

# Normative Analysis of Criminal Accountability for Transnational Organized Drug Smuggling through False Concealment at Yogyakarta International Airport

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## Abstract

This study discusses the legal gap in determining criminal liability for Transnational Organized Crime (TOC) networks that use false concealment methods in smuggling liquid methamphetamine at Yogyakarta International Airport. The main problem lies in the limitations of Indonesian criminal law in reaching criminal liability not only for the direct perpetrators, but also for the entire syndicate structure, such as coordinators, facilitators, and financiers, because the method of concealment makes it difficult to prove. This study uses a normative juridical approach by analyzing the integration between the Narcotics Law



(Law No. 35 of 2009) as *lex specialis* and the Criminal Code, specifically Articles 55 and 56, in determining collective criminal liability. The results show that the method of disguising narcotics in the form of consumer goods reveals normative and structural weaknesses in the current criminal liability system. As a scientific contribution, this study proposes an expanded model of criminal liability that integrates narcotics law, the doctrine of participation, and money laundering provisions to cover the entire TOC network. This study concludes that strengthening criminal liability for transnational narcotics crimes requires updating legal doctrines, strengthening international cooperation, and implementing additional legal provisions to make law enforcement more effective and provide a deterrent effect.

### **KEYWORDS**

Transnational Organized Crime (TOC); False Concealment; Criminal Accountability; Narcotics Crime; Indonesian Criminal Law

## **Introduction**

Globalization has significantly increased the intensity and complexity of cross-border interactions in the fields of trade, transportation, communication, and technology, thereby driving the mobility of goods and people on an unprecedented scale. While these developments contribute to economic growth and strengthened international cooperation, globalization also creates various structural vulnerabilities that can be exploited by transnational organized crime networks.<sup>1</sup> Advances in logistics and information technology systems are not only used for legitimate economic

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<sup>1</sup> Dika Anggraini Puspita et al., "Analisis Teknologi Terhadap Pertumbuhan Ekonomi Di Era Modern," *Jurnal Rumpun Manajemen Dan Ekonomi* 2, no. 1 (2025): 198–99, <https://doi.org/10.61722/jrme.v2i1.3401>.

activities, but also to facilitate organized crime operations that are able to transcend national jurisdictional boundaries. In this context, transnational organized crime (TOC) has emerged as a multidimensional threat to national legal sovereignty, public security, and global stability.<sup>2</sup>

One of the most persistent forms of transnational organized crime is drug trafficking. Based on Law of the Republic of Indonesia Number 5 of 2009 concerning Ratification of the United Nations Convention against Transnational Organized Crime (UNTOC), narcotics trafficking is categorized as transnational organized crime if it involves cross-border movement, structured criminal groups, or planning and control carried out in more than one country.<sup>3</sup> Indonesia's strategic geographical position, located between major international shipping lanes and bordering the Golden Triangle region, has made it highly vulnerable as a transit and destination country for illegal narcotics trafficking.<sup>4</sup> Law enforcement and academic analyses show that narcotics trafficking in Indonesia continues to pose complex challenges that require a comprehensive and coordinated response, reflecting not only the scale of the problem but also the increasing sophistication of transnational syndicates.<sup>5</sup>

In response to stricter law enforcement, drug networks have developed increasingly complex methods to avoid detection. One such method is false concealment, whereby illicit substances are hidden inside

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<sup>2</sup> Meylisa Patricia Batkormbawa, Hadi Tuasikal, and Alwiyah Sakti Ramdhon Rakia, "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime," *Jurnal Pembangunan Hukum Indonesia* 06, no. 02 (2025): 178, <https://doi.org/10.14710/jphi.v1i3.337-351>.

<sup>3</sup> Indonesia. *Undang-Undang Nomor 5 Tahun 2009 tentang Pengesahan United Nations Convention Against Transnational Organized Crime*, 2009.

<sup>4</sup> Aulia Srifauzi, Nurul Azhimi, and M. Ikrar Mahendra Lubis, "Security Dilemma: Indonesia Dalam Menghadapi Tantangan Kawasan Segitiga Emas (The Golden Triangle) Di Asean," *Jurnal PIR : Power in International Relations* 7, no. 1 (August 12, 2022): 38–40, <https://doi.org/10.22303/pir.7.1.2022.31-45>.

