

An Integrated Legal Framework for Marijuana Cultivation on State Land: Criminal Law, Land Administration, and Restorative Justice

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KEYWORDS	ABSTRACT
Keywords: Legal Integration; Marijuana Cultivation; State Land. Conflict of Interest Statement: . Copyright © 2026 Vifada Assumption Journal of Law. All rights reserved.	Purpose: This study examines the legal challenges of marijuana cultivation on state land and proposes an integrated framework combining criminal law enforcement, land administration, and restorative justice. Research Design and Methodology: Using a normative juridical method with a case study approach, the study analyzes relevant legislation, institutional documents, and selected data from the National Narcotics Agency (BNN), the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), and the Ministry of Environment and Forestry (KLHK). Findings and Discussion: The findings demonstrate that marijuana cultivation on state land constitutes a multidimensional legal problem involving criminal liability, land tenure uncertainty, and weaknesses in natural resource governance. Existing responses remain predominantly punitive and insufficiently address the structural factors underlying land-related narcotics offenses, particularly unclear land status, limited inter-agency coordination, and inadequate community participation. Implications: The novelty of this study lies in developing an integrated legal framework that positions criminal enforcement, land administration, and restorative justice as complementary mechanisms rather than separate responses. The framework seeks to maintain criminal accountability while addressing land governance and community-related factors that contribute to the persistence of cultivation on state land. The study recommends strengthening inter-agency coordination and reforming legal policies to establish a more accountable, sustainable, and equitable approach to the governance of state land affected by narcotics-related activities.

Introduction

Along with advances in technology and knowledge in Indonesia, the public has become a target for the circulation of illegal narcotics due to globalization. Currently, not only Indonesia, but many countries around the world are struggling to combat various types of narcotics used illegally.¹ The problem of drug abuse and illicit trafficking in Indonesia has become a serious, cross-sectoral issue, impacting not only criminal law but also natural resource governance, particularly land and forest areas. One manifestation of this problem is the cultivation of marijuana on state land, including protected forest areas, national parks, and registered land. This phenomenon causes significant losses to the state, both ecologically and economically.

According to data from the 2016 World Narcotics Report published by the United Nations Office on Drugs and Crime (UNODC), cannabis abuse accounts for 74% of the world's population aged 15-65,

¹ D. G. Yohan, G. A., Sugiarta, I. N. G., & Sudibya, "Tindak Pidana Terhadap Pelaku Penanaman Pohon Ganja Secara Ilegal Berdasarkan Putusan Pengadilan Negeri Sanggau Nomor 111/Pid.Sus/2017/PN.Sag.," *Jurnal Interpretasi Hukum* 2, no. 3 (2022): 309-14, doi:<https://doi.org/10.22225/juinhum.3.2.5072.309-314>.

while 11% in Asia abuse it.² In Indonesia, based on a survey conducted by the National Narcotics Agency (BNN) and the Health Research Center of the University of Indonesia (2016), 44.8% of drug users abuse cannabis. Problems related to narcotics, crime, and socio-economic impacts, as well as forest destruction in Indonesia are all caused by cannabis.³ The failure to prevent and stop the spread of cannabis from Aceh throughout Indonesia has led to rampant cannabis production and abuse. Cannabis production and abuse have a wide impact on the country, including physical, psychological, social, economic, cultural, and national resilience and security.⁴

Handling of marijuana growers has so far been dominated by a repressive approach based on criminal law, while aspects of land administration and environmental protection and restoration have not been optimally integrated. Yet, the success of drug control efforts on state land depends heavily on coordination between law enforcement officials, rehabilitation institutions (BNN), and land/forestry agencies such as the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) and the Ministry of Environment and Forestry (KLHK). The restorative justice approach, which has recently been widely developed within the criminal justice system, has also not been widely applied in cases involving the misuse of state land for drug crimes. In fact, this approach has the potential to provide a more humane and sustainable alternative, especially for actors from local communities who are often victims of limited economic access and uncertain land status.

Research on combating drug crimes, particularly marijuana, has been extensively conducted from a criminal law perspective. On the other hand, studies on state land management from a land administration law perspective have also developed. However, both tend to be studied sectorally and separately. To date, there has been little research that simultaneously integrates criminal law and land administration law approaches, particularly in the context of marijuana cultivation on state land, which impacts authority conflicts, effective law enforcement, and equitable agrarian management. This gap opens up space for research that explores how synergy between criminal law and land administration policies can be established to address these cases in a systemic and restorative manner.

Fahrizal S. Siagian, et al., in their research referring to the Indonesian Narcotics Law, stated that "Drug abuse does not only include the use of narcotics; possession, including the illegal cultivation of marijuana plants, is also a criminal offense. Empirically, there is evidence that individuals who consume narcotics have different motivations. One factor contributing to the high prevalence of narcotics in society is the public's lack of knowledge about regulations. In addition, they are unaware of the law because they do not care about narcotics laws, so they are trapped by clear and strict regulations. From an ethical perspective, growing marijuana is certainly considered unethical. All current knowledge and regulations state that narcotics are prohibited substances, so their cultivation must be prohibited. Furthermore, religion does not allow the use of narcotics. These rules have been ingrained in the mindset of society, becoming moral principles".⁵ This research focuses on the criminal law aspects of marijuana cultivation based on the Narcotics Law No. 35 of 2009 has not touched on the land/state land aspect.

Research by Nyak Fadhullah examines criminological factors (economic, social, community control), the factors causing marijuana cultivation in Beutong Ateuh Banggalang District due to several things, namely because of pressing economic conditions, then the opportunity to make money easily and quickly, natural factors in Beutong Ateuh Banggalang District which are fertile, and there are parties who provide capital and accommodate the harvest of marijuana plants.⁶ This research

² E Akerele, *Global Drug Use. In Substance and Non-Substance Related Addictions: A Global Approach* (Cham: Springer International Publishing., 2022).

³ G. D Setiawati, Y., & Dirawan, "Drugs as a Socio-Ecological Problem: An Analysis of the Relationship between Crime and Environmental Damage from the Perspective of Green Criminology and One Health," *Pinisi Journal of Art, Humanity, and Social Studies* 6, no. 1 (2026): 52-64, doi:journal.unm.ac.id/index.php/PJAHSS/article/view/11156.

⁴ National Narcotics Agency of the Republic of Indonesia, "National Narcotics Agency Report" (Jakarta, 2025).

⁵ M. K. Siagian, F. S., Putra, N., & Imam, "Kajian Yuridis Tindak Pidana Penanam Ganja Berdasarkan Undang- Undang Tentang Narkotika Indonesia," *Neoclassical Legal Review: Journal Of Law And Contemporary Issues* 2, no. 2 (2023): 53-62, doi:https://doi.org/10.32734/nlr.v2i2.13563.

