

Optimizing Community Service Sentences as a Strategy to Reduce Prison Overcrowding in Correctional Institutions

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Abstract	Prison overcrowding has become a persistent challenge that undermines the effectiveness of Indonesia's correctional system and exposes the limitations of imprisonment-oriented sentencing policies. This article examines community service sentencing as a normative legal strategy for reducing prison overcrowding while advancing the rehabilitative objectives of criminal justice reform under the Indonesian Criminal Code. Employing normative legal research supported by statutory, conceptual, and comparative approaches, the study analyzes the legal framework governing community service sentencing and compares its development with selected jurisdictions that have successfully implemented non-custodial sanctions. The analysis demonstrates that the effectiveness of community service sentencing depends not only on statutory recognition but also on coherent implementing regulations, institutional coordination, and professional supervision. Comparative findings indicate that integrated governance of non-custodial sanctions strengthens rehabilitation, improves correctional efficiency, and reduces excessive reliance on imprisonment. This article contributes to legal theory and socio-legal scholarship by conceptualizing community service sentencing as a normative framework that simultaneously functions as a mechanism of criminal law reform and as a legal institution capable of balancing proportional punishment, social reintegration, and sustainable correctional governance.
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INTRODUCTION

Correctional institutions constitute an essential subsystem of the criminal justice system, serving not merely as places of confinement but as institutions responsible for rehabilitation, social reintegration, and the protection of society. Contemporary penal philosophy has gradually shifted away from retributive punishment toward a correctional model emphasizing rehabilitation and successful reintegration of offenders as responsible members of society. This transformation is reflected through Law Number 22 of 2022 on Corrections, which establishes offender rehabilitation as an integral objective of criminal justice while emphasizing respect for

human rights.¹ Criminal law reform under Law Number 1 of 2023 concerning the Indonesian Criminal Code (KUHP) further reinforces this transformation by introducing community service sentences as one of the principal criminal sanctions, representing a significant departure from the long-standing reliance on imprisonment.

Community service sentences reflect an important evolution of modern criminal law. Contemporary sentencing policy increasingly recognizes that imprisonment, particularly for minor and non-violent offences, frequently fails to achieve rehabilitation while generating substantial economic and social costs. Excessive dependence on custodial sanctions contributes to prison overcrowding, institutional violence, prisonization, social exclusion, and reduced opportunities for offender rehabilitation.² Alternative sanctions based on community participation offer a more proportionate response by preserving accountability without unnecessary deprivation of liberty. Consequently, community service has become an important component of sentencing reform across numerous jurisdictions.

Prison overcrowding has become a persistent structural challenge affecting criminal justice systems throughout the world. Excessive prison populations reduce the effectiveness of rehabilitation programmes, increase health and security risks, weaken correctional administration, and contribute to violations of prisoners' fundamental rights. International legal standards acknowledge these concerns.³ The United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) 1990 encourages wider application of non-custodial sanctions to improve criminal justice efficiency while promoting rehabilitation, proportionality, and respect for human dignity. Expansion of alternatives to imprisonment therefore represents a central issue within contemporary criminal justice reform.

Indonesia continues to experience serious correctional overcrowding despite significant legislative reform. Official data published by the Directorate General of Corrections through the Correctional Database System indicated that correctional institutions and detention centres accommodated more than 270,000 inmates during 2025, whereas official capacity remained approximately 145,000 persons. Occupancy consequently exceeded 180 percent of available capacity. Such conditions substantially limit rehabilitation programmes, reduce access to healthcare, education, vocational training, and counselling, while simultaneously increasing operational burdens faced by correctional authorities.⁴ Continued dominance of custodial

¹ Nadia Utami Larasati, Fahlesa Munabari, and Untung Sumarwan, "Prison Overcrowding: Alternative Sentencing in Indonesia's Draft Criminal Code and Its Consequences on Correctional System," *Udayana Journal of Law and Culture* 6, no. 1 (2022): 42–61, <https://doi.org/10.24843/UJLC.2021.v06.i01.p03>.

² Asis 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>.

