



Criminal Responsibility For Perpetrators Of Criminals Who Distribute Wood Produced From Illegal Logging (Analysis of the Decision of the Supreme Court of the Republic of Indonesia Number 1597 K/PID. Sus – LH/2020)

Silvia Hermala Sagala¹, Edi Yunara², Abdul Aziz Alsa³

^{1,2,3}Magister Ilmu Hukum, Universitas Sumatera Utara, Sumatera Utara, Indonesia

Abstract: Criminal liability for perpetrators of criminal acts who distribute wood from illegal logging is an essential issue in Indonesia's forest protection context. The Analysis of the Supreme Court Decision of the Republic of Indonesia Number 1597 K/Pid.Sus-LH/2020 shows the challenges faced by law enforcement related to this illegal practice. With the increase in illegal logging threatening forest sustainability and biodiversity, this study aims to evaluate the effectiveness of criminal sanctions applied to illegal wood distributors. This study uses a normative juridical approach to review the legal framework governing these illegal acts. The study results indicate that despite strict regulations, obstacles in law enforcement, such as lack of evidence and legal awareness in the community, are significant. Therefore, strategic steps are needed to increase the effectiveness of law enforcement and encourage community participation in reporting illegal activities to maintain forest sustainability.

Keywords: criminal liability, illegal logging, illegal timber trafficking, environmental law, supreme court decisions

1. Introduction

Forests play a vital role in maintaining ecosystem balance, supporting biodiversity, and providing various natural resources of economic and social value. They are among the world's biodiversity hotspots and serve as habitats for thousands of species of flora and fauna. Forests provide vital ecosystem services such as climate regulation, water filtration, and carbon storage that directly affect human well-being. The process of industrialization and modernization, particularly in the forestry sector, has significantly impacted the sustainability of forests as a life support system for all living beings. Forests are an essential resource that is not only a source of wood but also a component of the environment (Sunarso, 2005). However, forests in Indonesia face increasing threats from rampant illegal logging, which causes environmental degradation and obstructs sustainable development efforts. A significant contributing factor to this issue is the clandestine and open distribution networks for illegally logged wood, involving various actors from field perpetrators to dealers marketing the illegal timber.

Illegal logging results in substantial ecological losses and challenges law enforcement in forestry. Although relatively comprehensive legal instruments are available, such as Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction and provisions in the Criminal Code (KUHP), implementation in the field still faces various obstacles. One of them is the difficulty in proving the involvement of perpetrators, especially in the distribution of illegal wood, as well as the low level of public legal awareness of the importance of forest conservation.

The Supreme Court of the Republic of Indonesia Decision Number 1597 K/Pid.Sus-LH/2020 is a concrete example of how the law enforcement process against

Correspondence:

Name: Silvia Hermala Sagala

Email: silviasagalash@gmail.com

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distributors of illegally logged wood is carried out. Analysis of the decision can provide an overview of the effectiveness of applying criminal sanctions in ensnaring perpetrators of illegal wood distribution and identifying the obstacles law enforcement officers face. This case also opens opportunities to critically assess how environmental justice principles, particularly ecological justice, are reflected in judicial reasoning and whether consistent legal standards are applied in similar forestry crime cases. This study also compares previous court decisions on similar cases to identify potential inconsistencies or patterns in law enforcement against illegal wood distributors, thereby revealing tendencies that may affect the overall effectiveness and fairness of the judicial process.

This study aims to evaluate the effectiveness of criminal liability for perpetrators who distribute illegally logged wood and analyze the legal and practical obstacles in applying the law. Employing a normative legal approach, this research examines relevant laws, regulations, legal doctrines, and related court decisions. By integrating the concept of ecological justice into the legal analysis, this study contributes to strengthening the discourse on law enforcement that is not only punitive but also oriented toward sustainable environmental protection and social justice. Hopefully, the findings will strengthen forest protection efforts through more rigorous and participatory law enforcement. Based on the above background, the formulation of the problem in this study is as follows: (1) What are the provisions of criminal law for perpetrators of criminal acts involved in distributing illegally logged wood? (2) How is the criminal liability system for perpetrators of wood distribution from illegal logging? (3) How is the analysis of the Supreme Court of the Republic of Indonesia Decision Number 1597 K/Pid.sus-LH/2020?

