



Social Work Penalties For Perpetrators Of Minor Crimes In The Development Of Indonesian Criminal Law

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Abstract: This study examines the legal regulation and implementation of community service punishment for minor offenses within the framework of Indonesian criminal law reform, as well as their application to minor offenders. The method used is normative juridical research, which emphasizes the study of rules and legislation related to community service penalties. The study reveals that the enactment of Law Number 1 of 2023 introduces community service punishment as an alternative sanction for minor offenses, reflecting a shift from imprisonment-oriented sentencing toward rehabilitative and restorative justice policies. The analysis demonstrates that community service punishment constitutes a more proportional and rehabilitative sanction for minor crimes compared to short-term imprisonment or monetary fines, aiming to improve offender behavior and restore social relationships. Effective implementation requires institutional readiness, inter-agency coordination among law enforcement bodies, and adequate supervisory mechanisms within the criminal justice system to ensure community service effectively functions as a substitute for imprisonment.

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INTRODUCTION

When discussing criminal commit or crimes in social life, not all crimes can be considered serious crimes. There are also minor crimes that are found in the community. Examples of minor crimes include minor insults, minor theft, receiving minor goods, minor embezzlement, and minor assault.

Minor crimes are legally categorized as offenses with relatively limited social harm and lower levels of criminal severity compared to serious crimes, thereby requiring proportional sentencing policies. In Book II of the old Criminal Code (KUHP), these minor crimes were not placed in a separate chapter, but were spread across various chapters within Book II of the KUHP (Loleng et al., 2021).

The investigation is conducted specifically through a misdemeanor examination procedure, with simpler procedures. The penalty for misdemeanors, according to Book II of the old Criminal Code, is a maximum of three months' imprisonment and/or a maximum fine of Rp7,500. Minor



insults are specifically mentioned because the maximum penalty for this offense is four months and two weeks' imprisonment.

The development of modern society has encouraged the transformation of criminal justice systems toward alternative forms of punishment that emphasize rehabilitation, social reintegration, and restorative justice principles. Under the old Criminal Code, the primary sanction imposed by the courts for misdemeanors tended to be imprisonment. This choice of punishment is essentially a conventional form of law enforcement and has long been used in the criminal justice system.

The continued reliance on imprisonment for minor offenses has been criticized for being disproportionate and ineffective, particularly due to its contribution to prison overcrowding and recidivism, which have a relatively lower level of danger and social impact, resulting in some cases being deemed disproportionate. In practice, the application of imprisonment is often deemed ineffective in achieving the objectives of sentencing, even failing to provide optimal deterrent and developmental effects, resulting in overcrowding in correctional institutions.

Correctional institutions are places where convicts (criminal perpetrators) receive prison sentences within the Indonesian criminal justice system (Jamilah & Disemadi., 2020). Prisons, as institutions within the criminal justice system, have a strategic function in enforcing prison sentences and providing a place for the development of prisoners, as outlined in Law No. 22 of 2022 concerning Corrections (Wani et al, 2024). However, Indonesia faces a serious problem related to overcrowding, or overcrowding, in correctional institutions.

Overcrowding refers to a condition where the number of prisoners held in a correctional institution (LAPAS) or detention center (Rutan) exceeds its capacity (Tarigan & Aspan., 2025). Or this condition is caused by an increase in the number of prisoners that far exceeds the capacity of existing correctional institutions.

The fundamental problem causing overcrowding in correctional facilities is that the primary focus or purpose of punishment itself is to require every perpetrator, especially those committing minor crimes, to serve time in prison as retribution for their crimes (Nainggolan., 2025). This overcrowding can ultimately disrupt the inmate development process and reduce the quality of supervision. Furthermore, the prison environment can also become less conducive to rehabilitation (Arianto., 2024). Imprisonment for minor crimes has the potential to create overcrowding in correctional facilities, and inmates may be exposed to the negative influence of other inmates who have committed more serious crimes (Pratama & Nugroho., 2024; Sembiring., 2024). This situation often increases the likelihood of recidivism, where perpetrators re-offend after serving their sentences, thus preventing the goal of punishment to improve their behavior.

The high reliance on imprisonment indicates a limited use of more flexible sentencing alternatives, such as community service, even though this sanction has the potential to provide broader benefits for both offenders and society, especially for minor offenders. In this context, community service emerges as a more humane and constructive sentencing alternative.

Community service is one of the alternative non-imprisonment penalties stipulated in Law Number 1 of 2023 concerning the Criminal Code and is relatively new to the Indonesian penal system (Sutrisni & Susrama., 2023). The Community Service Act, as defined in Article 85 paragraph (1), states: "Community service may be imposed on defendants who commit crimes punishable by imprisonment for less than 5 (five) years, and the judge imposes a maximum imprisonment of 6 (six) months or a maximum fine of category II (Usman & Arfa., 2025).



