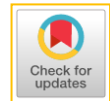


Social Work Punishment in the 2023 Indonesian Criminal Code: Lessons from Finland and Netherlands



Bagus Hanindiyo Mantri ^{a*}, Nurwinardi Nurwinardi ^a Muhammad Khalif Ardi ^b Devi Triasari ^c

^a Attorney General's Office of the Republic of Indonesia, Jakarta, Indonesia

^b Faculty of Law, Universitas Islam Al Azhar, Mataram, Indonesia

^c Faculty of Law, University of Adelaide, Adelaide, Australia

* corresponding author: mantrihanindiyo@gmail.com

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ABSTRACT

This study aims to examine alternative non-custodial punishments under the 2023 Criminal Code, including community service, along with its regulations and the potential for it to become unenforceable upon implementation of the 2023 Criminal Code. The incorporation of social work as a punitive measure in the 2023 Criminal Code, designed as a utilitarian and legally certain alternative penalty, presents several significant concerns, including: a. According to judicial rulings under the 2023 Criminal Code, judges are not required to specify the precise social work activities to be performed by the convicted individual or the location where they are to be executed. b. The social work obligations imposed by the judge in the court ruling must be completed by the convicted individual, without consideration of the potential repercussions for non-compliance. Consequently, a convicted individual, although failing to fulfil the mandated social work obligations, is not automatically deemed to have breached these obligations. c. Concerning the extent of social work obligations that may be assigned to condemned individuals, the 2023 Criminal Code solely stipulates that the execution of social work penalties must remain non-commercialized. The 2023 Criminal Code does not elaborate on the types of social work activities that may be mandated by a court for individuals sentenced to death; it merely offers examples of venues where such activities may occur. In contrast to the Netherlands and Finland, these three elements are governed by the Dutch Criminal Code and the Finnish Criminal Code, which mandate that the court's ruling must encompass details about social work activities and the circumstances under which the convicted individual is prohibited from engaging in social work.

1. Introduction

The implementation of Law Number 1 of 2023 regarding the Criminal Code (hereinafter referred to as the 2023 Criminal Code) has had a profound impact on the

Indonesian criminal justice system.¹ The emergence of various novel legal concepts within the 2023 Criminal Code accounts for this development. These concepts were hitherto lacking in Indonesia's criminal law framework, encompassing both special and general criminal law.² Moreover, the implementation of the 2023 Criminal Code introduces a multitude of complexities for the Government in its endeavour to enhance the criminal justice system in Indonesia. A notable challenge is the requirement set forth by the 2023 Criminal Code for the establishment of governmental regulations concerning criminal penalties and measures, which are intended to serve as guidelines for the application of alternative sanctions to imprisonment as outlined in the 2023 Criminal Code.³

The 2023 Criminal Code introduces a significant transformation in sentencing, focusing on optimising the application of alternative penalties instead of incarceration. Article 65(1) of the National Criminal Code clearly illustrates the introduction of alternative forms of punishment beyond imprisonment, notably including probation and community service. The essence of employing non-custodial alternative sentencing is evident in Article 70 of the 2023 Criminal Code, which emphasizes the necessity of avoiding imprisonment whenever feasible under specific circumstances. These include instances where the defendant is a minor, exceeds 75 years of age, is a first-time offender, the victim has endured minimal harm, and compensation has been rendered to the victim.⁴ The implementation of probation and community service as alternatives to incarceration represents a constructive advancement in addressing the issue of overcrowding within Indonesia's detention facilities and prisons. Community service represents one of the various alternatives to incarceration designed to alleviate the issue of prison overcrowding in Indonesia.⁵

¹ Kai Ambos and others, *Core Concepts in Criminal Law and Criminal Justice: Anglo-German Dialogues: Volume I*, in *Core Concepts in Criminal Law and Criminal Justice: Volume 1, Anglo-German Dialogues* (2019), doi:10.1017/9781108649742.

² Szymon Pawelec, *Consensual Procedures in Criminal Law - Comparative Perspective*, in *Consensual Procedures in Criminal Law - Comparative Perspective* (2023), doi:10.3726/b21120.

³ Januar Rahadian and Silas Oghenemaro, 'Monodualistic and Pluralistic Punishment Politics in Criminal Code Reform: Lessons from Indonesia', *Journal of Law, Environmental and Justice*, 1.3 (2023), pp. 225–43, doi:10.62264/jlej.v1i3.17.

⁴ Gordon Bazemore, 'Crime Victims, Restorative Justice and the Juvenile Court: Exploring Victim Needs and Involvement in the Response to Youth Crime', *International Review of Victimology*, 6.4 (1999), pp. 295–320, doi:10.1177/026975809900600404.

⁵ Nanang Nurcahyo and others, 'Reform of the Criminal Law System in Indonesia Which Prioritizes Substantive Justice', *Journal of Law, Environmental and Justice*, 2.1 (2024), pp. 89–108, doi:10.62264/jlej.v2i1.91.

Article 85 of the 2023 Criminal Code delineates that social work is mandated for defendants found guilty of criminal offences that carry a potential imprisonment of less than five years. In such cases, the judge may impose a maximum custodial sentence of six months or a maximum fine classified under Category II, amounting to Rp 10 million.⁶ The 2023 Criminal Code stipulates that the execution of social work punishment necessitates the involvement of a Social Guidance Officer (PK) at the Social Rehabilitation Centre (Bapas), with oversight of the implementation being conducted by the prosecutor. The implementation of social work as a punitive measure not only presents an alternative solution to the issue of overcrowding in Indonesia's detention centres and prisons but also plays a significant role in the evolution of the nation's legal framework.⁷

The various forms of punishment outlined in the 2023 Criminal Code exhibit traits akin to those found in conditional punishment as stipulated in the existing Criminal Code. Regrettably, despite the prolonged presence of conditional sentencing in Indonesia, its implementation remains markedly restricted, accounting for only 2% of the overall prison sentences.⁸ This can be ascribed to a lack of effective implementation of regulations, the dominant mindset among law enforcement officials and the public that views punishment primarily as a deterrent, issues of coordination and trust among institutions, as well as a deficiency in infrastructure and resources.⁹

In the interim, community service as a variant of conditional punishment bears resemblance to conditional imprisonment, incorporating community service as delineated in Article 71(1)(b) of Law No. 11 of 2012 concerning the Criminal Justice System for Children (UU SPPA). Government Regulation No. 58 of 2022 outlines further regulations regarding the implementation of community service in a broad context. In practical terms, a limited number of juvenile court rulings encompass

⁶ Howard Zehr, 'Commentary: Restorative Justice: Beyond Victim-offender Mediation', *Conflict Resolution Quarterly*, 22.1–2 (2004), pp. 305–15, doi:10.1002/crq.103.

⁷ Erin M. Kerrison, 'Exploring How Prison-Based Drug Rehabilitation Programming Shapes Racial Disparities in Substance Use Disorder Recovery', *Social Science & Medicine*, 199 (2018), pp. 140–47, doi:10.1016/j.socscimed.2017.08.002.

⁸ Johan Henning, 'Perspectives on Financial Crimes in Roman-Dutch Law: Bribery, Fraud and the General Crime of Falsity (Falsiteyt)', *Journal of Financial Crime*, 16.4 (2009), pp. 295 – 304, doi:10.1108/13590790910993771.