<sup>5</sup> Fakhry Qolby Aminullah Fikri, "Analisis Kebijakan Dan Penegakan Hukum Pidana Transnasional Tindak Pidana Perdagangan Narkotika Di Asia Tenggara," *Jurnal Terekam Jejak (JTJ)* 2, no. 2 (2024): 9–11, <https://doi.org/https://doi.org/10.5281/zenodo.13378254>.

everyday consumer goods through physical or chemical modification.<sup>6</sup> This method allows narcotics to appear indistinguishable from legitimate products, thereby complicating the process of inspection, detection, and evidence collection.<sup>7</sup> False camouflage has proven particularly effective in the air transportation environment, where high passenger volumes and time-sensitive inspections limit the depth of physical examinations.<sup>8</sup> The concealment of narcotics in everyday items, such as toiletries or wet wipes, demonstrates how technological ingenuity is being strategically used to undermine conventional detection mechanisms.<sup>9</sup>

A concrete example of this evolving *modus operandi* occurred at Yogyakarta International Airport (YIA) in June 2025, when customs officers discovered approximately 9.5 kilograms of liquid methamphetamine hidden in wet wipe packaging.<sup>10</sup> This case involved Indonesian and Malaysian nationals and was linked to a network that began serving international flights, this incident exposed the vulnerability of secondary international airports to sophisticated transnational drug smuggling operations. More importantly, it highlights complex legal challenges: while couriers can be easily identified and prosecuted, establishing criminal liability for coordinators, financiers, and controllers within the broader syndicate remains a complicated legal issue.<sup>11</sup>

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<sup>6</sup> Dewa Ayu Risma Pranasita, I Nyoman Gede Sugiarta, and Kade Richa Mulyawati, "Modus Operandi Penyelundupan Narkotika Sindikat Transnasional Terorganisasi Dalam Perspektif (Studi Kasus Di Polda Bali)," *Jurnal Analogi Hukum* 5, no. 3 (2023): 271–72.

<sup>7</sup> Chandya Silviani and Rendi Prayuda, "Analisis Modus Operandi Penyelundupan Narkotika Di Perbatasan Indonesia-Malaysia (Studi Kasus Kabupaten Kepulauan Meranti Provinsi Riau Tahun 2017-2020)," *Journal of Diplomacy and International Studies* 6, no. 1 (2023): 42–43.

<sup>8</sup> Win Winda Wulandari and Siska Ayu Andarini, "Membangun Situation Awareness Petugas AVSEC Terhadap Barang Bawaan Penumpang Di Bandar Udara Komodo Labuan Bajo," *Wawasan : Jurnal Ilmu Manajemen, Ekonomi Dan Kewirausahaan* 2, no. 4 (September 16, 2024): 73–75, <https://doi.org/10.58192/wawasan.v2i4.2557>.

<sup>9</sup> Tim detikJogja, "Terbongkarnya Penyelundupan Sabu Cair Tisu Basah di Bandara Jogja," *detikJogja*, 2025.

<sup>10</sup> Hammam Izzuddin, "Modus Penyelundupan 9 Kilogram Sabu Lewat Tisu Basah," *Tempo*, 2025.

<sup>11</sup> Jose Reynaldi Hutapea and Muhammad Ihsan, "Analisis Yuridis Terhadap Penyertaan Tindak Pidana Narkotika Golongan I (Studi Putusan Nomor 62/Pid.Sus/2023/PN Mdn)," *MIH (Jurnal Mimbar Ilmu Hukum)* 2, no. 1 (2024): 99, <https://kti.potensi-utama.org/index.php/MIH/article/view/1172>.

This situation is a fundamental weakness in Indonesia's criminal accountability framework, reflecting a fragmented law enforcement structure and the absence of an integrated judicial system. Because law enforcement practices still focus predominantly on direct perpetrators, structural and institutional fragmentation when dealing with hierarchical transnational crime syndicates significantly hinders the establishment of clear links of evidence necessary to hold those responsible for planning, controlling, and financing within the network criminally accountable.<sup>12</sup> When false concealment methods are used, proving intent, participation, and control beyond the courier level becomes increasingly difficult. As a result, criminal responsibility risks being distributed unevenly, weakening the deterrent effect and undermining the broader goal of dismantling transnational criminal networks.<sup>13</sup>

Previous studies have explored narcotics law enforcement and criminal liability from various perspectives. Sengkey et al. (2022) emphasizes the relevance of the doctrine of *deelneming* in extending criminal responsibility beyond individual perpetrators.<sup>14</sup> Harum et al. (2023) emphasize that drug crimes, as transnational organized crimes, require a comprehensive response from the government through the strengthening of the national legal framework, the establishment of special agencies such as the National Narcotics Agency (BNN), and more intensive international cooperation, particularly within ASEAN and through mutual

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<sup>12</sup> Anis Widyawati et al., "Supervision in Integrated Justice: Legal Reform and Constructive Enforcement in the Criminal Justice System," *Journal of Law and Legal Reform* 5, no. 2 (2024): 445–46, <https://doi.org/10.15294/jllr.vol5i2.3886>. Anis Widyawati et al. highlight weak inter-agency coordination and supervisory mechanisms that significantly limit the scope of criminal accountability.

<sup>13</sup> Farhan Fadhlurrahman, Mulyono Suwerjo, and Muhammad Fahrudin, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Penedar Narkotika (Studi Kasus Nomor : 484/PID.SUS/2021/JKT.SEL)," *Jurnal Hukum Jurisdictie* 6, no. 1 (2024): 28, <https://doi.org/10.34005/jhj.v6i1.163>.

