Building Environmental Legal Culture in Mining Activities in Belitung Timur

Dwi Haryadi¹, Darwance², Putra Pratama Saputra³

¹,² Department of Law, Faculty of Law, Bangka Belitung University – Indonesia
³ Department of Sociology, Faculty of Social and Political Sciences, Bangka Belitung University – Indonesia

{dwi83belitong@gmail.com, darwance@yahoo.co.id, putraps92@gmail.com}

Abstract. The principle of mining that is environmentally sound has in reality not been fully implemented properly in Belitung Timur Regency. Data and facts indicate that the reclamation obligation is not optimal by holders of Mining Business Permits (MBP), especially illegal mining activities that massively damage the environment and the absence of reclamation and post-mining efforts. Based on the above problems, this paper focuses on how to build a legal culture environment for mining communities in Belitung Timur. This research is a qualitative study with primary data and secondary data. Data collection techniques through literature and Focus Group Discussions with related stakeholders, as well as observations to mining sites. The study of legal awareness in the management and protection of the environment becomes interesting when faced with mining activities that are seen as not environmentally friendly, but always carry the mission of sustainable and environmentally sound development.

1. Introduction

Damage and pollution of the environment is a problem in many regions in Indonesia, including in the Belitung Timur district which is known as mining, plantation and coastal areas. Based on the Critical Land Review Report of Belitung Timur Regency, the area of very critical land reached 7,337 hectares, critical land 48,074 hectares, rather critical land 187,099 hectares and a potential potential of 9,950 hectares [1] In the same year, Suwarno [2] conducted a mapping of critical land in Belitung Timur using a geographic information system which resulted in data that the critical land amount was 30,865.75 hectares (12%), rather critical land 109,862.05 hectares (43%), land critical potential of 72,864.58 hectares (28%), and uncritical land 44,271.03 hectares (17%).

As a result of the environmental crisis in Belitung Timur, it was also seen when floods hit several sub-districts and cut off the flow of transportation in July 2017. According to the Head of the Center for Data Information and Public Relations National Disaster Management Agency (BNPB) Sutopo Purwo Nugroho, one of the causes of flooding was allegedly due to many efforts mining that is not supported by environmental improvements. As a result, the ecosystem is damaged. This is coupled with the increasing environmental degradation in Belitung and Belitung Timur [3].

Based on the analysis of the Province of the Bangka Belitung Islands Watershed Forum, the floods in Belitung Timur that occurred since July 14, 2017 were caused by extreme rainfall which was exacerbated by environmental degradation in Belitung and Belitung Timur due to mining activities carried out along the river [4]. As a result of unconventional mining activities around the Lenggang
watershed, it has also damaged the quality of PDAM water so that people come to the Beltim Regional Government to ask to take firm action on the existence of the Unconventional Mining (UM) [5].

Based on the above review, law enforcement efforts towards pollution and environmental damage are not enough with regulation, and law enforcement, because in the legal system, there is a third factor, namely legal culture related to awareness / behavior / legal knowledge of the community itself, specifically mining players. The extent to which workers and mining companies are aware of regulations regarding environmental protection and management. It is not enough to just know, but also must understand and obey these rules. Licensed and unlicensed mining practices that have neglected the environment and caused critical land and flooding still show a lack of awareness of environmental law.

2. Methodology

This qualitative study uses a social legal approach to understand law in the context of society. There is also a conceptual approach (conceptual approach), and a legislative approach (normative approach) [6]. Data includes primary data and secondary data. Primary data in legal research can be seen from the legal behavior of community members [7]. Determination of FGD resource persons was carried out through purposive sampling, namely the sampling technique of data sources with particular considerations [8] [9]. Speakers were related stakeholders in East Belitung, including from Production Supervisors of PT Timah Tbk, ESDM Office Branch, Environmental Agency, Environmental Care Community Forum, Indonesian Youth National Committee, POLRES, Kasatpol PP, KESBANGPOL, FORDAS and the Regional People's Mining Association. Secondary data includes various regulations, journals and research results related to the main issues. The technique of data collection is done by documentation, field observation, and focus group discussion.

