

Law Enforcement Pattern on Illegal Logging in Order to Maintain the Sustainability of Forest in Riau, Indonesia

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Abstract—Law enforcement against illegal logging needs to be done optimally, so that forests can be protected. However, law enforcement against illegal logging is still far from the value of justice. Justice here is meant to have perfect meaning because justice does not only discuss the distribution of resources, but must also discuss morality. This research is a qualitative research. Qualitative research is research that intends to understand phenomena about what is experienced by research subjects such as behavior, perception, motivation, actions, etc., holistically, and by means of descriptions in the form of words and language, in a special natural context and by utilizing various natural methods. Law enforcement pattern on illegal logging in order to preserve forests in Riau Province uses the Law Enforcement Patterns Based on Justice Values, namely, (1) legal system reform on the law governing forest management, especially the handling of illegal logging by preparing legal instruments the area of Riau Province, (2) Control conducted by the local government, activation of the roles and tasks of the Forest Management Unit (KPH), enforcement of law based on justice and non-discriminatory values and providing guidance and counseling to residents living around forest about the importance of the existence of the forest for the lives of humans and other creatures, (3) Professionalism and addition of Riau forestry police personnel to protect the forest and support law enforcement, (4) Participation and active role of the community for the area around the forest in supervising illegal logging occurring in Riau Province by providing reports to law enforcement officials and preventing illegal logging in Riau Province. (5) Conduct regular reforestation programs for forest preservation and continue to preserve forests for the welfare of the community and for future generations.

Keywords: *law enforcement, forest, illegal logging*

I. INTRODUCTION

Talking about forests, where forests are a gift from Almighty God, who gives so many benefits to humanity. However, the condition of forest nowadays is very troubling. Forest destruction in Indonesia continues to this day. According to Iskandar, damages in forest areas has caused a wide impact on environmental, economic, institutional and socio-political aspects, especially those related to the

accessibility and biodiversity of forest resources. The rate of forest destruction continues to occur due to various factors such as illegal logging, forest fires, weak control and supervision of the operation of the permit system in the management of forest areas, the conversion of forest areas to plantations, settlements and/or other non-forestry development interests, which cannot be denied that all of them have caused damages and destructions to forest resources. The exploitative and business-oriented way of exploiting natural resources has led to a decline in the level of community life, namely, increased poverty in people living in and around forest areas. Misrepresentation of the principle of forest area management that has been practiced for decades has increased the rate of forest area damages that continues to occur until now [1].

Illegal logging according to Law Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction Article 1 Number 4 states that illegal logging is all activities to use forest product in the form of wood in an illegal and organized manner. Organized activity is an activity carried out by a structured group consisting of 2 (two) persons or more, who act together in a certain time with the aim of destroying forest, excluding a group of persons living in and around the forest land and conducting traditional farming and/or cutting trees for own interests rather than for commercial purposes [2]. Regulations regarding illegal logging are also regulated in Article 11, Article 12.h, I, and k, Article 19.a- I, Article 20, Article 21, Article 22, Article 23, Article 28.c, d and e. Article 34.a, Article 35 (4), Article 40 (1), Article 44 (1), (2) and (3), Article 49 (1), Article 52 (3), Article 69 (1) and Article 76 (1), as well as criminal provisions regulated in Article 82-109.

Although illegal logging has been regulated in several laws and regulations with severe sanctions, illegal logging continues. According to Sukardi, there are several factors that cause illegal logging, including:

first, factors relating to community values and the situation of the population in villages near the forest are influenced by elements of (a) Employment and income needs, (b) The influence of other workers who have worked illegally, (c) Local discontent with central forestry policies and (d)

Support for sustainable forest management. *Second*, economic factors such as supply and demand in relation to the logging industry are influenced by elements of: (a) The needs of installed capacity of the domestic wood industry and demand for wood from abroad, (b) The capability of wood supply and logging policy, and (c) High and low profits from wood industry companies. *Third*, factors relating to entrepreneurs and their influence on, as well as collusion with, local politicians and leaders are influenced by elements such as: (a) Benefits derived by wood entrepreneurs, (b) The magnitude of influence of timber and logging entrepreneurs against local officials, (c) The amount of participation of local officials in illegal logging activities, and (d) The large number of illegal collaborations undertaken by employers with local authorities or officials [3].

