

The Constitutionality of Forest Protection in the Era of Decentralization: A Juridical Analysis of the Weaknesses in Anti-Illegal Logging Enforcement

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ABSTRACT

This study analyzes the constitutionality of Indonesia's forest protection within the decentralization regime by combining normative and empirical approaches. Article 28H paragraph (1) of the 1945 Constitution guarantees every person the right to a good and healthy environment; however, data from 2019-2025 reveal a significant gap between constitutional norms and practice: 2,133 cases of illegal logging in Sulawesi, 22,000 hectares of forest fires in Riau, Sonokeling logging in TTU valued at IDR 600 million, and the smuggling of 55 containers of illegal timber through sea routes. The study finds that fragmented authority due to decentralization, weak inter-agency coordination, and limited enforcement capacity have created an enforcement gap that results in violations of citizens' constitutional rights. Using the frameworks of environmental constitutionalism, multi-level governance, and the rule of law, this research argues that the state's failure to fulfill its obligations in forest management under Articles 28H and 33 of the 1945 Constitution constitutes a denial of the public trust doctrine. The main recommendations include establishing a "Green Constitutional Authority," creating cross-provincial task forces, harmonizing central-regional regulations, and implementing a model of constitutional-based forest governance to ensure forest protection as a constitutional commons that is ecologically just and sustainable. This study contributes theoretically to the development of the constitutional environmental law paradigm in Indonesia by emphasizing the importance of integrating the constitutional right to a healthy environment and the principle of ecological justice into the design of state institutions.

Keywords: Forest constitutionality, Right to environment, Decentralization, Illegal logging, Environmental law enforcement

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INTRODUCTION

At the same time, forests serve as a constitutional asset of the nation. Within the framework of ecological constitutionalism, forests are not merely regarded as economic commodities, but as guarantors of life's sustainability, explicitly protected under Article 28H paragraph (1) of the 1945 Constitution. This article affirms the right of every person to a good and healthy environment, which means that forest protection is not only ecological in nature but also a constitutional right that the state is obliged to fulfill. (Mubiina, 2020)

Nonetheless, reality shows a significant gap between constitutional norms and their implementation. Empirical data indicate that illegal logging remains highly pervasive: in Sulawesi, there were 2,133 cases between 2019 and 2024 involving more than 1,500 individuals, while in Riau and Timor Tengah Utara (TTU), timber smuggling via maritime routes has repeatedly been uncovered (Antara news, 2024) (Kompas, 2023). These facts point to weak forest governance and highlight a deficit in law enforcement, which should ensure that environmental rights are enforceable (Chhetri et al., 2012). (Rahmawan & Cetera, 2020).

The phenomenon of weak forestry law enforcement cannot be separated from the dynamics of decentralization. Since the implementation of regional autonomy, much of the authority over natural resource management has been distributed to local governments. However, this fragmentation of authority has instead opened space for moral hazard, licensing corruption, and weak coordination between the central and regional governments in addressing environmental violations (Desyana et al., 2021). Several studies show that decentralization in the forestry sector often creates a paradox: instead of strengthening oversight, it actually triggers excessive exploitation as a result of local economic political pressures. (Maryudi et al., 2022)(Prasetya, 2023)

From a constitutional law perspective, this problem carries a strategic dimension. As the holder of the public trust doctrine mandate, the state should place forests as constitutional commons that must not be eroded by short-term interests (Rahmawan & Cetera, 2020). However, the institutional design and sectoral regulations, such as Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction and Law No. 32 of 2009 on Environmental Protection and Management, have not been fully integrated with constitutional norms (Salim, 2022). The weakness of this implementation is evident in law enforcement cases that end merely at the level of seizure without continuation into judicial proceedings (KLHK, 2023).

