Reform of the Criminal Justice System: Decarceration Policy in the Context of Indonesian Criminal Law

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Abstract

This paper analyzes Indonesia's penal system reform by positioning decarceration as a key strategy to reduce reliance on prisons, address overcrowding, and strengthen public safety. Normatively, the 2023 Criminal Code (KUHP) has affirmed non-imprisonment as the principal punishment through Article 64 and Article 65 paragraph 1, and provides cautionary guidelines regarding prison sentences derived from Article 70. Downstream, Law 22/2022 concerning Corrections provides instruments for remission, assimilation, and social reintegration. This research uses a juridical normative approach with a comparative analysis of the Tokyo Rules and international policy evidence on smart decarceration. The results indicate that the effectiveness of decarceration depends on three factors. First, prosecution and sentencing guidelines that prioritize community service and supervision for low-risk cases. Second, strengthening the capacity of correctional centers and Community Guidance Officers, along with community service networks, to reduce crime risk factors. Third, transparent and auditable data governance to monitor compliance and recidivism. Policy recommendations include the development of a sentencing grid for targeted cases, pilot projects in several courts, integration of public performance dashboards, and a mechanism for victim recovery through restitution. In conclusion, Indonesia has a sufficient foundation to transform its criminal justice system toward a more humane, proportionate, and sustainable model, provided that the upstream and downstream policy package is implemented consistently and based on evidence [1][4].

Keywords: Reform, 2023 Criminal Code, correctional, Decarceration.

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Introduction

The debate on reforming the Indonesian penal system has entered a crucial phase following the enactment of Law Number 1 of 2023 concerning the Criminal Code, which many see as a catalyst for reorienting the penal system away from reliance on imprisonment and toward more proportionate and recovery-oriented alternatives. Globally, this shift is known as decarceration, a strategy for reducing the use of prisons and suppressing the prison population through strengthening non-prison sentences, expanding community-based programs, and restructuring parole policies, remissions, and other mechanisms that accelerate the social reintegration of prisoners [1][2].

*Decarceration*not just about numbers, but also a paradigm shift regarding why punishment is imposed and how it impacts the perpetrator, the victim, and society. For a long time, thinkers such as Muladi and Barda Nawawi Arief have emphasized that ideally, criminal policy should be a rational instrument for community protection integrated with social policy, not just a punitive reaction that triggers recidivism and institutional burdens [3][4]. In Indonesia, this idea has a special context considering the historical burden of the legacy of Wetboek van Strafrecht and the classic problem of overcrowding that has been repeatedly reported, so that real reform requires design changes, not just increasing the physical capacity of prisons [5][6].

At the normative level, the 2023 Criminal Code introduces and affirms the existence of forms of non-imprisonment as part of the main punishment. Among the most frequently discussed are community service and supervision. In policy explanations and various official socializations, community service is linked to Articles 64 and 65, while the spirit of limiting imprisonment in certain cases is articulated in the formulation of Article 70 of the 2023 Criminal Code, which emphasizes the careful application of imprisonment and opens up space for alternatives [7][8]. Beyond the text of the Criminal Code, international soft law frameworks such as the United Nations Standard Minimum Rules for Non-custodial Measures or the Tokyo Rules provide a principled basis for expanding non-imprisonment measures while still guaranteeing the protection of the human rights of those subject to sanctions [9].

This shift in orientation is relevant to the empirical situation of correctional institutions. Official data from the Directorate General of Corrections, which is regularly available to the public, shows that the occupancy rate of correctional institutions and detention centers in recent years has tended to be above ideal capacity, which has implications for the quality of guidance, access to health services, and the burden on correctional human resources [10][11]. The condition of overcrowding has also been raised in various analytical papers and policy reports, which emphasize that infrastructure development strategies alone are insufficient without repositioning punishment towards evidence-based non-prison alternatives [12].

