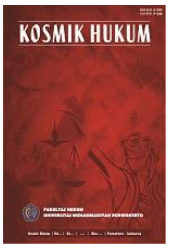

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Overlapping Legal Mandates in Forest Destruction Prosecution: Task Force and Prosecutorial Authority under Indonesian Law

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Abstract

Indonesia's forests continue to face serious threats from rampant deforestation carried out by both individuals and corporations. To curb this, Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction created the Institute for the Prevention and Eradication of Forest Destruction (IP2H), granting it authority to investigate and prosecute forest-related crimes through a designated task force. Yet, this mandate overlaps with the prosecutorial powers already held by the police and the Attorney General's Office under the Criminal Procedure Code (KUHAP) and Law No. 16 of 2004, giving rise to conflicts of authority. This research, which adopts a normative legal method using statute and conceptual approaches, examines the implications of this overlap. The study identifies two main problems: first, a conflict of norms between IP2H task forces and public prosecutors; and second, legal uncertainty in deciding whether prosecutions should follow KUHAP or the framework established in Law No. 18 of 2013. What makes this study distinctive is its focus on the prosecutorial dimension of environmental crime, a topic often overlooked in forest governance debates. The research contributes by offering a reformulation of legal norms that can provide clearer, more consistent, and more effective prosecution of forest destruction cases in Indonesia.

Keywords: Legal Implications; Prosecution; Forest Destruction

I. Introduction

Forests in Indonesia are one of the natural resources and one of the supports of human life owned by the Indonesian nation which needs to be maintained sustainably and its management must be in line with the constitution of the unitary state of the Republic of Indonesia and cannot be separated from the understanding of control of natural resources in Article 33 paragraph (3) of the 1945 Constitution which states: The land and water and the natural resources contained therein shall be controlled by the state for the greatest prosperity of the people.[1]

[1] Constitution Law, Pustaka Baru Press, Yogyakarta, 2014, pp,14

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Several things to be reached in the use of forest natural resources, in addition to economic, environmental and socio-cultural benefits, it is hoped that sustainable use of forests will be achieved, and the goal towards the prosperity and welfare of the Indonesian people can be realized, the hope of all that is the distribution of justice in utilizing the potential of forest natural resources from the current generation to future generations[2].

Various efforts to preserve forests and to prevent forest damage, the government has made various legal policies to protect forest sustainability and prevent forest damage, as for the policy steps taken by the government are[3] :

1) Cross-sector coordination in the prevention and eradication of forest destruction.
2) Fulfilling the resource needs of the forest security apparatus.
3) Incentives for parties who are meritorious in preserving the forest.
4) Forest area designation map or geographical coordination as the juridical basis for forest area boundaries.

The four policies are strategic steps and legal steps to reduce forest damage, but the above policies do not provide effective steps in protecting and preserving forests. Current conditions still find forest destruction activities both by corporations and individuals in the form of illegal logging, unlicensed mining activities, unlicensed plantation activities that result directly or indirectly in a reduced forest area.

Against this condition, then legal politics in overcoming forest sustainability and preventing forest damage is expected to be able to place the crime of forest destruction as a legal subject, the legal subject here means that the activities of forest destruction can be imposed criminal sanctions. This is done considering that crimes cannot be committed by individuals but can also be committed by corporations or legal entities such as limited liability companies with dishonest activities or even crimes committed by corporations such as product counterfeiting, insurance crimes, tax fraud, misleading advertisements, smuggling, environmental destruction and so on[4].

In fact, forest destruction in Indonesia has reached a serious level, in WALHI's record in 2025 the deforestation rate reached 600 thousand hectares due to the increasingly open legal loopholes for large companies to divert forest areas, including protected and conservation forests, for short-term economic interests[5]. Legal efforts undertaken in forest destruction law enforcement efforts have so far only focused on controlling forest fires and land (Karhutla) and law enforcement against forest crimes such as illegal logging and trade in protected wildlife, as well as increased supervision through integrated law enforcement operations[6].

One of the causes of deforestation and degradation of Indonesia's forest resources is the practice of illegal logging, illegal logging activities include violations of the law that result in over-exploitation of forest resources and lead to deforestation and forest destruction. These violations can occur at any stage of timber production such as logging, transportation of raw materials, processing and trading, even involving unauthorized means of gaining access to the

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[2] Fitriah, Nikmah, and Indriati Amarini. 2025. "Climate Justice: Challenges and Future Strategies for Courts on Climate Change in Indonesia". *Kosmik Hukum* 25 (1):37-47. https://doi.org/10.30595/kosmikhukum.v25i1.24776.

[3] Ahmad Redi, *Hukum Sumber Daya Alam Dalam Sektor Kehutanan*, Sinar Grafika, 2014, pp 14

[4] Masruchin Ruba'i, *Buku Ajar Hukum Pidana*, Media Nusa Creative, Malang, 2015, pp 52

[5] Dian Iryanti, Environment Indonesia Center, *Krisis Lingkungan 2025: 4 Catatan WALHI yang Harus Diketahui*, via https://environment-indonesia.com/krisis-lingkungan-2025-4-catatan-walhi-yang-harus-diketahui/ last accessed September 13, 2025

[6] Handayani, Sri Wahyu, Supriyanto Supriyanto, Manunggal Kusuma Wardaya, Wismaningsih Wismaningsih, and Weda Kupita. 2023. "Village Land Administration as an Effort to Prevent Agrarian Disputes Conflicts". *Kosmik Hukum* 23 (1):1-13. https://doi.org/10.30595/kosmikhukum.v23i1.15651.

forest, violating customs rules, violating financial administration such as evading tax payments and money laundering[7].

The enactment of Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction is the government's effort to tackle the crime of illegal logging. As a mandate from the provisions of the law, an institution for the prevention and eradication of forest destruction was established, where this institution is expected to be able to eradicate illegal logging crimes in accordance with the mandate of Article 11 of Law No. 18 of 2013.

