OBSTACLES OR BARRIERS FACTORS TO THE ROLES OF POLICE INVESTIGATORS OF REPUBLIC OF INDONESIA IN PREVENTING AND ERADICATING FOREST DESTRUCTION AGAINST ILLEGAL LOGGING IN LEBONG REGENCY

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Abstract

The aims this study were focused on the factors that became obstacles or barriers to the role of police investigators of the Republic of Indonesia in the prevention and eradication of the forest destruction against illegal logging in Lebong Regency and to analyze and explain the efforts to overcome obstacles or barriers to role of Police Investigators of the Republic of Indonesia in preventing and combating forest destruction against illegal logging in Lebong Regency in the future. This study was an empirical legal research conducted by examining the primary data by conducting interviews to the respondents. As for the nature of this research was descriptive, and sources of data used are primary data and secondary data, the data then was analyzed by using qualitative juridical analysis methods. The results of the study and discussion obtained that factors that became obstacles or barriers to the role of the police investigator of the Republic of Indonesia in the prevention and eradication of the forest destruction against illegal logging in Lebong Regency were the location of the crime scene in Lebong Regency was remotely away from the Police Resort office of Lebong, the lack of coordination between the police investigator of the Republic of Indonesia with investigators from civil servants forestry particularly in Lebong Regency, lack of budgetary funds in conducting the investigation, facilities and infrastructure are inadequate to carry out investigations, the expert witness who are relatively hard to reach from Lebong Regency, that is in the city of Bengkulu, factor of witness testimony in the investigation, and the lack of public participation in Lebong Regency. As the efforts to overcome obstacles or barriers to the role of police investigators in the future were increasing the synergy of coordination between the police investigator of Lebong with investigators from civil servants forestry of Lebong, increasing the budget funds in the investigation, inventorying of all the existing facilities and infrastructure and making proposals of necessities required for the implementation of the investigation, as a procedure to bring in an expert who is relatively far away to come and testify, the case investigator must proactively go to the witness with the budget and the existing means.
INTRODUCTION

Background

Forests are natural ecosystem that consist of field (soil) and plants growing on it and the unity of natural environment and cannot be separated.¹ Forests are very important resources, not only as timber resources, but also as component of the natural environment.²

One of the causes of forest destruction by humans is because many people are doing woods stealing in forest area, both in protected forests, production forest, and other forest. Woods stealing is done by using traditional tools (such as axes and choppers) and modern tools (such as chainsaws). The practices of forest crime in this country become the concern of various parties. Such concern is directed against the whole range of law enforcement officers with all the supporting officials.³

Forests in the Province of Bengkulu are significantly wide, especially in Lebong Regency with the Capital of Tubei which is one of the conservation regencies with the forest areas of almost 70% of the total area. Indonesian National Police is one of the law enforcement agencies in the prevention and eradication of illegal logging. The efforts of Indonesian National Police in Lebong Regency in preventing forest destruction committed by illegal loggers (illegal logging) is by conducting a security patrol together with relevant agencies. While in its eradication, the Indonesian National Police as the investigator in the Lebong Regency tries to resolve the cases of illegal logging.

Therefore, it is necessary to do a research entitled: "Obstacles or Barriers Factors to the Roles of Police Investigators of Republic of Indonesia in Preventing and Eradicating Forest Destruction against Illegal Logging in Lebong Regency".

Identification of Problems

Based on the background that has been described, the problems that can be identified are as follows:

1. What factors that became obstacles or barriers to the roles of Police Investigators of Republic of Indonesia in preventing and eradicating the destruction of forests against illegal logging in Lebong Regency?

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¹ Bambang Daru Nugroho, Hukum Adat Hak Menguasai Negara Atas Sumber Daya Alam Kehutanan dan Perlindungan Terhadap Masyarakat Hukum Adat, Refika Aditama, Bandung, 2015, p. 133.
2. How did the efforts to overcome the obstacles or barriers to the roles of Police Investigators of Republic of Indonesia in the prevention and eradication of the destruction of forests against illegal logging in Lebong Regency in the future?

