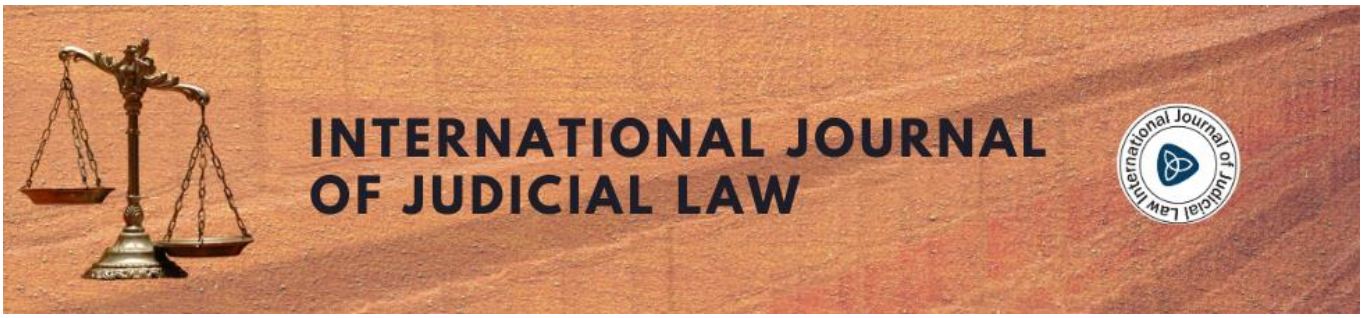




Forest Protection in the West Bali KPH area Jembrana Regency

I Gusti Bagus Suryawan ^{1*}, Ni Luh Putu Suryani ², Indah Permata Sari ³, I Wayan Purna Antasa Wijaya ⁴, I Made Dwi Widharsana ⁵

¹⁻⁵ Warmadewa University Faculty of Law, Denpasar, Indonesia

* Corresponding Author: I Gusti Bagus Suryawan

Article Info

ISSN (online): 2583-6536

Volume: 03

Issue: 06

November-December 2024

Received: 01-10-2024

Accepted: 02-11-2024

Page No: 38-41

Abstract

Forest destruction occurs due to low awareness in paying attention to the ecosystem, including illegal logging, theft of forest products, forest burning and poaching of forest animals. Efforts to conserve forests are carried out in various ways to arouse public awareness of the importance of forests for life. Forests will be threatened with destruction if the people living around the forest are not prosperous and are forced to destroy forests to meet their basic needs. A forest is a field of trees that as a whole is a communion of living organisms and their natural environment and which is designated by the government as a forest. Based on the provisions of Law Number 41 of 1999 concerning Forestry, the West Bali Forest Management Unit (FMU) is obliged to manage and regulate forest areas and products so that the forest areas in the Forest Management Unit in the West Bali FMU can be optimally useful. The author concludes as follows: first, the provisions on forest protection are contained in several Indonesian national legal instruments, including: 1. Law No. 41 of 1999 concerning Forestry Articles 49 & 50, Government Regulation No. 45 of 2004 concerning Forest Protection Article 10 paragraph (2) letter b, Government Regulation No. 4 of 2001 concerning the Control of Environmental Damage and Pollution related to forest and land fires and secondly in the context of forest protection in the UPTD area. The West Bali FMU is carried out through forest protection efforts, namely: Preemptive Efforts, Preventive Efforts, and Repressive Efforts.

DOI: <https://doi.org/10.54660/IJL.2024.3.6.38-41>

Keywords: Protection, Forest, KPH West Bali

1. Introduction

Forests are a gift and mandate of God Almighty bestowed on the Indonesian people is a priceless natural wealth that must be grateful. According to the Black Law Dictionary, a forest is a certain area whose land is overgrown with trees where all animals live (Suriansyah; 2012) ^[1]. Forests in Indonesia are wet tropical forests due to geographical, hydrographic factors and have various types of climates and have great potential to be developed. Therefore, forests must be managed and used with noble morals in order to worship, as a manifestation of gratitude to God Almighty. Forests are one of the biological natural resources that have great potential to be used for national development with the aim of providing great benefits for the Indonesian people and for the interests of natural resource management in the form of forests. However, in its use, there are many threats, challenges, obstacles and disturbances to forest conservation.

