Law Sinergy Conference
Volume III; Number I; Year 2026; Pages 023 - 029
Website:https://sinergilp.com
E-ISSN: 3048-3530

Community Service Punishment in the National Criminal Code: Implementation Readiness and Supervisory Mechanisms after the Entry into Force of Law Number 1 of 2023

T. Riza Zarzani N

Email : trizazarzani@dosen.pancabudi.ac.id

Universitas Pembangunan Panca Budi

Abstract

Law Number 1 of 2023 on the Criminal Code, in force since 2 January 2026, establishes community service as a principal penalty and an alternative to short-term imprisonment. At the same time, Indonesian correctional institutions face overcrowding of around 80 percent. This study analyzes the regulation of community service under the National Criminal Code, the institutional readiness for its implementation, and its supervisory mechanisms. It employs a normative juridical method using statutory, conceptual, and case approaches, supplemented by secondary data on court decisions and implementation agreements. The findings show that Article 85 of the National Criminal Code provides a sufficiently clear framework on the requirements, duration, and consequences of non-compliance, and that within the first five months 218 decisions were issued by 35 district courts. However, implementation still relies on memoranda of understanding between prosecutors and regional governments, lacks uniform implementing regulations, and leaves an overlap between prosecutorial supervision and guidance by probation officers. This study recommends national standards for community service placements, an integrated information system for the execution of decisions, and a clear division of roles among prosecutors, probation offices, and regional governments.

Keywords: *community service, National Criminal Code, sentencing, supervision, alternatives to imprisonment*

INTRODUCTION

The reform of national criminal law reached a major milestone when Law Number 1 of 2023 on the Criminal Code (the National Criminal Code) entered into force on 2 January 2026. The National Criminal Code not only replaces a codification inherited from the colonial era but also shifts the orientation of punishment from retribution towards restoration, rehabilitation, and social reintegration. One of the most concrete expressions of this shift is the inclusion of community service as a principal penalty under Article 65 paragraph (1) letter e, alongside imprisonment, custodial detention, supervision, and fines.

The introduction of community service is directly linked to the crisis in the correctional system. In July 2026, correctional institutions and detention centers held 274,761 inmates against a capacity of only 152,514, meaning occupancy exceeded capacity by around 80 percent; more than half of the inmates were involved in narcotics cases (RRI, 2026). This situation shows that reliance on imprisonment, including for minor offenses, has imposed burdens disproportionate to its rehabilitative benefits. Tanjung (2022) shows that a purely

CC Attribution-ShareAlike 4.0 License.

repressive approach to punishment, for example in narcotics cases, fails to address the root causes and instead increases pressure on the correctional system.

Community service offers a more proportionate path for perpetrators of minor offenses. Article 85 of the National Criminal Code provides that community service may be imposed on a defendant who commits an offense punishable by imprisonment of less than five years, where the judge imposes imprisonment of no more than six months or a fine of no more than category II. The penalty lasts at least eight hours and at most 240 hours, may not be commercialized, and may only be imposed after considering the defendant's admission, ability to work, consent, and history of community service. In the first five months, the Supreme Court's Decision Directory published 218 community service decisions from 35 district courts (Marinews, 2026).

Nevertheless, the success of community service is not determined by statutory wording alone. Its implementation requires suitable placements, officers to guide and supervise, a system for recording working hours, and a clear mechanism when convicts fail to comply. Ahead of the entry into force of the National Criminal Code, prosecutors' offices in various provinces signed memoranda of understanding and cooperation agreements with regional governments, including the Provincial Government of North Sumatra, which became the third province to do so (JawaPos, 2025). This step reflects commitment, but also signals that the implementation framework is still being built through administrative agreements rather than uniform regulations.

Previous studies have generally discussed community service at the conceptual level before the National Criminal Code took effect. Studies on the application of penalties under the National Criminal Code, such as Marbun et al. (2026) on theft with violence and Laia and Tanjung (2026) on the position of customary law in the national sentencing system, show that the Code opens new interpretive space for judges. Studies on the rehabilitation of narcotics prisoners (Panjaitan and Zarzani, 2023) and on the settlement of cases through restorative justice (Sembiring et al., 2024; Hasibuan et al., 2025) also underline the importance of community-based alternatives to imprisonment. However, studies assessing the implementation readiness and supervision of community service after the National Criminal Code came into force remain limited. Accordingly, this study addresses two research questions:

1. How is community service regulated, and what are the early practices of its imposition after the entry into force of the National Criminal Code?
2. How ready are the institutions and supervisory mechanisms for implementing community service, and what improvements are required?

