



LAW ENFORCEMENT AGAINST PERPETRATORS OF FOREST AND LAND BURNS IN JURISDICTION TANJUNG JABUNG TIMUR RESORT POLICE

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ABSTRACT

Forest and land fires (karhutla) in East Tanjung Jabung Regency, Jambi Province, remain a serious problem despite being regulated by Law Number 32 of 2009 concerning Environmental Protection and Management and the Forestry Law. This research aims to analyze the implementation of law enforcement against perpetrators of forest and land fires and to identify the obstacles faced by the East Tanjung Jabung Police. The method used is empirical legal with a sociological, legislative, and conceptual approach, through interviews, observation, and literature study. The data was analyzed descriptively and qualitatively to describe the suitability between legal norms and their implementation in the field. The research results show that law enforcement has proceeded according to procedure, but still focuses on individual perpetrators, while corporations are rarely penalized. The main obstacles include limited evidence, weak inter-agency coordination, a shortage of environmental investigators, and low public legal awareness. The application of the principle of strict liability is also not yet optimal. This research concludes that the effectiveness of forest and land fire law enforcement requires strengthening cross-sectoral coordination, increasing the capacity of law enforcement officers, and providing legal education to the public in order to achieve firm and just law enforcement.

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1. INTRODUCTION

Forest and land fires (karhutla) are an environmental problem that continues to be a serious threat to the sustainability of ecosystems and human life in Indonesia. (Agustiar et al., 2019). This phenomenon is not a new event, but rather a classic problem that recurs year after year with increasingly complex impacts. As a tropical country with extensive forest areas, Indonesia should play a strategic role in maintaining global climate stability, biodiversity, and other ecological functions (Damiti et al., 2025; Pajerih, 2023; Sari et al., 2024). However, the reality on the ground shows that pressure on forest areas continues to increase along with the increasing human need for land for various purposes such as agriculture, plantations, transmigration, animal husbandry, mining and infrastructure development (Gunawan et al., 2024; Mangatas, 2021). One method that is still often used in land clearing is burning because it is considered fast, cheap and efficient. (K et al., 2022; Rahayu et al., 2021; Syafira et al., 2025). Unfortunately, this method is often the main trigger for uncontrolled forest and land fires, resulting in extensive ecological and socio-economic damage (Meivinia et al., 2024).

In general, the main cause of forest and land fires is more from human activities than natural factors such as long droughts or lightning strikes (Rachmawati et al., 2023; Suprptono et al., 2023). The practice of burning land is carried out both by individuals and by corporations on a large scale to prepare land for commercial purposes, especially oil palm plantations and industrial tree plantations (Sopiyanto et al., 2022). One of the major incidents that demonstrated the devastating impact of forest and land fires occurred in 2015 in Jambi Province, when around 115,634 hectares of forest and land areas burned within a period of three months (Arrafi et al., 2024). Thick smoke blanketed the areas of Sumatra and Kalimantan, disrupting community activities and causing a health crisis due to air pollution (Saharjo & Shafiyah, 2024). Based on satellite imagery, the total area of fires in the incident reached 191,993 hectares, with 52,985 hectares occurring in Sumatra and 138,008 hectares in Kalimantan (Sambodo et al., 2024). This incident caused a significant decline in the Environmental Quality Index (IKLH), which was recorded at only 27%. This decline indicates a disruption in the environment's carrying capacity, a violation of the community's right to a good and healthy environment, and a lack of synergy between scientific knowledge and local wisdom in ecosystem management (Hein et al., 2022; Sodikin, 2021).

Ecologically, forest and land fires cause various damaging impacts. The environmentally unfriendly practice of burning logging residues is particularly risky during the dry season, as the fires can easily spread to areas beyond their intended target (Wibowo et al., 2021). The presence of highly flammable peatland exacerbates this situation. Even the friction of dry tree branches can trigger a spark. The impacts of fires are not only local but also extend regionally and globally. At the local level, forest and land fires cause biodiversity loss, disrupt ecological cycles, and destroy flora and fauna habitats (Alhamd et al., 2025). Regionally and globally, forest and land fires contribute to increased carbon emissions which exacerbate global warming (Brasika et al., 2025). Smoke from burning contains hazardous particles that can threaten public health. Economically, fires cause significant losses and reduce the productivity of communities that depend on forest resources for their livelihoods. Another equally significant impact is changes in the physical, chemical, and biological properties of the soil (Mcavoy & Vadrevu, 2025). Fires reduce the number and diversity of soil microorganisms, which play a vital role in decomposition, nutrient cycling, and soil fertility. When microbial numbers decline drastically, ecological processes are disrupted and land productivity declines, thus hindering ecosystem regeneration (Adinugroho et al., 2004).

