

PROCEEDING OF THE INTERNATIONAL CONFERENCE ON
NATURAL RESOURCES POLICY

Editor:
Dr. Ifrani, S.H., M.H.



Lambung Mangkurat University Press

Banjarmasin

2022

PROCEEDING OF THE INTERNATIONAL CONFERENCE ON NATURAL RESOURCES POLICY

Editor : Dr. Ifrani, S.H., M.H.

Cover Designer : Hamdani

Organizer : Pusat Pelatihan dan Pengembangan Sumber Daya Manusia
Universitas Lambung Mangkurat
Jalan Hasan Basri, Kayutangi, Banjarmasin 70123

Organizing Partner : PT. Borneo Development Project

Volume 1, 2022

Published By :

PT. Borneo Development Project
Jalan Hasan Basri Komp. Polsek Banjarmasin Utara
Jalur 3 No.9 Banjarmasin, Kalimantan Selatan 70125
Anggota IKAPI: No. 005/KSL/2021

Copyright is protected by law

It is prohibited to reproduce this Book in whole or in part, in any form and by any means, either mechanically or electronically, including photocopying, recording and others without written permission from the publisher.

Hal i-xxxv, 1-1808

Firs Print, November 2022

ISSN: 2985-4091

PROCEEDING – ICNRP 2022

“Towards a Sustainable Environment Through Better Management of Natural Resources, Economics, Policies and Laws”

FOREWORD

Chairman of LPPM Lambung Mangkurat University

Alhamdulillah, Proceedings of an International Seminar with a Theme *International Conference On Natural Resources Policy (ICNRP) "Towards A Sustainable Environment Through Better Natural Resources Management, Economic, Policy, And Law"* In 2022, University of Lambung Mangkurat has finished publishing. On behalf of the Big Family of the Institute for Research and Community Service at Lambung Mangkurat University, allow me to welcome you to Lambung Mangkurat University, Prof. Shimada Yuzuru - Nagoya University, Japan. Dr. Rien Dam - Delegated Representative, The Netherlands. Dr. Mohd Zamre Mohd Zahir – National University of Malaysia. Leopold Sudaryono – Australian National University. Milda Istiqomah, Ph.D. – Center for Transnational Crime Prevention, Faculty of Law, Brawijaya University. And Lena Hanifah, S.H., L.L.M., Ph.D. Lambung Mangkurat University as Keynote Speakers, presenters and participants to attend this seminar. I warmly welcome this seminar which has received great attention from academics and professionals from educational institutions, research, industry, as well as policy makers from related institutions.

The proceedings can be eagerly awaited by the speakers, because as proof that these speakers have carried out the task of conveying, transferring, disseminating, communicating, or sharing (contributing to, *sharing*) science, technology, and art (science and technology) that he mastered with a community of speakers or other people who have the same field of knowledge or even completely different. On the other hand, this proceeding is an indication that there are many things related to natural resources that need to be of concern to all parties, both in South Kalimantan and outside South Kalimantan. Natural Resources are not just mountains, waters and so on. Natural Resources are potentials, opportunities and challenges for human welfare or more than that, Natural Resources are natural life.

As Chair of the Institute for Research and Community Service, Lambung Mangkurat University, I would like to thank (1) the presenters who have presented their articles at national seminars and/or submitted the articles for editing and finally published in proceedings, (2) the editors who worked hard to complete the proceedings, (3) students of Lambung Mangkurat University who helped make the International Seminar a success, and (4) LPPM staff of Lambung Mangkurat University who facilitated administrative matters. Proceedings are also made in printed format. In addition to printed format, proceedings are also made in electronic format (pdf). This format is uploaded on the www.Ippm.ulm.ac.id page.

Hopefully Proceedings of International Seminar with Themes *International Conference On Natural Resources Policy (ICNRP) "Towards A Sustainable Environment Through Better Natural Resources Management, Economic, Policy, And Law"* Year 2022 is useful.

