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## LEGAL ANALYSIS OF FOREST FIRE CRIMES IN TÜRKİYE AND LITHUANIA

OSMAN DEVRİM, ELVAN<sup>1</sup>  
DALIA, PERKUMIENĖ<sup>2</sup>

### Abstract

**The relevance of this study.** The climate zone and forest vegetation structure of Turkey, especially the Mediterranean and Aegean regions, are very sensitive to forest fires. In Turkey, an average of 2000 forest fires occur each year. When the causes of fire in the last 10 years in Turkey are examined, it is seen that 48% of them are human caused. When the rate of fires with unknown offenders is equally distributed, it is seen that this rate reaches 71%. However, the number of fires with unknown offenders of forest fires is 39.1% when the data of the last 5 years are examined. For this reason, it is possible to state that human caused forest fire causes are above 71%. When the legislation on forest fires is examined, it can be stated that the sanctions are deterrent. According to the Law on Forests of the Republic of Lithuania, a unified state system of fire prevention measures is applied in forest territories, regardless of the type of ownership. This system includes forest fire monitoring (prediction and detection), prevention and fire protection measures. Forests cover up to 2.045 million ha or 31.3 % of the territory of Lithuania. In average 0.59 ha of forestland falls to one inhabitant of the Republic. State forests occupy 49.7 %, private forests 31.4 %, and reserved for privatisation 18.9 % of the total forested area of Lithuania. On average every year in Lithuania more than 750 forest fires are registered, during which more than 350 ha of forests are damaged. **The main problems.** However, it should be emphasized that the main problem is the lack of public awareness and the lack of development activities of the administration. Because, Forest legislation and administrative measures in Turkey are post-fire focused. All planning is done in this direction and resources are spent for these purposes. In the study, the legislation on forest fires in Turkey was examined. In addition, forest fires crime has been analyzed according to the principles of criminal law. Finally, legal determinations were made regarding the burned forest areas after forest fires and suggestions were made. In 2010, Lithuania had 2.41Mha of natural forest, extending over 37% of its land area and in 2021, it lost 22.6kha of natural forest. The main causes of forest fires in Lithuania include: negligence of forest visitors and burning of dry grass in spring time. **The following tasks:** 1. To analyze legal resources in Turkish and Lithuanian law that concern forest fires. 2. To analyze strengths, weaknesses, opportunities, and threats of Turkish legislation and administrative practices related to forest fires. 3. To discuss general aggravating circumstance for all forest crimes. 4. Based on the data of the performed analysis, to submit conclusions. **The aim of research** – to analyze forest fire crimes in Türkiye and to compare with the situation in Lithuania. **The paper concluded** that for the elements of the crime and the sanctions, it can be concluded that some acts, related to primarily moral element, can be considered as eventual intent. As for the compensations for the forest fires in Türkiye, it has been found out that only burnt out forestry products and reforestation costs are calculated and demanded as per the Articles 112 and 114 of the Law No. 6831. But, no compensation is demanded for the wild animals and stray animals living in the forests in the event that they are injured. **The novelty** of the analyzed topic is that setting forests on fire and crimes committed for the purpose of destroying or narrowing down the forestlands shall not be included within the scope of particular and general remissions either. Besides, it is stated under the last paragraph of Article 83 of the Forest Law No. 6831 that the cases related to forest crimes shall be deemed as "urgent" by the courts. On average every year in Lithuania more than 750 forest fires are registered, during which more than 350 ha of forests are damaged. For example, in 2010, Lithuania had 2.41Mha of natural forest, extending over 37% of its land area and in 2021, it lost 22.6kha of natural forest (Global forest watch, 2021). The number of forest fires significantly increases during hot and dry meteorological conditions. The main causes of forest fires include: negligence of forest visitors and burning of dry grass in spring time. **As the result.** Therefore, it is necessary for the State to use any kind of communication and education means efficiently in order to conserve the forests and prevent forest fires. The administration has to check the permissions for the forestlands, primarily the permissions related to energy end dump facilities, frequently and on the site and control whether permission granted facilities discharge their responsibilities or not. It should be understood that the increase, particularly in recent years, in the number of forest fires due to energy transmission lines occur as a result of control deficiency. According to the Law on Forests of the Republic of Lithuania, a unified state system of fire prevention measures is applied in forest territories, regardless of the type of ownership. This system includes forest fire monitoring (prediction and detection), prevention and fire protection measures. **The used methodology** document analysis, (SWOT) analysis, systematic analysis, comparative analysis, logical – analytical and meta – analysis methods.

