



Excess of Natural Resources Exploitation on Health and Environment by Foreign Investors

Edy Lisdiyono^(✉)

Faculty of Law, Universitas 17 Agustus 1945, Semarang, Indonesia
edylisdiyono@gmail.com

Abstract. Highly abundant natural resources owned by the State of Indonesia, both at sea and on land, should be able to improve people's lives and welfare as stipulated in the provisions of Article 33 paragraph (3) of the Constitution of the Republic of Indonesia, but the facts are different. Many natural resources are controlled by foreign investors. People seem to be spectators and marginalized. There were horizontal-vertical conflicts, natural disasters, environmental damage, poverty, and impacts on human health. This is important which will be discussed with the issue of how the exploitation effect of natural resources on health and the environment related to the activities carried out by foreign investors. From the discussion of this paper, one of the natural resources is coal. The impact of which is the emission of GHG (greenhouse gas) gas which triggers climate change. Coal burned in Steam Power Plants (PLTU) emits a number of pollutants such as NO_x and SO₂, major contributors to the formation of acid rain, and air pollution. Foreign business entities or investors in exploiting natural resources must pay attention to strategic environmental studies as the basis for the State in issuing environmental permits, paying attention to conservation principles, environmental carrying capacity, and optimizing natural resources. The excess of natural resource exploitation, without any attention to strategic environmental studies, may cause environmental damage. Therefore, the State must be present and expected to realize the harmony of the natural environment in the use of resources and the protection of space functions and their impacts. Negative impact prevention of environmental damage must be carried out by means of a joint commitment by the Government, businesses and the community.

Keywords: Excess · Exploitation · Natural Resources · Health and Environment

1 Introduction

The title of this paper is raised using the word: “excess” /éksés/ which is intended as a matter or event that exceeds the limit, including, in this case, related to the use of natural resources. Indonesia as a large country that has a wealth of natural resources when compared to neighboring countries such as Malaysia, Thailand, Singapore, the Philippines, and Japan which do not have as many natural resources as Indonesia. Indonesia has an area consisting of islands with a total of more than 13,466 (thirteen thousand four hundred sixty six) registered islands, while the rest are not registered, as well as an ocean

area with an area of 3,257,483 Km² as the second longest coastline in the world along 54,716 Km², and it has tropical forests covering an area of 98,072.7 million hectares or 52.2% of the existing land area. Of the thousands of islands and their wealth of natural resources, for many years, they have become one of the mainstays as a result of state revenues in order to meet the needs of development financing and state expenditures.

Living natural resources (living objects) and non-living objects (inanimate objects) that can be found within the territory of Indonesia are the most important things to be utilized to meet the needs of the Indonesian people continuously and this has become an attraction for foreign investors to invest in Indonesia.

It is commonly known that biological natural resources include fish, animals, microscopic substances, plankton or other living things, plants including those living in forests. In other words, these natural resources are renewable. Then, non-biological natural resources are the natural resources in the bowels of the earth such as: petroleum, gold, tin, coal, bauxite, granite, cement, manganese, diamonds, iron ore, copper, marble, liquefied natural gas, nickel, or so-called non-renewable natural resources.

Of all natural resources, both biological and non-biological, especially non-biological natural resources in the form of mining, only a small part is carried out by local communities. Mining which reaches thousands of hectares is mostly controlled by (foreign) investors on behalf of the State because they adhere to mining control permits, and these (foreign) investors can easily and freely explore natural resources.

With the condition of very abundant natural resources owned by the State of Indonesia, both at sea and on land, they should be able to improve people's lives and welfare as regulated in Article 33 paragraph (3) of the Constitution of the Republic of Indonesia. It is stated: "Earth, water and natural resources contained therein are controlled by the State and used for the greatest benefit of the people's prosperity".

However, the fact is different, and what happens is the opposite because the management of natural resources is "not" carried out independently by our country. Therefore, people become spectators and marginalized. There were horizontal-vertical conflicts, natural disasters, environmental damage, and even poverty in local communities, while foreign investors become more powerful and can regulate everything including influencing government policies.

Therefore, the State should, within its authority, have the courage to optimize the thinking ability of the human resources of its own nation in managing natural resources so that they are immediately managed independently and not dependent on foreign investors. This is very important to think about it and interesting to discuss in this seminar because Indonesian's natural resources are continuously explored by foreign investors, and eventually the natural resources are increasingly depleted in a certain period of time. Natural resources, especially mines, which are not properly managed, result in damage to the environment and human health.

