



**TECHNIUM**  
**SOCIAL SCIENCES JOURNAL**

**Vol. 20, 2021**

**A new decade  
for social changes**

[www.techniumscience.com](http://www.techniumscience.com)

ISSN 2668-7798



9 772668 779000

# **Legal Implications of Authority Regulation for Prevention and Eradication of Institution of Forest Destruction in Law Number 18 of 2013 Concerning Prevention and Eradication of Forest Destruction**

## **Eko Tjahjono**

Doctoral Candidate at the faculty of law, Universitas Brawijaya, Malang, Indonesia  
e-mail: [ekotjahjono008@gmail.com](mailto:ekotjahjono008@gmail.com)

## **Sudarsono**

Lecturer at the Faculty of Law, Universitas Brawijaya, Malang, Indonesia  
e-mail: [sudarsono@ub.ac.id](mailto:sudarsono@ub.ac.id)

## **Abdul Rachmad Budiono**

Lecturer at the Faculty of Law, Universitas Brawijaya, Malang, Indonesia  
e-mail: [rachmad.budiono@ub.ac.id](mailto:rachmad.budiono@ub.ac.id)

## **Abdul Madjid**

Lecturer at the Faculty of Law, Universitas Brawijaya, Malang, Indonesia  
e-mail: [abd\\_jidam@yahoo.co.id](mailto:abd_jidam@yahoo.co.id)

**Abstract.** Forests in Indonesia need to be continuously preserved from the company's activities in using forest areas illegally and organized individuals who carry out illegal logging activities that continue to occur every year. Efforts to preserve forest have been embodied in Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction, which includes the Authority for the Prevention and Eradication of Forest Destruction to carry out investigations up to investigations into criminal acts of forest destruction as stipulated in Article 56 paragraph 1 and in activities to eradicate forest destruction, the institution may form a task force as an implementing element. The task force carries out the eradication of forest destruction that is strategic from the investigation to the prosecution throughout the territory of the unitary state of the Republic of Indonesia, including the territory of the head of the institution and/or deputies under the provisions of Article 55 paragraph 5. The power to prosecute the task force has legal implications with other laws and institutions with prosecution authority.

**Keywords.** Legal implications, prosecution, forest destruction.

## **1. Introduction**

Forests in Indonesia are natural resources and one of the pillars of human life owned by the Indonesian nation, which needs to be preserved sustainably. Its management must be in line with the constitution of the unitary state of the Republic of Indonesia. It cannot be separated from the understanding of the control of natural resources in article 33 paragraph (3) The 1945 Constitution, which states: the state shall control Earth and water and natural resources contained therein for the greatest prosperity of the people.

Some things that are to be achieved in the use of natural forest resources, in addition to economic, environmental, and socio-cultural benefits, it is hoped that sustainable use of forests will be achieved, and the goals towards the prosperity and welfare of the Indonesian people can be realized, the hope is that there will be the distribution of justice in utilizing potential resources forest nature from current generations to future generations.

Various efforts to conserve forests and prevent forest destruction have carried out various legal policies to protect sustainability and prevent forest destruction. In contrast, the policy steps taken by the government are (Redi, 2014):

1. Coordination across sectors in preventing and eradicating forest destruction.
2. Fulfilling the resource needs of the forest guard apparatus.
3. Incentives for parties who have contributed to preserving forests.
4. Map of forest area designation or geographic coordination as a legal basis for forest area boundaries.

The four policies are strategic steps and legal steps to reduce forest damage. However, the policies mentioned above do not provide effective steps in protecting and preserving forests. Currently, there are still forest destruction activities carried out by corporations and individuals in illegal logging, mining activities without permits, plantation activities without permits, which result in either directly or indirectly reducing the forest area.

Against this condition, then the political law in overcoming forest preservation and preventing forest destruction is expected to place the criminal act of forest destruction as a legal subject. The legal subject here means that the activities of forest destruction can be subject to criminal sanctions. This is done considering that the form of crime cannot be committed by an individual but can also be committed in a corporate or legal entity such as a limited liability company, dishonest activities or even crimes committed by corporations include product forgery, insurance crimes, tax fraud, misleading advertisements, smuggling, environmental destruction and so on (Ruba'i, 2015).

