



Human Rights and Environmental Balance: and Legal Protection in the Energy and Mining Industries

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Abstract. This paper discusses the legal protection of human rights and environmental balance in the context of the energy and mining industries. It explores the importance of ensuring that the operations of these industries do not violate the fundamental rights of individuals, communities and the environment. The study conducts an evaluation of the existing legal framework, both at the national and international levels, governing energy and mining operations. By assessing the adequacy of the current legal tools, the aim of the study is to identify gaps and shortcomings that need to be addressed to improve the protection of human rights and the environment. This paper argues that legal safeguards must be strengthened to protect human rights, including the right to a healthy environment, in energy and mining industry operations. It proposes the development of a robust legal and regulatory framework that embraces the principles of transparency, accountability, participation and the rule of law. By integrating these principles, the paper argues that it can effectively address human rights and environmental issues in the energy and mining sectors. It concludes that the legal protection of human rights and the environment should be a fundamental consideration in the operation of the energy and mining industry, with the ultimate goal of achieving sustainable development and realizing a just and equitable society.

Keywords: Human Rights, Environmental Balance, Legal Protection, Energy Industry, Mining

1 Introduction

The energy and mining industries play a crucial role in meeting global energy demands and supporting economic development. However, their operations can also have significant impacts on human rights and the environment. It is essential to ensure that these industries operate in a manner that respects the fundamental rights of individuals, communities, and the need for environmental balance. This paper focuses on the legal protection of human rights and environmental balance within the context of the energy and mining industries. It aims to explore the importance of establishing and strengthening legal safeguards to prevent violations and promote sustainable practices in these sectors. By evaluating the existing legal framework at the national

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and international levels that govern energy and mining operations, this study aims to identify gaps and shortcomings that need to be addressed. The paper recognizes that the operations of the energy and mining industries can directly impact the rights of individuals and communities. These impacts can range from displacement and loss of livelihoods to health hazards and social conflicts. Similarly, the environment can suffer from habitat destruction, pollution, and the depletion of natural resources. Therefore, it is crucial to evaluate the adequacy of the current legal tools in addressing these issues and to propose measures for improvement. The study advocates for the development of a robust legal and regulatory framework that integrates principles such as transparency, accountability, participation, and the rule of law. By incorporating these principles into the legal framework, it aims to effectively address human rights and environmental concerns associated with energy and mining activities. Ultimately, the paper asserts that the legal protection of human rights and the environment should be a fundamental consideration in the operation of the energy and mining industry. It emphasizes the importance of achieving sustainable development and realizing a just and equitable society through responsible industry practices. In the subsequent sections, the paper will delve into the unique legal issues or developments surrounding the protection of human rights and environmental balance in the energy and mining sectors. It will provide an overview of the relevant facts and basic juridical regulations governing these industries. Furthermore, it will determine the novelty of the paper by identifying the gaps and shortcomings in the existing legal framework and proposing innovative approaches to address them. By doing so, this study aims to contribute to the ongoing discourse on balancing industrial interests with the protection of human rights and the environment in the energy and mining sectors.

This paper discusses legal issues in protecting human rights and environmental balance in the energy and mining industries in Bantaeng District, South Sulawesi. The paper recognizes that the operations of these industries can have significant implications for individuals, communities and the environment. By focusing on the intersection of human rights, environmental concerns, and industry practices, the paper discusses the need for strong legal protections to prevent abuses and promote sustainable development.

Analysis of the existing legal framework at the national and international levels that govern energy and mining operations. It explores the factual context in which these industries operate and the potential risks they pose to human rights and the environment. The study evaluates relevant laws, regulations, and international agreements that shape the legal landscape surrounding energy and mining activities.