2 Findings and Discussion

A. Basic Constitution in Natural Resources Management

The ideals and main agenda of sustainable development are the efforts to synchronize, integrate and give equal weight to several main aspects of development, such as economic, socio-cultural, and health and environmental aspects. The idea behind it is that

economic, socio-cultural and environmental developments must be closely related to each other so that the elements of a unity are interrelated and this should not be separated or contradicted with one another. Of course, what will be achieved in sustainable development is to shift the emphasis of development from only economic development to the inclusion of socio-cultural and environmental development [1] (Edy Lisdiyono, 2017:5).

The pattern of economic development that prioritizes increasing regional original income or state revenue from exports of natural resources (such as coal) and aims to improve the economic standard of living and the welfare of the community at least must begin to shift to a holistic and integrative approach by taking into account social and economic factors, culture, local community participation, and ecological factors. Therefore, in order for the development process to run well and smoothly, it is necessary to have an understanding and awareness of the local community with the aim that there are no pros and cons so that it does not result in continuous tensions and disputes with a group of people as well as with the government and legal entities.

The role of natural resources and the environment becomes very important in national development, both as a stock of raw materials for economic development and as a supporter of living systems. In accordance with these functions, natural resources and the environment need to be managed wisely so that the development and sustainability of human life can be maintained and sustainable both in present and in the future.

The state is responsible for managing natural resources as regulated in the basic constitution of the Indonesian state, the 1945 Constitution, in Article 33 stating “(1) The economy is structured as a joint effort based on the principle of kinship; (2) Production branches which are important to the state and which affect the livelihood of the people are controlled by the State; (3) The earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people; (4) The national economy is organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity; 5) Further provisions regarding the implementation of this article are regulated in law. Meanwhile, sustainable development is a conscious and planned effort that integrates environmental, social and economic aspects into a development strategy to ensure the integrity of the environment as well as the safety, capabilities, welfare and quality of life of present and future generations.

In managing natural resources as echoed in President Sukarno’s speech known as the “Panji Trisakti”, it was stated that “This country must be politically sovereign, independent or economically independent, and have an Indonesian personality. “If the children of Indonesia have not been able to explore this natural wealth, let the wealth be stored first, until one day we will take it ourselves.” That was Bung Karno’s shout. Furthermore, from the provisions of Article 33 of the 1945 Constitution in the management of natural resources, the State has also regulated in Law no. 4 of 2009 concerning the Mineral and Coal Mining Law, and there has been a very significant change for the State (Central Government) when delegating authority to Regional Governments in managing natural resources, especially licensing issues. There are many legal problems. One of the indications is that the authority to issue permits for managing natural resources is

partly handed over to the Regional Government as regulated in Article 12 paragraph (2) of Law no. 23 of 2014 concerning Regional Government.

This controversy has an impact on the harmonization of other laws and regulations and the effectiveness of law enforcement in natural resource management. Given the importance of natural resource management in the context of national development, it is imperative that laws and regulations related to the management of natural resources receive special attention since they are still in the stage of drafting laws and regulations. In addition to discussions related to the environmental impact aspects of natural resource management, the other important matter is the issue of consistency of regulation in the management of these natural resources. This is intended so that in its implementation not only to realize justice and benefit, but also to realize the welfare of the community and to prevent environmental damage.

This is as mandated in Law no. 32 of 2009 in article 12 paragraph (1); the utilization of natural resources is carried out based on the Environmental Protection and Management Plan (RPPLH). In paragraph (2), in the case that the RPPLH as referred to in paragraph (1) has not been structured, the utilization of natural resources is carried out based on carrying capacity and capacity of the environment by taking into account: (a) sustainability of environmental processes and functions, (b) sustainability of environmental productivity, and (c) safety, quality of life and community welfare. Therefore, in terms of utilizing natural resource needs, it is necessary to pay attention to the ability to make choices on the use of natural resources in the future. [2] (Moh. Soerjani: et al. 1987: 35).

In the history of natural resources exploitation from colonialism to the present, there has been inequality in the natural resource management. There is a management of natural resources in the form of mining carried out by local communities and the management of natural mining resources which are controlled and exploited by investors, but the results are different. For local people, in exploiting natural resources, the results are only to meet their needs, while the exploitation of natural resources carried out by investors can dominate the lives of people globally. If the price of goods is cheap, it means that the supply of natural resources is still there. In other hand, if the price of goods is high, it means that the supply of natural resources is running low [3].(Hira Jhamtani, 2001: 13). This is very dangerous for the conditions of social life of the community and the economy of the State. If a country (such as Indonesia) only relies or depends on the supply of natural resources, social conflicts, poverty, caused by uncontrolled exploitation of natural resources may occur as well as natural disasters, environmental damage and environmental degradation.

