

Apa Kabar Hutan Indonesia?

What's Up Indonesia's Forests?

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Deforestasi hutan di Indonesia terus melaju namun mengalami penurunan per tahunnya dalam empat tahun terakhir. Sebelumnya Indonesia pernah mengalami deforestasi 2 Juta Hektar per tahun, dan kini kurang dari 400 ribu hektar per tahun.

Penurunan ini mengakibatkan Indonesia tidak lagi dalam tiga urutan terbesar laju deforestasi sedunia. Meski demikian, luasan deforestasi dalam dua tahun terakhir, hampir seluas ibukota Indonesia, Jakarta.

Meski terjadi penurunan, menurut Yayasan Auriga Nusantara, setelah hutan-hutan Sumatera dan Kalimantan berubah menjadi kebun sawit dan lahan pertanian, laju deforestasi kini mengarah ke Indonesia bagian timur.

Menurut Auriga, penyumbang deforestasi terbesar ditujukan untuk pembukaan perkebunan sawit. Namun demikian dari perijinan pembukaan hutan untuk perkebunan sawit hanya kurang dari 50% saja yang sudah ditanami sawit, selebihnya dalam kondisi rusak.

Berbagai permasalahan lain juga ditimbulkan sebagai dampak

Deforestation in Indonesia had been continuously accelerating but it has been decreasing annually in the last four years. Previously, 2 million hectares of Indonesia's forest were deforested per year, and now less than 400 thousand hectares are deforested per year.

This decrease removes Indonesia out of the top three ranks of the world's largest deforestation rate. However, the area of deforestation in the last two years is almost the size of the Indonesian capital, Jakarta.

Despite the decline, according to the Auriga Nusantara Foundation, after the forests of Sumatra and Kalimantan turned into oil palm plantations and agricultural land, deforestation is now heading towards eastern Indonesia.

According to Auriga, the establishment of oil palm plantations constitutes the largest contributor to deforestation. However, of the permits for forest clearing for oil palm plantations, only less than 50% of which have been planted with oil palm; the rest are in a damaged condition.

A variety of other problems also emerges as a result of the

dari alih fungsi hutan seperti memicu konflik agraria, wilayah adat dan menyebabkan kebakaran hutan.

Korupsi Sektor Kehutanan

Korupsi memiliki dampak yang signifikan dalam mendorong eksploitasi berlebihan terhadap hutan. Praktek korupsi di sektor kehutanan terjadi dalam beberapa tahap dalam rantai pasokan industri kayu, mulai tahap perizinan, penebangan, pengangkutan, pelelangan, dan pada saat pembayaran pajak dan retribusi.

Berdasarkan penelitian Eko N. Setiawan dkk Terdapat 4 bentuk kerawanan korupsi sektor kehutanan yaitu pada proses perijinan, pada pengawasan, pada proses tata ruang kehutanan, dan pada pengadaan barang dan jasa kehutanan.

Penelitian Eko N. Setiawan dkk mengidentifikasi dari sejumlah 39 putusan kasus korupsi sektor kehutanandalam periode 2001 s.d 2015, profil terpidana mencakup pengusaha (31%), Anggota DPR (23%), Pejabat Pemerintahan Propinsi (23%), Pejabat Pemerintah Kabupaten (18%), dan Pejabat Kementerian Kehutanan (5%).

Mafia Hutan dan Illegal Logging

Penyebab lain kerusakan hutan adalah penebangan liar (illegal logging). Menurut Koalisi Anti Mafia Hutan (2015), industri kehutanan Indonesia selama 15 tahun terakhir terindikasi menggunakan pasokan kayu dengan lebih dari 25% dari sumber illegal.

Berdasarkan data KLHK, selama periode 2015 s.d 2021, kasus illegal logging merupakan kasus terbanyak yang ditangani

conversion of forest functions, such as agrarian and customary territory conflicts and forest fires.

Forestry Sector Corruption

Corruption has a significant impact in boosting the overexploitation of forests. In the forestry sector it occurs at several stages in the timber industry supply chain, starting from the licensing, logging, transportation, auction, and payment of taxes and user fees.

