



Supervision of Mineral and Coal Mining Business Permits Against Environmental Damage

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Abstract. The authority to supervise mineral and coal mining business permits is exercised by the Minister after the enactment of the new Minerba Law. In terms of conducting supervision, the Ministry of Energy and Mineral Resources is assisted by three instruments, namely Mining Inspectors, Government-appointed Officials and Civil Servants. The supervision carried out are, (1) supervision of approved work contracts on technical aspects, (2) conservation, (3) safety, (4) environment and technology. based on environmental law enforcement Sanctions given to mining entrepreneurs if they damage the environment can be given administrative sanctions, civil sanctions and criminal sanctions. considering that the Mineral and Coal Mining Business Permit is issued by the Central Government after the enactment of the new mineral and coal mining law, the mining business permit should be issued by the Regency/City Government instead of the Central Government.

Keywords: authority, permit supervision, environmental damage

1 INTRODUCTION

The enactment of Law Number 3 of 2020 concerning Mineral and Coal Mining brought a very significant change in the field of Mining, namely the transfer of authority from the Provincial Government to the Central Government, mining business permits which were originally issued by the Provincial Government but, since the enactment of the Law Number 3 of 2020 concerning Mineral and Coal Mining, Mining permits are issued by the Central Government. One of the reasons for this change in the Minerba Law is to increase state revenues in the mining sector. The authority possessed by the Central Government will complicate the issuance of permits and the supervision carried out. Thus, it will add a new problem, namely the destruction of the environment, because the mining area is in an area that can be reached directly by the Regional Government. Mining Business Permits should be issued by the Provincial Government or Regency/Municipal Governments, not the Central Government. The implementation of supervision of mineral and coal mining, the central government assigns the minister to

carry out such supervision, in this case the Minister of Energy and Mineral Resources (ESDM). then the Minister will establish and appoint a Mining Inspector. The provisions of Article 54 paragraph (1) letter l Government Regulation Number 25 of 2021 concerning the Implementation of the Energy and Mineral Resources Sector states that the minister or governor in accordance with their authority shall provide guidance and supervision on the fulfillment of business licensing requirements. On the other hand, Supervision is also carried out by Mining Inspectors and coal mining entrepreneurs to avoid damage to the Environment.

Environmental Damage according to Article 1 number 17 of Law Number 32 of 2009 concerning Environmental Protection and Management (hereinafter referred to as the PPLH Law), states that Environmental Damage is a direct and/or indirect change to physical, chemical and/or biological properties environment that exceeds the standard criteria for environmental damage. if there is environmental damage due to mining activities, the mining business license will be revoked or temporarily suspended. The authority possessed by the Central Government will complicate the issuance of permits and the supervision carried out. Thus, it will add a new problem, namely the destruction of the environment, because the mining area is in an area that can be reached directly by the Regional Government. Mining Business Permits should be issued by the Provincial Government or Regency/Municipal Governments, not the Central Government.

Mining Business Permit Areas (WIUP) can be granted to Business Entities, Cooperatives, and Individuals. this can be seen in Article 18 of the Regulation of the Minister of Energy and Mineral Resources Number 16 of 2021 concerning Amendments to the Regulation of the Minister of Energy and Mineral Resources Number 7 of 2020 concerning Procedures for Regional Granting, Licensing, and Reporting on Mineral and Coal Mining Business Activities (MEMR Regulation No. 16 of 2021). Based on Article 61 paragraph (1) and Article 62 of the Minerba Law, IUP holders at the stage of Coal Exploration activities are granted a WIUP of a maximum area of 50,000 (fifty thousand) hectares, while the holder of a Coal Production IUP is granted a WIUP of a maximum area of 15,000 (fifteen thousand) hectares. The period of time for coal mining exploration activities as contained in Article 42 letter e of the Minerba Law is given for 7 (seven) years and for production operations based on Article 47 letter e for coal mining a maximum of 20 (twenty) years and guaranteed to obtain an extension of 2 (two) years.) times each 10 (ten) years after fulfilling the requirements in accordance with the provisions of the legislation.

According to Helmi (2013) [1], during the process of obtaining permits, violations occurred in terms of requirements, did not pay attention to regional and national spatial planning, and overlapped with conservation forest areas or protected forests, so that environmental activists considered mining activities to be one of the main causes. deforestation". In the long term, this condition causes losses not only in the damage to the environment around the mine site, but also losses to the community around the mine site due to flooding or pollution which is a real impact of mining investment.

