




Legal Dynamics in Environmental Accountability: A Case Study of Forest Fire Litigation in Indonesia



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ABSTRACT

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The forest fire phenomenon is severe and requires appropriate handling. This analysis aims to understand legal developments, strict liability, and compensation in the context of civil environmental law enforcement. This research employs a normative juridical legal approach. Data were obtained from the texts of court decisions, including the Pangkalan Bun District Court Decision, Palangkaraya High Court Decision, Supreme Court Cassation Decision, and Supreme Court Judicial Review Decision. Data are analyzed through selecting relevant decisions, analyzing legal texts, and comparing these decisions. The research results illustrate the progression of the PT. Kumai Sentosa case through a series of judicial decisions. The Pangkalan Bun District Court's decision initially determined strict liability for PT. Kumai Sentosa. However, the Palangkaraya High Court decision annulled the decision because PT. Kumai Sentosa was not responsible for the land fire. The Supreme Court Cassation Decision confirmed this decision. However, in the Judicial Review Decision of the Supreme Court, this case was re-examined and again determined the absolute responsibility of PT. Kumai Sentosa. This Judicial Review Decision confirms that PT. Kumai Sentosa is responsible for the land fire and must pay material compensation. Affirming strict liability in the Supreme Court's Judicial Review Decision has significant implications for enforcing civil environmental law in Indonesia. This case shows the importance of accountability in cases of environmental damage and compensation as an incentive for companies to be more careful in protecting the environment.

1. INTRODUCTION

Forests are crucial in providing food, shelter, habitats for wildlife, and essential supplies. According to Pramanick et al. [1], forests cover approximately one-third of the earth's total land area. Additionally, Gнусов et al. [2] emphasize the significance of forests in preserving and maintaining the environment. However, despite their importance, forest fires annually devastate millions of hectares of forest [2]. Hadisuwito and Hassan [3] assert that forest fires pose a severe threat during the dry season, particularly in tropical forest regions like Indonesia. Consequently, the impact of these fires is considerable, as highlighted by Gнусов et al. [2].

Indonesia, renowned as the "lungs of the world," boasts a vast forest covering about 64 percent of its landmass, significantly impacting global oxygen circulation. Nonetheless, the continuous decline of Indonesia's forests due to escalating human activities exacerbates the issue. Forest fires, a significant concern, have significantly contributed to this decline [4]. Both natural processes and human activities influence these fires, particularly affecting Sumatra and Kalimantan Islands during the dry season [3]. The complexity of forest fire incidents, exacerbated by economic factors such as the transmigration program and fluctuating prices of

commodities like crude palm oil and wood, necessitates urgent attention [5].

In Indonesia, Sumatra and Kalimantan Islands face the highest risk of forest fires during the dry season [3]. Various factors influence the intricate spread of these fires [2]. Notably, forest fire occurrences in these regions have intensified in both duration and area burned, leading to significant economic and ecological losses for Indonesia and neighboring countries. While natural factors contribute to these incidents, economic considerations, such as government policies and market dynamics, also play a pivotal role [5].

Over the past decade, forest fires in tropical regions have become a significant concern in discussions among environmental scientists and researchers. The consequences of forest fires, especially in peat swamp forest ecosystems, can significantly cause carbon dioxide (CO₂) emissions into the atmosphere and thus become a significant contributor to global warming [6]. The losses experienced are not only an ecological disaster in the form of carbon dioxide emissions but also economic losses [3]. Forest fires are natural phenomena that entirely or partially destroy forest ecosystems over an unlimited area, resulting in unavoidable economic, ecological, and social consequences [7]. Based on information from BNPB, forest fires are the third biggest disaster after floods

and earthquakes [3].

The mindset and attitudes of the world community have changed from considering forests as an economic resource to regarding them as forest ecosystems. This mindset and attitude have made many countries look at forest conservation issues from a new perspective, focusing on providing more environmentally oriented forest legislation and ecological education for the younger generation. Appropriate comprehensive information about forest fires' possible causes and consequences is essential in forest management [7].

Forest fires have been caused by oil palm plantation concessions owned by PT. Kumai Sentosa in Sungai Branch Village, Kumai District, Kobar Regency. As a result, PT. Kumai Sentosa faced demands to take responsibility for land fires that occurred in a 3,000-hectare oil palm plantation area, which seriously impacted the environment [8].

