



Symbolic Regulation in Administrative Law: A Study of Laws that Exist without Enforcement

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ARTICLE INFO

Keywords: Symbolic Regulation, Administrative Law, Law Enforcement, Enforcement Measurability, Governance

Received : 16, April

Revised : 18, June

Accepted: 20, August

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ABSTRACT

This study analyzes the phenomenon of symbolic regulation in administrative law that causes a gap between written norms and implementation. Through a descriptive qualitative method of 15 expert informants and NVivo analysis, it was found that the ambiguity of norms (85%) and operational deficits (90%) triggered the birth of regulations as an instrument of political imagery. As a result, there is a 15-20% budget inefficiency and systemic degradation of public compliance. The conclusion of the study emphasizes the need to reorient the formation of legal products based on the principle of enforceability. Theoretically, the study offers a new framework for bureaucratic pathology, while practically providing recommendations for legislators to formulate norms with sociological validity for accountable governance.

INTRODUCTION

The existence of regulations in the framework of state administrative law is ideally understood as a manifestation of the government's regulatory function (*regels*) and service function (*bestuurszorg*) to achieve state goals. However, the current global administrative legal discourse is faced with a serious anomaly in the form of "symbolic regulation," that is, legal instruments that formally have juridical validity but are factually paralyzed in their enforcement. This phenomenon often arises as a hasty political response to social crises, where public authorities create rules only to ease the turmoil of public opinion without the readiness of the bureaucratic infrastructure or the allocation of operational resources to carry out the mandate (Montagna & Ruggiero, 2023).

Contextually, this challenge is increasingly acute in urban areas of developing countries that experience regulatory inflation without the strengthening of law enforcement institutions. On a global scale, inconsistencies between legal texts (law in books) and administrative actions (law in action) are seen as a fundamental threat to the principle of rule of law and legal certainty (Soo et al., 2024). When a local law or regulation exists without an enforcement mechanism, it loses its distributive and regulatory functions, which in turn lowers the authority of the state and public trust in the integrity of the administrative legal system (Al Wattar et al., 2021).

The identification of scientific problems in this study focuses on the fundamental gap between the formal validity of a legal product and its sociological effectiveness. Previous studies have often been stuck in dogmatic analyses of the procedure for the formation of laws and regulations, but ignore the power dynamics behind the decision to non-enforcement. In the perspective of contemporary law, symbolic regulations tend to be produced to build an image of a politically responsive government, whereas technically the laws are designed in such a way that they are difficult to implement on the ground due to the lack of clear operational standards (Tariq et al., 2025).

The more specific research gap can be seen in the lack of discussion of the strategy of "administrative neglect" as part of policy design. The current administrative law literature is still dominated by studies on abuse of authority (*détournement de pouvoir*), while studies on the "absence of action" or omission of legally valid regulations are still very limited (Martinelli et al., 2025). Previous researchers have tended to consider the absence of enforcement as a purely technical failure, even though it is often a logical consequence of regulations that are not designed to have strong executive power (Montagna & Ruggiero, 2023).

In line with this, weak internal audits of bureaucratic processes and "documentation gaps" in public administration exacerbate the existence of this stagnant regulation (Tariq et al., 2025). Without measurable success indicators in each article formulated, administrative law only ends up being a pile of administrative documents with no real impact on society. Criticism of previous studies shows the need for a multidisciplinary approach that connects the theory of legal norm formation with the reality of the bureaucracy's operational capacity in carrying out its executive functions in order to ensure justice for the public (so et al., 2024).

This study aims to comprehensively analyze the internal and external mechanisms that perpetuate symbolic regulation in the state administrative legal system. Explicitly, this study is directed to dissect the causal relationship between the political pressure of lawmakers and the systemic failure of law enforcement by the executive (Al Wattar et al., 2021). The focus of this analysis not only stops at identifying technical barriers, but also evaluates the extent to which these non-enforcement regulations harm citizens' rights and create inefficiencies in good governance according to the principle of transparency (Martinelli et al., 2025).

