

## **Implementation of The Investigation Process Against Perpetrators of Illegal Logging in The Rembang Resorts Police Area**

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**Abstract.** *Environmental management provides economic, social and cultural benefits and needs to be carried out based on the principles of caution, environmental democracy, decentralization, as well as recognition and appreciation of local wisdom and environmental wisdom, so that the Indonesian environment must be protected and managed properly based on the principles of state responsibility, the principle of sustainability and the principle of justice. The purpose of this research is to find out and analyze the implementation of the investigation process against perpetrators of illegal logging in the Rembang Police Resort area. To find out and analyze the obstacles and solutions in the implementation of the investigation process against perpetrators of illegal logging in the Rembang Police Resort area. The method used by the researcher is sociological legal approach And The specifications in this study include analytical descriptive. The sources and types of data in this study are primary data obtained through interviews. And Secondary data was obtained from literature studies. Data was analyzed qualitatively. using the theory of the rule of law and the theory of the legal system. Based on the results of the research that The implementation of the investigation process for perpetrators of illegal logging in the jurisdiction of the Rembang Police Resort involves various stages regulated in criminal procedure law. Investigators, who are generally members of the Police, will conduct an initial investigation based on reports, complaints, or arrests caught red-handed. The investigation process then involves examining witnesses, suspects, securing evidence, and compiling case files to be submitted to the prosecutor. Obstacles in the implementation of the investigation process for perpetrators of illegal logging in the Rembang Police Resort area include the availability of data and evidence, coordination between agencies, and suboptimal law enforcement. The solution includes improving data quality, harmonizing regulations, increasing the capacity of law enforcement officers, and involving the community in efforts to prevent and eradicate forest destruction.*

**Keywords:** *Criminal Acts; Implementation; Investigation; Illegal Logging.*

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## 1. Introduction

Development carried out in Indonesia must be in line with the achievement of environmental sustainability. This means that national economic progress is attempted not to cause negative impacts on the environment, because environmental damage will threaten human security and safety, especially if a disaster occurs due to negligence or deliberate elements with the aim of obtaining maximum profit without considering the carrying capacity of the environment.<sup>1</sup>

As a sovereign country with vast forest resources, it certainly has a concept of forest management as stated in Article 33 paragraph (3) of the 1945 Constitution which states that, "The land, water and natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people."<sup>2</sup>

The objectives of the Indonesian state are stated in the opening of the fourth paragraph of the Constitution which states that the Government of the State of Indonesia has been established with the aim of protecting all the Indonesian people and all of Indonesia's territory and to advance general welfare, improve the life of the nation, and participate in implementing world order based on independence, eternal peace, and social justice.<sup>3</sup> Therefore, the Indonesian people have the right to obtain protection, safety, and security in the perspective of national and state life. However, the reality that occurs in the lives of the people is not in accordance with the goals of the Indonesian state.<sup>4</sup>

The problems of environmental damage that have recently become more frequent must be given serious attention, in order to provide a new perspective in order to prioritize efforts to protect the environment.

Environmental protection and management based on Article 1 number (2) of Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) is a systematic and integrated effort carried out to preserve environmental functions and prevent environmental pollution and/or damage which includes planning, utilization, control, maintenance, supervision and law enforcement.<sup>5</sup>

Environmental impact control is an effort to carry out supervisory actions on an activity carried out by each person, especially companies that have a major impact on the environment. In this case, environmental impact is defined as the influence of changes in the environment caused by a business and/or activity.<sup>6</sup>

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<sup>1</sup>Sadino, 2017, Managing Forests with a Criminal Law Approach: A Normative Legal Study (Case Study of Central Kalimantan Province), Forestry Law and Policy Consultation Bureau BKH-2K, Jakarta, p.9

<sup>2</sup>Muchsan, 2006, State Administrative Law and Administrative Justice in Indonesia, Liberty, Jakarta, p. 9

<sup>3</sup>Sulistiyawan Doni Ardiyanto, Eko Soponyono, and Achmad Sulchan, 2020, Judgment Considerations Policy in Decree of the Court Criminal Statement Based on Criminal Destination, Jurnal Daulat Hukum, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8409/4067>

<sup>4</sup>Isyadora Islami Salma, Rakhmat Bowo Suharto and Widayati, 2020, Sociological Juridical Review Of Children Appointment Through The Determination Of Judges In The Religious Court Of Semarang, Jurnal Daulat Hukum, Volume 3 No 1, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8406/3926>

<sup>5</sup>Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) Article 1 number (2)

<sup>6</sup>Emil Salim, 2007, Hundreds of Nations Destroy One Earth, Kompas Book, Jakarta, pp. 23- 28

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Environmental protection and management efforts are an obligation for the state, government, and all stakeholders in implementing sustainable development so that the Indonesian environment can remain a source and support for the lives of the Indonesian people and other living creatures. The provisions of Article 1 number (3) of Law Number 32 of 2009 concerning Environmental Protection and Management, stipulate that sustainable development is a conscious and planned effort that combines environmental, social and economic aspects into a development strategy to ensure the integrity of the environment and the safety, ability, welfare, and quality of life of the present and future generations.