3. Result and Discussion

3.1 Important Aspects of Environmental Law Culture in Mining

Environmental aspects are an important part of mining activities. Even though both are seen as contradictory, environmental protection is a real mandatory indicator in mining regulations. In the dictum weighing letter c, it is emphasized that one of the reasons why the need for amendment to Act No. 11 of 1967 is because regulations are needed in the field of mineral and coal mining that can manage and exploit the potential of minerals and coal independently, reliably, transparently, competitively, efficiently, and environmentally sound, in order to ensure sustainable national development. This means that the enactment of Law Number 4 of 2009 [10] should ensure that all mining activities take place in an environmentally sound manner.

In Article 2 of Law Number 4 of 2009 it is also stated that mining is managed on a sustainable and environmental-based sound basis. Likewise, in Article 3, in order to support sustainable national development, the objectives of managing minerals and coal are one of them to guarantee the benefits of mining in a sustainable and environmental-based sound manner. Based on Article 166 of Act Number 4 of 2009, the implementation of CMBP / CMP / MBPK which causes environmental impacts is settled in accordance with environmental legislation, namely Law Number 32 of 2009 concerning Environmental Protection and Management [11]. According to this regulation, mining activities clearly require environmental permits, namely permits that must be owned by everyone who conducts business and / or activities that are obliged to be EIA or UKL in the context of environmental protection and management as a prerequisite for obtaining business licenses and / or activities.

3.2 Lack of Environmental Law Culture in Mining

The company holding a Mining Business Permit (CMBP), is obliged to conduct reclamation and post-mining. But the results so far have not been optimal. In addition to the data that has been submitted in the previous background, the lack of implementation of the reclamation obligations by MBP holders is evident from the amount of reclamation guarantee funds that are still held in government accounts because MBP holders have not yet reclaimed. According to the Head of the Energy and Mineral Resources (HEMR) Office, Suranto Wibowo said there was Rp. 200,000,000,000, - guarantees of reclamation that have not been returned to the company because the reclamation process contained in
the RKAB has not been fully implemented [12]. In 2017, the Regional Police Chief of the Bangka Belitung Islands, Anton Wahono, in a coordination meeting with tin entrepreneurs said that the company must be responsible for efforts to improve the environment, not only to pay guarantees of reclamation and release responsibility [13]. Realization of reclamation by mining companies based on the results of research on Belitung Island [14] is faced with several factors, namely the neglect of obligations, half-hearted reclamation, conflicts over ex-mining land, partnership issues, conflicts over ex-mining land, illegal mining issues and weak supervision.

According to the miners from the community themselves, acknowledging that mining activities damage the environment. This conclusion was obtained from the results of Ibrahim's research that 22 percent strongly agreed with the statement, and 60 percent agreed. This means that actually the people miners also realize that the mining activities they do damage the environment. It is just that economic interests are more dominant so the environment is ignored. While the views of the non-mining community are not much different [15]. There were 44.8 percent of non-mining communities who strongly agreed that mining had damaged the environment, and there were 48.6 percent who agreed with the same statement [16].

Based on the results of the FGD, Suro M Siregar from the Environmental Care Community Forum (ECCF) Belitung Timur said if a scale of 0-10 was made, then the culture or environmental awareness of mining activities here is below 5. Education for miners supported by the budget, as well as decisive action. law enforcers even though they often excuse the reasons for economic needs. Regarding the lack of supervision, from the Belitung Timur Novis Environmental Service, Ezuar said that he did not yet have a special function to conduct supervision. While Andriansyah, Superintendent of PT Timah of the Belitung Timur Region, stated that the company had attempted reclamation, but was often later mined by unconventional mines. Regarding the people's mine, Selamet, the representative of the Regional People's Mining Association, stated that they were victims, and if they violated the law, the collector must also be arrested. Considering that this is caused by economic problems, it is important that guidance is not taken immediately. Hamdan, a representative from the Belitung Timur Resort Police, also stated in a dilemma position because it deals with economic interests as well as environmental damage. His advice is that in the future it can be formed as a task force like the Saber Extortion Team so that it can be more effective [17]

