

Social Labor in Place of Jail Sentence System



■ 社會勞動 Social labor

Giving those who really contrite

a chance of renewing life

Social Labor in Place of Jail Sentence

Threat is useless

cultivation is ineffective

Not enough time for

improvement

The probability of

deterioration is high

the short term freedom sentence

the so called **the short term** freedom sentence means sentences under 6 months. Due to the shortness of the **period**, it's hard to achieve the desired result of punishment and cultivation. It's criticized for the problems such as easy to get bad habits, being labelled, hard to rejoin society, and resocialization. **Since the disadvantages of the short term freedom sentence outweigh the advantages**, the international trend of criminology policy or domestic criminology scholars all believe to reduce short-term freedom sentence and replace with other alternative measures.

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The New System of Social Labor in Place of Jail Sentence

freedom can be bought

Jail time if you don't have money?

Article 41 of the Criminal Code states that crime carrying sentences under 5 years for which 6 months or less jail time is given can be replaced by punishment fines. Although it may reduce the execution of short-term freedom sentence, however, with the wealth differences, it results in unfair situation where those who don't have money have to go to jail and face the shortcomings of the short-term freedom sentence.

In December, 2008, the Legislative Yuan passed the amendment to Article 41 of the Criminal Code by adding social labor system. **To whom received sentences under 6 months, It's replaced going to jail or interrupting their work with providing payless labor to make amends with society.**

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The New System of Social Labor in Place of Jail Sentence— an uplifting force

Prevent shortcomings of short-term freedom sentence

Salubrious to the offender to rejoin society

Turning inmate serving sentence from consumer to producer to create value

Alleviate prison overcrowding and save on the cost of correction and national taxes



Executing Institution of Social Labor

The scope of subjects of social labor has been expanded to include government agencies (institutions), schools, administrative judicial entity, charity organizations, or communities, which, if passed review and examination, will be invited to become the executing institutions by the prosecutors office.



The Content of Social Labor is Varied

Besides that such as environmental cleaning, ecology watch, social service, document processing, service for the under privileged, traffic safety, social labor provides more labor for a longer time period in a more expansive way and can be planned for more varied society serving programs for effectively labor supervision and maximized result.



Laws and Regulations on Social Labor in Place of Jail Sentence

Applicable to all sentences under 6 months

For those who are too old or sick to serve social labor or serving social labor will not achieve the purpose of correction or maintain legal order, **the prosecutor may decide for not serving social labor.**

For **every 6 hours of social labor provided is counted as one day served**; all sentence must be served within **one year**.

If social labor is not executed, the original sentence will be executed.

Cases for which punishment fine is allowed is permitted to convert to punishment fine and social labor.

Cases for which combined sentences are over 6 months are not allowed for social labor.

Implementation starts on **September 1, 2009**.



Principle on execution——

Application

- ◆ **Service Principle** : as long as it is beneficial to public interest and public safety
- ◆ **Items of Service** : environmental cleaning, ecology watch, social service, document processing, service for the under privileged, traffic safety; those cases which have demand for fixed and large amount of service labor are especially **suitable**.
- ◆ **Application procedure** : Any institutions that comply with the regulations may submit written application to the probation office of the prosecutors office.

