

Reconstruction of Non-Imprisonment Crime: An Analysis of Jarīmah Ta'zīr in the Padangsidimpuan Correctional Institution

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Abstract:

The existence of social work penalties regulated in Law Number 1 of 2023 legally recognizes the implementation of a new sentencing concept in Indonesia. The most fundamental goal of implementing social work penalties is to address the problem of overcrowding in correctional institutions by inmates. The purpose of this research is to introduce social work sentences that apply a new concept or principle of punishment, moving away from the concept of retributive justice. The focus of this research is to analyze how officers at the Class II B Penitentiary in Padangsidimpuan respond to the implementation of community service as a sentencing system. This type of research uses a qualitative method with data collection techniques of observation, interviews, and documentation. The data is analyzed comprehensively regarding social work penalties as a sentencing system from the perspective of the Class II B Penitentiary in Padangsidimpuan. The results of this study indicate that the Class II B Penitentiary in Padangsidimpuan supports the implementation of community service sentences because it is considered capable of reducing overcrowding within the penitentiary and providing benefits for inmates undergoing rehabilitation.

Abstrak:

Adanya pidana kerja sosial yang di atur dalam UU Nomor 1 Tahun 2023, maka secara yuridis diakui akan diberlakukannya konsep pemidanaan yang baru di Indonesia, tujuan yang paling mendasar bahwa diterapkannya pidana kerja sosial yaitu mengatasi permasalahan overcrowding di Lembaga Pemasyarakatan oleh narapidana. Tujuan penelitian ini adanya pidana kerja sosial yang menerapkan konsep atau prinsip pemidanaan yang baru yaitu menjauhkan konsep keadilan retributif. Fokus penelitian ini ialah menganalisis bagaimana tanggapan petugas Lembaga Pemasyarakatan Kelas II B Padangsidimpuan dalam penerapan pidana kerja sosial sebagai sistem pemidanaan. Jenis penelitian ini menggunakan metode kualitatif dengan teknik pengumpulan data observasi, wawancara, dan dokumentasi. Data dianalisis secara komprehensif tentang pidana kerja sosial sebagai sistem pemidanaan perspektif Lembaga Pemasyarakatan Kelas II B Padangsidimpuan. Adapun hasil penelitian ini menunjukkan bahwa Lembaga Pemasyarakatan Kelas II B Padangsidimpuan mendukung penerapan pidana kerja sosial karena dianggap mampu mengurangi masalah kepadatan di dalam lembaga pemasyarakatan dan memberikan manfaat bagi warga binaan yang sedang menjalani rehabilitasi.

Introduction

Social work crime is an alternative type of punishment that aims to punish perpetrators of minor crimes by doing work that is beneficial to the community while still having the same physical freedom as prison sentences have. Social work is a form of criminal in the form of social work undertaken by convicts to perform specified social work. Etymologically, the term "social work crime" comes from two words "criminal" and "social work". Social work crime is a useful legal policy. Its enactment could reform the usual penal system that is completely dependent on correctional institutions and imprisonment. Both of these things are no longer effective in cases of petty crimes, which correlate with high recidivism rates and a lack of a sense of justice in society. The implementation of social work crimes will be able to overcome problems that short-term prison sentences cannot answer, as well as bring other benefits to both the perpetrators, the local community, and the government.¹

The Padangsidempuan Class II B Correctional Institution showed mixed responses to the application of social work as an alternative in the penal system. Although social work is considered a form of punishment that aims to rehabilitate and help perpetrators return to society in a more humane manner. Internal factors such as the officers' perspective, misunderstandings in coaching strategies, and limited facilities and facilities are problems that affect the effectiveness of the implementation of social work crimes. The condition of inmates who often return to commit crimes also leads to debate about the effectiveness of this approach. Therefore, it is necessary to conduct an in-depth study of the perspective of the Padangsidempuan Class II B Correctional Institution on social work crimes, in order to find the right solution in improving the function of the correctional institution as part of a more progressive and sustainable criminal justice system.²

Correctional institutions have an important role in assessing and implementing punishment. Class II B Padangsidempuan Prison, located in North Sumatra, has first-hand experience in dealing with problems of excess capacity, limited rehabilitation facilities, and social dynamics inside and outside the institution. Therefore, this prison perspective is very important to be analyzed as a basis for considering the criminal policy of social work as a penal system.

