

RECONSTRUCTION OF A LEGAL MODEL FOR FOREST AND LAND ARSONISTS IN CENTRAL KALIMANTAN

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Abstract

This research is about "Reconstruction of Legal Model for Forest and Land Arsonists in Central Kalimantan". The research method used is empirical juridical with a statutory approach, concept approach, and case studies. The results showed that; 1) Law Enforcement on Land and Forest Burning in Central Kalimantan Province in terms of the Role of the Indonesian National Police is carried out based on Restorative Justice. The concept in criminal law enforcement that accommodates norms and values that apply in society as a solution while providing legal certainty, especially the benefits and sense of justice of the community, in order to answer the development of community legal needs that meet the sense of justice. 2) Regulatory Policy Law enforcement efforts against forest and land arsonists in Central Kalimantan have not been able to create justice, including due to several obstacles as follows; (a) Legal factors or laws to which the criminal provisions in the Penal Code are applied instead of the criminal provisions in specific laws such as the Environmental Protection and Management Law, the Forestry Law and the Plantation Law. (b) Law Enforcement factors, there are still many law enforcement officials who do not understand the provisions stipulated in the laws and regulations regarding criminal provisions in forest and / or land fires that are lex specialist. (c) Budget factors and (d) facilities/facilities are one of the inhibiting factors, this is due to the unavailability of facilities/facilities to carry out police actions in an effort to prevent and take action in the event of forest and/or land fires, in addition to the limited number of personnel and operational funds in the investigation process. (e) Community and cultural factors are still obstacles in law enforcement of forest and / or land fire crimes, this is because there is still an attitude of community indifference and it has become a habit of the community if clearing land for agriculture / plantations is done by burning land that has been cut / cut to make it easier and more practical for land clearing. 3) Reconstruction of the legal model in handling forest and land fire perpetrators in Central Kalimantan based on justice in the future can be done by; (a) Synergy of Law Enforcement in Regulations against Forest Burning Perpetrators both in the criminal concept and in the concept of environmental law based on restorative justice; (b) Synergy of Forest Management both from the Government Together with the TNI, Polri, Perhutani and the community; (c) Forest Empowerment and Management based on local wisdom; (d) Increasing the budget and adjusting adequate facilities and infrastructure in handling forest and land fire perpetrators in Central Kalimantan; (e) Develop a society with a legal culture, especially related to the negative impacts of forest burning

Keywords: reconstruction, model, law, perpetrator, arsonist, forest, land, Central Kalimantan

1. INTRODUCTION

The Indonesian nation has been known as a nation rich in natural resources. One of the natural resources that are widely available in Indonesia and has many benefits is forests. Forests are something that cannot be separated from the lives of most Indonesian people. Because forests provide a source of life and great benefits for all of us.

According to Law No. 41 of 1999, forests have 3 main functions, namely conservation functions, protection functions, and production functions. Currently, the condition of forests in

Indonesia is getting worse as a negative result of the development of civilization and increasing human needs. One of the problems regarding forests that occur in Indonesia is the occurrence of forest fires. Forest fires in Indonesia because many negative impacts, including problems regarding air pollution from forest burning. One of the provinces in Indonesia that experiences air pollution problems from forest fires is the province of Central Kalimantan where the community is affected by the asap

Frequent fires are often generalized as forest fires, even though most (99.9%) of these fires are deliberately burned or due to negligence, while the rest (0.1%) are due to nature (lightning, volcanic larvae). Industrial Planting Forest (HTI), natural forests, and plantations can be said to be 99% of the causes of forest fires in Indonesia originating from human activities, either deliberately burned or due to the spread of fire that occurs due to negligence during land preparation.

Environmental damage due to fires includes loss of flora and fauna, disruption of ecosystems, damage to infrastructure and settlements, and human casualties. Further impacts due to the smoke caused can affect human health, especially respiratory disorders as well as daily activities such as disruption of air, water, and land traffic.

