

## **ABSTRAK**

### **ANALISIS PUTUSAN HAKIM TERHADAP PELAKU TINDAK PIDANA PENEBAANGAN DI KAWASAN HUTAN TANPA PERZINAN BERUSAHA (Studi Putusan Nomor 379/Pid.B/LH/2023/PN.Tjk)**

**Oleh  
Annisa Eka Septiani**

Salah satu jenis tindak pidana yang terjadi dalam kehidupan masyarakat adalah penebangan di kawasan hutan tanpa perizinan berusaha yang diatur dalam Pasal 83 Ayat (1) Undang-Undang Nomor 18 Tahun 2013 tentang Pencegahan dan Pemberantasan Perusakan Hutan. Ancaman pidananya paling lama 5 tahun dan denda paling banyak Rp.2.500.000.000,00. Namun, dalam putusan akhir, hakim menjatuhkan pidana penjara selama 2 tahun dan 6 bulan serta denda sebesar Rp.500.000.000,00 subsidair 3 bulan kurungan. Permasalahan penelitian adalah apakah yang menjadi dasar pertimbangan hakim dalam menjatuhkan pidana terhadap pelaku tindak pidana penebangan di kawasan hutan tanpa perizinan berusaha dan apakah putusan hakim dalam menjatuhkan pidana terhadap pelaku tindak pidana penebangan hutan tanpa perizinan berusaha telah sesuai dengan keadilan bagi pihak-pihak yang dirugikan.

Pendekatan penelitian yang digunakan adalah pendekatan yuridis normatif dan didukung dengan pendekatan yuridis empiris. Sumber data yang digunakan adalah sumber data primer yang diperoleh langsung melalui wawancara dengan narasumber, dan sumber data sekunder yang diperoleh melalui studi kepustakaan. Adapun narasumber dalam penelitian ini adalah Hakim Pengadilan Negeri Kelas 1A Tanjung Karang, Jaksa Penuntut Umum Kejaksaan Negeri Bandar Lampung, dan Dosen Bagian Hukum Pidana Fakultas Hukum Universitas Lampung. Pengolahan data diperoleh dengan cara identifikasi data, klasifikasi data, dan sistematisasi data. Sedangkan analisis data menggunakan analisis kualitatif.

Berdasarkan hasil penelitian dan pembahasan menunjukkan: (1) Dasar pertimbangan hakim dalam menjatuhkan pidana penjara 2 tahun dan 6 bulan serta denda sebesar Rp.500.000.000,00 subsidair 3 bulan kurungan penjara terhadap pelaku tindak pidana penebangan di kawasan hutan tanpa perizinan berusaha terdiri dari pertimbangan yuridis, filosofis, dan sosiologis. Secara yuridis terdakwa terbukti melanggar Pasal 83 Ayat (1) Undang-Undang Nomor 18 Tahun 2013 tentang Pencegahan dan Pemberantasan Perusakan Hutan. Secara filosofis, hakim menjatuhkan terdakwa dengan hukuman penjara 2 tahun dan 6 bulan agar

*Annisa Eka Septiani*

memberikan efek jera dan tidak mengulangi perbuatannya. Sedangkan secara sosiologis, hakim mempertimbangkan hak-hal yang memberatkan dan meringankan pidana bagi terdakwa. (2) Putusan hakim terhadap pelaku tindak pidana penebangan di kawasan hutan tanpa perizinan berusaha belum memenuhi keadilan substantif, karena pidana 2 tahun dan 6 bulan penjara serta denda sebesar Rp.500.000.000,00 masih cukup jauh di bawah ancaman pidana, yaitu pidana penjara paling lama 5 tahun dan denda paling banyak Rp. 2.500.000.000,00 sehingga kurang memberikan efek jera kepada pelaku dan tidak berfungsi memberikan pembelajaran bagi pihak lain agar tidak melakukan kesalahan serupa.

