

**ՔՐԵԱԿԱՏԱՐՈՂԱԿԱՆ ԻՐԱՎՈՒՆՔ / PENITENTIARY LAW /
УГОЛОВНО-ИСПОЛНИТЕЛЬНОЕ ПРАВО**



ԿԱՆԱՏՈՎ ԱԼՄԱՍ

իրավաբանական գիտությունների թեկնածու, դոցենտ, Ղազախստանի Հանրապետության Գերագույն դատարանին առընթեր արդարադատության ակադեմիայի գիտաբարոյաբան

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ԿԱՐԱԺԱՆՈՎ ՄԱԼԻԿ

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ԿԱՐԱԺԱՆՈՎԱ ԺԱՆԱՏ

Ղազախստանի հումանիտար-իրավաբանական նորարարությունների համալսարանի դոկտորանտ

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**ՊՐՈԲԼԵՄԱՅԻՆ ՎԵՐԱՀԱՅՈՂՈՒԹՅԱՆ ԽՆԴՐԱՀԱՐՈՒՅՑ ՀԱՐՑԵՐԻ ՄԱՍԻՆ
(ՕՐԵՆՍԴՐՈՒԹՅԱՆ ՄՇՏԱԴԻՏԱՐԿՈՒՄ)***

**PROBLEMATIC ASPECTS OF THE PROBATIONARY CONTROL
(MONITORING OF LEGISLATION)***

**К ПРОБЛЕМНЫМ АСПЕКТАМ ПРОБАЦИОННОГО КОНТРОЛЯ
(МОНИТОРИНГ ЗАКОНОДАТЕЛЬСТВА)***

The analysis of the existing on the territory of Kazakhstan legislation in the study area showed the following.

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Relevant is the decision of problems of employment of persons sentenced to imprisonment by engaging them in socially useful work and/or training, social programs, re-socialization, including anti-drug, anti-alcohol content or other forms of socially active activities.

Accordingly, the system for the enforcement of criminal penalties should be further brought closer to universally recognized international standards. So in the National Plan - 100 steps to implement the five institutional reforms of the President of the Republic of Kazakhstan regarding probation in the framework of the 33 step, the following task is posed: "33. Building an effective system of social rehabilitation of citizens released from prisons and registered with the probation service. Development of an integrated social rehabilitation strategy and a standard of special social services for such citizens"¹.

In order to create comprehensive and efficient system of social rehabilitation of citizens released from places of imprisonment and taking into account the probation service approved by the Decree of the President of the Republic of Kazakhstan from December 8, 2016 No. 387 "On approval of the Comprehensive strategy for social rehabilitation of the citizens released from places of imprisonment and taking into account the probation service in the Republic of Kazakhstan for 2017-2019», which is focused on the elimination of prerequisites for social exclusion and deprivation of the citizen after his release from prison and while on the account of the probation service.

The first intermediate conclusion - on the one hand, we can state that the legislation in the analyzed area corresponds to the strategic goals of the state and the main provisions of related industry legislation of the Republic of Kazakhstan, on the other hand, it is necessary to understand that "here", there are drawbacks, which in practice can lead to inconsistencies and gaps in regulation.

Regarding the provisions of the Law that generates conflict

1. In article 44 of the criminal code and articles of the PEC of Kazakhstan governing the exercise of the probation monitoring did not reflected a provision stating that during the term of probation monitoring by the court on representation of the authorized state body exercising control of the probation may wholly or partially cancel, or Supplement previously set for the convicted charge. The ability to cancel fully or partly previously established for persons sentenced to restriction of liberty of the duties provided by PP. 9) art. 476 of the criminal procedure code, under which a court in the execution of the sentence may consider the question: "abolition of fully or partly previously established for persons sentenced to restriction of liberty of duties (article 44 of the Criminal Code of the Republic of Kazakhstan)".

In addition, under part 2 of article 44 of the criminal code probation monitoring includes the execution of the convicted duties: not to change permanent place of residence, work, study without notice to the authorized state body, exercising control over the behavior of the convict; not to visit certain places; to undergo treatment from alcoholism, drug addiction, substance abuse, sexually transmitted diseases; to carry out financial support of the family. In addition to those listed in part 2 article. 44 of the criminal code of obligations the court may impose other obligations which contribute to the correction of the convict and prevention of committing new criminal offenses². Meanwhile, the performance of obligations provided for could have a single, one-time character,

¹ The nation's plan - 100 concrete steps to implement the five institutional reforms of the head of state Nursultan Nazarbayev (May 2015). Access mode: https://online.zakon.kz/Document/?doc_id=31977084. P. 1 (Visited on 25.08.2018).

