

COMPARATIVE APPROACHES TO THE REGULATION OF PAROLE: DIRECTIONS FOR REFORMING KAZAKHSTAN'S LEGISLATION

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Introduction. Conditional early release (parole) occupies a central place in the penal systems of contemporary states as a mechanism for balancing the interests of justice, the resocialisation of offenders, and the rational use of penitentiary resources. Despite widespread adoption, the institution demonstrates significant variation in design across jurisdictions: the minimum threshold of the sentence that must be served, the body empowered to grant release, the role assigned to independent commissions, the content of post-release supervision, and the consequences of re-offending differ markedly from country to country. In the Republic of Kazakhstan, parole is governed by Article 72 of the Criminal Code and is applied exclusively by the court upon a petition from the correctional institution. Parole grant rates have remained below 8 per cent of the prison population over the period 2022–2023 - substantially below the comparable figure in the Russian Federation (approximately 24%). This gap raises a substantive research question about which structural and institutional features of the Kazakhstani framework may be associated with this disparity. The present study examines whether differences in institutional design - specifically the minimum sentence threshold, the decision-making model, and the role of advisory mechanisms - may offer a partial explanation, and what implications this holds for the reform of Kazakhstan's legislation. Which structural and institutional characteristics of parole regimes - specifically the minimum sentence threshold, the institutional model of decision-making, and the role of advisory commissions - are associated with variation in the rate of parole grant across the selected jurisdictions, and what are the implications for the reform of Kazakhstan's legislation?

The scientific novelty of the present study consists in the following contributions. First, it refines and applies a three-type typology of institutional parole decision-making models -the Judicial Model (including a sub-type with Mandatory Advisory Input), the Commission Model, and the Administrative Model -extending this typology uniformly to seven jurisdictions, including post-Soviet systems not previously covered by existing comparative frameworks. This extension makes the typology applicable beyond Anglo-American contexts and provides a replicable instrument for future reform-oriented comparative research. Second, it identifies an association between institutional design features - particularly the presence or absence of a mandatory advisory mechanism -and variation in parole grant rates across jurisdictions, controlling for sentence threshold differences. Third, it identifies the prohibition on repeated parole and the twenty-five-year life-sentence threshold as features of Kazakhstan's parole framework that are not supported by comparative legislative models, and derives from this analysis a set of six concrete legislative recommendations for the reform of Article 72 of the Criminal Code of the Republic of Kazakhstan.

International normative frameworks -Council of Europe Recommendation No. R(2003)23 on the management of life-sentence prisoners, Recommendation No. (2000)22 on community sanctions, and Recommendation No. (92)16 on non-custodial measures -establish common principles while leaving institutional design to national discretion. This space of national variation constitutes the empirical object of the present study.

Comparative research in this field emphasises that legislative borrowing must account for enforcement practices, not only formal rules [1; 2]. Differences in institutional design -particularly the locus of decision-making authority and the role of advisory mechanisms -have been identified as key variables in explaining cross-jurisdictional variation in parole outcomes [3]. The present article applies a uniform set of analytical criteria across the selected jurisdictions, with the specific aim of identifying structural features relevant to the reform of Kazakhstan's legislation.

The article proceeds as follows: Section 2 sets out the research materials and methods, including the criteria matrix used for comparison. Section 3 presents the comparative findings by country and proposes a typology of institutional models. Section 4 discusses the implications for Kazakhstan's legislation. The conclusion formulates specific recommendations derived from the analysis.

Research Materials and Methods. A comparative legal method is used throughout. Seven jurisdictions were screened for inclusion on the basis of three selection criteria:

- 1) availability of reliable legislative and statistical data;
- 2) representativeness across different institutional models of parole decision-making;
- 3) relevance to the reform context of Kazakhstan, either through shared legal heritage (Russian Federation, Republic of Korea) or through recognised best practice (England and Wales, Germany, Spain, Switzerland, United States).

