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Community Service Sentencing as an Alternative to Short-Term Imprisonment Under Indonesia's National Criminal Code

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Abstrak

Pidana kerja sosial merupakan pidana pokok dalam Kitab Undang-Undang Hukum Pidana nasional Indonesia dan, sesuai persyaratan Pasal 85, menjadi alternatif bagi pidana penjara singkat atau denda tertentu. Artikel ini mengkaji kriteria hukum penjatuhan pidana kerja sosial dan persyaratan kelembagaan bagi pelaksanaannya. Penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual ini membedakan kerangka hukum yang berlaku dari usulan yang masih memerlukan kesepakatan antarlembaga atau standar teknis. Karena Undang-Undang Nomor 1 Tahun 2023 telah berlaku sejak 2 Januari 2026, analisis menempatkan pidana kerja sosial sebagai bagian dari kerangka pemidanaan yang berlaku, bukan kebijakan yang belum pasti diterapkan. Kelayakan mensyaratkan tindak pidana dengan ancaman penjara kurang dari lima tahun dan putusan hakim yang tanpa alternatif tersebut akan menjatuhkan pidana penjara paling lama enam bulan atau denda paling banyak kategori II. Persetujuan terdakwa setelah memperoleh penjelasan, kemampuan bekerja, keselamatan, keadaan sosial, dan pertimbangan lain menurut undang-undang membentuk ruang diskresi hakim. Pidana tersebut berlangsung antara delapan dan 240 jam, tidak boleh dikomersialkan, serta diawasi jaksa dan dibimbing petugas pembimbing kemasyarakatan. Artikel ini mengusulkan model pelaksanaan dan evaluasi yang terkoordinasi sambil mengakui bahwa kesiapan lembaga, perubahan populasi penjara, dan tingkat pengulangan tindak pidana belum diukur secara empiris.

Kata Kunci: pidana kerja sosial; Pasal 85; reformasi pemidanaan; pidana penjara singkat; pelaksanaan putusan

Abstract

Community service constitutes a principal punishment under Indonesia's National Criminal Code and, within the statutory conditions of Article 85, offers an alternative to short custodial sentences or specified fines. This article examines the legal criteria for imposing community service and the institutional conditions for its implementation. Using normative legal research with statutory and conceptual approaches, it distinguishes the applicable legal framework from proposals that still require institutional agreements or technical standards. Since Law Number 1 of 2023 entered into force on 2 January 2026, the analysis treats community service as part of the operative sentencing framework rather than an indefinitely prospective policy. Eligibility requires both an offense punishable by imprisonment of less than five years and a judicial decision that would otherwise impose no more than six months' imprisonment or a fine up to category II. The defendant's informed agreement, ability to work, safety, social circumstances and other statutory considerations shape

judicial discretion. The punishment ranges from eight to 240 hours, may not be commercialized, and is subject to prosecutor supervision and guidance by community corrections officers. The article proposes a coordinated implementation and evaluation model while acknowledging that it has not empirically measured readiness, prison-population changes or recidivism outcomes.

Keywords: Community service punishment; Article 85; sentencing reform; short-term imprisonment; execution of judgments.

INTRODUCTION

Short custodial sentences have been criticized for their ability to disrupt employment and family life while doing little to support social reintegration. [1] Overcrowding in correctional institutions has often been cited as a reason for considering noncustodial sanctions. Such arguments explain a legislative policy choice, but they do not alone establish that a particular alternative will reduce prison populations. That empirical conclusion would require implementation and outcome data. [2]

Indonesia's Law Number 1 of 2023 concerning the Criminal Code introduced a structured place for community service within the national sentencing system. The statute took effect on 2 January 2026. Community service is classified as a principal punishment, yet its Article 85 eligibility mechanism allows the court to use it as an alternative to a qualifying short custodial sentence or fine. "Principal punishment," "alternative" and "substitute" thus describe different aspects of its legal character: the place of the sanction in the statutory list, the choice available to the sentencing judge, and the conditional consequences of non-performance. [3]