The institution for the prevention and eradication of forest destruction[8] in accordance with the mandate of Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction must have been established within 2 (two) years after Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction was promulgated on August 6, 2013, but until now the presence of an institution for the prevention and eradication of forest destruction has not been responded to by the Government by issuing a Presidential Regulation or the President has not issued a Presidential Regulation regarding the existence of an institution for the prevention and eradication of forest destruction. The position of the Presidential Regulation is intended so that Law No. 18/2013 on the Prevention and Eradication of Forest Destruction can delegate further regulatory authority directly to Government Regulations (PP), Presidential Regulations (Perpres), Ministerial Regulations (Permen) or Provincial Regulations as needed. If the Law stipulates so, the implementing regulations of the Law are equal to Government Regulations (PP), which formally are regulations that have a hierarchical position directly under the Law[9].

Objective analysis of the authority of the institution to prevent and eradicate forest destruction is one of the main keys to law enforcement for crimes of illegal logging and forest destruction, where this institution is expected to be able to understand a problem and solve it so that it can then benefit the wider community. Therefore, the regulation of the authority of the institution for the prevention and eradication of forest destruction is the basis for the validity of the establishment of the task force of the institution for the prevention and eradication of forest destruction as an implementing element in order to prevent and eradicate forest destruction, which has not been effectively implemented because there is no regulation in the form of legislation, namely a Presidential Regulation.

The regulation of the duties and authority of the institution to prevent and eradicate forest destruction in terms of prosecution in Law No. 18 of 2013 has overlapping authority[10] (conflict of authority) with prosecution by the Public Prosecutor contained in the Criminal Procedure Code and Law No. 16 of 2014 concerning the Prosecutor's Office of the Republic of Indonesia, in addition to the regulation of the duties of the Public Prosecutor in Law No. 18 of 2013. In the provisions of Law No. 8 of 1981 concerning the Criminal Procedure Code, the duties of prosecution by the public prosecutor cannot be carried out by the task force because the Criminal Procedure Code as a guide to the implementation of Law No. 18 of 2013 does not regulate it. Of course, this conflict of authority will have legal implications.

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7 Academic Paper on the Draft Law on the Prevention and Eradication of Illegal Logging, September 2008.

8 Arizona, Yance, and Umi Illiyina. 2024. "The Constitutional Court and Forest Tenure Conflicts in Indonesia". *Constitutional Review* Vol.10 No.1 :103-35. https://doi.org/10.31078/consrev1014.

9 Jimly Asshiddiqie, *Perkembangan Baru Tentang Konstitusi dan Konstitusionalisme Dalam Teori dan Praktek*, Genta Publising, 2018. pp 45

10 Dekiawati, Erla Sari. 2022. "Law Enforcement of Illegal Logging in Indonesia: Problems and Challenges in Present and the Future". *Indonesian Journal of Environmental Law and Sustainable Development* Vol.1 No.1, 47-68. https://doi.org/10.15294/ijel.v1i1.56777.

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The originality of this study lies in its examination of the unresolved overlap in prosecutorial authority in cases of forest destruction, particularly in the relationship between Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction, the Criminal Procedure Code, and the Law on the Prosecutor's Office. Whereas most prior studies have approached forest destruction through the lenses of environmental policy, illegal logging practices, or the effectiveness of sanctions, this research identifies a crucial legal gap that continues to undermine enforcement efforts: the absence of a Presidential Regulation to operationalize the institutional mandate, which in turn creates a conflict of authority between the prosecutor's office and the special institution envisioned by the law.

By addressing this conflict, the study moves beyond general criticisms of weak enforcement and shows how regulatory ambiguity has direct legal consequences, such as weakening the principles of *dominus litis* and the single prosecution system. This legal-structural perspective differentiates the study from earlier scholarship that has largely focused on environmental management or administrative measures, thereby offering a distinctive contribution to discussions on legal certainty and institutional reform in the governance of Indonesia's forests.

The legal implication is that it will cause a gap between *das sollen* and *das sein* in law enforcement in the field of forest destruction, in the record of the National Human Rights Commission (Komnas HAM) related to weak law enforcement in the field of forest destruction. In the record, there are about 8,594 hectares of land damaged by forest burning and there is no serious law enforcement from the state. Forest fires[11] generally occur in North Sumatra in 18 regions, West Sumatra 9 regions, South Kalimantan 4 regions, and Riau 3 regions. This is due to forest fires, negligence, neglect, and weak law enforcement, poor land and concession governance[12].

For the weak condition of law enforcement for forest fire crimes, it can be analyzed against the weak enforcement of the law due to the overlap of prosecution authority in cases of forest destruction between investigators, in this case the police and the prosecutor's office with the Institute for the prevention and eradication of forest destruction. Of course, related to the function of the prosecution authority is contrary to the authority possessed by the prosecutor as stipulated in the Criminal Procedure Code, so that there will be a deviation of the principles can be implemented, namely the principle of usability and usability, the principle of clarity of the formulation of legal certainty, as well as a deviation of the principle of dominus litis, namely the prosecutor as the controller of the case and the principle of the single public prosecutor (single prosecution system)[13] with the prosecutor's Office of the Republic of Indonesia in Law No. 16 of 2004 on the prosecutor's Office.

Addressing the overlap in prosecutorial authority is not a narrow procedural concern but a central requirement for strengthening the rule of law in Indonesia. Clarifying this authority is vital for creating legal certainty, ensuring that institutions carry out their mandates without conflict, and safeguarding the principle of *dominus litis* as the foundation of criminal justice.

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[11] Arrisman, Islamic Law and Business Ethics: Case Study of Forest Fires for Clearingthe Lands, *Ahkam Jurnal Ilmu Syariah*, Vol.18 No.1 2018,

[12] Ady Thea DA, Hukum Online, *Penegakan Hukum Lemah, 6 Catatan Komnas HAM Untuk Penanganan Karhutla*, via https://www.hukumonline.com/berita/a/penegakan-hukum-lemah--6-catatan-komnas-ham-untuk-penanganan-karhutla-lt6890711b96455/ last accessed September 13, 2025

[13] Afandi, Fachrizal. "*The Justice System Postman: The Indonesian Prosecution Service at Work.*" Chapter. In *The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia*, edited by Melissa Crouch, 86–106. Cambridge: Cambridge University Press, 2019.