<sup>14</sup> Novita Wulan Sengkey, Butje Tampi, and Tommy Kumampung, "Sistem Pertanggung Jawaban Pidana Terhadap Tindak Pidana Penyalahgunaan Narkotik Berdasarkan Deelneming," *Lex Privatum* 10, no. 5 (2022): 1–3, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/42826>.

legal assistance mechanisms.<sup>15</sup> Fadhlurrahman et al. (2024) identify persistent challenges in the effectiveness of law enforcement due to limited evidence and fragmented coordination among criminal justice agencies.<sup>16</sup> Furthermore, Batkorbawa et al. (2025) conceptualize narcotics trafficking as a form of transnational organized crime characterized by hierarchical and compartmentalized structures designed to conceal responsibility beyond the perpetrators.<sup>17</sup> Meanwhile, Pramana et al. (2022) focus on the role of institutions and judicial consistency in prosecuting narcotics traffickers.<sup>18</sup>

Despite these contributions, the existing literature predominantly adopts a macro or institutional approach and tends to discuss criminal responsibility in general or abstract terms.<sup>19</sup> No study has specifically explored how highly technical smuggling methods, particularly false concealment involving chemical transformations such as liquid narcotics, affect the attribution of criminal responsibility in transnational syndicates.<sup>20</sup> As a result, the evidentiary and normative challenges of extending responsibility beyond couriers remain under-explored.<sup>21</sup> Therefore, this study positions itself by integrating criminal liability analysis with the modus operandi of false concealment involving liquid narcotics at secondary international airports, thereby addressing the gap left by previous research that has not sufficiently linked technical smuggling methods with the structure of liability in transnational narcotics networks.

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<sup>15</sup> Vanessa Mathilde Harum and Nurul Syarifah, "Upaya Pemerintah Indonesia Dalam Menangani Kejahatan Narkotika Sebagai Kejahatan Transnasional," *Wajah Hukum* 7, no. 2 (2023): 335–37, <https://doi.org/10.33087/wjh.v7i2.1245>.

<sup>16</sup> Fadhlurrahman, Suwerjo, and Fahrudin, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Pengedar Narkotika (Studi Kasus Nomor : 484/PID.SUS/2021/JKT.SEL)."

<sup>17</sup> Batkorbawa, Tuasikal, and Rakia, "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime."

<sup>18</sup> Gede Esa Surya Pramana and Luh Putu Suryani, "Upaya Badan Narkotika Nasional (BNN) Dalam Menanggulangi Tindak Pidana Penyelundupan Narkotika Oleh Warga Negara Asing," *Jurnal Analogi Hukum* 4, no. 1 (2022): 24–27.

<sup>19</sup> Sengkey, Tampi, and Kumampung, "Sistem Pertanggung Jawaban Pidana Terhadap Tindak Pidana Penyalahgunaan Narkotik Berdasarkan Deelneming."

<sup>20</sup> Batkorbawa, Tuasikal, and Rakia, "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime."

<sup>21</sup> Fadhlurrahman, Suwerjo, and Fahrudin, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Pengedar Narkotika (Studi Kasus Nomor : 484/PID.SUS/2021/JKT.SEL)."

Unlike previous studies, this research specifically integrates criminal liability analysis with the *modus operandi* of false concealment involving liquid narcotics at secondary international airports. By placing the analysis at Yogyakarta International Airport and using Lawrence M. Friedman's legal system theory, this study not only analyzes legal substance but also the interaction between legal structures and legal culture in responding to evolving transnational crime practices.<sup>22</sup> This approach allows for a more nuanced and context-sensitive understanding of the synchronization of regulations and law enforcement readiness at non-primary international gateways.

Based on this background, the main issue raised in this study is the inadequacy of existing criminal liability mechanisms in extending liability beyond the direct perpetrators in cases of transnational narcotics smuggling involving false concealment. This study aims to analyze the attribution of criminal responsibility in such cases, with a particular focus on incidents at Yogyakarta International Airport, and to evaluate the adequacy and synchronization of Indonesian legal norms in dealing with organized transnational narcotics networks. By formulating a normative framework for expanding criminal responsibility across syndicate structures, this study aims to contribute to the development of criminal law policy and strengthen Indonesia's legal response to increasingly sophisticated forms of transnational organized crime.

## Methods

This study uses a normative legal research method to analyze criminal liability in transnational organized crime involving drug smuggling through false concealment at Yogyakarta International Airport. A normative approach is applied to critically evaluate the adequacy, consistency, and

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<sup>22</sup> Andi Kavenya Noorhaliza et al., "Teori Penegakan Hukum Menurut Friedman Terkait Persoalan Penggunaan Narkotika Untuk Kepentingan Medis Relevansi Dengan Pertimbangan Moral Dan Hukum," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humanioral* 1, no. 1 (2023): 7–8.

synchronization of legal norms governing criminal responsibility in response to increasingly complex cross-border crime practices. This study is descriptive-analytical in nature, focusing on identifying discrepancies between *das Sollen* (the law as it should be) and *das Sein* (law enforcement practices), especially in cases involving the concealment of liquid narcotics.

