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Implementation of the Principle *of Sic Utere Tuo Ut Alienum Non Laedas* Towards Cases of Transboundary Haze Pollution in the Southeast Asian Region

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Abstract. *Forest and land fires in Indonesia have repeatedly caused transboundary haze pollution that affects several Southeast Asian countries, particularly Malaysia, Singapore, and Brunei Darussalam. This situation raises an important question of state responsibility under international environmental law, especially through the principle of sic utere tuo ut alienum non laedas, which requires states to use their territory and natural resources in a manner that does not cause harm to other states. This principle is reflected in the 1972 Stockholm Declaration, the 1992 Rio Declaration, and the ASEAN Agreement on Transboundary Haze Pollution, which provides a regional framework for preventing and controlling transboundary haze. This study uses normative legal research with statutory and conceptual approaches to examine how the principle operates in the context of transboundary haze pollution in Southeast Asia. The analysis shows that the implementation of this principle requires states to exercise due diligence through prevention, monitoring, law enforcement, and regional cooperation. However, its effectiveness remains constrained by weak environmental enforcement, limited compliance mechanisms under ASEAN, and the persistence of the non-interference principle in regional governance. Strengthening the implementation of sic utere tuo ut alienum non laedas is therefore essential not only for state accountability, but also for protecting regional ecosystems, reducing greenhouse gas emissions from forest and land fires, supporting climate change mitigation, and advancing environmental justice and regional public health in Southeast Asia.*

Keywords: *Transboundary Haze Pollution; International Environmental Law; Sic Utere Tuo Ut Alienum Non Laedas; State Responsibility; ASEAN*

1. Introduction

Forest and land fires have become one of the most persistent transboundary environmental problems in Southeast Asia, particularly when fires occurring within one state generate haze pollution that affects neighboring countries. Forest fires tend to increase annually.(1) This is due to the increasing number of residential land conservation activities, illegal logging, and climatic conditions that favor forest and land fires, such as periods of low rainfall. There are two factors that cause forest and land fires: natural factors and human factors. Human factors include the clearing of new land for settlements and uncontrolled land preparation, which can lead to fires. Natural factors can include volcanic eruptions and lightning strikes without rain. Human-induced fires are particularly relevant from the perspective of international environmental law because they are closely associated with land-use governance, plantation expansion, illegal burning, and the effectiveness of state supervision.

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Forest fires not only damage forest and land ecosystems but also cause thick haze. The resulting haze is not confined to the fire locations, but may spread across Sumatra, Kalimantan, parts of Java, and neighboring states.(2) The impact of this haze even crosses national borders, affecting countries such as Malaysia, Singapore, and Brunei Darussalam. Transboundary haze has widespread impacts across various sectors. Socially, culturally, and economically, people lose their livelihoods, disrupt daily activities, decline in health due to increased respiratory illnesses, and weaken productivity.(3) Ecologically, forest fires damage wildlife habitats, vegetation, and soil, which in turn increases the risk of erosion, flooding, reduced land productivity, and exacerbates global warming through greenhouse gas emissions. In the transportation and tourism sectors, haze disrupts flights, increases the risk of land and sea accidents, and reduces tourist arrivals, resulting in economic losses. These impacts show that transboundary haze is not merely an environmental problem, but also a matter of regional public health and environmental justice because communities outside the source state may suffer health, economic, and ecological losses from activities beyond their control.

In international environmental law, air pollution caused by forest fires clearly contradicts the principle known as *sic utere tuo ut alienum non laedas* , which states that a country may not carry out or allow activities within its territory that may cause harm to another country.(4) Violation of this principle can be the basis for holding the country responsible for causing transboundary harm accountable. This principle shows that state sovereignty in environmental matters is not absolute. A state has the sovereign right to utilize its natural resources, but this right must be exercised together with the obligation to prevent activities within its jurisdiction from causing significant environmental harm to other states.(5)

Therefore, the principle of *sic utere tuo ut alienum non laedas* provides a normative basis for assessing whether a state has fulfilled its responsibility and due diligence in preventing transboundary haze pollution. In this sense, the principle does not only prohibit states from causing transboundary harm, but also requires them to exercise due diligence through preventive regulation, effective monitoring, law enforcement, and cooperation with affected states. Strengthening the implementation of this principle is not only relevant for determining state responsibility, but also for protecting regional ecosystems, reducing greenhouse gas emissions from forest and land fires, and supporting climate change mitigation efforts in Southeast Asia.

