



Juridical Study of Illegal Logging Crimes in Forest Areas in Grobogan Regency

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ABSTRACT

This study aims to determine and analyze why rampant illegal logging in forest areas is the main problem in Grobogan Regency. The area still has a beautiful natural atmosphere and extensive forests planted with teak trees managed by Perum Perhutani. The author is interested in researching the formulation of the problem: how are the criminal regulations for illegal logging in forest areas, and how are forest protection efforts due to illegal logging? This research method uses a type of sociological normative research which is carried out by searching for secondary data in the form of primary legal materials, namely legal document inventories; secondary legal materials, namely books, journals or other literature; and tertiary legal materials, as well as conducting interviews in the field with perpetrators of illegal logging in Grobogan Regency. The results of this study indicate that the crime of illegal logging is regulated in the Criminal Code (KUHP) and Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. As for forest protection efforts, there are several ways to overcome the impacts resulting from logging.

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1. INTRODUCTION

Forests are a vital resource, not only as a source of timber but more so as a key component of the environment. Indonesia's forests are among the world's biodiversity hotspots, with Indonesia ranking third among the seven countries referred to as Megadiversity Countries. (Hariati and Asrullah Dimas:2) [1] Forests are habitats for wildlife and sources of oxygen that other living beings on Earth rely on. The community environment consists of a group of people living together, governed by rules everyone must follow. Cicero stated: "Ubi societas ibi Ius," which means "Where there is society, there is law." Law serves as a guide in facing various dynamics in society, with truth and justice as the compass, both in the law itself and its enforcement. The law must provide security, order, and justice for the community. (Nurhaera, et.al, 2002) [2].

Various factors also cause deforestation in Indonesia. One of the leading causes is uncontrolled illegal logging. Illegal logging is often carried out for residential settlements, agricultural land clearing, and wood utilization. Illegal logging by irresponsible individuals, driven by the temptation of economic and business opportunities, is the dominant cause of forest destruction, particularly in Grobogan Regency, Central Java.

Based on the above description, the author is interested in researching this growing issue that threatens human life. This research is titled "Juridical Study of Illegal Logging Crimes in Forest Areas in Grobogan Regency." The problems to be examined in this study are: How are criminal penalties for illegal logging in forest areas regulated, and what are the efforts to protect forests from the consequences of illegal logging?

2. RESEARCH METHOD

This research is classified as normative-empirical research, which examines law as a set of rules. In analyzing and studying the research object, this study is based on primary legal materials (legislation), secondary legal materials (scientific works, journals, books, documents, and other literature), and tertiary legal materials (legal dictionaries), in order to inventory the applicable norms and positive law (Waluyo, 1991) [3]. The research includes field research, where data is collected through systematic question-and-answer methods grounded in the research object, problem, and objectives (Tika, 2006) [4].

3. RESEARCH RESULTS AND DISCUSSION

Regulation of illegal logging crimes The definition of criminal law comes from the Netherlands, namely *Straafrecht*. In Indonesian, *straf* means sanction or criminal punishment. *Recht* in Indonesian means Law. According to Pompe, a European legal expert, criminal law is the entirety of legal provisions regarding acts that can be punished and their criminal provisions. According to Moeljatno, criminal law is part of universal law that applies in a country, containing principles and rules for:

- a. Determining which acts are not allowed and which are prohibited, accompanied by threats or sanctions in the form of special penalties for those who violate the prohibition.
- b. Determining when and under what circumstances people who violate the prohibition can be subject to or punished as a threat.
- c. Determining how punishment can be imposed if someone is suspected of violating the prohibition. (Moeljatno, 2008) [5].

The effectiveness of law in law enforcement aims to examine a norm that applies legally, sociologically, and philosophically. Therefore, the factors that can influence the law to function for society are:

- a. The rule of law itself;
- b. Officers or law enforcers;
- c. Means or facilities used by law enforcers;
- d. Public awareness.

