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## Legal Analysis for Mangrove Illegal Logging in Sangkub Area

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### ABSTRACT

The purpose of this study is to find out the legal analysis of mangrove illegal logging in the Sangkub coastal area. The research method used is the dualism of normative-empirical legal research whereby research uses normative-empirical legal case studies in the form of legal behavioral products. The approach used is a juridical approach and analytical technique using qualitative analytical methods. The results show that Law Enforcement in the Field of Illegal Logging for environmental sustainability has not been resolved properly. Then many rules must be implemented, but law enforcement looks away with excitement that will damage the environment in coastal areas. Furthermore, forest crimes cannot be solved using forestry instruments alone. What is needed is cooperation between parties such as non-governmental organizations, the Corruption Eradication Commission (KPK), the Police of the Republic of Indonesia (POLRI), and others. To restore the function of mangrove forests as protectors of coastal areas, it is necessary to plan a comprehensive mangrove sustainable rehabilitation program that involves all important elements of conservation areas, namely communities, regional managers, and local governments.

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## 1. Introduction

### A. Background

In Indonesia, there are many things related to criminals and of course, must get legal action for criminal acts committed. One of the many things that occur is illegal logging or often referred to as *illegal logging* carried out in Sangkub Village I. There are strict restrictions related to the management and utilization of these resources because this has been regulated in article 33 paragraph (3) of the 1945 Constitution which reads "the earth and water and natural wealth that is grounded in it is controlled by the country and used for the greatest prosperity of the people". The provisions in the laws and regulations must be adhered to and is a form of prohibition for anyone who commits acts that can cause forest damage let alone the forest is a protected area. Violations of such crimes can be classified as violations of law or criminal acts in the field of forestry. Law enforcement against forestry acts or crimes can be done through surveillance mechanisms or sanctions, either civilly, criminally, or administratively. As Fenty U. Puluhulawa said that

"Law enforcement can be done through supervision or application of sanctions using various means both administrative, civil, and criminal law facilities with the intention that the applicable provisions can be adhered to" Concrete enforcement is the enactment of positive laws in practice as they should be adhered to."<sup>1</sup> This then reinforces the applicable law, especially the laws governing logging, deforestation, excessive utilization, and everything that is illegal and makes forest areas objects. In this case, the case that has occurred and has a connection with the provisions of the law as described above is a case of illegal logging of one of the coastal ecosystems in the form of mangrove trees located on the coast of Sangkub, North Mongondow Bolaang Regency.

Law enforcement against criminals is a strategic step to realize national goals in terms of implementing applicable laws and regulations.<sup>2</sup> In law enforcement must certainly carry out applicable legal procedures, especially obtaining authentic evidence. The expression of proof does not necessarily clearly define that the process of proving the original criminal is unnecessary or in other words, the position of the original criminal law contained in the preceding articles does not require an element of proof.<sup>3</sup> Citing the opinion of Dian Ekawaty Ismail that there are several types of restraints, namely preventive countermeasures, curative countermeasures, and repressive efforts (crackdown), carried out at the time of the crime, especially in *illegal logging*.<sup>4</sup> The

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<sup>1</sup> Fenty U. Puluhulawa, *Pertambangan Mineral dan Batubara Dalam Perspektif Hukum*, (Yogyakarta: Interpena Yogyakarta 2013), 65.

<sup>2</sup> Ahmad Rustan Syamsuddin. (July, 2020) Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa. *Jurnal Law Review*. 2 (2), 163

<sup>3</sup> Fadel Ilato, dkk. (2021). *Criminal Action Without Proven in Money Laundering in Indonesia*. *Jurnal Law Review*, 3 Special Issue, 184

<sup>4</sup> Dian Ekawaty Ismail, Mohamad Taufiq Zulfikar Sarson. (2021). Criminolog Analysis of Women's as Perpetrators of Domestic Violence Crimes. 3 Special Issues April, 70

strengthening of the law realizing clean government has a definite legal purpose because the basic principles that mark clean *government* universally include legal certainty, transparency, and accountability.<sup>5</sup> In addition to the applicable law enforcement, this requires cooperation also with the community, so with this the need for supervision in their respective work environments.<sup>6</sup> Against law enforcement must be done by providing a sense of justice for criminal perpetrators. Melissa Towadi cited melissa towadi's opinion that "equal rights are achieved over the inhuman and degrading prohibition of punishment, and freedom of religion." Of course, this is very important to apply in the ongoing legal process where sanctions given to perpetrators must have a sense of fairness and not discriminate.<sup>7</sup>