In response to this regional problem, ASEAN countries adopted the ASEAN Agreement on Transboundary Haze Pollution (AATHP) as a legal framework for preventing, monitoring, and mitigating transboundary haze pollution. Strengthening the implementation of *sic utere tuo ut alienum non laedas* is therefore essential not only for state accountability, but also for protecting regional ecosystems, reducing greenhouse gas emissions from forest and land fires, supporting climate change mitigation, and ensuring environmental justice and regional public health in Southeast Asia. Based on this background, this article analyzes the application of the principle of *sic utere tuo ut alienum non laedas* to transboundary haze pollution in Southeast Asia, with particular attention to state responsibility, due diligence, and the limitations of ASEAN environmental governance.

2. Methods

This study uses a normative legal research typology that focuses on legal principles, legal systematics, and the level of synchronization of laws and regulations (6) related to transboundary haze. This study applies a statutory approach to examine national legislation and international legal instruments, including the 1992 Rio Declaration, the 1972 Stockholm Declaration, the ASEAN Agreement on Transboundary Haze Pollution, and relevant Indonesian regulations. This study also uses a conceptual approach to analyze the concept of state responsibility, the Principle of *sic utere tuo ut alienum non laedas*.

Primary Legal Materials include the Rio Declaration of 1992, the Stockholm Declaration of 1972, the ASEAN Agreement on Transboundary Haze Pollution, the Environmental Quality Act of 1974, the Statute of the Republic of Singapore on Transboundary Haze Pollution Act 2014, Law No. 26 of 2014 concerning Ratification of the ASEAN Agreement On Transboundary Haze Pollution (ASEAN Agreement on Transboundary Haze Pollution), Law No. 32 of 2009 concerning Environmental Protection and Management, PP No. 4 of 2001 concerning Control of Environmental Damage and or Pollution Related to Forest and or Land Fires. The secondary legal materials used are Books, Scientific Papers, News and Websites or Official Government Sites .

3. Results and Discussion

3.1. Basic Concepts Principles of *Sic Utere Tuo Ut Alienum Non Laedas*

3.1.1. History of the Stockholm Declaration

On June 5-16, 1972, the United Nations Conference on the Human Environment and the United Nations Conference on Environment and Development (UNCED) were held in Stockholm and Rio de Janeiro, June 3-14, 1992. Both were the first and second environmental conferences on the global environment. Many legal policy instruments emerged in the global sphere, such as Agenda 21 in Rio and the Stockholm Action Plan. The two declarations are interconnected both conceptually and politically. The declaration is an important starting point in the development of international environmental law. Conceptually, the principle of *sic utere tuo ut alienum non laedas* should be understood not only as a prohibition against causing harm to other states, but also as a limitation on the exercise of state sovereignty. In international environmental law, sovereignty over natural resources is accompanied by responsibility. A state may utilize resources within its territory, but it must ensure that such utilization does not create significant environmental harm beyond its jurisdiction. Therefore, this principle functions as a bridge between sovereign rights and international environmental responsibility.(7)

The Stockholm Declaration marked the beginning of a study of the global impact of humankind on the environment, developing a basic agreement on how to address the challenges of preserving and improving the human environment.(8) The Declaration focused on broad environmental goals and policies without establishing detailed normative rules. Following this conference, increased global awareness of environmental issues significantly stimulated the development of international environmental law. Over time, the focus of environmental activism expanded beyond transboundary issues and global interests to include more specific regulations on media and specific sectors, and to integrate economic and development considerations into environmental decision-making.

In 1968-1969, the United Nations General Assembly, through Resolutions 2398 (XXIII) and 2581 (XXIV), decided to hold a global conference in Stockholm in 1972. (9) The main

objective of this conference was to be a practical mechanism for promoting and providing guidelines for protecting, improving, and preventing damage to the human environment. One of the important outcomes expected from the conference was the creation of a declaration on the human environment containing a document of basic principles originally derived from UNESCO to formulate the Universal Declaration on the Protection and Preservation of the Human Environment.

