

The Effectiveness of the Criminal Justice System in Combating Illegal Logging

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Abstract

Illegal logging remains one of the most persistent environmental crimes in Indonesia, causing serious ecological damage, significant economic losses, and a decline in public trust in law enforcement agencies. Although various legal instruments governing forest protection and environmental management have been enacted, criminal law enforcement against illegal logging offenses has yet to be effectively implemented due to various structural, institutional, and socio-cultural obstacles. This study aims to analyze the effectiveness of the criminal justice system in addressing illegal logging offenses and to formulate an ideal legal policy framework to strengthen forestry law enforcement in Indonesia. This study employs a normative legal methodology using a statutory approach, a conceptual approach, and a case approach. The legal materials utilized consist of primary, secondary, and tertiary sources obtained through library research and analyzed qualitatively. The research findings indicate that the criminal justice system has not functioned optimally in combating illegal logging crimes due to overlapping regulations, weak coordination among law enforcement agencies, limited oversight of forest areas, and the involvement of organized crime networks supported by economic and political power. In practice, law enforcement primarily targets perpetrators at the field level, while corporations and masterminds the primary actors behind forest crimes often evade criminal liability. Furthermore, the discrepancy between legal norms and their implementation highlights a significant gap between the ideal (*das sollen*) and reality (*das sein*) in forest law enforcement in Indonesia. This study also found that enhancing the effectiveness of environmental criminal law enforcement requires institutional reform, strengthening an integrated oversight system, optimizing corporate criminal liability, and establishing progressive legal policies that emphasize the principles of environmental justice and sustainable governance. Ultimately, the effectiveness of law enforcement against illegal logging is determined not only by the adequacy of legal regulations, but also by institutional integrity, the community's legal culture, and the state's political commitment to maintaining forest sustainability and environmental conservation.

Keywords: Criminal Justice System, Criminal Offenses, Illegal Logging.

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Introduction

Forest degradation remains one of the most critical challenges in environmental governance in Indonesia. As the country with the largest tropical forest area in the world, Indonesia's forestry sector plays a vital role in ecological, economic, and social terms. However, uncontrolled forest exploitation through illegal logging continues to occur and causes immense losses to the nation. This phenomenon not only contributes to environmental damage but also threatens sustainable national development and citizens' constitutional right to a good and healthy environment, as guaranteed in Article 28H(1) of the 1945 Constitution of the Republic of Indonesia [1].

Normatively, Indonesia has established various legal instruments aimed at protecting forest areas and eradicating illegal logging practices. These regulations include Law No. 41 of 1999 on Forestry, Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction, and Law No. 32 of 2009 on Environmental Protection and Management [2]. The existence of these regulations demonstrates the state's commitment to preserving natural resources and prosecuting perpetrators of forestry-related crimes. However, at the implementation level, various obstacles persist, preventing the effective enforcement of laws against illegal logging.

In essence, illegal logging constitutes organized environmental crime and involves various actors, ranging from field-level perpetrators, financiers, corporations, to corrupt law enforcement officials who abuse their authority. The complexity of this criminal network often results in law enforcement efforts targeting only field-level perpetrators, while the masterminds and corporations reaping the primary benefits remain largely beyond the reach of the criminal justice system [3]. This situation highlights a significant gap between the ideal (*das sollen*) and reality (*das sein*) in forestry law enforcement in Indonesia. The law, which is supposed to function as an instrument of environmental protection, has not yet been fully capable of creating a deterrent effect or effectively realizing ecological justice.

From the perspective of the criminal justice system, the effectiveness of combating illegal logging is determined not only by the existence of legal norms alone, but also by synergy among law enforcement agencies, institutional integrity, the legal culture of society, and the penal policies implemented by the state. Lawrence M. Friedman explains that the effectiveness of the law is influenced by three main components: legal structure, legal substance, and legal culture [4]. These three elements are interrelated and collectively determine the success of law enforcement practices.