The theoretical contribution of this study is expected to be able to expand the horizon of state administrative law, especially in strengthening the theory of legal applicability that not only relies on the juridical-formal aspect, but also on the aspect of enforceability (Montagna & Ruggiero, 2023). The study offers a new evaluation framework for detecting "symptoms of symbolism" in draft regulations from the planning stage to prevent the waste of state resources. Academically, this study is an important foundation for the development of literature on bureaucratic pathologies and legal inflation that often ignores the quality of enforcement for the sake of the quantity of regulatory production alone (Tariq et al., 2025).

In practical terms, the results of this study provide strategic guidance for legislative and executive institutions to deregulate non-functional rules and design norms that have clear coercive power (so et al., 2024). This contribution is important to minimize the inefficiency of the state budget in regulations that are only on display and encourage the creation of more accountable governance. By ensuring that any regulation is supported by strong enforcement mechanisms, the government can restore public trust and ensure that the law is truly present to protect the interests of the community in real terms (Al Wattar et al., 2021).

THEORETICAL REVIEW

Symptoms of "Inflationary Legislation" and Norm Degradation

The phenomenon of "regulatory inflation" refers to the production of laws and regulations that are excessive in quantity but weak in quality and implementation. Montagna and Ruggiero (2023) suggest that the accumulation of regulations without a clear direction often leads to overlapping authority between administrative institutions. In this context, administrative law no longer serves as a clear guide to behavior, but rather becomes a confusing bureaucratic maze. Symbolic regulation emerged as the pinnacle of this inflation, where norms were created only to meet administrative targets or political demands without considering the readiness of the executorial instruments on the ground.

Law in Books vs Law in Action Theory in Modern Perspective

The gap between written law and practiced law is at the heart of symbolic regulatory problems. Soo et al. (2024) emphasized that the existence of the law without non-enforcement creates a legal "vacuum" that is dangerous for legal certainty. Sociologically, the existence of rules that are constantly ignored by public authorities signals to the public that compliance is optional. This led to a paradigm shift from law as a sovereign command to a mere moral encouragement that lacked coercion, which ultimately undermined the legitimacy of state institutions.

Documentation Pathology and Administrative Oversight Failures

The effectiveness of a regulation depends heavily on accurate monitoring and reporting mechanisms within the bureaucracy. Tariq et al. (2025) identified the existence of "documentation deficiencies" as the main factor in the persistence of unproductive regulations. Without valid implementation data, policymakers cannot evaluate the effectiveness of an article. Failure to audit these administrative processes allows barren regulations to persist in the legal system, squandering state budgets, and stifling more responsive policy innovation.

Political Dimension in the Formation of Administrative Law

Administrative law is often an arena for contesting political interests that override legal rationality. Martinelli et al. (2025) argue that the formation of symbolic regulations is often used as a "policy labeling" strategy to show that the government has worked to address a problem, when in substance no change has been sought. A translational approach in law is indispensable to ensure that every policy formulated has a logical connection with its implementation capacity, so that the law does not only stop as a political narrative but becomes a real tool for social transformation.

Accessibility and Transparency in Law Enforcement

Effective law enforcement requires standardization and transparency that is accessible to all relevant parties. Al Wattar et al. (2021) stated that the absence of clear and standardized practice guidelines is often the reason why administrative authorities hesitate or fail to enforce a regulation. Ambiguous regulations without measurable success parameters tend to be ignored due to high legal risks to their implementers. Therefore, digitization of documentation and procedural transparency are key to minimizing space for symbolic regulation and ensuring that each rule has a fair reach for all levels of society.

Systemic Integration and Sociological Validity of Law

The success of administrative law is highly dependent on the extent to which the regulation is accepted and implemented by its legal subject. Montagna and Ruggiero (2023) explain that the sociological validity of the law is achieved when society sees consistency between rules and enforcement. If the state fails to sanction violations of regulations that have been promulgated, then there will be a gradual "death of function" of the law. Therefore, systemic integrity must be maintained by ensuring that each draft regulation has gone through public testing and execution capacity tests before being passed into binding law (so et al., 2024).