The extent of the mining area if the supervision is not carried out optimally it will have an impact on the environment. The existence of mineral and coal mining activities is one of the causes of environmental damage, due to the absence of supervision carried out by the government. Therefore, through the application of the coordination principle,

the nature of supervision can be optimal and is expected to be a solution in realizing a balance, namely environmentally friendly mining management, so as to realize the implementation of law enforcement in mining businesses.

The concept of supervision in Indonesia in mineral and coal mining activities is divided into preventive supervision and repressive supervision. Preventive supervision is carried out before the commencement of mineral and coal mining activities to see a feasibility study of the mining area. Based on Article 1 point 16 of the Minerba Law, it states that a feasibility study is a stage of mining business activities to obtain detailed information on all related aspects to determine the economic and technical feasibility of a mining business, including an analysis of environmental impacts and post-mining planning, while repressive supervision is a supervision that carried out after the completion of mining activities to restore the condition to its original state.

Salim (2012)[2] states that state authority in the management of mineral and coal mining is the right and power possessed by the state to organize, utilize, restore, supervise and control mineral and coal mining activities. Those who are given the authority to manage mineral and coal mining are the government, provincial government and district/city governments[3].

The implementation of supervision of mineral and coal mining, the central government assigns the minister to carry out such supervision, in this case the Minister of Energy and Mineral Resources (ESDM). Then the Minister will establish and appoint a Mining Inspector. The provisions of Article 54 paragraph (1) letter 1 Government Regulation Number 25 of 2021 concerning the Implementation of the Energy and Mineral Resources Sector states that the minister or governor in accordance with their authority shall provide guidance and supervision on the fulfillment of business licensing requirements. On the other hand, Supervision is also carried out by Mining Inspectors and coal mining entrepreneurs to avoid damage to the Environment.

Sukandi Husin (2014) states that Environmental Damage according to Article 1 number 17 of Law Number 32 of 2009 concerning Environmental Protection and Management (hereinafter referred to as the PPLH Law), states that Environmental Damage is a direct and/or indirect change to physical properties, chemical and/or biological environment that exceeds the standard criteria for environmental damage. If there is environmental damage due to mining activities, the mining business license will be revoked or temporarily suspended. "Licensing is an environmental legal instrument that has a preventive function, to prevent pollution and environmental damage. Through a permit, the government can determine certain environmental conditions that must be met by the activity owner".

One of the requirements that must be met by the owner of a business or activity is to have an Environmental Impact Analysis (AMDAL). or activities planned in the environment that are needed for the decision-making process regarding the implementation of businesses and/or activities.

The AMDAL is preceded by screening whether the project requires an AMDAL or not. Screening or screening of projects aims to select which development plans should be accompanied by an AMDAL. So screening is a method or technique used to selectively determine which projects should be equipped with AMDAL and which projects should not be equipped with AMDAL. This step is very important for the proponent to

be able to find out as early as possible whether the project will be affected by the AMDAL.

Environmental Impact Analysis (AMDAL) is mandatory for every activity owner because to see the significant impacts caused by these activities, this has been confirmed in Article 22 paragraph (2) of the PPLH Law, as follows:

- a. The size of the population that will be affected by the planned business and/or activity;*
- b. The area of the impact spread;*
- c. The intensity and duration of the impact;*
- d. The number of other environmental components that will be affected;*
- e. The cumulative nature of the impact;*
- f. Reversal or non-reversal of impact; and/or*
- g. Other criteria are in accordance with the development of science and technology.*

Protecting the environment from mineral and coal mining business permits, the Central Government has the authority to manage existing natural resources. If there is a negative impact due to mining activities, this is not only the responsibility of the central government but also the responsibility of the mining company and the community.

Judging from the regulation of authority, there is a conflict of norms between Article 6 paragraph (1) of the Minerba Law and Article 14 paragraph (1) of the Regional Government Law. It is clearly seen that in the attachment to the Regional Government Law, giving the authority to the Regional Government to manage mineral and coal mining while the Minerba Law has eliminated the authority of the Regional Government. Whereas in the context of implementing regional autonomy, the widest possible authority is given so that regions can be independent and advanced with the presence of natural resources, especially mineral and coal mining, which can increase regional income. Thus, in order to protect the natural resources that exist in Indonesia, especially in the mining sector, it is necessary to have clear regulations regarding the authority in the Mining sector and do not conflict with one another.

