

Transboundary Haze Pollution in Indonesia and Malaysia in the Perspective of Islamic Law and International Environmental Law

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ABSTRACT

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The background of the research is that cross-border haze pollution that hits Indonesia and Malaysia occurs almost every year, and this problem has not been resolved from the past until now. Humans, as the caliphs of Allah SWT on earth, are still unable to maximise their duties in preserving nature, forests, and the environment. The aim of the research is to find out the latest issues in the problem of cross-border haze pollution in Indonesia and Malaysia so that we can analyse solutions according to Islamic law and international environmental law. The research method used is normative juridical with a statutory approach, a concept approach, and a case approach. Using qualitative descriptive methods. The results of the research are that the management of natural resources is not in accordance with the principles of international law, causing air pollution, which has a negative impact on Indonesia and Malaysia. The research conclusion is that the biggest factor triggering the problem of smoke pollution is forest and land fires, which are mostly caused by human actions. Law enforcement in preventing and taking action against perpetrators is still not effective, especially since there is interference from powerful elements who take part. The research suggestion is that society, in its role as caliph, must be able to act wisely and judiciously in managing the natural wealth on this earth so that environmental sustainability will be maintained. The government must be proactive in collaborating with neighbouring countries in overcoming the haze problem.



Introduction

Indonesia, which is located in South East Asia, is endowed with abundant natural resources, making it a popular location for foreign investment, particularly in the forestry industry and water resource management. On the other side, managing natural resources in Indonesia necessitates a political and legal framework, as outlined in Article 33 of the 1945 Constitution. Thus, its goal of providing maximum prosperity could be achieved¹. In fact, widespread land clearing has been found in all regions, with many failing to follow procedure, resulting in forest fires and transboundary haze pollution. Transboundary haze pollution is haze pollution caused by one country that spreads to other countries². The impact could be in the form of security threats, such as resource and environmental issues, as well as heightened tensions between countries³. The pollution appears as a result of forest and land burning in countries such as Indonesia, resulting in transboundary haze pollution. Pollution is often caused by

¹ Irfan Nur Rachman, "Legal Policy of Natural Resources Management According to Article 33 UUD 1945," *Jurnal Konstitusi* 13, no. 1 (2016): 191–212.

² Tim Forsyth, "Public Concerns about Transboundary Haze: A Comparison of Indonesia, Singapore, and Malaysia," *Global Environmental Change* 25, no. 1 (2014): 76–86.

³ Asti Amelia Novita, Selma Sumaya Awumbila, and Siti Nursharafana binti Nazrey, "Transboundary Smoke-Haze Disaster Mitigation Efforts: Indonesian Case Senior Legal Counsel GRIDCo Republic of Ghana, West Africa," *Atlantis Press* 154, no. AICoBPA 2019 (2020): 311–314.

natural and cultural aspects in the community, resulting in ecological losses around the fire site. The fog that blankets Southeast Asia is mostly created by burning forests in Sumatra and Kalimantan⁴.

In the globalization, a low human resource becomes severe concern, particularly in facing the free competition. As the technology advances, natural resource management will not be ideal unless it is accompanied by competent human resources⁵. Inappropriate natural resource management, as a result of noncompliance with legislation, causes international concerns such as air pollution. Air pollution caused by forest fires in Indonesia violates international environmental law rules⁶. Malaysians felt the haze generated by forest and land fires in Sumatra firsthand a few years ago. Malaysian Prime Minister Najib Razak has requested that Indonesia address this issue seriously. The President of Indonesia, Joko Widodo, stated, "Transnational haze pollution is a problem that cannot be resolved quickly." Jokowi also stated that the smoke will dissipate as the government's handling of law enforcement improves. Najib Razak, Malaysia's Prime Minister, thanked President Joko Widodo moments later at the 12th annual event between Indonesia and Malaysia in Luching, Malaysia. "I am grateful to the government of the Republic of Indonesia because it has been two years since Malaysia has experienced haze pollution problems"⁷.

Malaysia, in fact, played a role in starting the flames in Indonesia⁸. Approximately eight Malaysian corporations were accused of being engaged in burning woods and land in the recent Riau forest fires. The eight Malaysian investor companies are PT. Multi Peat Industry, PT. Udaya Loh Dinawi, PT. Adei Plantation, PT. Jatim Jaya Perkasa, PT. Mustika Agro Lestari, PT. Bumi Reksa True, PT. Perkebunan Tunggal Mitra, and PT. Hyberid Core Style⁹. In response to this issue, Indonesia has enacted numerous cross-border disaster management policies between Indonesia and Malaysia under statutory rules, however it remains ineffective¹⁰. In truth, land and forest fires are not natural disasters because they are caused by human actions, whether intentional or unintentional, in 99% of cases. For example, in 2013 and 2015, land and forest fires in Riau and practically every province in Indonesia contributed to the haze pollution that afflicted Singapore and Malaysia. Furthermore, the biophysical properties of the soil have an impact on the extent of land and forest clearance in Indonesia to date. The majority of the fires that have happened in the last ten years have occurred on peatlands. The land is naturally a marsh that does not burn easily, but it burns if the peat land becomes dry owing to excessive drainage¹¹.

⁴ Sholih Muadi, "Smoke Haze Trigger Factors in the Malaysia Indonesian Border," *Utopia y Praxis Latinoamericana* 26, no. 1 (2021): 381-393.

⁵ Aris Suhadi, Muhamad Muslih, and Anne Gunawati, "Praktek Pengalihan Tanah Secara Nominee Dalam Mewujudkan Ketahanan Pangan Di Provinsi Banten," *Madinah: Jurnal Studi Islam* 7, no. 2 (2020): 155-177.

⁶ Putri; Asri Tiyas and Mangiwa; Devina Melosia, "Pandangan Hukum Internasional Terhadap Pengelolaan Sumber Daya Alam Dan Akibat Hukum Bagi Lingkungan Hidup," *Civilia* 3, no. 2 (2023): 1-12.

⁷ L Arnakim and N Shabrina, "The Role of Indonesia in Managing Trans-Boundary Haze Pollution as Environmental Security Issue in Southeast Asia," in *The 1st Workshop on Multimedia Education, Learning, Assessment and Its Implementation in Game and Gamification in Conjunction with COMDEV 2018, Medan Indonesia, 26th January 2019, WOMELA-GG, 2019, 1-9*.

⁸ Ibid.

⁹ Muadi, "Smoke Haze Trigger Factors in the Malaysia Indonesian Border."

