

Legal Review of Government Policy in Granting Coal, Gold and Nickel Mining Permits in Indonesia

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Abstract

Articles 20, 21, 22, 23, 24, 25, and Article 26 concerning WPR and Articles 66-73 concerning IPR from Law no. 4/2009 on Resource and Coal Mining contains implicit rules for craft mining. To achieve peace in society, we use practical methods to resolve conflicts. People's mining, which is an option for conventional mining, is a very real occurrence. Pre-existing issues will be investigated using standard legal study methods. This study will focus on the part of the law that was amended in 2009 that regulates the extraction of minerals and coal, Minerba Law no. 4. Various types of complementary legal documents, such as books and scholarly articles on the topic, can be found in the library's collection. The findings of this study include, first, the city government no longer has the authority to issue permits after the ratification of the Minerba Law in 2020. The government is now responsible for coordinating permits as a whole. Second, if smallholder mining actually occurs, it is not clear who has the authority to designate smallholder mining zones. Third, a culture of bureaucratization will develop in smallholder mining administration as a result of the loss of the strategic role of local governments and their current status as an extension of the central government. Currently, local governments have no powers of their own beyond what has been granted to them by the federal government. Every aspect of mining - from initial exploration to post-mining environmental management (reclamation) and protection of labor health and safety - falls under the purview of the federal government. The sole purpose of local government is to facilitate central cooperation efforts.

Keywords: Legal Review, Government Policy, Mining Permit



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INTRODUCTION

Law No. 4/2009 on Mineral and Coal Mining includes implied regulations for smallholder mining in Articles 20, 21, 22, 23, 24, 25, and Article 26 on WPR and Articles 66-73 on IPR. Several other articles in the law regulate artisanal mining, including local government duties as mining managers, land ownership for holders of intellectual property rights, financial support for artisanal mining, and more. That people's mining operations are carried out in the WPR and that the WPR is decided by the regent/mayor is spelled out in detail in Articles 20 and 21 of the 2009 Law on mineral and coal mining previously. This paper focuses on local and regional mining administration. In fact, for people's mining matters, authority should be fully handed over to the regions, because if the center continues to 'interfere' with regional (district/city) authority, it will only lengthen the bureaucracy, make it ineffective, and become an obstacle in solving mining without a permit (PETI). which currently must be completed immediately (Yunianto, & Saleh, 2011).

According to the findings of Bambang Yunianto and Ridwan Saleh, there are at least three things that need to be explained in the technical guidelines and implementation instructions so that the WPR standards described in Article 22 (letters a-f) can be fully implemented. Because there are many examples of people digging metal and coal minerals that are deeper than 25 meters, first, the main deposits of metal or coal with a maximum depth of 25 meters. Second, small miners usually move around in search of good deposits, especially if the area is large

enough, so the maximum WPR area is 25 ha. Finally, smallholder mining sites must have been used for at least 15 years (Yunianto & Saleh, 2011).

In 2020, eleven years after the passing of the Minerba Law in 2009, the government has made significant changes in the mineral and coal mining sector through Law no. 03 of 2020, which is being debated in the midst of a society that is being hit by the Covid-19 outbreak. Among the most divisive provisions is the consolidation of licensing powers at the federal level. Previously, this function was divided between the federal government and state and local governments. Central government authorities now hold a monopoly on resource and coal management, including the authority to oversee extraction operations (Rahayu, & Faisal, 2021).

After the revision of the Minerba Law in 2020, the mining law underwent a political change whereby the regional government no longer had a role in the licensing process. Changes have occurred in several sectors, including mineral and coal ownership rights, mining administration responsibilities, and transfer of authority. Article 4 of the new Minerba Law, which will come into force in 2020, fundamentally transfers control of minerals and coal to the state for the greater benefit of the people. This control is exercised by the Central Government through the policy, legislation, administration, and oversight departments. In the past, the federal government and state and local governments shared power fairly. Currently, the authority is only in the hands of the federal government (Rahayu, & Faisal, 2021).

Although the idea of a “sustainable people's mining” law was raised in West Lombok District, research on licensed smallholder mining was conducted by Dwi Primilono and Ahmad Zuhair. This research focuses on the stages of smallholder mining, starting with outreach to the community and dissemination of information about smallholder mining (WPR). Then, cooperatively organized businesses can apply for mining permits, which makes monitoring easier. The Mining Service will provide the IPR from the current WPR to groups that have complied with the required procedures.