From an academic perspective, studies on forests have so far tended to emphasize environmental or economic aspects, while the constitutional dimension of forests as a fundamental right of citizens remains relatively limited. Recent studies in the field of green constitutionalism demonstrate that integrating the constitution with ecology can strengthen legal legitimacy in environmental protection (Pambudhi & Ramadayanti, 2021) (Mayer & Ding, 2023). Therefore, this research is important to fill the gap in the literature by positioning forests within the framework of constitutional resources that demand state responsibility based on the principles of human rights, ecological justice, and sustainability (Abate et al., 2020)(González-Azcárate et al., 2022). Only a few studies have integrated the theory of green constitutionalism with an institutional analysis of decentralization to assess the extent to which the state fulfills its constitutional obligations regarding forest protection. Thus, a significant research gap exists: previous studies have highlighted decentralization as an administrative and policy issue, whereas this study focuses on the constitutional dimension of forest protection as a fundamental right that must be guaranteed by the state.

Thus, the novelty of this research lies in its effort to construct forests as constitutional-ecological resources: not merely as objects of sectoral policy, but as fundamental rights inherent to citizens. This study will not only examine the consistency of Article 28H paragraph (1) of the 1945 Constitution with the practice of forestry law enforcement in the era of decentralization, but also propose a new conceptual design in the form of strengthening cross-level (central–regional) enforcement mechanisms grounded in constitutional and ecological principles.

METHOD

This research employs a normative–empirical legal approach, or mixed methods, to examine forest protection as a constitutional mandate in the era of decentralization. The normative approach is carried out through an in-depth study of the 1945 Constitution, particularly Article 28H paragraph (1) and Article 33 paragraph (3), as well as relevant legislation, including Law No. 32 of 2009 on Environmental Protection and Management, Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction, and Law No. 23 of 2014 on Regional Government. In addition, this study reviews relevant Constitutional Court decisions, including Decision No. 35/PUU-X/2012, No. 18/PUU-XVII/2019, and No. 85/PUU-XI/2013, in order to assess the development of constitutional interpretations regarding the right to environment (Salim, 2022).

The empirical approach is conducted through the collection of primary data in the form of case documents on illegal logging during the 2019–2025 period in Sulawesi, Riau, and Timor

Tengah Utara, as well as cases of smuggling 55 containers of illegal timber through sea routes. Field data are supplemented by semi-structured interviews with officials from the Law Enforcement Directorate of the Ministry of Environment and Forestry (Gakkum KLHK), Forestry Civil Servant Investigators (PPNS), the Police (including the Water and Air Police Unit, Polairud), prosecutors, and representatives of affected communities. Secondary data are obtained from official reports of the Ministry of Environment and Forestry (KLHK), the Central Statistics Agency (BPS), and WALHI, as well as academic literature (Bhamatika et al., 2025).

To ensure the validity and reliability of the findings, the collected data were analyzed using two main analytical techniques tailored to the characteristics of each dataset. First, legal data and statutory regulations were examined through content analysis, focusing on the substance of norms, principles, and doctrines of constitutional environmental law. This process included the identification of normative structures, the public trust doctrine, and their relation to the state's responsibility over natural resources. The content analysis was conducted systematically to uncover legal meanings and gaps between constitutional texts and their practical implementation.

Second, empirical data obtained from interviews and field documents were analyzed through thematic analysis to identify patterns, themes, and key categories that reflect the dynamics of decentralization, fragmentation of authority, and the effectiveness of law enforcement. The analytical process involved open coding, thematic grouping, and substantive interpretation to derive meanings consistent with the theoretical framework of green constitutionalism. Thematic analysis aimed to link empirical findings with the normative context, thereby producing an integrative legal synthesis between doctrine and reality.

FINDING AND DISCUSSION

Case Data Description (2019-2025)

The issue of forest degradation in Indonesia remains a fundamental concern in constitutional law and environmental law. Empirical data from the 2019–2025 period show that illegal logging, forest fires, and timber smuggling have occurred on a massive scale, involving various actors and causing significant economic, ecological, and social losses.

a. Illegal Logging Cases in Sulawesi

authorities and the Ministry of Environment and Forestry (KLHK), a total of 2,133 cases of illegal logging occurred in Sulawesi during the 2019–2024 period, involving more than 1,500 individuals (Antara news, 2024) This figure indicates that Sulawesi is one of the regions most vulnerable to illegal forest exploitation. This phenomenon is driven by weak licensing supervision, the limited capacity of regional law enforcement officers, and the high demand for timber in both domestic and international markets (Chhetri et al., 2012) From a constitutional law perspective, the high number of cases in Sulawesi demonstrates the existence of an enforcement gap, revealing the misalignment between the constitutional mandate to protect the environment and the implementation of policies at the regional level (Bedner, 2009).

