

Illegal logging crime in Indonesia

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KEYWORDS

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ABSTRACT Then there was a discussion about the current legal policy and its application regulations are not yet solved various problems, especially in the environmental sector. From time to time, the UUPPLH shows that it is not working optimally, on the other hand, environmental technology and crime are increasingly developing and developing, which eventually lead to effects of international scope, namely illegal mining, illegal fishing and illegal logging. It was later classified as white-collar crime, which still happens today. Standard legal research style is applied here. The problem approaches applied here are legal approach, conceptual approach and jurisprudence. The difficulty in enforcing the crime of illegal logging is due to several jurisdictions, namely: lack of laws, law enforcement, anything to do with human values, anything to do with supply and demand, then poor quality personnel.

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1. INTRODUCTION

Indonesia is one of the most insular countries or it can be called the most insular country and has several nature reserves, one of which is the forest. A forest can be interpreted as a home to various flora and fauna and is a center of diversity. Indonesia is a country that values human rights. This is provided for in Article 28H of the 1945 Constitution.

Indonesia will be the fourth most deforested or deforested country in the world in 2023. This finding is based on an analysis of satellite images by the World Research Institute and the University of Maryland. Based on calculations, in 2002 these two plants were transferred from Indonesia on an area of 292,374 hectares (Pristiandaru, 2024).

In the last ten years, deforestation has reached two million hectares per year. Apart from forest fires, the biggest cause of deforestation is systematic illegal logging. This crime does not only occur at production sites, but has spread to protected areas and national parks (Fadliyah, 2009).

There are three types of illegal logging, the first is done either by people living around the forest or even away from the forest or by groups of people who do not have the right to cut trees illegally, the second is done by forestry companies that violate the provisions of permits, the third is carried out by certain people in the interest of the people.

Illegal logging crime in Indonesia Living things on earth. It cannot be denied that forests have a very important purpose for human survival in the world, ie. as a place where flowers grow and forest plants have uses and functions that are the basis of forest continuity (Hardjasoemantri, 2005).

The process of industrialization and modernization, especially in the forest industry, has significantly affected the sustainability of life as a means of livelihood and survival on earth. Forests are not limited to meeting the wood

needs of the community. Forests are also part of habitat and most importantly forests are part of habitat (Fadliyah, 2009). Forests are also areas of natural resources that are accessible and usable by people and have enormous potential (Sunarso, 2005).

With theft and logging on the rise, the chaos in Indonesia's forests could negatively impact ecosystem sustainability if left unchecked. In the event of a natural disaster (eg floods, landslides or erosion), the natural balance of the forest is disturbed. In terms of income, the state must also lose taxes and revenues that go to the state treasury. Causative factors such as forest fires and illegal logging are among the biggest triggers. Many forests have been damaged in Indonesia (Bawono & Mashdurohatun, 2011).

Illegal logging is now more open and transparent as more parties participate and benefit. A common method is the participation of the parties, which is done consistently and systematically, usually with the workers responsible for the transport or the owners of the capital. Business services and security (usually business security comes from government bureaucrats and other government officials or the police or military).

The biggest problem for the police to eradicate illegal logging is that illegal logging belongs to the category of organized crime, that is, there are mental factors, there are material factors, the material factors can be forest workers who are only paid by capital owners or. . Barons or buyers or sellers, and often soldiers or policemen, civil servants and community leaders among them, always cooperate systematically and firmly. There are individuals here who are mature enough to make it difficult to eradicate illegal logging, and even if not, the financiers are not intellectuals or barons, but ordinary people, such as forest pilots, drivers or ship captains who drive their own vehicles.

which is the driving force. to blame fled before law enforcement reached them (Fadliah, 2009). The consequences of deforestation have negative effects, one of which is flooding and environmental damage itself.

Therefore, protecting and preserving the quality of the environment must be based on several foundations, namely the existence of institutions, funds and legal institutions. basic environmental law..

For Indonesia itself, considering that economic development can be based on participation, currency and development resources come from natural resources, natural resources can be interpreted as an important and special role in the economy from the past to the future. The current environmental control system was strengthened and clarified by the Environmental Protection Law approved on October 3, 2009, which contains seventeen chapters by the orders of President Susilo Bambang Yudhoyono and Minister of Justice and Human Rights Ri Andi Mattalatta. . and one hundred and twenty-seven articles, which also deal with monitoring, maintenance, surveillance and law enforcement use planning, even produced several new models and most of their content. earlier laws were consolidated..

The last problem is provision, where current regulations fail to address or solve many problems that harm environmental protection, stemming from the three-year and seven-month Environmental Management Law. while technology. progress has led to qualitative increases in crime and quantitative aspects of the environment that persist and often have universal consequences, such as illegal Phing and other illegal logging, which can be seen as ongoing white-collar crime..