One of the causes of deforestation and degradation of Indonesia's forest resources is the practice of illegal logging. Illegal logging activities include lawlessness that results in excessive exploitation of forest resources and leads to deforestation and forest destruction. These violations can occur at any stage of timber production such as logging, transporting raw materials, processing and trading, even involving illegal means of gaining access to the forest, violating customs regulations, violating financial administration such as avoiding tax payments and money laundering (DPR RI, 2008).

Regarding this condition, efforts must be made to tackle the crime of illegal logging, with the passage of Law Number 18 of 2013 concerning the prevention and eradication of forest destruction as a government effort to tackle the crime of illegal logging. As the mandate of the provisions of this law, an institution for the prevention and eradication of forest destruction was formed, where this institution is expected to be able to become an institution that eradicates criminal acts of illegal logging under the mandate of Article 111 of Law Number 18 of 2013.

The institution for preventing and eradicating forest destruction in accordance with the mandate of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction must have been formed within two years of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction, which was enacted on 6 August 2013, however until Currently, the Government has not responded to the presence of institutions to prevent and eradicate forest destruction 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 Number 18 of 2013 concerning the Prevention and Eradication of Forest

Destruction can delegate further regulatory authority directly to Government Regulations, Presidential Regulations, Ministerial Regulations, or Provincial Perda as needed. If the law determines this, the law's implementation regulations are the same as Government Regulations, formal regulations that have a direct hierarchical position under the law (Asshiddiqie, 2018).

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

The regulation of the duties and authorities of institutions to prevent and eradicate forest destruction in the case of the prosecution in Law Number 18 of 2013 there has been an overlap of authority (conflict of authority) with prosecution by the Public Prosecutor contained in the Criminal Procedure Code and Law Number 16 of 2014 concerning the Republic of Indonesia Prosecutor's Office There is already a regulation regarding the duties of the Public Prosecutor in Law Number 18 of 2013. In the provisions of Law Number 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 guideline for implementing procedural law Law Number 18 of 2013 does not regulate it. Of course, this conflict of authority will have legal implications.

The conditions above will cause overlapping or overlapping authority for prosecuting forest destruction cases with other institutions. The duties and powers of prosecution by the task force make it ineffective. The function of law enforcement by the prevention and eradication of forest destruction agencies cannot be implemented, because there is no clear regulatory basis regarding the Agency for Prevention and Eradication of Forest Destruction in establishing a task force related to prosecution. Of course, concerning the function of the prosecutorial authority, it is contrary to the authority possessed by the prosecutor as regulated in the Criminal Procedure Code, so that there will be deviations from the principle of being able to be implemented, namely the principle of utility and usability, the principle of clarity in the formulation of legal certainty. There is a deviation from the dominus litis principle, namely, the prosecutor. As a case controller and the principle of single prosecution (single prosecution system) with the prosecutor's agency of the Republic of Indonesia in Law Number 16 of 2004, which in practice adheres to the separation of investigator and public prosecutor functions or better known as functional differentiation.

## **2. Methodology**

The approach method in this research is juridical empirical to find out how the relationship between law and society and the factors influencing the implementation of law in society, as primary data. The second data is obtained indirectly through library research. This research specification describes an analysis to describe the applicable law related to law and positive law about the main research problem. Based on primary and secondary data, identification, classification, and validation. Qualitative data analysis was carried out, and the results were displayed in the research report.

### **3. Result and Discussion**

#### **3.1. Legal implications for the prosecution authority by the task force for the prevention and eradication of forest destruction in Law Number 18 of 2013 with the task of prosecution by the public prosecutor in Law Number 16 of 2004 concerning the Republic of Indonesia Attorney General's Office**

Affirmation of the task force as the implementing element of the Institute for Prevention and Eradication of Forest Destruction in Law Number 18 of 2013, its implementation can only be implemented if the regulation regarding the existence of the Agency for Prevention and Eradication of Forest Destruction is spelled out in a presidential regulation as mandated by article 55 paragraph 6 and 111 paragraph 1 of Law Number 18 of 2013. Still, in reality, rules regarding the position of the Agency for Prevention and Eradication of Forest Destruction have not been regulated in a presidential regulation.

