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ABOVE THE LAW

Di Atas Jangkauan Hukum: Korupsi, Kolusi, Nepotisme (KKN) dan Nasib Hutan Indonesia

Corruption, Collusion, Nepotism and the Fate of Indonesia's Forests

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Designed by Clare Mellor at Full Stop (clare.mellor@btinternet.com)

Researched, Written and Edited by Dave Currey, Faith Doherty, Sam Lawson, Julian Newman, M.Yayat Afianto, Hapsoro, Mardi Minangsari, and Arbi Valentinus.

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Left: **Orangutans are struggling to survive.**

Introduction

Indonesian President Megawati Soekarnoputri has supported her Minister of Forestry and stated that ". . . we must give our forests a chance to take a breath". But tacit support is not enough because no Minister alone has the power to fight the deep cancer destroying all parts of Indonesia's fragile future – corruption.

The President must personally ensure that her government acts against timber barons such as Peoples' Consultative Assembly (MPR) member Abdul Rasyid whose company stands accused of being behind the destruction of Tanjung Puting National Park, transporting illegal logs, bribery, kidnap and violence. Without such figures being prosecuted and jailed for their crimes there is no hope or reason for underpaid officials to refuse a bribe.

Although poverty, economic collapse, provincial autonomy and many other factors contribute to forest destruction, these are not at the core of the problem. Forests are being destroyed because Indonesia is one of the most corrupt countries in the world and many in the political, business and military elite are unwilling to surrender the wealth and power that Indonesia's natural resources have given them.

If being measured as one of the most corrupt countries in the world alongside Kenya and worse than Azerbaijan were not bad enough news for

Pengantar

Presiden Indonesia Megawati Soekarnoputri telah mendukung Menteri Kehutanan dan menyatakan bahwa ". . . kita harus memberi kesempatan kepada hutan kita untuk bernapas". Namun dukungan tanpa tindakan tidaklah cukup, karena Menteri seorang diri tidak memiliki kekuasaan untuk memerangi kanker parah yang merusak seluruh sendi masa depan Indonesia yang rentan, yaitu korupsi.

Presiden secara personal harus memastikan bahwa pemerintahannya mengambil tindakan terhadap cukong kayu seperti Abdul Rasyid, anggota MPR, yang perusahaannya berada dibalik perusakan Taman Nasional Tanjung Puting, pengangkutan kayu ilegal, penyuapan, penculikan dan kekerasan. Bila tokoh seperti dia tidak dituntut dan dipenjarakan atas kejahatan-kejahatan yang dilakukan, maka tidak ada harapan atau alasan bagi petugas bergaji kecil untuk menolak uang suap.

Walaupun kemiskinan, kehancuran ekonomi, otonomi propinsi dan banyak faktor lainnya berperan dalam perusakan hutan, namun semua itu bukanlah akar permasalahannya. Perusakan hutan terjadi karena Indonesia adalah salah satu negara yang paling korup di dunia, di mana banyak elit politik, bisnis dan militer tidak mau melepas kekayaan dan kekuasaan yang mereka peroleh

". . . we must give our forests a chance to take a breath."

President Megawati Soekarnoputri, May 2002

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Tanjung Puting is struggling to breathe at all

Indonesia, the reaction of the United Nations special rapporteur on independence of the judiciary should send honest investors scuttling to Jakarta's Soekarno-Hatta airport. Midway through his visit Dato Param Cumaraswamy said: "I didn't realize that the situation could be as bad as what I've seen."

EIA and Telapak have seen how blatantly dishonest some senior police officials can be, and how they do not even bother to hide it. We have experienced promises from the most senior members of the government that *illegal logging* in Tanjung Puting National Park would be tackled and Abdul Rasyid arrested and prosecuted. But Rasyid still sits defiantly in the Golkar faction of the MPR and spreads his cancer throughout Central Kalimantan and beyond. Tanjung Puting, three years after those first promises, and accepted as a test case for the government, is struggling to breathe at all.

Given the staggering failures of the enforcement authorities, it is all the more amazing that there has been a remarkable change in attitude and talent in the Ministry of Forestry at the higher levels under Minister Prakosa.

Minister Prakosa announced a log export ban in October 2001 and faced with little cooperation from the Police, Ministry of Forestry officials teamed up with the Indonesian Navy to seize illegal log shipments. Three cargo ships were seized off Pangkalanbun, Abdul Rasyid's Central Kalimantan stronghold, together with 25,000m^3 of illegal logs. After many attempts by the National Police to release the ships and auction the cargo, the police finally won their battle in July 2002. There have been no prosecutions despite ample evidence of a company linked to Abdul Rasyid's Tanjung Lingga Group being involved in the loading of the ships. The

Below: **Signing of UK-Indonesia MOU on *illegal logging* in London, April 2002.**

© Faith Doherty/EIA/Telapak

dari sumber daya alam Indonesia.

Jika disejajarkannya Indonesia dengan Kenya sebagai negara paling korup di dunia atau bahkan lebih buruk daripada Azerbaijan bukanlah suatu berita buruk bagi Indonesia, walau sepantasnya tanggapan dari pelapor khusus PBB untuk peradilan independen mampu membuat investor yang jujur bergegas pergi melalui Bandara Soekarno-Hatta Jakarta. Ditengah-tengah kunjungannya, Dato Param Cumaraswamy mengatakan: "Saya tidak menyangka bahwa situasinya sampai seburuk yang saya saksikan."

EIA dan Telapak telah menyaksikan betapa sejumlah pejabat teras kepolisian melakukan tindak penyimpangan secara terang-terangan, dan bahkan mereka tidak ambil pusing untuk menutup-nutupi kebusukan itu. Sebagian besar pejabat tinggi pemerintahan telah berjanji dan menyatakan tekad untuk menanggulangi *illegal logging* di Taman Nasional Tanjung Puting dan mengatakan bahwa Abdul Rasyid akan ditangkap dan dihukum. Akan tetapi hingga hari ini Rasyid masih bercokol di fraksi Golkar MPR dan menyebarkan kankernya di seluruh penjuru Kalimantan Tengah, bahkan lebih luas dari itu. Tiga tahun setelah janji pertama yang dianggap sebagai batu ujian bagi pemerintah, Tanjung Puting semakin terpuruk untuk dapat terus bertahan.

Dibandingkan dengan kegagalan para penegak hukum yang sungguh tak terperikan ini, maka adanya perubahan besar pada sikap dan upaya para pejabat teras Departemen Kehutanan dibawah kepemimpinan Menteri Prakosa menjadi suatu hal yang luar biasa.

Pada bulan Oktober 2001, Prakosa mengumumkan larangan ekspor kayu bulat. Kebijakan ini hanya mendapat sedikit dukungan dari pihak Kepolisian. Pihak Departemen Kehutanan melakukan upaya kerja sama dengan TNI Angkatan Laut dan berhasil menangkap pengapalan kayu ilegal. Tiga kapal barang yang memuat 25.000 m3 kayu ilegal ditangkap di lepas pantai Pangkalanbun, yang merupakan "wilayah kekuasaan" Abdul Rasyid di Kalimantan Tengah. Berbagai upaya ditempuh oleh pihak Kepolisian Republik Indonesia untuk melepaskan kapal-kapal tersebut dan melelang muatannya. Akhirnya "pertarungan" tersebut dimenangkan oleh pihak kepolisian pada bulan Juli 2002. Tidak ada hukuman yang dijatuhkan walaupun terdapat banyak bukti keterlibatan perusahaan yang merupakan bagian dari Tanjung Lingga Group milik Abdul Rasyid dalam pengapalan kayu ilegal tersebut. Wartawan yang

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Left: **Timber baron Abdul Rasyid sits in the Parliament (MPR) and spreads his influence.**

journalist who alerted the Ministry to the illegal cargo almost lost his life in a machete attack in Pangkalanbun.

There have been sweeping changes in international political attitudes to *illegal logging* over the last year, and to its credit the Government of Indonesia has been at the centre of many of these positive developments. New dialogue between Indonesia and timber consuming nations has already resulted in concrete action plans to tackle *illegal logging* in Indonesia and to close the markets for illegal timber.

In July 2002 Minister Prakosa signed decrees paving the way for his stated goal of only allowing forest concessions that operate legally and sustainably. The Minister for the Environment Nabiel Makarim has announced the formation of a special *illegal logging* team made up of investigators, lawyers and judges and the Minister of Trade and Industry has teamed up with the Ministry of Forestry to fight *illegal logging*.

If implemented, these are all steps in the right direction, but at the moment the destruction continues unabated. Now is the time for leadership against corruption from the President's Office. Honest and proactive reformist officials desperately need support from honest enforcement officers, prosecutors and judges. At the moment the world looks at Indonesia and sees endemic corruption. The President needs to flush out the best and most incorruptible people in the enforcement authorities and the judiciary and set them to work. This is the only way the forests and the people of Indonesia will have a chance to take a breath.

Dave Currey, Director, Environmental Investigation Agency (EIA)

Hapsoro, Coordinator of Natural Resources Management Unit, TELAPAK

October 2002

melaporkan ke Departemen Kehutanan tentang adanya pengapalan ilegal tersebut hampir tewas diserang dengan mandau di Pangkalanbun.

Perkembangan sikap politik internasional terhadap *illegal logging* telah menunjukkan perubahan yang jelas, dan pemerintah Indonesia menjadi fokus banyak perkembangan yang positif tersebut. Pembicaraan baru antara Indonesia dan negara-negara konsumen kayu telah membuahkan suatu rencana aksi untuk menanggulangi *illegal logging* di Indonesia dan penutupan pasar bagi kayu ilegal.

Pada bulan Juli 2002, Menteri Kehutanan Prakosa menandatangani kesepakatan yang merupakan jalan pembuka untuk mewujudkan cita-cita bahwa pemberian ijin pengusahaan hutan hanya diberikan pada yang beroperasi secara legal dan berkelanjutan. Menteri Lingkungan Nabiel Makarim telah mengumumkan pembentukan suatu tim khusus yang telah bekerja sama dengan Departemen Kehutanan untuk memerangi illegal logging dan terdiri dari penyidik, pengacara, hakim, serta pihak Departemen Perdagangan dan Industri.

Jika diterapkan secara sungguh-sungguh, langkah-langkah tersebut akan menuju ke arah yang tepat, akan tetapi pada saat yang sama kerusakan hutan tetap terus berlangsung. Sudah saatnya Presiden mengambil alih kendali untuk mengenyahkan korupsi. Pejabat reformis yang jujur dan proaktif sangat perlu mendapat dukungan dari aparat penegak hukum, jaksa dan hakim yang jujur. Pada saat ini mata dunia tertuju pada Indonesia dan yang terlihat adalah korupsi yang merajalela. Presiden perlu menempatkan insan terbaik dan yang tidak terseret dalam pusaran korupsi dalam jajaran pejabat penegak hukum dan peradilan. Ini satu-satunya cara untuk memberi kesempatan kepada hutan Indonesia dan juga manusia Indonesia untuk dapat bernapas.

Dave Currey, Direktur, Environmental Investigation Agency (EIA)

Hapsoro, Koordinator Unit Kerja Pengelolaan Sumber Daya Alam Hayati, TELAPAK

Oktober 2002

Now is the time for leadership against corruption from the President's Office

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Right: **Illegal logging is destroying the last virgin Indonesian forests.**

© Dave Currey/EIA/Telapak

Law of the Jungle

Justice for Sale

The failure of the authorities to prosecute senior officials and timber barons blatantly plundering Indonesia's dwindling forests comes as no surprise to those familiar with Indonesia's rampantly corrupt judicial system. Corruption was a cornerstone of the authoritarian rule of former dictator Soeharto. Since his downfall in 1998 the formerly centralised system of corruption, collusion and nepotism has mutated into a regional phenomenon, creating a powerful regional elite. The reformation movement has patently failed to tackle corruption. Transparency International's latest Index ranks Indonesia at 96 out of 102 countries, marking it as one of the most corrupt countries in the world.[1]

Even the United Nations's special rapporteur on the independence of judges and lawyers, Dato Param Cumaraswamy, commented on his recent visit to Indonesia: "I didn't realize that the situation could be as bad as what I've seen."[2] Indonesia Corruption Watch's (ICW) report "Lifting the Lid on the Judicial Mafia" states: "[The] court mafia involves all actors . . . from the police, court

"I didn't realize that the situation could be as bad as what I've seen"

Dato Param Cumaraswamy, special rapporteur on the independence of judges and lawyers, August 2002

Hukum Rimba

Keadilan Diobral

Kegagalan pihak berwenang untuk menuntut para pejabat tinggi dan raja kayu yang secara terang-terangan menjarah hutan Indonesia yang semakin menyusut, bukan suatu kejutan bagi mereka yang tahu betapa korupnya sistem peradilan Indonesia. Korupsi merupakan landasan kekuasaan otoriter mantan diktator Soeharto. Sejak kejatuhannya pada 1998, sistem korupsi, kolusi dan nepotisme yang semula terpusat berubah menjadi fenomena regional dengan menciptakan elite daerah yang berkuasa. Gerakan reformasi jelas gagal menanggulangi korupsi. Indeks Transparency Internasional terbaru menempatkan Indonesia di urutan ke-96 dari 102 negara, artinya Indonesia termasuk salah satu negara terkorup di dunia.[1]

Bahkan pelapor khusus PBB tentang Independensi hakim dan pengacara, Dato Param Cumaraswamy, berkomentar tentang kunjungannya baru-baru ini di Indonesia: "Saya tidak menyadari bahwa situasinya sampai seburuk yang saya saksikan."[2] Laporan Indonesia Corruption Watch (ICW) "Lifting the Lid on the Judicial Mafia" menyatakan: "Mafia

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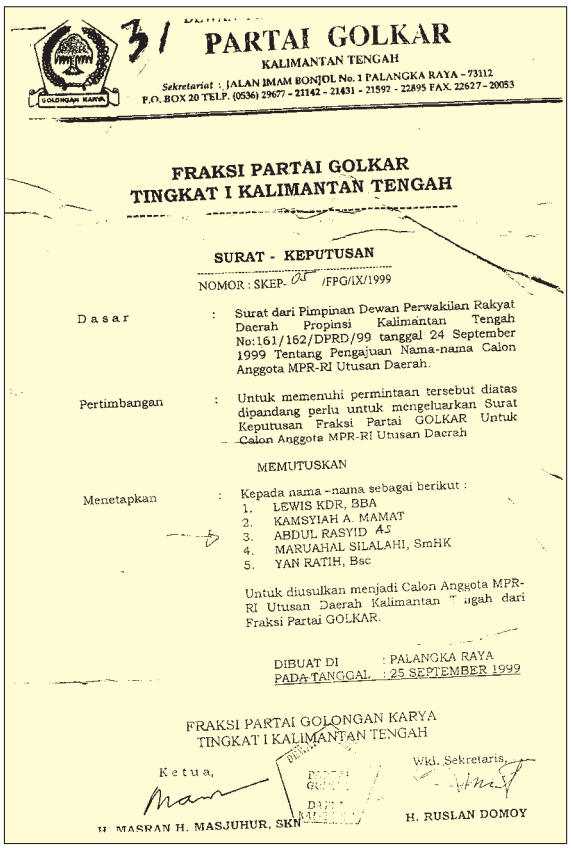

PARTAI GOLKAR
KALIMANTAN TENGAH
Sekretariat : JALAN IMAM BONJOL No. 1 PALANGKA RAYA - 73112
P.O. BOX 20 TELP. (0536) 29677 - 21142 - 21431 - 21592 - 22895 FAX. 22627 - 20053

FRAKSI PARTAI GOLKAR
TINGKAT I KALIMANTAN TENGAH

SURAT - KEPUTUSAN
NOMOR : SKEP. /FPG/IX/1999

Dasar : Surat dari Pimpinan Dewan Perwakilan Rakyat Daerah Propinsi Kalimantan Tengah No:161/162/DPRD/99 tanggal 24 September 1999 Tentang Pengajuan Nama-nama Calon Anggota MPR-RI Utusan Daerah.

