



The Role of Local Government in Protecting the Management of Mineral Mining Companies and Controlling Environmental Impacts in East Kolaka Regency

Abd. Azis, La Ode Bariun, La Ode Munawir

Master of Law Study Program Postgraduate Kendari Southeast Sulawesi University

Received: 20/08/2022

Accepted: 26/09/2022

Published: 27/12/2022

Representative e-mail: ruslankaisar5@gmail.com

ABSTRACT

The purpose of this study is to determine and analyze the regional government of East Kolaka Regency's authority and existence in granting mining permits for rock minerals, as well as to determine and analyze how the regional government controls the environmental impacts of rock mining. Descriptive normative research is used in this study. The East Kolaka Regency Mining and Energy Resources Office, the Environmental Agency, the East Kolaka Regency Government's legal division, the communities surrounding the mines, and business actors involved in mining activities in the East Kolaka Regency made up the population of this study. One representative from the East Kolaka Regency Government's legal division, two representatives from the Mining and Energy Service of Southeast Sulawesi Province, one representative from the Environment Agency, and seven (seven) business actors involved in the mining of rock minerals in East Kolaka Regency made up the study sample. The study's conclusion is that the local government in East Kolaka Regency plays three different roles in protecting the management of rock material mining companies: the role of the local government as a regulator, the role of the government as a dynamicator, and the role of the government as a facilitator. The mining of rock materials in East Kolaka has an impact on the environment in the form of water and air pollution, as well as harm to flora and fauna. As a result, the government can take the following steps to lessen the environmental damage caused by mining: It is making policies in the mining sector that are in the best interests of the people and are protecting the community around the mining site. It is reforming regulations by revoking policies in the mining sector that are hierarchically against the spirit of the 1945 Constitution. It is being careful when making policies in the mining sector. It is making policies in the mining sector that are in the best interests of the people and is protecting the community around the mining site.

Keywords: *Local Government, Mineral Mining Businesses, Environmental Control, East Kolaka Regency*

I. INTRODUCTION

In accordance with the mandate provided by the state constitution, a number of laws and regulations pertaining to regional government were enacted in order to guarantee that provincial government would be implemented in accordance with developments in each region. As a result, Law Number 23 of 2014 on Regional Government gives autonomous areas rights, powers, and responsibilities to regulate and manage their government affairs and the interests of the local community in accordance with local regulations. Legislation.

The existence of minerals in the form of minerals and other deposits is a gift for each region, and mining activity is one of the business sectors that plays a strategic role and makes a significant contribution to the development of that region. It has to do with higher initial regional income from taxes, levies, and regional capital participation through share divestment and state-owned businesses.

The most significant mineral potential in East Kolaka Regime is non-metal mineral minerals, and the non-existent mining product bunch is as radioactive minerals. Rock minerals, which have the same potential as non-metallic minerals, caused ingredient excavation to be used more evenly across all areas. Numerous mining business activities are carried out by individuals and organizations due to the immense potential of rock minerals in the East Kolaka Regency. A permit issued by the government is required for entrepreneurs to carry out mining business activities. The

existence of a regional government is required. Even though a license is required, illegal mining business activities (without access) are still possible. These unlawful mining business exercises frequently get away from the consideration of the Provincial Government as the party approved to give grants.

Abrar Saleng says that the following state obligations are the goal of state control: a) in order to improve the well-being and prosperity of the populace, each and every use of mineral resources must be accurate; (b) safeguard and guarantee all people's rights, including those enjoyed directly by the people; c) Stop anyone from taking any action that will deny the people the opportunity or take away their rights to use excavation materials.

The basic mining provisions of Law No. 11 of 1967, as amended by Law No. 4 of 2009, which deals with mineral and coal mining, contain arrangements for mineral mining activities. Rock minerals, or group C minerals, have a crucial role, particularly in providing material support for infrastructure development, such as the construction of road infrastructure facilities, housing, and office buildings, before the term "rock minerals" was established. The sustainability of the environment is directly impacted by mining business activities, as stated in Article 22, paragraph 1 of Law No. Environmental impacts must be examined under Section 32 of the Environmental Protection and Management Act of 2009 (amdal). Amdal investigates the significant environmental impact of planned business and activity. Activities listed in paragraph 1 of Article 36 of Law No. As a prerequisite for obtaining a permit for business and activity, Section 32 of 2009 also requires an environmental permit in environmental protection and management.

It is because it frequently has negative effects on the environment, such as abrasion of the shoreline as a result of mining, environmental damage in river areas as a result of narrowing and expanding the river basin, changes in the watershed area, and ecological damage in hilly areas. Residents were put in danger by frequent land and rock slides, dust pollution in the form of scattered particles as a result of mining, noise pollution as a result of heavy equipment mining and trucks transporting goods, and a decrease in the quality.

II. LITERATURE REVIEW

2.1 Legal Concepts for Government Existence A region's

Ability to run a regional government system depends on its comprehension of the legal concept of the rule of law. SF Marbun argues that the concept of the rule of law was born as an embodiment of the theory of the rule of law, which was pioneered, among others, by Immanuel Kant in his scientific work, *Methaphysische Anfangsgrunde der Rechtslehre*, regarding the existence of Regional Government. The idea of the rule of law states that the state must be based on law rather than just power.

According to Yusril Ihza Mahendra, the principles of legality, free justice, and the protection of human rights are the primary tenets of the rule of law in Indonesia. State administrators must act in accordance with the law. As a result, power is based on the law. By demonstrating the mechanism for implementation and action limitations, the law makes that power legal. The judiciary must not be influenced by the government. Human rights protection must be put into action.

In every rule-of-law state, particularly control of law countries in the continental system, the principle of legality is one of the main principles used as the foundation for government and statehood. In criminal law, the concept of legality is well-established; penalize under the principle of *nullum delictum sine praevia lege*; State administrative law also uses the focus of legitimacy, which has meaning; 13. That the government is bound by the law is known as *det het bestuur aan de wet*.

The Republic of Indonesia's 1945 Constitution, Article I, Section 3, declares that the State of Indonesia is a nation governed by law. The principle of legality is one of the reasons why a state with a rule of law is important. The basic tenet of the legality principle is that an administrative official's actions are governed by law. State executive bodies and officials have the authority to take actions that have the potential to alter or influence society's legal situation if they are supported by a statute.

At the central and regional levels, an administrative agency or official can, theoretically and practically, obtain the principle of legality through an attributive (legislator). In Indonesia, the law at the focal station is the standard of legitimacy as attributive. Working with the government is the law, and the attribute obtained (originating) from the MPR is the Constitution. Regional regulations, on the other hand, come from DPRD and the provincial government and are derived from the regional government.

Original legislators and originating from actual legislators (*originale wetgever*) are the two above-mentioned sources of authority. The transfer of a (new) power from the people, represented by their representatives in parliament, to Indonesian administrative bodies and officials occurs on this basis. In addition, the Indonesian administrative body's or officials' actions are attributed to the fact that they have received approval from their representatives in parliament, making them legally enforceable.

2.2. According to Article 1 paragraph 1 of the 1945 Constitution (UD 1945),

"The State of Indonesia is a unitary state in the form of a Republic," local government operates in accordance with this provision. The fact that the State of Indonesia, which was established on August 17, 1945, is a unitary state is

stipulated in Article 1 paragraph 1 of the 1945 Constitution. Article 18 paragraph 1 of the 1945 Constitution, which lays out the Unitary State of the Republic of Indonesia (NKRI)'s intention, provides the legal basis for local government:

"The Unitary Condition of the Republic of Indonesia is separated into common districts, and the commonplace locales are partitioned into rules and urban communities, every one of which has a territorial organization, which Constitution oversees."

Other issues pertaining to regional government were born as a result of the mandate of Article 18 paragraph 1 of the 1945 Constitution, various statutory products, and statutory regulations, including Law No. 1 was enacted in the year 1945, and Constitution Number 22 was enacted in the year 1948.

