

Regulations for sustainable development in the environment and forestry

DOI: 10.46932/sfjdv3n5-042

Received in: September 12th, 2022

Accepted in: October 13th, 2022

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ABSTRACT

Bureaucratic reform Determination of laws and regulations with the aim that a more orderly, non-overlapping, and conducive agreement. Environmental regulation, governance and governance of forest natural resources consists of one factor that needs attention, because the exploitation of wood using machine technology will produce in a relatively short time. At the level of existing legal instruments overlapping authorities are also not in harmony with regulations because at the ministerial level related to legal products that do not provide space for customary law communities governing customary forests More are responsible for instruments made unilaterally by realizing indigenous peoples to register his right to the ministry, even though the customary community living in his environment asked him not to trust his customary rights because customary rights had existed since before they were issued not announced but carried out naturally by generations. Legal instruments that are not participatory against indigenous peoples will result in customary forest management systems that are not well organized, so that the community will be provoked by community needs in this case primary industrial timber entrepreneurs who receive timber forest products from indigenous peoples will be exploited using unsupported responsibilities The impact of disharmony regulations on the collection of timber forest products at the central and regional levels is not responsible for the community to utilize their own customary forests and the environment and forests will increase shrinkage and carrying capacity of the world's lungs is not optimal.

Keywords: legal instrument, over lapping, disharmony.

1 INTRODUCTION

The 1945 Constitution of the Republic of Indonesia states that a good and healthy environment is a human right and constitutional right for every Indonesian citizen. Therefore, the state, the government, and all stakeholders are obliged to carry out environmental protection and management in the implementation of sustainable development so that the Indonesian environment can remain a source and support of life for the people of Indonesia and other living things¹⁾.

The laws and regulations governing environmental law in Indonesia are regulated in Act Number 32 of 2009 concerning Environmental Protection and Management, which regulates many matters and some of them are:

1. Understanding the Environment.

2. Protection and management of the environment.
3. Sustainable development.
4. Environmental protection and management plan.
5. Ecosystem.
6. Preservation of environmental functions.

Sustainable development as determined in Article 1 number 3 of Law Number 32 of 2009 concerning Environmental Protection and Management determines that sustainable development is a conscious and planned effort that integrates environmental, social and economic aspects into development strategies to ensure environmental integrity, and the safety, ability, well-being and quality of life of present and future generations.

The development of the environment in Indonesia is not only oriented towards ecosystems which are the elements of the environment which constitute a whole and comprehensive unit and influence each other in shaping the balance, stability, and productivity of the environment, also the preservation of environmental functions, namely a series of efforts to maintain the continuity of carrying capacity and environmental capacity²⁾.

In addition to the laws governing the environment as mentioned above, Indonesia also established special legislation intended to maintain the balance of nature, stability and productivity and preserve the environment in various laws and regulations.

Prior to the enactment of Law Number 32 of 2009 concerning Environmental Protection and Management, Indonesia made Law Number 41 of 1999 concerning Forestry with several key considerations namely :

1. that the forest, as a gift and mandate from the Almighty God bestowed upon the Indonesian people, is a wealth that is controlled by the State, providing versatile benefits for mankind, so it must be grateful, cared for, and utilized optimally, and preserved for as long as possible- great prosperity of the people, for present and future generations.
2. that forests, as one of the determinants of the life support systems and sources of prosperity of the people, tend to decrease in condition, therefore their existence must be optimally maintained, sustained in their carrying capacity sustainably, and managed with noble, fair, wise, expedient, open character , professional and accountable.
3. that the management of forests that is sustainable and has a global perspective, must accommodate the dynamics of the aspirations and participation of the community, customs and culture, and community values that are based on national legal norms;

Various laws and regulations that were formed were formed with orientation to the environment with different substances as a form of state commitment to safeguard Indonesia's forests as one of the

biggest supporters of a green environment, which in fact gave birth to various conflicts of interest in its implementation so that the impact on forestry crimes arose. because forest exploitation is based on legal instruments that are not concentrated and based on one authority because the authority is divided into institutions that are technically partial and not concentrated.

