

Prospects of Community Service Criminal Policy as an Alternative to Imprisonment in Indonesia: A Comparative Study Between Countries

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Abstract

Introduction: This article analyzes the comparative policies of social work sentences in Indonesia and other countries, as well as the prospects for social work sentences as an alternative to imprisonment in Indonesia.

Purposes of the Research: This study aims to provide prospective ideas regarding the policy of social work as an alternative to imprisonment in Indonesia and to compare it with policies in other countries, such as the Netherlands, England, and Malaysia.

Methods of the Research: This study uses normative legal methods with a comparative and legislative approach. The legal materials used include primary and secondary legal materials, which are collected through literature studies.

Findings of the Research: The results of the study found that although social work has been regulated in Law Number 1 of 2023, its regulation is still limited and faces various institutional and social challenges. Compared to other countries that are more mature in their implementation, Indonesia is still in the early stages of development. However, the prospects are considered promising because they can reduce overcrowding, suppress recidivism, and provide social benefits. Therefore, it is recommended that the government immediately draft implementing regulations, strengthen the capacity of related institutions, build multi-sector collaboration, conduct public outreach, and carry out further evaluations and research.

Keywords: Alternative Sentencing; Community Service Punishment; Policy Prospect.

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INTRODUCTION

Sentencing systems in several countries have undergone significant changes in recent years. Many countries have abandoned retributive approaches and embraced systems that emphasize rehabilitation and restorative justice. This is based on the idea that punishment should support the reintegration of offenders into society. One form of alternative punishment that is increasingly being applied is community service. This punishment allows minor offenders to correct their mistakes through real contributions to the community.¹ In addition, the practice of social work punishment helps identify the negative impacts of imprisonment, such as psychological disorders and social stigma.

The implementation of social work punishment as an alternative punishment is still at the beginning of Indonesian law. Although Law Number 1 Year 2023 on Criminal Code has accommodated social work punishment as an alternative punishment, the regulation still

¹ Fahreshi Arya Pinthaka, Ali Masyhar, and Cahya Wulandari. "Implementation of Community Service Order Based on Law Number 1 of 2023 In The Perspective of Justice And Legal Expediency." *Krtha Bhayangkara* 18, no. 1 (2024): 141-54.

faces various challenges, both in terms of regulation, society, and legal system. Therefore, there is a need for a more in-depth study on the best mechanism in regulating social work punishment in Indonesia in order to provide optimal benefits for perpetrators, victims, and the community.² In Indonesia, sentencing policy is still dominated by imprisonment, which causes correctional institutions to experience overcapacity. Data from the Correctional Database System shows that from 2022 to 2025, the number of prisoners increased by 1,30% (3,542 people) above the ideal capacity. Although it decreased in 2023 by 1,34% (3,631 people), the number of prisoners still exceeded the ideal capacity. Ideal capacity is the maximum number of people that can be accommodated in accordance with standards of comfort, security, and effectiveness of guidance. For example, Class I Semarang Correctional Facility has an ideal capacity of 663 people, but in reality accommodated 1,128 people.³ This condition causes several negative impacts, such as increased violence, decreased rehabilitation programs, and decreased effectiveness of punishment, so a more comprehensive system improvement is needed.⁴

In some countries, sentencing practices have shifted to alternative forms such as community service, fines, or community-based rehabilitation programs. Social work sentences have been shown to provide benefits to both the individual and society at large. By encouraging participation in work that benefits society, the system not only provides a more constructive punishment but also helps people develop skills that can be used for everyday life after the sentence is completed. Research in the Netherlands and the UK shows that community service sentences have a higher success rate in reducing recidivism compared to imprisonment. Empirical data shows that individuals who undergo social work punishment have a greater chance of adapting back to society without re-offending.⁵