Based on previous research, according to Zakaria Siregar, the *Community Service Order* social work crime has great potential in reforming Indonesian criminal law as a more humane and effective alternative to punishment.³ Furthermore, based on Ramadan's research, Isnan Saputra explained that social work crimes are effective in

¹ Teafani Kaunang Slat, "Sanksi Pidana Kerja Sosial Terhadap Tindak Pidana Ringan Sebagai Upaya Pembaharuan Hukum Pidana Nasional," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* Vol. 4, no. 2 (2020): hlm. 352.

² Erikjen Sidoarjo Silalahi, Kasi Binadik Dan Giatja Lembaga Pemasyarakatan Kelas II B Padangsidempuan, Wawancara (Padangsidempuan, 19 Februari 2025).

³ Zakaria Siregar, *The Potential of Social Work Crimes (Community Service Order) in the Reform of Indonesian Criminal Law* (Semarang: Semarang State University, 2020).

improving the behavior of inmates and increasing their awareness of the importance of social contribution.⁴ Then, according to Teafani Kaunang Slat's research, it is explained that social work crime is a more humane and effective alternative to punishment in improving criminal behavior.⁵

The issue of the relationship between Islam and local culture has become an interesting concern among academics. The Islamic pattern that emerged in Indonesia was very vulnerable to a touch of local culture that developed long before Islam entered the archipelago. Religious and cultural issues continue to be a hot topic to be studied and researched.⁶

Method

This type of research is field research or *Field Research* that uses a qualitative approach, where researchers go directly to the field and look at the phenomena that occur in the field.⁷ The data sources used are primary and secondary data sources.⁸ The primary data source in this study is the officers of the Class II B Correctional Institution of Padangsidempuan. Meanwhile, the secondary data in this study are books, journals, and various other sources. This data collection technique is carried out by observation, interviews and documentation.⁹ The data analysis technique in this study is qualitative descriptive, which is describing or explaining the data in the form of sentences in paragraphs.¹⁰ The purpose of this research is to find out the Criminal Concept of Social Work as a Criminal System in Law No. 1 of 2023 and to find out the View of the Class II B Padangsidempuan Correctional Institution Towards Social Work Crime as a Criminal System.

Result and Discussion

The Criminal Concept of Social Work as a Criminal System in Law No. 1 of 2023

Overcrowding in correctional institutions is a very serious problem factor, with social work crimes as an alternative to punishment to reduce the number of inmates

⁴ Ramadan Isnain Saputra, "Criminal Sanctions for Social Work Against Inmates in Class II A Correctional Institution Jambi" (Jambi: Batanghari University Jambi, 2023).

⁵ Slat, "Sanksi Pidana Kerja Sosial Terhadap Tindak Pidana Ringan Sebagai Upaya Pembaharuan Hukum Pidana Nasional."

⁶ Puji Kurniawan, "Memahami Pertautan Agama Dan Budaya Studi Terhadap Tradisi Marpege-Pege Di Batak Angkola," *Yurisprudentia: Jurnal Hukum Ekonomi* Vol. 2, no. 2 (2016). Hlm. 156 <https://doi.org/10.24952/yurisprudentia.v2i2.670>.

⁷ Zul Anwar Ajim, "Dampak Pelaksanaan Peraturan Daerah Terhadap Busana Muslim Di Kecamatan Padangsidempuan Tenggara," *El-Qanuny : Jurnal Ilmu-Ilmu Kesyariahan Dan Pranata Sosial* Vol. 4, no. 1 (2018). Hlm. 239 <https://doi.org/10.24952/el-qonuniy.v4i1.1824>.

⁸ Mustafid, "Hukum Perbuatan Roasting Dalam Stand Up Comedy Ditinjau Berdasarkan Ketentuan Syariat Islam," *Yurisprudentia: Jurnal Hukum Ekonomi* Vol. 7, no. 2 (2021). Hlm. 189 <https://doi.org/10.24952/yurisprudentia.v7i2.4691>.