⁹ John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press, 1989), doi:10.1017/CBO9780511804618.

criminal penalties beyond incarceration.¹⁰ Incarceration continues to be the predominant choice, constituting as much as 90% of sentences imposed on juvenile offenders. An examination of 651 judicial decisions concerning minors further revealed the lack of implementation of community service sentences. Overall, the Indonesian criminal justice system lacks sufficient references that provide a comprehensive understanding of the implementation of social work.¹¹

In light of this phenomenon, the primary objective is to strategise for the execution of community service. To guarantee the effective execution of community service as outlined in the 2023 Criminal Code, the application of community service must be accompanied by thorough implementing regulations, thereby facilitating its efficient operation. A comprehensive framework delineating the functions of social workers and prosecutors within the criminal justice system is essential for the effective implementation of social work penalties.¹² This serves as a reference for the development of governmental regulations concerning penalties and specific measures, particularly about penalties in social work. In this context, the author endeavours to scrutinise the application of social work penalties in various nations as a framework for comparison, aspiring that these insights may be utilised upon the official enactment of the 2023 Criminal Code. The nations under consideration are Finland and the Netherlands, to elucidate the mechanisms of social work penalties as implemented within these two jurisdictions, encompass both the legal frameworks and the institutions responsible for their enforcement.¹³

In order to illustrate the originality of this manuscript, the author undertook a thorough investigation and identified several comparable works, one of which is titled "Alternative Criminal Punishments for the Settlement of Misdemeanour in a Social Justice Perspective". This document asserts that "The national legislation possesses a distinct vision aimed at achieving a fair and democratic rule of law." The criminal legal

¹⁰ Rasdi Rasdi and others, 'Reformulation of the Criminal Justice System for Children in Conflict Based on Pancasila Justice', *Lex Scientia Law Review*, 6.2 (2022), pp. 479–518, doi:10.15294/lesrev.v6i2.58320.

¹¹ Cynthia Fraga Rizo and others, 'Human Trafficking Services for Youth with Minoritized Identities: Application of an Access to Care Framework', *Children and Youth Services Review*, 172 (2025), p. 108263, doi:https://doi.org/10.1016/j.childyouth.2025.108263.

¹² Roger Smith, 'Criminal Justice and Social Work Practice', in *International Encyclopedia of the Social & Behavioral Sciences (Second Edition)*, ed. by James D Wright, Second Edi (Elsevier, 2015), pp. 208–13, doi:https://doi.org/10.1016/B978-0-08-097086-8.28020-3.

¹³ Jung Jin Choi, Diane L. Green, and Michael J. Gilbert, 'Putting a Human Face on Crimes: A Qualitative Study on Restorative Justice Processes for Youths', *Child and Adolescent Social Work Journal*, 28.5 (2011), pp. 335–55, doi:10.1007/s10560-011-0238-9.

system serves to safeguard the interests of both society and the nation. Contemporary criminal law enforcement transcends mere crime deterrence; it increasingly addresses humanitarian concerns surrounding criminal behaviour, particularly in the context of defending against misdemeanours. This paper aims to examine the contemporary dynamics surrounding the contextualization of Indonesian criminal law in addressing misdemeanours. Through the application of a juridical and normative framework, employing a descriptive analytical technique, the findings revealed a lack of adaptability in criminal law concerning misdemeanour cases. The findings underscore that, as a multifaceted aspect of socio-economic and legal issues, misdemeanours present a continually evolving challenge to the legal system and the process of criminalisation. This research highlighted the need for alternative sanctions for minor offenses as a fundamental component of reforming the Indonesian Criminal Code. This study outlines the various prerequisites that must be met for the legalization of alternative criminal penalties for minor offenses. Moreover, alternative forms of punishment can yield advantages for the community, including the engagement of offenders in community service and voluntary labour. The suggestions are articulated concerning the implementation of alternative punitive measures for lesser offences.¹⁴

Secondly, the manuscript titled "Criminal Social Work to Overcome Overcapacity In Post-Pandemic Prisons". This paper asserts that "There are presently numerous issues associated with prisons, including the rise of challenges related to overcapacity within these institutions." Particularly during the COVID-19 pandemic, the conditions of prisons in Indonesia are starkly inadequate, considering their limited capacity. The ongoing reform of criminal law, particularly through the Draft Law on the Criminal Code (RUU-KUHP), has engaged in a thorough examination of various alternative offences, notably the introduction of social work as a form of criminal sanction. The investigation into social work offences aimed at addressing the issue of overcapacity in post-pandemic correctional facilities employs normative legal research methodologies. The legal resources employed involve conducting studies within library settings (Library Research). Several nations, including the Netherlands, Portugal, and Denmark, have implemented regulations related to offenses within the realm of social work. Social work offences are alternatively referred to as brief deprivations of liberty, representing an attempt to execute specific crimes within a

¹⁴ Rizkan Zulyadi and Mohammad Belayet Hossain, 'Alternative Criminal Punishments for the Settlement of Misdemeanor in a Social Justice Perspective', *Law Reform: Jurnal Pembaharuan Hukum*, 18.1 (2022), pp. 43 – 57, doi:10.14710/lr.v18i1.44712.

limited timeframe.¹⁵

Third, the manuscript titled "Addressing the Needs of People in Prison: The Case of Prison Labour". The findings of this study suggest that the body of research examining prison work encompasses a limited number of studies that consider the perspective of prisoner needs. This paper posits that employing a nuanced framework of human needs, as articulated by Dean (2010) in "Understanding Human Need," can facilitate a more sophisticated analysis of prison work, thereby enriching our understanding of this complex issue. The article draws upon interviews conducted with 14 incarcerated individuals in Belgium. The analysis suggests that, although prison work primarily addresses the basic needs of incarcerated individuals, a more comprehensive understanding of human needs is essential. The field of social work is pivotal in facilitating the recognition and assertion of both substantial and nuanced needs of individuals in detention.¹⁶

Upon examining the three aforementioned publications, the author concludes that this paper introduces a novel concept for the application of social work sanctions as outlined in the 2023 Criminal Code. This is accomplished via a comparative analysis of the legal frameworks in the Netherlands and Finland.

2. Research Method

This research constitutes a normative legal study aimed at exploring the potential application of social work as a punitive measure, as outlined in the 2023 Criminal Code.¹⁹ This research employs a legislative framework, a conceptual methodology, and a comparative legal analysis. The legal analysis is undertaken by scrutinising the provisions within the 2023 Criminal Code that delineate social work as a criminal offence, grounded in a comprehensive review of the relevant articles within the same code.²⁰ The author subsequently assesses the potential for its application in the future implementation of

¹⁵ M Musa, Elsi Elvina, and Evi Yanti, 'Criminal Social Work To Overcome Overcapacity In Post-Pandemic Prisons', *Yuridika*, 38.1 (2023), pp. 51 – 72, doi:10.20473/ydk.v38i1.37962.

¹⁶ Liesbeth Naessens, 'Addressing the Needs of People in Prison: The Case of Prison Work; [Tegemoetkomen Aan de Noden van Mensen in de Gevangenis: Gevangenisarbeid Als Casus]', *European Journal of Social Work*, 23.6 (2020), pp. 933 – 944, doi:10.1080/13691457.2020.1805586.

¹⁹ Fransisco Tarigan and others, 'The Rights of Victims of Environmental Crimes in Indonesia: Challenges for Legal Reform', *Journal of Law, Environmental and Justice*, 3.2 (2025), doi:10.62264/jlej.v3i1.130.

²⁰ Willy Naresta Hanum and Muhamad Nafi Uz Zaman, 'Existence of Human Rights Protection in Land and Mining Conflicts : Evidence from Indonesia', *Journal of Law, Environmental and Justice*, 2.3 (2024), pp. 285–306, doi:10.62264/jlej.v2i3.107.

criminal law, determining whether the outlook is positive or negative. The analytical framework employed involved applying established legal principles to examine the stipulations regarding social work penalties as outlined in the 2023 Criminal Code, beginning with the notions of legal certainty, legal utility, and legal justice. A comparative legal analysis was undertaken to scrutinise the application of social work penalties in Finland and the Netherlands, to derive insights for the execution of social work penalties as outlined in the 2023 Criminal Code.²¹

3. Results and Discussion

The Implementation of “Social Work” Punishment in Finland

Finland is one of the countries with the lowest rates of imprisonment. Community service was adopted into the Finnish legal system on 14 December 1990. That year, Finland called for a two-year trial of community service in 12 rural districts and six cities. On 25 March 1994, the pilot programme was expanded to all Finnish courts, and the trial period ended on 31 December 1996. Subsequently, through the Act of 12 December 1996 (1996/1055), community service became a permanent form of punishment within the criminal justice system. Social work sentences are imposed with the consent of the convicted person and are based on an assessment that the convicted person will complete their sentence satisfactorily. Supervision of the social work is the responsibility of the Criminal Sanctions Agency, which is directly subordinate to the Ministry of Justice. This agency may issue warnings to convicted persons who fail to meet the requirements of social work and must notify the prosecutor if such violations are serious.²²

The purpose of community service in Finland is to support convicted persons during the execution of their sentence as an effort to address their social problems and improve their ability to live without committing criminal offences. Community service is imposed on adults and persons under the age of 21. The Criminal Sanctions Agency must assess the living conditions of the offender and their need for community support, with the assessment involving collaboration with social welfare and healthcare authorities if

²¹ Januar Rahadian Mahendra, Edwin Setiawan, and Arbend Ficasso Van Hellend, ‘Corruption Eradication in Four Asian Countries : A Comparative Legal Analysis’, *Journal of Law, Environmental and Justice*, 2.2 (2024), pp. 162–84, doi:10.62264/jlej.v2i2.98.