The drafting of the declaration was taken over by the Conference Preparatory Committee in 1971, with the drafting of the text entrusted to an intergovernmental working group. Although it was agreed that the declaration would not be legally binding, progress was slow due to disagreements among states over the level of detail in the principles and guidelines and whether the declaration should recognize the basic need of individuals for a decent environment or establish principles governing the rights and obligations of states with respect to the environment. A draft declaration was finally drafted in January 1972, despite the need for further review by the group. The preparatory committee avoided changing the already fragile compromise and chose to forward the draft declaration, consisting of a preamble and 23 principles, to the Stockholm conference, with the understanding that delegates there would be free to discuss and revise the text. Thus, despite challenges and disagreements, this process laid the essential foundation for the Stockholm Declaration, which became a landmark in international environmental law.

The Stockholm Declaration underwent significant revisions at the request of several countries. At China's request, a special working group reviewed the text of the declaration, narrowing it down to 21 principles while adding four new ones.(10) In response to Brazil's objections, the working group deleted the draft principle on prior information and referred it to the UN General Assembly for further review. The conference also added provisions on the prohibition of nuclear weapons as principle 26. On June 16, 1972, the declaration was adopted unanimously and referred to the UN General Assembly. During the debate, several countries raised minor objections, but overall, the declaration was supported, including the Soviet Union, which boycotted the conference. The UN General Assembly adopted the conference report by 112 votes in favor and 10 abstentions, passing resolution 2994 (XXVII). Furthermore, resolution 2995 (XXVII) implicitly affirmed the obligation of states to provide prior information to other states to avoid significant harm beyond national jurisdiction, while resolution 2996 (XXVII) emphasized that neither resolution altered principles 21 and 22 of the Declaration, which relate to states' international responsibility for the environment. Thus, this process confirms international agreement on state responsibilities in protecting the transboundary environment and the need for coordination and transparency between states.

3.1.2. Principle of *Sic Utere Tuo Ut Alienum Non Laedas*

In modern developments, *sic utere tuo ut alienum non laedas* is used as a basis for holding a country responsible when activities within its territory cause detrimental impacts on other countries. In *the* Anglo-Saxon tradition, the principle of *sic utere tuo ut alienum non laedas* is also known as the concept of good neighborliness or the no harm rule, which is interpreted as an obligation to use one's rights or resources without causing harm to the rights of other parties.(11) The application of the principle of *sic utere tuo ut alienum non laedas* can be traced to the classic case of international law, namely the trail smelter arbitration (1928-1941). The Arbitration Court emphasized that no country has the right to use its territory in such a way that it causes serious harm to other countries. This decision became the basis of jurisprudence

that transboundary pollution, including forest fire smoke, is a form of violation of international law if the country of origin does not take adequate preventive measures.

The practical implication of this principle is the emergence of a due diligence obligation. States are required to take reasonable and adequate measures to prevent, monitor, and control activities within their jurisdiction that may cause transboundary environmental damage. In the context of transboundary haze pollution, due diligence includes effective regulation of land clearing, supervision of plantation and forestry concessions, law enforcement against illegal burning, and coordination with affected neighboring states.(12) Failure to take these measures may indicate that a state has not fulfilled its international responsibility under the no-harm principle. In an international context, this principle implies that a state may not use the resources under its control in a way that causes significant damage to the environment of another state or even to areas beyond any national jurisdiction. This principle has been codified in international documents such as the 1972 Stockholm Declaration on the Human Environment, which in its form is widely regarded as customary international law.

The principle of *sic utere tuo ut alienum non laedas* holds a fundamental position in international environmental law because it serves as a normative limit on the exercise of state sovereignty.(13) This principle emphasizes that sovereignty cannot be understood as an absolute right, but must be exercised with due regard for responsibilities to other states and the global environment. In the context of transboundary pollution, this principle serves as the primary legal instrument for assessing whether a state has used its territory and natural resources responsibly or has actually caused harm to other states. Thus, this principle serves as a correction to the classical concept of sovereignty, which is exclusive and closed.

