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The Central Authority of the Republic of Indonesia's Attorney General's Office in Handling Forest Destruction Cases

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Abstract

This study aims to analyze the implementation of the authority of the Republic of Indonesia Prosecutor's Office in handling criminal cases of forest destruction through a multidoor approach, as well as to examine the application of the principle of substantive justice in prosecution practices based on the Palembang District Court Decision. The method used is applied normative legal research with a statutory approach, a case approach, and a conceptual approach. Secondary data was obtained through documentary studies and analyzed qualitatively descriptively. The results of the study indicate that the multidoor approach is applied in law enforcement against a series of criminal acts of forest destruction because it is related to natural resources and the environment which are regulated by various regulations. Furthermore, the Cassation Decision rejected the cassation request from Ir. Basta Siahaan, so that the Executing Prosecutor can implement the Appeal Decision which confirms the Palembang District Court Decision Number 1010/Pid.B/LH/2019/PN.Plg. In the decision, the defendant was sentenced to five years in prison and a fine of Rp2,000,000,000.00 with a subsidiary provision of four months in prison. This decision has fulfilled two-thirds of the Public Prosecutor's demands and demonstrates law enforcement efforts that pay substantive attention to the dimensions of legal and environmental justice.

Keywords

Attorney General's Office, Central Authority, Criminal Acts of Forest Destruction, Multidoor Approach, Substantive Justice.

1. Introduction

Forests as part of the land area as a natural gift from God Almighty which is mandated to the Indonesian Nation are wealth controlled by the state and provide benefits for the people to be managed and utilized optimally while maintaining their sustainability for the greatest prosperity of the people as stated in the provisions of Article 33 of the Preamble to the 1945 Constitution of the Republic of Indonesia. In fact, currently there is a lot of forest destruction caused by forest utilization and use of forest areas that are not in accordance with the provisions of laws and regulations (Gunadi et al., 2019; Eko et al., 2021). Intentional Forest Destruction has caused state losses, damage to socio-cultural life and the environment, and increased global warming which has become a national, regional and international issue (Ryadi & Masyhar, 2021; Wijayanto et al., 2022).

Forest destruction is a prohibited act as regulated in Article 50 of Law Number 41 of 1999 concerning Forestry and its criminal provisions are regulated in Article 78. Technical regulations are regulated in the Provisions of Article 1 of Regulation of the Minister of Environment and Forestry Number 32 of 2016. Forests are a unified ecosystem in the form of an expanse of land containing biological natural resources dominated by trees in a natural environment association, which cannot be separated from one another and land is an expanse of terrestrial ecosystem outside the forest area that is designated for business and/or farming activities and/or gardens for the Community (Jaymansyah & Alidar, 2018; Giraldo, 2020; Shytov, 2023; Aitimov & Yernishev, 2024). According to Jaymansyah and Alidar (2018) the handling of Forest Destruction cases is regulated in Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction.

Giraldo (2020) stated that there is a fundamental deviation from the Criminal Procedure Code (*Kitab Undang-undang Hukum Acara Pidana/KUHAP*) in the field of investigation and prosecution, where in this law there is a limitation on the investigation time as regulated in Article 39 of the Republic of Indonesia Law Number 18 of 2013. To expedite the resolution of forest destruction cases. Investigators are required to complete and submit case files to the public prosecutor no later than 60 days from the start of the investigation and can be extended for a maximum of 30 days. In the event that the results of the investigation are incomplete, the public prosecutor is required to conduct an investigation for a maximum of 20 days and can be extended for a maximum of 30 days.

Article 39 letter b has given new authority to public prosecutors to be involved in investigations to expedite the resolution of cases, this is a deviation from the Criminal Procedure Code which aims to realize the optimization and maximization of handling forest destruction cases to ensure the effectiveness of law enforcement and provide a deterrent effect for perpetrators of forest destruction because forest destruction has become a crime that has an extraordinary impact and threatens the continuity of community life (Lubis, 2023; Hendrasta & Sulchan, 2023). This study aims to study and analyze in depth two main things. Understanding the implementation of the central authority of the Republic of Indonesia Prosecutor's Office in handling forest destruction criminal cases, including the role and function of the prosecutor's office in coordinating law enforcement based on a multidoor approach to environmental crimes. Second, to conduct a critical review of the prosecution practices carried out by the prosecutor's office in cases of forest destruction, with a specific study of the Palembang District Court Decision Number 1010/Pid.B/LH/2019/PN.Plg, in order to assess whether the principles of substantive justice, especially legal, ecological, and economic justice, have been reflected in the process and results of the decision. This research is expected to contribute to strengthening an effective and equitable environmental law

enforcement system by optimizing the role of the prosecutor's office as a central authority.

