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The Urgency of Implementing the Limitation of Investigation of Forestry Crimes to Achieve Just Forestry Criminal Justice

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ABSTRACT

This study aims to analyze and criticize the implementation of forestry law enforcement, especially the forestry criminal investigation process as regulated in Article 39 of the P3H Law. Which requires investigators to complete the investigation process within 60 days of the investigation's commencement, with the possibility of an extension of up to 30 days if the findings are not final, the public prosecutor has a maximum of 20 days to complete the inquiry, with a 30-day extension possible. Among the issues with this study are how the execution and urgency of the Application of the Investigation Limitation in Forestry Crimes with justice. Normative legal research is the methodology employed. Concludes, for the sake of legal certainty, the urgency of applying the investigation limitation in the P3H Law as Article 39 must be implemented to realize peace, legal certainty and justice, although it does not explicitly regulate its implementation. Suggestions, it is hoped that the legislators of the Legislative Body (DPR) and the President will revise Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, by adding one paragraph to Article 39, namely letter f, which states that if the provisions in letters a, b and c in this article are not fulfilled for the sake of legal certainty, it is declared to have expired.

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INTRODUCTION

In Indonesia, criminal policy regarding there are two laws pertaining to forestry, which is administrative penal law that directly concern forestry crimes, such as Law Number 18 of 2013 about the Prevention and Eradication of Forest Destruction and Law Number 41 of 1999 about Forestry. The provisions for violations as stated in Law Number 41 of 1999 concerning Forestry with its criminal threats demonstrate that the use of forests without authorization, forest protection through preventive measures, and the preservation of plants and animals are the only areas where criminal statutes are applicable. Following the enactment of Law Number 18 of 2013 about the Prevention and Eradication of Forest Destruction, which focuses on regulating institutions, criminal penalties, and prohibitions to prevent forest damage, what happened next? With the enactment of the P3H Law, the provisions of Article 50 paragraph (1) and paragraph (3) letters a, f, g, h, j, and k are revoked; and the provisions of Article 78 paragraph (1) regarding criminal provisions against Article 50 paragraph (1) and paragraph (2) regarding criminal provisions against Article 50 paragraph (3) letters a and b, paragraph (6), paragraph (7), paragraph (9), and paragraph (10). Furthermore, the P3H Law regulates the expansion of criminal acts in the forestry sector to include corporate crimes, organized forest destruction, and even abuse of authority by officials. The criminal policy in this law is included in Articles 11 to 28, so that the criminal provisions in this law are more functional or function optimally. Article 11 of the P3H Law contains provisions regarding organized forest destruction, then the next update to the criminal policy is in Articles 14 and 24 containing provisions for falsification of certificates and permits plus provisions for abuse of authority by officials regulated in Article 28.

There are several changes that occurred in the two laws in the Law on Job Creation, for example in Article 50 of the Forestry Law which contains prohibited acts, now some of these acts such as harvesting or collecting forest products, are excluded or only subject to administrative sanctions as amended by the Forestry Law in the Law on Job Creation which inserts Article 50 A which states in essence if an individual or group of people resides around a forest area for at least 5 years continuously. Or for example in Article 12 of the P3H Law which contains prohibited acts but the amendment to the P3H Law in Article 12 A of the Law on Job Creation also excludes community members who have lived around a forest area for at least 5 years. In this amendment there is no regulation at all regarding Indigenous Legal Communities which should be positioned as a special legal entity.

Forest destruction in Indonesia is certainly detrimental and violates the state's legal interests, so criminal law policy is the right recommendation. This crime is a structured crime that has resulted in the degradation of Indonesia's forests, which cover more than 50 million hectares. Good forest management must reflect sustainable use and benefit the wider community. This aligns with the philosophy of "the greatest happiness of the greatest number." Therefore, the goal of legislation enacted by those in power must be to achieve happiness for the community.

An environmental crime cannot be prosecuted by criminal law enforcement until the authorities are able to impose administrative sanctions and have acted against the violators by imposing such sanctions. If this is not possible to stop the violation, efforts will be made to resolve the dispute through alternative mechanisms outside the courts, such as deliberation, peace, negotiation, and mediation.

The role of law enforcement officers in handling forestry crimes is still often the subject of criticism. Due to the ineffectiveness of efforts to handle forest destruction, on August 6 2013 Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction was issued, hereinafter referred to as the P3H Law. Law Number 18 of 2013 concerning the prevention and eradication of forest destruction provides special authority to certain civil servant officials (PPNS) within the Ministry of Forestry in accordance with the provisions of Article 29, whose duties and responsibilities are outlined in Article 30, including conducting examinations or investigations into the truth of reports or information on crimes involving the destruction of forests, both in terms of investigating people and organizations suspected of committing such crimes. The provisions of Article 7 paragraph (1) and related to several chapters in the Criminal Procedure Code, namely Chapter V and Chapter XIV, the scope of authority and responsibility of investigations is very broad when compared to investigations. However, the way it is discussed in the Criminal Procedure Code appears to be spread across several chapters. The authority and responsibility of investigators and the scope of investigative functions are not regulated in depth, so it is not enough to simply collect information from chapters and articles other than the two chapters in question.

