



## **Corruption Crime Prevention in handling illegal logging By Batulante KPHP Sumbawa NTB Regency**

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### **Keyword**

Prevention, Crime,  
Corruption, Illegal  
logging

### **Abstract**

Corruption is a very massive act, because it almost happens in all aspects of government activities. Such as the handling of illegal logging is very sensitive to the practice of corruption. Illegal logging is only a small proportion of corruption. Therefore this research is looking for ways of Batulante KPHP in handling corruption in tackling illegal logging, and looking for factor that cause obstacles in handling corruption in the enforcement of illegal logging and look for factor that cause obstacles in handling corruption in the enforcement of illegal logging. the method used in this study uses normative and empirical researc methods in which the data collected is assessed qualitatively and supports quantitative data. The analysis in this study uses deductive analysis. This research aims to provide a renewal or add to a theory in preventing the occurrence of corruption, especially in the field of forest protection as well as providing advice and solutions in tackling corruption against illegal logging.

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## Chapter. I. INTRODUCTION

### 1. Background

If you see several cases of illegal logging that have occurred is an activity with a variety of modus operandi, one of which is a form of mode tha is carried out in carrying out an activity is to make a legal certificate of forest products called SKSHH. This is done like making fake signatures, fake stamps, fake information. Activities like this are often carried out by civil servants who have the authority in the field of forestry. The involvement of the state apparatus, both civil servants, law enforcement and the military or shareholders in logging companies, usually becomes the actor behind illegal logging activities.<sup>1</sup> From several illegal logging cases handled by Batulante KPHP, it is necessary to search for gaps in corruption so that pre-emptive and preventive actions against corruption in illegal logging activities can be carried out properly.

According to Suryadarma, the level of forest destruction in Indonesia whwn viewed from a comparison with corruption in the forestry sector is comparable.<sup>2</sup> According to Hartoyo said that from the estimation of crruption in the scope of forestry management and protection, it can be estimated that acts of corruption occurred at all stages of activities, both directly and indirectly, where the activity is always correlated with forestry crime so that it has a very wide impact on forest destruction in Indonesia.<sup>3</sup> All forms of to deal with various

patterns of crime both conventional and non-conventional crime can never be separated from criminal policy. In an effort to be able to apply acriminal legislation in accodance with the current and future time need formulation and comprehensive approaches, from legislative policies must begin with a sufficiently analytical level need to look at various aspects-aspect so that the purpose is in the interests of the wefare and justice of the community, the executive policy can see the purpose and implementation of the criminal law itself.<sup>4</sup>

Protection and management of the Batulanteh KPHP forest in the NTB Sumbawa Regency, if it sees acse on March 11, 2016 through a joint operation consisting of TNI, Polri Forestry and the Batulanteh KPHP securing several illegal timber transport trucks.<sup>5</sup> In 2017 the Batulanteh KPHP succeeded in identifying the illegal logging perpetrators of the perpetrators who had been caught in the same case during the operation by the Batulante KPH Balai together with the Army of Kodim 1607 Sumbawa.<sup>6</sup> On June 7, 2018 the Batulante KPHP succeeded in securing 104 logs in the form of bloocks and processed wood, the incident in the waters around kaung island, Buer District.<sup>7</sup> This means that such cases of illegal logging continue to occur in the Batulanteh KPHP region, so there needs to be a search for other crimes that are exstra ordinary in the form of corruption. For this reason, it is necessary to make a change or reform in the forest management and protection

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<sup>1</sup> Bambang Tri Bawono and Anis Mashdurahatun, *Law Enforcement in the fird of Illegal logging for Environmental Conservation and Mitigation Efforts*, Journal of Law, Vol XXXVI No. 2 August 2011, Faculty of Law, Unissula Semarang.

<sup>2</sup> D. Suryadarma, 2012, How Corruption Reduces the Effectiveness of Public Expenditure on Education in Indonesia Bulletin of Indonesia Economic Studies, 48 (1) : P. 85-100.

<sup>3</sup> Hartoyo, 2011, Auidit Guide to Investigating Corruption in the Forestru Sector, International Forest Research Center, Bogor.20.

<sup>4</sup> Al Wisnu Wisnubroto, 1999, *Criminal Law Policy in Countermeasures in Completing Computers*, Atmajaya Universitas, Yogyakarta, p. 11.

