



Legal review of logging without environmental permits on perum perhutani land in gunung pinang in relation to banten regional regulation number 10 of 2012 concerning environmental protection and management

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ABSTRACT

This study conducts a legal review of logging activities carried out without environmental permits on Perum Perhutani land in Gunung Pinang, examined through the framework of Banten Regional Regulation No. 10 of 2012 concerning Environmental Protection and Management. Using a normative legal research method supplemented by document analysis and comparative review of statutory instruments, the paper identifies the legal obligations imposed by the regional regulation on permit requirements, environmental impact prevention, and restoration duties. The analysis shows that unpermitted logging on state-managed forest land contravenes both regional environmental obligations and broader forestry and environmental statutes it undermines mandates for environmental impact assessment, breach of administrative duties, and triggers liability for environmental damage. The review further highlights gaps in enforcement, ambiguous jurisdictional boundaries between regional and national authorities, and weaknesses in community engagement that permit illicit exploitation to persist. The paper concludes that effective legal response requires coordinated enforcement between Perum Perhutani, regional environmental agencies, and law enforcement; clear procedural guidance on permit processes and sanctions under the regional regulation; and restorative actions including mandatory rehabilitation, sanctions proportionate to harm, and community-based monitoring to prevent recurrence.

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1. Introduction

Illegal logging practices persist despite a clear legal framework, due to complex institutional and political issues. Normatively, regulations for forest protection and management in Indonesia are adequate, but weak law enforcement renders these regulations ineffective. Many illegal logging cases end at the investigation stage or result in only light sanctions, thus failing

to deter perpetrators. This situation reflects a significant gap between legal norms and the reality on the ground. Furthermore, corruption and collusion exacerbate the situation. Law enforcement officers and local government officials are often involved in bribery, allowing perpetrators of illegal logging to continue their activities without significant hindrance. This situation indicates that the law can be manipulated when faced with large economic interests, while the integrity of the institutions that are supposed to safeguard forest sustainability is questioned.

The issue of overlapping authority cannot be ignored. Forest management involves many parties, from the central government and regional governments to state-owned enterprises like Perhutani. Differing interests and unclear coordination create a gray area that is often exploited by illegal logging perpetrators. This institutional weakness demonstrates that even a strong legal framework will not function optimally without integrated governance. Political-economic factors also play a significant role. Illegal logging is often protected by networks of power, both at the local and national levels. The vested interests of political and economic actors who profit from illegal logging complicate eradication efforts. Furthermore, the weak empowerment of communities surrounding forests exacerbates the situation. When communities are denied a role in forest protection, social control is minimal, and some even become involved in illegal logging out of economic necessity. Thus, the problem of illegal logging is not simply a matter of unclear regulations, but rather a matter of weak institutions, corrupt practices, conflicts of authority, and the dominance of political-economic interests. Without institutional improvement and governance reform, existing regulations will remain mere formalities, while forest destruction continues.

