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## EXPERIENCE OF PROBATION IN FAR AND NEAR ABROAD COUNTRIES

### Abstract

Probation is an alternative solution to punishment and is still being improved, it allows society to prevent relatively less serious crimes with minimal losses. Kazakhstan is also on the lookout, and experience in implementing probation in foreign countries should be in demand in Kazakhstan and other post-Soviet states. Using the experience of far and near abroad countries, the possibilities of forming a domestic probation service are revealed, and this contributes to improving the efficiency of the country's penal correction system.

**Key words:** probation, international experience, voluntary helpers, crime, efficiency, policy, monitoring.

### Introduction

The international community, in accordance with established international standards, maintains a unified perspective: the deprivation of liberty should be regarded as an exceptional punitive measure, primarily serving the interests of victim protection, public safety, and the reintegration of offenders into society. To achieve these objectives, specialized probation services operate in various regions, including Europe, the United States, and Japan, focusing on the social rehabilitation of individuals in conflict with the law.

The historical development of probation in Europe is deeply rooted and spans approximately three centuries, encompassing a long-standing tradition of prison patronage and post-penitentiary support. A.I. Abaturov has extensively examined this subject, particularly in relation to reducing recidivism through post-penitentiary supervision. His research includes a comparative legal analysis of normative legal frameworks governing the supervision of individuals released from correctional institutions across Europe [1].

### Materials and methods

This study employs a comparative legal analysis to assess the probation systems in various international jurisdictions, including Europe, the United States, and Japan. By examining legal frameworks, administrative structures, and operational methodologies, the research identifies best practices applicable to Kazakhstan's penal correction system.

A doctrinal legal method was used to analyze international legislation governing probation services, with particular emphasis on the European Convention on Probation Rules and national laws regulating probation supervision in different countries. The study also involved a normative legal analysis of Kazakhstan's existing legal provisions concerning non-custodial penalties and their enforcement mechanisms.

To ensure comprehensive data collection, the study integrates both primary and secondary sources. Primary sources include statutory laws, government reports, and official legal documents on probation administration in various states. Secondary sources encompass academic articles, monographs, and expert commentaries discussing theoretical and practical aspects of probation as a penal alternative.

A significant component of this research is the comparative approach, which involves juxtaposing Kazakhstan's evolving probation system with the more established models in Western Europe and North America. This method enables the identification of structural deficiencies and potential areas for improvement within Kazakhstan's framework.

The study also employs quantitative and qualitative analysis to assess the effectiveness of probation programs globally, examining statistical data on recidivism rates, resource allocation, and staffing requirements. Additionally, interviews with experts in the field of criminal justice reform provided qualitative insights into the challenges and future prospects of Kazakhstan's probation service.

### **Literature review**

The concept of probation as an alternative to incarceration has undergone substantial evolution over the past three centuries, particularly in European legal traditions. Scholars such as A.I. Abaturov have extensively examined the historical trajectory of post-penitentiary supervision, emphasizing the importance of structured reintegration programs in reducing recidivism. His work highlights how probation services act as a crucial intermediary between the criminal justice system and broader society, facilitating the re-socialization of offenders.

Probation services vary significantly across jurisdictions. In Western Europe, probation is predominantly viewed as a social service rather than a punitive mechanism. Countries such as the United Kingdom, Denmark, and Sweden incorporate probation into a broader rehabilitative framework, often employing social workers rather than law enforcement personnel to oversee individuals on probation. The decentralization of probation services in Germany and the Netherlands, where they operate under the judiciary or prosecution offices, contrasts with the United States model, where probation officers serve both supervisory and law enforcement roles.

Several studies have focused on the organizational structure of probation services. Research by Zubarev (2011) underscores the administrative distinctions between various national models, noting that in Finland and Denmark, over 90% of probation officers are trained social workers, while in the United States, probation officers often have a dual role as law enforcement agents and case managers. Similarly, Piontkovsky (2004) highlights the emergence of integrated probation and correctional services in Scandinavian countries, where prison and probation systems operate under a unified administrative framework.