The novelty of this paper lies in its comprehensive assessment of the legal and regulatory tools governing the energy and mining industries in Bantaeng District, South Sulawesi. The study goes beyond simply recognizing potential conflicts between industrial practices and human rights or environmental concerns. Rather, the paper aims to identify gaps and shortcomings in the current legal framework in order to propose improvements. The paper emphasizes the principles of transparency, accountability, participation, and the rule of law as integral components of a strong legal and regulatory framework. By integrating these principles, the paper introduces a new approach to addressing human rights and environmental issues in the energy and mining sec-

tors, with the ultimate goal of achieving sustainable development and promoting a just and equitable society.

2 Methods

The research method used in this study is empirical legal research, which is described in a qualitative descriptive manner. The research was conducted in Papanloe Village, Pajjukang District, Bantaeng Regency, South Sulawesi Province, which is the location of a nickel processing and refining company (smelter), specifically PT. Huadi Nickel-Alloy Indonesia. The findings obtained will be presented descriptively, by outlining, explaining, and describing according to the research questions. Conclusions are drawn based on the analysis of data from in-depth interviews and literature sources, by interpreting or interpreting the information obtained.

3 Results and Discussion

The assessment of environmental pollution and its impact on the community near the Bantaeng Industrial Area in South Sulawesi revealed several significant findings. The methodology employed for this study involved problem identification, research objectives, data collection through field observations, surveys, interviews, and obtaining data from local authorities. The collected data was then analyzed, environmental and health impact assessments were conducted, mitigation and policy analysis were performed, and the findings were reported and communicated to relevant stakeholders.

3.1 Local Government

The Bantaeng District is located at a distance of around 120 kilometers to the south of Makassar, which serves as the administrative center of the South Sulawesi Province. The geographical coordinates of its location fall within the range of 5° 21'13" - 5° 35'26" South latitude and 119° 51'42" - 120° 05'27" East longitude. The district is characterized by a diverse topography, including coastal areas, inland regions, and mountainous terrain. The total land area of Bantaeng District is 395.83 km², while the water area covers 144 km². The coastal area spans about 59.33 km², accounting for approximately 14.99% of the district's total area. This coastal area has a relatively gentle slope ranging from 0 to 2 meters. The sloping land, with a gradient of 2 to 15 meters, covers an area of approximately 168.75 km², which represents around 42.64% of the district's land area. Additionally, there are 81.86 km² of land with a slope ranging from 15 to 40 meters, constituting about 20.68% of the total area. The remaining 83.80 km², approximately 21.17% of the land area, consists of elevated terrain with a slope exceeding 40 meters. Bantaeng District shares borders with several neighboring regions. To the north, it is bordered by Gowa Regency and Bulukumba Regency. On the eastern side, it is adjacent to Bulukumba Regency. The southern part of the district is bordered by the Flores Sea, while the western side is connected to

Jeneponto Regency. This geographical information provides an overview of Bantaeng District's location, topography, and its neighboring regions.



(Source: <https://petatematikindo.wordpress.com/>)

3.2 Pollution Sources and Levels

Based on the provided information, the study aimed to analyze the quality of well water in the Papan Loe Village, which is the nearest village to the Bantaeng Industrial Area (KIBA). The focus was on assessing the suitability of the well water for drinking and household use, specifically in terms of pollution index (IP) status. The results of the study indicated that all well water samples had a normal odor and taste, and no visible presence of debris, floating objects, or oil layers. The temperature of the well water samples ranged between 29°C and 30°C, which falls within the acceptable limits as it is not higher than the air temperature. The examination of the water samples indicated that the hue of all well water samples fell within a range of 5 units on the platinum-cobalt (PtCo) scale. The range of Total Dissolved Solids (TDS) values observed in the study varied from 0.31 mg/L to 2.25 mg/L. Similarly, the conductivity values ranged from 0.57 $\mu\text{s}/\text{cm}$ to 4.34 $\mu\text{s}/\text{cm}$, while turbidity values ranged from 0.03 NTU to 0.73 NTU. The pH values recorded in the samples ranged from 7.33 to 7.88, and the Dissolved Oxygen (DO) values ranged from 2.1 mg/L to 3.4 mg/L. The data analysis conducted using the Pollution Index method revealed that all the samples were categorized as being in a satisfactory state, meaning that they complied with the quality criteria established by Minister of Health Regulation No. 2 of 2023, which pertains to the implementation of Government Regulation No. 66 of 2014 on Environmental Health. Based on the aforementioned findings, it is possible to infer that the well water in the vicinity of Papan Loe Village, adjacent to the Bantaeng Industrial Area, has favorable characteristics in terms of quality, rendering it appropriate for utilization as a potable water resource and for various domestic applications. However, it is crucial to note that these results are particular to the described study and may not reflect the entire water quality status in the Bantaeng area. It is advisable to do

