The Gap Between Norms and Implementation in Narcotics Criminal Law Enforcement in Indonesia A Study on the North Sumatra Police

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Abstract

Criminal law enforcement against narcotics crimes in Indonesia faces a fundamental problem in the form of a gap between legal norms (*law in books*) and their implementation (*law in action*). This study aims to analyze these gaps and identify factors that affect the effectiveness of narcotics criminal law enforcement, especially in the North Sumatra Police. The method used is juridical-empirical with a descriptive-analytical approach through literature studies and interviews with law enforcement officials. The results of the study show that normatively, the legal framework for narcotics in Indonesia is adequate, but in practice there is still a significant gap marked by the high number of case disclosures that are not directly proportional to the decline in narcotics trafficking. These gaps are influenced by interrelated structural, technical, contextual, and coordinating factors. This study confirms that law enforcement is still dominated by a repressive approach and has not been optimal in breaking the systemic crime network. Therefore, policy transformation is needed through a paradigm shift towards *a network disruption approach*, technology-based capacity building, integration of penal and non-penal policies, and strengthening coordination based on an integrated system. The novelty of this research lies in the integrative analysis between norms and practices with an empiricallybased criminal law policy approach.

Keywords: Criminal Law Enforcement, Narcotics, Law In Books, Law In Action, Policy Criminal Law

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Introduction

Narcotics crime is a form of serious *crime* that not only impacts public health, but also threatens social, economic, and national security stability. In the global context, narcotics crime is categorized as *transnational organized crime* that involves cross-border networks with increasingly complex and adaptive operating patterns. Indonesia, as a country with a strategic geographical position in international trade routes, faces high vulnerability to illicit narcotics trafficking, both as a market and as a transit route.

Normatively, the state has provided a strong legal basis through Law Number 35 of 2009 concerning Narcotics which comprehensively regulates prohibitions, criminal sanctions, and rehabilitation mechanisms for abusers. In addition, the criminal justice system in Indonesia has placed law enforcement officials, especially the police, as the front line in handling narcotics crimes through the investigation and investigation function. However, the existence of complete legal norms does not automatically guarantee the effectiveness of law enforcement in the field.

In the perspective of modern legal theory, this condition is known as the gap between *law in books* and *law in action* . This gap shows the difference between what is regulated in legal norms and the reality of its implementation in the field. In the context of narcotics law enforcement in Indonesia, this gap is a crucial issue because even though the intensity of enforcement is increasing, narcotics trafficking still shows a fluctuating trend and tends to increase.

Empirical data in the last five years shows that the narcotics problem in Indonesia is still at an alarming level. Based on data from the National Narcotics Agency (BNN), the prevalence of narcotics abuse in the 2023-2025 period reaches around 2.11% of the total productive age population or equivalent to around 4.15 million people. This figure shows an increase compared to 2023 which was in the range of 1.73%. In fact, in general, the number of narcotics abusers in Indonesia is estimated to reach around 3.3 million people in 2024–2025. This increase in prevalence shows that narcotics are still a real threat that cannot be optimally controlled.

From the aspect of law enforcement, data from the Indonesian National Police shows the high number of narcotics cases handled every year. In 2021 there were around 43,294 cases, which then increased to around 45,253 cases in 2022. This trend continues in the following years, where until October 2025 alone, 38,456 narcotics cases have been successfully acted upon by the National Police, even reaching more than 38,934 cases in the same period. The data shows that narcotics crimes remain quantitatively high, even placing it as one of the types of crimes with the highest handling rate in Indonesia.

Furthermore, in terms of social structure, the impact of narcotics is also reflected in the number of inmates and prisoners in narcotics cases which reached 141,016 people in 2024–2025, consisting of trafficking perpetrators and users. This shows that the problem of narcotics is not only criminal, but has also become a complex and systemic social phenomenon.

In the regional context, North Sumatra Province occupies a strategic position as well as being vulnerable to narcotics trafficking in Indonesia. Based on BNN data, North Sumatra is the province with the highest number of prisoners in narcotics cases in 2024, reaching 19,378 people. The high number is inseparable from the geographical character of the area which has sea routes, unofficial ports, and relatively open cross-regional access, thus facilitating the circulation of narcotics both on a national and international scale.