b. Riau Case: 22,000 Hectares of Forest Fires and Timber Smuggling

The Province of Riau faces dual challenges, namely 22,000 hectares of forest fires (2020–2023) and rampant timber smuggling to neighboring countries via both land and sea routes (Kompas, 2023) The forest fires are largely associated with land clearing practices for oil palm plantations. The ecological losses not only result in forest degradation but also trigger a public health crisis due to haze pollution (Adni et al., 2025) On the other hand, the recurring timber smuggling indicates the presence of transnational syndicates exploiting weak coordination in law enforcement (Maryudi et al., 2022) A study by (Prasetya, 2023) affirms that the lack of integration between central and regional oversight has fueled the prevalence of transnational environmental crime.

c. TTU Case: Sonokeling Logging

In Timor Tengah Utara (TTU) Regency, East Nusa Tenggara, authorities in 2022 discovered the illegal logging of 19 Sonokeling trees, with estimated losses reaching IDR 600 million (Media Indonesia, 2022). Although the number of trees was relatively small, Sonokeling is a type of timber with high economic value. This case underscores the pattern of exploiting commercially valuable specific timber species, which often occurs in border areas with limited supervision (Prasetya, 2023). From a constitutional law perspective, this incident illustrates that decentralization of authority at the regency level is not always accompanied by adequate monitoring capacity (Desyana et al., 2021).

d. Sea Route: 55 Containers of Illegal Timber

Another dimension is smuggling through sea routes. In 2021, authorities succeeded in thwarting the smuggling of 55 containers of illegal timber from several major ports in Kalimantan and Sumatra (KLHK, 2023). This case illustrates that the sea constitutes a highly vulnerable channel exploited by illegal logging syndicates. The complexity of maritime surveillance, the vast expanse of Indonesian waters, and the limitations of detection technology make maritime smuggling methods difficult to eradicate (Firdiansyah, 2022). This phenomenon underscores the importance of multilevel enforcement involving the Ministry of Environment and Forestry (KLHK), the Indonesian Navy (TNI AL), the Water and Air Police (Polairud), and port authorities (Rahmawan & Cetera, 2020).

Table 1. Summary of Illegal Logging and Forest Degradation Cases (2019–2025)

Location	Type of Case	Empirical Data	Main Impact
Sulawesi	Illegal logging	2,133 cases; 1,553 perpetrators (2019–2024)	Loss of forest cover, ecological & economic damages
Riau	Forest fires	22,000 ha burned (2020–2023)	Haze pollution, land degradation, land conflicts
Riau	Timber smuggling	Cross-border cases, land & sea routes	Transnational crime, state financial losses
TTU (East Nusa Tenggara)	Sonokeling logging	19 trees, valued at IDR 600 million (2022)	Loss of high-value timber, economic loss
Sea Routes	Timber smuggling	55 containers of illegal timber (2021)	Maritime surveillance leakage, cross-border losses

These four cases reveal a recurring pattern that underscores three important points:

1. Disconnection between constitutional norms and implementation: although Article 28H paragraph (1) of the 1945 Constitution guarantees the right to a healthy environment, the reality on the ground shows weak legal protection for forests.
2. Fragmentation as a result of decentralization: the distribution of central–regional authority often creates oversight gaps, particularly in cases that are cross-regional or cross-border in nature.

3. Transnationalization of forestry crimes: timber smuggling through sea routes and corporate-based forest and land burning practices indicate that illegal logging is no longer local in nature, but connected to global criminal networks.

Thus, the description of case data from 2019–2025 not only records empirical facts but also underscores the need for a stronger constitutional approach in protecting forests as both ecological resources and constitutional resources.

Constitutional Analysis

a. The Right to a Healthy Environment in the 1945 Constitution

The 1945 Constitution explicitly guarantees the right to a good and healthy environment through Article 28H paragraph (1), which states that “Every person shall have the right to live in physical and spiritual prosperity, to reside, and to obtain a good and healthy environment, as well as to receive health care.” This right positions the environment as a constitutional right, not merely as a sectoral public policy (Mubiina, 2020). Within the framework of green constitutionalism, the recognition of environmental rights in the Indonesian Constitution aligns with the global trend that regards environmental rights as third-generation human rights (Mayer & Ding, 2023).

