



Law Enforcement against Illegal Logging According to Law Number 18 of 2013 Concerning Prevention and Eradication of Forest Destruction

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<http://dx.doi.org/10.18415/ijmmu.v7i10.2015>

Abstract

The development of cultural structures and civilizations which from time to time basically causes several impacts which, seen from different sides, have positive and negative impacts, some of these changes cannot be separated from advances in science and technology. In the past, humans only tried to fulfill primary needs, but all these things have changed where humans today not only try to meet primary needs but fulfill secondary and tertiary needs as well. As a result of the development of an exaggerated viewpoint it also creates competition between humans, possession occurs which justifies any means to fulfill the desired needs.

Keywords: *Illegal Logging; Forest*

Introduction

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The definition of the environment according to Law Number 32 of 2009 concerning Environmental Protection and Management is a spatial unit with all objects, power, conditions and living things, including humans and their behavior, which affect nature itself, the continuity of life and the welfare of humans and creatures another life.

Humans from birth in this world have been in an environment, the environment is an absolute part that cannot be separated from human life. Humans with all their life activities are looking for food, drinking and meeting other needs, the environment is the first and most important source for meeting these various needs. Humans should protect and preserve the environment properly, and not do things that can cause damage to the environment, because the environment is the most important part of human life,

with regard to the environment as regulated in Law Number 32 of 2009 concerning Environmental Protection and Management.[2]

The 21st century is a century where humans have experienced very significant evolution and progress in various aspects. Some things that were previously unsolved can now be handled with a variety of modern tools. However, in line with the times, there are several impacts, one of which is the excessive use of natural resources, particularly forests.[3]

Article 1 paragraph (1) of Law of the Republic of Indonesia Number 18 of 2013 concerning the Law on the Prevention and Eradication of Forest Destruction explains that a forest is an integrated ecosystem in the form of a natural expanse containing biological natural resources dominated by trees in their natural environment communities that cannot be separated from one another.

Research Method

The type of research used in this research is normative juridical with statutory, conceptual, comparative and philosophical approaches.[4]

Research Results and Discussion

Forests and Law Enforcement

Forests are large areas of land overgrown with trees (usually not maintained by people). Forests have an important role for human life, from birth to when they enter the grave, humans need products produced from the forest. Forests provide protection, shelter from the products humans need for their survival. Likewise, forests are a place for wild animals to live and a source of germplasm, all of which are also useful for the continuity of human life in this universe. Humans get products such as food, medicine, wood for buildings and firewood, and also enjoy the benefits of the effects of the forest, namely the microclimate and prevent erosion and maintain soil fertility. For example, for example from willow bark, the Greeks in ancient times used it by chewing it as a painkiller, and now willow bark extract is the basic ingredient of aspirin. The fruit of the oak tree is a staple food of Indians besides corn. Indonesian fishing communities use mangrove bark to preserve nets. Village communities around teak forests in Java utilize teak caterpillars as animal protein. While at this time less than 10,000 products are produced from wood.

In essence, forests consist of five main elements consisting of earth, water, nature, air and sunlight. These five main elements are called panca Daya. Therefore, utilizing the forest actually directs these five powers to a certain form at the place and time needed for the welfare and happiness of human being physically and mentally, as much as possible without neglecting the aspect of sustainability. Forest is referred to as an area above the earth's surface where trees are rather dense and wide so that trees and other plants and animals are mainly composed of trees and other woody vegetation that grow close to one another.[5]

Deforestation, degraded land, depletion of the ozone layer, global warming of oil spills in the sea, dead fish in tributaries due to chemicals, and the extinction of certain species are some examples of environmental problems. In the literature, environmental problems are grouped into three forms, namely environmental pollution, misuse of land and depletion or depletion of natural resources.[6]

Indonesia's forests are one of the centers of biodiversity in the world, where Indonesia is the third of the seven countries called Megadiversity Country. Indonesian forests are home to thousands of flora and fauna, many of which are endemic to Indonesia. In fact, the use of natural forests that has been going

on since the early 1970s has turned out to be an unsatisfactory picture of the future of Indonesia's forestry world. Apart from the success of earning foreign exchange, increasing income, absorbing labor, and encouraging regional development, forestry development through the use of natural forests leaves a dark side. The negative side, among others, the high rate of deforestation which raises concerns that forest sustainability will not be achieved, which is strengthened by illegal logging.[7]

Even though Indonesia has set aside 19 million hectares or 13 percent of the total natural forest in Indonesia in a network of ecosystems that have been designated as conservation areas where the area is deliberately designated for the benefit of preserving germplasm, heritage species and ecosystems. However, the reality shows that the area is currently very under threat due to illegal logging activities. Many of them are very unique and are considered World Heritage. However, the reality shows that the area is currently very threatened by its existence and sustainability due to illegal logging activities.[8]