Furthermore, the principle of *sic utere tuo ut alienum non laedas* is also important because it emphasizes the obligation of due diligence on the part of states to prevent transboundary environmental damage.(14) States are not only responsible when harm has occurred, but also when they fail to take reasonable precautions against activities within their jurisdiction. In this regard, the principle expands the concept of state responsibility from mere responsibility for wrongful acts to responsibility for negligence in carrying out the duty of care. This principle makes prevention, supervision, and control an integral part of a state's international legal obligations.

In the Southeast Asian regional context, the importance of this principle becomes even more apparent when faced with the recurring and widespread problem of transboundary haze pollution . The principle of *sic utere tuo ut alienum non laedas* provides a legal and moral basis for ASEAN countries to demand responsibility, strengthen cooperation, and formulate national policies that align with regional environmental interests.(15) Therefore, this principle functions not only as an abstract norm, but also as an analytical framework for assessing the effectiveness of national and regional policies in addressing transboundary haze pollution, which is then relevant to analyze its application to Indonesia, Malaysia, and Singapore.

The Stockholm Declaration resulted in an Action Plan containing concrete recommendations agreed upon by 113 participating countries, encompassing preventive measures and environmental management to ensure there is no widespread damage due to transboundary activities. The Stockholm Declaration can be seen as crucial for utilizing a principled approach, including no harm and good neighborliness, as a normative basis for global environmental governance. Many countries subsequently adopted these principles in domestic regulations and international conventions in response to the growing demand for transboundary environmental protection after 1972.

This declaration consists of 26 principles that provide guidance for countries in managing the environment sustainably and responsibly. The principle of good neighborliness in the Stockholm Declaration provides a legal and moral basis for a country's responsibility to avoid actions that could cause environmental damage to other countries, especially in the context of transboundary pollution and environmental degradation with global impacts. Principle 21 of Stockholm explains:

> "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources in accordance with their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction."

Thus, the Stockholm 21 Principles underscore a country's sovereign right to exploit its resources in accordance with its own environmental policies, as well as its obligation not to cause damage to the environment or to other countries. The history of the Stockholm Declaration and its principles have provided a strong impetus for the development of environmental law in various countries, including Indonesia. This declaration also led to the establishment of the United Nations Environment Programme (UNEP), a UN agency specifically addressing global environmental issues. The Stockholm Declaration serves as the basis for various international and regional agreements governing transboundary pollution issues, such as the ASEAN Agreement on Transboundary Haze Pollution, which regulates cooperation among ASEAN countries in addressing transboundary haze issues. Thus, this declaration serves as a primary foundation in strengthening the principles of good neighborliness and no harm as the basis for international environmental law, which remains relevant to this day, particularly in addressing transboundary haze pollution issues.

The principle of Good Neighborliness itself is an adoption of the principle of *sic utere tuo ut alienum non laedas*, a traditional Roman law principle. This is also reflected in the 1992 Rio Declaration, which provides a development policy in state activities as an application of sustainable development. Sustainable development is an approach to environmental management that aims to reduce current environmental damage while ensuring that development can continue sustainably for future generations. This concept emphasizes the importance of maintaining a balance between present and future needs in the long term.
Principle 2 of the Rio Declaration stipulates that;

> "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign's duty to exploit their own resources according to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction."

In the international environmental context, the application of the principle of good neighborliness in the Stockholm Declaration serves as a legal and moral foundation for international cooperation in environmental management, including addressing transboundary issues such as air pollution and haze from forest fires. This principle encourages countries to focus not only on domestic interests but also to take collective responsibility for global and regional environmental sustainability.

In short, the principle of good neighborliness in the Stockholm Declaration affirms that while states have the sovereign right to manage their natural resources, this must be done with due regard for and respect for the interests of other states in order to prevent negative

environmental impacts across borders, foster harmonious international relations, and support sustainable development globally.

