ABSTRACT

This study intends to uncover, analyze and evaluate law enforcement practices against criminal acts of forest and land fires with corporate actors in the Riau Police. Riau was chosen as the research location because the phenomenon of forest and land fires in Riau was so complex. The impact caused by forest and land fires in Riau is not only a domestic problem, but also concerns regional areas, especially Singapore and Malaysia. The research is focused not on law enforcement of forest and land fires, but rather on the relationship of patronage and policing in handling forest and land fires in Riau Province. Patronage politics between the police and corporations from the plantation and industrial plantation sectors. In this context, dialectics (habitus, arena, capital) and patronage networks will be deepened, which then influence policing actions in law enforcement carried out by the police.

KEYWORDS: Patronage; forest fires; land fires; corporate actors

INTRODUCTION

This study intends to uncover, analyze and evaluate law enforcement practices against criminal acts of forest and land fires with corporate actors in the Riau Police. Riau was chosen as the research location because the phenomenon of forest and land fires in Riau was so complex. The impact caused by forest and land fires in Riau is not only a domestic problem, but also concerns regional areas, especially Singapore and Malaysia. The involvement of the Riau Regional Police in handling forest and land fires, one of which is through law enforcement. As far as the documents are traced, the Riau Police is the first Polda to prove the involvement of corporations before the law as perpetrators of forest and land burning. This success then became a model for
other regional police in investigating the same cases and perpetrators. However, the success of the Riau Regional Police has recently received strong protests from environmentalists for stopping cases against fifteen corporations that are suspected of burning forests and land. They consider the Riau Regional Police to be powerless when dealing with corporate forces.

Almost every year in the last few decades, Riau Province has always been hit by forest and land fires. The presence of dense smoke due to this fire is not only detrimental to health but also disrupts the activities of the people of Riau. Not only that, fires also cause transboundary haze pollution to neighboring Malaysia and Singapore. As in the incident in 2013, at that time the fire had scorched the land up to 163,336 ha (Kusumaningtyas and Aldrian, 2016). As a result, thick smoke not only covered most of Riau territory, but also shifted to Singapore and Malaysia. The Indonesian government spontaneously received strong criticism from the Singaporean and Malaysian governments. The criticism was then responded to by President Susilo Bambang Yudhoyono’s apology to the Singaporean and Malaysian governments. According to the BBC (British Broadcasting Corporation) notes, many schools in Singapore were closed and there were flight disruptions at Changi Airport due to low visibility. After 2013, fires continued to recur in Riau and reached their peak in 2015.

In 2015, forest and land fires occurred in Riau on a larger scale than the previous year. This fire has scorched the land in Riau up to 183,809 hectares and as many as 639,548 people were exposed to Acute Respiratory Infection (ISPA). According to Nurkholis, Rahma, Widyaningsih, Maretya, Wangge, Widiastuti, Suci and Abdillah, the 2015 forest and land fire incident in Riau was the largest since 1997. One of the causes of the large number of fires in this incident was because the long dry season coincided with the rolling of the phenomenon of El Nino (Williams, 2001). However, after the 2015 incident, the number of forest and land fires in Riau continued to decline. Ministry of Forestry and Environment (KLHK) data shows that the area of land burned in Riau in 2016 was 85,220 hectares, in 2017 it was 6,866 hectares and in 2018 it was 37,236 hectares (Tohir and Pramatana, 2020). Meanwhile, in 2019, the area of land burned in Riau has increased compared to the previous year to 90,233 hectares, equivalent to 1130 times the Jakarta National Monument field.