¹⁰ Moch Faisal Karim, "State Transformation and Cross-Border Regionalism in Indonesia's Periphery: Contesting the Centre," *Third World Quarterly* 40, no. 8 (2019): 1554-1570.

¹¹ Muhammad Fachrie, "Indonesia's Forest Fire and Haze Pollution: An Analysis of Human Security," *Malaysian Journal of International Relations* 8, no. 1 (2020): 104-117.

Humans are Allah SWT's caliphs on Earth, carrying out the tasks and functions of keeping and nurturing the earth and its supporting elements. A person's faith in Allah SWT is futile if he does not efficiently carry out the obligations of his caliphate in life. In QS. Ar-Rum, verse 41, Allah SWT "Damage has appeared on land and at sea caused by the actions of human hands, Allah wants them to feel some of (the consequences of) their actions, so that they return to the right path." This verse encourages people to consider the non-natural aspects of natural disasters—the human aspects. Humans would realize the tragedies that come and go as a result of their own actions with introspection. Forests are being cut down until they are barren, resulting in floods, landslides, and a lack of clean water. Furthermore, industrial garbage is continuously being dumped into rivers and seas, and humans are still draining the earth's bowels, creating a gap between the earth's strata. Humans also damage the air with toxic substances, making it harder to acquire clean and healthy air¹².

ASEAN has experienced numerous outbreaks of transboundary haze pollution caused by seasonal burning; eliminating vegetation on the ground for a number of reasons. Some of these incidents occurred in Indonesia, Malaysia, Singapore, and Thailand in the middle of 2013 and 2015, respectively, as well as in Laos, Myanmar, and Thailand in early 2015. Despite the fact that the ASEAN Haze Agreement has been in effect for more than a decade, the problem persists and sometimes have major effects for health, transportation, tourism, and other activities. Accordingly, rethinking how the problem is approached is critical. For example, putting out fires after they start rather than preventing or regulating illegal burning at the source. It also represents a compromise between ambitions for economic expansion and environmental and foreign relations concerns¹³.

In reality, before 2016, Indonesia lacked particular legislation to combat cross-border haze pollution. There are only a few forest and land management regulations that are scattered among numerous laws and regulations, such as: Law No. 41 of 1999 concerning Forestry, as amended by Law No. 1 of 2004, Law No. 18 of 2004—Plantations, Law No. 32 of 2009—Environmental Protection and Management, and Law No. 18 of 2013—Prevention and Eradication of Forest Destruction, which specifically regulates criminal acts against forest destruction rather than forest burning¹⁴. In light of the foregoing context, the research focuses on the following research question: What are the present issues of cross-border haze pollution in Indonesia and Malaysia? The study looked at the issue from the standpoints of Islamic and international environmental law.

Research Methods

The study employed a normative-juridical method, including a statute, concept, and case approaches—all utilizing qualitative methods. The data was gathered from primary, secondary, and tertiary legal sources, with a literature review serving as a data gathering technique. Furthermore, qualitative analysis is applied in the processing and analysis of legal written materials.

¹² Zamakhsyari bin Hasballah Thaib, "Bencana Dalam Perspektif Al-Qur'an," *Prosiding Mitigasi Bencana, Universitas Dharmawangsa*, November 2021, no. November (2021): 15–26, <https://proceeding.dharmawangsa.ac.id/index.php/PROSUNDHAR/article/view/3>.

¹³ Apichai Sunchindah, "Transboundary Haze Pollution Problem in Southeast Asia: Reframing ASEAN's Response," in *Eria Discussion Paper Series*, 2015, 1–21.

¹⁴ Siciliya Mardian Yo'el, "Efektivitas ASEAN Agreement on Transboundary Haze Pollution Dalam Penanggulangan Pencemaran Asap Lintas Batas Di ASEAN," *Arena Hukum* 9, no. 3 (December 1, 2016): 328–348.

Results and Discussion

1. *Current Issues in Transboundary Haze Pollution: Indonesia and Malaysia*

Indonesia is a unitary state, a republic with an area of 1.905 million km². The boundary between Indonesia and Malaysia stretches 2,019 km from Tanjung Batu, in the north is West Kalimantan, passing through the highlands of Kalimantan inland to Sebatik Bay and the Sulawesi Sea in East Kalimantan. Meanwhile, the Malacca Strait maritime boundary has traditionally been identified based on the midline between the continents bases in Indonesia and Malaysia, extending to the south from the Malaysia-Thailand border to the Malaysia-Singapore border meeting point¹⁵. Indonesia is known for its diverse natural resources due to its enormous territory. Natural resources are aspects of the natural environment, both physical and biological, that humans require to meet their daily needs and increase their well-being. The management of natural resources by the government or other interested parties should take environmental circumstances into account¹⁶. It is because inappropriate management of them causes worldwide problem, such as air pollution¹⁷. The influence will be felt not just by Indonesians, but also by individuals living in other nations. For instance, forest exploitation—developing the palm oil commodity sector is a country's foreign exchange earner, but it can also lead to diplomatic squabbles between Indonesia and neighboring countries. It is due to the fact that exploitation, such as land or forest burning, produces haze, which has a detrimental influence on public health and creates losses for countries that are adjacent to the area where the smoke from forest burning originates. Forest fires are fairly common in Indonesia, occurring virtually every year. In 2019, Indonesia experienced forest fires that had a significant impact on neighboring nations¹⁸.

Decentralization has been used in Indonesia to promote regional development policies. As a manager of public infrastructure, the government must have strong institutions, including management¹⁹. and spatial planning, which is a tool for achieving sustainable development²⁰. As a result, the government must provide additional services to establish efficient, effective, and focused services and licenses²¹. The notion of sustainable development incorporates the long-term aims of economic growth, poverty alleviation, and natural resource management²². The significance of green open space is some individuals are concerned not only with the economic value of green open space, but also with the social function for a green and friendly environment. The community's cooperation in providing

¹⁵ Muadi, "Smoke Haze Trigger Factors in the Malaysia Indonesian Border."

¹⁶ Tiyas and Melosia, "Pandangan Hukum Internasional Terhadap Pengelolaan Sumber Daya Alam Dan Akibat Hukum Bagi Lingkungan Hidup."

¹⁷ Adjeng C M Tethool, Josina Augustina Yvonne Wattimena, and Marthinus Kainama, "Pengelolaan Sumber Daya Alam Dan Akibat Hukum Bagi Lingkungan Hidup Perspektif Hukum Lingkungan Internasional," *TATOHI: Jurnal Ilmu Hukum* 2, no. 10 (2022): 978.