Bureaucratic reform implemented by the Government of Indonesia stipulates 8 (eight) areas of bureaucratic reform and one of them is legislation because there are still many overlapping regulations, disharmonies, can be interpreted differently or deliberately made unclear to open up the possibility of irregularities. This condition is often used by the apparatus for personal interests that can harm the state. Therefore, it is necessary to change / strengthen the system of laws and regulations that are more effective and touch the needs of the community.

2 RESEARCH METHOD

Pada persetujuan, ilmu hukum memiliki dua aspek, yaitu aspek praktis dan aspek filsafat. Mengingat hal tersebut, penelitian hukum dapat dibedakan menjadi penelitian untuk keperluan praktis dan penelitian untuk kajian akademis³⁾.

Legal research according to Peter Mahmud Marzuki⁴⁾ in legal research that provides some information. By asking for this, the researcher will get information from several aspects about the problem that is being tried to find the answer. Based on considerations used in legal research related to the law (statute approach), case renewal (case approach), historical approach, comparative approach (comparative approach), and conceptual search (conceptual approach).

According to Soerjono Soekanto,⁵⁾ stated that "normative legal research includes:

- (1) research into legal principles,
- (2) research on legal systematics,
- (3) research on the degree of legal synchronization,
- (4) research on the history of law, and
- (5) legal comparative research

Regulations for sustainable development in the field of environment and forestry are central themes with various legal instruments issued by the legislature and implementing regulations made by officials in the forestry environment and the environment are often not harmonious.

Research on the problem uses the statute approach and case approach, where the author will present several environmental and forestry cases that are temporarily tried at the Surabaya District Court.

The method used is a normative research method, as well as a comparative approach because the study materials will be used as a knife of analysis by comprehensively examining several cases that attract public attention.

3 FINDING AND DISCUSSION

Constitutionally the 1945 Constitution of the State of Indonesia specifically in Article 33 paragraph (3) determines that the Earth and water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people, then in Article 28H paragraph 1 of the 1945 Constitution mention that everyone has the right to live in prosperity, physically and mentally, to live and to have a good and healthy living environment and the right to obtain health services.

Based on the idea that in order to get a good environment, the state has the authority to manage the earth and natural resources in Indonesia for the welfare of the community through a centralized regulation in the forestry sector, meaning that there are restrictions on officials who are authorized to make regulations both technically, the central institutional authority and regional authority .

The authority of the ministry of forestry and the environment must also have restrictions on making regulations so that not all officials from the Minister, Director General, Head of Office or Governor must be given a roar and a certain portion so that the legal products of each of these Officials do not overlap or vacuum because each is too restrictive in determining policies.

At the Ministry level there are several related institutions such as the Minister of Forestry and the Minister of Trade who have their respective authorities where at same time the both of them can make regulations that are not harmonious because of different fields of authority but the point of contact of interests rests on the same interests.

1. How to harmonize various laws and regulations in the forestry sector so that our environment, especially our forests, is optimally protected from various types of massive logging and timber theft.

Indonesia is a country that has a lot of natural wealth. The available natural resources are a gift from the Creator to fulfill the welfare of mankind on earth. In terms of environmental protection and management, it is a human effort to interact with the environment in order to sustain life achieving prosperity and environmental sustainability. Environmental protection and management is a systematic and integrated effort undertaken to preserve environmental functions and prevent environmental pollution and / or damage which includes planning, utilization, control, maintenance, supervision and law enforcement.

Forests have a very important position and role in supporting national development,⁶⁾ however, forests as one of the important components of the environment that make a positive contribution are often the objects of exploitation which results in environmental damage.

Legal cases that were tried in court illustrated that illegal logging and forest exploitation had an impact on the destruction of the natural buffering of human life.

Regulations governing forestry issues and various implementing regulations often occur in the disharmony of various laws and regulations.

Statutory regulations which have implications for the environment which are very strategic and influential are the Law on Forestry, namely Law No. 41 of 1999 concerning Forestry and Law No. 18 of 2013 concerning Forest Prevention and Destruction.