METHOD OF THE RESEARCH

Types of the Research

This study used empirical juridical approach. Work Empirical comes from the Greek word "emperikos" which means experience, since human beings acquire knowledge through experience. Legal research was done by examining the primary and secondary data.

Nature of the Research

The type of research by its nature was a descriptive juridical research. Descriptive study intends to illustrate, describe, discuss and describe the obstacles or barriers factors to the role Police Investigators of the Republic of Indonesia in the prevention and eradication of forest destruction against illegal logging in Lebong Regency.

Source of the Data

The type of data required in this research was primary data which is obtained in the field, and secondary data which obtained from literature study.

a. Primary Data

The primary data was obtained through interview. In this study, population was all the Police Investigators of the Republic of Indonesia, the entire Civil Servant Investigators of forestry, all the Attorney of the Republic of Indonesia, and all perpetrators of illegal logging as well as the whole society in the protected forest area. Population is an overall objects of observation or objects of research.

The study was based on the existing population associated with the samples of respondents by using purposive sampling. The samples are the parts of the population. The samples were chosen to represent the population as a whole, therefore the respondents in this study are as follows:

1. 2 Police Investigators of the Republic of Indonesia who were based in Lebong Regency
2. 1 Forestry Civil Servant Investigators of Lebong Regency
3. 1 public figure in the surrounding area of protected forest in Lebong Regency

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6 Burhan Ashshofa, _Metode Penelitian Hukum_, Rineka Cipta, 1996, p.79.
b. Secondary Data

Secondary data were obtained through the study of literatures in the form of books related to forestry, legislation, regulations, documents, research results, articles and so forth.

Method of Collecting the Data

The data collection was done by collecting data, as follows:

a. Primary Data

Primary data were collected by interview and observation. Interview is one of the techniques that can be used to collect research data, the form of interview used was informal interview. Meanwhile, observation is one of the techniques used to identify or investigate behavior through what is observed.8

b. Secondary Data

Secondary data is the data obtained or derived from the literatures.9 It is the data obtained from references such as books or references, legislation, documents, journals, theses, and so forth.

Data Analysis Method

The study used a qualitative approach, which in principle has aims to give, to explain, to describe critically, or to describe a phenomenon, an event, or an event of social interaction in the community to seek and find meaning in the real context.10

RESEARCH RESULTS AND DISCUSSION

Obstacles or Barriers Factors to the Roles of Police Investigators of Republic of Indonesia in Preventing and Eradicating Forest Destruction against Illegal Logging in Lebong Regency

1. Location of the Case of Forestry Crime (illegal logging) in Lebong Regency that Distant from Police Resort Office of Lebong

Lebong Regency with Capital of Tubei is one of the conservation regencies of which the forest areas is almost 70% of the area of Lebong regency, which includes: Forest Area of TNKS of 111,035 hectares, Forest Area for Natural Reservation/Wildlife Sanctuary covering an area of 3,022,720 hectares, Forest Protected Areas covering 20,777,400 hectares and APL region of 58,088,880 hectares.11

Based on the interview with Mr. Daryanto as police investigators of Republic of Indonesia who were in Lebong Regencies, said that one of the inhibiting factors in the prevention and eradication of forest destruction is the

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11 Data of Forestry and Plantation Office of Lebong Regency of 2015.
remote location, especially in resolving the case of Crime Forestry (illegal logging) in Lebong Regency. Even in resolving of the criminal case of forestry, the police investigators of Lebong with the witness and the suspect have to walk far enough to the location, because the road to get into the site is inadequate, especially when it rains so that the controlling was canceled and done in the next day.\textsuperscript{12}

Based on the analysis, it was found that the distant location was a barrier factor for the police investigators of Republic of Indonesia to conducting the prevention and eradication of forest destruction in Lebong Regency.