Banjarmasin, December 2022

Chairman of LPPM Lambung Mangkurat University

Prof. Dr. Ir. H. Danang Biyatmoko, M.Si



PROCEEDING – ICNRP 2022

**“Towards a Sustainable Environment Through Better
Management of Natural Resources, Economics, Policies and Laws”**

FOREWORD

**CHAIRMAN OF THE INTERNATIONAL SEMINAR
THE INTERNATIONAL CONFERENCE ON NATURAL RESOURCES POLICY**

Assalamu’alaikum Warahmatullahi Wabarakatuh,

Peace be upon us,

Dear Authors, Esteemed Readers,

With deep gratitude and pride, I write this foreword for the Proceedings of the International Conference on Natural Resources Policy (ICNRP) held in Banjarmasin, Indonesia, on November 10, 2022.

This year’s theme is “Towards a Sustainable Environment Through Better Natural Resources Management, Economic, Policy, and Law”, organized by Pusat Pendidikan dan Pengembangan Sumber Daya Manusia (P3SDM) LPPM Universitas Lambung Mangkurat.

The conference particularly encourages the interaction of researchers, professionals, and developing academics with the more established academic community in a great ambience to discuss new and current work and share their ideas.

We thank all authors and participants for their contributions.

Banjarmasin, November 2022

Chair

Lena Hanifah, S.H., L.L.M., P.h.D.

PROCEEDING – ICNRP 2022

**“Towards a Sustainable Environment Through Better
Management of Natural Resources, Economics, Policies and Laws”**

**INTERNATIONAL SEMINAR IMPLEMENTING COMMITTEE
OF THE INTERNATIONAL CONFERENCE ON NATURAL RESOURCES POLICY**

PUSAT PELATIHAN DAN PENGEMBANGAN SUMBER DAYA MANUSIA

(Quoted from the Decree of the Chairperson of the Institute for Research and Community Service Lambung Mangkurat University No: 954/UN.2/KP/2022 Date 18 October 2022 about Organizing Committee for International Seminar The International Conference On Natural Resources Policy (ICNRP) Pusat Pelatihan Dan Pengembangan Sumber Daya Manusia, Universitas Lambung Mangkurat)

- Builder** : 1. Prof. Dr. Ahmad, S.E., M.Si.
2. Prof. Dr. H. Aminuddin Prahatama, M.Pd.
- Person Responsible** : Prof. Dr. Ir. Danang Biyatmoko, M.Si.
- Director** : Dr. Leila Ariyani Sofia, S.Pi., M.P.
- Steering Committee** : 1. Prof. Dr. Abdul Halim Barkatullah, S.H., M.Hum.
2. Dr. Ifrani, S.H., M.H.
- Chairman** : Lena Hanifah, S.H., L.LM., P.hD.
- Secretary** : Arief Budiman, S.E., M.Mktg., Ph.D.
- Treasurer** : 1. Nurmaya Safitri, S.H., M.H.
2. Dr. H. Ahmad Yunani, S.E., M.Si.
3. Dr. H. Hairudinor, S.Sos., MM.
4. Dr. Dadang Abdullah, S.H., M.H.
5. Ali Amrin, S.H., M.H.
6. Imam Syafa’i, S.H.

PROCEEDING – ICNRP 2022

**“Towards a Sustainable Environment Through Better
Management of Natural Resources, Economics, Policies and Laws”**

- Speaker** : 1. Lena Hanifah, S.H., L.L.M., Ph.D. – Lambung Mangkurat
University
2. Prof. Shimada Yuzuru, – Nagoya University, Japan
3. Dr. Rien Dam, – Delegated Representative, Netherlands
4. Milda Istiqomah, Ph.D. – Centre For Transnational Crime
Prevention, Faculty Of Law, Brawijaya University
5. Dr. Mohd Zamre Mohd Zahir – University Kebangsaan
Malaysia
6. Leopold Sudaryono – Australian National University

