" [9, p. 41]. For his part, L.V. Golovko views the institution of alternative measures as a special form of procedural activity carried out by law enforcement agencies—often outside the scope of criminal proceedings—that has not been adequately reflected in criminal and criminal procedural legislation [25, p. 36]. However, in our view, there are no measures within criminal law that can be applied outside the scope of criminal proceedings; otherwise, this would indicate a violation of the law or the actual absence of criminal-law relations.

As I.N. Alekseev notes, "...criminal law includes measures of state coercion that are less severe than punishment; the court is entitled to apply them when there are special circumstances indicating a relatively low level of social danger regarding both the individual and the act they committed. Such measures serve as alternatives to punishment. In essence, they occupy a unique intermediate position between punishment and exemption from it" [26, p. 3]. He includes, first and foremost, the suspended sentence—an integral part of criminal liability—among such measures.

Thus, we can emphasize that alternative measures do not exempt from punishment and from criminal liability. That's why we disagree with E.V. Khromykh's view that alternative measures are alternatives to criminal jurisdiction used by law enforcement and other government agencies [27, p. 45]. In this case, in our view, the discussion concerns alternatives to criminal liability. On this issue, E.V. Popadenko's opinion is of interest, he claims that "... criminal exempt from liability the main idea of the institution of punishment is to avoid imposing punishment on persons guilty of less serious crimes and replace them with other measures of influence. The "alternative" measures that we will consider represent a change in the traditional reaction of the state to a crime - sentencing a person, imposing a sentence, executing a sentence, canceling or removing a conviction. Here, alternative measures are understood as all methods of exemption from criminal liability, which are called "alternative means of resolving criminal-legal disputes" [28, p. 15]. However, here we again observe a confusion of terms: for instance, the appropriateness of using the term "criminal-law dispute" is questionable, since a criminal-law dispute is a matter of competing criminal-law norms and is not related to the concept of a crime at all.

The application of punishment and other measures of a criminal-law nature is linked to criminal liability. It should be noted that the concept of criminal liability has not yet been fully defined. In Soviet-era legal literature, the view was often held that criminal liability and punishment were one and the same.. However, modern criminal law distinguishes between release from punishment and release from criminal liability.

Some alternative measures provided for in the Criminal Code are used instead of criminal liability when individuals are released from responsibility (or punishment) in cases where rehabilitation is not possible. For example, when compulsory measures of a medical nature are used (as one of the alternative measures), it is impossible to speak of criminal liability, since "their main purpose is medical, not punitive" [29, p. 171]. Therefore, alternatives to criminal liability and alternative punishments are not the same.

Alternatives. When we talked about alternatives above, many researchers have focused on non-custodial alternatives that they envisage punishments We have noted. However, we believe that it is incorrect to characterize alternation only in this way. After all, any punishment not related to deprivation of liberty is alternative to it, as well as to each other. In addition, a law enforcement officer has the right to impose additional types of punishment to the main punishment (not related to deprivation of liberty), which expands the scope of influence on the person, while alternation in the application of an additional punishment is manifested in refusing to apply it (if it is optional) or in determining its volume (term) [30, p. 36].

Based on the analysis of the concepts and types of alternative measures in criminal law, we believe that the following classification can be proposed:

1. Alternative measures to criminal liability - measures of criminal legal influence that exclude criminal liability.

2. Alternative measures - measures of criminal legal influence that are not punishment.

3. Alternative measures to punishment - other alternative measures and forms of influence on the guilty person not related to the imposition of punishment.

4. Alternative punishments - punishments not related to deprivation of liberty, established as the main punishment in criminal law.

5. Alternatives to deprivation of liberty – penalties provided for in the Criminal Code that are applied in place of deprivation of liberty and do not involve isolating the convicted person from society. In turn, when characterizing the system of criminal penalties that do not involve the isolation of the convicted person, we can distinguish a group of relatively independent measures that entail compulsory labor. These include:

- compulsory community service;
- correctional labor.