This reform should be understood against broader sentencing aims that include accountability, crime prevention, reintegration and the protection of society. [4] Community service is not an exemption from criminal responsibility, nor is it unpaid labor available for commercial exploitation. It is a court-imposed sanction constrained by the statutory eligibility criteria, work-duration rules, labor-safety considerations, limits on commercialization and judicial provisions on non-compliance. [5]

Existing scholarship addresses the rationale and comparative promise of community service; the doctrinal gap pursued here is narrower. How can the statutory elements of eligibility and execution be mapped to the respective powers of courts, prosecutors, community corrections officers, public authorities and host institutions without confusing binding law with merely recommended administrative

[1] Emaliawati, Bonarsius Saragih, and Aji Mulyana, "Effectiveness of Social Work Sanction as a Substitute for Imprisonment in The Perspective of Sentencing Purposes," *Jurnal Penelitian Hukum De Jure* 22, no. 3 (2022): 325–336, https://doi.org/10.30641/dejure.2022.v22.325-336.

[2] Satria Nenda Eka Saputra and Muridah Isnawati, "Overcrowding Lembaga Pemasyarakatan (Lapas) Dalam System Pemidanaan Di Indonesia," *Pagaruyuang Law Journal* 6, no. 1 (2022): 52–70, https://doi.org/10.31869/plj.v0i0.3822.

[3] Republic of Indonesia, Law No. 1 of 2023 concerning the Criminal Code, arts. 65 and 85, effective January 2, 2026.

[4] Muchlas Rastra Samara Muksin, "Tujuan Pemidanaan dalam Pembaharuan Hukum Pidana Indonesia," *Sapientia Et Virtus* 8, no. 1 (2023): 225–247, https://doi.org/10.37477/sev.v8i1.465.

[5] Jody Imam Rafsanjani, Rizki Bagus Prasetio, and Zaihan Harmaen Anggayudha, "Eksistensi Pidana Kerja Sosial dalam Perspektif Hukum Progresif," *Jurnal Penelitian Hukum De Jure* 23, no. 2 (2023): 219–230, https://doi.org/10.30641/dejure.2023.v23.219-230.

coordination? The analysis also asks what objective criteria could later be used to evaluate performance and proportionality. [6]

Jamilah and Disemadi present community service as a policy response to prison overcrowding.[7] Fajri likewise examines its potential to limit excessive prison occupancy in the earlier reform setting.[8] Their prospective reasoning explains the policy background, but does not demonstrate an achieved reduction after the National Criminal Code became operative. The present inquiry consequently separates the sanction's normative rationale from evidence needed to establish its effects.

The most immediate difficulty is converting the legal option into a defensible sentence. A court must distinguish the maximum threat attached to the offense from the short term or fine it considers appropriate, explain the sanction, assess ability and safety, and specify a workable obligation. A placement then has to translate that obligation into actual tasks and hours. Failure at either stage can undermine proportionality even where community service is preferred in general policy terms.

An apparent administrative detail can materially change penal severity. The same hour total may be feasible for one person and incompatible with another person's ordinary livelihood, care responsibilities or physical capacity. A host may offer socially useful work yet lack a safe task, reliable attendance records or a responsible supervisor. These examples explain why the statute's duration and non-commercialization rules must be connected to institutional competence rather than treated as an afterthought to sentencing.

The contribution of this article is therefore a sequence from eligibility to execution and review. It identifies what the court must decide, what prosecutors and community corrections officers supervise or guide, and what a host may record without exercising penal authority. It then distinguishes compliance data from claims about penal-policy outcomes. This structure allows the rehabilitative purpose of community service to be assessed through concrete duties and observable performance.