These selection criteria are distinct from the seven analytical criteria applied within the comparative matrix (see below). Of the eight jurisdictions screened, five -England and Wales, Germany, Spain, the United States, and the Republic of Korea -are represented as columns in the comparative matrix (Table 1). Switzerland is discussed in the text in relation to Council of Europe Recommendation No. R(2003)23 and life-sentence thresholds; the Russian Federation is incorporated into the analytical discussion and the Discussion section. Their exclusion from the matrix columns reflects the absence of sufficiently disaggregated legislative data for all seven criteria, not a substantive judgement about their relevance. A terminological clarification is warranted at the outset: the term "parole" as used in this article denotes discretionary conditional early release from a custodial sentence, corresponding to the Kazakhstani institution of conditional early release (условно-досрочное освобождение). In Anglo-American jurisdictions, "parole" encompasses

a broader spectrum of release mechanisms, including discretionary parole and mandatory supervised release. Where this distinction bears on the interpretation of comparative data, it is noted explicitly.

The primary sources consist of national criminal codes and penal enforcement legislation, official statistical publications of penitentiary services, and the annual penal statistics of the Council of Europe [4], as well as the International Centre for Prison Studies [5]. Secondary sources include peer-reviewed scholarship on comparative penology published in the period 2016–2024. For post-Soviet systems, sources include Utkin, Alimpiev, Nuridin, Grishko, Panarina, and Grushin; for the broader penological framework, Reitz & Rhine, Guiney, Walk & Dagan, Rieger & Serin, Fitzgerald et al., and van Zyl Smit & Snacken was drawn upon for the broader penological framework.

The analytical framework is structured around seven comparative criteria, applied uniformly to each jurisdiction. These criteria were derived from the existing literature on parole design and release mechanisms [6] and from the normative requirements established in Council of Europe recommendations. The selection of these particular seven criteria reflects their established centrality in the comparative penology literature: 1) the minimum sentence threshold; 2) the life-sentence threshold directly determine eligibility and are the most commonly analysed quantitative parameters in cross-jurisdictional parole research [7]; 3) the decision-making body; 4) the role of any commission or board capture the institutional architecture that Guiney [3] identifies as the primary explanatory variable for grant-rate variation; 5) probation supervision conditions reflect Council of Europe Recommendation No. (2000)22 on community sanctions; 6) re-offence consequences; 7) eligibility for repeated parole capture the two punitive constraints most frequently cited in reform debates in post-Soviet jurisdictions. Other potentially relevant criteria -for instance, the financing of probation services or the composition of correctional classification bodies -were omitted on grounds of data availability: comparable figures for all nine jurisdictions could not be obtained on a consistent basis for the study period.

Table 1. Criteria matrix for comparative analysis of parole regimes

Criterion	Kazakhstan	England & Wales	Germany	Spain	USA	Rep. of Korea
Min. threshold (share of sentence)	1/3–3/4	1/2 (standard)	2/3	3/4 (→2/3 w/ work)	Varies by state	1/3
Life sentence threshold	25 yrs (→15 w/ plea)	Standard tariff	15 years	25 years	Varies	10 years
Decision-making body	Court (sole)	Parole Board	Court	Court + experts	Board/Commission	Ministry + Court
Role of commission/board	None currently	Mandatory (binding)	Expert opinion (discretionary)	Expert report	Central role	Ministerial review
Probation supervision	Probation Service	Licence conditions	Court-set	Set by court	Parole officer	Competent auth.
Re-offence consequence	Differentiated (Art. 72 of the CC RK [Criminal Code of the Republic of Kazakhstan])	Recall to custody	Revocation	Revocation	Revocation	Revocation
Parole after prior grant?	No (restricted)	Yes	Yes	Yes	Yes	Yes

Note: Switzerland and the Russian Federation are included in the study's analytical discussion but are not represented as separate columns in Table 1. Switzerland is addressed in the text in relation to Council of Europe Recommendation No. R(2003)23 and the life-sentence threshold. The Russian Federation is incorporated into the analytical discussion and into the Discussion section. Their exclusion from the matrix columns reflects the absence of sufficiently disaggregated legislative data for all seven criteria in the sources consulted, not a substantive judgement about their relevance to the comparative analysis.