Central Kalimantan as one of the provinces that has extensive forests and high biodiversity, needs knowledge about the habits of people around the forest, in order to anticipate the destruction of forests and ecosystems. We cannot let go of the existence of communities around the forest who are still actively burning to preserve the forest.

Bumi Tambung Bungai, is the name for the Province of Central Kalimantan, a province within the Unitary State of the Republic of Indonesia located in the central part of Kalimantan Island, one of the islands that has the largest area in Indonesia. Central Kalimantan Province was officially designated as a province of Indonesia on July 2, 1958 based on Law Number 21 of 1958. Astronomically, Central Kalimantan Province is located at 111 0-115 0 and 0 0 45' North Latitude – 3 0 30' South Latitude. This geographical location causes the climate of Central Kalimantan to be tropical, humid and hot with an average air temperature of around 29.0 Celsius.

Central Kalimantan Province has a very large area of about 153,364 Km². With this vast area, Central Kalimantan Province is the 3rd (three) largest province in Indonesia after Papua Province and East Kalimantan Province. The geographical classification of Central Kalimantan consists of swampy areas with an area of 18,115 Km²; rivers and lakes about 4,536 Km²; other land areas about 4,686 Km²; and the largest part of the province is wilderness which covers an area of 126,200 Km².

It is no secret to the community and neighboring countries that almost every year the Indonesian state experiences forest fires, especially forests on the island of Sumatra and the island of Kalimantan. However, on the one hand, every time there is a forest fire in the dry season, Indonesia has difficulty extinguishing it. Therefore, the government made an effort to overcome the fires by trying to regulate the problem of forest fires specifically in a regulation.

Forests are one of the greatest natural wealth owned by the Indonesian people. Forests become the capital of national development that can provide benefits for the lives and livelihoods of the Indonesian people, both ecological, socio-cultural and economic benefits, in a balanced and dynamic manner. For this reason, forests must be managed and managed, protected and used sustainably for the welfare of the people of Indonesia, both present and future generations.

In order to realize this, the principle of just and sustainable yield principle is needed. This principle places communities as subjects in active and intersystem forest management activities. As a country that has the third largest tropical forest in the world after Brazil and the Democratic Republic of Congo, the principle of equitable and sustainable forestry development is very important to be applied. In more detail, based on the decree on the designation of forest and water areas until November 2012, Indonesia's forest area is 134,290,240.94 ha consisting of:

1. Conservation Forest (KSA+KPA) 27,086,910.23 ha,
2. Protected Forest (HL) 30,539,823.36 ha,
3. Production Forest (HP+HPT+HPK), 76,663,507.34 ha.

Article 18 PP Number 45 of 2004 states that, forest protection from fire as referred to in Article 6 letter a, is to avoid forests caused by:

- a) Human acts;
- b) Natural forces (paragraph (1)). Human actions as referred to in paragraph (1) letter a, among others:
 - a) Burning forests without a permit; or
 - b) Dispose of objects that are likely to cause fire (subsection (2)). Natural forces as referred to in paragraph (1) letter b, including the consequences of lightning, volcanoes, natural resource reactions and / or earthquakes (paragraph (3)).

Law number 32 of 2009 concerning environmental protection and management, clearing land by burning is expressly prohibited in law, which is regulated in the Law on Environmental Protection and Management in Article 69 paragraph (1) letter h which reads: "everyone is prohibited from carrying out land clearing acts by burning". Starting from the provisions of Article 18 paragraph (1) letter a, namely regulations that protect forest fires from human actions, is a problem that needs serious attention. Because there is a very bad habit in the community, especially entrepreneurs in the plantation sector who in terms of clearing plantation land often make forest burning as the main choice.

In forest protection, criminal legislation against crimes in the forestry sector, including forest burning crimes, is the protection of the main functions of the forest itself, both ecological, economic and socio-cultural functions whose impact is not only felt by communities living in and around forests and communities nationally, but also communities in regional and international contexts.