⁶ N. Fadhullah, "Kajian Kriminologi Terhadap Penanam Ganja: Studi Kasus Di Kecamatan Beutong Ateuh Banggalang Kabupaten Nagan Raya," *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 6, no. 1 (2017): 89-113, doi:https://doi.org/https://doi.org/10.22373/legitimasi.v6i1.1845.

discusses illegal marijuana cultivation in one local area, does not discuss state land administration and land regulations.

Research by Indriana et al. discusses criminal law policies in efforts to eradicate drug abuse, particularly in the mapping and destruction of marijuana plantations, which is a repressive implementation carried out by law enforcement officials at the executive level.⁷ This study touches on the location of state land but does not link it to the realm of land administration and state land management regulations. The three studies above provide different but complementary approaches: the first and second studies emphasize the criminal law and criminology aspects related to marijuana cultivation, while the third study highlights land restoration policies and the role of officials in eradicating marijuana plantations. However, none has explicitly discussed the integration between criminal law and land administration, particularly in the context of managing or supervising state land used for illegal marijuana cultivation. Based on the three references above, it appears that research examining the integration between criminal law enforcement and land policy in addressing marijuana cultivation on state land is inadequate. This study aims to fill this gap by offering an integrative and interdisciplinary approach that has not been widely explored in previous studies.

This paper aims to examine the synergy between criminal law and administrative law in addressing narcotics cultivation on state land, and to analyze the extent to which a restorative justice approach can be integrated into law enforcement policies and practices in this sector. Using a normative juridical approach with case studies, data was collected through a literature review of laws and regulations, official institutional documents (BNN, KLHK, ATR/BPN), court decisions, and analysis of relevant real-life case reports. The study also considers spatial data and land administration in areas suspected of being used for illegal marijuana cultivation. This study also takes the example of marijuana cultivation in the Bromo Tengger Semeru National Park area and its relevance to the Lampung region, which has many registered land areas and state forests that are prone to agrarian conflicts and land misuse.

Literature Review

Criminal Law on Narcotics Offences

Criminal law constitutes the primary legal instrument employed by the Indonesian state in combating narcotics-related offences. Law Number 35 of 2009 concerning Narcotics classifies cannabis as a Category I narcotic and criminalizes activities including cultivation, possession, distribution, and trafficking. The dominant legal policy reflected in the Narcotics Law emphasizes deterrence and punishment through severe criminal sanctions. This approach is rooted in the perception that narcotics crimes constitute extraordinary crimes due to their detrimental effects on public health, social order, and national security.

Theoretically, criminal liability for narcotics offences is based on the principles of *actus reus* and *mens rea*. The perpetrator must not only commit the prohibited act, such as cultivating cannabis, but must also possess the requisite criminal intent. Consequently, criminal law enforcement against marijuana cultivators generally focuses on proving unlawful possession, cultivation activities, and intentional conduct. Within this framework, punishment functions as a mechanism for deterrence, retribution, and social protection.

Previous studies have predominantly examined marijuana cultivation from a criminal law perspective. Siagian et al. (2023) analyzed the criminal responsibility of cannabis cultivators under the Narcotics Law and concluded that unauthorized cultivation constitutes a serious criminal offence subject to substantial penalties. Similarly, Johan et al. (2022) focused on judicial approaches in prosecuting illegal cannabis cultivation, while Fadhlullah (2017) examined criminological factors contributing to marijuana cultivation, including economic hardship, social influences, and weak law enforcement.

⁷ & Affila. Indriana, Syahrin, A., Yunara, E., "Kebijakan Hukum Pidana Pemberantasan Penyalahgunaan Dan Peredaran Narkotika Melalui Pemusnahan Ladang Ganja Di Provinsi Sumatera Utara," *Locus : Jurnal Konsep Ilmu Hukum* 4, no. 1 (2024): 12-23, doi:<https://doi.org/10.56128/jkih.v4i1.305>.

Although these studies provide valuable insights into narcotics offences, they remain largely confined to criminal law analysis. The relationship between narcotics crimes and state land governance has received limited attention. As a result, existing scholarship has not adequately explained how weaknesses in land administration may facilitate marijuana cultivation or how criminal law enforcement can be integrated with land governance policies. This limitation demonstrates the need for a broader interdisciplinary approach that extends beyond conventional criminal law perspectives.

Land Administration and State Land Governance

Land administration refers to the legal and institutional framework governing land ownership, utilization, registration, and supervision. In Indonesia, land administration is primarily regulated by the Basic Agrarian Law (Law Number 5 of 1960), supplemented by forestry regulations and policies administered by ATR/BPN and the Ministry of Environment and Forestry. State land constitutes land directly controlled by the state and allocated for public welfare, environmental conservation, and economic development.

Effective land administration requires legal certainty regarding land status, clear institutional authority, and accurate spatial information. However, Indonesian land governance continues to face challenges arising from overlapping jurisdiction, incomplete land registration, and fragmented institutional responsibilities. These problems are particularly evident in forest areas, conservation zones, and registered lands where competing claims frequently emerge.

Previous studies have examined the implications of weak land governance. Fahrizal et al. (2022) found that overlapping authority in registered land management contributes to environmental crimes and regulatory uncertainty. Fitria and Andhika (2021) similarly observed that weak supervision of forest areas creates opportunities for unlawful exploitation. Nevertheless, these studies focus primarily on land disputes and environmental governance without connecting land administration deficiencies to narcotics-related activities.

Consequently, the existing literature has not sufficiently explored how deficiencies in state land governance create opportunities for illegal marijuana cultivation. This gap is particularly important because many cannabis plantations are discovered in remote forest areas, conservation zones, and lands with uncertain legal status. Therefore, land administration should not be viewed merely as an agrarian issue but also as a critical component of narcotics prevention and control.

Cross-Sector Policy Integration in Addressing Marijuana Cultivation

Contemporary governance theory emphasizes the importance of policy integration in addressing complex social problems that transcend institutional boundaries. Drug-related crimes occurring on state land represent a multidimensional issue involving criminal law enforcement, environmental governance, land administration, and community welfare. Accordingly, isolated sectoral responses are often ineffective in addressing the structural causes of such activities.

Policy integration refers to the coordination of legal norms, institutional responsibilities, and administrative practices among different government agencies. In the context of marijuana cultivation on state land, integration requires collaboration among law enforcement institutions, the National Narcotics Agency (BNN), ATR/BPN, and the Ministry of Environment and Forestry. Effective integration enables not only criminal prosecution but also land rehabilitation, environmental restoration, and preventive monitoring.

