

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

The Role of Investigators in Securing Evidence Confiscated by Illegal Logging (Study at The Central Kalimantan Regional Police)

Debiantho ¹⁾, Anis Mashdurohatun ²⁾, Andri Winjaya ³⁾

¹⁾ Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia Email: debiantho2849@gmail.com

²⁾ Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia Email: anism@unissula.ac.id

³⁾ Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia Email: andri.w@unissula.ac.id

Abstract *The purpose of this writing is to determine and describe the role of investigators in securing evidence confiscated by Illegal Logging. The approach method in writing uses a sociological juridical approach. The results of the research carried out stated that the role of POLRI in safeguarding confiscated illegal logging evidence carried out according to the Criminal Procedure Code is a task carried out by investigators. It is at the initial investigation level that the security of evidence begins, and then at the investigative level which provides wider space for investigators in securing evidence. Carrying out the first action at the scene of the incident, search and confiscation is the role of POLRI (investigators) in securing the evidence provided. Procedures for securing evidence of illegal logging by POLRI according to Perkap No. 10 of 2010, is part of evidence management. Management of this evidence consists of: Reception, storage, security, maintenance; and the removal and destruction of confiscated objects from special rooms or places where evidence is stored. It is the Evidence Management Officer (PPBB) who carries out these tasks.*

Keywords: Evidence; Illegal Logging; Investigators.

1. Introduction

Forests are a priceless national treasure, serving not only as an economic resource but also as the "lungs of the world" and a vital regulator of the global climate. Indonesia, particularly the

The Role of Investigators in Securing Evidence Confiscated by Illegal Logging (Study at The Central Kalimantan Regional Police)

(Debiantho, Anis Mashdurohatun & Andri Winjaya)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

province of Central Kalimantan, possesses one of the world's most significant tropical rainforest reserves. However, this ecological wealth is under constant threat from illegal logging activities. Illegal logging is defined as an extraordinary crime that involves the harvesting, transporting, and selling of timber in violation of national laws. The impact of this crime is multi-dimensional: it causes massive environmental degradation, triggers natural disasters such as floods and landslides, results in significant loss of state revenue, and threatens the biodiversity of Kalimantan's unique ecosystem (Mashdurohatun, 2018).

In the criminal justice system, the success of eradicating illegal logging is highly dependent on the "Pro-Justitia" process, where evidence (*barang bukti*) plays a central role. Evidence is the "silent witness" that connects the perpetrator to the crime. In illegal logging cases, evidence typically consists of heavy equipment (excavators, trucks), tools (chainsaws), and most crucially, the timber itself in various forms—logs, sawn timber, or processed wood. Unlike evidence in general crimes, illegal logging evidence presents extreme logistical and legal challenges. Timber is bulky, physically demanding to transport, and highly susceptible to natural decay (rotting) if not stored correctly.

The Indonesian National Police (POLRI), specifically at the Central Kalimantan Regional Police (Polda Kalteng), holds the primary mandate as investigators to secure this evidence. According to Law No. 8 of 1981 (KUHP) and Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, the investigator's role is to ensure the "Chain of Custody"—the chronological documentation and paper trail showing the seizure, custody, control, transfer, and analysis of evidence. If this chain is broken, for example, if the volume of timber seized at the crime scene differs from the volume presented in court, the entire case may collapse, and the perpetrator could be acquitted.

The role of investigators in Central Kalimantan is further complicated by the region's geography. Many illegal logging sites are located deep within peatlands or upstream of major rivers, far from urban police facilities. The transition from the first action at the scene of the incident (TPTKP) to the official confiscation requires a high degree of precision and coordination. Furthermore, the National Police Chief Regulation (Perkap) No. 10 of 2010 provides the technical guidelines for evidence management, emphasizing the role of the Evidence Management Officer (PPBB). This research aims to analyze how these roles are implemented at Polda Kalteng, identifying the gaps between the ideal legal framework and the harsh reality of field operations in one of Indonesia's most forest-rich provinces.