The area that has a fairly large forest is in Jembrana Regency, where the area of Forest Area in Jembrana Regency is 41,307.27 Ha (hectares are) consisting of protected forests covering an area of 32,974.97 hectares (hectares), production forests covering an area of 2,993.3 hectares (hectares) and also conservation forests / TNBB 5,339.00 hectares (Hectares are) (Central Statistics Agency of Jembrana Regency; 2015). With a wide coverage of forest areas, Jembrana Regency has the potential to be related to the forest wealth itself to be used as best as possible for the welfare of the community.

For this reason, it must be managed, managed and protected and used continuously for the welfare of the community, both current and future generations. In utilizing forests, we must focus on the main functions of forests, This can make forests more beautiful and sustainable, forest quality is better, there is an increase in community empowerment and prosperity, and there is a success of the community in protecting forests (Eka, Sugiarta, Suryani; 2022) ^[10].

Forest destruction occurs due to low awareness in paying attention to the ecosystem, including illegal logging, theft of forest products, forest burning and poaching of forest animals. In the forest area of the Regional Technical Implementation Unit (UPTD) of the West Bali Forest Management Unit (KPH), there are also such problems, both illegal logging forestry crimes, encroachment of forest areas, which are carried out both by the community around the protected forest area bordering a certain village and from outside the village concerned, in illegal ways that are not in accordance with the principles of sustainability, especially in protected forest areas that have been managed by community groups and already have legal access (Harimbawa; 2022) ^[11]. Environmental problems are not only domestic problems, but have become global problems, this happens because the environmental context, between the source or cause and the consequences caused cannot be separated by Effendy). In addition to the community's claims, it is also feared that there will be *overlapping* authority between the central and regional governments (Lisman; 2007) ^[9].

Efforts to conserve forests are carried out in various ways to arouse public awareness of the importance of forests for life. Forests will be threatened with destruction if the people living around the forest are not prosperous and are forced to destroy forests to meet their basic needs. A forest is a field of trees that as a whole is a communion of living organisms and their natural environment and which is designated by the government as a forest. If the definition of forest is viewed from the perspective of economic resources, there are three economic resources at once, namely: land, vegetation along with all its biological components and the environment itself as an economic resource that cannot be ignored lately. Based on the provisions of Law Number 41 of 1999 concerning Forestry, the West Bali Forest Management Unit (FMU) is obliged to manage and regulate forest areas and products so that the forest areas in the Forest Management Unit in the West Bali FMU can be optimally useful. Based on the above background, there are 2 discussions that will be discussed in this journal, namely: 1. How is the regulation of forest protection based on Law no. 41 of 1999 concerning Forests? 2. What are the efforts to protect forests in the West Bali FMU Region in the Jembrana Region?

2. Research Methods

The type of research used in this study is normative juridical research which describes legal research that examines positive legal norms as the object of study. Normative legal research is also aimed at legal systematics, namely identifying the main meanings in the law such as legal subjects, rights and obligations, legal events in laws and regulations, which regulate forest protection and add relevant data at the West Bali KPH Office in the Jembrana Region (Amiruddin & Zainal; 2016) ^[8]. Furthermore, the research approach in this study uses the stata approach. This research is descriptive, which makes a systematic depiction, in this case the regulation of forest protection. And this study

prescribes because there is a proposal in it and it will be analyzed qualitatively (Muhaimin; 2020) ^[7].