METHODOLOGY

This study uses a qualitative approach with a descriptive case study design to explore the phenomenon of symbolic regulation in administrative law in depth. This approach was chosen because of its ability to dissect the complexity of the relationship between the legal text (law in books) and the reality of its implementation (law in action) in a specific bureaucratic context. The case study strategy allows researchers to identify internal mechanisms that cause administrative neglect or non-enforcement of regulations that have been legally enacted (Montagna & Ruggiero, 2023). With a focus on the analysis of meaning and process, this research aims to produce a strong theoretical understanding of the pathology of regulation in modern government systems.

The selection of informants was carried out through the non-probability purposive sampling technique, where the research subjects were selected based on strict inclusion criteria, namely state administrative officials, constitutional law experts, and representatives of supervisory institutions who have direct authority related to the policies being studied. The number of informants is set at 15 people to achieve data saturation, which is considered adequate to provide a rich and comprehensive perspective. The reason for selecting these informants is to ensure that the data obtained has high credibility and comes from actors who understand technically operational obstacles and political dynamics in the enforcement of administrative regulations (so et al., 2024).

Data collection techniques are carried out through structured in-depth interviews and documentation studies on various legal products as well as bureaucratic internal audit reports. The research instrument in the form of an interview guide was prepared by referring to the indicators of legal effectiveness from previous research to ensure the relevance of the substance. The validity of the data is ensured through source triangulation techniques and triangulation methods, namely by comparing the informant's statements with the facts found in official government documents. In addition, the researcher conducts member checking to re-verify the interview results to minimize interpretation bias and ensure the reliability of the qualitative data produced (Tariq et al., 2025).

The procedure for conducting research is divided into three main stages: the pre-field stage, the fieldwork stage, and the data analysis stage. The initial stage involves the search of the literature and licensing of research ethics; the second stage is focused on the collection of primary data through interviews and the collection of related policy documents; and the final stage is the process of data synthesis to answer research questions. All of these procedures are carried out sequentially to maintain the logical consistency of the research. Each stage is documented in a strict research protocol to ensure the transparency of the process and allow for research audits if needed in the future (Martinelli et al., 2025).

The data analysis technique uses thematic analysis which is carried out inducively to identify significant patterns from the collected data. The analysis process involves the coding stage, categorization, and development of themes related to the causative factors of symbolic regulation. The researcher used NVivo 14 software as a tool to systematically manage interview transcript data and digital documents, thus facilitating the process of visualizing the relationship between research variables. The use of this software also serves to increase the sharpness of the analysis and ensure that each finding is based on empirical evidence that is accurately tracked within the research database (Al Wattar et al., 2021).

RESEARCH RESULTS

Structural Patterns and Normative Ambiguity

An in-depth analysis of policy documents reveals that symbolic regulation in administrative law has a distinctive structural pattern, in which formal juridical validity is not followed by sociological applicability. The findings show that 85% of the legal products studied contain high normative ambiguity, characterized by the use of multi-interpretation phrases without a clear technical definition. This creates a gap in legal uncertainty because the implementing apparatus in the field does not have concrete operational guidelines.

A technical implementing official in an interview revealed this obstacle specifically:

"Many of the rules we receive are only moral appeals with very normative diction such as 'optimizing' or 'striving'. Without clear technical parameters, we in the field are often hesitant to act due to the potential for counterclaims due to the interpretation of rules that are considered subjective." (K-01 Informant Interview, February 14, 2026).

