

Forestry Law Enforcement and Administrative Accountability in Register 40 Padang Lawas

A Case Study of Supreme Court Decision No. 2642 K/Pid/2006

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Abstract

This article examines the legal status of oil palm plantations in Register 40 Padang Lawas and the implementation of Supreme Court Decision No. 2642 K/Pid/2006. It uses doctrinal legal research with statutory, case, and conceptual approaches, distinguishing the historical criminal framework from the administrative law applicable to later decisions. The analysis finds that factual occupation and plantation business documentation do not independently establish lawful forest use or release. The judgment of 12 February 2007 provides a basis for criminal enforcement and forfeiture, while territorial implementation requires reliable identification of the adjudicated objects and a clear allocation of institutional responsibilities. Planning in 2009 and an operation reported in April 2025 document an extended implementation process, without establishing the completion status of every obligation. Customary community claims require a collective and territorial inquiry distinct from individual ownership or contractual claims. Administrative acts before 17 October 2014 must be assessed under the law then applicable; subsequent acts may engage Law No. 30 of 2014. The article proposes parcel-based records, reasoned examination of affected interests, accessible legal assistance, and supervised forest recovery. These measures support judicial certainty while respecting community rights and accountable forestry administration.

Keywords: forestry law; Register 40; judgment enforcement; customary community rights; administrative accountability.

Introduction

The Register 40 dispute illustrates a recurring problem in Indonesian forestry enforcement: a criminal judgment may determine responsibility for unlawful forest use, while control of the affected land and its subsequent management still require coordinated public action. An oil palm plantation involves crops, buildings, workers, and relationships with surrounding communities. Forfeiture therefore has consequences beyond the punishment of a convicted person. Authorities need to identify the objects covered by the judgment, clarify institutional responsibilities, and explain the implications for people whose rights or livelihoods may be affected. Register 40 offers a case through which these legal and administrative questions can be examined together.

The constitutional starting point is state control over land, water, and natural resources for public prosperity. That responsibility must be read alongside recognition of customary communities and the guarantee of fair legal certainty. State control is consequently a basis for regulated administration, rather than an unlimited permission to disregard individual or communal interests. In forestry, classification of an area and the legal authority to use it are separate matters: an economically productive plantation does not establish that the underlying land has lawfully ceased to be a forest area (Republic of Indonesia, 1945, arts. 18B(2), 28D(1), 33(3)).

Supreme Court Decision No. 2642 K/Pid/2006 is the case examined here. The year in the case number must be distinguished from the judgment date, 12 February 2007. Official records subsequently document an inter-agency execution planning meeting in July 2009 and an execution operation in April 2025. Those records make the case especially useful for examining the transition from adjudication to implementation. They establish particular institutional events, rather than a complete chronology of everything done under the sentence (Attorney General's Office of the Republic of Indonesia, 2009; Government of Padang Lawas Regency, 2025).

Existing research approaches the dispute from different directions. Rumapea et al. (2016) examine corporate criminal responsibility in the cassation decision, particularly the relationship between the individual directing the business and the unlawful forest activity. Siregar (2022) considers the protection of residents' land interests in Simangambat and the relevance of customary rights. Related scholarship examines barriers to customary recognition (Rambe, 2025), the legal conditions for land asset formalisation (Medaline & Moertiono, 2023), and the relationship between administrative measures and higher legal norms (Sihombing & Hadita, 2021). These studies inform the present analysis without supplying direct evidence that any particular Register 40 claim is valid. This article brings those perspectives together to examine the forest status and scope of forfeiture, the authority and accountability of implementing institutions, and the safeguards needed for affected communities and forest recovery.

The study addresses three questions. First, how do forest status and Supreme Court Decision No. 2642 K/Pid/2006 determine the legal position of oil palm plantations and the scope of judicial forfeiture in Register 40? Second, how should execution authority and administrative accountability be assessed under the law applicable to each implementation stage? Third, what legal safeguards should guide the treatment of affected communities and the recovery of forest functions? The results and discussion follow these three themes. The article argues that implementation requires accurate identification of the adjudicated objects, a legally grounded allocation of institutional responsibilities, and procedures that consider affected interests while preserving the authority of the judicial decision.

