

The role of abolitionist ideas in crime prevention

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Abstract

Punishing an offender does not always contribute to raising their awareness of the law or preventing unlawful behaviour. Punishment inflicts suffering on the offender but does not reduce the likelihood of future crime, and thus does not contribute to individual and public safety. The aim of this article was to identify the potential for applying the ideas of well-known proponents of abolitionism in the practice of crime prevention, as well as to forecast the consequences of such application. The study aimed to systematise and critically analyse the concepts of criminal law abolitionism in the context of contemporary transformations in anti-crime policy. It was noted that a significant problem facing society is the state's repressive control over crime, which contradicts the natural human rights to life, health, freedom and dignity. Moreover, the achievement of the goals of general and individual prevention through the imposition and enforcement of punishment was not empirically substantiated; consequently, the policy of criminal repression cannot be the primary means of combating crime. Above all, the suffering of crime victims, their families and society as a whole is of paramount importance. From this perspective, the absence of punishment for the offender contradicts humanism and justice. Supporters of abolitionism have not provided an answer to the question of reconciling the interests of the offender and the victim from the standpoint of justice. Until this issue is resolved, it is advisable to adhere to current legislation and its principle of the inevitability of punishment. The analysis of abolitionist ideas in criminology has demonstrated the need for an objective assessment of the consequences of an offence for the offender themselves, as well as for the victim and society as a whole. The proposals are aimed at a balanced and critical assessment of abolitionist ideas, at optimising law enforcement mechanisms regarding the prosecution of offenders whilst guaranteeing human rights and freedoms

Keywords:

crime; punishment; prison; death penalty; decriminalisation; transformation justice

Introduction

The current global criminological situation is characterised by a wide range of criminal phenomena, including traditional forms of crime as well as new ones driven by technological advancements and social change. Key trends include a rise in cybercrime, economic crime, organised crime and violent crime, as well as a shift in

offenders' motivations. This state of affairs highlights the need to introduce stringent measures to combat and prevent crime. At the same time, the state must ensure the realisation of the rights and freedoms of every individual – both offenders and victims. However, certain measures aimed at improving law enforcement

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activities are causing deep concern among human rights defenders. Many perceive them as restrictions on human and civil rights. Accordingly, it is advisable first of all to focus on crime prevention – preventive activity should be directed at its causes.

In modern criminology, crime prevention is understood as the targeted influence of the state and society on the processes of determination and causality of crime, with the aim of preventing new individuals from joining the ranks of criminals, the commission of new crimes, and the expansion of the criminalisation of social relations. Crime prevention can be directed both at the general population and at specific at-risk groups or individuals who may commit a crime. A separate area involves influencing individuals who have already committed a crime, served their sentence, or are yet to be punished. The punishment of offenders is usually regarded as a necessary element of justice to achieve the goals of fairness, rehabilitation and crime prevention. However, there are also alternative approaches that propose intensifying efforts towards the resocialisation of offenders and assisting them in their reintegration into society. Ultimately, the ideas of abolitionism, which focus on the abolition or significant reduction of imprisonment and other forms of punishment, are aimed at the same outcome.

Contemporary scholars have already addressed the issue of abolitionism in criminology. For instance, B. Smith (2025) examined abolitionism in the history of political and legal thought, emphasising the abolitionist ideas of John Locke. A roadmap for dealing with repressive powers to achieve the long-term goal of abolishing criminal punishment is proposed in the article by I. Nafstad (2024). Correlations between criminalisation and social justice are explored in the article by D. Geeraert *et al.* (2024). In the article by J. Lemos (2024), the quarantine model of criminal justice was compared with the correctional model within the traditions of abolitionism. British researchers E. Shackelford *et al.* (2024) have traced the intersections between the eco-social approach and abolitionism. In their view, by combining environmental justice with the abolition of the death penalty, eco-social work will have greater scope for critiquing and resisting its own condition within racial capitalist systems that perpetuate economic, environmental, racial and social injustice. F. Anderson & R. Kramer (2023) criticised the negative consequences of punitive state intervention in social relations and explore the possibility of a non-punitive discourse within a context of social cohesion. P. Moraro (2025) examined philosophers' attitudes towards the idea of abolishing prisons and concluded that they support the practical strategies on the abolitionists' agenda but refuse to engage with the normative proposals that underpin them. This ambiguity stems from a deliberate methodological choice that relegates questions concerning the reality of prisons to the periphery of philosophical inquiry. In

