Original article
UDC 334.241.8
doi 10.46741/2713-2811.2026.74.2.006

Probation: Theoretical and Applied Problems

IVAN V. DVORYANSKOV
Research Institute of the Federal Penitentiary Service of Russia, Moscow, Russia
Vologda Institute of Law and Economics of the Federal Penitentiary Service of Russia, Vologda, Russia
diw@yandex.ru, https://orcid.org/0000-0003-0542-5254

Abstract

Introduction: the article discusses theoretical and practical problems of implementing probation (case study of executive and post-penitentiary). With the entry into force of the federal law "On probation in the Russian Federation", which provides for a whole range of functions for the re-socialization of convicts (both penitentiary and post-penitentiary), attributed to the competence of state bodies and institutions, local governments, non-governmental organizations, public and religious associations, a number of theoretical and practical issues arise. An example is the legal regulation of the establishment and operation of probation centers. *Purpose*: based on the study of the essence, legal nature, and social conditionality of probation, to identify problems of its regulation and implementation and to develop ways to solve them. The research is based on a dialectical approach to the study of social processes and phenomena. *Methods*: analysis and synthesis, comparative law, retrospective, formal law, logical, comparative, a legal-dogmatic method and a method of interpreting legal norms. *Results*: the author identifies doctrinal origins of the probation concept as an important subsequent stage of the convict's adaptation to life in society, fixed in the federal law "On probation in the Russian Federation" as resocialization, social adaptation and social rehabilitation. The essence, legal and social nature of probation is analyzed, foreign experience in this field is considered, and its definition is given. It is concluded that the domestic model of probation differs from most foreign analogues in that it is based on the principle of voluntariness and there are practically no compulsory means of enforcement. Special attention is paid to the analysis of the actual functions performed within the framework of probation. The problem is universal and, of course, requires a solution, including for understanding the legal and social nature of the measure under consideration. The problem of an uncertain status of probation is noted, since, on the one hand, its application falls within the competence of the penal system, and on the other hand, there is not only regulation, but even mention of probation in criminal and penal legislation. The author argues that when using foreign experience in the application of probation, it is necessary to take into account the specifics of Russian public relations covered by the field of probation. *Conclusions*: based on the experience of probation (primarily executive and post-penitentiary) studied by the author in a number of regions of Russia (Khanty-Mansi Autonomous Okrug, Moscow, Saratov, and Sverdlovsk oblasts), a number of problems are identified, most of which are related to the misunderstanding (distortion) of the original meaning laid down in the probation law. Hence, there are obstacles for the effective implementation of assistance programs for people in difficult situations and the functioning of probation centers. In a number

of subordinate regulatory legal acts adopted, in fact, all responsibility for low probation rates is assigned to probation subjects (primarily employees of criminal executive inspections) without providing them with the appropriate authority and an objective opportunity to correct the situation. Some of the problems are related to shortcomings of the legal regulation of this institution. The article offers solutions to these problems.

Keywords: probation; re-socialization; social adaptation; social rehabilitation; criminal executive inspections.

5.1.4. Criminal law sciences.

For citation: Dvoryanskov I.V. Probation: theoretical and applied problems. *Penitentiary Science*, 2026, vol. 20, no. 2 (74), pp. 162–170. doi 10.46741/2713-2811.2026.74.2.006.

In the criminal law policy of a number of foreign countries, since the second half of the 20th century, there has been a tendency towards decriminalization and depenalization in the search for methods to combat crime. In this case, we are talking about alternatives to punishment and criminal prosecution. In this regard, the probation system has been developed [1, p. 15].

It should be noted that probation and punishment are related, but different institutions in their legal nature, goals and objectives. Punishment is an extreme form of government response to the most dangerous forms of human behavior –commission of crimes. The essence of punishment is retribution for what has been done. In addition, depending on political and social conditions, different goals may be set before punishment. Currently, according to Article 43 of the Criminal Code of the Russian Federation, this is restoration of social justice, correction of convicts, and prevention of new crimes. However, we believe that the actual but hidden (phantom) purpose of punishment is retribution for what has been done, genetically linked to the ancient Talion principle. This, in our opinion, is the reason for the formulation of the principle of justice (Article 6 of the Criminal Code of the Russian Federation), which postulates the need to correlate punishment and other criminal law measures applied to a perpetrator with the nature and degree of public danger of the crime, circumstances of its commission and his/her personality.