Any progress made in the gold extraction industry must be sustainable for future generations as well as the present generation. Sustainable growth can only be achieved if gold extraction practices are safe for the ecosystem. Development in the field of sustainable gold mining aims to ensure that the benefits and results of development can be enjoyed fairly by the next generation, environmental resources are protected and managed for the benefit of national economic growth, and the quality and standard of human life can be maintained for future generations. So that present and future generations can enjoy the fruits of the growth efforts of gold extraction.

The interests of the Indonesian government and people are served by the progress of gold extraction operations. Political security, a conducive business environment, and strict enforcement of government regulations were made as important as a country's wealth or natural resource promises in terms of mining growth. Negative impacts on ecosystems, which threaten human life and the country of Indonesia itself, can be caused by gold extraction operations that ignore environmental sustainability. If mining is stopped gradually to improve natural conditions, this will be a challenge for the country and the country as a whole in an effort to meet the needs of economic growth. The importance of incorporating ecologically focused growth activities due to the prevalence of environmental problems.

Legality issues surrounding community mining rights are not unique to Indonesia. Many forms of small-scale mining in Ghana are carried out without proper permits. “The existence of the illegal mining sector has created policy challenges for governments, and actions to curb the problem have often failed. Small-scale mining in Ghana is the result of social injustice experienced by miners. That those involved in this sector are not homogeneous but are differentiated based on class and motives. In overcoming social injustice, the state's actions

only focus on law enforcement overcoming the problem” (Ofori, 2018). The absence of government oversight in the mining business can also lead to social conflict between mining entrepreneurs and communities around mining areas or between surrounding communities, according to research by Muhammad Bagus Adi Wicaksana and I Gusti Ayu Ketut Rachmi Handayani (Wicaksono, & Handayani, 2020).

However, the research results of Muhammad Bagus Adi Wicaksana and I Gusti Ayu Ketut Rachmi Handayan contradict the results of research by Absori, Aulia Vivi Yulianingrum, Khudzaifah Dimiyati, Harun, Arief Budion, and Hari Sutra Disemadi, which found that monitoring of mining work is still poor. Lack of awareness the company will be responsible for recovery and post-mining has caused extensive environmental damage. The community's ability to meet their basic needs, including access to clean water, is affected by this situation (Absoridkk, 2021). Then, a juridical analysis of community mining in Indonesia was carried out by Arief Rahman and Diman Ade Mulada (Rahman, & Mulada, 2018).

The above matters make artisanal mining a topic of discussion that is relevant not only from a legal standpoint, but also from a social and cultural standpoint. When state power was combined with popular power, a new notion of social administration arose. Societal natural resources are transformed into social wealth that can perpetuate or heal societal divisions. Realistic conflict resolution is used to create social harmony. As an alternative to the established mining industry, artisanal mining is a very real phenomenon.

RESEARCH METHODS

Normative legal research techniques will be used to examine existing problems. The research will focus on the provisions of the Minerba Law no. 3 of 2020 which is an amendment to the Minerba Law No. 4 of 2009 which regulates mineral and coal mining. Scholarly books and publications on these subjects are examples of the types of complementary legal documents that can be found in research libraries.

RESEARCH RESULTS AND DISCUSSION

Law No. 3 of 2020 as Government Policy in Granting Mining Permits

For example, it is still unclear how the 2020 Minerba Law will address the following three questions: (a) who has the authority to issue permits for community mining; (b) how long artisanal mining will continue after the implementation of the new regulations; and (c) what role will local government play in this context. There is an urgent need to carry out this study to answer questions regarding whether local governments have the authority to issue artisanal mining permits, whether artisanal mining will still exist after the passage of the new Minerba Law, and what role will local governments play in the sustainability of artisanal mining.

Authority to Issue Permits for the People's Mining Law 2020 (UU No. 3 of 2020). The authority to grant regional government permits has been fully taken over by the central government since the revision and ratification of Law no. 3 of 2020, which changed the previous rules, namely Law no. 4 of 2009 concerning Resources and Coal Mining. Article 4 gives exclusive power over resources and coal to the federal government. Article 6 stipulates that the central government agency is the one-stop point of contact for all mining-related matters. All types of mining permits, including standard "IUP" permits, "IUPK" permits, and "community mining permits", are subject to this regulation (HAKI).

