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LEGAL REGULATION OF PAROLE AND EARLY RELEASE IN THE REPUBLIC OF KAZAKHSTAN: STATUS, PROBLEMS, PROSPECTS

Abstract

The article is devoted to the analysis of the content and significance of the institution of conditional early release from serving a criminal sentence imposed by a judicial authority. The paper focuses on the existing disagreements among scientists regarding the goals and objectives pursued by this institute. An important aspect is the need to integrate international universal standards into the field of penal enforcement legislation, including issues related to the passport of convicts. The regulations formulate requirements concerning the preparation of persons released on parole for their social adaptation, as well as taking into account individual characteristics and the nature of the committed criminal offense when establishing probation supervision. The conditions under which it is possible to revoke passport and other related aspects are also being considered. Within the framework of this study, an analysis of the key principles and criteria determining the expediency of applying the mechanism of passport is carried out. In addition, the restrictions related to its use and the consequences of canceling this exemption are discussed, taking into account the obligations imposed on the person who was granted such an exemption. Among the last issues, controversial aspects stand out, in particular, concerning the commission of two or more administrative offenses by a person. It is indicated that conditional early release may be revoked in the case of a homogeneous administrative offense similar to a previously committed criminal offense. To substantiate the identified inconsistencies in criminal legislation, the international documents of the Council of Europe are analyzed, which, although they are advisory in nature, represent international standards in the field of protecting human rights and legitimate interests. In addition, this paper examines the practice of applying legislation by judicial authorities when considering applications for parole, as well as the legislative specifics of regulating public relations in this area in developed countries.

Key words: release on parole, national legislation, international universal standards, law enforcement practice of courts, serving a sentence, complimentary person, revocation.

Introduction

Conditional early release (CER) is an important institution of criminal law aimed at the rehabilitation of convicted persons and their integration into society. In modern conditions, the motivation of persons who have committed criminal offenses to correct their behavior and refrain from further illegal actions is becoming a key aspect determining the effectiveness of this mechanism.

The purpose of applying parole is not only to reduce the term of punishment, but also to create incentives for convicts to help them improve. Parole serves as a kind of indicator of successful resocialization, allowing the court and law enforcement agencies to assess to what extent the convict has realized his guilt and is ready to change his behavior.

An important aspect is that parole is applied to those individuals who have demonstrated positive dynamics in their behavior in the conditions of a correctional institution. This can be manifested in participation in rehabilitation programs, compliance with the regime, as well as the absence of disciplinary violations. Thus, parole becomes not only a measure of punishment, but also a tool that promotes the social adaptation of convicts.

By using parole, the state fulfills its function of protecting society while simultaneously providing convicts with an opportunity for rehabilitation. This creates a balance between the need for punishment and the desire to restore law and order through rehabilitation. It is important to note that the successful

use of parole requires a comprehensive approach, including psychological support, professional training and social adaptation, which ultimately helps to reduce the level of recidivism and increase the safety of society as a whole.

Accordingly, parole is an important tool in the criminal justice system aimed at motivating convicted offenders to reform and prevent reoffending [1].

Materials and methods

The methodological basis for the analysis of various aspects of legislative regulation and practical implementation of the institution of parole is the logical method, which allows through a detailed analysis of the content of key concepts to study the current issues of this topic. To identify the characteristic features, as well as discrepancies between the theoretical and practical aspects of the study, a special legal method was used. The comparative legal method provided an opportunity to study the experience of applying the institution of parole in developed countries. For a deeper understanding of the content of this institution and the presentation of various points of view of scientists, a formal legal method was used.

