

Law Enforcement Illegal Logging in Perspective of Environmental Sustainability in East Kotawaringin Central of Kalimantan

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This Article is a Summary of the Results of the Research Dissertation

Abstract

Research on law enforcement of illegal logging in the perspective of environmental sustainability in East Kotawaringin, Central of Kalimantan, conducted by the method of observation and normative juridical and sociological. From this study it was revealed that illegal logging should not be interpreted as illegal logging in the physical sense. Illegal logging is defined as unlawfully forest management in a broad sense. In law enforcement should be progressive. Act of Number 32 of 2009 on the Protection and Environmental Management should be used as the basis for action. The law includes severe penalties for violators, and manifestly illegal logging causing environmental damage. It so happens because they focused the law enforcement officers against conventional offenses, to catch the perpetrators of illegal logging. Legal efforts made so far, to resolve the illegal logging be taken two ways, namely customs fines and legal process based on Act No. 41 Year 1999 on Forestry. The pro justitia less effective due to several constraints. Of the rule of law, there is still a different understanding of the law among law enforcement officers and the public. This is because provisions on illegal logging is propped / compiled on formalistic legal understanding of the substance of less accommodate the interests of local communities / forest.

Keywords: Law Enforcement, Illegal Logging in East Kotawaringin, Environmental Sustainability

A. Background

Elaboration of natural resources is constitutionally provided for in subsection (pasal) 33 paragraph (3) of the 1945 Constitution stated that "Earth, water and natural resources contained therein shall be controlled by the state and used for the greatest prosperity of the people". Therefore, in the implementation of national development that aims for the greatest welfare of the people should be based on the principles of sustainable development. Development that not only take into account the interests of the present generation but also future generations.

On another dimension, still in 1945 stated that a good environment and healthy life is a human rights and constitutional rights of every citizen of Indonesia. Therefore, the state, the government, and all stakeholders are obliged to undertake environmental protection and management in the implementation of sustainable development so that environmental Indonesia can remain a source of life and support for the people of Indonesia as well as other living creatures.

The availability of natural resources in terms of quantity or quality is uneven, while development activities require natural resources is increasing. Development activities also contains the risk of pollution and environmental damage. This condition can lead to carrying capacity, capacity, and environmental productivity decline that eventually become a social burden.

Therefore, the Indonesian environment must be protected and well managed under the principles of state responsibility, the principle of sustainability, and fairness. In addition, environmental management must be able to provide the benefit of economic, social, and culture that is based on the precautionary principle, environmental democracy, decentralization, and the recognition and appreciation of local knowledge and wisdom of the environment. Sustainable development based on natural resources, basically a process of change in the new ecosystem of a higher quality (Soemarwoto, 2000: 76).

Forests as one part of natural resource wealth is also owned by East Kotawaringin, Central of Kalimantan. Based on data from the District Forest Service East Kotawaringin In 2011, the region has the potential East Kotawaringin approximately 1,604,973.38 ha of forest spread over 15 districts. The overall forest consists of Protected Forest (6559.97 ha), Timber Estate (85 230 ha), Areal Transmigration (35094.50), Limited production forest (234,804.10 ha), production forest and Equipment (388,923.13 ha), Regional Production Development (595,607.97 ha), Region Settlement and Other Usage (258,123.71 ha) limited production forest (20.310 ha), production forest (104 321 ha).

Judging from the economic aspect, the presence of forests in East Kotawaringin very important because East Kotawaringin local economy depends on the timber industry in particular before the economic crisis in

1998. The wood industry in East Kotawaringin take place along with the inclusion of forest concessions (Hak Pengusahaan Hutan/HPH) in the first quarter of 1970, after the central government announced a state forest ownership and was followed by massive concessions to the investors to invest in various areas of the outer islands in the form of forest concessions.

The toughest challenge of the elaboration of forestry it is illegal logging. Rampant illegal logging practices in the District East Kotawaringin has resulted in the destruction of forests that lead to environmental degradation in the region. Currently, the condition of forests in East Kotawaringin decreased. Huge influence on environmental degradation.