The principle of *sic utere tuo ut alienum non laedas* also emphasizes the state's obligation to take preventive and monitoring measures against activities that have the potential to cause cross-border harm. Thus, state responsibility arises not only when harm has already occurred but also when the state is negligent in carrying out its duty of care (due diligence) in managing its domestic activities.(16) From the perspective of international environmental law, this principle is an attempt to balance state sovereign rights and international responsibilities. States have the right to utilize their natural resources for development but must not ignore the interests of other countries. Therefore, this principle is often seen as a concrete form of the principle of sustainable development, which prioritizes a balance between economic growth, environmental protection, and justice between countries.

The ASEAN Agreement on Transboundary Haze Pollution (AATHP) is a regional agreement agreed upon by ASEAN member states in June 2002 in Kuala Lumpur.(17) The agreement aims to prevent and monitor transboundary haze pollution caused by land and forest fires, which must be addressed through joint national efforts and enhanced cooperation at the regional and international levels. Indonesia has ratified AATHP into its national law with Law No. 26 of 2014 concerning the ratification of the Asean Agreement On Transboundary Haze Pollution (ASEAN Agreement on Transboundary Haze Pollution).(18) Not only ratifying the international agreement, Indonesia also provides its national legal regulations with Law No. 32 of 2009 concerning Environmental Protection and Management. Legal regulations regarding transboundary haze in Singapore are regulated in The Statute of The Republic Of Singapore Transboundary Haze Pollution Act 2014 (2020 revised edition) which ratifies the AATHP agreement. Malaysia itself has national regulations that only prohibit open burning which are regulated in the Environmental Quality Act 1974.

In Indonesia, this principle is relevant, although it is not always explicitly stated in the national legal context. However, Law No. 32 of 2009 concerning Environmental Protection and Management embodies the same spirit: the obligation to protect the environment from harming others.(19) The application of the principle of *sic utere tuo* can be seen as a bridge between international legal norms and Indonesian national legal norms in the context of environmental protection. Conceptually, this principle affirms that state sovereignty is not an absolute right free from responsibility. States still have a legal obligation to consider the interests of other states, particularly in environmental issues with transboundary impacts. Therefore, this principle is a key foundation for modern international environmental law.

With this understanding, this principle can serve as the basis for international dispute resolution mechanisms, particularly those related to transboundary pollution. This principle serves not only as a normative guideline but also as a legal framework binding states in international relations. Therefore, understanding the basic concept of *sic utere tuo ut alienum non laedas* is the first step in analyzing its application to concrete problems, including the issue of transboundary haze in Southeast Asia. In the Southeast Asian context, this conceptual relationship between sovereignty, no-harm obligation, and due diligence becomes particularly relevant because transboundary haze pollution is not merely a domestic environmental problem, but a regional legal issue requiring cooperation, prevention, and accountability under ASEAN environmental governance.

The development of the principle of *sic utere tuo ut alienum non laedas* can be understood through several key international and regional instruments. Table 1 summarizes how the no-

harm obligation and due diligence requirement are reflected in the Stockholm Declaration, the Rio Declaration, and the ASEAN Agreement on Transboundary Haze Pollution.

Table 1. Comparative Framework of The No-Harm Principle and Due Diligence Obligation in International and Regional Environmental Instruments

Legal Instrument	**Key Provision**	**Relevance to *Sic Utere Tuo Ut Alienum Non Laedas***	**Due Diligence Implication**	**Relevance to Transboundary Haze Pollution**
Stockholm Declaration 1972, Principle 21	States have the sovereign right to exploit their own resources according to their environmental policies, but they must ensure that activities within their jurisdiction do not cause environmental damage to other states or areas beyond national jurisdiction	Establishes the basic balance between state sovereignty and the obligation not to cause transboundary environmental harm.	Requires states to prevent activities within their jurisdiction from causing significant environmental damage beyond national borders.	Provides the normative basis for assessing whether forest and land fires within one state have caused unlawful environmental harm to neighboring states.
Rio Declaration 1992, Principle 2	States have the sovereign right to exploit their resources according to their environmental and developmental policies, but they are responsible for ensuring that activities within their jurisdiction or control do not damage the environment of other states or areas beyond national jurisdiction.	Reaffirms the no-harm principle within the framework of sustainable development	Requires states to integrate environmental protection into development policies and to exercise preventive control over high-risk activities	Connects haze pollution to sustainable development by emphasizing that land-use and plantation activities must not produce cross-border environmental damage
ASEAN Agreement on Transboundary Haze Pollution 2002	ASEAN member states agree to prevent, monitor, and mitigate transboundary haze pollution through national efforts and regional cooperation	Regionalizes the no-harm principle by translating it into ASEAN cooperation on haze prevention and control.	Requires states to strengthen monitoring, early warning systems, fire prevention, law enforcement, information sharing, and regional coordination	Serves as the main regional legal framework for addressing haze pollution caused by forest and land fires in Southeast Asia.

