



Cannabis Regulation: A Comparative Study in Indonesia, Turkey, and Morocco

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Abstract

The purpose of this comparative study is to analyze the differences in legal and policy approaches between the three countries in dealing with the issue of cannabis use and distribution. This research uses a comparative descriptive approach by collecting data from various sources such as legal regulations, government reports, and related literature. The results of the analysis show that Indonesia, Turkey, and Morocco have different approaches towards regulating marijuana. Indonesia adopts a very strict approach by imposing heavy penalties for cannabis-related offenses. On the other hand, Turkey allows the medical use of cannabis under certain conditions and has reduced legal sanctions against offenses of using small amounts of cannabis. This was also done by Morocco in 2021. In Morocco it has relaxed some aspects of cannabis regulation and directed efforts more towards rehabilitation than punishment. The comparative study in this article provides a deeper understanding of the variations in legal and policy approaches to the regulation of cannabis drugs in Indonesia, Turkey, and Morocco. The implications of these different approaches may provide valuable insights for other countries facing similar challenges in regulating cannabis.

Keywords: Medical Cannabis, Comparative Law, Legality of Cannabis

Abstrak

Tujuan dari studi komparatif ini adalah untuk menganalisis perbedaan pendekatan hukum dan kebijakan antara ketiga negara tersebut dalam menghadapi isu penggunaan dan peredaran ganja. Penelitian ini menggunakan pendekatan deskriptif komparatif dengan mengumpulkan data dari berbagai sumber seperti peraturan hukum, laporan pemerintah, dan literatur terkait. Hasil analisis menunjukkan bahwa Indonesia, Turki, dan Maroko memiliki pendekatan yang berbeda terhadap pengaturan ganja. Indonesia mengadopsi pendekatan yang sangat tegas dengan menjatuhkan hukuman berat bagi pelanggaran terkait ganja. Di sisi lain, Turki mengizinkan penggunaan medis ganja dalam kondisi-kondisi tertentu dan telah mengurangi sanksi hukum terhadap pelanggaran penggunaan ganja dalam jumlah kecil. Hal tersebut juga dilakukan oleh Maroko pada tahun 2021. Di Maroko telah melonggarkan beberapa aspek pengaturan ganja dan mengarahkan upaya lebih pada rehabilitasi daripada hukuman. Studi komparatif pada artikel ini memberikan pemahaman yang lebih dalam tentang variasi pendekatan hukum dan kebijakan terhadap pengaturan narkotika jenis ganja di Indonesia, Turki, dan Maroko. Implikasi dari perbedaan pendekatan ini dapat memberikan wawasan berharga bagi negara-negara lain yang tengah menghadapi tantangan serupa dalam mengatur narkotika jenis ganja.

Kata Kunci : Ganja Medis, Perbandingan Hukum, Legalitas Ganja

I. Introduction

The regulation of marijuana has become a profound and complex issue in various aspects of people's lives around the world.¹² In an ever-evolving global context, the debate over cannabis regulation covers a wide range of aspects, from public health and legal policy, to recognition of cultural values and potential medical uses.^{3,4,5} Indonesia, Turkey and Morocco are three countries that represent different approaches to this issue.

On the one hand, cannabis regulation can be understood as the government's response to the challenges associated with drug trafficking and its impact on society.⁶ On the other hand, regulations also reflect the cultural identity and social views that exist in a country. In this context, a comparative study on the regulation of marijuana in Indonesia, Turkey, and Morocco has significant value to reveal the differences in approaches and impacts that may arise.⁷

Hundreds of countries have different legal systems and foundations in the world. Some countries have the same legal system to govern a country. However, there are also many countries whose legal systems are different and even inversely proportional. These similarities and differences are caused by several factors such as the type of society, customs, and historical developments.⁸

Indonesia adheres to the Civil Law System. Civil Law is a law whose legal rules are systematically written in the codification of Laws.⁹ Indonesia and Turkey are countries with the same legal system, the Civil Law System.¹⁰ There are also many similarities in the habits of the people. These similarities include a majority Muslim society with a country whose identity cannot be separated from Islam, but both are not Arab countries.¹¹ Indonesia, Turkey and Morocco are all located at a strategic crossroads, between two continents and two oceans. Both countries are also members of the Organization of Islamic Cooperation (OIC) and the Organization of Eight Developing Countries (D8) with a majority Muslim population.¹² Both countries are members of the United Nations. The United Nations Office on Drugs and Crime (UNODC) is tasked with assisting the UN to solve the problems of illegal drug trafficking and abuse, crime prevention, criminal justice, political corruption, and international terrorism in a coordinated manner. UNODC (United Nations Office on Drugs and Crime) believes that the drug problem is a serious problem. This is translated into a convention with the intention of creating an international agreement that is accepted by hundreds of countries in the world. With the aim that the control of drug trafficking becomes perfect and its use is limited to medical purposes (treatment),

¹ Francis Pakes, "The Comparative Method in Globalised Criminology," *Australian and New Zealand Journal of Criminology* 43 (2010): 17-30.

