

THE IMPACT OF MINING BUSINESS LICENSE POLICY IN SOUTHEAST SULAWESI AFTER THE ENACTMENT OF LAW NUMBER 23 OF 2014

La Ode Wahiyuddin^{1*}, Sinta Nigrum², Yogi Suprayogi³

¹Muhammadiyah Kendari University, Kampus Akhlakul Karimah, Kendari 93118 Southeast Sulawesi

^{2,3} Department of Public Administration, Faculty of Social and Political Sciences, Universitas Padjadjaran. Jl. Raya Bandung-Sumedang Km. 21, Jatinangor, Kab. Sumedang

Correspondence Author: wahiyuddin@umkendari.ac.id

Kendari, 93118 Southeast Sulawesi, Indonesia

Abstract

This study aims to examine in depth the impact of IUP policy. This research was designed in the form of a qualitative descriptive study. Data collection is done through interviews, observation, and documentation.

The IUP policy, when transferred to the provincial level, was not effectively implemented; it showed the difficulty in coordinating and synchronizing by the Southeast Sulawesi Provincial Government and the Regency Government. Moreover, the Southeast Sulawesi area consists of 15 districts and 2 cities and has many islands which are large enough so that the guidance and supervision carried out are nonoptimal. Therefore the IUP policy can be implemented if it is strengthened by strict rules by not only transferring authority but also followed by clear transitional rules and the need for political will both the central and regional governments in overseeing mining affairs.

Keywords: Law number 23 of 2014; Mining Impact; Mining Business Licence; Policy

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INTRODUCTION

Mining management policies in Indonesia are regulated in Law number 11/ 1967 concerning on the main points of general mining. Then, it is replaced with Law number 4/ 2009 about mineral and coal mining which gives authority to local governments both regency / city and province to manage the mining sector. The presence of Law number 23/ 2014 concerning on local governments has both positive and negative impacts on the management of mining business licence which emphasizes more on the provincial and central government. Furthermore, many problems arise due to changes in laws governing mining management. At the same time, there are drastic and rapid changes in the management of regional government. The policy seems rushed, so it is not surprising that overlapping mining business licences occur and increase environmental damage.

The spirit of regional autonomy focused on districts/ cities is increasingly narrowed by the little authority of districts/ cities when mining management licenses are revoked and submitted to the provincial government. The direction of centralization is steadily apparent by making the large authority of the provincial and central government to take care of mining. This shows

that regional autonomy is leading to centralization so that the region is arduous to innovate in increasing the local budget and carries out its government because what has happened so far has always relied on the decentralized mining sector in its management. When mining affairs are handed over to the provincial government there is a significant change in mining management in Southeast Sulawesi.

When the Provincial Government issues mining licences (IUP) and supervision in each district/city, the government has some difficulty detecting parties who do not comply with the rules or revoke mining business licences that do not pay attention to environmental aspects because they do not have clear data. When the management was still in the Regency / City, the IUP data was not reported to the Southeast Sulawesi Provincial Government even though the letter was addressed to the Provincial Government. So when it is managed by the province, it is very ineffective and there are many problems faced, for example, the rise of illegal mining because the distance to fix the licence is very far, especially with rock mining licence, it is required to go to the province while the rock mines has a little profit compared to gold, nickel, and asphalt mines in Southeast Sulawesi.

With the authority, the Southeast Sulawesi Government reforms the IUP that has been managed by the Regency / City Government. Sometimes the IUP is reorganized because the documents provided by the Regency are not complete which makes the government finds difficulty to renovate or reorganize. When mining companies violate laws and regulations, the government is hesitant to close them. This phenomenon continues to occur even the government is reluctant to close or revoke the IUP to those who indicated violating the law by leaving the mining area irresponsibly without any more activity. It can be seen with several mines that overlap with others in North Konawe Regency. The provincial government is hesitant and truly careful in making decisions. Even though the court's decision won PT. Antam company from several existing companies to handle the mining in Southeast Sulawesi. There have been many studies about mining. There are mining policies before law 23/ 2014 examined by Hermansyah, 2014; Leylasari, 2015; Musyafirin, 2014; Ahmad Averus & Andi Pitono, 2013; Yuda, Andri Manggala, 2013) who focused more on the implementation of policies and the evaluation of mining policies which were considered ineffective in their implementation. Meanwhile mining research after the enactment of law number 23 of 2014 has been conducted by Kartono (2017). It is about conceptual analysis by considering legal aspects of conflicting norms placing conflict authority over supervision and imposing sanctions for violations in mining business management and analyzing conflict norms and solving administrative law dilemmas through supervision in mining management. Nabilla and Wicaksono (2016), Dewi Anggraini & Febriani (2017) studied about the implication of taking over authority in the field of Mineral and Coal Mining by the Central Government with a