⁹ Dahliati Simanjuntak and Inim Roah, "Konsep Kompilasi Hukum Ekonomi Syariah Terhadap Gaji Buruh Di Desa Sawah Mudik Kecamatan Ranah Batahan," *El-Thawalib* Vol. 3, no. 6 (2022). Hlm. 67 <https://doi.org/10.24952/el-thawalib.v3i6.6652>.

¹⁰ Albi Anggiaton and Johan Setiawan, *Qualitative Research Methods* (Cv Jejak, 2018), p. 145.

serving prison sentences. This is one of the most appropriate strategies. Protecting the rights of prisoners and children is the main goal of correctional institutions in handling prisoners of Law Number 22 of 2022 concerning Corrections. Correctional institutions produce recovery by improving the personality and independence of inmates well enough to return inmates to society in a good way. In addition, community institutions try to make the community feel safe so that there are no more criminal acts. The principles of correctional services that have been replaced and regulated by Law Number 12 of 1995 are restated in the Correctional Law which was just passed in 2022.

In theory, this rehabilitative principle helps to recover from conditions caused by criminal acts by providing education, training, and guidance. However, one of the *overcapacity factors* still hinders its implementation. The existing problem formulates a new rule stipulated in the New Criminal Code in regulating the form of crime, namely social work. It is reiterated that social work is one of the main crimes in the New Criminal Code. However, in imposing sentences, there are several conditions on how the social work crime can be decided. This means that not all types of criminal acts and the length of the sentence and the category of fines can be sentenced to social work. Regarding articles that discuss social work and the criminal sentencing system, it has been explained in the New Criminal Code. Technically, the implementation contained in the New Criminal Code also mentions the subsystems that will be responsible for its implementation.

In carrying out supervision, the prosecutor will be the subsystem involved and the function of its implementation in Article 85 Paragraph (8) is stated to be carried out by the correctional supervisor. This social work crime provides opportunities for perpetrators of criminal acts that are beneficial to them as an effort to rehabilitate and socialize. This crime is considered more effective as an effort to hold the perpetrators of criminal acts accountable to the community who are indirectly harmed by negative behavior so that the way carried out with this social work will be more positive. In addition, this is also a solution to inefficient waste due to the high costs that need to be incurred by the state in imprisoning a criminal offender and reducing conflicts in prisons.¹¹

Social work is essentially not only intended as a form of punishment, but also as a means to foster a sense of social responsibility in the convict. Through direct involvement in social work activities, convicts are invited to realize that the mistakes made have caused harm to society, so their moral obligation is to correct them through real contributions. By carrying out social work, convicts are not only serving punishment in a passive sense, but are given space to actively participate in activities

¹¹Ni'am Abdalla Naofal, "Tujuan Pemidanaan Pidana Kerja Sosial Dan Peran Subsystem Peradilan Pidana Dalam Pelaksanaannya," *Jurnal Ilmu Hukum Humaniora Dan Politik* Vol. 5, no. 4 (2025): hlm. 366.

that are beneficial to the environment, such as the cleanliness of public facilities, the maintenance of social facilities, or certain community services. This activity will foster awareness that every act has social consequences that must be accounted for.

Social work crimes also encourage convicts to rebuild public confidence and trust, because they are not only labeled as perpetrators of criminal acts, but also as individuals who are still able to provide benefits. Social work crimes serve a dual function: as a punishment as well as a coaching instrument that emphasizes self-improvement, moral strengthening, and returning convicts to responsible members of society. In an interview with one of the inmates at the Class II B Prison in Padangsidimpuan, he got the view that social work crimes can be a means to improve themselves while fostering a sense of social responsibility.

The inmate said that: "If I am given a social work sentence, I feel more able to make amends. I can help clean the road, help at the mosque, or do something useful. If we were only in prison, we would indeed be punished, but we could not immediately redeem that guilt to the community."¹²

Another inmate also added: "I want to show my family and the people in the village that I can still do good. With social work, I can improve my name and be more careful going forward." From the results of the interview, it can be seen that social work crimes are not only interpreted as punishments, but also as an opportunity to rebuild social relationships, remove stigma, and internalize moral responsibility for mistakes that have been committed.¹³

This expression shows the awareness that direct involvement in social activities makes the convict feel more responsible, because the contribution given is real and felt by the community and the results of the interview show that the social work crime is not only interpreted as a punishment, but also as an opportunity to rebuild social relationships, remove stigma, and internalize moral responsibility for mistakes that have been committed.