A number of laws and regulations issued as the implementation of the two laws mentioned above are other regulations:

1. Government Regulation No. 45 of 2014 concerning Forest Protection
2. Government Regulation No. 60 of 2004 concerning Amendment of Government Regulation 45 of 2004 concerning Forest Protection
3. Regulation of the Minister of Environment and Forestry Number 43 / Menlhk-Setjen / 2015 concerning Administration of Timber Forest Products from Natural Forests
4. Regulation of the Minister of Environment and Forestry Number 60 / Menlhk-Setjen / Kum.1 / 7/2016 concerning Amendment to Permenlhk Number 43 / Menlhk-Setjen / 2015 concerning Administration of Timber Forest Products originating from Natural Forests
5. Regulation of the Director General of PHPL Number 17 / PHPL-Set / 2015 concerning Guidelines for the Implementation of Information Systems Administration of Timber Forest Products from Natural Forests
6. Regulation of the Director General of PHPL Number P.2 / PHPL-IPHH / 2016 concerning Amendment to the Perdirjen PHPL Number 17/PHPL-Set / 2015 concerning Guidelines for Implementing Information Systems for Administering Timber Forest Products from Natural Forests
7. Regulation of the Minister of Environment and Forestry Number 32 / Menlhk-Setjen / 2015 concerning Private Forests
8. Regulation of the Minister of Environment and Forestry Number 21 / Menlhk-Setjen / Kum.1 / 4/2019 concerning Customary Forests and Private Forests
9. Regulation of the Minister of Environment and Forestry Number 85 / Menlhk-Setjen / Kum.1 / 11/2016 concerning Administration of Cultivated Forest Forest Products from Private Forests
10. Regulation of the Minister of Environment and Forestry Number 48 / Menlhk / Setjen / Kum.1 / 8/2017 concerning Amendment to Environment and Forestry Regulation Number 85 / Menlhk-Setjen / Kum.1 / 11/2016 concerning Administration of Cultivated Forest Forest Products originating from Private Forests

11. Regulation of the Minister of Environment and Forestry Number 13 / Menlhk-II / 2015 concerning Business Permits for Forest Product Primary Industries
12. Regulation of the Minister of Environment and Forestry Number P.1 / Menlhk / Setjen / Kum.1 / 1/2019 concerning Business Permits for Forest Product Primary Industries
13. Minister of Forestry Regulation Number 45 / Menhut-II / 2011 concerning Measurement and Testing of Forest Products
14. Regulation of the Director General of Forestry Business Development Number 2 / VI-Set / 2015 concerning Method and Measurement of Forest Products
15. Regulation of the Minister of Environment and Forestry Number 7/1 / Menlhk / Setjen / HPL.3 / 8/2016 concerning Procedures for Imposing, Collecting and Depositing PSDH, DR, Compensation for Upholding Penalties for Violation of Forest Exploitation and Contribution to Business Utilization of Forests
16. Regulation of the Minister of Environment and Forestry Number 64 / Menlhk / Setjen / Kum.1 / 12/2017 concerning Determination of Benchmark Prices of Forest Products for Calculation of PSDH and Indemnity Compensation
17. Regulation of the Minister of Trade No. 84 / M-Dag / Per / 12/2016 concerning Provisions on the Export of Forestry Industry Products
18. Regulation of the Minister of Trade No. 12 / M-Dag / Per / 2/2017 concerning Amendment to Permendag Number 84 / M-Dag / Per / 12/2016 concerning Provisions on the Export of Forestry Industry Products
19. Decree of the Minister of Forestry Number 020 / Kpts-II / 1988 concerning Eboni Wood Standards
20. SNI 5010.4: 2016 concerning Name of Forest Forest Product Product
21. SNI 7537.2: 2010 concerning Measurement of Sawn Timber Dimensions⁷⁾

These regulations technically regulate certain fields in the forestry sector especially forest products in the form of wood.

Timber is a very lucrative commodity for entrepreneurs in the timber sector so that many legal instruments are created for this purpose and for maintaining orderly management of wood as mentioned in the regulations above.

In addition to the competent officials mentioned above, the customary law community feels entitled to manage their customary rights to the forest.

In Papua Province, the Governor of Papua issued Governor Regulation Number 18 Year 2010 concerning Timber Forest Product Collection Permit.

Potential legal instruments for damage to the forest environment are licenses that are not well controlled.

Some of the most interesting legal cases currently in the Surabaya District Court are related to the exploitation of merbau wood forest products taken from forests in Dobo, Maluku Province for 1 (one) case and from Papua for 5 (five) cases involving corporations and individuals .