The problem of this research began with the lawsuit of the Minister of Environment and Forestry (LHK) against PT. Kumai Sentosa over a 3,000-hectare land fire in Sungai Branch Village, Kumai District, West Kotawaringin Regency. Pangkalan Bun District Court Number: 39/Pdt.G/LH/2020/PN.PBu, dated 23 September 2021, initially decided that PT KS had to pay material compensation amounting to Rp. 175,179,930,000.00 and take environmental restoration measures. However, after PT Kumai Sentosa filed an appeal, the Palangkaraya High Court, in decision number 102/Pdt.G-LH/2021/PT PLK, rejected the lawsuit for strict liability and sentenced the Minister of Environment and Forestry to pay the court costs. The Minister of Environment and Forestry then filed an appeal, but the Supreme Court (MA) returned the application through Supreme Court Decision Number 3840/K/Pid.Sus.LH/2021. This caused objections from the Minister of Environment and Forestry, who finally submitted a judicial review to the Supreme Court. In the judicial review, the Supreme Court decided in decision Number 527/PK/Pdt/2023 that PT. Kumai Sentosa was absolutely responsible for the land fire and had to pay material compensation amounting to IDR 175,179,930,000.00 and take environmental restoration measures. This decision has important implications for handling forest and land fire cases in the future.

Based on the background mentioned above, the objectives of this research are as follows:

1. Analyzing the District Court Decision of Pangkalan Bun Number: 39/Pdt.G/LH/2020/PN.Pbu regarding strict liability for forest fires in the case of PT. Kumai Sentosa.

2. Analyzing the High Court Decision of Palangkaraya Number 102/Pdt.G-LH/2021/PT PLK PT concerning strict liability for forest fires by PT. Kumai Sentosa.

3. Analyzing the Cassation Decision Number 3840/K/Pid.Sus.LH/2021 concerning strict liability for forest fires in the case of PT. Kumai Sentosa.

4. Analyzing the Supreme Court Judicial Review Decision Number 527 PK/Pdt/2023 regarding strict liability for forest fires in the case of PT. Kumai Sentosa.

2. METHODOLOGY

2.1 Research approach

This study employs a normative juridical legal approach. Through a systematic examination of legal sources, the normative juridical method facilitates the interpretation of

legal principles, norms, and their evolution over time [9]. This paper employs this method to interpret identified legal doctrines and principles, evaluating their applicability to contemporary issues [10]. This is a normative juridical legal approach analyzing legal texts. The choice to employ the normative juridical legal approach stems from its suitability for examining court decisions and legal texts, which are the focal points of this research. Therefore, the normative juridical legal approach was selected as it offers a structured framework for dissecting and understanding legal nuances inherent in court decisions, thus providing valuable insights into the evolving landscape of environmental accountability. The court decisions that include the District Court Decision of Pangkalan Bun Number 39/Pdt.G/LH/2020/PN.Pbu, the High Court Decision of Palangkaraya Number 102/Pdt.G-LH/2021/PT PLK, the Supreme Court Cassation Decision Number 3840/K/Pid.Sus.LH/2021, and the Supreme Court Judicial Review Decision Number 527 PK/Pdt/2023.

2.2 Data collection

Data in this research are obtained from the texts of the court as mentioned above decisions. Each decision is the primary data source used to analyze legal developments and legal principles related to the research topic.

2.3 Data analysis

The data analysis in this study involves the following steps: First, the selection of court decisions. Relevant court decisions related to the research topic, namely the District Court Decision of Pangkalan Bun Number: 39/Pdt.G/LH/2020/PN.Pbu, the High Court Decision of Palangkaraya Number 102/Pdt.G-LH/2021/PT PLK, the Supreme Court Cassation Decision Number 3840/K/Pid.Sus.LH/2021 and the Supreme Court Judicial Review Decision Number 527 PK/Pdt/2023 are carefully selected. Second, legal text analysis. The texts of these court decisions are scrutinized to identify applicable laws, legal arguments used, and the development of legal principles relevant to the research topic. Third, comparative and contrastive analysis. Data from these decisions are compared and contrasted with each other to identify differences, consistencies, or relevant legal developments.

3. RESULTS

3.1 Analysis of the district court decision of pangkalan bun number: 39/Pdt.G/LH/2020/PN.Pbu

The District Court Decision of Pangkalan Bun Number 39/Pdt.G/LH/2020/PN.Pbu, dated September 23, 2021, involved the Plaintiff, the Ministry of Environment and Forestry of the Republic of Indonesia, and the Defendant, PT. Kumai Sentosa. The key points of the court decision are as follows:

1. Partially granted the Plaintiff's lawsuit.
2. Stated that the lawsuit utilized the principle of Strict Liability for evidence.
3. Declared the Defendant's absolute responsibility for the land fire event in the Defendant's management area located in Sei Cabang Village, Kumai District, West Kotawaringin Regency, Central Kalimantan Province,

as indicated on the Map of the Burned Area of PT. Kumai Sentosa (document marked T.50).