Logging or illegal logging is an unfathomable crime and has huge economic impacts, the value of which includes loss of biodiversity and hydrological benefits as well as the high social value of tragedy and loss of some livelihoods, but it is not considered illegal. air traffic or deforestation.

When illegal logging or forest burning occurs as a result of a partnership between communities acting as local law enforcement agencies and investment financiers who purchase the logged wood, sometimes the financiers not only collect or purchase the logged wood, but also the machinery that delivers it. a place for residents who will later use it for transportation needs.

There are many cases where a person who simply cuts, steals and transports wood in the forest to fulfill his economic needs without the permission of the municipality, can be tried for illegal logging, if he is involved in the criminal purpose of protecting citizens. social welfare and be fair only to those who fulfill economic obligations, punishing criminals who openly take wood from the forest, raising the question of intentional action. pursuit of maximum profit. To take measures to prevent the crime of illegal logging by prioritizing the application of the provisions of the Criminal Code, especially in the provisions laid down in the Act, viz. what does illegal logging mean, what factors must be responsible or liable for illegal logging and what are the penalties, what should be the criminal penalties. enforce and how the courts should enforce the policy.

2. METHOD

In this research, normative legal research style is used, which means that the research is applied to the analysis of legal principles, legal standards and legal concepts,

problem solving, includes legal approaches, conceptual approaches, case studies, this method is also called. library legal research. or scholarly legal research using the library's legal sources, namely primary legal material, secondary legal material and tertiary legal material.

3. RESULT AND DISCUSSION

3.0.1 Understanding Illegal Recording

The definition of illegal logging can never be interpreted clearly and unambiguously, but the term illegal logging can be taken from the English definition, which in today's Indonesian English theory books does not mean illegal in itself, it does not violate the law, it is allowed. or is not according to the law is not halal Dictionary of Black Law In the dictionary, illegal is interpreted almost the same as before, ie. prohibited by law or inappropriate offers prohibited by law to illegals (Bawono & Mashdurohatun , 2011). In English, support means tree branches or freshly cut raw wood, and wood harvesting means cutting wood and transporting it to the processing sector (Mudzalifah & Priyana, 2020).

The Illegal Forestry Act covers logging, timber movement, timber processing, trade in timber harmful to the forest, which are prohibited and illegal regulations and currently used illegally. Wood products violate current laws and can damage forests. However, Haryadi Kartodihardjo believes that illegal logging is illegal and illegal wood is illegal wood. confiscation of wood from the state forest or from those who have permission to cut more than what is indicated in the permission (Eleanora, 2019).

Because illegal logging is divided into two types of activities namely: (1) Logging by a person living in or outside the area who does not have a valid permit for logging issues (2) Logging by various agencies and industries operating in the forestry sector, they actually do not do that. to have reports, even requests to cut down the forest (3) Cutting down trees by a certain person or community group has a personal goal or benefit for themselves, but illegal aerial activity is done in the name of people. Managing crime through punitive measures is regarded as an antiquated method, with some even calling it an archaic philosophy of crime control.

3.1 Laws on Illegal Logging Crimes in Indonesia

Illegal logging raises many different issues from a social perspective, such as forest rights issues, forest management issues between cities and regional governments, and from the cultural perspective of local communities in the region. the inhabitants of the forest encouragewhat can change the views and behavior of the inhabitants of the area.

The analysis of Andin and Arifin sees the concept of protection as legal protection, which shows legal regulation as a means of protection. Pukohan Aji Mulyana and others describe legal protection as the protection of the rights of each person against actions that can harm through legal or legitimate means. From this it can be concluded that law enforcement in the form of criminal law must strengthen state power and monitor and control the power and rights of citizens in their activities and behavior or supervision. while exercising the powers of civil servants or law enforcement agencies. their responsibilities and demonstrate that citizens participate in the adopted rules and regulations.

In fact, illegal logging crimes are usually related to general violations in the Criminal Code Law No. 19 of

2004, namely the Nine Year Two Thousand Four Decree of the State Council on Legislative Amendments. The nine forestry words do not mention the meaning of illegal logging, but illegal logging can be eradicated by activities causing forest damage if it continuously destroys the forest itself, according to Section 52 of the Act.

Deforestation is one of the forms of environmental damage, so deforestation is one of the causes of deforestation. Forests are part of the environmental system, all natural objects and living things, including people and their behavior, which affect nature itself, the continuity of life and the well-being of people and other living things.

The UUPPLH provides several specific regulations for adequate environmental protection and maintenance, forests are also one of the first efforts to protect or prevent it through strategic environmental studies and environmental impact analysis, which is different from prevention. In order to optimally overcome environmental effects, when environmental damage occurs, it is necessary to take measures such as effective police and regular consequences. an environment created by information conflict management and criminal law enforcement sanctioned as explained in Chapter 9 of the Republic of Indonesia Official Report No. 18 of 2013 on Deforestation Prevention and Eradication.

