

LEGAL CRITERIA FOR ASSESSING THE EFFECTIVENESS OF OFFENCE PREVENTION: INTERNATIONAL APPROACHES AND THE NATIONAL EVALUATION MODEL

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ABSTRACT

This article analyses the legal criteria applied at the international and national levels to the assessment of the effectiveness of offence prevention activity. It sets out the historical necessity of the transition from a purely punitive policy to an evidence-based preventive policy, examines the principal contribution of criminological scholarship to the formation of the concept of effectiveness, analyses the international legal instruments that regulate evaluation practice, compares the national evaluation model of the Republic of Uzbekistan with those international standards, and advances specific proposals for legislative and institutional improvement.

KEYWORDS

crime prevention, offence prevention, effectiveness assessment, evidence-based policy, situational crime prevention, routine activity theory, ECOSOC Guidelines, European Crime Prevention Network, Law on the Prevention of Offences.

INTRODUCTION

Contemporary criminal policy is increasingly judged by the results it actually achieves rather than by the intentions it declares, and this principle of results-oriented accountability lies at the centre of the field of offence prevention. The United Nations Guidelines for the Prevention of Crime describe prevention as a multisectoral, interdisciplinary and holistic activity directed at reducing the risk of offending by acting upon the factors that cause harm to individuals and communities, including the fear of crime (United Nations Economic and Social Council [ECOSOC], 2002). Once prevention is construed this broadly, the question of how one knows that it is working ceases to be a technical detail and becomes a genuine problem of legal design: which evidentiary standard, which indicators and whose assessment confirm that a preventive policy has attained its purpose? International organisations have built a comparatively coherent methodological and legal apparatus over four decades, yet many national systems, including that of the Republic of Uzbekistan, continue to rely principally on administrative and statistical indicators, which do not by themselves establish a causal inference about effectiveness.

The historical development and theoretical foundations of the idea of prevention

The notion of a preventable crime is a comparatively recent phenomenon in legal thought. For a long period criminal liability responded to an offence already committed by way of punishment, and the purpose of that punishment was retribution rather than the reduction of future risk. The turning point in this respect is associated with Cesare Beccaria's *On Crimes and Punishments*, published in 1764, which demonstrated that punishment can prevent future offences only where it is swift, certain and proportionate to the harm caused (Beccaria, 1764). For the first time the criminal law response was regarded as an instrument to be evaluated not against moral sentiment alone but against a specific objective, namely the reduction of crime. Beccaria, however, proposed no methodology for measuring that reduction and tied the entire preventive mechanism to the rational calculation of the individual.

With the emergence of opportunity-based theories in the second half of the twentieth century, scholars began to specify which causal mechanisms a preventive intervention ought to interrupt and, consequently, what ought to be measured. The most influential contribution in this respect is the routine activity approach of Lawrence Cohen and Marcus Felson, according to which crime occurs when a motivated offender, a suitable target and the absence of a capable guardian converge in time and space (Cohen & Felson, 1979). This theory showed that prevention may be assessed by measuring changes in the level of guardianship, in the protection of targets and in the offender's access to those targets. The theory of situational crime prevention developed by Ronald Clarke carried that logic further, providing for the restriction of opportunities in relation to specific offence types by increasing the risks and the effort involved and by reducing the anticipated rewards (Clarke, 1983). The rational choice perspective elaborated jointly with Derek Cornish established, in turn, that every intervention must be evaluated against the particular problem at which it is directed, before and after the intervention, and against the closest available control environment (Cornish & Clarke, 2003).

The formation of the evidence-based evaluation standard

Lawrence Sherman and his colleagues transformed theoretical propositions into a defined legal and methodological evidentiary standard for claims of effectiveness. The 1997 report *Preventing Crime: What Works, What Doesn't, What's Promising*, prepared at the request of the United States Congress, reviewed hundreds of programme evaluations, introduced a scientific methods scale grading the internal validity of each evaluation from weak correlational designs through to randomised controlled trials, and established that a programme may not be pronounced to be working on the basis of an evaluation that fails to satisfy defined methodological requirements (Sherman et al., 1997). This evidence-based movement gave the first operational answer to the question Beccaria had left open: effectiveness is not asserted but demonstrated through an identifiable research design whose own validity can be appraised (Sherman, 1998).

