

Legal Basis and International Experience of The Rehabilitation Institute

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Abstract: This article analyzes the legal foundations of the rehabilitation institution in the legislation of the Republic of Uzbekistan, including its constitutional and procedural mechanisms. International experience, particularly the rehabilitation systems of Germany, France, and the USA, has been examined. Based on scholarly opinions, proposals for improving the national system are presented. The study applies scientific analysis and comparative-legal methods.

Keywords: Rehabilitation institution, legal framework, constitution, criminal procedure code, international experience, compensation, human rights.

Introduction: Currently, special attention is being paid to addressing errors and their negative consequences in the processes of investigating and adjudicating criminal cases. In this regard, one of the main tasks is to fully restore the violated rights of individuals who have been unjustly prosecuted and wrongfully convicted, that is, to develop effective legal and organizational mechanisms for their rehabilitation.

It should be noted that although our criminal procedure legislation has established a system of guarantees aimed at protecting individual rights from violations, cases of unlawful prosecution or unjustified conviction still occur in practice. This indicates the need for further improvement of the existing system.

When examining global statistics, it becomes clear that this problem is relevant not only at the national level but also on a global scale. For example, it has been reported that one in three people deprived of liberty worldwide is held in custody without investigation or court verdict. Additionally, approximately 55 million people are involved in the process of investigating and adjudicating various criminal cases each year. Today, 11.7 million people are held in places of detention, while at least 1% of the total number of convicted individuals were actually found to be innocent [1].

These figures demonstrate the significant socio-legal

consequences that can result from errors made in criminal proceedings. Therefore, ensuring fair trials, reliably safeguarding individuals' legal rights and freedoms, and eliminating instances of unlawful criminal prosecution are among the priority tasks of a state governed by the rule of law and civil society.

It should be noted that the aforementioned international experience and statistical data are not only of general importance but also highlight the relevance of these issues in the context of Uzbekistan. This is because errors in criminal procedural activities and mechanisms for their elimination are considered crucial issues in our country's judicial and legal system.

The acquittal of a total of 4,712 individuals in our republic between 2017 and 2023 is noteworthy as a practical outcome of reforms in this area. This figure once again confirms the necessity of strengthening guarantees for the reliable protection of citizens' rights and legitimate interests in criminal proceedings. At the same time, there is a clear need to introduce effective mechanisms that allow for the prompt and full restoration of violated human rights, to clearly define the grounds for applying the institution of rehabilitation, and to improve the mechanisms for its implementation in practice [2].

Moreover, in criminal procedural activities, not only the restoration of individual rights but also the issue of full

compensation for damage caused to the interests of individuals, society, and the state is of particular relevance [3]. Indeed, the effective functioning of fair trial and rehabilitation mechanisms is not limited to restoring the rights of a person unjustly punished. It also necessitates the elimination of material and moral damage inflicted upon an individual as a result of the offense.

Scientific research conducted on the rehabilitation institute in the Republic of Uzbekistan and analyses by legal scholars indicate that, despite the sufficiently robust legal framework, the mechanism for applying certain norms requires further improvement. Specifically, the expediency of the compensation process, the proactiveness of lawyers and prosecutors protecting victims' rights, and the level of cooperation between government bodies remain pressing issues. Therefore, further development of national legislation based on advanced approaches from foreign experience and their adaptation to Uzbekistan's conditions is a crucial step towards ensuring justice and the rule of law in the legal system.

In the Republic of Uzbekistan, the legal foundation for the institution of rehabilitation is enshrined at the constitutional level. Article 26 prohibits the degradation of human dignity and honor, Article 27 guarantees the inviolability of private life, and Article 55 provides the right to restore violated rights through the courts [4]. These provisions constitute the constitutional basis of the rehabilitation institution.

According to Article 23 of the Criminal Procedure Code, a suspect, accused, or defendant is presumed innocent until their guilt in committing a crime is proven in the manner prescribed by law and established by a court verdict that has entered into legal force.

