

Indonesia Responsibility of Transboundary Haze Pollution by Forest Fires in Perspective of International Environmental Law

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Abstract

At a meeting of environment ministers ASEAN Sub Regional Ministerial Steering Committee on Transboundary Haze Pollution (MSC), Malaysia urges Indonesia to resolve the haze problem by forest fires causing health problems to society and a number of harmful interference Malaysia and Singapore. This leads to the creation of national and international instruments to prevent and control transboundary haze pollution by forest fires. This writing uses a normative legal research method. It also uses cases that refer to cases of forest fires which have occurred as well as the statutory approach that analyzes national laws and international instruments. This writing discusses two main issues, namely: Indonesia responsibility by national law and international environmental law on transboundary pollution by forest fires and Indonesia law action related responsibility on transboundary pollution by forest fires. As for the conclusions that can be drawn are as follows: 1) That Indonesia's responsibility can be carried is increase forest protection efforts, apply sanctions in assertive, give some information and education about dangerous air pollution, responsibility in morals, oversee climate change, and more selective to give permission in forest exploitation. 2) Indonesia legal action related to responsibility can be seen by policy and Indonesia steps and enforcement in resolving forest fires. One of Indonesia's legal actions to resolve forest fires is the issuance of a presidential decree or the Presidential Instructions of the Republic of Indonesia number 11 years 2015 concerning Improvement of Fire Control. This instruction sets government officials to resolve and teamwork and increase law enforcement and assertive sanctions for forest fires activity.

Keywords: *State Responsibility, Indonesia, Pollution, Forest Fire.*

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A. INTRODUCTION

Forest and land fires never seem to stop threatening people's lives in Indonesia. The amount of smoke pollution in Sumatra and Kalimantan has exceeded the safe threshold. In Riau Province in September 2015, the Air Pollution Standard Index (ISPU) continued to fall to above 750 psi (Standard Pollutant Index). In fact, the decision of the Environmental Impact Control Agency determines that the ISPU category that falls into the danger category is in the range of 300-500 Psi.

According to the National Disaster Management Agency (BNPB), there were 503,874 people suffering from Acute Respiratory Infections (ARI) in 6 provinces due to forest fires from 1 July to 23 October 2015. The largest number of ARI sufferers were in Jambi Province, namely 129,229 people, in South Sumatra as many as 101,333 people, in South Kalimantan as many as 97,430 people, in Riau as many as 52,142 people, and in Central Kalimantan and West Kalimantan as many as 43,477 people. During the 1994-2015 period there were approximately 42.3 million Ha of forest areas that had been conserved for plantation forests and other businesses such as

plantations and mining. On the other hand, the fact that forest conservation is not managed well is demonstrated by the existence of 6.8 million Ha of plantation forests that are not managed intensively, 2.9 million Ha of mining without permits in forest areas, and 6.6 million Ha of forest areas that have been converted into a plantation.

The problem of haze caused by forest fires in Indonesia has become an international problem because it has caused pollution in neighboring countries. Apart from health impacts, social, economic and ecological losses are also the result of forest fires that occur.

At the meeting of the ASEAN Environment Minister Sub Regional Ministerial Steering Committee on Transboundary Haze Pollution (MSC) which discussed the problem of transboundary haze pollution on 13 October 2006, Malaysia had urged Indonesia to resolve this problem. Malaysia's reason for protesting this issue is because the smoke haze caused by forest fires has caused public health problems, namely upper respiratory tract infections (ARI), inflammatory coughs and lung problems. In the field of land, sea and air transportation, Malaysia also experienced a number of disruptions.

Apart from Malaysia, Singapore also experienced losses of around US\$ 60 million in the tourism sector in 1997. In 2015, Singapore's National Environmental Agency increased the smog level to very unhealthy. International environmental law has adopted the concept of state responsibility for pollution that results in losses for other countries. This discourse became an important agenda at the Environmental Conference

Life International then included this concept in Article 21 of the Declaration of the United Nations Conference on the Human Environment, hereinafter referred to as the 1972 Stockholm Declaration. This Declaration confirms that every country has the right to exploit natural resources in its territory, but the country is also obliged to ensure its activities such exploitation so as not to cause damage to other countries.

