

# Post Mining Land Reclamation Reviewed from Government Regulation No 78 Year 2010 about Reclamation and Post Mining Study Implementation of Reclamation (PT Dian Rana Petro Jasa) on Regency of South Sumatra Province

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**Abstract**—This writing aims to conduct a study on the implementation of Government Regulation No.78 Year 2010 on Reclamation and Post-mining on post mining land PT. Dian Rana Petro Jasa in Lahat Regency of South Sumatra Province. Coal mining in Lahat Regency has a positive impact and negative impact. The issue of environmental damage is a negative impact of mining activities. In an effort to prevent the occurrence of environmental damage the business actor shall implement the provisions set forth in accordance with that contained in the Document of Environmental Management Efforts Environmental Monitoring Effort is PT. Dian Rana Petro Jasa that operates in Lahat Regency of Sumsel. Where in the implementation not in accordance with the provisions set forth in the PP. 78 of 2010 on Reclamation and Post-mining. Environmental-oriented development becomes an important requirement for every nation that desires the sustainability of natural resources and therefore natural resources need to be maintained and taken care of for the survival of human life now, as well as for future generations. The environment is a unity of space with all things, the power of circumstances and living things, including human beings and their behavior, which affect nature itself, the survival of life, and the survival of human life and the survival of other living beings. Based on Government Regulation No. 78 of 2010 reclamation is done within 30 calendar days after no business activity on disturbed land. Reclamation is done with backfelling techniques (backfreading) 0.6 - 1 meter to be planted plants that are useful in order to create a just and prosperous society. South Sumatra is a growing province but behind a lot of mining activities that trigger the occurrence of environmental issues, environmental problems arising from changes in environmental conditions and negative impact on the creatures that are around it. Mining business activity is one of the potential environmental pollution fields so that in order to improve the condition of the environment in order to function according to its allocation by reclamation, in reality the field of mining reclamation has not been run in accordance with the laws and regulations. On the basis of the authors are interested to conduct research and studies on activities on post mining land PT. Dian Rana Petro Jasa in Lahat regency of South Sumatra.

**Keywords**—*implementing reclamation, post mining, environmental management*

## I. INTRODUCTION

Indonesia is a country rich in natural resources. The surface of fertile soil and also contained in various mining materials such as minerals, coal, iron ore and various chemical elements that can be processed for the welfare of the community. According to the provisions of Article 33 Paragraph (3) of the 1945 Constitution of the State of the Republic of Indonesia mandates that the earth, water and natural resources contained therein shall be controlled by the state and used for the greatest possible prosperity of the people. Based on the contents of the article has implications for the state to control the earth, water, and natural resources contained therein and the earth, water, and natural resources contained therein for the greatest prosperity of the people. To implement the provisions of Article 33 paragraph (3), the government shall issue Law Number 11 Year 1967 concerning Mining, namely in the exploitation of mining materials, the government may exercise its own or appoint the contractor if necessary to carry out work which is not or has not been self-executed by government agencies. In its development, because it was deemed to be inconsistent with the development of society, the Law was replaced by a new law, namely Law No. 4 of 2009 on Mineral and Coal Mining.

Reclamation and Post-mining are important activities before and after mining activities ending laws and regulations governing reclamation and post-mining activities are Law no. 4 of 2009 on Mineral and Coal Mining as well as PP. 78 of 2010 on Reclamation and Post-mining. Inside PP. 78 of 2009 has in such a way as to regulate the implementation of Reclamation and Post-mining for mining companies as an effort to control environmental damage.

Reclamation activities do not have to wait until all mining activities end, especially on large mining areas, reclamation should be done as soon as possible on former mining areas that have been completed in exploitation, although the overall mining activities have not been completed as there are precious deposits Deposit- not yet mined. The ultimate goal of reclamation is to improve the

former mine so that conditions are safe, stable and not easily eroded so that they can be reused.

Mining activities often cause damage to the environment such as landslides, floods and ecosystem changes. These activities include stripping mine soil, land clearance, stripping of overcrowded coal seams, coal hauling and coal sealing required an activity to rehabilitate in order to avoid continuous environmental neglect. These efforts can be pursued by post-mining land reclamation.

