



Legal Repercussions of Illegal Logging on Kerinci Seblat National Park's Forest Biodiversity (TNKS)

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Abstrak: Illegal logging is like cancer eating away at the lungs of the earth; it seriously damages the sustainability of forests and the natural balance of the ecosystem. This illegal activity is a double-edged blade that harms the natural habitat of plants and animals while also violating the right to life of indigenous peoples. Illegal logging not only destroys biodiversity but also increases greenhouse gas emissions, causes erosion, and increases the likelihood of natural disasters. Because the social repercussions weaken indigenous peoples' rights and cause horizontal conflicts, they are particularly concerning. Fighting illicit logging requires the cooperation of the government, law enforcement, civil society organizations, and the general public. It is crucial to uphold stringent rules, encourage lifelong learning, and support the local economy of regions bordering forests.

Keywords: Degradation, Illegal Forest Use, Environmental Law, and Legal Expertise

1. Overview

Biodiversity is currently beginning to diminish in various ways. The habitat has been disrupted by vandalism. will put many species in jeopardy. mistreatment of several plant and animal species An overabundance will lead to shortages and the extinction of species. Genetic deterioration is brought on by homogenizing plant variety and raised animal breeds, and this will devastate biodiversity.

The species' diversity and homogeneity Productivity and life are intimately associated. Aside from the possible loss to the economy, new technical advancements could take the place of biological products derived from crops. Furthermore, social media use will hasten the extinction of biodiversity. When utilizing biodiversity for commercial endeavors, the primary objective remains profit maximization, with minimal consideration for potential ecological consequences.

The total elevation of TNKS varies from less than 300 meters below sea level to 3,800 meters above sea level. It encompasses a range of ecological types, including lowland forests, hill forests, woodlands, marshes, lakes, upland swamps, and hootan mountains. Because of this, TNKS is incredibly rich in biodiversity and boasts a wide variety of huge, interesting creatures. Relevance TNKS has gained recognition on a global scale as the legacy site of ASEAN, and it has been officially classified as a World Heritage Site (a Natural Heritage Site).

Given that Indonesia is among the biodiverse hotspots of the world, is known as a megabiodiversity country because of the vast amount of indigenous species, genetic diversity,



and ecosystems that it has. The mistreatment of animal and plant species Whereas homogeneity in plant and animal breeds increases the risk of genetic degeneration, a surplus will cause rarity and extinction. Technology and knowledge, including the identification and inventory of biodiversity in terms of distribution, existence, exploitation, and management system, can be used to reduce threats to Indonesia's biodiversity.

Forests, the source of all life, are vital to preserving the balance of ecosystems and guaranteeing the survival of all organisms, including humans. Beneath its beautiful woods lies a rich biodiversity and significant amounts of water and oxygen, both of which are essential for life. Apart from providing a home to a wide variety of flora and fauna, forests play a key role in maintaining the stability of the climate, reducing the probability of natural calamities, and providing the natural resources that humanity needs. However, despite their benefits and beauty, woods are currently under great risk due to: unlawful timber harvesting.¹

store of energy. It controls the weather and is a crucial regulator of the water cycle. Forests also yield a wide range of foods and medicines. Tropical rainforests, which support the richest ecosystem on Earth and a diverse range of flora, make up the majority of Indonesia's forests. Indonesia is home to the largest tropical rainforest in the Asia Pacific region, covering an estimated 1,148,400 km². Diverse Indonesia is recognized for having "mega biodiversity," or a high degree of genetic variation among its numerous species, environments, and indigenous people, likely due to the country's richest forests in the world.

This destructive conduct is akin to a deadly disease, endangering not only the survival of humans but also the sustainability of forests and their ecosystems. Illegal logging damages soil, increasing greenhouse gas emissions, increases the risk of natural disasters, causes social instability, and violates the rights of indigenous peoples in addition to damaging the natural habitat of plants and animals. Like a two-edged sword, illegal logging operations threaten human lives and damage the ecosystem. The costs of losing irreplaceable biodiversity, creating environmental imbalances, and facing the threat of natural disasters are becoming more widely acknowledged.²

In many respects, biodiversity is currently starting to decline. Vandalism on habitat has upset the environment. will endanger a great number of species. abuse of a variety of animal and plant species. Shortages and the extinction of species will result from an excess. Uniformizing plant varieties and farmed animal breeds cause genetic degradation, which will cause a biodiversity disaster.

