

**FORMULATION OF MINERBA LAW ENFORCEMENT POLICY  
AGAINST UNCONVENTIONAL MINE FLOATING CATEGORY  
(STUDY OF SOCIO LEGAL IN BANGKA DISTRICT)**

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**Abstract**

The floating TI problem will also have an impact on policies on environmental conservation, fisheries and cultural change. Subjectivity of policy issues. This research approach is socio-legal. Research with such an approach, views the law in its complex face, not only stops at the norm, but also targets how the process of formation is up to its implementation. TI floating problems must be identified related to issues of authority, economic and environmental issues. With this concept, this research was carried out by conducting a step review of norms for the first stage. In the next stage, a search for certain norms related to floating TI is carried out the act of number 4 ' 2009 on Minerals and Coal. It was only analyzed by offering how floating law enforcement related to IT in the Bangka Regency area. Policy problems are only possible when humans make judgments about the desire to change some problem situations. The policy problem is the result / product of human subjective assessment, the policy problem can also be accepted as legitimate definitions of objective social conditions and hence policy problems are understood, maintained and changed socially; and there are many solutions to a problem as there are many definitions of the problem. Problems and solutions are in constant changes.

**Keywords : Formulation Of Minerba Law Enforcement Policy, Unconventional Mine Floating Category, Study Of Socio Legal**

**INTRODUCTION**

Unconventional tin miners or *Timah Inkonvensional* (TI), is a term that exists in the people of Bangka Regency to mention people's mining. TI floating category is one of the categories of community mining in Bangka Regency whose mining area is on the coast and river or in the former mine area of PT.Timah.<sup>1</sup> Bangka Regency which is one of the districts in the Province of Bangka Belitung

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<sup>1</sup> Derita Prapti Rahayu, *Rekonstruksi Kelembagaan dalam Penetapan Wilayah Pertambangan Rakyat (Wpr) Berbasis Kearifan Lokal Untuk Membangun Ecoliteracy Di Kabupaten Bangka*, Desertasi Program Doktor Ilmu Hukum Universitas Diponegoro, Semarang, 2018, page. 218

Islands,<sup>2</sup> experiencing serious environmental damage that can be seen from the destruction of forest areas, water sources, human settlements, silting of rivers, various river biota and dead sea. Wide-open pits were scattered in abandoned mining areas. A research by Sriwijaya University in 1998/1999 found 887 examining pits in Bangka Belitung, namely 544 kolong in Bangka with area of 1,035.51 Ha and 343 others in Belitung with an area of 677.14 Ha.

The existence of the pits has implication of forest damage. Based on the Report of Critical Land Review of Bangka Belitung Islands Province in 2013, land categorized as moderately critical reached 987,739 hectares. This number equals three times of the critical land area of 2010. Currently, the land categorized as critical one reaches 155,389 hectares and the very critical land reaches 60,720 hectares<sup>3</sup>.

The cause of environmental damage in Bangka Regency was dominated by IT activities. IT is different from PETI (Mining Without Permission), PETI is a mining carried out by parties in the mining company category, while IT or illegal people's mining is only carried out by parties with the category of the people, not in the form of companies. The impact of environmental damage due to the mine is now starting to shift to the coastal area. This phenomenon not only negatively impacts the marine ecosystem, but also decreases the catch of fishermen because the catchment area is in the mine.

On the other hand, the phenomenon of tin mining has also influenced the mindset of fishermen who later turned professions into miners. Sporadic mining in coastal areas is also a problem for the world of tourism which has relied on the beauty of the coast<sup>4</sup> and coral reefs. Therefore special attention is needed to the

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<sup>2</sup> Precisely in 2000 the Bangka Belitung Islands Province was established independently of South Sumatra and was the 31st Province in Indonesia, based on Law No. 27 of 2000 concerning the Establishment of the Bangka Belitung Islands Province.

<sup>3</sup> Joko Susilo and Siti Maemunah, 2002, *Tiga Abad Melayani (Potret Tambang Timah di Bangka Belitung)*, Jakarta, JATAM, page 99.

<sup>4</sup> Almost all beaches in Sungailiat City have floating IT. According to local residents the Regional Government through the Satpol PP has carried out prosecution and confiscation. But keep repeating and cat-mouse with the authorities. Dini Wulansari. 2011. *Keindahan Pantai di Antara Banyak Masalah*. Yogyakarta. Khomsa. Hlm. 44-45, see Disertation of Dwi Haryadi, page 13.

formulation of mineral and coal law enforcement policies on unconventional mining in the floating category from a socio-legal perspective in Bangka Regency.