Since the early 1980s, the Netherlands has implemented community service (*taakstraf*) as a response to prison overcrowding and the need for rehabilitation. *Taakstraf* is described in the *Wetboek van Strafrecht* in Article 9 and Article 22c. In the UK, *Community Orders* were introduced in the 1970s and are now outlined in the *Criminal Justice Act* (CJA) 2003 and updated through the *Sentencing Act* (SA) 2020. Since 2006, Malaysia has implemented *Community Service Orders* through amendments to the *Criminal Procedure Code* (CPC). This punishment is mainly aimed at offenders aged 18 to 21 years. In Indonesia, the practice of social work punishment is only outlined in Law No. 1 of 2023 concerning the Criminal Code in Article 65 and explained in Article 85. Social work punishment plays an important role in correctional policy and law enforcement. By reducing imprisonment rates, the state can focus more on long-term development and rehabilitation. Community-based rehabilitation programs can be combined with skills training for minor offenders. This provides greater opportunities for employment after completing their sentence.⁶ In addition, this can reduce recidivism and create a more inclusive social environment. Therefore, social work

² Jeri Fransisco Sitorus, Ekaputra, and Marlina. "Alternatif Pengefektifan Pidana Non Penjara Dalam Penanganan Tindak Pidana Narkotika Sebagai Upaya Pencegahan Overcrowding Rumah Tahanan (Studi Di Rutan Kelas 1 Labuhan Deli)." *Journal of Science and Social Research* 7, no. 4 (2024): 2126-2132. <https://jurnal.goretanpena.com/index.php/JSSR/article/view/2360>

³ SDP. 2025. "Sistem Database Pemasarakatan." SDP Ditjenpas. Accessed May 06, 2025. <https://sdppublik.ditjenpas.go.id/>

⁴ Filpan Fajar Dermawan Laia. 2024. "The Urgency of Enacting Government Regulation on Community Service Sentence in Indonesian under the New Penal Code." *SIGn Jurnal Hukum* 6, no. 1 (2024): 1-16.

⁵ Joelman Subaidi, and Budi Bahreisy. "The Legal Position of Corporate Crime in Indonesia." *International Journal of Law, Social Science, and Humanities* 1, no. 1 (2024): 50-55.

⁶ Dewi, Sumartini, Dwinanda Linchia, Levi Heningdyah, Nikolas Kusumawardhani, Achmad Jaelani, Stelvia W Noya, and Herry Pasrani Mendrofa. "Efektivitas Pemidanaan Penjara Dalam Mencegah Tindak Pidana Berulang Di Indonesia The Effectiveness of Imprisonment in Preventing Recurrence of Crime in Indonesia." *Jurnal Kolaboratif Sains* 7, no. 12 (2024): 4568-73.

punishment requires strong regulatory cooperation and collaboration between the government, the general public and the private sector.

Various studies have discussed criminal social work policies in Indonesia as a solution to recidivism and prison overcrowding,⁷ highlights the challenges of overcrowding and explores social work punishment as a potential alternative,⁸ discusses the rationale of implementing social work punishment as in the new Criminal Code from economic, sociological, juridical, and philosophical perspectives. He also emphasized the importance of supervision mechanism to ensure that this sanction is effective. While⁹ mphasizes the impotance of government regulations in its implementation,¹⁰ cocuses on legal mechanisms that support social work punishment,¹¹ suggests using social work punishment as an alternative to imprisonment which is considered less effective and actually exacerbates the problem of crime and overcrowding.

Based on the previous research above, it can be concluded that social work punishment is considered as an alternative punishment that is more humane, efficient, and relevant compared to imprisonment which is considered less effective, often exacerbates crime, and causes prison overcrowding. However, from some of these previous studies, there are still some gaps that need to be filled. The lack of research that compares this practice with other countries that have successfully implemented it is one of the things that should be taken into consideration. Furthermore, not many studies have specifically exmined the prospect of social work punishment in the Indonesian criminal law system after the enactment of the new Criminal Code in 2023. Based on the research gap mentioned above, this research aims to fill the gap by examining in depth the prospect of social work punishment policy as an alternative to imprisonment in Indonesia, as well as conducting a comparative study with other countries.

