



**Keynote Speech of Directorate General for Environmental  
and Forestry Law Enforcement :  
Taking A Lead in Affirmative Actions on Environmental  
and Forestry Crime**

Prepare for International Conference on Sustainable Mangrove  
Ecosystem  
Jakarta, 21 April 2017

Assalamualaikum Wr Wb

Good afternoon Excelencies, Ladies and Gentlemen

1. Indonesia has more than 3,5 million ha of mangrove, representing 23 % of the world's mangrove that grow along the 95.000 km of Indonesian coastal. About 2,2 million ha out of them are defined as forest area. These resources are important, not only to support Indonesia's economic and wellbeing, but also for global, both in the present and future.
2. Ministry of Environment and Forestry indicates that 1,3 million ha out of the 2.2 million ha of mangrove forest are in heavily degraded condition. Some studies estimated that Indonesian mangrove deforestation accounted for 6% of total annual forest loss, although only cover less than 2% of the total forest area of the country. According to Murdiyarso 2015, the loss of mangrove forests in Indonesia accounted for 42% of greenhouse gas emissions as a result of damage to coastal ecosystems, including wetlands, mangroves and sea grass (Murdiyarso et al., 2015; Pendleton et al., 2012). As happen in the other type of Indonesian forest, mangrove forest deforestation and degradation are caused by illegal

logging, encroachment for settlement, plantation and mainly for fish/shrimp pond development.

3. As we are all aware, the role of mangrove forest are crucial. They protect coastline from natural disaster such as tsunami and erosion, place for fish breeding, absorbing pollutant, prevent from intrusion and place for carbon storage and any other important ecological function.

### **Ladies and Gentleman**

4. Many kinds of illegal activities on mangrove forest are part of environmental threat that have been done by individuals, corporations, or organized crimes, which threaten the sustainability of Indonesia's environment and forests, such as illegal logging, forest encroachment, land/forest fires, environmental devastation, and wildlife crime, hence it is called as *extra ordinary crime*.
5. The whole threats to the environment must be combatted. Environment inherently is part of human rights. Sustainable development also is the foundation of natural resource management and becomes the national consensus and political commitment, as mandated by article 28 H (1) and 33 (4) of the 1945 Constitution.
6. Illegal activities against environment and any type of forest including mangrove forest could be charged by some laws namely Law No. 5/1990 on the Conservation of Living Resources and Their Ecosystem, Law No. 32/2009 on Environmental Protection and Management, Law No. 18/2013 on the Prevention and Eradication of Forest Destruction, Law No. 8/2010 on Prevention and Eradication of Money Laundering.
7. Environmental law enforcement, including forestry, is the current priority of Indonesian Government as an effort to protect the constitutional rights of the people and to share benefit to the world, because Indonesia's biodiversity and tropical rainforest are significant in dealing with climate

change. Indonesia also has biological resources which are useful to avoid the curse of natural resources.

8. Law enforcement is one of the biggest leverages to improve environmental degradation, by changing people's behavior, either individual or corporation. In this article, there are three strategic steps to strengthen the system of environmental law enforcement, those are: good environmental governance, affirmative actions, and environmental political leadership.
9. The merger of the two Ministries (Ministry Environment and Ministry of Forestry) by the end of 2014, is an important step to unify stakeholders and resources to build an effective law enforcement system especially on environment and forestry. The merge of is able to endorse bigger public participation, either stakeholder in environmental or forestry issues, hence it will enhance public trust towards the Government. As another affirmation effort, currently the Government develops a special task force related to law enforcement in environmental and forestry sector, that is Directorate General of Law Enforcement of Environment and Forestry.
10. The merger can also consolidate the resources owned by the two Ministries in enforcing law such as investigators, inspectors, infrastructures, and another network. Those are needed in affirmating environmental law enforcement.

## **Ladies and Gentlemen**

11. Public trust in environmental law enforcement can only be realized by actualize environmental justice **in term of Affirmative Actions**. Affirmative Actions means that law enforcement must be conducted consistently and equitably to create deterrent effect. Number of initiatives and efforts to actualize a fair law enforcement have been conducted, such as : prevention, enhancing the intensity of monitoring, applying multi-instrument law and multidoors, and certifying environmental judges.

12. Prevention effort is conducted through enhancing public participation for protecting environment, such as through social forestry and environmental partnership. Meanwhile, monitoring is conducted intensively to increase obedience, and also to endorse preventive action related to the violation of law by individuals and corporations, by preceding administrative law rather than penal law. To enlarge the deterrent effect, the Government has encouraged the implementation of multi-instrument law, those are administrative sanction, private law, and penal law.
13. The application of hybrid penal law or multi-doors is an approach developed to increase deterrent effect for the perpetrators of environmental law. By applying multi-doors, law enforcement against corporations and individuals is not only focused on environmental and forestry law basis, but can be expanded until corruption or money laundering criminal act. Collaboration among law enforcement agencies and officers, such as Civil Investigator (Ministry of Environment and Forestry), Police Officer, Prosecutors, Indonesian Financial Transaction Reports and Analysis Center (PPATK), and Corruption Eradication Commission (KPK) is crucial to endorse multi-doors effectively.
14. Another important initiative is the affirmation of Judge capacity through environmental certification program by the Supreme Court (Mahkamah Agung). This initiatives is conducted to ramp up the commitment and quality of the Judge's verdict in applying the principle of "*in dubio pro natura*" as a way to realize environmental justice. Up to now 577 Judges have been awarded for environmental certificates and this number is expected to raise.

### **Ladies and Gentlemen**

15. With full support from other enforcement agencies, we managed to handle 12 cases settlement of disputes in courts with total verdicts for redress and recovery for IDR 16 trillion, resolving 50 cases out of court for a total of IDR 10.3

Billion redress and recovery, and 147 administrative sanction for companies who against the law. More over 118 and 150 cases of environmental and forest crimes cases in 2015 and 2016 respectively have been handed over to the prosecutor (code name P 21).

16. Taking a lesson learnt from our two years experiences, to force ourselves to conduct better performance all the time, it is necessary to actively involve public participation, strengthen the supremacy of law, to be transparent and accountable. Those component should be framed by appropriate strategic vision in anticipating more complex and more dynamic of environmental crime. Being transparent and accountable in implementing fair and consistent of law enforcement will increase public concern. More public concern will lead to public participation and consequently they really expect us to continually improve our performance.
17. We realize that barriers such as limitation on budget, law enforcer in term of quantity and capacity, as well as limitations on infrastructures could hamper our goals. To neutralize the barriers, we need to prioritize on big and strategic cases that give deterrent effect and we need to be more innovative. One of new initiative to support monitoring system, we are now developing information system so called "operation room" that could provide more accurate and up to date (real time ) information from the field. The system will be integrated within DG law enforcement and later on be integrated with the whole information system in the ministry.
18. Last but not least, strengthening our network with related partners obviously could also give more energy for us to strengthen law enforcement in combating any illegal activities against Indonesia environment and forest resource including mangrove forests.

**Ladies and Gentlemen,**

I would conclude this by saying thank you very much for your kind attention and I do believe all of us have strong expectation that this conference could produce fruitful results.

Thank you.

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