More specifically, the 2023 Criminal Code signals the strengthening of alternative criminal penalties through the categorization of principal penalties that include social work and supervision. In the practice of socialization and policy reviews, it is stated that social work is specifically aimed at crimes with certain threats, and its implementation is accompanied by a monitoring mechanism by prosecutors and community counselors so that the goal of rehabilitation is achieved in the community without imprisoning the perpetrator [7][13]. This emphasis is important as a bridge to decarceration, because successfully curbing the rate of people entering prison is not merely a matter of reducing prison terms, but also changing sentencing preferences and sentencing practices in the field [7][13].

Correctional policies outside the Criminal Code also play a crucial role. Law Number 22 of 2022 concerning Corrections restructures instruments for sentence reduction and reintegration processes, such as remission, assimilation, and various forms of pre-release leave, which can reduce overcrowding while maintaining accountability for corrections [14][15]. With

proper design, these instruments are not merely administrative tools, but part of a decarceration strategy that aligns the goals of punishment with the interests of social reintegration and recidivism prevention [14][16].

International scholarly discourse reinforces this direction. The literature on smart decarceration emphasizes three axes: minimizing the harmful impacts of mass incarceration, maximizing public safety through evidence-based interventions, and ensuring racial and social justice in law enforcement practices [1]. Empirical studies, on the other hand, demonstrate a variety of effective strategies, ranging from reforming sentencing policies and expanding parole to community interventions that reduce criminal risk factors without incarceration [2][17]. Within Indonesia's normative framework, this reading encourages the full, synchronous utilization of the 2023 Criminal Code and the 2022 Corrections Law, including contextsensitive prosecution and sentencing guidelines [1][2][17].

In Indonesian criminal law theory, the foundation for decarceration has long been in place. Muladi's criminal policy concept views crime prevention as a rational and organized effort that integrates penal and non-penal approaches, while Barda Nawawi Arief emphasizes the need to integrate criminal law policy with social policy for effective prevention and rehabilitation [3][4]. This framework encourages policymakers to view imprisonment as the ultimum remedium for many types of crime, and prioritizes community-based sanctions, supervision, fines, and other proportionate measures [3][4].

At the practical level, the success of decarceration is largely determined by three pillars. First, the design of clear regulations on the terms and limitations of non-imprisonment sentences, including the criteria for the offense, duration, supervision procedures, and sanctions for non-compliance. Normative references in the 2023 Criminal Code, which regulate community service and supervision, along with the formulation of precautionary measures limiting imprisonment, provide a starting point for developing technical guidelines for prosecution and sentencing [7][8]. Second, the institutional capacity of prosecutors, judges, and community counselors to identify cases worthy of alternative treatment and design community development plans. Third, support for the local social, mental health, and employment services ecosystem, which public policy studies have shown plays a role in reducing the risk of relapse, thereby ensuring public safety objectives are met [17].

The aspects of victims' rights and reparations must also be considered. The Tokyo Rules require that non-imprisonment measures not prioritize victims' rights, but rather integrate restitution, compensation, and other forms of reparations consistent with the principles of justice [9]. In the Indonesian context, establishing procedures to ensure victims' meaningful hearing and involvement when non-imprisonment is considered is a prerequisite for public legitimacy. In other words, decarceration is not a compromise on accountability, but rather a smart way to achieve effective, recovery-oriented accountability [9].

From an international perspective, valuable lessons come from jurisdictions that have reduced prison populations through a combination of sentencing reform, alternative sentencing strategies, and expanded parole. A policy report examining several states in the United States, for example, shows that prison populations have declined over time through consistent, datadriven policy packages, rather than stand-alone policies.[2] These findings suggest that Indonesia needs to harmonize its 2023 Criminal Code, the 2022 Corrections Law, and related policies such as prosecution guidelines, sentencing guidelines, and transparent risk assessment standards.[2]

The implementation challenges are certainly real. Legal culture has long-held preferences for sentencing, rooted in the image of imprisonment as a measure of state assertiveness. Institutionally, shifting the burden of work from prison walls to community spaces requires adequate guidance infrastructure, credible oversight, and a unified database for compliance reporting. Regulatory-wise, synchronization between regulations, including fines, community

service requirements, and limits on prison conversions, must be firm to ensure judges and prosecutors have legal certainty when choosing alternatives. Recent academic and policy reviews in Indonesia propose repositioning imprisonment and strengthening community service as a substitute for short-term imprisonment, while maintaining public safety through strict oversight [13][11].

