

Criminal Actions of License Falsification for Utilization of Forest Products and / or Users of Forest Areas

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Abstract: The falsification of a letter is a crime that impact the trust of people. The perpetrators of the forgery of the letter aims to obtain benefits for themselves. The research used secondary data consisting of primary, secondary and tertiary legal materials. The research was carried out by a research library. The research data were analyzed qualitatively. The falsification of forest product utilization permits and / or users of forest areas in Indonesia is regulated in article 263 paragraph (1) and Paragraph (2) of the criminal code, because the acts of actor have fulfilled the counterfeiting criminal code itself, which states that anyone who intentionally uses fake letter or falsified letters as if the letter was authentic and not falsified and the elements if falsification brings a loss, can be prosecuted with criminal penalties. Furthermore, law number 32 of 2009 concerning environmental Protection and Management and Law number 8 of 2013 also regulates the Prevention and Eradication of Forest Destruction.

1 INTRODUCTION

Forest is an area overgrown with trees and other plants. This area of the region exists over a large area of the world and serve as a reservoir for carbon dioxide, animals and soil conservationists, is the most important aspect of the earth biosphere. Forest ecosystems have a critical role to mitigate soil loss and erosion, regulate weather and maintain habitats and biodiversity. Forest degradation and/or destruction had many negative effects on plant and soil microorganism diversity and composition and soil properties. Conservation management can be a key factor in preventing worldwide destruction of forest ecosystems and promoting the sustainability of these valuable resources.

Forest according constitution number 41 of 1999 concerning forestry is an intergrated ecosystem which overlay containing biological resources which is dominated by trees in their natural environment that one another cannot be separated. We can find forest at tropical region and in cold climates, in the lowlands or in the mountains, on small islands or on large continents. In a narrow sense, a forest is a collection of plants, especially trees or other woody plants, which occupy a large area. Forests have a very important position and role in national development.

This is because forests are beneficial for the greatest possible prosperity and welfare of the Indonesian people. The benefits can be divided into direct and indirect. The direct benefits of forests are wood products that have high economic value, as well as other forest products such as rattan, natural wood, latex, fruit, honey, etc. which we cannot describe all of them.

This is because forest products for the people living around the forest area will not be used up if they can be preserved and protected as best as possible. The biggest factor that results from forest benefits is forest wood, which is used as raw material for paper, household furniture, pedestrian bridges and many other things that can be produced from forest products. But now the forest area has been used by several people who are not responsible or do not have a business license and are destroying the forest in order to obtain forest products with large profits. This is done to seek profit or income from illegal or fraudulent means. Article 33 paragraph (3) of the 1945 Constitution reads "The earth, water and natural resources within it are controlled by the State and used for the greatest prosperity of the people". So that if the forest is not conserved and damaged by irresponsible people, then the people who lives or do not live in forest areas cannot obtain the benefits of the forest.

Illegal forest activities pose a significant threat to the sustainability of forest ecosystems, result in losses of government revenues, foster a vicious cycle of bad governance, and may contribute to increased poverty and social conflict. As such, they have received considerable attention from the international community, particularly in recent years. Yet, significant gaps still exist both in the identification and evaluation of policy responses and in linking such responses to critical development priorities such as improved governance, improved livelihoods for the rural poor, environmental protection, sustainable forest management (SFM), and economic development. As such, the current debate on illegal forest activities has yet to recognize fully the broader implications of some options for such priorities. The impact of forest destruction ranges from the reduction of forest area, occurrence of natural disaster, financial loss towards the economy, dissemination of corruption and extinction of wildlife.