The role of volunteers in probation supervision has been widely studied in both academic and policy literature. In Japan, for example, over 50,000 volunteers assist in probation supervision, a practice that aligns with the country's collectivist approach to criminal rehabilitation. Scholars such as Uzda (1989) and Geta (2004) have analyzed how this model enhances community involvement and reduces the administrative burden on the state. Similar approaches have been observed in the Netherlands and Sweden, where civil society organizations play a critical role in probationary oversight.

In post-Soviet states, the development of probation services remains an ongoing challenge. The work of Shamsunov (2016) highlights the absence of a structured post-penitentiary support system in Russia, emphasizing that a lack of formal rehabilitation programs contributes to high recidivism rates. Similarly, Khutorskoy (2015) argues that the Russian penal system lacks a coherent probation framework, proposing that probation officers should receive specialized training in social work, psychology, and criminal justice to enhance their effectiveness.

Despite these variations, global trends indicate a gradual shift toward a rehabilitative probation model, with an emphasis on risk assessment, social support, and community-based supervision. Kazakhstan's efforts to establish a probation service can greatly benefit from international best practices, particularly those emphasizing multi-disciplinary teams, social reintegration programs, and community engagement.

### **Main provisions**

The structural organization of probation services across European and other international jurisdictions exhibits notable variations, often differing primarily in terms of administrative oversight. In several countries, including the United Kingdom, Denmark, Japan, Finland, Norway, Latvia, the

Czech Republic, and Estonia, probation services fall under the jurisdiction of the Ministry of Justice. Conversely, in nations such as the United States, Germany, and Hungary, the judiciary assumes direct control over probation administration. In the Netherlands, oversight responsibilities rest with the prosecutor's office, while in Sweden, the probation system operates under the prison administration. A distinct approach is observed in Singapore, where probation services are managed by the Department of the Ministry of Social Development and Sports, reflecting a broader emphasis on social rehabilitation rather than purely legal supervision [2, p. 46].

In the majority of countries, probation services serve as an intermediary between the justice system and the broader community, facilitating the reintegration of offenders while maintaining public safety. Importantly, these services operate independently of prison administration, ensuring a distinct separation between custodial and non-custodial measures.

Probation units engage in a range of rehabilitative and supervisory functions, including: providing assistance in securing housing, employment, and medical care for individuals under supervision; monitoring compliance with probation conditions, which may involve verifying the individual's presence at their residence, workplace, or educational institution and ensuring they avoid restricted locations.

Across Europe, the United States, and Japan, probation practices are primarily designed to prevent reoffending by fostering social reintegration and ensuring adherence to legal and behavioral expectations. This preventative approach is widely supported by key social institutions, including schools, municipalities, and non-governmental organizations, which play a crucial role in facilitating the successful rehabilitation of individuals on probation.

A comparative analysis of international probation systems suggests that probation personnel should primarily consist of specialists with backgrounds in social work, psychology, and rehabilitation, rather than exclusively legal professionals. This perspective aligns with global best practices, as reflected in several international legal frameworks, which emphasize the importance of social expertise in probation administration.

## Results and discussion

In many European Union countries, the probation workforce primarily comprises civilian public servants rather than law enforcement officers. These personnel typically do not wear uniforms, reinforcing the rehabilitative rather than punitive nature of probation. Additionally, probation service staff are categorized into different roles, including administrative personnel, case managers, and field officers, with each group assigned specific responsibilities tailored to the needs of individuals under supervision. This functional differentiation ensures a comprehensive and effective probation system, adaptable to the diverse challenges associated with offender reintegration [3].

A distinctive characteristic of probation systems in Western countries is the availability of legal and institutional support mechanisms for individuals under supervision. If a probationer requires assistance or encounters difficulties, they have the right to seek intervention from the judiciary or an Ombudsman. This practice is well-established in Hungary, Catalonia, the Czech Republic, Denmark, Lithuania, Latvia, Luxembourg, and Portugal, where individuals on probation can directly petition the courts or a designated Ombudsman for assistance. Similarly, in countries such as the United Kingdom, Finland, Hungary, Sweden, Poland, and France, specialized prison or human rights Ombudsmen oversee probation-related concerns, ensuring that probationers receive necessary legal and social support. To fulfill this role effectively, the Ombudsman must possess adequate resources and institutional authority to address grievances and facilitate appropriate interventions.