Another issue that undermines the effectiveness of law enforcement is the limited oversight of forest areas, particularly in regions that are geographically difficult to access. The number of available forestry officials remains insufficient relative to the vast expanse of Indonesia's forests. Additionally, corruption and abuse of authority are factors contributing to the persistence of illegal logging activities [5]. In some cases, perpetrators even manipulate administrative permit documents to legitimize timber obtained through illegal logging.

Previous research on illegal logging has generally focused more on substantive criminal law aspects, criminal sanctions, or forestry policies alone. This study differs from previous research in that it specifically emphasizes the overall effectiveness of the criminal justice system in addressing the crime of illegal logging. Therefore, this study not only analyzes applicable legal norms but also examines various implementation challenges, structural barriers, and the formulation of relevant legal policies within the context of current forestry law enforcement in Indonesia.

The urgency of this research is heightened given the multidimensional impacts of illegal logging practices on people's lives. Forest degradation contributes to various ecological disasters such as floods, landslides, and climate change. Additionally, illegal logging causes significant economic losses for the state due to the loss of potential revenue from the forestry

sector [6]. Thus, the effectiveness of the criminal justice system is a critical factor in ensuring environmental protection and the sustainable management of natural resources.

Within the framework of modern criminal law, the enforcement of laws against illegal logging cannot rely solely on a repressive approach. Legal policies that are preventive, progressive, and oriented toward environmental protection are required. This perspective aligns with the concept of criminal law reform, which positions the law as an instrument for protecting society and enhancing the public welfare [7]. Such an approach is essential to ensure that efforts to eradicate illegal logging do not merely stop at punishing perpetrators but also contribute to the reform of sustainable forestry governance. Based on the above discussion, the research questions in this study are as follows:

1. How effective is the criminal justice system in combating the crime of illegal logging in Indonesia?
2. What is the ideal formulation of legal policy to strengthen the fight against the crime of illegal logging through the criminal justice system?

Literature Review 1. Criminal Justice System Theory

The criminal justice system is a mechanism involving various law enforcement agencies, including the police, the prosecution, the courts, and correctional institutions, for the purpose of enforcing criminal law. According to Mardjono Reksodiputro, the primary objectives of the criminal justice system are crime control, the regulation of societal behavior, and the maintenance of social order through the application of criminal law [8]. In the context of illegal logging offenses, the effectiveness of the criminal justice system plays a crucial role in protecting forest areas from unlawful exploitation.

The concept of the criminal justice system is not limited to imposing sanctions on offenders. This system also encompasses institutional coordination among law enforcement agencies in carrying out integrated law enforcement functions. Siregar argues that Indonesia's criminal justice system has evolved from a purely repressive paradigm toward a more integrative approach focused on protecting society [9]. This approach is particularly crucial in addressing forest crimes, which have cross-sectoral characteristics and involve significant economic interests.

In practice, the effectiveness of the criminal justice system is often hindered by a lack of coordination regarding the authority of law enforcement agencies. The police, as the primary investigative institution, face various limitations in monitoring forest areas, while coordination with forestry investigators and local governments has yet to function optimally [10]. Consequently, the handling of illegal logging cases frequently encounters administrative and evidentiary obstacles.

Furthermore, the modern criminal justice system emphasizes the importance of protecting human rights in every law enforcement process. Siregar explains that criminal law is not only intended to ensure legal certainty but must also prioritize substantive justice and the protection of the public's right to a healthy environment [11]. This perspective indicates that illegal logging is not merely a routine criminal offense but also an ecological issue closely tied to public welfare and the fulfillment of environmental rights.

In criminal justice system theory, the success of law enforcement is also determined by the state's ability to create a deterrent effect. If criminal sanctions are not consistently applied, the law will lose its social legitimacy. This is precisely why illegal logging continues to occur despite increasingly stringent forestry regulations.

2. Theory of Legal Effectiveness

Legal effectiveness refers to the degree to which the law succeeds in achieving its established objectives in society. Soerjono Soekanto explains that the effectiveness of law enforcement is

influenced by five main factors: the substance of the law, law enforcement officials, supporting facilities and infrastructure, the public, and legal culture [12]. These five factors interact with one another and determine the success of legal implementation in practice.