RESEARCH METHOD

The study applies normative legal research through statutory, conceptual and systematic interpretation. Principal sources are Law Number 1 of 2023, particularly its provisions on principal punishments and Article 85, Law Number 22 of 2022 concerning Corrections where relevant, and the Attorney General's Legal Guideline No. 1 of 2025 on suspended sentences, supervision sentences and community service. Scholarly materials are selected for their specific treatment of community service, sentencing objectives, alternatives to imprisonment and institutional execution. Official legal instruments are given priority for identifying current binding duties. [9]

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[6] Taufiq Akbar Al Falah, "Analisis Pidana Kerja Sosial Sebagai Alternatif Pidana Jangka Pendek : Perspektif KUHP Baru Indonesia," *Mahkamah : Jurnal Riset Ilmu Hukum* 2, no. 1 (2025): 151–160, https://doi.org/10.62383/mahkamah.v2i1.457.

[7] Asiyah Jamilah and Hari Sutra Disemadi, "Pidana Kerja Sosial: Kebijakan Penanggulangan Overcrowding Penjara," *Jurnal IUS Kajian Hukum dan Keadilan* 8, no. 1 (2020): 26–38, https://doi.org/10.29303/ius.v8i1.726.

[8] Ahmad Fajri, "Pidana Kerja Sosial Dalam Membatasi Kelebihan Penghuni Di Lembaga Pemasyarakatan," *Lex Renaissance* 4, no. 1 (2019): 46–64, https://doi.org/10.20885/jlr.vol4.iss1.art3.

[9] Attorney General of the Republic of Indonesia, Legal Guideline No. 1 of 2025 concerning Suspended Sentences, Supervision Sentences, and Community Service Punishment, February 24,

The analysis determines cumulative eligibility, identifies mandatory judicial considerations, maps supervision and guidance, distinguishes statutory commands from proposed technical arrangements, and derives evaluation criteria. The Criminal Code is read within the legislative setting that includes Law No. 1 of 2026 on adjustment of criminal penalties.[10] The study focuses on Article 85 rather than treating earlier draft-code formulations as current law. It does not collect implementation records, inspect worksites or compare sentenced cohorts, and therefore cannot establish completion rates, recidivism effects or a reduction in prison admissions.

RESULTS AND DISCUSSION

Legal Classification, Cumulative Eligibility and the Judicial Order

Article 85(1) contains two distinct prerequisites. The offense must carry a statutory imprisonment threat of less than five years, and the judge must determine a qualifying punishment: imprisonment of no more than six months or a fine not exceeding category II. Community service is available within that structure.[11] Conflating the offense's statutory threat with the sentence selected by the court would expand eligibility. An actual short sentence does not make an offense eligible when its statutory threat falls outside the prescribed limit.

The court must also take account of the defendant's admission, ability to perform work, informed agreement after explanation of the sanction, social history, occupational health and safety, religion or belief and political convictions, and capacity to pay a fine. The reference to agreement is not an optional rhetorical consideration: genuine informed acceptance is critical to distinguishing a judicially regulated sanction from a coercive work arrangement. A defendant who does not agree cannot simply be compelled to accept the community-service option on the assumption that it is always preferable to short imprisonment. The sentencing court must use a lawful alternative within its authority. [12]

Article 85 specifies a minimum of eight hours and a maximum of 240 hours of community service, up to eight hours in any one day, with performance potentially spread over six months in a manner attentive to the person's ordinary livelihood or other beneficial activities. The judgment should identify the hours and consequences of non-performance as prescribed. A violation without lawful justification can lead to the legally specified alternatives, including performance of remaining service or execution of the qualifying custodial or fine consequence as directed by the judgment. Enforcement must be traceable to the judicial decision, not to an informal penalty invented by the host institution. [13]

Wafdah examines integration of community service into national law in the earlier reform debate.[14] Wicaksana and Januarsyah examine its place in the National

2025, https://jdih.kejaksaan.go.id/produk-hukum/detail?id=4966.

[10] Republic of Indonesia, Law No. 1 of 2026 concerning Adjustment of Criminal Penalties.

[11] Republic of Indonesia, Law No. 1 of 2023, art. 85.

[12] 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): 141–154, https://doi.org/10.31599/krtha.v18i1.1641.

[13] Republic of Indonesia, Law No. 1 of 2023, art. 85.

[14] Vivid Wafdah, "Pengintegrasian Pidana Kerja Sosial Dalam Sistem Hukum Nasional," *Justitia Jurnal Hukum* 1, no. 2 (2017), https://doi.org/10.30651/justitia.v1i2.1148.