How can illegal logging mode, and how to anticipate them to region East Kotawaringin, is the study which is based on a study of the problems.

B. Results and Discussion

Based on this research, it was found the following things:

1. Existence of Forests in East Kotawaringin.

The fact that the designation is based on the extent of forest area in the district of East Kotawaringin is fixed. However, productivity continues to decline caused by many things including the issues regarding the regulation of the spatial arrangement East Kotawaringin district.

The above is due to the utilization of forest resources in East Kotawaringin it belongs to the category of tropical forests that are part of the richest ecosystems in biodiversity. Not only that, forests in East Kotawaringin also very productive. The existence of the forest for the people in the District East Kotawaringin an important natural resource that also functions as a source of species and genetic diversity, machines for the process, the warehouse giant carbon sink and climate stabilisator and other

The forest in East Kotawaringin district is also a guarantee of the availability of clean water supplies, barriers to erosion and maintain soil fertility. Besides the existence of the forest is a rich cultural bases for the community, especially the Dayak people especially living around the forest. In addition to the direct benefits, the existence of forests in East Kotawaringin is a potential resource that can be utilized to support the motion pace of development.

Forest functions as briefly mentioned above can be formulated into three main functions which are: conservation forest, protected forest and production forest

The third basic function of these forests underlies the division of forest area into a conservation forest area, protected forest and production forest area.

Forest of East Kotawaringin in the segment as part of the territory of the unitary Republic of Indonesia of course in forest utilization can not and should not be separated from the applicable provisions of forest use in its territory. East Kotawaringin is a region which is economically very potential with a wealth of forest resources. Region of forest in East Kotawaringin area at 2009 according to data from the Department of Forestry East Kotawaringin is 1,650,000 ha

Of the total forest area, as mentioned above, according to TGHK Kotim, 73% are production forests consisting of 275 200 ha. It is for Limited Production Forest (Hutan Produksi Terbatas/HPT), 451.100 ha of forests and 474 600 ha regular production as industrial timber estates (Hutan Tanaman Industri/HTI / convertible production forest. While the region is categorized as Protected Forest (Hutan Lindung/HL) covering an area of 488 170 hectares, including the area of Bukit Raya and Tanjung Putting and covering 439 100 hectares earmarked for Settlement Region and Other Uses (BPS, East Kotawaringin District: 2002).

Whole production forest area is approximately 681 462 ha and which have been exploited (already published SK) are as follows:

- IUPHHKHA (4 Units): 220 595 ha
- IUPHHK-HTI (Unit 5): 128 650 ha

Forest area which has an area of 349 245 ha is utilized. As for the production of forest utilization permit is not burdened with an area of about 342,000 ha despite the real reality on the ground can be different from the reality given the many new licenses issued licenses that are overlapping and not well documented.

Based on data from the Department of Forestry East Kotawaringin, until 2014 had issued permits conversion of forest to oil palm plantations to 77 companies with a total area of 188,000 hectares. In this case the Head of Forestry Kotim has asked all companies to take care of their IPK

However, only one company that responded by UD. Budi Karya. On this basis, the Head of Forestry East Kotawaringin publish GPA through Decree (SK) Head East Kotawaringin Number 522/1/651 / 1.03 / III / 2011 dated March 29, 2011 that the name UD Budi Karya. IPK was issued for the use of wood in the oil palm plantations Heart Prima Argo (PT. HPA) which location in Sub-District Antang Kalang, East Kotawaringin district with an area of 3,000 hectares.

At least IPK permits issued is certainly quite awkward when considering the potential of forest products to meet the diverse needs of life. Therefore, when a company doing land clearing in the forest area of production

in conversion, which ultimately lead to loss of state finances and the impact on local revenues, it becomes unclear how the completion.

Based on the forestry minister's decision No.: SK.382 /forestry minister's 2004, officials in the area actually given the authority to serve KBK proposed to be KBNK / APL petition IPK in production forests were converted (APL-KBNK), the use of the area with the status of leasing, exchange, and from other uses or Region Raising Non Forestry (KawasanBudidaya Non Kehutanan/KBNK).

