



## State Responsibility in Forest and Land Fire Management under Constitutional Environmental Rights and Environmental Protection Law

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### ABSTRACT

Forest and land fires (karhutla) are recurring environmental problems in Indonesia that not only cause ecosystem damage but also threaten the constitutional right of citizens to a good and healthy environment. This study employs a normative juridical research method with a qualitative legal analysis approach. This article aims to analyze state responsibility in forest and land fire management based on Article 28H Paragraph (1) of the 1945 Constitution and Law No. 32/2009 on Environmental Protection and Management. This study uses normative juridical research with statutory and conceptual approaches. The analysis shows that the state has a central role in preventing environmental damage through policies, supervision, and sustainable management. Effective karhutla prevention requires active government responsibility to ensure environmental protection and justice.

## **INTRODUCTION**

Forest and land fires (*karhutla*) remain a complex environmental problem in Indonesia because their impacts are not limited to ecological degradation but also affect human health, social welfare, and the fulfillment of environmental rights. The recurring occurrence of forest and land fires demonstrates that environmental damage is closely related to governance challenges, land management practices, and the effectiveness of prevention mechanisms. At the regional level, forest fires in Indonesia have also contributed to transboundary haze pollution affecting neighboring countries, making forest fire management a matter of national and international environmental concern. Rizky et al. (2020) emphasized that forest and land fires causing transboundary haze pollution raise issues of state responsibility because environmental damage may generate obligations for governments to prevent and control activities that threaten environmental security. This explanation shows that *karhutla* is not merely technical disaster issue but also a legal issue concerning the extent of state responsibility in protecting environmental sustainability.

The protection of the environment has been recognized as part of fundamental human rights within the Indonesian constitutional framework. Article 28H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia explicitly states that every person has the right to live in prosperity, to have a place to live, and to obtain a good and healthy environment. This constitutional recognition places environmental protection as a state obligation rather than merely a policy choice. Furthermore, Law Number 32 of 2009 concerning Environmental Protection and Management establishes the principles of environmental protection, prevention of pollution and damage, sustainable development, and government responsibility in environmental governance. According to Yanti (2024), forest fires can be viewed as a violation of the right to a healthy environment because environmental damage caused by fires directly affects the fulfillment of citizens' constitutional rights. Therefore, the state has a legal obligation to ensure preventive actions, effective supervision, and environmental recovery mechanisms.

From the perspective of environmental law, state responsibility requires the government to take active measures before, during, and after environmental disasters occur. The concept of state responsibility in environmental governance is reflected through regulatory authority, institutional supervision, law enforcement, and environmental restoration efforts. Wijayanto et al. (2022) explained that environmental law enforcement is fundamentally a state responsibility because the government functions as the primary actor in preventing environmental destruction and protecting natural resources. This argument indicates that the government cannot limit its role only to responding after environmental damage occurs but must develop preventive governance systems. Consequently, effective forest and land fire management requires stronger institutional coordination, monitoring systems, and consistent implementation of environmental regulations.

Previous studies have examined forest and land fires from various perspectives, including environmental governance, law enforcement, and legal liability. Koswara (2022) analyzed government responsibility in forest and land fire management and found that ineffective coordination between governmental institutions remains one of the challenges in controlling forest fires. The study highlights that although Indonesia already has legal instruments regulating forest fire prevention and management, implementation remains a significant problem. Similarly, Martono and Suriani (2025) examined the application of strict liability under Law Number 32 of 2009 in forest and land fire cases, emphasizing the importance of legal accountability for parties whose activities create serious environmental threats. These studies provide important insights into government obligations and legal enforcement; however, they mainly focus on institutional responsibility and liability mechanisms rather than examining the broader constitutional dimension of environmental rights as the foundation of state responsibility.

The existing literature therefore reveals a research gap regarding the relationship between constitutional environmental rights and state responsibility in forest and land fire management. Previous research has predominantly discussed forest fires from the perspective of criminal responsibility, strict liability, and administrative enforcement, while limited studies have analyzed how Article 28H Paragraph (1) of the 1945 Constitution and Law Number 32 of 2009 establish the government's constitutional obligation to protect citizens from environmental harm. This gap is important because recurring forest and land fires indicate that environmental protection cannot rely solely on punishment after violations occur but requires a rights-based approach where the state actively fulfills its obligation to guarantee environmental security. Dini et al. (2023) argued that repeated forest fires reflect challenges in fulfilling citizens' constitutional rights when state responses remain insufficient. Therefore, a legal analysis focusing on state responsibility is necessary to strengthen understanding of government obligations in environmental protection.

