Natural Resources for Human Health
eISSN: 2583-1194

Original Research

Received 14 July 2026
Revised 21 Aug 2026
Accepted 04 Sep 2026

Natural Resources for Human Health 2026, Vol. 6 (19s): 645–653

KEYWORDS:
environmental criminal policy, illegal logging, forests, state control, sustainability.

Study of Environmental Criminal Policy and Illegal Logging in Forest Protection in Peru

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ABSTRACT: Objective: To analyze the effectiveness of environmental criminal policy against illegal logging in the context of forest production and management issues in Peru.

Method: A qualitative, descriptive, and phenomenological approach was used, employing documentary analysis as both technique and instrument, based on scientific articles indexed in Scopus, SciELO, and Redalyc.

Results: It was concluded that illegal logging is not solely determined by economic factors, but is also related to institutional weaknesses, inter-institutional disarray, and deficiencies in the application of regulations that foster impunity.

Discussion: The results suggest that environmental criminal policy is insufficient when limited to punishment, and that a comprehensive strategy involving prevention, control, and social participation is necessary.

Conclusion: The low effectiveness of environmental criminal policy leads to illegal logging and the resulting environmental unsustainability and risk. Recommendations: Improve inter-institutional coordination, increase the state's operational capacity, implement traceability systems, and effectively implement the sustainable preventive policy.

I. INTRODUCTION

Currently, the protection of forests in Peru has become what we consider to be a fundamental axis of environmental criminal policy, as a result of the increase in illegal logging, which decreases biodiversity, ecological balance and the right to a healthy environment. This problem has escalated in the legal sphere, as the need to make regulatory and state control mechanisms more vigorous is evident. From this perspective, illegal logging as a criminal activity is what affects that policy, that is, the one that affects environmental criminal policy, since it depends on factors that obstruct the application of a correct sanctioning policy, and whose lack of uniformity of criteria, coupled with the lack of institutional articulation, are at the basis of impunity and weak compliance with environmental justice policy (Castro, 2023).

In addition, recent research shows that the illegal trafficking of forest products, which is very common and which, by its very nature, is closely related to illegal logging, would be a very lucrative activity in the Peruvian Amazon, which amplifies its complexity and makes its eradication difficult. The limited operational capacity and time of the staff of the Specialized Prosecutor's Offices and the lack of resources that are adequate to the nature of the crime, determines the low effectiveness of criminal prosecution; in this context, the low rates of sentences, added to the high rates of files, testify to the sense of inefficiency (Ramírez & Siaden, 2024).

The reality is complicated by the weak implementation of environmental public policies in Peru: despite the fact that there are regulations and tools to protect forests, institutional adaptation always limits their effectiveness. It is essential to strengthen environmental criminal policy with articulated, preventive, and sanctioning mechanisms that comprehensively counteract illegal logging and its impacts. In addition, there is a gap between the legislation in force and its actual application, which facilitates its persistence in illegal practices. Therefore, there will also be a need to analyze environmental criminal policy to locate limitations

and propose mechanisms that allow for more effective protection of forests under criteria of sustainability and environmental justice (Gutiérrez & Tello, 2024).

In the review of the national context, as pointed out by Becerra, E (2023), this analysis of the situation of the crime of illegal logging in the Madre de Dios region shows that, despite the regulatory advances that have been taking place in the environmental field and also in the criminal field, there are significant shortcomings regarding the adequate coordination of the institutions that are responsible for the control and prosecution of this crime. Likewise, a low degree of execution of environmental criminal policy can also be observed, which reduces its margin of deterrence and also of sanction. In this sense, these weaknesses facilitate the continuity of this type of illicit activity and mean that the protection of forest resources may be able to be affected, which is why the need to strengthen institutional articulation and also to improve the execution of the measures that already exist is evident.

According to Gonzales, J (2024), The research on public policy in Lambayeque concludes that the fight against illegal logging in the region requires the effective articulation of the different spirits of the State and the actors. The study proposes that the central limitation lies in the lack of institutional coordination, as a result of which there are weaker conditions for the implementation of strategies and the low intensity of supervision and control actions. In this context, the need to strengthen inter-institutional cooperation mechanisms in order to present a comprehensive response to social problems is emphasized.

As stated by Anto, M (2023), research on illegal logging and environmental degradation in Peru shows that this crime does not operate in isolation, but is intimately linked to other illegal economies such as informal mining or related illicit activities. This link intensifies its negative effects, damaging sustainable development, ecosystem conservation, and social stability. Likewise, it is stated that these illicit dynamics are a danger to national security, which requires global alternatives articulated from criminal policy and public policies.

