



Local government responsibility in efforts to protection against forest fire

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Abstract

Article 33 paragraph (3) of the 1945 Constitution stipulates "Earth, water and the natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people". This means that the existence of forests must be managed and maintained in a sustainable manner for the welfare of society. Although various laws and regulations have assigned responsibility to district/city governments, forest fires still occur. This can be seen in the districts of Pidie, Simpang Beutong Laweung, and Pidie in Paloh Village, Padang Tiji District, Pidie District. Regional Government Responsibilities in Preventing Forest Burning, as well as Regional Government Efforts in preventing and eradicating forest burning. The research method used is empirical juridical, in which empirical juridical legal research will examine the implementation or application of factual positive legal provisions in every incident of forest and land fires that occur in Pidie District. Based on the results of the study, the responsibility of the Regional Government in preventing forest fires as a whole is to make efforts to prevent, coordinate and control forest fires in the regional administrative areas including the Aceh region. The Regional Government of Pidie Regency is not serious in preventing and eradicating forest fires. Unanticipated costs allocated for the prevention and eradication of forest fires are limited. Coordination between the Regional Government of Pidie Regency and the Regional Government of Aceh has been carried out regularly.

Keywords: Government, fire, forest

Introduction

Forest fires are a serious environmental problem and have a negative impact on ecosystems, humans and the climate. Forest fires can occur due to various factors, including natural factors such as lightning, but are often also caused by human activities such as burning land for plantations, illegal logging, or negligence in forest management.

" Article 33 paragraph (3) of the 1945 Constitution states that "Earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". That is, the maintenance and management of trees is not logically necessary for the welfare of society. Law Number 32 of 2009 concerning Environmental Protection and Management is a derivative of Article 33 paragraph (3) of the 1945 Constitution. The existence of Law Number 32 of 2009 provides new hope for environmental quality degradation. It has even endangered ecosystems and other living things, so it is very important for all parties to manage the environment properly and consistently.

The Head of the Forest Management Unit is in charge and responsible for controlling forest fires at the Forest Management Unit level. Technically, the implementation of Dalkarhutla District/City Governments are responsible for Dalkarhutla efforts in district/city administrative areas, according to paragraph (4) of Article 6 Regulation of the Minister of Environment and Forestry Number P.32/MenLHK/Setjen/Kum.1/3/2016 on Forest Fire Control. Responding to the forest fires, the Regional Government of Aceh also promised to restore the forest. According to Article 58 of Qanun Aceh Number 7 of 2016 concerning Forestry in Aceh, the aim of forest and land rehabilitation is to increase productivity, carrying capacity, and the role of forests and land in maintaining life support systems.

Therefore, district/city governments are required to participate in efforts to restore the environment, including reforestation, reforestation, plant maintenance, enrichment or improvement of plants, even the use of vegetative and civil conservation techniques, and/or forest reclamation.

Even though district and local governments have been given responsibility by a number of laws and regulations, forest fires still continue to occur. This can be seen in the Pidie Regency area, on August 26 2017 there was a forest fire covering 50 hectares in Krueng, Seukeuk Village, Tangse District. Then, on July 26 2018 there was a forest fire at the Beutong Laweung Pidie intersection in the Bambi area, destroying several residents' houses. In mid-September 2021 there was a forest fire, this was proven empirically by the occurrence of a forest fire in Paloh Village, Padang Tiji District, Pidie Regency. There are hundreds of hectares that have been burned where the perpetrators deliberately set fire to the forest. In the same year, there was a fire in Gampong Kareung, Batee District, an estimated 5 hectares of vacant land.

Even though the facts above explain that so far the implementation of forest protection in Aceh, both Batee District and Padang Tiji Regency which are the focus of researchers, has not been able to be minimized by the Regional Government of Pidie Regency. "Juridical norms Article 63 Law Number 32 of 2009 concerning Protection and Management of the Environment, Article 48 Law Number 41 of 1999 concerning Forestry, Article 11 Government Regulation Number 45 of 2004 concerning Forest Protection and Article 251 Government Regulation Number 23 of 2004 2021 concerning Forestry Administration. Then technically regulated in Article 6 of the Minister of Environment and Forestry Regulation Number P.32/MenLHK/Setjen/Kum.1/3/2016. "This must

be carried out and fully accounted for by the district government. This means that the Regional Government has not optimally implemented it. Therefore it is important to carry out further research related to the responsibility of local governments in preventing forest fires.