³ Madya Cinta Kholdaa and Pujiyono, "Social Work Crime as an Alternative to Resolving Overcrowding in Correctional Institutions," *JUSTISI* 10, no. 3 (2024), <https://doi.org/10.33506/js.v10i3.3491>.

⁴ Winston Leonard, Johnas Buhori, and Ngondi Naftal, "Examining the Challenges Hindering the Implementation of Community Service Sentencing for Offender Rehabilitation: Insights from Butimba Central Prison," *East African Journal of Arts and Social Sciences* 8, no. 2 (2025), <https://doi.org/10.37284/eajass.8.2.3003>.

sentencing demonstrates that imprisonment remains the primary judicial response for many criminal offences despite legislative recognition of alternative sanctions.

Comparative legal experience demonstrates that community service sentences may substantially reduce dependence on imprisonment when supported by effective institutional arrangements. The Netherlands successfully applies *taakstraf* under supervision provided by probation authorities, resulting in reduced short-term imprisonment and lower correctional expenditure. England and Wales employ Community Orders that combine unpaid work, rehabilitation programmes, and behavioural requirements without incarceration. Norway similarly prioritizes rehabilitation through community-based sanctions supported by comprehensive correctional supervision, contributing to comparatively low incarceration and recidivism rates. These experiences indicate that non-custodial sanctions can simultaneously promote offender accountability, public protection, and correctional efficiency.

Existing legal scholarship has primarily concentrated on normative discussion concerning criminal law reform, restorative justice, sentencing policy, or statutory recognition of community service sentences. Separate studies have examined prison overcrowding as an administrative or correctional problem. Limited scholarly attention has explored the relationship between community service sentences and prison overcrowding through an integrated criminal policy analysis supported by comparative legal evaluation. Insufficient examination also exists concerning institutional readiness, implementation mechanisms, supervisory structures, and regulatory requirements necessary for effective application of community service under the Indonesian Criminal Code. This gap demonstrates the need for comprehensive legal analysis connecting statutory reform with empirical correctional realities.

This study addresses the following research question: how can community service sentences be optimized as an effective criminal policy instrument to reduce prison overcrowding within Indonesian correctional institutions, and which legal and institutional reforms are required to ensure successful implementation? Examination combines Indonesian criminal law reform with comparative experience drawn from jurisdictions possessing established community service systems.

This article offers three principal contributions to legal scholarship. First, it provides conceptual clarification concerning the position of community service sentences within contemporary sentencing policy and non-custodial punishment. Second, it critically evaluates the inconsistency between legislative objectives established by the Indonesian Criminal Code and continuing prison overcrowding, thereby explaining why statutory reform alone has not produced significant correctional improvement. Third, it formulates a comparative legal framework capable of supporting future policy development through institutional strengthening, regulatory refinement, and effective implementation of community service sentences. Successful implementation has the potential to reduce prison overcrowding while strengthening rehabilitation, proportionality, legal certainty, and protection of human rights within Indonesia's correctional system.

METHODS

This study employs normative legal research with a doctrinal orientation to examine the legal framework governing community service sentences and their potential role in reducing prison overcrowding.⁵ The inquiry combines statutory, conceptual, comparative, and limited case approaches to evaluate the consistency of Indonesian criminal law reform with the objectives of modern correctional policy. This methodological design is appropriate because the research seeks to assess legal norms, interpret legislative developments, identify conceptual issues, and formulate policy recommendations grounded in comparative legal analysis rather than empirical measurement.

The primary object of analysis consists of legal norms regulating community service sentences, correctional administration, and sentencing policy. Examination focuses on the Indonesian Criminal Code enacted through Law Number 1 of 2023, the Law on Corrections enacted through Law Number 22 of 2022, constitutional principles governing criminal justice, and international legal standards concerning non-custodial sanctions. Comparative analysis extends to selected jurisdictions that have established community service sentencing systems, namely the Netherlands, England and Wales, and Norway. Selection of these jurisdictions reflects their long-standing experience in implementing community-based sanctions and their relevance to contemporary discussions on penal reform.