doing so, philosophers hinder a fair assessment of the abolition of prisons as a legitimate moral theory within criminal justice. The works cited here primarily examine the history and specific issues of abolitionist theory. However, the direct causal link between abolitionist ideas and their consequences in terms of reducing crime rates remains overlooked by scholars, prompting the author of this article to address this topic.

The aim of this article was to review and update the ideas of abolitionism through the prism of contemporary challenges in criminal policy. The research methodology was based on a comprehensive review approach aimed at systematising and critically analysing the concepts of criminal law abolitionism in the context of current transformations in criminal policy. The source base comprises academic publications in international peer-reviewed journals, as well as fundamental theoretical works by the founders and contemporary proponents of abolitionist thought. Materials were selected based on criteria of thematic relevance, citation frequency and influence within academic discourse. Within the scope of the study, the method of doctrinal analysis was applied to clarify the content of key concepts, argumentative strategies and assumptions of abolitionism. A comparative method was used to correlate classical abolitionist ideas with contemporary trends in anti-crime policy, particularly in the areas of decriminalisation, restorative justice and alternatives to punishment. The focus was on the works of T. Mathiesen (1974; 1986), J. Braithwaite (1989; 1996) and N. Christie (2004), as it is their works, in the author's view, that are most significant for the dissemination of abolitionist ideas and the prevention of crime.

The nature and origins of abolitionist ideas

The term "abolitionism" (Latin *abolitio* – abolition) refers to a philosophical and social movement that advocates the abolition of any law, institution or practice considered immoral. The most well-known form of abolitionism is the movement for the abolition of slavery. In criminology and criminal law this term has a dual interpretation: in the narrow sense it refers to the rejection of imprisonment as a form of punishment; in the broader sense it denotes an aspiration to reconsider the fundamental principles of criminal law in their modern understanding, shifting from punitive practice to restorative approaches through the influence of social institutions on the personality of the offender. Abolitionism is not a conceptually unified criminological orientation; rather, the term encompasses several directions. At the same time, certain common emphases can be identified in different abolitionist achievements, such as a clearly expressed critical attitude towards criminal law with regard to interpersonal relations described as "problematic", "violent", "harmful", or "conflictual".

Abolitionist criminologists believe that contemporary state approaches to combating crime remain largely ineffective and therefore the primary focus should not be on expanding criminal repression or searching for more effective methods of dealing with offenders under conditions of isolation, but rather on abandoning (partially or fully) criminal-law sanctions. Instead of criminal punishment, supporters of abolitionism propose the use of a special mechanism for resolving conflict situations arising from unlawful encroachments. Some scholars propose partially transforming the legal relations that arise as a result of violations of criminal law. In particular, it is suggested that the possibilities of pre-trial reconciliation between the parties (the victim and the offender) should be widely used. More radical abolitionists consider it appropriate to completely abandon the harshest punishments, in particular to eliminate the institution of imprisonment as a measure of criminal-law response to the fact of a criminal encroachment on declared social relations (Tymoshenko, 2020).