2. Literature Review

2.1. Role of the Attorney General's Office in Forest Destruction Cases

The existence of the Attorney General's Office of the Republic of Indonesia as a case control institution carries out its duties and authorities as well as the essence of the *Dominus Litis* principle in law enforcement in the criminal justice system in Indonesia, including in handling forest destruction cases, is part of a crime in the forestry sector which is included in the qualification of special crimes (Sihombing et al., 2023). Because there are laws that regulate and law enforcement officers, the Attorney General within the Attorney General's Office of the Republic of Indonesia can play a role in implementing this central authority. Surachman (2022) stated that the nomenclature of prosecutors in today's modern era depends on the jurisdiction of the prosecution concerned. Prosecutors also have an important role in the legal field in court proceedings. The Attorney General's Office of the Republic of Indonesia in implementing this central authority authority, in handling forest destruction criminal cases has ordered the South Sumatra High Prosecutor's Office to take progressive steps by conducting investigations into both individual legal subjects and corporate legal subjects. In handling the case, active coordination must be carried out in accordance with the principles stated in Article 39 letter a of the Republic of Indonesia Law Number 18 of 2013 from the start of receiving the Letter of Notification of Commencement of Investigation (SPDP) (Ambos, 2000).

Based on Article 39 letter b, if the results of the investigation are incomplete, the Public Prosecutor is obliged to conduct an investigation if the following three conditions are met. First, a suspected crime has been found. This refers to Article 1 number 5 of the Criminal Procedure Code (KUHAP) which states that an investigation is a series of investigators' actions to search for and find an event suspected of being a crime in order to determine whether an investigation can be carried out in accordance with the provisions of the law. Second, at least one piece of evidence has been found, as a consequence of the phrase "not yet complete" in Article 39 letter b, although for proof in a conference a minimum of two pieces of evidence are required as regulated in Article 183 of the KUHAP. Third, the examination of the suspect (minutes of examination/BAP) is carried out as a form of anticipation of the possibility of holding a conference in absentia, as permitted by Article 51 of Law Number 18 of 2013, which stipulates that judges require evidence that the suspect has been examined during the investigation stage. This third condition is an important legal basis for prosecutors to continue the legal process even though the case file is not yet considered complete.

2.2. Prosecutor's Multidoor Approach in Forest Destruction Cases

After the Investigator sends the case file, if the results of the case file research have fulfilled the formal and material requirements, then the case file is declared complete (P-21) but if the results of the case file research are incomplete but there are 3 (three) conditions mentioned above, then the Public Prosecutor is obliged to conduct an investigation by coordinating with the Investigator to submit the case file and evidence within a maximum of 90 (ninety) days for further investigation by the Public Prosecutor (Ifrani, 2017; Nahak, 2017; Ndaru, 2023). After the Public Prosecutor conducts an investigation, there is an opportunity for the Public Prosecutor to handle forest destruction cases in a multi-door manner because illegal activities in the forest, for example illegal logging or forest burning, occur for various motives. Whether it is to gain benefits from the wood obtained or to obtain land for other activities such as plantations and mining (Saputro et al., 2024).

Therefore, a multi-legal regime (multidoor) approach is needed to eliminate the negative impacts of crime, ensure that perpetrators are caught and receive appropriate punishment, and restore the ecological and economic losses arising from the crime. The term or phrase criminal punishment according to Chuasanga and Victoria (2019) who prefer to use the term criminal with the same meaning as criminal punishment, with the intention of punishment in the sense of criminal sanctions. The multidoor approach is a law enforcement approach to a series/combination of criminal acts related to Natural Resources-Environment on forests and peatlands that relies on various laws and regulations including the Environment, Forestry, Spatial Planning, Plantations, Mining, Taxation, Corruption and Money Laundering. In the multidoor approach, various law enforcers synergistically implement various related laws (Simanungkalit et al., 2025).

