

CRIMINAL LAW POLICY FOR FOREST PROTECTION IN INDONESIA (A STUDY ON FOREST DESTRUCTION CRIME IN MEDAN, NORTH SUMATERA)

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ABSTRACT

Indonesia's role is very important in preventing global temperature rise because Indonesia is considered the "lungs of the earth". Deforestation produces emissions that contribute to global warming. Most of the forest destruction in Indonesia is caused by illegal logging activities. Forests need to be protected. The purpose of writing this research is to analyze criminal law policies in protecting Indonesia's forests by conducting a study of criminal acts of forest destruction in Medan, North Sumatra. This research is normative or doctrinal legal research. This research concludes that the forest protection criminal law policy implemented by the Indonesian government involves the creation of legal and regulatory norms that regulate actions that constitute forestry crimes, accompanied by sanctions in the form of imprisonment and fines. These regulations are contained in the Forestry Law. In enforcing it, the Public Prosecutor also applies the Corruption Law to prosecute perpetrators of forestry crime. Protection of Indonesia's forests is not only carried out through the implementation of the Forestry Law but also through the implementation of the Corruption Law. By implementing the Corruption Law, perpetrators of forestry crimes are not only punished with imprisonment and fines. However, they are also required to pay compensation, which also takes into account the perpetrator's assets.

Keywords: *corruption; criminal law; deforestation; forest*

INTRODUCTION

The forest of the creation of the One God is a precious gift for the survival of all creatures in the world. Forests are the largest contributors to oxygen and biodiversity on Earth, with a wide variety of flora and fauna. As an ecosystem function, forests act as reservoirs and environmental balancers, and prevent global warming. Indonesia's

role is crucial to the world in suppressing global warming (Zulfia Memi Mayasari et al., 2024). This is because Indonesia has the second-largest forest in the world, is the world's second-largest oxygen producer, and is a country capable of storing carbon (Rohmaningtyas, 2022). Because of the large amount of land cover, Indonesia



becomes the lungs of the world (Nufus et al., 2025). The Indonesian Forest is the third-largest forest, after the Brazilian and Congo forests (Wicaksono, 2022). The Forest Pulse of the World Resources Institute says the rate of tropical forest loss worldwide by 2022 is deteriorating, with tropical nations losing 10% more primary rainforest by 2022 than in 2021, according to new data from the University of Maryland. The total loss of tropical primary forests by 2022 will be 4.1 million hectares. It is equal to losing 11 football fields in the forest every minute. The loss of these forests produces carbon dioxide emissions of 2.7 gigatons (Gt), which is equivalent to India's annual fossil emissions (Graham, 2024). At the national level, the two countries with the largest number of primary forest losses are Brazil and the Democratic Republic of the Congo. The loss of primary forests in Ghana and Bolivia has also increased rapidly. Indonesia and Malaysia manage to keep the rates of primary forest loss low (Weisse et al., 2022).

Indonesia's natural resources hold a strategic position as national wealth. The legal basis for this is affirmed in Article 1, Paragraph (2) of Law Number 5 of 1960 concerning Basic Agrarian

Regulations. If interpreted as national wealth, the state, which has the authority to manage these natural resources, is obligated to utilize them to achieve and fulfil the welfare of the people. This obligation is enshrined in Article 33, Paragraph 1 of the 1945 Constitution of the Republic of Indonesia, which states that the land, water, and natural resources contained therein can be used to create prosperity for the people. Therefore, based on this explanation, a common thread emerges: all natural resources owned by the state must be utilized for the welfare of its citizens.

The state's obligation to fulfill the welfare of the people is enshrined in the foundations of the Indonesian state, specifically in the fifth principle of Pancasila, namely social justice for all Indonesian people. The interpretation of the meaning of justice in this principle can be broadly interpreted; justice, in this case, also includes justice for the people's right to welfare. Furthermore, justice is also interpreted as fairness towards the environment and its utilization. When linked to the utilization of national resources to achieve justice, Indonesia appears not to have fully fulfilled this obligation. The government's utilization of national



resources has not yet reflected the successful implementation of the value of justice.