In the context of illegal logging, the legal factor relates to the substance of forestry laws and regulations, which must provide legal certainty, clarity, and enforceability. Although Indonesia has various regulations governing forest protection, overlapping regulations often still create legal uncertainty in their implementation [13]. The inconsistency of these regulations creates opportunities for abuse of authority and weakens law enforcement efforts.

The role of law enforcement officials is also a critical factor influencing the effectiveness of the law. Corruption, low institutional integrity, and weak internal oversight frequently hinder the enforcement of laws against illegal logging crimes [14]. In some cases, law enforcement officials are even directly involved in illegal logging activities.

Furthermore, the community's legal culture also influences the effectiveness of law enforcement. In some regions, illegal logging is still viewed as an acceptable economic activity because it provides financial benefits to communities living near forest areas. This situation indicates that public awareness of the importance of environmental protection remains relatively low.

Theories of legal effectiveness also emphasize the importance of adequate facilities and infrastructure. The vast expanse of Indonesia's forest areas has not been matched by an adequate number of forestry officers or sufficient surveillance technology. Consequently, the state faces difficulties in detecting and taking action against illegal logging activities quickly and accurately.

3. Theory of Substantive Justice

The theory of substantive justice positions law as an instrument to realize true justice in society. Gustav Radbruch argued that the law must integrate three fundamental values: justice, legal certainty, and utility [15]. In enforcing the law against the criminal act of illegal logging, these three values must operate harmoniously so that the law does not become merely a formalistic instrument.

The application of substantive justice is of paramount importance because illegal logging has far-reaching impacts on society and the environment. Forest destruction not only causes economic losses for the state but also threatens the livelihoods of communities dependent on environmental sustainability [16]. Therefore, law enforcement must prioritize the protection of public interests and ecological sustainability.

The concept of substantive justice also rejects discriminatory law enforcement practices. In many illegal logging cases, field-level perpetrators are often subjected to severe penalties, while the masterminds or corporations reaping the greatest profits frequently evade criminal liability. This situation highlights an imbalance in the application of criminal law.

From a progressive legal perspective, law enforcement must not be trapped by rigid legal formalities. Law enforcement officials must consider the social and ecological impacts caused by illegal logging so that the application of criminal law truly reflects the public's sense of justice [17]. Thus, substantive justice serves as a crucial foundation for reforming the criminal justice system in the forestry sector.

4. Criminal Law Policy Theory

Criminal law policy is a rational effort undertaken by the state to combat crime through both penal and non-penal means. Barda Nawawi Arief explains that criminal policy is not solely oriented toward the imposition of criminal penalties, but also encompasses aspects of crime prevention and the protection of society [18]. In the context of illegal logging, criminal law

policy must integrate environmental, economic, and law enforcement aspects in a balanced manner.

The penal approach is implemented through the imposition of criminal sanctions on perpetrators of illegal logging. However, repressive measures alone will not be effective without being supported by preventive policies, such as forest area monitoring, empowerment of communities living near forests, and forestry governance reform [19]. Therefore, combating illegal logging requires a multidimensional and comprehensive approach.

Modern criminal law policies also emphasize the importance of corporate criminal liability. In illegal logging practices, corporations often stand to gain the most from the illegal exploitation of forests. However, law enforcement against corporations remains relatively weak due to the complexity of proving their guilt and the strong economic and political influence wielded by these corporations [20].

Furthermore, criminal law reform must be directed toward strengthening coordination among law enforcement agencies. Handling illegal logging cases requires synergistic cooperation between the police, the prosecutor's office, forestry agencies, local governments, and environmental oversight institutions. Without effective coordination, the law enforcement process will remain fragmented and ineffective in achieving the goals of forest protection and environmental conservation.

