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Good Governance Indonesian Forestry: A Fair Justice System

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ABSTRACT

Many studies have identified the relationship between corruption and the socio-economic life of society. Generally, the results of research indicate that corruption is detrimental to the economy and society. Corruption can create burdens for society, companies, and the government. Therefore, the impact of corruption is calculated as a state loss. Corruption in the form of embezzlement occurs frequently in both the public and private sectors. Bribery and extortion are common in the public sector. Several studies related to corruption have identified the effects of corruption on social and economic life. Other studies have identified the implementation of corruption in the public and private sectors. This study will discuss the law enforcement of corruption. It identified decisions of law enforcement at the Supreme Court, specifically regarding corruption in the forestry sector. This study used content analysis to identify Supreme Court decision documents. The results indicate that a significant amount of corruption results from illegal land transfer and forest land ownership. The content analysis indicated that the Supreme Court's judicial system, particularly regarding corruption in the forestry sector, is quite fair. However, further analysis is needed regarding the sentences given to the defendants to decrease corruption.

INTRODUCTION

Corruption is an economic and social problem that is considered to have provided a negative perspective by most policymakers. To eradicate corruption, every country has an institution for handling and enforcing existing corruption crimes. On a global scale, the agency that identifies corruption in world country is Transparency International. Every year, Transparency International releases a corruption perception index that reflects the level of corruption in each country. A country with a high index of corruption perception indicates that the country has a low level of corruption. Conversely, a country with a low index of corruption perception indicates that the country has a high degree of corruption.

Bowles (2000) divides corruption broadly into three important aspects, namely bribery, extortion, and embezzlement. So far, the identification of corruption relations to the socio-economic life of

the community has been widely carried out. Some studies that have been conducted include analysis of the relationship between corruption and suicide rates (Yamamura et al., 2012), distribution and income inequality (Barreto, 2001; You & Khagram, 2005), and poverty (Yusuf et al., 2014). Yamamura et al (2012) show that corruption can increase suicide rates. The intuition is that reducing public spending, especially for the mental and psychological health sectors, therefore that high levels of corruption, which can increase the number of suicides.

Corruption is easier to exist in countries that have weak institutional systems, because weak institutional systems often have low detection rates of corruption. In addition, a weak institutional system also has a less stable law enforcement system, so referring to Becker (1968), the deterrent effect on corruption acts is low, and the existence of corruption remains high. The level of corruption can

be reduced by optimal law enforcement, certainty, and violence of punishment (Anderson et al., 1977; Ehrlich, 1982; Grasmick & Bryjak, 1980; Lui, 1986; Polinsky & Shavell, 2001, 2007; Zhu, 2012). Pradiptyo (2007), Pradiptyo (2024) also shows that increased punishment affects people's behavior to commit crimes. The level of punishment for corruptors will differ depending on the condition of a country's level of corruption. In fact, with similar punishment systems, the level of corruption between countries varies. Equal treatment in one country can give different results if applied to other countries, even though some corruption parameters are the same. This depends on the equilibrium level of corruption of a country.

In an economy with a high level of corruption, the implementation of audits is more likely to reduce the level of corruption than the increase in relatively low fines (Lui, 1986). When corruption has become commonplace, auditing costs will become higher, and prevention efforts by governments become less effective. The harsh level of punishment can no longer significantly reduce the level of corruption. In addition to punishment, rewards for law enforcement can also reduce bribery (Polinsky & Shavell, 2001). Reducing the level of corruption requires a major effort by involving public emotions so that the public does not want to support and cooperate with the corrupt; as a result, the level of corruption will decrease.

Dwiputri et al (2019), Jain (2001), and Treisman (2000) show that corruption is detrimental to the economy and society. Corruption can create burdens for companies, governments, and society. Corruption has occurred in both economic and social aspects. Corruption in the form of embezzlement occurs in many public and private sectors. Bribery and extortion corruption occur mostly in the public sector, where low-income people tend to become victims of corruption in the form of extortion (You & Khagram, 2005). Several studies related to corruption identify the effects of corruption on economic and social life (Shabbir & Anwar, 2008; Swamy et al., 2001). Other studies identify many issues related to the implementation of corruption in the public and private sectors. Previous studies found that there were not many identifications of corruption due to forestry corruption and illegal land ownership.