In this case, it is important to first consider that the existence resources natural not evenly distributed but varies. Then, it is the regulation of the use of cultivated land such as mining exploitation, forestry cultivation, agricultural cultivation, and settlement development activities, industry, tourism and others of the same kind, so as to achieve an efficient land arrangement. Thus, in the formation of spatial planning or spatial structure, there must be harmony between biological and non-biological natural resources so that a balance of land functions arises. If the land use is unstructured, unplanned, not utilized and not maintained, it will have a negative effect on the surrounding environment.

To anticipate this, it has been mandated in the Decree of the People's Consultative Assembly No. IX/MPR/2001 concerning agrarian reform and natural resource management which philosophically states "that fair, sustainable and environmentally friendly natural resource management must be carried out in a coordinated and integrated manner and accommodate the dynamics, aspirations and participation of the community in resolving conflicts." It is expressly stated in Article 4 of the MPR Decree that the management of natural resources must be carried out in accordance with the principles of:

- a. Preserving and maintaining the integrity of the Unitary State of the Republic of Indonesia;
- b. Respecting and upholding human rights;
- c. Respecting the rule of law by accommodating diversity in legal unification;
- d. Welfare of the people, especially through improving the quality of Indonesia's human resources;
- e. Developing democracy, legal compliance, transparency and optimizing people's participation;
- f. Realizing justice including gender equality in the control, ownership, use, utilization, and maintenance of agrarian resources/natural resources;
- g. Maintaining sustainability that can provide optimal benefits, both for current and future generations, while taking into account the carrying capacity and carrying capacity of the environment;
- h. Carrying out social functions, sustainability, and ecological functions in accordance with local socio-cultural conditions;
- i. Increasing the integration and coordination between development sectors and regions in the implementation of agrarian reform and natural resource management;
- j. Recognizing, respecting, and protecting the rights of indigenous peoples and the nation's cultural diversity to agrarian resources/natural resources;
- k. Striving to balance the rights and obligations of the state, government (central, provincial, district/city, and village or equivalent), communities and individuals;
- l. Implementing decentralization in the form of division of authority at the national, provincial, district/city and village levels or equivalent, in relation to the allocation and management of agrarian resources/natural resources.

Philosophically, in the provisions of the MPR Decree, it is stated that the management of natural resources is carried out in a fair, sustainable, and environmentally friendly manner that must be carried out in a coordinated and integrated manner, and accommodate dynamics, aspirations, and resolve conflicts. In addition, the philosophy aims at maintaining the integrity of the Unitary State of the Republic of Indonesia, respecting and upholding human rights, respecting the rule of law by accommodating diversity in the unification of law, and the welfare of the people especially through improving the quality of Indonesia's human resources.

Besides, in the provisions of Law no. 26 of 2007 concerning Spatial Planning, the function of space (land) in its use is to always maintain sustainability which can provide optimal benefits for present and future generations while taking into account the carrying capacity of the environment. Another important goal in the social context of spatial

policy is to implement social functions, sustainability, and ecological functions in accordance with local socio-cultural conditions. Therefore, in the integration and coordination between the development sector at the central and regional levels in the management of natural resources, spatial policies are also directed at recognizing, respecting, and protecting the rights of cultural diversity of indigenous peoples and ethnic groups to natural resources, as well as seeking a balance between rights and obligations of all levels of government (central, provincial, district/city, and village), communities and individuals. In addition, land use policies are carried out as the basis for a government system as a means to implement decentralization in the form of division of authority at the national, provincial, district/city and village levels, related to the allocation and management of natural resources.

B. Excess of Natural Resources Exploitation on Health

Coal as a non-renewable natural resource has promising economic potential, but also has dire consequences. Short-term economic problems resulting from coal mining have caused the exploitation of this natural resource to be unstoppable, while its adverse effects on the environment and public health are rarely a concern.

Ex-mining pits are left without reclamation, while Steam Power Plants (PLTU) present a prolonged suffering because the waste from burning coal pollutes the air and endangers public health. Such conditions occur in almost all areas where coal mines are located. Studies show that mining is one of the most dangerous occupations in the world in terms of the risk of injury, death and long-term health effects associated with it and the long-term effects of coal mining such as respiratory disorders pneumoconiosis, asbestosis and silicosis.