Research Methodology

This study employs a normative legal research method using a statutory approach, a conceptual approach, and a case approach. A normative legal research method was chosen because this study focuses on the examination of legal norms, legal principles, and the effectiveness of the criminal justice system in combating illegal logging crimes in Indonesia [21]. In addition to analyzing legal doctrines and legislation, this study also evaluates the implementation of law enforcement through an examination of various forestry cases and institutional practices that have developed in Indonesia.

The statutory approach involves examining and analyzing various regulations related to forest protection and the eradication of illegal logging practices. The regulations under study include Law No. 41 of 1999 on Forestry, Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction, Law -Law No. 32 of 2009 on Environmental Protection and Management, the Criminal Code (KUHP), as well as various implementing regulations and government policies relevant to forest governance [22]. This approach aims to assess the consistency, synchronization, and effectiveness of the application of the existing legal framework in addressing forestry-related criminal offenses.

Furthermore, a conceptual approach is employed to examine various legal doctrines, expert opinions, and theoretical perspectives related to the criminal justice system, legal effectiveness, criminal law policy, and environmental justice. This approach is crucial because illegal logging cannot be viewed merely as a violation of forestry regulations but also as an environmental crime with direct implications for public welfare, ecological sustainability, and the protection of human rights [23]. Through this conceptual approach, the research aims to build a more comprehensive understanding of the various legal and institutional challenges in combating illegal logging.

Meanwhile, the case-based approach involves analyzing court rulings and law enforcement practices related to the criminal offense of illegal logging. The examination of court rulings is crucial for understanding how legal norms are interpreted and applied by judges and law enforcement officials. Additionally, the case-based approach allows researchers to evaluate the extent to which court rulings have contributed to the creation of a deterrent effect and legal certainty in the handling of forestry-related criminal offenses.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include legislation, court decisions, and official government documents related to forestry and environmental protection. Secondary legal materials consist of academic books, scientific journals, legal articles, and previous research results relevant to the research topic [24]. Tertiary legal materials include legal dictionaries, encyclopedias, and various supporting references that help clarify the legal terms and concepts used in the study.

The collection of legal materials is conducted through library research by systematically reviewing various legal documents, scientific literature, and other relevant academic sources. This process was carried out meticulously to ensure that all data and references used possess adequate validity, reliability, and academic accountability. Additionally, official reports from government agencies and environmental organizations were utilized to support the legal analysis and provide contextual understanding regarding illegal logging practices in Indonesia.

Legal analysis was conducted qualitatively using a descriptive-analytical method. All collected legal sources were systematically analyzed to identify the relationship between legal norms, law enforcement practices, and the effectiveness of the criminal justice system in addressing the criminal offense of illegal logging [25]. The analysis process includes legal interpretation, harmonization of legislation, and legal reasoning to produce critical, comprehensive arguments grounded in strong academic foundations.

In legal research, the validity of arguments is significantly influenced by the accuracy of the application of the theories and analytical methods employed. Therefore, this study integrates the Theory of Legal Effectiveness, the Theory of the Criminal Justice System, the Theory of Substantive Justice, and the Theory of Criminal Law Policy as the analytical framework. The integration of these various theoretical perspectives is intended to provide a deeper understanding of the structural and institutional challenges in the enforcement of forestry law in Indonesia.

Furthermore, this study upholds the principle of academic objectivity by ensuring that all arguments, interpretations, and conclusions are based on verifiable scientific sources and credible legal materials. Through this approach, this study is expected to contribute to the development of legal science, particularly in the fields of environmental criminal law and forestry law enforcement policy in Indonesia.

Results 1. The Effectiveness of the Criminal Justice System in Combating Illegal Logging in Indonesia

The effectiveness of the criminal justice system in combating illegal logging can essentially be measured by the ability of law enforcement agencies to prevent, prosecute, and create a deterrent effect against perpetrators of forestry crimes. Normatively, Indonesia already has a relatively comprehensive legal framework for addressing illegal logging practices. The enactment of Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction serves as a specific legal instrument that strengthens the criminalization of illegal logging activities and various forms of organized forestry crimes [26]. However, the implementation of these regulations in practice still faces various structural and substantive obstacles.

