

Article History

Received: 18 Apr 2024

Reviewed: 16 July 2024

Accepted: 22 Aug 2024

Published: 05 Sep 2024

Illegal Logging Eradication in the Perspective of National Criminal Law and Local Wisdom of Manggarai Community

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Abstract: *This study discusses illegal logging as an environmental problem, especially in forestry. Illegal logging is a criminal offence, especially in violation of Law Number 41 of 1999 on Forestry and Law Number 18 of 2013 on Prevention and Eradication of Forest Destruction. Illegal logging is also prohibited based on the Manggarai community's local wisdom. The prohibition is motivated by the tradition of the Manggarai community, which utilizes the forest and recognizes the roko molas poco customary ritual. The ritual aims to inform the Manggarai people that anyone who wants to take a tree in the forest must bring a new tree seedling in exchange. This ritual also shows the responsibility to preserve the forest so it is not damaged. However, there are still people who commit illegal logging. This study aims to analyze and find regulations and concepts for eradicating illegal logging from the perspective of national criminal law and the local wisdom of the Manggarai community. The type of study used is empirical legal research. This study is a novelty because previous researchers should have specifically reviewed the role of local wisdom, especially the Manggarai community, in eradicating illegal logging. The results show that the role of criminal law and the local wisdom of the Manggarai community is significant in eradicating illegal logging crimes. Criminal law regulates the provision of criminal sanctions against individuals and groups who commit illegal logging. The same thing also applies to the local wisdom of the Manggarai community, namely the roko molas poco ritual that the taking or utilization of timber forest products must not conflict with the ritual; if it conflicts, then it will be subject to customary fines. Based on this explanation, not only national law has a role in combating illegal logging, but local wisdom law also has a role.*

Keywords: *Eradication; Illegal Logging; Criminal Law; Local Wisdom*

Abstrak: Penelitian ini membahas pembalakan liar sebagai sebuah problematika lingkungan khususnya di bidang kehutanan. Pembalakan liar merupakan tindak pidana khususnya melanggar UU Nomor 41 Tahun 1999 tentang Kehutanan dan UU Nomor 18 Tahun 2013 tentang Pencegahan dan Pemberantasan Perusakan Hutan. Pembalakan liar juga merupakan perbuatan yang dilarang berdasarkan kearifan lokal masyarakat Manggarai. Larangan tersebut dilatarbelakangi oleh tradisi masyarakat Manggarai dalam memanfaatkan hutan yang mengenal ritual adat *roko molas poco*. Ritual tersebut bertujuan untuk memberikan pengetahuan kepada masyarakat Manggarai bahwa siapapun yang hendak mengambil pohon di hutan harus membawa bibit pohon baru sebagai gantinya. Ritual ini sekaligus menunjukkan tanggungjawab melestarikan hutan agar tidak rusak. Namun pada faktanya masih ada oknum yang melakukan pembalakan liar. Tujuan penelitian ini adalah untuk menganalisis dan menemukan regulasi dan konsep tentang pemberantasan pembalakan liar

dalam perspektif hukum pidana nasional dan kearifan lokal masyarakat Manggarai. Jenis penelitian yang digunakan adalah penelitian hukum empiris. Peneliti ini merupakan sebuah kebaruan, karena peneliti sebelumnya tidak secara khusus mengulas mengenai peran kearifan lokal khususnya masyarakat Manggarai dalam memberantas pembalakan liar. Hasil penelitian menunjukkan bahwa peran hukum pidana dan kearifan lokal masyarakat Manggarai sangat penting dalam memberantas tindak pidana pembalakan liar. Hukum pidana mengatur mengenai ketentuan sanksi pidana terhadap perorangan maupun kelompok yang melakukan pembalakan liar. Hal yang sama juga berlaku dalam kearifan lokal masyarakat Manggarai yaitu ritual *roko molas poco* bahwa pengambilan atau pemanfaatan hasil hutan kayu tidak boleh bertentangan dengan ritual tersebut, jika bertentangan maka akan dikenakan denda adat. Berdasarkan penjelasan tersebut dapat disimpulkan bahwa tidak hanya hukum nasional yang mempunyai peran dalam memberantas pembalakan liar, melainkan hukum kearifan lokal juga mempunyai peran di dalamnya.

Kata Kunci: Pemberantasan; pembalakan liar; hukum pidana; kearifan lokal

INTRODUCTION

Concern to the environment and especially concern for forests is a shared responsibility of mankind.¹ As La Taati's opinion, forests have a role in the life of nations and countries as carbon dioxide reservoirs and produce oxygen and can prevent natural disasters including those related to global warming.² Although the role of forests is very important, in this modern era, humans are often selfish because they do not protect and care for the environment, in line with the opinion of F. Fraser Darling, who states that humans are in a position or have a higher position when compared to other living things. The higher position is due to the status of humans, who are called biological aristocrats, who have greater power over other living things. This higher position results in humans using natural resources irresponsibly, resulting in environmental damage. Damage to forest conditions is an environmental damage that usually occurs due to illegal logging or forest clearing. Illegal logging is a phenomenon that has become increasingly common lately. Illegal logging must be taken seriously, as it has a massive impact on the lives of all living things. Illegal logging is also an activity that aims to utilize forest products or exploit the wealth in the forest illegally. Discussing illegal logging, the action is also classified as a form of violation of environmental conservation. It is because by illegal logging, timber forest products are taken and utilized illegally, caused various environmental damages, such as deforestation. After all, the parties that utilize timber forest products do not make reforestation efforts.³ The threat to conservation is even more evident in data showing that every year, at least 1.1 million hectares or 2% of Indonesia's forests experience a decrease

¹ Nisa Fadhliyah Rahmani and Maila D H Rahiem, "Implementasi Pendidikan Lingkungan Hidup Di Raudhatul Athfal," *Jurnal Ilmiah Potensia* 8, no. 1 (2023): 12–25, <https://doi.org/10.33369/jip.8.1>.

