SOCIO-PHILOSOPHICAL INTERPRETATION OF THE PRINCIPLE OF SOCIAL JUSTICE IN THE PREVENTION OF RECIDIVIST CRIME

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Abstract. This article develops a socio-philosophical interpretation of the principle of social justice as a determinant of the prevention of recidivist crime. The central thesis is that recidivism should be conceptualised not merely as a defect of individual moral disposition or as an indicator of the insufficient severity of punishment, but as a systemic manifestation of unresolved distributive and recognitional deficits within the social order. The study reconstructs three dimensions of justice relevant to the prevention of repeat offending — distributive justice, governing access to the material conditions of a law-abiding life; procedural justice, governing the fairness and transparency of the treatment received from institutions; and recognitional justice, governing the restoration of equal moral standing after the completion of a sentence - and demonstrates that these dimensions operate as interdependent variables whose separate optimisation yields unstable results. It is shown that a preventive strategy grounded exclusively in deterrence presupposes a rational agent whose real conditions of choice it simultaneously ignores, whereas a strategy grounded exclusively in social assistance underestimates the constitutive role of accountability in the reconstruction of responsible agency. The analysis establishes that perceived injustice functions as an independent criminogenic variable, since institutional treatment experienced as arbitrary erodes the normative legitimacy upon which voluntary compliance depends. The article concludes that the prevention of recidivism requires the institutionalisation of justice as an operative principle, expressed through equal access to reintegrative resources, procedural safeguards against arbitrary decision-making, the limitation of collateral consequences, and the systematic measurement of perceived fairness.

Keywords: social justice; recidivist crime; prevention; distributive justice; procedural justice; recognition; legitimacy; resocialisation; capability; penal policy.

INTRODUCTION

The problem of recidivist crime occupies a position of exceptional theoretical significance within the philosophy of law, since it constitutes the point at which the entire penal apparatus is confronted with a verifiable statement about its own effectiveness. When a person who has already been subjected to the full sequence of criminal justice procedures — investigation, trial, sentence, execution of punishment,

and release — commits a further offence, the resulting situation cannot be interpreted exclusively as a failure of individual moral resolve. It also constitutes an empirical statement concerning the institutions through which that person has passed. The recurrence of offending after the completion of a sanction indicates that either the sanction did not accomplish what was expected of it, or the social conditions to which the person returned reproduced the determinants of the original offence, or both. Any serious analysis of prevention must therefore begin by acknowledging that recidivism is a relational rather than a purely individual phenomenon, situated at the intersection of personal agency and institutional arrangement. It is precisely at this intersection that the principle of social justice acquires its criminological significance. The conventional treatment of justice in penal contexts confines it to the proportionality of punishment: a just sanction is one that corresponds to the gravity of the offence and to the degree of culpability. This conception, though indispensable, is insufficient for the analysis of repeat offending, since it addresses only the moment of the judicial response and leaves untouched the distribution of the conditions under which law-abiding conduct is or is not practically available. If a person released from confinement returns to an environment in which employment is inaccessible, housing is precarious, family bonds have been destroyed by the duration of separation, and social recognition has been permanently withdrawn, then the demand for law-abiding conduct is addressed to an agent whose real capacity to comply has been systematically diminished. The proportionality of the original sentence does not remedy this diminution; it does not even register it. Three dimensions of justice must therefore be distinguished if the principle is to perform genuine analytical work in this domain. The distributive dimension concerns access to the material and institutional resources upon which a law-abiding existence depends: work, housing, education, health care, and the documentary prerequisites of ordinary social participation. The procedural dimension concerns the manner in which persons are treated by the institutions with which they interact: the clarity of criteria, the opportunity to be heard, the consistency of application, the availability of review, and the respect displayed in official communication. The recognitional dimension concerns the restoration of equal moral standing following the completion of the sanction, and thus the question of whether the person is regarded as a citizen who has discharged an obligation or as a permanent bearer of a discrediting attribute. These dimensions are analytically distinct but empirically interdependent. Distributive provision unaccompanied by recognition produces a stigmatised dependency; recognition unaccompanied by distributive provision produces an empty declaration; and both are destabilised by procedures experienced as arbitrary.