Nevertheless, the implementation of this constitutional norm still faces serious challenges. Cases of illegal logging in Sulawesi (2,133 cases), forest fires in Riau (22,000 hectares), and the smuggling of 55 containers of illegal timber demonstrate weak enforcement, which should otherwise serve as a mechanism for protecting citizens’ environmental rights. This condition illustrates the existence of a constitutional gap between norms and practice, in which constitutional rights have not been fully internalized into policy and law enforcement (Bedner, 2009).

b. The State’s Obligations under Article 33 of the 1945 Constitution

In addition to guaranteeing rights, the 1945 Constitution also regulates the state’s obligations in managing natural resources. Article 33 paragraph (3) affirms that “The earth, water, and the natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people.” This formulation encompasses not only a mandate of economic management but also a constitutional obligation to safeguard ecological sustainability (Rahmawan & Cetera, 2020).

From the perspective of the public trust doctrine, the state is the “trustee” of natural resources, including forests, so that any damage resulting from mismanagement or weak law enforcement can be interpreted as a constitutional breach (Prasetya, 2023). Unfortunately, the practice of decentralization often obscures the mandate of Article 33, as fragmented authority has weakened central control over the regions (Desyana et al., 2021).

c. Constitutional Court Decisions on Environmental Rights and Decentralization

The Constitutional Court (MK) plays an important role in interpreting environmental rights under the 1945 Constitution. Several relevant decisions include:

1. Decision of the Constitutional Court No. 35/PUU-X/2012: recognized the existence of customary forests outside of state forests, thereby strengthening the rights of indigenous peoples in managing forest resources.
2. Decision of the Constitutional Court No. 18/PUU-XVII/2019: affirmed the importance of access to environmental justice and rejected restrictions on public participation in environmental cases.
3. Decision of the Constitutional Court No. 85/PUU-XI/2013: concerning the decentralization of licensing authority, the Court emphasized the importance of

harmonizing regional autonomy with national interests in the management of natural resources..

These decisions indicate the Constitutional Court’s jurisprudential direction toward strengthening the paradigm of a green constitution that aligns with environmental rights (Kurnia et al., 2023). However, the main challenge lies in ensuring that these rulings are consistently implemented at the policy-making and law enforcement levels (Salim, 2022).

Table 2. The Interrelation of Rights, Obligations, and Constitutional Court Decisions

Constitutional Aspect	Legal Basis	Implementation & Cases	Challenges
Right to a healthy environment	Article 28H (1) of the 1945 Constitution	Illegal logging case in Sulawesi, forest and land fires in Riau	Enforcement gap
State obligation	Article 33 (3) of the 1945 Constitution	Central–regional authority in forest management	Fragmentation of decentralization
Constitutional Court jurisprudence	Constitutional Court Decisions No. 35/2012, 18/2019, 85/2013	Recognition of customary forests, access to justice, harmonization of authority	Implementation & regional compliance

A constitutional analysis of environmental rights indicates a disharmony between constitutional norms, state obligations, and decentralization practices. The right to a healthy environment (Article 28H paragraph (1)) has not been fully guaranteed due to weak rule enforcement. Meanwhile, the state’s obligation under Article 33 is often reduced to legitimizing economic exploitation, without balancing ecological interests.

Constitutional Court decisions should serve as corrective instruments to address this gap; however, the facts show continued weak compliance by executive and regional institutions. Therefore, strengthening constitutional ecology through a green constitution framework and smart regulation is imperative to ensure that forests function as constitutional–ecological resources that protect citizens’ rights as well as those of future generations

Weaknesses in Law Enforcement

The research findings indicate that law enforcement against forestry crimes, particularly illegal logging, still faces serious structural and institutional weaknesses. Three main aspects that constitute these weaknesses are: (a) fragmentation of central–regional authority, (b) weak inter-agency coordination, and (c) limited institutional capacity of environmental law enforcement personnel.

a. Fragmentation of Central Regional Authority

Since the implementation of decentralization, forest management in Indonesia has been distributed to local governments through Law No. 23 of 2014. However, in practice, this fragmentation of authority has generated jurisdictional conflicts between the central and regional governments, particularly in the issuance of forest utilization permits and field supervision (Bedner, 2009). Local governments often prioritize short-term economic–political interests over environmental protection obligations, creating a paradox: decentralization intended to strengthen control has instead triggered excessive exploitation (Maryudi et al., 2022).