This study aims to analyze the normative framework and early practice of community service, identify institutional obstacles to its implementation, and formulate a supervisory model that ensures community service operates effectively and accountably.

METHOD

This study is normative legal research that examines positive legal norms and their application in court decisions (Tanjung, 2024). It uses a statutory approach to the National Criminal Code, Law Number 20 of 2025 on the Code of Criminal Procedure, and Supreme Court Circular Letter Number 1 of 2026; a conceptual approach to the purposes of punishment and alternatives to imprisonment; and a case approach to several community service decisions issued in 2026.

The analysis draws on two theoretical frameworks. The first is the integrative theory of the purposes of punishment, which regards punishment not merely as retribution but also as a means of protecting society, rehabilitating offenders, and restoring social balance (Muladi and Arief, 1992). The second is Friedman's (1975) legal system theory, which assesses the operation of law through three elements: legal substance, legal structure, and legal culture. The

CC Attribution-ShareAlike 4.0 License.

second framework is used to assess whether the norms on community service are supported by adequate implementing institutions and public acceptance.

Primary legal materials comprise legislation and court decisions. Secondary legal materials comprise books, journal articles, institutional studies, and official data published by the Supreme Court, the Directorate General of Corrections, and the prosecution service. The materials were collected through library research and analyzed qualitatively using deductive reasoning, namely by testing implementation practices against the objectives and wording of the community service norms.

RESULTS AND DISCUSSION

1. Regulation and Early Practice of Community Service Sentences

Conceptually, community service stems from the recognition that short-term imprisonment often provides no rehabilitative benefit and instead exposes offenders to the risk of prisonization. Muladi and Arief (1992) long reminded us that criminal policy must be rational, that is, it must choose the penal means best suited to the goals of protecting society and rehabilitating offenders. Arief (2008) emphasized that the reform of the Criminal Code should provide alternatives to deprivation of liberty, particularly for less serious offenses. This idea was subsequently realized in Article 85 of the National Criminal Code.

Article 85 structures community service through several layers of requirements. The objective requirements concern the threat of imprisonment of less than five years and the sentence imposed by the judge, namely imprisonment of no more than six months or a fine of no more than category II. The subjective requirements concern the defendant's admission, ability to work, consent after being informed of the purpose and all matters relating to community service, history of community service, and occupational safety. These provisions reflect the principle that community service must not turn into forced labor. The Elucidation of Article 85 paragraph (1) states that community service may be carried out in hospitals, orphanages, homes for the elderly, schools, or other social institutions, adjusted as far as possible to the convict's profession.

In terms of execution, Article 85 paragraphs (4) and (5) limit community service to between eight and 240 hours, to be performed for no more than eight hours a day and in installments over a period of no more than six months. Article 85 paragraph (7) regulates the consequences when a convict fails without valid reason to perform community service, namely repeating all or part of the community service, serving all or part of the replaced prison sentence, or paying all or part of the replaced fine. Supreme Court Circular Letter Number 1 of 2026 then provided guidelines on the format of the operative part of decisions, including the requirement to state the number of hours, place of execution, hours per day, and period of execution.

Early practice shows that courts have been fairly responsive. By the end of May 2026, there were 218 community service decisions from 35 district courts, with the Pulau Punjung District Court contributing the most, 108 decisions or almost half (Marinews, 2026). In North Sumatra, the Stabat District Court imposed community service for the first time on 3 November 2026 in a plantation offense case, replacing five months' imprisonment with 84 hours of community service for each defendant at a mosque (Dandapala, 2026). The same pattern emerges in various regions: prison sentences of three to six months are replaced with community service of between 48 and 240 hours, generally at places of worship, government offices, city parks, or health facilities. Several examples are presented in Table 1.

Table 1. Examples of Community Service Decisions in 2026

Court	Case	Original Penalty	Community Service and Place
Stabat District Court	Plantation offense (518/Pid.Sus/2026/PN Stb)	5 months' imprisonment	84 hours, at a mosque

CC Attribution-ShareAlike 4.0 License.