Law No. 1 of 1957, Law No. 18 of 1965, Law No. 5 of 1974, Law No. 22 of 1999, Law No. 32 of 2004, and Law No. 23 of 2014 are all examples of these laws. The manner in which the regional government is run is fundamentally governed by the law. Generally speaking, these laws have been able to adapt to changing local government structures¹⁵. Various principles are used to carry out government operations, including the following:

2.2.1 Fundamentals of Centralization Centralization

Results from a decision to have a single state. To put it another way, a unitary state's fundamental government design necessitates a centralized foundation. Let's say we're talking about how the 1945 Constitution divided state power horizontally. At the national level, all state power is then partially distributed among all principal organs. Center. More regional regulations are used because the government has trouble implementing the centralization principle. Execution of government issues completed with the accompanying standards:

- a. The standard of decentralization is the exchange of government authority by the public authority to independent areas to direct and oversee government undertakings inside the arrangement of the Unitary Condition of the Republic of Indonesia (NKRI).
- b. In accordance with the deconcentration principle, the government delegated authority to governors as regional representatives of the government and vertical agencies. Certain.
- c. Co-administration is when the government assigns specific tasks to regions and villages, from the provincial government to the district/city and village governments, and from the district/city governments to the villages.

2.2.2 Regional autonomy

The following is the definition of regional autonomy in Article 1 number 6 of Law No. 23 of 2014 Concerning Regional Government: Within the framework of the Unitary State of the Republic of Indonesia, regional autonomy is the right, authority, and obligation of an autonomous region to regulate and manage its governmental affairs as well as the interests of the local community. The meaning of the existence of this autonomy in the administration of regional government is contained within the concept of regional autonomy. The initial thought is that using the autonomy principle as much as possible is the way to implement the principle of provincial autonomy. It means that the regions are given the power to make regional policies, provide services, increase participation, start new projects, and give communities more power to help people's lives be better. The second idea is that accurate and responsible regulations are used in accordance with the principle of regional autonomy.

2.2.3 Standards of Decentralization

Decentralization is the exchange of undertakings or issues to the lower level of government (*overdracht van taken of bevoegdheid*). As a result, the Constitution typically serves as the foundation for submission procedures, which are enacted by law. In the 1945 Constitution, we find Article 18 paragraph, which outlines the responsibilities and assignments for basic affairs:

- a. According to the principles of autonomy and duties assistance, provincial, regency, and city regional governments regulate and manage their governmental affairs.
- b. With the exception of government affairs, which are governed by law as government affairs Centers, the regional government maintains the broadest autonomy possible.
- c. In order to carry out tasks involving autonomy and co-administration, the regional government has the authority to establish regional regulations in addition to other regulations.

"Delivery of Government Affairs by the Central Government to autonomous regions based on the Principle Autonomy," according to Law Number 23 of 2014 concerning Regional Government, Article 1 point 8. According to Philif Mahwod, decentralization is the division of some of the power of the government between groups in power at the center and other groups, each of which has authority in a specific region. Country.

2.2.4 Principle Deconcentration

According to Article 1 point 9 of Law Number 23 of 2014 pertaining to Regional Government, deconcentration refers to the delegation of a portion of Government Affairs, which is the authority of the Central Government, to governors as representatives of the Central Government, to vertical agencies in particular areas, and to governors and regents/mayors as individuals in charge of Government Affairs in general.

"Deconcentration creates administrative units or vertical agencies to carry out orders from superiors," asserts Harold Alderfer. Every action taken by the recipient of the delegation of authority (regional or vertical agency) in a particular jurisdiction is carried out on behalf of the giver of the delegation of authority (central government), as the

organizational unit or standing agency is subordinate to the central government. Deconcentration also does not involve major or regional policy decisions.

Share asserts that because it involves staffing, Manan deconcentration is only connected to the implementation of state administration (*ambtelijk*). The sole purpose of deconcentration is to "smooth out" central government administration in the regions.

2.2.5 The Role and Existence of Government in the Regions

The existence of government in the regions is a description of the law itself, the role and existence of government in the regions is typically referred to as a Law Order. As a result, Law Number 23 of 2014 regulates the existence of an area. The following definitions of regional government and regional government were provided in Law No. 23 of 2014, Article I, Paragraphs 2 and 3, pertaining to the Government Area:

- a. The regional government is the system and regulations of the Unitary State of the Republic of Indonesia as referred to in the Constitution of the Republic of Indonesia Year 1945, and it is the administration of government affairs by regional governments and provincial people's representative councils in accordance with the principle of autonomy and co-administration with the principle of broadest freedom.
- b. As a component of the Regional Government Administrator, the regional government serves as the region's head and functions as the autonomous authority for the region.

As well as completing the obligations of the delegate provincial head doing other legislative obligations and commitments relegated by the local authority are specified by a territorial head choice, and in doing their obligations, the representative territorial head is mindful to the confined chief region.

2.3 Authority

Governance issues are inextricably linked to discussions of authority. This is due to the fact that institutions that serve the public interest typically receive authority delegations from government agencies. Every day, a government administration is always connected to the people or the community. Legislators, including the DPR, which is a representative people, are the source of authority. Because of the legality principle, every government action must be based on laws or regulations governing such actions, the exercise of authority is not just carried out haphazardly. HD Stout stated the following about this authority:

According to Bagir Manan, authority is not the same as power (*Macht*) in legal language. "*bevoegdheid is een begrip uit het bestuurlijke organisatierecht, wat kan worden omschreven als het geheel of regels dat betrekking heft op the verkrijging en uitoefening van bestuursrechtelijke be* The right to do or not to do is the only aspect of power. The legal perspective holds that authority simultaneously refers to rights and responsibilities (*Rechten en plichten*). The right refers to the ability to self-regulate (*zelfregelen*) and self-manage (*selfbesturen*) in relation to regional autonomy. At the same time, the obligation refers to the authority to run the national government as a whole and the authority to organize the government as it should. Philips M. Hadjon closed 5 (five) general standards for the utilization of power, specifically:

1. The principle of *wetmatigheid* states that use authority must be based on statutory regulations.
2. the prohibition of abuse of power;
3. arbitrary act of prohibition;
4. must act in accordance with obedience standards
5. which compensates individuals for losses incurred as a result of their actions.

2.4 Mining and Materials

Dig Mining is an important business activity that helps a country's economy grow. In addition to taxes, the mining industry is one of the sources of state revenue. The availability of minerals or mining materials in a variety of Indonesian archipelago regions cannot be separated from the mining industry's existence. We'll go over a few more things about managing mining and minerals, including the following:

2.4.1 The Meaning of Mining and Materials Dig

In terms of the definition of mining, we require assistance locating it in Law No. 11 of 1967, which outlines Basic Mining Provisions. Nevertheless, we can find it in Article 1 point 1 of Law No. 4 of 2009 Concerning Mineral and Coal Mining (Amendment to Law No. 11 of 1967 Concerning Principles of Mining), which states that mining is any or all of the stages of activity in the framework of research, management, and exploitation of minerals or coal. These stages include general investigations, exploration, feasibility studies, construction, mining, processing and refining, transportation, sales, and activities after mining.

The following is the definition of minerals found in the second letter of Article 2 of Law No. 11 of 1967 Concerning Basic Mining Provisions: minerals, ores, and all kinds of rocks, including precious stones, are chemical elements that are deposits - natural deposits." Based on the preceding knowledge, minerals possess the following properties: in the form of gas, liquid, and solids that remain in the form of natural deposits or natural deposits that are attached to the source rock but have not been touched by humans. Minerals can be divided into four categories based on this knowledge:

- a. Chemical components;
- b. Minerals,
- c. Ores;
- d. rocks

Assurance of gatherings of kinds of minerals isn't found in Regulation Number 11 of 1967 concerning Essential Mining Arrangements; Law No. 4 of 2009, an amendment to the previous law, Law No. 11 of 1967, pertaining to Basic Mining Provisions, contains a classification system for various minerals or mining materials. The English translation of article 3, number 1 of the Japanese mining Law, which uses the term "mineral," 20 December 1950, 289; Minerals have a new meaning thanks to the most recent amendment, made in 1962. In this article and subsequent articles, the term "minerals" shall mean:

"the ores of gold, silver, copper, lead, bismuth, tin-antimony, mercury, zinc, iron, sulfide, chromite, manganese, tungsten, molybdenum, arsenic, nickel, cobalt, uranium, thorium, phosphate, graphite, coal, lignite, petroleum, asphalt, natural gas, sulfur, gypsum, barite, alunite, the same going forward.