This principle apparently has not been implemented in Indonesia in the case of forest fires which have caused pollution to neighboring countries. Indonesia is seen as using its natural resources incorrectly by issuing permits without supervision in the timber and plantation industries, where these activities are the main cause of fires. Air pollution due to forest fires is contrary to the principles of international environmental law. One of the principles is "*sic utere tou ut alienum non laedes*" namely that a country is prohibited from carrying out or allowing activities that could harm other countries, and the principle of good neighbourliness. The point is that a country's territorial sovereignty must not be disturbed by other countries. Other principles of international law for environmental protection are the general prohibition to pollute principle, the prohibition of abuse of rights, the duty to prevent principle, the duty to inform principle, the duty to negotiate and cooperate principle, and the intergenerational equity principle. This research aims to present an analysis of the applicability of Indonesian national law and public international law, especially international environmental law in cases of cross-border pollution as a result of forest fires in Indonesia.

B. METHOD

This type of research is normative legal research which focuses on the legal norms contained in Indonesian legislation and relevant international agreements. The approach used in this research is a case approach, where this approach refers to cases of forest fires that are currently occurring. Apart from that, another approach used in this research is the statutory regulatory approach (Statutory Approach) which analyzes instruments both in national law and relevant international instruments as well as the analytical and Conceptual Approach. The collection of legal materials used in this research used the library method (Library Research) where this research designated the library as the place for conducting research at the Udayana University Faculty of Law Library. The analysis carried out in this research used analytical descriptive techniques. This technique analyzes legal and factual materials through appropriate interpretation. Which is aimed at studying problems that arise in society in certain situations, including community relations, activities, attitudes, opinions, as well as ongoing processes and their influence on certain phenomena in society.

C. RESULTS AND DISCUSSION

1. Indonesia's Responsibility for Cross-Border Pollution Due to Forest Fires Based on National Law

There are a number of national laws and regulations that regulate Indonesia's responsibility for cross-border pollution due to forest fires which will be discussed, namely; Law Number 41 of 1999 concerning Forestry, Law Number 32 of 2009 concerning Environmental Protection and Management, Government Regulation Number 41 of 1999 concerning Control of Air Pollution, and Government Regulation Number 4 of 2001 concerning Control of Environmental Damage and/or Pollution Life Related to Forest and/or Land Fires.

2. Law Number 41 of 1999 concerning Forestry

On September 30 1999, Law No. 41 of 1999 concerning Forestry (Forestry Law) was promulgated to replace the previous Law, namely Law No. 5 of 1967 concerning Basic Forestry Provisions. The Forestry Law was formed because the old law was not in accordance with the principles of forest control and management and the development of forestry issues.

The Forestry Law defines a forest as an ecosystem containing biological natural resources dominated by trees in its environment, which cannot be separated from one another. This law focuses on the benefits and sustainability of forests, justice, togetherness and openness, and aims for the sustainable welfare of the people.

The Forestry Law also aims to protect forests and forest areas, prevent damage, and safeguard the rights of the State, communities and individuals to forest products. Rights or permit holders, such as governments, individuals, cooperatives, BUMN and BUMD, are responsible for protecting forests in their territories.

Article 50 paragraph (3) of the Forestry Law prohibits forest burning and carries a maximum criminal sanction of 15 years in prison and a fine of up to Rp. 5,000,000,000 if violated.

Administrative sanctions are also known in the Forestry Law, where violations of the law can require compensation payers according to the level of damage or consequences caused to the State, as well as other necessary actions. Holders of relevant business permits may also be subject to administrative sanctions if they violate provisions other than criminal provisions.