To achieve the research objectives, this study applies three interrelated legal approaches: the statutory approach, the case approach, and the conceptual approach. The statutory approach is used to analyze national laws and international legal instruments governing narcotics crimes, customs enforcement, and transnational organized crime. The case approach focuses on an in-depth analysis of the smuggling of approximately 9.5 kilograms of liquid methamphetamine uncovered at Yogyakarta International Airport, which is the location of the study. The conceptual approach refers to the doctrine of criminal responsibility and Lawrence M. Friedman's theory of legal systems to analyze the interaction between legal substance, legal structure, and legal culture. These approaches enable the analysis of regulatory synchronization and the attribution of criminal responsibility within transnational syndicate structures.

This study relies on secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include binding legislation and international conventions, while secondary legal materials include scientific papers, academic journal articles, textbooks, and official reports published by the Yogyakarta Customs and Excise Office. Tertiary legal materials include legal dictionaries and relevant online sources to support legal interpretation. Data collection was conducted through library research and documentation techniques. All legal materials were analyzed qualitatively using systematic and logical legal interpretation to identify regulatory gaps, assess the readiness of the legal structure, and formulate patterns of criminal responsibility applicable to transnational organized crime networks.

## Result and Discussion

### 1. Analysis of Drug Smuggling Cases via Air Transport Using the False Concealment Method

Drug smuggling is a serious crime that consistently has a multidimensional impact on the country, particularly in terms of public health, national security, and social stability. Indonesia is in a vulnerable geographical position due to its proximity to the Golden Triangle, known as one of the world's largest drug-producing regions. This situation makes Indonesia not only a consumer market but also a strategic transit route in the international narcotics trade network.<sup>23</sup> This geographical vulnerability forces law enforcement agencies to deal with increasingly complex and adaptive forms of narcotics crime, especially those carried out by air transport, which offers speed, global connectivity, and opportunities for concealment amid high volumes of international passenger mobility.<sup>24</sup>

In practice, drug syndicates no longer rely on conventional smuggling routes but continue to develop new modus operandi to evade detection systems. One method that is increasingly being used is false concealment, which is the technique of hiding drugs in everyday consumer goods (low-risk items) that generally do not arouse the suspicion of inspection officers.<sup>25</sup> This method often involves physical or chemical manipulation of objects so that, visually, there are no visible indications of narcotics content. A case uncovered at Yogyakarta International Airport (YIA) provides a concrete illustration of this method, in which methamphetamine was converted from a solid to a liquid form and absorbed into wet wipes, with a

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<sup>23</sup> Muhammad Rizal Fathurahman, Flori Mardiani Lubis, and Nurbani Adine Gustianti, "Peran ASEAN Dalam Menanggulangi Peredaran Narkoba Di Kawasan Golden Triangle," *Jurnal Ilmiah Wahana Pendidikan*, Oktober 2025, no. 10 (n.d.): 118–19.

<sup>24</sup> Silviani and Prayuda, "Analisis Modus Operandi Penyelundupan Narkotika Di Perbatasan Indonesia-Malaysia (Studi Kasus Kabupaten Kepulauan Meranti Provinsi Riau Tahun 2017-2020)."

<sup>25</sup> Pranasita, Sugiarta, and Mulyawati, "Modus Operandi Penyelundupan Narkoba Sindikat Transnasional Terorganisasi Dalam Perspektif (Studi Kasus Di Polda Bali)."

total weight of more than 9.5 kilograms.<sup>26</sup> The involvement of various parties with clearly divided roles and cross-border coordination through digital communication platforms further demonstrates that this crime has the characteristics of organized and transnational crime.<sup>27</sup>

From a normative perspective, the supervision of cross-border movement of goods and passengers falls under the authority of the Directorate General of Customs and Excise, as stipulated in Law No. 17 of 2006 on Customs and Excise.<sup>28</sup> This law provides a legal basis for officers to carry out inspections as part of efforts to prevent and enforce customs violations, including document checks, physical inspections of goods, and body searches of passengers suspected of carrying or concealing prohibited items.<sup>29</sup> This authority places Customs as the first line of defense in protecting national entry points from the threat of smuggling, including narcotics.

However, when the object of smuggling involves narcotics, the applicable legal framework goes beyond customs law and shifts to Law No. 35 of 2009 on Narcotics as *lex specialis*.<sup>30</sup> This law comprehensively regulates prohibitions, criminal sanctions, and law enforcement mechanisms related to narcotics crimes. In the YIA case, Articles 112, 113, and 114 became the main legal basis for prosecuting the possession and distribution of large quantities of Category I narcotics, while Article 132

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<sup>26</sup> Hammam Izzuddin, "Modus Penyelundupan 9 Kilogram Sabu Lewat Tisu Basah Di Yogyakarta," *Tempo.co*, 2025, <https://www.tempo.co/hukum/modus-penyelundupan-9-kilogram-sabu-lewat-tisu-basah-di-yogyakarta-1975699>.