¹⁸ Tiyas and Melosia, "Pandangan Hukum Internasional Terhadap Pengelolaan Sumber Daya Alam Dan Akibat Hukum Bagi Lingkungan Hidup."

¹⁹ Adissya Mega Christia and Budi Ispriyarso, "Desentralisasi Fiskal Dan Otonomi Daerah Di Indonesia (Fiscal Decentralization and Regional Autonomy in Indonesia)," *Law Reform* 15, no. 1 (2019): 149–163.

²⁰ Haris Budiman et al., "Tourism Law Enforcement in Regional Spatial Planning and Licensing Perspectives," *Unifikasi : Jurnal Ilmu Hukum* 10, no. 1 (2023): 1–10.

²¹ Rakhmat Jazuli and Nurikah Nurikah, "Community Group-Based Tourism Development Model: Banten Lama Tourism Area," *UNIFIKASI : Jurnal Ilmu Hukum* 8, no. 2 (2021): 154–166.

²² Ananda Prima Yurista and Dian Agung Wicaksono, "Kompatibilitas Rencana Zonasi Wilayah Pesisir Dan Pulau-Pulau Kecil (RZWP3K) Sebagai Rencana Tata Ruang Yang Integratif (Compatibility of Zoning Plan for Coastal Areas and Small Islands as Integrated Spatial Planning)," *Rechts Vinding* 6, no. 2 (2017): 2–7.

greening of open areas will have a good influence, including on environmental preservation²³. The environment is a gift from Almighty God that must be developed and safeguarded in order for it to flourish and thrive. Furthermore, it is a source of life support for other living organisms, allowing them to survive and improve their quality of life²⁴. The overall environmental policy in Indonesia has been described in Law No. 32 of 2009 –environmental protection and management, which is a statutory provision for all forms of legislation affecting environmental problems²⁵. Environmental challenges are inextricably linked to human actions that degrade the environment and have far-reaching consequences for human life. Environmental damage can also cause by a company concerned with profits, ignoring the effects of manufacturing, which is polluting the environment²⁶.

Each year, the leading factors that trigger smoke disasters, forest and land fires (karhutla) in Indonesia are natural disasters and reckless human behavior²⁷. Forest fires are most common in Kalimantan and Sumatra. According to data from the Ministry of Environment and Forestry, In August 2019, there were 999 hotspots, with 480 hotspots in Kalimantan and 467 hotspots in Sumatra²⁸. According to the National Disaster Management Agency's (BNPB)–Data, Information, and Public Relations Center, the land burned in Riau is approximately 2,398 hectares, with conservation areas totaling 922.5 hectares, Kerumutan Wildlife Reserve 373 hectares, Tesso Nilo National Park 95 hectares, and utilization non-burning forest area totaling 867.5 hectares. Peatlands are responsible for up to 75% of all fires. Riau's dry air has the power to shrink heated regions beneath the peat. The previous scenario is just one of several forest and land fires that have happened every year in Indonesia during the last decade²⁹. Peatland burnings are the first step in clearing new land for oil palm plantations, with 75,871 ha burned between January and September 2019. Peatland fires produce a dense and enormous volume of smoke as compared to one hectare of land. The peat smoke is equivalent to a thousand hectares of regular field burning. According to the World Bank publication Indonesia Economic Quarterly Reports (IEQ), the fire generated losses in Indonesia in 2019 totaling US\$ 5.2 billion, or the equivalent of Rp. 72.95 trillion³⁰.

Various tragic occurrences have continued to afflict Indonesia after 2021. Following the Covid-19 outbreak, a succession of natural calamities that killed lives in various regions compounded the Indonesian's in grief. The landslide incident in Sumedang, West Java, on Saturday, January 9, 2021, was the first natural disaster to occur in early 2021, which was then followed by a number of natural disasters in several other areas, beginning with floods in South Kalimantan, earthquakes in West Sulawesi, floods and landslides in Manado, South

²³ Arif Budi Muslikan and Edy Lisdiyono, "The Implementation of Land Rights Relinquishment Policy for Green Open Spaces," *UNIFIKASI: Jurnal Ilmu Hukum* 10, no. 1 (2023): 17–27.

²⁴ Salsabila Hasna, "Application and Practice of Pancasila in Environmental Preservation," *Jurnal Scientia Indonesia* 2, no. 1 (2016): 21–44.

²⁵ Sulaiman Ibrahim, "Pelestarian Lingkungan Hidup Dalam Perspektif Al-Qur'an: Kajian Tafsir Maudu'iy," *Jurnal Ilmiah Al-Jauhari (JIAJ)* 1, no. 1 (2016): 109–132.

²⁶ Muhammad Andri et al., "The Role of Village Government In Overcoming Environmental Pollution Caused by Tofu Factory Waste," *UNIFIKASI: Jurnal Ilmu Hukum* 10, no. 1 (2023): 38–48.

²⁷ Anih Sri Suryani, "Handling Smoke Haze from Forest Fire at Border Regions in Indonesia," *Aspirasi: Jurnal Masalah-Masalah Sosial* 3, no. 1 (2012): 59–76.

²⁸ H. Purnomo et al., "Forest and Land Fires, Toxic Haze and Local Politics in Indonesia," *International Forestry Review* 21, no. 4 (2019): 486–500.

²⁹ Muadi, "Smoke Haze Trigger Factors in the Malaysia Indonesian Border."

³⁰ Tethool, Wattimena, and Kainama, "Pengelolaan Sumber Daya Alam Dan Akibat Hukum Bagi Lingkungan Hidup Perspektif Hukum Lingkungan Internasional."

Sulawesi, and Mount Semeru eruption in East Java³¹, to forests and land burning in the Teletubbies hill, Mount Bromo Tengger Semeru National Park (TNBTS) in September 2023. It happened due to community negligence, using flares for pre-wedding photoshoot.

The forest fire at Teletubbis hill, Mount Bromo, was purportedly sparked by guests' pre-wedding pyrotechnics. Probolinggo Police Chief, AKBP Wisnu Wardana, reported that the fire on September 6, 2023 in the Bromo Tengger Semeru National Park (TNBTS) area was considered to be the result of negligence and was still being examined. *A couple who employed flares in their pre-wedding images sparked the controversy. When the flare was lit, an explosion erupted, scorching Savana. As the fire grew swiftly, the suppression operation took days, resulting in the destruction of 50 hectares in Padang Savana.* The point is all parties must focus on the filming site. Anyone intending to perform activities in a protected area that requires authorization must acquire permission. Aside from that, all parties must behave responsibly during the process by not dumping trash irresponsibly, safeguarding the environment, or employing decorations or other equipment that does not cause environmental damage³². Furthermore, natural resources have been used in various economic activities in Indonesia, including agricultural and plantation activities, such as smallholder and large plantations, livestock businesses such as large animal and small animal farms, and poultry farms, mining activities, such as petroleum, coal, steel, and cement industries, fishing, forestry activities, and many more³³. Ecosystems have supplied numerous benefits to human life, including food, clean water, flood protection, cultural legacy, and so on. The tremendous benefits provided are today under serious stress and hazard due to reckless human behavior³⁴.