The health risk is based on the types of mining activity; deep and open mining. Coal mines produce a lot of dust which if inhaled can cause black spots on the lungs of workers or other people living in the area. Blasting and drilling in the mining process also produces fine minerals in the dust that can be inhaled and accumulate in the lungs, causing pneumoconiosis. In The Harvard College Global Health Review (HCGHR) article, Dr. Michael Hendryx, a researcher from West Virginia University, said that workers and communities near coal mines are affected by a higher risk of death from heart, respiratory, and chronic kidney disease [4] (<https://www.cnnindonesia.com/technology/20210315081452-199-617419/the-health-and-environment-damaging-coal-mining-effect>).

Coal burning is one of the biggest contributors to pollution that causes an increased risk of lung cancer, stroke, heart disease, and respiratory disease. The International Energy Agency (IEA) revealed that fossil fuel coal accounts for 44% of total global CO₂ emissions. Burning coal is the biggest source of greenhouse gas (*GHG*) emissions, which trigger climate change. Coal burned in Steam Power Plants (PLTU) emits a number of pollutants such as NO_x and SO₂, and they are the major contributors to the formation of acid rain and PM_{2.5} pollution. The scientific and medical community has exposed the health hazards of fine particulate matter (PM_{2.5}) from these air emissions.

C. Excess of of Natural Resources Utilization on the Environment

The wealth of our natural resources in each region is controlled by foreign investors on average, as follows: country-capitalist-gain-profit-from-sda-indonesia).

1. United States

In the field of mining and oil and gas block management, the United States is one of the main players in Indonesia. Of course, the community is very familiar with Freeport McMoran, a mining company that manages the land in Tembagapura, Mimika, Papua. The mine's daily production reaches 220,000 tons of gold and silver raw ore. Other than Freeport, there is Newmont, a company from Colorado, America, which manages several gold and copper mines in the NTT and NTB areas, followed by Conoco Philips which manages six oil and gas blocks. The company, which has been operating in Indonesia for 40 years, is the third largest oil and gas producer in the country. Then, of course, Exxon Mobil, together with Pertamina, found a source of 1.4 billion barrels of oil and 8.14 billion cubic feet of gas in Cepu, Central Java.

2. China

China, the Bamboo Curtain country, is very active in seeking non-oil and gas energy sources from other countries, including Indonesia. One of their major investments in the country is coal sector. In addition, natural resources such as nickel and bauxite are also being targeted by Chinese companies. China's medium and large-scale mining companies are operating throughout the region starting from Pacitan, East Java, to Kabaena Island, Southeast Sulawesi. One of the big companies is PT Heng Fung Mining Indonesia, which invests in nickel in Halmahera, Maluku, with a production target of 200 million tons. PetroChina, China's state-owned oil and gas company, also manages several blocks. One of the new highlights is the 14 blocks in East Tanjung Jabung Regency, which were halted by the local government due to CSR issues.

3. United Kingdom

British Petroleum (BP) is the long-standing operator of the oil and gas sector in Indonesia. Managing the *Tangguh* gas block in Papua, through its subsidiary BP Berau, the British company's latest investment in the block has reached USD 12.1 billion. BP manages the *Tangguh* Train III Block, with 60 percent of their share being exported to Asia Pacific, while 40 percent is channeled to Indonesia.

4. France

The oil and gas company from the Wine Country, Total, has long partnered with the Indonesian government. Total E&P Indonesia manages the Mahakam oil and gas block, East Kalimantan. Total cooperates with Inpex Corp in managing the Mahakam block. Total controls a 50 percent stake in the block and Inpex the rest of it. In 2008, Total submitted a proposal to extend the contract because it wanted to make further investments. Apart from Total, another French company, Eramet, is investing in eastern Indonesia. Eramet operates in Indonesia through its shareholding in PT Weda Bay Nickel under the Strand Mineralindo consortium. The investment in the mining material processing and refining (smelter) project in North Halmahera, Maluku reached US\$ 5 billion (IDR 50 trillion) with a capacity of 3 million tons per year.

5. Canada

The Canadian International Development Agency (CIDA) developed 12 projects in Sulawesi alone, all related to natural resource management. Sheritt International and Vale are also opening mines in Indonesia. Specifically for Vale, its investment in Central Sulawesi reached USD 2 billion.

From a number of investors, the Government of Indonesia should have managed the utilization/use of natural resources in harmony and balance with the function of the environment. As a consequence, development policies, plans, and/or programs must be imbued with the obligation to preserve the environment and realize sustainable development goals.

First, in the 1970s the oil boom, Indonesia failed to build a foundation for sustainable development. It should have been possible to build oil refineries, to increase production capacity and to create self-reliance in terms of exploitation of natural resources. Second, it happened in the 80s when the world was booming regarding forest products. At that time, Indonesia could not create added value for forest products so that currently Indonesia's forests continue to decrease.