Three key categories of variables structure the comparison. First, the institutional model of decision-making: whether the court acts alone (Judicial Model), whether it must consider an expert report before ruling (Judicial Model with Mandatory Advisory Input), whether an independent board issues a substantive recommendation (Commission Model), or whether the executive retains primary authority (Administrative Model). This typology draws on the framework developed by Guiney and extends it to post-Soviet jurisdictions. Second, the minimum sentence threshold: the proportion of the imposed sentence that must be served before a parole petition may be filed, expressed as a fraction or, for life sentences, as an absolute number of years. Third, the parole grant rate: the number of persons granted conditional early release in a given year, divided by the total prison population or, where reported differently, by the eligible applicant pool -a distinction noted where relevant. The analysis compares patterns across jurisdictions: where

countries with broadly similar legal heritage differ systematically in grant rates and that difference correlates with a specific institutional feature, that feature is identified as a plausible structural factor, subject to the limitations stated below.

A fundamental limitation of the statistical component of this study is the absence of fully comparable cross-jurisdictional grant rate data. Two sources of non-comparability are identified and managed as follows. First, the denominator varies: Kazakhstan and the Russian Federation report grant rates as a proportion of the total prison population, while England and Wales figures reflect only prisoners subject to Parole Board discretionary review, and U.S. state figures are typically computed as a proportion of the eligible applicant pool. These bases are not interchangeable, and no standardisation procedure has been applied; instead, all rate comparisons are explicitly qualified with the relevant denominator. Second, the Russian figure (approximately 24%) covers post-2012 legislative reforms and reflects a period of institutional change, making direct comparison with Kazakhstan's figure for 2022–2023 only partially valid. The quantitative comparisons in this study are therefore best understood as illustrative of order-of-magnitude differences rather than as precise empirical measurements; the principal analytical weight rests on the qualitative, criterion-by-criterion comparison structured through the seven-criterion matrix. In light of these constraints, the present analysis is explicitly exploratory in nature: it aims to identify structural patterns across jurisdictions rather than to establish causal relationships, and its findings should be interpreted accordingly.

Results. Under the Commission Model as practised in England and Wales, the serving of a criminal sentence initially proceeds through a structured regime classification system comprising four security levels (A through D, with A representing the highest security level), with transitions between levels linked to behavioural assessment [8]. The Parole Board – a non-departmental public body independent of the Ministry of Justice – exercises binding decision-making authority over the release of all prisoners serving indeterminate sentences and those recalled following determinate sentence release. As Padfield has demonstrated, the Board has evolved from a body granting "early conditional release" to one primarily adjudicating "delayed conditional release" for high-risk prisoners, a transformation that has fundamentally altered its penological function [9]. The Board's serious further offence rate for persons released following a parole decision stands at approximately 0.5%, which is frequently cited in defence of the commission model of decision-making [10].

Under English law, the possibility of early release from a sentence is determined based on the nature of the criminal offence committed, as well as the personality of the convicted person. This provision may also apply to individuals sentenced to life imprisonment. The circumstances for its application in this case include the severity of the criminal act, the convicted person's behaviour, and the actual time served in the relevant correctional facility.

Switzerland, like England and Wales, provides for a review mechanism whereby, after ten years of a life sentence, the conditions of detention may be progressively relaxed [11]. This legislative policy reflects Council of Europe Recommendation No. R(2003)23, which calls for a graduated transition from more to less restrictive custodial regimes.

