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EVOLUTION AND ESTABLISHMENT OF THE PROBATION INSTITUTE

Problem statement. The emergence and development of international legal standards for probation is one of the most pressing and complex issues in contemporary legal scholarship. This is largely due to the global trend toward the humanization of penal enforcement systems in democratic states. At the same time, it should be noted that the generally accepted goals, principles, objectives, and functions of the probation institution within modern national legal systems were virtually unknown just a few centuries ago. Therefore, the scholarly interest in the nearly two-hundred-year history of probation – shaped by various factors and eventually becoming an influential element of criminal justice systems in many countries – is both natural and justified. This article offers a comprehensive study of the transformation of probation from its origins as a volunteer-based movement (characterized by philanthropy and moral integrity) into a distinct institution within criminal justice, first at the national level and later within the framework of international law. The paper also highlights the transformation of the social orientation of ideas related to replacing punishment with alternative approaches to working with offenders.

Research objective. The aim of this study is to demonstrate the evolution of probation as an international legal institution that offers an alternative approach to punishment without deprivation of liberty, as it is based on humanistic principles and focused on the resocialization of offenders into society. In this paper, the term "probation" will primarily be understood as a legal institution that governs the application of a set of probation measures to individuals subject to criminal liability.

Literature review. In Ukrainian legal scholarship, the topic of criminal justice remains both relevant and significant. For example, O. O. Shkuta and D. V. Yahunov have provided a comprehensive theoretical analysis of the penitentiary system, particularly in the context of its historical development, current challenges, and prospects for reform. Various aspects of the functioning of the probation institution have been studied by V. V. Anishchuk, I. A. Hamburg, M. O. Marshuba, and D. V. Chernyshov, who have focused their research on the administrative and organizational aspects of probation services in Ukraine, taking into account international experience. V. V. Sevryukov, L. O. Petrovska, and B. M. Telefanko have attempted to assess the effectiveness of the probation institution in the national context, particularly as a tool for reducing recidivism. M. I. Demura, L. I. Olefir, O. V. Tavolzhanskyi, and O. V. Tkachova have highlighted the features of applying non-custodial punishments and organizing social and educational work with offenders.

However, despite these individual contributions, the examination of the probation institution in the international legal context remains underexplored. This gap underscores the need for a comprehensive analysis of probation as a legal institution –first

and foremost, from a historical perspective. It is worth noting that the development of probation has been dynamic, and a qualitative retrospective assessment of its evolution is only possible through a sequential analysis of specific stages: from its origin, to its entrenchment in national legal systems, and finally, to the formation of concrete international standards.

Discussion. In the global context, the history of the probation institution illustrates a significant transformation in the philosophy of criminal justice – a shift from harsh punitive measures to rehabilitative approaches. This evolution was shaped both by national practices and by international lawmaking processes, ultimately leading to the establishment of probation as a vital component of modern justice systems around the world.

D. V. Yahunov explored the prerequisites for the emergence of probation. He argued that the origins of probation were influenced by important social and cultural trends. Penal reforms were based on humanitarian ideas, combined with conclusions regarding the prison system's inability to reintegrate offenders into society as its full members [1]. This line of reasoning can be further extended by economic factors, as the maintenance of a large incarcerated population imposed a significant financial burden on states, particularly in relation to individuals sentenced to imprisonment. Thus, the most evident prerequisites for the formation of the probation institution included: first, the need to seek alternative forms of punishment that would facilitate the reintegration of convicted individuals into society; second, the spread of ideas regarding the humanization of criminal sanctions; and third, the financial and economic rationale for reducing the costs of maintaining prisoners.

The probation institution originated in the United States, which is why the experience of this country holds fundamental significance for understanding the essence of probation. In fact, the term "probation" is first associated in various academic sources with the work of a Boston-based philanthropist, John Augustus, who is often referred to as the "father of probation." Through his persistence and dedication to applying rehabilitative measures to individuals suffering from alcoholism and committing petty theft, they were given an opportunity to correct their behavior [2].

It is important to note that John Augustus's work was primarily voluntary in nature, as he did not receive any compensation for his supervision of law violators. He was guided by the principles of humane punishment and the goal of reintegrating criminal offenders into law-abiding society. Shortly before his death, John Augustus published a report on his work titled John Augustus: First Probation Officer. This document is essential for understanding the early development of the probation institution. In it, the author describes his experience and the probationary methods he developed, emphasizing the importance of rehabilitation over punishment. His approach focused on providing support to offenders and assisting in their reintegration into society [3].