Existing studies indicate that institutional fragmentation remains a major obstacle. Mutalib (2023) demonstrated that weak inter-agency coordination contributes to recurring narcotics-related problems in vulnerable regions. Likewise, Arifin and Nugroho (2021) identified the absence of post-enforcement land management as a factor allowing former cultivation sites to be reused for illegal activities.

Despite these findings, prior research has not developed a comprehensive framework integrating criminal law and land administration in addressing marijuana cultivation on state land. Most studies continue to analyze either narcotics enforcement or land governance separately. Therefore, a

significant theoretical and practical gap remains regarding how these regulatory sectors can be harmonized within a unified policy framework.

Restorative Justice in Narcotics Cases

Restorative justice has emerged as an alternative paradigm within contemporary criminal justice systems. Unlike conventional punitive approaches, restorative justice seeks to repair harm, restore social relationships, and encourage participation by offenders, victims, and communities in resolving conflicts. The approach prioritizes accountability, rehabilitation, and social reintegration rather than solely imposing punishment.

In Indonesia, restorative justice has gradually been incorporated into criminal justice policies through regulations issued by the Police, the Prosecutor's Office, and the Supreme Court. Although its application remains most common in minor offences and juvenile cases, recent developments have expanded discussions regarding its use in narcotics-related cases, particularly for users and individuals with limited involvement in organized drug networks.

Scholars such as Sinaga (2021) argue that restorative justice may reduce prison overcrowding and improve rehabilitation outcomes in narcotics cases. Moreover, restorative approaches are increasingly linked to community-based development and social recovery programs. However, the application of restorative justice to marijuana cultivation on state land remains largely unexplored.

Existing literature generally treats narcotics offences and land governance as separate issues. Consequently, restorative justice has rarely been conceptualized as a mechanism connecting criminal accountability with environmental restoration, land rehabilitation, and community empowerment. This limitation creates an important opportunity for developing a broader restorative model capable of addressing both legal and socio-economic dimensions of marijuana cultivation on state land.

Research Gap and Novelty

Based on the foregoing literature, previous studies can be categorized into three major streams. First, criminal law studies focus on the prosecution and punishment of marijuana cultivators. Second, land administration studies examine governance challenges related to state land and forest areas. Third, restorative justice scholarship discusses alternative approaches to criminal accountability, particularly in narcotics cases. However, these streams remain fragmented and rarely intersect.

No previous study has comprehensively analyzed marijuana cultivation on state land through the simultaneous lenses of criminal law, land administration, cross-sector governance, and restorative justice. Existing research has not adequately explained how weaknesses in land governance contribute to narcotics offences or how integrated policies can prevent the recurrence of illegal cultivation activities.

Accordingly, the novelty of this study lies in developing an integrated legal framework that combines criminal law enforcement, land administration governance, and restorative justice as complementary mechanisms for addressing marijuana cultivation on state land. This interdisciplinary approach provides a more comprehensive understanding of the problem and offers policy recommendations that extend beyond conventional punitive responses.

Research Design and Methodology

This study employs a normative juridical (doctrinal legal) research method, supported by a case study of marijuana cultivation discovered in the Bromo Tengger Semeru National Park (TNBTS). Normative legal research is appropriate because the study primarily examines legal norms governing narcotics offences, state land administration, and restorative justice, while evaluating the coherence and integration of these legal regimes in addressing marijuana cultivation on state land. The Bromo case is utilized as an illustrative case study to demonstrate how the interaction between criminal law enforcement, land administration, and environmental governance operates in practice, as well as to assess its relevance for other vulnerable state-land areas, particularly in Lampung Province.

To achieve the research objectives, this study applies three complementary legal approaches. First, the statutory approach examines the hierarchy and interaction of legal instruments governing narcotics control, state land administration, forestry, environmental protection, and restorative justice. These include Law Number 35 of 2009 concerning Narcotics, Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), Law Number 41 of 1999 concerning Forestry, Law Number 1 of 2023 concerning the Criminal Code, and other implementing regulations concerning restorative justice, land governance, and conservation areas. This approach is intended to identify normative consistency, regulatory overlap, and institutional authority in responding to marijuana cultivation on state land.

Second, the conceptual approach is employed to analyze legal doctrines and theoretical concepts concerning criminal liability, state land governance, cross-sector policy integration, and restorative justice. This approach enables the study to construct an integrated legal framework that combines criminal law enforcement with administrative governance and sustainable land management. Relevant legal doctrines concerning legal certainty, institutional coordination, ecological justice, and restorative justice are synthesized to evaluate existing legal policies.

Third, the case approach analyzes the criminal proceedings concerning marijuana cultivation in the Bromo Tengger Semeru National Park, including the decisions of the Lumajang District Court and institutional responses from the Ministry of Forestry, the National Narcotics Agency (BNN), and related government agencies. The case is examined not merely as a criminal prosecution but as evidence of broader governance challenges involving state land management, environmental protection, and inter-agency coordination. The findings are subsequently compared with the governance characteristics of vulnerable state-land areas in Lampung Province to assess the broader applicability of the proposed legal framework.

The legal materials employed in this research consist of primary, secondary, and supporting legal materials. Primary legal materials include legislation governing narcotics, agrarian affairs, forestry, environmental protection, criminal law, and restorative justice, together with relevant court decisions concerning marijuana cultivation on state land. Secondary legal materials comprise books, peer-reviewed journal articles, legal commentaries, and previous studies discussing narcotics offences, land administration, restorative justice, agrarian governance, and environmental law. Supporting materials include institutional reports and policy documents issued by the National Narcotics Agency (BNN), the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the Ministry of Forestry, the Supreme Court, spatial information concerning state land and forest areas, geospatial mapping, and official statistical data relevant to narcotics cultivation and land governance.

Legal materials were collected through documentary and literature research, including the systematic examination of legislation, judicial decisions, institutional publications, official policy documents, scholarly literature, and publicly available spatial information. Documentary analysis was conducted to identify legal norms, institutional responsibilities, and practical implementation concerning marijuana cultivation occurring on state land.

The collected legal materials were analyzed using qualitative legal analysis through descriptive, systematic, and prescriptive methods. The analysis began by identifying the existing legal framework regulating narcotics offences, land administration, and restorative justice. Subsequently, legal inconsistencies, fragmented institutional authority, and policy gaps were examined through normative interpretation and comparative analysis of relevant legal instruments. The Bromo Tengger Semeru National Park case served as the principal analytical reference for evaluating the practical interaction between criminal law enforcement and state land governance. Finally, the study formulated an integrated legal policy model that combines criminal law, land administration, cross-sector institutional coordination, and restorative justice as complementary mechanisms for preventing and addressing marijuana cultivation on state land while ensuring legal certainty, environmental sustainability, and equitable land governance.

