

PROBLEMS OF RE-SOCIALIZATION OF CITIZENS RELEASED FROM THE PLACES OF DEPRIVATION OF LIBERTY

Gulzat Zhunisbayeva, Turan University
Sholpan Zabikh, al-Farabi Kazakh National University
Marina Chokina, University of International Business
Aizhan Ryssaldiyeva, Turan University
Gulaina Osmanova, Turan University
Nurul Mohammad Zayed, Daffodil International University

ABSTRACT

The authors describe the problems of re-socialization of citizens released from the places of deprivation of liberty, which go to the forefront in the criminal policy of the Republic of Kazakhstan, as the idea of the highest value of the person, his dignities, rights and freedoms, regardless of any differences, is the world-view basis of social harmony, the guarantee of civil peace and internal political stability. The rights and natural interests of the person as the unifying element of the national idea should ensure the law and order and national security of Kazakhstan. The article deals with topical issues on the re-socialization of citizens released from places of deprivation of liberty defined in the concept of legal policy of the Republic of Kazakhstan. The relevance is consisted in the changing the response of the penal correction system to the problems of the implementation of punishment and providing the re-socializing principles at the whole stage of the presence of persons in the orbit of the penal correction system. Particular relevance in modern conditions is the solution of the tasks: protection of the social rights of persons who have served criminal sentence; carrying out a wide range of preventive and other social-legal measures aimed at creating conditions for the effective social rehabilitation and adaptation of the convicted persons to normal living conditions after release. The adaptation of former convicts is not only the task for the bodies of the penal correction system. Comprehensive cooperation of all authorized governmental bodies and non-governmental organizations can help in this complex issue.

Keywords: Penal Correction System, Re-Socialization of Citizens, Convicts, Republic of Kazakhstan, Adaptation.

INTRODUCTION

For quite a long time, the fight against crime was limited to the detection, disclosure, investigation and prosecution of perpetrators of criminal offences. At the same time, the topic of prevention of new criminal offences by persons, who had previously committed them, remained secondary and did not have the legal, systemic, permanent and consistent character. As a result of these actions, recidivism persisted and a rather small percentage of persons returned to normal law-abiding social life. In 2012, the situation began to change when the process of legislative introduction of elements of probation in the penal correction system of the state began. This

process received the most complete expression with the adoption for the first time on December 30, 2016 of the consolidated law of the Republic of Kazakhstan "*On probation*". The Law regulates relations in the sphere of organization of functioning probation, sets out the purposes, tasks and principles, as well as the legal status of persons who are subject to probation. The purposes of probation are the correction of conduct of the suspect, accused in the pre-trial stages of criminal proceedings; re-socialization of the convicted person in places of deprivation of liberty as one of the types of social rehabilitation of the person; social adaptation and rehabilitation of the person released from the correctional institution according to the grounds.

These innovations are the implementation of the provisions of the Concept "10 measures to reduce the prison population" within the framework of the withdrawal of Kazakhstan from the number of countries leading in the "prison population." Currently, the Republic of Kazakhstan has the system of measures to facilitate social adaptation, which should lead to the establishment of social control over the released persons, from whom there can be expected any anti-social manifestations, including the commission of new crimes. Activity of the public, the governmental and social-adaptational institutions in assistance for released persons in the solution of the most important problems, which they face on freedom (the labor, household, housing arrangement), is not fully developed and coordinated. Having difficulties in solving issues of the worldview (spiritual-psychological and moral-ethical) nature, employment, provision of housing, social payments, medical care, obtaining the necessary education, realization of civil rights, the released persons from places of deprivation of liberty return to the path of commission of crimes. All this to a large degree leads to relapse and other negative social manifestations of the post-penitentiary nature. These problems need to be resolved, as in general the penal correction system should be improved and brought closer to generally accept international standards.

Thus, the probation service is simply necessary, for those convicted persons who are preparing to be released, because this person is in urgent need of both moral and organizational support and social rehabilitation. Many convicted persons have difficulties in adapting at the first time after release, family ties are weakened, problems with employment, search for housing, documents, etc. At the same time, the priority tasks of probation services remain to correct the behavior of convicted persons and prevent them from committing new criminal acts. Namely, the eradication of anti-social attitudes and inclinations among convicts, the inculcation of respect for the law, the formation of a sense of duty, the habit of work, responsibility for their behavior and other positive qualities. It should be noted that the main mission of the state bodies and the public is to help the convicted person return to normal living conditions. At the same time, it is necessary to pay great attention to the fact that social adaptation for persons released from places of deprivation of liberty is the multifaceted process, covering the whole range of issues of their moral, psychological, practical preparation for life in society, their mastering of new social roles, restoration of useful contacts, elimination or neutralization of negative factors preventing the return of this category of citizens to the path of the honest, consistent with the law of existence. The person needs to adapt to normal living conditions after release from places of deprivation of liberty. It is necessary to resume social ties in a short time, to solve the issue of registration at the place of residence, to find employment, to learn how to spend the earned money rationally, to provide yourself with food, necessary things. It should not be forgotten that when imposing the sentence in the form of deprivation of liberty, this has the detrimental impact on the psychology of convicted persons, increases their aggressiveness and risk of mental and other diseases.