To illustrate the disharmony of environmental and forestry laws and regulations that have an impact on the timber forest environment, we will describe the cases above in terms of science without interfering with the authority of judges in examining and adjudicating these cases.

Based on the Surabaya District Court's Case Tracking Information System (SIPP) there are 6 (six) cases relating to the Forestry Law which we briefly describe as follows :

1. Case Number 2085 / Pid.B / LH / 2019 / PN Sby

Indictment Article

First:

The defendant's actions are regulated and threatened with criminal offense in Article 83 paragraph (1) letter a Jo Article 12 letter d of the Republic of Indonesia Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction.

Or

Second:

The defendant's actions are regulated and threatened with criminal sanction in Article 87 paragraph (1) letter b Jo Article 12 letter 1 of the Republic of Indonesia Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction

And

Second:

The defendant's actions are regulated and threatened with criminal sanction in Article 88 paragraph (1) letter b Jo Article 14 of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction.

Evidence :

236.5054 M3 of wood

Fetch location :

No	Description	Geographical coordinates	
		BT	LS
1	Timber Collection (TPK)	134° 20' 8.28" E	5° 54' 44.06" S
2	Camp/TPK	134° 20' 9.44" E	5° 54' 44.52" S
3	Logging Stumps	134° 20' 18.37" E	5° 54' 46.04" S
4	Logging Stumps	134° 20' 22.17" E	5° 54' 42.81" S
5	Logging Stumps	134° 20' 23.98" E	5° 54' 37.15" S
6	Logging Stumps	134° 20' 40.03" E	5° 55' 13.98" S
7	Logging Stumps	134° 20' 52.62" E	5° 55' 12.87" S
8	Logging Stumps	134° 20' 56.87" E	5° 55' 6.46" S
9	Logging Stumps	134° 20' 55.36" E	5° 55' 5.50" S
10	Logging Stumps	134° 20' 57.35" E	5° 55' 4.46" S
11	Logging Stumps	134° 20' 57.80" E	5° 55' 3.53" S
12	Logging Stumps	134° 20' 58.98" E	5° 55' 3.37" S
13	Logging Stumps	134° 20' 58.90" E	5° 55' 2.42" S
14	Logging Stumps	134° 20' 58.54" E	5° 55' 1.35" S
15	Logging Stumps	134° 20' 57.68" E	5° 55' 1.18" S
16	Logging Stumps	134° 21' 3.29" E	5° 55' 0.68" S
17	Logging Stumps	134° 20' 35.29" E	5° 54' 33.15" S
18	Logging Stumps	134° 20' 35.44" E	5° 54' 33.11" S
19	Logging Stumps	134° 20' 34.32" E	5° 54' 32.86" S
20	Logging Stumps	134° 20' 35.12" E	5° 54' 32.10" S
21	Logging Stumps	134° 20' 36.46" E	5° 54' 31.27" S
22	Logging Stumps	134° 20' 38.24" E	5° 54' 30.29" S
23	Logging Stumps	134° 20' 41.46" E	5° 54' 29.01" S
24	Logging Stumps	134° 20' 40.98" E	5° 54' 28.22" S
25	Logging Stumps	134° 20' 42.76" E	5° 54' 26.19" S
26	Logging Stumps	134° 20' 42.94" E	5° 54' 21.95" S

- That based on the statements of Mr HH Expert, S.Hut (Operator and Geographic Information System Analysis (GIS) at the Regional Forest Conservation Center in the Region IX - Ambon, the Ministry of Environment and Forestry, it is explained as follows :

- □ Based on the overlay map of the location of the origin of raw materials / UD raw material supply. P that comes from PHAT's. JW with coordinates 134,3381010 East and - 5,876750 South Latitude, 134,3546430 East and - 5,885042 South Latitude, 134,347114 East BT and - 5,896351 South Latitude, 134,3359920 East Longitude and - 5,88930 South Latitude, 134,335941 South Latitude BT and -5,884187 LS. The results of the above plotting coordinates on the Map of the Maluku Province Forest and Aquatic Conservation (Appendix SK.854 / Menhut-II / 2014), these points are entirely outside the Forest Area (Other User Areas). Location of origin or supply of UD logs. P is derived from the holder of Land Rights, namely JW is different. Location of supply of UD raw wood raw material. P comes from the Holder of Land Rights, JW is in the Other User Area, according to the attached map, while the felling location that has been taken by the coordinate point by the Gakkum Environment and Forestry Investigator is in the forest area with the Conversion Production Forest function.

