

Process of Investigation and Provision of Criminal Sanctions on the Activities of Money Laundering Related to Illegal Forest Damage Activities

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The investigation is the gate to find useful law enforcement and gather evidence to make light of an event when it occurs. But, the terms of the explanation to section 74 act 8 2010 about the prevention and eradication of criminal acts of money laundering has clearly limited investigators authorised to investigate crimes, including money laundering. This requirement has given rise to uncertainty and “ketidaktertiban”, law, for if there is a crime of this deforestation as a crime article, money laundering, the investigation by Civil Servant Investigators (PPNS) of the environment and forestry, being illegitimate because it is not recognised. To solve the problem there was needed an in-depth study theoretically related to the process of the investigation by the environment and forestry. PPNS of the environment and forestry, has the right to propose a review on the state judicial the provisions of article and as explanations from the article 74 of the act no.8 / 2010 about prevention and elimination of money laundering to the constitutional court, besides, it can also use the multidoor so they do not hinder the process of law enforcement.

Key words: *Forestry, Money laundering, Environment.*

Introduction

Forest area in Indonesia alone has an area of approximately 108,340,000 hectares which is one of the largest forests in the world and has become the lungs of the world. This forest area consists of a Conservation Area of 21,720,000 hectares, Protection Forest of 29,100,000 hectares, Permanent Production Forest of 27,650,000 hectares, Limited Production Forest of

16,000,000 hectares and Conversion Production Forest 13,675,000 hectares located in various islands. Of the current forest area of no less than 59,700,000 hectares in a degraded state, it is estimated that the rate of forest destruction in Indonesia ranges from 1,600,000 - 2,800,000 hectares per year (Hasiolan & Suprayitno, 2005).

Considering its irreplaceable nature, efforts to protect the forest become an absolute shared responsibility. However, interference or danger to human interests comes from humans themselves (*homo homini lupus*: one human is a wolf to another human being). Because human interests are always disturbed by the danger around them, humans want the protection of their interests and from this, the protection of social interests in the form of legal principles (Mertokusumo, 2014) is created.

The form of responsibility of the Government of Indonesia in preserving and protecting the environment from forest damage is mandated in the constitution, namely Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (1945) which reads: "The earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people".

The control of natural resources originating from forests by the state does not mean ownership, but the state regulates and manages everything related to forests and forest products. This is in line with Jeremy Bentham's opinion regarding the purpose of law in utilitarian theory, namely (quoted from Erwin, 2011):

"The purpose of the law is that the law can provide guarantees of happiness to individuals before the people. The Bentham utility principle reads 'the greatest happiness of the greatest number' (maximum happiness for as many people as possible)".

Efforts to protect the State against natural resource wealth were also realised with the formation of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. The weighing section in Act Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction states that:

"Utilisation and use of forest areas must be carried out appropriately and sustainably by considering ecological, social and economic functions and to maintain sustainability for the lives of present and future generations."

One form of deviation from forest use should be forest destruction activities. Forest destruction (illegal logging) as a practice of exploitation of forest products in the form of

wood from the State forest area through tree felling activities or the utilisation and distribution of wood or processed products originating from illegal harvesting (Suar 2005: 9).

Destruction of the forest causes damage to the extinction of one of the elements of biological natural resources and their ecosystems which will result in huge losses to the community that cannot be assessed when viewing it from a material angle, and restoration to its original state is no longer possible. Because the practice of forest destruction can cause enormous disruption to the community, it is deemed necessary to apply severe penalties to the perpetrators with a criminal (*ultimum remedium*). Criminal Law is a law that regulates violations and crimes against the public interest. Violations and crimes are threatened with punishment which is suffering or torture for those concerned (Masriani, 2006).

Criminal in essence is a loss in the form of suffering deliberately given by the state to individuals who violate the law. Nevertheless, punishment is also a moral education for perpetrators who have committed crimes in order not to repeat their actions (Hiariej, 2016).

From an economic standpoint, forest destruction has caused losses in state finances, namely reducing state foreign exchange earnings and state revenues. Even money obtained from forest destruction can also lead to Money Laundering (TPPU). The term, "money laundering" itself is a translation of "money laundering". Clifford L. Karemer argues that money laundering is the process of changing tainted cash in certain ways, so that the money can be used more safely in trading and ideally conceals the origin of the converted funds (Alim, 2013).