Related to the title and problems raised in this study, which emphasize criminal liability for perpetrators of criminal acts who distribute wood from illegal logging, the objectives of this study are: (1) To find out and explain the provisions of criminal law for perpetrators of criminal acts involved in distributing wood from illegal logging. (2) To find out and explain the system of criminal liability for perpetrators of distributing wood from illegal logging. (3) To find out and explain the analysis of the Supreme Court of the Republic of Indonesia Decision Number 1597 K/Pid.sus-LH/2020.

2. Materials and Methods

This study uses a normative legal method, namely an approach that relies on the analysis of written legal norms and the practice of their application in the context of forestry criminal law enforcement. This approach's primary focus is analyzing applicable laws and regulations, legal doctrine, and relevant court decisions. In this study, the legal materials used consist of three types, namely primary, secondary, and tertiary legal materials. Primary legal materials include Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, the Criminal Code (KUHP), and the Decision of the Supreme Court of the Republic of Indonesia Number 1597 K / Pid.Sus-LH / 2020, which is the object of the case study. Secondary legal materials include academic writings, legal commentaries, scholarly articles, and previous research discussing illegal logging and the distribution of illegal timber. Tertiary legal materials comprise legal dictionaries and encyclopedias that support conceptual clarity and definition. To deepen the normative analysis, this study applies three legal approaches: the statute approach facilitates doctrinal analysis of written regulation; the case approach allows the study to examine judicial reasoning and consistency through the selected Supreme Court decision; and the conceptual approach. Supports the identification of key legal contracts such as criminal liability, environmental harm, and the distribution of illegal timber. These three approaches contribute complementarily to understanding how legal norms are applied and interpreted in practice, especially regarding the accountability of actors involved in forestry crimes.

Legal analysis in this study is conducted qualitatively through grammatical, systematic, and teleological interpretation to evaluate the effectiveness of criminal liability for illegal timber distribution. The normative analysis focuses on three main variables: legal provisions as independent variables, effectiveness of criminal liability as the independent variables, effectiveness of criminal liability as the dependent variable, and law enforcement barriers as intermediate variables.

The conceptual framework in this study is compiled based on the legal problems studied, namely regarding the form of criminal liability for perpetrators of the crime of distributing illegal logging timber. This study starts with analyzing the decision of the Supreme Court of the Republic of Indonesia, Number 1597 K / Pid.Sus-LH / 2020 as a case study. The main concepts studied in this study include:

a. Criminal liability

It is a legal responsibility given to someone who has committed a crime, in this case, against the perpetrator of illegal timber trafficking. This concept examines the elements of error, the involvement of the perpetrator, and the appropriateness of punishment.

b. Illegal Logging

It is defined as the illegal activity of logging and taking wood from forest areas that violates the licensing provisions under Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. This crime is the root of the circulation of illegal wood.

c. Circulation of Illegal Wood

It is the distribution, sale, or transportation of wood originating from illegal logging. The perpetrators of the distribution may not be the main perpetrators of logging but still have the potential to be criminally liable.

d. Environmental Law

It is a legal instrument that regulates environmental protection from damage caused by human activities, including illegal logging. In this context, environmental law is the basis for assessing the severity of the criminal threat against perpetrators of environmental crimes.

e. Supreme Court Decision Number 1597 K/Pid.Sus-LH/202

Used as the basis for study in analyzing the application of criminal liability by judges and assessing how legal justice is applied in cases of illegal wood circulation.

This conceptual framework is built based on three main theories: (a) Criminal Law Enforcement Theory explains the process and mechanism of law enforcement by law enforcement officers against criminal acts. (b) Criminal Responsibility Theory examines legal subjects, forms of involvement, and perpetrator accountability. (c) Environmental Law Enforcement Theory explains the importance of an environmental legal approach in prosecuting perpetrators of crimes against natural resources.

By integrating these approaches, this research advances the discourse on ecological justice by critically assessing how legal doctrines and judicial decisions reflect environmental protection and justice principles in the context of illegal timber distribution, contributing to more effective and equitable forestry crime regulation.

3. Results and Discussion

3.1 Criminal Law Provisions for Criminals Involved in Distributing Wood Resulting from Illegal Logging

Forestry crime is one of the serious environmental problems in Indonesia. As a country with the third largest tropical forest in the world, Indonesia has an essential role in maintaining the global forest ecosystem. However, illegal activities that damage forests, such as illegal logging, forest encroachment, and animal hunting, still occur with high intensity. These three activities have a significant negative impact on forest sustainability and biodiversity. Here is a further explanation of the three activities:

a. Illegal logging

Illegal logging is the activity of illegally cutting down trees without a permit or in violation of existing regulations. This activity is often carried out to obtain wood, which is then traded, or to open agricultural land, resulting in severe forest damage, extinction of biodiversity, and worsening the climate (Prasetyo, 2020). Forest encroachment can also damage soil structure and affect the hydrological cycle, which is crucial for human life and other living things (Haryono, 2021).

b. Wildlife Hunting

Wildlife hunting is hunting and capturing wild animals protected by law, either sold as commodities (such as meat or animal parts) or kept as pets. This hunting is very threatening to the population of particular species that are already rare and endangered. In addition, wildlife hunting also disrupts the balance of the ecosystem because many animals play an essential role in the food chain and other ecological processes (Widodo, 2022).