However, so far the officials in the District who actually given such authority no one dared to pull out, or serve the application for GPA. On the case based on data as of November 30, 2010, in the entire region Kotim district has issued 49 permits the location of the plantation by the District Land Office East Kotawaringin

Previously there were 52 permits, but three of them have been revoked. East Kotawaringin District Government since 2006 has a new location did not give permission for the estate because of the ban on the provision of location permit by the relevant Central Kalimantan Governor of Central Kalimantan province RTRWP not legalization. (WWW.Kalimantan-news.com/berita.php?idb=3787).

Authority in granting the permit to use forests between the Central Government and Local Government has caused policy-making in the forestry sector that are closed. This is caused by the basic law governing cross-sectoral forestry, differences in interpretation of legislation on forestry which is influenced by the orientation of the interests of each of the parties, both the central government and regional governments.

Besides the inconsistency of legislation concerning forestry changeable due to the political situation unstable Indonesia also provide an opportunity for officials at the central and regional governments to take advantage of the existence of this clutter to interest itself.

With authority possessed, the relevant authorities may issue a permit release of forest land for oil palm plantations for example. As a result many forest areas in the district that breadthEast Kotawaringincontinue to decrease due to switching into oil palm plantation permits. The fact is the government has so far East Kotawaringin area sell the license for oil palm plantations without control.

The number of permits oil palm plantations in East Kotawaringinuntil September 2011, there were 56 permits with a total area reserves reached 667,685.71 acres.

Of these, as many as 50 PBS is already operational with a total area of 388,869.4 hectares. While the plasma is available as much land 35360.28 hectares (JPNN: 2011).

Among the companies that such permission is given, which in turn raises many problem. Among them were 13 Large Private Company engaged in the plantation in the district have permission East Kotawaringindouble or more than one license location.

From this fact, it can be concluded that of the 26 cases of illegal logging East Kotawaringin handled by the Police in 2012, most of the evidence in the form of processed wood and conveyances (truck and ship-kelotok). While the majority of society culprit East Kotawaringin–Central Kalimantan fraction actors from outside Central Kalimantan, namely from South Kalimantan (Sub- District Tanah Laut). Handling of the tape, it can be stated unresolved, namely the majority ($\pm 80\%$) were new to the first stage to the second stage that has just reached $\pm 50\%$ just as well as the C 21 to $\pm 20\%$.

2. Illegal Logging mode, and the Impact of Illegal Logging in East Kotawaringin.

In the existing legislation, the notion of "Illegal Logging" is not explicitly defined by the firm. However, illegal logging terminology can be seen from the definition literally that of English.

In The Contemporary English Indonesian Dictionary, "illegal" means unauthorized, prohibited or unlawful, haram (Salim, 1987). In Black's Law Dictionary illegal means "forbiden by law, unlawful" means that which is prohibited by law or invalid (Garner, 1999: 232). In English "log" means a log or logs, and "logging" means the felling of timber and sawn brought into place.

Based on the notion literally can conclude that illegal logging by language means cutting timber sawn then brought to a place that is unlawful or not legally valid. In Inpres RI # 5 of 2001 on Eradication of Illegal Logging and Forest Product Circulation illegal.

Illegal logging is synonymous with the term "illegal logging" used by Forest Watch Indonesia (FWI) and Global Forest Watch is to describe all the practices or forestry activities related to harvesting, management and timber trade which is not in accordance with the laws of Indonesia. Further according FWI (2004), illegal logging is divided into two, namely:

- a. The first, conducted by legitimate operators who violate the terms of its license.
- b. Secondly, it involves stealing timber, trees are cut down by people who did not have the right to cut down trees illegally. The extent of illegal logging crime networks that reflect the breadth of understanding of itself illegal, illegal logging is described that: Illegal logging '.occur right through the chain from source to customer, from illegal extraction, transport and processing illegal trough to illegal export and sale, where Often timber is laundered before entering the illegal market "(Kompas, 2003).

Looking at the description above, the use of the term "illegal" and "legal" formal juridical actually very nuanced. In this case the positive law be sized to classify the validity of an act. Constitutional size is in the 1945

Constitution article 33, paragraph 3 states that "Earth, water and natural resources contained therein controlled by the state and utilized for the welfare of the people".