Minerals are the ores of gold, silver, copper, tin, bismuth, tin, white metal, zinc, iron, sulfide, chromium, manganese, tungsten, molybdenum, arsenic, nickel, cobalt, uranium, phosphate, graphite, coal, coal young, crude oil, asphalt, natural gas, sulfur, tofu, barite, alunite, flor, asbestos

Additionally, Article 1, Number 2 of Law No. 4 of 2009 Concerning Mineral and Coal Mining provides a definition of minerals: Minerals are naturally occurring inorganic compounds with chemical and physical properties. In addition, solid rocks are formed when regular crystals are arranged in a loose or loose combination.

2.4.2 Classification of Dig Materials

Article 3 of Law Number 11 of 1967 Concerning Basic Mining Provisions regulates the classification of minerals as follows:

(1) There are three categories of minerals:

- a. The strategic mineral group;
- b. essential mineral group
- c. A gathering of minerals is excluded from bunches an or b.

(2) The assignment of a mineral material into a gathering referenced in section (1) of this article is directed by guideline Government. The basis for the classification of minerals into three groups is outlined in Article 3 of Law Number 11 of 1967 Concerning Basic Provisions for Mining. This includes considerations based on the importance of the minerals to the state, such as the following:

1. The term "strategic" refers to group minerals that are used for national defense and security or to safeguard the economy of a nation.
2. Minerals in group B are considered vital because they can ensure many people's livelihoods.
3. Due to their nature and the small amount of material deposited during excavation, group C minerals, on the other hand, are not thought to have a direct impact on the livelihoods of many individuals.

In the broad context of the PP No. Group C is a mineral that does not include Strategic and Vital minerals and does not directly require an international market because of its nature, according to Regulation No. 27 of 1980 regarding the Classification of Minerals number 3 letter c. There are a variety of factors that influence the background that allows minerals to be divided into three categories, as shown below:

- a. The strategic and financial worth of minerals to the nation;
- b. Nature contains a mineral (genes);
- c. The industrial use of minerals;
- d. Its numerous effects on people's lives e. Providing opportunities for development that are exploited;
- f. The deployment of development in the region.

Article 1 of Unofficial law Number 27 of 1980 concerning the Arrangement of Minerals figures out the sorts of materials that fall into the three gatherings of minerals as follows:

- a. These groups of strategic minerals are:
 - petroleum, earth wax, natural gas, and liquid bitumen; asphalt, solid bitumen;
 - young coal, anthracite;
 - uranium, thorium, and other radioactive minerals;
 - cobalt and nickel;
 - lead.
- b. These are the groups of essential minerals:
 - tungsten, vanadium, titans, iron, manganese, molybdenum, chromium,
 - copper, lead, zinc, and bauxite;
 - diamond, mercury, platinum, silver, and gold;
 - bismuth, antimony, and arsine;
 - rare metals like yttrium, ruthenium, and cerium;

- zircon, corundum, beryllium, and crystal quartz;
 - barite, fluorpar, and cryolite;
 - sulfur, bromine, chlorine, and iodine;
- c. The minerals in the group that do not belong to groups a or b are:
- Rock salt (halite), phosphates, and nitrates;
 - magnesite, asbestos, talc, mica, graphite, and
 - yarosit, leucite, ocher, and alum (alum);
 - gemstone, half stone gemstone; bentonite, gypsum, quartz sand, kaolin, feldspar,
 - perlite, diatomaceous earth, absorbent earth (fuller's earth), pumice, tras, obsidian, and
 - marble, written in stone;
 - calcite, limestone, and dolomite;
 - granite, andesite, basalt, trachith, clay, and sand, so long as they are not extracted economically in significant quantities from mining.

2.5 Impact on the Environment

Sustainable development necessitates the upkeep and preservation of the environment, as well as the numerous activities that pose a threat to or have even upset the equilibrium of the atmosphere with their negative effects. The abundance of efforts made by individuals and legal entities based on something other than an analysis of environmental impacts that result in pollution and damage is the current most significant environmental issue.

St. Munadjat Danusaputro, on the other hand, contends that St. Munadjat Danusaputro defines the environment as "all objects and conditions," which includes humans and their behavior, that are present in the space where humans are and influence life and the well-being of humans or other living things. Other.

According to Article 1 number (1) of Law Number 23 of 1997 Concerning Environmental Management, "the unity of space with all objects, forces, conditions, and living things, including humans and their behavior, which affect continuity life and well-being of humans and other living things," understanding the environment is also governed by Indonesian laws and regulations.

"Direct and indirect changes to the physical, chemical, and biological properties of the environment that exceed the standard criteria for environmental damage" is the definition of environmental damage in Article 1 of Law No. 32 of 2009. The nature and forms of mining vary widely:

To begin with, in a somewhat brief time frame, the mining business can change the state of the geology and land surface circumstances (land influence) to change the equilibrium of the environmental framework for the encompassing region.

Second, the mining industry has the potential to cause a variety of disturbances, such as air and water pollution from dust and smoke, tailings wastewater, and toxic mine waste. Interruptions are likewise as commotion from different weighty hardware, touchy blasts (explosives), and unsettling influences other.

Thirdly, landslides, mine explosions, mine collapse, and earthquakes can result from mining that is carried out without taking into account the geological conditions of the field and worker safety.

According to Yurdi Yasmi, environmental issues like water pollution, air pollution, land damage, compensation delays, and harm to local communities' morale led to five conflicts between residents and mining companies. Five categories must be taken into consideration to determine whether corruption has occurred:

1. Changes in the environment (any alteration of the environment) constitute pollution.
2. sovereign right to territorial sovereignty);
3. As destructive (damage), pollution
4. pollution as interfering with other environmental services and mixing with other domain uses;
5. Pollution occurs when the environment's ability to absorb foreign substances and elements exceeds its assimilation capacity.

Every business and activity that has a significant impact on the environment must have an Amdal in order to lower the risk of environmental damage. The following criteria are used to determine the practical results:

- a. The population size that will be impacted by the activity and business plan;
- b. The distribution impact area;
- c. The intensity and length of the current effects;
- d. The total number of other aspects of the environment that will be impacted;
- e. the impact of cumulative properties;
- f. Reversal or non-inversion of items; and g. Other criteria are being developed in response to advancements in technology and science.

The following criteria, which must be included in an EIA for businesses and activities that will have a significant impact, are set by the government through laws and regulations:

- a. The alteration of natural spans and landforms;
- b. The extraction of both renewable and non-renewable natural resources;

- c. Processes and activities that have the potential to harm the environment, waste natural resources, or degrade them in the process of using them;
- d. Methods and actions whose outcomes have the potential to influence culture, the built environment, the natural environment, and the social and environmental environment;
- e. Methods and actions whose outcomes will affect the preservation of cultural heritage and conservation areas for natural resources;

2.6 Base Theory

2.6.1 State Theory Law

In comparison to other terms used in state administration, such as democracy, the Constitution, sovereignty, and so on, the term *rechtstaat*—literally, "the rule of law"—was only coined in the 19th century. The rule of law at the time can still be considered new. Rudolf Von Gneist (1816–1955), a professor in Berlin, Germany, was the first to use the term "*rechtstaat*" for state government in his 1857 book "*Das Englische Verweltungsgerechte*." England. 29 Based on Pancasila and the 1945 Constitution, the rule of law concept can be formally and materially formulated. Really, the plan of the Pancasila regulation state depends on the viewpoint (worldview) of the Indonesian nation in a structure that is integralist normal of Indonesia, to be specific the standard of connection, whose significance that is reported is the customary individuals. However, human dignity and dignity are still respected, and the law's paradigm serves as a shield, upholding democracy, social justice, humanity, and democratizing law.

2.6.2 Theory of Enforcement Law

The goal of law enforcement is to make justice, legal certainty, and social benefits a reality. Policing an epitome of thoughts. It is the goal of law enforcement to acquire legal ideas and concepts that people anticipate will become reality. According to Soerjono Soekanto, law enforcement is an activity of harmonizing the relationship of values that are described in the principles/views of solid and manifest values and the attitude of actions as a series of elaboration of the final stage of values to create, maintain, and maintain social peace. Law enforcement is a process that involves many p. As indicated by Satjipto Raharjo, policing basically an implementation of thoughts or ideas about equity, truth, social advantages, and so forth. As a result, law enforcement is making an effort to bring these ideas and concepts to life. There are two divisions in law enforcement:

1. From a corner perspective, the subject:

Law enforcement encompasses all legal subjects and all legal relationships. He carries out or enforces the rules of law if he follows normative rules or does or does not do something based on the norms of the applicable legal rules. From a tight perspective, policing just deciphered as a work by specific policing to ensure and guarantee that law and order functions as it ought to.