According to psychologists, serving the sentence in the form of deprivation of liberty is one of the stress factors that affect the person all his life. Physical isolation from society entails the restrictions in the spiritual and informational spheres. The ultimate goal of the ongoing reforms in the penitentiary and post-penitentiary system should be the effective system of execution of criminal sentences, correction of convicted persons, prevention of their commission of repeated crimes, and, as a result, safety of society and the state.

LITERATURE REVIEW

Issues of re-socialization of citizens, released from places of deprivation of liberty, in the context of the defining role of the institution of probation, are paramount in international penitentiary practice. The role and importance of probation in matters of re-socialization is fixed in the international legal instruments and legislation of many states. The specified issues were the subject of research of such scientist and practitioner such as (Akkulev, 2011) and others. These are the works, where various aspects of probation, namely its formation, legislative registration, choice of ways and models were covered. At the same time, it is necessary to consider these issues in the prism of international legal acts, criminal enforcement legislation of the Republic of Kazakhstan of 2014, as well as all the existing normative-legal base on probation, and especially Law of the Republic of Kazakhstan of December 30, 2016 No. 38-VI "*On probation*", in order to determine the systemic-formed value of probation in the system of re-socialization of citizens released from places of deprivation of liberty. The objective need in determination and permission of a number of problem aspects in the conditions of reforming of penal correction system predetermined the topic of dissertation work, the object, the subject, the purpose and problems of research. This is due to the need for time, the openness of the national legal system, the penitentiary system of the country, all aimed at bringing the ongoing activities for the re-socialization of citizens to international standards.

OBJECTIVES

The aim of the research is to develop the theoretical, organizational and legal foundations of the institution of probation and its impact on the process of re-socialization of citizens released from places of deprivation of liberty. It is necessary to solve the following tasks for achieving the set purpose:

1. To study the modern models of probation used in international practice;
2. To analyze the international legal acts regulating the requirements for personnel of probation service;
3. To study the state of the penal correction policy of the republic of Kazakhstan for the social rehabilitation of citizens released from places of deprivation of liberty and registered with the probation service;
4. To study the legal aspects of the process of re-socialization of citizens released from places of deprivation of liberty and registered with the probation service
5. To consider the mechanism of social adaptation of persons released from places of deprivation of liberty and ways of building the system of social support;
6. To reveal the issues of improvement of organizational-legal basics of re-socialization in the republic of Kazakhstan;
7. To analyze the current state of personnel potential of probation units carrying out re-socialization;
8. To make reasonable suggestions to improve organizational measures for the re-socialization of citizens released from places of deprivation of liberty.

RESEARCH METHODOLOGY

The methodological basis of the research is the modern doctrine of jurisprudence, dialectical-materialistic method of cognition, as well as particular-scientific methods: historical, logical, comparative-legal, systemic-structural, specific-sociological, statistical, as well as methods of analysis and synthesis. The methodological basis of the research is the basic provisions of legal science, interpreted in relation to the topic of dissertation in accordance with the general scientific developments of principles and methods of building theoretical-applied research. The most important methodological prerequisite of the research is the systemic approach to problems of organizational-legal character of the probation institute of the Republic of Kazakhstan, which aims at re-socialization of convicted persons. Based on publications and research of law enforcement practice, the system of organizational-legal support of re-socialization of citizens and ways to improve this work is presented.

RESULTS & DISCUSSION

Probation as a means of preventing crime appeared in England in 1887 on the base of the classic suspended sentence in connection with the adoption of the Law "*On probation of first-time convicts*". According to this law, probation was defined as conditional non-execution of a sentence with the placement of a convicted person for a certain period under the individual supervision of the special official. In 1907, the Probation of offenders' act was approved. It more clearly regulated the grounds for the use of probation. The Institute of supervision over the behavior of the probationer was introduced, which was carried out by probation officers who were under the control of magistrates. Often, probation service employees were social workers who provide support to the supervised persons in many areas of life (Kuznetsov, 2014). The distinctive feature of western probation is the ability of a mentee in need of help to seek it from the court or the Ombudsman. This is practiced in Bulgaria, Catalonia, Czech Republic, Denmark, Lithuania, Latvia, Luxembourg and Portugal. The specialized Ombudsman in the sphere of prisons or the protection of human rights will assist in the United Kingdom, Finland, Hungary, Sweden, Poland, and France, which must have some resources to implement and generally be willing to assist.

