PUNGGAWA
LAW REVIEW
Punggawa Law Review
Volume 1, Number 4, 2026
E-ISSN: 3125-0580
Open Access: punggawajournal.com/plr

Criminal Liability of the Controllers Behind the Illegal Transactions of Land within Protected Forest Areas in East Luwu

Muhammad Rayhan Fahrezy[1], Naurah[2]
[1,2] Fakultas Hukum, Universitas Hasanuddin, Indonesia
Correspondence: rayhanfahrezy577@gmail.com

Article Info
Article history:
Received Sept 17th, 2026
Revised Oct 26th, 2026
Accepted Nov 3th, 2026

Keyword:
Criminal Liability; Protected Forest; Illegal Land Transactions; Criminal Participation; Forest Occupation.

ABSTRACT
The occupation of protected forest areas through illegal land transactions raised challenges in establishing the criminal liability of individuals who controlled such activities without directly participating in forest clearing. This study examined the legal basis for attributing criminal responsibility to individuals allegedly controlling the occupation of the Loeha Protected Forest in East Luwu Regency, South Sulawesi. It employed normative legal research using statutory, conceptual, and case approaches, with legal materials analyzed qualitatively through descriptive and prescriptive reasoning. The findings indicated that criminal liability extended beyond direct perpetrators to individuals who organized, directed, assisted, or financed prohibited activities, provided that their conduct fulfilled the applicable statutory elements. However, involvement in land transactions or the receipt of financial benefits alone did not establish criminal liability. The study also developed an evidentiary framework linking forest status, prohibited conduct, individual contributions, relationships among actors, and evidentiary sufficiency. It concluded that establishing individual criminal liability required a specific assessment of each person's conduct and legally sufficient evidence, rather than mere association with illegal land transactions.

© 2026 The Authors. Published by Punggawa Legacy Center. This is an open access article under the CC BY license (https://creativecommons.org/licenses/by/4.0/)

INTRODUCTION

Criminal law enforcement in the forestry sector faces significant challenges when the occupation and utilization of forest areas are carried out through a series of activities involving multiple parties. Forest degradation does not always result solely from physical activities, such as tree felling or land clearing, but may also involve the organization of activities, the transfer of land control, and economic transactions that facilitate the unlawful utilization of forest areas. Such complexity is consistent with the existence of tenurial conflicts in forest areas, which arise from competing claims and differences concerning the control, use, and utilization of land and forest resources (Chamdani, 2021). These circumstances require law enforcement efforts that extend beyond identifying individuals directly involved in activities at the location and instead examine the roles of all parties based on their respective conduct and involvement. Nevertheless, extending criminal liability to individuals allegedly operating behind such activities must remain grounded in the elements of criminal offenses and the principle of individual criminal responsibility. Research on illegal logging cases in Indonesia also highlights the importance of determining the appropriate basis of liability by examining the relationship between the conduct of the individuals involved and the role of the relevant business entity (Ubwarin & Wattimury, 2021). Consequently, involvement in transactions or the receipt of economic benefits cannot automatically constitute sufficient grounds for criminal punishment.

This issue is particularly relevant to the handling of alleged encroachment in the Loeha Protected Forest, East Luwu Regency, South Sulawesi. The Ministry of Forestry reported that a forest protection operation conducted on August 3, 2026, identified approximately 1.5 hectares of forest land

that had been cleared for pepper plantations, containing approximately 1,500 pepper plants. Coordinate mapping conducted by experts indicated that the location was situated within the Loeha Protected Forest area. The subsequent investigation focused on alleged criminal offenses involving unlawfully working on, utilizing, and/or occupying forest areas, while also examining the history of land occupation and utilization, including alleged illegal land sale transactions and compensation payments for cultivated land. On October 26, 2026, three suspects and the relevant evidence were transferred to the East Luwu District Attorney's Office for further legal proceedings. These developments demonstrate the relevance of examining the relationship between land occupation, transactions, and the parties involved in forest utilization. Nevertheless, the alleged involvement of each party must be established through judicial proceedings and cannot be concluded solely from the existence of transactions or land occupation.

