

Analysis Legal Implementation Sanctions Criminal in Illegal Logging Cases in Villages Pematang Serai

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Abstract

Study This aiming for analyze implementation sanctions criminal in illegal logging cases in the village Serai Bund from perspective juridical. Illegal logging is one of the crime adverse environment in a way economic, social, and ecological. Although has set up in regulation legislation, illegal logging practices still occur Keep going occurred, including in the Village Pematang Serai. Research This use method legal normative with approach legislation and approaches case. Data obtained from studies bibliography and interviews with party related. Research results show that implementation sanctions criminal in illegal logging cases in the village Pematang Serai is not yet optimal. There are a number of obstacles, such as weakness enforcement law, lack of awareness society, and the lack of effort prevention. Research This recommend the need improvement enforcement law, socialization to society, and cooperation between government, law enforcement law and society in prevent and handle illegal logging cases.

Keywords: *Illegal Logging*, Sanctions Criminal, Law Enforcement, Village Pematang Serai.

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Introduction

Management source Power natural is matter crucial for development sustainability and well-being society. In Indonesia, especially in the regions rural, community village often become actor main in management source Power natural local, such as forests, rivers, and land. However, the challenges faced by the community village in manage source Power natural can't ignore. Limited knowledge, skills and access to modern technology can influence effectiveness and sustainability effort management source Power nature at the level local. Village Community Kwala Fragile is groups living in rural areas who are highly dependent on natural resources Power nature, such as forests, rivers, and agriculture. However, often they own limitations in the necessary understanding and skills for manage source Power Natural This in a way sustainable. This is can result in exploitation overuse and degradation source Power nature, which can endanger sustainability environment and eyes livelihood they. Management source Power sustainable nature is key for guard sustainability environment and improve welfare society. In context Village Kwala Fragile, source Power natural like forests, rivers and land agriculture is asset important to support life them. Therefore, that's important for give appropriate training and development so that they can manage source Power This with wise.

One of approaches adopted by governments and non - governmental organizations is give training and development to public village. Training is a the method used For do development source Power related human beings with ability or skills employee or employees who have occupy a position or work certain in a company or organization (Apriliana & Nawangsari, 2021). Training This aiming for increase knowledge and skills public in management source Power nature, and equip they with skills new and methods best relevant with condition local. Training intended for complete skills in do work, and capable use equipment Work with right. However, even though effort training has done, not yet Lots research that is comprehensive analyze impact from training and development them to improvement capability public village in management source Power nature.

Improvement capability public is one of the factor key in reach management source Power sustainable nature. Training and development can become means effective for increase knowledge, skills and awareness public to importance management source Power natural in a way sustainable. Man is component important in organization that will move and do activity for reach Goal. Success an organization determined from the quality of the people in it, then the need for development self for increase its capabilities in utilize source power. According to Yunus in (Paul, 2020) that development capacity is a efforts made For repair or increase quality of human resources in an organization . Development or development man relate close with improvement ability intellectual required for carry out more work good. Development of resources Power man based on facts that every power Work need more knowledge, expertise and skills good. Development self-help the citizens for prepare self in face change work or profession that is caused oh by the existence of technology new or product market new.

Regency Langkat, in particular Village Kwala Fragile, is one of the areas that have potential source Power abundant nature. Most of the people in the village earning as farmers and fishermen. Village Community Kwala Fragile own tradition down hereditary in manage source Power nature, such as manage palm into brown sugar, processing leaf the thorns become chips, shrimp kecepe, and shrimp paste but they also face various constraint in face change environment and development economy. Therefore that, study case in the village Kwala Fragile This become relevant For identify whether training and development has impact significant on capability public village in management source Power nature.

With background behind said, research This expected can give better understanding Good about impact training and development to improvement capability public village in management source Power nature. Research results This can used as base for designing more training programs effective and sustainable for public village in guard sustainability source Power nature and improve welfare they.

