Implementation of criminal law enforcement concept of environmental sustainability (illegal logging in Indonesia)

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Abstract. Everyone in Indonesia has the right to a good and healthy environment as a form of human rights. Every generation has obligations and responsibilities in preserving the background to ensure the welfare and quality of life between ages. Sustainable development is an effort to guarantee these rights by managing natural resources wisely and rationally and simultaneously considering economic, social, and environmental aspects. Currently, humans tend to be greedy for existing natural resources to get the maximum benefit. Illegal logging is an activity to place forest resources on a large scale without paying attention to the needs of future generations. Efforts made by the government to enforce sanctions against perpetrators of illegal logging activities are the enactment of Law Number 32 of 2009 concerning Environmental Protection and Management and Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction.

1. Introduction
The birth of the concept of "sustainable development" originated from the rise of pollution or environmental damage, which is fear to impact the current generation and future generations [1]. So that the impact is expected to be prevented, it is necessary to develop wisely and rationally that can utilise natural resources to fulfil their needs without harming the needs of future generations [2]. “Pay a attention to” and “considering” the current environmental capability in implementing sustainable development is very important to support human life [3].

The concept of sustainable development started in 1972 in Conference Stockholm or the UN Conference on the Human Environment that is expected to be carried out with attention and does not rule out environmental factors, because if the construction of the capability of the environment (eco-development) then it will be done well. The Stockholm Conference also discussed environmental problems and their solutions. With the holding of the Stockholm Conference as an effort from the United Nations to prevent and repair environmental damage [3].

Along with the times, modern humans have very high consumptive power and are very capitalistic, so that in meeting their needs, humans tend to be greedy for existing natural resources and ignore the needs of future generations can cause environmental damage [3]. Therefore, human safety and security can threat due to the lack of prudence or human intent in treating the environment to obtain the most
significant possible benefit by ignoring the environment's carrying capacity. It is a severe problem, so it is necessary to protect the environment to reduce environmental abuse due to human activities [4].

In Indonesia, in utilising and protecting the environment, this has progressed with Law Number 4 of 1982 concerning Basic Provisions for Environmental Management or UULH, which made it the first step taken by the government to reduce environmental pollution damage. The UULH was replaced by Law Number 23 of 1997 concerning Environmental Management or UUPLH and then replaced by Law Number 32 of 2009 concerning Environmental Protection and Management or UUPLH.

Illegal logging is an activity that causes environmental damage or, in this case, forest damage so that it can cause flooding, pollution, acid rain, and global warming. According to data from the Ministry of Forestry in 2006, 59.6 million hectares of the 120.35 million hectares of forest area in Indonesia were damaged. They could not carry out their functions optimally, the leading cause being massive deforestation in the last five years reaching 2.83 million hectares per year [6].

For sustainable development, it is necessary to enforce criminal law for those who commit illegal logging crimes. The method used by the author in this study is a normative research method (library study) using primary legal materials collected from laws and regulations and secondary legal materials from books, articles, journals. To obtain the title of "Sustainable development: enforcement of environmental criminal law practice against illegal logging in Indonesia."

2. Result and discussion

2.1. The concept of sustainable development (sustainable development)

The requirement for every country to apply the concept of sustainable development is stated in the World Commission on Environment and Development (WCED) Report in 1987 or the "Brundtland Report," whose title is "Our Common Future." Together).[7] Not only that, the necessity for applying the concept in order to ensure the quality of people's lives and improve the welfare of the people mentioned in Article 33, paragraph 3 of the 1945 Constitution " with earth and water and natural resources contained in it are controlled by the state and used for the greatest prosperity of the people."

Study design in the form of a law-based environmental study, with the subject of environmental law conditions in Indonesia, located in the urban area of Surabaya, data collection with literature review. Data analysis using parables in a limited discussion study with government officials in June 2021 guarantees its citizens their rights to enjoy natural resources whose management needs to optimally as possible by the state so that the community gets the maximum benefit sustainably.

The definition of the concept of sustainable development is stated, namely: "Sustainable development is a conscious and planned effort that integrates environmental, social and economic aspects into a development strategy to ensure the integrity of the environment as well as the safety, capabilities, welfare, and quality of life of present and future generations."