4. Discussion

At the same time, it should be noted that penalties included in the system of alternative measures—such as fines and deprivation of the right to hold certain positions or engage in specific activities—are indirectly linked to the issue of the convicted person's labor; paying a fine involves transferring the offender's funds to the state budget, and lawful income derived from engaging in specific labor activities must be viewed as the source of these funds. Holding certain positions or engaging in specific activities in case of deprivation of rights, on the contrary, convicted is deprived of the opportunity to engage in a specific type of labor activity. On the one hand, we assess the role and importance of labor, which acts as a leading means of correction of convicts, and on the other hand (within the framework of this article) as an important feature of a number of criminal penalties. express your thoughts. In this case, we proceed from the fact that we can talk about a two-sided reflection of labor in the process of executing criminal penalties. On the one hand, this is about work, which is a means of correction, within the framework of which the convict is directly engaged in work. On the other hand, this cannot be separated from the performance of certain work-related activities—activities that do not merely entail carrying out specific physical tasks but are linked to fostering an internal need for work within the convict, who comes to understand the necessity of choosing such a way of life. According to our belief, the work of prisoners helps to fulfill an important, creative function - it instills in a person the belief that only work protects against the inevitable decline of the individual, because only work is the only source of the existence of the personality, guarantees the stable functioning of the psyche, creates an opportunity to introduce the prisoner to normal interpersonal communication. In any legal state, work acts as a link between a certain person and society.

At one time, under the influence of the philosophy of the Enlightenment in the 18th and early 19th centuries, imprisonment itself was seen as an alternative to more severe and inhuman punishments, in particular the death penalty and various forms of self-harm. However, already in the 19th century, prison came under attack because it failed to fulfill its primary function of social rehabilitation and correction of convicts. In the second half of the 20th century, as K. Bard noted, and as a result of persistent criticism from the most influential international organizations and forums, traditional alternatives to immediate deprivation of liberty—such as fines, suspended sentences, probation, public censure, and various forms of community service—became part of the criminal justice systems in a number of countries. Moreover, in Western Europe during the 1970s—despite the fact that imprisonment (including short-term sentences) was highly prioritized for various

reasons—this did not prevent the independent emergence of alternatives as established elements of the sanctions system. Consequently, the academic community, followed by representatives of state authorities, concluded that it was necessary to introduce alternative forms of punishment. The primary reason was the low effectiveness of imprisonment. We must acknowledge that the scale of recidivism has risen significantly in recent decades, serving as direct evidence of the ineffectiveness of current judicial and penal policies. Labor activities carried out in places of deprivation of liberty are compulsory in nature and stem from the provision regarding the mandatory engagement of convicts in work.

Another reason highlighting the need to seek alternatives within the public consciousness is the inhumane nature of imprisonment. The imprisonment regime—a core element of the punitive mechanism—is defined by the restriction of freedom of movement and the ability to manage one's own time, capabilities, and opportunities. This regime leaves a lasting mark on the convict's entire life during the process of serving the sentence. The essence of deprivation of liberty, like any other form of punishment, is determined by its object—that is, by the constitutional and legal status of the individual upon whom the measure is imposed. It should be noted that the type of punishment under consideration is characterized by a serious interference with the personal rights of the convict. In other words, deprivation of liberty significantly changes his legal status in three respects:

1. during the term of the sentence, the individual is completely deprived of certain rights and freedoms (for example, the right to freedom of movement and self-determination, the right to vote, and the choice of place of residence);

2. certain rights of the convicted person are restricted (for example, the right to personal inviolability, privacy of personal life, personal secrets, and the confidentiality of correspondence, telephone conversations, mail, telegraph, and other communications);

3. finally, specific duties and obligations established by rules of conduct are imposed on the person serving a sentence of deprivation of liberty:

- observe household cleanliness, keep buildings and workplaces clean, keep beds in the prescribed order, observe personal hygiene rules, do not violate the protective line of correctional institution buildings, do not have things in the range and quantity that exceed the specified norm, do not draw tattoos on yourself and others, do not keep animals and birds, do not change sleeping places without permission, etc.
- in addition to punishment, rights that are usually not regulated by law, for example, the right to a certain number of short and long-term visits, moreover, are determined within a strictly defined framework, in a certain number of shipments (shipments, parcels).

