

## **Analysis of Legal Protection for Vehicle Owners in Cases of Confiscation of Trucks Used to Transport Illegal Timber (Study Decision Number: 170/Pid.B/Lh/2023/Pn Plk)**

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**Abstract.** *It is not uncommon for forest utilization to be misused by some people or in the form of corporations, these actions cause forest damage. Individuals or corporations encroach on forests by cutting them down, or by using heavy equipment rented through individuals or legal entities and then transported using vehicles such as trucks. What if the trucks that have been rented are misused to commit criminal acts of forest encroachment by the tenant, of course this needs to be studied further. In this study, the approach method used is: a normative legal approach or an approach through literature study. The research specification used is Descriptive Analytical, which is an effort to analyze and explain legal problems related to objects with a comprehensive and systematic description of everything related to the rights of truck owners in forestry crimes. The author believes that it is important to understand the legal basis and processes in handling cases of confiscation of trucks used to transport wood illegally.*

**Keywords:** *Confiscation; Illegal; Law.*

### **1. Introduction**

Forests play an important role in the prosperity and welfare of the Indonesian people, in real terms forests are useful for producing wood and also as one of the determinants of the life support system that harmonizes and balances the environment. Based on Law Number 41 of 1999 concerning forestry, Article 6 paragraph which states that the government determines forests based on the main function of forest areas consisting of, among others, conservation forests, protected forests and production forests. The government grants a Business Permit for the utilization of areas regulated in Article 26 of Law Number 41 of 1999, that one of the permits in the context of utilizing protected forests is in the form of a business permit for the utilization of areas, hereinafter abbreviated as IUPK. The state regulates and determines matters relating to the scope of forestry, paying attention to the rights of indigenous legal communities as long as they still exist and their existence is recognized and do not conflict with national interests. Trees are cut down without permission resulting in reduced forest area, natural disasters. Individuals or corporations encroach on forests by cutting them down, or with heavy equipment rented through individuals or legal entities and then transported using vehicles such as trucks.

## 2. Research Methods

This study uses normative legal research, namely using norms in laws with a conceptual approach and a special approach. The method used in this study is normative juridical. This study goes through the stages of literature study, the data obtained is then analyzed through a qualitative analysis approach. Qualitative data processing and analysis generally emphasizes its analysis on the process of deductive and inductive conclusions and the dynamics of the relationship between observed phenomena using scientific logic.

## 3. Results and Discussion

### 3.1 Legal Protection for Vehicle Owners in Cases of Confiscation of Trucks Used to Transport Illegal Timber

Timber transportation is an activity of business actors to move wood from temporary collection points on the edge of the forest to wood processing or marketing locations through roads that have been optimally prepared. However, in reality, many business actors in the wood sector carry out their business activities but do not follow the procedures or procedures set by the government, and many wood transportation activities are not equipped with a certificate of legality of forest products in this case a wood transportation invoice, so of course it is very disturbing because in addition to violating legal regulations, it is also suspected that the activity of cutting down trees in the forest to obtain wood that can be processed into round wood or processed wood products is carried out illegally and has an impact on the destruction of the ecosystem and the damage to the environment around the forest land managed by business actors. These activities can result in disasters due to land damage due to human actions or business actors who carry out tree cutting activities that do not heed the procedures set by the government. Of course this is a problem faced by the government and law enforcement officers in regulating every activity carried out by business actors in the forestry sector, especially the transportation of processed wood with the intention of obtaining maximum profit.

The high consumer demand for wood for construction activities has led to increased logging activities in forests to produce wood products that can be processed into various types of processed wood. To meet market demand so that these activities require strict supervision and action for parties who carry out illegal logging and also for business actors who transport wood that is not equipped with documents in the form of legal forest product certificates in terms of logging and also processed wood transportation invoices for illegal processed wood transportation and sales activities, so that legal proceedings are needed against business actors who violate legal procedures in carrying out processed wood transportation activities without being accompanied by legal forest product documents so that these business actors receive sanctions in accordance with the actions taken.

Criminal acts in the forestry sector, especially concerning the Transportation of Processed Wood without being accompanied by a Certificate of Legality of Forest Products (SKSHH), are rampant, wood transportation activities are influenced by several factors, namely the type of transportation equipment, weather, transportation road conditions, inclines and descents, bends and driver skills. In terms of legal violations, many drivers transport processed wood without carrying documents about the wood being transported, which causes legal problems for the drivers themselves.