Sangkub subdistrict is a subdistrict that has a fairly large coastal area and a large number of mangrove plants. Sangkub District is a subdistrict that has an area of 567.85 square km.<sup>8</sup> The data of *mangrove* areas in Sangkub Subdistrict are as follows:<sup>9</sup>

Table 1. Mangrove Area in Sangkub District, North Mongondow Bolaang Regency

No.	Name of Area	Spacious (ha)
1	Protected Forest (Subdistrict)	10 581,24
2	Mangrove Forest (Subdistrict)	263, 87
3	Mangrove Forest (Village)	8

(Source. Secretariat of North Bolaang Mongondow Regency. 2019)

Based on the above, it can be spelled out that the overall area of protected areas in the Sangkub Subdistrict is an area of 10,581, 24 ha. The area of the protected area is used as one of the support of data because this protected forest is the main cause why tree felling has been declared a violation or criminal act. In addition to the protected area, of course, if the act is done illegally, then the activity is considered contrary to the law. The area of *mangrove* areas that exist condemned sangkub are included in the protected area. Sangkub District mangrove area itself has an area of 263.87 Hectares and for the scale of the village only has an area of 8 Hectares. From the data, we can know that all activities related to illegal logging are something that must be resolved based on the provisions of applicable law. It has also been mandated in Village Regulation No. 1 of 2019 which discusses Government, Development and Society and Violation Sanctions. Therefore, the government has not implemented the level of service expected, especially by the people

<sup>5</sup>Fitria Andalus Handayani dan Mohamad Ichšana Nur. (2019), *Implementasi Good and Clean Governance di Indonesia*. Jurnal Pemikiran Administrasi Negara. 11 (1), 8

<sup>6</sup>Iriyanto Tiranda. (July, 2019). Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan. Jurnal Law Review. 1 (2), 132

<sup>7</sup>Mellisa Towadi, dkk. (2021). *An Indication of China's Policy towards Uighurs and its Implications by International Law Aspects*. Jurnal Law Review. 3 (1), 55

<sup>8</sup>Sry Devita Nani, dkk. *Evaluasi Perkembangan Kawasan Agropolitan di Kecamatan Sangkub Kabupaten Bolaang Mongondow Utara*. Universitas Samratulangi Manado. 4 (3), 6

<sup>9</sup>Sumber Sekretariat Daerah Kabupaten Bolaang Mongondow Utara. 2019

who are targeted for their services.<sup>10</sup> Therefore, the right to life must be protected by the state, especially the state of law.<sup>11</sup>

In the Village Regulation (Perdes) Sangkub I Article 29 paragraph (1) which reads: "for people who are caught clearing mangrove forests to be used as firewood and sold, it is sanctioned Rp. 250,000 and handed over to the authorities". In paragraph (2) it is also said that "for people who cut down trees or plants on the coast that are protected by the village government either intentionally or unintentionally will be fined Rp. 500,000 and replace the plants and handed over to the authorities".<sup>12</sup> This Village Regulation becomes the basis of community behavior in terms of utilizing plants or locations in Sangkub I Village itself. For this reason, the implementation related to this Village Regulation should be a matter of concern for all communities, especially people who live in Sangkub I Village and are close to *mangrove* areas as a protected ecosystem in the area. This is considered very important because mangrove logging cases are already a very common thing in the area itself to boost certain economic interests. These actions or actions should get certain sanctions that are contained in some regulations governing mangrove itself. But even if the mangrove logging case is illegal, the legal force is even ups and downs, and looks like there is no legal role at all in handling related cases. The effectiveness of this mangrove law must be done, especially now that it has been approved by the new North Sulawesi Area Regulation that is nudging about this. The Regional Regulation is North Sulawesi Regional Regulation No. 1 of 2017 concerning the Protection of Coastal Areas. This is all the reason the author to raise a study that will certainly discuss criminal acts committed by certain individuals along with the application of regulations and sanctions against illegal mangrove logging actors.