From the point of view of the implementation of the penalty of deprivation of liberty, the most serious danger is posed by criminogenic factors inherent in the penitentiary system: the negative influence of the "authorities" (leaders) on the main part of the convicts; the presence of a special subculture, the unwritten rules of the criminal world, transferred to places where the sentence is served. It should be noted that, as a rule, convicts in most cases suffer from varying degrees of personal deformation due to unfavorable conditions of socialization.

Unfortunately, there are shortcomings in the administration and staff of penal institutions, and sometimes even cases of deliberate illegal actions. The situation is further aggravated by problems and shortcomings of an organizational, material-technical and legal nature. The combination of the above factors determines the high level of violations within the framework of the execution of punishment.

These consequences are prevented by replacing prison sentences with alternatives, where the time of education outweighs the time of punishment, the convict is not removed from the familiar environment and is not deprived of established social contacts that allow

him to get acquainted with other members of society. States faced with increasing crime respond by strengthening criminal policy and, above all, by expanding the use of prisons for many of their citizens who have broken the law. As a result, this leads to an increase in the number of prisoners, the army of which currently amounts to 8.7 million people worldwide.

The main reason for introducing alternative measures is their economic feasibility. In this case, two aspects should be distinguished: the costs of organizing the execution of these penalties and the mechanism for their compensation. The detention of a large number of citizens in correctional institutions imposes a large expense on the state budget, hinders the solution of many social problems and contributes to the spread of criminal customs and traditions. The punishment associated with isolation from society is based on the fact that the personal freedom of the offender is prioritized above all else, and the threat of imprisonment is a deterrent to crime. In practice, however, such a deterrent effect is very limited. A crucial aspect of selecting alternative measures is their compensatory mechanism; specifically, the capacity for compensation—or the mandatory requirement to make restitution for material damage—is inherent to any form of punishment. Yet, the effectiveness of implementing this varies. In the context of deprivation of liberty, such opportunities are restricted to compulsory and typically unskilled labor, which the administration is not always able to organize due to economic constraints. Consequently, much work remains to be done regarding the economic justification for alternative measures. The theoretical problems of using alternative methods of detention are very multifaceted. It is impossible to study them separately from criminal-legal, penitentiary, criminological, sociological, statistical, historical, psychological, pedagogical, theoretical and methodological, and, finally, formal-logical aspects. The view that individuals facing criminal charges must be deprived of their liberty—regardless of the severity of their offense—remains widespread in Uzbekistan. This public stance is rooted in the myth that harsher punishments reduce crime rates. Yet, it has long been established that the expectation of greater severity rests on an illusion, given that the primary function of sentencing lies not in the specific penalty itself, but in general deterrence [1].

According to paragraph 2.4 of the United Nations Standard Minimum Rules for Non-custodial Measures, "the development of new non-custodial measures should be encouraged and carefully monitored and their application should be systematically evaluated" [3].

Thus, the conditions for expanding the application of alternative sanctions are as follows:

- the measures under consideration successfully compete with deprivation of liberty—a penalty characterized, particularly in current circumstances, by low effectiveness due to systemic shortcomings in the organization of its implementation;
- The penitentiary system's focus on unconditional respect and observance of the rights and freedoms of prisoners has allowed the idea that the essence of imprisonment is an inhuman measure to be firmly established. Persons sentenced to solitary confinement are deprived of their usual environment excluded themselves They encounter a criminal environment that does not aid in achieving the goals of criminal punishment but, on the contrary, leads to severe personal deformation—something that must be overcome, yet only after release.
- The critical economic situation necessitates budget savings. It is evident that expanding alternative sanctions and introducing new types of non-custodial penalties is having a significant impact on the budget. Nevertheless, the economic rationale for expanding the system of alternative measures is clear.