A significant influence on the formation of abolitionist ideas was exerted by the theory of power and the study of punishment conducted by the French philosopher and historian M. Foucault (1977), the results of which were presented in his book. Within the framework of his concept of power, the author considers the problem of punishment and execution as one of its forms. The researcher defines punishment as a generalised function connected with the whole body of society and with each of its elements. At the same time, it is a form of recompense that “the guilty party pays to each fellow citizen for the crime that has harmed everyone” He presents a number of propositions highlighting the shortcomings of imprisonment, namely: prisons do not reduce crime rates; imprisonment generates recidivism; the prison turns people into criminals through the very way of life imposed on prisoners; its entire activity takes place in the form of abuse of power; the prison makes possible and even encourages the organisation of a milieu of criminals who are mutually supportive, recognise a certain hierarchy, and are prepared for joint action in any future crime; the conditions in which prisoners find themselves after release condemn them to reoffend; the prison indirectly creates criminals by forcing the prisoner’s family to live in poverty. In other words, the shortcomings of prison are inherent in its very nature and are necessary for the functioning of disciplinary power, while punishment in the form of imprisonment is aimed not at eradicating crime but at distinguishing offences, classifying them by type, and incorporating violations of the law into a general tactic of subordination.

Nils Christie’s abolitionism

One of the most well-known contemporary moderate abolitionists is the Norwegian criminologist and

sociologist N. Christie (2004), who advocated the minimisation of criminal punishment, particularly imprisonment. He regarded modern criminal policy as an excessive and poorly conceived strategy of the state that is capable of increasing criminogenic risks in society. In implementing such a policy, the researcher proposed alternative measures distinct from those of criminal law, drawing particular attention to the ideas of restorative justice and the practice of mediation. He attached significant importance to the relativity of crime from a historical perspective – comparing the concept of crime to a sponge that can absorb a multitude of situations and fates, but if squeezed too tightly, the very concept may lose its meaning. He denied the necessity of judges and proposed replacing them with mediators who would not conduct court trials but would persuade offenders and contribute to their moral education. N. Christie (2004) saw his task in explaining any human actions. A person’s unlawful acts may be caused by circumstances that arise independently of their will. He considered crime to be an artificial construct that depends not only on the legislator but also on society and on the conditions in which a person is forced to exist. The definition of crime always corresponds to someone’s interests. The unlawful behaviour of an offender is evidence of the existence of problems in society. The author emphasised that most people commit acts that fall under the definition of a crime, yet far from all of them are held accountable, and this represents social injustice.

According to N. Christie (2004), criminal courts always protect the interests only of materially secure sections of the population. This thesis is supported by contemporary studies which emphasise that economic inequality positively correlates with crime. The connection between economic inequality and crime is usually evident in macroeconomic data showing that areas with high levels of economic inequality also tend to experience higher crime rates (Itskovich & Factor, 2023). Moreover, corruption within the courts contributes to the strengthening of such inequality (Berggren & Bjørnskov, 2020; Prat *et al.*, 2026). According to O. Khotynska-Nor & O.V. Salenko (2024), judicial corruption, which is particularly dangerous for the stable functioning of the state, has many manifestations (bribery, extortion, nepotism and others) and leads to a decline in the authority of the judiciary. N. Christie (2004) condemned economic inequality. He opposed the involvement of the military in solving internal problems of the state, including the protection of public order. He warned that the fight against crime could lead to violations of human rights and called for the reduction of the state’s punitive apparatus. N. Christie (2004) substantiated the term “dangerous state”. By such a state he meant any state that regards a person as a dangerous being who is always ready to commit a crime. The aim of such a state is merely to maintain total control over the population, and the boundaries of this control

should be clearly defined. N. Christie (2004) called on the state, through its law-enforcement bodies, to act as a guarantor of the safety of the individual and of society as a whole. N. Christie (2004) was an opponent of crime prevention strategies based on the tactic of “deterrence through intimidation” (Tymoshenko, 2019). The severity of punishment does not always deter an offender. In the modern world, in his view, the imposition of punishment is merely the infliction of pain, a form of retribution. He emphasised the need to minimise the infliction of pain if such pain is inflicted for the purpose of social control.

