

## Community Service Orders and Prison Congestion in Tanzania

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### **Abstract**

*There is a problem with overcrowding of inmates in Tanzania's prisons, which community service orders could significantly reduce. However, sentencing data show that judges rarely impose community service orders for reasons not well supported by research. In this context, this study explored why law enforcement officers tend to avoid issuing community service orders. The research was carried out in Keko, Segerea, and Ukonga Prisons in Dar es Salaam. As an ethnographic study, it used a phenomenological qualitative research design. Data was collected through structured questionnaires, in-depth interviews, and documentary review from 40 respondents selected purposively and randomly. The qualitative data were analyzed using Atlas.ti software. The study found that community service orders were rarely applied to eligible offenders. It revealed that the decision to impose these orders depended more on the magistrate's discretion than on legal requirements. Consequently, magistrates often chose imprisonment over non-custodial sanctions. Based on these findings, the study recommended that the barriers preventing the use of community service orders should be addressed by all stakeholders. Enforcers should consider the benefits of this sanction for the state, offenders, society, and families of offenders.*

**Keywords:** *Non-custodial measures; community service orders; prisoners; imposition; law enforcers*

### **INTRODUCTION**

Prisons and detention centers have long been used to punish offenders, prevent future crimes, and promote social harmony. However, the reality inside jails often does not meet the standards for humane treatment of inmates. Around the world, overcrowded prisons with unsanitary conditions put prisoners' lives at risk. Fair and Walmsley (2022) in the World Prison Population List state that about 11 million people are held in penal institutions worldwide, mostly as pre-trial detainees, remand, or

sentenced prisoners. It reveals that the prisoner population has increased by 20% from 2008 to 2022. According to NACTA's (2018) report on reducing pre-conviction detention in Pakistan to address jail overcrowding, this remains a major issue. Prison overcrowding is a persistent global problem. As per PRI (2021), the COVID-19 pandemic worsened this issue, as some countries failed to follow health protocols. This resulted in a significant number of 532,100 COVID-19 cases and 3,931 deaths in prisons worldwide. In response, there was a rise in alternatives to incarceration, although their effectiveness varied.

As stated by the US (2023) in its Country Reports on Human Rights Practices, prison overcrowding in Africa is still marked as an insolvable problem in many countries. Prison conditions in Angola for instance, remained poor, with local activists and media highlighting overcrowding and violence. Adapted from Awopetu (2014), who evaluated jail overcrowding in Nigeria, this statement indicates that Guinea, Libya, Tunisia, and Nigeria have all suffered similar prison conditions. Consider the Owerri Prison in Nigeria, where 100 inmates share a cell that is 32 feet long by 28 feet wide and only has one toilet. The situation at Guinea's largest prison facility, which was built to house 300 inmates and is in the country's capital Conakry, deteriorated in 2016. Martin (2017), on the other hand, while examining the acceptance of human rights, stated that the situation in Uganda was worse because there were now 50,000 more convicts than the prisons could hold.

LHRC (2016;2020;2023) reported that the capacity of prisons in Tanzania is still designed to hold a total of 29,552 prisoners and remandees, while the number of prisoners has exceeded the capacity of more than 33,000 inmates. In the year 2020, overcrowding was contributed to by remands, whose number is more than 56% of all inmates in Tanzania prisons. Multiple sources, including speeches by Tanzanian Ministers of Home Affairs (2015;2018;2023;2024) and HRW reports (2017), consistently acknowledge that prison overcrowding in Tanzania persists despite ongoing efforts to alleviate congestion. From 2015 to 2023, the total number of prisoners and remandees in Tanzania has exceeded the prison capacity to accommodate, as per the Prison Management Regulations, 1968. The capacity has remained at 29,902, while the number was 33,027 prisoners in 2015 and 30,901 in 2023, whereas 18,857 are prisoners and 12,044 are remandees over and above the capacity. Referring to an Editorial (2017) from Daily News on Tanzania Prison Life, a sample of

Segerea prison in Ilala, Dar es Salaam Region, Tanzania, in December 2018, the number of all inmates was 2,036, among whom only 224 were imprisoned, and the rest 1,812 were on remand, while the official capacity stands at 920. As reported by Said (2019), Keko Prison in Temeke, Dar es Salaam Region, Tanzania, had 1,140 prisoners with an official capacity of 420, whereas Dodoma Central Prison had 1,338 with its official inmate capacity of 784, just to cite a few. Prison overcrowding in Tanzania exacerbates human rights violations through inadequate food, poor sanitation, and substandard health facilities, thereby increasing inmates' vulnerability to contagious diseases.