The recurrence of forest and land fires in Riau in 2019 has not only attracted the attention of the public but also President Jokowi. The President pays special attention to forest and land fires in Riau. The President asked that law enforcement be carried out strictly against the perpetrators of forest and land burning, both individuals and corporations. Removal sanctions will be given to TNI and Polri officials who are unable to deal with forest and land fires. Although the impact was not as great as the 2015 fire incident, this fire incident caused dense smoke to blanket several areas in Riau Province. The presence of smog not only disrupts residents’ activities, but also causes hundreds of thousands of people to suffer from ISPA. A number of schools were closed, the implementation of the system of opening and closing of Sulthan Syarif Kasim II Airport (SSK II) Pekanbaru and as many as 281,626 people contracted ISPA (AKBAR, 2018). The thick smoke enveloping Pekanbaru City and its surroundings has become a hot topic of conversation on several social media. The hashtag #RiauDibakarBukanTerbakar was ranked in the top five as the topic of the most gossiped by netizens on Twitter on September 13, 2019 due to the density of the smog which disrupted the health and activities of Riau residents.
Riau’s vulnerability to forest and land fires is exacerbated by the operation of the oil palm plantation industry and industrial plantation forest (HTI). Forest and land fires in Riau always correlate with these two business activities. Research conducted by Badri, Lubis, Susanto, Suharjito found that all stakeholders in Riau have the same viewpoint regarding the causes of forest and land fires, namely man-made. One of the interesting findings from this research is the occurrence of burning in the company's land and community lands. Most of the fires on company land are associated with plantation and HTI corporations (Badri et al., 2018).

Forest and land fires in Riau were caused by an element of intent and involvement of a number of actors and social networks. Research conducted by Purnomo, Shantiko, Sitorus, Gunawan, Achdiawan, Kartodihardjo, Dewayani identified 20 actors and social networks who benefited from the business of burning land (Purnomo et al., 2017). Twenty actors were involved between: 1. people claiming land; 2 management of farmer groups; 3 members of farmer groups; 4 ground marketing teams; 5 village officials; 6 district government officials; 7 district governments; 8. Provincial Government; 9 Ministry of Environment and Forestry (KLHK); 10. Brokers; 11. Small scale land buyers (under 25 ha); 12. large-scale land buyers (over 25 ha); 13. Small-scale oil palm business; 14. Large-scale oil palm business; 15. Advocacy organizations; 16. Civil society organizations; 17. donor agencies; 18. land company; 19. research institutes; and 20. Regional Disaster Management Agency (BPBD). Of the identified actors, farmer groups played the most important role, namely as a liaison between the actors and distributing profits from land burning to local elites at the district level, land transaction managers and community members involved in burning.

The local elite received 68% of the profits, the community members who were directly responsible for the burning received 22% and the village elite who managed the documents 10% of the profits. Actors act as information liaison with other actors and are not direct actors of forest and land burning. The position of the arsonists was separate from the actor groups. The arsonist is a person on duty in the field to burn directly. These actors form complex social networks and protective networks that can hinder the capacity of government or law enforcement. The amount of economic rent obtained from burning land makes this activity an activity to earn income (profession). The involvement of farmers and a number of actors in burning forests and land shows that there is no awareness of environmental sustainability. In fact, this activity of burning forests is part of an environmental crime. The consequences of burning have caused environmental damage and harm to local residents. A number of actors involved form patronage networks to gain support and protection from the government and political elites to gain access to forest and land resources.

These patronage networks often result in failures in efforts to resolve forest and land fires (Varkkey, 2012). Thus, the common thread that can be drawn from this research is that Purnomo et al have succeeded in uncovering the existence of a patronage network at the local level that causes environmental crimes. Police should understand the importance of law enforcement in relation to forest and land fires because this act is a form of environmental crime. The articulation of the importance of the environment for humans is not only local but also regional and even global. With the authority they have, the police play such a big role in preventing damage to the environment. Therefore, it requires sufficient knowledge for the police about the importance of the
environment. Research conducted by Bovornkijprasert and Rawang found that Thai police officers have sufficient knowledge in terms of environmental law enforcement (Bovornkijprasert and Rawang, 2016). However, due to low awareness to conserve natural resources and the environment, of course this has implications for low actualization, namely environmental law enforcement.