The homogeneity and diversity of species Life and productivity are closely related. Aside from the potential economic harm, novel technological developments could replace biological goods made from crops. Additionally, the use of social media will accelerate the loss of biodiversity. The goal of using biodiversity for commerce is still to generate huge revenues without.

¹Niara Journal, Volume 15, Number 3, 2023; Yenny Cheriani AR, Irfan Ridwan Maksum, Forestry Governance in Jambi Province

²Implementation of Illegal Logging is Based on Law on the Prevention and Eradication of Forest Destruction No. 18 of 2013, Serina-IV Journal, 2022, Intan Kurnia Safitri, Tundjung Herning Sitabuana

Northern nations have effectively controlled the biodiversity of the South by implementing monoculture. significant: the Green Revolution in agriculture, the Blue Revolution in fishing, and the White Revolution in the dairy sector. These three revolutions pertain to cultivation techniques, wherein diverse agricultural traditions are being replaced by homogenous monoculture cultivation systems. Because of the Green Revolution, the 1500 varieties of rice that were once thought to be traditional have disappeared. Revolution Green also affects farmers who lost control over their seed because they must now buy seed every time they want to plant from a multinational corporation that also functions as an agrochemical company.

Multinational companies with operations in the North that are skilled in genetic and biotechnology can momentarily obtain free raw materials for engineering. The results of their engineering become their private property rights, which the farmers in the south have to purchase. They went back to openly stealing the South of its medical plants and charging top dollar for internal medicine packages to clients who had originally come from the South or a Third World country. In this sense, superiorly cultivated seeds are considered as a high-value good, while artificially created or naturally occurring seeds that exalt farmers and indigenous people in the Third World are seen as "raw materials that primitive and worthless" in the North. Biodiversity is also threatened by global warming. Perhaps this century, deforestation won't be as dangerous to human existence as global warming.

Even in remote locations far from populous areas, research indicates that the earth's temperature is rising by 2°, which could wipe out tens of thousands of plant and animal species from the globe in 50 years. Thus, the previously anticipated unpredictability of the climate could endanger biodiversity, which would impact long-term business conservation (Anonymous, 2006b).

Initiatives for biodiversity conservation Indonesia is widely recognized for possessing an exceptional degree of biodiversity, encompassing genetic resources at the individual species level, also known as germplasm diversity. Despite the effective use of some of these resources, they have received comparatively little human attention. Germplasm contains the components needed to create excellent kinds with qualities that meet consumer preferences and include high productivity, resistance to disease and insects, and good quality.

Illegal logging increases horizontal conflict and jeopardizes the rights of indigenous peoples. Not only are the negative impacts of this behavior being felt immediately, but they will also have an impact on future generations. It takes cooperation from a variety of sectors to stop illegal forestry operations. To enforce the law, prosecute violators, and protect forests from unapproved usage, the government must act decisively. Law enforcement agencies need to work together to stop and prevent unlawful logging. It is the duty of civil society organizations and private citizens to inform the public about the importance of forest conservation and motivate them to actively participate in their preservation in the interim.

The key to putting an end to this illicit activity is providing populations that live near woodlands with economic and educational opportunities. Educating people about the value of preserving forests will increase their motivation to save the environment. We all have a shared obligation to preserve the forests. We can stop illicit logging, protect forests, protect

biodiversity, and leave it for future generations if we work together and are truly committed to doing so. We must safeguard forests to ensure their continued fertility and sustainability since they are a vital source of life.³

2. Methodology of Research

Law is viewed as a system of norms in this legal research, which is empirical juridical research using literature study methodologies.⁴ Statutory regulations and literature, including books and articles about the research object, serve as the primary sources for this study. The impact of illicit logging on the biodiversity of national park forests in Jambi Province is examined using this empirical juridical approach. This study falls into the category of descriptive research, which is studies that provide facts and current happenings. Thus, through in-depth interviews, researchers gathered primary and secondary data. Moreover, secondary data is information that is already available and has been gathered from a variety of sources, including books, journals, and news articles. Researchers then examine this data to provide an explanation for the issue under discussion. This study makes reference to independent research that has already been done by others.⁵