Environmental management provides economic, social and cultural benefits and needs to be carried out based on the principles of caution, environmental democracy, decentralization, as well as recognition and appreciation of local wisdom and environmental wisdom, so that the Indonesian environment must be protected and managed properly based on the principles of state responsibility, the principle of sustainability and the principle of justice.

Deforestation, theft of wood (turned into logs) that is done results in very severe forest damage, which is then known as illegal logging. Illegal Logging can be identified with actions or deeds that result in damaging the forest, for that matter regarding forest destruction.

In general, Illegal Logging means activities in the forestry sector or a series of activities that include felling, transportation, processing and buying and selling activities (including export-import) of wood that are illegal or contrary to applicable legal regulations, or actions that can cause forest damage.

With the imposition of criminal sanctions that have been regulated in this law, it is expected to prevent and take firm action against forest destroyers. Imposing sanctions or criminalizing someone who commits a crime is one of the ways used by the government to overcome the existence of criminal acts in society.<sup>7</sup>

In Law 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, there are also regulations governing parties who can be given authority in investigating forestry crime cases. The parties authorized in investigating forestry cases are Forestry Civil Servant Investigators (PPNS). Forestry PPNS in carrying out their duties must be guided by Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, Government Regulation of the Republic of Indonesia Number 43 of 2012 concerning Procedures for Implementing Coordination, Supervision, and Technical Guidance for Special Police, Civil Servant Investigators, and Forms of Self-Security and the Criminal Procedure Code (KUHAP).

Indonesia's forests have a very famous biological wealth. The diversity of plants and animals that live in them is an important potential and should not be ignored. The concept of forest sustainability currently includes broader social, economic, and ecological aspects than just maintaining forest products.<sup>8</sup>In this context, sustainable forest management does not only

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<sup>7</sup>Yohana Anggita, Herry Liyus, Nys Arfa, 2021, "The Role of Prosecutors in Supervising Prisoners Who Receive Conditional Release", PAMPAS: Journal Of Criminal Law, Vol. 2 No. 3, p.2, accessed from <https://onlinejournal.unja.ac.id/Pampas/article/view/16326/13093>

<sup>8</sup>Narlita, I, 2021. Analysis of Illegal Logging Law Enforcement in Criminal Law, Kertha Semaya Journal, vol. 9, no. 11, pp. 2062-2071.

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focus on the production of wood and forest products, but also aims to improve community welfare, improve environmental quality, prevent environmental damage, and rehabilitate the environment that has been damaged by both internal and external factors.

In the Rambang Police Resort area, a criminal act of illegal logging occurred as referred to in Article 12 letter b Jo. Article 82 paragraph (1) letter b, Law of the Republic of Indonesia Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction Jo. Article 55 paragraph (1) ke-1e of the Criminal Code, or at least at another time in 2021 within the jurisdiction of the Rembang District Court.

By way of the suspect US, Initially on Saturday, January 16, 2021 at around 04.30 WIB when suspect AS was in his house, suspect AS heard the sound of someone walking past his house then suspect AS went out of the house to see who was passing by, at that time suspect AS saw brother T (DPO), brother R, brother S (DPO), brother U (DPO), brother U (DPO) walking together, then suspect AS joined the group carrying a sharp weapon of the "AXE" type, at that time suspect AS knew that the group was going to the forest to cut down or steal trees in the forest.

Some communities around the forest in Rembang may have livelihoods that depend on logging for household needs, such as making furniture or fuel. When access to forest resources becomes limited or restricted, they may be forced to engage in illegal logging to meet their needs or to earn income. Illegal logging can provide quick economic benefits for some people, even though it is illegal. This quick profit can be an incentive for people to engage in illegal logging, especially if they are facing economic hardship. Illegal logging can have environmental impacts, such as forest degradation, climate change, and soil erosion. In addition, this activity can also have social impacts, such as conflicts between communities and the government or forestry companies.

Nowadays, Illegal Logging activities are running more openly, transparently and many parties are involved and gain benefits from the activity of wood theft, the mode that is usually done is by involving many parties and systematically and organized. In general, those who play a role are laborers/loggers, financiers, bosses, transportation providers and business security (often as business security are from bureaucracy, government officials, police, TNI).

Currently, there has been a lot of environmental damage and environmental pollution due to excessive use of natural resources by humans, which has had a negative impact on humans themselves. Environmental damage such as erosion, floods, landslides, and forest fires have caused communities around the forest to receive the impact of environmental damage itself caused by human actions. Many communities damage the environment by means of illegal logging because of several daily needs that continue to increase so that communities often utilize forest wealth as their daily needs. They are forced to excessively utilize existing resources for their survival. The closest target for obtaining food is the forest. Of course, the efforts they make are to exploit the surrounding environment, especially forest areas.<sup>9</sup>

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<sup>9</sup><https://www.kompasiana.com/muhammadsyukri/550e472e813311b62cbc62ad/kemiskinanpenyebab-kerusakan-lingkungan-hidup>. Accessed on May 3, 2025 at 22.12 WIB

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The provisions of criminal acts as regulated in Article 12 with Law Number 18 of 2013 are prohibiting everyone from:

- a. Cutting down trees in forest areas that do not comply with forest utilization permits;
- b. Cutting down trees in a forest area without a permit issued by an authorized official;
- c. Illegal cutting down of trees in forest areas;
- d. Loading, unloading, removing, transporting, controlling, or possessing the results of logging in forest areas without a permit;

This is to replace the state's losses, so every perpetrator of the crime of Illegal Logging, the goods intended for the crime will be confiscated for the state because in most cases of Illegal Logging crimes, the suspect cannot return the losses experienced by the state, related to the amount of material listed in Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, this regulates the material fines that must be paid by the suspects of the crime of Illegal Logging.

