



## THE IMPLEMENTATION OF CRIMINAL LAW IN ADDRESSING THE ISSUE OF ILLEGAL LOGGING IN INDONESIA

M.ferdiansyah S

<sup>1</sup> Faculty of Law, Universitas Jambi, Indonesia. E-mail: [ferdyansh11@gmail.com](mailto:ferdyansh11@gmail.com)

**Abstract:** Illegal logging is a significant environmental crime that severely threatens the sustainability of forests and ecosystems in Indonesia. This illegal activity leads to extensive environmental degradation and increases the risk of natural disasters, including floods and landslides, which can have devastating impacts on local communities. The Indonesian legal framework addresses illegal logging through various regulations, notably Law No. 41 of 1999 on Forestry and the Criminal Code (KUHP). These laws aim to penalize offenders and deter further illegal activities. However, the enforcement of these laws remains problematic due to several challenges. Law enforcement agencies often struggle with limited resources, corruption, and a lack of training, which hinders effective prosecution. Additionally, socio-economic factors, such as poverty and the demand for timber, contribute to the persistence of illegal logging practices. This article seeks to provide a comprehensive juridical analysis of how the Indonesian criminal law system approaches the issue of illegal logging and the effectiveness of its sanctions against offenders.

**Keywords:** Criminal Law; Illegal Logging; Law Enforcement

### 1. Introduction

Although Indonesia has many beautiful forests, illegal logging is one of the significant problems it faces. This criminal offense harms the ecosystem and endangers the lives of people who depend on forest resources. In such a situation, law enforcement is crucial to combating illegal logging and protecting Indonesia's environment. Studies show that weak monitoring, law enforcement, and corruption at various levels of government are the main causes of illegal logging. Several studies have shown that this unlawful practice still operates with various sophisticated modus operandi despite regulations. For example, research shows that the lack of clarity on government authority and synchronization between law enforcement agencies are significant obstacles in dealing with illegal logging cases.<sup>1</sup>

In contrast, Indonesian criminal regulations provide the basis for addressing these offenses. For example, Law No. 41/1999 on Forestry stipulates sanctions for those who commit illegal logging. However, many things hinder the implementation of this law, such as the shortage of trained human resources and the limitations of valid evidence in legal proceedings.<sup>2</sup> Therefore, it is essential to analyze the problems and solutions thoroughly. Article 28H (1) of the 1945 Constitution

<sup>1</sup> Wahyu Nugroho, Mas Subagyo, and Eko Prasetyo, "Article ID: IJM\_10\_06\_030 Cite This Article: Wahyu Nugroho and Mas Subagyo Eko Prasetyo, Forest Management and Environmental Law Enforcement Policy against Illegal Logging in Indonesia," *International Journal of Management (IJM)* 10, no. 6 (2019): 317–23.

<sup>2</sup> Ricardo Binsar Roberto RE Manurung et al., "Tinjauan Yuridis Terhadap Tindak Pidana Penebangan Liar (Illegal Logging) Menurut Uu No 41 Tahun 1999," *Jurnal Impresi Indonesia* 1, no. 4 (April 20, 2022): 362–75.



states related to illegal logging law enforcement to ensure the sustainability and protection of forests in Indonesia.

This article will discuss various juridical aspects of the criminal offense of illegal logging, including a review of current regulations and law enforcement challenges. The aim is to provide a clearer picture of how well the criminal law addresses the issue of illegal logging in Indonesia and suggest improvements.

Illegal logging is one type of human rights violation. Economically speaking, illicit logging has resulted in a drop in foreign exchange revenues and state revenue, posing a threat to the deindustrialization of the forestry industry. Article 28H (1) of the 1945 Constitution states, "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, to have a good and healthy environment, and the right to obtain health services." How does the current forest management policy and governance structure work? That is the primary question in this article. Second, how do law enforcement officers handle cases involving illegal logging?

## 2. Research Method

This writing employs normative juridical methods essential for conducting in-depth legal analysis. Normative legal research primarily aims to identify, evaluate, and formulate legal arguments by systematically analyzing the central issues. In this context, the study delves into primary and secondary legal materials, meticulously examining relevant laws and regulations. Additionally, it incorporates a broad range of supplementary literature, including scholarly books, academic journals, and various research findings pertaining to enforcing laws against illegal logging crimes. This comprehensive approach enables a thorough exploration of the complexities surrounding legal frameworks and their implications for environmental sustainability in Indonesia. By integrating these diverse sources of information, the research seeks to provide a clearer understanding of how legal mechanisms can effectively address the challenges posed by illegal logging and contribute to preserving Indonesia's vital forest ecosystems.