3 Discussion

3.1. Forest Protection Regulation Based on Law No. 41 of 1999 concerning Forests

Article 47 of Law No. 41 of 1999 stipulates that the protection of forests and forest areas is an effort to: (1) Prevent and limit the destruction of forests and forest products caused by human actions, livestock, fires, natural resources, pests, and diseases, and (2) Maintain and maintain the rights of the state, communities, and individuals to forests, forest areas and forest products, investments, and tools related to forest management. The provisions on forest protection are important and relevant when associated with the fact that forests are threatened objects, both in Indonesia and in other countries. There are three forms of forest protection Government Regulation No. 45 of 2004 concerning Forest Protection states that the principles of forest protection include; (1) protection against forest damage, (2) protection of forest land, and (3) protection of forest products. Especially those related to forest utilization and collection of timber forest products are as follows (Nurdjana; 2005) ^[6].

a. Protection against forest damage includes, among others, prohibitions":

1. It is forbidden to bring tools;
2. Everyone is prohibited from felling trees in the forest without permission from the authorized officials;
3. Everyone is prohibited from taking/collecting other forest products without the permission of the authorized officials;

b. Forest land protection is the prohibition of felling trees of a certain radius / distance from springs, the edges of ravines, reservoirs, rivers and tributaries, located in forest areas, reserve forests and other forests.

c. Protection of forest products includes, among other provisions:

1. Forest products are measured and tested.
2. Forest products are subject to a state levy based on the results of measurement and testing of forest products.
3. Every forest product must have a Certificate of Validity of Forest Products (SKSH).

To implement the above concept, Forest Protection and Security needs to be carried out in various forms of activities, as an effort to suppress the occurrence of illegal logging practices and the Eradication of Illegal Timber Logging in Forest Areas and their circulation throughout Indonesia. In summary, the relevance of forest protection is reflected in Article 46 of Law Number 41 of 1999 concerning Forestry which reads: "The implementation of forest protection and nature conservation aims to protect forests, forest areas and their environment, so that the protection function, conservation function, and production function are achieved optimally and sustainably." Provisions on forest protection are contained in several Indonesian national legal instruments, including:

1. Law No. 41 of 1999 on Forestry Articles 49 & 50, clearly regulates the responsibility of concession permit holders for the occurrence of forest fires and the prohibition of activities that cause forest damage in their working areas.
2. Government Regulation No. 45 of 2004 concerning Forest Protection article 10 paragraph (2) letter b states that forest protection includes prevention, extinguishing

and handling of the impact of fires, although in articles 42 and 43 regarding criminal acts it is applied to parties who do not have papers and permits for forest products.

3. Government Regulation No. 4 of 2001 concerning the Control of Environmental Damage and Pollution related to forest and land fires also regulates the prohibition of forest and land burning, but unfortunately the sanctions imposed are administrative sanctions as regulated in articles 25 and 27 of the PLH Law.

3.2. Forest Protection Efforts in the West Bali FMU Area in the Jembrana Region

Nature protection and conservation are carried out in the context of securing forest areas and forest products from various forms of threats to forest sustainability. Forest security threats can come from nature or human activities. The biggest disruption to the security of the area is the result of human activities, which can be in the form of encroachment, *illegal logging*, forest fires, hunting and capturing wildlife, and destruction of facilities. *illegal Logging* is a series of activities in the forestry sector in the context of the use and management of timber forest products that are contrary to applicable legal rules and have the potential to destroy forests. Based on the perspective of Law No. 41 of 1999, activities that are usually classified as *illegal logging* are (Winarno & Budyatmiko; 2013) ^[3]:

1. Illegal deforestation as regulated in Article 50 paragraph (3) letter e which mentions cutting down trees or harvesting or collecting forest products in the forest without having the right or permission from the authorized officials.
2. Possession and transportation of illegal timber, as stipulated in Article 50 paragraph (3) letter h which mentions transporting, controlling, or possessing forest products that are not equipped together with a certificate of legality of forest products.
3. The sale of illegal timber as regulated in Article 50 paragraph (3) letter f which states receiving, buying or selling, receiving exchange, receiving consignment, storing, or possessing forest products that are known or reasonably suspected to come from forest areas that are illegally taken or collected.