In developed countries, land becomes state-owned. As in England, land belongs to the Queen of England. Similarly, in other developed countries, in general, land is state-owned. While in Indonesia, land can be owned by the private sector or the community. Therefore, people who have a lot of capital will have a larger amount of land, compared to people who have less capital. More land ownership by capital owners will further improve their economic performance. This is what causes rich people to perform faster economically than people who are poorer.

In a developed country like England land belongs to the state, in this case the government. The Government of Indonesia regulates that land in Indonesia can be owned by private or individuals. It may give rise to many conflicts of interest. Therefore, this has caused corruption in land transfer to appear more and more, especially in the forestry sector. Corruption in the land as well as the forestry sector will be very detrimental to the environment and the quality of human life (Louisson et al., 2023; Zhang et al., 2023). Based on Decision Theory (Becker, 1968) and Game Theory (Tsebelis, 1989, 1993), crime economics will decline if the level of punishment can be applied as harshly as possible with the optimal possible rate of crime detection. If corruption in the land transfer of forestry is left unchecked, it will harm communities and the government. Therefore, this study aims to look forward to the implementation of fairness of justice in the land transfer in Indonesian forestry.

METHODS

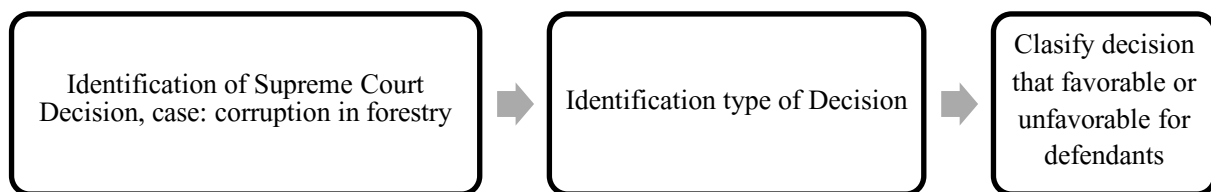
The identification of this research question will be answered by qualitative methods, namely content analysis. Content analysis organizes qualitative data into categories that can be calculated or analyzed descriptively. The content analysis method is appropriate for the data used in this study, namely, documents from decisions of the Supreme Court of the Republic of Indonesia. Data obtained from court decisions and available in the Supreme Court. Therefore, this study will provide a full picture related to crime in terms of the transfer of public land for forest. The scope of this study is the case of forest land transfer in Indonesia. Furthermore, in-depth interviews will be conducted with several informants, namely experts in the fields of crime economics, law enforcement, and the community.

Data models from courts (Supreme Court) still do not find much research in the global realm and Indonesia, due to the data related to judicial decisions is confidential.

RESULTS AND DISCUSSION

The public has entrusted authority through the government with the authority to manage public resources to public officials. However, often these public officials abuse the authority that has been entrusted to them for personal interests. Bowles (2000), Bowles et al (2000), Bowles et al (2005) define corruption as any action carried out by public

The content analysis in this study was implemented as follows.



Picture 1. The Stage of Content Analysis

The results show that some decisions granted the defendant's demands, while others granted the prosecutor's demands. There were 103 favorable decisions for the defendant, and 108 unfavorable decisions for the defendant. It could be determined that the decision in the Supreme Court is quite fair. There is no correlation between the plaintiff (public prosecutor or defendant) and the decision of the Supreme Court. However, further analysis is needed regarding the sentence or acquittal given to the defendant.

The occurrence of illegal land conversion, namely the interaction between powerful land owners and weak institutions, is related to the occurrence of greater illegal deforestation (Blum et al., 2022). The imperfections of local government accountability mechanisms and inherent weaknesses in land planning lead to repeated violations of legislation (Liu et al., 2023). Therefore, it is important to create a good and robust governance system accompanied by accountability in accordance with statutory regulations.