At the level applied, in this case the Department of Forestry is authorized to set policy in the forestry sector through Basic Forestry Law No. 5 1967 Article 5, paragraph 1 also explicitly reaffirmed that "all forests in the territory of the Republic of Indonesia, including the natural resources contained therein controlled by the State".

The use of the term "controlled by the state", basically would like to emphasize the position and rights of the state over the entire forest in the territory of the Republic of Indonesia. Although the term "controlled" is not interpreted as "own", but rather implies the authority in the field of public law sector that is not owned by the public.

Embodied soul of the above-mentioned provisions of the laws and in principle does not change even if ultimately the Basic Forestry Law (Labor Law) No. 5 of 1967 has been replaced by Law No. 41 Year 1999 on "Forestry" special subsection 5, paragraph 1. Through the provisions of the State has been given the authority to regulate the forestry sector through the relevant departments, especially the Department of Forestry.

Illegal loggers not be interpreted as illegal logging in the physical sense. Illegal logging is defined as unlawfully forest management in a broad sense. Therefore irregularities licensing, comprising the designation, deviations and irregularities in the management expansion is illegal logging.

That the Law on Environmental Protection and Management (UU tentang Perlindungan dan Pengelolaan Lingkungan Hidup-UUPPLH) does not serve as a basis for legal penanegakan in illegal logging. In terms of the Act include severe penalties for violators, and manifestly illegal logging causing environmental damage.

3. Conditions Impact of Forest and Forest Degradation in East Kotawaringin

Based on data from the Environment Agency (Badan Lingkungan Hidup -BLH) Central Kalimantan in 2011, the destruction of forests in East Kotawaringin reached 976,555,0 hectares wide. The details of the impact that occurs as a result of illegal logging activities are as follows:

First, the impact has been felt in general is was during the rainy season. The area is often hit by floods and landslides. General description, as stated Kompas, Mass in 2012, Indonesia has suffered 236 floods in 136 districts and 26 provinces. In addition, 111 landslide also occurred in 48 districts and 13 provinces. Floods and landslides in Indonesia has claimed the treasure and a huge soul. Even some people who have lost possessions, homes, and their relatives as a result of floods and landslides.

The illegal loggers live in a fancy place. While people living near the forest and d idaerah did Illegal logging poor life and become victims of the actions of the perpetrators of illegal logging biadap. This is a very painful social injustice society.

The same thing also expressed by Nurdjana et al, that the condition of forests in Indonesia are broken and many cases has resulted in natural disasters that harm to humans not only in the form of property but also claimed the lives of human beings since triggered floods, landslides, erosion and so on (Nurdjana, IGM, et al, 2011: 7).

Natural disasters caused by illegal logging also occurred in East Kotawaringin as dictated by the Director of Save Our Borneo (SOB) Nordin stating that most of the flooding that occurred in East Kotawaringin due to mismanagement of space and water catchment areas were converted into oil palm plantations even a few years before going on deforestation due to illegal logging.

Flood in Kotawaringin has caused at least 702 houses and hundreds of hectares of agricultural land in the district of East Kotawaringin, submerged up to hundreds of families evacuated. According to the Regional Secretary East Kotawaringin Putu Sudarsana, floods hit the Sub-District Parenggean, then the village of Pantai Harapan and Village Pundu sub district Cempaga and village of Hulu. In Sub district Parenggean at least 625 houses submerged, Village of pantai harapan 150 houses, and the village of pandu is 127 houses

Second, illegal logging also result in reduced water springs in the forest area. The trees in the forest which is usually a water absorbent to provide a source of water for the benefit of the local community, now engulfed the perpetrators of illegal logging. This resulted in local communities around the forest shortage of clean water and water for irrigation. General data states that in 2011 alone, for example recorded 78 events spread drought in 11 provinces and 36 districts (Kompas, 2011).

