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Bailout Policy in the Minerals and Coal Act Ecological Justice Perspective

Eka NAM Sihombing[1*], Cynthia Hadita[1]

[1] *Universitas Muhammadiyah Sumatera Utara*
**Corresponding author Email:* ekahombing@umsu.ac.id

ABSTRACT

The right to a good and healthy environment is a basic right that obtains constitutional guarantees in Article 28H Paragraph 1 of the 1945 Constitution, but the constitutional guarantee seems to be ruled out by the presence of Law No. 3 of 2020 on Amendments to Law No. 4 of 2009 on Minerals and Coal. This can be analyzed from the bailout guarantees from the government to the automatic extension of coal mining agreement holders. This paper aims to unravel the link between bailout policies in the Mineral and Coal Law, ecological justice, and the impacts in a new normal society. The research method used is normative juridical with the approach of legislation and legal philosophy. The results showed that changes in mineral and coal laws have the potential to cause ecological injustice; corporations get various privileges, while the interests of the environment and the community around mining activities are not adequately accommodated from the impact of the mining industry. Therefore, it is necessary to arrange regulations in the field of minerals and coal to align with the value of ecological justice, especially when facing the new normal society. The importance of discussing the bailout policy with ecological justice and its impact on the new normal society, because the existence of bailout policies in the Mineral and Coal Law has an impact on the new normal society so that it needs to be discussed in the perspective of ecological justice.

Keywords: *Bailout policy, Mineral and Coal Act, Ecological Justice, New Normal.*

1. INTRODUCTION

Pancasila, based on the provisions of Article 2 of Law No. 12 of 2011 concerning the Establishment of Legislation, as amended by Law No. 15 of 2011 concerning Amendments to Law No. 12 of 2011 on the Establishment of Legislation, is the source of all legal sources. Pancasila is positioned as the mind of the law *(rechtsidee)*; this requires that every formation of legislation be based on the values contained in Pancasila. The law, according to Nazriyah, is an element of the civilization of a nation, must be a mirror and a statement of living values in the soul of the nation. Nazriyah further stated that such a national law would be more supported and obeyed by the community and able to move the community to behave as expected because it is in line with the ideals of the law that lives and develops society. [1] However, in practice, the resulting product of legislation, as if to override the ideals of the law, was shown since the presence of the Constitutional Court until 2020, as many as 699 laws requested testing in the Court, 265 of which were granted. [2]

Medio May 2020, the outbreak of *the CoronaVirus* pandemic (Covid-19) and the rejection of various civil society circles, the House of Representatives and the Government finally agreed together with the Draft Law on Amendments to Law No. 4 of 2009 on Mineral and Coal Mining (hereinafter referred to as the Minerba Law). The ratification of the Minerba Law is strongly suspected of cashing with the value of legal thinking and being contrary to ecological justice. However, siding more with the industry in the field of mining, this can be seen from the formulation of a bailout policy (bailout) for the mining industry players, one of which is the guarantee of extension of Special Mining Business License for Contracts of Works (lKK) and Coal Mining Employment Agreement (PKP2B). Whereas as is known, the existing condition before the amendment of Law No. 4 of 2009, based on the results of satellite imagery analysis conducted by Auriga Nusantara Foundation, the area of PKP2B holder permits reached a total of 422,696.58 hectares (ha) with forest cover covering an area of 59,791 ha. The analysis also found 87,307 ha of unclaimed mine pits, of which 5,901 ha of hole areas are in forest areas having no license. [3] To draw may parse the issue of *bailout* policy in the Minerba Law in the perspective of ecological justice.

The gap that occurred due to *the bailout* policy in Minerba Law led to the underachievers of the value of justice, the number of people around mining who were affected by the *bailout* policy, plus the Covid-19 pandemic and the new normal society.

This research is different from previous research, such as the research on Environmental and Ecological Justice (Chukwumerije OkerekeMark Charlesworth), The mining policy of the Philippines and «resource nationalism» towards nation-building (Minerva Chaloping-March), and Environmental Justice in Ecological Research (Gillian Bowser and Carmen R. Cid). Overall, those articles only discuss ecological justice and its relation to the environment. The novelty of this study is to discuss the bailout policy in Minerba Law from the perspective of ecological justice and its impact on the new normal society.