Forest Destruction causes imbalance of ecosystem and disrupts the biodiversity of the forest area. Such activity also results in other environmental problems such as the extinction of flora and fauna, increment of soil erosion, landslide and climate change. Illegal deforestation also causes flood with substantial fatalities, destruction of properties and significant loss for the victim. Other apparent impacts of includes biodiversity loss and disruption of forest function as a water catchment area. Insights into the motive of the crime are crucial to determine the reasons that lead to the occurrence of an unlawful act. An aggregate of past researchers cited monetary gain as the principal motive of the crime, which refer to the needs and desires that cause an individual to indulge in the prohibited acts. Criminal opportunities available to perpetrators are associated with vulnerabilities, absence and poor control from the regulatory agencies. In certain cases, offenders will foresee and calculate the risk of prosecution when criminal opportunities are present in a high-risk setting.

As for the problem, namely:

- a. How is the analysis of decisions in legal arrangements regarding the criminal act of license forgery?

2 RESEARCH METHODS

Research is the main part of science which aims to know and understand all life, or more clearly research is a means used by humans to strengthen, test, and develop science. The type of research conducted in writing this thesis is adjusted to the problems raised

in it. Thus, the research carried out is juridical normative, namely research which analyzes written positive law. The nature of this research is a judicial empirical research is conducted on facts / events related to the problems in this writing. In the preparation of this thesis, the data and data sources used are secondary data consisting of primary, secondary and tertiary legal materials.

Secondary data includes official documents, books, research results in the form of reports and so on. Secondary legal materials are legal materials that provide explanations for primary legal materials, namely the work of legal experts in the form of books, scholarly opinions, related to the discussion of this research.

Tertiary legal materials or supporting materials, namely legal materials that provide meaningful instructions or explanations for primary and / or secondary legal materials, namely the legal dictionary and Kamus Besar Bahasa Indonesia.

3 RESEARCH RESULTS AND ANALYSIS

3.1 Analysis of Decisions in Legal Arrangements Concerning the Crime of License Falsification

Falsification is a crime in which it contains a system of untruth or falsehood on a thing (object) where things appear from the outside as if they are true, even though they are actually contrary to the truth. Falsification is a type of violation of two basic norms, namely the truth (trust) whose violation can be classified as a fraud crime group. Second, public order, whose violation is classified as a crime against the state or public order. In order to be punished according to article 263 of the Criminal Code (Criminal Code), at the time of falsifying the letter, it must be with the intention of using or instructing other people to use the letter as if it was genuine and not falsified. A statement or statement in the writing is deemed as *intellectuele valsheid* or an intellectual falsification, if from the beginning what is explained or stated in the writing is not true, or if the person making the statement or statement in the writing knows or at least understands that what is he explained or that what he stated was not in accordance with the actual reality, in other words, material forgery has almost always been done by people with a clear intention, namely to use or make someone else use it with the clearest intention that what he did was

a lie, which is explained or stated by someone in a writing.

Letters are sheets of paper in which there are written words, phrases and / or sentences consisting of letters and / or numbers in any form and wrapped in any way, which writing contains the meaning and / or meaning of human thoughts. The truth about and / or meaning must be protected by law. The formation of the act of forgery of this letter is intended for legal protection of public trust in the truth regarding the contents of these letters. The criminal act of forgery of this letter was formed to provide legal protection against the trust given by the public (*publica fides*) in the letter.

Vervalsen of a letter is an act of altering in any way by a person who is not entitled to a letter which results in part or all of its contents being different or different from the original letter. It is not important whether the change is true or not or contradicting the truth or not, if the change is committed by an unauthorized person, the forgery of letters has occurred. The person who is not entitled is someone other than the letter maker.

There is a principle difference between the act of making a forged letter and forging a letter, which is that making a fake letter or making a fake letter, before the act is committed, there is no letter yet, then a letter is drawn up partly or wholly contradicting the truth or fake. All of the writings in the letter were produced by making fake letters. Such a letter is called a fake or non-original letter.

The crime of falsification is a crime in which there is a system of untruth or falsehood on a thing (object) which appears from the outside as if it were true, even though in fact it is contrary to the truth. Falsification is a type of violation of two basic norms, namely:

1. The truth (belief) that violations can be classified as a fraud crime group
2. Community order, whose violation is classified as a crime against the state / public order.