Thirdly, the reduction in fertile soil layer. A layer of fertile soil often drifted floods that hit Indonesia. Consequently diminishing arable land. So indirectly, illegal logging also leads to loss of fertile soil layer in mountainous areas and areas surrounding the forest

Fourth, Illegal Logging impacts destruction of a variety of fauna and flora, erosion, conflicts among communities, devaluation of timber prices, loss of livelihood, and low income countries and regions of the forestry sector. Indeed there is little income from the auction of confiscated timber and wood on the findings by the related parties.

From past data, in 2005, for example, every year the country loses Rp 50.42 trillion from illegal activities llogging and approximately 50 percent related to timber smuggling out negeri. Semakin scarcity of

orang-utan is also the impact of the increasingly rampant illegal logging in Indonesia ,

The economic crisis associated with natural disasters and illegal logging by humans catastrophic for wildlife, such as the forest. These primates are threatened with extinction. From the data revealed, for the past twenty years 80% of the forests where the orangutans live is gone. At the time of the 1997-1998 forest fires more than a third of the number of wild orangutan victims. Live approximately 12,000 to 15,000 head orang utan (monkey) in Borneo (compared with 20,000 in 1996).

Fifth, the impact of the most complex of the Illegal logging is a global warming that is now threatening the world in confusion and deep fear. Even in Indonesia also has megalami impact of global warming that began with the 2004 tsunami in Aceh that killed hundreds of thousands of people in Indonesia and neighboring countries.

Global warming impact of frequent natural disasters in Indonesia, such as cyclones, frequent high waves, and the difficulty of predicting the weather that resulted in the farmers who constitute the majority of the population in Indonesia often experience crop failure. Global warming has also resulted in the higher temperature of the world, so that polar ice melting resulting in islands of the world will be lost submerged sea water is getting higher volume. Global warming occurs by the greenhouse effect and the lack of CO2 catchment areas are like forests

In addition to the impact of the impact, as mentioned above, in terms of legal behavior can be described that illegal logging has also caused other impacts. Which encourage corruption and tax evasion, money laundering, human rights violations and so on. It means that the Illegal logging has caused multidimensional problems associated with the economic, social, cultural and environmental. This is the consequence of the logical functions of forests which in essence is an ecosystem which contains the basic functions, namely the function of production (economic), the function of the environment (ecology), as well as social functions.

Illegal logging activity is currently running with a more open, transparent and many parties involved and benefit from the activities of timber theft. Common mode is to involve many parties and in a systematic and organized. In general, those who participate are labor / loggers, investors (financiers), a provider of transportation and security businesses (often as a safety effort is of the bureaucracy, government officials, police, military).

Other findings in the usual mode in illegal logging are businessmen in the former logging of its land area as well as logging outside the allowable cut, as well as manipulate the contents of documents SKSHH or by buying SKSHH to legalize timber derived from illegal logging practices.

Illegal logging occurs due to the collaboration between the local community act as implementers in the field with the financiers acting as a financier who will buy a timber-the timber, sometimes financiers not only accommodate and buy timber felled but also supply heavy equipment to the public for transportation needs.

So illegal logging as one of the types of forest crimes have involved many actors / actors. There are elements of society involved, but most are sporadic and small-scale, which are generally used by big capital barons. More severe damage caused by an authorized licensor forest management.

4. Constraints law enforcement in combating illegal logging cases in the forest area in the district of East Kotawaringin

Efforts to combat illegal logging practices have been echoed in Undang-Undang Number. 41 of 1999 on Forestry and Presidential Instruction (Instruction) No. 4 of 2005 on Combating Illegal Logging in Forest Areas and empowerment in the whole territory of the Republic of Indonesia, including in the District Kotim. However, these illegal practices were still going on. Illegal logging mode constantly evolving adapt and tend to be more systematically from year to year.

Broadly speaking, the modus operandi of the type of illegal logging done at that time:

1. Using a license that is incompatible with the contents listed in the permit. For example, by using the permission HTI (Industrial Plantation Forest) are supposed only to scrub, but used in protected forests.
2. The timber auction system by the illegal loggers. By way of auction, the individuals particularly those involved in illegal logging of the elements of government officials tried to legalize timber is actually illegal.
3. Utilize the community to forest fires. The illegal loggers take advantage of the local people in helping them in looting timber with rewards in the form of high salaries, they deliberately encourage local communities to deforest their land with their adverse impact.
4. Looking for protection from government officials and security forces. This means that the actual practice of illegal logging may not occur if nothing is facilitated. Without any other party that opened the way or fail to prevent illegal logging, the action is impossible to walk. This is where suspected the involvement of government officials, even officers, are supposed to supervise.