In his report, Augustus not only outlined the nature of probationary measures, but also addressed public criticism of the emerging institution. Notably, he stated that those who oppose this method [referring to probation] claim that it serves rather as an incentive to crime and, instead of being beneficial, it is harmful to the interests of society. It allegedly lacks any tendency to reform those released on bail, but instead

encourages them to continue their criminal careers; the law is stripped of its terror and punishments, and thus nothing remains to deter them from repeating the crime for which they were previously accused [3, p. 99]. Despite the controversial nature of probation from its inception, in 1878 the Massachusetts Legislature passed a law authorizing the city of Boston to appoint a probation officer. This legislative act marked a turning point, as the practice of applying probationary measures subsequently spread across Massachusetts and was later adopted by many other states at the turn of the twentieth century [4].

A closer analysis of the provisions of this law reveals several key substantive elements. The Massachusetts Probation Act of 1878 was the first piece of legislation to formally mention "probation." Under the Act, a probation officer was appointed by the city mayor and attached to the police department. This officer embodied essential functions of investigation, recommendation, and supervision over the offender –now entrusted to a paid probation service (Section 198) [5, p. 147]. It is worth noting that in 1891, the Massachusetts law was revised to prohibit police officers from serving simultaneously as probation officers. These amendments delineated the distinct duties of police and probation personnel, while still encouraging the use of former law enforcement officers' skills and experience within the probation system. Among officially appointed probation officers in various cities, there were both paid and unpaid professionals, many of whom had prior experience in law enforcement, the judiciary, prosecution, or the social services sector [6]. It is worth noting that the practice of remunerating probation officers for their supervision of offenders was not uniform – in certain states, this work was carried out entirely on a voluntary basis.

The aforementioned Massachusetts law of 1878 applied to both adults and juveniles and was successfully received as a model for replication in other states. This legal act had a significant impact on the American criminal justice system and played a vital normative and ethical role in the emergence and development of the modern concept of probation, as it introduced the possibility of rehabilitating convicted individuals without serving a custodial sentence. This, in turn, emphasized the role of probation as an alternative to harsher criminal law measures.

Following the Massachusetts example, between 1897 and 1920, twenty-six other states and the District of Columbia adopted updated probation laws for adults. It may be assumed that the trend toward implementing alternative sentencing gained popularity due to its innovative and humanistic approach to the treatment of offenders during the criminal justice process. These changes were driven by the aspiration to develop an effective probation system capable of ensuring the social reintegration of offenders.

As a result, on March 4, 1925, the United States enacted the Federal Probation Act, which clearly defined the organizational structure and procedures for administering probation [7]. This law granted courts the authority to appoint federal probation officers and to sentence offenders to probation instead of imprisonment. Later, U.S. probation officers were also tasked with supervising offenders released on parole by the U.S. Parole Commission, military personnel, and individuals under pretrial supervision [8].

By 1927, all states except Wyoming had enacted some form of probation law for juveniles. However, probation was not universally available to all adult offenders in the United States until 1956 [9]. This delay was attributable to several factors. First, there was a lack of unified legal regulation, as each state independently determined which categories of offenders and offenses were eligible for probation. Second, probationary practices remained fragmented – procedures varied widely across different states. Nevertheless, the adoption of separate probation laws for juveniles demonstrates a commitment to humanizing the penal system on the principles of equality and fairness.

Over time, efforts to regulate probation at the state level through separate legal acts gradually transformed into a matter of federal importance. Beginning in the 1960s, probation emerged as a fully integrated component of correctional strategy – focused on supporting and rehabilitating offenders as an alternative to traditional punitive mechanisms. This shift is evidenced by the unification of legal standards: by that time, all 50 states and the federal government had adopted probation legislation applicable to both juveniles and adults. We may conclude that probation became a matter of federal legal regulation because it served "the ends of justice and the best interests of society" (see Section 521 of the Federal Probation Act of 1925) [9, p. 1259].

International legal regulation in the field of probation developed in a similar manner – from the adoption of individual legal acts to the establishment of international probation standards. Researcher M. Vanstone reconstructed a historical chronology of the development of probation at the national level that deserves particular attention. According to Vanstone, the probation institution was first officially introduced in certain U.S. territories, and the relevant trend then spread to European countries [10]. This illustrates that attempts to legally regulate probation activity at the domestic level became a crucial foundation for the later development of international cooperation in the field of probation.