3. The National Park of Kerinci Seblat (TNKS)

The relationships between different types of life and their surroundings, known as biodiversity, allow the world to develop a habitable environment that can provide a plentiful supply of products and services necessary for human existence (Anonymous, 2007). According to Shah (2008), a diverse environment will lead to a diverse range of life forms and a diverse cultural landscape. Center for Diversity Indonesia has the world's richest biodiversity.

He proposed that the 17,000 islands that make up the Indonesian archipelago are home to two separate sorts of fauna and plants. Although Indonesia makes up only 1.3% of the planet's total land area, its flora and fauna are remarkable and unparalleled. Additionally, Indonesia boasts incredible biodiversity: 10% of the world's floral species, 12% of its animal species, and 16% of its reptile species. and amphibian species, 25% of all known fish species, 17% of all bird species, etc. In Indonesia, the endemic level of both flora and fauna is exceptionally high. Long-term isolation on numerous islands led to the emergence of novel and distinct species (Soedradjad, 1999). The woods of Indonesia are essential to life as we know it. In addition to serving as the planet's reserve energy source, forests regulate the weather and the water cycle in a number of ways. Additionally, forests provide a variety of foods and medications.

The majority of Indonesia's woods are tropical rainforests, home to the world's richest ecosystem and a wide variety of plant life. With an estimated 1,148,400 square kilometers, Indonesia boasts the largest tropical rainforest in the Asia-Pacific region According to pertinent laws, biodiversity management is legally protected in Indonesia. Law Number 5 of 1990 of the

³Suhendri, S., and P. E. Priyo (2017). Improving the Forest and Land Fire Prevention and Control Institutions in the Muaro Jambi Regency, Jambi Province. *Journal of Governance and Public Policy*, 4 (1), pp. 174–204

⁴Soerjono Soekanto and Sri Mamudji, *Normative Legal Research (A Brief Review)*, Jakarta: PT Raja Grafindo Persada, 2001

⁵Colfer along with associates (2009). *Finding Just and Good Governance in Asia-Pacific: Insights from Decentralized Forestry*. Prima Hope in Jakarta.

Republic of Indonesia about the Conservation of Biological Natural Resources and Their Ecosystems; Law Number 5 of 1994 about the Ratification of the Convention on Biological Diversity; and Law Number 41 of 1999 of the Republic of Indonesia about Forestry.

Article 33 paragraph (3) of the 1945 Constitution clearly states that the state has the power to control the land, water, and natural resources located there, and that these resources must be employed as much as possible for the benefit of the people. Furthermore, Law Number 41 of 1999 states that the objective of managing forests is to ensure that the people have fair and sustainable prosperity.

This concept is further supported by Law Number 32 of 2009 concerning Environmental Protection and Management, which aims to protect Indonesian territory from environmental contamination and injury. Similar goals are pursued by Law Number 39 of 2014, which governs plantations, which aims to improve public welfare and economic development.

The world's biodiversity, but particularly that of Indonesia, is crucial to sustaining the evolutionary process and the equilibrium of ecosystems and biosphere life systems. In order to sustain life, a variety of ecosystems, kinds, and genetic diversity—including those of animals, plants, and microorganisms—must be preserved. But because of some human actions that can upset the delicate balance of life on our planet, biodiversity is currently declining and disappearing significantly, which will eventually have an impact on human survival.

It is acknowledged that communities that continue to follow their customs, as seen by the way they live, play a significant role in making the most of biodiversity. Furthermore, it is acknowledged that women play a significant role in this issue, both in the use and management of biodiversity. Additionally, there is a great desire to properly distribute the advantages of traditional knowledge through innovation and actions pertaining to biodiversity protection and sustainable use.

According to Reko Dwi Salfutra in his journal on page 1733, Kerinci Seblat National Park (TNKS) is a vital part of the environment that is regarded as capital for development at both local and national levels. It also has a major positive impact on the welfare and quality of life of the Indonesian people living in the nation. The advantages that are balanced, dynamic, sociocultural, and ecological are among them.

