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Criminal Law Enforcement at the Investigation Stage against Perpetrators of Land Clearing and Processing by Burning in the Jurisdiction of the Central Aceh Police

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Abstract

This study aims to analyze criminal law enforcement against perpetrators of land clearing and processing by burning, as well as to examine the factors that hinder the process of criminal law enforcement against such perpetrators in the jurisdiction of the Central Aceh Police Resort. This is important considering that land clearing and processing by burning is explicitly prohibited under Article 69 paragraph (1) letter h of Law No. 32 of 2009 on Environmental Protection and Management and Article 56 of Law No. 39

of 2014 on Plantations. However, the reality on the ground often contradicts what should be, as there are various cases of land clearing by burning in the jurisdiction of the Central Aceh Police Resort. Criminal law enforcement against perpetrators of land clearing and processing in the jurisdiction of the Central Aceh Police Resort is undoubtedly a crucial issue in preserving environmental sustainability.

Keywords: Criminal Law Enforcement and Land Burning

Introduction

Indonesia fully acknowledges that the environment is a gift from God Almighty for all the people and the nation of Indonesia as a whole, without exception. The inherent rights of every individual, including the rights of citizens, include the right to a well-maintained and healthy environment, which signifies equality and equal rights.¹ In a good environment, the interaction between various components will always maintain balance. Environmental balance essentially occurs through interactions based on the laws of equilibrium and order.²

Forest and land resources are interdependent and form a unity. Forests, as a biotic community and a life pyramid, absolutely require an abiotic community, namely land, as their habitat.³

However, the reality on the ground often contradicts what should be. Land burning carried out by the community in Aceh Province, particularly in Central Aceh, serves as a clear example of violations against applicable legal norms. Land clearing through burning is one form of activity that can cause significant environmental damage.⁴ The impacts related to land burning include environmental destruction and pollution, such as damage to flora and fauna, soil, and water.

Land burning is explicitly prohibited by law, as stated in Article 69 paragraph (1) letter h of Law No. 32 of 2009 on Environmental Protection and Management (hereinafter referred to as the Environmental Law), which reads: "Everyone is prohibited from clearing land by burning." Additionally, another law that regulates the prohibition of land clearing by burning

¹Nur Yanto, *Pengantar Hukum Lingkungan Di Indonesia*, Mitra Wacana Media, Jakarta, 2018

²Siahaan, *Hukum Lingkungan Dan Ekologi Pembangunan*, Penerbit Erlangga, Jakarta 2004, hlm.36.

³Sukanda Husin, *Penegakan Hukum Lingkungan*, Sinar Grafika Offset, Jawa Timur, 2020, hlm.132.

⁴Alam Setia Zain, *Hukum Lingkungan Konservasi Hutan*, PT Rineka Cipta, Jakarta, 2000, hlm.15.

can be found in Article 56 of Law No. 39 of 2014 on Plantations (hereinafter referred to as the Plantation Law), which states: "Every plantation business actor is prohibited from clearing and/or processing land by burning."⁵

The criminal sanctions for those who engage in land burning are clearly outlined in Article 108 of Law No. 32 of 2009 on Environmental Protection and Management, which prescribes a prison sentence of at least 3 (three) years and up to 10 years, along with a fine ranging from IDR 3,000,000,000.00 (three billion) to IDR 10,000,000,000.00 (ten billion). In addition, criminal sanctions for those who burn forests and land are also regulated in Article 108 of Law No. 39 of 2014 on Plantations, which states: "Any plantation business actor who clears and/or processes land by burning as referred to in Article 56 paragraph (1) shall be sentenced to a prison term of 10 (ten) years and a fine of up to IDR 10,000,000,000.00 (ten billion rupiahs)."