² M. Teguh Heriyanto and Wartiniingsih Wartiniingsih, "Aspek Tindak Pidana Korupsi Pada Perizinan Pembalakan Liar," *Inicio Legis* 2, no. 1 (2021): 1–22, <https://doi.org/10.21107/il.v2i1.11009>.

³ Muhammad Ramdhan Hananto and Tundjung Herning Sitabuana, "Implementasi Pencegahan Pada Penebangan Atau Pembalakan Liar Ditinjau Dari Undang-Undang Pencegahan Dan Pemberantasan Perusakan Hutan No. 18 Tahun 2013," *Jurnal Hukum Adigama* 5, no. 1 (2022): 1799–1811, <https://journal.untar.ac.id/index.php/adigama/article/view/20121/12378>.

in forest area (deforestation).⁴

Based on data found by Salim in a journal written by Wayah Aji Kurniawan and Kuswardani, Indonesia is included in a tropical climate and has fertile soil, so it is not surprising that 70% of its area is filled with forests.⁵ However, over time, the forest area has decreased. Generally, the reduction in forest area is due to illegal logging. This often happens because of human actions to fulfil the interests of both individuals and groups. The impacts of illegal logging are enormous, such as landslides due to deforestation, reduced oxygen production, and increased carbon dioxide that threatens human breathing. In addition, illegal logging can also lead to forest degradation. Forest degradation refers to the fact that the forest still exists. However, the function of the forest cannot run properly because the ecosystem and resources in the forest have been cleared through illegal logging activities.⁶

Furthermore, the forest degradation in Indonesia is caused by illegal logging as in Riau. Riau Police Chief revealed that there were at least 35 cases of forest damage due to illegal logging from 2021 to 2022.⁷ These cases show that illegal logging occurs at least from year to year. Seeing the phenomenon that occurs, the government, which has the authority, has tried to formulate a regulation in order to minimize forest damage. These regulations include Law Number 41 of 1999 concerning Forestry, which was last amended by Law Number 6 of 2023 on the Stipulation of Perpu on Job Creation, and Law Number 18 of 2013 on Prevention and Eradication of Forest Destruction, which was last amended by Law Number 6 of 2023 concerning the Stipulation of *Perpu* on Job Creation.

These laws and regulations are the legal basis for preventing and eradicating forest destruction, including illegal logging. Eradication of illegal logging is very important because eradication is an effort to take action against perpetrators of forest destruction according to applicable law. Illegal logging has a massive impact on preserving nature and the life of the nation and state, including social, economic and environmental life.⁸ Protection of the environment, such as eradicating illegal logging, is determined not only by the government's role alone but also depends heavily on public awareness. It means that preserving the environment, especially forests, is not only the government's task but also the community's participation, which is also very important in maintaining and caring for forests.

⁴ Rizky Zakariya, "Optimalisasi Penelusuran Aset Dalam Penegakan Hukum Pembalakan Liar Oleh Penyidik Pegawai Negeri Sipil Kementerian Lingkungan Hidup Dan Kehutanan," *Padjadjaran Law Review* 8, no. 1 (2020): 159–75, <http://jurnal.fh.unpad.ac.id/index.php/plr/article/view/30/102>.

⁵ Wayah Aji Kurniawan and Kuswardani Kuswardani, "Penanggulangan Pembalakan Liar Dengan Hukum Pidana Dan Penerapannya," *Unes Law Review* 6, no. 1 (2023): 1845–52, <https://review-unes.com/index.php/law/article/view/924/731>.

⁶ Muh. Fadli Faisal Rasyid Saharuddin Saharuddin Ilham Umar, "Implementasi Penegakan Hukum Tindak Pidana Pembalakan Liar," *Jurnal Litigasi Amsir* 10, no. 1 (2022): 37–43.

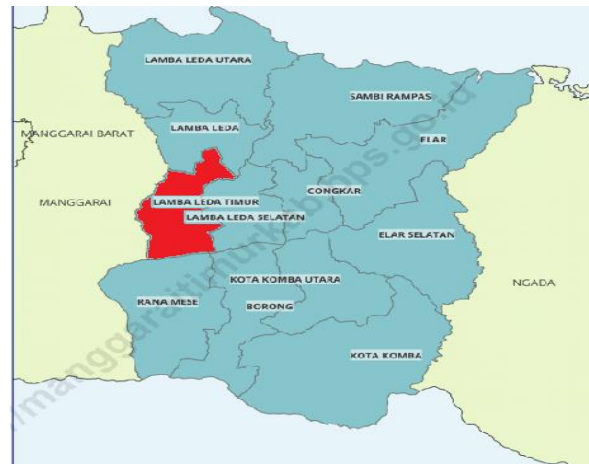
⁷ Rinanda Aderiswanto, "Tindakan Hukum Terhadap Kasus Pembalakan Liar Di Hutan Riau," *AL_BHAST Jurnal Ilmu Sosial, Politik Dan Hukum* 2, no. 1 (2024): 26–34, <http://ejournal.unisi.ac.id/index.php/albahts/article/view/3084/1583>.