Changes in forest cover in Jambi Province are a clear indicator of the ecological pressures that are occurring. WALHI Jambi data (2023) shows that over the past fifty years, forest cover in this province has drastically decreased from 3.4 million hectares in 1973 to only 922,891 hectares in 2023. This means that Jambi Province has lost more than 2.5 million hectares of forest, or approximately 73% of its original total cover. This reduction is largely due to land conversion to oil palm plantations, which is in line with the increasing contribution of the agricultural sector to Jambi's Gross Regional Domestic Product (GRDP). This phenomenon indicates a conflict of interest between short-term economic growth and environmental sustainability. If not managed properly, this conflict has the potential to exacerbate ecosystem damage and complicate the achievement of sustainable development goals.

In a legal context, the state has strictly regulated the prohibition against land clearing by burning. Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation in Article 69 paragraph (1) letter h explicitly states that everyone is prohibited from clearing land by burning. The Indonesian House of Representatives' reference states that the PPLH Law as amended by Law 6/2023 still prohibits land clearing by burning through the said article, and stipulates minimum criminal sanctions as a deterrent effect (Suhayati, 2024). Similar provisions are contained in Article 56 of Law Number 39 of 2014 concerning Plantations, which stipulates a prohibition on land clearing and/or cultivation by burning by plantation businesses. However, the regulation also provides exceptions under certain conditions. Article 69 paragraph (2) states that the prohibition on burning does not apply to communities clearing land while adhering to local wisdom. This exception requires that burning be carried out on a maximum of two hectares of land per head of family to be planted with local varieties and accompanied by the construction of firebreaks to prevent the spread of fire (Syafira et al., 2025). This provision is clarified in the Minister of Environment Regulation Number 10 of 2010 which requires indigenous communities to report burning plans to the village head and prohibits burning when rainfall is below normal, there is a long drought, or the climate is dry.

Unfortunately, even though there is a clear legal umbrella, the practice of illegal burning still continues to occur (Maulana & Nanda Setiawan, 2023; Ragil Surya et al., 2024; Sheebakayla, 2024). Many individuals and groups, including large corporations, ignore these regulations in order to gain short-term economic gain. As a result, forest and land fires continue to occur year after year and are a major cause of air pollution in Indonesia. According to data from the Ministry of Environment and Forestry (KLHK), Jambi Province is one of the regions with the highest rate of forest and land fires in Indonesia, with incidents occurring almost annually in 11 districts/cities (Fauziah et al., 2023; Havip et al., 2023). One of the most vulnerable areas is Tanjung Jabung Timur Regency, which is characterized by peat soils and extensive areas of oil palm plantations and industrial timber plantations. These conditions make the region highly susceptible to fires, both natural and human-caused.

The Tanjung Jabung Timur community's dependence on the plantation sector, such as oil palm and areca nut, encourages the practice of clearing land by burning, which is considered quick and inexpensive. However, this method causes various environmental damage, reduces air quality, and disrupts socio-economic activities in the surrounding community, especially during the dry season. Data from the Tanjung Jabung Timur Police Department shows that from 2015 to 2024, forest and land fires occurred almost every year with varying intensity. Most suspects are from the community, while law enforcement against corporations remains weak (Rajali et al., 2024). The small number of companies prosecuted demonstrates that environmental law enforcement still faces significant challenges. These obstacles include the difficulty of gathering evidence at fire sites, as the fires are already extinguished by the time officers arrive, the lack of eyewitnesses who directly witnessed the arson, and limited resources for law enforcement agencies in terms of personnel, logistics, and equipment.

Weak oversight of company concession areas is also a contributing factor. Reports from WALHI and media outlets like Mongabay indicate that state oversight of forestry and plantation industry activities is suboptimal, opening up opportunities for legal violations. In many cases, even when fires occur in concession areas, companies are not prosecuted. This situation creates inequality in law enforcement and undermines public trust in environmental justice. The Environmental Protection and Management Law mandates that any person or legal entity that pollutes or damages the environment is subject to criminal, civil, and administrative liability.