Beyond legal doctrine, resolving the conflict is also significant for protecting the rights of communities most affected by forest destruction and for reinforcing the effectiveness of environmental governance. By framing the problem within the broader context of legal certainty, institutional reform, human rights protection, and sustainable forest management, this study highlights why regulatory reform in this area is both urgent and indispensable.

II. Research Problems

1) How does the prosecutorial authority of the task force under Law No. 18 of 2013 affect the role of public prosecutors under Law No. 16 of 2004?
2) What legal issues arise from the conflict of norms regarding prosecutions conducted under Law No. 18 of 2013 and Law No. 16 of 2004?

III. Research Method

This research employs a normative legal research method, focusing on the analysis of statutory regulations, legal principles, doctrines, and court decisions related to prosecutorial authority in forest destruction cases. The primary approach is the statute approach, examining the consistency between the 1945 Constitution, Law No. 18 of 2013, the Criminal Procedure Code (KUHAP), and Law No. 16 of 2004 on the Prosecutor's Office. In addition, a conceptual approach is used through the doctrines of dominus litis, the single prosecution system, and the principle of legal certainty to test whether the existing enforcement framework aligns with fundamental legal principles.

The study also applies a case approach by analyzing court decisions, enforcement data, and institutional reports concerning forest destruction, along with a comparative approach that looks at how other jurisdictions regulate prosecutorial authority in environmental crimes. The legal materials consist of primary sources such as legislation and court rulings, secondary sources including scholarly literature and journal articles, and tertiary sources such as legal dictionaries and encyclopedias. These materials are collected through library research and document analysis.

The analysis technique is descriptive-analytical to map out the normative framework and actual practices, followed by interpretative analysis to address inconsistencies and overlaps in legal norms. The research then develops legal arguments with a prescriptive character, aimed at formulating solutions to prosecutorial conflicts. In doing so, the study seeks to construct a clearer legal framework for prosecutorial authority, address regulatory gaps caused by the absence of implementing regulations, and strengthen the principles of dominus litis and the single prosecution system in Indonesia's forest law enforcement.

IV. Result and Discussion

1. The Prosecutorial Authority of the Task Force under Law No. 18 of 2013 and the Role of Public Prosecutors under Law No. 16 of 2004

The affirmation of the duties of the task force as the implementing element of the Forest Destruction Prevention and Eradication Agency in Law No. 18 of 2013 can only be implemented if the regulation regarding the existence of the Forest Destruction Prevention and Eradication Agency is elaborated in a presidential regulation as mandated by Articles 55 paragraph 6 and 111 paragraph 1 of Law No. 18 of 2013, but in reality, the regulation regarding the position of the

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Forest Destruction Prevention and Eradication Agency has not yet been regulated in a presidential regulation[14].

In general, Presidential Regulations function to regulate certain materials to solve a problem that exists in society, in addition to these general functions, Presidential Regulations also have special functions in accordance with the type of legislation and the purpose of the laws and regulations stipulated by the President to carry out orders of higher laws and regulations or in exercising government power[15]. Therefore, it is necessary to separate the difference between Presidential Regulations and Presidential Decrees, in which Presidential Decrees are considered and interpreted as legal norms that are Individual, concrete and valid once completed (enmahlig). According to Law Number 12 of 2011 as amended by Law Number 15 of 2019 concerning the establishment of Laws and Regulations in article 1 point 6, it is stated that Presidential Regulations are Laws and Regulations stipulated by the President to carry out orders of higher Laws and Regulations or in exercising government power. Legislation is a written regulation that contains legal norms that are binding in general and is formed or stipulated by state institutions or authorized officials through procedures stipulated in the Legislation.[16]

In relation to the institution for the prevention and eradication of forest destruction as mandated in Law No. 18 of 2013, Article 56 paragraph 1 letters a and b of Law No. 18 of 2013 explains that the institution that handles the prevention and eradication of forest destruction as referred to in Article 54 paragraph 1 is in charge of the prevention and eradication of forest destruction:

1) Conduct investigation and investigation of criminal acts of forest destruction.

2) Administering the investigation and investigation of forest destruction cases.

Based on the provisions of this article, the related law enforcement functions in forest destruction crimes only regulate related to the investigation and investigation functions. This means that the rules only provide definitions and tasks of Investigation and investigation, but do not provide definitions of prosecution. In this rule, there is no formulation regarding prosecution, and forest destruction, such conditions are not in line with the intent in the provisions of Article 5 letter f related to the principle of the formation of laws and Regulations Law Number 12 of 2011 as amended by Law Number 15 of 2019 which explains the purpose of the "principle of clarity of formulation" is that, and the language of the law is clear and easy to understand so as not to cause a variety of interpretations in practice. Because this rule does not regulate the prosecution function, the prosecution function still refers to the rules in the Criminal Procedure Code, the definition of prosecution in the Criminal Procedure Code is the action of the public prosecutor to delegate criminal cases to the competent district court in the case and in the manner provided for in this law with a request to be examined and decided by a judge at a court hearing.