**Keywords:** forest, crime, fire, Türkiye.

### Corresponding author:

<sup>1</sup> Istanbul University-Cerrahpaşa IUC Orman Fakültesi Valide Sultan Caddesi No:2, Bahçeköy-Sarıyer, İstanbul 34473 Türkiye

E-mail: [devrimelvan@iuc.edu.tr](mailto:devrimelvan@iuc.edu.tr)

ORCID iD: 0000-0001-7751-5916

<sup>2</sup> Vytautas Magnus University Studentų str. 11, Akademija, Kaunas district LT-53361 Lithuania

E-mail: [dalia.perkumiene@vdu.lt](mailto:dalia.perkumiene@vdu.lt)

ORCID iD: 0000-0003-4072-3898

## Introduction

### Statement of the problem

27.6 % of Turkey's total surface area consists of forestlands. 99.897 % of these forestlands are state-owned ones whereas 0.086 % is private and 0.017 % belong to public legal entities. According to Article 169 of the Constitution of the Republic of Turkey, the State is responsible for the supervision and conservation of all afore-mentioned types of forests. According to the same Article, the forestlands suffering from forest fire shall immediately be reforested and neither agricultural nor livestock farming activities shall be allowed to be carried on these lands as well. 61 % of Turkey's forests consist of species that are sensitive to forest fires and these forestlands require significant measures to be taken (Kucukosmanoglu et al., 2013). This mentioned situation can clearly be concluded from the forest fire risk map of Turkey that has been formed considering species, the effect of the climate and previously encountered forest fires.

Forests cover up to 2.045 million ha or 31.3 % of the territory of Lithuania. In average 0.59 ha of forestland falls to one inhabitant of the Republic. State forests occupy 49.7 %, private forests 31.4 %, and reserved for privatisation 18.9 % of the total forested area of Lithuania (International Forest Fire News..., 2022). On average every year in Lithuania more than 750 forest fires are registered, during which more than 350 ha of forests are damaged. For example, in 2010, Lithuania had 2.41Mha of natural forest, extending over 37% of its land area and in 2021, it lost 22.6kha of natural forest (Global forest watch, 2021). The number of forest fires significantly increases during hot and dry meteorological conditions. The main causes of forest fires include: negligence of forest visitors and burning of dry grass in spring time (Mozgeris, et.al., 2016). In Lithuania, the biggest forest fire season usually starts at the end of March and lasts about 22 weeks. From 2021 July 12 until 2022 July 4 3 VIIRS fire warnings were reported, considering only high confidence warnings. This is normal compared to previous years, counting up to 2012 (Global forest watch, 2022).

### Relevance of the topic

61% of the total forest assets of Turkey, which is 21,678,134 hectares, consists of coniferous species. The risk of forest fire on the regions where these coniferous species are located, increase especially during summer and on windy days (Avcı and Boz, 2017; Kavgacı et al., 2010). Forest fires have become one of the major threats that affect living conditions in many countries (Tedim et al., 2014). (Covington,

and Moore, 1994; Hessburg et al., 2005; Wotawa, and Trainer, 2000). It is known that a significant part of these fires is human-induced (Karki, 2002; Montiel-Molina, 2013; Stephens, 2005; Jaiswal et al., 2002; Martinez et al., 2009). Moreover, in many different cultures, like in India, an understanding that utilizes the vegetation that emerges after forest fires as a source of income, especially as the firewood, is known to exist (Schmerbeck et al. 2015).