There are four elements in the formation of crime expectations, namely: a) the probability of success in committing a crime, b) the intensity of benefits obtained from the crime, c) the probability of being caught and punished, and d) the intensity of punishment. When the probability of success and being caught is considered fixed, then the effort to

officials or together with third parties that can harm the country's economy. Efforts to combat crime, including corruption, can be seen through two approaches, namely decision theory (Becker, 1968; Garoupa, 1997; Polinsky & Shavel, 2007) and game theory (Tsebelis, 1989, 1993; Pradiptyo, 2006). Becker (1968) assumes that the perpetrator of the crime is rational and uses cost-benefit analysis in deciding to commit the crime. If the expected cost of committing a crime is higher than the expected benefit, then the crime becomes unfit to commit, and vice versa.

minimize crime is through two things: i) increasing the intensity of punishment, and ii) depriving the benefits obtained from crime. While the probability of detection and punishment rates can be changed, Becker (1968) argues that the optimum solution to crime is to increase the detection rate even if the intensity of punishment is low, or vice versa. Becker (1968) added that increased punishment effectively reduced crime. This study found that the decision is relatively fair, therefore the economic crime in the forestry sector should be reduced. However, it still needs identification more deeply.

Tsebelis (1989) analyzed a crime using game theory. Tsebelis (1989) concluded that the emergence of crime is a rational behavior in the form of a reciprocal response between law enforcement and perpetrators of crime. An individual's decision to commit a crime does not only depend on the strategy of the perpetrator of the crime, namely efforts to reduce the cost of crime, but is also influenced by the behavior of other parties, namely law enforcement officials. This theory about the enforcement of punishment for the behavior of perpetrators of crimes is the motivation of several studies in looking at the causality relationship between corruption and the level of law enforcement (Lambsdorff, 2002; Lambsdorff, 2003; Polinsky & Shavell, 2001; Zhu, 2012).

Referring to Becker's (1968) theory, Lui (1986) explained that with the overlapping generation model, when corruption becomes prevalent in an economy, it is more difficult to audit corrupt officials effectively. When corruption is prevalent, society becomes more tolerant of corrupt employees, and there will be effective cooperation between them. As a result, it is difficult to conduct audits and identify the presence of corruption, so the level of corruption will increase.

The institution or institution referred to in this case is not in the sense of an organization or institution, but an institution is interpreted as *a rule of the game* (regulation) that provides a norm limit on how interactions between elements of the state can occur constructively and healthily. Various studies have shown that differences in the quality of institutions can explain why, although some countries that at the beginning of their independence had similar levels of development, over time, the development performance of these countries was polarized. Countries that want to build good and consistent quality institutions tend to develop into countries that have high economic performance, while countries that lack in building quality institutions, or in this case, institutions are less well developed, tend to be backward in development (Acemoglu et al., 2005).

Every year, Indonesia experiences loss and deforestation due to environmental crimes. Lack of awareness of the importance of protecting and taking care of the environment also has an impact on the occurrence of environmental crimes in a sustainable manner. Community dependence on forest products is also a trigger for this crime. In addition, this can lead to a reduction in tropical forest land area. Efforts that can be made to minimize this problem cannot be separated from law enforcement. Further research that can be done is to identify the determining factors of imprisonment by the Supreme Court. This allows financial sanctions to affect the severity of imprisonment or vice versa, or imprisonment to affect the total financial sentence.

CONCLUSION

This study shows that some decisions granted the defendant's demands, while others granted the prosecutor's demands. The number of favorable decisions for the defendant and unfavorable

decisions for the defendant are almost the same. It indicates that the decision in the Supreme Court is quite fair. There is no correlation between the plaintiff (public prosecutor or defendant) and the decision of the Supreme Court. However, further analysis in the next research is needed regarding the sentence or acquittal given to the defendant.

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