As explained by Koeswadji above, which is relevant as the basis for criminal implementation of forest burning crimes, given the criminal policy orientation in Law No. 41 of 1999 as affirmed in paragraph 18, the general explanation is that the provision of severe criminal and administrative sanctions is expected to have a deterrent effect on violators of forestry laws. It basically adheres to the purpose of punishment based on relative theory, namely:

"Aglemene or generale preventie, which is prevention aimed at the general public, so that thus the nature of prevention is general, and bijzondere or speciale preventie is prevention aimed at the criminal himself (special prevention)

According to this view that the purpose of punishment is to frighten the crowd and the criminal himself by giving severe sanctions, so that with the application of severe sanctions both the perpetrator and others will be deterred from doing the act in question. Law enforcement against crimes in the forestry sector cannot be separated from the concept of law enforcement against the environment. This is a logical consequence that forests are one of the environmental sectors. Environmental law enforcement in Indonesia includes structuring and enforcement (compliance and enforcement) which includes the field of state administrative law, civil and criminal law. The function of criminal sanctions in the life of environmental law, including forestry, has changed from an ultimatum remedium to a law enforcement instrument that is premium remedium.

2. RESEARCH METHODS

The research in this dissertation is empirical juridical research with a statutory approach and a concept approach.

3. RESEARCH RESULTS AND DISCUSSION

1. Law Enforcement on Land and Forest Burning in Central Kalimantan Province in terms of the Role of the Indonesian National Police

The handling of forest and land fires by the Central Kalimantan Regional Police in 2019, 2020, and 2021 can be seen based on the following table:

Table 3.1. Central Kalimantan Police Fire and Fire Handling in 2019

NO	UNITY	LP	SUSPECT		WITNESS	EVIDENCE (/type)	STAGE OF RESOLUTION OF CASES				AREA OF LAND BURNED (/ha)
			ORG	CORP			FINGERPRINT	SP3	PHASE I	P21/ LEVEL II	
1.	DITRESKRIMSUS POLDA KALTENG	3	-	3	13	7	-	-	-	3	480
2.	KAPUAS POLICE STATION	9	9	-	22	19	-	1	-	8	36,06
3.	PALANGKARAYA POLICE	6	6	-	33	11	-	1	-	5	9,8
4.	KATINGAN POLICE STATION	13	13	-	44	44	-	-	-	13	28,98
5.	POLICE RETURN KNIFE	8	8	-	46	17	-	-	-	8	19,67
6.	WEST KOTAWARINGIN POLICE STATION	13	13	-	53	27	-	-	-	13	90,28
7.	EAST KOTAWARINGIN POLICE STATION	9	11	-	20	20	-	-	-	9	5,89
8.	NORTH BARITO POLICE STATION	5	9	-	15	10	-	-	-	5	8,25
9.	SERUYAN POLICE STATION	13	13	-	44	40	-	-	-	13	176,76
10.	GUNUNG MAS POLICE STATION	3	3	-	10	6	-	-	-	3	6,1
11.	EAST BARITO POLICE STATION	2	2	-	15	5	-	-	-	2	34
12.	LAMANDAU POLICE STATION	3	5	-	11	2	-	-	-	3	5
13.	SOUTH BARITO POLICE STATION	5	5	-	11	16	-	-	-	6	11,98
14.	MURUNG RAYA POLICE STATION	1	1	-	2	2	-	-	-	1	6
15.	SUKAMARA POLICE STATION	5	7	-	18	14	-	-	-	5	17,21
SUM		98	105	3	357	240	0	2	-	97	935,98