In the Federal Republic of Germany, conditional early release may be granted on the basis of a wide range of factors: the convicted person's conduct prior to sentencing and during the serving of the sentence; the person's character; the circumstances under which the crime was committed; the nature of the harm caused by the offence; and the potential consequences of early release on the convicted person's future life. Under German law, the standard minimum period for early release is two-thirds of the custodial sentence; for life imprisonment, the minimum threshold is fifteen years. In the latter case, an independent expert assessment of the risk posed to society is required before conditional early release may be granted. The scholarly literature has extensively documented the reintegration challenges faced by life-sentence prisoners upon release following prolonged incarceration, particularly with respect to adaptation to contemporary social conditions. Comparative analysis of international criminal tribunals further confirms that minimum waiting periods for life-sentence prisoners directly affect both the legitimacy and the resocialisation outcomes of the release process [12]. Different terms are established for the application of conditional early release across jurisdictions: England, Finland, and France – up to twelve years; Germany – up to fifteen years; Japan – up to twenty years; and the Republic of Kazakhstan – twenty-five years. In Kazakhstan, upon the fulfilment of a procedural agreement, the term may be reduced to fifteen years [13]. These threshold data are reported here as descriptive findings; their implications for legislative reform are examined in the Discussion and Conclusion sections.

Kazakhstan establishes a twenty-five-year minimum threshold for life-sentence prisoners, while in the comparator jurisdictions the threshold ranges from 10 to 15 years (Republic of Korea and Germany respectively); Spain sets a threshold of 25 years, while Switzerland provides for progressive relaxation of detention conditions after 10 years. The implications of this finding for legislative reform are addressed in the Discussion and Conclusion sections.

When examining the legislative experience of the United States regarding the legal application of early release from a sentenced term, it is important to note that attitudes toward parole and the institutional frameworks governing it vary considerably by state [14]. As Reitz and Rhine have demonstrated, parole release is a critical driver of prison population dynamics: in paroling states, no court or state agency holds greater power than parole boards over the time actually served by the majority of offenders sent to prison. Some states have panels, boards, or bureaus that may include retired judges, psychologists, experts, and public figures [15]. The eligibility criteria comprise the minimum period of the sentence already served and a panel assessment confirming the applicant's compliance with the correctional facility's regime and their capacity to reintegrate into society [16]. Under Kazakhstan's national legislation, these functions are assigned exclusively to the court, which evaluates the documentary record submitted by the correctional administration. No

independent body is involved in reviewing the evidentiary basis of that record prior to the hearing. The institutional implications of this design feature are examined in the Discussion section.

An examination of Spanish legislation reveals the conditions for early release for individuals sentenced to imprisonment. These include: three-quarters of the actual time served of the sentence imposed; good conduct on the part of the convicted person; serving the sentence in a third-category correctional facility; a report from judicial experts containing a positive prognosis regarding the individual's ability to adapt to life in society; and the establishment of an additional mandatory requirement when the court issues a positive decision. Furthermore, if the individual actively participated in work, educational, cultural, or other activities during their time in the correctional facility, the period for filing an application for early release may be reduced from three-quarters to two-thirds. Under Section 90 of the Spanish Criminal Code, the prison supervision judge is required to assess the gravity of the offence committed alongside a prognosis of social reintegration, combining punitive and rehabilitative criteria in a single decision-making framework.

The length of the actual time served of a sentence imposed by a court is established by the legislation of the Republic of Kazakhstan. According to this legislation, a petition for conditional early release may be filed upon the actual serving of: one-third or one-half of the sentence imposed by a court for serious or particularly serious crimes, provided a plea agreement has been entered into; one-third, one-half, two-thirds, or three-quarters of the total sentence, as determined by the severity of the offence committed. A differentiated approach also applies to persons who were granted conditional early release but committed a further criminal offence during the unserved portion of their sentence. Notably, no such restrictive provision exists in the legislation of Germany, Spain, France, or Austria, where the law establishes the possibility of early release from serving a sentence even if such an opportunity was previously granted.

