



Authority of The Prosperity of The Republic of Indonesia As Dominus Litis for The Crime of Illegal Logging

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Abstract

Forests in Indonesia are numerous and extensive, functioning as the lungs of the world, of course forests must be preserved. The number of cases of illegal logging (Illegal Logging) causes damage to forest ecosystems which can be detrimental to the state. Law Number 18 of 2013 Concerning the Prevention and Eradication of Forest Destruction has regulated criminal sanctions against anyone who commits Illegal Logging, the Attorney General of the Republic of Indonesia who holds the function of pre-prosecution and prosecution of criminal acts in Indonesia must continue to be fully involved in enforcing criminal law in Illegal logging. This research is a normative form of legal research using a statutory approach, a conceptual approach in order to achieve a prescriptive result and can be applied regarding Illegal Logging cases. One thing that distinguishes the science of law and the social sciences is that law is not included in the number of behavioral sciences. The conclusion is regulations regarding Illegal Logging need to be addressed. In general, it must be emphasized regarding the elements and intent of Illegal Logging itself. The prosecutor in exercising his authority in the pre-prosecution stage must also be reaffirmed in Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction.

Keywords: Attorney of the Republic of Indonesia; Dominus Litis; Illegal Logging,

Introduction

According to the teachings of ecology, living systems that are interconnected are an "ecological system" that is intact as a whole, in which there is interdependence, between all living elements and factors. There is no one element or one factor which however can stand alone. In this case, if the living system is disturbed, chaos will occur which can disrupt the course of the environmental process, which may have negative consequences, to the detriment of the human being himself (Arifin, 2012). That the utilization and use of forest areas must be serious to be carried out properly and sustainably by taking into account ecological, social and economic functions as well as to maintain sustainability for present life and the lives of future generations. Indonesia is an agricultural country, and has 2 (two) seasons,

namely the rainy season and the dry season. Indonesia is an archipelagic country, there are thousands of islands throughout the archipelago stretching from Sabang to Merauke, because Indonesia is an agricultural country, there are vast forests in Indonesia. Forests are the lungs of the earth, their function and use is to filter the air we breathe every day, because the benefits and functions of forests are so important for the life of mankind on this earth, it is only fitting that we must maintain their preservation for the sake of our children and grandchildren in the future.

Since the implementation of the regional autonomy government system (autoda), forest development and management has started a new chapter in its management aspect. With the enactment of Law Number 41 of 1999 concerning Forestry and now with Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction which then

emerged with the hope of becoming the basis for forest management as well as a management solution that is more efficient but still sustainable, as explained in the explanation Article 17 paragraph (1) of Law Number 41 of 1999 concerning Forestry, states that, The central government or regional government is mandated to establish management areas in all conservation, protection and production forest areas.

The growth and development of environmental law today is increasing rapidly, since the inception of a global environmental policy that originated from human environmental awareness as stipulated in the 1972 Stockholom Declaration (United Nations Conference on the Human Environment) in Sweden has spawned several principles, and is the foundation of national environmental policy, among others in principle 17 which reads as follows: *“Appropriate national institution must be entrusted with the task of planning, managing or controlling the environmental resources of State with a view to en chancing environmental quality”*.

The principle above explains that the Declaration requires that each country create a national institution for environmental management, so that it can become the foundation for the development of national environmental law from each country. One of the environments that is vulnerable to acts of destruction that often occurs is the destruction of forests. Crimes against the environment nowadays often occur, for example crimes against the forestry sector, forestry is the sector that is most often under pressure from over-exploitation, the rate of forest destruction according to the WALHI (Wahana for the Environment) version once reached 3.4 million hectares every year, losses due to Illegal logging also ranges from Rp. 40-65 trillion rupiah annually. In 2003 the rate of damage decreased to 3.2 million hectares and in 2005 around 2.4 million hectares. plundered by forestry criminals. Illegal logging is not the only crime in the forestry sector that causes critical forest conditions (Hamdan, 2000).