The analytical procedure begins with identification and classification of statutory provisions governing community service sentences and correctional policy. Subsequent stages examine the conceptual foundations of non-custodial sanctions, proportionality, rehabilitation, restorative justice, and sentencing objectives through established criminal law theories and contemporary legal scholarship. Comparative legal analysis then evaluates similarities, differences, institutional arrangements, supervisory mechanisms, and implementation models among the selected jurisdictions. Limited examination of legal practice complements the normative analysis by illustrating how community service sentences operate within different correctional systems and identifying elements that may support future legal reform.

The study relies exclusively on documentary legal materials.⁶ Primary legal sources include the Constitution of the Republic of Indonesia, the Criminal Code enacted through Law Number 1 of 2023, the Law on Corrections enacted through Law Number 22 of 2022, the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) 1990, together with other legislation and regulatory instruments governing sentencing and correctional administration. Secondary legal materials consist of scholarly books, peer-reviewed national and international journal articles, official reports published by the Directorate General of Corrections, statistical reports published by the World Prison Brief, policy papers, and academic

⁵ Putri Wulandari, "Normative Legal Research Methodology from the Experts' Perspective: A Comparative Analysis of Concepts and Approaches," *Archipel: Journal of Indonesian Interdisciplinary Studies* 1, no. 6 (2026), <https://doi.org/10.65739/archipel.v1i6.34>.

⁶ Sanne Taekema, "Methodologies of Rule of Law Research: Why Legal Philosophy Needs Empirical and Doctrinal Scholarship," *Law and Philosophy* 40, no. 1 (2021): 33–66, <https://doi.org/10.1007/s10982-020-09388-1>.

publications addressing community service sentences, correctional reform, prison overcrowding, and comparative criminal justice. Tertiary materials include legal dictionaries, encyclopedias, and other authoritative reference sources supporting interpretation of legal concepts.

Data collection follows a systematic document review.⁷ Relevant legislation, judicial policy documents, academic literature, official statistical reports, and international legal instruments are identified, classified, and examined according to their relevance to the research questions. Source selection emphasizes legal authority, academic credibility, and contemporary scholarship concerning sentencing reform and non-custodial sanctions. Comparative materials are selected because they provide established models capable of informing future development of Indonesian criminal justice policy. Data analysis employs qualitative legal analysis using grammatical, systematic, conceptual, and comparative interpretation. Analytical reasoning evaluates the coherence between statutory objectives and correctional realities, identifies normative and institutional barriers affecting implementation of community service sentences, and assesses consistency with international standards governing non-custodial sanctions. Comparative evaluation identifies best practices capable of supporting regulatory refinement and institutional development. The analysis ultimately formulates a normative framework for optimizing community service sentences as a sustainable criminal policy capable of reducing prison overcrowding while strengthening rehabilitation, proportionality, legal certainty, and protection of human rights. Limitations of the study arise from its doctrinal nature, which focuses on legal norms and comparative legal development rather than empirical assessment of sentencing outcomes or correctional practice through field-based research.

RESULTS AND DISCUSSION

A. Community Service Sentencing as the Framework of Normative Legal Inquiry

Normative legal inquiry provides the principal methodological foundation for examining community service sentences as an integral component of contemporary criminal law reform. Rather than measuring empirical outcomes through statistical observation, this approach concentrates on identifying, interpreting, and evaluating legal norms that regulate sentencing policy.⁸ Attention is directed toward the coherence between legislative objectives, constitutional principles, and the broader philosophy of criminal justice. Such an orientation enables systematic examination of whether community service sentences have been constructed as an effective legal instrument capable of addressing persistent correctional challenges. The analysis therefore emphasizes legal reasoning as the primary mechanism for assessing the legitimacy, consistency, and future development of sentencing policy.

⁷ Terry Hutchinson, "The Doctrinal Method: Incorporating Interdisciplinary Methods in Reforming the Law," *Erasmus Law Review* 8, no. 3 (2015): 130–38, <https://doi.org/10.5553/ELR.000055>.

⁸ Melanie Sonsteng-Person et al., "Any Alternative Is Great If I'm Incarcerated: A Case Study of Court-Ordered Community Service in Los Angeles County," *Criminal Justice and Behavior* 48, no. 1 (2021): 32–53, <https://doi.org/10.1177/0093854820923373>.