Banjarmasin, December 2022

Chairman of LPPM Lambung Mangkurat University

Prof. Dr. Ir. H. Danang Biyatmoko, M.Si

PROCEEDING – ICNRP 2022

**“Towards a Sustainable Environment Through Better
Management of Natural Resources, Economics, Policies and Laws”**

**COMMITTEE PROCEEDINGS OF THE INTERNATIONAL
CONFERENCE ON NATURAL RESOURCES POLICY**

EDITOR IN-CHIEF

Yati Nurhayati – *Islamic University of Kalimantan Muhammad Arsyad Al-Banjari*

EDITORIAL BOARD

- Ifrani- *Universitas Lambung Mangkurat*
- Muhammad Andri- *Darul Ulum University, Jombang.*
- Sumarwoto. - *Surakarta University, Solo.*
- Reza Noor Ihsan - *IAIN Palangka Raya*
- M. Yasir Said - *Managing Partner - Justicia Belen Law Office*
- *Muhammad Andri - Universitas Jombang*
- *Miftah U. Tsani - Universitas Islam Kalimantan Muhammad Arsyad Al-Banjari*
- *Nurmaya Safitri - Division of Career and Human Resources Development, Scholar Center,*
- *Parman Komarudin - Universitas Islam Kalimantan Muhammad Arsyad Al-Banjari*

BOARD OF PEER-REVIEWERS

- Abdul Halim Barkatullah – *Universitas Lambung Mangkurat*
- Haris Budiman- *University of Kuningan*
- Dodik Setiawan Nur Heriyanto- *Islamic University of Indonesia*
- Herwin Sulistyowati - *Universitas Surakarta*
- FA Abby - *Universitas Lambung Mangkurat*

ADMINISTRASI DAN COPYEDITING

- M. Febry Saputra
- Syauqi Mahendra
- Muhammad Hendri Yanova
- Ulvia Andini
- Muhammad Rudiansyah
- Hamdani

GENERAL INSTRUCTIONS

**PROCEEDING OF THE INTERNATIONAL CONFERENCE ON
NATURAL RESOURCES POLICY**

1. Seminar participants

- a. The event will be held at **Galaxy Hotel Banjarmasin** at the date of **10 November 2022** and if there is a change in place and schedule of changes, it will be notified immediately.
- b. Seminar participants are expected to be at the location of the international seminar **ten minutes before the show starts.** **Rundown attached*
- c. Seminar attendees must **Fill in the Attendance List/Registration** prepared by the committee.
- d. Seminar attendees must **using participant tags** while attending the seminar.
- e. Seminar attendees must **deactivate or enable the vibrating tone of the cell phone while attending the seminar.**

2. Moderator

- a. The moderator is present 30 minutes before the session presentation started.
- b. Before entering the presentation session, the Moderator is expected to ensure the presence of each speaker and ensure the readiness of the presentation material (PPT) to be displayed by the speaker.
- c. Before opening the presentation session Moderators are expected to:
 - Introduce yourself first.
 - Presenting the order of speakers (**A panel of 3 people (Offline) and 7 People (Online)**) **Attached*
 - Read the rules for presentations, including:
 - Each speaker has a maximum time limit of 5 minutes presentation and will be continued by the speaker next.
 - The moderator reminds the participants by using the board *countdown* when the presentation session remaining 2 minutes.
 - The moderator has the right to stop the speaker's presentation if the time is up.
 - The question and answer session and discussion between the Moderator and the presenter will be conducted in a panel at the end of the session with a maximum time limit of 15 minutes (\pm 3 minutes/speaker)
 - During the course of the presentation the entire audience is expected to calm down and change the tone of the call *cellphone* to a vibrating tone so as not to disturb.
- d. If all presenters have made their presentations, the Moderator will close the presentation session.

PROCEEDING – ICNRP 2022

“Towards a Sustainable Environment Through Better Management of Natural Resources, Economics, Policies and Laws”

- e. The moderator then directed the presenter to leave the room.