These methodological standards were subsequently consolidated in the four-part typology of developmental, community, situational and criminal justice

strategies compiled by Michael Tonry and David Farrington (Tonry & Farrington, 1995), and in the systematic review methodology developed by David Farrington and Brandon Welsh within the Campbell Collaboration Crime and Justice Group (Sherman et al., 2002). Their central contribution is that a single positive evaluation cannot constitute sufficient evidence of a general effect: only a systematic review of an accumulated and quality-appraised evidence base can support a policy conclusion that a given type of intervention is effective, promising or ineffective (Farrington, 2003). Farrington and Welsh further introduced cost-effectiveness analysis as a mandatory criterion: a legally defensible claim of effectiveness must take into account not merely that offending has fallen, but also that the reduction was achieved at a cost proportionate to the resources expended and to the harm averted (Farrington & Welsh, 2001). This is the modern empirical form of Beccaria's principle of proportionality in punishment.

International and regional legal regulation

These scholarly approaches migrated into binding and recommendatory international legal instruments over roughly the same period. The principal instrument is the Guidelines for the Prevention of Crime annexed to ECOSOC Resolution 2002/13, which build upon the 1995 Guidelines for the Prevention of Urban Crime and the 1996 General Assembly Declaration on Crime and Public Security (ECOSOC, 2002). These instruments were further reinforced by ECOSOC Resolutions 2006/20 and 2008/24, which require Member States to report on the costs of crime and on the systematic evaluation of specific preventive measures. Taken together, these instruments establish five recurring international criteria of effectiveness: government leadership and an institutional framework; the integration of prevention into social and economic policy; multilateral cooperation between the State, civil society and the private sector; the grounding of strategies in a reliable and continuously updated knowledge base; and accountability through periodic reporting on implementation and results.

At the regional level, the European Union converted these principles into a practical, project-level evaluation methodology. Council Decision 2009/902/JHA, which established the European Crime Prevention Network

(EUCPN), defines crime prevention as covering all measures intended to reduce crime and the population's feeling of insecurity, whether by directly deterring criminal activity or by acting upon its causes (Council of the European Union, 2009). The Network's 2016 study divides evaluation into three stages, namely planning, data collection and analysis, and the communication of results, and requires the outcome to be compared with the situation that would have obtained in the absence of the intervention (EUCPN, 2016). EUCPN Thematic Paper No. 5 describes the control-area method, under which a comparable area that did not receive the programme in question is taken as a benchmark, as the means of establishing a causal connection as distinct from a simple before-and-after comparison (EUCPN, 2013). This method has been simplified for practitioners through the QUALIPREV instrument (EUCPN, n.d.).

The national evaluation model of the Republic of Uzbekistan

Measured against the international background set out above, the national evaluation model of the Republic of Uzbekistan rests upon a markedly different legal architecture. The principal instrument is the Law on the Prevention of Offences No. ZRU-371 of 14 May 2014, which for the first time codified the subjects, forms and levels of preventive activity within a single legislative act (Law No. ZRU-371, 2014). That foundation was reinforced by Presidential Resolution No. PQ-2833 of 14 March 2017, which restructured the institutional hierarchy of prevention along the republic, region, district and mahalla chain and imposed a continuous monitoring function at each level (Resolution No. PQ-2833, 2017), and by Presidential Decree No. PF-5005 of 10 April 2017, directed at radically improving the effectiveness of the activity of the internal affairs bodies (Decree No. PF-5005, 2017). Sectoral research confirms both the ambition of this system and its principal limitation: the absence of a stable legal definition of effectiveness is identified as the main obstacle to consistent evaluation across regions and across time ("Law Enforcement Industry Prevention Manager," 2024; "Crimes in Uzbekistan," 2024), and a 2026 study on the prevention of offences committed in cyberspace reaches the same conclusion ("Improvement of Legal and Organizational Mechanisms," 2026).