## 3. Discussion

"illegal logging" is not explicitly defined under current laws and regulations. Nonetheless, the English language allows the term to be understood literally. The Contemporary English Indonesian Dictionary defines "illegal" as something that is not authorized, forbidden, or against the law. Black's Law Dictionary defines "illegal" as "forbidden by law, unlawful," which means it is not permitted by law or authorized. In English, "log" refers to a log or logs, while "logging" refers to chopping wood and transporting it to a sawmill.<sup>3</sup>

Thus, several logging operations in wood processing plants for export that are not permitted by the appropriate authorities are referred to as illegal logging. They are unlawful when they are regarded as activities that have the potential to harm the forest. Various forestry practices

---

<sup>3</sup> Irwan Triadi and Ji Rs Fatmawati Raya, "Penegakan Hukum Terhadap Tindak Pidana Illegal Logging Bagi Kelestarian Lingkungan Hidup Di Indonesia Arazid Mahasiswa Magister Hukum Universitas Pembangunan Nasional Veteran Jakarta" 1, no. 3 (2024): 264–82.

involving the use and management of forests that are outside the law and have the potential to harm the forest are collectively referred to as illegal logging. Illegal logging, wood transportation, tree cutting, and timber purchases are further examples of such activities.<sup>4</sup>

According to several legal sources, unlawful logging is classified as unusual. Illegal forest destruction is against Law No. 18 of 2013 on Prevention and Eradication of Forest Destruction, which clearly violates Law No. 32 of 2009 on Environmental Protection and Management. Illegal forest logging is classified as a specific criminal offense governed by criminal rules and has its own set of procedural procedures. The exceptional conduct of criminal law, which includes crimes about managing forest products, includes illegal logging. In general, unlawful logging is a criminal offense related to the elements of general criminal crimes mentioned in the Criminal Code.

One of the extraordinary crimes that affects the environment is illegal logging. Law enforcement must meet several requirements to prosecute illicit loggers. These include administrative policy, which deals with the execution of criminal law; judicial policy, which administers the law; and legislative policy, which creates or regulates laws. Illegal logging is unusual since it significantly affects forest ecosystems and environmental harm. Theft, ecological harm, smuggling, and corruption offenses involving illegal loggers and officials are just a few of the crimes resulting from illegal logging. Law enforcement against illicit loggers must be approached carefully because many officials occasionally work with them for their benefit.

### 3. 1 The legal regulations governing illegal logging.

Currently, the state has enacted several national rules, including Law No. 32 of 2009 on Environmental Protection and Management, Law No. 41 of 1999 on Forestry, and Law No. 18 of 2013 on Prevention and Eradication of Forest Destruction. Nevertheless, inadequate forest management practices and systems persist in destroying forests, which can upset the ecosystem's equilibrium.

4 (4) Such sanctions are outlined in Law No. 41/1999 on Forestry and can be imposed on those who commit crimes or illegal activities in the forestry industry. The following are the three categories of penalties outlined in Law No. 41/1999 on Forestry:

- a) Penalties and imprisonment as part of the criminal sanctions outlined in Article 78.
- b) Action Sanctions as outlined in Article 79, paragraph (1), which states that the State will auction off its assets, including forest products and other items, and any findings or spoils from crimes or violations mentioned in Article 78.
- c) Penalties for compensation as outlined in Article 80, paragraph (1): "Every unlawful act regulated in this Law shall, without prejudice to the criminal sanctions provided in Article 78, oblige the person responsible for the act to pay compensation for the cost of rehabilitation, restoration of forest conditions, or other necessary measures, by the level of damage or consequences caused to the State." (Article 80).

---

<sup>4</sup> Pieter Agustinus Mikael Rondo, "Quo Vadis Penegakan Hukum: Kewenangan Pemerintah Terhadap Lingkungan Hidup Dalam Kasus Illegal Logging Di Indonesia," *Jurnal Syntax Transformation* 3, no. 04 (April 26, 2022): 532–37.