In general, presidential regulations function to regulate certain materials to solve a problem that exists in society. In addition to these general functions, the Presidential Regulation also has a special function under the types of laws and regulations and the objectives of the laws and regulations set by the President to carry out the orders of the Regulations. Higher invitational legislation or exercising governmental power. Therefore, it is necessary to separate the difference between a Presidential Decree and a Presidential Decree in a Presidential Decree. It is seen and interpreted as an individual, concrete, and once-completed legal norm. According to Law Number 12 of 2011, as amended by Law Number 15 of 2019 concerning the formation of Legislative Regulations in article 1 number 6, it is stated that the Presidential Regulation is the Legislative Regulation stipulated by the President to carry out the orders of the legislation higher or in exercising government power. Prevailing Laws are written regulations that contain legally binding norms and are established or stipulated by state institutions or authorized officials through the procedures stipulated in the legislation.

About institutions for the prevention and eradication of forest destruction, as mandated in Law Number 18 of 2013 regulated in the provisions of Article 56 paragraph 1 letter a and b of Law Number 18 of 2013, it is explained that the institutions that handle the prevention and eradication of forest destruction as referred to in Article 54 paragraph 1 in charge:

- a. Carry out investigations and investigations into criminal acts of forest destruction.
- b. Carry out administrative investigations and investigations into forest destruction cases.

Further regulation does not find any formulation regarding prosecution and strategic 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 on Law Number 12 of 2011 as amended by Law Number 15 of 2019, explaining what is meant by "the principle of clarity of formulation" is that each statutory regulation must meet the technical requirements for the preparation of statutory regulations, systematics, choice of words or terms, as well as clear and easy to understand legal language so as not to cause various kinds of interpretations in implementation.

According to the Criminal Procedure Code, the definition of prosecution is an act of a public prosecutor to delegate a criminal case to a competent district court in matters and according to the manner regulated in this law with a request to be examined and decided by a judge at a court session. Explanation of prosecution technically related to the work of the Public Prosecutor at the prosecution stage starting from additional investigations, pretrial, acceptance and research of suspects (stage II), receipt and examination of evidence (stage II), suspension of detention, delivery of detention, detention, transfer of cases to court, summons of witnesses,

experts, defendants, convicts, responsibility for suspects and evidence, preparation of criminal charges. Whereas the actions of the public prosecutor that are not related to the activities of delegating cases to court are in the form of actions of the public prosecutors, namely waiving the case in the public interest until the issuance of termination of prosecution decree, this activity or action is also the sole property of the public prosecutor, and not given to other institutions.

The affirmation of the provisions of the Criminal Procedure Code is reinforced by Article 137 of the Criminal Procedure Code, which reads, "Public Prosecutors have the authority to prosecute anyone who is accused of a criminal act in their jurisdiction by delegating the case to the court which has the authority to adjudicate, the provisions of Article 137 of the Criminal Procedure Code can be explained that only public prosecutors are responsible for prosecution has the authority to prosecute or prosecute someone who has committed a criminal act. Other agencies or officials outside the public prosecutor do not have the authority to prosecute anyone who is accused of committing a criminal act. Based on these provisions, the power and actions of the public prosecutor are carried out by the public prosecutor by delegating the case to the court, which has the authority to try it (Harahap, 1988).

The Criminal Procedure Code has granted detention authority to the public prosecutor in article 24 of the Criminal Procedure Code relating to the extension of detention by the public prosecutor for forty days at the request of the investigator for an incomplete examination, furthermore, in article 25 of the Criminal Procedure Code, there is an authority for the public prosecutor to detain and take action by the public prosecutor to request an extension to the Chairman of the District Court for the pending examination, and the action of the public prosecutor to remove the suspect from detention before the end of the detention period, if the interest of the examination has been completed and to remove the suspect from detention for the sake of the law. The provisions of articles 24 and 25 of the Criminal Procedure Code are the sole authority possessed by the public prosecutor for the legality of detention and are not granted by other institutions.