From the perspective of the criminal justice system, the law enforcement process regarding illegal logging crimes involves various institutions, including the police, the prosecutor's office, the courts, correctional institutions, and the Civil Servant Investigators (PPNS) for Forestry, who possess special authority in handling forestry-related criminal offenses. However, coordination among these institutions has yet to function effectively. Overlapping jurisdictions and weak synchronization in case handling often result in delays and inefficiencies in the law enforcement process [27].

One of the main challenges in combating illegal logging lies in the organized nature of this crime. Illegal logging activities are generally supported by strong economic and political

networks involving financiers, corporations, and other influential actors. Consequently, law enforcement officials tend to find it easier to take action against perpetrators at the field level, while the masterminds and corporations reaping the greatest profits often succeed in evading criminal liability. This situation indicates that law enforcement remains partial and has not yet been able to address the root causes of forest crimes comprehensively.

From an evidentiary standpoint, illegal logging cases are highly complex. Law enforcement officials often face difficulties in proving the link between illegally harvested timber and the corporations or parties serving as the primary financiers. Furthermore, the manipulation of licensing documents and the abuse of administrative authority further complicate the evidentiary process in court. Consequently, many illegal logging cases result in lenient criminal sentences or even the acquittal of the defendants [28].

The effectiveness of law enforcement is also significantly influenced by the integrity of law enforcement officials. Corruption and the abuse of power remain factors hindering efforts to eradicate illegal logging. In some cases, law enforcement officials are actually involved in providing protection for illegal logging activities. This situation indicates that the issue of illegal logging is not only related to regulatory weaknesses but also concerns institutional morality and the professional ethics of law enforcement officials.

When analyzed using the Theory of Legal Effectiveness proposed by Soerjono Soekanto, obstacles in combating illegal logging can be found in nearly all factors influencing legal effectiveness: legal substance, law enforcement officials, infrastructure, society, and legal culture [29]. The vastness of Indonesia's forest areas has not been matched by an adequate number of forestry supervision personnel. Furthermore, limitations in forest surveillance technology make it difficult to detect illegal logging activities quickly and accurately.

From a legal culture perspective, some communities living near forest areas still view illegal logging as a legitimate source of livelihood capable of improving their families' economic conditions. The community's low legal awareness is influenced by factors such as poverty, limited job opportunities, and weak government oversight. Therefore, a purely repressive approach is insufficient to effectively eradicate illegal logging. The state must also implement sustainable social and economic policies to improve the well-being of communities dependent on forest resources.

Within the framework of substantive justice, law enforcement against illegal logging must not be solely focused on punishing perpetrators but must also prioritize environmental protection and the conservation of natural resources for future generations. Forest destruction caused by illegal logging significantly contributes to floods, landslides, ecological disasters, and climate change, which have far-reaching impacts on people's lives [30]. Therefore, law enforcement policies must be directed toward environmental restoration and the protection of public interests.

Overall, the effectiveness of the criminal justice system in combating illegal logging crimes in Indonesia remains suboptimal. Although adequate legal regulations are in place, their implementation still faces various structural, cultural, and institutional barriers. These conditions highlight the need for more progressive, integrated, and environmentally focused legal enforcement reforms.

2. Formulating Ideal Legal Policies to Strengthen the Eradication of Illegal Logging

Efforts to strengthen the eradication of illegal logging require the formulation of legal policies that are not solely focused on punishment but are also directed toward comprehensive reform of the law enforcement system. From a criminal law policy perspective, combating crime must be carried out through a balanced approach of penal and non-penal measures [31]. The penal approach is realized through the imposition of strict criminal sanctions against

perpetrators of illegal logging, while the non-penal approach is implemented through forest monitoring, public education, and forestry governance reform.

