



## FOREST FIRES AS A HUMAN RIGHTS VIOLATION: THE STATE'S ROLE IN PROTECTING THE RIGHT TO A HEALTHY ENVIRONMENT

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**Abstract:** The 1945 Constitution of the Republic of Indonesia guarantees the right to a good and healthy living environment, as stated in Article 28H paragraph (1). This places a responsibility on the state to ensure the fulfillment of these rights. This paper addresses the issue of forest fires, which violate the right to a healthy environment due to the harmful effects of smoke, mainly when caused by human actions. It examines how the law regulates forest fires and the state's responsibility for human rights. Using a normative juridical method, this paper relies on secondary data comprising primary, secondary, and tertiary legal materials. The analysis employs both statutory and conceptual approaches. The findings indicate that large-scale forest fires, especially those caused by deliberate human activities, violate the right to a good and healthy environment. Consequently, the government is obliged to take strict action against perpetrators of forest fires and ensure recovery efforts for communities affected by these environmental disasters. This reinforces the state's obligation to uphold human rights by safeguarding the environment and addressing the consequences of environmental harm caused by forest fires.

**Keywords:** Environment; Forest Fires; Human Rights; State Responsibility

### 1. Introduction

Forest fires seem to be a problem that is always crucial in Indonesia; based on data from the National Disaster Management Agency (BNPB), as many as 750,000 hectares of forests in Indonesia have been deforested; this amount is wildly disproportionate to the government's ability to rehabilitate forests, which is only 250,00 hectares.<sup>1</sup> Based on data from the Ministry of Environment and Forestry (KLHK), from 2016 to 2021, 3,183,104.75 hectares of forest were burned in the last five years. The largest fire occurred in 2019, when 1,649,258 hectares were burned, making it the year with the most significant forest fires in the previous three years.<sup>2</sup> The data blatantly illustrates the increasingly critical and concerning problem of forest fires in Indonesia.

The above events need serious attention, especially from the state, considering the impact caused by forest fires is very dangerous. The impact is directly felt by affected communities, such as respiratory problems (ISPA), disruption of community economic activities, and disruption of flight activities. The indirect impact in the long term is the loss of forests as the

<sup>1</sup> Kementerian Lingkungan Hidup dan Kehutanan. (2021). [http://sipongi.menlhk.go.id/hotspot/luas\\_ kebakaran](http://sipongi.menlhk.go.id/hotspot/luas_ kebakaran), accessed October 13, 2024.

<sup>2</sup> *Ibid*



“lungs” of the world, which then affects the availability of oxygen for living things, especially humans and animals.

The causes of forest fires, in general, can be grouped into two factors; the first is purely the cause of nature itself, namely because of the weather or hot temperatures that cause drought, which then causes forest fires; the second is due to human factors who deliberately burn forests to clear land for plantations, as is the case with many forests in Sumatra and Kalimantan being converted for oil palm plantations. The perpetrators of forest burning are generally not carried out by humans as individuals but by organized groups of people who are either legal entities or not legal entities known as corporations.<sup>3</sup> This is because the easiest way to clear land is by burning, despite the harmful effects of doing so.

A permanent solution is essential. According to the Head of Greenpeace's Global Forest Campaign, 8 of the 10 largest palm oil companies responsible for vast areas of burnt land between 2015 and 2019 have yet to face any sanctions.<sup>4</sup> In addition, there is a decrease in numbers based on data from the Ministry of Environment and Forestry of the Republic of Indonesia, which notes that the rate of deforestation in Indonesia in 2020 reached 115.46 thousand hectares.<sup>5</sup> Nevertheless, this figure is still high enough that it must continue to receive serious attention. This is because, in addition to the adverse health effects of forest fires, almost all provinces in Indonesia have forest areas.<sup>6</sup> Forest fires that are deliberately set by humans to be converted into oil palm plantations. Apart from being a criminal offense as stipulated in the Forestry Law (hereinafter referred to as the Forestry Law), land-clearing activities by burning forests are one of the actions that have the potential to violate the human rights of the affected communities, especially if the state is negligent in preventing and overcoming this problem.