² Njabulo Khumalo, "Possible Employment and Career Development in the South African Cannabis Market," *Rapid Innovation and Development in the Global Cannabis Market* (January 2023): 246-261.

³ Erin Clover Kelly and Marisa Lia Formosa, "The Economic and Cultural Importance of Cannabis Production to a Rural Place," *Journal of Rural Studies* 75 (April 2020): 1-8.

⁴ Christopher Dillis et al., "The Threat of Wildfire Is Unique to Cannabis among Agricultural Sectors in California," *Ecosphere* 13 (September 2022); Zoë Plakias et al., "On the Money: Characterizing Banking and Lending in the California Cannabis Industry," *Agricultural Finance Review* 82 (March 2022): 214-246.

⁵ Plakias et al., "On the Money: Characterizing Banking and Lending in the California Cannabis Industry."

⁶ Francis Pakes, "Penalization and Retreat: The Changing Face of Dutch Criminal Justice," *Criminal Justice* 5 (May 2005): 145-161.

⁷ Parisa Kavousi et al., "What Do We Know about Opportunities and Challenges for Localities from Cannabis Legalization?," *Review of Policy Research* 39 (March 2022): 143-169.

⁸ Cahyaning Ayu Camella Putri, 2019, "Perbandingan Hukum Pengaturan Ganja untuk Kesehatan di Indonesia dan Turki" (skripsi), Fakultas Hukum, Universitas Sebelas Maret, Surakarta, Pg. 1.

⁹ Fajar Nurhardianto, 2015, "Sistem Hukum Dan Posisi Hukum Indonesia," *Tapis* Vol.11 No.1, 31 Agustus 2022, 59, Pg. 42. *Ibid*, Pg. 2.

¹¹ Reza Jurnaliston, 2018, "Keunikan Turki Dan Kemiripannya Dengan Indonesia," *Kompas.Com*, <https://nasional.kompas.com/read/2018/05/23/23205901/keunikan-turki-dan-kemiripannya-dengan-indonesia>.

¹² Tanpa Nama, 2018, "Hubungan Bilateral Turki dan Indonesia," repository UMY, Pg. 15-16.

scientific development, and international cooperation in monitoring drug trafficking is guaranteed.¹³

Indonesia strongly rejects drug trafficking as contained in the ratification of the Single Convention on Narcotics 1961 through the CND (International Commission on Drugs and Narcotics). Indonesia takes a firm stance in prohibiting the circulation of narcotics based on Law No. 8 of 1976 concerning the Ratification of the Single Convention on Narcotics 1961. Based on Article 7 of Law No. 35 of 2009, narcotics are only permitted to be used as a medium for health services and technology development, education, research, training, and science.¹⁴

Article 1 number 1 of Law No. 35 of 2009 concerning Narcotics explains that Narcotics are substances or drugs derived from plants or non-plants, synthetic or non-synthetic, which can cause decreased and changes in consciousness, loss of taste, hallucinations, reduce to eliminate pain and can cause dependence or addiction, which are divided into groups as attached to this Law.

Then in Turkey, narcotics are regulated in *Uyusturucu Maddelerin Murakabesi Hakkında Kanun*, Numarası 2313, Kabul Tarihi 12 Haziran 1933, Yayınlandığı Official Gazette Tarih 24 Haziran 1933, Sayı: 2435 (Law on the Supervision of Medicinal Substances, No. 2313, Date of Admission: 12/6/1933, Official Gazette Published: 24/6/1933, Edition: 2435), which clarifies that illegal drugs and their processes, morphine and its compounds, ether and its plants, coca leaves, raw cocaine, ecgonine cocaine and tropocaine, all that contain more than 0.20 grams of morphine, more than 0.10 grams of cocaine, as well as all that contain eukodal, dicodide, dilodite, asedicon, and whose composition contains all chemical substances. Import, export, and domestic sales of health and social assistance supplies are subject to the power of attorney controls.^{15,16,17,18}