An investigator is a person or official appointed/tasked by law to conduct criminal investigations. Within the Indonesian National Police, particularly in the criminal investigation sector, this official is also called a detective, a person designated as an investigator by law. According to Article 1 number 10 of the Republic of Indonesia Law No. 2 of 2002 concerning the Republic of Indonesia National Police, A specific civil servant official known as the Civil Servant Investigator (PPNS) is designated as an investigator under statutory regulations and is empowered to carry out criminal investigations within the parameters of the laws that form their respective legal bases. In addition to this definition, several definitions related to civil servant investigators include:

Based on the above background, the author is interested in raising a theme entitled "The Urgency of Implementing the Expiration Date for Forestry Crime Investigations to Realize Fair Forestry Criminal Justice".

Formulation of the Problem

How to Implement and Urgency of Applying the Investigation Limitation in Forestry Crimes in a Just Manner.

LITERATURE REVIEW

When investigating criminal activities involving certain fields, coordination is a type of working connection between police investigators and civil servant investigators that is founded on the ideas of functional relationships;

The process of self-observation and the execution of civil servant investigator activities within the framework of conducting investigations is known as supervision. Its goal is to guarantee that all investigative practices can be formally and materially justified by adhering to relevant legal provisions;

Investigative assistance is assistance provided by National Police investigators to Civil Service investigators in the context of carrying out investigations, which can be in the form of tactical assistance (personnel and equipment), technical assistance (expert assistance in the context of providing evidence) and assistance in the form of coercive measures (assistance in prosecution).

Referring toin Article 2 of Government Regulation Number 27 of 1983 concerning Guidelines for the Implementation of the Criminal Procedure Code, the rank of investigator, or those who can be appointed as investigators, is:

Official Certain Indonesian Republic State Police officers who have at least the rank of Second Lieutenant of Police;

Official Certain Civil Servants who have at least the rank of Junior Regulator Level I (Group 11/b) or equivalent to that;

If in a police sector there are no investigative officers as referred to in paragraph (1) letter a, then the Police Sector Commander who has a non-commissioned officer rank below Second Lieutenant of Police, because his position is an investigator.

What investigators must pay attention to in carrying out their duties as investigators so that the process runs smoothly, are:

1. In carrying out their duties, investigators are obliged to uphold applicable laws as stated in Article 7 paragraph (3) of the Criminal Procedure Code;
2. In carrying out his duties, investigators make minutes regarding the implementation of actions as stated in Article 8 paragraph (1) of the Criminal Procedure Code;
3. In carrying out his duties, investigators submit case files that have been declared complete to the public prosecutor as stated in Article 8 paragraph (3) of the Criminal Procedure Code;

Investigators in carrying out their duties carry out additional investigations, if the public prosecutor provides the findings of the inquiry to be finished if after being examined it is deemed incomplete, therefore the investigator is ordered to complete it with instructions from the public prosecutor as contained in Article 110 paragraph (2) of the Criminal Procedure Code;

Investigation means to make clear or obvious, sometimes the term is also used for investigation or inquiry, the Dutch call it opsporing, in English it is called investigation, the strict meaning is to investigate, so that it can be known what criminal incident has occurred and who the person is who has committed it. In the provisions of Article 1 number 2 of the Criminal Procedure Law (KUHAP) it is explained as follows:

> "*Investigation is a series of actions by investigators in matters and according to the methods regulated in this law to seek and collect evidence which will shed light on the crime that occurred and to find the suspect.*"

According to the rules outlined in Article 1 Number 2 of the Criminal Procedure Code, an investigation is any action taken by the investigator to ascertain whether a criminal act or an act that is prohibited by criminal provisions has actually taken place. When gathering evidence to support the conviction that a criminal act has truly taken place, it is important to carefully consider what the true legal will is, as well as whether the criminal act or event is in conflict with the values of the local community. For instance, it is evident that the occurrence has negatively impacted other parties, and the act is obviously beyond the agreement that has hurt the interests of another party.

In the field of criminal investigation, a distinction can be made between:

1. Investigation in the broad sense of the word, which includes inquiry, investigation and examination, which is also a series of continuous actions, has no starting point and no end;
2. Investigation in the narrow sense of the word, namely all actions which are a form of repressive operation from the Indonesian National Police criminal investigation which is the beginning of the examination of a criminal case.

The commencement of an investigation is formally procedurally marked by the issuance of an investigation warrant by an authorized official at the investigating agency, upon receipt of a report or complaint or information that a crime has occurred and the perpetrator of the crime, not by itself, the issuance of an investigation warrant. A wise and prudent leader will immediately order an investigation into the veracity of the report and assess quickly but carefully whether there are sufficient legal grounds and initial evidence to commence an investigation. Investigation activities, besides being the ultimate goal of justice, legal certainty and peace in community life, also cause burdens and misery for members of society as a result of the coercive power inherent in investigative activities. In addition, investigative activities that have taken a long, tiring time must not cause psychological burdens and large costs.