²² Specific Programme Criminal Justice European Commission Directorate, *FINAL NATIONAL REPORT OF THE NETHERLANDS 3E –RJ-MODEL The 3E Model for a Restorative Justice Strategy in Europe Greece, United Kingdom, Bulgaria, Finland, Hungary, Poland, Spain (Including Research Also in Turkey, the Netherlands, Denmark, Germany)* (2013).

necessary.²³ The enforcement of social work sentences must begin with supportive measures to help the convicted individual organise their life and serve their sentence. In Finland, social work sentences may be imposed as an alternative to an unconditional prison sentence of up to eight months. Social work sentences must be carried out for a minimum of 14 hours and a maximum of 240 hours of unpaid work under supervision.²⁴

The case begins when investigators start investigating a crime. If the perpetrator is between 15 and 17 years old, the local social services are asked to look after the child during the investigation. The Probation Service gets involved when the public prosecutor decides whether the facts based on the police investigation are enough to prosecute. If the legal requirements for prosecution are met, the prosecutor may request the Probation Service to prepare a pre-sentence report to assess whether the perpetrator is eligible for community service. If an alternative to detention is imposed, the Probation Service is responsible for electronic monitoring and supervision, including house arrest.²⁵

The Pre-Sentence Report is then prepared by the Probation Service to provide consideration before sentencing. This report is not legally binding on the court, but in practice, it is usually used as the basis for the decision. The Pre-Sentence Report includes the suspect's consent to accept community service. The purpose of this report is to provide the judge and the public prosecutor with information about the risk of the suspect reoffending and the rehabilitation needs that may prevent this. The Pre-Sentence Report provides a general view of the suspect's circumstances and includes the suspect's wishes and expectations regarding the sentence and the type of sanction.²⁶

The Probation Officer obtains the necessary information about the suspect's social situation from authorities such as social services, the community and the local community. Based on this assessment, the Probation Officer prepares a Pre-Sentence Report, which contains relevant information about the suspect's social circumstances. The Pre-Sentence Report may include an opinion on the necessity of imposing community service. The report may also contain other information specifically requested by the public prosecutor

²³ Matthew W Epperson and others, 'Envisioning the next Generation of Behavioral Health and Criminal Justice Interventions', *International Journal of Law and Psychiatry*, 37.5 (2014), pp. 427–38, doi:<https://doi.org/10.1016/j.ijlp.2014.02.015>.

²⁴ Makoto Ibusuki, 'On Implementing a Therapeutic Jurisprudence-Based Criminal Justice System in Japan', *International Journal of Law and Psychiatry*, 63 (2019), pp. 63–67, doi:<https://doi.org/10.1016/j.ijlp.2018.07.007>.

²⁵ Erika Gebo, 'An Integrated Public Health and Criminal Justice Approach to Gangs: What Can Research Tell Us?', *Preventive Medicine Reports*, 4 (2016), pp. 376–80, doi:<https://doi.org/10.1016/j.pmedr.2016.07.007>.

²⁶ Bandy X Lee and others, 'Violence and Health: Merging Criminal Justice, Law, Mental Health, and Public Health - Part A: Neuroscience, Epidemiology, and Revisionist Discourse', *Aggression and Violent Behavior*, 46 (2019), pp. 156–57, doi:<https://doi.org/10.1016/j.avb.2019.05.003>.

for the purpose of imposing community service. The information contained in the Pre-Sentence Report is confidential.²⁷

By the court, community service may be imposed if the sentence imposed is imprisonment for no more than eight months. The convicted person agrees to perform community service activities and is deemed capable of performing such service. Community service must be performed for a minimum of 14 hours and a maximum of 240 hours. One day of imprisonment is equivalent to one hour of social work. Social work may also be imposed as an additional sentence if the convicted person is sentenced to a conditional sentence with a probation period exceeding one year. In such cases, social work may be imposed for a maximum of 90 hours.²⁸

The Probation Service, upon receiving information about the court's decision, immediately begins arranging meetings with the convict to hear their views and provide information about matters related to the social work location, social work activities, as well as schedules and other practical arrangements. With the approval of the Probation Service, 30 hours of community service may be carried out by participating in activities organised by the Probation Service or may be replaced with rehabilitation or counselling provided by public or private health service providers or social welfare service providers. The purpose of such rehabilitation or counselling activities is to reduce the risk of the offender reoffending or engaging in drug abuse and to enhance their ability to complete social work activities. However, the convict must complete at least half of the programme activities. To ensure the successful implementation of the community service, if necessary, the convict may be compensated for travel expenses based on an assessment by the Probation Service.²⁹

Probation Officers supervise the implementation of social work activities by visiting service locations and maintaining contact with third parties involved and the convicted person themselves. If the convicted person fails to participate in the programme or discontinues it without a valid reason, or, despite being given a written warning, repeatedly or intentionally and seriously violates the obligations imposed, the Probation

²⁷ Tonia St. Germain and Susan Dewey, 'Justice on Whose Terms? A Critique of International Criminal Justice Responses to Conflict-Related Sexual Violence', *Women's Studies International Forum*, 37 (2013), pp. 36–45, doi:<https://doi.org/10.1016/j.wsif.2013.01.006>.

²⁸ Paul Roberts, 'Renegotiating Forensic Cultures: Between Law, Science and Criminal Justice', *Studies in History and Philosophy of Science Part C: Studies in History and Philosophy of Biological and Biomedical Sciences*, 44.1 (2013), pp. 47–59, doi:<https://doi.org/10.1016/j.shpsc.2012.09.010>.

²⁹ Klaus Bachmann and Aleksandar Fatić, 'Accepting the Political Face of International Criminal Justice', *International Journal of Law, Crime and Justice*, 57 (2019), pp. 26–35, doi:<https://doi.org/10.1016/j.ijlcj.2019.01.005>.

Service notifies the Prosecutor. If the prosecutor deems that the community service sentence should be changed to probation or imprisonment, the prosecutor submits a request to the district court handling the criminal case. This court may also be the district court where the convicted person resides or has their permanent domicile.³⁰

Before deciding on the case, the court must give the convicted person an opportunity to be heard. The Probation Officer must also be given the opportunity to give their opinion, if deemed necessary by the judge. The case brought by the prosecutor may be decided without the presence of the convicted person. The hearing is conducted by a single judge. An appeal against the court's decision is also possible. When community service is imposed on the defendant, the defendant's rights must be protected during its implementation.³¹ First, the defendant's consent is a mandatory prerequisite when community service is imposed. Second, the defendant must be heard when planning work activities and must agree to the plan by signing it. Third, during the period of social work activities, the convicted person must be heard, with the possibility of lodging complaints regarding alleged violations. More severe sanctions than warnings during the social work programme may only be imposed by the court. Fourth, during the probation period, the convicted person has the right to lodge a complaint regarding the validity of the decision or procedure with the Parliamentary Ombudsman and the Chancellor of Justice.³²

The Implementation of "Social Work" Punishment in Netherlands

Next is the Netherlands, which has been one of the most notable countries in successfully reducing its prison population. The Netherlands has closed 23 prisons in the last five years, from 2015 to 2020, and has the third lowest imprisonment rate in Europe. The success of the Dutch judicial system in reducing the prison population can be partly attributed to efforts to promote sentencing that is not solely focused on imposing severe penalties on those who commit crimes.³³ Under the Dutch Criminal Code, community service is a mandatory obligation to perform unpaid work for a maximum of 240 hours. Criminal courts can determine the type of work to be performed, but they can also leave

³⁰ Lynette Feder and Samantha Angel, '11 - Criminal Justice Research: Incorporating a Public Health Approach', in *Three Facets of Public Health and Paths to Improvements*, ed. by Beth Ann Fiedler (Academic Press, 2020), pp. 295–316, doi:<https://doi.org/10.1016/B978-0-12-819008-1.00011-0>.