The country of Turkey is also one of the countries that legalized cannabis cultivation in selected areas as stipulated in article 23 of Turkish Law No. 2313. The Turkish Ministry of Food, Livestock, and Agriculture authorized cannabis production activities in 19 provinces, including Amasya, Antalya, Burdur, Bartın, Çorum, İzmir, Kastamonu, Karabük, Kütahya, Kayseri, Malatya, Ordu, Samsun, Rize, Sinop, Uak, Tokat, Yozgat, and Zonguldak.^{19,20}

Meanwhile, Shade Tingman in 2021 in his research entitled "Local Perceptions of Cannabis and Cannabis Laws in Morocco: Unpacking Past Laws, Moroccans' Perceptions, and Exploring Organizational Efforts", outlines that in Morocco, the production and consumption of cannabis is illegal, both for medicinal and recreational use. The cultivation of this plant is among the top five in the world. Moroccans are not in denial about the reality of cannabis laws. Tingman's survey results mentioned that most people support the legalization of medical cannabis, originally assuming that religion would cause people not to support the legalization of medical cannabis

¹³ Audi Enjoresa Ginting, 2018, "Pengaturan Hukum Kantor PBB Mengenai Urusan Narkoba dan Kejahatan (United Nation Office on Drugs and Crime) dalam Penanggulangan Perdagangan Narkoba di Indonesia," Fakultas Hukum, Universitas Sumatera Utara, Medan, Pg. 21.

¹⁴ *Ibid* Pg. 2.

¹⁵ *Uyusturucu Maddelerin Murakabesi Hakkında Kanun*, Numarası 2313, pasal 1.

¹⁶ Emine T. Evered and Kyle T. Evered, "A Geopolitics of Drinking: Debating the Place of Alcohol in Early Republican Turkey," *Political Geography* 50 (January 2016): 48-60.

¹⁷ Rahime Erbaş, "Effective Criminal Investigations for Women Victims of Domestic Violence: The Approach of the ECtHR," *Women's Studies International Forum* 86 (2021).

¹⁸ Okan CEYLAN, "THE OPIUM HISTORY OF EASTERN THRACE (1927-1933): INTERNAL AND EXTERNAL DYNAMICS," *Belgi Dergisi* (January 2022): 141-167.

¹⁹ Lismartini Endah, Dinia Adrianjara, 2016, *Turki Legalkan Ladang Ganja*, <https://www.viva.co.id/berita/dunia/835645-turki-legalkan-ladang-ganja>, 31 Agustus 2022.

²⁰ Kyle T. Evered, "The Opium Poppy in Turkey: Alternative Perspectives on a Controversial Crop," *Focus on Geography* 54 (2011): 1-10.

due to its haram nature. However, everyone, including Muslims, Atheists, and Agnostics are all in favor of medical cannabis.²¹

Based on the above review, a comparative study of the regulation of cannabis in Indonesia, Turkey, and Morocco has significant value in crafting a deeper understanding of how each country deals with the same issue but with different approaches. This research will analyze the differences in legal and policy frameworks, as well as the implications of these approaches on society, health, and the justice system. Through this analysis, it is hoped that new insights into the dynamics of change in the regulation of cannabis narcotics and its impact in the local and global contexts will be opened up.

This article comprehensively reviews the dynamics of cannabis drug regulation in Indonesia, Turkey and Morocco. Analyzing the different legal and policy approaches in these three countries will provide a broader picture of the complexity of this issue and contribute to further discussions on the regulation of cannabis narcotics at the international level.

II. Research Methods

This research is a type of normative research with the intention of maintaining, studying and developing positive legal buildings with logical buildings, especially in the regulation of marijuana.²² This research is a type of normative research with the intention of maintaining, studying, and developing positive legal buildings with logical buildings, especially in the regulation of Cannabis.²³ Second, the comparative approach method is carried out by comparing the applicable legal norms relating to the regulation of marijuana between Indonesia, Turkey, and Morocco.²⁴

Data is obtained through library research, namely by searching, recording, examining, analyzing, reading, and quoting from library data related to the topic of this research.^{25,26} In addition, this research is also complemented by interviews with several informants in Turkey and Moroccan nationals in order to provide a complete perception of the object of the research.

