

Effectiveness Of Law Enforcement Against Land Burning Crimes In Pelalawan

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Abstract. Difficulties have arisen in upholding the legislation against the unlawful act of burning land in Pelalawan, where law enforcement efforts have not been optimal and there are still cases of land fires that are not being processed legally. The main obstacle is the difficulty in finding evidence and witnesses at the location of the incidents. Therefore, this research emphasizes the need for additional investigator personnel and budget for law enforcement operations. The conclusion of this research has answered the emerging problem of Law Enforcement against Land Burning Crime based on Law Number 32 of 2009 in the Pelalawan Sector Police Jurisdiction, which has not been carried out well due to its non-optimal law enforcement, as there are still land burnings in the Pelalawan District that are not processed legally. The method in this research is sociological legal research.

Keywords: Law enforcement, Land Burnig, Pelalawan

1 Introduction

Pelalawan Regency is one of the areas that often becomes the location of land burning incidents. This is a serious problem for the Pelalawan community in particular because the land burning, which is done to open up plantation land, causes haze and smoke that can disrupt health. Not only is there a health issue, but the impact of land burning has also caused damage to the ecology, economy, and social environment.

Land fires almost certainly occur 70-80% due to human factors, while climate change factors that occur due to increasing temperatures and the physical condition of the peat ecosystem are other factors that support land fires that cause pollution and environmental damage.[1]

The impact of land fires on the environment includes environmental degradation, health problems for humans, disruption of office and education activities, and the devastation of the neighborhood's socioeconomic environment.[2] Therefore, the causes and impacts of these fires have become a law enforcement policy that involves preventive measures to control environmental damage and effective, consistent law enforcement against environmental destruction resulting from land fires.[3] This is explained in the Law No. 32 of 2009 on Environmental Protection and Management of the Republic of Indonesia. Law enforcement can provide protection to the local community's environment through the implementation in legislation, which is expected to accommodate the management of the environment in relation to land fires and control environmental damage caused by locals opening land by burning it.

To achieve the effectiveness of implementing in legislation, strict law enforcement from the police against anyone proven to commit land burning offenses is needed. However, law enforcement does not run as expected in the Law. In its implementation, the legislation itself (the legislation), law enforcement factors, law enforcement supporting facilities, community factors, and cultural factors are some of the variables that impact the law enforcement process.[4]

Law enforcement against land burning perpetrators in Pelalawan District based on legislation does not run effectively. This is due to the fact that land burning perpetrators are not legally processed only until the investigation stage, as mentioned in legislation, Article 69, Paragraph 1, Letter H, which prohibits anybody from opening land by burning.[5]

The prevention efforts were carried out by the Pelalawan Police Resort by collaborating with the local government, which included providing legal education related to the prohibition of opening land by burning, to convince the public that burning land is a crime as stated in legislation Article 69 which prohibits opening land by burning.

This study measures the effectiveness of law enforcement against land burning crimes in the jurisdiction of the Pelalawan Police Sector, including the forms of implementation, obstacles faced by land burning perpetrators, and efforts to overcome these obstacles based on "Law Number 32 of 2009 concerning Environmental Protection and Management". The research attempts to ascertain the effectiveness of law enforcement and is titled "Effectiveness of Law Enforcement against Land Burning Crimes in Pelalawan".

2 Theoretical Background

The enforcement of environmental law, justice must also be considered. Therefore, in the enforcement of environmental law, these three elements - legal certainty, benefits, and justice - must be proportionally addressed in handling.[6]

Managing the environment imposes obligations and responsibilities on every legal subject to prevent pollution and environmental damage.[7]

This explains that understanding rights and obligations is essential for law enforcement because it is not just the job of law enforcement agencies but also the community as a whole. The community participates actively in the application of the legislation, but an active participant in law enforcement.[2]

Environmental administration, environmental civil, and environmental criminal law enforcement are the three branches that make up the enforcement of environmental legislation in accordance with "Law No. 32 of 2009 on Environmental Protection and Management".[8]

The goal of Environmental Law Enforcement Administration is to stop or restore actions that violate the law or fail to meet the requirements. This means that Environmental Law Enforcement Administration is more focused on preventing environmental pollution and damage. Civil Environmental after administrative law, law enforcement is the second type of legal enforcement because its goal is only focused on compensation claims by victims against polluters or environmental destroyers. In this case, to determine an individual or legal entity's responsibility for losses caused by environmental pollution or damage, the plaintiff is required to prove the pollution and the connection between pollution and the losses suffered. However, the reality is that accountability in civil lawsuits often becomes a challenge for pollution victims to seek justice through the court system.[9]

Since the goal of environmental criminal law enforcement is to arrest or fine those who create pollution or other environmental damage, it is viewed as the last or ultimate option.[10]

In essence, law enforcement is an endeavor to make the law a guide for behavior in every legal action, both by the relevant legal subject and by the official law enforcement professionals who are officially assigned. This is true in both the limited formal meaning and the broad material sense. Law enforcement also has the legal ability to guarantee that the rules of the state and society are followed.[11]

The practice of managing a forest in a sustainable way aims to one or more specific goals of management by considering the sustainable production of a product and the services it provides without sacrificing the inherent value and future productivity without adverse effects on the physical and social environment.[12]

The environment is a legacy that must be preserved from the hands of the irresponsible. Its integrity seems to be no longer sustainable due to human greed in meeting their economic needs. Economic fulfillment seems to be everything, even if it means sacrificing the interests of the environment that are the interests of every country on the planet, but especially Indonesia. The contentment and accomplishment of the economic needs of a consumptive modern society, human greed, corruption and conspiracy among ruling elites, collaboration between ruling elites and global business people, appear to be the causes of various environmental mismanagement by both ruling elites, entrepreneurs, and the public.