Explanation of the prosecution technically related to the work of the public prosecutor at the prosecution stage starting from additional examination, pretrial, acceptance and research of suspects (Phase II), acceptance and research of evidence (Phase II), suspension of detention, abandonment of detention, detention, delegation of cases to the court, summoning witnesses, experts, defendants, convicts, responsibility for suspects and evidence, preparation of criminal charges. Meanwhile, the actions of the public prosecutor that are not related to the activities of

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[14] Mangkunegara, R. A. (2024). Juridical Analysis of Forestry Criminal Law Enforcement by Corporations in Environmental Fiqh Framework. *Nurani: Jurnal Kajian Syari'ah dan Masyarakat*, 24(1), 235-252. https://doi.org/10.19109/nurani.v24i1.23115

[15] I Rosyadi *et al*, Implementation of Criminal Law Enforcement Concept of Environmental Sustainability (Illegal Logging in Indonesia), *IOP Conf. Series: Earth and Environmental Science* 894 (2021) 012002, DOI 10.1088/1755-1315/894/1/012002

[16] Law No. 15 Tahun 2019 , *Op.cit* .

delegating cases to the court in the form of the actions of the public prosecutor, namely the waiver of cases in the public interest until the issuance of a letter of termination of prosecution (SKPP), these activities or actions are also the only ones owned by the public prosecutor, and are not given to other institutions.

The affirmation of the provisions of the Criminal Procedure Code is further emphasized by Article 137 of the Criminal Procedure Code which reads "The Public Prosecutor is authorized to prosecute anyone charged with a criminal offense within his jurisdiction by submitting the case to the Court authorized to hear, the provisions of Article 137 of the Criminal Procedure Code can be explained that: "only the public prosecutor is authorized to prosecute or prosecute a person who commits a criminal offense[17]. Other agencies or officials outside the public prosecutor do not have the authority to prosecute anyone charged with a criminal offense. Based on this provision, the authority and actions of the public prosecutor are carried out by the public prosecutor by submitting the case to the court authorized to try it.[18]

Article 24 of the Criminal Procedure Code grants detention authority to the public prosecutor in relation to the granting of an extension of detention by the public prosecutor for 40 (forty) days at the request of the investigator for an unfinished examination, then in Article 25 of the Criminal Procedure Code there is the authority of the public prosecutor to detain and the action of the public prosecutor to request an extension to the President of the District Court for an unfinished examination, and the action of the public prosecutor to remove the suspect from detention before the expiration of the detention period, if the interests of the examination have been completed and remove the suspect from detention by law. The provisions of Articles 24 and 25 of the Criminal Procedure Code are the sole authority possessed by the public prosecutor for the validity of detention, and are not granted by other institutions.

The implication in this case is that if there is a detention action based on the procedural law in the Criminal Procedure Code based on the provisions of articles 24 and 25 of the Criminal Procedure Code outside the public prosecutor, it will make the detention invalid. Based on this provision, it clearly regulates the prosecutorial authority of the public prosecutor:[19]

1) Submitting case files to the competent court
2) To be examined and decided by a judge in a court session
3) The authority to prosecute cases is solely the right of the public prosecutor.

The purpose of detention given by the law to the public prosecutor in Article 25 paragraph 2 of the Criminal Procedure Code, namely for the benefit of the prosecution which includes: functional interests, the interest of preparing and making indictments as referred to in Article 140 paragraph 1 of the Criminal Procedure Code. Thus, if the public prosecutor is of the opinion that the results of the investigation are perfect, the public prosecutor will immediately prepare an indictment. For reasons of preparing the indictment and to facilitate the presentation of the defendant to the court, the public prosecutor may detain the defendant.[20]

In Law No. 18 of 2013, the regulation on the tasks of the institution for the Prevention and Eradication of forest destruction only has duties until investigation and investigation, not providing further functions for prosecution. so that it can be understood that the task of the institution for the Prevention and Eradication of forest destruction is not synchronized with the

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[17] Trisnaulan Arisanti*, Budiyono, Azmi Syahputra, Agus Surono, The Concept of Restoring the Rights of Victims of Mass Fraud With Justice, 2025. *International Journal of Environmental Sciences*, July, 840-53. https://doi.org/10.64252/0377g274.

[18] M. Yahya Harahap, P*embahan Permasalahan dan Penerapan Kitab Undang-Undang Hukum Acara Pidana Indonesia Jilid I*, Pustaka Kartini, Jakarta, 1988 pp. 413

[19] M Yahya Harahap , *Ibid* . pp.414

[20] M Yahya Harahap, *Ibid* .

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functioning of the criminal justice system, the implication is that the case of forest damage law enforcement process is only limited to investigation and investigation, for the next stage, namely prosecution, it is not given authority and continued function in this regulation[21].

In exercising its authority, the Institute for the Prevention and Eradication of Forest Destruction must not exceed the limits of authority to the point of violating human rights because one of the functions of a criminal procedure law (KUHAP) is to limit the power of the state in order to protect every citizen and corporation outlined in Supreme Court Regulation No. 13 of 2016 concerning procedures for handling criminal cases by corporations involved in the criminal justice process of forest destruction, so that suspects, both individuals and corporations, are guaranteed protection from the actions of law enforcement officials. In relation to the definition of a corporation as stated in the provisions of the article above, a corporation according to Supreme Court Regulation number 13 of 2016 article 1 number 1 is defined as: "Corporation is an organized collection of people and / or wealth, whether it is a legal entity or not a legal entity", in relation to this, the purpose of the formation of the regulation is intended to.[22]

1) to be a guideline for law enforcers in handling criminal cases with perpetrators of Corporations and/or Managers;
2) to fill the legal vacuum, especially criminal procedural law in handling criminal cases with perpetrators of Corporations and/or Managers
3) to encourage the effectiveness and optimization of the handling of criminal cases with perpetrators of Corporations and/or Managers.

In the practice of law enforcement, especially law enforcement related to forest destruction against perpetrators of criminal acts by corporations, the provisions that can be referred to in Perma Number 13 of 2016 are as follows:

Article 4 (1) Corporations may be held criminally liable in accordance with the criminal provisions of Corporations in the laws regulating Corporations. (2) In imposing punishment against the Corporation, the Judge may assess the guilt of the Corporation as referred to in paragraph (1), among others:

1) The Corporation may benefit from the criminal offense or the criminal offense is committed for the benefit of the Corporation;
2) The corporation allows the criminal offense to occur; or
3) The corporation does not take the necessary steps to prevent, prevent greater impact and ensure compliance with applicable legal provisions to avoid the occurrence of criminal acts.[23]

Therefore, what is meant by corporate crime is a crime committed by a corporation to achieve corporate goals in the form of profit for the benefit of the corporation (corporate crime is clearly committed for the corporate and not against it). In essence, it can be said to be a corporate crime, if the crime committed is for the benefit of the corporation. In this case, corporate crime is distinguished by the following levels:

1) Crime for corporation (corporate crime): crimes committed by corporations to achieve corporate goals in the form of obtaining profits for the benefit of the corporation.