conceptual approach, while Dewi Anggraini & Febriani (2017) researched the implication of mining authority for good mining practice. Meanwhile, this study focuses on the impact of the authority of mining business licences from the district government to the provincial government and also analyzes the impact of policies caused by changes in mining business licence policies in Southeast Sulawesi. Therefore, the researchers are interested to conduct further analysis towards the impact of the policy on the policy shift.

METHOD

The research method used in this study was a descriptive study with a qualitative approach. According to Cresswell (2016: 6-7) that qualitative research is a method for exploring and understanding meaning by many individuals or groups of people who originate from social or humanitarian problems. A qualitative approach seeks to offer and develop constructive, naturalistic or interpretive work patterns. In qualitative research, researchers are the main instrument in researching so that researchers themselves conduct observations, in-depth interviews and review documents related to research. Besides, researchers also use a qualitative approach because in general the data can be interpreted by researchers' perceptions that are very difficult quantitatively. The research informants were Acting official Southeast Sulawesi Governor Acting Task Force, the Southeast Sulawesi Provincial Investment Service Representative, the Southeast Sulawesi Province Environmental Service Representative, the Southeast Sulawesi Provincial Environment Service Representative, the Southeast Sulawesi Provincial Embassy Service Representative, the District Environmental Service Representative, the People's Consultative Assembly, representatives of the Southeast Sulawesi ESDM Office, Non-Governmental Organizations (NGOs) and community leaders / mine observers, and academics. This research was carried out in four districts in Southeast Sulawesi Province, namely Konawe Regency, Konawe Selatan Regency, Konawe Utara Regency and Kolaka Regency which are deliberately selected mining areas because some of these districts are truly mining areas in Southeast Sulawesi. The author uses a data analysis technique that refers to the interactive analysis model from Miles, Huberman & Saldaña (2014) in the journal (La Ode Muhammad Elwan et al., 2022) with the following quote:

The data analysis technique used refers to the interactive analysis model from Miles, Huberman & Saldaña (Milles et al., 2014), which was quoted from the journal (La Ode Muhammad Elwan et al., 2022), namely The data is analyzed using several steps, namely analyzing the data with three steps: data condensation, presenting data (data display), and drawing conclusions or verification (conclusion drawing and verification). Data condensation refers to the process of selecting, focusing, simplifying, abstracting and transforming data.

As an analytical tool, the data used in this paper is data related to The Impact of Mining Business License Policy in Southeast Sulawesi After the Enactment Of Law Number 23 Of 2014

RESULTS AND DISCUSSION

Mining business licence policy (IUP) in Southeast Sulawesi Province after the enactment of law 23 year 2014 concerning on Regional Governments established in October 2014 made some resistance in a number of regions. This is considered to have violated the spirit of regional autonomy which requires regions to be able to manage their own households. This was triggered because the district/ city government authority in managing mining business licence was taken over by Southeast Sulawesi Province. This condition makes the region more helpless because it is not followed by transitional regulations while waiting for government regulations for a long time. Then, reasonable rules from circular letter are applied. Regulations should have been issued to substitute a law instead of circular letter, in which the contents of the circular require the regency/ city government to divert all matters related to mining and submit it to the Southeast Sulawesi provincial government. However, these conditions create a perception that the district for the past two years was still able to manage mining especially when several districts in Indonesia made demands in the constitutional court related to the enactment of the law.