Community service has been widely implemented in other countries, even long before Indonesia revised its Criminal Code and added community service as a primary punishment. (Fikri & Arfa., 2025). Community service punishment is designed to achieve rehabilitative and restorative objectives by encouraging offender accountability, behavioral improvement, and social reintegration.

The inclusion of community service punishment in the new Indonesian Criminal Code reflects a penal policy reform aimed at reducing excessive reliance on short-term imprisonment. This sanction is expected to be effective for minor offenders and to achieve the goals of punishment in a balanced way, namely justice, utility, and legal certainty.

Despite the formal recognition of community service punishment in the new Criminal Code, limited scholarly discussion has examined its implementation challenges and effectiveness for minor offenses within the Indonesian criminal justice system to analyze their regulation, implementation, and effectiveness within the Indonesian criminal justice system. Therefore, the following questions need to be formulated: How are community service penalties regulated within the development of criminal law in Indonesia? Furthermore, how is community service penalties currently applied to perpetrators of minor crimes in Indonesia?

METHODS

This study employs a normative juridical research method using statutory, conceptual, and literature approaches to analyze the regulation and implementation of community service punishment in Indonesian criminal law.

The normative approach in this study focuses on examining legal norms, statutory regulations, and legal principles governing community service punishment under Law Number 1 of 2023 concerning the Indonesian Criminal Code. According to Soerjono Soekanti and Sri Mamudji, normative legal research is legal research conducted solely through the examination of library materials or secondary data (Soekanto & Mamudji, 2014). With this normative juridical approach, the research focuses on a thorough understanding of the legal rules and legal principles governing community service penalties. The collected legal materials were analyzed qualitatively using prescriptive legal analysis to evaluate the relevance and effectiveness of community service punishment as an alternative sentencing model for minor offenses as a fairer and more proportional alternative to sentencing.

RESULTS AND DISCUSSION

1. Regulation of Social Work Criminal Procedure in the Development of Criminal Law in Indonesia

The dominance of imprisonment and fines in handling minor crimes under the old Criminal Code indicates that the applicable sentencing system still tends to be conventional and has not fully adapted to developments in modern criminal law approaches. This condition reflects the orientation of the criminal justice system, which is still focused on retributive punishment and has not optimally prioritized alternative approaches such as restorative justice or community service, which are more oriented towards improving the perpetrator's behavior and restoring social relations within the community. However, the application of imprisonment to perpetrators of minor crimes sometimes has various unavoidable impacts, including overcrowding of correctional institutions.

Now, with the enactment of the new National Criminal Code, the handling of minor crimes no longer involves imprisonment and/or fines. Perpetrators of minor crimes can be sentenced to



community service. The introduction of community service punishment under Law Number 1 of 2023 demonstrates a transformation in Indonesian penal policy from retributive punishment toward rehabilitative and restorative justice approaches.

Within the framework of classical criminal law, the Indonesian penal system has traditionally emphasized imprisonment and fines as the primary forms of punishment, which has been based on the old Criminal Code (KUHP) (Law No. 1 of 1946), the types of punishments generally recognized are still limited to basic penalties such as imprisonment, detention, and fines, so that space for the application of alternative sanctions such as community service has not been adequately provided. Currently, the new national Criminal Code (Law No. 1 of 2023) already regulates community service for perpetrators of crimes, especially minor crimes. The addition of community service in the provisions of the national Criminal Code further demonstrates the renewal of Indonesian criminal law.

Criminal law reform in Indonesia seeks to establish a more proportional sentencing system capable of addressing prison overcrowding and promoting alternative sanctions for minor offenses (Falah, 2025). Criminal law reform in Indonesia is indeed an urgent need, particularly to adapt the penal system to modern societal developments. One prominent reform is the introduction of community service penalties in the new Indonesian Criminal Code (KUHP).

In practice, community service penalties are beginning to be viewed as a relevant alternative to imprisonment or fines, particularly for perpetrators of minor crimes that do not significantly impact society. Community service punishment is theoretically intended to balance deterrence, offender accountability, and social reintegration through constructive participation in community-oriented activities through real contributions to society, such as engaging in work that benefits the surrounding environment.

The incorporation of community service punishment into the National Criminal Code reflects an effort to implement proportional sentencing policies for offenders who commit low-severity crimes. This regulation demonstrates the state's efforts to reduce reliance on imprisonment and also encourages perpetrators to contribute directly to society, thus having greater educational and social value. The imposition of community service sentences for perpetrators of minor crimes in Indonesia currently demonstrates an effort to transform the penal system, shifting from a repressive approach to a more humane and rehabilitation-oriented one.