Based on these considerations, this study aims to analyze state responsibility in forest and land fire management from the perspective of constitutional environmental rights and Indonesian environmental protection law. Specifically, this research examines the legal implications of Article 28H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia and Law Number 32 of 2009 concerning Environmental Protection and Management in establishing government obligations to prevent and manage forest and land fires. This study applies a normative juridical approach through statutory and conceptual analysis to examine legal principles, regulatory frameworks, and the relationship between environmental rights and state obligations. The results of this study are expected to contribute to the development of environmental law studies by emphasizing that forest and land fire management requires not only law enforcement against perpetrators but also a stronger commitment from the state to fulfill constitutional environmental rights.

## LITERATURE REVIEW

### *State Responsibility Theory in Environmental Law*

The theory of state responsibility is one of the fundamental concepts in international environmental law, explaining that states have legal obligations to prevent environmental harm, regulate activities within their jurisdiction, and provide protection against environmental risks. This theory is closely related to the principle of due diligence, which requires states to take reasonable preventive actions when activities may potentially cause significant environmental damage. In environmental law, state responsibility does not only arise after environmental destruction occurs but also includes the obligation to establish effective policies, monitoring mechanisms, and preventive measures.

The development of state responsibility theory has been strengthened through recent international legal developments. The International Court of Justice (ICJ) Advisory Opinion on Obligations of States in Respect of Climate Change (2025) emphasized that states have legal obligations to protect the environment, prevent significant environmental harm, and comply with international obligations related to environmental protection. The opinion reinforces the understanding that environmental protection is an active legal obligation of states rather than merely a political commitment. This concept is relevant to forest and land fire management because recurring karhutla demonstrates the importance of evaluating whether government actions have fulfilled preventive obligations before environmental damage becomes widespread.

Furthermore, Yiallourides and Yildiz (2025) explain that state responsibility in environmental matters requires a connection between state obligations, environmental harm, and the failure to implement appropriate preventive measures. Their study highlights that modern environmental responsibility emphasizes government accountability when states fail to exercise adequate control over activities causing environmental risks. This perspective supports the current research because forest and land fires should be examined not only from the perspective of perpetrators but also from the perspective of state obligations in preventing environmental degradation.

### *Environmental Rights Theory and Constitutional Protection of Environmental Quality*

Environmental rights theory explains that access to a healthy environment is an essential component of human rights because environmental conditions directly influence human life, health, and welfare. This theory has developed from the traditional concept of human rights toward a broader recognition that environmental protection is necessary to guarantee human dignity and sustainable development. International recognition of environmental rights has strengthened through the United Nations General Assembly Resolution A/RES/76/300 of 2022 on the Human Right to a Clean, Healthy and Sustainable Environment. This resolution recognizes that a clean, healthy, and sustainable environment is a human right and encourages states to strengthen environmental policies and legal protection mechanisms. This international recognition

supports the argument that environmental protection is not only a governmental responsibility but also a human rights obligation.

In the Indonesian legal system, environmental rights are constitutionally protected through Article 28H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees every person's right to obtain a good and healthy environment. Furthermore, this constitutional principle is implemented through Law Number 32 of 2009 concerning Environmental Protection and Management (Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup). The regulation establishes that environmental protection aims to prevent pollution, environmental damage, and ensure sustainable development. According to Kotzé and Adelman (2023), environmental rights have transformed environmental governance by requiring states to place human welfare and ecological sustainability as central objectives of legal decision-making. Their study supports this research because it demonstrates that environmental protection obligations should be analyzed through a rights-based approach, where government failure to prevent environmental harm may affect citizens' fundamental rights.

### ***Preventive Principle and Environmental Governance Theory***

The preventive principle is a major concept in environmental law that requires governments to act before environmental damage occurs. Unlike traditional legal approaches that focus on punishment after violations, preventive environmental governance emphasizes risk assessment, early intervention, monitoring, and institutional preparedness. This principle is reflected in Indonesian environmental regulation through Law Number 32 of 2009 concerning Environmental Protection and Management, which prioritizes prevention of pollution and environmental damage through environmental planning, supervision, and enforcement mechanisms. The preventive principle is particularly important in forest and land fire management because karhutla often develops rapidly and creates impacts that are difficult to restore.