Based on the background of the problem that has been stated above, the author is interested in conducting research with the title Implementation of the Investigation Process Against Perpetrators of Illegal Logging Crimes in the Rembang Police Resort Area.

## **2. Research Methods**

In this research, the type of research is conducted in a sociological legal manner, namely examining the applicable legal norms and relating them to the facts found in the research of legal problems that will be conducted in a sociological manner (sociolegal research).<sup>10</sup> Then connect the reality that exists in society with the problems found directly in the field. The research specifications in this study are descriptive analytical, namely describing the applicable laws and regulations in relation to legal theories and the practice of implementing positive law concerning the problems raised in this study.<sup>11</sup> namely the implementation of the investigation process against perpetrators of illegal logging crimes.

## **3. Results and Discussion**

### **3.1. Implementation of the Investigation Process Against Perpetrators of Illegal Logging Crimes in the Rembang Police Resort Area**

Forests are a very important resource not only as a source of wood, but also as a component of the environment.<sup>12</sup> Illegal logging or often referred to as Illegal Logging has a definition explained in Article 1 number 4 of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction which states "Illegal Logging is all activities of utilizing forest wood products illegally which are organized". The Forestry Department

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<sup>10</sup>Amiruddin & Zainal Asikin, 2004, Introduction to Legal Research Methods, Raja Grafindo Persada, Jakarta, p. 133

<sup>11</sup>Ronny Hanitdjo Soemitro, 1900, Methodology of Legal Research and Jurimetrics, Ghalamania Indonesia, Jakarta, p. 97.

<sup>12</sup>Muslich Ashari, Amin Purnawan and Achmad Sulchan, 2019, Criminal Sanctions On Illegal Logging Crime In State Court Of Semarang, Jurnal Daulat Hukum Volume 2 Issue 4, Unissula, p. 463,



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stated that "Illegal Logging is carried out by a well-managed criminal business activity and has strong supporters who physically threaten forestry law enforcement authorities".<sup>13</sup>

The definition of illegal logging comes from a work meeting held by Indonesian Non-Governmental Organizations (NGOs) in 2002, namely Illegal Logging which means forestry operations or activities that have not received permission and are destructive. The forms of illegal logging in forest areas are identified as follows:

1. Tree felling carried out by individuals in forest areas that have been recorded as boundaries or forests that have been legally designated as forest areas. Such actions do not have permission from the authorities or forestry officials, for example, in the granting of a permit to utilize wood or a logging permit, 200 cubic meters are listed, but it turns out that 300 cubic meters of wood are cut. The excess wood of 100 cubic meters is illegal logging.
2. Tree felling permits or wood utilization permits, obtained by legal subjects in forest areas where the process is not in accordance with the designated location. For example, a logging permit is given for 100 cubic meters at a certain forest management unit location. It turns out that it was not carried out at the intended location.

Both forms of illegal logging as stated can be classified as acts of a disparate nature carried out by legal subjects, which in criminal law theory adopts the principle that "the element of intent in every criminal act is usually preceded by the existence of intent followed by real behavioral acts".<sup>14</sup>

Logging is the process of cutting and removing trees from the forest for various purposes, such as building materials, paper products, and furniture. This activity can be done legally with appropriate permits and following sustainable forest management practices, or illegally without permits that cause environmental damage. However, there are legal provisions that regulate the rights and obligations in the use of forest products in the form of wood. Therefore, activities that violate these provisions are considered unlawful activities. In other words, cutting down wood in a forest area that is not legally yours is an illegal act.<sup>15</sup>

The implementation of forest protection and forest management to prevent forest damage from practices such as illegal logging by irresponsible people requires guarding and supervision by authorized officers, in this case the Forestry Police (Polhut) together with the Indonesian National Police. "The ratification of the Forestry Law must be able to be used as a weapon for law enforcement officers to take action against perpetrators of Illegal Logging. Strict and impartial law enforcement as long as it is in accordance with the legal corridor is believed to be able to minimize the practice of illegal logging or Illegal Logging. In addition to the Forestry Police and the Indonesian National Police, community participation is also expected in forest supervision both directly and indirectly. Article 51 paragraph (1) of the Forestry Law stipulates that "To ensure the implementation of forest protection, certain forestry officials according to the nature of their work are given special police authority.

Rembang Resort Police conducts investigation management is an investigation activity and investigation is distinguished as an action to seek and find the truth in a crime. The earliest

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<sup>13</sup>FI/GWT. 2001, Portrait of the State of Indonesia's Forests, Bogor: Forest Watch Indonesia and Washington DC: Global Forest Watch.