As shown in Table 1, the principle of *sic utere tuo ut alienum non laedas* has evolved from a general obligation under international environmental law into a more specific regional framework under ASEAN. While the Stockholm and Rio Declarations provide the normative foundation of the no-harm principle, the AATHP translates this principle into regional cooperation mechanisms for preventing and controlling transboundary haze pollution

3.2. Application of Principles to Transboundary Haze

3.2.1. Application of the Principle of *Sic Utere Tuo Ut Alienum Non Laedas* in the Indonesia-Malaysia and Singapore Regions

Within the regional legal framework, this principle is also reflected in the ASEAN Agreement on Transboundary Haze Pollution, which emphasizes the collective responsibility of ASEAN member states to prevent and control transboundary haze pollution. This principle can also be seen as a derivative of the principle of good neighborliness in international law. In the context of transboundary haze, Indonesia's neighbors have a strong basis for demanding accountability, both diplomatically and through international legal mechanisms.

The application of this principle not only emphasizes the prohibition of harm but also entails the obligation of due diligence. This means the state is obligated to take adequate preventive, supervisory, and law enforcement measures to ensure that land burning by corporations and communities does not cause transboundary harm.(20) Weaknesses in environmental law enforcement in Indonesia are often highlighted due to perceived negligence in fulfilling this due diligence obligation .The legitimacy in Indonesian law is stated in Article 65 paragraph (1) of Law No. 32 of 2009 concerning environmental protection and management, which states that everyone has the right to a good and healthy environment. If forest activities cause transboundary smoke, this can be seen as a violation of the state's obligation to protect the right to the environment for both its own citizens and the Indonesian people.

Implementing this principle in practice still faces obstacles. One of these is the lack of an effective dispute resolution mechanism within the ASEAN framework. The principle of non-interference, upheld in Southeast Asia, often hinders countries from pursuing legal accountability, so resolutions are more often pursued through diplomacy and technical cooperation. By integrating the principle of *sic utere tuo ut alienum non laedas* into national policies and international practices, ASEAN countries can demonstrate their commitment to sustainable development and good environmental governance.(21) Applying this principle to the issue of transboundary haze ultimately emphasizes the importance of balancing state sovereignty with the obligation not to harm other countries, thus achieving harmony between national and international interests.

The principle *of sic utere tuo ut alienum non laedas* is one of the fundamental principles in international environmental law, which affirms that every country has an obligation to use its territory and natural resources in a way that does not cause harm to other countries. This principle, which literally means use your own in a way that does not harm the property of others, has become a norm of customary international *law* that regulates relations between countries in the context of environmental management. This principle emphasizes the balance between the sovereign rights of states and the obligation not to cause transboundary harm *to* other countries. In the context of Southeast Asia, this principle gains significant relevance given that the region frequently faces problems with transboundary air pollution due to forest

and land fires, particularly in Indonesia, which cause *transboundary haze pollution* and directly impact neighboring countries such as Malaysia and Singapore.

Historically, the principle of *sic utere tuo ut alienum non laedas* is rooted in the principle of good neighborliness, which is an important part of international relations. In modern environmental law, this principle is reflected in various international instruments such as the Trail Smelter Arbitration (United States v. Canada, *1938–1941)*,(22) which affirmed that "no state has the right to use or permit the use of its territory in such a manner as to cause injury by fumes in or to the territory of another." This precedent affirms that states are responsible for activities within their jurisdiction that cause transboundary damage. A similar view was later adopted in *the* Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration, 1972) through Principle 21, and reaffirmed in the Rio Declaration on Environment and Development (1992) through Principle 2 which states that states have the sovereign right to exploit their resources in accordance with their own environmental and development policies, but also have the responsibility to ensure that activities within their jurisdiction do not cause damage to the environment of other states or areas beyond their national jurisdiction.