In accordance with Article 8 of Law No.4/2009 on Resource and Coal Mining, local governments have the legal power to issue IUP and IPR in advance, while provincial governments are only allowed to issue IUP. Articles 7 and 8 of the old Minerba Law have been repealed and replaced with a new one. Therefore, unification of permits is a political mining

law that applies. To achieve state goals, legal politics is one of the state policies that determines which laws will or will not be ratified, as explained by Faisal quoting Mahfud MD (Faisal, Satrio, & Ferdian, 2020).

The change in who has the authority to issue mining company permits, from local to central government, follows a predictable pattern that can be traced back to political and legal anomalies within local government. Investor motivation to invest in the mining industry is indeed influenced by external variables. Investors are especially concerned about the availability of a legal security environment for investment in the establishment of mining companies (Putri, & ALW, 2015). Even though the mining licensing system existed before Law No. 4 of 2009 was passed, this system has become a new innovation in governance within the framework of regional autonomy, which has shifted from centralization to devolution of authority (Nuradhawati, 2019). During the New Order era, legal products tended to follow a centralized pattern with a sectoral approach (Syarif, Patros, & Simanungkalit, 2017). This means that the Minister of Mines, as the central government, has the authority to issue permits for all activities related to mining, including but not limited to decisions on mining authorization permits, contracts of work, agreements of work, coal mining permits, and similar matters (Nurjaya, 2008).

UU no. 22 (1999), no. 32 (2004), and No. 23 (2014) led to changes in the regional government system from controlled regional autonomy to regional autonomy with a dispersed system. The bupati took advantage of the substantial powers given to regional leaders by regional autonomy regulations prior to Law no. 23 of 2014 in managing coal resources through various leasing schemes. The coal mines appear to be privately owned by district heads, who issue Mining Business Permits (IUP) and Mining Business Area Permits (WIUP) without regard to their impact on the surrounding ecosystem (Sharif, 2020). However, the system of government affairs has changed as a result of Law no. 23/2014 concerning Regional Government and methods of managing permits in the regions in the mining law. This is because there are points of contact between the mining industry and the realm of government, particularly with regard to questions regarding local government control and central government supervision (Kartono, 2017).

UU no. 3 of 2020, which is an amendment to Law no. 4 of 2009, is a step back in the political orientation of mining law because it transferred the authority to issue mining permits from municipal jurisdiction to federal jurisdiction. According to Diana Yusyanti's research, after the issuance of Law no. 11 of 1967 which centralized licensing in the mineral and coal mining sector, the mining industry authorization process became fragmented after the enactment of Law no. 22 of 1999 and its amendments, Law no. 32 of 2004. As a result, ministerial and governor powers began to intersect regarding permits in the mining sector, and decentralization emerged (Yusyanti, 2017). The Central Government, which previously delegated authority in the field of mineral and coal extraction to District/City Governments, has taken over this function as a result of the passing of UU No. 23 of 2014 concerning Regional Government. Some of the consequences are the lack of alignment between the 2009 Minerba Law and the 2014 Local Government Law, as well as differences in power, finance, and oversight between the federal and state governments (Putri, & ALW, 2015).

People's mining takes place in people's mining areas, in accordance with Article 20. People's Mining Areas (WPR). Article 22 details the standards that must be met in order to calculate the WPR. According to Article 20 of the previous law, the WPR was determined by the bupati/mayor with input from the district's director of public relations. Ironically, Article 21 was repealed after the new regulation was passed because it gave regents/mayors the authority to determine the WPR. Both the authority to issue permits and the authority to

determine the WPR have been revoked. Since the new regulations do not specify which party establishes the WPR, the question arises as to who has the authority to do so if Article 21 is repealed.

In addition to Article 8 of the new Law, which states that only Regency/City governments can issue IUP and IPR, Article 67 paragraph 1 of the new law states that the minister can issue people's mining permits (IPR) to persons and groups whose members are local citizens. . Previously, the bupati/acting mayor had enough authority to issue IPR permits, and in some cases, this authority could even be delegated to the camat. This kind of authority no longer applies. Furthermore, Article 70 is being revised to clarify that holders of intellectual property rights (IPR) are responsible for collaborating with the minister in environmental management and providing regular updates on the progress of community mining business activities. Industrial reality, especially in the case of unconventional tin mining (IT) in Bangka-Belitung, has shown how difficult it is to monitor mining activities to ensure that these activities are carried out in accordance with applicable regulations. Despite having the ability to access these areas, local governments have had difficulty enforcing mining laws.