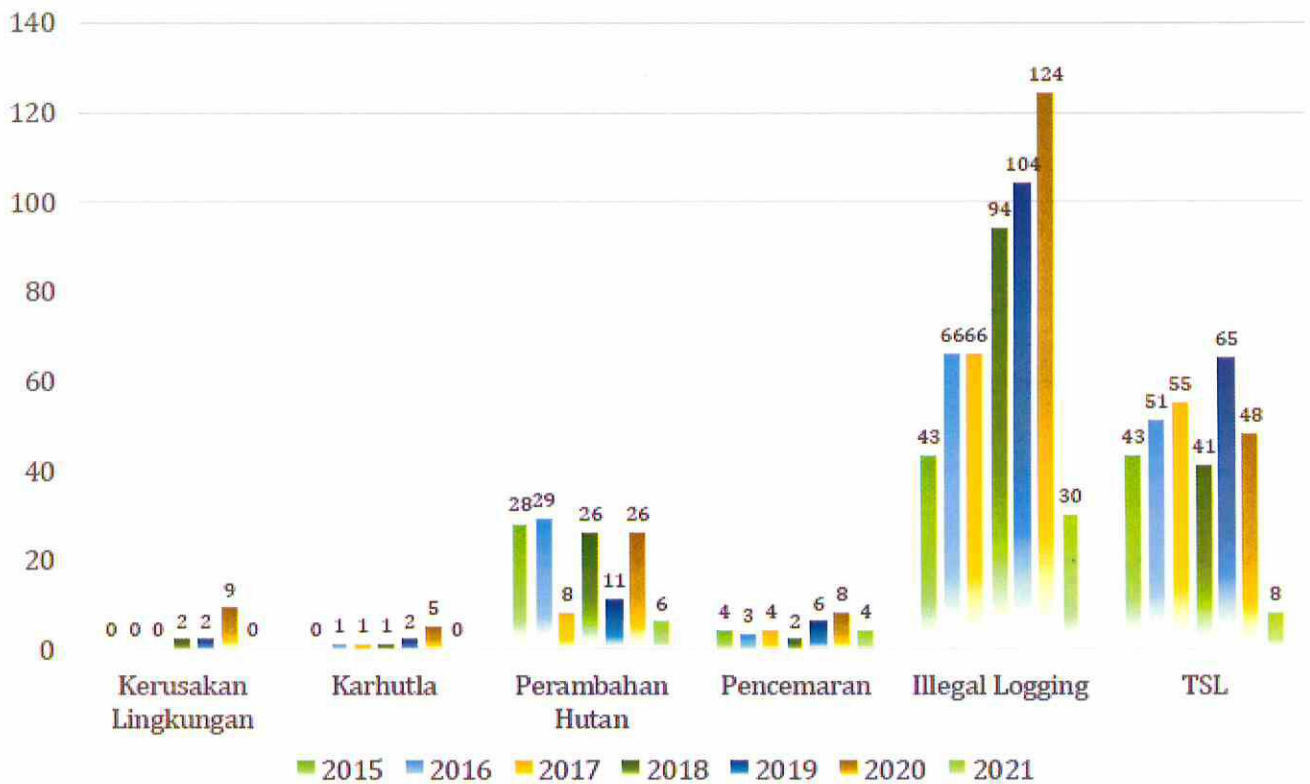
According to a study by Eko N. Setiawan et al., there are 4 forms of vulnerability to corruption in the forestry sector: the licensing process, supervision, forestry spatial planning process, and procurement of forestry goods and services.

The above study identified 39 verdicts on corruption cases in the forestry sector for the period 2001 to 2015, with the profiles of the convicts covering businessmen (31%), House of Representatives' members (23%), Provincial Government Officials (23%), Regency Government Officials (18%), and Ministry of Forestry Officials (5%).

Forest Mafia and Illegal Logging

Illegal logging is another cause of forest destruction. According to the Anti-Forest Mafia Coalition (2015), Indonesia's forestry industry for the past 15 years was indicated to use more than 25% of the timber supply from illegal sources.

Based on data from the Ministry of Environment and Forestry, during the period of 2015 to 2021, illegal logging cases were the



selain kasus tanaman dan satwa liar (TSL), perambahan hutan, pencemaran, kerusakan lingkungan dan kebakaran hutan dan lahan (Karhutla).

Pada 2015 s.d 2018, berdasarkan putusan kasus illegal logging, kerugian negara mencapai 17,8 Triliun. Sejumlah modus operandi antara lain penebangan hutan tanpa izin, tidak sesuai izin, pemalsuan dokumen, mengorganisir masyarakat dan menghalangi petugas, yang melibatkan pelaku individu, korporasi, kelompok terorganisasi, aktor transnasional, elit berpengaruh dan aparat.

Potensi Penerimaan Negara Sektor Kehutanan

Menurut kajian KPK (2015), produksi kayu komersial dari hutan alam di Indonesia selama tahun 2003–2014 mencapai 143,7 juta meter kubik. Dari produksi tersebut, sebanyak 60,7 juta meter kubik dipungut oleh pemegang izin Hak Pengusahaan Hutan (HPH) melalui sistem tebang pilih. Sedangkan 83,0 juta meter kubik merupakan hasil pembukaan lahan untuk pengembangan Hutan Tanaman Industri, perkebunan kelapa sawit dan karet, serta pertambangan.