#### **A. Problem Formula**

This paper formulates the problem of the legal analysis of mangrove illegal logging in the Sangkub coastal area.

#### **B. Research Methods**

The research method used is the dualism of normative-empirical legal research whereby research uses normative-empirical legal case studies in the form of legal behavioral products.<sup>13</sup> The approach used is a juridical approach and analytical technique using qualitative analytical methods.

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<sup>10</sup> Fahmi Kamuli, (2021), Regional Head's Authority in Determining Work Placement Due to Mutations of Government Employees, *Jurnal Law Review*. 3 (1), 39

<sup>11</sup> Lisnawaty Badu. (2012). Euthanasia Dan Hak Asasi Manusia. *Jurnal Legalitas*. 5 (1), 1

<sup>12</sup> Peraturan Desa Sangkub I Nomor 1 Tahun 2019 Tentang Pemerintahan, Pembangunan dan Kemasyarakatan serta Sanksi-sanksi Pelanggaran.

<sup>13</sup> Abdulkadir Muhammad. *Hukum dan Penelitian Hukum Cet-1*, (Bandung:PT Citra Aditya Bakti, 2014), 52

## 2. DISCUSSION

### ANALYSIS OF MANGROVE ILLEGAL LOGGING LAWS IN SANGKUB BEACH AREA

In line with the progress and so rapid science and technology today.<sup>14</sup> Indonesia as a developing country continues to strive to realize a just and prosperous society both spiritual and material based on Pancasila and the 1945 Constitution. In this case, of course, there are also legal provisions that are government products to limit people's behavior, one of which is in terms of biodiversity destruction. The biodiversity in question includes flora and fauna as well as other wealth.<sup>15</sup> Quoting as said by Fence M. Wantu in his Journal that the nature of justice is a matter of judgment from one person to others, which is generally seen from those who receive treatment only.<sup>16</sup> The government through the law has given the starting point of justice, which is done for the sake of justice based on the Supreme Divinity.<sup>17</sup> Therefore, the government must firmly establish the relevant laws and regulations, especially related to the felling of mangrove trees.<sup>18</sup> But on the other hand, it must provide a sense of justice for those who commit these actions because there are still many ordinary people related to existing laws and regulations.<sup>19</sup> It is by law that formalizes human rights into a set of rules to safeguard and protect them from becoming clashes in the life of society and the state.<sup>20</sup> Because also human rights are part of the implementation of the judiciary within the framework of independent judicial power.<sup>21</sup> Solely in the implementation of such development is nothing but the welfare of the people themselves.<sup>22</sup> If referring to the opinion of Nonet and Selznick as quoted by Fenty U. Puluhalawa et al that<sup>23</sup> "The law must truly prosper society in the greater interest, not just for the benefit of those in power." As the party that issues the policy, the

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<sup>14</sup> Lakoro, A., Badu, L. W., Achir N, (2020). Lemahnya Kepolisian Dalam Penanganan Tindak Pidana Perjudian Togel Online, *Jurnal Legalitas*. 13 (1), 32

<sup>15</sup>Iksan. *Pengantar Hukum Indonesia*. (Jakarta, 2009), 1

<sup>16</sup>Fence M. Wantu. (Juni, 2013). Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata. *Jurnal Mimbar Hukum*. 25 (2), 206

<sup>17</sup> Fenty Puluhalawa, Lusiana M, Tujow, Sutrisno. (Oktober, 2020). Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim. *Jurnal Gorontalo Law Riview*. 3, (2), 184

<sup>18</sup> Muhammad Rosikhu. (2021). Pengaturan Sanksi Pidana Mati Bagi Pelaku Tindak Pidana Korupsi Di Waktu Bencana Alam. 14 (1), 45

<sup>19</sup> Dian Ekawaty Ismail. (Februari, 2009). Upaya Perlindungan Hak-Hak Tersangka/Terdakwa Melalui Mekanisme Praperadilan di Kota Gorontalo. *Jurnal Mimbar Hukum*. 21 (1), 85

<sup>20</sup>Tijow, Lusiana. (2010), Perlindungan Hak Asasi Manusia Terhadap Hak Hidup Anak Dalam Kandungan Di Luar Pbrkawinan Yang Sah. *Jurnal Legalitas* 3 (2), 80