At the same time, government regulation number 18 of 2016 is emerged related to regional apparatus organizations stating that regions must remove the department of energy and mineral resources in the district level because all forms of tasks and authorities are only at the provincial level carried out by the Provincial Department of Energy and Mineral Resources. Therefore, in the Regency, there are no more agencies currently in charge of the mining sector. The district is not authorized in mining affairs. The mining service that has been removed at the district level has made it difficult for the supervision and coaching system of mining companies spread across the province of Southeast Sulawesi. The birth of government regulation number 18 of 2016 concerning on regional apparatus is almost simultaneously with the delegation of authority to carry out the one-stop function in the licensing process by the investment agency and PTSP whose function is to run one-stop investment and integrated services, where each permit is held one door by the government Southeast Sulawesi Province.

In law number 23 of 2014, all authority for mining business licenses is given to the provinces, except mining business licences that have been previously issued by regencies/ cities that are still considered valid while the issuance of new licenses is the province's authority. The issuance of metal and coal minerals is carried out in the form of auctions by the government, meanwhile, rocks and non-metals are in the form of applications when processing the licences. After the issuance of Law No. 23 of 2014 concerning on local government, related to mining affairs, it was followed up by the director-general of the central ESDM by making a legal umbrella, namely Ministerial Regulation No. 43 year 2015

about procedures to evaluate mining business licences, but the legal basis has not been available yet, so the minister issued a ministerial regulation regarding IUP evaluation procedures. Based on the evaluation, it was found out which IUPs were problematic or not and which were not CnC. Thus, the Southeast Sulawesi Provincial Government gave/returned to the Director-General of the ESDM Center to be evaluated and decided. Meanwhile, related to the environmental permit in the mining business permit process, it is still the authority of the district government unless the mining processing permit process has become the province's authority. An environmental permit is a prerequisite for a permit issued by the Southeast Sulawesi Provincial Investment and One-Stop Integrated Services (PSTP).

Law number 23 of 2014 makes a change in the authority of the area that leads to the sea. There is a clear division of authority between provincial authority and district authority. In the past, all types of business activities from 0 to 12 KM from the coastline were still the authority of the regency and now it is the province's authority. Besides that, smelter industry processing remains the authority of the province. The authority of the district does not reach the coastline and outside smelter activities. Furthermore, there is a large scale business type, for example for the nuclear industry, cross-district industrial cities, the procurement of electricity networks is also the province's authority. Therefore, with the law number 23 of 2014 the development of affairs in the field of mineral and coal mining to the Provincial Government is as follows:

1. Determination of non-metallic mineral and rock mining business licence areas in one province and sea area for up to 12 miles.
2. Issuance of mining and metal mineral and coal business licences in domestic investors in the area of regional mining business permits within one province intended for sea territory up to 12 miles.
3. Issuance of non-metal mineral and rock mining business licences in the context of domestic investors in the area of mining business permits within one province including sea areas up to 12 nautical miles.
4. Issuance of community mining licenses for metal mineral commodities, coal, non-metal minerals and rocks in the area of community mining.
5. Issuance of a mining operation permit for a special production operation for processing and refining in the context of domestic investment in which the mining commodities originate from the same province.
6. Issuance of mining service business licenses and registered certificates for domestic investment with business activities in one province.
7. Determination of the benchmark price of nonmetallic minerals and rocks.

In addition, since the enactment of Law Number 23 of 2014 applies, the P3D must be submitted to the Southeast Sulawesi Provincial Government. P3D is infrastructure, funding, personnel, and documents. Unfortunately, the district and city governments do not run it. Indeed, mining-related documents were submitted, but the documents submitted were not complete or even not given to the Southeast Sulawesi Provincial Government. It appears that some mining IUP decrees were not accompanied/ followed by other documents that underlie mining activities, such as application letters, fX documents, final exploration reports, especially those related to the guarantee of sincerity (reclamation guarantee) were not submitted. The Southeast Sulawesi Provincial Government only accepts mining business licence decrees which makes difficulty for the Southeast Sulawesi Provincial Government to evaluate mining business licences.