The definition of Illegal Logging in exist-ing laws and regulations is not explicitly defined. Etymologically Illegal Logging can be seen from the literal meaning, namely from English. In the Contemporary English Indone-sian Dictionary, "Illegal" is defined as

"unlawful, prohibited, or contrary to law". "Log" in English means a log or logs, and "Logging" means the process of cutting wood and bringing it to a sawn place (Mudzalifah & Priyana, 2020). *Illegal logging itself is divided into 3 (three) forms of action as follows: First, logging of trees from parties who live or live near or far from forest areas, but do not have official permits for logging; Second, forest logging by institutions or companies in the forestry sector, which also do not have letters or permit documents to carry out forest logging and; Third, logging by certain people or groups of people who have personal or group goals, but illegal logging activities are done in the name of the people..*(Felias, et.al, 2019).

Analysis of the impact of damage to the forest environment is currently receiving more attention from various parties, namely (Muladi & Priyatno, 2010):

- In a joint study between the United Kingdom and Indonesia in 1998 indicated that around 40% of all logging activities were illegal, with a value of up to 365 million US dollars. A more recent study comparing legal logging with domestic consumption plus exports indicated that 88% of all logging activities were illegal logging. Malaysia is a major transit point for illegal wood products from Indonesia.
- Data released by the World Bank (world bank) shows that from 1985 to 1997 Indonesia has lost around 1.5 million hectares of forest every year and it is estimated that around 20 million hectares of production forest remain. Illegal logging is related to the increasing demand for international market timber, the large installed capacity of the domestic timber industry, local consumption, law enforcement, and bleaching of wood that occurs outside the logging area.
- Based on the results of FWI and GFW's analysis of several million hectares of forest areas in Indonesia, the deforestation rate in the last 5 years has reached 2.83 million hectares per year. If this situation is maintained, where Sumatra and Kalimantan have lost their forests, the forests in Sulawesi and Papua will experience the same thing. According to the analysis of the World

Bank (World Bank), forests in Sulawesi are expected to disappear in 2010. Illegal logging and forest exploitation practices that ignore sustainability have resulted in the destruction of priceless forest resources, the destruction of people's lives and the loss of timber worth US\$ 5 billion, of which is in the form of state revenue of approximately US\$ 1.4 billion every year. This loss does not include the loss of biodiversity values and environmental services that can be generated from forest resources.

- Greenpeace research notes that the level of forest destruction in Indonesia reaches 3.8 hectares per year, most of which is caused by illegal logging activities. Meanwhile, data from the Ministry of Forestry Research Agency shows the figure of 83 (eighty three) billion rupiahs per day as a financial loss due to illegal logging.

Based on several analyzes of the facts of forest destruction in the world, especially Indonesia, from time to time it has continued to increase significantly, although at certain times it has decreased, in principle, it is not a decrease in terms of illegal logging, but this decrease is caused by the continued reduction in forest wealth or in this case wood that is continuously drained by irresponsible parties. The basic thing is that illegal logging activities in Indonesia are difficult to eradicate due to several factors, both in terms of the culture of the people themselves and law enforcement that has not been maximized. One of the most frequent actors in Illegal Logging is done by people/individuals.

Materials and Method

One thing that distinguishes the science of law and the social sciences is that law is not included in the number of behavioral sciences. Legal science is not descriptive but prescriptive. The object of the science of law is coherence between legal norms and legal principles, between legal rules and legal norms, as well as coherence between individual acts and non-behaviors with legal norms, So this type of legal research is a type of normative legal research, which aims to examine positive legal provisions, in this case criminal law as a source of law.

This legal investigation employs a statuto-

Table 1. Gender in quantitative research

Gender	Number of respondent	Percentage figure
Female	129	67,80%
Male	272	32,20%
Total	401	100%

Table 2. Gender in qualitative research

Gender	Number of respondent	Percentage figure
Female	10	33,33%
Male	20	66,67%
Total	30	100%

Table 3. Age in quantitative research

Age	Number of respondent	Percentage figure
Under 18 years	60	15,00%
18-25 years	236	58,80%
26-40 years	77	19,20%
Over 40 years	28	7,00%
Total	401	100%

Table 4. Age in qualitative research

Age	Number of respondent	Percentage figure
Under 18 years	1	3,33%
18-25 years	22	73,33%
26-40 years	5	16,77%
Over 40 years	2	6,77%
Total	30	100%

ry approach by examining relevant laws and regulations. Additionally, it elucidates legal principles through established legal concepts, thereby employing a conceptual approach. Furthermore, this research incorporates a case approach by reviewing court decisions rendered during the pursuit of justice in a particular case.