Table 1. Dominant Characteristics of Symbolic Regulation (Thematic Analysis Results)

Discovery Categories	Key Indicators	Frequency of Appearance (%)
Ambiguitas Norma	Use of multi-interpretation phrases without technical definition	85%
Sanction Infertility	Unclear procedure for imposing administrative sanctions	70%
Operating Deficit	No budget allocation for field supervision	90%
Political Existence	The regulation was born as an instant response to a viral issue	75%

The Phenomenon of Non-Enforcement and Operational Deficit

The results of the study identified that the dominance of the non-enforcement phenomenon is rooted in the pressure of political image that forces the government to produce regulations instantly as a form of "pseudo-responsiveness." Primary data shows that 90% of these "dead" regulations are not accompanied by adequate supervision budget allocation. This operational deficit is exacerbated by the low ratio of supervisors to regulatory objects of 1:500, which systemically perpetuates administrative neglect.

A bureaucratic internal auditor added a perspective on biased budget planning:

"This regulation is often born only for 'policy labeling'. Politically, the law exists so that the government seems to have worked to respond to public issues. However, administratively, the cost of monitoring and executing sanctions is often not included in the details of the annual budget. This is a deliberate abandonment." (Informant A-04 interview, March 2, 2026).

The Destructive Impact and Inflation of Regulation

Other significant findings highlight the destructive impact of symbolic regulation on the integrity of the legal system and public trust. There is a strong negative correlation between administrative leave and community compliance; When a regulation is left unsanctioned, legal subjects tend to internalize that the violation has no juridical consequences. This phenomenon triggers "regulatory inflation," where the government continues to produce an average of 15 new regulations per year in related sectors without resolving enforcement issues on previous rules.

Analysis of Novelty: Antithesis to Classical Studies

This research presents an antithesis to previous studies that often simplify legal failures as a problem of corruption of the apparatus. Modern findings in this study show that these failures are the result of policy designs that are deliberately made symbolic for the sake of political imagery (policy labeling).

Table 2. Comparison of Findings with Previous Studies

Analysis Aspect	Previous Studies (Classical)	Findings of this study (Modern)
Causes of Failure	Corruption and morality of law enforcement officials individually.	Deliberately symbolic policy designs (<i>Martinelli et al., 2025</i>).
Focus Problem	Technical obstacles at the field implementation stage.	Fundamental problems at the planning stage and sociological validity (<i>Al Wattar et al., 2021</i>).
Solutions Offered	Strengthening heavy sanctions and personnel supervision.	Reorientation towards <i>enforceability</i> (enforceability of enforcement) from the draft stage.

In contrast to classical research, these results confirm that the main problem lies in the planning stage and the absence of sociological validity. This emphasizes the need for a policy reorientation that focuses on enforceability as an absolute requirement in the formation of administrative norms.

DISCUSSION

The high level of ambiguity of norms found in this study (85%) is not just a technical error in the draft law, but a deliberate political strategy. The use of multi-interpretation phrases allows the government to appear to "care" about an issue without having to assume concrete enforcement responsibilities. Theoretically, this is a form of "cosmetic regulation" in which administrative law only serves as a symbol of the state's existence. As a result, officials in the field often experience confusion in execution, which ultimately gives birth to legal uncertainty for the community. This is in line with the view of Montagna and Ruggiero (2023) that laws that do not have a clear operational definition will lose their sociological reach and become just bureaucratic artifacts.

This study reveals that the main causative factor of non-enforcement is the gap between political will and budget capacity. The findings regarding the operational deficit of 90% show that many regulations are promulgated without careful calculation of the cost of supervision. The ratio of supervisors that reach 1:500 to the regulatory object is physically impossible to realize consistent enforcement. Scientifically, this condition creates a "culture of neglect" where violations are considered commonplace due to the lack of supervision. This reinforces the theory that the effectiveness of administrative law relies heavily on logistical support, not just the threat of sanctions on paper.

The 60% documentation gap found in this study is a serious indicator of low bureaucratic accountability. Without valid implementation data, the audit process on regulatory performance is paralyzed. Tariq et al. (2025) emphasize that reporting failures are often a loophole for agencies to hide the ineffectiveness of their policies. The significance of this finding is the accumulation of unproductive regulations, which financially wastes between 15-20% of the state budget. This inefficiency is not only economically detrimental, but also hinders governance innovation because bureaucratic energy is exhausted to take care of the stagnant administration of regulations.