Whereas there are international protocols, and regional and national laws promoting adherence to prison-acceptable standards per square meter, the congestion of prisoners is still on the rise. Considering that there are non-custodial measures such as community service orders aiming to decongest the prisoners, the situation seems out of hand. This implies a knowledge gap regarding what constitutes the less-in-use of these non-custodial measures based on the scenario regarding the overcrowding in Tanzanian prisons and the alternative sentences that appear to not have been applied effectively even though there is space in the penal laws for doing so. The negative impacts of prison overcrowding could be mitigated by the proper application of community order sanctions. This study, therefore, investigates why Tanzanian law enforcers are reluctant to implement these sanctions, despite their potential benefits for offenders, their families, society, and the state.

## **METHODOLOGY**

The study was carried out in prisons located in Keko, Ukonga, and Segerea prisons in Ilala and Temeke districts, Dar es Salaam. The selection considered that Dar es Salaam has recorded the highest criminal incidences in the nation, as well as the overcrowding in particular jails. According to URT (2020), the total assessment of crimes in Tanzania, reveals that minor offences have been more prevalent in the areas of Kinondoni (55,521), Mwanza (48,086), Ilala (40,021), and Temeke (34,386) taking the lead of regions in Tanzania Mainland with a high rate of crime commission by 27% of all minor offences committed (143,628 of 526,941 minor crimes) (Table 1).

**Table 1**

*Number of Minor Criminal Offences by Police Force Regions and Type of Offence, Tanzania, January – December 2020*

Region	Greed-related offences	Violations against Humanity	Moral Transgressions	Total
Arusha	11,668	6,831	6,797	25,296
Ilala	19,878	8,793	11,350	40,021
Temeke	15,120	12,625	6,641	34,386
Kinondoni	24,928	14,134	16,459	55,521
Dodoma	11,286	7,893	1,604	20,783
Geita	6,318	5,641	6,445	18,404
Iringa	5,295	2,109	2,830	10,234
Kagera	6,907	5,351	3,321	15,579
Katavi	3,365	2,422	1,921	7,708
Kigoma	4,224	3,216	2,674	10,114
Kilimanjaro	9,702	7,995	9,924	27,621
Lindi	3,463	2,011	533	6,007
Mara	4,770	5,764	552	11,086
Manyara	5,103	3,723	2,429	11,255
Mbeya	8,426	10,539	1,930	20,895
Morogoro	12,226	8,640	4,275	25,141
Mtwara	4,689	2,185	1,769	8,643
Mwanza	22,198	15,219	10,669	48,086
Njombe	3,753	1,952	1,814	7,519
Pwani	7,091	3,354	2,345	12,790
Rufiji	2,730	1,573	813	5,116
Rukwa	3,534	2,680	2,269	8,483
Ruvuma	5,169	2,632	2,289	10,090
Shinyanga	7,910	4,021	2,100	14,031
Simiyu	2,969	2,376	1,415	6,760
Singida	5,658	4,400	2,763	12,821
Songwe	3,676	2,014	1,677	7,367
Tabora	6,448	5,792	2,396	14,636
Tanga	9,625	7,738	1,304	18,667
Tarime - Rorya	3,900	6,746	668	11,314
Wanamaji	61	26	-	87
Reli	150	30	50	230
Tazara	54	12	32	98
Viwanja vya Ndege	50	5	30	85
Bandari	32	18	17	67
<b>Tanzania Bara</b>	<b>242,376</b>	<b>170,460</b>	<b>114,105</b>	<b>526,941</b>

Source: Tanzania Police Force, 2020

This is an ethnographic study that adopted a phenomenological qualitative research design to assessing the applicability of community service orders

towards reducing overcrowding in Tanzania Prisons. The method was chosen because it provides details on two major phenomena: non-custodial punishment and overcrowding in Tanzanian prisons. All respondents who had some involvement in punishing and rehabilitating offenders made up the study's population. It included all the chosen respondents who were enrolled in any of the systems and facilities for correction and rehabilitation. Purposive and random sampling strategies, as well as probability and non-probability sampling, were used in this investigation. These two sampling techniques were chosen with consideration for the various roles and purposes of the samples chosen, since some respondents were chosen on purpose while others were chosen at random from their respective clusters. In this qualitative phenomenological study, the sample size of 40 respondents was determined by the saturation factor based on the number of in-depth interviews and Focus Group Discussions (FGD) administered to each category of respondents (Table 2). According to Marshall et al. (2013), the secret to outstanding qualitative data is saturation. It suggests continuously enrolling new participants in the study until all relevant data have been collected.