2. Solutions to Transboundary Haze Pollution in Indonesia and Malaysia: Islamic Law Perspectives

Natural disasters, according to the majority of people, are one-way God rebukes and chastises humans. Disaster, according to the Qur'an, can be both a test and a trial, as well as punishment and agony. According to the Qur'an, the calamities is inseparable from human negligence in carrying out their duty as khalifatullah on earth. To anticipate disasters by means minimize their impact, human must also be patient, responsible, optimistic, and not give up for things to recover rapidly after disaster³⁵. Disasters are a part of Allah SWT's creation in lauh mahfuz, and they will occur only with Allah SWT's permission. Aside from that, it is vital to ponder on Allah SWT's Word in QS. As-Shura verse 30, "and whatever misfortune befalls you is caused by your own actions, and Allah SWT will forgive your mistakes."³⁶ As Allah SWT created the planet, making mountains and vegetation grow, mankind must be accountable for controlling and utilizing natural resources to achieve prosperity and meet the requirements of humanity³⁷

³¹ Thaib, "Bencana Dalam Perspektif Al-Qur'an."

³² Roma Kyo Kae Saniro, "Bukit Teletubbies Bromo Terbakar Akibat Prewedding," *Jurnalpost.Com*, 2023, <https://jurnalpost.com/bukit-teletubbies-bromo-terbakar-akibat-prewedding-pentingkah-prewedding/58679/>.

³³ Adi Putra, Deka Veronica, and Yorina An'guna Bansa, "Penerimaan Hasil Pengelolaan Sumberdaya Alam Dan Pengaruh Terhadap Penerimaan Negara Bukan Pajak Di Indonesia," *Journal Development* 11, no. 1 (2023): 29-37.

³⁴ Missleini Missleini, "Kerusakan Lingkungan Dan Jasa Ekosistem Akibat Perilaku Tekanan Manusia," *Aladalah: Jurnal Politik, Sosial, Hukum dan Humaniora* 1, no. 3 (2023): 256-268.

³⁵ Thaib, "Bencana Dalam Perspektif Al-Qur'an."

³⁶ Ibid.

³⁷ Muhammad Aniq, "Pemikiran Quraish Shihab Dalam Metodologi Dan Pengajaran Tafsir Dan Ilmu-Ilmu Al-Qur'an Di Indonesia," *AL-WASITHOH: Jurnal Ilmu Agama Islam* 5, no. 1 (2023): 35-56.

All aspects of human life are touched by the Koran, including land clearing and food³⁸. Nature and everything in it must be conserved and preserved by prohibiting all forms of nature exploitation, such as illegal logging, unnatural fishing, polluting the water, and so on. The Prophet Muhammad's spiritual instructions made his followers aware of the necessity to continually raise their awareness of the surroundings. If mankind on this earth could implement and practice His teachings, there would be no need to worry about global warming, illegal logging, floods, landslides, tsunamis, air pollution, and other natural disasters³⁹. Similarly, according to Hatim Ghazali, humans who create environmental damage inevitably tarnish the credentials of humans as caliphs, as damaging nature is a sort of defiance of Islamic teachings⁴⁰. People who ruin the environment, as quoted by Nadjamuddin Ramly, are deemed to have soiled the content of true religion and indirectly denied the purpose of human being on earth, according to Yusuf Qardhawi. Taking arbitrary activities against the environment by exploiting it, disregarding its repercussions is obviously against Islamic principles⁴¹. Damage to land, such as building structures in areas where water is absorbed, illegal tree felling, forest fires, and so on, will result in floods, landslides, the loss of springs, and the silting up of water storage lakes, all of which is a human-caused disaster. Alone⁴².

In addition, some people offer land for farming and gardening because they wish to have access to enough, safe, and nutritious food to meet their needs while also being congruent with their likes (food preferences) for a healthy and active life⁴³. Humans cannot be isolated from the elements present in air, land, and water; therefore, if they are polluted, the elements contained in them can enter the human body that consumes them. As a result, it will bind in the bloodstream, causing the emergence of several ailments, cancer in particular⁴⁴.

"Love the creatures on earth, and the creatures in the sky will love you" (HR At-Tirmidhi). The hadith implies that every Muslim is always compelled to labour, including farming and advocating for reforestation (greening) and environmental preservation⁴⁵. which are all objects, forces and conditions that exist in a place or space where humans or living creatures reside and have the potential to influence their lives⁴⁶. The living environment has an inverse relationship with living things. Efforts to conserve the environment imply that the environment will continue forever, unmodified, so committing arbitrary actions against the environment by exploiting it without regard for the repercussions is obviously antithetical to

³⁸ Palmawati Tahir, Muhamad Muslih, and Rani Sri Agustina, "MUI Halal Certification on Milkfish Satay As an Effort To Support National Food Security," *Legal Standing : Jurnal Ilmu Hukum* 4, no. 1 (2020): 233.

³⁹ Istianah, "Upaya Pelestarian Lingkungan Hidup Dalam Perspektif Hadis," *Riwayah* No. 1, no. 2 (2015): 249-270.

⁴⁰ Abdullah Muhammad, "Urgensi Pelestarian Lingkungan Hidup Dalam Al-Qur'an," *Jurnal Pilarr : Jurnal Kajian Islam Kontemporer* 13, no. 1 (2022): 67-87.

⁴¹ Amalia Yunia Rahmawati, "Manajemen Perilaku Pro Lingkungan Pada Santri Pondok Pesantren Al-Qur'an Tazkiyah Insani Depok Jawa Barat," *Jurnal Pendidikan dan Keguruan* 1, no. 7 (2023): 580-596.

⁴² Eko Prayetno, "Kajian Al-Qur'an Dan Sains Tentang Kerusakan Lingkungan," *Al-Dzikra: Jurnal Studi Ilmu Al-Qur'an dan Al-Hadits* 12, no. 1 (2018).

⁴³ Tahir, Muslih, and Agustina, "MUI Halal Certification on Milkfish Satay As an Effort To Support National Food Security."