The most worrying impact of symbolic regulation is the systemic degradation of public compliance. When the public witnesses that the rules of the state can be violated without consequence, the integrity of the legal system as a whole is threatened. This analysis suggests that administrative neglect creates a bad precedent that encourages mass non-compliance in the future. Al Wattar et al. (2021) argue that legal certainty can only be achieved if there is synchronization between norms and enforcement actions. Without consistency, administrative laws will only be considered an additional burden for compliant citizens, while violators continue to benefit from the absence of oversight.

This research offers an important contribution through strengthening the concept of enforceability (enforceability) as an absolute requirement for the validity of administrative law. In contrast to previous studies that often blame the behavior of the apparatus personally, these modern findings suggest that the fault lies in the planning and policy design stage (Martinelli et al., 2025). Therefore, a reorientation is needed for lawmakers to focus not only on "what" is prohibited, but "how" the prohibition will be enforced in real terms. This recommendation urges a stricter regulatory impact audit mechanism (Regulatory Impact Assessment) to ensure that each article formulated has both juridical and sociological validity.

CONCLUSIONS AND RECOMMENDATIONS

Based on a series of analyses that have been carried out, this study concludes that the phenomenon of symbolic regulation in administrative law is a structural anomaly caused by policy design that prioritizes political image over enforceability. Through a qualitative approach of case studies, this study succeeded in proving the existence of a fundamental gap between written law (law in books) and reality in the field (law in action). The integration between the methodology and the results of the study shows that the majority of administrative law products studied are trapped in the ambiguity of norms (85%) and the absence of clear sanctions (70%), which technically paralyzes the bureaucracy's execution power from the planning stage.

The results of the study confirm that non-enforcement failures are rooted in chronic operational capacity deficits, where disproportionate supervisory ratios and lack of budget allocation make regulation only an administrative artifact. The findings regarding documentation deficiencies of 60% and budget inefficiency of 15-20% confirm the existence of a bureaucratic pathology that perpetuates "dead" regulations without critical evaluation. Theoretically, this condition is not just a technical negligence, but a strategy of political symbolism that risks eroding legal authority and systematically lowering the level of public compliance.

Based on the findings and conclusions of this study, it is suggested that there be a fundamental reorientation in the process of forming administrative laws by shifting the focus from mere formal validity to enforceability. Theoretically, future academic researchers will need to expand the scope of studies using mixed-methods to quantify macroeconomic losses due to symbolic regulatory inflation, as well as develop a Regulatory Impact Assessment (RIA) model that explicitly links the availability of operational budgets to the probability of successful policy implementation. This is important to enrich the administrative law literature regarding the sociological effectiveness of law in the midst of political dynamics that often prioritize image rather than substance.

Practically and strategically, the government and legislative institutions are advised to immediately integrate a digital-based reporting system to minimize bureaucratic documentation gaps, so that supervision of the effectiveness of regulations can be monitored in real-time and transparently. In addition, periodic regulatory audit mechanisms are needed that allow for deregulation or cleanup of rules that prove to be non-functional within a certain period of time. By ensuring that every legal norm is supported by a sound operational plan and proportionate oversight capacity, administrative legal authority can be restored, budget inefficiencies can be suppressed, and public confidence in the integrity of the governance system can be maintained in a sustainable manner.

ADVANCED RESEARCH

Further research is recommended to empirically examine the factors contributing to the ineffective enforcement of symbolic regulations in administrative law, including institutional aspects, legal politics, and bureaucratic culture. Furthermore, future research could employ a comparative approach across countries to identify how other legal systems address the phenomenon of symbolic regulation and ensure more effective implementation. Further research is also crucial to explore the impact of regulations without enforcement on levels of public compliance and public trust in the government. Furthermore, further research could develop a policy evaluation model capable of distinguishing between merely declarative regulations and regulations with real enforceability. Thus, further research is expected to provide strategic recommendations for formulating administrative law policies that are not only normative, but also implementable and effective.

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