The evolution of probation systems in Europe continues to be shaped by innovative policies and reforms, driven by the necessity to streamline training programs, enhance interdepartmental coordination, and integrate probation services within broader penal and rehabilitative frameworks. A key aspect of this progress is the harmonization of probation training with prison system reforms, ensuring a cohesive approach to offender management.

Furthermore, contemporary research on probation practices is actively contributing to policy refinement, particularly in the context of cross-border probation measures within the European Union. These initiatives seek to facilitate the transfer and supervision of probationers across member states,

aligning with the EU's broader objectives of judicial cooperation and offender rehabilitation at a transnational level [4].

The delegation of social reintegration responsibilities to probation authorities has become an established international practice. From an institutional perspective, probation services may operate under various governmental departments, depending on the jurisdiction. In many countries, they fall under the Ministry of Internal Affairs or the Ministry of Justice, while in the Czech Republic, for instance, they are administered by the judiciary [5]. In Western Europe, probation services have undergone decades of institutional development, evolving into structured social service entities rather than militarized law enforcement agencies. Their organizational framework closely resembles that of municipal public service bodies, emphasizing a rehabilitative rather than punitive approach [6].

A noteworthy example is the Moldovan Probation Service, which was established in 2009 and has been granted extensive jurisdiction over probationary functions. The service operates through 42 territorial offices, employing 169 officers, along with a Central Probation Office staffed by 31 personnel. The caseload per officer ranges between 30 and 70 individuals, which significantly impacts the efficiency of supervision and rehabilitation efforts [7]. The legal framework for Moldova's probation system is defined by the Law on Probation, enacted on February 14, 2008. Under this legislation, probation services are responsible for monitoring individuals released from incarceration, facilitating their reintegration into society, and implementing measures to prevent recidivism.

Despite its formal institutionalization, the Moldovan probation system faces several critical shortcomings, which impede its operational effectiveness. The first major challenge is a deficit of qualified personnel, as there is a shortage of adequately trained professionals within the system. Many probation officers lack specialized expertise in rehabilitation and reintegration, and a significant portion of employees have backgrounds in law enforcement, which may limit their capacity to implement socially oriented rehabilitation strategies. Additionally, the scarcity of psychologists further diminishes the effectiveness of individualized rehabilitation programs.

Another key issue is weak institutional collaboration, particularly in the interaction between probation services, law enforcement agencies, and local governments. Inefficiencies in case management arise due to poor coordination between internal affairs bodies and probation offices, negatively impacting the continuity of supervision and post-incarceration support.

The probation system also suffers from structural and organizational deficiencies. There is an absence of clear regulatory frameworks and procedural guidelines governing the operation of probation services. Additionally, there is a limited availability of specialized training programs for probation officers, hindering professional development. Furthermore, there are insufficient rehabilitation programs for both adults and juveniles, restricting the scope of interventions aimed at reducing recidivism. Inadequate cooperation between probation authorities, local governments, social welfare agencies, and non-governmental organizations leads to fragmented service delivery. Moreover, the lack of dedicated facilities for working with minors is a significant concern for youth-specific rehabilitation efforts [8].

Finally, resource constraints pose a major barrier to the effective functioning of the probation system. Chronic underfunding significantly limits the scope and quality of probation services, with probation offices lacking essential resources such as transportation, office infrastructure, and adequate salaries for staff. These systemic deficiencies underscore the urgent need for policy reforms, increased investment in personnel training, and enhanced interagency collaboration to strengthen the efficacy of probation services and improve outcomes for individuals under supervision.

The Latvian Probation Service, established in 2003, operates under the jurisdiction of the Ministry of Justice and is regulated by the Law on the State Probation Service. As outlined in Article 6 of the law, its core responsibilities include: developing behavioral correction programs, preparing pre-trial reports for supervised individuals, implementing non-custodial punishments, monitoring probationers and parolees, and providing social assistance.

In Finland, the Criminal Penalties Agency has been functioning since August 2001 as part of the Criminal Policy Department of the Ministry of Justice. Among its subdivisions is the Federal Service for Criminal Supervision, which primarily focuses on offender re-socialization and the execution of non-custodial sentences [9].