The use of national resources, particularly natural resources and the environment, often fails to prioritize environmental sustainability. Natural resource management is often oriented towards short-term economic interests and investment growth, while aspects of sustainability and equitable distribution of benefits are often overlooked. As a result, social welfare is not achieved equally, and social inequality is widening. This situation reflects not only injustice towards society but also towards the environment itself.

According to data from the Ministry of Environment and Forestry (KLHK), Indonesian forests cover 125.76 hectares, equivalent to 62.97% of Indonesia's total land area. Although the primary forest loss rate is low, the number remains alarming. The loss of primary forests in Indonesia by 2023 will be as much as 292,000 hectares (Debiantho et al., 2026).

According to a report by the Forest Watch Indonesia, Indonesia loses 1,4 million square meters of natural forest. This figure includes the loss of primary and secondary forests as a result of

deforestation and degradation. However, in 2015–2020, the rate of deforestation decreased slightly but remains significant. It is estimated that about 50,000 to 100,000 hectares of forest disappear each year during this period (Forest Watch Indonesia, 2021).

The causes of forest damage are also very diverse, including deforestation and degradation driven by a combination of factors, such as wildfires, forest fires, mining, drilling, and accelerated population growth. The causes of deforestation include, among other things, forest fires, the opening of plantations, the increase of forests to protect human desires, the program of transmigration, mining, and drilling of natural resources. Land degradation factors include changes in human population, land marginalisation, poverty, natural disasters (including floods, droughts, landslides, earthquakes, mountain eruptions, etc., political instability and administrative problems, socio-economic conditions, inappropriate agricultural practices, and mining and industrial activities.

The environmental damage situation in North Sumatra is becoming critical. The Regional People's Representative Assembly member of North Sumatra in



2006, Efendy Naibaho, said that the deforestation that occurred in 2006 is becoming more and more out of control. Up to now, the forest area in North Sumatra has been getting worse, with damage covering more than 1.5 million hectares. The Chairman of the North Sumatra Forestry Council (DKD), Panut Hadisiswoyo, said that the forest condition in North Sumatra every period undergoes a decline in forest coverage (Redaksi Sumutpos, 2023). The causes of forest damage are also very diverse, including deforestation and degradation caused by a combination of several factors.

Illegal deforestation in conservation areas is a serious threat to the preservation of Indonesia's ecosystems and biodiversity, and requires an effective criminal law approach to protect and prevent (Nasution, 2025). Forest destruction is an unlawful act, a violation, or a crime. The articles governing it include provisions addressing activities that destroy forest areas. In the paradigm of equitable development, ensuring public welfare is inseparable from environmental protection. National legal policy should not only guarantee the equitable distribution of development outcomes

but also ensure the sustainability of natural resources as a legacy for future generations. Injustice towards the environment will ultimately result in injustice towards humans, as ecological damage directly impacts people's quality of life (Bhakuni, 2021). Forest destruction is a criminal act punishable by penalties stipulated in laws and regulations (Lubis & Siddiq, 2021).

This research aims to analyze the criminal law policy for the protection of Indonesian forests by examining the crime of forest destruction in Medan, North Sumatra.

MATERIALS AND METHODS

A crucial component of research is the research methodology, which guides scholars in examining, interpreting, and understanding a phenomenon or legal issue to achieve the intended objectives. According to Peter Mahmud, "legal research is a process of identifying legal rules, legal principles, or legal doctrines to address legal issues, and any legal research is invariably normative." In this study, the normative legal research method, specifically the statutory approach supported by a conceptual approach, is employed to analyze the



framework of forest protection under criminal law.

The primary legal materials include legislation governing forestry and environmental protection, relevant criminal law provisions, and court decisions on forest crimes. Secondary legal materials include scholarly books, journal articles, and academic commentaries, while tertiary legal materials include legal dictionaries and encyclopedias. The collected data are analyzed through systematic and teleological interpretation to assess the alignment of legal norms with the objectives of forest protection. This methodological structure enables the research to comprehensively examine how criminal law instruments can be effectively utilized to enhance forest protection efforts.

RESULTS AND DISCUSSION

1. Indonesian Forests

The definition of forest according to the Indonesian Dictionary is the vast land that is grown by trees (usually not man-maintained), plants that grow on large soil (normally in mountainous areas), that is unman-maintained, that is wild (Setiawan E, 2023).