3. Law Number 32 of 2009 concerning Environmental Protection and Management

On October 3 2009, Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH) was promulgated as a replacement for Law Number 23 of 1997 concerning Environmental Management. The PPLH Law regulates a number of environmental issues, including the impact of forest fires. The PPLH Law requires the Government and Regional Governments to make a Strategic Environmental Study (KLHS) to ensure that sustainable development principles are integrated into policies, plans and programs that can affect the environment, including forest fires. Article 21 paragraph (3) Letter c of the PPLH Law determines criteria for ecosystem damage which includes environmental damage related to forest fires. The PPLH Law prohibits burning. Article 69 (1) letters a and h prohibit pollution and land clearing by burning.

Article 108 of the PPLH Law regulates criminal sanctions for perpetrators of land burning, including imprisonment and fines. Administrative sanctions, such as written warnings, government coercion, suspension of permits, or revocation of environmental permits, can be imposed by the Minister, Governor, or Regent/Mayor. The Central Government can take over the authority for administrative sanctions if the Regional Government is not serious about enforcing environmental laws. Article 77 of the PPLH Law regulates this.

4. Government Regulation Number 41 of 1999 concerning Air Pollution Control

On May 26 1999, Government Regulation no. 41 of 1999 concerning Air Pollution Control (PP Air Pollution Control) as the implementation of Law no. 23 of 1997 concerning Environmental Management. This PP regulates air pollution control, including prevention, control and restoration of air quality.

This PP defines air pollution control as an effort to prevent, overcome and restore air quality. This involves inventorying ambient air quality, preventing sources of pollution, handling emergencies, as well as supervision by the Minister and Regional Government of those responsible for businesses/activities that can pollute the air. If air pollution causes harm to other parties, the person or person responsible for the business/activity responsible must bear the costs of mitigation, restoration and

pay compensation to the injured party in accordance with the provisions of the PP on Air Pollution Control.

5. Government Regulation Number 4 of 2001 concerning Control of Environmental Damage and/or Pollution Related to Forest and/or Land Fires

On 26 May 1999, Government Regulation Number 4 of 2001 (PP Damage Control) was issued as an implementation of Law no. 23 of 1997 concerning Environmental Management. This PP regulates efforts to prevent, control, restore and monitor environmental damage and pollution due to forest and land fires.

The PP on Damage Control explains the factors that cause fires, such as clearing land by burning, accidental fires, intentional fires and natural fires. This PP prohibits burning of forests and land for activities such as forestry, plantations, agriculture, transmigration, mining and tourism.

People and business people must prevent environmental damage and pollution due to forest and land fires. They must also monitor and report the results periodically to the authorities.

Supervision by the Government and responsible agencies is necessary to reduce environmental damage and pollution. This PP also stipulates administrative and criminal sanctions for violations that result in environmental damage and pollution.

Thus, Indonesia must closely monitor every individual, person in charge of business, and agency that uses forests and land to overcome the problem of cross-border pollution due to forest fires.

6. Status Quo Policy

The status quo policy is a policy in which the government tries to maintain a conducive situation with statutory regulations. In many cases, economic interests and power structures are at stake. The main triggers for forest fires are closely related to the activities of large-scale commercial companies, especially those that control significant economic access. In this case, the state also has economic and political interests in forest exploitation and conversion. The status quo policy in this case was taken to create barriers to change so that the damage caused is not too great and to carry out strict supervision so that the damage caused does not reach undesirable levels.

The status quo policies taken by the Indonesian government in order to prevent forest fires and forest management refer to the following statutory provisions:

- a. Article 40 paragraph (2) Law no. 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems, states that every perpetrator is threatened with a maximum sentence of 5 years in prison and a maximum fine of one hundred million rupiah.
- b. Article 78 paragraph (3) Law no. 41 of 1999 concerning Forestry, where perpetrators can be sentenced to a maximum sentence of 15 years and a maximum fine of 5 billion rupiah.