The republic, region, district and mahalla chain embeds responsibility for prevention down to the smallest unit of self-government, which strengthens the

guardianship mechanism identified by Cohen and Felson (1979). Yet it is precisely this density that gives rise to the evaluation problem: because responsibility for prevention is distributed continuously across all territories, the national model contains no untreated comparison areas of the kind required by the EUCPN control-area methodology (EUCPN, 2013). Resolving this problem does not require abandoning the mahalla-based structure. It requires instead that specific programmes at mahalla level, for example the prevention of juvenile delinquency or of domestic violence, be introduced in a phased and documented sequence that preserves a temporary possibility of comparison.

The reports submitted by Uzbekistan to United Nations bodies likewise reveal both the strengths of the national model and its evidentiary gaps. In a 2019 letter addressed to the Secretary-General, the Government described measures taken to combat human trafficking, to eliminate child labour and to put an end to forced labour (United Nations General Assembly, 2019). That report, however, is structured principally around the scale and coverage of the measures adopted; it concentrates on inputs and activities rather than on independently measured outcomes, and it does not draw upon comparative evidence or evidence graded by a scientific methods scale, which the international literature treats as the legal minimum for a claim of effectiveness (Sherman et al., 1997; Farrington, 2003).

A comparison of the two levels of governance reveals a difference that is systemic rather than merely rhetorical. The international standard, from the United Nations Guidelines through to the EUCPN instruments, treats effectiveness as a graded, falsifiable and results-oriented claim resting upon a stated theoretical mechanism, a comparison group or a credible counterfactual, and an evaluation whose own methodological quality can be appraised and published (ECOSOC, 2002; EUCPN, 2016). The national model of Uzbekistan, by contrast, expresses effectiveness principally through hierarchical administrative reporting: statistics on registered offences, compliance with discipline along the republic, region, district and mahalla chain, and self-assessment carried out within the very bodies whose activity is being assessed. Neither the 2014 Law nor the 2017 presidential acts establishes an independent evaluator, a minimum methodological standard analogous to a scientific methods scale, or a legal requirement that a preventive programme

demonstrate its effect against a comparable, non-treated baseline before it is expanded or funded.

Proposals for legislative and institutional improvement

Proceeding from the analysis above, a number of practical proposals may be advanced for the further development of the national evaluation model:

- To introduce into the Law on the Prevention of Offences a statutory definition of the concept of effectiveness founded upon a demonstrated reduction in outcomes rather than upon the volume of measures implemented;
- To establish an evaluation function that is institutionally independent of the Ministry of Internal Affairs, for example within an interdepartmental statistical or scientific body accountable to the Oliy Majlis;
- To introduce a graded methodological quality scale, analogous to the Sherman scientific methods scale, classifying programmes according to the strength of the evidence supporting them (Sherman et al., 1997);
- To pilot priority preventive programmes (juvenile delinquency, recidivism, cybercrime) on the basis of a genuine comparison-area or comparison-group design before they are rolled out nationwide;
- To harmonise national indicators with the UNODC survey instrument based on the 2002 Guidelines, thereby reorienting reporting from measures adopted towards outcomes measured (ECOSOC, 2002);
- To make evaluation reports and the underlying data legally accessible to independent researchers;
- To strengthen technical cooperation with the United Nations Office on Drugs and Crime and with regional organisations on impact evaluation methodology.

CONCLUSION

The historical development traced here runs from Beccaria's proposition that punishment must be judged by its preventive effect (Beccaria, 1764), through the opportunity-based theories of Cohen, Felson, Clarke and Cornish (Cohen & Felson, 1979; Clarke, 1983; Cornish & Clarke, 2003), to the codification of a

graded evidentiary standard by Sherman, Farrington and Welsh (Sherman et al., 1997; Farrington & Welsh, 2001; Farrington, 2003), and thence to the international legal instruments and regional evaluation tools that converted those standards into institutional practice (ECOSOC, 2002; Council of the European Union, 2009; EUCPN, 2016). That development shows that the legal criteria for assessing preventive effectiveness are neither self-evident nor an optional refinement, but the product of a definite and traceable intellectual and legal evolution. For the Republic of Uzbekistan, whose 2014 Law and 2017 presidential acts have already created a broad institutional and legal infrastructure for prevention, the remaining task is to complete that infrastructure with a codified, methodologically rigorous and institutionally independent standard for measuring effectiveness. Such a step would align the national evaluation model with the international approaches examined in this article and would place the considerable investment made by Uzbekistan in offence prevention upon a legally and empirically defensible footing.

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