

Community Service Order in Indonesia: Between Alternatives and Transformation in the Reconstruction of the Penal System

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Abstract

The integration of community service orders into the national criminal justice system indicates a shift away from a punitive approach dominated by incarceration toward the use of non-custodial sanctions more oriented toward rehabilitation and social reintegration. Nevertheless, studies systematically linking normative constructions, institutional readiness, and the community's role in their implementation remain relatively limited. This study aims to analyze the normative construction and institutional readiness for the application of community service as a substitute for short-term imprisonment, and to assess its consistency with criminal justice reform in Indonesia. This study uses a normative juridical method with a legislative and comparative approach, through an analysis of national legal regulations and practices in several countries that have institutionalized community service orders. The results of the study show that although the normative framework is relatively comprehensive, its implementation effectiveness is greatly influenced by the consistency of judges' decisions, the readiness of the supervision and guidance system, and the level of collaboration between law enforcement officers and the



community. The main challenge lies in the limitations of probation infrastructure and the tendency of a still prison-oriented penal culture. This study offers an innovation in the form of an integrative framework that links normative design, institutional capacity, and social participation as prerequisites for effective implementation. Thus, community service orders can be understood not only as an alternative to imprisonment but also as a policy instrument that can support the development of a penal system that is more proportional, rehabilitative, and oriented towards social reintegration.

Keywords

Community Service Order, Criminal Law Reform, Prison Overcrowding.

Introduction

Criminal justice reform in Indonesia is urgently needed to address overcrowding in correctional institutions.¹ Data from the Directorate General of Corrections shows that the number of prisoners exceeds the ideal capacity, even in some regions, reaching more than twice the capacity.² Responding to this challenge, Law Number 1 of 2023 on the Criminal Code, hereinafter referred to as the 2023 Criminal Code, introduces social work sanctions as an innovative non-custodial option.³ However, the practice of criminal punishment in Indonesia is still

¹ Nadia Utami Larasati, Fahlesa Munabari, and Untung Sumarwan, "Prison Overcrowding: Alternative Sentencing in Indonesia's Draft Criminal Code and Its Consequences on Correctional System," *Udayana Journal of Law and Culture* 6, no. 1 (January 2022): 42, <https://doi.org/10.24843/UJLC.2021.v06.i01.p03>.

² Ditjenpas, "Jumlah Penghuni Tahanan Dan Narapidana," <https://sdppublik.ditjenpas.go.id/analisa/jumlah-penghuni>, 2025.

³ Didik Purnomo, Anis Widyawati, and Bagus Hendradi Kusuma, "Prison and Non-Prison Sanctions in Cases of Defamation through Social Media," *Indonesia Media Law Review* 4, no. 1 (2025): 118–50, <https://doi.org/https://doi.org/10.15294/imrev.v4i1.33163>.

dominated by imprisonment, even for minor crimes.⁴ This condition indicates a discrepancy between normative policies and judicial practices, so the effectiveness of imprisonment in reducing recidivism and maintaining social order is still in question.

In response to this condition, the 2023 Criminal Code provides for a community service order as an alternative non-custodial sanction, marking a shift from a retributive to a more humane and restorative approach.⁵ The purpose of sentencing is not only retribution, but also prevention, social rehabilitation, offender development, and respect for human dignity.⁶ In this context, community service punishment becomes an alternative to short-term imprisonment.⁷ This has the potential to reduce the negative impact of imprisonment, particularly for minor offenses.

The dominance of a prison-based penal culture, coupled with limited surveillance infrastructure and coordination across criminal justice subsystems, can hinder the effectiveness of policies.⁸ As a country with experience of forced labor during the colonial era, the

⁴ Faisal Javier, "Kelebihan Kapasitas Penjara Di Indonesia," <https://www.tempo.co/data/data/kelebihan-kapasitas-penjara-di-indonesia-1170981>, November 20, 2024.

⁵ Rini Fathonah, Sunarto Sunarto, and Mashuril Anwar, "Non-Custodial Sanctions Policy in Renewing the Criminal System in Indonesia (Study of Non-Custodial Sanction Approaches in Draft Law of the Criminal Law)," in *Proceedings of the 2nd International Conference on Fundamental Rights, I-COFFEES 2019, 5-6 August 2019, Bandar Lampung, Lampung, Indonesia* (EAI, 2021), <https://doi.org/10.4108/eai.5-8-2019.2308635>.

⁶ Anis Widyawati et al., "Crafting an Ideal Penitentiary Law: A Global Comparative Framework for Indonesia's Correctional System," *Legality: Jurnal Ilmiah Hukum* 33, no. 2 (2025): 417–44, <https://doi.org/https://doi.org/10.22219/ljih.v33i2.40358>; Lisa Analisa, Kamarusdiana, and Nurul Adhha, "Implementation of Rehabilitation for Narcotics Addicts in Positive Legal Perspective and Islamic Law," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 1 (2022): p.100, <https://doi.org/10.30631/alrisalah.v22i1.1122>.

⁷ Ratri Novita Erdianti, Bagas Ranendra Pratama, and Muhamad Helmi Md Said, "Short-Term Imprisonment of Independence Penalty from the Perspective of Punishment Objectives as Criminal Law Reform in Indonesia," *Indonesia Law Reform Journal* 5, no. 2 (September 2025): 261–86, <https://doi.org/10.22219/ilrej.v5i2.41561>.

⁸ Erna Dewi et al., "The Urgency Of The Restorative Justice Model In The Order To Humanistic Law Enforcement," *Journal of Namibian Studies: History Politics Culture* 34 (May 2023), <https://doi.org/10.59670/jns.v34i.1225>.

implementation of the community service order requires a clear normative design so as not to create the perception of disguised forced labor.⁹ Therefore, integrating community service orders and penalties into the national legal system is not sufficient through normative regulation alone; it also requires institutional reconstruction, strengthening the role of Community Guidance Officers, and structured collaboration between law enforcement officers and the community.

The novelty of this research lies in its effort to fill a gap in studies that comprehensively link normative constructs, institutional design, and society's role in the implementation of community service orders as principal punishments. Previous research shows several main tendencies, namely: (1) community service order are seen as a technical solution to overcome the overcapacity of correctional facilities;¹⁰ (2) descriptive normative study that discusses its regulation;¹¹ (3) analysis based on criminal law theory without linking institutional aspects;¹² (4) comparative legal studies that have not been integrated with the Indonesian context;¹³ and (5) effectiveness study without outlining the systemic integration framework.¹⁴ In contrast to that tendency, this study combines normative, theoretical, institutional, and social participation

⁹ Ulbe Bosma, "Labour Mobility and Colonial and Forced Labour Regimes in Indonesia: A Long-Term View," *Journal of Agrarian Change* 25, no. 4 (October 2025), <https://doi.org/10.1111/joac.70002>.