Pertimbangan : Untuk memenuhi permintaan tersebut diatas dipandang perlu untuk mengeluarkan Surat Keputusan Fraksi Partai GOLKAR Untuk Calon Anggota MPR-RI Utusan Daerah

MEMUTUSKAN

Menetapkan : Kepada nama-nama sebagai berikut :
1. LEWIS KDR, BBA
2. KAMSYIAH A. MAMAT
3. ABDUL RASYID
4. MARUAHAL SILALAHI, SmHK
5. YAN RATIH, Bsc

Untuk diusulkan menjadi Calon Anggota MPR-RI Utusan Daerah Kalimantan Tengah dari Fraksi Partai GOLKAR.

DIBUAT DI : PALANGKA RAYA
PADA TANGGAL : 25 SEPTEMBER 1999

FRAKSI PARTAI GOLONGAN KARYA
TINGKAT I KALIMANTAN TENGAH

Ketua, Wkl. Sekretaris,

H. MASRAN H. MASJUHUR, SKN H. RUSLAN DOMOY

Left: **Abdul Rasyid was nominated to the Parliament by the Golkar Party.**

administrators, lawyers, prosecutors, to judges and prison guards."[3]

On publication of Transparency International's "Corruption Perceptions Index 2002" its chairman Peter Eigen stated: "Politicians increasingly pay lip-service to the fight against corruption but they fail to act . . . corrupt political elites in the developing world, working hand-in-hand with greedy business people and unscrupulous investors, are putting private gain before the welfare of citizens and the economic development of their countries. From *illegal logging* to blood diamonds, we are seeing the plundering of the earth and its people in an unsustainable way."[4]

A clear link exists between corruption and the fate of the environment. Pioneering work conducted by the Yale Center for Environmental Law and Policy measured 22 key factors indicating a country's environmental performance, or Environmental Sustainability Index (ESI). The ESI was compared against 67 quality of life measures, such as infant mortality and percentage of protected land in a country.

Of the 67 variables corruption had the highest correlation with environmental performance, showing that countries with low corruption rates are better able to manage natural resources and that the rule of law is a key

peradilan melibatkan semua aktor . . . dari polisi, administrator peradilan, pengacara, jaksa, hingga hakim dan penjaga penjara."[3]

Dalam publikasi Transparancy International "Corruption Perceptions Index 2002" Peter Eigen, ketuanya, menyatakan: "Politikus semakin sering mengobral retorika memerangi korupsi, namun tidak ada tindakan yang diambil . . . para elit politik korup di negara berkembang bekerja sama dengan pelaku bisnis yang rakus dan investor tak bermoral, mendahulukan keuntungan bagi diri sendiri ketimbang memikirkan kesejahteraan rakyat dan membangun perekonomian negara mereka. Dari *illegal logging* hingga penambangan berlian yang penuh tragedi berdarah, kita menjadi saksi penjarahan bumi dan insannya dengan cara yang merusak."[4]

Terdapat hubungan jelas antara korupsi dan nasib lingkungan. Penelitian yang dilakukan oleh Yale Center for Environmental Law and Policy mengukur 22 faktor kunci yang mengindikasikan kinerja lingkungan sebuah negara, atau Indeks Keberlanjutan Lingkungan (Environmental Sustainability Index = ESI). ESI lalu dibandingkan dengan 67 kriteria mutu kehidupan, seperti mortalitas bayi dan persentase daerah yang dilindungi di suatu negara.

Dari ke-67 variabel, korupsi memiliki korelasi tertinggi dengan kinerja lingkungan, yang menunjukkan bahwa negara dengan tingkat korupsi rendah memiliki kemampuan lebih baik dalam mengelola sumber daya alam dan bahwa penegakan hukum merupakan faktor kunci dalam menyokong keberhasilan lingkungan.[5]

Dalam sektor kehutanan Indonesia, korupsi yang merajalela di seluruh pelosok negara mudah terlihat. Polisi yang menyelidiki *illegal logging* di Taman Nasional Tanjung Puting gagal menyeret para penjahat besar yang menguasai *illegal logging* di daerah tersebut. Meski demikian tukang perahu, penjaga toko, anak sekolah, polisi dan politikus semua tahu tampang para penjahat tersebut. Para penjahat dan petugas korup antek-antek mereka tak terjangkau oleh hukum.

Ketika tiga kapal barang Cina ditangkap dengan muatan 25.000 meter kubik kayu ilegal, terjadi pertarungan panjang antara para petugas Departemen Kehutanan, yang telah mengumpulkan bukti dan ingin menuntut para pelakunya, dengan para perwira polisi senior. Dalam sepucuk surat kepada Menteri Luar Negeri mengenai kasus ini, Brigadir Jenderal Polisi Trimada Dani menyatakan:

"Politicians increasingly pay lip-service to the fight against corruption but they fail to act . . ."

Peter Eigen, Chair Transparency International 2002

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Right: **Illegal logs seized on board the Mandarin Sea.**

© M. Yayat Afanto/EIA/Telapak

factor underpinning environmental success.[5]

In Indonesia's forest sector it is easy to see corruption at work across the country. Police investigating *illegal logging* in Tanjung Puting National Park have failed to prosecute the major criminals who control *illegal logging* in this region. Yet boatmen, shopkeepers, schoolchildren, police and politicians all know the cast of criminal characters. These criminals and their corrupt official lackeys are above the law.

When three Chinese cargo ships were seized with 25,000 m^3 of illegal logs on board there was a constant battle between the Ministry of Forestry officials who had gathered evidence and wanted prosecutions and senior police officials. In a letter sent by Police Brigadier General Trimada Dani to the Ministry of Foreign Affairs about this case he stated: "The ships cannot be arrested because there is no evidence that these three ships had been used to transport the logs".[6] This statement shows the surreal nature of law enforcement in Indonesia, as the ships had been under arrest in a port in Jakarta for five months with the illegal timber still on board. The ships were caught red-handed by the Indonesian Navy carrying logs without legal documentation and after the government had imposed a log export ban. It was difficult to see what further evidence was required.

In meetings to determine the fate of the ships and the cargo, police officials insisted on auctioning the timber at the earliest

"The ships cannot be arrested because there is no evidence that these three ships had been used to transport the logs"

Police Brig. Gen. Trimada Dani.

"Kapal-kapal tersebut tidak dapat ditahan karena tidak ada bukti bahwa ketiga kapal itu digunakan untuk mengangkut kayu".[6] Pernyataan ini memperlihatkan keanehan penegakan hukum di Indonesia, karena ketiga kapal tersebut ditahan di sebuah pelabuhan di Jakarta selama lima bulan lengkap dengan muatan kayu ilegal itu. Ketiga kapal itu tertangkap basah oleh patroli Angkatan Laut Indonesia ketika membawa kayu bulat tanpa disertai dokumen resmi dan setelah Pemerintah Indonesia menetapkan larangan ekspor kayu bulat. Karena itu, sulit dimengerti, bukti apa lagi yang diperlukan.

Dalam pertemuan untuk menentukan nasib kapal-kapal dan muatannya, para pejabat kepolisian bersikeras untuk selekasnya melelang kayu curian tersebut. Brigadir Jenderal Polisi Suyitno LS, kepala reserse tindak pidana khusus (MABES POLRI) untuk menangani kasus ketiga kapal barang tersebut, juga terlibat dalam pelepasan pengapalan kayu ilegal lainnya. Suyitno memerintahkan agar sekitar 5.000 meter kubik kayu curian yang ditangkap di perairan kepulauan Bangka-Belitung, diijinkan untuk melanjutkan perjalanan ke tujuan semula, yaitu Pontianak di Kalimantan Barat.[7] Sekali lagi, keputusan ini berpihak kepada para penjahat yang terlibat dalam kasus itu.

Bahkan meskipun polisi melakukan penyelidikan sebuah kasus dengan semestinya dan membawanya ke pengadilan, keadilan

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opportunity. Brigadier General Suyitno LS, chief of a special police investigations unit (MABES POLRI) assigned to the case of the three cargo ships, is also implicated in the release of another shipment of illegal logs. Suyitno ordered that about 5000 m^3 of stolen logs seized off Bangka-Belitung islands, Sumatra, be allowed to continue their journey to their original destination, Pontianak in West Kalimantan.[7] Once again this decision favours the criminals involved in the case.

Even if the police properly investigate a case and it comes to court justice remains elusive. Court corruption is so well organised according to ICW that you can choose which "package" to see your case through court. This could include seeing the prosecutor, which is the simpler "all-in package" who will arrange the charges and the verdict for you. If a defendant finds the verdict postponed it indicates that the defendant needs to approach the judge who will expect "hard work money". Or, for those marathon court hearings everything can be arranged from witnesses and evidence, to judges' questions and defendant's answers.[8] Legal observer Luhut M. P. Pangaribuan states: "Bribery has now become common practice in our judiciary. The judiciary can be bought like a commodity."[9]

Both Minister of Forestry Dr Muhammad tetap tidak jelas. Menurut ICW, korupsi peradilan terorganisasi begitu baik, sehingga Anda dapat memilih "paket" bagi kasus Anda di pengadilan. Salah satunya adalah "paket lengkap" sederhana, yaitu bertemu dengan jaksa yang akan mengatur dakwaan dan tuntutan terhadap tergugat. Bila pembacaan tuntutan hukuman ditunda, itu merupakan tanda bahwa tergugat harus mendekati hakim yang berharap mendapatkan "uang lelah". Atau, untuk sidang-sidang maraton, segala sesuatunya dapat diatur, mulai dari saksi dan bukti, hingga pertanyaan hakim dan jawaban tergugat.[8] Pengamat hukum Luhut M.P. Pangaribuan mengatakan: "Sekarang suap menjadi praktek lazim dalam pengadilan kita. Pengadilan dapat dibeli seperti sebuah komoditi."[9]

Menteri Kehutanan DR. Muhammad Prakosa dan Menteri Lingkungan Hidup Nabiel Makarim sama-sama mengakui bahwa korupsi di departemen mereka dan dikalangan penegak hukum telah berakar sedemikan rupa sehingga sulit untuk menuntut mereka yang mengorganisasikan *illegal logging*. Kepala biro hukum Departemen Kehutanan, Suprayitno, mengatakan: "Anda tahu bahwa para cukong tersebut sangat berkuasa secara finansial. Banyak petugas dan pejabat keamanan justru melindungi mereka."[10]

"Bribery has now become common practice in our judiciary. The judiciary can be bought like a commodity."

Legal observer Luhut M. P. Pangaribuan, August 2002

Left: **Documents clearly show that the ships were bound for China.**

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Right: **Primkopad is an army cooperative owning a sawmill in Surabaya.**

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Prakosa and Environment Minister Nabiel Makarim have acknowledged that corruption within their ministries and amongst law enforcement officers exists to the point that it is difficult to prosecute those organising *illegal logging*. Head of the Ministry of Forestry's legal affairs department Suprayitno said: "You know those financiers are very powerful financially. Many of our security personnel and officials are protecting them."[10]

Military Collusion

Military involvement in illegal activities is taken for granted in Indonesia. Hundreds of reports of military involvement in *illegal logging* have emerged and there is recognition of this serious problem within government. Reports of military personnel owning illegal sawmills, backing timber barons, and applying pressure for the release of confiscated logs are common and widespread. For instance research carried out in 1999 found that out of 25 illegal sawmills operating near Bukit Tigapuluh National Park in Sumatra, 13 were backed by the armed forces.[11]

In West Papua testimonies have been collected from villagers who had their timber stolen by military personnel. Many of them claim to have been threatened or beaten and the testimonies describe systematic bullying, violence and rape. According to Elsham News Service, one of their Papuan sources spoke with military personnel who conceded that those brought into Papua from outside are allowed by the military top brass "to conduct timber and logging trade / business to sustain

"You know those financiers are very powerful financially. Many of our security personnel and officials are protecting them."

Suprayitno, Ministry of Forestry Legal Affairs, August 2002

Kolusi Militer

Keterlibatan militer dalam aktivitas ilegal sudah dianggap biasa di Indonesia. Muncul ratusan laporan tentang keterlibatan militer dalam *illegal logging* dan kalangan Pemerintah pun mengakui masalah serius ini. Laporan tentang anggota militer yang memiliki usaha penggergajian ilegal, melindungi cukong kayu, dan menekan agar kayu sitaan dilepaskan, dianggap sebagai praktek yang merajalela dan sudah biasa. Sebagai contoh, penelitian yang dilakukan pada 1999 menemukan bahwa dari 25 usaha penggergajian ilegal yang beroperasi dekat Taman Nasional Bukit Tigapuluh di Sumatra, 13 di antaranya dilindungi oleh angkatan bersenjata.[11]

Di Papua Barat penduduk desa melaporkan kayu-kayu mereka dicuri oleh anggota militer. Banyak yang mengaku telah diancam atau dipukul dan kesaksian mereka menggambarkan gertakan, kekerasan dan pemerkosaan yang dilakukan secara sistematik. Menurut Elsham News Service, salah satu nara sumber mereka di Papua berbicara dengan anggota militer yang mengaku bahwa pucuk pimpinan mereka mengijinkan anak buahnya yang berasal dari luar Papua "berbisnis kayu guna mendukung kebutuhan hidup sehari-hari tentara."[12]

Hal ini tidak terlalu mengejutkan mengingat situasi keuangan militer Indonesia yang tersebar di seluruh penjuru. Militer hanya menerima sekitar seperempat

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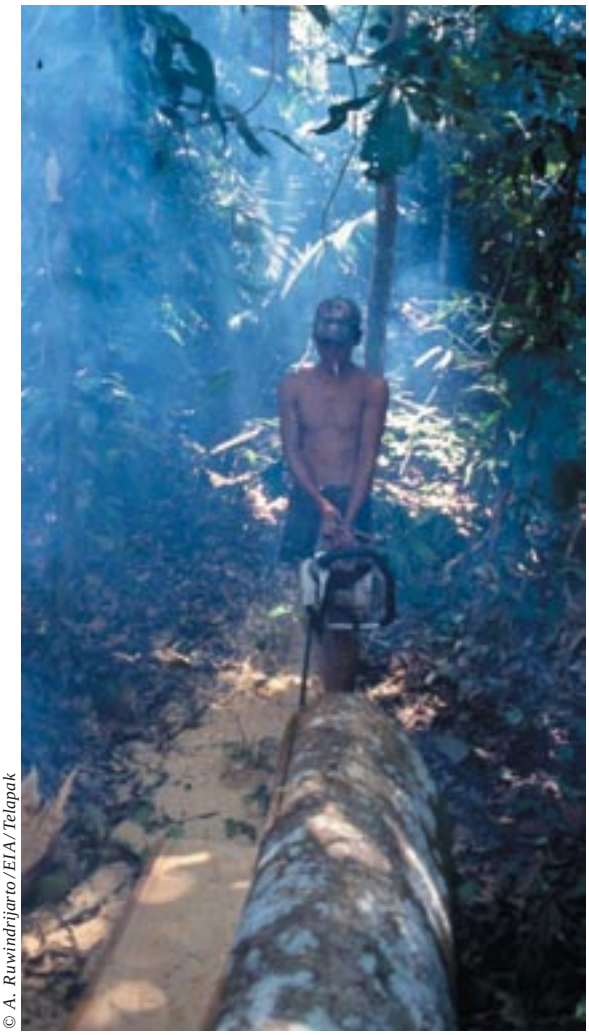
troops' daily expenses."[12]

This is hardly surprising given the funding situation of Indonesia's sprawling military. The military only receives about a quarter of its finances from the government defence budget – the rest has to be pulled together from legal and illegal business enterprises run by the military itself. It is reported that about 65 per cent of these enterprise funds are siphoned off, leaving soldiers to run their own businesses. These businesses are often beyond the law and encompass activities such as *illegal logging*, illegal sawmills, mining, smuggling, gambling, drugs, prostitution and extortion.[13]

A number of foundations manage the business empire of the army (TNI). A report published in May 2001 concluded that none of the foundations created to assist the welfare of military personnel had in fact done so.[14]

Forests' Last Stand

Illegal logging has taken over virtually every forest in Indonesia, with protected areas and National Parks bearing the brunt of unbridled timber extraction. These ecologically vital



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kebutuhan belanjanya dari anggaran pertahanan negara – sisanya harus diperoleh dari usaha bisnis resmi dan ilegal yang dijalankan militer. Dilaporkan bahwa sekitar 65 persen dana usaha tersebut diselewengkan, sehingga para prajurit harus menjalankan bisnis mereka sendiri. Bisnis tersebut sering tak terjangkau hukum dan mencakup beragam aktivitas seperti ilegal logging, penggergajian ilegal, penambangan, penyelundupan, perjudian, bisnis narkoba, pelacuran dan pemerasan.[13]

Sejumlah yayasan mengelola kerajaan bisnis TNI. Sebuah laporan yang diterbitkan pada Mei 2001 menyimpulkan bahwa tak satu pun dari yayasan-yayasan yang dibentuk untuk membantu kesejahteraan anggota militer telah melaksanakan tugas sebagaimana mestinya.[14]

Tegakan Hutan Terakhir

Nyaris seluruh hutan Indonesia tak luput dari penjarahan *illegal logging*, sampai-sampai daerah suaka dan Taman Nasional pun tak mampu membendungnya. Di kawasan lindung yang sangat penting secara ekologis ini sering dijumpai spesies kayu yang sangat berharga dan secara harafiah merupakan tegakan terakhir hutan Indonesia.