Research Methods

Type study This nature normative juridical, namely describe examine and explain as well as analyze normative provisions are linked with Contents research. Research conducted aiming For researching the rules contained in object ongoing study investigated without to put aside the existing facts (Soekanto, 2012). Method the approach taken is approach normative juridical where approach to problem done with to study from various aspect law. approach This used with see regulation legislation related with object study research. Research location done in the Village Pematang Serai, Tanjung Pura District, Regency The Land of the Rising Sun North Sumatra Province, Indonesia. The data collection technique that will be used used in study This is study field research, conducted with method visit direct to object research. Legal materials obtained both primary data and secondary data will have processed and analyzed in a way qualitative with merge approach Laws (statute *approach*) and approaches case approach and presented in a way descriptive with to describe, to explain as well as describe related problems studied so that to form the conclusion that can be drawn answer formulation problem to be more easy understood by the reader.

Results

Overview About Village Pematang Serai

Village Pematang Serai is one of the village in Tanjung Pura sub-district, Regency Langkat, North Sumatra province. Distance from Medan City to Village Pematang Serai is + 75 KM which can be reached taken with time more less than 2 hours. Village Pematang Serai was discovered by the sultan's employee named Teungku Said Soelaiman in 1910 when he sent by the sultanate The Land of the Rising Sun for open land forests turned into fields. Named as Village Pematang Serai because land this area is 1 Ha overgrown with clumps of lemongrass. In the village Pematang Serai has 7 adjacent hamlets direct with edge river. People in the Village The Serai bund has eyes search fishermen, farmers, livestock, fisheries, craftsmen, home industry and tourism (Marini et al., 2023). Village This have area of 410 Ha where wide land in the form of 110 Ha of rice fields, land, land not 232 Ha of rice fields and land No agriculture 68 Ha, or around 2.28% of the area of Tanjung Pura sub-district, district Langkat. Village This Pematang Serai consists of from 7 hamlets. Until with 2020 number resident ward This is 3875 souls (Heriyati Chrisna, et.al., 2022). Village Pematang Serai borders direct with a number of village among them Yellow Steel Village, Banyak Island Village, Village Bay Daffodils. Where is the Village Embankment Lemongrass is one of the the village that has object tour named GEOL (Getek Online) Condition Geography Village Pematang Serai is one of the of the 19 villages in the Tanjung Pura District, the village Pematang Serai has the area of the area area of 749.60 hectares. The boundaries of the Village area are Pematang Serai:

North : Pulau Banyak Village

East : Yellow Steel Village

South : Bay Daffodil

West : Climate River

Source Power nature owned by the Village Embankment Lemongrass is as put forward small gifts head Village Serai Power Bund pull tour as following: there is a number of potential tour nature owned Village embankment Pematang Serai tour geol (Getek Online) which offers atmosphere swamp and around use getek, tourism reserve nature, (Commander's Tomb) Sultanate Langkat), tourism monastery religion. Most of the resident ward This adhere to Islam where for house of worship, village This Serai Bund have 3 unit's mosque and 5 prayer rooms. For school, village This new own 1-unit school the basis of the country. For means health, village This have 1-piece health center maid and 4 pieces integrated health post. In the village Pematang Serai Bund there are 3 industries small and 23 industries House stairs, 15 stalls grocery store, 3 stalls shop food and Drink.

Village Pematang Serai, as other villages in the Indonesian region have climate dry and

rainy seasons. As for the priorities development Village Pematang Serai is for interest all over public village. Which includes facilities and infrastructure, development roads, development and elevation gutters in every road, place worship in the form of Mosques and temples, and some place tour. Source Power nature owned by the Village Pematang Serai is as presented by by head Village Serai Power Bund pull tour as following: there is a number of potential tour nature owned Village Pematang Serai is tour geol (Getek Online) which offers atmosphere swamp and around use getek, tourism reserve nature, (Commander's Tomb) Sultanate Langkat), tourism monastery (Marini et al., 2023) religion.

Review General Illegal Logging

Illegal logging or illegal logging is one of the problem serious threatening sustainability forests in various countries, including Indonesia. Practices This involving logging, transportation and sales wood in a way illegal without permission from competent authority. Impact from activity illegal This is very broad, covering aspect environmental, economic and social. Illegal logging has potential high on damage forest, explained in a way firm about damage environment contained in Law no.41 of 1999 Article 50 paragraph (2) that "what is meant damage is the occurrence change physical , nature physical, or life that causes forest the disturbed or no can play a role in accordance with its function" (Windiyastuti, 2024). In Article 1 number 2 of the regulations Government Regulation No. 45 of 2004 concerning protection forest, which is meant with police forestry is: " Official certain in scope agency forestry appropriate centers and regions with characteristic his work, organizing or carry out business protection forest by power Constitution given authority police special in the field forestry and conservation source Power natural life and its ecosystem."

