Forest Destruction in Riau Province: Identifying the Company's Legal Responsibility

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Abstract: Problems on companies' responsibility for forest degradation in Riau Province still have been argued for a long time. Given the legal provisions on Corporate Social Responsibility, it gives freedom to the public on corporate responsibility between government and community can coordinate each other in law enforcement. The purpose of this research is to identify how the company's legal responsibility for forest destruction in Riau Province. The method of this research is sociological law research, which focuses more on emerging problems focusing on the discussion of law and sees how the law is practiced in society. The nature of this research is the field research. The result of the research is that the company's law responsibility towards the destruction in Riau province has not been able to take the responsibility maximally. There needs to be coordination and cooperation with the relevant organization to enforce the law smoothly. The conclusion of this research is to maximize coordination step towards related institution by asking for accountability of various parties in order not to avoid forest destruction such as like, forest and land fire in Riau Province. The output of this research is scientific articles as a learning materials lecture for students and dedicating to the community and related parties.

Keywords: Responsibility, Company, and Forest

1. Introduction

Environmental issues have been the concern of many parties, both locally, nationally and internationally, which arise in response to the rapid rate of environmental degradation and the quantity of the environment as the rate of growth of the world's population growth. Life problem has become a chronic disease that is very difficult to recover. The current environmental problems occurring in Indonesia due to the development paradigm which gives emphasis to the economic growth and pays no attention to the environmental factors. Corporations as an entity or legal subject whose existence contributes greatly in promoting economic growth and national development, but in reality corporations sometimes also conduct various law violations (corporate crime) which give the impact of destruction to the environment.

Based on the provisions of Article 74 paragraph (1) of Law No 40, 2007 on unlimited liability company states that the company which runs its business activities in the field and / or related to natural resources should take social and environmental responsibility. The occurrence of pollution and or environmental destruction is mostly done in the context of running an economic enterprise and often also the attitude of the ruler and the entrepreneur who does not run or neglect his obligations in
environmental management. Corporations / legal entities, in this case, may be held accountable. Based on the provisions of Article 87 of Law No. 32 of 2009 on the Protection and Management of the Environment, states that the party responsible for the business and/or activities that commit the act and/or destruct to the environment that causes harm to others or the environment shall pay compensation and/or do certain actions. Furthermore, corporate legal responsibility in the environmental field is imposed on legal entities and their managers (directors, managers responsible for managing the company's environment, even to shareholders or commissioners) jointly in terms of activities and/or business such corporations cause pollution and/or environmental destruction.

Forest and land fire problems in Riau will be a continuous problem if the government, employers, and communities do not immediately follow up with action programs to minimize the impacts of forest fires in Riau and other regions, due to the increasing environmental crisis and the many land-related disputes free becomes a bad precedent that threatens the existence of the environment and humans [6]. One of the fundamental problems is the weakness of the constitutional law which has an impact on low environmental compliance. In addition, to strengthening institutions and coordination amongst related institutions that must be done, it is necessary to strengthen the rule of the game which can regulate all environmental issues.

Based on the above description of the company's responsibility for forest destruction such as forest and land burning, the researcher is interested in conducting the research entitled "Corporate Responsibility to forest destruction in Riau province". Therefore, based on the description in the background above, then the problem is formulated as follows: this study would like to find out (1) What is the company's responsibility toward forest destruction in Riau Province?, (2) What are the obstacles of corporate responsibility toward forest destruction in Riau Province? And (3) What are the company's response efforts on forest destruction in Riau Province.

Related to corporate responsibility to forest destruction in Riau province, some researchers have done before but this research is different with the previous ones; Ridwan Rangkuti, the title of Corporate Responsibility to environmental crime pursuant to Law no. 23 of 1997, in his research, stated that to know the accountability of corporations, which makes the indicators so that corporate leaders are accountable and the form of corporate responsibility criminal and civil against the crime of pollution and/or destruction of the environment according to Law no. 23 of 1997. Erdiansyah, entitled the Implementation of criminal liability corporation forest and land fire in Riau province, in the development of the criminal law of Indonesia, The corporation can be burdened with criminal responsibility or can be said as the subject of criminal law.

2. Method
Sociological law research is intended to know the social phenomena which take place in society and related to the provisions of the legislation. This research was conducted in the Riau regional police, the reason for choosing the location of this research because forest fires in Indonesia cannot be separated from the worst policy of allotment of land and forest in this country. Regular forest fires for a decade are not solely due to ecological chain changes. This is a purposive sampling method in which is the research used own consideration of adequate knowledge of the population to choose the sample members. The data of this research was taken from the writers' respondents by using the purposive method, which is by taking data from representing the population of which the sample category has been set by the writers. The purposive method was used in this research since the population was heterogeneous and much easier for the writers in finding and collecting data from respondents and it also used the census method as well.