⁸ Abdur Rahman Adi Saputera and Jamiliya Susantin, "Implementasi Penegakan Hukum Terhadap Kasus Pembalakan Liar Di Kecamatan Marisa," *Jurnal Yustitia* 21, no. 1 (2020): 116–36, <http://36.88.105.228/index.php/yustitia/article/view/838/658>.

In addition to the data found regarding illegal logging, the same case occurred in East Manggarai, NTT, especially in East Lamba Leda.

Figure 1,

Map of the research location (red)



It was found that approximately 2 (two) hectares of Bangga Rangga protected forest were destroyed by local residents.⁹ When it comes to local wisdom, the Manggarai community still adheres to local wisdom embodied in the *Roko Molas Poco* traditional ritual. The ritual involves a girl collecting trees in the forest through community participation.

Furthermore, based on the folklore, a beautiful girl lives in a beautiful forest. The beautiful girl is likened to a tree that has high beneficial value. Some conditions for taking the beautiful girl include providing a new girl (new tree seedlings) who will replace her in the forest. This story informs the Manggarai people that anyone who wants to take a tree in the forest must bring a new tree seedling instead. This ritual also shows the responsibility of preserving the forest so it is not damaged and deforested due to illegal logging.

The regulations outlined in the previous paragraphs stipulate that illegal logging is a criminal offence. The actions of individuals or groups to destroy forests, such as logging, encroaching and even taking forest products unlawfully or without a permit, will be subject to criminal sanctions. The application of criminal sanctions is a form of law enforcement.

Moreover, one of the results of a study conducted by previous authors related to the current research is by Wayah Aji Kurniawan and Kuswardan entitled "*Penanggulangan Pembalakan Liar Dengan Hukum Pidana Dan Penerapannya*". From the results of this study, Law Number 18 of 2013 on the Prevention and Eradication of Forest Destruction is often the basis for law enforcement as a government effort to eradicate illegal logging practices.¹⁰ The results of previous study differ from those of the current researcher. Previous study only

⁹ Iren Leleng, "BBKSDA III NTT Minta Warga Manggarai Timur Agar Tidak Merambah Hutan Secara Liar," 08 Mei, 2023, <https://flores.inews.id/read/293658/bbksda-iii-ntt-minta-warga-manggarai-timur-agar-tidak-merambah-hutan-secara-liar>.

¹⁰ Kurniawan and Kuswardani, "Penanggulangan Pembalakan Liar Dengan Hukum Pidana Dan Penerapannya."

examined the aspects of national criminal law related to combating illegal logging. At the same time, the current study also looks at the role of local wisdom, especially the Manggarai community, in combating illegal logging.

Another study by previous authors is entitled *"Strategi Penegakan Hukum Lingkungan Terhadap Pelaku Tindak Pidana Dalam Kasus Pembalakan Liar"* by Hasanul Mulkan.¹¹ The results of this study differ from those of the current researcher. The previous study only focused on discussing law enforcement strategies through criminal law against perpetrators of illegal logging. The current study will also analyze the eradication of illegal logging based on national criminal law and guided by the local wisdom law of the local community.

Then, the study was conducted entitled *"Analisis Yuridis Tindak Pidana Illegal Logging Ditinjau Dari Perbandingan Hukum Indonesia, Filipina, Dan Malaysia"* by Reviansyah Erlianto et al.¹² The results of the previous study show a difference from those of current researchers. Previous studies only focused on juridically analyzing the legal comparison between Indonesia, the Philippines and Malaysia. From this comparison, it was found that illegal logging is a prohibited act. In contrast, the current study is more focused on the perspective of national criminal law with the role of local wisdom in combating illegal logging. The comparison between previous and current studies shows a novelty in the study.

Although illegal logging has been established as a criminal offence based on the provisions of national law and the local wisdom of the Manggarai community who consider illegal logging as a taboo or prohibited act, the fact is that there are still individuals who commit illegal logging as described above. From this gap, the researcher is interested in exploring the eradication of illegal logging from the perspective of national criminal law and the local wisdom of the Manggarai community. Based on these problems, this research aims to analyze and find regulations and concepts for eradicating illegal logging from the perspective of national criminal law and the local wisdom of the Manggarai community.

METHOD

The type used in this study is empirical legal research. This study serves to see the law in absolute terms and examines the application of law in people's lives.¹³ The approach used in this study is a legal sociology approach, which studies the reciprocal relationship between law and social symptoms.¹⁴ In addition, this study also uses a legislative approach that will look for

¹¹ Hasanul Mulkan, "Strategi Penegakan Hukum Lingkungan Terhadap Pelaku Tindak Pidana Dalam Kasus Pembalakan Liar/Illegal Logging," *Jurnal Hukum Uniski* 12, no. 2 (2023): 129–42, <https://www.ejournal.uniski.ac.id/index.php/JHUniski/article/view/642>.

¹² Reviansyah Erlianto, Galih Raka Siwi, and Wahyu Donri, "Analisis Yuridis Tindak Pidana Illegal Logging Ditinjau Dari Perbandingan Hukum Indonesia, Filipina, Dan Malaysia," *UNES Law Review* 4, no. 1 (2021): 35–47, <https://review-unes.com/index.php/law/article/view/212>.

¹³ Ahsan Irwansyah, Yunus, *Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2021).

¹⁴ Fariz M Sulthan et al., "Kajian Sosiologi Hukum Dalam Kehidupan Kemasyarakatan," *Advances In Social Humanities Research* 1, no. 9 (2023): 1166–76, <https://www.adshr.org/index.php/vo/article/view/124/126>.

and analyze laws and regulations related to the legal issues under study.¹⁵ The data used in this study consists of primary data and secondary data. Primary data is data obtained directly from respondents. Meanwhile, secondary data is supporting or complementary data consisting of primary and secondary legal materials. The data analysis method used is qualitative data analysis.

