

IMPLEMENTATION OF WEST KALIMANTAN REGIONAL POLICE POLICY IN EFFECTIVING FOREST AND LAND FIRE LAW ENFORCEMENT EFFORTS

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Accepted: 09-07-2024 Revised: 10-07-2024 Approved: 10-07-2024 Published: 10-07-2024

DOI: 10.30596/dll.v9i2.20513

How to cite:

Fanni Athar Hidayat (2024) "Implementation Of West Kalimantan Regional Police Policy In Effectiving Forest And Land Fire Law Enforcement Efforts", De Lega Lata: Jurnal Ilmu Hukum, volume. 9 (2): p. 257-262

Abstract

Cases of forest and land fires are an environmental problem that never ends every year. The number of forest and land fires in Indonesia is a special concern for law enforcers to continue collaborating in creating synergistic handling policies between each law enforcement agency to resolve and prevent forest fire cases especially in the West Kalimantan region. The West Kalimantan Regional Police, based on Circular Letter Number SE/15/XI/2016, is making every effort to deploy police personnel to assist in handling and enforcing the law on forest fire cases in The West Kalimantan Jurisdiction. This is because the still alive and developing culture of burning areas of land by customary law communities means there is a need for law enforcement, in accordance with standards and operations so that forest and land fires can be minimized. And it is necessary to use the implementation of George Edward III's Theory which prioritizes aspects of communication, completeness of natural resources, disposition, and referring to SOPs to enforce cases of forest and land fires in West Kalimantan.

Keywords: Forest and Land Fires, Public Policy, Law Enforcement.

INTRODUCTION

Indonesia is a country that recognizes the universal value of human rights (Wardana, 2007). However, Indonesia not only guarantees human rights to its citizens, but also guarantees human rights to the environment. This can then be seen and clearly described in Article 33 Paragraph (4) of the Constitution which explains that "The national economy is organized based on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental awareness, independence, and by maintaining a balance of progress and national economic unity" This article then illustrates that the environment is an important aspect in the movement and circulation of the national economy. The state continues to strive to provide protection for the environment which is then realized by providing protection (to protect), respect (to respect), and also has an obligation to fulfill (to fulfill) the basic rights possessed by its citizens, including the living environment. good and healthy (Iskandar, 2011).

It has also been confirmed by Jimly Asshiddiqie as an expert in constitutional law who explains that the constitutionalization of norms in the articles of the Constitution reflects that the Indonesian Constitution has the feel of a green constitution which is committed to providing protection of human rights to the environment. The environment has a very central role in its implementation and this causes the environment to have special regulations in its implementation, especially for forest areas. There needs to be enforcement and a public agenda to create a synergistic relationship between the environment and humans, especially in preserving the environment.

One of the essences of the public policy agenda in providing legitimacy to generally applicable legal products also requires attention to various aspects that are relevant and also complex in producing a regulation that is right on target. The presence of gaps in the technical implementation of certain public policies has occurred in various fields, one of which is related to the disaster management process for land forest fires or what was later shortened to Karhutla. Emphasis on efforts that are repressive rather than preventive, so that there is a need for policy reform in forest and land management through a law enforcement process (Nazifah, 2020).

Law enforcement efforts to build a synergistic relationship between the Government through the intermediary of the Ministry of Environment and Forestry (KLHK) and also through the intermediary of the Head of the Indonesian National Police (Kapolri) have been formed and formulated through Joint Declaration Number Mak/01/II/2020 concerning Enforcement Forest and Land Fire Law (Karhutla). The content and substance contained in the Joint Declaration Number Mak/01/II/2020 relates to an appeal to all elements and groups of society to close ranks and also maintain close communication and coordination relations in an effort to prevent and control forest fires on a serious scale. , synergistic, and also collaborative between parties. Then, the Joint Proclamation is also addressed to Persons Responsible for Businesses or Activities in the Natural Resources Sector, Plantation, Agriculture and Forestry Sub-Sectors who are absolutely required to comply with the statutory regulations that have been determined.

One of the provinces in Indonesia that has the potential for forest areas to become the lungs of the world is West Kalimantan Province which has extensive forest areas. This province is one of the territorial areas where the forest and land fires scale is in the high risk category or is in the red zone in Indonesia (Rosit et al., 2023). There are various factors which then cause forest and land fires themselves, especially in the West Kalimantan Province area. As mentioned by Ruslan, the cause of forest and land fires itself is caused by two factors which are then studied from the aspect of human resources, namely related to the negligence of human resources related to activities related to forestry and then being triggered and encouraged by the liberation of plantation land by burning is carried out deliberately, the impact of which will cause losses in various aspects and sectors, especially the economy or ecology.

