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# Legal Protection of Students' Rights to Education and Health Amid Forest and Land Fire Haze in Palangka Raya City

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***ABSTRACT***

*Forest and land fires that cause haze in Palangka Raya City affect the fulfillment of students' rights to education and health. This study aims to analyze the legal protection of these two rights and the responsibilities of local governments and educational institutions in addressing emergency haze conditions. This study employs a normative legal research method with statutory and conceptual approaches through an examination of regulations relating to the rights to education and health, child protection, and disaster management. The results of the discussion indicate that legal protection can be provided through adjustments to learning methods, the implementation of distance learning, air quality monitoring, restrictions on outdoor activities, and the provision of health services. However, implementation continues to face obstacles, including limited digital devices, restricted internet access, inter-agency coordination challenges, and unequal access to services. Therefore, stronger coordination, the provision of alternative learning methods, policy evaluation, and sustainable forest and land fire prevention are necessary to ensure the balanced fulfillment of students' rights to education and health.*

***Keywords :*** *Legal protection, students' rights, education, health, haze, forest and land fires.*

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## INTRODUCTION

Indonesia is one of the countries with a high level of vulnerability to various natural and non-natural disasters, including forest and land fires. One of the direct impacts of forest and land fires is a decline in air quality and an increase in cases of Acute Respiratory Infections (ARI), which affect various age groups, particularly children, older adults, and other vulnerable groups [1].

Forest and land fires are an increasingly urgent environmental problem that has the potential to alter people's lifestyles, particularly in vulnerable areas such as Palangka Raya City. These fires not only contribute to ecological damage but also have significant impacts on public health, the economy, and social welfare. The effects of forest and land fires are not limited to local conditions but also have the potential to become a global issue, particularly in the context of climate change.

According to data from the Regional Disaster Management Agency (BPBD) of Palangka Raya City, forest and land fires covered an area of 1,448.90 hectares, with a total of 909 incidents recorded between June 1 and October 17, 2026.

The people of Palangka Raya City have experienced several changes in their lifestyles as a result of forest and land fires. Cases of upper respiratory tract illnesses, including Acute Respiratory Infections (ARI), have reportedly increased significantly, particularly among children and older adults. Teaching and learning activities have also been disrupted, as schools have required students to study from home during periods of fire. This situation has negatively affected the quality of education for children in the affected areas.

This finding is also supported by research conducted by Taufida et al., which reports that several health problems may arise from land fires, including mild shortness of breath, decreased immunity accompanied by chills and fever, mild to severe eye irritation, and respiratory tract infections, particularly Acute Respiratory Infections [2].

Education in Indonesia receives special attention because the Preamble to the 1945 Constitution of the Republic of Indonesia explicitly states that educating the nation's people is one of the state's responsibilities. Article 26 of the Universal Declaration of Human Rights and Article 31 of the 1945 Constitution recognize education as a fundamental right guaranteed by the state. One of the provisions states that “everyone has the right to education, especially basic education and elementary schooling.” It further states that “education shall promote tolerance, friendship, and mutual understanding among all nations, racial groups, and religious groups” [3].

Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantees every child's right to survival, growth, and development, as well as protection from violence and discrimination. Furthermore, Article 28H paragraph (1) guarantees everyone's right to a good and healthy environment and to health services. These constitutional guarantees demonstrate that protecting students involves not only ensuring the continuity of the learning process but also providing environmental conditions that safeguard their health and development.

In this situation, local governments, educational institutions, and health agencies play important roles within their respective areas of authority. Protective measures may include monitoring air quality, providing information about health risks, adjusting learning activities according to environmental conditions, delivering health services, and implementing alternative learning arrangements when face-to-face

instruction is not feasible. However, these measures need to be analyzed from a legal perspective to identify the legal basis for the relevant authorities, the forms of their obligations, and the implementation of measures to protect students' rights.

Previous research on legal protection in response to forest and land fires in Palangka Raya has examined the protection of the community in general, while other studies have investigated the effects of haze on access to education. Therefore, this article focuses on the relationship between the protection of students' right to education and their right to health during haze events caused by forest and land fires in Palangka Raya City. This focus is used to examine the applicable legal framework and the responsibilities of the government and educational institutions in fulfilling both rights simultaneously.

## METHOD

This study employs normative legal research, which focuses on examining legal norms, legal principles, and legislation related to the protection of students' rights to education and health amid haze caused by forest and land fires. This method was chosen because the study aims to analyze the legal basis and the responsibilities of local governments and educational institutions in ensuring the fulfillment of students' rights in Palangka Raya City. The approaches used in this study include the statute approach and the conceptual approach. The statute approach is conducted by examining the provisions of the 1945 Constitution of the Republic of Indonesia, Law Number 35 of 2014 concerning Child Protection, Law Number 32 of 2009 concerning Environmental Protection and Management, and other relevant regulations concerning the rights to education and health, as well as forest and land fire management. Meanwhile, the conceptual approach is used to analyze the concepts of legal protection, children's rights, state responsibility, and the fulfillment of fundamental rights in environmental emergency situations.

