

# Community Service Order and Its Urgency to Reduce the Negative Impact of Imprisonment

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## ABSTRACT

Imprisonment convicts which dominated the strategy of fostering prisoners in institutions (institutional based correction) from the end of the 18th century, have been criticized by various groups. The pros and cons of using it as a result of the complexity of its negative effects is increasingly widespread. Community service order exists as an alternative to imprisonment to reduce these negative effects. Carrying a large theme on community service order and its urgency in reducing the negative impact of imprisonment, this paper will discuss two issues: First, what are the negative impacts arising from the application of imprisonment? Second, to what extent does community service order have the relevance of reducing the negative impact of imprisonment? Through doctrinal analysis with qualitative analysis the following findings were obtained: First, there were so many negative impacts arising from the application of imprisonment which resulted in very complex follow-up impacts, namely stigmatization, dehumanization, and imprisonment. Second, because the community service order is essentially a sanctions outside the institution, the community service order is very relevant to reduce the negative impact of the application of sanctions in the institution (imprisonment).

**Keywords:** *community service order, negative impact, imprisonment*

## 1. INTRODUCTION

Conceptual debate about the effectiveness of imprisonment as one type of criminal sanctions is still ongoing. At least two opposing views are involved. Respectively, views that reject the use of imprisonment as a type of criminal sanction and views that support the use of imprisonment as one type of criminal sanction. On the one hand, imprisonment receives support as a means of overcoming criminal acts for reasons in accordance with the main aspects of criminal objectives, namely aspects of community protection and aspects of individual protection [1]. Although it is also still recognized, that the lack of effectiveness or ineffectiveness of imprisonment in supporting the main aspects of the goal of punishment has not been accepted with certainty and satisfaction [1]. On the other hand, imprisonment is sharply criticized for reasons of the enormous complexity of its negative effects. Prison crimes are criticized as not acting as rehabilitative agents, but rather as providing stigma, dehumanization, expensive, brutal and criminogenic. Hermann Mannheim and Norval Morris extreme states, that the era of criminal law will soon end (2). Morris even predicted, before the end of this century (21st century, pen.) Prison institutions will become extinct [2]. Apart from the two opposing views, the existence of imprisonment will in fact be tested by criminal theory which tends to move from the principle of "backward-looking" to backward-looking "forward-looking" ideas [1], [3]–[5].

This paper will examine two fairly basic problems. The first problem is related to the negative impact of imprisonment.

The second problem relates to the relevance of criminal social work in reducing the negative impact of imprisonment. The main purpose of the study of the negative impact of the application of imprisonment is to see the extent of the negative impact due to the application of imprisonment, so it is necessary to think of alternatives. This study will give a reasoning about the importance of alternative imprisonment, since the negative impacts caused by the application are so complex. While the second issue needs to be examined to see how far the social work criminal has relevance as an alternative to imprisonment. Considering the essence of social work crime as a criminal outside the institution, its presence needs to be examined to see how far the social work criminal has the potential to reduce the negative impact of the application of imprisonment.

## 2. NEGATIVE IMPACT OF IMPRISONMENT

Sharp criticism of the application of imprisonment in Indonesia is inevitable. The emergence of various criticisms of the application of imprisonment is at least due to several factors. First, as a product of the criminal justice system, the application of imprisonment cannot be separated from sharp criticism of criminal justice in general such as stigmatization, dehumanization and prisonisation which tends to be criminogenic. Criminal justice, including the

application of imprisonment, is also criticized for its tendency to be expensive (expensive), unjust (unjust) (6), immoral (6), and failure (6). Noting the various negative impacts resulting from imprisonment, it seems reasonable criticism of the use of imprisonment so far. It is undeniable, however, that such a complex negative impact on the application of imprisonment has the potential to be a criminogen factor which is actually counter productive.

Stigmatization is the scourge of the criminal justice system. As a process of giving stigma / evil stamp by the community (7), stigmatization is often perceived as a separate criminal code which is much heavier than the criminal sentence imposed by the court. Concern over the negative effects of stigmatization is at least for several reasons. Stigmatization will continue even after the offender has finished serving the sentence imposed by the judge. Stigmatization often lasts for the life of the offender. Even though the offender has repented, tried to be a better person, stigmatization will not automatically disappear. Stigmatization also not infrequently causes complex social effects not only on convicts, but also on those closest to them such as husband / wife, children, and parents. Many facts show that many children are ridiculed and alienated by friends around them because they know their parents are ex-convicts. Stigmatization is the most worrying effect of imprisonment.

Another negative impact of the inevitable application of imprisonment is dehumanization. The process of exile by the community around him to ex-convicts (8), also a problem for the application of imprisonment. Society often cannot accept ex-convicts. The attitude of isolating, unwilling to communicate and the attitude of alienating ex-convicts is also a negative effect that is often felt by ex-convicts. This process of exile also often does not only afflict the ex-convict himself, but also afflicts those closest to him like a child or wife. Recovery from dehumanization is also not easy. It takes a long time for ex-convicts to convince the people around them. In the context of Indonesia, the difficulty in accepting ex-convicts also not only occurs in the community in general, but also by government agencies. Not a few ex-convicts who lost their hope look to the future, precisely because it is not recognized by the government itself. Former inmates are still a scourge, including in the recruitment of government employees.