The social values of the community are based on the deeds, words, habits and beliefs of each member of the community family.¹⁴ By developing the ability to explore and creativity as well as fostering an attitude of love for work and practicing independence, in other words as long as it is done professionally, but what is worried

¹²Wawancara Dengan WBP- A, (Lembaga Pemasyarakatan Kelas II B Padangsidimpuan, 24 Februari 2025).

¹³Wawancara Dengan WBP- R, (Lembaga Pemasyarakatan Kelas II B Padangsidimpuan, 24 Februari 2025).

¹⁴Mustafid and Ahmad Iffan, "Kajian Sosio Legal Dalam Pemahaman Syariat Islam Dan Hukum Sosial," *El-Qanuny: Jurnal Ilmu-Ilmu Kesyariahan Dan Pranata Sosial* Vol. 7, no. 1 (2021). Hlm. 89 <https://doi.org/10.24952/el-qanuniy.v7i1.3517>.

is that in a poor family environment often the burden of child labor is too excessive.¹⁵ What a beautiful expression it sounds but in reality it is not.¹⁶

The concept of the modern state, that in an Islamic state the people have total sovereignty, but that sovereignty is limited by the sovereignty of God.¹⁷ Negara bertugas menegakkan hak-hak dan kebebasan warganya, kemakmuran, dan kebahagiaan rakyat merupakan tujuan negara dan hukum.¹⁸ The purpose of the establishment of the state is to prosper all citizens, not certain individuals. The law is an atrocity. Law enforcement is a concretization of legal norms in real cases.¹⁹

The deterrent effect arises because the convict must undergo work obligations under supervision, without receiving remuneration, and accompanied by certain restrictions that reduce his personal freedom. This shows that social work is not just a light punishment, but still a real legal consequence. By being placed in a supervised work situation, the convict feels psychological pressure in the form of shame and responsibility in front of society, which in turn builds awareness not to repeat his actions. In addition, social work crimes also contain elements of moral learning, because through activities that are beneficial to the public, convicts are directed to understand the negative impact of their actions as well as practice making real amends. Thus, even though they are not behind bars, convicts still receive deterrent effects and social consequences, which are ultimately expected to reduce overcrowding in correctional institutions.

An important benefit of the implementation of social work penalties is its contribution to reducing the state's financial burden to finance the needs of inmates in correctional institutions. So far, the government has to bear all operational costs for each inmate, ranging from the provision of food, clothing, health facilities, to other basic needs. The condition of excess capacity of prison inmates further increases the budget burden, because the number of inmates far exceeds the ideal capacity.

With the existence of social work crimes, perpetrators of minor crimes can serve sentences outside the prison walls so that daily maintenance costs are no longer fully

¹⁵ Nurhotia Harahap, "The Rights and Obligations of Workers in the Labor Law," *Al-Maqasid : Journal of Sharia and Civil Sciences* Vol. 6, no. 1 (2020). p. 77 <https://doi.org/10.24952/almaqasid.v6i1.2505>.

¹⁶ Agus Anwar Pahutar, "Kesadaran Hukum Dalam Menafkahi Anak Pasca Putusan Pengadilan," *El-Qanuny: Jurnal Ilmu-Ilmu Kesyariahan Dan Pranata Sosial* Vol. 5, no. 2 (2019). Hlm. 138 <https://doi.org/10.24952/el-qonuniy.v5i2.2156>.

¹⁷ Syafri Gunawan, "Karakteristik Negara Islam; Kajian Awal Ide Negara Abul A'la Maududi," *Al-Maqasid: Jurnal Ilmu Kesyariahan Dan Keperdataan* Vol. 5, no. 2 (2019). Hlm. 99 <https://doi.org/10.24952/almaqasid.v5i2.2079>.