Literature review

The presence of the institution of parole in criminal law is supported by many experts in the field of jurisprudence. As A.S. Gorelik notes, this institution is one of the forms of implementing the principle of justice, allowing a person who shows correction to avoid serving the entire sentence. This indicates that the appropriate number of punitive measures provided for by the established type of punishment was applied to him [2, p. 16]. The motivation for law-abiding behavior of convicts, according to Y.M. Tkachevsky, implies the completion of a person's stay in a correctional institution, provided that the requirements related to release are met within the established period [3, p. 77]. According to A.A. Piontkovsky, the institution under study is part of the punitive mechanism, the impact of which ceases upon its direct implementation [4, p. 52]. The content of the institution of parole, writes A. Skakov, includes the absence of the need to continue serving the sentence subject to the strict fulfillment of the conditions established by the judicial authority [5, p. 20]. S.K. Gokel argues that the institution under consideration does not represent a manifestation of the punitive function of criminal punishment, but serves as a means of influencing the convicted person, aimed at his or her correction. In addition to this, a number of scientists believe that the significance of the institution of releasing a convicted person from serving the remainder of the term established by a court sentence lies in his or her motivation to comply with the law and order in the correctional facility, as well as in encouraging other convicted persons who have demonstrated a positive attitude toward their situation and behavioral correction. Effective implementation of the process of correction of a convicted person is based on his or her desire to return to society, to family and to work. The most justified opinion seems to be that of A.A. Piontkovsky, according to whom the institution of parole functions as a measure of influence on a person who has committed an offense, with the aim of promoting his or her correction and preventing future illegal actions [6, p. 43]. This institution, considered as a measure that helps change the attitude of a person towards the committed offense, can be characterized as the end of serving a sentence in a correctional institution. This presupposes the presence of the convicted person in the family and society for the remaining term with the obligation to comply with the norms of lawful behavior and the conditions established by law. In addition, there is a constant threat of cancellation of the status of freedom with the possibility of returning to a correctional institution in the event of a violation of the said order.

Main provisions

According to some legal scholars, the institution of parole is sectoral, that is, according to Malin P.M., it is implemented by the norms of criminal legislation [4, p. 88]. The essence of the institution under study, including the grounds for its application and the list of criminal penalties, is determined by the norms of criminal legislation. The procedure for implementing the institution of release, as well

as the judicial procedure for considering petitions, are regulated by the norms of criminal procedure legislation. The organization of the process of serving a sentence, as well as the procedures for release and probation, is carried out in accordance with the provisions of criminal executive legislation.

According to the provisions of the Minimum Standards of Rules for the Treatment of Prisoners, a key aspect of preparing a convicted person for life outside the correctional institution before the end of their sentence is taking into account the individual characteristics of each person. To implement this procedure, it is necessary to introduce a specialized regime, which may include both an extension of the term of stay in the correctional institution and the provision of parole with subsequent supervision by the competent authorities, as well as the provision of social support.

Conditional early release from serving the sentence imposed by the court is based on two key aspects: material and formal. The material basis is the fact of the convicted person's rehabilitation, which serves as the basis for making a decision on the application of this institution. The formal basis, in turn, is associated with the actual time spent by the convicted person in a correctional facility. For the successful implementation of conditional early release, positive dynamics in the process of rehabilitation of the convicted person are required, which eliminates the need to serve the full term of the sentence imposed by the court [7, p. 39]. The criteria for the correction of convicts are determined taking into account the specifics of serving a criminal sentence. In the case of deprivation of liberty, it is necessary to establish stricter requirements that will cover both the lawful behavior of the convict during the process of serving the sentence and the positive characteristics received from the administration of the correctional institution. The formal basis for assessing the correction is the fact of actually serving the term within the framework of the punishment established by the judicial body. The prolonged serving of the sentence by the convict gives the court the opportunity to make a decision on the degree of his correction.

Results and discussion

The article on parole is conditional in nature, since its application depends on the convicted person fulfilling the conditions established by law regarding his behavior. In this context, the remaining unserved portion of the sentence is considered a probationary period. Positive characteristics of the convicted person's behavior may serve as evidence of his rehabilitation. Therefore, the basis for applying the institution in question is the conclusion of the judicial body that there is no need for the convicted person to serve the entire appointed sentence. [8, p. 151]. The decision to apply parole depends on the specifics of the punishment regime and its measure. A mandatory condition for the application of this institution is serving a certain time or the corresponding term of punishment established by criminal law. The duration of this term is influenced by both the severity of the offense committed and the appointed punishment [7, p. 86]. The minimum term established by criminal law in this part is not less than six months.

For those sentenced to life imprisonment, the term after which parole is possible is twenty-five years of actual punishment, provided that it is established that there is no need to serve the entire appointed term. If the convicted person fulfills the terms of the procedural agreement, this term may be reduced to fifteen years.