In the Republic of Korea, the criminal penalties governed by this institution are imprisonment and hard labour. A convicted person must have behaved lawfully and shown remorse; the actual time served must be at least one-third of the total sentence, or ten years for life sentences. Failure to comply with the law results in the revocation of such release. A person granted conditional early release is placed under supervision by competent supervisory authorities for a period not exceeding the remaining unserved term. Grant rate data for the jurisdictions examined are drawn from the World Prison Brief, Council of Europe SPACE I statistics (2022–2023), and official penitentiary service publications [17; 18]. As shown in Table 1, three principal institutional models emerge across the seven jurisdictions surveyed. The pure Judicial Model -court as sole decision-maker without advisory input -characterises Kazakhstan. Germany and Spain represent a Judicial Model with Mandatory Advisory Input. The Commission Model, where an independent board issues a binding or substantive recommendation, characterises England and Wales and most U.S. states. The Republic of Korea represents the Administrative Model. The implications of this typology for grant-rate variation are examined in Section 4. The following grant rate data are available for the jurisdictions examined, computed on the bases described in Section 2: England and Wales -Parole Board-reviewed releases rose from approximately 1.9% to 3.2% of the Parole Board-eligible prison population between 2022 and 2023; U.S. states with active parole boards -above 20% of the eligible prison population; Kazakhstan -approximately 7% of the total prison population for the period 2022–2023; Russian Federation -approximately 24% of the total prison population. Official parole statistics are drawn from the respective penitentiary service publications. These figures are reported here without interpretive inference; any patterns that may be associated with institutional model are examined in Section 4.

Discussion. The grant rate data reported in Section 3, interpreted against the institutional typology developed there, suggest a pattern that may be relevant to Kazakhstan's reform agenda. The analysis is exploratory due to limitations in cross-jurisdictional data comparability and should be interpreted with caution. England and Wales's Parole Board-reviewed rate rose from approximately 1.9% to 3.2% between 2022 and 2023 following the Root and Branch Review of the Parole System (2022), which widened the scope of commission recommendations -an increase consistent with institutional redesign rather than to any change in risk-assessment standards. U.S. states with active parole boards consistently report rates above 20% of the eligible prison population. By contrast, Kazakhstan -operating a pure Judicial Model without any mandatory advisory mechanism -has remained near 7% across the same period. The Russian Federation constitutes a theoretically important complicating case: it operates a Judicial Model yet reports a grant rate of approximately 24%, suggesting that the minimum sentence threshold may exercise an independent influence on grant rates beyond institutional model alone. Alternative explanations related to offender-risk profiles and sentencing cultures cannot be ruled out and represent a priority for future research.

The results of this study require interpretation against the background of contemporary penological theory. The typology developed in Section 3 is consistent with the framework proposed by Guiney, and extends it to post-Soviet jurisdictions. The key analytical finding is that Kazakhstan represents a structurally distinct sub-type within the Judicial Model family -the only jurisdiction in the sample in which the court exercises sole authority without any mandatory advisory input. This distinction may be associated with differences in grant rates, though the available cross-jurisdictional data -computed on non-uniform bases -do not permit confident causal attribution.

Walk and Dagan have shown that grant rates depend substantially on whether rehabilitative and risk-assessment logics are institutionalised as complementary or competing [19]. Kazakhstan's framework currently lacks any formal mechanism for incorporating a rehabilitation perspective into the parole decision.

In practice, Kazakhstani courts tend to rely predominantly on materials submitted by correctional institutions, without independent verification of disciplinary records and incentives, which limits the depth of judicial assessment. The court does not currently have a legal obligation to verify the substantiation of each disciplinary or incentive decision

recorded in respect of the applicant; nor is any independent expert or advisory body formally involved in preparing a recommendation prior to the hearing. This procedural framework concentrates the entire evidentiary basis of the parole decision in the hands of the correctional administration, with no structural counterweight. The absence of such a counterweight distinguishes Kazakhstan from Germany and Spain, where mandatory expert input provides an independent perspective even within court-centred systems.