2. Considering the object from the perspective of the law, specifically:

In a broader sense, law enforcement encompasses the principles of justice, including the formal rule of law and its significance to society. From a limited perspective, policing concerns implementing conventional and composed guidelines. According to Freidman, the legal substance, legal structure or institution, and legal culture all play a role in the success or failure of law enforcement.

- The entirety of the legal principle, norms, and rules, both written and unwritten, including court decisions, constitute the legal substance.
- The design is the whole policing and its authorities. Therefore, it includes the police; the prosecutors of the general attorney; courts with paralegals and the judge, lawyers' offices with their attorneys.
- Legal culture These are the practices, beliefs, ways of thinking, and actions of people who work in law enforcement and the general public. The functioning of the legal system necessitates more than just substance and apparatus. As a result, Law's significance is emphasized by Lawrence M. Friedman.

2.7 Theory Licensing

2.7.1 Understanding Licensing Permits (*vergunning*)

Defined in the dictionary of legal terms as permits or permits from the government that are required for actions that typically necessitate special supervision but are typically not entirely undesirable¹⁶. Licensing is interpreted differently by different experts. According to experts, permission means the following: E. Utrecht characterizes *vergunning* as follows :

The state administration's decision to allow the aforementioned action is analogous to a permit (*vergunning*) if the rulemakers do not generally prohibit the act but still allow it as long as it is carried out in a specified manner for each factual matter.

The importance of permitting is one type of executing the administrative capability and is controlling possessed by the public authority over exercises completed by the local area. Registration, recommendation, certification, the setting of quotas, and permits to operate a business are all forms of licensing. Typically, a person must own or be the owner of a business before it can be carried out.

2.7.2 The Purpose and Function of Licensing Permit

Provisions regulate and maintain order. In order to maintain social order, it is intended as a regulatory function that permits for buildings, places of business, and other forms of community activity do not conflict with one another. In order to prevent licenses from being misappropriated, it is intended that existing permits can be implemented following their designation as a regulatory function; all in all, this administrative capability can likewise be alluded to as a capability possessed by the public authority. Regarding permission, this depends on the actual situation. Nevertheless, the following can be said generally:

- a. The need to direct (control) particular actions;
- b. Keep the environment safe;
- c. The primary need to shield things;
- d. I want to share a few little things;
- e. Management must meet certain conditions when selecting individuals and activities.

2.7.3 Elements of Licensing

The definition of licensing includes the following elements:

a) Legal instruments

In a modern rule-of-law state, the authority of the government is to maintain order and security (*rust en orde*) and work for the welfare of the public (*bestuurszorg*). It is still a well-known responsibility of the government to ensure public safety and order. The government is given authority to regulate in order to carry out this function. This regulatory function gives rise to a number of legal instruments, known as decrees, that deal with specific and individual events. Permission is one form of this provision. Permits are included as stipulations that grant new rights to a person whose name is mentioned in the stipulation, depending on the type of stipulation. Hence, the grant is a juridical instrument as a limitation trademark constitutive and utilized by the public authority to manage or decide substantial occasions.

b) Regulation Legislation

Government based on laws and regulations, is one of the principles of the rule of law. As such, every legitimate activity by the public authority, both in completing administrative and administration capabilities, should be tracked down on the power allowed by guidelines regulation.

c) Organ government

Organs of government are those that manage government operations at both the national and local levels. Sjachran Basah claims that tracing the various provisions of government administration reveals that the authority to issue permits runs from the highest state administration (President) to the lowest state administration (*lurah*). This indicates that permits are issued by various state administrations, including their agencies, in accordance with their positions at the central and regional levels.

d) Concrete incident

It is stated that permission is a decision-based legal instrument that the government uses to deal with specific events.

e) Procedure and requirements

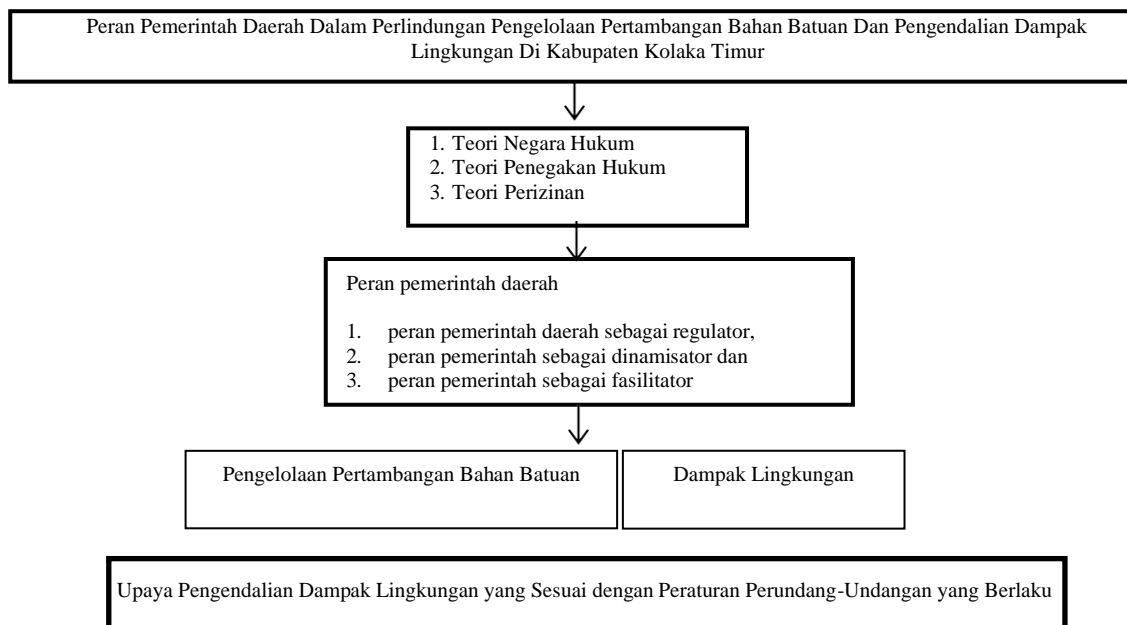
In general, the government as the permitted provider has established specific procedures that must be followed when submitting applications for permits. A permit applicant must meet specific requirements set by the government or the licensor in addition to going through particular procedures. The type of permit, the purpose of the license, and the permission granted by the granting agency all influence the licensing procedures and conditions.

2.7.4 Permit Nature

A permit is the decision of an authorized body or official of the state administration and possesses the characteristics listed below:

- a) Free permits are those granted by a state administrative decision and whose issuance is unconstrained by written law. These permits allow for a significant amount of discretion in granting them. Permission
- b) A bonded permit is a state administrative decision whose issuance is governed by written regulations and laws in addition to the license's authority. The extent to which laws and regulations organize it determines the degree of freedom and control.
- c) Permits that are beneficial are those that have properties that are beneficial to the person in question. This means that the person in question receives rights or the satisfaction of demands that would not be possible without a decision. Material permits are those whose contents are determined by the permit's nature and purpose.

2.8 Framework



III. RESEARCH METHOD

3.1 Research sites

This descriptive normative study was carried out at the Mining and Energy Resources Office, the Environment Agency, the Environmental Service Office, the community surrounding the mine, and actors in the mining activity business in the East Kolaka Regency, Southeast Sulawesi Province.

3.2 Population and Sampel

The population is the sum of all the results of both quantitative and qualitative calculations and measurements of specific characteristics pertaining to a comprehensive and precise group of objects. The East Kolaka Regency Mining and Energy Resources Office, the Environmental Agency, the East Kolaka Regency Government's legal department, the communities surrounding the mines, and business actors involved in mining activities in the East Kolaka Regency were the subjects of this study. This study's sample consists of one representative from the East Kolaka Regency Government's legal division, two representatives from the Mining and Energy Service of the Province of Southeast Sulawesi, one representative from the Environment Agency, and seven representatives from businesses involved in the mining of rock minerals in East Kolaka Regency.

