

ABSTRAK

PROBLEMATIKA PENEGAKAN HUKUM TERHADAP TINDAK PIDANA PEMBAKARAN LAHAN TEBU DI PROVINSI LAMPUNG

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Tindak pidana pembakaran lahan tebu merupakan persoalan serius dalam bidang lingkungan hidup di Indonesia, termasuk di Provinsi Lampung. Perbuatan ini kerap dilakukan oleh korporasi dengan alasan efisiensi panen dan penghematan biaya produksi. Berdasarkan data Kementerian Lingkungan Hidup dan Kehutanan (KLHK), luas lahan tebu yang dibakar di Provinsi Lampung meningkat dari 5.469,38 hektare pada tahun 2021 menjadi sekitar 14.492,64 hektare pada tahun 2023. Meskipun regulasi telah secara tegas melarang pembakaran lahan, problematika penegakan hukum terhadap tindak pidana pembakaran lahan tebu di Provinsi Lampung masih menunjukkan problematika. Oleh karena itu, penanganan tindak pidana pembakaran lahan tebu di Provinsi Lampung membutuhkan penegakan hukum yang serius dan terpadu dari berbagai pihak, terutama Aparat Penegak Hukum. Penelitian ini bertujuan untuk mengetahui problematika serta faktor-faktor penghambat penegakan hukum terhadap tindak pidana pembakaran lahan tebu di Provinsi Lampung.

Penelitian ini menggunakan metode yuridis normatif yang didukung dengan pendekatan empiris. Data primer diperoleh melalui wawancara, sedangkan data sekunder melalui studi kepustakaan. Narasumber penelitian meliputi Jaksa Kejaksaan Negeri Bandar Lampung, Penyidik Subdit IV Direktorat Kriminal Khusus (Ditreskrimsus) Polda Lampung, Direktur Eksekutif WALHI Lampung, serta akademisi Fakultas Hukum Universitas Lampung yang dipilih dengan teknik *purposive sampling*. Analisis data dilakukan secara kualitatif.

Berdasarkan hasil penelitian menunjukkan bahwa problematika penegakan hukum muncul pada setiap tahapan. Pada tahap formulasi, meskipun ketentuan hukum telah mengatur larangan pembakaran, substansinya masih menyisakan celah melalui peraturan daerah yang sempat melegalkan praktik tersebut. Pada tahap aplikasi, aparat penegak hukum menghadapi kendala pembuktian karena karakteristik pembakaran lahan tebu yang cepat, minimnya barang bukti, serta

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enggannya masyarakat melapor sehingga sebagian besar kasus berhenti di tahap penyelidikan. Pada tahap eksekusi, hingga saat ini belum terdapat putusan pengadilan terkait tindak pidana pembakaran lahan tebu di Provinsi Lampung, sehingga tujuan pemidanaan tidak tercapai. Faktor-faktor penghambat penegakan hukum terhadap tindak pidana pembakaran lahan tebu di Provinsi Lampung meliputi kelemahan dalam substansi hukum, rendahnya optimalisasi aparat penegak hukum, keterbatasan sarana dan prasarana pendukung, kurangnya partisipasi serta kesadaran hukum masyarakat, dan pengaruh kuat kebiasaan atau budaya lokal yang masih membenarkan praktik pembakaran lahan.

Saran dari penelitian ini adalah perlunya peningkatan koordinasi antar penegak hukum dengan instansi terkait, termasuk pemerintah daerah dan Dinas Perkebunan, untuk memperkuat sinergi dalam penegakan hukum. Penerapan sanksi pidana sebagai *primum remedium* juga perlu diperkuat agar pelanggaran dapat ditindak tegas dan memberi efek jera. Selain itu, peraturan daerah atau peraturan gubernur yang berpotensi melegalkan pembakaran lahan tebu perlu ditinjau kembali agar selaras dengan peraturan perundang-undangan nasional dan mendukung perlindungan lingkungan hidup di Provinsi Lampung.

Kata Kunci: Problematika, Penegakan Hukum, Tindak Pidana, Pembakaran Lahan Tebu, Provinsi Lampung.

ABSTRACT

PROBLEMS IN ENFORCING THE LAW AGAINST CRIMINAL ACTS OF BURNING SUGAR CANE FIELDS IN LAMPUNG PROVINCE

By

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The existence of criminal acts of burning sugar cane fields has become a crucial issue in terms of the environment in Indonesia, including in the Lampung Province. This activity is often carried out by companies under the pretext of increasing harvesting efficiency and reducing production costs. According to information from the Ministry of Environment and Forestry (KLHK), the area of sugarcane fields burned in Lampung Province increased from 5,469.38 hectares in 2021 to around 14,492.64 hectares in 2023. Despite clear regulations prohibiting the practice of land burning, the problem of law enforcement surrounding the criminal act of burning sugar cane fields in Lampung Province remains a challenge. Therefore, dealing with the burning of sugar cane fields in Lampung Province requires serious law enforcement and collaboration from various parties, especially law enforcement officials. This study aims to understand the problems and factors that hinder law enforcement related to criminal acts of sugarcane field burning in Lampung Province.

This study uses a normative legal approach combined with an empirical approach. Primary data was collected through interviews, while secondary data was obtained from literature reviews. The sources involved in this study consisted of prosecutors at the Bandar Lampung District Attorney's Office, investigators from Sub-Directorate IV of the Special Crimes Directorate (Ditreskrimsus) of the Lampung Regional Police, the Executive Director of WALHI Lampung, and lecturers from the Faculty of Law at the University of Lampung, who were selected using purposive sampling. Data analysis was conducted using a qualitative approach.

The results of the study show that challenges in law enforcement are evident in various phases. In the formulation phase, even though legal regulations have established a ban on burning, there are still loopholes in local regulations that once

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allowed such activities. In the implementation phase, law enforcement officials face problems in proving cases due to the rapid nature of sugarcane field burning, the lack of physical evidence, and the reluctance of the community to report incidents, resulting in many cases being halted at the investigation stage. In the execution phase, to date there have been no court decisions regarding criminal acts of sugarcane field burning in Lampung, so the objectives of criminal sanctions have not been achieved. Various factors that hinder law enforcement against the crime of sugarcane field burning in Lampung Province include weaknesses in the substance of the law, lack of optimization of law enforcement officials, limited supporting facilities, low community participation and legal awareness, and the strong influence of local customs that still consider the practice of land burning to be normal.

The recommendation from this study is the need for improved coordination among law enforcement agencies and related institutions, including local governments and the Plantation Agency, to strengthen cooperation in law enforcement. Strengthening the application of criminal sanctions as the main solution must also be improved so that violations can be followed up decisively and have a deterrent effect. In addition, local regulations or governor regulations that may legalize sugarcane field burning must be reviewed to ensure alignment with national laws and support environmental protection efforts in Lampung Province.

Keywords: Issues, Law Enforcement, Criminal Acts, Sugarcane Field Burning, Lampung Province.