In terms of environment, illegal logging causes damage ecosystem severe forest. This is result in the disappearance diversity life, erosion land, and changes climate micro. Besides that, practice this also contributes to improvement emission carbon and worsen phenomenon global warming. In economy, the country is experiencing loss big consequence the disappearance potential income from sector forestry. While that, from aspect social, illegal logging often involving exploitation public local and create conflicts in the regions isolated. Efforts to eradicate illegal logging have carried out in various levels, starting from strengthening regulation, improvement supervision, up to cooperation international. However, the complexity problem This need a comprehensive and sustainable approach, involving various stakeholders interest from government, sector private, public civil, up to community international. Challenges main in overcoming illegal logging lies in enforcement weak laws, corruption, and lack of alternative economy for the surrounding community forest.

Regulations and Legal Policies related to Illegal Logging

Action criminal illegal logging in Indonesia if reviewed from aspect social culture is beginning and understanding that existing forest is owned by from public in the forest area said, since formerly public utilize forest in a way proportional for fulfil needs (Abbas, 2020). Lifestyle society at that time is public completely agrarian depend on support natural including results forest especially wood.

According to (Heryanto et al., 2021) act illegal logging crimes are grouped into the a number of crimes consisting of from theft contained in the basic law (KUHP) Article 362 explained logging wood that is done in a way intentionally in forest areas in utilization forest without based on the provisions law interpreted as violation law . The forgery contained in the basic law (KUHP) Article 261 to with 276 that making letter containing No contains matter should be a violation and stated on the basis law (KUHP) Article 263 threats criminal offender is a maximum of 6 years and Article 264 carries a threat maximum sentence of 8 years Where forgery of certificate Legality of Forest Products (SKSHH) for illegal logging perpetrators. Damage to environment has as stated in Law No. 32 of 2009 on Environmental Management, Article 48, that act criminal as intended in chapter This is crime. This is show act criminal to

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actions that result in pollution and or destruction environment. Legislation article 1 number (2) No. 32 of 2009 concerning protection and management environment life (UUPPLH) is effort systematic and integrated manner for to preserve function environment live and prevent the occurrence pollution and or damage environment life that includes planning, utilization, control, maintenance, supervision and enforcement law.

Enforcement law the articles contained in the Criminal Code , after implementation Constitution Number 41 of 1999 concerning Forestry to action utilise wood results forest without permission authorities , things the charged threat criminal as listed in Article 50 it is determined fight criminal or act criminal law and Article 78 regulates sanctions criminal as set up in Constitution Number 41 of 1999 concerning Forestry which is known as threat the crime more heavy compared to with charged articles in the Law Book Criminal Law Act . In Provision Explanation Article 50 of the Law Number 41 of 1999, which means with people is subject law both individuals and legal entities or business entity with No give explanation more carry on about formulation act the crime so that sanctions criminal against individuals and corporations also applies The same sanctions the crime. In formulation articles in Constitution previously good, in provision common that exist in the Criminal Code and the Law Number 41 of 1999 concerning Forestry, still Lots weakness so that No capable or No Effective for accommodate action novelty destruction forest and provide effect deterrent for perpetrator. Law Number 41 of 1999, is also difficult for ensnare the perpetrators business or legal entity in the form of corporation with problem the be promulgated Constitution Number 18 of 2013 concerning Prevention and Eradication Forest Destruction as solution for do prevention and eradication destruction forest with with policy formulation law more criminal strict and firm.

Article 12 letter e of the Republic of Indonesia Law No. 18 of 2013 concerning Prevention and Eradication Forest Destruction. Regarding act criminal namely Article 88 paragraph (1) letter a which reads : Article 16 reads " Every person who commits transportation wood results forest must own document which is letter information legitimacy results forest in accordance with provision regulation legislation .", and Article 88 paragraph (1) a reads : "An individual who by on purpose do transportation wood results forest without own document which is letter information legitimacy results forest in accordance with provision regulation legislation as meant in Article 16."