The implication in this case if there is an act of detention 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 will make detention invalid Based on this provision, it regulates the power of prosecution by the public prosecutor (Harahap, 1988):

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

The purpose of detention that is given by law to the public prosecutor in article 25 paragraph 2 of the Criminal Procedure Code, namely for the benefit of prosecution, which includes: the interest of the function, the interest of preparing and making an indictment as referred to in article 140 paragraph 1 of the Criminal Procedure Code So if the public prosecutor believes that the results of the investigative examination have been perfect, the public prosecutor will immediately prepare an indictment letter. For making the indictment and making it easier for the defendant to appear before trial, the public prosecutor can carry out detention (Harahap, 1988).

In Law Number 18 of 2013, the regulation of the duties of the Prevention and Eradication of Forest Destruction agency only has the task of investigating and investigating, so that the legislative ratio is given a task force for the Prevention and Eradication of Forest Destruction formed by the Institute for Prevention and Eradication of Forest Destruction as an implementing element to be out of sync in its regulation with the task of the Institute for Prevention and Eradication of Forest Destruction.

In exercising its authority, the Agency for the Prevention and Eradication of Forest Destruction must not exceed the limits of its authority to the point of violating human rights because one of the functions of a criminal procedure law is to limit the power of the state to protect every citizen and corporation which is described in Supreme Court Regulations Number 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 connection with the definition of a corporation as stated in the provisions of the article above is a corporation according to the Supreme Court Regulation Number 13 of 2016 article 1 number 1, which is interpreted as: "Corporation is an organized group of people and/or assets, whether a legal entity or not a legal entity", In connection with this matter, the objectives of the formation of the regulation are intended to:

- a. serve as guidelines for law enforcers in handling criminal cases with corporate actors and/or management;
- b. filling in legal vacancies, especially criminal procedural law in handling criminal cases with corporate actors and/or executives; and
- c. encourage the effectiveness and optimization of the handling of criminal cases with corporate actors and/or management.

In law enforcement practices, especially law enforcement related to forest destruction against criminal offenders by corporations, the provisions which can be referred to in Supreme Court Regulation Number 13 of 2016 are as follows:

#### Article 4

- (1) Corporations can be held liable for crimes under the criminal provisions of the corporation in the law governing Corporations.
- (2) In imposing a criminal offense against a Corporation, the judge may judge the corporation's wrongdoing as referred to in paragraph (1), among others:
  - a. The corporation can gain or benefit from the crime, or the crime is committed for the benefit of the corporation;
  - b. The corporation allows criminal acts to occur; or
  - c. The corporation does not take the necessary steps to take precautions, prevent a bigger impact and ensure compliance with applicable legal provisions to avoid criminal acts.

Therefore, what is meant by corporate crime is a crime committed by a corporation to achieve corporate goals in the form of gaining profits for the benefit of the corporation (corporate crime is 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 corporation's benefit. In this case, corporate crime is differentiated by the following levels:

1. Crime for the corporation (corporate crime): a crime committed by a corporation to achieve corporate goals in obtaining profits for the benefit of the corporation.
2. Crime against a corporation (employee crime): a crime against a corporation, for example, a treasurer stealing corporate money, the target of crime is a corporation, so that the corporation becomes the victim.
3. Criminal corporations: corporations are used as a vehicle to commit crimes. The corporation was intentionally established to carry out expropriation or control for certain purposes and purposes in committing criminal acts (Amrullah, 2017).

These provisions are needed in the interests of prosecution, namely proof of corporate error, where the process of proof against the corporation is intended to create a due process of law, the due process is defined as hearing, counsel, defense, evidence, and a fair and impartial

court and defendants, legal advisors, defense, evidence and fair and impartial trials (Reksodiputro, 2020).

The regulation of the institution's authority that deals with the prevention and eradication of forest destruction, as referred to in Article 54 paragraph 1 letter a, is to carry out investigations and non-criminal investigations of forest destruction. The regulation in 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 shall carry out the eradication of forest destruction, which is strategic from investigation to prosecution throughout the territory of the Unitary State of the Republic of Indonesia, including the territory of the Republic of Indonesia. Customs duties by order of the head of the institution and/or deputies.