- c. Article 49 paragraph (1) Law no. 18 of 2004 concerning Plantations, states that if arson is carried out intentionally, the threat of imprisonment is a maximum of 3 years and a fine of three billion rupiah.
- d. Article 42 Law no. 45 of 2004 concerning Forest Protection, stipulates that anyone who violates this law is liable to five years in prison and a maximum fine of ten billion rupiah.
- e. Article 109 of Law No. 32 of 2009 concerning Environmental Protection and Management states that people who burn land are subject to a maximum sentence of 10 years and a maximum fine of 10 billion rupiah.

7. Modification Policy

Modification policies are alternative policies that modify existing policies, either reducing or adding to existing policies, but do not change them entirely. Modification policies in the legal sector only add more comprehensive sanctions and countermeasures. Then, this policy adds supervision to existing laws, but is closely monitored. The apparatus only carries out supervision and strict sanctions without replacing professional staff. This policy provides land clearing permits and grants HPH permits (Forest Concession Rights), however, this permit will be revoked if forest burning occurs. This modification policy has several advantages in terms of facilities and infrastructure, apart from lower costs, so that the budget for controlling forest fires can be reduced. However, this policy also has many shortcomings, one of which is related to its effectiveness which is still not optimal.

8. New System Policy

The new policy system offers new policies for dealing with forest fires that strengthen supervision, implementation and response which includes bureaucratic matters and matters related to forests. This policy implements a professional recruitment system for officers, provides sanctions for irregularities and rewards those who excel.

The new system policy has many advantages, including strict permits, clear implementation, strict sanctions and adequate infrastructure. Through this policy, forest fires in Indonesia can be quickly contained. There is something that needs to be noted that this policy requires a large budget and requires adaptation time.

In the author's opinion, the most appropriate policy for Indonesia to use is the new system policy. Because it could be a breakthrough for resolving unresolved forest fire cases in Indonesia. Through this policy, Indonesia can tighten permits, recruit professional officers and provide strict sanctions and adequate infrastructure, so that the forest fires that hit Indonesia can be contained.

In connection with the analysis carried out in Chapter 3 regarding Indonesia's responsibility for cross-border pollution due to forest fires based on national law and international environmental law, the policies and steps that the government needs to take in overcoming the problem of forest and land fires are as follows:

Increase efforts to protect forests and forest areas and improve supervision, implementation and management of forests and forest areas.

Enforcing government programs in forest utilization, implementing criminal provisions for perpetrators who burn land, providing administrative sanctions, civil sanctions and criminal sanctions for those responsible for businesses and/or activities if violations of environmental permits are found.

Carry out intensive and strict supervision so that air pollution can be prevented and controlled and can be dealt with if air pollution occurs and issue forest exploitation permits to prevent and reduce the occurrence of forest fires.

Carry out mitigation in order to prevent air pollution and facilitate, provide information and education to the public about the dangers of air pollution and ask the public to provide information if climate change and environmental pollution occurs.

9. Instruction of the President of the Republic of Indonesia Number 11 of 2015 concerning Increasing Control of Forest and Land Fires

On October 24 2015, Presidential Instruction of the Republic of Indonesia Number 11 of 2015 concerning Improving Control of Forest and Land Fires was issued (hereinafter referred to as the PPKHL Presidential Instruction). This Presidential Instruction assigns 23 Ministers/ministerial level officials as well as Governors and Regents/Mayors throughout Indonesia to improve fire control which includes efforts to prevent, extinguish and handle post-fires/restoration of forests and land. Apart from that, the president encouraged strengthening cross-agency coordination (central and regional), increasing community/stakeholder participation and realizing law enforcement against perpetrators involved in burning land and forests, whether individuals or legal entities.

The PPKHL Presidential Instruction also instructed Ministers, Prosecutors, TNI Commanders, Police Chiefs, Heads of the National Disaster Management Agency, the Meteorology, Climatology and Geophysics Agency, Governors, Regents/Mayors, and other agencies to improve control of forest and land fires to carry out cooperation and coordinate in implementing forest fire control throughout Indonesia. Apart from that, this Presidential Instruction is intended for prevention, extinguishing and handling or recovery activities after forest and land fires.