3. Presenter

- a. Presenters present 30 minutes before the presentation session begins.
- b. Before entering the presentation session, the speaker must ensure the readiness of the presentation material (PPT) that will be displayed by the speaker. Maximum presentation material is 5 slide and if more then it will be returned by the committee. PPT material can be sent to the link <https://forms.gle/1eUmqbwnJaZkAbyx6>
- c. Applicants must pay attention to the rules that have been determined, including:
 - Pay attention to the Meeting Topic according to its designation
 - Links and Meeting IDs are limited
 - Use a clear ID or name(PAPER CODE_FULL NAME).
 - Unknown ID will not be approved
 - Microphone is muted (except when talking)
 - For the sake of order, 30 minutes after the scheduled room will be locked
 - The disorderly will of remove from room meeting
- d. Speaker Rules:
 - Introduce yourself first before making a presentation.
 - Present papers effectively and efficiently (maximum 5 minutes).
 - Use Indonesian properly and correctly.
 - During the presentation session, the speaker is expected to be calm and change the tone of the call *cellphone* to a vibrating tone so as not to disturb.
 - The presenter has the right to provide any answer or objection to questions from the Moderator.
 - The reviewer is obliged to make improvements based on suggestions or recommendations *Feed Back* from Moderators.

Criminal Law Policy Against the Purpose of Conservation of Biological Natural Resources and Their Ecosystems in Indonesia

Muhammad Topan

Universitas Lambung Mangkurat

Brigjen Hasan Basri Street, Banjarmasin Utara Distric, Banjarmasin City, Kalimantan
Selatan Province

mtopan@ulm.ac.id

Abstract

Indonesia is very rich in various natural resources, including the biodiversity contained therein. It is realized that natural resources which are scattered in various parts of Indonesia will one day be scarce and extinct if their management is carried out in an unsustainable and sustainable manner. Article 3 of Law No. 5 of 1990 states that the conservation of living natural resources and their ecosystems aims at realizing the preservation of living natural resources and the balance of their ecosystems so that they can better support efforts to improve people's welfare and the quality of human life. To prevent this condition, Law No. 5 of 1990 concerning the Conservation of Living Natural Resources and their Ecosystems contains a criminal law policy as part of a conservation policy.

Indonesian environmental law already recognizes the concept of punishment in the form of recovery for the consequences of a crime, but this mechanism is not accommodated in Law No. 5 of 1990. The concept of punishment in the form of recovery for the consequences of a crime is a concrete form to support conservation goals to realize sustainable natural resources. biological natural resources and the balance of their ecosystems so that they can better support efforts to improve people's welfare and the quality of human life. Because the concept of punishment in the form of recovery for said crime is a relevant criminal law policy, meaning that there is conformity or harmony with demands, needs, and developments in society between the criminal law policies that are enacted to conserve living natural resources and their ecosystems.

Keyword: *Criminal Law Policy, Purpose of Conservation of Living Natural Resources and Their Ecosystems.*

INTRODUCTION

Along with the increasing level of human need and interest in the use of natural resources, the pressure on natural resources is becoming greater. This is if the management is carried out in an unsustainable and sustainable manner, it will have an impact on the degradation of natural resources. As a result of the degradation of natural resources, also has an impact on the loss of some of the functions of the area, damage to the habitat of wild plants and animals also has an impact on increasing the rate of scarcity/extinction of wild plants and animals, besides that it has a broad impact on reducing the quality of life and increasing threats to human life. The existence of this threat is the importance of implementing conservation policies for living natural resources and their ecosystems.

Conservation of living natural resources is the management of living natural resources which is used wisely to ensure the continuity of their supply while maintaining and increasing the quality of their diversity and value. Conservation policies in Indonesia have been protected through legal instruments Law No. 5 of 1990 concerning the Conservation of Living Natural Resources and their Ecosystems. The main issue in conservation policy is preventing extinction that can occur at all levels of biodiversity both ecosystems, species, and genetics. Extinctions, especially those of a mass nature, must be prevented. Even though they have self-renewal or renewable properties, living natural resources have irreversible if they are used excessively to a level that exceeds their capacity.