<sup>5</sup> [http : // pulausumbawanews. Net/index. Php/2016/03/11/84-truk-peng freight-kayu-ilegal-berhasil-dijamin/](http://pulausumbawanews.Net/index.Php/2016/03/11/84-truk-peng%20freight-kayu-ilegal-berhasil-dijamin/)

<sup>6</sup> [https : // WWW. Kabarsumbawa. Com/2017/04/25/dua terduga-pelaku-illegal-logging-terus-duruh](https://WWW.Kabarsumbawa.Com/2017/04/25/dua%20terduga-pelaku-illegal-logging-terus-duruh)

<sup>7</sup> [http : // WWW. Kabarsumbawa.com/puluhan-batang-kayu-dianned-tni-kph-batu-lanteh-dari-kapal-di-perairan-pulau kaung/](http://WWW.Kabarsumbawa.com/puluhan-batang-kayu-dianned-tni-kph-batu-lanteh-dari-kapal-di-perairan-pulau%20kaung/)

system, both at the lower and at the policy level, especially the Batulanteh KPHP. These changes can be made with a simple pattern and can be applied or applied in the prevention of corruption.

## **2. Problem Formulation**

1. What is the form of preventing corruption on forest management and protection seen from the prevention of illegal logging by Batulanteh KPHP
2. What are the factors prevention corruption prevention in the prevention of illegal logging by the Batulanteh KPHP

## **CHAPTER. 2. LITERATURE REVIEW**

### **1. Definition of Prevention**

Prevention is process in a way or method so that an action will not occur, so that with these efforts all form of irregularities or violations both written and unwritten. If it is connected with prevention of actions that lead to crime, it can be done with repression or repressive measures or preventive measures. There are some rare things that can be done so that crime does not occur as below:

- a. Increasing the welfare of the community by reducing unemployment, by preparing employment.
- b. Improve various systems both in terms of administration and supervision
- c. Increased legal counseling to foster public legal awareness
- d. Increase morality and human resources of law enforcement so they can become professionals.<sup>8</sup>

### **2. Prevention of crime**

Crime prevention is process of anticipating, identifying and estimating risks to the

occurrence of a variety of formas of crime, so that an initiation of an action ca be carried out with the aim of eliminating and reducing indications of crime. Thus prevention must be carried out involving various parties.<sup>9</sup>

## **3. Corruption Prevention**

### **a. UN Convention**

In the United Nation Convention against corruption with a preventive function that countries are required to develop and maintain anti-Corruption by taking effective measures to prevent corruption that contain mandatory requirements regarding the prevention of corruption as follows:

- 1) Take steps that promote transparency and integrity in the public sector
- 2) Ensuring an appropriate public procurement system
- 3) Promoting transparency and accountability in public financial management
- 4) Promoting the integrity of justice and taking steps aimed at preventing corruption, and involving the private sector, including improving accounting and audit standars
- 5) Ensure the proper regulatory and control regime to prevent and detect money laundring
- 6) Involving civil society in anti-corruption effort and disseminating information related to corruption.
- 7) Employment policies and pratices that are transparent and based on merit and appropriate remuneration in the public sector, education and training of public officials
- 8) Code or standars of conduct for public officials

<sup>8</sup> Baharudin Lopa and Moch Yamin, 2001, *Corruption Eradiction Act*, Alumni, Bandung, p. 16

<sup>9</sup> Robert L O Block, 1981, *Security and Crime Prevention*, Masby Company, St Louis, hlm, 1-3

- 9) Corruption Reporting Facilities by public officials<sup>10</sup>

## LEGISLATION

Corruption in the prevention of corruption in a repressive manner regulated in the provisions of Law 31 of 1999 Jo Law No. 20 of 2001 concerning Corruption Eradication. Based on the Articles in the provisions of this Law, it explains in detail the criminal act of corruption. In the provisions of the regulation are basically grouped on several types of actions:

- a) Harm the country's finances
- b) Bribery
- c) Embezzlement in office
- d) Extortion
- e) Cheating
- f) Conflict of interest in procurement
- g) Gratuities<sup>11</sup>