Table 3.2. Central Kalimantan Police Fire and Fire Handling 2020

NO	UNITY	LP	SUSPECT		PHASE CASE RESOLUTION				LAND AREA (/ha)
			ORG	CORP	FINGERPRINT	SP3	PHASE I	P21/ LEVEL II	
1.	DITRESKRIMSUS POLDA KALTENG	-	-	3	-	-	-	-	-
2.	KAPUAS POLICE STATION	1	1	-	-	-	-	1	+ 0,5 Ha
3.	PALANGKARAYA POLICE	3	3	-	-	-	-	3	+ 0.76 Ha
4.	KATINGAN POLICE STATION	1	1	-	-	-	-	1	+ 1 Ha
5.	POLICE RETURN KNIFE	1	-	-	-	1	-	-	+ 1 Ha
6.	WEST KOTAWARINGIN POLICE STATION	4	5	-	-	-	-	4	+ 6,06 Ha
7.	EAST KOTAWARINGIN POLICE STATION	2	2	-	-	-	-	2	+ 1,168 Ha
8.	NORTH BARITO POLICE STATION	-	-	-	-	-	-	-	-
9.	SERUYAN POLICE STATION	-	-	-	-	-	-	-	-
10.	GUNUNG MAS POLICE STATION	-	-	-	-	-	-	-	-
11.	EAST BARITO POLICE STATION	-	-	-	-	-	-	-	-
12.	LAMANDAU POLICE STATION	-	-	-	-	-	-	-	-
13.	SOUTH BARITO POLICE STATION	-	-	-	-	-	-	-	-
14.	MURUNG RAYA POLICE STATION	-	-	-	-	-	-	-	-
15.	SUKAMARA POLICE STATION	-	-	-	-	-	-	-	-
SUM		12	12	-	-	1	-	97	+ 10,488 Ha

Source: Central Kalimantan Regional Police 2020

Table 3.3. Central Kalimantan Police Fire and Fire Handling 2021

NO	UNITY	LP	SUSPECT		WITNESS	EVIDENCE (/type)	STAGE OF RESOLUTION OF CASES			AREA OF LAND BURNED (/ha)	
			ORG	CORP			FINGER PRINT	SP3	PHASE I		P21/ LEVEL II
1.	DITRESKRIMSUS POLDA KALTENG	-	-	-	-	-	-	-	-	-	-
2.	KAPUAS POLICE STATION	-	-	-	-	-	-	-	-	-	-
3.	PALANGKARAYA POLICE	3	3	-	-	-	-	1	2	-	+ 4,74 Ha
4.	KATINGAN POLICE STATION	1	1	-	1	-	-	-	1	-	+ 0,08 Ha
5.	POLICE STATION HOME KNIFE	-	-	-	-	-	-	-	-	-	-
6.	WEST KOTAWARINGIN POLICE STATION	5	5	-	6	-	-	1	1	3	+ 7.7525 Ha
7.	EAST KOTAWARINGIN POLICE STATION	3	3	-	4	-	-	-	1	2	+ 1,408 Ha
8.	POLICE STATION BARITO NORTH	-	-	-	-	-	-	-	-	-	-
9.	SERUYAN POLICE STATION	1	1	-	1	-	-	-	1	-	+0.5 Ha
10.	POLICE STATION MOUNTAIN BUT	-	-	-	-	-	-	-	-	-	-
11.	POLICE STATION EAST BARITO	-	-	-	-	-	-	-	-	-	-
12.	LAMANDAU POLICE STATION	5	-	-	-	-	5	-	-	-	+ 13,4 Ha
13.	POLICE STATION SOUTH BARITO	-	-	-	-	-	-	-	-	-	-
14.	POLICE GLOOM RAYA	-	-	-	-	-	-	-	-	-	-
15.	SUKAMARA POLICE STATION	-	-	-	-	-	-	-	-	-	-
SUM		18	13	-	12	-	-	2	6	5	+ 27.8805Ha

Source: Source: Central Kalimantan Regional Police 2020

Based on data on the handling of forest and land fires by the Central Kalimantan Regional Police in 2019 there were 98 reports, in 2020 there were 12 reports, and in 2021 there were 18 reports. While the area of land that experienced fires in 2019 was +935.98 ha, then in 2020 the area of land that experienced fires was +10,488 Ha, then the area of land that experienced fires in 2021 was + 27,8805 Ha.