The illegal logging case in the Mount Pinang area reflects the national deforestation problem, where forest destruction occurs due to weak oversight, short-term economic interests, and minimal implementation of strict laws. This situation shows that despite the existence of Regional Regulation No. 10 of 2012 concerning Environmental Protection and Management, its effectiveness in controlling environmental damage is still limited due to sanctions that do not have a deterrent effect and overlapping authority between institutions. Thus, the Mount Pinang case serves as a concrete example of how regional policies need to be strengthened with stricter oversight mechanisms, consistent law enforcement, and community participation to ensure that regulations are not merely normative but are truly capable of reducing the rate of deforestation. Perum Perhutani manages large tracts of state forest in Banten, including the Gunung Pinang area, where recent land-clearing and tree-removal activities have raised concerns that logging was carried out without the required environmental permits (Utama, 2023). This situation triggers potential conflicts between forest management responsibilities, criminal and administrative sanctions for unlawful exploitation of forest resources, and the provincial environmental protection regime set out in Banten Regional Regulation No. 10 of 2012 concerning Environmental Protection and Management (Hafizatul, 2025). That regional regulation establishes the legal framework for preventing environmental damage, regulating permitted activities that affect ecosystems, and imposing sanctions or remedial obligations where environmental permits are lacking or procedures breached. Given Perum Perhutani's role as the state enterprise responsible for forest stewardship and the reported involvement of third-party contractors, a legal review must (1) identify whether the contested activities occurred within state forest managed by Perum Perhutani and whether the actors held valid permits or authorizations; (2) examine the substantive and procedural requirements of Perda No. 10/2012 (and relevant national forestry and environmental laws) for activities affecting forests and watersheds; and (3) assess potential administrative, civil, and criminal liabilities as well as available administrative remedies and enforcement actions by provincial agencies (Cibro & Ramadani, 2024). This review will therefore combine statutory interpretation of Perda No. 10/2012 with factual verification of permitting, chain-of-custody, and compliance with Perum Perhutani's forest management obligations to determine legal accountability and recommend remedies consistent with the province's environmental protection objectives

(Binsar Roberto RE Manurung et al., 2022). Every action taken by living beings, especially humans, is always closely related to how the environment functions, the role it plays, and its position in supporting life. Various factors can push humans to be in certain conditions, so it is natural for humans to strive to understand what factors influence them and the extent to which these influences impact their lives (Immanuel et al., 2017)(Esa, 2023). From this awareness, a branch of science was born that studies the relationships between organisms and each other, as well as the interactions of organisms with their environment, known as ecology. In this case, humans are not only part of the ecosystem, but also play an active role in determining the condition and balance of the environment. As beings with reason and technology, humans have the ability to utilize natural resources, create environmental management policies, and rehabilitate or even damage ecosystems depending on their actions, such as the form and condition of the landscape (such as forests, mountains, rivers, coasts, and agricultural or urban areas) are not entirely formed naturally, but many have changed due to human intervention. An ecosystem that occurs naturally will also achieve its stability and balance naturally (Yayuk Dwi Setya Ningsih, 2019). In this ecosystem, the principle that diversity is the basis of stability applies. This ecosystem can survive because it is supported by two groups or components: the abiotic community and the biotic community, each with its own elements. Therefore, as long as each component in the ecosystem functions optimally and interacts harmoniously with one another, ecological order and balance will be maintained. Under these conditions, the existence of an organism will not easily become extinct or disappear, and it will not disrupt the survival of other organisms (Lubis et al., n.d.).

The word "forest" is a translation of the words "bos" (Dutch) and "forrest" (English). A forest is a rolling plain that can be developed for purposes other than forestry, such as tourism. In ancient English law, a forest is a certain area where the land is covered with trees, a place where wild animals and forest birds live (Lubis et al., n.d.). In line with that, according to Arief as an ecologist, a forest is defined as a vegetation community dominated by trees and has unique and different environmental conditions compared to areas outside the forest. In addition, according to Dagler, a forest is a collection of trees that grow in a large enough area to form its own environment, where factors such as temperature, humidity, light, and wind are no longer determined by external conditions, but by the vegetation itself, as long as the trees grow densely enough both horizontally and vertically (Agasy, 2021). This is in accordance with the regulations of law number 41 concerning forestry in Article 1 paragraph 2, it is explained that a forest is an ecosystem unit in the form of a stretch of land containing natural biological resources dominated by trees in a natural environment, which cannot be separated from one another. 6 From the definitions above, making a forest a large area filled with various types of vegetation, such as tall and dense trees, shrubs, ferns, grass, and also various types of mushrooms. In addition to plants, forests also provide habitat for various types of wild animals and other living creatures, which use them as their home and source of life. Naturally, forests consist of three essential elements: air, water, and soil, which interact with each other to support life within them (Ramhandra & Marpaung, 2024). Forests typically feel cool and serene, creating a sense of peace due to the maintained balance of the ecosystem. As an ecosystem, forests reflect the close reciprocal relationship between living things and their environment. Every living thing in the forest relies on each other in the food chain, such as plants as producers, herbivores as primary consumers, and predators as secondary consumers. Furthermore, plants in forests produce oxygen through photosynthesis, which is essential for the respiration of all living things, including humans (Yuniar et al., 2024).