To address these issues, strategic steps are needed to strengthen environmental law enforcement. Strengthening the capacity of investigators in handling forest and land fire cases is crucial to ensure effective investigation and evidence collection (Ardiyanto & Andrikasmi, 2022). The use of technologies such as satellite imagery, drones, and early detection sensors can also help in monitoring fire-prone areas and collecting evidence (Manoj & Valliyammai, 2023). In addition, a campaign to increase legal awareness at the community level needs to be carried out so that the community understands the legal risks and ecological impacts of land burning (Karnawati, 2024). Cross-sector coordination between the police, local governments, the Ministry of Environment and Forestry (KLHK), the Regional Disaster Management Agency (BPBD), communities, and civil society organizations must be strengthened to create synergy in preventing and handling forest and land fires.

Without a strong commitment and consistent law enforcement, the practice of land burning will continue to recur and pose a serious threat to environmental sustainability and sustainable development. Therefore, this study raises the theme "Law Enforcement against Perpetrators of Forest and Land Burning Crimes in the Jurisdiction of the East Tanjung Jabung Police Resort" to provide a deeper understanding of the dynamics of environmental law enforcement in forest and land fire cases. This research is expected to contribute to formulating a more effective, fair, and sustainable law enforcement strategy in an effort to protect the environment from the threat of forest and land fires in Indonesia.

2. RESEARCH METHODS

The research method used is the empirical juridical method, namely a method that combines normative studies of laws and regulations with empirical studies on how these legal provisions are implemented in practice. This approach was chosen because the main focus of the research lies in efforts to understand and analyze how legal regulations governing law enforcement against perpetrators of forest and land burning crimes are implemented in practice, particularly in the jurisdiction of the Tanjung Jabung Timur Police Resort (Polres). In addition, this approach also aims to identify various obstacles faced by law enforcement officers in their implementation and the efforts made to overcome these obstacles.

The empirical legal approach contains two important, complementary dimensions. The first dimension is normative analysis, which focuses on the analysis of applicable positive legal norms, both in the form of laws and other regulations. Normative analysis aims to understand the legal basis that underpins law enforcement in cases of forest and land burning. The second dimension is empirical analysis, which examines how these norms are applied in practice. Empirical studies encompass the interactions between law enforcement officials, the public, and business actors; the mechanisms of law enforcement in the field; and the social dynamics that influence the effectiveness of law enforcement. The combination of these two dimensions makes research more comprehensive because it not only describes legal rules textually but also assesses the correspondence between the legal text and the reality of its implementation. In its application, this research employs three types of approaches: the sociological approach, the statutory approach, and the conceptual approach. The sociological approach is used to understand the reality of law enforcement in practice, including the dynamics of interaction between law enforcement officers and the community, as well as the influence of social, economic, and cultural conditions on the law enforcement process. Through this approach, the researcher can explore the factors that contribute to both the success and the obstacles in enforcing the law against perpetrators of forest and land burning within the jurisdiction of the Tanjung Jabung Timur Police. The statutory approach serves to examine various relevant legal provisions, such as Law Number 41 of 1999 on Forestry, Law Number 32 of 2009 on

Environmental Protection and Management, Law Number 39 of 2014 on Plantations, as well as the Indonesian Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP). This approach helps in understanding the scope of authority, obligations, and legal sanctions applicable in handling criminal acts of forest and land burning. Meanwhile, the conceptual approach is used to analyze key concepts in environmental criminal law, such as the concept of strict liability, corporate criminal liability, the principle of legality, the principle of fault, and various law enforcement theories that are relevant for understanding the analytical framework of this research.