¹⁰ Asiyah Jamilah and Hari Sutra Disemadi, "Pidana Kerja Sosial: Kebijakan Penanggulangan Overcrowding Penjara," *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 1 (April 2020): 26, <https://doi.org/10.29303/ius.v8i1.726>.

¹¹ Villar Wibawa Wicaksana and Mas Putra Zenno Januarsyah, "Kebijakan Pembaruan Hukum Pidana Tentang Pidana Kerja Sosial Dalam KUHP Nasional : Perspektif Tujuan Pemidanaan," *Jurnal USM Law Review* 8, no. 2 (May 2025): 709–28, <https://doi.org/10.26623/julr.v8i2.11092>.

¹² Ismiyanto Ismiyanto et al., "Justice-Based Social Work Punishment: Reformulating Humanist Criminal Policy," *Science of Law* 2025, no. 1 (May 2025): 113–18, <https://doi.org/10.55284/xpgipj23>.

¹³ Gill McIvor, Carlotta Pirnat, and Christian Graf, "Unpaid Work as an Alternative to Imprisonment for Fine Default in Austria and Scotland," *European Journal of Probation* 5, no. 2 (August 2013): 3–28, <https://doi.org/10.1177/206622031300500202>.

¹⁴ Diah Pudjiastuti, Dey Ravena, and Chepi Ali Firman Zakaria, "Alternatives to Imprisonment as an Effort to Overcome Overcrowding in Correctional Institutions," *Jurnal Wawasan Yuridika* 9, no. 1 (June 2025): 39–53, <https://doi.org/10.25072/jwy.v9i1.4275>.

analyses into a single integrative framework.

This research contributes conceptually by formulating a framework for integrating community service criminal penalties that balances legal certainty, sentencing effectiveness, and the protection of human dignity in criminal justice reform. It aims to analyze the integration of community service criminal penalties, both normatively and institutionally, as a principal punishment that aligns with the development of modern sentencing, and to formulate institutional prerequisites to ensure its implementation remains rehabilitative and reintegrative. Within this framework, community service is not only understood as a substitute for imprisonment but also as a policy instrument that supports a more proportional and socially restorative sentencing system.

The urgency of this research lies in the need to reduce reliance on imprisonment, which triggers overcapacity in correctional institutions, while also ensuring that non-custodial policies do not create legal uncertainty or inconsistent practices.¹⁵ This research is relevant to achieving the Sustainable Development Goals (SDGs), particularly Goal 16: Peace, Justice, and Strong Institutions, which emphasizes a fair, effective, and accountable judicial system. In addition, this research is related to Goal 10: Reduced Inequalities through strengthening access to justice and reducing disparities in sentencing, as well as Goal 8: Decent Work and Economic Growth in the development of non-exploitative, productive social work sanctions oriented towards social reintegration.¹⁶ The integration of community service orders and sanctions, when properly designed, not only supports national criminal justice reform but also contributes to the development of a more inclusive, just, and human

¹⁵ Utami Larasati, Munabari, and Sumarwan, "Prison Overcrowding: Alternative Sentencing in Indonesia's Draft Criminal Code and Its Consequences on Correctional System."

¹⁶ Kempe Ronald Hope Sr., "Peace, Justice and Inclusive Institutions: Overcoming Challenges to the Implementation of Sustainable Development Goal 16," *Global Change, Peace & Security* 32, no. 1 (January 2020): 57–77, <https://doi.org/10.1080/14781158.2019.1667320>.

rights-oriented legal system.

Method

This research uses a normative juridical method, with statutory, conceptual, and comparative approaches, to analyze the normative construction, the institutional readiness to impose community service orders as penalties, and the prerequisites for their implementation in the national penal system.¹⁷ The legislative approach involves examining positive law to identify the position, character, and limitations of community service as a non-custodial sanction. The conceptual approach is used to assess normative and philosophical suitability by drawing on the theory of integrative sentencing, the principle of rehabilitation, and restorative justice. The comparative approach was selectively chosen to compare the Netherlands, Germany, and Australia because they represent different models: institutionalized prison substitution, proportionality-based fine conversion, and integrated community supervision, making them relevant for identifying best practices in supervision, judicial discretion, and institutional design. The analysis was conducted through the inventory of norms, legal interpretation, functional comparison, and normative evaluation to assess the coherence and feasibility of implementation. Legal materials include primary, secondary, and tertiary sources collected through systematic document studies, which were then analyzed qualitatively to assess the consistency of norms, institutional readiness, and the challenges of implementing community service orders in the reform of the national penal system.

Result and Discussion

A. Community Service Order as an Alternative to Retribution

Community service is a non-custodial sentencing instrument in the modern criminal justice system that balances retribution, prevention, and

¹⁷ Peter Mahmud Marzuki, *Penelitian Hukum*, Revisi (Jakarta: Kencana, 2017).

rehabilitation by requiring offenders to contribute to society.¹⁸ Unlike prison sentences, which prioritize isolation, this sanction keeps the offender within the social environment under state supervision.¹⁹ This transformation reflects a shift from a retributive approach to a rehabilitative and restorative model.²⁰ This shows that sentencing is no longer only oriented towards deprivation of freedom, but rather adopts a functional and social approach.

The implementation of the community service order is rooted in colonial forced labor, as recorded in Staatsblad No. 160 of 1936, which regulates the use of prisoners for public work, especially infrastructure development, under the supervision of the Dutch East Indies authorities.²¹ This Staatsblad is an implementing regulation that details the practice of colonial forced labor, rooted in the Wetboek van Strafrecht and administrative policies, and serves as a technical legal basis for the implementation of coercive and exploitative forced labor.²² Colonial forced labor is synonymous with human rights violations and injustice, so community service orders must now be understood as the state's commitment to humanistic justice, free from exploitation, as well as an alternative to addressing prison overcapacity. Its legitimacy depends on protecting the convict's rights, ensuring transparency in its implementation, and on state supervision to prevent it from becoming covert, coercive labour.

The International Labor Organization ILO Convention No. 29 prohibits forced labor, except under certain conditions, including work based on a valid court decision and under the supervision of public authorities.²³ Community service is not forced labor if imposed through a legitimate judicial process, supervised by the state, and not used for private

¹⁸ Jamilah and Disemadi, "Pidana Kerja Sosial: Kebijakan Penanggulangan Overcrowding Penjara."

¹⁹ Mariam Gelashvili, "Community Work As An Alternative To Imprisonment In The Modern Georgian Law (Evolution and Transformation)," *Law and World* 9, no. 1 (March 2023): 156–71, <https://doi.org/10.36475/9.1.16>.