The given examples are evidences of confirmation and development of probation in Europe, its movement forward. And, this promotion is dictated by the need to harmonize training programs of various units, including probation in the penitentiary system of the state, development of practical activities of the prison system and probation. For this purpose, modern researches are being carried out on the issues of probation and implementation of the main decision of the European Union on cross-border probation measures (European Union, 2009). The difference of probation in different countries of Europe has sometimes only departmental character. The probation service in the United Kingdom, Denmark, Japan, Finland, Norway, Latvia, Czech Republic, Estonia and other countries is controlled by the Ministry of Justice; in the United States, Germany, Hungary - the judiciary; in the Netherlands - the prosecutor's office; in Sweden-the prison department; in Singapore - the office of the Ministry of Public Development and Sports (Akkulev, 2011). From the point of view of departmental affiliation, probation services may be under the jurisdiction of both the Ministry of Internal Affairs and the Ministry of justice. The organizational structure, forms and methods of work of the probation service in Western Europe have been developed for many decades, usually, in essence, the

probation service-is the form of social service, the non-military structure similar in structure to municipal authorities (Zubarev, 2011). Some post-Soviet countries are path on this way, in particular, Moldova, where the probation was established in 2009, there are 42 territorial probation offices (169 employees) and the Central probation office (31 employees). There are 30 to 70 wards per employee (Grosup, 2011). In accordance with the Law of Moldova "*On Probation*" of February 14, 2008, probation – is control of persons in conflict with the criminal law, their re-socialization, as well as adaptation of persons released from places of deprivation of liberty, in order to prevent the commission of new crimes (Law, 2008). Probation with intensive supervision, according to American lawyers, has a more punitive and intimidating effect than regular supervision. However, the temporary neutralization of the offender, in their opinion, is less achievable than in prison, but it is still more than in normal supervision. As for re-socialization, it should be considered, in the opinion of Americans, as the main goal both under ordinary and intensive supervision. In addition to these purposes, the use of intensive supervision is intended to reduce recidivism, reduce prison overcrowding and reduce the financial costs of correctional services (Stepanov et al., 2012). Intensive supervision, in fact, is more effective than normal. Convicted persons, subjected to intensive supervision, more and better participate in the implementation of the suggested psychological-social and other programs. As a result, recidivism among such persons is quite low: 15 to 20% of convicted persons, subjected to intensive supervision, are committed the criminal acts again during the period of such supervision. However, on average, 30 and 35% of convicted persons are sent to prison for failure to comply with the conditions of intensive supervision. As for the economic costs of intensive supervision and according to the American researchers, they estimate about 2-4 times higher than under normal supervision, but 5-10 times lower than in prison (Mikhlin et al., 1996). The beginning of the formation of the criminal and penal correction policy of our state is the State program of legal reform in the Republic of Kazakhstan, adopted of February 12, 1994 (Legislation, 1994), and as its main directions are implemented, the Concept of legal policy, approved by the Decree of the President of Kazakhstan in September 2002 (Legislation, 2002), was adopted, aimed at implementing the principal provisions of improving the legal regulation of the fight against crime. Further reformation of the country's legal system had been taken place within the framework of the Concept of legal policy of the Republic of Kazakhstan for the period from 2010 to 2020, approved by Presidential Decree No. 858 of August 24, 2009. This is the direct indication of the consistent and systematic work on the creation of legal state (Legislation, 2009).

The new states of the post-Soviet space seek to disassociate themselves from the criminal policy of the former, common to all countries, often presenting it in the distorted form, considering their policy in this area more progressive. This can be judged not only by various political and state statements, but also by legislative and other normative acts, which sometimes reflect not the reality, but only the direction of future changes. So, at developing the new criminal, criminal-procedural and criminal enforcement legislation, the trend was obviously traced not only to include in them international experience, but also to keep former priorities when the interests of the state were put above the interests of the individual. The latter were taken into account only when they coincided with the interests of society and the state. Re-socialization allows to adequate reflect the problematic issues, arising (or which may arise) at the convicted person as during the period of his preparation for release. Re-socialization represents the complex of measures, aimed at restoring and acquiring social ties, lost both as the result of

criminal activities and during the period of forced isolation from society. The object in the process of re-socialization is the personality of the convicted person in his/her subject position.