<sup>21</sup>Nabih Amer. (2020). Analisis Pembubaran Organisasi Kemasyarakatan Dalam Perspektif Negara Hukum. *Jurnal Legalitas*. 13 (1), 12

<sup>22</sup>Ariefulloh. (2019). Dilema Penerapan Sanksi Pelanggaran Lalu Lintas Terhadap Anak. *Jurnal Law Review* 1 (2), 199

<sup>23</sup> Puluhalawa, F.U, J. Puluhalawa, M.G. Katili. (2020) *Legal Weak Protection of Personal Data in the 4.0 Industrial Revolution Era*. *Jambura Law Review*. 2 (2). Universitas Negeri Gorontalo. 182

Government must be able to see the balance in the life of society.<sup>24</sup>

Related to this, the problem that we often encounter amid society is related to illegal logging or logging of unauthorized trees (*illegal logging*). Of course, this will be a serious discussion and requires cooperation from all parties, especially stakeholders to take a role in efforts to minimize actions, not by the provisions of applicable law. This case is spread throughout the area whose territory has forest areas. For this reason, the handling and response related to this must also be investigated by all parties, both the community and the government. Indonesia is one of the countries that put forward the constitution in every aspect of national and state life.<sup>25</sup> So that this becomes the constitutional right of every citizen of Indonesia.<sup>26</sup> Adultery provisions in Indonesian laws and regulations have not been effective in addressing the problem of adultery that occurs in communities in the territory of Indonesia. This pressure is slightly more causing a significant reaction to the existence of society, so the government is careful in solving a problem that has to do with society.<sup>27</sup>

### 1. Analysis of Theories on Mangrove Illegal Logging

Climate *change theory* is certainly very important in a change in natural conditions and situations. This is what makes the author give birth to a reason for the collaboration of all stakeholders both between the community and the community, the community and the government, and the government with the government. This means that several factors that can affect the environment one of which is this situation itself can be anticipated with all the solutions together. Climate *change theory* will certainly discuss climate. Climate is the average weather in which weather is an atmospheric state at any given time. Climate is defined as the average measure and variability of the relevant quantity of a particular variable (such as temperature, rainfall, or wind), over some time, stretching from monthly to yearly or millions of years. The climate changes continuously due to interactions between its components and external factors such as volcanic eruptions, variations in sunlight, and factors caused by human activities such as changes in land use and fossil fuel use. The United Nations Framework Convention on Climate Change (UNFCCC) defines climate change as climate change caused either directly or indirectly by human activity, thus changing the complementarity of the global atmosphere and natural climate variability over comparable periods. Starting with the understanding of the term that states that humans are wolves for other humans or humans are other human predators in the language of the law that is (*Homo homini lupus*), the meaning of *Homo homini lupus* is that humans are always selfish and do not want to see others, so it is no longer impossible often if humans commit violations,

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<sup>24</sup> Elfrida Ratnawati, (2021). *The Impacts of Government Policy on Covid-19 to Airlines Liability: A Case Study in Indonesia*. Jurnal Law Review. 3 (1), 72

<sup>25</sup> Fakhri Lutfianto Hapsoro, (2020). Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan The Living Constitution, Jurnal Law Review. 2 (2), 144

<sup>26</sup> Nggilu, N., & Wantu, F. M, (2020). Menapaki Jalan Konstitusional Menuju Zaken Cabinet: Ikhtiar Mewujudkan Pemerintah Berkualitas Konstitusi. Jurnal Hukum Samudra Keadilan, 15(1), 128

<sup>27</sup> Fitriyadi, Ahmad Adi. (2020). Diferensiasi Pengungsi dan Pencari Suaka dalam Hukum Pengungsi Internasional dan Hubungannya dengan Prinsip Non-Refoulement. Jurnal Law Review. 2 (2), 127

Whether a deliberate violation or an unintentional violation is committed, which results in the act harming the general public and often even often violates the norms of law that apply in the general public, which is referred to as a criminal act or delik.<sup>28</sup>

## 2. Legal Review of Illegal Logging

### a. International Convention on *Illegal Logging*

As a form of effort to maintain, preserve and monitor the condition of forestry and other assets in Indonesia, on June 23 and 24, 2010, UNODC and the Government of Indonesia held a convention that can be referred to as an international convention with the theme "Identifying an effective national response to wildlife crimes and forestry crimes: cases in Indonesia". The Convention allows representatives of governments, the Secretariat of the Convention on International Trade in Wildlife species and rare flora (CITES), *Telapak, Transparency International*, the World Customs Organization (WCO), and other local and international organizations to discuss how Indonesia can protect its biodiversity and natural resource wealth from threats posed by organized criminal networks.