Restoring social relations as an alternative to punishment

T. Mathiesen (1974), one of the founders of the sociology of law in Norway, conducted in-depth research into prisons, surveillance technologies and power structures within society. He viewed the abolition of prisons as a long-term goal, whilst emphasising that the short-term goal of countering the harmful effects of the system through reform must adopt an abolitionist stance. Such reforms must be negative; they “challenge the fundamental structures of the prison system”. Examples of negative reforms include reducing pre-trial detention and abolishing censorship of communications in prisons. He also proposed introducing extended leave and visits, which make prisons more open (Mathiesen, 1986). He substantiated the term “synopticon”, referring to a situation in which the majority observes the minority. He recognised the effectiveness of self-control and self-discipline in the modern world, which, in his view, should support synoptic processes. However, the scholar overlooked the negative consequences of the synopticon, particularly from the perspective of human rights and legitimate interests.

Another abolitionist, the American criminologist and professor at the University of Pennsylvania, P.H. Robinson (2001), believed that it is social norms that are largely responsible for ensuring law-abiding behaviour. To harness the full power of these norms, criminal law must be grounded in the ideals of justice. If criminal law pursues objectives other than the attainment of justice – even those as important as the prevention of future crimes – it will not gain broad social acceptance nor earn moral trust. As the transition occurs from a punitive system of punishment for committed crimes to a system of prevention guided by the degree of danger posed by the offender, society may begin to understand that criminal liability does not necessarily imply condemnation of the convicted person, but may simply reflect a prognosis of that person’s future behaviour.

It is now becoming clear that even short-term confinement in a prison increases the risk of future unlawful behaviour. C. Haney *et al.* (2004) explain this as follows: “Imprisonment inevitably breeds in most of its inmates

a bitter hatred and contempt for the authority and order that exist in the society to which they must return. And it is impossible to quantify the damage inflicted on the human dignity of those tasked with administering punishment and those upon whom it is imposed.” Longer prison sentences and an exaggerated understanding of the special role of imprisonment do nothing to reduce the number of convicts serving this form of punishment. This fact is also confirmed by contemporary research, for example, on the harmful effects of pre-trial detention and the advisability of limiting its use (Loeffler & Nagin, 2022). The link between reoffending and prior imprisonment is highlighted by M. Stam *et al.* (2023) and E.C. McCuish *et al.* (2025). Contemporary researchers believe that individuals who have served prison sentences face difficulties in reintegrating into society. At the same time, stable employment and housing, as well as social support, are key criteria for successful social reintegration (Moraro, 2025). There is little evidence that prisons reduce recidivism. One of the main aims of imprisoning people is to deter crime. However, the available data suggests that imprisonment does not fulfil this task (John Howard Society of Canada, 2023), particularly when compared with other available alternatives that do not involve arresting the individual.

Thus, the merit of moderate abolitionists lies in shifting the focus of crime prevention from punishment, as a means of deterring the offender, to the restoration of social relations. It is necessary to eliminate the social preconditions for committing a crime by influencing the social environment of the individual in question. In a correctional facility, prisoners are held in a closed environment, cut off from society, and are subjected to all the harmful and desocialising factors of imprisonment. Resocialisation, in the literal sense, means the restoration of the convict’s positive social ties. Reintegration into society must be the aim of resocialisation, its ultimate outcome.

Transformative justice

Transformative justice was proposed as a new practical programme for addressing problems of state instability, conflict, security and justice in societies undergoing a transition from conflict or repression (Evans & Huddy, 2025). This approach seeks to abandon traditional methods of punishment sanctioned by the state, such as policing, prisons, the judicial system and programmes for working with juvenile offenders. Based on the recognition that these institutions often harm people through surveillance and social control, supporters of transformative justice aim to reject the ways in which the criminal justice system contributes to the perpetuation of harm both within prisons and in the wider society beyond them (Kaba, 2021). Transformative justice is also grounded in the belief that interpersonal harm interacts with and reflects systemic and institutional mechanisms of oppression. For example, sexual

violence reflects a patriarchal conception of women as lacking personal autonomy. Thus, transformative justice recognises that eliminating individual interpersonal harm and conflict must simultaneously aim at dismantling systemic structures of power (such as patriarchy, cisheteronormativity, racism, ableism and colonialism). For this purpose, transformative justice employs a systemic approach, seeking to view problems not only as evidence of crime but also as its catalyst (Toward Transformative Justice..., 2007).