The same thing happened in Riau Province, up until now, illegal logging is still happening. The high rate of deforestation in Indonesia is due to the increasing demand for wood raw materials for the pulp and paper industry. It is suspected that a number of companies in Riau, such as the Sinar Mas group, may have originated from the illegal logging practices of protected forests, due to the lack of supervision and law enforcement of the forest. Widespread illegal logging and deforestation practices and increasingly massive illegal mining have led to worsening conditions in the forest environment and even caused the confidence of foreign investors to invest in Indonesia to deteriorate [4].

Law enforcement against illegal logging needs to be done optimally, so that forests can be protected. However, law enforcement against illegal logging is still far from the value of justice. Justice here is meant to have perfect meaning because justice does not only discuss the distribution of resources, but must also discuss morality. Legislation and court decisions must contain material and spiritual elements, because creating justice without spiritual guidance will invalidate the principles of well-being [5]. Justice is not something that can be obtained only through the process of reasoning or logic but it also involves a whole third person [6]. Law enforcement based on statutory regulations must be carried out, but severe penalties and sentencing do not deter the perpetrators. Therefore, it is no less important that the enforcement of morals and justice needs to be done, so that the illegal logging perpetrators and the people around the forest have a conscious awareness of the importance of forests, not only their own selves but also for children and future grandchildren.

Based on the abovementioned concerns, the problem in this paper is: How is the law enforcement pattern on illegal logging should be implemented in order to maintain the sustainability of forest in Riau Indonesia?

II. RESEARCH METHODS

This research is a qualitative research which is an activity that places researchers in the world. Qualitative research consists of a series of interpretive material practices that make the world witnessable. Qualitative research includes the use and collection of various empirical data being studied.

Undertake a broad set of interrelated interpretive practices [7]. By hoping to get a better understanding of Law Enforcement Pattern on Illegal Logging in Order to Maintain The Sustainability of Forest In Riau Indonesia. This is an empirical research seeking to find out which laws and regulations on law enforcement pattern on illegal logging in order to maintain the sustainability of forest in Riau Indonesia. It uses case study and root cause analysis in law enforcement pattern on illegal logging in order to maintain the sustainability of forest in Riau Indonesia. Data were collected through in-depth interviews, surveys, laws / regulations, newspapers and magazines [8].

Qualitative research is research that intends to understand phenomena about what is experienced by research subjects such as behavior, perception, motivation, actions, etc., holistically, and by means of descriptions in the form of words and language, in a special natural context and by utilizing various natural methods [9]. Qualitative research must be "emic perspective" meaning to get data not "as it should be", not based on what is thought by researchers, but based on what is happening in the field, experienced, felt and thought by participants/data sources [10].

III. DISCUSSION

Forests as one of the determinants of life support systems and sources of prosperity for people, tend to decline in conditions, even what is happening in Riau Province where forests are currently very troubling. Based on the findings of the Riau Forest Rescue Network (Jikalahari), it states that:

Forest management in Riau Province has caused so many problems. *First*, ranging from deforestation-degradation of Riau forests, *second*, conflicts with local communities and pollution/environmental damage have occurred since industrial plantation forest corporations and oil palm plantations are operating, *third*, forest destruction in Riau causes floods in every rainy season, dry forest fires, and *four*, corrupt practices are the beginning of the entrance to monopolistic practices and lead to ecological damage. So far, forest management practices that should be able to guarantee the preservation of natural forests in Riau are not implemented, but on the contrary the ongoing forest management has increasingly threatened the existence of forests and the people of Riau. Flood disasters, forest and land fires that hit Riau Province is evidence that Riau's existing forests are no longer able to maintain environmental balance. Slogans of forest management for community welfare, do the complete opposite. Poverty are happening precisely in and around forest areas [11].