Court	Case	Original Penalty	Community Service and Place
Tondano District Court	Assault (36/Pid.Sus/2026/PN Tnn)	3 months' imprisonment	48 hours, 2 hours per day over 3 months, maintaining a city park
Liwa District Court	Attempted theft of an official motorcycle	6 months' imprisonment	240 hours, 8 hours per day over 30 days, at a police sector office
Jeneponto District Court	Defamation through social media	6 months' imprisonment	90 hours, 2 hours per day over 45 days, at a village mosque
Palembang District Court	Case resolved through the guilty plea mechanism	6 months' imprisonment	120 hours
Kuala Simpang District Court	Minor theft of palm fruit (4/Pid.C/2026/PN Ksp)	Fine	8 hours, 2 hours per day over 4 days, at a police sector office

Source: Compiled from official court news (Dandapala and Marinews, 2026).

This practice also shows the link between community service and new instruments in the Code of Criminal Procedure. The Palembang District Court, for example, imposed 120 hours of community service through the guilty plea mechanism. This highlights the importance of standards for testing the validity of guilty pleas, as proposed by Hasibuan and Tanjung (2026), since the defendant's consent and admission are requirements that determine the validity of community service. Without adequate testing of voluntariness, community service risks being imposed on the basis of an admission that is not entirely free.

Although the number of decisions continues to grow, their distribution is uneven. The concentration of almost half of all decisions in a single court indicates that the application of community service still depends heavily on judges' initiative and the readiness of local networks rather than on a uniform system. This finding is consistent with the observation that sentencing reform often moves faster at the level of norms than at the level of institutions (Tonry, 1996).

2. Institutional Readiness and Supervisory Mechanisms

Institutional readiness can be examined through three aspects: places of execution, supervising actors, and information systems. Regarding places of execution, prosecutors' offices in various regions have established cooperation with regional governments. The provincial governments of Central Java, South Sumatra, Riau, South Sulawesi, and North Sumatra signed memoranda of understanding or cooperation agreements with high prosecutors' offices ahead of the entry into force of the National Criminal Code (DPR RI, 2025; JawaPos, 2025). In North Sumatra, the Governor even stated that community service had been incorporated into the regional medium-term development plan. This step deserves appreciation, but cooperation based on memoranda of understanding has weaknesses: it is not uniformly binding, depends on the commitment of regional leaders, and may vary in quality across regions.

Regarding supervising actors, Article 85 paragraph (8) assigns prosecutors to supervise the execution of community service, while guidance is provided by probation officers. This division is conceptually sound, since prosecutors execute court decisions and probation officers have rehabilitative competence. Prayoga et al. (2026) likewise emphasize that the prosecution service plays a central role in realizing humane sentencing through community service punishment. However, without shared technical guidelines, the two functions may overlap or, conversely, wait for each other. A similar problem arose in the application of restorative justice, when each law enforcement agency issued its own internal regulations, resulting in non-uniform practice (Hasibuan et al., 2025; Sembiring et al., 2024).

Regarding information systems, there is no national database recording the execution of each community service decision, from placement and hours served to supervisors' reports and follow-up

CC Attribution-ShareAlike 4.0 License.

when convicts are negligent. Yet Article 85 paragraph (7) can only be applied fairly if there are reliable records of why a convict failed to perform community service. Without orderly records, decisions to convert community service back into imprisonment risk being made arbitrarily.

Another dimension that requires attention is the protection of the rights of convicts and victims. Community service must not degrade dignity, endanger safety, or be exploited for commercial purposes. At the same time, it must also be meaningful for victims and the community. Research on victim protection in the Criminal Code and sectoral legislation (Zarzani et al., 2024) shows that sentencing reform must continue to treat victims' interests as a consideration. Therefore, the choice of placement should ideally consider the relationship between the type of offense and the form of restoration relevant to the affected community.

3. A Supervisory Model for Community Service Based on Institutional Synergy

Analyzed through Friedman's (1975) legal system theory, community service is currently strong in terms of substance but still weak in terms of structure and legal culture. The substance is available through Articles 65 and 85 of the National Criminal Code and the guidelines in Supreme Court Circular Letter Number 1 of 2026. The structure remains dispersed because implementation involves courts, prosecutors, probation offices, and regional governments without a single joint working procedure. Legal culture has also not fully developed, as part of the public still views community service as too lenient, while receiving institutions are not yet accustomed to guiding convicts.