The urgency of decarceration is also linked to budget efficiency and the effectiveness of crime prevention. Several studies emphasize that prison overcrowding does not automatically correlate with a decrease in crime, but can actually exacerbate social risk factors after release due to stigma and social disconnection. Community interventions, substance use services, and employment support have been shown to be more cost-effective and reduce recidivism when managed with a sound risk-need-responsivity approach [17][1]. Within the Indonesian framework, decarceration aligns with the correctional mission of restoring inmates to become useful members of society while minimizing further offenses [16].

At this point, it is important to reaffirm the fundamental articles that will form the basis of the analysis in the following sections. First, the categorization of the main penalties that include community service and supervision as referred to in Articles 64 and 65 of the 2023 Criminal Code is formal evidence that the law's drafters are preparing a non-imprisonment pathway at the heart of positive criminal law [7]. Second, the spirit of limiting imprisonment and preferring alternatives under certain conditions is implied in the prudential formulation of Article 70 of the 2023 Criminal Code, which is widely cited in policy studies [8]. Third, synchronization with Law Number 22 of 2022 concerning Corrections provides tools for reducing prison terms and reintegration, such as remission and assimilation, which, if implemented consistently, can reduce overcrowding without sacrificing accountability [14][15].

Thus, decarceration in the Indonesian context is not a one-time agenda, but rather a multilevel strategy that requires harmonization of norms, guidelines for law enforcement actors, and preparedness of the social ecosystem. The 2023 Criminal Code provides an opportunity to shift the default from prison to smarter alternatives. The 2022 Corrections Law provides a responsible exit path for those already in the system. International standards such as the Tokyo Rules ensure that transfers from prison to community spaces do not compromise human rights protections. The challenge is to ensure that public safety, victims' rights, and legal certainty remain at the heart of every decision, while measuring performance with open data on occupancy, recidivism, and program compliance [9][10].

Literature Review

The decarceration discourse is based on a critique of mass incarceration and calls for the expansion of evidence-based non-custodial sanctions. Globally, the Tokyo Rules affirm the principles of non-custodial measures with guaranteed protection of human rights and public safety [1]. In Indonesia, the 2023 Criminal Code restructures the basic types of punishment beyond imprisonment, including supervision and community service. The spirit of limiting the use of imprisonment under certain conditions is articulated in Article 70 of the 2023 Criminal Code [2][3]. The smart decarceration policy literature emphasizes reducing the impact of imprisonment, strengthening public safety through community intervention, and social justice as a policy orientation [4].

Research Methodology

This research uses a normative legal approach with an emphasis on systematic interpretation of relevant laws and regulations, particularly the 2023 Criminal Code and Law Number 22 of 2022 concerning Corrections. The analysis begins with a reading of the structure

of sanctions in Article 64 of the 2023 Criminal Code which groups types of crimes, then Article 65 paragraph (1) of the 2023 Criminal Code which details the main crimes including supervision, fines, and community service. The research also pays attention to policy references in Article 70 of the 2023 Criminal Code which emphasizes caution in imposing prison sentences and opens up preferences for alternatives in certain circumstances [2][3].

Next, criminal norms are mapped against the correctional framework. Law 22/2022 regulates the functions and objectives of the correctional system, including instruments for sentence reduction and social reintegration, such as remission and assimilation, which are operationalized through implementing provisions. Analysis of this law is crucial to understand how decarceration occurs not only upstream through the choice of sanctions, but also downstream through accountable, gradual release mechanisms [5][6].

In addition to primary legal materials, the research utilizes secondary legal materials in the form of policy articles, research reports, and relevant academic reviews. At the international level, the United Nations Standard Minimum Rules for Non-custodial Measures, or Tokyo Rules, are used as a comparative standard that emphasizes the principles of non-custodial measures and their minimum safeguards [1]. At the comparative policy level, The Sentencing Project's report on decarceration strategies in five states in the United States and the Institute for Justice Research and Development's smart decarceration concept paper provide an empirical and conceptual basis for designing effective policies without compromising public safety [4][7].

