

ABSTRAK

Materi pokok penelitian Pertanggungjawaban Pidana Bagi Pelaku Penebangan Tanpa Ijin Yang Dikelola Oleh Perhutani, dengan permasalahan Apakah pelaku satem dan beberapa pihak yang melakukan penebangan kayu tanpa ijin dapat dimintakan pertanggungjawaban pidana. Diperoleh kesimpulan sebagai berikut: Pertanggungjawaban pidana bagi pelaku penebangan hutan secara liar, bahwa putusan Pengadilan Negeri Bangkalan yang menyatakan terdakwa Satem melakukan tindak pidana perusakan hutan berdasarkan ketentuan Pasal 82 Ayat (1) huruf b Undang Undang RI No.18 Th. 2013 tentang Pencegahan dan Pemberantasan Perusakan Hutan, karena Satem terbukti secara sah dan meyakinkan melakukan tindak pidana sebagaimana dakwaan kesatu jaksa penuntut umum. Meskipun Satem melakukan tindak pidana menebang pohon di areal milik Perhutani melibatkan beberapa pihak, namun jaksa penuntut umum dalam dakwaannya tidak mendakwa Satem melakukan tindak pidana pembalakan liar dengan ancaman hukuman yang lebih tinggi. Satem yang melakukan penebangan kayu di hutan yang dikelola Perhutani tanpa izin dengan melibatkan beberapa pihak dapat dimintakan pertanggung-jawaban pidana atas dasar telah melakukan tindak pidana pembalakan liar, karena Satem melakukan tindak pidana menebang pohon di areal milik Perhutani melibatkan banyak pihak yang bertindak sebagai perantara untuk menjual, mencari dan menemukan penjual dan penebang, sehingga dapat dikategorikan sebagai pembalakan liar sebagaimana diatur dalam ketentuan Pasal 94 ayat (1) UU No. 18 Th. 2013, karena perbuatannya telah memenuhi seluruh unsur Pasal 94 ayat (1) huruf a jo Pasal 19 ayat (1) huruf a UU No. 18 Th. 2013

Kata Kunci: Pertanggungjawaban Pidana, Pelaku, Penebangan Tanpa Ijin.

ABSTRACT

Subject matter of criminal liability for perpetrators of logging without permits administered by Perhutani, with the problem whether the perpetrator satem and some parties who do logging without permission can be sought criminal liability. The conclusions are as follows: Criminal liability for illegal loggers, that the decision of the Bangkalan District Court which declared the defendant Satem committed a criminal act of forest destruction under the provisions of Article 82 Paragraph (1) Sub-Paragraph b of the Law of the Republic of Indonesia No.18 Th. 2013 on the Prevention and Eradication of Forest Destruction, because Satem is legally and convincingly proven to have committed a crime as the indictment of one of the public prosecutors. Although Satem commits criminal acts of felling trees in Perhutani's area involving several parties, the public prosecutor in his indictment does not indict Satem to commit illegal logging with a higher penalty. Satems carrying out logging in unlicensed Perhutani-managed forests involving multiple parties may be subject to criminal liability on grounds of illegal logging because Satem commits a crime of cutting trees in Perhutani's area involving many parties acting as intermediaries for sell, search and find sellers and loggers, so it can be categorized as illegal logging as regulated in the provisions of Article 94 paragraph (1) of Law no. 18 Th. 2013, because his actions have fulfilled all the elements of Article 94 paragraph (1) letter a jo Article 19 paragraph (1) letter a Law. 18 Th. 2013

Keywords: Criminal Accountability, Perpetrators, Unauthorized Logging