For Tarazona et al. (2021), Research on deforestation in Peru considers that illegal logging corresponds to one of the most outstanding environmental crimes, as it is also a very profitable activity that promotes its existence. Despite the fact that there is a regulation aimed at its control and sanction, the elimination of deforestation is problematic, as economic, social and institutional factors participate in it that reinforce its continuity. This is how the necessary control and control mechanisms emerge.

As indicated by Mongabay, L (2024), recent research shows that the impoverishment of environmental regulations, coupled with the progress of illegal economies, has favored the growth of deforestation in Peru. This shows serious flaws in environmental criminal policy, mainly in its preventive, control, and sanction capacity. In the same sense, it is pointed out that the lack of surveillance and weak institutional articulation favor the increase of these illegal activities, which shows the imperative need to strengthen the regulatory framework and its effectiveness.

In the words of Bösch et al. (2021), illegal logging from a global perspective, pointing out that its persistence is correlated with institutional weaknesses, high corruption and low state control capacity. Similarly, it highlights that the lack of coordination of entities and weak oversight favor its growth. In summary, it is understood that criminal environmental policy requires a strengthening of guarantees in terms of the governance system, regulatory control and the execution of sanctions to achieve its effectiveness.

Along the same lines, França et al. (2023) report that in Brazil it measures the risk of illegality in the timber supply chain, finding that a large part of the timber offered for sale shows some sign of illegal origin. The analysis shows that illegal logging is not an exception, but is structurally present in timber exploitation economies, sustained on the basis of control gaps and institutional weaknesses. Therefore, public policies must be implemented in the sense of building and implementing integrated public policies that include criminal control mechanisms, tracing systems and an increase in oversight in order to successfully intervene in this illegality.

It should be noted that for Ferdyansyah, M (2024), criminal policy in Indonesia shows that, despite the existence of criminal regulations that tend to punish illegal logging, it is limited by these structural conditions. The aforementioned are the lack of applicability of the law, corruption, and the social and economic conditions that invite it. The lack of adequate structural conditions is accompanied by poor institutional coordination, which means that the measures implemented do not have much effect on the eradication of illegal logging, which highlights the importance of strengthening control mechanisms and the implementation of more effective measures.

As Aziz et al., (2024), research in Southeast Asia propose, the phenomenon of illegal logging causes severe problems to biological diversity with heavy losses for environmental sustainability and for the maintenance of the balance of ecosystems, which also causes local communities that depend on forests for subsistence to suffer. The study developed reveals that the problems evidenced here are not exclusively ecological, but involve economic and social dimensions. Within the context, the need to change environmental policy through the introduction of much more efficient preventive and sanctioning approaches and through a much greater institutional articulation that allows for a more holistic approach to this problem is manifested.

Similarly, Rosadi & Afrizal, (2023) argue, research on criminal forest policy in Indonesia shows that, although there is a criminal type aimed at punishing illegal logging, its effectiveness does not depend solely on the existence of such a criminal type; rather, effectiveness is a matter that depends on the level of articulation and interaction between public policy, sustainable forest management policy, and institutional capacity policy in the State; in fact, the importance of including prevention-oriented measures and control and community participation measures to provide a more effective response to this environmental issue is highlighted.

The research is justified from a multiplicity of angles. At the theoretical level, it is an attempt to contribute to the analysis of environmental criminal policy to the problem of illegal logging in Peru, articulating legal, environmental and institutional approaches, and showing that it is a complex issue, related to the weakness of the system of control and application of the law. From the practical point of view, it provides evidence of the main consequences of the inefficiency of the State, makes us see the existence of illegal timber trafficking, under sanction and scarce operation of the institutions. At the same time, it serves to formulate proposals for the strengthening of mechanisms for oversight, control and sanctions. In the social sphere, it demonstrates how illegal logging activity has a negative impact on the environment, sustainable development and the quality of life of the population, weakens confidence in institutions and encourages the continuation of illegal activities. From the point of view of academic results, it provides an advance in knowledge in environmental criminal policy and forest protection, being a basis that will have to be further researched in the future. Finally, methodologically, it is justified by a qualitative approach based on documentary review and analysis of scientific sources, which allows it to know the problem in a comprehensive way, in order to propose alternative solutions.