- d) Article 80, paragraph (2), regulates administrative sanctions. If the holder of a business permit under this law—whether for the use of an area, environmental services, forest product, or forest product collection—violates any of the provisions other than the criminal ones listed in Article 78, they will face administrative penalties. Examples of administrative punishments include fines, license revocation, activity suspension, and/or area reduction. [Explanation of paragraph (2) of Article 80]<sup>5</sup>

The following behaviors are examples of forestry crimes that fall under the category of offenses in the forestry industry and carry jail sentences:

1. Destroying infrastructure for forest protection. This conduct entails purposefully harming the forest and destroying forest protection systems. Anyone who willfully destroys structures or infrastructure for forest protection and damages the forest faces a maximum prison sentence of 10 years and a fine of up to IDR 5 billion, as stated in Article 78, Paragraph 1 of Law No. 41 of 1999. While offenses that destroy the forest can be enforced on persons, businesses, and legal bodies, offenses that damage forest infrastructure solely apply to individuals.
2. fires in forests. Intentional or careless acts that result in forest fires are considered crimes of forest burning. Intentional forest fires can result in a fine of up to IDR 10 billion and a 15-year prison sentence. In contrast, up to five years in prison and a fine of up to IDR 5 billion may be imposed for negligence that causes a forest fire (Law No. 41 of 1999, Articles 78, Paragraphs 2 and 3).
3. unlawful logging. According to Law No. 41 of 1999, Article 78, Paragraph 3, anyone who harvests, cuts down trees or gathers forest products within a forest without authorization or rights from the appropriate authorities faces a minimum 15-year prison sentence and a fine of IDR 5 billion. Anyone who receives, keeps, or owns forest products known or reasonably suspected to come from unlawfully logged areas is subject to this clause.
4. mining without permission. Open-pit mining, including general exploration, exploration, or exploitation activities, is forbidden in protected forest areas by Law No. 41 of 1999, Article 78, Paragraph (5), read in connection with Article 38, Paragraph (4). Those who possess mining assets without ministerial authorization risk a possible prison sentence of 10 years and a fine of up to IDR 5 billion.
5. Unreported Forest Product Possession. Anyone who willfully transports, handles, or owns forest products without affixing legitimate certificates of origin faces penalties under this clause. According to Law No. 41 of 1999's Article 78, Paragraph 6, in conjunction with Article 50, Paragraph 3, offenders may be subject to a fine of up to IDR 10 billion and a maximum prison term of five years.
6. Livestock grazing. This is a violation of the law when animals are intentionally grazed in forest areas that have not been specifically designated by the appropriate authorities. The maximum offender penalty is three months and a fine of up to IDR 10 million.

---

<sup>5</sup> Wayan Putu and Sucana Aryana, "KEBIJAKAN HUKUM PIDANA DALAM PERLINDUNGAN HUTAN," n.d.

7. Carrying large machinery without authorization. Anyone who purposefully uses heavy machinery or other unusual equipment in the forest without permission from the appropriate authorities because they believe it will be used to transport forest products is guilty of this violation. According to Article 78, Paragraph 8 of Law No. 41 of 1999, offenders risk a maximum prison term of five years and a fine of up to IDR 5 billion.
8. Hazardous Material Disposal. Anyone who willfully discards materials that could start fires, harm the forest, or jeopardize its survival or ability to function is guilty of this violation. According to Article 78, Paragraph 10 of Law No. 41 of 1999, offenders risk a maximum prison term of three months and a fine of up to IDR 1 billion.
9. Transporting protected plants and wildlife. Anyone who willfully collects, transports, or carries protected wildlife and plants without authorization from the appropriate authorities faces a maximum prison sentence of three years and a fine of up to IDR 3 billion, as stated in Article 78, Paragraph (12) of Law No. 41 of 1999.<sup>6</sup>

Forest damage is classified as a criminal offense or forestry crime in the form of forest devastation, which is also environmental destruction, under Law No. 32/2009 on Environmental Protection and Management. According to ecological theory, environmental devastation is any action that directly alters the environment's physical and/or biological characteristics, making it incapable of supporting sustainable development. Additionally, according to Law No. 32 of 2009 on Environmental Protection and Management, Article 1 Point 16, environmental destruction is defined as any individual action that directly or indirectly alters the physical, chemical, or biological characteristics of the environment to the point where it surpasses the accepted standards for environmental damage.

The Criminal Code (KUHP) is an additional source of positive criminal law that can be applied to unlawful logging offenses. Property damage (Articles 406-412 of the Criminal Code), which carries a maximum imprisonment of five years, and theft offenses (Articles 363-365 of the Criminal Code), which carry a maximum imprisonment of five years, are two articles of the Criminal Code that can be applied to illegal logging crimes.