**Table 2**  
*Distribution of respondents and Sampling Frame*

SN	Respondents	Number
1	Community members other than leaders	6
2	Ward Executive Officers	3
3	Religious leaders	3
4	Prison Staff Officers	3
5	Court Officials	5
6	Police Officers	5
7	Probation and Community Service Department Officials	2
8	Probation Officers	2
9	Resident Magistrate	3
10	Judge	1
11	Parole Board Members (DPP, RMO, SWO, Senior Officer from RC)	4
12	Prisoners	3
<b>Total</b>		<b>40</b>

Source: Ndibalema, 2021

In achieving the set objectives of the study, different methods and tools for collecting data were employed. Those included in-depth interviews, FGD, and documentary reviews. Qualitative data collected were analyzed

using Atlas.ti software. The Atlas.ti software assists in the accomplishment of thematic content analysis. The content analysis software formulated by Laurence Bardin (2011) is one of the useful resources for data analysis in qualitative research. The study was based on Grounded Theory in adherence to saturation point, inductive thematic analysis; data, and thematic/code saturation approaches as per Guest, et al., (2020). The base size, the run length, and the new information threshold were the three components that made up the approach for operationalizing saturation points. Strict compliance with all ethical standards was maintained. All material obtained during this research was kept confidential and was dedicated for use in only this academic research. The inquiries made were not insensitive to any respondents or institutions. In assuring rigour and increasing the trustworthiness of the findings, the conditions of validity and reliability were taken into consideration.

Regarding theoretical framework, numerous theories could explain the causes of overcrowding and, on the same note, indicate the potential solutions to the situation in various prison setups. Nonetheless, the current study opted for Deterrence and Reformatory Theories categorized as theories of punishment to explain the reasons for either prison overcrowding or avoidance of congestion by application of other measures than incarceration. Deterrence, according to deterrence theorists, functions in two distinct ways. An offender would first be imprisoned to deter him from committing another crime for a predetermined amount of time. Second, this incapacitation is intended to be so unpleasant that the other perpetrator will be deterred from continuing his unlawful activity. It implies that privatization is the most effective method for preventing crime since it aims to remove offenders from society and prevent them from committing crimes again. According to Mishra (2016) as opposed to Deterrence Theory, Reformatory Theory dwells in the concept that one should hate the offence, not the criminal. This is because no one is born a criminal; rather, criminal behaviour is the result of the environment in which a person grows up. As a result, events and circumstances are malleable. As argued by Rai (2010); and complemented by Mishra (2016) and Aina (2018), however, punishment in the Deterrence Theory is based on the consequences, not on the root causes. Unlike reformatory theory where punishment is inflicted to rehabilitate the criminal not in the form of harm, incarceration, and the like but psychologically oriented approaches based on treatment,

committing a crime is a psychosocial problem. The Reformatory Theory tries to propose the intended solution to the research problem of what should be focused on addressing the overcrowding state in prisons. It discourages the overuse of incarceration approaches towards dealing with offenders. Unlike other preventive methods, this is more of ensuring humane treatment for the offenders. However, the theory fails to differentiate between minor and major offences in the context of letting society treat the offenders equally. Major offences in nature cause great damage that leads to total social disharmony. Thus, it is dangerous for the accused to stay in society as the victims may seek revenge and cause harm. Incarceration in some special cases may be vital for the benefit of both parties, the victimized society, and the criminal. Besides, Reformatory Theory supports the application of non-custodial measures as a measure towards tasking society to reform its wrongdoers as it plays a part in creating crime incidences.

## **FINDINGS AND DISCUSSION**

The findings were presented based on the themes and sub-themes as per the research-specific objective. The main theme was about what caused the shunning of law enforcers in Tanzania from imposing community service order sanctions that would alleviate this dire situation. Connected to this theme, was the extent to which the application of community service order sanctions relevant to the number of those serving the sanction in the localities.

### **The shunning of law enforcers in Tanzania from imposing community service order sanctions**

In this section, the researcher sought information on what could be the causes of the shunning of law enforcers to effectively impose community service order sanctions on eligible convicts. In line with this, the study sought to determine how many convicts were performing community service orders within that locality as compared to those eligible. This was connected to the extent that the community service orders were applied by law enforcers as far as their establishment was concerned. The study also sought to determine the degree to which law enforcement's perception of crime and offenders may affect their reluctance to impose community service order sanctions.