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[21] Jamaluddin, Sastro M., Ramziati, Investigating the Authority of the Prosecutor as An Alternative for Criminal Case Handling in the Indonesian Justice System, *Proceedings of the International Conference on Industrial Engineering and Operations Management,* 2021, pp 2554

[22] Supreme Court Regulation Number 13 of 2016, State Gazette of the Republic of Indonesia Number 2058

[23] Supreme Court Regulation Number 13 of 2016, *Op.cit*.

2) Crime against corporation (employee crime): a crime against the corporation, for example a treasurer who steals corporate money, the target of the crime is the corporation, so the corporation is the victim.
3) Criminal corporations: corporations are used to commit crimes. The corporation is deliberately established to take over, or control for certain purposes and purposes in committing criminal acts.[24]

This provision is needed in the context of the interests of the prosecution, namely proving the guilt of the corporation, where the process of proving the corporation is intended to create a due process of law, due process is defined as "haering, counsel, defense, evidence and a fair and impartial court"[25].

The regulation of the authority of the institution handling the prevention and eradication of forest destruction as referred to in Article 54 paragraph 1 letter a is to conduct investigations and investigations of non-criminal forest destruction. Article 55 paragraph 4 states that in carrying out its duties and authorities, the institution can form a task force as an implementing element, furthermore in article 55 paragraph 5 the task force carries out the eradication of forest destruction of a strategic nature from investigation to prosecution throughout the territory of the Unitary State of the Republic of Indonesia, including the customs territory upon the order of the head of the institution and/or deputy[26].

The provisions of Article 55 paragraph 4 and paragraph 5 with the provisions of Article 56 paragraph 1 are unsynchronized and when applied become unfair in a criminal justice process, such conditions are not in line with Law Number 15 of 2019 concerning amendments to Law Number 12 of 2011 concerning the formation of laws and regulations Article 5 explains that in forming laws and regulations must be carried out based on the principles of the formation of good laws and regulations, including[27] :

1) Clarity of purpose.
2) Appropriate institution or forming official.
3) Appropriateness between type, hierarchy and content material.
4) Implementability.
5) Efficacy and usefulness.
6) Clarity of formulation and
7) Openness.

The legal formulation and construction of Article 54 paragraph 1 letter a and Article 55 paragraphs 4 and 5 made by the legislators have not been appropriate regarding the prosecutorial authority of the task force in forest destruction crimes. The prosecutorial authority has been given to the public prosecutor in the provisions of Law No. 16 of 2004 and the provisions of procedural law in Law No. 8 of 1981 concerning the Criminal Procedure Code, the authority of the public prosecutor by the task force for the Prevention and Eradication of Forest Destruction is contrary to the principle of a single prosecution system. The establishment of Law No. 18 of 2013, when linked to the academic paper, explains that the laws and regulations governing illegal logging

[24] Arief Amrullah, *Potensi dan Prospek Pemidanaan Korporasi*, Seminar Nasional FH Universitas Airlangga, Kamis 18 Mei 2017, pp 4
[25] Mardjono Reksodiputro, *Sistem Peradilan Pidana*, Raja Grafindo Persada, Depok, 2020, pp 292-293
[26] Syahrial Haq, Hilman. 2025. "Legal Pluralism and Inheritance Rights: Resolving Conflicts Between Local Customs and National Law in Indonesia". *Kosmik Hukum* 25 (1):148-59. https://doi.org/10.30595/kosmikhukum.v25i1.23727.
[27] Law No. 15 year 2019 *Op.cit*

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have not been effectively implemented, there are still weaknesses in coordination between law enforcement officials, further exacerbating illegal logging activities.

Coordination between law enforcers (Police and PPNS)[28], as investigators, prosecutors as prosecutors and judges as executors of sentences in reality has not run optimally and there are often errors in interpretation of the laws applied. In addition, the draft law is also intended to provide legal certainty for efforts to prevent illegal logging[29]. When associated with Bernard Lonergan's theory of authority, the theory of legislation, if the provisions of Article 55 paragraph 5 are retained and not re-regulated, it will cause injustice in its application. When analyzed with the theory of legislation, if the provisions of article 55 paragraph 5 are retained and no re-regulation is made, it will cause injustice in its application. The decision of the P.3 H institution in combating forest destruction can be canceled if there is a defect in authority, procedure and / or substance in accordance with the provisions of article 66 paragraph 1 of Law Number 30 of 2014, and giving birth to an invalid decision has legal consequences as stipulated in article 70 paragraphs 1, 2 and 3 of Law Number 30 of 2014 which states as follows:

1) Decisions and/or actions are invalid if:
   a. made by an unauthorized Government Agency and/or Official;
   b. made by a Government Body and/or Official who exceeds his/her authority; and/or
   c. made by an Agency and/or Government Official who acts arbitrarily.

2) The legal effect of the Decision and/or Action as referred to in paragraph (1) shall be:
   a. not binding since the Decision and/or Action is stipulated; and
   b. all legal consequences arising shall be deemed never to have existed.

3) In the event that the Decision resulting in the payment of state money is declared invalid, the Government Agency and/or Official shall be obliged to return the money to the state treasury.

The conclusion is related to the legal implications of the passage of law enforcement against criminal acts of forest destruction in the criminal justice system mechanism is where Law No. 18 of 2013 gives the authority only limited to investigation and prosecution, but does not provide Prosecution Authority[30]. So that in the case of forest destruction, law enforcement is only limited to investigation and investigation, it cannot be continued for the prosecution stage because the rules of law do not provide Prosecution Authority for cases of forest destruction crimes.