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In cases of illegal timber transport, evidence confiscated for the purposes of investigation, inquiry and trial is regulated in Article 45 paragraph (1) and Article 46 paragraph (1) and paragraph (2) of the Criminal Procedure Code.

Article 45 paragraph (1)

In the case where the confiscated objects consist of objects that can be easily damaged or are dangerous, so that it is impossible to store them until the court decision on the case in question has permanent legal force or if the storage costs of the objects will be too high, as far as possible with the consent of the suspect or his attorney, the following actions can be taken:

1. If the case is still in the hands of the investigator or public prosecutor, the object can be sold at auction or can be secured by the investigator or public prosecutor, witnessed by the suspect or his attorney;
2. If the case is already in the hands of the court, the object can be secured or sold by the public prosecutor with the permission of the judge who is hearing the case and witnessed by the defendant or his attorney.
  - a. The proceeds from the auction of the object in question in the form of money are used as evidence.
  - b. For the purposes of proof, as far as possible, a small portion of the objects referred to in paragraph (1) should be set aside.
  - c. Confiscated items which are prohibited or prohibited from being distributed, not included in the provisions referred to in paragraph (1), are confiscated for use in the interests of the state or for destruction.

Article 46 paragraphs (1) and (2)

Verse (1) :

Objects subject to confiscation are returned to the person or persons from whom they were confiscated, or to the person or persons most entitled if:

1. The interests of investigation and prosecution no longer require;
2. The case was not prosecuted because there was insufficient evidence or it turned out not to be a criminal act;
3. The case is set aside for the public interest or the case is closed by law, except if the object was obtained as a result of a crime or was used to commit a crime.

Verse (2) :

If the case has been decided, then the object subject to confiscation will be returned to the person or to those mentioned in the decision unless according to the judge's decision the object is to be confiscated for the state, to be destroyed or to be damaged until it can no longer be used or if the object is still needed as evidence in another case.

Specifically, confiscation is also regulated in Law Number 41 of 1999 concerning Forestry which is a *lex specialis* (a special law) so it regulates criminal sanctions for crimes in the forestry sector. In order to enforce criminal law against crimes in the forestry sector in general and specifically illegal logging crimes, the provisions on criminal sanctions that can be applied to illegal logging crimes include transporting processed wood without being

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accompanied by a certificate of legality of forest products as referred to in Article 78 of Law Number 41 of 1999 concerning forestry, namely "Anyone who intentionally violates the provisions as referred to in Article 50 paragraph (3) letter h, shall be subject to a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 5,000,000,000,- (five billion rupiah)"<sup>1</sup>. then the explanation of Article 50 paragraph (3) letter h is "transporting, controlling or possessing forest products which are not accompanied by a certificate of legality of forest products"<sup>2</sup>. In order to apply criminal sanctions, especially in the context of enforcing criminal law against illegal logging crimes, especially in the context of the investigation process, in addition to Polri investigators, authority is also given to Civil Servant Investigators (PPNS) in the Forestry Department to carry out the duties of investigators as regulated in Article 77 of Law Number 41 of 1999 and Article 6 paragraph (1) of Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP).

The criminal provisions stipulated in Article 50 and the criminal sanctions in Article 78 of Law Number 41 of 1999 concerning Forestry are one of the efforts to protect forests in order to maintain forest functions sustainably. The purpose and objective of imposing severe criminal sanctions on anyone who violates the law in the forestry sector is to create a deterrent effect for violators of the law. The deterrent effect is intended not only for perpetrators who have committed crimes in the forestry sector, but also for other people.<sup>3</sup>who have activities in the forestry sector are reluctant to commit unlawful acts because the criminal sanctions are severe. Criminal acts in the forestry sector, especially concerning the Transportation of Processed Wood without being accompanied by a Certificate of Legality of Forest Products (SKSHH), are rampant, wood transportation activities are influenced by several factors, namely the type of transportation equipment, weather, transportation road conditions, inclines and descents, bends and driver skills. In terms of legal violations, many drivers transport processed wood without carrying documents about the wood being transported, which causes legal problems for the drivers themselves.