In Article 19 letter c of the PPKHL Presidential Instruction, the President orders the Governor to provide special funds for forest and land fires in the Provincial Regional Revenue and Expenditure Budget. Article 20 letter d of the Presidential Instruction orders regents/mayors to allocate costs for implementing forest and land fire control in the district/city regional income and expenditure budget. In response to this Presidential Instruction, the Ministry of Environment and Forestry took action to completely stop the use of peatlands through Minister of Environment and Forestry Circular Letter No. S. 494/2015 concerning the Prohibition of Clearing Peatlands, which was issued on 3 November 2015. 104 This Circular Letter was then followed up with a Circular Letter from the Secretariat General of the Ministry of Environment and Forestry on 5 November 2015 concerning Instructions for Peat Land

Management. This Circular applies to business permit holders for utilizing wood forest products for industrial forest plantations, natural forests, or ecosystem restoration or plantation business permit holders.

10. Forms of Sanctions Against Forest Burning

Basically, the Indonesian people have the right to a good and healthy environment and the right to receive health services, as regulated in Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that every person has the right to live in physical and spiritual prosperity, to have a place to live, and get a good and healthy living environment and have the right to receive health services." Forest fires which cause air pollution and smog have robbed humans of their human right to fresh air. Indonesian people also experience material and physical losses, be it health, education or the economy.

There is an alternative method to demand that the government fulfill its responsibility for a good and healthy environment, known as citizen law suit. This method was previously unknown in Indonesia, however, according to several references it was stated that citizen law suits only developed in countries that adhere to the common law system. In essence, a citizen law suit is a mechanism for citizens to challenge the responsibility of state administrators, in this case the government, for negligence in fulfilling citizens' rights. This negligence can be argued as an unlawful act. The procedure for submitting a citizen law suit application is not specifically regulated in Indonesian laws and regulations. The existing arrangements are regarding class action lawsuits and legal standing. Even though Indonesia does not regulate citizen law suits, Indonesia has regulated legal provisions to defend the interests of society in obtaining a good and healthy environment.

Indonesian legislation actually regulates sanctions for forest burning. There are 3 types of sanctions that can be applied to perpetrators who commit criminal acts or unlawful acts in the forestry sector. As regulated in the Forestry Law, among others:

- a. Administrative Sanctions
- b. Criminal sanctions
- c. Civil Liability and compensation

11. Law No. 41 of 1999 concerning Forestry

Administrative sanctions are regulated in Article 80 paragraph (2) of Law no. 41 of 1999 concerning Forestry (hereinafter referred to as the Forestry Law) which states that every holder of an area utilization business permit, environmental services utilization business permit, forest product utilization business permit, or forest product collection business permit regulated in this law, if they violate the provisions outside the criminal provisions as regulated in Article 78, administrative sanctions are imposed. Administrative sanctions imposed include fines, revocation of permits, termination of activities, and/or reduction of area.¹¹⁹

Civil liability is contained in Article 76 paragraph (1) of the Forestry Law which states that resolving forestry disputes through court is intended to obtain a decision

regarding the return of a right, the amount of compensation, and/or certain actions that must be taken by the losing party in the dispute. Furthermore, Article 80 paragraph (1) of the Forestry Law states that every act that violates the law as regulated in this law, without reducing the criminal sanctions as regulated in Article 78, requires the person responsible for the act to pay compensation according to the level damage or consequences caused to the State, for rehabilitation costs, restoration of forest conditions, or other necessary actions. Criminal sanctions related to forest damage and/or fires regulated in the Forestry Law can be explained in the following table.