Environmental governance theory further explains that complex environmental problems require cooperation between government institutions, scientific systems, communities, and regulatory frameworks. According to Lemos and Agrawal (2021), effective environmental governance depends on institutional capacity, information availability, and collaboration among different actors involved in environmental management. This theory supports the present research because government responsibility in karhutla management cannot be separated from the effectiveness of governance systems, including monitoring technology, law enforcement, and community engagement.

### ***Forest and Land Fire Management under International and National Environmental Law***

Forest and land fires are increasingly viewed as transboundary environmental problems because smoke pollution and ecological impacts may extend beyond national borders. Therefore, forest fire management is connected with international environmental cooperation and domestic legal responsibility. The ASEAN Agreement on Transboundary Haze Pollution (AATHP) 2002 represents a regional legal framework requiring ASEAN member states to cooperate in preventing and controlling transboundary haze pollution. This agreement reflects the principle that environmental problems involving shared impacts require collective responsibility and preventive cooperation.

Research by Rosida (2021) examined state responsibility for forest and land fires under the ASEAN Agreement on Transboundary Haze Pollution. The study explains that forest fires create legal responsibilities because states are required to implement prevention, cooperation, and control mechanisms. This research supports the current study because it provides a legal foundation that forest and land fires involve not only domestic environmental issues but also broader obligations of government responsibility. Additionally, Khairunnisa et al. (2026) analyzed the relationship between state responsibility and corporate accountability in transboundary haze pollution. Their study highlights that environmental responsibility involves two interconnected dimensions: government obligations to prevent harm and private actors' responsibility for activities causing environmental damage. This supports the current research by emphasizing that effective karhutla management requires both law enforcement against responsible actors and fulfillment of state obligations.

### ***Previous Studies and Research Gap***

Previous studies have provided significant discussions regarding forest and land fires from international law, environmental governance, and accountability perspectives. However, several limitations remain. Many studies primarily examine corporate liability, transboundary pollution, or international cooperation mechanisms, while fewer studies specifically analyze forest and land fires as a constitutional issue concerning the state's obligation to protect environmental rights. The study by Rosida (2021) focuses on international responsibility under the ASEAN Agreement on Transboundary Haze Pollution, but the discussion is mainly directed toward international accountability mechanisms rather than constitutional environmental rights within Indonesia. Similarly, Khairunnisa et al. (2026) emphasize the relationship between state responsibility and corporate accountability, but their analysis focuses more on comparative international and domestic accountability frameworks.

Therefore, this research fills the gap by integrating three perspectives: constitutional environmental rights, state responsibility theory, and Indonesian environmental protection law. Unlike previous studies that mainly discuss liability after environmental damage occurs, this study emphasizes the preventive obligation of the state in managing forest and land fires. Through this approach, karhutla is understood not only as an environmental disaster but also as a legal issue concerning the fulfillment of citizens' constitutional rights.

## METHODOLOGY

### *Research Design and Approach*

This study employs a normative juridical research method with a qualitative legal analysis approach. Normative juridical research is used to examine legal norms, principles, and regulations governing state responsibility in forest and land fire management. This approach is appropriate because the research focuses on analyzing the relationship between constitutional environmental rights and government obligations under Indonesian environmental law rather than measuring social phenomena through empirical data. According to Marzuki (2021), normative legal research examines legal principles, statutory provisions, and legal concepts to identify the consistency between legal norms and their implementation. Therefore, this study applies a statutory approach and a conceptual approach to analyze the legal basis of state responsibility in protecting environmental rights.

The statutory approach is conducted by examining relevant legal instruments, including Article 28H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees every person's right to obtain a good and healthy environment. In addition, this study analyzes Law Number 32 of 2009 concerning Environmental Protection and Management (Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup), particularly provisions related to environmental protection, prevention of environmental damage, government authority, supervision, and environmental management responsibilities. The research also considers international environmental instruments, including the ASEAN Agreement on Transboundary Haze Pollution (2002) and United Nations General Assembly Resolution A/RES/76/300 of 2022 concerning the Human Right to a Clean, Healthy and Sustainable Environment, as supporting legal frameworks in understanding state obligations toward environmental protection.