For the sake of the prosperity and welfare of future generations, TNKS must be preserved, maintained, and used responsibly. Strict limitations on each institution's authority must be in place when multiple institutions collaborate to manage TNKS. The terms and requirements that must be followed and carried out are explicitly stated in the permission by the individual in charge of every TNKS activity. In TNKS, there are a number of issues that come up, ranging from logging concerns to boundary disputes inside the TNKS area to disputes between state ownership claims and individual and traditional community land rights. In the management of TNKS, policy issues and legal ambiguity have muddled reality.⁶

When it comes to alternative administration of the TNKS area, legal factors are given the highest emphasis overall. These findings suggest that lax law enforcement has not been

⁶Thamrin, S. A. R., Abidin, Z., and Silaban, C. (2017). Possible residual timber from harvesting at the Central Kalimantan logging area, IUPHHKHA PT Dasa Intiga. 174–181 in *Journal of Tropical Forestry*, 5(2).

imposed by the TNKS area administration. Even though it is not their primary source of income, some communities continue to harvest wood in forested areas.

To support their financial needs, the community cultivates agricultural in the TNKS area. As a result, the TNKS region sustained significant forest destruction. This suggests that the management of these places needs to give high priority to adhering to legal norms. Managers should always consider the sustainability of the woods and take decisive measures that can improve security in the TNKS area, while also continuing to rely on the law as a punishment for those who destroy forests.

In addition to managing the TNKS area, the community at large needs to be involved in upholding the local regulations. Rather than ruining the environment by converting it to agriculture, they can make money by operating crowded tourist bike taxis. Aside from that, it should be mentioned that despite the large number of visitors, the area is kept clean.⁷

Numerous issues plague the TNKS region, including issues with logging, unlawful land clearing, proliferation, and boundary disputes. Official and illicit logging and tree-cutting are two activities that can harm forests. Consequently, notwithstanding the disparities in jurisdiction amongst agencies, there needs to be a strong stance on their participation in the administration of TNKS.⁸

The degradation of habitats is indeed a pressing issue that threatens numerous ecosystems and species survival. The misuse and overexploitation of various plant and animal species contribute significantly to this problem, potentially leading to the extinction of species and scarcity of resources. The homogenization of animal breeds and plant varieties further exacerbates the situation, causing genetic loss and increasing the likelihood of a biodiversity crisis.

Both terrestrial and marine ecosystems are experiencing declines in biodiversity and overall health. Tropical forests, known for their incredible biodiversity, are diminishing in extent, while degraded agricultural lands contribute to this decline. Additionally, ecosystems like mangroves and coral reefs face significant harm, further impacting marine biodiversity.

The uncontrolled exploitation of biological resources poses a severe threat to human survival. When biodiversity is commercially exploited solely for profit, without regard for its ecological value or sustainability, it not only jeopardizes ecosystems and species but also undermines the long-term well-being of human societies. It's crucial to implement sustainable practices and conservation measures to mitigate habitat degradation and safeguard biodiversity for future generations.

In order to prevent issues similar to those that occurred in the Sungai Banyak area, permits must be issued clearly and include an explanation of the requirements and obligations that the party in charge of each activity that takes place in the TNKS area must fulfill. This is in

⁷Journal of Environmental Sciences, Volume 20, Number 2, 2022; Ahmad Budiaman and Linda Audia, Leftover Wood After Logging Natural Forests in Indonesia: A Systematic Review

⁸The Mount Merapi National Park (Tngm) Forest Area Management Strategy for the Diy Province was published in 2019 by Haryadi, H., Sunarto, S., and Sugiyarto, S. Proceedings of the Fourth National Seminar on Biology and Science Education.

line with the ruling of the Sungai Bawah District Court. Complete number 62/Pid.B/LH/2018/PN Spn pertaining to illicit produce transportation or logging. This issue is not exclusive to the Province of Jambi; additional issues have also been resolved by the BANGKO District Court and the JAMBI District Court, as evidenced by Decision Number 414/Pid.Sus LH/2021/PN Jmb.