Besides, based on the possibilities of the punishment mechanism as a response to crime, it is possible to state the achievement of goals of public condemnation of crime and protection of man, society, the state, and the most important social benefits. Unlike protection, which involves taking preliminary measures, protection involves responding to the fact of an encroachment, which corresponds to the nature of punishment as a retroactive measure.

Probation, in accordance with the federal law No. 10-FZ of February 6, 2023 (as amended on July 23, 2025) “On probation in the Russian Federation”, is not a punishment or other measure of a criminal legal nature, and criminal liability is not implemented within its framework. Unlike punishment, it acts as a subsequent stage with the tasks of humanizing criminal policy, ensuring the possibility of resolving the conflict caused by a crime without using punitive measures, compensating for the damage caused, reconciling with the victim, and assisting persons who are subject to probation in re-socialization, social adaptation, and social rehabilitation, including by psychological support, counseling on social and legal issues, assistance in restoring social ties, employment, etc.

Thus, probation is a non-punitive form of neutralizing the causes and consequences of committing a crime, enabling persons who have committed crimes that do not pose a high public danger to prove their desire and ability to live a law-abiding life without stigmatization (obtaining virtually lifelong status of a convicted person with significant restrictions in social life, employment, and other areas) and the inevitable personal deformation caused by punishment.

Foreign experience clearly shows that probation cannot act as a universal institution and replace punishments and other forms of crimi-

nal liability. However, this institution has certain differences in a number of countries, which is obvious, since each state takes into account its own historical experience, social mentality, crime characteristics, etc. when developing an appropriate system.

The stage-by-stage introduction of the probation system is one of the directions for humanizing criminal and penal policy in our country [2, pp. 115–117].

In the Concept for the Development of the Penal System of the Russian Federation for the period up to 2030, Section XVI is devoted to the creation and development of the probation system. In particular, it notes that serving a criminal sentence in isolation from society leads to the weakening or complete rupture of social ties and the loss of life skills in society, which affects the formation of maladaptive behavior and, as a result, the commission of repeated crimes. In this regard, it becomes crucial to create a system for re-socialization and social adaptation, involving the introduction of common principles and mechanisms for providing comprehensive assistance to suspected, accused, convicted persons and those released from serving their sentences, as well as ensuring continuity in the conduct of social, educational and psychological work at various stages of the stay of the suspected, accused and convicted in penitentiary institutions.

The federal law "On probation in the Russian Federation" has become a legal basis for the activities of institutions that execute punishments not related to the isolation of convicts from society in the field of probation. According to Article 2 of this law, the legal basis for regulating public relations in the field of probation is the Constitution of the Russian Federation, generally recognized principles and norms of international law, international treaties of the Russian Federation, this federal law, other federal laws, regulatory legal acts of the President of the Russian Federation, the Government of the Russian Federation and other federal executive authorities, laws and other regulatory legal acts of subjects of the Russian Federation, containing norms regulating relations in the sphere of realization of the rights of convicts and persons who have served criminal sentences.

Although the period of operation of this institution in our country is still short (executive and penitentiary probation – from January 1, 2024, and post–penitentiary - from January 1, 2025), a set of problems of both theoretical and practical nature can be identified.

First of all, the name of this measure is worth discussing. It has already provoked sharp criticism in the scientific literature, ranging from complete denial to very constructive proposals. Let us focus on the latter.

V.G. Gromov and S.V. Shoshin note the blurred boundaries of the definition of probation. In fact, probation should be applied to all persons convicted of crimes by the court. It does not matter whether compulsory labor, life imprisonment, or other criminal law measures are imposed (judicial fines, confiscation of property, or compulsory medical measures); probation also applies to all those released from places of detention and correctional centers.

Comparing definitions of re-socialization, social adaptation and social rehabilitation proposed in Article 5 of the federal law "On probation in the Russian Federation", it becomes clear that there is no fundamental difference between them. Therefore, in our opinion, it is advisable to use a term "resocialization" in a broad sense to all categories of "probate" [3].