Based on this understanding, sustainable development is a process that is carried out wisely and rationally that can simultaneously manage natural resources by combining social, economic, and environmental aspects to fulfil their needs without harming future generations. Future, to ensure the welfare and quality of life together (sustainable living), which means it can be responsible for themselves and the surrounding community towards the environment, for that the concept of sustainable development will be achieved if it is accompanied by environmental insight [8].

Humans and other living creatures have the right to a healthy living environment. Therefore, to realise it, sustainable development with an environmental perspective needs to burden humans to carry out their obligations in meeting the interests of current and future generations [9].

Sustainable Development is carried out to be able to fulfil the needs of the present generation and future generations, so that efforts to manage natural resources are prohibited from being excessive, but must be carried out with due regard to the carrying capacity of the environment itself so that sustainable development goals can be carried out correctly. Thus making humans the centre of attention, this places humans as subjects and objects in realising sustainable development. As a subject because humans are the implementers of development. As an object because in terms of realising sustainable development
of living things, especially in this case, humans are the goals of development results to meet their needs [10].

Sustainable development with an environmental perspective is a form of utilising natural resources to guarantee the quality of life for humans or other creatures in the current generation without neglecting the next generation [11]. Sustainable Development must contain economic, social, and environmental aspects, all of which must work together because they have their respective relationships in realising sustainable development. In development, one must be able to pay attention to resources and also the order of the environment, use natural resources should not be excessive, and must also be able to pay attention to the carrying capacity of the environment because, after all, the environment must be preserved. Development of a sector must be able to pay attention to the impact of another sector that is possible to account for as a result of development [12].

Furthermore, sustainable development must pay attention to the use of resources (SDA and HR), namely paying attention to the possible impacts arising from the development of a sector to humans as social beings with their environment [13]. Natural resources play a role in state revenues; the government has an essential role in natural resources that expect to manage them well [14].

2.2. The characteristics of sustainable development:
According to RM Gatot Soemartono, sustainable development that is environmentally sound has the following characteristics: [15]

- Strive to be able to conserve biodiversity, which is the main thing so that the ecosystem is balanced so that natural resources can always be available for current and future generations;
- In managing natural resources by paying attention to the carrying capacity of the environment because after all the environment must be preserved;
- Paying attention to the economic, social, and environmental aspects of development at the same time because all these aspects cannot be separated, which means that the three must be able to support each other in order to carry out sustainable development;
- Can conserve and increase biodiversity continuously so that natural resources are always available and can protect them;
- Using ways to preserve the environment that can pay attention to current generations without harming future generations.

In terms of utilisation of natural resources, however, humans can affect nature by giving positive or negative impacts (in this case, destructive). Therefore, development is required to pay attention to the possible impacts that will arise from these activities. The positive impact of this development is that it is beneficial for the management of human life, namely:

a. Natural resources play a role as state income, and if they can be appropriately used, they will certainly get good results for economic growth in current and future generations;
b. Technology will develop rapidly;
c. Humans can guarantee their lives with the opportunity to work equally and make their lives prosperous [16].

Next is the negative impact, if natural resources are not misused and only by paying attention to the needs of the current generation but not paying attention to the needs of future generations as well, this will be detrimental to humans as a result of these activities, namely:

a. Reducing natural resources, so that it affects future generations;
b. Can damage the ecosystem, causing the extinction of protected animals and plants;
c. Environmental damage or pollution; and so forth [17].

2.3. Strategy in realizing the concept of sustainable development
Askar Jaya stated that in a sustainable development strategy, the following must be considered: [18]

- Development by Providing Guarantees for Equity and Social Justice. The concept of sustainable development must be carried out fairly and equitably to the entire community [23]. Equity is a concept that cannot be measured (relatively). Realising it must be based on economic equality
achieved through development, which is an effort to prosper the people. That justice, in this case, is to be able to carry out development without compromising the needs of the next generation but still being able to fulfil the needs of the current generation.

- Development that Values Diversity. For future generations can be fulfilled, biodiversity is needed, which is the main thing to balance the ecosystem. Therefore, maintaining diversity is a critical element in development so that natural resources are always available for each generation.

- Development Using an Integrative Approach. The integrative approach means that in sustainable development, there is a relationship between humans and nature. Humans can influence nature through positive or negative (in this case, destructive) impacts. Therefore, the relationship between humans and nature is carried out well by positively impacting the environment. Therefore, development with an integrative approach is a concept that is possible to implement and at the same time is a challenge for the government.