The provisions of Article 55 paragraph 4 and paragraph 5 with Article 56 paragraph 1 occur out of sync. When applied to injustice in a criminal justice process, such conditions are inconsistent with Law Number 15 of 2019 concerning amendments to law Number 12 of 2011 regarding statutory regulations. Article 5 explains that in forming statutory regulations, it must be carried out based on the principles of the formation of good laws and regulations, which include:

- a. Clarity of purpose.
- b. Institutional or appropriate forming officials.
- c. Match between types, hierarchy, and content.
- d. Can be implemented.
- e. Usability and efficiency.
- f. Clarity of formulation and
- g. Openness.

The legal formulation and construction on 54 paragraph 1 letter a and article 55 paragraph 4 and paragraph 5 made by the legislators are not yet accurate regarding the prosecution authority by the task force in the crime of forest destruction. The prosecution power has been granted to the public prosecutor in the provisions of Law Number 16 of 2004 and the provisions of procedural law in Law Number 8 of 1981 concerning KUHAP, the authority of the public prosecutor by the task force of Prevention and Eradication of Forest Destruction is contrary to the principle of a single prosecution system). When linked to an academic paper, the formation of Law Number 18 of 2013 explains that the laws and regulations governing illegal reversal have not been effectively implemented. There is still a lack of coordination between law enforcement officials, which further exacerbates illegal logging activities. Coordination between law enforcers (Police and Civil Servant Investigators), as investigators, prosecutors, and judges as executors of the verdict, in reality, has not yet been optimal, even though there are often misinterpretations in the applied laws. In addition, the draft law is also intended to provide legal certainty for efforts to prevent illegal logging. If it is related to the theory of authority from Bernard Lonergan, the theory of legislation, then if the provisions of Article 55 paragraph 5 are maintained, and no rearrangement is carried out, it will cause injustice in its application. When analyzed with statutory theory, if the provisions of Article 55 paragraph 5 are maintained, and no rearrangement is carried out, it will cause injustice in its application, the decision of the P.3 H institution in eradicating forest destruction can be canceled if there is a defect in authority, procedure and/or substance under the provisions. Article 66 paragraph 1 of Law Number 30 of 2014, and invalid decisions occur due to the law as stipulated in Article 70 paragraph 1, 2, and 3 of Law Number 30 of 2014, which states as follows:

- (1) Decision and/or action are not valid if:
  - a. made by unauthorized government agencies and/or officials;

- b. made by Government Agencies and/or Officials who exceed their authority;  
and/or
- c. made by Government Agencies and/or Officials acting arbitrarily.
- (2) The legal consequences of decisions and/or actions as referred to in paragraph (1) become:
  - a. not binding since the Decree and/or Action is stipulated; and
  - b. all the legal consequences that result are considered non-existent.
- (3) If a decision results in a payment of state money being declared invalid, the Agency and/or Government Official must return the money to the state treasury.

Another implication of the legal product of the Institute for Prevention and Eradication of Forest Destruction in Law Number 18 of 2013 is that the prosecution authority cannot be implemented, because the P.3 H institution does not have the authority to prosecute. Based on the provisions of article 9 paragraph 3 of Law Number 30 of 2014 concerning Government Administration, it states that Government Agencies and / or Officials in determining and / or making decisions and / or actions are required to include or show the provisions of laws and regulations which are the basis of authority and basis for determining and / or make decisions and / or actions.

### **3.2. Legal implications for the legality of prosecution**

Law number 16 of 2004 explicitly regulates that the Attorney General's Office has independence and independence in exercising state power in the field of prosecution. The position of the Prosecutor's Office as a government institution that exercises state power in the field of prosecution and is an institution that is under executive power, on the other hand, the power of the prosecutor's office in carrying out prosecutions means exercising judicial power. State power is exercised independently.