V.G. Gromov and D.K. Aksenova note that the law stipulates that probation is a set of measures applied to convicts, persons who have been assigned other measures of a criminal nature, and persons released from institutions carrying out punishments in the form of forced labor or imprisonment who find themselves in a difficult life situation. This includes re-socialization, social adaptation and social rehabilitation, and protection of the rights and legitimate interests of these persons (Paragraph 1 of Part 1 of Article 5). But the document does not specify the nature of this set of measures: control, correctional, educational, and socio-legal. It is impossible to consider social adaptation, re-socialization and any other set of measures in relation to a convict without elements of educational influence and the goals of correcting a convict [4].

I.I. Biryukov points out serious shortcomings of the federal law on probation. In his opinion, the law uses different concepts that duplicate or absorb each other (meaning re-socialization, social adaptation, and social rehabilitation) [5].

L.L. Malkova believes that probation is not integrated into a unified system of care and prevention; there are gaps in the powers of subjects and methodological support. At the same time, she notes that it seems possible to associate it with the type of probation service based on the rehabilitation/public protection model, since it is based on social rehabilitation goals and the main system-forming principles are principles of continuity, and voluntariness in the application of probation [6].

According to P.V. Golodov, traditional understanding of probation, which has developed in the legislative practice of many foreign countries, differs somewhat from that proposed in the Russian law on probation, which, in turn, affects the content of the subject of its regulation. The essence of probation, he notes, apparently referring to foreign analogues, is the compulsory supervision by special authorities of the convicted person's behavior and the fulfillment of duties assigned to him/her by the court, correction of his behavior, assistance in social adaptation and prevention of repeated crimes. Within the framework of probation, the application of social rehabilitation and correctional measures should be carried out along with the imposition on the person to whom probation is applied of a certain set of legal prohibitions, restrictions and duties controlled by a specialized state body. Otherwise, probation loses its legal content and becomes a tool for social assistance to persons who have served a criminal sentence. Probation, which is carried out in isolation from penal activities, should be the subject of activities not of criminal executive inspections, but of specially created units of state social services and public organizations (for example, the probation centers mentioned in the law) [7].

All these positions are substantiated. It seems that the main problem lies in the inconsistency of the name used to define the probation model traditionally used abroad as a measure combining social support with elements of control and coercion.

In the Russian model based on volunteerism, the main aspect is the provision of assistance to convicts/released persons in difficult life situations.

The *objectives of probation*, according to the law, are correction of social behavior, re-socialization, social adaptation and social rehabilitation of persons subject to probation, as well as prevention of committing new crimes.

In this configuration, the measure referred to as probation is probably not actually such a measure. Abroad, the term "probation" is usually associated with supervision. Unlike conditional imprisonment, when the court appoints a term of imprisonment and then postpones its execution for a certain period, in the case of probation, the sentencing itself is postponed for the probation period. In this case, we are talking about the so-called pre-trial probation, which is an alternative to criminal prosecution. In our opinion, it gives the maximum effect of social adaptation, since it eliminates the negative desocializing effect of punishment. Being originally included in the draft law on probation, this form has, unfortunately, disappeared from it. If the established conditions are not met, the case proceeds to the sentencing stage for the original crime. The term probation is also referred to in another sense – as an institution accompanying conditional imprisonment or postponement of a sentence. Obviously, there is nothing like this in the federal law "On probation in the Russian Federation".

Besides, it should be noted that abroad, an offender against whom a probation order has been issued is usually subject to certain supervision by a probation officer for a specified period of time. This type of probation is common in many Western European countries. In the United States, probation can also be combined with many restrictions, such as curfews and other measures. At the same time, models with a low level of control prove to be inefficient. In order to overcome the crisis of this measure, more stringent and burdensome obligations are imposed on offenders. As part of the so-called intensive probation supervision, offenders, in addition to performing work, are under stricter supervision by a probation officer [8, pp. 37–38].

Russia has adopted a probation model based on the principle of voluntariness, which automatically excludes compulsory mechanisms for its implementation. On the one hand, volunteerism solves two interrelated tasks at once. First, it excludes the compulsory nature of probation, which fundamentally distinguishes it from punishment and other criminal law measures involving the implementation of crim-

inal liability. Second, it establishes an important and effective mechanism for the enforceability of probation procedures, since their application is initiated by the convict/person who has served his/her sentence, which, in fact, makes his/her possible disagreement with their implementation meaningless [9, p. 182].