The high intensity of illegal activities in Indonesia, particularly illegal logging, is exacerbated by organized networks that contribute to environmental damage and biodiversity loss. Illegal logging occurs when individuals or groups cut down trees in protected areas without government permission, leading to significant forest loss and increased greenhouse gas emissions (Kementerian Lingkungan Hidup dan Kehutanan Republik Indonesia, 2020).

Illegal logging is defined as using forest products without a valid permit, per Article 1 number 4 of Law Number 18 of 2013. Individuals play a crucial role in distributing illegal timber, acting as transporters, collectors, or traders, often exploiting weak law enforcement. The crime of illegal timber distribution includes transporting, possessing, storing, or trading illegally obtained forest products, with criminal provisions outlined in Law No. 18 of 2013. Penalties include a maximum of 15 years imprisonment and fines up to IDR 100 billion, applicable to individuals and corporations. Law No. 41 of 1999 serves as the primary legal framework for forest management, while Law No. 18 of 2013 strengthens sanctions against organized forestry crimes.

In a specific case, defendant Henoeh Budi Setiawan was found guilty of violating multiple articles of Law Number 18 of 2013, resulting in cumulative penalties. Article 86 imposes a minimum of 5 and 15 years imprisonment for transporting illegal forest products, while Article 87 addresses organized illegal logging. Article 95 provides additional penalties for repeat offenders, and Article 65 of the Criminal Code allows for cumulative sentencing for related offenses.

The legal basis governing criminal acts against the forest environment can be in several laws and regulations:

a. The Criminal Code (KUHP),

which has several provisions, can also be used to ensnare perpetrators of illegal timber trade, for example: (a) Article 362 of the Criminal Code concerning theft can be applied if the wood is taken without permission from state forests. (b) Article 480 of the

Criminal Code concerning receiving goods ensnares parties who knowingly buy or distribute wood from illegal logging. (c) Government regulations and ministerial regulations that regulate the legal trade in forest products.

b. Law No. 41 of 1999 concerning Forestry

This law is the primary basis for forest management and protection in Indonesia. Several important articles related to forestry crimes include: (a) Article 50 paragraph (3): Prohibits anyone from transporting, controlling, or possessing illegal forest products. (b) Article 78 regulates criminal sanctions for violations related to forest destruction, including the distribution of illegal wood. (c) Law No. 32 of 2009 concerning Protection of Environmental Management. This law regulates environmental aspects related to forest destruction, with several related articles: a) Article 69 "prohibits anyone from destroying the environment, including illegal deforestation. (d) Article 109 "regulates criminal sanctions for those who commit acts that have a negative impact on the environment, including illegal logging."

c. In addition to the law, there are derivative regulations that regulate the legal timber trade, such as:

Government Regulation No. 23 of 2021 concerning Forestry Implementation regulates the licensing mechanism for managing and utilizing forest products. Regulation of the Minister of Environment and Forestry (Permen KLHK) No. 8 of 2021 concerning Forest Management and Preparation of Forest Management Plans, which includes rules on the management of legal forest products.

d. Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction.

This law explicitly regulates the prevention and eradication of forest destruction, including illegal logging and illegal trade in forest products. With several essential provisions: (a) Article 12 of Law No. 18 of 2013 concerning the prevention and eradication of forest destruction "prohibits anyone from transporting, distributing, or selling forest products originating from illegal activities." (b) Article 94 of Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction "provides criminal provisions for violators with severe criminal threats, including large fines and imprisonment"

Illegal logging illustrates a severe environmental crime that impacts society's environment, affecting various social aspects. Criminal responsibility requires proof of an outward act, known as *actus reus* (Sjahdeini, 2007). From a legal perspective, logging is considered a special violation, as explained in Law Number 41 of 1999 concerning Forestry and Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. The elements of the crime are as follows: (a) The act must be human; (b) This act must be prohibited and punishable by law (c) The act is against the law (against the law. (d) It must be done by someone who can be held accountable (Ilyas, 2012).