The analysis technique used is qualitative-descriptive analysis. First, a grammatical and systematic interpretation of the articles of the 2023 Criminal Code and Law 22/2022 is conducted to identify norms that explicitly or implicitly support decarceration. Second, a comparative analysis links national norms with the Tokyo Rules to examine the suitability of principles such as proportionality, individualization, and proper supervision. Third, a policy analysis is conducted by combining official correctional data on occupancy and system load with proposed implementation designs at the prosecution and sentencing levels to ensure operational recommendations [8][9].

The analysis is expected to provide a strong argument for shifting the orientation of sentencing policy toward measurable decarceration, with three main indicators. First, a reduction in the proportion of short-term prison sentences replaced with community service or supervision in certain types of cases. Second, an increase in the use of transparent and accountable reintegration tools. Third, a measurable impact of the policy on public safety through indicators of recidivism and program compliance. This indicator framework was formulated by adapting international best practices without ignoring the Indonesian institutional context [4][7].

Results

4.1 The urgency and theoretical basis of decarceration policy in the Indonesian penal system

Changes to the architecture of criminal sanctions in the 2023 Criminal Code provide an opportunity to restructure Indonesia's criminal policy so that it does not rely on imprisonment as the primary response for as many types of crimes as possible. Article 64 of the 2023 Criminal Code emphasizes the classification of criminal penalties, while Article 65 paragraph (1) of the 2023 Criminal Code includes supervision, fines, and community service penalties as the main penalties. This is a normative signal that lawmakers consciously place non-imprisonment sanctions on a par with imprisonment in the criminal hierarchy, not merely peripheral additions [2][10].

The urgency of decarceration is evident in the problem of overcapacity in correctional institutions, which has implications for the quality of education, access to health services, and the burden on the state budget. Official data from the Directorate General of Corrections shows high levels of overcrowding in recent years, something repeatedly highlighted in official publications and policy coverage [8][9]. At this point, increasing prison buildings is not a longterm answer. Many studies confirm that strategies based on mass incarceration do not automatically reduce crime and can increase post-conviction social risk factors such as stigma and community disconnection. Decarceration addresses this problem by shifting the focus from prison capacity to social capacity to prevent relapse through targeted interventions [4].

Conceptually, decarceration is rooted in the idea of a multifaceted purpose of punishment. Modern punishment combines deterrence, proportionate retaliation, rehabilitation, and victim recovery. International standards, such as the Tokyo Rules, emphasize the need for states to promote non-imprisonment measures and provide minimum safeguards to ensure that punishment in the community remains accountable and oriented toward public safety [1]. In the Indonesian context, this framework aligns with the goals of the correctional system in Law 22/2022, which prioritizes social reintegration and provides legitimate administrative tools to alleviate overcrowding, such as remission and assimilation, the implementation of which is detailed in technical provisions [5][6].

From a criminal policy perspective, Indonesian criminal law experts have long positioned sentencing policy as part of social policy. A policy direction that combines penal and non-penal approaches requires the courage to shift the preference from short-term imprisonment to community sanctions with good supervision. Here, Article 70 of the 2023 Criminal Code serves as a normative guideline that emphasizes that imprisonment should be avoided under certain circumstances, providing judges and prosecutors with a basis for prioritizing alternative punishment as a first choice, not a last resort. [3]

In practice, community service and supervision provide concrete instruments for achieving decarceration. Several policy publications and judicial outreach programs interpret community service as applicable to crimes with specific threats, with supervision by prosecutors and community counselors. Some reviews also mention more detailed operational arrangements in articles following Article 65, such as technical provisions regarding the requirements and supervision of community service implementation [10][11]. With proper design, community service is not simply a light punishment, but rather a measurable, plannedbased, and relevant developmental framework for the perpetrator and the victim's recovery interests.