The types and sources of data used in this study consist of library research and field research. Library research is conducted by collecting, reviewing, and analyzing relevant legal materials as the theoretical basis for the research. These legal materials include three categories. First, primary legal materials, namely legal materials that have binding force, such as laws and regulations related to the crime of forest and land burning. These regulations include Law Number 39 of 2014 concerning Plantations, Law Number 41 of 1999 concerning Forestry, Law Number 32 of 2009 concerning Environmental Protection and Management, as well as the Criminal Code and Criminal Procedure Code. Second, secondary legal materials, namely legal materials that provide explanations to primary legal materials, such as scientific literature, law books, academic journals, scientific articles, previous research results, and news from print and online media relevant to the problem being studied. Third, tertiary legal materials, namely supporting materials that provide additional information regarding primary and secondary legal materials, such as legal dictionaries and Indonesian dictionaries, which help clarify the legal terms used in this research.

In addition to library research, this study also utilized field research to obtain relevant empirical data. Field research was conducted through direct interviews with predetermined respondents, such as police officers, local government officials, and other parties involved in law enforcement regarding forest and land fires. The interviews were structured and in-depth to gather information related to law enforcement, the obstacles encountered, the prevention strategies employed, and their views on the effectiveness of law enforcement within the jurisdiction of the East Tanjung Jabung Police. This field data is crucial for validating normative data and providing a realistic picture of law enforcement in the field. The data collection techniques in this study were conducted through two main methods: literature review and field research. Literature review was conducted by searching, reading, and reviewing various primary and secondary legal materials from various sources, both printed and online. All legal materials were then systematically mapped, classified, and organized into a consistent methodological framework. Meanwhile, field research was conducted through in-depth interviews with informants selected based on their relevance and involvement in handling forest and land fire cases. The data collection process was conducted carefully to ensure the validity and reliability of the data obtained.

After all the data has been collected, the next step is data analysis. The analysis is conducted using a prescriptive analytical method, which aims to provide legal arguments for the research findings. Through this approach, researchers not only describe the legal facts found in the field but also provide a normative assessment of these facts based on applicable legal provisions. The analysis process is carried out through several stages, namely organizing the data systematically, describing the findings in detail, and connecting them to relevant legal concepts and theories. The analysis is conducted qualitatively descriptively, utilizing logical, coherent, and systematic legal reasoning, without the use of statistical calculations. This legal reasoning is used to assess the conformity between legal norms and empirical reality and to provide prescriptions regarding how the law should be applied in the context of law enforcement against perpetrators of forest and land burning crimes. In the analysis process, basic legal principles such as justice, legal certainty, and expediency serve as the basis for assessing the effectiveness and direction of law enforcement policies.

Thus, this research method is expected to provide a complete, in-depth, and comprehensive picture of the implementation of law in handling criminal acts of forest and land burning, starting from the normative aspects to the dynamics that occur in practice in the field. Through an empirical juridical approach, this research not only focuses on the analysis of laws and regulations governing environmental protection and management, but also examines how these regulations are implemented, complied with, or even violated in complex social realities. This approach will facilitate the investigation of factors inhibiting law enforcement, whether originating from institutional aspects, human resources of law enforcement officers, public legal awareness, as well as structural and cultural obstacles that affect the effectiveness of law enforcement in the jurisdiction of the East Tanjung Jabung Police.

3. RESULT AND ANALYSIS

Law Enforcement Against Perpetrators in Forest and Land Burning Cases (Case Study of the East Tanjung Jabung Police)

Legal Basis Applied

Law enforcement against perpetrators of forest and land fire (Karhutla) crimes in Indonesia is based on several key regulations as follows:

a. Law No. 32 of 2009 on Environmental Protection and Management (PPLH)

Law enforcement against forest and land fire perpetrators is explicitly regulated in Article 69 paragraph (1) letter h, which states that “Every person is prohibited from burning land.” If this prohibition is violated, Article 108 stipulates that “Any person who violates the prohibition as referred to in Article 69 paragraph (1) letter h shall be subject to imprisonment for a maximum of ten (10) years and a fine of up to Rp10,000,000,000 (ten billion rupiahs).”

This law serves as the primary foundation for environmental law enforcement, applicable to both individual and corporate offenders. It also allows for the application of the principle of strict liability as stipulated in Article 88, whereby a perpetrator may still be held accountable without the need to prove fault or negligence.

b. Law No. 41 of 1999 on Forestry

This law stipulates that every person is prohibited from burning forests (Article 50 paragraph (3) letter d). Any violation of this provision is subject to criminal sanctions as stated in Article 78 paragraph (3), which provides that “Anyone who intentionally sets fire to a forest shall be subject to imprisonment for up to fifteen (15) years and/or a fine of up to Rp5,000,000,000 (five billion rupiahs).”