Previous studies on forestry law enforcement in South Sulawesi have examined the issue from several different perspectives. Utama, Pawennei, and Sutiawati (2024), in their study entitled The Effectiveness of Law Enforcement against Illegal Logging Offenders by the South Sulawesi Regional Police of the Republic of Indonesia, examined the effectiveness of law enforcement and the factors hindering the handling of illegal logging cases. Their findings indicated that limited investigative personnel, geographical conditions, and community-related factors constituted obstacles to law enforcement, with the limited availability of investigators identified as the most influential factor. Meanwhile, Rosmania, Madiong, and Tira (2026) examined the implementation of law enforcement against illegal logging in Soppeng Regency. Their study highlighted constraints involving human resources, operational facilities, and public awareness and participation in supporting law enforcement (Rosmania et al., 2026). Both studies provide an overview of the obstacles to forestry criminal law enforcement in South Sulawesi. However, their primary focus remains on the effectiveness of law enforcement and the factors influencing its implementation. Therefore, the issue of criminal liability for individuals allegedly controlling forest occupation through land transactions requires more specific examination.

Studies concerning criminal liability for offenses involving forest areas have also addressed the position of offenders and the application of criminal responsibility to the parties involved. Ubwarin and Wattimury (2021), in their study on corporate criminal liability in an illegal logging case through Decision Number 19/Pid.B/LH/2021/PN Dth, examined the determination of criminal liability and the application of criminal provisions to parties involved in such activities. Their research is relevant because it demonstrates the importance of accurately establishing the relationship between conduct, the legal status of the subject, and the applicable criminal provisions. Nevertheless, corporate criminal liability is not entirely equivalent to the criminal liability of individuals allegedly controlling forest occupation through land transactions. This distinction must be maintained to ensure that the analysis of controlling individuals is not incorrectly equated with corporate criminal liability or based solely on an individual's position within an economic relationship.

Based on the aforementioned studies, the research gap addressed in this study concerns the insufficient examination, within the literature reviewed, of how criminal liability is constructed for individuals allegedly controlling the occupation of protected forest areas through a series of illegal land transactions. Previous research on law enforcement effectiveness has identified institutional and community-related obstacles, including limited law enforcement personnel, inadequate operational facilities, and low public awareness of forest protection (Rosmania et al., 2026). Meanwhile, research on criminal liability in the forestry sector has examined issues such as corporate criminal responsibility and the application of criminal liability principles in illegal logging cases (Nurdin et al., 2022; Shelolita & Purwani, 2023). A distinct legal issue arises when land transactions are used to trace the history of forest occupation and assess the possible involvement of parties who do not directly participate in land clearing. Under such circumstances, it is necessary to examine how transactions, communications, instructions, payment flows, and relationships among actors may be assessed as evidence relevant to establishing the elements of a criminal offense, as well as how criminally attributable involvement can be distinguished from conduct that does not satisfy those elements. Accordingly, the novelty of this research lies not merely in selecting East Luwu as its research location, but in examining the legal parameters for attributing roles and establishing criminal liability for individuals allegedly controlling forest occupation through land transactions.

This study aims to analyze the legal construction of criminal offenses arising from the occupation of the Loeha Protected Forest through illegal land transactions and to examine the legal

basis and limitations of criminal liability for individuals allegedly controlling such occupation. The analysis is conducted by examining the relevant forestry criminal provisions, the concept of participation in criminal law, and the principles governing the establishment of criminal offense elements based on relevant legal materials. The importance of examining the precise scope of criminal liability is reflected in forestry cases in which the interpretation of the statutory elements and the legal qualifications of the alleged offender determines whether criminal liability can properly be imposed (Rafiqi, 2024). Furthermore, the doctrine of participation requires the legal role of each individual to be assessed according to the nature and extent of their involvement, rather than merely their association with other alleged offenders (Hasudungan et al., 2023). In this study, the term "controller" is employed as an analytical term referring to individuals allegedly directing, organizing, or exercising control over the activities, rather than as a separate category of offender that automatically constitutes an independent basis for criminal punishment. Therefore, the determination of criminal liability remains dependent on the form of involvement and the elements of the offense that can be established under the applicable legal provisions.