2 LITERATURE REVIEW

2.1 Authority Theory and Supervision Theory on Mineral and Coal Mining Permits

Authority Theory

According to Nazarudi (2017) [4], theoretically, the authority that comes from the legislation is obtained through three ways, namely attribution, delegation, and mandate. As regulated in the Regional Government Law. One of the optional matters contained in the Regional Government Law is regarding energy and mineral resources, precisely in Article 12 paragraph (3) letter e, this indicates that the regional government has the authority to manage mineral and coal mining. The authority of the Provincial Government in the Mineral and Coal Mining Sector is as follows:

- 1. Granting exploration permits;*

2. *Granting a production operation permit;*
3. *Conducting coaching and supervision;*
4. *Establishing reclamation guarantees;*
5. *Establish post-mining guarantees;*
6. *Granting a mining business license (core);*
7. *Provide a registered certificate (non-core).*

If, looking at the explanation above, it means that the Provincial Government still has the authority in the mining sector, this is because of the authority granted by law. In certain cases, the Ministry of Energy and Natural Resources may delegate some of its authority. This is in accordance with the principle of decentralization, the central government surrenders authority to local governments as stated by Sukamto Satoto and Bahder (2019) [5].

Supervision Theory

According to Wahyu Nugroho (2020) the supervision of the administration of regional government is carried out by the government which includes supervision of the implementation of government affairs in the regions and supervision of regional regulations and regional head regulations. In Article 7 of the Regional Government Law, it is stated that the Central Government provides guidance and supervision over the administration of government affairs by the Regions. Licensing and supervision in the context of environmental protection and management are an integral part, not separate. Regional environmental institutions/institutions should be strengthened and strict compliance with environmental instruments as a control function. The weakness so far is that the supervisory function in the regions that is not running optimally, both the Mining and Energy Office and the Environment Agency, will further aggravate the environmental situation in the region when the regional regulatory oversight function is amputated in changes.

Mining Supervision also requires the participation of the local community, but the more dominant one who supervises is the government (Mining Inspector). The size of the mining area that makes it impossible to only be carried out by Mining Inspectors, sometimes in mining supervision in Indonesia there are still obstacles from the number of Human Resources that are not proportional to the number of existing mining permits and are not yet qualified to carry out supervision. "Mineral and rock mining are non-renewable types of natural resources. Once used up for the benefit of humans, it immediately disappears from the face of the earth. Therefore, the utilization process must be carried out carefully and very carefully" based on the opinion of Krinus Kum (2015)[6]. Therefore, the Minister supervises the implementation of Mining Business activities carried out by IUP, IUPK, IUPK holders as Continuation of Contract/Agreement Operations, IPR, SIPB, Transportation and Sales Permits, or IUJP.

3 METHODOLOGY MATERIALS

According to Bahder Johan (2016)[7] normative juridical research is research that examines primary legal materials, secondary legal materials and tertiary legal materials. Normative legal research has long been used by legal scientists to study legal issues. In normative legal research, basically the expected results from the study are legal arguments that will be directed at the formulation of theories.

4 RESULTS AND FINDINGS

Supervision of mineral and coal mining business permits by the Minister after the enactment of the new Minerba Law. Based on Article 140 of the Minerba Law, it is stated that the Minister supervises the implementation of Mining Business activities carried out by IUP, IUPK, IUPK holders as Continuation of Contract/Agreement Operations, IPR, SIPB, Transportation and Sales Permits, or IUJP. Thus, the Supervision of Mining Business activities carried out, among others:

1. Mining Technical;
2. Production and marketing;
3. Finance;
4. Mineral and Coal data processing;
5. Conservation of Mineral and Coal resources;
6. Mining Safety;
7. Environmental management, Reclamation, and Post-mining;
8. Utilization of domestic goods, services, technology, and engineering and design capabilities;
9. Mining technical manpower development;
10. Development and empowerment of local communities; and
11. Mastery, development, and application of mining technology.

According to I Made Bayu (2019), the supervision carried out by the Mining Inspector in letter a, letter e, letter f, letter g, letter company in mining must obtain a permit from the relevant agency before the operation or operation of the mining business activity is carried out. In terms of monitoring permits in mining, it can be linked in the abbreviation of the word IUP, namely permits in extracting materials to mining companies. Mining companies in such an activity are activities in the management of which mineral or coal exploitation includes the stages of activities, (a) free investigation, (b) exploration, (c) exploitation, (d) management and refining, (e) transportation, (f) Sales.