III. Result and Discussion

Narcotics comes from the word "narkon" (Greek) which means frozen or stiff. In medical science, it is called Narcicis or Narcose which means to anesthetize. According to English, Narcotics, which means anesthetic. Narcotics are identified as something that has the property of disappearing consciousness or causing extraordinary sensations.²⁷

In the trajectory of global history, in 1909 in Shanghai, China, the League of Nations held a session that discussed how to monitor the illegal trade in drugs. Then in 1912 continued the session in The Hague Netherlands with the opium commission. On March 30, 1961, UN members held a meeting in New York, America which resulted in the Single Convention on Narcotics 1961 which was later changed to Amend the Single Convention on Narcotics 1961, and the 1971

²¹ Shadae Tingman, "Local Perceptions of Cannabis and Cannabis Laws in Morocco: Unpacking Past Laws, Moroccans' Perceptions, and Exploring Organizational Efforts" (2019).

²² Muhaimin, 2020, *Metode Penelitian Hukum*, Mataram: Mataram University Press, Pg. 46.

²³ Sinta Indi Astuti, Septo Pawelas Arso, dan Putri Asmita Wigati, 2015, *Analisis Standar Pelayanan Minimal Pada Instalasi Rawat Jalan Di RSUD Kota Semarang*, (Skripsi), Universitas Atma Jaya, Yogyakarta.

²⁴ Saiful Anam, 2017, *Pendekatan Perundang-Undangan (Statute Approach) Dalam Penelitian Hukum*, Saplaw.Top, <https://www.saplaw.top/pendekatan-perundang-undangan-statute-approach-dalam-penelitian-hukum/>, 7 Oktober 2022.

²⁵ Mahmud, 2011, *Metode Penelitian Pendidikan*, Bandung: Pustaka Setia. Pg. 31

²⁶ Abdul Rachman Shaleh, 2005, *Pendidikan Agama & Pembangunan Watak Bangsa*, Jakarta: PT Raja Grafindo Persada. Pg. 63.

²⁷ *Op.cit*, Pg. 15.

Psychotropic Convention on March 25, 1972 in Austria. The 1988 UN Convention on the Suppression and Eradication of Illicit Traffic in Narcotics was the last convention.

1. Regulating Marijuana in Indonesia

Marijuana, also known as cannabis, is a plant-based narcotic that has become a global topic of conversation due to its health impacts, potential medical uses, and social implications. In Indonesia, cannabis-related regulations have evolved over time. This article aims to provide a comprehensive review of cannabis regulation in Indonesia, including legal aspects, impact on society, and comparison with international approaches.

Based on Article 1 number 1 of Law No. 22 of 1997 which has been amended by Law No. 35 of 2009 concerning Narcotics (Narcotics Law), narcotics are drugs or substances made from plants or non-plants, synthetic or non-synthetic which can cause changes and decrease in consciousness, disappear pain, and create dependence which is classified into several groups.

In Indonesia, narcotics are categorized into three classes:

a. Class I narcotics

Narcotics in this class are narcotics that can only be used to develop science, laboratory interests, and technology. Cannot be used for therapy, and the risk of dependence on class I narcotics is very high.

b. Class II narcotics

This type of narcotic class is a narcotic that has a high potential for dependence. Used for medical or treatment purposes and used for therapeutic media as the last resort. Can also be used with the aim of developing science.

c. Class III narcotics

This class III narcotic has properties in the medical and treatment fields. There are many therapies that use this class of narcotics and can also be used as a medium to develop science. This class of narcotics has a mild dependence effect.²⁸

Based on the Narcotics Law, marijuana is classified as type I narcotics. Article 8 paragraph 1 states that Class I Narcotics are prohibited from being used for the benefit of health services. Meanwhile, in Article 12, Class I Narcotics are prohibited from being produced and/or used in the production process, except in very limited quantities for the benefit of scientific and technological development.

Meanwhile, in the case of imports, an Import Approval Letter for Class I Narcotics in very limited quantities can only be given for the benefit of the development of science and technology. This refers to the provisions of Article 16 of the Narcotics Law. Class I narcotics can only be distributed by certain pharmaceutical wholesalers to certain scientific institutions for the development of science and technology.

Currently, the Indonesian Parliament is discussing the revision of the Narcotics Law. Deputy House of Representatives Sufmi Dasco Ahmad, intensified Commission III to discuss the Narcotics Bill in coordination with the Ministry of Health to resolve the general debate about marijuana for medical purposes. The DPR emphasized that it will advise the Government to adjust the classification of marijuana more precisely in accordance with the statutory mechanism. This will be done after obtaining the results of comprehensive studies and research.²⁹ After consideration, the Constitutional Court issued Decision Number 106/PUU-XVIII/2020 on

²⁸ Sumarlin Adam, 2012, Dampak Narkotika Pada Psikologi Dan Kesehatan Masyarakat, *Komunikasi Penyiaran Islam IAIN Sultan Amai Gorontalo*, download.portalgaruda.org/article.php?article=41468&val=3594, Pg. 2.