In Article 39 letter a of Law Number 18 of 2013 concerning the prevention and eradication of forest destruction, "investigators are required to complete and submit case files to the public prosecutor no later than 60 (sixty) days from the start of the investigation and can be extended for a maximum of 30 (thirty) days". ... in Article 39 letter b, namely: "In the event that the results of the investigation are not yet complete, the public prosecutor is required to conduct an investigation for a maximum of 20 (twenty) days and can be extended for a maximum of 30 (thirty) days".

The time limit for conducting criminal investigations under the Indonesian Criminal Procedure Code (KUHAP) appears to be absent from the law enforcement process, specifically the absence of a time limit for conducting investigations. This creates a legal vacuum and impacts the investigative process, allowing relevant authorities to act freely and lacking legal certainty regarding the protection of suspect status (suspects' rights). Because the KUHAP does not provide a time limit (expiration date) for transferring cases from investigators to prosecutors, this has led to problems in Indonesia, such as pending criminal cases. The investigation stage is crucial because any errors in the criminal process will impact subsequent proceedings. This stage involves a series of events carried out by investigators during the criminal case examination.

The basis for the application of the statute of limitations is the principle of legal certainty, the time limit referred to is determined in the provisions of Article 78 of the Criminal Code as follows:

1. For printing violations and crimes, the statute of limitations expires after one year;
2. For crimes with sanctions of fines and imprisonment, the statute of limitations expires after three years;
3. For crimes with a prison sentence of more than three years, the statute of limitations expires after twelve years;
4. For crimes punishable by death or life imprisonment, the statute of limitations expires after eighteen years.

The duration of suffering a criminal will experience is influenced by the severity of the crime they committed. Similarly, public memory becomes stronger and more difficult to erase when faced with serious crimes committed by criminals. Therefore, the logical consequence is that the duration of the statute of limitations for a crime will be influenced by the severity of the crime committed by the perpetrator.

Regarding this issue there are 2 conflicting opinions, namely:

1. The first opinion, Noyon Van Hattum and Hazewinkel Suringa stated that in determining whether a crime is punishable by a maximum prison sentence of three years or more than three years, it is not necessary to pay attention to the aggravation of the sentence or the reduction of the sentence, what must be paid attention to is only the criminal sanctions threatened in each formulation of the criminal act in question;
2. The second opinion, on the contrary, as Jonkers states, is that the statute of limitations is based on the maximum criminal threat for the crime that was actually committed, therefore objective and subjective circumstances that aggravate or mitigate the punishment must also be taken into account in determining the statute of limitations for the removal of the authority to prosecute criminally.

In addition to matters that invalidate criminal prosecution, the Criminal Code also regulates matters that invalidate the implementation of criminal penalties. Provisions regarding the expiration date are also regulated in Article 84 of the Criminal Code, which reads:

1. The authority to carry out criminal penalties is removed due to the statute of limitations;
2. The statute of limitations for all violations is two years, for crimes committed with printing media it is five years and for other crimes it is the same as the statute of limitations for criminal prosecution, plus one third;
3. In any case, the statute of limitations may not be less than the length of the sentence imposed;
4. The authority to carry out the death penalty and it cannot expire.

Just as the authority to prosecute a crime is removed, the statute of limitations also applies. The statute of limitations for carrying out a crime is essentially the same as the statute of limitations for prosecuting a crime. One example of a basis for eliminating prosecution is when the statute of limitations (verjaard) has expired for an act. In this case, the public prosecutor is no longer able to prosecute. If the prosecution is still carried out, it will be rejected by the judge or the public prosecutor's demands will be unacceptable (niet-ontvankelijk verklaring van het OM).

There is still debate about when the statute of limitations should begin. Wirjono Prodjodikoro and Hazewinkel Suringa argue that the calculation of the statute of limitations for investigation begins on the day the crime occurred. Pompe argues that the statute of limitations for investigation begins on the day the act was committed. Eva Achjani Zulfa argues that in calculating the statute of limitations for investigation, the meaning of "act" must be taken into account. Some other legal experts, such as Van Bemmelen and Tresna, believe that the meaning of "act" is a physical act, so the calculation of the statute of limitations for investigation must be done the day after the act was committed.

Regarding the provisions contained in Article 39 letter b of the Law on the Prevention and Eradication of Forest Destruction, it states ""*In the event that the results of the investigation are not yet complete, the public prosecutor is obliged to conduct an investigation for a maximum of 20 (twenty) days and this can be extended for a maximum of 30 (thirty) days.*" The authority of the public prosecutor to conduct investigations is certainly a necessity in efforts to resolve or handle cases of forest destruction, Article 203 of the Criminal Procedure Code clearly shows that the public prosecutor only determines that a case will be submitted to the court by means of a brief examination.

The accommodation of the public prosecutor's authority as stated in Article 39 letter b is intended to accelerate the resolution of forest destruction cases in the investigation stage.The authority of investigators at the Prosecutor's Office in investigating criminal acts of Prevention and Eradication of Forest Destruction requires increased cooperation with certain Civil Servant Investigating Officers (PPNS) within the purview of national and local forestry organizations, which are legally granted certain jurisdiction to conduct forestry-related investigations and conserve natural resources and their ecosystems as well as other related agencies that are directly related to issues in the forestry sector. These clauses demonstrate the existence of legal politics in Indonesian positive law, which allows for the overlapping of investigative powers previously exercised by the police under the terms of Law Number 8 of 1981 concerning Criminal Procedure Law, also known as the Criminal Procedure Code. The function of investigative authority in criminal acts of forest destruction has never been implemented by the public prosecutor because until now there has been no clarity in the implementing regulations of this provision.

