

# Laws Concerning Mineral and Coal Mining on Community Welfare from an Environmental Ethics Perspective

Adzraa Taqiyaah <sup>a</sup>✉, Arif Hidayat <sup>a</sup>

<sup>a</sup> Faculty of Law, Universitas Negeri Semarang, Indonesia

✉ Corresponding email: [ataqiyaahr@students.unnes.ac.id](mailto:ataqiyaahr@students.unnes.ac.id)

## Abstract

This study delves into the legal frameworks governing mineral and coal mining operations, focusing on their implications for community welfare through the prism of environmental ethics. Through qualitative research methods with a normative juridical approach, this research scrutinizes the transition from Law Number 4 of 2009 to Law Number 3 of 2020 and evaluates the juridical ramifications of the latter on societal well-being. Drawing on data from library research, legal document analysis, and stakeholder interviews, including perspectives from entities such as Jatam and PT Selo Argodedali, the study offers insights into divergent opinions regarding the efficacy of the legislative revisions. Findings indicate discord between mining entities and communities, with the former advocating for regulatory revisions while the latter perceive losses due to mining activities. Moreover, the study critiques the 2020 Minerba Law for its perceived neglect of environmental ethics, prioritizing exploitative practices over



environmental preservation. Ultimately, this research underscores the imperative for legal policies to uphold community welfare in harmony with environmental ethics, as mandated by constitutional provisions.

**KEYWORDS** *Public Welfare, Environmental Ethics, Coal and Mining Law*

## Introduction

The extraction and utilization of mineral and coal resources play a pivotal role in the economic development of many nations, often serving as a cornerstone of industrial growth and energy security.<sup>1</sup> However, the pursuit of these resources is not without its complexities and controversies, particularly concerning their impact on local communities and the environment. As regulatory frameworks evolve to address emerging challenges, it becomes imperative to critically examine the laws governing mineral and coal mining operations through the lens of community welfare and environmental ethics.

Furthermore, article 33 paragraph (3) of the 1945 Constitution explains that Indonesia's natural wealth contained in the earth, and water is controlled by the state and utilized as well as possible for the welfare and prosperity of the community. One of them is minerals and coal which include natural wealth that cannot be renewed, so mine management must be carried out efficiently and transparently. Because coal mineral mining business activities carried out outside geothermal, oil, natural gas, and groundwater can improve the economy and regional development in a sustainable manner so as to achieve prosperity and welfare of the people in an equitable manner.<sup>2</sup>

---

<sup>1</sup> Pudasainee, Deepak, Vinoj Kurian, and Rajender Gupta. "Coal: Past, present, and future sustainable use." *Future Energy* (2020): 21-48; Fendri, Azmi, and Busyra Azheri. "Fundamental Principles of Mineral and Coal Resources Management in the Regional Autonomy Era." *Kanun Jurnal Ilmu Hukum* 24.3 (2022): 196-211; Wellmer, F-W., and J. Becker-Platen. "Sustainable development and the exploitation of mineral and energy resources: a review." *International Journal of Earth Sciences* 91 (2002): 723-745.

<sup>2</sup> Rachman, Irfan Nur. "Politik Hukum Pengelolaan Sumber Daya Alam Menurut Pasal 33 UUD 1945." *Jurnal Konstitusi* 13.1 (2016): 195-212; Wibowo, Suyanto Edi. "Memahami Makna Pasal 33 Undang-Undang Dasar Negara Republik

After 11 years of Law Number 4 of 2009 being implemented, the government considers that the law has not met the developments, problems, and legal needs in the management of mineral and coal mining. In 2020 the House of Representatives of the Republic of Indonesia in accordance with its authority in Article 21 of the 1945 Indonesian Constitution made changes to the Mining Law aimed at national economic growth, sustainable regional development, overcoming constraints in the authority of the central government and local governments, making permits, providing protection for affected communities, improving mining data and information, supervision and sanctions, so that mineral and coal mining regulations can run with effective. On June 10, 2020, Indonesian President Joko Widodo passed Law No. 3 of 2020 concerning Mineral and Coal Mining, commonly called the Mineral and Coal Law. Changes to several articles of the revision of the Mineral and Coal Law, consisting of 28 chapters, of which there are 2 new chapters, 52 new articles, 83 amended articles, 18 deleted articles, and the number of all articles to 209 articles which previously was only 175 articles.<sup>3</sup>

The discussion of the Mineral and Coal Bill which is considered hasty and closed so that it conflicts with the principles of the formation of legislation, namely in the formation of legislation starting from planning, drafting, discussing, ratifying or determining, and promulgation is transparent and open<sup>4</sup>. The 2020 Mining Law requires that all mining processes of companies or business entities must have permits from the state, so that the mining process becomes legal and can be carried out in

---

Indonesia Tahun 1945 Perihal Penguasaan oleh Negara Terhadap Sumber Daya Alam Comprehend the Meaning of Article 33 of The 1945 Constitution of The Republic of Indonesia on State Authority Over Natural Resources." *Jurnal Legislasi Indonesia* 12.4 (2018): 1-57.

<sup>3</sup> Fazria, Zulvi. *Implikasi Yuridis Pasal 4 Ayat 2 Undang-Undang Nomor 3 Tahun 2020 Terhadap Sentralisasi Pengelolaan Minerba Daerah oleh Pemerintah Pusat*. Diss. Universitas Islam Negeri Maulana Malik Ibrahim, 2021.

<sup>4</sup> Hidayati, Nur, et.al. "Sidang Rakyat Menggugat dan Membatalkan UU Minerba Dimulai Hari Ini". *JATAM*, May 29, 2020. Available online at <https://www.jatam.org/sidang-rakyat-menggugat-dan-membatalkan-uu-minerba-dimulai-hari-ini/>

accordance with existing regulations. There are two stages of mining business permits, the first of which is exploration, namely general investigation activities, exploration, feasibility studies. The second stage of production operations is construction, mining, processing or refining, development, utilization, transportation, and sales. Mining business activities can have a negative impact on the environment if mining is carried out continuously. Because the stages of the mining business take up to years<sup>5</sup>. The benefits of mining carried out by mining companies can provide income for the state, high interest in mining and coal sub-sectors can increase national income through tax revenues and can open job opportunities for the surrounding community.

Coal mineral mining activities that for years will affect environmental damage, problems that arise include: lack of environmentally friendly technology; the large overlap of mining areas with protected areas; deterioration of the value of land productivity; causing erosion and siltation; negative impact on flora and fauna; microclimate change; and the lack of compliance of open-pit mine managers in rehabilitation activities of former mining areas. Therefore, proper mining regulations and governance are needed so that Indonesia's natural wealth can provide benefits to the community and the country. The regulations made must still provide sustainable development goals so that they can be enjoyed by future generations of the nation's children<sup>6</sup>.