According to Soerjono Soekanto, law enforcement means a combination of values outlined in good rules or value views and a series of final stage value descriptions to create, maintain and defend peace in social interactions (Soekanto, 2011) [6]. Law enforcement is the spearhead of the creation of a good legal order if it is driven by all elements including government officials, law enforcers, and the community. Law enforcement carried out in community and state life has several functions, namely;

- a. The law is a tool for regulating order. It shows what is good and right and limits what is allowed and what is not so that everything runs well and orderly according to norms. The law is binding on the entire community and has strict sanctions that provide a deterrent effect if there are violations or crimes.
- b. The law has characteristics, properties, and binding power to provide justice that can determine who is wrong and who is right as a means of realizing social justice, both physical and spiritual. The law can punish perpetrators who commit violations or crimes that disrupt society's rights and obligations and cause insecurity and injustice.
- c. As a driver of development, the existence of law in society has a certain allure to build society towards a better and more advanced direction, following and accepting the conditions of society in an era that continues to develop, in order to realize a country's development goals (Jaya, 2008) [7].
- d. A crime cannot be separated from the consequences it causes in society, both for individuals and groups.

One of the acts carried out individually or corporately, which results in forest destruction, is the crime of illegal logging, which is logging without permission and/or damaging forests. This activity is unpredictable to the condition of the forest after logging because it is outside the existing planning (Prasetyo, 2013) [8]. The terminology "illegal logging" can be seen from the literal meaning, namely English. In The

Contemporary English Indonesian Dictionary (Sukardi, 2005: 71) [9], illegal means not valid, prohibited or contrary to law, haram. Log in English means logs or logs; logging means cutting wood and taking it to a sawmill. The rampant illegal logging makes the function of the forest no longer as it should be, because as a natural resource owned by the state, the rights of the nation and state to the forest and its results need to be maintained and preserved so that the forest can fulfil its function for the interests of the country and state itself.

Forest Watch Indonesia (FWI) divides Illegal Logging into two forms, namely: (a) carried out by legitimate operators who violate the provisions of the permits they hold and (b) involving wood theft, where trees are cut down by people who have no legal right to cut down trees. Illegal Logging is a chain that is interconnected in several agencies and actors, starting from the source or producer of illegal wood or those who carry out illegal logging to marketing to consumers or users of the illegal wood (Murhaini, 2012) [10]. The involvement of civil servants, both civil and military, officials and other government officials, both as shareholders in logging companies or those who directly carry out wood business activities as intellectual actors, always escape the clutches of the law, so that the results do not provide a sense of justice for the community (Saleh, 1983) [11]. The wood goes through a process of logging, processing, filtering, shipping, and exporting which is carried out illegally. The wood is washed first (log laundering), meaning that what was originally illegal is then legalized by certain parties so that when the wood enters the market, it will be difficult to identify which is legal and which is illegal.

Weak law enforcement in resolving illegal logging cases due to the proliferation of corruption, collusion, and nepotism practices that are intertwined with the momentary interests of law enforcement officers (even bureaucratic officials) at all levels of the judiciary, from the police, prosecutors, to judges (Bawono and Mashdurohatun, 2011: 603) [12]. Thus, law enforcement in handling criminal cases is vital in order to create real rules and functions of legal norms in people's lives, and can be said to be one of the efforts in handling environmental crimes that can fulfill a sense of justice and as a reaction given to perpetrators of criminal acts (Sukanda, 2014) [13]. Basically, the crime of Tree Felling in general which is related to the elements of general crimes in the Criminal Code can be grouped into several forms of general crimes, namely:

- a. Destruction, regulated in Articles 406-412 of the Criminal Code, is limited to only regulating the destruction of goods in the sense of ordinary goods owned by people (Article 406 of the Criminal Code). The goods can be in the form of lifted and unlifted goods, but goods that have a social function, meaning they are used for the public interest, are regulated in Article 408, but are limited to certain goods as mentioned in the Article and are not relevant to be applied to the crime of forest destruction
- b. Theft: Article 362 of the Criminal Code has the following elements: The act of taking, namely taking to be controlled; An item, in this case, an item in the form of wood that was not in the control of the perpetrator at the time it was taken; Partially or wholly owned by another person, in this case the forest can be customary forest and forest rights which are included in the State forest or State forest that is not burdened; to want to own it unlawfully.
- c. Embezzlement (Articles 372-377 of the Criminal Code); Tree felling crimes include over cutting, which is cutting

trees outside the concession area owned, cutting that exceeds the existing quota target, and carrying out clear-cutting, while the permit owned is a selective cutting system, and including data on the number of trees in the SKSHH that is smaller than the actual number.