The reason why money from forest destruction must be "washed" first is because the practice of forest destruction generates a very large amount of money. If used directly, it will invite suspicion from the community, especially from law enforcement officials. Therefore the perpetrators of forest destruction criminal acts disguise or hide the results of their actions so as not to arouse suspicion from the public or law enforcement officers, so that the proceeds of crime can be used safely and as if they originate from legitimate activities.

Based on the provisions contained in Article 19 letter h and letter i of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction, it is stated that there are features of money laundering in forest destruction activities, as follows: Article 19. Everyone inside or outside the territory of Indonesia is prohibited from:

h. placing, transferring, paying, spending, donating, entrusting, bringing abroad, and / or exchanging money or other securities as well as other assets that are known or reasonably suspected to be the result of forest destruction and/or the results of the use of forest areas legitimate.

i. concealing or disguising the origin of assets that are known or deservedly derived from the destruction of forests and/or the results of the illegal use of forest areas so that they appear to be legitimate assets.

The sound of the article contained in the provisions of the Article above is in line with the sound of money laundering crime contained in Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes as follows:

Article 3

Any person who places, transfers, transfers, spends, pays, grants, entrusts, carries abroad, changes forms, exchanges for currency or securities or other acts of Assets that he knows or deserves to be the result of a criminal offense as referred to in Article 2 paragraph (1) with the aim of concealing or disguising the origin of the assets is sentenced for money laundering with a maximum imprisonment of 20 (twenty) years and a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiah)

Article 4

Any person who conceals or disguises the origin, source, location, designation, transfer of rights, or the actual ownership of Assets known to or assumed to be the result of a criminal offense as referred to in Article 2 paragraph (1) convicted of a Money Laundering crime with a maximum imprisonment of 20 (twenty) years and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah).

The proceeds of crime are assets obtained from criminal acts, one of which is in the field of forestry carried out in the territory of the Unitary State of the Republic of Indonesia or outside the territory of the Unitary State of the Republic of Indonesia and the crime is also a crime according to Indonesian law as referred to in Article 2 paragraph (1) letter w of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes. Furthermore, in the investigation section there are conflicting provisions as mentioned in Article 74 and Elucidation of Article 74 of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering, namely as follows:

Article 74

Investigation of a Money Laundering act is carried out by an investigator of an original crime in accordance with the provisions of the procedural law and the provisions of the legislation, unless otherwise stipulated in this Law.

Elucidation of Article 74

What is meant by "criminal investigators of origin" are officials from agencies that are legally authorised to conduct investigations, namely the Indonesian National Police, Attorney's Office, Corruption Eradication Commission (KPK), National Narcotics Agency (BNN), and the Directorate General of Taxes and the Directorate General of Customs and Excise, Ministry of Finance of the Republic of Indonesia.

With regard to the abovementioned provisions, on the one hand investigators of criminal offenses originate not only from the Indonesian National Police (POLRI) but also other Civil Servant Investigators (PPNS) in accordance with their respective sectoral laws, such as in criminal acts in in the forestry sector, investigators come from the Ministry of Environment and Forestry. On the other hand, the it explanation of Article 74 limits investigators of criminal acts as long as they are only POLRI, Prosecutor's Office, KPK, BNN, as well as the Directorate General of Taxes and the Directorate General of Customs and Excise.

Provisions of Article 74 and Elucidation of Article 74 of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering is not only a matter of legal certainty in the sense that there is a contradiction between Article and Explanation. But more than that, it will bring disorder in law enforcement. Because technically, juridically, if a crime in the forestry sector occurs as a crime from money laundering, the investigation is considered invalid if it is carried out by the PPNS because its legality as a PPNS is not recognized by the Elucidation of Article 74 of Law Number 8 of 2010 concerning Prevention and Eradication of the Criminal Act of Laundering Money (Hiariej, 2019).

Based on the background description above, the researcher is interested in conducting research under the title:

"Process of Investigation and Provision of Criminal Sanctions on the Activities of Money Laundering Related to Illegal Forest Damage Activity"

Formulation of the problem

Based on the background as described above, the following problem statements can be drawn:

1. How is the implementation of the authority of the Investigator in carrying out the enforcement action against the perpetrators of forest destruction as a criminal offense from money laundering?