One of the mining business activities that can damage the environment is the case of gold mining PT. The Kencana Trio in Parigi

---

<sup>5</sup> Supramono, Gatot. *Hukum Pertambangan Mineral dan Batubara di Indonesia* (Jakarta: Rineka Cipta, 2012), p. 7 See also Nasir, Mohamad, Laurens Bakker, and Toon van Meijl. "Coal Mining Governance in Indonesia: Legal Uncertainty and Contestation." *Australian Journal of Asian Law* 22.1 (2022): 53-67; Qurbani, Indah Dwi, Raphael J. Heffron, and Arrial Thoriq Setyo Rifano. "Justice and critical mineral development in Indonesia and across ASEAN." *The Extractive Industries and Society* 8.1 (2021): 355-362; Astomo, Putra. "The Problems in Mineral and Coal Mining Regulations Perspectives Political Law and Responsive Law." *Kanun Jurnal Ilmu Hukum* 23.1 (2021): 133-156.

<sup>6</sup> See Suryoputro, Dimas Rahadian, and Erik PM Vermeulen. *Indonesia New Mining Law Regime: Balancing between State's and the Investor's Interest*. Diss. Master's Thesis LLM International Business Law 2011/2012. Tilburg Universit. Tilburg, 2012.

Moutong Regency, Central Sulawesi which was rejected by the local community resulted in one resident named Aldi dying due to police violence<sup>7</sup>. The incident occurred on February 7, 2020, residents demanded the governor of Central Sulawesi, Rusdy Mastura to revoke the mining license of PT. Trio Kencana, represented by the Governor's Expert for Community Affairs<sup>9</sup> Inter-Institutions and Human Rights, Ridha Saleh said that the governor promised to meet the people who acted to listen to the aspirations and demands of the community.

On February 12, 2022, the community demanded the promise of the Governor of Central Sulawesi, but the mass action was still not found. The community was disappointed to block the road in Siney Village, South Tinobo District with the aim that the governor kept his promise to meet and meet the community's demands to revoke PT Trio Kencana's mining license. Police officers dispersed until one of the protesters was killed, and another was injured<sup>8</sup>. One of the criticisms from the people is about the abolition of Article 7 and Article 8 in the 2020 Mining Law. This made the local government lose its authority as a mining business license giver and change hands to the central government<sup>9</sup>. So that it is difficult for the community to submit criticism to the local government. The exposure of the case above is certainly connected with the layout of the geographical conditions of Indonesia, which is an archipelagic country. Regional autonomy should make it easier for local governments independently to provide maximum services so as to improve the welfare of the people of the region.

---

<sup>7</sup> Ritonga, Abdullah Ibrahim, et.al. "MENUJU 2 TAHUN UU MINERBA: Puluhan Warga Dikriminalisasi, Jutaan Hektar Lahan Dijarah", *WALHI*. March 9, 2022. Available online at <https://www.walhi.or.id/menuju-2-tahun-uu-minerba-puluhan-warga-dikriminalisasi-jutaan-hektar-lahan-dijarah>

<sup>8</sup> Taufik, Muh, and Ramadhani Ramadhani. "Aksi Tolak Tambang di Sulteng, Seorang Massa Aksi Tewas dan Puluhan Lain Luka-Luka, dan Ditangkap Aparat Kepolisian", *JATAM*, February 13, 2022. Retrieved from <https://www.jatam.org/aksi-tolak-tambang-di-sulteng-seorang-massa-aksi-tewas-dan-puluhan-lain-luka-luka-dan-ditangkap-aparat-kepolisian>

<sup>9</sup> Rahayu, Derita Prapti, and Faisal Faisal. "Politik hukum kewenangan perizinan pertambangan pasca perubahan Undang-Undang Minerba." *Pandecta Research Law Journal* 16.1 (2021): 164-172.

After the enactment of the 2020 Mining Law, it can be stated that there is a shift in views on the pattern of relations between the center and regions to provide very broad issues, related to national democracy and local democracy, government issues with the people, legal political issues in the formation of laws, legal impact issues for community welfare in the perspective of environmental ethics, and influence on the management of mineral and coal products in the regions. With the description described above and looking at the basics that raise conflict, the author wants to research further about the Law on Mineral and Coal Mining on Community Welfare in an Environmental Ethics Perspective.

This study aims to explore the interplay between legal regulations, community welfare, and environmental ethics in the context of mineral and coal mining activities. Specifically, it seeks to analyze the transition from Law Number 4 of 2009 to Law Number 3 of 2020, identifying the legal politics involved in this revision process and assessing its implications for societal well-being. Moreover, the study endeavors to evaluate the extent to which these legislative changes align with principles of environmental ethics, considering the ethical considerations inherent in resource extraction and utilization.

By adopting a qualitative research approach with a normative juridical orientation, this study endeavors to delve into the nuances of the legal frameworks governing mineral and coal mining. Through methods such as library research, legal document analysis, and stakeholder interviews, including perspectives from organizations such as Jatam and PT Selo Argodedali, the research aims to elucidate divergent viewpoints and stakeholder interests in the debate surrounding mining regulations.

The findings of this study hold significant implications for policymakers, industry stakeholders, environmental advocates, and local communities affected by mining activities. By providing a nuanced understanding of the legal, ethical, and social dimensions of mineral and coal mining, this research seeks to inform policy discussions and contribute to the development of more equitable and sustainable regulatory frameworks. Ultimately, it underscores the importance of harmonizing legal regulations with principles of environmental ethics to ensure the protection of both communities and the environment in the pursuit of mineral and coal resources.



The research method used by the author in writing this law uses qualitative methods. Qualitative analysis not only aims to reveal the truth, but also to understand the truth.<sup>10</sup> This research approach in legal writing also uses a statutory approach (statute approach), which is an approach that uses legislation and regulations.<sup>11</sup> In this approach, the author is obliged to study the ontological, philosophical, and ratio legis basis of the law, so that the author knows the background of the law. The type of research used in writing this law is juridical normative or doctrinal research, which is research focused on examining the application of rules or norms in positive law.<sup>12</sup> The data sources in this legal research consist of primary, secondary, and tertiary legal materials using additional interviews.

## **Legal Politics of the Establishment of Law Number 3 of 2020 Concerning Mineral and Coal Mining**

### **A. Mineral and Coal Mining Management in Indonesian Legal Perspective**

The revision of Law No. 3 of 2020 on the amendment of Law No. 4 of 2009 concerning Mineral and Coal Mining (Mineral and Coal Law 2020) has drawn a lot of criticism due to changes, additions, and deletions of articles in the division of authority of the central and regional governments, determination of areas and granting permits for mining activities, supervision in mining, mining recovery including reclamation

---

<sup>10</sup> Muhaimin, Muhaimin. *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

<sup>11</sup> Marzuki, Peter Mahmud. *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

<sup>12</sup> Marzuki.

and post-mining, and law enforcement.<sup>13</sup> So, the author will describe several articles that become polemics in this new regulation, namely:

1) Division of Authority of Central and Regional Governments  
Authority and relationship between Central Government and Regional Government

The enactment of Law No. 3 of 2020 introduces significant changes to existing regulations through the deletion, addition, and replacement of key articles. Firstly, there's a notable alteration in Article 4, paragraph (2), which now stipulates that the control of minerals and coal by the state falls under the jurisdiction of the Central Government, a departure from previous arrangements which involved both governmental and local authorities. Secondly, the addition of Article 4, paragraph (3) grants expanded authority to the Central Government in various facets of mineral and coal mining, encompassing licensing, guidance, supervision, and law enforcement, including the oversight of reclamation and post-mining activities. Lastly, the removal of Articles 7 and 8 in the legislative revision eliminates the authority previously held by Provincial Governments, marking a significant shift in regulatory power dynamics.