- d. Receiving (Article 480 of the Criminal Code); The definition of receiving, the basic word of which is another term for the act of collusion or bad assistance. This act can be divided into buying or renting goods that are known or suspected to be the result of a crime and exchanging or pawning goods that are known or suspected to be the result of a crime. The criminal threat in Article 480 is a maximum of 4 (four) years or a maximum fine of Rp900. (Nine hundred rupiah).

Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction to apply criminal sanctions and as one of the forest protection efforts to maintain forest functions sustainably, as follows: (Farook:10) [14]

● Article 82

- (1) "Any individual who intentionally:
- Carries down trees in a forest area that is not by a forest utilization permit.
 - Carries down trees in a forest area without having a permit issued by an authorized official as referred to in Article 12 letter b and or;
 - Carries down trees in a forest area illegally as referred to in Article 12 letter c shall be punished with imprisonment of at least 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah)."
- (2) "In the case of a criminal act as referred to in paragraph (1) committed by an individual residing in and/or around a forest area, the perpetrator shall be punished with imprisonment for a minimum of 3 (three) months and a maximum of 2 (two) years and/or a fine of at least Rp. 500,000.00 (five hundred thousand rupiah) and a maximum of Rp. 500,000,000.00 (five hundred million rupiah)."
- (3) "A corporation that:
- carries out tree felling in a forest area that is not in accordance with the forest utilization permit as referred to in Article 12 letter a;
 - carries out tree felling in a forest area without having a permit issued by an authorized official as referred to in Article 12 letter b; and/or;
 - carrying out illegal felling of trees in a forest area as referred to in Article 12 letter c shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR 5,000,000,000.00 (five billion rupiah) and a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah)."

● Article 83

- (1) "Any individual who intentionally:
- Loads unloads, removes, transports, controls, and/or owns the results of logging in a forest area without a permit.
 - Transports, controls, or owns wood forest products not accompanied by a certificate of legality of forest products.
 - Utilizes wood forest products that are suspected of originating from illegal logging as referred to

in Article 12 letter h shall be punished with imprisonment of at least 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiahs)."

- (2) "Any individual who due to his/her negligence:
- Loads, unloads, removes, transports, controls, and/or owns the results of logging in a forest area without a permit as referred to in Article 12 letter d;
 - transporting, controlling or possessing wood forest products that are not accompanied by a certificate of legality of forest products as referred to in Article 12 letter e; and/or
 - utilizing wood forest products that are suspected of originating from illegal logging as referred to in Article 12 letter h shall be punished with imprisonment of at least 8 (eight) months and a maximum of 3 (three) years and a fine of at least Rp10,000,000.00 (ten million rupiah) and a maximum of Rp1,000,000,000.00 (one billion rupiah)."
- (3) "In the case of a criminal act as referred to in paragraph (1) letter c and paragraph (2) letter c committed by an individual residing in and/or around a forest area, the perpetrator shall be punished with imprisonment for a minimum of 3 (three) months and a maximum of 2 (two) years and/or a fine of at least Rp. 500,000.00 (five hundred thousand rupiah) and a maximum of Rp. 500,000,000.00 (five hundred million rupiah)."
- (4) "Corporations that:
- load, unload, remove, transport, control, and/or possess the results of logging in a forest area without a permit as referred to in Article 12 letter d;
 - transport, control, or possess forest wood products that are not accompanied by a certificate of the legality of forest products as referred to in Article 12 letter e; and/or
 - utilizing forest products suspected of originating from illegal logging as referred to in Article 12 letter h shall be punished with imprisonment of at least 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah)."