This regulation is commonly applied when fires occur within protected forest areas or production forests.

c. The Indonesian Criminal Code (KUHP)

The provisions of the KUHP may also be applied subsidiarily or alternatively in cases of forest and land fires (Karhutla), particularly in the following articles:

Article 187 KUHP regulates sanctions for acts of arson that cause general danger to property and/or life, stating that “Anyone who intentionally sets fire to a building or property, thereby causing general danger, may be sentenced to imprisonment for up to twelve (12) years.”

Article 188 KUHP applies when fires occur due to negligence, stating that “If the fire occurs as a result of negligence and causes general danger, the offender may be sentenced to imprisonment for up to five (5) years.” Articles 55 and 56 KUHP regulate participation or complicity in a criminal act, including perpetrators, accomplices, and those who give orders.

d. Government Regulation No. 4 of 2001 on the Control of Environmental Damage and/or Pollution Related to Forest and/or Land Fires

This government regulation specifically governs the control of environmental damage and/or pollution resulting from forest and/or land fires. It serves as a derivative regulation of the Environmental Protection and Management Law (PPLH Law) and establishes technical measures such as:

- 1) Fire prevention,
- 2) Emergency response actions,
- 3) Determination of responsibility for landowners or land users, and
- 4) Government supervision and enforcement.

e. Other Technical Provisions (Chief Regulations, Attorney General's Circulars, and Other Sectoral Regulations)

Several technical provisions that strengthen the procedural and technical aspects of law enforcement include:

- 1) Circular Letter of the Attorney General of the Republic of Indonesia No. SE-004/A/JA/11/2015 concerning the Handling of Criminal Cases Involving Corporations.
- 2) Regulation of the Minister of Environment and Forestry No. P.32/MENLHK/SETJEN/KUM.1/3/2016 concerning Forest and Land Fire Control.
- 3) Regulation of the Chief of Police concerning Guidelines for Handling Environmental and Forestry Cases by Police Investigators.

Stages of Law Enforcement by the East Tanjung Jabung Police

Law enforcement against perpetrators of forest and land fires is carried out in a phased and structured manner, starting from detection to case transfer. Based on interviews and case documentation, the following steps are being taken by the East Tanjung Jabung Police:

- a. Investigation and Prosecution
The police receive public reports or make direct findings in the field through patrols and hotspot monitoring. Officers then:
 - 1) Conduct an initial investigation, including questioning initial witnesses.
 - 2) If criminal elements are found, investigators proceed to the investigation stage by issuing an
 - 3) Investigation Commencement Order (SPDP) in accordance with the Criminal Procedure Code.
- b. Arrest of the Perpetrator (Caught Red-Handed)
If officers find the perpetrator caught red-handed during the arson, the following will be carried out:
 - 1) Immediate arrest at the scene.
 - 2) Identity and motive investigation.
 - 3) Preparation of an Arrest Report and Investigation Report (BAP) for the perpetrator and witnesses.
- c. Confiscation of Evidence
Investigators confiscated physical and digital evidence, including:
 - 1) Matches, fuel, and incendiary devices.
 - 2) GPS coordinates of the incident location.
 - 3) Aerial photographs or documentation of hotspots.
 - 4) Other evidence such as area maps, BMKG reports, or satellite imagery from the Ministry of Environment and Forestry.

The confiscation was carried out based on Article 38 of the Criminal Procedure Code (KUHAP) with an official confiscation report.
- d. Handover of Case Files to the Prosecutor's Office
After the investigation is declared complete (P-21), the investigator submits:
 - 1) Case files.
 - 2) The suspect.
 - 3) Evidence to the East Tanjung Jabung District Attorney's Office for follow-up in the prosecution process in court. Coordination is carried out periodically to ensure the completeness of the legal materials.
- e. Cross-Sector Coordination
In handling forest and land fires, the Resort Police (Polres) formed an integrated working team with:
 - 1) The Indonesian National Armed Forces (TNI) and the Regional Disaster Management Agency (BPBD) for extinguishing and location mapping.
 - 2) The Ministry of Environment and Forestry (KLHK) for environmental forensic support, such as laboratory testing of soil and burned vegetation.
 - 3) Local governments, particularly the Environmental Agency and the Plantation Agency, for verification of land status and use.