Tacconi, Rodrigues and Maryudi also pointed out the importance of law enforcement in the environmental sector (Tacconi, Rodrigues and Maryudi, 2019). Through research conducted in Brazil, Tacconi et al. Demonstrated how enforcement of forest laws in the country has significantly reduced deforestation. Since 2004 Brazil has implemented a strategic and aggressive law enforcement policy in reducing deforestation in the Amazon forest. The policy shows significant results. At the end of their paper, Tacconi et al provide recommendations that Indonesia can imitate the law enforcement approach adopted by Brazil.

This research will reveal the social reality behind the practice of law enforcement against criminal acts of forest and land fires with corporate actors in the Riau Police. Social reality in this context is related to: 1) the relationship of patronage between social actors; 2) actors with their modalities (economic, social, cultural and symbolic) play a role in the formation of patronage; 3) the habitus of the actors. There are two types of corporations related to law enforcement, namely corporations from the plantation sector and the industrial plantation sector (HTI). Policing in handling forest and land fires through law enforcement often encounters difficulties, especially when the perpetrator is a company (corporation). The difficulty that investigators face is not due to a lack of technical expertise in investigations. Investigators have proven with the progress of several corporate cases to court. This proposition refutes the argument about the inability of investigators in relation to technical capabilities. Referring to previous research, the political ties of patronage are the cause of the difficulty in legal proceedings against corporations as perpetrators of forest and land burning.

Patronage politics often occurs between corporations and state institutions. Varkkey in his research found that patronage politics are often used by companies in Southeast Asia, especially Indonesia, so that the patronage ties formed become a legitimate, acceptable and even expected part of the economic process in the region (Varkkey, 2013). Scott defines patronage politics as a relationship between two people (groups) involving friendship where a person with a higher socioeconomic position (protector) uses his influence to provide protection and / or benefits to a person of lower status (client) by offering support, general assistance, including personal service to the patron. In patronage politics, the position of state institutions acts as a protector, while entrepreneurs (corporations) tend to be protected clients. Entrepreneurs with good patronage ties tend to ignore the law, while wrongdoing can become the norm.

This patronage political relationship can be found in the relationship between the police and a number of corporations, as in previous research. For example, research conducted by Aymaliev in the Bulgarian police. The limited budget provided by the state to the Bulgarian Police led this organization through its officials to seek solutions to overcome budget insufficiency. One of them is by asking for donations from a number of corporations. This study focuses on integrating the theory of corporate philanthropy, social exchange, and entrepreneurial orientation. Indeed, corporate philanthropy is a voluntary, altruistic response to social problems, to increase company
visibility and employee morale so as to create social impact. This research is interesting because the police are then chosen as the goal of philanthropy. Contribution to the police differs from other types of philanthropy in that the police have a monopoly on violence and coercion and in many countries receive substantial government support.

Varkkey and Aymaliey research above, shows how corporations have a strong influence on state institutions, especially law enforcement institutions. In patronage politics, there is a power relationship between state institutions as patrons and corporations as protected clients. In this power relationship, there are modalities as a means to achieve goals. The modality as proposed by Bourdieu (economic, social, cultural and symbolic) can provide benefits according to the opportunity the owner has to operate the placement (Haryatmoko, 2016). State institutions position themselves as patrons because they have cultural, social and symbolic capital. Meanwhile, corporations as clients tend to have social and economic capital ownership. So in the political relationship of patronage, each party then makes calculations to get a profit. Corporations with the strength of their social and economic capital are able to provide support, assistance and even personal services to patrons. The goal is to get legal protection. The reality of this patronage link is evident in Aymaliev’s findings. The police were chosen as a philanthropic goal because they were considered to have the authority over violence, coercion and law enforcement. The police are considered an institution that can provide legal protection. Referring to the findings of Varkkey and Aymaliev above, this study will look at how the patronage relationship that occurs between the police and corporations (plantations or HTI) which then affects the law enforcement of forest and land fires. From various research findings, it shows that weak law enforcement is one of the reasons for the recurrence of forest and land fires almost every year in Indonesia (Saharjo, 2016).

