

Social Responsibility of Diging C Mining Company in Ulujadi District, Palu City

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ABSTRACT

The purpose of the study was to find out: whether the mining company C excavation in Ulujadi sub-district, Palu City has implemented corporate social responsibility within the company (TJSLP); What are the obstacles faced in realizing the Corporate Social Responsibility Program (TJSLP) at the C mining company in Ulujadi sub-district, Palu City. The research method used is legal research, namely social research on law (Sosiolegal Research). The results of the study revealed that the mining company C excavation in Ulujadi sub-district, Palu City had not implemented Corporate Social Responsibility (CSR) properly. It has not been implemented according to the stages: planning, implementation, evaluation and reporting. The obstacles faced in realizing the Corporate Social Responsibility (TJSLP) program at the C mining company in Ulujadi sub-district, Palu City are (i) regulations; (ii) institutional; (ii) procedures; (iii) means.

Keywords: *Corporate Social Responsibility, Evaluation, Policy.*

1. INTRODUCTION

Corporate Social Responsibility, hereinafter abbreviated as TJSLP, is a translation of Corporate Social Responsibility abbreviated as CSR, [1] most of the entrepreneurs are no longer considered a burden/cost (cost) but as a form of company investment. However, in Indonesia, there are still companies that have not fully implemented the CSR/TJSLP program. There is even a tendency to think that the CSR/TJSLP program is still considered a company cost.

The implementation of the CSR program is actually inseparable from the role of the government on the one hand, and the role of entrepreneurs on the other. The government as the holder of government administration authority that acts as the operator of the CSR/TJSLP implementation program must be able to ensure that the business activities of entrepreneurs continue to run smoothly in order to increase income for state/regional income, but on the other hand the government must also be able to ensure that the rights of the community around the company are not protected. neglected by entrepreneurs, such as improving the level of health, education, social, religious infrastructure, infrastructure and environmental sanitation, sports and cultural arts, the environment and/or other fields of work that significantly impact on improving the quality of society.

Specifically, companies/companies that have mining activities in the C-excavation area in Palu City are indicated to have not fully implemented the CSR/TJSLP

program. In terms of the government has made a legal policy (legal policy) regarding CSR in various laws and regulations.

Supposedly (das sollen) all companies that have their business activities in the field and/or related to natural resources including excavation C in Buluri and Watusampu Villages as many as 28 companies are required to carry out social and environmental responsibilities. However, the reality (das sein) is still debated or disputed between the community and entrepreneurs. On the one hand, according to the community in the two sub-districts, out of 28 (twenty eight) companies that carry out natural resource management activities in the form of C or non-metal mining business in Buluri and Watusapu Villages, Ulujadi District, Palu City, Central Sulawesi Province, as long as they carry out their business they have not implement the Corporate Social and Environmental Responsibility program. On the other hand, according to the entrepreneurs, they have implemented Corporate Social and Environmental Responsibility (TJSLP/CSR) programs. This was revealed in a class action lawsuit carried out by residents of the Buluri and Watusampu Villages at the Palu District Court in 2018.

To find out all of this and to solve the problems mentioned above, it is necessary to do research: Has the mining company C excavation in Ulujadi District, Palu City already implemented corporate social responsibility (TJSLP). If it has been done, what programs does the

company carry out in implementing CSR/CSR. What are the obstacles faced by the mining company C excavation in Ulujadi sub-district, Palu City to realize the corporate social responsibility program (TJSLP).

2. RESEARCH METHODS

The research method used in this study, namely social research on law (Sociolegal Research) is a research that begins with normative research or a review of related laws and regulations, followed by in-depth observations and interviews to obtain data on related non-legal factors. with the problems posed in this study.

3. RESULTS AND DISCUSSION

3.1 Corporate Social Responsibility (TJSLP) at Excavation C Mining Company in Ulujadi District Palu City

Specifically in Palu City, this CSR is regulated in Palu City Regional Regulation Number 13 of 2016 concerning Corporate Social and Environmental Responsibility. In the preamble in part b of this Regional Regulation, it is stated that the company as one of the pillars of regional economic development has a responsibility to the community and the environment as a form of concern and participation in accelerating regional development.

Then in Article 1 section general provisions number 5 Palu City Regional Regulation Number 13 of 2016 concerning Corporate Social and Environmental Responsibility, it is determined that "Corporate Social and Environmental Responsibility is a form of commitment and obligation of the company, both in the social and environmental fields in order to support improvement of community welfare and regional development.