METHODOLOGY

Research Type

In writing this article, the researcher conducted research using the Normative Legal Research method.E. Saefullah Normative legal research, according to Wiradipradja, is "legal research that examines positive legal norms as its object of study." According to normative legal study, law is no longer seen as merely idealistic; rather, it has been codified and institutionalized as established norms, legal institutions, and principles. Normative legal research is also referred to as dogmatic legal research that examines, maintains, and develops the structure of positive law with a logical structure. Meanwhile, according to Peter Mahmud Marzuki, normative legal research is a process to find legal rules, legal principles, and legal doctrines to answer the legal problems faced.

The Approach Used

1. Conceptual approach,
2. Legislative approach,
3. Case Law Approach,
4. Analysis of legal materials.

RESEARCH RESULT AND DISCUSSION

With existing forestry policies in Indonesia, within the theoretical and doctrinal framework of Criminal Law Policy Theory, crime prevention efforts essentially encompass a broad scope, according to Hoefnagels, including:

1. Application of criminal law
2. Influencing views of society on crime and punishment/mass media

With the threat of criminal sanctions for an act that is prohibited or required, at least it is hoped that this threat will make someone think before committing a prohibited act or ignoring a required act.

The study of legal politics at Utretch looks into how the law should be changed to better reflect social realities. A law that will be in effect is called an Ius constituendum, and legal politics works to make that Ius constituendum eventually become Ius constitutum, or the new applicable law. Legal policy, according to Padmo Wahjono, is the fundamental principle that establishes the course, structure, and subject matter of future legislation. Legal policy is the policy of state administrators on the criteria used to penalize something, according to an essay titled "Investigating the Process of Legislation Formation," which later added to this definition, but it was still abstract. In this instance, this policy may have to do with the creation, application, and enforcement of laws. Soedarto, on the other hand, claims that legal policy is the state's policy, implemented through state-authorized entities, to create the intended laws that are anticipated to be utilized to communicate what society contains and to accomplish what is desired.

Thus, criminal law policy can be defined as the state's (government's) method of action or policy for using criminal law to achieve specific goals, particularly in combating crime. It must be acknowledged that many methods and efforts can be undertaken by each state (government) to combat crime. One such effort is through criminal law policy or criminal law policy.

Because criminal law policy is both a science and an art, its ultimate goal is to enable better formulation of positive legal regulations. Criminal law policy also serves as a policy for selecting, criminalizing, and decriminalizing certain acts. Therefore, through criminal law policy, the state is empowered to define or determine what constitutes a crime and can then use it as repressive action against anyone who violates it. This is one of the essential functions of criminal law.

In Indonesia, criminal law policy regarding forestry is administrative penal law. Following the enactment of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, which specifically regulates prohibitions, criminal sanctions, and the establishment of institutions to prevent forest destruction, one of the reforms to forestry criminal law, as stipulated in Article 39 of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, is the provision of a time limit or statute of limitations for investigators to conduct investigations. However, the implementation of the statute of limitations for investigations in law enforcement of forestry crimes in Indonesia still faces several challenges. Some of these are: Lack of legal awareness among the public and law enforcement officers regarding the statute of limitations for investigations can lead to errors in the application of this provision and forestry crime cases are often complex and require a long time to investigate, which can cause the investigation to expire.

In criminal law, there are two grounds for judges not to sentence perpetrators of crimes. First, grounds for expungement are justifications that permit a criminal to satisfy the requirements without facing consequences. In criminal law theory, the grounds for expungement are justification and Reasons for Forgiveness. Second, the reason for eliminating prosecution is a reason that allows the character of the offense and the character of the criminal to satisfy the conditions, yet the government does not pursue legal action.

According to Ahmad Chazawi, The State loses its authority to bring criminal charges for four reasons:

1. *Nebis in idem* or the existence of a decision that has permanent legal force as per Article 76 of the Criminal Code,
2. The death of the perpetrator of a crime as stipulated in Article 77 of the Criminal Code, Expiration as per Article 78 of the Criminal Code,
3. Settlement of cases outside the court as stipulated in Article 82 of the Criminal Code.

The background underlying the statute of limitations as a reason to drop a criminal prosecution as intended by Article 78 of the Criminal Procedure Code, researchers interpret, is connected to human memory and environmental factors that make evidence prone to fading or losing its significance in relation to the law of evidence. Human memory, whether as a defendant, suspect or witness, is often unable to describe events that have occurred in the past. On this basis, the formation of the law must decide on a single course of action, specifically the removal of the power to pursue criminal charges because the statute of limitations with a certain time limit.

The purpose of the statute of limitations is to facilitate law enforcement because once the time limit for a crime has passed, investigations become increasingly difficult and it becomes difficult to obtain sufficient evidence. Besides legal certainty, this statute of limitations principle is also based on the difficulty factor in solving cases. Because the longer the time limit passes, the more difficult it is to obtain evidence. Over time, witnesses' memories will diminish, even disappear, or they will forget about the events they saw and experienced. Likewise, evidence that has been left for a long time will be destroyed or lost and no longer exist. The long statute of limitations reduces the success rate and can even lead to the failure of a prosecution's work.