For illustration, in the illegal logging cases in Sulawesi (2019–2024), totaling 2,133 cases, most occurred in areas where permits were issued by local governments, while enforcement capacity remained centralized (KLHK, 2023). Table 1 presents the distribution of cases according to location and permitting authority.

Table 3. Distribution of Illegal Logging Cases by Location and Authority (2019–2024).

Location	Number of Cases	Permitting Authority	Key Notes
Sulawesi	2,133	Regional	Weak supervision & permitting
Riau	1,020	Regional & Central	Forest fires + timber smuggling
TTU (East Nusa Tenggara)	15	Regional	Exploitation of high-value timber
Sea Routes	55 containers	Central (KLHK/Customs)	Low port surveillance

(Source: KLHK Data 2023)

b. Weak Inter-Agency Coordination

Forestry law enforcement involves multiple actors, including the Law Enforcement Directorate of the Ministry of Environment and Forestry (Gakkum KLHK), the Police (particularly Polairud), the Prosecutor’s Office, and local government officials. However, inter-agency coordination remains very weak. Research C(Chhetri et al., 2012) shows that 37% of illegal logging cases stall at the investigation stage due to overlapping authority and slow communication between institutions. This aligns with the study by Bhamatika (Bhamatika et al., 2025), which found that horizontal coordination among agencies is often hindered by sectoral egos and the lack of joint task force mechanisms.

The case of smuggling 55 containers of illegal timber via sea routes (2021) illustrates how weak inter-agency integration (Polairud, Customs, and KLHK) creates maritime leakage (Firdiansyah, 2022). This situation is further exacerbated by the limited integrated information systems for tracking illegal timber (Adni et al., 2025).

c. Institutional Capacity

Limited institutional capacity is also a significant factor weakening law enforcement date. (KLHK, 2023) show that the number of Forestry Civil Servant Investigators (PPNS) remains below 1,000 across Indonesia, a figure grossly insufficient relative to the vast state forest area (over 120 million hectares). This results in low law enforcement coverage, particularly in remote regions.

In addition, local personnel such as Forest Police (Polhut) often face limitations in budget, facilities, and legal protection when confronting armed illegal logging syndicates (Prasetya, 2023), International studies emphasize that institutional capacity is a prerequisite for the success of green constitutionalism, as constitutional environmental rights can only be realized if effective institutional instruments exist (Mayer & Ding, 2023).

These three weaknesses indicate that the right to a good and healthy environment, as guaranteed by Article 28H paragraph (1) of the 1945 Constitution, has not been fully implemented. Fragmentation of authority creates an accountability gap, weak inter-agency coordination produces an enforcement gap, and limited institutional capacity generates a compliance gap. From a constitutional law perspective, this situation signals the need to redesign central-regional relations

and reformulate environmental law enforcement institutions to align with the principles of the public trust doctrine and ecological constitutionalism (Mubiina, 2020).

Decentralization and Constitutionality

Findings of this study indicate that decentralization in forest resource management has generated serious issues related to central–regional disharmony, gaps between national regulations and local implementation, and weak constitutional accountability:

1. **Multi-Level Governance Analysis: Central-Regional Disharmony.** Law enforcement data show overlapping authority between the Ministry of Environment and Forestry (KLHK) and local governments. For example, in the illegal logging cases in Sulawesi (2,133 cases), jurisdictional conflicts arose over permit issuance and forest supervision (Antara news, 2024). Local governments tend to prioritize economic interests through the issuance of forestry business permits, while the central government emphasizes conservation. This creates vertical conflicts of interest (Rahmawan & Cetera, 2020).
2. **Gap Between National Regulation and Local Implementation.** National regulations, such as Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction and Law No. 32 of 2009 on Environmental Protection and Management, emphasize the prevention of forest degradation. However, local-level implementation is often weak, primarily due to limited budgets, human resources, and political will (Bedner, 2009). A concrete example is seen in Riau, where 22,000 hectares of forest burned (2020–2023) and timber smuggling continues. This indicates a regulatory gap between national standards and local practice (Prasetya, 2023).
3. **Effects of Decentralization on Constitutional Accountability** Article 28H paragraph (1) of the 1945 Constitution guarantees citizens' rights to a good and healthy environment. In practice, however, decentralization exacerbates accountability fragmentation: when forest damage occurs, responsibility often oscillates between the central and regional governments (Rahmawan & Cetera, 2020). The case in TTU (logging of 19 Sonokeling trees valued at IDR 600 million) demonstrates weak regional accountability in protecting high-value forests, even though central regulations clearly prohibit logging without a permit (Media Indonesia, 2022).

a. Central Regional Disharmony in Multi-Level Governance

Within the multi-level governance framework, decentralization is supposed to enhance effectiveness through the proximity of local governments to local communities. However, research findings indicate that decentralization has instead produced vertical disharmony. The central government demands conservation in accordance with constitutional mandates and national regulations, whereas regional governments are often caught up in short-term interests, such as local revenue and investment (Bhamatika et al., 2025). This aligns with the findings (Maryudi et al., 2022), which note that decentralization in the forestry sector often results in a governance paradox.

b. Gap Between National Regulation and Local Implementation

Regulatory gaps are evident in the inability of regional governments to implement national legal instruments. Although the legal framework is progressive (e.g., Law on Prevention and Eradication of Forest Destruction, Environmental Protection and Management Law, local supervision is often formalistic. For example, many regions enact derivative regulations without clear implementation mechanisms, leading to weak substantive law enforcement (Bedner, 2009).

c. Impact on Constitutional Accountability

Decentralization has direct implications for the fulfillment of citizens’ constitutional rights. When local governments fail to carry out environmental protection obligations, a deficit in constitutional accountability arises. This contravenes the public trust doctrine, which positions the state (both central and regional) as the trustee of natural resources (Rahmawan & Cetera, 2020). Empirically, the smuggling case of 55 containers of illegal timber (KLHK, 2023), confirms that weak cross-level oversight has undermined the state’s constitutional obligations.

d. Normative Implications

These findings underscore the importance of reconstructing the decentralization model in forest management. Decentralization without strong coordination mechanisms weakens the protection of environmental rights. To address these challenges, integrating green constitutionalism with smart regulation is necessary so that central and regional authorities can be synergized within a framework of constitutional accountability (Mayer & Ding, 2023).

Violations of Constitutional Rights

a. Impact of Forest Degradation on Communities

Forest degradation in Indonesia has multidimensional impacts on communities, affecting economic, health, and environmental aspects:

- 1. Economic impact: The loss of forests due to illegal logging and forest fires reduces the income of communities dependent on non-timber forest products and lowers regional economic value due to ecosystem degradation. Adni’s study (Adni et al., 2025), shows that economic losses from forest fires in Riau (2020-2023) reached billions of rupiah per year due to reduced soil productivity and declining air quality.
- 2. Health impact: Smoke pollution from forest fires causes acute respiratory infections (ARI), which surged significantly in Riau and Kalimantan, resulting in thousands of workdays lost (Ou et al., 2021).
- 3. Environmental impact: Damage to tropical forest ecosystems diminishes carbon absorption capacity and exacerbates climate change (Pambudhi & Ramadayanti, 2021). The case of Sonokeling logging in TTU (19 trees valued at IDR 600 million), although relatively small in scale, still impacts the loss of endemic species biodiversity (Media Indonesia, 2022).

Table 4. The following summarizes a portion of the empirical data from 2019–2025.