Supervision aims to prevent damage to the environment. supervision can be seen from 2 (two) aspects, namely preventive supervision and repressive supervision. Preventive supervision is carried out before the commencement of mineral and coal mining activities. Meanwhile, repressive supervision is carried out after the completion of mining activities. Mining supervision carried out by the Minister of Energy and Mineral Resources will have an impact on environmental damage due to mining activities, due to the remoteness of the mining area which makes it impossible for the Central

Government to carry out periodic supervision. Not only that, the number of mining permits issued is not proportional to the number of personnel to supervise. This indicates that the lack of human resources (HR) to supervise mining has a negative impact on the environment.

Supervisory Officials, In terms of supervising mining business activities, the Ministry of Energy and Mineral Resources (ESDM) is assisted by three instruments, namely Mining Inspectors, Government-appointed Officials and Civil Servants (PPNS). The mechanism for supervising mineral and coal mining business permits, namely, (1) supervision of approved work contracts on technical aspects, (2) conservation, (3) safety, (4) environment and technology.

Every business license holder is obliged to submit a report in accordance with Article 82 paragraph (1) of the Minister of Energy and Mineral Resources Regulation Number 7 of 2020 concerning Amendments to Ministerial Regulation Number 16 of 2021 concerning Procedures for Regional Granting, Licensing, and Reporting on Mineral and Coal Mining Business Activities, stating that the IUP holder Exploration, Exploration IUPK, Production Operation IUP, Production Operation IUPK, Production Operation IUP specifically for processing and/or purification, or Production Operation IUP specifically for transportation and sales, and IUJP is obligated to compile and submit reports which include (1) periodic reports, (2) Final report, and/or (3) special report.

Based on Article 140 paragraph (3) of the Minerba Law, it is stated that the responsibility for managing the budget, facilities and infrastructure, as well as the operations of mining inspectors is borne by the minister. The full transfer of authority to the Central Government will hinder the supervision of mineral and coal mining business permits. Supervision which was originally carried out by the Provincial Government but changes in the Minerba Law are under the authority of the Central Government, this is due to the fact that many exploration mining activities have a negative impact on the environment. Because coal mining is a non-renewable natural resource.

According to Prof. Dr. R. Siti Zuhro (2021), a major revision of the Minerba Law (UU No. 3 of 2020) which essentially concerns management and supervision issues. For the Regional Government, the transfer of authority can pose various risks, such as loss of regional income to the possibility of environmental damage due to the absence of local government supervision of mining activities in the region.

Supervision of the administration of affairs delegated to the regions is currently ineffective, because it is not functional enough to make the regions often lose control. The existence of differences in perceptions between the center and the regions regarding decentralization and regional autonomy in the context of the Unitary State of the Republic of Indonesia (regional and Indonesian) makes the center and regions seem to go their separate ways, even though they should be able to create synergy between the two as an important component in state administration. Amendments to the Minerba Law have logical consequences in the mining sector, which are aligned with the Job Creation Law. The legal system of our state of law today requires a fundamental and massive restructuring.

Enforcement of environmental law is closely related to the ability of the apparatus and the compliance of citizens with applicable regulations, which cover three areas of law, namely administrative, criminal, and civil. This case of environmental pollution

and destruction is very dangerous for the welfare of mankind. Moreover, environmental pollution and destruction are carried out by companies engaged in various fields of activity, be it mining, forestry and others. If this happens, it's not just one or two people who lose, but the entire human race on this earth. Therefore, the aspect of law enforcement requires maximum attention and empowerment actions, especially for companies that damage and pollute the environment.

Agus' opinion (2021)[8] states that the preservation of environmental functions from various activities or businesses, such as coal mining, is required to have an environmental impact analysis (AMDAL). If a violation occurs due to mining activities or business, sanctions can be imposed. Thus, environmental law enforcement is an effort to achieve compliance with regulations and requirements in general and individual legal provisions, through supervision and application of administrative, criminal and civil sanctions. h, and the letter i. means that the Amendment to the Minerba Law removes the authority of the Regional Government in supervising mining business permits. Although in the Minerba Law there is a delegation of authority to the Provincial Government through Article 35 paragraph (4) of the Minerba Law, it only regulates permits while the supervision is carried out by the Central Government in this case is the Minister of Energy and Mineral Resources. One of the most important things in efforts to improve mineral and coal mining governance in Indonesia is the extent to which IUP/IUPK holders comply with reclamation and post-mining activities.