In this article, the objectives are derived from the analysis we have carried out. In this line, we have as a general objective **To analyze the effectiveness of the environmental criminal policy against illegal logging in the protection of forests in Peru, in order to examine its limitations, and propose alternatives for improvement?** Likewise, the following specific objectives are proposed: **To examine the normative, institutional and operational factors involved in the application of environmental criminal policy in the face of illegal logging in Peru?** y **Interpret the legal, social and environmental implications of illegal logging, in relation to the effectiveness of the mechanisms of control, control and sanction?**

The research assumes environmental criminal policy as an independent category. According to Ulloa et al. (2022), they analyze this environmental criminal policy in order to highlight its importance in the sustainability of ecosystems through the sanction of behaviors that damage the environment, noting as a central problem that criminal law is insufficient to achieve a comprehensive vision of environmental crimes, evidencing a weakness of the protection system. For this reason, it is important to articulate this policy with administrative regulations, public policies, and preventive strategies in order to reduce impunity and improve the effectiveness of the environmental protection system in Peru.

Under the above premise, Martín, M (2024) points out, research on international criminal protection with regard to the environment translates into a proposal for the development of the concept of "ecocide" as a new category in environmental criminal policy worldwide. By delegating protection to nature, an attempt would be made to recognize and punish environmental degradation in massive magnitudes that in fact affect ecosystems, as well as humanity. At the same time, the need to strengthen international ius puniendi through more effective legal tools, cooperation between States, more drastic sanction mechanisms at the international level; in other words, more effective international criminal law in the response to ecological crimes of a transnational nature.

According to Pallàs' approach, P (2022) determines that environmental criminal policy cannot be satisfied with the (exclusively) punitivist approach, but must propose a more global view, so that (consequently) it suggests adding indicators of distributive justice, thus guaranteeing equity in the distribution of environmental risks and benefits; as well as promoting the participation of citizens in control and decision-making processes. Similarly, of manifest importance he points out the importance of environmental reparation for the recovery of the damage caused and the sustainability of ecosystems.

For Carrasco, C (2025), he argues that the criminal liability of legal persons in the environmental field in Europe demonstrates how the current environmental criminal policy imposes tougher penalties on legal persons (companies) when they participate in environmental crimes. The analysis exposes how corporate organizations are capable of generating a significant environmental impact, to which is added the need to strengthen control, supervision and compliance mechanisms. It also points to the need to commit to the establishment of internal prevention systems that contribute to the reduction of risks, as well as to business practice in line with the principles of sustainability.

Monroy & Tristán (2025) conceptualizes a reconfiguration of environmental criminological policy in the direction not only of punishment, but also of the prevention of social and environmental conflicts. In this way, the need to place the protection of affected communities that suffer from ecological crime ahead of ecological crime itself is highlighted, incorporating formulas of restorative justice, dialogue and peaceful resolution of conflicts. Also in this sense, it proposes to incorporate integrally structural preventive resources that address the causes of ecological crimes, promoting a more equitable and sustainable way of managing the environment.

In the context of the research work, reference is made to the dependent category illegal logging in the protection of forests, Pan et al., (2024), explain that, although policies have been implemented for decades, the impact of carrying them out has turned out to be too weak to correspond to the breadth of the problems associated with illegal logging, while underlining how illegal logging activity has direct consequences on the carbon that can accumulate in forests, biodiversity, and the very function of forests as ecosystems and as protectors of the landscape. Along these lines, the study underscores the need to continue the development of more effective and better integrated strategies to reduce illegal logging through more vigilant control that favors the reduction of the social and environmental impact of the problem.

It should be noted that Sheng et al., (2023), mention the illegal timber trade in China and show that illegal logging is one of the main causes of deforestation in the world, as there is a high demand and there are deficiencies in control systems. In addition, it mentions that the lack of effective control mechanisms in the timber trade interferes with the protection of forests and the circulation of illegal products. This simultaneously generates negative effects on the stability of the environment and on the transparency and legality of forest markets.

From the approach indicated by Polo et al., (2023), the systematic review of policies against illegal logging carried out for the European Union concludes that, despite the existence of regulations such as the FLEGT system, their effectiveness is partial and limited in the face of the complexity of this problem. The systematic review presents evidence that there are failures in the traceability of wood and in its control, which allows the entry of products of illicit origin, which ultimately has an impact on the protection of forests, especially in supplying countries, and the need to strengthen verification and control systems.