4. Ordered Defendant to pay material compensation in the amount of IDR 175,179,930,000 to Plaintiff through the State Treasury account.
5. Ordered the Defendant to take environmental restoration measures in the affected area.
6. Ordered the Defendant to pay legal costs amounting to IDR 400,000.
7. Rejected the Plaintiff's claims for other matters.

The Pangkalan Bun District Court Decision No. 39/Pdt.G/LH/2020/PN.Pbu is a significant legal decision addressing environmental issues and strict liability in a case involving the Ministry of Environment and Forestry of the Republic of Indonesia as the Plaintiff and PT. Kumai Sentosa as the Defendant.

In its decision, the court rejected the Plaintiff's provisional demands and dismissed the Defendant's exceptions entirely. This means that the interim claims and the rejection of the Defendant's initial defense arguments were not accepted. However, concerning the substance of the case, firstly, the Panel of Judges partially granted the Plaintiff's claims. This indicates that the court acknowledged the legal violations committed by the Defendant against the environment. Secondly, the court stated that this case applied the principle of strict liability. This principle implies that the Defendant is fully responsible for the land fire event in its management area without needing to prove elements of fault or negligence. This is a vital principle in environmental issues. Thirdly, the court declared that the Defendant is absolutely responsible for the land fire event in its management area, in line with the provided location evidence. Fourthly, Defendant was sentenced to pay material compensation to Plaintiff amounting to IDR 175,179,930,000. This serves as compensation for the material damage caused by the fire event. Fifthly, the Defendant was also sentenced to take environmental restoration actions in the area affected by the fire.

This decision is important in environmental law as it reinforces the principle of strict liability in ecological damage cases. It also demonstrates that the court can provide substantial compensation for environmental damage, incentivizing companies or entities to act more cautiously in practices impacting the environment. This decision emphasizes the importance of ecological protection and shows that serious violations against the environment can lead to significant legal consequences. It has the potential to deter other companies from engaging in environmentally damaging practices, prompting them to be more cautious and adhere more strictly to environmental regulations to avoid similar legal consequences.

3.2 Analysis of the high court decision of Palangkaraya number 102/Pdt.G-LH/2021/PT PLK

The analysis of the case below involves the High Court decision adjudicating the case with Case Number 102/PDT.G-LH/2021/PT PLK. Because the Plaintiff could not prove that the Defendant caused the land fire, but rather, the fire originated from outside the plantation of PT. Kumai Sentosa (Defendant), specifically from the Tanjung Putting National Park (TNTP) and PT. Kumai Sentosa had taken anticipatory measures and maximum firefighting efforts; therefore, the application of Article 88 of Law Number 11 of 2020 concerning Job Creation, which states, "Any person whose

actions, businesses, and/or activities use hazardous and toxic substances (B3), produce and/or manage B3, and/or pose a serious threat to the environment, is absolutely liable for the losses arising from their actions and/or activities", cannot be applied in this case. Consequently, the Panel of Judges of the Palangkaraya High Court concluded:

First, Judges considering that, with these considerations, the strict liability (strict liability) lawsuit from the Respondent/Counter-Petitioner initially Plaintiff does not have legal grounds, so the decision of the Pangkalan Bun District Court Number 39/Pdt.G/LH/2020/PN.Pbu dated September 23, 2021, can no longer be upheld, so it must be canceled, and the Court of Appeals Panel will try this case itself.

Second, Judges considering that, based on these considerations, the Court of Appeals Panel can accept the reasons contained in the appeal memory from the Appellant/Respondent Counter-Petitioner's. Appeal and cannot accept the reasons put forward by the Respondent/Counter-Petitioner's Appellant, both in response to the Appeal memory from the Appellant/Respondent Counter-Petitioner and in the Appeal memory from the Appellant/Respondent Counter-Petitioner itself, so the counter appeal memory and the appeal memory from the Appellant/Respondent Counter-Petitioner must be set aside.

Third, Judges considering that, because the strict liability lawsuit from the Respondent/Counter-Petitioner initially the Plaintiff was rejected, the Respondent/Counter-Petitioner initially the Plaintiff was the losing party, so the Respondent/Counter-Petitioner initially the Plaintiff must be sentenced to pay the costs that arise in both levels of examination of this case, which at the appellate level will be determined in this decision.