Case	Location	Main Impact	Estimated Loss
Illegal logging – 2,133 cases	Sulawesi	Loss of forest cover, timber economic losses	Uncountable; >1,500 individuals involved
Forest fires – 22,000 ha	Riau	Air pollution, economic & health losses	Trillions of IDR (2020–2023)
Sonokeling logging	TTU	Loss of high-value timber,	IDR 600 million

local ecosystem damage			
55 containers of illegal timber	Sea routes (Sumatra, Kalimantan)	State losses, transnational trade	Hundreds of billions IDR

(Source: Antara News, 2024; Kompas, 2023; KLHK, 2021; Media Indonesia, 2022)

b. Argument: State Failure = Violation of Constitutional Rights

Normatively, Article 28H paragraph (1) of the 1945 Constitution affirms the right of every citizen to a good and healthy environment. This right is justiciable and forms part of constitutional rights that the state is obligated to guarantee. However, empirical data indicate that the state has failed to prevent and effectively sanction environmental violations, meaning that it has directly infringed upon the constitutional rights of its citizens (Zilda Khilmatus Shokhikhah, 2025) (Rahmawan & Cetera, 2020).

From the perspective of the public trust doctrine, the state acts as a trustee of natural resources, including forests. The state's inability to control illegal logging and forest fires constitutes a violation of its constitutional mandate, as it allows public resources to be appropriated by private interests through black-market mechanisms (Mayer & Ding, 2023)(Bedner, 2009).M .Prasetya's study (Prasetya, 2023) demonstrates that weak environmental law enforcement has increased climate vulnerability among communities in affected areas.

c. Impact of Forest Degradation on Communities

The post-reform decentralization regime granted broad authority to regional governments to manage natural resource utilization. However, fragmentation of authority frequently generates accountability issues::

1. Fragmented law enforcement: The authority of KLHK law enforcement (Gakkum), local governments, and other law enforcement agencies is not integrated, causing investigation and prosecution processes to stall (Chhetri et al., 2012).
2. Local political moral hazard: Research by (Maryudi et al., 2022) (Desyana et al., 2021) shows that regional autonomy encourages rent-seeking in permit issuance, weakening constitutional accountability
3. Regional capacity gaps: In TTU and other border areas, limited personnel resources result in minimal forest oversight (Prasetya, 2023).

Comparative studies (Bedner, 2009) emphasize that decentralization without constitutional checks and balances leads to a "governance paradox": the broader the regional authority, the weaker the guarantee of environmental rights. This strengthens the argument that constitutional accountability for environmental rights remains ineffective.

Analysis of empirical data illegal logging in Sulawesi (2,133 cases), forest fires and timber smuggling in Riau (22,000 ha), Sonokeling logging in TTU (losses of IDR 600 million), and the seizure of 55 containers of illegal timber via sea routes-reveals fundamental institutional weaknesses. Fragmentation of central and regional authority under the decentralization regime undermines law enforcement effectiveness. The Ministry of Environment and Forestry police, prosecutors, and regional governments often operate separately without clear command integration (Rahmawan & Cetera, 2020).

Moreover, the constitutional mandate under Article 28H paragraph (1) of the 1945 Constitution regarding the right to a good and healthy environment has not been fully operationalized within law enforcement institutions. Consequently, citizens' constitutional rights are frequently neglected in the practice of forestry law enforcement A(Adni et al., 2025).

New Institutional Model Based on Green Constitution

The proposed institutional model is the “Green Constitutional Authority” (GCA), which positions forest protection as a constitutional mandate rather than merely a sectoral administrative matter. This institution could take the form of a strengthened unit under the Constitutional Court or a specialized environmental ombudsman tasked with safeguarding citizens' environmental rights.

The green constitution framework (Pambudhi & Ramadayanti, 2021) emphasizes that constitutional provisions must be operationalized through dedicated institutions to prevent them from remaining purely normative texts. In the Indonesian context, the GCA could integrate oversight of permits, forestry licensing, and public complaints related to forest degradation. This approach aligns with global trends where countries such as Colombia and India have established environmental courts that function as constitutional guardians (Peel J, 2020).

Cross-Province Task Force for Illegal Logging Cases

Cases in Sulawesi, Riau, and TTU demonstrate that illegal logging often spans multiple regions and even crosses national borders. Therefore, a Cross-Province Task Force for Combating Illegal Logging (GTL-IL) under direct command of the central government is needed. This task force would coordinate personnel across several strategic provinces, particularly in areas with high incidences of illegal logging, to ensure more effective law enforcement and oversight.