On the other hand, Mensah et al., (2024), the research that deals with the traceability of timber in Africa, argues that illegal logging is undoubtedly one of the main causes of deforestation and biodiversity loss in the region. It also detects that the lack of adequate mechanisms to control illegal logging favors its expansion. Therefore, the use of tracking and tracking technologies is established as instruments for the protection of forests, to increase transparency in the supply chain and reduce the illegal exploitation of timber resources through the use of own monitoring.

II. METHODOLOGY

The research presented has a qualitative approach, since it is a pure research, with a purely descriptive aspect, aimed at understanding the effectiveness of environmental criminal policy against illegal logging in the protection of forests in Peru. Prigol & Behrens (2019) add in this type of context that qualitative research should be understood as a field based on philosophical dimensions under which the understanding of social phenomena from an interpretative angle is directed.

The research design was developed through documentary analysis, based on academic sources, the study of the issue of environmental criminal policy and illegal logging, with the account of a phenomenological approach to research that allows the phenomenon to be approached in a sense of experience and critical analysis of the actors and specialized study. And in this procedure, Weiss E. (2017) considers that phenomenology is that which studies the subjects or expertise linked to the object of study through analytical and critical reflection.

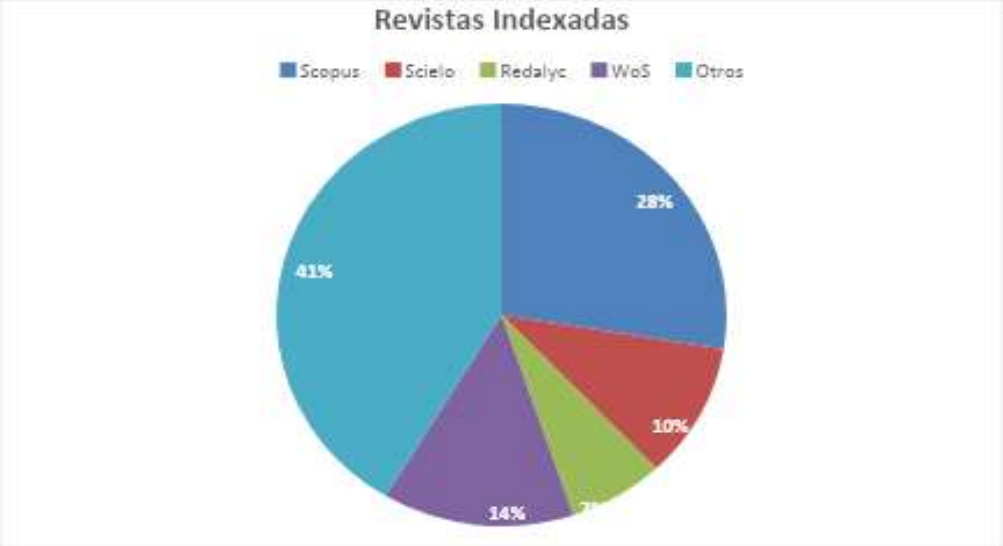
The research was structured around two categories: as an independent category, environmental criminal policy; and as a dependent category, illegal logging in the protection of forests. In line with this, Aldave R. (2021) indicates that analysis is a

logical process that results in obtaining fundamental instruments for the development of scientific research, facilitating a comprehensive understanding of the phenomenon that is intended to be investigated.

Given that the collection of information was based on the documentary analysis technique and in which the analysis sheet was used as an instrument (which allowed the systematization of relevant information on environmental criminal policy and illegal logging), the scientific articles were selected and extracted from recognized databases such as SCOPUS, SCIELO, Web of Science, Redalyc, Dialnet and Google Scholar, which were prioritized from studies more related to environmental law, environmental criminology and protection of forest resources.

The search for documentation took place between 2022 and 2023 and recent scientific articles were prioritized; only in cases where the books offered great theoretical value were previously published works considered. This way of collecting the literature worked on made it possible to ensure the topicality, relevance and scientific rigor of the research. Work was also carried out on scientific literature, current regulations, and doctrinal analysis of environmental criminal policy and illegal logging.

Graph 1 Indexed journals



Note; Source: Own elaboration

A large set of national and international scientific articles were reviewed, a total of 29 of which allowed us to arrive at an updated and solid foundation. This diversity of sources made it possible to work on the problem from different understandings of the problem, which, in turn, strengthened the legal interpretation, the environmental interpretation and, in any case, the institutional interpretation of the phenomenon studied. At the same time, criteria of methodological rigor were applied, ensuring the adequate citation of the sources in accordance with APA 7 regulations, thus avoiding information that could be inaccessible or that could lack scientific validity.