Community service sentencing represents one of the most significant innovations introduced by the Indonesian Criminal Code enacted through Law Number 1 of 2023. Legislative reform reflects a gradual movement away from excessive reliance on custodial punishment toward sanctions capable of maintaining offender accountability while preserving opportunities for social reintegration.⁹ Normative examination therefore focuses on understanding the legal rationale supporting this transformation and determining whether statutory provisions adequately reflect modern theories of punishment. Particular consideration is given to rehabilitation, proportionality, restorative justice, and human dignity as fundamental principles shaping contemporary criminal policy. Evaluation of these principles forms the conceptual basis for subsequent legal interpretation.

Doctrinal legal research offers an appropriate analytical framework because the primary object of examination consists of legal rules rather than social behaviour. Analysis begins with identification of statutory provisions regulating community service sentences, judicial discretion, correctional administration, and implementation procedures.¹⁰ Legal interpretation subsequently explores the relationship among various legislative instruments governing criminal sanctions and correctional institutions. Consistency between statutory provisions becomes particularly important because successful implementation depends upon harmonization across different legal regimes. Normative analysis therefore extends beyond textual interpretation to examine the systematic structure of criminal legislation as an integrated legal framework.

Statutory analysis constitutes the first analytical approach employed throughout this study. Examination encompasses the Constitution of the Republic of Indonesia, the Indonesian Criminal Code enacted through Law Number 1 of 2023, the Law on Corrections enacted through Law Number 22 of 2022, together with relevant implementing regulations governing sentencing and correctional administration. International legal instruments, particularly the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules), also provide an important normative benchmark for evaluating national legislation.¹¹ Comparison between domestic legal provisions and international standards assists in identifying the extent to which Indonesian criminal law reflects globally accepted principles concerning non-custodial sanctions.

Conceptual analysis complements statutory interpretation by examining the theoretical foundations supporting community service sentences within contemporary criminal justice. Legal scholarship increasingly recognizes that punishment should pursue objectives extending beyond retribution toward rehabilitation, offender accountability, proportionality, and protection of society. Community service sentencing embodies these objectives by allowing offenders to perform socially beneficial activities without unnecessary deprivation of liberty.

⁹ Andree Washington Hasiholan, Lonna Yohanes Lengkong, and Tomson Situmeang, "Efektivitas Pidana Pengawasan Dan Pidana Kerja Sosial Dalam Mengurangi Overcrowding Lapas," *Gevangenen: Jurnal Kajian Lembaga Pemasyarakatan* 2, no. 1 (2026): 51–66.

¹⁰ Hamja et al., "The Real Solutions to the Ignored Prison Overcrowding Problem," *Jurnal Hukum*, 2025.

¹¹ Miranda Boone and Martine Herzog-Evans, "Decision-Making and Community Sanctions in Europe: A Comparative Analysis," *European Journal of Probation* 10, no. 3 (2018): 191–210, <https://doi.org/10.1177/2066220318794078>.

Examination of these concepts provides a coherent analytical framework for evaluating whether current legislative reform adequately accommodates evolving theories of punishment.¹² The resulting normative assessment establishes the conceptual basis for understanding community service sentencing as a sustainable strategy for reducing prison overcrowding while strengthening the effectiveness of Indonesia's correctional system.

Comparative legal reasoning complements normative analysis by providing a broader perspective on the evolution of community service sentencing across different legal systems. Examination of comparative legal experiences enables identification of common principles governing non-custodial sanctions while revealing institutional differences affecting implementation. Comparative assessment is not intended to transplant foreign legal rules directly into Indonesian law but to identify normative standards capable of strengthening domestic criminal justice reform. Such an approach assists in evaluating whether Indonesian legislation has incorporated internationally recognized principles concerning proportionality, rehabilitation, and effective sentencing alternatives.¹³ Comparative findings therefore enrich the interpretation of national legislation through systematic legal reasoning.