Anna Sinaga, who is a researcher for the Integrated Law Enforcement and Forest Governance program at the *Center for International Forestry Research* (CIFOR) said that "forest crime cannot be solved using forestry instruments alone. What is needed is a cooperation between parties such as non-governmental organizations, the Corruption Eradication Commission (KPK), the Police of the Republic of Indonesia (POLRI) and others." Many have recommended that the current capacity of national criminal justice to respond to forestry crimes and crimes against wildlife should be assessed. The assessment will result in continuous efforts by UNODC, INTERPOL, cites secretariat, World Customs Organization, and World Bank, and produce standardized assessment tools. This discussion gave birth to extraordinary ideas that can be used as recommendations for the government in minimizing the act of destruction of protected areas in a country and as a form of movement to optimize existing regulations. At least after this convention is carried out, the government is right to know that acts of logging and other destruction are crimes that must be processed under the law that applies in Indonesia itself. Indonesia also directly decided to ratify the international convention implemented by the United Nations on the protection of biodiversity in 2009. At the heart of the substance of the UN, the convention is the protection of biodiversity and protected ecosystems.

### b. Law No. 41 of 1999

Related to national law certainly can not be separated from forestry regulation if the substance of the discussion is an *illegal logging* case. As a general regulation, Law No. 41 of 1999 on forests contains some substance of rules or laws that certainly play a role to

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<sup>28</sup> Novendri M. Nggilu dan Ahmad (2020). Denyut Nadi Amandemen Kelima Undang-Undang Dasar 1945 melalui Pelibatan Mahkamah Konstitusi sebagai Prinsip the Guardian of the Constitution. *Jurnal Konstitusi*, 16(4), 786

regulate some unwanted actions that occur in a special country involving forests and the potential of the forest itself. This Forestry Law states that forests are one of the many systems buffering a life and source of prosperity for the people living in a country. Now tends to decrease in condition due to certain activities and actions. Therefore, the existence of forests, especially mangrove forests, must be maintained optimally and maintained carrying capacity in a very wise and open way and professionally also responsible for the existence of forestry itself. Another thing that is in line with this is stated in Law No. 18 of 2013 on prevention after the eradication of forest destruction (illegal logging) contained in Article 8 paragraph (2) said that "The act of forest destruction carried out by following up by the rules or laws of forest destruction actors is either done directly or indirectly or something related". This provision affirms that any activity or act of logging must be legally acted upon. This also applies to them or everyone who certainly commits illegal logging to the forest itself. Because the classification of forests referred to in this Law is general and still focuses on forestry areas let alone areas or areas categorized as protected forests.<sup>29</sup>

#### c. Law No. 18 of 2013

Related to the regulation on this matter is contained in the law of the Republic of Indonesia Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction Article 8

- (1) "The government and local governments are obliged to fight forest destruction.
- (2) Eradication of forest destruction is done by legally cracking down on forest destruction, either directly, indirectly, or other related.

Legal action as referred to in paragraph (2) includes investigation, investigation, prosecution, and examination at a court hearing. article 9 investigation, investigation, prosecution, and examination at a court hearing in the case of forest destruction crimes are carried out under the applicable criminal event law unless otherwise specified in this law.

#### d. North Sulawesi Provincial Regulation No. 1 of 2017

Limiting the behavior and attitudes of each society, of course, requires certain regulations. Related to this *mangrove* case, the North Sulawesi area has issued the latest regulation related to this, namely North Sulawesi Regional Regulation No. 1 of 2017 concerning the Zoning Plan of a Coastal Area and Small Islands of North Sulawesi Province in 2017-2023. This regulation contains several things related to the application of the law and its implementation in an area in which it has a *mangrove* ecosystem especially if the *mangrove* forest area is a protected area. In Chapter 1 of the General Ministry, Article 1 paragraph 10 reads "A Resource of Coastal Areas and Small Islands (WP3K) is a