This research is expected to provide theoretical contributions to the development of forestry criminal law studies, particularly concerning the relationship between land transactions, the involvement of various parties, and individual criminal liability. Practically, the findings are expected to serve as an analytical reference for investigators, public prosecutors, and judges in examining the roles of each party proportionately, without limiting law enforcement to individuals directly involved in field activities or extending criminal liability solely on the basis of unsubstantiated allegations. The importance of a careful evidentiary assessment is reflected in research examining the proof of criminal offenses involving land certificates issued within forest areas, which emphasizes that criminal conviction must be supported by legally admissible evidence and the judge's conviction regarding the offense and the defendant's guilt (Herman et al., 2022). Furthermore, studies on criminal law enforcement in the forestry sector highlight the importance of examining the legal status of forest areas and the circumstances surrounding alleged forest destruction when determining appropriate enforcement measures (Jaflean et al., 2022). Building on these concerns, this study is expected to develop analytical parameters connecting the legal status of forest areas, prohibited conduct, the history of land occupation, each party's contribution, and the elements of culpability required under the applicable criminal provisions. Through this analysis, law enforcement efforts concerning the alleged encroachment of the Loeha Protected Forest in East Luwu can be examined more systematically while upholding legal certainty, lawful evidentiary standards, and the protection of individual rights throughout criminal proceedings.

RESEARCH METHODS

This research employs normative legal research, which examines legal norms, principles, and doctrines governing criminal liability for the unlawful occupation of protected forest areas through illegal land transactions. This research focuses on the legal construction of criminal liability for individuals allegedly exercising control over forest occupation, particularly in the context of the Loeha Protected Forest in East Luwu Regency, South Sulawesi. The research population consists of legal materials relevant to forestry criminal offenses and individual criminal liability, while the research sample is determined through purposive selection of legal materials directly related to the research issues. The primary legal materials include the applicable forestry legislation, the Indonesian Criminal Code (Law Number 1 of 2023), relevant provisions governing participation in criminal offenses, and court decisions related to forestry crimes, particularly those concerning unlawful occupation and utilization of forest areas. Secondary legal materials comprise scientific journal articles, legal textbooks, scholarly opinions, and research publications discussing forestry criminal law, criminal participation, and individual criminal liability. Tertiary legal materials, including legal dictionaries and legal encyclopedias, are used to clarify relevant legal terminology. The research applies three approaches: the statutory approach, the conceptual approach, and the case approach. Legal materials are collected through library research and analyzed qualitatively using a descriptive-prescriptive method. The analysis is conducted by identifying the relevant legal provisions, interpreting the elements of criminal offenses, and examining the forms of individual involvement through the concepts of criminal liability and participation. Furthermore, the relationship between land transactions, the history of forest occupation, and the alleged roles of individuals controlling such activities is examined to formulate

appropriate legal parameters for establishing criminal liability. The findings are subsequently used to develop a legal analysis of the limits and requirements for holding individuals criminally responsible for protected forest encroachment.

RESULTS AND DISCUSSION

A. Legal Construction of Criminal Offenses in the Occupation of Protected Forest Areas

The legal assessment of unlawful occupation of a protected forest area must begin with the legal status of the land and the specific conduct prohibited by forestry legislation. In Indonesia, Law No. 41 of 1999 concerning Forestry, as amended, establishes the legal framework for forest protection and the prevention of unauthorized activities within forest areas. Article 50 paragraph (2) letter a, as amended by Law No. 6 of 2023, prohibits any person from unlawfully working, using, and/or occupying a forest area. This prohibition provides a relevant legal basis for examining alleged occupation of the Loeha Protected Forest in East Luwu. However, the application of this provision requires proof that the location concerned is legally classified as a forest area and that the conduct satisfies the statutory elements of the offense.