Criminal legislation sets certain restrictions for filing an application for parole. In particular, this applies to persons convicted of terrorist and extremist crimes that resulted in the death of the victims; for particularly serious crimes; as well as for crimes against sexual inviolability. An exception to this rule applies to minors who have committed such acts against other minors aged fourteen to eighteen years. The conditional nature of the institution in question implies that its cancellation depends on the behavior of the convicted person [9, p. 352]. The Criminal Code of the Republic of Kazakhstan establishes the grounds under which it is possible to return a convicted person to a correctional facility. Such grounds include the presence of two or more administrative penalties, failure to comply with the conditions of parole, as well as failure to appear within five days for registration with the authorized body.

The commission of multiple administrative offences by persons released on parole causes contradictions with international standards concerning the rights of individuals released from serving a sentence. In particular, this affects the requirement for the establishment by the court or other

authorized body of individual obligations for such persons. Parole may be cancelled in the event of the commission of two or more administrative offences, which implies the presence of certain obligations for the released person. The contradiction lies in the fact that the institution in question, as a measure, imposes specific individual obligations on the person who has been granted parole. In this regard, one can agree with the position of L.V. Chuprina, according to which parole may be cancelled only in the event of the commission of an administrative offence, if it is directly related to a previously committed criminal act. The absence of such unity between the offenses indicates the inappropriateness of continuing to serve the sentence, given the goals of saving repressive measures and preventing crime [10].

In accordance with the provisions of the Council of Europe Recommendation, the grounds for revoking parole must be clearly defined, taking into account the obligations imposed on the specific person who has been granted such release. In the event of non-compliance with these obligations, the competent authority must respond by issuing warnings or recommendations. In the event of significant violations, the authority responsible for deciding on the revocation of parole must be notified. The powers of this authority should include the imposition of new recommendations, warnings, and the establishment of stricter obligations, including the possibility of temporary revocation of parole. These measures constitute adequate sanctions for failure to fulfill the obligations imposed on the released person. In this context, these standards reveal contradictions with national legislation. The Council of Europe Recommendations, being international standards in the field of human rights and freedoms, are of a recommendatory nature and do not oblige member states to implement them in their legislation.

This document considers parole as an alternative to imprisonment and emphasizes the need to implement this institution in accordance with the European Prison Rules on Community Sanctions. This document defines the conditions for the application of sanctions to persons sentenced to criminal penalties. In particular, if the convicted person fulfills the obligations imposed on him, a mechanism should be provided to reduce the duration and nature of these obligations. In addition, in the event of a violation of these obligations, the cancellation of parole should not occur automatically.

In addition, committing a crime with intent, through negligence or a criminal offense may lead to the cancellation of parole. Judicial practice in considering applications from convicts for early release demonstrates that a significant portion of released individuals do not commit offenses during the remaining period of serving their sentence. This indicates the high efficiency of this institution. Thus, its essence lies in a deeper individual approach to each convict and in providing the opportunity for a faster completion of serving the sentence. This desire to return to a free life is realized under the condition of appropriate behavior and a conscious attitude of the convict to his act in the process of serving the assigned sentence [8, p. 152]. By implementing the institution under study, it is possible to achieve the goal of correcting the convicted person.

The indication of the absence of the need to serve the entire sentence for the application of the institution of parole, enshrined in the Criminal Code, indicates the incomplete correction of the convicted person, which requires the application of other measures of influence, different from isolation from society. If there were a complete correction of the personality, then there would be no need to establish any restrictions or conditions of a criminal-legal nature, the observance of which is associated with the risk of cancellation of parole and return to a correctional institution to serve the remaining term of the sentence. In such a case, this person could be released from serving the sentence without any obligations and requirements, similar to the process of pardon.

Conditional early release from serving a sentence imposed by the court is applied to persons sentenced to imprisonment in cases where the court concludes that the full term of the sentence is not necessary to achieve the goals of correction. This implies that there is no need to continue strict criminal-legal control, including detention in places of deprivation of liberty, in order to implement correctional objectives. In this context, the essence of the process of restriction of liberty is the implementation of probationary control over the person to whom this measure of punishment has been imposed, as well as his stay at the place of residence without isolation in a specialized institution. If a person fails to comply with the conditions of serving a sentence in the form of restriction of liberty, the remaining term may be replaced with a measure of punishment in the form of imprisonment. It should be emphasized that it is advisable not to apply the institution of parole to convicts who have been sentenced to restriction of liberty, since this measure of criminal punishment does not imply isolation

from society, is of a milder nature and includes probationary control. The application of this measure implies that the conditions necessary for the correction of the convict have been established for him. In this regard, it seems necessary to clarify the application of the institution in question by amending the criminal legislation, limiting its use exclusively to persons sentenced to imprisonment. Based on this, it is advisable to exclude the concept of restriction of liberty from Article 72 of the Criminal Code of the Republic of Kazakhstan.