All doubts about guilt, if the possibilities for their elimination have been exhausted, must be resolved in favor of the suspect, accused, defendant, or convicted person.

The grounds for rehabilitation of a person can also arise at different stages of criminal proceedings [5].

Article 83 of the Criminal Procedure Code outlines the grounds for rehabilitation of a person, according to which a suspect, accused, or defendant is found innocent and is subject to rehabilitation in the following cases:

firstly, when a criminal event has not occurred in the case for which proceedings were initiated and investigative actions or court proceedings were conducted;

secondly, if there is no corpus delicti in their act;

thirdly, if they are not involved in the committed crime

[6].

Chapter 38 of the Criminal Procedure Code establishes norms regarding the procedure for compensating harm caused to a rehabilitated person and restoring their other rights.

According to this, the following must be compensated to the person:

- wages and other income from labor that the rehabilitated person lost as a result of unlawful actions committed against them;
- pensions and benefits, if their payment has been suspended;
- the value of money, monetary savings and interest on them, government loan bonds and winnings on them, shares and other securities, as well as items or other property confiscated or transferred to the state based on a court verdict, ruling (decision);
- the value of property seized and lost by the inquiry, preliminary investigation bodies, or the court;
- fines and court costs collected during the execution of a court sentence;
- money paid by the person to a law office, bar association, or firm for the provision of legal assistance, as well as other expenses incurred as a result of unlawful actions committed against them [7].

On June 23, 2023, in accordance with the Resolution of the Plenum of the Supreme Court "On Certain Issues of Judicial Practice Regarding Compensation for Harm and Restoration of Other Rights of a Rehabilitated Person," a number of practical measures were implemented to address rehabilitation issues in judicial practice. The grounds for rehabilitation were established. According to these grounds, a person has the right to demand compensation for material damage and restoration of other violated rights if the criminal prosecution against them is deemed illegal or unjustified. Such circumstances include the grounds specified in paragraphs 1, 2, and 3 of Article 83 of the Criminal Procedure Code of the Republic of Uzbekistan: the complete absence of a criminal event, the absence of elements of a crime in the person's actions, or their non-involvement in the committed crime [8]. Furthermore, as provided for in Article 36 of the Criminal Code of the Republic of Uzbekistan, a person is entitled to rehabilitation even if an act that could be qualified as a crime is recognized as not socially dangerous due to its insignificance. Additionally, in cases where unlawfully or unreasonably applied compulsory medical measures are cancelled by a court decision, individuals placed in medical institutions may also demand the restoration of their rights on the basis of rehabilitation.

Thus, the institution of rehabilitation not only serves to restore the honor and dignity of an individual but also holds special significance as a comprehensive legal mechanism aimed at ensuring the rule of law in the activities of law enforcement agencies, strengthening citizens' legal trust in the state, and establishing the primacy of the principle of justice in society.

Although approaches to the institution of rehabilitation vary across countries worldwide, their common goal is to restore the violated rights of persons unjustly punished in criminal proceedings and to compensate for material and moral damages inflicted. Each state implements this institution in practice based on its legal system, historical development, and socio-economic conditions.

Examining the experience of foreign countries, we can see that legal mechanisms related to the institution of rehabilitation are applied in the Republic of Moldova in two main forms. The first is legal (or automatic) rehabilitation, which is carried out by force of law, i.e., *ope legis*. In this case, after fulfilling the conditions established by the Criminal Code, the conviction is automatically annulled (Moldovan Criminal Code, Article 111). Part 3 of this article states that the termination of a criminal record cancels all legal restrictions and consequences of deprivation of rights associated with it. This situation aligns with the provisions of Article 112, which we have previously mentioned.

The second form is judicial rehabilitation, which is applied in cases where legal rehabilitation is not applicable. In this case, the right to rehabilitation is granted by a court decision based on the application of the interested party. Moldova's criminal legislation establishes specific conditions that the applicant must fulfill to apply this procedure (Articles 110-112 of the Criminal Code of Moldova).