Criminal Code through sentencing purposes.[15] The shared rehabilitative rationale requires workable execution rules, but does not replace cumulative eligibility. The court must distinguish an argument for reform from the legal requirements governing its choice in the particular case.

Two hypothetical applications demonstrate the cumulative test. An offense carrying a maximum threat of four years may satisfy the offense threshold, but a contemplated nine-month custodial sentence falls outside the short-term branch of Article 85(1). Conversely, a contemplated three-month sentence for an offense carrying a maximum threat of five years does not satisfy the requirement that the threat be less than five years. These examples concern the two statutory dimensions only; all other considerations must still be assessed in an eligible case.[16]

The qualifying fine is another route within Article 85, rather than a reason to disregard the offense threshold. Capacity to pay the fine is among the matters considered by the court. The analysis should identify the punishment being replaced and explain why the work obligation is appropriate. It should not presume that inability to pay alone establishes consent, capacity for a proposed task or safety of a placement.

Agreement has a procedural and substantive function. The defendant needs an intelligible explanation of the hours, schedule, type of work, supervision and consequences of unjustified non-performance before acceptance can be meaningful. A bare statement that community service is 'better than prison' does not show that the person understands the obligation. Recording the explanation and response is a proposed safeguard for demonstrating the statutory consideration; the form used must remain consistent with the applicable procedure.

The order links sentencing to execution. It must express the legally required duration and execution terms, together with the prescribed consequences of unjustified non-performance. A host can verify attendance and report a problem, but cannot turn a missed shift into additional hours or imprisonment on its own authority. Separating verification from penal decision-making prevents an administrative relationship from becoming an independent source of punishment.

These requirements give the classification practical meaning. Community service remains a principal sanction whose selection is regulated as an alternative to a qualifying sentence. Its noncustodial character does not remove criminal accountability, and its rehabilitative purpose does not remove limits on judicial discretion. Eligibility, suitability and execution are successive legal questions, each requiring its own reasoned answer.

Non-Commercial Work, Proportionality and Protection during Execution

The non-commercialization requirement means that community-service placements should produce a genuine public or social benefit without turning sentenced persons into free labor for private profit. Suitable types of work may include accessible environmental maintenance or assistance in public-interest facilities where authorized, provided the work is lawful, safe and compatible with the person's ability. Placement in a private commercial enterprise to replace paid employees would raise a serious concern under the statutory prohibition. Local

[15] 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 (2025): 709–728, https://doi.org/10.26623/julr.v8i2.11092.

[16] Republic of Indonesia, Law No. 1 of 2023, art. 85.

implementation standards should screen hosts for conflicts of interest, safety resources, recordkeeping and the absence of disguised commercial gain. [17]

Proportionality requires more than selecting an hour count within statutory bounds. The sentencing judge should assess the seriousness of the offense, culpability, the demands and physical risk of the proposed work, the person's livelihood and care responsibilities, total duration, supervision burdens and foreseeable consequences of non-compliance. Two assignments of equal duration may be materially unequal if one is hazardous, inaccessible or incompatible with the sentenced person's capacities. Equivalent penal severity therefore requires attention to work type, intensity, location, maximum daily hours and protected time for employment and care. [18]

The risk of coercion must be mitigated through meaningful explanation of the available alternatives, recorded agreement, screening for disabilities and medical restrictions where lawfully appropriate, a safe placement and a documented route to report abuse. These recommendations are operational safeguards consistent with the statute; they should not be described as already established nationwide procedures if no implementing instrument is identified.

Ulfah's discussion of the Tokyo Rules identifies the importance of supporting arrangements for noncustodial punishment. That study concerns the earlier draft-code setting; its safeguards inform this analysis without replacing the enacted statute's requirements.[19]

The prohibition on commercialization should be tested through the placement's actual purpose and operation. A public-interest label is insufficient if the arrangement supplies free labor for a commercial activity. Relevant questions include who benefits from the work, whether ordinary paid positions are being replaced, who controls the tasks, and whether the placement creates private gain through the penal obligation. These are proposed screening questions derived from the prohibition, rather than an assertion that the statute prescribes a nationwide accreditation form.