Government issued PP Number 45 of 2004 concerning Forest Protection replaces PP Number 28 of 1985 Concerning Forest Protection. Activities Protection forest is the part that is not inseparable from management forest, thing This It is stated in Article 2 of PP Number 45 of 2004 that, protection forest is part from management forest. Activities protection forest as referred to in paragraph (1) shall be implemented in forest areas in unit form or Unity Conservation Forest Management (KPHK), and units or Unity Production Forest Management (KPHP). In Article 1 Paragraph (1) of the Regulation Government Number 45 of 2004 Concerning Forest Protection. Protection forest is business for prevent and limit damage forest, area forests and products forest, caused by actions humans, livestock, fire, power nature, pests and diseases, as well as maintain and guard the rights of the state, society and individuals on forest, area forest, results forest investment as well as related devices with management forest. Instructions President Number 4 of 2005 concerning Eradication Illegal Logging in Forest Areas and its Distribution throughout the Territory of the Republic of Indonesia, instructs to all over official the government of the Republic of Indonesia to do acceleration eradication of illegal logging in all regions and every regions of Indonesia (Harahap, 2020).

Analysis Illegal Logging Case in Village Pematang Serai

Illegal logging cases in the village Pematang Serai begins when inhabitant local start realize existence activity illegal logging in the area forest protect around village at the beginning 2023. The perpetrators' modus operandi Enough organized, started with mapping location tree worth high by team survey, continued night logging day use modern tools, then transportation wood results felling through go for a walk mouse going to location shelter while. From there,

the wood stolen distributed to various area use truck loaded tarpaulin for to deceive officer. After done investigation, revealed that this illegal logging network involving various party. The perpetrator main is a syndicate headed by a boss wood with the initials AS, who has connection with person official local. Network This recruiting resident local as loggers and transporters wood, and involving a number of company wood as buyer results stolen. Involvement person apparatus security is also indicated in to launch operation This.

Enforcement process law started after report environmental communities and NGOs to party authorized. Joint team from Police, Ministry of Environment and Forestry, and Prosecutor's Office formed for handle case this. Investigation intensive done, including collection proof field, analysis financial, and wiretapping communication perpetrators. A series of operation arrest succeed netting a number of perpetrator field and receiver. However, enforcement law face challenge Because there is backing from person officials. Rehabilitation efforts damaged forests also begin done simultaneously with campaign education public about the dangers of illegal logging.

Implementation Sanctions Criminal in Illegal Logging Case in Village Pematang Serai

This illegal logging action No only damage ecosystem forests, but also detrimental to the country economy. In effort eradicate illegal logging practices, authority's enforcer law has applied sanctions criminal against the perpetrators in accordance with applicable provision. Type sanctions the criminal penalties applied in case This referring to the Law Number 18 of 2013 concerning Prevention and Eradication Forest Destruction. Based on Constitution said, the perpetrators of illegal logging are threatened with punishment minimum 1 year and maximum 15 years in prison, and a fine of at least Rp 500 million and a maximum of Rp 15 billion. In case in the village Pematang Serai, the judge sentenced punishment prison for 5 years and a fine amounting to Rp. 2 billion to perpetrator main. While that, the perpetrators other sentenced punishment prison between 2 to 4 years and a fine varies in accordance with level involvement they.

In to drop sanctions, the judge considers various factors. First, the level of damage forest caused due to illegal logging. Second, the role and involvement of each defendant in act criminal Third, the history of the crimes of the accused, some of whom is repeat offender case similar. Fourth, attitude defendant during the trial, including confession and regret on action them. Fifth, the impact social and economic impacts to public around forest. The judge also weighed in Regulation Supreme Court Number 13 of 2016 concerning Procedures for Handling Case Action Criminal Acts by Corporations, considering existence involvement company in case This. Effectiveness implementation sanctions criminal in illegal logging cases in the village Pematang Serai can see from a number of aspects. First, the decision court This give effect deterrent to doers and beings warning for potential parties do action similar. This is in line with objective criminalization as set up in Article 55 paragraph (1) of the Draft Criminal Code (RKUHP) which emphasizes prevention he did act criminal and development convict.