Kajian KPK menemukan bahwa produksi yang tercatat ternyata jauh lebih rendah dari volume kayu yang ditebang. Total produksi kayu yang sebenarnya selama tahun 2003–2014 mencapai 630,1 sampai 772,8 juta meter kubik. Angka-angka tersebut mengindikasikan bahwa statistik dari KLHK hanya mencatat 19–23% dari total produksi kayu selama periode studi, sedangkan 77–81% tidak tercatat.

Perhitungan potensi penerimaan negara 2003-2014 berdasarkan kajian KPK (2015) sebagai berikut:

Tantangan *Financial Intelligence* dan Kolaborasi Penegakkan Hukum

Upaya pencegahan dan pemberantasan kejahatan keuangan perlu dilakukan secara bersama-sama karena menghadapi berbagai tantangan serius dan multidisiplin, salah satunya dengan mengeksplorasi transaksi keuangan.

Informasi transaksi keuangan, dapat dimanfaatkan oleh penegak hukum untuk mengungkap kejahatan kehutanan dan kejahatan lain yang terkait seperti korupsi dan perpajakan.

Dalam menangani kejahatan sebagai kejahatan ekonomi, penting untuk mengungkap mata rantai permintaan dan penawaran dalam rangka penanganan secara komprehensif dan proporsional, atau dalam hal ini menyangkut aspek taktikal (penanganan kasus individual), aspek operasional (pemetaan area berisiko tinggi dalam rangka pendeteksian dan pencegahan), serta aspek strategis dalam hal mendorong kebijakan dan regulasi untuk mendorong efektifitas pencegahan dan pemberantasan kejahatan kehutanan.

Menindak pelaku kejahatan kehutanan hanya aktor lapangan atau tidak seluruh mata rantai menyebabkan selalu adanya permintaan dan penawaran baru. Selain itu, langkah ini juga dilakukan dalam rangka mengoptimalkan pengembalian harta hasil kejahatan berasal dari kejahatan kehutanan.

Financial Intelligence dapat memberikan nilai tambah bagi penanganan suatu kejahatan, antara lain:

1. Digunakan dalam pengembangan kasus, yakni dapat mengungkap peran berbagai aktor kejahatan;
2. Memverifikasi kebenaran informasi lapangan;

most handled case in addition to cases of wild plants and animals, forest encroachment, pollution, environmental damage and forest and land fires.

Based on the verdicts on illegal logging cases, in 2015 to 2018, state losses were 17.8 trillion. A number of modus operandi include illegal logging, non-compliant licenses, document falsification, mobilization of communities and obstructing government officers, which involve individuals, corporations, organized groups, transnational actors, influential elites and officials.

Potential State Revenue from the Forestry Sector

According to a study by the KPK (2015), commercial timber production from natural forests in Indonesia during 2003–2014 was 143.7 million cubic meters. Of this production, 60.7 million cubic meters were collected by forest concession holders by means of the selective logging system. Meanwhile, 83.0 million cubic meters were the result of land clearing for the establishment of Industrial Plantation Forests, palm oil and rubber plantations, and mining.

The KPK study found that the recorded production was significantly lower than the volume of timber harvested. The actual total timber production during 2003–2014 was 630.1 to 772.8 million cubic meters. These figures indicate that statistics from the MoEF only recorded 19–23% of total timber production during the study period, while 77–81% were not recorded.

The calculation of potential state revenue for 2003-2014 based on the study by the KPK (2015) is as follows:

Challenges of *Financial Intelligence* and Law Enforcement Collaboration

Efforts to prevent and eradicate financial crimes need to be undertaken together since they face various and multidisciplinary challenges, one of which is by exploring financial transactions.

Financial transaction information can be used by law enforcers to uncover forestry crimes and other related crimes, such as corruption and taxation.

In order to deal with crime as an economic crime, it is important to uncover the supply and demand chain in order for comprehensive and proportional handling. Or, in this case, it concerns the tactical aspects (handling individual cases), operational aspects (mapping high-risk areas for detection and prevention), as well as strategic aspects in terms of encouraging policies and regulations to boost the effectiveness of preventing and eradicating forest crimes.

Taking action against forest criminals, but only the field actors or not all links in the chain, causes new supply and demand. In addition, this step is also undertaken in order to optimize the return of crime proceeds from forestry crimes.