In principle, the environment is a unity that is interconnected with each other, so that the definition of the environment almost covers all the creation of God Almighty in this earth. Thus the environment including human and behavior is the most decisive element of the environment. But it can not be denied that the environment is not considered valuable because the environment is just an object intended for humans in other words, humans are the ruler of the environment, so that the environment is perceived only as objects and not subjects.

Man affects his environment, and on the contrary man will always be influenced by his environment. The more business activities that directly related to the environment will be able to affect the quality of the environment especially the mining business (Mining) which is assessed by the community environment has high selling value either In or Outside Affairs but the mining exploration activities carried out still many negative impacts, good for the environment as well as the impact felt directly by the community.

Environmental problems arise because of changes in environmental conditions and a negative impact on living things that are in the vicinity so that in mining activities, can not be denied that mining activities can lead to environmental destruction and pollution and social impacts. Mining activities if not properly managed, mining may cause overall environmental damage in the form of water, soil and air pollution.

Environmental pollution is a condition that occurs due to unfavorable changes in environmental conditions (soil, water and air) (damaging and harming human, animal and plant life). As a result of human actions the environment can not function initially.

To restore the former mining, in addition to the closure of the mine, mining must also be reclaimed. In legislation, especially the law No. 4 of 2009 described in Article 1 number 26 of Law No. 4 of 2009 Republic of Indonesia on Mineral and Coal.

Mining reclamation is the subject of research conducted by the authors especially regarding the deadline for reclamation by PT Dian Rana Petro Jasa Lahat Regency as a cultivator doing coal exploration activity in Tabang Agung Lahat village, Lahat Regency of South Sumatera Province. Where former mining land that has long been left no reclamation activities by the company to improve the environment so that it will disrupt the function of land as intended. In line with the provisions stipulated in Law No. 32 of 2009 where article 1 point 2 states: Environmental protection and management is a systematic and integrated

effort undertaken to preserve environmental functions in order to prevent the occurrence of pollution. In Government Regulation No. 78 of 2010 on reclamation and post mining restrict the timing of reclamation shall be implemented within 30 calendar days after no mining business activity on disturbed land.

Based on this the authors lift post-mining land reclamation implementation in terms of government regulation No. 78 of 2010 on Reclamation and Post Mining (study PT Dian Rana Petro Jasa Regency of Lahat Palembang South Sumatera).

## II. RESEARCH METHODS

To achieve research objectives, empirical research is descriptive. The research approach used is qualitative approach. The research was conducted at post mining location of PT Dian Rana Petro Jasa of Lahat Regency of South Sumatera. Data collection techniques used in this study are interviews and observations. The data obtained were analyzed by qualitative technique.

## III. PROBLEM

From the above background the author takes the following issues:

1. How is the implementation of Government Regulation Number 78 of 2010 on Reclamation and Post-mining on post-mining land of PT Dian Rana Petro Jasa?
2. How to Maintain Reclamation Outcomes in Post-Mine Land PT Dian Rana Petro Services?
3. How to Develop and Empower the Community around post mining land PT. Dian Rana Petro Services?

## IV. DISCUSSION

### A. *Implementation of Government Regulation Number 78 of 2010 on Reclamation and Post-Mining in Post-Mined Land PT Dian Rana Petro Jasa*

Implementation of Government Regulation No. 78/2010 on Reclamation and Post-Mining is the objective to carry out the mandate of Law No. 04 of 2009 on Mineral and Coal Mining in the implementation of environmentally sustainable mining management so that it will reduce the negative impact of mining business activities carried out by the parties coal mining company PT. Dian Rana Petro Services. Regarding the implementation in Government Regulation Number 78 of 2010 on Reclamation and Post-mining is a Post-mining Program, which includes:

- 1) Reclamation on ex-mining land and land beyond the mine;
- 2) Maintenance of reclamation results;
- 3) Community development and empowerment;
- 4) monitoring

Reclamation is an activity undertaken throughout the mining business to organize, restore and improve the quality of the environment and ecosystem in order to function again. In the implementation of reclamation on disturbed land include ex-mining land and ex-mining land due to production operations with open mining methods and methods, among others:

- 1) Mining Area
- 2) side and / or soil / rock cover beds
- 3) landfill zone of the burning zone
- 4) landfill sites
- 5) road mine and / or haul road
- 6) installation and processing and / or refining facilities
- 7) supporting facilities
- 8) office and housing
- 9) special port / dock; and / or
- 10) tailing landfill and / or tailings deposition.