The tradition and doctrine of prosecution are known as the principle of *dominus litis*. According to Surachman (2022), in several countries such as Japan, the Netherlands, and France, the authority of prosecution is the monopoly of the prosecutor. This means that in the criminal process, the prosecutor has the authority to determine whether a case can be prosecuted in court or not. The principle of opportunity, which is internationally interpreted as the public prosecutor can determine whether or not to prosecute in court, either with or without conditions. The existence of the authority of the prosecutor to prosecute or not to prosecute a case in court, then in the tradition of prosecution is known as the principle of discretion to prosecute (Sagala et al., 2025). Therefore, the application of the theory of authority in the process of law enforcement in the forestry sector will be reviewed from the perspective of the prosecutor's authority to prosecute in cases of forest destruction crimes handled by the South Sumatra High Prosecutor's Office.

3. Methods

This research uses a combined legal method of normative legal research and practical legal research. Normative legal research is conducted by analyzing literature in the form of laws and regulations, such as the 1945 Constitution of the Republic of Indonesia, Law Number 41 of 1999 concerning Forestry, its implementing regulations, and relevant court decisions. Meanwhile, practical legal research is conducted using an approach commonly used by law enforcement officials, such as prosecutors, judges, or advocates, to support the implementation of their duties in daily legal practice. The approach used in this research includes three main aspects: the statute approach, the case approach, and the conceptual approach. The statutory approach is used to explore the *ratio legis* as well as the philosophical and legal basis of regulations related to the crime of forest destruction. The case approach is applied in reviewing the decision of the Palembang District Court Number 1010/Pid.B/LH/2019/PN.Plg, in order to find the *ratio decidendi* and legal considerations in issuing the decision. A conceptual approach is used to examine relevant legal principles and doctrines and to comprehensively understand the concepts of legal, ecological, and economic justice. The data used is secondary data, consisting of primary legal materials (statutory regulations, jurisprudence, and international conventions), secondary legal materials (scientific literature, legal journals, research results), and tertiary legal materials (legal dictionaries, encyclopedias). Data collection techniques are carried out through documentary studies of relevant legal and non-legal documents. Data are analyzed qualitatively through systematic and argumentative interpretation of the collected legal materials. The results of the analysis are compiled descriptively and analytically to answer the problem formulation objectively and in-depth. This approach is expected to produce applicable conclusions for strengthening environmental law enforcement.

4. Result

4.1. Implementation of the Attorney General's Authority in Forest Destruction Cases

The results of this study indicate that Indonesian positive law does not explicitly regulate solutions to the conflict between the values of justice and legal certainty. According to Rendra (2019), the primary objective of law is to achieve justice in society. However, legal regulations such as the Criminal Code, Law Number 41 of 1999 concerning Forestry, and Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction emphasize legal certainty rather than substantive justice (Ryadi & Masyhar, 2021; Eko et al., 2021). The case of Ir. Basta Siahaan began with information that he owned approximately 500 hectares of land in Mendis Jaya Village, Musi Banyuasin Regency, including the Lalan Production Forest area. He claimed he only needed 150–200 hectares of land and, after a survey, conducted the transaction without verifying the legal status of the land (Caniago et al., 2023; Moningka et al., 2023). This indicates negligence or deliberate use of forest areas without permission, which fulfills the elements of a forest destruction crime. Basta handed over Rp1,202,500,000 to open a palm oil plantation and made 52 Business Statements in the names of himself and his relatives, which were then registered with the village and sub-district offices. He began planting palm oil in late 2012 on an area of approximately 160 hectares. In 2016, he began harvesting and purchased heavy equipment to expand and manage the land. In 2017, harvests were carried out every two weeks with a yield of approximately 10,000–12,000 kilograms of Fresh Fruit Bunches (FFB), generating revenues of Rp10–14 million per harvest.

On February 28, 2019, the defendant was arrested because he was proven to have carried out activities in a production forest area without a permit from the Minister. Based on an analysis of the court decision and applicable legal provisions, the defendant's actions were proven to have violated several important articles. He was charged with Article 92 paragraph (1) letter a jo. Article 17 paragraph (2) letter b of Law Number 18 of 2013 for carrying out activities in a forest area without official permission. He was also proven to have controlled land in a forest area illegally in accordance with Article 92 paragraph (1) letter b jo. Article 17 paragraph (2) letter a. Not only forestry aspects, Basta was also charged with Article 4 of Law Number 8 of 2010 concerning the Crime of Money Laundering because the proceeds of crime were used to obtain economic benefits. He also violated Article 93 paragraph (1) letter b jo. Article 17 paragraph (2) letter d, which prohibits the use of forest areas for plantations without permission. The individual element as the perpetrator of the crime has been proven. Based on the defendant's testimony and testimony, which demonstrates his physical and mental health, he was declared legally responsible for his actions. The element of intentionally conducting plantation activities without a permit was also evident from the transaction flow, business documents, planting activities, and routine harvesting.