³¹ Bandy X Lee, 'Causes and Cures X: Criminal Justice Approaches', *Aggression and Violent Behavior*, 31 (2016), pp. 237–42, doi:<https://doi.org/10.1016/j.avb.2016.11.002>.

³² Mikkel Jarle Christensen, 'From Symbolic Surge to Closing Courts: The Transformation of International Criminal Justice and Its Professional Practices', *International Journal of Law, Crime and Justice*, 43.4 (2015), pp. 609–25, doi:<https://doi.org/10.1016/j.ijlcj.2015.02.001>.

³³ Florian Jeßberger, 'A Short History of Prosecuting Crimes under International Law in Germany', *Journal of International Criminal Justice*, 21.4 (2023), pp. 779 – 792, doi:[10.1093/jicj/mqad039](https://doi.org/10.1093/jicj/mqad039).

this to the discretion of the implementing authority. In the Netherlands, the implementation of community service is entrusted to Reclasseering (Probation Services). Community service is a primary punishment that can be imposed directly, without first imposing a prison sentence.³⁴

Substitute imprisonment will be imposed if social work is not carried out without a valid reason. The duration of this is a minimum of one day and a maximum of four months. Social work ordered by the court must be completed within 18 months. Social work cannot be imposed for all types of offences. Additionally, social work sentences cannot be imposed for crimes committed within the past five years for the same offence. This means it does not apply to recidivism for the same criminal offence within the past five years. Social work sentences in the Netherlands have also proven more effective when applied to criminal offences with higher fines and shorter prison sentences.³⁵

The use of community service is effective in preventing recidivism. The recidivism rate is lower, at 40%, compared to prisoners serving prison sentences, which stands at 60%. Community service begins when the Probation Services determine where and when it will be carried out. The Probation Officer monitors whether the person performing community service is complying or intervenes if necessary. After completing the community service sentence, the Probation Officer immediately notifies the Prosecutor. The information provided by the Probation Officer, agreed upon by the Prosecutor's Office and the local Probation Service, primarily concerns the form and Probation Advice, and regular coordination is conducted between the Prosecutor's Office and the Probation Service to agree on the workflow.³⁶

In the Netherlands, public prosecutors have considerable authority to dismiss or prosecute a case. If a case is brought to court, the public prosecutor acts as the accuser and seeks a specific sentence in court. In cases where the judge imposes a sentence, the prosecutor is responsible for ensuring that the sentence is carried out. Since the late 1960s, the focus of criminal justice and sentencing has shifted further away from the courts towards out-of-court settlements. This shift has led to a reduction in the extremely high administrative burden on the criminal justice system. In order to meet the need to reduce pressure on the justice system, public prosecutors have been granted certain discretionary

³⁴ Richard F Wetzell, *Penal Reform in Imperial Germany: Conflict and Compromise*, in *The Limits of Criminological Positivism: The Movement for Criminal Law Reform in the West, 1870-1940* (2021), doi:10.4324/9780429323713-3.

³⁵ Stefan MacHura, 'Understanding the German Mixed Tribunal', *Zeitschrift Fur Rechtssoziologie*, 36.2 (2016), pp. 273 – 302, doi:10.1515/zfrs-2016-0022.

³⁶ Kirstin Drenkhahn, Fabien Jobard, and Shaïn Morisse, *Criminal Justice in Numbers*, in *Impending Challenges to Penal Moderation in France and Germany: A Strained Restraint* (2023), doi:10.4324/9781003256694-4.

powers by law. Public Prosecutors may offer offenders the option of performing community service as a condition of a transaction with the prosecutor as a form of out-of-court settlement.³⁷

With this discretion, an increasing number of criminal cases are being handled by the Public Prosecutor's Office, either in the form of conditional release or through financial transactions between the prosecutor and the offender, with the money paid to the state. The ability of Public Prosecutors to offer transactions was introduced in 1983. Initially, this involved settling cases outside of court by offering offenders the opportunity to pay a sum of money or accept other financial sanctions, such as compensation to victims, to avoid criminal prosecution in court. In the 2001 revision of the Criminal Code, public prosecutors were also authorised to offer offenders the option of performing community service as a condition of the transaction. The maximum number of hours for community service as part of a transaction is 120 hours.³⁸

This transaction cannot be applied to crimes punishable by imprisonment of six years or less. If the defendant does not accept the transaction offer, the public prosecutor may bring the case to court. For example, on 1 February 2008, public prosecutors were also given the authority to impose penalties independently, without going through the courts. This is referred to as a penal order (*'Strafbeschikking'*). The difference from a transaction is that the offender does not have to agree to the imposed sanction. The prosecutor may impose community service within the framework of the penal order for a maximum of 180 hours. The implementation of the penal order is limited to non-custodial offences. The offender may appeal the penal order to a judge. If the offender does not appeal, the sanction may be enforced. A *Strafbeschikking* may also contain additional instructions regarding the defendant's behaviour that must be complied with by the defendant. The duration of this order is a maximum of one year. In the implementation of the penal order, the Probation Service may be tasked with supervising the enforcement of the imposed sanction.³⁹

The introduction of Reclassering (the Dutch Probation Services) into the criminal justice system has brought about many changes to the case handling process. The Dutch

³⁷ Robin Hofmann, 'Formalism versus Pragmatism – A Comparative Legal and Empirical Analysis of the German and Dutch Criminal Justice Systems with Regard to Effectiveness and Efficiency', *Maastricht Journal of European and Comparative Law*, 28.4 (2021), pp. 452 – 478, doi:10.1177/1023263X211005983.

³⁸ Michael Bohlander, *Principles of German Criminal Procedure*, in *Principles of German Criminal Procedure* (2021), doi:10.5040/9781509935369.

³⁹ Arthur Hartmann and Sophie Settels, *Comparative Statistics in the Field of Restorative Justice*, in *Comparative Restorative Justice* (2021), doi:10.1007/978-3-030-74874-6_13.

Probation Services play a significant role in this process, so coordination between prosecutors and the Probation Service is essential in implementing social work at every stage of the case handling process. During the pre-trial phase, Probation Officers can intervene at an early stage in the criminal justice system. If a suspect has been detained by the police after meeting the requirements for reasonable suspicion, the local Probation Service will be notified as soon as possible.⁴⁰

Depending on the stage of the criminal process, Probation Officers can issue various types of reports. The stage of arrest and detention by the police (investigators) is an important time for assessment by probation officers. This stage provides an opportunity to intervene quickly and directly with suspects who are likely to reoffend or who need intervention (training or treatment), including supervision. A written report is prepared by the Probation Officer summarising the initial indications of a number of factors relating to the suspect. In addition, the offender is asked to sign a statement of consent, thereby authorising the Officer to take certain actions and to comply with confidentiality regulations.⁴¹

The Probation Service advises the Investigating Judge (Rechter-Commissaris) on the conditions that may warrant an extension of pre-trial detention. Detention by the investigating officer may last for a maximum of 3 days. The Probation Service advises the Investigating Judge on any special conditions that may be required during detention. The Probation Service then assesses the risks that may arise if the suspect is released and the requirements that may be necessary if the suspect is not detained until the trial begins (e.g., house arrest or electronic monitoring). In certain cases, the investigating judge may decide that the suspect may be placed under the supervision of a Probation Officer until the case is concluded.⁴²

The Public Prosecutor is responsible for formulating an appropriate sentence for the offence committed by the offender. The Probation Service will assist in recommending an appropriate sentencing response for the suspect. During the implementation phase of the decision, probation service officers will provide reports on the practical feasibility of the

⁴⁰ Thomas Weigend, 'The Potential to Secure a Fair Trial Through Evidence Exclusion: A German Perspective', *Ius Gentium*, 74 (2019), pp. 61 – 92, doi:10.1007/978-3-030-12520-2_3.