All efforts during the preparation of convicted persons for release should be aimed at preventing the recurrence of crimes during the stay of the convicted person in places of deprivation of liberty and after release from them. "*When serving a sentence*", (Shargorodsky, 2013) wrote, and first of all, punishments by imprisonment, the first place has the tasks of re-socialization, correction (in the broad sense of the word) of convicted persons, i.e., the tasks of special prevention... Since there are no born criminals, the main and achievable task of punishment is re-socialization that is, correcting them... (Shargorodsky, 2013). The process of re-socialization is difficult, some authors rightly believe that training in new social norms, rules of conduct should not violate the rights of others. This happens in some cases forcibly, and the purpose and idea of forced re-socialization is to change the personality, to bring it to standards, established in social society (Fomin, 2015). As it was stated in the Concept of Legal Policy of the Republic of Kazakhstan for the period until 2020, in order to minimize the involvement of citizens in the field of criminal justice and to save criminal repression measures, it is necessary to create conditions for the wider application of criminal legal measures not related to isolation from society. For more active application by the courts of measures alternative to imprisonment, it is necessary to increase the efficiency of their execution, which requires the institutional development of the specialized body responsible for the implementation of such measures (Legislation, 2009).

The problem of reformation of the penal correction system, as the general problem of reformation of criminal policy, became relevant at the beginning of the two thousand years. At the same time, the problem of re-socialization of persons, who served criminal sentences, has also become relevant in the policy of our state. And such activation of actions on the social adaptation of citizens, released from the institutions of the PCS (Penal Correction System), makes it possible to hope for effective ensuring the return of persons, violated the law, to law-abiding life, which follows from the provisions of the Constitution of our state. The solution of the next tasks becomes particularly relevant in modern conditions: protecting the social rights of persons who served criminal sentences; carrying out the wide range of preventive and other social-legal measures aimed at creating conditions for the effective social rehabilitation and adaptation of the convicted persons to normal living conditions after release. The conceptual provisions that the international practice of probation is aimed at: the return to life in society of the morally stable person, capable to the constructive participation in his activities and who does not commit new crimes; this implies the practically important goal of probation the prevention of the relapse of crimes and the individual prevention of offences. The tasks of probation are: ensuring the execution of punishment using supervision, assisting the process of correction (the return to society) of convicted persons and prevention of offences.

One of the forms for implementation of probation is the social-legal assistance the complex of measures implemented on the basis of the individual program of social-legal assistance by the subjects, carrying out probation, aimed at re-socialization, social adaptation and rehabilitation of the persons to whom probation is applied (p. 3 Art. 5 of the Law "*On probation*") (Legislation, 2016). The probation is the alternative solution to punishment and continues to be in the condition of improvement, and in some countries in the condition of formation, it allows for society to prevent rather less serious crimes with the minimum losses. Saying about the probation as about the process and the phenomenon in relation to the convicts,

exempted from the places of imprisonment, it is possible to say that in recent years it is conducted active search of ways of increase in efficiency of execution of the punishment, in the combination with high exactingness to convicts with the attentive, human attitude towards them, their needs and inquiries. Based on the fact that exemption from punishment is an act of humanism, we cannot assume that this act will become, according to the content, manifestation of cruelty and barbarity in relation to the person (Law, 2016). Measures of the re-socialization, social adaptation and rehabilitation of the persons to whom probation is applied, are widely represented in the Article 6 of the Law “On probation”. In particular, re-socialization, social adaptation and rehabilitation of persons to whom probation is applied, are ensured by the next way:

1. Providing the social-legal assistance on the questions: receiving health-care services; receiving secondary education; mastering the profession (vocational training, retraining and advanced training); assistance in employment; ensuring psychological support; receiving privileges and social payments established by the legislation of the Republic of Kazakhstan;
2. Assistance in the restoration and formation of the supportive system of social relations, including: social-psychological and psychological consulting; social patronage; assistance in the restoration of family and other socially positive ties, subject to the mutual consent of the parties;
3. Social-domestic adaptation, including: provision of the place of stay; organization of rehabilitational measures; involvement to the participation in cultural events;
4. Providing advice on social-legal issues.

The measures, provided for in paragraph 1, Article 6, of the Law “*On probation*”, are implemented by the subjects conducting probation on the basis of an individual program of social-legal assistance. This institution acquires important social-political importance for Kazakh society proceeding from the specified definitions, purposes and tasks of probation in the given context. In 2008, the conducted surveys of employees of the probation departments (further as PD) revealed a number of organizational problems related to the provision of PD by the official premises, material-technical equipment, and low status and the decrease of the image of this unit.