With regard to ethical principles, the research respected the principles of: autonomy, beneficence, non-maleficence, and justice. The adequate citation of the sources was guaranteed, respecting the intellectual property of the authors and avoiding any form of plagiarism. In this sense, Porquet et al. (2014) point out that ethical principles in qualitative research, on the other hand, emerge in a parallel way throughout the research, guiding the validity and legitimacy of the study.

Likewise, the integrity of the documentary information used was safeguarded, protecting its responsible and transparent use. The principle of beneficence was indicated in the academic collaboration of the study, in the same way as the principle of non-bad beneficence that erroneous or harmful interpretations were not made to others". Authority exercised, taking into account the "principle of justice", which prescribed treating national and foreign sources equally, thus achieving a completely objective vision of the problem object of the research.

Finally, it was concluded that the chosen methodology allowed to indicate how environmental criminal policy and its relationship with illegal logging should be systematized and rigorously well, helping to elucidate the phenomenon and formulate

proposals aimed at the effective protection of forests in Peru.

III. RESULTS

The qualitative analysis of the information has revealed that environmental criminal policy in Peru has structural limitations that directly affect the continuity of illegal logging. The documentary review shows that there is a body of regulations aimed at the protection of forest resources, but its quantity, quality, and institutional development, as well as its reluctance rather than lack of the necessary resources and the lack of criteria for criminal prosecution, has led to the consideration of the policy as more than limited (Castro, 2023; Becerra, 2023).

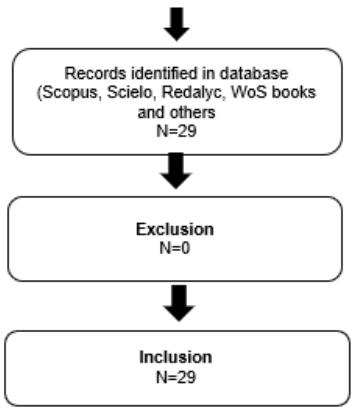
In this way, the results show that illegal logging is not an isolated phenomenon, it is part of illegitimate economic dynamics (such as the supply of by-products of non-self-sufficient species), etc. The continuity of illegal logging is easily understood if the profitability of the activity and the response of the organizations are considered; this makes what was also state control worse and worse (Anto, 2023; França et al., 2023). In addition, it has been shown that illegal trafficking of forest products is one of the manifestations of illegal logging, so work should be done on ways to control the chain of custody (Pan et al., 2024; Mensah et al., 2024).

From an institutional perspective, the results show that the weak coordination between the entities that deal with criminal oversight and prosecution limits the effectiveness of environmental criminal policy, given that the poor articulation between administrative and judicial agencies, in addition to the limited operational capacity of prosecutors' offices, translates into low rates of sanctions and high rates of impunity (Ramírez & Siaden, 2024; Gonzales, 2024), which is further complicated by the lack of effectiveness in the application of comprehensive public policies, which limits the State's action in the face of illegal logging (Gutiérrez & Tello, 2024).

At the international level, the results coincide in the consideration that illegal logging is a global problem linked to institutional weakness, corruption, and difficulty of control. It is shown that, although regulatory frameworks exist, the application of environmental criminal policy is limited by structural factors that require comprehensive and coordinated approaches (Bösch et al., 2021; Ferdyansyah, 2024). At the same time, it is emphasized that policies that are based on punishment are insufficient and should seek to include prevention, technological, and community participation strategies (Aziz et al., 2024; Rosadi and Afrizal, 2023).

With respect to the results of the triangulation, three dimensions were obtained: theoretical, empirical, and contextual. From the theoretical dimension, the studies we reviewed point in the same direction with the need to increase environmental criminal policy through integrated approaches (Ulloa et al., 2022; Pallàs, 2022). From the empirical dimension, the data are overwhelming and show a continuity of illegal logging and low effectiveness of existing control mechanisms (Ramírez & Siaden, 2024; Mujica et al., 2024). Finally, from the contextual dimension, the reality of Peru shows a significant gap between the norm and what is applied, an issue that results in illicit activities continuing (Mongabay, 2024; Sheng et al., 2023). The triangulation carried out allows us to conclude that the problem has to do with the interaction of regulatory, institutional, and socioeconomic factors that require a multidimensional intervention.

Prism Flowchart



IV. DISCUSSION

The results provided allow us to argue that environmental criminal policy in Peru is ineffective against illegal logging, coinciding with scientific research on environmental criminal law that determines that by itself, it is not enough to provide solutions to the complex phenomena that are behind ecological crimes (Ulloa et al., 2022). In this sense, corroborated evidence supports that the lack of articulation between public policies, administrative regulations, and even control mechanisms disarticulates the State's capacities to prevent and punish behaviors that violate environmental human rights.