Proportionality also connects hours to the task. A hypothetical sixty-hour obligation performed in accessible, supervised public-facility maintenance differs from sixty hours of dangerous work requiring skills the person lacks. Both totals fall within the statutory range, but the latter arrangement raises distinct safety and suitability questions. The hours cannot be evaluated independently of workload, travel, supervision and the person's assessed capacity. The court's reasoning and execution arrangements should make those burdens visible.

Scheduling should preserve the statute's attention to livelihood and other beneficial activity. The eight-hour daily maximum is a ceiling, not a default requirement that every placement use a full working day. Spreading performance within the permitted period can accommodate a lawful work schedule, provided the arrangement still delivers the obligation set in the judgment. A technically

[17] Republic of Indonesia, Law No. 1 of 2023, art. 85.

[18] Bagus Hanindyo Mantri et al., "Social Work Punishment in the 2023 Indonesian Criminal Code: Lessons from Finland and Netherlands," *Indonesian Journal of Crime and Criminal Justice* 1, no. 2 (2025): 131–155, https://doi.org/10.62264/ijccj.v1i2.157.

[19] Maria Ulfah, "Pidana Kerja Sosial, Tokyo Rules, serta Tantangannya di Masa Mendatang," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 10, no. 3 (2021): 517, https://doi.org/10.24843/jmhu.2021.v10.i03.p07.

convenient schedule should not needlessly convert a short noncustodial sanction into loss of ordinary employment.[20]

Non-performance requires a distinction between inability and refusal. Illness, an unsafe assignment, inaccessible tasks or an authorized change may require verification rather than an immediate assumption of defiance. The statute's reference to absence of a lawful reason makes the grounds relevant to the response. This article does not prescribe a new exemption or automatic defense; it proposes recorded assessment and referral through the competent legal process, with the person able to explain the circumstances.

A safe reporting route is consequently part of workable supervision. Attendance records identify completed work, incident records identify safety or accessibility concerns, and reports to responsible officers identify issues requiring further action. These records serve different purposes and should not be collapsed into a host's unreviewed conclusion that the sentence has failed. Oversight protects the integrity of the obligation as well as the sentenced person's lawful interests.

Wibawa distinguishes community service from restitution in the reform of criminal punishment.[21] The former concerns the offender's sanction, while the latter addresses compensation for victim loss; performing work does not by itself establish that a victim has received compensation. Yustia, Batubara and Ludiana develop a model drawing on Sundanese customary values.[22] Their contextual approach informs possible public-benefit placements, but does not show that a particular model has been adopted in every district.

Institutional Duties, Coordination and Evaluation

The court has exclusive authority to impose the sentence and specify the sanctions prescribed by Article 85. The prosecutor supervises execution, and the community corrections officer provides guidance in the statutory scheme. The Attorney General's Legal Guideline No. 1 of 2025 develops the prosecution service's approach to relevant noncustodial sanctions, but the guideline's direct normative reach is limited to the institution and functions it can lawfully regulate. It does not itself create independent commands for judges, local governments or non-governmental host organizations beyond their legal competences. [23]

Table 1. Institutional Roles in Community Service Sentencing

Institution	Positive-law function or proposed role	Legal status
Court	Decides eligibility, imposes hours and consequences in judgment	Statutory authority under Article 85
Prosecutor	Supervises execution and legally specified compliance	Statutory; guideline within prosecution competence
Community corrections officer	Guidance and reintegration support	Statutory function under Article 85

[20] Republic of Indonesia, Law No. 1 of 2023, art. 85.

[21] Iskandar Wibawa, "Pidana kerja sosial dan restitusi sebagai alternatif pidana penjara dalam pembaharuan hukum pidana indonesia," *Jurnal Media Hukum* 24, no. 2 (2017): 105–114, https://doi.org/10.18196/jmh.2017.0086.105-114.