Figure 1 presents the calculations on how the saturation point of data was obtained. After considering the calculation and rationale to meet the

saturation point, the final number of interviews from different categories of interviewees was stopped at the 11<sup>th</sup> participant. The base size, run length, and the relative amount of incoming new information, or the new information threshold, were the three main factors used in the calculation. The term "base size" describes the bare minimum of data collection activities, such as interviews. The number of interviews required to find and calculate new information is known as the "run length". Like how a p-value of 0.05 or 0.01 is used to establish whether there is sufficient evidence to reject a null hypothesis in statistical analysis, these "new information thresholds" were used as benchmarks. Guest et al. (2020) created the computation and method used in this study to attain the data saturation point.

**Figure 1**

*Distribution: Median number of interviews to reach saturation and degree of saturation at different base sizes and run lengths*

Interview number	1	2	3	4	5	6	7	8	9	10	11	Total
New Themes per IDIs	10	2	4	2	1	0	1	1	0	0	0	21
New Themes in Run	18				1		1	2	1	0	0	
% change over base						5%	5%	11%	5%	0%	0%	

Annotations: Saturation point at ≤5% threshold 6+1 (arrows to interview 6 and 7); Saturation point at 0% threshold 10+2 (arrows to interview 10 and 11); Base of 4 (bracket under interviews 1-4); Runs of 2 (bracket under interviews 5-11).

Source: Ndibalema, 2022

### The applicability of Community Service Orders on convicts

The goal of the study was to determine whether shunning by law enforcers hindered the administering of community service order sanctions to prisoners in Tanzania to reduce overcrowding of prisoners. Data was collected from the key informants and selected participants including magistrates, court officials, police and prison officers, social welfare officers, and community leaders. In-depth interviews were used to collect data, where the saturation point was the determinant of reaching the intended information from the sample, as illustrated in Figure 1. The applicability of community service orders was determined by the presence of prisoners serving the community service orders, and the inmates eligible for the sanction, yet were imprisoned. In responding to the



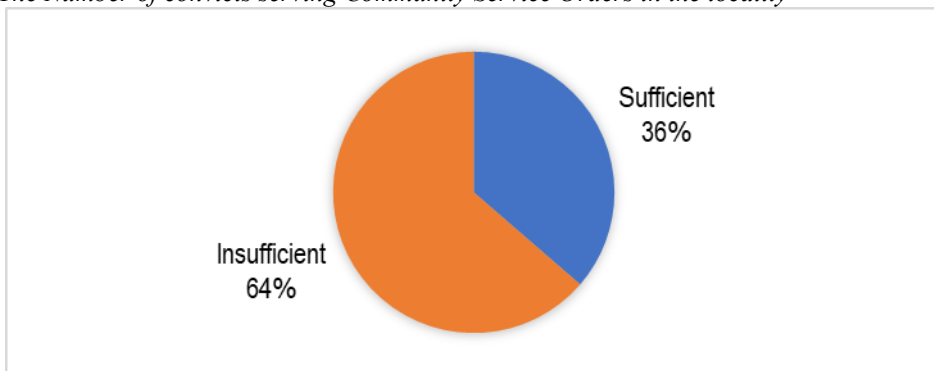
statement concerning the number of prisoners serving community service orders in their localities, one of the participants indicated that,

*“Yes, I have seen convicts serve community service orders. However, the number is not as high as I had anticipated, considering that I think a large portion of the jail population deserves this imposition but does not gain anything from it.”*

The findings regarding the applicability of community service orders reflected in the number of those serving the penalty are indicated in Figures 1 and 2. The results illustrated in Figure 2 indicate that the quantity of prisoners serving community service orders, as per interviews, is comparatively insufficient, leading to an increase in jail overcrowding.