2. How is the solution to overcome the asynchronous legal arrangements regarding the authority of the Investigator in carrying out the enforcement action against the perpetrators of environmental and forest destruction as a criminal offense from money laundering?

Research purposes

The purpose of this study is to:

1. Knowing the implementation of the authority of the Investigator in carrying out the enforcement action against the perpetrators of forest destruction as a crime of origin of laundering.
2. Know the solution to overcome the asynchronous legal arrangements regarding money laundering

Literature Review

Crime (*Strafbaar Feit*) is an act in which the perpetrators may be subject to criminal penalties. Perpetrators can be said to be a "subject" of criminal acts. In line with this, Moeljatno defines criminal acts as:

"Actions that are prohibited in the law and threatened with criminal whosoever violates the prohibition (Projudikoro, 2003, p. 59)."

Moeljatno made a strict separation between criminal acts and criminal liability. Criminal acts only cover the conviction of the maker/perpetrator. The basis of criminal action is the principle of legality, while the basis of criminal accountability is the principle of no criminal without error or *Geen Straf Zonder Schuld* (Hiariej, 2016, p. 121).

The word "deeds" in the phrase "criminal deeds" according to Noyon and Langemeijer mean that the acts can be positive and negative. Acts being positive means to do something, while negative actions mean not doing something. Not doing what is required or not doing something that should be done is known as omissions. While Simons gives the meaning of a criminal act as an act that is threatened by law with punishment, contrary to the law, committed by a person who is guilty and the person is held responsible for his actions (Hiariej, 2016, p. 122).

Criminal Elements

Moeljatno stated that for a criminal act there must be an element of:

1. Acts (human);

2. Those who meet the formulations in the law (this is a formal requirement), and
3. Is against the law (this is a material requirement) (Hiariej, 2016, p. 124).

The formal requirements must exist, because of the principle of legality that is enshrined in Article 1 of the Criminal Code (KUHP). Material requirements must also exist, because the act must also be truly felt by the community as an act that must not or should not be done; because it is contrary to or inhibits the achievement of the order in the association that aspired to the community (Sudarto, p. 2009, p. 72).

In expressing what constitutes elements of a crime, it is generally stated in advance the basic distinction between the elements of an act and the element of error (criminal liability). The element of this action is often also called the objective element while the element of error is often also called the subjective element (Maramis, 2013, p. 65-66).

1. Planning in advance or *voorbedachte raad* as for example that which is contained in the crime of murder according to Article 340 of the Criminal Code;
2. Feelings of fear such as those included in the formulation of a criminal offense according to Article 308 of the Criminal Code.¹⁴ (Lamintang, 2013, p. 193).

While the objective elements of a crime are:

1. The nature of breaking the law or *wederrechtelijkheid*;
2. The quality of the agent;
3. Causality, namely the relationship between an action as a cause and a reality as a result (Lamintang, 2013, p. 193).

The formulation of offense (criminal offense) has two functions. First, the formulation of offense as manifestation of the principle of legality. Second, the formulation of the offense serves as a show of evidence in the context of criminal procedure law. The formulation of offense which contains elements of offense can only be known by reading the articles which contain a criminal provision (Hiariej, 2011, p. 131).

Types of Crimes (Delik)

Related to the types of criminal acts (offense), Eddy, O.S. Hiariej mentions the types of offenses as follows:

1. Crime and Abuse

The division of criminal acts into crimes and offenses carries several consequences. First, the actions and consequences of crime are more dangerous when compared to offenders. Second,

the consequences of the first, very influential on criminal sanctions that are threatened. Crimes are threatened with more severe penalties when compared to violations. Third, the attempt to commit a crime, the maximum threat of crime reduced by one third, while the attempted violation is not threatened by the criminal.

2. Formal Delict and Material Delict

Formal offenses are offenses that focus on action, while material offenses are offenses that focus on effect.

3. *Delicta Commissionis, Delicta Omissionis and Delicta Commissionis Per Omissionem Commissa*

Delicta Commissionis is essentially doing an act that is prohibited by law. Whereas *Delicta Omissionis* is not carrying out acts that are required or required by law. In addition, it is also known that *Delicta Commissionis per Omissionem Commissa* is negligence or intentionality of an obligation that results.