Land burning in Central Aceh has caused significant environmental damage. Based on data presented in an online article, 20 hectares of which are part of a protected forest in Takengon City, Central Aceh Regency, Aceh Province, have been burned since Monday, June 12, 2023 to Wednesday, June 14, 2023.⁶ Various cases of land clearing by burning in the Central Aceh region, including in 2023 two farmers as suspects in the forest fire case in Central Aceh were arrested by the Central Aceh Police in Ketol District, Central Aceh Regency, the suspect's motive was to create agricultural land that would be used as land for planting chilies with the aim of meeting daily needs.⁷

In 2022, a land fire occurred in Gayo Murni Village, Atu Lintang District, Central Aceh Regency at 16.30 WIB on August 9, 2022. The Central Aceh Regency Fire Department, who received information from the public at that time, immediately deployed 1 fire engine unit at the Jagong Jeget District post. The land fire was estimated to be around 2 hectares and also burned down coffee and potato plantations owned by the community. Furthermore, in 2023, the Central Aceh Police (Polres) arrested a perpetrator of burning eight hectares of land in the Bukit Lancuk Laweng area, Central Aceh Regency. The suspect did not have any evidence of ownership of the land that was claimed to be his. The suspect only said that he obtained the land from an inheritance⁸

Based on the cases above, it is clear that land clearing by burning in the Central Aceh area is still ongoing, which is an opportunity for environmental damage to worsen day by

⁵ Undang-Undang Nomor 39 Tahun 2014 tentang Perkebunan

⁶ Zulkarnaini. "20 Hektar Lahan di Aceh Tengah Terbakar", dipublikasikan pada tanggal 14 Juni 2023, <https://www.kompas.id/baca/nusantara/2023/06/14/20-hektar-lahan-di-aceh-tengah-terbakar>. Diakses pada hari Senin, 26 Februari 2024 pukul 08.01.

⁷ Romadani, "Dua Petani Jadi Tersangka Kasus Kebakaran di Aceh Tengah", dipublikasikan pada hari Sabtu, 17 Juni 2023, <https://gayo.tribunnews.com/2023/06/17/2-petani-jadi-tersangka-kasus-karhutla-di-aceh-tengah>. Diakses pada hari Senin, 26 Februari 2024 pukul 07.44

⁸ Romadani, "Dua Petani Jadi Tersangka Kasus Kebakaran di Aceh Tengah", dipublikasikan pada hari Sabtu, 17 Juni 2023, <https://gayo.tribunnews.com/2023/06/17/2-petani-jadi-tersangka-kasus-karhutla-di-aceh-tengah>. Diakses pada hari Senin, 26 Februari 2024 pukul 07.44

day. This condition not only threatens the environmental balance that should be maintained, but also increases the risk of natural disasters that threaten human life. The level of environmental damage caused by human activities in clearing land by burning, which is against the law, shows that stricter law enforcement measures and higher public awareness are needed to maintain environmental sustainability.

Research Method

The type of research used in this study is empirical juridical research, which is research conducted based on events that occur in field data.⁹ This research employs a qualitative approach. The main goal of the qualitative approach is to understand social phenomena or symptoms by focusing more on providing a complete description of the phenomenon being studied rather than breaking it down into interrelated variables.¹⁰

The population in this study includes all parties involved in the enforcement of criminal law related to land clearing and processing by burning in the jurisdiction of the Central Aceh Police Resort. This population consists of law enforcement officials from the Central Aceh Police Resort and members of the community who have been involved in land burning activities, either directly or indirectly. To obtain representative data, the sampling technique used is random sampling through purposive sampling.

Primary data is obtained from the first-hand sources in the research location or research object. The methods that can be used by the researcher to collect primary data include observation, focused discussions, and interviews. The researcher uses this data to gain direct information on the criminal law enforcement against perpetrators of land clearing and processing by burning in Central Aceh Regency. The informants in this study are police officers directly involved in the arrests of perpetrators involved in land clearing by burning. Meanwhile, the respondents are members of the Central Aceh community who have been directly involved in land burning cases.

Secondary data serves as supplementary data. The reference sources include various literatures that are relevant to the research object. The data collection techniques used in this study include interviews and observations. To analyze the data, descriptive analysis is used to elaborate on the data obtained from the research findings with a qualitative approach to both primary and secondary data, uncovering facts that are then organized and analyzed to explain the issues at hand.¹¹

Result and Discussion

Criminal Law Enforcement Against Forest and Land Burners in the Jurisdiction of the Central Aceh Police

Forest and land burning is a serious problem that has a negative impact on the environment and economy. Environmental impacts include ecosystem damage, loss of biodiversity, and increased greenhouse gas emissions that contribute to climate change. Forest or land burning can

⁹ Serjono Soekanto, *Pengantar Penelitian Hukum*, UI Press, Jakarta 1986, hlm.