Letter forgery according to the Criminal Code is regulated in Chapter XII, Book II on Crime. The act of forgery of the letter is a type of violation of truth and belief, with the aim of gaining benefits for oneself or others.

The forms of forgery of the letter were carried out by:

1. Make a fake letter: make the contents improper (not true).
2. Faking a letter: changing a letter in such a way that it is different from the original content. There are many ways, the letter is not always replaced with another, it can also be done by

subtracting, adding or changing something from the letter.

3. Signature forgery is also the definition of letter forgery.
4. Affixing another person's photo of the entitled holder.
5. A letter that used as information for an act or event.

Article 263 Paragraph (2) of the Criminal Code regulates the act of using forged documents, "The criminal act of letter forgery is a type of violation of truth and belief, with the aim of obtaining benefits for oneself or others that can cause material or non-material harm. The element of error in the criminal act of making the forged letter or forging the letter is in the form of deliberate intent (*opzet als oogmerk*), or deliberate intent in the narrow sense. The intention of the author to make a fake surt or falsify the letter is intended to be used by himself or used by someone else. Meanwhile, the act of using the letter doesn't need to have been realized. Because the element of intent exists only in the mind or the inner attitude of the maker, which must have been formed before committing the action (in *casu* making fakes and falsifying). This mental attitude has to be proven, not its use that has to be proven.

In general, crime prevention efforts can be divided into two, namely through the penal route (Criminal Law) and through the non-penal route (outside the Criminal Law). It can be roughly distinguished that efforts to combat crime through the penal route emphasize more on the repressive nature after the crime occurs, while the non-penal route focuses more on the preventive nature before the crime occurs. It is said to be a gross difference, because in essence repressive measures can also be seen as preventive measures in a broad sense.

The criminal elements of the criminal act of letter forgery other than those mentioned above are:

1. At the time of falsifying the letter, it must be with the intention of using or instructing other people to use the letter as if it was genuine and not falsified.
2. Its use must be able to cause harm. The word "can" means that there is no need for the loss to really exist, just the possibility that the loss will be sufficient.
3. Those who are punished according to this article are not only falsifying, but also deliberately using fake documents. Intentionally this means that the person using it must be absolutely aware that the letter he is using is fake. If he does not know about it, he is not punished. It is considered "using" for

example submitting the letter to another person who must use it further or submitting the letter at the place where the letter must be needed.

4. In the case of using a forged document it must also be proven that the person acted as if the letter was genuine and had not been falsified, likewise the act must be able to cause harm.

Regarding the element of loss, it is formulated in full, namely: "if the letter is used it can cause harm". This element contains the meaning that the use of the letter has not been carried out and there is no need to do so. This is evident from the clause "if the letter is used". If the use of the letter has been carried out, then two criminal acts have occurred. The first is paragraph (1) and the second is a criminal offense (2) of Article 263 of the Criminal Code. Can be done by one person, or done by a different maker. Therefore, the use of the letter has not been carried out, then the loss has not actually occurred. This is evident from the inclusion of words in the formulation of the criminal act of Article 263 paragraph (1).

The element of error in the criminal act of erecting the fake letter or forging the letter is in the form of intent as an intention (*opzet als oogmerk*), or deliberate intent in the narrow sense. The intention of the author to make a fake surt or falsify the letter is intended to be used by himself or used by someone else. Meanwhile, the act of using the letter does not need to have been realized. Because the element of intention is only in the mind or the inner attitude of the maker, which must have been formed before committing the action (in *casu* making fakes and falsifying). This mental attitude has to be proven, not its use that has to be proven.