However, in reality, investigators in forestry cases have not implemented the intent of Article 39 of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, resulting in an opportunity for justice seekers or suspects to undertake pretrial legal efforts which should not be necessary, if referring to the provisions In accordance with the provisions of laws and regulations, "Any official who fails to fulfill the responsibilities mentioned in Articles 39, 40, and 41 shall be subject to administrative sanctions," according to Article 42 of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction.

The fundamental tenets of every nation founded on the rule of law are the defense and upholding of human rights. A nation cannot be considered to be founded on the rule of law in the truest sense if human rights are disregarded or willfully violated there and the consequent suffering cannot be appropriately addressed. Creating a just legal system and defending citizens' rights entails at least:

1. Defense against capricious state authorities' activities;
2. The court is empowered to decide whether or not the defendant or suspect is guilty;
3. Court hearings must be open to the public (must not be secret);
4. Defendants and suspects need assurances that they can adequately defend themselves.

Law Number 8 of 1981 governing Criminal Procedure must be put into effect in order to give a suspect legal protection. Investigators frequently use arbitrary acts against suspects who are suspected of committing a crime during the interrogation phase, especially in criminal investigations. Though the methods employed are frequently not legally justified, this action is taken in an attempt to get a confession or direct statement from the subject. In order to conduct an examination without straying from the truth, suspects must freely disclose information to investigators without any pressure or compulsion. Investigators do not need to employ coercive tactics to elicit the necessary information from the suspect during the interrogation phase; they simply document the information that the suspect provides. The Criminal Procedure Code states that violent measures are illegal and hence cannot be justified.

According to the Criminal Code (KUHP), a statute of limitations is the amount of time that passes and becomes the basis for the loss or lapse of the ability to prosecute or punish someone who commits a crime. Essentially, all offenders in the widest sense of the word must be prosecuted before a criminal court, however, both generally and specifically, the law determines the elimination and/or elimination of prosecution in certain cases, for example due to a statute of limitations. This is as stated in Article 78 of the Criminal Code, which states that the right to sue for criminal offenses is abolished due to the statute of limitations.

These clauses serve as the same foundation as those found in Article 76, paragraph (1), which addresses the principle of ne bis in idem, which calls for legal certainty in all criminal cases so that the threat of state prosecution does not permanently disturb the offender's peace of mind.at some point such disturbance must end, a person who has committed a crime must always be on guard, hide, and avoid public contact in order to avoid being prosecuted by the state. This causes unrest in his life, and unrest for a long period of time before the statute of limitations expires is essentially a type of mental suffering that is no different from the suffering brought on by receiving a sentence from the court.

The concept of the passage of time (expiration), which is another justification for legal certainty, is also predicated on the difficulty of exposing a case; essentially, bringing a criminal charge is a way to document an event as it truly occurred (materiele waarheid) at the time of the incident that has since occurred, Revealing the event necessitates evidence that is established and governed by the law's provisions, both in terms of its type and its method and system of use. The longer time goes by, the more difficult it will be to gather the evidence, and the longer a witness's memory will deteriorate or even vanish when it comes to an event he witnessed or experienced, likewise with objects in the form of evidence, with a long time it will cause the object to be destroyed or lost and no longer exist, with the passage of a long time it reduces the success and can even cause the failure of a prosecution work.

According to the theory of retribution, it is no longer necessary to bring to light a case that the community has forgotten; however, even though the theory of retribution is still regarded as outdated by many in modern times, it is still a matter of legal consideration. As time (expiration) passes, the mental suffering caused by a crime will diminish and eventually vanish or be forgotten by the community, the victim, and his family. This theory explains that punishment is imposed because a person has committed a crime. Punishment as an absolute consequence that must exist as a form of retribution against the person who committed the crime, the basis of its justification lies in the existence of a crime itself, stated by Johannes Andenaes, who said that the primary purpose of punishment according to the absolute theory (retribution) is to satisfy the demands of justice. While the beneficial influence is secondary. This absolute demand for justice is seen in the opinion of Immanuel Kant in his book Philosophy of Law, that punishment is never carried out merely as a means to promote other good, either for the perpetrator himself or for society, in all cases it must be imposed only because the person concerned has committed a crime, everyone should receive a reward according to their actions and feelings of revenge should not remain in members of society, therefore this theory is also called the theory of retribution.

The purpose of law, among other things, is to achieve peace and justice. Therefore, if the opposite occurs, then, as previously discussed, it begs the question of what went wrong and where the error lies. As Satjipto Rahardjo pointed out, Indonesia is a country of diversity. While law does influence socio-cultural life, it is also shaped by socio-cultural conditions. Law is not an independent variable in society, so its development will also be determined by what occurs in other sectors of society. The law has the ultimate authority to decide which human interests require regulation and protection since it is its purpose to address the rights of human interests. Regarding what the law is for, as well as its necessity and usefulness, this is due to the psychological development of human society which has reached a point of view that in social life together it must be free from worry, anxiety and fear, free from a state of chaos, guaranteed as much as possible calm, tranquility, safe and sound. For this reason, human society creates the laws it needs. Bodim put forward a new idea in the theory of the state, namely the idea of sovereignty (souverainite), with this idea Bodim wanted to state that in the state there is a power over citizens which is not limited by any other power, and is also not bound by law.