In the Southeast Asian context, the implementation of this principle is reflected in the 2002 ASEAN Agreement on Transboundary Haze Pollution (AATHP), the first regional agreement in the world to specifically address transboundary haze pollution. This agreement affirms the collective responsibility of ASEAN member states to prevent and control transboundary haze pollution and requires cooperation in monitoring, preventing, mitigating, and combating forest and land fires. Within this legal framework, the principle of *sic utere tuo ut alienum non laedas* serves as the conceptual basis governing the relationship between a country's sovereign right to utilize its natural resources and its obligation to avoid negatively impacting the environment of neighboring countries. Thus, this principle serves not only as an ethical guideline in interstate relations but also as a legal norm that requires due diligence from each ASEAN member state.

The due diligence obligation is a concrete manifestation of the principle of *sic utere tuo ut alienum non laedas* , which requires states to take adequate preventive, supervisory, and law enforcement measures to ensure that activities within their territories do not cause transboundary harm. This obligation includes, among other things: establishing strict national policies regarding forest and land burning, monitoring corporations operating in the plantation and forestry sectors, and imposing administrative, civil, and criminal sanctions on perpetrators of burning that causes transboundary pollution. However, in practice, the implementation of this obligation *to due diligence* often faces obstacles in Indonesia. International reports and research indicate that weak law enforcement, corruption, overlapping permits, and a lack of inter-agency coordination are inhibiting factors in ensuring that land clearing activities do not cause transboundary harm. This situation has given rise to the perception that Indonesia has not fully fulfilled its *due diligence obligations* as mandated by international law.

Within the national legal framework, the application of the principle of *sic utere tuo ut alienum non laedas* in Indonesia can be found in Law Number 32 of 2009 concerning Environmental Protection and Management. Article 65 paragraph (1) of the law states that everyone has the right to a good and healthy environment. This provision also implicitly requires the state to guarantee the fulfillment of this right, both for its citizens and for communities in neighboring countries affected by activities in Indonesian territory. Thus,

when forest and land burning activities in Indonesian territory cause transboundary smoke pollution, this can be seen as a violation of the state's obligation to protect the right to a healthy environment as regulated in national legislation and the principles of international law.(23)

On the other hand, the relationship between the principle of *sic utere tuo ut alienum non laedas* and the principle of state sovereignty also reflects the dynamics of modern international environmental law. Although states have full sovereignty over natural resources within their territories, this sovereignty is not absolute. This principle limits sovereignty by demanding ecological responsibility towards other states. In this context, the sovereign right to exploit resources must be balanced with the obligation to prevent transboundary environmental damage. Thus, the application of the principle of *sic utere tuo ut alienum non laedas* to the transboundary haze issue is not an attempt to diminish Indonesia's sovereignty, but rather a mechanism to uphold common *but differentiated responsibilities* in maintaining regional environmental sustainability.

Although the AATHP has become the primary legal instrument for ASEAN countries to address transboundary haze pollution, its implementation still faces various structural obstacles.(24) One major obstacle is the strong principle of *non-interference* , a hallmark of ASEAN. This principle has led member states to avoid actions that could be considered intervention in the domestic affairs of other countries, including holding them legally accountable for transboundary haze pollution. Consequently, the dispute resolution mechanisms available within the ASEAN framework are primarily diplomatic and cooperative, rather than binding judicial mechanisms. This has led to the resolution of transboundary haze issues being largely carried out through bilateral diplomacy, technical assistance, or statements of political commitment without any tangible legal consequences.

In the context of Indonesia-Malaysia-Singapore relations, the application of the principle of *sic utere tuo ut alienum non laedas* has complex consequences. Malaysia and Singapore have consistently expressed complaints about the impact of haze arising from land fires in Indonesian territory. Empirical studies show that over the past two decades, both countries have suffered significant economic and public health losses due to transboundary air pollution. Despite this, neither Malaysia nor Singapore has taken formal international legal action against Indonesia. This can be understood as a consequence of ASEAN's diplomatic culture, which prioritizes consensus and cooperation over legal confrontation. Instead, the three countries have sought to build cooperation in forest fire mitigation, hotspot monitoring, and information exchange to prevent a recurrence of the haze crisis.