Law Number 16 of 2004 concerning the RI Attorney General's Office regulates various kinds of powers that can be exercised by the prosecutor's office, including:

- a. Article 30, paragraph (1) letter a regulates: In the criminal field, the prosecutor's office has the duty and authority to carry out prosecution.
- b. Article 35, letter a, regulates: Attorney General has the duty and authority to determine and control policies for law enforcement and justice within the scope of duties and powers of the Attorney General's Office.

Apart from the provisions of Law Number 16 of 2004 concerning the Indonesian Prosecutor's Office, the authority of the prosecutor's office is also regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), which is regulated in the provisions of article:

- a. Article 14 KUHAP, the public prosecutor, has the authority in letter g to carry out the prosecution.
- b. Article 137 regulates: Public prosecutors have the authority to prosecute anyone accused of committing a criminal act within their jurisdiction by delegating the case to a court with authority to adjudicate.
- c. Article 140 paragraph (1) regulates: If the public prosecutor believes that the prosecution can be carried out from the investigation results, he/she will prepare an indictment letter as soon as possible.
- d. Article 140 paragraph 2 of the Criminal Procedure Code explains the delegation of cases by public prosecutors, or those who are given the authority to delegate cases

are public prosecutors who are in the Attorney General's Office. KUHAP does not regulate the task force to be given the authority to delegate cases to court.

e. Article 143 paragraph (1) regulates The public prosecutor delegates the case to the district court to request that the case be tried immediately, accompanied by an indictment letter.

The function of the prosecutor's office as a prosecuting agency as stipulated in the provisions of the Criminal Procedure Code and Law Number 16 of 2004 concerning the Indonesian Prosecutor's Office, but then the prosecution function performed by the prosecutor is different between the Institute for Prevention and Eradication of Forest Destruction, and the public prosecutor is also contained in law No. In 2013, the mention of the public prosecutor and the authority of the public prosecutor in Law Number 18 of 2013 concerning the Institution for the Prevention and Eradication of Forest Destruction can be explained in several articles as follows:

1. Article 9. Investigations, investigations, prosecutions, and examinations in court proceedings in criminal acts of forest destruction are carried out based on the applicable criminal procedural law unless otherwise stipulated in this law.

2. Article 32. Civil Servant Investigators, as referred to in Article 29, shall notify the commencement of the investigation and submit the investigation results to the public prosecutor after coordinating with the Investigating Officials of the State Police of the Republic of Indonesia.

3. Article 35. Public prosecutors have the authority to request information from the Bank regarding the financial condition of a suspect or defendant.

4. Article 35

(1) For investigation, prosecution, or examination at court proceedings, the investigator, public prosecutor, or judge has the authority to request information from the bank regarding the financial condition of a suspect or defendant.

(2) Request for information from the bank as referred to in paragraph (1) shall be submitted to the Head of the Financial Services Authority.

(3) The leadership of the Financial Services Authority is obliged to fulfill the request as referred to in paragraph (2) within 3 (three) working days as of the receipt of the request letter.

(4) Investigators, public prosecutors, or judges have the authority to request banks to block savings accounts belonging to suspects or defendants suspected of being the result of illegal logging during the process of investigation, prosecution and/or examination.

(5) Suppose the results of the examination of a suspect or defendant do not obtain sufficient evidence at the request of the investigator. In that case, the public prosecutor or judge, the bank's management must lift the blocking.

5. Article 36. For investigation, prosecution, or examination at a court session, the investigator, public prosecutor, or judge has the authority to:

a. requesting the suspect or defendant's wealth data and tax data from the related work unit;

b. request assistance from the Financial Transaction Reports and Analysis Center to investigate the suspect's financial data;

c. ask the relevant agencies to prohibit someone from traveling abroad;

d. determine a person as a suspect and be included in the wanted list; and/or

e. ask the leader or superior of the suspect to temporarily remove the suspect from his position.

6. Article 39 letter c, the public prosecutor is obliged to delegate the case to the court no later than 25 (twenty-five) days as of the completion of the investigation;

7. Article 51 paragraph 2 A decision passed in the defendant's absence is announced by the public prosecutor on the announcement board at the court, regional government office, and/or notified to the defendant or his attorney.