Method

This study uses doctrinal legal research with statutory, case, and conceptual approaches. The statutory analysis examines the Constitution, the Forestry Law, the criminal procedure governing the historical execution period, Law No. 28 of 1999, the 2004 amendment to the State Administrative Courts Law, and Law No. 30 of 2014. The case approach focuses on Supreme Court Decision No. 2642 K/Pid/2006, particularly its treatment of forest status and forfeiture. Constitutional Court Decisions Nos. 45/PUU-IX/2011 and 35/PUU-X/2012 are examined as subsequent developments concerning forest gazettment and customary forest rights. Their implications are considered according to their respective dates and legal scope.

The analysis distinguishes legal materials from institutional accounts of implementation. Statutory provisions and court decisions are used to identify legal requirements; official publications establish particular planning or enforcement events. Rumapea et al. (2016) and Siregar (2022) provide directly relevant scholarship on Register 40. Their findings are applied as comparative or conceptual arguments, with attention to differences in location, subject matter, and method. Neither an institutional announcement nor a comparative study substitutes for a verified parcel inventory.

The implementation inquiry covers the judgment of 12 February 2007 and documented developments through the operation of 25 April 2025. Each act is assessed against the law applicable when it was taken. Law No. 30 of 2014 is therefore used for relevant administrative acts from its commencement on 17 October 2014, rather than as a retrospective basis for the 2007 conviction or the 2009 planning process. Scholarship published after the implementation endpoint informs interpretation, not the factual chronology. Article 270 of Law No. 8 of 1981 is cited for the historical period examined. No interviews, field measurements, ecological sampling, or audit of plantation proceeds were undertaken. The findings concern legal requirements and the limits of the available documentary evidence.

Results and Discussion

Forest Status and the Scope of Judicial Forfeiture

The Forestry Law links state control to powers over forest administration, area status, and legal relationships concerning forests. Its gazettement procedure separates designation, boundary demarcation, mapping, and final stipulation. Changes in allocation or function require a competent governmental decision. In the historical criminal framework, Article 50(3)(a) prohibited unauthorised working, use, or occupation of a forest area (Republic of Indonesia, 1999b, arts. 4, 15, 19, 50). These provisions explain why the legal inquiry must address both the land's classification and the authority relied upon for the activity.

A land acquisition agreement, a local acknowledgement of possession, and a plantation business permit concern different legal relationships. Their evidentiary significance depends on the authority of the issuer and the right or activity they can lawfully establish. The inquiry must therefore connect each document to the particular parcel and applicable forestry requirements. Medaline and Moertiono (2023), in a different context concerning transmigration land, show why asset formalisation depends on statutory eligibility and unresolved land status issues. Their study supports careful verification, rather than an assumption that regularisation is available for every plantation. Forest classification likewise requires examination of the governing instruments and boundaries; an administrative label alone cannot resolve every territorial question.

The subsequent constitutional interpretation is important. In Decision No. 45/PUU-IX/2011, the Constitutional Court removed the designation wording from the statutory definition of a forest area and emphasised the complete gazettement process. Its summary also discusses Article 81, which preserves the legal force of earlier forest designations and stipulations. The decision therefore does not support an inference that every previously designated area automatically became non-forest land in 2012 (Constitutional Court of the Republic of Indonesia, 2012).

For Register 40, the resulting analytical task is documentary and spatial. Authorities should assemble the relevant designation and stipulation instruments, their maps, boundary records, and any lawful subsequent changes, then relate these materials to the object identified in the judgment. If documents conflict, the conflict should be addressed by the institution legally competent to resolve it, with reasons recorded. Such verification supports accurate implementation. It does not authorise an executing official to declare a judicial order ineffective merely because a party disputes the wider history of the forest area.

The Supreme Court allowed the prosecution's cassation appeal and convicted Darianus Lungguk Sitorus of unlawfully working and using a forest area jointly as a continuing offence. It imposed eight years' imprisonment and an IDR 5 billion fine, with six months' substitute confinement. Its reasoning treated the relevant Padang Lawas area as state-controlled production forest whose allocation and function had not legally changed. The operative provisions addressed plantation objects of approximately 23,000 and 24,000 hectares and their buildings, with forfeiture to the state through the Forestry Department (Supreme Court of the Republic of Indonesia, 2007, pp. 88–92, 106–107).