The finding that the Russian Federation maintains a high parole grant rate (approximately 24%) under a Judicial Model warrants particular attention. This result is consistent with the argument advanced by Grishko that the actual impact of institutional design depends critically on the content of the evidentiary standards applied by courts, not merely on the formal authority vested in them. In the Russian case, a series of legislative amendments to the Criminal Code of the Russian Federation produced a measurable increase in grant rates without any change to the institutional model. Specifically, Federal Law No. 420-FZ of 7 December 2011 introduced graduated minimum thresholds: one-third of the sentence for first-time offenders convicted of minor or moderately serious offences, one-half for serious offences, and two-thirds for especially serious offences or for persons previously released on parole who subsequently re-offended. Subsequent amendments in 2012–2014 further reduced the mandatory minimum for certain non-violent offence categories and broadened the eligibility of persons serving life sentences (minimum fifteen years, down from the original twenty). These threshold reductions likely expanded the pool of eligible applicants, producing the observed increase in absolute grant rates while the Judicial Model remained structurally unchanged. This suggests that threshold reform and institutional reform are not substitutes but complements: Kazakhstan's reform agenda should address both dimensions simultaneously, the Russian experience suggests that lowering thresholds alone, without adjusting decision-making procedures, may produce a measurable but incomplete effect.

The England and Wales data warrant a more extended treatment than their relegation to the limitations section might suggest. The Root and Branch Review of the Parole System (2022) -commissioned by the Ministry of Justice and implemented progressively from 2022 onward -introduced a reconfigured release-on-licence framework and expanded the Parole Board's advisory mandate to include a wider range of recalled determinate-sentence prisoners. The observed rise from 1.9% to 3.2% in Board-reviewed releases between 2022 and 2023 is, in substantial part, a product of this institutional expansion rather than a change in risk-assessment standards. This temporal pattern is consistent with the argument that institutional redesign of the advisory mechanism may produce measurable changes in grant rates within a short period, independent of any adjustment to minimum sentence thresholds. Van Zyl Smit, Cliquennois, and Snacken have further demonstrated that the evolution of parole governance in Council of Europe member states is significantly conditioned by the European Court of Human Rights' insistence on proportionality and periodic review in release decisions, a normative pressure that Kazakhstan -as a signatory to international instruments -has increasing reason to take into account in its legislative reform agenda [20]. The prohibition on repeated parole -which distinguishes Kazakhstan from all five Western jurisdictions examined -deserves particular scrutiny. This provision has no parallel in German, Spanish, French, or Austrian law, nor in the American or English practice. As Rieger and Serin have shown in their survey of paroling authorities, the ability to re-apply following revocation is considered a basic element of evidence-based parole practice, since re-offending during supervision may reflect supervision conditions as much as individual risk factors [21]. The blanket prohibition in Article 72 of the Criminal Code of Kazakhstan thus imposes a categorical sanction that may be disproportionate to the evidentiary weight it reflects. The prohibition is also in tension with the reconceptualisation of parole as a form of individualised resentencing that responds to the offender's demonstrated trajectory rather than to the original offence alone -a framework developed by Dagan in the comparative context of Israeli parole practice and increasingly influential in Council of Europe member states [22].