⁴¹ Kirstin Drenkhahn and Christine Morgenstern, *Preventive Detention in Germany and Europe*, in *The Wiley International Handbook on Psychopathic Disorders and the Law, 2nd Edition: Diagnosis and Treatment: Volume I and II* (2020), II, doi:10.1002/9781119159322.ch46.

⁴² Bram Meyer, Tessa van Roomen, and Eelke Sikkema, 'Corporate Criminal Liability for Corruption Offences and the Due Diligence Defence a Comparison of the Dutch and English Legal Frameworks', *Utrecht Law Review*, 10.3 (2014), pp. 37–54, doi:10.18352/ulr.283.

decision. This applies to community service and/or other non-custodial sanctions, as well as to the implementation of supervision outside prison or other measures (correctional institution programmes, orders for prisoners to be placed under hospital orders and conditional release).⁴³

The Probation Service assesses the extent to which a sentence imposed may have negative consequences for the defendant. This assessment is included in the social inquiry, which is a research instrument. The creation of this instrument faces challenges if the offender does not cooperate in the assessment process. However, in such cases, if the Probation Service has sufficient relevant information about the offender, the Probation Officer may still issue the report. To fulfil its role, the Probation Service may visit detainees in detention centres for the purpose of preparing pre-sentence reports at the request of the Public Prosecutor or the court.⁴⁴

Probation Services advises the Public Prosecutor on the possibility of seeking an out-of-court settlement through the mechanisms discussed above (transactie or Punishment Order). If the Public Prosecutor decides to bring the case to court, the recommendations of the Social Inquiry regarding the possible sentence or measures that may be imposed by the court may be taken into consideration by the Public Prosecutor. This assessment also applies to the assessment of decisions to suspend detention and the conditions to be imposed.⁴⁵ The social assessment report contains a description of the risk of recidivism, criminogenic factors, the offender's motivation to change, and a description of how this change can be achieved and the possible role of the probation officer in monitoring and intervening in behaviour. In this case, the report is intended to provide information to the judicial authorities about the impact of various potential sentences on the defendant and relate this to the defendant's chances of rehabilitation. Therefore, the report may include recommendations on the appropriate type of sentence, particularly when it comes to community service.⁴⁶

Most community service is carried out in government or private service providers

⁴³ Henning, 'Perspectives on Financial Crimes in Roman-Dutch Law: Bribery, Fraud and the General Crime of Falsity (Falsiteyt)'.

⁴⁴ Luisa Hartmann and Johannes Munzert, 'The Criminal Liability of Corrections Officers in German Prisons: The Landmark Decision of the Federal Court of Justice from November 28, 2019 (2 StR 557/18)', *German Law Journal*, 23.4 (2022), pp. 625 – 636, doi:10.1017/glj.2022.38.

⁴⁵ Annemieke Wolthuis and others, 'Dutch Developments: Restorative Justice in Legislation and in Practice', *The International Journal of Restorative Justice*, 2.1 (2019), pp. 118–34, doi:10.5553/IJRJ/258908912019002001007.

⁴⁶ Karl Härter, 'The Influence of the Napoleonic Penal Code on the Development of Criminal Law in Germany: Juridical Discourses, Legal Transfer and Codification', *Studies in the History of Law and Justice*, 11 (2018), pp. 53 – 75, doi:10.1007/978-3-319-71912-2_2.

involved in health, environmental protection, and social and cultural work. There is also a distinction between community service carried out on weekdays and community service carried out on weekends (for convicts who have jobs and cannot take days off).⁴⁷ According to research, the most common types of social work are maintenance work, gardening, cleaning and kitchen work, or a combination of these activities, and it is also possible to work on a group project. Before it was known as a 'Community Service Order', in the old law, social work was also referred to as 'unpaid labour to benefit the community/Labour Penalty'. However, this concept has been removed from the current law due to the possibility that such work could be used solely for commercial purposes, which has led to various objections from parties concerned that this could result in the exploitation of convicts.⁴⁸

Therefore, based on the Forced Labour Convention, 1930 (No. 29) of the International Labour Organisation and the European Rules on Community Sanctions and Measures, European Union, the implementation of community service to be carried out by the convicted person requires consent. This consent in this court is demonstrated by requiring an offer and consent from the convicted person.⁴⁹ The convicted person must state that they are willing to carry out the community service order before the court's decision, or after the judge decides to impose the order. Community service must not conflict with international provisions prohibiting forced labour. In practice in the Netherlands, failure to comply with the requirements of community service may serve as grounds for imprisonment. Only a small number of convicted persons are given a 'second chance' to carry out community service again.

Adoption of the Implementation of Social Work Punishment in Indonesia in the Future: Concepts and Challenges

The 2023 Criminal Code has delineated the essential elements that must be incorporated in judicial determinations regarding the imposition of community service. This includes, foremost, the duration of incarceration or the monetary penalty that the

⁴⁷ Annie de Roo and Rob Jagtenberg, 'Mediation on Trial: Dutch Court Judgments on Mediation', *Tijdschrift Voor Mediation En Conflictmanagement*, 21.4 (2017), pp. 27–46, doi:10.5553/TMD/138638782017021004004.

⁴⁸ Peter J Kurlemann and Jörg Kinzig, 'The Acquittal (After Pretrial Detention) - A Rare but Fascinating Phenomenon of the Criminal Justice System', *European Journal of Crime, Criminal Law and Criminal Justice*, 27.4 (2019), pp. 346 – 362, doi:10.1163/15718174-02704004.

⁴⁹ Grat Van Den Heuvel, 'The Parliamentary Enquiry on Fraud in the Dutch Construction Industry Collusion as Concept between Corruption and State-Corporate Crime', *Crime, Law and Social Change*, 44.2 (2005), pp. 133–51, doi:10.1007/s10611-006-9009-5.

judge has concretely mandated.⁵⁰ Secondly, the length of the social work sentence must be specified, indicating the daily hours required and the overall period for fulfilling the social work obligation. Furthermore, the repercussions for the individual convicted if they neglect to comply with the imposed social work sentence must also be articulated. The provisions stipulate that the judge is not required to specify the particular social work activities mandated for the convicted individual, nor the site at which such social work is to be conducted. In examining the implementation of community service sentences across various nations, including the Netherlands as previously mentioned, it becomes clear that although judges ought to dictate the specifics of the sentence, considerations of efficiency may warrant the delegation of the decision concerning the nature of the work to be undertaken by the convicted individual to the Dutch Reclassification Board following the trial.⁵¹

The court's ruling requires the individual found guilty to comply with the prescribed social work obligation. The inability of a convicted individual to meet the requirements of social work can lead to legal repercussions, as outlined in the 2023 Criminal Code. Should the individual found guilty neglect to meet the entirety or a portion of the mandated social work obligation without a justifiable cause, they shall face the following consequences: a) the necessity to repeat all or part of the social work sentence; b) the imposition of all or part of the prison sentence that was replaced by the social work sentence; or c) the obligation to pay all or part of the fine that was substituted by the social work sentence, or to serve a prison sentence instead of the unpaid fine.⁵²

The 2023 Criminal Code fails to provide a more precise definition of what constitutes 'without valid reasons' in the context of breaching all or part of the social work obligation. Consequently, it is conceivable that a convicted individual, despite an apparent failure to fulfil the mandated social work obligation, may not be deemed to have violated said obligation, provided they can present valid justifications. Certain circumstances allow for such actions to be undertaken. Consequently, it is essential to establish regulations that delineate the parameters of justifications or circumstances that permit the non-fulfillment of social work responsibilities. It is essential to recognize that the stipulations concerning valid reasons must fundamentally align with the widely acknowledged societal norms, in

⁵⁰ Björn Hoops, 'Legal Certainty Is Yesterday's Justification for Acquisitions of Land by Prescription. What Is Today's?', *European Property Law Journal*, 7.2 (2018), pp. 182–208, doi:10.1515/eplj-2018-0008.

⁵¹ Gjalte de Graaf, Leo Huberts, and Tebbine Strüwer, 'Integrity Violations and Corruption in Western Public Governance: Empirical Evidence and Reflection from the Netherlands', *Public Integrity*, 20.2 (2018), pp. 131–49, doi:10.1080/10999922.2017.1350796.