**Figure 2**

*The Number of convicts serving Community Service Orders in the locality*



Source: Ndibalema, 2023

According to URT (2023), the Ministry of Home Affairs report presented to the Tanzanian Parliament during the 2023–24 budgetary session, in support of the presented data, revealed that 1,770 inmates were serving community service orders and other non-imprisonment measures as of May 2023. Nonetheless, the total number of prisoners remained higher than Tanzania's prison capacity. NBS (2023) reports that Tanzanian crime statistics indicate that 23,403 prisoners received sanctions for minor offenses, accounting for 80% of the 29,282 prisoners who received different sanctions. Of the 23,403 prisoners sanctioned for minor offenses in Tanzania, only 151 were freed from prisons in Dar es Salaam, (Keko, Ukonga, and Segerea inclusively), a city known for having a high rate of criminal acts, and the second among the Tanzanian regions with the highest number of freed prisoners. 5,105 prisoners, accounting for 21

percent of all 29,282 prisoners, were the beneficiaries of that release in total. This suggests that 79% of prisoners sanctioned for crimes under the minor threshold remain behind bars. Examining the findings that were provided, the order is not as applicable when comparing the number of convicts carrying out community service orders to the number of prisoners who are eligible for the sentence but are incarcerated. Based on the deterrence theory as discussed by Mishra (2016), both the penal code enforcers and society believe in incarceration as the best way to deter offenses from occurring and place the offender away from society. The impact of this theory causes the law's enforcers to give it less weight when applying this sanction to individuals who qualify.

### **The law enforcers' perception of crime and offenders toward shunning imposing community service order sanctions.**

The study wanted to know the contribution of the law enforcers' perception against imposing community service orders on convicts. Similar calculations as in Figure 1 regarding the saturation point to obtain the intended data were applied. Data was obtained through in-depth interviews and FGDs from different categories of participants, including court officials, police and prison officers, community and religious leaders, social welfare officers, and local people. The saturation point at 0% thresholds was reached at the 15<sup>th</sup> + 3 interview runs. Sixty percent (60%) of the respondents believed that Judges and magistrates are not influenced by negative perceptions of crime and offenders when imposing community service order sanctions. In this view, they are not shying away from imposing community service order sanctions. On the same note, it was added that the offense's severity and the statute governing community service orders are considered when determining the appropriate sentence.

*"I always apply the appropriate penalties to the guilty by the laws controlling that kind of punishment, never otherwise. As magistrates, we uphold everyone's rights without bias. It was said by one of the magistrates.*

Forty percent (40%) of the participants held a contrary opinion, believing that law enforcement officials choose to imprison criminals as a harsh form of punishment because they have a bad opinion of crime and offenders. They held that being imprisoned and removed from society teaches a person a lesson. They were of the view that the shunning of imposing community service order sanctions on those eligible is much

contributed by the law enforcers' discretion rather than the requirements of the law governing alternative sentences. Besides, the number of those eligible for the sanction is still high and the prisons are still overcrowded. As per the URT (2023), prisoners are still overcrowded by nine-point-seven percent (9.7%) apart from the efforts to apply Extra Mural Labor (EML) measures to decrease the number. As a result, there is less of a correlation between the high proportion of findings regarding the applicability of community service orders and the number of people fulfilling the sentence.

Viewing the presented reason from another angle as per the participants, the Community Service Orders Act, of 2004, impacted the shunning of law enforcers to impose the sanction. This is the reality that to enforce community service orders, bureaucratic legal procedures governing their administration must be followed. The management and enforcement of community service orders include the National Community Service Orders Committee, Executive Committee, National Coordinator, Regional, District, Ward, and Village Community Service Orders Committees, as well as Supervising Officers. Delayed justice, investigations, appeals, bail constraints, and case adjournments contribute significantly to prison overcrowding by leading to an overpopulation of remands. Committees tasked with addressing this issue could have been more proactive in advocating for community service orders for eligible individuals. This would help alleviate the pressure on correctional facilities and offer a more constructive alternative to incarceration for non-violent offenders. Apart from the fact that they are less conspicuous, their designated functions under the Act are not beyond the law enforcers' jurisdiction. Taking this into account, the law enforcers have the full power to decide whether they impose alternative sentences or incarcerate the convicts. According to data on jail overcrowding, incarceration appears to be the most practical and quick solution for law enforcers. But apart from law enforcers' knowledge of the prisons' low capacity to accommodate the inmates, the hygiene situation, and inadequate meals, they still shy away from imposing non-custodial measures.

As per findings, on the other hand, the shunning of law enforcers to impose community service orders was also attributed to the low number of supervising officers where the prisoners had to reside. Based on the Community Service Orders Act of 2004 and the Probation of Offenders Act, the community service officers are also the supervising officers.