Legal materials employed throughout this research consist primarily of authoritative legal sources recognized within normative legal methodology. Primary legal materials include constitutional provisions, criminal legislation, correctional laws, government regulations, judicial decisions, and relevant international legal instruments governing alternatives to imprisonment. Secondary legal materials comprise scholarly books, peer-reviewed journal articles, commentaries, and academic publications discussing sentencing theory, correctional reform, restorative justice, and comparative criminal law.¹⁴ Tertiary legal materials, including legal dictionaries and encyclopaedias, provide additional conceptual clarification where necessary. Integration of these legal sources ensures that every legal conclusion is supported by coherent doctrinal interpretation.

Interpretation of legal materials is conducted through several complementary methods of legal construction. Grammatical interpretation clarifies the ordinary meaning of statutory language regulating community service sentences and judicial authority. Systematic interpretation examines relationships among different legislative provisions to ensure consistency across the broader criminal justice framework. Teleological interpretation evaluates whether legislative objectives correspond with constitutional commitments to justice, legal certainty, and the protection of human dignity.¹⁵ Historical interpretation further contributes to

¹² Ioan Durnescu, "Community Sanctions and Measures: European Developments and Contemporary Challenges," *European Journal of Probation* 11, no. 1 (2019): 3–18, <https://doi.org/10.1177/2066220319838703>.

¹³ Rosyian Anwar and Arpangi Arpangi, "The Effectiveness of Restorative Justice in Overcoming Overcrowding in Correctional Institutions According to Law Number 22 of 2022 Concerning Corrections," *Jurnal Hukum Khaira Ummah* 20, no. 2 (2025), <https://doi.org/10.30659/jhku.v20i2.46211>.

¹⁴ Matthew Cracknell, "Post-Sentence Supervision: A Case Study of the Extension of Community Resettlement Support for Short Sentence Prisoners," *Probation Journal* 67, no. 4 (2020): 399–417, <https://doi.org/10.1177/0264550520942834>.

¹⁵ Steve Kirkwood and Rania Hamad, "Restorative Justice Informed Criminal Justice Social Work and Probation Services," *Probation Journal* 66, no. 4 (2019): 387–402, <https://doi.org/10.1177/0264550519880595>.

understanding the legislative intent underlying the introduction of community service sentencing into Indonesian criminal law. Combination of these interpretative techniques strengthens the analytical reliability of normative legal reasoning.

Legal reasoning within this study adopts a deductive analytical structure beginning with general legal principles before evaluating their application to specific issues concerning prison overcrowding and sentencing reform. Constitutional values, statutory norms, and internationally recognized legal standards establish the principal normative premises. Particular legal provisions governing community service sentences are subsequently examined to determine their consistency with these broader legal principles. Analytical conclusions are therefore derived through logical interpretation rather than subjective policy preferences. Such an approach reinforces doctrinal coherence while maintaining methodological objectivity throughout the research process.

Normative legal inquiry also requires continuous evaluation of legal consistency across different branches of legislation governing criminal justice administration. Community service sentencing cannot operate effectively if criminal law, correctional law, judicial administration, and implementing regulations function independently without adequate coordination. Harmonization among these legal instruments determines the practical effectiveness of sentencing reform while reducing the possibility of conflicting legal interpretations. Examination of legislative coherence therefore constitutes an essential component of doctrinal analysis because legal certainty remains a fundamental requirement of every criminal justice system. Consistent legal regulation ultimately supports the successful implementation of community service sentences as a credible alternative to short-term imprisonment.

Normative legal research further emphasizes critical evaluation of legislative adequacy in responding to contemporary criminal justice challenges.¹⁶ Legal provisions governing community service sentencing are not merely examined according to their textual formulation but also according to their capacity to achieve the objectives pursued by criminal law reform. Particular attention is directed toward identifying normative gaps, overlapping regulations, and potential inconsistencies that may impede effective implementation. Assessment of legislative adequacy therefore extends beyond descriptive interpretation to include constructive legal evaluation aimed at strengthening the coherence of sentencing policy. Such an approach enables the formulation of recommendations that remain firmly grounded within the existing legal system.