A classic criticism of community-based sentencing concerns public safety. The smart decarceration literature addresses this by designing evidence-based interventions along three axes. First, minimizing the negative impacts of mass incarceration, which often perpetuate inequality. Second, maximizing public safety with interventions that target polar risk factors, such as substance abuse or mental health disorders, through community-based services. Third, ensuring social justice and reducing disparities in law enforcement so that policy benefits do not only benefit a subset of the population [4][7]. These principles are compatible with the Indonesian correctional system if they are followed by prosecution guidelines, sentencing guidelines, and mentoring protocols based on risk and needs assessments.

In judicial practice, decarceration needs to be institutionalized through sentencing guidelines that prioritize community service and supervision as the primary options for certain categories of cases, particularly minor to moderate offenses, or cases that consider the best interests of children and the elderly. The principles of proportionality and individualization of punishment should be anchored, so that alternative options are not generic, but tailored to the offender's profile. To strengthen accountability, draft decisions can mandate detailed community service plans, reporting schedules, and clear compliance indicators, with escalating sanctions

for significant non-compliance. Such a model aligns with the Tokyo Rules, which require proper oversight and record-keeping [1].

Synchronization between upstream and downstream processes is also crucial. Upstream is the prosecution and sentencing phase, which selects alternatives from the outset. Downstream is the correctional phase, which ensures the reintegration process is ongoing, including access to remissions and measurable assimilation programs to reduce overcrowding. Law 22/2022 provides this framework, while implementing regulations and correctional technical guidelines operationalize the provision of assimilation in accordance with statutory provisions. When these two aspects are in sync, decarceration no longer relies on momentary policies but becomes the system's permanent architecture [5][6].

Another important component is public legitimacy through victim protection. Community sentences must not marginalize victims' rights to reparation. Mechanisms that can be integrated into sentencing include mandatory restitution and community service relevant to the impact of the crime, along with mandatory counseling services if needed. This remains within the bounds of criminal proportionality and does not replace the state's obligation to protect victims, but rather adds a concrete dimension of reparation. International good practice supports this approach as long as monitoring and evaluation are conducted transparently [1].

Finally, the urgency of decarceration in Indonesia is also fiscal and administrative. Mass incarceration places a significant burden on the budget, from infrastructure to daily operations. Comparative policy reports show that states that have successfully reduced their prison populations have done so through integrated policy packages such as adjusting sentencing guidelines, eliminating mandatory minimum sentences for certain offenses, expanding specialized courts, and diverting cases to community intervention. These lessons can be translated to the Indonesian context by strengthening the existing legal framework in the 2023 Criminal Code and Law 22/2022 and preparing technical guidelines for each link in the justice process [12][4].

In summary, the theoretical and normative basis for decarceration in Indonesia rests on four pillars. The first pillar is the 2023 Criminal Code, which expands the basic nonimprisonment penalties and provides guidelines for prison sentences through Article 64, Article 65 paragraph (1), and Article 70. The second pillar is the correctional system in Law 22/2022, which emphasizes the goal of social reintegration and provides tools for reducing prison sentences. The third pillar is the international standard of the Tokyo Rules, which guides the principles and minimum safeguards for non-imprisonment measures. The fourth pillar is evidence of smart decarceration policies and research, which demonstrates how to reduce the prison population without compromising public safety [2][1].

With these four pillars, the decarceration agenda is no longer an abstract idea. It can be operationalized as a working guideline for prosecutors and judges, a guidance protocol for correctional facilities, and a budget policy that shifts some of the budget from expanding prison capacity to strengthening community services and oversight systems. The following section will map implementation challenges and propose concrete steps to ensure decarceration becomes a consistent, measurable, and publicly accepted policy.

4.2 Challenges of implementing and designing operational decarceration policies in Indonesia

The decarceration agenda will remain mere jargon if it is not translated into operational steps at every link in the criminal justice chain. Indonesia already has a normative foundation through the 2023 Criminal Code and Law 22/2022 concerning Corrections, but its implementation requires a mutually reinforcing policy architecture ranging from prosecution, sentencing, to community guidance. The key position is to ensure that non-imprisonment options are truly the first preference for eligible cases, while imprisonment remains available

but is used selectively and proportionally according to the principle of ultimum remedium. Here, Article 64 and Article 65 paragraph (1) of the 2023 Criminal Code are important because they place supervision, fines, and community service as primary punishments, not merely peripheral options [1][2].