METHODS OF THE RESEARCH

This research uses a normative legal method with a statutory and comparative approach.¹² The statutory approach includes Law No. 1 Year 2023, *Wetboek van Strafrecht* (Dutch Criminal Code), *UK Criminal Justice Act 2003*, *UK Sentencing Act 2020*, and *Criminal Procedure Code of Malaysia*. In this study, the criminal social work regulations to be compared come from the Netherlands, the UK, and Malaysia. The legal materials used in this research include primary and secondary legal materials. Primary legal materials include relevant laws and regulations, while secondary legal materials include books, legal journals, and other reference sources that discuss social work punishment policies. Data was collected through literature study and analyzed qualitatively to examine relevant laws, policies, and reference sources.¹³

⁷ Hesti Andriyani, "Analisis Sanksi Pidana Kerja Sosial Sebagai Alternatif Tinjauan Terhadap Sanksi Pidana Kerja Sosial Dalam Undang Nomor 1 Tahun 2023 Tentang Kitab-Undang Hukum Pidana" (Universitas Islam Sultan Agung, 2024).

⁸ Fadhil Aji Nugraha, "Tinjauan Terhadap Sanksi Pidana Kerja Sosial Dalam Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana" (Universitas Islam Indonesia, 2024).

⁹ Filpan Fajar Dermawan Laia, "The Urgency of Enacting Government Regulation on Community Service Sentence in Indonesian under the New Penal Code," *SIGn Jurnal Hukum* 6, no. 1 (September 2024): 1–16, <https://doi.org/10.37276/sjh.v6i1.350>.

¹⁰ Jeri Fransisco Sitorus, Ekaputra, and Marlina, "Alternatif Pengefektifan Pidana Non Penjara Dalam Penanganan Tindak Pidana Narkotika Sebagai Upaya Pencegahan Overcrowding Rumah Tahanan (Studi Di Rutan Kelas 1 Labuhan Deli)," *Journal of Science and Social Research* 7, no. 4 (2024): 2126–32, <https://jurnal.goretanpena.com/index.php/JSSR/article/view/2360>.

¹¹ Akmal Mushaddiq and Tarmizi, "Tinjauan Yuridis Terhadap Pidana Kerja Sosial Sebagai Alternatif Pidana Penjara Dalam Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana," *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana* 8, no. 1 (2024): 80–88, <https://jim.usk.ac.id/pidana/article/view/31048>.

¹² Peter Mahmud Marzuki. *Penelitian Hukum*, (Jakarta: Kencana Prenada Media, 2017), p. 36

¹³ Lexy J Moleong. *Metodologi Penelitian Kualitatif*. (Bandung: Remaja Rosdakarya, 2008).

RESULTS AND DISCUSSION

A. Comparison of Social Work Criminal Policy in Indonesia and Other Countries

Through Law Number 1 Year 2023 on Criminal Code, one of the alternative forms of punishment that is currently included in the Indonesian criminal law system is social work punishment. The purpose of this policy is to reduce dependence on imprisonment, especially for minor offenders. Currently, imprisonment has become the dominant form of sanction, but it also creates a number of problems, the most significant of which is overcrowding in correctional institutions. This overcrowding has an adverse impact on the effectiveness of coaching and the living conditions of prisoners. Therefore, it is hoped that social work punishment will be a more humane and efficient solution for the Indonesian penal system.

As stated in Article 65, social work punishment is identified as one of the main punishments in the new Criminal Code, along with imprisonment, closure, supervision, and fines. Article 85 clarifies that social work punishment can be imposed on perpetrators of criminal offenses with imprisonment of less than five years, if the judge decides on a maximum imprisonment of six months or a maximum fine of category II. Social work punishment is imposed for minor criminal offenses or violations, carried out without pay for the public interest, with a maximum duration of 240 hours and a maximum implementation period of 3 months. The judge must consider the personal condition of the defendant, such as age, ability, and social background, and may consider the advice of the community supervisor. If the convict refuses or violates the social work provisions, this sanction can be replaced with supervision punishment or fine. Article 115 also stipulates that social work punishment can be applied as the main punishment for juvenile offenders in the juvenile criminal justice system. Apart from the new Criminal Code, the regulation of social work punishment in Indonesia still faces various challenges. Until now, there is no implementing regulation that clearly outlines the mechanism for implementing social work punishment. This causes uncertainty in the implementation of social work punishment in the field. Several countries, such as the Netherlands, the UK, and Malaysia, have successfully implemented social work punishment as an alternative to imprisonment. Their success in implementing social work punishment can be a reference for Indonesia in developing an effective and efficient social work punishment system. However, it must be in line with the social, cultural, and legal context in Indonesia.