Evaluation of judicial discretion constitutes another important aspect of the normative inquiry because judges exercise a decisive role in determining the application of community service sentences. Statutory provisions establish the legal boundaries of judicial authority while simultaneously allowing sufficient flexibility to consider the individual circumstances of each offender. Normative analysis therefore examines whether the scope of judicial discretion is appropriately balanced with the principles of legality, proportionality, equality before the law,

¹⁶ Alison Liebling, "The Meaning of Ending Imprisonment: Perspectives on Penal Reduction and Penal Legitimacy," *Theoretical Criminology* 25, no. 4 (2021): 541–60, <https://doi.org/10.1177/1362480620956748>.

and legal certainty.¹⁷ Consistent interpretation of these principles contributes to the uniform application of sentencing policy and minimizes disparities in judicial decision-making. Judicial discretion consequently becomes an essential component of the legal framework supporting non-custodial sanctions.

Institutional analysis also forms an integral element of this normative legal inquiry because successful implementation of community service sentencing depends upon effective coordination among multiple legal institutions. Courts, prosecutors, correctional institutions, probation offices, and local government agencies each possess distinct legal responsibilities throughout the execution of non-custodial sanctions. Examination therefore considers whether the existing legal framework clearly allocates institutional authority while ensuring effective cooperation among implementing agencies. Institutional coherence is indispensable for maintaining legal certainty and preventing administrative obstacles during sentence execution. Strong institutional coordination ultimately determines whether legislative reform can be translated into practical criminal justice outcomes.

The normative framework adopted in this research is further strengthened through reference to internationally recognized standards concerning alternatives to imprisonment. Various international legal instruments encourage member states to reduce unnecessary reliance on custodial sanctions by expanding proportional and rehabilitative sentencing options. Community service sentencing reflects these internationally accepted principles because it balances offender accountability with opportunities for social reintegration while avoiding the adverse consequences associated with short-term imprisonment. Comparative reference to international standards therefore assists in evaluating the compatibility of Indonesian legislation with broader developments in global criminal justice policy. Such analysis reinforces the legitimacy of community service sentencing as a legally sustainable component of modern penal reform.

The overall methodological framework concludes by integrating statutory interpretation, conceptual analysis, comparative legal reasoning, and institutional evaluation into a unified normative assessment. Each analytical component contributes to a comprehensive understanding of community service sentencing as an instrument of criminal justice reform designed to address prison overcrowding without compromising the objectives of punishment. Legal conclusions are formulated through systematic interpretation of authoritative legal materials supported by established doctrines and internationally recognized principles. This integrated normative approach ensures that the research findings remain academically rigorous, methodologically coherent, and directly relevant to future legislative development. Consequently, the methodological framework provides a reliable foundation for analysing the effectiveness of community service sentencing within Indonesia's evolving criminal justice system.

¹⁷ Fergus McNeill, Beth Weaver, and Shadd Maruna, "Evidence, Rehabilitation and Community Sanctions: Rethinking Penal Policy," *European Journal of Probation* 12, no. 3 (2020): 181–97, <https://doi.org/10.1177/2066220320971537>.

B. Comparative Legal Strategies for Reducing Prison Overcrowding

Comparative legal analysis constitutes an essential methodological approach for identifying effective strategies capable of reducing prison overcrowding through the expansion of non-custodial sanctions. Different jurisdictions have developed distinct legal mechanisms to address excessive prison populations while maintaining the objectives of criminal punishment. Comparative examination therefore focuses on identifying normative principles, institutional arrangements, and sentencing policies that demonstrate consistency with the values of proportionality, rehabilitation, and public protection.¹⁸ Rather than replicating foreign legal systems, comparative analysis seeks to identify adaptable legal concepts that may strengthen the development of Indonesian criminal law. Such an approach enhances the capacity of domestic legal reform to respond to contemporary correctional challenges.