### 3.3 Building Green Mining Culture

According to Barda Nawawi Ariief [18], legal cultural values (cultural components) in the context of law enforcement, of course, focus more on legal philosophical values, living legal values in society and awareness / attitudes of legal behavior / social behavior, and education / Legal studies. While legal education according to Nyoman Serikat Putra Jaya [19], generally aims at all communities in the form of dissemination and legal counseling, is important in creating a community legal culture. The process of education and civilization of the law must be carried out on all levels, both state administrators, law enforcement officials and the community at large. Soerjono Soekanto [20] believes that public legal awareness concerns factors whether legal provisions are known, understood, obeyed and respected. If the public only knows the existence of a legal provision, then the level of legal awareness is lower than if they understand it and so on. According to him legal awareness is part of the legal culture. The high and low level of legal awareness according to Satjipto Raharjo [21] depends on whether or not a positive law is implemented in the community which is determined by the attitudes, views and values that are lived by.

Based on those three opinions, efforts to build a culture or awareness of environmental law in mining activities in Belitung Timur can be done through several approaches. First, a philosophical approach through a paradigm shift from Antropocentrism to ecocentrism. Understanding the anthropocentrism that is adhered to positions Humans as the center of the universe system, so that human interests are the most important, most important and highest. It is this view that has caused development so far to neglect the environment. Through the understanding of ecocentrism where ecologically, the system of the universe is formed and compiled by living systems and abiotic objects that interact with each other need each other, complement each other, complement each other ecological entities have the same
moral obligations and responsibilities. Here the environment is a priority and center of attention and development. All this time our mindset is prioritized on human interests, so that by justifying economic and development interests, environmental aspects are ignored or not. The concept of sustainable development was born, but we have in fact failed in several decades. Therefore it is important to shift from the concept of sustainable development to the concept of ecological sustainability [22] [23]. Second, legal education to the public. Dissemination and counseling of mining regulations and the environment must be carried out massively in mining areas through various existing media. A different approach is needed between the company and the mining community, considering the different characters. The company as a regulatory corporation must have strict and strict supervision of its reclamation and post-mining obligations. Likewise, from the company side itself, it must have a paradigm of eco-ism so that a corporate green culture can be realized and not just become a company tag-line. Commitment by mining company officials about environmentally friendly mining must continue to be built and not only prioritize profit and business interests. While counseling in the mining community must be carried out in a sustainable manner and not enough just through one or two counseling sessions. Then in public areas such as markets, coffee shops, village offices, places of worship are made pamphlets or banners about environmentally friendly mining. Guidance and model of reclamation from post-mining CMP must also be carried out by the regional government. Then more systematically certainly to build a generation of love for the environment through the education curriculum early on. Third, create a collective awareness where companies and communities know, understand, obey and respect existing laws, both the Mineral and Coal Law and the Environmental Protection and Management Law. Creating collective awareness is indeed not easy, it requires a preventive approach even repressive in order to show firmness and cause a deterrent effect. This awareness can arise if there is a real example where post-mining reclamation is successful and has economic value. What is done by BUMDes (local funding) in Gantung is a successful and exemplary model [24]. Fourth, law enforcement. Often the law is violated because there is an example and is not acted upon. Even though legal awareness is built from the public's view of the law itself. The more law is violated, especially involving individual law enforcement, the more difficult the awareness of public law will grow.

4 Conclusion
The culture of environmental law is the principle, purpose and obligation in all mining activities stipulated in the Mineral and Coal Law. However, the practice in Belitung Timur is still minimal as seen from the reclamation efforts that have not been optimally carried out, coupled with environmental damage resulting from the many mining without permission. Efforts to build a Green Mining Culture can be done with a variety of approaches, ranging from paradigm shifts from Antropocentrism to ecocentrism. Second, legal education for the public. Third, creating collective awareness, and fourth, law enforcement.

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