The elements of the crime of illegal logging consist of subjective elements (*mens rea*), objective elements (*actus reus*), unlawful elements, and perpetrator elements. These four elements must be met to categorize an act as a crime of illegal logging. Legal provisions governing these elements have been regulated in Law No. 41 of 1999 concerning Forestry and Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. Law enforcement must demonstrate that these elements are fulfilled.

Hennoch Budi Setiawan exhibited both subjective and objective elements of the crime, as he was aware of the requirement for a forest product management permit yet engaged in illegal activities causing forest damage. He should have received a minimum sentence of 5 years and a fine under the P3H Law. However, he was sentenced to only 2

years, raising concerns about law enforcement effectiveness and the justice system's commitment to environmental protection.

3.2 *Criminal liability system for perpetrators of criminal acts of distributing wood from illegal logging*

a. Concept of Criminal Responsibility

According to Roeslan Saleh, criminal liability is the application of punishment to a perpetrator who meets the elements of a crime and is not in a condition that eliminates his/her guilt (Roeslan Saleh, 1987). Criminal guilt is essentially a determinant in the legal system that determines whether a person should be acquitted or punished (Priyanto, 2004).

Criminal liability is the core of criminal law that determines whether a person can be subject to sanctions for his/her actions (Muladi & Barda Nawawi Arief, 2013). A person can only be punished if they meet the valid elements, namely: (a) unlawful act (Moeljatno, 2022), (b) error (schuld) (Lamintang, 2023), (c) causal relationship between the act and the consequences (Muladi, 2021), (d) and the absence of reasons to eliminate the crime (Wiyono, 2023).

Van Hamel has an opinion regarding criminal responsibility. Namely (Saleh, 1981) said that criminal responsibility is a normal state and psychological maturity that brings three kinds of abilities : (a) Understanding the meaning and consequences of one's actions; (b) Realize that one's actions are not justified or prohibited by society, and (b) Determine the ability for actions.

Law enforcement against illegal logging does not only target the main perpetrators of logging but also the distributors, facilitators, and corporations involved. Criminal liability for them is regulated in various regulations, such as Law No. 18 of 2013, which in Articles 12 and 17 prohibits the transportation and trade of forest products without valid documents, with a criminal penalty of up to 15 years in prison and a maximum fine of IDR 100 billion. Law No. 41 of 1999 also prohibits the ownership of forest products without documents through Article 50 paragraph (3) letter e and Article 78 paragraph (5). Suppose the distribution of logging causes environmental damage. In that case, the perpetrators can be prosecuted through Law No. 32 of 2009 (PPLH Law), especially Articles 98–100, which also give space for corporate criminal liability. Supreme Court Decision Number 1597 K/Pid.Sus-LH/2020 emphasizes that the main perpetrators and illegal timber distributors can be subject to severe criminal penalties. Therefore, criminal liability for the distribution of illegal timber must include all parties involved, individuals and legal entities.

In criminal liability, the burden of responsibility is imposed on the perpetrator of the criminal offense related to the basis for imposing criminal sanctions. A person will have the nature of criminal liability if something or an act done by him is against the law. However, a person can lose his sense of responsibility if an element is found in him that causes the loss of a person's ability to be responsible. A crime is the principle of legality, while the perpetrator can be punished for error. It means a person will have criminal

liability if he has committed an act that is wrong and against the law. In essence, criminal responsibility is a form of mechanism created to react to violations of certain acts that have been agreed upon (Saleh, 1986).

3.3 Principles of Criminal Responsibility

a. Principle of Legality (Nullum crimen sine lege, nulla poena sine lege)

This principle states that no act can be punished without a legal rule that regulates it beforehand. This principle aims to provide legal certainty and protect individuals from arbitrary repressive actions by the state (Sudarto, 1981). R. Soesilo also explained that the principle of legality is intended to assure every citizen that only acts that are expressly prohibited by law can be subject to criminal sanctions, as well as provide clear boundaries for law enforcement officers in interpreting an act as a crime (Soesilo, 1996).

b. Principle of Fault (Geen straf zonder schuld)

Criminal liability is a fundamental principle in criminal law and is often known as the principle of "Geen straf zonder schuld." Therefore, criminal liability must consider two things: criminal act (daad strafrecht) and perpetrator of a crime (dader strafrecht) (Wiyanto, 2012). A person can only be held criminally responsible if there is an element of error in his actions. An error can be in intent (dolus) or negligence (culpa). This principle ensures that punishment is only imposed on individuals with an element of error in their actions (Saleh, 1999).

c. Principle of Individuality of Criminal Responsibility

In this context, a person cannot be punished for an act committed by another person unless there is a specific legal relationship that justifies collective responsibility (Moeljatno, 2022).

d. Principle of Proportionality

According to Muladi and Barda Nawawi Arief, punishment should not be imposed arbitrarily. However, it must consider rational considerations of the act committed, including the level of error so that substantive justice can be achieved and arbitrary action can be avoided (Muladi & Arief, 1992).