The role of the North Sumatra Regional Police, especially the Directorate of Drug Investigation (Ditresnarkoba), has become very strategic in efforts to enforce narcotics criminal laws. In practice, the Directorate of Narcotics is not only tasked with taking action against the perpetrators, but also uncovering the circulation network, confiscating evidence, and coordinating with other institutions such as BNN and the prosecutor's office. However, the high number of case disclosures on the one hand actually shows that narcotics trafficking is still very massive in the region.

This phenomenon shows a paradox in the enforcement of narcotics laws, namely the higher the intensity of enforcement, but it is not always followed by a decrease in crime rates. This condition indicates that the law enforcement carried out still tends to be repressive and has not been fully effective in breaking the narcotics circulation network systemically. In addition, various obstacles such as limited human resources, forensic technology, and inter-agency coordination also affect the effectiveness of law enforcement.

Thus, the main problem in the enforcement of narcotics criminal law in Indonesia does not only lie in the normative aspect, but also in the implementation aspect. The gap between legal norms and law enforcement practices is a central issue that needs to be studied in depth, especially in the context of the role of regional police officers such as the North Sumatra Police. Analysis of these gaps is important to evaluate the effectiveness of criminal law policies and formulate more comprehensive and sustainable law enforcement strategies. Based on this description, the formulation of the problem in this study is:

(1) What is the gap between legal norms *(law in books)* and the implementation of narcotics criminal law *enforcement (law in action)* in Indonesia, especially in the North Sumatra Police; and
(2) What are the factors that affect the effectiveness of narcotics criminal law enforcement in practice?

Literature Review 1. Narcotics Criminal Law Enforcement

Criminal law enforcement is the process of applying legal norms through the mechanism of the criminal justice system involving the police, prosecutor's office, courts, and correctional institutions. In the context of narcotics crimes, law enforcement has special characteristics because these crimes are organized, cross-country, and have a wide impact on society. Law Number 35 of 2009 concerning Narcotics provides a strong legal basis in dealing with narcotics crimes, both through a repressive (penal) and preventive (non-penal) approach. However, various studies show that the effectiveness of narcotics law enforcement still faces serious challenges, especially in terms of implementation.

2. Law *in Books* and *Law in Action Theory*

The concepts *of law in books* and *law in action* emphasize that the existence of legal norms is not always in line with the practice of their implementation. In narcotics law enforcement, this gap can be seen from the high number of cases handled but has not been able to significantly suppress narcotics trafficking. Research shows that the main problem lies not in the lack of regulation, but in implementing factors such as apparatus capacity, infrastructure, and coordination between institutions.

3. The Criminal Justice System and the Role of the Police

In the criminal justice system, the police have a strategic role as an initial subsystem that determines the quality of the next legal process. The optimal performance of the investigation will affect the success of the prosecution and court decisions. However, empirical research shows that narcotics law enforcement by the police still faces structural constraints such as limited human resources and technology, which have an impact on the effectiveness of disclosing crime networks.

4. Criminal Policy

Criminal law policy in narcotics control does not only focus on criminalization, but also on prevention and rehabilitation approaches. An approach that is too repressive is considered less effective in the long term because it does not touch the root of the problem. Therefore, integration between penal and non-penal approaches is needed to create a more comprehensive and sustainable law enforcement system.

Various studies show that obstacles to narcotics law enforcement include limited human resources, lack of forensic technology, complexity of crime networks and weak coordination

between institutions. These obstacles are the main factors that cause a gap between norms and implementation in narcotics law enforcement.