2. Legal Implication Arise from The Conflict of Norms Regarding Prosecutions Conducted Under Law No. 18 Of 2013 And Law No. 16 Of 2004

Law No. 16 of 2004 explicitly regulates the Prosecutor's Office to have freedom and independence in exercising state power in the field of prosecution. The position of the Prosecutor's Office as a government agency that exercises state power in the field of prosecution and is an institution under executive power, on the other hand the authority of the prosecutor's office in conducting prosecutions means exercising judicial power. State power is exercised independently.

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[28] I K Dewi *et al*, The Role of Forestry Police in The Prevention and Eradication of Forest Destruction, 2019, *IOP Conference Series: Earth and Environmental Science*, DOI 10.1088/1755-1315/343/1/012130

[29] Ravenel, Ramsay M., and Ilmi M. E. Granoff. 2004. "Illegal Logging in the Tropics: A Synthesis of the Issues." *Journal of Sustainable Forestry* 19 (1–3): 351–71. doi:10.1300/J091v19n01_16.

[30] Wahyu Nugorho, Mas Subagyo Eko Prasetyo, Forest Management Andenvironmental Law Enforcementpolicy Against Illegal Logging in Indonesia, *International Journal of Management (IJM)*Volume 10, Issue 6 2019 pp.317

Law Number 16 Year 2004, concerning the Attorney General's Office of the Republic of Indonesia regulates the various kinds of authority that can be exercised by the Attorney General's Office, among others:

1) Article 30, paragraph (1) letter a stipulates: In the criminal field, the prosecutor's office has the duty and authority to conduct prosecutions.
2) Article 35 letter a, stipulates: The Attorney General has the duty and authority to determine and control the policy of law enforcement and justice within the scope of the duties and authority of the Attorney General's Office.

In addition to the provisions of Law No. 16/2004 concerning the Prosecutor's Office of the Republic of Indonesia, the prosecutor's authority is also regulated in Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHAP), which is regulated in the provisions of Article:

1) Article 14 of the Criminal Procedure Code public prosecutors have the authority in letter g to conduct prosecutions.
2) Article 137, stipulates: The public prosecutor is authorized to prosecute anyone charged with a criminal offense within his jurisdiction by submitting the case to the court authorized to hear.
3) Article 140 paragraph (1), stipulates: In the event that the public prosecutor is of the opinion that a prosecution is possible as a result of the investigation, he/she shall immediately draw up an indictment.
4) Article 140 paragraph 2 of the Criminal Procedure Code describes the submission of cases by public prosecutors, or those authorized to submit cases are public prosecutors within the Public Prosecutor's Office, the Criminal Procedure Code does not regulate task forces authorized to submit cases to the court.
5) Article 143 paragraph (1), stipulates: The public prosecutor submits the case to the district court with a request to immediately try the case accompanied by an indictment.

Prosecutor's duties as an institution of prosecution set in the provisions of the Criminal Procedure Code and Law No. 16 of 2004 on the Prosecutor's Office of the Republic of Indonesia, but then the prosecution function carried out by the prosecutor's office is different between the Forest Destruction Prevention and Eradication Agency and the public prosecutor is also contained in Law No. 18 of 2013, the mention of the public prosecutor and the authority of the public prosecutor in Law No. 18 of 2013 on the Forest Destruction Prevention and Eradication Agency can be explained in several articles as follows: Article 9 Investigation, investigation, prosecution and examination in court in the case of criminal acts of forest destruction shall be conducted based on the applicable criminal procedural law, unless otherwise specified in this Law Article 32 PPNS as referred to in Article 29 notify the commencement of investigation and submit the results of the investigation to the public prosecutor after coordinating with the Investigator of the State Police Officer[31] of the Republic of Indonesia. Article 35 The public prosecutor is authorized to request information from the bank about the financial condition of the suspect or defendant. Article 35 stipulates provisions regarding:

[31] Fauzi, Achmad, Rena Yulia, Ferry Fathurokhman, and Muhammad Iqbal Ramadhan. 2023. "Interpreting the Material Requirements of Recidivism: Realizing Restorative Justice in the Police Force". *Kosmik Hukum* 23 (3):277-91. https://doi.org/10.30595/kosmikhukum.v23i3.18747.

1) For the purpose of investigation, prosecution, or examination in court, the investigator, public prosecutor, or judge is authorized to request information from the bank about the financial condition of the suspect or defendant.
2) Request for information to the bank as referred to in paragraph (1) shall be submitted to the Chairman of the Financial Services Authority.
3) The Head of the Financial Services Authority shall be obliged to fulfill the request as referred to in paragraph (2) within a maximum period of 3 (three) working days as of the receipt of the request letter.
4) Investigators, public prosecutors, or judges are authorized to request banks to block deposit accounts belonging to suspects or defendants suspected of being the proceeds of illegal logging during the investigation, prosecution, and/or examination process.
5) In the event that the results of the examination of the suspect or defendant do not provide sufficient evidence, at the request of the investigator, public prosecutor, or judge, the head of the bank shall revoke the blocking.

In the provisions of Article 36 For the purpose of investigation, prosecution, or examination in court, the investigator, public prosecutor, or judge is authorized:

1) Requesting wealth data and tax data of the suspect or defendant to the relevant work unit.
2) Requesting assistance to the Financial Transaction Reports and Analysis Center to conduct an investigation of the suspect's financial data.
3) Requesting the relevant agencies to prohibit a person from traveling abroad.
4) Determine a person as a suspect and put on the wanted list; and/or.
5) Requesting the leader or supervisor of the suspect to temporarily suspend the suspect from his/her position.

Article 39 letter c Public prosecutors are obliged to submit cases to the court no later than 25 (twenty five) days from the completion of the investigation. Article 51 paragraph 2 Decisions rendered in the absence of the defendant shall be announced by the public prosecutor on the court notice board, local government office, and/or notified to the defendant or his/her attorney. And finally the provisions in Article 52 paragraph 1 Forest destruction cases must be examined and decided by the district court within a maximum period of 45 (forty-five) working days from the date of receipt of the case delegation from the public prosecutor[32].

