



*Indonesian Center for
Environmental Law*

Lembaga Pengembangan Hukum Lingkungan Indonesia

Law Enforcement and Preventing Forest Fires in Indonesia

FAO Asia Pacific Forestry Week (APFW)

Philippine, February 24th 2016

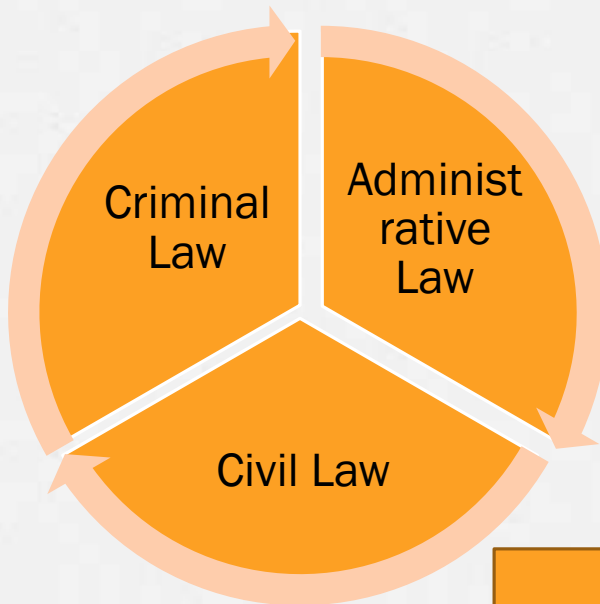
Negative Impact of Forest Fire in Indonesia - 2015

- ✓ Losses = Rp. 221 T (World Bank) (Ex: Riau in 2014 Rp. 20T)
- ✓ > 20 peoples died, 500.000 ISPA
- ✓ 2,6 Mil Ha Forest and Land
- ✓ 1 Billion Ton CO₂ = Indonesia 3rd after US and China.
- ✓ 70-80 % of Indonesia Territory was cover by haze, also entering Malaysia, Singapore, Thailand, Philipine,





