

# EXTINGUISHING MINING LICENSE C AND ITS IMPACT ON COMMUNITY DEVELOPMENT

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**Abstract:** Mining is an activity that is one of the biggest sources of regional income, but on the other hand mining activities often cause bad symptoms in the community. The existence of excavation c which causes environmental damage and loss to the surrounding community is a problem that never subsides for discussion. This study aims to identify and describe IUP Excavation C and its Impact on Community Development. This study uses a descriptive qualitative approach. The concept of legislation and spatial planning that has not been ideally actualized has resulted in this phenomenon not being handled properly, especially in the Cirebon and surrounding areas, even though there is already a legal basis and concept of environmental management but it seems as if it already exists. not yet realized.

**Keywords:** Mining; Quarry C; Environmental Management

## INTRODUCTION

The wealth of abundant natural resources in Indonesia makes Indonesia respected in the development sector, and economy and dubbed as the country of Sleeping Asian Tigers. With the abundant wealth of natural resources, Article 33 paragraph (3) of the Constitution of the Republic of Indonesia in 1945 states that the earth and water and the natural resources contained therein are controlled by the State and used for the greatest prosperity of the people. The natural wealth generated from mining activities can contribute Regional Original Income (PAD) to the area used as the location of activities, but in the case of mining always hurts the environment of the local community such as environmental damage and clean water pollution (Ruslina, 2012).

Based on the Data on the Area of Metal and Non-Metal and Rock Feasible Zones per Regency that the Cirebon Metal Feasible Zone is 0.00% while the Non-Metal and Rock Feasible Zone is 101,719.40 Ha or equivalent to 5.96%, the mining area is an area located in the feasible zone of mining areas that are by the needs of the future community (Permana & Gilang, 2020). In Law Number 11 of 1967 concerning the basic provisions of mining, it is explained that mining power is given to business entities or individuals to carry out mining management (U.-U. Nomor, 1967).

The emergence of problems about licensing that are considered trivial is a source of loopholes for unscrupulous companies to take the opportunity to get a lot of profits. Violations committed not only hurt local governments but on public

comfort regarding public facilities that have been damaged by excavation C. Every licensing provision that is applied serves as a tool of order and regulation. Regulator here has meaning as a tool that keeps activities can be established simultaneously without violating other rules so that activities can be by the provisions and achieve orderly activities for the community and the environment. (Adrian, 2011) mentioned that the regulator means that some businesses or activities can be carried out by the designation.

Clear regulations on licensing, time limits, and rehabilitation of former mining become one of the original regional revenues through tax collection, besides that the Cirebon Regency government has the authority to take policies in terms of licensing and levy levies on natural resource exploitation activities of sand and krikil mining or mining in the Cirebon Regency area. The nature or impact of mining will result in environmental damage and need improvement. Such as the number of road accesses that become hampered because the queue of transportation equipment is fairly large and some roads are damaged due to transportation equipment that is loaded more than the capacity to pass in residential areas around the mine. Residential areas according to Law Number 1 of 2011 concerning Housing and Settlement Areas are part of the environment outside protected areas, both in the form of urban and rural areas, which function as residential environments or residential environments and places of activities that support livelihoods and livelihoods. While the settlement itself is part of a residential environment consisting

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of more than one housing unit that has the infrastructure, facilities, and public utilities, and has supported other function activities in urban or rural areas (U.-U. R. I. Nomor, 2011).

## MATERIALS AND METHODS

Legal research (Legal Research) was conducted using Normative Juridical and Empirical Juridical studies. Normative juridical research is legal research that places law as a building system of norms. Meanwhile, Empirical Juridical Research is research that has the object of study of community behavior. And to complement this research using a Descriptive Qualitative Approach (Sugiyono, 2018). According to (Soerjono Soekanto, 2012). The qualitative Method is a research procedure that produces descriptive-analyst data, namely what is stated by informants in writing or orally as well as their real behavior, which is researched and studied as a whole. The approach in this study is intended to know and describe the C Quarry Mining License and its Impact on Community Development.

## RESULTS AND DISCUSSION

### 1. Government Background in Granting C Mining Permits in the Cirebon Regency Area Based on Law of the Republic of Indonesia Number 3 of 2020

Simply put, mining is an activity carried out by digging into the ground (earth) to get something in the form of mining products (minerals, oil, natural gas, and coal). Definition of mining in the Regional Regulations of West Java Province Mining

is part or all of the stages of activities in the context of research, management, and mineral or coal companies which include general investigation, exploration, feasibility studies, construction, mining, processing and refining, transportation and sales, reclamation and post-mining activities. This understanding has a broad meaning that includes various activities from mining which are carried out before mining and after the mining process (Al Azmi, 2022).