The definition of a forest is the ecosystem unity of a landscape that contains biological resources dominated by trees in communion with their surroundings, which are inseparable from each other (Indonesia, 1999).

Forests have three functions (Indonesia, 1999). The first is a conservation function, where forests serve to preserve and protect the living resources in them regularly to prevent damage and destruction through conservation. The second function is a protective function, where forests serve to preserve, care for, and maintain, the living resources that are in them (Setiawan E, 2023). The third function, i.e. the forest serves to produce, and from, the natural resources (Setiawan E, 2023).

According to data from the Ministry of Life and Forestry (KLHK), Indonesian forests cover an area of 125.76 hectares, or the equivalent of 62.97% of the total land area of Indonesia (Direktorat Jenderal KSDAE, 2022). Concerning the landforms of the forest, it is necessary to establish the forest area, that is to give legal certainty about the status, location, boundaries, and extent of a particular area that has been designated as a forest area to be a permanent forest area by decree of the Minister (Keputusan



Menteri Kehutanan Nomor 70/KPTS-II/2001 Tentang Penetapan Kawasan Hutan, Perubahan Status Dan Fungsi Kawasan Hutan Menteri Kehutanan, 2001). The purpose of the designation of a forest area is to preserve and safeguard the existence and integrity of the forest area as a supporter of local, regional, national, and global life (Keputusan Menteri Kehutanan Nomor 70/KPTS-II/2001 Tentang Penetapan Kawasan Hutan, Perubahan Status Dan Fungsi Kawasan Hutan Menteri Kehutanan, 2001).

According to the Labour Creation Act No. 6 of 2023 and PP 23 of 2021, the target for forestation is 125.76 hectares (Keputusan Menteri Kehutanan Nomor 70/KPTS-II/2001 Tentang Penetapan Kawasan Hutan, Perubahan Status Dan Fungsi Kawasan Hutan Menteri Kehutanan, 2001). We plan to successfully establish about 105.86 hectares by 2023, and complete the remaining 19.90 hectares by 2024 (Keputusan Menteri Kehutanan Nomor 70/KPTS-II/2001 Tentang Penetapan Kawasan Hutan, Perubahan Status Dan Fungsi Kawasan Hutan Menteri Kehutanan, 2001). People often refer to Indonesian forests as one of the world's lungs. The presence of Indonesian

forests contributes oxygen to the survival of living creatures and absorbs carbon dioxide, which is dangerous to humans (Prasetyo, 2018). Green forests also serve as ecosystem and climate controllers (Hajawa & Alam, 2013). The vital role of forests for the survival of life raises a moral obligation for Indonesia to play an active role in protecting forests.

Indonesian forestry legal policy shows a compromise between environmental protection and economic interests, as understood through Mahfud MD's perspective on legal policy as the direction of state action in managing Law, and Satjipto Raharjo's view that legal politics is the process of choosing methods to achieve socio-juridical goals in society. Within this framework, the state, as a legal subject, has a constitutional obligation, under Article 33, paragraph (3), and Article 1, paragraph (3), of the 1945 Constitution, to provide preventive and repressive protection for forests as legal objects, which is in line with Philipus M. Hadjon's theory of legal protection. The pro-environmental orientation is evident through Indonesia's commitment to the Paris Agreement, the REDD+ program with Norway, and the Indonesia-Brazil-



Congo trilateral cooperation in climate change mitigation; while the pro-corporate aspect is reflected in the dominance of concession permits and exploitation of high-value forest resources which often result in deforestation, encroachment, illegal logging, illegal mining, and wildlife trade regulatory efforts such as Law No. Law No. 41 of 1999 and Government Regulation No. 24 of 2021 have provided a legal protection framework. However, their effectiveness remains hampered by implementation gaps, including weak law enforcement against major actors, weak economic-ecological interest banking, institutional and regulatory disharmony, minimal transparency in governance, and limited empowerment of forest communities. Thus, although Indonesia's legal framework demonstrates a strong commitment to environmental sustainability, in practice, forestry legal policy is not fully pro-environment, as the realization of forest protection still influences corporate interests and systemic challenges in law enforcement.