Based on observations in the field of reclamation implementation not in accordance with Government Regulation Number 78 of 2010 on Reclamation and Post-mining in Chapter V Article 21 where it is mentioned that the reclamation and post-mining implementation in Article 19 and Article 20 shall be done no later than 30 (thirty) calendar days after no mining business activities on disturbed land. because the area of disturbed land that has been inactive or declared completed is not entirely done reclamation in accordance with its designation where the land is disturbed / damaged by mining activities until the end of 2017 is an area of 31.99 hectares while the land has been reclaimed in accordance with the designation of the revegetation until the end of 2017 only an area of 4.64 hectares so that land that has not been reclaimed / left alone area of 27.35 hectares. so that there is still land disrupted / damaged by mining activities that cause environmental damage in the mining region.

#### *B. Maintenance of Reclamation Results in Post-Mined Land PT Dian Rana Petro Jasa*

Maintenance of the reclamation result according to Government Regulation Number 78 Year 2008 on Forest Rehabilitation and Reclamation is an activity to maintain, secure, and improve the quality of reforestation, plantation, and plant enrichment. Can be seen on the Maintenance referred to under Government Regulation Number 78 Year 2008 on Forest Rehabilitation and Reclamation Article 25 paragraph (5) is the maintenance as intended through the Treatment and Control of pests and diseases. Plant maintenance is intended to spur plant growth in such a way that it can be realized the optimum state for plant growth. Plant maintenance activities undertaken include: fertilization, re-fertilization is done regularly and routinely done if the planting activities have been running and when the age of the plant is feasible for fertilization. Treatment of plants, For plant maintenance will be done regularly and done by some labor for the condition and development of the plant can run normally. While the provision of medicines (Pesticides) is done when the condition of the plant in conditions damaged by pests or attacks sekeangga.

Plant maintenance in general includes all activities related to efforts to maintain the viability of plants to stay healthy and have high productivity. The activities undertaken in plant maintenance are carried out using human and agricultural machinery. Plant maintenance work that uses human labor is a replacement and weed control post-growth. Sulam aims to improve the crop population Based on the results of field observations it can be concluded that the maintenance of revegetation results that is done re-

fertilization, plant maintenance, and the provision of pesticide medicines and in the maintenance of reclamation has been running well as contained in Government regulation Number 78 Year 2010 concerning reclamation and post-mining and other Regulations related to reclamation ie Government Regulation Number 78 Year 2008 on Forest Rehabilitation and Reclamation Article 25 paragraph (5) states that maintenance as intended through the treatment and control of pests and diseases.

#### *C. Community development and empowerment around post mining land PT. Dian Rana Petro Services*

In general, community development is a community development activity that is done systematically, planned, and directed to increase community access in order to achieve better social, economic and quality of life when compared with previous development activities while Community Empowerment based on Law Number 04 Year 2004 About Mineral and Coal Mining is an effort to improve the ability of the community, individually or collectively, to become better in life level. The form of corporate social responsibility or better known as Corporate Social Responsibility (CSR) is an obligation that can change the views and behavior of business actors, so that CSR is interpreted not just moral demands, but as a corporate obligation that must be implemented.

CSR is generally interpreted as an effort of the company to raise its image in the public eye by creating charitable programs, both external and internal. External programs by running partnerships with stakeholders to demonstrate the company's concern for the community and the surrounding environment. Internally able to produce well, achieve maximum profit and employee prosperity. It is concluded that CSR or corporate social responsibility is a business commitment to contribute to sustainable economic development, working with company employees, employee families, and local (local) communities in order to improve the quality of life.

Based on the results of interviews conducted by the authors to informants can be concluded in this case related to development and community empowerment is still not maximized because the help of the company is still in the form of financial aid. Based on observations in the field can be seen the absence of a form of corporate programs related to development and empowerment of community run company. And Currently the form of CSR programs is still in the case of social assistance or donations that have not been appropriate in Government Regulation Number 78 Year 2010 About Reclamation and Postpartum Article 10 points (d) regarding post-mining program.