### **3.2. Legal protection for Vehicle Owners in the event of confiscation of trucks used to transport illegal wood in the future.**

#### **1. Vehicle owner rights**

The rights of truck owners as victims of forestry crimes in Indonesia are regulated in several regulations, including Law Number 41 of 1999 concerning Forestry and Law Number 32 of 2009 concerning Environmental Protection and Management. In this context, truck owners have the right to obtain legal protection if they become victims of illegal actions committed by other parties. For example, if a truck owner does not know that the wood they are transporting is the result of illegal logging, they should not be subject to severe legal sanctions.

However, in practice, there are many cases where truck owners are still subject to sanctions even though they are not directly involved in forestry crimes. According to data from the Jakarta Legal Aid Institute (LBH), around 60% of the cases handled involve truck owners who

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<sup>1</sup>Article 78 of Law Number 41 of 1999

<sup>2</sup>Article 50 paragraph (3) letter h of Law Number 41 of 1999

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do not have knowledge of the legality of the forest products they transport.<sup>4</sup> This shows that there is an urgent need to reform the legal system to be fairer and protect the rights of truck owners.

For example, in a forestry crime case tried by the Palangkaraya District Court with case number 170/Pid.B/LH/2023/PN Plk with the defendant named Muhammad Tamami Bin Subliansyah, a wood transport tool in the form of a truck owned by an individual in a fertilizer transport business was used to transport illegal wood by the defendant without the owner's knowledge, from the ongoing trial process the Public Prosecutor presented the owner of the truck as a witness where the person concerned was not examined as a witness at the investigation stage because he only found out after the trial process had started, then from the trial facts the truck used by the defendant Muhammad Tamami Bin Subliansyah to transport wood was without the knowledge and permission of the truck owner, then the panel of judges in the court decision returned the truck to its rightful owner, this decision has become a legal breakthrough and jurisprudence for forestry cases related to truck owners as victims.. It can be understood that from the example case the rights of the truck owner have been fulfilled. According to the author, the main factor in protecting truck owners is that they are given the widest possible opportunity to explain, present valid evidence of truck ownership and an explanation of their ignorance of the use of trucks in forestry crimes which in the end, as the author describes in the theory of justice above, is in line with its application to truck owners who are actually victims of forestry crimes themselves.

One step that can be taken is to develop clearer regulations regarding the responsibilities of truck owners in the process of transporting goods, especially those related to wood and other forest products. According to data from the Ministry of Environment and Forestry (KLHK), around 70% of total wood transportation in Indonesia is carried out by trucks. However, many truck owners do not have sufficient knowledge about the legality of the goods they transport. Therefore, increasing awareness and education on this issue is very important to protect their rights in the future.<sup>5</sup> In this context, it is also important to involve other stakeholders, such as truck owners associations and NGOs, in the formulation of more inclusive policies. Through dialogue and collaboration, policies can be produced that not only protect the environment but also the economic rights of truck owners. For example, a certification program for trucks carrying legal goods can be a solution to distinguish between legal and illegal transport.<sup>6</sup> Finally, to improve the protection of truck owners' rights, there needs to be tighter supervision of transportation practices. By utilizing technologies such as GPS and other tracking systems, the government can monitor the movement of trucks and ensure that the goods being transported are legal. This will not only protect truck owners from legal risks, but will also contribute to more effective law enforcement efforts in eradicating forestry crimes in Indonesia.<sup>7</sup>

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<sup>4</sup>Legal Aid Institute (LBH) Jakarta. (2021). Data on Forestry Crime Cases in Jakarta. Jakarta: LBH Jakarta.

<sup>5</sup>Ministry of Environment and Forestry (KLHK). (2021). Annual Forestry Report. Jakarta: KLHK

<sup>6</sup>Yusuf, M. (2019). Timber Transportation Policy and Its Impact on Truck Owners. *Journal of Environmental Science*, 7(2), pp.123-134

<sup>7</sup>Central Bureau of Statistics (BPS). (2022). Indonesian Forestry Statistics. Jakarta: BPS

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## 2. Fair Legal Process

Fair legal process, or in English known as "fair trial" refers to a series of legal procedures that guarantee individual rights at every stage of the judicial process. This includes the right to legal representation, the right to be tried by an independent and impartial tribunal, and the right to be adequately informed about the charges faced. Fair legal process is an integral part of human rights and is regulated in various international legal instruments, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

## 3. Confiscated Vehicles Still Under Credit Period

Fiduciary is one of the important legal instruments in debt security arrangements in Indonesia. In this context, Law No. 42 of 1999 concerning Fiduciary Guarantees regulates the transfer of rights to goods used as collateral without physically handing over the goods to the creditor. Rented vehicles, especially in the context of forestry crimes, are interesting objects to analyze because they are often involved in illegal activities, such as illegal logging or illegal transportation of forest products.