⁴⁴ Nik Haryanti, Agus Tohawi, and M. Wiji Purnomo, "Strategi Penanggulangan Pemanasan Global Terhadap Dampak Laju Perekonomian Dalam Pandangan Islam," *Jurnal Dinamika Ekonomi Syariah* 9, no. 2 (2022): 168-183.

⁴⁵ Cut N. Ummu Athiyah, "Pelestarian Lingkungan Hidup Dalam Perspektif Hadits," *Jurnal Bimas Islam* 10, no. 2 (2017): 321-354, <https://doi.org/10.21043/riwayah.vii2.1802>.

⁴⁶ Yusmiati Yusmiati, Imamulhadi Imamulhadi, and Supraba Sekarwati, "Guidelines For Environmental Offenders in the Environmental Enforcement System Based on Law Number 32 of 2009," *LITRA : Jurnal Hukum Lingkungan Tata Ruang dan Agraria* 2, no. 2 (2023): 189-214.

Islamic teachings. Human actions generate the instability of natural circumstances, disasters, and calamities that occur in nature. The goal of environmental management is to promote harmony in the human-environment connection. In Islamic beliefs, harmony consists of four aspects: harmony with God, society, natural environment, and oneself. The Prophet Muhammad was very concerned about environmental issues, as evidenced by the hadith about resurrecting dead ground and planting trees (reforestation). The spiritual teaching of the Prophet Muhammad made his people aware of the necessity of environmental awareness⁴⁷, Land has a fundamental meaning, and it is the only object of wealth that, regardless of the conditions, remains permanent. Following a forest fire, the earth becomes fertile and ripe for tree planting⁴⁸. Environmental degradation is caused by unscrupulous visitors. As a result, environmental management and protection must adhere to environmental principles. The environment is a component of the tiniest ecosystems that always assist human life. The damage happens in a variety of habitats or ecosystems, altering ecosystem components such as varietal variation and species diversity⁴⁹.

The Koran, in particular, gives a variety of recommendations, moral and ethical rules that underpin environmental management. This ethics serves as a point of reference and a source of values in the development of all environmental policy. The universe and its contents belong to Allah SWT; Allah SWT created nature for the welfare of all mankind and its contents; the universe is a trust from Allah SWT; no waste is permitted; and humans must be responsible for managing nature as caliphs on earth⁵⁰. All of the aforementioned ethical standards in management are based on fundamental Islamic teachings known as tawhid, which state that God is the owner and preserver of the universe. As a result, all related actions must refer to God as Rabb al-'Alamin. God is the actual owner and custodian of the universe, the entire process of constructing and employing the environment must be inspired by the traits of Rabb al-'Alamin, God as creator and maintainer⁵¹. Doing good to the environment is good deeds which is also an obligation. We must not harm the environment because Allah SWT despises those who create harm. A Muslim must also regard the natural surroundings as evidence of Allah SWT's omnipotence (QS."Ali 'Imran verse 190). A Muslim must also regard nature as a blessing from Allah SWT (QS. Luqman verse 20 and QS. Ibrahim verses 32-34). In summary, environmental protection is indeed a significant aspect of Islamic teachings⁵².

Disasters and major disasters that have befallen humans, as explained in the Koran, have always been associated with human disbelief and denial. The haze crisis exacerbated the forest fires due to land removal from a number of major plantations. The haze calamity has become normal; it occurs every year, and it is entirely due to human stupidity⁵³. It is impossible to deny that human selfishness in pursuing economic interests is currently causing environmental deterioration. Behind this catastrophe, there is still a glimmer of hope

⁴⁷ Istianah, "Upaya Pelestarian Lingkungan Hidup Dalam Perspektif Hadis."

⁴⁸ Jarkasi Anwar and Muhamad Muslih, "Protection of the Customary Land of the Baduy Indigenous Peoples as One of the Supporting Factors for Local Food Security in the Banten Region Protection of the Customary Land of the Bad," *Penas Justia* 22, no. 02 (2023): 229-242, <https://nasional.republika.co.id/berita/m79flh/isu-pertambangan-di-lebak-resahkan-suku->.

⁴⁹ Missleini, "Kerusakan Lingkungan Dan Jasa Ekosistem Akibat Perilaku Tekanan Manusia."

⁵⁰ Toguan Rambe, Seva Maya Sari, and Nurhayani Rambe, "Islam Dan Lingkungan Hidup: Menakar Relasi Keduanya," *Abrahamic Religions: Jurnal Studi Agama-Agama* 1, no. 1 (2021): 1.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Faizal; Liky, "Bencana Kabut Asap Dalam Pandangan Islam (Maqashid Syariah)," *Asas* 7, no. 2 (2015): 17-21.

for environmental care through applying expertise in environmental protection by looking at religious factors, dedication as caliph, loyalty to God, and upholding environmental norms in accordance with Islamic laws⁵⁴.

3. Solutions for Transboundary Haze Pollution in Indonesia and Malaysia in the Perspective of International Environmental Law

Malaysia was hit by haze pollution for the first time in 1994, during the Indonesian forest and land fires, then again in 1997, 1998, and 2001. It was plagued by Indonesian smoke pollution almost every year, pushing the Malaysian government to ratify the AATHP as soon as possible after signing the international agreement⁵⁵. For many years, air pollution caused by smoke haze from forest and land fires has been an issue in Southeast Asia⁵⁶. Smoke pollution is mostly caused by uncontrolled forest and land fires in Indonesia⁵⁷. Southeast Asian countries have suffered tremendous losses as a result of transboundary haze pollution in recent decades. As a result, in 2002, all ASEAN countries signed the ASEAN Agreement on Transboundary Haze Pollution (AATHP)⁵⁸. AATHP is a form of international agreement in the environmental sector. International agreements are one source of international law⁵⁹. An international agreement can be defined as an agreement reached between members of a nation, aiming to produce particular legal consequences.⁶⁰

Environmental issues are also addressed in the Stockholm Declaration, the International Law Commission, and the requirements of Law No. 32 of 2009 on Environmental Protection and Management. Forest burning is still common in Indonesia, particularly in the provinces, because people use it without any consideration to the environment. They harm the environment by converting forest function to oil palm plantations by widespread forest burning, resulting in air pollution. Thus, the state and corporate's accountability are highly needed, including consequences in conformity with existing legal norms⁶¹. In 1972, the United Nations convened an environmental summit in Stockholm, Sweden.. Despite the fact that it has been stated for so long, environmental deterioration continues to occur around the world, including Indonesia⁶².