- Development with a Long-Term Perspective. Sustainable development implies that giving attention to the present and future generations makes the significant challenges in sustainable development for more people more critical, but the present and the future are equally important. So, the long-term perspective is a sustainable development perspective.

Based on this explanation, it can be concluded that sustainable development is based on 3 (three) things, namely: natural resources, environmental quality factors, and population. So if in implementing sustainable development, one of the aspects is not fulfilled, then the development will not be appropriately realised. Sustainable development must pay attention to the environment's carrying capacity so that existing resources can be used for the benefit of the current generation without ignoring the next generation's interests [5].

In realising sustainable development, some things must be considered. Emil Salim said that there are 5 (five) critical basic things that need to be considered, namely: [8]

a) Have a sense of awareness and attitude of cooperation on the importance of environmental, economic, and social aspects carried out together because all three need for each other in order to realise sustainable development that is beneficial for present and future generations;

b) Along with the times, the needs of humans or other living creatures continue to grow. Therefore, so that the current generation and future generations can still meet their needs, it is necessary to manage rationally and wisely natural resources while still paying attention to the carrying capacity of the environment;

c) Developing human resources with it is expected to be able to take action to deal with future environmental constraints or problems to minimise environmental distress;

d) Have a sense of awareness to take action in protecting or preserving environmental ecosystems among the community;

e) Strive for establishing institutions that aim to develop human resources to participate in managing or preserving the environment.

2.4. Principles of intergenerational justice

The implementation of sustainable development in UUPPLH is carried out wisely and rationally by managing current Natural Resources (SDA), which aims to fulfil the interests of the current generation without neglecting the interests of future generations. In the concept of sustainable development, there is the principle of justice, which justice is in the form of the principle of one generation justice (Intragenerational Equity Principle) and the principle of intergenerational equity (Intergenerational Equity Principle) [7].

- The principle of one generation justice, that one must be fair to the responsibility of an environmental problem in one generation. If there are environmental problems, they must be appropriately resolved not to impact future generations [5].

- The principle of intergenerational justice, human beings in the world have the right to a good and healthy environment in every generation, not to get a dire environmental situation or
condition as a result of lack of care or human intent in treating the environment in order to obtain the greatest possible benefit. Which also ignores the carrying capacity of the environment itself. According to Edith Brown, there are 3 (three) human actions in the current generation that can harm future generations: [10]

a. In meeting their needs for consumptive power, modern humans tend to be very high on existing resources to impact future generations, namely in meeting their needs. They are required to pay more than the current generation even though they enjoy the same resources;

b. The activities of the current generation, namely in terms of resource utilisation, significantly impact future generations, so that if the utilisation is not carried out efficiently, it will cause future generations to pay dearly for the inefficiency of resource utilisation by the current generation;

c. Therefore, the massacre of natural resources claimed to fulfil the interests of the current generation can affect the next generation. It has an impact on the diversity of natural resources for future generations.

In the principle of intergenerational justice, there are 3 (three) basic things [20]:

a. So that the next generation can enjoy a large diversity of resources to meet their needs, as does the current generation, it is required for each generation to maintain and protect the diversity of existing environmental resources;

b. It is required for each generation to seek various ways in order to protect and maintain the environment, none other than because future generations also have the right to enjoy a healthy environment as it is in the current generation;

c. For various natural wealth inheritances, each generation must provide guarantees to get the same access rights because future generations are also entitled to the right to gain access to these natural wealth inheritances.

In the context of sustainable development, the principle of intergenerational and one-generation justice is indispensable to protect, manage, and preserve the environment. Article 2 letter b of the UUPPLH concerning the Principle of Sustainability and Sustainability, namely that each generation has obligations and responsibilities to future generations and one generation to preserve the environment.

A good and healthy environment is one of the fundamental rights for every Indonesian citizen [10]. Humans become the most critical part of sustainable development based on these rights, namely subjects and objects. Humans as subjects because they are those who carry out development. As an object because in terms of realising sustainable development of living things, especially in this case, humans are the goal of the development results to meet their needs [11]. Thus, the population's quality in sustainable development allows it to utilise natural resources optimally, wisely, and rationally to maintain environmental sustainability. Therefore, it is hoped that there will be a balance between the population and the environment's carrying capacity [12].