RESEARCH METHOD

A research cannot be said to be research if it does not have a research method (Koto, 2021). Research methods are one of the factors of a problem that will be discussed. The type of research used in this research is normative legal research. This research was conducted using a statutory approach. The statutory approach is carried out by reviewing all laws and regulations that are related to the legal issue being handled. (Marzuki, 2017). Analysis of legal materials is carried out using qualitative analysis methods which are used to explain legal events, legal materials or legal products in detail to facilitate legal interpretation (Zainuddin & Ramadhani, 2021).

DISCUSS AND ANALYSIS

Development of George Edward III's Theory

As stated by George Edward III, there are 4 (four) factors which then trigger successful implementation. The factors referred to which will then be used as analytical tools in discussing cases and implementing public policies in dealing with forest fires are as follows, First, Communication, As stated by Geogre Edward III, information is considered important and needs to be communicated to policy actors so that they can implement policies, so that the goals and objectives regarding the resulting policies can be appropriate and achieved based on targets. Talking about the context of the West Kalimantan Regional Police's policy in making forest and land fire law enforcement more effective, the information in question is related to the Blood Police Chief by the President or by the Police of the Republic of Indonesia so that it can then be legally implemented against any party who commits a criminal offense in the form of burning of forests and land, Second, Resource, The resources referred to in this case include human resources, budget, equipment, and are also related to authority. In this case, policy implementation will also run well, when all aspects and components are properly completed, including the policies formed

by the West Kalimantan Regional Police in making efforts to make law enforcement more effective in cases of forest and land burning, Third, Disposition, In relation to policy implementation, in this case it will run well and according to target, when there is a significant desire or sincerity in implementing the policy so that it is in accordance with the goals that have been aspired to. Talking about the policy context of the West Kalimantan Regional Police in terms of making efforts to effectively enforce the law in cases of forest and land burning, it can be ensured that every West Kalimantan Regional Police personnel is appointed to handle and also enforce the law in cases of forest and land burning in the Kalimantan region. West are those who have dedication, enthusiasm and ideals to carry out their role as well as possible, Fourth, Standar Operational Procedure, Standard operational procedures in this case are intended to cover and relate the mechanisms, procedures and also the policy implementation system that is formed. The policy context of the West Kalimantan Regional Police in an effort to make law enforcement more effective in cases of forest and land fires of course needs to be implemented appropriately and in line with the expectations and legal basis or statutory regulations that have been established by the policy makers.

The Role of the Police Regarding the Conservation of Indigenous Peoples' Culture through Controlling Forest and Land Fires

Management of forest and land fires in case II is oriented to mitigate loss of life and livelihood, has characteristics such as frequency of weather events, distribution of indications, biophysical factors, and is also related to human activities which can be an input in developing a system as an anticipatory measure for forest fires and also land in an area (Thoha, 2019). Human activity factors in this case need to be identified so that accurate strategies can then be determined in the handling process in each region.

That the majority of cases of forest fires occur in the realm of palm oil and timber plantation concessions, in reference to whether intentionally or unintentionally carried out by small-scale companies and also local communities or local communities, the attribution related to these vegetation fires in Indonesia is still up to now debated. The paradigm that has been explored will have an impact on policy management related to forest and land fires at the provincial or national level, which then has the potential to face critical challenges that are then faced by regional governments and communities in efforts to handle and also control fires in order to mitigate these problems. existing climate change.

This was then linked to the discussion regarding the West Kalimantan region, which has been formulated in the Governor of West Kalimantan Regulation Number 103 of 2020 concerning the Opening of Agricultural Land Areas Based on Local Wisdom which is oriented to provide legal certainty for farmers in clearing land by burning with due regard. elements of local wisdom as its basis and also preventive measures in preventing land fires outside the territory that has been set aside for agriculture with its basis placed on local wisdom.