²⁰ Didik Purnomo, "Contradiction and Legal Transformation in the Shift of the Correctional System from Retributive to Social Reintegration in Indonesia," *Yustisia Tirtayasa* 5, no. 2 (2025): 138–65, <https://doi.org/http://dx.doi.org/10.51825/yta.v5i2.32432>.

²¹ Abintoro Prakoso, *Hukum Penitensier*, Februari 20 (Seleman: Aswaja Persindo, 2019).

²² Breman Jan, *Keuntungan Kolonial Dari Kerja Paksa: Sistem Priangan Dari Tanam Paksa Kopi Di Jawa 1720-1870* (Jakarta: Yayasan Pustaka Obor Indonesia, 2014).

²³ International Labour Organization, "Forced Labour Convention (No. 29)" (Geneva, 1930).

commercial interests, thus normatively distinguishing exploitative practices from legitimate sanctions within the criminal justice system.²⁴ In line with this, the United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules) encourage the use of non-custodial sanctions as a proportional and appropriate option, taking into account the severity of the crime, the character of the offender, the interests of the victim, and the objectives of sentencing.²⁵

Community service order is not merely a substitute for prison, but an instrument to foster social responsibility, strengthen reintegration, and reduce the impact of mass incarceration through community involvement and state supervision within the framework of accountability and the protection of human rights.²⁶ The selection of non-custodial sanctions must consider the severity of the crime, the character of the offender, the interests of the victim, and the objectives of sentencing.²⁷ From this perspective, community service orders are not merely a technical substitute for prison but an instrument to foster social responsibility, strengthen offenders' reintegration into society, and reduce the negative impacts of mass incarceration.²⁸ Community service orders require structured community involvement and state supervision to ensure social collaboration remains within the framework of legal accountability and the protection of human rights.

Community service orders are reinforced by international standards such as the International Covenant on Civil and Political Rights, which affirms the protection of freedom and limits forced labor, as well as the Nelson Mandela Rules and the European Rules on Community Sanctions and Measures, which emphasize reducing imprisonment and implementing community sanctions. Within this framework, community service orders reflect the transformation of global criminal law from a

²⁴ Endri, *Pidana Kerja Sosial Sebagai Alternatif Pidana Penjara* (Jakarta: Prenada Media, 2024).

²⁵ United Nations, "United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)" (New York, 1990).

²⁶ Maria Ulfah, "Pidana Kerja Sosial, Tokyo Rules, Serta Tantangannya Di Masa Mendatang," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 10, no. 3 (September 2021): 517, <https://doi.org/10.24843/JMHU.2021.v10.i03.p07>.

²⁷ United Nations, "United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)" (1990), n. Rule 2.2.

²⁸ Togat Tongat, *Pidana Kerja Sosial Dalam Pembaharuan Hukum Pidana Indonesia* (Jakarta: Djambatan, 2002).

punishment-oriented approach to community-based restorative justice, with principles of voluntariness, non-exploitation, proportionality, and community involvement. This conception is reflected in the 2023 Criminal Code, which makes community service an order aimed at harmonizing national law with international standards oriented toward humanity, efficiency, and social justice.

International frameworks such as ILO Convention No. 29 and the Tokyo Rules affirm that work based on court decisions is legitimate as long as it complies with the principles of legality, public supervision, and non-commercialization. This indicates that community service orders are a global policy aimed at limiting imprisonment, particularly for minor offenses. In the context of Indonesia, this principle is crucial to ensure that implementation does not shift into coercive practices.

The 2023 Criminal Code marks a shift in the paradigm of criminal justice by integrating the principles of restorative justice and placing short-term imprisonment as an *ultima ratio*.²⁹ Community service order is a non-custodial alternative to reduce incarceration and prison overcrowding.³⁰ Unlike a prison that protects, community service orders keep the offender in society, thereby facilitating more constructive rehabilitation and reintegration.³¹ Integrative criminal law balances resolution, prevention, and rehabilitation while also reducing the stigma associated with former prisoners.

Article 85 of the 2023 Criminal Code governs its application to criminal acts carrying a prison sentence of less than five years, if the judge imposes a prison sentence of up to six months or a category II fine.³² By taking into account the defendant's consent, work capacity, social

²⁹ Ichsan Anwary, "Evaluation of the Effectiveness of Public Administration Policies in the Development of Stringent Legal Framework: An Analysis of the Criminal Justice System in Indonesia," *International Journal of Criminal Justice Science* 17, no. 2 (2022): 312–23, <https://doi.org/DOI:10.5281/zenodo.4756127>.

³⁰ Jamilah and Disemadi, "Pidana Kerja Sosial: Kebijakan Penanggulangan Overcrowding Penjara."

³¹ Muladi, *Lembaga Pidana Bersyarat* (Bandung: Alumni, 1992).

³² Undang-undang Republik Indonesia, "Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana" (2023), n. Pasal 85 ayat 1.

background, safety, religious beliefs, and the ability to pay fines, so that its implementation remains proportional, individual, and non-coercive.³³

The implementation is non-commercial in nature, lasts 8–240 hours with a limit of 8 hours per day and a maximum of six months.³⁴ It must be stated in detail in the court decision, with consequences in including repetition, conversion to imprisonment, or fines, if the obligation is not carried out. This penalty can be carried out in public facilities such as hospitals, schools, or orphanages, thereby demonstrating a clear and accountable enforcement structure.³⁵ Article 65 of the 2023 Criminal Code and Law No. 22 of 2022 on Corrections reaffirm the role of Community Guidance Officers, making social work sentences not merely an alternative sanction, but a strategic instrument to reduce overcrowding, minimize the negative impact of short-term imprisonment, and strengthen restorative justice within the Indonesian criminal justice system.

The implementation of social work sentences is supervised by prosecutors and guided by Community Guidance Officers, thus placing this sanction within a collaborative framework between the justice system and the community.³⁶ Some countries implement community service orders as a substitute for short-term detention by converting work hours per month, which has been proven effective in reducing short-term imprisonment.³⁷ In Indonesia, the success of implementation depends on the consistency of judges, the readiness of monitoring infrastructure, and changes in the penal culture that still focus on prisons.

Regulation of the Minister of Law and Human Rights Number 11 of 2017 identifies the overcrowding of correctional institutions as a structural problem due to the dominance of prison sentences, including minor criminal offenses, thus encouraging the development of non-prison

³³ Undang-undang Republik Indonesia, Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana.

³⁴ Undang-undang Republik Indonesia.

³⁵ Undang-undang Republik Indonesia.

³⁶ Undang-undang Republik Indonesia.