3.3 Data Types and Sources

The following types of data were utilized in this study:

1. Essential Information, in particular information got straightforwardly from sources or first gatherings. The opinions of research subjects (people), the outcomes of observations, events or activities, and test results constitute primary data. Starter information were gotten through direct meetings with the top of the mining and energy assets administration as well as the top of the legitimate division of the East Kolaka Rule Government as well as mining business entertainers, including organizations and networks or those straightforwardly associated with this issue as well as immediate perceptions by scientists at the field.
2. Secondary data are sources of data that researchers get from intermediary media in an indirect way. The evidence, records, and historical reports that are organized in archives are examples of secondary information. The Mining and Energy Resources Office, the Environmental Service Office, and the legal division of the East Kolaka Regency Government all have access to secondary data that can be used in this study in the form of literature studies, scientific essays, regional gazette data, and regional laws and regulations related to the topic at hand.
3. Data Analysis To examine the legal responsibilities of the East Kolaka Regency government in granting mining permits for Mineral C and limiting its impact on the region. After that, both primary and secondary data were gathered and analyzed descriptively. In addition, it is proposed quantitatively by explaining, analyzing, and describing the issue in conjunction with thesis-writing-related solutions.

IV. RESULTS & DISCUSSION

4.1 Overview of East Kolaka Regency

East Kolaka is the division of Kolaka Regency that was approved at the DPR RI building on December 14, 2012, during the plenary session of the DPR RI regarding the Draft Law on the New Autonomous Region (DOB). The potential for agricultural and plantation sector commodities like cocoa and rice, which have been a supply for the needs of Kolaka Regency and other areas surrounding it, makes the East Kolaka region deserving of being a district. Indonesia's largest cocoa producer is Kolaka. In an area that is home to approximately 300,000 people, cocoa land totals 92,442 ha. 30,921 tonnes of cocoa were produced annually. Kolaka is well-known because it is the primary ingredient in chocolate. Chocolate results also succeeded in elevating economy residents. Besides the fact that H influences agribusiness and estates, yet there is additionally potential for mineral assets, not restricted to nickel digging yet additionally for any remaining normal assets that have market possibilities, for example, marble, quartz sand, dark stone, asbestos, magnesite, onyx, dirt, limestone, semi-gemstone, sirtu (Source: Southeast Sulawesi, BPS Prov The regions in the East Kolaka region are made out of a few stone sorts, which can be portrayed as follows:

- 1) The Kendari Lasusua Sheet's Mekongga Complex (Pzm) is known as Paleozoic metamorphic rock; Marble from the Paleozoic is part of this rock formation. In the meantime, it is referred to as (P2) CM on the geological map created by the Department of Mining and Energy Southeast Sulawesi (2005).
- 2) The geological map sheet produced by the Southeast Sulawesi Mining and Energy Service (2005) includes the Tokala Formation (TRJt). The limestone in this formation is intercalated with sandstone, shale, and marl. This rock's structure is layering in the general southerly direction of the stone's slope. This rock and older rocks (Pzm) have structural contact (down fault) in the south. This formation only occurs in the northwestern Kolaka Regency, from the Mengkoka Mountains in the east to the coast in the west, where its distribution is relatively restricted (10 percent). The Triassic Jurassic is the same age as shown by the dating results on the three map sheets above.
- (3) PCt is the name given to the Meluhu Formation (TRJm) on the geological map sheet produced by the Southeast Sulawesi Mining and Energy Service (2005).
- (4) Ultramafic igneous rocks (Ku) found on the Kolaka sheet, ophiolite rocks found on the Lasusua Kendari sheet, and Matano ophiolite rocks discovered by the Southeast Sulawesi Mining and Energy Service (2005) and referred to as Ubm. This rock comprises of peridotite, harzburgite, gabbro, dunite, and serpentinite. These stones are spread in three spots, specifically Padamarang Island, Pomalaa, and Wolo, with a conveyance that is sufficiently thin. (10%).

4.2 The Role of Local Government in Protecting Rock Material Mining Companies' Management in Kolaka Regency East Based on Regional Mineral Mining Regulations

Mining has emerged as a crucial component of regional development efforts. The way Indonesia uses its natural resources, particularly C quarrying, which is one of the fundamental building materials, is evidence of the nation's dependence on nature. One of the physical, financial, and social sectors that supports development is the exploitation of mineral resources or minerals like rocks. Along with the growth of various infrastructure and physical facilities, the demand for quarry C will continue to rise.

Environmental management is a management activity whose successful completion will result in a favorable environment. Ecological management that is adaptable and dynamic necessitates adjustments to the company's policies. These modifications have tactical and strategic applications and will have an effect on both the short-term and long-term. In practice, environmental management is advantageous. Environmental protection is an essential benefit of ecological management (Hadiwardyjo, 1997). Rock mining activities in the East Kolaka Regency are divided into two categories according to the type of management: traditional mining as well as contemporary mining.

a. The management of modern mining operations, specifically mining with heavy and modern equipment (backhoes), is performed directly by large corporations. Through mining concessions (KP) and contracts of work (KK), business entities appointed by the state now carry out mining activities. These mining exercises are by and large did involving more refined innovation as weighty gear so that more outcomes are normal with an additional time designation. Efficient.

b. Traditional mining

Customary excavators are otherwise called individuals' diggers in light of the fact that the exercises of these excavators are finished by individuals physically. Mining by people involves the use of simple tools. Community mining is mining that is done locally and is managed by the community using simple or traditional tools like a shovel, hoe, and crowbar.

The rock mining management model in East Kolaka had to be professionally carried out in accordance with the standard guidelines in the mining management regulatory instruments, which distinguished it from the other two types of mining management discussed above. Therefore, the environment will undoubtedly be impacted if this condition is permitted to persist. Because rock is a natural resource that cannot regenerate biologically, it is referred to as a depletable resource as well as a non-renewable resource. Constitution (Law) No. 4 of 2009 regarding Mining Mineral and Rock

mentions in Chapter 1 point (1) that mining is part or all of the stages activity in framework study, management, and mineral or rock exploitation. This includes general investigation, exploration, feasibility study, construction, mining, processing and refining, transportation, sales, and post-mining activities. Nevertheless, in the same Law on Mineral and Rock Mining, Chapter 1 number (29), it was stated that "region mining," which is now referred to as "WP," refers to an area that is free of government administrative boundaries and has potential for mineral and rock resources. In accordance with Article 1 number 3 of Law No. 4 of 2009 on Minerals and Rocks, people's mining areas, or WPR, are included in the WP where mining businesses operate.

The rocks in the East Kolaka Regency offer the community opportunities to mine for class C minerals. Because the existing potential can provide a means of daily sustenance, there are opportunities. The actions of a person at work can be interpreted as the role. A person's action during an event is the role. The Job of Neighborhood Government As per Iyas Yusuf (2014: 05), the government's role in empowerment is to direct a community toward self-sufficiency and growth in order to generate prosperity, which is not always burdened by the public. The government must play a full and effective role in the development of the public.

According to the previous description, the Regional Government in East Kolaka Regency plays the regulator, dynamicator, and facilitator roles of the government to safeguard the management of rock material mining companies.

4.3 The Role of Local Government as Regulators

The government's role as a regulator is to create rules to strike a balance between development and its implementation. As an instrument for regulating everything in accordance with empowerment implementation activities, the government provides the community with an essential reference.

According to the preceding definition, the function of local government as a regulator is to issue regulations in the form of management permits and operating permits to establish guidelines for balancing development implementation. However, as stated in the Regent's Regulations, standard references for ticket management of rock mining companies were not found during the formation of East Kolaka as an autonomous region.

Prior to the implementation of regional autonomy, the authority for mining permits belonged to the central government. Article 7 paragraph 2 of Law 32 of 1999 and Law 32 of 2004 regarding Regional Government grants the regions authority to regulate efforts to utilize natural resources within the territory's jurisdiction. The four central and provincial regions were given back control over mining matters following the passing of Law Number 23 of 2014, which established the Regional Government. The implementation of government affairs in the forestry, marine, energy, and mineral resources sectors is divided between the central government and the provincial regions in accordance with Article 14 paragraph 1 of the law. As a result, district and city regional governments no longer have authority over mineral resource matters.

Some mining business activities are carried out by individuals, while others are carried out by businesses. A Mining Business Permit, now referred to as an IUP (Mining Business Permit), is required for mining actors to conduct mining business. Article 1 point 7 of Law Number 4 of 2009 Concerning Minerals and Rocks defines IUP (Mining Business Permit) as a permit to conduct a mining business. Individuals, co-ops, and businesses all qualify for the mining business permit known as an IUP. The Pesisir Barat Regency is a region with good potential for mining. The community can mine the existing potential, which eventually becomes a source of income. Mining the board isn't just completed by corporate organizations however there is additionally mining that is straightforwardly done by the nearby local area. However, these communities' mining only requires commercial mining permits.