Fire and fire causes damage and/or pollution to the environment, both national and across national borders, resulting in health problems, economic losses, ecological losses, and state reputation losses. On October 29, 2015, the National Disaster Management Agency (BNPB) recorded 529,527 people in six provinces infected with ISPA. The details, in Central Kalimantan reached 60,225 people, Riau 79,888 people, Jambi 129,229 people, South Sumatra 115,484 people, West Kalimantan 46,672 people, and South Kalimantan 98,029 people¹. In addition, forest and land fires result in economic losses in the form of loss of livelihoods of communities around the location of fires originating from forests and burned land.

The characteristics of forest and land fires in Central Kalimantan are very specific because most of them are on peat lands that have the potential to cause smoke. Land and forest fires are generally caused by human activities 97% of the time when they prepare land for cultivation, agriculture and plantations by burning because the burning method is a very easy, cheap and fast way.

The high incidence of forest and land fires caused by human activities is shown by data on handling forest and land fire cases throughout 2018 to 2020. Of the 155 cases in the period 2018 to 2020, only five cases were stopped because human intent was not found

Based on Law of the Republic of Indonesia Number 4 of 1982 concerning the Basic Provisions of Environmental Management regulated in: Article 5 paragraph 2 everyone is obliged to maintain the environment and prevent and overcome its damage and pollution; Article 7 paragraph 1 Everyone who runs a business field must maintain the preservation of harmonious and balanced environmental capabilities to support sustainable development.

Before discussing the reconstruction of the legal model in handling forest and land fire perpetrators in Central Kalimantan based on justice in the future, a study is needed on the handling of cases of forest and land fire perpetrators in Central Kalimantan that have occurred in Central Kalimantan as follows:

Table 3.4. The recapitulation of data on handling forest and land fire cases was completed restoratively from 2019 to 2021

NO	WORK UNIT	SUM	INFORMATION
1	2	2	3
1	DITRESKRIMSUS POLDA KALTENG	NAUG	-
2	KAPUAS POLICE STATION	2	-
3	PALANGKARAYA POLICE	NAUG	-
4	KATINGAN POLICE STATION	NAUG	-
5	POLICE RETURN KNIFE	2	-
6	WEST KOTAWARINGIN POLICE	NAUG	-
7	EAST KOTAWARINGIN POLICE	NAUG	-
8	NORTH BARITO POLICE STATION	NAUG	-
9	SERUYAN POLICE STATION	NAUG	-
10	GUNUNG MAS POLICE STATION	NAUG	-
11	EAST BARITO POLICE STATION	NAUG	-
12	LAMANDAU POLICE STATION	NAUG	-
13	SOUTH BARITO POLICE STATION	NAUG	-
14	MURUNG RAYA POLICE STATION	NAUG	-
15	SUKAMARA POLICE STATION	NAUG	-
SUM		4	

The National Police of the Republic of Indonesia Central Kalimantan Region Directorate of Special Criminal Investigation in handling KARHUTLA cases completed restoratively from 2019 to 2021, namely:

1. It is known that there was a land fire on the land owned by MEA brother Als BAPAK ASI on Wednesday, August 19, 2020 at 15.00 WIB at the Mufakat handle of Anjir Kalampan Village km. 6, West Kapuas District, Kapuas Regency, Central Kalimantan Province, it is known that the land was borrowed by brother MANTO Als Bapak JENTA son of HERNIS, sister RIJAH Als INDU BOBY son of JUDA and sister PARENTINAE Als INDU NIA son of ARDINAN to grow mountain rice. Approximately 1/2 hectare of the area burned by the fire suppression team and the police visited the scene of the crime and took action in the form of:
 - Put out the fire that is still burning.
 - Conduct checks and make Minutes of Inquiry.
 - From the results of the investigation, the residents who carried out the arson were subject to sanctions, namely:
 - Residents of the community who set fires carry out mandatory reports every Monday and Thursday at the West Kapuas Police Station.
 - The burned land is Pematang land and not peatland.