3.2 Environmental Protection and Management related to Falsification of Forest Product Permits based on Law No. 32 of 2009

Supervision and law enforcement of the Ministry of Environment and Forestry (KLH) are considered weak. This is because there are quite a number of problems with forest and environmental damage that have been caused by the company, in fact, they have been allowed to continue. This has received sharp attention from environmental activist organizations and the legislature. The resulting violations in forest management have caused significant losses to the state. So that law enforcement is needed in accordance with existing regulations.

In general, the problems that cause state losses from forest utilization permits are in accordance with

Article 71 paragraph 1 of Law Number 32 of 2009 concerning Environmental Protection and Management. Companies that damage the environment must have their permits revoked and permits not be issued in forest areas. There are quite a lot of violation problems that arise in carrying out forest management, one of which is without obtaining an Environmental Impact Analysis (AMDAL) permit. Meanwhile, the company's activities have been going on without any supervision and action from the government appointed by the existing regulations. When a company wants to carry out environmental management, the rules are clear, AMDAL is mandatory.

Lack of supervision and legal enforcement for corporations that have damaged the environment. In addition, transparency in the right to take legal action is also not in detail about the legal enforcement efforts that have been taken. Meanwhile, the budget for law enforcement programs within the Ministry of Environment and Forestry (LHK). To see the impact of company activities in managing and utilizing forests, companies should have conducted an environmental audit after two years after it was enacted in accordance with Law Number 32 of 2009 concerning Environmental Protection and Management. So, if there is a company that violates the rules that have been set, of course it can be given sanctions in the form of administrative, civil or criminal and the worst thing is that the business license is revoked.

The nature of Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) is the legal umbrella for the regulation of all subsequent sectors (umbrella provision), so the aspects relating to criminal in the environmental sector automatically develop and systematically can be said to become environmental crime law.

In connection with the said criminal provisions, to determine whether an act constitutes an environmental offense or not, first the formulation of an environmental offense. The formulation of this environmental offense can be traced from the criminal provisions in Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) and other laws that contain criminal provisions. Articles 98 and 99 of Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) formulate environmental offenses as dressings that are carried out on purpose or because of their negligence which results in exceeding ambient air quality standards, water quality standards, sea water quality standards or criteria. raw environmental damage. Criminal acts

in Law Number 32 Year 2009 concerning Environmental Protection and Management (UUPPLH) are categorized as crimes, sanctions for perpetrators who commit deliberately are heavier than those committed due to negligence. Perpetrators of environmental pollution and / or destruction committed intentionally or unintentionally or negligently are threatened cumulatively between criminal imprisonment and fine with minimal sanctions, whereas in Law Number 32 of 2009 concerning Protection and Management of the Living Environment (UUPPLH) there are no known sanctions. minimum.

The formulation of criminal provisions in Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) contains the formulation of criminal provisions in the form of material offenses and formal offenses. According to Sukanda Husin, material offenses and formal offenses can be defined as follows:

1. Material offense is unlawful acts that cause environmental pollution or damage need not require proof of violation of Administrative Law rules such as permits. Actions that are subject to criminal penalties are 'the result of the act', which are included in material offenses in Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH), namely Article 98, Article 99, and Article 112.
2. Formal offenses is an actions that violate the law against the rules of Administrative Law, so to prove the occurrence of a formal offense does not require environmental pollution or damage such as material offenses, but sufficient to prove the violation of Administrative Law. The act refers to 'prohibited and punishable acts', which are included in formal offenses in Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH), namely Article 100 to Article 111 and Article 113 to Article 115.

The formulation of criminal provisions in Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) is a development and revision of the formulation of criminal provisions in UULH 1997 and UULH 1982. Material offense is an offense or act prohibited by law which is considered perfect or fulfilled when the action has caused consequences. Formal offense is an offense or an act that is prohibited by law which has been deemed perfect or fulfilled as soon as the act is committed without requiring a consequence of the

action. Environmental Permits can be submitted through a UKL-UPL examination or an EIA assessment in accordance with the provisions in the Minister of Environment Regulation Number 5 of 2012 concerning Mandatory Amdal Activities. Environmental Impact Analysis, hereinafter referred to as Amdal, is a study of the significant impacts of a business and / or activity which is planned in the environment required for the decision-making process regarding the operation of a Business and / or Activity.