Fourth, Judges observing other legal provisions and regulations related, the Appeals Panel judges:

1. Accepted the appeal from the Appellant/Respondent Counter-Petitioner and the appeal from the Respondent/Counter-Petitioner's Appellant.
2. Cancelled the Pangkalan Bun District Court Decision Number 39/Pdt.G/LH/2020/PN.Pbu dated September 23, 2021, which was the subject of the appeal.

Then, the Panel of Judges of the Palangkaraya High Court adjudicating itself in the province rejected the original Plaintiff's provisional claims and, in the exception, dismissed the original Defendant's exception in its entirety. In essence:

1. Rejected the strict liability lawsuit from the Respondent/Counter-Petitioner initially Plaintiff entirely.
2. Sentenced the Respondent/Counter-Petitioner initially Plaintiff to pay the costs arising from this case for both levels of jurisdiction and at the appellate level amounting to IDR 150,000 (One Hundred and Fifty Thousand Rupiahs).

The Palangkaraya High Court decision in this case was based on legal considerations that first, according to the panel of Judges, the Plaintiff could not prove that the Defendant caused the land fire. The fire that caused the burning came from the Tanjung Putting National Park (TNTP), which is located outside the plantation of PT. Kumai Sentosa (Defendant). PT. Kumai Sentosa had also taken anticipatory measures and maximum firefighting efforts. Secondly, therefore, according to the panel of Judges' considerations, the application of Article 88 of Law Number 11 of 2020 concerning Job Creation, which regulates absolute liability for

losses due to the use, production, or management of hazardous and toxic substances (B3), could not be applied in this case. Thirdly, thus, the Pangkalan Bun District Court Decision Number 39/Pdt.G/LH/2020/PN.Pbu dated September 23, 2021, was canceled. Fourthly, the Court of Appeals Panel adjudicated this case itself and accepted the reasons presented by the Appellant/Respondent Counter-Petitioner and rejected the reasons put forward by the Respondent/Counter-Petitioner's Appellant. The strict liability (strict liability) lawsuit from the Respondent/Counter-Petitioner was rejected. Subsequently, the Respondent/Counter-Petitioner, initially the Plaintiff, was sentenced to pay the costs arising from this case in both levels of jurisdiction, with the costs at the appellate level amounting to IDR 150,000 (One Hundred and Fifty Thousand Rupiahs).

Thus, the decision affirmed that, in this case, the Defendant was not responsible for the land fire, and the strict liability claim was legally unfounded.

3.3 Analysis of the supreme court cassation decision number 3840/K/Pid.Sus.LH/2021

The Palangkaraya High Court Decision Number 102/Pdt.G-LH/2021/PT PLK annulled the Pangkalan Bun District Court Decision Number 39/Pdt.G/LH/2020/PN.Pbu, which the Supreme Court Cassation Decision Number 3840/K/Pid then strengthened.Sus.LH/2021, which adjudicated:

- Rejected the cassation request from the Cassation Applicant/Public Prosecutor at the Kotawaringin Barat District Attorney's Office.
- Imposed the case costs at all levels of jurisdiction and at the cassation level in the State.

Based on this decision, it can be explained that the Palangkaraya High Court's decision in this case had annulled the Pangkalan Bun District Court Decision Number 39/Pdt.G/LH/2020/PN.Pbu, which initially established strict liability against the Defendant in the case of land fire. Subsequently, the Supreme Court Cassation Decision confirmed the Palangkaraya High Court's decision by rejecting the cassation request filed by the Cassation Applicant/Public Prosecutor at the Kotawaringin Barat District Attorney's Office. This means that the arguments or reasons put forward by the Cassation Applicant needed to be stronger to alter the previous decision. The decision also established that the State would bear the case costs at all levels of jurisdiction and cassation level. In other words, the litigation costs incurred during the court process, including the costs at the cassation level, would not be borne by any of the parties involved in this case but would be paid by the government or the State.

In this context, the Supreme Court Cassation Decision affirmed that Defendant could not be deemed strictly liable for the land fire, as alleged by Plaintiff. The Supreme Court also affirmed that this case did not require further review, so the cassation request was rejected.