## CHAPTER.3. RESEARCH METHOD

In this research the method used is normative and empirical research methods. If it refers to Jhoni Ibrahim's opinion that normative research is a study that seeks some legal materials, as well as readings related to the object of research.<sup>12</sup> As for the empirical research method, understanding can be given is research that is sociological in nature, because it is carried out in the field by examining the legal provisions that apply in the community and the reality of its enactment, so that data is found relating to the problem or object of the study.<sup>13</sup>

## CHAPTER. 4. RESEARCH RESULTS

### A. The form of preventing corruption against forest management and protection is seen from the prevention of illegal logging by the Batulanteh KPHP

Enforcement of illegal logging conducted by the Batulanteh KPHP by ignoring the number of items of evidence in 2018 compared to 2019, the differences is 100 percent from the amount of 2018. Such statement means that in 2019 in the implementation of illegal logging action the number of items obtained by KPHP is greater. Batulanteh, however, is not a benchmark of success in preventing illegal logging in the area. The amount of timber evidence from illegal logging in 2018 was 90 logs with various types, while in 2019 there was 180 logs with various types. If referring to the provisions of Law No. 18 of 2013 concerning preventing and Eradication of Forest Destruction, chapter III Article 5 states that: the Government and/or Regional Government are obliged to prevent forest destruction. Then the provisions of Article 6 paragraph (1) states that in the context of preventing forest destruction, the government makes policies in the form of:

1. Cross sector coordination in the prevention and eradication of forest destruction
2. Meeting the needs of forest security apparatus resources
3. Incentives for those involved in protecting forest survival
4. Map of appointment for parties who have contributed to preserving the forest
5. Meeting the needs of facilities and infrastructure for the prevention and eradication of forest destruction.

See also the provision of Article 7 explaining that Prevention of forest destruction is carried out by the legal entity community, and/ or corporations that obtain forest utilization permits. Some of the things described in Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Damage starting with

<sup>10</sup> OECD Anti Corruption Network For Eastern Europe and Central Asia, *Prevention of Corruption in the Public Sector in Eastern Europe and Central Asia*, 2015, hlm. 15.

<sup>11</sup> KPK, 2006, *Understanding to Eradicate*, pocket book to understanding corruption, Jakarta, p. 20-21

<sup>12</sup> Jhoni Ibrahim, 2006, *Theory and Methods of Normative Legal Research*, Bayumedia Publishing, Malang, p. 46.

<sup>13</sup> Bambang Waluyo, 2002, *Legal Research in Practice*, Sinar Grafika, Jakarta, p. 126.

Article 5 to Article 7 are the procedures of the regional government in this case, especially the Batulanteh KPHP to prevent illegal Logging. Regarding the handling of illegal logging cases does require a very serious seriousness, the author gives little description about the handling that is more pressing on prevention rather than action or retributive, peeling a little about the purpose of criminal Law because this research is never separated from the role of criminal Law both prevention and referential for illegal logging. The Purpose of the criminal Law is divided into two, there is a classic flow and a modern flow, in this case when looking at the actions of the relevant parties for the perpetrators of the illegal logging crime from the data obtained in 2018 until the 2019 data there is no data regarding several court decisions against the perpetrators.

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Corruption prevention in handling illegal logging in the opinion of Oce Madril from Pukat or the UGM Anti-Corruption Study Center Explains several points that must be carried out, among others:

- a. Transparency
- b. Participation
- c. Accountability
- d. Superviso<sup>14</sup>

Oce Madril's opinion From some of the point above, if related to the explanation of activities carried out by Batulante KPHP starting from the first point on transparency that the Batulante KPHP annually makes an Mou with Local governments and institutions involved in the handling and prevention of illegal logging such as the Police and the TNI Batulante KPHP also coordinated with the district and Village government to hold a direct meeting involving the community. When prosecuting cases, they are always raised online and in newspapers or newspapers. In the second point, participation Batulante KPHP has recruited 40 forest guards under the head of the BKSDA section. Batulanteh KPHP involves the community in forest management as below:

1. Forest HKM, by looking at what is the potential of forest, on the proposal of the

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<sup>14</sup> Interview With Oce Madril, 9-7-2019, 13.04 hours head office of anti corruption study Region of Yogyakarta.

community, but the KPHP still accompanies and controls and manages the institution.

