

PENEGAKAN SANKSI BAGI RESIDIVIS TINDAK PIDANA PERUSAKAN HUTAN PADA HUTAN PRODUKSI TERBATAS DAN HUTAN LINDUNG DI KABUPATEN BULELENG

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ABSTRAK

Penelitian bertujuan (1) Untuk menganalisis faktor-faktor yang menjadi pertimbangan hakim dalam menjatuhkan pidana kepada pelaku residivis tindak pidana perusakan hutan pada hutan produksi terbatas dan hutan lindung di kabupaten Buleleng, (2) Untuk mengetahui hambatan dalam penegakan sanksi bagi residivis tindak pidana perusakan hutan pada hutan produksi terbatas dan hutan lindung di kabupaten Buleleng. Metode penelitian yang digunakan adalah penelitian hukum empiris, dengan sifat penelitian deskriptif. Lokasi penelitian dilaksanakan di Pengadilan Negeri Singaraja. Teknik pengumpulan data yang digunakan adalah teknik studi dokumen disertai wawancara dengan hakim Pengadilan Negeri Singaraja. Dalam penelitian ini teknik penentuan sampel penelitian yang digunakan adalah teknik non probability sampling dengan jenis sampel purposive sampling. Hasil penelitian menunjukkan bahwa, (1) Putusan hakim telah menerapkan ketentuan hukum secara tepat berdasarkan Undang-Undang No. 18 Tahun 2013 tentang Pencegahan dan Pemberantasan Perusakan Hutan serta ketentuan KUHP terkait residivis. Namun, putusan tersebut masih mengedepankan pendekatan retributif tanpa mengakomodasi kewajiban pemulihan lingkungan, sehingga belum sepenuhnya mencerminkan prinsip keadilan restoratif dan perlindungan lingkungan yang berkelanjutan. (2) Pemberatan hukuman terhadap terdakwa residivis belum optimal, sehingga menimbulkan hambatan dalam penegakan sanksi.

Kata Kunci: Residivis, Perusakan Hutan, Hukum Pidana lingkungan.

**ENFORCEMENT OF SANCTIONS AGAINST RECIDIVISTS OF
FOREST DESTRUCTION CRIMES IN LIMITED PRODUCTION
FOREST AND PROTECTED FOREST AREAS IN BULELENG
REGENCY**

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ABSTRACT

This research aims to: (1) Analyze the factors considered by judges in sentencing repeat offenders of forest destruction crimes in limited production forests and protected forests in Buleleng Regency; and (2) Identify the obstacles in enforcing sanctions against repeat offenders of forest destruction crimes in limited production forests and protected forests in Buleleng Regency. The research method used is empirical legal research with a descriptive nature. The research was conducted at the Singaraja District Court. Data collection techniques employed include document studies accompanied by interviews with judges at the Singaraja District Court. The sampling technique used in this research is non-probability sampling with purposive sampling as the sample type. The results of the study indicate that: (1) The judges' rulings have applied the legal provisions appropriately based on Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, as well as the relevant provisions of the Criminal Code regarding recidivists. However, the verdicts still emphasize a retributive approach without incorporating the obligation of environmental restoration, thus not fully reflecting the principles of restorative justice and sustainable environmental protection. (2) The imposition of aggravated punishment on repeat offenders remains suboptimal, thereby creating obstacles in the enforcement of sanctions.

Keywords: *Recidivism, Forest Destruction, Environmental Criminal Law.*