Pola yang sama berulang di seluruh penjuru negeri. The Jakarta Post melaporkan bahwa illegal logging merajalela di Taman Nasional Gunung Leuser (Sumatra Utara dan Aceh), Taman Nasional Kerinci-Seblat (Riau, Jambi, Bengkulu, Sumatra Barat, Sumatra Selatan) dan Taman Nasional Lore Lindu (Sulawesi Tengah).[15]

Tentang Kerinci-Seblat Gubernur Jambi Zulkiffli Nurdin menyatakan: "Saya mendapat banyak laporan bahwa hampir setiap malam, sekitar 30 truk mengangkut kayu gelondongan dari kawasan lindung."[16] Di Sulawesi Tenggara, Gubernur La Ode Kaimoeddin mengatakan bahwa ratusan orang menjarah Taman Nasional Rawa Aopa Watumohai dan hutan lindung di tiga Taman Nasional lainnya di Propinsi itu telah dikonversi menjadi perkebunan kelapa sawit.[17] Di Jawa Timur, Gubernur Imam Utomo menyalahkan *illegal logging*, pembukaan lahan dan ketiadaan program reboisasi yang serius bagi 23 persen kawasan hutan yang berada dalam kondisi kritis di Jawa Timur.[18] Para pengamat di Lampung menyatakan bahwa 60 persen Taman Nasional Bukit Barisan rusak parah akibat dijarah.[19]

The military only receives about a quarter of its finances from the defence budget

Left: **Illegal loggers in Gunung Leuser National Park.**

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sanctuaries often contain the most valuable timber species and are literally the last stand for Indonesia's forests.

The pattern is the same across the country. The Jakarta Post has reported that *illegal logging* is rampant in Gunung Leuser National Park (North Sumatra and Aceh), Kerinci-Seblat National Park (Riau, Jambi, Bengkulu, West Sumatra, South Sumatra), and Lore Lindu National Park (Central Sulawesi).[15]

The Governor of Jambi Zulkiffli Nurdin, talking about Kerinci-Seblat stated: "Many reports have reached me that almost every night, some 30 logging trucks transport logs out of the protected reserve".[16] In Southeast

Below: **Log raft on Seruyan River near Tanjung Puting National Park, Central Kalimantan.**

© Sam Lawson/EIA/Telapak

Di Kalimantan Barat, Taman Nasional Gunung Palung telah rusak parah dan *illegal logging* besar-besaran terus berlangsung di Taman Nasional Tanjung Puting di Kalimantan Tengah. Diperkirakan bahwa hutan dataran rendah di Sumatra akan habis pada tahun 2005 dan di Kalimantan pada tahun 2010.[20]

Perubahan lingkungan yang menghantam Indonesia akibat *illegal logging* adalah serius dan mengancam jiwa. Banjir bertambah parah disertai tanah longsor yang menewaskan penduduk desa dan menghancurkan jaringan jalan dan rumah-rumah. Pembakaran kawasan hutan yang baru ditebangi menimbulkan kabut asap yang mengganggu pernapasan ribuan warga di Kalimantan dan Sumatra. Penebangan di daerah resapan air menyebabkan tercemarnya persediaan air dan turunnya permukaan air tanah.

Di Sumatra Utara, proyek PLTA Renun yang diperkirakan selesai pada tahun 2005, terancam oleh *illegal logging*. Jumlah air yang mengalir telah berkurang drastis. Seorang juru bicara Kantor Proyek Tenaga Listrik di Sumatra Utara memperingatkan bahwa jika penebangan terus berlanjut, "pembangkit tidak akan mampu menyediakan listrik bagi jutaan industri rumahan dan ratusan hektar sawah di hilir sungai terancam puso."[21]

Kegagalan di Dalam Negeri

Salah satu perubahan besar sejak 1998 adalah arus informasi yang tersedia bagi para pejabat dan petugas penegak hukum untuk ditindaklanjuti. Informasi menyeluruh tentang penebangan liar telah dikumpulkan dan disebarluaskan oleh masyarakat, Ornop, wartawan dan kalangan industri. Informasi yang melimpah ini seharusnya memudahkan penuntutan penjahat, akan tetapi korupsi yang mengakar mengecilkan dan menekan suara para pihak terlibat. Kadang-kadang, penebang liar atau pengangkut kayu didenda, meskipun jarang sekali akibat kejahatan yang mereka lakukan. Yang sering terjadi mereka ditahan karena tidak memberi uang suap kepada petugas, atau karena dicurangi pesaing mereka.

Pemerintah menanggapi situasi ini dengan ucapan keras dari Presiden dan para anggota kabinet, tanpa aksi yang nyata. Petugas-petugas yang bertanggung jawab dan memiliki tekad di Departemen Kehutanan dan departemen terkait lainnya sangat sedikit jumlahnya dibandingkan para petugas korup yang masih menggantungkan pendapatan mereka dari aktivitas-aktivitas ilegal yang berhubungan

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Sulawesi Governor La Ode Kaimoeddin said that hundreds of people had invaded the Rawa Aopa Watumohai National Park and that protected forests in three other National Parks in the Province have been converted to oil palm plantations.[17] In East Java Governor Imam Utomo blamed *illegal logging*, land clearance and the absence of a serious reforestation programme for the critical condition of 23 per cent of forested areas in East Java.[18] Observers in Lampung have claimed that 60 per cent of Bukit Barisan National Park has been seriously damaged by illegal encroachment.[19]

In West Kalimantan Gunung Palung National Park has been seriously damaged and rampant *illegal logging* continues in Tanjung Puting National Park in Central Kalimantan. Estimates suggest that lowland forest in Sumatra will be exhausted by 2005 and in Kalimantan by 2010.[20]

The environmental changes that have hit Indonesia due to *illegal logging* are serious and life-threatening. Flooding has become noticeably worse with landslides killing villagers and destroying roads and houses. Areas logged have been burned causing choking smoke and respiratory problems for thousands of residents in Kalimantan and Sumatra. Water supplies have been poisoned and water tables lowered where logging has occurred in catchment areas.

In North Sumatra the Renun hydropower project, which is expected to be completed in 2005, is threatened by *illegal logging*. The amount of water flowing has already been reduced considerably. A spokesman for the Electricity Power Projects Office in North Sumatra has warned that if logging continues, "the plant would not be able to supply power to millions of home industries and that hundreds of hectares of paddy fields downstream of the river would be threatened."[21]

Failure At Home

One of the remarkable changes since 1998 has been the flow of information available for officials and enforcement officers to act upon. Comprehensive information on *illegal logging* has been collected and disseminated by communities, NGOs, journalists and industry. This should have made it easier for prosecutions but endemic corruption has undermined and quashed the voice of stakeholders. Occasionally loggers or truckers will be fined although rarely because of their

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Above: **Australian TV crew on board the Mandarin Sea.**

dengan hutan. Bahkan pejabat teras yang penuh tekad dihalang-halangi oleh politikus, polisi, militer dan peradilan, yang semuanya terperosok dalam politik uang dan korupsi.

Upaya-upaya Pemerintah Indonesia di lingkup internasional untuk mendapatkan dukungan dari masyarakat internasional jauh lebih proaktif dan berhasil. Di dalam negeri sendiri, kerja keras segelintir petugas dan politikus yang bernurani dikalahkan oleh realitas politik uang.

Kegagalan harus diukur dengan apa yang sesungguhnya terjadi di hutan. Janji-janji telah diberikan oleh Presiden Indonesia berturut-turut dan para Menteri terkait untuk menghentikan penebangan liar di Taman Nasional, lalu Task force serta komite antar departemen telah dibentuk dan tak terdengar lagi kiprahnya. Sementara itu, penghancuran hutan terus berlangsung.

Penebangan di Taman Nasional Tanjung Puting telah diajukan dan diterima sebagai batu ujian untuk melihat apakah Pemerintah memiliki kemauan atau kemampuan untuk bertindak. Lalu pada pertemuan *Consultative Group on Indonesia* (CGI) yang diselenggarakan di Jakarta pada 2 Februari 2000 Pemerintah Indonesia menyetujui untuk selekasnya menangani masalah penebangan liar di Taman-Taman Nasional. Pada Juli 2000, Presiden Abdurrahman Wahid setuju untuk menghapus hak kekebalan anggota MPR Abdul Rasyid, yang dituduh mendalangi penebangan liar di Taman Nasional Tanjung Puting. Pada September 2000, Sekretaris Jenderal Departemen Kehutanan, Soeripto, menyatakan telah mengajukan dokumen tentang kasus

Endemic corruption has undermined and quashed the voice of stakeholders

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Right: **Truck hauling logs out of Tanjung Puting National Park.**

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crime. It is more often the case that those arrested failed to pay the correct official, or fell foul of a competitor.

The government response has been strong words from Presidents and cabinet members but little action. Committed and determined officials in the Ministry of Forestry and other relevant ministries are vastly outnumbered by corrupt officials who still depend on their income from illegal activities relating to forests. Even determined senior officials are blocked by politicians, police, military and the courts, all mired in money politics and corruption.

International efforts by the Government of Indonesia in securing support from the international community have been far more proactive and successful. Domestically, the realities of money-politics undermine the best efforts of a small band of committed officials and politicians.

The logging of Tanjung Puting has been accepted as a test case

The failure has to be measured by what is actually happening in the forest. Promises have been made by successive Presidents and relevant Ministers to stop *illegal logging* in National Parks, and Task Forces and inter-departmental committees have come and gone. Meanwhile the destruction continues.

The logging of Tanjung Puting National Park has been put forward and accepted as a test case to see whether the government has

tersebut ke Kejaksaan Agung.

Pada bulan yang sama, Menteri Lingkungan Hidup Sonny Keraf membahas pembentukan sebuah tim peradilan. Ia mengatakan bahwa ia didorong oleh Jaksa Agung Marzuki Darusman untuk “menuntaskan masalah Tanjung Puting”. Menteri Koordinator untuk Urusan Politik Susilo Bambang Yudhoyono mengatakan bahwa tim tersebut akan berada di bawah koordinasinya.[22]

Pada Desember 2000, Rizal Ramli, Menteri Koordinator bidang Perekonomian mendesak Jaksa Agung dan Kepala POLRI untuk menahan Abdul Rasyid atas peranannya dalam penebangan liar di Taman Nasional Tanjung Puting.[23] Februari 2001, Jaksa Agung Marzuki Darusman mengaku tidak tahu menahu mengenai adanya dokumen kasus tersebut. Konyolnya, Sekretaris Jenderal Departemen Kehutanan justru diperintahkan untuk melakukan penyidikan atas kasus yang lain.

Pada bulan Mei 2002, Presiden Megawati Soekarnoputri menyerukan penghentian sementara kegiatan penebangan. Ia mengatakan “Kita harus memberi kesempatan kepada hutan kita untuk bernapas”.[24] Pada bulan Juli 2002, Menteri Lingkungan Hidup Nabiel Makarim mengumumkan sebuah tim penegak hukum baru yang “tidak bisa dipengaruhi” untuk

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the will or ability to act and at the Consultative Group on Indonesia (CGI) meeting held in Jakarta on 2nd February 2000 the Government of Indonesia agreed to deal immediately with the issue of *illegal logging* in National Parks. In July 2000 the then President Wahid agreed to remove the immunity of Peoples' Consultative Assembly (MPR) member Abdul Rasyid, accused of being behind the *illegal logging* of Tanjung Puting National Park. In September 2000 the then Secretary General of the Ministry of Forestry, Soeripto, claimed to have forwarded a dossier on the case to the Attorney General.

Also in September Environment Minister Sonny Keraf discussed the establishment of a judicial team. He stated that he had been encouraged by the Attorney General Marzuki Darusman to "finish the problem of Tanjung Puting". The Coordinating Minister for Political Affairs Susilo Bambang Yudhoyono stated that this team would come under his coordination.[22]

In December 2000 Rizal Ramli, the Coordinating Minister for the Economy urged the Attorney General and Chief of Police to arrest Abdul Rasyid because of his role in the *illegal logging* of Tanjung Puting National Park.[23] By February 2001 the Attorney General Marzuki Darusman denied any knowledge of a dossier. Farcically, the Secretary General was ordered to carry out another investigation.

In May 2002 President Megawati Soekarnoputri called for a temporary moratorium of logging activities, saying: "We must give our forest a chance to take a breath".[24] In July 2002 the current Environment Minister Nabiel Makarim announced a new "untouchable" team of law enforcers to handle environmental crime, especially *illegal logging*.[25] Already there are doubts as to whether this team of judges, investigators and prosecutors will really be set up. In August 2002 the Ministry of Trade and Industry and the Ministry of Forestry announced a new agency to help face the "various problems facing the country's ailing forest-based industry".[26]

If strong words and setting up committees could stop *illegal logging*, the loggers would have left Tanjung Puting a long time ago. Yet given the lack of genuine political will and enforcement the pillage continues.

'As a test case, Tanjung Puting National Park still acts as an excellent indicator of the government's failure to tackle illegal logging in menangani kejahatan lingkungan, khususnya *illegal logging*.[25] Belum apa-apa sudah muncul keraguan apakah tim yang terdiri dari hakim, penyidik dan jaksa ini akan sungguh-sungguh terbentuk. Pada Agustus 2002, Departemen Perdagangan dan Industri dan Departemen Kehutanan mengumumkan pembentukan sebuah badan baru untuk membantu mengatasi "berbagai masalah yang dihadapi industri berbasis hutan Indonesia yang sedang sakit."[26]

Bila kata-kata keras dan pembentukan komite-komite dapat menghentikan penebangan liar, para penebang tentu telah lama meninggalkan Tanjung Puting. Sebaliknya yang terjadi, karena lemahnya kemauan politik dan upaya penegakan hukum yang sungguh-sungguh, penjarahan hutan terus berlangsung.

Sebagai batu ujian, Taman Nasional Tanjung Puting masih merupakan indikator kegagalan Pemerintah dalam menghentikan *illegal logging* di Taman-Taman Nasional. Taman Nasional tersebut masih dijarah secara terang-terangan. Abdul Rasyid masih duduk sebagai anggota Majelis Permusyawaratan Rakyat (MPR) walaupun bukti-bukti dan dokumentasi mengenai keterlibatan perusahaannya dalam aktivitas ilegal terus bertambah. Ia dan koleganya sesama penjahat membuktikan diri sebagai orang-orang yang berada di luar jangkauan hukum.