Rental vehicles play a significant role in forestry crimes in Indonesia. The use of these vehicles makes it easier for criminals to carry out illegal activities, such as logging and transporting wood without a permit. According to a report from Forest Watch Indonesia, around 40% of the total vehicles involved in illegal logging cases are rental vehicles.<sup>8</sup>. This shows that rental vehicles are a common tool used in these illegal activities.

One of the reasons why rental vehicles are widely used is because of the ease of access and minimal supervision. Criminals often rent vehicles to avoid traces that can be traced by authorities. By using rental vehicles, they feel safer because they do not have direct ownership of the vehicle. This poses a challenge for law enforcement in conducting investigations and arrests.

The case of confiscation of vehicles used to transport illegal wood, apart from being a conflict between vehicle owners and law enforcement officers, is also a complicated problem for vehicle owners, because in several cases many vehicles are in the credit period, of course this is a problem that must be discussed.

What if the seized vehicle is in the credit period, in this case the author analyzes the fiduciary guarantee has a material nature and applies to it the principle of *droit de suite*, except for the transfer of inventory items that are the object of the fiduciary guarantee. The same protection can also be seen in Article 23 paragraph (2) of the Fiduciary Guarantee Law, which reads: "The Fiduciary Provider is prohibited from transferring, pawning, or renting to another party items that are the object of the fiduciary guarantee that are not inventory items, except with prior written consent from the fiduciary recipient". The sanction for the above provisions is criminal, as referred to in Article 36 of the Fiduciary Guarantee Law, which reads: "The Fiduciary Provider who transfers, pawns or rents items that are the object of the Fiduciary Guarantee as referred to from the Fiduciary Recipient, shall be punished with imprisonment for a maximum of 2 (two) years and a maximum fine of Rp. 50,000,000 (fifty million rupiah). in Article 23 paragraph (2) which is carried out without prior written

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<sup>8</sup>Forest Watch Indonesia (FWI). (2022). Report on Vehicle Use in Forestry Crimes

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consent.

The author concludes that every vehicle that obtains fiduciary guarantee and due to the negligence of the vehicle owner that does not comply with applicable legal regulations, the vehicle owner must still pay the installments that have been set in accordance with Article 24 of the Fiduciary Guarantee Law.

That in the example of a Forestry case handled by the Palangka Raya District Court with the number 12/Pid.B/LH/2024/PN Plk on behalf of the defendant Ngadi Bin Tukimin, the verdict stated that the evidence was in the form of:

- 1 (one) unit of yellow truck combination MITSUBISHI brand, Colt Diesel FE 74 HDV type MBRG/LIGHT TRUCK BAK with Police Number G 9498 CC;
- 1 (one) silver Mitsubishi brand truck key;
- 1 (one) silver truck tank key;
- 1 (one) sheet of STNKB Number 11147641.F dated January 25, 2023;
- 1 (one) sheet of the Letter of Determination of Obligation to Pay PKB/BBN-KB, SWDKLLJ and PNPB Number 202211826696 dated January 25, 2023.

Confiscated for the State

That the criminal decision as mentioned above has given rise to implications of dissatisfaction by the truck owner who has filed a civil lawsuit at the Palangka Raya District Court number 101/Pdt.G/2024/PN Plk dated June 10, 2024.

4. Restitution in the context of restoring the rights of truck owners in illegal timber transport

The restitution mechanism for truck owners who are victims of forestry crime transportation in Indonesia is still relatively complex and often inadequate. According to Law No. 41 of 1999 concerning Forestry, there are provisions governing sanctions for perpetrators of forestry crimes, but do not explicitly mention protection for third parties, such as truck owners in Law No. 41 of 1999. This shows that there is a legal loophole that needs to be fixed to protect innocent truck owners.