Prisonization cannot be underestimated. As a process of prisoner socialization in prison communities within institutions, prison is potentially a process of enculturation of crime (9). Prisonization is also in the public spotlight, even many people who assume it as the exchange of crime science. It is understandable if coaching in correctional institutions also raises criticism, that correctional institutions become criminal college. In this context comes public cynicism, a person who enters a correctional facility

for stealing a chicken, once finished serving a crime becomes a car thief. Factually, it is unavoidable the process of socialization among convicted communities. The more so in the condition of correctional institutions that are all short of facilities and infrastructure. The number of dwellings that exceeds the capacity, inadequate institutional facilities, and institutional human resources that are far from ideal needs, all of which worsen the condition of the penitentiary which opens the occurrence of prison. Despite efforts to minimize the occurrence of prisoners have been made. Placement of prisoners according to the type of crime committed and limiting the number of occupants in one room / block. But these efforts cannot prevent imprisonment.

As part of the criminal justice system, imprisonment is also often criticized for its expensive tendencies. The cost that must be incurred by the state to guarantee the life of prisoners in the institution is quite a bit and the numbers also continue to increase along with the increasing number of prisoners in prison. Efforts to improve the lives of prisoners in an institution are not easy work. Efforts to improve the welfare of prisoners will be faced with irony in society. How come? The welfare of prisoners is fought for in such a way, even though there are still many people outside the institution that just to survive is so difficult. In addition, efforts to fight for the living standards of prisoners within the institution will also face other irony. Prisoners are people who commit crimes / perpetrators of crimes that result in the community becoming victims. While when in a penitentiary the cost of living is borne by the community as a victim. The more prisoners in prison, the more state money must be spent to finance the lives of prisoners in the institution. That is, the higher the tax burden that must be paid by the public to the state.

### **3. COMMUNITY SERVICE ORDER AND ITS RELEVANCE TO REDUCE THE NEGATIVE IMPACT OF IMPRISONMENT**

Hypothetically-theoretically, the use of social work penalties as an alternative criminal is based on the idea that social work criminal has a high relevance to reduce the negative impact of the application of imprisonment. Imprisonment which in the context of Indonesia is carried out in a prison is not free from various negative impacts due to its application. Sharp criticism of the application of imprisonment also always appears in various circles of society. Even the various negative effects of the application of imprisonment in prison also often can be seen directly by the public with the naked eye. Cases of riots in various correctional institutions, cases of burning of correctional

institutions, cases of escaping of prisoners from prisons, cases of drug trafficking in correctional facilities, cases of buying and selling facilities in correctional facilities are cases that occur as negative impacts of imprisonment.

In addition to the impact that can be directly seen, the application of imprisonment in prison also causes various negative impacts as mentioned in the previous section, namely stigmatization, dehumanization and prisonisation. This impact tends to be massive and lasts long enough. To provide an overview of the various impacts, a brief analysis will be provided in this regard. First, as explained in the previous section, imprisonment has a negative impact in the form of stigmatization. Criminal social work with its characteristics as a criminal outside the institution, is considered to be very relevant as an effort to reduce the negative impact caused by someone inside a penitentiary. Hypothetically-theoretically, with a convict outside the penitentiary, stigma as an ex-convict can be avoided. Moreover, if the convicted person does social work that is beneficial to the community, many can create a positive impression on the convict. Thus, in addition to being able to prevent convicted persons from depriving them of independence in the institution, social work also fosters a positive impression of the convicted community.

Second, social work-based prisons with their characteristics placing the convicted in mingling with the community outside the institution will prevent the convicted person from exile (dehumanization) both with his family members and with the community in general. Through social work schemes, the convicted person can live their lives naturally to remain in the environment of family members and their communities, so that the convicted person can still conduct social re-socialization and adaptation. Third, social work-based prisons also do not provide space for prisoners to occur. Placement of the convicted in various types and places to do social work avoids the occurrence of a narrow association between inmates who are often used as an opportunity to exchange experiences and knowledge about crime. Fourth, social work-based correctional services can also reduce the cost of living of prisoners within the institution. Thus, social work-based penalties also mean easing the tax burden on society, because the State does not have to bear the burden of prisoners' living costs within the institution.

#### 4. CONCLUSION

Based on the brief analysis as exposed in the previous section, there may be several conclusions as follows: first, the application of imprisonment in the penitentiary raises a variety of negative impacts that are actually counter productive with the purpose of the pipetting itself. That is, the application of imprisonment poses a negative impact that

is alienated from the goal that will be achieved through pipetting. The negative impact on the application of prison criminal in the correctional institution is the occurrence of stigmatization, dehumanization, Prisonisasi, and costly cost. Secondly, social work-based correctional with its characteristics as a criminal implementation outside the institution is very potential to reduce the negative impact due to prison implementation. Hypothetically-theoretical, social work-based correctional is very likely to avoid being convicted of various negative impacts due to the application of prison criminal.

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