2) Determination and Changes in Areas in Mining Business in Considering Environmental Carrying Capacity

The enactment of Law No. 3 of 2020 introduces a comprehensive categorization of mining business areas, encompassing various designations such as Mining Legal Areas (WHP), Mining Areas (WP), Mining Business Areas (WUP), People's Mining Areas (WPR), State Mining Areas (WPN), Mining Business Permit Areas (WIUP), Special Mining Business Areas (WUPK), and Special Mining Business Permit

---

<sup>13</sup> Arbani, Tri Suhendra, Prasasti Amelia, and Nurfaika Ishak. "Transfer of Authority Over Mineral and Coal Mining Tenure Rights." *Indonesian Journal of Law and Islamic Law (IJLIL)* 4.1 (2022): 124-147; Dalimunte, Abdillah, Mohammad Ghufron AZ, and Supriyadi Supriyadi. "Legal Problems Related to Mineral and Coal Mining Permits." *Jurnal Cakrawala Hukum* 14.1 (2023): 76-85.



Areas (WIUPK). This delineation represents a significant restructuring of the regulatory landscape governing mining activities.<sup>14</sup>

However, it is crucial to note that this extensive categorization raises concerns regarding environmental considerations in territorial designation and alteration. By providing a multitude of classifications, the law potentially dilutes the emphasis on environmental safeguards and assessments in determining and modifying the status of mining territories. This may result in a weakening of environmental protections, as the focus shifts towards administrative and procedural categorizations rather than prioritizing ecological conservation and sustainability. Therefore, while the delineation of mining areas under Law No. 3 of 2020 may streamline administrative processes, it also underscores the importance of ensuring robust environmental oversight and protection within the regulatory framework.

### 3) Government Supervision of the Implementation of Mining Business Activities

The 2020 Mining Law disrupts the centralized approach to supervising and regulating permit issuance, shifting towards a more decentralized model. This change has significant implications, particularly regarding the oversight of public interests and the resolution of disputes. With less centralized oversight, there's a heightened risk that the broader societal concerns, such as environmental protection and community welfare, might be overlooked in favor of expedited permit processing or industry interests.

Additionally, the removal of the community's right to apply for temporary suspension of mining activities further exacerbates these concerns. This right previously provided a crucial mechanism for communities to address immediate environmental or social issues arising

---

<sup>14</sup> Sihotang, Dewi Ririn, and Jajat Sudrajat. "Dampak Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah: Studi Kasus Pengalihan Kewenangan Reklamasi Dan Pascatambang IUP dalam Rangka PMA." *Prosiding Temu Profesi Tahunan PERHAPI* 1.1 (2018): 197-206; Buli, Willyam, Samsul Bakri, and Indra Gumay Febryano. "Kelembagaan Pertambangan Batubara di Hutan Rakyat (Coal Mining Institution in Private Forest)." *Jurnal Sylva Lestari* 6.3 (2018): 81-90.

from mining operations, such as pollution, land degradation, or conflicts with local residents. Without this recourse, communities may find themselves without effective means to halt or mitigate potential harm caused by mining activities, further eroding their ability to protect their interests and well-being.

Overall, these changes in the 2020 Mining Law raise questions about the balance between facilitating industry growth and safeguarding environmental and social concerns. The decentralization of regulatory oversight and the removal of community rights underscore the importance of robust mechanisms for ensuring accountability, transparency, and the protection of public interests within the mining sector.

#### 4) Law enforcement uncertainty in the 2020 Mining Law

The 2020 Mining Law removes the authority of local governments to the central government, so that only ministers can have the authority to impose sanctions. This makes it difficult for the community to get justice in reporting or complaints about mining activities in their area. Article 151 paragraph (2) of the 2020 Mining Law adds a type of fine administrative sanction that does not provide a nominal but is regulated again in a Government Regulation. Article 161 letter a confirms that the prohibition on the transfer of IUP is a form of criminal offense, which previously there was no sanction in this regard. Article 162 and Article 164 of the 2020 Mining Law are retained, this article has become a polemic in criminalizing communities that reject mining and environmental activists.

#### 5) Environmental Improvement Impact of Mining Business

There is no regulation on the impact of mining activities in recovery plans for polluted and damaged land at present, the fact that mining activities currently provide conditions for pollution and environmental damage, this important thing should be that policymakers can prioritize the existence of a legal basis for planned and integrative recovery activities. The 2020 Mining Law does not provide for this. If the preparation of the 2020 Mining Law intends to overcome the problem of mining pits that are increasing and adding in the future, improvements to regulations regarding criminal sanctions provisions but also the restoration of mining pits, reclamation and post-mining have existed since the establishment of

PRMBN and mining regional planning. The abolition of AMDAL provisions in mining business permits in Article 39 paragraph (1) of the 2020 Mining Law. This provides a disconnect between the 2020 Mining Law and the 2009 Environmental Law. However, in 2021 the government implemented Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing as a derivative of Law Number 11 of 2020 concerning Job Creation. This regulation explains that business licensing in the energy, mineral resources and coal sectors is determined based on a risk analysis of business activities. The mineral and coal mining in question consists of mining, special mining, special mining as a continuation of contract or agreement operations, community mining, rock mining, transportation and sales, mining services, and mining for sale.

## **B. Ideal of Coal Mineral Mining Management Arrangements: Development, Facts, and Critics**

The government's background to revise the 2020 Mining Law includes<sup>15</sup>; (i). Solving inter-sectoral problems in ensuring the use of space

---

<sup>15</sup> The House of Representatives of the Republic of Indonesia outlines the chronology of the preparation process leading to the discussion of the Bill of Amendments to Law No. 4 of 2009 concerning Mineral and Coal Mining. This chronology provides a detailed account of the various stages and steps involved in the legislative process leading up to the proposed amendments. Typically, this process begins with the identification of the need for legislative amendments, often prompted by changes in societal needs, technological advancements, or shortcomings identified in the existing law. Following this recognition, lawmakers initiate a series of consultations, hearings, and discussions to gather input from stakeholders, experts, and the public regarding the proposed amendments. This input may encompass a wide range of perspectives, including industry interests, environmental concerns, community welfare, and legal considerations. As the discussion progresses, draft amendments are formulated and undergo review and revision based on feedback received during consultations and deliberations. The process involves multiple rounds of scrutiny and debate within parliamentary committees and plenary sessions, where lawmakers examine the proposed amendments in detail, raise questions, propose

and land that has been determined, as well as limiting management activities to purification; (ii) Strengthening the concept of mining areas in all mining jurisdictions; (iii) Strengthen the policy of increasing added value for companies building smelters until 2022; (iv) Increase exploration activities for the discovery of mineral and coal deposits; (v) Special arrangements regarding rock concession permits; (vi) The area of mining permits by abolishing the minimum area of exploration mining business permits is removed; (vii) The term of the mining business license by providing incentives for mining business license holders who build processing and refining facilities; (viii) Accommodating the decision of the Constitutional Court and Law Number 23 of 2014, namely that the mining area is determined by the Minister after being determined by the Provincial Government; (ix) Strengthening the role of the Government in supervising guidance to local governments, by treating sanctions for 117 local governments for disobedience in reporting mining activities in the regions and the management of mine inspectors by the center.

