

The Effectiveness of Forestry Police in Preventing Illegal Logging in North Halmahera

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Abstract

In the North Maluku region, especially North Halmahera Regency, it also has such great potential in the forestry sector and has an important contribution to the regional economy and also to the Indonesian nation's economy. The lack of public awareness can be seen from the attitude of the people around the forest area who seem not to care about the consequences that will be caused by illegal logging activities.

Therefore, there is a need for supervision and prosecution by the forestry police as well as local police and regional government officials who are competent in the forestry sector in North Halmahera district, and there is a need for legal firmness and the courage of the apparatus to take action against anyone who commits or supports illegal logging activities. However, the reality that occurs in the field is that the prosecution of illegal loggers is only limited to coaching, this certainly cannot provide a deterrent effect for illegal loggers.

The problem of illegal logging must be prevented so that the people and government of North Halmahera Regency can take advantage of the various potentials they have for the prosperity and welfare of the people in North Halmahera. Therefore, in order to achieve specific research targets, this research uses normative-empirical research by looking at various actions and policies as well as looking at various existing legal norms. Thus, the prevention and prosecution of illegal logging in North Halmahera can be realized in this research

Keyword: Forest Police, Crime, Illegal Logging

INTRODUCTION

Forests are a gift and a mandate from God Almighty for humanity, as a support for life and a source of human well-being on earth. Forests are also an invaluable natural resource because they contain biodiversity as a source of germplasm, sources of timber and non-timber forest products, water regulation, flood and erosion prevention and soil fertility, protection of the living environment for the benefit of science, culture, recreation, tourism and so on, therefore its existence and ecosystem must be maintained continuously so that it remains sustainable. ¹

Meanwhile in North Halmahera Regency itself, the results of interviews with the head of the North Halmahera Forest Management Unit, that the problem is related to illegal logging activities in forest areas that are not accompanied by a permit. Many people who cut down trees in forest areas to then sell them to wood collectors or furniture entrepreneurs do not go through the procedures stipulated in government regulations on timber utilization where every tree felling in forest areas for both commercial and private purposes must obtain permission from officials. forestry agency.

However, what happened was that the wood was obtained from illegal logging by utilizing the community around the forest site as operators (sensors) as happened in Gura Village, Tobelo Barat District, where several people who lived near the forest worked as wood sensors who free to cut wood without regard to the impact that will occur later.

As an official who has the main task of supervising and controlling the distribution of timber forest products in North Halmahera Regency, the efforts made by the Forestry Police in carrying out their duties can be said to be very ineffective due to the very minimal number of personnel, and the lack of socialization carried out by the Forestry Police and other agencies. other related activities as a form of pre-emptive effort to prevent illegal logging practices from occurring because most of the people in North Halmahera Regency have a low level of education, especially those who live around forest areas, so they do not understand proper forest utilization procedures in accordance with applicable regulations.

Forest as a part of the environment is a gift from God Almighty and is one of the most important natural resources for humankind. This is based on the many benefits that can be taken from the forest. The word forest is a translation of the words boss (Dutch) and forrest (English). Forest is a undulating land, and can be developed for interests outside of forestry, such as tourism.

According to Dengler in his book *Ngandung* which is defined as a forest, are a number of trees that grow in a large enough field, so that temperature, humidity, light, wind, and so on no longer determine the environment, but are influenced by new plants and trees as long as they grow in the right place. quite wide and growing quite densely (horizontally and vertically). The definition described by Dengler is in line with the definition contained in article 1 paragraph (1) of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction.

Currently, forest management in Indonesia is not much better than in other countries, even forests in various regions in Indonesia, according to him, have not provided significant benefits for people's welfare. Utilizing timber forest products by the community in order to maintain forest sustainability, the use of forests and forest areas is regulated based on Law No. 41 of 1999 concerning Forestry. In Article 23 Chapter V, the third part concerning forest utilization and use of forest areas, it is stated that forest utilization as referred to in Article 21 letter b aims to obtain optimal benefits for the welfare of all people in an equitable manner while maintaining its sustainability.

¹Murhaini Suriansyah, 2011, *Hukum Kehutanan Penegakan Hukum Terhadap Kejahatan Di Bidang Kehutanan*, Laksbag Grafika, Yokyakarta, Hlm 9.