Table 1. Previous Research

Yes	Author & Year	Research Title	Method	Key Findings	Research Gap
1	Ardian et al. (2026)	Effectiveness of the Narcotics Law	Juridical and Empirical	Enforcement has not been effective	Not yet discussed law in action (E-Journal Dzurriyatul Quran)
2	Isvany et al. (2024)	Narcotics criminal law	Qualitative	High implementation challenges	Not focusing on the institution (Bosowa University)
3	Amalia (2024)	Law enforcement problems	Normative	Multiple structural barriers	Not empirically based (jurnalfsh.uinsa.ac.id)
4	Smith (2024)	Narcotics prevention	Qualitative	There is a need for a preventive approach	Minimal policy analysis (J-Innovative)
5	Ancient (2023)	Narcotics law enforcement	Descriptive	Dominant suppression	No gap analysis of norms (Research Journal)
6	Saragih (2021)	Narcotics law enforcement	Empirical	There are implementation obstacles	Not focusing on the police
7	Goddess (2022)	Criminal justice system	Normative	The police play an important role	Non-narcotic specific
8	Holiday rentals (2023)	Regional narcotics enforcement	Empirical	Areas prone to affect	No theoretical approach
9	Lubis (2022)	Coastal Narcotics	Empirical	Significant geographical factors	Not discussing policies
10	Nasution (2024)	Coordination of the apparatus	Empirical	Poor coordination	Not focused on law in action
11	Primary (2023)	Effectiveness of investigations	Empirical	limited human resources	Not discussing the legal gap
12	Suhardin (2022)	Criminal law enforcement	Theory	Important structural factors	Non-narcotic specific
13	Syahputra (2023)	Law enforcement barriers	Empirical	Dominant structural barriers	Non-integrative

14	Astuti (2021)	Narcotics crime policy	Normative	There is a need for a comprehensive approach	Lack of empirical data
15	Fadli (2021)	Criminal law policy	Theory	Penal + non-penal important	Not case-specific
16	Noble (2020)	Criminal Procedure Law	Normative	The procedure is clear	Not discussing implementation
17	Marzuki (2021)	Legal research methods	Conceptual	The importance of empirical	Not focusing on narcotics
18	Samosir	Indonesian	Theory	The system is	No practice evaluation
Yes	**Author & Year**	**Research Title**	**Method**	**Key Findings**	**Research Gap**
	(2021)	criminal law		adequate	
19	Son (2020)	Criminal justice system	Normative	Essential integrated systems	Not applicable
20	Saragih (2024)	Narcotics policy	Empirical	The need for policy reform	Not focusing the gap

Source: Author (2026)

Based on the analysis of 20 previous studies, it can be concluded that the majority of studies still focus on normative approaches (*law in books*) or are limited to empirical studies that are partial. These studies have generally not been able to comprehensively integrate normative and implementive aspects in the enforcement of narcotics criminal law. The prominent weakness is the absence of studies that explicitly discuss the gap between legal norms and the practice of their implementation (*law in action*), as well as the lack of integration of multidimensional approaches that combine legal theory, empirical data, and criminal law policy perspectives. In addition, most studies have not placed local police institutions as the main locus of empirical analysis, even though the role of the police is very strategic in the criminal justice system.

Thus, there is a significant *research gap*, namely the absence of a study that comprehensively analyzes the comparison between *law in books* and *law in action* in the enforcement of narcotics criminal law based on empirical studies at the local police level, with an integrative criminal law policy approach. Therefore, this research has novelty that lies in the effort to fill the gap between normative and empirical approaches through an integrated analysis between theory and practice, with a focus on strategic institutions, namely the North Sumatra Police. In addition, this study also contributes to critically examining the effectiveness of narcotics criminal law enforcement, not only in terms of legality, but also in terms of implementation and its impact on the sustainable management of narcotics crimes.

Research Methodology

This study uses a juridical-empirical approach that aims to analyze the suitability between the applicable legal norms *(law in books)* and the practice of law enforcement of narcotics criminal law in the field *(law in action),* especially at the Directorate of Drug Investigation of the North Sumatra Police. This approach was chosen because it is able to examine the law not only as a written norm, but also as a social behavior implemented by law enforcement officials

in empirical reality. The type of research used is empirical legal research with descriptiveanalytical specifications. This research is descriptive because it seeks to describe systematically and factually the implementation of narcotics criminal law enforcement, as well as analytical because it examines and evaluates the gap between the normative provisions in Law Number 35 of 2009 concerning Narcotics and its implementation practice at the regional police level. Thus, this study not only photographs factual conditions, but also provides a critical assessment of the effectiveness of law enforcement carried out.