The distinction between land transactions and unlawful forest occupation is particularly important. A transaction involving land situated within a forest area does not, by itself, establish that every party involved has committed a forestry crime. The legal assessment must consider the nature of the transaction, the legal status of the land, the parties' knowledge, and their actual contribution to the prohibited conduct. A private agreement or payment described as compensation for cultivated land cannot automatically create a lawful right to occupy a state-designated forest area. Conversely, the existence of a transaction alone is insufficient to establish criminal liability without evidence connecting the parties to a legally defined offense. The central question is therefore not merely whether a transaction occurred, but whether the transaction formed part of, facilitated, or resulted from conduct prohibited by the applicable legislation.

The reported case in Loeha illustrates the importance of this distinction. According to the Ministry of Forestry, an operation conducted on 3 August 2026 identified approximately 1.5 hectares of land that had been cleared and planted with around 1,500 pepper plants within the Loeha Protected Forest. The ministry reported that coordinate mapping by an expert indicated that the cultivated area was located within the protected forest boundary. Investigators subsequently examined alleged unlawful working, use, and occupation of the forest area, including the history of land occupation and suspected illegal land-sale or compensation transactions involving previous cultivators (Ministry of Forestry, 2026). These facts provide a concrete basis for legal analysis, but the reported findings should not be treated as a final judicial determination of criminal guilt.

The legal framework must also be applied with attention to the relationship between the Forestry Law and Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. Article 19 of Law No. 18 of 2013 prohibits conduct including ordering, organizing, or mobilizing illegal logging and/or unlawful use of forest areas, participating in or assisting such conduct, conspiring to commit it, and financing it directly or indirectly. These provisions are significant because they address conduct that may extend beyond the individual who physically occupies or clears the forest. Their application, however, depends on establishing the relevant statutory elements and the accused person's actual role. The existence of an informal land transaction cannot substitute for proof of ordering, organizing, mobilizing, assisting, conspiring, or financing an offense.

This distinction also prevents the conflation of administrative violations, land disputes, and criminal offenses. A disagreement over the ownership or compensation of cultivated land may require a separate assessment of land rights and administrative records. A criminal offense arises only where the proven conduct falls within a criminal prohibition and the applicable requirements for liability are satisfied. Accordingly, the legal status of the Loeha area, the prohibited conduct, and the relationship between the alleged transaction and the occupation must be examined separately before they are connected in a criminal-law analysis.

The findings of this legal examination are consistent with the broader concern identified by Utama, Pawennei, and Sutiawati (2024), who examined the effectiveness of illegal-logging law enforcement by the South Sulawesi Regional Police. Their empirical research identified geographical conditions, limited investigative personnel, and community-related factors as obstacles to enforcement. Although their study focused on illegal logging and law-enforcement effectiveness rather than illegal

land transactions in protected forests, it demonstrates that forestry enforcement requires more than the identification of visible conduct at a location. The present research extends that discussion by examining the legal significance of the relationships among land occupation, transactions, and individuals who may have organized or facilitated the alleged activity.

B. Criminal Liability of Parties Controlling the Occupation of Protected Forest Areas

The principal legal issue is whether a person who does not physically clear or occupy a forest area may nevertheless be held criminally responsible for a related forestry offense. The answer depends on the applicable provisions governing participation and the specific prohibition allegedly violated. The concept of participation in criminal law recognizes different forms of involvement, including committing an offense jointly, ordering another person to commit it, inducing its commission, or assisting in its commission, each of which requires assessment according to its applicable legal criteria (Pratiwi, 2022). In forestry cases, the determination of criminal liability likewise requires an examination of the offender's conduct, culpability, and legally established involvement in the offense (Siregig et al., 2023). The term controller is used in this research as an analytical description of a person who may organize, direct, facilitate, or finance the occupation of a protected forest area. It is not treated as an independent statutory category of offender. Criminal liability must be established through legally recognized forms of participation and evidence of the individual's contribution to the offense.

