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Reconstruction of imprisonment sanctions regulation in the book of criminal law (KUHP) based on justice value

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Abstract
The Indonesian imprisonment Penalty that are regulated in the Criminal Code (KUHP) as the dominant criminal sanction option used in Indonesia in tackling crime always receive criticism. The Criticism are often related to the type of criminal (strafsoort), length of the criminal (strafmaat) and its implementation (straftmodus). This makes the existing Imprisonment Penalty is still far from the values of justice and yet the New Criminal Code which are expected to solve this has not yet passed the bill for years. The main objective of this study is to examine and analyze the weaknesses of the current regulation of imprisonment sanctions and reconstruct the regulation of imprisonment sanctions based on justice values. Theories used to analyze are the theories of justice by Aristotle, John Rawls's theory and Islamic philosophy, criminal policy theory, criminal theory, legislative theory and progressive legal theory. The study was conducted in the perspective of the post-positvism paradigm with the type of socio-legal research and qualitative approach methods. Data collected from a number of literatures, legislation and various public documents, while the data analysis was carried out by the method of qualitative critical analysis. Research Results Shows that the reconstruction of the regulation of imprisonment in the criminal law based on the value of justice is to realize the regulation and implementation of imprisonment in accordance with the value of justice. Alternative criminal formulation policy substitute for imprisonment in the renewal of Indonesian criminal law in the future, which consists of: Penalty of supervision, Penalty of combination between imprisonment and supervision and social work Penalty.

Keywords: reconstruction, criminal code, imprisonment, justice value

Introduction

The policy of using criminal law as a means of combating crime is carried out through a systematic process, namely through what is referred to as criminal law enforcement in the broadest sense, namely the enforcement of criminal law is seen as a policy process, which is essentially a policy enforcement that goes through several stages as follows [1]

a. The stage of formulation, which is the stage of enforcement of infrastructure by the legislature, is also called the stage of legislative policy.
b. The Stage of Application, which is the stage of applying criminal law by law enforcement officials from the Police to the Courts, is also called the judicial policy stage.
c. The Stage of Execution, namely the stage of carrying out criminal penalties concretely by the criminal implementing apparatus. This stage can be called the executive or administrative policy stage.

In a narrow sense, the second and third policy stages are usually referred to as law enforcement activities. Regarding criminal choices used in formulation policy, from various types of criminal sanctions known in criminal law, imprisonment is the type of criminal sanction that is most widely used in the formulation of criminal law in Indonesia so far. Even this type of crime can be said to have been used worldwide, because the type of imprisonment can almost be found in every country in the world. However, in its development many people are re-questioning this type of crime. This is especially related to the issue of effectiveness and the negative impact of the use of imprisonment.

As a result of the many uses of imprisonment at the stage of formulative policy, the applied policy stage of imprisonment becomes the dominant type of penalty that are often used, which in the next stage leads to the issue of execution of imprisonment.

Criminal imprisonment is a punishment that deprives a human from their freedom of movement [2]. On one hand, there is a high percentage of the decisions of court judges imposing imprisonment on defendants, but on the other hand its implementation concerns the dignity of human beings who become convicts and their position as citizens or residents of the Republic of Indonesia. From the highest percentage of choice of imprisonment by the district court, the highest prison sentence used is one year.

Regulations on the implementation of imprisonment which are prepared in accordance with the renewal of imprisonment, have an important role and cannot be ignored in the context of fundamental changes in criminal law. Renewal of imprisonment will not be realized without being balanced by the new implementing regulations for imprisonment. Legislation regarding criminal systems and criminal conduct has important significance in the renewal of national criminal law.

[1] Wooldredge, John. (2020). Prison Culture, Management, and In-Prison Violence. Annual Review of Criminology. 3. 165-188. 10.1146/annurev-criminol-011419-041359.

[2] Sukemi, Sukemi. (1982). PENJARA DAN PEMASYARAKATAN ATAS DASAR REGLEMEN PENJARA. Jurnal Hukum & Pembangunan. 12. 227. 10.21143/jhp.vol12.no3.908.