3 Methodology and Case Study

This research is a sociological legal study, in which the researcher studies the influence of law on society and others with a from law to society approach.

4 Discussion

4.1 The Solution to Overcome the Hindering Factors in Enforcement of the Law Against Forests and Lands Fire Crimes in Pelalawan

The land fire in 2020 that occurred in the Pelalawan District, where the community's plantation area was affected, remains unsolved to this day. Some responses from the community suggest that law enforcement is not serious in enforcing the law, as seen from the previous year's land fire cases where no perpetrators were processed, only a preliminary investigation in the form of a Police Line was given in the burned area. Law enforcement in the field of land fire crime has not been able to overcome obstacles, as during the occurrence of land fires, the police went directly to the location without bringing equipment to conduct an investigation, only conducting firefighting together.

The crimes committed by corporations against environmental pollution are very difficult to prove. Even if they are known, proving them in court still faces legal issues, as it is difficult to find evidence based on the law and to determine who should be responsible for the crimes committed by the corporation.[13]

To provide legal certainty for the crime of land burning in the jurisdiction of Pelalawan Police, the optimization of the investigation process is needed.

The Unit II investigators of Pelalawan Police are constrained by several aspects, considering the shortage of personnel or investigators to handle criminal acts of land burning.

In terms of infrastructure, such as increasing the budget, is highly needed in relation to the demand for expert testimony whose presence is located in the central region.

The investigators of Unit II Reskrim Pelalawan are striving to carry out law enforcement activities against criminal acts of land burning optimally and to complete the targeted handling of the case. They address obstacles or challenges during the investigation and prosecution process, including:

- a. Increasing the number of investigative personnel or attracting other investigative personnel to assist in the investigation process of criminal acts of land burning.
- b. Adding operational vehicles to support the investigation process at the crime scene.
- c. Adding budget, as the budget needs are essential in bringing experts to obtain testimony in relation to enforcement of the law against those who commit land burning in Pelalawan Regency.

The first effort undertaken is prevention, which includes mapping, installation of warning signboards, socialization, patrols, and training on the use of water pumps. The second is firefighting in the burned area together with the police, military, and village authorities. Further efforts include visiting the scene, conducting investigations, expert witness examination, mapping, and installing warning signs prohibiting activities in the burned area.

Good law is one that brings justice and benefits to the community. The determination of behaviors that violate the law is always accompanied by the formation of enforcement agencies. This is dependent upon multiple things, such as:

- a. The public expects law enforcement to uphold societal values, whether they do so or not.
- b. The existence of motivation among citizens to report illegal activities to the law enforcement agencies.
- c. The capability and authority of law enforcement organizations.
- d. To provide legal certainty for perpetrators of land arson.

Regarding joint participation in the crime of land burning, the number of people involved or more than one can participate in a criminal act. The relationship between participants in carrying out the crime can either involve them acting together, one person having the intention and planning the crime while using others to carry out the criminal act, one person carrying out the criminal act while others assist in carrying out the criminal act can be resolved.

The regulation on participation by lawmakers has been established in Articles 55 and 56 of the KUHP. These articles not only discuss participation but also the perpetrators. Regarding the punishment for environmental crimes, criminal sanctions have been regulated in Articles 97-120 of "law number No. 32 Tahun 2009 concerning the protection and management of the environment". As for the punishment for land burning perpetrators, it has been regulated in Article 108 as mentioned in Letter H of Article 69, Paragraph 1. In the absence of environmental punishment, the criminal sanctions include imprisonment, fines, and discipline. The prison and fine penalties differ significantly based on the type of conduct and the resulting consequences. Although the criminal law function is considered by experts as the last law enforcement instrument (*ultimum remedium*), other instruments are considered as means of protecting the environment.

Therefore, efforts to realize the legal ideals of equal position for every citizen to obtain justice in different societal conditions must be made. Can the law overcome the obstacles of this unequal societal structure? Can law enforcement officers face these societal structure obstacles?

Although the law has explicitly shown its commitment to the principle of equality before the law for all human beings, in reality, the law tends to side with those who have power,

wealth, high social status, and education. The implementation of the law in communities with small political power or even none, is usually safer to implement than in communities with greater political power, because in the latter case, its implementation will turn into pressure on the law enforcement agencies themselves.

Law enforcement in handling land burning cases is a necessary step to be taken so that people in Pelalawan District can feel the justice upheld in the Indonesian state ideology, Pancasila.

5 Conclusion

The obstacles to enforcing laws against land-burning crimes in the Indonesian region of Pelalawan, according to “Law No. 32/2009 on Environmental Protection and Management“, include a lack of assistant investigators to handle land burning cases, insufficient facilities, resources, and budgetary support for law enforcement activities. Efforts are being made to overcome these obstacles by increasing the number of assistant investigators during the investigation process and providing additional personnel when there are no Civil Servant Investigators available. Additionally, there is a need to increase the budget to support the investigation and prosecution process for enforcing laws against land-burning crimes.

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