## V. CONCLUSIONS

Based on the results of data presentation and discussion that have been described from the focus of research that has been determined that is reclamation on ex-mining land and land outside the ex-mine, maintenance of reclamation, development and community empowerment and monitoring at PT. Dian Rana Petro Jasa Kabupaten Lahat Sumatera Selatan, the writer can draw a conclusion that:

1. Reclamation on ex-mining land and land outside the former mine PT. Dian Rana Petro Jasa has not run well based on chapter V article 21 of Government Regulation Number 78 Year 2010 About Reclamation and Post-mining due to disturbed land that has not been used again phased production operations are not entirely reclaimed in accordance with its allotment both on ex-mining land and land outside the former mine.
2. Sustainer of reclamation of PT. King Kutai Baru Makmur has been running well based on Government Regulation No. 78 of 2010 on Reclamation and Post-mining. maintenance of reclamation includes crop fertilization, plant maintenance, and administration of medicines (pesticides). This is done so that the condition of the plant can always well up to the last moment of delivery of the reclamation to the government.
3. Community Development and Empowerment has not been maximally implemented based on Government Regulation Number 78 of 2010 on Reclamation and Post-Mining. This is evident from the lack of seriousness of the company in terms of development and empowerment of communities throughout the mining area through Corporate Social Responsibility (CSR) program that is only in the form of donations in the form of donations of funds during the ceremony erau or donation qurban animals during religious ceremonies.

#### REFERENCES

- [1] Abidin, Said Zainal, 2006. *Kebijakan Publik*. Jakarta : Suara Bebas
- [2] Agustino, Leo. 2006. *Dasar Kebijakan Publik*. Bandung : Alfabeta.
- [3] Arief, A. *Hutan dan Kehutanan*. Yogyakarta : Kanisius, 2001.
- [4] Bratakusumah, *Otonomi Penyelenggaraan Pemerintahan Daerah*, Jakarta: PT Sun, 2002.
- [5] Chomzah, Ali Achmad, *Hukum Agraria (Pertanahan Indonesia)*. Jakarta : Prestasi Pustaka Publisher, 2003.
- [6] Ekowati, Mas Roro Lilik, *Perencanaan Implementasi dan Evaluasi Kebijakan atau Program (Suatu Kebijakan Teoritis dan Praktis)*, 2005.
- [7] Surakarta : Pustaka Cakra. Erwin, Muhamad, *Hukum Lingkungan*. Palembang : Refika Aditama, 2007.
- [8] Surya Fermansya, *Kebijakan Publik*. Jogjakarta : Ar-ruzz Media, 2009.
- [9] Salim HS, *Hukum Pertambangan Indonesia*. Jakarta : Grafindo Persada, 2005.
- [10] Salim HS, *Hukum Pertambangan Mineral dan Batubara*. Jakarta : Sinar Grafika, 2012
- [11] Indrati, Maria Farida, *Ilmu Penndang-undangan*. Yogyakarta : Kanisius, 2007.
- [12] Riant Nugroho, *Kebijakan Publik: Aktivitas Struktural dan Fungsional*. Yogyakarta, 2004.
- [13] Djam'an Satori, *Metodologi Kualitatif*. Alfabeta. Bandung, 2009.
- [14] Sudjatmiko, *Warta (Mineral, Batubara, dan Panas Bumi)*. Jakarta :Direktorat Jenderal Mineral, Batubara dan Panas Bumi, 2009.
- [15] Sugiyono, *Metode Penelitian Kualitatif*. Bandung : Alfabeta, 2010.
- [16] Soejito, Irawan, *Hubungan Pemerintah Pusat dan Pemerintah Daerah*. Jakarta : PT. Rineka Cipta, 1990.
- [17] Soehoed, A.R. *Pertambangan dan Mineral Daerah*. Jakarta : Aksara Karunia, 2005.
- [18] Indonesia, Of the 1945 Constitution of the Republic of Indonesia
- [19] Indonesia, Law of the Republic of Indonesia Number 04 Year 2009 regarding Mineral and Coal Mining.
- [20] Indonesia, Law of the Republic of Indonesia Number 10 Year 2004 on the Establishment of Laws and Regulations.
- [21] Indonesia, Law of the Republic of Indonesia Number 32 Year 2004 regarding Regional Government.
- [22] Indonesia, Government Regulation No. 78/2010 on Reclamation and Post-mining.
- [23] Indonesia, Regulation of the Minister of Energy and Mineral Resources Number 07 Year 2014 on Reclamation and Post-mining.
- [24] \_ Indonesia, Regional Regulation of Kutai Kartanegara Regency Number 02 Year 2013 regarding Management of Mineral and Coal Mining.