When evaluating international penitentiary practices, it should be noted that the development of a system of alternative punishments is viewed as a priority in criminal policy. At the same time, it is emphasized that these measures are highly effective and—

more so than punishments involving isolation—align with the principles of respecting human rights and freedoms, the requirements of social justice, and the needs of the offender. They are more favorable in terms of social reintegration and the return to a normal life in society after the sentence has been served [31, pp. 25–27].

5. Conclusion

The analysis shows that imprisonment is not always a necessary or sufficient means of achieving the goals of criminal policy, and that it is applied to offenders who pose no significant threat to public safety. Alternative punishments, understood as principal punishments provided for in the Criminal Code that do not involve isolating the convicted person from society, are more humane, more favorable for resocialization and economically more feasible than deprivation of liberty.

The article also shows terminological confusion around the concepts of "alternative punishments," "alternatives to deprivation of liberty," "alternative measures" and alternatives to criminal liability. To remove it, a five-part classification is proposed, which separates alternatives to criminal liability, alternative measures, alternative measures to punishment, alternative punishments and alternatives to deprivation of liberty.

In practice, although the Criminal Code of Uzbekistan provides for a range of non-custodial penalties, they are not widely applied. Foreign experience, the Tokyo Rules and the statistics for 2020 point to the need to expand their use, to monitor and systematically evaluate their application, and to bring the practice of law enforcement officers in line with a consistent understanding of these concepts.

REFERENCES

[1] albom.kz, Jan. 13, 2021. [Online]. Available: http://albom.kz/2021/01/13/

[2] V. N. Levchenko, “Improvement of alternative types of criminal punishment” (in Russian), Actual Science, vol. 1, no. 1, pp. 132–134, 2015.

[3] United Nations, “United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),” General Assembly Res. 45/110, Dec. 14, 1990. [Online]. Available: http://www.un.org/ru/documents/decl_conv/conventions/tokyo_rules.shtml

[4] E. Kosh, “Proper prison management and alternatives to imprisonment,” in Proc. Int. Conf. Alternatives to Imprisonment in the Republic of Kazakhstan (in Russian), Almaty, Kazakhstan, 2000, pp. 4–7.

[5] V. A. Utkin, “Alternatives to imprisonment in the Russian Federation: The initial stage of the project,” in Proc. Int. Conf. Alternatives to Imprisonment in the Russian Federation (in Russian), Moscow, Russia, 2001, pp. 5–12.

[6] O. V. Filimonov, “Alternatives to imprisonment in the Russian Federation,” in Proc. Int. Conf. Alternatives to Imprisonment in the Russian Federation (in Russian), Moscow, Russia, 2001, pp. 12–20.

[7] Yu. A. Kashuba, “Alternatives to deprivation of liberty for juveniles: Effectiveness and prospects,” in Proc. Int. Conf. Problems of Executing Criminal Punishments Not Related to Deprivation of Liberty and Applying Other Criminal-Law Measures to Juveniles (in Russian), Vologda, Russia, 2006, p. 44.

[8] V. A. Utkin, “Development of alternatives to deprivation of liberty within an experiment,” in Proc. Int. Semin. Promoting a Mechanism for Implementing Alternative Punishments in the Russian Federation (in Russian), Moscow, Russia, 2002, pp. 15–18.

[9] F. R. Sundurov, Punishment and Alternative Measures in Criminal Law (in Russian). Kazan, Russia, 2005.

[10] L. I. Belyaeva, “On alternatives for juvenile offenders,” in Proc. Int. Conf. Development of Alternative Sanctions in Russian Criminal Justice: Experience and Prospects (in Russian), Moscow, Russia, 2002, pp. 87–92.

[11] N. N. Polyansky, “On the terminology of Soviet law” (in Russian), Problemy Sotsialisticheskogo Prava, no. 5, p. 132, 1938.