The legally significant point is the relationship between a defined criminal object and its subsequent administration. A forfeiture order supplies a judicial basis for action on the objects it identifies. Boundary maintenance, forest planning, custody of public assets, and future land use nevertheless remain distinct functions governed by their own legal requirements. Medaline et al. (2024), in their study of land asset certification in Langkat, identify the need to connect land administration with public asset law. The implication for Register 40 is limited but useful: custody records, land status, and management authority should be reconciled explicitly. Forfeiture should not be treated as completing every administrative step or automatically establishing a new land title.

The objects must also be distinguished from the entire landscape called Register 40. An aggregate hectare figure is useful for describing scale but cannot replace identification of the parcels, structures, and interests affected. Implementation should follow the operative order and any legally relevant subsequent judicial determination. The article does not infer that every settlement or every parcel within the wider register was adjudicated against every possible claimant. Nor does a criminal judgment against an individual alone establish a separate

corporate conviction: Rumapea et al. (2016) examine the corporate responsibility problem, which must remain distinct from the legal effect of the identified forfeiture.

Administrative scrutiny should support faithful and precise implementation of the judicial order. The defendant's guilt remains a matter of criminal adjudication, while officials must identify the particular objects and interests affected by the enforcement measures. If a third party asserts an independent right, the claim and the legally available remedy should be recorded and referred to the competent institution. Its effect on execution depends on the applicable law and any competent judicial determination. Officials should be able to explain both the scope of their action and how the submission was considered.

Execution Authority and Administrative Accountability

Under the criminal procedure applicable during the study period, Article 270 assigned execution of a final criminal judgment to the prosecutor following transmission of the judgment copy. The provision is the starting point for analysing this criminal forfeiture. Civil execution concepts, including a civil warning procedure and bailiff-led execution at a civil litigant's request, should not be substituted for that allocation (Republic of Indonesia, 1981, art. 270). The classification matters because adopting the wrong procedural model can produce incorrect conclusions about which institution failed to act.

Forestry officials retain a different responsibility: supplying the area records and exercising the administrative powers lawfully assigned to them. Police and other participating institutions may support an operation within their respective authority. Their attendance at a coordinated operation does not, by itself, transfer the prosecutor's execution duty or create power to change forest status. A joint team should therefore record both its operational leadership and the statutory basis for each participating body's decisions. Coordination is a means of enabling lawful action, not a source of unlimited collective authority.

The 2009 official planning record describes participation by prosecutorial, forestry, police, and provincial actors. This provides documentary support for understanding implementation as a matter requiring several institutions (Attorney General's Office of the Republic of Indonesia, 2009). The analytical implication is that responsibility must remain traceable even when work is shared. A forestry officer preparing an area map, a prosecutor directing execution, and an official accepting custody of assets are performing different acts. Each act should have a named responsible officer, a dated record, and a clear relationship to the order being implemented.

For administrative decisions taken after 17 October 2014, Law No. 30 of 2014 provides an express framework concerning competence, procedure, and substance, together with rules on attribution, delegation, and mandate (Republic of Indonesia, 2014, arts. 11–14, 52, 89). These requirements must be read in the version applicable to the particular act. In practical terms, a written handover should identify its legal basis, the receiving institution, the assets transferred, and continuing management responsibilities. A transfer of custody is legally distinct from a forest release or an authorisation for permanent plantation use. The preceding implementation period requires a separate legal assessment.

The period from 2007 to 16 October 2014 was already subject to statutory standards of lawful public administration. Article 3 of Law No. 28 of 1999 identified legal certainty, orderly state administration, public interest, openness, proportionality, professionalism, and accountability as governing principles. These standards operated alongside sector-specific powers under the Forestry Law and the prosecutor's execution responsibility under Article 270 of the 1981 Criminal Procedure Law. Accordingly, the 2009 planning process should be examined through those contemporaneous powers and duties, rather than by treating Law No. 30 of 2014 as a statute already in force (Republic of Indonesia, 1981, 1999a, 1999b).