Table 5. depicting the structure of the Cross-Province Task Force for Combating Illegal Logging (GTL-IL)

Level	Actors	Mandate	Coordination Mechanism
Central	KLHK, National Police, Attorney General's Office	Cross-province enforcement, intelligence coordination	Monthly coordination meetings, joint tasking
Provincial	Regional KLHK Law Enforcement (Gakkum), Regional Police (Polda), Provincial Prosecutor's Office (Kejati)	Local enforcement, permit oversight	Reports to central government every 3 months
Local	District Police (Polres), District Prosecutor's Office (Kejari), Local Government	Field execution, early detection, community participation	District-level coordination forums

Research by (Bedner, 2009) indicates that cross-provincial institutional arrangements are more effective in closing the enforcement gap, particularly regarding timber smuggling via maritime routes. Cross-provincial task forces can also enhance technological capacity, such as the use of satellite monitoring and big data analytics for detecting illegal logging A(Adni et al., 2025).

Integration of Central–Local Apparatus with Constitutional Mandate

Institutional integration must emphasize the constitutional mandate. This involves harmonizing sectoral regulations (Law No. 18/2013 on Prevention and Eradication of Forest Destruction, Law No. 32/2009 on Environmental Protection and Management) with the provisions of Article 28H of the 1945 Constitution. Central authorities (KLHK, Police, Attorney General's Office) and local authorities (provincial/regency governments) need to be connected within a single integrative framework based on citizens' constitutional environmental rights.

From the perspective of the public trust doctrine, the state has an obligation to act as a trustee of forest resources. Therefore, central-local coordination should not be understood merely as an administrative mechanism but as a fulfillment of citizens' fundamental rights (Maryudi et al., 2022).

This integration model can be implemented through:

1. Mapping of authorities: reducing overlapping mandates in law enforcement.
2. Constitutional coordination protocols: Standard Operating Procedures (SOPs) that reference Article 28H of the 1945 Constitution as the guiding principle.
3. Strengthening public participation: mechanisms such as citizen lawsuits or class actions facilitated by the task force.

CONCLUSIONS

First, forest protection constitutes a constitutional mandate explicitly guaranteed under Article 28H paragraph (1) of the 1945 Constitution. The right of every person to a good and healthy environment positions forests not merely as economic assets but as constitutional commons that the state is obliged to protect. This affirms that ecological sustainability and forest governance have a normative basis in the Constitution, so any violation equates to a denial of citizens' fundamental rights.

Second, the enforcement of anti-illegal logging laws in Indonesia continues to exhibit fundamental weaknesses, particularly during the period 2019-2025. Empirical data from 2,133 illegal logging cases in Sulawesi, 22,000 hectares of forest burned in Riau, Sonokeling logging in TTU valued at IDR 600 million, to the smuggling of 55 illegal timber containers via maritime routes illustrate recurring patterns: limited enforcement capacity, inconsistent legal action, and the persistent influence of local economic-political interests over forest resources.

Third, authority fragmentation due to decentralization exacerbates weak law enforcement. The distribution of powers between central, provincial, and regency/city governments often generates overlaps, conflicts of interest, and moral hazards in forestry licensing. Consequently, the legal mechanisms intended to protect forests experience enforcement gaps at multiple levels.

Fourth, these weaknesses in law enforcement directly result in violations of constitutional rights to a healthy environment. The state's inability to ensure forest protection signifies a failure to fulfill its constitutional mandate to guarantee citizens' rights to a healthy environment. This situation is not merely an environmental law issue but also a constitutional law concern, as it directly relates to the state's obligations under the public trust doctrine.

From a theoretical perspective, this study expands the discourse on green constitutionalism by emphasizing the interrelationship between constitutional rights, decentralization, and environmental law enforcement, while also contributing academically to the strengthening of the green constitution paradigm within Indonesia's legal system. Practically, the government needs to prioritize the establishment of a Green Constitutional Authority and implement cross-provincial

coordination mechanisms based on constitutional mandates in order to ensure that forest law enforcement becomes more integrated, transparent, and ecologically just

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