The author will explore two key issues related to law and human rights. First, the legal perspective on land clearing through forest burning is primarily caused by human actions and its connection to human rights violations. This practice violates environmental laws and threatens the fundamental right to a clean and healthy environment. Second, the author will examine the state's responsibility to protect this right, especially for communities impacted by forest fires. This includes the state's obligation to enforce the law, prevent environmental damage, and provide remedies for those whose ecological rights have been infringed upon.

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<sup>3</sup> Peraturan Mahkamah Agung (Perma) No 13 tahun 2016

<sup>4</sup> Farisa, F.C. (2021). Jokowi Sebut Kebakaran Hutan Disebabkan Masyarakat. <https://nasional.kompas.com/read/2021/02/22/16222471/jokowi-sebut-kebakaran-hutandisebabkan-ulah-korporasi-dan-masyarakat?page=all>. accessed October 13, 2024

<sup>5</sup> Kementerian Lingkungan Hidup & Kehutanan Republik Indonesia. (2021) Laju Deforestasi Indonesia Turun 75,03%. [https://www.menlhk.go.id/site/single\\_post/3645/laju-deforestasiindonesia-turun-75-03#:~:text=Indonesia%20berhasil%20menurunkan%20deforestasi%2075,sebesar%20462%2C46%20ribu%20ha.](https://www.menlhk.go.id/site/single_post/3645/laju-deforestasiindonesia-turun-75-03#:~:text=Indonesia%20berhasil%20menurunkan%20deforestasi%2075,sebesar%20462%2C46%20ribu%20ha.) accessed October 13, 2024

<sup>6</sup> Muzaki Ahmad. (2021). Pengendalian Kebakaran Hutan melalui Penguatan Peran Polisi Kehutanan untuk Mewujudkan Sustainable Development Goals. *Litra: Jurnal Hukum Lingkungan, Tata Ruang, dan Agraria* Volume 1 Nomor 1, Oktober 2021, 22-42 Doi: <https://doi.org/10.23920/litra.v1i1.579> p.23

## 2. Research Method

This research adopts a normative juridical approach, studying legal norms and utilizing primary legal materials as the main data source. Normative legal research examines laws, regulations, and principles to understand their application in specific contexts. In this case, the legislative approach analyzes forest fire cases by examining relevant legal norms, including statutes, jurisprudence, and fundamental legal principles. This method thoroughly explores how forest fires are regulated and how legal mechanisms can be employed to enforce these regulations. The research aims to assess the effectiveness of existing laws in addressing forest fires and identify potential gaps or challenges in law enforcement in this area.

## 3. Discussion

### 3.1. Forest Fires as Human Rights Violations

Land clearing through the burning of forests is a prevalent practice among unscrupulous corporations in various regions. While these corporations contribute significantly to the country's development—particularly in the economic sector—by generating revenue through taxes and foreign exchange, they also pose considerable environmental and public health risks. Many corporations are responsible for pollution and environmental degradation, leading to severe consequences for local communities and ecosystems. This duality highlights the need for a balanced approach to corporate activity; corporations can drive economic growth and engage in criminal acts that harm communities. This is particularly evident in the palm oil industry, where land acquisition often involves the destructive practice of forest burning. Addressing these challenges requires carefully examining corporate practices and implementing stricter regulations to ensure that economic benefits do not come at the expense of environmental integrity and community well-being.<sup>7</sup>

Many forest fires occur because land clearing by burning is considered the most straightforward and profitable because of its fast process and low cost. Therefore, many corporations do this for cost-effective reasons, even though the impacts are severe. They are often the cause of extensive forest fires, which then affect the surrounding environment. In such a context, it is possible to hold corporations criminally liable. The goal is to significantly impact directors and improve corporate management as effectively as possible so that the corporation runs by its obligations.<sup>8</sup>