The Role of Investigators in Securing Evidence Confiscated by Illegal Logging (Study at The Central Kalimantan Regional Police)
(Debiantho, Anis Mashdurohatun & Andri Winjaya)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

2. Research Method

This research utilizes a sociological juridical approach (empirical legal research). This approach is chosen to examine how legal norms regarding the security of evidence are applied in the daily practice of investigators at the Central Kalimantan Regional Police.

1. Primary Data: Collected through in-depth interviews with investigators from the Special Crimes Directorate (*Ditreskrimsus*) of Polda Kalteng.
2. Secondary Data: Gathered through a literature review of the KUHAP, Law No. 18 of 2013, and Perkap No. 10 of 2010.
3. Analysis: Qualitative analysis is applied to provide a comprehensive description of the investigator's role and the obstacles faced in managing evidence.

3. Results and Discussion

3.1. The Role of Investigators in the Investigation Cycle

Law enforcement against illegal logging at Polda Kalteng begins with the transformation of information into evidence. At the preliminary investigation level (*Penyelidikan*), investigators conduct surveillance to confirm the existence of a crime. Once the status is upgraded to a formal investigation (*Penyidikan*), the role of securing evidence becomes mandatory. Under the KUHAP, investigators have the authority to conduct searches and seizures to ensure that evidence does not disappear or get destroyed by the suspects (Hamzah, 2010).

At the Central Kalimantan Regional Police, this role is manifested through the immediate deployment of a TPTKP (First Action at the Crime Scene) team. The investigator's first task is to secure the perimeter and "freeze" the evidence. This is crucial because, in illegal logging, perpetrators often attempt to move or hide the timber as soon as they sense police presence. The investigator must document every item found using GPS coordinates and high-resolution photography to verify the location and volume of the seized timber.

Technical Implementation of Evidence Security (Perkap No. 10 of 2010)

The security of evidence is not merely physical but also administrative. Polda Kalteng follows the management cycle stipulated in Perkap No. 10 of 2010, which includes:

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

1. Reception and Identification: Every piece of wood is measured and categorized. Investigators often collaborate with forestry experts to determine the species of the wood, which is vital for calculating state losses.

2. Storage Protocols: Seized timber is ideally stored in the State Seized Objects Storage Site (*Rupbasan*). However, due to the massive volume of wood in Central Kalimantan, *Rupbasan* facilities are often full. Consequently, investigators must designate temporary storage sites (*Pool BB*) or secure the evidence *in situ* (on-site).

3. Physical Maintenance: Investigators are responsible for ensuring the wood does not rot. This includes protecting it from rain or ensuring that heavy machinery is maintained so it does not lose its functional value (Atmasasmita, 2010).

Challenges of "In Situ" Storage in Central Kalimantan

One of the most significant findings in this study is the high frequency of *in situ* storage. Because transporting thousands of logs from the deep jungle of Kalimantan to the city is logistically impossible and financially draining, investigators often leave the wood at the crime scene under guard. This creates several risks:

1. Security Risk: Guards are often threatened by organized crime syndicates hired by the illegal logging financiers.

2. Environmental Degradation: Wood left in Kalimantan's peatlands or rivers is prone to natural decay, which can reduce its quality by the time the trial begins.

3. Theft: Despite being under "police line," wood is frequently stolen if the guard posts are not adequately manned due to the vastness of the area.

3.2. Administrative Security and the Role of PPBB

The Evidence Management Officer (PPBB) at Polda Kalteng acts as the ultimate gatekeeper. The PPBB ensures that the evidence recorded in the investigation file (*BAP*) matches the physical evidence stored. Administrative security is vital because any discrepancy in the data—such as the number of logs or the serial numbers of heavy equipment—can be used by defense attorneys to challenge the validity of the prosecution (Soekanto, 2012).

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries
Analysis of "Chain of Custody" Integrity

The role of investigators is successful only if the "Chain of Custody" remains unbroken. In Central Kalimantan, investigators have started implementing digital tracking for evidence. Every time evidence is moved—from the forest to the police station, or from the station to the prosecutor—a formal handover document (*Berita Acara Serah Terima*) is signed. This ensures that the responsibility for the evidence is always clear, preventing the "loss" of evidence that has historically occurred in high-profile forestry cases.