3.4 Analysis of supreme court judicial review decision (PK) number 527 PK/Pdt/2023

After the Cassation Decision Number 3840/K/Pid.Sus.LH/2021 affirmed the Palangkaraya High Court Decision Number 102/Pdt.G-LH/2021/PT PLK, the Ministry of Environment and Forestry of the Republic of Indonesia (KLHK) took extraordinary legal steps by filing a

Judicial Review. In the Judicial Review Decision Number 527 PK/Pdt/2023, the Supreme Court ruled as follows:

- Accepting the request for a judicial review from the Applicant for Judicial Review, namely, the Ministry of Environment and Forestry of the Republic of Indonesia (KLHK).
- Nullifying the Palangkaraya High Court Decision Number 102/PDT.G-LH/2021/PT PLK, dated November 26, 2021, which had annulled the Bun District Court Decision Number 39/Pdt.G/LH/2020/PN Pbu, dated September 23, 2021.

In reconsidering the case:

1. Partially granting the Plaintiff's lawsuit.
2. Declaring that this lawsuit adheres to the principle of Strict Liability in terms of evidence.
3. Stating the Defendant's absolute responsibility for the land fire incident within their management area in Sei Cabang Village, Kumai District, Kotawaringin Barat Regency, Central Kalimantan Province, as shown in the Location Map of the Burned Area of PT Kumai Sentosa (document marked T.50).
4. Sentencing the Defendant to pay material compensation in cash to the Plaintiff through the State Treasury account amounting to IDR 175,179,930,000.
5. Ordering the Defendant to take environmental restoration actions in the mentioned area.
6. Rejecting the Plaintiff's claims beyond the granted ones.

The Party Requesting the Judicial Review is sentenced to pay litigation costs at all levels of the judiciary, with a cost of IDR 2,500,000 in the judicial review.

The Supreme Court Decision Number 527 PK/Pdt/2023 resulted from the Judicial Review (PK) in a case previously involving Cassation Decision Number 3840/K/Pid.Sus.LH/2021 and Palangkaraya High Court Decision Number 102/Pdt.G-LH/2021/PT PLK. The Supreme Court approved the request for a judicial review submitted by the Applicant for Judicial Review, KLHK. This means that the Supreme Court agreed to undergo a review process for this case. The Judicial Review Decision nullifies the Palangkaraya High Court Decision Number 102/PDT.G-LH/2021/PT PLK, which initially annulled the Bun District Court Decision Number 39/Pdt.G/LH/2020/PN Pbu. The Palangkaraya High Court's previous decision, which concluded the Defendant's strict liability, is revoked. In the substance of the case, the Supreme Court partially granted the Plaintiff's (KLHK) lawsuit. The Supreme Court declared that this lawsuit follows the evidence principle of strict liability, meaning that the Defendant is held strictly responsible for the land fire within their management area. The Defendant is sentenced to pay material compensation to the Plaintiff through the State Treasury account, amounting to IDR 175,179,930,000. This is compensation for material losses resulting from the land fire. The Defendant is also sentenced to take environmental restoration actions in the affected area located in Sei Cabang Village, Kumai District, Kotawaringin Barat Regency, Central Kalimantan Province. This emphasizes the necessity of restoring the environmental damage caused by the incident. This decision indicates that the Supreme Court considers the Defendant strictly responsible for the land fire within their management area and orders them to pay compensation and perform the necessary environmental restoration. The Judicial Review Decision is a significant legal response to environmental issues and may have important implications for

corporate actions regarding environmental concerns.

4. DISCUSSION

The Decision of Pangkalan Bun District Court Number 39/Pdt.G/LH/2020/PN.Pbu affirms the principle of strict liability in environmental issues. This principle strengthens law enforcement against ecological violations and encourages entities to act more cautiously in practices that may harm the environment. Meanwhile, the Judicial Review Supreme Court Decision Number 527 PK/Pdt/2023 demonstrates that the Indonesian Supreme Court prioritizes environmental protection in its legal decisions. This judicial review indicates a commitment to robust environmental law enforcement and signals that serious cases related to environmental damage will be handled seriously.

There are implications for legal certainty in this decision. First, Supreme Court Decision Number 527 PK/Pdt/2023 reasserts the principle of strict liability, which helps provide legal certainty in environmental cases. This facilitates understanding the limitations and legal consequences associated with actions affecting the environment. Second, this decision shows continuity in environmental law enforcement, especially in upholding the principle of strict liability. It provides a clear framework for law enforcement in the future and allows companies or individuals to avoid environmental violations.