Article 78 of Law Number 41 of 1999 regulates the provisions of forestry crimes as follows:

1. Ketentuan pidana penebangan hutan ilegal dan penjualan kayu ilegal sebagaimana diatur dalam pasal 78 ayat (5) menyebutkan barang siapa dengan sengaja melanggar ketentuan sebagaimana dimaksud dalam Pasal 50 ayat (3) huruf e atau huruf f, diancam dengan pidana penjara paling lama 10 (sepuluh) tahun dan denda
2. Ketentuan pidana penguasaan dan pengangkutan kayu ilegal sebagaimana diatur dalam pasal 78 ayat (7) barang siapa dengan sengaja melanggar ketentuan sebagaimana dimaksud dalam Pasal 50 ayat (3) huruf h, diancam dengan pidana penjara paling lama 5 (lima) tahun dan denda paling banyak Rp. 10.000.000.000,00 (sepuluh miliar rupiah).

Forest protection and nature conservation aims to protect forests, forest areas and their environment, so that the protection function, conservation function, and production function are achieved optimally and sustainably. Forest security activities consist of (Sugiyanto; 2021) ^[4]:

1. Forest protection and security through routine patrols carried out by FMU personnel and agencies in charge of forestry or other related agencies in locations prone to disturbances such as encroachment, *illegal logging*, poaching, and others.
2. Counseling is a persuasive effort to the community, especially the community in and around the forest area, both directly and through the media. The implementation of counseling can be in collaboration with community leaders, both formal and informal figures, or in collaboration with other agencies such as the Jembrana Regency Government (Village Community Empowerment Office, Tourism Office, Environment Office, Tourism Office), Sector Police, Resort Police, Koramil, Kodim 1617 Jembrana, Yonif Mekanis 741/GN Jembrana, and the Pioneer Battalion C Brimob Unit.
3. Forest fire prevention through routine patrols carried out by FMU personnel and the Forestry and Environment Service or other related agencies in fire-prone locations such as encroachment and land clearing for plantations.
4. Counseling or socialization of forest fire prevention as a persuasive effort to the community, especially the community in and around the forest area both directly and through the media. The implementation of counseling can be in collaboration with community leaders, both formal and informal, or in collaboration with other agencies such as the Village Community Empowerment Office, the Tourism Office, the Environment Office, the Tourism Office, the Sector Police, the Resort Police, Koramil, Kodim 1617 Jembrana, the 741 Mechanical Yonif / GN Jembrana, and the Pioneer Battalion C Brimob Unit.
5. Installation of fire warning boards, installation will be carried out at fire-prone points every year.
6. Forest fire extinguishing, extinguishing is carried out in the burned forest area by deploying all FMU staff and collaborating with the community around the area and other agencies such as the Fire Department, Police, TNI, Regional Disaster Management Agency, and others.
7. Monitoring the area of the former fire, this activity is focused on monitoring the former burned area both in terms of the area burned to identify damage from the fire that occurred.

In the context of forest protection in the UPTD area. The West Bali KPH is carried out through forest protection efforts. Furthermore, I Gede Made Putra Wirawan explained as follows:

1. Preemptive Efforts

Preemptive forest protection is an effort to approach the community to prevent the intention of *illegal logging* and encroachment of forest areas, a preemptive effort carried out by UPTD. KPH West Bali is through counseling activities as a persuasive effort to the community, especially the community in and around the forest area, both directly and through the media. The implementation of counseling can be in collaboration with community leaders, both formal and informal figures, or in collaboration with other agencies such as the Jembrana Regency Government (Village Community Empowerment Office, Tourism Office, Environment Office, Tourism Office), Sector Police, Resort Police, Koramil, Kodim 1617 Jembrana, Yonif Mekanis 741/GN Jembrana, and the Pioneer Battalion C Brimob Unit.

2. Preventive Efforts

Preventive forest protection is an effort made to prevent opportunities to commit *illegal logging* crimes and encroachment on forest areas. This effort was carried out through a joint patrol carried out by the Forestry Police and UPTD personnel. West Bali FMUs in locations prone to *illegal logging*, encroachment of forest areas, theft of forest products and activities that threaten the sustainability of forest areas.

3. Repressive Efforts

Repressive forest protection is to take action against perpetrators if they really commit violations in the forestry sector or in other words, they are caught committing violations in the forestry sector. The impact of the disproportionate number of forest police personnel with the area and the lack of qualifications as Civil Servant Investigators (PPNS), so that all follow-up on alleged forestry crimes is handed over to the Police, Prosecutor's Office and Courts.

