

## PERTIMBANGAN HAKIM DALAM PENJATUHAN PUTUSAN PERKARA TINDAK PIDANA PERUSAKAN HUTAN OLEH MASYARAKAT SEKITAR HUTAN

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### INTISARI

Penelitian ini bertujuan untuk mengkaji perkara tindak pidana perusakan hutan oleh masyarakat sekitar hutan serta penegakan hukum oleh Hakim pada Pengadilan Negeri Wonosari. Penegakan hukum oleh hakim dinilai dari pertimbangan hakim dalam menjatuhkan putusan bagi masyarakat sekitar hutan berdasarkan dakwaan dalam UU P3H.

Penelitian ini menggunakan metode gabungan yakni yuridis normatif dan empiris sehingga dalam pengambilan data menggunakan data primer yang diolah dari hasil wawancara dengan responden hakim serta data sekunder melalui studi kepustakaan. Hasil penelitian serta dianalisis secara kualitatif. Dalam konteks ini Penulis akan mengulas tindak pidana perusakan hutan dalam UU P3H, definisi masyarakat sekitar hutan, serta bagaimana penegak hukum khususnya hakim menilai tindak pidana yang dilakukan oleh masyarakat sekitar hutan.

Kesimpulan penelitian ini yaitu, **pertama** perkara tindak pidana perusakan hutan oleh masyarakat sekitar hutan yang diperiksa oleh Majelis Hakim pada PN Wonosari dengan nomor register 35/Pid.B/LH/2018/PN Wno dan 132/Pid.B/LH/2019/PN Wno dilakukan oleh masyarakat sekitar hutan yang didakwa sebagai subjek tindak pidana “orang perseorangan” maupun “orang perseorangan yang bertempat tinggal di dalam dan/atau di sekitar kawasan hutan” menurut UU P3H. Para Terdakwa melakukan tindak pidana perusakan hutan karena menebang dan mengambil hasil hutan tanpa izin, namun hanya ditujukan untuk kepentingan pribadi, **Kedua**, Hakim mempertimbangkan perkara berdasarkan perbuatan Terdakwa. Subjek tindak pidana perusakan hutan yakni keadaan masyarakat sekitar hutan hanya dijadikan sebagai alasan yang meringankan dan tidak menghapus kesalahan Terdakwa. Pertimbangan hakim harus memperhatikan subjek pelaku tindak pidana, korban, dampak, kerugian, serta kepentingan masyarakat luas.

*Kata Kunci: masyarakat sekitar hutan, pertimbangan hakim, tindak pidana perusakan hutan, UU P3H.*

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## JUDGES' CONSIDERATIONS IN RENDERING CASE DECISION FOR THE CRIMINAL ACT OF FOREST DESTRUCTION BY COMMUNITY AROUND THE FOREST

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### ABSTRACT

This study aims to examine cases of criminal acts of forest destruction by communities around the forest and law enforcement by Judges at the Wonosari District Court. Law enforcement by judges is judged by judges' considerations in passing verdicts for people around the forest based on the indictments in the P3H Law.

This study uses a combination of normative and empirical juridical methods so that in taking data using primary data processed from interviews with judge respondents and secondary data through literature studies. The results of the study were analyzed qualitatively. In this context, the author will review the crime of forest destruction in the P3H Law, the definition of the community around the forest, as well as how law enforcers, especially judges, assess the crime committed by the community around the forest.

The conclusion of this research is, **the first**, case of criminal acts of forest destruction by people around the forest examined by the Panel of Judges at Wonosari District Court with the registration number 35 /Pid.B/LH/2018/ PN Wno and 132/Pid.B/LH/2019/ PN Wno was carried out by people around the forest who were charged as the subject of criminal acts "individuals" and "individuals who reside in and /or around forest areas" according to the P3H Law. The Defendants committed the crime of forest destruction because they felled and took forest products without permission, but were only intended for personal interests. **Second**, the Judge considered the case based on the Defendant's actions. The subject of the crime of forest destruction is that the condition of the community around the forest is only used as a reason to alleviate and not erase the Defendant's mistake. Judges' considerations must pay attention to the subject of the perpetrators of crime, victims, impact, loss, and the interests of the wider community.

*Keywords: community around the forest, judge's consideration, criminal act of forest destruction, P3H Law.*

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