The provisions of Article 3 of Law No. 5 of 1990 state that the conservation of living natural resources and their ecosystems aims to strive for the realization of the preservation of living natural resources and the balance of their ecosystems so that they can better support efforts to improve people's welfare and the quality of human life. To support the realization of conservation goals, Law No. 5 of 1990 contains criminal law policies as part of conservation policies. However, based on data that still shows a high level of threat to biodiversity from scarcity/extinction of ecosystems, species, and genetics, this can certainly hinder conservation goals. In 2018, the Indonesian Minister of Environment and Forestry (“Minister of Environment and Forestry”) said that crimes against wildlife/ wildlife crime ranked third as the biggest crime after narcotics and

trafficking in persons.⁴⁵ Based on this condition, the authors are interested in discussing whether the current criminal law policy is oriented towards the goal of conserving living natural resources and their ecosystems.

METHOD

This research is normative juridical research that is prescriptive, using a statutory approach and a conceptual approach. This study uses legal materials, including laws and regulations, literature, and journals that are related to the issues discussed. In collecting legal materials, researchers used library research, namely by examining laws and regulations, literature, and inventorying them, which were then processed and analyzed to be arranged logically and systematically to obtain conclusions that were by the research objectives.

RESULTS AND DISCUSSION

Indonesia is very rich in various natural resources, including the biodiversity contained therein. It is realized that the natural resources which are scattered in various parts of Indonesia will one day run out and become extinct if their management is carried out in an unsustainable and sustainable manner. The provisions in Article 33 paragraph (3) of the 1945 Constitution state that "Earth, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people". It is this goal that will guide conservation policies to create the greatest possible prosperity for the people, including for future generations, as well as the preservation of living natural resources and their ecosystems. As regulated in Article 3 of Law No. 5 of 1990 Concerning the Conservation of Living Natural Resources and Their Ecosystems, states that conservation aims to strive for the realization of the preservation of living natural resources and the balance of their ecosystems so that they can better support efforts to improve people's welfare and the quality of human life.

The State of Indonesia is a State of law, while the function of law in a state of the law is "Social Control" (Control of people's behavior), which means that the law functions to regulate

⁴⁵ Tsatina Maharani, *“Menteri LHK: Kejahatan Satwa Liar Peringkat Ke-3 di Indonesia,”* <https://news.detik.com/berita/d-3998884/menteri-lhk-kejahatan-satwa-liar-peringkat-ke-3-di-indonesia>, diunduh pada 1 Nopember 2022.

human behavior in the life of the nation and state, to create an orderly, orderly and peaceful atmosphere.⁴⁶ Conservation policies aim to control people's behavior so that the use of natural resources is sustainable and sustainable, so to support the realization of these conservation goals a criminal law policy is used as part of the conservation policy.

Barda Nawawi Arief in his book entitled Bunga Anthology of Criminal Law Policies states that: "Criminal law policy is a direct translation of the term penal policy, but sometimes the term penal policy is also translated into criminal law politics".⁴⁷ About criminal law politics, Sudarto argues as follows: "Implementing "criminal law politics" means holding elections to achieve the best results of criminal legislation in the sense of fulfilling the requirements of justice and efficiency. On another occasion he stated that carrying out "criminal law politics" means, "efforts to realize criminal laws and regulations that are by the circumstances and situation at one time and for the future."⁴⁸