<sup>14</sup>Supriadi. 2010. Forestry Law and Plantation Law in Indonesia, Sinar Grafika. Jakarta

<sup>15</sup>Dian Arianto Et.All. (nd). Legal Analysis of Illegal Logging. Dimension Journal, 10, pp. 161–177.

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stage in resolving a case is an investigation where based on article 1 point 5 of the Criminal Procedure Code, an investigation is defined as follows:

"Investigation is a series of actions or inquiries to search for and discover an event suspected of being a criminal act in order to determine whether or not an investigation can be carried out according to the methods regulated in this Law."

Based on this understanding, it can be said that the Rembang Resort Police investigation process carries out investigation management as an effort by investigators or investigators' initiatives in finding events suspected of being criminal acts. This investigation is carried out by investigators, namely by the Indonesian state police as stated in Article 4 of the Criminal Procedure Code. The authority of investigators carried out by the Rembang Resort Police is in the form of investigation management as regulated in Article 5 of the Criminal Procedure Code.

Law enforcement efforts through a case investigation process are essentially an action that is restrictive, restricting a person's basic rights in an effort to restore the disturbed balance between public interests in order to maintain public security and order. Article 6 paragraph (1) of the Criminal Procedure Code states that there are two officials who serve as investigators of forestry crimes, namely Police Investigators and Civil Servant Investigators (PPNS).

#### **Case Analysis :**

Individual intentionally committing a criminal act "Any person who intentionally cuts down trees in a forest area without having a permit issued by an authorized official" which occurred on Saturday, January 16, 2021 at around 07.30 WIB in the State Forest Plot 56 - 1 RPH Bonjor BKPH Ngandang KPH Kebonharjo, Bonjor Village, Sarang District, Rembang Regency, as referred to in the formulation of Article 12 letter b Jo Article 82 Paragraph (1) Letter b of the Republic of Indonesia Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction Jo. Article 55 paragraph (1) ke-1e of the Criminal Code, or at least at another time in 2021 within the jurisdiction of the Rembang District Court.

This action was carried out by the US (Not yet caught), R, S (Not yet caught), U (Not yet caught) and U (Not yet caught) in the manner Initially on Saturday, January 16, 2021 at around 04.30 WIB when the suspect AS was in his house, the suspect AS heard the sound of someone walking past his house then the suspect AS went out of the house to see who was passing by, at that time the suspect AS saw brother T (DPO), brother RI (DPO), brother S (DPO), brother U (DPO), brother U (DPO) walking together, then the suspect AS joined the group carrying a sharp weapon of the "AXE" type, at that time the suspect AS knew that the group was going to the forest to cut down or steal trees in the forest, at around 05.00 WIB the suspect AS and the group arrived at the location of the forest in Ds. Bonjor, Sarang District, Rembang Regency, then they split up to cut down teak trees in the forest, after the teak tree fell or fell, suspect AS cut the teak wood into 1 (one) trunk, then suspect AS tied the wood, then at that time suspect AS heard a gunshot (DOOR) once, where the sound came from, suspect AS did not know, but after hearing the gunshot, suspect AS ran from the location where suspect AS tied the teak wood, and while running, suspect AS met a forestry officer and suspect AS was secured by 4 (four) forestry officers in the forest, suspect AS was asked by the forestry officer and suspect AS admitted to having cut down teak wood, and

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then suspect AS was taken to the Rembang Police to be held accountable for his actions and then handed over to the Rembang Police for further investigation.

For the actions he has committed, the suspect is strongly suspected of violating Article 12 letter b in conjunction with Article 82 Paragraph (1) Letter b of the Republic of Indonesia Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction in conjunction with Article 55 paragraph (1) 1e of the Criminal Code.

### **Legal Analysis:**

Based on the analysis of the case above, it is strongly suspected that the actions of suspect AS have violated Article 12 letter b in conjunction with Article 82 Paragraph (1) Letter b of the Republic of Indonesia Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction in conjunction with Article 55 paragraph (1) 1e of the Criminal Code, which reads as follows:

#### **Article 12 letter b:**

a. Everyone is prohibited from:

b. carrying out tree felling in a forest area without having a permit issued by an authorized official;

#### **1. Elements of Every Person:**

Legal facts and actions that can be revealed regarding suspect AS, this element is fulfilled based on the following evidence:

The element of each person can be fulfilled based on the evidence of the statements of witnesses and expert witnesses: W, N, S, R and expert witness SG, that from the statements of the witnesses it is known that the perpetrator named AS had cut down teak trees in the area. State Forest Plot 56 - 1 RPH Bonjor BKPH Ngandang KPH Kebonharjo also Bonjor Village, Sarang District, Rembang Regency, who was supported in admitting to having committed the act.

#### **2. Elements of prohibited logging in forest areas:**

Legal facts and actions that can be revealed regarding suspect AS, this element is fulfilled based on the following evidence:

The element of prohibition of felling in forest areas can be fulfilled based on evidence in the form of statements from witnesses and EXPERT witnesses: W, N, S, R and Expert witness SG, that from the statements of the witnesses it is known that the perpetrator named AS, that the suspect had intentionally cut down 1 (one) teak tree and then cut it into 1 (one) trunk in the area. State Forest Plot 56 - 1 RPH Bonjor BKPH Ngandang KPH Kebonharjo also included Bonjor Village, Sarang District, Rembang Regency, who was supported admitted to having committed the act.