The findings show that when the district / municipal authority related to the authority of the mine shifted to the province, there was no formal legal jurisdiction. However, the reality in the field is that as long as the authority is at the district and city level, the province is not included at all, as a result, the first IUP issued by the district and city through the regent/ mayor does not involve the provincial government. The CnC (Cleand and Clear) was issued by the Minister of Energy and Mineral Resources, while the provincial government was in the middle but it was passed over so that all completeness related to mining administration in the provincial government was minimal even though in the regent's IUP the copy was written to the governor, but in reality 90% was not sent to the provincial level. So as soon as the transfer occurred with the existence of law number 23 of 2014 the authority is in the province, the continuation of this authority has difficulty in data limitations. both CnC and IUP data. Moreover, the data that are owned by regencies/ cities and provinces are differently related to the number of IUP.

In the context of evaluating/ structuring IUPs, the Southeast Sulawesi provincial government is experiencing difficulties due to limited data. It is not a public secret that the regency / city government has its own autonomy in managing its household and is closed to the province in making and issuing IUPs so that when the province takes over the authority of the permit what happens is the provincial government is overwhelmed in handling licenses that have been issued by the district government which is not the data owned by the provincial government means that the data concerning reclamation guarantee funds have so far been difficult to track these funds, so that the government exercises control in the field is also difficult. Company A, for example, has carried out its obligations or not, has carried out reclamation or not and there are still many questions that to date have not been able to be answered by the government of Southeast Sulawesi Province. Difficulties/ lack of data and funds related to reclamation guarantees held by the district government are a problem by

the Southeast Sulawesi Provincial Government, but the attitude of the Southeast Sulawesi Provincial Government continues to carry out evaluations and work under the regulations of warehousing despite many problems are encountered related to IUP. Besides, institutionally the mining department in the reGENCY/ city was eliminated so that the mining-related tasks automatically shifted to the provincial level. Not only mining service in the district was deleted but also the forestry service. All organizational structures related to forestry have been drawn by the province. Thus, to keep forest service running, a KPH (forest management unit) was formed which is tasked to oversee forest areas and other tasks in the context of effective, efficient, and beneficial forest service. Forest service units are established at the district level based on forest functions. When managing it for protected forest it is usually called KPHL (Protection Forest Management Unit), meanwhile, if it is in a production forest it is called KPHP (production forest management unit). The formation of forest management is currently underway but it is not yet effective because there is no governor regulation yet, it is still in the "process" stage so that there are no personnel on the ground. Therefore, the condition that occurs in Southeast Sulawesi Province is that there is a lack of personnel in providing mining supervision in forest areas or monitoring activities in the field. Moreover, the province of Southeast Sulawesi is very broad, consisting of 15 districts and 2 cities. Therefore, it is extremely ineffective in terms of forest control related to the management of forest areas in the mining area.

When IUP problems occur, the governments can only reprimand. It has already done followed by coaching. Mining companies that disobey the rules will make the government revoke the licences. On the other hand, the Southeast Sulawesi provincial government does not dare to revoke IUP because mining companies will react. When taking legal action and winning, then the provincial government will also cause problems so that the current attitude of the provincial government is to be careful in making decisions. At present, the policy in the mining sector remains on the road which does not mean that the mining is closed. When it comes to making decisions that sometimes do not have permit requirements, the government does not dare to agree. All licence requirements must be completed. When the governments still doubt, they will disagree the requirements of the environmental service and other services related to mining requirements.

Another problem is not handing over state civil service personnel to the provincial level, although there is a rule that says that mining inspectors move to the provincial level so that the provincial government of Southeast Sulawesi and the district/ city government inventory mining inspector personnel. The personnel of the Mining Inspector apparatus were not handed over to the Provincial government. There is indeed a regulation from the state

staffing agency which says that mining inspectors are based on law number 23 of 2014 under the authority of the central government, so they are asked by provincial, district and city governments, to inventory personnel who want to move and in fact, almost all want to move which they suppose center is better than the area. Once moved to the center, it turns out that the center in terms of the functional inspector of the mine is not yet clear. The rules are unclear so that of the 69 mine inspectors who have moved, only 10 have become mine inspectors while others become ordinary staff called analysts.