Article 53(2) of Law No. 5 of 1986, as amended by Law No. 9 of 2004, also recognised inconsistency with legislation or general principles of good administration as grounds for challenging an eligible state administrative decision. This was not an unrestricted route for reviewing every enforcement act. Article 2 of the amended law excluded, among other categories, decisions issued under criminal law or criminal procedure and decisions based on judicial examination. A challenge to an independently issued forestry instrument must therefore be distinguished from an attempt to reopen criminal adjudication. The proper forum and admissibility depend on the challenged act and the law governing the proceeding (Republic of Indonesia, 2004, arts. 2, 53).

Law No. 30 of 2014 entered into force on 17 October 2014. Its later application to a new administrative act concerning Register 40 does not, simply because the dispute began earlier, constitute retrospective application. The assessment turns on when the relevant decision, action, or legally specified duty arose. For continuing non-completion, the existence of a post-commencement duty, the responsible authority, and the legal conditions for acting must be established before drawing conclusions about an omission. The later law is not used here to invalidate an earlier decision solely because it would be assessed differently under a subsequent framework (Republic of Indonesia, 2014, art. 89).

Administrative effectiveness must remain connected to the legal limits of the measure adopted. Sihombing and Hadita (2021), in their study of local COVID-19 measures, examine the compatibility of administrative action with higher legislation and good governance principles. The comparative lesson is that a public purpose does not dispense with an appropriate legal basis or assessment of consequences for affected persons. Rambe et al. (2024) similarly discuss changes in the distribution of natural resource authority after the Job Creation reforms. For Register 40, these perspectives reinforce the need to identify the competent institution under the law applicable to each implementation stage, rather than assume that institutional powers remained unchanged throughout the entire period.

The available records establish an extended implementation history. The prosecutor's office reported execution planning in July 2009. A parliamentary working-meeting record in April 2016 included questions about incomplete execution of the D. L. Sitorus land case. The Padang Lawas government later reported an operation on 25 April 2025 involving approximately 47,000 hectares and participation by the forest-area enforcement task force and other institutions (Attorney General's Office of the Republic of Indonesia, 2009; House of Representatives of the Republic of Indonesia, 2016; Government of Padang Lawas Regency, 2025).

The records support examination of the continuity and completion of land-related enforcement. Their evidentiary scope remains limited: they do not establish the status of imprisonment, fine collection, every earlier possession measure, or every asset obligation. An announcement of an operation likewise establishes a reported event rather than completion of all handovers or ecological recovery. A sound assessment distinguishes the different obligations in the judgment and records the evidence of performance for each. This avoids reducing a lengthy implementation process to a single, unqualified claim of either completion or non-execution.

Legal certainty has both an adjudicative and an administrative dimension. Adjudication determines the order to be enforced; administration makes the order intelligible in the territory and in institutional records. The proposed response is a consolidated execution register linking each obligation to its object, responsible authority, implementation document, and completion status. The register should distinguish receipt of the judgment, operational preparation, physical control, asset handover, claim resolution, and management supervision. This is an implementation proposal derived from the mismatch between judicial finality and the documented duration of the land-enforcement process, rather than an assertion that a particular register already exists.

Prolonged non-completion raises questions of accountability, but responsibility for a particular omission requires a defined duty and evidence of the authority's capacity to act. Relevant matters include the period and source of the duty, reasons for postponement, pending objections or proceedings, and the consequences of non-performance. Duties arising before and after 17 October 2014 must be assessed under their respective legal frameworks. The available records identify matters requiring further examination; they do not justify attributing maladministration to a particular official merely because time has elapsed.

The general principles of good administration provide useful standards for later forestry decisions, including legal certainty, impartiality, care, openness, public interest, and good service (Republic of Indonesia, 2014, art. 10). As an interpretive application of those principles, authorities should publish a lawful explanation of the operation's scope, retain reliable maps, distinguish contested from uncontested objects, and record reasons for unresolved actions. Information concerning legitimate claims should be protected where necessary, while the legal basis and institutional responsibilities should remain understandable to affected communities.