Given the number of social welfare officers (Regional, Council, and Assistant Social Welfare Officers) in Dar es Salaam as per URT (2021) which was 120 serving in 5 Districts and 102 Wards, with 82% deficit at ward level, the number is still questionable to fulfill the supervising roles according to the requirements of the Community Service Orders Act as compared to the number of offenders. However, the report on the social welfare services in Tanzania carried out in the year 2020/21 mentions only the data on juvenile offenders' services in Dar es Salaam, totaling 216, accounting for 11% of all juvenile services handled in the whole country. Despite the small number of social welfare officers aimed to serve as probation officers, the report does not include data on jail supervision, which is one of their primary responsibilities. This scenario informs of the unavailability of convicts serving community service orders in their places and the lesser involvement of the social welfare officers in the community service procedures. Furthermore, the legal system recognizes social welfare officers' roles in court proceedings. In this light, the missing of community service officers in supervising the adult convicts in the report tells of the denial of the law enforcers to use them in court proceedings hence shying away from imposing community service orders.

Additionally, the degree to which non-custodial measures can be applied in this instance to reduce the number of prisoners eligible for the sentence is still minimal. The low application of community service orders suggests the impact of the Deterrence Theory, which holds that the goal of incapacitating someone is to make their situation so bad that the other offender is discouraged from carrying out their illegal behavior. It also suggests that since incarceration tries to remove criminals from society and keep them from committing crimes in the future, it is wrongly believed to be the most effective way to reduce crime. In this case, the pace of declining prison overcrowding stays quite low.

## **CONCLUSION AND RECOMMENDATIONS**

### **Conclusion**

The United Republic of Tanzania Non-custodial Measures Acts (1947, 1994, 2004) define community service orders as types of supervised non-waged tasks for criminals sentenced under non-imprisonment measures that were intended to serve the objective of alleviating congestion in prisons. They were established to serve as both punitive and restorative

measures for individuals convicted of less serious crimes against the law. Moreover, they were put in place to lessen jail overcrowding and increase opportunities for the public to assist in the rehabilitation of individuals found guilty of crimes. These actions were a reaction to the United Nations (1977) standard minimum criteria for the treatment of offenders, which stipulated that all accommodations must meet all health requirements to prevent congestion and respect for human rights. However, from 2015 to 2023, the total number of inmates and remandees in Tanzania has exceeded the prison capacity to accept, as per the Prison Management Regulations, 1968.

Contrary to the goals, the low implementation of these measures has lessened the efforts to decrease jail congestion in Tanzania. This implies that there is still very little room for community service orders to be used in this case to lower the number of prisoners eligible for the punishment. The findings depicted in Figure 2 show that there are relatively few prisoners carrying out community service orders, which contributes to a rise in jail overcrowding. Comparing the number of prisoners completing community service orders to the total number of inmates who qualify for the sentence but are detained, the data show that the order is less applied. The reason behind this is as discussed by Mishra (2016), that according to the Deterrence Theory, jail is regarded by both society and those enforcing the penal law as the most effective means of deterring future offenses and removing the offender from society. When imposing this sentence on those who meet the requirements, the implications of this theory make law enforcement disregard it and shy away from imposing it. Law enforcement officials do not lack knowledge of the legislation on community service orders. Likewise, it is not that they have not been participating in different national and international workshops regarding the application of community service orders as alternative sentences to reduce overcrowding in prisons and rehabilitate offenders. However, the law enforcers seem to ignore the essence of the sanction and hold their drives and negative perceptions about crime and criminal behaviors.

Had community service order sanctions been applied effectively, they could have contributed much to reducing overcrowding in Tanzania prisons. Ngetich, C. K., Murenga, H., & Kisaka, W. (2019) noted that, by applying community service orders to convicts, it was intended that these criminals would serve their sentences and receive meaningful community rehabilitation. Thus, community service orders were quite effective in

lowering the rate of recidivism among criminals. Supporting Ngetich, et al.'s comments, Mutisya, J. C. (2020), added that by performing unpaid activities for the community, offenders can atone for their transgressions through community service orders. This makes the perpetrator feel more accountable. The community service officer's proper supervision enables the offender to adhere to the directive and fulfill the requirements of their sentence. The application of community service orders so far embraces rehabilitation and Reformatory Theories. According to these theories, committing a crime is a psychosocial problem, and is socially rooted. Thus, the punishment meted out to the offender is psychologically oriented and focused on treatment rather than pain, incarceration, or other similar measures.