Forest crimes are defined among those that are not in the scope of any kind of remission in Turkish Laws which can be observed in the Constitution of 1982 and in the current Forest Law No. 6831, which came into force in 1956. The 3rd paragraph of Article 169 of the Constitution specifically states that neither particular nor general remission shall be granted for all types of forest crimes. Moreover, setting forests on fire and crimes committed for the purpose of destroying or narrowing down the forestlands shall not be included within the scope of particular and general remissions either. Besides, it is stated under the last paragraph of Article 83 of the Forest Law No. 6831 that the cases related to forest crimes shall be deemed as "urgent" by the courts. Pursuant their "urgent" characteristics, cases related to forest crimes are heard even during judiciary recess; legal periods run during judiciary recess and notifications made during judiciary recess are considered valid. Public prosecutors are obliged to file an indictment and start a criminal case against those mentioned forest crimes immediately depending on the crime report (Gunay, 2001).

According to the Law on Forests of the Republic of Lithuania, a unified state system of fire prevention measures is applied in forest territories, regardless of the type of ownership. This system includes forest fire monitoring (prediction and detection), prevention and fire protection measures. The main goals of the system: reduce the risk of forest fires, improve their prevention, increase the resistance of stands to fires, predict, monitor, detect and extinguish fires. The State Forestry Office of Lithuania is the founder of 42 state forest offices and coordinates the implementation of a unified state system of fire protection measures (Brukas, et.al., 2018).

**The object of research**— legal analysis of fire crimes.

**The aim of research**— to analyze forest fire crimes in Türkiye and to compare with the situation in Lithuania.

**The main research methods:** document analysis, (SWOT) analysis, systematic analysis, comparative analysis, logical – analytical and meta – analysis methods.

## Results

### Legal Resources in Turkish Law that Concern Forest Fires

As is known, education and raising awareness are the most effective ways to prevent or reduce the number of human-induced wrongful behaviors (Aguilar and Montiel 2011; Ayberk 2000). The force of law, on the other hand, is also of the most effective ways. In other words, the restrictions, prohibitions, and sanctions imposed by the legislative power of the State cause significant changes in human behaviors. The amendments by the States in their legislation related to forest fires in line with international conventions and adopted principles have resulted in positive outcomes in terms of combating forest fires (Simorangkir, Sumantri, 2002; Ongoren, 2004; FAO, 2006; Rosenbaum, 2007). However, it is necessary to develop not only the legislation but also the current technics and management understanding (Ganz et al., 2003; Mert, 2011). Because, the methods and local customs that are far from technology and up-to-date information are stated not to contribute to the conservation of the forests (Ganz et al., 2003; Lampin-Maillet et al., 2009).

When Turkish legislation on forest fires is intended to be examined, it is necessary to start primarily with Article 169 of the Constitution of 1982. The first paragraph of the Article states that the State is responsible for enacting the necessary laws and taking measures for the conservation and the development of the forestlands. Moreover, the same Article also states that the burnt out forestlands shall be reforested and any kind of agricultural or stock farming activities shall not be permitted to be carried out on these lands so that the burnt out forestlands are being granted constitutional security. The sensitivity to the conservation of the forestlands, particularly the burnt out ones, have been presented with the statement “setting the forests on fire and the crimes committed for the purpose of destroying or narrowing down the forestlands shall not be included within the scope of any general or particular remissions” under the third paragraph of the Article 169. The same provisions in the former Constitution of 1961 under Article 131. When the legal regulations on forest fires are observed, it is understood that the most comprehensive provisions are included under the Forest Law No. 6831 of 1956, which is still in force. Firefighting issues and illegal acts are mentioned starting from Article 68 up to the end of Article 76 of the Law. These mentioned articles cover the following provi-

sions: Making fire calls; communication and transportation facilities during fire; regulations on the participation of the volunteers to firefighting; compensations to be paid to those who are injured during fires and to the relatives of those who die; regulations on the construction of surveillance towers for the purpose of fire prevention; regulations on the prevention of forest trespassing against fire hazards and provisions that prohibit the use of flammable materials and lighting fire on forestlands.