DISCUSSION

Illegal Logging Eradication in the Perspective of Local Wisdom

Local wisdom is an idea owned by the indigenous people of a local area that teaches people to act wisely and live full of goodness. Local wisdom should live in the community and be followed by all community members.¹⁶ Local wisdom can also be interpreted as a local law born from a habit carried out continuously so that it becomes a customary law. Local wisdom is closely related to life in the community, including the use or utilization of forests. This is emphasized in the Law on Environmental Protection and Management (UU PPLH) Article 1 Point 30, that what is meant by local wisdom is noble values that exist and are recognized in community life to protect and manage the environment so that environmental conditions are maintained. From the provisions of the article, it can be interpreted that local communities recognize that environmental protection and management must be carried out sustainably to ensure the welfare of current and future generations.

Environmental protection and management efforts are often an issue both regionally and internationally. However, the environment is often damaged, one of which is the result of illegal logging. Illegal logging is utilizing or managing forests illegally or without a permit. Illegal logging is regulated not only in national law, as in the previous sub-discussion, but also in local wisdom, which is contained in customary law and community traditions.

Furthermore, one of the wisdoms regarding forest conservation owned by the people of Manggarai Raya NTT is the *roko molas poco* ritual. The *roko molas poco* is a customary tradition of carrying wood from the forest, which involves the community carrying the wood from the forest to the place where they want to build a traditional house (mbari gendang).

¹⁵ Luh Putu Putri Indah Pratiwi, Dewa Gede Sudika Mangku, and Ni Putu Rai Yuliantini, "Pengaturan Terhadap Kedudukan Anak Di Luar Kawin Pasca Putusan Mahkamah Konstitusi Nomor 46/Puu-Viii/2010," *Jurnal Komunitas Yustisia* 3, no. 1 (2020): 13–24, <https://ejournal.undiksha.ac.id/index.php/jatayu/article/view/28831>.

¹⁶ Ali Imran Nasution and Taupiqqurrahman, "Peran Kearifan Lokal Masyarakat Membuka Lahan Dengan Cara Membakar Sebagai Upaya Mencegah Kebakaran Hutan Dan Lahan," *Esensi Hukum* 2, no. 1 (2020): 1–14, <https://doi.org/10.35586/esensihukum.v2i1.21>.

Figure 2,
Roko Molas Poco Ritual



This tradition also requires the fulfilment of conditions such as providing tree seeds that will be planted in the forest and replacing trees that are logging. The felled trees are carried to the traditional house where a girl sits on top of them, as shown in the picture above. According to the traditional story, this ritual is the story of a beautiful girl who lived in a fertile forest that shone throughout the Manggarai region. Her beauty attracted the attention of a young man who came to propose to her. However, the girl did not immediately accept his proposal. However, the girl gave several conditions to propose to him, such as one of them providing two girls to replace her position in the forest.¹⁷ It lines with the explanation by the source, Mr. Feliks, related to the *roko molas poco* ritual, that *molas poco* is a greeting for a beam. The beam will be used as the center pole (siri bongkok) of a traditional house (mbaru gendang). Furthermore, according to the informant, the *roko molas poco* activity symbolizes a girl coming out of her house, namely the forest, to a man's house, namely the traditional house. The traditional ritual of *roko molas poco* is still a belief practised in Manggarai society.

Based on the previous description, if people want to utilize forest products in the form of trees that are likened to beautiful girls, they must fulfil the specified conditions. These conditions must be implemented, such as providing tree seedlings to replace the trees taken. Taking or utilizing wood illegally and not meeting the requirements according to the local wisdom of the Manggarai community is prohibited. However, under certain conditions, the community can also utilize forest products for their own interests. However, the utilization of forest products must be optimal, and it is not allowed to take on a large scale because it can damage the condition of the forest. According to interviewee Mr. Feliks, local customary law has attempted to prohibit acts of forest destruction such as illegal logging practices in caring for and maintaining the condition of the forest. Suppose people must pay attention to the *roko molas poco*, the customary tradition of logging trees in the forest. In that case, the loggers are declared to have violated customary law and will be subject to customary

¹⁷ Ahsan Hidayat Setiadi, Nahdatunnisa Nahdatunnisa, and Andi Almustagfir Syah, "" Roko Molas Poco " Tradisi Membangun Suku Manggarai Dalam Upaya Pelestarian Artefak Adat," *ANOA Jurnal Pengabdian Masyarakat Fakultas Teknik UM Kendari*, 2022, 17–24, <https://doi.org/https://doi.org/10.51454/anoa.v1i01.95>.

sanctions in payment fines. The speaker further explained that customary fines still apply to violators who commit illegal logging in customary forest areas, specifically around the spring area. If elaborated with the criminal law stipulated in the Criminal Code, this customary fine can be one type of additional punishment in the form of fulfilling local customary obligations stipulated in Article 66 of the new Criminal Code.

Manggarai is a region famous for its forest areas. However, along with the current development, more and more forests are being deforested because one of the causes is illegal logging activities. Based on the research results that have been obtained, illegal logging has occurred several times in East Manggarai; for example, in 2020, 320 hectares of forest in Lok Pahar were damaged due to illegal logging. Likewise, in 2023, 2 hectares of forest in East Lamba Leda became the object of illegal logging. In the opinion of Mr. Darius, one of the local communities, illegal logging often occurs due to the lack of public understanding of the importance of preserving forests. In addition, economic conditions that urge the perpetrators to carry out illegal logging and the lack of land to be used as fields for farmers, especially coffee farmers, so that the perpetrators choose to log the forest to open fields or plantations and even exploit forest resources unlawfully.