## **RECOMMENDATIONS**

Prisons, in Dar es Salaam, are overcrowded beyond their capacity to hold. In the context of social work, jail overcrowding is a social phenomenon that arises when a jurisdiction's prison capacity is not met by the demand for space. Increased gang activity within jails, a surge in mental health problems among individuals, violence and racism, the spread of disease, and staff stress are all consequences of the growing overcrowding. Sentencing convicts to perform pro bono unpaid service has numerous benefits. It gives offenders the chance to atone for their crimes and acquire skills that could help them find employment, and it is less expensive and damaging than a brief stay in jail. One of the most popular alternatives to incarceration nowadays is community service, commonly known as community payback or unpaid labor. However, it has been realized that community service orders as one of the measures aimed at depopulating prisons, have not been effectively applied. The less use of this sanction was the result of law enforcers shying out from applying the sanction as per the reasons discussed in the previous sections. Thus, the study recommends that;

First, so long as the Community Service Orders as per URT (2004) intended to prevent minor offenders from being imprisoned; law enforcers should put these into consideration for the benefit of the state, the offender, the society, and the entire family by penalizing a criminal through performing community-benefiting work where they live; ensuring the offender's rehabilitation while preserving their relationship with their family or their employment; and cutting down on the number of criminals entering jail, which will lessen the cost of keeping them there. They

should consider minor offenses as socially constructed, and so society must bear the burden of reforming its wrongdoers. They should keep in mind to administer justice fairly and accept the latest changes to the criminal justice system. Instead of only punishing offenders, their primary goal in sentencing should always be to reform them. Humanity ought to take the lead, not inhumanity, in imposing sanctions relevant to the crime.

Second, Community Service Orders are punitive measures intended to help criminals change. Currently, a social reintegration method is suggested to be used to enforce this, guaranteeing that offenders would be monitored in placement facilities and at home to offer psychosocial support, promote rehabilitation, and facilitate restitution with the victim. For these to be feasible, the law enforcers and all human rights stakeholders should make society aware of the penalty, and its benefits, and be encouraged to participate in the rehabilitation process; enlist the aid of local institutions to assist criminals in acquiring the mindset and conduct necessary to contribute positively to society; encourage civic engagement, capacity building, and psychosocial assistance to increase the social acceptance of offenders in the community; encourage social cohesion and reconciliation between offenders, victims, and community members. Law enforcers, social welfare officers, and community leaders should plan for societal awareness on the issues mentioned. These measures will ultimately decrease the shying-out tendency of the law enforcers to administer the sanction; society's negative perception of the sanctions, the convicts, and the sources of criminal behavior, hence impacting the reduction of prison overcrowding.

Thirdly, the Community Service Orders Act should be amended to put more emphasis on extending the jurisdiction powers of the committees and boards on issues regarding community service orders. The amendments should also be done by reviewing the roles and responsibilities of the community service committees and boards, not to end in the court proceedings, but to perform their roles to make society responsible for the rehabilitation services.

## REFERENCES

- Aina, A. (2018). Retributivist theory of punishment: Some comments. *Balkan Journal of Philosophy*, 10(1), 63-70.
- Awopetu, R. G. (2014). An assessment of prison overcrowding in Nigeria: Implications for rehabilitation, reformation, and