State Losses in Illegal Logging

In Article 12 of Law Number 18 Year 2013 Everyone is Prohibited from:

- a. Logging trees in forest areas that are not in accordance with forest utilization permits.
- b. Logging trees in forest areas without a permit issued by an authorized official.
- c. Logging trees in forest areas illegally.
- d. Loading , unloading, releasing, transporting, controlling, and/or owning the results of logging in forest areas without a permit.
- e. Transport, control, or own timber forest products which aren't accompanied by a certificate of legality of forest products.
- f. Carrying tools commonly used for cutting, cutting, or chopping trees in a forest area without a permit from an authorized official.
- g. Carrying heavy equipment and/or other tools commonly or reasonably suspected to be used to transport forest products in the forest area without the permission of the authorized official.
- h. Utilizing timber forest products that are thought to come from illegal logging.
- i. Circulating logs from illegal logging by land, water or air.[9]

The value of state losses due to illegal logging practices or legal clearing of forests but full of bribery and corruption foundations has caused tremendous damage. Not only is the destruction of forest ecosystems that support people's lives, the practice of Illegal Logging and Legalized Logging also causes large amounts of state losses. Therefore, several policies issued by the government were created as a measure to overcome this, which are manifested in the existing laws and regulations that have existed since then until now.[10]

The policies taken by the government include issuing laws and regulations, namely Law Number 18 of 2013 concerning Prevention and Eradication of Forest Damage, Law Number 32 of 2009 concerning Protection and Management of the Environment, Law Number 5 of 1990 Concerning the Conservation of Living Natural Resources and Their Ecosystems, Government Regulation Number 60 of 2009 concerning Forest Protection and the issuance of Presidential Instruction Number 4 of 2005 concerning the eradication of illegal logging in forest areas and their distribution throughout Indonesia.[11]

Government affairs in the regions are carried out based on the principles of decentralization, deconcentration and co-administration. Decentralization is the transfer of government authority by the government to autonomous regions to regulate and manage government affairs in the system of the Unitary State of the Republic of Indonesia. Deconcentration is the delegation of governmental authority by the government to the governor as the government's representative and / or to vertical agencies in a

certain area, while the co-administration task[12] is the assignment of the government to regions and / or villages from the provincial government to districts / cities to villages to carry out certain tasks. On the basis of these three principles, the authority to grant permits is differentiated into:

- a. Permit on the basis of autonomous authority (decentralization).
- b. Permit based on the delegation of authority from the government to the Governor and / or vertical agencies (deconcentration).
- c. Permit as implementation of co-administration tasks.[10]

Factual conditions show that the area of burned forest throughout Indonesia for the period 1 July 2015 to 20 October 2015 reached 2,089,911 hectares, the economic impact of forest fires was more than IDR 221 trillion, 24 (xmg died, and more than 600 thousand people infected with Tract Infection. Upper respiratory tract (ISPA), as well as 60 million people exposed to smoke. Forest burning crime is categorized as an economic crime because it causes huge economic losses to the state, it is categorized as White Collar crime, Corporate Crimes and Extra Ordinary Crimes, because it needs extraordinary handling The existing shows that the law enforcement of the forest burning crime has been carried out but has not been optimal, because so far law enforcers have only used laws related to the environment, the fact is that in forest fire criminal cases there may be other crimes such as corruption and money laundering. Therefore the study of the problem This is urgent. The aim of this paper is to frequently examine more in the model of law enforcement for the crime of forest burning through a multidooors approach, namely using several laws and regulations that are most likely to be applied such as the Law on Protection and Management of the Environment), the Forestry Law, Corruption Crime Law, cross-institutional money laundering law involving the Ministry of Environment and Forestry, Attorney General's Office, Police, Local Government and PPATK as the basis for a forest policy to realize a green and clean policy. In addition, it will identify the model for law enforcement on forest burning that has been carried out by the Ministry of Environment and Forestry, identify the mapping of the perpetrators and the modus operandi of the forest burning crime.[13] With this study, it is hoped that a multidooors law enforcement model can be formulated that can overcome the increasing problem of forest burning enforcement. Writing methods are of the empirical or non-doctrinal types, namely research that sees the law not only from the point of view of legislation but sees the law in its implementation.[14]

Conclusion

Enforcement of environmental law in Indonesia in case studies of forest fires, namely environmental law enforcement in Indonesia is carried out by the government firmly, namely it's proven that the AGO has received 126 Investigation Letters on Forest Fire Cases, the Attorney General's Office has received 126 Notification of Commencement of Investigation (SPDP) on forest fire cases. And land throughout Indonesia from the police, this indicates that legal certainty, benefit and justice must be achieved as the goal of the law itself. Law Number 32 of 2009 concerning Environmental Protection and Management regulates sanctions against parties proven to have violated, namely law enforcement in the environmental sector.

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