Based on the results of an interview with Mr Feliks as a traditional leader conducted on March 10, 2024, it is known that efforts to overcome the problem of illegal logging that has been carried out by the government and local traditional leaders are by forming an institution whose task is to monitor and prohibit actions that damage the forest, including illegal logging. The institution is the Natural Resources Conservation Center called *Balai Konservasi Sumber Daya Alam* (BKSDA). In addition, traditional elders also regularly warn the community not to engage in illegal logging. The government and traditional elders also collaborate to improve understanding of the importance of protecting the forest by conducting socialization.

Generally, illegal logging occurs because of the greed of humans, who consider themselves the centre of all life and become rulers over other living things. Suppose we refer to the theory of environmental ethics, especially the theory of anthropocentrism. In that case, humans are indeed given the power and authority to utilize natural resources, but on the other hand, humans also have obligations and responsibilities to preserve nature. Regarding this anthropocentrism theory, Ohoiwutun argues that instrumentalists and egoistic towards nature characterize anthropocentrism theory. Nature is seen solely as a tool or means to support human life and its interests. Even if there is a human concern for nature, it is done solely to ensure human survival.¹⁸ Suppose it is related to the problem of illegal logging. Humans should realize that in addition to the right to control and utilize the environment, humans must also preserve the environment. It aims to utilize natural resources, including forest resources, can be carried out optimally and sustainably by avoiding negative actions such as illegal logging and maintaining natural sustainability.

¹⁸ Barnabas Ohoiwutun, *Posisi Dan Peran Manusia Dalam Alam Menurut Deep Ecology Arne Naess (Tanggapan Atas Kritik Al Gore)* (Yogyakarta: Kanisius, 2020).

One crucial element that influences the eradication of illegal logging is law enforcement. Law enforcement aims to realize the purpose of the law.¹⁹ Indonesia is a state of law, so the law is likened to a commander (supremacy of law) in meeting the various needs of society. Almost all of the various sectors of life have been regulated by law. It is undoubtedly regulated to guarantee the community's rights and obligations. The same applies to local wisdom as a means to prevent and eradicate illegal logging. It becomes problematic if the rules are regulated, but law enforcement needs to be stronger. In order to achieve legal objectives such as justice, certainty and usefulness, law enforcement must be appropriately applied. According to Satjipto Rahardjo, law enforcement started when the rules were made and culminated when the rules were applied. Then, according to Soerjono Soekanto, various factors can affect law enforcement, including the legal factors themselves. These law enforcement factors are closely related to law enforcement officials, facilities or facilities that support law enforcement, community, and cultural factors.²⁰

Illegal Logging Eradication in the Perspective of Criminal Law

Legislation, especially criminal law, is a guideline for regulating patterns of community behaviour to create order in the community's life. It includes the interaction of the community with the surrounding environment and nature. More specifically, positive law has accommodated various efforts to prevent or eradicate illegal logging crimes. The current cases of illegal logging often occur, as discussed in the introduction. Illegal logging also has a huge impact, such as global warming. Illegal logging, according to Article 1 point 4 of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction, is any activity or activity of utilizing forest products such as timber illegally and carried out in an organized manner. According to the article's provisions, exploiting forest resources, especially timber, illegally or contrary to applicable regulations and implementing them in groups or organized is an act of illegal logging. It should be noted that illegal logging is an organized action carried out by certain groups of people to achieve unlawful goals. It is different when people who live close to the forest area utilize or take timber forest products on a limited basis for daily needs rather than for trade or commercialization, not categorized as illegal logging.

According to the Forestry Department, illegal logging is the criminal act of logging trees and harvesting forest products without having legal rights and the granting of permits from authorized agencies related to the utilization of forest products. In addition, illegal logging also includes actions carried out by people who have permission to use the forest but need to follow the rules, including logging trees on a vast scale.²¹ The impact or danger caused by

¹⁹ Atika Tharia, "Penegakan Hukum Administrasi Lingkungan Hidup Ditinjau Dari Konsep Negara Hukum," *Jurnal Cendekia Hukum* 5, no. 2 (2020): 260–74, <https://doi.org/https://doi.org/10.33760/jch.v5i2.229>.

²⁰ Aris Prio Agus Santoso, Aryono, and Yoga Dewa Brahma, *Alternatif Penyelesaian Sengketa* (Yogyakarta: Pustaka Baru Press, 2022).

²¹ Saharuddin Saharuddin and Ilham Umar, "Implementasi Penegakan Hukum Tindak Pidana Pembalakan Liar," *Jurnal Litigasi Amsir* 10, no. 1 (2022): 37–43, <https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://journalstih.amsir.ac.id/index.php/julia/article/download/140/107&ved=2ahUKEwi8uovNqf2FAxUZT2wGHaZoAx4QFnoECBQQAQ&usq=AOvVaw>

illegal logging is enormous because it can damage the existence of the environment. The increasing global warming is also an impact of illegal logging that will threaten the lives of current and future generations because they cannot feel the coolness due to unstable temperatures due to global warming. In addition, the impacts of illegal logging that occur directly for the current generation are floods, droughts caused by climate change, and other consequences such as landslides. Another impact of illegal logging is the loss of ecosystems such as flora and fauna, changes in natural structure, reduced biodiversity and depletion of forest resources due to illegal exploitation (illegal logging).²²