Furthermore, maladministration in issuing mining business licenses is another crucial issue that leads to legal uncertainty in the mining sector. Mining decentralization has given regional government greater autonomy. The main cause of maladministration in the issuance of mining business licenses is not only related to the lack of procedural problems but also due to lack of verification processes before the issuance of mining permits. The lack of accuracy and the abuse of power has triggered many lawsuits based on maladministration through Administrative courts. As a result, several IUPs are in conflict and overlap with several regulations related to mining concession areas, forest conversion, and production which in turn cause environmental degradation. Besides, conflicts over relevant public land at the mine site often cause friction between local communities and security (Junita 2015: 254).

In terms of changes in management authority from the city government to the provincial government, several things must be adjusted. Firstly, it is related to budget policy because there are several related mining institutions, especially mining inspectors who will automatically join the Province in terms of budgeting. Mining inspectors are financed directly by the state in terms of the State Budget, but operational costs are placed in the provincial government so that it must be considered by the government. province to prepare a budget. On the other hand, this policy change is positive because it eases us to control by considering the number of districts and cities Southeast Sulawesi. From the institutional side, the management of this mine becomes simpler, so that the implementation of laws and regulations in the field can be managed easily. Indeed, from the other side, we need enough personnel and have been answered by the move of the mine inspector who is in charge of conducting direct supervision in the field, moving to the province. However, the problems that occur when mining business licenses are handed over by the Southeast Sulawesi provincial government are certainly a concern for the government because there is no preparation at all both in terms of human resources in terms of the budget so what happens is that the policy is ineffective even though it may be in terms of rules the legislation is quite good and efficient but the implementation in the field does not go according to the expectations of the government. There are still many obstacles encountered by government bureaucracy in Southeast Sulawesi Province.

Specifically, the mining problem delegated to the province, there are many obstacles. First, administrative constraints. It does look like it has been delegated but technically it is still related to the district of the city. For example when regencies/ cities that have IUPs but there are no delegation events or the process still involves a little district in terms of environmental permits so that it is very difficult to achieve synergy between the district government and the Southeast Sulawesi provincial government. Second, if there is a mining problem, the regency people say the provincial authority. While the province said it had not been delegated by the minutes of the delegation so that there was a tug of war. thirdly, forestry authority has been handed over to the provincial government and others as well but the tug of war between the central and regional authorities still occurs. The Provincial Government is granted autonomy with the law number 23 of 2014 but also has incomplete authority, the problem of CNC and mining issues should be submitted as a whole. Thus, there appears to be unprepared in the implementation of mining business licenses in Southeast Sulawesi Province. The chaotic conditions in the district and the readiness of the Southeast Sulawesi provincial government illustrates that the implementation of the IUP is not in line with the expectations of policymakers in the central government. The authority granted to the Province precisely makes the region more powerless in its implementation. The authority granted to the Province is still half-hearted because some of the policies that still involve the central government in making decisions include policies in terms of Clean and Clear (CnC) and non-CnC mining business permits. Although the provincial government runs the principle of deconcentration in terms of implementing mining policies, the central government has more power in determining whether the IUP is CnC or non CnC because it is closely related to the issuance or closure of mining in its implementation in the regions.

In mining activities, many related sectors or services are involved. Mining activities in its rules involve cross-sector / cross-agency both the environmental service, the forestry service, the health service, the related service, the labor service, and other relevant technical agencies. The concern is that a policy object is handled by several related agencies so that coordination of all sectors is needed so that there is no collision between one sector and another sector. However, coordination has not been done so far because each sector tends to be sectoral egos such as the Department of Energy and Mineral Resources not coordinating with the District / Provincial Environmental Office and the Forestry Office. When coordination and synchronization of policies are adhered to and implemented properly, the possibility of problems encountered such as data mining and so on can be easily overcome. The mining rules are indeed quite complicated because mining activities are granted mining permits by the Energy and Mineral Resources Office. There are recommendations issued by

the environmental agency related to the environment but sometimes overlap so that coordination and synchronization must indeed be established so as not to cause many problems such as several mining cases that occurred in a number of regions in Southeast Sulawesi Province.