²⁹ Tim Redaksi, 2022, Dorong Penelitian Ilmiah Ganja Medis, *Media DPR RI*, <https://emedia.dpr.go.id/article/dorong-penelitian-ilmiah-ganja-medis/>, 28 November 2022.

Wednesday, July 20, stating that it rejected the petition to review Law Number 35 of 2009 concerning Narcotics, which was held online in the Plenary Session Room of the Constitutional Court.³⁰ The DPR emphasized that the study of the use of medical marijuana must still be opened in an open space, reviewed, seen, and researched whether this medical marijuana can indeed be used for treatment.³¹

Indonesia's tough approach to cannabis regulation has complex societal and health implications. This harsh policy is expected to control the distribution and use of marijuana, but its impact is inseparable from several social and health issues. Prohibiting the use of marijuana for legitimate medical purposes can hinder access for patients in need, while illegal marijuana distribution still occurs in some areas.

Indonesia's approach to cannabis regulation differs from some other countries in the world. For example, Turkey has legalized the medical use of cannabis under certain conditions and reduced legal sanctions against the personal use of small amounts. Morocco, on the other hand, has relaxed some aspects of cannabis regulation and focused efforts on rehabilitation.

The regulation of cannabis in Indonesia reflects the government's commitment to eradicating narcotics trafficking, including cannabis. However, the social, health and economic impacts of this approach require careful evaluation. Many parties encourage further debate regarding the legalization of medical use of cannabis and more flexible regulation.

2. Cannabis Regulation in Turkey

The regulation of cannabis in different countries has been a complex global debate, covering issues related to public health, potential medical use, as well as legal and social aspects. Turkey, as one of the countries with a long and complex cultural history, has a unique approach to cannabis regulation.^{32,33}

Over its long history, Turkey has faced various changes in the regulation of cannabis. In the beginning, cannabis has been used in traditional cultures and alternative medicine. However, in 1971, Turkey joined the United Nations 1961 Narcotics Convention and passed a law prohibiting the use and distribution of narcotics, including cannabis. Article 4 of the 1990 Narcotics Law included cannabis in the list of prohibited narcotics.

In recent years, Turkey has taken steps towards changes in the regulation of cannabis. In 2016, the Turkish government passed a regulation allowing the medical use of cannabis under certain medical conditions. While this change indicates a more inclusive policy shift, regulation remains strict with stringent requirements for obtaining a medical license. In Turkey, Narcotics are regulated in the *Uyuşturuca Maddelerin Murakabesi Hakkında Kanun*, Numarası 2313 (Law Concerning the Control of Medicinal Substances, No. 2313), Turkish Penal Code Law No. 5237, and *Kenevir Yetiştiriciliği ve Kontrolü Hakkında Yönetmelik*.

Article 187 of the Turkish Criminal Code states that any person who produces or sells narcotics in a manner that endangers the life and health of others, shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years accompanied by a judicial fine. In the event that the act of producing or selling narcotics in a manner that endangers the life and health of another person is committed by a doctor or pharmacist or a professional

³⁰ Sekretariat Jenderal DPR RI, 2020, *Resume Putusan Perkara Pengujian Undang-Undang Yang Ditolak Dalam Sidang Mahkamah Konstitusi*.

³¹ *Ibid.*

³² Evered and Evered, "A Geopolitics of Drinking: Debating the Place of Alcohol in Early Republican Turkey."

³³ Hekia Bodwitch et al., "Why Comply? Farmer Motivations and Barriers in Cannabis Agriculture," *Journal of Rural Studies* 86 (August 2021): 155-170; Hekia Bodwitch et al., "Growers Say Cannabis Legalization Excludes Small Growers, Supports Illicit Markets, Undermines Local Economies," *California Agriculture* 73 (2019): 177-184.

who performs duties within this scope based on an official license, the punishment as stated in paragraph (1) shall be increased by 1/3 (one-third).