After the enactment of Law No. 33 of 2004 on Financial Balance between Central and Local Government jo Law No. 32/2004 on Regional Government (Autonomy), then the local government Kotim get the opportunity to increase local income through the use of natural resources, including forest land resources.

These opportunities form of economic development based on land resources (land based development programs), namely in the form of construction and development of "agro-industrial" and "agribusiness" with the primary commodity of oil palm plantations (palm oil plantation).

Total area of oil palm plantations in the region East kotawaringin in 2012, the area of land has been planted to \pm 700,000 hectares or 45% of the total area of the District Kotim. This condition is certainly very worrying, because as a result of the expansion of forest clearing (conversion) into oil palm plantations on a large scale are not or less controlled forest area resulted East Kotawaringin only stayed \pm 475,000 hectares.

Of these, 300,000 ha of which have been found in the form of three companies permit utilization of forest concessions (HakPengusahaanHutan/HPH) / IUPHHKHA is still a license from the central government activities. Thus the forest area in the district of East Kotawaringin only the remaining approximately 175,000 hectares.

Efforts production forest encroachment by palm oil plantation in the district of East Kotawaringin becoming increasingly disturbing. Cases occur primarily around the Sub-District AntangKalang and Sub-DistrictParenggean. A large plantation companies private, belonging to the central authorities indicated violating production forest area. Even outside HakGuna Usaha (HGU) provided by the government.

Cultivation of production forest area has occurred since 2009, and is now the region has been planted with palm trees. The area is encroached upon by growers located in the village area KulukTelawang and tumbles Kalang. Due to encroachment, the potential Meranti forest timber, Keruing, and Banuas which reaches thousands of cubic destroyed, and burned to clear land for palm oil plantations.

Practice expansion of oil production has done a PBS has caused losses to the state and the environment because it has led to the loss of forest functions as a water system that has the potential to cause catastrophic floods, and droughts and forest destruction.

5. Distribution and Modus Case Illegal Logging in East Kotawaringin

To understand the distribution and trend of the occurrence of illegal logging cases in the district East Kotawaringin, it is better described in advance about the condition of the district Kotim region. Please note that the District East Kotawaringin largely lowland 0-2% with an area of 496,367.68 hectares covering the southern part and along the major rivers, while the slope grade 2-15% are in the middle, behind the area rivers large and along small rivers with a total area of 503,331.89 hectares slope. While 15-40% slope classes are in the north, particularly in areas not flowing river.

With topographical pattern as noted above, it can be said that the northern region is largely a forest area and a water catchment area that is protected forest area in the sub-district AntangTelaga, hills in the sub-district of Lake Antang, BukitSantuai, and AntangKalang. For protected areas have been established based on the Ministry of Forestry (Menhut) of Indonesia No: SK.292 / Menhut-II / 2011, ie protected forest area in the sub-district of TelagaAntang with an area of approximately 10603.751 ha

Based on the Decree of the Minister of the same, well defined forest area with the production function, as follows

1. limited production forest area located in Sub-District AntangKalang, Sub-District TelagaAntang, andSub-District Bukit Sentuai with an area of approximately 195,474.370 ha.
2. The permanent production forest area located in TelukSampit, Sub-District PulauHanaut, Sub-DistrictMentayaHilir Selatan, ,Sub-District Seranau, Sub-District Parenggean, Sub-District AntangKalang, and Sub-District BukitSantuai with an area of approximately 506,287.120 Ha.
3. Production forest area that can be converted are in the entire district with an area of approximately 430,814.608 ha.

