

ABSTRAK

Judul Skripsi **“Deskripsi tentang tindak pidana Pengangkutan Hasil Hutan Berdasarkan Undang-Undang Nomor 18 Tahun 2013”**Praktik tindak pidana merusak hutan, khususnya pengangkutan hasil hutan secara ilegal (*illegal logging*), merupakan kejahatan yang merusak ekosistem dan merugikan keuangan negara. Undang-Undang Nomor 18 Tahun 2013 tentang Pencegahan dan Pemberantasan Perusakan Hutan dibentuk sebagai instrumen hukum untuk menindak tegas para pelaku. Penelitian ini bertujuan untuk: (1) menganalisis faktor penyebab terjadinya tindak pidana pengangkutan hasil hutan; (2) menguraikan tata cara atau modus operandi para pelaku dalam melakukan pengangkutan hasil hutan tanpa izin; serta (3) mengkaji akibat hukum dari tindak pidana pengangkutan hasil hutan terhadap pelaku dan barang bukti berdasarkan analisis putusan pengadilan.

Penelitian ini menggunakan jenis penelitian hukum normatif (*doctrinal legal research*) dengan pendekatan deskriptif. Data yang digunakan adalah bahan hukum primer berupa Undang-Undang Nomor 18 Tahun 2013, Kitab Undang-Undang Hukum Pidana (KUHP), Kitab Undang-Undang Hukum Acara Pidana (KUHAP), serta 5 (lima) sampel Putusan Pengadilan Negeri (Putusan No. 28/Pid.Sus/2017/PN.Nga, Putusan No. 37/Pid.Sus/2015/PN.Kpn, Putusan No. 120/Pid.Sus/2017/PN.Sgr, Putusan No. 336/Pid.Sus/2017/PN.BJB, dan Putusan No. 792/Pid.Sus/2014/PN.Kpn). Bahan hukum sekunder dan tersier diperoleh melalui studi pustaka. Analisis data dilakukan secara kualitatif dengan menguraikan konsep, norma, serta penerapan pertimbangan hukum hakim.

Hasil penelitian menunjukkan bahwa: (1) Faktor penyebab terjadinya tindak pidana pengangkutan yaitu : (a.) Terdakwa menggunakan untuk membangun rumah dan membangun sanggar (Pura) dan membangun warung.(b) Adanya faktor ekonomi. (c) Mendapat informasi dan ditindak lanjuti untuk melakukan penyanggongan (jebakan). (2) Cara pelaku melakukan tindak pidana pengangkutan hasil hutan: (a) Terdakwa menggunakan gergaji mesin untuk menebang pohon. (b) Terdakwa menggunakan sepeda motor dan sebuah jenis truck untuk mengangkut kayu. (c) Terdakwa juga menggunakan tali plastik untuk mengikat kayu. (3) Akibat hukum terhadap pelaku tindak pidana pengangkutan hasil hutan terhadap pelaku dan barang bukti (a) Terdakwa dipidana penjara. (b) Terdakwa membayar biaya perkara. (c) Barang bukti berupa kayu jenis hutan berbagai ukuran, gergaji mesin (sensor) sepeda motor, dan satu 1 unit truck dirampas untuk negara. (d) Barang yang dimusnahkan: berupa kapak,dan tiga buah tali plastik

Kata Kunci: PUTUSAN HAKIM TINDAK PIDANA PENGANGKUTAN HASIL HUTAN

ABSTRACT

Thesis Title: "A description of the criminal offense of transporting forest Products under Law Number 18 of 2013" The practice of forest destruction, particularly the illegal transportation of forest products (illegal logging), is a crime that damages the ecosystem and causes losses to state finances. Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction was established as a legal instrument to take firm action against perpetrators. This study aims to: (1) analyze the factors causing the crime of transporting forest products; (2) describe the procedures or modus operandi of perpetrators in transporting forest products without permits; and (3) examine the legal consequences of the crime of transporting forest products for perpetrators and evidence based on an analysis of court decisions.

This study uses normative legal research (doctrinal legal research) with a descriptive approach. The data used are primary legal materials in the form of Law Number 18 of 2013, the Criminal Code (KUHP), the Criminal Procedure Code (KUHP), and 5 (five) samples of District Court Decisions (Decision No. 28/Pid.Sus/2017/PN Nga, Decision No. 37/Pid.Sus/2015/PN.Kpn, Decision No. 120/Pid.Sus/2017/PN.Sgr, Decision No. 336/Pid.Sus/2017/PN.BJB, and Decision No. 792/Pid.Sus/2014/PN.Kpn). Secondary and tertiary legal materials were obtained through literature studies. Data analysis was conducted qualitatively by outlining the concepts, norms, and application of judges' legal considerations. The results of the study show that: (1) The factors causing the crime of transporting forest products are driven by individual economic motives (such as material needs/personal development), negligence/discovery by the expedition transport driver, and the perpetrator's temptation by financial gain from the use of illegal wood; (2) The perpetrator's method of committing the crime includes felling or taking wood in protected/state forest areas without permission, splitting/cutting wood, transporting using transportation means (motorcycles to tronton trucks/containers), and disguised without being equipped with a Certificate of Legality of Forest Products (SKSHH); (3) The legal consequences for the perpetrator are the imposition of criminal sanctions in the form of imprisonment (ranging from 1 year to 1 year 6 months) along with a criminal fine (Rp. 10,000,000 to Rp. 500,000,000,- subsidiary 1 to 3 months imprisonment). Meanwhile, the legal consequences for evidence include the forfeiture of felled timber to the state or return to Perum Perhutani, the means of transportation/crime tools to the state or destruction, and the attachment of invalid documents to the case file.

Keywords: Forestry Crimes, Transportation of Forest Products, Law Number 18 of 2013, Legal Consequences, Judge's Considerations.