The provisions of the criminal system and the implementation of imprisonment regulated in the Criminal Code Act in Indonesia currently are a legacy of the Dutch colonial product, if it is to be applied concretely will cause difficulties because it is not in accordance with the ideals of criminal law reform. Provisions on the implementation of imprisonment regarding the place of administration and supervision of imprisonment are regulated in the Gestichten Reglement 1917 as an application of Article 10 of the Criminal Code formulated on Indonesian "*criminal systems*", having the same philosophy as the philosophy of nature, function, and purpose of penalties contained in the Criminal Code, which is more oriented to "equal retribution". Because the Prison Regulation is still in effect, even though the prison system is no longer applied as it is now changed its term to the correctional system, the philosophy of retaliation is still inherent in most prison officers in Indonesia. Guidance in correctional facilities must be in accordance with the purpose of correctional purposes, namely to popularize prisoners, not to retaliate as adopted in the prison system.The Prison Regulation as a product of an individualist / liberalist (Dutch) society emphasizes the treatment of prisoners in the individual's position. This is in accordance with criminal justice which is oriented towards individuals, so that there arises the penalty of deprivation of liberty, which replaces corporal and capital punishment. The main target of the penalty is to make the individuals repent and not breaking the law again. Besides that, it is set to be an example for others to avoid committing such unlawful acts.

Because the individualist / liberalist views are not in accordance with the socialist-religious views of the Indonesian people, various efforts have been made to renew the criminal justice system and its implementation. Regarding the implementation of imprisonment, originally regulated in the "*Gestichten Regulations*" or Prison Regulations, Stb 1971, No. 708, December 10, 1917. But since the enactment of Law No. 12 of 1995 concerning Corrections (hereinafter referred to as Law No. 12/1995), the prison regulation is no longer valid. In the context of renewing the system of imprisonment, in 1964, the term prison system was changed to the correctional system. Correctional System is an arrangement regarding the direction and boundaries as well as how to foster Prisoner based on Pancasila which is carried out in an integrated manner between the coaches, who are fostered and the community to improve the quality of Correctional Prisoners so that they are aware of their mistakes, to improve themselves, and to not repeat their criminal acts again so that they can be re-accepted by the community when their service time is over. with this they can actively play a role in development in the future, and can live reasonably as a good and responsible citizen (Law No. 12 of 1995 Concerning Corrections Article 1 (3).

The use of criminal law as a means of combating crime, in its implementation at the stage of the applicative and executive policies, is carried out through the criminal justice system mechanism, which is a system that involves the Police, Attorney, Courts, and Penitentiary.

The purpose of this system is in the form of [3]: 1) resocialization (short term); 2) crime prevention (medium term), and 3) social welfare (long term). This system gets input in the form of crime that happened in the community, where later after going through the criminal justice process, the convict will be returned again to the community (out put). Thus the role of the community is important here. Because the crime itself are produced by the community, then the community must also share responsibility in returning it to the community environment.

Legal norms as one system of norms that work together with other norm systems (religious norms, norms of decency, and norms of decency) in society. One branch of law in society is criminal law.

The Indonesian government has tried hard to replace the current Penal Code as an operative Penal Code from the Dutch WvS on the basis of the Ordonantie laws before independence as well as Law Number 1 of 1946 and Law Number 58 of 1973 after our independence has not yet finished. The incomplete completion of the draft law is understandable, because the work of compiling law reforms in accordance with the advancement of legal science, maintaining government authority, guaranteeing the legal interests of the community, and must be based on humanitarian principles.

Renewal of criminal systems and implementation of criminal law, especially imprisonment in legislation, when viewed from the point of view of the modernization requirements of criminal law and penology which have grown in the world today are no longer new problems. However, when viewed in terms of the influence of the modernization of criminal law and penology which must still be adjusted to the atmosphere of Indonesian society, this is a new job.The work to adjust the effect of modernization on criminal law, criminal law and punishment according to the legal awareness that develops in the community in order to become the legal culture of the Indonesian people has turned out to be difficult to realize.

Based on the background described above, the writer is interested in conducting research and writing scientific papers with the following issues :

1. What are the current weaknesses in the regulation of imprisonment in Indonesia?
2. How is the reconstruction for the regulation of imprisonment sanctions in Indonesia based on the value of justice?

Method of Research

The paradigm that is used in the research this is the paradigm of post-positivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge [4]. Paradigm also looked at the science of social as an analysis of systematic against *Socially Meaningful Action* through observation directly and in detail to the problem analyzed.

The research type used in writing this paper is a qualitative research. Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach (approach*)* the research is to use the approach *of Socio-Legal* [5], which is based on the norms of law and the

[3] Suharti, Titik. (2005). FUNGSI GANDA LEMBAGA PEMASYARAKATAN. Perspektif. 2. 63-74. 10.30742/perspektif. v2i2.160.