Conditional early release can be carried out either in full or in part, which depends on the assignment of the main and additional punishment to the convicted person. Partial release is implemented within the framework of this approach [11, p. 84].

The grounds for filing petitions by convicted persons for release on parole are the provisions of the Criminal and Criminal Procedure Codes, as well as the regulatory resolution of the Supreme Court "On the judicial practice of parole from serving a sentence, replacing the unserved portion of a sentence with a more lenient type of punishment and reducing the term of the appointed sentence". In this context, serving the appointed term of punishment in accordance with legislative norms is not the only sufficient ground for filing a petition. The main task of the judicial body is to assess positive changes in the behavior of convicts, which requires an individual approach to each case. In this process, various aspects are taken into account, such as the attitude of the convict to compliance with the internal regulations of the correctional institution, to educational activities, to other convicts, as well as maintaining family ties and participation in social and educational events organized by the administration of the institution. Incentives and comments received during the period of serving the sentence, as well as compensation for material damage caused and other factors confirming positive changes in the behavior of the convict are also taken into account. In this context, serving the assigned sentence in accordance with the legal norms is not the only sufficient basis for filing a petition. The main task of the judicial body is to assess positive changes in the behavior of convicts, which requires an individual approach to each case. In this process, various aspects are taken into account, such as the attitude of the convict to compliance with the internal regulations of the correctional institution, to educational activities, to other convicts, as well as maintaining family ties and participation in social and educational events organized by the administration of the institution. Incentives and comments received during the period of serving the sentence, as well as compensation for material damage caused and other factors confirming positive changes in the behavior of the convict are also taken into account. The specified data are analyzed throughout the entire time the convict is in the correctional institution. When considering each petition, it is necessary to take into account such factors as the social danger and the consequences of the crime committed by the convict, as well as the attitude of the victims to the act, compensation for material and moral damage caused. These criteria are important for assessing the degree of correction of the convicted person and must be taken into account by the judicial body when making a decision on parole.

The problem of compensation for damage, both in material and moral aspects, remains relevant in the conditions of insufficient employment of convicts. In this regard, the fulfillment of this obligation is often possible only with the participation of the family, parents or other relatives of the convict. This circumstance can be used by victims to achieve mercantile goals, which creates additional difficulties in the process of compensation for damage. In addition, the importance of compensation for damage increases in cases where the convicted person receives treatment in a medical institution during the actual period of serving the sentence. In such circumstances, the convict is unable to work, which leads to a lack of income. Often, parole is associated with the need to seek specialized medical care.

As for the opinion of the victims, it reflects their attitude towards the consequences caused by the unlawful act of the convicted person, as well as the presence of consequences that continue to affect the victim and his/her family. This opinion is also important for the decision on the possibility of releasing the convicted person and for determining the obligations imposed on him/her. A similar approach is provided for in the legislative systems of countries such as Great Britain, France, Canada, Germany and others. When considering applications for parole, it is important to take into account the position of the injured party both when making the decision and when establishing the corresponding obligations in the event of a positive decision. In a number of countries, such as Great Britain, the opinion of the victims is taken into account in both cases. In this regard, it seems appropriate to introduce a similar procedure into national legislation in order to protect the rights of victims.

Results and discussion

From the analysis of law enforcement practice in developed countries it follows that the need to take into account the opinion of victims when considering applications for parole is relevant not for all categories of cases, but only for serious and especially serious crimes. In such cases, procedural consideration of other cases does not require such a complex procedure, since the nature and social danger of the committed act do not have a significant impact on the victim, and the term of punishment is relatively short.

In order to ensure the right of victims to express their position, it is necessary to introduce a system of compensation for expenses related to their arrival at the court hearing. Given that the judicial body is often located in the place where the correctional institution is located, victims may face restrictions in the ability to attend the hearing for material, transport and other reasons. In this regard, it seems appropriate to legislatively secure the possibility of conducting the trial online or provide monetary compensation to cover the associated costs.

In this context, compensation for damage caused to the convicted person is possible through various mechanisms of reconciliation with the injured party. According to the Supreme Court's regulatory ruling, the impossibility of full compensation for damage due to objective reasons, such as the convicted person's disability or illnesses that prevent him from working, cannot serve as grounds for refusing to satisfy the petition for parole.