4. Illegal Logging's Effect On TNKS Biodiversity

A diverse range of unusual plants and animals, including primates, can be found in Indonesia, a nation rich in biodiversity. Primates are primarily located in tropical forests, are protected by law, and typically live in groups. They communicate by sound and movement. They are found all over Indonesia, especially Sumatra's Kerinci Seblat National Park (TNKS).

TNKS is a protected area covering approximately 1.368.000 hectares and is spread over four provinces: Jambi, Bengkulu, Sumatera Barat, and Sumatera Selatan. Its status as a National Treasure was revoked by the Menteri Kehutanan in 1992 and 1996, as well as by the lifting of the ban on foreign exchange in 1999. Additionally, the TNKS encompasses the Hook Valley Province, resulting in a total area of 1.389.509,867 hectares. Types of vegetation in TNKS include trees, shrubs, and subalpine plants, which inhibit rabbit behavior and other species.⁹

At 2,732 meters above sea level, the Gunung Tujuh area is mostly up of low montane forests. There, human activities like forest encroachment and plantation conversion have changed the area's land use patterns, upsetting the natural habitat of wildlife, including monkeys. This might have a detrimental effect on the forest's ecosystem and have an adverse effect on the animals and plants, including primates. In addition, this hazard may cause food shortages and disturbances in primate populations, which may lessen the variety of primate species in the Gunung Tujuh region.

Several wild animal species have become extinct, are in danger of becoming extinct, or are very close to doing so, as a result of habitat degradation and illicit hunting, according to studies cited. A portion of the primates in the Gunung Tujuh region are protected because their presence is essential to maintaining biodiversity.

Conducting study on the diversity of primate species on Gunung Tujuh is crucial in order to safeguard monkeys from the threat of extinction in the region. In addition to being parts of the ecosystem, primates play a crucial role in preserving the forest ecosystem's equilibrium by dispersing seeds, preserving vegetation, facilitating pollination, and boosting soil fertility by humus production. Thus yet, no studies have Research on the diversity of primate species on Gunung Tujuh has not yet been conducted, so this work needs to be done immediately.

5. Concluding Remarks

The degradation of habitat is currently upsetting many ecosystems, endangering the survival of several species.misuse of several plant and animal species Excessive amounts will lead to species extinction and scarcity. In addition, genetic loss is brought on by the

⁹M. Alfiani (2014). Syarif Hidayatullah State Islamic University, Jakarta, Biodiversity.

homogeneity of produced animal races and plant types. All of this makes a biodiversity catastrophe possible.

Both terrestrial and marine ecosystems' biodiversity and health are still declining. The amount of biodiversity found in tropical forests is decreasing, and degraded agricultural land has also contributed to this decline. Mangroves, coral reefs, and other marine species were also harmed.

Uncontrolled biological resource exploitation will be detrimental to human survival. Through widespread commercial exploitation of biodiversity to generate large revenues without payment. When biodiversity is used for commercial purposes without consideration for its ecological worth or sustainability, ecosystems, species, and the long-term viability of human societies are all put at risk. In order to prevent habitat degradation and preserve biodiversity for future generations, it is imperative to put sustainable practices and conservation measures into place.

Observe the harm being done to the ecosystem. Give local and traditional people a bigger role to play in safeguarding protected forests, so that they feel more accountable. This will strengthen their commitment in the cause. These job descriptions ought to be explicit, outlining both the expectations and the methods for achieving them. To guarantee that the intended aims are met, a regular assessment of the community's role is required. There will be several advantages to designating local and indigenous groups as the primary administrators of natural resources and forest conservation initiatives. The following are some ideas that could be put into practice:

1. Monitoring of this responsibility is required to ensure that the procedure is conducted appropriately and that the role that communities are assigned in managing forest natural resources is carried out successfully. Furthermore, incentives in the form of funding should be provided to communities that actively participate in the preservation and protection of natural resources, such as forests. The design of incentives must engage local communities.
2. To increase community involvement, training on the handling and processing of forest resource products may be offered. The community can optimize its efforts to preserve forests and utilize their resources by taking this action.

Citation

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