If strong words and committees could stop illegal logging, the loggers would have left Tanjung Puting a long time ago

Wednesday, December 06 - 2000

Minister seeks swift arrest of MPR member

JAKARTA (IO) Coordinating Minister for the Economy Rizal Ramli yesterday urged authorities to arrest a member of the nations top legislative body for running an *illegal logging* operation in a national park. Rizal told Attorney General Marzuki Darusman and a representative of National Police Chief General Suroyo Bimantoro that the legislator is in charge of logging that takes place at Tanjung Putting National Park in Central Kalimantan.

The rogue legislator was identified only as A.R., a member of the Peoples Consultative Assembly (MPR). Rizal met with Marzuki and Bimantoros operational assistant Sutiyoso at the headquarters of theNational Development Planning Board (Bappenas) on Jalan Diponegoro, Central Jakarta.

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Above: **Minister Prakosa signs MOU with the UK government to work to stop *illegal logging* and trade in illegal timber.**

National Parks. The Park is still being openly logged. Abdul Rasyid, despite growing evidence and documentation of his company's involvement in illegal activity, still sits in the Peoples' Consultative Assembly (MPR). He and his criminal colleagues have proven that they are above the law.

International Success

Despite the failures described above there has been a real change in the Ministry of Forestry. Minister Prakosa has taken a valuable lead on forging ahead with courageous policies, many of which have yet to prove whether they can be implemented in the current climate. Domestically he has written decrees to bring concessions under stricter sustainability criteria. He has supported the Convention on International Trade in Endangered Species (CITES) Appendix III listing of the timber species ramin (*Gonystylus spp*.) adopted by his predecessor. He has imposed a log export ban and his officers have cooperated with the Navy and some elements in the police in apprehending ships carrying illegal logs. Malaysia, after international pressure, has adopted a ban on the importation of Indonesian logs.

Since the Forest Law Enforcement and Governance (FLEG) Ministerial Declaration in September 2001, Indonesia has taken the lead

Sukses Internasional

Walaupun kegagalan-kegagalan terjadi seperti di atas, ada perubahan nyata didalam Departemen Kehutanan. Menteri Prakosa telah mengambil langkah-langkah penting dengan mengeluarkan kebijakan-kebijakan yang berani, walau masih harus dibuktikan apakah kebijakan-kebijakan tersebut dapat diterapkan dalam iklim saat ini. Di dalam negeri, Prakosa telah membuat keputusan menteri (Kepmen) tentang pemberian konsesi dengan kriteria keberlanjutan yang lebih ketat. Ia mendukung pencantuman spesies kayu ramin (Gonystylus spp.) dalam Appendix III Konvensi tentang Perdagangan Internasional Spesies-spesies yang Terancam Punah (CITES) yang dilakukan pendahulunya. Ia menerapkan pelarangan ekspor kayu bulat dan para bawahannya bekerja sama dengan TNI AL dan sejumlah unsur kepolisian menahan kapal-kapal yang mengangkut kayu curian. Setelah mendapat tekanan internasional, Malaysia melarang impor kayu bulat dari Indonesia.

Sejak penandatanganan Deklarasi tingkat Menteri tentang *Forest law Enforcement and Governance* (FLEG) pada September 2001, Indonesia telah mengambil langkah maju dengan membentuk satuan tugas regional. Dengan dukungan Menteri Prakosa, Sekretaris Jenderal Departemen Kehutanan Wahjudi Wardojo membentuk sebuah tim kuat di tingkateselon atas Departemen Kehutanan. Perjanjian bilateral dengan Inggris telah ditandatangani untuk menanggulangi *illegal logging* di Indonesia serta perdagangan kayu dan produk kayu dari sumber ilegal ke Inggris. Inggris akan menyediakan paket dukungan termasuk bantuan teknis dan keuangan untuk membangun mekanisme pelacakan kayu bulat dan pemantauan independen terhadap sistem-sistem tersebut.

Kesepakatan antara Inggris-Indonesia ini berperan sebagai katalis untuk membawa Indonesia kedalam perundingan dengan Jepang, Cina, Uni Eropa (EU), Norwegia dan Finlandia. Uni Eropa sedang merancang suatu pengumuman resmi yang diharapkan akan menelurkan peraturan tegas yang melarang impor kayu dan produk kayu dari sumber-sumber ilegal. Jepang telah melangkah maju bersama Indonesia pada sebuah Kemitraan Kehutanan Asia (AFP), meskipun wujud sesungguhnya dan keefektifan kemitraan regional semacam itu masih belum jelas betul.

Semua ini merupakan tanda-tanda komitmen menjanjikan dari beberapa bagian

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in developing a regional task force. With Minister Prakosa's support, Secretary General Wahjudi Wardojo has developed a strong team in the upper echelons of the Ministry. A bilateral agreement has been signed with the UK to tackle illegal logging in Indonesia and the trade in illegally sourced timber and timber products into the UK. The UK will provide a package of support including technical and financial assistance to develop log tracking mechanisms and independent monitoring of these systems.

This UK-Indonesia agreement has acted as a catalyst to get Indonesia talking with Japan, China, the European Union (EU), Norway and Finland. The EU is already drafting a communication which it is hoped will result in a strong regulation banning the import of illegally sourced timber and timber products. Japan has taken a lead with Indonesia on an Asian Forest Partnership (AFP), although the exact nature and effectiveness of such a regional partnership is not yet clear.

These are all hopeful signs of the commitment from parts of the Indonesian government to seriously tackle *illegal logging*, signs that are being enthusiastically supported by the international community. Yet the real test of the government's resolve lies in the forests, where no let-up in the onslaught is yet discernible.

Impact of Decentralisation

In some parts of Indonesia, much of the power has been transferred from central government to provincial governments and un-elected local regency governors (bupatis). In some of these cases there is clear evidence of the new regional political elite making the most of their new-found power and exploiting the forest for their own gain in ways similar to those of the former New Order Jakarta political elite.

Timber baron Abdul Rasyid has taken advantage of this switch of power to build himself a strong corrupt power base built on money politics and resentment of Jakarta. In a report published in 2000 it was revealed that he was one of the main sources of money used to bribe parliamentarians for their vote in the political race for Governor of Central Kalimantan.[27] By backing the winner, Rasyid has increased his influence in Central Kalimantan and spread his corrupt influence far wider by being appointed as regional representative to the national MPR.

In other parts of Indonesia there are regular

Pemerintah Indonesia untuk sungguh-sungguh menghentikan *illegal logging*. Gelagat ini didukung dengan antusias oleh masyarakat internasional. Meskipun demikian, ujian sesungguhnya terhadap sikap pemerintah terletak di hutan, di mana belum tampak tanda-tanda perusakan akan menyurut.

Dampak Desentralisasi

Di sejumlah daerah di Indonesia, sebagian besar kekuasaan telah dialihkan dari pemerintah pusat ke pemerintah propinsi dan kepada para bupati yang tidak dipilih secara langsung. Di sejumlah kasus terdapat bukti nyata bahwa elit politik baru di daerah memanfaatkan dan menikmati kekuasaan barunya serta mengekploitasi hutan untuk memperkaya diri sendiri dengan cara-cara yang serupa dengan para elit politik Jakarta di jaman Orde Baru.

Raja kayu Abdul Rasyid memanfaatkan peralihan kekuasaan ini untuk membangun kekuasan korup yang kuat berlandaskan pada politik uang dan ketidaksukaan terhadap pemerintah pusat [Jakarta]. Dalam sebuah laporan yang terbit pada tahun 2000, terungkap bahwa ia adalah salah seorang penyedia dana utama untuk menyuap dan

The real test of the government's resolve lies in the forests

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Left: **Ramin mouldings for sale in Italy, August 2002**

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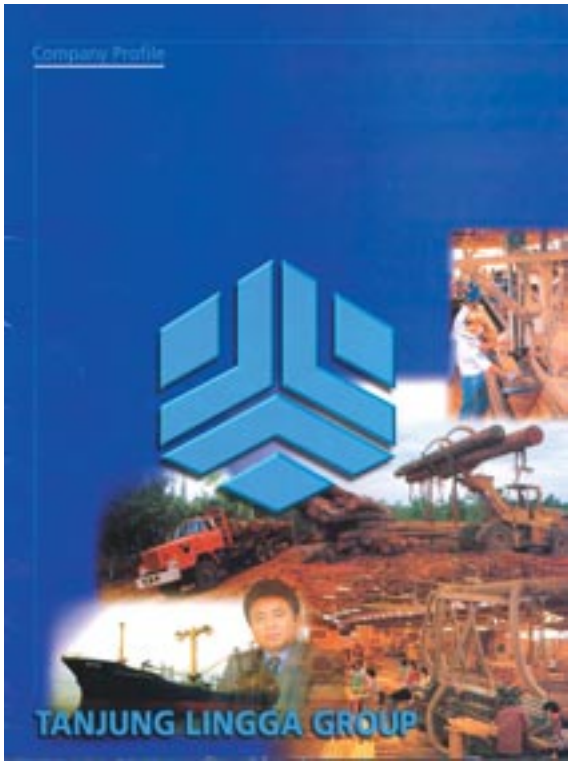

Above: **Fire spreads out of control in East Kalimantan.**

Above right: **Tanjung Lingga Group has capitalised on decentralisation.**

contradictions between provincial and central government decrees. For instance, the West Papuan Governor JP Salosa recently issued a decree allowing the export of logs from West Papua despite the national export ban.[29] In many parts of Indonesia it is well known that illegal logs from National Parks have been taxed by local bupatis.

Despite these contradictions, in the longer-term it is hoped that local autonomy will help curb corruption and rampant natural resource exploitation by bringing the political system closer to the people, rather than all decisions emanating from Jakarta as in the past. Yet a pre-requisite for such a positive development is direct, transparent and fair elections for all local and provincial officials.

membeli suara anggota DPRD dalam perebutan kursi Gubernur Kalimantan Tengah.[27] Dengan dukungannya kepada sang pemenang, Rasyid telah menaikkan pamornya di Kalimantan Tengah dan menyebarkan pengaruh korupnya lebih luas lagi setelah ditunjuk sebagai wakil utusan daerah di MPR.

Di daerah-daerah lain sering terjadi kontradiksi antara keputusan pemerintah propinsi dan pemerintah pusat. Contohnya, Gubernur Papua Barat JP Salosa baru-baru ini mengeluarkan keputusan yang mengijinkan ekspor kayu bulat dari Papua Barat kendati ada larangan ekspor secara nasional.[29] Di banyak daerah, telah menjadi rahasia umum bahwa kayu-kayu ilegal dari Taman Nasional dikenai pajak oleh para bupati.

Meskipun ada kontradiksi semacam ini, dalam jangka panjang diharapkan otonomi daerah dapat membantu memberantas korupsi dan mencegah ekploitasi sumber daya alam secara serampangan, yaitu dengan lebih mendekatkan sistem politik kepada rakyat, ketimbang bergantung pada keputusan dari Jakarta sebagaimana halnya di masa silam. Walau demikian, diperlukan prasyarat untuk mencapai perkembangan positif tersebut, yaitu: pemilihan umum secara langsung, transparan dan jujur bagi seluruh pejabat di tingkat kabupaten maupun propinsi.

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The Untouchable Tanjung Lingga

A stark illustration of the total failure of Indonesia's legal system to deal with forest crimes is provided by the illegal activities of Abdul Rasyid's Tanjung Lingga Group of companies, particularly its involvement in the case of three ships carrying stolen logs intercepted by the Indonesian Navy in November 2001.

Tanjung Lingga's involvement in the *illegal logging* of Tanjung Puting is well-documented.[30] In 1999 Rasyid's name was included on a list of 18 timber barons accused of flagrant law-breaking by the Ministry of Forestry. In August 2000 the Panama-registered vessel Progress A, owned by Tanjung Lingga subsidiary Lingga Marintama, was seized off the coast of Riau Province, carrying meranti logs without the necessary permission. Under the Indonesian forestry law of 1999 the illegal transport of timber carries a sentence of up to ten years in prison. Yet the case was never prosecuted and the ship was released after transport documents mysteriously appeared after the seizure.

In October 2001 six vessels were seized in the port of Kumai, near Tanjung Puting, carrying illegal timber. One of these vessels was the barge Lingga Marine 006, owned by Lingga Marintama. Again the vessel was released when a transport permit appeared.

In addition to illegally transporting timber, directors of Tanjung Lingga were involved in seriously assaulting and threatening two members of EIA/Telapak's staff in January 2000.

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Above: **Lingga Marintama's Progress A, seized off Riau carrying logs without documentation in August 2000.**

Tanjung Lingga yang Tak Terjamah

Sebuah ilustrasi gamblang tentang kegagalan total sistem hukum Indonesia menangani kejahatan hutan dapat dilihat pada aktivitas-aktivitas ilegal Tanjung Lingga Group milik Abdul Rasyid, terutama keterlibatannya dalam kasus tiga kapal yang mengangkut kayu curian yang berhasil dicegat oleh TNI AL pada bulan November 2001.

Keterlibatan Tanjung Lingga dalam *illegal logging* di Tanjung Puting terdokumentasi dengan baik.[30] Tahun 1999, nama Rasyid tercantum dalam daftar 18 cukong kayu yang dituduh melanggar hukum oleh Departemen Kehutanan. Agustus 2000, sebuah kapal berbendera Panama, Progress A, milik Lingga Marintama anak perusahaan Tanjung Lingga, ditahan di lepas pantai Propinsi Riau, setelah kepergok mengangkut kayu meranti tanpa disertai dokumen yang diperlukan. Di bawah undang-undang kehutanan Indonesia tahun 1999, pengangkutan kayu secara ilegal dapat dikenai hukuman penjara hingga sepuluh tahun. Namun, kasus ini tidak pernah dibawa ke pengadilan dan kapal tersebut dibebaskan karena setelah penahanan tiba-tiba dokumen-dokumen pengangkutan muncul secara misterius.

Oktober 2001, enam kapal ditahan di Pelabuhan Kumai, dekat Tanjung Puting, sedang mengangkut kayu ilegal. Salah satu kapal tersebut adalah tongkang Lingga Marine 006, milik Lingga Marintama. Lagi-lagi, kapal tersebut dibebaskan setelah terbit ijin angkut.

Selain mengangkut kayu secara ilegal, para direktur Tanjung Lingga terlibat dalam penganiayaan dan mengeluarkan ancaman serius terhadap dua anggota staf LSM

Left: **Abdul Rasyid controls the Tanjung Lingga Group.**

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Above: **Unmarked (illegal) ramin logs being processed in a sawmill which is part of the Tanjung Lingga Group.**

The assault resulted in two directors receiving a paltry one-month probation sentence.

Yet the most vivid insight into the impunity with which Tanjung Lingga break the law and propagate violence, with the connivance of a corrupt legal system, is the company's deep involvement in the case of the three ships, seized off Pangkalanbun in early November 2001. This case pitted the progressive elements in the Ministry of Forestry and the Navy against corrupt politicians and police officials, and almost cost a courageous man his life.

Seizure at Sea

On October 10th, as the Captain of the Chinese-flagged MV Rong Cheng set course for Malaysia from Durban, South Africa, he received a communication from his shipping company Cosco Group Xiamen in China to set sail to Pangkalanbun, Central Kalimantan, Indonesia. His orders were to go and load the ship with 11,500 m^3 of logs and transport them to Ningbo-Zhangjiagang, China.[31] Stopping first in Kuching, Malaysia, the MV Rong Cheng finally arrived in Pangkalanbun early in the morning of November 5th.[32]

By early November three other

EIA/Telapak pada Januari 2000. Akibat penganiayaan tersebut, dua direktur Tanjung Lingga dikenai hukuman sepele yaitu satu bulan masa percobaan.