⁵² Ade Sathya Sanathana Ishwara, 'Reformasi Hukum Pidana: Suatu Kajian Yuridis Terhadap Pembuktian Tindak Pidana Santet Dalam KUHP Baru', *IBLAM Law Review*, 3.3 (2023), pp. 100–11.

order to avoid the legal repercussions outlined in the 2023 Criminal Code, which include the three aforementioned consequences. An examination of the Dutch Criminal Code reveals that a legitimate justification occurs when: “...unless, due to exceptional circumstances that arose after the imposition of the community service sentence, it would lead to a significant injustice.”⁵³

This pertains to the presence of compelling circumstances, such as force majeure, that arise beyond the individual's control during the execution of their social work obligations. Should the individual found guilty be considered to have breached their obligation to perform social work, it may lead to an unjust outcome for that individual. Consequently, it is essential to recognize that not every situation leading to the incomplete fulfillment of social work responsibilities, whether in part or in whole, is classified as a violation of those responsibilities. To guarantee legal clarity in their execution, it is essential to establish a mechanism for evaluating violations of social work responsibilities.⁵⁴

This evaluative process aims to ascertain whether the actions or behaviours that led to the inability to meet social work responsibilities were executed with justifiable reasoning or otherwise. The 2023 Criminal Code fails to provide any regulation concerning the review mechanism for breaches of social work obligations. Utilising the stipulations regarding conditional sentencing found in Articles 14a-f of the current Criminal Code, which encompass detailed regulations for inspections, these are articulated in the Royal Decree (KB) or Royal Decision dated May 4, 1926, as published in the State Gazette of 1926 No. 251 in conjunction with No. 486 concerning the Provisions for the Regulation of Conditional Sentencing (Regulations on Conditional Sentencing).⁵⁵

The Staatsblad outlines the framework for a straightforward legal review hearing, encompassing an evaluation of whether the violation of work obligations occurred for justifiable and rational reasons, alongside an inquiry into the legal consequences stemming from such a breach of work obligations. The evaluation is conducted by a district court judge following a petition from the public prosecutor regarding the individual's failure to fulfill obligations, by established conditions.⁵⁶ Moreover, should the

⁵³ Mary L Volcansek, ‘Decision-Making Italian Style: The New Code of Criminal Procedure’, *West European Politics*, 13.4 (1990), pp. 33 – 45, doi:10.1080/01402389008424818.

⁵⁴ Athil Khaleel Farhan, ‘Divergence in the Translation of Criminal Law: A Corpus-Based Study of Prohibition in Iraqi Penal Code and Its English Translation’, *Ampersand*, 10 (2023), p. 100104, doi:https://doi.org/10.1016/j.amper.2022.100104.

⁵⁵ Simon Butt and Sofie Arjon Schütte, ‘Assessing Judicial Performance in Indonesia: The Court for Corruption Crimes’, *Crime, Law and Social Change*, 62.5 (2014), pp. 603 – 619, doi:10.1007/s10611-014-9547-1.

⁵⁶ Eran Itskovich and Roni Factor, ‘Economic Inequality and Crime: The Role of Social Resistance’, *Journal of Criminal Justice*, 86 (2023), p. 102065, doi:https://doi.org/10.1016/j.jcrimjus.2023.102065.

individual in question be deemed guilty, the district court judge possesses the authority to mandate the enforcement of the prison sentence, or to issue a caution to the individual if they transgress the stipulations outlined in the conditional criminal sentence.

The judge must retain the discretion to assess whether, notwithstanding the established breach of work obligations by the convicted individual, the immediate enforcement of the repercussions for the violation of social work obligations as outlined in Article 85(7) of the Criminal Code is warranted. The regulation of sanctions for breaches of social work responsibilities should adhere to the principle of proportionality, calibrated to reflect the gravity of the transgression committed by the individual in the field of social work.⁵⁷ Prosecutors and judges conducting the examination are required to evaluate each violation individually, as this leads to varying legal consequences. In instances of minor infractions related to work responsibilities, it may not be fitting for the individual found to be in violation to face an immediate prison sentence or monetary penalty; instead, a caution or formal reprimand may be adequate.⁵⁸

Concerning the extent of social work obligations applicable to convicts, the 2023 Criminal Code merely stipulates the fundamental principle that the execution of social work penalties should remain free from commercial interests. The 2023 Criminal Code lacks specific elaboration on the various forms of social work activities that a court may mandate for convicted individuals; nonetheless, it does enumerate potential venues for these activities, including hospitals, orphanages, nursing homes, schools, and other social institutions.⁵⁹

It is crucial to underscore to the relevant institutions and agencies engaged in the execution of social work penalties the specific nature of the activities that convicted individuals are to undertake. Initially, the endeavours of social work serve the greater good of society; subsequently, these activities aim to facilitate the reintegration of individuals who have been convicted back into the social fabric (resocialisation). Conversely, Article 85(1) of the 2023 Criminal Code underscores the importance of situating social work assignments in proximity to the professional background of the

⁵⁷ Randikha Prabu Raharja Sasmita, Sigid Suseno, and Patris Yusrian Jaya, 'The Concept of Reasons for Eliminating Corporate Crime in Criminal Law in Indonesia', *Heliyon*, 9.11 (2023), p. e21602, doi:<https://doi.org/10.1016/j.heliyon.2023.e21602>.

⁵⁸ Gregorius Widiartana, Vincentius Patria Setyawan, and Ariesta Wibisono Anditya, 'Ecocide as an Environmental Crime: Urgency for Legal Reform in Indonesia', *Journal of Law, Environmental and Justice*, 3.2 (2025), pp. 268–308, doi:10.62264/jlej.v3i2.129.

⁵⁹ Daswanto Daswanto and others, 'Authority of the Ministry of Environment in the Investigation of Money Laundering from Environmental Crimes', *Journal of Law, Environmental and Justice*, 3.2 (2025), pp. 309–41, doi:10.62264/jlej.v3i2.134.

convicted individual. This ensures that social work initiatives provide individuals involved in criminal activities the opportunity to make a positive impact on society, while also taking into account their unique needs and abilities in light of their specific circumstances during sentencing.

Rommelink posits that the labour requirements placed upon offenders should be directly connected to the crimes they have perpetrated. For instance, an individual convicted of vandalizing public property in a specific locale should be mandated to restore and maintain the area affected by their actions. Rommelink posits that the labour undertaken by the convicted individual serves as a means of restitution to society for the damage inflicted.⁶⁰

It is also important to acknowledge the necessity for adjustments to the social work obligations that have been established. Situations may arise in which an individual who has been convicted finds themselves unable to fulfill their social work responsibilities, perhaps due to health issues or other legitimate factors that hinder their ability to engage in such work, notwithstanding their willingness to participate. In the Netherlands, if the prosecutor determines that the convicted individual is unable or incapable of fulfilling the work required by the imposed sentence, modifications to social work obligations are permissible, provided that the revised obligations closely resemble the previously established ones. Further references can be found within the existing Criminal Code, which allows for modifications to the conditions set by the prosecutor for a convicted individual under conditional sentencing. The current Criminal Code allows for the modification of social work obligations, which the prosecutor can initiate upon a proposal from the Probation Office, or at the request of the convicted individual, who may seek a change in these obligations from the court (judge).

4. Conclusion

The conclusions that can be drawn from this paper regarding the adoption of social work as a punishment in the new Indonesian Criminal Code so that it can be used as an alternative punishment oriented towards utility and legal certainty are as follows:

- a. In terms of court decisions in the provisions of the National Criminal Code, there is no obligation for judges to include information regarding the social work activities that must be carried out by the convicted person and the place where the social work will be carried out;
- b. The social work obligations ordered by the judge in the court

⁶⁰ Krzysztof Szczucki, 'Ethical Legitimacy of Criminal Law', *International Journal of Law, Crime and Justice*, 53 (2018), pp. 67–76, doi:<https://doi.org/10.1016/j.ijlcj.2018.03.002>.

decision must be fulfilled by the convicted person. Failure to fulfil the social work obligations by the convicted person results in legal consequences. The National Criminal Code does not further define what is meant by ‘without valid reasons’ in relation to violating all or part of the social work obligations. Thus, there is a possibility that even if the convicted person has clearly failed to carry out the social work obligations that have been imposed, they are not automatically considered to have violated the social work obligations as long as they have a valid reason. There are conditions that allow this to be done. Therefore, there needs to be regulation regarding the scope of the reasons or conditions that allow for the non-fulfilment of social work obligations; c. Regarding the scope of social work activities that can be imposed on convicted persons, the 2023 Criminal Code only regulates the principle that the implementation of social work penalties must not be commercialised. The 2023 Criminal Code does not provide further regulations on the social work activities that may be imposed by a court decision on convicted persons; however, the 2023 Criminal Code provides examples of places where social work activities may be carried out.