On the other hand, based on the lexical meaning, probation means testing, research, which, apparently, should entail some kind of control, and therefore authority on the part of probation subjects.

In accordance with Part 2 of Article 4 of the federal law "On probation in the Russian Federation", probation involves only the creation of conditions for providing assistance to persons subject to probation in matters of restoring social ties, the demand for professional skills and employment, housing, education, exercising the right to social services, receiving medical, psychological and legal assistance in accordance with Russian legislation, ensuring guarantees for the protection of human and civil rights and freedoms. We believe that the term "probation" is incorrectly applied to this set of measures. It would be more correct to talk about helping convicts and people released from punishment in a difficult life situation and helping them solve pressing problems. These procedures could be defined as *"helping convicts and persons released from punishment to obtain social assistance".* If we take into account the final result, then we can define such a system as *social reintegration,* meaning the adaptation of the person who committed the crime and incurred criminal responsibility to later life in society. By the way, exactly one hundred years ago, this was the goal set by the Criminal Code of the RSFSR in 1926 in relation to such persons, however, with punishment in mind, "the adaptation of those who have committed criminal acts to the conditions of the workers' dormitory of the state" (paragraph "b" of Article 9).

Let us consider practical problems that have been revealed by the practice of applying the federal law "On probation in the Russian Federation" and orders of the Ministry of Justice of Russia No. 350 of November 29, 2023 (as amended on January 22, 2026) "On re-socialization, social adaptation and social rehabilitation of persons subject to probation in accordance with the federal law No. 10-FZ of February 6, 2023 "On probation in the Russian Federation" (together with the "Procedure for fulfilling duties and exercising the rights of institutions executing sentences in the form of forced labor or imprisonment, and criminal executive inspections in the field of probation", "Procedure for carrying out social and educational work with persons sentenced to punishment in the form of forced labor or imprisonment", "Procedure for providing assistance to convicts released from institutions executing sentences in the form of forced labor or imprisonment in obtaining social assistance, labor and household arrangements", "Criteria and methodology for assessing individual need for re-socialization, social adaptation and social rehabilitation", "Procedure for preparing an individual program of re-socialization, social adaptation and social rehabilitation", "Individual program of re-socialization, social adaptation and social rehabilitation") (hereinafter referred to as Order No. 350); No. 278 of September 16, 2024 "On approval of the rules for organizing activities of probation centers".

The first problem is that criminal executive inspections of the Federal Penitentiary Service of Russia not only act as the main subjects of probation, but are also responsible for quantitative indicators of people who have applied for help. This directly follows from requirements of the by-laws of the Federal Penitentiary Service of Russia approving the forms of statistical reporting on probation (in particular, "Results of performance of the penitentiary system of the Russian Federation in the field of probation" and "Information on the activities of criminal executive inspections"), as well as instructions for completing and submitting it. According to these documents, inspections' performance are assessed by the following indicators: number of persons for whom probation is applied at the beginning of the reporting year; number of persons registered with the criminal executive inspection during the reporting period and to whom probation may be applied; number of persons who has applied for assistance in re-socialization, social adaptation and social rehabilitation in the reporting period" (including "in relation of whom individual needs are assessed", "in respect of whom a decision on the inexpediency of providing assistance has been

made", "in respect of whom a decision on the expediency of providing assistance has been"); number of persons registered with the criminal executive inspection for whom probation has been applied in the reporting period (including "in relation to the previously prosecuted", "in relation to stateless persons", "in relation to foreign citizens", "in relation to women", "in relation to those who has reached the age of 18 in the reporting period"); total number of types of individual needs, in accordance with which the individual program has been compiled". It is worth mentioning that the order of the Federal Penitentiary Service of Russia No. 7 of January 30, 2025, approves a list of criteria (indicators) characterizing performance of territorial bodies in the areas of activity of the Department for the Organization of the Execution of Sentences Not Related to the Isolation of Convicts from Society of the Federal Penitentiary Service of Russia. It contains a similar approach to assessing activities of criminal executive inspections. As for executive probation, the followings indicators are also considered:

– proportion of registered persons who have been assisted in re–socialization, social adaptation and social rehabilitation, out of the total number of persons in this category recognized as needing such assistance, %;

- proportion of persons against whom criminal proceedings are initiated for committing a repeat crime, out of the total number of registered persons, in relation of whom probation is applied, %.