Results and Discussion

Criminal Sanctions Against Illegal Logging in the Criminal Law System

Law grows and develops in society, which is formed with the aim of creating order, a rule of law is for the purposes of community livelihoods to prioritize the community not individual or group interests, the law also safeguards the rights and determines the obligations of community

members in order to create an orderly society. , peace, justice and prosperity (Wiljatmo, 1979). Indonesia is a country that can be classified as an adherent of the Civil Law tradition where the main sources of law are laws and codification. When connected with criminal law, every act can be categorized as a crime if the act has been criminalized by law or codification (Santoso, 2012).

In Indonesia, the Criminal Code (KUHP) is the legal framework for the application of criminal law. The current Criminal Code is derived from a law known as *Wetboek van Strafrecht voor Nederlandsch-Indie* (WvS NI), which was introduced during the colonial era. The WvS NI was ratified through the *Staatsblad* in 1915, specifically number 732, and became effective on January 1, 1918. To establish the legal validity and adaptation of the *Wetboek van Strafrecht voor Netherlands Indie* to the Indonesian context, Law Number 1 of 1946 concerning Criminal Law Regulations was enacted. Initially, the WvS applied only to the regions of Java and Madura. However, the Criminal Code was officially implemented throughout the entire territory of the Republic of Indonesia on September 20, 1958, following the promulgation of Law No. 73 of 1958. This law declared the applicability of Law Number 1 of 1946 concerning Criminal Law Regulations for the entire Republic of Indonesia and made amendments to the Criminal Code.

As mentioned in Article 1 of Law No. 7 of 1958, the Criminal Code is applicable in all regions of the Republic of Indonesia. This provision solidified the legal basis for the Criminal Code's enforcement nationwide.: "Law No. 1 of 1946 of the Republic of Indonesia concerning Criminal Law Regulations declared applicable to the entire territory of the Republic of Indonesia. It can be said that the Criminal Code is a source of material law that is still general in nature."

Prior to discussing sentence that results in legal certainty and justice, it is important to first address the crime. Moeljatno claims that criminal law is a component of a nation's entire legal framework, which establishes the fundamental principles and guidelines. (Moeljatno, 2000):

- a. Identifying acts that are forbidden and prescribing specific penalties or sanctions for individuals who engage in these prohibited actions
- b. Deciding the circumstances and conditions under which individuals who

have violated these prohibitions can be subject to punishment as previously specified.

- c. Specifying the procedures and methods for imposing penalties when there is a suspected individual who has breached the prohibition.

In his 1937 book *Leerboek Nederlands Strafrecht*, Prof. deceased Simons (Utrecht) provided the following definition of a criminal (Moeljatno, 2000): "Criminal law is comprised of all state-imposed commands and prohibitions that carry the threat of (criminal) punishment for those who disobey them, as well as all the procedures for determining the circumstances under which those sanctions will be applied and for executing the conviction and sentence."

After deviating from the theoretical foundation of criminal law, which primarily focuses on establishing guilt, it becomes crucial to explore the theories that govern the process of sentencing an individual. Sentencing is an incredibly significant aspect of the judicial process as it grants the judge immense authority to determine the destiny of a person, essentially deciding their life and freedom. It is the collective aspiration of society that this authority is exercised judiciously, ensuring that justice is administered in a manner that is fair, reasonable, and proportionate (Soekanto, 1982).