³⁷ Robert J. Harris and T. Wing Lo, "Community Service: Its Use in Criminal Justice," *International Journal of Offender Therapy and Comparative Criminology* 46, no. 4 (August 2002): 427–44, <https://doi.org/10.1177/0306624X02464005>.

alternatives.³⁸ National regulations establish community service orders as an alternative, with clear limitations on the type of criminal offence, duration, and conditions of imposition, reflecting a proportional and selective penal design.

However, its effectiveness depends not only on norms but also on the consistency of judges' application and the readiness of the supervisory system.³⁹ Comparisons with the Netherlands, Germany, and Australia show that the success of community service orders is determined by normative regulations, institutional stability, supervision systems, and a penal culture that supports non-custodial sanctions.

In the Netherlands, community service orders (*taakstraf*) are regulated in Articles 22c–22h of the Penal Code and, since the 1989 reform, have become the main instrument replacing short-term imprisonment.⁴⁰ With a duration of 20–240 hours, generally 40–100 hours for minor offenses.⁴¹ Failure to carry out social work will result in a substitute prison sentence under the initial ruling.⁴² Professional supervision by *Reclassering Nederland* that ensures location, safety, and compliance.⁴³ The success of this model lies in the strong integration of probation and a judicial culture that consistently positions *taakstraf* as a real alternative.

In Germany, social work functions as a conversion mechanism for unpaid fines (*Ersatzfreiheitsstrafe*) in accordance with the Penal Code

³⁸ Hilde T. Wermink et al., “Estimating Effects of Short-Term Imprisonment on Crime Using Random Judge Assignments,” *Justice Quarterly* 41, no. 3 (April 2024): 317–46, <https://doi.org/10.1080/07418825.2023.2193618>.

³⁹ Ni'am Abdalla Naofal, “Tujuan Pemidanaan Pidana Kerja Sosial Dan Peran Subsistem Peradilan Pidana Dalam Pelaksanaannya,” *Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 4 (May 9, 2025): 3666–73, <https://doi.org/10.38035/jihhp.v5i4.4637>.

⁴⁰ Miranda Boone, “Only for Minor Offences: Community Service in the Netherlands,” *European Journal of Probation* 2, no. 1 (March 2010): 22–40, <https://doi.org/10.1177/206622031000200103>.

⁴¹ Elena Kantorowicz, “The Secret of a Cheaper Sentencing System: Lessons from Europe,” *SSRN Electronic Journal*, 2014, <https://doi.org/10.2139/ssrn.2475021>.

⁴² Hilde Wermink et al., “Comparing the Effects of Community Service and Short-Term Imprisonment on Recidivism: A Matched Samples Approach,” *Journal of Experimental Criminology* 6, no. 3 (September 2010): 325–49, <https://doi.org/10.1007/s11292-010-9097-1>.

⁴³ Miranda Boone, Matthijs van der Kooij, and Stephanie Rap, “The Highly Reintegrative Approach of Electronic Monitoring in the Netherlands,” *European Journal of Probation* 9, no. 1 (April 2017): 46–61, <https://doi.org/10.1177/2066220317697660>.

Articles 43 and 459c.⁴⁴ With a ratio of four to six hours of work per one day of penalty.⁴⁵ Supervised by local authorities and social institutions, and integrated with public services. This approach emphasizes proportionality and social justice, preventing imprisonment for economic incapacity while maintaining the deterrent function.

Meanwhile, in Victoria, Australia, social work is integrated into the Community Correction Order (CCO) based on the Sentencing Act 1991.⁴⁶ With a duration of 40–600 hours and a combination of other obligations such as rehabilitation, counselling, mobility restrictions, and even curfews.⁴⁷ CCO violations can result in revocation and imprisonment, so this system combines rehabilitative flexibility with strict judicial control.⁴⁸ Supervised by Community Correctional Services with a structured reporting system.⁴⁹ Supervision is carried out by Community Correctional Services, which has professional capacity and a structured reporting system.⁵⁰ The Australian model shows that social work is more effective when combined with individual rehabilitation programs and intensive supervision.

⁴⁴ Stefan Harrendorf, "Sentencing Thresholds in German Criminal Law and Practice: Legal and Empirical Aspects," *Criminal Law Forum* 28, no. 3 (September 2017): 501–39, <https://doi.org/10.1007/s10609-017-9331-x>.

⁴⁵ Patricia Faraldo Cabana, "Paying off a Fine by Working Outside Prison: On the Origins and Diffusion of Community Service," *European Journal of Criminology* 17, no. 5 (September 2020): 628–46, <https://doi.org/10.1177/1477370818819691>.

⁴⁶ Chris Maxwell, "Non-Custodial Dispositions and the Politics of Sentencing," *Criminal Law Forum* 28, no. 3 (September 2017): 541–61, <https://doi.org/10.1007/s10609-017-9324-9>.

⁴⁷ Rachael Green, David Hopkins, and Garry Roach, "Exploring the Lived Experiences of People on Community Correction Orders in Victoria, Australia: Is the Opportunity for Rehabilitation Being Realised?," *Australian & New Zealand Journal of Criminology* 53, no. 4 (December 2020): 585–605, <https://doi.org/10.1177/0004865820957059>.

⁴⁸ Vincent Chiao, "Fairness, Accountability and Transparency: Notes on Algorithmic Decision-Making in Criminal Justice," *International Journal of Law in Context* 15, no. 2 (June 2019): 126–39, <https://doi.org/10.1017/S1744552319000077>.

⁴⁹ Phillipa Evans et al., "Community Corrections in Australia," in *The Routledge Handbook on Global Community Corrections* (London: Routledge, 2024), 481–501, <https://doi.org/10.4324/9781003305149-32>.

⁵⁰ Green, Hopkins, and Roach, "Exploring the Lived Experiences of People on Community Correction Orders in Victoria, Australia: Is the Opportunity for Rehabilitation Being Realised?"

Comparisons of the Netherlands, Germany, and Australia show three typologies of social work crime.⁵¹ The Netherlands, with a prison substitution model institutionalized through *taakstraf*. Germany has a sound conversion model grounded in proportionality and social justice, exemplified by *Ersatzfreiheitsstrafe*. Australia has a comprehensive supervision model that integrates risk management and rehabilitation through the Community Correction Order.

All three are not determined solely by the duration or conversion of working hours, but by institutional design, probation capacity, and the consistency of judicial practices. Indonesia, through the 2023 Criminal Code, tends to adopt the Dutch pattern as a substitute for short-term imprisonment. Still, the success of implementation depends on strengthening the probation system and institutional coordination so that it does not stop at the norm, but becomes an effective instrument to reduce incarceration and strengthen restorative justice.