Several years later, the ASEAN accord on Transboundary Haze Pollution (AATHP) appears to be incapable of being successfully implemented in national law in nations that

⁵⁴ Abdul Rahman, "Pengetahuan Masyarakat Petani Mengenai Lingkungan Hidup Di Desa Bulutellue," *ULIL ALBAB: Jurnal Ilmiah Multidisiplin* 1, no. 6 (2022): 1669-1678, <http://ulilalbabinstitute.com/index.php/JIM/article/view/412%0Ahttps://ulilalbabinstitute.com/index.php/JIM/article/download/412/330>.

⁵⁵ Daniel Heilmann, "After Indonesia's Ratification: The ASEAN Agreement on Transboundary Haze Pollution and Its Effectiveness as a Regional Environmental Governance Tool," *Journal of Current Southeast Asian Affairs* 34, no. 3 (2015): 95-121.

⁵⁶ Ibid.

⁵⁷ David B Jerger, "Indonesia's Role in Realizing the Goals of ASEAN's Agreement on Transboundary Haze Pollution," *Sustainable Development Law & Policy* 14, no. 1 (2014): 35-45, <http://digitalcommons.wcl.american.edu/sdlp>.

⁵⁸ Yordan Gunawan, "Transboundary Haze Pollution In The Perspective of International Law of State Responsibility," *Jurnal Media Hukum* 21, no. 2 (2014): 170-180.

⁵⁹ Nadia Maulida Zuhra, "Categorization of Aggressive Crimes For the Use of French State Violence In The Conflict of The Republic of Mali In International Criminal Law," *Jurnal Hukum De'rechtsstaat*. 6, no. 2 (2020): 173-187.

⁶⁰ Mahendra Putra Kurnia, Dosen Fakultas, and Hukum Universitas, "Hukum Internasional (Kajian Ontologis)," *Risalah Hukum* 4, no. 2 (2008): 77-85.

⁶¹ Tiyas and Melosia, "Pandangan Hukum Internasional Terhadap Pengelolaan Sumber Daya Alam Dan Akibat Hukum Bagi Lingkungan Hidup."

⁶² Missleini, "Kerusakan Lingkungan Dan Jasa Ekosistem Akibat Perilaku Tekanan Manusia."

have ratified the agreement. Its ineffectiveness in national law is influenced by three factors: the lack of a clear mechanism for implementing AATHP, the low level of compliance of the parties, which is characterized by the state's (the parties') unwillingness to carry out the AATHP's obligations, and third parties who are delegated. The authority to monitor the implementation of AATHP has yet to be formed. The absence of behavioral and environmental changes for the better after AATHP was developed also demonstrates AATHP's ineffectiveness⁶³. In addition, Major General TNI Syamsul Maari emphasized that the forest and land fires problem dates back to the Susilo Bambang Yudhoyono administration and remains unresolved because government actors, both TNI and Polri, are suspected of being involved. The head of the BNPB requested that the president rectify the matter as soon as possible. One alternative is to declare that offenders of forest fires shall be shot on the spot. If the policy is not applied, the issue will not be resolved. The forest and land fires will reoccur, costing a lot of money because extinguishing these fires requires renting a water jet, which is quite expensive⁶⁴. According to Article 6 paragraph 1 of Law No. 23 of 1997, every individual must ensure environmental sustainability, avoid, and overcome environmental degradation and destruction. The commitment includes everyone participating in the establishment of a clean culture, outreach initiatives, and environmental counseling. When there are anomalies and even environmental harm that can endanger living beings, public policy theory becomes a balance⁶⁵.

To save the environment, the government has drafted a law to preserve the environment as follows; Law no. 4 of 1982 on environmental management; Law no. 5 regarding conservation of natural resources and ecosystems; Law no. 41 of 1999 concerning forestry; Government Regulation no. 68 of 1998 concerning natural reserve areas and nature conservation; Government Regulation no. 29 which was revised by Government Regulation no. 51 of 1993 concerning environmental impact analysis. Despite the limitations, there are countless violations. Natural reserve areas, such as nature reserves and wildlife sanctuaries, as well as nature conservation areas, such as national parks, environment tourist parks, grand forest parks, and protected forest regions, have been established by the government⁶⁶. According to the Limited Liability Company Law, organizations that perform natural resource-related operations are also obligated to practice social and environmental responsibility⁶⁷.

Article 74 of Law No. 40 of 2007 on Limited Liability Companies requires companies that conduct business in the field of and/or relating to natural resources are required to carry out social responsibility by allocating funds calculated as company costs, the implementation of which is carried out with due regard for propriety as well as obligations. According to Article 68 paragraph 2 of Law No. 32 of 2009 concerning Environmental Protection and Management, TJSL is not only applicable to Legal Entities but is also aimed at everyone who conducts business and activities and is required to preserve the sustainability of

⁶³ Yo'el, "Efektivitas ASEAN Agreement on Transboundary Haze Pollution Dalam Penanggulangan Pencemaran Asap Lintas Batas Di ASEAN."

⁶⁴ Muadi, "Smoke Haze Trigger Factors in the Malaysia Indonesian Border."

⁶⁵ Retno Mulyaningrum, "Tinjauan Hukum Pembangunan Berkelanjutan Proyek IKN Dalam Mempertahankan Keseimbangan Ekosistem Lingkungan," *Perspektif Hukum* (2023): 82-105.

⁶⁶ Muhammad, "Urgensi Pelestarian Lingkungan Hidup Dalam Al-Qur'an."

⁶⁷ Komang Triana Ayunita, Ida Ayu Putu Widiati, and I Nyoman Utama, "Pengendalian Alih Fungsi Lahan Pertanian Pangan Berkelanjutan," *Jurnal Konstruksi Hukum* 2, no. 1 (2021): 160-164.

environmental functions. Meanwhile, Article 15 of Law Number 25 of 2007 on Capital Investment compels all investors in Indonesia to practice corporate social responsibility, respect cultural traditions, and follow all regulatory restrictions⁶⁸. Using an agroforestry system to utilize land by planting multiple cultivated plants, particularly horticulture annual plants and forest trees, is one approach to conserve land after a fire. The goal is to get returns from land planted with horticulture crops reasonably quickly, as opposed to forest crops, whose productivity takes a long time. This will function as an oxygen (O₂) supply to help sustain the ecosystem⁶⁹. According to Article 33 paragraph (3) of the Republic of Indonesian Constitution of 1945, the territorial space of the Unitary State of the Republic of Indonesia, including land, water, and natural resources, is God's gift to the Indonesian, and it must be protected and managed sustainably to maximize people's well-being⁷⁰.