Meanwhile, the other East kotawaringindistrict is an area of peat contained in the TelukSampit, MentayaHilir Selatan, MentyaHilir Utara, PulauHanaut, Seranau, Baamang, Ketapang, Iron City, Telawang, Cempaga, Cempaga Hulu, Parenggean, Mentaya Hulu, and TelukAntang and mangrove forest area in the Sub-district PulauHanaut and TelukSampit with an area of approximately 6200.130 ha.

The area is a local protected area consisting of: the region and the coastal border river border region. Coastal border region in East Kotawaringin determined based on the criteria of land along the shores of the sea at a distance of at least 100 (one hundred) meters from the highest tide toward land. The evil of illegal logging carried out by society in general performed at the company's concession area HPH (IUPHHK -HA) and outside concession areas are referred to as open access (open access area) or can be expressed as "no man's land area (manager)". This logging is done on its own initiative to then be distributed to companies owning concessions (IUPHHKHA) the area is not in production anymore or made-to-order owners of capital both from within and outside the region.

Communities around the forest, because of certain causes and conditions can be said to contribute directly or indirectly in the practice of illegal logging. Groups directly involved, including those who perform various activities related to the exploitation of forests as loggers, workers in the "chainsaw" and "band saw", intermediary owners of capital to operational workers in the field, and the owner of the means of transport.

Furthermore, still in the network chain of illegal logging activities, the village also picked contribution voluntary nature of the perpetrators of illegal logging

Judging from the distribution of illegal logging cases that occurred in the District East Kotawaringin then a large part of it is happening in the north is dominated forest areas. One area that illegal logging is a lot happening in the village of Tumbang Sungai Sub-District of Antang Kalang.

The village of about 2,228 inhabitants, almost the entire population is attempted in the field of timber and can be regarded as illegal loggers even though they do not recognize as illegal logging.

The village is emerging business ventures related to illegal logging businesses such as stores that sell tools mechanical tools such as chain saws, wire rope for wood binding, towing rafts and mine. This practice also penetrated the surrounding villages as happened in the village of Rantau Katang and Tumbang Mangkup.

Besides occurred in the village of Tumbang Sungai and the surrounding villages, the practice of illegal logging are performed sporadically society also occurred in other sub-districts, especially in the sub-district of Bukit Santuai and Telaga Antang.

6. Closing

Based on the description in the previous chapter, indicates that illegal logging is not only defined as illegal logging in the physical sense. Illegal logging is defined as unlawfully forest management in a broad sense. Therefore irregularities licensing, comprising the designation, deviations and irregularities in the management expansion is illegal logging. Normatively Law on Environmental Protection and Management (UU tentang Perlindungan dan Pengelolaan Lingkungan Hidup-UUPPLH) does not serve as a basis for legal establishment in illegal logging. In terms of the Act include severe penalties for violators, and manifestly illegal logging causing environmental damage. It so happens because they focused the law enforcement officers against conventional offenses, to catch the perpetrators of illegal logging

Efforts are various laws are being made to resolve the illegal logging be taken two ways, namely customs fines and legal proceedings. UU No.41 of 1999 on Forestry, in subsection (pasal) 18 paragraph (1) in conjunction with Sub-section 50 (3) and Sub-section 38 (4) provides legal instrument to provide sanctions for the perpetrators, the owner and storage of illegal timber, but it also regulates the General Crime (Tipidum). Therefore categorized as "Tipidum", then the pattern is similar to the handling of rules on criminal offenses in the Criminal Code, namely through the Code of Criminal Procedure in force, namely Law No. 8 of 1981 On Criminal Procedure Code.

Presumably the necessary common perception of illegal logging between the government and the public, especially local communities. Due to differences in perceptions about illegal logging understanding between local people and the Government led to the ineffectiveness of the fight against illegal logging. Development of concepts such as community forestry or local community-based forest management can made alternative to conserve forests involving the community. With a common perception among the public and the Government in defining illegal logging, the law enforcement on this issue it would be easy to apply with the support of the community.

At the local level, the issues that should be discussed openly with the Government is concerned the aspect of "tenure" or the rights of society and recognition of their existence as a legitimate communal identity. Openness to discuss this issue in equality would help relieve pressure on the use of forests and natural resources that remain.

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