Based on the previous explanation, the impact of illegal logging is very detrimental and needs to be taken seriously. The government has undoubtedly implemented it by formulating a regulation to make illegal logging a criminal offence. It is also part of the state's role as a party to formulate regulations and supervise the application of rules so that they are obeyed by the parties involved.²³ Regarding it, there are several regulations as a legal basis for preventing or eradicating illegal logging, as follows:

1. Law Number 41 of 1999 on Forestry

Table 1. Law Number 41 of 1999 on Forestry

The Object of Action	Sanctions
Article 50 paragraph (3) letter b: prohibition of encroaching on forest areas.	Article 78 paragraph (2): a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah).
Article 50 paragraph (3) letter c: prohibition of tree felling in forest areas with a certain radius or distance.	Article 78 paragraph (2): a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah).
Article 50 paragraph (3) letter e: prohibition of logging trees or harvesting or taking forest products in the forest without the right or permission of the authorized official.	Article 78 paragraph (5): A maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah).
Article 50 paragraph (3) letter f: prohibition of receiving, buying or selling, accepting exchange, accepting	Article 78 paragraph (5): A maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 5,000,000,000.00

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²² Fuzi Nandriani, "Upaya Masyarakat Dalam Pencegahan Dan Pemberantasan Pembalakan Liar Di Indonesia," *Jurnal Penelitian Hukum De Jure* 18, no. 2 (2018): 241–46, <https://doi.org/doi:10.30641/dejure.2018.v18.241-256>.

²³ Darmini Roza and Gokma Toni Parlindungan S, "Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Indonesia Sejahtera Dalam Pandangan Teori Negara Kesejahteraan," *Jurnal Cendekia Hukum* 5, no. 1 (2019): 131–44, <https://www.e-jurnal.stih-pm.ac.id/index.php/cendekeahukum/article/view/185/156>.

entrustment, storing, or possessing forest products known or suspected to have originated from unlawfully extracted forest areas. (five billion rupiah).

Article 50 paragraph (3) letter h: Article 78 paragraph (7): a maximum prohibition of transporting, controlling, or possessing forest products that are not equipped with a valid forest product certificate. imprisonment of 5 (five) years and a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiah).

Article 50 Paragraph (3) of the Forestry Law, especially letters b, c, e, f and h, essentially prohibits encroaching on forest areas, then logging the trees in forest areas with radius provisions, logging trees and taking forest products without permission from the authorized party. Receiving forest products suspected of being the result of illegal logging and buying or selling forest products from illegal logging activities. In addition, accepting exchanges and deposits of forest products and storing forest products are prohibited, primarily when these activities are related to illegal logging by illegally utilizing timber forest products. The provisions described previously state that if there are parties who violate these prohibitions, they will be subject to criminal sanctions as stated in Article 78, Paragraphs (2), (5), and (7). In the provisions of Paragraphs 2 and 5 regarding the sanctions, the regulated will be subject to or threatened with five years imprisonment and a fine of five billion. Further provisions stipulated in Paragraph 7 are slightly different from the provisions of the previous paragraph that those who violate the provisions in this law will be punished with five years imprisonment and a fine of ten billion if proven to have violated the provisions in Article 50 Paragraph (3) Letter h. Seeing the provisions of imprisonment and fines that apply, it is very appropriate to provide a deterrent effect and minimize the occurrence of forest destruction. Thus, the government's efforts to eradicate illegal logging, which impacts forest destruction, can provide significant benefits.

2. Law Number 32 of 2009 on Environmental Protection and Management (*UU PPLH*)

Table 2. Law Number 32 of 2009 on Environmental Protection and Management

The Object of Action	Sanctions
Article 69 paragraph (1) letter a: prohibition of actions that cause pollution and/or destruction of the environment.	Article 98 paragraph (1): specifically for damage to the environment shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least Rp3,000,000,000.00 (three billion rupiah) and at most Rp10,000,000,000.00

(ten billion rupiah).

Article 69 Paragraph (1) letter a regulates the prohibition of committing an act which can result in environmental damage. Illegal logging is one of the actions that can damage the environment. Although this law does not explicitly regulate illegal logging, the conception of illegal logging is to damage the forest to utilize the results without a permit. Therefore, anyone who commits illegal logging can be categorized as damaging the environment, and if the action has exceeded the conditions or criteria that have been determined will be subject to criminal sanctions according to this law. Suppose someone commits an act such as illegal logging that results in environmental damage, especially forest damage. In that case, the perpetrator can be threatened with criminal sanctions as stipulated in Article 98 paragraph (1).

3. Law Number 18 of 2013 on Prevention and Eradication of Forest Degradation.

Table 3. Law Number 18 of 2013 on Prevention and Eradication of Forest Degradation.

The Object of Action	Sanctions
Article 12 letter a: prohibition of logging in forest areas that are not in accordance with the forest utilization permit.	To the individual : Article 82 paragraph (1): imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiahs) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah). For corporations: Article 82 paragraph (3): criminal punishment with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah). Corporations may also be subject to administrative sanctions as stipulated in Article 18 paragraph (1) consisting of government coercion, forced money, and/or license revocation.
Article 12 letter b: prohibition in logging the trees in forest areas without having a permit issued by an authorized official.	To the individual : Article 82 paragraph (1): imprisonment for a minimum of 1 (one) year and a maximum of 5 (five)

	<p>years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah).</p> <p>For corporations: Article 82 paragraph (3): criminal punishment with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah). Corporations may also be subject to administrative sanctions as stipulated in Article 18 paragraph (1), which consists of government coercion, forced money, and/or license revocation..</p>
<p>Article 12 letter c: prohibition of unauthorized logging in forest areas.</p>	<p>To the individual : Article 82 paragraph (1): imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah).</p> <p>For corporations: Article 82 paragraph (3): criminal punishment with imprisonment of at least 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiahs) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiahs). Corporations may also be subject to administrative sanctions as stipulated in Article 18 paragraph (1), which consists of government coercion, forced money, and/or license revocation.</p>
<p>Article 12 letter d: prohibition of loading, unloading, issuing, transporting,</p>	<p>To the individual : Article 83 paragraph (1): imprisonment for a minimum of 1</p>

controlling, and/or possessing logging products in forest areas without a permit. (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah).