Doing work a person can do business alone or in collaboration with other parties and can work for other parties. With someone working for another person, it will create a relationship in fulfilling the rights and obligations of each. So for that we need a rule that can bridge the needs of all parties. The development of employment in Indonesia has been so long. In this development, of course, there are dynamics that illustrate how the employment relationship is a very complex working relationship. The possibility that can occur from an unbalanced work relationship is that disputes can occur in carrying out work. In the field of labor, the emergence of disputes between employers and workers usually stems from feelings of dissatisfaction.

Regarding workers' disputes, a distinction is made between rights disputes (*rechtsgeschillen*) and interest disputes (*belangen-geschillen*). Rights disputes are disputes that arise because one party does not comply with the contents of the work agreement, labor agreement, employer regulations or violates legal provisions. Meanwhile, interest disputes are disputes that occur as a result of workers' labor conditions or in other words disputes that arise due to the absence of an understanding of the conditions and or conditions of workers.

The employment agreement is the result of an agreement to carry out the work carried out by the employer and the worker. It can be seen that the work agreement was made to regulate the terms of work, the rights and obligations of both parties. Likewise, the work agreement is a master agreement that must be considered in making work agreements. Based on these normative rules, in its implementation Nusantara Company (Perinus). apply the existing rules by making a work agreement between the Nusantara Company (Perinus) and workers.

As it is known that the payment of wages to company employees should refer to the application of the Regency/City minimum wage. This is in line with the provisions stipulated in Law no. 13/2003 regarding employment, in which the provision regulates the mechanism for providing wages and other benefits. The application of the minimum wage for South Halmahera Regency in 2020 has increased by 8.51% from IDR 2,508,591 to 2,721,530, the provision of this minimum wage has been socialized to all City Regencies in North Maluku Province. So that the policy can create a decent wage mechanism that can be accepted by all workers

By the Government as an intermediary in an effort to find a solution to the problem if a dispute occurs between the company and workers due to violations of various regulations that have been set, it actually results in losses for workers. In solving workers' problems and in creating a healthy business climate, and healthy relations between companies and workers, the government coordinates with relevant agencies to adopt a policy in the field of worker protection.

By making a Collective Labor Agreement it is intended as a reference in regulating work relations ~~between workers and Nusantara Company (Perinus)~~. The Collective Labor Agreement Between the workers and the Company mentioned above, it is appropriate that the implementation of the Collective Labor Agreement (PKB) that has been agreed upon must remain a reference for employment relations at the Nusantara Company (Perinus), between salaries or wages that are not in accordance with statutory regulations. So that this is what makes the recipients of wages or salaries (workers) dissatisfied.

The purpose of forest protection is to achieve forest functions which include protection, conservation and production functions. Forest protection is an effort to prevent forest destruction. There are five categories of forest damage that need attention and be prevented. ²

Government Regulation No. 45 of 2004 concerning Forest Protection stipulates that there are four types of implementation of forest protection, namely:

² Siswanto Sunarso, 2005, *Hukum Pidana Lingkungan Hidup*, Rineka Cipta, Jakarta Hlm 45-46

1. Prevent and limit damage to forests, forest areas and forest products caused by human actions.
2. Forest protection from livestock disturbance.
3. Forest protection from natural forces
4. Forest protection from pests and diseases.³

Article 47 of Law Number 41 of 1999 stipulates that forest and forest area protection is an attempt to prevent and limit damage to forests, forest areas and forest products caused by human actions, livestock, fires, natural resources, pests and diseases. maintain and safeguard the rights of the State, communities and individuals over forests, investment forest products and instruments related to forest management.⁴

The forestry law is also packaged with an ecological obligation to carry out restoration of forests that have been explored so that forest sustainability and safety are maintained, so that they can continue to provide benefits to the community and future generations.⁵

RESEARCH METHODE

The type of research methods used in this study is empirical normative legal research or what is called legal research which uses primary data sources, namely data obtained directly from the community as the first source through field research, which is carried out either through (observation), interviews. Legal research is conducted to find solutions to legal issues that arise. Therefore, legal research is a research within the framework of know-how. Within the law. The result achieved is to provide a description of what should be the issue raised.

RESULT AND DISCUSSION

Over the past ten years, the rate of forest destruction in Indonesia has reached two million hectares per year. Illegal logging is the biggest cause of forest destruction. ⁶ Article 1313 of the Civil Code reads: "An agreement is an act by which one pers The factors that cause illegal logging are logging to get wood and land conversion for other uses, such as plantations, agriculture and settlements. As time goes by, the population increases day by day, causing pressure on the need for a place to live, trees are cut down to be used as a place to live or to make agricultural land.