The role and participation of the community in enforcing the law is very important and needed. Fostering legal awareness for the community is very important, so that there are no more cases of illegal logging and forest encroachment in the UPTD area. KPH West Bali Jembrana Regency. The community's need for cultivated land is projected to increase. This condition can be a serious threat to forest management. If it is not managed properly, forest land will try to be controlled by the community. The income and income of communities around forests that are still relatively low can increase people's dependence on forest areas (Tobing; 1983). This is a threat in forest management, so that management is carried out through a sustainable community empowerment scheme.

4. Conclusion

Provisions on forest protection are contained in several Indonesian national legal instruments, including: 1. Law No. 41 of 1999 concerning Forestry Articles 49 & 50, Government Regulation No. 45 of 2004 concerning Forest Protection Article 10 paragraph (2) letter b, Government Regulation No. 4 of 2001 concerning the Control of Environmental Damage and Pollution related to forest and land fires and in the context of forest protection in the UPTD area. The West Bali FMU is carried out through forest protection efforts, namely: Preemptive Efforts, Preventive Efforts, and Repressive Efforts. The advice that can be given is to the West Bali KPH UPTD, should optimize the available resources to prevent and overcome forest crime in the West Bali KPH UPTD area and to the community should proactively participate in preventing and overcoming forestry crimes, considering the importance of forests for all mankind.

5. References

1. Suriansyah Murhaini. Hukum Kehutanan (Penegakan Hukum Terhadap Kejahatan di Bidang Kehutanan). Yogyakarta: Laksbang Grafika; c2012.
2. Tobing ML. Iktisar Hukum Lingkungan Hidup. Jakarta: Erlangga; c1983.
3. Winarno, Budyatmojo. Penegakkan Hukum Tindak Pidana Illegal Logging Antara Harapan dan Kenyataan; c2013.
4. Agus Sugiyanto. Rencana Pengelolaan Hutan Jangka Pendek Tahun 2022, UPTD KPH Bali Barat (Unit 1); c2021.
5. Arief BN. Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana. Bandung: PT Citra Aditya Bakti; 2005:20.
6. Nurdjana IGM, *et al.* Korupsi dan Illegal Logging dalam Sistem Desentralisasi. Yogyakarta; 2005:45.
7. Muhaimin. Metode Penelitian Hukum. Mataram: Mataram University Press; c2020.
8. Amiruddin, Zainal Asikin. Pengantar Metode Penelitian Hukum. Jakarta: PT RajaGrafindo Persada; c2016.
9. Lisman Sumardjani. Konflik Sosial Kehutanan, Mencari Pemahaman untuk Penyelesaian Terbaik. Jakarta; c2007.
10. Yanti NPE, Sugiarta ING, Suryani LPS. Peran masyarakat dalam upaya pelestarian Hutan Taman Nasional Bali Barat di Desa Eka Sari. Jurnal Interpretasi Hukum. 2022;3(2):287.
11. Harimbawa PH, Surata IN, Ardana PS. Penegakan hukum pidana kehutanan pada kawasan perhutanan sosial (Studi pada Unit Pelaksana Teknis Daerah Kesatuan Pengelolaan Hutan Bali Barat). Kertha Widya; 2022:10.
12. Undang-Undang Nomor 41 Tahun 1999 tentang Kehutanan. Lembaran Negara Republik Indonesia. Tambahan Lembaran Negara Nomor 3888; 1999;(8).
13. Undang-Undang Nomor 18 Tahun 2013 tentang Pencegahan dan Pemberantasan Perusakan Hutan. Lembaran Negara Republik Indonesia. Tambahan Lembaran Negara Nomor 5432; 2013;(130).
14. Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintah Daerah. Lembaran Negara Republik Indonesia. Tambahan Lembaran Negara Nomor 5587; 2014;(244).
15. Peraturan Pemerintah No. 45 Tahun 2004 tentang Perlindungan Hutan. Lembaran Negara Republik Indonesia. Tambahan Lembaran Negara Nomor 4453; 2004;(147).