¹⁸ Puji Kurniawan, "Masyarakat Dan Negara Menurut Al-Farabi," *El-Qanuny: Jurnal Ilmu-Ilmu Kesyariahan Dan Pranata Sosial* Vol. 4, no. 1 (2018). Hlm. 95 <https://doi.org/10.24952/el-qonuniy.v4i1.1830>.

¹⁹ Syafri Gunawan et al., "Upaya Kepolisian: Pelanggaran Lalu Lintas Terhadap Anak Di Bawah Umur Di Kota Padangsidimpuan," *El-Thawalib* Vol. 5, no. 1 (2024). Hlm. 66 <https://doi.org/10.24952/el-thawalib.v5i1.10874>.

borne by the state. This certainly provides significant budget efficiency, because funds previously allocated to meet the basic needs of inmates can be diverted to improve the quality of coaching, improve prison facilities, or social reintegration programs. In addition, social work crimes also have productive value, because convicted workers can be used for activities that are beneficial to the community.

One of the main arguments in favor of the implementation of social work crimes is the potential to reduce the state's financial burden in financing the needs of prisoners. For example, according to data from the Directorate General of Corrections of the Ministry of Law and Human Rights (Kemenkumham), the number of prisoners/prisoners in Indonesia is around 192,767 people. For their maintenance, only the cost of food, the provision of basic necessities, and other basic operations requires funds of IDR 2,880,000,000 per day. If calculated annually, assuming the number of inmates remains stable, the budget reaches ± IDR 518,400,000,000 per year.²⁰

By implementing social work penalties, especially for minor cases and convicts who deserve an alternative, the state can save a proportion of these funds. For example, if only 10-20% of the inmates do not have to occupy space in the prison but undergo social work outside the prison walls under supervision, their food costs and basic necessities which are a large part of the prison operational allocation can be greatly reduced.

The concept of a modern state, that in an Islamic state the people have total sovereignty, but this sovereignty is limited by the sovereignty of God.²¹ The state is tasked with upholding the rights and freedoms of its citizens, the prosperity, and happiness of the people are the goals of the state and the law.²² The purpose of the establishment of the state is to prosper all citizens, not certain individuals. The law is an atrocity. Law enforcement is a conjuncture of legal norms in real cases.²³

The Views of the Padangsidempuan Class II B Correctional Institution on Social Work Crimes as a Criminal System

The Class II B Padangsidempuan Correctional Institution provides the view that social work is one of the alternative punishment systems that can support the goals of corrections. In general, officers at the Penitentiary see that the application of this crime has the potential to reduce the number of excess inmates in prisons, which has been a major challenge. With the existence of social work crimes, inmates who commit minor

²⁰ <https://www.ditjenpas.go.id/pemasyarakatan-masalah-atau-solusi/>, (Diakses Tanggal 20 Juni 2025).

²¹ Syafri Gunawan, "Characteristics of Islamic State; An Initial Study of the State Idea of Abul A'la Maududi," *Al-Maqasid : Journal of Sharia and Civil Sciences* Vol. 5, no. 2 (2019). p. 99 <https://doi.org/10.24952/almaqasid.v5i2.2079>.

²² Puji Kurniawan, "Society and State According to Al-Farabi," *El-Qanuniy : Journal of Sharia Sciences and Social Institutions* Vol. 4, no. 1 (2018). p. 95 <https://doi.org/10.24952/el-qonuniy.v4i1.1830>.

²³ Syafri Gunawan et al., "Police Efforts: Traffic Violations Against Minors in the City of Padangsidempuan," *El-Thawalib* Vol. 5, no. 1 (2024). p. 66 <https://doi.org/10.24952/el-thawalib.v5i1.10874>.

crimes can be transferred to do useful work in the community without having to serve prison sentences.

In terms of coaching, the prison considers that social work is in accordance with the principles of correctional care which emphasizes social coaching and reintegration. Correctional officers argue that this program can be a means for people who violate the law to improve themselves through productive activities, and foster a sense of social solidarity and responsibility.²⁴

However, there are also notes provided by the prison regarding the challenges of its implementation. Some officers mentioned the need for a strict supervision mechanism, as well as coordination with the government and the community for the program to run effectively. They also emphasized the importance of assessing the level of risk of violators of the law that will be given social work penalties, so as not to cause new problems in the field.