Article 19 of Law No. 18 of 2013 is directly relevant to this inquiry because it expressly addresses ordering, organizing, mobilizing, assisting, conspiring in, and financing specified forestry offenses. These forms of conduct allow investigators to examine possible involvement beyond the person physically present at the forest site. For example, evidence that an individual arranged the transfer of cultivated land, coordinated the recruitment of occupants, supplied resources for clearing, or financed an unlawful operation may be relevant to determining whether the person engaged in conduct prohibited by the law. Nevertheless, each example is an evidentiary possibility rather than an automatic basis for liability. The prosecution must establish the connection between the individual's conduct and the specific offense charged.

The general provisions on participation in the Indonesian Criminal Code also provide an important analytical framework. Article 20 of Law No. 1 of 2023 concerning the Criminal Code recognizes, among other forms of perpetration, committing an offense jointly, using another person as an instrument under the circumstances specified by law, and inducing another person to commit an offense through specified means. Article 21 addresses intentional assistance in the commission of a criminal offense. These provisions have been in force since 2 January 2026 and are therefore relevant to conduct occurring after their commencement, subject to the applicable rules on the temporal application of criminal law. They should be applied together with the relevant forestry legislation, while taking account of any special provisions governing the offense concerned.

The practical implication is that criminal liability should be assessed through the individual's actual role rather than physical presence alone. A person who directs or organizes an unlawful occupation may potentially be liable even without personally entering the forest, provided that the conduct satisfies the applicable statutory requirements. This approach is consistent with the doctrine of participation in criminal law, under which the roles of individuals involved in an offense may differ and must be assessed according to their respective conduct and the elements of the offense (Fernando & Wasiska, 2023). Likewise, a person who merely purchases cultivated land, makes a payment, or communicates with an occupant should not automatically be classified as a perpetrator or participant. Research examining joint criminal conduct similarly highlights the importance of considering each individual's role and intention when determining criminal responsibility (Purba et al., 2025). The legal significance of such conduct therefore depends on its purpose, context, relationship to the prohibited activity, and the evidence establishing the relevant elements of the offense.

This approach is supported by the issues discussed in Ubwarin and Wattimury (2021), who analyzed corporate criminal liability in Decision No. 19/Pid.B/LH/2021/PN Dth. Their study examined the relationship between individual conduct, corporate involvement, and the proper attribution of criminal responsibility in an illegal-logging case. Although corporate criminal liability differs from the individual liability of a person alleged to control forest occupation, the study illustrates the importance of identifying the legally appropriate subject of responsibility and the relationship between that subject and the offense. The present research applies a related concern to a different problem: determining

whether a natural person's alleged organizational or financial role can be connected to unlawful occupation through the statutory rules on participation.

The analysis must also distinguish evidence of benefit from evidence of criminal contribution. Receiving money from a land transaction may be relevant to an investigation, but the receipt of money alone does not necessarily prove that the recipient organized or financed an unlawful forest occupation. The assessment of criminal liability requires consideration of the individual's knowledge, intention, and contribution to the alleged offense, rather than relying solely on circumstances that may appear suspicious (Arrifa & Adhari, 2025). Investigators must therefore determine the source and purpose of the payment, the recipient's knowledge, the nature of the agreement, and whether the recipient's conduct falls within a specific criminal prohibition. Similarly, ownership of an asset or a relationship with a person who occupies forest land does not, without further evidence, establish criminal responsibility. The distinction between conduct that merely provides a benefit and conduct that intentionally facilitates a criminal offense is essential to applying the doctrine of criminal participation consistently.