<sup>27</sup> Batkormbawa, Tuasikal, and Rakia, "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime."

<sup>28</sup> "Undang-Undang Republik Indonesia Nomor 17 Tahun 2006 Tentang Perubahan Atas Undang-Undang Nomor 10 Tahun 1995 Tentang Kepabeanan," Pub. L. No. 17 (2006), <https://peraturan.bpk.go.id/Details/40189/uu-no-17-tahun-2006>.

<sup>29</sup> Rio Partogi Siahaan, Oksep Adhayanto, and Dhani Akbar, "Peran Bea Dan Cukai Tanjungpinang Dalam Pencegahan Kejahatan Transnasional (Studi Kasus Penyelundupan Narkoba Di Pelabuhan Internasional Sri Bintan Pura)," *Universitas Maritim Raja Ali Haji Student Online Journal* 1, no. 2 (2020): 938.

<sup>30</sup> "Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika," Pub. L. No. 35 (2009), <https://peraturan.bpk.go.id/Details/38776/uu-no-35-tahun-2009>.

paragraph (1) provided the legal basis for handling criminal conspiracy committed before the crime was fully carried out.<sup>31</sup>

From a legal effectiveness perspective, the use of false camouflage methods reflects the systematic efforts of drug syndicates to exploit weaknesses in conventional airport inspection systems. Hiding narcotics in everyday consumer goods significantly reduces initial suspicion among officers, making this method effective from the perpetrators' point of view.<sup>32</sup> However, the successful disclosure of the YIA case shows that customs norms still have sufficient capacity to detect new smuggling techniques through the application of risk analysis and the use of X-ray scanning technology.<sup>33</sup>

Nevertheless, the effectiveness of customs law remains limited because, in essence, customs regulations are not designed to deal with the full complexity of narcotics crimes. As a result, the success of law enforcement is highly dependent on the ability of authorities to immediately integrate customs administrative findings into the criminal narcotics law framework.<sup>34</sup> In cases involving liquid narcotics, the challenge of evidence becomes more complex, as it requires scientifically reliable forensic laboratory testing. The absence of detailed technical standards for proving liquid narcotics creates the potential for different interpretations among law enforcement agencies, which can ultimately undermine the principles of legal certainty and uniform application of the law.<sup>35</sup>

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<sup>31</sup> Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika.

<sup>32</sup> Silviani and Prayuda, "Analisis Modus Operandi Penyelundupan Narkotika Di Perbatasan Indonesia-Malaysia (Studi Kasus Kabupaten Kepulauan Meranti Provinsi Riau Tahun 2017-2020)."

<sup>33</sup> Agnes Anggraeni and Rahman Amin, "Penyidikan Berbasis Ilmiah dalam Penegakan Hukum Tindak Pidana Akses Ilegal," *Jurnal Kajian Ilmu Kepolisian dan Anti Korupsi* 2, no. 1 (April 2025): 82–86, <https://ejurnal.ubharajaya.ac.id/index.php/KIKAK>.

<sup>34</sup> Endah Cahyani and Nathalina Naibaho, "Penegakan Hukum Situasional Dalam Menangani Tindak Pidana Penyelundupan Narkotika Di Indonesia," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 10, no. 4 (2023): 1372–78, <https://doi.org/10.15408/sjsbs.v10i4.32658>.

<sup>35</sup> Henny Saida Flora, kasmanto Rinaldi, and Jusri Mudjrimin, *Hukum Pidana Di Era Digital* (Batam : CV. Rey Media Grafika, 2024).

The legal implications of this case show that combating drug smuggling via air transport cannot rely solely on the administrative authority of Customs, but requires strengthening the technical regulatory framework and increasing the capacity of law enforcement agencies. Without clear standardization in evidentiary procedures, the effectiveness of legal norms will depend heavily on the expertise and discretion of individual officers rather than on a structured and sustainable legal system.<sup>36</sup> Therefore, regulatory reform and more intensive inter-agency coordination are urgently needed to address drug crimes that use false concealment methods.

## **2. Transnational Organized Crime of Narcotics Smuggling Reviewed from Law Number 35 of 2009 concerning Narcotics and Law Number 1 of 2023 concerning Criminal Law**

The smuggling of narcotics via air transport involving cross-border operations, the use of digital communication technology, and a structured division of roles are the main characteristics of Transnational Organized Crime (TOC).<sup>37</sup> Such crimes are no longer carried out sporadically by individuals, but rather by organized networks with systematic operational mechanisms, ranging from the recruitment of couriers and packaging of narcotics to route planning and distribution control in the destination country. In the case of narcotics smuggling at Yogyakarta International Airport, the fact that one of the perpetrators was listed as a fugitive (Wanted Person List) residing outside Indonesia further strengthens the indication that the crime was controlled by intellectual actors beyond the direct reach of national law enforcement authorities.<sup>38</sup>

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<sup>36</sup> Anis Widyawati et al., "Dynamic of the Penitentiary System, Transparant and Accountable Handling of Criminal Cases in Criminal Execution Law in Southeast Asia: Convergence of International Perspectives," *Indonesia Law Review* 15, no. 1 (2025): 19–20, <https://doi.org/10.15742/ilrev.v15n1.1>.