The above decision also has implications for environmental conservation. First, the Supreme Court Decision emphasizes environmental restoration actions as part of legal sanctions. This leads to efforts to restore the damaged ecological conditions resulting from violations. Second, this decision can serve as an incentive for companies or individuals to practice higher environmental standards. This is because significant legal consequences encourage them to be more cautious in actions that could potentially harm the environment.

In the overall context, these decisions indicate that environmental law significantly impacts efforts to preserve the environment and provides legal certainty in enforcing essential principles such as strict liability. These decisions can potentially influence corporate actions, environmental law enforcement, and environmental protection in Indonesia.

The principle of strict liability in environmental law is crucial for enforcing accountability and its impact on the safety and sustainability of the environment [11], especially in cases where entities or companies are irresponsible [12]. This concept aims to heighten companies' awareness of the environmental consequences of their operational activities, compelling them to mitigate potential ecological harm actively [13]. Furthermore, it incentivizes companies to adopt sustainable and eco-friendly business practices, steering them away from causing environmental damage through their operations [14].

The origin of strict liability dates back to the Common Law system during the Middle Ages, initially implemented to ensure victim compensation and prevent conflicts between different groups. Over time, the concept evolved to tie compensation closely to responsibility for actions violating the law. In Indonesian civil law, Article 1365 of the Civil Code addresses "wrongdoing," yet scholars lack consensus regarding the terminology used. This ambiguity stems from Article 1365, which stipulates that anyone committing an act against the law causing harm must pay compensation [15].

The issue gained prominence when the Malacca Strait was contaminated by oil spills in 1975, highlighting the limited legal recourse for the Indonesian government. The shift from fault-based liability to the "strict liability principle" emerged, emphasizing the actor's awareness of potential risks. While Indonesian law introduces the concept of absolute responsibility, it still incorporates fault in its understanding, requiring the plaintiff to establish the absence of fault as a basis for compensation [15].

In corporate responsibility for environmental harm, strict liability means companies can be held entirely accountable for damage arising from their operations, regardless of demonstrating fault or negligence [16]. This implies that a company may be liable for environmental harm, whether intentional or accidental [14]. The concept serves a dual purpose: first, enhancing companies' environmental consciousness and encouraging proactive measures to minimize ecological harm, and second, acting as a mechanism incentivizing environmentally friendly business practices to mitigate the risk of environmental damage.

The concept of strict liability gained prominence by introducing the liability rule in the 1982 Environmental Act, which was further incorporated into the 1997 Environmental Management Act (EMA). The 2009 Environmental Protection and Management Act (EPMA) specifies strict liability for activities involving hazardous substances, generating hazardous waste, or posing significant environmental risks [17]. The enactment of Law Number 32 of 2009 on Environmental Protection and Management aligns with the constitutional entitlement, affirming a clean and sustainable environment as a human right for every Indonesian citizen [18, 19].

5. CONCLUSIONS

The principle of strict liability for compensation in environmental damage cases in Indonesia holds that a party can be held liable for environmental harm regardless of fault or negligence. The abovementioned principle is enshrined in Article 1365 of the Indonesian Civil Code. This article states that any person who unlawfully causes damage to another shall be obliged to compensate for the damage, whether intentionally or negligently. In the context of environmental damage cases, this principle of strict liability for compensation provides a legal basis for holding parties accountable for harm caused to the environment, regardless of fault or intent. It emphasizes the responsibility of individuals and entities to mitigate their environmental impact and provides recourse for those affected by environmental degradation.

The Supreme Court granted the Ministry of Environment and Forestry of the Republic of Indonesia's (KLHK) request for a judicial review, signifying a re-examination of the case. This decision annulled the Palangkaraya High Court Decision Number 102/PDT.G-LH/2021/PT PLK, invalidating the previous decision. Moreover, the judicial review partially upheld KLHK's lawsuit, indicating legal violations in the case. Notably, the court reaffirmed the principle of strict liability, holding Defendant entirely responsible for the land fire event within its management area without the need to prove fault or negligence. The judicial review decision also mandated the Defendant to pay material compensation to KLHK amounting to Rp 175,179,930,000.00 and undertake environmental restoration actions in the affected area.

This judicial review decision carries significant implications for environmental law. It reaffirms the principle of strict liability in cases of environmental damage and underscores the applicability of strict liability claims in cases supported by substantial evidence against the alleged responsible party. Furthermore, the decision underscores the paramount importance of environmental protection and signals severe legal repercussions for violations. Consequently, it serves as a deterrent against environmentally harmful practices by companies or entities, fostering greater caution and responsibility toward environmental preservation.

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