² The criminal code of the Republic of Kazakhstan dated July 3, 2014 № 226-V SAM mode of access: <http://adilet.zan.kz/rus/>. P 15. (Visited on 25.08.2018).



also the execution of some in a certain period of time may adversely affect the convict's behavior or restrict the inalienable rights provided by the Constitution of the Republic of Kazakhstan.

In addition, there may be circumstances that do not depend on the convict reasons that make impossible the implementation of some obligations established by the court. In addition, under part 2 of article 44 of the criminal code, sentenced to restriction of freedom, not having a permanent place of work and not engaged at school, according to the court decision shall be brought to forced labor. However, if the convict after sentencing to get a job or start studying, or Vice versa, the convict who worked or studied, will cease to engage in socially useful activities, how should in this case, should the probation service. Not regulated by law. It is necessary to Supplement the text of part 2 of article 44 of the criminal code, after the words "Restriction of freedom shall be at the place of residence of the convicted without isolation from society. Sentenced to restriction of freedom, not having a permanent place of work and engaged in the school, shall be brought to forced labour at the places designated by the local authorities, but not more than two hundred forty hours per year."the following provision: "Other cases of failure to fulfil the obligations established by the court are addressed within part 3 of this article."

2. Paragraph 7) of part 1 of article 84 of the criminal code stipulates coercive measure of educational influence as "the establishment of the probation control" which, pursuant to article 83 of the criminal code can be imposed on a minor if exempt them from criminal liability or punishment. However, according to part 9 of article 84 of the criminal code probation control is established according to the rules of part 2 of article 44 of the criminal code, i.e. as in imposing the penalty of restriction of liberty, and is carried out by the authorized state body. However, neither the criminal nor the criminal-Executive legislation does not define the body responsible for the execution of the coercive measures of educational influence. According to article 20 of the CEC RK, the probation service shall exercise control only in respect of minors:

- 1) sentenced to punishment in the form of restriction of freedom;
- 2) convicted of probation;
- 3) released on parole from serving a punishment of deprivation of liberty.

Article 23 CEC RK says: "In the case of non-face conditions of probation supervision, the probation service after the written notice of a submission to the court"¹. First, the content of the article it is unclear what and why the probation service presented a submission to the court. Second, probation control is not only the probation service, but according to part 10 of article 24 and part 1 of article 169 of the PEC and by the police in respect of persons released on parole from serving a sentence. Thirdly, the content of the article, in some cases, duplicates the provisions of other articles of the criminal code and the penal enforcement code, where specifies the consequences of failure to comply with conditions of probation monitoring and identified actions of the bodies carrying it in this case and sometimes contradict them. Thus, according to the article. 68 CEC RK for violation of the order and conditions of serving the penalty of restriction of liberty, which include the terms of the probation control as the convict in this case be under probation control, it applies the penalty to a written warning on the replacement of restriction of freedom with imprisonment. Against the convicted person, willfully violating the order of punishment, the probation service represents to the court the materials for the decision of questions on replacement of restriction of freedom with imprisonment.

¹ Criminal Executive code of the Republic of Kazakhstan code of the Republic of Kazakhstan from July 5, 2014 No. 234-V SAM. Mode of access: <http://adilet.zan.kz/rus/docs/K1400000234>. P. 8. (Visited on 25.08.2018).



In turn, under part 2 of article 176 of the PEC of the RK, in case of default by the person convicted conditionally assigned to it court of duties or re-Commission envisaged in part 1 of this article violations, and if it disappeared from probation monitoring, probation service contributes to court representation about cancellation of conditional condemnation and execution of the punishment by court sentence, and the juvenile convict – on the extension of the period of probation supervision.

Also, according to part 3, article 169 of the PEC of the RK, if during the remaining unserved part of the punishment, the person to whom it was applied for parole, has repeatedly committed an administrative offense for which he was imposed an administrative penalty, or maliciously evaded the execution of duties in the application of parole, the authority of the interior directs to court representation about cancellation of parole and execution of the remaining unserved part of the punishment.

You need to eliminate the artificial conflict of the aforementioned articles of the Criminal and Criminal-Executive codes.