When analyzing Article 72 of the Criminal Code of the Republic of Kazakhstan, which regulates the content and application of the institution of parole, attention should be paid to paragraphs 2 and 5 of Part 3. Paragraph 2 establishes the condition for releasing a convicted person from serving a sentence for a particularly serious crime, while paragraph 5 concerns a similar punishment upon fulfillment of the terms of a procedural agreement. In the first case, the minimum term of actual serving of the sentence is not less than half of the appointed term, and in the second - not less than one third. The implementation of these provisions raises certain questions and requires additional clarification. The practice of applying these provisions by the courts remains unclear, since paragraph 5 of Part 3 of Article 72 of the Criminal Code of the Republic of Kazakhstan does not provide for a requirement for the need to conclude a new procedural agreement if such an agreement was previously concluded and executed. As a result, in most cases of law enforcement practice, the courts prefer to apply paragraph 2 of this article, which establishes a significantly longer actual term of serving the sentence.

In practice, the main grounds for refusing to satisfy petitions by judicial bodies are the lack of results in achieving the goals of punishment and social justice, the negative position of the victim, the lack of compensation for harm, the lack of information confirming the rehabilitation of the convicted person and his positive attitude towards compliance with the law, as well as the presence of information negatively characterizing the behavior of the convicted person. In most cases, the first of these grounds is used as the main justification for refusing parole. In this context, it should be emphasized that punishment, according to the Criminal Code of the Republic of Kazakhstan, is a measure of state coercion, which is established in accordance with the verdict of a judicial body. The punishment is imposed at the time of sentencing. In this regard, bringing to social justice is also considered as one of the goals of punishment, which begins to be realized from the moment the judicial act is announced. Thus, the goal is considered to be achieved when a punishment is imposed within the framework of the court's verdict, which indicates the completion of this process. In practice, the courts interpret the moment of achieving this goal as the period of serving the appointed sentence. In this regard, the question arises about the advisability of using the institution of parole.

Conclusion

The institution of parole currently occupies an important place in the criminal justice system and is actively used in various countries. Its development and improvement are due to changes in the socio-economic and legal spheres, which makes it a relevant tool in the context of humanization of criminal legislation.

The state's legal policy in the field of criminal law is aimed at creating conditions that facilitate the rehabilitation of convicts. The main principle of this policy is humanity, which implies respect for human rights and the desire to rehabilitate persons who have committed crimes. Parole is considered a measure that allows convicts who have positive characteristics and have demonstrated changes in their behavior to return to normal life in society. This institution not only helps reduce overcrowding in correctional institutions, but also serves as an incentive for convicts, encouraging them to comply with the rules of law and order, both during the period of serving their sentence and after its completion. Parole becomes a form of motivation that allows convicts to realize the importance of their rehabilitation and social adaptation.

Thus, parole is an important element of criminal policy aimed at rehabilitation and integration of convicts into society. Its application requires a thorough assessment of the individual characteristics of each convict, as well as consideration of the social danger of the committed act. It is important that the decision-making process on the application of this institution be based on the principles of justice and humanity, which will ultimately contribute not only to the correction of convicts, but also to an increase in the level of security in society.

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ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДАҒЫ ШАРТТЫ ТҮРДЕ МЕРЗІМІНЕН БҰРЫН БОСАТУДЫ ҚҰҚЫҚТЫҚ РЕТТЕУ: ЖАҒДАЙЫ, МӘСЕЛЕЛЕРІ, БОЛАШАҒЫ