The provisions of the aforementioned articles confirm that the public prosecutor's authority is at the level of prosecution and there is no regulation regarding the task force until the prosecution process. In various countries, the Criminal Policy for the field of investigation and prosecution is in the hands of the Attorney General (in the Netherlands, for example, it is in the Openbaar Ministerie or commonly abbreviated as OM). Given the function of this policy (which can easily be equated with the gateway to the criminal justice system), this makes sense. It is the Public Prosecution Service that must ultimately determine which cases will be brought to the open court for an assessment of the correctness of its legal actions in the pre-adjudication stage. (The adjudication stage is the stage of examination in the young court session prior to the pre-adjudication stage and afterwards the post-adjudication stage. [33]

Based on these rules, where the authority of the institution for the prevention and eradication of forest destruction is only limited to the function of Investigation, the sustainability

[32] Hady Sucipto *et-all*, Transformation of Public Trust in Restorative Justice by the Prosecutor's Office: An Islamic and Social Law Approach in the Contemporary Era". 2024. MILRev: *Metro Islamic Law Review* 3 (2): 364-87. https://doi.org/10.32332/milrev.v3i2.9938.

[33] Mardjono Reksodiputro, *Sistem Peradilan Pidana*, *Op.cit* pp 352 - 353

of forest destruction cases will experience obstacles if the words are continued to the prosecution stage. Because in Law No. 18 of 2013 it is not explained Who and whose authority if the case goes to the prosecution stage. Because Law No. 18 of 2013 does not regulate the prosecution function, it will depend on and refer to the prosecution function in the Criminal Procedure Code, namely to the prosecutor's office, if it still refers to the Criminal Procedure Code where the prosecutor is the prosecutor, there will be an overlap of investigative authority between the prosecutor's office and the forest destruction prevention and Eradication Agency[34]. So that law enforcement[35] on criminal acts of destruction of the law will not be optimal, because of the overlapping authority of the prosecution between the agency for the prevention and eradication of forest destruction and the prosecutor's office.

This condition will create uncertainty of prosecution authority between the Institute for the prevention and eradication of forest destruction and the prosecutor's office, because the function of the Institute for the prevention and eradication of forest destruction is not given the authority[36] to become a single prosecution system institution. The authority to become a single prosecution system institution exists only in the prosecutor's office, then in law enforcement there will be friction in implementing the prosecution policy.

V. Conclusion

Regarding the issue of legal implications for the prosecution authority by the task force of the Institute for the Prevention and Eradication of forest destruction in Law No. 18 of 2013 with the task of prosecution by the public prosecutor in Law No. 16 of 2004 on the prosecutor's Office of the Republic of Indonesia, the conclusion is that there is a conflict of norms in the process of prosecution of forest destruction cases, because the Institute for the Prevention and Eradication of forest destruction is authorized only to conduct investigative actions and is not given Prosecution Authority. If the forest destruction case will proceed to the prosecution stage, it must be subject to the prosecution process in the Criminal Procedure Code.

Related to the issue of legal implications related to the conflict of norms on the validity of the prosecution carried out by the Institute for the Prevention and Eradication of forest destruction in Law No. 18 of 2013 with the task of prosecution by the public prosecutor in Law No. 16 of 2004 on the prosecutor's Office of the Republic of Indonesia, there is no legal certainty because of the overlap of prosecution authority in forest destruction cases. Because if the institution for the Prevention and Eradication of forest destruction in Law No. 18 of 2013 carries out the prosecution function, the function cannot be carried out because it does not have the authority for prosecution and the prosecution action is contrary to the Criminal Procedure Law because it is carried out without the procedural law guidelines stipulated in the Criminal Procedure Code.

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[34] Darmawangsa, Andi, Sufirman Rahman, La Ode Husen, and Kamal Hidjaz. 2024. "The Nature of the Role of the Prosecutor's Office in Preventing Corruption in Maluku Province". *Revista De Gestão - RGSA* 18 (7). São Paulo (SP):e06466. https://doi.org/10.24857/rgsa.v18n7-118.

[35] Rakhmatika, Devi. 2024. "Application of the Principle of Transparency in the Law Enforcement Process (Analysis of the Vina Cirebon Case)". *Kosmik Hukum* 24 (2):101-8. https://doi.org/10.30595/kosmikhukum.v24i2.22714.

[36] Zubaidah, S., Musakkir, M., Muchtar, S., Heryani, W., & Masum, A. (2025). Integrating Tradition into Legal Reform: Reconstructing the Role of Reconciliatory Customary Judges in Diversion Processes within the Interplay of Islamic, Customary, and National Law. *Jurnal Ilmiah Mizani: Wacana Hukum*, Ekonomi Dan Keagamaan, 12(2), 447-461. doi:http://dx.doi.org/10.29300/mzn.v12i2.8439

References

Ady Thea DA, Hukum Online, Penegakan Hukum Lemah, 6 Catatan Komnas HAM Untuk Penanganan Karhutla, via https://www.hukumonline.com/berita/a/penegakan-hukum-lemah--6-catatan-komnas-ham-untuk-penanganan-karhutla-lt6890711b96455 last accessed September 13, 2025

Afandi, Fachrizal. "The Justice System Postman: The Indonesian Prosecution Service at Work." Chapter. In The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia, edited by Melissa Crouch, 86–106. Cambridge: Cambridge University Press, 2019.

Ahmad Redi, Hukum Sumber Daya Alam Dalam Sektor Kehutanan, Sinar Grafika, 2014, pp 14

Arief Amrullah, Potensi dan Prospek Pemidanaan Korporasi, Seminar Nasional FH Universitas Airlangga, Kamis 18 Mei 2017

Arizona, Yance, and Umi Illiyina. 2024. "The Constitutional Court and Forest Tenure Conflicts in Indonesia". Constitutional Review Vol.10 No.1 :103-35. https://doi.org/10.31078/consrev1014.