Research methods

Empirical juridical law research will assess the factual implementation or application of positive legal provisions in every karhutla event that occurs in Pidie Regency as part of the research methodology. This type of empirical legal research uses primary data as a source to help researchers answer some of the questions posed by the research. This has more to do with empirical data collected through primary sources in the field. Officials from recognized organizations such as BPBD Pidie, Pemkab Pidie, and DPRK Pidie were the sources used.

Discussion

A. Regional government responsibilities in preventing forest burning

Law Number 32 of 2009 concerning Environmental Protection and Management which originates from Article 33 paragraph (3) of the 1945 Constitution regulates the tasks that must be fulfilled by Regional Governments. This law establishes a strong legal basis for environmental protection, including extinguishing forest fires.

One of the laws and regulations that is very helpful in environmental protection, especially in preventing forest fires, is Law Number 32 of 2009 concerning Environmental Protection and Management. Article 33 paragraph (3) of the 1945 Constitution which states that the state controls the land, water and natural resources contained therein and uses them for the maximum benefit of the people, is the basis for this law.

In the context of forest fires, Law Number 32 of 2009 provides a clear legal basis for Regional Governments to take action to prevent and resolve this problem. This law establishes the obligation for the government to protect the environment by involving various stakeholders, including local governments.

Through Law Number 32 of 2009, regional governments are given the responsibility to carry out efforts to protect and manage the environment in their administrative areas. This responsibility covers various aspects, including the prevention of forest fires. Local governments are expected to develop policies, programs and activities aimed at preventing forest fires, controlling environmental damage, and restoring and preserving ecosystems.

This law provides a foundation for local governments to take concrete steps, such as making regional regulations related to environmental protection, law enforcement against environmental violations, monitoring activities that have the potential to cause forest fires, and sustainable forest management. This aims to maintain the balance of the ecosystem, protect biodiversity, and ensure environmental sustainability for people's welfare.

Thus, Law Number 32 of 2009 provides a strong legal basis for regional governments to carry out their responsibilities in preventing forest fires. This shows the important role of local government in protecting the environment and preserving nature, in accordance with the mandate of the 1945 Constitution.

Technically, the responsibility for preventing and controlling forest fires in district/city administrative areas rests with the regional government through the implementation of Dalkarhutla (Forestry Areas and Management of Forest and Land Fires). Regulation of the Minister of Environment and Forestry regulates this matter Number P.32/MenLHK/Setjen/Kum.1/3/2016.

The implementation of Dalkarhutla is a system that aims to coordinate and implement forest and land fire prevention and control activities at the regional level. This program involves various government agencies, institutions, communities and related stakeholders in joint efforts to prevent fires and overcome their impacts.

Based on the regulations described above, it is the basis for regional governments in preventing forest fires, therefore it can be concluded that the essence of the responsibility of regional governments in preventing forest fires as a whole is to make efforts to prevent, coordinate and control forest fires in their administrative areas. This responsibility covers several important aspects, including:

1. Team building

The Regional Government is responsible for forming and coordinating the forest and land fire management team at the district/city level. This team consists of various related agencies, such as local government, forestry, fire department, police, military, and other related institutions. This team is tasked with planning, implementing, and coordinating forest fire prevention and control activities.

2. Monitoring and control

Regional Governments have the responsibility to monitor and control potential forest and land fires in district/city administrative areas. This includes monitoring weather conditions, monitoring human activities that have the potential to trigger fires, as well as disseminating information and early warning regarding the risk of forest fires. Regional Governments are also obliged to regulate and supervise activities that have the potential to cause fires, such as burning land, using open fires, and other activities.

3. Socialization and education

It is the duty of the local government to educate the public about the risks posed by forest fires and the importance of prevention, as well as the actions to be taken in an emergency situation. The aim is to increase public awareness and involve them in efforts to prevent and control fires. Regional Governments can also organize campaigns, training and education related to forest fires.

