

Abstract

Tardip Panggabean, CRIMINAL LAW ENFORCEMENT ON THE CORPORATION OF FOREST FURNITURE BASED ON ACT NO. 32 YEAR 2009 ON PROTECTION AND MANAGEMENT OF LIVING LIVES. Dissertation under the distinguished guidance of Prof. Dr. Hj. Waty Suwarti Haryono, SH, MH, as the Promoter and Dr. Peter Irwan Panjaitan as Ko. Promoter.

Background Issues: Indonesia was once predicated as the lung country of the world because of its vast forest. With regard to the 1945 Constitution Article 33 (3) "The earth and the water and the natural wealth contained therein are controlled by the state and used for the greatest prosperity of the people". However, many people and corporations view forests and the environment as mere economic commodities, deliberately destroying and burning forests in the hope of adding economic value to the environment regardless of the fatal damage in ecological systems and the survival of human, flora and fauna around it. To prevent such action, Indonesia as a state law must immediately take action against the crime of environmental destruction under the laws and laws in force in Indonesia.

Issues to be discussed in the study are: 1) Why Enforcement of Environmental Law in Indonesia has not been able to criminalize the corporation as a perpetrator of Forest Burning ?. 2) Why Law no. 32 Year 2009 on Forest Protection and Management has not been fully implemented against Forest Burning corporation.

Research Methods Using empirical and normative law research methods combined with empirical legal research as a supporting material, by describing, systematizing, interpreting, analyzing and evaluating all legislation related to environmental crime and synergized by seeing its practice in enforcement and criminal application by imposing criminal sanctions on the perpetrators of criminal acts in the field of environmental law with the applicable provisions.

Research Result: First: Legal Adaption to Corporations as Actors of Forest Cultivation in Indonesia have not been maximal yet, of the many crimes of debt-burning corporations such as in Riau and South Sumatra are not followed up seriously by law enforcement apparatus. The court satisfaction of many who won the defendant in this case the corporation. Judges who decide cases are not criminal many who impose sanctions compensation (Civil). Second, Implementation of Law Enforcement based on Law no. No. 32 of 2009 is not working properly, the law enforcement authorities are unable to entrap the corporation of the perpetrators of the crime of forest burning and are not touched by the criminal law.