

**LAW ENFORCEMENT AGAINST THE CRIME OF ILLEGAL LOGGING  
(CASE STUDY IN THE DONGGALA POLICE RESORT AREA)****AfrAh Aqzany Yunus<sup>1</sup>, Jubair<sup>2</sup>, Hamdan Rampadio<sup>3</sup>,  
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**Abstract**

*The formulation of the problem in this study is: (1)How is the effectiveness of law enforcement on illegal logging crimes in the Donggala Police Resort area?. (2)What are the obstacles to implementing the law for the criminal act of illegal logging in the Donggala Police Resort area? This study aims to determine the effectiveness of law enforcement on the crime of illegal logging in the Donggala Police Resort area. To find out the obstacles to implementing the law for the criminal act of illegal logging in the Donggala Police Resort area. In this study, the Juridical Empirical Research Method is legal research that describes the research results on the laws that apply in society by*

*explaining the discrepancies between the rules formulated and their application in society. The conclusions in this study are: Law enforcement on the crime of illegal logging in the Donggala Police Resort area is considered to be still not compelling enough, even though various efforts have been made. This can be seen from the many cases of illegal logging that occur in the Donggala Regency. Efforts to overcome illegal logging can be carried out through two approaches, namely preventive measures and repressive actions. In the process of law enforcement for the crime of illegal logging in the Donggala Police Resort area, it was found that there were many inhibiting factors in law enforcement. Those factors are juridical, geographical, k. factors limited funds in the law enforcement process, weak coordination between law enforcement, criminal sanctions are still narrow, seriousness factor, concern and firmness of competent officers, obstacles in the confiscation process, and community factors.*

**Keywords:** *Illegal Logging Crime; Law Enforcement*

## INTRODUCTION

Forests have a lot of natural resources, which have an essential role in maintaining the balance of nature. As a country rich in natural resources, Indonesia has forest areas that spread to approximately 125.9 million hectares (Ha), or about 67% of Indonesia's land area, divided into production forests, protected forests, conservation forests, and so on. The extent of forest areas in Indonesia is believed to become a source of life for about 20% of the total population of Indonesia who lives in and around forest areas.

Forests are an ecosystem that stores natural resources in wood, but there are still many non-timber potentials that the community can take advantage of. By looking at the vast forest area owned by Indonesia, of course, it can be imagined that state revenues from the forestry sector are also prominent. Forest is a national

asset that has benefits in various aspects of human life, among others; ecological, socio-cultural, economic, and so on which are not only development capital, but can also be used as a support for life, so they need to be cared for, and preserved in their book. Therefore, it must be managed, processed, and utilized and possible for the benefit of the nation and State in general and society in particular.<sup>1</sup>

Forest is one of the crucial factors in social, environmental problems. Regardless of how forest management is implemented in the field, the Indonesian government has expressed concern about the issue of global environmental degradation, including a commitment to manage forests sustainably. Besides being based on the principles of sustainability, the use of forest resources is also required to pay atten-

<sup>1</sup>Abdul Hakim, Introduction to Indonesian Forestry Law, PT. Aditya Bakti, Bandung, 2005, p. 1.

tion to the multipurpose direction, including soil and water conservation, timber and non-timber sources for local communities, flora and fauna conservation, as well as support functions for other development programs such as transmigration, agriculture, and other public facilities.<sup>2</sup>

The word forest in the Dutch dictionary is a translation of the word boss, and in the English dictionary, it is called a forest, which means jungle. Forest is a particular area where the land is overgrown with trees, where wild animals and birds live. Forests in Indonesia are known by various names for forests, for example, groves, virgin forests, and others. The general perception of the forest is full of trees that grow irregularly or a particular area overgrown with trees and inhabited by various animals.<sup>3</sup> According to Alam Setia Zain, what is meant by forest is: Forest is a field of tree growth that is a living association of the live nature and its natural environment and is designated by the government as a forest. This means that forest is a relatively large area in which wood, bamboo, and/or palm grow, together with the land and all its contents, both vegetable, and animal, which as a

whole is a living community that can provide other benefits. Sustainably.<sup>4</sup>