First, there needs to be explicit prosecution guidelines encouraging prosecutors to propose alternative sentences from the charge bargaining stage through to the indictment. These guidelines could be based on Article 70 of the 2023 Criminal Code, which in practice, socialization and policy references, is interpreted as a cautionary warning against easily imposing prison sentences in certain circumstances. With these guidelines, prosecutors have a normative basis for recommending community service or supervision for crimes with relatively low penalties, especially when the perpetrator's profile and social harm allow for rehabilitation without imprisonment. [3] Furthermore, prosecution guidelines should include a documented matrix of aggravating and mitigating factors, so that decisions to promote decarceration are not solely dependent on individual preferences but are based on objective indicators.

Second, sentencing guidelines for judges need to be drafted in as much detail as possible to make Article 64 and Article 65 paragraph (1) truly operational in sentencing decisions. These guidelines can emulate the good practices of other jurisdictions that prioritize community sanctions for minor to moderate offenses, with clear requirements regarding duration, type of community service, reporting obligations, and consequences for non-compliance. This need is in line with the Tokyo Rules framework, which emphasizes the importance of appropriate conditions and supervision for public safety when non-imprisonment measures are chosen [4]. Individualized and proportionate sentencing can be designed through a combination of community service and supervision, so that the offender undergoes concrete obligations that are relevant to the impact of the crime on the community.

Third, the selection of cases eligible for decarceration must be based on clear and communicated criteria. In the practice of judicial outreach, Article 85 of the 2023 Criminal Code (KUHP) limits community service to crimes punishable by imprisonment of less than 5 years, and when the judge will essentially impose a maximum of 6 months' imprisonment or a category II fine. This criterion can be used as a gatekeeper that requires the use of community service first in certain cases, unless there is a valid written reason to deviate. The oversight mechanism by prosecutors and guidance by Community Guidance Officers (PK), as emphasized in the judicial outreach materials, complements the prerequisites for accountable decarceration [5][6].

Fourth, the capacity of correctional facilities and community service networks is crucial for success. Decarceration shifts some of the correctional work from prison walls to public spaces, necessitating investment in risk and needs assessment systems, community development training, and partnerships with social service, mental health, and employment agencies. Law 22/2022 already lays out the framework for social reintegration goals, but its implementation will be effective if accompanied by measurable performance indicators at the Directorate General of Corrections level. The indication of overcrowding in official Directorate General of Corrections data demonstrates the urgency of repositioning this policy: limited capacity cannot be addressed simply by adding buildings without intelligently managing inflows and outflows [7][8].

Fifth, public legitimacy must be maintained through victim protection and participation. The Tokyo Rules emphasize that non-imprisonment measures must be accompanied by minimum safeguards, including restitution where relevant and appropriate supervision. This can be translated into sentencing orders requiring community service relevant to the impact of the crime, restitution payments where there is measurable harm, and specific counseling if the offender's personal risk factors indicate a need for such. With this format, decarceration is not perceived as a "leniency," but rather as an effective and recovery-oriented form of accountability [4].

Sixth, upstream-downstream synergy must be explicitly regulated. Upstream means prosecutors and judges consistently choose community sentences in cases that meet the requirements according to Article 65 paragraph (1) and operational provisions interpreted from Article 85. Downstream means the Directorate General of Corrections prepares a transparent reintegration path, including guidance services, compliance monitoring, and standardized reporting that can be reviewed by the court if conditions are violated. With a concise electronic reporting system, judges can quickly respond to non-compliance through escalatory sanctions such as additional community service hours or measured conversion to imprisonment if serious violations occur repeatedly [6][7].