A community service order is more economical because it is oriented toward resocialization, whereas prison emphasizes isolation for public safety and retributive purposes.⁵² Non-custodial alternatives that emphasize rehabilitation and restoration are different from colonial forced labor under *Staatsblad* 1936. ILO Convention No. 29 and the Tokyo Rules affirm the distinction between forced labor and community service orders and encourage the implementation of non-custodial sanctions to address overcrowding and strengthen social reintegration. In the 2023 Criminal Code, Article 85 establishes community service order as a substitute for short-term imprisonment, in line with practices in the Netherlands, Germany, and Australia that emphasize the offender's social contribution and a humanistic justice approach.

⁵¹ Ben Livings, "What Do Judges Mean When They Sentence to Protect the Safety of the Community?," *Current Issues in Criminal Justice* 33, no. 2 (April 2021): 247–63, <https://doi.org/10.1080/10345329.2020.1840956>.

⁵² Wermink et al., "Estimating Effects of Short-Term Imprisonment on Crime Using Random Judge Assignments."

B. Collaboration between Law Enforcement Agencies and the Community

Community service orders are not only determined by the normative formulation in the 2023 Criminal Code, but also depend on the collaborative capacity between law enforcement agencies, Community Guidance Officers, and the community.⁵³ As a legal innovation, this criminal offense offers cost efficiency and is oriented toward resocialization, shifting the paradigm from retributive justice to corrective, restorative, and rehabilitative justice.⁵⁴ The rehabilitative potential and its contribution to reducing the density of correctional institutions depend on infrastructure support, monitoring systems, and organized social participation.⁵⁵ Unlike prison sentences that emphasize isolation, community service orders aim to help offenders atone for their mistakes by requiring real contributions to the community without demeaning their dignity.

The rehabilitative potential of criminal justice in reducing overcrowding in correctional institutions, which in several areas has become critical, depends on support for digital infrastructure, budgets, and an organized supervision system.⁵⁶ Without detailed derivative regulations (SOPs) and an integrated social work bank database, the community service order risk becomes a symbolic alternative with no systemic impact.

From a network-theoretic perspective, the integrated criminal justice system is understood as a network of interdependent actors.⁵⁷ Accountable

⁵³ E. C. Spaans, "Community Service in the Netherlands: Its Effects on Recidivism and Net-Widening," *International Criminal Justice Review* 8, no. 1 (May 1998): 1–14, <https://doi.org/10.1177/105756779800800101>.

⁵⁴ Faraldo Cabana, "Paying off a Fine by Working Outside Prison: On the Origins and Diffusion of Community Service."

⁵⁵ Emir Ćorović, Veljko Turanjanin, and Dragana Spasić, "Community Service as a Criminal Sanction in Serbian Criminal Legislation," *International Journal of Offender Therapy and Comparative Criminology* 68, no. 16 (December 2024): 1653–75, <https://doi.org/10.1177/0306624X221132993>.

⁵⁶ Anis Widyawati et al., "Strengthening the Correctional System through Electronic Supervision of Prisoners: A Comparative Legal Study for Reforming Indonesia's Penitentiary Law," *Jurnal Hukum Novelty* 16, no. 2 (2025): 262–281, <https://doi.org/https://doi.org/10.26555/jhn.v16i2.30503>.

⁵⁷ H. Waxenecker, I. Luna-Pla, and J.R. Nicolás-Carlock, "Prosecution of Complex Criminal Networks: A Multilevel ERGMs Approach to CICIG's Judicial Cases," *Journal of Quantitative Criminology*, October 2025, <https://doi.org/10.1007/s10940-025-09638-2>.

law enforcement requires synchronization between judges (decision-makers), prosecutors (execution supervisors), and Community Guidance Officers (PK) at the Bapas (technical supervisors).⁵⁸ This collaboration is realized through the hexahelix concept, with local governments such as the Social Service and community stakeholders acting as connectors. This involvement involves providing social work locations, guidance, and structured community-based supervision. Thus, this collaboration creates a more responsive and accountable penal ecosystem.

Community participation is not merely a complement, but an integral element in providing workplaces such as hospitals, schools, orphanages, or places of worship, as well as in efforts to reduce social stigma.⁵⁹ This collaboration is evident in the steps taken by Bapas Palu, which partnered with social institutions and mosques to develop a rehabilitation platform. With the active involvement of the community in monitoring and receiving convicts back, a penal ecosystem is formed that is more responsive and effective in reducing recidivism, thereby restoring social balance.

The principles of openness, participation, and accountability underpin public trust in the implementation of the community service order. The public has the right to access information. At the same time, law enforcers are obliged to ensure transparency and accountable oversight to prevent the perception that alternative penalties amount to impunity or a weakening of the law.⁶⁰ This readiness requires support from digital surveillance infrastructure and extensive public education so that the shift from punishment to correction is understood as a step forward in legal civilization.

⁵⁸ Martin Killias, Marcelo Aebi, and Denis Ribeaud, "Does Community Service Rehabilitate Better than Short-term Imprisonment?: Results of a Controlled Experiment," *The Howard Journal of Criminal Justice* 39, no. 1 (February 2000): 40–57, <https://doi.org/10.1111/1468-2311.00152>.

⁵⁹ Cahya Wulandari et al., "Penal Mediation: Criminal Case Settlement Process Based on the Local Customary Wisdom of Dayak Ngaju," *Lex Scientia Law Review* 6, no. 1 (June 2022): 69–92, <https://doi.org/10.15294/lesrev.v6i1.54896>; Rinaldy Amrullah, Diah Gustiniati, and Tri Andrisman, "Restorative Justice as an Effort to Resolve Excise Crimes Against Cigarettes," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 2 (2022), <https://doi.org/10.30631/alrisalah.v22i2.1249>.

⁶⁰ Indung Wijayanto, Cahya Wulandari, and Rasdi Rasdi, "Safe Harbor Principle, Exclusion of Criminal Liability for Platform Service Providers," *IJCLS (Indonesian Journal of Criminal Law Studies)* 8, no. 2 (November 2023): 173–92, <https://doi.org/10.15294/ijcls.v8i2.48040>.

The public must have access to policy information and implementation mechanisms, while law enforcers must ensure transparency and accountable oversight.⁶¹ Within the framework of restorative justice, this collaboration broadens the meaning of law as a means of restoring relationships between offenders, victims, and the community.⁶² This is achieved through the concept of hexahelix collaboration, in which the prosecution, local government, and community stakeholders work together to create an effective coaching platform.

A community service order is rooted in rehabilitation theory, which views criminal punishment as a means of behavior change and social reintegration rather than merely retribution.⁶³ Within this framework, sanctions aim to reform the offender through participation in activities beneficial to society, thereby encouraging responsibility and the reconstruction of a constructive social identity.⁶⁴ The tangible implementation can be seen in the steps taken by Bapas Palu, which collaborates with institutions such as LBH Rumah Hukum Tadulako and mosques as locations for social work, which not only serve as a place to carry out sanctions, but also as a means of learning to foster responsibility and empathy among offenders towards their community.