Transformative justice understands injustice and discrimination not only as phenomena that can be overcome through law, but also as opportunities for broader structural change beginning within communities. By building strong communities and actively participating in them, alongside state institutions, transformative justice identifies and addresses injustice while offering new visions of justice and eliminating structural and institutional harm, such as that arising from class, gender and racial inequality. Justice is best achieved through processes of accountability, care, support and intervention, by creating institutions and responding to harm within communities (Kim, 2021). Supporters of transformative justice warn against the idealisation of communities and the portrayal of society as benevolent, non-repressive and inherently non-violent. Such naivety is considered irresponsible and dangerous (Palacios, 2016). The topic of abolishing the death penalty also remains prominent. Guided by an abolitionist goal designed for the long term, P. Cullors (2019) substantiates twelve principles for the abolition of the death penalty, including: engaging boldly in discussion; committing to response rather than opposition; practising active rather than passive forgiveness; and embracing non-reformist reforms, among others.

Thus, transformative justice represents an approach to understanding and responding to crime that focuses on restoring justice and healing for all parties involved rather than solely punishing the offender. Its supporters emphasise the importance of transformative changes in justice and pay particular attention to reconciliation. At the same time, transformative justice does not provide an acceptable concept of fair compensation for victims of crime, which constitutes its principal shortcoming.

An alternative to criminal punishment

Supporters of the abolition of the death penalty are often criticised on the grounds that they allegedly cannot propose an alternative to this form of punishment. However, alternatives do exist. For example, these include “strict capital punishment without the right of pardon, followed by life imprisonment with a court-determined period of social security of not less than twenty years, as well as the use of electronic monitoring devices after the suspension of the sentence or early release; ... strict life imprisonment without the right of pardon,

followed by life imprisonment with the possibility of reducing the number of days of the sentence, conditional punishment or early release without determining a minimum term of punishment, and life imprisonment with a court-determined period of social security of not less than twenty years” (Piromeiam, 2021). V. Zisman (2024) has expressed views opposing the abolition of criminal law and punishment due to the alleged absence of an appropriate alternative. In his opinion, the most well-known versions of abolitionism actually converge on the same alternative core of criminal law, even if they are motivated by entirely different considerations. This core, on which contemporary abolitionist theories converge, is twofold: first, the assertion that the state should compel offenders to provide compensation to the victim; second, the assertion that restorative processes should be used wherever possible in the consideration of criminal offences. “This shared core is sufficient to reject the objection concerning the absence of an alternative” (Zisman, 2024).

M.P. Capaldi (2023) puts forward a philosophical argument against the death penalty: “given the lack of any evidence and the extreme severity of the punishment, the question of its deterrent effect should be excluded from any discussion of the death penalty”. There are compelling arguments both for and against its use. The issues surrounding abolitionism are relevant to modern society and are regularly placed on the agenda, as evidenced by the 8th World Congress against the Death Penalty, held on 15-18 November 2022 in Berlin (The 8th World Congress against ..., 2022). More than a thousand participants from 90 countries gathered in the German capital for the most important meeting of abolitionists, with the aim of further promoting the abolition of the death penalty and countering attempts to reinstate it where it has already been abolished. Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime, guilt, innocence or other characteristics of the individual, as well as the method used by the state to carry out the sentence. During the vote, which took place at the plenary session of the UN General Assembly on 17 December 2024, more than two-thirds of UN member states supported the call for a moratorium on the death penalty with a view to its abolition. Commenting on the adoption of the resolution, Amnesty International expert Chiara Sangiorgio stated: “This vote marks an important turning point for countries around the world and demonstrates that UN member states are steadily moving towards the abolition of the death penalty as a lawful punishment in accordance with international human rights law” (Global: UN Member States..., 2024).