The criminal act of Illegal Logging can be seen in Law Number 41 of 1999 concerning Forestry, and the policy for the formulation of the Criminal Act of Illegal Logging is formulated in Article 50 and the criminal provisions are regulated in Article 78 which forms the basis for the existence of a criminal act of Illegal Logging is due to damage forest Basically the crime of illegal logging, in general its relation to the elements of general crimes in the Criminal Code, can be grouped into several forms of crime in general, namely:

- a. Destruction (Article 406 to Article 412). The element of forest destruction in illegal logging crimes departs from the idea of the concept of permits in the forest management system which contains the function of controlling and supervising forests to ensure the preservation of forest functions. Illegal logging is essentially an activity that violates existing licensing conditions, whether they do not have an official permit or those who do have a permit but violate the provisions contained in the permit, such as over or

- logging outside the concession area owned.
- b. Theft (Article 362 of the Criminal Code) Logging is done intentionally and the purpose of this activity is to take advantage of forest products in the form of wood (to be owned). However, there are legal provisions governing rights and obligations in the utilization of forest products in the form of wood, so that activities that conflict with these provisions mean activities that are against the law. This means cutting down wood in a forest area that is not their right according to law. As explained by Soesilo regarding article 362 of the Criminal Code, this is (Soesilo, 1995): (1). There is an act of taking, (2). What is taken must be an item, (3). The goods must be wholly or partly owned by another person, (4). Such retrieval must be carried out with the intention of possessing said item against the law.
 - c. Smuggling. Until now, there are no laws and regulations that specifically regulate timber smuggling, even the Criminal Code, which is a general provision for criminal acts, does not regulate smuggling. So far, smuggling activities are often equated only with theft offenses because they have the same element, namely without the right to take other people's belongings. Based on this understanding, timber smuggling (illegal timber distribution) is part of the crime of illegal logging and is an act that can be punished. However, Article 50 (3) letters f and h of Law no. 41 of 1999, which regulates buying, selling and or transporting illegally collected forest products can be interpreted as an act of wood smuggling. However, these provisions do not clearly regulate who the perpetrators of these crimes are. Is it the transporter/driver/ship captain or the owner of the timber, To not cause contra-interpretation, the elements regarding this smuggling need to be regulated separately in the legislation concerning forestry criminal provisions.
 - d. Forgery (Articles 261-276 of the Criminal Code), Forgery of letters or making of fake letters according to the elucidation of Article 263 of the Criminal Code is making a letter whose contents are inappropriate or making a letter in such a way that it looks like the original. Letters in this case are those that can issue: a matter, an agreement, debt relief and letters that can be used as a statement of actions or events. According to Article 263 of the Criminal Code, the criminal penalty for forging letters is a maximum of 6 years in prison, and Article 264 is a maximum of 8 years. In the practice of illegal logging crimes, one of the *modus operandi* that is often used by perpetrators in carrying out their activities is forgery of Forest Product Legitimacy Certificates (SKSHH), forgery of signatures, making of fake stamps, and fake statements in SKSHH. This *modus operandi* has not been explicitly regulated in the forestry law.
 - e. Embezzlement (article 372 – 377KUHP). Illegal logging crimes include: such as over-cutting, namely logging outside the concession area owned, logging that exceeds the existing city target (over capacity), and carrying out flying system logging runs out while the permits owned are selective flying systems, including data on the amount of wood in the SKSH which is smaller than the actual amount.
 - f. Custody (article 480 of the Criminal Code). Fencing In the Criminal Code, the root word is *cistern*, which is another term for an act of conspiracy or conspiracy or malicious aid. Retention in the foreign language is "helung" (Explanation of Article 480 of the Criminal Code). Further explained by R. Soesilo¹⁰, that the act is divided into, the act of buying or renting goods that are known or reasonably suspected to be the proceeds of a crime, and the act of selling, exchanging or pawning goods that are known or reasonably suspected of being proceeds of crime. The criminal threat in Article 480 is a maximum of 4 years or a maximum fine of Rp. 900 (nine hundred rupiah). This mode is mostly carried out in illegal timber trade transactions both within and outside the country, there are even logs resulting from illegal logging that are clearly known to both sellers and buyers. Even

this mode has been regulated in Article 50 paragraph (3) letter f of Law no. 41 of 1999.

Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH). Related to criminal acts that are rife by corporations in the environmental field (illegal logging) regulates the discussion regarding the criminal liability of business entities as stipulated in Articles 116 to Article 119 of the PPLH Law.

Criminal sanctions regarding Illegal Logging can currently be found in Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction. Some of the provisions in the law include the repeal of criminal sanctions contained in Law Number 41 of 1999 concerning Forestry. Regarding the list of criminal acts in Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction are as follows:

Article 12 Law 18/2013

Everyone is prohibited:

- a. Cutting down trees in forest areas that are not in accordance with forest utilization permits;
- b. Cutting down trees in a forest area without a permit issued by an authorized official;
- c. Illegal logging of trees in forest areas;
- d. Loading, unloading, removing, transporting, controlling, and/or owning the results of logging in the forest area without a permit;
- e. Transporting, controlling or possessing timber forest products that are not accompanied by a certificate of legality of timber forest products that are not accompanied by a certificate of legality of forest products;
- f. Carrying tools that are commonly used to cut, cut, or split trees in a forest area without the permission of an authorized official;
- g. Carrying heavy equipment and/or other tools that are commonly or reasonably suspected of being used to transport forest products within a forest area without permission from the competent authority;
- h. Utilizing timber forest products suspected of originating from illegal logging;
- i. Circulating timber resulting from illegal logging by land, sea or air;
- j. Smuggling wood originating from or entering the territory of the Unitary State of the Republic of Indonesia via rivers, land, sea or air;

- k. Receiving, buying, selling, receiving exchange, receiving deposit and/or possessing forest products known to originate from illegal logging;
- l. Buying, marketing and/or processing timber forest products originating from forest areas illegally taken or collected; and/or
- m. Receiving, selling, receiving exchange, receiving deposit, storing, and/or possessing timber forest products originating from forest areas that are illegally taken or collected.

Criminal provisions Article 82 paragraph (1) Law 18/2013

Individuals who deliberately commit acts as referred to in Article 12 letters a, b, and c shall be subject to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a minimum fine of Rp. 500,000,000.- (five hundred million rupiah) and a maximum of Rp. 2,000,000,000.- (two billion rupiah).

Article 82 paragraph (2) Law 18/2013

In the event that the crime referred to in paragraph (1) is committed by an individual residing in and/or around a forest area, the perpetrator shall be punished with imprisonment for a minimum of 3 (three) months and a maximum of 2 (two) years and/or a fine a minimum fine of Rp. 500,000, - (five hundred thousand rupiah) and a maximum of Rp. 500.000.000,- (five hundred million rupiah).

Article 82 paragraph (3) Law 18/2013

Corporations that commit crimes as stipulated in Article 12 letters a, b, and c shall be subject to imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a minimum fine of Rp. 5,000,000,000.- (five billion rupiah) and a maximum of Rp. 15,000,000,000.- (fifteen billion rupiah).

Article 84 paragraph (1) Law 18/2013

Individuals who deliberately commit acts as stipulated in Article 12 letter f shall be subject to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a minimum fine of Rp. 250,000,000.- (two hundred and fifty million rupiah) and a maximum of Rp. 5,000,000,000.- (five billion rupiahs).

Article 14 Law 18/2013

Everyone is prohibited.

- a. Falsify certificates of legality of timber forest products; and/or
- b. Using fake withered forest product valid certificate.

Article 15 Law 18/2013

Everyone is prohibited from misusing timber product transportation documents issued by authorized officials.

Article 19 Law 18/2013

Everyone who is inside or outside the territory of Indonesia is prohibited from:

- a. Ordering, organizing, or driving illegal logging and/or illegal use of forest areas;
- b. Participate in or assist in illegal logging and/or illegal use of forest areas;
- c. Conspiracy to engage in illegal logging and/or illegal use of forest areas;
- d. Funding illegal logging and/or illegal use of forest areas directly or indirectly;
- e. Using funds suspected of originating from illegal logging and/or illegal use of forest areas;
- f. Changing the status of illegal logging products and/or illegal use of forest areas, as if they were legal timber, or results from legal use of forest areas to be sold to third parties, both inside and outside the country;
- g. Utilizing wood from illegal logging by changing the shape, size, incl waste utilization;
- h. Placing, transferring, paying, spending, granting, donating, depositing, taking out of the country, and/or exchanging money or other securities and other assets that he knows or reasonably suspects are the result of illegal logging and/or results of illegal use of forest areas; and/or
- i. Concealing or disguising the origin of assets that are known or reasonably suspected to originate from illegal logging and/or illegal use of forest areas so that they appear to be legitimate assets.