2. Batulante KPHP builds partnerships, an example of Punik Hamlet for the development of coffee commodities in protected forest areas, but may not add new land.
3. Partners still have the obligation to pay PNPB or non-tax state revenue

### **B. Factors that prevent corruption in handling illegal logging by Batulante KPHP.**

The Sumbawa Regency Government, After 2016, there is no Regional Regulation (PERDA) up to now related to forest protection, the forestry sector often has friction with the regional government, the friction in question is of political importance. All stakeholders related to forest protection are still lacking in coordination or there is still no sense of coordination. If related to the opinion expressed by Hariadi kartodhardjo, Explaining that there are a number of factors that have become a factor in the obstacles in preventing corruption in handling illegal logging crimes, namely:

- a. The coordination space of the ministry of finance related to PNPB is limited and depends entirely on reports from the forestry ministry
- b. KLHK relies on the Forest Service to examine the Volume of wood produced for PNPB collection, even though its second interests are not entirely in line
- c. KLHK, governor, district head issue Various licenses related to forestry and collection, but the coordination does not realize integrated spatial and statistical information.<sup>15</sup>

Some explanation regarding the factors that become obstacles according to the doctrine and

expert opinion above if related to the activities of Batulante KPHP on corruption prevention can be viewed from two aspect namely preventive and referential aspect.

1. Constraints in preventive aspect Batulante KPHP in preventing corruption against illegal logging crime certainly faces many obstacles, both human resources and supporting facilities. In terms of community participation in prevention, they have not been able to synergize intensely with the local government to make regulations related to the pattern of preventing corruption in the handling of illegal logging, especially in the Sumbawa Besar Regency. If you see the opinion Kartini Kartono associated with the opinion above states that the district government is lacking communication with a the central government, so there is a lack of control over the region.<sup>16</sup>
2. Obstacles in the referential aspects Enforcement of illegal logging cases at Batulante KPHP if a process is carried out against the perpetrators, investigations are sometimes left to the police in the Batulante KPHP area at the resort or police station level. In the case of investigations because forestry in investigators are in the province. There is no KPHP in Batam to be placed quickly so that the coordination of investigators with the central level is carried out quickly and information and evidence can be obtained properly. Regarding the handling of cases, it is also constrained by operational funds for cases to be handled.

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<sup>15</sup> Ibid, P. 40.

<sup>16</sup> Kartini Kartono, 1981, *Social Patology*, Rajagrafindo, Jakarta, P. 115

## **CHAPTER. V. CONCLUSIONS AND SUGGESTION**

### **A. CONCLUSION**

1. Form of corruption prevention against forest management and protection are seen from illegal logging countermeasures by the Batulante KPHP. Batulante KPHP in prevention corruption against indication of interests that lead to conflict, both activities in prosecuting illegal loggers with evidence of several types of wood, as well as batulante KPHP identifying forest areas, identification of land tenure for settlements and agriculture, identification dispute over forest area boundaries, and identification of customary forest areas. The batulante KPHP also mapped vulnerable areas to various forms of conflict
2. Factors that prevent corruption in handling illegal logging by Batulante KPHP. Batulante KPHP in preventing corruption against illegal logging prevention there are still many factors that influence the implementation of activities so that it is not yet optimal or it can be said that the supervision system is still weak against indications of corruption including investigators are still centralized in the province, when cases that are very urgent in handling cases are still delegated to the police at the Polres level because there is no investigator KPHP. Nevertheless, the synergy between the regional government and law enforcers has not been maximized well in the prevention and enforcement of illegal logging, especially in the KPHP area.

### **B. SUGGESTIONS**

1. Corruption prevention of forest management and protection is seen from

illegal logging countermeasures by the batulante KPHP, the pattern of preventing corruption by the Batulante KPHP in handling illegal logging can be done through counseling starting can be done through counseling starting from the Village level as well as the district level and district level formally involving all elements of the government both from the local government from the regency to the village level. Counseling can also involve other law enforcement agencies such as the involvement of KPK extension agents in providing socialization on the importance of building synergy in preventing corruption

2. Factor that prevent corruption in handling illegal logging by Batulante KPHP, the Batulante KPHP that must be implemented as a solution to the inhibiting factors in preventing corruption against illegal logging is to make Regulations at the regency level in the form of Regional Regulations or Perda related to the prevention and eradication of illegal logging so that it becomes a derivative of the implementation of Law No. 18/2013 about the Prevention and Eradication of illegal logging. local regulations that are formed are more for extension program that are routinely programmed with directed and clear objectives.

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