Several cross-sectoral agencies involved in mining business permit policies can influence one another in decision making, but there are still sectoral egos from each agency or government. Moreover, with each department or ministry at the center issuing ministerial regulations related to mining affairs under their authority, which is even more obscure the problem because too many rules are decided. One rule product that must be implemented consistently may be better so that each sector can conduct its tasks. Moreover, it also involves the cross-sectoral regional service organization (OPD) service, where each agency differs in making policies that greatly influence policies/ decisions in other technical agencies related to IUP issuance procedures. This can be seen when mining management is in the forest area. So that the Office of Investors and PTSP of Southeast Sulawesi Province asked for recommendations on the technical considerations of its mining substance to the ESDM department and asked for recommendations from the forestry service either related to forest or non-forest areas. Once there is a protected forest, PTSP justifies that there should be no mining because it is not by the request where the mining area should not have a forest area. This shows that not only influencing one agency with other agencies, but it also shows that even though the permit has been issued when the loan is not yet issued, the mining licence process cannot be continued, thus mining studies are very complicated with many mining regulations. The rules regarding mining can be seen in the following table:

Table 1. Cross-Sectoral Regulations on Mining

No	Laws	Agency/ Department	Sector
1	Law No. 4/2009 on Mineral and Coal Mining	Department of Mineral Resources and Energy	Mining
2	Law No. 23 of 2014 on Local Government	Central/ Province/ Regency/ City Government environmental services	Regional Government
3	Law No. 32/2009 on Environmental Protection and Management	Department of Environment	Environment
4	Law 11 of 1974 on Water Resources Development	Department of Housing and Public Works	Irrigation
5	Law No. 25 of 2007 on Capital investment	Indonesia Investment Coordinating Board and One-Stop Integrated Services	Licensing
6	Law No. 41 of 1999 on Forestry	Forestry Service	Forestry
7	Law No. 1 of 2014 on the Management of Coastal Zone and Small Islands	Ministry of Maritime Affairs	Marine
8	Law No. 40 of 2007 on Incorporated	Incorporated Company	Social &

	Company		Economy
10	Law No. 13 of 2003 on Manpower	Department of Labor	Labor
11	Law No. 26 of 2007 on Spatial Planning Act	Department of Housing and Public Works	Layout
12	Law No. 28 of 2009 on Local Tax and Retribution	Regional Department of Revenue	Economy

Source: Data processed by the researchers, 2019

The reform all institutions need coordination and synchronization because the mining policies are interrelated with each technical agency. Moreover, by looking at the condition of each sector, teamwork is not achieved. The environmental sector, the mining sector, and the forestry sector, practically in the field, do not synergize well. Each sector is on itself because when confirmed in forestry. The forestry service said that they don't know clearly what to control and supervise, but according to the researchers the problem was due to the political policies of the leaders. If the leaders certainly argue that they have obtained recommendations from forestry and the environment, this shows a very strong indication that there is no synchronization and synergy between internal institutions. So the determination of policy depends on the interests of the two major institutions, in this case, the private sector and the political actors.

The phenomenon of mining business licenses is not only related to licensing issues but also concerns the whole, both concerning the technical nature of environmental problems, the impacts caused, reforestation obligations and so forth. When extending a license is the extent to which the mining company has undertaken post-mining reclamation. Therefore, the issuance of new licenses is the benchmark when mining companies are able to reforest/reclaim so that they can reduce the amount of environmental damage. At present, regents and mayors no longer have the authority to issue mining business licenses, all of which have been taken over by the province in the context of implementing the deconcentration principle. The principle of deconcentration is the authority of the central government delegated to the government of Southeast Sulawesi Province to the Governor. However, this is a dilemma for the province in publishing and law enforcement. The Corruption Eradication Commission (KPK) issued a recommendation stating that problematic IUPs must be put in order and revoked as well as carried out environmental restoration, but in fact, in Southeast Sulawesi Province it did not occur. Some IUPs had to be reorganized, but the provincial government had difficulty making decisions to revoke or re-arrange. The Southeast Sulawesi Provincial Government reasoned that the government was very careful to revoke the IUP because the IUP was previously issued by the district head so the provincial government had to study it first because when they revoked the IUP, the provincial government would be legally sued. As long as the authority is at the district and city level, the province is not