3. According to part 3. article 69 of the PEC of the RK "The recognition of the convicted disabled of the first or second group of the probation service directs to court representation about exemption from forced labour, and in the case of pregnancy have condemned the idea of postponing her punishment". This provision is in respect of the release of the invalids of the first or second group, contrary to the provisions of clause 7 of article 162 CEC RK, according to which: "In the case of recognition of the person condemned to punishment in the form of attraction to public work, correctional labor or restriction of freedom, the invalid of the first or second group of the body executing punishment, to make submissions to the court for his early release from punishment". In turn, part 3 of article 69 of the PEC of the RK provides for the recognition of the convicted disabled of the first or second group for the release of their only from forced labour.

In terms of presentation delay in onset of pregnancy, have condemned it duplicates the provisions of part 8 of article 162 of the PEC of the RK, according to which: "In case of establishment of pregnancy in women sentenced to punishment in the form of attraction to public work, correctional labor or restriction of freedom, the body executing punishment, to make submissions to the court on postponing her punishment from the date of granting of leave for pregnancy and childbirth".

With the aim of eliminating conflicts of existing rules is necessary to make changes in the analysed articles of the PEC of the RK, leaving the ultimate edition or "The idea of postponing her punishment", or "submission to the court for his early release from punishment".

Regarding obsolete rules of law (from experience of foreign countries)

One of the most important components of the work of the probation Service in all the developed countries - is not only cooperation with public institutions and local authorities but also with private persons, the public, and with volunteers (volunteers) to assist in social adaptation of supervised. Major changes were introduced and the British system of conditional sentence or probation. Before, it was based on the desire to help convict. Now all this is changed. Probation, according to the famous Norwegian criminologist N. Christy turns into a punitive body, American style¹. It becomes a centralized service that keeps all their employees under close supervision. For example, in some US States, public organizations undertake to 98% of the load of the inspectors of the probation service for assistance to ex-offenders in re-socialization. In this respect also the

¹ Nils Christie. Acceptable number of crimes. - Aletheia. – 2011. P. 48.

example of Japan, where the ratio of full-time probation officers and volunteers is very significant: 876 people work on a permanent professional basis, and the number of volunteers is approximately 47 thousand persons¹.

Analyzing the Law of RK "On probation" should include not only empowering, but also binding rules. In particular it was necessary to include in articles 10 and 11 of the analyzed Law, to include provisions in which officials of local Executive bodies, citizens, public associations, legal entities undertake to assist in providing social-legal assistance to persons subject to probation.

Focusing and the allocation of the binding component in virtually an independent Institute responsible officials (within the considered area) will require re-evaluating the activities of government institutions and subsequent processing of the legislation.

Regarding the gaps in law (taking into account the European experience)

1. Probation is known as a special form of probation with the imposition on the convicted of certain duties, the performance of which is controlled by authorised persons. For example, Swedish criminologist Ulla Bondeson indicates that probation by Swedish and American legislation differs from the regime of probation that probation applies to criminals, to fix that do not require special measures and as a warning enough sentencing. Under the regime of probation, in addition to the fact of conviction court sentence is also, in the application of supervision of conduct of a person that brings probation to the status of punishment and not just the order of execution of the punishment².

Thus, the closest analogue of probation in Kazakhstan, in essence, is a conditional sentence. However, according to part 1 of article 2 of the analyzed Law: "1. The legislation of the Republic of Kazakhstan on probation is based on the Constitution of the Republic of Kazakhstan, consists of criminal, Criminal-procedural and Criminal-Executive codes of the Republic of Kazakhstan, this Law and other regulatory legal acts of the Republic of Kazakhstan". Accordingly, the legislation involved only criminal political unit, where goals, which do not correspond to the purposes of probation - socio-legal nature, aimed at correcting the behavior.

Hence, the problem of militarization. After all, the probation Service should be withdrawn from the power units of the interior Ministry and CPS.

In support of this present historical and legal background of the formation of probation services in Europe. So, in the beginning of the XXI century, the understanding of probation and the attitude towards it are changing dramatically. Largely due to the abolitionist, in favour of a radical reduction in prison at the expense of alternatives. In the implementation of the latter the most important role, in their opinion, should play as probation beyond the oversight of complex humanistic Institute for socio-legal control and social support³. This position has been recognized in the adopted January 20, 2010 Recommendation CM/REL (2010) 1 of the Committee of Ministers of the Council of Europe to adopt its "Rules of the Council of Europe probation"⁴. "Probation" in them "refers to the process of execution in society of punishment and of measures provided by law and assigned to the offender. It includes a wide range of activities and educational measures such as supervision, control and assistance, the purpose of which is the involvement of the convict in public life and security of society."