[22] Rd. Dewi Asri Yustia, Gialdah Tapiansari Batubara, and Tia Ludiana, "Implementasi model pidana kerja sosial berbasis nilai-nilai hukum adat sunda," *LITIGASI* 22, no. 2 (2021): 272–286, https://doi.org/10.23969/litigasi.v22i2.4526.

[23] Attorney General, Legal Guideline No. 1 of 2025.

Institution	Positive-law function or proposed role	Legal status
Local government	Can facilitate suitable publicly beneficial sites	Requires applicable authority/cooperation
Host institution	Verifies work and safety under approved protocol	Proposed contractual/technical arrangements
Source	Article 85 and Attorney General's Guideline No. 1/2025	Authors' institutional mapping

Local authorities, nonprofit bodies and public service facilities can play valuable roles as prospective hosts, but the legal basis for each placement, responsibility for workplace safety, staff supervision and record confirmation must be identified in actual agreements or competent implementing regulations. A coordination protocol could specify referral, assessment, availability of places, job matching, contact officers, daily verification, incident reporting and final completion certification. Such details are proposed improvements where the statute does not itself prescribe the administrative form.

A workable process would begin with a judicial order setting the authorized sentence and identifying Article 85 considerations; the prosecutor and community corrections officer would then coordinate lawful placement and scheduling through designated channels. The host would record actual attendance and safety incidents; the responsible officers would verify compliance and report significant deviations to the proper authority. [24] Disputes about interpretation of the judgment or consequences of non-performance must remain within the applicable legal process rather than being informally resolved by host organizations.

Naofal examines sentencing purposes together with the roles of criminal-justice subsystems.[25] Asis and colleagues address community service through procedural-law reform proposals.[26] Their analyses direct attention to coordination between sentencing and execution. Proposals in this literature must nevertheless be distinguished from the authority conferred by the enacted statute and applicable institutional instruments.

The positive-law framework is relatively specific about qualifying offenses and sentences, the defendant's informed agreement, the range and daily limits of working hours, the prohibition on commercialized labor, and the principal responsibilities for supervision and guidance. It is less specific about universal host accreditation, uniform safety audits, compatible work classifications, nationwide interoperable registers, local budget allocation and interagency reporting formats. [27] The first set should be treated as existing law; the second set requires competent administrative

[24] Sasqia Putri Ramadhani and Muhammad Azil Maskur, "Transformation of the Public Prosecution Service as the Supervisory Authority for Community Service Orders Under the National Criminal Code," *Law Research Review Quarterly* 11, no. 4 (2025): 1279–1302, https://doi.org/10.15294/lrrq.v11i4.42611.

[25] 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 (2025): 3666–3673, https://doi.org/10.38035/jihhp.v5i4.4637.

[26] Asis et al., "From Prison to Community: Reconstructing Community Service Sentencing as Ius Constituendum in the Reform of Indonesia's Criminal Procedure Code," *Journal of Judicial Review* 27, no. 2 (2025), https://doi.org/10.37253/jjr.v27i2.10333.

[27] Didik Purnomo et al., "Community Service Order in Indonesia: Between Alternatives and Transformation in the Reconstruction of the Penal System," *Indonesian Journal of Criminal Law Studies* 11, no. 1 (2026): 283–316, https://doi.org/10.15294/ijcls.v11i1.34493.

action or cooperative arrangements. This distinction is essential before declaring the implementation framework "fully sufficient." [28]

The coordination sequence should begin with the judgment, rather than with an available host's preferences. Responsible officers identify a lawful placement compatible with the order and the relevant assessment, establish a schedule, designate contacts and arrange verification. The host confirms tasks, attendance and incidents. Prosecutorial supervision and community-corrections guidance then use those records within their respective powers. Changes that alter the penal obligation require the competent process, not an informal bargain with the host.

A proposed placement record can connect the legal order to measurable execution: the ordered hours, agreed schedule, assessed restrictions, responsible supervisor, completed hours and unresolved incidents. Its purpose is to show what actually occurred and who verified it. Uniform formats and interoperable registers may improve consistency, but their legal and administrative adoption must be identified rather than assumed. Article 85 supplies substantive limits without itself prescribing every information system.