That by the provisions in Article 1 paragraph 40 of the Regional Regulation of Cirebon Regency Number 7 of 2018 concerning the Regional Spatial Plan of Cirebon Regency for 2018-2023 state:

"Mining designation areas are areas intended for mining activities for areas that are or will soon be carried out mining activities, including minerals and coal."

To these provisions, that the Dukuhpuntang area is one of the areas designated for mining. Furthermore, in Article 9 paragraph 2 of Law Number 3 of 2020.

"WP, as referred to in paragraph (1), shall be determined by the Regional Government of the province by its authority and in consultation with the House of Representatives."

Article 10 paragraph (2) point b of Law Number 3 of 2020 that:

"The determination of WP as referred to in Article 9 paragraph (2) shall be implemented: b. In an integrated manner by referring to the opinions of relevant government agencies, and affected communities, and by considering ecological, economic, human rights, and socio-cultural aspects, as well as

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environmentally sound;" cultural, as well as environmentally sound;"

The rules regarding Mining Reclamation are contained in Article 1 paragraph 26 of Law Number 3 of 2020. As research data obtained in the field in the Report on the Results of Boundary Arrangement of Protected Forest Areas originating from Compensation Land in the context of Borrowing and Using on behalf of Bumi Karya KUD in Majalengka Regency that Bumi Karya KUD has been stipulated by the Decree of the Minister of Forestry Number SK.58 / MENHUT-II / 2009 concerning the Designation of Compensation Land covering an area of 1,00,000 (One Hundred Thousand) square meters into a permanent Forest Area with the function of a Protection Forest located in the umbrella area, Rajagaluh District, Majalengka Regency, West Java Province.

Since the enactment of Law Number 3 of 2020, mining licensing has shifted to the Central Government, no longer local governments. Therefore, from the results of interviews obtained from the Bumi Karya KUD, there were problems regarding licensing due to the mining location occupied by the Bumi Karya KUD on the border of Majalengka and Cirebon, therefore from the central government, the granting of permits was by what was seen on the satellite that the Bumi Karya KUD became part of the Majalengka Regency Mining. The rules regarding changes in the implementation of control are contained in Article 4 paragraph 2 of Law Number 3 of 2020.

## **2. Impact of C Quarry Mining on the Surrounding Environment**

With the excavation of C in the Cipanas Village area, Kec. Dukuhpuntang, these activities do not bring benefits to the surrounding community in terms of the environment. In addition, counseling on clean water has never existed from local or local governments. People close to the mining area are disturbed by Air Pollution contributed by mining in both dry and rainy seasons. Along with seasonal changes, the surrounding community also feels difficulties due to other impacts such as in the rainy season there are mud floods that make it difficult for residents to carry out activities, and the dry season dust scattered in residential areas is very disturbing to residents, especially on the respiratory system of surrounding residents.

With the excavation of C in the Cipanas Village area, Kec. Dukuhpuntang, these activities bring economic benefits to the community around the mining +- 2 KM. The environmental impacts obtained are such as dust, dirty river water flow due to mining activities, and stone craftsman activities resulting from mining (waste).

With the existence of C-dig mining activities in the dukupuntang area, 38.8% of the community felt the positive impact of this activity was the increase in economic growth in the dukupuntang area and 61.1% stated that with the C-dig mining activities in the area close to the mining did not feel any economic improvement in the environment of its residents.

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### 3. Comparison of Mining License Regulations between Nepal and Indonesia

First, from the qualifications of individual mining permit holders in the Nepal Mineral and Coal Law, Article 2 Paragraph 5 of 1999 The qualifications of individuals holding permits are divided into 3 categories and are explicitly intended for every individual who has 2 years of experience and has sufficient finances. This is different from Indonesian mining permit regulations where Indonesian regulations do not explicitly explain the qualifications of individual coal permit holders. Second, under article 42 paragraph 1 of Nepal's Coal Minerals Act 1999, "A licensee shall have to renew the license obtained by him/her for mining operations within a period of Three months from the date of expiry of every fiscal year." This means Nepal's mining permit renewal is carried out within three months from the expiry date of each fiscal year while the renewal of Indonesia's mining permit is according to the 2009 Trade Minister Regulation (SIUP). e must be re-registered every 5 (five) years.

### CONCLUSIONS

The government in granting permits by Law Number 3 of 2020 that in Article 10 paragraph (2) point b the granting of permits must refer to a special mining area that has been determined, therefore for the wilayah of Cirebon regency by the provisions in Article 1 paragraph 40 of the Regional Regulation of Cirebon Regency Number 7 of 2018 concerning the Regional Spatial Plan of Cirebon Regency for 2018-2023. In addition, in protecting the

environment, Amdal, Prokasih, and BML files are needed to grant permits to carry out mining.

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