Denmark established a state probation service in 1973, integrating the prison and criminal supervision services into a unified system. Notably, approximately 95% of surveillance inspectors are professional social workers trained in social policy, sociology, psychology, social security law, civil law, criminal law, criminology, and medicine [9].

In Estonia, the State Service for Criminal Supervision was introduced in May 1998 within the Ministry of Justice. By 2000, employment in the service became restricted to individuals holding higher education degrees, predominantly in social pedagogy and social work. Since September 2001, specialized probation training programs have been incorporated into educational institutions, ensuring a professionalized probation workforce. The probation service in Estonia is fully integrated into the judicial system [10].

In Sweden, a Unified Prison and Probation Service has been in operation since 1998. The country has a well-established practice of involving volunteers in probation supervision, which allows full-time inspectors to focus on high-risk offenders. The average caseload per inspector is approximately 25 probationers.

In Germany, probation has been part of the Criminal Code since 1953. During the probation period, individuals are supervised by a probation officer known as an “assistant probation judge.” The officer conducts regular meetings with the probationer, assesses their challenges, provides necessary assistance, and facilitates rehabilitation programs. Periodic reports on the probationer’s progress and lifestyle are submitted to the court as per judicial directives.

The Netherlands has a long history of probation, with its origins dating back to 1832 as a private initiative. By 1915, probation services were formally incorporated into legislation. The Dutch criminal justice system is relatively lenient, emphasizing conditional sentences and rehabilitative measures. The probation system involves a combination of professional full-time employees and volunteers, including representatives from women’s, youth, and human rights organizations.

In England and Wales, the probation service was initially part of the Home Office from April 2001 to July 2006. Subsequently, the National Offender Management Service (NOMS) was established, replacing the National Probation Service. The 2006 Parliamentary Act on the Treatment of Offenders placed the probation service under the control of the Ministry of Justice. Currently, 42 probation services operate under Probation Boards across England and Wales, employing professionals with backgrounds in law and psychology.

The probation system in the United States is structured across multiple levels, with divisions operating at the state, county, and city levels. In total, approximately 885 probation units function under dual jurisdiction, reporting both to the Administrative Office of the Supreme Court at the federal level and to territorial courts at the state level. This dual subordination ensures coordination between state and federal systems.

A distinctive feature of the U.S. probation system is that probation officers serve dual roles, acting both as law enforcement officers and probation supervisors. This means that in the event of a probation violation, officers have the authority to arrest individuals immediately, without requiring prior judicial approval.

The scope of probation supervision in the U.S. has expanded significantly, with the number of individuals under supervision increasing by 60% over the past decade. The U.S. currently holds the highest incarceration rate globally, with approximately 1.5 million people incarcerated and an additional 4 million individuals under probation supervision.

Scholars, including M.A. Kaluzhina, have critically analyzed the probation system in the U.S., highlighting challenges such as the lack of a uniform legal framework and inconsistencies in probation practices. Despite these limitations, probation has become a widely used criminal sanction. Kaluzhina also notes that many aspects of probation remain ambiguous and subject to debate, despite extensive research by both domestic and international scholars.

The Federal Service for Probation and Pretrial Services is a key institution within the U.S. probation system, tasked with crime prevention at the pretrial stage. This service operates in 93 of the 94 federal judicial districts and supervises individuals released on bail or alternative preventive measures before trial. Each district is overseen by a Chief Probation Officer, who operates with significant autonomy, directly reporting to a federal judge. The Chief Probation Officer is responsible for hiring staff, managing budgets, and overseeing local probation operations.

At the national level, probation services are managed by the Criminal Law Committee of the United States Conference of Judges, which serves as the highest administrative body of the federal judiciary. This committee defines organizational structures, operational standards, recruitment criteria, and functional responsibilities. Decisions made by the committee are implemented through the Administrative Service of Federal District Courts.

At the state level, probation officers are required to meet strict eligibility criteria, including being under the age of 37, holding a bachelor's degree, having prior experience in the justice system, being proficient in computer skills, and passing an FBI background check. Their primary responsibilities involve monitoring individuals under pretrial supervision, ensuring their compliance with legal requirements, and facilitating their re-socialization. This supervision involves regular check-ins, phone calls, interviews with relatives and neighbors, and direct conversations with the probationer.