Environmental Management Efforts and Environmental Monitoring Efforts, hereinafter referred to as UKL-UPL, are management and monitoring of Businesses and / or Activities that do not have a significant impact on the environment required for the decision-making process regarding the operation of a Business and / or Activity.

There is also a procedure for obtaining a forest product utilization business permit (IUPHHK) as well as steps to obtain an IUPHHK before obtaining an environmental permit for:

A. Area Requirements:

1. The area being requested is a production forest area not burdened with permits / rights.
2. The area requested as referred to in point 1 may be granted in an area that has been reserved / determined by the Minister in the form of an indicative map of directions for the use of forest areas in production forests that are not burdened with licenses for timber forest product utilization businesses.
3. The area for which the direction for its utilization has been determined as referred to in point 2 is a reference for the Governor in making recommendations for permit applications.

B. Applicant requirements:

1. Individual;
2. Cooperatives;
3. Indonesian Private Owned Enterprises (PT, CV, Firma);
4. State Owned Enterprises (BUMN); or
5. Regional Owned Enterprises (BUMD).
6. The applicant as referred to in paragraph point 1 :
 - a. an individual may be in the form of a CV or Firm and be equipped with a deed of establishment legalized by the competent authority; or
 - b. cooperatives, and BUMSI must have a deed of establishment along with the

- amendments legalized by the competent authority.
- C. Administrative and Technical Requirements:
The application is submitted by the applicant to the Minister u.p. The Head of BKPM and copied to the Director General, Governor and Regent / Mayor, complete with:
- a. business license in the form of SIUP for BUMSI, BUMN, BUMD from the authorized agency;
 - b. Taxpayer Identification Number (NPWP);
 - c. a statement made before a Notary, stating the willingness to open a branch office in the Province and / or in the Regency / City;
 - d. the area requested is attached with a map with a minimum scale of 1: 50,000 for the area of the requested area above 10,000 (ten thousand) hectares or 1: 10,000 for the area requested is below 10,000 (ten thousand) hectares along with an electronic file .shp (shapefile) ;
 - e. Recommendation from the Governor to the Minister containing information on provincial spatial planning for the area to be requested that is in the Indicative Map of Direction for Forest Area Utilization in Production Forests that are not burdened with a permit for the utilization of timber forest products, attaching:
 - i. map scale of 1: 50,000; and
 - ii. information regarding the whereabouts of local communities in the area being requested;
 - f. technical proposal, containing among others:
 1. the general condition of the area and the socio-economic and cultural aspects of the local community in the area being requested;
 2. the general condition of the company and the company is not included in the category of area limitation in accordance with the provisions of laws and regulations; and
 3. purposes and objectives, utilization plan, silvicultural system to be put in place, organization / management, investment plans, financing / cash flow, forest protection and security.
- D. Implementation procedures and procedures for obtaining IUPHHK-HA:
1. Registration
 2. Technical Verification, Study of Areas and Maps

3. Issuance of RATTUSIP (Order to Prepare AMDAL / UKL-UPL, IL and Geographical Coordinates of Area Boundaries)
4. Preparation of a Map of the Work Area (Working Area)
5. Fulfillment of the Obligation to Pay Forest Utilization Business Permits Contribution
6. Drafting IUPHHK - HA SK
7. Issuance of IUPHHK - HA SK

3.3 Prevention and Eradication of Forest Destruction According to Law No. 18 of 2013

Problems The encroachment of forest areas is estimated to increase due to: The increasing population on the one hand and the narrower land for settlement and land for business (agriculture, etc.) on the other hand, so that forest areas become one of the "fugitives" to overcome "land hungry "And the increasing number of entrances (increased accessibility) to forest areas due to development activities, particularly forestry development activities.