As for post-penitentiary probation, the indicators considered are the following:

– proportion of persons assisted in re-socialization, social adaptation and social rehabilitation, out of the total number of persons in this category recognized as needing such assistance, %;

- proportion of persons against whom, after drawing up an individual program as part of the application of post-penitentiary probation, criminal proceedings are initiated for committing a repeat offense, out of the total number of registered persons, in relation of whom probation is applied, %.

There is nothing wrong with these indicators themselves. They help to analyze the actual situation in this area, forecast its development, including planning the workload, and accordingly, staffing, financing, and other resources.

However, these indicators are used specifically to assess the effectiveness of such activities and further to reward or reprimand employees, despite the fact that they do not have any legitimate mechanisms to influence these statistics because of a voluntary nature of probation.

Domestic and foreign science has long established that the nature of crime is socially conditioned, that is, it depends on a set of objective environmental factors that cannot be influenced by the inspection staff performing probation functions. K. Marx, F. Engels in their writings emphasized public nature of crime. V.I. Lenin argued the impossibility of living in society while being free from society. Foreign researchers, in particular, E. Durkheim, E. Sutherland, E. Lemert, G. Becker, also advocate a concept of social determinism [10, pp. 102–115, 172–182]

In Russian science, most experts also proceed from a social explanation of the causes of crime. As V.V. Antonchenko notes, scientists have long expressed skepticism about the achievability of the declared goals of punishment [11].

Russian researchers rightly point out that causality is never realized in an isolated form, freed from the presence of other forms of communication. It is always intertwined with them and, in fact, can only be separated from them in abstraction [12].

Criminological research has identified quite a lot of different factors of greater or lesser degree of community located at different levels of the social organization of society. The analysis of these factors and their classification indicate that not all of them can be attributed to the causes and conditions contributing to the commission of crimes, or their combination [13].

It seems impossible to evaluate the performance by indicators that do not depend on its implementation, but, on the contrary, are its foundations. Given the already analyzed specifics of the domestic probation model based on the principle of voluntariness, it is unclear how the inspector of the criminal executive inspection can influence, say, the number of persons who have applied for assistance, especially broken down into categories. The survey of practitioners shows that these requirements lead to situations where employees are forced not only to explain to convicted or released

prisoners the right to apply for assistance in re-socialization, social adaptation and social rehabilitation in the reporting period, but also to actually persuade them to make such an appeal, and subsequently be responsible for each of their actions, especially illegal. And this is despite the fact that they have no means of influencing them or regulating their behavior (except, in fact, termination of probation itself and then after a warning), unlike their foreign counterparts, as already mentioned above.

It is obvious that the presence of such indicators reduces the effectiveness of probation activities and hinders the implementation of its very idea. As a measure of recidivism prevention and social trust and reintegration in relation to perpetrators, it leads to the promotion of their dependency, a sense of impunity, and even inner rightness. From probation clients, they actually turn into masters of the situation, who have the opportunity to manipulate government officials and worsen their situation by expressing their will alone. We believe that it is necessary to change the indicators from the number of convicts involved in probation to recidivism rates in a certain period after the end of the program. Thus, it is necessary to proceed from the true purpose of the analyzed measure.

Another problem is that the initiative to change conditions or refuse probation actually belongs to the person who is being assisted. The study of the practice of criminal executive inspections has shown that a person who seeks help in resolving a difficult life situation and agrees to implement a prepared probation program subsequently takes the initiative to change conditions and activities of this program or cancel probation. To do this, he/she needs to write a statement of refusal or simply not fulfill probation conditions, so that it is canceled by the decision of the authorized entity.

Thus, according to paragraph 26 (1) of the order No. 350, a person in respect of whom a decision is made on the expediency of providing assistance in re-socialization, social adaptation and social rehabilitation, while serving a sentence of imprisonment or forced labor, is entitled to refuse such assistance by contacting the administration of a correctional institution with an application.