regular monitoring and conduct additional research in order to maintain the ongoing safety and quality of the well water within the region.

Basically, every individual is obliged to protect the environment to ensure clean and healthy air. However, when it comes to addressing and restoring polluted air, every citizen has the right to demand accountability from the government as the authority responsible for the nation. The requirement for accountability stems from the provisions outlined in the Constitution, which grants every individual the entitlement to a favorable and sustainable ecological setting. According to Article 28 H, paragraph (1) of the Constitution, it is stipulated that every individual is entitled to a life of prosperity, including bodily and mental well-being, the ability to exist in a favorable and wholesome environment, as well as access to healthcare services. Moreover, it should be noted that according to Article 5, paragraph (1) of Law Number 32 of 2009 on Environmental Protection and Management, in connection with Article 9, paragraph (3) of Law Number 39 of 1999 on Human Rights, it is explicitly stated that every individual possesses an equal entitlement to a favorable and sustainable environment.

3.3 Industrial Emission

In the case of Bantaeng, industrial emissions refer to the release of pollutants and harmful substances into the atmosphere due to industrial activities taking place in the area. These emissions are generated by various industrial processes, including manufacturing, power generation, chemical production, and transportation. The industrial emissions in Bantaeng can have significant adverse effects on both human health and the environment. Vehicles have a significant role in the emission of pollutants into the atmosphere, hence contributing to the occurrence of air pollution. This environmental issue has been linked to the development of respiratory ailments, cardiovascular complications, and several other health concerns. Industries release a variety of pollutants, including greenhouse gases like carbon dioxide and methane, particulate matter, sulfur dioxide, nitrogen oxides, volatile organic compounds (VOCs), and heavy metals. Additionally, these emissions also have a role in the phenomenon of climate change by augmenting the levels of greenhouse gases in the Earth's atmosphere, resulting in the escalation of global temperatures and subsequent alterations to the environment. Additionally, industrial emissions can contaminate water bodies and soil, resulting in water pollution and soil degradation. To address the issue of industrial emissions in Bantaeng, it is important for the government and regulatory bodies to implement various measures and regulations. These may involve setting emission standards and limits to control the amount of pollutants released, promoting the use of cleaner production technologies, implementing pollution control measures, and monitoring and enforcing compliance with environmental regulations. Furthermore, industries should be encouraged to adopt sustainable practices, such as improving energy efficiency, reducing waste generation, and utilizing renewable energy sources. The reduction of industrial emissions is crucial in Bantaeng to mitigate climate change, safeguard human health, and preserve the environment. Effective strategies for minimizing industrial emissions and promoting sustainable industrial practices can be developed and

implemented through collaboration between industries, government entities, and relevant stakeholders.