Indonesia is a unitary state because the division of government authority is carried out vertically or decentralized, namely handing over authority to regional governments so that autonomy occurs in the implementation of authority. This provides a conflict in the 2020 Mining Law with the previous Mining Law, namely the authority to manage mining business permits owned by the district/city government moved to the provincial and central government authorities. This is motivated by the existence of various reasons, namely; (i) the occurrence of various legal irregularities in the field of licensing in the Regency / City government order; (ii) only guarantees of legal certainty and certainty for investors. The purpose of the transfer of authority is to eliminate prolonged bureaucracy in order to solve the problem of hyperregulation that occurs in Indonesia. However, the revision of the 2020 Mining Law was unable to overcome the problems that occurred, this was judged by the movement of rejection of the revision of the law.

---

modifications, and ultimately vote on the final version of the bill. Throughout this process, transparency, accountability, and inclusivity are essential principles guiding the legislative proceedings to ensure that the interests of all stakeholders are adequately considered and addressed.

The 2020 Mining Law has been in effect for approximately 2 (two) years with many criticisms from various circles since before the 2020 Mining Law became a draft law. The community considers that the revision of the Mining Law provides losses for the community, especially the community around the mine. This is said based on an interview conducted by the author, where the author conducted an interview with a non-governmental organization, namely Jalinan Advocacy Tambang or known as Jatam, this organization handles environmental issues, indigenous peoples, and social justice issues in the mining and oil and gas industry.

Wiwiniarmy Andy Lolo from JATAM when interviewed said that with the changes to the 2020 Mining Law, *"The community has given rejection but remains revised, clearly does not represent the aspirations of the community, it accommodates the mining oligarchy. Jatam is also a strong objector because in the Covid-19 pandemic situation, people should think more about health, including residents around the mine, but mining activities are still carried out. This is known by research conducted by Jatam"*<sup>16</sup>. It is known that JATAM took part in expressing opinions by joining the *#BersihkanIndonesia* movement and various other civil society networks such as the Indonesian People's Faction, which from the beginning had rejected the draft mining law because it only benefited the interests of the coal oligarchy, not the people<sup>17</sup>.

The author also conducted an interview with Yusuf Anom Prakoroso as President Director of PT Selo Argodedali stated:

*"Law No. 3 covers from upstream to downstream regarding mining licensing and in it there is an AMDAL, before production we have made an AMDAL, and will be presented about the opening and closing of mines, in PKP2B there is a mine closure stage which is in accordance with environmental standards. The stage in closing the mine can be almost 3 years, and during those 3 years we do not get income. Having to restore the environment*

---

<sup>16</sup> Interview with Wiwiniarmy Andi Lolo, October 17, 2022, via zoom application

<sup>17</sup> Hidayati, et.al. "Sidang Rakyat Menggugat dan Membatalkan UU Minerba Dimulai Hari Ini".

*to its original condition has become an obligation, before mining the company must deposit collateral in the form of funds to the government, so if it is not returned as before, the money cannot be returned so the environment must be returned to its original condition so that the guarantee fund is returned."*

He also added, "Government supervision is stronger on mines in Law No. 3 of 2020. The purpose of recitation is to strengthen the position of the government and benefit the government more. There is a conflict for interest, entrepreneurs want to get the greatest possible profit while the government wants the people of their country to be as prosperous as possible. In this revision of the law, the government's benefits are more. The law was revised to emphasize obligations, if now it is tighter."<sup>18</sup>.

In fact, in the case experienced by the people of Sangihe island, North Sulawesi who filed a lawsuit over the refusal of a production operation permit for PT Tambang Mas Sangihe (PT TMS) at the Jakarta State Administrative Court on June 23, 2021 and the lawsuit of 56 Women at the Manado State Administrative Court on June 2, 2022. The purpose of this lawsuit is to fight for the living space of the people of Sangihe Island in accordance with the promise of Article 28H paragraph (1) of the 1945 NRI Constitution which explains that everyone has the right to live a prosperous life outwardly, reside, and get a good and healthy living environment and have the right to health services<sup>19</sup>. Merah Johansyah as the coordinator of Jatam said that "Sangihe Islands Regency

---

<sup>18</sup> Interview with Yusuf Anom Prakoso, September 23, 2022, at Wisma BSG

<sup>19</sup> See also Lutfulloh, Zen, and Wahyu Donri. "Akibat Hukum Penerbitan Surat Izin Usaha Pertambangan (IUP) pada Kekayaan Alam Kepulauan Sangihe." *Jurnal Ilmu Pemerintahan Widya Praja* 47.2 (2021): 175-194; Damar, Merlin Paramita, Fanley N. Pangemanan, and Welly Waworundeng. "Fungsi Pemerintah Dalam Menertibkan Pertambangan Emas Tanpa Izin (Peti) Di Desa Laine Kecamatan Manganitu Selatan Kabupaten Kepulauan Sangihe." *Governance* 2.1 (2022); Sudjati, Xaviera Qatrunnada Djana, and Izzah Khalif Raihan Abidin. "Penyalahgunaan Wewenang Pemerintah dalam Pemberian Izin Usaha Pertambangan (IUP) pada Perusahaan PT Tambang Mas Sangihe (TMS) di Kabupaten Kepulauan Sangihe." *Jurnal Kawruh Abiyasa* 1.1 (2021): 94-110.



has an area of 73,689 ha and the mining area of PT TMS's Contract of Work is 42,000 ha, while the one to be used is 65.48 ha." <sup>20</sup>(CBNC Indonesia, 2021).

In relation to the fact that the author conducted an interview with Jatam and PT Selo Argodedali, it is concluded that the 2020 Mining Law only concerns companies regarding licensing and sanctions, but does not prioritize the community who directly lose money due to mining in its area. The government should apply the theory of good governance which provides space for the public to participate in making rules, so as to create good governance.

## **Juridical Implications of the Revision of Law Number 3 of 2020 Concerning Mineral and Coal on Public Welfare in the Perspective of Environmental Ethics**

Environmental ethics is a scientific discipline that discusses the relationship between humans and their environment, and also by taking into account the moral status of living things (biotic) and non-living (abiotic). As an applied ethic that provides hope in improving the environment from the moral aspect of humans who are obliged to preserve the ecosystem of the universe. Criticism given by environmental ethics regarding human behavior towards nature, humans with age that have an impact on nature, humans and other living things or with nature as a whole, and various political and economic policies that have a direct or indirect impact on the environment. Likewise in the application of the 2020 Mining Law which certainly affects the environment. So, the authors will describe how the facts that occur by linking several theories in *environmental ethics* as criticism, so as to provide hope for improving the environment.