In the framework of executive and post-penitentiary probation, the passive method of refusal (inaction of a person) is widespread. Although in practice, there are cases of sending applications for a desire to terminate probation or change its conditions (which is equivalent to the first one). This, in particular, has a regulatory basis. Thus, according to Part 2 of Article 21 of the federal law “On probation in the Russian Federation”, a person in respect of whom post-penitentiary probation is applied has the right to refuse it in writing. The relevant information is reflected in the unified register of persons subject to probation. It should be noted that in relation to executive probation, such grounds for termination are not regulated. Formally, this is in the logic of the principle of voluntariness. However, at the same time, it practically negates the efforts of the staff of criminal executive inspections, deprives them of the guarantee to consolidate the results obtained, and makes the implementation of probation solely dependent on the will of the person in respect of whom it is conducted.

In all these cases, responsibility for failed probation is assigned to employees as “having failed in their duties to clarify the rights and conditions of probation, as well as to monitor its implementation”. In this regard, we consider it necessary to exclude the unconditional right to refuse probation, leaving only one reason – resolution of a difficult life situation and termination of the need for help (assistance), which must be confirmed by a written statement from the person in respect of whom probation is applied.

The next problem arises not from law enforcement practice, but from legal regulation and consists in the provision that executive and post-penitentiary probation cannot be applied repeatedly (paragraphs 56, 67 of the order No. 350), while penitentiary probation can (Paragraph 26 (3)).

The reason for this rule is unclear. In practice, the question also arises, whether it applies to a criminal record, within the framework of which the basis for probation has arisen and is terminated with new convictions, or it is absolutely and universally applicable? The first option would be more logical, since a difficult life situation and neediness may arise for reasons unrelated to the original one. However, the in-

terpretation of the second option prevails. In this case, the meaning of such a restriction is inconsistent with the goals and objectives of probation. It is also unclear why an exception is made for penitentiary probation. We believe that such a rule prevents the implementation of the preventive function of probation, contradicts its foundations and essence. It is reasonable to eliminate the possibility for the person, in respect of whom probation is applied, to refuse it, thus hindering him/her from manipulating employees of criminal executive inspections.

A number of problems are of an applied nature, which does not make them less relevant. For example, practitioners encounter cases where a probation application is made not in writing, but by telephone. In this regard, they are forced to issue this call with a telephone message. Meanwhile, this circumstance gives persons the opportunity to claim that they have not made statements or have been misunderstood. This entails the cancellation of probation, which, according to the previously reviewed regulatory requirements on statistical reporting, is a negative indicator of the performance of criminal executive inspections. Meanwhile, both the federal law "On probation in the Russian Federation" and the order No. 350 explicitly prescribe that an application for probation should be considered as the basis for considering the issue of probation. Moreover, the specified order, in addition to the application, requires the presentation of a notice issued to him/her at the institution from which he was released, containing information about the address, the subscriber number of the inspection and about officials whose duties include assistance in re-socialization, social adaptation and social rehabilitation. Undoubtedly, it is impossible to do this over the phone.

It seems that receiving telephone applications for probation indicates a misunderstanding of the regulatory rules governing formal grounds for the initiation of probation.

Practitioners also have questions about the employment of individuals as part of their assistance. In particular, when providing such assistance, the inspection officer registers the person with the employment service. Further he/she also gets a job on his/her own. At the same time, probation is formally terminated, since the employment is carried out without the help of the inspection, that is, outside the probation framework.

In this case, it seems to be an example of excessive formalism. If a convict who needed employment and this was his difficult life situation is employed, it does not matter how exactly it happened. An employee of the criminal executive inspection fulfilled his/her function; he is not to blame for the fact that it was not his actions that contributed to the employment.

Finally, a serious problem is related to the activities of probation centers. Nowadays, they function in almost all regions of the country. However, this fact in itself does not indicate that they fulfill their social role in the spirit of the conceptual ideas laid down in the federal law. Currently, there is a situation where public organizations under the guise of probation centers actually create models of work homes that use people's work for a minimum wage or just for food and overnight accommodation. At the same time, we are not talking only about convicts. Taking advantage of gaps in the legislation, they accept almost everyone who wants to join them. Moreover, the heads of such centers explicitly state that for them this condition is not fundamental and even desirable, as it seems, since in this case their "clients" will be registered with the criminal executive inspections. Admission to such centers bypasses the grounds provided for in Article 27 of the federal law "On probation in the Russian Federation", orders No. 350 and No. 278. Therefore, control over their activities by inspections is either minimal or completely absent. Obviously, this contradicts the goals and objectives of probation; moreover, it discredits its very idea.