4. *Concrete Delik and Abstract Delik*

Concrete offenses essentially pose a direct danger to victims and can be formulated formally or materially. Whereas Abstract Delik is always formulated formally because it poses a danger that is still abstract so that it focuses more on his actions.

5. General offenses, special offenses and political offenses

General offense is an offense that anyone can do. While special offenses are offenses that can only be done by people with certain qualifications. In addition there are also political offenses conducted based on the faith against the order of the applicable law.

6. Harmonisation and harm can cause harm

The offenses which are harmful or harmful are in the context of protecting an individual's legal interests. Another case with offenses that creates a state of danger or threat that does not directly harm or hurt. Here what is prohibited is a behavior that can pose a threat or a state of danger.

7. Stand Alone Standby and Advanced Offenses

In essence, all offenses are stand-alone offenses. However, an independent offense can be carried out continuously in a series so that it is seen as a further offense (Hiariej, 2011, pp. 134-150). Legal entities, associations or corporations can also be subject to criminal acts in addition to humans (perongan), if specifically specified in certain offense laws (Sudarto, 2009, p. 107).

Definition of Forests and Forest Areas

Forest as one part of the environment is a gift from God and is one of the natural resources that is very important for humanity because of the many benefits that can be taken from the forest. Forest is a community of plants and animals that live in layers and surfaces of land located in an area and form an integrated ecosystem that is in a dynamic balance. Based on Article 1 number 1 number 2 of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction, forests are defined as:

"An ecosystem unit in the form of an expanse of land containing biological natural resources dominated by trees in the natural alliance of the environment, which cannot be separated from one another."

Meanwhile, what is meant by forest areas is areas that are already forested or not forested, then the authority is determined for the state. Forest areas, all of which are areas in which land use planning will be determined for use in the forestry sector based on the needs and interests of the people of Indonesia (Zain, 2002, p. 2). Based on Article 1 number 3 of Law Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction stated that:

"Forest areas are certain areas determined by the Government to be maintained as permanent forests."

From the main elements contained in the definition of forest area, it can be said that the existence of the forest area lies in government policy, namely in the case of the determination of forest area.

Based on Article 5 Paragraph (1) of Law Number 41 Year 1999 concerning Forestry, forest types based on their status are:

1. State Forest

State Forests are forests that are on land that is not encumbered with land rights.

2. Private Forests

Private forest is forest that is on land that is burdened with land rights.

Furthermore, based on Article 6 of Law Number 41 Year 1999 concerning Forestry, forest functions are divided into three types, namely:

1. Conservation Forest

Conservation forests are forests with certain characteristics, which have the main function of preserving the diversity of plants and animals and their ecosystems. Based on Article 7 of Law Number 41 Year 1999 concerning Forestry, conservation forests are further divided into three types namely:

a. Nature reserve forest area

Forests with certain characteristics, which have the main function as a preservation area for diversity of plants and animals and their ecosystems, which also function as an area of life support systems.

b. Nature conservation forest area

Forests with certain characteristics, which have the main function of protecting life support systems, preserving diversity of plant and animal species, as well as the sustainable use of biological natural resources and their ecosystems.

c. Park hurry up

Forest area designated as a hunting tour.

2. Protection Forest

Protected forest is a forest area that has a main function as a protector of life support systems, namely to regulate water management, prevent flooding, control erosion, prevent sea water intrusion and maintain soil fertility.

3. Production Forest

Production Forest is a forest area that has the main function of producing forest products.

Definition of Forest Destruction

The word forest destruction is a translation of the English term that is from the word Illegal Logging, the word "Illegal" itself has an illegitimate meaning, prohibited or contrary to law, haram (Salim, 1989, p. 925). Black's Law Dictionary provides the meaning of "illegal" as "forbidden by law"; unlawful which means prohibited according to law or is illegitimate (Garner, 1999, p. 750). Furthermore, the word "Logging" has the meaning of the work of cutting trees in the forest and taking it to a sawmill (Salim, 1989, p. 1094).