4. Law enforcement

Regional Governments must implement law enforcement against violations related to forest fires. They need to work together with the police and other relevant agencies to take firm action against perpetrators of illegal forest burning and violating established regulations.

5. Fire fighting

If a forest fire occurs, the Local Government must be able to respond quickly and effectively. They should have an emergency response plan that includes

coordination with relevant agencies, such as the fire department, TNI and police. Local Governments are also responsible for organizing and implementing forest fire suppression operations.

B. Local government efforts in preventing and eradicating forest burning

The legal basis for coordination between the Regional Government of Pidie Regency and the Regional Government of Aceh is contained in the Decree of the Governor of Aceh Number 360/86/2019 concerning the establishment of a Forest and Land Fire Control Task Force

while continuing to follow President Joko Widodo's directions in a national coordination meeting regarding forest and land fires on 6 February 2018. This coordination meeting was for the preparation of forest and land fires, observation of hotspots, and the extinguishing process. This policy explains that the implementation of controlling forest fires, the financing is allocated to the APBA.

The following is a table of coordination tasks within the scope of Governor of Aceh Decree Number 360/86/2019 concerning the Formation of a Forest and Land Fire Control Task Force, including:

Table 1

Coordination team	Operations team	Post secretariat
<ol style="list-style-type: none"> 1. Encouraging district/city governments in the Aceh region to work together in the context of implementing forest and land fire control; 2. Increasing the role and function of the Aceh disaster management agency as a coordinator in managing forest and land fires; 3. Allocating Aceh APBD funds for the cost of implementing forest and land fire control; and 4. Formulation of a governor's regulation on forest and land fire control systems. 	<ol style="list-style-type: none"> 1. Dissemination of information on prevention of forest and land fires; creating an early warning system and coordinating the extinguishing of forest and land fires; Take the following precautions: 2. The following criteria must be met: 3. Preparation of monthly routine reports; 4. Appropriate organizational and personnel structures identified; 5. Establish fire safety and extinguishing methods; 6. Buildings and other infrastructure for safety and fire fighting are provided; 7. Posting signs to warn people when forests or other areas are on fire; 8. Eighth, those involved in traditional farming practices and those with company permits or land rights 	<ol style="list-style-type: none"> 1. Want administrative activities and correspondence for the smooth running of the karhutla handling task force team in Aceh; 2. Prepare and facilitate the operation of the Aceh forest and land fire control task force; 3. Create a budget to support the operation of the task force and the management of Aceh's forest and land fires; and - Implementation of additional tasks delegated by the task force and management of Aceh forest fires.

Then explained again with the Governor of Aceh Regulation Number 20 of 2016 concerning Forest and Land Fire Control in Aceh who are fully responsible for preventing forest fires in Aceh are the Governor and District Head. This means that the government is fully responsible for forest fires throughout Aceh according to the governor's policy mandate above.

The ways to prevent forest fires are further explained as follows:

1. The Aceh Regional Government and the Pidie Regency Regional Government are obliged to prevent forest fires from occurring;
2. The Regional Government of Aceh and the Regional Government of Pidie Regency are obliged to socialize the laws and regulations related to forest fires;
3. The Regional Government of Aceh and the Regional Government of Pidie Regency are obliged to provide awareness and change in behavior regarding the use of fire;
4. The Regional Government of Aceh and the Regional Government of Pidie District prohibit clearing and processing of land and peat by burning;
5. The Regional Government of Aceh and the Regional Government of Pidie Regency are obliged to socialize the prevention of forest and land fires;
6. The Aceh Regional Government and the Pidie Regency Regional Government are obliged to provide a strategic role to the community and customary institutions;
7. The Aceh Regional Government and the Pidie Regency Regional Government are obliged to ensure the readiness and compliance of holders of business licenses or land rights;

8. The regional governments of Aceh and Pidie District must establish an early warning system and coordinate forest and land fire control, with additional direction and supervision from the relevant technical and customary authorities.