### **RESEARCH METHODS**

This research approach is socio-legal. Research with such an approach, views the law in its complex face, not only stops at the norm, but also targets how the process of formation is up to its implementation. In the process, this approach involves a number of interdisciplinary sciences.<sup>5</sup> Law cannot be separated from the political, socio-cultural and economic context. Thus, legal analysis cannot be limited to norm analysis, but must target how the relations and interactions with various political and economic, social and cultural subsystems.<sup>6</sup>

With this concept, this research was carried out by conducting a step review of norms for the first stage. In the next stage, a search for certain norms related to floating TI is carried out the act of number 4 ' 2009 on Minerals and Coal. It was only analyzed by offering how floating law enforcement related to IT in the Bangka Regency area.

### **RESULTS AND DISCUSSION**

Perimping River in Bangka Regency is now increasingly squeezed due to activity TI floating which has been operating in the local river Fishermen affected by TI float have been out of fishing and shrimp nets for the past month. Shrimp and fish disappear from the river, due to the floating IT, it's useless to go down because the fish is gone. The result is not enough to eat a day, even often go home without any results. As a result of this, it is really sad the fate of fishermen on the Perimping river, because many are unemployed, due to not being able to go down the river because of the TI float impact.

TI float on Perimping has been operating in the river for years, as if left unchecked or has been maintained until now, but no fisherman is concerned about

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<sup>5</sup> Brian Z. Tamanaha, 1997, *Realistic Socio-Legal Theory: Pragmatism and A Social Theory of Law*, Oxford, Clarendon Press, page 2.

<sup>6</sup> Satjipto Rahardjo, 2009, *Lapisan-lapisan dalam Studi Hukum*, Malang, Bayumedia, page. 8-11.

his fate, people care more about TI floating, fishermen are left clamped by TI apung.<sup>7</sup>

The illegal floating TI efforts have been carried out through law enforcement, but the results have not been optimal. Community involvement in TI floating because the economic demands and lack of environmental awareness make law enforcement which is partly carried out only by giving warnings and coaching.

Actions like this turned out to be not entirely successful because the miners still returned to mining and moving places, so that illegal TI floating continues to occur and is difficult to prevent. When the miners' raid was hiding and when the raid was finished, the illegal floating TI was rife again.<sup>8</sup>

Improvements in all fields need to be carried out simultaneously so that law enforcement can run smoothly. Mutual support from miners, communities and government is needed towards the creation of a harmonious atmosphere in realizing increased protection and welfare through regulatory enforcement formulations regarding TI float so that in this study will contribute and hope in the search for solutions to problems with all the limitations of alternative policies.

The steps that need to be taken in taking a public policy by the government are:<sup>9</sup>

1. Agenda setting (agenda setting), which is a process so that a problem can get attention from the government;
2. Policy formulation (policy formulation), namely the process of formulating policy choices by the government;
3. Policy making (decision making), which is a process when the government chooses to take action or does not take action;
4. Policy implementation, namely the process to implement policies to achieve results;

<sup>7</sup> <http://bangka.tribunnews.com/2018/01/31/akibat-dampak-ti-apung-sudah-sebulan-nelayan-tak-menjaring-di-sungai-perimping>, accessed May, 25, 2018.

<sup>8</sup> Preliminary observations of researchers at the Research site.