Third, in the era of the 2000s, at that time Indonesia had benefited from the soaring world demand for mining products in the form of natural resources which became Indonesia's mainstay, but Indonesia could only supply mining products in raw form. Indonesia is considered slow in creating added value from its abundant mining products. It is ironic and sad that Indonesia's mining products, such as coal, are exported on a large scale which actually supports the industrialization of other countries. They produce them, and, which is more worrying, their products are exported to Indonesia, and Indonesians like to buy their products. This is Indonesia's mistake (This was conveyed by President Joko Widodo when witnessing the signing of the memorandum of understanding (MoU). [6] (<https://www.liputan6.com/bisnis/read/2193383>).

By reflecting on the three failures, it should not be repeated again, so this requires a commitment that really must be carried out among state officials to utilize natural resources that are oriented towards the welfare of the Indonesian people. The wealth of natural resources in Indonesia should be utilized to improve economic and social development for the prosperity and welfare of the Indonesian people.

However, this desire as mandated in Article 33 paragraph 1 of the 1945 Constitution has not been fully realized; one of the reasons is the lack of good governance of natural resources, including mineral and coal mining materials and the inability to mitigate all risks and impacts on the environment because of the lack of good governance in the utilization of these natural resources. The utilization of natural resources should be accompanied by the protection of natural sustainability which is getting badly damaged; both of them should go hand in hand between governance and exploitation of natural resources so that they do not harm each other [7] (Edy Lisdiyono and MNB Asyhar.A, 2018: 6).

This is what underlies the state regulation related to the utilization of natural resource wealth, one of which "must" enforce Law Number 32 of 2009 concerning Environmental Protection and Management.

There are several things that need to be fulfilled by business entities, whether state-owned enterprises, private business entities, and foreign private business entities operating in Indonesia in conducting business related to the environment. Here are some things that need to be considered by business entities before carrying out their business activities.

a. Environmental Protection and Management Plan (RPPLH)

The RPPLH consists of: (a). National RPPLH, (b). Provincial RPPLH, and (c). Regency/city RPPLH. The national RPPLH is prepared based on the national inventory; Provincial RPPLH is prepared based on the national RPPLH, island/island level inventory, and ecoregion level inventory; while the regency/ municipal RPPLH is prepared based on the provincial RPPLH, the island/island level inventory, and the ecoregion level inventory. The arrangement is carried out by the minister, governor or regent/mayor in accordance with their respective authorities. There are several things contained in the RPPLH, including:

- 1) Utilization and/or reserve of natural resources;
- 2) Maintenance and protection environmental quality and/or functions
- 3) Controlling, monitoring, and utilization and conservation of natural resources, and
- 4) Adaptation and mitigation to climate change.

By knowing the RPPLH, business entities can find out the long-term plans and medium-term development plans of a region.

b. Strategic Environmental Studies (KLHS)

KLHS is the basis for policies, plans and/or development programs in an area. If the results of the KLHS state that the carrying capacity and carrying capacity of the environment have been exceeded, then it has the consequence that all efforts and/or activities that have exceeded the carrying capacity and carrying capacity of the environment are no longer allowed.

Every business and/or activity that has an important impact on the environment must have an AMDAL (Environmental Impact Analysis). Significant impacts are determined based on several criteria, including:

- 1) The size of the population that will be affected by the planned business and/or activity,
- 2) The area of the impact spread, the
- 3) Intensity and duration of the impact,
- 4) The number of other environmental components that will be affected,
- 5) The cumulative nature of the impact,
- 6) Reversible or non-reversibility of impact, and/or
- 7) Other criteria in accordance with the development of science and technology.

The AMDAL document is prepared by the proponent by involving the community. Community involvement is carried out based on the principle of providing transparent and complete information and notification is carried out before activities are carried out. Communities that need to be involved in the preparation of this AMDAL include:

- a. Affected people,
- b. Environmentalists. And/or

- c. Those who are affected by all forms of decisions in the Amdal process.

Meanwhile, businesses and/or activities that are not included in the mandatory AMDAL criteria are required to have UKL-UPL (Environmental Management Efforts-Environmental Monitoring Efforts). The type of business and/or activity that must be completed with UKL-UPL is determined by the governor or regent/mayor. Meanwhile, businesses and/or activities that are not required to be equipped with UKL-UPL are required to make a statement of ability to manage and monitor the environment.