8. Article 52 paragraph 1 Forest destruction cases must be examined and decided by a district court within forty-five working days from the date of receipt of the transfer of cases from the public prosecutor must be decided by the District Court for 45 days as from the transfer of cases from the public prosecutors.

The provisions in the provisions of these articles confirm that all are under the authority of the public prosecutor at the level of prosecution and that no regulation is found 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's Office (in the Netherlands, for example, it is at the Openbaar Ministerie or commonly abbreviated as OM). Seeing the function of this policy (which can easily be equated with the gateway to the criminal justice system) is logical. The Prosecutor's Office ultimately has to determine which cases will be brought to the open court trial to obtain an assessment of the truth. The legal action is in the pre-adjudication stage. (The adjudication stage is the examination stage at a young court session, previously in the pre-adjudication stage and after that the post-adjudication stage (Reksodiputro, 2020).

The Presidential Decree, which regulates institutions to prevent and eradicate forest destruction, has not yet existed. In contrast, in the provisions of Article 111 paragraph 1 of Law Number 18 of 2013, it is explained that the institution for prevention and eradication of forest destruction as referred to in Article 53 must have been established within two years As of the promulgation of this law, such conditions have become one of the factors causing the suboptimal prosecution of forest destruction crimes between the prevention and eradication of forest destruction and the Public Prosecutor's Office.

Thus it can be determined that the legal implications that may arise from the incompatibility between the duties of the Agency for Prevention and Eradication of Forest Destruction and the tasks of the task force as the implementing elements of the Agency for Prevention and Eradication of Forest Destruction are related to the task of prosecution, even though prosecution should be the domain of the prosecutor's office in the law. -Law Number 16 of 2004 and also the provisions in the Criminal Procedure Code. The legal implication that can arise from the legis ratio is the uncertainty of the power of prosecution and because of overlapping powers. The task arrangement of the task force of the prevention and eradication of forest destruction has overridden the principle of the single prosecution system, the agency for preventing and eradicating forest destruction and the Attorney General's Office are state bodies that are independent from each other, so friction in carrying out investigative policies and prosecution is certain. The function of coordination and supervision is difficult to carry out in cases of strategic forest destruction because in Law Number 18 of 2013, it does not include parameters regarding strategic forest destruction, the inclusion of which forest destruction has been carried out in an organized manner. Besides that, the implications for the prosecution are contrary to the criminal procedure law.

#### **4. Conclusion**

Regarding the legal implications of regulating the prosecution authority by the task force of the forest destruction prevention and eradication agency in Law Number 18 of 2013 concerning the prevention and eradication of forest destruction, it can be understood that:

a. There is a conflict of prosecution norms between prosecution by the task force acting as public prosecutor and prosecution by the public prosecutor/prosecutor at the Institute for Prevention and Eradication of Forest Destruction who acts as a public prosecutor under the provisions of the Criminal Procedure Code and Law Number 16 of 2004. and the principle of a single prosecution system or a single prosecution system that is incompatible with the theory of authority and statutory theory

b. The product of the indictment produced in the form of transferring a case to the court becomes blurred. There is no legal certainty of the prosecution authority, because it is made and compiled without being based on legal authority. When analyzed by Law Number 30 of 2014 concerning Government Administration, there is a mixture of authority and may lead to disputes of authority and abuse of authority.

c. There is no legal certainty if there is the felling of trees in the forest area, the application of the provisions between Law Number 19 of 2004 and Law Number 18 of 2013, the legal loophole for judges to apply the lightest punishment for the defendant, using the principle of *in dubio pro reo*. And will give birth to a *contra legem* verdict, namely, the judge takes a decision that contradicts the article of the law that is applied or is charged to achieve truth and justice.

d. If in a forest destruction case, the legality of detention is carried out by an individual and not by a corporation.

e. The legal products of the Institute for Prevention and Eradication of Forest Destruction in Law Number 18 of 2013 related to the prosecution authority cannot be implemented, because the Institute for Prevention and Eradication of Forest Destruction does not have the authority to prosecute and prosecution acts contrary to criminal procedural law because it is carried out without legal guidelines procedures regulated in the Criminal Procedure Code.

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