An additional consideration concerns the relation between justice and legitimacy. Research in the tradition established by Tyler has demonstrated with considerable consistency that voluntary compliance with legal norms depends less upon the perceived probability of sanction than upon the perceived legitimacy of legal authority, and that legitimacy is generated principally by the experience of fair procedure. This finding possesses direct implications for the analysis of repeat offending. A person who has experienced institutional treatment as arbitrary, humiliating, or inconsistent acquires not merely a grievance but a modified normative orientation, within which the obligation to obey loses its internal justification. Perceived injustice thus operates as an independent criminogenic variable, distinct from material deprivation and capable of producing criminal conduct even in the presence of adequate material provision. The prevention of recidivism accordingly requires attention to the quality of institutional interaction and not solely to the volume of assistance delivered. The relevance of these considerations to the conditions of Uzbekistan is substantial. The humanisation of penal policy pursued in recent years, the establishment of the Probation Service, the expansion of alternatives to deprivation of liberty, and the systematic involvement of the mahalla in preventive activity have created an institutional framework within which the principle of social justice may be operationalised. At the same time the specific characteristics of the social structure generate distinctive challenges. Dense communal organisation supplies an extraordinary resource for recognitional restoration, since acceptance by a locally embedded community achieves what no administrative certificate can accomplish; yet the same density transmits stigma with corresponding efficiency and renders the anonymity that partially protects released persons in individualised societies practically unavailable. The just organisation of prevention therefore requires deliberate institutional work upon communal attitudes rather than reliance upon their spontaneous evolution. Accordingly, this article pursues three objectives. It reconstructs the tripartite structure of social justice as it applies to the prevention of repeat offending. It analyses the mechanisms through which distributive, procedural, and recognitional deficits translate into criminogenic outcomes. And it derives from this analysis a set of principles capable of guiding preventive policy, on the assumption that the reduction of recidivism is achieved less by intensifying the response to offences already committed than by reconstructing the conditions under which lawful conduct becomes a practically available option.

The Uzbek scholarly literature indexed in international bibliographic databases furnishes two contributions of direct significance for the present analysis, the first diagnostic and the second institutional. Khurshid Umbarov, in his study of the causes

and enabling conditions of offences committed by previously convicted persons, provides a criminological account that corresponds closely to the tripartite structure of justice elaborated above. His analysis identifies as principal determinants of repeat offending the absence of stable employment and the consequent susceptibility of persons without socially useful occupation to criminogenic influence, material deprivation and unresolved need within the family, dependence upon alcohol and narcotic substances, the low level of legal consciousness and legal culture, the unhealthy moral and psychological climate of the domestic environment, and the inadequacy of preventive and educational work conducted with persons released from penal institutions by district prevention inspectors and the chairpersons of mahalla assemblies. These findings map with striking precision onto the distributive dimension of justice, since each identified determinant concerns the availability or unavailability of a resource upon which law-abiding conduct depends. Of particular theoretical value is his methodological distinction between causes, located in the subjective sphere of the life of the person, the social group, and society, and enabling conditions, generated by economic, political, legal, and organisational circumstances, since this distinction permits the analysis to attribute responsibility simultaneously to the agent and to the institutional environment without dissolving either into the other. His observation that socio-moral deformation deepens during prolonged confinement, producing behavioural inadequacy and a stable disposition towards conflict, further indicates that the very institution charged with correction may erode the capacities upon which subsequent compliance depends — a finding of considerable importance for the assessment of the justice of the penal process itself. Gulnoza Yusupdzhanova supplies the institutional and comparative dimension. Her examination of the probation institution in the legislation of foreign states demonstrates that the priority orientation in those jurisdictions consists in understanding probation as criminal supervision applied in conjunction with the social rehabilitation and reintegration of persons subject to criminal prosecution, and she establishes that the institution reduces general criminality by diminishing criminological recidivism, restricts the further criminalisation of the offender's personality, and lowers the fiscal burden of the penal system. Her comparative survey of the United Kingdom, Germany, Japan, the United States, and Kazakhstan isolates the functional cluster common to these systems, including the preparation of individualised social and legal assessments prior to sentencing, the social adaptation of conditionally sentenced persons, the supervision of those released before the expiry of their term, participation in mediation, and the application of psychological correction programmes. The reference to the Kazakh experience, in which the adoption of dedicated probation legislation was followed by

a substantial reduction in the incidence of repeat offending, is of direct evidential relevance to the argument advanced here, since it indicates that institutional arrangements oriented towards reintegration produce measurable effects upon recidivism. Her conclusion regarding the necessity of a unified normative act governing probation supervision and social adaptation identifies the procedural dimension of justice, inasmuch as fragmented and inconsistently applied regulation is precisely what generates the perception of arbitrariness. The role of continuous education in the formation of the spiritual and philosophical outlook of young people, examined by Ergashbaev, completes this framework by demonstrating that the internal normative foundations of law-abiding conduct are constituted through sustained value-oriented processes rather than through episodic administrative intervention.