Every business that is required to have an AMDAL or UKL-UPL is also required to have an environmental permit issued by the Minister, governor, or regent/mayor in accordance with their authority. The permit is granted based on the AMDAL or UKL-UPL. So if there is no AMDAL or UKL-UPL then environmental permits cannot be granted. The permit can also be canceled through the State Administrative Court if:

- a. Submitted in the permit application contain legal defects, errors, misuse, and untruths and/or falsification of data, documents, and/or information.
- b. Requirements regarding environmental feasibility or UKL-UPL recommendations, or
- c. Obligations specified in the Amdal or UKL-UPL documents are not carried out by the person in charge of the business and/or activity.

Environmental permits are important for business entities to carry out their activities, and minimize environmental damage. In this case activities in the mining sector, Transparency International Indonesia has conducted a study to assess the risk of abuse of authority in the process of granting Mining Business Permits (IUP) starting from the stage of determining the mining area (WP), the auction of the mining business permit area, to the stage of issuing a Mining Business permit (IUP), especially natural resource exploration. The assessment departs from various problems and gaps in the system and governance of granting IUPs (Mining Business Permits).

These risks include: 1) weak audit and supervision systems for both finance and mining, 2) closed access to data and information in the mining sector, 3) poor law enforcement on non-compliance and corrupt practices in the process of granting IUPs, 4) weak vertical coordination and horizontally related to the granting of IUP, 5) lack of strong regulatory framework that supports good mining sector governance, 6) non-compliance in implementing Law no. 4 of 2009 concerning Mineral and Coal and their derivatives, 7) the incomplete geological information system which results in the uncertainty of the economic value of the Mining Business License Area (WIUP) to be auctioned and the status of the land surface, and 8) the weak involvement of the community, especially those affected by mining activities in the process of granting business [8] (FauziAziz, <http://www.neraca.co.id/article/77045/tata-kelola-source-daya-alam>).

In the event that the authority to issue Mining Business Permits is also owned by the Provincial Government. Therefore, the need to make efforts to prevent various risks of irregularities in the granting of mining business permits must be carried out transparently, in addition to the need for the involvement of the affected community as stated in the Regulation of the State Minister of the Environment No. 17 of 2012 namely by means of public dialogue, discussion and consultation..

There are several provinces in Indonesia that are rich in natural resources in the form of gold, nickel, mineral and coal mining materials, etc., so the Provincial Government as an extension of the State in managing natural resources must be based on: a. benefits, fairness, and balance; b. siding with the interests of the nation; c. participatory, transparency and accountability; d. sustainable and environmentally sound.

The policies of the Central Government, including the Provincial Government, towards good governance in terms of natural resource management and the environment are still far from satisfactory. Natural Resources Management (SDA), which has not been guided by the principles of sustainable development, has resulted in an increasing distance between indigenous peoples or local communities and their natural surroundings. In addition, the unequal distribution and utilization of natural resources has also caused some communities, including indigenous peoples to become spectators in the utilization of the surrounding natural resources. As one example of what happened to the indigenous *Amungme* tribe in Papua, it gives us all an idea of what is really happening at the remote end of the earth, known as *Tanah Amungme*, where one of the largest companies in the world, namely PT Freeport Indonesia operates as an example. The world's largest mining company exploiting natural resources in Papua since 1967 until now.

This provision has the meaning that the use or management of land including its natural resources must take into account the interests of the community. Thus, the management of natural resources and the use of customary land carried out by a legal entity or company that explores natural resources must pay attention to the interests of the local community and must not harm the interests of the local indigenous community as the owner of ulayat rights.

As the provisions of Law no. 5 of 1960 Article 3 which explains, "With regard to the provisions of Articles 1 and 2, the implementation of customary rights and similar rights of customary law communities, as long as the community still exists, and must be in such a way that it is in accordance with national and state interests based on the principle of national unity, may not conflict with other higher laws and regulations.

The management of natural resources, both on land and at sea, is not actually a monopoly of public or private legal entities. The involvement of various parties, especially civil society organizations (CSOs) and customary law communities is a must to be involved in participating in natural resource management, because indigenous peoples have significantly assisted in improving natural resource governance in Indonesia. It is also emphasized that the existence of customary law communities scattered in several regions of Indonesia has been constitutionally recognized in the II amendment of the 1945 Constitution Article 18b paragraph (2) "The state recognizes and respects customary law community units and their rights. Its traditions as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. Furthermore, internationally the existence of indigenous peoples has also been recognized in the World Conservation Strategy Decision "to protect the earth" (Resolution of World Conservation Strategy, Caring for the Earth 1991), which supports the special and important role of Indigenous Peoples worldwide in protecting the environment.