First, in terms of the study to be discussed. The research is focused not on law enforcement of forest and land fires, but rather on the relationship of patronage and policing in handling forest and land fires in Riau Province. Patronage politics between the police and corporations from the plantation and industrial plantation sectors. In this context, dialectics (habitus, arena, capital) and patronage networks will be deepened, which then influence policing actions in law enforcement carried out by the police. The concepts that will be the focus in understanding this research are: 1) law enforcement; 2) forest and land; 3) forest and land fires; 4) companies and corporations; 5) patronage politics (Hartiwiningsih, Hudi and Riska, 2016).

Second, the Riau Police was chosen as the research location because the phenomenon of forest and land fires occur in Riau Province. Polda Riau is one of the first sector to enforce the law against corporations in cases of forest and land fires, thus becoming a model for other Polda when handling the same case. The Riau Police has succeeded in proving the involvement of corporations in forest and land fire cases. However, this success has recently received strong protests from environmental observers, especially NGOs, because the Riau Police issued SP3s against fifteen corporations suspected of being involved in forest and land fires. By them (NGOs, etc.) the Riau Regional Police were considered powerless when dealing with corporate forces.

DISCUSSION

As far as the document goes, forest fires in Indonesia were first seen on the island of Borneo.
In Potter’s notes, this forest fire occurred in the 1800’s (Tacconi, 2003). Fire once scorched the Batu Puno mountains of South Kalimantan between 1881-1884. This incident was reported by Grabobsky in 1890 when he visited Kalimantan Island (Saharjo, 2016). After a century has passed, the first time the public was taken aback when forest and land fires broke out in 1982-1983 (Dennis, 1999). How could a forest with a wet tropical climate cause a fire (Goldammer and Seibert, 1990). A total of 3.6 million hectares of forest and land burned in East Kalimantan (Saharjo, 2016). The losses suffered from the fires amounted to US $ 9.054 billion. Since the 1983 incident, forest and land fires have not stopped and have continued to recur from year to year with different sizes and impacts.

Forest and land fires on a large scale occurred in 1997-1998 (Nurkholis et al., 2018). This event is said to be the biggest in the history of forest fires in Indonesia. How not, the losses arising from fires have a wide impact, causing transboundary haze pollution to neighboring countries. The area of Indonesia's forest that burned was 9.7 million hectares. Even though the area of forest in Indonesia at that time, (according to Forest Watch Indonesia) 33 reached 95 million hectares (10.2% of which experienced fires). With such a large number, it is not impossible if the smoke caused by forest fires spreads not only domestically, but to a number of neighboring countries such as Malaysia, Singapore, Brunei and even reaches parts of the Philippines and Thailand. In addition, the presence of smoke also disrupted land, sea and air transportation services. According to Dauvergne's record in October 1997, around 200,000 people were exposed to high levels of air pollution in Indonesia, Malaysia and Singapore. The large scale as identified above is related to the large coverage of burned land, the victims being exposed to so much smoke that it causes transboundary haze pollution.

Forest and land fires on a large scale recur again wide coverage of burned land but the impact has caused human casualties, financial, social and cultural losses, and disturbed neighboring countries. Referring to the records of the Ministry of Environment and Forestry (KLHK), the area of forest and land that burned was 2.61 million hectares. Based on data from the National Disaster Management Agency (BNPB), as many as 24 people died, more than 600 thousand people suffered from ISPA, and around 60 million people were exposed to smoke8. While in the education sector, 4.7 million students were unable to participate in learning activities because 24,773 schools were closed due to smog. Another impact was seen in the closure of 35 airports during forest fires. The areas most affected by these fires are Riau, Jambi, South Sumatra (Sumsel), East Kalimantan (Kaltim), West Kalimantan (Kalbar), South Kalimantan (Kalsel) and Central Kalimantan (Kalteng). In this area, there were many forest and land fires in 2015.