Law Enforcement



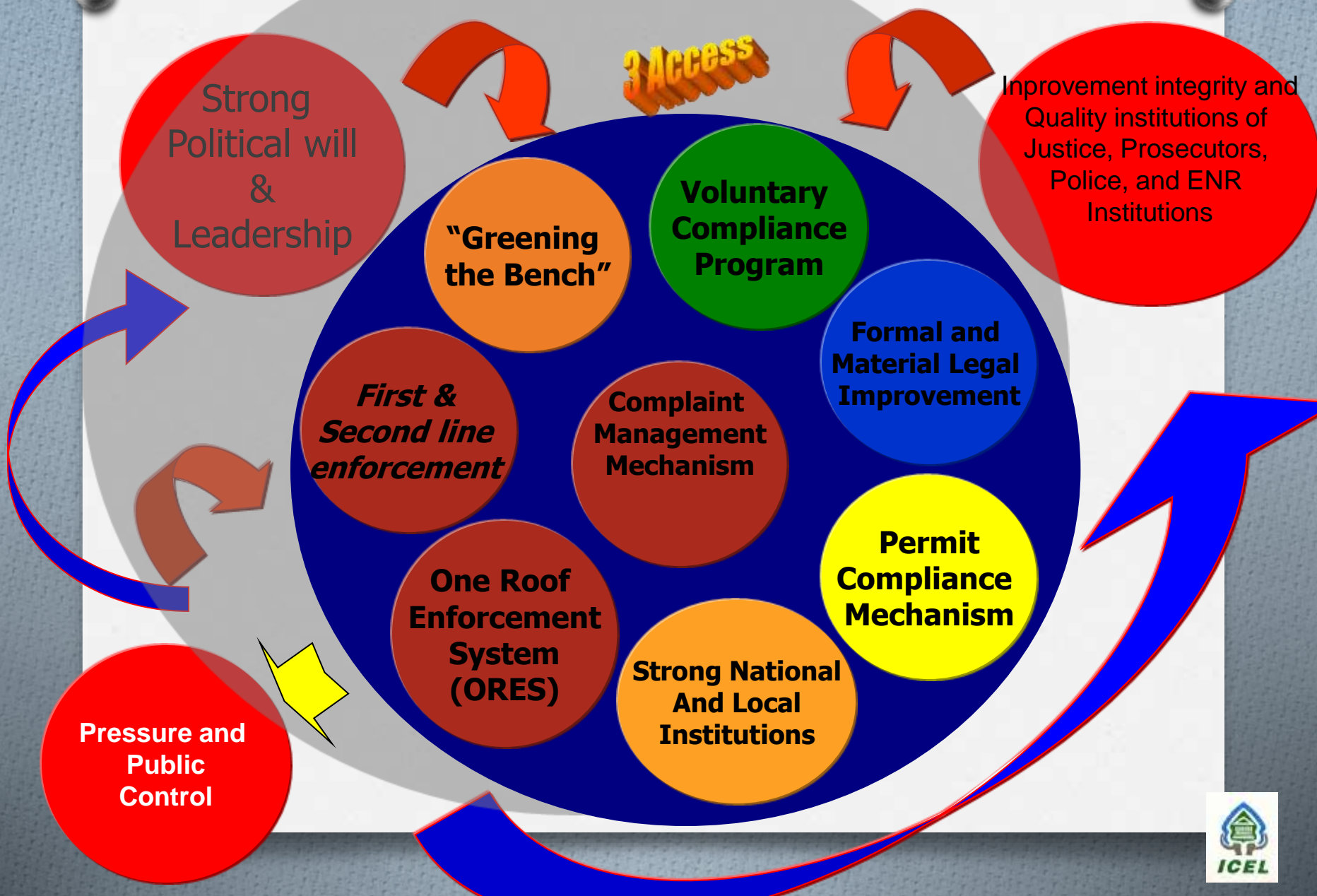
Law Enforcement require:

- The ability to detect violations
- The ability to respond quickly and appropriately
- The ability to punish early and not discriminated

Constraints in law enforcement:

- Quantity and quality of law enforcement officers
- Facilities and infrastructure
- Welfare
- Coordination
- Integrity and independency
- Comprehensiveness and approach
- Community demand

Integrated Strategy of Law Enforcement in Indonesia



Legal Actions by MOEF

Administrative

- Liscence suspension (16)
- Revoke liscence (3)
- Government coercion (4)
- In progress (30)
- Re-clarification (3)
- Total: 56

Litigations

- Court Verdict (3)
 - PT. Kalista Alam (Supreme of Court)
 - PT. Surya Panen Subur (PT)
 - PT. Bumi Mekar Hijau (PN)
- Trial process
 - PT. Kalista Alam (Kasasi)
 - PT. Surya Panen Subur (PT)
 - PT. Bumi Mekar Hijau (PN)
- Preparing Law Suit (4)

Legal Actions by CSO

Riau	South Sumatera	West Kalimantan
Legal actions of 37 corporations in Riau (Oil Palm and forest concesion)	Review of legality permit, Next legal actions will be conduct based on findings off	Citizen Lawsuit, progress: send notifications to governement (local and national)
Class Action on forest fires	permit's violations (procesural and practices)	

Recommendation

- o Optimize administrative law of enforcement:
 - o Government and CSO Collaboration in term of monitoring and data sharing
 - o Naming and shaming mechanism (publishing list of corporation incendiary forest)
 - o Second line enforcement (monitoring by local governance)
- o Economic disincentives:
 - o Suspension of membership company on the stock market
 - o Naming and shaming
 - o IPO cancellation
 - o Withdrawal of product from market
- o Multidoors approach
- o Optimize One Roof Enforcement System (ORES)
- o Community based fire management: MPA
- o Reforestation, Reklamations, and Restorations ecosystem (Land, forest, peatland)



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Thank You