A community service order is rooted in rehabilitation theory, which views criminal sentencing as a means of behavior change and social reintegration.⁶⁵ Based on Article 51 of the 2023 Criminal Code, this sanction aims to rehabilitate the convict through guidance, fostering remorse, and restoring disrupted social balance. This approach differs from

⁶¹ Abdalla Naofal, "Tujuan Pemidanaan Pidana Kerja Sosial Dan Peran Subsistem Peradilan Pidana Dalam Pelaksanaannya."

⁶² Febry Halomoan Samosir, I. Gde Pantja Astawa, and Dadang Epi Sukarsa, "Restorative Justice and Environmental Conflicts in Watershed Areas: A Comparative Legal Analysis of Selected Southeast Asian Civil Law Countries," *International Journal of Water Resources Development*, December 2025, 1–17, <https://doi.org/10.1080/07900627.2025.2597831>.

⁶³ Ade Adhari et al., "Rehabilitation through Reading: Evaluating Prisoners' Right to Literacy as a Tool to Reduce Recidivism," *IJCLS (Indonesian Journal of Criminal Law Studies)* 10, no. 2 (November 2025), <https://doi.org/10.15294/ijcls.v10i2.29687>.

⁶⁴ Didik Purnomo, "Justice Dilemma: Prison for Child Offenders or Recovery for Victims of Sexual Violence in Jepara?," *Semarang State University Undergraduate Law and Society Review* 5, no. 2 (2025): 940–68, <https://doi.org/https://doi.org/10.15294/lsr.v5i2.28425>.

⁶⁵ Widodo, *Sistem Pemidanaan Dalam Cyber Crime: Alternatif Ancaman Pidana, Kerja Sosial Dan Pidana Pengawasan Bagi Pelaku Cyber Crime* (Yogyakarta: Laksbang Mediatama, 2009).

the retributive paradigm, which emphasizes the perpetrator's physical suffering.

The 2023 Criminal Code and Law Number 22 of 2022 on Corrections provide a normative basis for a collaborative approach by making rehabilitation and social reintegration the main objectives of sentencing.⁶⁶ Article 51 of the 2023 Criminal Code emphasizes that sentencing aims to socialize convicts through guidance and mentoring, helping them become productive members of society and restore social balance. However, the implementation challenges remain significant amid a penal culture that remains retributive and relies on prisons as the primary solution. The success of community service orders depends on the consistency of judicial decisions, the readiness of Community Guidance (PK) resources, which are not yet sufficiently developed, and the support of detailed derivative regulations (SOPs) to prevent disparities in practice.

Collaboration between law enforcement and the community is the foundation of an effective and fair criminal justice system, in line with network theory, which views the justice system as a network of mutually dependent actors.⁶⁷ This relationship is strengthened through the concept of hexahelix collaboration, in which the prosecution, local government (such as Social Service), and community stakeholders work together to increase public trust and create a safe environment. Fair sentencing is achieved when judges and the community together support law enforcement.⁶⁸ Community service orders, as an alternative to criminal penalties, have the potential to reduce prison overcrowding, lower state costs, and decrease recidivism. Its implementation requires community involvement not only as an object but also as an active partner, grounded in the principles of transparency, participation, and accountability.

⁶⁶ Purnomo, "Contradiction and Legal Transformation in the Shift of the Correctional System from Retributive to Social Reintegration in Indonesia."

⁶⁷ Indah Sri Utari and Ridwan Arifin, "Law Enforcement and Legal Reform in Indonesia and Global Context: How the Law Responds to Community Development?," *Journal of Law and Legal Reform* 1, no. 1 (2020): 1–4, <https://doi.org/https://doi.org/10.15294/jllr.v1i1.35772>.

⁶⁸ Sahat Maruli Tua Situmeang, Musa Darwin Pane, and Wahyudi Wahyudi, "Optimalisasi Peran Penegak Hukum Dalam Menerapkan Pidana Kerja Sosial Dan Ganti Rugi Guna Mewujudkan Tujuan Pemidanaan Yang Berkeadilan," *Jurnal Hukum Ius Quia Iustum* 27, no. 3 (September 2020), <https://doi.org/10.20885/iustum.vol27.iss3.art4>.

The rehabilitation and reintegration process requires careful planning because positive social interactions at the workplace can change the views of individuals who are isolated due to stigma.⁶⁹ A community service order allows offenders to rebuild self-confidence through useful work, such as service in hospitals, schools, or orphanages, tailored to the offender's profile.⁷⁰ All this time, judges have often used a positivist approach that places prisons as the main instrument, which actually contributes to problems in correctional institutions and the increase of crime within them.⁷¹ Thus, the punishment of community service reflects a strategic collaboration between the state and society to build a penal system that is more just, humane, and civilized in accordance with the values of Pancasila.

The community service order was introduced in the 2023 Criminal Code as an alternative to short-term imprisonment for perpetrators of individual general crimes. This policy is based on the principles of justice, proportionality, and humanity, which regard the deprivation of freedom as a last resort to avoid the destructive impacts of imprisonment. According to the Prosecutor's Guidelines (PHL Number 1 of 2025), at the prosecution stage, the prosecutor is required to analyze the subjective aspects of the offender, such as motives, life history, and remorse, as well as the interests of the victim, including the possibility of forgiveness and restoration of social relations.⁷² Priority in application is given to first-time offenders, elderly offenders (over 75 years old), or crimes committed through negligence, provided the case does not pose a specific minimum threat or a serious impact on state security.

The effectiveness of community service punishment depends on the consistency of its implementation and the clarity of cross-agency standard

⁶⁹ Susie Atherton, Victoria Knight, and Benedict Carpenter van Barthold, "Penal Arts Interventions and Hope: Outcomes of Arts-Based Projects in Prisons and Community Settings*," *The Prison Journal* 102, no. 2 (March 1, 2022): 217–36, <https://doi.org/10.1177/00328855221079282>.

⁷⁰ Jamilah and Disemadi, "Pidana Kerja Sosial: Kebijakan Penanggulangan Overcrowding Penjara."

⁷¹ Tom Daems, "Compatible Victims? Prison Overcrowding and Penal Reform in Belgium," *International Journal of Law, Crime and Justice* 36, no. 3 (September 2008): 153–67, <https://doi.org/10.1016/j.ijlcj.2008.04.001>.

⁷² Ruslan Abdul Gani and Retno Kusuma Wardani, "Restorative Justice for Settlement of Minor Maltreatment in the Legal Area of the Merangin Police, Jambi Province," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 1 (2023), <https://doi.org/10.30631/alrisalah.v23i1.1333>.

operating procedures. Without the support of digital infrastructure for monitoring, an organized social work bank, and adequate capacity in Community Guidance human resources, this sanction risks becoming an administrative formality. Therefore, strategic collaboration between the state and society through the hexahelix concept is necessary so that this criminal punishment truly achieves its rehabilitative goal, reintegrating convicts into society without degrading their dignity.