➤ □ Whereas the Expert explains that the coordinate points including Y-5,912277 X134,335545, Y-5,912824 X134,33864 and Y-5,924324 X134,348835 are locations of merbau felling as a source of raw materials for primary forest product processing industry owned by UD. Petra, after diplotting maps of the form of Indonesia's earth, were entirely located within a convertible Production Forest Zone (HPK) and administratively the location of tree felling entered Lau-lau Village, Kec. Aru Islands. Based on the Decree of the Minister of Forestry Number SK.854 / Menhut-II / 2014 dated 29 September 2014 concerning Forest Areas and Conservation of Aquatic Provinces of Maluku, to date there has been no release of Production Forest areas that were converted from the Minister of Environment and Forestry.

2. Case Number 2179 / Pid.B / LH / 2019 / PN Sby

First Charges

The defendant's actions are regulated and threatened with crime in Article 94 paragraph (1) letter d jo. Article 19 letter f Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction

Or

Second Indictment

The defendant's actions are regulated and threatened with crime in Article 86 paragraph (1) letter a jo. Article 12 letter i Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction

Or

Third Indictment

The defendant's actions are regulated and threatened with crime in Article 83 paragraph (1) letter b jo. Article 12 letter e Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction.

Evidence :

1,098,3583 M3 of wood

Location of taking Papua Province

3. Case Number 2180 / Pid.B / LH / 2019 / PN Sby

First Charges

The defendant's actions CV. EAJ is regulated and threatened with criminal sanction in Article 94 paragraph (2) letter d jo. Article 19 letter f Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction

Or

Second Indictment

The defendant's actions CV. EAJ is regulated and threatened with criminal sanction in Article 86 paragraph (2) letter a jo. Article 12 letter i Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Damage

Or

Third Indictment

The defendant's actions CV. EAJ is regulated and threatened with criminal sanction in Article 83 paragraph (4) letter b jo. Article 12 letter e Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction

Evidence :

496.2975 M3 of wood

Location of collection: originating from Papua Province

4. Case Number 2181 / Pid.B / LH / 2019 / PN Sby

First Indictment:

The defendant's actions are regulated and threatened with crime in Article 94 paragraph (1) letter d jo. Article 19 letter f Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction

Or

Second Indictment:

The defendant's actions are regulated and threatened with crime in Article 86 paragraph (1) letter a jo. Article 12 letter i Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction

Or

Third Indictment:

The defendant's actions are regulated and threatened with crime in Article 83 paragraph (1) letter b jo. Article 12 letter e Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction.

Evidence :

496.2975 M3 of wood

Pick up location:

That CV. EAJ obtained wood raw materials sourced from several penuply companies, namely cooperating with PT. H and PT. B (each domiciled in Kerom Regency) but apart from the two penuply

companies the defendant also received a source of raw materials of merbau-type recycled timber by buying from indigenous peoples in the vicinity of Sarmi Regency, without being equipped with documents / certificates the legality of forest products.

5. Case Number 2182 / Pid.B / LH / 2019 / PN Sby

First Indictment.

The conduct of the defendant PT. Rajawali Papua Foresta is regulated and threatened with criminal offense in Article 94 paragraph (2) letter d Jo Article 19 letter f Jo Law No. 18 of 2013 concerning Prevention and Eradication of Forest Destruction.

Or

Second Indictment.

The actions of the defendant PT, Rajawali Papua Foresta are regulated and threatened with criminal offenses in Article 86 paragraph (2) letter a Jo Article 12 letter i of the Law of the Republic of Indonesia Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction.

Or

Third Indictment.

The actions of the defendant PT Rajawali Papua Foresta are regulated and threatened with criminal offenses in Article 83 paragraph (4) letter b Jo Article 12 letter e of the Law of the Republic of Indonesia Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction.

Evidence :

465,5279 M3 of wood

Pick up location:

The location of wood extraction comes from Papua Province.