Community service sentences, as an alternative form of punishment, require convicts to perform work beneficial to the community in lieu of imprisonment (Wicaksana & Januarsyah, 2025). Although it has progressed normatively, the success of community service penalties depends on consistent implementation and system readiness. Theoretically, this approach is more progressive as it emphasizes rehabilitation and social reintegration in addition to punishment.

A proportional sentencing system emphasizes the principles of rehabilitation, restorative justice, and social reintegration while minimizing the negative impacts of short-term imprisonment through the implementation of social punishment, the penal system will not only emphasize sanctions as a form of retribution, but also prioritize improving the perpetrator's behavior and restoring social relationships impacted by the crime. This more humane approach allows the perpetrator to maintain their dignity as an individual while also being given the opportunity to correct their mistakes through positive contributions to society. Meanwhile, the



principle of proportionality ensures that the sanctions imposed are commensurate with the severity of the offense, thereby avoiding injustice for either the perpetrator or society.

This orientation toward sustainable justice emphasizes the importance of the long-term impact of punishment, namely the creation of more harmonious social conditions, reduced rates of reoffending, and increased legal awareness within the community. Therefore, the penal system developed should not merely serve as a law enforcement tool by punishing perpetrators. It should also consider how good behavior in society will impact the community after the sentence is completed.

Community service penalties reflect a shift toward a more humane and restorative approach to punishment. Although recognized as an alternative for minor offenders, its success depends on clear regulations, support from law enforcement, and community readiness.

2. Current Implementation of Social Work Sentences for Perpetrators of Minor Crimes in Indonesia

The implementation of social work sentences for perpetrators of minor crimes is certainly expected to run smoothly, as it is regulated by the provisions of the National Criminal Code. Therefore, preparation in various aspects is required for its implementation. From the perspective of law enforcement officials, there may still be a tendency to impose conventional sentences because they are considered more practical and have a more established legal basis. Furthermore, limited facilities and infrastructure, including supervisory institutions and structured social work programs, may also hinder the optimal implementation of this punishment. On the other hand, social factors such as public stigma against perpetrators of crimes and a lack of understanding of the objectives of social work sentences may also influence the effectiveness of its implementation.

Therefore, its implementation requires seriousness. Consistency and thorough preparation are essential. Without a consistent and prepared support system for law enforcement officials, including judges, prosecutors, and correctional officers, it will be difficult to impose and implement this type of punishment uniformly and effectively. Furthermore, the existence of an agency or institution responsible for overseeing the implementation of social work is crucial, given that this punishment requires a continuous monitoring system to ensure that perpetrators truly fulfill their obligations in accordance with court decisions.

One major obstacle to the implementation of community service punishment is the persistence of a punitive legal culture that prioritizes imprisonment as the primary form of criminal sanction. Continuous outreach and education efforts are needed for relevant parties and the wider community regarding the value and purpose of social work. Furthermore, in addition to policy support, the availability of human resources, budget, and integration with the existing correctional system, the success of social work as an alternative to criminal punishment depends heavily on synergy between professional law enforcement officials and active community participation in supporting its sustainable and equitable implementation.

Satjipto Rahardjo stated, "The law cannot be upheld by itself, meaning it is unable to realize the values and desires contained in the legal regulations on its own. (Satjipto Rahardjo, 1981). Synergy between law enforcement agencies in handling a crime is necessary, because in addition to maintaining good relations between agencies, synergy is needed to facilitate the disclosure of cases (Prasetyo., 2019; Kandia et al., 2026). Effective implementation of community service punishment requires institutional coordination among courts, prosecutors, correctional institutions, and supervisory agencies to ensure consistency and accountability in sentencing



practices. Law enforcement officers consisting of the police, prosecutors, judiciary, and correctional institutions have their respective roles and authorities that are interconnected in an integrated criminal justice system (Hidayat & Siregar., 2024). Therefore, harmonious coordination and cooperation between these institutions is a must so that the law enforcement process can run consistently from the initial stage to the implementation of the decision. Without good synergy, the potential for overlapping authorities, differences in legal interpretation, and inefficiencies in case handling will increase, which ultimately can be detrimental to justice seekers (Sujana & Santika., 2026).

With the synergy of these various parties, it is hoped that community service can develop into a sentencing instrument that is not only effective in enforcing the law but also capable of realizing more substantive and sustainable justice in Indonesia. This synergy encompasses the integrated roles of law enforcement officials, policymakers, and the community in ensuring that the implementation of community service is carried out in accordance with its stated objectives. In this context, law enforcement officials are expected to act not only as formal enforcers of regulations but also as agents of change capable of internalizing the values of restorative justice in every decision they make.