2. The Politics Behind Indonesia's Forest Protection Law

Mahfud MD defines a legal policy as one that either the government will implement or has already done so. This legal policy encompasses the creation and updating of legal materials to adapt to needs, the implementation of existing legal provisions, the enforcement of institutional functions, and the formation of law enforcers (Islamiyati & Hendrawati, 2019). Satjipto Raharjo defines the politics of law as the process of selecting and implementing methods to accomplish a particular social and legal objective within society (Islamiyati & Hendrawati, 2019).

Protection is a form of action that originates from a subject of law against an object of law. The legal subject in this case is the government, whereas the legal object in this instance is the forest. As a legal matter, the government has made some efforts to protect forests. Philipus M. Hadjon introduced a protection theory, elucidating that legal protection serves as a preventive or repressive measure for the subject of law, ensuring just and impartial enforcement.

Concerning Indonesian forests, the government carries out activities and



issues regulations that indicate the direction of the state's legal policy towards forest protection.

In line with Indonesia's goal of protecting its citizens from the impact of climate change, which is closely related to the functioning of forests, Indonesia has participated in several international conventions. Indonesia also has a strong commitment to the Paris Agreement, given that it not only acceded to the international agreement but also ratified the Paris Accord, as stipulated in Act No. 16 of 2016 on the Approval of the Paris Agreement to the United Nations Framework Convention on Climate Change (Baroleh et al., 2023). In the Paris Agreement, the signatories agreed to work to reduce the level of greenhouse gas emissions that have caused global warming.

Indonesia is also active in the implementation of reducing emissions from deforestation and forest degradation, conservation, and sustainable management of forest carbon stocks in developing countries (REDD+), which is an international mechanism for reducing emissions from deforestation and degradation while improving forest conservation and sustainable forest management and

increasing forest carbon stockpiles. To support the implementation of REDD++ in Indonesia, the government issued Presidential Decree Number 61 of 2011 on the National Plan of Action for the Reduction of Greenhouse Gas Emissions (RAN-GRK) and 2011 Decree No. 71 on the GRK Inventory (Admin, 2019). Indonesia also collaborated with Norway to sign a Letter of Intent (LoI) to collaborate in the REDD+ program. The REDD+ partnership between Indonesia and Norway is an example of international cooperation in reducing deforestation and forest degradation (Lady, 2018). Through financial and technical commitments, this partnership has helped Indonesia achieve significant reductions in emissions and improve sustainable forest management.

Indonesia also established trilateral cooperation as the world's three largest tropical forest owners with Brazil and the Congo on November 11, 2021, in Glasgow, Scotland. The purpose of the trilateral meeting is to establish strategic and synergistic cooperation related to forest management in climate control efforts (Cheliatsidou et al., 2023).

As a G20 member, Indonesia participated in the discussion of climate change issues in the G20 forum, one of



which was at the G20 Environment Deputies Meeting and Climate Sustainability Working Group (EDM-CSWG) meeting held in 2022 in Yogyakarta and Jakarta (Naqsabandiyah et al., 2022).

Legal protection of forests and law enforcement for forest protection have a crucial essence. This is because of a lot of violations and also crimes with the forest as its object. Forests are considered to contain high economic value, ranging from suppliers of primary raw materials such as plants and fruits to raw materials of production such as wood to a tourist recreation place. Of the many benefits contained in this forest, it ultimately arouses the desire to dominate and possess. It's one of the triggers for criminal activity in the forestry sector. Criminal acts committed include illegal logging, illegal mining, deforestation, and illegal trade in flora and fauna (Umar, 2022). These crimes, if committed continuously, would have a significant impact on the sustainability and existence of forests.

The legal protection of forests carried out by the government is one of the mandates of the Indonesian 1945 Constitution Article 33(3), which regulates that the land, water, and natural

wealth contained therein are controlled by the state and used for the greatest prosperity of the people. Article 1, paragraph 3, of the Indonesian 1945 Constitution also states that Indonesia is a state of law.

Thus, all things shall be based on the law. It is not only that the main principle of the protection of the law rests on the foundation of the Indonesian state, the Fifth Pancasila Please, which states that social justice must apply to all the people of Indonesia.

According to Philipus M. Hadjon's protection theory, there are two types of legal protection against forests: repressive protection, which is an action the government takes through the law enforcement apparatus after a crime has occurred, and preventive protection, which is a regulation of protection regarding preventive measures before a crime occurs.