The relevance and timeliness of the statement of problematic issues in the activities of PD during that period (2008) resulted from the fact that about 17,000 persons were registered with the probation department. The number of persons was increased, as in 2006 - 40,000 people were sentenced to punishments not related to the deprivation of liberty. Accordingly, it was not possible to work in such regime, as the specified problems grew proportionally and required their resolution in the light of the changing situation. The above-stated difficulties in questions of legal basics of the organization and activities of probation service of the legal successor of the probation departments did not contribute to the effective activities of the considered authority at that time. The situation that was formed in the penal correction system of the country, where according to the objective situation with the number of persons held in places of deprivation of liberty has become critical. In order to reduce tension and regulate issues related to the detention of convicted persons, the state was taken a number of measures that contributed to the real reformation of the penitentiary system and the transition to the world practice of re-socialization of convicted persons at all stages of its involvement in the orbit of law enforcement agencies.

Legal support for issues of re-socialization of convicted persons, their preparation for release and subsequent adaptation in society, requires further improvement, and the specified issues additional study. This is due to the fact that the normal adaptation of former convicted person in the normal conditions of society life determines the effectiveness of activities not only

of the social support services, but also of the facility in which the person served his sentence. In this context, the legal aspects of the process of re-socialization of citizens released from places of deprivation of liberty and registered with the probation service are inextricably linked to the issues of legal situation of the probation service and its employees, and they have important value for the implementation of probationary control of convicted persons. The consolidation of the powers for officers of the probation service in ensuring control over those serving sentences is due to the fact that the behavior of test subjects is subject to requirements related to the invasion of personal life of the individual. During the probation process, officers of the probation service enter into the relationship that at first glance has the criminal-legal nature. Guided by the ideas of probation in Kazakhstan, which provide for control on the 50% of legal and 50% of social character, it is possible to say that relations are both legal and public-social in nature. Within the framework of carrying out supervision of the subject, which involves the legal-restrictions that objectively restrict the rights and freedoms of the individual, are affected the essential rights related to freedom of movement, choice of place of residence, control for behavior when performing mandatory work, behavior in everyday life, fulfillment of obligations.

Therefore, the proper regulation of the rights and obligations of officers of the probation service in the process of probation supervision is well justified. Probation control should meet the purposes of the correction of convicted persons and persons on parole from serving their sentence. The limits of criminal responsibility can be discussed from the point of view of the element which is presented at the establishment of probation control, that is, about duties to be performed by these persons during the period of probation control established by the court. The work of the probation service at the present stage requires the clearer determination of its legal status, both within the penal correction system and in relations with local authorities and the population, as probation units are closer to the population in their actual position and functions than penitentiary facilities. Public organizations have a huge resource. In terms of its content, means, forms and methods of implementation, the correction and education of convicted persons is a very complex, relatively long process involving the differential application of various punitive and educational measures to offenders. This process is characterized by the participation of a large number of persons who directly execute punishment, carry out various forms of control over its execution, or have the certain influence on the organization of the process of correction and education of convicted persons. The Comprehensive strategy of social rehabilitation of citizens, released from places of deprivation of liberty and registered with the probation service in the Republic of Kazakhstan for 2017-2019, draws attention to issues of interaction with local executive bodies (akimats, bodies of health care, education, employment of the population, justice), enterprises and non-governmental organizations as one of the main directions of the process of re-socialization of citizens (Law, 2016).

These bodies, both state and non-governmental, with proper coordination of their actions, should create the so-called scheme of social support for the person included in the re-socialization process. In fact, it is the mechanism of the social adaptation for persons released from places of deprivation of liberty and their social support. The local executive bodies of the state establish quotas of jobs for persons, released from places of deprivation of liberty and registered with probation services, as well as encourage individuals and legal entities which employ them. The state policy in the sphere of population employment is aimed at ensuring full, productive and freely chosen employment of citizens and is implemented, including through the

implementation of measures that contribute to the employment of persons with difficulties in finding job.

There were established the standards for provision of services of medical and social institution of the stationary and semi-stationary type, home-based services, in the case of disability and reaching the retirement age, in the conditions of organizations of temporary stay (social adaptation centers for persons without the certain place of residence, houses (departments) of night stay), in cases of absence of identity documents, homelessness and lack of means of livelihood. Citizens, released from places of deprivation of liberty and registered with the probation service, may be recognized as persons in the difficult life situation by the Law of the Republic of Kazakhstan "On special social services" which gives them the right to receive the range of special social services in the field of social protection of population (Law, 2008). The interaction of probation units with the public is carried out in two stages: assistance in preliminary resolution of issues of labour and domestic arrangement to persons, passing the stage of preparation for release from serving their sentence, assistance in normalizing the life of persons who have already served their sentence. The effectiveness of the public impact on persons, sentenced to probation, depends in large part on the skilful combination of different forms of public participation in this work. The great importance has the stimulation of public participation in correctional work with convicted persons. Unfortunately, at present, the probation units do not have the right to moral and material encouragement of the public. It is stated in paragraph 17.1 of the Standard Minimum rules of the United Nations in relation to non-custodial measures (the Tokyo rules) that:

"Public participation should be encouraged since it has great possibilities, as well as it is one of the most important factors in strengthening the links between offenders, who were subjected to non-custodial measures, and their families and society (Legislation, 1990)"

Currently, crisis centers are being created everywhere in the Republic of Kazakhstan, as well as there are carried out the training seminars, courses on conflict resolution, psychotherapy and psychodiagnostics, interpersonal communication skills, the prevention of domestic violence and the resolution of issues aimed at the re-socialization, social adaptation and rehabilitation of convicted persons for the return of convicted persons to normal life in society. It is the process of teaching convicted persons new values, norms, rules of conduct; it is the creation of conditions necessary for successful social adaptation for them. It is the formation of the sense of confidence at convicted persons that they are able to become full members of society, worthy people and benefit themselves and others. Together with it, participants of these programs can be not only clients of probation service, but also its employees; they also need to train somewhere. At present, social adaptation of citizens, released from institutions of the penal correction system, is one of the main ways directed to the reduction of rate of repeated criminality among this category of persons. Thanks to systemic measures, the prison population decreased from 48,000 in 2012 to 32,000 in 2018. Kazakhstan improved its position from 35 to 82 places in the international prison index: 8 colonies were closed, 12 billion tenge were saved and this money was spent on other socially important projects. Thus, isolation should be subjected to those persons who actually pose a threat to society. The rest of them were supposed to be re-socialized and returned to society as normal, full-fledged citizens. Thus, the problems of re-socialization of citizens, released from places of deprivation of liberty, are one of the primary issues in the penal correction policy of the state, as the highest value of citizens is their dignity, rights and freedoms.

It is necessary to conduct extensive explanatory and propaganda work for solving the problems associated with re-socialization and social adaptation. Society must be prepared for the fact that the correction of the offender is possible without isolation, it must believe in the effectiveness of alternative sanctions. The involvement of civil society in the process of social supervision within the framework of probation control has the great importance. At the same time, well-adapted forms require their development. In this matter, the state, society and citizens must be properly oriented for the ultimate purpose. The presence of the volunteer movement in the state is the good sign of manifestation of the confidence to citizens, and on their part the desire to support their comrades, citizens in their atmosphere. At the same time, assistance should be of the permanent, systemic and professional nature. Otherwise, there can be done more harm than good.

Agencies, the experts who have experience, special skills, the required outfit, the equipment do not always cope with their functional duties, within the framework of the tasks assigned to them. Taking into account that the contingent of persons under probation control is very specific, starting with the age characteristics, criminal law norms that they have crossed, as well as "professional" experience in the criminal field, therefore the question of probation control should be put on the professional basis. This does not exclude, we repeat it once again, the participation of civil society, but the state should be at the head, and only then the citizens. We believe that it is not quite correct to say that it is necessary to involve citizens without fail in the process of functional duties of the probation service, referring to the well-known international standards in the field of human rights and, moreover, strictly specific provisions regulating the rights of citizens involved in the orbit of criminal justice. Thus, the authors of the lecture course, arguing that the UN Standard Minimum Rules for measures not related to imprisonment, are based on the principle of the wide participation of civil society representatives in the process of re-socialization of offenders, consider that the norms of the Criminal Code of the Republic of Kazakhstan on probation, parole, delay of serving of sentences for women do not contain the provision regulating surveillance and public participation in social adaptation of convicted persons.

It seems, it is necessary to eliminate this gap in legislation and to supplement the relevant articles of the Criminal Code of the Republic of Kazakhstan by structures allowing probation departments to cooperate with voluntary assistants, individuals and non-governmental organizations (Kornienko, 2015). In order to ensure the professional approach, it would be more appropriate to raise the question of using the opportunities of public-private partnership in the field of probation control, within the framework of the previously adopted Program on the development of public-private partnership in the Republic of Kazakhstan for 2011 - 2015 years (hereinafter - Program) developed for the purposes of realization of the Address of the President of the Republic of Kazakhstan to the people of Kazakhstan of January 29, 2010 "New decade - new economic recovery - new opportunities of Kazakhstan", Decree of the President of the Republic of Kazakhstan dated March 19, 2010 No. 958 "*On the State program on accelerated industrial-innovative development of the Republic of Kazakhstan for 2010 - 2014 years and recognition as invalid of some decrees of the President of the Republic of Kazakhstan*" (Legislation, 2010; Legislation, 2011). The need to develop the Program is due to the development of state policy in the field of public-private partnership (hereinafter referred to as PPP).