Mining activities in the protected forest have a negative effect on the air, which has an impact on the health of humans and aquatic life, decreased water quality, flooding, and local agriculture, climate-related changes in air temperature, endangered flora and fauna populations, contaminated soil, erosion, and the destruction of disturbed landscapes. The significant financial losses incurred as a result of mining demonstrate what will transpire in the event that the government is required to respond to the mining sector in the future.

A process of divesting ecological capital, for instance, is mining in protected forests (Rp. 70 trillion per year) for sustainable development in 25 regions and cities whose inhabitants continue to heavily rely on the role of forests as a life source. In addition, the 25 regions and cities' average Gross Regional Domestic Product (GRDP) value has decreased to around Rp. This activity will gradually lower the value of Regional Original Income (PAD) by 42 trillion dollars per year. Therefore, Indonesia will lose the weight of ecological capital, which has contributed to the sustainability of economic growth and fiscal performance in all districts and cities, at a rate of at least IDR 70 trillion per year. which covers nearly 28 million hectares in total. The preceding explanation demonstrates that the government must respond more sensitively to the negative effects of this industry. The government's mineral resource exploitation policies and regulations have been more focused on capital and mining Indonesia's mineral reserves. A reasonable illustration of this is the issuance of Regulation Number 19 of 2004 concerning the Expectation of Perppu Number 1 of 2004 on Change to Regulation Number 41 of 1999 concerning Ranger service, which gives licenses to mining directors to complete open pit mining exercises (mining did on surface earth that carries actual harm to the scene) in safeguarded woodland regions. This law is contrary to the forestry law, in addition to being hierarchically legal. This provision also

goes against the 1945 Constitution, specifically Article 33 paragraph 3, which says that the state controls land, water, and the natural resources in them and uses them for the people's greatest prosperity.

Additionally, Indonesia's mining agreements and contracts, such as the contract of work, still contain loopholes that are detrimental to the nation. In the agreement of business, the place of the public authority and the mining organization that plans to concur with it are two equivalent gatherings, both of whom play a similarly imperative part in the exchange cycle. Because of this position, the government needs to be stronger because it will gain administrative power over Indonesia's mining operations. (2004 Nur Hidayati).

4.4 The Role of Local Government as a Dynamist

The government's role as a dynamist is to encourage and maintain the dynamics of regional development by encouraging community participation in the face of development challenges. In completing its job as The elements, the nearby government has endeavored to mingle the advantages and effects of mining exercises. It has been humiliating to stock the places where there are mines. It was discovered, based on field observations, that the government has carried out its role as a dynamicator up to this point, but that it still needs to implement it to its full potential.

In order to bridge various community interests and maximize regional development, the government's role as a facilitator is to create favorable conditions for development. The government acts as a facilitator by providing training, education, and skill enhancement assistance, as well as capital assistance to empowered communities through funding or capital. From the definition above, nearby government is one of the apparatuses in the public authority organization framework. The administrative authority in a smaller area than a country is referred to as the local government. The state of Indonesia is a country whose territory is divided into provincial regions. Regency and city areas are further subdivided into the local area. Legislatively governed regional administrations exist in each region, province, regency, and municipality. According to the findings of the study, the Regional Government of the East Kolaka Regency only contributed in the form of non-physical facilities. Physical facilities, like private sector support infrastructure, on the other hand, were more important.

4.5 Environmental Impact Control Mining in East Kolaka Regency

The impact is a fundamental change in the environment brought about by an activity and business; Every activity that is anticipated to have a significant impact on the environment must be accompanied by based on the following considerations, as stated in article 22, paragraph 1 of Law Number 32 of 2009 concerning environmental protection and management:

- a. In contrast, the size of the plan, business, or activity, its usability, and the usability of the planned company or implemented training all play a role in determining the impact on the environment's importance.
- b. Whereas the appraisal of the significance of the effect on the climate can likewise be founded on the impacts of the business or action on only one natural angle, or it can likewise be on its solidarity and relationship with other ecological components inside the limits of the review region that not entirely set in stone.
- c. According to Soemarwoto (2009:38), the impact is a change brought about by activity, so the assessment of the impact's importance based on the possibility of positive or negative effects should not be seen as a factor that stands alone but must be weighted in order to consider the reciprocal relationship to making a decision. These can be natural, chemical, physical, or biological activities. The effect can be either good or bad. As a result, in this study, the mining of rock materials in East Kolaka has an impact on the environment in the form of water and air pollution, as well as damage to flora and fauna. Fauna.

4.5.1 Water Pollution

A Batuan mining company unquestionably has a number of obvious or prominent negative effects. Rivers that are polluted have a clear impact on public health. Because they have been polluted, the river water that people use every day is now unfit for use.

Indeed, rock mining is a very promising commodity for increasing the nation's foreign exchange reserves. However, if rock mining is taking place in the upper reaches of the river, it can also result in the production of wastewater that contains potentially harmful substances. However, before being released into water bodies, the liquid waste produced by mining activities is first processed in settling ponds. The Batuan mining company's liquid waste in East Kolaka pollutes water, which is one of the environmental effects of its operations. When the rainy season arrives, the residents will feel this liquid waste. Additionally, waste contributes to soil erosion during road construction and company land clearing, which has an impact on residents' health because the river water is unsuitable for use.

In East Kolaka, mining activities that pollute the river can cost the community a lot of money. An interview with a member of the community revealed the following: During the rainy season, rock mining activities near the mountains may contaminate the river's water. This condition has the potential to disrupt not only the health of the local community but also the quality of river water.

It is risky for mountain water to contaminate river water, making it cloudy in color and posing a threat to downstream communities. The river will undoubtedly become swollen as a result of the leaching of the rocks. Sadly, mining companies have not provided any information regarding the risks that rock-washing poses to mining communities up until this point. The community's environment becomes polluted as a result of mining, such as a river

that the people of East Kolaka depend on and is now contaminated by rock mining activities; Obviously, this is very bad for everyone involved.

4.5.2 Air pollution

Rock mining-related air pollution is concerning for public health because miners frequently inhale polluted or dusty air. Dust pollution is one of the effects of Batuan mining activities. The results of interviews with people who live near the rock in the mining area are shown below. It is abundantly clear that the stone mining operations are a cause for concern for motorists, particularly those traveling on two wheels, as they have the potential to obstruct vision and affect how far away objects on the highway appear.

As can be seen from the preceding description, rock mining-related air pollution has the potential to impair vision and reduce highway visibility, making it particularly concerning for motorists on two wheels. People in the vicinity of the tembang may have difficulty breathing if this continues on a regular basis. Because it contains a variety of viruses' impurities, the dust will undoubtedly spread disease, especially if it mixes with food.

The findings of the observation indicate that air or air pollution is caused by Batuan mining activities. This has the effect of making it so that many people in East Kolaka can't stand the flying dust and the hot sun, which causes health issues in the community. This pollution causes a variety of diseases to develop. Pharyngitis or respiratory tract disorders are the infections that these cases have spread.

4.5.3 Damage to Flora and Fauna

Batuan mining activities will undoubtedly cause damage to flora and fauna. Observations made in the field revealed that flora and fauna were damaged in a number of places, with wild animals losing their homes as a result of logging of their natural habitats. This conclusion was also bolstered by the findings of interviews with residents: Wild animals must enter the settlements of residents because they have lost their homes as a result of rock mining. Air pollution typically also damages plantations owned by people.

According to the above descriptions and findings of the interviews, wild animals have been forced to enter the settlements of residents as a result of rock mining. Additionally, air pollution typically damages plantations owned by individuals. The community may suffer as a result. Mining activities can cause damage to plantations as well; the plants established by the local area will become undesirable and ill suited for utilization; This typically applies to community plantations along roads that are traversed by rock mining operations. Because the plants (vegetables) or fruits that the community consumes, when exposed to dust from mining activities, will damage public health because the dust from rock mining contains chemical substances that can harm the health of the local community. As a result, the community may suffer from indigestion or diarrhea.