5. References

- Ambos, Kai, and others, *Core Concepts in Criminal Law and Criminal Justice: Anglo-German Dialogues: Volume I*, in *Core Concepts in Criminal Law and Criminal Justice: Volume 1, Anglo-German Dialogues* (2019), doi:10.1017/9781108649742
- Bachmann, Klaus, and Aleksandar Fatić, ‘Accepting the Political Face of International Criminal Justice’, *International Journal of Law, Crime and Justice*, 57 (2019), pp. 26–35, doi:https://doi.org/10.1016/j.ijlcj.2019.01.005
- Bazemore, Gordon, ‘Crime Victims, Restorative Justice and the Juvenile Court: Exploring Victim Needs and Involvement in the Response to Youth Crime’, *International Review of Victimology*, 6.4 (1999), pp. 295–320, doi:10.1177/026975809900600404
- Bohlander, Michael, *Principles of German Criminal Procedure*, in *Principles of German Criminal Procedure* (2021), doi:10.5040/9781509935369
- Braithwaite, John, *Crime, Shame and Reintegration* (Cambridge University Press, 1989), doi:10.1017/CBO9780511804618
- Butt, Simon, and Sofie Arjon Schütte, ‘Assessing Judicial Performance in Indonesia: The Court for Corruption Crimes’, *Crime, Law and Social Change*, 62.5 (2014), pp. 603 – 619, doi:10.1007/s10611-014-9547-1
- Choi, Jung Jin, Diane L. Green, and Michael J. Gilbert, ‘Putting a Human Face on Crimes: A Qualitative Study on Restorative Justice Processes for Youths’, *Child and Adolescent*

Social Work Journal, 28.5 (2011), pp. 335–55, doi:10.1007/s10560-011-0238-9

- Christensen, Mikkel Jarle, 'From Symbolic Surge to Closing Courts: The Transformation of International Criminal Justice and Its Professional Practices', *International Journal of Law, Crime and Justice*, 43.4 (2015), pp. 609–25, doi:https://doi.org/10.1016/j.ijlcj.2015.02.001
- Daswanto, Daswanto, and others, 'Authority of the Ministry of Environment in the Investigation of Money Laundering from Environmental Crimes', *Journal of Law, Environmental and Justice*, 3.2 (2025), pp. 309–41, doi:10.62264/jlej.v3i2.134
- Drenkhahn, Kirstin, Fabien Jobard, and Shaïn Morisse, *Criminal Justice in Numbers, in Impending Challenges to Penal Moderation in France and Germany: A Strained Restraint* (2023), doi:10.4324/9781003256694-4
- —, and Christine Morgenstern, *Preventive Detention in Germany and Europe*, in *The Wiley International Handbook on Psychopathic Disorders and the Law, 2nd Edition: Diagnosis and Treatment: Volume I and II* (2020), II, doi:10.1002/9781119159322.ch46
- Epperson, Matthew W, and others, 'Envisioning the next Generation of Behavioral Health and Criminal Justice Interventions', *International Journal of Law and Psychiatry*, 37.5 (2014), pp. 427–38, doi:https://doi.org/10.1016/j.ijlp.2014.02.015
- Farhan, Athil Khaleel, 'Divergence in the Translation of Criminal Law: A Corpus-Based Study of Prohibition in Iraqi Penal Code and Its English Translation', *Ampersand*, 10 (2023), p. 100104, doi:https://doi.org/10.1016/j.amper.2022.100104
- Feder, Lynette, and Samantha Angel, '11 - Criminal Justice Research: Incorporating a Public Health Approach', in *Three Facets of Public Health and Paths to Improvements*, ed. by Beth Ann Fiedler (Academic Press, 2020), pp. 295–316, doi:https://doi.org/10.1016/B978-0-12-819008-1.00011-0
- Gebo, Erika, 'An Integrated Public Health and Criminal Justice Approach to Gangs: What Can Research Tell Us?', *Preventive Medicine Reports*, 4 (2016), pp. 376–80, doi:https://doi.org/10.1016/j.pmedr.2016.07.007
- Germain, Tonia St., and Susan Dewey, 'Justice on Whose Terms? A Critique of International Criminal Justice Responses to Conflict-Related Sexual Violence', *Women's Studies International Forum*, 37 (2013), pp. 36–45, doi:https://doi.org/10.1016/j.wsif.2013.01.006
- Graaf, Gjalte de, Leo Huberts, and Tebbine Strüwer, 'Integrity Violations and Corruption in Western Public Governance: Empirical Evidence and Reflection from the Netherlands', *Public Integrity*, 20.2 (2018), pp. 131–49, doi:10.1080/10999922.2017.1350796

- Hanum, Willy Naresta, and Muhamad Nafi Uz Zaman, 'Existence of Human Rights Protection in Land and Mining Conflicts : Evidence from Indonesia', *Journal of Law, Environmental and Justice*, 2.3 (2024), pp. 285–306, doi:10.62264/jlej.v2i3.107
- Härter, Karl, 'The Influence of the Napoleonic Penal Code on the Development of Criminal Law in Germany: Juridical Discourses, Legal Transfer and Codification', *Studies in the History of Law and Justice*, 11 (2018), pp. 53 – 75, doi:10.1007/978-3-319-71912-2_2
- Hartmann, Arthur, and Sophie Settels, *Comparative Statistics in the Field of Restorative Justice*, in *Comparative Restorative Justice* (2021), doi:10.1007/978-3-030-74874-6_13
- Hartmann, Luisa, and Johannes Munzert, 'The Criminal Liability of Corrections Officers in German Prisons: The Landmark Decision of the Federal Court of Justice from November 28, 2019 (2 StR 557/18)', *German Law Journal*, 23.4 (2022), pp. 625 – 636, doi:10.1017/glj.2022.38
- Henning, Johan, 'Perspectives on Financial Crimes in Roman-Dutch Law: Bribery, Fraud and the General Crime of Falsity (Falsiteyt)', *Journal of Financial Crime*, 16.4 (2009), pp. 295 – 304, doi:10.1108/13590790910993771
- Heuvel, Grat Van Den, 'The Parliamentary Enquiry on Fraud in the Dutch Construction Industry Collusion as Concept between Corruption and State-Corporate Crime', *Crime, Law and Social Change*, 44.2 (2005), pp. 133–51, doi:10.1007/s10611-006-9009-5
- Hofmann, Robin, 'Formalism versus Pragmatism – A Comparative Legal and Empirical Analysis of the German and Dutch Criminal Justice Systems with Regard to Effectiveness and Efficiency', *Maastricht Journal of European and Comparative Law*, 28.4 (2021), pp. 452 – 478, doi:10.1177/1023263X211005983
- Hoops, Björn, 'Legal Certainty Is Yesterday's Justification for Acquisitions of Land by Prescription. What Is Today's?', *European Property Law Journal*, 7.2 (2018), pp. 182–208, doi:10.1515/eplj-2018-0008
- Ibusuki, Makoto, 'On Implementing a Therapeutic Jurisprudence-Based Criminal Justice System in Japan', *International Journal of Law and Psychiatry*, 63 (2019), pp. 63–67, doi:https://doi.org/10.1016/j.ijlp.2018.07.007
- Ishwara, Ade Sathya Sanathana, 'Reformasi Hukum Pidana: Suatu Kajian Yuridis Terhadap Pembuktian Tindak Pidana Santet Dalam KUHP Baru', *IBLAM Law Review*, 3.3 (2023), pp. 100–11
- Itskovich, Eran, and Roni Factor, 'Economic Inequality and Crime: The Role of Social Resistance', *Journal of Criminal Justice*, 86 (2023), p. 102065, doi:https://doi.org/10.1016/j.jcrimjus.2023.102065