Illegal logging continues to occur in Riau Province, but legal handling and enforcement is felt to be very slow and does not seem to work as it should. Law enforcement for illegal logging is still far from the value of justice. The large number of illegal logging timber were found but the perpetrators, owners, corporations or large investors were never found. Prevention in the form of preventive efforts to prevent illegal logging seems to not happening. Forest destruction and even the loss of wood in protected forests exacerbate the existence

of forests in Riau province today. Not to mention the loss of the state due to illegal logging.

The rise of illegal logging happening is due to the high demand for wood which is inversely proportional to its supply. Weak supervision from the central and regional governments, weak law enforcement for perpetrators of illegal logging, lack of coordination between institutions, and lack of role of local institutions and communities are the cause of rampant illegal logging. For this reason, it is necessary to close the gap in law enforcement of illegal logging that is happening now and become the pattern of law enforcement as expected so that it can crack down on illegal logging perpetrators and prevent the reoccurrence of illegal logging. Zarof Ricar stated that [12]:

In law enforcement practice, illegal logging cases are considered ineffective. It must be acknowledged that trapping perpetrators of illegal logging is as difficult as trapping corruptors. There are many conflicts that must be faced. For example, the reasons for the evidence are not strong enough, the rule of law that turns out not to be able to ensnare the real perpetrators, as well as the seriousness of law enforcers to ensnare illegal loggers. Perpetrators who are caught are usually only ordinary workers, namely loggers, coolies, transporters, etc., unskilled workers who are generally instructed by their employers to carry out logging and transportation and not the main brain. They are generally only subject to imprisonment ranging from monthly to fine penalties. It can be counted that the courts in Indonesia impose maximum sentences on the main perpetrators of illegal logging.

Based on Indonesia Corruption Watch data, the level of effectiveness in combating illegal logging is very low. Only 4.3 percent of eradication efforts ended in court decisions. As many as 72 percent of wood barons were severed free. The court verdict of 205 defendants during 2005-2008 also only gave light sentences until the sentence was acquitted. A total of 137 defendants (66.8 percent) were acquitted, 44 defendants (21.6 percent) were sentenced to one year, 14 defendants (6.8 percent) were sentenced to two years, and only 10 defendants (4.8 percent) were sentenced above two years.

Of forestry crime cases, only 17-18 percent of the main brains are punished, while those who are free are very large in number. Only the lower classes are sentenced. The entrepreneurs as the main actors are usually acquitted. ICW also found that 92 percent of law enforcers as well as state and regional officials were not in favor of combating illegal logging. This has resulted in many prosecutors being freed from litigation and sentencing. Another problem found in the eradication of forestry crimes is the weak coordination between PPNS, police and prosecutors. The indictment is not strong, the judge has no sensitivity and sense of justice regarding the agenda of saving the forest and the environment. There are also differences in legal interpretation between the forestry department, the police, prosecutors and judges. From the aspect of legislation there is also a legal loophole in Law No. 41 of 1999 concerning Forestry, the rules tend to look at forestry issues though the administrative law [13].

As such happened in Riau Province, as evidenced by the table below:

TABLE I. SERIOUS CRIMES (ILLEGAL LOGGING) IN THE DISTRICT COURT YEAR 2016-2017

No	District Court (PN)	Serious Crime	Decision Number	Convicted
1	PN Pekanbaru	Illegal Logging	Putusan PN Pekanbaru No. 896/Pid.B/2016/PN Pbr Tahun 2016	Zultofik Purba Als Zul Bin Burhanuddin Purba Kweksin Hui Als Ayang
	PN Pekanbaru	Illegal Logging	Putusan PN Pekanbaru No. 1079/Pid.B/2016/PN Pbr Tahun 2016	Novriady Als Adi bin Alm. Dawamuddin
2	PN Tembilahan	Illegal Logging	Putusan PN Tembilahan No. 162/Pid.Sus-LH/2017/PN Tbh Tahun 2017	Buhari Alias Ari Bin Harun
	PN Tembilahan	Illegal Logging	Putusan PN Tembilahan No. 60/Pid.Sus-LH/2017/PN Tbh Tahun 2017	Zainuddin Alias Udin Bin Ahmad Basiri Zaman
	PN Tembilahan	Illegal Logging	Putusan PN Tembilahan No. 59/Pid.Sus-LH/2017/PN Tbh Tahun 2017	Muhammad Yusuf Alias Yusuf Bin Sarimi
	PN Tembilahan	Illegal Logging	Putusan PN Tembilahan No. 247/Pid.Sus-LH/2017/PN Tbh Tahun 2017	Usman Alias Man Bin Abu Bakar Sidik
	PN Tembilahan	Illegal Logging	Putusan PN Tembilahan No. 9/Pid.Sus-LH/2016/PN Tbh Tahun 2017	Arifin Alias Ifin Bin Amirudin
3	PN Bangkinang	Illegal Logging	Putusan PN Bangkinang No. 77/Pid.Sus/2017/PN Bkn Tahun 2017	Agus Suprpto Bin Sudarto
	PN Bangkinang	Illegal Logging	Putusan PN Bangkinang No. 76/Pid.Sus/2017/PN Bkn Tahun 2017	Agung Bahtera Nasution Bin M. Basyir Nasution
	PN Bangkinang	Illegal Logging	Putusan PN Bangkinang No.422/Pid.Sus/2016/PN Bkn Tahun 2016	Rio Timotius Tarigan Alias Rio
4	PN Dumai	Illegal Logging	Putusan PN Dumai No.221/Pid.Sus.LH/2017/ PN Dum Tahun 2017	Ade Purniawan Alias Ade Bin Adeng
	PN Dumai	Illegal Logging	Putusan PN Dumai No.222/Pid.Sus.LH/2017/ PN Dum Tahun 2017	Dona Bin Agan
	PN Dumai	Illegal Logging	Putusan PN Dumai No.233/Pid.Sus.LH/2017/ PN Dum Tahun 2017	Abidin Situmorang Alias Bongkeng Bin J. Situmorang
5	PN Pelalawan	Illegal Logging	Putusan PN Pelalawan No.180/Pid.Sus/2016/ PN PLW Tahun 2016	Januardi Alias Ijan Bin Sapri
6	PN Bengkalis	Illegal Logging	Putusan PN Bengkalis No.412/Pid.Sus/2016/PN Bls Tahun 2016	Supriyanto bin Sumo Sarni

Table 1. Cont.

7	PN Siak Sri Indrapura	-	-	-
8	PN Rengat	-	-	-
9	PN Kuantan Singingi	-	-	-
10	PN Pasir Pangarayan	-	-	-
11	PN Bagan Siapi-api	-	-	-
12	PN Selat Panjang	-	-	-

Source: The Supreme Court of the Republic of Indonesia in 2018

Based on the 2016-2017 ruling above, there are only 6 District Courts that handle illegal logging cases, while illegal logging occurs evenly in almost all districts in Riau Province. Illegal logging in Riau's protected forest areas is increasingly rampant. In fact, on one day, precisely on December 13, 2016, Riau Police seized 34 tons of wood and six trucks loaded with logs in the alleged forest encroachment. Encroachment in the Mandau River protected forest, Siak. But unfortunately, the only caught driver was only the one who claimed to get a wage of 1 million Rupiah each trip of transporting wood, while the financier and sawmill owner has not been caught so far. Law enforcement for illegal logging is still far from the values of justice. Forest damage is felt by the community not only those around the forest, but also the people in Riau Province and even outside of Riau Province, because it causes the forest to become barren, when there is frequent flooding and fires in the dry season with very bad and dangerous weather for public health.

Law enforcement for illegal logging is still far from the values of justice because the large number of illegal logging timber were found but the culprit, owners, corporations or large investors were never found. Prevention in the form of preventive efforts to prevent illegal logging seems to not be done. Forest destruction and even the loss of wood in protected forests exacerbate the existence of forests in Riau province today.