1. Netherlands

In response to prison overcrowding and to strengthen rehabilitation efforts, the Netherlands has been a pioneer in the implementation of the punishment of community service (*taakstraf*) since the early 1980s. The aim of *taakstraf* is to promote social reintegration and prevent recidivism.¹⁴ The legal basis of *taakstraf* is outlined in the *Wetboek van Strafrecht* (Dutch Criminal Code) in Article 9 and explained in Article 22c, which states that *taakstraf* is a type of unpaid work for certain offenses. The maximum duration of *taakstraf* is 240 hours and must be completed within a certain period of time after the judgment becomes final. As stated in Article 22d, a substitute punishment in the form of detention may be imposed if the convicted person does not perform it as required. Article 9 WvSr states that judges can impose three types of punishment: imprisonment, fines, and community service (*taakstraf*).

¹⁴ Ambt Advocaten. 2024. "Taakstraf - Een Juridische Uitleg." Accessed May 05, 2025. <https://www.Ambtadvocaten.Nl/Kennisbank/Taakstraf/>.

Article 22c determines duration of *taakstraf* between 1 and 240 hours, provided that it does not apply to certain crimes. If not carried out or not completed, it can be replaced by imprisonment. According Article 22d, *taakstraf* can be replaced by substitute imprisonment (*vervangende hechtenis*) and the conversion of 2 hours of community service into 1 day of imprisonment. Article 77g regulates *taakstraf* for children, with a maximum limit of 200 hours, and must consider the age and mental development of the child. On the other hand, Article 14c states that *taakstraf* can be considered as a condition of probation (*voorwaardelijke veroordeling*).

The implementation of *taakstraf* in the Netherlands involves several actors in the criminal justice system, where judges can use *taakstraf* as a primary or secondary punishment based on the offense and profile of the offender. After the verdict, *Reclassering Nederland* is responsible for overseeing the implementation of *taakstraf* and the rehabilitation of the offender. The agency works with social organizations and local governments to provide suitable places and types of work for convicted offenders. Research shows that *taakstraf* is effective, has a high compliance rate, reduces recidivism, and is more economical than imprisonment. However, it still faces barriers in terms of close monitoring and resource requirements.

To overcome these barriers, the Netherlands established *Reclassering Nederland*, a structured organization with a national network and professional staff who guide offenders in their social work. Each offender receives individualized supervision with scheduled monitoring and digital reporting to ensure compliance. The Dutch government also provides a dedicated budget for the program, covering officer training, monitoring technology, and administrative support. Collaboration takes place between the judiciary, social organizations, local government and the private sector to provide relevant community service activities. In addition, the effectiveness of criminal social work is regularly evaluated through empirical studies and stakeholder input. Evaluation results are used to improve the system, such as adjusting the type of work and workload.¹⁵

2. United Kingdom

The UK has long used community service as a substitute for imprisonment, particularly for minor, non-violent offenses. The concept dates back to the 1970s and was developed through the *Criminal Justice Act (CJA) 2003*, which established the "*one community sentence, many options*". This approach allows for the tailoring of sentences to individual needs, with the primary aim of rehabilitation and social reintegration. The main legal basis for *Community Orders* is set out in the *CJA 2003* and updated through the *Sentencing Act (SA) 2020*. These regulations give the court the power to impose various conditions on the offender, such as unpaid work, rehabilitation, activity restrictions, and electronic surveillance. The purpose of these sentences is to punish the offender, change their behavior to avoid reoffending, and make a positive contribution to society.