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<sup>29</sup>Law No. 18 of 2013 on Prevention and Eradication of Forest Destruction



biological resource, non-biological, environmental services, and artificial resources. The biological resources in question are fish, coral reefs, *mangroves*, and another marine biota. While artificial resources consist of marine infrastructure related to fisheries and marine, as well as environmental services in the form of natural beauty, seafloor surface, and energy from sea waves in coastal areas" in this regional regulation mentioned also one of the recognized resources is mangrove <sup>30</sup>*plants*. It must be used as well as possible, and strictly forbidden to be cut down illegally or cut down irresponsibly. This is supported by Article 4 paragraph (1) in Regulation No. 1 of 2017 which says that "Conserving, protecting, utilizing, rehabilitating, and enriching coastal resources as well as small islands with their ecological side in a sustainable manner.

From the description above it can be known that actions as we fear such as illegal deforestation and logging are actions that can damage, destroy and reduce the stability of existing ecosystems and course are very contrary to local regulations that are essentially the protectors of North Sulawesi ecosystems especially in Sangkub Subdistrict, Sangkub I Village, Bolaang Mongondow Utara Regency.

#### e. Sangkub Village Regulation 1 No. 1 of 2019

In Village Regulation No. 1 of 2019 Article 29 paragraph (1) which reads: "for people who are caught clearing mangrove forests to be used as firewood and sold, are sanctioned Rp. 250,000 and handed over to the authorities". In paragraph (2) it is also said that "for people who cut down trees or plants on the coast that are protected by the village government either intentionally or unintentionally will be fined Rp. 500,000 and replace the plants and handed over to the authorities". This Village Regulation becomes the basis of community behavior in terms of utilizing plants or locations in Sangkub I Village itself. For this reason, the implementation related to this Village Regulation should be a matter of concern for all communities, especially people who live in Sangkub I Village and are close to <sup>31</sup>*mangrove* areas as a protected ecosystem in the area.

### 3. Methods of Applying Sanctions against Illegal Logging

#### a. Administrative Sanctions

In the application of administrative sanctions related to this matter, it has been stipulated in Article 19 paragraph (5) which says that a person who violates a provision as referred to in paragraph (2), is subject to administrative sanctions in the form of:

1. temporary termination
2. a written warning
3. revocation of permissions

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<sup>30</sup>North Sulawesi Regional Regulation No. 1 of 2017

<sup>31</sup>Sangkub Village Regulation I No. 1 of 2019 concerning Government, Development and Society and Violation Sanctions.

#### 4. administrative fines

The description above turns out to be an explanation to all of us that this administrative sanction will certainly only revolve around the administration of the violation. This is as contained in the above aspects.

#### **b. Criminal Sanctions**

The criminal provisions have been described in Chapter XIV on Criminal Provisions. The specifications have been contained in Article 33 paragraph (1) to (2) which says that:

1. A person who does not comply with the RZWP-3-K of a Province and performs the use of space that is not by the permit as referred to in article 15 paragraph (2) letter a and the letter of the tray is punishable by fines and confinement by applicable law.
2. A criminal act referred to in paragraph (1) is a form of violation.

From the contents of the above article, it is very clear that violations and criminal acts created in coastal areas are destructive acts, excessively utilizing, and illegally destroying resources. The achievement of a legal provision created is when every criminal act born in an area can be resolved by the provisions of the law itself. Various types of violations must be criminal by the prosecution.

#### **a. Regional Sanctions**

Sanctions are the default of every law that is created. Sanctions are created to cause a deterrent effect for every criminal perpetrator. In this case, the criminal sanctions in question are the sanctions contained in the North Sulawesi Regulation No. 1 of 2017, which is about several rewards that can be applied to offenders or who carry out criminal acts related to coastal areas and highlight the resources in the form of *mangrove* forests as one of them. The sanctions in question have been contained in Chapter VII related to the Determination of Wp3K Space Utilization more specifically in the fifth section on the directive on sanctions in Article 19 which reads: "the instruction of the imposition of a sanction as referred to in article 13 paragraph 1 huru e is an act of ordering must be done to everyone who commits and commits violations in the utilization of a WP3K space in the form of criminal sanctions and/or administrative sanctions".