The need for this distinction is reinforced by the study of Nurdin, Abas, and Guntara (2022), which discusses corporate criminal liability and the use of *strict liability* in illegal-logging cases. Their analysis focuses on the liability of corporations and the legal basis for attributing responsibility to them. The present research does not assume that strict liability automatically applies to individuals alleged to control forest occupation. Rather, it emphasizes the need to identify the applicable liability regime and prove the relevant elements for each accused person. Corporate responsibility, individual participation, and direct perpetration are related but distinct legal questions and should not be treated as interchangeable.

Accordingly, the findings indicate that the legal assessment of an alleged controller should consider at least three connected matters: the existence of an underlying forestry offense, the individual's legally relevant contribution to that offense, and the evidence supporting the required elements of liability. This framework avoids two opposite errors. The first is limiting an investigation exclusively to persons physically found clearing or occupying the forest, even where credible evidence may indicate the involvement of organizers or financiers. The second is extending criminal liability to every person associated with a land transaction without proving the conduct required by the relevant statute. A defensible approach must address both concerns while respecting the presumption of innocence and the principle that criminal responsibility must be established on legally sufficient evidence.

C. A Proposed Evidentiary Framework for Establishing the Criminal Liability of Controllers

The analysis of the Loeha case suggests that a more structured evidentiary framework is needed when an alleged forestry offense involves land transactions and several potentially connected actors. The central issue is not simply whether investigators have identified an occupied forest area, but whether they can establish a legally supported connection between the occupation and the individual conduct of each suspected participant. This research proposes an analytical framework that links the legal status of the forest, the underlying prohibited conduct, the roles of the individuals involved, and the evidence supporting individual attribution.

1. Establishing the legal status and boundaries of the relevant forest area. Official forest-area designation documents, maps, coordinate data, and expert findings may be relevant to determining whether the land is located within the protected forest. In the Loeha case, the Ministry of Forestry reported that coordinate mapping placed the cultivated area inside the protected forest boundary. Such findings are important because the legal characterization of the location forms part of the factual foundation for applying forestry legislation. Nevertheless, mapping evidence should be assessed alongside the relevant official documents and the legal status of the area, rather than being treated as a substitute for the complete legal analysis.
2. Identifying the specific conduct that allegedly constitutes the offense. Investigators should distinguish the act of physically occupying or cultivating forest land from conduct that may involve organizing, directing, assisting, or financing the occupation. The applicable statutory provision must be identified for each alleged act. This distinction is necessary because different forms of conduct may fall under different legal provisions and require different evidence. The mere existence of an illegal transaction should not be used as a general label for every activity associated with the land.

3. Reconstructing the relationships among the individuals involved. Relevant evidence may include transaction documents, payment records, communications, instructions, agreements, witness testimony, and records concerning the allocation of responsibilities. These materials may help establish who initiated the occupation, coordinated activities, supplied resources, and received benefits. Their evidentiary value, however, depends on their authenticity, context, and connection to the elements of the offense. A payment record, for instance, may establish that money changed hands, but additional evidence may be required to establish that the payment was intended to finance or facilitate unlawful occupation.
4. Assessing individual contributions and the applicable requirements of criminal liability. Evidence should be evaluated separately for each person rather than treating all individuals involved in a transaction as a single group. Investigators and prosecutors must establish whether a person's conduct constitutes direct perpetration, participation, assistance, or another legally recognized form of involvement. They must also examine the mental element required by the applicable offense and determine whether the evidence establishes the necessary connection between the individual's conduct and the alleged criminal activity. The assessment should remain open to alternative explanations consistent with the evidence and should not presume criminal intent merely from a person's association with the land.
5. Evaluating the sufficiency and consistency of the evidence. Transaction records should be compared with witness statements, communications, location evidence, and other relevant materials. Conflicting accounts should be examined, while evidence that merely demonstrates a civil or administrative relationship must be distinguished from evidence establishing criminal participation. The resulting analysis should explain how each item of evidence supports a particular element of the offense, rather than relying solely on the general impression that a person exercised influence over the land.