Rahmawati Hidayati gives the definition of forest destruction (illegal logging) as follows: "Illegal timber harvesting practices. From the aspect of semantic simulations of illegal logging is often interpreted as the practice of illegal logging. As for the integrative aspect, illegal logging is defined as the practice of harvesting wood and its process illegally or not

following the procedures and procedures that have been set, processing, to smuggling” (Hidayati, et al. 2006, p. 128).

In the opinion of Alam Setia Zain: "Deforestation / destruction of forests is the act of cutting down trees in a forest area if done without permission from the forestry agency classified as unlawful acts. Including, illegal logging is carried out by legal subjects who have obtained logging permits but exceeded the limits / targets given by forestry agencies / officials” (Zain, 2000, p. 2).

The definition of normative forest destruction can be found in the provisions of Article 1 number 4 of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction which states as follows:

"Forest destruction is all organized illegal use of timber forest products."

Furthermore, based on the provisions of Article 12 of Law Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction, it is stated that everyone is prohibited from:

- a. Cutting down trees in a forest area that is not in accordance with the forest utilisation permit;
- b. Cutting down trees in a forest area without having a permit issued by an authorised official;
- c. Illegal logging in a forest area;
- d. Loading, unloading, issuing, transporting, controlling, and/or possessing harvesting results in a forest area without permission;
- e. Transporting, controlling, or possessing timber forest products that are not accompanied by a certificate of validity of forest products;
- f. Carrying tools which are commonly used to cut, cut, or split trees in the forest area without the permission of the authorised official;
- g. Bring heavy equipment and/or other equipment that are prevalent or reasonably suspected to be used to transport forest products in the forest area without the permission of the authorized official;
- h. Utilise timber forest products which are thought to originate from forest destruction;
- i. Circulating wood resulting from forest destruction by land, water or air;
- j. Smuggling wood originating from or entering the territory of the Unitary Republic of Indonesia through rivers, land, sea or air;
- k. Receiving, buying, selling, receiving exchange, receiving deposits, and/or owning forest products that are known to originate from forest destruction;
- l. Buying, marketing and/or processing timber forest products originating from forest areas that have been illegally taken or collected; and/or

m. Receiving, selling, receiving exchange, receiving deposits, storing and/or owning forest wood products originating from forest areas that have been illegally taken or collected.

Eddy O.S. Hiariej added that included in the destruction of forests (illegal logging) are as follows:

1. Logging outside the area of authority of the holder of forest exploitation rights, such as logging in conservation forest areas and logging in protected forest areas.
2. Felling exceeds tolerance. Both Forest Management Rights and Forest Product Management Rights have set targets or standards for the number of trees that can be cut. Tree felling that exceeds the tolerance limit is felling trees that exceed the target set.
3. Re-logging. Before the next cutting cycle is reached, it is cut down again, causing the stand or shoot to become damaged or degraded without permission.
4. Transferring the right to collect forest products to another party without state approval.
5. Illegal timber smuggling. Shipments of logs or canned or moulding or plywood without valid documents, exceeding the limits of transportation, packaging that endangers public safety and manipulation of timber administration documents.
6. Illegal Processing. Wood felling by using heavy equipment and machinery including the establishment of a cutting or unlicensed wood cutting industry.

In essence, forest destruction (illegal logging) is the activity of felling, transporting and selling illegal wood or not having permission from local authorities. The perpetrators of forest destruction can carry out logging in the former area of land owned by them or logging outside the logging quota, as well as manipulating the contents of the Timber Forest Product Legality Certificate (SKSHHK) or by purchasing a Timber Forest Product Legality Certificate (SKSHHK) from the concession holder to legalise wood obtained from forest destruction practices.

Research Methods

The type of research used in this study is normative juridical, an approach that uses a positivist legal conception. This concept views the law as identical with written norms created and promulgated by the authorized officials. This concept also views law as a normative system that is autonomous and independent of people's daily lives (Soekanto, 1985, p. 9).

Approach Method

The research that will be used is descriptive research that is research that aims to describe the state or symptoms of the object to be studied (Zain, 1986, p. 2).