2. It is known that there was a land fire on the land owned by WATERSON Als MANTRI Bin DINAR ANGGEN brother On Friday, September 18, 2020 at 18.00 WIB at the handle of the Anjir Kalampan Village Mosque km. 4.5 West Kapuas District, Kapuas Regency, Central Kalimantan Province, it is known that the land was borrowed by the SUKA MAJU farmer group chaired by SUHARTO Bin ARTAWI to grow mountain rice. Approximately 1 hectare of area burned by the fire suppression team and the police Visited the scene of the crime and took action in the form of:
 - Go to the crime scene.
 - Put out the fire that was still burning.
 - Providing an appeal and socialization of forest and land fires to residents in the West Kapuas police station by the Kapuas Police Chief. The burned land is Pematang land and not peatland.
3. SAT RESKRIM (TIPIDTER UNIT) & JABIREN RAYA POLICE Station On Wednesday, July 29, 2020 at 16.20 WIB, on Jalan Lintas Kakimantan RT. 03, Henda Village, Jabiren Raya District, Pulang Pisau Regency, Central Kalimantan Province after receiving information from Manggala Agni an. Saprudin that there were residents who cleared 20 M x 40 M of land which was then stacked (made mounds) and burned which would be used to grow vegetables, then Jabiren Raya Police personnel together with Manggala Agni came to the location and extinguished the fire, and the fire could be extinguished, then asked for information from the land owner. - The area of land cultivated is 20 M x 40 M. - The area burned is 5M x 5M. the fire management team and the police Visit the crime scene and take action in the form of:
 - a. Visit the crime scene and take the Coordinates and Documentation.
 - b. Install a Police line at the scene of the fire.
 - c. Conduct an intrograted examination of witnesses
4. Carry out further coordination with the Head of Henda Village to find out the legality of the land.
5. Carry out coordination with BPN and Forestry to determine the status of the area on the land.
6. Further investigation.

The chronology of the incident is:

1. Landowner's burn piles of shrubs with the aim of clearing land for vegetable cultivation.
2. There were no Casualties and Losses in the event

PANDIH BATU POLICE STATION on Monday, September 14, 2020 at 13.30 WIB, Post II of Pandih Batu District visited the Hotspot point:

Latitude: -3.4624, Longitude: 114.41506 Location: TALIO HULU, PANDIH BATU, PULANGPISAU, CENTRAL KALIMANTAN Arriving at the coordinate point of Post II personnel of Pandih Batu District found a burnt land that was still emitting smoke then

personnel together with the land owner extinguished the fire and were assisted from the air until the fire was extinguished and did not emit smoke again.

1. Go to the crime scene.
2. Introgating landowners.
3. Securing Evidence, namely:
 - 1 Match / Lighter.
 - Fire scars.
4. Installing Police Line and Fire and Fire Banner.
5. Finding a Right Base to Burned Land

The landowner and wife are elderly and have hearing loss so they are somewhat constrained in communicating with personnel. The landowner and wife only live together and there are no relatives and children.

According to a 2003 CIFOR report, peat forest fires are the largest contributor to haze pollution. Central Kalimantan as one of the provinces in Kalimantan contributed the largest haze pollution that spread to Singapore, mainland Malaysia and Sumatra with peatlands in Central Kalimantan of around 3.9 million hectares that have been converted to plantations.

2. Regulatory Policy Law Enforcement Efforts against Forest and Land Burners in Central Kalimantan Have Not Been Able to Create Justice

Regulatory Policy Law enforcement efforts against forest and land burners in Central Kalimantan have not been able to create justice, including due to several obstacles as follows;

Legal factors or laws to which criminal provisions in the Penal Code are applied are not applied to criminal provisions in specific laws such as the Environmental Protection and Management Law, the Forestry Law and the Plantation Law.

Legal factors, there are still many law enforcement officials who do not understand the provisions stipulated in the laws and regulations regarding criminal provisions in forest and / or land fires that are lex specialist.