included at all. As a result, IUPs are issued by regencies and cities through regents and mayors, while CNC is issued by the Minister of Energy and Mineral Resources. While the Province of Southeast Sulawesi is just passed by, so that all the completeness related to mining administration in the province of Sanggar is minimal even though the regent's IUP is written by the governor, but in reality, it is not sent to the province of Southeast Sulawesi. When there is a transfer based on law number 23 of 2014 the authority is in the Province, the continuation of this authority experiences difficulties due to data limitations. Both CNC data and IUP data in regencies/ cities, including reclamation data. Southeast Sulawesi government has difficulty in tracking down reclamation guarantees held by the regency/ city government so that it is very difficult to control.

Transferring mining management authority from the district to the province is as same as transferring the disease from the district to the Province. It appears that transfer only in terms of the authority of the license, meanwhile, supervision, management is still similar so that practically it does not change anything. By looking at the example of the Governor case of Southeast Sulawesi in the period 2013-2018 who became a Corruption Eradication Commission suspect because of policies in the mining sector. What is done is only to move the disease so that the central government should do not only transferring the authority but also how to move all laws and regulations related to mining management starting from the planning, arrangement of the place, exploration, and exploitation must be really moved clearly. It should not finally open up the space of being abused by officials higher than the district. The central government seems too rushed to move the authority and does not solve the problem, now mining companies, especially in terms of licensing is no longer sufficient to the Southeast Sulawesi Province and matters are resolved so that it does not have a serious impact on mining management in Southeast Sulawesi Province in particular and mining management in Indonesia in general.

The research findings show that coordination continues even though it is not too optimal. Local governments, especially districts/ cities are less open as if now the provinces have full management so that the district hands-off. Districts should continue to coordinate and supervise together. In terms of regulations, if it comes from the environment agency to the province, the regency government is having a hard time because the permit is in the province and then the supervision is in the district. The coordination path will be effective if through district mining. The supervision from the environment side also in the district becomes optimal coordination. All parties contributed. From the environmental side, we can explain but from the mining side, there is a need to be assisted. On the environmental side, it is understood fully, but in the mining side is not while the correlation is very tight. If it can be revised, mining licenses in the district will be better.

In addition, the phenomenon of mining in Southeast Sulawesi has not been consistent in terms of enforcing regulations and implementation because many rules are not obeyed by companies. Some companies have not yet reclaimed, placed reclamation guarantees, submitted activity reports, and paid financial obligations to the state. As a result, there has been a lot of environmental damage and overlapping mining business licenses. The severity of environmental damage has not been followed up by the government so that terrible damage can be seen as a result of mining activities. The district government with environmental authority should take action against mining companies that have polluted the environment, but it is also impossible for the company to follow/ ignore if the regent is rebuked. As evidence, one of the regents in Southeast Sulawesi is prohibited from entering to enter the mining area because of the regulation. Then, the businessman/ investor must be indifferent to the regent because there is no business with the temporary regent who is the district head for the regency.

The attitude and behavior of mining companies occur in one district in Southeast Sulawesi Province, namely in Bombana Regency where the regent is not given permission to enter the mining area while the mine is in the Bombana district. The example reflects of what happened in several districts in Southeast Sulawesi Province. The impact of the applicable rules also affects the implementation so that the policy is inappropriate based on researchers perspective. It is the weakness of this environmental management policy relying on law number 23 of 2014. The law is not *lex specialis*, but it is *lex ordinary* because of regional government. The law takes over the authority to manage minerals and coal which overrides the mineral and coal law. Law number 4 of 2009 on *lex specialis* mineral and coal mining is powerless towards the existence of law number 23 of 2014, whereas the law should be set aside when talking about mining.