The sanction provisions on the forest fires are regulated under the Articles 105, 106, 107 and 110 of the Forest Law No. 6831 as to be imposed administrative and punitive fines. Those who do not report forest fires in spite of witnessing; those who throw flammable substances to the forests; and those who set the forests on fire either by negligence or intentionally shall be sentenced imprisonment and imposed punitive fines whereas those who do not report forest fires; those who hinder or disrupt communication and transportation during fire; and the attendants who do not fulfill the given instructions during firefighting shall be imposed administrative fines.

On the other hand, “The directive on the compensations to be paid for those who died and were injured during forest fire extinguishing activities” of 2004 and “The directive on the functions of the officers who are to participate in the forest fire prevention and extinguishing activities of 1976 are in force.

In addition to afore-mentioned directives, a notification on “The practice principles of preventing and combating forest fires” No. 285 also exists and forest administration fulfills operations related to forest fires within the scope of this notification. The notification mainly focuses on the organization, action plan and the management of extinguishing activities.

Shortly, as it can be understood from the mentioned legislation provisions, Turkish Forestry Legislation is in the form of legislation in which regulations related to post-fire period are mostly included in terms of forest fires and preventive provisions are not detailed.

### Legal Resources in Lithuanian Republic Law that Concern Forest Fires

The Constitution of the Republic of Lithuania and other laws establish the principles of forest and other natural environment preservation, rational use of natural resources and ensuring their increase (Constitution of the Republic of Lithuania, 1992). They clearly state that the state takes care of the natural environment, the protection of fauna and flora, individual natural objects and especially valuable

areas, ensures that they are used sparingly, as well as restored and enriched.

The Law on Environmental Protection (Law of the Republic of Lithuania on Environmental Protection, 1992) of the Republic of Lithuania and the provisions of the Law on Forests indicate that there must be forest resources in the country are multiplied, and they are farmed rationally. These laws determine the basic rights and duties of legal and natural persons, preserving the biological diversity, ecological systems and landscape characteristic of our country, ensuring a healthy and clean environment, rational use of natural resources, and increasing the productivity of forests. The Law on Forests stipulates that forest coverage in Lithuania must be increased by planting forests in those areas that are unsuitable for agricultural activities.

Forest fires cause great damage both to forest owners and to the forest itself for the entire forest ecosystem. They destroy trees, herbaceous plants, and small trees in a short time flora and fauna, increases carbon dioxide in the atmosphere, endangers human health and life. One of the biggest forest fires in Lithuania was in 2006 in the Curonian Spit, when more than 250 hectares of forest burned, and the losses exceeded one million litas. However, the real causes of this fire are still unknown.

The European Union Commission has recommended the "Forest Focus" program to the member states, obliging them to establish expert groups on forest fires and exchange information, with the aim of creating better forest fire risk assessment methods on a European scale and establishing map of burned areas (Report of the Commission to the Council and the European Parliament on the implementation of the "forest focus" program..., 2008). In the Forest Focus program, much attention is paid to the monitoring of forest protection against atmospheric pollutants, forest fires, their causes and consequences monitoring and prevention of forest fires. According to the aforementioned program, a group of forest fire experts was established in Lithuania and the European Union, consisting of experts from national institutions, including civil protection services. This group is the only common fire experts' network at EU level. Its members represent all the Member States and some third countries of the Mediterranean region. A group of experts has developed a European forest fire information system. In Lithuanian forests, regardless of their form of ownership, it is mandatory a common state system of fire prevention measures should be created and maintained. This common

state system of fire prevention measures is prepared and its implementation is organized by forest offices, state parks directorates and municipalities (Report of the Commission to the Council and the European Parliament on the implementation of the "forest focus" program..., 2008).

It should be noted that forest managers, owners and users must protect the forest from fires. Lithuanian Republic Government resolution no. 500 of the of April 7, 1995 approved fire brigades protection rules, the observance of which is mandatory for forest owners and forest visitors, both for employees of institutions. Forest managers and owners must carry out forest management to install and renew the forest fire-fighting measures provided for in the projects at their own expense fire tapes (Resolution No. 500 of Government of the Republic of Lithuania on April 7, 1995).