Budget factors and facilities/facilities are one of the inhibiting factors, this is because of the unavailability of facilities/facilities to carry out police actions in an effort to prevent and take action in the event of forest and/or land fires, in addition to the limited number of personnel and operational funds in the investigation process. (5) Community and cultural factors are still obstacles in law enforcement of forest and / or land fires, this is because there is still an attitude of community indifference and it has become a habit of the community if clearing land for agriculture / plantations is done by burning land that has been cut / cut to make it easier and more practical for land clearing.

3. Reconstruction of the legal model in handling forest and land fire perpetrators in Central Kalimantan based on justice in the future

Reconstruction of the legal model in handling forest and land fire perpetrators in Central Kalimantan based on justice in the future can be done by;

1. Synergy of Law Enforcement in Regulations against Forest Burning Perpetrators both in the criminal concept and in the concept of environmental law based on restorative justice;
2. Synergy of Forest Management both from the Government Together with the TNI, Polri, Perhutani and the community;
3. Forest Empowerment and Management based on local wisdom with the best forest and land fire prevention for rural communities is by empowering communities through the FPIC process. FPIC is a principle that asserts that communities in and around peatland restoration sites have the right to be informed and freely consent to peatland restoration activities in their areas. The basic principles are free, prior, informed, and consent;
4. Increasing the budget and adjusting adequate facilities and infrastructure in handling forest and land fire perpetrators in Central Kalimantan;
5. Developing a society with a legal culture, especially related to the negative impacts of forest burning

4. CONCLUSION

Central Kalimantan as one of the provinces in Kalimantan contributes the largest haze pollution that spreads to Singapore, mainland Malaysia and Sumatra with peatlands in Central Kalimantan around 3.9 million hectares which have been converted to plantations.

Law Enforcement on Land and Forest Burning in Central Kalimantan Province in terms of the Role of the Indonesian National Police is carried out based on Restorative Justice. The concept in criminal law enforcement that accommodates norms and values that apply in society as a solution while providing legal certainty, especially the benefits and sense of justice of the community, in order to answer the development of community legal needs that meet the sense of justice

Regulatory Policy Law enforcement efforts against forest and land burners in Central Kalimantan have not been able to create justice, including due to several obstacles as follows; (1) Legal factors or laws to which the criminal provisions in the Penal Code are applied instead of criminal provisions in specific laws such as the Environmental Protection and Management Law, the Forestry Law and the Plantation Law. (2) Legal factors, there are still many law enforcement officials who do not understand the provisions stipulated in the laws and regulations regarding criminal provisions in forest and / or land fires that are lex specialist. (3) Budget factors and (4) facilities/facilities are one of the inhibiting factors, this is due to the unavailability of facilities/facilities to carry out police actions in an effort to prevent and take action in the event of forest and/or land fires, in addition to the limited number of personnel

and operational funds in the investigation process. (5) Community and cultural factors are still obstacles in law enforcement of forest and / or land fires, this is because there is still an attitude of community indifference and it has become a habit of the community if clearing land for agriculture / plantations is done by burning land that has been cut / cut to make it easier and more practical for land clearing.

Reconstruction of the legal model in handling forest and land fire perpetrators in Central Kalimantan based on justice in the future can be done by; (1) Synergy of Law Enforcement in Regulations against Forest Burning Perpetrators both in the criminal concept and in the concept of environmental law based on restorative justice; (2) Synergy of Forest Management both from the Government and the TNI, Polri, Perhutani and the community; (3) Forest Empowerment and Management based on local wisdom with the best forest and land fire prevention for rural communities is by empowering communities through the FPIC process. FPIC is a principle that asserts that communities in and around peatland restoration sites have the right to be informed and freely consent to peatland restoration activities in their areas. The basic principles are free, prior, informed, and consent ; (4) Increasing the budget and adjusting adequate facilities and infrastructure in handling forest and land fire perpetrators in Central Kalimantan; (5) Develop a society with a legal culture, especially related to the negative impacts of forest burning

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