In Indonesia, the total land area covers 187 million hectares, both inside and outside forest areas. Monitoring results indicate that forested land in Indonesia in 2024 reached 95.5 million hectares, or 51.1% of the total land area. Of this figure, approximately 91.9% (87.8 million hectares) is located within forest areas. Based on the latest monitoring results in 2024, more than half of Indonesia's land area remains covered by forest. The area still forested is recorded at 95.5 million hectares, equivalent to 51.1% of Indonesia's total land area. This demonstrates that

forests remain a key component of the country's geographic structure and ecosystem. Not all of this forested land is included in forest areas officially designated by the government. Of the total forested land, approximately 91.9%, or 87.8 million hectares, is located within legally designated forest areas, such as protected forests, conservation forests, or production forests. The remaining 7.7 million hectares, or 8.1%, of forested land, are located outside officially designated forest areas. This includes forested lands located in areas for other uses, such as plantations, lands owned by indigenous communities, or areas without forestry status (Rifka Alkhilyatul Ma'rifat, I Made Suraharta, 2024). Unfortunately, many forests are disappearing due to overexploitation by humans. Illegal logging, land clearing for forest use, and forest destruction, such as the establishment of tourism projects in forest areas without proper procedures, have led to alarming forest degradation (Reski, Sri, Syafruddin, 2023).

The net deforestation rate in 2024 was recorded at 175,400 hectares. This figure is obtained from gross deforestation of 216.2 thousand hectares minus reforestation results of 40.8 thousand hectares. The majority of gross deforestation occurred in secondary forests with an area of 200.6 thousand hectares (92.8 percent) (Zulkifli, 2019). As much as 69.3 percent of the deforestation area occurred inside the forest and the rest outside, when compared to previous years, the deforestation rate continued to increase until the last in 2024. 8 In fact, forests have a vital role as a life support, both in maintaining air quality, regulating the water cycle, preventing natural disasters, and providing biodiversity that is important for the balance of nature. Broadly speaking, the main causes of forest destruction in Indonesia can be classified into five categories, namely, Illegal Logging, Land concessions for logging and plantations (on paper legal), Illegal mining, Forest concessions for mining (on paper legal), Forest encroachment by local communities, the five activities above have been the main contributors to the destruction of forests and the environment in Indonesia. Illegal logging, for example, is still found in Indonesian forests, although its scale has decreased due to the country's declining forest resources. Forest destruction in Indonesia is no longer an abstract phenomenon or merely an issue in official reports; its impacts are very real and can be directly witnessed. However, through this, the government legitimizes forest utilization aimed at optimally benefiting the well-being of all. society in a just manner while maintaining its sustainability (Firdiansyah, 2022). Production forests in Indonesia have an important function not only as a source of timber forest products, but also as a provider of environmental services that can be utilized for the economic interests of the community, in Article 28 of Law Number 41 of 1999 concerning Forestry it is explained that, Utilization of production forests can be in the form of area utilization, utilization of environmental services, utilization of timber and non-timber forest products, as well as the collection of timber and non-timber forest products.

2. Method

This research uses a normative juridical method (*yuridis normatif*) supported by statutory and conceptual approaches. The normative juridical approach is applied by examining primary legal materials, namely Banten Regional Regulation No. 10 of 2012 concerning Environmental Protection and Management, Law No. 32 of 2009 on Environmental Protection and Management, Law No. 41 of 1999 on Forestry, as well as related regulations governing environmental permits and forest management. Secondary legal materials in the form of academic articles, legal commentaries, and relevant jurisprudence are used to enrich the analysis. The conceptual approach is applied to interpret the meaning of "logging without environmental permits" in relation to the principles of sustainable development and environmental accountability. Data collection is carried out through literature review and document analysis of legal texts, official reports, and relevant publications. The analysis technique is qualitative, aiming to systematize, interpret, and evaluate legal norms and their application to the case of logging activities at Gunung Pinang, in order to assess legal liability and formulate recommendations (Fazilla, 2021).