According to *CJA 2003 Section 177*, judges can impose *Community Orders* on offenders aged 18 years and above for offenses that are serious enough but do not require imprisonment. These orders can be used for one or more of 12 conditions, such as unpaid work, curfew, or rehabilitation. *Sections 178-180* outline the procedures for implementation, supervision by the *probation service*, and consequences if the offender breaches, such as

¹⁵ Boone, Miranda, Matthijs van der Kooij, and Stephanie Rap. "The Highly Reintegrative Approach of Electronic Monitoring in the Netherlands." *European Journal of Probation* 9, no. 1 (2017).

change of conditions or imprisonment. Without repealing the CJA 2003, SA 2020 aims to simplify and recognize the previous provisions to make them more accessible. In SA 2020, Sections 204-214 outline the types, criteria, and enforcement mechanism of conditions in *Community Orders*, while Sections 215-217 outline sanctions for breaches. In addition, *Community orders* can be combined *suspended sentences* to provide greater flexibility and control over the offender. The *National Probation Service* is responsible for the implementation *Community Orders*, in terms of supervision and support to the offender during the sentence. Among the types of activities that can be offered community service are garden cleaning, recycling, painting public facilities, and other social work. The duration of community service usually ranges from 40 to 300 hours, which must be completed within a specified time. If the offender fails to fulfill the requirements, they may be subject to additional penalties or returned to court. In recent years, the effectiveness of *Community Orders* has been the focus of evaluation. According to data, these sentences can reduce recidivism rates when compared to short-term prison sentences. However, the implementation of *Community Orders* still faces barriers, such as funding and reliance on local authorities.

To overcome these barriers, the UK uses strategic policy and centralized funding by the *Ministry of Justice* (MoJ), delivered by *HM Prison and Probation Service* (HMPPS). As part of the HMPPS, *National Probation Service* is responsible for the management and oversight of the delivery of penal social work nationally to reduce reliance on local authorities. The UK government also collaborates with local third organizations, such as charities and local community agencies, to provide social work locations and supervision. Digital systems such as *Case Management Systems* are used to monitor offender compliance and reduce the need for manual supervision and operational costs. While strategic management is centralized, some administrative tasks are carried out by local authorities. However, all administrative activities remain within a framework regulated and overseen by the central government to ensure efficiency and consistency of implementation.¹⁶

3. Malaysia

Through amendments to the *Criminal Procedure Code* (CPC), Malaysia began implementing *Community Service Order* as an alternative to imprisonment in 2006. This allows the application of community service sentences for minor offenders, especially children aged 18 to 21 years old. Article 293 of the CPC allows the court to order an offender to perform up to 240 hours of community service in lieu of imprisonment. In addition, *Child Act* 2001 provides for the application of *community service order* for children under the age of 18 who are involved in legal proceedings. This law emphasizes the importance of rehabilitation and social reintegration for children as well as the protection of their rights while serving their sentence.¹⁷ Article 293 of the CPC provides legal guidelines for implementing *community service order* for children under 21 who commit minor offenses. This punishment takes the form of unpaid work in the public interest, lasting 40-240 hours, and is usually carried out in public institutions such as hospitals, schools, or community centers. These orders are made through the Court's *Arahan Amalan* and overseen by *Jabatan Kebajikan Masyarakat* (JKM), who also produce an assessment report before the

¹⁶ Zilka, Miri, Holli Sargeant, and Adrian Weller. "Transparency, Governance and Regulation of Algorithmic Tools Deployed in the Criminal Justice System: A UK Case Study." In *AIES 2022 - Proceedings of the 2022 AAAI/ACM Conference on AI, Ethics, and Society*. 2022.

¹⁷ Abdul Wahab, Norazla, Mohd Al Adib Samuri, Zuliza Mohd Kusrin, and Anita Abdul Rahim. "Legal Issues in Implementing the Community Service Orders for Child Offenders in Malaysia." *Asian Social Science* 10, no. 4 (2014): 93-101.

sentence is imposed. Under *Section 91* of the *Child Act 2001*, *Community service orders* also apply to children.