● Article 84

- (1) "Any individual who intentionally brings tools commonly used for felling, cutting, or splitting trees in a forest area without permission from an authorized official as referred to in Article 12 letter f shall be subject to a minimum of 1 (one) year and a maximum of 5 (five) years in prison and a minimum fine of Rp. 250,000,000.00 (two hundred and fifty million rupiah) and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah)."
- (2) "Any individual who due to negligence brings tools commonly used for felling, cutting, or splitting trees in a forest area without permission from an authorized official as referred to in Article 12 letter f shall be punished with imprisonment for a minimum of 8 (eight) months and a maximum of 2 (two) years

and a fine of at least Rp10,000,000.00 (ten million rupiah) and a maximum of Rp1,000,000,000.00 (one billion rupiah).”

- (3) “In the event that the criminal acts as referred to in paragraph (1) and paragraph (2) are committed by an individual who resides in and/or around a forest area, he shall be punished with imprisonment for a minimum of 3 (three) months and a maximum of 2 (two) years and/or a fine of at least Rp500,000.00 (five hundred thousand rupiah) and a maximum of Rp500,000,000.00 (five hundred million rupiah).”
- (4) “Corporations that bring tools commonly used for felling, cutting, or splitting trees in forest areas without permission from authorized officials as referred to in Article 12 letter f shall be subject to imprisonment for a minimum of 2 (two) years and a maximum of 15 (fifteen) years and a fine of at least IDR 2,000,000,000.00 (two billion rupiah) and a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah).”

● Article 85

- (1) “Any individual who intentionally brings heavy equipment and/or other equipment that is commonly or reasonably suspected of being used to transport forest products in a forest area without permission from an authorized official as referred to in Article 12 letter g shall be subject to a minimum of 2 (two) years and a maximum of 10 (ten) years in prison and a minimum fine of Rp2,000,000,000.00 (two billion rupiah) and a maximum fine of Rp10,000,000,000.00 (ten billion rupiah).”
- (2) “Corporations that bring heavy equipment and/or other equipment that is commonly or reasonably suspected of being used to transport forest products in forest areas without permission from authorized officials as referred to in Article 12 letter g shall be subject to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in prison and a minimum fine of Rp. 5,000,000,000.00 (five billion rupiah) and a maximum fine of Rp. 15,000,000,000.00 (fifteen billion rupiah).”

From the quotations from these articles, it can be seen that for any form of action by an individual or corporation that intentionally or through negligence destroys forest areas, the Indonesian Government will impose strict sanctions in the form of fines and imprisonment.

A. Forest protection efforts from illegal logging

Forestry management is based on the principles of benefit and sustainability, democracy, justice, togetherness, openness, and integration. Forestry management aims to maximize the prosperity of the people in a just and sustainable manner by:

- a. ensuring the existence of forests with sufficient area and proportional distribution;
- b. optimizing various forest functions, including conservation functions, protection functions, and production functions to achieve balanced and sustainable environmental, social, cultural, and economic benefits;
- c. increasing the carrying capacity of river basins;
- d. increasing the ability to develop community capacity and empowerment in a participatory, just, and environmentally conscious manner to create social and economic resilience and resilience to the effects of external changes;
- e. ensuring equitable and sustainable distribution of benefits.

Grobogan Regency is famous for its fertile teak forest area, which is a state-owned forest managed by Perum Perhutani. Teak wood is a type of tree with a slow and low growth rate, so it takes long to wait until its wood can be used. This tree is one of the plants that produces extraordinary wood and is famous worldwide (www.perhutani.co.id) [15]. Products made from teak wood are considered to have long durability, so many individuals or corporations hunt for teak trees to be used interests. Teak forests are production forests that can be used for various things such as making home furnishings, namely doors, tables, chairs and so on. According to laws and regulations, the use of production forests is carried out through the granting of business permits for the use of areas; business permits for the use of environmental services, business permits for the use of wood forest products, business permits for the use of non-wood forest products, permits for the collection of wood forest products, and permits for the collection of non-wood forest products. To ensure the principle of justice, equality and sustainability, business permits for the use of forests are limited by considering aspects of forest sustainability and business certainty.