2. Lack of Coordination between the Indonesian National Police Investigator with Forestry Civil Servant Investigators Particularly in Lebong Regency

Coordination or integration is prevention and eradication activities of forest destruction held by integrating the various interests across sectors, across stakeholders, interests and coordination among sectors and between interests.\textsuperscript{13}

Based on the interview with Mr. Tampubolon as investigators of Indonesian National Police, the prevention and eradication of forest destruction in Lebong District Police was conducted by doing security patrols to prevent of forest destruction. While the eradication of forest destruction in the settlement of illegal logging in Lebong Regency Police as investigators in the investigation request information from experts on the woods, to Forestry Office of Bengkulu Province.\textsuperscript{14}

Based on the analysis, it was found that the role of the Indonesian National Police investigators in the prevention and eradication of forest destruction in Lebong Regency has not been fulfilled maximally.

3. Lack of Budget Funds in Doing the Investigation

Budgetary funds are the operational funds used by the investigators to conduct an investigation into related crimes in the forestry sector. Budgetary funds in Police Resort Office of Lebong used to

\textsuperscript{12} Based on the interview with Mr. Daryanto as the police investigator of Republic of Indonesia via phone call on Monday, 30\textsuperscript{th} May 2016, at 11.10 am.

\textsuperscript{13} Article 2 latter (g) Description of Law No. 18 Year 2013 on Pencegahan dan Pemberantasan Hutan.

\textsuperscript{14} Based on the interview with Mr. Tampubolon as the police investigator of Republic of Indonesia via phone call on Tuesday, 31\textsuperscript{st} May 2016, at 02.00 am.
conduct investigations were already available, but were still in a limited amount.

Based on the interview with Mr. Daryanto as investigator of Indonesian National Police in Lebong Regency, said that in conducting the investigation in a criminal act of forestry, budget funds were not available, since the budgetary funds investigation will be excluded from Police Resort Office of Lebong when there SPDP (notification commencement of investigation) sent to the State Attorney of Lebong Regency.

Based on the analysis, it was found that the budget funds greatly affect the performance of the work of the police investigator of Lebong resort in the prevention and eradication of forest destruction in Lebong Regency both in patrolling and investigating criminal cases in the Lebong Regency forestry.

4. In Adequate Facilities and Infrastructures to Support Investigation

Based on the interview with Mr. Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency, forestry criminal cases in Lebong Police Department were handled with minor or limited facilities and infrastructures, even sometimes investigator use his own facilities. Without adequate facilities and infrastructures, law enforcement in preventing and eradicating forest destruction cannot be performed excellently.15

Thus, it can be concluded that facilities and infrastructure for investigation in Lebong Police Department influence the performance of police investigators concerning on forestry criminal cases.

5. Unavailable Expert Witness in Lebong Regency

Expert witness is a person that has expertise in a certain field and certificate to approve it. In illegal logging cases found in Lebong regency, it is necessary to present expert witness on forestry from Bengkulu province.

Based on the interview with Mr. Tampubolon as the Police investigator of Republic of Indonesia in Lebong Regency, unavailable expert witness in Lebong regency regarding illegal logging cases is one of obstacles in eradicating forest destruction16.

It can be concluded from the interview that in preventing and

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15Phone interview with Mr. Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency on Friday, June 10th, 2016 at 3 pm.
16Phone interview with Mr. Tampubolon as the Police investigator of Republic of Indonesia in Lebong Regency on Monday, May 30th, 2016 at 11 am.
eradicating forest destruction in Lebong Regency, unavailable testimony from expert witness is one of obstacles for investigators to solve illegal logging cases in Lebong Regency and under such circumstances expert witness must be called from Bengkulu Province.