Overall, the Class II B Padangsidempuan Prison provides positive support for the idea of social work crimes, but the need for careful preparation both in terms of human resources and community support, social work crimes are believed to be the right solution in the new penal system and support the goals of inmate development.

Some Officers Support the Implementation of Social Work Penalties, especially related to its benefits in reducing excess capacity (80%) and supporting the development of prisoners (90%). However, the regulatory and supervision aspects are still considered inadequate by most respondents (60% said they disagree). The same is true for the preparation of the community and the availability of resources in prisons, which only receive 50% and 30% support, respectively. Social work crimes are considered positive as an alternative to punishment, the implementation requires support for improving clear infrastructure, as well as strengthening coordination with the community and agencies outside the correctional institution.

Thus, the various responses given by the Class II B Padangsidempuan Correctional Institution to social work crimes. This response is influenced by internal prison factors such as the readiness of officers, prison resources and the supervision system, as well as external factors such as community involvement and support from related agencies. Although there are different opinions, in general, prisons welcome social work crimes as an effort to create an effective and coaching penal system, in accordance with Law No. 1 of 2023.

According to research conducted at the Class II B Correctional Institution in Padangsidempuan, there are differences in responses to the implementation of criminal social work as a penal system. In general, criminal social work is seen by the prison as an alternative to punishment in accordance with the principles of

²⁴ Erikjen Sidoarjo Silalahi, Kasi Binadik Dan Giatja Lembaga Pemasyarakatan Kelas II B Padangsidempuan, Wawancara (Padangsidempuan, 19 Februari 2025).

rehabilitation and compensation training. However, correctional officers have different opinions about its application. According to some officers, social work criminals offer perpetrators of minor crimes or certain offenses the opportunity to serve sentences while still participating in society. This view is in line with the spirit of Law Number 1 of 2023, which emphasizes alternative punishment that is rehabilitative and reintegrative.

Social work criminalization is part of a correctional approach that emphasizes training and social responsibility. It is believed that social work criminals can help provide a better understanding of the law and gain real experience of contributing to society, preparing them for better reintegration. Social work crimes are considered effective in overcoming overcapacity in correctional institutions and have the function of training, fostering, and providing a deterrent effect to criminals. In addition, social work crimes also provide benefits for inmates so that they can return to play a positive role in society after serving their sentences.

Class II B Padangsidimpuan Prison, still carries out work guidance and coaching activities such as religious guidance in mosques, spiritual guidance in churches and skills that have been carried out, there are still obstacles in reducing the number of inmates in correctional institutions and improving abilities and skills in accordance with interests and talents after leaving prison. This shows that social work crime as an alternative to criminalization needs to be supported with targeted coaching so that the goals of rehabilitation and social reintegration are carried out optimally.²⁵

Padangsidimpuan Class II B Prison provides the view that social work crime is a humanistic and economical solution in the penal system that can reduce inmate overcrowding and improve social coaching and reintegration into society. But the success of social work crimes is also highly dependent on the implementation of effective coaching in correctional institutions.

Based on the results of interviews with correctional officers, it is known that in terms of guidelines, social work crimes are considered as a useful alternative to punishment, including:

1. Reducing the burden borne by prison inmates,
2. Improve training efficiency,
3. To benefit the community,
4. Encourage perpetrators of minor crimes to be socially responsible.

Thus, one of the officers at the Correctional Institution said that:

"Basically, we support the idea of implementing social work punishment. Our Correctional Institution has a common problem, namely overcrowding. With the introduction of social work punishment, minor offenders do not need to

²⁵ Ambri, Kasi Adm Kamtib Lembaga Pemasyarakatan Kelas II B Padangsidimpuan, Wawancara (Padangsidimpuan, 24 Februari 2025).

undergo detention, so that rehabilitation places in prisons can be focused on more serious cases".