### *Legal Materials and Data Sources*

The data used in this study consist of secondary legal materials obtained through literature review and document analysis. Because this research uses a normative juridical design, there are no human respondents, survey participants, or sampling techniques involved. The legal materials are classified into three categories.

First, primary legal materials include binding legal documents, namely: The 1945 Constitution of the Republic of Indonesia, particularly Article 28H Paragraph (1) concerning the right to a good and healthy environment; Law Number 32 of 2009 concerning Environmental Protection and Management; ASEAN Agreement on Transboundary Haze Pollution (2002); United Nations General Assembly Resolution A/RES/76/300 of 2022 on the Human Right to a Clean, Healthy and Sustainable Environment.

Second, secondary legal materials consist of scientific literature, international journal articles, legal studies, and previous research discussing state responsibility, environmental rights, forest and land fire governance, and environmental law enforcement. These materials were obtained from academic databases and legal publications.

Third, tertiary legal materials include legal dictionaries, government publications, and reference materials used to clarify legal terminology and concepts related to environmental protection. According to Hutchinson and Duncan (2022), the strength of normative legal research depends on the quality and relevance of legal materials selected because legal analysis is developed through interpretation and examination of authoritative sources. Therefore, this study prioritizes legal sources that directly relate to state responsibility and environmental protection.

### ***Data Collection Procedure***

The data collection process was conducted through a systematic document study (library research). The research began by identifying legal issues related to forest and land fire management, particularly the relationship between recurring karhutla incidents and the state's constitutional obligation to protect environmental rights.

The next stage involved collecting and reviewing relevant legal documents, including constitutional provisions, national environmental regulations, international agreements, and academic literature. The collected materials were then categorized based on their relevance to the research focus, including:

1. State responsibility theory.
2. Constitutional environmental rights.
3. Environmental protection obligations.
4. Forest and land fire prevention mechanisms.

After classification, the legal materials were analyzed to identify the relationship between legal norms and government obligations in managing forest and land fires. This procedure follows the normative legal research framework, where legal issues are examined through interpretation of legal texts and comparison between legal principles and regulatory provisions (Soekanto & Mamudji, 2021).

### ***Data Analysis Technique***

The collected legal materials were analyzed using qualitative juridical analysis. This analysis was performed through several stages, including legal identification, legal interpretation, legal comparison, and legal conclusion formulation.

First, the research identified relevant legal norms contained in constitutional provisions and environmental regulations. Second, the study interpreted these provisions using the principles of environmental law, particularly the principles of state responsibility, prevention, and sustainable development. Third, the findings from legal regulations were compared with theoretical perspectives and previous studies to evaluate the extent of government responsibility in forest and land fire management.

The analysis focuses on three main issues:

1. The constitutional basis of citizens' rights to a good and healthy environment.
2. The legal obligations of the government under environmental protection regulations.
3. The extent to which state responsibility should be implemented in preventing and managing forest and land fires.

The analysis does not aim to calculate statistical relationships but seeks to provide a comprehensive legal interpretation of government obligations in environmental protection. According to Tamanaha (2021), normative legal analysis provides an important method for understanding how legal principles operate within institutional and social contexts.

## RESULT & DISCUSSION

### *State Responsibility as a Constitutional Obligation in Forest and Land Fire Management*

The findings of this study indicate that forest and land fire management in Indonesia is not merely an environmental governance issue but also a constitutional obligation of the state. The normative analysis shows that recurring forest and land fires demonstrate a gap between the existence of environmental protection regulations and the effectiveness of state implementation. The main finding of this research is that the state has a primary responsibility to prevent environmental damage through regulation, supervision, and sustainable management mechanisms. This responsibility emerges because environmental quality directly affects citizens' constitutional rights. Therefore, forest and land fire management must be positioned as part of the state's obligation to fulfill environmental rights rather than only as a disaster response activity.

From a regulatory perspective, this finding is based on Article 28H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees that every person has the right to obtain a good and healthy environment. This constitutional provision establishes environmental protection as a fundamental right that requires active state intervention. Furthermore, Law Number 32 of 2009 concerning Environmental Protection and Management (Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup) provides a legal framework requiring the government to protect and manage environmental resources sustainably. The regulation emphasizes prevention of pollution and environmental damage through planning, supervision, enforcement, and recovery mechanisms. Therefore, the legal framework confirms that government responsibility does not begin only after environmental destruction occurs but exists from the prevention stage.