---

<sup>20</sup> Umah, Anisatul. "Ini Alasan Warga Tolak Tambang Emas di Sangihe", *CNBC Indonesia*, June 25, 2021. Retrieved from <https://www.cnbcindonesia.com/news/20210625190039-4-256081/ini-alasan-warga-tolak-tambang-emas-di-sangihe>

### A. Aspects of Anthropocentrism

The environmental theory that sees humans being the center of the universe system is called the theory of anthropocentrism. Anthropocentrism teaches that humans and their interests are considered to be decisive in the order of ecosystems and in strategies chosen in relation to nature, either directly, or indirectly. This theory assesses that nature is only an object, a tool, and a means to meet human needs and interests. It is emphasized that nature has no value for nature itself. The cause of this theory provides a perspective that humans can exploit and drain the universe to meet the interests and needs of life, without considering the preservation of nature<sup>21</sup>.

The aspect of anthropocentrism can be seen with 132 mining activities carried out in Central Sulawesi with mining business permits up to 135 IUP, with a description of 28 permits in the exploration stage and 107 others have reached the production operation stage. The largest distribution of nickel mines is in 3 (three) areas with a total of 37 IUP in Morowali Regency, 21 IUP in North Morowali Kabupaten, and 20 IUP in Banggai Regency. The number of mining concessions in all permits reached 214,076.33 Ha. In 2022, WALHI Sulawesi region uploaded its final 2021 report on the impact of the nickel mining industry in Central Sulawesi, the Morowali area in the Indonesian industrial area Morowali Industrial Park (IMIP) built by PT. Sulawesi Mining Investment (SMI) which is a joint venture between PT. BDM and Dingxin Group. Sunardi Katili. Regional Executive Director of WALHI Central Sulawesi<sup>22</sup>:

*"Indonesia has become a raw material in the global industry, but does not pay attention to the environment and people's welfare. In Central Sulawesi, nickel processing from the Indonesian industrial area Morowali Industrial Park (IMIP) has an impact on marine ecosystem pollution due to tailings waste disposal, namely damage to coral reefs so that coastal*

<sup>21</sup> Keraf, A Sonny. *Etika Lingkungan Hidup*. Jakarta: Kompas, 2010.

<sup>22</sup> Chandra, Wahyu. "Catatan Akhir Tahun WALHI Region Sulawesi: Industri Nikel Ancam Sulawesi", *MONGABAY*, December 30, 2021. Retrieved from <https://www.mongabay.co.id/2021/12/30/catatan-akhir-tahun-walhi-region-sulawesi-industri-nikel-ancam-sulawesi/>

*fishermen are affected. This is due to sedimentation carried by rainwater, which affects the mangrove ecosystem which has been used as an area for crab breeding for many years."*

The explanation above can be concluded that the anthropocentrism aspect views the actions of PT IMIP clearly damaging the environment. Because as humans who are the center of the universe system, they should attach importance to the entire ecosystem, not just the benefits obtained from mining. So if mining is done with importance to environment, then there will be no natural symptoms that will occur. Furthermore, the author will describe the articles in the 2020 Mining Law related to aspects of anthropocentrism in 134 PT IMIP cases.

#### B. Aspects of Biocentrism

The theory of Biocentrism states that every life and living thing has its own value and value, so all living things deserve moral consideration and care. This affirms that humans must act properly to safeguard and protect life. This ethic teaches to have the greatest respect for the environment, because it is the environment that gives life<sup>23</sup>.

In the case of the gold mine, PT Trio Kencana in Parigi Moutong Regency, Central Sulawesi, which received resistance from the local community. The reason for the community's refusal is the mining concession area which reaches 15,725 hectares which includes residential, agricultural and plantation land owned by the community. The community and Jatam urged the Minister of Energy and Mineral Resources to stop operations and revoke PT Trio Kencana's mining license<sup>24</sup>

The Peasant People's Alliance (ARTI) in Kasimbar District, Parigi Moutong Regency, held a free pulpit action in Kasimbar District on September 3, 2020. This aims to be a form of rejection of the presence of

---

<sup>23</sup> Keraf, *Etika Lingkungan Hidup*.

<sup>24</sup> Taufik, and Ramadhani. "Aksi Tolak Tambang di Sulteng, Seorang Massa Aksi Tewas dan Puluhan Lain Luka-Luka, dan Ditangkap Aparat Kepolisian",

PT Trio Kencana's mining activities. ARTI Kasimbar demands that all forms of mining do not enter their villages, because residents believe mining activities have a huge impact on losses. So the residents demanded several things from the government, Sidiq as a field coordinator in a written statement stated that the Kasimbar community, especially ARTI, rejected all forms of mining, both legal and illegal, urging the Governor of Central Sulawesi to immediately issue a recommendation letter for the revocation of PT Trio Kencana's IUP to the Ministry of Energy and Mineral Resources, urging the Kasimbar sub-district to immediately interfere with the Kasimbar traditional management who had harmed customs<sup>25</sup>.

The authors conclude that the biocentrism aspect in the above case, PT Trio Kencana does not respect the morals possessed by other living beings. By doing mining that respects the environment such as agriculture, plantations, settlements, it will provide welfare for the environment and society, so that it can provide prosperity for the community and sustainability for nature. The correlation between aspects of biocentrism, the case above, and the 2020 Mining Law, the author will describe the correlation, namely the control of minerals and coal by the state held by the central government regulated in Article 4 of the 2020 Mining Law.

### C. Aspects of Ecocentrism

Ecocentrism teaches that ethics is centered on the entire ecological community, whether living or not. This is because ecologically, living things and abiotic objects are related to each other. Therefore, moral obligations and responsibilities are not only on living beings<sup>26</sup>.

The ecocentrism aspect can be seen in the case of mining that occurred on the island of Kalimantan which has damaged the condition of biodiversity. These mining activities include land clearing, topsoil excavation, and overburden removal which have a devastating impact on the landscape scale and hinder the ecological stages that occur around the

---

<sup>25</sup> JATAM SULTENG, "PT Bintang Delapan Mineral Harus Bertanggungjawab", *JATAM SULTENG*, October 21, 2019. Retrieved from <https://jatamsulteng.org/pt-bintang-delapan-mineral-harus-bertanggungjawab/>

<sup>26</sup> Keraf, *Etika Lingkungan Hidup*.

area. Destruction of the ecological stage can reduce wildlife habitats and reduce the biodiversity of areas in the environment<sup>27</sup>

Problems that have occurred in the PT Indomico Mandiri mining area are monkeys that infiltrate palm and coconut plantation areas, pythons that eat community livestock, langurs eat community fruit and food, and crocodiles eat dogs owned by the community. Of course, the surrounding community gets losses for mining activities even though it is not done directly by the mining owner. A major factor in the problem between wildlife and communities is the availability of resources and increasingly smaller spaces in the habitats of affected wildlife. Therefore, it is necessary to improve wildlife habitat around the PT Indomico Mandiri mining area, and reduce sources of threat to habitat degradation and reduction, one of which is coal mining activities<sup>28</sup>

The government should make regulations that focus on restoring ecosystem damage due to mining as an effort to restore and/or restore the ecosystem to its initial condition before mining activities. This is certainly related to the articles in the 2020 Mining Law which are the focus of the case, namely regarding the assignment of new things regarding the national mineral and coal management plan (RPMBN) contained in Article 8B of the 2020 Mining Law.