Table 1. Criminal sanctions related to forest damage and/or fires in Law no. 41 of 1999 concerning Forestry

No	Provision	Violation	Form Penalty
1.	Chapter 78 paragraph (1)	Vandalism means and infrastructure protection forests and activities give rise to damage forest.	Criminal prison most long 10 (ten) years and a maximum fine Lots Rp. 5,000,000,000.00 (five billion rupiah).
2.	Chapter 78 paragraph (2)	Use, occupy and penetrate the area forest in a way No legitimate as well as doing logging tree in area forest	Criminal prison most long 10 (ten) years and a maximum fine Lots Rp. 5,000,000,000.00 (five billion rupiah)
3.	Chapter 78 paragraph (3)	Burn forest in a way on purpose	Criminal prison most long 15 (five mercy) year and fine maximum Rp. 5,000,000,000 (Five billion Rupiah).
4.	Chapter 78 paragraph (4)	That negligence cause burning forest	Criminal prison most long 5 (five) year and fine most Lots Rp. 1,500,000,000.00,- (One Billion Five Hundred Million Rupiah)
5.	Article 78 paragraph (11)	Throw away things which can cause fire and damage as well as endanger existence or continuity function forest into the area forest	Criminal prison most long 3 (three) year and fine most a lot of Rp. 1,000,000,000.00 (one billion rupiah).

From the threat of criminal sanctions that have been described, the most severe sanctions are contained in Article 78 paragraph (3) of the Forestry Law, namely for people who deliberately burn forests. Criminal sanctions are contained in Article 78

paragraph (11) of the Forestry Law, where those who intentionally violate the provisions of Article 50 paragraph (3) letter k, namely the violation of throwing objects that can cause fire and damage and endanger the existence or continuity of forest functions into the area. forest will be threatened with imprisonment for a maximum of 3 (three) years and a fine of a maximum of IDR 1,000,000,000 (one billion rupiah).

12. Law no. 32 of 2009 concerning Environmental Protection and Management

Administrative sanctions are regulated in the provisions of Article 76, Article 77, Article 78, Article 79, Article 80, Article 81, Article 82 of the PPLH Law. Administrative sanctions consist of written warnings, government coercion, suspension of environmental permits and revocation of environmental permits.

Civil liability in this provision takes the form of compensation, environmental restoration, absolute responsibility, the right to sue the government and regional governments, the right to sue the community and the right to sue environmental organizations. Civil liability in the form of compensation and environmental restoration is regulated in Article 85 paragraph (1) of the PPLH Law which states that the resolution of environmental disputes outside of court is carried out to reach an agreement regarding:

- a. Form and amount of compensation
- b. Recovery actions resulting from pollution and/or damage
- c. Certain actions to ensure that pollution and/or damage will not recur
- d. Actions to prevent negative impacts on the environment

Sanctions in the form of compensation are regulated in Article 87 paragraph (1) of the PPLH Law which explains that every person in charge of a business and/or activity who commits an unlawful act in the form of environmental pollution and/or destruction which causes harm to other people or the environment is obliged to pay compensation. and/or take certain actions.

Civil liability is absolutely regulated in Article 88 of the PPLH Law which states that every person whose actions, business, and/or activities use hazardous and toxic materials (B3), produce and/or manage B3 waste, and/or who pose a threat are serious about the environment and take absolute responsibility for losses that occur without the need to prove elements of fault.

Civil responsibility for the right to sue the government and regional governments is regulated in Article 90 paragraph (1) of the PPLH Law which states that government agencies and regional governments responsible for the environmental sector have the authority to submit claims for compensation and certain actions against businesses and/or activities that cause environmental pollution and/or damage resulting in environmental losses.

Civil responsibility for the community's right to sue is regulated in Article 91 paragraph (1) of the PPLH Law which states that the community has the right to file a class representative lawsuit for its own interests and/or for the interests of the community if it experiences losses due to environmental pollution and/or damage. Civil liability for the right to sue environmental organizations is regulated in Article

92 which states that in the framework of implementing environmental protection and management responsibilities, environmental organizations have the right to file a lawsuit in the interests of environmental preservation.

Criminal sanctions in this law are regulated in Articles 98 to 115 of the PPLH Law. The following description will only include criminal sanctions for forest burners, negligence, and for officials who make mistakes while on duty, causing fires.