3.4 Human Rights in District Bantaeng, South Sulawesi

From a human rights perspective, industrial emissions can have significant implications for the enjoyment of human rights. The release of pollutants and harmful substances into the atmosphere as a result of industrial activities can directly impact the right to life, health, and a healthy environment. The right to life is fundamental, and exposure to pollutants from industrial emissions can pose serious risks to human health, leading to premature deaths and various diseases. This includes respiratory illnesses, cardiovascular problems, and other health issues, particularly for vulnerable populations living in close proximity to industrial areas. The right to health is closely linked to industrial emissions as well. The pollutants emitted by industries can have both immediate and long-term health effects, affecting individuals' physical, mental, and social well-being. This can result in a reduced quality of life, increased healthcare costs, and hindered socio-economic development. Furthermore, the right to a healthy environment encompasses the right to live in an environment that is not harmful to health or well-being. Industrial emissions contribute to air pollution, water pollution, and soil degradation, compromising the quality of the environment and diminishing the ability of individuals and communities to enjoy a safe and sustainable living environment. To protect and promote human rights in the context of industrial emissions, it is crucial for governments and relevant stakeholders to take proactive measures. This includes implementing and enforcing strict regulations and standards to control and reduce emissions, conducting environmental impact assessments, and ensuring meaningful public participation in decision-making processes. Additionally, promoting sustainable and cleaner production technologies, investing in renewable energy sources, and supporting the transition towards a low-carbon economy are essential steps in mitigating the negative impact of industrial emissions on human rights. In summary, from a human rights perspective, addressing industrial emissions is not only a matter of environmental concern but also a fundamental issue of protecting and fulfilling human rights, including the rights to life, health, and a healthy environment. It requires a comprehensive approach that integrates human rights considerations into policies, regulations, and practices related to industrial activities and environmental protection. There are two main patterns in the process of land dispossession affecting communities as a result of the MP3EI (Master Plan for the Acceleration and Expansion of Indonesia's Economic Development). Firstly, the government and corporations engage in large-scale conversion of productive agricultural land to serve their economic interests. The People's Working Committee, a grassroots organization in Banten, has documented approximately 5,000 hectares of productive agricultural land in the Anyer District of Serang that will be converted as part of the Sunda Strait Strategic Area. Similarly, in Bantaeng, South Sulawesi, around 5,000 hectares of community-owned paddy fields and cultivated land have been converted into the Bantaeng Industrial Zone (KIBA) for the processing of iron ore and nickel. In summary, these two cases illustrate how productive agricultural land is being transformed for industri-

al purposes, resulting in the displacement of local communities and the loss of their land rights. The MP3EI development agenda has contributed to these patterns of land dispossession, raising concerns about the impact on the livelihoods and well-being of affected communities.

PT. Huadi Nickel-Alloy Indonesia is a foreign investment company engaged in the processing and purification of nickel located in Bantaeng District, South Sulawesi. The company has been operating since 2017 as a joint investment between PT. Duta Nikel Sulawesi from Indonesia and Shanghai Huadi, Co. Ltd. from China. In this case, they entered into a Foreign Direct Investment (FDI) agreement, which involves long-term participation by one country in another country, including aspects of management, joint ventures, technology transfer, and expert consultation. The Investment Coordinating Board (BKPM) has the authority to approve and grant permits for foreign direct investments. However, even though PT. Huadi Nickel-Alloy has been operating since 2017, it was officially inaugurated in January 2019 and has conducted 15 export activities. The local government and the company play a role in providing transparent information about the company's investment as a form of corporate transparency. It is known that with this investment activity, PT. Huadi Nickel-Alloy Indonesia employs foreign workers directly from China to carry out the production during the operational and inauguration period. Article 15 of the Investment Law stipulates that every investor is obligated to implement corporate social responsibility, which is inherent to every investing company to maintain a harmonious, balanced, and culturally appropriate relationship with the local community and environment. Furthermore, Article 74, paragraph (1) of Law No. 40 of 2007 concerning Limited Liability Companies states that companies engaged in natural resource-related activities are required to implement Social and Environmental Responsibility. The use of the word "required" in the article suggests that social responsibility should have been carried out since the company's operation. The lack of company transparency and the failure to fulfill social responsibility lead the author to assess this situation as a negligence in implementing regulations and a lack of understanding of the principles of Corporate Responsibility to Respect for Human Rights within the company. Therefore, in the author's opinion, this indicates that the company has not fully respected human rights in the local community.