The defendant disguised the origin of his assets by dividing the land into 10 hectares each using the names of his relatives. He also earned additional income from renting heavy equipment and levies on road gates installed in front of his plantation. All proceeds from illegal palm oil activities were reused to purchase fertilizer, seeds, pesticides, and pay workers, thereby expanding the plantation area. This dispersed ownership obscured the flow of criminal funds and gave the appearance of legality (Caniago et al., 2023; Moningka et al., 2023). Therefore, this study confirms that Ir. Basta Siahaan's actions fulfill the elements of the crime of forest destruction and money laundering. The legal process in this case reflects the implementation of a multi-door approach by the Prosecutor's Office, which aims to prosecute the perpetrator under various laws to restore ecological and economic losses and ensure substantive justice. However, challenges remain regarding the consistency of law

enforcement officials and the clarity of legal norms in aligning the values of justice and legal certainty.

4.2. Review of Prosecutor's Prosecution in Forest Destruction Cases

The Public Prosecutor before submitting criminal charges against the defendant, first put forward the matters to be considered in submitting criminal charges, aggravating factors such as the defendant's actions do not support government programs in efforts to prevent and limit damage to forests, forest areas and forest products. The defendant's actions do not support government programs in efforts to secure and protect objects/targets in the form of forests, forest areas and forest products from threats and disturbances. The defendant's actions have damaged the ecosystem of the Lalan Village Production Forest Area, Mendis Jaya Village, Bayung Lencir District, Musi Banyuasin Regency, South Sumatra Province. The defendant's actions have harmed the state. The defendant did not admit his actions. Mitigating factors include being polite in court and never having been convicted (Muhammad & Fadli, 2023).

The Public Prosecutor submitted a demand that the Panel of Judges of the Palembang District Court who examined and tried this case decide and declare the defendant legally and convincingly guilty of committing the crime of carrying out plantation activities without the Minister's permission in a forest area, carrying heavy equipment and/or other tools that are commonly or reasonably suspected to be used to carry out plantation activities and/or transporting plantation products in a forest area without the Minister's permission (Berutu & Rumapea, 2023; Naibaho & Berutu, 2025). Placing, transferring, diverting, spending, paying, granting, depositing, taking abroad, changing the form, exchanging with currency or securities or other actions for Assets that are known to him (Hadi et al., 2025; Ramada et al., 2025). It is reasonably suspected that it is the result of a forestry crime with the aim of hiding or disguising the origin of the Assets in violation of Article 92 paragraph (1) letter a Jo. Article 17 paragraph (2) letter b of Law of the Republic of Indonesia Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction and Article 92 paragraph (1) letter b Jo. Article 17 paragraph (2) letter a of Law of the Republic of Indonesia Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction and Article 3 of Law of the Republic of Indonesia Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes.

Sentencing the defendant to 6 years imprisonment minus the time the defendant has been in detention and a fine of Rp. 2,000,000,000. subsidiary 6 (six) months imprisonment. On June 19, 2019, the Panel of Judges at the Palembang District Court tried criminal case Number 1010/Pid.B/LH/2019/PN.Plg with a regular examination procedure in the first instance. The defendant has been proven legally and convincingly guilty of committing the following crimes: "Plantation activities without the Minister's permission in forest areas, Bringing heavy equipment and/or other tools that are commonly and reasonably suspected to be used to carry out plantation activities and/or transporting forest products in forest areas without the Minister's permission, and placing, transferring, spending, paying for Assets that are known or reasonably suspected to be the result of forestry crimes with the aim of hiding or disguising the origin of the Assets. Therefore, the defendant Ir. Basta Siahaan, son of Petrus Siahaan, is sentenced to 5 (five) years in prison and a fine of Rp. 2,000,000,000.00 (two billion rupiah), with the provision that if the fine is not paid, it will be replaced with imprisonment for 4 (four) months. The period of arrest and detention that the defendant has served is deducted entirely from the sentence imposed.