Environmental Crimes or Environmental offenses are orders and prohibitions of the law to legal subjects which, if violated, are threatened with the imposition of criminal sanctions, including imprisonment and fines, to protect the environment as a whole or elements in the environment, such as animals, land, air, and water and humans. We used to have Law No. 23 of 1997 on Environmental Management. Still, the provision has been updated by Law No. 32 of 2009 on Environmental Protection and Management, which is used as a guideline to

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<sup>7</sup> Yusyanti, D., (2019). Tindak Pidana Pembakaran Hutan dan Lahan oleh Korporasi untuk Membuka Usaha Perkebunan. *Jurnal Penelitian Hukum De Jure*, 19 (4), 455-478, doi:<http://dx.doi.org/10.30641/dejure.2019.V19.455-478>, p. 457.

<sup>8</sup> Butar-Butar, R., (2017). Modus Operandi dan Pertanggungjawaban Pidana Suap Korporasi, *Padjadjaran Jurnal Ilmu Hukum*, 4(1), 181-203, doi: <https://doi.org/10.22304/pjih.v4n1.a19>, p. 193

strengthen the law enforcement aspect and focus more on more serious planning and law enforcement<sup>9</sup>.

Provisions regarding the act or activity of burning land, including forests for land clearing in general, are regulated in Law No. 32 of 2009 concerning Environmental Management and related to the prevention of forest destruction. We have Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction. In addition, the Criminal Code also has an article that can be related to this act, namely Article 187 of the Criminal Code. So, when there is more than one provision that regulates the same object, certain legal principles are applied to avoid overlap in its implementation. Therefore, it can be said that the Criminal Code is the *lex generalis* of Law No. 32 of 2009 and Law No. 18 of 2013 because it regulates, more specifically, forest destruction. However, forest burning can be found in Law No. 32 of 2009, while Law No. 18 of 2013 does not regulate it.

In Law No. 32 of 2009 concerning Environmental Management, provisions regarding the crime of land burning are regulated in Article 108, which states, “*Any person who commits land burning as referred to in Article 69 paragraph (1) letter h shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least Rp3,000,000,000.00 (three billion rupiah) and a maximum of Rp10,000,000,000.00 (ten billion rupiah).*”

Land burning, as regulated in Article 108 of the UUPLH above, is a formal offense. In other words, the act is considered perfect or fulfilled once the act is committed without requiring the existence of the consequences of the act.<sup>10</sup> In this case, Sukanda Husain defines formal offense (specific crime) as an unlawful act against the rules of administrative law, so to prove the occurrence of a formal offense, it is not necessary to pollute or destroy the environment like a material offense, but it is enough to establish a violation of administrative law.

When viewed from the perspective of human rights, the activity of burning forests to clear land for oil palm plantations is, according to the author, a form of violation of the human rights of the community, especially in this case, the right to the environment of the people affected by forest fires. This is based on the opinion expressed by Heinhart Steiger that the right to a good and healthy environment is subjective and that subjective rights are the broadest form of protection for a person. In this case, the right to a healthy and sound environment is a person's fundamental right to be protected to obtain an environment that can affect the survival of humans and other living things that are protected from pollution and destruction of the climate healthily and reasonably.<sup>11</sup>

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<sup>9</sup> Nisa, A. N., & Suharno. (2020). Penegakan Hukum Terhadap Permasalahan Lingkungan Hidup Untuk Mewujudkan Pembangunan Berkelanjutan (Studi Kasus Kebakaran Hutan Di Indonesia). *Jurnal Bina Mulia Hukum*, 4(2), 294-311, doi: : <http://dx.doi.org/10.23920/jbmh.v4i2.337>, p. 301

<sup>10</sup> *Ibid.* p.121

<sup>11</sup> Waas, R. V. (2014). Perlindungan Hukum Terhadap Hak Atas Lingkungan Hidup Ditinjau Dari Perspektif Hukum Internasional Dan Hukum Nasional Indonesia . *Jurnal Sasi*, 20(1), doi: <https://doi.org/10.47268/sasi.v20i1.348>, 84-93. p.87