Law enforcement is a term that has various meanings. Implementing and applying the law, as well as taking legal action against legal subjects who violate or deviate from the law, through judicial processes, arbitration procedures, and other dispute resolution mechanisms (alternative disputes or conflicts resolution), are all included in this broad definition. In a more comprehensive sense, law enforcement operations encompass all actions taken to ensure that the law is genuinely followed and applied as it should be, as it is a normative set of regulations that govern and bind legal subjects in all facets of society and state life.

As a law enforcement officer, you are obliged to treat people in litigation (justifiable) as other human beings without considering the status of the other person, and in deciding anything directly related to the act, you must reflect justice in accordance with applicable legal regulations so that it reflects propriety and honesty. Therefore, in order to guarantee legal certainty, law enforcement officers must process perpetrators in accordance with applicable provisions so as not to cause a negative response from the public, so that if there are already adjustment regulations, there will no longer be a gap in thinking about resolving a case.

Discussions about law and law enforcement in Indonesia are the same as linking the two normative and empirical sides which are a pair of reflections (refractive) starting from the process of making laws, the realization and implementation of legal functions (law enforcement and justice), in order to respond to the needs of a developing society in all fields, in achieving the objectives of law, namely realizing justice, creating legal certainty and providing benefits (benefits) for society.

In Indonesian, several terms exist outside of law enforcement, such as "legal application." However, the term "law enforcement" appears to be the most frequently used, and thus, in the future, this term will become more established or coined. In foreign languages, we also know various terms, such as: rechtstoepassing, rechtshandhaving (Dutch), law enforcement, and application (American). If we look closely at the modern state structure, the task of law enforcement is carried out by the executive component and implemented by the frequently referred to as the law enforcement bureaucracy because it is an executive branch bureaucracy.

Law enforcement can be defined as an activity to resolve value relationships outlined in established rules and their implementation in attitudes and actions as a series of final-stage value interpretations to create, maintain, and sustain peace and social interaction. Conceptually, the core and meaning of law enforcement lies in social interaction. As a series of last-stage value explanations to bring about harmony in social life, law enforcement is an activity that aims to balance the relationship between values that are expressed in regulations, firm beliefs, and to embody them in attitudes and behaviors.

Law enforcement in Indonesia is identified with power, which when viewed from the alternative formulation of the concept of the rule of law according to Tamanaha, Indonesia is a narrow type of rule of law (thick) that is, the formal type is regulated by law, the law as an instrument of government action. Indonesia is not a broad type of rule of law (thick) where the formal type is democracy and the legality of agreement determines the content of the law while the substantive type is social welfare, substantive equality, welfare, protection of cultural rights. Law enforcement in Indonesia is often said to be blunt at the top and sharp at the bottom, the law which was initially expected to provide justice for the people has in reality not been able to realize that justice. Chambliss and Seidman contend that the operation of the legal system in society is comprised of a number of interconnected components or facets. Lawmaking Organizations, Sanction-Applying Organizations, Role Occupants, Social Personal Force, Legal Culture, and feedback components from the continuous legal process are some of these factors.

Friedman asserts that the content of the law, the legal system's institutions, and the legal culture all influence how successful or unsuccessful law enforcement is.

The following is an explanation of the elements that influence law enforcement:

1. All written and unwritten legal standards, conventions, and regulations, including court rulings, constitute legal content.
2. The complete law enforcement organization, including its machinery, is referred to as the legal structure. This includes the courts and their judges, the prosecutor's office and its prosecutors, the police and their officers, and law offices and their attorneys.
3. Lawrence M. Friedman highlights the significance of legal culture, which is defined as the customs, beliefs, and behaviors of both law enforcement and the general public. The legal system cannot operate with just substance and machinery.

According to Soerjono Soekanto, the problem of law enforcement lies in the influencing factors. These factors are neutral, meaning their positive and negative impacts depend on their specific aspects. These factors are:

1. Legislative factors. Regarding the validity of laws, there are several principles aimed at ensuring that the law has a positive impact. This means that the law achieves its objectives and is effective.
2. Law enforcement factors. In carrying out their actual roles, law enforcers should be self-aware, as this will be evident in their behavior, which

reflects the actual implementation of their roles. To be self-aware, law enforcers must strive to live.

3. Infrastructure and facilities. Without certain buildings or resources, law enforcement cannot operate efficiently. These resources or facilities include, among other things, human resources who are educated and skilled, well-organized, well-equipped, financially stable, and so forth. Law enforcement cannot accomplish its objectives without these resources.
4. Community factors: Since law enforcement officers are members of the community and work to maintain harmony within it, the community might have an impact on law enforcement from a certain angle. Indonesian culture in particular has particular views on the law.
5. Cultural factors. Cultural factors are actually intertwined with societal factors. Therefore, the problem of value systems is the core of spiritual or non-material culture. As a system (or subsystem of a societal system), law encompasses structure, substance, and culture.