In some instances, these duties are delegated to assistant probation officers, who collect and analyze personal data to prepare pretrial reports. These reports help judges determine appropriate sentencing decisions, ensuring that individuals receive punishments tailored to prevent recidivism.

Given the large number of incarcerated individuals (approximately 1.5 million), probation units bear a heavy workload. To enhance efficiency, many states and districts have merged probation and parole supervision units, totaling around 6,000 integrated units nationwide. This consolidation reflects the shared objectives of crime prevention and offender reintegration into society [11].

The history of probation in the United States is extensive, and despite variations in organizational structure and departmental jurisdiction across states, probation systems share common principles. Although differences exist, particularly in the appointment and operational frameworks of probation officers, tracing the origins of probation within each state is challenging and often unnecessary. Numerous agencies operate independently within a larger institutional environment, yet they collectively function towards similar objectives [12].

The scope of probation services varies depending on the target population. Some probation departments specialize in working with juveniles, others supervise adult offenders, including pre-trial detainees, while some focus on parolees. Despite these distinctions, the fundamental concept of probation remains widely accepted, with both commonalities and differences in implementation. The Ministry of Justice collects comprehensive data on probation activities, which is subsequently analyzed by research institutions, as many probation agencies lack the resources for independent research and evaluation.

However, the U.S. probation system faces several challenges, particularly in tracking demographic and gender-related statistics of individuals under supervision. For example, even in California, where approximately 350,000 individuals are under probationary control, authorities struggle to maintain accurate demographic data [13]. The subordination of probation services also varies by state, with some departments operating under correctional structures, while others function as independent agencies. The majority of probation officers are municipal employees whose responsibilities include social work, offender employment assistance, and behavioral monitoring [14].

A key area of development in the U.S. probation system is the specialization of probation officers based on offender categories. Enhancing specialized expertise would enable probation officers to work more effectively with specific populations, such as juvenile offenders, drug offenders, or individuals with mental health issues. Establishing interagency information exchange mechanisms could facilitate professional growth and strengthen social support programs [15].

A notable global trend in probation is the extensive involvement of volunteers and community organizations. Public participation plays a significant role in offender rehabilitation, particularly in Western Europe, the U.S., and Japan. In the United States, volunteer participation in probation services has been institutionalized since the 1970s, beginning in Florida. Today, approximately 50,000 volunteers support probation officers nationwide, and in some states, volunteers manage up to 90% of probation-related rehabilitation and re-socialization efforts [16].

Japan's probation system exemplifies a hybrid model that integrates both collectivist and individualistic values. The protective supervision system relies heavily on volunteers, with an average of 50 public assistants per full-time probation officer [17]. Currently, there are approximately 900 government-employed probation officers in Japan, while 50,000 public volunteers contribute to offender supervision and rehabilitation. These volunteers participate in crime prevention programs,

public education campaigns, and community surveillance efforts aimed at promoting societal intolerance towards crime.

Similarly, public assistants play an essential role in the probation systems of the Netherlands, Denmark, Sweden, and other European countries, where volunteer-driven rehabilitation models have demonstrated effectiveness in offender reintegration.

In contrast, Russia does not currently have an institutionalized probation system within its penitentiary framework. However, there is ongoing debate regarding the creation of a national probation service capable of overseeing non-custodial sentences and post-incarceration social adaptation. Research by Shamsunov highlights the lack of post-penitentiary support mechanisms for former convicts in Russia. Each year, hundreds of thousands of individuals are released from correctional institutions, with a significant proportion classified as high-risk offenders. The absence of a state-regulated rehabilitation mechanism undermines the protection of their legal rights and social reintegration prospects, raising concerns about recidivism and public safety.

N.B. Khutorskoy, drawing on international experiences in non-custodial sentencing, advocates for expanding the role of penal institutions in Russia by introducing legislative changes to the Regulations on Penal Enforcement Inspections. He suggests that these inspections should take on additional responsibilities, such as conducting preliminary social assessments of offenders, preparing social reports for courts, and supervising individuals on parole. To strengthen the probation system, he emphasizes the need for specialized training for future probation officers, proposing the development of academic programs at institutions like the Russian Institute of Penal Enforcement (RIPE), its Tomsk branch, and the Samara Law Institute. These programs would encompass subjects including law, psychology, pedagogy, sociology, medicine, and comparative studies of foreign probation services. Additionally, he calls for cooperation with the Ministry of Education to introduce probation training departments in pedagogical and legal universities, involve experienced professionals from the penitentiary system in teaching, and establish structured initial and advanced training courses for probation officers through the Ministry of Justice's higher education institutions.