C. Implementation of Community Service Order: Challenges and Opportunities

As the main punishment, the success of the community service order in improving structural readiness and the judicial paradigm shift from retributive to an integral approach based on social relations.⁷³ The main challenge lies in judges' consistency in internalizing the principle of individualized sentencing, given the practice that still makes prison the primary response rather than the last resort.⁷⁴ Without standardized sentencing guidelines, especially details on the duration, location, and sanctions if the convicted person evades the penalty, this punishment risks being applied sporadically or symbolically. In addition, the capacity of Community Guidance Officers in the Correctional Supervision Agencies and of prosecutors as supervisors needs to be strengthened; currently, the staff ratio remains imbalanced, with a high workload.

The implementation of the community service order requires a comprehensive administrative infrastructure, including placement mechanisms according to the convict's profession, an integrated database through a social work bank, and accountable compliance evaluation procedures.⁷⁵ Comparative experiences from countries like the Netherlands and England show that the effectiveness of these sanctions

⁷³ Ken Pease, "Community Service Orders," *Crime and Justice* 6 (January 1985): 51–94, <https://doi.org/10.1086/449104>.

⁷⁴ Didik Purnomo and Bagus Hendradi Kusuma, "Reconstructing the Purpose of Sentencing: Rethinking the Effectiveness of Imprisonment in the Contemporary Legal System," *TATOHI: Jurnal Ilmu Hukum* 5, no. 10 (December 2025): 484, <https://doi.org/10.47268/tatohi.v5i10.3588>.

⁷⁵ Hanifah Dwi Jayanti, "Menilik Kesiapan Implementasi Pidana Kerja Sosial Dalam KUHP Nasional," *Hukumonline*, 2026.

depends on robust probation institutions and cross-sector coordination among law enforcement, local government, and social institutions.

Without that support, this policy risks causing a net widening effect or supervisory failure that undermines public confidence in the credibility of non-custodial sanctions.⁷⁶ Therefore, the implementation design must balance rehabilitative flexibility, including the mainstreaming of gender, disability, and social inclusion principles, with legal accountability so that this crime truly becomes a means of socially just recovery.

Community service orders offer significant opportunities for reforming Indonesia's correctional system.⁷⁷ As a non-custodial sanction, community service has the potential to reduce the burden on the state budget and minimize the effects of prisonization and stigmatization that often accompany short-term imprisonment.⁷⁸ The implementation of this policy is evident in the Pulang Pisau District Court Decision Number 78/Pid.B/2025/PN.Pps, which serves as an initial application under the National Criminal Code, and in the Takengon District Court Decision Number 130/Pid.Sus/2025/PN.Tkn, where a 3-month prison sentence was replaced with 150 hours of community service at Datu Beru Hospital.⁷⁹

Effective implementation will strengthen the restorative justice orientation in the 2023 Criminal Code, namely, the shift from a retributive approach to an integral paradigm grounded in the restoration of social relations.⁸⁰ Pursuant to Article 85 of the Criminal Code, this sanction may be imposed for criminal offenses carrying a threat of less than 5 years, with a work duration of 8–240 hours, to be completed within a maximum of 6 months. However, this opportunity can only be realized through regulatory harmonization and institutional capacity

⁷⁶ Moh Saman et al., "Prevention of Radicalism and Terrorism in Higher Education: Regulation and Implementation," *Indonesian Journal of Advocacy and Legal Services* 5, no. 2 (September 2023): 241–60, <https://doi.org/10.15294/ijals.v5i2.29929>.

⁷⁷ Rahman Amin, *Pidana Dan Pemidanaan Menurut Hukum Nasional* (Yogyakarta: Deepublish, 2024).

⁷⁸ Didik Purnomo, "Indonesian Prison System: An Analysis of Constitutive Penology Amidst the Crisis of Overcapacity Based on Islamic Law," *Justice Law Review* 1, no. 1 (June 2025): 23–36, <https://doi.org/10.64317/jlr.v1i1.15>.

⁷⁹ Jihan Ristiyanti, "PN Pulang Pisau Vonis Terdakwa Penganiayaan Kerja Sosial," *Tempo.Co*, 2026.

⁸⁰ Insanul Hakim Ifra, "Pidana Kerja Sosial: Pembinaan Diri Dan Penumbuhan Rasa Penyesalan," Direktorat Jenderal Pemasyarakatan, 2026.

strengthening, especially the role of Community Guidance Officers (PK) at Bapas as mentors and, as supervisors, prosecutors.

Preparedness of the infrastructure is required, such as integrated social work banks at the regional level and judicial guidelines detailing the location and schedule of the convict's work. Therefore, the implementation of community service orders must be regarded as a systemic reform that includes the renewal of norms, the strengthening of supervisory institutions, and the transformation of legal culture towards more proportional, rehabilitative, and inclusive sentencing.

Experiences in countries such as Australia, Finland, and the United States show that the recidivism rates between short-term prison convicts and community service offenders are not significantly different.⁸¹ This finding indicates that imprisonment is not always more effective, so community service orders are worth considering as an alternative with more constructive social impacts.⁸² By keeping the offender within the social environment, this sanction reduces family disruption, job loss, and the risk of prisonization and stigmatization that often trigger the repetition of criminal acts.

The opportunity for this application is evident in the Pulang Pisau District Court Decision Number 78/Pid.B/2025/PN.Pps, in which the judge imposed the first social work sentence in Indonesia on a family breadwinner with a pregnant wife.⁸³ This decision shows that the penalty of community service can balance legal obligations without damaging the family's economic structure or protection for innocent members.

The Donggala District Court Decision Number 39/Pid.B/2026/PN.Dgl, which imposed a similar sanction on a grandchild who stole his grandfather's motorcycle, shows that criminal community service can become an instrument of family reconciliation as

⁸¹ Martin Killias et al., "How Damaging Is Imprisonment in the Long-Term? A Controlled Experiment Comparing Long-Term Effects of Community Service and Short Custodial Sentences on Re-Offending and Social Integration," *Journal of Experimental Criminology* 6, no. 2 (June 29, 2010): 115–30, <https://doi.org/10.1007/s11292-010-9093-5>.

⁸² Purnomo and Kusuma, "Reconstructing the Purpose of Sentencing: Rethinking the Effectiveness of Imprisonment in the Contemporary Legal System."