Environmental damage is stated in Law Number 32 of 2009 concerning Environmental Protection and Management as stipulated in Article 1 point (17) which states

“direct and/or indirect changes to the physical, chemical, and/or biological characteristics of the environment that exceed the criteria for environmental damage. Environmental damage standards. “Environmental damage can occur if land use and exploitation of existing natural resources exceeds the capacity of the environment, including the transfer of land functions. Such transfer of land functions occurs in the development of several provinces/regencies/cities in Indonesia, where areas that should be conserved are actually converted for the development of industrial estates, trade, and others.

Exploitation of natural resources, especially coal, tin is still the *prima donna* as one of the incomes for the State of Indonesia, which is exported to several countries including Singapore, the Philippines, Thailand, Japan, China, etc., as power plants, and other industrial raw materials. But on the other hand, excessive exploitation of natural resources without good and tight control can result in damage to the environment, other living things and a source of disease for humans.

In fact, this situation causes environmental damage, because the permits issued by the Government of Kalimantan to mining business actors do not pay attention to the carrying capacity of the environment, resulting in land damage. Although the export of natural resources, especially coal, is a source of financial income for the State, as well as for the Provincial Government of East Kalimantan, the governance of the resource management system, including coal, leaves a big problem for the sustainability of sustainable development, namely the destruction of natural conditions. And the environment, including pollution caused by business actors in exploring natural resources including coal mines who are not responsible for closing back the mines that have been exploited.

Moreover, in terms of less strict supervision from the Government as well as the imposition of non-firm sanctions for mining business actors in exploiting natural resources, so as not to create a deterrent effect for the perpetrators. Because business actors in exploiting natural resources are required to use licensing standards in accordance with their functions and objectives, are accountable and transparent and can be accounted for. Therefore, however, both benefits and risks must be considered in a balanced way in the development process. This is in accordance with the results of the agreement at the High Level Conference in Rio de Janeiro, Brazil in 1992, and it was agreed by all countries that development must be carried out in a sustainable manner. However, until now the paradigm of sustainable development has not been what was expected at the conference.

One of the reasons for the failure to implement the paradigm is because the paradigm is poorly understood as it contains the working principles that determine and animate the entire development process. This paradigm is not understood as the main principle of development politics itself [9] (Edy Lisdiyono, 2018: 6). In the end, the goals that were intended and wanted to be realized behind the sustainable development paradigm were not achieved because the political principles of sustainable development that should guide the Government and all other parties in designing and implementing sustainable development are not properly adhered to.

Determining whether or not to grant a permit to exploit natural resources is clearly not a simple matter. Modern law applied in Indonesia is highly sought after in harmony with the national system, customs and traditions of the nation [10] (Ghofur & Susilo, 2017: 8). Thus, ideally the exploitation of natural resources to minimize environmental

damage, is expected to be achieved through the realization of harmony between the natural and artificial environments, integration in the use of natural and artificial resources with respect to human resources, and protection of spatial functions and their impacts, prevention of negative impacts of environmental damage must be carried out by means of a joint commitment between the Government, business actors and the community. However, there will always be conflicts of interest that will affect policy decisions between the use of space that may be exploited for economic purposes and on the one hand for the sake of natural environmental sustainability. The conflict between the need for environmental preservation and the demand for economic growth is through industrialization, community settlements and the importance of green land which must always be maintained.

The public's concern about environmental damage is not without reason, if it is related to human actions and their negative impact on humans and other living creatures in exploiting excessive natural resources, which are not controlled so that natural resources controlled by the state do not provide benefits to the state and welfare to its people.

Thus, the determination of mining areas must be a provision for mining businesses and other natural resources that have obtained mining permits to pay attention to conservation principles, environmental carrying capacity, optimization of natural resources and population density levels, with the aim of maintaining sustainable development and maintained environmental condition.

3 Conclusion

The higher the level of public participation in voting, it is one of the indications that the elections are more successful and democratic. Democracy demands the involvement of the people in government. The reality is that there are still many among the hundreds of millions of voters, including female voters who are not yet politically literate. Their knowledge and political consciousness are generally not optimal. Obstacles in the election are not only caused by various other factors but in it, it is undeniable that they also come from the issue of the quality of the voters themselves. By improving people's political education, it can improve the quality of voters to become classy voters. Motivating Election Organizers and Election Activists to mobilize all elements of society is also important to be more concerned about the general elections and leaders in the next five years.