It was designed by the Central Government to contain strategies and policies in the field of mineral and coal mining, but the negative thing is that there is no affirmation of strategies and policies regarding environmental recovery due to mining in Central Sulawesi. Likewise, Article 18 of the 2020 Mining Law states that RPMBN is the basis for

---

<sup>27</sup> Bhawono, Aryo. "Perluasan Pertambangan Batubara Merusak keanekaragaman Hayati", *BETAHITA News*, March 18, 2022. Retrieved from <https://betahita.id/news/detail/7283/perluasan-pertambangan-batubara-merusak-keanekaragaman-hayati.html.html>

<sup>28</sup> See Fuller, D. O., et al. "Spatial assessment of threats to biodiversity within East Kalimantan, Indonesia." *Applied Geography* 30.3 (2010): 416-425; Wilson, Kerrie A., et al. "Conserving biodiversity in production landscapes." *Ecological Applications* 20.6 (2010): 1721-1732; Harrison, Mark E., and Gary D. Paoli. "Managing the risk of biodiversity leakage from prioritising REDD+ in the most carbon-rich forests: the case study of peat-swamp forests in Kalimantan, Indonesia." *Tropical Conservation Science* 5.4 (2012): 426-433.

determining the area and limit of WIUP, but still does not provide an explanation for environmental improvements that have occurred due to the mining business.

The massive exploitation of natural resources carried out by PT Indomico Mandiri is a threat of ecological crisis because it is not supported by accountability from mining companies, causing losses to all communities in natural ecosystems. This is certainly related to the 2020 Mining Law because it is considered not to look at the ecosystem, not to provide the welfare of the community around the mining area, but exploitation is still carried out in order to increase state investment, without thinking about the sustainability of the environment and other living things, in fact humans do not live alone on this earth, humans are obliged to think about the welfare of other creatures in making regulations.

#### D. Aspects of Ecofeminism

The definition of ecofeminism comes from two roots, namely ecology and feminism. Ecology is a discussion of relationships between people who live and in the form of ecosystems, as well as in the environment, such as nature, animals, and plants. According to Gadis Arvia, feminism is a theory put forward by women's rights fighters by prioritizing the oppression obtained by women by prioritizing the quality of women and feminists in all sectors<sup>29</sup>

Ecofeminism can literally be interpreted as the relationship between women and the universe in oppression, and was pioneered by *Francelcoide d'Eauboone* through a book entitled *Le Femenisme ou la Mort* (Feminism or Death) published in 1974, in its effort ecofeminism shows the relationship between all forms of human oppression, especially women and nature, so this view considers the existence of cultural relations between women and nature.<sup>30</sup> So, it can be said that nature is the same as women, not inanimate objects, nor objects that can and deserve to be dominated and exploited.

---

<sup>29</sup> Fahimah, Siti. "Ekofeminisme: teori dan gerakan." *Alamtara: Jurnal Komunikasi dan Penyiaran Islam* 1.1 (2017): 6-19.

<sup>30</sup> See Evans, Mary. *Introducing contemporary feminist thought*. John Wiley & Sons, 2013; Tong, Rosemarie, and Tina Fernandes Botts. *Feminist thought: A more comprehensive introduction*. Routledge, 2009.



The author argues that nature and women have something in common, which is seen as having no power, so men resort to oppression to get their wishes. So, nature and women need to get privileges, namely there needs to be full protection of women and nature, women and nature cannot be exploited, women and nature as mothers who both give life must be respected.

Mining plans in North Lawu Regency, including PT Ciputra Palu Mineral's contract of work, around 23,629 hectares, are located in Seko and Rampi. Then, the mining business license (IUP) for PT Kalla Arebamma's production operations in Seko has an area of 6,812 hectares and in Rampi 12,010 hectares. The mining plans of the two companies pose a real threat to the forest ecosystem in North Lawu. The area of forest ecosystems in the three concessions reaches 33,792 hectares. So, if the Kalla Arebamma and Citra Palu Mineral mining plans go ahead, Seko and Rampi, as the heart of Sulawesi are threatened to lose their ecological function. Mining rejection also occurred in Soko which began to appear and continues to be carried out. The supreme leader of the Hono Indigenous community (Seko), Tubarak, explained about the company people who met him in Masamba.

The company representative asked Tubarak for permission to mine in Marante village, Seko. This made Tubarak surprised, because previously there was no news about the mining plan in Seko. The request for permission by the representative is considered an attempt to overstep, not at all an attempt to request permission from the Seko community. Tubarak, as the orderly leader of the Hono Tradition (Seko) conducted customary deliberations at his home. With the result, the customary leaders agreed to reject the mine and evict the mine people in Seko. The reason for refusing mining in Seko is very clear because the area is heavily guarded by the local communities of Rantekama and Tamalangka. Tamalangka is the headwaters of the Bitue River whose flow is the main source of water for the people from villages in Seko. While Rantekama is an area guarded by the community and is a forest area<sup>31</sup>.

---

<sup>31</sup> See Supriatna, Jatna, et al. "Deforestation on the Indonesian island of Sulawesi and the loss of primate habitat." *Global Ecology and Conservation* 24 (2020): e01205; Cannon, Charles H., et al. "Developing conservation priorities based on forest type,

The author draws conclusions from the two case descriptions above that ecofeminism which assesses nature as the giver of life for all living things, gets adverse effects due to the activities carried out by the mining company. People around nature who care about preserving the environment by protecting the forest, because they know the impact that will be received by the community if the forest is used as mining land. The explanation of the case above states that the earth has been overexploited to cause damage to nature and the surrounding community feels a natural disaster, even though it is not the work of the surrounding community, but rather the act of corporate mining that has received permission from the government.

The correlation between aspects of ecofeminism and the case above with the 2020 Mining Law is that the regulation regulates mining, but does not provide solutions to mining problems that have occurred, and the government still provides mining permits regardless of areas that have been maintained and preserved by indigenous peoples. The view of ecofeminism is clearly a criticism in the 2020 Mining Law which emphasizes investment without thinking about nature. The articles that are criticized are regarding mining areas regulated in Article 1 paragraph 29 of the 2020 Mining Law explaining that mining areas that have mineral and/or coal potential and are not bound by government administrative boundaries are part of national spatial planning.

The conclusion of the juridical implications of the revision of the Law on Mineral and Coal on public welfare in the perspective of environmental ethics is as follows:

---

condition, and threats in a poorly known ecoregion: Sulawesi, Indonesia." *Biotropica* 39.6 (2007): 747-759.