Data Source

Data sources used in this study use secondary data, which consists of 3 (three) sources of legal materials, namely:

1. Primary legal material that is material that has binding legal force such as: Statutory regulations, Jurisprudence, Treaty and Agreement.
2. Secondary legal material is material sourced directly from the doctrinal literature or scientific references that are relevant to research or legal material that provides an explanation of primary legal material and its contents are not binding, such as: Results of legal research and Legal Articles.
3. Tertiary legal materials, namely: tertiary legal materials that provide instructions and explanations regarding materials that are complementary to the two legal materials above, namely primary legal materials and secondary legal materials, including dictionaries (Soekanto, 1985, p. 15).

Results and Discussion

Criminal procedural law is the law that regulates how to maintain or administer material criminal law, so as to obtain a judge's decision and how the contents of the decision must be made (Soesilo, 1982, p. 3). One of the important processes in criminal procedural law is an investigation which is useful for finding and gathering evidence that will be used by public prosecutors at trial, so that the role of investigators is very strategic in uncovering a criminal act that has occurred. Based on Article 6 paragraph (1) of the Criminal Procedure Code, it is stated that there are two officials who are domiciled as Investigators, namely:

1. Police Investigator;
2. PPNS.

Meanwhile, specifically the PPNS authority in conducting investigations of forestry crime is mentioned in the provisions of Article 29 of Law Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction, namely:

"In addition to the Officials of the Republic of Indonesia Police Officers, PPNS are given special authority as investigators as referred to in the Criminal Procedure Code."

The provisions of the article above are reinforced by the understanding of PPNS which in Article 1 number 17 of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction as follows:

"State Civil Apparatus Investigation Officials, hereinafter referred to as PPNS, are officials of certain State Civil Apparatuses within the scope of central and regional forestry agencies which by law are given special authority in investigations in the field of forestry and conservation of biological natural resources and their ecosystems."

Furthermore, the authority of PPNS is generally stated in the provisions of Article 7 paragraph (1) of the Criminal Procedure Code, which is as follows:

1. Receiving reports or complaints from a person about a crime;
2. Performing the first action at the time of the scene;
3. Asking to stop a suspect and check the identity of the suspect;
4. Carrying out arrests, detention, search and seizure;
5. Examining and confiscating letters;
6. Taking fingerprints and photographing people;
7. Calling people to be heard and examined as suspects or witnesses;
8. Bringing experts who are needed in connection with the examination of the case;
9. Carrying out an end to the investigation;
10. Carrying out other actions which according to law is accounted as responsible.

Meanwhile, the authority of PPNS is specifically regulated in the provisions of Article 30 of Law Number 18 Year 2013 concerning Prevention and Eradication of Forest Destruction, as follows:

1. Conduct an examination of the truth of a report or information regarding a criminal act of forest destruction;
2. Examine persons or legal entities suspected of committing criminal acts in the destruction of forests;
3. Request information and evidence from individuals or legal entities in connection with the event of forest destruction;
4. Conduct examination of books, records and other documents relating to criminal acts of forest destruction;
5. Examine certain places suspected of having evidence, bookkeeping, recording, and other documents and confiscating material and goods resulting from crime that can be used as evidence in criminal acts of forest destruction;
6. Carry out arrests, detention, search and seizure;
7. Ask for expert assistance in carrying out the task of investigating the crime of forest destruction;
8. Stop the investigation if there is no evidence of acts of forest destruction;
9. Call people to be heard and examined as suspects or witnesses;

10. Make and sign minutes and other letters concerning the investigation of cases of forest destruction; and
11. Photograph and/or record through portraits and/or recording devices to be used against people, goods, transportation facilities, or anything that can be used as evidence of a criminal offense involving forests, forest areas, and forest products.

In connection with the above, as long as it is not stipulated otherwise in the Criminal Procedure Code, it still applies as a special regulation regarding criminal procedure in accordance with the principle of *lex specialist derogat legi generali*.

Therefore, it can be concluded that PPNS who work in the environment of the Ministry of Environment and Forestry have the authority to conduct investigations on all forms of criminal acts contained in Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction including forest destruction crimes.

Forest destruction is all forestry practices or activities related to timber harvesting, processing and trading which are not in accordance with existing laws in Indonesia (Supriadi, 2011, p. 299).