The aforementioned five elements are connected. They are the cornerstone of successful law enforcement, which serves as the standard for its efficacy.

As previously explained, legislative/formulative policies can be outlined in various laws, both criminal procedural law within and outside the Criminal Procedure Code and criminal implementation laws, and to enforce these laws, law enforcement is needed in an effort to implement criminal law, which is defined as an applicable policy for crime prevention. As one of the overarching strategies for preventing crime, criminal law enforcement is a component of criminal policy. Given that Indonesia is a legal nation, its presence is greatly expected in order to enforce the country's criminal law, even though it is not the sole option for fully resolving or defeating crime.

In terms of the application of criminal law, according to Muladi, it must be viewed from three dimensions, namely;

Initial Dimension: The application of all laws that represent societal values and are backed by criminal penalties is seen as a normative system when it comes to the application of criminal law;

Second Dimension: the administration of criminal law is viewed as involving interactions amongst different law enforcement agencies, which are subsystems of the justice system, including the police, prosecutors, courts, and correctional facilities;

The Third Dimension: Since the implementation of criminal law is a social system, different societal viewpoints must be considered while defining and responding to criminal crimes.

According to Josep Golstein, criminal law enforcement is divided into 3 parts, namely:

Total enforcement, namely the scope of criminal law enforcement as formulated by substantive criminal law (substantive law of crime). Total criminal law enforcement is impossible because law enforcers are strictly limited by criminal procedural law, which includes regulations on arrest, detention, search, seizure, and first analysis. Limitations may also be imposed by substantive criminal law itself, such as the need that a prior complaint be filed before an offense can be prosecuted (klacht delicten). The area of no enforcement is the term used to describe this narrow scope;

Complete enforcement, The area of no enforcement in this law enforcement is intended to enforce the law to the greatest extent possible once the overall reach of criminal law enforcement is decreased;

Since there are constraints on time, manpower, investigation resources, money, and other factors, actual enforcement is regarded as an unrealistic expectation. The remaining portion is known as actual enforcement.

Efforts to rationally combat crime also constitute law enforcement to fulfill a sense of justice. In order to combat crime, various means of response can be provided to perpetrators, including criminal and non-criminal means, which can be integrated with one another. Furthermore, Barda Nawawi Arief emphasized that criminal sanctions must be appropriate to the need to protect and defend interests.

In legal studies, the study that connects legal acts and law enforcement with the goals of the state has long been discussed, even since the 17th century, the approach revolves around three views of law, namely the legal view of legism, the functional view of law and the critical view of law, in relation to this study, then from the three views or schools of law. So the author tends to follow the second view, namely seeing law in a functional approach or more updated by Roscoe Pound with the Sociological Jurisprudence school, this view always emphasizes the purpose of making laws, namely to provide social benefits, in other words, studying the law not solely from the perspective of norms that should be but also seeing the actual law, whether the existence of the law has provided benefits to society.

Criminal law, as a manifestation of the use of penal means in the context of criminal politics, is inseparable from non-penal crime prevention efforts. Non-penal efforts, in this case, can refer to the environment outside the criminal justice system that directly influences prevention efforts in society. Thus, law enforcement can be said to have a good moral style if its implementation fulfills the elements of good democratic principles, namely:

1. Law enforcement is legitimate or principled so that its strengths and weaknesses can be predicted beforehand;
2. Law enforcement officers can be held accountable by the community;
3. The process was not carried out in secret, which could indicate collusion;
4. An open process, to accommodate critical public opinion.

Therefore, the law must be implemented and enforced. Everyone expects the law to be enacted in the event of a concrete event. The law must be enforced; in essence, no deviation is permitted: fiat justitia et pereat mundus (even if the world collapses, the law must be enforced). That is what legal certainty is intended to achieve. Legal certainty is justifiable protection against arbitrary actions, meaning that a person will be able to obtain what is expected under certain circumstances. Society expects legal certainty because with legal certainty, society will be more orderly. The law's task is to create legal certainty because it aims to maintain social order.

From a conceptual standpoint, the fundamental purpose of law enforcement is to establish, uphold, and preserve social harmony by balancing the relationship between values expressed in concrete and embodied laws and attitudes as a sequence of final-stage value interpretations. This philosophically grounded concept needs more explanation to make it seem more tangible.

According to Article 39 of legislation Number 18 of 2013 about the Prevention and Eradication of Forest devastation, the forestry criminal legislation provides particular measures for resolving criminal crimes. In order to expedite the resolution of cases involving forest devastation,

> *Investigators are required to complete and submit case files to the public prosecutor no later than 60 (sixty) days from the start of the investigation and can be extended for a maximum of 30 (thirty) days.*
>
> *If the results of the investigation are not yet complete, the public prosecutor is obliged to conduct an investigation for a maximum of 20 (twenty) days and can be extended for a maximum of 30 (thirty) days.*

From the explanation of the article which requires investigators in this case PPNS (Civil Servant Investigators) in carrying out the investigation process are required to complete and submit case files to the public prosecutor no later than 90 days and can be continued by the public prosecutor to conduct an investigation if the case files are still incomplete for 50 days, based on the explanation of the intent of the article it can be concluded that if the process of resolving the case has not been completed within the specified time period then the expiration (time limit) applies in the investigation process of the case, however regarding the expiration (time limit) is not clearly regulated in Law number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. So that the implementation of the application of the expiration (time limit) is not carried out and creates a legal vacuum as the concept of expiration (time limit) of investigations carried out by forestry investigators as legal subjects is not implemented which is an unlawful act.