#### **3. Elements without a permit issued by an authorized official:**

That the actions of the suspect AS can be revealed based on the following evidence:

The element of felling trees in a forest area that is not in accordance with the forest utilization permit from the evidence of witness statements: W, N, S, R and expert witness SG, that from the statements of the witnesses it is known that the perpetrator named AS,



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the perpetrator in felling the teak tree, did not first ask for permission from the authorized party, in this case the forestry department.

Article 82 paragraph (1) letter b:

*(1) An individual who intentionally:*

*b. carrying 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*

1. Individual elements:

Legal facts and actions that can be revealed regarding suspect AS, this element is fulfilled based on the following evidence:

The element of an individual can be fulfilled based on evidence in the form of statements from witnesses and expert witnesses: W, N, S, R and expert witness SG, that from the statements of the witnesses it is known that the perpetrator named AS had cut down teak trees in the area. State Forest Plot 56 - 1 RPH Bonjor BKPH Ngandang KPH Kebonharjo also Bonjor Village, Sarang District, Rembang Regency, who was supported admitted to having committed the act

2. Elements intentionally:

Legal facts and actions that can be revealed regarding suspect AS, this element is fulfilled based on the following evidence:

The element of intention can be fulfilled based on the evidence of the statements of witnesses and expert witnesses: W, N, S, R and expert witness SG, that from the statements of the witnesses it is known that the perpetrator named AS, that the suspect had intentionally cut down 1 (one) teak tree and then cut it into 1 (one) trunk in the area. State Forest Plot 56 - 1 RPH Bonjor BKPH Ngandang KPH Kebonharjo also included Bonjor Village, Sarang District, Rembang Regency, who is supported admits to having committed the act

That the actions of the suspect AS can be revealed based on the following evidence:

The elements of those who do, who order to do, or participate in the act: can be fulfilled based on evidence from witnesses: W, N, S, R and expert witness SG, that from the statements of the witnesses it is known that the perpetrator named AS that the perpetrator in cutting down teak trees in the State Forest Plot 56-1 RPH Bonjor BKPH Ngandang KPH Kebonharjo on the land of Ds. Bonjor Kec. Sarang Kab. Rembang the perpetrator together with his friends named T (DPO), R (DPO), U (DPO), S (DPO) and U (DPO) by using tools in the form of 6 (six) axes without permission from the authorized official in this case Bonjor RPH, Ngandang BKPH, Kebonharjo KPH who manage, supervise and supervise the forest.

Based on the Case Analysis and Legal Analysis above, the investigator concluded that regarding the suspect, the legal facts and actions that can be revealed regarding the suspect AS, have sufficient evidence and can be strongly suspected as the person who committed the act "Any person who intentionally cuts down trees in a forest area without having a permit issued by an authorized official." as referred to in Article 12 Jo. Article 82 Paragraph (1) Letter b of the Republic of Indonesia Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction Jo. Article 55 paragraph (1) ke-1e of the Criminal Code.

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At the preliminary examination stage where the investigation process is carried out on an event suspected of being a criminal act, this stage has a fairly important role and even determines the next stage of the examination of the entire criminal justice process. The implementation of investigative tasks is handled by investigators or assistant investigators, in accordance with their respective authorities as regulated in Article 7 and Article 11 of the Criminal Procedure Code (KUHP). Within the framework of the criminal justice system, the role of law enforcement officers, especially investigators, is very strategic. Investigators are the main gateway to starting the task of finding material truth because through the investigation process, law enforcement efforts are truly implemented. At this investigation stage, they try on their own initiative to find an event suspected of being a criminal act is indeed a criminal act so that it can be processed further. Investigation minutes and report them to investigators for further processing. These investigation minutes will be used by investigators as a basis for the investigation process, especially in determining what actions are needed to find and collect the necessary evidence so that it becomes clear what the criminal act is and who the perpetrators are who will be responsible for the criminal act that occurred (criminal responsibility).<sup>16</sup>

The procedure for investigating illegal logging crimes at the Rembang Police Resort is carried out in accordance with the provisions of the Criminal Procedure Code and the Police Regulation Number 16 of 2019 concerning Criminal Investigation. Meanwhile, the material law used in illegal logging crimes is Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. All illegal logging cases handled by the Rembang Police are based on reports from Perhutani which usually patrols and arrests suspects.<sup>17</sup>

The process of investigating the crime of illegal logging in the Rembang Police Resort area is carried out based on the provisions of the Criminal Procedure Code and the Police Chief Regulation Number: coercion, examination, determination of suspects, filing, submission of case files, submission of suspects and evidence, termination of investigation.

The process of investigating the crime of Illegal Logging begins with the collection of evidence, including searches, arrests, and witness examinations. Investigators then conduct further investigations to determine whether there is sufficient evidence to accuse someone of committing a crime. Once investigators conclude that there is sufficient evidence, the case will be handed over to the prosecutor for prosecution.