How can the federal government, acting through relevant departments, effectively oversee environmental management in local mining areas? Even if the federal government delegated power to the regional level, the bureaucratization of the process and flow of supervision of artisanal mining would make it inefficient and ineffective. In reality, mining conflicts often arise from disagreements within the mining industry, be it between mining corporations or even between local miners. According to previous research, one of the main impacts of mining is disapproval or criticism of the feasibility study activities of plans for opening a mining site, the exploration stage, by different community organizations or indigenous peoples. Waste contamination of the environment and maritime habitats, non-obtaining permits from land rights holders, disruption of settlement security, impact on residents' economic activities, and protection of family customary land from mining are just a few of the causes of the protest (Faisal, & Rahayu, 2021).

Made Widnyana, as referred to by Iwan Harianto, identified the following as potential causes of conflict: rules and regulations, values and beliefs, information systems, scarcity of resources, dissatisfaction with a desire, hostility between competing businesses, and individual personality. (Harianto, 2013). However, these initiatives are often supported by business actors who do not comply with environmental quality standards in terms of environmental protection and management (Karjoko, Santosa, & Handayani, 2019). Only the federal government can provide direction, enforce laws, and conduct audits.

The central government is responsible for ensuring that mining companies have access to the technology, money and promotions needed to succeed. The responsibility for worker safety and post-mining cleaning falls under the purview of the minister in terms of technology regulations for artisanal mining. According to Article 73, the relevant departments are given this power in its entirety. As a reasonable legal consequence, Article 72 mandates that additional regulations regarding the requirements to obtain property are regulated by government regulations. The authority to make their own regulations to issue Property permits has been revoked from municipalities. The government acts as the sole arbiter for all matters, including the issuance of licenses for the use of intellectual property and all matters related to technology law.

The Existence of People's Mining After the Implementation of the New Regulations

Smallholder mining operations in various parts of the world follow standard procedures. The local people decided to mine on their own despite having little skill and inadequate resources. Mining groups are labeled such as "illegal miners", "unconventional mining",

“unlicensed mining”, and “societal mining” by the government or mining companies. This label is used to distinguish the demographics of people working in the mining industry and their methods of operation from companies that use high-tech manufacturing machines. Traditional mining is not a monolithic cultural phenomenon. There are many people who claim that the only reason underground mining has survived is for financial gain. While this is certainly a contributing element, local mining is also supported by a number of other, broader social variables.

Regional Regulation No. 4 of 2009 concerning Resource and Coal Mining includes rules regarding community mining and thus regulates its sustainability. The legal provisions in this case the Regional Regulation of the Bangka Belitung Islands Province concerning People's Mining Management emphasize that everyone in society must benefit from it, but this depends on the legal culture of the community and respect for the law (Rahayu, 2016). Since Law no. 4 of 2009 enforced to date, has sparked conflict, social conflict, or disputes over issues such as the location of mining areas, issuance of permits, and profit allocation. This problem can only be solved by unifying the conventional justice system with its two contemporary branches (Nugroho, 2019).

Some of the aspects of underground mining controls that will apply after the new regulations are enacted are bad news for small-scale miners. WPR is no longer something that can be decided by the regent/mayor. Therefore, local mines may face legal ambiguity as it is not clear who has the authority to decide which WPR meets the requirements and standards under the relevant law. In Article 22, the depth limit for primary metal or coal deposits is increased from 25 to 100 meters. Obviously, this makes it difficult for small towns, with all their limitations, to fully understand the scope of metal deposits, which can be as deep as 100 meters.

The same document stipulates that smallholder mining areas must have a minimum area of 25 hectares, an increase from the previous 10 hectares. Although the area allocation was a ceiling that could be set at 100 hectares, technological errors were feared to appear on the ground, raising questions about how small towns could achieve such a large area. In addition, this new regulation removes the requirement that the area or location of community mining operations has been cultivated for at least 15 years. Only the proposed WPR needs to comply with space and area use standards for mining operations. The requirement to go through the minister to obtain a people's mining permit (IPR) will only increase the pressure on the people as miners. Since the passage of this new law, only citizens can apply for IPR alone or as part of a group. Unlike the previous law, which allowed civil society organizations to petition, the new law does not allow them to do so.