<sup>37</sup> Batkormbawa, Tuasikal, and Rakia, "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime."

<sup>38</sup> Izzuddin, "Modus Penyelundupan 9 Kilogram Sabu Lewat Tisu Basah Di Yogyakarta."

The involvement of cross-border actors shows that drug crime cannot be understood solely as a domestic crime, but must be seen as part of an international criminal network that exploits imbalances in legal systems and weaknesses in inter-state surveillance. As a result, actors in the field, such as couriers, tend to be the easiest targets for law enforcement, while the main controllers remain behind the scenes and are relatively protected from legal accountability.<sup>39</sup>

Normatively, Law No. 35 of 2009 on Narcotics classifies narcotics crimes as extraordinary crimes that require an extraordinary legal approach in their enforcement. This classification is reflected in the severity of criminal sanctions, including the death penalty, life imprisonment, or imprisonment with a minimum range of five years to a maximum of twenty years for large-scale distribution of Category I narcotics, as stipulated in Articles 113 and 114.<sup>40</sup> In addition, Article 132 paragraph (1) of the Narcotics Law provides a legal basis for prosecuting criminal conspiracy, allowing law enforcement to act at the preparatory stage rather than waiting until illegal distribution has fully occurred.

Furthermore, the provisions regarding criminal participation in Articles 55 and 56 of the Criminal Code, which were later amended to Articles 20–22 of Law Number 1 of 2023 concerning the National Criminal Code, extend criminal responsibility to individuals who order, participate in, or facilitate criminal offenses.<sup>41</sup> Normatively, this combination of legal provisions shows that Indonesian positive law has established an adequate legal framework to hold all parties involved in organized drug crimes accountable.

Although the normative legal framework appears comprehensive, its practical effectiveness continues to face serious challenges, especially in the

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<sup>39</sup> Imelda Hasibuan, Dwi Sudarmono, and Sunariyo, *Mata Rantai Kejahatan Narkotika: Mengurai Bukti Permufakatan Jahat Di Pengadilan* (Lombok Tengah, 2025).

<sup>40</sup> Dita Melati Putri, "Hukuman Pidana Mati Dalam KUHP Baru Dan Perspektif Abolisionalis Serta Retensionis," *Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara* 2, no. 4 (August 20, 2024): 11–12, <https://doi.org/10.55606/eksekusi.v2i4.1451>.

<sup>41</sup> "Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana," Pub. L. No. 1 (2023), <https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023>.

context of transnational crime. Severe criminal sanctions do not automatically produce a deterrent effect when the main perpetrators operate outside Indonesian jurisdiction and cannot be reached through domestic law enforcement mechanisms.<sup>42</sup> In many cases, national criminal law has proven effective only against operational-level actors, while the intellectual controllers of criminal networks remain beyond the reach of the law.

This situation reveals a significant gap between legal norms and the reality of law enforcement. Without effective extradition mechanisms and a Mutual Legal Assistance (MLA) framework, the criminal provisions contained in the Narcotics Law and the National Criminal Code risk losing their strategic effectiveness.<sup>43</sup> In other words, harsh criminal norms will not achieve their punitive objectives if they are not supported by the state's ability to enforce these norms across national borders.

The legal implications of this situation suggest that the eradication of transnational narcotics crime cannot rely solely on repressive and punishment-oriented approaches. Strengthening international cooperation and harmonizing criminal law policies are essential to ensure that nationally formulated legal norms can be effectively applied throughout the crime chain, including against intellectual actors operating abroad.<sup>44</sup> Without such measures, criminal law risks functioning only symbolically and failing to address the root causes of organized narcotics crime.

### **3. Juridical Review and Countermeasure Strategies by Law Enforcement Agencies**

Empirical evidence from narcotics smuggling cases detected at Yogyakarta International Airport shows that the Directorate General of

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<sup>42</sup> Achmad Djatmiko, *Dinamika Kerja Sama Internasional: Penanggulangan Peredaran Gelap Narkotika Di Asia Tenggara*, ed. Lusia Melinia (Yogyakarta, 2024).

<sup>43</sup> Syifa Kinanthi Puji Utami and Rahmi Fitriyanti, "Dinamika Kerjasama Indonesia Dengan United Nations Office on Drugs and Crime (UNODC) Pada Kasus Narkoba Dalam Perspektif Liberalisme Institusionalis" 1, no. 5 (2023): 362, <https://doi.org/10.5281/zenodo.10420850>.

<sup>44</sup> Srifauzi, Azhimi, and Lubis, "Security Dilemma: Indonesia Dalam Menghadapi Tantangan Kawasan Segitiga Emas (The Golden Triangle) Di Asean."