Enforcement of environmental law according to Hamza said that, enforcement environmental law is the supervision and application or with threats, the use of administrative, criminal or civil instruments achieves the arrangement of legal provisions that apply generally and individually. Supervision means government supervision to comply with the provision of regulations that are parallel to investigations in criminal law. ⁷

The determination of the North Halmahera Forest Area based on the Decree of the Minister of Forestry Number: SK.302/Menhut-II/2013 issued for forest areas in North Maluku Province is then managed by each Regency/City based on Regency administrative boundaries. Based on data from the Planning and Development Division of the North Halmahera District Forestry Service in 2017, the total forest area of North Halmahera District according to the Decree of the Minister of Forestry Number 302 of 2013 was 337,402.29 Ha which was then divided into HL 77,374.61 Ha, HPT 71,719.96 Ha, HP 19,925.74 Ha, HPK 75,852.20 Ha, and APL 92,529.78 Ha. Even

³ Peraturan Pemerintah Nomor 45 Tahun 2004 Tentang Perindungan Hutan

⁴ Pasal 47 Undang-Undang Nomor 41 Tahun 1999 Tentang Kehutanan.

⁵ Murhaini Suriansyah, *op cit*, Hlm 11-13

⁶ Arifin zainal, 2010, pemberantasan illegal logging dan kementerian kehutanan, PT. alumni hlm. 45-46

⁷ Siswanto Sunarso,2005, *Hukum Pidana Lingkunga Hindup*, Rineka Cipta. Jarkarta, Hal. 192.

with this small area of forest area, it does not make the forest area of North Halmahera Regency free from illegal logging activities which are increasingly threatening forest sustainability in North Halmahera Regency.

This can be seen from the attitude of the people living around the forest area who seem not to care about the consequences of illegal logging activities. Most of the people who live near or in forest areas do not understand proper forest management procedures and forest management based on permits from the local government, with limited human resources (HR), and the desire to benefit from the sale of timber to support their families, so they can easily be influenced by rogue businessmen who take advantage of the weak economic factor of the community around the forest area as a way to illegally obtain forest products at prices much cheaper than market prices.

The results of an interview that was conveyed by one of the perpetrators of illegal logging in Roko Village, Mr. Simon Bale, that so far those who work as operators or people who carry out illegal logging do not know exactly what the correct procedure for managing timber forest products is for them, the wood they collect. They take it as long as it doesn't damage the forest because they only cut down trees according to the estimated results that will be obtained from these trees, besides that the former illegal logging area will be overgrown with plants so it won't cause the forest to become damaged.⁸

The results of the researcher's interview with the Head of the Timber Legality Section, Ayah Fery Tumogob, who explained that this was not in accordance with the provisions stipulated by Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, Article 11, Article 12 and Article 13 concerning provisions for acts of forest destruction. Article 13 paragraph 1 explains that illegal logging of trees in a forest area as referred to in Article 12 letter c is logging of trees in a forest area with a radius or distance of up to 500 meters from the edge of a reservoir or lake, 200 meters from the edge of a spring and from the left and right of the river in swamp areas, 100 meters from the left and right of the river bank, 50 meters from the left and right banks of tributaries, 2 times the depth of the ravine from the edge of the cliff and or 130 times the difference between the highest and lowest tides from the shore.⁹

Utilization of timber forest products for commercial purposes in production forest areas or limited production forests is not permitted unless it is used to fulfill daily needs in this case the utilization of timber forest products for firewood for example, but until now the people of North Halmahera Regency who live around the area the forest is still logging within production and limited production forest areas.

In fact, the community cut down trees in production forest areas and limited production forests without permission from forestry service officials and the timber forest products were sold freely to entrepreneurs and timber collectors who were suspected of operating illegally. Even though in accordance with Law number 18 of 2013 it prohibits any logging activities in production forest areas and limited production forests without permission from authorized officials. This is intended so that every activity of utilizing forest products, especially timber forest products, can be monitored by the government.

Among other factors that cause people living around forest areas to carry out illegal logging are socio-economic conditions, this is generally the main reason for people to carry out illegal

⁸ Hasil wawancara penelitian dengan pelaku pembalakan liar Bapak Simon Bale pada tanggal 23 Oktober 2018.