Namun, bukti paling jelas tentang kekebalan Tanjung Lingga dalam pelanggaran hukum dan penyebaran kekerasan, – berkat sistem hukum korup yang menutup mata belaka -, adalah keterlibatan kuat perusahaan tersebut dalam kasus tiga kapal yang ditahan di Pangkalanbun pada awal November 2001. Kasus ini menghadapkan langsung unsur-unsur progresif di Departemen Kehutanan dan TNI AL dengan para politikus dan petugas kepolisian yang korup, dan bahkan nyaris merenggut nyawa seorang pemberani.

Penyergapan di Laut

Pada 10 Oktober, ketika Kapten Kapal berbendera Cina MV Rong Cheng dalam perjalanan dari Durban, Afrika Selatan, menuju Malaysia, ia menerima pemberitahuan dari kantornya, Cosco Group Xiamen, di Cina untuk berangkat ke Pangkalanbun, Kalimantan Tengah, Indonesia. Ia diperintahkan untuk berlayar dan mengangkut kayu sebanyak 11.500 meter kubik ke Ningbo-Zhangjiagang,

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Left (three pics): **Three cargo ships carrying illegal logs seized by the Indonesian Navy in cooperation with the Ministry of Forestry, November 2001.**

foreign–registered cargo vessels had arrived off Pangkalanbun to load logs; the Singapore-registered MV Mandarin Sea, the Hong Kong-registered MV Fonwa Star (destined for Mawan, China)[33] and the MV Sea Utility, registered in Thailand. During the course of that week more than 25,000 m^3 of illegally sourced timber was loaded onto the vessels ready for export.[34]

Such an operation was a brazen contravention of the law. In early October the Indonesian government had decreed an export ban on all logs. Yet on this occasion the enforcement authorities in Jakarta were prepared. Acting on prior information from informants, including journalist Abi Kusno Nachran, who had been probing Tanjung Lingga's business dealings, on the 9th November 2002, KRI Pandrong 801, an Indonesian Navy Patrol vessel, was used in a joint operation between the Ministry of

Cina.[31] Setelah singgah di Kuching, Malaysia, akhirnya MV Rong Cheng tiba di Pangkalanbun pada 5 November subuh.[32]

Pada awal November tiga kapal barang asing lainnya tiba di lepas pantai Pangkalanbun untuk mengangkut kayu. Kapal berbendera Singapura MV Mandarin Sea, kapal berbendera Hong Kong MV Fonwa Star (tujuan Mawan, Cina)[33] dan kapal berbendera Thailand MV Sea Utility. Minggu itu lebih dari 25.000 meter kubik kayu dari sumber ilegal telah dimuat dalam ketiga kapal tersebut dan siap ekspor.[34]

Aktivitas semacam itu sungguh merupakan pelecehan hukum. Awal Oktober, pemerintah Indonesia telah mengeluarkan keputusan pelarangan ekspor kayu bulat. Namun pada saat itu, petugas penegak hukum di Jakarta telah siap bertindak. Berdasarkan informasi dari para informan, antara lain wartawan Abi Kusno Nachran, yang sedang menyelidiki kasak-kusuk bisnis Tanjung Lingga, pada 9

More than 25,000 m^3 of illegally sourced timber was loaded onto the vessels ready for export

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Right: **Chinese crew held on board the seized ships in Tanjung Priok port, Jakarta.**

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Forestry and the Navy to seize the ships.

The unprecedented enforcement operation captured three of the vessels, but the MV Sea Utility escaped the net. According to witnesses MV Sea Utility was equipped with machine guns and anchored further away from the other three vessels.[35] Sea Utility appeared to disappear after fleeing the scene, and is next recorded docking in Bangkok in January 2002.

Navy Commander Major Yudo Margono with three of his crew boarded the remaining vessels and asked to see documentation for the timber and the ship. According to Indonesian law the transport of logs, or sawn timber must have with it a document declaring its legality (SKSHH).[36] None of the vessels checked had the required documents and shipping papers revealed that the vessels were planning to sail out of Indonesian waters, in clear contravention of the log export ban.[37]

KRI Pandrong seized the vessels, crew and timber and escorted the three ships to the Navy docks in Tanjung Priok port, Jakarta, where the vessels and cargo were impounded pending a full investigation.

According to Indonesian law the transport of logs, or sawn timber must have with it a document declaring its legality

The Investigation

EIA/Telapak have scrutinised extensive documentation related to the case of the three ships that show the involvement of Tanjung Lingga and relatives of Rasyid in the failed

November 2001 kapal patroli TNI AL KRI Pandrong 801 digunakan dalam operasi gabungan Depatemen Kehutanan dan TNI AL untuk menahan kapal-kapal tersebut.

Operasi penegakan hukum yang baru pertama kali terjadi ini berhasil menangkap tiga kapal, tapi MV Sea Utility lolos dari sergapan. Menurut para saksi, MV Sea Utility dilengkapi dengan senapan mesin dan berlabuh agak jauh dari ketiga kapal lainnya.[35] Tampaknya, Sea Utility menghilang setelah berhasil lolos dalam penyergapan tersebut, dan baru terlihat kembali pada waktu masuk dok di Bangkok pada bulan Januari 2002.

Komandan AL, Mayor Yudo Margono, bersama tiga anak buahnya naik ke kapal-kapal yang terjaring dan menanyakan dokumen perijinan untuk kayu dan kapal tersebut. Menurut undang-undang Indonesia, pengangkutan kayu gelondongan atau kayu gergajian harus disertai dokumen pengangkutan (Surat Keterangan Sahnya Hasil Hutan/SKSHH).[36] Tak satu pun dari kapal-kapal itu memiliki dokumen yang diperlukan dan dokumen pengapalan mengungkapkan bahwa kapal-kapal itu memang berencana berlayar keluar dari perairan Indonesia, yang jelas-jelas melanggar larangan ekspor kayu bulat.[37]

KRI Pandrong menahan ketiga kapal itu berikut para awak dan kayu bawaannya lalu menggiring mereka ke dok Angkatan Laut di Pelabuhan Tanjung Priok Jakarta. Di sana,

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attempt to smuggle timber worth at least US$4 million on board the three ships.

Since January 2000,when some members of his family and company henchmen violently assaulted and kidnapped two activists from EIA and Telapak, Abdul Rasyid has been very careful to ensure his name is no longer on company registers or seen to be personally involved in the *illegal logging* of Tanjung Puting. Instead he now uses his political influence and did so in this case to derail the investigation and secure the eventual release of the three ships.

According to sources close to the investigation and documents seen by EIA/Telapak the illegal timber was owned by the company Bintang Perkasa Utama (BPU). At the time of the loading operation the "prime commissioner" or director of BPU was a man called Agustiar, a nephew of Abdul Rasyid.[38] Documents from Nanjing Ocean Shipping, owner of MV Fonwa Star, relating to the vessel's contract to load and deliver the logs, list Agustiar as the General Director of Tanjung Lingga, and the company as the shippers. However, on 30th November, three weeks after the ships and cargo were seized, Rahmat Nasution Hamka SH, a young company employee replaced Agustiar as the Director of BPU.[39]

Rahmat bizarrely emerged as the main target for the police investigations even though he was not a director of the company at the time of the seizure. Agustiar, Rasyid's nephew and director of BPU at the time, was left out of the investigation.[40]

Documents reveal that PT Lingga Marintama, part of the Tanjung Lingga Group, was deeply involved in facilitating the collection of the illegal logs. These documents include letters to various Indonesian authorities giving notice that the three ships would be arriving into Pangkalanbun and requesting clearance.[41] Confirmation of the role played by Lingga Marintama comes from statements given by the captains of the tugboats used to transport the logs to the loading site. They stated that they had carried the timber from a log pond belonging to BPU and had done so under orders from Negum Eldin, a resident of Pangkalanbun. Eldin is the head of a sub division of Lingga Marintama and did not have the legally required documents to transport the timber.[42]

In addition, the captain of the Rong Cheng said that during the loading of timber his vessel was boarded by a man claming to be the director of the company PT Tanjung Menthobi owned by Abdul Rasyid's brother, Ruslan.[43]

PT. LINGGA MARINTAMA

RECEIVED
05 NOV 2001

Left: **Document showing Tanjung Lingga Group's complicity in loading illegal logs for export.**

ketiga kapal beserta barang muatannya ditahan sambil menunggu penyidikan penuh.

Penyidikan

EIA/Telapak telah mempelajari dengan teliti berbagai dokumentasi yang terkait dengan kasus tiga kapal. Penyidikan itu menunjukkan keterlibatan Tanjung Lingga dan kerabat Rasyid dalam upaya (walaupun gagal) menyelundupkan kayu bernilai sedikitnya 4 juta dolar AS dengan menggunakan ketiga kapal tersebut.

Sejak Januari 2000, ketika sejumlah anggota keluarga dan kaki tangannya menganiaya dan menculik dua aktivis Telapak dan EIA, Abdul Rasyid sangat berhati-hati menjaga agar namanya tidak lagi tercantum dalam daftar perusahaan atau tampak terlibat secara pribadi dalam *illegal logging* di Tanjung Puting. Kini ia menggunakan pengaruh politiknya, juga dalam kasus ini, untuk menggagalkan penyidikan dan memastikan pembebasan ketiga kapal itu.

Menurut sumber-sumber yang dekat dalam penyidikan dan dokumen-dokumen yang dilihat oleh EIA/Telapak, kayu-kayu ilegal tersebut dimiliki oleh perusahaan Bintang Perkasa Utama (BPU). Pada waktu proses pemuatan kayu tersebut, yang menjabat sebagai "komisaris utama" atau direktur BPU adalah Agustiar, salah seorang keponakan Abdul Rasyid.[38] Dokumen-dokumen dari Nanjing Ocean Shipping, pemilik

Rahmat bizarrely emerged as the police target even though he was not a director at the time of the seizure

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Right: **Logs unloaded from the Fonwa Star.**

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The initial police investigation concluded that there was sufficient evidence to carry out a prosecution for the transportation of timber without an SKSHH against Eldin of Lingga Marintama.[44] The police also concluded that there was enough evidence to prove Rahmat NH did commit a criminal act by possessing timber for transport without the required SKSHH.[45] They recommended that the case be returned to Pangkalanbun. The police, represented by Brigadier General Suyitno, argued that the ships could not be classified as "transport means" because they were only loading. This is despite ample documentation stating their destination as China.[46]

Brig. Gen. Suyitno argued that the ships could not be classified as "transport means" because they were only loading

Violence and Intimidation

The response from those involved in the failed smuggling attempt was swift and violent. A few weeks after the seizure, while police and forestry officials were continuing with their investigations, Abi Kusno, the journalist who had alerted the Ministry of Forestry to the ships, was viciously attacked with his editor on the streets of Pangkalanbun. He was taken to the hospital and was later believed to be dead, but by moving his toes alerted a nurse that he was clinging to life.[47]

Over the next ten days an orchestrated campaign to bring the case of the three ships back to courts in Pangkalanbun was in full swing. From paid-for street demonstrations to support from the Regional House of

MV Fonwa Star, menyebutkan kontrak kapal untuk memuat dan mengangkut kayu. Dalam kontrak itu dicantumkan nama Agustiar sebagai General Director Tanjung Lingga dan perusahaan itu sebagai pihak pengirim barang. Namun, pada tanggal 30 November, tiga minggu setelah ketiga kapal dan muatannya ditahan, Rahmat Nasution Hamka SH, seorang pegawai muda di perusahaan itu menggantikan posisi Agustiar sebagai Direktur BPU.[39]

Rahmat, anehnya menjadi sasaran utama penyidikan polisi walaupun ia tidak menjabat sebagai direktur perusahaan pada saat penangkapan terjadi. Agustiar, keponakan Rasyid dan direktur BPU pada saat kejadian, justru lolos dari penyidikan.[40]

Berbagai dokumen mengungkapkan bahwa PT Lingga Marintama, bagian dari Tanjung Lingga Group, sangat jauh terlibat dalam memfasilitasi pengumpulan kayu ilegal. Dokumen-dokumen tersebut antara lain surat-surat ditujukan kepada pihak berwenang Indonesia yang isinya memberitahukan bahwa ketiga kapal tersebut akan tiba di Pangkalanbun dan memerlukan ijin keluar.[41] Konfirmasi tentang peranan Lingga Marintama berasal dari pernyataan-pernyataan yang diberikan oleh kapten kapal tunda yang digunakan untuk mengangkut kayu ke lokasi pemuatan. Mereka menyatakan bahwa kayu-kayu tersebut dibawa dari log pond milik BPU dan pekerjaan tersebut dilakukan dibawah perintah Negum Eldin, penduduk Pangkalanbun. Eldin adalah kepala sub-divisi Lingga

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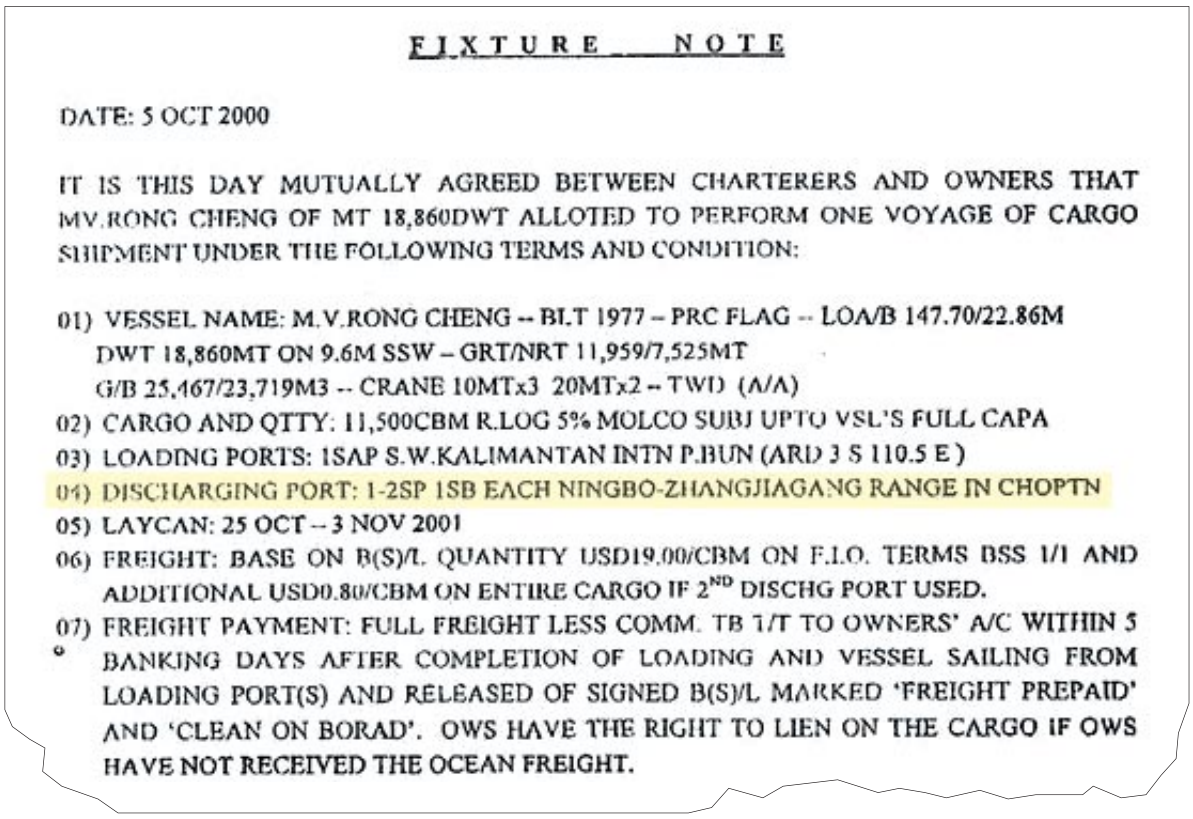

FIXTURE NOTE

DATE: 5 OCT 2000

IT IS THIS DAY MUTUALLY AGREED BETWEEN CHARTERERS AND OWNERS THAT MV.RONG CHENG OF MT 18,860DWT ALLOTED TO PERFORM ONE VOYAGE OF CARGO SHIPMENT UNDER THE FOLLOWING TERMS AND CONDITION:

01) VESSEL NAME: M.V.RONG CHENG -- BLT 1977 – PRC FLAG -- LOA/B 147.70/22.86M DWT 18,860MT ON 9.6M SSW – GRT/NRT 11,959/7,525MT G/B 25,467/23,719M3 -- CRANE 10MTx3 20MTx2 -- TWD (A/A)
02) CARGO AND QTTY: 11,500CBM R.LOG 5% MOLCO SUBJ UPTO VSL'S FULL CAPA
03) LOADING PORTS: 1SAP S.W.KALIMANTAN INTN P.BUN (ARD 3 S 110.5 E)
04) DISCHARGING PORT: 1-2SP 1SB EACH NINGBO-ZHANGJIAGANG RANGE IN CHOPTN
05) LAYCAN: 25 OCT -- 3 NOV 2001
06) FREIGHT: BASE ON B(S)/L QUANTITY USD19.00/CBM ON F.I.O. TERMS BSS 1/1 AND ADDITIONAL USD0.80/CBM ON ENTIRE CARGO IF 2ND DISCHG PORT USED.
07) FREIGHT PAYMENT: FULL FREIGHT LESS COMM. TB T/T TO OWNERS' A/C WITHIN 5 BANKING DAYS AFTER COMPLETION OF LOADING AND VESSEL SAILING FROM LOADING PORT(S) AND RELEASED OF SIGNED B(S)/L MARKED 'FREIGHT PREPAID' AND 'CLEAN ON BORAD'. OWS HAVE THE RIGHT TO LIEN ON THE CARGO IF OWS HAVE NOT RECEIVED THE OCEAN FREIGHT.