The choice between arguments in favour of one punishment or another depends on the values, moral convictions and priorities of society. When proposing an alternative to punishment, one must bear in mind

that the purpose of punishment is not simply to inflict suffering. To deter the offender from reoffending and to deter others from committing similar acts – that is the purpose of punishment. Furthermore, the alternative must be guided by the principle of proportionality: a serious crime must be met with a commensurate punishment.

The theory of “reintegrative” shame

The ideas of abolitionism are also developed in the theory of “reintegrative shaming” proposed by the well-known criminologist and sociologist J. Braithwaite (1989). The scholar argued that the response to crime should combine condemnation with support. It is necessary to explain the significance of the norms that have been violated; however, this should occur in such a way that the offender still feels respect and care. Nowadays, this theory is quite popular, as is the strategy of restorative justice, which emphasises resolving the conflict between the victim and the offender without punishing the guilty party, through measures aimed at restoring the situation that existed prior to the offence (for example, compensation for losses caused by a property crime) (McGarrell, 2001). J. Braithwaite (1996) wrote that, from the perspective of supporters of restorative justice, civil society should have institutions capable of responding directly to emerging problems such as violence. This should by no means be done through punitive or stigmatising practices. Violence cannot be effectively controlled by communities until their members clearly understand that violence is shameful. This does not mean that criminal justice institutions are required to increase the level of shame. On the contrary, such an approach risks the emergence of institutions of stigmatisation. Instead, micro-institutions of deliberative democracy are needed, enabling citizens to discuss the consequences of criminal acts, determine who bears responsibility for them, and decide who and how should restore the disrupted social harmony. Such deliberative processes naturally provide an opportunity for those responsible for criminal behaviour to experience shame and find the strength to rectify the situation.

In 2024, a systematic review of research on shame and guilt among individuals who have committed violent crimes was published (Mottershead *et al.*, 2024). The authors of this review concluded that feelings of shame and/or guilt associated with committing crimes were widespread among individuals who commit violent acts. These emotions are very important for the rehabilitation of offenders. Both shame and guilt can serve a person adaptively or maladaptively, depending on the situation, duration and intensity. However, due to limited data, methodological differences and inconsistencies in measuring shame and/or guilt as overlapping constructs, it remains difficult to gain a clear understanding of these experiences

(Mottershead *et al.*, 2024). Of particular importance is the study of guilt and shame in juvenile offenders conducted by M. Shi (2024). It has been demonstrated that, as the emotional experience of shame has a mitigating effect on the behavioural patterns of juveniles, appropriate forgiveness can prevent the negative consequences of excessive shame.

Thus, shame represents an external moral censure, distinct from internal guilt, often associated with public condemnation and loss of social status. Shame may compel a person to desist from criminal behaviour, but it is sometimes itself the reason why victims remain silent about crimes. Offenders feel shame for the crime they have committed, but the nature and depth of this shame varies depending on the culture.

Conclusions

Thus, supporters of abolitionism in criminology have recognised the existence of repressive, punitive and harsh state control over crime as a serious problem for society. They proposed alternative solutions to the problem of crime and its prevention through depenalisation and decriminalisation, the use of various social resources to counter crime, as well as informal and integrative forms of control. Although abolitionism is conceptually a heterogeneous criminological direction, abolitionists in criminology nevertheless demonstrate a critical attitude towards criminal law, while not opposing all forms of social control. They question the moral right of the state deliberately and systematically to inflict pain on people by excluding them from society. Such practices are regarded as violations of the natural human rights to life, health, freedom and dignity.

The abolitionist position that the achievement of the goals of general and individual prevention through the imposition and execution of punishment has not been empirically confirmed deserves particular attention. Consequently, policies aimed at intensifying criminal repression appear questionable. The verification of abolitionist theoretical constructions demonstrates their substantial validity: economic inequality leads to discrimination against economically disadvantaged groups when punishment is imposed; imprisonment does not guarantee the absence of recidivism; enormous expenditures for maintaining prisons and correctional institutions are borne by society, which in return does not receive guarantees of safety; time spent in places of detention negatively affects people’s lives, both those of prisoners themselves and those of their families (leading to deterioration in health, reduced life expectancy, lower incomes and undermining family stability). These are real costs borne not only by prisoners but by society as a whole. All of this occurs in pursuit of a goal that ultimately fails to achieve its primary task – making people’s lives safer.