Cannabis is a plant whose cultivation is controlled starting from 1926 within the scope of the Turkish Criminal Code Law No. 5237 due to the negative effects of cannabis. As per Article 23 of the Law on the Examination of Medicinal Substances No. 2313 Cultivation of cannabis for fibers, seeds, stalks, and others is subject to the permission of the Ministry of Agriculture, Forestry, and Rural Affairs. For this purpose, the Ministry will determine the place where cannabis will be cultivated and the Ministry will control the report of each production. The implementation principles regarding these matters are stipulated in regulations issued by the Ministry of Agriculture, Forestry, and Rural Affairs. The cultivation of marijuana without a license from the Ministry of Agriculture, Forestry, and Rural Affairs for any purpose is prohibited. If cannabis is grown without a license, the cultivation will be destroyed by the municipal police at the discretion of the highest civil authority in the area concerned. The tools and equipment to be used for the destruction will be included in the budget of the General Command of the Jandarma Police, and the costs incurred as a result of the destruction activities are from the guilty party who planted marijuana without a license and the costs will be collected in accordance with Law No. 6183 on Collection of Public Receivables.

Ömer Haşimoğlu, the source of the research, said that cannabis narcotics are very suitable to be grown and cultivated in Turkey because of the adequate climate and can even be grown at home for patients who get permission to plant for their own treatment. Moreover, treatment using medical cannabis is allowed as long as it is licensed by an authorized institution. Ömer Haşimoğlu stated that according to Turkish medical, marijuana is safer to smoke than cigarettes made from chemicals because marijuana is a plant not a chemical so in addition to being safer for treatment, marijuana is cheaper and easier to obtain for people with cancer and AIDS. Cigarettes can cause cancer to spread while marijuana cigarettes do not make cancer spread, so consuming just a little marijuana for smoking or smoking mixtures can be tolerated and not punished. However, someone who sells marijuana to marijuana cigarette users freely and there is strong evidence will be punished. Turkey does not apply the death penalty for drug offenders.³⁴

Ahmet Orkan, a hashish seller in Ogullar Koyu city, mentioned that dried Opium flower seeds are ingredients for making heroin and morphine which are class I narcotics. The source said "Haşhaş bir tabakta yoğurt ve balla yenir. *Haşhaş evli çiftler için dayanıklılığı ve tutkuyu artırmaya hizmet eder.*" This means "Hashish is eaten with yogurt and honey in one dish. Hashish is useful for increasing the passion and stamina of married couples".

Turkey's approach to cannabis regulation has complex implications for society and health. On the one hand, legalizing the medical use of cannabis can provide treatment alternatives for patients with certain medical conditions. However, strict enforcement of rules and strong government controls also impact patient access and may hinder the development of the medical cannabis industry.

Turkey's approach to cannabis also reflects the social and cultural views present in the country. While there is a push to allow medical use, some people may still feel skeptical of this policy change. In addition, other challenges include effective law enforcement against illegal cannabis trafficking and oversight of proper medical use. The regulation of cannabis in Turkey reflects the dynamics between cultural traditions, medical policies, and global drug-related changes. Although there has been a shift towards the medical use of cannabis, strict regulation and challenges in implementation remain in focus.

³⁴ Ömer Haşimoğlu, 2022, Wawancara, Nevşehir.

3. Cannabis Regulation in Morocco

Morocco, with its rich cultural landscape and history, has long been involved in cannabis culture. The plant has become part of the tradition and daily use in several communities in the country. However, like many other countries, Morocco also faces challenges in regulating cannabis, which include issues of public health, law enforcement, and recognition of traditional and economic values. This article will analyze Morocco's approach to cannabis regulation, delving into legal aspects, policy changes, as well as implications for society.^{35,36}

Cannabis has been an integral part of Moroccan culture for centuries. The plant has a deep historical and cultural value, used in traditional contexts and religious rites, as well as a raw material in the handicraft industry and traditional medicines.³⁷ However, the modern regulation of cannabis has exposed Morocco to new challenges in maintaining a balance between cultural heritage and global policy demands.³⁸

The regulation of cannabis in Morocco reflects efforts to address social and health issues faced by society. Moroccan law imposes a ban on the use, circulation, and production of cannabis, in line with the UN Narcotics Convention. Nonetheless, in recent years, there has been a change in outlook towards cannabis, which the government recognizes by allowing certain medical and scientific uses.