At the same time, public-private partnership, first of all, is the development of production and attraction of private capital in the implementation of socially-important projects. PPP - are new possibilities for the private sector, advantages, sources of income and possibilities of investing available funds in new projects, which are characterized by the certain novelty and benefit, because there are used the intellectual and resource possibilities that state helps to reveal by inviting states in projects where it traditionally worked itself, but time makes it possible for the private sector to demonstrate their capabilities. According to the practice of the states, the use or involvement of the private sector is not defined strictly by conceptual categories. It is called differently, but the point is that it is the possibility for private capital to share risks with the state, on the basis of mutually beneficial investment, of course, costs and obtaining the appropriate benefits, which are originally stipulated in the treaties. The application of PPP elements in the field of probation control within the penal correction system is specific, but real. Therefore, firstly, it should be worked out as part of the pilot project before constructing the possibilities of PPP at the implementation of probation control. In Kazakhstan it is created the legal basis of realization of the mechanism of re-socialization. The criminal and executive legislation defines meaning of the term “*probation*” as complex of measures of social and legal character, developed and realized individually concerning the person, who is under probational control for correction of his behavior for the purpose of the prevention of commission of new criminal offenses by him (Legislation, 1994). Probation control is a complex mechanism, which will also involve both the subjects in respect of whom it is carried out, and law enforcement agencies, represented by employees, agencies of various profiles, which will be carried out this control. But probation control involves control not only by employees.

These are also tracking devices of the technical nature, which must be operated twenty-four-hour, in large quantities. Tracking control should be carried out from stationary facilities where tracking consoles will be installed, where mainly technical workers will be involved, providing work of electronic bracelets, and wireless communication with them. It is necessary to adjust constantly the communication, repair the specified means, adjust them for certain frequencies of work. We repeat it again - it is a large amount of work and technical equipment. Who will serve it? If this is put in the budget of the law enforcement agency, there will be an increase in the cost of the issue. But probation control provides for not only the supervision by probation officers, i.e., employees of penal correction system, but also the main social control, which will be carried out by social workers. How can we put work in this direction, without which the whole idea of probation is leveled? All these questions need to be answered. Public-private partnership can provide the possibility to involve on the competitive basis the organizations having employees with experience of installation of the required equipment, its operation, repair, as well as various public organizations or associations of the specialized profile for carrying out social work with persons under control in the probation service. This is mentioned in section 3.5.1. Development of public-private partnership in social sphere (education, health care) of the PPP Program. The analysis of the normative-legal basis of RK shows that the existing legislation hinders the active introduction of PPP in the social sphere. Working out these systemic issues will allow the state to attract the private sector for financing, construction and effective management of social facilities. In this case, it is possible to adapt the contract for “*management and content*” from international practice. Usually, existing objects of education, health care, and communal property are transferred to the management. The contract covers personnel management, financial management and strategic planning, as well as

individual services for the technical maintenance of the building (food, equipment maintenance, laundry, X-ray services, dance and music circles, sports circles, etc.), that is, services that are usually outsourced (Legislation, 2011).

CONCLUSION

Having considered the mechanism of social adaptation of persons released from places of deprivation of liberty and their social support through the prism of interaction between civil society and the probation service in the supervision of persons prosecuted and being outside of penitentiary institutions, including the impact on the re-socialization of persons who have served the sentence of deprivation of liberty, we can draw the conclusion that:

The conditions for the successful work of the probation units are: the involvement of members of the public and volunteers to the work with convicted persons to punishments not related to isolation from society, as well as the media to highlight the problems related to this activity; the formation of public opinion aimed at changing stereotypes about punishments not related to isolation from society; enlightenment, training and supporting the activities of members of the public and volunteers.

The interaction of probation units with the public is carried out in two stages: assistance in preliminary resolution of issues of labour and domestic arrangement to persons, passing the stage of preparation to release from serving their sentence, assistance in normalizing the life of persons who have already served their sentence.

The effectiveness of the public impact on persons, sentenced to probation, depends in large part on the skilful combination of different forms of public participation in this work. The stimulation of public participation in correctional work with convicted persons has the great importance.

It is regulated more specifically the public participation in the implementation of probation in the Law of the Republic of Kazakhstan "On probation" in the Article 11 "Participation of citizens, public associations and other legal entities in the implementation of probation". This is evidence of the use of positive experience of foreign states aimed at involving society in the process of post-penitentiary control of citizens and their subsequent re-socialization, as well as thoughtful work of the legislator to legitimize the process of participation and involvement of society and citizens in the processes of probation.

One of the most important components of work of probation service in all developed countries is not only cooperation with state institutions and local governments, but also with individuals, the public, namely: with volunteers for rendering assistance in social adaptation of persons under surveillance.

