

Case Settlement of Protected Forest Destruction Case in Ranca Upas Based on Law Number 41 Year 1999 on Forestry

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ABSTRACT

In Article 50 paragraph (2) of Law Number 41 of 1999 concerning Forestry, every person who is granted a business license for the utilization of environmental services, a business license for the utilization of timber and non – timber forest products, and a license to collect timber and non – timber forest products, is prohibited from carrying out activities that cause forest damage. The violation of the article is in the Rancaupas area, Rancabali District, Bandung Regency where the damage to the protected forest is caused by a trail event (Camping Adventure Explore) which damages one of the flora protected by the government in the form of Edelweiss swamp flowers. The purpose of this research is to find the settlement point of the Rancaupas conservation forest damage case and what are the responsibilities of the Rancaupas protected forest damage. The research method used by the author is a normative juridical approach with this method to find a rule of law, legal principles, and legal doctrines to answer the legal doctrines to answer the legal issues at hand. The results of the study are in the form of a solution to the damage in the protected forest of Ranca Upas by securing the event organizers and following up into the realm of law. As well as responsibility for the damage to the protected forest in Ranca Upas by conducting joint rehabilitation, namely the government, Perhutani, the community and also the event organizer.

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I. INTRODUCTION

Forest is an ecosystem unit in the form of an expanse of land containing biological natural resources, dominated by trees in an interdependent and inseparable natural community environment.¹ The government has determined forests based on their respective main functions, including protected forests, conservation forests and production forests. One of them is protected forest, which is the material of this research, based on Law Number 41 of 1999 concerning Forestry, Article 1 paragraph 3 which states that:

"Protected forests are forest areas that have the main function of protecting life support systems to regulate water systems, prevent flooding, control erosion, prevent seawater intrusion, and maintain soil fertility."

¹ UU No. 41 Tahun 1999 Tentang Kehutanan.

According to the Global Forest Resources Assessment 2020 report released by the Food and Agriculture Organization (FAO), Indonesia accounts for 7% of the total protected forest area in the world² and the protected forest area in Indonesia alone reaches 29.5 hectares.³ One of the protected forests in Indonesia is Ranca Upas, which is located in Rancabali District, Bandung Regency. In the area there is a unique flora, in the form of Edelweiss Flower (*Anaphalis Javanica*) whose existence status is considered almost extinct, and this flower can only be found in Indonesia, in Ranca Upas and Lake Ciharus Garut Regency.⁴ The existence of Edelweiss flowers is also maintained and regulated in the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.106/MENLHK/SETJEN/KUM.1/12/2018 concerning the Second Amendment to the Regulation of the Minister of Environment and Forestry Number P.20/MENLHK/SETJEN/KUM.1/6/2018 concerning Protected Plant and Animal Species. However, in recent years the flower was damaged during a trail event held at Ranca Upas (Camping Adventure Explore). When the event was over, there was crucial damage to the protected forest area. The provision of this trail event has crossed the threshold of utilization as befits the function of the forest. This event has been held 2 – 3 times, which should not be given permission by the Ministry of Environment and Forestry because it is not included in the category of proper forest utilization in the Law

II. RESEARCH PROBLEMS

Based on the background described above, the author is interested in conducting research with the title: “Case Settlement of Protected Forest Destruction Case in Ranca Upas Based on Law Number 41 Year 1999 on Forestry”.

Based on the description that has been presented above, the problems in this research can be formulated as follows:

1. How is the legal settlement of destruction of protected forest in Ranca Upas based on Law Number 41 of 1999 on Forestry?
2. How is the responsibility for the destruction in Ranca Upas?

III. RESEARCH METHODS

This research is an analytical descriptive research. The approach used in this research is a normative juridical approach. The data used is secondary data collected through literature study. The data obtained is analyzed qualitatively and present in analytical descriptive form.

IV. RESULT AND DISCUSSION

A. Legal settlement of the destruction of protected forest in Ranca Upas based on Law Number 41 Year 1999 concerning Forestry

Before further examining the settlement of cases involving the destruction of protected forests, it is necessary to first discuss what is meant by forestry. Juridically, the definition of forest is regulated in Article 1 paragraph 2 of Law Number 41 of 1999 concerning Forestry, Forest means that a forest is an ecosystem unit in the form of an expanse of land containing biological resources dominated by trees in its natural environment, which is inseparable from one another. The government designates forests into 3 parts, namely conservation forests, protected forests, and production forests. The subject of this research is protected forests. The definition of protected forest itself is a forest area that has a main function as the protection of a life support system to regulate water system to regulate water management, prevent flooding, control erosion, prevent seawater intrusion and maintain soil fertility.

Forest destruction in general is the process, method or act of destroying forests through illegal logging activities, the use of forest areas without a permit or the use of permits that are contrary to the intent and purpose of granting permits in forest areas that have been determined, which have been designated or which are in the process of being determined by the Government.

Activities in forest destruction are currently carried out by trail events (Camping Adventure Trail) and in their activities have damaged a series of Edelweiss Flowers, whose existence is currently considered almost extinct. The occurrence of damage to the flower was caused because at the event, there was no committee guarding

² Vika Azkiya Dihni, “Indonesia Miliki Kawasan Hutan Lindung Terluas Ke-2 Di Dunia,” quoted in <https://databoks.katadata.co.id/datapublish/2022/01/13/indonesia-miliki-kawasan-hutan-lindung-terluas-ke-2-di-dunia>, (accessed June 6, 2023, 10.00).