Findings and Discussion

Criminal Liability for Cannabis Cultivation on State Land under Law Number 35 of 2009 concerning Narcotics

The Government of the Republic of Indonesia, as a constitutional state guaranteed by the 1945 Constitution, strives to prevent and eradicate narcotics abuse and illicit trafficking, which seriously endanger the future of the Indonesian nation. During the New Order era, in 1976, Law No. 9 of 1976, which was later replaced by Law No. 22 of 1997, underwent further changes in response to changing situations and conditions that required the law to adapt. Law No. 35 of 2009 concerning Narcotics replaced it (Siagian et al., 2023). Criminal law in Indonesia regulates narcotics through Law No. 35 of 2009 concerning Narcotics. The illegal cultivation of marijuana is a criminal act that can be prosecuted under Article 111 paragraph (1) which regulates the prohibition on cultivating plants that are included in class I narcotics. The approach used so far has placed more emphasis on criminalization, without touching on the root of the problem such as economic factors, social alienation and agrarian conflict.

Narcotics are very useful for treating certain diseases, but their misuse can be fatal. If abused, narcotics will harm individuals and society, especially the younger generation. This is even more detrimental when drug abuse and illegal distribution are combined, which can have a more devastating impact on lives. From an empirical sociological perspective, drug use is often nothing more than a means of treatment. This is a situation empirically observed based on the actual conditions of society. People in society do not pay attention to the level of drug use, which can lead to addictive behavior. Narcotics damage the brains and bodies of users, especially the nation's younger generation. All levels of society abuse drugs, including officials, law enforcement officers, politicians, private sector officials, students, and children. Therefore, cases related to narcotics are also included in the category of extraordinary crimes.⁸

Indonesia, as a country based on law, has the authority to enforce its laws to prevent various violations and crimes (criminal acts). This law enforcement is based on legal principles, including the principle of equality before the law, which means the law applies to everyone without discrimination based on their social status or background. Criminal law focuses on the discussion of positive law (*ius constitutum*). Actions and their consequences, as elements of a crime, are the facts of the act committed and the consequences that arise. The causes and effects of a crime, referred to as elements of a crime, are something that is appropriate to the context of the act committed. The conditions mentioned here relate to the contextual conditions that accompany a crime.⁹

Codification and unification of criminal law mean transforming criminal law into consistent and easily understood legislation. Law Number 35 of 2009 concerning Narcotics, for example, contains regulations crucial for the health sector, specifically regarding the provision of medicines for scientific and health purposes. These regulations are not only crucial for the health sector but also crucial for combating the illegal distribution of narcotics.¹⁰ Considering health issues from a foreign policy perspective, influenced by the belief that health is a human right, health issues are crucial for national stability. Countries are increasingly vulnerable to public health risks and threats, with migration of people, plants, and animals becoming more frequent, rapid, and across national borders.¹¹

Narcotics will achieve their ultimate goal of destroying the nation if left unchecked. Society's greatest assets will continue to suffer from narcotics, both physically and mentally. The public is left

⁸ A Sudanto, "Penerapan Hukum Pidana Narkotika Di Indonesia," *ADIL: Jurnal Hukum* 8, no. 1 (2017): 137-61, doi:<https://doi.org/10.33476/ajl.v8i1.457>.

⁹ R. M. I. Mazjah, "Redefinisi Hukum Tindak Pidana Pada Aktivitas Pendengungan (Buzzing) Informasi Elektronik Melalui Instrumen Media Sosial," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 2, no. 12 (2021): 181-200, doi:<https://doi.org/10.22212/jnh.v12i2.2335>.

¹⁰ I. M. M. Totomutu, C. B. L., Sugiarta, I. N. O. G., & Widyantara, "Hukuman Mati Dalam Tindak Pidana Narkotika Ditinjau Dari Perspektif Hak Asasi Manusia (Studi Putusan Mahkamah Konstitusi Nomor 2-3/Puu-V/2007)," *Jurnal Konstruksi Hukum* 2, no. 2 (2021), doi:<https://doi.org/https://doi.org/10.22225/jkh.2.2.3256.361-366>.

¹¹ T. S. Subandi, Y., Amini, D. S., Nurgiyanti, T., & Nurhantoro, "Pemenuhan Hak Asasi Manusia Terhadap Pengguna Narkotika: Analisis Bibliometrik VOSviewer," *Innovative: Journal Of Social Science Research* 4, no. 2 (2024): 5809-5821, doi:<https://doi.org/10.31004/innovative.v4i2.9724>.

confused about the nation's future. Hundreds of millions of people in the United States have lost their lives to drug overdoses and other unexpected deaths. Drug addicts also drain government resources due to their inability to think rationally. Addiction and dependence on these addictive substances cost society tens of trillions of rupiah annually. Most of these losses are caused by medical, rehabilitation, and other related costs. To combat drug use, the Indonesian government has adopted various national laws and regulations, established the National Narcotics Agency, complied with various international conventions related to the eradication of narcotics, and punished drug traffickers.¹² However, it appears that these efforts have actually led to an increase in drug use. Compared to estimates, drug trafficking has increased in recent years.

Law Number 35 of 2009 concerning Narcotics constitutes the principal legal framework governing criminal liability for narcotics offences in Indonesia. Article 111 paragraph (1) explicitly criminalizes any person who, without lawful authority, plants, cultivates, possesses, stores, controls, or provides Category I narcotics in the form of plants, including cannabis. The provision reflects Indonesia's punitive approach to narcotics crimes by emphasizing deterrence through severe criminal sanctions. Where the quantity of cultivated cannabis exceeds one kilogram or five plants, Article 111 paragraph (2) prescribes significantly harsher penalties, including imprisonment of up to twenty years or life imprisonment. Accordingly, the legal framework primarily focuses on suppressing narcotics production through criminal prosecution.

From the perspective of criminal law, liability for cannabis cultivation is established through the fulfillment of both *actus reus* and *mens rea*. The prohibited conduct consists of cultivating or maintaining cannabis plants without legal authorization, while criminal responsibility requires proof that the perpetrator intentionally engaged in the prohibited activity. Consequently, criminal sanctions under the Narcotics Law are directed primarily at individual culpability rather than at addressing the structural conditions that facilitate illegal cultivation. This doctrinal approach effectively establishes legal certainty but provides limited consideration of the broader governance context in which cannabis cultivation frequently occurs.

The limitation of this penal approach becomes apparent when cannabis cultivation takes place on state land, forest areas, or other publicly controlled territories. In such situations, the criminal offence is not solely an issue of unlawful narcotics production but also reflects weaknesses in state land governance. Perpetrators frequently exploit remote forest areas, abandoned state land, or disputed registered land because these locations receive limited administrative supervision and are difficult for law enforcement agencies to monitor. Therefore, the legal problem extends beyond criminal liability to include deficiencies in land administration, spatial governance, and institutional oversight.