The findings also indicate that they coincide with the results obtained in relation to the lack of coordination at the institutional level and the low operational capacity and that, on the other hand, they endorse what the scientific literature determines to account for environmental governance and inter-institutional cooperation as one of the keys to better effectiveness of criminal policy (Becerra, 2023; Gonzales, 2024). Thus, the problem lies not only in the existence of regulations, but also in their execution and implementation in practice.

For its part, the link between illegal logging and clandestine economies of greater importance is consistent with the literature that shows that the consideration of environmental crimes must be comprehensive, taking into account economic, social and political elements (Anto, 2023; Aziz et al., 2024). Along these lines, it is noted that a prevention and sustainable development approach is necessary to reduce the incentives to commit crimes.

In a comparative key, the results are consistent with international analyses that connect corruption, institutional fragility, and lack of control as significant factors in understanding the way in which illegal logging is perpetuated (Bösch et al., 2021; Ferdyansyah, 2024). In this way, it is possible to argue that the Peruvian case is not isolated, but can be understood globally, and that it is necessary to respond to such a phenomenon in a coordinated manner both nationally and internationally.

Finally, the discussion allows us to affirm that we must move from the current environmental criminal policy to one that seeks to integrate punishment with prevention, traceability and social participation. This coincides with proposals that argue that it is necessary to incorporate environmental justice, the responsibility of private actors and institutional strengthening as pillars to achieve the protection of forests (Carrasco, 2025; Monroy & Tristán, 2025). Therefore, it is concluded that the improvement of environmental criminal policy in Peru requires not only regulatory corrections, but also a transformation in institutional resolution and public policies that point towards sustainability.

V. CONCLUSIONS

First. It is concluded that environmental criminal policy in Peru has a low effectiveness in the face of illegal logging, since there is a wide distance in relation to the regulations and effectively in their application. In addition, although these regulations contemplate mechanisms for the protection of forests and sanctions for environmental crimes, they are not adequately implemented, which means that illegalities that harm biodiversity and ecological stability persist.

Second. The normative, institutional and operational factors are the set of elements that reduce the effectiveness of environmental criminal policy and among these are the lack of unitary criteria of sanctionability, weak connectivity of the institutions that are responsible for criminal control and prosecution and a limited operation of the competent institutions and it is concluded that this set of factors has allowed high rates of impunity.

Third. It is determined that illegal logging is not simply a sufficiently unique phenomenon, since it is interconnected with other potential illegal economies, such as the illegal commercialization of products derived from forests or other non-formal activities that underlie it, which makes it even more lucrative and much more difficult to eliminate. From this situation derives evidence that it is necessary to raise the issue through the construction of a holistic view that applies not only the criminal sphere, but also the insertion of social, economic and structural variables.

Fourth. It is concluded that the weakness in the application of environmental public policies is an element to be taken into consideration as one of the causes that lead to the persistence of illegal logging. Despite the existence of regulatory instruments, the lack of inter-institutional coordination, the scarce preparation of inspections, and the lack of implemented prevention strategies, make it almost impossible for the State to respond to this situation.

VI. RECOMMENDATIONS

First. It is suggested to strengthen the inter-institutional interrelation of the entities in charge of the supervision, control and

criminal prosecution of environmental crimes, such as environmental prosecutors' offices, administrative organizations, forestry authorities, etc. To this end, it is necessary to implement mechanisms for effective coordination, exchange of information, joint work, etc., that allow for a more effective and, therefore, more efficient response to illegal logging.

Second. It is suggested to improve the technical capacity and operational capacity of the competent institutions, through the provision of more human, logistical, technological resources, etc. This includes specialized training of the personnel in charge, the strengthening of environmental prosecutors' offices and the introduction of technological instruments for the detection, monitoring, control, repression, etc. of illegal activities carried out in forest areas.

Third. It is suggested to develop systems for traceability and control of the timber supply chain, using technologies that ensure the verification of the legal origin of forest products. All this would contribute to reducing illegal trade, increasing market transparency, as well as ensuring greater protection of forests against illegal exploitation.

Fourth. It is recommended that comprehensive preventive public policies be implemented, including local communities, environmental education programs and sustainable economic alternatives. This would reduce incentives for illegal logging and promote the construction of a culture of respect for the environment, contributing to more sustainable forest management.

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