International law requires every country to use its natural resources reasonably (reasonable use), not to misuse its exploitation rights, and to use shared resources properly (equity and equitable utilization). As countries live in the same place and share everything, the notion of "good neighborliness" focuses on a country's behavior as a good neighbor. To address natural resource management challenges, the Indonesian State has ratified a number of international legal treaties and enacted a number of laws. First, as Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), the Stockholm Declaration was ratified. *Second*, Law No. 5 of 1994 relating to the Ratification of the United Nations Convention on Biological Diversity. *Third*, Law No. 26 of 2014, ratifying the ASEAN Agreement on Transboundary Haze Pollution. *Fourth*, Environmental Protection and Management Act No. 32 of 1992. *Fifth*, Law Number 5 of 1990; Conservation of Biological Natural Resources and Their Ecosystems. *Sixth*, Law Number 41 of 1999 on Forestry. *Seventh*, Government Regulation Number 4 of 2001; Control of Environmental Damage and/or Pollution Related to Forest and/or Land Fires⁷¹. Preventive measures have been implemented within the ASEAN regional scope, with the initiative of the Indonesian Government as a haze producing country to form a special forum at the Ministerial level to discuss the issue of The ASEAN Ministerial Steering Committee on Transboundary Haze Pollution (MSC), whose members are Brunei Darussalam, Indonesia, Malaysia, Singapore, and Thailand as an ASEAN country that also feels the impact of transboundary haze pollution. These countries have pledged to hold frequent meetings to discuss and monitor the state of air pollution and devise solutions to combat it⁷². Furthermore, in national law, the sanctions that can be applied to perpetrators of air pollution are defined in Law no. 32 of 2009 concerning Environmental Management and Protection (UUPLH), particularly Article 76 states that *First*, if an environmental permit infringement is discovered during supervision, the minister, governor, or regent/mayor imposes administrative consequences on the person responsible for the enterprise and/or

⁶⁸ Ibid.

⁶⁹ Alvin Camba, "The Unintended Consequences of National Regulations: Large-Scale-Small-Scale Relations in Philippine and Indonesian Nickel Mining," *Resources Policy* 74 (December 2021): 102213, <https://linkinghub.elsevier.com/retrieve/pii/S0301420721002257>.

⁷⁰ Sekar Anggun Gading Pinilih, "The Green Constitution Concept in the 1945 Constitution of the Republic of Indonesia," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 30, no. 1 (2018): 200.

⁷¹ Tethool, Wattimena, and Kainama, "Pengelolaan Sumber Daya Alam Dan Akibat Hukum Bagi Lingkungan Hidup Perspektif Hukum Lingkungan Internasional."

⁷² Ibid.

activity. *Second*, administrative consequences include: a) a written warning; b) government pressure; c) the suspension or revocation of environmental permits⁷³.

Indonesia is an agricultural country, so land becomes the main and irreplaceable production factor⁷⁴. The government has made numerous efforts to prevent land conversion; establishing a priority scale for long-term food security. The government hopes that the passage of Law No. 41 of 2009 will preserve food plots and utilize land-clearing only for plantations and agriculture, thereby contributing to national food security⁷⁵. Law Number 23 of 2009 concerning Environmental Protection and Management is made to preserve environmental functions and prevent environmental pollution and damage, which covers utilization planning, maintenance, supervision and law enforcement⁷⁶. Local governments take out operations such as protection, monitoring, development, socialization, control, supervision, licensing, awarding, and law enforcement as part of the implementation of environmental management⁷⁷. Humans are thought to have the most power in the ecosystem, thus they can do anything to the environment, even in ways that can harm the ecology⁷⁸. As a result, the more cases exist, the more regulations are enacted. Local governments create and enforce regulations to prevent environmental damage.⁷⁹ In terms of government's role in environmental protection, village governments can act as facilitators, providing the resources needed to solve problems. As a mediator, that is, as a neutral third party, by prioritizing a planned settlement. The government must issue strong warnings and coercion⁸⁰. Because of the numerous violations committed by various parties, people have a significant influence and play a vital role in preserving and organizing regulations to conserve and be ethical towards the environment⁸¹.

Humans, in their duty as khalifatullah fil ard, must be able to act wisely and judiciously in managing the earth's natural richness so that no harm is done. In this way, the sustainability of the earth and the environment will be maintained. If humans stop paying attention to, or even caring about, nature, damage and even calamities will occur⁸². Khalifah denotes that humans have a mandate to carry out ecological missions in order to protect the environment. Analogically, God is the potential manager of the environment, and humans are the actual

⁷³ Ibid.

⁷⁴ Anisa Nurpita, Latri Wihastuti, and Ike Yuli Andjani, "Dampak Alih Fungsi Lahan Terhadap Ketahanan Pangan Rumah Tangga Tani Di Kecamatan Temon Kabupaten Kulon Progro," *Jurnal Gama Societa* 1, no. 1 (2018): 103.

⁷⁵ Tahir, Muslih, and Agustina, "MUI Halal Certification on Milkfish Satay As an Effort To Support National Food Security."

⁷⁶ Nurliana Nurliana, "Komunikasi Persuasif Dinas Lingkungan Hidup Dalam Menciptakan Masyarakat Sadar Lingkungan Di Aceh Tengah," *An Nadwah* 26, no. 1 (2021): 22.

⁷⁷ Suwari Akhmaddhian, "Implementasi Penegakan Hukum Lingkungan Pada Sektor Pertambangan Di Kabupaten Kuningan," *Unifikasi: Jurnal Ilmu Hukum* 4, no. 1 (2017): 43-53.

⁷⁸ Anggraeni Endah Kusumaningrum, "Optimalisasi Peran Serta Masyarakat Terhadap Pengaturan Pembatasan Kegiatan Masyarakat Guna Pencegahan Penyebaran Covid-19," *USM law Review* 4, no. 2 (2021): 714-727.

⁷⁹ Aryo Haris Saputro, "Penegakan Hukum Pasal 104 Juncto 60 UU Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup Dikaitkan Dengan Pencemaran Aliran Sungai Kedungsuko Kabupaten Nganjuk," *Novum: Jurnal Hukum*, no. 32 (2017): 1-9.

⁸⁰ Andri et al., "The Role of Village Government In Overcoming Environmental Pollution Caused by Tofu Factory Waste."

⁸¹ Rambe, Sari, and Rambe, "Islam Dan Lingkungan Hidup: Menakar Relasi Keduanya."

⁸² Istianah, "Upaya Pelestarian Lingkungan Hidup Dalam Perspektif Hadis."

administrators of their environments, thus whatever God provides must be appropriately managed and maintained by humans⁸³.

