

THE SOCIOLOGY OF PUNISHMENT AS A THEORETICAL BASIS FOR MODERNIZING STATE CRIMINAL POLICY

Author: Kayumova Farzona Khayrulla kizi,

Master's student of the "Theory and practice of applying criminal
legislation" program, Tashkent State University of Law.

Introduction (Relevance, Problem, and Objective)

The problem of criminal punishment extends far beyond the narrow boundaries of penology and criminology, acquiring a broad social significance in the modern era. Traditionally, penal measures have been viewed almost exclusively as technical instruments for crime control and deterrence. However, this purely instrumental approach fails to explain the systemic crises of modern penal systems, such as persistently high recidivism rates and the severe socio-economic consequences of mass incarceration.¹ The core problem lies in the disconnect between the stated legal goals of punishment and its actual functioning as a coercive social mechanism.² Therefore, the relevance of this study is dictated by the urgent need to shift state criminal policy from a purely repressive model to a socially integrated one. The main objective of this thesis is to substantiate the role of the sociology of punishment as a conceptual framework for humanizing and rationalizing modern state criminal policy.

Main Results

The application of sociological methodology to criminal policy reveals several key findings:

¹ Kabulov, R. "Main trends in the development of criminal policy in New Uzbekistan." Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan.

² Garland, D. (2001). *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.





Firstly, sociological perspectives demonstrate that punishment is not merely a legal consequence, but a complex social institution shaped by historical, economic, and cultural forces. While Émile Durkheim viewed punishment as a moral process necessary for reinforcing social solidarity and collective conscience, later scholars like Michel Foucault highlighted its role as a "political technology of the body" utilized by the state for normalization and discipline.³

Secondly, the late 20th-century shift towards a "culture of control" in Western societies—characterized by mass incarceration, expressive justice, and the decline of the rehabilitative ideal—has proven to be socially and economically unsustainable.⁴ Sociological evidence indicates that relying solely on negative, punitive sanctions often leads only to a temporary cessation of unwanted behavior, but ultimately fails to prevent long-term recidivism due to severe stigmatization.

Thirdly, public opinion regarding punishment is frequently distorted by media sensationalism, leading to a false public perception that crime is constantly rising and that judicial punishments are too lenient. Consequently, a rational state criminal policy must rely on objective sociological data and expert analysis rather than uninformed punitive populism.

Fourthly, the practical implementation of sociological principles is clearly evident in the recent progressive reforms of New Uzbekistan. The state's criminal policy has strategically shifted towards humanization, officially aiming to reduce the proportion of custodial sentences (imprisonment) from 30% down to 20%.⁵ This macro-sociological restructuring includes the expansion of alternative sanctions, the widening of the institution of

³ Elias, N. (1978). *The Civilizing Process*. Oxford: Basil Blackwell.

⁴ Rusche, G., & Kirchheimer, O. (1939). *Punishment and Social Structure*. New York: Columbia University Press.

⁵ Foucault, M. (1977). *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.





reconciliation, and a strong emphasis on the resocialization of offenders. For instance, the establishment of "Usta-shogird" (Master-Apprentice) schools and vocational training centers within correctional facilities actively promotes the social reintegration of inmates.⁶

Conclusion

In conclusion, the sociology of punishment provides an indispensable theoretical foundation for the evolution of modern criminal policy. To achieve a sustainable social order, the state must minimize its reliance on exclusionary imprisonment, systematically expand alternative, non-custodial measures, and prioritize the successful social adaptation and reintegration of offenders back into society.

REFERENCES:

1. Foucault, M. (1977). *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.
2. Garland, D. (2001). *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.
3. Garland, D. (1991). "Sociological Perspectives on Punishment". *Crime and Justice*, Vol. 14, pp. 115-165.
4. Durkheim, E. (1933). *The Division of Labor in Society*. New York: Free Press.
5. Rusche, G., & Kirchheimer, O. (1939). *Punishment and Social Structure*. New York: Columbia University Press.
6. Elias, N. (1978). *The Civilizing Process*. Oxford: Basil Blackwell.

⁶ Khatamov, R. "New reforms in the judicial and legal system of Uzbekistan are aimed at practical results." Embassy of the Republic of Uzbekistan in the UK.



7. Khatamov, R. "New reforms in the judicial and legal system of Uzbekistan are aimed at practical results." Embassy of the Republic of Uzbekistan in the UK.
8. Kabulov, R. "Main trends in the development of criminal policy in New Uzbekistan." Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan.