Evaluating the implementation of Konawe regional regulation number 5/2007 on public mining management

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Abstract. This research aims at determining the implementation of Konawe regional regulation number 5/2007 on public mining management, with the focus on C-Class mining activities in Tuoy Village, Unaaha District, Konawe Regency, Southeast Sulawesi Province. It is recommended to the Regional Government and all elements involved in mining management to take concrete steps in preventing further damage to the environment in the future by maximizing the implementation. To find out the implementation of Konawe Regional Regulation Number 5/2007 on Public Mining Management, the writers use Merilee S. Grindle model of approach. The level of success of a public policy according to Grindle is determined by the level of policy implementation itself, which consists of the Content of Policy and the Context of Policy.

1. Introduction
Konawe District is located in Southeast Sulawesi Province, a potential mining area. The Regional Government of Konawe Regency has issued a Regional Regulation of Konawe Regency Number 5/2007 on Public Mining Management. This regulation then became the reference of management procedures for business actors engaged in mining. Unfortunately, because mining activities continue to invite the spotlight of the surrounding community due to environmental destruction, unauthorized mining, besides damaging the environment, also endangers the lives of miners. This is due to the limited knowledge of miners and also due to lack of supervision from the relevant agencies. This kind of condition happens in Konawe Regency, specifically in the location of sand mining in Tuoy Village. To keep the mining activity going well without ignoring the environmental damage factor, then through the Konawe Regional Regency Number 5/2007, the provision of General Mining Management is stipulated. The regulation is intended to be a patron in mining activities, especially in the region. The existence of an indication of non-conformity to the form of implementation of the regulation requires a proof that is supported by scientific rules so that it can be accepted as a scientific process. To find out more about the existence of regional regulation, the researchers conducted a research on implementation of Konawe Regional Regulation Number 5/2007 on Public Mining Management.

2. Research Method
Basically, the general purpose of the research is to find out the implementation of Konawe Regional Regulation Number 5/2007 on Public Mining Management by using Merilee S. Grindle model approach. The level of success of a public policy according to Grindle is determined by the level of policy implementation itself, which consists of the Content of Policy and the Context of Policy. The
Dimension of Content of Policy consists of: Interest, Type of Benefits, Extent of Change Envision, Site of Decision Making, Implementer program, Resources Committed. While the Context of Policy Dimension consists of: Power, Interest, and Strategy of Actor Involved, Institution and Regime Characteristic, Compliance and Responsiveness.

Based on the above point of view, the reason why this research uses a post-positivism approach is in accordance with one of the characteristics of post-positivism paradigm based on verification theory, this research also proposed theoretical reference in order to see and assess Government policy. Nevertheless, this study uses a qualitative approach as the principle of fostering. This is in line with Sugiyono's explanation which reveals that qualitative research methods are often referred to as naturalistic research methods because the research is done on natural conditions [1].

The design of this evaluation study is presented so that the focus of the research stage undertaken by the researcher can be clear exposure. The research design scheme as shown in the following figure 1.

![Figure 1. The research design scheme [4]](image)

The picture above shows that a program or policy has a clear purpose as a form of policy value orientation. The objectives of the program implementation are formulated into specific programs of action and projects that are designed and financed. The implementation of policies or programs is largely influenced by the content of the policy and implementation context. Outcomes of the program are seen through their impact on the intended target both individuals and groups and communities.

Techniques of data collection in this research were observation, in-depth interview, and document study as part of research instrument [2]. The research instrument was written based on interviews or observations or questionnaires prepared to obtain information from respondents [3]. These three techniques are common techniques used in research as processed data for research results.

3. Result and Discussion
The result of evaluation in this research is based on the evaluation model used in the form of a public policy, which is determined by the level of policy implementation itself, consisting of Content of Policy and Context of Policy. The evaluation results of components in the evaluation are as follows:

Firts, Interests Affected; Interest affected is closely related to the various interests that affect a policy implementation. Discussion based on this indicator will argue about the many interests in connection with the implementation of the Konawe Regional Regulation number 5/2007 on public mining management when it is associated with the form of supervision and environmental management. In the context of decision-making, interests that greatly affect the implementation of this
policy are the head of the Region through an extension of the Mining Service. From the interviews, it can be said that there are many interests that affect the implementation of Konawe Regional Regulation number 5/2007 on the Public Mining Management. Although the statements are general in nature, there is a clear picture that different forms of interest are concerned. This condition is reinforced by community involvement system in the form of supervision and environmental management especially post-mining. Then, based on the form of guidance and supervision and environmental management, it was found that the involvement of various elements had an influence on the interests of both the government, non-government institutions and the community itself as well as a mining business actor.

Second, Type of Benefits ; At this point the content of policy shows that regional regulation number 5/2007 is a policy that has benefits that demonstrate the positive impacts resulting from the implementation of policies on general mining management, especially in the field of environmental monitoring and management. Based on the research, the real picture behind the economic benefits that can be felt by the business community in the fulfillment of the necessities of life, of course unfortunate impact member also for other communities if the mining process and then not accompanied by environmental conservation. From the research it can be concluded that the activity of guidance and supervision and management of the environment, especially post-mining, becomes very useful. Konawe regional regulation number 5/2007 can control guidance and supervision, especially in environmental management over general mining management activities. Then the management of the environment, especially after mining activities, of course, has a lot of benefits, not only limited to the observance of the rules of the shrine-law invitation but also as a form of our interpretation as social beings who must be responsible for environmental sustainability.

Third, Extent of Change Envisioned (Degree of Change to be reached); Every policy has a target to be and wants to achieve. The content of policy to be explained at this point is that the extent to which changes are wanted or want to be achieved after Konawe Regional Regulation no. 5 of 2007 on public mining management. With the Regional Regulation Konawe number 5 of 2007 on Public Mining management, the form of mining management more focused and well monitored. The content of policy to be explained at this point is that the extent to which changes can be achieved after Konawe Regional Regulation number 5/2007 on public mining management is implied. Based on the results of research, it is clear that there is a change in the implementation of the Konawe Regional Regulation number 5/2007. Tuoy becomes the central point of mining activities on the C min scale. It can be concluded that the level of change to be achieved has a difference. However, the difference can be a means to improve the quality of implementation policy issued [5]. Researchers assume that the rate of change that occurred has not been too proportional to what is expected for the activity of public mining management conducted.

Fourth, Site of Decision Making (Location of Decision Making); Decision-making plays an important role in the implementation of a policy. Decision-making on the local regulation must originate from the government as an executive institution through the head of the region with the approval of the DPRD as the legislative body. In this Decision Making Declaration, it can be concluded that basically the location of decision making through the policy towards general mining management is appropriate even though at the level of reality field there are various kinds of depth in its implementation. The existing constraints are only technical in nature where things can be affected by the lack of field personnel to implement the forms of supervision as mandated by the local regulation. Even so what is the purpose of the Konawe Regional Regulation number 5 of 2007 is judged appropriate.

Fifth, Implementors ; The policy on the Konawe Regional Regulation no. 5 of 2007 on public mining management should be supported by a competent and capable policy implementer for the success of a policy. It is therefore necessary to know whether the policy has specified the details of the perpetrator or the implementor in detail. In chapter two on the authority and responsibility of the affairs in the field of general mining business (Peraturan Daerah Konawe regency number 5 of 2007) concerning general mining management mentioned that the authority and
responsibility of general affairs in the field of mining is done by the head of the Region. The Regent as the head of the Region then assigns the Mining and Energy Agency to plan and carry out governmental affairs in the field of general mining business. In relation to the implementer of the program stated in the policy through the regional regulation of Konawe no 5 of 2007 stated that the implementation of government affairs in the field of general mining include: (a) Arrangement; (b) Licensing; (c) Guidance and Supervision; (d) Evaluation and Reporting; While the authority and responsibilities of Regional Government in the field of general mining include: a. To organize, manage, develop and develop general mining business activities; b. Conducting survey activities, inventorying and mapping of minerals; c. Development and stipulation of licensing procedures for permit disclosure; d. Development and establishment of procedures for guidance, supervision and inspection; e. Arranging and and determining the competence of positions in the organization of the mining office; f. Arranging and stipulating the procedures for managing information on energy and mineral resources in the regions; g. Arranging and establishing procedures for evaluation and reporting; h. Resolving the issue of overlapping areas between general mining business and other business or other purposes; i. Planning and development of mining areas and areas; j. Unauthorized mining prevention and mitigation; k. Determination and supervision of environmental management and occupational health and safety (K3) in the framework of general mining business; l. Determination and supervision and development and implementation of community development programs around mining business areas; m. Granting of mining business permit; n. Conduct regional levies or state levies; o. Determination of people's mining area (WPR) Implementers of the policy will certainly be oriented to something that contains the benefits banya not only the perpetrators need to feel it, but also for society and other community groups. Therefore, it is not surprising that in this policy received a positive appreciation from many circles.

Referring to some statements submitted by the resource person, then in this research can be concluded that the implementation of government policy in the region can be said to succeed by being driven by the implementer of policy programs in the field of general mining management that has been organized as the rules apply. Although the program implementers at each level based on the interaction of researchers with each resource show different behaviors, but generally they run the policy program in accordance with the established according to the duties and functions of each.

**Sixth, Resources Committed (Resources Used);** Implementation of a policy must also be supported by the resources that support implementation well. Empowerment of personnel who have competence in the management of mining of course is needed so that when doing mining activities really understand what to do. Therefore, when they finish the mining process, they do not leave a negative impact such as the excavation of excavation pits potentially causing a puddle of either the place of the nest mosquitoes and other bad possibilities bad that can affect the whole community. Referring to the results of research it can be concluded that the resources committed indicate the conditions that are naturally undertaken by the ministry of mining and energy. The resources that contribute to support in relation to general mining management activities are generally sufficient.

**Seventh, Power, Interests, and Strategies of Actors Involved (Power of Interest, and Strategy of the Actors Involved);** in a policy needs to be taken into account also the power or power, interests, and strategies used by the actors involved in order to smooth the course of implementation of a policy implementasi. If this is not calculated carefully, it is very likely that the program to be implemented will be far away from the fire. This is intended to find out how much power, interests and strategies that are owned by the actors involved in the implementation of the policy of the regency of Konawe number 5 of 2007. In Konawe District many entrepreneurs are also made up of families of government officials so that when dealing with project management including mining it can not be denied that kinship relationships also give color in the affairs. This can be known as easily by obtaining the permission from the relevant agencies to run the business. These interests are then become a target that requires starategy pencapainnya. Many later people who when going to run the mining business handed the affairs to certain people to help make it easier in the stewardship. Likewise when there is a
violation or spotlight as the existence of environmental damage, then then diupuayakan how resolved without being brought because the law. This condition then becomes a reinforcement as well as entrenched in the environment of miners in the village of Tuoy. Based on the results of research on the dimensions of Power, Interests, and Strategies of Actors Involved that power, interests and strategies run by business actors are still so great influence. That's why when found some irregularities or even violations in the management of mining so that the impact on the destruction of the environment is still strongly influenced by the existence of certain elements because it has an interest. This condition also affects the occurrence of environmental damage due to less assertive in giving sanctions due to influence of interest owners.

Eighth, Institution and Regime Characteristics (Characteristics of Regimes and Institutions); In any environment of activity in which the policy is implemented, it will affect the level of achievement because that is then what will become its benchmark. In reality, the intended conditions will certainly be influenced also by the characteristics of the regime and institutions.

The environment where the implementation of regional regulation of Konawe number 5 of 2007 on general mining management applies to the governance system in the region until now. That's why in this section, researchers need to know how the characteristics of governance are in power. In such environment where the policy implemented is very influential on its success.

In this context, the Regional Government of Konawe Regency through the Mining and Energy Agency has established a policy of contracts for processing permits for C quarry mining located in Tuoy urban village. This is intended to make it easier for business actors in the administration of administrative completeness. This policy is not in conflict with Konawe regional regulation number 5 of 2007 on public mining management.

The local government through the mining and energy agencies also involves the urban village administration in general mining management affairs managed by the dominance of the local community. It is intended that in addition to being a form of extension of the Regional Government, the village is enhanced, as well as the concern of the local government in providing additional contingent of Tuoy urban village as the point of management of sand mining.

The results of the study also obtained information that the Regional Government also provides opportunities and opportunities to non-governmental institutions that have competence in it including the community to sit together / with an opinion if there are things that need to be addressed in terms of general mining management. But on the other hand, the goodwill of the Regional Government in involving all elements in filtering aspirations in mining development, especially in the village of Tuoy municipality still less directly proportional to the level of concern of the Local Government against the impact. This condition can be known by the lack of firmness of the government in sanctioning members against the occurrence of environmental damage to the ex-mining area.

Based on the results of the analysis of the information obtained in the research in connection with the Institution and Regime Characteristics, it is known that the characteristics of the governing government are still more inclined to the utilization of available mining potential but not firmly in response to the impacts caused by mining activities, especially environmental damage the point is located in the Tuoy urban village. Therefore, the form of regional regulation no 5 of 2007 from the duties and functions of the Regional Government needs to be further developed, especially on the part of the government's concern in dealing with the environmental impact caused by mining activities.

Ninth, Compliance and Responsiveness (Compliance and Responsiveness); Another thing that is important in the implementation process of a policy is the compliance and response of the implementers, then that will be explained at this point is how far compliance and response from the implementer in response to a policy in this case the implementation of Konawe regional regulation number 5 of 2007 about the management general mining.

Administratively it can be seen that the compliance of business actors to the implementation of what is mandated in the local regulation is in accordance with what is expected. But in reality, based on the results of the research, it is still found indication of lack of compliance of business actors against the rules that have been set.
In Article 32 Paragraph (2) of Konawe regional Regulation No. 5 of 2007 mentioned that the Regional Government shall supervise and supervise in the implementation of environmental management and monitoring carried out by the license holder in accordance with the prevailing laws and regulations. The process of guidance and supervision in the management and environmental monitoring of these business actors who have become the duties and responsibilities set forth in the local regulation has been implemented but not yet maximally. When the government is obliged to deliver it is impressed because it has become imperative. Due to this condition, the response or response for the recipient of information or in this case the business actor in dealing with compliance with the rule is also lacking.

As mentioned in the above mentioned regulations, especially environmental monitoring is becoming highly visible in the insensitivity to have a sense of responsibility. The government should be firm in applying the rules so that business actors' compliance is really proven even if deemed necessary and very urgent, the government should revoke the mining permits they have when the environmental damage is getting worse.

Based on the results of research in terms of Compliance and Responsiveness note that the sensitivity of business actors to what is the point of emphasis contained in regional regulation number 5 of 2007, especially in the environmental management is considered very less. This condition is reinforced by the result of obsancation of dumping of mined excavation of mining location. Thus reaffirmed the level of compliance with what the provisions of the Local Government and the responsiveness of business actors is still very low.

4. Conclusion

Based on the results of research on Evaluation of Implementation of Regional Regulation of Konawe Regency Number 5/2007 on Public Mining Management by focusing on C class mining activities located in Tuoy Village by using model applied by Merilee S. Grindle, it can be concluded as follows:

1. The content of policy formulated by the Regional Government of Konawe Regency through the Mining and Energy Agency generally does not encourage the achievement of the management conservation of mining in observing the impacts that can be used for mining extraction.

2. Context Implementation of regulatory policies Regions on the management of public mining does not entirely run in accordance with the expected targets and targets.

Based on the above conclusions, for the Regional Government through the Mining and Energy Agency, non-governmental institutions, business actors and the public in connection with the implementation of Konawe regulation number 5/2007 on public mining management is recommended as follows:

1. The need to improve the supervision and management of the environment with the involvement of elements that have an influence on those interests either the government, non-government institutions or the community itself as well as the mining business actor.

2. The need for more intense efforts in raising awareness of mining business actors in Tuoy Village to be more concerned with the awareness of the importance of paying attention to aspects of the environment.

3. The need to increase the number of employees, especially those who will conduct monitoring and supervision in the mining location.

4. Establish and tighten regulations on violations of regulations that have been specified, especially those concerning the issue of maintaining environmental sustainability in the mining area.

5. The Regional Government needs to take a rare effort to repair the environmental damage caused by mining activities, especially by restoring the ground surface conditions that are left behind by miners, or by utilizing the excavation pits for the purpose of aquaculture tasteless.

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