#### **b. Sanctions PerVillage Rules**

Regarding the sanctions applied, of course, we can see in the rules and the village government itself. It is mentioned that for people who are caught clearing mangrove forests to be used as firewood and sold, it is sanctioned Rp. 250,000 and handed over to the authorities" In paragraph (2) it is also said that "for people who cut down trees or plants on the coast that are protected by the village government either intentionally or unintentionally will be fined Rp. 500,000 and replace the plants and handed over to the authorities. Indirectly related to these sanctions, it can be concluded that the related sanctions are criminal as the qualifications of the criminal sanctions themselves consist of confinement, imprisonment, to fines.

Related to this *mangrove* case, the North Sulawesi area has issued the latest regulation related to this, namely North Sulawesi Regional Regulation No. 1 of 2017 concerning the Zoning Plan of Coastal Areas and Small Islands of North Sulawesi Province in 2017-2023. This regional regulation contains several things related to the application of the law and its implementation in an area in which it has a mangrove ecosystem especially if the *mangrove* forest area is a protected area. In Chapter 1 of the General Ministry, Article 1 paragraph 10 reads "The resources of Coastal Areas and Small Islands (WP3K) are biological, non-biological resources; artificial resources, and environmental services; biological resources include fish, coral reefs, seagrass meadows, mangroves, and other marine life; Artificial resources include marine infrastructure related to marine and fisheries, and environmental services in the form of natural beauty, seabed surfaces where underwater installations are related to marine and fisheries and marine wave energy contained in coastal areas. In this regional regulation, it is said that one of the resources recognized is <sup>32</sup>*mangroves* which in this case must be utilized as well as possible, and strictly forbidden to be cut down illegally or cut down irresponsibly. This is supported by Article 4 paragraph (1) of Regional Regulation No. 1 of 2017 which says that "Protecting, conserving, rehabilitating, utilizing, and enriching coastal resources and small islands and ecological systems sustainably"

From the description of the above article it can be known that actions as we fear such as illegal deforestation and logging are actions that can damage, destroy and reduce the stability of existing ecosystems and course very contrary to local regulations that are essentially the protectors of North Sulawesi ecosystems especially in Sangkub Subdistrict, Sangkub I Village, Bolaang Mongondow Utara Regency.

Related to the description and explanation of the law above, of course, we know that every regulation made must be followed by sanctions as a deterrent effect on everyone who violates the provisions as intended. Sanctions are the default of every law that is created. Sanctions are created to cause a deterrent effect for every criminal perpetrator. In this case, the criminal sanctions in question are the sanctions contained in North Sulawesi Regional Regulation No. 1 of 2017, which is about several rewards that can be applied to offenders or who carry out criminal acts related to coastal areas and highlight resources in the form of *mangrove* forests as one of them. The sanctions in question have been contained in Chapter VII related to the Determination of WP3K Space Utilization more specifically in the fifth section on the directive on the imposition of Sanctions Article 19 which reads "the directive on the imposition of sanctions as referred to in Article 13 paragraph (1) letter e is an act of enforcement carried out against any person who commits violations of the utilization of WP3K space in the form of administrative sanctions and/or criminal sanctions"

### 3. Conclusion

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<sup>32</sup>North Sulawesi Regional Regulation No. 1 of 2017

Law Enforcement in the Field of Illegal Logging for environmental sustainability has not been resolved properly. Then many rules must be implemented, but law enforcement looks away with excitement that will damage the environment in coastal areas. Furthermore, forest crimes cannot be solved using forestry instruments alone. What is needed is cooperation between parties such as non-governmental organizations, the Corruption Eradication Commission (KPK), the Police of the Republic of Indonesia (POLRI), and others.

#### 4. Suggestion

To restore the function of *mangrove* forests as protectors of coastal areas, it is necessary to plan a comprehensive *mangrove* sustainable rehabilitation program that involves all important elements of conservation areas, namely communities, regional managers, and local governments..

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Fenty U. Puluhulawa, *Pertambangan Mineral dan Batubara Dalam Perspektif Hukum*, Yogyakarta: Penerbit. Interpena, 2013.

Abdulkadir Muhammad. *Hukum dan Penelitian Hukum Cet-1*, Bandung: PT Citra Aditya Bakti, 2014

Iksan. *Pengantar Hukum Indonesia*. Jakarta, 2019

##### Journal article:

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