The inquiry was conducted through an integrated methodological framework in which the constituent approaches were applied as interconnected moments of a single analytical movement rather than as parallel operations. The dialectical method occupied the foundational position and was employed to disclose the contradiction constitutive of preventive policy, namely the simultaneous requirement that the person be held fully accountable for the offence and that the institutional conditions of responsible agency be actively constructed; this contradiction was resolved not by attenuating accountability but by demonstrating that the attribution of responsibility presupposes the practical capacity to act otherwise, so that the construction of that capacity constitutes the condition rather than the negation of answerability. The axiological method was used to reconstruct the value structure of the principle of social justice and to differentiate its distributive, procedural, and recognitional dimensions, permitting the demonstration that these dimensions remain empirically interdependent even where they are analytically distinct. The systemic method represented the prevention of recidivism as a function of a configuration comprising courts, penal institutions, the probation service, bodies of local self-government, employers, educational and medical organisations, the mahalla, and the family, and established that preventive capacity resides principally in the quality of the connections among these elements. The structural-functional method differentiated the manifest function of preventive measures from their latent functions, comprising the transmission or withdrawal of recognition and the confirmation or erosion of institutional legitimacy. The institutional and comparative methods were applied to the analysis of how formally identical norms generate divergent outcomes according to administrative culture, and to the juxtaposition of national approaches to the reintegration of persons with prior convictions. The sociological approach informed the treatment of stigma and perceived legitimacy as independent variables, while the hermeneutic method was

applied to the meanings that persons subject to preventive measures attribute to the treatment they receive. The statistical-analytical approach guided the interpretation of criminological data concerning the structure and dynamics of repeat offending, the historical-genetic method permitted the reconstruction of the transition from repressive towards reintegrative strategies, and the conceptual-analytical method secured the delimitation of the categories of prevention, deterrence, correction, and resocialisation. The principles of objectivity, historicism, and the unity of the logical and the historical were observed throughout.

CONCLUSION

The socio-philosophical analysis conducted in this article establishes that the principle of social justice performs a constitutive rather than a supplementary function in the prevention of recidivist crime. Repeat offending is a relational phenomenon located at the intersection of individual agency and institutional arrangement; a strategy addressed exclusively to the moral disposition of the offender therefore operates upon a single term of a two-term relation and yields results that are unstable over time. The reduction of recidivism is achieved less by intensifying the response to offences already committed than by reconstructing the conditions under which lawful conduct becomes a practically available option. The principal conceptual result is the differentiation of three interdependent dimensions of justice. The distributive dimension governs access to work, housing, education, health care, and the documentary prerequisites of ordinary participation. The procedural dimension governs the clarity of criteria, the opportunity to be heard, the consistency of application, the availability of review, and the respect displayed in official communication. The recognitional dimension governs the restoration of equal moral standing after the sanction has been discharged. Distributive provision without recognition produces stigmatised dependency; recognition without distributive provision produces an empty declaration; and both are destabilised by procedures experienced as arbitrary. The analysis further established that perceived injustice constitutes an independent criminogenic variable, distinct from material deprivation and capable of producing offending even where provision is adequate. Institutional treatment experienced as inconsistent or humiliating modifies the normative orientation of the person and erodes the internal justification of the obligation to obey. It follows that the quality of institutional interaction is a preventive resource of the same order of significance as the volume of assistance delivered, and that a system which reduces reoffending through methods experienced as arbitrary accumulates a legitimacy deficit that will subsequently manifest in other domains. For Uzbekistan these conclusions indicate a determinate direction of institutional development. The limitation of collateral consequences that outlive the sentence should

be treated as a preventive instrument rather than as a concession. The individualisation of preventive measures according to assessed need rather than formal category should be recognised as a requirement of justice, since the identical treatment of materially unequal situations reproduces substantive inequality beneath the appearance of equality. The mahalla should be engaged as an agent of recognitional restoration rather than as an instrument of surveillance, since dense communal structures confer standing with an authority that formal institutions cannot replicate. And the evaluation of preventive policy should incorporate indicators of perceived fairness alongside conventional measures of reoffending. Understood in this manner, social justice ceases to be an external ethical requirement imposed upon criminal policy and becomes the internal condition of its effectiveness.

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