Let us analyze several available legislative acts that regulated the normative establishment of the probation institution in a global context. For example, New Zealand's First Offender's Act № 2 of 1886 defined the necessity of applying probation to offenders committing a crime for the first time, allowing for a probationary period without imprisonment, which was aimed at "achieving the public good" [11]. Thus, the legal grounds for applying probation included: first, the offender's first-time commission of the offense; second, a positive pretrial characterization of the offender by the probation authority (Article 6) [11]. However, while the Act marked a progressive shift, its reliance on subjective pretrial assessments by probation officers introduced inconsistencies that could undermine the equitable development of probation as a standardized legal institution.

If release without punishment was applied, the conditions of such release included obligations such as: personally reporting monthly at a designated time and residing at the address reported to the probation officer; earning a living by honest means approved by the probation officer and notifying about any change of residence; constantly carrying a document certifying conditional release, which law enforcement could demand to see (see Article 9) [11]. Violation of these duties could result in serving the original sentence.

In South Australia and Victoria, the First Offender's Act of 1887 similarly regulated the application of probation. Ideologically, the act reflected the idea of offender rehabilitation, stating in its preamble that many offenders could be induced to reform if, instead of imprisonment after a first conviction, they were given an opportunity to amend their behavior [12]. The grounds for probation were more specific, requiring that the individual be found guilty of a minor offense and not previously sentenced in South Australia or elsewhere to imprisonment exceeding three months. Probationary measures, besides those mentioned in the New Zealand act, included corporal punishment in the form of flogging for males under 16 years of age (see Article 3) [12]. These acts aimed at legally regulating alternative punishments with a primary focus on offender rehabilitation and behavioral correction. Nonetheless, the inclusion of corporal punishment, particularly flogging of minors, reflects a punitive contradiction within a supposedly rehabilitative framework, highlighting the tensions in early probation policy between reform and retribution.

In Ceylon, the Ordinance to Permit the Conditional Release of First Offenders in Certain Cases No. 6 of 1891 established in its preamble the necessity of following the goal of rehabilitating offenders committing crimes for the first time. This act set conditions for probation, indicating that the offense must be a first-time criminal act, the punishment must not exceed three years of imprisonment, and the offender must demonstrate a willingness to reform ("good conduct") (see Article 1) [13]. Among probationary measures, there was an obligation to compensate victims as ordered by the court, further emphasizing the rehabilitative goal. However, the reliance on subjective assessments of "good conduct" as a condition for probation introduced potential for unequal application, limiting the consistency and fairness of the institutional framework.

Summarizing the early foreign experience of the aforementioned countries, we can assert the overall humanization of the penal system and the similarity of probation goals connected to offender rehabilitation. The conditions for probation application, despite minor differences, generally require that a minor offense be committed for the first time and that the accused shows an inclination toward correction and refraining from future criminal conduct.

The spread of probation worldwide from the mid-19th to the early 20th century occurred rapidly, reflecting the popularity of the idea of offender rehabilitation also in European countries, with Great Britain playing a leading role. Historically, in Great Britain in 1876, a fund was established through voluntary donations by the Anglican Church Temperance Society, whose missionaries assisted offenders in finding employment [4, p. 257]. This missionary activity laid the foundation for probation's purpose, which later included offender resocialization through alternative punishment. It was previously established that in the U.S., John Augustus supported probation development, whereas in Great Britain, this issue was championed by Frederick Rainer, a printer and philanthropist from Hertfordshire and a volunteer with the Church of England Temperance Society. He promoted the idea of reforming offenders with alcohol addiction through cooperation with local courts. Ioan Durnescu and Gabriel Oan , Romanian scholars researching the spread of probation in Europe, note that the ideological roots

of probation lie in Christian religion [14, p. 12]. Therefore, the role of the probation officer was subordinated to the task of facilitating offender rehabilitation.