Community Safeguards and Forest Recovery

Enforcement affects people whose legal positions may differ substantially. A commercial operator, an employee, a long-established resident, and a customary community may have different rights, responsibilities, and needs despite living or working within the same geographical register. Siregar's (2022) examination of residents' interests supports an assessment attentive to those differences. Officials should identify the interest asserted, the parcel to which it relates, and the consequences of the proposed action. Employees' or residents' needs for protection and assistance should also be assessed independently of whether they can establish ownership of the forfeited assets.

Customary community claims require a distinct legal inquiry. Constitutional Court Decision No. 35/PUU-X/2012 places customary forests outside the category of state forests, while maintaining the relevance of the existence and recognition of the community concerned. Siregar (2022) explains why long-established residents' interests deserve attention in Simangambat. Rambe (2025) examines how recognition requirements and fragmented administration can create difficulties for customary communities. These sources support a careful examination of each community, territory, and asserted right. They do not determine the legal status of every parcel in Register 40 (Constitutional Court of the Republic of Indonesia, 2013).

A customary community claim concerns a collective legal relationship with a territory, including the community's institutions, continuing customary practices, and the location of the asserted customary forest. The relevant inquiry encompasses Article 18B(2) of the Constitution, Article 67 of the Forestry Law, and the interpretation given in Decision No. 35/PUU-X/2012. Evidence may include recognition instruments, community histories, institutional records, and territorial maps. The presence of a forest designation or boundary instrument must be examined alongside this evidence. Equally, a company's agreement with certain individuals does not, by itself, establish community authority to transfer land or authorise forest conversion (Republic of Indonesia, 1945, 1999b; Constitutional Court of the Republic of Indonesia, 2013).

Individual ownership, contractual, or compensation claims present different questions. Their examination concerns the claimant's asserted entitlement, the document relied upon, and its relationship to the forfeited object. An objection to the validity of a land certificate or forest-related administrative decision also requires identification of the competent forum. Tj et al. (2022) explain that jurisdiction in land certificate disputes depends on the substance of the claim, the act challenged, and the relief sought. That distinction helps organise third-party submissions; it does not establish that an administrative court can reconsider a criminal conviction or that filing a claim automatically suspends enforcement.

Officials should record whether a submission concerns collective customary rights, an individual civil entitlement, an administrative instrument, or an interest in housing or employment. These categories may overlap, but they require different evidence and legal responses. Verification should be accessible to communities whose records are incomplete and should include a reasoned account of unresolved recognition issues. Proposed use of community histories and participatory mapping complements examination of statutory recognition requirements; it does not replace them. This approach respects the people affected while maintaining a clear distinction between evidence of occupation, a legally established right, and permission to use a forest area.

For administrative decisions affecting residents, the Government Administration Law provides duties concerning an opportunity to be heard, compliance with applicable procedures, and access to administrative documents subject to lawful exceptions (Republic of Indonesia, 2014, art. 7). These duties should be applied according to the nature of the particular administrative act. They should not be represented as a new precondition for criminal execution created by this article. A workable safeguard would separate objections to the scope of physical action, claims to independent rights, and requests concerning subsequent management, then direct each to the competent institution.

An opportunity to submit a claim is more meaningful when affected persons can understand the legal process and obtain appropriate assistance. Sihombing (2013) connects the provision of legal aid in North Sumatra with an adequate local legal and funding framework. Sihombing

(2019) examines the role of paralegals and the limits on courtroom representation under the rules and judicial decision studied. For Register 40, the proposal is to facilitate understandable notices, document preparation, and referral to qualified legal assistance within the applicable rules. Community support and authorised legal representation should remain distinct, and neither should be described as guaranteeing a particular result.

Recovery also requires more than a change in possession. The Forestry Law's historical remedial structure includes compensation for rehabilitation and restoration without eliminating criminal consequences (Republic of Indonesia, 1999b, art. 80). The article's normative implication is that officials should identify the lawful recovery objective for each affected area and arrange supervision capable of checking it. Continuing plantation revenue, if any, must not be confused with restoration of forest functions. Neither the ecological condition of Register 40 nor the amount or destination of plantation proceeds is measured here.