The company was established with the hope that its presence would benefit the surrounding community, as part of the company's social responsibility. The principle of Corporate Responsibility to Respect for Human Rights emphasizes the importance of company actions that adhere to transparency principles to prevent violations of the rights of others and create tangible impacts on the communities in which they operate. This principle also demands that companies demonstrate a strong commitment to protecting and fulfilling human rights as their primary obligation and responsibility. In this context, respecting the human rights of the local community is an implementation of the principle of Corporate Responsibility to Respect for Human Rights. This includes company activities that ensure the respect and protection of basic rights of the community, including the right to land, the right to decent work, the right to health and safety, and other rights. Companies are expected to conduct their operations while considering their impact on the surrounding community, ensuring that no violations of

human rights occur as a result of their activities, and committing to take necessary actions if any violations do occur. In the case of PT. Huadi Nickel-Alloy Indonesia, as a foreign direct investment company, they have a responsibility to respect the human rights of the local community, such as the right to a healthy environment, the right to involvement and participation in decision-making, and other social and economic rights. The company must demonstrate a strong commitment to implementing social responsibility, including transparency in information, engagement with the local community, and the protection of community rights. Through the implementation of the principle of Corporate Responsibility to Respect for Human Rights, companies can establish mutually beneficial relationships with the surrounding community, build trust, and achieve sustainable development. By understanding and respecting human rights, companies can play a role in improving the well-being of the community and making positive contributions to social and economic development in the area.

3.5 Relationship between the Guiding Principles of Business and Human Rights (Corporate Responsibility to Respect for Human Rights)

Corporate duty to respect human rights pertains to the essential principles outlined in the Universal Declaration of Human Rights, which impose an obligation on all societal entities to adhere to the substantive standards of human rights. The notion of corporate social responsibility can be regarded as a first endeavor by firms to demonstrate accountability in upholding human rights. The acceptability of this notion within the business sector may be attributed to multiple factors. Firstly, businesses are integral components of society, hence necessitating their consideration in societal contexts. Secondly, firms function as both economic entities and social institutions, further emphasizing the importance of recognizing their broader societal impact. Lastly, businesses are not solely exposed to dangers but also derive advantages from their interactions with society.

The adoption of corporate social responsibility ought to be grounded in a rights-based framework, prioritizing the empowerment of individuals entitled to rights as the fundamental basis for organizational policy. In order to effectively uphold their obligation to uphold human rights, businesses must establish a policy statement that demonstrates their commitment. This policy statement should meet the following criteria: it should be endorsed by the highest level of the company, informed by pertinent internal and/or external experts, articulate the company's human rights expectations for personnel, business partners, and other parties directly involved in the company's activities, products, or services, be accessible to the public and effectively communicated internally and externally to all personnel, business partners, and relevant parties, and be integrated into operational policies and procedures across the entire company.

Corporate Responsibility to Respect for Human Rights signifies the dedication of a corporation to uphold and honor human rights. Corporate responsibility refers to the actions taken by businesses to prevent or reduce negative human rights effects that are directly associated with their operations, products, or services as a result of their busi-

ness interactions. According to the preceding Principles of Business and Human Rights Guidelines, it was established that the obligation to uphold human rights is applicable to all businesses, irrespective of their scale or industry.

The National Action Plan on Business and Human Rights (NAPBHR) represents a tangible expression of the government's dedication, assuming a strategic position and function. The RANHAM framework functions as a guiding principle for the formulation of agendas and programs aimed at promoting and advancing human rights in the context of Indonesia. The regulations pertaining to the intersection of Business and Human Rights in RANHAM are established in Presidential Regulation Number 33 of 2018. This regulation serves as an amendment to Presidential Regulation Number 75 of 2015, which specifically addresses the National Action Plan for Human Rights. The subsequent table provides data pertaining to the National Action Plan for Human Rights. During the fourth period of the National Action Plan on Business and Human Rights (RANHAM) spanning from 2015 to 2019, Presidential Regulation Number 75 of 2015 introduced amendments to enhance stakeholders' comprehension of Business and Human Rights matters. These amendments included the inclusion of a specific point in Action number 4, which aimed to concentrate on education and the promotion of public awareness regarding human rights in the mining, plantation, and tourism sectors. The success criteria encompass the enhancement of stakeholders' comprehension regarding the United Nations principles on Business and Human Rights, as stipulated in Presidential Regulation Number 33 of 2018, which modifies Presidential Regulation Number 75 of 2015 on the National Action Plan for Human Rights.