The issue of legal culture cannot be ignored. Community service performed in public spaces, such as city parks or places of worship, has an educational function because the public can see that offenders are taking responsibility for their actions. However, execution in public spaces also risks stigmatization if not properly regulated. Therefore, the goal of reintegration must be translated into standards of treatment, such as a prohibition on humiliating convicts and an obligation to protect their identity in certain situations, in line with the human rights protection emphasized in studies of the national sentencing system (Laia and Tanjung, 2026).

Based on this analysis, this study proposes improvements at three levels. The first level is a national standard for community service placements set through implementing regulations of the Criminal Code, covering eligibility criteria, prohibited types of work, occupational safety, and reporting obligations of receiving institutions. The second level is an integrated information system for the execution of decisions linking courts, prosecutors, probation offices, and regional governments, so that community service hours are recorded daily and can be audited. The third level is a clear division of roles: prosecutors ensure the execution of decisions and take action on violations, probation officers prepare guidance plans and report on convicts' progress, and regional governments provide placements, field supervisors, and skills programs.

These improvements must also be linked to the agenda of reducing overcrowding in correctional institutions. Community service will only affect prison density if it is applied broadly to the types of cases that have so far contributed many short-sentence inmates. To this end, prosecutors should be encouraged to consider community service from the prosecution stage, in line with the strategic role of public prosecutors in resolving minor cases examined by Hasibuan et al. (2025), while judges need information on the availability of community service placements in their jurisdiction before rendering decisions.

This division of roles is summarized in Table 2. The model positions courts as the authority determining the form and duration of the penalty, prosecutors as guarantors of execution, probation offices as guides, and regional governments as providers of the community service ecosystem. In this way, community service no longer depends on individual initiative but operates as a system whose performance can be measured.

CC Attribution-ShareAlike 4.0 License.

Table 2. Division of Roles in the Community Service Supervisory Model

Institution	Main Role	Required Instruments
Courts	Assess the requirements of Article 85, including the defendant's consent, and determine hours, place, and duration	Information on available placements; standards for testing voluntariness
Prosecutors	Execute decisions, supervise, and act on violations under Article 85 paragraphs (7) and (8)	Execution procedures and standard execution reports
Probation offices	Prepare guidance plans and report on convicts' progress	Social inquiry reports and periodic reports
Regional governments	Provide placements, field supervisors, and skills programs	List of receiving institutions and regional head regulations
Receiving institutions	Record attendance and working hours and ensure convicts' safety	Daily logbook connected to the information system

Source: Author's formulation based on Article 85 of the National Criminal Code and the analysis.

CONCLUSION

Community service under the National Criminal Code has a sufficiently clear normative framework regarding requirements, duration, places, and consequences of non-compliance, and has been widely applied since 2026, with 218 decisions from 35 district courts in the first five months. However, institutional readiness remains uneven. Implementation still relies on memoranda of understanding between prosecutors and regional governments, lacks national standards and an integrated information system, and leaves potential overlap between prosecutorial supervision and guidance by probation officers.

This study recommends that the government promptly issue implementing regulations containing national standards for community service placements and the division of roles among institutions, build an information system for the execution of decisions connecting courts, prosecutors, probation offices, and regional governments, and promote a more even application of community service so that it makes a real contribution to reducing prison overcrowding. Further research should assess the effectiveness of community service in reducing reoffending.

BIBLIOGRAPHY

Arief, B. N. *Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru*. Jakarta: Kencana, 2008.

Dandapala. "Perdana di PN Stabat, 2 Pencuri Sawit Dihukum Kerja Sosial." *Dandapala.com*, November 2026.

DPR RI. "Isu Sepekan: Pelaksanaan Pidana Kerja Sosial." Parliamentary Analysis Center, Expertise Agency of the House of Representatives, November 2025.

Friedman, L. M. *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation, 1975.

Hasibuan, Aulia Rahman Hakim, and Indra Utama Tanjung. "Standardisasi Uji Keabsahan Pengakuan Bersalah oleh Hakim dalam KUHAP Nasional: Sinkronisasi Pasal 78, Pasal 205, dan Pasal 234 untuk Menjamin Kesukarelaan Terdakwa." *Jurnal Dunia Ilmu Hukum (JURDIKUM)*, vol. 4, no. 1, 2026, doi:10.59435/jurdikum.v4i1.948.

