

ABSTRAK

DESKRIPSI TENTANG PERTIMBANGAN HUKUM HAKIM MENGHUKUM DAN MELEPASKAN PELAKU TINDAK PIDANA ILLEGAL LOGGING

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Hutan merupakan sumber daya alam yang memiliki peran penting bagi kehidupan manusia dan keseimbangan lingkungan, namun keberadaannya kerap terancam oleh praktik illegal logging yang menimbulkan kerugian ekonomi dan kerusakan lingkungan. Penelitian ini bertujuan untuk mengetahui pertimbangan hukum hakim dalam menghukum pelaku tindak pidana illegal logging, pertimbangan hukum hakim dalam melepaskan pelaku dari tuntutan hukum, serta akibat hukum yang timbul terhadap pelaku tindak pidana tersebut. Penelitian ini merupakan penelitian hukum normatif yang bersifat deskriptif, dengan menelusuri peraturan perundang-undangan, putusan pengadilan, dan bahan hukum lain yang relevan. Objek penelitian adalah lima putusan pengadilan mengenai tindak pidana illegal logging. Hasil penelitian menunjukkan bahwa dalam empat putusan, hakim menjatuhkan pidana karena unsur objektif dan subjektif tindak pidana illegal logging telah terbukti secara sah dan meyakinkan, dengan mempertimbangkan keadaan yang memberatkan dan meringankan bagi terdakwa. Sementara itu, dalam satu putusan, hakim melepaskan terdakwa dari segala tuntutan hukum karena objek yang diangkut berupa kayu sibat tidak termasuk kategori hasil hutan yang wajib dilengkapi Surat Keterangan Sahnya Hasil Hutan. Akibat hukum yang timbul berbeda antara putusan pemidanaan, berupa pidana penjara, denda, dan perampasan barang bukti, dengan putusan pelepasan, berupa pemulihan hak terdakwa dan pengembalian barang bukti kepada penuntut umum. Penelitian ini menyimpulkan bahwa perbedaan akibat hukum tersebut mencerminkan penilaian yuridis hakim terhadap fakta dan objek perkara yang berbeda pada masing-masing putusan, bukan mencerminkan ketidakkonsistenan dalam penerapan hukum.

Kata Kunci: Illegal Logging, Pertimbangan Hakim, Akibat Hukum

ABSTRACT

LEGAL CONSIDERATIONS OF JUDGES IN CONVICTING AND ACQUITTING PERPETRATORS OF ILLEGAL LOGGING CRIMES

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Forests are a natural resource that plays an important role in human life and environmental balance, yet their existence is frequently threatened by illegal logging practices that cause economic loss and environmental damage. This study aims to identify the legal considerations judges use in convicting perpetrators of illegal logging, the legal considerations judges use in acquitting perpetrators from legal charges, and the legal consequences arising for the perpetrators of such crimes. This research is a descriptive normative legal study, examining laws and regulations, court decisions, and other relevant legal materials. The object of the research is five court rulings concerning illegal logging offenses. The results show that in four rulings, the judges imposed criminal sentences because the objective and subjective elements of illegal logging were proven lawfully and convincingly, taking into account aggravating and mitigating circumstances for the defendants. Meanwhile, in one ruling, the judge acquitted the defendant of all charges because the transported object—sibit wood—did not fall under the category of forest products required to be accompanied by a Certificate of Legality of Forest Products. The resulting legal consequences differ between convictions, which involve imprisonment, fines, and confiscation of evidence, and acquittals, which involve restoration of the defendant's rights and return of evidence to the public prosecutor. This study concludes that these differing legal consequences reflect the judges' juridical assessment of the distinct facts and objects of each case, rather than inconsistency in the application of law.

Keywords: Illegal Logging, Judicial Considerations, Legal Consequences