Аңдатпа

Мақала сот органы тағайындаған қылмыстық жазаны өтеуден шартты түрде мерзімінен бұрын босату институтының мазмұны мен маңыздылығын талдауға арналған. Жұмыста ғалымдар арасында осы институт көздейтін мақсаттар мен міндеттерге қатысты бар келіспеушіліктерге назар аударылады. Сотталғандарды шартты түрде мерзімінен бұрын босатуға қатысты мәселелерді қоса алғанда, халықаралық әмбебап стандарттарды қылмыстық-атқару заңнамасы саласына интеграциялау қажеттілігі маңызды аспект болып табылады. Нормативтік актілерде шартты түрде мерзімінен бұрын босатылатын адамдарды олардың әлеуметтік бейімделуіне дайындауға, сондай-ақ пробациялық қадағалауды белгілеу кезінде жасалған қылмыстық құқық бұзушылықтың жеке ерекшеліктері мен сипатын есепке алуға қатысты талаптар тұжырымдалады. Сондай-ақ шартты түрде мерзімінен бұрын босатуды қайтарып алуға болатын жағдайлар және басқа да байланысты аспектілер қарастырылады. Осы зерттеу аясында шартты түрде мерзімінен бұрын босату механизмін қолданудың орындылығын анықтайтын негізгі принциптер мен критерийлерге талдау жасалады. Сонымен қатар, оны пайдалануға байланысты шектеулер және осындай босату берілген адамға жүктелген міндеттемелерді ескере отырып, осы босатуды жоюдың салдары талқыланады. Соңғы мәселелердің ішінде даулы аспектілер, атап айтқанда, адамның екі немесе одан да көп Әкімшілік құқық бұзушылық жасауына қатысты. Бұрын жасалған қылмыстық құқық бұзушылыққа ұқсас біртекті әкімшілік құқық бұзушылық жасалған жағдайда шартты түрде мерзімінен бұрын босатудың күші жойылуы мүмкін екендігі көрсетіледі. Қылмыстық заңнамада анықталған сәйкессіздіктерді негіздеу үшін Еуропа Кеңесінің Халықаралық құжаттары талданады, олар ұсынымдық сипатта болса да, адамның құқықтары мен заңды мүдделерін қорғау саласындағы халықаралық деңгейдегі стандарттар болып табылады. Сонымен қатар, бұл жұмыста сот органдарының шартты түрде мерзімінен бұрын босату туралы өтініштерді қарау кезінде заңнаманы қолдану тәжірибесі, сондай-ақ дамыған елдердегі осы саладағы қоғамдық қатынастарды реттеудің заңнамалық ерекшеліктері зерттеледі.

Тірек сөздер: шартты түрде мерзімінен бұрын босату, ұлттық заңнама, халықаралық әмбебап стандарттар, соттардың құқық қолдану тәжірибесі, жазасын өтеу, сотталған адам, күшін жою.

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ПРАВОВОЕ РЕГУЛИРОВАНИЕ ПРОБЛЕМ И ПЕРСПЕКТИВ УСЛОВНО-ДОСРОЧНОГО ОСВОБОЖДЕНИЯ В РЕСПУБЛИКЕ КАЗАХСТАН

Аннотация

Статья посвящена анализу содержания и значения института условно-досрочного освобождения от отбывания уголовного наказания, назначенного судебным органом. В работе акцентируется внимание на существующих разногласиях среди ученых относительно целей и задач, которые преследует данный институт. Важным аспектом является необходимость интеграции международных универсальных стандартов в сферу уголовно-исполнительного законодательства, включая вопросы, касающиеся условно-досрочного освобождения осужденных. В нормативных актах формулируются требования, касающиеся подготовки лиц, освобождаемых условно-досрочно, к их социальной адаптации, а также учета индивидуальных особенностей и характера совершенного уголовного правонарушения при установлении пробационного надзора. Также рассматриваются условия, при которых возможен отзыв условно-досрочного освобождения, и другие связанные аспекты. В рамках данного исследования проводится анализ ключевых принципов и критериев, определяющих целесообразность применения механизма условно-досрочного освобождения. Кроме того, обсуждаются ограничения, связанные с его использованием, и последствия отмены данного освобождения с учетом обязательств, возложенных на лицо, которому было предоставлено такое освобождение. Среди последних вопросов выделяются спорные аспекты, в частности касающиеся совершения лицом двух и более административных правонарушений. Указывается, что условно-досрочное освобождение может быть аннулировано в случае совершения однородного административного правонарушения, аналогичного ранее совершенному уголовному. Для обоснования выявленных несоответствий в уголовном законодательстве анализируются международные документы Совета Европы, которые, хоть и носят рекомендательный характер, представляют собой стандарты международного уровня в сфере защиты прав и законных интересов человека. Кроме того, в данной работе исследуется практика применения законодательства судебными органами при рассмотрении ходатайств об условно-досрочном освобождении, а также законодательные особенности регулирования общественных отношений в этой области в развитых странах.

Ключевые слова: освобождение в условно-досрочном порядке, национальное законодательство, международные стандарты, правоприменительная практика судов, отбывание наказания, осужденное лицо, отмена.