Hotspots are indicators of forest and land fires. The higher the number of hotspots in an area indicates that the area has a lot of forest fires. In the picture above, the highest number of hotspots occurred in 2015 in almost all provinces. The high number of hotspots in 2015 is correlated with the haze disaster that occurred in Kalimantan and Sumatra in 2015. Post 2015, forest and land fires in several areas experienced a decline and resurfaced in 2019. In 2019 forest and land fires caught the attention of the public back especially in the provinces of Riau, Central Kalimantan and West Kalimantan (Qadri, 2001). Although the impact was not as great as 2015, the presence of thick smoke was quite disruptive to community activities. El Nino is suspected to be a factor in the large impact of forest and land fires.
Several previous studies have identified various factors behind the occurrence of forest and land fires. A number of factors have been identified as the cause of forest fires, such as the condition of peatlands, the El Nino phenomenon, local community habits in clearing land or related to government policies and so on. Although a number of identified factors are different, motives all refer to economic factors (Qadri, 2001). Research conducted by Sulhin and Sirivunnabood found a number of factors behind the occurrence of forest and land fires into three groups, namely natural, structural and cultural factors (Sulhin and Sirivunnabood, 2018).

First, natural factors. In this context, Sulhin and Sirivunnabood emphasize that what causes forest and land fires is the existence of land with peat characteristics and the El Nino phenomenon. The prolonged dry season causes dryness of the peatlands. This condition is used by business actors to clear land by burning. The consequences of forest burning not only have an economic and social impact but also damage the environment. Muchtar called it an environmental crime, because the scope it causes is wider than other conventional crimes which not only harm the country's economy but also cause environmental damage. Thus, natural factors in this context allow the occurrence of crimes in the environmental sector.

One example of an environmental crime is forest and land fires that occurred in 1998 by business actors. Business actors use prolonged dry season to clear land by burning. Qadri in his research in 1998 found that the background for the occurrence of forest fires in Southeast Asia was land preparation techniques by burning to convert forest land into other land uses such as plantations, plantation forests and other commercial activities (Qadri, 2001). The economic loss from the fires is estimated at $10 billion (Rp. 100 trillion) (Saharjo, 2016). Until now, clearing land by burning, as Qadri found, is still the favorite choice for business players in the fields of oil palm plantations and industrial forest plantations. The perpetrators of these environmental crimes take advantage of the support of natural factors in burning forests, such as the long dry season or dry peatlands and so on. Referring to BNPB records, forest fires in 2015 which were exacerbated by the emergence of El Nino caused burned peatlands in Sumatra to reach 267,974 hectares (out of a total of 832,999 ha). Meanwhile, in Kalimantan peatlands burned 565,025 ha (out of a total of 806,817 ha).

Second, structure. Structural factors in forest and land fires are related to central and local government policies in natural resource management. The occurrence of forest and land fires in the last few decades cannot be separated from the forest exploitation policies of the previous era. Legal exploitation of forests for the benefit of the country’s economy was seen in the 1970s. It cannot be denied that the presence of a company can affects the economy of a region as seen in Riau. The operation of industrial plantations and HTI (pulp and paper mills) in Riau has indirectly contributed to high economic growth. In 2018, Riau Province was listed as the province with the fifth largest Gross Regional Domestic Product (PDRB) nationally or the largest GRDP outside Java Island. In this case, the agriculture, forestry and fisheries sectors contributed 22.44% of the economic structure of Riau. The presence of plantation companies and industrial plantation forests has provided benefits to the community through the products and services they offer. Through its visible business activities, the presence of corporations (plantations and HTI) correlates with the improvement of the quality of life of local communities where business activities are located. For example, by providing employment opportunities, providing infrastructure and so on. However,
the emergence of corporate benefits for local communities is only a consequence of their activities in making goods and services. Benefit from corporate business activities is not the main goal.

The main purpose of the shareholders to establish a corporation is to seek profit. The government uses forest resources for the development of the wood processing industry. At that time, log exports increased rapidly, especially to Japan. During the 1971-1980 period, Japan was noted to have imported wood from Indonesia up to 10 million cubic meters. Paul Gellert described at least three stages of forest exploitation in Indonesia that led to fires, namely: 1) the creation of a large plywood industry; 2) encouragement for the pulp and paper industry; 3) expansion of oil palm plantations (Tsujino et al., 2016). After the forest is exploited for timber, the government then encourages companies to develop oil palm plantations and the pulp and paper industry. The government’s aim to encourage the establishment of companies is none other than for economic growth, although in the process there are things that must be sacrificed, such as the occurrence of forest fires. The pursuit of profit, which is the main objective of the corporation in carrying out its business activities, causes the corporation to ignore its surrounding environment. In Bakan’s view, the relentless and without exception of the search for profit causes the corporation to no longer care whether its efforts are detrimental to other parties. There are many unexpected impacts from corporate activities in producing goods and services. Mainstream economists call this an externality.