¹⁰ Soerjono Soekanto, *Pengantar Penelitian Hukum*, UI Press, Jakarta 1986, hl

¹¹ Beni Ahmad Sa[r]bani, *Metode Penelitian Hukum*, PT Pusaka Setia, Bandung, 2008.

damage the environment in various ways. Some of the negative impacts of land burning include:

1. **Air Pollution:** Land burning produces smoke and hazardous particles that can pollute the air. This can cause respiratory problems, increase the risk of heart disease, and pollute the air environment widely.
2. **Loss of Biodiversity:** Land burning often destroys the natural habitat of various species of flora and fauna. This can threaten species that live in the area, even causing local extinction or extinction of certain species.
3. **Reduction in Soil Quality:** Burning can reduce soil fertility, because fire burns the humus layer and important nutrients on the surface of the soil. Burned soil may become less fertile and more susceptible to erosion.
4. **Climate Change:** Land burning releases carbon dioxide (CO₂) and other greenhouse gases into the atmosphere. These gases contribute to global warming and climate change, which can worsen environmental impacts in the long term.
5. **Loss of Water Resources:** Fires can disrupt the water cycle, leading to decreased water quality and reducing the availability of water for ecosystems and humans.

Due to its wide-ranging impacts, many countries and international organizations condemn the practice of land burning and seek to find ways to manage land more environmentally friendly, such as through sustainable agricultural methods and replanting.

Fire cases usually occur because of the interests of individuals or groups to develop areas in forest areas that often ignore the sustainability of the surrounding environment, because they only focus on the economic aspect of the benefits. Furthermore, the problem of forest fires that cause air pollution has been very difficult to handle from the past to the present.¹²

Economically, forest and land fires cause significant financial losses, including losses to the agriculture, forestry, and tourism sectors, as well as high fire handling costs. In the jurisdiction of the Central Aceh police, criminal law enforcement against perpetrators of forest and land burning is a priority to maintain environmental sustainability and prevent this crime.

Law enforcement is a form of relationship between law and society, where the law works and influences the social behavior of society. In law enforcement, it is known as the law enforcement system or criminal law enforcement, as part of criminal policy or efforts to combat crime, two means are needed, namely penal and non-penal means.¹³

The jurisdiction of the Central Aceh Police covers an area with a significant forest area and land that is often used for agriculture and plantations. The ownership of the land has various backgrounds, it can be in the form of cultivation rights, inherited land or land clearing by the person concerned. The ownership of the land has various backgrounds, it can be in the form of cultivation rights

¹²Anika Ni'matun Nisa dan Suharno, 'Penegakan Hukum Terhadap Permasalahan Lingkungan Hidup Untuk Mewujudkan Pembangunan Berkelanjutan (Studi Kasus Kebakaran Hutan Di Indonesia)', *Jurnal Bina Mulia Hukum*, Vo.4. No.2 (2020). hlm.296

¹³Siswanto Sunarso, *Wawasan Penegakan Hukum Di Indonesia*, Bandung: Cintra Aditya Bakhti, 2005, hlm. 112

(cultivated land)¹⁴, inherited land or land clearing by the person concerned.¹⁵ This geographical condition makes the area vulnerable to cases of forest and land burning. This is in line with Mr. Hamjah's statement that: "The condition of the forests and land in Central Aceh is currently quite concerning. Many people still open land by burning, especially for agricultural purposes. They consider this method to be faster and cheaper, even though the impact is very large. In addition to the risk of causing widespread fires, this practice also damages the forest ecosystem, threatens the sustainability of flora and fauna, and causes haze that can have a negative impact on public health".¹⁶

Law enforcement in the jurisdiction of the Central Aceh Police plays an important role in maintaining order, security, and justice in society. As one of the areas that has the potential for environmental crimes, such as forest and land burning, the Central Aceh Police is committed to taking firm action against these violations. The law enforcement carried out covers various aspects, from prevention, investigation, to taking action against perpetrators of crimes.