Table 2. Criminal Sanctions Related to Forest Damage and Fires in Law no. 32 of 2009 concerning Environmental Protection and Management

No.	Provision	Violation	Form Penalty
1.	Chapter 108	Do the opening land with method burn.	Criminal prison most short 3(three) years and a maximum of 10 (ten) years and a maximum fine a little Rp. 3,000,000,000.00 (three billion rupiah) and the most Rp. 10,000,000,000.00 (ten billion rupiah).
2.	Chapter 109	Do business and/or activities without permission environment	Criminal prison most short 1(One) year and most long 3 (three) year and fine most a little Rp. 1,000,000,000.00 (one billion rupiah) and the most IDR 3,000,000,000.00 (three billion rupiah).
3.	Article 111 paragraph (1)	Official giver permission environment issue environmental permits without be equipped with EIA or UKL-UPL	Criminal prison most long 3(three) year and fine most a lot of IDR 3,000,000,000.00 (three billion rupiah).
4.	Article 111 paragraph (2)	Official giver permission business and/or activity Which publish permission business and/or activity without be equipped with permissionenvironment	Criminal prison most long 3(three) year and fine most a lot of IDR 3,000,000,000.00 (three billion rupiah)
5.	Article 112	Authorized officials who deliberately do not supervise the compliance of the person in charge of business and/or activities with statutory regulations environmental invitations and permits	A maximum prison sentence of 1 (one) year or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah)

6.	Article 115	Any person who deliberately prevents, obstructs or thwarts the implementation of the duties of an environmental supervisory official and/or civil servant investigating officer	The maximum prison sentence is 1 (one) year and a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).
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From the threat of criminal sanctions that has been described, the severity of the sanctions is contained in Article 108 of the PPLH Law where, this sanction is given to people who burn land and the lighter criminal sanctions are contained in Article 112 which is given to authorities who deliberately do not carry out supervision and Article 115 which is given to anyone who deliberately prevents, obstructs or thwarts the implementation of the duties of environmental supervisory officials and civil servant investigators.

13. Dispute Resolution Based on International Instruments

The 1979 Geneva Convention on the Long-Range Transboundary Pollution explains the dispute resolution mechanism in Article 13 which states "If a dispute arises between two or more Contracting Parties to the present Convention as to the interpretation or application of the Convention, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute". This provision states that if a dispute arises between two or more Parties to the Convention relating to the interpretation or application of the Convention, a solution will be sought through negotiation or by other methods of dispute resolution acceptable to the parties to the dispute.

The dispute resolution in the United Nations Framework Convention on Climate Change will be described in the following table:

Table 3. Settlement of Disputes related to Forest Damage and Fires based on the United Nations Framework Convention on Climate Change

No.	Provision	Statement
1.	Chapter 14 paragraph (1)	<i>"In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiations or any other peaceful means of their own choice"</i> . In the event of a dispute between two or more Party about interpretation or application Convention, Party related must look for solution dispute through negotiation or ways peace other options they Alone

2.	Chapter 14 paragraph (2)	<i>" When ratifying, accepting, approving or acceding to the Conventions, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes as mandatory ipso facto and without special agreement, in relation to any Party accepting the same obligation: (a) Submission of the dispute to the International Court of Justice; and/or (b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration. A Party which is a regional economy integration organization may make a declaration with like effect in relations to arbitration in understand with the procedures referred to in subparagraph (b) above". When ratify, accept, agree or accession Convention, Party Which No is organization integration economy regional can state in instrument written Which be delivered to Storage that, in matter dispute about interpretation or application of the convention, recognizing as ipso facto mandatory and without specific agreement, in relation to the Party Which accept obligation Which The same: (a) Submission dispute to Court International; and/or (b) Arbitrage in accordance with procedure Which will adopted by</i>
		Conference of the Parties as soon as possible, in an annex to the arbitration. Parties that are regional economic integration organizations may make such statements in relation to arbitration in accordance with the procedures as intended in letter (b) above.
3.	Article 14 paragraph (3)	<i>"A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary". A declaration made pursuant to paragraph 2 above shall remain in force until its validity period expires in accordance with its provisions or until three months after the written notification of revocation which has been kept in place storage</i>
	Article 14 paragraph (4)	<i>"A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings</i>

			pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute otherwise agree". A new declaration, notification of revocation or expiry of a declaration will not in any way affect pending proceedings unless the party dispute if you don't agree
5.	Article paragraph (5)	14	"Subject to the operation of paragraph 2 above, if after twelve months following notification by one Party to another that a dispute exists between them, the Parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1 above, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation". In connection with the implementation of paragraph (2) above, if after twelve months after notification by one of the other Parties to the dispute, the party concerned has not been able to resolve their dispute through the means mentioned in paragraph 1 above, the dispute must be resolved, at the request of one party to the dispute, through conciliation.
6.	Article paragraph (6)	14	"A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a recommendatory award, which the parties shall consider in good faith". A conciliation commission must be formed based on a request from one of the parties to the dispute. The Commission shall consist of an equal number of members appointed by each party concerned and a chairman jointly elected by members appointed by each party. The Conciliation Commission must issue recommendations which must be considered by the parties in good faith.
7.	Article paragraph (7)	14	"Additional procedures relating to conciliation shall be adopted by the Conference of the Parties, as soon as practicable, in an annex on conciliation". Additional procedures relating to reconciliation shall be adopted by the Parties to the Conference, as soon as possible in an annex to conciliation.
8.	Article paragraph (8)	14	"The provisions of this Article shall apply to any related legal instrument which the Conference of the Parties may adopt, unless the instrument provides otherwise". The provisions of this Article apply to any relevant legal

		instruments that Parties to the Convention may have accept, unless the instrument states otherwise.
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The ASEAN Agreement on Transboundary Haze Pollution regulates the issue of dispute resolution in Article 27 which states "Any dispute between Parties as to the interpretation or application of, or compliance with, this Agreement or any protocol thereto, shall be settled amicably by consultation or negotiation." Accordingly, any dispute between the parties regarding the interpretation or application of, or compliance with, this Agreement or any additional protocol, shall be resolved amicably through consultation and negotiation.

D. CONCLUSION

Based on the problems and discussion, it can be concluded that Indonesia's responsibility for cross-border pollution due to forest fires is regulated based on national and international law. National laws are contained in several laws and government regulations, such as the Law on Forestry, Environmental Protection and Management, Air Pollution Control, and Control of Environmental Damage and/or Pollution Related to Forest and/or Land Fires. Indonesia is responsible for increasing forest protection, imposing sanctions on law violators, and strictly monitoring forest and land use. From an international environmental law perspective, Indonesia's responsibilities are regulated in international agreements such as The Geneva Convention on the Long-Range Transboundary Pollution 1979, the United Nations Framework Convention on Climate Change, and the ASEAN Agreement on Transboundary Haze Pollution. This responsibility includes monitoring climate change, providing information, recovering from the impacts of forest fires, and selectivity in granting forest exploitation permits. In addition, Indonesia may also be liable under the ILC Draft Articles on Responsibility of States for Internationally Wrongful Acts 2001, which includes payment of damages, compensation for damages, acknowledgment of violations, and formal apologies or other appropriate actions. Indonesia's legal actions to enforce responsibility for transboundary pollution resulting from forest fires can be divided into policy and law enforcement. In the policy aspect, the government can adopt status quo policies, modifications, or new systems to overcome the problem of forest fires. In law enforcement, Indonesia applies administrative, criminal and civil liability sanctions. This law is regulated in laws and government regulations as well as Presidential Instruction no. 11 of 2015 concerning Increasing Control of Forest and Land Fires. International agreements also regulate dispute resolution mechanisms between countries regarding cases like this.

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