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## Research Article

### PERSONAL INVIOABILITY AS A FUNDAMENTAL RIGHT AND VALUE

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**Khurshida Mirziyatovna Abzalova**

Doctor Of Law, Professor Of The Department Of Criminal Law, Criminology And Anti-Corruption, Tashkent State Law University, Uzbekistan

#### ABSTRACT

Article 26 of the Constitution of the Republic of Uzbekistan in a new edition establishes the norm that the human honor and dignity are inviolable and Nothing may be the basis for their derogation [1].

The honor and dignity of each human being is inherent to everyone from birth and are the inalienable rights of human beings, despite the fact that they are in places of deprivation of liberty, therefore, no one has the right to encroach on them.

#### KEYWORDS

Personal inviolability, fundamental right and value, human dignity, human attitude, national legislation.

#### INTRODUCTION

The honor of a human being is a perception of his importance in front of other people, his principles and respectable moral qualities or spiritual authority.

Human dignity is a human being's self-respect, awareness of his position and importance as a member of society, his inner nobility, regardless of his origin.

Human attitude is a fair, human attitude of the state and its representatives towards persons deprived of

liberty, expressed in respect for the honor and dignity of convicted persons, as well as in humane conditions of serving a sentence.

#### National legislation:

The criminal procedure legislation establishes a norm providing for respect for honor and dignity in the framework of criminal procedure proceedings, according to which a judge, prosecutor, investigator

and inquirer are obliged to respect the honor and dignity of the persons involved in the case, and it is also prohibited to perform any actions or make decisions that humiliate the honor and dignity of a person [2]. In addition, criminal legislation enshrines the principle of humanism, according to which punishment and other legal measures are not intended to cause physical suffering or humiliation of human dignity [3]. Moreover, defining the basic rights of convicts, the Criminal-executive Code indicates that convicts should not be subjected to cruel, inhuman or degrading treatment or punishment against convicts [4]. Of course, these norms should ensure compliance of Uzbekistan's criminal-executive policy with international acts, especially those related to the treatment of convicts. In turn, the criminal-executive legislation takes into account the principles and norms of international law relating to the execution of punishment and the treatment of convicts, the norms of which cannot contradict international acts on protection from torture and other inhuman or degrading treatment of convicts.

### International standards:

The Universal Declaration of Human Rights of 1948 enshrines the provisions that all people are born free and equal in dignity and rights, no one can be subjected to arbitrary interference in his personal and family life, arbitrary attacks on the inviolability of his home, the secrecy of his correspondence or on his honor and reputation, as well as the prohibition of torture [5].

The International Covenant on Civil and Political Rights also enshrines the norm that all persons deprived of their liberty have the right to humane treatment and respect for the inherent dignity of the human person, in turn, the penitentiary system provides for a regime for prisoners, the essential purpose of which is their correction and social re-education [6].

In 1955, at the first UN Congress on the Prevention of Crime and the Treatment of Offenders, the Minimum Standard Rules for the Treatment of Prisoners were adopted, according to the provision of the said act, the treatment of prisoners with them should strengthen their sense of self-esteem and consciousness of their responsibility [7].

Thus, the first step was taken in the field of protecting the rights of persons deprived of their liberty. In 2015, the UN General Assembly approved an expanded version of the rules, called the "Nelson Mandela Rules" [8] - in honor of one of the most famous prisoners of the twentieth century.

The Mandela Rules contain detailed guidelines and provisions on the rights of persons deprived of their liberty, which are based on the obligation to respect the dignity and worth of the human personality of prisoners, and to prevent torture and other forms of ill-treatment. The current national legislation takes into account the norms of international legislation, therefore, no one has the right to encroach on the honor and dignity of convicts and treat them humanely.

In particular, work with personal files of prisoners (information about the prisoner's identity, reason for imprisonment, information about relatives); breakdown of prisoners by category (separate detention of prisoners); premises; sanitary installations (premises must meet sanitary requirements); food, personal hygiene items, clothing and sleeping accessories; religious rites; education; physical exercises and sports; health care; and treatment of mentally abnormal prisoners, etc.

The current national legislation takes into account the norms of international legislation, the content of the

norms of criminal-executive law embody the concept of humane treatment of convicts.

Thus, according to the norms of the criminal-executive legislation, the principle of humanism is reflected in the provision of a legal status and the establishment of humane conditions for serving a sentence: housing and living conditions in places of deprivation of liberty comply with sanitary standards, nutrition ensures normal activity of the body, medical care is provided to convicts, work is organized in compliance with labor protection and safety, contacts with relatives through providing visits, the opportunity to receive parcels, parcels, transfers from them, to express freedom of conscience and other rights.

The conditions established for pregnant women, minors, disabled people and women with young children are particularly humane. Thus, they create improved living conditions, increased nutrition standards. The conditions of detention of convicts can be improved by way of encouragement.

A reflection of the principle of humanism for good behavior towards convicts is a progressive system of incentive measures, such as: declaration of gratitude; early removal of a previously applied disciplinary penalty; awarding with a diploma, a valuable gift or money; permission to receive an additional parcel, transfer or parcel; granting the right to an additional meeting or telephone conversation; increasing the amount of money for the purchase of products food and basic necessities; transfer to improved conditions of detention.

Persons who have firmly embarked on the path of correction can be transferred to improved conditions of detention, as well as from prison to colony, from colony to colony-settlement.

The norms on providing assistance to persons released from punishment, on the right to a pension and compensation for harm to persons who have lost their ability to work while serving a sentence are imbued with the manifestation of concern for the fate of convicts.

In addition, to persons who have firmly embarked on the path of correction, conditional early release from punishment or its replacement with a milder one may be applied.

Another striking example of the manifestation of humanism is the institution of exemption from serving sentences of persons who have a mental chronic or other serious illness, as well as the possibility of applying acts of amnesty and pardon.

In the constitutions of many states, certain norms protecting the inviolability of human honor and dignity have found expression, in particular the USA, Germany, France, Spain, etc.

This norm means that in the new Uzbekistan, human dignity, honor and dignity of every person are directly protected by the Constitution.

The amendments made to the Constitution in the new edition will become the basis and foundation for ensuring human values, their protection in any situation, even during detention and in places of deprivation of liberty while serving a sentence. This is a step towards openness, towards sustainable protection of human rights, and the fact that this is enshrined in the basic law shows that these changes are a systemic and irreversible process, not a temporary one.

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