Financial Intelligence is capable of providing added value for handling a crime, including:

1. In case investigation, to reveal the role of various criminals;
2. To verify the truth of field information;
3. To identify previous (repeated) crimes that are not or not yet known;

Sumber Penerimaan Negara (Source of State Revenue)	Realisasi (Realization)	Perhitungan Kajian (Study's Calculations)	Kerugian Negara (State Loss)
PNBP dari Dana Reboisasi (DR) dan komponen hutan alam dari Provisi Sumber Daya Hutan (PSDH). <i>Non-Tax State Revenue from the Reforestation Fund and the natural forest component from the Forest Resources Provision.</i>	US\$ 3,26 milyar (Rp. 31,0 triliun) <i>US\$ 3.26 billion (IDR 31.0 trillion)</i>	US\$ 9,73–12,25 milyar (Rp. 93,9–118,0 triliun) <i>US\$ 9.73–12.25 billion (IDR 93.9–118.0 trillion)</i>	US\$ 6,47–8,98 milyar (Rp. 62,8–86,9 triliun) – atau rata-rata sebesar US\$ 539–749 juta (Rp. 5,24–7,24 triliun) per tahun <i>US\$ 6.47–8.98 billion (IDR 62.8–86.9 trillion) – or an average of US\$ 539–749 million (IDR 5.24–7.24 trillion) per year</i>
Komersial produksi kayu yang tidak tercatat <i>Unrecorded commercial timber production</i>			US\$ 60,7–81,4 milyar (Rp. 598,0–799,3 triliun), atau US\$ 5,0–6,8 milyar (Rp. 49,8–66,6 triliun) per tahun. <i>US\$ 60.7–81.4 billion (IDR 598.0–799.3 trillion), or US\$ 5.0–6.8 billion (IDR 49.8–66.6 trillion) per year.</i>

- Mengidentifikasi tindak pidana sebelumnya (berulang) yang tidak atau belum diketahui;
- Mengidentifikasi berbagai tindak pidana lain;
- Mengidentifikasi pola pencucian uang hasil kejahatan.

Sebelum adanya putusan Mahkamah Konstitusi yang memberi kewenangan Penyidikan TPPU kepada PPNS KLHK, pertukaran informasi financial intelligence sudah dipraktekkan dalam menangani sejumlah kasus, namun relative masih sedikit. Dengan adanya perluasan kewenangan Penyidikan TPPU, mengindikasikan adanya potensi pemanfaatan *financial intelligence* yang lebih besar dalam mendukung penanganan kejahatan kehutanan.

Dalam mendorong optimalisasi dukungan *financial intelligence* dan mendorong penegakkan hukum TPPU dalam penanganan kejahatan kehutanan upaya dan sinergi perlu dilakukan oleh berbagai pihak diantaranya:

- PPATK secara proaktif melakukan analisis dan memaksimalkan dukungan terhadap penanganan kejahatan kehutanan oleh Kepolisian dan PPNS KLHK;
- Penyusunan pedoman identifikasi TKM terkait kehutanan bagi PJK;
- Penyusunan pedoman analisis transaksi bagi PPATK, PPNS KLHK, dan Penyidik;
- Menciptakan target penanganan TPPU dari kejahatan kehutanan.
- Peningkatan pertukaran informasi dan *joint investigasi*;
- Perlu dilakukannya peningkatan kapasitas SDM secara berkesinambungan.

Selanjutnya, komunikasi dan koordinasi yang sangat intens antar PPATK dan Penegak Hukum menjadi kunci keberhasilan pengungkapan berbagai kejahatan serius yang melibatkan berbagai skema rumit, lintas negara dan melibatkan aktor utama kejahatan yang memiliki kedudukan dan pengaruh.

Mudah-mudahan dengan komunikasi dan koordinasi serta komitmen yang kuat antara PPATK, Kepolisian, PPNS KLHK serta stakeholder lain dapat mengatasi berbagai hambatan dan tantangan yang dihadapi serta memberi nilai tambah bagi penanganan kejahatan kehutanan.

- To identify various other crimes;
- To identify patterns of laundering crime-derived proceeds.

Prior to the decision of the Constitutional Court that gave the authority to investigate money laundering offenses to Civil Servant Investigators (PPNS) of the MoEF, the exchange of financial intelligence information had been practiced in handling a number of cases, but the amount remained relatively small. The expansion of the authority to investigate money laundering offenses indicates the potential for greater use of financial intelligence in supporting the handling of forest crimes.

In order to drive the optimization of financial intelligence support and law enforcement against money laundering offenses in handling forestry crimes, efforts and synergies need to be exerted by many parties, including:

- The PPATK should proactively analyze and maximize support for handling forest crimes by the Police and the MoEF's Civil Servant Investigators;
- Guidelines for the identification of forest-related suspicious financial transactions for financial service providers should be prepared;
- Transaction analysis guidelines for the PPATK, MoEF's Civil Servant Investigators, and investigators;
- Targets for handling forestry crime-derived money laundering should be set.
- Information exchange and joint investigations should be improved;

It is necessary to build the capacity of human resources on an ongoing basis.

Furthermore, highly intense communication and coordination between INTRAC and Law Enforcer is the key to successful disclosure of a variety of serious crimes involving various complicated, cross-country schemes and the main crime actor with position and influence.

Hopefully, communication and coordination, as well as strong commitment of the PPATK, the Police, MoEF's Civil Servant Investigators and other stakeholders can overcome various obstacles and challenges and provide added value for handling forest crimes. •