The Attorney General's Office of the Republic of Indonesia as Dominus Litis for Law Enforcement Against Illegal Logging Crimes

The Attorney General's Office of the Republic of Indonesia in terms of carrying out its functions and duties is based on the authority that has

been regulated in laws and regulations. The Attorney General's Office in carrying out its duties is based on legal certainty and justice. The Attorney General's Office as a law enforcement apparatus must be involved in the nation-building process to create a just and prosperous society. The Attorney General's Office is also obliged to maintain the spirit of justice in every task and authority in law enforcement. The definition of the Prosecutor himself is regulated in Article 1 number 6 letter a of the Criminal Procedure Code, namely an official who is authorized by this law to act as a public prosecutor and carry out court decisions that have obtained permanent legal force. complete or not to be submitted to the district court for trial (Vide: Article 139 KUHAP).

Prosecutors in carrying out their authority are guided by the Regulation of the Attorney General of the Republic of Indonesia Number PER-067/A/JA/07/2007 concerning the Code of Conduct for Prosecutors Jo. Oversight of the Attorney General's Office of the Republic of Indonesia Jo Regulation of the Attorney General of the Republic of Indonesia Number PER-36/A/JA/09/2011 concerning Standard Operating Procedures (SOP) for Handling General Crime Cases. These policies are behavioral guidelines for professional holders which are summarized in the Code of Ethics which contains ethical content, both descriptive, normative, and metaethical ethics (Bertens, 2005).

In fact, in the implementation of prosecution authority by the Attorney General, problems often arise with other law enforcement agencies. This is because the prosecutor in his authority as a public prosecutor only examines formally and materially regarding case files, does not know the process of preparing files and procedures for obtaining evidence which is currently a problem. Thus the position of the Attorney General's Office of the Republic of Indonesia has a strategic position in exercising supremacy in the field of prosecution in the integrated criminal justice system which is regulated according to the Criminal Procedure Code.

The existence of the Attorney General's Office of the Republic of Indonesia as a public prosecutor turns out that in court practice and law enforcement it does not run properly and smoothly as it should. Errors often occur in terms of coordination between the Prosecutor's Office and the Police or the Prosecutor's Of-

fice and the Court that does not run smoothly. This is triggered for various reasons, which can be bureaucratic in nature or caused by institutional arrogance, which will affect the prosecution process. Even though the Attorney General's authority as *Dominus Litis* applies universally (Perbawa, 2014).

The Attorney General's Office of the Republic of Indonesia in general has limited authority over criminal cases as a public prosecutor, the Attorney General's Office of the Republic of Indonesia certainly has the authority to charge a defendant in court proceedings. This means that the prosecution authority is regulated and held by the public prosecutor alone, there is no other body that has the right to do so besides the Indonesian Attorney General's Office. This is known as "*Dominus Litis*". *Dominus* comes from the Latin meaning case or lawsuit. Judges cannot request that a criminal case be submitted to him, so the judge is only waiting for demands from the public prosecutor (Perbawa, 2014).

Based on Article 14 of the Criminal Procedure Code, it is regulated that the Attorney General's Office of the Republic of Indonesia as the public prosecutor has the authority: to receive and examine the investigation case files from investigators or assistant investigators, to hold pre-prosecution if there are deficiencies in the investigation by taking into account the provisions of Article 110 paragraph (3) and paragraph (4) of the Criminal Procedure Code by giving instructions in the context of perfecting the investigation from the investigator, granting an extension of detention, carrying out detention or further detention and/or changing the status of detainee after the case has been delegated by the investigator, drawing up an indictment, transferring the case to court, delivering notification to the defendant regarding the stipulations on the day and time the case will be tried accompanied by a summons, both to the accused and to the witness to come to a predetermined trial, carry out a prosecution, close a case for the sake of law, take other actions within the scope of duties and responsibilities as a public prosecutor according to the provisions this law, carry out the determination of the judge.