[4] Faisal, (2010), "Menerobos Positivisme Hukum", Rangkang Education, Yogyakarta.

[5] Johnny Ibrahim, (2005), "Teori dan Metodologi Penelitian Hukum Normatif", Bayumedia, Surabaya.

theory of the existing legal enforceability of a law viewpoint as interpretation.

In this study, researchers uses data collection techniques, namely literature study, interviews and documentation. In this study, the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data [6].

Research Result and Discussion

1. Current Weaknesses in the Regulation of Imprisonment in Indonesia

The problem of imprisonment has indeed become a dilemma, with events that have occurred, where it turns out that prison is no longer feared by the perpetrators of criminal acts. In the punishment system, prison seems to have become part of a culture. This is because among the various types of existing penalty, imprisonment are always in the top option. The application of imprisonment occupies the most dominant position because it is the type of criminal that is most threatened in the punishment books and is also the most often dropped by judges.

In Indonesia, the situation is not much different. Short-term prison sentences are the most crimes imposed. The imprisonment in principle is intended so that the perpetrators receive coaching so that after completion they can return to becoming better people. But in reality, precisely because of the short sentence, the convicts ultimately cannot be given guidance.

For those who have been convicted of a crime and then sentenced by a court (criminal), then by the court the person who was sentenced was then sent to prison to carry out and serve his sentence until the end of his sentence. It can be specifically explained that imprisonment is a penalty in the form of restrictions on the freedom of movement of a convicted person, which is carried out by closing the person in a correctional institution, by requiring that person to obey all applicable rules of conduct in the correctional institution, which are associated with an act of discipline for those who have violated these regulations.

Prison punishment is one type of crime that is not preferred, because it is seen from the point of view of its effectiveness or viewed from other negative consequences that accompany or relate to deprivation of one's independence. Highlights and sharp criticisms of imprisonment were not only raised by experts individually, but also by the people of the nations of the world through several international congresses.

The fifth UN Congress report in Geneva on Prevention of Crime and the Treatment of Offenders, among others, stated that in many countries there is a crisis of confidence in the effectiveness of imprisonment and there is a tendency to disregard the ability of prison institutions to support crime control efforts. In fact, in the latest developments these sharp criticisms culminated in a movement to abolish imprisonment. There have been 2 (two) international conferences on this matter, namely the International Conference of Prison Abolition (ICOPA). First in Toronto Canada, in May 1983, and second in Amsterdam, Netherlands, in June 1985.

UNODC (United Nations Office for Drugs and Crime) issued a Guidebook on strategies to reduce overcrowding in prisons. This book provides information about the density of prisons around the world that have many adverse effects. Prison rates vary between different regions of the world and between different parts of the same area. For example, the average level for West African countries is 47.5 while for southern African countries it is 219; the average level for south American countries is 175, and for Caribbean countries is 357.5; for south central Asian countries (especially the Indian subcontinent) is 42, while for East Asian countries it is 155.5; for Western European countries is 96 and for countries that include Europe and Asia is 228. In Oceania the average level is 135.

Some weaknesses of imprisonment according to Muladi [7] includes:

1. Penalty of deprivation of liberty contains weaknesses both philosophical and practical. From a philosophical point of view the loss can be seen in the presence of conflicting matters, namely on the one hand the purpose of prisons is to guarantee the security of prisoners, but on the other hand to provide opportunities for prisoners to be rehabilitated.
2. Prisons with a maximum security system are an informal social system, which is called a prisoner subculture. This subculture of prisoners has a great influence on the lives of individual prisoners, especially in the process of prisoners' socialization into society, inmates referred to as "prisonerization". This prisonization process tends to make a prisoner become a recidivist.
3. Criminal deprivation of liberty both long term and short term will cause a stigma (evil stamp) for inmates or ex-convicts later in the community.

Criminal sanctions that are most often used as a means to tackle crime problems are imprisonment. Judging from its history, the use of imprisonment as a "way to punish" criminals only began in the last part of the 18th century based on individualism. With the growing understanding of individualism and the humanitarian movement, this prison sentence increasingly plays an important role and shifts the position of capital punishment and corporal punishment which are considered cruel. Although this prison sentence can be said to have become a "worldwide-accepted penalty"; which means that it can be found throughout the world, but in its development many have questioned the benefits of the use of imprisonment as one of the means to tackle crime problems.