Based on the opinion of M. Fahmi (2011) The low understanding of environmental law and awareness of the importance of managing natural resources and the environment in a sustainable manner and accompanied by weak law enforcement coupled with poverty due to the economic crisis has had a negative impact on efforts to develop natural resources and caused damage to natural resources. environment.

In the enforcement of administrative law, according to Bachrul Amiq (2016)[9], enforcement of administrative sanctions is part of the enforcement of administrative environmental law. Thus, the nature of administrative sanctions is reparatory, meaning to restore to its original state. Therefore, without diminishing the meaning of other legal sanctions, the application of administrative sanctions in environmental cases has a very important role in preventing and overcoming environmental pollution.

Administrative sanctions are the first legal action given to companies that pollute and destroy the environment, administrative sanctions have an instrumental function, namely the prevention and control of prohibited acts and are primarily aimed at protecting the interests protected by the violated legal provisions. The administrative sanctions given by the Minister to the holder of a mineral and coal mining business permit in accordance with Article 151 paragraph (2) of the Minerba Law are (a) written warning, (b) fine, (c) temporary suspension of part or all of Exploration activities or Production Operations, (d) Revocation of IUP, IUPK, IPR, SIPB or IUP for Sales. Giving administrative sanctions against environmental damage has a very important role. This is so that the damaged environment can be restored. In the author's opinion, administrative sanctions are the first sanctions given before the implementation of other sanctions such as civil sanctions and criminal sanctions that can restore the situation as before. it is suggested for environmental law enforcers to understand the quality standard

criteria for environmental damage due to mining activities and it is necessary to improve the quality of human resources (HR) for environmental law enforcers.

In civil law enforcement according to Prim Haryadi (2017) that problems in environmental civil liability consist of unlawful acts as regulated in the provisions of Article 1365 of the Civil Code (KUHPperdata), and the application of the principle of strict liability (absolute responsibility) which is regulated in the Civil Code. provisions of Article 88 UUPPLH. Enforcement of environmental law by using the means of civil law has often been constrained by the difficulty of proof. Proving environmental cases requires human resources and high technology, so that the settlement of environmental cases becomes complicated, expensive and lasts a long time. In handling environmental civil cases, there are often legal problems that are not covered by existing laws and regulations. This is because the evidence in cases of pollution is often characterized by its distinctive characteristics. The pathway in Indonesia is not well-liked because of the protracted process in the courts because almost all civil cases are brought to the highest court for cassation and even proceed to judicial review. Thus, this law enforcement is considered less effective to do. Efforts that need to be made in terms of environmental law enforcement are to impose administrative sanctions first as the first alternative to environmental protection.

Criminal Law Enforcement The existence of the PPLH Law is an effort to prevent and enforce the law against environmental crimes, whether committed intentionally or due to negligence. As well as safeguarding from the negative impacts caused by pollution and/or environmental damage to the quality standards of water, soil and air. Enforcement of environmental criminal law is closely related to the principle of legality as contained in Article 1 paragraph (1) of the Criminal Code. This is a fundamental principle of criminal law to determine whether or not an act committed can be declared a crime. Meanwhile, the regulation regarding prohibited acts and threatened with criminal sanctions for perpetrators of environmental crimes is regulated in Articles 98 to 115 of the UUPPLH. Normatively, the principle of legality contained in Article 1 paragraph (1) of the Criminal Code which states that an act cannot be punished, except based on the strength of the provisions of existing criminal legislation. Meanwhile, the provision of criminal sanctions in Article 158 of the Minerba Law states that anyone who has an IUP or IUPK at the stage of Exploration activities but carries out Production Operations shall be punished with imprisonment for a maximum of 5 (five) years and a fine of a maximum of Rp. 100,000,000,000.00 (one hundred billion rupiah). Regarding the criminal liability system, the Minerba Law recognizes not only individuals as the subject of offenses, but also corporations. There are three categories of mining business actors who can be held accountable.

The first is mining business actors in the form of business entities, cooperatives, and individuals. The first category of business actors applies to IUP, Production Business Mining Permits, Non-Metal Mineral Mining Business Permit Areas, Rock Mining Business Permit Areas, Coal Mining Permit Areas and Implementation of Mining Business Permits. What is meant by an individual as a mining business actor in an IUP can be an individual, a firm, or a limited liability company. Second, mining business actors are local residents, both individuals and community groups and cooperatives. The three

mining business actors are business entities with Indonesian legal entities, both state-owned enterprises, regional-owned enterprises, and private enterprises.