Third, cultural factors. According to Sulhin and Sirivunnabood, the local (traditional) habit of clearing land is often cited as the cause of forest fires. However, this community habit cannot be considered as the main cause because it has become part of their social life from generation to generation. In general, traditional communities have their own techniques for using fire to prepare land. For example, the Orang Rimba in Selensen Indragiri Hulu Riau. Research conducted by Mappatoba found that the Selensen community had knowledge of community-based forest fire prevention. Local wisdom developed in the Selensen community includes chopped platforms, fire galleries, mutual cooperation, unwritten regulations for burning land, clearing land in the rainy season, ritual calling the wind. Local wisdom that has become a habit of the Selensen people has been passed down from generation to generation until now. The habit of clearing land by burning, which has been around for a long time, has recently become a problem. Problems arise when this method is used by certain parties for the benefit of capital owners (corporations), both in the oil palm and HTI plantation sectors. When compared with the burning habit passed down from generation to generation by local residents, the fires carried out by the corporation are much bigger.

According to Saharjo, the arson carried out by the corporation was more planned, systematic and extensive because someone designed the arson. The practice of clearing land by burning by corporations is a habit derived from the hereditary habits of local residents. According to Bourdieu, habitus is the fruit of history which produces action practices, both individually and collectively, according to the scheme contained by history (Haryatmoko, 2016). The history of clearing land by burning goes back long before the existence of corporations. The habit of burning which has been a hereditary culture provides a framework for interpretation for the corporation which is then practiced in its business operations. This practice has occurred in the fires of the last few decades. In the 1997-1998 fire incident, Dauvergne found that plantation companies were involved in systematically controlling fire in forest and land fires (Dauvergne, 1998). Meanwhile, according
to WWF (World Wide Found) records, 80% of companies burn, while the farmers (individuals) burn 20%.

The presence of corporations in the midst of local communities has created new cultures in the practice of burning forests and land. With the knowledge and capital, they have, corporations present a more planned and systematic burning culture. Seeing this reality, local residents then have an interpretive framework on how to burn forests and land that is offered by the corporation, so they learn how to burn properly. Thus, there are three models of burning culture; 1) the culture of burning which is still maintained as local wisdom; 2) the culture of burning forests brought by the corporation; 3) the culture of burning forests and land by local people by modifying them from corporation (due to limited capital and knowledge). Clearing land by burning intentionally or unintentionally is a violation of criminal law. The act is included in the environmental crime category as stipulated in Law No.32 of 2009 concerning Environmental Protection and Management. It is a crime in the environmental sector due to environmental problems arising from forest and land fires which damage the ecosystem and its components (Syaufina, 2008). In this context, there are two categories of perpetrators of forest burning, namely individual actors and corporate actors, as happened in Riau. The perpetrators of forest burning in Riau are not only carried out by community members (individuals) but also corporate involvement from the oil palm plantation sector or local elites.

CONCLUSION

The cause of forest and land fires is the presence of land with peat characteristics and the El Nino phenomenon. The prolonged dry season causes dryness of the peatlands. This condition is used by business actors to clear land by burning. The consequences of forest burning not only have an economic and social impact but also damage the environment. Structural factors in forest and land fires are related to central and local government policies in natural resource management. The occurrence of forest and land fires in the last few decades cannot be separated from the forest exploitation policies of the previous era. Cultural factors related to the patronage of forest and land fires are the local (traditional) habits of clearing land which are often cited as the cause of forest fires. However, this community habit cannot be considered as the main cause because it has become part of their social life from generation to generation.

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