Current law enforcement under Law Number 35 of 2009 remains predominantly offender-oriented. Once perpetrators are prosecuted and cannabis plantations destroyed, legal intervention generally ends without addressing the administrative status of the affected land. In many cases, no legal mechanism requires the responsible institutions to rehabilitate, remap, or continuously monitor former cultivation sites. As a result, the same areas remain vulnerable to repeated illegal cultivation because the underlying governance problems are left unresolved.

This limitation illustrates the need to integrate criminal law with land administration law. Institutions such as the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the Ministry of Forestry, regional governments, and the National Narcotics Agency (BNN) possess complementary authorities concerning land management, spatial planning, conservation areas, and narcotics enforcement. However, these authorities currently operate through fragmented regulatory frameworks with limited institutional coordination. Consequently, criminal prosecution alone cannot effectively prevent the recurrence of cannabis cultivation on state land without administrative measures aimed at strengthening land governance.

Accordingly, this study argues that the effectiveness of Law Number 35 of 2009 should not be evaluated solely based on the severity of criminal sanctions but also on its capacity to interact with land administration policies. An integrated legal framework combining criminal law enforcement,

¹² S. Yunus, N. R., Nurhalimah, S., Nasution, L., & Romlah, "Narkotika Sebagai Kejahatan Luar Biasa : Beberapa Perdebatan Hukum Dan Politik," *Jurnal Scientia Indonesia* 8, no. 1 (2022), doi:<https://doi.org/10.15294/jsi.v8i1.36017>.

spatial monitoring, land administration, environmental rehabilitation, and cross-sector institutional coordination would provide a more sustainable strategy for preventing cannabis cultivation on state land than reliance on punitive measures alone.

Criminal Liability for Marijuana Growers According to Law Number 35 of 2009 concerning Narcotics

Criminal liability for cannabis cultivation in Indonesia is primarily governed by Law Number 35 of 2009 concerning Narcotics, particularly Article 111, which criminalizes any person who, without lawful authority, plants, cultivates, possesses, stores, controls, or provides Category I narcotics in the form of plants. Criminal responsibility is therefore established only when both the objective and subjective elements of the offence are fulfilled. The objective element (*actus reus*) consists of the unlawful act of cultivating or controlling cannabis plants, whereas the subjective element (*mens rea*) requires proof that the offender intentionally committed the prohibited conduct with knowledge that such cultivation was prohibited under the Narcotics Law.¹³

The application of Article 111 should not be interpreted solely as criminalizing the act of planting cannabis. Criminal liability must also be assessed according to the role and degree of participation of each offender. Indonesian criminal law recognizes that different actors may perform different functions within the same criminal activity. In cannabis cultivation cases, criminal responsibility may extend to individuals who finance the cultivation, organize the plantation, provide land access, supervise production, or directly cultivate the plants. Although all participants may be prosecuted under the Narcotics Law, the assessment of criminal responsibility should remain proportional to each person's contribution, intent, and level of participation.

The element of "without right or against the law" contained in Article 111 acquires broader significance when cannabis cultivation occurs on state land, registered forest areas, conservation areas, or other publicly controlled territories. In these circumstances, the unlawfulness of the conduct derives not only from the cultivation of Category I narcotics but also from the unauthorized use of land that is legally controlled by the State. Consequently, the criminal act simultaneously violates narcotics law and undermines the legal regime governing state land administration, forestry, and environmental protection.

This dual dimension distinguishes cannabis cultivation on state land from ordinary narcotics offences. While criminal law focuses on punishing offenders for producing prohibited narcotics, land administration law addresses the legality of land control, spatial utilization, and state supervision over public land. The absence of authorization to occupy or utilize state-controlled land strengthens the unlawful character of the offence and demonstrates that criminal liability cannot be understood independently from the administrative status of the land where the cultivation occurs.

Furthermore, the current legal framework remains predominantly offender-oriented. Law enforcement generally concentrates on identifying perpetrators, destroying cannabis plantations, and imposing criminal sanctions. However, once criminal proceedings are completed, limited attention is given to the legal status, rehabilitation, and future supervision of the affected land. Consequently, former cultivation sites frequently remain vulnerable to repeated illegal use because administrative measures such as land rehabilitation, spatial remapping, and institutional monitoring are not systematically implemented.

Therefore, criminal liability for cannabis cultivation on state land should be understood within a broader governance perspective. The effectiveness of Article 111 of Law Number 35 of 2009 depends not only on the successful prosecution of offenders but also on coordination with institutions responsible for state land administration, including the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the Ministry of Forestry, regional governments, and the National Narcotics Agency (BNN). Such integration enables criminal law enforcement to function alongside preventive land governance, thereby reducing opportunities for repeated cannabis cultivation on vulnerable state land.

¹³ A. Fadlian, "Pertanggungjawaban Pidana Dalam Suatu Kerangka Teoritis," *Jurnal Hukum Positum* 5, no. 2 (2020): 10-19, doi:<https://doi.org/https://journal.unsika.ac.id/index.php/positum/article/view/5556>.

Restorative Approach in Criminal Law

Restorative Justice is a transformation in the criminal justice system that prioritizes justice for victims and perpetrators of crimes, as well as alternative punishments such as community service and other forms of punishment. Bagir Manan argues that the core of Restorative Justice encompasses principles such as encouraging joint participation between perpetrators, victims, and community groups in resolving an incident or crime, positioning perpetrators, victims, and the community as "stakeholders" who work together and seek solutions deemed fair to all parties involved (a win-win solution) (Sinaga, 2021). Restorative justice is an alternative approach in the criminal justice system that aims to restore relationships between perpetrators, victims, and the community. This approach has begun to be adopted at the investigation, prosecution, and court levels, as well as in the new National Criminal Code (Law No. 1 of 2023), although it has not yet been widely implemented in the context of drug crimes and misuse of state land.

Restorative Justice is regulated by various regulations, from the investigation, prosecution, and court levels, as follows:

- 1) Circular Letter of the Chief of the Indonesian National Police Number SE/8/VII/2018 of 2018 concerning the Implementation of Restorative Justice in the Settlement of Criminal Cases.
- 2) Regulation of the Chief of the Indonesian National Police Number 6 of 2019 concerning Criminal Investigation and Regulation of the Indonesian Prosecutor's Office Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice.
- 3) Joint Regulation of the Chief Justice, Minister of Law and Human Rights, Minister of Health, Minister of Social Affairs, Attorney General, Chief of Police, Head of the National Narcotics Agency Number 01/PB/MA/111/2014, Number 03 of 2014, Number 11 of 2014, Number 03 of 2014, Number 005/A/JA/03/2014, Number 1 of 2014, Number Perber/01/111/2014/BNN concerning the Handling of Narcotics Addicts and Victims of Narcotics Abuse in Rehabilitation Institutions.
- 4) Decree of the Director General of the General Court of the Supreme Court of the Republic of Indonesia Number 1691/DJU/SK/PS.00/12/2020 concerning the Implementation of Guidelines for the Implementation of Restorative Justice in General Courts on December 22, 2020.