One form of preventive legal protection against forest damage is the enforcement of the Republic of Indonesia Law No. 41 of 1999 on Forestry, which regulates management systems related to forests, forest areas, and forest products. This law mandates that the state controls all forests within Indonesia's territory, including their natural wealth, to ensure



the maximum prosperity of the people. The authority to control the forest belongs to the government. It is the authority of the government to regulate and administer all things concerning the forest, the forest area, and the produce of the forest. It is also the power of the government to establish the status of a certain area as a forest or a forest region as a non-forest area. It regulates and establishes the legal relations between people and forests and regulates the legal acts concerning forests. The law also stipulates that forest management by the state remains in compliance with the rights of the people under customary law, as long as the fact remains, the state recognizes its existence, and it is not contrary to the national interest (Indonesia, 1999).

Therefore, forestry management must always contain the spirit of populism, justice, and sustainability. The implementation of forestry needs to be carried out in accordance with the principles of benefit and sustainability, prioritizing the interests of the people, justice, togetherness, openness, and integration, grounded in ethical values and accountability (Hartati et al., 2024). To maintain an orderly administration of every business activity in the forest area,

the government has also issued Government Regulation No. 24 Year 2021 on the Rules of Implementation of Administrative Sanctions and Rules for the Acceptance of Non-tax State Fines arising from Administrative Fines in the Forestry. This regulation regulates the settlement of business activities that have emerged in forestry areas that do not have a forestry license.

The second form of protection relating to forest crime is repressive protection, in the form of a rule containing a sanction for financing. Criminal law has the privilege of having a coercive sanction. The increasingly widespread development of crime spreads into forms that are not only administrative offenses but also criminal offenses. The purpose of the criminal law, which sanctions criminal offenses and imposes punishment on perpetrators, aligns with the application of criminal instruments.

Indonesian forestry legal policy shows a compromise between environmental protection and economic interests, as understood through Mahfud MD's perspective on legal policy as the direction of state action in managing Law, and Satjipto Raharjo's view that legal politics is the process of choosing methods to achieve socio-juridical goals



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The pro-environmental orientation is evident through Indonesia's commitment to the Paris Agreement (Herawan & Redi, 2022). The REDD+ program with Norway, and the Indonesia-Brazil-Congo trilateral cooperation in climate change mitigation; while the pro-corporate aspect is reflected in the dominance of concession permits and exploitation of high-value forest resources which often result in deforestation, encroachment, illegal logging, illegal mining, and wildlife trade, regulatory efforts, such as Law No. 41 of 1999 and Government Regulation No. 24 of 2021 have provided a legal protection framework. However, their effectiveness remains hampered by implementation gaps, including weak law enforcement against major actors, weak economic-ecological interest banking, institutional and regulatory disharmony, minimal

transparency in governance, and limited empowerment of forest communities.

Thus, although Indonesia's legal framework demonstrates a strong commitment to environmental sustainability, in practice, forestry legal policy is not fully pro-environment, as the realization of forest protection still influences corporate interests and systemic challenges in law enforcement.

3. The Politics of Criminal Law Protection in Indonesian Forests

Everyone has the right to a good and healthy environment as a form of human rights. Every generation has obligations and responsibilities in preserving the background to ensure the welfare and quality of life across generations. Sustainable development is an effort to guarantee these rights by managing natural resources wisely and rationally and simultaneously considering economic, social, and environmental aspects. Currently, humans tend to be greedy for natural resources, seeking to extract as much benefit as possible (Rosyadi et al., 2021).

A study conducted by the Indonesian-British Tropical Forest Management Program concluded that 73% of deforestation carried out in Indonesia



was illegal (Admin, 2024). This shows that although Indonesia has a global commitment to safeguarding its borders, implementation on the ground still faces several serious obstacles. Large-scale illegal logging shows a gap between conservation policies and realities in the field, where short-term economic interests often outweigh long-term environmental conservation interests.

Law Number 41 of 1999 on Forestry was formulated by including a criminal threat in Chapter XIV. The legal subjects regulated as perpetrators of criminal acts in forestry law are individuals, legal entities, or business entities. The acts that are criminalized under the Forestry Act are as follows:

Article 50(1) prohibits the destruction of forest sites and forest protection facilities, such as forest protection sites, forest border fences, fire lanes, watch towers, and inspection roads. That includes forest protection, such as fire extinguishers, banners, and transport vehicles.