## Discussion

### 1. Legal Regulations on Students' Rights to Education and Health in Indonesia

Students' rights at school are the rights possessed by every individual who is pursuing education in a school. These rights are regulated by various national and international laws and regulations aimed at protecting students' interests and well-being while they are in educational environments. Students' rights cover various aspects, ranging from the right to receive an adequate education to the right to feel safe and respected at school. In Indonesia, the protection of students' rights is also reflected in several national regulations and policies, including [4]:

a. Law Number 20 of 2003 concerning the National Education System, which regulates students' rights and obligations in education.
b. Regulations of the Minister of Education and Culture governing educational standards and student protection.
c. Law Number 35 of 2014 concerning Child Protection, which guarantees children's rights to education and protection from violence in schools.

Law plays an important role in Indonesia in various aspects of social and national life. One such aspect is health. Health is a human right and one of the elements of welfare that must be realized in

accordance with the ideals of the Indonesian nation as stipulated in Pancasila and the 1945 Constitution of the Republic of Indonesia. Every child basically has the right to enjoy a prosperous life, meaning that they are entitled to adequate conditions to grow and develop healthily. One way to achieve child welfare is by ensuring that every child receives health services in accordance with the Child Protection Law. However, in practice, not all children have equal opportunities to access health services.

The objective of the enactment of Law Number 36 of 2009 concerning Health (Health Law) is to improve public awareness, willingness, and ability to live healthily so that the highest possible level of public health can be achieved as an investment in socially and economically productive human resource development. The Health Law revised Law Number 23 of 1992 concerning Health. It was enacted on October 13, 2009, and officially came into force on October 30, 2009. The Health Law consists of 22 chapters and 205 articles, making it more comprehensive than Law Number 23 of 1992 concerning Health, which contained only 12 chapters and 88 articles. The new Health Law regulates: (1) principles and objectives; (2) rights and obligations; (3) government responsibilities; (4) health resources; (5) health efforts; (6) maternal, child, infant, adolescent, elderly, and disability health; (7) nutrition; (8) mental health; (9) communicable and non-communicable diseases; (10) environmental health; (11) occupational health; (12) health management; (13) health information; (14) health financing; (15) community participation; (16) the Health Advisory Board; (17) guidance and supervision; (18) investigation; and (19) criminal provisions

The Presidential Decree concerning the 2004–2009 National Action Plan for Human Rights (RANHAM) is another relevant instrument. Presidential Decree of the Republic of Indonesia Number 40 of 2004 concerning the National Action Plan for Human Rights in Indonesia for 2004–2009 stipulates that the duties of the regency/city-level RANHAM implementing committees include five main programs: (a) establishing and strengthening RANHAM implementing institutions; (b) preparing for the harmonization of regional regulations; (c) disseminating and providing human rights education; (d) implementing human rights norms and standards; and (e) monitoring, evaluating, and reporting. In its activity plan, the decree identifies two matters that are particularly relevant to this study. To implement the fifth program, which aims to fulfill economic, social, and cultural rights, the following programs and activities are included :

a. Strengthening efforts to fulfill the right to health, particularly for people living below the poverty line, disaster victims, and internally displaced persons affected by disasters or conflicts, as well as for infants, children, and pregnant women. This program is implemented by the Ministry of Health and relevant institutions at the central and regional levels. Its success indicator is improved public health services that are accessible to all segments of society.
b. Strengthening efforts to fulfill the right to education, particularly for people living below the poverty line, disaster victims, and internally displaced persons affected by disasters or conflicts, as well as ensuring access to functional education. This program is implemented by the Ministry of National Education and relevant institutions at the central and regional levels. Its success indicators include a reduction in illiteracy rates and school dropout rates.

Policies for preventing and managing forest and land fires in Central Kalimantan refer to Regional Regulation Number 5 of 2003 and Governor Regulation Number 24 of 2017. The implementation of these policies consists of two main stages: prevention and response to forest and land fires. Prevention programs include community-based forest management, land-clearing methods that do not involve burning, and

integrated public awareness campaigns concerning forest and land fire prevention. Meanwhile, response measures involve firefighting and law enforcement. These efforts still tend to focus on extinguishing fires after they occur rather than implementing systematic preventive measures [2].

