

Illegal Logging Crimes In Forest Areascriminal Law

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Info Articles	Abstract
Article History Received : 2020-07-03 Revised: 2020-07-11 Published: 2020-07-30 Keywords: <i>Crime, Illegal Logging, Law Enforcement, Forestry Police</i>	This study aims to determine the process of overcoming and handling carried out by the Forestry Police of the Sulawesi Regional Forestry Security and Law Enforcement Center in Handling Illegal Logging Cases. This study uses an empirical juridical research method. The research location is the Sulawesi Regional Forestry Security and Law Enforcement Center. The data sources used are primary data, namely data obtained directly from sources at the research location, secondary data is data obtained through library studies, namely reviewing literature, articles, coverage, and laws and regulations. The data collection techniques used are library research and field research that includes interviews and documentation. The data analysis technique used is quantitative. The results of this study indicate that MB is the owner of the wood as well as a suspect in illegal logging and Rasdin as the publisher of the wood document. In deciding a case, law enforcement should always carry out the mandate of the Republic of Indonesia Law No. 18 of 2013 concerning the prevention and eradication of forest destruction. In addition, law enforcement must be more consistent in this illegal logging, which aims to protect forests. from the destruction and damage to forests and the surrounding environment

I. INTRODUCTION

Indonesia is a country based on law as stated in the 1945 Constitution of the Republic of Indonesia, Article 1 paragraph (3) "The State of Indonesia is a country based on law." This emphasizes that all aspects of national and social life in Indonesia are based on applicable legal norms, so that every action of Indonesian society must be based on the legal rules applicable in this country. According to Hans Kelsen (1881–1973), law is a set of rules containing commands with a coercive nature. Law directs human behavior to act in accordance with established rules, with a binding nature. In Kelsen's view, law is a primary norm that determines sanctions for human behavior that violates the law.

The earth is home to various living creatures, including plants, animals, and humans. Life on earth is interdependent. For example, humans need plants and animals for their survival, such as for consumption. Conversely, animals require

humans to play a role in preserving the environment so that their habitats are maintained, considering that the destruction of animal habitats in the forest is often caused by human activities. The environment, as a gift and blessing from God Almighty for the nation and state of Indonesia, is a space for life that encompasses all its aspects and dimensions, in harmony with the archipelagic outlook. Based on an integrated and comprehensive national policy, the utilization of natural resources is carried out to improve public welfare, as stipulated in the 1945 Constitution of the Republic of Indonesia. Therefore, it is important to implement harmonious, appropriate, and balanced environmental management to support the implementation of sustainable development from an ecological perspective. Law Number 32 of 2009 concerning Environmental Protection and Management states that: "Environmental

protection and management are efforts carried out systematically and in an integrated manner to maintain the sustainability of environmental functions and prevent pollution or damage. These efforts include various aspects, such as planning, utilization, control, maintenance, supervision, and law enforcement." Environmental management, including efforts to prevent, handle damage and pollution, and restore environmental quality.

Environment, need development of various policies, programs, and activities supported by an environmental management support system. This system includes institutional strengthening, human resource development, environmental partnerships, as well as legal instruments and regulations, all of which are supported by the availability of information and funding.

Environmental Crimes are currently regulated in Law Number 32 of 2009 concerning Environmental Protection and Management in Chapter XV, namely from Article 97 to Article 120 of the UUPPLH. Article 97 of the UUPPLH states that the crimes regulated in the Criminal provisions of the UUPPLH are crimes. (rechterdelicten), so that meaning that the level of reprehensible acts is above the level of violations.

Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction (P3H) strictly prohibits illegal logging and stipulates sanctions for violators. The articles in this law reflect the expectation that all parties will comply with the law to protect forests and the environment.⁷ Forest sustainability and ecosystem protection. This reflects the expectation that law enforcement will be effective and provide a deterrent effect for perpetrators of illegal logging. The expectation that law enforcement officials,

such as the police and related agencies, will act decisively in prosecute perpetrators of illegal logging in accordance with applicable laws. This includes strengthening law enforcement capacity and increasing inter-agency cooperation to combat illegal logging more effectively.

The term illegal logging is not explicitly defined in current laws and regulations. However, this term can be interpreted literally from English. According to The Contemporary English-Indonesian Dictionary, "illegal" means unauthorized, prohibited, contrary to law, or forbidden. Meanwhile, according to Black's Law Dictionary, "illegal" means "forbidden by law; unlawful," which means something that is prohibited by law or is illegal.⁸ The definition of illegal logging is explained in Article 1 paragraph 4 of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, which states that illegal logging is all activities involving the illegal utilization of forest timber products carried out in an organized manner. Department of Forestry disclose that Illegal logging is a criminal activity that is managed in an organized manner and supported by a strong network, which can physically threaten the authorities in enforcing forestry laws.¹⁰ Illegal logging, or illegal logging, is a major problem that threatens the sustainability of forests in Indonesia. This activity includes cutting, transporting, and selling wood without valid permits from the authorities. Based on research, illegal logging is a major factor in forest destruction in Indonesia, which has a negative impact on the environment and the community's economy. Although there are laws regulating the prevention and eradication of illegal logging, law enforcement is often ineffective. Many perpetrators are not prosecuted. This creates the perception