In general, reports or complaints from individuals who have been harmed by a group of people or companies engaging in illegal logging, as well as the findings of investigations into illegal logging activities that may cause financial and environmental losses for local governments, are the first steps taken by law enforcement to combat those who engage in illegal logging. As forest damage persists and even worsens, the police, as a law enforcement body, must take both preventive and repressive measures.<sup>7</sup>

### 3. 2 The Role of Law Enforcement Officials in Handling Illegal Logging Cases

The country's ecological development is seriously threatened by environmental degradation. Indonesia's annual rate of deforestation has risen dramatically, and as a result, forests are becoming smaller in many parts of the nation. Indonesia lost 1.6 million hectares of forest

---

<sup>6</sup> Republic of Indonesia law number 41 of 1999 concerning forestry

<sup>7</sup> Ricky Resky Utama, Mulyati Pawennei, and Sutiawati, "VIFADA ASSUMPTION JURNAL of LAW Efektivitas Penegakan Hukum Terhadap Pelaku Ilegal Logging Oleh Kepolisian Negara Republik Indonesia Daerah Sulawesi Selatan" 2, no. 2 (2024): 40–49.

every year between 1985 and 1997. Between 1997 and 2000, deforestation increased to a record 3.8 million hectares annually due to the acts of a few careless individuals. As a result, Indonesia now has the most significant rate of deforestation worldwide. This scenario, however, is distant from Indonesia's constitutional objectives, which stipulate that the nation should make the most of its forests and their inherent capacities. The goals of the constitution, which strongly emphasize the sustainable management of forests and natural resources, are glaringly at odds with the claim that Indonesia has one of the most excellent deforestation rates in the world. Investing in our natural wealth, especially forest resources, is crucial to sustain the national economy and meet the needs of local communities. It is well recognized that Indonesia's tropical forests provide a variety of advantages and biodiversity that the government safeguards; as a result, effective management is required. There should be no illegal activities like power abuse or improper use of authority.

The Ministry of Forestry, the Ministry of Industry and Trade, the Ministry of Transportation, the Directorate General of Customs and Excise, the Ministry of Finance, the TNI, the Army, Navy, POLRI, the Prosecutor's Office, the courts, and the provincial and district governments are among the organizations and agencies in charge of enforcing the law. To combat illicit logging in sensitive locations, such as the nation's borders, the Ministry of Forestry legally agreed to work with the TNI and POLRI. The cooperation appears less successful because of the limited number of individuals and territories.<sup>8</sup>

Repressive measures aim to prevent timber crime by punishing offenders based on their conduct and reprimanding them so they understand their behavior is wrong. The goal of repressive activities is to combat the crime of wood theft, specifically targeting those who commit offenses that violate the law and cause harm to the community by first apprehending those who are highly suspected of doing them—theft of timber and the ensuing examination of every timber theft case. When an investigation into a timber theft offense is finished, the police are given the case, and it is then tried in court with the harshest penalties possible to prevent those who commit the crime of wood theft from doing it again because the presence of certain witnesses may have a deterring impact.<sup>9</sup>

Each part of the political superstructure and political infrastructure is responsible for creating natural resource sector regulations that can be used by law enforcement to achieve sustainable development. This means that the ruling and supporting groups must have the same vision: to realize the Unitary State of the Republic of Indonesia (NKRI). This should be measured in every decision made by the government in the context of the life of the nation and state and should be by the values of the state objectives listed in the fourth paragraph of

---

<sup>8</sup> Erla Sari Dekiawati, "Law Enforcement of Illegal Logging in Indonesia: Problems and Challenges in Present and the Future," *Indonesian Journal of Environmental Law and Sustainable Development* 1, no. 1 (January 31, 2022): 47–68.

<sup>9</sup> Muhammad Nuzul et al., "Comparative Study of Post-Marriage Nationality Of Women in Legal Systems of Different Countries International Journal of Multicultural and Multireligious Understanding The Role of Forest Police in Tackling Illegal Logging Crimes," n.d.

the preamble of the 1945 Constitution, namely the internal and external objectives of the state, which ultimately reflect being based on Pancasila and the 1945 Constitution.<sup>10</sup>

#### 4. Conclusion

In Indonesia, illegal logging is a crime against the environment that seriously damages social, economic, and ecological elements. A solid legal basis for efforts to prevent and address this crime is provided by laws governing illegal logging, such as Law No. 41 of 1999 on Forestry, Law No. 32 of 2009 on Environmental Protection and Management, and Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction. Nonetheless, law enforcement still faces several issues, such as a lack of resources, cooperation between agencies, and persistent corruption at all governmental levels.