The data sources in this study consist of primary data and secondary data. Primary data was obtained through interviews with informants who have direct competence and experience in handling narcotics cases, especially investigators or officials within the North Sumatra Police Directorate of Narcotics. Meanwhile, secondary data was obtained through literature studies that included primary legal materials in the form of laws and regulations, especially Law Number 35 of 2009 concerning Narcotics, the Criminal Procedure Code, and internal police regulations. In addition, secondary legal materials in the form of books, scientific journals, results of previous research, and official reports related to the handling of narcotics cases are also used to strengthen the research analysis. The data collection technique is carried out through two main methods, namely literature study and interview. Literature studies were conducted to obtain relevant theoretical and normative foundations, while interviews were conducted to explore empirical data on law enforcement practices, obstacles faced, and dynamics of the implementation of narcotics crime investigation tasks. The data obtained was then analyzed using a qualitative analysis method with an interpretive approach, namely by classifying, connecting, and interpreting empirical data with normative provisions and theories used in the research.

The results of the analysis are used to identify gaps between norms and implementation in the enforcement of narcotics criminal laws, as well as formulate applicable recommendations in order to increase the effectiveness of criminal law policies in Indonesia, especially in the context of handling narcotics crimes by local police officers.

Results 1. The gap between Law in Books and Law in Action in Narcotics Law Enforcement

Normatively, the legal framework for countering narcotics crimes in Indonesia has been comprehensively regulated through Law Number 35 of 2009 concerning Narcotics. These regulations not only regulate the types of prohibited acts and criminal sanctions imposed, but also include rehabilitation policies for abusers as well as the role of various institutions in the criminal justice system. From the perspective of *law in books*, it can be said that Indonesia already has adequate legal instruments to deal with narcotics problems. In its implementation, the police apparatus, especially the Directorate of Drug Investigation of the North Sumatra Police, has carried out law enforcement functions through investigation, investigation, and enforcement activities. Empirical data shows that in the last five years, the number of narcotics cases handled by the police tends to be high and even shows an increase. In the North Sumatra region, the intensity of case disclosure and the confiscation of large amounts of evidence reflects a fairly strong operational capacity in carrying out action.

However, if analyzed more deeply, the high number of case disclosures does not necessarily indicate success in suppressing narcotics trafficking. On the contrary, these conditions indicate that narcotics trafficking is still going on massively and crime networks continue to grow. This phenomenon shows that there is a gap between ideal legal norms and the reality of implementation on the ground. The gap can be seen from several indicators. First, from a quantitative aspect, the increase in the number of cases handled every year shows that the law enforcement approach is still reactive, focusing on cracking down on arrested perpetrators, not on systematic efforts to break the narcotics trafficking network. Second, from a qualitative aspect, the law enforcement process is often unable to uncover the intellectual actors or main

networks behind narcotics trafficking, so that enforcement targets more lower-level perpetrators.

In addition, in practice, there is still a difference between legal norms that prioritize a rehabilitative approach for abusers and implementation in the field that tends to focus on criminalization. This shows that the principle of criminal law policy that integrates penal and non-penal approaches has not been fully applied optimally. From the perspective of legal theory, this condition reinforces the view that the effectiveness of law is not only determined by the quality of norms, but also by legal structure and cultural factors. A legal structure that includes law enforcement officials, as well as a legal culture that reflects the mindset and practices of law enforcement, has an important role in determining whether or not the law can run effectively. Thus, it can be concluded that although normatively the narcotics legal system in Indonesia is adequate, in practice there is still a significant gap between *law in books* and *law in action*. This gap is an indicator that narcotics criminal law enforcement has not been fully effective in achieving its main goal, which is to suppress narcotics trafficking and protect the community.

2. Factors Affecting the Effectiveness of Narcotics Criminal Law Enforcement

The effectiveness of narcotics criminal law enforcement cannot be separated from various interrelated factors, both structural, technical, and contextual. Based on the results of empirical research, there are several main factors that affect the effectiveness of law enforcement in the North Sumatra Regional Police area.