6. Witness Testimony in Investigation

Witness is a person that gives testimony for investigation, prosecutions and trials concerning crime that he has heard, seen or experienced. Based on the interview with Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency, one of obstacles for Lebong Police Department investigators in eradicating forest destruction is concerning witness testimony. Convoluted explanation, witness fled on investigation, and unavailable transport incentive for witness in investigation process are obstacles concerning witness in giving testimony. Thus, it can be concluded that Convoluted explanation, witness fled on investigation, and unavailable transport

fee for witness in investigation process are obstacles for Police investigator of Republic of Indonesia in investigation illegal logging cases in protected forest area of Lebong Regency.

7. The lack of Participation from Society in Lebong Regency

Participation from society means the involvement of people in Lebong regency in preventing and eradicating forest destructions that is significant in forest preservation. Based on the interview with Mr. Mardi as public figure in Rimbo Penghadang village, the closest forest area in Lebong, the ignorant of society regarding forestry destruction caused by the lack understanding towards forestry area border and socialization to people in Rimbo Penghadang towards the damage caused by forestry destruction or illegal logging.

Based on the result analysis, the role of police investigators in preventing forest destruction in Lebong regency has not been maximum. This is caused by there was not socialization given to people domiciled around the forest area. Thus, the participation from the society in preventing forest

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17 Article 1 paragraph (8) regulation of Police Head of Republic of Indonesia No. 14 of 2012 concerning on Management of Criminal investigation
18 Phone interview with Mr. Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency on Monday, May 30th, 2016 at 2.15 pm
19 Article 2 paragraph (d) Explanation on Act No. 18 of 2013 concerning on Prevention and Eradication Forest destruction
20 Interview with Mr. Mardi public figure in Rimbo Penghadang village, the closest forest area in Lebong on Wednesday, July 27th, 2016 at 3 pm
destruction in protected forest area has not been maximum.

**Efforts to Solve the Obstacles Faced by Police Investigators of Republic of Indonesia in Preventing and Eradicating Forest Destruction and Illegal Logging in Lebong Regency in the Future.**

1. **Increase the coordinator synergy between Lebong Police Department Investigators and Forestry Investigators in Lebong Regency**

   Based on the interview with Mr. Tampubolon as the Police investigator of Republic of Indonesia in Lebong Regency, it is true that in preventing and eradicating forest destruction in protected forest in Lebong police cooperates with forestry police in some actions such joint patrol on roads or log depots around Lebong regency. Based on the result analysis, the actions taken by police investigators on eradicating forest destruction in the future through cooperating with forestry police could help the excellent performance of both Police Department and Forestry Police Department in preventing forest destruction and protecting forest from illegal logging.

2. **Increase Budget Allocation for Investigation**

   Based on the interview with Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency, it is suggested to allocate 50% of budget from Bengkulu Provincial Police Department (POLDA Bengkulu) on investigation of forest destruction in Lebong Police Department. It is expected that in the future, investigators will not have to use their personal fund or budget.

   Based on the result analysis to solve the obstacle faced by Lebong Resort Police Department in eradicating forest destruction through investigation, it is suggested that the operational budget should be disbursed in advance to solve the forestry crimes in Lebong regency maximally.

3. **Inventory all Available Facilities and Infrastructures and Arrange the Needs Proposal for Investigation**

   Based on the interview with Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency, it is suggested in preventing forest destruction and protecting forest from illegal logging.

   **Interview with Mr. Tampubolon as the Police investigator of Republic of Indonesia in Lebong Regency on Tuesday, May 31**, 2016 at 11.15 am

   **Interview with Mr. Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency on Monday June 9**, 2016 at 3.20 pm

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21 Interview with Mr. Tampubolon as the Police investigator of Republic of Indonesia in Lebong Regency on Tuesday, May 31, 2016 at 11.15 am

22 Interview with Mr. Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency on Monday June 9, 2016 at 3.20 pm
and eradicating forest destruction to arrange proposal asking for additional facilities and infrastructures useful for patrol and investigation.