One of the natural wealth controlled by the Indonesian people is forest natural resources which are priceless. Therefore, these natural resources must be managed, utilized, and possibly maintained sustainability.<sup>5</sup> Forest is a field for the growth of trees, which is a living association of the live nature and the natural environment, which the government designates as a forest.<sup>6</sup> For more than three decades, forest exploration activities carried out by the government or private parties granted permits to manage forests (through Forest Management Rights) have caused severe forest damage. In addition, the rise of various crimes against the forest worsens the woods' condition. The destruction of forests in Indonesia is quite alarming. Based on records from the Ministry of Forestry of the Republic of Indonesia, at least 1.1 million hectares or 2% of Indonesia's forests are shrinking every year.

According to the Ministry of Forestry data, of the approximately 130 million

<sup>2</sup>Suriansyah Murhaini, *Forestry Law Enforcement Against Crimes in the Forestry Sector*, Laskbang Graphics, Yogyakarta, 2011, p. 16.

<sup>3</sup>Leden Marpaung, *Crime Against Forests*, Erlangga, Jakarta, 1995, p. 11.

<sup>4</sup>Alam Setia Zain, *Environmental Law, and Forest Conservation*, Rineka Cipta, Jakarta, 1997, p. 1.

<sup>5</sup>Maryanto Mantong Pasolang, "Enforcement Of Sanctions In Criminal Law Against The Performers Of Forest Destruction," *Tadulako Master Law Journal* 4, no. 2 (20 June 2020): 201–13. Accessed 02 January 2022.

<sup>6</sup>Bambang Pamuladi, *Forestry Law and Forestry Sector Development*, Cet-3, PT. Raja Grafindo Persada, Jakarta, 1999, p. 233.

hectares of forest remaining in Indonesia, 42 million hectares have been logged.<sup>7</sup>The most significant damage or threat to natural forests in Indonesia is illegal logging, conversion of forest functions to plantations, forest fires, and unsustainable forest exploitation for residential development, industry, or encroachment. The increasingly severe forest damage disrupts the balance of the forest ecosystem and the surrounding environment.<sup>8</sup>

Forest damage due to human actions, pest and disease disturbances, and natural resources.<sup>9</sup>Law enforcement Crimes and violations in forest destruction in forest areas without forest utilization permits have caused considerable damage to life and the environment. They have caused other effects by increasing global warming. Lately, forest destruction has become more widespread and complex; this destruction occurs in production forests and protects or conservation forests.<sup>10</sup>

Crimes against the environment are now common, for example, crimes against

<sup>7</sup>Dodik Ridho Nurrochment, *Forest Management Strategy*, Student Library, Yogyakarta, 2005, p. 1.

<sup>8</sup>Iskandar, *Tropical Forest Management Patterns, Alternative Forest Management in Harmony with Decentralization and Regional Autonomy*, PT. Bayu Indonesia Graphics, Yogyakarta, 2020, p. 165.

<sup>9</sup>Salim, *Fundamentals of Forestry Law*, Sinar Graphic, Jakarta, 2004, p. 99-100.

<sup>10</sup>Supriadi, *Forestry Law and Plantation Law in Indonesia*, Sinar Graphic, Jakarta, 2009, p. 45.

the forestry sector; forestry is the sector most often under pressure from overexploitation, the rate of forest destruction. However, ironically, the forest that provides benefits in the form of an immense contribution to social and economic welfare is produced without considering forest sustainability. Efforts to prevent crime, in this case, are from a criminal politic whose ultimate goal is the protection of the community to achieve public welfare. Repressive law enforcement is all actions law enforcement officials take after a crime has occurred. In addition, what is meant by curative law enforcement is law enforcement in a preventive manner in the broadest sense to overcome crime which is more focused on actions against people who commit crimes.<sup>11</sup>For the law, every crime by the perpetrator of a criminal act or violation of the law must be imposed a criminal/punishment following what is stated in the article in the law, so that justice according to law is not necessarily the same as moral or social justice.<sup>12</sup>