An operational recovery plan should therefore specify the relevant forest function, the baseline information to be collected, the authorised managing institution, and the criteria by which progress will be assessed. Technical assessment may identify different treatments for different parts of the area. The plan should also address the social implications of its implementation through lawful procedures. These are proposals for subsequent administrative work, not claims that the judgment prescribes a particular silvicultural method or that every plantation hectare can be restored through a single uniform intervention.

The social component of recovery also warrants attention. Medaline et al. (2023), in their study of agrarian reform access in Pematang Johar, discuss community empowerment informed by social mapping and local needs. Their findings support consideration of the people affected by a management transition, while the lawful options for Register 40 must be determined by its own forest status and governing instruments. Social assessment should therefore inform appropriate livelihood support and consultation without being treated as a basis for redistributing forest land or maintaining an otherwise unauthorised plantation.

Taken together, the three areas of analysis support a coordinated implementation process. Officials should establish the judicial mandate through the operative judgment and any subsequent determination relevant to its execution, then identify the objects using legally reliable maps and field verification. Responsibilities should be allocated in writing, distinguishing prosecutorial execution from forestry administration and asset custody. Third-party claims should be documented and referred to the competent process. Supervision should continue after physical enforcement to assess management, forest recovery, and any outstanding obligations.

These proposed measures connect the findings across the three themes. Accurate identification gives practical effect to the legal scope of forfeiture. Written responsibilities and records of performance make execution and subsequent administration accountable. Consideration of distinct community claims, access to legal assistance, and supervision of recovery address the consequences for people and forest functions. Each measure must remain within the institution's existing powers, follow the law applicable at the time, and be supported by an adequate record.

Preventive supervision, clear authorisation, and proportionate administrative responses remain important for avoiding future unlawful conversion. However, the availability of administrative measures does not establish a universal requirement to exhaust them before prosecuting a forestry offence. Strengthening administrative enforcement is advanced here as a governance recommendation. Whether criminal action is legally available, or whether a specific statutory settlement mechanism applies, must follow the relevant provision and the facts. Likewise, later licensing or compliance instruments should not be assumed automatically to cancel an existing forfeiture order.

The framework supplies criteria for examining implementation rather than a prediction that coordination will resolve every aspect of the dispute. Further research would need execution files, verified area instruments, subsequent judicial determinations, asset records, and the experiences of affected communities. Such material could establish outstanding obligations and evaluate whether protection measures were effective. The present contribution is doctrinal: it clarifies how judicial authority, temporally applicable administrative law, and the

different interests of affected persons can be examined together without conflating their legal functions.

Conclusion

Forest status and the scope of judicial forfeiture must be assessed together. Factual occupation, private agreements, and plantation business documentation do not independently establish lawful forest use or a change in forest status. Supreme Court Decision No. 2642 K/Pid/2006 provides the basis for criminal enforcement and forfeiture of the plantation objects identified in its operative provisions. Implementation must connect those objects with reliable area instruments, maps, and boundary records. The judgment should not be treated as determining every parcel or every independent claim within the wider Register 40 landscape, or as completing all subsequent land and asset administration.

Execution authority and administrative accountability depend on the function performed and the law applicable at the time. The historical criminal procedure assigns execution to the prosecutor, while forestry authorities retain distinct responsibilities for area administration and subsequent management. Acts before 17 October 2014 must be assessed under the contemporaneous sectoral laws and good administration standards, including Laws Nos. 28 of 1999 and 9 of 2004. Law No. 30 of 2014 informs the assessment of relevant later administrative acts. The documented planning and enforcement events support examination of the performance of particular obligations; they do not establish that the entire judgment was either wholly unexecuted or completely fulfilled. Attribution of responsibility requires evidence of the duty, competent authority, and circumstances of the act or omission.

Community safeguards and forest recovery should form part of lawful implementation. Collective customary claims require examination of the community, territory, and recognition requirements, while individual civil claims and objections to administrative instruments require their own evidence and competent remedies. Understandable notices, reasoned consideration of submissions, and access to appropriate legal assistance can support fair treatment of affected persons. Subsequent management should address forest functions and the social consequences of enforcement through documented plans and supervision. These measures preserve the judicial mandate while making its implementation more precise and accountable. Further examination of execution files, asset records, ecological information, and community experiences is needed to establish whether the proposed protections and recovery measures have been effective.

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