This cross-sectoral coordination is crucial in strengthening evidence and accelerating law enforcement in the field. Law enforcement against forest and land fires (Karhutla) cannot be separated from the social structure, community customs, and the surrounding economic and political forces. The East Tanjung Jabung Police have carried out the legal process through formal stages such as investigation, inquiry, arrest of perpetrators, confiscation of evidence, and transfer of case files to the prosecutor's office. However, the effectiveness of these stages has not been optimal.

Based on empirical data, enforcement is mostly directed at individual perpetrators, especially those caught red-handed. Meanwhile, corporations, often the holders of concession permits at fire locations, are rarely subject to strict sanctions. Legal proceedings against corporations often do not progress to prosecution and sentencing, or are never initiated at all. Local communities in some areas still rely on land clearing by burning for their livelihoods, demonstrating a weak legal culture. Furthermore, law enforcement officials also face a dilemma between social, political, and economic pressures in taking action against large corporations that are structurally more powerful. Therefore, the effectiveness of the law in forest and land fire cases is determined not only by the existence of laws but also by the social response to those laws, both from the community and law enforcement institutions. This phenomenon demonstrates that law enforcement remains partial and fails to address the structural roots of the problem, namely the involvement of dominant economic actors, such as large corporations. This demonstrates the asymmetry of power and the limitations of the legal structure in dealing with perpetrators with substantial resources.

Furthermore, establishing evidence in forest and land fire cases faces serious challenges, such as:

- a. Difficulty collecting physical evidence because the fires are already extinguished by the time authorities arrive;
- b. Lack of direct eyewitnesses;
- c. Limited technology and environmental forensics, including detection and laboratory analysis tools;
- d. Obstacles to access the location and limited initial documentation of the incident.

Based on theoretical analysis, according to Soekanto, legal effectiveness is influenced by five main factors:

- a. Legal substance, where the legal regulations are adequate.
- b. Law enforcement officers (legal structure), which in this case faces technical, human resource, and logistical limitations.
- c. Facilities/infrastructure, constrained by a lack of forensic equipment, monitoring technology, operational vehicles, etc.
- d. Society (legal culture): Many communities remain permissive of land burning, or even rely on it for their livelihoods.
- e. Legal culture, where law enforcement officials are sometimes insufficiently firm, even opting for a restorative or administrative approach.

In this case, the biggest obstacle lies in the legal structure and culture that do not fully support the effective implementation of the law. In addition, the Principle of Strict Liability in the Environmental Management Law in Article 88 of the Environmental Management Law states that "Any person whose actions, business, and/or activities use B3, produce and/or manage B3 waste, and/or cause environmental pollution and/or damage, is obliged to be absolutely responsible for the losses incurred without the need to prove the element of fault." In the case of forest and land fires, this means that land owners (including corporations) can be held responsible even if they are not proven to have directly carried out the burning. However, unfortunately, the application of this principle is still very limited, either due to limited courage of the authorities, political/economic pressure, or technical unpreparedness in administrative proof.

Challenges of Forest and Land Fire Law Enforcement in East Tanjung Jabung Regency

In this case, we highlight the various challenges faced in enforcing criminal law in forest and land fire (Karhutla) cases, particularly within the jurisdiction of the East Tanjung Jabung Police. These challenges stem from technical, institutional, and socio-cultural aspects, and generally indicate the existence of structural and cultural barriers to the law enforcement process.