For corporations: Article 83 paragraph (4): imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

Article 12 letter e: prohibition of transporting, controlling, or possessing timber forest products that are not accompanied by a valid forest product certificate. To the individual: Article 83 paragraph (1): imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah).

For corporations: Article 83 paragraph (4): imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

Article 12 letter f: prohibition of carrying tools commonly used for logging, or splitting trees in the forest area without the permission of the authorized official; To the individual : Article 84 paragraph (1): shall be punished with imprisonment of a minimum of 1 (year) year and a maximum of 5 (five) years as well as a fine of at least Rp250,000,000.00 (two hundred fifty million rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).

For corporations: Article 84 paragraph (4): imprisonment for a minimum of 2 (two) years and a maximum of 15

	(fifteen) years and a fine of at least IDR 2,000,000,000.00 (two billion rupiah) and a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah).
Article 12 letter g: prohibition of carrying heavy equipment and/or other equipment that is commonly or reasonably suspected to be used to transport forest products within the forest area without the permission of the authorized official.	To the individual : Article 85 paragraph (1): imprisonment for a minimum of 2 (two) years and a maximum of 10 (ten) years and a fine of at least IDR 2,000,000,000.00 (two billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah). For corporations: Article 85 paragraph (2): imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).
Article 12 letter h: prohibition of utilizing timber forest products suspected of originating from illegal logging.	To the individual: Article 83 paragraph (1): imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah). For corporations: Article 83 paragraph (4): imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).
Article 12 letter i: circulating timber from illegal logging by land, water or air.	To the individual: Article 86 paragraph (1): imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five

	<p>hundred million rupiah).</p> <p>For corporations: Article 86 paragraph (2): imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).</p>
<p>Article 12 letter j: smuggling timber originating from or entering the territory of the Unitary State of the Republic of Indonesia by river, land, sea or air.</p>	<p>To the individual: Article 86 paragraph (1): imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah).</p> <p>For corporations: Article 86 paragraph (2): imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).</p>
<p>Article 12 letter k: prohibition of receiving, buying, selling, receiving in exchange, receiving in trust, and/or possessing forest products known to originate from illegal logging.</p>	<p>To the individual: Article 87 paragraph (1): imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah).</p> <p>For corporations: Article 87 paragraph (4): imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).</p>
<p>Article 12 letter l: prohibition of buying, marketing, and/or processing timber</p>	<p>To the individual : Article 87 paragraph (1): imprisonment for a minimum of 1</p>

forest products originating from forest areas that were illegally taken or collected.

(one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah).

For corporations: Article 87 paragraph (4): imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

Article 12 letter m: receiving, selling, receiving in exchange, receiving in trust, storing, and/or possessing timber forest products originating from forest areas that were illegally taken or collected.

To the individual : Article 87 paragraph (1): imprisonment for a minimum period of 1

(one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion five hundred million rupiah). For corporations: Article 87 paragraph (4): imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

Article 1 Point 4 of this Law defines illegal logging, namely all activities related to the unlawful utilization of forest products such as timber and carried out in an organized manner. Unauthorized utilization of timber forest products means that criminal sanctions will be imposed unless such utilization is preceded by a permit granted by the relevant agency. Organized means that the action is carried out by a group of people jointly destroying the forest. The group does not include people who live near the forest area to clear traditional fields and log down trees for their own needs, not for commercial or trade purposes. Not all forest products stolen can be categorized as illegal logging, but only timber forest products stolen can be categorized as illegal. When the unauthorized collection of non-timber forest products, such as taking flowers, rattan optimally does not include illegal logging. To respond to these crimes, this law will serve as a guideline

or legal basis for preventing and eradicating illegal logging. Article 12, letter a to letter m, regulates illegal logging prohibition. If parties violate these provisions, they will be given sanctions and prison and criminal fines. The criminal sanctions have been regulated in Articles 82 to 87 of this Law. The prescribed sanctions will provide suffering and deterrent effects to the perpetrators, considering that the applicable sanctions are severe, including imprisonment and fines.

Moreover, the provisions that have been regulated in several previous regulations relating to illegal logging have generally regulated the objects of prohibited acts and the sanctions that will be applied when committing prohibited acts. The objects of action are very diverse, which, in essence, prohibit all actions or acts of utilizing forest products such as timber illegally and carried out in an organized manner. Illegal logging activities can consist of logging, transporting, and selling timber forest products without a permit from the competent authority. The sanctions stipulated in the various laws and regulations above consist of imprisonment and fines, which require a deterrent effect on the perpetrators of illegal logging. In addition, additional sanctions can be explicitly imposed for illegal logging perpetrators who are corporations, namely administrative sanctions, which include government coercion, forced money, and/or license revocation. Specifically, in administrative sanctions in the form of government coercion, the government can take action so that the company / legal entity can restore the condition or state of the forest due to its actions to destroy it. Compared to the concept of punishment in Law Number 1 Year 2023 on the Criminal Code, the regulation not only imposes sanctions that provide a deterrent effect but also requires the restoration of the situation between the perpetrator and the victim. The restoration concept in this situation shows the similarity between the Law on illegal logging and the Criminal Code. It is just that the victims referred to in the Criminal Code are identical to humans, while the victims referred to in the Law regulating illegal logging are forests. Therefore, it is also desirable to restore the condition of the forest that has been damaged by illegal logging.