Looking at the realm of criminal law enforcement applications against perpetrators of forest and land burning (karhutla) in Central Aceh Regency, from the data obtained by the compiler, from 2022 to 2023 there have been 3 cases of forest and land burning in the jurisdiction of Central Aceh Regency. Details of the forest and land burning cases are as follows:¹⁷

1. First Case

On June 14, 2023, the Central Aceh Police handled a case of forest and land burning (karhutla) with the suspect Zuliadi S. Bin Samsul Bahri. This case was recorded in the police report LP/A/01/VI/2023. Zuliadi is suspected of violating Article 92 Paragraph 1 Letter (a) in conjunction with Article 82 Paragraph 1 Letters (a), (b), and (c) of Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, and Article 50 Paragraph (2) Letter (b) in conjunction with Article 78 Paragraph (3) Paragraph 4 of Forestry Law No. 11 of 2020 concerning Job Creation. On Wednesday, June 14, 2023 at around 12.00 WIB, Zuliadi burned land in the Takengon area, Central Aceh Regency. The modus operandi used by Zuliadi was to burn the land using a lighter, and also used tools such as a chainshaw and an iron machete to facilitate the land clearing process.

¹⁴Mazwar, Suhaimi, Intan Munirah, Mahfud, 'Position of Physical Land Tenure Certificate (Sporadic) Above Cultivation Rights', *International Journal of Advanced Multidisciplinary Research and Studies*, Volume 4(3), 2024, pp.1670-1674 (Int. j. adv. multidisc. res. stud. 2024; 4(3):1670-1674).

¹⁵Suhaimi, Darmawan, Mazwar, 'Application of the Plantation Law in Cases of Occupation of Cultivation Rights Land: Case Study of the Occupation of Cultivation Rights Land No.34 of 1999 Belonging to PT.SPS', *International Journal of Advanced Multidisciplinary Research and Studies*, Volume 4(5), 2024, pp.134-139 (Int. j. adv. multidisc. res. stud. 2024; 4(5):134-139).

¹⁶Wawancara bersama Bapak Hamjah, selaku Staf Kepolisian Kehutanan di wilayah Aceh Tengah, Kamis 21 November 2024.

¹⁷Data terkait Kebakaran Hutan dan Lahan (KARHUTLA) di wilayah Kepolisian Resor (Polres) Aceh Tengah untuk periode 2022-2024

This action was carried out with the main motive of opening new land that could be used for personal needs. Law enforcement officers led by AIPDA Fauzi Hakim managed to secure a number of pieces of evidence at the scene, including one lighter, one chainsaw, and one iron machete. This evidence is important to strengthen the charges against the suspect in court. During the investigation process, Zuliadi provided information that strengthened the suspicion that the land burning was carried out intentionally and in a planned manner. This case has reached the P21 stage, which means that the case files have been declared complete by the prosecutor's office and are ready to be submitted to the court. The next legal process will determine the appropriate sanctions for the suspect in accordance with applicable legal provisions. The effectiveness of law enforcement in this case is an important concern, considering the negative impacts caused by forest and land burning on the environment and surrounding communities.

2. Second Case

On June 14, 2023, the Central Aceh Police also handled another forest and land burning case with suspect Muhammad Husni Bin Alm Sulaiman. This case was recorded in the police report LP/A/02/VI/2023. Muhammad Husni is suspected of violating the same article as the first case, namely Article 92 Paragraph 1 Letter (a) in conjunction with Article 82 Paragraph 1 Letters (a), (b), and (c) of Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, and Article 50 Paragraph (2) Letter (b) in conjunction with Article 78 Paragraph (3) Paragraph 4 of Forestry Law No. 11 of 2020 concerning Job Creation. On Wednesday, June 14, 2023 at around 12.00 WIB, Muhammad Husni burned land in the Takengon area, Central Aceh Regency.

The modus operandi used by Muhammad Husni was similar to the first case, namely using a lighter as the main burning tool, and also using a chainsaw and an iron machete to help in the land clearing process. The motive behind this action was to open new land that could be used personally. Law enforcement officers, also led by AIPDA Fauzi Hakim, managed to secure evidence in the form of one lighter, one chainsaw, and one iron machete at the scene. This evidence is an important element in the investigation and evidence process in court. During the investigation process, Muhammad Husni provided information supporting the allegation that the land burning was carried out intentionally. This case has reached the P21 stage, which indicates that the case file is declared complete and ready to be submitted to court. The law enforcement process in this case is a reflection of the police's efforts to eradicate forest and land fire practices that are detrimental to the environment and society. It is hoped that firm legal action can provide a deterrent effect for other perpetrators and prevent similar incidents in the future.