3.4 Analysis of the Decision of the Supreme Court of the Republic of Indonesia Number 1597 K/PID/SUS – LH/2020 in the Henoch Budi Setiawan Case

The ecological side of this activity causes forest destruction, leading to the loss of biodiversity, destruction of wildlife habitat, and disruption of the function of the forest ecosystem as a carbon sink and regulator of the hydrological cycle. Illegal logging reduces the soil's ability to absorb water, resulting in an increased risk of natural disasters such as floods and landslides, and accelerates climate change due to the release of carbon trapped in forest biomass (Kementerian Kesehatan Republik Indonesia, 2017).

Therefore, illegal logging damages the environment and threatens the social and economic sustainability of communities around the forest. Illegal logging causes extensive environmental damage, threatens the survival of indigenous peoples and communities that depend on the forest, and disrupts the balance of ecosystems that are vital to the sustainability of life. The judge's decision to give leniency to Henoch is at risk of creating a negative precedent where environmental law violations are perceived as not

having commensurate consequences. From the incident in the case above, four things can arise, namely:

a. Weakening of the deterrent effect

The deterrent effect is one of the fundamental goals of the criminal justice system. This goal is intended so perpetrators do not repeat their actions and the wider community feels reluctant to commit similar crimes. However, if the perpetrators of illegal logging are not given appropriate and firm legal sanctions, then the function of punishment as a means of overcoming crime becomes weak so that it does not have a deterrent effect on the perpetrators or other parties who have the potential to commit crimes (Hamzah, 2005).

The Henoeh Budi Setiawan case reflects the Supreme Court of the Republic of Indonesia's judicial assessment in applying laws on forestry crimes. The Panel of Judges declared that the defendant was legally and convincingly proven to have violated Law Number 18 of 2013 on the Prevention and Eradication of Forest Destruction by receiving and distributing timber originating from illegal logging. Despite the fulfillment of all elements of the offense, the Supreme Court reduced the cumulative sentence as stipulated under Article 86 paragraph (1) of Law No. 18 of 2013 in conjunction with Article 65 paragraph (1) of the Indonesian Criminal Code. This sentence reduction was based on several legal considerations, including the defendant's partial administrative compliance, such as paying the Forest Resources Provision and Reforestation Fund (PSDH-DR) through the SIPUHH system and documents for part of the timber. The court interpreted these actions as indications of cooperative conduct and partial legal awareness. Therefore, the panel of judges deemed these factors as mitigating circumstances and applied judicial discretion to reduce the sentence. Nevertheless, this decision has triggered critical debate, as it may set a precedent that weakens the deterrent function of criminal sanctions in environmental law enforcement, especially considering that illegal logging is often carried out in an organized and systematic manner.

b. Recurrence of similar criminal practices

The judge referred to law Number 18 of 2013, which provides a clear legal framework for prosecuting acts of forest destruction. This aspect shows that the judge's decision is based on applicable legal norms, which confirm that the defendant's actions violate the provisions that have been set. The lack of effective law enforcement can create conditions that encourage other perpetrators to commit environmental crimes because the legal risk is low. In the long term, this situation increases the frequency of forestry crimes and strengthens the network of illegal perpetrators who systematically damage the forest ecosystem (Syarif, 2012).

c. Damaging public trust in the justice system

Public trust in the justice institution is an essential element in building the legitimacy and effectiveness of law enforcement, which means creating a legal system that is trusted, obeyed, and able to carry out its functions fairly and consistently. If a law is not implemented consistently, the law will not be effective in creating justice and social order (Rahardjo, 1980).

d. Neglected environmental protection.

In addition to distributing illegally logged wood, the defendant was also proven to have involved local communities, most of whom did not have the technical capacity or legal understanding to collect wood without official documents. The wood was then

distributed via sea routes in large quantities and exceeded the legal production volume. This action not only shows an element of intent but also reflects the exploitation of the socio-economic vulnerability of local communities, which should be protected in sustainable development policies.