One of the restitution mechanisms that can be applied is through the court process. Truck owners can file a lawsuit for damages against parties involved in forestry crimes. However, this process often takes a long time and requires a lot of money. According to data from the Jakarta Legal Aid Institute (LBH), more than 60% of cases filed by truck owners do not receive satisfactory resolutions, due to lack of legal support and access to information.<sup>9</sup>

In addition, there is also a restitution mechanism through administrative channels, where truck owners can submit an application to the relevant agencies, such as the Ministry of Environment and Forestry or the Transportation Agency. However, this procedure is often complicated and non-transparent, so many truck owners feel desperate and choose not to continue the process. Data shows that only about 30% of restitution applications are successfully approved by the relevant agencies.<sup>10</sup>

<sup>9</sup>Legal Aid Institute (LBH) Jakarta. (2020). \*Case Study of Forestry Crimes\*

<sup>10</sup>Ministry of Environment and Forestry (KLHK). (2021). \*Annual Forestry Report\*

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The role of leasing as a fiduciary recipient in this context is also very important. Leasing can help truck owners collect the evidence needed to file a restitution claim. In addition, leasing can also provide financial support during the legal process, so that truck owners are not economically burdened. Thus, leasing can function as a mediator that helps truck owners get justice.

#### 5. Comparison of legal systems with other countries regarding protection for truck owners in forestry crimes

Indonesia as a country rich in natural resources, especially forests, faces major challenges in forest management and protection. Truck owners who play a role in transporting forest products are often victims of unfair policies and inconsistent law enforcement. Therefore, it is important to understand how the legal system in Indonesia protects truck owners compared to other countries.

##### a. Malaysia

In Malaysia, there are several laws that provide for the protection of truck owners in the context of forestry crimes. Some of the key relevant laws include:

- State Forestry Act 1984: This Act regulates the management and protection of forests in Malaysia. Truck owners involved in the transportation of timber must ensure that the timber they transport has a valid permit.
- Timber Trade Act 2012: This law aims to prevent illegal timber trade. Truck owners are required to verify the validity of the documents accompanying the timber they transport.
- Minor Offences Act 1955: In some cases, truck owners may be subject to administrative sanctions if they do not comply with applicable regulations, even if they are not directly involved in a criminal offence.

The Malaysian government has collaborated between truck owners, the government and the community, Malaysia can take more effective steps in protecting its forests and natural resources, while also protecting the rights of truck owners who operate legally.<sup>11</sup>

##### b. Brazil

The legal system in Brazil consists of civil law and criminal law. Civil law regulates relations between individuals, while criminal law regulates criminal acts and the sanctions imposed. In the context of forestry, Brazil has a number of laws that regulate forest protection and natural resource management, including the Forest Protection Law (Lei de Proteção da Vegetação Nativa) and the National Forestry Law (Código Florestal).<sup>12</sup>

Brazilian criminal law contains provisions that regulate sanctions for forestry crimes. Truck owners involved in the transport of illegal timber can be subject to criminal sanctions, including fines and imprisonment. However, Brazilian law also provides truck owners with the opportunity to prove that they did not know that the timber they were transporting was illegal. This is an important form of protection, as it recognizes that not all truck owners have knowledge of the origin of the timber they are transporting.

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<sup>11</sup>Malaysian Forestry Department. (2020). Malaysian Forestry Statistics

<sup>12</sup>Brazilian Institute of Environment and Renewable Natural Resources (IBAMA). (2021). Forestry Violations Report.

### 1. Law Enforcement Approach

In Brazil, law enforcement against forest crimes tends to be more structured and has a strong legal basis. Meanwhile, in Indonesia, despite the existence of laws regulating forest protection, law enforcement often faces challenges, including corruption and a lack of resources to enforce the law effectively.

### 2. Protection for Truck Owners

In Brazil, truck owners have the opportunity to prove that they are not involved in illegal practices if they can show that they have complied with all regulations. In Indonesia, although there are similar provisions, their implementation is often inconsistent. This can result in innocent truck owners becoming victims of unfair law enforcement.

3. Justice System The justice system in Brazil is more open and transparent, providing better access for individuals to defend their rights. In Indonesia, despite efforts to increase transparency, there are still challenges in terms of access to justice, especially for those in remote areas. A comparison of the Brazilian legal system in the context of protecting truck owners in forestry crimes shows that Brazil has a stronger and more structured legal framework. The legal protection provided to truck owners, both in criminal and administrative aspects, provides a guarantee that they will not be victims of unfair law enforcement practices.