Prohibition or crime in the forestry sector. Article 38 KetentuanParagraph (4) Law on Forestryformulate "In protected

<sup>11</sup>Liliana Tedjosaputro, *Notary Professional Ethics in Criminal Law Enforcement*, PT. Bayu Indra Graphics, Yogyakarta, 1995, p. 60.

<sup>12</sup>Wahyu Wahyu, "The Progressive Rechtsvinding In Criminal Justice Process," *Tadulako Law Review* 1, no. 2 (31 December 2016): 214–27. Accessed 02 January 2022.

forest areas it is prohibited to carry out mining with an open mining pattern." However, as happened in Central Sulawesi Province, there is still a lot of forest destruction in various forms, including forest encroachment, timber theft or illegal logging, shifting cultivation carried out by community members.

The case of illegal logging in Central Sulawesi Province is fascinating to study to get an idea of the factors that cause unlawful logging and how to overcome it. Interim research results show that cases of forest destruction or illegal logging are increasing from year to year. The forest area of Central Sulawesi up to 2019 is 5,453,557 Ha. The condition of the forest area according to its function per district/city in the province central Sulawesi based on the results of interpolation of critical land inventory data from the Central Sulawesi Provincial Forestry Service, the Donggala Regency is in the order event that is 360,107 Ha. based on that background, the author interested in studying more deeply related to the thesis entitled: "Law Enforcement of Illegal Logging Crimes in the Donggala Regency Region."

#### **Problem Formulation**

1. What is the effectiveness of law enforcement on illegal logging crimes in the Donggala Police Resort area?

2. What are the obstacles to implementing the law for the criminal act of illegal logging in the Donggala Police Resort area?

## **ANALYSIS AND DISCUSSION**

### **Effectiveness of Law Enforcement for the Crime of Illegal Logging in the Donggala Police Resort Area**

To realize a peaceful, safe and peaceful life, it is necessary to have rules to regulate the community's social life so that fellow human beings can behave correctly and in harmony. However, friction and disputes between human beings cannot be eliminated. So, the law applies to anyone who commits an unlawful act. Because Indonesia is a state of law. Legal certainty requires the formulation of generally accepted legal rules, which means that these rules must be strictly enforced or implemented. The problem of law enforcement is an interesting problem to study because it is related to the existence of law and humans. The law may not realize its wishes because it is only a rule. Therefore it takes the presence of humans (law enforcement officers) to discover the will of the law. By looking at the law like that, law enforcement is not just enforcing the formal mechanism of the rule of law

but also trying to realize the virtue values contained in the direction of regulation.

Forests as one of the life support systems need to be preserved, and this is in line with the basis contained in Article 33 paragraph (3) of the 1945 Constitution, which reads, "Earth, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people. ". But in reality, what is stated in Article 33 paragraph (3) of the 1945 Constitution is not working as it should. This is because the exploitation of forests by irresponsible people is increasing day by day. Seeing the reality indicates that law enforcement has not accommodated the development of crimes in the forestry sector, including illegal logging. Efforts to tackle the practice of illegal logging can be made through prevention (preventive) and countermeasures (repressive).

#### ***Preventive Approach***

Preventive action is a future-oriented action that is strategic and is a medium-term and long-term action plan. Still, it must be seen as an urgent action to be implemented immediately. A preventive approach can be taken through:

##### 1) Approach to the community

This approach was carried out by the Forestry Service of Central Sulawesi

Province and the Donggala Police by mobilizing the strength of the community around the forest to reject the practice of illegal logging (illegal logging). This is done because the people living around the forest are the main gates of illicit logging practices (illegal logging). With the efforts made by the government, it is hoped that the community around the forest area will be aware. Remember that forests are the lungs of the world.