Gradually, the practice of establishing missionary organizations related to probation in Great Britain expanded, leading to the creation of the National Mission at Police Courts. Russell Webster argues that missionaries provided advice and support to offenders based on Christian values of care and compassion, as well as assisting offenders in retaining their jobs or finding employment if lost [15]. From this, it follows that missionaries were involved in implementing the "early" manifestations of probationary measures, recognizable in the modern understanding of probation. This factor explains the influence of missionary work on the establishment of the probation institution.Contemporary studies on the history of probation note that probation has a long-standing tradition of employing practitioners who believe in the individual's capacity for transformation [16]. This historical fact demonstrates that probation in Europe, as in the United States, developed largely on voluntary civic foundations but with religious missionary involvement. This involvement meant that missionaries participated in social and educational work with convicted persons and contributed to their rehabilitation. The initial goal of probation – to "advise, assist, and establish friendly relations" with offenders – eventually gave way to obligations related to law enforcement, rehabilitation, and public protection [17, p. 5].

Thus, in the 19th century, alongside events in the United States, probation measures were spreading across the European continent.

Researcher D.V. Yagunov provides a clear and consistent explanation of probation's historical origin in its modern understanding. He notes: "Probation is not a legal construct. Probation is a philosophical concept that was formed and implemented in European countries 'at the right place and at the right time' according to the demands of the developing industrial capitalist society" [19]. This concept emphasized the need to humanize the execution of punishment.

For instance, in 1887 Great Britain enacted the Probation of First Offenders Act, which allowed courts to apply probation to first-time offenders who met certain conditions confirming their potential for rehabilitation. This example practically reflects the humanization of the penal system, and it is worth noting that subsequent acts in Great Britain further developed this idea.

The Probation of Offenders Act of 1907 more comprehensively regulated the grounds for applying probation. Grounds for probation by the court included the severity of the crime and the individual psychological characteristics of the defendant. A distinctive feature of this legal document was the definition of probation officers' duties, which mainly involved supervisory functions: (a) visiting or receiving reports from the person under supervision at reasonable intervals specified in the probation order or, in the absence of such, as deemed appropriate by the probation officer; (b) ensuring that the individual complied with the conditions of their bail; (c) reporting to the court on the person's behavior; (d) advising, assisting, and supporting the person, and if necessary, attempting to find suitable employment for them (see section 4 of the Probation of Offenders Act 1907) [20]. This list of duties indicates that probation officers aimed

to facilitate offender resocialization, thus emphasizing the humanitarian focus of probation legislation.

In the 1920s and 1930s, as noted by M. S. Phelps, a new "medical philosophy" of probationary measures emerged, based on the thesis that crime was the result of individual pathology that could be diagnosed and treated as a disease [23, p. 36]. Accordingly, the role of the court and probation officers was reinterpreted to emphasize increased individualized interaction with offenders. The origins of this approach should be sought in the views of Cesare Lombroso, the developer of the concept of the "born criminal" (e.g., see his work The Criminal Man). The introduction of preventive punishment based on physical characteristics of the person contradicted the principle of presumption of innocence.

Subsequent views on the development of the probation institution dynamically evolved in the 1960s. The focus shifted from the mere commission of a criminal offense to the personal and social problems regarded as the root causes of the offender's criminal behavior. In this context, we can recall mile Durkheim, who developed the hypothesis that the absence of social norms can lead to deviant behavior (see his work The Division of Labour in Society. A Study in Sociology). The commission of crimes was viewed as a manifestation of a conditional crisis in integrating potential offenders into social life. Accordingly, the idea of "resocialization" of offenders emerged, encompassing a set of measures aimed at restoring law-abiding behavior.

From the late 1990s, doubts about probation's effectiveness were replaced by a new evolutionary wave. The approach to punishment execution began to integrate the positive achievements of all previous years of probation functioning, additionally incorporating mechanisms for risk assessment and control to reduce recidivism. It is important to note that this is essentially how the probation institution is known today. Nevertheless, some scholars still express critical reflections regarding the nature of probation. M. S. Phelps noted: "The paradox of the probation model is that probation simultaneously serves as an alternative to imprisonment and as an expansion of a network that intensifies strict control" [24]. This paradox is explained by the coexistence of probation services alongside the prison system, both executing punishment and supervising offenders.

In 1957, the Council of Europe decided to establish a committee of experts, which later became known as the European Committee on Crime Problems. At its first session, held from June 30 to July 3, 1958, the committee developed the Council of Europe's first action program, which included the possibility of European cooperation in mutual assistance concerning offender management [27].

Following prolonged work under this program, the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ETS 051) was presented to the international community on November 30, 1964 [141]. This act laid the foundation for an international cooperation system, whereby criminal justice measures that come into force simultaneously with a sentence passed by one Contracting Party may be applied in the territory of another Contracting Party, as stipulated in Articles 5-6 of the Convention. This underscores that states began to develop joint mechanisms of international cooperation not only regarding persons serving custodial sentences but also concerning individuals subject to probation measures at the national level.