Table 1. Proposed Evidentiary Framework for Assessing Criminal Liability

Analytical Stage	Relevant Evidence	Legal Purpose
Establishing forest status	Official forest designation documents, maps, coordinate data, expert findings	Determine whether the location falls within a legally protected forest area
Identifying prohibited conduct	Field reports, photographs, witness statements, records of land use	Identify the conduct potentially covered by the applicable criminal provision
Reconstructing actor relationships	Transaction documents, payment records, communications, instructions, agreements	Determine the relationship between the occupation and each individual's conduct
Assessing individual contribution	Testimony, digital communications, financial evidence, corroborating records	Evaluate possible direct perpetration, participation, assistance, organization, or financing
Testing evidentiary sufficiency	Cross-checked documents, consistent testimony, expert analysis, contradictory evidence	Assess whether the statutory elements and applicable requirements of liability are supported by sufficient evidence

Source: Author's analysis based on Law No. 41 of 1999 concerning Forestry, as amended; Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction; Law No. 1 of 2023 concerning the Criminal Code; and the reviewed literature.

The proposed framework is an analytical model developed from the normative examination in this study. It is not a claim that every type of evidence listed above exists in the Loeha case or that any particular individual has already been proven to control the alleged occupation. Its purpose is to organize the legal assessment so that evidence concerning forest occupation can be connected to the conduct and responsibility of each individual through a transparent process of reasoning.

The framework also clarifies the contribution of this research in comparison with previous studies. Utama et al. (2024) focused on the effectiveness and practical obstacles of illegal-logging enforcement in South Sulawesi, while Ubwarin and Wattimury (2021) examined corporate liability in a specific illegal-logging case. Nurdin et al. (2022) addressed corporate criminal liability and the debate surrounding *strict liability*. These studies provide relevant foundations, but they do not share the precise focus of this article: the legal attribution of individual criminal responsibility to persons alleged to organize

CONCLUSION

The findings of this study indicate that criminal liability for the unlawful occupation of protected forest areas through illegal land transactions should not be limited to individuals who physically occupy or clear the forest. Individuals who organize, direct, assist, or finance such activities may also be held criminally responsible when their conduct fulfills the elements of an offense under the applicable forestry legislation and the provisions governing criminal participation. However, the term *controller* does not constitute an independent category of offender, and involvement in a land transaction or the receipt of financial benefits alone is insufficient to establish criminal liability. Each individual's contribution, knowledge, and legally relevant conduct must be assessed through sufficient and corroborated evidence. Accordingly, this study proposes an evidentiary framework that connects the legal status and boundaries of the forest area, the underlying prohibited conduct, the relationships among the individuals involved, their respective contributions, and the sufficiency of the evidence. This framework provides a more comprehensive basis for investigating and assessing individual criminal responsibility in cases involving the occupation of protected forest areas, while maintaining the principle that criminal liability must be established on the basis of law and evidence rather than mere association or suspicion.

REFERENCES

Arrifa, R., & Adhari, A. (2026). Proof of Intent in Aiding and Abetting a Criminal Act in Medan District Court Decision Number 882/Pid. B/2024/PN Mdn: Pembuktian Pemenuhan Unsur Kesengajaan Pembantuan Tindak Pidana Pada Putusan Pengadilan Negeri Medan Nomor 882/Pid. B/2024/PN Mdn. *Indonesian Journal of Law and Economics Review*, *21*(1), 10-21070.

Chamdani, M. C. (2021). Penyelesaian penguasaan tanah di dalam kawasan hutan pasca pengaturan Undang-Undang Cipta Kerja. Jurnal Hukum Lingkungan Indonesia, 7(2), 221–253. https://doi.org/10.38011/jhli.v7i2.292

Fernando, Y., & Wasiska, A. (2023). Tindak pidana dan unsur-unsurnya versus deelneming delicten/tindak pidana penyertaan versus pertanggungjawaban tindak pidana. *Manazir: Jurnal Ilmiah Universitas Ibnu Chaldun*, *1*(1), 57-57.