The application of sanctions in criminal law to criminal disputes relating to the existence of a criminal act, criminal act, or criminal event that occurs in mining business activities. Based on Article 161B of the Minerba Law, it is stated as follows:

1. *Any person whose IUP or IUPK is revoked or expires and does not carry out:*
 - a) *Reclamation and/or Post-mining; and/or*
 - b) *Placement of the Reclamation guarantee fund and/or Post-mining guarantee fund, shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 100,000,000,000.00 (one hundred billion rupiah).*
2. *In addition to the criminal sanctions as referred to in paragraph (1), former IUP or IUPK holders may be subject to additional penalties in the form of payment of funds in the context of implementing their Reclamation and/or Post-mining obligations.*

If you look at the additional criminal provisions in the Minerba Law that whether or not the main punishment is given as contained in Article 161B but can also be given additional penalties which have been regulated in Article 164 of the Minerba Law that perpetrators of criminal acts may be subject to additional penalties in the form of:

- a) *confiscation of goods used in committing a crime;*
- b) *Deprivation of profits derived from criminal acts; and/or*
- c) *The obligation to pay the costs incurred as a result of the crime.*

According to Eric Rahmanul (2020) [10] Law enforcement regarding environmental management is currently still difficult to do because of the difficulty of proving and determining standard criteria for environmental damage. Environmental crimes or crimes are contained in various laws and regulations other than the PPLH Law and the Criminal Code. Therefore, the accuracy of law enforcers, especially investigators, public prosecutors and judges is very much needed in finding laws and regulations relating to environmental crimes in various kinds of laws and regulations. The framework for enforcing criminal law in the environmental field is as follows: First, the need for reforming the pattern of punishment and criminal sanctions in the Environmental Management Law which has the values of legal certainty and the values of justice that are upheld by all parties; and Second, the need to revamp the pattern of punishment and criminal sanctions in the Environmental Management Law which should be in sync and consistent with the Criminal Code and the Criminal Code Bill in the future.

5 Conclusion

Supervision of Mining Business Permits must be carried out optimally, mining business permits should be issued by the Regency/City Government not the Central Government, because the Regency/City Government is closer to the mining area which facilitates supervision and licensing so that it can overcome damage to the environment. Therefore, it is necessary to revise the Minerba Law by giving authority to Regency/City Governments in terms of managing mineral and coal mining. coal.

Enforcement of environmental law in the field of mineral and coal mining as an effort to overcome damage to the environment so that administrative sanctions, civil sanctions and criminal sanctions can restore the situation to its original state. It is suggested for environmental law enforcers to understand the quality standard criteria for environmental damage due to mining activities and it is necessary to improve the quality of human resources (HR) for environmental law enforcers. In the event of environmental damage due to a mining permit that has been granted, the procedure for the restoration of environmental functions in accordance with Article 54 paragraph (2) of the Environmental Management Protection Act (UUPPLH) is as follows:

- a. Cessation of pollution sources and cleaning of pollutant elements;
- b. Remediation;
- c. Rehabilitation;
- d. Restoration; and/or
- e. Another way in accordance with the development of science and technology.

Elucidation of Article 54 paragraph (2) letter b of the PPLH Law states that what is meant by remediation is an effort to restore environmental pollution to improve the quality of the environment. In letter c, what is meant by rehabilitation is restoration efforts to restore environmental values, functions and benefits including efforts to prevent land damage, provide protection, and improve ecosystems. and letter d is meant by restoration is a restoration effort to make the environment or its parts function again as before.

If the permit holder does not carry out its obligations as stipulated in UUPPLH, namely carrying out environmental restoration due to a business or activity, in accordance with Article 82 paragraph (1) and (2) UUPPLH states (1) The Minister, governor, or regent/mayor has the authority to force the person in charge business and/or activity to carry out environmental restoration due to environmental pollution and/or destruction it does. (2) The minister, governor, or regent/mayor may or may not appoint a third party to carry out environmental restoration due to environmental pollution and/or destruction at the expense of the person in charge of the business and/or activity. Environmental responsibility is a series of obligations of a person or party to assume responsibility for sufferers whose rights to a good and healthy environment have been violated.

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