2. RESEARCH METHOD

The method used in this paper is the normative juridical law research method. Normative research must use a *statute approach* because what will be researched

are various rules of law. [4] The nature of research used in this paper is prescriptive, sticking to the characteristics of legal science as applied science. The prescription given in legal research activities should be applicable and possible to be applied. Therefore, the result of legal research, even if it is not a new legal principle or a new theory, is at least a new argument. [5] The bailout policy in Minerba Law needs to be reviewed with a statutory approach to review the bailout policy arrangements in the positive law and its impact on the new normal society using an ecological justice perspective.

3. FINDINGS AND DISCUSSION

1. Concept of Ecological Justice

According to social justice, regulation in the field of energy was ideally formed to realize social justice as the Fifth Precept of Pancasila. Social justice in the field of energy, for example, through regulation, there is an obligation to electrification for all Indonesians both in urban and rural areas. [6] Pancasila as a whole that is round, there is a provision of Article 33 paragraph (3) of the 1945 Constitution, and provisions concerning the conception of the right to control the state (HMN) over the earth, water, and natural wealth contained in it including the utilization of space, it can be mentioned that the politics of the management of Indonesia's natural resources has outlined the following principles: First, the people and the nation of Indonesia recognize the existence of spiritual-religious relations between residents, communities, land and the environment in which they live (Spiritual principles). Second, the people and nation of Indonesia recognize and realize the importance of the land, water, and natural resources contained in it provided by God for all Indonesian people (Principle of independence, nationality/nationalism). Third, the land, water, and natural resources contained in it are provided by God for the entire nation for the greatest prosperity of the people as a whole (Principle of social justice). Fourth, the state has the right to control the earth, the water of natural wealth contained in it, including the utilization of space. The state's authority in the form of regulation and the exercise of the right to control the state over the earth, water, and natural wealth contained therein is intended as much as possible for the prosperity of the people. [7] Human ecological morals and development criticism, using a human ecological perspective (holistic, not reductionist, and not very positivist), expects that human ecology can be used as a first step to pursue sustainable development. [8]

The dash overview of ecological justice is about the injustice contained in the Minerba Law against the bailout policy set in it, which leads to unfulfilled ecological justice for the sustainability of natural resources, its impact on the communities around mining, who have to fight extra to get ecological justice in the new normal society.

This principle of sustainability and the provision and utilization of energy is part of the concept of sustainable development in the management of more specialized natural resources. Sustainable development was introduced in 1972 through the United Nations Conference on Human Environment in Stockholm, Sweden, between 5-16 June 1972. The conference was held due to various environmental issues that arose before and during that time. This environmental problem became part of the problem at that time, such as hunger, poverty, economic stagnation, many diseases due to poor sanitation, slums, unemployment.

The dynamics of the population, according to Esther Boserup, in criticism of Malthus's theory, can be portrayed using a parable: if a farmer has four plots of land and only three plots of land planted, the other one is no longer fertile, then the farmer must allow one child to die each time a plot of land becomes infertile. That's how the picture relates to population dynamics. Furthermore, for the people around mining, it will be relevant to use the theory of marginalization, the society that must be protected will be eliminated slowly, this is as in this economic-political structure, people who belong to the social category with the weakest power have little or even no access to land. As a result, when population pressure increases amidst the limited available land, this weakest layer will be eliminated and forced to cultivate marginal lands, whether it is a land with low productive capacity (economically marginal), far from road access and settlements (geographically marginal), environmentally prone (ecological marginals), vulnerable to conflict with the state (political marginals) or all three at once.

Enzensberger made the Political Ecological Criticism that the premise of political ecology that all are in the same "boat" and, thus, hints that if we do not change behavior that directly leads to environmental damage, then the destruction of nature as a common destiny. This is wrong from the beginning. Physically, people are in the same "boat" because all human beings are the inhabitants of the earth. However, socially and economically, many "boats" differ from each other, and some have power and access to the utilization of (and to damage) different environments. Thus, environmental damage cannot be inflicted by a flat beat as a "common destiny" caused by "human" behavior. Because not all "boats" also experience the same large shocks due to the damage to the environment.