Based on the result analysis, it is suggested to solve the obstacles faced by investigators of Lebong Resort Police Department regarding facilities and infrastructures used in investigation operational through arranging proposal asking for additional facilities and infrastructures to increase the performance of Lebong Resort Police Department investigators in preventing and eradicating forest destruction.

4. Procedures of Presenting Expert Witness from Distanced Place

Based on the interview with Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency, the procedure of presenting expert witness from Bengkulu province is through applying police investigation letter in advance that caused the slow process while the decision of arresting someone convicted the forestry crime must be done at least 1 x 24 hours, and this should be based on expert witness’ testimony. Thus, it is very necessary to revise the procedures through the use of mobile phone notification while the formal letter can be sent later.

Based on the result analysis, it is suggested to solve the obstacles faced by investigators of Lebong Resort Police Department through the revision of procedure in presenting expert witness from Bengkulu province considering the short time of 1 x 24 hours for arresting criminal.

5. Proactive Effort of Visiting Investigation Witnesses with the Available Budget and Facilities

Based on the interview with Mr. Tampubolon as the Police investigator of Republic of Indonesia in Lebong Regency, there is witness factor in forestry crime such convoluted testimony and difficulty in presenting witnesses. the reason of the witness absence is the lack of transportation incentive.

Based on the result analysis, the effort to solve the obstacle faced by Lebong Resort Police investigators is through presenting the witnesses. It is suggested the revision of procedure such the transport incentive given to

23Interview with Mr. Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency on Monday June 9th, 2016 at 3.30 pm

24Interview with Mr. Daryanto as the Police investigator of Republic of Indonesia in Lebong Regency on Monday June 9th, 2016 at 3.30 pm

25Interview with Mr. Tampubolon as the Police investigator of Republic of Indonesia in Lebong Regency on Tuesday May 31st, 2016 at 11.20 am
witnesses that cannot attend the investigation due to financial problem. This is the role of investigators to solve the forestry crime as the repressive action.

CLOSING

Conclusion

1. Obstacles of Police investigator of Republic of Indonesia in preventing and eradicating forest destruction and illegal logging in Lebong regency are:
   a. The crime site of illegal logging in Lebong regency is far away from Resort Police Department.
   b. The lack of coordination between Police investigator of Republic of Indonesia and Civil investigators of Forestry especially in Lebong Regency
   c. The lack of budget allocation for investigation
   d. Inadequate Facilities and infrastructures in investigation
   e. Expert witness cannot be accessed easily due to the distanced location from Lebong to Bengkulu Province
   f. Witness testimony factor
   g. The lack of society involvement/participation in Lebong regency.

2. The efforts to solve the obstacles of the role of Police investigator of Republic of Indonesia in preventing and eradicating forest destruction and illegal logging in Lebong regency in the future are through:
   a. Increasing coordinator synergy between Police investigator of Republic of Indonesia and Civil investigators of Forestry especially in Lebong Regency
   b. Increasing budget allocation for investigation
   c. Inventory all available facilities and infrastructures and arrange the needs proposal for investigation
   d. Procedures of Presenting expert witness from distanced place
   e. Proactive effort of Visiting investigation witnesses with the available budget and facilities

Suggestion

1. It is necessary to create the integrated coordination between Police investigator of Republic of Indonesia and Civil investigators of Forestry especially in Lebong Regency in preventing and eradicating forest destruction and illegal logging in Lebong regency maximally.

2. It is suggested to do socialization and participation from law enforcer and forestry department to people in Lebong regency especially to those
who live near the forest area that get negative effect from forest destruction, it is hoped that those people could involve actively in preventing and eradicating forest destruction in Lebong regency.

REFERENCES


Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, Raja Grafindo Prasada, Jakarta, 2011.


Statuta

Undang-undang Nomor 18 Tahun 2013 Tentang *Pencegahan dan Pemberantasan Perusakan Hutan*.

Regulation

Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 14 Tahun 2012 Tentang *Manajemen Penyidikan Tindak Pidana*. 