The document still refers to Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction and Regulation of the Minister of Environment and Forestry Number P.32/MenLHK/Setjen/Kum.1/3/2016 concerning Eradication of Forest Fires. The Regional Government of Pidie Regency can cooperate with the KPH in taking action against the perpetrators of forest fires in this case, in accordance with Article 8 of Law Number 18 of 2013 which states that the Government and Regional Governments are required to eradicate forest destruction.

According to Law Number 18 of 2013 Article 11 confirms the act of destroying forests:

1. First, this law includes in the sense of "forest destruction" illegal logging and/or utilization of forest areas in an organized manner.
2. The term "organized forest destruction" is used to describe the actions of a group of people consisting of two or more people who plan to destroy the forest at a certain time and place.
3. Third, "structured group" as referred to in paragraph (2) does not include communities living in or around forests and carrying out traditional farming and/or logging outside conservation forests and protected forest areas for their own needs and not for commercial purposes.

4. To carry out logging outside conservation forests and protected forest areas for their own interests and not for commercial purposes, communities living in or around forest areas must obtain permits from the competent authority in accordance with laws and regulations.
5. Provisions for non-commercial private logging outside conservation and protection forest areas are further regulated by government law.

That following the Decree of the Governor of Aceh No. 360/86/2019 Concerning the Formation of a Task Force for the Minister of Forest and Land Fire Control, Minister of Environment and Forestry Regulation No. 20 (2016) Concerning Forest and Land Fire Control in Aceh, and Minister of Environment and Forestry Regulation No. 20 (2016) Concerning Forest and Land Fire Control in Aceh number P.32/MenLHK/Setjen/Kum.1/3/2016, and Nu Law. There is no protocol in 2018 that the Local Government of Pidie Regency has to follow regarding claims for financial donations, expenses, or bookkeeping. This makes it difficult to find unexpected expenses, this was conveyed by Drs. Samsul Azhar as Assistant I of the Regional Secretariat of Pidie Regency conveyed the following:

In the 2018 fiscal year, unexpected spending in the Pidie APBK is budgeted at Rp. 5 billion and only Rp. 472,307,000 or 9.45%. These activities included handling fires in Laweung, fires in Gampong Keuramat, handling floods and landslides in Tangse District. Even though there is no regional regulation on procedures for giving, using and unexpected expenses, his party still refers to Perka BNPB and Permendagri in managing the budget.

The Pidie District Government's program in terms of preventing and eradicating forest fires in 2019, BPBD Pidie failed to apply for BTT funds, even at that time there were minimal forest fires which were only inundated at several points. Budget planning in Pidie Qanun Number 1 of 2019 concerning the Pidie Regency Regional Revenue and Expenditure Budget for the 2019 Fiscal Year explains an emergency fund of Rp. 0, but in changing the budget due to the worsening flood situation, a proposed budget in the currency of unexpected costs of Rp. 5,000,000,000., for the emergency response process for the Pidie flood which submerged 21 districts in Pidie.

In 2020, forest fires occurred in three sub-districts, namely Glumpang Baro, Glumpang Tiga, and Grong-Grong, but because this period is known as the Covid-19 pandemic regime, the largest unexpected cost in the history of *Pidie Regency* was Rp. 17,354,355,428.00 for handling the Covid-19 pandemic. Prevention and eradication of forest fires like this are neglected because *the Covid-19 pandemic regime is booming*. This means that the prevention and eradication of forest fires in Pidie has hardly been touched at all. Realization of BTT Pemkab Pidie for handling *the COVID-19 pandemic* of Rp. 12,692,791,455 or 73.14% of the budget allocated Rp. 17,354,355,428.00.

In 2021, the Pidie Regency Government Program in terms of preventing and eradicating forest fires is listed in the Pidie Regency Qanun budget No. 2 of 2021 concerning the 2021 Regional Revenue and Expenditure Budget, no emergency funds are included and no unexpected costs are included.

According to information from the BPDB, Pidie District for forest fire management still refers to the APBN regime. This is in accordance with the Regulation of the Minister of

Environment and Forestry Number P.23/ MMenLHK / Setjen /Kum.1/3/2016 concerning Forest and Land Fire Control. Forest fires in the *a quo* Regulation of the Minister of Environment and Forestry which explains forest burning both naturally and by human actions, results in environmental damage which causes ecological, economic, sociocultural and political damage to the environment. The forest fires in Padang Tiji and Batee damaged the environment causing ecological and economic losses in the surrounding areas.