Article 50(2) stipulates that any person who has been granted a permit for exploitation of the area, a permit to exploit environmental services, a license for exploiting wood and non-wood forest products, as well as permission for

harvesting wood and other wood forest products, is prohibited from engaging in activities that cause damage to the forest (Syaufina et al., 2019). We define deforestation as the occurrence of physical changes, physical characteristics, or life that disrupt or impair the proper functioning of the forest (Indonesia, 1999).

Article 50(3)(a) provides for the prohibition of cultivating and/or using (forests, among other things for tourism, pasture, and camping) and/or occupying (non-construction of settlements, buildings, and other buildings) forest areas unlawfully. The letter B prohibits the cutting of trees in a forest area within a certain radius of a particular object (Indonesia, 1999).

Article 50(3) letter d: It is forbidden to burn forests. The letter e refers to the prohibition of cutting trees or harvesting or collecting forest products in the forest without the right or permission of the authorized officer.

Article 50 Paragraph (3) Letter G regulates the prohibition of carrying out general research activities or exploration or exploitation of mining material in forest areas without the permission of the Minister. Letter h regulates a prohibition to transport, possess, or



possess forest products that are not completed in conjunction with the valid certificate of forest products.

Article 50(3) letter I prohibit the pasturing of cattle in forest areas not specially designated for that purpose by the authority. This act is a violation, not a crime.

Article 50(3) letter j prohibits carrying heavy tools or other means that are commonly or should be presumed to be used to transport forest products within the forest area without the permission of authorized officials. Letter K provides for the prohibition of carrying tools commonly used to cut, cut, or divide trees within forest areas without authorized authority. Letter L regulates the disposal of objects that may cause fire and damage as well as jeopardize the existence or survival of forest functions in forest areas.

Article 50(3)(m) prohibits anyone from removing, carrying, and transporting unlawfully protected plants and wildlife originating in forest areas without authorized official permission. This act is a violation, not a crime.

Article 38 Paragraph (4) prohibits mining with open mining patterns.

All crimes regulated by the Forest Law are punishable by imprisonment and

fines. The Forest Law also stipulates that the person responsible for the violation of the law is obliged to pay damages according to the level of damage for the cost of rehabilitation, restoration, forest condition, or other measures necessary.

Various activities in forestry sector become a critical point of the occurrence of corruption cases. In addition to the inadequacy of the forest area maps, unclear set of area boundaries, and the violations of licensing criteria, the cases of illegal logging become the factors that cause damages to the forest land in Indonesia (Ifrani & Nurhayati, 2017).

As described above, the implementation of government programs to preserve forest areas is still facing serious challenges. Large-scale wildlife exploitation shows a gap between conservation policies and realities in the field. The occurrence of large-scale illegal logging in the region of North Sumatra can be seen from the example of Adelin Lis from PT Keang Nam Development Indonesia case.

Adelin Lis is the Finance Director of Keang Nam Development Indonesia, a company that holds a license to exploit a production forest area of 58,590 ha, located in the Singkuang River-Natal River forest area, Mandailing Natal



district, and has been granted a forest exploitation permit. (IUPHK). Adelin Lis is charged with corruption and forestry crimes. On November 5, 2007, in Field State Court Judgment No. 2240/Pid.B/2007/PN. Mdn Adelin Lis was declared not to have committed a criminal offense and was acquitted of all charges. In response to this decision, the Public Prosecutor filed an appeal, which Supreme Court Decision Number 68 K/PIDSUS/2008 (*Putusan Nomor 68 K/PIDSUS/2008 tentang Penebangan Sebagai Tindak Pidana Korupsi*, 2008).

In this case, the Supreme Court does not judge the judgment of the Field State Court as a purely free judgment (*vrijspreek*), which, under Article 244 of the Code of Criminal Procedure Law, cannot be requested for cassation but is declared as a decision exempt from legal claims (*ontslag van rechtvervolging*), so that the request for the cassation of the Prosecutor General is formally admissible.

