



# Client Alert

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## PROHIBITION ON LAND CLEARING BY FIRE

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## PROHIBITION ON LAND CLEARING BY FIRE

Indonesian environmental laws and regulations prohibit land clearing by fire as part of the broader prohibition against activities that cause environmental pollution and/or damage. However, a limited exception applies to land clearing by fire conducted in accordance with local wisdom (*kearifan lokal*). Under this exception, several regional governments have adopted regulations permitting limited and controlled burning practices, including Regulation of West Kalimantan Province No. 1 of 2022. Such practices allow the burning of up to 2 (two) hectares of land per household for the cultivation of local plant varieties, subject to the establishment of adequate firebreaks to prevent the spread of fire.

In response to recurring forest and land fires and the heightened risk of such incidents during the current dry season, the Minister of Environment/Head of the Environmental Control Agency of the Republic of Indonesia (the “**Minister**”) issued the Circular Letter No. 16 of 2026 regarding the Prohibition on Land Clearing by Fire on 10 August 2026 (the “**Circular Letter**”). The Circular Letter was issued amid concerns over the adverse impacts of forest and land fires on air quality, public health, ecosystems, and greenhouse gas emissions.

The Circular Letter is addressed to all governors, regents, and mayors (collectively, the “**Regional Heads**”) as a measure to strengthen the prevention and mitigation of forest and land fires.

The following are several key provisions of the Circular Letter:

### 1. Prohibition, Moratorium, and Law Enforcement Policies

In connection with recent reports concerning major forest and land fires in Kalimantan and Sumatra, through the Circular Letter, the Minister requests the Regional Heads to:

- a. establish regional policies prohibiting land clearing by fire;
- b. impose a moratorium on regional regulations that permit land clearing by fire, including those that allow limited and controlled burning practices; and
- c. conduct strict supervision and impose-

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administrative sanctions, fines, and/or criminal penalties for any violation.

## **2. Coordination for the Prevention and Mitigation of Forest and Land Fires**

The Minister requests the Regional Heads to coordinate with the Environmental Agency, Regional Disaster Management Agency, Forestry Agency, the Indonesian National Armed Forces, the Indonesian National Police, and other relevant agencies to strengthen forest and land fire prevention and mitigation efforts. Such measures include conducting regular integrated patrols, providing adequate fire control facilities and infrastructure, increasing supervision in fire-prone areas, and carrying out public awareness campaigns.

## **3. Monitoring of Peatland Groundwater Levels**

The Minister requests the Regional Heads to periodically monitor peatland Groundwater Levels (*Tinggi Muka Air Tanah* - “**TMAT**”), particularly in areas prone to forest and land fires. Where TMAT levels indicate high-risk or very high-risk conditions, the Regional Heads are requested to promptly undertake rewetting measures and ensure that canal blocks and water storage facilities remain functional and properly maintained.

## **4. Measures to be Taken by Business Actors**

The Minister requests the Regional Heads to ensure that business license holders maintain adequate human resources and sufficient forest and land fire prevention and control facilities and infrastructure to respond effectively to fire risks.

## **5. Imposition of Sanctions**

As noted in Section 1(c) above, the Minister requests the Regional Heads to conduct strict supervision and impose administrative sanctions, fines, and/or criminal penalties for any violation.

Under Indonesian environmental laws and regulations, any person who clears land by fire may be subject to imprisonment and/or a fine. The legal consequences may extend beyond individual perpetrators, as Indonesian environmental law also-

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recognizes corporate criminal liability.

Where an environmental crime is committed by, for, or on behalf of a business entity, criminal sanctions may be imposed on the business entity and/or the individual who ordered or led the commission of the offense. Likewise, where the offense is committed by a person acting within the scope of his/her employment or other relationship with a business entity, liability may extend to the person who gave the instruction or directed the conduct, irrespective of whether the offense was committed individually or jointly.

### **Implications for Business Actors**

Although the Circular Letter does not automatically repeal existing regional regulations, it underscores the central government's intention to strengthen oversight and enforcement of the prohibition on land clearing by fire. Notably, the direction to impose a moratorium on regional regulations permitting such practices, including limited and controlled burning based on local wisdom, signals a significant tightening of the regulatory framework governing forest and land fire prevention. Businesses involved in land-based activities should therefore closely monitor further implementing measures and enforcement developments at both the central and regional levels.

This Client Alert is provided for general informational purposes only and does not constitute legal advice. Please contact us should you require further information or assistance regarding the provisions on the prohibition on land clearing by fire or related matters.

For further information regarding the above Client Alert and future updates, please contact our counselors at:

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