The deterrent effect of criminal law enforcement against those who engage in unlawful logging has not been entirely successful. This is caused by several things, such as the inability of law enforcement to enforce the law, the lack of compelling evidence in court, and socioeconomic issues like poverty that encourage local populations to engage in illicit logging. Therefore, strengthening coordination across pertinent authorities, fighting corruption, and enhancing the capacity of law enforcement agents are all crucial to increasing the efficacy of law enforcement. Illegal logging is an extraordinary crime that requires a thorough and coordinated approach from administrative, judicial, and legislative authorities. More concerted efforts are also required to involve the community in forest protection and enhance responsible parties' control of forest management operations. As a result, illicit logging is envisaged to decrease, and Indonesian forests and ecosystems will remain sustainable.

#### References

- Agustinus Mikael Rondo, Pieter. "Quo Vadis Penegakan Hukum: Kewenangan Pemerintah Terhadap Lingkungan Hidup Dalam Kasus Illegal Logging Di Indonesia." *Jurnal Syntax Transformation* 3, no. 04 (April 26, 2022): 532–37. <https://doi.org/10.46799/jst.v3i4.545>.
- Binsar Roberto RE Manurung, Ricardo, Barisan Tambunan, Dewi Kurnia Situmorang, Ronal Tambunan, and Mesias Jusly Penus Sagala. "Tinjauan Yuridis Terhadap Tindak Pidana Penebangan Liar (Illegal Logging) Menurut Uu No 41 Tahun 1999." *Jurnal Impresi Indonesia* 1, no. 4 (April 20, 2022): 362–75. <https://doi.org/10.36418/jii.v1i4.51>.
- Dekiwati, Erla Sari. "Law Enforcement of Illegal Logging in Indonesia: Problems and Challenges in Present and the Future." *Indonesian Journal of Environmental Law and Sustainable Development* 1, no. 1 (January 31, 2022): 47–68. <https://doi.org/10.15294/ijel.v1i1.56777>.
- Nugroho, Wahyu, Mas Subagyo, and Eko Prasetyo. "Article ID: IJM\_10\_06\_030 Cite This Article: Wahyu Nugroho and Mas Subagyo Eko Prasetyo, Forest Management and Environmental Law Enforcement Policy against Illegal Logging in Indonesia." *International Journal of Management (IJM)* 10, no. 6 (2019): 317–23.
- Nuzul, Muhammad, Setiawan ; Didiek, R Mawardi, and Irawan Suprpto. "Comparative Study of Post-Marriage Nationality Of Women in Legal Systems of Different Countries

---

<sup>10</sup> Elita Rahmi, Rustian Mushawirya, and Eko Nuriyatman, "Prospektif Omnibus Law Bidang Sumber Daya Alam Omnibus Law Prospective on Natural Resources," *Bina Hukum Lingkungan* 5, no. 2 (2021): 304–18.

International Journal of Multicultural and Multireligious Understanding The Role of Forest Police in Tackling Illegal Logging Crimes,” n.d. <https://doi.org/10.18415/ijmmu.v11i1.5621>.

Putu, Wayan, and Sucana Aryana. “KEBIJAKAN HUKUM PIDANA DALAM PERLINDUNGAN HUTAN,” n.d. <https://wri-indonesia.org/id/blog/kerusakan->.

Rahmi, Elita, Rustian Mushawirya, and Eko Nuriyatman. “Prospektif Omnibus Law Bidang Sumber Daya Alam Omnibus Law Prospective on Natural Resources.” *Bina Hukum Lingkungan* 5, no. 2 (2021): 304–18.

Resky Utama, Ricky, Mulyati Pawennei, and Sutiawati. “VIFADA ASSUMPTION JURNAL of LAW Efektivitas Penegakan Hukum Terhadap Pelaku Illegal Logging Oleh Kepolisian Negara Republik Indonesia Daerah Sulawesi Selatan” 2, no. 2 (2024): 40–49.

Republic of Indonesia law number 41 of 1999 concerning forestry

Triadi, Irwan, and Ji Rs Fatmawati Raya. “Penegakan Hukum Terhadap Tindak Pidana Illegal Logging Bagi Kelestarian Lingkungan Hidup Di Indonesia Arazid Mahasiswa Magister Hukum Universitas Pembangunan Nasional Veteran Jakarta” 1, no. 3 (2024): 264–82. <https://doi.org/10.62383/amandemen.v1i3.2301>.