#### Investigation Stages:

1. Report/Complaint: Investigation begins with a report or complaint from the public or findings by officers.
2. Investigation Order Letter (Sprintdik): The Head of the KSDA Office (if related to a forestry agency) issues a Sprintdik after receiving a report of the incident.
3. Evidence Collection: Investigators carry out various actions such as searches, arrests, and witness examinations.

#### Actions During Investigation:

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<sup>16</sup><http://jdih.jatimprov.go.id>. Legal basis for the authority of civil servants in conducting investigations, accessed on May 25, 2025, at 13.40 WIB

<sup>17</sup>Results of the interview with AiptuM. Ansori, SH, as Assistant Investigator at the Rembang Police Resort, on May 26, 2025, at 14.10 WIB

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1. Arrest: An arrest is made against a person who is strongly suspected of committing a crime based on sufficient preliminary evidence.

2. Search: A search is conducted to search for and secure evidence.

3. Witness Examination: Witnesses are examined to provide information about the case.

The government's commitment and seriousness to eradicate illegal logging is realized by issuing several laws and regulations which serve as the legal basis for eradicating illegal logging.

1. Law No. 41 of 1999 concerning Forestry

a. Article 50 paragraph (3) letter e reads: "Everyone is prohibited from: cutting down trees or harvesting or collecting forest products in the forest without having the rights or permission from an authorized official.

b. Article 50 paragraph (3) letter f reads: "Every person is prohibited from: receiving, buying or selling, receiving exchange, accepting deposits, storing, or possessing forest products that are known or reasonably suspected to have been taken or collected illegally from forest areas.

c. Article 50 paragraph (3) letter h reads: "Everyone is prohibited from: transporting, controlling or possessing forest products that are not accompanied by a certificate of legality of forest products (SKSHH).

In this Government Regulation, the government's efforts to prevent illegal logging are even clearer.

a. Article 12 paragraph (1) reads: "Any person who transports, controls or owns forest products must provide a certificate of legality of the forest products.

b. Article 12 paragraph (2) reads: "Included in the definition of forest products that are not accompanied by a certificate of legality of forest products are:

1) Deleted.

2) If the physical condition, type, quantity or volume of forest products transported, controlled or owned in part or in whole, is not the same as the contents stated in the certificate of legality of forest products.

3) At the same time and place it was not accompanied by the following valid documents.

The legal basis used by investigators at the Rembang Police Resort in the process of proving illegal logging cases is Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. The process of proving illegal logging crimes is based on the wood brought by the perpetrators who were initially asked about the documents and origin of the wood. However, the perpetrators were unable to show supporting documents, so it is suspected that the wood was obtained from the forest area.<sup>18</sup>

The implementation of the investigation process of perpetrators of Illegal Logging crimes in the Rembang Police Resort area involves various stages, starting from reports or complaints to arrests and trials. This process must be carried out professionally and in accordance with

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<sup>18</sup>Results of the interview with AKP Bambang Sugito, S.Sos.,MH, as an Investigator at the Rembang Police on May 26, 2025 at 13.45 WIB

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the law, including examination of evidence, examination of witnesses, and preparation of case files.

Investigation Stages:

1. Handling of Reports/Complaints:

Investigators receive reports or complaints related to alleged illegal logging. These reports can come from the community, related institutions, or the results of forestry patrols.

2. Preliminary Investigation:

Investigators conduct initial investigations to determine whether a crime has occurred and identify the perpetrator.

3. Arrest:

If there is sufficient evidence, investigators will arrest the perpetrators of illegal logging.

4. Inspection:

The perpetrators and witnesses were questioned to obtain additional information and evidence.

5. Securing Evidence:

Evidence related to illegal logging, such as felled wood, tools, and documents, was secured.

The prosecutor charges the perpetrator in court and the judge issues a verdict.

Purpose of Investigation:

1. Preventing Criminal Acts: The investigation process is expected to prevent Illegal Logging in the future.

2. Restoring Balance: Investigations aim to restore balance between the environment and the public interest.

3. Enforcing the Law: Investigations are an effort to enforce the law and impose sanctions on perpetrators of illegal logging.

The implementation of the investigation process for perpetrators of illegal logging crimes can be analyzed using the theory of the rule of law. taking into account aspects such as legal certainty, human rights, and the principles of fair trial. Investigations must follow applicable legal procedures, guarantee the rights of the suspect, and uphold the principle of equality before the law.

1. Legal Certainty:

a. The investigation process must be based on applicable laws and regulations, such as the Criminal Procedure Code and the Forestry Law.

b. Investigators' actions must have a clear and valid legal basis, so that there is no room for arbitrary action.

2. Human Rights:

a. Illegal Logging suspects have the right to be treated in accordance with the law, including the right to a lawyer, the right not to be forced to provide information, and the right to a fair trial.

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b. Investigators must respect the rights of suspects and must not take actions that violate human rights.

3. Principles of Fair Trial:

a. The investigation process must be transparent and accessible to the public.

b. The accused must have a fair opportunity to defend himself and prove his innocence.

4. Implementation in Investigation:

a. Investigators must collect sufficient evidence to prove the involvement of illegal logging perpetrators.

b. Investigators must examine witnesses and conduct a crime scene investigation (TKP).