Contrary to the concept of the welfare state, which is a *conditio sine qua non* in law is justice, the common thread of the relationship between the existence of administrative law with economic development and environmental sustainability can be drawn. Furthermore, Soehino argues that the politics of law is always updated and harmonized with the development of environmental issues at the global and national levels. [9]

The transition from the agreement to licensing to the 'extension of time' injured the legal certainty, and Article 169A of the Minerba Law gave too big a role to the Minister and ruled out the role of local government. Showing the legislator does not side with the state enterprises, in this case, BUMN and BUMD. On the

contrary, the article actually regulates the granting of IUPK extension to parties other than BUMN and BUMD. In the perspective of the historical sect, a repeat of history may occur, and the symptoms need to be known and anticipated because mining arrangements in Indonesia began since the existence of Law No. 11 of 1967. Due to the increasing role of the private sector in this business, the *Presidential Decree (Keppres)* No. 75 of *1996* was issued. In it contained the main provisions of the coal *mining* business agreement that is long-term and capital-intensive, it is expected that it does not happen again, the manifestation of the private sector is more dominant than the government. As a result, the privatization that occurs will have an impact on the control of natural resources by corporations and is like 'grill that is very far from the fire,' as well as the current management situation of minerba which is very far from expectations for 'people's prosperity and also the dimension of 'ecological justice.'

Ecological justice needs to be seen as an important part, philosophical values related to the problem of minerba law, especially those governing the *bailout* policy. We should return to the paradigm of the 1945 NKRI Constitution of "Social Justice for All Indonesian people," and it is also very relevant to be on track against the goals of the country contained in the 4th paragraph of the Constitution of 1945, "protect the whole people of Indonesia and the entire homeland of Indonesia, and in order to advance general prosperity, to develop the nation's intellectual life, and to contribute to the implementation of a world order based on freedom, lasting peace and social justice." Furthermore, it must be based on Article 33 paragraph (3) of the Constitution of 1945, which stipulates that "The land and the waters as well as the natural riches therein are to be controlled by the state to be exploited to the greatest benefit of the people." Thus, if you pay attention to these philosophical values, ecological justice will be achieved. In particular, the state should manage itself by balancing between Natural Resources and Human Resources so as not to prioritize privatization so that the fruits of the land can be utilized as much as possible for the prosperity of the people. In order, natural resource management is no longer sectoral.

2. Legal Politics of Mining and Coal

The establishment of legislation in Indonesia should be based on the philosophy, moral postulate, and values contained in Pancasila. Similarly, the preparation of legislation in the field of mining. After nearly four decades of mining management, the mineral mining sector that is expected to be the backbone of the Indonesian economy is incompatible between the cost and benefits. The disadvantage is the costs incurred after the companies left the mining area, including the risk of accidents and damage, both social, cultural, and ecological. [7]

The political discussion of international energy law relates to the intertwining of the prevailing national legal regime with several arrangements in international law. The politics of international law stemmed from the *United Nations Framework Convention on Climate Change* (UNFCCC) that was ratified on March 21, 1994. The climate change convention aims to stabilize greenhouse gases in the atmosphere at a level that does not harm the climate system. The politics of national energy law is contained in the Energy Law, which is the only law that specifically has the word 'energy' in its title energy and regulates energy in Indonesian history; unlike other energy-related sectors such as oil and gas, as well as general mining (minerals and coal) that existed since the Dutch Colonial era. Of course, the issuance of a regulation is based on the community's legal needs on a particular issue, so that it needs to be regulated in a piece of legislation and regulation. The politics of energy law in the mineral and coal sector, stated in Law No. 4 of 2009 concerning Mineral and Coal Mining (Uu Minerba), is one of the laws that are strongly related to energy, especially coal commodities. Meanwhile, minerals are used more in the direction of industrial policy. The arrangement of coal became a small arrangement in the general mining regime that had existed since the Dutch Colonial era as stipulated in the Indische Mijnwet stbl. 1899 No. 214 jo Stbl. 1906 No. 434. Ahmad Redi, Op. Cit., p. 219.

Historical perspective, the transition to the IUP system through legal modification is expected to bring about change. Bhasin and McKay note that the contract system in Indonesia cannot be separated from structural weaknesses. Law No.11 of 1967 does not regulate more specific conditions and only starts from the third generation to the seventh generation. The generation span contract model has set the standardization procedure and meets the needs of investors so that investors are comfortable with the model. [10] However, it goes back to the core of the problem that the current IUP system, with the provision 'guaranteed' by the state, is only in line with the expectations of the businesses and not the goals of the people's prosperity.