3. Third Case

On June 15, 2023, one day after the previous cases, the Central Aceh Police handled another forest and land burning case with the suspect Alhuda MR Bin M. Alm M. Rasid. This case was recorded in the police report LP/A/03/VI/2023. Alhuda MR is suspected of violating the same article as the two previous cases, namely Article 92 Paragraph 1 Letter (a) in conjunction with Article 82 Paragraph 1 Letters (a), (b), and (c) of Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, and Article 50 Paragraph (2) Letter (b) in

conjunction with Article 78 Paragraph (3) Paragraph 4 of Forestry Law No. 11 of 2020 concerning Job Creation. On Thursday, June 15, 2023 at around 09.30 WIB, Alhuda MR burned land in the Takengon area, Central Aceh Regency. The modus operandi used by Alhuda MR was to burn the land using a lighter and also using other assistance in the form of a black Gudang Garam Signature cigarette box containing three cigarettes to facilitate burning. The motive for this action was to open new land that could be used for personal needs.

Law enforcers again led by AIPDA Fauzi Hakim managed to secure evidence in the form of a lighter and a black Gudang Garam Signature cigarette box containing three cigarettes at the scene. This evidence supports the investigation that the land burning was carried out intentionally. During the investigation process, Alhuda MR gave a confession that was in accordance with the initial police suspicions. This case has also reached the P21 stage, which means that the case file has been declared complete by the prosecutor's office and is ready to be submitted to the court. A firm and transparent legal process is expected to provide justice for the affected parties and at the same time be an important step in efforts to prevent forest and land fires in the future. Evaluation of the handling of this case can also provide valuable input for the police in increasing the effectiveness of law enforcement in the Central Aceh region.

Judging from the data above, the handling of forest and land burning cases fluctuates every year in the number of forest and land burning cases in the Central Aceh jurisdiction. In the process of handling law enforcement against perpetrators of forest and land burning through the process of the investigation stages carried out by the police, prosecution by the prosecutor and the court decision by the judge. All of these processes are carried out in handling this case.

Article 1 number 5 of the Criminal Procedure Code explains that an investigation is a series of investigator actions to search for and find an event suspected of being a criminal act in order to determine whether or not an investigation can be carried out according to the method regulated in the law. Investigation actions carried out by the Police greatly influence the implementation of criminal law and criminal procedure law itself, this is because the investigation process is the initial step in the law enforcement process carried out by law enforcement actors in Indonesia.¹⁸

When conducting an investigation into forest and land fires, it is very different from ordinary criminal investigations, because in cases of forest and land fires, the investigation must wait for the results of expert laboratory information regarding the content of soil damage, the host (hotspot) where the forest and land fire occurred. Therefore, in scientific forest and land fire investigations, identification is prioritized. This is in line with Mr. Amran's statement: "So far, the Central Aceh Police have acknowledged that investigating forest and land fires has its own challenges compared to ordinary criminal investigations. This is because in cases of forest and land fires, the investigation must wait for the results of expert laboratory statements regarding the content of soil damage and hotspots where the

¹⁸ Valentino dkk, 'Analisis Kinerja Penyelidikan Dan Penyidikan Dalam Menanggulangi Tindak Pidana Kriminal Di Polres Karanganyar', *Jurnal Hukum, Pendidikan Dan Sosial Humaniora*, Vol.1.No.2 (2024). hlm.55

fire occurred. Therefore, in investigating forest and land fires, scientific identification is highly prioritized."¹⁹

In the process of investigating forest and land burning that occurred in the jurisdiction of Central Aceh in terms of the Central Aceh Police and its ranks carrying out a general environmental handling pattern, specifically forest and land fires, there are several efforts, namely preemptive efforts, preventive efforts and repressive efforts.