The global conception of human rights to the environment became apparent during the United Nations Conference on Environment and Man in Stockholm, Sweden, on June 5-6, 1972, which created the Stockholm Declaration. Principles 21 and 11 of the Declaration on the Human Environment of the Stockholm Conference state that the state has the sovereign right to utilize its natural resources by safeguarding and maintaining its environment. In this utilization, the state is responsible for any activity that harms the environment or the territory of other countries outside its national jurisdiction. A good quality environment cannot be maintained without respect for human rights, and human rights cannot be obtained without a good and safe environment. Respect, protection, enforcement, and fulfillment of human rights depend on a healthy and livable environment. In a damaged ecosystem, enjoying and obtaining the rights to life, health, security, adequate food, and culture is impossible or nearly impossible.<sup>12</sup>

In the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the theme of “environment” is explicitly stated in Article 12, which is one part of the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” In this article, several efforts should be made by the Government to fulfill the right to health, including “improving all aspects of industrial and environmental hygiene,” (1) which includes efforts to prevent epidemics and occupational accidents; prevention and reduction The CESCR interpret the right to health inclusively, not only about health services but also factors that sustain human health, including healthy environmental and occupational conditions. (2) Furthermore, in international human rights law standards, the “right to a healthy environment” is expressed in several General Comments adopted by Committees established based on international treaties (international human rights Covenants and Conventions). The interconnectedness of these two rights is apparent: a healthy environment is one of the socio-economic factors that create the conditions where people can enjoy a healthy life.<sup>13</sup>

In Indonesia, the constitutional guarantee of the right to a good and healthy environment is explicitly enshrined in Article 28 H, paragraph 1 of the 1945 Constitution, which states, "Everyone has the right to live in physical and mental prosperity, to have a place to live, and to have a good and healthy environment, as well as the right to obtain health services." To uphold this right, the Indonesian government enacted Law No. 32 of 2009 concerning Environmental Protection and Management, which aims to safeguard the environment and ensure its sustainability. However, this right is violated by forest fires, which significantly harm affected communities by depriving them of clean air necessary for breathing.

As a result, many individuals, particularly children, suffer from acute respiratory infections (ARI) due to exposure to smoke from these fires. The smoke contains harmful particles and gas components, such as sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), formaldehyde, acrolein, benzene, nitrogen oxides (NO<sub>x</sub>), and ozone (O<sub>3</sub>), which pose serious health risks. These adverse effects are particularly pronounced among vulnerable populations, including older people,

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<sup>12</sup> Iskandar. (2014). *Konsepsi Dan Pengaturan Hak Atas Lingkungan Hidup Yang Baik Dan Sehat*, Artikel Universitas Bengkulu, p.15

<sup>13</sup> A Patra. (2008). *Hak atas Lingkungan yang Sehat: Prinsip dan Tanggungjawab Pemerintah*, Artikel, Jakarta. p.1

infants, and individuals with preexisting lung conditions. However, even healthy individuals can be affected by the toxic air quality of forest fires.<sup>14</sup> Furthermore, the loss of these forests will ultimately lead to a shortage of oxygen for the broader community in the long term.

When one human right is violated, it often triggers a domino effect, leading to violating other rights. This occurs because human rights are profoundly interconnected and interdependent, meaning the fulfillment of one right is closely tied to the fulfillment of others. For example, if a community's right to a clean and healthy environment is compromised, it can lead to serious health issues. As a result, people may become unable to participate in daily activities, especially those related to economic productivity. The inability to work and generate income directly impacts an individual's right to a decent standard of living, as it becomes difficult to meet basic needs such as food and water. This situation can escalate to a point where individuals cannot sustain their livelihoods, leading to further violations of their fundamental rights.

The author believes that the government must prioritize addressing these issues as the primary stakeholder in protecting human rights. The impact of violating the right to a healthy environment is not only a significant concern for public health but also a serious problem that demands urgent and comprehensive action. Ignoring such violations without implementing effective measures to counter them can have devastating consequences.