The Primary data: It is used from the field directly in accordance with the problems the writers already set from the respondents. Secondary data: It is taken from the review of related literature in which supports the primary data, this data was taken from the library that supports primary data which is closely related to the research. While, Tertiary data: It is taken from through dictionaries and the like that functions to support primary and secondary data.
3. Discussion

Forest fires in Indonesia cannot be separated from the poor prototype of land and forest policy in the country (interview with Director of PT SRL). Regular forest fires for a decade are not solely due to ecological chain changes. However, it was influenced by the deliberate element of large-scale plantation business actors in land clearing including the negligence of industrial business makers and the process of uncontrolled authorization. This showed that the monitoring and prevention of forest and land fires in Riau province are still very weak. Based on the results of interviews with Kombes Hadi Poerwanto, SH., SIK as Riau Police Ditreskrimum regarding corporate responsibility to Forest Degradation in Riau Province is as follows:

- The company should be responsible for burning the land. Even the guilty party is not an employee of the company of the land. But this seems difficult to achieve. The community must also keep the environment well, the law is expected to be more assertive to catch up the perpetrators of criminal acts of forest fires law enforcement officers are expected to be able to trace the responsible parties fully and be punished in accordance with their actions. Law enforcement is perceived to be weak to be one of the reasons for the handling of forest fires. The following are the obstacles faced by the Directorate General of Criminal Investigation of Riau Regional Police in Law Enforcement against Corporate Responsibility in Forest Destruction, namely:

3.1. Internal Factors

a) Facilities and Infrastructure process of investigation and investigation of law enforcement cases of forest and land fires handled by Ditreskrimus Polda Riau especially Subdit IV was limited. This can be seen in the absence of environmental laboratory facilities in Polda Riau and the lack of car transportation facilities.

b) Financial problem. The financial budget, especially in the handling of cases of forest and land fires, was not enough yet. It is needed approximately Rp 25,000,000,- (twenty-five million rupiahs) per one case in the handling of cases of forest and land fires in the process of investigation and investigation. While the total budget available on the Ditreskrimus Polda Riau is about Rp 273,500,000,- (two hundred seventy-three million five hundred thousand rupiahs) in which the total budget is used by 4 (four) Sub Directorate in Ditreskrimus Polda Riau.

c) Human Resource problem. The issue of human resources (HR) is related to the quantity and quality aspects of law enforcement officers. Quantitatively, the number of investigator and co-investigators are only 20 (twenty) persons. Qualitatively, the ability of investigator member Subdit IV Ditreskrimus Polda Riau has not followed the training of environmental investigation so that with the lack of both the quantity and quality of investigator members causes law enforcement process are not effective.

3.2. External Factors

a. Community restraints Community restraints In the handling of cases of forest and land fires (karhutla) that occur almost every year in Riau Province, this community factor becomes important because there are several reasons, namely; the lack of public legal awareness, and the economic condition of the community (the results of interviews with Aron Purba, SH., MH Investigator of Forestry Dept).

b. According to the Directorate of Criminal Investigation of Riau Regional Police to forest destruction, lack of corporate responsibility, parties, socialization in law enforcement of forest and land fire. It was very difficult to enforce the law enforcement towards the forest fire. It not easy to find the evidence in the court because of difficulties based on the law and it is difficult to determine who should be responsible for the criminal acts committed by the corporation so that in the corporation criminal responsibility of forest and land fire in Riau Province has not been maximized.
c. The efforts undertaken by the Directorate of Criminal Investigation of the Regional Police of Riau is to maximize internal and external factors to provide guidance, training, and education to members or personnel and to coordinate with related agencies in law enforcement efforts against forest and land burners.

4. Result

Forest fire in Indonesia has lasted for a long time. It took place in 1997 by the spread of smoke in Riau. People who used to live with clean air quality were disturbed by the emergence of smoke that can harm health. Schools were closed, people use masks to breathe. Many victims of smoke were taken to the hospital due to ISFA (Upper Respiratory Infection). It also caused the long-term harm to health if breathing unhealthy air. In addition, forest ecosystems are disturbed; many animals are displaced because their land was on fire. Wild animals got into the neighborhoods, the variety of plants could not grow due to fire. Most of plants and animals are rare animals and plants. The beauty of an area replaced by palm trees.

This unhealthy air can last more than a month and happens continuously every year. Many questions aroused who should be responsible for this. The most obvious was to take the responsibility of which to whom it may concern towards the land fire due to the wage from the person who asked. Then, the surrounding community who burned the land during the summer to farm (interview with Director of PT NSP). This was done for narrow land with little influence but if it was to a big one could cause the occurrence of smoke which was harmful health. Law enforcement is considered slow to catch the responsible party for the forest fire. Further punishment, it can whether or not can provide a deterrent effect against the responsible party for the forest fire and the last is the company which has an interest to the land. From the authorities, it is apparent to under arrest of the person who burns the forest. However, it was only the minority of the companies which were taken into account. It was not easy for law enforcement officers to catch the owner of the companies.

5. Suggestions

For Riau Regional Police, it is expected to be consistent and increase the deficiencies in its function as law enforcement officers both in preventive and repressive manners so that law enforcement against forest and land burning actors can be handled maximally.

1) For Riau Regional Police to the persons responsible for the forest and land burning due to internal and external factors, it is expected to improve the professionalism of working performance and the ability of quality members or personnel of forest and land fire investigators can be achieved optimally.

2) For Riau Regional Police, do a good coordination between Ditreskrimum Polda Riau with related government offices, stakeholders are expected to give maximum effort in conducting prevention (preventive) and law enforcement process so that in the future it is expected that forest and land fires will not happen anymore in Riau Province.

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