³ Direktorat Pencegahan dan Pengamanan Hutan, “Laporan Kinerja Pencegahan dan Pengamanan Hutan.”

⁴ Dyra Daniera, “Sejarah Ranca Upas, Hutan Lindung Rapuh Yang Terancam Hidupnya Karena Pariwisata - Lifestyle Liputan6.Com,” quoted in [Sejarah Ranca Upas, Hutan Lindung Rapuh yang Terancam Hidupnya karena Pariwisata - Lifestyle Liputan6.com](https://www.liputan6.com/lifestyle/berita/2023/06/05/sejarah-ranca-upas-hutan-lindung-rapuh-yang-terancam-hidupnya-karena-pariwisata-lifestyle-liputan6-com) (accessed on date 5 June 2023, 10.00)

during the event. So that the participants do not know which route the trail participants must take.⁵ In addition, this event was held without any licensing from the local Perhutani. Even though the event has no essence of forest benefits, the event has resulted in forest damage.

Furthermore, the post-incident settlement steps for the case of protected forest destruction in Ranca Upas, among others:

1. In order to implement the eradication of forest destruction, the president will establish an institution that handles forest destruction.
2. The institution consists of the forestry ministry, the police, the prosecutor's office, and other related elements.
3. The institution is authorized to conduct investigations and inquiries into forest destruction.
4. Investigators will ask for information related to evidence from the results of forest destruction crimes. In addition, they will also ask for information from witnesses.
5. Of course, the investigator also conducts a survey to the place of forest destruction, to see the condition of the forest.
6. And after conducting the investigation, the process will continue to the court session. And indict the defendant⁶

Looking at the problem under study, the defendant will be charged with Law Number 5 of 1990 concerning the Conservation of Living Natural Resources and Ecosystems Article 21 paragraph (1) Jo Article 40 paragraph (2) which reads "Every person is prohibited from taking, cutting down, possessing, damaging, destroying, maintaining, transporting and trading protected plants or parts thereof in a state of life or death". And the criminal provision reads "Anyone who intentionally violates the provisions referred to in Article 21 paragraph (1) and paragraph (2) and Article 33 paragraph (3) shall be punished with imprisonment for a maximum of 5 (five) years and a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah).⁷

Then there are some suggestions that the author can convey in the future, so that this incident does not happen again, which include:

1. Strengthening prevention through security in one command unit, namely prevention through more tightened licensing. So every event that will be held in Ranca Upas in the future is filtered better, by looking at the benefits of the forest itself.
2. Implementation of government coercive administrative sanctions in the form of environmental restoration orders, along with the application of fines. So the perpetrators of forest destruction will be fined and held accountable for the damage to the forest.
3. Multidoor law enforcement and money laundering offenses to strengthen the deterrent effect and recover state losses. Criminal punishment must be strengthened so that the perpetrators of the destruction experience a deterrent effect.

B. How is Liability for Damage in Ranca Upas

Responsibility for the damage that occurred in Ranca Upas is the joint responsibility of the government, the community, and related parties to restore and preserve the ecosystem of Edelweiss Flower. The government needs to take firm steps in law enforcement against the perpetrators responsible for the damage, and provide sufficient resources and funds for environmental restoration. In addition, the community also has an important role in maintaining and caring for Ranca Upas through active participation in conservation programs and environmental awareness. By conducting ecosystem restoration, namely through rehabilitation of degraded land, and restoration of natural habitats. Related parties, such as Perhutani and ecologists, can provide assistance in monitoring, researching and recommending solutions to overcome existing damage. Thus, responsibility for the damage at Ranca Upas must be carried out collectively and sustainably to maintain the sustainability of this valuable ecosystem.

⁵ Nur Rohmi Aida, "5 Fakta Rusuh Even Trail Ranca Upas, Kronologi, Dan Edelweis Rusak," quoted in <https://www.kompas.com/tren/read/2023/03/09/074741465/5-fakta-rusuh-even-trail-ranca-upas-kronologi-dan-edelweis-rusak>. (accessed June 6, 2023, 10.00)

⁶ Rasio Ridho Sani, Damayanti Ratunanda, Freddy Ade Putra Purba, Aji Herlambang, Aprilia Zul Pratiwiningrum, Debora Indah Permata, Felix Aglen Ndaru Prasetya, Gesta Monica Noor Alfiat, Irene Batara Batoarung, Nurmala Eka Putri, *Kewenangan Penegakan Hukum Lingkungan Hidup Dan Kehutanan*, n.d.

⁷ UU No. 5 Tahun 1990 tentang Konservasi Sumber Daya Alam Hayati Dan Ekosistemnya

V. CONCLUSION

In short, a forest is an ecosystem unit in the form of an expanse of land containing biological natural resources, dominated by trees in an interdependent and inseparable natural community environment. While the definition of protected forest itself is a forest area that has the main function as the protection of a life support system to regulate water systems, prevent flooding, control erosion, prevent seawater intrusion, and maintain soil fertility. The result of this research is that the settlement of the case against the destruction of protected forest in Ranca Upas is that the government makes a special team to handle cases of protected forest destruction, and imposes charges on the event organizer (Camping Adventure Explore). As well as the responsibility for protected forest damage in Ranca Upas is a shared responsibility, namely the government, the community and related parties (event organizers) to restore and maintain the Edelweiss Flower ecosystem.

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