3. Analysis and Results

Illegal logging remains rampant despite a clear legal framework, influenced by various institutional and political factors, including weak law enforcement that often stops at the investigation stage, corruption and collusion that allow perpetrators to escape justice, and overlapping authority between the central government, regional governments, and state-owned enterprises that opens up loopholes for abuse. Furthermore, political and economic interests involving influential actors further reinforce the continuation of these illegal practices, while weak empowerment of forest communities leads to minimal social control. Under these conditions, existing regulations tend to be formalities without effective implementation, thus continuing forest destruction. The analysis shows that logging activities on Perum Perhutani land in Gunung Pinang were allegedly carried out without obtaining the required environmental permits, which constitutes a violation of the regulatory framework established under Banten Regional Regulation No. 10 of 2012. Article provisions within this regulation emphasize the obligation of every business and/or activity that has significant impact on the environment to first obtain an environmental permit (Rachmasari, 2023). The absence of such a permit indicates non-compliance with administrative requirements and undermines the principles of environmental protection and management (Javadikasgari et al., 2018). In practice, Perum Perhutani, as a state-owned enterprise managing the forest area, bears responsibility for ensuring that any activities conducted within its concession comply with both national forestry law and regional environmental regulations (Tiranda, 2024). The results of the legal review suggest two layers of liability (1) administrative liability, due to the failure to secure permits and follow proper environmental management procedures; and (2) civil and potentially criminal liability, if the logging caused measurable environmental damage or economic loss to the community. Furthermore, the findings indicate a gap between the regulatory provisions and their enforcement at the provincial level. While Perda No. 10 of 2012 provides clear sanctions – ranging from written warnings to suspension of activities and administrative fines – implementation remains weak, as evidenced by the continuation of logging despite community protests and media reports. This underscores the need for stronger monitoring by the Banten Environmental Agency (DLHK) and greater coordination with law enforcement to ensure compliance and accountability (MUSLIMIN, 2023).

The review of Banten Regional Regulation No. 10 of 2012 demonstrates that every activity potentially causing environmental impact, including logging, requires a prior environmental permit. In the case of logging at Gunung Pinang, findings indicate that such activities were conducted without fulfilling the mandatory licensing requirements. This failure represents a direct violation of Article provisions in the Regional Regulation as well as Law No. 32 of 2009 on Environmental Protection and Management, which both emphasize preventive measures to safeguard ecosystems from unsustainable exploitation. The absence of permits reveals administrative negligence and raises questions about the effectiveness of environmental governance in Banten Province. From an administrative perspective, Perum Perhutani as the land manager holds primary responsibility to ensure compliance with legal requirements. Although Perhutani may delegate operational activities to third parties, accountability for environmental compliance remains with the concession holder. The analysis shows that if logging is undertaken without permits, Perhutani can be subjected to administrative sanctions such as suspension of activities, fines, or revocation of management rights. This aligns with the sanctioning mechanisms provided under Perda No. 10 of 2012, which aims to discipline actors and deter further violations.