Hasudungan, C., Chandra, T. Y., & Ismed, M. (2023). Pertanggung jawaban pidana pelaku turut serta (medeplegen) tindak pidana korupsi di Indonesia. Jurnal Studi Interdisipliner Perspektif, 22(2), 233–244. https://ejournal-jayabaya.id/Perspektif/article/view/189

Herman, H., Haris, O. K., Hidayat, S., Handrawan, H., Heryanti, H., & Khafri, G. (2022). Pembuktian Tindak Pidana terhadap Penerbitan Sertipikat Hak atas Tanah yang Berada di Kawasan Hutan. *Halu Oleo Legal Research*, *4*(2), 114-127.

Jaflean, S., Sopacua, M. G., & Taufik, I. (2022). Efforts to enforce criminal laws in the forestry sector against cases of destruction of customary forests. TATOHI: Jurnal Ilmu Hukum, 2(3), 272–280. https://doi.org/10.47268/tatohi.v2i3.920

Nurdin, A. S., Abas, M., & Guntara, D. (2022). Pertanggungjawaban pidana korporasi berdasarkan asas strict liability terhadap praktik illegal logging di Indonesia. Justisi: Jurnal Ilmu Hukum, 7(2). https://doi.org/10.36805/jjih.v7i2.3052

Pratiwi, S. (2022). Delik penyertaan dalam Kitab Undang-Undang Hukum Pidana (KUHP). Binamulia Hukum, 11(1), 69–80. https://doi.org/10.37893/jbh.v11i1.677

Purba, I. H. P., Siregar, E. Y. P., & Nadeak, M. E. (2025). Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Penggelapan Yang Dilakukan Secara Bersama Sama. *Law Jurnal*, *6*(1), 186-199.

Rafiqi, I. D. (2024). Pemaknaan subjek delik dalam tindak pidana perusakan hutan. Jurnal Yudisial, 17(1), 41–60. https://doi.org/10.29123/jy.v17i1.651

Rosmania, R., Madiong, B., & Tira, A. (2026). IMPLEMENTASI PENEGAKAN HUKUM ATAS TINDAK PEMBALAKAN LIAR PADA KAWASAN HUTAN DI KABUPATEN SOPPENG PROVINSI SULAWESI SELATAN. *Indonesian Journal of Legality of Law*, *8*(2), 193-199.

Shelolita, L. A., & Purwani, S. P. M. E. (2023). Pertanggungjawaban pidana oleh korporasi sebagai pelaku tindak kejahatan illegal logging. Kertha Semaya: Journal Ilmu Hukum, 11(7), 1637–1647. https://doi.org/10.24843/KS.2023.v11.i07.p13

Siregig, I. K., Anggalana, A., & Fadhilah, M. (2023). Implementasi Pertanggung Jawaban Pelaku Tindak Pidana Perusakan Hutan Tahura Wan Abdul Rahman (Putusan Nomor 793/PID. B/LH/2020/PN. TJK). *Case Law: Journal of Law*, *4*(1), 64-78.

Ubwarin, E., & Wattimury, E. (2021). Pertangungjawaban pidana korporasi dalam kasus illegal logging dalam Putusan Nomor 19/Pid.B/LH/2021/PN Dth. Bacarita Law Journal, 2(1), 32–45. https://doi.org/10.30598/bacarita.v2i1.4674

Utama, R. R., Pawennei, M., & Sutiawati. (2024). Efektivitas penegakan hukum terhadap pelaku ilegal logging oleh Kepolisian Negara Republik Indonesia Daerah Sulawesi Selatan. Vifada Assumption Journal of Law, 2(2), 40–49. https://doi.org/10.70184/7rmmb857