## 2. Forms of Legal Protection for Students Amid Haze Caused by Forest and Land Fires in Palangka Raya City

First, protection through adjustments to learning activities. The protection of the right to education can be achieved by adjusting learning activities according to air pollution levels and the health risks faced by students. One measure that can be implemented is distance learning when face-to-face activities pose risks to students' safety. Such policies must ensure that students continue to receive learning materials, teacher guidance, and learning assessments. In Palangka Raya City, the Education Office extended distance learning for early childhood education (PAUD), elementary school, and junior high school students on October 15–17, 2026, because air quality remained in the hazardous category. This policy demonstrates that adjusting learning methods can help maintain educational continuity while protecting students' health.

Second, protection of students' health. Health protection can be implemented through air quality monitoring, restrictions on outdoor activities, the provision of information regarding haze-related risks, and access to health services for students experiencing respiratory problems. The use of appropriate masks can also serve as a protective measure when students must engage in outdoor activities, although it does not replace the need to reduce exposure to smoke. From a legal perspective, these measures relate to the obligations of the central and regional governments to provide health services for children, as stipulated in Article 44 of the Child Protection Law.

Third, protection through the provision of a safe learning environment. Schools need to adjust learning activities to environmental conditions, including temporarily suspending sports and other outdoor activities when air quality deteriorates. Schools must also provide parents with clear information regarding schedule changes and preventive measures that should be taken. Research on the impact of haze on elementary school children's access to education in Palangka Raya City indicates that haze can affect student attendance, learning motivation, health, and access to learning resources. The study also identifies limited access to digital devices and the internet as potential obstacles when distance learning is implemented.

Fourth, protection through disaster management and forest and land fire control. Student protection should not be limited to measures taken after haze appears but should also include efforts to prevent and manage forest and land fires. The government needs to strengthen inter-agency coordination, issue early warnings, and implement forest and land fire control measures in accordance with its authority. Law Number 24 of 2007 concerning Disaster Management and Government Regulation Number 21 of 2008 concerning the Implementation of Disaster Management can serve as legal foundations for examining these efforts.

### 3. Responsibilities of Local Governments and Educational Institutions in Fulfilling Students' Rights

Local governments and educational institutions play an important role in ensuring the fulfillment of students' rights to education and health during haze events caused by forest and land fires. These responsibilities are not limited to addressing the impacts of haze but also include prevention, health protection, and the continuity of learning activities. In Palangka Raya City, the implementation of these responsibilities must take into account air quality conditions, the level of health risks faced by students, and the availability of educational facilities that enable learning to continue safely.

Constitutionally, Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees everyone's right to a good and healthy environment and to health services, while Article 31 paragraph (1) guarantees every citizen's right to education. These provisions establish that the fulfillment of the right to education must go hand in hand with the protection of students' health. Furthermore, Law Number 23 of 2014 concerning Regional Government regulates the division of governmental responsibilities, including in the fields of education and health, between the central and regional governments. The implementation of these responsibilities must comply with the distribution of authority and the applicable laws and regulations [5].

Local governments are responsible for ensuring that education and health policies can be implemented when haze threatens students' safety. These responsibilities can be fulfilled through air quality monitoring, the dissemination of information to the public, adjustments to learning schedules and methods, and coordination among the education office, health office, and disaster management agencies. Local governments must also ensure that distance learning policies do not deprive students of access to learning materials and educational guidance. If students lack digital devices or internet access, alternatives such as printed modules and appropriate assignments may be considered to ensure their continued participation in learning activities [6].

These policies are relevant to the measures implemented in Palangka Raya City in 2026. The Palangka Raya City Education Office has adjusted learning hours and temporarily suspended outdoor activities when air quality deteriorated. The Central Kalimantan Provincial Government has also implemented distance learning for educational institutions affected by haze, depending on air quality conditions.

These measures can be understood as adjustments to educational services intended to reduce smoke exposure. However, their implementation still needs to be evaluated to ensure that protecting students' health does not result in the neglect of their right to education.

In addition to local governments, educational institutions are responsible for creating a safe learning environment and adjusting learning activities to students' health conditions. School principals, teachers, and educational staff can fulfill these responsibilities by monitoring air quality information, restricting outdoor activities, informing parents, and temporarily suspending face-to-face learning when air conditions become hazardous. Schools should also coordinate with community health centers (puskesmas) or other health facilities to provide initial treatment when students experience health complaints caused by smoke exposure. These measures are consistent with the principles of child protection and the provision of a healthy educational environment.

More specific provisions are contained in Circular Letter of the Minister of Primary and Secondary Education Number 20 of 2026 concerning the Provision of Educational Services in Educational Institutions in Areas Affected by Forest and Land Fire Haze, issued on August 28, 2026. This policy directs local governments and educational institutions to adjust learning services according to air quality and health risks while continuing to guarantee students' right to education. Its implementation may include distance learning, restrictions on outdoor activities, and the provision of alternative learning arrangements for students with limited internet access.