There are seven dimensions in forest destruction activities, namely:

1. Licensing, if the activity does not have a permit or the permit is not yet available;
2. Practice, if in practice it does not apply logging practices that comply with the rules;
3. Location, if done outside the permit location, felling in a conservation/protected area, or the proposed location cannot be shown;
4. Timber production, if the wood is of any type (protected), there is no diameter limit, no origin of wood identity, no company identification;
5. Documents, if there are no legal documents;
6. Committing violations of law in the forestry sector;
7. Sales, if at the time of sale there were no documents or physical characteristics of wood or wood smuggled (Suarga, 2005:, p. 7).

In this regard, based on the provisions contained in Article 19 letter h and letter i of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction, there are mentioned features of money laundering in forest destruction activities, as follows:

Article 19

Everyone inside or outside the territory of Indonesia is prohibited to:

h. place, transfer, pay, spend, donate, entrust, bring abroad, and/or exchange money or other securities as well as other assets that are known or reasonably suspected to be the result of forest destruction and/or the results of the use of forest areas legitimate;

i. conceal or disguise the origin of assets that are known or deservedly derived from the destruction of forests and/or the results of the illegal use of forest areas so that they appear to be legitimate assets.

Furthermore, the criminal provisions of the article mentioned above are regulated in Article 95 paragraph (1) letters b and c of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Damage which reads:

Article 95

(1) Individuals who intentionally:

b. place, transfer, pay, spend, donate, entrust, bring abroad and/or exchange money or other securities as well as other assets that are known or reasonably suspected to be the result of forest destruction and/or the results of illegal use of forest areas as referred to in Article 19 letter h; and / or c. conceal or disguise the origin of assets that are known or deserve to be originated from the results of forest destruction and / or the results of the illegal use of forest areas so that they appear to be legitimate assets as referred to in Article 19 letter be sentenced to a maximum imprisonment of 8 (eight) years and a maximum of 15 (fifteen) years and a fine of at least Rp.10,000,000,000.00 (ten billion rupiah) and a maximum of Rp. 100,000,000,000.00 (one hundred billion rupiah).

The elements contained in the article are elements of money laundering. Money laundering can generally be interpreted as an act or act of transferring, using, or carrying out other acts resulting from a criminal act that is often committed by a crime organisation or individuals who commit acts of corruption, narcotics trafficking, and other criminal acts including forest destruction (Darwin, 2012, p. 9-10).

There are several patterns of money laundering used in forest destruction activities:

Credit Account at the Bank

The role of banking institutions in this mechanism is very large, usually the illegal logging companies will put the money from the sale of wood into the company's account or the accounts of other parties affiliated with the company. In practice, payments often use an interbank transfer facility between a buying company and a timber owner.

Purchase a Life Insurance Policy

The mode that is often used to disguise the proceeds of crime is the purchase of an insurance policy as a placement process. The number of insurance policies purchased is very large and then in a short time the insurance policy is canceled. Although it carries the consequences in the form of penalties, the cost cut is still considered small compared to the money that was successfully washed, because for the company the most important thing is speed to be able to whiten the proceeds from the sale of forest destruction so that it can immediately be enjoyed or used by companies to invest or to run company operations.

Cash Courier

To avoid detecting the origin of the source of money, companies usually also take the traditional way by using a mechanism to smuggle some cash. Smuggling is done through a courier who carries the money in cash from one place to another both domestically and abroad.

With this pattern, it is very difficult to detect and trace back the origin of the money. In this mechanism, if the money is successfully transferred to a place, it will be more difficult to trace it back because after successfully leaving the area, the money will be made in a very systematic coating effort such as smurfing, transfer pricing, money changers with the aim that more disguised money from the crime results with this will facilitate the integration phase.

Conclusions

Based on the discussion above, the researcher draws the following conclusions:

1. Based on a theoretical study on the Elucidation of Article 74 of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Criminal Acts, which has closed the authority of PPNS within the Ministry of Environment and Forestry to conduct investigations on forest destruction as a criminal offense originating from money laundering. resulting in inadequate law enforcement processes.
2. PPNS The Ministry of Environment and Forestry has a legal standing in submitting an application for judicial review of the provisions of Article and Elucidation of Article 74 of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Acts which impedes the process of law enforcement against forest destruction as a criminal offense of origin money laundering to the Constitutional Court. In addition, PPNS of the Ministry of Environment and Forestry can use a multidoor approach by strengthening coordination with other law enforcement agencies to conduct a joint investigation process using several laws as its legal basis.

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