The twenty-five-year minimum waiting period for life-sentence prisoners in Kazakhstan appears notably high by comparative standards. The data presented in the Results section show that no Western European comparator imposes a threshold above fifteen years (Germany). Japan -referenced here as a non-European comparator with a twenty-year threshold noted in the penological literature -pairs this threshold with an active administrative review mechanism absent in Kazakhstan. Although Japan falls outside the primary comparative matrix of this study, its twenty-year threshold provides a useful intermediate reference point between Germany's fifteen years and Kazakhstan's current twenty-five years. Olásolo and Stahn have shown in their comparative study of release practices in international tribunals that excessively long minimum periods erode the rehabilitation function of the sentence and produce disproportionate outcomes unrelated to individual risk assessment. The empirical record in Council of Europe member states further supports this conclusion: reductions in life-sentence waiting periods in Germany (from twenty to fifteen years, introduced in 1981) and France (across successive reforms) have not produced measurable increases in serious recidivism among released life-sentence prisoners, as documented in the comparative survey by van Zyl Smit, Cliquennois, and Snacken. A reduction to twenty years, as proposed below, would place Kazakhstan at the upper limit of the comparative range -a conservative and politically achievable first step. Germany (fifteen years) and Switzerland (ten years) represent the lower bound; Japan (twenty years) provides a non-European precedent for the proposed threshold. This reduction would be accompanied by a regime-transition mechanism for eligible prisoners demonstrating sustained behavioural improvement.

The recommendations below are calibrated to the specific institutional context of Kazakhstan's criminal justice system, including the role of the Probation Service under the Ministry of Internal Affairs, the structure of Kazakhstan's correctional facilities, and the evidentiary practices of Kazakhstani courts.

Several limitations warrant acknowledgment. The study analyses parole grant rates but does not examine post-release recidivism data for Kazakhstan. At present, Kazakhstan lacks publicly available, standardised data on post-release recidivism, which limits the ability to evaluate the effectiveness of parole decisions. The argument that Kazakhstan's low grant rate (approximately 7%) reflects a structural problem rather than appropriately cautious judicial practice cannot be conclusively established without such data. The available comparative recidivism evidence - notably the England and Wales Parole Board's serious further offence rate of approximately 0.5%, and the absence of measurable recidivism increases following life-sentence threshold reductions in Germany and France - provides indirect support for the study's conclusions, but direct Kazakhstan-specific recidivism analysis remains a priority for future research. The comparative analysis suggests that the effectiveness of parole mechanisms may depend not only on sentence thresholds but also on institutional design. The concentration of binding authority in the court, without any mandatory advisory input or independent verification, is a feature that distinguishes Kazakhstan from all Western comparator jurisdictions examined. First, statistical comparability is constrained by differences in the base population used to calculate grant rates across jurisdictions: some figures are computed as a proportion of the total prison population, while others reflect only eligible applicants or only those who submit petitions. Second, the study relies on legislative texts as primary sources for several jurisdictions; the gap between law on the books and law in practice may be substantial, particularly in Korea, where administrative discretion plays a significant role. Third, the study does not capture all temporal variation within the study period; the 2022 institutional reforms in England and Wales, discussed in detail in the Discussion section, represent the most significant example. These limitations do not undermine the main findings but counsel caution in the quantitative interpretation of inter-jurisdictional differences.

Conclusion. This study highlights three main findings relevant to the reform debate on Article 72 of the Criminal Code of the Republic of Kazakhstan. First, applying a seven-criterion matrix to seven jurisdictions, it identifies a pattern in which jurisdictions operating under the Commission Model (England and Wales, the majority of U.S. states), as well as those employing mandatory advisory input within the Judicial Model (Germany, Spain), tend to exhibit higher or more flexible grant rates than Kazakhstan, which operates a pure Judicial Model with no formal advisory mechanism -though comparisons are limited by differences in statistical bases. These differences may indicate potential structural limitations in Kazakhstan's current parole framework. Second, the Russian Federation data suggest that threshold and institutional reforms may function as complements rather than substitutes. Third, the prohibition on repeated parole in Article 72 has no parallel in any of the five Western comparator jurisdictions examined, and is not supported by comparative legislative models. These findings are broadly consistent with existing theoretical frameworks proposed by Guiney, Walk and Dagan, and Rieger and Serin.

