



COMPARATIVE ANALYSIS OF KAZAKHSTAN'S EXPERIENCE IN ORGANIZING THE ACTIVITIES OF THE PROBATION SERVICE

Askarova Elmira Polatovna

Lecturer at the Department of Crime Prevention, Academy of the
Ministry of Internal Affairs of the Republic of Uzbekistan, Major
<https://doi.org/10.5281/zenodo.14615995>

Annotation: Probation service is widely used worldwide to enhance the effectiveness of the criminal justice system. The probation service plays a crucial role as a mechanism aimed at reintegrating individuals who have committed crimes into society and preventing them from reoffending. This article provides a comparative analysis of the activities of the probation service in Kazakhstan with Uzbek practice.

Keywords: probation, probation service, socio-psychological assistance, court.

The probation service emerged in the 19th century with the aim of establishing a humane approach to crime. Its first manifestations in the United States began in 1841 with the efforts of a man named John Augustus. He proposed providing personal surety to ensure the social adaptation of convicted persons in order to save them from imprisonment.[1]

The probation service in Europe began to develop at the beginning of the 20th century. In Great Britain, the "Probation Act" was adopted in 1907, establishing the legal foundations of probation. In the Soviet Union, however, the concept of probation was closely linked to various processes of social re-education and was not officially implemented.[2]

The probation service in Kazakhstan was formalized by the Law "On Probation," adopted in 2011. This law clearly defined the legal status, tasks, and activities of probation. Modern technologies are widely utilized in the activities of the probation service of Kazakhstan.

The probation service is an integral part of the criminal justice system, and its organizational and legal foundations are formed differently in various countries. The probation service in Kazakhstan is regulated by the Law "On Probation," adopted in 2011. It clearly defines the legal status, tasks, and structure of probation.

Main aspects of the activities of the Probation Service of Kazakhstan

The probation service in Kazakhstan operates in three main areas:

1. Pre-sentence probation: Providing the court with information about the social status of a person before a decision is made on a criminal case.
2. Probation during sentence execution: Ensuring that convicts receive social and psychological support during the process of serving their sentences.
3. Post-release probation: Supporting individuals' reintegration into society after completing their sentence.

The Kazakhstan Probation Service is based on high-tech solutions. For example, an effective mechanism for monitoring convicts' movements has been established through electronic monitoring devices and specialized information systems.

The probation service not only reflects the humanitarian aspects of criminal punishment but also serves as an important tool in ensuring social justice in society. Legal scholars recommend regular studies of legal, social, and other issues aimed at improving this system.

A.K. Seytimov focuses on the role of the probation service in prevention and social rehabilitation processes. According to him, the probation service acts as "an important tool in the humanization of criminal law." [3]

In his research, A.T. Jumabaev emphasizes the importance of improving the professional training of employees for the effectiveness of probation. He also highlights the necessity of widespread use of information technology. [4]

R.B. Amangeldiev presents an analysis of the legal foundations of probation in Kazakhstan and highlights its impact on reducing crime. In his opinion, the probation service should work closely with the judicial system. [5]

Comparative analysis with the Probation Service of Uzbekistan

The foundations for the probation service's activities in Uzbekistan are defined in the Law "On Probation," adopted in 2019. The following similarities and differences are observed:

Similarities:

The purpose of providing socio-psychological assistance.

The use of electronic monitoring tools.

Focus on post-release adaptation.

Differences:

In Kazakhstan, the probation service works closely with specialized judicial bodies, while in Uzbekistan these relationships are still in the development stage.

Kazakhstan has a better-established system for improving the qualifications of probation officers.

Importance of Kazakhstan's experience for Uzbekistan

Analyzing the Kazakh probation service model is important for several reasons:

1. Economic benefit: The Probation Service reduces the burden on the budget because it is cheaper to carry out sentences outside of places of imprisonment.

2. Efficiency: Cases of recidivism among offenders managed through the probation service have significantly decreased in Kazakhstan.

3. Introduction of innovations: The use of information technologies increases efficiency.

Probation is a legal mechanism designed to monitor convicted individuals in the process of executing certain types of criminal punishment and assist them in their social adaptation. The specificity of probation is determined by its goals, objectives, and characteristics in the process of its implementation.

Features of probation:

Social orientation:

The primary goal of probation is to re-socialize the individual and return him to society as a useful member.

Punishment does not involve imprisonment or complete deprivation of liberty, but allows the perpetrator to correct their mistakes within society.

Combine supervision and support:

Probation services, along with supervision, perform the functions of providing counseling, support, and psychological assistance to the individual.

This approach has a positive impact on the adaptation of the individual to society.

Personalization of punishment:

The probation process takes into account the individual characteristics of each person, their social status, and the severity of their crime.

Special conditions or requirements may be established in relation to the person.

Stay connected to the community:

Probation prevents a person from separating from society, which helps them maintain their social connections.

This situation reduces the likelihood of a person committing a crime in the future.

Educational and developmental impact:

In the process of probation, special attention is paid to social upbringing of the individual, their education in the direction of improving their future behavior.

Economic efficiency:

Probation is less expensive than operating prisons.

In this case, the individual can remain economically useful to society, as he is allowed to continue working.

Implementation within the framework of the law:

Probation is organized and conducted based on local legislation.

In this form of punishment execution, the criteria established by law are strictly observed.

The experience of Kazakhstan's probation service can serve as a model for Uzbekistan. Specifically, strengthening cooperation with the judicial system, improving the qualifications of employees, and widespread implementation of electronic monitoring systems will make Uzbekistan's probation system more effective. This, in turn, will contribute to ensuring public safety and humanizing the criminal justice system.

References:

1. John Augustus, "The History of Probation in the United States," 1841.
2. British Parliament, "Probation of Offenders Act," 1907.
3. Сейтимов А.К., "Пробация хизмати ва жиноий профилактика," Қозоғистон юридик илмий журналы, 2019 йил.
4. Жумабаев Т.А., "Пробация ходимларининг тайёргарлиги," Нур-Султан, 2020 йил.
5. Амангельдиев Р.Б., "Қозоғистонда пробациянинг ҳуқуқий асослари," Алматы, 2018 йил.