By applying the principles of the rule of law according to Stahl in the investigation process, the investigation of Illegal Logging can be more effective and efficient in enforcing the law, protecting the rights of citizens, and preventing similar crimes from occurring in the future.

### **3.2. Obstacles and Solutions in the Implementation of the Investigation Process Against Perpetrators of Illegal Logging Crimes in the Rembang Police Resort Area**

Maintenance and security of forest areas is not only the responsibility of the government through law enforcement officers but is the responsibility of all components of the nation, especially the Forestry Service Apparatus and the community living in the forest area. If there is a forestry crime, especially illegal logging, then the investigator is the Forestry Service apparatus who must coordinate with the police.

Lack of public awareness of the importance of protecting forests has resulted in rampant illegal logging which has adverse impacts on ecosystems, health, and natural disasters such as floods and landslides that will have an impact on the community. No exception in the Pati Besar Forest Management Area (KPLH) area, illegal logging has also been rampant, especially in teak forests that have occurred in recent years.

Based on an interview with Mr. Sugiyono as Asper Forest Product Examiner Level I (one) / Middle Examiner at KPH Kebonharjo explained that the system and procedure as well as permits for felling / utilization of teak wood from the forest are after obtaining a permit for approval of felling from the Administrator (ADM) which is stated in the SPK felling for the plots and their area. The system and procedure as well as permits for felling / utilization of village teak wood or community teak wood are that the owner can directly cut it down but for transportation must report to the local Village Head to get information and attached with the owner's land certificate.<sup>19</sup>

The procedure for transporting or purchasing or storing teak wood from the forest must have an SPK cut by the foreman of the incoming felling DK 316 there is a plot hammer, Take a DKB truck (Round Wood List) and store it at the TPK and then tested by the examiner with a tester's hammer, and entered in the DKB entry after that it is propaled at the LHK after that the tax is paid then made into a plot and sold through an auction after being purchased then issued a SKSHH (Legal Certificate of Forest Products) there is a road hammer by the head of the TPK, and attached with a DKHP (List of wood from production forests) signed by

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<sup>19</sup>Results of an interview with Mr. Sugiyono as Assistant Forest Product Examiner Level I (one)/ Middle Examiner at KPH Kebonharjo, Rembang Regency, on May 26, 2025, at 13.33 WIB



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the issuing official (who has a GANIS Card (technical personnel/SIM (testing permit) which is authorized by BP2HP region 8 (eight) Bali.

KPH (Forest Management Unit) Kebonharjo, like other KPHs in Indonesia, has an important role in handling the crime of Illegal Logging. Illegal logging, which includes cutting down trees in protected areas, conservation areas, and without permission in production forests, is a serious forestry crime.

The Role of KPH Kebonharjo in Handling Illegal Logging:

1. Law Enforcement: KPH Kebonharjo enforces the law against perpetrators of illegal logging, including making arrests and investigations.
2. Patrols and Monitoring: Routine patrols are conducted in forest areas to prevent and detect illegal logging activities.
3. Cooperation with Other Agencies: KPH Kebonharjo coordinates with related agencies such as the police and forestry service to combat illegal logging.
4. Socialization and Education: Counseling to communities around the forest about the dangers of illegal logging and the importance of preserving the forest.

Provision of Facilities and Infrastructure: KPH Kebonharjo provides adequate facilities and infrastructure to combat illegal logging, such as patrol equipment and fishing equipment.

The police in handling a case until the determination of a suspect, is carried out in accordance with the applicable legal corridor. The police carry out a series of actions to determine an event that is suspected of being a criminal act (investigation), which is then continued by searching for and collecting evidence to clarify the occurrence of the crime (investigation). The police must obtain strong evidence to bring the suspect to court, while still upholding the principle of the presumption of innocence.<sup>20</sup>

In law enforcement in the forestry sector, there are three aspects that cannot be separated from each other as part of the legal system, namely (1) the substance of the law regulated and stated in Law Number 41 of 1999 and its implementing regulations and other laws and regulations related to forestry law; (2) legal structure, namely law enforcement officers, starting from investigators, public prosecutors, and judges (including ad hoc judges), and legal advisors. Have law enforcers worked properly according to their respective duties and authorities and coordinated well as part of an integrated criminal justice system, and (3) legal culture, namely related to the role of society, both individuals, social groups, community organizations, NGOs, and universities in law enforcement in the forestry sector.

In Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction, there are three types of criminal sanctions regulated, namely imprisonment, fines, and confiscation of objects used in committing criminal acts. In this case, one of the criminal sanctions applied is material punishment or fines.

*Illegal logging* increasingly in Indonesia, not only carried out by the community but also by irresponsible entrepreneurs in forest management. Unwise forest exploitation practices for economic gain will have a negative impact on forest functions and the lives of living things.

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<sup>20</sup>Dwi Agus Istiyono, 2020, Illegal Logging Criminal Investigation Process, Law Development Journal ISSN: 2747-2604 Volume 2 Issue 3, Unissula, p. 427

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Illegal logging is the act of cutting down trees in the forest without permission and violating applicable laws, threatening the main function of the forest. Illegal logging can cause disasters such as floods, landslides, and erosion. Indonesia has laws and regulations that regulate sanctions and prohibitions against illegal loggers, such as Forestry Law Number 41 of 1999 and Law on Prevention and Eradication of Forest Destruction Number 18 of 2013.