Saran dalam penelitian ini adalah: (1) Hakim yang menangani tindak pidana penebangan di kawasan hutan tanpa perizinan berusaha diharapkan dapat menjatuhkan pidana secara adil, sehingga dapat memberikan efek jera kepada pelaku dan dapat dijadikan pembelajaran bagi pihak lain agar tidak melakukan kesalahan serupa. (2) Masyarakat diharapkan dapat bekerja sama dengan aparat penegak hukum, dan pelaku usaha diharapkan mematuhi ketentuan perizinan yang berlaku agar tidak merusak lingkungan dan tidak berpotensi menjadi tindak pidana yang merugikan ekosistem dan kesejahteraan masyarakat.

**Kata Kunci: Pertimbangan Hakim, Tindak Pidana, Penebangan Hutan, Izin Usaha**

## **ABSTRACT**

### **ANALYSIS OF JUDGE'S DECISION AGAINST PERPETRATORS OF THE CRIME OF LOGGING IN FOREST AREAS WITHOUT A BUSINESS LICENSE**

*(Study of Decision Number 379/Pid.B/LH/2023/PN.Tjk)*

**By**  
**Annisa Eka Septiani**

*One type of criminal offense that occurs in people's lives is logging in forest areas without a business license, which is regulated in Article 83 Paragraph (1) of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction. The punishment is a maximum of 5 years and a maximum fine of Rp.2,500,000,000.00. However, in the final verdict, the judge imposed a prison sentence of 2 years and 6 months and a fine of Rp.500,000,000.00 in lieu of 3 months imprisonment. Research problems are what are the basic considerations of judges in imposing crimes against perpetrators of criminal acts of logging in forest areas without business licenses, and whether the judge's decision in imposing a sentence against the perpetrators of criminal acts of logging in forest areas without business licenses is in accordance with justice for the parties harmed.*

*The research approach used is normative juridical approach and supported by empirical juridical approach. The data sources used are primary data sources obtained directly through interviews with sources, and secondary data sources obtained through literature studies. The sources in this research are Judges of Class 1A Tanjung Karang District Court, Public Prosecutors of the Bandar Lampung District Attorney's Office, and Lecturers of the Criminal Law Section of the Faculty of Law, University of Lampung. Data processing is obtained by identifying data, classifying data, and systematizing data. While data analysis uses qualitative analysis.*

*Based on the results of research and discussion shows: (1) The basis of the judge's consideration in imposing a sentence of 2 years and 6 months imprisonment and a fine of Rp.500,000,000.00 in lieu of 3 months imprisonment against the perpetrator of the crime of logging in forest areas without a business license consists of juridical, philosophical, and sociological considerations. Juridically, the defendant was proven to have violated Article 83 Paragraph (1) of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction. Philosophically, the judge sentenced the*

***Annisa Eka Septiani***

*defendent to 2 years and 6 months imprisonment in order to provide a deterrent effect and not repeat his actions. While sociologically, the judge considered the aggravating and mitigating factors for the defendant. (2) The judge's verdict against the perpetrator of the crime of logging in forest areas without a business license has not fulfilled substantive justice, because the punishment of 2 years and 6 months in prison and a fine of Rp.500,000,000.00 is still quite far below the criminal threat, namely imprisonment for a maximum of 5 years and a maximum fine of Rp. 2,500,000,000.00 so that it does not have a deterrent effect on the perpetrator and does not function to provide learning for other parties so as not to commit similar mistakes.*

*Suggestions in this research are: (1) Judges who handle criminal acts of logging in forest areas without business licenses are expected to be able to impose appropriate punishment, so that it can provide a deterrent effect to the perpetrators and can be used as a lesson for other parties not to make similar mistakes. (2) The community is expected to cooperate with law enforcement officials, and business actors are expected to comply with applicable licensing provisions so as not to damage the environment and not potentially become a criminal offense that harms the ecosystem and community welfare.*

***Keywords: Judge's Consideration, Crime, Forest Logging, Business License.***