

Kebijakan hukum pidana dalam upaya penanggulangan tindak pidana ilegal logging = Criminal law policy in an effort tackling criminal illegal logging

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Abstrak

Banyak pelanggaran yang dilakukan oleh masyarakat sehingga menimbulkan kerusakan hutan yang salah satunya adalah illegal logging. Tindak pidana illegal logging sangat marak di Indonesia dan melibatkan banyak pelaku dan merupakan tindak pidana yang rapi dan terorganisasi. Hal mendasar yang menyebabkan sulitnyamemberantas illegal logging adalah karena illegal logging adalah termasuk kategori 'kejahatan terorganisasi'. Oleh karena itu adanya kebijakan hukum pidana yang tegas mengatur dan penegakan hukum terhadap tindak pidana illegal logging perlu diwujudkan. Kebijakan hukum pidana yang diterapkan dalam rangka penanggulangan dan penegakan hukum tindak pidana illegal logging diatur dan dirumuskan dalam ketentuan perundang-undangan pasal 50 dan pasal 78 Undang-Undang Nomor 41 tahun 1999, namun mengenai definisi yang dimaksudkan dengan illegal logging tidak dirumuskan secara limitatif sehingga banyak para praktisi hukum yang menafsirkan illegal logging sendiri-sendiri. Mengenai ancaman pidana yang dikenakan adalah pidana pokok yakni penjara dan denda, pidana tambahan berupa perampasan hasil kejahatan dan atau alat-alat untuk melakukan kejahatan, ganti rugi serta sanksi tata tertib. Kebijakan hukum tindak pidana illegal logging dan penerapan sanksinya dirasakan tidak memenuhi aspek kepastian dan keadilan. Hal ini terlihat dalam kasus illegal logging yang terjadi di wilayah hukum Pengadilan Negeri Blora dan Bojonegoro. Oleh karenanya selain kebijakan hukum pidana dibutuhkan pula penegakan hukum terhadap tindak pidana illegal logging yang dilakukan melalui sistem peradilan pidana. Sistem Peradilan Pidana terdiri dari komponen antara lain kepolisian, PPNS kehutanan, Kejaksaan, Kehakiman dan Lembaga Pemasyarakatan. Dalam prakteknya proses penegakan hukum terhadap tindak pidana illegal logging sangat lemah. Salah satu faktor lemahnya penegakan hukum terhadap tindak pidana illegal logging ditandai dengan penanganannya yang tidak integral (menyeluruh) karena pelaku intelektual yang berkaitan langsung seperti pemodal, pemesan, pengirim, pemalsu dokumen, sawmill yang berperan sebagai penghubung jarang sekali dipidana dan hanya orang-orang lapangan saja yang dipidana. Selain itu banyak faktor yang menyebabkan lemahnya penegakan hukum terhadap tindak pidana illegal logging sehingga hal tersebut menjadi kendala dalam dalam penegakan hukum.

.....The wealth of forests is a gift and trust from God Almighty that is priceless. Therefore, forests must be managed and be best utilized by noble character as the embodiment of worship and gratitude to God Almighty. Forests are many benefits to the sustainability of human life and other living creatures. One benefit is the direct result of forest wood that has high economic value. Timber is harvested and then used by the community. Utilization of wood should be based on permission from the Ministry of Forestry. But in reality there are many violations committed by the community, causing damage to the forest, one of which is illegal logging. Crime is rampant illegal logging in Indonesia and involves many actors and a crime is neat and organized. The basic thing that it is difficult to eradicate illegal logging is due to illegal logging is categorized as "organized crime". Therefore the policy of strict criminal laws regulating and enforcing criminal laws against illegal logging needs to be realized. Criminal law policy adopted in the framework of

prevention and criminal law enforcement of illegal logging is regulated and defined in the statutory provisions of article 50 and article 78 of Law No. 41 of 1999, but the definition is meant by illegal logging limitatif formulated not so much legal practitioners who interpret their own illegal logging. Regarding the penalty imposed is the principal criminal imprisonment and fines, an additional penalty of deprivation of proceeds of crime and the or tools to do the crime, compensation and discipline sanctions. Criminal law policy of illegal logging and the application of sanctions does not meet the perceived certainty and fairness aspects. This is seen in cases of illegal logging that occurred in the District Court jurisdiction Blora and Bojonegoro. Therefore in addition to criminal law policy also required law enforcement against illegal logging crimes committed through the criminal justice system. The Criminal Justice System consists of components such as police, investigators forestry, Attorney, Justice and Correctional Institutions. In practice the process of criminal law enforcement against illegal logging is very weak. One of the weak enforcement of laws against illegal logging crimes marked with handling that is not integral (holistic) as intellectual actors who are directly related to such investors, buyers, shippers, document forgers, which acts as a liaison sawmill rarely convicted, and only those field are convicted. In addition, many factors that led to weak law enforcement against illegal logging crimes so they are a constraint in law enforcement.