A similar opinion was also conveyed by the Head of the Binadik and Giatja Prisoner section:

"Social work can be a useful solution, but its implementation should not be done in a hurry. There must be clear rules, starting from the types of crimes that can be imposed, how they are implemented, to the form of supervision. If there are no strict regulations, it is feared that social work will only be a procedure without a deterrent effect. " ²⁶

One of the coaching members conveyed technical matters that need to be considered:

"In the field, we need help in terms of resources, both human and financial, to monitor the implementation of social activities. In addition, cooperation with the local government, social organizations, or other institutions is very important so that this program can run well and provide real benefits to the community." ²⁷

Clear and comprehensive regulations, another important factor that strongly supports the implementation of social work crimes is adequate infrastructure and facility support. The infrastructure in question is such as: The infrastructure of supervisors who provide assistance or supervision with the task of picking up social work convicts from home to social work places and places where social work crimes are carried out must be integrated with the community environment so that they are not isolated and not distanced from the community.

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The Officer of the Class II B Correctional Institution of Padangsidempuan said that Law Number 1 of 2023 has been clearly written in the regulations, as it is known that the crime of social work is one of the types of crimes regulated in Law Number 1

²⁶ Erikjen Sidoarjo Silalahi, Kasi Binadik Dan Giatja Lembaga Pemasyarakatan Kelas II B Padangsidempuan, Wawancara (Padangsidempuan, 19 Februari 2025).

²⁷ Rustino, Kasubsi Keamanan Lembaga Pemasyarakatan Kelas II B Padangsidempuan, Wawancara (Padangsidempuan, 24 Februari 2025).

²⁸ Rudi Hartono Nainggolan, "Pidana Kerja Sosial: Salah Satu Alternatif Mengurangi Kelebihan Kapasitas Di Lembaga Pemasyarakatan," *Gevangenen: Jurnal Ilmu Hukum* Vol. 5, no. 1 (2025): hlm. 1.

of 2023 concerning the Criminal Code (KUHP) which will be enforced starting January 1, 2026.

Juridically, criminal law is regulated in Law Number 1 of 2023 concerning the Criminal Code, sociologically the new Criminal Code has not been implemented because article 624 states that the Criminal Code only comes into force after 3 (three) years from the date of its promulgation. Thus, the new Criminal Code promulgated on January 2, 2023 will come into effect on January 2, 2026. This crime is an alternative to imprisonment and fines to provide opportunities for perpetrators of criminal acts to correct their mistakes through social work that benefits the community.

The laws and regulations governing alternative crimes provide a very clear legal basis for Correctional Institutions to apply social work crimes. This provides legal certainty for inmates who participate in the program. Policy support from the Class II B Padangsidempuan Correctional Institution which actively provides programs and infrastructure for the implementation of social work for correctional inmates supports the implementation of social work crimes as a criminal system.

The analysis of legal views on social work punishment in the Class II B Padangsidempuan Correctional Institution can be understood as one of the steps to reform the penal system that emphasizes restorative justice and the reduction of the excess number of inmates in prison. Social work is another form of punishment that allows convicted people to serve sanctions by engaging in social activities outside of prison. This not only helps to reduce the pressure on prisons, but also provides an opportunity for recovery and social reintegration for offenders, so that they can continue to make a good contribution to society and rebuild their social relationships.²⁹

In the Padangsidempuan Class II B Prison, there is a focus on inmate development, including spiritual support and skills training as part of a coaching program to encourage innovation among prisoners. However, issues such as the high rate of repeat crimes and violations of provisions in prisons remain obstacles that need to be addressed so that social work crimes can function properly as an alternative in the penal system.

In the Padangsidempuan Class II B Prison, although there has been no in-depth research directly reviewing the implementation of social work crimes, there is a focus on inmate development, including spiritual support and skills training as part of coaching programs to encourage innovation among prisoners. However, issues such as the high rate of repeat crimes and violations of provisions in prisons remain obstacles that need to be addressed so that social work crimes can function properly as an alternative in the penal system.

²⁹Taufik Akbar Al Falah, "Analisis Pidana Kerja Sosial Sebagai Alternatif Pidana Jangka Pendek: Perspektif KUHP Baru Indonesia," *Jurnal Riset Ilmu Hukum* Vol. 3, no. 1 (2020): hlm. 154.