1. Preemptive Efforts

One important approach in this effort is preemptive efforts. Preemptive efforts are anticipatory steps that aim to detect early various criminogenic correlation factors, namely factors that allow (although not necessarily) environmental damage or pollution to occur. By detecting these criminogenic factors, the Central Aceh Police can prevent environmental damage, especially forest and land fires, before the incident occurs.

a. Socialization

Socialization or education and outreach to the community is a crucial initial step in efforts to prevent forest and land fires.²⁰ The Central Aceh Police conducted various educational campaigns aimed at increasing public awareness of the dangers and negative impacts of forest and land burning. This education includes information on applicable laws and regulations, as well as the legal consequences that will be faced by perpetrators of burning. This socialization campaign was carried out through various media, such as direct counseling in villages, seminars, pamphlets, and also through mass media and social media. Through this approach, it is hoped that the public can understand the importance of preserving the environment and avoiding the practice of forest and land burning. This is in line with Mr. Amran's statement: "The Central Aceh Police conducted various educational campaigns aimed at increasing public awareness of the dangers and negative impacts of forest and land burning. This education includes information on applicable laws and regulations, as well as the legal consequences that will be faced by perpetrators of burning. This socialization campaign was carried out through various media, such as direct counseling in villages, seminars, pamphlets, and also through mass media and social media."²¹

b. Mapping of Forest and Land Fire Risk Zones

Mapping of forest and land fire risk zones (Karhutla) is an important step that aims to identify areas that have a high potential for fires.²² The Central Aceh Police conducted this mapping using accurate technology and data, so that areas that are prone to fires can be identified. With this mapping, fire prevention and handling measures can be carried out

more effectively and efficiently. Areas that have been identified as high-risk zones can be prioritized in prevention and monitoring efforts. In addition, information from this mapping can also be used to provide early warnings to people living in vulnerable areas, so that they can take the necessary preventive measures. This is in line with Mr. Amran's statement that: "The Central Aceh Police collaborate with various other agencies in determining areas that are prone to fires. This collaboration involves related institutions such as the Forestry Service, research institutions, and other non-governmental organizations. By using data collected from these agencies, fire risk zone mapping is carried out more accurately and comprehensively."²³

2. Preventive Efforts

Preventive efforts are a series of real steps aimed at preventing environmental damage, especially forest and land fires. Preventive actions taken by the Central Aceh Police are by conducting supervision and monitoring. This is in accordance with Mr. Amran's statement: "During hot weather, the Central Aceh Police increase the intensity of supervision and monitoring because the risk of land fires is increasing. Supervision is carried out more strictly, including routine patrols to fire-prone areas. We prioritize areas that are often used for land clearing by burning".

3. Repressive Actions

Repressive actions are a series of actions taken by law enforcement through the criminal law process, considering that the actions taken by the perpetrators have damaged the environment, in this case through forest and land burning. Repressive actions aim to enforce the law and provide strict sanctions to the perpetrators, so that they can provide a deterrent effect and prevent similar actions from occurring. The repressive actions taken by the Central Aceh Police include:

a. Investigation of Forest and Land Burning Perpetrators

The Central Aceh Police conducted a thorough investigation, including collecting information from witnesses, examining the crime scene (TKP), and forensic analysis. The investigation certainly aims to get a clear picture of the burning incident, including the motive and method of the perpetrators to carry out the burning.

"During the investigation process, we usually go directly to the location to collect evidence at the scene. Police officers will immediately secure the TKP and look for evidence and we also examine witnesses who were around the scene to get information about the chronology of the fire and who was seen in the area before the fire occurred. Witness statements are very important to help us identify potential perpetrators."²⁴

With the information obtained from the investigation, the police can determine the next steps in the law enforcement process.

b. Investigation of Forest and Land Burning Perpetrators

¹⁹ Wawancara bersama Bapak Amran, selaku Aparat Kepolisian pada bagian Unit Tipidter Kepolisian Resor Aceh Tengah, Rabu 20 November 2024.

²⁰Peppy Nala Ratih dkk, 'Collaborative Governance Dalam Penanganan Kebakaran Hutan Dan Lahan Di Kabupaten Bojonegoro', *Jurnal Ilmu Administrasi*, Vol.5.No.1 (2017). hlm.3

²¹ Wawancara bersama Bapak Amran, selaku Aparat Kepolisian pada bagian Unit Tipidter Kepolisian Resor Aceh Tengah, Rabu 20 November 2024.