- a. **Limitations of Evidence and Witnesses**
One of the main obstacles in investigating forest and land fires is the difficulty of establishing evidence. Perpetrators often carry out fires in secret and in remote locations, avoiding arrest and the absence of witnesses. By the time authorities arrive at the scene, the fire has usually been extinguished, and traces of burning (such as charcoal residue, matches, or traces of burning tools) are often insufficient to serve as legally binding evidence. As a result, the evidentiary process is weakened, and cases are vulnerable to being dropped at the investigation stage.
- b. **Enforcement Focus on Individual Perpetrators**
Empirical findings indicate that law enforcement targets individual perpetrators, particularly members of the public or field workers. This is because they are easier to apprehend and prosecute. Conversely, the involvement of corporations or intellectual actors requires more complex evidence, including proof of land ownership, linkage to operational orders, and legal ties to the fire site. Law enforcement against corporations often faces challenges such as collective responsibility, weak enforcement of the strict liability principle, and political and economic pressure.
- c. **Technical and Forensic Capacity Limitations**
In many cases, investigators at the regional level face limited human resources and technical equipment, particularly in environmental forensics. For example, there is a lack of accurate fire detection tools, up-to-date land ownership maps, or laboratory facilities to analyze the causes of fires. These limitations slow the evidence-gathering process and reduce the quality of investigations, especially when the perpetrator is a large entity requiring cross-agency evidence and spatial data.
- d. **Weak Coordination Between Institutions**
Handling forest and land fires requires synergy between multiple institutions, including the police, the Ministry of Environment and Forestry (KLHK), regional governments, the Regional Disaster Management Agency (BPBD), and other technical agencies. However, in practice, coordination between these institutions is suboptimal. Overlapping authority, a lack of data sharing, and slow bureaucracy make law enforcement ineffective and unintegrated.
- e. **Permissive Legal Culture of Society**

Most communities, especially farmers and traditional cultivators, still consider land burning a legitimate and customary method of land clearing. This practice has been practiced for generations and is not considered illegal. As a result, law enforcement efforts often encounter social resistance on the ground, even leading to conflict. This situation indicates that the community's legal culture does not fully support the successful enforcement of environmental laws. Law enforcement tends to be grassroots, while corporate actors are difficult to reach due to their strong social, political, and economic positions.

According to Soerjono Soekanto, the effectiveness of law in society is influenced by five main elements:

- 1) Legal substance, namely the content or legal norms themselves;
- 2) Legal structure, namely law enforcement officials and their institutions;
- 3) Supporting facilities or infrastructure, such as technology, logistics, and infrastructure;
- 4) Society (legal subjects), the parties involved or affected;
- 5) Legal culture, namely the legal perspectives, awareness, and values that exist within society.

In the context of East Tanjung Jabung, at least three of the five elements are not optimal:

- 1) Legal structure: still weak in terms of coordination and resources.
- 2) Facilities: lack of supporting facilities such as hotspot detection equipment and forensic laboratories.
- 3) Legal culture: the public still views burning as a normal act.

These three obstacles collectively hamper the effectiveness of law enforcement and cause existing laws to not function as they should. Law enforcement efforts have not been able to achieve their full corrective, repressive, or preventive functions.

Preventive Efforts to Combat Forest and Land Fires in East Tanjung Jabung Regency

Forest and land fire (Karhutla) mitigation efforts are not solely repressive, but also involve preventive measures aimed at reducing the potential for arson before it becomes a criminal offense. In East Tanjung Jabung Regency, a number of strategies have been implemented in a coordinated manner by law enforcement officials and the local government, although they are not yet fully optimal.

Preventive Steps That Have Been Taken

- a. **Improving Legal Socialization and Education for the Community**
Police, along with the Regional Disaster Management Agency (BPBD) and village officials, have conducted outreach and outreach activities regarding the dangers of forest and land fires and their legal sanctions, including through the "Police Care for Forest and Land Fires" program in vulnerable villages. This education aims to build legal awareness and change the mindset of communities who have long considered burning a normal farming method. This reflects Soerjono Soekanto's concept of the importance of legal culture as an element influencing legal effectiveness.
- b. **Formation and Strengthening of the Forest and Land Fire Task Force**
The local government, along with the Indonesian National Armed Forces (TNI), the Indonesian National Police (Polri), Manggala Agni, and other stakeholders, has formed a Forest and Land Fire Task Force (Satgas Karhutla), tasked with patrolling, monitoring, and early detection of fires. This task force also involves village officials and community leaders as local forces within the community-based monitoring system.
- c. **Utilization of Monitoring Technology**
The application of technologies such as satellite imagery, hotspot monitoring systems, and mapping applications for forest and land fire-prone areas are key tools for early detection. Data from LAPAN, BMKG, and the Ministry of Environment and Forestry are being utilized to accelerate response and map fire hotspots in real time.
- d. **Issuance of Warnings and Administrative Sanctions**
Local governments and police also issue written warnings and administrative sanctions to landowners or companies found negligent in fire prevention efforts in their concession areas. This measure is intended as a non-penal, corrective measure. This action is legally based on Article 76(c) of Law No. 32 of 2009, which authorizes the government to impose administrative sanctions on perpetrators of environmental pollution or destruction.
- e. **Cross-Sector Cooperation with Plantation Companies**
This collaboration is carried out through the signing of a memorandum of understanding (MoU) with palm oil companies to improve internal supervision, form their own fire brigades, and require monitoring of fire-prone areas in their respective concession areas.