5. Discussion

The Cassation Decision has rejected the cassation request from the cassation applicant Ir. Basta Siahaan, son of Petrus Siahaan, the legal consequence is that the Executing Prosecutor can carry out the execution of the Appeal Decision which upholds the decision of the Palembang District Court Number 1010 / Pid.B / LH / 2019 / PN.Plg. The first level decision is the sentencing of the convict Ir. Basta Siahaan to 5 (five) years imprisonment and a fine of Rp. 2,000,000,000.00 (two billion rupiah), with the provision that if the fine is not paid it will be replaced with imprisonment for 4 (four) months. The sentencing decision has fulfilled two-thirds of the demands of the Public Prosecutor. The value of legal certainty has been achieved and the value of legal justice has been realized (Sutrisno et al., 2020). However, the value of ecological justice and the value of economic justice are not part of the judge's considerations in the decision. Because palm oil in fresh fruit bunches actually has high economic value if the plantation location does not use a protected forest area, but rather an Industrial Plantation Forest permit.

This is in agreement with Sumardjono et al.'s (2018) opinion, which states that oil palm has proven to be a superior plantation commodity with high economic value and a driving force for national development. However, the expansion of oil palm plantations into forest areas has led to deforestation, resulting in reduced biodiversity and increased frequency of floods, droughts, and forest and land fires (Setyaningati et al., 2019). Deforestation is a global issue and has become a matter of international concern. Indonesia has ratified many global regulations, such as the Reducing Emissions from Deforestation and Forest Degradation (REDD) scheme and the Paris Agreement, which must be adhered to. Therefore, it is impossible to define deforestation according to our own wishes and expect it to be accepted by the international community. Failure to comply with ratified international conventions will impact Indonesia's geopolitical position. Furthermore, the proposal to recognize oil palm as a forestry crop has also emerged due to the desire to cultivate oil palm plantations under Industrial Plantation Forest (*Hutan Tanaman Industri*/HTI) permits, or even the opportunity to establish HTI oil palm plantations. This condition indicates that forestry industry players are unable or unwilling to complete their own homework to build a forestry industry with high economic value and implement the principles of Sustainable Forest Management.

The proposal to recognize oil palm as a forest crop is a potential impact of the expansion of oil palm plantations, which could lead to increased demand for Fresh Fruit Bunches (FFB) in the market. This risks lowering FFB prices, which will impact the income of palm oil business actors, especially smallholders. Amidst various natural disasters (especially floods) occurring in various regions of Indonesia, many of which are believed to be due to the conversion of forests to oil palm plantations, this proposal is considered unethical and requires critical and scientific review involving various scientific fields, not just the physiological aspects of forest plants. This is because the problems of deforestation and forest degradation in Indonesia continue to impact climate change (Solehuwey et al., 2024). Therefore, implementing the mandate of the Preamble to the 1945 Constitution of the Republic of Indonesia, the government is obliged to protect and ensure the welfare of all citizens. This demonstrates that development efforts must be carried out without neglecting environmental sustainability to avoid the threats of future ecological disasters.

6. Conclusion

The implementation of central authority by the Indonesian Attorney General's Office in handling forest destruction crimes has demonstrated effectiveness through a multi-legal regime approach (multidoor approach). This approach allows law

enforcement officials to combine criminal, civil, and administrative sanctions to comprehensively ensnare perpetrators. In the case of Ir. Basta Siahaan, the public prosecutor successfully proved elements of forest destruction and money laundering, ultimately resulting in a final and binding criminal verdict. This success demonstrates achievements in legal certainty and legal justice. However, this study also found gaps in the implementation of ecological and economic justice. Court decisions have not fully reflected concrete reparations for environmental damage or compensation for state losses resulting from the exploitation of forest areas. This is a weakness in the application of the multidoor approach, which ideally should not only punish perpetrators but also restore environmental and socioeconomic conditions.

This study has several limitations, including focusing only on one case study, which does not represent the full scope of the Attorney General's Office's practices in other regions. Furthermore, the normative approach used does not fully describe the implementation of verdict execution in the field or the role of other actors such as the Ministry of Environment and Forestry and the community. Further research is recommended to use an empirical and comparative approach to several other cases of forest destruction to comprehensively evaluate the effectiveness of central authority and multidoor approaches. Future studies should also explore strategies for optimizing ecological restoration through cross-institutional collaboration and innovative environmentally oriented criminalization policies.

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Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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