In order to ensure the professional approach, it is necessary to use possibilities of public-private partnership in the field of probation control, within the framework of the previously adopted Program on development of public-private partnership in the Republic of Kazakhstan for 2011-2015 years.

State and non-governmental organizations, with proper coordination of their actions, should create the scheme of social support for the person included in the re-socialization process. This is actually the mechanism for the social adaptation of persons released from places of deprivation of liberty and their social support, carried out on the basis of the functions assigned to the authorities and society.

REFERENCES

- Akkulev, A.S. (2011). Some issues of improving the activities of the Committee of the penal correction system of the Ministry of Justice of the Republic of Kazakhstan. *Young Scientist*, 3(2), 46-49.
- European Union. (2009). *The main decision of the Council 2009/829/JHA of October 23, on the application of the principles of mutual recognition of decisions on supervisory measures between the member states of the European Union as an alternative to pre-trial detention*. Kazakhstanskaya Pravda.
- Fomin, N.S. (2015). *Theory and methodology of social-pedagogical support of convicted persons in the process of their re-socialization*. Russian State Library.
- Grosup, O. (2011). *Suspended patrol*.
- Kornienko, E.R. (2015). *Lecture on the alternative to punishment: Introduction to the problem of alternative measures*.
- Kuznetsov, A.I. (2014). Training of probation service officers (on the example of Great Britain). *Gazette of the Penal Correction System*, 3(1), 1-15.
- Law. (2008). *Law of the republic of Kazakhstan: On special social services no. 114-IV*. Retrieved from <http://adilet.zan.kz/rus/docs/Z080000114>
- Law. (2008). *On Probation: Law of the Republic of Moldova*. Parliament law no. 8 of February 14, on probation. Monitoring Official.
- Law. (2016). *Law of the republic of Kazakhstan: On probation no. 38-VI*. Retrieved from <http://adilet.zan.kz/rus/docs/Z1600000038>
- Legislation. (1990). Standard minimum rules of the united nations in relation to non-custodial measures (Tokyo rules). Adopted by General Assembly resolution 45/110. *Russian Newspaper*.
- Legislation. (1994). *Program of legal reform in the republic of Kazakhstan: Resolution of the president of the republic of Kazakhstan*. Kazakhstanskaya Pravda no. 1569.
- Legislation. (2002). *On the concept of legal policy of the republic of Kazakhstan: Decree of the president of the republic of Kazakhstan*. Kazakhstanskaya Pravda no. 949.
- Legislation. (2009). *Concept of legal policy of the Republic of Kazakhstan for the period from 2010 to 2020: Approved by the Decree of the President of the Republic of Kazakhstan*. Kazakhstanskaya Pravda no. 858.
- Legislation. (2010). *On the approval of the Program on development of public-private partnership in the Republic of Kazakhstan for 2011-2015 years and amending and addition to the resolution of the Government of the Republic of Kazakhstan no. 302*.
- Legislation. (2011). *Program on development of public-private partnership in the republic of Kazakhstan for 2011-2015 years*. Kazakhstanskaya Pravda no. 731.
- Legislation. (2011). Resolution of the government of the republic of Kazakhstan no. 731. Retrieved from <http://adilet.zan.kz/rus/docs/P1100000731>
- Legislation. (2016). *Comprehensive Strategy of the social rehabilitation of citizens released from places of deprivation of liberty and registered with the probation service in the Republic of Kazakhstan for 2017-2019 years*. Retrieved from https://tengrinews.kz/zakon/prezident_respubliki_kazahstan/ugolovnoe_pravo/id-U1600000387/
- Legislation. (2016). *On the approval of the Comprehensive strategy of the social rehabilitation of citizens released from places of deprivation of liberty and registered by the probation service in the Republic of Kazakhstan for 2017-2019 years*. Decree of the President of the Republic of Kazakhstan. Kazakhstanskaya Pravda no. 387.
- Mikhlin, A.S., Noyanova, O.E., & Yakovleva, L.V. (1996). Serving sentence in prisons in England and Wales. *State and Law*, 4(1), 133-141.
- Shargorodsky, M.D. (2013). System of penalties and its efficiency. *State and Law*, 11(1), 42- 43.
- Stepanov, A.V., Zapivalov, D.A., Ivanov, O.A., Menshakova, N.N., & Yatskova, Y.V. (2012). *Foreign experience of execution of criminal penalties: educational manual*. FCOU VPO Perm Institute FSIN of Russia-Perm.
- Zubarev, S.I. (2011). Organization for the execution of criminal penalties without isolation of the convicted person from society in foreign countries. *Institute Bulletin: Crime, Punishment, Correction*, 18(1), 66-72.