Based on these findings and on the characteristics of Kazakhstan's legal system and correctional practices, the following six legislative recommendations are advanced:

1. Grant courts the authority to review the legality and substantiation of penalties and incentives submitted by the correctional facility administration, as a precondition for considering any parole petition.
2. Require the correctional facility administration to provide materials proving the legality of the imposition of disciplinary measures and incentives.
3. Establish a multidisciplinary advisory commission to issue recommendations on parole applications to the court, comprising representatives of state bodies (prosecution, law enforcement, the human rights commissioner) and civil society organisations.
4. Reduce the mandatory waiting period for life-sentence prisoners from twenty-five to twenty years as an intermediate step toward the European standard of fifteen years (Germany), with a concurrent introduction of a regime-transition mechanism for eligible prisoners demonstrating sustained behavioural improvement.
5. Establish the possibility of changing the correctional facility's security regime where a prisoner has demonstrated sustained good behaviour under less restrictive conditions.
6. Remove or substantially narrow the blanket prohibition on repeated parole in Article 72 of the Criminal Code, replacing it with a differentiated approach that considers the nature of the conduct during the prior supervisory period.

These recommendations are grounded in the empirical pattern identified by this study: the gap between Kazakhstan's parole grant rate and those of structurally comparable jurisdictions may be associated with a combination of high sentence thresholds, the absence of mandatory advisory procedures, and restrictions that have no parallel in the comparative sample. Addressing these factors simultaneously, rather than in isolation, is the condition for meaningful reform of conditional early release in the Republic of Kazakhstan. The proposed reforms may contribute to improving consistency of judicial practice and enhancing the effectiveness of conditional early release in Kazakhstan.

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Rezюме. Бул мақалда алтй юрисдикция - Англия ҳам Уелс, Германия, Испания, АҚШ, Корея Республикаси ҳам Қазақстандағы шартлы азат етіу хаққндағы нызамшылқ 7 критерия тйкарында аналитикалық матрица тйкарында талланады. Шартлы азат етіу хаққнда қарар қабыл етіудің ұш институционаллық модели ажратып көрсетілген: суд модели (Германия ҳам Испаниядағы сыяқлы мајбүрий мәсләһат беріуші кishi тiпти өз ішине алған), комиссия модели ҳам һакимшилик модел'и. Алынған мағлһватларға тйкарланып, нызамшылқ һүјжетlerinde нызамшылқ һүјжетlerin ratifikacyalaw тартibi бойынша Қазақстан Республикасы Јнаят kodeksiniñ 72-stat'yasın reformalaw бойынша алтй usınıs usınıs берілген.

Таяныш сөзлер: шартлы азат етіу, мүддетinen aldın шартлы азат етіу, салыстурмалы таллау, нызамшылқ тәјирiybesi.

Rezyume. Ushbu maqolada olti mamlakat - Angliya va Uels, Germaniya, Ispaniya, Amerika Qo'shma Shtatlari, Koreya Respublikasi va Qozog'istonning muddatidan ilgari shartli ozod qilish to'g'risidagi qonunchiligi yettita mezonidan iborat tahliliy matritsa yordamida tahlil qilingan. Shartli shartli ozod qilish to'g'risida qaror qabul qilishning uchta institutsional modeli ajratib ko'rsatiladi: sud modeli (jumladan, Germaniya va Ispaniyadagi kabi majburiy maslahat turi), komissiya modeli va ma'muriy model.

Kalit so'zlar: muddatidan ilgari shartli ozod qilish, qiyosiy tahlil, qonunchilik tajribasi, xorijiy davlatlar.

Abstract. This article analyzes the legislation on parole in six jurisdictions—England and Wales, Germany, Spain, the United States, the Republic of Korea, and Kazakhstan—using an analytical matrix comprising seven criteria. Three institutional models for making decisions on parole are identified: the judicial model (including a mandatory advisory subtype, as in Germany and Spain), the commission model, and the administrative model. Based on the data obtained, six legislative recommendations are proposed for reforming Article 72 of the Criminal Code of the Republic of Kazakhstan regarding the procedure for granting

Key words: conditional early release, comparative analysis, legislative experience, foreign states.