Since its implementation, more than 9.600 cases have been identified, with high rates of recidivism and effectiveness. However, this *community service order* still faces obstacles, especially in the area of human resources and lack of public acceptance. To overcome these obstacles, the Malaysian government through JKM actively conducts public awareness campaigns so that people understand the benefits of *community service order*. Malaysia also involves civil society organizations, religious institutions, and local institutions as implementing partners of this program. Limited human resources are addressed through technical and psychosocial training for JKM officers and community volunteers. In addition, Malaysia developed *standardized modules* to ensure consistent quality of implementation. Regular evaluations, including academic research and field feedback, are used to refine education and capacity building strategies.¹⁸

Table 1.
Comparison of Social Work Criminal Policies

Aspects	Indonesia		Netherlands		UK		Malaysia	
Legal Basis	Law	No. 1 of 2023	<i>Wetboek</i>	<i>van Strafrecht</i>	<i>Criminal Act</i>	<i>Justice & Sentencing Act 2020</i>	<i>Criminal Procedure Code</i>	
Official Name	Criminal Work	Social	<i>Taakstraf</i>		<i>Community Orders (with Unpaid Requirement)</i>		<i>Community Service Order</i>	
Duration of Punishment	8-240 hours		20-240 hours		40-300 (within 12 months)	hours	40-240 (depending on the case and age of the offender)	hours
Supervision Executive	Attorney		<i>Reclassering Nederland</i>		<i>National Probation Service</i>		Community Benevolence Department	
Types of Social Work	Work in social institutions, such as hospitals, orphanages, etc		Public facility cleaning, structured social work		Public building painting, park cleaning, community projects		Community-based social work	
Effectiveness	Not implemented yet		High success rate, low recidivism		Quite effective, but challenges with coordination and funding		Effective with young actors, but still limited in scope	

Source: Author

Based on the comparison table, the social work punishment policy in Indonesia is significantly different from those in the Netherlands, the UK and Malaysia. Based on Law Number 1 Year 2023, Indonesia has just started to adopt social work punishment and does

¹⁸ Suhaimi, S.A., A. Nasyrah, M.S. Khairiyah, and A.A. Norazlin. "Delinquent Behavior Among Youthful Offenders. A Study On Community Service Order Program, Malaysia." In . 2020. <https://doi.org/10.4108/eai.4-8-2020.2302525>

not yet have effectiveness data on its effectiveness. In contrast, the *taakstraf* system in the Netherlands has long been used to implement social work punishment with high effectiveness and low recidivism, showing a mature structure and supervision by the *Reclassering Nederland* institution. The UK, through the *Community Orders* system with an *Unpaid Work Requirement* component, has also integrated this policy more thoroughly, although it still faces coordination difficulties and limited funding. Malaysia has similar laws to those in the UK, such as *community service order*, with enforcement by *Jabatan Kebajikan Masyarakat* (JKM) and a focus on young offenders. The main differences between Indonesia and the UK is that Indonesia sets 8-240 hours, while the UK sets 300 hours in 12 months. In terms of supervision, Indonesia emphasizes the prosecutor's office, while other countries place more emphasis on specialized agencies or social professionals. This shows that even with strong institutional readiness and implementation mechanism, other countries' effectiveness can be improved. Based on the above comparison, it can be concluded that regulatory clarity, readiness of implementing agencies, and community acceptance are the three main factors that influence the success of social work punishment as an alternative to imprisonment. Indonesia has the opportunity to adopt best practices from these countries, especially from the Netherlands in terms of supervision systems, the UK in terms of regulatory clarity, and Malaysia in terms of pilot projects that focus on young offenders and minor offenses.

B. Prospect of Social Work Criminal Policy as an Alternative to Imprisonment in Indonesia

Social work punishment is a regulation that requires the offender to perform certain work for the benefit of the general public without receiving compensation. As an alternative to imprisonment, social work punishment has several noteworthy advantages in the context of the Indonesian criminal justice system. One of the biggest benefits of social work punishment is its effectiveness in reducing recidivism. With a more rehabilitation and social reintegration-oriented approach, social work allows offenders to maintain their social and economic relationships, thereby reducing their likelihood of reoffending in the future.¹⁹ Research shows that this approach is more effective than imprisonment in preventing recidivism, especially for minor offenders. Several countries, including the Netherlands, the UK, and Malaysia, have shown that community service is highly effective in reducing recidivism.