It will be challenging for local mines to participate in the WPR due to the program's stringent licensing standards and requirements, both of which have to be handled by a single government agency. On the other hand, Article 68 increases the maximum area that can be given to a candidate from 1 hectare to 5 hectares. The maximum area given is still 10 hectares for candidates from trade unions. The People's Mining Permit (IPR) is now valid for a full decade, instead of the previous limit of five years, and can be renewed twice for an additional five years. As a result, in a relatively long period of time, the scope of IPR permits issued has expanded. The permit-granting process, however, is now overseen by the government. It will be difficult for small-scale miners to engage in mining in their region due to a scarcity of access to money and expertise.

To prevent the transfer of intellectual property rights (IPR) by one IPR owner to another, a new Article 70A has been added to the Law on People's Mining Permits. This would result in the enforcement of formal penalties against amateur miners working on Bangka Island, where tin has been mined by hand since 1998. Amateur miners were previously prohibited from

operating. The number of TI artisanal mines in Bangka Belitung is relatively high. IT mining can be done with makeshift tools and low initial investment. Conflict and financial gain are not the only factors that come into play when discussing artisanal mining. People's mining in Bangka Regency, which was researched by Derita Prapti Rahayu, also shows an interaction between local knowledge. Even though some of the customs and beliefs in Bangka may seem absurd at first glance, they have become a principle that is firmly held by the local people.

As has been written in previous research, the survival of smallholder mining is a problem due to the dominance of a number of factors. These factors include the economy and welfare, public awareness and knowledge regarding applications for mining business permits, local wisdom, and the perception that licensing is too bureaucratic and procedural. Therefore, preventive measures and identification of causes and solutions for highly complex mining require tools other than punishments. "The dilemmas in mining governance have been discussed at the beginning of this research and those associated with funding complexity were found to be usually driven by several dominant factors such as the economic and welfare, awareness and knowledge of the community regarding the application for mining business permits, local wisdom, and licensing management considered to be very procedural and bureaucratized. Some of these factors have triggered the prevention of mining crime through rational actions other than the use of penal means by law enforcement agencies. This shows the non-penal means are needed as a preventive measure and also to determine the root problems and solutions to very complex mining crimes. This prevention effort is, however, divided into two general models including the primary and secondary" (Faisal & Rahayu, 2021a).

In previous research, Derita Prapti Rahayu showed that there is much more that is invisible when it comes to underground mining. Literacy in Bangka Regency has a local flavor thanks to the wealth of in-depth knowledge from amateur miners who have direct experience. Traditional knowledge is also known as tin ampak, real tin, or hollow tin. Situations where currently existing lead is so light it can easily be weighed off a scale and is either useless or unsaleable, much like sand in general. The community accepts and believes in the existence of impacted tin when miners violate taboos (local term for prohibition) in mining. Even in areas unaffected by amateur mining, tin can become impacted if deliberately influenced or initiated by ancient people to ensure a sustainable environment for farming, which was the primary means of survival at the time. Some of the areas mentioned above are still ecologically viable despite the scarcity of mining activities due to tin depletion (Rahayu, 2016).

It has been proven that IT's actions impact the local economy, but also have a real social impact on the surrounding area. Conflicts between mining companies and local residents have increased as a result of mining, which has turned previously agricultural areas into mining towns and has negative effects on local ecosystems (Faisal, Satrio & Ferdian, 2020). The findings of Dwi Prilmilon and Ahmad Zuhairi, which are described here, are quite interesting. They found that in West Lombok district, permits were issued for artisanal mining (illegal mining) not for economic gain, but to reduce horizontal and vertical disputes. Despite horizontal and vertical disputes, the Local Government (LG) ultimately chose to allow a fair and sufficient number of citizens to engage in legal mining. There will be ongoing disputes if individuals are not allowed to mine. It is estimated that if the government acts decisively against them, the personality of the people will change when they control areas with gold potential (Primilono, & Zuhairi, 2016).

In terms of obtaining a mining permit, only the people living in the area are eligible to participate in community mining. Companies can apply for permits to mine in smallholder mining areas, which have smaller mining zones and cost less (Ali, 2020). With sufficient size

and sufficient money, subsistence extraction would be impossible. Within certain parameters, the law allows artisanal mining.