Mining business exercises support actual turn of events and work on expectations for everyday comforts, except they cause natural harm, for example, floods and avalanches, which cause material and work wellbeing misfortunes. The shape of the land in East Kolaka Regency, which has been protected for a long time, has changed as a result of extensive land damage caused by exploration by business actors and mining activities, particularly for rock mining.

During the time of regional autonomy, the mining businesses section of Law No. 4 of 2009 was passed. In 2004, the regions were granted authority to regulate and administer their territory, including the issue of permits, by Law Number 32. Before issuing an IUP, it must first go through the stages of environmental permits. These permits are given to anyone who does a business or activity that requires an Amdal or UKL-UPL to protect and manage the environment. Regional governments use administrative requirements as a control mechanism to prevent environmental destruction on their territory. The current reality is that mining entrepreneurs seek to maximize profits by granting mining permits without taking into account the damage to the environment caused by mining. It is based on information provided by Erik Santo, chairman of Peptam Southeast Sulawesi (Peptam Sultra), who officially reported the alleged unlicensed stone quarry in East Kolaka (Koltim), specifically in the Laadongi sub-district, Putemata Village, and Woikondo Village (Kompas Daily, Thursday, 9/9/2021).

Naturally, the regions are given authority to use mining resources so that the communities in those regions can benefit from them. According to Article 72 of Law No. 32 of 2009, the Regent/Mayor is obligated to ensure that those in charge of business or activity follow the rules. As a result, it is possible to keep an eye on how the Amdal UKL-UPL documents' activities are carried out.

Mochtar Koesoemaatmadja also remarked on the Roscoe Pound idea and argued that law must be a tool for development. This indicates that the law must adhere to the principles of social justice for all Indonesians and must support the modernization process. In accordance with this capability, lawmakers establish different juridical groundworks in completing various exercises' turn of events, one of them is in making regulations in regards to spatial preparation. The primary law that governs the implementation of spatial planning is Law Number 26 of 2007. This regulation will act as a central legitimate idea in executing spatial preparation and is likewise expected to be utilized as a source of perspective for the public authority in organizing and safeguarding the climate. The East Kolaka Regency's life Regional Spatial Plan (RTRW) is governed by Regional Regulation Number 2 of 2013 regarding Regency Spatial Plans East Kolaka 2013-2033. Methodology East Kolaka Rule spatial arranging is directed in Article 4 of Territorial Guideline No. 2 of 2013, which covers:

1. Plantations and centers for agricultural production based on land and sea resources are being developed.
2. Sustainable methods are used to plan and develop potential production centers based on natural resources.
3. through the development of agropolitan and minapolitan.
4. Increase the use of natural resources that add value through agro-industry and agribusiness constructing infrastructure to cover the entire regions.
5. Ensuring that environmental functions continue to be utilized within the framework of sustainable development.
6. Game plan of weak regions calamity.
7. We are expanding the area's role in defense and security in country
8. Management of border regions that contribute to national defense and security.

At the evaluation meeting on December 9, 2016, the Integrated Licensing BPM Agency expected the Source Natural Resources Regional Secretariat of East Kolaka Regency to facilitate the designation of smallholder excavation area C. Additionally, BPM and Integrated Permits of East Kolaka Regency have not been granted authority to issue smallholder mining permits and are restricted to SITU, SIUP, and IMB at this time.

Clearing land, which can be forests, fields, or other locations, cutting down trees (if any are present), and stripping and removing soil are the first steps in mining areas. Overburden expulsion is completed to get monetary materials (mineral metal/rock), which starts with the overburden impacting action if vital. Mineral or rock excavation is carried out following the removal of the overburden and its storage in the landfill area. Prior to marketing, the resource must be purified through mineral and rock processing. The washing and crushing of rocks into a specific size are typically the only steps in rock processing, which tends to be simpler. With respect to minerals, the interaction includes handling units, machines, synthetics supporting the cycle, a lot of energy, etc.

Open pit mining operations will always alter landscapes and surface water flows, necessitating a comprehensive effort to properly manage land and water, specifically the gradual rehabilitation of ex-mining land. The emergence of ex-mining holes (voids) is a clear illustration of the changes in the landscape. According to 2017 data from the Directorate of Engineering and Environment for Minerals and Rocks, there were 45 active mining pits covering 4,402 ha, 183 inactive mining pits covering 3,227 ha, and 24 mining pits that were being filled or backfilled covering 273 ha. Overall, there are more inactive mine pits, which means there is a higher risk of dangerous events, which can be brought on by inadequate supervision and safeguards (Hendrasto, 2018).

In addition, it has frequently been published in print and online media regarding the effects of mining on public safety and the environment. Also, in the form of books, like Paripurno et al.'s book on mine closure issues (2010), mining disputes, environmental problems, and other issues from Maimunah Both actors in the mining industry and the government need to take this issue seriously if it is to be dealt with effectively. In general, there are four important areas of environmental management in mining:

1. Water quality control and monitoring,
2. Air quality control and monitoring,
3. Reclamation, land management, and biological diversity,
4. Management of waste B3, waste B3, and hazardous and toxic materials

A management and monitoring management system must regulate the implementation of these crucial activities, including compliance with the permits, regulations, and standards required for these activities. During mining operations, three important aspects of environmental management work together: licensing, management systems, and practices

The company must establish performance targets for environmental management practices over the medium period, when operations have been running smoothly and environmental permits have been obtained. One of the targets for this could be PROPER, which will evaluate compliance with operational licensing, administrative, and technical aspects. Companies should continue to concentrate on enhancing environmental management systems and mining best practices. These two activities can cooperate to ensure the smooth operation of all operational efforts. The certification of the ISO 14001 Environmental Management System and "Green" or "Gold" PROPER are examples of achievement targets that businesses can set. The accomplishment of these goals will make it easier to obtain the necessary environmental permits, good new permits, extensions, or revisions, such as the Addendum or Revision of AMDAL documents, which are frequently required for mining operations, as well as modifications or discoveries of rock or mineral reserves or other activities.

Law no. 1 sets the ground rules for environmental management and protection. 32/2009, which says that "systematic and integrated efforts made to preserve environmental functions and prevent environmental pollution and damage, which includes planning, utilization, control, maintenance, supervision, and enforcement" are what environmental management and protection are. law'. Table 1 provides a summary of several mining environmental management regulations. Regulations also stipulate operating permits that a mining company must own, in addition to discussing operational matters that must be carried out. These permits, some of which must be obtained prior to activities beginning, are essential for businesses.

Table 1. Several regulations related to mining environmental management activities

No.	Regulation	About	The main thing for mining activities
1.	UU no. 32 The year 2009	Protection and Environmental Management	General reference in management activities and monitoring, including rules regarding sanctions.
2	UU no. 41 1991	Forestry	One of the references to forest use includes mining activities.
3	UU no. 18 2008	Waste management	Reference in managing common waste arising from mining activities and its supporting facilities.
4	PP No. 27 In 2012	Environmental Permit	Every business and mining mandatory having Amdal is required to have an environmental permit.
5	PP No. 101 the Year 2014	Hazardous Waste Management	Reference in B3 waste management produced by mining regulates licensing aspects and management practices.
6	PP No. 82 2001	Water Quality Management and Water Pollution Control	Mining activities will generate negative and significant impacts on water quality, so it is necessary to prevent and control water pollution.
7	PP No. 74 2001	Management of Hazardous and Toxic Materials	Reference in B3 management used in mining activities, such as mineral processing, etc.
8	PP No. 41 1999	Air Pollution Control	Mining activities will generate the negative impact in the form of a decrease in the quality
9	Law of air. 9 PermenLH No. 05 In 2012	Types of Business Plans and Activities Required to Have Impact Analysis Document Environment	Method of screening the type of activity for determining the required environmental documents.
10	PermenLH No. 04 the Year 2014	Source Emission Quality Standard Immovable For Mining Business and Activities	Reference quality of emissions from mining activities.
11	Candy LHK No. P.63-2016	Requirements and Procedures LB3 hoarding in Final Landfill Facility	Reference for waste collection activities B3, including those generally produced by mining activities and their supports, such as <i>tailings, fly ash, bottom ash</i> , etc.
12	Candy ESDM No. 26 of 2018	Implementation of Mining Rules The good one	Set about Environmental Management Life Mining, Reclamation, and Post
13	PermenLH No. 03 the Year 2013	Environmental Audit Life	Mine by criterion specific required to carry out environmental audits, such as mine with a <i>tailings storage facility</i> , etc.
14	PermenLHK No. P.59 of 2016	Leachate Quality Standard Business and Activities Garbage Landfill	Leachate water quality standard reference for mines that own landfill.
15	Candy LH No. 4 In 2012	Environmentally Friendly Indicators for Open Rock Mining Business and Activities	Identification of environmental indicators in rock mining activities, including environmental protection and management for land and water components at the mining and reclamation stages.
16	KepmenESD M No. 1827 the Year 2018	Guidelines for Implementing Good Mining Engineering Principles	A good reference for mining activities.
17	KepmenLH No. KEP-13 Year 1995	Source Emission Quality Standard Not moving	The reference in source emission quality standard is different from which will be generated when mining activities are carried out.
18	KepmenLH No. KEP-48 the Year 1996	Noise Level Quality Standard	Reference in management noise impacts from construction and operation activities, such as from heavy equipment transportation activities, etc.
19	KepmenLH No. KEP-49 Years 1996	Vibration Level Quality Standard	Reference in vibration management from construction and operation activities, such as rock blasting.
20	KepmenLH No. KEP-	Odor Quality Standard	Reference in the management of odors from activities
21	KepKaBapada 1 No. KEP-68 1994	Procedures for Obtaining Permits for Storage, Collection, Operation of Processing Equipment, Processing, and Final Landfilling of B3 Waste.	Reference procedures for obtaining related permits B3 waste management.
22	Decree of the Head of Controlling Agency Environmental Impact No. 01 1995	Procedures and Technical Requirements for Storage and Collection of Hazardous and Toxic Waste.	Reference to temporary storage procedures B3 waste generated, including from mining activities.
23	Decision Head of Controlling Agency Environment No. 03 1995	Technical Requirements for Hazardous and Toxic Waste Management.	Reference in processing B3 waste, including those generated from mining activities.
24	Decree of the Head of the Environmental Management Agency No. 05 Years 1995	Waste Symbols and Labels Hazardous Materials and Toxic	Reference in the use of symbols and labels for the B3 waste produced.