The defendant is an experienced business actor who understands legal forest management's administrative obligations. The defendant's knowledge of formal permits indicates intent. It shows that the defendant was not only involved in illegal activities but also had a sufficient understanding of the legal consequences of his actions. Thus, the court should consider this aspect in determining the level of culpability and appropriate punishment, considering the clear intent element in the defendant's actions. The payment of the PSDH-DR may be regarded as a mitigating factor because it reflects environmental management. However, such payment does not eliminate the criminal nature of the offense nor absolve the defendant from criminal liability.

This analysis illustrates the challenges of forestry criminal law enforcement in Indonesia, especially related to the distribution of illegal timber—the defendant is the director of CV. Alco Timber Irian is the person in charge of the CV. Sorong Timber Irian was found guilty of receiving and trading timber from illegal logging, as regulated in Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction—the Supreme Court, through Decision No. 1597 K/Pid.Sus-LH/2020 reduced the sentence from five years to two years in prison by considering the payment of the Forest Resources Provision – Reforestation Fund (PSDH–DR) and the existence of some legal documents. However, this decision has drawn criticism because it is considered to weaken the deterrent effect, has the potential to encourage repeat criminal acts, and reduces public trust in the justice system. Illegal logging violates the law and has severe ecological impacts such as habitat destruction, loss of biodiversity, and disruption of the forest's function as a life support. From a social perspective, the defendant's actions demonstrate the exploitation of vulnerable local communities involved in an illegal process without adequate legal understanding.

The court's decision that is too lenient towards business actors who can understand regulations is at risk of creating a negative precedent, as if tolerant of violations of the law that damage the environment. Even though there are legal documents, the reduction of the criminal sentence and the return of evidence do not erase the fact that the wood was obtained manipulatively and violated the applicable legal system. Thus, this case emphasizes the importance of a more assertive, consistent, and ecological justice-oriented legal approach. Environmental law enforcement must be able to systematically prevent forest destruction and ensure that perpetrators receive sanctions commensurate with the impacts caused to maintain ecological sustainability and the supremacy of law. In this case, Henoch has been proven to subjectively know that controlling and transporting forest products requires official permission from the competent authorities. However, he still carried out the act, which shows an element of intent (*dolus*).

Meanwhile, from an objective perspective, the defendant's actions have fulfilled the elements of a criminal act as regulated in Article 86, paragraph (1) letter a Article 87, paragraph (1) letter a, and Article 95 paragraph (1) letter a of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, namely controlling, and transporting wood forest products from illegal logging activities without permission from the Minister. Henoch's criminal liability is also strengthened by the application of Article 65 of the Criminal Code, which allows for the imposition of criminal penalties for a series of criminal acts carried out in a related manner in one unit. By fulfilling the elements of unlawful acts and mistakes and having the ability to be legally responsible, Henoch has systematically fulfilled the requirements to be held fully criminally ac-

countable. However, the reduction of the sentence from five years to two years in the court decision has raised polemics regarding the application of the principle of justice and the effectiveness of law enforcement, especially in the context of environmental law, which aims to protect forest sustainability and provide a deterrent effect for perpetrators of environmental crimes.

4. Conclusions

The distribution of timber from illegal logging constitutes a serious environmental crime that causes significant ecological damage and threatens the sustainability of forest resources. Criminal prosecution under Law No. 18 of 2013 must be applied firmly and proportionally, particularly in cases involving organized and large-scale operations. However, the Supreme Court Decision No. 1597 K/Pid.Sus-LH/2020 reveals a weakness in the judicial approach, as the reduction of the defendant's sentence was based on administrative compliance (such as PSDH-DR payments) despite the criminal offense being proven beyond a reasonable doubt. This approach potentially undermines the deterrent effect of environmental law enforcement. Based on these shortcomings, environmental criminal justice reform should prioritize the establishment of consistent sentencing guidelines, enhanced capacity for law enforcement actors, and integration of ecological considerations into judicial reasoning. These measures are essential to prevent forest crime recurrence and strengthen environmental protection's credibility. As for normative recommendations to harmonize Law No. 18/2013, Law No. 32/2009 (Environmental Protection and Management Law), and the Indonesian Criminal Code, it is necessary to align the penal provisions to avoid overlap, develop interpretive norms to close legal loopholes and clarify the complementary roles of each statute in addressing environmental offenses. Such legal harmonization would enable more effective application of sanctions and uphold ecological justice in practice.

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