Left: **Fixture note confirms destination of logs was China.**

Representatives (DPRD) of West Kotawaringin, appeals were made to the Forestry Minister in Jakarta and Committee III of the House of Representatives (DPR) to bring the case back to the local judiciary and into the clutches of those close to Tanjung Lingga.[48]

The campaign concluded when nine members of the West Kotawaringin House together with some members of the Central Kalimantan timber community met with the head of Indonesia's national police force in Jakarta. It was reported that according to those at that meeting a verbal agreement was given by the police chief to send the case back to Pangkalanbun.[49]

On 13th May 2002, in an inter-agency meeting that EIA/Telapak attended in Jakarta, the police put forward their case to offload and auction the timber, release the ships and send the case to Pangkalanbun. They stated that there was no case to answer as the vessels had not actually sailed, but acknowledged that a criminal case could be brought forward on the owner of the logs, Rahmat Nasution Hamka SH. There was concern that in his defence he would use the fact that he was only made director of the company on November 30th 2001, three weeks after the ships had been seized. It was clear that the police were finding a way out of having to take the case to the Jakarta court, allow for the off-loading of the Marintama dan tidak memiliki surat resmi yang dipersyaratkan untuk mengangkut kayu.[42]

Selain itu, kapten Rong Cheng menyatakan bahwa pada waktu memuat kayu seseorang naik ke atas kapalnya. Orang tersebut mengaku sebagai direktur PT Tanjung Menthobi, milik Ruslan, saudara laki-laki Abdul Rasyid.[43]

Investigasi polisi pada awalnya menyimpulkan ada bukti yang cukup untuk menuntut Eldin dari Lingga Marintama atas tuduhan pengangkutan kayu tanpa SKSHH.[44] Polisi juga menyimpulkan bahwa fakta yang ada cukup untuk membuktikan bahwa Rahmat NH memang melakukan tindak kriminal dengan memiliki kayu untuk diangkut tanpa SKSHH yang dipersyaratkan.[45] Polisi merekomendasikan kasus tersebut untuk dikembalikan ke Pangkalanbun. Brigjen Suyitno atas nama polisi berkilah bahwa kapal-kapal tersebut tidak dapat digolongkan sebagai "alat angkut" karena kapal-kapal tersebut hanya sedang memuat ketika tertangkap. Hal ini bertentangan dengan banyaknya dokumen yang menyatakan tujuan kapal-kapal tersebut adalah Cina.[46]

Kekerasan dan Intimidasi

Tanggapan mereka yang terlibat dalam upaya penyelundupan yang gagal ini cukup cepat dan keras. Beberapa minggu setelah penangkapan, selagi polisi dan petugas kehutanan melanjutkan

Parliament (DPR) Comm 3 lobbied for the case to be sent to Abdul Rasyid's stronghold in Central Kalimantan

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The National Police *(above)* attempts to release the ships and auction the cargo were opposed by the Attorney General's Office (right) and the Ministry of Forestry.

logs and auction the timber as quickly as possible.[50] The police's interpretation of the law and its intended course of action were opposed by both the Ministry of Forestry and the Attorney General's office.

Correspondence seen by EIA/Telapak shows how senior officials from the national police deliberately set out to close the case against the three captains and to auction the illegal logs at the earliest possible opportunity.[51]

penyidikan mereka, Abi Kusno, wartawan yang melaporkankeberadaan kapal-kapal tersebut kepada Departemen Kehutanan, bersama dengan editornya diserang secara keji di jalanan di Pangkalanbun. Ia dibawa ke rumah sakit dan dianggap tewas. Hanya dengan menggerak-gerakkan jari kakinya ia menyadarkan seorang perawat bahwa sebenarnya ia belum meninggal.[47]

Selama sepuluh hari berikutnya upaya untuk membawa kasus ketiga kapal tersebut kembali ke Pangkalanbun berlangsung gencar. Para demonstran bayaran yang mendukung DPRD Kotawaringin Barat menuntut Departemen Kehutanan di Jakarta dan Komisi III DPR agar mengembalikan kasus tersebut ke peradilan lokal dan kembali ke cengkeraman pihak yang dekat dengan Tanjung Lingga.[48]

Upaya tersebut berakhir dengan pertemuan sembilan anggota DPRD Kotawaringin Barat beserta sejumlah masyarakat perkayuan Kalimantan Tengah dengan Kapolri di Jakarta. Dilaporkan oleh mereka yang hadir dalam pertemuan tersebut bahwa Kapolri menjanjikan secara lisan untuk mengirimkan kembali kasus tersebut ke Pangkalanbun.[49]

Pada 13 Mei 2002, dalam acara gelar perkara yang dihadiri oleh EIA/Telapak di Jakarta, polisi mengajukan argumen mereka untuk membongkar muat dan melelang kayu, melepaskan kapal-kapal tersebut dan mengirimkan kasus kembali ke Pangkalanbun. Mereka menyatakan bahwa kasus tidak berlaku karena kapal-kapal tersebut tidak sedang berlayar. Tetapi polisi mengakui bahwa kasus tersebut dapat diajukan sebagai perkara kriminal terhadap pemilik kayu, Rahmat Nasution Hamka SH. Dikuatirkan bahwa dalam pembelaannya ia akan menggunakan fakta bahwa ia baru diangkat menjadi direktur pada 30 November 2001, yaitu tiga minggu setelah ketiga kapal ditangkap. Jelaslah bahwa polisi berupaya untuk tidak membawa kasus tersebut ke pengadilan di Jakarta, memberi kesempatan untuk bongkar muat dan melelang kayu sesegera mungkin.[50] Pemahaman polisi atas hukum dan tindakan yang akan diambil ini ditentang oleh pihak Departemen Kehutanan dan kantor Kejaksaan Agung.

Surat menyurat yang diperiksa oleh EIA/Telapak menunjukkan bahwa pejabat tinggi di Mabes Polri secara sengaja bermaksud menutup kasus terhadap ketiga kapten kapal dan melelang kayu-kayu ilegal tersebut secepat mungkin.[51]

Pada 6 Juni 2002, polisi melelang kayu-kayu sitaan dari ketiga kapal tersebut yang berakhir tanpa satupun penawaran. Setelah berhasil

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Left: **The case was finally sent to Pangkalanbun, Abdul Rasyid's powerbase.**

On June 6th 2002, an auction conducted by the police of the seized timber from the three ships took place in Jakarta without a single bid being made. After successfully getting the ships released, and the case against those involved in the illegal cargo sent back to Pangkalanbun, the main objective was to sell the timber, but the price was too high.

On June 13th the police tried again and this time managed to sell 25,314 m^3 of meranti logs at a vastly reduced price. Despite an initial valuation of US$4 million for the timber when it was seized, the logs eventually sold for less than US$228,000 (US$9 per cubic meter, compared with the market value of meranti logs of US$160).[52]

To date there has been no prosecution of those responsible for attempting to smuggle the logs out of Indonesia. Efforts by the Ministry of Forestry and the Navy to break a major international timber smuggling syndicate centred on Tanjung Lingga have been undermined by the failure of the police to conduct a full investigation. Meanwhile no-one has been charged or prosecuted for the attempted murder of Abi Kusno and his editor.

Although this case caused considerable problems for the shipping companies, timber barons, police and parliamentarians, it was only in the form of financial loss, loss of face and inconvenience. The timber barons and corrupt officials remain free to pursue their illegal activities protected and cosseted by a legal system which is rotten to the core.

melepaskan ketiga kapal, lalu mengirimkan kembali kasus terhadap mereka yang terlibat dalam pengapalan ilegal ke Pangkalanbun, tujuan utama polisi adalah menjual kayu, tapi harga penawarannya terlalu tinggi.

Pada 13 Juni 2002, polisi mencoba lagi dan kali ini berhasil menjual 25.314 m3 kayu meranti dengan harga murah sekali. Dibandingkan dengan penilaian pertama dimana kayu sitaan ditaksir bernilai 4 juta dolar AS, kayu tersebut akhirnya terjual dengan harga kurang dari 228 ribu dolar AS (9 dolar AS per kubik meter, dibandingkan dengan harga pasaran meranti senilai 160 dolar AS).[52]

Hingga hari ini tidak ada tindakan yang diambil terhadap mereka yang berusaha menyelundupkan kayu dari Indonesia. Upaya Departemen Kehutanan dan Angkatan Laut untuk membongkar sindikat besar penyelundup kayu internasional yang berpusat di Tanjung Lingga telah dirusak oleh kegagalan polisi mengusut tuntas kasus tersebut. Sementara itu tidak seorangpun yang dituntut atau ditindak atas percobaan pembunuhan Abi Kusno dan editornya.

Walaupun kasus ini cukup menimbulkan persoalan berarti bagi perusahaan perkapalan, cukong kayu, polisi dan wakil rakyat, tapi ini hanyalah masalah dalam bentuk kerugian keuangan, kehilangan muka dan kerepotan belaka. Raja kayu dan petugas yang korup masih bebas menjalankan aktivitas ilegal mereka yang dilindungi dan dimanjakan oleh sistem peradilan yang busuk sampai ke akar-akarnya.

The timber barons and corrupt officials remain free to pursue their illegal activities.

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Trying to Kill the Messenger

Pangkalanbun is a small port and most of the large vessels that anchor off its coast are there to load and export timber, most of which is illegally sourced. Certainly, with Tanjung Puting National Park situated beside the rivers that lead to where ships anchor, vast amounts of ramin, meranti and other timber plundered from the park, have been exported to international markets. With four cargo vessels anchored off Pangkalanbun, local residents could not miss the activity taking place in early November 2001.

H. Abi Kusno Nachran, a journalist with the central Java tabloid newspaper Lintas Khatulistiwa, took a special interest in the activities surrounding the ships. His knowledge of *illegal logging* and transport from the region plus its local politics gave him a context in which to conduct an investigation into those behind the smuggling of timber into overseas markets. Information from his investigation was provided to forestry officials in Jakarta, including the loading of the four ships.[53]

Previous investigations by Abi Kusno had turned up strong links between illicit timber trafficking in the area and the Tanjung Lingga Group set up by Abdul Rasyid. He had already become a thorn in the side of this group and in September, two months before the arrival of the four ships, says he had received death threats.[54]

Abi Kusno paid a very high price for his work, almost paying with his life. Returning to Pangkalanbun from a trip to Jakarta on 28th November, he was attacked with spears, machetes and hydrochloric acid. His editor who had picked him up from the airport had his stomach ripped open with a long knife.[55]

Both victims survived the attack but Abi Kusno paid a high price – he lost four fingers from his left hand and a bone in his right hand was broken off. His back was slashed 17 times and needed 209 stitches and he had one ear sliced off. During emergency surgery he needed 27 bags of blood in the course of a seven-hour operation that saved his life.[56] He is convinced that this attack was as a direct result of his role in exposing the planned timber smuggling operation.[57]

To date one person has been arrested but no one has been charged for the attempted murder of Abi Kusno and his editor. Abdul Rasyid and his family have not been investigated.

Right: **Abi Kusno suffered horrendous permanent injuries.**

Opposite page: **The Rong Cheng moored in Surabaya after its release.**

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Mencoba Membunuh Pembawa Pesan

Pangkalanbun adalah pelabuhan kecil dan sebagian besar kapal besar berlabuh di sana untuk mengangkut dan mengekspor kayu, kebanyakan diantaranya berasal dari sumber ilegal. Jelaslah, keberadaan Taman Nasional Tanjung Puting yang tepat di pinggir sungai yang bermuara ke tempat kapal-kapal berlabuh, membuat banyak ramin, meranti dan kayu-kayu jarahan dari Taman Nasional, telah diekspor ke pasar internasional. Sudah tentu aktivitas empat kapal barang yang berlabuh di Pangkalanbun di awal November tidak akan luput dari pengamatan penduduk lokal.

Abi Kusno Nachran, wartawan koran Jawa Tengah Lintas Khatulistiwa menaruh perhatian khusus pada aktivitas di sekitar kapal-kapal itu. Pengetahuannya tentang *illegal logging* dan pengangkutan kayu ilegal dari daerah itu ditambah pengetahuan mengenai politik lokalnya memberi konteks untuk melakukan investigasi terhadap mereka yang berada dibalik penyelundupan kayu ke pasar luar negeri. Informasi yang didapat dari penyidikan itu lalu disampaikan kepada petugas kehutanan di Jakarta, termasuk tentang aktivitas pemuatan keempat kapal.[53]

Investigasi yang dilakukan Abi Kusno sebelumnya telah mengungkapkan adanya hubungan yang erat antara perdagangan kayu ilegal dan Tanjung Lingga Group yang didirikan oleh Abdul Rasyid. Atas penyidikannya tersebut sang wartawan sudah menjadi duri bagi kelompok bisnis ini dan pada bulan September, yaitu dua bulan sebelum kedatangan keempat kapal itu, ia telah menerima ancaman pembunuhan.[54]

Abi Kusno membayar mahal untuk hasil kerjanya, bahkan nyaris kehilangan nyawa. Sepulangnya ke Pangkalanbun dari Jakarta pada 28 November 2001, ia diserang dengan tombak, mandau dan larutan asam. Editornya yang datang menjemput dari bandara juga diserang dengan pisau hingga perutnya sobek.[55]

Kedua korban selamat, tetapi Abi Kusno harus membayar mahal - empat jari tangan kirinya putus dan tulang di tangan kanannya patah. Punggungnya dibacok 17 kali dan perlu 209 jahitan serta salah satu telinganya ditebas. Selama operasi darurat ia memerlukan 27 kantung darah dalam operasi yang berlangsung selama 7 jam yang akhirnya mampu menyelamatkan nyawanya.[56] Ia yakin serangan itu ada hubungan dengan peranannya mengungkapkan operasi penyelundupan kayu yang direncanakan.[57]

Hingga hari ini hanya satu orang yang ditahan, tetapi tidak seorangpun dikenai hukuman atas percobaan pembunuhan terhadap Abi Kusno dan editornya. Abdul Rasyid dan keluarganya tidak pernah disidik sama sekali.