The open burning method of land conversion employed by homeowners and businesses is an example of how human activities contribute significantly to forest fires, producing haze pollution. When homeowners or corporations transform land by burning, they lack proper strategies for dealing with and extinguishing the fire, relying instead on rain. As a result, when rain does not fall due to seasonal changes, the fire expands and becomes uncontrollable, resulting in forest and land fires and haze pollution⁸⁴. Pollution as a result of forest fires in Indonesia is not in line with the principles of international environmental law. One of these is the "Sic utere tue ut alienum non leades" concept, which states that governments are banned from allowing or carrying out acts that injure other countries⁸⁵. Environmental pollution and damage causes losses for certain parties, such as the community, environmental organizations and the government. Environmental issues can be handled through non-litigation, i.e. outside of the courts, or through litigation, i.e. through the courts. Mediation, conciliation, or arbitration methods can be used to resolve disputes outside of court. Litigation settlement can be achieved through a class action mechanism, legal standing, or a lawsuit to the PTUN⁸⁶.

In international law, state responsibility arises in a country that harms another country. In a different light, Indonesia has done all possible to avoid and mitigate pollution produced by forest fires. Given the extensive attempts made, it cannot be classified as an act of desertion. Furthermore, as a sort of reaction capability, the President has apologized to Malaysia and Singapore, albeit merely as a moral responsibility. The majority of these issues will be resolved if Indonesia ratifies the ASEAN Agreement on Transboundary Haze Pollution. Looking at it another way, ratifying the agreement must be in favor of Indonesia's national interests and objectives. Indonesia, for example, might benefit from technical aid and funding to combat forest fires. Furthermore, despite the growth of smoke pollution emanating from Indonesia, Indonesia is no longer being sued because it is a shared obligation of ASEAN countries⁸⁷. The Indonesian government must take tangible steps to reduce forest fires, utilizing all available resources. The Indonesian government must also take steps to avoid the recurrence of transboundary haze pollution by enacting appropriate rules and penalizing forest fire culprits. Aside from that, the Indonesian government must accept responsibility for countries harmed by this pollution, given that the losses suffered by several neighboring countries are not only in terms of health and social aspects, but also threaten other countries' economic systems⁸⁸. Policymakers and stakeholders may collaborate to build sustainable and resilient systems that prioritize the well-being of individuals, communities, and the

⁸³ Rahma Hazalia and Indah Muliati, "Implementasi Konsep Islam Ramah Lingkungan," *An-Nuha* 2, no. 1 (2022): 142-155.

⁸⁴ Yo'el, "Efektivitas ASEAN Agreement on Transboundary Haze Pollution Dalam Penanggulangan Pencemaran Asap Lintas Batas Di ASEAN."

⁸⁵ Tiyas and Melosia, "Pandangan Hukum Internasional Terhadap Pengelolaan Sumber Daya Alam Dan Akibat Hukum Bagi Lingkungan Hidup."

⁸⁶ Felicia Raydova Nisa Indra, "Pengaturan Dan Penyelesaian Konflik Dalam Hukum Sumber Daya Alam," *ULIL ALBAB: Jurnal Ilmiah Multidisiplin* 2, no. 2 (2023): 653-663.

⁸⁷ Gunawan, "Transboundary Haze Pollution In The Perspective of International Law of State Responsibility."

⁸⁸ Ibid.

environment⁸⁹. To decrease environmental harm, the government should strengthen environmental control and management, which could result in both physical and immaterial losses for all Indonesians⁹⁰.

The environmental impact is influenced by cooperation between local people and the local government in maintaining the surrounding ecosystem⁹¹. The government should be proactive in dealing with polluters of the environment. Problem-solving efforts might be carried out through discourse or through legal processes. The Environmental Service must therefore strengthen its advice and oversight, and fines must be imposed in compliance with existing laws and regulations. The government must educate the population about the necessity of preserving land and forests for economic and environmental reasons. It should also be noted that during the dry season, areas adjacent to forests are very sensitive and prone to fire. Law enforcement acts indiscriminately and without regard for the powerful elements involved in land and forest burning. In other words, it should impose clear consequences for arsonists on individuals and businesses. For example, by imposing severe administrative penalties or cancelling company permits. It is believed that this may serve as a deterrence to people who burn down woods and land. The government must also establish a policy regulating company liability for concessions in the event of a fire. If forest fires occur in their concessions, companies must be held accountable and sanctioned. The Indonesian government must then always work with neighboring nations to combat haze terror, because the true dread of haze created by forest and land fires is not only the duty of the Indonesian government, but the obligation of all parties⁹².

Conclusion

Finally, there are numerous solutions in Indonesia and Malaysia to transboundary haze pollution. According to Islamic law, humans in their duty as khalifatullah fil ard must be able to behave wisely and judiciously in managing the planet's natural wealth, the earth and the environment. The international law, on the other hand, it relies on the state's responsibility. Accordingly, Indonesia must ratify the ASEAN Agreement; Transboundary Haze Pollution, as the guideline for resolving environmental problems, haze pollution. Thus, Indonesia can benefit from its technical support and funding and is no longer liable for pollution caused by the country as its responsibility is shared by ASEAN countries.

Suggestion

The Indonesian Government should immediately ratify the ASEAN Agreement--Transboundary Haze Pollution, so that they have specific guidelines, dealing with haze pollution. In addition, strict law enforcement against forest fire perpetrators, both individuals and businesses, as well as the enhancement and empowerment of existing infrastructure for forest fire disaster prevention operations, are critical. To reduce environmental damage, such as material and immaterial losses, the government should also prioritize good environmental

⁸⁹ Ifall and Lalu Unsunnidhal, "Tumbuh Bersama: Mendukung Pertanian Lokal, Ketahanan Pangan, Kelestarian Lingkungan, Dan Pengembangan Masyarakat," *Jurnal Pengabdian West Science* 2, no. 05 (2023): 364-373.

⁹⁰ Mulyaningrum, "Tinjauan Hukum Pembangunan Berkelanjutan Proyek IKN Dalam Mempertahankan Keseimbangan Ekosistem Lingkungan."

⁹¹ Dian Cahyaningrum, "Legal Protection of Food Agricultural Land from Conversion to Non-Food Agricultural Land," *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 10, no. 1 (2019): 27-48.

⁹² Gunawan, "Transboundary Haze Pollution In The Perspective of International Law of State Responsibility."

regulation and management. In addition, the Indonesian government must always work with neighboring countries to combat haze pollution generated by forest and land fires. Lastly, the issues should be addressed to the Indonesian government and all parties interested in living in a safe and healthy environment.

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