This finding is consistent with the theory of state responsibility in environmental law, which explains that governments have a duty to exercise due diligence in preventing environmental harm. The principle of due diligence requires states to take reasonable measures to control activities that may create significant environmental risks. According to the International Court of Justice (2025), environmental obligations require states to adopt preventive measures and demonstrate sufficient efforts to avoid environmental damage. This interpretation strengthens the argument that government failure to establish effective prevention systems may represent a failure to fulfill environmental obligations. In relation to karhutla, the theory explains that state responsibility should be assessed not only based on who caused the fire but also based on whether the government has adequately prevented and controlled environmental risks.

The findings also complement previous research conducted by Dini et al. (2023), which examined state responsibility in forest fire cases in Central Kalimantan from the perspective of a welfare state. Their study found that environmental protection requires government involvement because environmental damage directly affects public welfare. However, their research mainly focused on the concept of a welfare state, while the present study extends the discussion by connecting state responsibility with constitutional environmental rights under Article 28H Paragraph (1) of the 1945 Constitution. This difference demonstrates the novelty of the present research, namely integrating constitutional rights, environmental law obligations, and state responsibility theory into one analytical framework.

Furthermore, this research provides a broader understanding that government responsibility in forest and land fire management cannot be reduced to law enforcement against individuals or corporations. The novelty of this study lies in emphasizing the preventive constitutional obligation of the state before environmental damage occurs. While previous studies often examine liability after fires happen, this study highlights the obligation of the government to establish effective prevention mechanisms, including monitoring systems, environmental governance, and policy implementation. Therefore, the state's role should be understood as an active environmental protector rather than merely an institution that responds after ecological disasters occur.

### ***Constitutional Environmental Rights and the State Obligation to Guarantee a Healthy Environment***

The second finding of this study shows that forest and land fire management is closely connected with the constitutional obligation of the state to guarantee citizens' environmental rights. The analysis indicates that recurring forest and land fires are not only environmental problems but also constitutional issues because environmental degradation directly affects the fulfillment of citizens' rights to a good and healthy environment. The research found that the state's obligation arises from the recognition of environmental rights as fundamental rights protected by constitutional provisions. Therefore, government responsibility in karhutla management must be interpreted as a constitutional duty rather than merely an administrative responsibility. This

finding strengthens the argument that environmental protection requires active government intervention to ensure that citizens can enjoy a safe and sustainable environment.

The legal basis of this finding is Article 28H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that every person has the right to live in prosperity, reside in a proper place, and obtain a good and healthy environment. This provision places environmental rights within the category of constitutional rights that must be fulfilled by the state. Furthermore, Law Number 32 of 2009 concerning Environmental Protection and Management (Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup) confirms that environmental protection aims to guarantee environmental sustainability and prevent environmental damage. The regulation also establishes government authority in environmental planning, utilization, control, maintenance, supervision, and law enforcement. Thus, the legal framework demonstrates that the government has both a preventive and corrective obligation in managing environmental risks, including forest and land fires.

This finding is strengthened by the theory of environmental human rights, which explains that environmental protection is inseparable from the protection of human dignity and welfare. The theory argues that environmental damage may directly affect fundamental rights because humans depend on ecological conditions for health, security, and quality of life. According to the United Nations General Assembly Resolution A/RES/76/300 of 2022 concerning the Human Right to a Clean, Healthy and Sustainable Environment, access to a clean, healthy, and sustainable environment is recognized as a human right requiring states to strengthen environmental protection mechanisms. This principle supports the present research because it confirms that government failure to prevent severe environmental degradation may create implications for the fulfillment of citizens' constitutional rights. Therefore, karhutla management should be approached through a rights-based perspective rather than only through a disaster management perspective.

The findings of this research are also supported by the public statement of Rahmad Satria, who emphasized that forest and land fires should not automatically be attributed only to local communities, particularly traditional farmers practicing local land management methods. He argued that the government has a constitutional responsibility to ensure citizens obtain a good and healthy environment based on Article 28H Paragraph (1) of the 1945 Constitution. This perspective provides an important legal interpretation because it shifts the discussion from blaming individual actors toward examining the broader responsibility of government institutions in creating prevention systems, providing solutions, and ensuring environmental protection. However, this study differs from that public statement because it develops the argument academically by connecting constitutional rights, environmental law principles, and state responsibility theory within a normative legal framework.