Thus, specifically for the City of Palu through the provisions of Regional Regulation Number 13 of 2016 concerning Corporate Social and Environmental Responsibility, it is determined that Corporate Social Responsibility (TJSLP) at the Mining C Company in Ulujadi District, Palu City is a form of commitment and obligation of the company, both in the social sector. as well as the environment. However, in practice, social responsibility is only in the form of a moral obligation for the company which, if not implemented, will not have legal consequences for the company.

3.2 Implementation of TJSLP/CSR in the Mining Company of Mining C in Ulujadi District

The implementation of TJSLP/CSR within the Galian C mining company in Ulujadi District is carried out by providing financial support to the Community Empowerment Institution (LPM). Community empowerment institutions that work to realize the CSR program in the form of environmental maintenance and the construction of public facilities to be used for the

benefit of the local community (Watusampu Village and Buluri Village).

The implementation of TJSLP/CSR within the Galian C mining company in Ulujadi District is not given directly to the community around the company, but is managed by the Community Empowerment Institute (LPM). Methods like this cause a conflict between the company on the one hand and the community around the company on the other hand. The company has the opinion that when the financial support has been given to community empowerment institutions, the community's claims against CSR have been implemented. However, on the part of the community around the company, they do not consider that the implementation of CSR/CSR has been completed, because they consider that the Community Empowerment Institution is a company formed by the local government which does not reflect the representation of the community around the company. As a result, the financial support from the company according to the community fell into the hands of the wrong people so that its implementation was not right on target and the program could not improve the quality of the environment and could not increase the income and welfare of the community around the company.

3.3 Constraints faced in Realizing the Corporate Social Responsibility Program (TJSLP).

3.3.1 Regulation

Local governments are given the right to regulate the economy in their respective regions, so that with this authority local governments can formulate CSR/TJSLP according to the interests of their respective regions.

Whereas with the regulation of TJSLP based on Article 74 paragraph (4) of Law number 40 of 2007 concerning Limited Liability Companies, the Palu city government should no longer make regional regulations relating to TJSLP/CSR, because the law's orders are based on Article 74 paragraph (4) is imperative, that is, it is only regulated by government regulation.

From the aspect of formal legality, the statutory provisions regarding CSR/TJSLP are still difficult to understand by the public. The 2016 Indonesian Rule of Law Index published by the Indonesian Legal Roundtable states that local regulations issued/formed in 2016 are still difficult to understand by the public (Natosmal Oemar, (2017). It is further said that one of the reasons why regulations are difficult to understand is because the formulation is not clear, the choice of It is still difficult for the public to understand the words/terms and legal language used by the legislators. As a result, it gives rise to different interpretations, on the one hand the company considers that the obligation to implement CSR is only a facultative obligation, while on the other hand the community around the company believes that the

obligation to implement CSR is TJSLP/CSR is imperative.

3.3.2 Institutional

The next obstacle that becomes an obstacle to implementation is the TJSLP/CSR management institution. As previously stated, Community Empowerment Institutions lack the trust of the community due to improperly making CSR/CSR implementation programs. Community Empowerment Institutions are more on the representation of the local government and the company. The community around the company views that the community empowerment institutions established by the government and companies do not work to improve the welfare of the community around the company's environment, but are only a form of formality in the implementation of CSR.

3.3.3 Procedure

The procedure for implementing CSR/CSR is considered very formalistic. This is one of the obstacles in the implementation of CSR/CSR. In Regional Regulation Number 13 of 2016 it is determined that the CSR implementation program should be planned through the company concerned, but this regional regulation is planned through BAPEDA which is adjusted to the Vision and Mission of the Elected Mayor. However, as of today, the implementing regulations for this regulation have not been issued. There are various kinds of attraction and repulsion of interest there, between moral obligations and legal obligations.

3.3.4 Means

There are no facilities for implementing CSR/CSR. This is also one of the obstacles in the implementation of TJSLP/CSR. For example, training facilities for TJSLP/CSR program planners. This is absolutely necessary in the context of efforts to increase the effectiveness of the implementation of CSR, so that it does not appear that the CSR program is only formalistic.

4. CLOSING

The mining company C excavation in Ulujadi sub-district, Palu City has not implemented Corporate Social Responsibility (CSR) properly. It has not been implemented according to the stages: planning, implementation, evaluation and reporting. Constraints faced in realizing the Corporate Social Responsibility Program (TJSLP) At the mining company C excavation in Ulujadi sub-district, Palu City, are (i) regulations; (ii) institutional; (ii) procedures; (iii) means

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