¹ Materials of the round table on February 14, 2012. The Department of PS on the Pavlodar region. - Pavlodar, 2012. P. 4.

² Bondeson U. Supervision for those serving a sentence in freedom. M.: Jurid. lit., 1979. P. 61.

³ Shamsunov S.Kh., Loseva S.N. Place and role of international standards in the system of execution of punishments of Russia // Criminal-executive system: law, economics, management. 2016. N 1. P. 19.

⁴ Yermasov E., Degtyareva O. Problems of establishing probation service in Russia // Crime and punishment. 2015. N 10. P. 21.



Judging by the content of the "European rules", they prevalent functional rather than structural approach. This rule that is on probation as the scope and principles of activity, not a special institution - the probation service. Although the term "probation service" is often used in the rules, they clearly stated that they are "applicable to other organizations performing the functions described in these rules, including other government, non-government and commercial organizations." Therefore, the term "probation service" means "any Agency provided by law for the implementation of the above goals and objectives". In this regard, fundamentally wrong that "probation... this is the legal term for determining the name and service activities, which historically were created to organize the work with people faced with the law"¹. As shown by the development of such departmental approach ultimately proved to be counterproductive.

Thus, as the European experience shows, the probation service should be totally purely civilian Agency, consistently delivering only the socio-legal functions – adaptation and rehabilitation.

2. Is the formulation of the question of uniting in the activity of one service the control and supervisory powers and functions of social adaptation and rehabilitation is justified? Institutions created on the basis of this principle exist in many developed countries and their activities demonstrate certain positive results. The effectiveness of probation services is to combine Supervisory functions with social protection measures applicable to convicted persons (employment assistance, training, treatment, etc.). However, the balance of these two opposite, yet interrelated functions that must be settled in the bill more fully. This must be reflected throughout the structure of the normative act. In this regard, consider the unjustified departure of developers of the Law "On probation" is a legal regulation of the status of the person against whom the measures of control, social rehabilitation and adaptation.

If a wide range of impact recipients are united in the activity of one service (from persons brought to criminal responsibility to those released from places of deprivation of liberty), it is difficult to regulate their rights and obligations. There is no clarity on the question of how to name persons who are subject to control and social rehabilitation and adaptation measures. The analyzed Law "bypasses" this issue. For example, in Estonia, such persons are referred to as "wards", which shifts the focus from control to social protection measures. In Latvia more neutral concept of "client" is applied².

Therefore, taking into account the rationale given in the previous paragraph, "reformatting" the competence of the probation service from the purely state to the civil department, it is necessary to change the approach to persons who are subject to probation, where the main trend should be "client-oriented".

3. The competence of subjects performing probation in the Law under study is fragmentary. Thus, only 3 articles out of 21 are devoted to the main activity of subjects that carry out probation (its powers, rights, etc.). It is not clear from the text of the Law how the probation authority will exercise these powers and what is generally understood by them. For example, according to cl. 3, part 2, Art. 9 for the adoption of measures of social adaptation and rehabilitation, it is necessary to draw up an individual program of providing social and legal assistance to persons who are registered with the probation service. What are the criteria for evaluating an individual program?

¹ Utkin V.A. Prospects for probation in Russia. Access mode. P. 1: <http://xn----7sbbaj7auwnffhk.xn--plai/article/20685> (Visited on 25.08.2018).

² Sergeev D.N. Do I need a probation law? // Criminal law and criminology science. №3 (250), 2013. P. 69.



How to determine what the convict needs? Is it possible to challenge this assessment? Such abstractness undoubtedly harms the law.

The analysis of foreign experience shows that the activities of the probation body is regulated more fully, specifically, avoiding overly General and abstract phrases. For example, in section IV of the Law of the Republic of Latvia, dated 30 December 2003 "On the State probation service" credentials disclosed in detail, the areas of activities: (1) cooperation of the State probation service with social rehabilitation centres; (2) the competence of the service in coordinating the execution of criminal punishment in the form of forced labor; (3) the competence of the service in the field of supervision of conditionally sentenced and conditionally released from institutions of deprivation of liberty; (4) the competence of the service in the implementation of reconciliation through mediation; (5) collaboration services with the institutions of deprivation of liberty; (6) the competence of the service in the provision of post-penitentiary aid, etc.¹

The competence of probation services needs clarification and detail. However, given the conviction on non-state jurisdiction of the probation service, it is necessary to refer to the probation activity, as to the service. And accordingly to make precise and uniform legislative standards for the provision of this service.