Citizens have the right to visit forests, with the exception of private forests located up to 100 m from the owner's homestead, if their visit is not related to ongoing forestry activities or hunting. Ministry of Environmental Protection of the Republic of Lithuania in 1996 December 5 No. 176/240 approved the rules for visiting and resting in forests, which establish certain prohibitions and requirements. Forest visitors are prohibited from making bonfires in places not equipped for that purpose places, throwing unextinguished smoke, catching and killing wild animals, washing vehicles, littering the forest. The rules provide for the possibility of a complete ban on visiting forests during drought (Order of the Ministry of Environmental Protection of the Republic of Lithuania/Ministry of Forestry of the Republic of Lithuania in 1996).

#### ***Forest burning crime and sanctions according to Turkish Forest Law***

In this section, forest fire crime was defined according to elements of the criminal law.

These are legal elements, moral elements, material elements.

And also crime was defined according to;

- aggravating circumstances,
- extenuating circumstances,
- sanctions,
- places of jurisdiction,
- statute of limitations.
- Offenders/Victims

In the Forest Law No. 6831 defines forest fire crime three different types.

- Danger crime (means the possibility of forest burning)

- Cause a forest fire
- Burning down the forest

#### ***Danger Crime***

According to the this crime;

Legal Element: Forest Act No.6831 Art. 76 Art. 110.

Moral Element: Intent.

Material Elements:

- Lighting a fire within the borders of a forestland except for in permitted areas,
- dropping flammable material or live cigarettes,
- burning stubble and similar vegetative cover at a distance of less than 4 km from a forestland

Sanction: 1-year to 3-years imprisonment and judicial fine.

Aggravating Circumstances: None.

Extenuating Circumstances: None.

Place of Jurisdiction: Criminal court of general jurisdiction.

Statute of Limitations: Limitation of action, 8 years, Criminal statute of limitations, 10 years.

#### ***Cause a Forest Fire***

According to the this crime;

Legal Element: Forest Act No.6831 Art. 76 Art. 110.

- Moral Element: Negligence.
- Material Element: Causing a forest fire as a result of violating the obligation of attention and care.

Sanction: 2 years to 7 years imprisonment.

Aggravating Circumstances: None.

Extenuating Circumstances: Considering the efforts of the offender for putting out fire and reducing the effects or slight damage, the penalty shall be reduced in half.

Place of Jurisdiction : Criminal court of general jurisdiction.

Statute of Limitations : Limitation of action, 15 years, Criminal statute of limitations, 8 years.

#### ***Burning Down The Forest***

According to the this crime;

Legal Element: Forest Act No.6831 Art. 76 Art. 110.

Moral Element: Intent.

Material Element: Deliberately and willingly burning down the trees.

Sanction: Not less than 10-years imprisonment and judicial fine up to ten thousand days years.

Exceptions: None.

Aggravating Circumstances : One who starts a fire within the framework of the activities of an terrorist

organization established for the purpose of committing a crime against state security shall be sentenced to life imprisonment and may face a judicial fine up to twenty thousand days

Extenuating Circumstances: None.

Place of Jurisdiction: High Court of Crimes.

Statute of Limitations: Limitation of action 15 years, Criminal statute of limitations 20 years

#### ***General aggravating circumstance for all forest crimes***

In Article 111 of the Forest Law No. 6831, there is an aggravating circumstance for all forest crimes.

Accordingly, the penalty determined for forest crimes committed in forests separated as conservation forests and national parks is increased by one time (x2).

#### ***The offenders and the victims of forest fire offences***

Offenders; according to the relevant articles of Forest Act No.6831 that regulate forest fire offences, expressions such as “those who set fire” exist which means that no qualification is needed and anyone can be the offender of the crime

According to official statistics, 9.2% of forest fires occur naturally (stroke of lightning). There is definitely human influence in the remaining 88.8%.

Victims; in terms of forest offences, the state is both a general and specific victim in the case of the forestland, because the area where the crime has been committed belongs to the state.

For the crimes committed on private land in forests, victims are private property owners and public entities. However, when the social benefits of forests are considered it is clear that the victims are society and the environment in any case.