The judgment of the Field State Court is declared to be an unclean release because it is based on a misinterpretation of the elements of the alleged criminal offense, namely, in the first indictment of Article 2, paragraph (1), in conjunction with Article 18 of the

Corruption Criminal Procedure Act, and Article 55 (1) of the Penal Code, in combination with Article 64, paragraph (1).

In the cassation ruling, Cassation Judge stated that the consideration by the Judge of the Field State Court of the act of the accused as a “violation of state administrative law” served as a justification for the elimination of a criminal act by *judex facti* is inappropriate, as such an act falls within the qualification contrary to the legal obligations of the perpetrator, which is one of the criteria of an act against the law.

Cassation Judge stated that the accused, Adelin Lis, as the Finance and General Director at PT. Keang Nam Development Indonesia, has never issued operational funds for the activities of the Indonesian Selective Cutting and Planting Silviculture System (TPTI), which resulted in the cutting of timber from the period 2000–2005, not being under applicable provisions, namely, the logging location is outside the Annual Work Plan (RKT) Logging Block / Logging Plot, which has caused forest damage.

Logging in production forests that is not following the Annual Work Plan from



2000 to 2006 has reached at least approximately 177,574.14 M3. The element of "unlawfully" is proven from the statements of witnesses by paying attention to the agreement between the statements of one witness and another, the agreement between the statements of witnesses and other evidence, and the reasons that may be used by witnesses to provide certain statements (*Putusan Nomor 68 K/PIDSUS/2008 tentang Penebangan Sebagai Tindak Pidana Korupsi*, 2008).

Cassation's judgment stated that it had proven "national financial losses" obtained from the statements of experts of the Financial Supervisory Authority and Development (BPKP). The state's losses can be counted among them: the value of illegally auctioned timber, losses resulting from the transportation of unprotected timber documents, the difference between the amount of timber received on board the ship and those listed in the Forest Property Statement (SKSHH), the unpaid Forest Resources Provision (PSDH) and the Rehabilitation Fund (DR), and the loss of administrative fines.

The Prosecutor General's Office has nominated the accused, Adelin Lis, for his position as a corporate body. In this

case, the defendant serves as the finance director, who holds a dominant position in all corporate control activities under his direction so that he can be held accountable for all acts committed, both civil and criminal. In this case, at the time of the sale of the timber, both in the country and abroad, the contracts were signed by the defendant, and the proceeds of the sale of timber went into the account of the defendant as the Finance Director/General of PT. Keang Nam Development Indonesia at Mandiri Bank.

The damages to the state resulting from the acts of the defendant amounted to Rs. 119,802,393,040 (one hundred nineteen billion, eight hundred two million, three hundred and ninety-three thousand forty rupees) and US\$ 2,938,556,24 (two million nine hundred thirty-eight thousand five hundred fifty-six point twenty four US dollars).

The judgment of the Field State Court is declared an unpure release judgment, also due to the misapplication of the law of proof concerning the proof or not of "factors against the law" in the acts of the accused and Article 50 paragraph (2), *jo* Article 78 paragraph (1), paragraph (14) of the Law of the Forest, and . Article 64 paragraph 1 of the Criminal



Code as in the Second Primary Accusation (KUHP, 2023).

The elements in the second primary indictment are any person who has been granted a permit for the exploitation of the area, the permit for environmental services, the permission for forest exploitation and non-wood exploitation, as well as the permit to harvest the forest products of wood and not wood; performing activities that cause forest damage (forest damage is the occurrence of "physical change, physical nature, or life, which causes the forest to be disrupted or unable to function by its functions);

PT Keang Nam Development Indonesia is a company that holds a forest exploitation permit of 58,590 ha, located in the Singkuang River-Natal River forest area, Mandailing Natal district, and has been granted a Wooden Forest Exploitation License (IUPHK), which is a productive forest. Adelin Lis is the Chief Financial Officer, who holds a dominant position in the entire corporate control activity he leads so that he can be held accountable.

According to the examination conducted by the Cassation Judge, based on the testimony of the witnesses, as a result of the acts of the accused, forest damage

has occurred due to physical or biological changes that have disrupted the forest's role as a production forest, and real forest damage occurred because the forest is no longer functioning as a productive forest.