Restorative Justice places a strong emphasis on the criminal accountability process, which involves upholding the personal responsibility of the perpetrator towards the victim and the community. It is hoped that punishment can be avoided if the perpetrator, victim, and community whose rights have been violated believe that justice has been achieved through cooperative discussion. This demonstrates that a sense of justice and conflict resolution are the primary goals of the Restorative Justice approach, not the perpetrator. The restorative approach is particularly relevant in the context of non-syndicate local actors. Rather than simply punishing, the state can empower communities through social rehabilitation programs, legalization of land access based on agrarian reform, and social forestry. This also aligns with the values of ecological justice and sustainable development.

Land Administration Law and State Land Governance

Territory or area is an essential component, and its size indicates the level of power. A country's territory reflects its power. Furthermore, territory is vast, encompassing not only land but also sea and outer space. State power increases with the size of its territory, and all those living there are subject to and obey its authority. History shows that disputes in state administration, including over general land regulations, are inevitable. Within its borders, the state has sole authority to manage and control the territory.¹⁴ State land is regulated by various regulations, including Law No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA), Law No. 41 of 1999 concerning Forestry, and policies of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). However,

¹⁴ R Hairan, & Datau, "Kebijakan Formulasi Hukum Pidana Terhadap Tindak Pidana Pertanahan Di Indonesia," *Gorontalo Law Review* 3, no. 1 (2020), doi:<https://jurnal.unigo.ac.id/golrev/article/view/907>.

overlapping authority and weak oversight of unproductive land and registered areas leave them vulnerable to abuse, including drug cultivation.

Overlapping authority between central and regional government agencies in managing unproductive land and registered areas in Indonesia is a major factor creating legal and administrative loopholes. This situation is exacerbated by the weakness of an integrated oversight system, both in criminal law and land administration. Unclear boundaries, land legal status, and data fragmentation between the Ministry of Environment and Forestry, the National Land Agency, and regional governments create a legal gray area that is vulnerable to abuse by certain individuals, including for the cultivation of illicit crops such as marijuana or other narcotics. This phenomenon reflects the failure of sustainable and equitable land governance, where lands that should be utilized for productive agriculture or conservation have instead become gray zones untouched by state control. In several regions, such as Aceh, North Sumatra, and Lampung, poorly managed registered forest areas and state land have reportedly become sites for illegal marijuana cultivation, indicating weak synergy between law enforcement and land administration.¹⁵

Unclear authority in managing registered areas increases the opportunity for narcotics crimes, as perpetrators exploit the "unclaimed" status of the land for difficult-to-detect illegal activities.¹⁶ Institutional integration and technology-based monitoring systems are still minimal, especially in areas historically classified as "vulnerable areas." This situation demands cross-sectoral policy reform between law enforcement officials, agrarian and forestry agencies, and strengthening participatory oversight by local communities based on customary law and living law. Without comprehensive and equitable improvements in land governance, vulnerability to land misuse for narcotics cultivation will continue to recur, reflecting a systemic failure in national agrarian resource management.

Weak Integration of Criminal Law and Land Administration

The integration of criminal law and land administration law in Indonesia faces significant challenges. State administrative law plays a crucial role in regulating land management and resolving land disputes. However, weak integration between administrative law and criminal law often leads to increasingly complex problems in law enforcement in land cases. Therefore, there is an urgent need to strengthen administrative law as a means to increase the effectiveness of addressing land ownership issues.¹⁷ There is fragmented policy between law enforcement agencies (BNN, Polri), land agencies (ATR/BPN), and forestry agencies (KLHK). The absence of an integrated coordination mechanism often results in land previously used for drug cultivation being reoccupied without environmental restoration or sustainable use.

The lack of clarity in laws and regulations relating to crimes involving land administration is a major problem. For example, landowners have minimal legal protection when criminal regulations define land confiscation too narrowly. This results in land acquisitions that go unpunished. To provide legal certainty for land rights holders, it is crucial to implement criminal sanctions for violations in the land sector. However, many perpetrators go unpunished or receive inadequate punishment when administrative and criminal law are not successfully integrated. Policy fragmentation among relevant institutions, particularly the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the National Narcotics Agency (BNN), the Indonesian National Police (Polri), and the Ministry of Environment and Forestry (KLHK), is one of the structural obstacles to eradicating drug cultivation in Indonesia. The sectoral mandates that underpin the operations of each institution are often contradictory and, in practice, sometimes overlapping. Consequently, there is no

¹⁵ G. R. Fitria, R. A., & Andhika, "Analisis Yuridis Terhadap Pemanfaatan Kawasan Hutan Register Oleh Masyarakat Dan Aspek Penegakan Hukumnya," *Jurnal Hukum Dan Pembangunan* 3, no. 51 (2021): 512-530, doi:<https://doi.org/https://doi.org/10.21143/jhp.vol51.no3.2751>.

¹⁶ D. Fahrizal, M., Suryani, A., & Ardiansyah, "Tumpang Tindih Kewenangan Dalam Pengelolaan Lahan Register Dan Dampaknya Terhadap Kejahatan Lingkungan," *Jurnal Hukum Lingkungan Indonesia* 9, no. 1 (2022): 33-49, doi:<https://doi.org/https://doi.org/10.31289/jhli.v9i1.5678>.

¹⁷ F. Firmansyah, V. Z., & Syam, "Penguatan Hukum Administrasi Negara Pencegah Praktik Korupsi Dalam Penyelenggaraan Birokrasi Di Indonesia," *Integritas: Jurnal Antikorupsi* 7, no. 2 (2021): 325-344, doi:<https://doi.org/10.32697/integritas.v7i2.817>.

comprehensive coordination framework for law enforcement, land rehabilitation, or community empowerment in affected areas.

The absence of post-law enforcement structures overseeing sustainable land use and environmental rehabilitation exacerbates this problem. Field observations indicate that after marijuana or other drug cultivation sites are successfully eliminated, neither law enforcement nor natural resource management organizations take further action to manage them. This creates a recurring cycle in which former drug cultivation sites are reclaimed and illegally exploited, without any social reconstruction, ecological rehabilitation, or integration into the national land system (Arifin & Nugroho, 2021).