One strategic step that must be taken is to strengthen coordination among law enforcement agencies. Illegal logging cannot be addressed in isolation because it involves complex, crosssectoral networks. Therefore, an integrated coordination system is needed among the police, the prosecutor's office, forestry agencies, local governments, and environmental oversight agencies [32]. Such institutional integration will enhance the effectiveness of case handling while minimizing overlapping jurisdictions and bureaucratic inefficiencies.

Furthermore, legal enforcement reforms must be directed toward strengthening corporate criminal liability. To date, legal enforcement against illegal logging has primarily focused on individual perpetrators, while corporations as the primary beneficiaries often evade legal proceedings. In reality, corporations play a significant role in the financing, distribution, and commercialization of illegally logged timber. Therefore, law enforcement agencies need to optimize the application of corporate criminal liability as stipulated in environmental and forestry laws and regulations [33].

From a prevention perspective, the government needs to strengthen the forest area monitoring system through the use of digital technologies such as satellite monitoring and Geographic Information Systems (GIS). The use of these technological innovations will enhance the government's ability to detect illegal logging activities quickly and accurately. Additionally, the participation of local communities in forest monitoring must be strengthened through a participatory governance approach.

Community empowerment is another critical factor in preventing illegal logging. Poverty and limited economic access have driven some communities living near forest areas to engage in illegal logging activities. Therefore, the government must formulate sustainable economic development policies capable of improving the well-being of communities living near forests. This approach aligns with the principles of sustainable development, which emphasize a balance between economic interests and environmental protection [34].

Furthermore, environmental criminal law reform must prioritize the application of progressive sanctions focused on environmental restoration. Punishment should not only consist of imprisonment and fines but must also include the obligation to rehabilitate damaged forest ecosystems and restore environmental conditions. This approach is essential to ensure that law enforcement delivers tangible benefits for environmental sustainability.

Legal policies must also strengthen the integrity of law enforcement agencies through strict internal oversight systems and the imposition of firm sanctions against officials involved in illegal logging practices. Institutional reform is an urgent necessity because the success of law enforcement fundamentally depends on the professionalism, accountability, and moral integrity of law enforcement officials.

From a progressive legal perspective, law enforcement against illegal logging must be positioned as an instrument for protecting communities and the environment, not merely a formalistic punitive mechanism. Law enforcement officials need to prioritize an approach oriented toward ecological justice and the sustainable management of natural resources. In this context, the law functions not only as a repressive instrument but also as a means of social transformation.

Ultimately, the formulation of ideal legal policies must be able to address various global challenges related to environmental protection and climate change. As a country with vast tropical forest areas, Indonesia bears a significant responsibility in maintaining global ecological sustainability. Therefore, strengthening the criminal justice system in the eradication of illegal logging is an essential part of the state's commitment to achieving sustainable development and ensuring the protection of future generations' interests.

Conclusion

The effectiveness of the criminal justice system in combating illegal logging in Indonesia remains suboptimal despite being supported by relatively comprehensive regulations in the forestry and environmental sectors. In practice, law enforcement still faces various obstacles, including weak coordination among law enforcement agencies, limited oversight of forest areas, low institutional integrity, and the strong influence of organized crime networks involving corporations and masterminds. These conditions indicate a significant gap between existing legal norms and their implementation on the ground. Therefore, a more progressive, integrated, and environment-protection-oriented law enforcement reform is needed to enhance the effectiveness of combating illegal logging in Indonesia.

The formulation of an ideal legal policy to strengthen the eradication of illegal logging must integrate penal and non-penal approaches in a balanced manner. Strengthening coordination among law enforcement agencies, optimizing the application of corporate criminal liability, utilizing modern technology for forest area monitoring, empowering communities around forest areas, and implementing sanctions focused on environmental restoration are strategic steps that must be prioritized. Furthermore, institutional reform and the enhancement of law enforcement officials' integrity are fundamental prerequisites for establishing an effective, accountable, and just criminal justice system. Thus, efforts to combat illegal logging should not only focus on punishing perpetrators but also support the realization of sustainable forest management and ensure the conservation of natural resources for both current and future generations.

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