From the explanation, it can be concluded that logging behavior can be divided into three main types, or breeding varieties, which can be illegal logging, unauthorized mining, adoption and sanctioned planting. For individuals and legal entities arising from the constitution, forestry is a very appropriate tool in terms of sentencing, because if appropriate punishment is imposed for dealing with natural disasters, problems can arise in the forest. prevent, starting from the activities that lead to harmful activities and damage the forest, after these actions, the presence of punishment is prevented to prevent the actions that damage the forest.

Deforestation Prevention and Eradication Law No. 18 of 2013 presents the elements of criminal liability contained in Article 12 and the general criminal liability elements of the Indonesian Criminal Code, namely (1) Liability, (2) Faults and dolus and guilty (Hardjasoemantri, 2005)

Responsibility is a skill. the ability to distinguish between what is allowed and what is not according to the rules, and the ability to determine one's volitional activity according to good and bad consciousness. Efforts have been made to fight deforestation for a long time, but they have not given effective results, nor have they shown maximum impact. This is usually due to existing laws and regulations that do not clearly address systematic recording crimes.

From there, the Deforestation and Deforestation Act No. 18 of 2013 was born, which is essentially a real legal basis for effective and targeted treatment of the perpetrators of deforestation, and also applies to criminals. deforestation efforts. This rule takes precedence over the principle of civil liability.

3.2 Factors behind Illegal Logging.

The abundance of illegal logging, especially in Indonesia, is of course driven by various factors. Illegal logging is driven by the following factors: (1) After forest management permits were issued in the 1980s, businessmen and several unscrupulous governments wanted to take over or spread

the SCDA, which means creating a fraud within an institution filled with several corrupt and greedy governments. (2) The main driver of wood confiscation is poverty, especially among the people who live around or in the forest, who end up having to steal wood in the forest just to meet their daily needs. (3) Rules on illegal logging practices, law. enforcement has been weakened, but recently appeared as a law enforcement trend in Indonesia regulations have arisen that do not favor the common people but favor the elite. Punishment is not on the side of a small community, the law is only on the side of disobedient persons in government positions and stubborn businessmen, who then break free from legal nets, the law on illegal logging is very easily missed legal network. (4) Efforts to strengthen communities in the forest environment are not maximized. Essentially, people living in forest environments are still dependent on forest resources. (5) The control methods used by officials are not optimal, so when violations and unusual things happen from several operators to people later designated as witnesses, it is difficult (Husni, 2015)

In addition, there are several other factors that lead to illegal logging in Indonesia, e.g. (Soekanto, 1976). Legislation, Enforcement of the law, Issues related to community values, Demand and supply factors⁵. Poor quality human resources.

3.3 The Impact of Illegal Tagalog Crimes in Indonesia

The consequences of illegal logging are harmful to the country. Illegal logging or damage caused to land by illegal logging is done legally, but behind it is visible corruption or bribery, which ultimately causes extraordinary loss of life, illegal logging and legality can bring huge losses to the country. which is not small. A study by Indonesia's Corruption Watch in 2000-2000 estimated losses due to illegal logging at 169.7%. If illegal housing continues, it will affect people's lives (Farodilah, 2011): Causing floods, Damage to water resources, Let's talk about soil fertility, Loss of forest cover, Climate change.

The effect is so strong that the forests must be protected and this protection must be implemented immediately. Continuous use of forests is not balanced with afforestation, which ultimately causes damage to forest areas. It is necessary to take mandatory measures to solve the forest problems affecting the Indonesian community: The felling of trees in the forest, if it continues, must be stopped, so it must be consciously and systematically planned. The task is selective felling, ie. the trees to be felled must meet logging standards or qualification requirements. Loggers are limited to companies that have a selection process that if necessary, sanctions will be applied. The business world and the state are obliged to carry out afforestation or forest renewal. Monitoring should be increased to include all units using or related to the forest. The reason is the unclear understanding of laws and regulations so that everyone has a different perspective, which weakens proper supervision and control in the field or in its management, where legal logging affects extraordinary state damage and illegal logging also affects the state losses an environment that causes natural disasters.

Combating deforestation is a government responsibility. This is achieved by sanctioning perpetrators of deforestation through the investigation and prosecution of deforestation crimes.. saat ini valid (Aryanil & Widiastuti, 2016)

4. CONCLUSION

From the previous discussion, we can know that illegal logging crimes are not easily accessible due to factors such as laws and regulations that are not properly enforced, law enforcement agencies, issues related to community values, supply and demand problems and poor quality of human resources. In addition to the lack of awareness of officers with low environmental awareness, there are also crimes caused by officers who are unaware of crime root cause.

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