⁸³ Ristiyanti, "PN Pulang Pisau Vonis Terdakwa Penganiayaan Kerja Sosial."

well as a proportional sanction.⁸⁴ This decision also demonstrates the function of guidance, including through activities such as cleaning the mosque. It proves that social work sentences can balance legal obligations without damaging the economic structure or protecting innocent family members.

The Takengon District Court Decision Number 130/Pid.Sus/2025/PN.Tkn demonstrates the opportunity for educational reintegration by replacing a 3-month prison sentence with 150 hours of community service at Datu Beru Hospital, showing that non-custodial sanctions can provide direct benefits to public facilities without entirely depriving the offender of their freedom.⁸⁵ However, this success does not hide the fact that many regions still lack supporting infrastructure, nor the scarcity of similar rulings in other Indonesian courts.

This transformation reflects a shift from a retributive to an integral paradigm, integrating rehabilitation and social reintegration.⁸⁶ Judges have the authority to specify the duration of work (8–240 hours), the location of implementation, and the penalties if the convicted person fails to comply with the ruling. However, the implementation challenges remain real, as seen in the Takengon District Court Decision Number 130/Pid.Sus/2025/PN.Tkn, where a social work sentence was imposed after restorative justice efforts failed. The challenge ahead is to ensure judges' consistency in setting compliance indicators and to strengthen coordination between prosecutors, as supervisors, and community correction officers, as mentors, to ensure that this sanction is not viewed as a lenient punishment.

Judges not only impose sentences to prevent recidivism and deter, but also humanize the law through an integral paradigm grounded in social relations.⁸⁷ Realizing an ideal criminal law system requires

⁸⁴ Oki Wiratama, "MKR Di PN Donggala, Sulteng, Terdakwa Curanmor Divonis Kerja Sosial," *Dandapala.Com*, 2026.

⁸⁵ Jubir PN Takengon, "Penganiaya Anak Dipidana Kerja Sosial, Jubir: Ada Pergeseran Paradigma Di KUHP Baru," *Dandapala.Com*, 2026.

⁸⁶ Didik Purnomo and Bagus Hendradi Kusuma, "Integration of National Security and Rehabilitation in Sentencing for Perpetrators of Terrorist Crimes," *Indonesian Journal of Counter Terrorism and National Security* 3, no. 2 (2024): 185–222, <https://doi.org/https://doi.org/10.15294/ijctns.v3i2.27611>.

⁸⁷ Bheti Widyastuti, "Kajian Pidana Kerja Sosial Ditinjau Dari Segi Sosiologi Hukum," *Jurnal Hukum Dan Pembangunan Ekonomi* 8, no. 2 (July 2021): 56, <https://doi.org/10.20961/hpe.v8i2.49756>.

integrating the principle of legality with humane restorative justice.⁸⁸ This opportunity is reinforced by the recognition of community service as a principal criminal penalty under the last order, indicating its nature as the lightest punishment in the sentencing hierarchy.

Nevertheless, this implementation faces a challenge in a legal culture that still demands physical retaliation; massive public education is necessary. Therefore, community service orders must be accompanied by detailed derivative regulations so that they do not merely become an administrative alternative, but a means of transformation towards a more rehabilitative, inclusive, and fair judicial system.

Law enforcement treats punishment as a manifestation of the retributive principle of the Criminal Code, which emphasizes retaliation and deterrence.⁸⁹ The modern approach combines retribution and rehabilitation by limiting prison use and prioritizing probation and community service.⁹⁰ Under the 2023 Criminal Code, short-term imprisonment is increasingly limited by imposing a community service order as a principal punishment on par with imprisonment.

The opportunity to apply this sanction is evident in the Pulang Pisau District Court Decision Number 78/Pid.B/2025/PN.Pps, which serves as an initial implementation of a community service order under the National Criminal Code against perpetrators of assault, with humanitarian considerations given that the defendant is the family breadwinner with a pregnant wife. In addition, the Takengon District Court Decision Number 130/Pid.Sus/2025/PN Tkn shows the opportunity for educational reintegration by substituting a 3-month prison sentence for 150 hours of social work at Datu Beru Regional Hospital, demonstrating that non-custodial sanctions can provide direct benefits to public facilities without completely depriving the offender of their freedom.

This transformation demands a shift from a purely retributive approach to a more integrative and participatory model, where the legal

⁸⁸ Purnomo, "Contradiction and Legal Transformation in the Shift of the Correctional System from Retributive to Social Reintegration in Indonesia."

⁸⁹ Andy Bain, "Please Recycle: Continuities in Punishment," *International Journal of Law, Crime and Justice* 39, no. 2 (August 2011): 121–35, <https://doi.org/10.1016/j.ijlcj.2011.05.002>.

⁹⁰ Januar Rahadian Mahendra and Silas Oghenemaro Emovwodo, "Monodualistic and Pluralistic Punishment Politics in Criminal Code Reform: Lessons from Indonesia," *Journal of Law, Environmental and Justice* 1, no. 3 (November 2023): 225–43, <https://doi.org/10.62264/jlej.v1i3.17>.

system relies not only on formal legality but also on social legitimacy and respect for human rights.⁹¹ Community service orders offer an alternative that is normatively equivalent to prison in terms of accountability, but more in line with the principles of *daad-dader* criminal law, which focus on the act and the perpetrator.

The main challenge is a legal culture that remains retributive, as well as the limited number of Community Guidance Officers (PK) at the Bapas and the absence of an integrated 'social work job bank' database in the regions. Therefore, strengthening infrastructure and detailed derivative regulations is necessary so that social work sentences truly support a more humane, proportional, and socially restorative criminal justice system reform.

Conclusion

This study shows that community service orders are a proportional substitute for short-term imprisonment, oriented towards offender rehabilitation and social reintegration. Conceptually, its regulation reflects a transformation towards a penal model that balances retribution, prevention, and rehabilitation. Comparative analysis with the Netherlands, Germany, and Australia shows that its effectiveness is determined not only by norms but also by institutional design, supervisory capacity, and consistency of application. Policy implications underscore the need to strengthen probation infrastructure, establish standardized judicial guidelines, and foster collaboration between law enforcement and the community to ensure accountable, non-symbolic implementation. In addition, the harmonization of regulations, judicial practices, and legal culture is a prerequisite for community service to function effectively within the national criminal justice system. In the future, further research is needed to examine empirical aspects, including its impact on recidivism, the effectiveness of supervision, and public acceptance, as well as through a more adaptive and sustainable interdisciplinary approach.

⁹¹ Anis Widyawati et al., "Dynamics of the Penitentiary System, Transparent, and Accountable Handling of Criminal Cases in Criminal Execution Law in Southeast Asia: Convergence and Divergence of International Perspectives," *Indonesia Law Review* 15, no. 1 (2025): 1–17, <https://doi.org/https://doi.org/10.15742/ilrev.v15n1.1>.

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