- Jeßberger, Florian, 'A Short History of Prosecuting Crimes under International Law in Germany', *Journal of International Criminal Justice*, 21.4 (2023), pp. 779 – 792, doi:10.1093/jicj/mqad039
- Kerrison, Erin M., 'Exploring How Prison-Based Drug Rehabilitation Programming Shapes Racial Disparities in Substance Use Disorder Recovery', *Social Science & Medicine*, 199 (2018), pp. 140–47, doi:10.1016/j.socscimed.2017.08.002
- Kurlemann, Peter J, and Jörg Kinzig, 'The Acquittal (After Pretrial Detention) - A Rare but Fascinating Phenomenon of the Criminal Justice System', *European Journal of Crime, Criminal Law and Criminal Justice*, 27.4 (2019), pp. 346 – 362, doi:10.1163/15718174-02704004
- Lee, Bandy X, 'Causes and Cures X: Criminal Justice Approaches', *Aggression and Violent Behavior*, 31 (2016), pp. 237–42, doi:https://doi.org/10.1016/j.avb.2016.11.002
- —, and others, 'Violence and Health: Merging Criminal Justice, Law, Mental Health, and Public Health - Part A: Neuroscience, Epidemiology, and Revisionist Discourse', *Aggression and Violent Behavior*, 46 (2019), pp. 156–57, doi:https://doi.org/10.1016/j.avb.2019.05.003
- MacHura, Stefan, 'Understanding the German Mixed Tribunal', *Zeitschrift Fur Rechtssoziologie*, 36.2 (2016), pp. 273 – 302, doi:10.1515/zfrs-2016-0022
- Mahendra, Januar Rahadian, Edwin Setiawan, and Arbend Ficasso Van Hellend, 'Corruption Eradication in Four Asian Countries : A Comparative Legal Analysis', *Journal of Law, Environmental and Justice*, 2.2 (2024), pp. 162–84, doi:10.62264/jlej.v2i2.98
- Meyer, Bram, Tessa van Roomen, and Eelke Sikkema, 'Corporate Criminal Liability for Corruption Offences and the Due Diligence Defence a Comparison of the Dutch and English Legal Frameworks', *Utrecht Law Review*, 10.3 (2014), pp. 37–54, doi:10.18352/ulr.283
- Musa, M, Elsi Elvina, and Evi Yanti, 'Criminal Social Work To Overcome Overcapacity In Post-Pandemic Prisons', *Yuridika*, 38.1 (2023), pp. 51 – 72, doi:10.20473/ydk.v38i1.37962
- Naessens, Liesbeth, 'Addressing the Needs of People in Prison: The Case of Prison Work; [Tegemoetkomen Aan de Noden van Mensen in de Gevangenis: Gevangenisarbeid Als Casus]', *European Journal of Social Work*, 23.6 (2020), pp. 933 – 944, doi:10.1080/13691457.2020.1805586
- Nurcahyo, Nanang, and others, 'Reform of the Criminal Law System in Indonesia Which Prioritizes Substantive Justice', *Journal of Law, Environmental and Justice*, 2.1 (2024), pp.

89–108, doi:10.62264/jlej.v2i1.91

- Pawelec, Szymon, *Consensual Procedures in Criminal Law - Comparative Perspective*, in *Consensual Procedures in Criminal Law - Comparative Perspective* (2023), doi:10.3726/b21120
- Rahadian, Januar, and Silas Oghenemaro, 'Monodualistic and Pluralistic Punishment Politics in Criminal Code Reform: Lessons from Indonesia', *Journal of Law, Environmental and Justice*, 1.3 (2023), pp. 225–43, doi:10.62264/jlej.v1i3.17
- Rasdi, Rasdi, and others, 'Reformulation of the Criminal Justice System for Children in Conflict Based on Pancasila Justice', *Lex Scientia Law Review*, 6.2 (2022), pp. 479–518, doi:10.15294/lesrev.v6i2.58320
- Rizo, Cynthia Fraga, and others, 'Human Trafficking Services for Youth with Minoritized Identities: Application of an Access to Care Framework', *Children and Youth Services Review*, 172 (2025), p. 108263, doi:https://doi.org/10.1016/j.childyouth.2025.108263
- Roberts, Paul, 'Renegotiating Forensic Cultures: Between Law, Science and Criminal Justice', *Studies in History and Philosophy of Science Part C: Studies in History and Philosophy of Biological and Biomedical Sciences*, 44.1 (2013), pp. 47–59, doi:https://doi.org/10.1016/j.shpsc.2012.09.010
- Roo, Annie de, and Rob Jagtenberg, 'Mediation on Trial: Dutch Court Judgments on Mediation', *Tijdschrift Voor Mediation En Conflictmanagement*, 21.4 (2017), pp. 27–46, doi:10.5553/TMD/138638782017021004004
- Sasmita, Randikha Prabu Raharja, Sigid Suseno, and Patris Yusrian Jaya, 'The Concept of Reasons for Eliminating Corporate Crime in Criminal Law in Indonesia', *Heliyon*, 9.11 (2023), p. e21602, doi:https://doi.org/10.1016/j.heliyon.2023.e21602
- Smith, Roger, 'Criminal Justice and Social Work Practice', in *International Encyclopedia of the Social & Behavioral Sciences (Second Edition)*, ed. by James D Wright, Second Edition (Elsevier, 2015), pp. 208–13, doi:https://doi.org/10.1016/B978-0-08-097086-8.28020-3
- Specific Programme Criminal Justice European Commission Directorate, *FINAL NATIONAL REPORT OF THE NETHERLANDS 3E -RJ-MODEL The 3E Model for a Restorative Justice Strategy in Europe Greece, United Kingdom, Bulgaria, Finland, Hungary, Poland, Spain (Including Research Also in Turkey, the Netherlands, Denmark, Germany)* (2013)
- Szczucki, Krzysztof, 'Ethical Legitimacy of Criminal Law', *International Journal of Law, Crime and Justice*, 53 (2018), pp. 67–76, doi:https://doi.org/10.1016/j.ijlcj.2018.03.002
- Tarigan, Fransisco, and others, 'The Rights of Victims of Environmental Crimes in

- Indonesia: Challenges for Legal Reform', *Journal of Law, Environmental and Justice*, 3.2 (2025), doi:10.62264/jlej.v3i1.130
- Volcansek, Mary L, 'Decision-Making Italian Style: The New Code of Criminal Procedure', *West European Politics*, 13.4 (1990), pp. 33 – 45, doi:10.1080/01402389008424818
- Weigend, Thomas, 'The Potential to Secure a Fair Trial Through Evidence Exclusion: A German Perspective', *Ius Gentium*, 74 (2019), pp. 61 – 92, doi:10.1007/978-3-030-12520-2_3
- Wetzell, Richard F, *Penal Reform in Imperial Germany: Conflict and Compromise*, in *The Limits of Criminological Positivism: The Movement for Criminal Law Reform in the West, 1870-1940* (2021), doi:10.4324/9780429323713-3
- Widiartana, Gregorius, Vincentius Patria Setyawan, and Ariesta Wibisono Anditya, 'Ecocide as an Environmental Crime: Urgency for Legal Reform in Indonesia', *Journal of Law, Environmental and Justice*, 3.2 (2025), pp. 268–308, doi:10.62264/jlej.v3i2.129
- Wolthuis, Annemieke, and others, 'Dutch Developments: Restorative Justice in Legislation and in Practice', *The International Journal of Restorative Justice*, 2.1 (2019), pp. 118–34, doi:10.5553/IJRJ/258908912019002001007
- Zehr, Howard, 'Commentary: Restorative Justice: Beyond Victim-offender Mediation', *Conflict Resolution Quarterly*, 22.1–2 (2004), pp. 305–15, doi:10.1002/crq.103
- Zulyadi, Rizkan, and Mohammad Belayet Hossain, 'Alternative Criminal Punishments for the Settlement of Misdemeanor in a Social Justice Perspective', *Law Reform: Jurnal Pembaharuan Hukum*, 18.1 (2022), pp. 43 – 57, doi:10.14710/lr.v18i1.44712