The House of Representatives has passed a controversial law, namely the Mineral and Coal Law of Minerba Law, when the country is fighting Covid-19. The oligarchs stole the momentum after passing through and ignored various rejections from various elements of society, especially agrarian activists, environmentalists, and mining victims. One of the central issues in the rejection of the Minerba Law related to the continuation of environmental damage and dirty energy consumption and the strong intervention of the mining oligarchs. Fatally, they asserted their influence not only as an outside power, but they even sat as policymakers and harnessed their power for their own benefits. [11]

Let us compare to other countries, namely Canada, UK, and Australia. First, in Canada, the government is thinking far ahead to reduce carbon dioxide emissions until 2030 so that in addition to exploitation activities, the right to the environment is good for society, and also ecological justice can be fulfilled. [12] The most

notable development in the U.S. mining industry from a legal perspective has been the issuance of proposed regulations by the U.S. Securities and Exchange Commission for disclosure of reserves and resources by mining companies listed on U.S. stock exchanges. These proposed regulations would eliminate the outdated Industry Guide 7 and bring the U.S. closer in line with the Committee for Mineral Reserves International Reporting Standards and Canada's National Instrument 43-101. However, there are many differences between the international standards and the proposed regulations, and final rules are not expected to be issued for quite some time. On the regulatory front, the coal industry continues to face significant challenges to the leasing and development of federal coal reserves. In 2015, the U.S. Environmental Protection Agency (EPA) issued final regulations to cut heat-trapping carbon dioxide emissions from existing power plants by 32 percent by 2030. Those regulations have since been challenged in the D.C. Circuit Court of Appeals by numerous stakeholders. [13]

Better arrangements in the United Kingdom, as a second comparative country, more guarantee of sustainability and also the fulfillment of the right to a good environment for its citizens even until 2050 from an early day, If there were savings from reduced transportation of coal, these would not cancel out or neutralize the emissions from the mine operations. In the context of the U.K.'s target of net-zero greenhouse gas emissions by 2050 and global efforts to keep carbon emissions in line with a scenario compatible with no more than a 1.5°C increase, absolute reductions of emissions are required rather than balancing off one set of emissions against another. U.K. legislation, The U.K. has a statutory (legally binding) target to reach net-zero emissions by 2050, under the 2008 Climate Change Act, amended in 2019. Having ratified the Paris climate agreement of 2015, it has also agreed on the goal to limit global average temperature rise to between 1.5°C and 2°C. [14]

Furthermore, the comparison with the third country, namely Australia, is more stringent in mining affairs, the existence of a Foreign Investment Review Board that will approve whether or not mining management can be carried out. In Australia, the mining area is found in Queensland, New South Wales, and Victoria. Not only does it promote people's rights through selective selection, Australia, through its local governments, also pays attention to road facilities as well as the families of mining workers living around the mines. [15]

There are formal and material aspects injured in the Minerba Law. Formal aspects that are not fulfilled in the Minerba Law, fr example, are the absence of the role of the Regional Representative Council as stipulated in Article 22D of the Constitution of 1945, and also the principle of openness that is not implemented, the lack of community participation as stakeholders, so contrary to those stipulated in Article 5 of Law No. 12 of 2011. Meanwhile, the material aspect that is not fulfilled is the extension of automatic permits that do not comply with Article 33, paragraph (2) and paragraph (3) of the Constitution of 1945, which does not regulate the role of SOEs and BUMD in the management of K.K. and PKP2B permits, in addition to mining business licensing that eliminates the role of local government so that it transitions into centralization, this is contrary to Article 18A of the Constitution of 1945.

The interpretation of the constitution on being controlled by the state has been decided by the Constitutional Court, whose decision is final and binding, that in the decision of the Constitutional Court No. 001-021-022-PUU-I/2003 includes regulating, administering, managing, and supervising. And the most important dimension in this ruling is to be empowered "for the greatest prosperity of the people" with several benchmarks such as benefits for the people, the level of equality of natural resources for the people, the participation of the people to determine the benefits of natural resources, and respect for the rights of the people through generations in utilizing natural resources.