The acts have resulted in large-scale forest damage in the district of Mandailing Natal, North Sumatra. Likewise, some tree species have gone extinct on the site.

In the cassation ruling, the Court of Justice stated that the accused, Adelin Lis, had legitimately proved and been persuaded to commit "Corruption crimes jointly and continuously" and "Forestry crimes are committed collectively and continuously." For these acts, he was sentenced to ten years in prison and a fine of one billion rupiah. If the fine is not paid, he will be sentenced to six months in prison.

Since the accused is found guilty of corruption, the Judge's Assembly also convicts him to pay compensation for the damage he has caused to the state, with the condition that if he is unable to pay, his property will be confiscated, and if his property is insufficient, he will be replaced with a prison sentence of five years.



Illegal logging related to the case has contributed significantly to deforestation in the North Sumatra region, especially in Medan, with a direct impact on the field environment. The city is prone to flooding and landslides, partly due to reduced forest cover in upstream areas.

In 2019, Indonesia lost approximately 480,000 hectares of primary forest in a single year (Wijaya et al., 2019). Official data from the Supreme Court indicate that criminal environmental cases have continued to increase over the years, with 1,484 in 2021, 1,421 in 2022, and 1,693 in 2023. These environmental cases include, but are not limited to, environmental damage resulting from mining activities, illegal logging, natural resource conservation violations, activities causing environmental destruction and pollution, forest fires, as well as environmental protection and management cases (Supreme Court of the Republic of Indonesia, 2024).

The potential financial loss to the state in Indonesia due to forest and environmental destruction has reached approximately 175 trillion rupiah. Internal data from the Corruption Eradication Commission and the Central Statistics Agency also show that deforestation in Indonesia has reached

608,299 hectares. The magnitude of these potential losses cannot be separated from corruption practices within the natural resource sector.

Indonesia has established mechanisms for imposing fines for forestry-related offenses, the effectiveness of law enforcement post-judicial rulings remains low, exacerbated by pervasive judicial corruption. Consequently, corporations often evade their financial obligations, preventing both ecological and economic restitution (Musafir et al., 2025).

Seeing the case in Medan involving the defendant Adelin Lis, it becomes a mirror reflecting the complexity of protecting Indonesian forests. The case shows that enforcement of criminal law against forest crime is not based solely on the Forestry Act, as damage to the forest also results in state losses. Criminal threats under the Forestry Act carry only criminal penalties: fines and imprisonment. By applying the Corruption Criminal Procedure Act, the accused can also be convicted of the obligation to pay compensation for the personal property of the accuser.



CONCLUSIONS

The findings of this study demonstrate that Indonesia has established a comprehensive criminal law framework to protect its forests, primarily through Law No. 41 of 1999 on Forestry, particularly Article 38 paragraph (4), Article 50, and Article 78, which criminalize acts of forest destruction and impose penalties in the form of imprisonment and fines. The analysis also indicates that law enforcement authorities, particularly the Public Prosecutor, have strengthened forest protection efforts by applying the Anti-Corruption Law to forestry crime cases, thereby enabling the imposition of compensation penalties and the recovery of state losses from the assets of the perpetrators. This approach reflects a significant legal development: forest destruction is not only regarded as an environmental crime but also as an economic and corruption-related offense with significant implications for state finances and environmental sustainability. From a policy perspective, the findings suggest that integrating forestry law with anti-corruption mechanisms significantly enhances deterrence, strengthens the state's authority in asset recovery, and

contributes to more effective environmental governance. However, the study also reveals that legal norms alone are insufficient without consistent implementation, strong institutional coordination, and firm political commitment to ensure that forest protection policies are comprehensively applied across sectors.

To enhance the effectiveness of forest protection, this study recommends: (1) strengthening the implementation of forestry legislation and anti-corruption law to maximize sanctions against perpetrators of forest destruction; (2) improving prosecutorial capacity and inter-agency coordination among forestry authorities, law enforcement bodies, and anti-corruption institutions; (3) expanding the use of financial sanctions and asset recovery mechanisms to support environmental restoration; and (4) enhancing supervision, monitoring, and community participation in preventive efforts. Through these measures, Indonesia's criminal law policy can become more effective in protecting forests, safeguarding the global climate, and ensuring long-term environmental sustainability.



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