Based on the draft of the fifth period of RANHAM (2020-2024), RANHAM is implemented through a series of activities involving the development, monitoring, and evaluation of the previous RANHAM. The criteria for formulating the Human Rights Action Plan are as follows:

- a. Debottlenecking approach: Ensuring that the Human Rights Action Plan addresses the barriers to human rights fulfillment in the four target groups.
- b. Top-Down approach: Ensuring that the Human Rights Action Plan is not merely a routine activity of the Ministry/Institution and Local Government.
- c. Alignment with the National Medium-Term Development Plan (RPJMN), Sustainable Development Goals (SDGs), and RANHAM baseline.

The draft explains the technical implementation of the Business and Human Rights Action Plan, which is currently undergoing finalization before becoming a binding regulation. The Business and Human Rights Action Plan is based on a policy paper on Business and Human Rights developed jointly by the National Human Rights Commission (Komnas HAM) and ELSAM. This policy paper has undergone a public consultation process involving various stakeholders, including civil society organizations, the business sector, and relevant government agencies with authority over Business and Human Rights issues.

Planning in this context is a process related to a policy that can be implemented as part of the law and is therefore subject to legal norms. Thus, it can be understood that the National Action Plan on Business and Human Rights falls under the desired law (*ius constituendum*). *Ius constituendum* can become *ius constitutum* or *ius positum* (positive law) or *ius operatum* (enforced law) once it is established and enforced by

the competent authority, and its enforcement complies with other positive laws governing the implementation of a law (legislation). Based on the criteria for a company's commitment to human rights, in this case, PT. Huadi Nickel- Alloy Indonesia has not fulfilled its overall commitment to human rights, especially the rights of the communities surrounding the company, as stated in Article 9, paragraph (3) which states that everyone has the right to a good and healthy environment. Based on interviews with local communities from Mawang Hamlet, they stated:

"Every day, trucks carrying raw materials and ready-to-export materials cause dust and smoke pollution, and the noise and odor from the nickel processing plant also create pollution for the residents of the surrounding hamlet. The residents feel disturbed because the company operates 24 hours a day, while its social responsibility has not been fulfilled."

The Human Rights Action Plan 2015-2019 outlined in Presidential Regulation No. 75 of 2015 explicitly emphasizes the importance of the involvement of local governments in implementing the draft National Human Rights Action Plan (RANHAM). However, in reality, the Bantaeng regency government, which is supposed to be a Human Rights Friendly area, is not aware of the regulations related to the National Action Plan on Business and Human Rights.

Social welfare improvement cannot be achieved by relying solely on the government as the only actor. The participation of all parties is needed to achieve it, including assistance from companies. In conducting their business as part of the community and corporate citizens, companies are expected to contribute and actively participate in solving issues that occur in society.

4 Conclusion

In the specific context of Bantaeng District, South Sulawesi, the principles of human rights and environmental balance hold particular significance in the energy and mining industries. The district, being home to various mining and energy projects, must ensure that the rights of local communities are protected, and environmental sustainability is maintained. The local government of Bantaeng District should play an active role in promoting human rights and environmental protection within the energy and mining sectors. This includes enacting local regulations and policies that align with national laws and international standards, specifically addressing the unique challenges and needs of the district. Companies operating in Bantaeng District should recognize their responsibility to respect human rights and mitigate their environmental impact. This involves engaging with local communities, conducting thorough environmental assessments, implementing effective mitigation measures, and establishing mechanisms for grievance redressal. Collaboration between the government, companies, civil society organizations, and local communities is crucial in the district's efforts to achieve a balance between human rights and environmental sustainability. Regular dialogue and consultation platforms should be established to facilitate meaningful participation and decision-making processes. Transparency and accountability mechanisms should also be emphasized in Bantaeng District. This includes regular