Meanwhile, the enactment of law 23 of 2014 on local governments that revoked the authority of the district head became the authority of the province while on one side the environmental law still applies which regulates the issue of authority in environmental regulation. It is clear that there is no synchronization of policies between the regency government and the province government. The district government has different expectations with province government. Inconsistent policies between the regency government and the Southeast Sulawesi government have led to ineffective supervision. Just imagine that the mining business license that is issued by the province, while those who understand the social, economic and environmental conditions are the Regency/ city government. At present, the regency only provides recommendations for a temporary environmental permit. Full authority is owned by the government of Southeast Sulawesi

Province. So, the regency only watches its people affected because the authority does not belong to them anymore.

Mining is managed by the district and by the province has its respective advantages and disadvantages. The enactment of law number 32 of 2004 that mines are managed by the regency with "arbitrary", so most of the IUP issued which should not be a mining area but still be used as a mining area, not to mention the mines that are included in the protected forest area. Based on data from the Central Statistics Agency in 2013, the boom of mining openings was massive with a total of 2.2 million and in 2017, it became 2.7 million. This indicates that there has been an expansion of mining management with the enactment of law 32 of 2004. Then after the regulation changed in 2014 many authorities from the regencies drawn in the province include the agricultural sector, the fisheries sector, some of the sectors within which the mining sector is intended. The funny thing is that in the mining sector there is no more land in quotation marks to be managed by the province because the vast area with existing potential is inadequate. Law number 32 of 2004 concerning regional governments states that mining management is carried out by district/ city governments. At the time the mine was managed by the district. The IUP issued by the district was quite massive and almost all existing mines, both low and high, had been turned into IUPs. On the other hand, the mines managed by the regency, their control of the environment is still considered effective because the regency government issues licenses. The regency can also monitor directly so that the regency/ municipality government can reprimand if something undesirable happens but now it is no longer carried out because the provincial government, in this case, the one who has the authority to issue the license is the governor, yet it is not monitored because of the distant location. So that the district government feels the impact of its policy when reprimanding companies that do not want to comply because they only submit to the provincial government and the problem occurs in every district that has a mine. On the other hand, IUP authority surrendered to the level of Southeast Sulawesi Province becomes a dilemma in terms of issuance and law enforcement, where there is a recommendation from the Corruption Eradication Commission (KPK) made with a memorandum of understanding that the problematic IUPs should be disciplined and revoked and still be restored environment, but the fact is that in Southeast Sulawesi Province it is not done. Dozens of IUPs must be regulated, but not one IUP has been revoked. The provincial government argued that they were very careful to revoke the IUP because in the past the issuance of the IUP was in the regent, the Southeast Sulawesi provincial government had to study and observe deeply because when the government revoked the IUP, they would be legally sued.

CONCLUSION

Based on the background and discussion in this paper, it can be concluded that some difficulties are arising when the district/ city authority related to mining is transferred to the provincial authority due to the lack of mining data. It is not a public secret that the regency/ city government has its autonomy in managing its own government and is closed with the province in making and issuing IUPs when it still has the authority to manage mining business licences so that when the province takes over the authority what happens is that the provincial government is overwhelmed in managing the permits. Permit issued by the district government because mining data is not owned fully by the Southeast Sulawesi provincial government. Moreover, the condition of the mining service in the district is removed and submitted entirely to the provincial level.

In essence, the transfer of mining management authority from the district to the province is as same as transferring disease from the district to the province. What was transferred was only in terms of licence authority, meanwhile, supervision, was still similar so that it practically did not change anything. The central government seems to be too hasty in transferring the authority and does not resolve the problem, now mining companies, especially in terms of licensing are no longer sufficient to the Southeast Sulawesi Province so that they do not have a serious impact on mining management in Southeast Sulawesi Province in particular and mining management in Indonesia in general. In addition, mining activities in its rules involve cross-sector/ cross-service among the environmental service, the forestry service, the health service, the related service, the labor service, and other relevant technical agencies. What is of concern is that one policy object is handled by several related agencies so that coordination between sectors or synergy between sectors is needed, yet so far the coordination has not been done optimally so that supervision is ineffective.

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