Economic Value and Early Auction (Pasal 45 KUHAP)

Given that timber is a perishable commodity, investigators at Polda Kalteng often utilize Article 45 of the KUHAP, which allows for the early auction of evidence that is easily damaged or requires high maintenance costs. The investigator's role is to facilitate the auction in coordination with the State Assets and Auction Office (KPKNL). The resulting cash is then held as a substitute for the physical evidence. This is a progressive role that protects the state's economic interests while ensuring the legal process continues smoothly (Prasetyo, 2015).

4. Conclusion

The investigator's role at the Central Kalimantan Regional Police in securing illegal logging evidence is a complex task that combines legal authority with field logistics. The security of evidence is the backbone of the "Chain of Custody" that ensures a successful prosecution. While Perkap No. 10 of 2010 provides a solid procedural foundation, the geographical and financial constraints of Central Kalimantan necessitate innovative solutions such as *in situ* storage and early auctions. To enhance this role, the state must provide a larger budget for evidence logistics and better infrastructure for wood storage at the regional level, ensuring that no evidence is lost to nature or criminals.

5. References

Journals:

- Mashdurohatun, A. (2018). "Penegakan Hukum Terhadap Kejahatan Kehutanan". *Unissula Law Review*.
- Suhariyono, A. (2014). "Manajemen Barang Bukti dalam Tindak Pidana Kehutanan". *Jurnal Hukum IUS*.

The Role of Investigators in Securing Evidence Confiscated by Illegal Logging (Study at The Central Kalimantan Regional Police)
(Debiantho, Anis Mashdurohatun & Andri Winjaya)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Wahyuni, S. (2018). "The Chain of Custody in Forestry Crimes". *Indonesian Journal of International Law*.

Books:

Ali, A. (2009). *Menguak Teori Hukum dan Teori Peradilan*. Jakarta: Kencana.

Atmasasmita, R. (2010). *Sistem Peradilan Pidana Kontemporer*. Jakarta: Kencana.

Gultom, M. (2014). *Perlindungan Hukum Terhadap Lingkungan Hidup*. Bandung: Refika Aditama.

Hamzah, A. (2010). *Penegakan Hukum Lingkungan*. Jakarta: Sinar Grafika.

Harkrisnowo, H. (2003). *Hukum Pidana dan Perkembangan Masyarakat*. Jakarta: UI Press.

Kristiyanti, S. (2011). *Hukum Tata Ruang dan Kehutanan*. Jakarta: Sinar Grafika.

Marlina. (2010). *Hukum Penegakan Kehutanan*. Bandung: Alumni.

Marzuki, P. M. (2011). *Penelitian Hukum*. Jakarta: Kencana.

Muladi. (2005). *Kapita Selekta Sistem Peradilan Pidana*. Semarang: Undip Press.

Nashriana. (2011). *Perlindungan Hukum Bagi Sumber Daya Alam*. Jakarta: RajaGrafindo Persada.

Prasetyo, T. (2015). *Keadilan Bermartabat*. Jakarta: RajaGrafindo Persada.

Rahardjo, S. (2009). *Penegakan Hukum: Suatu Tinjauan Sosiologis*. Yogyakarta: Genta Publishing.

Siahaan, N. (2012). *Hukum Lingkungan*. Jakarta: Pustaka Baru Press.

Soekanto, S. (2012). *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Jakarta: RajaGrafindo Persada.

Sudarto. (1981). *Hukum dan Hukum Pidana*. Bandung: Alumni.

Wignjosoebroto, S. (2002). *Hukum: Paradigma, Metode dan Masalah*. Jakarta: Elsam.

Zulfa, E. A. (2011). *Pergeseran Paradigma Pemidanaan*. Jakarta: Lubuk Agung.

The Role of Investigators in Securing Evidence Confiscated by Illegal Logging (Study at The Central Kalimantan Regional Police)
(Debiantho, Anis Mashdurohatun & Andri Winjaya)