When analyzing these norms, it becomes apparent that in the practice of the Republic of Moldova, rehabilitation is applied only to individuals who have committed a crime, been found guilty, and served their sentence based on a final conviction (Articles 64, 66 of the Criminal Procedure Code of Moldova) [9]. At the same time, based on the essence of the concept of "rehabilitation," it is possible to expand the range of individuals entitled to this right.

In particular, other persons who directly participated in criminal proceedings but whose rights were illegally restricted should also have the right to rehabilitation. For example: persons unjustly prosecuted (Article 306 of the Criminal Code), illegally detained or imprisoned (Article 308 of the Criminal Code), victims of defamation (Article 311 of the Criminal Code), persons

affected by false testimony and false expert opinions (Article 312 of the Criminal Code), individuals harmed by the disclosure of information about security measures applied to participants in criminal proceedings (Articles 315, 316 of the Criminal Code), and others.

In addition, the Republic of Moldova also adopted the Law "On the Rehabilitation of Victims of Political Repression" on December 8, 1992, No. 1225-XII, the main purpose of which is to restore the political, social, civil, and property rights of victims of political repression.

Furthermore, the Criminal Procedure Code of the Republic of Moldova establishes provisions regarding the institution of rehabilitation. For instance, paragraph 23 of part 2 of Article 64 of the Criminal Procedure Code grants suspects the right to rehabilitation if charges against them are not confirmed. Similarly, part 3 of Article 66 stipulates that the accused is also granted the right to rehabilitation if the accusation is not proven. According to Article 284 of the Criminal Procedure Code, releasing a person from criminal prosecution is recognized as a form of rehabilitation, which entails the cancellation of all charges against that person. This provision applies to suspects or accused individuals in cases where no crime has been committed, the act does not contain elements of a crime, or in the presence of other grounds provided for in Article 35 of the Criminal Code [10].

The experience of the Japanese Shimane Asahi prison demonstrates that the process of reintegrating convicts into society is carried out not only through serving sentences but also by ensuring their professional and spiritual development. Several key factors stand out in this process:

1. **Vocational training and labor programs** - Inmates are provided with modern professional skills in high-demand areas of the labor market (accounting, computer literacy, construction technology, trade, medical services, and others). This enables them to become socially and economically independent after their release.
2. **Socially beneficial activities** - Involving inmates in socially significant work, such as translating Braille books or training guide dogs, strengthens their sense of self-esteem and serves to establish positive relationships with society.
3. **Psychological and educational approaches** - Therapeutic community and cognitive-behavioral therapy methods are widely used to develop feelings of empathy, patience, and responsibility in inmates. This proves to be an important factor in reducing the likelihood of reoffending.

4. **Comprehensive rehabilitation approach** - Programs that incorporate elements of education, vocational training, mental stability, and social adaptation yield high results in terms of effectiveness. Thus, the Shimane Asahi model demonstrates multifaceted rehabilitation mechanisms for the re-education and reintegration of inmates into society. This experience can also be beneficial for other countries, as it focuses not only on the execution of sentences but also on the human dignity and future social role of inmates [11].

For example, in the Federal Republic of Germany, the currently effective "Strafentschädigungsgesetz" (Law on Rehabilitation from Criminal Liability) provides extensive protective measures for citizens who have been illegally convicted. This system encompasses not only compensation for material damages but also the restoration of the victim's social status [12]. It is worth noting that in Germany, the rehabilitation process is carried out not only through court decisions but also through the prosecutor's office. The amount of compensation paid for each day of deprivation of liberty is strictly fixed, and this compensation is not subject to taxation [13].

In the USA, however, the issue of rehabilitation is decentralized, with each state having its own special law - "Wrongful Convictions Compensation Act" or a similar document. This approach creates significant differences between states. For example, in the state of Texas, a wrongfully convicted person receives compensation of \$80,000 per year and, additionally, is entitled to free medical care [14]. Some real-life examples clearly demonstrate how this system works in practice: Ronnie Wallace Long, who was unjustly imprisoned for 44 years, received a total of \$25 million in compensation after his innocence was proven, and government agencies officially apologized [15]. In another case, Marquis Jackson, who was wrongfully imprisoned for 19 years, received \$5.3 million in compensation from the state of Connecticut, which prompted legislative reforms based on the principle of "justice for the innocent" [16].