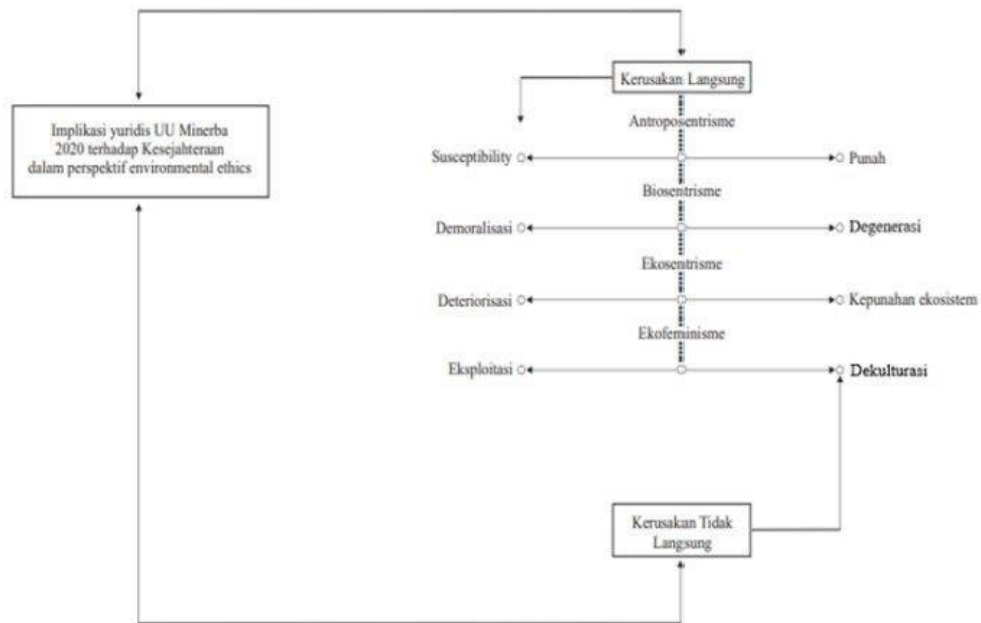


FIGURE 1. Juridical Implications of the Revision of the Mineral and Coal Law on Public Welfare in the Perspective of Environmental Ethics

Source: Author, 2023

1. Anthropocentrism assesses the direct damage to the 2020 Mining Law, namely the occurrence of vulnerability of geological, biological, hydrological, geographical, socio-cultural, political, economic conditions at a certain time can reduce the ability to respond to the impact of damage to nature. While direct damage is that there will be extinction for all living things because the earth is damaged and uninhabitable.
2. Biocentrism assesses the direct damage to the 2020 Mining Law, namely demoralization, which decreases the morals of living things. While direct damage will be degeneration, that is, the decline of generations that are not as good as before.
3. Ecocentrism assesses the direct damage to the 2020 Mining Law that deterioration occurs, namely the process of quality degradation in the environment. While indirect damage will be there is an ecosystem loss.
4. Ecofeminism considers the direct damage to the 2020 Mining Law to be the exploitation of nature to obtain maximum personal benefits, without prioritizing other living things. Meanwhile, indirect damage will be deculturation, namely the presence of new elements

arising from changes in the environmental situation. In fact, all biotic and abiotic living things, humans, plants, animals, earth, soil, water have the right to live the same life without being damaged or exploited, but humans as beings who have the perfection of reason exactly carry out activities that damage the earth as the main life support for humans.

Therefore, the perspectives of anthropocentrism, biocentrism, ecocentrism, and ecofeminism offer distinct lenses through which to assess the ramifications of the 2020 Mining Law. Anthropocentrism emphasizes the susceptibility of various environmental and socio-cultural factors to damage, potentially leading to the extinction of all life forms due to a degraded and uninhabitable Earth. Biocentrism focuses on the demoralization of living beings and the consequent degeneration of future generations as direct outcomes of the law's impact, highlighting the ethical dimensions of environmental degradation.

In contrast, ecocentrism emphasizes the deterioration of environmental quality and the loss of ecosystems resulting from the 2020 Mining Law. Meanwhile, ecofeminism critiques the law for prioritizing personal gain over the well-being of nature and other living beings, leading to the exploitation of the environment without regard for its intrinsic value. Moreover, ecofeminism highlights the indirect harm of deculturation, whereby environmental changes introduce new elements that disrupt existing ecosystems. These perspectives collectively underscore the imperative of recognizing the rights of all biotic and abiotic entities to coexist without exploitation or harm, emphasizing the interconnectedness of human and environmental well-being.

## **Conclusion**

In conclusion, the research on the Law on Mineral and Coal Mining on Community Welfare from the Perspective of Environmental Ethics has yielded significant insights. Firstly, the analysis of the legal politics surrounding the transition from Law Number 4 of 2009 to Law Number 3 of 2020 reveals normative considerations, highlighting issues such as irregularities in licensing procedures at the local government level and

insufficient legal guarantees for investors. While mining companies may view the revisions favorably, there exist differences of opinion regarding the adequacy of governmental actions in addressing these concerns.

Secondly, the juridical implications of the 2020 Mining Law on community welfare, as viewed through the lens of environmental ethics, underscore the human-centric exploitation of nature to fulfill personal interests and needs. This exploitation manifests directly and indirectly across four key aspects of environmental ethics, including anthropocentrism and biocentrism, which interrelate in their assessment of the impact on both living and abiotic elements. These findings emphasize the pressing need for legal frameworks to align with ethical considerations, ensuring the protection of both human and environmental well-being in the pursuit of mineral and coal resources.

## References

- Arbani, Tri Suhendra, Prasasti Amelia, and Nurfaika Ishak. "Transfer of Authority Over Mineral and Coal Mining Tenure Rights." *Indonesian Journal of Law and Islamic Law (IJLIL)* 4.1 (2022): 124-147.
- Astomo, Putra. "The Problems in Mineral and Coal Mining Regulations Perspectives Political Law and Responsive Law." *Kanun Jurnal Ilmu Hukum* 23.1 (2021): 133-156.
- Bhawono, Aryo. "Perluasan Pertambangan Batubara Merusak keanekaragaman Hayati", *BETAHITA News*, March 18, 2022. Retrieved from <https://betahita.id/news/detail/7283/perluasan-pertambangan-batubara-merusak-keanekaragaman-hayati.html.html>
- Buli, Willyam, Samsul Bakri, and Indra Gumay Febryano. "Kelembagaan Pertambangan Batubara di Hutan Rakyat (Coal Mining Institution in Private Forest)." *Jurnal Sylva Lestari* 6.3 (2018): 81-90.
- Cannon, Charles H., et al. "Developing conservation priorities based on forest type, condition, and threats in a poorly known ecoregion: Sulawesi, Indonesia." *Biotropica* 39.6 (2007): 747-759.