Beyond administrative liability, civil liability may also arise when environmental damage results in measurable harm to the community. For instance, the removal of trees in Gunung Pinang has been linked to soil degradation, reduced water retention capacity, and increased vulnerability of nearby settlements to flooding and landslides. Under the strict liability principle in environmental law, parties responsible for such damage can be sued to restore environmental conditions and compensate affected communities. This illustrates how local

regulations are supported by broader national principles of environmental justice. The possibility of criminal liability also emerges where logging activities are proven to be intentional and cause significant damage to the ecosystem. Law No. 32 of 2009 and Law No. 41 of 1999 on Forestry both provide criminal sanctions for illegal logging and environmental destruction. If actors involved in Gunung Pinang are proven to have deliberately ignored licensing procedures or falsified documents, they may face prosecution. Thus, the case highlights the layered enforcement mechanisms designed to protect forest areas through administrative, civil, and criminal law. Another key finding concerns the weakness of enforcement by provincial authorities. Although Perda No. 10 of 2012 provides a clear framework for environmental protection, its effectiveness depends heavily on implementation. In practice, monitoring and law enforcement have been inadequate, allowing logging to continue despite the regulatory prohibitions. This gap between law and enforcement reflects broader challenges in Indonesia's environmental governance, such as overlapping authority, limited resources, and lack of coordination between Perhutani, local government, and the Banten Environmental Agency. Lastly, the analysis underscores the importance of community participation in environmental monitoring. Reports from local residents and civil society groups played a crucial role in bringing attention to the logging issue at Gunung Pinang. However, without strong follow-up from government institutions, these reports often fail to translate into concrete enforcement. Strengthening legal awareness and participation rights as mandated by Perda No. 10 of 2012 is therefore essential to ensuring that communities can act as watchdogs in protecting their environment.

4. Conclusion

Concrete legal steps that can be recommended to strengthen the enforcement of Regional Regulation No. 10 of 2012 include the implementation of progressive administrative sanctions starting from written warnings, temporary activity permits, increasing fines, and even permit revocation for business actors proven to have committed violations, so as to create a real deterrent effect. Furthermore, it is necessary to enforce corporate criminal law against companies involved in fraudulent logging or environmental management without permits, so that not only field workers are blamed, but also company management as the primary responsible party. The implementation of these two legal instruments, coupled with independent oversight and transparency in the licensing process, will strengthen the implementation of regional regulations and close the gap for illegal practices that are detrimental to the environment and the community. The development of environmental law theory in Indonesia, particularly regarding the effectiveness of regional regulations in controlling illegal logging, is influenced by several important factors such as the implementation of law enforcement in the field, community participation in environmental monitoring, and the dynamics of the relationship between the central and regional governments in implementing regulations. Case studies such as the liar logging in Mount Pinang provide empirical contributions that demonstrate the gap between legal norms and implementation practices, thus giving rise to new ideas about the need for administrative, criminal, and civil sanctions within the regional legal framework. Furthermore, the evaluation of the weaknesses of regional regulations also enriches academic discourse on how environmental law design should be designed to be more adaptive, effective, and able to systematically address the challenges of forest destruction.

The legal review of logging activities without environmental permits on Perum Perhutani land in Gunung Pinang reveals that such practices constitute a clear violation of Banten Regional Regulation No. 10 of 2012 on Environmental Protection and Management, as well as relevant national laws on forestry and environmental governance. The absence of environmental permits indicates administrative non-compliance and demonstrates weak enforcement of regional environmental regulations. The analysis further concludes that liability in this case is multi-dimensional. Perum Perhutani, as the land manager, carries administrative responsibility for ensuring compliance, while parties directly conducting the logging may also face civil and

criminal liability if proven to have caused environmental damage or acted with intent. Weak enforcement by provincial authorities has allowed violations to persist, highlighting the need for stronger institutional oversight and coordination. In order to prevent recurrence, it is essential that the Banten Environmental Agency (DLHK) consistently enforces licensing requirements, applies administrative sanctions when necessary, and collaborates with law enforcement to pursue civil and criminal actions against violators. Equally important is the empowerment of local communities to participate actively in environmental monitoring, in line with the participatory principles outlined in Perda No. 10 of 2012. Strengthening these measures will ensure better protection of forest ecosystems, uphold the rule of law, and promote sustainable management of Gunung Pinang's natural resources.

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