#### ***Conclusion***

1. When Turkish Legislation is analyzed in terms of forest fires, it is observed that effective regulations exist, the Constitution being in the first place. The facts that the Constitution requires the reforestation of the burnt out forestlands and the cons of the crime “setting forests on fire” are excluded from any kind of general or private remissions are the primary regulations that need to be emphasized. When the situation is approached in terms of Forest Law, it is possible to state that deterrent sanctions exist against those who set forests on fire. The regulation on the possibility that the Crime might be committed by negligence is an indicator as well. On the other hand, conducting the trial period of the suspects under arrest indicates the strict approach of the legislation against the Crime. As is stated, the crime of setting the forests on

**Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis of Turkish legislation and administrative practices related to forest fires**

<p align="center"><b>Strengths</b></p> <ul style="list-style-type: none"> <li>• The presence of a constitutional guarantee on the reforestation of burned forestlands</li> <li>• The State's control of the management of the forestlands</li> <li>• The presence of a strong forestry organization</li> <li>• Having a sufficient number of staff and a sufficient technological infrastructure for combating forest fires</li> <li>• The fact that the penalty for the crime of setting forests on fire has been clearly regulated under the Forest Law</li> <li>• The deterrence provided by the sanctions determined for crimes against forestlands</li> </ul>	<p align="center"><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>• The lack of a definition of forest fires in the law and regulations</li> <li>• The granting of licenses for long-term (not longer than 49 years) activities such as tourism, mining, defense, transportation, training and waste facilities on forestlands.</li> <li>• The lack of preventive provisions for forest fires under related other laws</li> <li>• The lack of legislation on efficient training for and awareness raising about forest fires</li> </ul>
<p align="center"><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• The increasing interest of society in forests and natural habitats.</li> <li>• The fact that the press and particularly social media actively call attention to forest fires</li> <li>• The technological developments that lead to the immediate extinguishing of fires</li> <li>• The possession of manageable resources for precautionary measures against fires by the Forest Administration</li> <li>• The fact that forest fires caused primarily by energy links and garbage dumps can be controlled by the State with good planning</li> </ul>	<p align="center"><b>Threats</b></p> <ul style="list-style-type: none"> <li>• The fact that the most widely spreading species are the ones most vulnerable to fire</li> <li>• The fact that humans are the most important factors in forest fires</li> <li>• The increase in changes to forestry law that can cause a reduction in forest assets</li> <li>• The increase in the number of licenses granted for mining, tourism, and energy investments on forestlands</li> <li>• The fact that energy links and garbage dumps are the leading causes of fires and the increase in the subvention, particularly in energy investments</li> </ul>

fire can be included in the crimes with endangerment characteristics. Lighting fire that has not caused forest fire (Articles 76/ b, c, d and 110 of the Law No. 6831) or causing fire hazard even without seeking for the condition "lighting fire" (76/c) are regarded as satisfactory for the crime to be completed.

2. According to the Law on Forests of the Republic of Lithuania, a unified state system of fire prevention measures is applied in forest territories, regardless of the type of ownership. This system includes forest fire monitoring (prediction and detection), prevention and fire protection measures.

3. As for the elements of the Crime and the sanctions, it can be concluded that some acts, related to primarily moral element, can be considered as eventual intent. Here, it shall be accurate to state that, it is not possible to mention about negligence for the forest fires that break out as a result of throwing live cigarettes on the forestlands where coniferous species are dominant and dry cones and dry undergrowth cover exists during summer time when inflammation risk is at peak. It is possible to claim that the mentioned act causes forest fire with eventual intent.

As for the compensations for the forest fires, it has been found out that only burnt out forestry products and reforestation costs are calculated and demanded as per the Articles 112 and 114 of the Law No. 6831.

But, no compensation is demanded for the wild animals and stray animals living in the forests in the event that they are injured. A clear provision on this issue should be amended in the law and compensation for these afore-mentioned animals should be demanded in practice.

4 It is understood from the data that no matter how deterrent is the legislation, the deficiency in administrative measures and lack of public awareness makes the combating forest fires unsuccessful. Almost all of the budget used by forest administration in combating the forest fires are utilized for the post-fire extinguishing activities and forest fire watching activities.