- Chandra, Wahyu. "Catatan Akhir Tahun WALHI Region Sulawesi: Industri Nikel Ancam Sulawesi", *MONGABAY*, December 30, 2021. Retrieved from <https://www.mongabay.co.id/2021/12/30/catatan-akhir-tahun-walhi-region-sulawesi-industri-nikel-ancam-sulawesi/>
- Dalimunte, Abdillah, Mohammad Ghufro AZ, and Supriyadi Supriyadi. "Legal Problems Related to Mineral and Coal Mining Permits." *Jurnal Cakrawala Hukum* 14.1 (2023): 76-85.
- Damar, Merlin Paramita, Fanley N. Pangemanan, and Welly Waworundeng. "Fungsi Pemerintah Dalam Menertibkan Pertambangan Emas Tanpa Izin (Peti) Di Desa Laine Kecamatan Manganitu Selatan Kabupaten Kepulauan Sangihe." *Governance* 2.1 (2022).
- Evans, Mary. *Introducing contemporary feminist thought*. John Wiley & Sons, 2013; Tong, Rosemarie, and Tina Fernandes Botts. *Feminist thought: A more comprehensive introduction*. Routledge, 2009.
- Fahimah, Siti. "Ekofeminisme: teori dan gerakan." *Alamtara: Jurnal Komunikasi dan Penyiaran Islam* 1.1 (2017): 6-19.
- Fazria, Zulvi. *Implikasi Yuridis Pasal 4 Ayat 2 Undang-Undang Nomor 3 Tahun 2020 Terhadap Sentralisasi Pengelolaan Minerba Daerah oleh Pemerintah Pusat*. Diss. Universitas Islam Negeri Maulana Malik Ibrahim, 2021.
- Fendri, Azmi, and Busyra Azheri. "Fundamental Principles of Mineral and Coal Resources Management in the Regional Autonomy Era." *Kanun Jurnal Ilmu Hukum* 24.3 (2022): 196-211.
- Fuller, D. O., et al. "Spatial assessment of threats to biodiversity within East Kalimantan, Indonesia." *Applied Geography* 30.3 (2010): 416-425.
- Harrison, Mark E., and Gary D. Paoli. "Managing the risk of biodiversity leakage from prioritising REDD+ in the most carbon-rich forests: the case study of peat-swamp forests in Kalimantan, Indonesia." *Tropical Conservation Science* 5.4 (2012): 426-433.
- Hidayati, Nur, et.al. "Sidang Rakyat Menggugat dan Membatalkan UU Minerba Dimulai Hari Ini". *JATAM*, May 29, 2020. Available online at <https://www.jatam.org/sidang-rakyat-menggugat-dan-membatalkan-uu-minerba-dimulai-hari-ini/>



- JATAM SULTENG, "PT Bintang Delapan Mineral Harus Bertanggungjawab", *JATAM SULTENG*, October 21, 2019. Retrieved from <https://jatamsulteng.org/pt-bintang-delapan-mineral-harus-bertanggungjawab/>
- Keraf, A Sonny. *Etika Lingkungan Hidup*. Jakarta: Kompas, 2010.
- Lutfulloh, Zen, and Wahyu Donri. "Akibat Hukum Penerbitan Surat Izin Usaha Pertambangan (IUP) pada Kekayaan Alam Kepulauan Sangihe." *Jurnal Ilmu Pemerintahan Widya Praja* 47.2 (2021): 175-194.
- Marzuki, Peter Mahmud. *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).
- Muhaimin, Muhaimin. *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).
- Nasir, Mohamad, Laurens Bakker, and Toon van Meijl. "Coal Mining Governance in Indonesia: Legal Uncertainty and Contestation." *Australian Journal of Asian Law* 22.1 (2022): 53-67.
- Pudasainee, Deepak, Vinoj Kurian, and Rajender Gupta. "Coal: Past, present, and future sustainable use." *Future Energy* (2020): 21-48.
- Qurbani, Indah Dwi, Raphael J. Heffron, and Arrial Thoriq Setyo Rifano. "Justice and critical mineral development in Indonesia and across ASEAN." *The Extractive Industries and Society* 8.1 (2021): 355-362.
- Rachman, Irfan Nur. "Politik Hukum Pengelolaan Sumber Daya Alam Menurut Pasal 33 UUD 1945." *Jurnal Konstitusi* 13.1 (2016): 195-212.
- Rahayu, Derita Prapti, and Faisal Faisal. "Politik hukum kewenangan perizinan pertambangan pasca perubahan Undang-Undang Minerba." *Pandecta Research Law Journal* 16.1 (2021): 164-172.
- Ritonga, Abdullah Ibrahim, et.al. "MENUJU 2 TAHUN UU MINERBA: Puluhan Warga Dikriminalisasi, Jutaan Hektar Lahan Dijarah", *WALHI*. March 9, 2022. Available online at <https://www.walhi.or.id/menuju-2-tahun-uu-minerba-puluhan-warga-dikriminalisasi-jutaan-hektar-lahan-dijarah>
- Sihotang, Dewi Ririn, and Jajat Sudrajat. "Dampak Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah: Studi Kasus Pengalihan Kewenangan Reklamasi Dan Pascatambang IUP dalam

- Rangka PMA." *Prosiding Temu Profesi Tahunan PERHAPI 1.1* (2018): 197-206.
- Sudjati, Xaviera Qatrunnada Djana, and Izzah Khalif Raihan Abidin. "Penyalahgunaan Wewenang Pemerintah dalam Pemberian Izin Usaha Pertambangan (IUP) pada Perusahaan PT Tambang Mas Sangihe (TMS) di Kabupaten Kepulauan Sangihe." *Jurnal Kawruh Abiyasa 1.1* (2021): 94-110.
- Supramono, Gatot. *Hukum Pertambangan Mineral dan Batubara di Indonesia* (Jakarta: Rineka Cipta, 2012).
- Supriatna, Jatna, et al. "Deforestation on the Indonesian island of Sulawesi and the loss of primate habitat." *Global Ecology and Conservation 24* (2020): e01205.
- Suryoputro, Dimas Rahadian, and Erik PM Vermeulen. *Indonesia New Mining Law Regime: Balancing between State's and the Investor's Interest*. Diss. Master's Thesis LLM International Business Law 2011/2012. Tilburg Universit. Tilburg, 2012.
- Taufik, Muh, and Ramadhani Ramadhani. "Aksi Tolak Tambang di Sulteng, Seorang Massa Aksi Tewas dan Puluhan Lain Luka-Luka, dan Ditangkap Aparat Kepolisian", *JATAM*, February 13, 2022. Retrieved from <https://www.jatam.org/aksi-tolak-tambang-di-sulteng-seorang-massa-aksi-tewas-dan-puluhan-lain-luka-luka-dan-ditangkap-aparat-kepolisian>
- Umah, Anisatul. "Ini Alasan Warga Tolak Tambang Emas di Sangihe", *CNBC Inddonesia*, June 25, 2021. Retrieved from <https://www.cnbcindonesia.com/news/20210625190039-4-256081/ini-alasan-warga-tolak-tambang-emas-di-sangihe>
- Wellmer, F-W., and J. Becker-Platen. "Sustainable development and the exploitation of mineral and energy resources: a review." *International Journal of Earth Sciences 91* (2002): 723-745.
- Wibowo, Suyanto Edi. "Memahami Makna Pasal 33 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Perihal Penguasaan oleh Negara Terhadap Sumber Daya Alam Comprehend the Meaning of Article 33 of The 1945 Constitution of The Republic of Indonesia on State Authority Over Natural Resources." *Jurnal Legislasi Indonesia 12.4* (2018): 1-57.

Wilson, Kerrie A., et al. "Conserving biodiversity in production landscapes." *Ecological Applications* 20.6 (2010): 1721-1732.

\*\*\*

### **DECLARATION OF CONFLICTING INTERESTS**

The authors state that there is no conflict of interest in the publication of this article.

### **FUNDING INFORMATION**

None

### **ACKNOWLEDGMENT**

None

### **HISTORY OF ARTICLE**

Submitted : December 21, 2022

Revised : April 14, 2023; June 30, 2023

Accepted : July 10, 2023

Published : July 31, 2023