Regarding the party or agency authorized to eradicate illegal logging, it is the duty or authority of the government that is then mandated by other institutions or agencies, one of which is the Forest Damage Prevention and Eradication Agency. The tasks include conducting investigations and inquiries into criminal acts of forest destruction, carrying out anti-destruction socialization, and many other tasks as specified in Law Number 18 of 2013. The government's task is not only to formulate laws to prevent or eradicate illegal logging, as explained in the previous paragraph. However, the government must also enforce or implement relevant laws to eradicate illegal logging, especially in the regions. The government must also enforce laws in the event of illegal logging. This law enforcement can be done repressively by applying administrative, civil, and criminal sanctions.²⁴

²⁴ 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 (2022): 532–37, <http://jurnal.syntaxtransformation.co.id/index.php/jst/article/view/545/752>.

In addition to this authority, the government must also be able to collaborate with the community in forest management, utilization, and supervision. It is so that the community can assist the government's duties, including monitoring forest utilization so that if there are parties who use the forest unlawfully and irresponsibly, such as illegal logging, the community will immediately report it to the authorized agency or can also solve the problem based on customary law. Through this collaboration, the community will feel more responsible in utilizing the forest so that they not only utilize forest products but also participate in preserving the forest. The authority of the community, especially indigenous peoples, in guarding against criminal acts, including illegal logging, can also be found in Article 2 of Law Number 1 of 2023 concerning the Criminal Code. The article calls for enforcing living law, which is still applied in community life. In addition, the types of punishment regulated in the Criminal Code are also known as additional punishment, which, based on Article 66 paragraph (1) letter f, one of the additional punishments is the fulfillment of local customary obligations. This results in an obligation for the perpetrator to carry out customary obligations based on the community's laws.

Forestry police also have a role in eradicating illegal logging.²⁵ The Forestry Police is regulated in Article 1 Point 9 of the Ministry of Administrative Reform and Bureaucratic Reform Regulation Number 21 of 2019, which states that the rangers protect forest areas granted by law. In Article 1 Point 2 of Government Regulation (PP) Number 45 of 2004 on Forest Protection as last amended by PP Number 23 of 2021 on the Implementation of Forestry, that organizes and implements protection efforts which by the power of the law gives special rangers authority in charge of forestry and conservation of biological natural resources and their ecosystems. The law granting such authority is stipulated in Article 1, number 15 of Law Number 18 of 2013. Based on law Number 41 of 1999 on Forestry, Article 51 Paragraph (2) is authorized to carry out patrols in forest areas following its jurisdiction, take care of documents related to the transportation of forest products, receive reports on the occurrence of criminal acts, collect various information and evidence of criminal acts, arrest suspects and hand them over to the authorities and make reports and sign reports on the occurrence of crimes.

CONCLUSION

In the end, local wisdom, such as that of the Manggarai community, is instrumental in eradicating illegal logging practices. The local wisdom of the Manggarai community is reflected in the traditional ritual of roko molas poco. The ritual implies that forest utilization should not contradict customs. These customs include optimal utilization of the forest and providing new tree seedlings to maintain the condition of the forest and not destroying the forest. We will be subject to sanctions such as customary fines if we violate these customs. If elaborated with the criminal law stipulated in the Criminal Code, this customary fine can be

²⁵ Endra Supardi et al., "Peran Polisi Hutan Dalam Menanggulangi Pembalakan Liar/Illegal Logging Dalam Kawasan Hutan Di Kabupaten Jembrana Provinsi Bali," *Jurnal Konstruksi Hukum* 2, no. 1 (2021): 81–85, <https://doi.org/doi:10.22225/jkh.2.1.2973.81-85>.

an additional punishment for fulfilling local customary obligations stipulated in Article 66.

Then, based on the description of eradicating illegal logging from the perspective of national criminal law and local wisdom of the Manggarai community, various strategies of criminal law and local wisdom of the Manggarai community have been found in efforts to eradicate illegal logging. The criminal law has formulated various provisions on forest governance, such as Law Number 41 of 1999 on Forestry, Law Number 32 of 2009 on Environmental Protection and Management and Law Number 18 of 2013 on Prevention and Eradication of Forest Damage. These regulations become the legal basis to anticipate and eradicate various illegal logging practices. There are other provisions in these regulations regarding sanctions for parties, both individuals and groups, who commit illegal logging. The applicable sanctions in these regulations are in the form of imprisonment and fines. The applicability of these sanctions aims to provide a deterrent effect on the perpetrators of illegal logging. In addition, if elaborated with the Criminal Code, the types of punishment regulated in the Criminal Code are also known as additional punishment, which, based on Article 66 paragraph (1) letter f, one of the additional punishments is the fulfilment of local customary obligations. This results in the obligation of criminal offenders to carry out customary obligations based on the community's laws.

ACKNOWLEDGEMENT

The researchers would like to express their praise and gratitude to God Almighty for his blessings and grace so that they can complete this study. Our gratitude also goes to LPPM Universitas Katolik Widya Mandira, which has provided grant funds to assist the study team in disseminating study findings. Thanks also to the related parties who have contributed to this paper.

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