In complete the Attorney General's Office of the Republic of Indonesia also has the ability to carry out investigative examinations carried out by the Police. In this case the Prosecutor as a law enforcement officer is actually also equipped with almost the same capabilities as the Police in investigating a crime. As regulated in Article 14 of the Criminal Procedure Code, the Prosecutor's authori-

ty is not only in the prosecution stage, but also in the pre-prosecution stage. Further in terms of deciding whether an investigator's action in the investigation stage is correct and complete is the Prosecutor. The prosecutor can return the case file to the investigator if incomplete matters are found in the investigation. The Attorney General's Office of the Republic of Indonesia through the Prosecutor also decides as stipulated in Article 137 of the Criminal Procedure Code regarding who can be prosecuted before the court. This is something that neither the police nor the courts have.

In order to increase the effectiveness of eradicating forest destruction, Law Number 18 of 2013 is equipped with procedural law which includes investigations, prosecutions, and examinations in court hearings. One of the provisions regulated in Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction is an investigation. Investigations into criminal acts of Illegal Logging have been carried out by Police Investigators or Civil Servant Investigators (PPNS). Furthermore, based on Article 39 of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, it is stated that in order to accelerate the settlement of cases of forest destruction where Illegal Logging is included:

1. Investigators are required to complete and submit case files to the public prosecutor no later than 60 (sixty) days after the start of the investigation and can be extended for a maximum of 30 (thirty) days;
2. In the event that the results of the investigation are incomplete, the public prosecutor is obligated to conduct an investigation for a maximum of 20 (twenty) days and can be extended for a maximum of 30 (thirty) days;
3. The public prosecutor is obliged to transfer the case to the court no later than 25 (twenty five) days from the completion of the investigation.

In Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction there is no further regulation regarding the explanation of the limits of investigative powers by the Public Prosecutor, especially his duties. Explanation of the limits of investigative authority by the public prosecutor is also not properly explained in the implementation rules, and the implementation of the

investigation by the public prosecutor can be interpreted as a follow-up investigation or an investigation that can be started from the beginning.

Conclusion

1. Illegal logging crime is a crime of cutting down trees that extends to the process before cutting trees, when cutting trees and after cutting trees. Illegal logging is classified as a crime because the impact it causes is very large. Detriment to the State because forests are an ecosystem and assets protected by the State. Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction contains several criminal sanctions ranging from imprisonment and fines that can be imposed on violators of these regulations;
2. The prosecutor has 2 (two) powers in the pre-prosecution stage and the prosecution stage. In the prosecution stage, the role of the Prosecutor is to assess the completeness of the results of the investigation conducted by the Police. In Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, investigations are carried out by the Police and/or Civil Servant Investigators (PPNS), but it also regulates the authority of the Prosecutor as a public prosecutor to directly participate in the investigation stage as an effort to improve effectiveness and efficiency of investigations into criminal acts of Illegal Logging.

Suggestion

1. Regulations regarding Illegal Logging need to be addressed. In general, it must be emphasized regarding the elements and intent of Illegal Logging itself. The criminal sanctions contained in Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction must also be added regarding serious remedial efforts after the occurrence of the criminal act of Illegal Logging which caused damage to the forest. Alternative punishment in the form of reforestation must also find a place to be carried out in addition to imprisonment and/or fines.
2. The prosecutor in exercising his authority in the pre-prosecution stage must also be reaffirmed in Law Number 18 of 2013

concerning the Prevention and Eradication of Forest Destruction. This is due to the fact that during the investigation stage of the Illegal Logging crime, the Police and Civil Servant Investigators (PPNS) have carried out it, so that in the future there will be no overlap or overlapping of Illegal Logging investigations.

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