Morocco consistently ranks in the top five cannabis producers in the world, with the presence of the substance dating back to the 3rd century, in the form of hemp fibers from Greece.... However, cannabis pollen did not become abundant until the 11th century and is believed to have been formally introduced to Morocco through one of the Arab conquests between the 7th and 15th centuries. Until the 19th century, cannabis was grown for trade and local use throughout Morocco. Moroccans mostly consumed it by adding it to sweet treats (majoun) and eating it or smoking it through a long pipe (*sebsi*), in the form of Kif.^{39, 40,41}

Kif is a mixture of pounded dried herbs, mostly tobacco, and cannabis. Some sources believe that hashish was introduced to Morocco after Westerners who came from Asia and the Middle East taught farmers how to distill the cannabis plant. Hashish is a concentrated resin from the cannabis plant. Morocco is currently the largest producer of hashish in the world. In the 18th century, the Rif region of Northern Morocco, particularly in the villages of Ketama in Al Hoceima province and Bab Berred in Chefchaouen province, became an informal market for the sale of hashish, which was produced with the sole purpose of being sold. Several hundred tons reach the European market every year. The most recent cannabis-related legislative action came in 2016.

³⁵ Pierre Arnaud Chouvy and Jennifer Macfarlane, "Agricultural Innovations in Morocco's Cannabis Industry," *International Journal of Drug Policy* 58 (August 2018): 85–91.

³⁶ Tingman, "Local Perceptions of Cannabis and Cannabis Laws in Morocco: Unpacking Past Laws, Moroccans' Perceptions, and Exploring Organizational Efforts."

³⁷ Pekka Hakkarainen et al., "Growing Medicine: Small-Scale Cannabis Cultivation for Medical Purposes in Six Different Countries," *International Journal of Drug Policy* 26 (March 2015): 250–256; Mahsa Rahbari et al., "H2O2 Dynamics in the Malaria Parasite *Plasmodium Falciparum*," *PLoS ONE* 12 (March 2017).

³⁸ Dongmei Lyu, Rachel Backer, and Donald L. Smith, "Three Plant Growth-Promoting Rhizobacteria Alter Morphological Development, Physiology, and Flower Yield of Cannabis Sativa L.," *Industrial Crops and Products* 178 (April 2022).

³⁹ Shadae Tingman, Local Perceptions of Cannabis and Cannabis Laws in Morocco: Unpacking Past Laws, Moroccans' Perceptions, and Exploring Organizational Efforts, *tersedia di laman*: <https://digitalcollections.sit.edu/>

⁴⁰ Kathryn I. Frank and Sean A. Reiss, "The Rural Planning Perspective at an Opportune Time," *Journal of Planning Literature* 29 (November 2014): 386–402.

⁴¹ Lawrence C. Hamilton et al., "Rural Environmental Concern: Effects of Position, Partisanship, and Place," *Rural Sociology* 79 (2014): 257–281.

In 2013, two bills were brought to Parliament, asking to legalize cannabis production in the Northern region of Morocco (reasons listed above) for therapeutic purposes. As background context, Parliament is made up of three main political parties: PJD (the central Islamist party), The Authenticity and Modernity Party (PAM), and the Istiqlal Party or Independence Party (nationalist).⁴²

The PJD (founded in 1967), "pledges allegiance to the monarchy" and works to maintain Morocco as an Islamic state. As such, they oppose any form of cannabis, as it is considered haram in Islam. PAM (founded in 2008) works closely with the King and was established to offer a different and less conservative perspective than PJD. Their message and mission include human rights, women empowerment, and fighting terrorism. Lastly, the Istiqlal Party (IP) has played a dominant role since the first post-independence Moroccan government, as a conservative and monarchist party.

PAM and IP both support legislation to legalize cannabis production in North Africa. Forty-eight thousand farmers currently have arrest warrants, and another 80,000 released from prison on bail fear their eventual return. Hamid Chabat, secretary general of the IP, called for amnesty for the growers, pointing out the corruption that exists with money launderers who can enjoy a reprieve. Khadija Rouissi of PAM also mentioned, "If we legalize cannabis cultivation, the trade will become more transparent and organized,". However, the PJD immediately opposed the bill. In 2016, they released a statement, stating, "a firm rejection of the dubious approach that aims to decriminalize the cultivation and consumption of cannabis due to its proven danger to citizens' health and social cohesion". Given that the PJD is the majority governing party, Parliament was unable to agree on whether to legalize cannabis production and has still not determined where to continue the discussion.