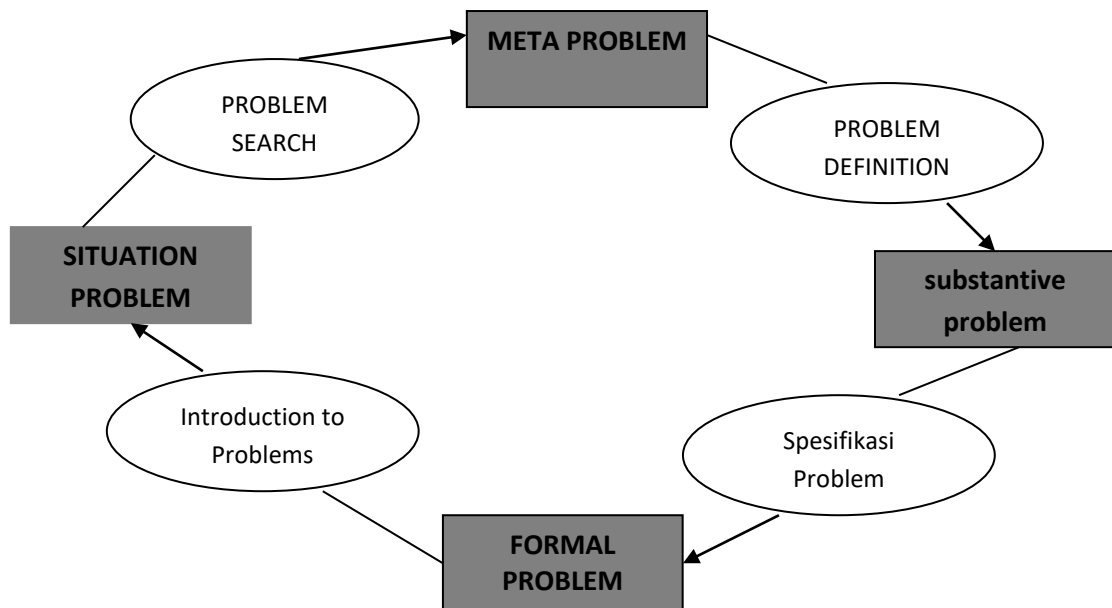
<sup>9</sup> Michael Hoelet and M.Ramesh in AG. Subarsono, 2006, *Analisis Kebijakan Publik : Konsep, Teori dan Aplikasi*, Penerbit Pustaka Pelajar, Yogyakarta, page 13.

5. Policy evaluation, namely the process to monitor and assess the results or performance of policies.

Problem formulation in the setting agenda stage can help find hidden assumptions, diagnose the causes, map possible goals, integrate conflicting views, and design new policy opportunities.<sup>10</sup> The formulation of the problem begins with the existence of a problem situation that is a series of situations that cause a sense of dissatisfaction and feels something is wrong, then the analysts involved in the search for the next problem is born what is called a meta problem that is a problem that is not neatly arranged.

At the meta-stage of the problem, the analyst defines the problem in the most common and basic terms, a substantive problem will arise. The problem specification process is a stage that changes the substantive problem into a formal problem, namely a problem that has been formulated specifically and clearly.

**Stages of Formulation of Problems in Policy Preparation**



<sup>10</sup> William N.Dunn, 2000, *Pengantar Analisis Kebijakan Publik*, Gadjah Mada University Press, Yogyakarta, 1994, page. 26

Problem formulation is an important phase in analyzing policy, because in formulating the problem is done the sorting of suitable problems to get the right solution. William N. Dunn<sup>11</sup> provide a description to explain the important characteristics of the policy problem:

1. *Interdependence of policy problems.* Policy problems in one area sometimes affect policy problems in other fields. The reality is that policy problems are not independent entities, they are part of the whole system of problems. An interdependent problem system requires a holistic approach, an approach that views parts as inseparable from the whole system that binds them;
2. *Subjectivity of policy issues.* External conditions that cause a problem are defined, classified, selectively explained and evaluated. Policy problems are a result of thinking made in a particular environment. The problem is an element of a problem situation abstracted from the situation by the analyst. That way, what we experience is actually a problem situation, not the problem itself;
3. *Artificial nature of the problem.* Policy problems are only possible when humans make judgments about the desire to change some problem situations. The policy problem is the result / product of human subjective assessment, the policy problem can also be accepted as legitimate definitions of objective social conditions and hence policy problems are understood, maintained and changed socially;
4. *Dynamics of policy problems.* There are many solutions to a problem as there are many definitions of the problem. Problems and solutions are in constant changes.

## CONCLUSION

Formulation of mineral law enforcement policies on unconventional mines in the floating category in Bangka Regency by taking into account the important characteristics of policy problems. Interdependence of policy issues. Policy problems in one area sometimes affect policy problems in other fields. The floating TI problem will also have an impact on policies on environmental conservation, fisheries and cultural change. Subjectivity of policy issues. TI

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<sup>11</sup> Ibid, page 214-216.

floating problems must be identified related to issues of authority, economic and environmental issues. Third is the artificial nature of the problem. Policy problems are only possible when humans make judgments about the desire to change some problem situations. The policy problem is the result / product of human subjective assessment, the policy problem can also be accepted as legitimate definitions of objective social conditions and hence policy problems are understood, maintained and changed socially; and there are many solutions to a problem as there are many definitions of the problem. Problems and solutions are in constant changes.

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