The abolitionists’ desire to eliminate the infliction of pain upon offenders is humane and understandable.

However, the question remains open regarding the suffering of the victim, the injured party and their family. A complete refusal of police intervention, prisons or any potential punishments, as advocated by supporters of the abolition of punishment, may itself be unjust and inhumane towards the victim, depriving the weak of protection from the strong and causing harm to communities and individuals. Supporters of abolitionism have not provided an answer to the question of how to reconcile the interests of the offender and the victim from the perspective of justice. Until this issue is resolved, it appears advisable to adhere to the existing legislation with its principle of the inevitability of punishment.

Even if one accepts the aspirations of abolitionists and assumes that the police and prisons might one day be abolished, power relations in a civilised society cannot be eliminated. At the same time, there are serious doubts that any of the numerous possible hypothetical versions of prisonless communities – including those proposed by prison abolitionists – would necessarily be more just than communities that assign law-enforcement institutions, imprisonment or other forms of punishment a significant role in combating unlawful behaviour. Another open question remains whether a society without prisons would be just without the punishment

of offenders. Unfortunately, supporters of abolitionism have left this question unanswered.

Abolitionist criminologists have proposed several original solutions which modern society may not accept unambiguously, yet this does not diminish their value as a long-term orientation. Among such proposals is the idea that the state should not determine the type of punishment or the method of its execution; rather, this task should be resolved jointly by the close social environment of the offender and the victim. In both the short-term and long-term perspective, abolitionists pursue the ideal of “minimal criminal law”, that is, a form of criminal law that can be ensured through constitutional and legal norms. These include the legal norms of modern states based on respect for human dignity and fundamental economic, political, cultural, social and other human rights.

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Роль ідей аболіціонізму в попередженні злочинності

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Анотація

Покарання злочинця не завжди сприяє підвищенню рівня його правосвідомості та попередженню протиправної поведінки. Покарання завдає страждань правопорушнику, але не знижує ймовірність злочину в майбутньому, а отже, не сприяє індивідуальній та суспільній безпеці. Мета статті полягала у визначенні можливостей застосування в практиці попередження злочинності ідей відомих прихильників аболіціонізму, а також прогнозування наслідків такого застосування. Дослідження спрямоване на систематизацію та критичний аналіз концепцій кримінально-правового аболіціонізму в контексті сучасних трансформацій антикримінальної політики. Констатовано, що істотною проблемою суспільства є репресивний контроль держави за злочинністю, який суперечить природним правам людини на життя, здоров'я, свободу та гідність. Досягнення завдань загальної та індивідуальної превенції як результат призначення та виконання покарання не підтверджується емпірично, тому політика кримінальної репресії не може бути основним засобом боротьби зі злочинністю. Передусім значення мають страждання жертв злочинів, їхніх рідних і суспільства загалом. З цієї позиції відсутність покарання злочинця суперечить гуманізму та справедливості. Прихильники аболіціонізму не дали відповіді на питання щодо узгодження інтересів правопорушника й жертви з погляду справедливості. Поки це питання не буде вирішено, доцільно дотримуватися чинного законодавства з його принципом невідворотності покарання. Здійснений аналіз ідей аболіціонізму в кримінології засвідчив необхідність об'єктивного оцінювання наслідків правопорушення як для самого правопорушника, так і для жертви й суспільства загалом. Пропозиції спрямовано на виважену та критичну оцінку ідей аболіціоністів, оптимізацію механізмів правозастосування в частині притягнення правопорушника до відповідальності та гарантування прав і свобод людини

Ключові слова:

злочин; покарання; в'язниця; смертна кара; депеналізація; декриміналізація; трансформаційне правосуддя