Morocco has held an important position as one of the leading global cannabis producers for quite a long time. In June 2021, Parliament approved a law that aims to regulate the cultivation of the plant for medical, cosmetic, and industrial purposes, while maintaining a strict ban on production and use for recreational purposes.^{43,44}

This newly enacted law covers various aspects of cannabis regulation, including cultivation requirements, seed imports, and product exports. However, the delay in the implementation of the law has resulted in frustration and distrust between growers and the government, thus creating opportunities for traffickers to persist in their illegal activities. This situation not only impacts the country but also the wider region.

Shadae Tingman in her research was a little surprised by her findings. Most people supported the legalization of medical cannabis, which she did not believe would happen. Tingman initially assumed that religion would cause people not to support the legalization of medical cannabis due to its illicit nature. However, everyone, including Muslims, Atheists, and Agnostics were all in favor of medical cannabis.⁴⁵

Morocco's approach to cannabis has mixed implications for society and the economy. On the one hand, the recognition of the medical and economic value of cannabis can provide new

⁴² David, L. (2017). Getting Down to Cannabusiness: How to Proceed with Morocco's Cannabis Industry & the Resulting Economic and Social Impacts. Independent Study Project (ISP) Collection, Retrieved from https://digitalcollections.sit.edu/isp_collection/2631

⁴³ Naoki Yamamoto and Georg Bauer, "Apparent Difference in Fatalities between Central Europe and East Asia Due to SARS-COV-2 and COVID-19: Four Hypotheses for Possible Explanation," *Medical Hypotheses* 144 (November 2020): 110160.

⁴⁴ Bodwitch et al., "Growers Say Cannabis Legalization Excludes Small Growers, Supports Illicit Markets, Undermines Local Economies"; Bodwitch et al., "Why Comply? Farmer Motivations and Barriers in Cannabis Agriculture."

⁴⁵ Shadae Tingman, Local Perceptions of Cannabis and Cannabis Laws in Morocco: Unpacking Past Laws, Moroccans' Perceptions, and Exploring Organizational Efforts, *tersedia di laman*: <https://digitalcollections.sit.edu/>

opportunities for the development of the medicinal industry and the local economy. However, the policy change also poses challenges in controlling illegal circulation and policing unauthorized use.^{46,47}

The changing views on cannabis in Morocco reflect the dynamic between tradition and modernity. Although there have been steps towards more inclusive regulation, the challenges of controlling illegal circulation and maintaining a balance between cultural values and global policies are still faced.

IV. Conclusion

Comparative studies on the regulation of cannabis narcotics in Indonesia, Turkey, and Morocco have provided deep insights into the complexity of this issue in various social, cultural, and legal contexts. These three countries have different approaches to the regulation of cannabis, which is reflected in the differences in their legal policies and practices. Through this analysis, we can identify a number of important conclusions. First, Indonesia adopts a strict punitive approach to cannabis by imposing severe penalties for drug-related offenses. While this approach reflects a strong commitment to eradicating drug trafficking, the public health implications and a heavy justice system must be kept in mind. Second, Turkey has taken steps towards more inclusive regulation by legalizing the medical use of cannabis under certain conditions. This reflects an effort to accommodate the needs of patients and capitalize on the medical potential of cannabis, but it is necessary to still consider proper supervision and control. Third, Morocco, with its rich cultural history related to cannabis, has faced challenges in maintaining a balance between traditional and global policy demands. The new measures in allowing the medical use of cannabis and focusing on rehabilitation show an attempt to respond to modern dynamics, while still maintaining cultural values.

The most important conclusion of this study is that the regulation of marijuana cannot be viewed as an issue related to legal aspects alone. Policymaking related to marijuana must involve an in-depth understanding of its impact on society, health, and the economy. While punitive approaches may be effective in controlling drug trafficking, inclusive approaches and recognition of medical and cultural values must also be considered. In a global context, the regulation of cannabis in Indonesia, Turkey, and Morocco provides a view of the variety of approaches that exist in different countries. The implications and lessons from this comparative study can make a valuable contribution to the wider discussion on the regulation of cannabis drugs at the international level.

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⁴⁶ Dillis et al., "The Threat of Wildfire Is Unique to Cannabis among Agricultural Sectors in California"; James W. Lamare and Jacob Bercovitch, "The Process of International Mediation: An Analysis of the Determinants of Successful and Unsuccessful Outcomes," *Australian Journal of Political Science* 28 (July 1993): 290-305.

⁴⁷ Van Butsic et al., "The Emergence of Cannabis Agriculture Frontiers as Environmental Threats," *Environmental Research Letters* 13 (December 2018).

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