In his book Development with Environmental Insight, Emil Salim reveals that sustainable development must be able to manage as well as possible the existing natural resources so that the concept of sustainable development is implemented by being able to preserve or develop the environment (ecodevelopment) [25]. The environment, which is the most critical element in realising the concept of sustainable development, aims to fulfil the interests of the current generation by taking into account the interests of future generations to ensure the welfare and quality of life between generations.

2.5. Impact of Illegal logging against development

Illegal logging in Indonesia has snowballed since the emergence of the timber industry in Indonesia in the 1970s to develop Indonesian wood production to benefit future generations. However, in reality, these activities tend to prioritise economic interests rather than the interests of the environment itself, which is not by its original purpose, namely for the benefit of future generations. These industries carry out activities against the law, namely Illegal logging, resulting in the loss of forest land by carrying out large-scale forest logging (deforestation). Indonesia began to lose its forest and even forest area until 2013 slowly began to disappear up to 72 per cent [5]. The widespread practice of Illegal logging impacts all sectors, namely the environment, economy, and society. Even though the environment has a critical
role in the economy, the economic system will not function as expected without it, which indirectly cannot guarantee the welfare of the intergenerational community.

Illegal logging is an act of exploiting forest resources, not wisely or rationally. In other words, that is done excessively without paying attention to the needs of future generations. These activities include forestry activities against the law, starting from harvesting, managing, and trading timber [10].

Illegal logging causes forest damage, where forest damage is environmental damage. Environmental destruction is an activity that results in direct/indirect changes to the environmental ecosystem, which makes it unable to function as a supporter of sustainable development be stated in article 1 number 16 UUPPLH. Natural disasters that often hit various regions in Indonesia, such as floods and landslides due to illegal logging activities, the extinction of several rare species of flora and fauna is also a form of environmental damage from illegal logging, as explained by experts, environmentalists and forestry [16].

Illegal logging activity exploits natural resources on a large scale to obtain the most significant possible profit by ignoring the environment's carrying capacity. Such activity would only harm the environment that is causing pollution and environmental damage, thus causing declining environmental quality, which makes the environment unable to perform its function like a system of life support (life support system) with him would harm living beings, especially humans [23]. As a result, sustainable, environmentally sound development to ensure the welfare and quality of life between generations cannot be implemented. Below are some of the consequences of illegal logging practices : [25]

- Some areas in Indonesia, when it often rains, experienced floods or landslides due to the loss of trees in Indonesia
- Reduced sources of water, so that the interests of the community are disturbed by this;
- The extinction of flora and fauna;
- Natural disasters that may occur as a result of Illegal logging practices
- In meeting their needs, in this case, future generations are required to pay more than the current generation, even though they consume the same resources;
- The reduction of trees or forests as a result of Illegal logging activities triggers global warming (global warming) due to the depletion of the ozone layer, as it is already known that this will result in decreased air quality, melting of polar ice caps, smog, making it a serious international issue.

Development that prioritises economic interests rather than the environment will impact environmental damage, not guarantee that sustainable development can be realised. Sustainable Development must be ecologically, socially, and economically sustainable, which means that sustainable development is required to be ecologically (environmentally), socially, and economically sustainable [22]. These aspects must be carried out simultaneously because they have their respective relationships, meaning that the economic, social, and environmental aspects must support each other to carry out sustainable development. The environment plays a role in the economic sector, so that if the management of natural resources is not carried out in a balanced manner and ignores the carrying capacity of the environment, the country's economy cannot run well. The economic sector must still be considered because if the economy is neglected, it will cause problems with the social aspect, where the economic aspect can affect the social aspect [20]. In utilising natural resources, it is necessary to pay attention to an activity of the surrounding community so that the development can have a positive impact [22] on the community's economy, so it is less likely that environmental damage will occur. These activities have a positive impact on the current generation and have an impact on future generations.

Based on the description above can be seen that the practice of Illegal logging (logging) do not reflect the goals of sustainable development, which is to manage natural resources wisely and rationally so that today's generation can be fulfilled interests without ignoring the interests of the next generation, to guarantee the well-being and quality of life intergenerational. Illegal logging is the act of collecting, cutting or receiving, buying or transporting, possessing timber forest products from forest areas that are suspected of being illegally carried out without a Certificate of Legal Forest Products (SKSHH). Illegal logging tends to be more concerned with economic interests than the environment itself in managing
natural resources, even though the environment has a critical role in the economy, without which the economic system will not function as expected. Development that only pays attention to the economic system indirectly does not reflect aspects of justice and sustainability for intergenerational society [24].