Beyond environmental and human rights concerns, forest fires also damage the national economy. They disrupt international trade by affecting flight routes and causing diplomatic tensions with neighboring countries affected by the smoke. These far-reaching economic and cross-border implications demonstrate that forest fires are a multifaceted issue requiring urgent attention from both environmental and financial perspectives.

### 3.2. State Responsibility

In the context of human rights, the state holds three core obligations, often referred to as the "three generic obligations" towards human rights. These include:<sup>15</sup>

1. Fulfillment (to fulfill) is the state's obligation to fulfill human rights, which requires the state to take appropriate steps so that everyone can enjoy human rights. In this case, the state is present to form legal products, establish institutions, and provide procedural law to fulfill citizens' rights.
2. Protection (to protect) is an obligation that requires the state to take positive, active steps to ensure that third parties do not violate human rights.
3. Respect (to respect) is the obligation of the state to respect human rights. Where the state does not interfere with certain human rights, it can be said to be a violation of human rights.

In Law No. 39/1999 on Human Rights, the concept of State responsibility, in this case, the government towards human rights, is found in the provisions of chapter V Article 71, which expressly states,

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<sup>14</sup> Darmawijaya, V. <https://docplayer.info/30889312-Dampak-asap-kebakaran-hutan-padapernapasan.html>, diakses 13 Oktober 2024

<sup>15</sup> Marzuki, S. (2008). *Hukum Hak Asasi Manusia*. Yogyakarta: Pusham UII. p. 69.

*“The government is obliged and responsible for respecting, protecting, upholding, and promoting human rights as stipulated in this Law, other laws and regulations, and international human rights law accepted by the Republic of Indonesia.”*

If we look at these provisions, the obligations of the state and government in human rights law are to fulfill, protect, and respect human rights and uphold and promote human rights regulated or guaranteed by national law and international law that Indonesia has ratified. The obligations and responsibilities of the government are carried out through effective implementation measures in law, politics, economy, society, culture, national defense and security, and other fields by the mandate of Article 72 of the Human Rights Law. What needs to be emphasized is that power is given to the government to protect citizens' rights.<sup>16</sup>

The 1945 Constitution and its derivative regulations, including the Human Rights Law, the Environmental Law, and the Economic, Social and Cultural Rights Convention (ICESCR), which guarantee the protection of the right to the environment, mandate and impose responsibilities on the government to fulfill, protect and enforce this right. If the government is negligent or negligent in this case, the actors who violate human rights also include the state itself. To protect and enforce the right to the environment that is violated due to forest burning activities to open plantation land, the government needs to take practical implementation steps, especially in the legal field by Article 72 of the Human Rights Law.<sup>17</sup>

At least several implementation steps must be taken to fulfill the state's responsibility for violating human rights. First, strict legal proceedings should be carried out against perpetrators of forest burning, and second, optimal fire management efforts should be made to prevent the spread of fire areas. Third, provide effective recovery, including seeking compensation for affected communities. Conducting legal proceedings against perpetrators of forest burning, which corporations generally carry out, is one of the state's responsibilities in protecting and upholding the right to a good and healthy environment. The legal process is possible considering that burning forests to clear land has been regulated by law as an environmental crime.

The government can use Article 108 of Law No. 32 of 2009 on Environmental Management which stipulates, *“Any person who commits land burning as referred to in Article 69 paragraph (1) letter h shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least Rp3,000,000,000.00 (three billion rupiah) and a maximum of Rp10,000,000,000.00 (ten billion rupiah).”*

This article can ensnare the actions of forest burners to be sentenced to criminal sanctions. Using criminal instruments to punish the perpetrators of these crimes is based on the modern theory of punishment, which requires retaliation against the perpetrators of crimes on the one

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<sup>16</sup> Bilal M., Fauzi A. N., Santoso I. B., Analisis Dampak Perizinan Lingkungan dalam Omnibus Law terhadap Lingkungan Kegiatan Usaha. Jurnal Analisis Hukum (JAH) Vol. 4 No. 2 September 2021. (173-186). Doi: <https://doi.org/10.38043/jah.v4i2.p.184>.