The main problem of law enforcement actually lies in many influencing factors. Soerjono Soekanto stated that [14]:

These factors have a neutral meaning, so the positive or negative impact lies in the contents of these factors are as follows; (1) the legal factor itself, (2) the law enforcement factor, namely the parties who form or implement the law, (3) the facility factor that supports law enforcement, (4) the community factor, namely the environment in which the law applies or is applied and (5) cultural factors, i.e. all works, inventions and tastes based on human initiative in life.

Illegal logging which has an impact on forest and environmental damage is also explicitly mentioned in Article 16 of Law Number 32 Year 2009 concerning Protection and Management of Environment. Destroying forests that impacts on environmental damage is a crime as explained in Article 97 of Law Number 32 Year 2009 that "criminal indictment under in this Law shall be considered as crimes". The chapter referred to in that article is Chapter XV of Law Number 32 Year 2009 concerning criminal provisions in which criminal provisions regarding acts that result in pollution and/or environmental damage are formulated. Forest destruction is a form of

environmental destruction, therefore, forest destruction is a crime. One form of forest destruction is illegal logging [15].

Forest destruction, mainly in the form of illegal logging, mining without permits, and plantations without permits has caused state losses, damaged socio-cultural and environmental livelihoods, and increased global warming which has become a national, regional and international issue.

Thus, it can be understood that legal development based on the value of justice must be directed to accommodate and support legal needs in accordance with the development and progress of the development of the Indonesian nation to create justice, order and legal certainty aimed at increasing the unity and integrity of the nation and the state. Therefore, the values of justice must be used as a foundation in the efforts to develop and enforce the law so that the law which is in accordance with the soul and nature of the Indonesian nation can be materialized.

Forest destruction has become an extraordinary, organized, and transnational crime that has been carried out with a sophisticated *modus operandi*, which has threatened the survival of the people. In order to prevent and eradicate effective forest destruction and provide a deterrent effect, an accommodating legal basis is needed to guarantee the effectiveness of law enforcement.

In the future, it is expected that the pattern of law enforcement of illegal logging to preserve forests in Riau Province will use the Pattern of Law Enforcement Based on Justice Values, namely, (1) legal system reform on the law governing forest management, especially the handling of illegal logging by preparing legal instruments the area of Riau Province, (2) Control conducted by the local government, activation of the roles and tasks of the Forest Management Unit (KPH), enforcement of law based on justice and non-discriminatory values and providing guidance and counseling to residents living around forest about the importance of the existence of the forest for the lives of humans and other creatures, (3) Professionalism and addition of Riau forestry police personnel to protect the forest and support law enforcement, (4) Participation and active role of the community for the area around the forest in supervising illegal logging occurring in Riau Province by providing reports to law enforcement officials and preventing illegal logging in Riau Province. (5) Conduct regular reforestation programs for forest preservation and continue to preserve forests for the welfare of the community and for future generations.

IV. CONCLUSION

Law enforcement pattern on illegal logging to preserve forests in Riau Province uses the Pattern of Law Enforcement Based on Justice Values, namely, (1) legal system reform on the law governing forest management, especially the handling of illegal logging by preparing legal instruments the area of Riau Province, (2) Control conducted by the local government, activation of the roles and tasks of the Forest Management Unit (KPH), enforcement of law based on justice and non-discriminatory values and providing guidance and counseling to residents living around forest about the importance of the existence of the forest for the lives of humans and other creatures, (3) Professionalism and addition of Riau forestry police personnel to protect the forest and support law enforcement, (4) Participation and active role of the community for the area around the forest in supervising illegal logging occurring in Riau Province by providing reports to law enforcement officials and preventing illegal logging in Riau Province. (5) Conduct regular reforestation programs for forest preservation and continue to preserve forests for the welfare of the community and for future generations. Law enforcement on criminal acts of illegal logging needs to be done not only on the central regulations, but also on the regional regulation. Law enforcement officials should enforce the law based on the law and values of justice. Facilities that can support the law enforcement and community participation to participate in supervising and preventing illegal logging maximally should be created.

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