At the community level, the most important thing is the availability of jobs and income in an effort to improve their welfare. People's actions to work illegally or illegally are greatly influenced by the fact that other members of the community also work like that (Winarno, 2013:98) [16]. One of the perpetrators of the illegal logging of teak trees in Grobogan Regency, Wagiman, admitted that the reason for doing this was that he did not have a job, so he was forced to carry out illegal logging in order to meet his living needs (Interview with Wagiman, 2023) [17]. The low economic level of the community around the forest area is one of the causes of the increase in illegal logging, in addition to the minimal number of forest security officers and the lack of forest security facilities owned by the government used by officers in maintaining forest security (Silva, 2022) [18]. In addition to economic factors, it also influences the education factor of the community, who know that cutting down trees without permission is a wild and illegal act, but it is still done. Given that the impact of forest damage due to illegal logging is not only felt by the community around the forest but is also felt nationally, regionally and internationally. Because forests belong not only to a particular community or country but also to the universal community, which is the lungs of the world.

Illegal logging has a huge impact on the environmental ecosystem. The losses caused are not only in economic value but also result in the loss of invaluable lives. The following are the impacts of illegal logging;

- a. Prone to flooding and landslides.
- b. Resulting in reduced water sources in forest areas. Trees in the forest that usually absorb water to provide water sources for the benefit of the local community, are destroyed by illegal loggers. Reduction in fertile soil layers.
- c. Fertile soil layers are often carried away by floods that hit. As a result, fertile soil is increasingly reduced.
- d. Bringing the impact of the extinction of various fauna and flora, erosion, conflict among communities, devaluation of wood prices, loss of livelihoods, and low state and regional income from the forestry sector, except for income from auctions of confiscated wood and wood found by related parties.
- e. Global warming threatens the world in deep chaos and fear.
- f. Illegal logging cases occur everywhere, resulting in losses for the survival of living creatures in the surrounding area,

which then impacts natural disasters (Mukhlis, [et.al](#), 2010) [19].

Environmental protection and management efforts are an obligation for the state, government, and all stakeholders in implementing sustainable development so that Indonesia's environment can remain a source and support for the lives of the Indonesian people and other living things (Soeikromo, 2016:2) [20]. Here are some solutions to overcome illegal logging:

- a. Reforestation or replanting of deforested forests.
- b. Implementing a selective logging system to cut down trees.
- c. Environmental manipulation and pest and disease control can be done to restore forests in Indonesia.
- d. Intensive forest planting is the best choice because it can be predicted.

Article 40 of Law Number 41 of 1999 concerning Forestry states, "Forest and land rehabilitation is intended to restore, maintain, and improve the function of forests and land so that their carrying capacity, productivity, and role in supporting the life support system are maintained." Forest and land rehabilitation is carried out through activities such as reforestation, maintenance, plant enrichment, or the application of vegetative and civil technical soil conservation techniques on critical and unproductive land.

Article 251 of Government Regulation Number 23 of 2021 concerning Forestry Implementation explains that; "In the context of implementing Forest Protection as referred to in Article 250, the Central Government, Regional Governments, and the Community:

- a. conduct socialization and counseling of laws and regulations in the Forestry sector;
- b. conduct an inventory of problems;
- c. encourage increased Community productivity;
- d. facilitate the formation of Community institutions;
- e. increase Community participation in Forest management activities;
- f. collaborate with rights holders or Business Permits;
- g. increase the effectiveness of coordination of Forest Protection activities;
- h. encourage the creation of alternative livelihoods for the Community;
- i. increase the effectiveness of reporting forest security disturbances;
- j. take the first necessary action against forest security disturbances or
- k. impose sanctions for violations of the law.

4. CONCLUSIONS

Based on the above description, the author concludes several things:

1. Irresponsible illegal logging is categorized as a criminal offense because it damages nature and can have significant detrimental impacts on the surrounding environment. Therefore, any action involving environmental destruction will be subject to sanctions stipulated in applicable laws, including fines and imprisonment.
2. The government pays special attention to protecting natural resources, one of which is forest areas. It forms various legal regulations related to maintenance and sanctions if unauthorized parties destroy forests, for example, through illegal logging, hoping to provide a deterrent for the perpetrators.

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