This finding has similarities with the study of Sultana (2022), which examined the relationship between climate change, environmental degradation, and human rights obligations. The study explains that states have positive obligations to protect communities from environmental risks through effective policies and governance mechanisms. The similarity lies in the recognition that environmental protection requires active state involvement. However, the difference is that Sultana's research focuses broadly on climate-related human rights impacts, while this study specifically examines forest and land fires in Indonesia through the framework of Article 28H Paragraph (1) of the 1945 Constitution and Law Number 32 of 2009. Therefore, the novelty of this research lies in connecting constitutional environmental rights with specific government responsibilities in karhutla management, particularly the obligation to prevent environmental harm before it affects citizens' rights.

### ***Preventive Principle and Environmental Governance in Forest and Land Fire Prevention***

The third finding of this study reveals that forest and land fire management requires a preventive approach rather than merely a corrective legal response after environmental damage occurs. The analysis shows that repeated forest and land fires indicate weaknesses in prevention mechanisms, particularly in monitoring, early detection, institutional coordination, and implementation of environmental policies. The research identifies that effective karhutla management depends on the government's ability to prevent environmental risks before they develop into large-scale disasters. Therefore, prevention becomes an essential indicator in assessing whether the state has fulfilled its environmental protection obligations. This finding confirms that government responsibility should be measured not only by its ability to extinguish fires but also by its capacity to establish an effective prevention system.

From the perspective of environmental law, the preventive obligation is reflected in Law Number 32 of 2009 concerning Environmental Protection and Management (Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup). This regulation adopts preventive environmental management principles through environmental planning, environmental impact assessment, supervision, administrative control, and law enforcement mechanisms. The law requires the government to ensure that activities with potential environmental impacts are controlled through appropriate regulatory instruments. In the context of forest and land fires, this means that the government must develop strategies such as hotspot monitoring, early warning systems, land supervision, and rapid response mechanisms. Thus, the implementation of UUPPLH demonstrates that environmental protection is not limited to handling damage but includes preventing environmental risks from occurring.

This finding is related to the Precautionary Principle Theory in environmental law, which emphasizes that uncertainty regarding environmental risks cannot be used as a reason to delay preventive action. The precautionary principle has become one of the important principles in international environmental governance because environmental damage is often irreversible or difficult to restore. According to Gellers (2022), the precautionary principle requires governments to adopt protective measures when there is a possibility of serious environmental harm, even when scientific certainty is incomplete. This theory supports the current research because forest and land fires are recurring environmental risks that require anticipatory policies rather than responses only after disasters happen. Therefore, the government's responsibility includes preparing infrastructure, technology, regulations, and institutional capacity to reduce fire risks.

The findings of this study are also supported by the statement of Rahmad Satria, an academic from Universitas Panca Bhakti Pontianak, who emphasized that forest and land fires should not only be addressed by blaming local farmers or traditional communities. According to Satria (2026), the government has a constitutional responsibility to ensure that citizens obtain a good and healthy environment as guaranteed under Article 28H Paragraph (1) of the 1945 Constitution. He further argued that prevention efforts should be strengthened through government intervention, including the utilization of satellite monitoring technology, adequate firefighting resources, and alternative solutions for communities to reduce dependence on burning practices. This perspective supports the present research because it demonstrates that prevention is not only a technical matter but also part of the state's legal obligation to protect environmental rights.

Compared with previous studies, this research provides a broader legal interpretation of preventive environmental governance. The study of Setiawan and Haryanto (2023) examined wildfire governance and emphasized the importance of institutional coordination and technological monitoring in reducing disaster risks. However, their research focused primarily on disaster management effectiveness rather than constitutional state obligations. Similarly, Satria (2026) provides a practical perspective emphasizing government responsibility and prevention strategies, but this study develops the discussion further by connecting these recommendations with constitutional environmental rights and the obligations established under Law Number 32 of 2009. The novelty of this research lies in integrating preventive environmental governance theory with constitutional analysis, demonstrating that early prevention mechanisms are not merely administrative strategies but legal obligations of the state.

### ***Legal Accountability, Local Wisdom, and Environmental Justice in Forest and Land Fire Management***

The fourth finding of this study demonstrates that forest and land fire management requires a balanced legal approach between environmental protection obligations and recognition of local community practices. The analysis shows that assigning responsibility for forest and land fires only to traditional farmers creates an incomplete understanding of the legal problem. Forest and land fires are influenced by various factors, including land governance, supervision systems, corporate activities, and community practices. Therefore, environmental law enforcement should consider proportional responsibility among different actors while ensuring that environmental protection objectives remain the main priority. This finding indicates that the state must develop a fair environmental governance system that protects ecosystems while respecting communities whose livelihoods depend on land resources.