Whereas based on the Minister of Forestry Regulation No. 782 / Menhut-II / 2012 dated December 27, 2012, it has been determined that the Forest and Conservation Areas and Specific Areas in the Province of Papua are as follows :

Production Forest with an area of 4,739,327 Hectare

Protection Forest covering an area of 7,815,284 Hectare

Limited Production Forest covering an area of 5,961,240 Hectare

Conservation Forest covering an area of 7,755,284 Hectare a

Conservationable Production Forest covering an area of 4,116,365 Hectare

Total area is 30,387,499 Hectare

Information :

- Currently in Papua Province there is no determination of ownership of Land / Customary Forest which is officially released from the status of State Forest by the Minister of LHK and is legitimized by a Regional Regulation or Regent's Decree

- Regarding the management of forests by indigenous peoples, based on the Papua Governor Regulation No. 13 of 2010 concerning Business Permits for the Utilization of Customary Law Community Forest Products (IUPHHK-MHA) provides space for Customary Law Community to manage forests in their customary territories. The follow up of the regulation has been issued 14 (fourteen) IUPHHK-MHA in Papua Province. But until now the permits that have been granted have not yet been operational because they are still waiting for synchronization of provisions with the Ministry of Environment and Forestry.

6. Case Number 2183 / Pid.B / LH / 2019 / PN Sby

First Charges

The conduct of the defendant PT. MGM is regulated and threatened with criminal offense in Article 94 paragraph (2) letter d jo. Article 19 letter f Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction

Or

Second Indictment

The conduct of the defendant PT. MGM is regulated and threatened with criminal sanction in Article 86 paragraph (2) letter a jo. Article 12 letter i Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction

Or

Third Indictment

The conduct of the defendant PT. MGM is regulated and threatened with criminal offense in Article 83 paragraph (4) letter b jo. Article 12 letter e Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction

Evidence :

1,098,3583 M3 of wood

Pick up location:

Jayapura and Kerom Regency

These cases have the qualifications of the act in accordance with Article 19 letter f, Article 12 letter i and Article 12 letter e Law of the Republic of Indonesia Number 18 Year 2013 concerning Prevention and Eradication of Forest destruction ie :

- a. intentionally change the status of timber from illegal logging and / or the results of illegal use of forest areas, as if to be legal timber or the results of the use of legal forest areas for sale to third parties both inside and outside the country as referred to in Article 19 the letter f,
- b. intentionally circulating wood resulting from illegal logging through land, water or air as referred to in Article 12 letter i,
- c. intentionally transporting, controlling, or possessing timber forest products that are not accompanied by a certificate of legality of forest products as referred to in Article 12 letter e,

Criminal acts in the six cases were carried out in the Surabaya jurisdiction even though the wood originated from Maluku Province and Papua Province with a significant amount of 236,5054 M3 + 1,098,3583 M3 + 496.2975 M3 + 465,5279 M3 = 2,296,6891 M3 and based on the description of the prosecutor's indictment it turns out that the logs were transported using containers and were equipped with company permit documents but were not equipped with Processed Timber Forest Legality Certificates (SKSHHKO)⁸⁾.

After observing the amount of wood and the procedures, it is ensured that the wood as forest products to be traded involves the role of many parties, both as buyers and as sellers.

In Papua there is a regulation issued by the Governor of Papua in the form of a Papua Governor Regulation No. 13 of 2010 concerning Business Permits for the Utilization of Customary Community Timber Forest Products (IUPHHK-MHA) to provide space for the Customary Law Communities to manage forests in their customary territories. Following up on the regulation, 14 (fourteen) Business Licenses for the Utilization of Timber Forest Products of the Customary Law Community (IUPHHK-MHA) have been issued in Papua Province.

The regulation allows local customary law communities to collect timber forest lands for sale to primary industrial timber producers in the region, while the origin of the indigenous peoples' wood is not protected nationally because it contradicts Article 1 of the Minister of Environment and Forestry Regulation Number P.43 / Menlhk-Setjen / 2015 and Article 11 Regulation of the Minister of Environment and Forestry Number: P.60 / Menlhk / Setjen / Kum.1 / 7/2016 concerning Administration of Forest Products in Natural Forests, because the shape is in the form of sawn wood, the documents that should be used is Certificate of validity of forest products - processed wood (SKSHHK-KO) and that is a problem because then the primary businessman who sends the wood from the indigenous community out of an area that does not have a Certificate of Legality of Processed Timber Forest Products only uses a Company Note whereas under Article 11 of the Minister of Environment and Forestry Regulation Number: P.60 / Menlhk / Setjen / Kum.1 / 7/2016 concerning Administration of Huta Results n in the Natural Forest prohibits sending from company documents.