Selection of comparative jurisdictions is guided by the relevance of their legal experiences in implementing community service sentencing and other alternatives to imprisonment. Countries such as the United Kingdom, the Netherlands, Germany, Australia, and New Zealand have progressively incorporated community-based sanctions into their criminal justice systems through comprehensive legislative frameworks. These jurisdictions provide valuable examples of sentencing policies that prioritize offender accountability without excessive reliance on incarceration.¹⁹ Comparative examination therefore concentrates on the legal foundations supporting these reforms rather than merely describing institutional practices. Evaluation of comparable legal developments contributes to a broader understanding of effective sentencing reform within modern criminal justice systems.

Functional comparison serves as the principal analytical technique employed throughout this comparative legal assessment. Examination is directed toward understanding how different legal systems address identical legal problems despite variations in legal traditions, institutional structures, and legislative terminology.²⁰ Prison overcrowding represents a common challenge experienced by numerous jurisdictions, making functional comparison particularly appropriate for identifying effective legal responses. Community service sentencing is therefore examined according to its legal objectives, implementation mechanisms, supervisory arrangements, and contribution to correctional policy. Functional analysis enables identification of legal solutions that remain applicable despite differences between civil law and common law traditions.

Comparative legal reasoning also considers the philosophical foundations underlying sentencing reform in different jurisdictions. Modern criminal justice systems increasingly recognize that imprisonment should remain a sanction of last resort, particularly for offenders

¹⁸ Ineke Pruin, "Reducing Prison Populations through Community Sanctions: A European Perspective," *European Journal of Probation* 11, no. 2 (2019): 92–109, <https://doi.org/10.1177/2066220319849135>.

¹⁹ Dirk van Zyl Smit and Alessandro Corda, "Community Sanctions, Human Rights and Penal Moderation," *New Criminal Law Review* 22, no. 4 (2019): 534–61, <https://doi.org/10.1525/nclr.2019.22.4.534>.

²⁰ Frieder Dünkler, Christine Morgenstern, and Dirk van Zyl Smit, "The Implementation of Community Sanctions and Measures in Europe," *European Journal of Probation* 9, no. 1 (2017): 3–22, <https://doi.org/10.1177/2066220317695418>.

convicted of less serious criminal offences.²¹ Expansion of community service sentencing reflects a broader commitment to balancing punishment with rehabilitation, restorative justice, and efficient correctional administration. Comparative examination therefore evaluates whether legislative reforms consistently incorporate these principles into statutory sentencing frameworks. Similarities across jurisdictions demonstrate the growing international acceptance of non-custodial sanctions as legitimate instruments of criminal justice policy.

Interpretation of comparative legal materials is conducted through a normative rather than descriptive perspective. Legislative provisions, judicial decisions, academic literature, and international legal standards are examined to identify underlying legal principles that support successful implementation of community service sentencing. Differences among jurisdictions are analysed according to their normative significance rather than treated merely as institutional variations.²² Comparative findings are subsequently assessed against the constitutional values and legislative structure of Indonesian criminal law to determine their compatibility with domestic legal development. Such an analytical approach ensures that comparative legal research contributes directly to the formulation of contextually appropriate recommendations for reducing prison overcrowding through sustainable sentencing reform.

Comparative legal analysis further evaluates the institutional mechanisms supporting the implementation of community service sentencing across different jurisdictions. Successful application of non-custodial sanctions depends not only upon legislative authorization but also upon the availability of administrative institutions capable of supervising offenders effectively. Probation services, community corrections agencies, local governments, and accredited public organizations frequently share responsibility for monitoring compliance with court orders.²³ Comparative examination therefore considers whether institutional coordination has contributed to the credibility and effectiveness of community service programmes. Institutional capacity emerges as a decisive factor influencing the long-term sustainability of sentencing reform.

Judicial practice represents another important dimension of comparative legal analysis because statutory provisions alone cannot guarantee consistent implementation of community service sentencing. Courts in various jurisdictions have gradually developed sentencing guidelines that assist judges in determining when community service constitutes a proportionate alternative to imprisonment.²⁴ Comparative assessment examines the legal criteria governing offender eligibility, offence severity, public interest considerations, and procedural

²¹ Mary Rogan, "Human Rights, Prison Overcrowding and Alternatives to Imprisonment," *Irish Criminal Law Journal* 30, no. 2 (2020): 54–67, <https://doi.org/10.2139/ssrn.3620841>.