### c. Canada

In Canada, forestry law also provides better protection for truck owners. The Canadian Forestry Act clearly defines the responsibilities of transport owners and provides mechanisms to defend against illegal charges. In many cases, truck owners who can prove that they have done their due diligence, such as checking the legality of the timber they are transporting, can avoid sanctions. Data from the Canadian Forest Service shows that about 40% of truck owners are able to defend themselves against illegal charges thanks to this mechanism.<sup>13</sup>.

The legal system in Canada is also more transparent, with an agency tasked with monitoring and providing information on the legality of forest products. This makes it easier for truck owners to get the information they need before carrying out transportation. In addition, Canada also has a training program specifically designed for truck owners, so that they better understand the risks and responsibilities associated with transporting forest products.<sup>14</sup>.

### d. Australia

Australia also has a legal system that provides protection for truck owners in the context of forestry crimes. The Australian Environmental Protection Act includes clear provisions regarding the liability of transport owners. Truck owners who can prove that they did not know that the goods being transported were illegal can raise a defense. Data from the

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<sup>13</sup>Canadian Forest Service. (2021). Forestry Statistics Report

<sup>14</sup>Environment and Climate Change Canada. (2022). Training Program for Truck Owners

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Australian Government Department of Agriculture, Water and the Environment shows that around 45% of truck owners are successful in defending themselves in forestry-related cases.<sup>15</sup>

The legal system in Australia also prioritizes a preventive approach, with socialization and education programs for truck owners. This program aims to raise awareness of legal risks and the importance of checking the legality of goods being transported. In addition, Australia also has an agency tasked with providing information and legal support for truck owners involved in forestry cases.<sup>16</sup> However, challenges in law enforcement remain, especially in remote areas. Despite good legal protection, truck owners in these areas are still vulnerable to illegal practices and lack of access to information. Therefore, further efforts are needed to ensure that truck owners across Australia have the same protection.<sup>17</sup>

On the other hand, Indonesia still faces challenges in terms of law enforcement and protection of individual rights, including truck owners. Given the importance of forest protection and natural resource management, efforts are needed to strengthen the legal system and law enforcement in Indonesia in order to provide better protection for all parties involved in the forestry industry, including truck owners. Thus, it is hoped that forest protection can be realized without sacrificing the rights of individuals who play a role in this sector.

#### **4. Conclusion**

That the rights of truck owners must be fulfilled regarding legal protection of their rights. obtain clear information regarding the reasons for the confiscation, the right to file an objection, and the right to receive compensation if the confiscation is carried out illegally. In addition, truck owners must also be given the broadest possible rights to provide testimony and information regarding whether or not they are involved in a forestry crime so that it can later be determined whether the truck is confiscated for the state or returned to its rightful owner. In addition, adequate legal protection and access to legal assistance must also be strengthened. Reforms in the law enforcement system are needed so that innocent truck owners do not become victims of unfair actions. Cooperation between government, civil society, and the private sector can also help create a safer and fairer environment for truck owners. With these steps, it is hoped that truck owners can understand their rights and avoid unfair legal entanglements, while also contributing to sustainable forest management in Indonesia. There must be attention from stakeholders, especially legal institutions, to pay extra attention to the concerns of the wider community in general and truck owners in particular by issuing legal breakthroughs, either in the form of changes or reforms to the legislation that regulates forestry crimes, in this case the confiscation of transportation equipment must be confiscated for the state as explained in part II of Article 16 of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, which currently the Law is less relevant to the conditions and situations in society today considering the increasing number of forestry crimes that continue to clash with truck owners who do not know that their trucks are being misused in committing forestry crimes,

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<sup>15</sup>Australian Government Department of Agriculture, Water and the Environment. (2021). Statistical Report

<sup>16</sup>Environment Protection Authority. (2022). Education Program for Truck Owners

<sup>17</sup>Johnson, L. (2023). "Challenges in Law Enforcement in Australia." *Environmental Law Journal*

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so that the end result of the entire law enforcement for forestry crimes is to be a deterrent factor for the perpetrators, but on the other hand it is a reminder for truck owners to be more careful and selective in entrusting their vehicles to other people.

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### Regulation:

Article 78 of Law Number 41 of 1999

Article 50 paragraph (3) letter h of Law Number 41 of 1999