Customs and Excise has been at the forefront in identifying sophisticated concealment methods used in cross-border narcotics trafficking.<sup>45</sup> These findings confirm that airport enforcement remains a critical entry point for law enforcement intervention. However, law enforcement results often lead to the arrest of couriers or direct perpetrators, while the organizers and financial controllers behind narcotics trafficking operations remain immune from legal proceedings.<sup>46</sup> The pattern shows that the effectiveness of law enforcement is still primarily evaluated through the amount of confiscated goods and arrest statistics, rather than through disruption of criminal networks.

Normatively, Indonesian positive law does not limit narcotics law enforcement to individual responsibility. Law No. 35 of 2009 on Narcotics explicitly recognizes collective criminal responsibility through provisions on participation (*deelneming*) and conspiracy, enabling law enforcement authorities to pursue actors who occupy strategic positions in narcotics syndicates.<sup>47</sup> In addition, customs regulations strengthen the state's authority in border surveillance and cargo inspection, reinforcing the preventive function of law enforcement at points of entry.<sup>48</sup> Furthermore, Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes authorizes investigators to trace and seize assets derived from

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<sup>45</sup> PR Wire, "Bea Cukai Dan Polri Ungkap Tiga Kasus Narkotika Modus Barang Kiriman," ANTARA: Kantor Berita Indonesia, 2023, <https://www.antaranews.com/berita/3654924/bea-cukai-dan-polri-ungkap-tiga-kasus-narkotika-modus-barang-kiriman>.

<sup>46</sup> Dhimas Aji Prabowo, L. Panggabean Mompang, and Armunanto Hutahaeon, "Peran Ditpolair Baharkam Polri Dalam Mencegah Tindak Pidana Penyelundupan Narkotika Melalui Jalur Laut Nusantara," *INNOVATIVE: Journal Of Social Science Research* 3, no. 6 (2023): 369–340.

<sup>47</sup> Sengkey, Tampi, and Kumampung, "Sistem Pertanggung Jawaban Pidana Terhadap Tindak Pidana Penyalahgunaan Narkotik Berdasarkan Deelneming."

<sup>48</sup> Deon Mordekhay Johannes Warbung et al., "Program Sosialisasi Regulasi Penimbunan Barang Impor Bagi Pelaku Usaha Di Indonesia Sebagai Upaya Meningkatkan Kepatuhan Hukum Dan Mengurangi Dampak Negatif Pada Pasar," *Jurnal Pengabdian Masyarakat Inovasi Indonesia* 2, no. 6 (November 9, 2024): 664–66, <https://doi.org/10.54082/jpmii.600>.

narcotics crimes, institutionalizing the “*follow the money*” approach as a core law enforcement strategy.<sup>49</sup>

Although these normative instruments are available, their practical use remains limited. In practice, narcotics investigations tend to prioritize direct perpetrators, while legal provisions on organized criminal participation and liability are underutilized.<sup>50</sup> This law enforcement orientation weakens the preventive effect of narcotics laws because it fails to address the structural and economic foundations of narcotics trafficking networks. As argued by Hasibuan et al. (2025), narcotics crimes operate through interconnected roles, which cannot be effectively dismantled by targeting couriers alone.<sup>51</sup> Therefore, the problem lies not in normative inadequacy, but in selective law enforcement practices that reduce comprehensive legal instruments to partial implementation.

The gap between the law on paper and the law in practice can be further explained through Lawrence M. Friedman's theory of the legal system, which emphasizes that the effectiveness of law depends on the interaction between legal structure, legal substance, and legal culture.<sup>52</sup> Although the legal substance governing narcotics and money laundering is quite comprehensive, the legal structure consisting of Customs, the Police, and the National Narcotics Agency (BNN) often operates within a fragmented coordination framework.<sup>53</sup> At the same time, the dominant legal culture prioritizes measurable law enforcement outcomes, such as the number of

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<sup>49</sup> “Undang-Undang Nomor 8 Tahun 2010 Tentang Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang,” Pub. L. No. 8 (2010), <https://peraturan.bpk.go.id/Details/38547/uu-no-8-tahun-2010>.

<sup>50</sup> Hutapea and Ihsan, “Analisis Yuridis Terhadap Penyertaan Tindak Pidana Narkotika Golongan I (Studi Putusan Nomor 62/Pid.Sus/2023/PN Mdn).”

<sup>51</sup> Hasibuan, Sudarmono, and Sunariyo, *Mata Rantai Kejahatan Narkotika: Mengurai Bukti Permufakatan Jahat Di Pengadilan*.

<sup>52</sup> Noorhaliza et al., “Teori Penegakan Hukum Menurut Friedman Terkait Persoalan Penggunaan Narkotika Untuk Kepentingan Medis Relevansi Dengan Pertimbangan Moral Dan Hukum.”