The Attorney General's guideline should be read with the same allocation of competence. It directs the prosecution service's treatment of the relevant sanctions, while the court imposes the sentence and other institutions act under their own authority. Coordination can clarify the practical interface between these functions without allowing one institution's internal instrument to create powers for all participants. A recommendation becomes an operative duty only through a legally competent route.[29]

A proposed evaluation should track the share of eligible sentences actually imposed, participant agreement rates, completed hours, timely completion, non-compliance and reasons for it, safety incidents, substitution to custody, administrative cost, opportunities for restorative benefit where appropriate, and post-sentence reoffending. Community acceptance and victim experience may be relevant only where measured lawfully and ethically. Evaluation should use comparable cohorts and sufficient follow-up periods rather than presume that community service necessarily reduces recidivism or overcrowding.

Evaluation should first distinguish whether a sanction was legally available, whether it was imposed, whether work began and whether the required hours were completed. A low completion rate may reflect participant behavior, inadequate placements or defective records; the cause cannot be inferred from the rate alone. Longer-term claims about reoffending require follow-up and comparable groups. A reduction in recorded prison admissions must also be separated from changes in charging, case volume or other sentencing alternatives.

This research evaluates law on paper and the institutional roles contemplated by existing instruments. [30] It does not inspect actual worksites or collect verified data from courts, prosecutors, community corrections offices, local governments or sentenced persons. Its propositions about practical feasibility are therefore policy

[28] Republic of Indonesia, Law No. 1 of 2023, art. 85.

[29] Attorney General of the Republic of Indonesia, Legal Guideline No. 1 of 2025 concerning Suspended Sentences, Supervision Sentences, and Community Service Punishment, February 24, 2025, https://jdih.kejaksaan.go.id/produk-hukum/detail?id=4966.

[30] Putri Dwi Utami and Anis widyawati, "Transformasi Balai Pemasyarakatan Dalam Menyokong Pemberlakuan Pidana Pengawasan dan Pidana Kerja Sosial Berdasarkan KUHP Nasional," *QISTIE* 18, no. 1 (2025): 83–98, https://doi.org/10.31942/jqi.v18i1.12572.

recommendations, not demonstrated outcomes. Field studies should evaluate placement capacity, occupational safety, compliance costs, access for persons with disabilities and the distribution of supervision responsibilities across urban and rural areas. [31]

The feasible doctrinal conclusion is thus conditional. Community service has a defined legal foundation and may preserve ordinary social ties while imposing accountability. Consistent application requires the eligibility decision, safe placement, supervision and review to work together. The proposed process and indicators identify what should be documented to test that proposition; they do not substitute for an empirical evaluation of its operation.

CONCLUSION

Community service is an operative principal punishment under the National Criminal Code and can replace a qualifying short prison term or category II fine only when the cumulative requirements of Article 85 are satisfied. Informed agreement, ability to work, safety, the duration rules and the prohibition on commercialization constrain judicial discretion. Prosecutors supervise implementation and community corrections officers provide guidance, while local and host-level arrangements require a separate lawful basis.

The statute and the Attorney General's guideline establish a foundation whose operation depends on coherent arrangements for placements, safety, attendance verification and legally grounded responses to non-performance. Ramadhani and Wijayanto's comparative study supports examining these choices in their institutional setting.[32] Evaluation should distinguish eligibility, actual use, completion, substitution and longer-term outcomes. Claims about reduced overcrowding or reoffending require appropriate implementation data and comparison, beyond the doctrinal conclusions established here.

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[31] Republic of Indonesia, Law No. 22 of 2022 concerning Corrections.

[32] Rahmania Ramadhani and Indung Wijayanto, "Prospects of Community Service Criminal Policy as an Alternative to Imprisonment in Indonesia: A Comparative Study Between Countries," *TATOHI: Jurnal Ilmu Hukum* 5, no. 6 (2025): 289–300, https://doi.org/10.47268/tatohi.v5i6.3095.

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