2.6. Criminal law enforcement against illegal logging practices in Indonesia

The crime of Illegal logging is categorised as a great crime because these activities can harm the stability of the country's economy and people's lives, so that if the use of natural resources is not wisely and rationally and not If you pay attention to the carrying capacity of the environment, the country's economy cannot run well. However, the economic sector must still be considered because if the economy is neglected, it will cause problems with the social aspect, where the economic aspect can affect the social aspect [24].

However, considering that there is no official definition of Illegal logging itself, there are differences of opinion regarding its elements. They are:[24]

a) there is an activity
b) felling or transporting or processing or selling or buying wood illegally
c) which can destroy the forest
d) there is a law that prohibits
e) contrary to applicable law

From the explanation above, there is the most striking element, namely "which can damage the forest," forest damage is damage to the environment because it has a wide enough impact on economic, social, and environmental (ecological) aspects so that it cannot support the concept of sustainable development that is regulated. in Law 32/2009 on Environmental Protection and Management.

Along with the times, the quality of the environment gradually decreases due to rampant illegal logging activities, resulting in the reduction of trees or forests, which then triggers global warming due to the depleting ozone layer, as is well known that global warming has an impact on the environment. With an impact on the survival of living things, regulations, protection, and environment management are needed seriously [24].

Both the government, the state, and every stakeholder strive to protect and preserve the environment. So, on this basis, it is hoped that the government will try to improve legal products, in this case at the technical level, so that environmentally sound and sustainable development is a written concept but is expected to be implemented well [12].

In realising the concept of sustainable development, it is necessary to prevent and enforce the law as an effort to protect and secure forests:

- Preventive Efforts. They were intended to prevent Illegal logging activities by a. counselling on the dangers of forest destruction to create awareness among the community that forests are very useful in ensuring the quality of the environment; b. Forest patrols are carried out by the community and law enforcement officers to secure or protect the forest from irresponsible elements and other prevention programs.
- Repressive Effort. In criminal law against environmental crime (forestry), in this case, Illegal logging, the government has issued Presidential Instruction No. 3 of 2005 on the Eradication of logging illegally in the forest area is expected d apart reduce the number of illegal logging crimes (Illegal logging). Furthermore, following up on the perpetrators of Illegal logging, namely with Law 18/2013 on Forest Prevention and Eradication, namely: imprisonment and fines. In addition, without reducing criminal sanctions, it is obligatory for those responsible for violations without a permit and for permit holders to be subject to "administrative sanctions." For violations without a permit, sanctions are imposed to pay compensation by the level of damage or consequences caused to the state for rehabilitation costs, restoration of forest conditions, and other necessary actions. Meanwhile, permit holders are subject to sanctions in the form of fines, cessation of activities, reduction of area, or revocation of permits [12].
3. Conclusion
In the implementation of development, it will have a positive or negative impact depending on the humans themselves in managing or preserving, or protecting natural resources, if done wisely and rationally, which means that it is not excessive but can still meet the interests of the current generation and does not ignore the interests of future generations. Therefore will have a positive impact on environmental, economic, and social aspects. When done by slaughtering the natural resources on a large scale so that the needs of the present generation are met, but by ignoring the interests of future generations, it can have adverse effects that pollution and damage to the environment, so that the welfare and quality of life between generations hard to guarantee.

The crime of illegal logging (illegal logging) is an extraordinary crime because these activities can harm the stability of the country's economy and people's lives, and of course forest damage, forest damage is also damage to the environment because it has a reasonably broad impact on the economic, social, and environment (ecology). In the enforcement of the criminal law, there are articles 82-106 of Law 18/2013 concerning the Prevention and Eradication of Environmental Destruction with the threat of imprisonment, fines, and in article 18 "administrative sanctions." The practice of illegal logging (logging) does not reflect the purpose of constructing air- the continuation of the public welfare by managing natural resources wisely and rationally so that the present generation and future generations can enjoy the results as a form of "justice."

Law 18/2013 concerning Prevention and Eradication of Environmental Destruction as a form of preventive and repressive efforts to the environment will not play many roles because sustainable development is. Therefore, it is hoped that there will be awareness in protecting and preserving environmental ecosystems among the community. So that the realisation of sustainable development that is environmentally sound to ensure the welfare and quality of life between generations.

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