Seventh, a pilot decarceration project should be developed in several district courts with varying case profiles. Pilot courts can develop local sentencing grids that prioritize community service and supervision for certain crimes, such as minor offenses against public order, some low-value economic crimes, or cases with objectively low risk. At the same time, the Prosecutor's Office in the pilot area can develop a charging policy that prioritizes alternative sentences, accompanied by limited diversion if the requirements are met. Regular evaluation of alternative sentence rates, compliance, and recidivism rates will provide evidence of the grid's effectiveness and potential for expansion to other areas [9][10].

Eighth, international benchmarking helps formulate realistic policy packages. The Sentencing Project report shows that jurisdictions that successfully reduced prison populations did so through a combination of: adjusting the threshold for sentencing, restricting mandatory minimums for certain categories, expanding parole, and evidence-based community interventions. The key lesson is that no single policy is sufficient; what works is a consistent, data-driven policy package. This principle is relevant in Indonesia: use Article 64 and Article 65 paragraph (1) as an alternative front door, clarify Article 85's criteria for case screening, and align it with downstream reintegration channels [9][10].

Ninth, clear public communication will minimize resistance. Many objections to decarceration stem from the misconception that alternatives mean impunity. Policy messages should emphasize that community sentences still require offenders to fulfill concrete obligations, be under supervision, and face consequences for violating conditions. Providing performance data, such as reduced overcrowding, stable recidivism rates among target groups, and completed community service hours, will demonstrate the policy's value for public safety and budget effectiveness [7][8].

Tenth, data governance must be the backbone. The success of decarceration is measured by three indicators: a decrease in the proportion of short-term prison sentences in targeted cases, an increase in the use of community service and supervision as per Article 65 paragraph (1), and consistent compliance as reflected in low levels of conditional violations. The Directorate General of Corrections should integrate a public dashboard linking decision data, case profiles, and guidance outcomes. This transparency aligns with the spirit of accountability in the modern justice system, while also encouraging continuous improvement at the policy level [7].

Eleventh, integration with local social policies is key. Smart decarceration emphasizes the importance of community investment in addiction services, mental health, job training, and family support. This can be achieved by establishing a memorandum of understanding between correctional institutions, social services, community health centers, and community-based rehabilitation centers (BLK) to ensure that offenders placed in the community truly receive interventions that reduce criminal risk factors. These interventions are not merely add-ons, but rather the core of a recidivism reduction strategy that adds value to community-based criminal justice [10].

Twelfth, curriculum development and certification for Community Counselors need to be prioritized. Community Counselors are at the forefront of decarceration, but workload and variations in field capacity can impact the quality of supervision. Competency-based

certification, such as risk-need-responsivity assessments, individual development plan design, and motivational interviewing techniques, will improve the consistency of services across regions. Thus, the mandate of Article 65 paragraph (1) and the engineering of the implementation of Article 85 will not stop on paper, but will come to life in measurable and auditable guidance practices [6].

Thirteenth, there needs to be a feedback loop from the judiciary to policymakers. Decisions that utilize community service and supervision can clarify normative constraints that are still perceived as unclear, such as the scope of "appropriate community service activities," standard hours, or the consequences of minor versus serious offenses. Reports on the experiences of pilot courts will help ministries/agencies refine implementing regulations and guidelines, allowing decarceration to mature over time without waiting for major legislative revisions [5][9].

Fourteenth, protecting vulnerable groups must be a priority. References to Article 70 of the 2023 Criminal Code in policy communications, particularly in the context of juvenile justice, indicate a direction that imprisonment should be "avoided as much as possible" in certain circumstances, in line with the principle of the best interests of the child under the Child Protection Act. This spirit can be extended as a general principle of proportionality to other vulnerable groups, with practical guidelines that ensure public safety remains paramount. [3] Therefore, decarceration should not be understood as a uniform policy, but rather as a framework that is sensitive to the offender's profile and social impact.

Fifteenth, budgetary policies need to be gradually shifted from expanding prison infrastructure to strengthening community ecosystems. This includes the provision of a userfriendly electronic compliance monitoring system, the development of a case management system for PKs, and incentives for local governments that partner with the government to provide community service slots. Experience in other jurisdictions has shown that such policy packages can reduce prison populations without increasing public safety risks, as long as case selection and supervision are carried out in a disciplined manner [9][10].