- reintegration of inmates. *IOSR Journal of Humanities and Social Science*, 19(3), 21-26.
- Bardin, L. (2011). BARDIN, L. *Análise de conteúdo*. São Paulo: Edições 70, 2011. *Community Service Act 2004* (Cap 291), G.N. 36 (URT)
- Editorial. (2017). Tanzania: Prison Life - a Heart Rending Scenario, *Daily News*.
- Fair, H. and Walmsley, R. (2021). *World prison population list* (13th ed.). London: Institute for Criminal Policy Research.
- Fazel, S., & Wolf, A. (2015). A systematic review of criminal recidivism rates worldwide: Current difficulties and recommendations for best practice. *PloS one*, 10(6).
- GlobalTV (Producer). (2019, 26th March, 2019). Mbowe afunguka yanayofanyika gereza 'kesi za kusingiziwa'. *Streamed Live*
- Guest, G., Namey, E., & Chen, M. (2020). A simple method to assess and report thematic saturation in qualitative research. *PloS one*, 15(5), e0232076.
- Human Rights Watch (2017). *Human rights world report, 2017*. New York, USA: HRW. Retrieved from <https://www.hrw.org/world-report/2017> Accessed on 11th August 2018
- Legal and Human Rights Centre (2015). *Tanzania human rights report 2015 Tanzania Mainland*. Dar es Salaam, Tanzania: LHRC.
- Legal and Human Rights Centre (2016). *Tanzania human rights report 2016 Tanzania Mainland*. Dar es Salaam, Tanzania: LHRC.
- Legal and Human Rights Centre (2017) '*Unknown assailants*': *A threat to human rights*. Dar es Salaam, Tanzania: LHRC
- Legal and Human Rights Centre (2020) *Tanzania human rights report 2020*. Dar es Salaam, Tanzania: LHRC.
- Legal and Human Rights Centre (2023) *Tanzania human rights report 2020*. Dar es Salaam, Tanzania: LHRC.
- Marshall, B., Cardon, P., Poddar, A., & Fontenot, R. (2013). Does sample size matter in qualitative research?: A review of qualitative interviews in is research. *Journal of Computer Information Systems*, 54(1), 11 - 20. <https://doi.org/10.1080/08874417.2013.11645667>
- Martin, T. M. (2017). Scrutinizing the embrace of human rights in Ugandan prisons: An ethnographic analysis of the equivocal responses to human rights watch reporting. *Journal of Human Rights Practice*, 9(2), 247-267.
- Ministry of Home Affairs (2015) *Makadirio ya mapato na matumizi ya Wizara ya Mambo ya Ndani ya Nchi kwa mwaka 2015/16*. <https://www.moha.go.tz/document/speeches>



- Ministry of Home Affairs (2018) *Makadirio ya mapato na matumizi ya Wizara ya Mambo ya Ndani ya Nchi kwa mwaka 2018/19*.  
<https://www.moha.go.tz/document/speeches>
- Ministry of Home Affairs (2020) *Makadirio ya mapato na matumizi ya Wizara ya Mambo ya Ndani ya Nchi kwa mwaka 2020/21*.  
<https://www.moha.go.tz/document/speeches>
- Ministry of Home Affairs (2023) *Report of the budget, 2023–24*.  
<https://www.moha.go.tz/document/speeches>
- Ministry of Home Affairs (2024) *Report of the budget, 2024–25*.  
Retrieved from <https://www.moha.go.tz/document/speeches>
- Mishra, S. (2016). Theories of punishment – A philosophical aspect. *Imperial Journal of Interdisciplinary Research (IJIR)*, 2(8), 74.
- Mutisya, J. C. (2020). *Effectiveness of probation and community service order sentencing on offenders: A case study of Nairobi County* (Doctoral dissertation, University of Nairobi).
- NACTA, C., ICRC. (2018). *Addressing overcrowding in prisons by reducing pre-conviction detention in Pakistan*.  
<https://www.icrc.org/en/document/overcrowding-pakistan-prisons-holding-57-more-inmates-capacity>
- National Bureau of Statistics (2019) *Tanzania National Census, 2012*. Dodoma, Tanzania: NBS. <https://www.nbs.go.tz/>
- National Bureau of Statistics (2015) *Crime statistics report, January - December 2014*. Dar es Salaam, Tanzania: NBS.
- National Bureau of Statistics (2023). *Crime Statistics; Crime and Traffic Incidents Statistics Report, January – December 2020*. Dodoma, Tanzania: NBS.
- Ngetich, C. K., Murenga, H., & Kisaka, W. (2019). Effectiveness of community service orders in rehabilitating offenders' behavior in Kericho county, Kenya. *International Academic Journal of Law and Society*, 1(2), 58-77.
- Prison Reform International (2021) *Global Prison Trend 2021; Prison in Crisis*. Netherlands: PRI. Retrieved from <https://www.penalreform.org/global-prison-trends-2021/> Accessed on 1<sup>st</sup> September 2022
- Rai, N. (2010). *Theories of punishment with a special focus on reformatory theory*. LLB, Kathmandu, Kathmandu.
- Said, K. (2019). TLS's Fatma Karume censures criminal justice, *The Citizen*. Retrieved from <https://www.thecitizen.co.tz/tanzania/news/national/tls-s-fatma-karume-censures-criminal-justice-2669840> Accessed on 22nd January 2020

- Standard Minimum Rules for the Treatment of Prisoners, 2076 (LXII) C.F.R. (1977).
- US Department of State (2023). *2022 Country Reports on Human Rights Practices*. Dar es Salaam, Tanzania: U. S. D. o. State.
- Yang, L., QI, L., & ZHANG, B. (2022). Concepts and evaluation of saturation in qualitative research. *Advances in Psychological Science*, 30(3), 511.