The increase in women's involvement capacity is well regulated in the formulation of laws and regulations. The increase in women's involvement in politics is driven through affirmative action of at least 30% of women's representation in political parties, legislatures, and in election organizing institutions. The current condition of women's representation is still within procedural limits, only to comply with laws and regulations, has not yet reached the stage of substance. Finally, it is important to increase the capacity and quality of the voting community so that the effectiveness of the election can be achieved more optimally in order to realize elections and quality, fairness and equality.

References

1. Coleman, JS, & Fararo, TJ (1992). Rational choice theory. New York: Sage. Firman, T. (1997). Land conversion and urban development in the northern region.
2. Friedman, LM 1975. The legal system: A social science perspective. Russell Sage Foundation.
3. Edy Lisdiyono, Environmental legislation : a study of the shift Policy in local Regupation International Journal of Environmental & Science Education, 2017, Vol..12 Doi : 10 12973/Ijese.2017, Turkey.
4. -----, Business Activities And Criminal Responsibility Of Corporation According To The Act No. 32/2009 Concerning Protection And Management Of The Living Environment, 2017, India.
5. -----, 2018, Investigation of Implementation and Spatial Policy Shift : A Legal Perspective of Spacial Planning in Semarang City Indonesia, International Journal bereputasi terindex Q4, Journal International of Engineering and Applied Sciences 13 (9):2631–2637, terindex Scopus (Q4) ISSN: 1816 Medwell Journals.
6. ----- International Journal bereputasi di Journal International of Civil Engineering and Tecnology (IJCIET), Volume 8, Issue 7, Juli 2017, pp.920- 924, Article ID:IJCIET-08–07–099 Available online at <http://www.iaeme.com/ijciet/issues.asp> ISSN Prin: 0976–6308 and ISSN Online:0976–6316 terindex Scopus (Q4), tentang Community Right To Health on Pharmaceutical Patens.
7. -----, 2018, Legal Idealism and Implementation: An Analysis of the Gap Between Environmental Policy and the Local Regulation in Indonesia.
8. -----, 2018, Internasional Journal bereputasi terindex Q2, di Journal of Legal, Ethical and Regulatory Issues (Print ISSN: 1544–0036; Online ISSN: 1544- 0044) terindex Scopus (Q2) Research Article: 2018 Vol: 21 Issue: 4.
9. Ghofur, dan A. Susilo, S, 2017, Maslaha as the Philosophical, Political, and Legal Basis on the Islamic Banking Legislation in Indonesia, Global Journal Al Thaqafah, 7(1), 7-17.
10. Manfred B. Steger, *Globalization*, 2009, A Very Short Introduction, 2nd Edition, (New York: Oxford University Press).
11. Moh. Soerjani, Rofiq Ahmad dan Rozy Munir, 1987, *Lingkungan sumber daya alam dan Kependudukan Dalam Pembangunan*, p. 154.
12. Sedarmayanti ; Good Governance Kepemerintahan Yang Baik Dalam Rangka Otonomi Daerah, Bandung: PT. Mandar Maju, 2003, p.3.
13. Perjalanan Panjang Titus Natkime bersama Walhi Laporan Walhi, 2006
14. Amendments to the 1945 Constitution
15. Law no.32 of 2009 concerning Law on Environmental Protection and Management
16. Law No. 5 of 1960 concerning Basic Agrarian
17. Law Law No. 4 of 2009 concerning Mineral and Coal and their derivatives
18. Kajian Harmonisasi Undang-undang Di Bidang Sumber daya Alam dan Lingkungan Hidup BPHN dan KPK, 2018.
19. Kajian Harmonisasi UU Di Bidang Sumber daya Alam dan Lingkungan Hidup BPHN dan KPK, Jakarta 2018
20. <http://www.mongabay.co.id/2014/02/24/batubara-rusak-lingkungan-sumberberagam-penyakit-sampai-hancurkan-pangan-dan-budaya> .
21. <http://www.mongabay.co.id/2014/02/24/batubara-rusak-lingkungan-sumberberagam-penyakit-sampai-hancurkan-pangan-dan-budaya>
22. <https://www.jatam.org/2019/05/28/bekukan-seluruh-kantor-esdm-untuk-penghentian-perluasan-perusakan-dan-pengungsian-sosial-ekologis>
23. <http://www.mongabay.co.id/2014/02/24/batubara-rusak-lingkungan-sumberberagam>

24. https://mediaindonesia.com/editorials/details/detail_editorials/1605-megakorupsi-izin-tambang.
25. <https://www.jatam.org/2019/05/28/bekukan-seluruh-kantor-esdm-untuk-penghentian-perluasan-perusakan-dan-pengungsian-sosial-ekologis>

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