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Murky Waters

On the 5th October 2001 a contract was signed between Cosco Xiamen and BAL shipping (HK) Co Ltd for the loading and delivery of 11,500 m^3 of timber onto the MV Rong Cheng from Pangkalanbun.[58] Following this notification Lingga Marintama, which is part of the Tanjung Lingga group owned by Abdul Rasyid and his family, sent a letter of notification to the Port authority in Pangkalanbun of the arrival of the MV Rong Cheng on November 5th 2001.

One hour after the ship reached the loading site, the captain of the MV Rong Cheng was visited on board by two Indonesians, Mr. Aming and Mr.Abun, who claimed to be working for the charterers.[59] A third Indonesian Mr.Ujang demanded various ship certification documents. The captain asked for identification but was only given Mr.Ujang's mobile phone number.[60] In order for the vessel to prepare for loading the captain requested that the agents present a loading list of the cargo. He was told that all relevant documents for the cargo would be sent the following day. Those documents never arrived despite the captain's attempt to get them. The next day he went to the agent's office and was told by Mr.Ujang he did not have them but would bring them to the ship as soon as he received them.[61]

On the 9th November someone identifying himself as the owner of PT Tanjung Menthobi boarded the MV Rong Cheng and asked to inspect the loading procedures of the vessel. PT Tanjung Menthobi is owned by Abdul Rasyid's brother, Ruslan.[62]

Again, the captain asked for the cargo documents but the visitor explained that he did not have them.

During the period 7-9 November 2001, the Captain of the Rong Cheng stopped loading the timber and again requested cargo documents. He never received them. As a result of the slowing down of loading there was only 4,000 m^3 of timber on board the MV Rong Cheng instead of the contracted 11,500 m^3 when the Indonesian Navy boarded and seized the vessel.

© Mardi Minangsari/Telapak/EIA

Air Keruh

Pada 5 Oktober 2001 sebuah kontrak ditandatangani antara Cosco Xiamen dan BAL shipping (HK) Co Ltd untuk memuat dan mengangkut 11.500 m3 kayu ke kapal MV Rong Cheng dari Pangkalanbun.[58] Setelah pemberitahuan ini Lingga Marintama, yang merupakan bagian dari Tanjung Lingga Group milik Abdul Rasyid dan keluarganya, mengirim surat pemberitahuan kepada pihak yang berwenang di Pelabuhan di Pangkalanbun mengenai kedatangan kapal MV Rong Cheng pada 5 November 2001.

Satu jam setelah kapal tiba di lokasi muat, kapten kapal MV Rong Cheng didatangi di atas kapal oleh dua pria Indonesia, Bapak Aming dan Bapak Abun, keduanya mengaku bekerja untuk pihak penyewa.[59] Pria Indonesia ketiga, Bapak Ujang, minta diperlihatkan berbagai dokumen sertifikasi kapal. Ketika kapten menanyakan tanda pengenal diri, yang diberikan hanyalah nomor telpon genggam Bapak Ujang.[60] Untuk mempersiapkan kapal bagi pemuatan barang kapten meminta agen untuk menyerahkan daftar muatan kapal. Dikatakan bahwa semua dokumen yang terkait untuk pengangkutan akan dikirimkan keesokan harinya. Semua dokumen tersebut tidak pernah diterima walaupun sudah diminta oleh kapten kapal. Keesokan harinya ia pergi ke kantor agen dan dikatakan oleh Bapak Ujang bahwa ia tidak memiliki dokumen-dokumen kargo tersebut. Tapi dijanjikan begitu dokumen tiba akan segera diserahkan kepada kapten kapal.[61]

Pada 9 November seseorang yang mengaku sebagai pemilik PT Tanjung Menthobi naik ke atas kapal MV Rong Cheng dan bermaksud untuk memeriksa prosedur pemuatan di kapal. PT Tanjung Menthobi dimiliki oleh Ruslan, saudara lelaki Abdul Rasyid.[62]

Sekali lagi, kapten kapal menanyakan dokumen pengapalan tetapi orang persebut mengaku tidak memiliki.

Diantara tanggal 7-9 November 2001, Kapten Rong Cheng menghentikan pemuatan kayu dan sekali lagi meminta dokumen kargo. Ia tidak pernah menerima dokumen tersebut. Karena pemuatan sempat terhenti, hanya 4.000 m3 kayu yang terdapat di kapal MV Rong Cheng bukannya 11.500 m3 seperti dinyatakan dikontrak, ketika kapal tertangkap basah oleh TNI AL.

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Above: **Tanjung Puting National Park is a jewel in Indonesia's biodiversity crown.**

The Plight of Tanjung Puting

The continuing wilful destruction of Tanjung Puting National Park is a direct consequence of the corrupt politics of Central Kalimantan and the pernicious influence of Abdul Rasyid's Tanjung Lingga. In such a climate of dysfunctional lawlessness the environment and aspirations of justice are being irrevocably damaged.

Information regarding the *illegal logging* of Tanjung Puting has been made available to the Government of Indonesia and the international donors to Indonesia since August 1999 when EIA and Telapak first published their report "The Final Cut". This was updated in 2000 and new information was provided to the Consultative Group on Indonesia (CGI) in 2001.

Regular personal briefings and co-operation between parts of the government and NGOs have resulted in the occasional flurry of activity to remove illegal loggers from the Park, most notably prior to CGI meetings. However, these brief bursts of enforcement have all been short-lived. The

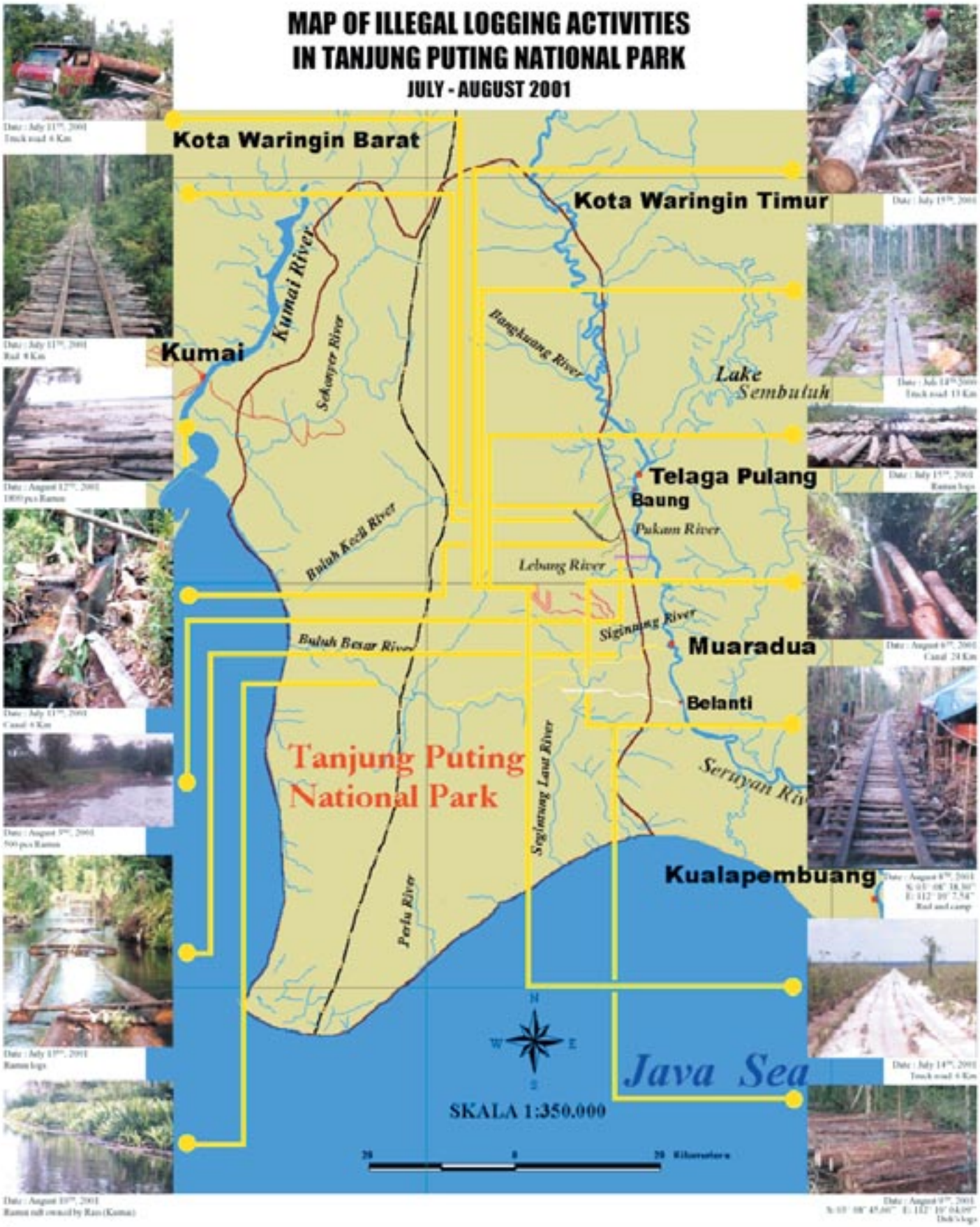
Right: ***(opposite page)*** **Map and photographs supplied to the government by EIA and Telapak in 2001. The infrastructure and timber bosses remain today.**

Penderitaan Tanjung Puting

Perusakan TNTP dengan sengaja yang terus berlangsung merupakan akibat langsung dari politik Kalimantan Tengah yang korup dan pengaruh buruk Tanjung Lingga milik Abdul Rasyid. Dalam iklim yang cacat tanpa hukum, lingkungan hidup dan aspirasi keadilan berada dalam proses kehancuran.

Informasi mengenai *illegal logging* di Tanjung Puting telah disodorkan kepada Pemerintah Indonesia dan donor internasional untuk Indonesia sejak bulan Agustus 1999 ketika EIA dan Telapak menerbitkan laporan pertama "The Final Cut". Laporan itu diperbarui pada tahun 2000 dan informasi baru diberikan kepada CGI pada tahun 2001.

Briefing pribadi secara teratur dan kerjasama antara departemen pemerintah dan Ornop mendorong kegiatan musiman untuk menyingkirkan penebang ilegal dari Taman Nasional. Operasi ini biasanya terjadi sebelum pertemuan-pertemuan CGI. Akan tetapi operasi penegakan hukum yang mendadak ini


MAP OF ILLEGAL LOGGING ACTIVITIES
IN TANJUNG PUTING NATIONAL PARK
JULY - AUGUST 2001
Kota Waringin Barat
Kota Waringin Timur
Kumai
Kumai River
Sekonyer River
Bangkuang River
Lake Sembuluh
Telaga Pulang
Baung
Pukun River
Lebung River
Buluh Kecil River
Buluh Besar River
Sigintung River
Muaradua
Belanti
Seruyan River
Seglonang Laut River
Perlu River
Tanjung Puting
National Park
Kualapembuang
Java Sea
SKALA 1:350.000
LEGENDS
Canal
Truck Road
Rail
Owned by :
DIDI
IYUN
MARJAN
SAPTA
TASRUN
YOHANES
SUPRI
SUPARDI
Notes :
- Tasrun financed by CV. Setia Karya (Owned by A. Chia, Surabaya)
- Marjan financed by PT. Vitico (Surabaya)
- Supardi financed by PT. Vitico (Surabaya)
- Loggers are outsiders (Nganjuk, Pacitan, East Java)
- Ateng and Sugianto operate leading 4 groups in Supardi Area

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The government has utterly failed the test to reduce the logging and prosecute the timber mafia.

loggers have always returned to the Park and the destruction continues today. Vast tracts of the Park have been affected and a commercial infrastructure of log rails, logging camps, roads, canals, and log ponds has developed across most of the Park. The situation is worse today than it was in 1999.

Tanjung Puting has been accepted as a test case for the government in its fight against *illegal logging*, especially in National Parks. To date the government has utterly failed the test to reduce the logging or prosecute the timber mafia, including Abdul Rasyid, behind the destruction of this jewel in Indonesia's biodiversity crown.

There is increasing evidence of local unrest as local residents feel that when any enforcement action takes place, it concentrates on the loggers and not the timber bosses.[63] This has been a central message of EIA and Telapak's recommendations for the last three years – logging will only stop when the corrupt political and business elite profiting from the logging is seriously tackled and those responsible are prosecuted.

Recent reports from the Park show that there has been little attempt to destroy the logging infrastructure or tackle the loggers despite an enforcement operation involving 70

umumnya hanya berlangsung singkat. Para penebang selalu kembali ke Taman Nasional dan perusakan hutan terus berlangsung sampai hari ini. Bagian Taman Nasional yang dirusak sudah sangat luas dan prasarana komersial seperti rel-rel kayu, kamp logging, jalan, kanal dan kolam untuk menampung kayu bulat telah dibangun di seluruh penjuru Taman Nasional. Dibandingkan tahun 1999 situasi hari ini di Tanjung Puting jauh lebih buruk.

Tanjung Puting telah diangkat sebagai batu ujian bagi pemerintah dalam memerangi ilegal logging, terutama di Taman-taman Nasional. Hingga hari ini pemerintah telah gagal total dalam ujian untuk mengurangi penebangan atau menghukum para mafia kayu, termasuk Abdul Rasyid, yang berada dibalik kerusakan mahligai keanekaragaman hayati Indonesia.

Semakin banyak bukti adanya keresahan diantara masyarakat setempat yang merasa ketika operasi penegakan hukum dilakukan hanya penebang yang menjadi sasaran, sementara para cukong kayu lolos dari operasi.[63] Hal ini sudah menjadi pesan utama dari rekomendasi EIA dan Telapak selama tiga tahun belakangan ini, yaitu penebangan hanya akan berhenti jika elit politik dan pelaku bisnis yang korup dan memetik keuntungan darinya ditangani secara serius dan mereka yang

Right: **Log rail running through Tanjung Puting National Park, August 2002.**

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Left: **Orangutans face extinction.**

policemen in September 2002.[64] EIA and Telapak provided the government with a detailed map outlining locations of the logging infrastructure and the names of the timber bosses working in the east of the Park at the end of 2001.[65] This infrastructure is still in place and the loggers have expanded the area in which they are working.[66]

For a while it appeared as if logging had been reduced in the north of the Park where log rafts had previously been seen day and night on the Sekonyer River. This area is easily accessible and frequented by tourists visiting the Park to see the wildlife, especially the orangutans. Yet recent reports, including one from local parliamentarians who saw a 200 metre log raft on the Sekonyer River with around 100 cubic metres of ramin and nyatoh logs[67] suggests even this area continues to be destroyed. The fruit of the nyatoh tree is an important food resource for orangutans.[68]

The Buluh Kecil River is reported to have many logging camps along its banks and an infrastructure of log rails penetrating the forest interior. These rails and logging camps stretch many kilometres into the forest and canals have been dug to float the logs to the river. Recent reports confirm that these rails have now entered the world-renowned orangutan research area established by Professor Birute Galdikas thirty one years ago. The loggers, who come from all over Indonesia as well as from the

bertanggung jawab dihukum.