Just as the authority to prosecute a criminal offense is removed, the statute of limitations for serving a sentence can also be removed. Essentially, the statute of limitations for serving a sentence is the same as the statute of limitations for prosecuting a criminal offense, subject to the following provisions:

1. The statute of limitations for all violations is two years.
    a. For crimes committed by means of printing, the statute of limitations is five years.
    b. The statute of limitations for carrying out criminal penalties for crimes punishable by a fine, imprisonment or a maximum of 3 years imprisonment is 4 years.
    c. The statute of limitations for crimes punishable by imprisonment of more than 16 years is 16 years.
    d. Crimes that are punishable by death or life imprisonment do not have a statute of limitations for serving the sentence.
    e. The statute of limitations for carrying out a criminal sentence may not be less than the length of the sentence imposed.

f. The statute of limitations shall begin to apply the following day after the judge's decision, which has permanent legal force, can be implemented.
g. If a convict escapes while serving his sentence, then the next day after the escape a new statute of limitations will begin to apply.
h. If a convict's conditional release is revoked, then the next day after the revocation a new statute of limitations will come into effect.

In reality, the concept of expiration (past the time limit) has never been implemented by investigators, in the case of many examples of cases such as legal events where investigations of forestry crimes carried out by investigators were stopped based on a decision through a pretrial with Number: 05 / Pid.Pra / 2017 / PN.Plw which was caused by the investigation being expired in the provisions of Article 39 of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. On this basis, the concept of expiration (past the time limit) should be applied for the sake of legal certainty and justice.

According to the Sens clair Doctrine, legal discovery is only required by judges in cases where:

1. The regulations do not yet exist for a concrete case, or
2. The regulations are in place but they are not yet clear.

Apart from these two circumstances, it is considered that judges do not need or require legal discovery in dealing with the resolution of a concrete legal event. Achmad Ali stated that the essence of the sens-clair doctrine is "In claris non est interpretation", meaning that rules that are clear do not require interpretation.

Indonesia, consisting of thousands of large and small islands sandwiched between two continents (Asia and Australia) and two oceans (the Indian and Pacific Oceans), with dozens of ethnic groups possessing diverse customs, languages, and cultures, makes it crucial to interpret criminal law so that abstract criminal offenses can be translated into concrete situations. The most appropriate interpretation for this is a sociological one, one that aligns with the lives of local communities. The Criminal Code itself, specifically Chapter IX, Book I, contains an authentic interpretation of terms. Some experts argue that by using an authentic interpretation of a word, the law itself actually implicitly adopts analogy.

The modern world can no longer strictly accept what Montesquieu said, that judges are only inclined to the law (qun pronoce les paroles de la loi). This cannot be accepted absolutely. Article 27 of the Basic Law on Judicial Power also stipulates that "judges, as enforcers of law and justice, are obliged to explore, follow, and understand the legal values that exist in society." This means judges must discover the law.

Due to the greater prominence of legislation in the legal reform process in Indonesia (although jurisprudence also has a role) and the rejection of the application of the mechanism of the concept which is described as resulting in the same results as the application of the legism school of thought which is widely opposed in Indonesia, the law used as a means of reform can be in the form of statutes or jurisprudence or a combination of both, in Indonesia the most prominent is the Constitution, jurisprudence also plays a role but not much, so that the laws made in Indonesia have a place in society, the implementation of legislation aimed at this reform should be able to run as it should, namely the legislation is made in accordance with what is the core of the thinking of the sociological jurisprudence school (good law should be in accordance with the law that lives in society).

CONCLUSIONS AND RECOMMENDATIONS

The regulations for investigating forestry crimes in forestry criminal justice do not reflect justice. The failure to implement the statute of limitations for investigations in forestry law enforcement, as stipulated in Article 39 of the Forestry Law, has resulted in the failure to achieve legal certainty and justice for those seeking justice. For the sake of legal certainty, the urgency of implementing the investigation statute of limitations in the P3H Law as stipulated in Article 39 must be implemented to create peace, legal certainty and justice, even though it does not explicitly regulate its implementation.

ADVANCED RESEARCH

In the future, there will be no legal vacuum and legal uncertainty (rechtsonzekerheid) in forestry law enforcement, especially in the investigation process. It is hoped that lawmakers, namely the Legislative Body (DPR) and the President, will revise Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. By adding one paragraph to Article 39, namely letter f, which states that if the provisions in letters a, b, and c in this article are not fulfilled for the sake of legal certainty, it is declared expired. Forestry investigators are required to implement the investigation expiration within the time period as stipulated in Article 39 of the P3H Law, and immediately and immediately stop their investigations for the sake of legal certainty without going through a pretrial process or other legal remedies. Investigators will restore the rights of suspects and return evidence for the sake of justice.

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