4. Lots of issues is studied Law provided preparation of pre-trial report, which provides a prediction of the effects of punishment on the convicted person, including in terms of possible relapse. Similar reports practised in many countries - in the UK, Canada, Latvia, etc. the Goal of this report is to reduce the use of imprisonment in cases where the convict does not need the real serving of such punishment. The criminal legislation of Kazakhstan obliges the court to take into account the numerous factors characterizing the person of the perpetrator, the effect of the punishment imposed on his life and family life, but the judge is unlikely to fully take into account these circumstances.

Thus, the pre-trial report is a positive innovation. Does the principle of domestic legislation correspond to the possibility of preparing such a report with respect to the person being prosecuted, not the convicted person? How and by whom is this report prepared? What qualifications should a probation officer have?

In the criminal-executive legislation there is an analogue (synonym) of the pre-trial report - this is the characteristic given to the convict. The characteristic is a document of strictly formal content. However, it is often it is for the judge determining when deciding on parole. Will the pre-trial report be the same decisive document? V.A. Utkin points out that probation officers in London are very skeptical about the system of such reports as very time-consuming, extremely formalized and hindering the immediate resolution of social problems.

Therefore, it is necessary to study the question of legislative regulation, in part 2 of article 9 of the analyzed Law, the powers of probation officers to gather information about the person, to which is applied pre-trial probation, the borders of the invasion of the privacy of the family in order to assess the impact of the punishment on the conditions of her life.

5. In the analyzed Law (Article 6) it is determined that the individual program of providing social and legal assistance is a set of activities of subjects that are carrying out probation to provide social and legal assistance to a person who is registered with the probation service, developed on the basis of a comprehensive study of his personality and specific life situation. Similar programs are

¹ On the State Probation Service [Electronic resource]: the law of the Republic of Latvia of 30 December. 2003 CY: <http://juvenjust.org/index.php?showtopic=1156> (Visited on 25.08.2018).



used in many countries and the process of executing criminal punishment can be based on them. For example, the State Probation Service of Latvia uses in its practical activities two types of rehabilitation and adaptation programs: correctional and social adaptation. In particular, the following options for corrective programs are provided: 1) the correction program "EQUIP" is applied to minors and is aimed at enlightenment in matters of responsibility for unlawful and antisocial behavior, forms in the person the features of a responsible person; 2) the correction program "Forming a respectful attitude" is aimed at the acquisition by the clients of the program of skills to prevent conflict situations, respectful attitude towards members of society; 3) the program "Prevention of violence" is designed to eliminate views, habits, needs, leading to aggressive behavior in society and the family; 4) the program "Management of the use of substances that cause addiction" is aimed at reducing the risk of misconduct in the event that the client has a drug or other dependence.

Given correctional program is designed to develop a person socially favorable traits, stimulate the formation of socially approved skills of communication to inform about the consequences of misconduct (both legal and social) and to encourage law-abiding behavior. The correction is applied as a force (on the basis of judicial decisions), and voluntarily. In case of voluntary participation in programs of correction with a party to the agreement on receipt of post-penitentiary assistance (for persons released from places of imprisonment) or an agreement to participate in the correction (for serving imprisonment).

Social rehabilitation programmes are designed to facilitate the client's return to a society through the formation of necessary skills and development of socially useful skills.

Since the use of any of the above programs is intervention in a person's life, so far their use should be regulated by the Law in more detail. By analogy with the experience of other States, such as Finland, it is necessary to introduce the possibility of application of correction programs for convicted not only to punishments not connected with isolation from society (this follows from the content of the law on probation), but also to convicted prisoners serving sentences of deprivation of liberty. Development and implementation of such programs will bring in an efficient and professional level educational and preventive work carried out with prisoners sentenced to deprivation of liberty.

For availability of other disadvantages (from international experience)

In Western countries, common argument, which literally reads: "every offender must repay a debt to society." Therefore, there is widely practiced in the appointment of public works on socially significant facilities: city parks, hospices, nursing homes, churches, etc. At the same time, these works are performed in a special uniform clothes, which can be identified in the eyes of others as violators of the law. In the UK, in particular, is required to wear a bright vest with an inscription on the back: "to repay a debt to society."