that illegal activities can be carried out without serious consequences. Illegal logging not only damages the environment but also causes economic losses for the state. Revenues that should have been generated from taxes and forest products are lost due to this illegal practice, which in turn impacts national development. A legal analysis of illegal logging crimes is crucial to understanding the application of law in forest protection efforts. Research shows that despite adequate government regulations to address illegal logging, law enforcement remains ineffective. This is due to various factors, such as weak oversight and low public awareness of the importance of forest conservation.

A legal analysis of illegal logging in forest areas is crucial for understanding the dynamics of applicable law and the challenges of law enforcement. By identifying the causal factors and necessary steps, it is hoped that more effective solutions can be found to protect Indonesia's forests from such practices. Based on the above background, the author is interested in conducting research on how the Forestry Police handle the problem of illegal logging, which will then be addressed in this study.

II. RESEARCH METHODS

The research method used is empirical, namely research that utilizes field data such as findings, interviews, and observations as its primary data source. Empirical research is used to examine law, which is viewed as societal behavior formed in social aspects.

III. RESULTS AND DISCUSSION

Forestry Police Process in Handling Problems Regarding Illegal Logging Crimes in Forest Areas of the Sulawesi Region Forestry Security and Law Enforcement Agency Forestry police can be defined as

those tasked with protecting and securing forests. Forestry police are at the forefront of efforts to conserve natural resources and their ecosystems. Forestry police play a role in handling illegal logging cases by conducting investigations and enforcing the law. Forestry police are also authorized to secure forest areas and forest products. Forestry police have the authority to carry out special police actions in the forestry sector. This authority includes preventive, administrative, and repressive activities. Some of the actions taken by Forestry police to combat illegal logging include:

- a. Conducting patrols in forest areas
- b. Checking forest product transportation documents
- c. Receiving reports of forestry crimes
- d. Seeking information and evidence
- e. Catch suspect and hand it over to the authorities
- f. Making reports on forestry crimes

Law enforcement in handling forest destruction cases is regulated in Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, one of which includes conducting investigations. Regarding investigations in the Law on the Prevention and Eradication of Forest Destruction, Article 29 states: that: "In addition to the Indonesian National Police Investigators, PPNS are given special authority as investigators as referred to in the Criminal Procedure Code." Regarding the Forestry Police as referred to in Article 51 Paragraph (2), they have the authority to:

- a. Conducting supervision of the implementation activity forestry business permit holders
- b. Conducting intelligence operations

- and securing the circulation of forest products
- c. Carrying out forest area restoration operations
 - d. Carrying out socialization, coordination and cooperation activities
 - e. Collecting information to search for and discover forestry crimes Do patrol Forprevent and limit the movement of perpetrators of forest destruction

Furthermore, Article 33 of Law No. 18 of 2013 states that: "To obtain sufficient preliminary evidence, investigator can using reports originating from the community and/or related agencies." In relation to the Forestry Police in the case of the crime of Illegal Logging, based on the results of research at the Sulawesi Regional Forestry Security and Law Enforcement Center. That the Employees are Sudarmo, Islamet, Budi. as a Middle Forestry Police and Investigator, explained that this forest destruction case occurred on Saturday, June 24, 2023. At that time, the Sulawesi Regional Forestry Law Enforcement and Security Center operations team found 1 unit of truck transporting wood on Bulo Street, Bulo Wattang Village, Panca Rijang District, Regency. Sidenreng Rappang, South Sulawesi Province. Then at that time the Operation Team asked the owner of the wood for the wood document, and in the document it was written that the volume was 6 cubic meters, then compared with the type of wood found, the volume was written as 9 cubic meters, finally the Operation Team conveyed it to the leadership and then the leadership directed it to be secured at the Sulawesi Regional Security and Law Enforcement Center to follow up with the investigation process. As is known, the illegal logging law enforcement process began with the

detention of a truck loaded with wood on Bulo Street, Bulo Wattang Village, Panca Rijang District, Sidenreng Rappang Regency, South Sulawesi Province,

June 24, 2023, by the Joint Operations Team to supervise the implementation of forestry business permit holder activities.

- a. Conducting intelligence operations and securing the circulation of forest products
- b. Do operation recovery forest area
- c. Do activity socialization, coordination and cooperation
- d. Collecting information to search for and discover forestry crimes
- e. Do patrol Forprevent and limit the movement of perpetrators of forest destruction

Furthermore, Article 33 of Law No. 18 of 2013 states that: "To obtain sufficient initial evidence, investigators can use reports originating from the community and/or related agencies." In relation to the Forestry Police in the case of the crime of Illegal Logging, based on the results of research at the Security and Forestry Agency.