²²Peppy Nala Ratih dkk, 'Collaborative Governance Dalam Penanganan Kebakaran Hutan Dan Lahan Di Kabupaten Bojonegoro', *Jurnal Ilmu Administrasi*, Vol.5.No.1 (2017). hlm.3

²³ Wawancara bersama Bapak Amran, selaku Aparat Kepolisian pada bagian Unit Tipidter Kepolisian Resor Aceh Tengah, Rabu 20 November 2024.

²⁴ Wawancara bersama Bapak Amran, selaku Aparat Kepolisian pada bagian Unit Tipidter Kepolisian Resor Aceh Tengah, Rabu 20 November 2024.

After the investigation is complete and the perpetrators have been identified, the next step is to conduct an investigation. Investigation is a more in-depth and formal process in criminal law enforcement, where the police collect additional evidence and detain perpetrators who are strongly suspected of carrying out forest and land burning. During the investigation process, the police take various actions, including examining suspects, collecting additional evidence, and compiling case files. This investigation aims to ensure that the case has sufficient evidence to be submitted to court, so that the perpetrators can be tried and sentenced in accordance with applicable laws and regulations.

Judging from the various cases that have occurred from 2022 to 2024, there are several perpetrators and forms of crime modes carried out in forest and land burning. The following is an identification of the perpetrators, motives, and modes used:

1) Perpetrators of Forest and Land Burning Crimes

The perpetrators of forest and land burning crimes in the jurisdiction of Central Aceh consist of individuals who generally have personal goals to open new land. These perpetrators are usually local residents who see the potential for profit from opening new land for agriculture or plantations. Some cases of perpetrators that have been identified are:

- Zuliadi S. Bin Samsul Bahri (First Case).
- Muhammad Husni Bin Alm Sulaiman (Second Case).
- Alhuda MR Bin M. Alm M. Rasid (Third Case).

2) Motives of the Perpetrators in Carrying Out Forest and Land Burning

The main motive underlying the actions of forest and land burning by the perpetrators is the desire to open new land that can be used for personal needs, such as agriculture or plantations. Land clearing by burning is considered a fast and cheap method, although it has a significant negative impact on the environment. The following are the motives found:

- a) Opening new land, the perpetrators burn forests and land to clear areas that can then be used to plant crops or open plantations.
- b) Economic, the burning action is carried out to obtain land at a lower cost than other methods.

3) Modus Operandi of the Perpetrators

The modus operandi used by the perpetrators of forest and land burning in the jurisdiction of Central Aceh generally involves the use of simple tools such as lighters and other auxiliary equipment. This mode shows that the burning action was carried out deliberately and in a planned manner. The following are some of the modes that have been identified:

- a) Use of lighters, the main burning tool often used by the perpetrators to start a fire.
- b) Auxiliary tools, the use of equipment such as chainsaws and iron machetes to facilitate the process of clearing land after burning.

Combustion aids, use of additional materials such as cigarettes to maintain the flame. Based on the description above, it can be explained that there are several motives for perpetrators to carry out forest burning, such as the desire to open new land that can be used for agricultural or plantation

purposes, where burning will save costs for clearing the land. In addition, the burning process is not too complicated to do, only with a lighter and a few cigarettes, the burning can be done. So it can be easily proven that the forest burning was done intentionally and was carried out in a planned manner.

Conclusion

Based on the description as previously stated, land clearing by burning in the Central Aceh region is still ongoing, which is an opportunity for environmental damage to get worse day by day. This condition not only threatens the environmental balance that should be maintained, but also increases the risk of natural disasters that threaten human life. The level of environmental damage due to human actions in clearing land by burning, which is contrary to the law, shows that stricter law enforcement and higher public awareness are needed to maintain environmental sustainability. Some cases of forest and land burning are:

- The case that occurred on June 14, 2023, with the suspect Zuliadi S. Bin Samsul Bahri.
- The case that occurred on June 14, 2023, with the suspect Muhammad Husni Bin Alm Sulaiman.
- The case that occurred on June 15, 2023, with the suspect Alhuda MR Bin M. Alm M. Rasid.

Forest and land fire investigations carried out by investigators at the Central Aceh Police have their own challenges compared to ordinary criminal investigations. This is because in cases of forest and land fires, investigators must wait for the results of expert laboratory statements regarding the content of soil damage and hotspots where the fire occurred. Therefore, in forest and land fire investigations, scientific identification is highly prioritized.

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