We believe that the relevant legislation needs to be amended to establish common grounds and procedures for admission to probation centers and a real mechanism for monitoring their activities.

To summarize, we note that probation is currently being actively implemented, its regulatory framework, organizational and material foundations are being created. In some cases, it shows good results on an individual level. However, unfortunately, in general, it is impossible to make an optimistic forecast about prospects for the development of this measure, including due to the fact that there is no complete understanding of the essence and purpose of proba-

tion, and the validity of its exclusively voluntary basis is questionable. A number of problems in this area are systemic in nature, contradictions and gaps in legal regulation are obvious. All of this requires continued research in this area, including taking into account foreign experience.

REFERENCES

1. Dvoryanskov I.V. *Effektivnost' al'ternativnykh nakazanii (kompensatsionnaya model'): ucheb.-metod. posobie* [Effectiveness of alternative punishments (compensation model): study guide]. Moscow, 2005. 96 p.
2. Dvoryanskov I.V. *Pravovye osnovy ispolneniya nakazanii, inykh ugolovno-pravovykh i ugolovno-protsessual'nykh mer, ne svyazannykh s izolyatsiei ot obshchestva* [The legal basis for the execution of punishments, other criminal law and criminal procedural measures not related to isolation from society]. Moscow, 2023. 136 p.
3. Gromov V.G., Shoshin S.V. Federal law "On probation in the Russian Federation" and its implementation. *Sovremennoe pravo = Modern Law*, 2024, no. 9, pp. 139–145. (In Russ.).
4. Gromov V.G., Aksenova D.K. Probation in the Russian Federation. *Sovremennoe pravo = Modern Law*, 2023, no. 5, pp. 101–104. (In Russ.).
5. Biryukov I.I. Goals of probation in Russia: defects and contradictions. *Pravo i politika = Law and Politics*, 2025, no. 12, pp. 14–21. (In Russ.).
6. Malkova L.L. On certain conceptual issues of the scientific and the theoretical model of probation in the Russian Federation. *Penitentsiarnaya nauka = Penitentiary Science*, 2025, vol. 19, no. 3 (71), pp. 320–327. (In Russ.).
7. Golodov P.V. Problems of legal regulation of probation in the Russian Federation. *Administrativnoe pravo i protsess = Administrative Law and Process*, 2023, no. 7, pp. 9–11. (In Russ.).
8. Dvoryanskov I.V., Sergeeva V.V., Batalin D.E. *Primenenie al'ternativnykh vidov nakazaniya v Zapadnoi Evrope, SShA i Rossii: cravn.-pravovoe issled.* [The use of alternative forms of punishment in Western Medicine Europe, USA and Russia: comparative legal research]. Moscow, 2003. 90 p.
9. Dvoryanskov I.V. Postpenitentsiarnaya probatsiya: kontseptual'nye printsipy. *Penitentsiarnaya nauka = Penitentiary Science*, 2024, vol. 18, no. 2 (66), pp. 179–186. (In Russ.).
10. Inshakov S.M. *Zarubezhnaya kriminologiya: ucheb. posobie dlya studentov vuzov* [Foreign criminology: study guide]. Moscow, 2003. 374 p.
11. Antonchenko V.V. Crisis of criminal policy. *Aktual'nye problemy rossiiskogo prava = Actual Problems of Russian Law*, 2023, no. 12, pp. 123–136. (In Russ.).
12. Dugenets A.S., Tishchenko Yu.Yu., Samoilova A.A. On the meaning of determination and causality in crime. *Rossiiskii sledovatel' = Russian Investigator*, 2022, no. 6, pp. 45–48. (In Russ.).
13. Kubov R.Kh. Globalization as a determinant of qualitative changes in organized crime. *Rossiiskii sledovatel' = Russian Investigator*, 2009, no. 1, pp. 31–34. (In Russ.).

INFORMATION ABOUT THE AUTHOR

IVAN V. DVORYANSKOV – Doctor of Sciences (Law), Professor, Chief Researcher at the Research Institute of the Federal Penitentiary Service of Russia, Moscow, Russia, professor at the Department of Penal Law and Organization of Educational Work with Convicts of the Law Faculty of the Vologda Institute of Law and Economics of the Federal Penitentiary Service of Russia, Vologda, Russia, diw@yandex.ru, https://orcid.org/0000-0003-0542-5254

Received February 26, 2026