Second, sanctions the sentence imposed has satisfy the sense of justice society, especially for inhabitant Village Pematang Serai bund was affected directly by damage forest. This is in accordance with principle justice restorative regulated in Regulation Supreme Court Number 4 of 2020 concerning Administration and Trials Case Criminal in Court Electronically.

Third, the implementation sanctions criminal This also has an impact on efforts recovery environment. Fines paid by convicts allocated for reforestation and conservation programs forests in the affected areas the impact of illegal logging. This step in line with Regulation Government Number 45 of 2004 concerning Forest Protection that emphasizes importance effort recovery area damaged forest.

Although Thus, the effectiveness implementation sanctions criminal This Still need Keep going evaluated in term long. Government and official's enforcer law must still alert to possibility the emergence of a new modus operandi in illegal logging practices. In addition, that, effort prevention through education and empowerment public around forests are also

needed improved, as mandated in Regulation Government Number 6 of 2007 concerning Forest Management and Compilation Plan Forest Management, as well as Forest Utilization.

Challenges and Obstacles in Law Enforcement in Illegal Logging Cases

Enforcement law to illegal logging cases in Indonesia are facing various complex challenges and obstacles. In terms of technical and operational, apparatus enforcer law often difficulty access location illegal logging in remote areas forest. Limitations personnel, budget, and equipment sophisticated also inhibits effort supervision and enforcement. In addition, that, the modus operandi of the perpetrators are increasingly advanced make detection and disclosure case become more difficult.

Factor social and cultural participate play a role in to complicate enforcement law. In some area, illegal logging practices have lasts a long time and is considered as eye livelihood by the community local. Lack of awareness will impact term long from damage forest make part public tend protect the perpetrators. Pressure economy and poverty also drive involvement public in illegal logging chain. Changing pattern thoughts and habits This need a careful and sustainable approach.

Another challenge arises in matter coordination between institution enforcer law. Overlapping overlap authority between police forest, police, prosecutors and courts sometimes cause confusion and ineffectiveness in Handling case. Difference interpretation Constitution forestry between agencies can also result in inconsistency in enforcement law. Besides that, the existence person the officers involved in illegal logging network is growing to complicate effort eradication. Necessary strong synergy and communication intensive between institution for overcome challenges this and realize enforcement effective law to illegal logging cases in Indonesia.

Efforts to Prevent and Overcome Illegal Logging

Efforts to prevent and combat illegal logging are step important in guard sustainability Indonesian forests. Education and socialization programs law forestry become one of the main pillars in this strategy. Through this program, the community given understanding deep about importance guard forests and consequences law from illegal logging activities. Socialization done through various media, including counseling direct to villages around forests, mass media campaigns, and integration material forestry in curriculum education. This is in line with Constitution Number 41 of 1999 concerning Forestry that emphasizes importance role as well as public in management forest.

Empowerment public local in management forest is a key strategy next. This program aiming for increase welfare public around forest at a time make they are the vanguard in guard sustainability forest. Its implementation covers development forest community, forest village, and partnership forestry as set up in Regulation of the Minister of Environment Life and Forestry Number P.83/MENLHK/SETJEN/KUM.1/10/2016. The community is given legal access to utilize results non- timber forests, developing ecotourism, and get involved in the reforestation program. With Thus, society own incentive economy for guard forest and report illegal logging activities. Strengthening system supervision and enforcement law become vital components in effort combating illegal logging. This strategy involving improvement capacity apparatus enforcer law, use technology advanced like image satellites and drones for monitoring forest, and formation team a combination involving various agency related. Implementation sanctions firm in accordance with Constitution Number 18 of 2013 concerning Prevention and Eradication Forest destruction becomes step important in give effect deterrent. Besides that, strengthening Work The same international in to fight trading wood illegal, as set up in Regulation of the Minister of Environment Life and Forestry Number P.13/MENLHK/SETJEN/KUM.1/3/2020 concerning System Verification Legality of Wood, also becomes focus in effort enforcement law.

Conclusion

Based on description from results discussion from previously, then writer interesting conclusion, that:

1. Study This analyze aspect law implementation sanctions criminal in illegal logging cases that occurred in the village Pematang Serai.
2. Focus study is on the aspect legal or law from Handling case illegal logging in the area them.
3. Study This possibility discuss effectiveness sanctions the criminal penalties applied in handle illegal logging cases at the location specific them.

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