Criminal social work can help reduce overcrowding in correctional institutions, which has long been a serious problem in Indonesia. Overcrowding adversely affects prisoners' lives and the effectiveness of rehabilitation, as well as undermining the behavior of minor prisoners which increases the risk of recidivism. Ex-prisoners are shown to experience social stigma, discrimination in employment, and a 50% higher than average unemployment rate. The harsh and unreliable prison environment can lead to mental health problems such as depression and PTSD, which affect around 70% of inmates. Imprisonment also harms the families of prisoners, especially children who are prone to dropping out of school and becoming involved in crime. Economically, the system is expensive, exacerbates inequality for the poor and minorities, and often fails to achieve rehabilitation goals.²⁰ In the

¹⁹ Jamin Ginting. "Sanksi Kerja Sosial Sebagai Alternatif Bentuk Pemidanaan Dalam Sistem Hukum Di Indonesia." *Law Review* 19, no. 3 (2020).

²⁰ Hamja, Hamja, Sulistiani Andan Dewi, and Eri Eka Sukarini. 2021. "Efektivitas Pembinaan Mental Dan Deradikalisasi Narapidana Teroris Di Lembaga Pemasyarakatan Kelas Iii Gunung Sindur Bogor." *Masalah-Masalah Hukum* 50, no. 4 (2021). <https://doi.org/10.14710/mmh.50.4.2021.460-472>.

Netherlands, every 1% increase in the use of *taakstraf* corresponds to a decrease of 100-150 prisoners per year, which supports long-term policies and restorative justice.²¹ From 2013 to 2020, the Netherlands closed more than 25 prisons due to a decrease in crime and alternative policies such as *taakstraf* and rehabilitation. The decline in the number of prisoners is driving prison closures as empty cells are a waste of budget.²²

Around 25-30% of sentences in the UK are *Community Orders*, which affect 5.000-6.000 people per year from entering prison.²³ In Malaysia, more than 85% of *community service order* participants do not return to the penal system within 2 years, demonstrating its effectiveness in preventing first incarceration.²⁴ In general, community service punishment reduces the burden of imprisonment and correctional costs, while saving the state budget to be redirected to more productive programs.²⁵ The social benefits of criminal social work cannot be ignored as it provides tangible benefits to society. Offenders can be involved in social activities, such as cleaning public facilities, assisting in elderly homes, or supporting other community activities. These activities not only provide a direct impact in the form of environmental improvements and public services, but also have a strong symbolic meaning. Through social work, offenders learn to better themselves and take responsibility for their actions. This helps to improve the community's perception of the offender and reduce the stigma that is often attached. Therefore, criminal social work plays an important role in assisting the process of reintegrating individuals into a more productive and healthy social life.

According to Indonesian law, the policy of social work punishment is outlined in Law Number 1 Year 2023 on Criminal Code. Article 65 of Law Number 1 of 2023 states that social work punishment can be used as an alternative to imprisonment for certain criminal offenses. This shows that the government want to adopt a more humanist and effective approach to punishment. However, for social work punishment to be successful, there must be cooperation between several parties, such as judicial institutions, correctional institutions, and the community. In addition, it is important for the community to know the purpose and benefits of social work, so that the bad stigma on offenders is reduced and they can more easily return to society. Overall, social work punishment as an alternative to imprisonment has many advantages that can improve the legal system in Indonesia. Social work punishment can be a more humane and effective solution for minor crimes if it focuses more on rehabilitation, cost efficiency, and social benefits.

In Indonesia, the policy of social work punishment as an alternative to imprisonment faces many complex challenges. Although it has been regulated in Law No. 1 Year 2023, its implementation in practice still has a number of obstacles that need to be overcome. One of the most significant challenges is the unclear underlying principles. Although the Criminal Code has regulated social work punishment. There is still no clear regulation on the mechanism and procedure. This creates legal uncertainty and confusion for law enforcement officials in implementing this sanction effectively. In addition, the lack of human and institutional resources is also a significant problem. There are many law

²¹ CBS. 2023. "Bevolking van Gedeïntereerde in Nederland 2018-2023." Accessed May 12, 2025. <https://www.cbs.nl/>.