<sup>17</sup> UU No 39 Tahun 1999 tentang Hak asasi Manusia Pasal 72 “Kewajiban dan tanggung jawab Pemerintah sebagaimana dimaksud dalam Pasal 71, meliputi langkah implementasi yang efektif dalam bidang hukum, politik, ekonomi, sosial, budaya, pertahanan keamanan negara, dan bidang lain”

hand and provides public security. Besides that, the punishment is carried out not merely because an offense has occurred but more than that so that the offense will not be committed again.<sup>18</sup>

Based on the provisions of Article 116 and Article 118 of Law No. 32/2009, three parties can be subject to prosecution and punishment, namely :

- a. The business entity/corporation itself.
- b. People who give orders or act as criminal leaders;
- c. Management or head of the business entity.

In addition to applying the above criminal sanctions, there are also additional criminal sanctions that can be imposed on a corporation that commits the crime of forest burning, which include:<sup>19</sup>

1. Deprivation of benefits derived from criminal acts;
2. Closure of all or part of the place of business and/or activities;
3. Reparation of the consequences of the criminal offense;
4. Obligation to do what is neglected without right and/or
5. Placement of the company under guardianship for 3 (three) years.

In addition, the resolution of “The Eight UN Congress on the Prevention of Crime and the Treatment of Offenders” held in Cairo, Egypt, The work program of the Commission on Crime Prevention and Criminal Justice 1992 - 1996, considers environmental protection through criminal law or punishment in the context of environmental offenses.<sup>20</sup>

The second step is related to countermeasures against the fire itself, which aims to prevent the widespread impact or expansion of the forest fire area. This step can be taken by the central government and local governments through various related agencies such as the fire department or the National Disaster Management Agency (BNPB) to extinguish forest areas or with specific technologies to create artificial rain to extinguish forest fires that occur. For this reason, a collaborative effort between the central and local governments is needed to achieve prevention measures. This is because there are differences in authority between the two, where the local government is the organizer of government affairs whose authority is born from the transfer of government affairs through decentralization and assistance tasks.<sup>21</sup>

Finally, the government is responsible for adequate recovery, including seeking compensation for affected communities. Sufficient recovery is necessary to compensate the state for violating the right to a healthy environment. The term compensation itself, when referring to Law No.

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<sup>18</sup> Hamzah, A., Rahayu, S. (1983). Suatu tinjauan ringkas system pemidanaan di Indonesia, Jakarta: Akademia Pressindo. p.19

<sup>19</sup> Pasal 119 UUPLH

<sup>20</sup> Fadli, M. (2016). Hukum dan kebijakan lingkungan, Malang: UB Press. p.94

<sup>21</sup> Surya Mukti & Hario D. P., (2021). Kedudukan, Fungsi, dan Pengawasan Peraturan Kepala Daerah dalam Kerangka Sistem Otonomi Daerah. Jurnal Analisis Hukum (JAH) Vol. 4 No. 1 April 2021 (120-130). Doi: <https://doi.org/10.38043/jah.v4i1.p.124>.



26 of 2000 concerning Human Rights Courts, is *"compensation provided by the state because the perpetrator is unable to provide full compensation for which he is responsible."*

The form of recovery is, for example, the provision or provision of free health services for people who experience health problems due to the impact of forest fires or the construction of burned public facilities such as schools. In addition, compensation is sought for losses incurred by affected communities, for example, houses burned due to the spread of forest fires, such as those that occurred in several regions in Indonesia.