[12] V. M. Savitsky, The Language of Procedural Law (in Russian). Moscow, Russia, 1997.

[13] Brockhaus and Efron Encyclopedic Dictionary (in Russian). [Online]. Available: http://dic.academic.ru/misc/brokgauz.nsf/ByID/NT0000437A

[14] Large Encyclopedic Dictionary (in Russian). Moscow, Russia, 1999.

[15] S. A. Borovikov, Compulsory Educational Measures as an Alternative to Punishment of Juveniles (in Russian). Moscow, Russia, 2008.

[16] International seminars and conferences on alternative sanctions (in Russian): Samara, Russia, Mar. 24–27, 2002; Moscow, Russia, May 29–30, 2002; Moscow–Vinogradovo, Russia, Jun. 5–7, 2003; Vologda, Russia, 2006; Almaty, Kazakhstan, Jun. 4–5, 2007; Vologda, Russia, Nov. 20–21, 2008.
[17] M. I. Kovalev, Soviet Criminal Law: Lecture Course, no. 2 (in Russian). Sverdlovsk, USSR, 1974.
[18] A. P. Kozlov, Criminal-Law Sanctions (in Russian). Krasnoyarsk, USSR, 1989.
[19] F. R. Sundurov, Ed., Criminal Law of Russia. General Part (in Russian). Kazan, Russia, 2003.
[20] I. V. Dvoryanskov, V. V. Sergeeva, and D. E. Batalin, Application of Alternative Types of Punishment in Western Europe, the USA and Russia (in Russian). Moscow, Russia, 2003.
[21] I. V. Dvoryanskov, Effectiveness of Alternative Punishments (in Russian). Moscow, Russia, 2000.
[22] V. A. Zaichenko, "Alternatives to imprisonment as a means of optimizing the system of criminal punishments in the USA" (in Russian), Cand. Sci. (Law) dissertation, Samara, Russia, 2005.
[23] B. Karoli, "Alternative measures of criminal punishment," in Proc. Int. Conf. Alternatives to Imprisonment in the Republic of Kazakhstan (in Russian), Almaty, Kazakhstan, 2000, p. 67.
[24] G. A. Stenichkin, "Theoretical aspects of applying alternatives to deprivation of liberty," in Proc. Int. Conf. Development of Alternative Sanctions in Russian Criminal Justice: Experience and Prospects (in Russian), Moscow, Russia, 2002, p. 37.
[25] L. V. Golovko, Alternatives to Criminal Prosecution (in Russian). Moscow, Russia, 2002.
[26] I. N. Alekseev, Suspended Sentence in Criminal Law (in Russian). Rostov-on-Don, Russia, 2007.
[27] E. V. Khromykh, "Criminal punishments alternative to deprivation of liberty: Theory and practice of imposition and execution" (in Russian), Cand. Sci. (Law) dissertation, Rostov-on-Don, Russia, 2005.
[28] E. V. Popadenko, "Alternative means of resolving criminal-law conflicts: Russian and foreign experience" (in Russian), Abstract of Cand. Sci. (Law) dissertation, Krasnodar, Russia, 2008.
[29] L. L. Kruglikov and A. V. Vasilevsky, review of Differentiation of Criminal Liability. Theory and Legislative Practice, by T. A. Lesnievski-Kostareva (Moscow, Russia, 1998, 287 pp.), in Rulemaking and Law-Enforcement Technique in Criminal and Criminal Procedure Law (in Russian). Yaroslavl, Russia, 2000, p. 171.
[30] A. M. Erasov, "Assessing the comparative severity of the law when an alternative sanction is changed" (in Russian), Ugolovnoe Pravo, no. 5, p. 36, 2006.
[31] V. S. Makovsky, "On foreign experience in the execution of non-custodial punishments" (in Russian), Mezhdunarodnoe Ugolovnoe Pravo i Mezhdunarodnaya Yustitsiya, no. 5, pp. 25–27, 2014.