##### 2) Conduct community training

One of the efforts made by the Forestry Police of Central Sulawesi Province is to provide counseling to the community about how important it is to preserve the forest and explain what actions the community should not do. Given the impact caused by illegal logging is very broad. The goal is that people living around forest areas can preserve the forest without destroying it.

#### ***Repressive Measures***

Efforts are made to eradicate illegal logging practices (illegal logging) to create business certainty and law enforcement. Actions taken in tackling unfair logging practices include:

##### 1) Doing operation

Efforts made by law enforcement officials in minimizing illegal logging practices are to tighten forestry patrols by

placing guard posts around forest areas. The patrol is carried out by checking the completeness of the documents or documents related to the transportation of forest products. This is done by the Forestry Police in coordination with other law enforcement officers. The letters or documents examined by the forest police include a certificate of the legality of forest products and a logging permit from the local government where the logging was carried out. Checking the completeness of documents or documents by the Forestry Police can reduce the current illegal logging practice.

## 2) Forming a forest guard

Considering the increasing number of illegal logging cases, law enforcement officers formed a team to protect forest areas prone to unfair logging practices. This is done so that law enforcement officers can prevent forest damage due to illegal logging practices carried out by irresponsible people.

## 3) Implementing severe sanctions for those who violate

They were implementing severe sanctions for perpetrators who have violated the provisions on forestry. Because forests are essential for the life of all living things, it is hoped that all related elements will coordinate between each law

enforcement element, namely investigators (Polri and PPNS) and judges. With the coordination between law enforcement. So this repressive action must cause a deterrent effect to the perpetrators of illegal logging.

Relevant to the statement above, the authors conclude that law enforcement officers' strict and authoritative law enforcement can save and protect the forests in Donggala Regency.

## **Barriers to the Implementation of Law Enforcement for the Crime of Illegal Logging in the Donggala Police Area**

Based on the research results, it can be seen that most of the forest damage is caused by illegal forest management and exploitation and the actions of forest encroachers who carry out illegal logging and logging in forest areas. The forest loggers clear land by cutting down wood and then burning it to bare the forest. This pattern is carried out continuously and often moves, causing the damaged forest area to expand. Another cause of forest damage is illegal logging in forest areas, protected forests, production forests, and other forests. Some unlawful logging is done using traditional tools, and some use modern tools or machines.

By looking at the reality, where there are more and more cases of illegal

logging occurring, this indicates a lack of firmness and lack of existing laws in handling illegal logging cases in Donggala Regency. So that law enforcement against illegal logging experiences various obstacles. Several factors, namely cause this:

#### 1) Juridical Barriers

In the case of illegal logging, it is very detrimental to the surrounding community, so this cannot be left alone. Because illegal logging carried out by individuals or groups of people without rehabilitation and reforestation efforts will only cause permanent forest damage, affecting the lives of various components of living things in it. By looking at the impact caused by forest destruction, the inhibiting factor in the law enforcement process to tackle illegal logging practices is the spirit and mentality of the law enforcement officers themselves.

#### 2) Geographical factors.

Most of the forest areas in the Regency are located in mountainous regions. This makes it difficult for law enforcement officers to carry out their duties to carry out supervision in the field, eradicating illegal logging. The apparatus also has to control the area because they are faced with the natural reality full of steep ravines and thick bushes, which often require extra energy to carry out tasks fol-

lowing predetermined expectations and targets.

#### 3) Limited Funds in Law Enforcement Process

In providing a deterrent effect to the perpetrators of illegal logging, the punishment applied to the perpetrators of unlawful logging must be imposed maximally. However, so far, law enforcement against illegal logging has not determined a separate budget or fund specifically, or adequate funding has not been allocated for investigation and investigation, ranging from operational activities, coercive measures, transportation to securing and counting evidence that requires high costs. It is high enough that eradicating illegal logging practices has not yielded optimal results.