In such circumstances, every convicted person experiencing a natural feeling of shame, especially when faced with friends, neighbors, friends, relatives etc. But refused to do the work entails the replacement of probation to imprisonment. This is one of the elements of the test, which is also a very effective preventive effect. Thus, the results of the investigations of European criminologists, announced in Astana on 25 April 2016 at the expert meeting in the framework of the project "Improving criminal justice in Kazakhstan" recidivism among attracted to such works 50% lower than that of other category prisoners.

In this sense, our criminal code, unfortunately, can be called antipromotional as community service for the crime may not be imposed only for misconduct.

Another feature of the European models of probation is the emphasis on restorative justice. For this reason in the "Standard minimum rules of the United Nations" (*hereinafter - Tokyo rules*), as a fundamental goal, indicated on promoting in offenders a sense of responsibility to society. Oblige the offender to compensate the damage, but also to bring a public apology to the victim. Apology in the presence of a society is considered very important, as it gives the offender a sense of shame, and the victim reduces aggression. In addition, in the future it promotes a smooth return of the former convict into society. And victims of violent encroachments of public apology allows us to look him in the eyes, throw out the accumulated emotions and to get rid of fear.

For test mode in probation requires a certain setting of the criminal law. In Germany, for example, major forms of criminal punishment is imprisonment and fine, yet there is an additional penalty - ban on driving. Everything else refers to the security measures and patches. These measures a variety of court not limited in their option, may combine the main thing that they were aimed at the resocialization of the offender. So, both can be sentenced to a fine, social (public) works and restriction of freedom that in our Criminal code is impossible, as are separate penalties and are assigned separately.

It is the combination of various duties and restrictions convict creates a lot of inconvenience, but in order to avoid prison or reduce his sentence, it agrees to the test, that is, probation. The time spent under the supervision of the probation depends on the convicted person, run them all the regulations of the court, respectively, can be shortened and extended, for example, until full repayment of the claim regardless of the initial date.

The probation service, in its turn, is responsible for control over compliance with the offender imposed on him by court of duties. Socio-legal and other assistance to foreign probation, in contrast to our practice, more focused on responsibilities that are imposed by the court on the offender. For example, if the court imposed the duty to bring a public apology to the victim, the probation service assists in the organization of such a reconciliation.

Or, if the court as an obligation has determined compensation for damage within a specific time, the offender is offered different options for resolving this issue: from assistance in employment to legal assistance in obtaining a bank loan. At the same time, the refusal of a person to receive such help without a justifiable reason is automatically regarded as a refusal to perform the duties assigned to him by the court. This means that a person has not passed the test and probation is replaced or can be replaced by imprisonment.

For example, the probation system in the US is criticized for its excessive rigidity. Thus, in the absence of a person at the place of residence, the probation officer can immediately send information to the police without explanation, which in most cases entails the arrest and substitution of probation for imprisonment on the grounds that he did not pass the test. In this regard, in some States in the structure of "prison population" the proportion of those who initially assigned to probation has been replaced with deprivation of liberty up to 40%. But in this lies the positive meaning, the essence of which is that the chance to avoid incarceration through probation is to many, the main thing - to comply with specified court requirements.

Ամփոփագիր: Հոդվածում առարկայապես ներկայացված է պրոբացիոն վերահսկողության ոլորտը կարգավորող օրենքի մանրամասն վերլուծությունը (դիտարկումը): Մասնավորապես, նշվում է, որ օրենքի առանձին դրույթներն արդեն հիմա ունեն ոչ միատեսակ իրավաբանական բնույթ, ընկալում, ուստի և՛ պրակտիկայում կիրառում:



Аннотация. В данном исследовании предметно дается детальный анализ (мониторинг) закона, регламентирующего отношения пробационного контроля. В частности, отмечается, что отдельные положения данного закона уже сейчас имеют не единообразную юридическую природу, понимание и, соответственно, применение на практике.

Հիմնարարներ՝ պրոբացիայի նկատմամբ վերահսկողություն, օրենսդրության մշտադիտարկում, քրեաիրավական ներգործության միջոցներ, դատավճիռների կատարում:

Keywords: probation control, monitoring of legislation, criminal-legal impact measures, execution of sentences.

Ключевые слова: контроль над пробацией, мониторинг законодательства, уголовно-правовые меры воздействия, исполнение приговоров.