Obstacles in Implementing Preventive Efforts

Even though many efforts have been made, preventive efforts still face various obstacles, including:

- a. **Budget and Personnel Limitations**
Ongoing patrols and preventive education are limited by limited operational funds and a disproportionate number of personnel for the vast areas being monitored. This prevents prevention activities from being implemented intensively in all vulnerable areas.
- b. **Low Community Participation**
The level of legal awareness and understanding among rural communities remains low, especially those who depend on traditional agriculture for their livelihoods. Many still practice burning because they lack alternatives or because manual land clearing is considered inefficient.
- c. **Weak Enforcement of Administrative and Civil Sanctions against Corporations**
Despite warnings, corporate actors often face no severe sanctions for negligence. Administrative sanctions, such as permit revocation or fines, are rarely enforced firmly. This lacks a deterrent effect and instead fosters structural impunity within the environmental legal system.

Strengthening Preventive Strategies

In order for preventive efforts to be truly effective, they need to be strengthened in two main directions:

- a. A community-based approach, which prioritizes communities in forest and land fire monitoring and prevention through education, ecological incentives, and active involvement in Village Task Forces. Community participation will increase if they feel directly involved and empowered.
- b. Enforcing the principle of strict liability for corporations, in accordance with Article 88 of Law Number 32 of 2009 concerning Environmental Protection and Management. This principle allows corporations to be held accountable for environmental damage without the need for proof of fault, thus encouraging them to more seriously implement fire prevention SOPs.

4. CONCLUSION

Based on the analysis conducted, it can be concluded that law enforcement against forest and land fire crimes in the jurisdiction of Tanjung Jabung Timur Police has generally been carried out in accordance with the applicable legal framework, namely Law No. 32 of 2009 on Environmental Protection and Management (PPLH Law) and the Forestry Law. However, its implementation still shows a tendency to focus more on individual perpetrators rather than corporations or intellectual actors who play a larger role in such violations. The application of the strict liability principle, as stipulated in Article 88 of the PPLH Law, has not been fully optimized, even though this principle is crucial for holding perpetrators accountable without the need to prove fault elements—particularly in cases involving corporations. On the other hand, law enforcement faces several obstacles, including the lack of evidence and witnesses, difficulties in proving corporate involvement, weak inter-agency coordination, limited number of environmental investigators, and a societal legal culture that remains permissive toward land-burning practices.

Based on Lawrence M. Friedman's theory and Soerjono Soekanto's theory of legal effectiveness, it can be concluded that although the legal substance and structure are adequate, factors such as legal culture, supporting infrastructure, and the quality of implementation remain serious challenges. From a preventive standpoint, Tanjung Jabung Timur Police have undertaken several measures, including the establishment and strengthening of the Forest and Land Fire Task Force (Satgas Karhutla), conducting public outreach and environmental law education, and utilizing hotspot monitoring technology. However, the effectiveness of these measures remains limited due to low community participation, budget constraints, and suboptimal enforcement against parties who are negligent or fail to fulfill prevention obligations. Therefore, strategic steps are needed to improve the effectiveness of both law enforcement and prevention efforts in the future.

As recommendations, law enforcement agencies such as Tanjung Jabung Timur Police should increase their focus on prosecuting corporate and intellectual actors, while optimizing the application of the strict liability principle to ensure more effective and equitable law enforcement. Furthermore, coordination among institutions such as the police, prosecutor's office, environmental agencies (DLH), and forestry authorities—should be strengthened through adequate budget support, enhanced investigator capacity, and the provision of sufficient technology and evidence tools. Preventive measures should also be reinforced through continuous environmental law awareness programs, engagement of local and religious leaders, and the development of a community-based early detection system. Active community participation and strengthened resources for the Forest and Land Fire Task Force are essential to achieving effective law enforcement while preventing future forest and land fires.

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