Forest areas in Papua that have the potential to experience depreciation due to the asynchronous regulation will have an impact on forests in Papua, both Production Forests, Protection Forests, Limited Production Forests, Conservation Forests and Convertible Production Forests.

Whereas based on the Minister of Forestry Regulation No. 782 / Menhut-II / 2012 dated December 27, 2012, it has been determined that the Forest and Conservation Areas and Specific Areas in the Province of Papua are as follows :

Production Forest with an area of 4,739,327 Hectare

Protection Forest covering an area of 7,815,284 Hectare

Limited Production Forest covering an area of 5,961,240 Hectare

Conservation Forest covering an area of 7,755,284 Hectare

Conservationable Production Forest covering an area of 4,116,365 Hectare

Total area is 30,387,499 Hectare

At present in Papua Province there is no stipulation of ownership of Land / Customary Forest which is officially released from the status of State Forests by the Minister of the Environment and is legitimized by a Regional Regulation or Regent's Decree.

Article 5 of Law No. 41/1999 concerning Forestry stipulates the status and function of forests as follows :

- (1) Forest based on status consists of :
 - a. state forest, and
 - b. forest rights.
- (2) State forest as referred to in paragraph (1) letter a, can be in the form of customary forest.
- (3) The government determines the status of the forest as referred to in paragraph (1) and paragraph (2); and customary forests are determined as long as in reality the relevant customary law communities still exist and are recognized.
- (4) If in the development of the relevant customary law community no longer exists, the customary forest management rights will return to the Government.

In paragraph (2) stipulates that State forest as referred to in paragraph (1) letter a can be in the form of customary forest, but the regulation on customary forest has not been followed up since 1999, then in 2019 new regulations were made as a follow-up to the mandate as mentioned set forth in the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.21 / MENLHK / SETJEN / KUM.1 / 4/2019 Concerning Customary and Private Forests.

Because there is a legal vacuum regarding the regulation of Customary Forests in Papua Province has made Papua Governor Regulation Number 13 of 2010 concerning Business Permits for the Utilization

of Customary Forest Timber Forest Products (IUPHHK-MHA) to provide space for the Customary Law Communities to manage forests in their customary areas.

The impact of the Papua Governor Regulation No. 13 of 2010 concerning Business Permits for the Utilization of Customary Community Timber Forest Products (IUPHHK-MHA) is not in sync with the Minister of Forestry Regulation No. 782 / Menhut-II / 2012 dated December 27, 2012 even though based on the Minister of Environment Regulation and Forestry Number: P.85 / Menlhk/Setjen/Kum.1/11/2016 and P.48 / Menlhk / Setjen / Kum.1 / 8/2017 concerning Transportation of Cultivated Wood Forest Products from Private Forests is explained namely:

- Article 4 paragraph (3) of the use of the Transport Memorandum or the Advanced Transport Memorandum only for cultivated timber forest products in the right forest with proof of the land title on the location of the felling in the form of a certificate with proof of the land on the felling site in the form of a certificate or other proof of ownership recognized by the Ministry of Agrarian Affairs and Administration Space / National Land Agency (BPN).
- Article 4 paragraph (4) Transportation of wood forest products originating from natural forest which grows naturally, follows the provisions in the Ministerial Regulation which regulates the Administration of Forest Products Derived from State Forests.

Whereas Article 1 Regulation of the Minister of Environment and Forestry Number P.43 / Menlhk-Setjen / 2015 Jo Article 11 Regulation of the Minister of Environment and Forestry Number: P.60 / Menlhk / Setjen / Kum.1 / 7/2016 concerning Administration of Forest Products in Natural Forest, because the shape is sawn wood, the document that should be used is Certificate of validity of forest products - processed wood (SKSHHK-KO) and **may not be sent using Company Memorandum documents.**

2. Impact of disharmonious laws and regulations on the forest environment ecosystem.

The disharmony of regulations / regulations at the practical level in the field of environment and forestry at the Ministry level and at the regional level as described above has had an impact both on the environment, forestry and on law enforcement.