The preamble to Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction in the section considering letter e (further emphasized by its general explanation) contains the phrases "prevention and eradication" and "giving a deterrent effect" is an idea of the theory of the purpose of punishment. This goal is normatively realized through corporate criminal liability. The corporate criminal liability system as part of the criminal process is essentially based on the thought of the purpose of criminalizing the corporation, what sanctions are threatened and imposed and how the model is regulated.

Law number 18 of 2013 concerning Prevention and Eradication of Forest Destruction as one of the prevention measures so that there is no criminal act of transporting forest timber without having a forest product legality certificate. With large criminal and administrative sanctions, it is hoped that it will cause a deterrent effect for lawbreakers in the forestry sector.

The legality of timber forest product commodities can last be known when the wood is transported from the forest to the destination address, because at the time of transportation it must be accompanied by a Certificate of Legal Forest Products (SKSHH) as evidence of legality of transporting forest products as stated in Article 16. Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction states that: Every person transporting forest timber is

required to have a document which is a certificate of legal forest products in accordance with the provisions of statutory regulations".

Law of the Republic of Indonesia Number 41 of 1999 concerning forestry does not explain the Legal Forest Products Certificate (SKSHH), however this is regulated in the Minister of Forestry Regulation Number: P.55 / MENHUT-II / 2006 concerning Administration of Forest Products Derived from State Forests in article 1 point 49. In Article 1 point 49, what is meant by the Certificate of Legality of Forest Products are documents which constitute evidence of the legality of forest products in each segment of activities in the administration of forest products;

In Article 13 paragraph (1) Minister of Forestry Regulation Number: P.55 / MENHUT-II / 2006 concerning Administration of Forest Products Originating from State Forests, it is stated that the legality documents used in the transportation of forest products consist of:

1. Certificate of Legal Logs (SKSKB);
2. Invoice for Log Transport (FA-KB);
3. Invoice for Transportation of Non-Timber Forest Products (FA-HHBK);

Invoice for Processed Timber Transport (FA-KO) Article 4 paragraph (1) Regulation of the Minister of Forestry Number P.33 / Menhut-II / 2007 concerning the Second Amendment to the Regulation of the Minister of Forestry Number 51 / Menhut-II/2006 concerning the Use of Certificate of Origin (SKAU) for the transportation of timber forest products. originating from private forest, it is stated that the SKAU as a legality document is used for the transportation of community logs and community processed wood which is transported directly from private forest or community land. Types of community logs or community processed logs, the type of which is transported using SKAU documents, is determined in the Minister of Forestry Regulation Number: P.33 / Menhut-II / 2007, while further transportation of community logs / community-grown logs uses a note issued by the wood owner by stating original SKAU number. Article 5 Regulation of the Minister of Forestry Number: P.33 / Menhut-II / 2007 states that the SKAU is issued by the Village Head / Lurah or equivalent official / other official in the village where the timber forest products will be transported, while the SKAU Issuance Officer is determined by the Regent / Mayor. based on the recommendation of the Head of Regency / City Service.

Transportation of community timber other than those using SKAU and Memorandum using SKSKB wood transportation documents with the stamp of

"KR". The SSKB stamp KR document is used for the transportation of logs in the form of logs. However, if the wood has changed form into processed wood, the transportation of community timber in the form of community processing (traditional processing) will use SKSKB stamped "KR" accompanied by BAP of changes in form logs into processed wood made by the owner of the wood, known as P2SKSKB.

Article 1 point 3 of Law Number 18 of 2013 provides the definition of forest destruction as a process, method, or act of destroying forests through illegal logging activities, use of forest areas without permits or use of permits that are contrary to the intent and purpose of granting permits in forest areas that are has been determined, has been appointed, or is being processed by the government.