3. Bailout Policy in Minerba Law

In 2020, according to the latest world *research institute* (WRI) and Global Forest Watch, the world lost 12.2 million hectares of tree cover in the tropics. The data, compiled by the University of Maryland, records about 4.2 million hectares, or the size of the Netherlands, as a tropical primary forest for carbon storage and biodiversity. Indonesia is the fourth country to lose the most tropical forests after Brazil, Congo, and Bolivia. Deforestation for certain commodities triggers the loss of secondary primary and tropical forest cover in Latin America and Southeast Asia. Indonesia lost this tropical primary forest 12% higher in 2020 than the previous year. [14] Since the revision of the Minerba Law, it has had an impact on the increase of tropical primary forests higher than ever before; of course, it will also have an impact on the fulfillment of the right to a good environment because Indonesia is the heart of the world, especially for the people of Indonesia, the people who carry out life around, who are affected by deforestation potentially affected by diseases such as malaria, as a result of the substance of regulation that ignores the right to a good environment for people who are not fulfilled, moreover, prosperity.

Here's a poor record showing that Indonesia is ranked 4th in the world with the highest primary forest loss in 2020: [15]

Fig.1. 10 Country With The Highest Primary Forest Loss In 2020

The implementation of the Minerba Law has not been fully able to answer developments, problems, and legal needs in the community. The state should have taken a central role in the management of mineral mining businesses by presenting pro-people policies. [16] Thus, there is a link between the enactment of the Minerba Law of 2020 and the 4th position in the world that Indonesia is experiencing primary forest loss.

Foreign interests, through donor institutions or countries, must be tailored to the interests of this nation in the future. In Meuwissen's view, other moments that are no less important and often appear together are political moments and normative moments. At this moment, the benefits of this natural resource arrangement will be tested for the Indonesian nation, if it is truly for the national interest of the Indonesian nation or just the foreign interests.

Contrary to the constitutional mandate in Article 33, it can be understood that the state is the sole ruler over the earth, water, and natural resources in all regions of the Republic of Indonesia, from Sabang to Merauke. That is, the function of the state in protecting people's right to energy is to be the authority of the government as the holder of state power, as well as the right to control over the earth, water, and natural resources, including the management of energy resources and other natural resources that have an impact on environmental sustainability. In the hermeneutic perspective, the meaning of state control over the sources of production that are important to the state and control the life of the people used for the greatest prosperity of the people is the authority of the state to manage and regulate downstream management of energy production sources is run by the government or the apparatus of the state administration organizers.

Previously, there was a mismatch between Law No. 23 of 2014 and Law No. 4 of 2009, particularly about the authority of the central and local governments in issuing IUP, and there are unusual things because further arrangements are regulated by circular letters that do not include the products of legislation but policy regulations. [17] The attraction of authority between the central and local governments to issue IUP after the change is visible to the central authority so that the state of re-centralization occurs. Not only stopped there but the centralist was also followed by changes that the government provides guarantees of automatic permit renewal as long as the permit holder is not contrary to the provisions of the legislation.

Criminalization of the community around mining occurs because there has not been a regulated mechanism of complaints of people who know and who feel the impact of environmental pollution directly. [18] Salim HS stated that the state's expulsion was organized by the government. [19]

It was important, given that the utilization of mineral and coal resources would become a sustainably real economic power in the form of the national income, the development of a region, human resource, and communal welfare, although it should still consider the commitment of corporate social responsibility, legitimacy, and appreciation on the communal title, and living environment preservation and conservation. The utilization of communal land in the mining sector does not bring any positive effect on communal society. Instead, it brought serious issues for them. Mining companies ignored the principles of investment law. As a result, many disputes or conflicts emerged between the communal society and the mining companies. [20]

Central Information Committee Circular Letter No. 2 of 2020 concerning Public Information Services In The Emergency Period of Public Health Due to Corona Virus Disease 2019 (COVID-19), point 4 letter b mentions, in essence, the Central Information Committee guides the Chairman of the Task Force on The Acceleration of Handling Covid-19, The Minister of Health, Governor, Regent/Mayor, and other government agencies related to the handling of the Covid-19 health emergency. [21] On the other hand, society must face the impact of minerals and coal.

The adverse effects of coal, which among all energy sources is considered the dirtiest energy source but economically considered the most viable for power plants so that its people get electricity supply at an affordable price. Thus, it needs a regulation to regulate the players of this industry in operating its business. The environmental impact of coal mining will have implications for water, soil, air, and wildlife. [22] Thus, to improve national energy efficiency, the government must issue several policy measures, namely increasing research and development capacity, implementing energy audits, labeling of household appliances, and improving public education, especially in small towns and remote areas. Education plays a very important role. Income does determine the ability to adopt technology, but cultural and social preferences cannot be ignored. Income determines the ability to pay, but socio-cultural preferences influence the willingness to pay and decision-making in choosing energy services. Regarding the labeling of household

appliances and energy audits, law enforcement must run. [23]