Secondary and tertiary prevention systems are disrupted by a lack of inter-agency collaboration protocols, and drug-prone areas revert to “black zones” that are difficult to monitor.¹⁸ The informal arrangements that allow criminal groups to reclaim these lands are reinforced by a lack of coordination between state institutions in dealing with destroyed marijuana plantations.¹⁹ Consequently, cross-sectoral regulations, such as those involving the National Narcotics Agency (BNN), the National Land Agency (ATR/BPN), and the Ministry of Environment and Forestry (KLHK), as well as community-based participatory approaches, are needed to achieve institutional integration. To transform areas previously used for drug production into profitable and legally secure locations, these initiatives must also be supported by recovery strategies based on restorative justice and ecological law.

A Case Study of Bromo Tengger Semeru National Park and its Relevance for Lampung

In response to reports that a marijuana plantation was discovered in a Nature Conservation Area, the Ministry of Forestry has clarified the situation through the Bromo Tengger Semeru National Park (TNBTS) Office. Plans to close tourist areas and restrict drone use were linked to this incident, but this information has proven to be false. Marijuana plants were discovered in the TNBTS area in September 2024, according to Satyawan Pudyatmoko, Director General of Natural Resources and Ecosystem Conservation (KSDAE). The location is linked to a drug case currently being investigated by the Lumajang Police. A collaborative team from the Indonesian National Armed Forces (TNI), the TNBTS Office, the Lumajang Police, and Argosari Village officials in Senduro District, Lumajang Regency, successfully discovered marijuana plants in the Pusung Duwur Block, Senduro District, and Gucialit between September 18 and 21, 2024.

Drone technology was used to map and identify marijuana fields. The team discovered the marijuana plants on a steep slope, in a very hidden location, and covered by dense undergrowth. With the help of local residents, the team, consisting of members of Manggala Agni, the TNBTS Office, the Lumajang Police, and the Forest Police, cleared the marijuana plants and removed them after discovery. Police then confiscated the plants as evidence. The TNBTS Directorate General emphasized that they were unaware of any connection between the marijuana field case and the planned closure of TNBTS or restrictions on drone use. Since the Ministry of Environment and Forestry issued Government Regulation No. 36 of 2024 concerning the Types and Tariffs of Non-Tax State Revenue, restrictions on drone use have been in place in conservation areas. This regulation, through the Standard Operating Procedure (SOP) for climbing Mount Semeru, has been in effect since 2019. To prevent similar tragedies from occurring again in the Bromo Tengger Semeru National Park area, the Ministry of Forestry has pledged to continue increasing patrols and surveillance.

The verdict hearing at the Lumajang District Court, East Java, focused on the negative impact of marijuana production on the ecosystem in the Bromo Tengger Semeru National Park (TNBTS) conservation area. In separate trials, three defendants, Tomo bin (the late) Sutamar, Tono bin Mistam, and Bambang bin Narto, were found guilty of planning marijuana production on national park land and were each sentenced to 20 years in prison and fined Rp 1 billion in criminal case files No. 19/Pid.Sus/2025/PN Lmj, No. 20/Pid.Sus/2025/PN Lmj, and No. 28/Pid.Sus/2025/PN Lmj,

¹⁸ R. Motalib, “Fragmentasi Kebijakan Lintas Sektor Dalam Penanganan Lahan Rawan Narkotika: Studi Di Provinsi Aceh,” *Jurnal Integrasi Hukum Dan Kebijakan Publik* 4, no. 1 (2023): 55-73, doi:<https://doi.org/https://doi.org/10.22146/jihkp.9876>.

¹⁹ D. Arimbi, T., & Siregar, “Post-Eradication Management of Illicit Cannabis Cultivation Areas: A Case Study in North Sumatra,” *Jurnal Kriminologi Indonesia* 10, no. 2 (2022): 102-119, doi:<https://doi.org/https://doi.org/10.14710/jki.10.2.2022.102-119>.

respectively. In addition to being extraordinary crimes related to narcotics, the panel of judges found that the defendants' activities had seriously damaged the environment. According to testimony at the trial, each defendant had a different role as a farmer. Edi, who is on the run, provided seeds and fertilizer to the defendants, while another defendant claimed to be a collector. Another defendant also mentioned the existence of another farmer. As a result, the panel of judges concluded that these actions were coordinated and qualified as part of a narcotics trafficking organization.²⁰

The panel of judges determined that the defendants' cultivation of marijuana in the Bromo Tengger Semeru National Park (TNBTS) area had damaged the native flora in the area. This was due to the endemic nature of the vegetation in the national park. Therefore, the TNBTS (Bromo Tengger Semeru National Park) Management Office is obliged to carry out environmental restoration and rehabilitation because the cultivation of marijuana there will inevitably damage the forest. As part of the implementation of the 1988 UN Convention on the Suppression of Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the primary objective is to protect the public, especially the younger generation (social defense), and to serve as a deterrent for drug users, including those who cultivate narcotics, both currently and in the future. Therefore, drastic measures are needed to eradicate it.²¹

According to one article of the Narcotics Law, certain crimes involving narcotics are punishable by death or life imprisonment. Given the significant damage to society and the environment, the Court decided to impose a harsher sentence, although the Public Prosecutor had only requested a sentence of seven to twelve years. Each defendant and their lawyers stated that they would first study the verdict after the trial was completed. This case demonstrates how narcotics crimes threaten not only humans but also the sustainability of Indonesia's natural environment. Especially in criminal cases involving narcotics, which also have a significant impact on the environment, law enforcement officials need to approach cases holistically and creatively, rather than in isolation. Redite Ika Septina, Chief Justice of the Lumajang District Court, served as presiding judge and directly supervised the panel of judges. Faisal Ahsan and I Gede Adhi Ganda Wijaya were the other judges.

The Lumajang District Court's ruling, which sentenced three defendants to 20 years in prison for cultivating marijuana in the TNBTS conservation area, demonstrates that courts are beginning to consider an integrative approach between criminal law and environmental restoration. The implications for policy integration are presented in the following table:

Table 1
Policy Implications of Integrating Criminal Law and Environmental Restoration in-Conservation Areas

Aspect	Key Findings	Recommendations
Geospatial & Monitoring	Drone/BIG-BNN mapping effectively identifies plantation sites	Integrate BIG-BNN-BPN data, state land maps + drug hotspots
Regulation & Enforcement	Lumajang District Court ruling combines criminal & environmental aspects	Revise the law so that drug-related crimes include land assets
Restorative & Sustainability	Reforestation and involvement of indigenous communities proposed	Implement restorative programs post-destruction/trial
Outreach & Prevention	BNN engages communities and conducts local awareness campaigns	Integrate preventive approaches by BPN and BNN at village/indigenous levels

Source: Primary data analysis synthesized by the author based on Lumajang District Court Decision.