The legal analysis in this study refers to Article 69 Paragraph (1) Letter h of Law Number 32 of 2009 concerning Environmental Protection and Management, which prohibits everyone from conducting land clearing through burning. However, Article 69 Paragraph (2) of the same law provides that the prohibition must seriously consider local wisdom in each region. The explanation of Article 69 Paragraph (2) states that local wisdom includes traditional land burning practices with a maximum area of two hectares per household, the use of local plant varieties, and the establishment of firebreaks to prevent fire spreading. This legal provision demonstrates that Indonesian environmental law does not simply eliminate traditional practices but attempts to balance environmental protection with recognition of community rights. Therefore, the implementation of this provision requires strict supervision to ensure that local wisdom does not become a justification for uncontrolled burning activities.

This finding is related to the theory of Environmental Justice Theory, which emphasizes that environmental policies must consider fairness in the distribution of environmental responsibilities, risks, and benefits among different groups in society. Environmental justice argues that vulnerable communities should not disproportionately bear the burden of environmental regulation while other actors with greater environmental impacts receive less attention. According to Schlosberg (2021), environmental justice consists not only of fair distribution of environmental burdens but also recognition and participation of affected communities in environmental decision-making. This theory supports the present research because forest and land fire management requires recognition of local communities while simultaneously ensuring accountability for activities that genuinely cause environmental damage.

The argument of environmental justice is also reflected in the perspective presented by Rahmad Satria, who stated that forest and land fires should not be addressed by simply blaming local farmers because the government has a constitutional responsibility to protect the environment and provide appropriate solutions for communities. Satria emphasized that traditional land management practices must be understood within the context of local wisdom, while the government remains responsible for providing prevention mechanisms and alternative solutions. (Satria, 2026). This perspective strengthens the present

research because it shows that the legal issue of karhutla is not merely about identifying individual perpetrators but about evaluating whether the state has created a fair and effective environmental management system.

Previous research by Fajrini (2022) examined the relationship between traditional slash-and-burn practices and environmental law in Indonesia. The study found that Article 69 Paragraph (2) of Law Number 32 of 2009 provides legal recognition for traditional burning practices under specific conditions, while also emphasizing the need to prevent uncontrolled environmental damage. This research has similarities with the present study because both discuss the relationship between local wisdom and environmental protection. However, Fajrini's research mainly focuses on the criminal justice perspective of traditional burning practices, whereas this study develops a broader analysis by connecting local wisdom, constitutional environmental rights, and state responsibility. The novelty of this research lies in emphasizing that fair karhutla management requires not only regulating community behavior but also strengthening government responsibility in providing supervision, technology, and sustainable alternatives for communities.

#### ***Strengthening Government Accountability through Environmental Governance and Sustainable Forest and Land Fire Management***

The fifth finding of this study demonstrates that strengthening government accountability is a crucial element in achieving sustainable forest and land fire management. The normative analysis reveals that the existence of environmental regulations alone is insufficient if not accompanied by effective governance mechanisms, institutional coordination, and continuous supervision. Forest and land fires represent a complex environmental issue involving ecological, social, economic, and legal dimensions. Therefore, government responsibility should be implemented through integrated environmental governance that combines legal authority, technological capacity, and community participation. This finding indicates that sustainable karhutla management requires a transformation from reactive firefighting approaches toward preventive and adaptive governance systems.

The legal analysis shows that government accountability in forest and land fire management is supported by Law Number 32 of 2009 concerning Environmental Protection and Management, particularly regarding the authority of the government to conduct environmental planning, utilization, control, maintenance, supervision, and law enforcement. In addition, Government Regulation Number 22 of 2021 concerning Implementation of Environmental Protection and Management strengthens the implementation framework of environmental governance by regulating environmental approval, supervision, and environmental quality management. These regulations demonstrate that the state has institutional responsibilities to ensure environmental risks are controlled before causing significant damage. Therefore, government accountability should be evaluated not only through law enforcement outcomes but also through the effectiveness of prevention policies and environmental management systems.