Eradicating forest destruction is carried out by means of taking legal action against perpetrators of forest destruction, either directly, indirectly, or other related things. Such legal action is carried out through a process of investigation, investigation, prosecution and examination in court in accordance with the criminal procedure law, unless Law Number 18 of 2013 stipulates otherwise. the Definition of Legal Forest Products Certificate (SKSSH) In Article 1 number 12 of Law Number 18 of 2013 concerning Forest Prevention and Destruction, it is stated that: Forest product legality certificates are documents that are evidence of the legality of forest products in each segment of activities administration of forest products". Article 18 Paragraph (1) supports Koesnadi Hardjasoemantri's statement that someone who does not comply with the provisions as stated in the permit will be subject to administrative sanctions given by the competent authority. A permit is a juridical instrument used by the government to influence citizens to follow the method it recommends in order to achieve a concrete goal. The variety of concrete events contributes to the diversity of the purpose of this permit. Crime (derived from the word strafbaar feit), which is also often called Delik (derived from the word Delict). Criminal action is an act that is prohibited by law and is punishable by punishment, where the definition of action here is not only an active act (doing something that is actually prohibited by law) is also an act that is passive (not doing something that should be required by law).

4 CONCLUSIONS AND SUGGESTIONS

4.1 Conclusion

Falsification of forest product utilization permits and / or forest area users in Indonesia is regulated in Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction in article 24, every person is prohibited from falsifying permits for utilization of timber forest products and / or utilization of forest areas and using permits. Fake utilization of timber forest products and / or utilization of forest areas and article 263 paragraph (1) and paragraph (2) of the Criminal Code, fake letters or letters that are faked as if the letter is genuine and not falsified and there is an element of forgery that causes losses. Furthermore, for prevention forest Destruction is regulated in Law Number 32 of 2009 concerning Protection and Management of the environment and Law Number 8 of 2013 concerning Prevention and Eradication of Forest Destruction.

The factors causing the criminal act of falsifying forest product utilization permits and / or forest area users are economic factors, law enforcement factors and the development of science and technology (science and technology) factors that cause the perpetrator to commit the criminal act of falsifying forest product utilization permits and / or users. Forest. This is the low level of public awareness and the perpetrators of this letter forgery by secretly even cooperating with elements from related institutions for personnel administration, making it difficult to detect their whereabouts.

Efforts to tackle the crime of falsifying licenses for the use of forest products and / or forest product areas through non-penal measures emphasize the preventive nature (prevention, deterrence, or control) before a criminal act occurs. Non-penal efforts are aimed at motivating all levels of society to be able to actively participate in efforts to prevent, ward off and fight crime and penal measures as special prevention, namely an attempt to emphasize the number of crimes by imposing penalties (criminals) against criminals and also trying to commit acts by way of fix the perpetrator who committed a crime and involve the law enforcement apparatus and the community, so that the crimes that occur can be reduced.

4.2 Suggestion

In order to prevent criminal acts of falsifying forest product utilization permits and / or forest product areas, it is hoped that law enforcers and the community will pay more attention to these actions, especially the punishments that will be given to the perpetrators.

In order to be able to anticipate or at least minimize the criminal act of falsifying forest product utilization and / or forest product area permits, the government, especially judges, must be firmer and impose heavier sanctions on every perpetrator of forgery of forest product utilization and / or forest product area permits. so that the sanctions given can actually provide a deterrent effect for doing so and can make people afraid to commit crimes for people who have not committed a criminal act of falsifying forest product utilization and / or forest product area permits, given the impact of the perpetrator of the forgery of forest product utilization permits. and / or forest product areas may harm the community and the state or may harm various parties.

In addition to the imposition of criminal sanctions in addition to the cumulative penalties, given the impact / consequences of the criminal act of falsifying forest product utilization permits and / or forest product areas which harm the state and society, economically and socially, the punishment should not only be a punishment / criminal sanction against the perpetrator as much as possible but must also pay attention to the losses to the state and society by imposing disciplinary action sanctions.

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