Nationally, the fire ceiling is Rp. 1.085 trillion is managed by the National Disaster Management Agency of the Republic of Indonesia. This means that this ceiling is evenly distributed nationally, both in the ranks of the Ministries, Pemprov, Pemda, TNI and Polri. The Central Government's directives regarding forest fires are as follows: Prioritize prevention by increasing the frequency of field patrols and inspections, early detection of hotspots and hotspots, and periodic monitoring. Second, structuring the hydrological regulation of the peat environment. Third, put out the fire that immediately ignites so it doesn't get bigger. To prevent forest fires, there must be strict law enforcement. Fifth, find a long-term answer to the intentional burning of land and forests for financial gain

Furthermore, the program of the Pidie Regency Regional Government in preventing and eradicating forest fires in Pidie in the Pidie Regency Qanun Number 3 of 2022 concerning Amendments to the Regional Revenue and Expenditure Budget for the 2022 Fiscal Year explains Article 5 letter c qanun a quo Rp. 7.621,136,157, - this BTT budget is mostly intended for handling COVID-19 pandemic And the new 2022 Tiro forest fire is in the process of being extinguished. There has been no follow-up in terms of preventing and eradicating forest fires in Pidie.

Finally, the Pidie Regency Qanun Number 5 of 2022 concerning the Regional Revenue and Expenditure Budget for the 2023 Fiscal Year explains that an unexpected cost of Rp. 6,073,895,325. However, when a fire occurred in Mutiara Timur Sub-District, it was only the extinguishing process which did not include the prevention and eradication process due to budget constraints.

It is understandable that the Regional Government of Pidie Regency in terms of preventing and eradicating forest fires has not made any efforts besides eradicating forest destruction to eliminate the possibility of their occurrence. No attempt was made to bring legal action against actions that directly, indirectly, or in any other way contributed to forest loss. The Pidie District Government's budget from 2017 to 2023 does not include a firm agreement for forest fire control.

To reduce the risk of forest fires, the Regional Government of Pidie Regency should be able to provide opportunities for the community to play a more active role in protecting forests in Pidie, especially in Padang Tiji and Batee Regencies.

The Regional Government of Pidie Regency is obliged to eradicate forest destruction by taking legal action against those who destroy forests, either directly or indirectly or in other ways, in accordance with Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction. This means that there is a budget for the Pidie Environment and Forestry Service, BPBD Pidie, Polri and the TNI to maximize work programs for forest fire prevention and control.”

Conclusion

The responsibility of the Regional Government in preventing forest fires as a whole is to make efforts to prevent, coordinate and control forest fires in the regional administrative areas including the Aceh region. Regional Governments have responsibilities based on Law Number 32 of 2009 concerning Environmental Protection and Management, which is a derivative of Article 33 paragraph (3) of the 1945 Constitution. This law provides a clear legal basis for protecting the environment, including preventing forest fires. The responsibility of the Regional Government in preventing forest fires as a whole is to make efforts to prevent, coordinate and control forest fires in administrative areas

The Regional Government of Pidie Regency is not serious in preventing and eradicating forest burning in Pidie Regency, because the budget for preventing and eradicating forest burning is only limited to unexpected costs from 2017 to 2023. Unforeseen costs Pidie APBD funds are allocated for special actions that are not anticipated to be repeated, such as handling natural disasters, social disasters, and other unexpected costs which are very crucial in the framework of implementing government authority. In other words, the windfall costs depend on a number of factors, which limit its applicability to prevent and extinguish forest fires. Coordination between the Regional Government of Pidie Regency and the Regional Government of Aceh is carried out annually on a legal basis. Regulation of the Minister of Environment and Forestry No. P.32/MenLHK/Setjen/Kum.1/3/2016 and Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction. The mandate of Pergub Aceh Number 20 of 2016 already requires funding for preventing and eradicating forest fires in the APBA and APBD, but technically the political will of the Pidie District Government does not support the prevention and eradication of forest fires."

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