In France, the rehabilitation process is known as "réhabilitation judiciaire" and is conducted through a strict judicial procedure. This country has developed a specific methodology for calculating damages, and government agencies are obligated to pay compensation within three months after the rehabilitation decision comes into force. Furthermore, in France, victims have access to social assistance and psychological rehabilitation services guaranteed by the state [17]. As a practical example, Patrick Dils, who was sentenced to life imprisonment as a minor and later

exonerated, received €1 million in compensation from the state, of which €700,000 was awarded for judicial error [18].

International legal norms also place special emphasis on the issue of rehabilitation. Specifically, Article 8 of the Universal Declaration of Human Rights and Article 2 of the International Covenant on Civil and Political Rights impose a clear obligation on states to effectively restore violated rights [19]. These norms indicate that the institution of rehabilitation is a legal principle of not only national but also international significance.

In recent years, significant efforts have been made in the Republic of Uzbekistan to improve the institution of rehabilitation. According to official data from the Supreme Court, a total of 4,712 individuals were acquitted between 2017 and 2023. Looking at the statistics, acquittal verdicts were issued for 263 persons in 2017, 867 in 2018, 859 in 2019, 781 in 2020, 932 in 2021, and 1,010 in 2022 [20]. These figures indicate positive progress in the field of human rights protection in the country. However, they also suggest that some effective mechanisms used in international practice have not yet been fully implemented.

CONCLUSION AND RECOMMENDATIONS

When analyzing the experience of foreign countries, it is often observed that rehabilitation issues are regulated by separate laws. For example, in some European countries, this institution is guaranteed through independent legal documents, which specifically define the legal basis of the rehabilitation process, its subjects, their rights and obligations, as well as the responsibilities of state bodies. In Uzbekistan, however, the norms related to the institution of rehabilitation are enshrined only within the framework of the Criminal Procedure Code as general provisions. Therefore, it is advisable to adopt a special law to regulate this issue more precisely. Such a normative legal act would further strengthen the legal foundation of the institution and enhance the effectiveness of its practical application.

Secondly, the rehabilitation process encompasses not only the stage concluded by a court decision but also the pre-trial stage. From this perspective, it is necessary to regulate rehabilitation mechanisms at both stages of the process with separate norms. This is because during the investigation and preliminary inquiry process, instances of illegal detention, unjustified accusation, or arrest may occur, and at this stage, it is crucial to develop mechanisms for the prompt restoration of an individual's violated rights.

Thirdly, the legal status of individuals subject to rehabilitation and their involvement in the process may vary. For instance, it is natural that the rehabilitation

process differs in various aspects for each person who has been unjustly accused, illegally detained, or acquitted by a court verdict. Therefore, implementing separate rules based on the category of individuals in the rehabilitation process will serve to organize the process more fairly and effectively in practice.

Fourthly, in the practice of foreign countries, the mechanisms for paying compensation to rehabilitated persons have been simplified, and they are often carried out expeditiously, not through courts, but through special state bodies or funds. In Uzbekistan, however, compensation is currently only obtained through court proceedings, which prolongs the process and creates additional complications. Therefore, it is necessary to introduce a mechanism for providing compensation to a person rehabilitated at the initiative of the state. This relieves citizens of the obligation to appeal to the court and further strengthens the state's responsibility in guaranteeing human rights.

Fifthly, it is necessary to establish specific criteria for determining the amount of compensation at the legislative level. This, on the one hand, will facilitate the law enforcement practice of courts, and on the other hand, prevent discrepancies arising from different decisions made by various courts. Additionally, along with material damages, it is necessary to provide legal grounds for compensating moral damages and expenses related to social readaptation.

Overall, the implementation of these proposals will serve to further improve the rehabilitation institution, fully and effectively restore the violated rights of individuals, and bring national legislation closer to international standards.

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