

CRITERIA OF SOCIAL EFFICIENCY AND STATE STRATEGY IN IMPOSING CRIMINAL PENALTIES

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Abstract: *This thesis explores the theoretical foundations of the sociology of punishment and its significance in state criminal policy. It is argued that punishment is not solely a tool for fighting crime but a complex social institution shaped by cultural, economic, and historical forces. The strategic role of sociological approaches in resocializing convicts and humanizing criminal punishments today is illustrated through the ongoing reforms in modern criminal policies.*

Keywords: *Sociology of punishment, social institution, criminal policy, social solidarity, disciplinary power, normalization, resocialization.*

Introduction: Traditionally, the penal system and its consequences have been studied through two distinct approaches: the penological approach, which views punishment exclusively as a technical instrument for controlling crime and reducing offenses, and the philosophical approach, which evaluates punishment as a moral problem.¹ However, in recent years, a third approach has emerged: the sociology of punishment, which conceptualizes punishment as a complex social institution rather than a mere means to an end or a stock problem for moral philosophy. The sociology of punishment serves as a

¹ Garland D. Sociological Perspectives on Punishment. Crime and Justice, Vol. 14, 1991.

connecting link between the theory of criminal law and its metatheory, exploring the socio-legal significance of punishment in ensuring society's security, shaping human behavior, and preventing deviant acts.

Main Body: The sociology of punishment integrates several major theoretical perspectives, each illuminating different social dimensions of the penal process. According to the classical sociologist Emile Durkheim, punishment is primarily a moral process that functions to preserve shared values and strengthen social solidarity within society. Marxist approaches, advanced by scholars like George Rusche and Otto Kirchheimer, analyze the state's penal policy in close connection with the economic conditions and labor market requirements of society. On the other hand, the French thinker Michel Foucault views the modern penal system, particularly prisons, as a specific technology of power and knowledge aimed at controlling the human body and enforcing strict discipline, emphasizing that the main goal of punishment is not revenge but the normalization of the individual. Furthermore, the research of Norbert Elias shows that the formation of penal methods is significantly influenced by cultural values, human emotions, and the civilizing process, which explains the historical shift away from brutal public punishments.

The combination of these theories helps the state to properly formulate its criminal policy by predicting the socio-psychological and institutional consequences of the imposed punishments. Today, many modern states, including the Republic of Uzbekistan, are fundamentally humanizing their criminal-executive policies based on such sociological approaches. As a vivid example, the conditions of detention for convicts in penal institutions are being systematically brought into compliance with international standards, particularly the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules.² Another significant

² <https://uzconsulate-aktau.kz/uz/2024/ozbekiston-jinoyat-ijroiya-qonunchiligini-takomillashtirishga-oid-yangi-islohotlar-va-ularning-amaliy-natijalari/>

reform is the introduction of the advanced "Import model" of prison management, successfully utilized in countries like Norway. According to this modern sociological model, prisoners are provided with the same services as free citizens, including access to education, libraries, and healthcare. These efforts aim at the strategic goal of ensuring the individual's full reintegration and resocialization into society in the future, moving away from the purely physical or psychological restrictions of punishment.

Conclusion: In conclusion, the sociology of punishment urges states to abandon the evaluation of criminal penalties merely as a legal response or a technical instrument for dealing with law violations. The penal system and the methods of its execution constitute a highly complex social institution that is intricately linked to the cultural, economic, and psychological state of society. When determining its criminal policy, the state must not rely solely on the severity of the punishment but should act after conducting a deep analysis of its social, psychological, and educational consequences. Respecting the rights of convicts and creating the necessary environment for their adaptation to social life serves as the strongest guarantee for ensuring the rule of law and the safety of society.

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