Arrisman, Islamic Law and Business Ethics: Case Study of Forest Fires for Clearingthe Lands, Ahkam Jurnal Ilmu Syariah, Vol.18 No.1 2018,

Darmawangsa, Andi, Sufirman Rahman, La Ode Husen, and Kamal Hidjaz. 2024. "The Nature of the Role of the Prosecutor's Office in Preventing Corruption in Maluku Province". Revista De Gestão - RGSA 18 (7). São Paulo (SP):e06466. https://doi.org/10.24857/rgsa.v18n7-118

Dekiawati, Erla Sari. 2022. "Law Enforcement of Illegal Logging in Indonesia: Problems and Challenges in Present and the Future". Indonesian Journal of Environmental Law and Sustainable Development Vol.1 No.1, 47-68. https://doi.org/10.15294/ijel.v1i1.56777

Dian Iryanti, Environment Indonesia Center, Krisis Lingkungan 2025: 4 Catatan WALHI yang Harus Diketahui, via https://environment-indonesia.com/krisis-lingkungan-2025-4-catatan-walhi-yang-harus-diketahui/ last accessed September 13, 2025

Fauzi, Achmad, Rena Yulia, Ferry Fathurokhman, and Muhammad Iqbal Ramadhan. 2023. "Interpreting the Material Requirements of Recidivism: Realizing Restorative Justice in the Police Force". Kosmik Hukum 23 (3):277-91. https://doi.org/10.30595/kosmikhukum.v23i3.18747.

Fitriah, Nikmah, and Indriati Amarini. 2025. "Climate Justice: Challenges and Future Strategies for Courts on Climate Change in Indonesia". Kosmik Hukum 25 (1):37-47. https://doi.org/10.30595/kosmikhukum.v25i1.24776.

Hadi Sucipto et-all, Transformation of Public Trust in Restorative Justice by the Prosecutor's Office: An Islamic and Social Law Approach in the Contemporary Era". 2024. MILRev: Metro Islamic Law Review 3 (2): 364-87. https://doi.org/10.32332/milrev.v3i2.9938.

Handayani, Sri Wahyu, Supriyanto Supriyanto, Manunggal Kusuma Wardaya, Wismaningsih Wismaningsih, and Weda Kupita. 2023. "Village Land Administration as an Effort to Prevent Agrarian Disputes Conflicts". Kosmik Hukum 23 (1):1-13. https://doi.org/10.30595/kosmikhukum.v23i1.15651.

I K Dewi et al, The Role of Forestry Police in The Prevention and Eradication of Forest Destruction, 2019, IOP Conference Series: Earth and Environmental Science, DOI https://doi.org/10.1088/1755-1315/343/1/012130

I Rosyadi et al, Implementation of Criminal Law Enforcement Concept of Environmental Sustainability (Illegal Logging in Indonesia), IOP Conf. Series: Earth and Environmental Science 894 (2021) 012002, DOI https://doi.org/10.1088/1755-1315/894/1/012002

Jamaluddin, Sastro M., Ramziati, Investigating the Authority of the Prosecutor as An Alternative for Criminal Case Handling in the Indonesian Justice System, Proceedings of the International Conference on Industrial Engineering and Operations Management, 2021,

Jimly Asshiddiqie, Perkembangan Baru Tentang Konstitusi dan Konstitusionalisme Dalam Teori dan Praktek, Genta Publising, 2018.

M. Yahya Harahap, Pembahan Permasalahan dan Penerapan Kitab Undang-Undang Hukum Acara Pidana Indonesia Jilid I, Pustaka Kartini, Jakarta, 1988

Mangkunegara, R. A. (2024). Juridical Analysis of Forestry Criminal Law Enforcement by Corporations in Environmental Fiqh Framework. Nurani: Jurnal Kajian Syari'ah dan Masyarakat, 24(1), 235-252. https://doi.org/10.19109/nurani.v24i1.23115

Mardjono Reksodiputro, Sistem Peradilan Pidana, Raja Grafindo Persada, Depok, 2020

Masruchin Ruba'i, Buku Ajar Hukum Pidana, Media Nusa Creative, Malang, 2015

Rakhmatika, Devi. 2024. "Application of the Principle of Transparency in the Law Enforcement Process (Analysis of the Vina Cirebon Case)". Kosmik Hukum 24 (2):101-8. https://doi.org/10.30595/kosmikhukum.v24i2.22714.

Ravenel, Ramsay M., and Ilmi M. E. Granoff. 2004. "Illegal Logging in the Tropics: A Synthesis of the Issues." Journal of Sustainable Forestry 19 (1–3): 351–71. doi: https://doi.org/10.1300/J091v19n01_16

Syahrial Haq, Hilman. 2025. "Legal Pluralism and Inheritance Rights: Resolving Conflicts Between Local Customs and National Law in Indonesia". Kosmik Hukum 25 (1):148-59. https://doi.org/10.30595/kosmikhukum.v25i1.23727

Trisnaulan Arisanti*, Budiyono, Azmi Syahputra, Agus Surono, The Concept of Restoring the Rights of Victims of Mass Fraud With Justice, 2025. International Journal of Environmental Sciences, July, 840-53. https://doi.org/10.64252/0377g274.

Wahyu Nugorho, Mas Subagyo Eko Prasetyo, Forest Management Andenvironmental Law Enforcementpolicy Against Illegal Logging in Indonesia, International Journal of Management (IJM)Volume 10, Issue 6 2019

Zubaidah, S., Musakkir, M., Muchtar, S., Heryani, W., & Masum, A. (2025). Integrating Tradition into Legal Reform: Reconstructing the Role of Reconciliatory Customary Judges in Diversion Processes within the Interplay of Islamic, Customary, and National Law. Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan, 12(2), 447-461. doi: http://dx.doi.org/10.29300/mzn.v12i2.8439