Sixteenth, external oversight by civil society and academics will enhance legitimacy. The government can provide access to aggregated and anonymized data for research into the impact of decarceration policies. Regular publications, such as quarterly reports on trends in alternative decisions, case review workloads, and condition violation rates, will maintain public trust and identify implementation weaknesses as early as possible. In the medium term, these evidencebased policy reviews will enrich updated guidelines and address potential gaps [7].

Seventeenth, internal communication strategies between judicial institutions must be strengthened. The Supreme Court, through knowledge channels such as MariNews, is seen actively promoting new criminal penalties, including community service and supervision. Such channels can serve as a vehicle for sharing best practices in decisions that effectively implement Article 85, including the format of rulings and supervisory tools deemed successful in reducing violations of conditions. The circulation of these good practices will accelerate the learning curve and encourage national consistency [5][6]. Ultimately, the overall design must return to a simple question: does decarceration make society safer and the justice system fairer? The answer depends on the clarity of the criteria for targeted cases, the thoroughness of community development plans, the quality of supervision, and the transparency of data. By making Article 64, Article 65 paragraph (1), Article 70, and Article 85 of the 2023 Criminal Code the policy hub; synergizing them with the reintegration goals of Law 22/2022; and utilizing the Tokyo Rules standards as a guiding principle, Indonesia has a real opportunity to make decarceration a permanent part of its criminal justice architecture. The homework is to execute the details: developing guidelines, strengthening capacity, building data, and testing policies through openly evaluated pilots [2][4].

Conclusion

This paper asserts that decarceration is a viable and urgent policy strategy for Indonesia to address overcapacity, streamline budgets, and improve the quality of criminal justice without sacrificing public safety. Normatively, the 2023 Criminal Code (KUHP) positions nonimprisonment as the principal punishment through the classification of types of punishment in Article 64 and the inclusion of supervision, fines, and community service in Article 65 paragraph 1. The cautious approach to imprisonment imposed by Article 70 provides guidance for law enforcement actors to prioritize alternatives for eligible cases, while Law 22/2022 concerning Corrections provides downstream channels in the form of accountable remission, assimilation, and reintegration.

Conceptually, decarceration rests on the multiple objectives of sentencing. International standards, through the Tokyo Rules, guide the implementation of non-imprisonment measures with the principles of proportionality, individualization, and appropriate oversight to ensure public safety and ensure victims' rights are not violated. In comparative practice, consistent, evidence-based policy packages have been shown to reduce prison populations, not through a single policy but through a series of upstream and downstream interventions measured by data on achievement and recidivism. The study's key finding is the need to prioritize community service and supervision as first-line options for certain low-risk cases, along with detailed prosecution and sentencing guidelines. Downstream, the capacity of correctional facilities, the competence of Community Guidance Officers, and community service networks must be strengthened to ensure community-based programs effectively reduce crime risk factors. Without a robust institutional architecture and data governance, decarceration risks remaining merely policy jargon.

The practical implication is that the government and judicial institutions need to develop operational guidelines that include case selection criteria, auditable sentencing formats for community service and supervision, and escalatory sanction schemes for violations of conditions. Strengthening public performance dashboards on housing, compliance, and recidivism will maintain legitimacy and enable continuous improvement. Furthermore, social legitimacy must be maintained by ensuring victim recovery through restitution and meaningful involvement in the process, so that alternatives to punishment are perceived by the public as effective accountability, not leniency. By integrating the pillars of the 2023 Criminal Code, the correctional ecosystem in Law 22/2022, the Tokyo Rules standards, and evidence of smart decarceration policies, Indonesia has a sufficient foundation to shift from the default prison paradigm to smart and humane sentencing. The next agenda is execution: establishing guidelines, building capacity, ensuring the availability of community services, and testing policies through openly evaluated pilots. If implemented consistently, decarceration will become a permanent architecture of sentencing that is fairer, more effective, and more sustainable for society.

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