⁹ Hasil wawancara penelitian dengan Kepala Bagian Legalitas Kayu Dinas Kehutanan Halmahera Utara pada tanggal 23 Oktober 2018.

logging and it occurs in people who live near or in forest areas, amidst the crush of economic needs, people want to do not want to work as illegal loggers in order to support their lives.

As stated by the Head of West Tobelo sub-district, Mr. Marjius Tjuluku, who said that the head of the Wangongira village, Tobelo Barat sub-district, was also a former logger (sensor/cutter) operator, explaining that the main reason why his people chose to engage in illegal logging was because most people in the area Wangongira Village still lives below the poverty line which is then exacerbated by the need for higher daily living expenses coupled with the high cost of education to send their children to school while the people of Wangongira Village mostly depend on agricultural and plantation products.

The same thing was experienced by the people of Roko Village, West Galela Subdistrict, where based on the results of interviews with the Head of Roko Village, Mr. Albertinus D. Sibaduan, explained that some of the people of Roko Village worked as operators (sensors/cutters) of wood to make ends meet, because agricultural and plantation products are not enough to meet the needs of their children's school fees and daily living expenses, where the results they get from illegal logging activities are quite promising, that is, on average in a month illegal loggers can earn Rp. 5,000,000.00 this is seen as more profitable than waiting for the harvest¹⁰

Efforts to protect forests and forest products require firmness in taking action against any perpetrators of illegal logging where this is intended to provide a deterrent effect for perpetrators and suppress the intentions or desires of other communities who want to do the same thing, however, weak law enforcement still occurs, making it difficult to deal with these activities. illegal logging that occurred in North Halmahera Regency.

There needs to be legal firmness and the courage of the authorities in taking action against anyone who commits logging without a permit, but the reality in the field is that prosecutions against illegal loggers are only limited to coaching, this certainly cannot provide a deterrent effect for illegal loggers. As explained by the Head of the North Halmahera forest management unit, Mr. Fredik Nitalessy, illegal logging activities are becoming difficult to handle because the illegal loggers are protected by members of the TNI and Police, some of whom even provide certificates of ownership of fake wood to be used as a guide for perpetrators so that when passing through the guard posts the wood is not detained/confiscated. ¹¹

Efforts to protect forest areas certainly need to be supported by adequate facilities and infrastructure so that the monitoring and security process can run well. However, limited facilities and infrastructure make it difficult to monitor and secure forest areas in North Halmahera Regency.

This was conveyed by the Head of North Halmahera Forest Unit, Mr. Fredik Nitalessy, who has the main task of monitoring and protecting the forest, only has one (1) automatic motor type official motorbike used by the Head of the Forest Management Unit (KPH), while for other purposes The North Halmahera Conservation Resort patrol does not have a vehicle that can be used to patrol into the forest area, even though the vehicle is urgently needed considering that the route to villages near the forest area is a difficult route for public transportation to take.

This causes the patrol activities that should be carried out by the Forestry Police in monitoring and securing forest areas to not work, thereby increasing the intensity of illegal logging in these forest areas.

Sebagai petugas Polisi Kehutanan, sangat penting dalam mencegah aktifitas pembalakan liar di Kabupaten Halmahera Utara, hal ini tentu tidak terlepas dari hambatan-hambatan yang dialami

¹⁰ Hasil wawancara dengan Kepala Desa Roko, Bapak Albertinus D. Sibaduan. Tanggal 23 Oktober 2018.

¹¹ Hasil Wawancara dengan Kepala kesatuan pemangkutan hutan wilayah Halmahera Utara Bapak Fredik Nitalessy 29 Oktober 2018.

oleh Polisi Kehutanan Resort Konservasi Wilayah Halmahera Utara. Hambatan-hambatan yang dialami diantaranya dipengaruhi oleh faktor sumber daya manusia dan juga sarana prasarana yang dimiliki oleh masing-masing pihak dalam melakukan pengawasan dan pengamanan kawasan hutan, sehingga pelaksanaan kegiatan pengawasan dan pengamanan kawasan hutan menjadi tidak berjalan dengan baik.

CONCLUSION

Efforts to protect forest areas certainly need to be supported by adequate facilities and infrastructure so that the monitoring and security process can run well. However, limited facilities and infrastructure make it difficult to monitor and secure forest areas in North Halmahera Regency.

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