Structural Factors

Structural factors are related to the institutional capacity of law enforcement officials, especially the police. One of the main obstacles faced is the limitation of human resources who have special competencies in the field of narcotics. Handling narcotics crimes requires special skills, such as the ability to conduct organized network investigations, the use of intelligence technology, and forensic analysis.

However, in practice, the number of investigators available is not proportional to the burden of cases that must be handled. The high number of cases causes investigators to have to handle many cases at the same time, potentially affecting the quality of investigations. In addition, high personnel turnover is also an obstacle in maintaining continuity and professionalism in case handling.

Another structural factor is the limitation of supporting facilities and infrastructure, such as forensic technology and laboratories. In the case of narcotics, scientific proof is very important to ensure the validity of the evidence. The limitations of these facilities can slow down the investigation process and potentially affect the strength of the evidence in court.

Technical Factors

Technical factors are related to the complexity of the modus operandi of narcotics crimes that continue to develop. Narcotics networks today no longer use conventional methods, but have made use of digital technologies, such as encrypted communications and electronic-based financial transactions. This requires law enforcement officials to have adequate technical capabilities in dealing with these developments.

In addition, the process of collecting evidence in narcotics cases often faces obstacles, especially in terms of proving broader network involvement. Many cases stop at field actors because of the difficulty of uncovering the main actors behind the narcotics trafficking network.

Another technical constraint is limited access to data and information needed to support the investigation process, including financial and communication data. Although there is a mechanism for cooperation between institutions, in practice such access does not always run quickly and effectively.

Contextual Factors

Contextual factors are related to the geographical and social conditions of the North Sumatra region, which is one of the strategic routes for narcotics trafficking. This area has extensive sea access as well as many small ports that are difficult to supervise optimally. This condition is used by narcotics networks to smuggle prohibited goods.

In addition, high public mobility and proximity to international trade routes are also factors that facilitate the circulation of narcotics. In this context, law enforcement faces challenges that are not only criminal in nature, but also related to the social and economic conditions of the community.

Inter-Agency Coordination Factors

Narcotics law enforcement involves various institutions, such as the police, the National Narcotics Agency (BNN), the prosecutor's office, and judicial institutions. Normatively, there has been a coordination mechanism between these institutions. However, in practice, the coordination has not always run optimally.

Differences in authority, procedures, and work priorities between agencies are often obstacles in handling narcotics cases, especially those involving large networks and crossregions. In addition, there is still a tendency of sectoral egos that hinder synergy between institutions.

Conclusion

This study shows that there is a real gap between legal norms (*law in books*) and the implementation of narcotics criminal law enforcement (*law in action*) in Indonesia, especially in the North Sumatra Police. Normatively, the legal framework regulated in Law Number 35 of 2009 concerning Narcotics has been adequate in regulating aspects of prohibition, criminalization, and rehabilitation. However, in practice, law enforcement still faces a paradox, namely the high intensity of case disclosure which is not followed by a significant decrease in narcotics trafficking. This emphasizes that the gap does not originate from the weakness of norms, but from the limitations of implementation influenced by structural, technical, contextual, and coordinating factors. Limited human and technological resources, complexity of crime modus operandi, strategic geographical conditions, and suboptimal synergy between institutions are the main factors that hinder the effectiveness of law enforcement.

Within this framework, transformative strategic steps are needed to bridge the gap between norms and implementation. Law enforcement needs to be directed at a paradigm shift from *a case handling-based* approach to a more systemic and long-term oriented *approach to network disruption*. In addition, strengthening the capacity of law enforcement officials must be carried out through specialization-based competency enhancement and modern technology support, especially in the field of digital intelligence and forensics. The reformulation of criminal law policy is also important by integrating penal and non-penal approaches in a balanced manner, so that it focuses not only on enforcement, but also on prevention and rehabilitation. On the other hand, strengthening inter-agency coordination through an integrated data-based system is the key to increasing the effectiveness of handling complex and crossregional narcotics cases. Thus, efforts to bridge the gap between *law in books* and *law in action* cannot be done partially, but require comprehensive reforms based on integrative, adaptive, and sustainable policy approaches.

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