²² DutchNews. 2018. "Dutch to Close Four More as Crime Rate Continues to Fall: AD." Accessed May 20, 2025. <https://www.dutchnews.nl/2018/06/dutch-to-close-four-more-prisons-as-crime-rate-continues-to-fall-ad/>.

²³ MoJ. 2023. "Offender Management Statistics Quarterly: July to September 2023." Accessed May 12, 2025. <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly>.

²⁴ JKM. 2021. "Laporan Tahunan JKM 2021." Accessed May 12, 2025. <https://www.jkm.gov.my/>.

²⁵ Jamilah, A., & Disemadi, H. S. "Pidana Kerja Sosial: Kebijakan Penanggulangan Overcrowding Penjara". *Jurnal IUS Kajian Hukum Dan Keadilan*, 8, no 1 (2020).

enforcement agencies, such as police, prosecutors and courts, but very few know how to handle criminal social work. A lack of training and understanding of this can hinder its implementation.²⁶ Resistance by law enforcement officials and the is also a barrier to the implementation of community service. Some officials may see community service as a less harsh punishment than imprisonment, so are hesitant to implement it. In addition, the general public may not fully understand the purpose and value of community service, so they are unsure of the outcome.

Technical and logistical issues are difficult to ignore. Lack of premises and infrastructure to support social work, such as social work sites and proper supervision methods, can hinder its implementation. In addition, limited budgets are also an obstacle in providing the necessary resources. To address these issues, cooperation between the government, law enforcement agencies and the community is needed. The government needs to immediately create clear and comprehensive regulations regarding social work punishment.²⁷ For example, education and information to the community and law enforcement officials must be improved so that they better understand and support the implementation of social work punishment. Social work punishment has the potential to become an alternative punishment in Indonesia through legal reforms governing punishment, cross-sectoral cooperation, and community support. The development of harmonized supporting mechanisms and regulations, as well as the types of crimes subject to social work punishment, can be addressed by reforms. The government, NGOs and communities can play an important role in providing space, supervision and training for offenders. The success of an offender's social reintegration is also influenced by the community and family. Therefore, public education on the value of community service should be prioritized. The involvement of law enforcement officials, correctional institutions, and educational institutions is crucial in promoting a more humane and restorative punishment system.

CONCLUSION

Form the results and discussion that have been described, it can be concluded that social work punishment has a good chance of succeeding as an alternative to imprisonment in Indonesia because it is more effective in reducing recidivism, reducing overcrowding, and providing social benefits. However, as shown by the practices in the Netherlands, the UK, and Malaysia, its success depends on the implementing regulations, institutional readiness, and support from the community and law enforcement officials. Criminal work has the potential to be an effective alternative in Indonesia because it can reduce recidivism, reduce overcrowding, and provide social benefits. Although promising, clear regulations, institutional support, and community participation are needed to realize a more restorative and fair punishment system. Based on the aboce conclusions, it is recommended that the government should immediately draft a detailed regulation on the implementation of social work punishment to ensure legal certainly. Law enforcement officials such as judges, prosecutors, and correctional officers must be given training to be able to implement it effectively. The government and related officials also need to work together with local governments, NGOs, and local communities to provide appropriate locations and social work programs. Public socialization should be strengthened to reduce stigma and support

²⁶ Yusuf Daeng, Samson H Sitorus, Awi Ruben, Dwi Frananta Tarigan, and Surya Prakasa. "Penegakan Hukum Pidana Dari Aspek Sumber Daya Manusia." *Jurnal Innovative* 4, no. 4 (2024): <https://doi.org/https://doi.org/10.31004/innovative.v4i4.14629>.

²⁷ Taufiq Akbar, and Al Falah. "Analisis Pidana Kerja Sosial Sebagai Alternatif Pidana Jangka Pendek: Perspektif KUHP Baru Indonesia." *Jurnal Riset Ilmu Hukum* 3, no. 1 (2025): 151–60. <https://doi.org/10.62383/mahkamah.v3i1.457>.

offender reintegration. Periodic evaluations are important to assess the effectiveness of the policy and improve its implementation.

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