5. According to the Law on Forests of the Republic of Lithuania, a unified state system of fire prevention measures is applied in forest territories, regardless of the type of ownership. This system includes forest fire monitoring (prediction and detection), prevention and fire protection measures.

6. Therefore, it is necessary for the State to use any kind of communication and education means efficiently in order to conserve the forests and prevent forest fires. The administration has to check the permissions for the forestlands, primarily the permissions related to energy end dump facilities, frequently and on the site and control whether permission granted facilities discharge their responsibilities

or not. It should be understood that the increase, particularly in recent years, in the number of forest fires due to energy transmission lines occur as a result of control deficiency.

7. The most important lack is insufficient legal regulations for preventing human-made forest fires. Society's interest in nature and forestlands should be turned into an advantage, and awareness-raising activities should be given special attention.

8. The Forest Administration should establish a separate unit to track licenses granted for mining, dumping, and energy activities and should carry out frequent on-site audits to see whether businesses take all of the necessary precautions to prevent fires.

9. The definitions regarding forest fires aren't clear in Turkish legislation, including the Forest Law. Some necessary definitions can be found in statutes and regulations. Definitions should absolutely be regulated by law, and regulations must include the definitions.

10. It should be noted that forest managers, owners and users must protect the forest from fires. Lithuanian Republic Government resolution no. 500 of the of April 7, 1995 approved fire brigades protection rules, the observance of which is mandatory for forest owners and forest visitors, both for employees of institutions.

11. Smoking should be prohibited in forests, except for certain distances from picnic units.

12. In forest fires, compensation is requested only for the presence of burning trees. However, if wild animals and stray animals in the forest are damaged, compensation is not requested. Legislation should be made in this regard.

13. With an arrangement to be made in the forest law, "Forest Fires Combatting Committee" should be established. Commission participation basis should work. All kinds of works and transactions before and after the fire should be the duty of this commission. Committee's decisions must be binding.

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**ОСМАН, ДЕВРІМ ЕЛВАН** – Проф., доктор юридичних наук, Університет Черрахпаша (Істамбул 34473, Турція)

E-mail: devrimelvan@iuc.edu.tr  
 ORCID iD: 0000-0001-7751-5916

**ДАЛЯ, ПЯРКУМЕНЕ** – Доц. проф. Доктор юридичних наук, Університет Вітаутаса Великого (Каунас, Литва), ул. Студенту 11, Академия, Каунасский район, LT-53361 Литва

E-mail: dalia.perkumiene@vdu.lt  
 ORCID iD: 0000-0003-4072-3898

## ЮРИДИЧНИЙ АНАЛІЗ ЗЛОЧИНІВ, ПІД ЯКІ ПОПАДАЮТЬ ЛІСОВІ ПОЖЕЖІ В ТУРЕЦІЇ ТА ЛИТВИ

### Анотація

Актуальність цього дослідження. Кліматична зона та структура лісової рослинності Туреччини, особливо Середземноморського та Егейського регіонів, дуже чутливі до лісових пожеж. У Туреччині щороку трапляється в середньому 2000 лісових пожеж. Коли досліджувати причини пожеж за останні 10 років у Туреччині, видно, що 48% з них викликані людьми. При рівномірному розподілі кількості пожеж з невідомими злочинцями видно, що цей показник досягає 71%. Проте кількість пожеж з невідомими винуватцями лісових пожеж становить 39,1% за даними за останні 5 років. З цієї причини можна стверджувати, що лісові пожежі спричинені людиною, складають понад 71%. Розглядаючи законодавство про лісові пожежі, можна констатувати, що санкції мають стримуючий характер. Відповідно до Закону Литовської Республіки про ліси, на лісових територіях, незалежно від форм власності, діє єдина державна система протипожежних заходів. Ця система включає моніторинг лісових пожеж (прогнозування та виявлення), запобігання та протипожежні заходи. Ліси займають до 2,045 млн га або 31,3 % території Литви. У середньому на одного жителя республіки припадає 0,59 га лісових угідь. Державні ліси займають 49,7 %, приватні ліси 31,4 %, а зарезервовані для приватизації 18,9 % загальної площі

лісів Литви. В середньому щорічно в Литві реєструється понад 750 лісових пожеж, під час яких знищується понад 350 га лісів.