Sulawesi Regional Forestry Law Enforcement. That the Employees Namely Sudarmo, Islamet, Budi.¹³ as Middle Forestry Police and Investigators, explained that this forest destruction case occurred on Saturday, June 24, 2023, At that time the operations team of the Sulawesi Regional Forestry Security and Law Enforcement Center found 1 unit of truck transporting wood on Bulo Street, Bulo Wattang Village, Panca Rijang District, Sidenreng Rappang Regency, South Sulawesi Province. Then at that time the Operations Team asked the owner of the wood for the wood documents, and in the document it was written that the volume was 6 cubic meters then compared with the type of wood found it was written

that the volume was 9 cubic meters, finally the Operations Team conveyed it to the leadership and then the leadership directed it to be secured at the Sulawesi Regional Security and Law Enforcement Center to follow up with the investigation process. As is known, the process of enforcing the law on illegal logging began with the detention of a truck loaded with wood on Bulu Street, Bulu Wattang Village, Panca Rijang District, Sidenreng Rappang Regency, South Sulawesi Province, June 24, 2023, by the Forest Area Security Operations Team, Illegal Logging and Distribution of Forest Products and Wildlife.

The Joint Team secured evidence in the form of 27 pieces of processed kumea wood (volume 23.9 cubic meters) transported by a 10-wheeled Isuzu Giga truck. The suspect had a Certificate of Legality of Processed Timber Forest Products or SKSHH-KO but the Team confiscated it as evidence. The illegal wood came from East Luwu. From the inspection of the truck driver and further investigation led to the arrest of two suspects, namely HB and MB. The role of HB is as (Wood Owner) and MB (Director of UD. Nurlaela). In the investigation process, the Operations team made an incident report which was then submitted to investigators for a case review. After the case review was completed, an investigation warrant was issued for the operation team to examine the arrested truck driver. In the investigation process, according to Investigators and Forestry Police, namely Sudarmo, Islamet and Budi, investigators had collected valid evidence as regulated in Article 184 of the Criminal Procedure Code, namely Documents, Witness Statements, and Clues. After collecting the evidence, investigators carried out the determination of the

suspect through a case review.

Conducting a case title by presenting the Arrestor, Investigator and Supervisor of PPNS Polda Sulawesi Selatan. At that time Balai Gakkum conducted a case title that a crime had occurred in the forestry sector and it was found that the perpetrators of this crime were two people who were decided in. The case title was Mr. Munafri Basmudi and Mr. Hj Bonto. The consideration of this case is that both of them are suspects. The two suspects will be charged under Article 16 of Law No. 18 of 2013 which states: "Every person who transports forest wood must have a document which is a legal certificate of forest products in accordance with the provisions of laws and regulations." And then Article 21 of Law No. 18 of 2013 which states: "Every person is prohibited from utilizing wood from illegal logging and/or illegal use of forest areas originating from conservation forests."

IV. CONCLUSION AND SUGGESTIONS

The Forestry Police Process in Handling Problems Regarding Illegal Logging Crimes in Forest Areas of the Sulawesi Region Forestry Security and Law Enforcement Agency that the Law Enforcement Agency Operations Team found 1 unit An Isuzu Giga truck transporting wood on Bulu Street, Bulu Wattang Village, Panca Rijang District, Sidenreng Rappang Regency, South Sulawesi Province was discovered by the Operations Team. The Joint Operations Team for Forest Area Security, Illegal Logging and Distribution of Forest Products and Wildlife. The Joint Team secured evidence in the form of 27 pieces of processed Kumea wood (volume 23 cubic meters) transported by the Isuzu 10-wheeled truck.

The results of the examination of the

truck driver and further investigation led to the arrest of two suspects HB and MB. What the Forestry Police Experienced in Dealing with Illegal Logging Problems in the Sulawesi Region Forestry Law Enforcement and Security Center is that the perpetrator who was arrested was not the owner of the wood but the driver of the car transporting the processed wood and Investigators did not know the origin of the wood. And the obstacle was not only the owner of the wood but also the publisher. At the time the wood was found there was no publisher, but because there was a written statement that the publisher was named Rasdin. In handling this illegal logging case, law enforcement in the forestry sector should increase community development by conducting outreach to increase public awareness of the importance of forests, providing legal socialization to increase compliance with the law and provisions in legislation, especially Law Number 18 of 2013 concerning Enforcement and Eradication of Forest Destruction.

In dealing with Illegal Logging Cases through Prevention Strategies, namely increasing forest supervision and monitoring, Forest Work collaboration between agencies (KLHK, Police, and Regional Government). The enforcement strategy includes improving the capabilities of forestry police, strengthening law enforcement and sanctions, and using technology such as satellites and drones for monitoring.

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