Under the European Convention, participating states committed to providing mutual assistance necessary for the social rehabilitation of offenders. This assistance includes supervision aimed at promoting their correction and social reintegration and monitoring their behavior to ensure that, if necessary, either a sentence can be imposed or an existing sentence enforced (Article 1 of the Convention) [28]. Hence, from the above provisions, it follows that the initial steps in establishing international legal standards for probation took place within the framework of regional cooperation.

At the universal level, under the auspices of the United Nations, the Minimum Rules for Non-custodial Measures(the so-called Tokyo Rules) were developed in 1988 and subsequently endorsed by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, adopted by the UN General Assembly Resolution No. 45/110 [29]. Article 8 of the Tokyo Rules specifies the types of measures that may be applied as alternatives to imprisonment [29]. The document also establishes legal guarantees for the adoption, definition, and application of non-custodial measures (see sections 3.1–3.12, Chapter 3 of the Tokyo Rules). These guarantees ensure legality, proportionality, and consideration of the offender's individual circumstances in the implementation of punishment [29].

It is noteworthy that the establishment of international legal standards for probation at the universal level has contributed to the unification of probation understanding across European regional spaces in recent decades. As stated in regional documents, the probation institution is associated with the implementation in society of sanctions and measures defined by law and imposed on the offender, including supervision, observation, guidance, and assistance aimed at the offender's social integration and promoting community safety (see Recommendation CM/Rec (2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules, adopted on January 20, 2010, at the 1075th meeting of deputy ministers, hereinafter – European Probation Rules) [31].

The core idea uniting international legal standards on probation is that non-custodial measures can offer a more effective alternative, balancing both society's need for security and offenders' needs for rehabilitation. This principle runs as a common thread through the acts adopted by the Committee of Ministers of the Council of Europe, which has demonstrated an active role in shaping the substance of the probation institution, as evidenced by the provisions of numerous legal instruments[1].

[1] Resolution (70)1 on the practical organization of supervision and post-penitentiary care of conditionally sentenced and conditionally released offenders (26 January 1970) Recommendation CM/Rec(99)19 concerning mediation in penal matters (15 September 1999) Recommendation CM/Rec(1999)22 concerning prison overcrowding and prison population inflation (30 September 1999) Recommendation CM/Rec(2003)22 concerning conditional release (parole) (24 September 2003) Recommendation CM/Rec(2006)2 on the European Prison Rules (11 January 2006) Recommendation CM/Rec(2006)8 concerning assistance to victims of crime (14 June 2006) Recommendation CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures (5 November 2008) Recommendation CM/Rec(2010)1 on the Council of Europe Probation Rules (20 January 2010) Recommendation CM/Rec(2017)3 on the European Rules on community sanctions and measures (22 March 2017) Recommendation CM/Rec(97)12 on staff concerned with the implementation of sanctions or measures (10 September 1997) Recommendation CM/Rec(2014)4 concerning electronic monitoring (19 February 2014) Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters (3 October 2018) Recommendation № R (97)12 on staff concerned with the implementation of sanctions and measures (25 April 1997) Recommendation CM/Rec(2024)5 concerning the ethical and organisational aspects of the use of artificial intelligence and related digital technologies by prison and probation services (9 October 2024).

The relevant documents were adopted, in particular, taking into account that there is an objective need for international cooperation in the field of probation instruments; the effective application of punishment to offenders is a goal of criminal justice policy; national authorities should not prioritize imprisonment as the dominant form of punishment, given the overcrowding of penitentiary institutions; the priority of the penal enforcement sector should be to provide tools for the correction of offenders, which will lead to their reintegration and rehabilitation in society. It should be emphasized here that the acts of the Committee of Ministers of the Council of Europe are of a recommendatory nature, meaning they are not mandatory for implementation by European states, but they serve an important guiding role in the development of the legal institution of probation.