#### 4) Lack of Law Enforcement Facilities and Infrastructure

In eradicating the practice of illegal logging, the factor of completeness of facilities and infrastructure in the activities of eliminating illegal logging through operations is a factor that greatly determines the effectiveness of law enforcement. Based on the reality on the ground, the objective obstacle faced by the Forestry Police in Central Sulawesi Province related to facilities and infrastructure is the lack of facilities and infrastructure that



support operations, such as the unavailability of heavy equipment and transportation equipment to transport and store evidence from the location of discovery/confiscation to the location shelter. From what has been explained above, the authors can conclude that to be able to carry out law enforcement against illegal logging crimes in Donggala Regency, good cooperation and coordination between law enforcement officers is needed,

## CONCLUSION

1. Law enforcement on the crime of illegal logging in the Donggala Police Resort area is still not effective enough, despite various efforts. This can be seen from the many cases of illegal logging that occur in the Donggala Regency. Efforts to overcome illegal logging can be carried out through two approaches, namely prevention efforts (preventive) and countermeasures (repressive).
2. In the process of law enforcement for the crime of illegal logging in the Donggala Police Resort area, it was found that there were many inhibiting factors in law enforcement. Those factors are juridical, geographical, k. factors limited funds in the law enforcement process, weak coordination be-

tween law enforcement, criminal sanctions are still narrow, seriousness factor, concern and firmness of competent officers, obstacles in the confiscation process, and community factors.

## BIBLIOGRAPHY

- Alam Setia Zain, *Environmental Law, Forest Conservation*, Rineka Cipta, Jakarta, 1997.
- Abdul Hakim, *Introduction to Indonesian Forestry Law*, PT. Aditya Bakti, Bandung, 2005.
- Bambang Pamuladi, *Forestry Law and Forestry Sector Development*, Cet-3, PT. Raja Grafindo Persada, Jakarta, 1999.
- Dodik Ridho Nurrochment, *Forest Management Strategy*, Student Library, Yogyakarta, 2005.
- Iskandar, *Tropical Forest Management Patterns, Alternative Forest Management in Harmony with Decentralization and Regional Autonomy*, PT. Bayu Indonesia Graphics, Yogyakarta, 2020.
- Leden Marpaung, *Crime Against Forests*, Erlangga, Jakarta, 1995.
- Liliana Tedjosaputro, *Notary Professional Ethics in Criminal Law Enforcement*, PT. Bayu Indra Graphics, Yogyakarta, 1995.

Suriansyah Murhaini, *Forestry Law Enforcement Against Crimes in the Forestry Sector*, Laskbang Graphics, Yogyakarta, 2011.

Salim, *Fundamentals of Forestry Law*, Sinar Graphic, Jakarta, 2004.

Supriadi, *Forestry Law and Plantation Law in Indonesia*, Sinar Graphic, Jakarta, 2009.

### **Legislation**

the Criminal Code (KUHP).

The Criminal Procedure Code (KUHAP).

Law Number 41 of 1999 concerning Forestry.

Law Number 32 of 2009 concerning Environmental Protection and Management.

Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction.

Law Number 2 of 2002 concerning the Indonesian National Police.

### **Other Sources**

Maryanto Mantong Pasolang, "ENFORCEMENT OF SANCTIONS IN CRIMINAL LAW AGAINST THE PERFORMERS OF FOREST DESTRUCTION," *Tadulako Master Law Journal* 4, no. 2 (20 June 2020): 201–13. Accessed 02 January 2022.

Wahyu Wahyu, "THE PROGRESIVE RECHTSVINDING IN CRIMINAL JUSTICE PROCESS," *Tadulako Law Review* 1, no. 2 (31 December 2016): 214–27. Accessed 02 January 2022.

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