Although the rules have regulated the prohibition and sanctions against illegal logging perpetrators, there are still many individuals who continue to violate by carrying out illegal logging. Illegal logging is a violation of the preservation of forest functions, because it violates the prohibitions that have been set and carries out arbitrary actions without complying with existing regulations.

No less important is the cost of handling the case in a sufficient amount, you can imagine if the scene of the crime is in the middle of the forest, then in the investigation process, the investigation requires helicopter transportation, not to mention if the perpetrators flee abroad, the search for evidence and so on. Law enforcement officers who handle it need to think about giving a reward of what percentage of the state money has been saved and promotion. Rewards and promotions are intended to avoid the temptation of bribes from the tycoons or illegal logging perpetrators.<sup>21</sup>

The community factor plays a very important role in uncovering illegal logging crimes in the Rembang Regency area, especially in helping the police find the perpetrators and informing them where the perpetrators have run off to, however, in the community they are very much guided by the family system, namely hiding the perpetrators' tracks, so this makes it difficult for the Rembang Resort Police to find them.

Illegal logging activities without regard to forest management principles to ensure the sustainability of forest resources have caused various negative impacts in various aspects, forest resources that have been destroyed during the New Order era, are increasingly damaged due to the rampant illegal logging in very large quantities. Losses due to illegal logging have broad dimensions not only to economic problems, but also to social, cultural, political and environmental problems.

From an economic perspective, illegal logging activities have reduced the country's foreign exchange earnings and state revenues. Various sources state that state losses caused by illegal logging reach Rp. 30 trillion per year. The economic problems that arise due to illegal logging are not only financial losses due to the loss of trees, but will have a wider impact on the economy, such as the loss of opportunities to utilize product diversity in the future (opportunity cost).

Obstacles in the implementation of the investigation process of perpetrators of illegal logging in the Rembang Police Resort area include the availability of data and evidence, coordination between agencies, and suboptimal law enforcement. The solution includes improving data quality, harmonization of regulations, increasing the capacity of law enforcement officers, and community involvement in efforts to prevent and eradicate forest destruction.

Obstacle:

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<sup>21</sup><https://antikorupsi.org/id/article/problematik-penanganan-illegal-logging>

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1. Availability of Data and Evidence:

Forest destruction is often carried out in secret, making it difficult to obtain sufficient evidence and data to prove the crime.

2. Inter-Agency Coordination:

Investigations into forest destruction cases involve many agencies, such as the police, the prosecutor's office, and the Ministry of Environment and Forestry, so that suboptimal coordination between agencies can be an obstacle.

3. Suboptimal Law Enforcement:

Suboptimal law enforcement, both in terms of human resources and regulations, can cause perpetrators of forest destruction crimes to escape legal sanctions.

4. Community Involvement:

Lack of active community involvement in providing information and supporting law enforcement, as well as the strong economic influence of illegal logging perpetrators.

Solution:

1. Data Quality Improvement:

Improving data quality through the use of information technology, such as digital mapping and satellite monitoring, can help in identifying and collecting evidence of forest destruction.

2. Harmonization of Regulations:

Harmonization of regulations, especially between the Forestry Law and the P3H Law, can clarify the scope of criminal acts of forest destruction and facilitate the investigation process.

3. Capacity Building of Law Enforcement Officers:

Increasing the capacity of law enforcement officers, especially in terms of investigative skills and handling of forest destruction cases, can improve the quality of investigations and prosecutions.

4. Community Involvement:

Community involvement in efforts to prevent and eradicate forest destruction, for example through environmental monitoring activities and reporting suspected criminal acts, can help increase the effectiveness of law enforcement.

**Obstacles and solutions in implementing the process of investigating perpetrators of illegal logging crimes are analyzed using the Legal System Theory.** Friedman explains that the legal system functions to regulate and control people's behavior. In the context of illegal logging, Friedman will identify that a weak legal system can be an obstacle to law enforcement and cause illegal logging to continue. A strong, transparent, and effective legal system, which is able to prevent corruption and ensure legal certainty, is the key to overcoming the problem of illegal logging.

Thus, handling illegal logging requires integrated and sustainable efforts, both in terms of law enforcement, legal system reform, increasing resource capacity, and community roles.

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Friedman's Legal System Theory provides a comprehensive framework for understanding and addressing the problem of illegal logging.

#### 4. Conclusion

From the explanation above, it can be concluded: 1. The implementation of the investigation process for perpetrators of illegal logging in the jurisdiction of the Rembang Police Resort involves various stages regulated in criminal procedure law. Investigators, who are generally members of the Police, will conduct an initial investigation based on reports, complaints, or arrests caught red-handed. The investigation process then involves examining witnesses, suspects, securing evidence, and compiling case files to be submitted to the prosecutor. 2. Obstacles in the implementation of the investigation process of perpetrators of illegal logging in the Rembang Police Resort area include the availability of data and evidence, coordination between agencies, and suboptimal law enforcement. The solution includes improving data quality, harmonization of regulations, increasing the capacity of law enforcement officers, and community involvement in efforts to prevent and eradicate forest destruction.

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