monitoring and reporting of environmental performance, as well as mechanisms to address community concerns and resolve disputes. By promoting transparency and accountability, the district can build trust among stakeholders and ensure that the energy and mining industries operate responsibly. Overall, Bantaeng District should strive to be a model for human rights and environmental balance in the energy and mining sectors. By effectively implementing legal protections, encouraging responsible corporate practices, promoting transparency, and fostering collaboration, the district can pave the way for sustainable development that respects human rights and preserves the environment.

Recommendation

Based on the discussion of human rights, environmental balance, and legal protection in the energy and mining industries in Bantaeng District, South Sulawesi, the following recommendations can be made: **Strengthen Local Regulations:** The local government should review and update existing regulations to ensure they align with national laws and international standards regarding human rights and environmental protection. This includes incorporating specific provisions that address the unique challenges and needs of the district. **Enhance Monitoring and Enforcement:** The government should establish robust monitoring and enforcement mechanisms to ensure compliance with environmental regulations and human rights standards. This can involve increasing the capacity of relevant agencies, conducting regular inspections, and imposing penalties for non-compliance. **Foster Collaboration and Engagement:** Encourage active participation and collaboration among government agencies, mining and energy companies, civil society organizations, and local communities. This can be achieved through the establishment of multi-stakeholder platforms, consultation processes, and regular dialogue to address concerns, share information, and seek consensus on key issues. **Promote Corporate Social Responsibility:** Encourage companies operating in Bantaeng District to adopt comprehensive corporate social responsibility (CSR) programs. These programs should prioritize community engagement, environmental sustainability, and the protection of human rights. Companies should allocate resources to support community development initiatives and address the specific needs of affected communities. **Enhance Community Empowerment:** Promote initiatives that empower local communities and enhance their capacity to participate in decision-making processes. This can include providing access to information, training programs, and resources that enable communities to actively engage with companies and government agencies. **Improve Transparency and Accountability:** Enhance transparency by promoting disclosure of environmental impact assessments, monitoring data, and company performance reports. Establish channels for communities to voice concerns and grievances, and ensure timely and effective responses to address them. Encourage companies to publish annual sustainability reports detailing their environmental and social performance. **Invest in Sustainable Alternatives:** Encourage the exploration and investment in renewable energy sources and sustainable mining practices. Promote the adoption of cleaner technologies, resource efficiency, and responsible waste management practices to minimize the environmental impact of energy and mining operations. **Continuous Education and Awareness:** Conduct awareness

campaigns and educational programs to raise awareness among stakeholders, including local communities, about human rights, environmental protection, and the importance of sustainable practices in the energy and mining sectors. By implementing these recommendations, Bantaeng District can promote a more sustainable and responsible approach to the energy and mining industries, ensuring the protection of human rights, environmental balance, and the overall well-being of its communities.

Bibliography

1. Ahsinin, Adzkar et al., 2017 "ELSAM and Komnas HAM Policy Paper - Urgency of Drafting and Developing National Action Plan on Business and Human Rights", Paper, Business and Human Rights Publication.
2. Arinanto, Satya. Law and Democracy. Jakarta: Ind-Hill-Co, 1991.
3. Asshiddiqie, Jimly. Konstitusi dan Konstitusionalisme Indonesia, Edisi Revisi. Jakarta: Konstitusi Press, 2005.
4. Barber, Charles V. (1989), "The State, The Environment, and Development: The Genesis and Transformation of Social Forestry Policy in New Order Indonesia", Unpublished Doctoral Dissertation University of California, Berkeley, USA.
5. Santosa, Mas Achmad (2001), Good Governance & Environmental Law, ICEL, Jakarta.
6. Internet
7. <https://newsletter.tempo.co/read/1629624/polusi-smelter-nikel-di-kabupaten-bantaeng>

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