Normatively, social work crimes are a form of alternative criminal sanctions that have developed in modern criminal law with the aim of suppressing the negative impact of prison sentences. This concept is basically in line with the principles contained in Article 10 of the Criminal Code (KUHP) after the update, which opens up space for other types of crimes outside the main crime in the form of the death penalty, imprisonment, and fine. Social work crime is seen as a legal instrument that places perpetrators of criminal acts to carry out work without wages for the benefit of the community, with state supervision.³⁰

Social work crime is rooted in the principle of utility and the principle of justice, which emphasizes that punishment is not only a means of retribution, but also an effort to improve social and restore relationships between perpetrators, victims, and society. Thus, the application of social work crimes is not seen as contrary to the positive legal system in Indonesia, but rather enriches the penal instrument by providing a more humane, proportional, and in accordance with the spirit of the purpose of punishment as stipulated in Articles 54 to 60 of the new Criminal Code. Social work crimes must consider the values of humanity and justice contained in Pancasila and Law Number 22 of 2022 concerning Corrections, which affirms the rights of inmates, including opportunities for social development and reintegration.

From the legal perspective of the Class II B Padangsidempuan Correctional Institution, social work crimes can be a good way to reduce the number of inmates who are too many in Class II B Padangsidempuan Prison, and social work crimes as one of the criminal systems have a foundation that is in accordance with the direction of correctional policy in Indonesia. This is in line with the principles stated in Law Number 22 of 2022 concerning Corrections which emphasizes the importance of coaching, social reintegration, and the restoration of prisoners' relationships with the community.

Social work crime is understood as a form of punishment that not only focuses on the aspect of retribution, but also on educational and rehabilitative functions, so that convicts can still account for their actions without having to experience the adverse effects of *overcrowding* in prisons. From the point of view of correctional law, the application of social work crimes is considered to be in line with the principles of humanity, justice, and respect for human dignity which are the foothold in the modern penal system. Therefore, the Class II B Padangsidempuan Prison assesses that social work crimes can be one of the effective instruments to reduce the burden on correctional institutions while creating more proportionate justice in criminal practices in Indonesia.

³⁰Kitab Undang-Undang Hukum Pidana (KUHP), Pasal 10, UU Nomor 1 Tahun 2023.

Implementation of Prisoner Development at Class II B Padangsidimpuan Correctional Institution

Based on the context of the Class II B Padangsidimpuan Correctional Institution, the main program is the implementation of coaching there which focuses more on job skills guidance, religious guidance, and spiritual guidance for inmates as part of rehabilitation and coaching so that inmates can return to society with better behavior.

Skill development is divided into two, namely general skills and special skills. General skills include the field of sports, while special skills such as welding, wood crafts, barbering and making souvenirs from coconut shells, this coaching aims to make inmates have useful skills after release and the results of the independence have a positive impact on the community.

Religious and spiritual guidance, this guidance is carried out regularly by correctional institution officers to inmates such as lectures, recitations, worship guidance and the provision of Islamic religious books. This program aims to improve the religious quality of the inmates with support from correctional institutions and outside agencies.

Behavior and personality coaching is given to shape the character and personality of prisoners so that they can adapt well in the community environment and reduce the risk of *recidivism*. The program also includes persuasive and educational guidance that is done in a planned and interactive manner.

Each inmate has a different perspective on training. Some are very interested and motivated to join the program, but there are also those who are less interested or lazy, especially if the skills taught are not relevant to them. The prison also emphasized that cohesiveness between officers and cooperation with other law enforcement officials are very important to ensure effective training and the achievement of community goals, including achieving the title of Corruption-Free Zone (WBK). Overall Coaching at Class II B Correctional Institution Padangsidimpuan is comprehensively arranged, covering the fields of skills, religion and character formation to support the social reintegration of inmates.

Conclusion

Social work crimes in Law No. 1 of 2023 are positioned as an alternative form of punishment that aims to provide a deterrent effect as well as social rehabilitation for perpetrators of criminal acts. This concept is in line with the goal of correctional services, which is to foster offenders to return to function properly in society. The views of the Class II B Padangsidimpuan Correctional Institution on social work crimes are in principle positive. The prison considers that social work punishment can be an effective instrument to reduce the problem of overcapacity housing, encourage more humane coaching, and strengthen the social participation of inmates in society.

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