The analysis shows that most marijuana cultivation takes place in areas that are difficult to reach and have unclear land status, such as registered forest areas or national parks. Perpetrators are generally from local communities with limited economic access and no alternative land uses. The

²⁰ Pengadilan Negeri Lumajang, Putusan Nomor 19/Pid.Sus/2025/PN Lmj (2025).

²¹ Ibid.

case in TNBTS demonstrates how weak oversight and the absence of community empowerment around conservation areas create a breeding ground for marijuana cultivation. The same situation has significant potential to occur in Lampung Province, where many registered areas remain undeveloped or are still in dispute over ownership. Many registered land areas in Lampung (for example, Register 45 in Mesuji, or the Way Kambas area) have overlapping ownership rights between indigenous communities, the state, and corporations. This potential for illegal narcotics practice arises due to weak oversight and unclear land status. The Bromo study could serve as a precedent for policies in Lampung, such as remapping, collaboration between the National Narcotics Agency (BNN), the National Land Agency (BPN), and the Ministry of Environment and Forestry (KLHK), and local community-based rehabilitation. Integration of criminal law and land policies is an urgent need in addressing cases of marijuana cultivation on state land. The use of a restorative approach and equitable agrarian governance can not only reduce drug crime rates but also strengthen state sovereignty over space. Collaboration between law enforcement, land, forestry, and social agencies is essential for the success of this integrated policy.

The relevance of the Bromo Tengger Semeru National Park (TNBTS) case to Lampung Province extends beyond the occurrence of cannabis cultivation itself and lies in the similarity of governance challenges affecting state-controlled land. Both regions contain extensive areas of state land administered under different legal regimes, including conservation areas, protected forests, and registered forest estates. In these territories, administrative supervision is often constrained by difficult geographical conditions, limited institutional capacity, and overlapping authority among government agencies. Such conditions create opportunities for the unauthorized use of state land, including illegal cultivation activities that remain undetected for extended periods. Consequently, the Bromo case should be understood as an illustration of broader weaknesses in territorial governance rather than as an isolated criminal incident.

Lampung Province presents several governance characteristics that justify the analytical application of the Bromo case. The province contains numerous state-controlled areas, including Register 45 Mesuji, Way Kambas National Park, Bukit Barisan Selatan National Park, and other forest register areas where land tenure disputes, illegal occupation, and overlapping claims between local communities, customary groups, private companies, and government institutions have persisted for many years. These unresolved agrarian issues reduce the effectiveness of territorial supervision and complicate law enforcement efforts. In several areas, the absence of clear administrative control and integrated spatial monitoring has resulted in unauthorized land use, illegal logging, wildlife crimes, and other environmental offences. Although documented cases of cannabis cultivation in Lampung remain limited compared to Bromo, these governance vulnerabilities indicate that similar narcotics-related activities could emerge if preventive land administration measures are not strengthened.

From a policy perspective, the Bromo case demonstrates that criminal prosecution alone cannot eliminate the structural conditions facilitating illegal cannabis cultivation. This lesson is particularly relevant for Lampung, where preventive governance should prioritize integrated land administration rather than relying exclusively on penal enforcement. Such integration should include periodic geospatial monitoring using satellite imagery and drone technology, synchronization of spatial data between the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the Ministry of Forestry, the National Narcotics Agency (BNN), and local governments, together with systematic verification of land tenure status in vulnerable state-controlled areas. In addition, community participation, agrarian conflict resolution, and sustainable livelihood programs should complement criminal law enforcement to reduce the incentives for illegal land utilization. Through this integrated approach, the Bromo case serves not merely as a precedent for criminal punishment but as a governance model for strengthening state land management and preventing narcotics-related offences in Lampung Province.

Conclusion

Marijuana production on state land is a type of narcotics crime that not only violates the law but also exposes weaknesses in the land administration system, particularly regarding the supervision, management, and use of state land. This study shows that the sectoral approach between land administration and criminal law has not been well integrated, creating legal loopholes that can be exploited by narcotics criminals. To address the complexity of this problem, integration between land management and criminal law is crucial. A restorative approach based on social justice and sustainable land management, regulatory reforms that include mechanisms for data synchronization and land use monitoring, and better coordination between law enforcement and land administration agencies can help achieve this integration. To effectively eradicate marijuana production on state land, a comprehensive and equitable policy reformation is needed, integrating criminal law and land administration, in addition to relying on law enforcement. Cultivation of narcotics on state land is a multidimensional problem that requires a cross-sectoral approach. Criminal law enforcement is insufficient without strengthening land administration policies and equitable state area governance. A restorative justice approach offers a more humane alternative for restitution, especially for perpetrators from local communities.

Based on the research findings, several policy recommendations can be implemented to prevent and address the misuse of state land for marijuana cultivation. First, cross-agency integration is needed through the establishment of a more effective coordination mechanism between the National Narcotics Agency (BNN), the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the Ministry of Environment and Forestry (KLHK), and law enforcement officials. This coordination is crucial to ensure comprehensive case handling, from prevention and monitoring to law enforcement, to the restoration of affected areas.

Second, the application of a restorative justice approach needs to be considered selectively, especially for perpetrators from local communities with low levels of involvement and influenced by economic factors. This approach can be accompanied by rehabilitation, economic empowerment, and social reintegration programs to reduce the potential for reoffending. Third, the government needs to conduct a comprehensive mapping of state areas vulnerable to misuse for illegal activities, including marijuana cultivation. Furthermore, public access to legal land needs to be expanded through social forestry programs, agrarian reform, or other land use schemes that provide legal certainty while improving community welfare. Fourth, the case of marijuana cultivation in the Bromo Tengger Semeru National Park (TNBTS) area can serve as a lesson in policy development in other regions with similar characteristics, such as Lampung Province. Policy replication needs to consider the social, economic, cultural, and ecological conditions of each region to ensure more effective and sustainable implementation. Fifth, monitoring of state areas potentially subject to abuse needs to be strengthened through the use of modern technology, such as drones and satellite imagery. This technology enables early detection of illegal activity, accelerates the identification of marijuana cultivation locations, and supports more accurate decision-making in law enforcement and national land protection efforts.

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Statement on the Use of Generative Artificial Intelligence (AI)

During manuscript preparation, the authors utilized ChatGPT (OpenAI) and Grammarly solely to refine language, grammar, and readability. All AI-assisted output was critically evaluated and verified by the authors, ensuring that scholarly judgment, data analysis, and synthesis remained entirely human-driven. The authors accept full responsibility for the manuscript's originality, accuracy, and adherence to the journal's Generative AI policy.

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