### 3.3 Obstacles in Law Enforcement

Article 50, paragraph (1) of Law No. 41/1999 seems easy to prove. However, forest protection infrastructure and facilities are often minimal, and most forests have not been demarcated, so there are no forest protection facilities and infrastructure in most areas.<sup>22</sup> The Indonesian government has implemented several efforts to deal with forest fires that occur in Indonesia, namely by extinguishing and weather modification techniques (TMC) in several provinces that are prone to forest fires, land, and air operations by moving 35 helicopters in areas that are a priority for handling forest fires. The Indonesian government has also implemented the Law on Forest and Land Fires, namely through a joint statement of the Minister of Environment and Forestry and the Chief of Police with number PKS.3/MENLHK/PHLHK/GKM.3/2/2020 and number Mak/01/II/2020 concerning Law Enforcement of Forest and Land Fires. The existence of such information with the provision that every person responsible for such activities and/or activities shall comply with the prohibition and the provisions and requirements related to the prevention and control of forest and land fires.

Indonesia has also implemented regulations regarding forestry and the environment contained in Law No. 41/1999 on Forestry, Law No. 32/2009 on Environmental Protection and Management, and Government Regulation No. 4/2001 on the Control of Environmental Damage and/or Pollution Related to Forest and/or Land Fires. Article 50 paragraph (3) of Law No. 41 of 1999 concerning Forestry also explains that everyone is prohibited from burning forests, and in Article 69 paragraph (2) of Law No. 32 of 2009 concerning Environmental Protection and Management, it has been stated that the provisions emphasized against all people are prohibited from clearing land by burning. Sanctions for those who intentionally set fire to a forest are punishable by imprisonment of up to 15 years and a fine of up to Rp 5,000,000,000.00, and those who negligently set fire to a forest are punishable by imprisonment of up to 5 years and a fine of up to Rp 1,500,000,000.00.

To prevent forest fires, it is essential to understand the causes of forest fires and how to avoid them. Intentional human-caused forest fires are usually associated with land clearing activities by burning, such as oil palm and rubber plantations. Therefore, it is essential to raise public awareness about the dangers of forest fires and how to prevent them, as well as improve supervision and countermeasures against uncontrolled waste burning. To reduce environmental problems in Indonesia, efforts to prevent forest fires are crucial. Forest fires can

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<sup>22</sup> Gunawan Widjaya, *Risiko Hukum Sebagai Direksi & Komisaris Pemilik Perseroan Terbatas*, Cetakan Pertama, Jakarta, Forum Sahabat, 2008, p. 76.

cause extensive ecological damage and negatively impact human health. Therefore, it is essential to prevent and control forest fires and raise public awareness about the dangers of forest fires and how to avoid them.

Various efforts can be made to prevent forest fires. First, regulations must be strengthened, and stricter law enforcement must be implemented against illegal forest burning practices. Second, education and counseling to local communities about the importance of protecting forests and alternative land clearing methods that are more environmentally friendly need to be carried out. Third, capacity building and coordination between related institutions in preventing and handling forest fires must be optimized. Fourth, developing technology and innovation to detect and extinguish fires early is also needed.

Practical forest fire prevention efforts require a holistic and integrative approach, involving various stakeholders and combining technology, education, regulation, and community participation. With firm commitment and cooperation, the problem of forest fires and their impact on the environment in Indonesia can be significantly reduced. Forest fire prevention efforts are not only the government's responsibility but also require active participation from communities, the private sector, and non-governmental organizations. Collaboration and synergy from various parties are expected to produce effective and sustainable solutions to protect Indonesia's forests from the threat of fire and preserve the environment for future generations.<sup>23</sup>

#### 4. Conclusion

Land clearing by deliberate forest burning is an environmental crime formulated in Law Number 32 of 2009 concerning Environmental Management. Forest burning activities that result in widespread forest fires, such as those that occur in forests in several regions, is a violation of the right to a good and healthy environment of the affected residents; such violations occur because access to oxygen available in nature for breathing is hampered, causing various health problems and hampering multiple economic activities of the community. In these conditions, the government, as an actor with responsibility for human rights, has the responsibility to make practical implementation efforts as a form of responsibility for the right to a good and healthy environment of the violated community by conducting legal proceedings for individuals or corporations who burn forests, as well as making recovery efforts for the victims of forest fires.

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<sup>23</sup> Media Hukum Indonesia 2024. Vol. 2, No. 2

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