The problems within the criminal justice system are complex and involve various variables. Therefore, law enforcement officers must work diligently to resolve every problem that arises in society (Fajarwati., 2025; Cariver., 2025). Therefore, as a law enforcement instrument in the criminal justice system, law enforcement must be able to promote the creation of order, balance, and sustainable justice in community life by properly enforcing the law.

In this context, punishment is no longer merely intended to deter or punish perpetrators, but is also aimed at improving behavior, fostering legal awareness, and restoring relationships between perpetrators, victims, and the wider community. This creates a mechanism in which the law plays a role in maintaining social certainty and order while strengthening humanitarian values and substantive justice. The implementation of community service punishment is expected to strengthen public legal awareness by emphasizing offender accountability and constructive social participation, but also as a means of social learning that fosters responsibility, solidarity, and active participation in creating a harmonious environment (Fauzi & Rahman., 2025)..

Furthermore, punishment oriented toward the sustainability of justice can reduce recidivism rates, minimize the negative impacts of overly repressive punishments, and foster public trust in the justice system. Thus, the punishment system becomes a crucial pillar in realizing a just, orderly, and sustainable society, where the law not only enforces rules but also fosters overall better social quality (Kurniawan., 2023; Septianingsih., 2023). Therefore, the application of community service to perpetrators of minor crimes in Indonesia shows potential as a fairer and more rehabilitative alternative to imprisonment or fines, with the goal of improving perpetrator behavior and restoring social relations within the community.

Furthermore, strong synergy also reflects a shared vision in enforcing the law, oriented not only toward legal certainty but also toward justice and expediency. In the context of modern legal developments, this synergy is increasingly crucial, particularly in the implementation of alternative approaches such as restorative justice and community service, which require cross-sector coordination. Synergy among law enforcement officials is not only an administrative necessity but also a key foundation for creating a justice system that is authoritative, transparent, and trusted by the public.



Meanwhile, the government needs to strengthen regulations and provide adequate supporting infrastructure, including a transparent and accountable monitoring and evaluation system. Furthermore, the community also plays a crucial role in creating an inclusive and supportive environment for offenders serving community service sentences, ensuring a smooth social reintegration process.

Active community participation in supporting sustainable and equitable implementation is a crucial element essential to the success of a legal system, particularly in the application of alternative forms of punishment such as community service. Community participation plays an essential role in supporting offender rehabilitation through social acceptance, informal supervision, and involvement in community-based correctional programs in creating a conducive environment for the achievement of the goals of punishment, namely the rehabilitation, development, and social reintegration of offenders.

The community is a crucial aspect in law protection and enforcement efforts (Alexander., 2023; Sujana et al., 2025). Community involvement can be realized through acceptance of offenders serving community service sentences, informal social supervision, and support for programs aimed at improving offender behavior. Without community support, the implementation of community service has the potential to face obstacles, such as social stigma, environmental rejection, or even failure to achieve rehabilitative goals.

Therefore, efforts are needed to increase public legal awareness through ongoing education and outreach to foster an understanding that criminal punishment is not solely intended to punish, but also to reform and rehabilitate offenders as productive members of society. Furthermore, community involvement also contributes to realizing more substantive justice, as the public can directly experience the benefits of community service. Active community participation is essential in supporting restorative justice practices through community-based supervision, offender reintegration programs, and social acceptance of offenders serving community service sentences.

With this comprehensive support, community service not only serves as an alternative to imprisonment but also as a developmental tool capable of fostering legal awareness, social responsibility, and improving relationships between offenders, victims, and the community.

Despite its potential as an alternative sentencing model, the effectiveness of community service punishment in Indonesia depends on clear implementing regulations, institutional supervision, and adequate correctional infrastructure, its successful implementation depends heavily on regulatory readiness, the commitment of law enforcement officials, and broad public support.

CONCLUSION

The enactment of Law Number 1 of 2023 reflects Indonesia's criminal law reform by formally recognizing community service punishment as an alternative sanction aimed at promoting rehabilitation, proportionality, and restorative justice for minor offenses. While community service has been recognized as an alternative for minor offenses, its successful implementation depends heavily on clear regulations, support from law enforcement, and community readiness to participate in the rehabilitation and social reintegration process. The application of community service to perpetrators of minor crimes has the potential to be a fairer and more rehabilitative alternative to imprisonment or fines, with the goal of improving the perpetrator's behavior and restoring social relations within the community. The effective implementation of community service punishment requires clear implementing regulations,



institutional coordination among law enforcement agencies, and structured supervision mechanisms within the criminal justice system, as well as providing supporting facilities for the implementation of community service, which undoubtedly serves as an alternative to imprisonment.

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