How far this use of imprisonment requires a review as a means of criminal politics is the subject of the following review by Barda Nawawi Arief [8] that said that there were two criticisms of imprisonment: first, moderate criticism; and second, extreme criticism. At moderate criticism, critics basically still maintain imprisonment, but their use is restricted. As with extreme criticism, these critics expect imprisonment to be removed.

Moderate views on imprisonment can be grouped into three criticisms. First, criticism from the *Strafmodus* angle. This criticism is seen from the standpoint of imprisonment or in other words criticized the guidance system and the institution or institution. Second, criticism from the

[6] L. Moleong, (2002), "Metode Penelitian Kualitatif", PT Remaja Rosdakarya, Bandung.

[7] Muladi, (1995), Kapita Selekta Sistem Peradilan Pidana, Semarang: UNDIP, p. 13

[8] Barda Nawawi Arief, (1998), Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana,Bandung : Citra Aditya Bakti, p. 115.

Strafmaat angle. This criticism sees from the point of length of imprisonment, especially wanting to reduce the length of the sentence. Third, criticism from *Strafsoort*. Aimed at the use or imprisonment of prison in terms of type of crime, namely to reduce or limit the imprisonment of imprisonment in a limited and selective way.

Reviewing and re-evaluating criminal and criminal matters, including policies in determining prison sentences, is a natural thing and is indeed necessary. This is something inherent with the nature and nature of crime itself which is always undergoing change and development. That everywhere there has been an increase in criminality development, both in terms of quality and quantity.

History shows that the change and development of crime, followed by the change and development of crime itself. Criminal law is changing and it really needs to change according to changes in society. This change is not only about what constitutes or is declared a crime, but also about what should be made criminal for a crime, because ideas about crime have also changed according to the changes themselves, especially regarding the view of life about morals and social.

There is a relationship between increased crime and imprecise criminal policy in legislation. One of the most chaotic aspects of regulations relating to punishment is the condition of the Criminal Code itself. It can easily be shown that in most countries the sanctions are available for different offenses, with absolutely no rational basis or foundation. This, in turn, is one of the main supporters of the differential treatment of violators of comparable mistakes. Thus, if the criminal policy contained in the Criminal Code is not well planned, according to John Kaplan [9], it can cause criminal disparity.

The consequences arising from the existence of this striking criminal disparity according to John Kaplan are namely (a) can maintain the growth or development of cynical feelings of the community towards the existing criminal system; (b) failed to prevent the occurrence of crime; (c) encouraging (increasing) crime activities; and (d) impedes remedial actions against violators.

The Not yet taken or a policy that is fundamental to the principles of criminal law in the Criminal Code, means the makers of Law No. l year 1946 also has not taken a fundamental attitude towards the criminal system which is the most important part of a criminal law book. This means, in relation to imprisonment contained in the Criminal Code, lawmakers have never considered it fundamentally.

It does not mean that by allowing the criminal system to continue according to the Criminal Code, the legislators at that time did not take any stance or policy regarding this matter. However, the attitude and policy taken at that time could not be separated from the practical considerations that were at the core of the policy of Law Number 1 of 1946.

Thus it is also clear that the preservation of imprisonment so far, is not based on fundamental considerations but based on practical considerations. Therefore, the fundamental question raised in advance, namely "are the legislative policy in establishing imprisonment so far has a reasonable justification and is in accordance with the tendency to limit its use '; the issues that need to be re-examined from the standpoint of policy are questions that clearly not fundamentally answered at the time of the issuance of Law No. 1 of 1946.

A review and reassessment of criminal and penalty matters, including policies in determining prison sentences, is a natural thing and is indeed necessary. This is something inherent within the nature and the nature of crime itself which is always undergoing change and development.

It has been stated in above that in everywhere, there has been an increase in criminality development, both in terms of quality and quantity. History shows that the change and development of a country, are always followed by the change and development of crime itself. Criminal law is changing and it really needs to change according to changes in society. This change is not only about what constitutes or is declared as a crime, but also about what should not be made a crime, because ideas about crime have also changed according to the changes themselves, especially regarding the view of life about morals and social.

The reasonableness to conduct a review of criminal policy so far, can also be seen from the point of law enforcement, especially from the point of view of crime prevention mechanisms. Legislative policies or legislative policies regarding crime, seen functionally are part of crime prevention mechanisms. Therefore, the increase in crime can be seen as an indication that legislative policies are no longer appropriate.