Criminal law policy must be understood as a whole and as part of society because the legal basis itself is in society. So, the operation of criminal law in a society must be understood how the interaction of law with the social and political life of society. Regarding the criminal law policy contained in Law No. 5 of 1990 concerning the Conservation of Living Natural Resources and their Ecosystems, in general, it contains criminal provisions against crimes/violations of protected animals and plants and their areas. As for the punishment arrangements for these crimes/violations, only cumulative imprisonment and fines are imposed. Regarding punishment, it does not have a direct impact on efforts to preserve and sustain living natural resources and their ecosystems as a result of the impact of a crime/violation of the provisions of the crime. If you understand criminal law policy as the interaction of law with the social and political life of the people, then in a context like this, based on customs in Indonesian society, the most important thing is recovery from conditions that have been disrupted as a result of these crimes/violations. Indonesian

⁴⁶ Naavi'u Emal, Maaliki, Eko Soponyono, *Kebijakan Hukum Pidana dalam Menanggulangi Tindak Pidana Berita Bohong*, Jurnal Pembangunan Hukum Indonesia , Volume 3, Nomor 1, Tahun 2021, hal.60.

⁴⁷ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana*, Penerbit: Citra Aditya Bakti, Bandung, 2002, hal.23.

⁴⁸ *Ibid*,...hal.25.

environmental law already recognizes the concept of punishment in the form of recovery for the consequences of a crime, but this mechanism is not accommodated in Law No. 5 of 1990.

The concept of punishment in the form of recovery for the consequences of a crime is a concrete form to support conservation goals to realize the preservation of natural resources and biodiversity and the balance of its ecosystem so that it can better support efforts to improve people's welfare and the quality of human life. Because the concept of punishment in the form of recovery for a crime is a relevant criminal law policy, meaning that there is conformity or harmony with the demands, needs, and developments in society between the criminal law policies that are in force to conserve living natural resources and their ecosystems. The use of relevant criminal law policies is a national effort to achieve social policy, namely the achievement of social welfare and protection for the community.

CONCLUSIONS

Indonesian environmental law already recognizes the concept of punishment in the form of recovery for the consequences of a crime, but this mechanism is not accommodated in Law No. 5 of 1990 concerning Conservation of Living Natural Resources and Their Ecosystems. So thus, it can be said that the current criminal law policy is not yet oriented towards the goal of conserving living natural resources and their ecosystems, because the criminal law policies that are regulated are not yet relevant, meaning that there is no conformity or harmony with demands, needs, and developments in society between policies criminal law enacted to conserve living natural resources and their ecosystems.

It is necessary to amend Law no. 5/1990 concerning the Conservation of Living Natural Resources and their Ecosystems by including additional penalties that are oriented towards conservation goals, namely in the form of punishment in the form of reparation for the impact of criminal acts on protected animals and plants and their areas.

BIBLIOGRAPHY

Book

Barda Nawawi Arief, Bunga Rampai Kebijakan Hukum Pidana, Penerbit: Citra Aditya Bakti, Bandung, 2002.

Journal

Naavi’u Emal, Maaliki, Eko Soponyono, Kebijakan Hukum Pidana dalam Menanggulangi Tindak Pidana Berita Bohong, *Journal Pembangunan Hukum Indonesia* , Volume 3, Number 1, 2021.

Website

Tsatina Maharani, “Menteri LHK: Kejahatan Satwa Liar Peringkat Ke-3 di Indonesia,” [https://news.detik.com/berita/d-3998884/menteri-lhk-kejahatan-satwa-liar-peringkat ke-3-di-indonesia](https://news.detik.com/berita/d-3998884/menteri-lhk-kejahatan-satwa-liar-peringkat-ke-3-di-indonesia), diunduh pada 1 Nopember 2022.



CERTIFICATE

Nomor : 1070/UN8.2/PG/2022

OF APPRECIATION

Muhammad Topan

As:

PRESENTER

of The International Conference on Natural Resources Policy (ICNRP 2022)
10 November 2022, Neptunus Ballroom
Galaxy Hotel Banjarmasin



Lena Hanifah, S.H., LL.M, Ph.D.
Ketua Pelaksana



Prof. Dr. Ir. H. Danang Biyatmoko, M.Si
Ketua LPPM ULM