In carrying out these responsibilities, coordination between local governments and educational institutions is essential. Local governments need to provide air quality information that can serve as a basis for decision-making, while schools must translate this information into appropriate protective measures based on students' circumstances. Health offices and community health centers can provide support through education on respiratory disease prevention and health services for affected students. With a clear division of responsibilities, decisions concerning the continuation of learning activities can be made in a measured manner rather than based solely on assumptions about environmental conditions.

## 4. Obstacles and Efforts to Strengthen Legal Protection of Students' Rights in Palangka Raya City

Legal protection of students' rights to education and health amid haze caused by forest and land fires in Palangka Raya City faces several challenges. These obstacles relate not only to environmental conditions but also to the continuity of learning, equitable access to education, and inter-agency coordination. Research by [7] on the socioeconomic impacts of haze on elementary school children's access to education in Palangka Raya City found that haze can affect students' health, attendance, learning motivation, and access to learning resources. The study also indicates that limited digital devices and internet access create obstacles when distance learning is implemented.

First, obstacles to ensuring educational continuity. Deteriorating haze conditions may require face-to-face learning activities to be restricted or replaced with distance learning. Although this measure aims to protect students' health, its implementation may create difficulties for students who do not have electronic devices, adequate internet connectivity, or learning assistance at home. These conditions may create disparities in the fulfillment of the right to education among students. Therefore, legal protection policies must ensure that changes in learning methods do not deprive students of access to learning materials, teacher guidance, and learning assessments.

Second, obstacles to protecting students' health. Exposure to haze can increase the risk of respiratory problems, eye irritation, and other health issues. Health protection requires accessible air quality information, education about the risks of smoke exposure, restrictions on outdoor activities, and access to health services. If air quality information is received too late or coordination between schools and health facilities is inadequate, protective measures may be delayed. Consequently, school policies must take into account air conditions and students' health vulnerabilities rather than simply maintaining regular learning schedules.

Third, obstacles to coordination and policy implementation. Student protection involves local governments, education offices, health offices, educational institutions, parents, and disaster management agencies. The involvement of multiple stakeholders requires a clear division of responsibilities and effective

communication mechanisms. The Palangka Raya City Government has adjusted educational activities when air quality deteriorated, including reducing learning hours and suspending outdoor activities.

Fourth, efforts to strengthen legal protection through emergency learning policies. The government needs to strengthen guidelines governing school responses based on air pollution levels, including criteria for restricting face-to-face activities, implementing distance learning, and protecting students who are vulnerable to health problems. In this regard, Circular Letter of the Minister of Primary and Secondary Education Number 20 of 2026 concerning the Provision of Educational Services in Educational Institutions in Areas Affected by Forest and Land Fire Haze may serve as a reference for providing safe and sustainable education. The guidelines emphasize adjusting educational services according to air quality and health risks while maintaining the fulfillment of students' right to education.

Fifth, strengthening coordination and equitable access to education and health services. Local governments need to improve coordination among education offices, health offices, schools, community health centers, and relevant agencies to ensure that air quality information and students' health conditions serve as the basis for decision-making. Schools should also prepare alternative learning arrangements, such as printed modules, structured assignments, and teacher support for students with limited internet access. In the health sector, mechanisms are needed to monitor students' health complaints, provide information on preventing smoke exposure, and facilitate referrals to health facilities when necessary. These measures should be adapted to the needs of each educational institution to ensure that protection reaches students from diverse socioeconomic backgrounds.

In addition to these measures, legal protection needs to be strengthened through regular evaluations of haze management policies. Such evaluations may examine the timeliness of decisions to modify learning activities, the accessibility of educational services, the availability of health protection facilities, and inter-agency coordination. Local governments must also strengthen forest and land fire prevention and air pollution control efforts, as student protection cannot depend entirely on adjustments to school activities after haze has already occurred.

## CONCLUSION

Legal protection of students' rights to education and health amid haze caused by forest and land fires in Palangka Raya City is a responsibility of local governments and educational institutions that must be carried out in a balanced manner. These rights are guaranteed by various laws and regulations, particularly the 1945 Constitution of the Republic of Indonesia and regulations concerning education, health, and child protection. Forms of protection include adjusting learning activities, implementing distance learning, monitoring air quality, restricting outdoor activities, and providing health services. However, implementation still faces obstacles, including limited internet access, inadequate learning facilities, and insufficient inter-agency coordination. Therefore, stronger coordination between the government and schools, the provision of accessible alternative learning methods, regular policy evaluations, and sustainable forest and land fire prevention efforts are necessary. Thus, legal protection is expected to ensure the continuity of education while safeguarding students' health and safety.

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