2. Reconstruction For The Regulation Of Imprisonment Sanctions In Indonesia Based On The Value Of Justice

Many criticisms of the penalty of deprivation of liberty related to its effectiveness, the stigma that is raised, to the excess capacity of existing penal institutions or detention centers. Over capacity of correctional institutions is still a major problem in the prison environment in Indonesia. This problem often triggers new problems that have the potential to cause casualties, such as riots and commotion and not to mention the stigma of ex-prisoners that is still difficult to remove despite the person have been returned to the society [10].

Types of imprisonment penalty which are based on individualist philosophy and Classicalism in the criminal law in their application has many weaknesses, which that their roles and functions are not or less effective. In actuality, the effort to improve the role and function of the type of imprisonment has started from the idea of Suhardjo with the idea of Corrections, and now the idea has been put into effect in the Correctional System that is run by the Correctional Process with coaching as its pillar, this is to replace the Imprisonment System with the Prison Process with its pillar punishment or retaliation or detention. In the Correctional System with the Correctional Process based on the Pancasila Philosophy as a basis for the application of the types of Prison Crimes in reality up to now it has not been effective.

The reality of overcapacity in Penitentiary, stigmatization and prisoner labeling of criminal convicts and many other weaknesses that exist, this is evidence that the existence of a Criminal Prison needs to be evaluated for its existence.

Based on the above reality, according to the author, the

[9] John Kaplan in Achmad Ali,(2009), Menguak Teori Hukum & Teori Peradilan: Legal Theory & Judicialprudence, Kencana, Jakarta, p.149.

[10] Nugraha, Aditya. (2020). Konsep Community Based Corrections Pada Sistem Pemasyarakatan Dalam Menghadapi Dampak Pemenjaraan. Jurnal Sains Sosio Humaniora. 4. 141-151. 10.22437/jssh. v4i1.9778.

name of Imprisonment Penalty needs to be replaced with correctional penalty so that this will affect all parties concerned, especially the atmosphere of their psyche, and how the society treat him or her or everyone related to him or her by blood so that the impression of being an object of fear will turn into the impression of being treated as a subject of human with dignity.

The change in name from Imprisonment Penalty to Correctional Penalty needs to be done. There are many criticisms about the crime of deprivation of liberty, namely imprisonment, especially if the crime of deprivation of liberty is only short-termed, giving rise to the idea of looking for other alternative criminal sentences of imprisonment in accordance with criminal purposes that provide individual protection and provide welfare to the community. In addition to covering the protection and welfare of the community the emergence of alternative criminal ideas in lieu of deprivation of liberty must also be oriented to the values of Pancasila which include the values of God, human values, unity values, Democracy values and social justice values [11].

In order to realize the goal of punishment that could uphold convict's dignity, the penalty must also be able to make people fully aware of the actions carried out and cause him to have a positive and constructive mental attitude for crime prevention efforts and the conviction felt fair both by the convict and by the convicted and by victims or by the community. The theory of purpose (utilatarian) is the basis of the goal of punishment, ie punishment is not to decide on the absolute demands of justice. So basically there are two main aspects in the goal of criminal justice which are the interests of the law to be protected in a balanced manner, namely the interests of society and the interests of individuals (perpetrators of crime). As well as the use of punishment in accordance with the flow of modern punishment, this flow requires the existence of criminal individualization to conduct rehabilitation and correctional against individuals and perpetrators of criminal acts.

Besides the Prison Crime is renamed the Correctional Penalty, there also needs to be a development of the main types of Penal Criminal Penalties which can also be said as an alternative to the implementation of the type of imprisonment / penal penalties namely:

1. Oversight Penalty, this is the development of the type of existing criminal penalties as formulated in Article 14 af;
2. Confinement Penalty, this is actually a prison sentence or a penal punishment but for people and not only certain crimes;
3. Fines Penalty;
4. Social Work Penalty, this is a new alternative;
5. Imprisonment or correctional penalties in installments;
6. Conduct Penalties.