Article 169A (1) K.K. and PKP2B as referred to in Article 169 shall be granted an extension guarantee to IUPK as a Continuation of Contract Operation /Agreement after fulfilling the requirements with the following provisions:

a. Contracts/agreements that have not obtained an extension are guaranteed to get 2 (two) renewals in the form of IUPK as a Continuation of Contract Operations/Agreements respectively for a period of no longer than 10 (ten) years as a continuation of operations after the end of kk or PKP2B taking into account efforts to increase state revenue.

b. Contracts/agreements that have obtained the first extension are guaranteed to be granted a second extension in the form of IUPK as a Continuation of Contract Operations / Agreement for a period of no longer than 10 (ten) years as a continuation of operations after the end of the first extension kk or PKP2B taking into account efforts to increase state revenue.

Problems in this Minerba Law can be analyzed in several aspects:

1. Authority, withdrawal of authority by the central government for management and licensing has been taken over by the central government, delegation for local government only permits related to small-scale rock licensing and People's Mining Permits (IPR).
2. Extended to 'guaranteed,' the old Minerba Act, the extension of the permit is listed with an "extendable" clause, which is replaced with "guaranteed" in the revision of this law. This can be seen in Article 47, Article 83 and Article 169, Article 169 A, and Article 169 B.
3. Expansion of The People's Growth Area (WPR), in the old Minerba Law, WPR gives a maximum area of 25 hectares and a maximum depth of 25 meters. However, in the current Minerba Law, this expansion increased by 4-fold to a maximum area of 100 hectares and has metal mineral reserves with a maximum depth of 100 meters.

The *bailout* policy in the Minerba Law, namely the extension of automatic mining management guaranteed by the government, is stipulated in Article 46 and Article 83, in the phrase "guaranteed to obtain an extension" for Mining Business License (IUP) and Special Mining Business License (IUPK). Referring to the good language of the law, it is better if the phrase 'guaranteed' is not used in the law because it will have implications for legal uncertainty and lack of a sense of ecological justice because there are no clear restrictions on the extension period of the mining permit. Therefore, automatic renewal can continue as long as the licensee does not conflict with the provisions of the legislation because the government guarantees it.

The government

gives the guarantee (in this case, the Minister who conducts government affairs in the field of mining and mining) to the holders of IUP or IUPK to provide and place the Reclamation guarantee fund and/or Post-mining guarantee fund as referred to in Article 100 paragraph (1) of the Minerba Law, stipulates that "Holders of IUP or IUPK shall provide and place a post-mining guarantee fund and/or post-mining guarantee fund." Especially in the *new normal era* that is facing today, this policy will have an impact on the extra defense that must be faced by the community about the right to a good environment, namely between facing the impact of rampant mining exploitation that has an impact on the environment and also facing the condition of the pandemic covid-19.

4. CONCLUSION

Reflecting on the Law of the Republic of Indonesia No. 3 of 2020 concerning Amendments to Law No. 4 of 2009 concerning Mineral and Coal Mining (Minerba Law), the revision factor to the Minerba Law has a more accommodating legal, political correlation of greater interests since the ratification was almost simultaneous with the ratification of the Government Regulation in Lieu of Law No. 1 of 2020 on State Financial Policy and Financial System Stability for the handling of coronavirus disease pandemic 2019 (COVID-19) and/or in order to face threats that endanger the National Economy and/or Financial System Stability (PERPPU COVID-19) into law, there is a political configuration in it. Bailout guarantees in the Minerba Law that are reviewed with ecological justice and, more specifically, the impact to the new normal *era*, because the community in obtaining the right to a good environment, will face a state of double *struggle* between facing the situation of the pandemic covid-19 and also affected by the widespread investment that impacts on deforestation and public health around mining caused by the *bailout* guarantee conducted by the government. On the other hand, the government is supposed to protect citizens, but the phrase 'guarantee' in the Minerba Law in the name of 'investment' that facilitates permits for mining entrepreneurs is very far from the state of protection. In the future, it is expected that this *bailout* policy can be abolished through the revision of the Minerba Law so that protection is not given solely to the industry but must further ensure the fulfillment of rights that have dimension to ecological justice especially the right to a good environment.

AUTHORS CONTRIBUTIONS

The authors' contributions are to jointly discuss the topic of the title, gather materials, and work to complete this research.

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