Основні проблеми. Однак слід підкреслити, що основною проблемою є недостатня обізнаність громадськості та недостатня діяльність адміністрації з розвитку. Оскільки лісове законодавство та адміністративні заходи в Туреччині зосереджені на постпожежних ситуаціях. Все планування ведеться в цьому напрямку і на ці цілі витрачаються ресурси. У дослідженні було розглянуто законодавство про лісові пожежі в Туреччині. Крім того, злочини, пов'язані з лісовими пожежами, проаналізовано відповідно до принципів кримінального права. Насамкінець прийнято правові визначення щодо згорілих лісових масивів після лісових пожеж та внесено пропозиції. У 2010 році Литва мала 2,41 млн га природних лісів, що займали 37% її території, а в 2021 році вона втратила 22,6 га природних лісів.

Основними причинами лісових пожеж у Литві є: недбалість відвідувачів лісу та спалювання сухої трави у весняний період. Наступні завдання: 1. Проаналізувати правові ресурси турецького та литовського права, які стосуються лісових пожеж. 2. Проаналізувати сильні та слабкі сторони, можливості та загрози турецького законодавства та адміністративної практики щодо лісових пожеж. 3. Обговорити загальні обтяжуючі обставини для всіх лісових злочинів. 4. За даними проведеного аналізу подати висновки. Мета дослідження – проаналізувати злочини, пов'язані з лісовими пожежами, у Туреччині та порівняти з ситуацією в Литві. У документі зроблено висновок, що щодо елементів складу злочину та санкцій можна зробити висновок, що деякі дії, пов'язані насамперед з моральним елементом, можна розглядати як можливий умисел. Що стосується компенсацій за лісові пожежі в Туреччині, то було з'ясовано, що відповідно до статей 112 і 114 Закону № 6831 розраховуються та вимагаються лише вигорілі лісопродукція та витрати на лісовідновлення. Але компенсація не вимагається диких і бродячих тварин, які мешкають у лісах, у разі їх поранення. Новизна досліджуваної теми полягає в тому, що підпали лісів та злочини, вчинені з метою знищення або звуження лісових угідь, також не підпадають під особливе та загальне звільнення. Крім того, в останньому абзаці статті 83 Лісового закону № 6831 зазначено, що справи, пов'язані з лісовими злочинами, розглядаються судами як «невідкладні». В середньому щорічно в Литві реєструється понад 750 лісових пожеж, під час яких знищується понад 350 га лісів. Наприклад, у 2010 році Литва мала 2,41 млн га природних лісів, що займали 37% її території, а в 2021 році вона втратила 22,6 га природних лісів (Global Forest Watch, 2021). За спекотних і сухих метеорологічних умов значно зростає кількість лісових пожеж. Основними причинами виникнення лісових пожеж є: недбалість відвідувачів лісу та спалювання сухої трави у весняний період.

Як наслідок. Тому необхідно, щоб держава ефективно використовувала будь-які комунікаційні та просвітницькі засоби для збереження лісів та запобігання лісовим пожежам. Адміністрація має перевіряти дозволи на лісові угіддя, насамперед дозволи, пов'язані з енергетичними сміттєзвалищами, часто та на місці та контролювати, чи виконують надані дозволи об'єкти свої обов'язки чи ні. Слід розуміти, що збільшення, особливо в останні роки, кількості лісових пожеж через лінії електропередач відбувається внаслідок боротьби з ними.

Відповідно до Закону Литовської Республіки про ліси, на лісових територіях, незалежно від форм власності, діє єдина державна система протипожежних заходів. Ця система включає моніторинг лісових пожеж (прогнозування та виявлення), запобігання та протипожежні заходи. Використана методологія аналізу документів, (SWOT) аналізу, систематичного аналізу, порівняльного аналізу, логіко-аналітичних та мета-аналітичних методів.

**Ключові слова:** ліс, злочинність, пожежа, Туреччина.

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