The Role of Local Government in the Presence of People's Mining in Law No.3 of 2020

In Minerba Law no. 4 of 2009, the responsibility of local government (Pemda) in mining management has been established. This includes artisanal mining. Articles 7 and 8 of the Minerba Law previously outlined some of the responsibilities of LGs, including the creation of local regulations, issuance and coordination of IUP and IPR permits, promotion and supervision of mining businesses, and community conflict resolution. In addition to enforcing the law, the city government is responsible for other activities, such as inventory, investigation and research, as well as exploration of ore and coal data and information. Mineral and coal resources can be accounted for in government ledgers, and the value of extraction operations can be expanded and increased. In order to encourage the survival of nature in the area around the mine, the local government can support community involvement in the mining business sector. Coordination of the submission of data on findings from general investigation catalogs and research and findings can also be carried out at the city level between the provincial and district/city governments and the relevant ministers.

In addition, the Regional Government is also tasked with providing data on production results, internal sales, and exports to the central government, especially the related Ministers. The involvement of local governments in fostering and supervising post-mining recovery as well as increasing the capacity of provincial and district/city government agencies in carrying out mining business management is very important. Articles 7 and 8 of the Minerba Law No.4 of 2009 provide certain powers to regional governments that have been revoked or abolished by the central government. According to Article 35, line 4, Minerba Law No.3 of 2020, the municipal government is only an outpost of the federal government in terms of delegated or delegated authority. To the extent permitted by law, the Federal Government may transfer authority to issue company licenses to Provincial Governments. Article 4 Minerba Law No. 3 of 2020 confirms that the right to control new minerals and stones and Article 6 confirms that the authority to handle mining is fully the responsibility of the central government, which reaffirms the limited authority of local governments.

Since the entry into force of local government authority was amended in Article 67 paragraph 1, which states that all property permits are submitted to the minister, the existence of community mining permits has become a question of central government authority. Article 73 of the Minerba Law No.3 of 2020 also includes technological adjustments to regional government powers in an effort to encourage regional government accountability. The central government is responsible for everything related to mining, including permits, supervision, advice, regulations, post-mining environmental management (reclamation), and worker safety and health. It is ironic that the central government tries to impose uniform rules on a population as diverse as the people working in the mining industry in our country.

Technically, the federal government can rely on states and municipalities to take the lead in carrying out collaborative roles. The main problem that will emerge is the impractical and inefficient culture of city government collaboration. The problem is, the main authority is in the center, while the regional government only carries out the delegation of authority even if there is a delegation or delegation of authority. However, these initiatives are often supported by business actors who do not comply with environmental quality standards in terms of environmental protection and management (Karjoko, Santosa, & Handayani, 2019). Only the federal government can provide direction, enforce laws, and conduct audits if artisanal mining is carried out without meeting standard mining procedures. With the ratification of Law no. 3

of 2020 also because of that, local governments may have to be involved in community mining to ensure environmental health in the areas being mined. People's mining will be affected by the increased bureaucracy associated with the centralization of permits.

Local government is no longer responsible for issuing mining permits; instead, the proposal should be submitted to the relevant ministries. This will make it more difficult for rural areas to obtain permits. People's mining permits, on the other hand, are governed by a number of new agreements codified in several articles. Therefore, the regulatory position of the Regional Government is inadequate, and it does not have the authority to directly supervise, guide and adjudicate small mining operations. In short, the Regional Governments do not have the authority to initiate judicial proceedings independently of the Central Government. This area suffers negative impacts from mining extraction, including environmental damage and mining activities that must be carried out in accordance with relevant legal requirements.

CONCLUSION

Following the passing of the Mineral and Coal Mining Law No.3 of 2020, all municipal licensing authority was decided and transferred to the federal government. The federal government has the final say on the types of materials and lignite that can be mined, and how those mines are run. Articles 7 and 8 have also been repealed in the revised Minerba Law. According to Paragraph 1 of Article 67, the Minister has the authority to issue People's Mining Permits (IPR) to local nationals and trade union members. After the enactment of the Minerba Law No. 3 of 2020, the future of community mining has become bleak. Regents and mayors no longer have the authority to determine WPR. As the WPR is not formally incorporated under the new Minerba Law, the Central Government will first designate Mining Areas within its jurisdiction, after which the Provincial Government will confer with the People's Representative Council (DPR) to finalize the designation. It should be noted that the central government has revoked or removed some of the key responsibilities of local government as stated in Articles 7 and 8 of Minerba Law No.4/2009. At this time, local governments do not have more power than the central government which is delegated. The central government has jurisdiction over all parts of mining, including licensing, supervision, direction, regulation, post-mining environmental management (reclamation), and protection of workers' health and safety. Municipal authorities exist only to assist the federal government with coordination.

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