The impact of the harmonious regulation in the form of Papua Governor Regulation No. 13 of 2010 concerning Business Permits for the Utilization of Customary Community Timber Forest Products (IUPHHK-MHA) which allows customary law communities to collect the yield of wood for sale to Primary Entrepreneurs of the Minister of Forestry Regulation and Minister of Environment Regulation Life is a legal case that appears in the Surabaya District Court which is registered with a number :

- a. Case Number 2179 / Pid.B / LH / 2019 / PN Sby
- b. Case Number 2180 / Pid.B / LH / 2019 / PN Sby
- c. Case Number 2181 / Pid.B / LH / 2019 / PN Sby
- d. Case Number 2182 / Pid.B / LH / 2019 / PN Sby

e. Case Number 2183 / Pid.B / LH / 2019 / PN Sby

The legal cases mentioned above arose because of the inharmony of various environmental and forestry laws and regulations because officials issued regulations in accordance with their authority without coordination, even the Papua region positioned the Special Autonomy Region to make regulations that could not be applied to other regions that resulting in communities becoming victims, the environment being victims and forests being victims.

In the description above it has been explained that based on the Minister of Forestry Regulation No. 782 / Menhut-II / 2012 dated 27 December 2012, the Forest and Conservation Areas and Specific Areas of Papua Province have been determined with the following details :

Production Forest with an area of 4,739,327 Hectare

Protection Forest covering an area of 7,815,284 Hectare

Limited Production Forest covering an area of 5,961,240 Hectare

Conservation Forest covering an area of 7,755,284 Hectare

Conservationable Production Forest covering an area of 4,116,365 Hectare

Total area is 30,387,499 Hectare

The forest area will continue to experience shrinking if the regulatory policies of the stakeholders do not synergistically create policies that protect it.

Collection of timber forest products is currently using a machine technology in the form of a wood cutting machine, which helps the community to harvest wood quickly and in a short time a lot of wood products are successfully harvested and collected by the community.

Advances in machine technology on the one hand help people in many aspects, with the main objective being work effectiveness and efficiency. one side of the excessive and unwise use of technology triggers various problems. the use of advanced technology encourages exploration of extraordinary natural resources. ultimately triggering environmental damage, disruption to ecosystems, uncertain climate and threats to the preservation of living things in the future. this conference is trying to solve this problem. automate technology without ignoring the aspects of sustainability.

8 (eight) types of forests in the Papua region today will continue to shrink rapidly because in the era of technological advances people have used sophisticated technological tools to encourage the exploration of extraordinary natural resources by using machine cutting tools that can cut wood / forests with very fast.

The forest slogan for children and grandchildren will become history because their children and grandchildren will no longer enjoy their ancestral heritage because their ancestors have enjoyed their rights by using sophisticated technology to over-harvest forest products.

With the explanation above, it is understood that by not harmonious policy regulations on forestry and the environment will have a wide impact on the sustainability of natural ecosystems, the environment and natural resources in the form of wood will experience a decline which is feared will impact the environment and the carrying capacity of forests as the world's lungs. can not be a balance of human life in the days to come.

4 CONCLUSION

From the description above, the author can provide the following conclusions :

1. That in order to harmonize various laws and regulations in the forestry sector so that our environment, especially our forests, is optimally protected from various types of massive logging and timber theft, then the regulatory policies at both the ministry and staff levels and at the regional level must adopt the interests of indigenous peoples with a "pick up the ball" approach.
2. Regulatory policies with harmonization of laws and regulations with bureaucratic reform so that forests and timber as well as ecosystems and the environment can be well ordered in order to prevent depreciation of forest potential, decrease in carrying capacity of forest environment ecosystems and timber collection systems are not carried out responsibly.

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The source is processed from the description of the indictment in case No. 2179 / Pid.B / LH / 2019 / PN Sby, Case No. 2180 / Pid.B / LH / 2019 / PN Sby, Case No. 2181 / Pid.B / LH / 2019 / PN Sby, Case Number 2182 / Pid.B / LH / 2019 / PN Sby, Case Number 2183 / Pid.B / LH / 2019 / PN Sby