The table above demonstrates that the "Fiction Law" principle holds that everyone is presumed to be aware of a statutory regulation when it is enacted (presumption iures de iure). Because of the binding nature of these provisions, an individual's lack of knowledge of the law cannot shield him from legal action (ignorantia iuris non-excusat). A person cannot defend himself against legal action by claiming ignorance of specific laws and regulations.

The Minister of Energy and Mineral Resources No. was issued by the Indonesian government through the Ministry of Energy and Mineral Resources. pertaining to Guidelines for Implementing Good Mining Engineering Principles and Minister of Energy and Mineral Resources Decree No. 1827K/30/MEM/2018 concerning the Implementation of Good Mining Principles and Supervision of Mineral and Rock Mining. Mining, reclamation, environmental management after mining, and post-mining operations are all governed by Part Four of the Ministerial Regulation.

As a result of the Ministerial Regulation's adoption, Permen ESDM No. Minister of Energy and Mineral Resources Decree No. 7 of 2014, Implementing Reclamation and Post-mining in Mineral and Rock Mining Business Activities Minister of Energy and Mineral Resources Decree No. 1211.K/008/M.PE/1995 regarding the prevention and management of destruction and environmental pollution in general mining businesses Technical Guidelines for Environmental Management in the Mining and Energy Sector, 1457 K/28/MEM/2000, declared out of date. Table 3 depicts the primary guidelines for managing the mining environment. Appendix VI of Minister of Energy and Mineral Resources Decree No. 1827 of 2018 contains more information on environmental-friendly mining practices. Administrative sanctions, including written warnings, temporary suspension of part or all of the business activities, or license revocation, may be imposed on holders of IUP Exploration, IUPK Exploration, IUO Operations Production, and Production Operation IUPK, IUJP Holders, and IPR Holders (from this point forward referred to as "mining permits" in this book). In accordance with their authority, the Minister or Governor imposes this penalty. As a result, the following measures can be taken by the government to lessen the negative effects of mining:

1. By revoking mining sector policies that are hierarchically incompatible with the spirit of the 1945 Constitution, it is reforming regulations.
2. When formulating mining policy, exercise caution.
3. Establish environmental, life, and mining-specific management standards.
4. Create policy for individuals in the mining sector.
5. Protect the general public from location mining.

V. CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusion

Based on the results and discussion that came before it, this study came to the conclusion that the local government in East Kolaka Regency has three roles in protecting the management of rock material mining companies: the role of the local government as a regulator, the role of the government as a dynamicator, and the role of the government as a facilitator. Additionally, the environmental impacts of rock material mining activities in East Kolaka include damage to flora and fauna. As a result, the government can take a number of steps to lessen the environmental damage caused by mining, such as 1) revoking policies in the mining sector that are hierarchically in violation of the 1945 Constitution and its spirit; 2) Be cautious when formulating mining sector policies; 3) Set high standards for mining companies' environmental management; 4) Implement policies in the mining sector that were pro-people, and 5) Guard the community surrounding the mining site.

5.2 Suggestions

Based on the above discussion and conclusions, regional governments must collaborate with provincial and central governments to maximize their roles as regulators, catalysts, and facilitators in implementing protection plans for the management of rock mining businesses in Kolaka Regency. In order to dispel the notion that the mining industry is the same as waste and damage, East must improve the quality and standardization of environmental management in the mining industry as a whole and stop mining in forests to protect and also provide protection and a sense of security to the people for the implementation of mining activities, particularly for the people who are around the location mining.

REFERENCES

Book

- Abrar Saleng. 2004. *Hukum Pertambangan*. Yogyakarta: UII Press.
- Arie Sukanti Hutagalung, Markus Gunawan. 2008. *Kewenangan Pemerintah di Bidang Pertanahan*. Jakarta; PT Raja Grafindo Persada.
- Dasril Radjab. 2005. *Hukum Tata Negara Indonesia (edisi revisi)*. Jakarta: PT Rieneka Cipta.
- M. Arief Muljadi. 2005. *Landasan dan Prinsip Hukum Otonomi Daerah dalam Negara Kesatuan RI*. Jakarta: Prestasi Pustaka Publisher.
- Muhammad Djafar Saidi. 2007. *Perlindungan Hukum Wajib Pajak dalam Penyelesaian Sengketa Pajak*. Jakarta: PT. Raja Grafindo Persada.
- N.H.T.Siahan.2004.*Hukum Lingkungan dan Ekologi Pembangunan*. Jakarta: Erlangga
- Philipus M. Hadjon, dkk. 2008. *Pengantar Hukum Administrasi Indonesia*. Yogyakarta: Gadjah Mada University Press.
- Ridwan HR. 2011. *Hukum Administrasi Negara (Edisi Revisi)*. Jakarta: PT Raja Grafindo Persada.
- Salim HS. 2005. *Hukum Pertambangan Di Indonesia*. Jakarta: PT. Raja Grafindo Persada.
- Salim HS. 2012. *Hukum pertambangan Mineral dan Batubara*. Jakarta Timur: Sinar Grafika.
- Siswanto Sunarno. 2006. *Hukum Pemerintahan Daerah di Indonesia*. Jakarta: Sinar Grafika.
- Soetandyo Wignosubroto, Bhenyamin Hoessein, dkk. *Pasang Surut Otonomi Daerah*. Jakarta: Institute for Lokal Development.
- Sri Pudyatmoko. 2009. *Perizinan, Problem dan Upaya Pembenuhan*. Jakarta: PT Gramedia Wediasarana Indonesia.

Sudjoko, dkk. 2009. *Pendidikan Lingkungan Hidup*. Jakarta: Universitas Terbuka.

Titik Triwulan Tutik. 2010. *Pengantar Hukum Tata Usaha Negara Indonesia*. Jakarta: Prestasi Pustaka Publisher.

LEGISLATION

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.

Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara.

Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.

Peraturan Pemerintah Nomor 27 Tahun 1980 tentang Penggolongan Bahan- Bahan Galian.

Peraturan Pemerintah Nomor 23 Tahun 2010 tentang Pelaksanaan Kegiatan Usaha Pertambangan Mineral dan Batubara.

Keputusan Menteri Pendayagunaan Aparatur Negara Nomor 22 Tahun 2002 tentang Jabatan Fungsional Inspektur Tambang dan Angka Kreditnya.

Peraturan Pemerintah Nomor 27 Tahun 2012 tentang Izin Lingkungan.