This finding is consistent with the theory of Collaborative Environmental Governance, which explains that environmental problems involving multiple actors cannot be effectively resolved through government action alone. The theory emphasizes cooperation between central government, local authorities, communities, private sectors, and scientific institutions in managing complex environmental risks. According to Emerson and Nabatchi (2021), collaborative governance requires shared responsibility, institutional coordination, and collective decision-making among stakeholders to achieve sustainable environmental outcomes. This theory supports the present study because forest and land fire management requires collaboration between government agencies, communities, corporations, and environmental institutions. Thus, state responsibility should not be interpreted as exclusive control but as leadership in creating an effective collaborative environmental system.

The findings are also supported by recent studies examining governance mechanisms in forest and land fire management. Waluyo (2024) found that government communication and coordination remain important challenges in addressing forest and land fires in South Kalimantan. The study highlights that ineffective communication between government institutions, communities, and private sectors can reduce the effectiveness of environmental policies. This finding is relevant to the present research because it confirms that government responsibility includes not only regulatory authority but also the ability to build communication and coordination networks. However, the difference is that Waluyo's research focuses on governance communication, while this study expands the discussion by analyzing communication and governance as part of the constitutional responsibility of the state to protect environmental rights.

Furthermore, technological innovation represents an important component in strengthening government accountability. Research by Syaufina et al. (2024) explains that Indonesian forest and land fire management has shifted from a suppression-oriented approach toward prevention-oriented management supported by technological systems such as monitoring applications and smart patrol systems. This finding supports the argument of Rahmad Satria, who emphasized that government responsibility requires stronger prevention mechanisms, including satellite monitoring and adequate firefighting facilities to identify and control fire risks. (Satria, 2026). The novelty of this study lies in connecting technological prevention mechanisms with legal accountability, demonstrating that the use of technology is not merely an administrative innovation but part of fulfilling the state's obligation under constitutional environmental rights and environmental protection law.

The results of this study differ from previous research that mainly examines forest fire management from technical, governance, or institutional perspectives. For example, Nadhifah et al. (2024) analyzed forest fire management discourse and found that existing discussions often emphasize ecological factors while paying limited attention to economic and governance dimensions. Meanwhile, Adni et al. (2024) emphasized the importance of agile governance, stakeholder involvement, and technological integration in improving forest fire management. Although these studies contribute significantly to understanding fire

management strategies, they do not specifically analyze the constitutional foundation of government responsibility. Therefore, the novelty of this research is the integration of constitutional environmental rights, state responsibility theory, preventive governance principles, and sustainable management strategies into a single legal framework for understanding karhutla management.

Overall, this study confirms that forest and land fire management requires a broader understanding of government responsibility. The state's obligation is not limited to responding to fires after they occur but includes preventing risks, strengthening institutions, utilizing technology, protecting community rights, and ensuring sustainable environmental governance. The perspective proposed by Rahmad Satria strengthens this conclusion by emphasizing that karhutla should not be viewed solely as the responsibility of individual communities but as a collective environmental governance challenge requiring active government involvement. (Satria, 2026). Therefore, the main contribution of this research is demonstrating that effective karhutla management represents the implementation of constitutional environmental rights and the state's legal obligation to protect citizens and ecosystems.

## **CONCLUSIONS AND RECOMMENDATIONS**

This study concludes that forest and land fire management is not only an environmental issue but also a constitutional responsibility of the state. Based on Article 28H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia and Law Number 32 of 2009 concerning Environmental Protection and Management, the government has an obligation to protect citizens' rights to a good and healthy environment through prevention, supervision, and sustainable environmental management. The study also emphasizes that karhutla prevention should not only focus on blaming local communities but must consider broader governance responsibilities, including regulatory implementation, technological monitoring, and institutional coordination. The implementation of this research suggests that the government needs to strengthen preventive environmental policies, improve forest and land fire monitoring systems, and provide sustainable alternatives for communities in land management practices. Effective karhutla management requires collaboration between government institutions, communities, and other stakeholders to achieve environmental protection and social justice.

## **ADVANCED RESEARCH**

This study is limited to a normative juridical analysis based on legal regulations, environmental principles, and previous studies, without empirical investigation of government practices or community experiences in specific fire locations. Future research is recommended to use empirical approaches, such as field studies, interviews, or comparative analysis between regions, to evaluate the effectiveness of government policies and the implementation of environmental protection regulations in forest and land fire management.

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