However, the main problem in implementing the principle of *sic utere tuo ut alienum non laedas* in the ASEAN region lies in the weakness of regional law enforcement mechanisms. The AATHP, despite being a legally binding agreement, does not provide for sanctions or compensation mechanisms for countries that violate it.(25) Consequently, even though Indonesia ratified this agreement in 2014, the implementation of its obligations still depends on the political will of each country. This demonstrates the gap between ideal international legal norms and regional legal practices, which are still *soft law* . Therefore, the effectiveness of implementing the principle of *sic utere tuo ut alienum non laedas* in the Southeast Asian context depends heavily on strengthening institutional capacity, harmonizing environmental policies, and increasing the political commitment of ASEAN member countries to uphold environmental responsibilities together.

The integration of the principle of *sic utere tuo ut alienum non laedas* into the national policies and international practices of ASEAN countries is an important step towards

strengthening regional environmental governance. Through the implementation of this principle, ASEAN countries can demonstrate their commitment to sustainable development and responsible environmental management. This principle emphasizes that efforts to prevent transboundary pollution are not only a legal obligation but also part of international ethics in realizing harmonious relations between countries. Therefore, the successful implementation of this principle depends heavily on the synergy between international law, national policies, and sustainable regional cooperation.

Ultimately, the application of the principle of *sic utere tuo ut alienum non laedas* in the context of transboundary haze pollution in Southeast Asia underscores the importance of balancing state sovereignty with international responsibility. Countries in the region need to understand that environmental issues are transboundary and require an approach that transcends purely national interests. Within this framework, the application of this principle provides a moral and legal basis for building fair, responsible, and sustainable regional environmental governance. This principle is not merely a classical legal norm, but rather a relevant guideline for addressing global ecological challenges in the modern era, where geographical boundaries can no longer justify actions that harm the environment of other countries.

Conclusions

The principle of *sic utere tuo ut alienum non laedas* is a basic norm in international environmental law which affirms that every country has the sovereignty to utilize its natural resources, but is limited by the obligation not to cause harm to the environment of other countries. In the context of Transboundary Haze Pollution in Southeast Asia, this principle is substantively reflected in various international legal instruments such as the 1972 Stockholm Declaration, the 1992 Rio Declaration, and the 2002 ASEAN Agreement on Transboundary Haze Pollution (AATHP). However, the implementation of this principle in practice still faces serious challenges. The imbalance between economic interests and environmental protection has resulted in weak implementation of the principle of non-harm towards other countries. Although Indonesia has become a party to the AATHP, the implementation of its international legal obligations is often hampered by internal factors such as weak environmental law enforcement, lack of oversight capacity, and the dominance of corporate interests in the plantation and forestry sectors. As a result, Transboundary Haze Pollution remains a recurring regional problem, causing social, economic, and health impacts across national borders, and confirms that the principle of *sic utere tuo ut alienum non laedas* has not been fully implemented effectively in the Southeast Asia region.

Therefore, the implementation of the principle of *sic utere tuo ut alienum non laedas* must be strengthened by placing state sovereignty within the framework of preventive responsibility. In the context of transboundary haze pollution, sovereignty over natural resources should not be understood as an absolute authority, but as a right accompanied by the obligation to prevent significant environmental harm to other states. For this reason, Indonesia needs to strengthen its environmental permitting system, ensure stricter supervision of plantation and forestry concessions, and require mandatory environmental impact assessments for land-use activities with a high risk of fire. At the regional level, ASEAN also needs to develop a more effective dispute resolution and compliance mechanism under the ASEAN Agreement on Transboundary Haze Pollution, so that regional cooperation

is not limited to diplomacy but can also support accountability, ecological protection, greenhouse gas emission reduction, and climate change mitigation in Southeast Asia.

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Conflicts of Interest

The authors declare no conflict of interest.

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