Conclusions. The historical evolution of probation demonstrates a unique trajectory – from grassroots humanitarian initiatives to a recognized component of criminal justice systems. This study reveals that the institutionalization of probation did not stem from deliberate state policy but was instead driven by the practical effectiveness of early rehabilitative practices and their gradual formalization. A key scholarly insight is that probation's legitimacy as a legal and social institution emerged from its demonstrated capacity to balance public safety with individual reform, thus influencing legislative responses across jurisdictions. The simultaneous development of probation frameworks in the United States and Great Britain underscores its transnational character from the outset. Importantly, the codification of probation officers' roles and procedural standards signaled a shift from informal assistance to structured state-backed intervention. The comparative analysis also suggests that early legal frameworks, despite ideological alignment with rehabilitation, were marked by inconsistencies –revealing the tension between punitive and reformative approaches. This paradox remains a relevant area for further interdisciplinary research. Ultimately, probation's evolution highlights its role as both a reflection of societal values and an active agent in shaping modern approaches to justice and offender reintegration.

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Summary

Demianchenko I. O. **Evolution and establishment of the probation institute.** – Article.

This scholarly work explores the issue of the evolution and development of the probation institution from a historical perspective. The author sets out to demonstrate the formation of probation as an international legal institution that offers an alternative approach to punishment without imprisonment – an approach grounded in humanistic principles and aimed at the resocialization of offenders into societal life. It is established that the historical prerequisites for the emergence of probation included: the necessity of finding alternative forms of punishment that would facilitate the reintegration of convicted individuals into society; the spread of ideas concerning the humanization of criminal penalties; and the financial and economic rationale for reducing the costs associated with the incarceration of offenders. The study reveals the significance of John Augustus's contributions to the formation of the probation institution. It also defines the nature of probation based on legislative and institutional practices in the United States and the United Kingdom (including certain former colonial territories). The author substantiates the thesis that probation is centered around the rehabilitative and reintegrative ideals of returning offenders to law-abiding social life – an orientation that has persisted from the initial normative establishment of the institution to the present day. The paper emphasizes that the implementation of probation measures catalyzed the institutionalization of probation, including the formal recognition of probation officers, and the conditions and procedures for applying probation practices – developments that occurred in parallel in both the United States and the United Kingdom. The impact of the historical development of probation is illustrated through the gradual emergence of probation standards at both regional and universal levels. The author expresses the view that international legal standards of probation are unified by a common historical idea: that non-custodial measures can offer a more effective alternative, one that takes into account both society's need for safety and the offender's need for rehabilitation.

Key words: historical foundations, criminal justice, execution of punishment, justice, human rights and freedoms, alternative punishments, probation institution.

Анотація

Дем'янченко І. О. **Еволюція та становлення інституту пробації.** – Стаття.

У цій науковій праці розкрито проблематику еволюції та становлення інституту пробації в історичній ретроспективі. Автором постановлено за мету продемонструвати шлях становлення пробації як міжнародно-правового інституту, що пропонує альтернативний підхід до покарання без позбавлення волі, який базується на гуманістичних засадах та спрямований на ресоціалізацію правопорушників до суспільного життя. Встановлено, що історично передумови формування інституту пробації включали: необхідність пошуку альтернативних форм покарань, які б забезпечили повернення до суспільного життя засуджених осіб; поширення ідей гуманізації кримінально-правових покарань; фінансово-економічну доцільність зменшити витрати на утримання осіб засуджених до позбавлення волі. Розкрито зміст діяльності Джона Огастеса для формування інституту пробації. Визначено природу інституту пробації на прикладі законодавчих та інституційних практик Сполучених Штатів Америки та Великої Британії (включно з окремими колишніми колоніальними територіями). Доведено тезу про те, що пробація зосереджена на реабілітаційних та реінтеграційних ідеалах повернення

правопорушника до суспільного законослухняного життя, що прослідковувалися від моменту нормативного закріплення вказаного інституту до сьогодення. Автором підкреслено, що практики застосування заходів пробації стали каталізатором запуску процесів інституціоналізації пробації із офіційним закріпленням статусу офіцерів пробації, умов та порядку застосування пробаційних процедур, що відбувалися паралельно в Сполучених Штатах Америки та Великій Британії. Показано вплив історичного розвитку пробації на прикладі поступового становлення пробаційних стандартів на регіональному та універсальному рівнях. Висловлено думку про те, що міжнародно-правові стандарти пробації об'єднані спільною історичною ідеєю про те, що заходи, не пов'язані з позбавленням волі, можуть запропонувати більш ефективну альтернативу, яка враховує як потребу суспільства в безпеці, так і потреби правопорушників у реабілітації.

Ключові слова: історичні засади, кримінальна юстиція, виконання покарання, правосуддя, права та свободи людини, альтернативні види покарання, інститут пробації.

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