<sup>53</sup> Annisa Refi Daenunu, Lisnawaty W Badu, and Jufryanto Puluhulawa, “Analisis Batas Kewenangan Antara Penyidik Kepolisian Republik Indonesia Dan BNN Dalam Melakukan Koordinasi Penyidikan Kasus Tindak Pidana Narkotika,” *Jaksa: Jurnal Kajian Ilmu Hukum Dan Politik* 1, no. 4 (2023): 84–87, <https://doi.org/10.51903/jaksa.v1i4.1404>.

arrests, over qualitative outcomes such as dismantling networks and seizing assets.<sup>54</sup>

**TABLE 1. Comparative Analysis of Narcotics Regulation and Lawrence M. Friedman's Theory**

| <b>Analysis Aspects</b> | <b>Law No. 35 of 2009 (Narcotics)</b>   | <b>Law No. 1 of 2023 (New Criminal Code)</b> | <b>Friedman's Elements</b> |
|-------------------------|---|--|----------------------------|
| <b>Nature of Rules</b>  | Lex Specialist                          | Modern (Integrative) Codification            | <b>Legal Substance</b>     |
| <b>Criminal Purpose</b> | Eradication and Deterrence              | Restorative and Corrective Justice           | <b>Legal Culture</b>       |
| <b>Legal Subject</b>    | Focus on the Individual                 | Trapping Corporations and Controllers        | <b>Legal Structure</b>     |
| <b>Death Penalty</b>    | Principal (Absolute) Criminal Procedure | Special Crimes (Probation)                   | <b>Legal Substance</b>     |

*Source: Authors 2025*

The implementation of anti-money laundering laws should serve as a strategic mechanism to break the financial chain of drug syndicates through

<sup>54</sup> Yuni Ristanti and Atika Zahra Nirmala, "Peredaran Gelap Narkotika Perspektif Tiga Pilar Minimisasi," *Jurnal Risalah Kenotariatan* 6, no. 1 (June 5, 2025): 119–21, <https://doi.org/10.29303/risalahkenotariatan.v6i1.317>.

asset confiscation.<sup>55</sup> Asset confiscation serves not only as a punitive sanction, but also as a preventive tool that disrupts the economic sustainability of organized crime.<sup>56</sup> However, when anti-money laundering provisions are not systematically integrated into narcotics investigations, their preventive capacity is reduced, transforming them into reactive legal tools that address symptoms rather than root causes.<sup>57</sup>

The legal implications of these findings suggest that drug control strategies must shift from a perpetrator-oriented approach to a network- and asset-oriented model of law enforcement. Focusing law enforcement primarily on high-risk couriers produces a symbolic deterrent effect while leaving the organizational structure of drug syndicates intact.<sup>58</sup> Therefore, strengthening interagency coordination, optimizing the use of participation and money laundering provisions, and fostering a legal culture that emphasizes cooperation and accountability are essential prerequisites for ensuring effective, systematic, and sustainable law enforcement against transnational drug crimes.<sup>59</sup>

## Conclusion

This study concludes that Indonesia's current criminal liability framework is not yet fully effective in extending liability beyond couriers in cross-

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<sup>55</sup> Hizkia Yosias Polimpung, *Pertahanan Aktif (Active Defense) Dalam Pencegahan Peredaran Gelap Narkotika*. (Jakarta Timur: Pusat Penelitian, Data, dan Informasi Badan Narkotika Nasional Republik Indonesia, 2020), <https://ppid.bnn.go.id/konten/unggah/2020/10/Buku-Active-Defense-Tahun-2021.pdf>.

<sup>56</sup> Firdaus Renuat et al., *Pengantar Hukum Pidana*, ed. Parningotan Malau (Padang: CV. Gita Lentera, 2023).

<sup>57</sup> Nur Azisa et al., "Sistem Pidana Tindak Pidana Narkotika Dalam Perspektif Hukum Pidana Nasional," *Unes Law Review* 6, no. 3 (2024): 9023, <https://doi.org/10.31933/unesrev.v6i3>.

<sup>58</sup> Arya Salwa and Rasji, "Tinjauan Yuridis Terhadap Tindak Pidana Akibat Penyalahgunaan Narkotika Ditinjau Menurut Hukum Positif Indonesia," *Rewang Rencang: Jurnal Hukum Lex Generalis* 5, no. 7 (2024): 9, <https://jhlg.rewangrencang.com/>.

<sup>59</sup> Widyawati et al., "Supervision in Integrated Justice: Legal Reform and Constructive Enforcement in the Criminal Justice System."

border drug trafficking cases involving false concealment methods. Although the Narcotics Law and criminal participation provisions normatively allow for accountability across syndicate structures, implementation remains limited in practice, especially when sophisticated concealment techniques obscure evidentiary links. To address this gap, criminal law enforcement must be directed toward integrated law enforcement targeting organizational roles and financial control within transnational narcotics networks. Strengthened interagency coordination, improved evidentiary standards for liquid narcotics, and consistent application of money laundering provisions are necessary to increase accountability and deterrence. These measures are essential to ensure that criminal law functions effectively in responding to increasingly complex transnational narcotics crimes.

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