Based on above it can be concluded that in order for justice to be found in imprisonment penalty it is necessary to have legal reconstruction in the forthcoming regulations on the formulation of imprisonment sanctions by taking into account the following matters:

a. The type of imprisonment should be renamed to correctional on the basis of considerations:

1. The purpose of imprisonment currently in force is no longer detention (prison system) but re-socialization / rehabilitation correctional system (correctional system);

a. The treatment is no longer punishment but treatment;
b. The place to live in the Constitutional Institution is no longer called a prison but correctional facility;
c. More importantly, the changes mentioned above will change the mindset or nuances of the mind of all those involved in the process and system to achieve the goal of punishment with the idea of a balance between aspects of community protection (public interest) with aspects of protection (coaching) of individuals such as formulated in Article 51 of the 2009 Criminal Code Bill.

b. The Indonesian Criminal Law still requires the existence of the type of imprisonment / correctional penalties as the main types of criminal offenses;
c. Adding basic crimes other than those already existing with several other basic crimes is unnecessary;
d. The regulation of imprisonment is as selective as possible with the provisions, imprisonment, imposed on the perpetrators of criminal offenses with the following conditions:

1. Imprisonment is handed down for life or for a certain time.
2. Imprisonment for a certain time up to a maximum of 15 (fifteen) consecutive years or at least 1 (one) day, unless specified specifically minimum.
3. If the judge can choose between capital punishment and life imprisonment or if there is a criminal charge for a crime that has been sentenced to a prison sentence of 15 (fifteen) years, then a prison sentence for a certain time can be imposed for a period of 20 (twenty) consecutive years participate.
4. In any case, imprisonment for a certain time may not be imposed for more than 20 (twenty) years.
5. If the convict that has been sentenced for life or for at least 17 (seventeen) years has shown good conduct, then the convicted person may be given parole.
6. Criminal imprisonment as far as possible is not dropped if the following conditions are found:

a. the defendant is under 18 (eighteen) years or above 70 (seventy) years;
b. the defendant is committing a crime for the first time;
c. the loss and suffering of victims is not too great;
d. the defendant has paid compensation to the victim;
e. the defendant does not know that the criminal act carried out will cause a large loss;
f. criminal acts occur because of very strong incitement from others;
g. victims of a criminal offense encourage the occurrence of such crimes;
h. the crime is a result of a situation that is unlikely to be repeated;
i. the defendant's personality and behavior ensure that he will not commit another crime;
j. imprisonment will cause great suffering to the defendant or his family;
k. non-institutional guidance is expected to be quite successful for the defendant;
l. the conviction of a lighter sentence will not reduce the nature of the serious crime committed by the defendant;
m. criminal offenses occur among families; or

[11] Reksodiputro, Mardjono. (2019). LEMBAGA PEMASYARAKATAN DAN BUDAYA HUKUM MASYARAKAT. Jurnal Hukum dan Bisnis (Selisik). 5. 92-94. 10.35814/selisik. v5i1.1521.

n. occurs due to negligence.
o. It is necessary to formulate alternatives to imprisonment /correctional which can include:
1. To avoid the application of imprisonment/correctional such as:
a. Conditional offenses as provided for in article 14 af of the Criminal Code (for criminal offenses committed by women or elderly);
b. Supervision (such as a crime committed by a child and rehabilitation for the crime of abusing illegal drugs);
c. Social work (for criminal offenses which threat of imprisonment / prison for 6 months;
d. Converted or replaced with a fine (for a criminal offense that has a 3-month penalty and an alternative formula of fines and is more in line with the purpose of the conviction);
e. Judge forgiveness / crime dispensation, namely a statement of guilt without imprisonment (prevention without punishment) for certain criminal acts such as theft because of being pushed by the stomach of his family to starve.
2. Relieve imprisonment /correctional penalties such as:
a. Imprisonment Penalty / Correctional Penalty in installments / installments (for a prison sentence of one year and below);
b. Conducted at night or only during the day in the Correctional Facilities;
c. Reduction of imprisonment / penal penalties because he has expertise and is empowered / optimized to get results and is used to reduce the length of the criminal (with the guarantor institution).

Conclusion

1. There are many weaknesses in the regulation of imprisonment sanctions in Indonesia currently but what needs immediate attention is the formulation of the threat of imprisonment in the Criminal Code currently that is a single choice, as the criminal justice system with an alternative formulation of fines are no longer appropriate again. This means that fines is no longer an alternative choice of imprisonment. This makes the imprisonment sentence seem not to be selective so that the imprisonment sentence seems to be the dominant or favorable by the judge in the selection of imposing criminal sanctions.
2. Reconstruction of the regulation of imprisonment in the criminal law based on the value of justice is to realize the regulation and implementation of imprisonment to conform to the value of justice. Alternative criminal formulation policy substitute for imprisonment in the renewal of Indonesian criminal law in the future, which consists of: supervision penalty, a combination between imprisonment and supervision penalty and social work penalty.

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