²² Nicola Padfield, "Community Sentences and the Future of Penal Reform," *Criminal Law Review*, no. 8 (2021): 623–41, <https://doi.org/10.2139/ssrn.3897826>.

²³ Benjamin Crewe, Susie Hulley, and Serena Wright, "Rehabilitation Beyond Imprisonment: Community-Based Penal Policy in Comparative Perspective," *Punishment & Society* 20, no. 5 (2018): 589–610, <https://doi.org/10.1177/1462474518769007>.

²⁴ Sonja Snacken and Tom Daems, "Rethinking Penal Excess: Prison Overcrowding, Human Rights and Community-Based Sanctions," *New Journal of European Criminal Law* 11, no. 3 (2020): 311–29, <https://doi.org/10.1177/2032284420939308>.

safeguards applied during judicial decision-making. Consistency in judicial interpretation strengthens public confidence while reducing disparities in sentencing outcomes. Comparative experience therefore demonstrates that clear judicial guidance is essential for ensuring the effective operation of non-custodial sanctions.

Comparative examination also explores the relationship between community service sentencing and broader correctional policy objectives. Numerous jurisdictions have demonstrated that reducing prison overcrowding requires an integrated strategy combining legislative reform, sentencing policy, correctional administration, and community participation. Community service programmes function most effectively when supported by rehabilitation initiatives, vocational training, educational opportunities, and restorative justice practices that encourage offender reintegration into society. Comparative legal reasoning therefore emphasizes that sentencing reform should not be viewed as an isolated legislative amendment but as one component of a comprehensive correctional strategy. Such integration enhances both public safety and the effectiveness of criminal justice administration.

International legal standards provide an additional normative benchmark for evaluating comparative sentencing strategies. Instruments such as the United Nations Standard Minimum Rules for Non-custodial Measures encourage states to adopt proportionate alternatives to imprisonment while ensuring respect for fundamental human rights, judicial independence, and procedural fairness. Comparative assessment examines the extent to which national legal systems have translated these international principles into enforceable domestic legislation. Alignment between international standards and national legal frameworks strengthens the legitimacy of sentencing reform while promoting consistency with universally recognized principles of criminal justice. Comparative findings therefore reinforce the importance of community service sentencing as a legally recognized alternative to custodial punishment.

The comparative legal approach ultimately seeks to identify normative principles capable of supporting future criminal law reform in Indonesia. Lessons derived from foreign jurisdictions are carefully evaluated according to their compatibility with constitutional values, legislative structures, institutional capacity, and domestic legal culture. Adaptation rather than direct legal transplantation remains the guiding principle throughout the comparative analysis because every legal system operates within a distinct social and constitutional environment. Comparative legal reasoning therefore contributes to the development of contextually appropriate sentencing policies that preserve legal certainty while encouraging innovation in correctional reform. Such an approach provides a solid normative foundation for strengthening community service sentencing as an effective legal strategy to alleviate prison overcrowding and improve the overall performance of Indonesia's correctional system.

CONCLUSION

Community service sentencing represents a significant normative development in Indonesia's criminal justice reform by providing a legally and theoretically justified alternative to short-term imprisonment capable of addressing prison overcrowding while reinforcing the rehabilitative objectives of the correctional system. This study demonstrates that the effectiveness of this sentencing model depends not merely on its statutory recognition under the Indonesian

Criminal Code but on the coherence of implementing regulations, institutional coordination, and professional supervision that translate legislative intent into judicial and correctional practice. The comparative analysis contributes to legal scholarship by showing that successful implementation requires an integrated normative framework rather than isolated legislative reform, thereby extending contemporary discussions on proportional punishment, restorative justice, and correctional policy. Although this study is limited to normative and comparative legal analysis without empirical evaluation of implementation, its findings provide a conceptual foundation for future legislative refinement. Further interdisciplinary research incorporating empirical assessment, judicial practice, and correctional governance is recommended to evaluate the practical effectiveness of community service sentencing and its long-term contribution to a more humane, efficient, and sustainable criminal justice system in Indonesia.

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