Laporan terbaru dari Tanjung Puting menunjukkan sedikit sekali upaya untuk menghancurkan prasarana logging atau upaya mengatasi penebang walaupun sudah diadakan operasi penegakan hukum yang melibatkan 70 polisi pada bulan September 2002.[64] EIA dan Telapak menyodorkan sebuah peta rinci kepada pemerintah menggambarkan garis besar lokasi prasarana logging serta daftar nama cukong kayu yang terlibat dalam penebangan di bagian timur Taman Nasional pada akhir 2001.[65] Prasarana tersebut masih tetap ada di sana dan para penebang semakin memperluas wilayah jarahan mereka.[66]

Untuk sementara waktu tampaknya penebangan telah berkurang di bagian utara Taman Nasional. Dahulu, siang-malam rakit kayu bulat sibuk menghilir di Sungai Sekonyer. Daerah ini mudah dicapai dan sering dikunjungi wisatawan yang berkunjung ke Taman Nasional untuk melihat satwa liar, terutama orangutan. Namun laporan terakhir, termasuk diantaranya dari salah seorang anggota DPRD setempat, melaporkan adanya rakit kayu gelondongan sepanjang 200 meter menghilir di Sungai Sekonyer yang memuat sekitar 100 meter kubik ramin dan kayu nyatoh.[67] Pengamatan tersebut menandakan bahwa daerah itu masih terus dirusak. Buah pohon nyatoh merupakan sumber makanan yang penting bagi orangutan.[68]

Log rails have now entered the world-renowned orangutan research area.

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Above: **Log raft in Tanjung Puting, August 2002.**

local town of Kumai, are also hunting and stripping trees of bark causing further untold damage to this fragile ecosystem.[69] Recent reports state that there are now fires burning along the Buluh Kecil River.[70]

In a recent interview, the head of Tanjung Puting National Park Lusman Pasaribu talked about how dangerous the situation is for park officials in protecting this valuable area: "Our staff are often threatened and are often beaten by community members. We have experienced intimidation and even damage of our office and has still been happening until now.

"Last May, I experienced actions of the community which, in my view, were extremely anarchic. The community destroyed a roadblock built by the government to obstruct a timber route out of the forest and burnt down a post also built by the government."[71]

In the dry season it is sometimes difficult to transport the logs out of the Park. In early

Di sepanjang tepi sungai Buluh Kecil dilaporkan banyak terdapat kamp logging dan prasarana rel-rel kayu yang merambah sampai ke tengah hutan. Rel-rel dan kamp tersebut membentang hingga berkilo-kilo meter masuk ke dalam hutan. Kanal digali untuk mengalirkan kayu-kayu bulat ke sungai. Laporan terakhir menyebutkan rel-rel tersebut kini telah memasuki wilayah penelitian orangutan yang terkenal di dunia, yang dibangun oleh Profesor Birute Galdikas tigapuluh satu tahun yang lalu. Selain dari Kumai, kota setempat, para penebang berasal dari berbagai daerah di Indonesia. Mereka juga berburu dan mengambil kulit kayu, tindakan yang semakin memperparah kerusakan ekosistem yang rentan tersebut.[69] Laporan terakhir juga menyatakan saat ini terjadi kebakaran hutan di sepanjang sungai Buluh Kecil.[70]

Dalam suatu wawancara baru-baru ini, kepala Taman Nasional Tanjung Puting Lusman Pasaribu berkomentar tentang situasi berbahaya yang dihadapi petugas TNTP dalam melindungi kawasan yang berharga ini: "Staf kami sering diancam dan dipukuli oleh anggota masyarakat. Kami juga mengalami intimidasi dan bahkan kantor kami dirusak, hal itu masih berlangsung hingga sekarang."

"Bulan Mei yang lalu saya mengalami aksi masyarakat yang menurut pandangan saya sangat anarkis. Masyarakat menghancurkan sebuah palang jalan yang dibangun pemerintah untuk menghalangi jalur kayu keluar dari hutan dan mereka membakar sebuah pos penjagaan yang dibangun pemerintah."[71]

Pada musim kemarau terkadang sulit untuk mengangkut kayu keluar dari Taman Nasional. Pada awal September dilaporkan sebuah rakit kayu yang memuat 2000 potong meranti campuran, diduga milik PT Sungai Bulan Kencana, tersangkut di desa Benua Usang.[72]

Beberapa penebang dilaporkan telah ditahan di Pembuang Hulu, di sungai Seruyan di sebelah timur Taman Nasional. Tetapi, mereka marah dan jengkel karena melihat para cukong kayu tetap dapat bebas menjalankan aksi sementara merekalah yang menanggung akibat aksi penegakan hukum yang sporadik itu. Atas nama para penebang yang ditangkap, seorang penduduk setempat menulis surat protes atas penahanan tersebut kepada Bupati Abdul Razak, bunyinya: "Cukong dengan banyak uang dan peralatan berat melakukan hal yang sama di Taman Nasional Tanjung Puting, tapi sejauh ini

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Left: **Illegal logs in Tanjung Puting, August 2002.**

Below: **Loggers working in Tanjung Puting National Park.**

polisi tidak mengambil tindakan apa-apa terhadap mereka".[73] Penduduk setempat menyebut PT Wanasawit Subur Lestari sebagai perusahaan yang berkiprah di kawasan tersebut.

Wakil ketua DPRD Kalimantan Tengah pernah mengatakan bahwa kegiatan *illegal logging* dilindungi oleh tokoh politik yang korup di kantor pemerintahan setempat.[74] Ia tidak mau menyebutkan nama para tokoh politik tersebut. Sementara itu faksi Partai Bulan Bintang (PBB) di DPRD Kabupaten Kotawaringin Barat telah menjanjikan penegakan hukum di TNTP. Komisi-komisi di DPRD mengunjungi dan melihat kawasan yang rusak di dalam TNTP antara Sungai Sekonyer dan Sungai Buluh serta menghitung adanya lebih dari 40 pondok dengan 400 pekerja tinggal di sana.[75]

Laporan selanjutnya menyebutkan rakit-rakit kayu bulat berisi 300 potong kayu ditarik oleh dua kapal kecil menghilir Sungai Buluh Besar pada tanggal 6 September. Sebuah gerbang dan gardu penjaga yang dibangun di mulut sungai tahun lalu untuk menunjukkan adanya aktivitas penegakan hukum tidak pernah tampak dijaga setidaknya dalam 3 bulan terakhir dan sudah rusak.[76]

Menanggapi laporan tersebut Bupati Abdul Razak menyatakan: "Kita akan tindak

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Right: **Proboscis monkey, one of nine primates found in Tanjung Puting.**

September this year it was reported that a 2000 piece mixed meranti log raft, alleged to be owned by PT Sungai Bulan Kencana, was stuck in the village of Benua Usang.[72]

Some loggers have reportedly been arrested in Pembuang Hulu, on the Seruyan river to the east of the Park, but these people are angry and frustrated because they see the timber bosses continuing their activities unimpeded while they bear the brunt of sporadic enforcement actions. A local resident has written on their behalf to the local governor (bupati) Abdul Razak complaining about their arrest stating: "There are big businessmen with a lot of money and heavy equipment doing the same thing in Tanjung Puting National Park, but so far the police haven't taken any action against them".[73] These local residents named PT Wanasawit Subur Lestari as a company working in the area.

The shadow leader of the Central Kalimantan Provincial parliament (DPRD) has said that the *illegal logging* activities are backed by corrupt politicians in the local government office.[74] He declined to name the politicians. Meanwhile the Partai Bulan Bintang (PBB) political party faction from the DPRD in West Kotawaringin has made a plea for enforcement in the Park. Commissions from the local parliament observed damaged areas of the Park between the Sekonyer River and the Buluh River and counted more than 40 huts with 400 workers living there.[75]

There are further reports of log rafts being towed down the Buluh Besar River with 300 pieces recorded being pulled by two small boats on 6th September. A gate and guard post built at the mouth of the river last year as a show of enforcement activity has not been manned for at least three months and appears broken.[76]

The bupati Abdul Razak has responded to these reports by saying: "We'll take strong action on whoever destroys Tanjung Puting National Park. Law enforcement needs to be carried out to save Tanjung Puting as a local, national and international asset." He concedes that he will ask central government for help if his staff cannot handle the problem. In the same report a local resident complained that local people are used as scapegoats and that "there is a person who profits and the authorities take no action against him."[77] Despite all the words and promises of action it is business as usual in Tanjung Puting.

"Law enforcement needs to be carried out to save Tanjung Puting as a local, national and international asset."

Abdul Razak, Bupati, September 2002

tegas, siapapun orangnya. Penegakan supremasi hukum perlu dilakukan demi menyelamatkan TNTP sebagai aset daerah, nasional bahkan internasional." Ia menyatakan bahwa ia akan meminta bantuan pemerintah pusat jika stafnya tidak mampu mengatasi masalah. Dalam laporan yang sama seorang penduduk setempat protes bahwa masyarakat setempat hanya dijadikan kambing hitam belaka "sementara, ada oknum yang mengambil keuntungan dari TNTP tak pernah ditindak".[77] Terlepas dari semua kata-kata dan janji untuk bertindak ini, semuanya berjalan seperti biasa di Tanjung Puting.

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Conclusions:

- The serious problem of *illegal logging* has spiralled further out of control over the last year with National Parks and protected areas being logged faster than ever before.
- Tanjung Puting National Park, as a test case for the Government of Indonesia (GOI) to tackle *illegal logging*, remains extremely valid. The GOI continues to fail this test.
- The GOI has failed to crack down on *illegal logging* largely due to endemic corruption in the enforcement and judicial authorities.
- Efforts by the Ministry of Forestry to seize illegal shipments of logs have been supported by the Indonesian Navy but thwarted by senior police officials.
- Since EIA and Telapak's first report (The Final Cut, 1999) on logging of Tanjung Puting National Park and the timber baron Abdul Rasyid, Rasyid has greatly increased his power in Central Kalimantan and extended his corrupt influence to other parts of Indonesia including Jakarta.
- The Minister of Forestry, Dr Muhammad Prakosa has supported senior reformist officials and taken some courageous decisions despite enormous pressure used against him.
- Reformist Ministry of Forestry officials, in the absence of a just judicial process, have succeeded in causing serious financial harm to shipping companies caught up in the transportation of illegal logs.
- International moves by the GOI have started a process of agreement between consuming countries and Indonesia to tackle *illegal logging* and the markets for illegal timber and timber products.

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Recommendations:

To the Government of Indonesia:

- President Megawati Soekarnoputri must instruct her office to give full support to the Minister of Forestry to tackle *illegal logging*. This must include immediate suspension and independent investigation of any enforcement officers suspected of aiding and abetting illegal activities.
- The President must remove Abdul Rasyid's parliamentary immunity from prosecution and appoint an independent team of investigators, prosecutors and judges to investigate and audit Rasyid and his family's business activities, tax declarations, and suspected involvement in processing and shipping illegal timber, kidnap and attempted murder.
- There must be a full investigation into the role of the national Police in the case of the three cargo ships arrested by the Navy in November 2001.
- A national independent forest crimes unit must be formed from selected honest investigators, prosecutors and judges and empowered to process the most serious cases of forest crime.
- Until a transparent and trustworthy system is developed, seized timber should be routinely destroyed to prevent any opportunity for profit from an illegal activity.
- The business activities of the military must be made transparent and accountable.

To the international community:

- When considering loans and support to the GOI, decisions should be partly based on whether the GOI is seriously tackling reform of the enforcement and judicial system relating to forestry.
- Financial and technical support must be provided to the GOI to tackle judicial reform as well as to develop mechanisms to determine and track legal timber from the forest to the consumer.
- Timber consuming countries must enact new legislation to prevent the import of illegally sourced timber and timber products.

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Kesimpulan:

- Masalah *illegal logging* yang serius telah berkembang tanpa kendali selama setahun belakangan.Taman-taman Nasional dan kawasan lindung telah dijarah dengan kecepatan lebih daripada sebelumnya.
- Taman Nasional Tanjung Puting, masih tetap merupakan batu ujian bagi pemerintah Indonesia dalam mengatasi *illegal logging*. Pemerintah Indonesia terus menunjukkan kegagalannya dalam ujian ini.
- Pemerintah Indonesia telah gagal menghentikan *illegal logging* terutama akibat korupsi yang telah mengakar diantara petugas penegak hukum dan peradilan.
- Berbagai upaya Departemen Kehutanan didukung oleh TNI AL untuk menangkap pengapalan kayu bulat ilegal telah dirintangi oleh pejabat teras kepolisian RI.
- Sejak laporan pertama EIA dan Telapak (The Final Cut, 1999) mengenai *illegal logging* di Taman Nasional Tanjung Puting dan raja kayu Abdul Rasyid, Rasyid telah semakin memperbesar kekuasaannya di Kalimantan Tengah dan memperluas pengaruh korupnya di daerah lain di Indonesia termasuk Jakarta.
- Menteri Kehutanan, Dr Muhammad Prakosa, telah mendukung pejabat tinggi yang pro-reformasi dan mengambil sejumlah langkah berani ditengah-tengah tekanan melawan dirinya.
- Pejabat-pejabat Departemen Kehutanan yang pro-reformasi, ditengah ketiadaan proses peradilan yang adil, berhasil menimbulkan masalah keuangan yang serius bagi perusahaan pengapalan yang tertangkap selagi mengangkut kayu bulat ilegal.
- Langkah internasional yang diambil pemerintah Indonesia telah mengawali suatu proses kesepakatan antara negara-negara konsumen dan Indonesia dalam mengatasi *illegal logging* dan pasar bagi kayu dan produk kayu ilegal.

Rekomendasi:

Kepada Pemerintah Indonesia:

- Presiden Megawati harus menginstruksikan pemerintahnya untuk memberikan dukungan penuh kepada Departemen Kehutanan dalam menanggulangi *illegal logging*. Dukungan tersebut harus mencakup penahanan segera dan penyidikan independen terhadap setiap petugas penegak hukum yang diduga telah membantu dan bersekongkol dengan kegiatan ilegal.
- Presiden harus menghapuskan kekebalan anggota MPR Abdul Rasyid dari hukuman dan menunjuk tim independen yang terdiri dari penyidik, jaksa dan hakim untuk menyidik dan memeriksa kegiatan bisnis Rasyid dan keluarganya, laporan pajak mereka, dan dugaan keterlibatannya dalam pemrosesan dan pengapalan kayu ilegal, penculikan dan usaha pembunuhan.
- Harus dilakukan penyidikan penuh atas peranan kepolisian negara dalam kasus tiga kapal barang yang ditangkap oleh TNI AL pada bulan November 2001.
- Harus dibentuk sebuah satuan penanggulangan kejahatan hutan yang independen yang terdiri dari penyidik, jaksa dan hakim yang jujur untuk memproses secara hukum kasus-kasus kejahatan hutan yang paling serius.
- Hingga terbentuk sistem yang transparan dan terpercaya, kayu-kayu sitaan harus dihancurkan secara rutin untuk menghindari segala kesempatan pemanfaatan aktivitas yang ilegal.
- Kegiatan bisnis militer harus transparan dan bisa dipertanggungjawabkan.

Kepada komunitas internasional:

- Pada waktu mempertimbangkan pinjaman dan bantuan untuk Pemerintah Indonesia, keputusan sepatutnya didasarkan sebagian pada seberapa seriusnya Pemerintah Indonesia menangani reformasi sistem penegakan hukum dan peradilan yang terkait dengan kehutanan.
- Dukungan finansial dan teknis harus diberikan kepada Pemerintah Indonesia untuk menangani reformasi peradilan dan juga guna mengembangkan mekanisme untuk menentukan dan melacak kayu legal dari hutan sampai ke konsumen.
- Negara-negara konsumen kayu harus membuat undang-undang baru untuk mencegah impor kayu dan produk kayu dari sumber ilegal.

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environmental **investigation** agency

telapak

EIA UK
62-63 Upper Street
London N1 0NY
United Kingdom
info@eia-international.org
Tel (+44) 20 7354 7960
Fax (+44) 20 7354 7961
www.eia-international.org

EIA US
P.O. Box 53343
Washington DC 20009
USA
EIAgency@email.msn.com
Tel (+1) 202 483 6621
Fax (+1) 202 986 8626
www.ecocrimes.org

TELAPAK
Jl. Sempur Kaler No.16
Bogor 16154
Indonesia
info@telapak.org
Tel (+62) 251 320792
Fax: (+62) 251 351069
www.telapak.org