There are, however, differing perspectives on probation in Russia. A.S. Gabaraev and A.V. Novikov argue that Russia currently lacks a probation service equivalent to those in other countries. While the Criminal Executive Inspections of the Federal Penitentiary Service are responsible for enforcing non-custodial sentences and supervising individuals under house arrest, some experts contend that these agencies do not fulfill the core functions of foreign probation services, particularly in terms of social adaptation and rehabilitation. This discrepancy is attributed to economic and social constraints that limit the full implementation of international legal norms within the Russian penal system. Although the establishment of a dedicated probation service is widely acknowledged as necessary, experts warn that it should not merely involve renaming existing structures. Instead, probation should be organized as an independent entity with the capacity to manage its own resources and focus on the social reintegration of offenders.

V.A. Utkin takes a more pragmatic stance, asserting that Russia does not require a separate probation service because many probation-like functions already exist within the Criminal Executive Inspections. He highlights that as of 2016, there were 2,488 such units across the country, employing 10,444 staff members and supervising 302,233 individuals. Given this existing infrastructure, he argues that rather than creating a new system, it would be more effective to expand the range of probationary measures within the current framework, gradually strengthening its personnel, organizational capabilities, and material resources.

According to Utkin, improving probation in Russia requires a methodical approach based on several key principles. First, reforms should go beyond bureaucratic rebranding, focusing instead on the introduction of evidence-based probation technologies that have been tested through experimental application. Second, reforms must be grounded in the realities of crime trends and recidivism rates, prioritizing practical alternative sentencing measures that effectively reduce reoffending. Third, a step-by-step roadmap should be developed for implementing relevant aspects of the European Probation Rules within the Russian penal system, avoiding the wholesale adoption of foreign models that may not align with Russia's socio-economic conditions. Fourth, particular attention should be paid to high-risk offenders, with an emphasis on individualized electronic monitoring for those serving non-custodial sentences, ensuring an appropriate balance between supervision and rehabilitation. Finally, considering that social protection falls under the joint jurisdiction of federal and regional authorities,

efforts should be intensified to establish a legal framework for post-incarceration social assistance. This would include defining minimum federal standards for reintegration services and encouraging regional governments to adopt model laws tailored to local needs.

Ultimately, the question remains whether Russia should establish an entirely new probation service or refine and strengthen its existing institutions to incorporate probation functions more effectively. By enhancing collaboration between the penal enforcement system, social welfare agencies, local governments, and non-governmental organizations, Russia could develop a model that aligns with international best practices while addressing its unique challenges and constraints.

In the Russian Federation, during the transformation of penal institutions into a probation-based system, significant attention is given to the continuous professional development of penitentiary staff. The enhancement of professional qualifications is considered a key priority, ensuring that employees acquire the necessary skills to fulfill their roles effectively. This requirement is formally outlined in Order No. 169 of the Ministry of Justice of the Russian Federation, dated August 27, 2012, which regulates the professional training of personnel in the criminal executive system. The order emphasizes that the primary goal of such training is to develop and continuously improve employees' professional knowledge, competencies, and practical skills required for their duties within the penal system.

For an effective probation system, it is necessary to establish regulatory frameworks governing the interaction between penitentiary institutions, law enforcement agencies, and local self-government bodies. Such measures would facilitate a more efficient response to probation violations, particularly through the implementation of electronic monitoring. However, this shift also underscores the need for specialized training in electronic monitoring technologies and information security, as personnel must be adequately prepared to manage and operate these technical systems.