As can be seen in Article 6 which regulates land clearing, which includes, firstly, land clearing by burning is carried out on a limited basis and is also limited by each cultivator with a maximum of 2 hectares per head of family, secondly, burning which is then carried out on a limited basis. and it is also controlled by making a partition around the burning location with the correct width in a preventive effort to prevent it from spreading to other locations, providing adequate fire extinguishing infrastructure, notifying the owner of the bordering land before the burning is carried out, carried out in turns, the technical aspects of which are regulated by village or sub-district officials, starting from the edge of the land and carried out by adjusting the wind direction conditions at the burning location, guarded collectively and not allowing land before the fire is completely extinguished, prioritizing procedures that are in accordance with elements of local wisdom of the local community, and also not only causes people's land to burn and disturbs the safety of other people, without limited and controlled clearing of land by cultivators so that they can also be planted in cultivation from generation to generation, which needs to be informed to

village or sub-district officials, namely village or sub-district officials informing this matter to the sub-district head and also procedures. The burning carried out is further regulated in the Regent's or Mayor's Regulations.

The Role of the Police Related to Ecological Stability Through Controlling Forest and Land Fires

The government's role in working together to prevent forest fires is as a coordinator, regulator, and also as a facilitator providing regulations, legal sanctions, monitoring, outreach, training, providing facilities and infrastructure. In the Indonesian context, environmental law enforcement issues are handled through 2 (two) approaches, namely penal and non-penal. In this case, what is then meant by the penal approach is a criminal law policy that refers to the Criminal Code or Regulations in Lieu of Laws relating to repressive environmental criminal acts or actions in response to actions after the act or incident has occurred. (Johar, 2021).

In the time period from 2016 to 2018 there was a significant decrease in cases of forest and land burning, however in 2019 cases of forest and land burning occurred again even though compared to 2015 both in terms of the number of fires and also the area of land burned. less. Due to this incident, the President immediately adopted a concrete policy in an effort to prevent and also handle cases of forest and land burning, which then delegated concrete handling authority to Ministries or Institutions, the TNI or Polri, and regional governments whose instructions included carrying out prevention through patrols carried out regularly. systematic and integrated with an early detection process as an anticipatory step, management of peat ecosystems in peat hydrology areas, as well as extinguishing fires quickly and responsively, as well as increasing law enforcement in cases of forest and land burning.

The relevant regulations then concentrate on ecological aspects as the scope of the stabilizing role of Regional Government, namely Law Number 32 of 2009 concerning Environmental Protection and Management or Law Number 24 of 2007 concerning Disaster Management, explicitly which explains that the Regional Government in this case has a special responsibility in implementing and also controlling pollution and environmental damage (Indra, 2023).

In relation to economic stability, one of the commitments realized by Indonesia is related to reducing greenhouse gas emissions, which is then targeted to reach 29% and the potential to reach 41% with international contributions in 2030, realizing this target is reducing the frequency of fires in disaster control efforts cases of forest and land burning are at the core of the problem. There are indications that law enforcement is inadequate in efforts to prevent forest and land fires, which recommends that in the implementation of preventive efforts in preventing fires at locations, it is necessary to include community participation, such as increasing the capacity of fire disaster care units, the existence of alternatives and non-burn technology. which is then earmarked for the availability of agricultural land, as well as designing friendly mechanisms with zero-burning practices, not only for corporations but also for local communities.

CLOSURE

Conclusion

Based on a literary study conducted by researchers which was carried out by elaborating secondary data sources through books and articles that have relevance, researchers associate and also determine juridical regulations related to technical implementation by the Police, especially in the case of the West Kalimantan Regional Police in their efforts to handle fires. forests and land. Then next, the researcher uses a juridical basis as a continuation that the researcher will carry out for the next research stage. The juridical basis used in conducting this research analysis is Circular Letter Number SE/15/XI/2016 concerning Control of Forest and Land Fires for technical components for Regional Police in carrying out their duties specifically regarding law enforcement. Based on the perspective of cultural and cultural conservation, especially for indigenous communities in farming, it will refer to the Governor of West Kalimantan Regulation

Number 103 of 2020 concerning the Opening of Agricultural Land Areas Based on Local Wisdom. Meanwhile, from an ecological stability perspective, it refers to Law Number 32 of 2009 concerning Environmental Protection and Management or Law Number 24 of 2007 concerning Disaster Management which needs to be implemented by referring to George Edward III's implementation theory, namely by prioritizing values. values and aspects of communication, completeness of resources, disposition, or strong will in implementing policies, and referring to SOPs in every process carried out.

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