CC Attribution-ShareAlike 4.0 License.

Hasibuan, Aulia Rahman Hakim, E. B. Brahmana, and A. Herqutanto. "Peran Penuntut Umum dalam Penyelesaian Perkara Pidana Ringan melalui Restorative Justice." *Indonesia of Journal Business Law*, vol. 4, no. 2, pp. 63-70, 2025, doi:10.47709/ijbl.v4i2.6665.

JawaPos. "Gubsu Bobby Nasution dan Kejatisu Terapkan Pidana Kerja Sosial di Sumut." *JawaPos.com*, November 2025.

Laia, H. K., and Indra Utama Tanjung. "Kedudukan Ogauta Nias dalam Sistem Pemidanaan Nasional: Perspektif Legalitas dan Hak Asasi Manusia." *Jurnal Dunia Ilmu Hukum (JURDIKUM)*, vol. 4, no. 1, 2026, doi:10.59435/jurdikum.v4i1.946.

Marbun, J. O., M. A. Siregar, and Aulia Rahman Hakim Hasibuan. "Law Enforcement Against the Criminal Act of Theft with Violence Based on Law Number 1 of 2023 concerning the Criminal Code." *Judge: Jurnal Hukum*, vol. 6, no. 12, 2026, doi:10.54209/judge.v6i12.2538.

Marinews. "Kepaniteraan MA Umumkan Daftar Pengadilan yang Menjatuhkan Pidana Kerja Sosial." *Marinews Mahkamah Agung*, May 2026.

Muladi, and B. N. Arief. *Teori-Teori dan Kebijakan Pidana*. Bandung: Alumni, 1992.

Panjaitan, R. P., and T. Riza Zarzani. "Implementation of Coaching for Prisoners Who Abuse Narcotics as an Effort to Prevent Criminal Offenses (Case Study of Class II Langkat Narcotics Correctional Institution)." *LAWYER: Jurnal Hukum*, vol. 1, no. 2, 2023, doi:10.58738/lawyer.v1i2.463.

Prayoga, S. D., Fransisco, P. F. P. Pratiwi, and A. Toteles. "Peran Kejaksaan dalam Mewujudkan Pemidanaan Humanis melalui Pidana Kerja Sosial Berdasarkan KUHP Baru." *Jurnal Hukum Lex Generalis*, vol. 7, no. 7, 2026.

Republic of Indonesia. Law Number 1 of 2023 on the Criminal Code.

Republic of Indonesia. Law Number 20 of 2025 on the Code of Criminal Procedure.

RRI. "Penghuni Lapas Tembus 274 Ribu Orang, Overkapasitas Capai 80 Persen." *RRI.co.id*, 9 July 2026.

Sembiring, Y. V., Y. M. Saragih, and T. Riza Zarzani. "Law Enforcement Against Illegal Parking Attendants as Perpetrators of Extortion Crimes with the Restorative Justice Method in the Jurisdiction of the Medan Sunggal Police." *International Journal of Law and Society*, vol. 2, no. 1, pp. 216-224, 2024, doi:10.62951/ijls.v2i1.323.

Supreme Court of the Republic of Indonesia. Supreme Court Circular Letter Number 1 of 2026 on Guidelines for the Implementation of the Criminal Code and the Code of Criminal Procedure.

Tanjung, Indra Utama. "Strategi Pemberantasan Mafia Narkoba (Pendekatan Politik Hukum)." *Judge: Jurnal Hukum*, vol. 3, no. 1, 2022, doi:10.54209/judge.v3i01.372.

Tanjung, Indra Utama. *Dasar-Dasar Metode Penelitian Hukum*. Karanganyar: CV Pustaka Dikara, 2024.

Tonry, M. *Sentencing Matters*. New York: Oxford University Press, 1996.

Zarzani N, T. Riza, Indra Utama Tanjung, and S. Annisa. "Comparative Analysis of Efforts to Prevent Sexual Violence and Legal Protection for Women in the Criminal Code and Sexual Violence Crime Law (UU No. 12 of 2022)." *International Journal of Synergy in Law, Criminal, and Justice*, vol. 1, no. 1, 2024, doi:10.70321/ijslcj.v1i1.20.

CC Attribution-ShareAlike 4.0 License.