The necessity of these reforms is evident, as the successful enforcement of criminal penalties – including non-custodial sentences – depends not only on the availability of legal, economic, and material resources but also on the professional competence, moral integrity, and legal culture of staff responsible for executing sentences. V.A. Ponkratov, in his research on practice-oriented training for penitentiary personnel, highlights the importance of lifelong education, arguing that continuous learning and professional development are essential for bridging knowledge gaps and enhancing skills in the ever-evolving penal system. In modern conditions, penitentiary staff must be able to adapt to new challenges, acquire updated knowledge, and apply it effectively in their professional activities.

Although this study does not aim to comprehensively analyze all probation systems worldwide, a comparative examination suggests that successful probation models in both developed and emerging legal systems emphasize civil society involvement while reducing the reliance on traditional law enforcement measures for offender rehabilitation and re-socialization. Probation is a progressive alternative to conventional punitive measures, allowing societies to address less serious offenses through rehabilitation-focused interventions rather than incarceration. This approach minimizes societal and financial costs while effectively reducing recidivism rates.

## **Conclusion**

Kazakhstan, like other post-Soviet states, is actively exploring the implementation of a national probation system and can benefit from the lessons learned in foreign jurisdictions. The adaptation of international best practices can significantly enhance the efficiency and effectiveness of Kazakhstan's penal correction system. Foreign experts advising on the introduction of probation in Kazakhstan emphasize several critical factors related to probation officer training and institutional organization.

First, a probation officer's role extends beyond supervision and control. They must be trained in social work, communication, and counseling to ensure they can effectively engage with offenders, support their reintegration into society, and prevent recidivism. Unlike law enforcement officers, probation personnel should specialize in social rehabilitation, helping individuals transition away from criminal behavior.

Second, a well-functioning probation system requires financial and infrastructural resources. This includes adequate funding for operational expenses, as well as access to office spaces, transportation, communication tools, and administrative equipment. A well-resourced probation service ensures transparency, accessibility, and efficiency, allowing it to fulfill its role effectively.



Third, strengthening the professional identity of probation officers and integrating probation services with the prison system is crucial. Establishing stronger institutional connections between prison personnel and probation officers can improve case management and offender transition processes. This can be achieved through joint training programs and shared educational facilities, fostering better coordination between both institutions.

These foundational principles represent key directions for the implementation of a probation system in Kazakhstan and other post-Soviet states. By integrating international experience, strengthening professional training, ensuring financial sustainability, and fostering collaboration between correctional institutions and probation services, these countries can build effective, socially-oriented probation systems that reduce incarceration rates while prioritizing rehabilitation and reintegration.

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## АЛЫС ЖӘНЕ ЖАҚЫН ШЕТ ЕЛДЕРДІҢ ПРОБАЦИЯ ТӘЖІРИБЕСІ

### Аңдатпа

Пробация жазалаудың балама шешімі болып табылады және әлі де жетілдірілуде, бұл қоғамға аз шығынмен салыстырмалы түрде аз ауыр қылмыстардың алдын алуға мүмкіндік береді. Іздеу күйінде Қазақстан да бар,

шет елдерде пробацияны іске асыру бойынша тәжірибе Қазақстанда және басқа посткеңестік мемлекеттерде талап етілуі тиіс. Алыс және жақын шет елдердің тәжірибесін пайдалана отырып, отандық пробация қызметін қалыптастыру мүмкіндіктері ашылады және бұл ел ҚАЖ қызметінің тиімділігін арттыруға ықпал етеді.

**Тірек сөздер:** пробация, халықаралық тәжірибе, ерікті көмекшілер, қылмыс, тиімділік, саясат, мониторинг.

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## ОПЫТ ПРОБАЦИИ СТРАН ДАЛЬНОГО И БЛИЖНЕГО ЗАРУБЕЖЬЯ

### Аннотация

Пробация является альтернативным решением наказанию и все еще совершенствуется, она позволяет обществу предотвращать относительно менее тяжкие преступления с минимальными потерями. В состоянии поиска находится и Казахстан. Опыт по реализации пробации в зарубежных странах должен быть востребован в Казахстане и в других постсоветских государствах. Используя опыт стран дальнего и ближнего зарубежья, раскрываются возможности формирования отечественной службы пробации, и это способствует повышению эффективности деятельности УИС страны.

**Ключевые слова:** пробация, международный опыт, добровольные помощники, преступность, эффективность, политика, мониторинг.