

PRANATA HUKUM

Jurnal Ilmu Hukum

e-ISSN 2685-3213 | p-ISSN 1907-560X

EXISTENCY ROLE OF THE GENERAL ELECTION SUPERVISORY AGENCY IN LAMPUNG LAW ENFORCEMENT OF THE 2019 ELECTION

Maimun, Rudi Santoso

IMPLEMENTATION OF ARTICLE 3 LAW NUMBER 4 OF 2009 CONCERNING MINERAL AND COAL MINING IN THE GRANTING OF EXPLORATION MINING BUSINESS LICENSE

Anggalana, Dery Permana Putra, Chandra Reformasi

JURIDICAL ANALYSIS OF THE IMPACT OF CATCALLING ON WOMEN AND SANCTIONS FOR CATCALLING ACTORS IN INDONESIA

Budi Hidayat A, Yulia Hesti, Fauzi

REVIEW OF SHARIA ECONOMIC LAW ON THE IMPLEMENTATION OF THE MURABAHAH ACCOUNT AT MANDIRI SYARIAH BANK, BANDAR LAMPUNG CITY

Heru Fadli, Khumedi Ja'far, Iskandar Syukur

IMPLEMENTATION OF PRESIDENTIAL POWER BASED ON THE 1945 STATE CONSTITUTION OF THE REPUBLIC OF INDONESIA

Baharudin, Indah Satria, Sopian Efendi

INITIATING EQUITABLE START-UP IN THE CONTEXT OF LABOR LAW

Rifka Yudhi

ANALYSIS OF THE APPLICATION OF ARTICLE 88 OF THE REGULATION OF THE MINISTER OF HOME AFFAIRS NUMBER 120 OF 2018 CONCERNING AMENDMENTS TO THE REGULATION OF THE MINISTER OF HOME AFFAIRS NUMBER 80 OF 2015 CONCERNING THE ESTABLISHMENT OF REGIONAL LAW PRODUCTS

Lintje Anna Marpaung, Herlina Ratna Sumbawa Ningrum, Erman Syarif

THE URGENCY OF REGIONAL REGULATIONS IN REALIZING DISASTER RESILIENT VILLAGES IN SOUTH LAMPUNG DISTRICT

Agung Budi Prastyo, Okta Ainita



**MAGISTER HUKUM
UNIVERSITAS BANDAR LAMPUNG**

PRANATA HUKUM	Volume 16	Nomor 1	Halaman 1 - 98	Bandar Lampung Januari 2021
--------------------------	----------------------	--------------------	---------------------------	--

p-ISSN 1907-560X
e-ISSN 2685-3213

PRANATA HUKUM

Journal of Law

Universitas Bandar Lampung

First Published, July 2006

Published Twice a Year, Every January and July

EDITOR IN-CHIEF

Prof. Dr. Lintje Anna Marpaung, S.H., M.H

EDITORIAL BOARDS

Dr. Bambang Hartono, S.H., M.Hum

Dr. Erlina B, S.H., M.H

Dr. Tami Rusli, S.H., M.Hum

Dr. Zainab Ompu Jainah, S.H., M.H

Dr. Zulfi Diane Zaini, S.H., M.H

MANAGING EDITOR

Indah Satria, S.H., M.H

Yulia Hesti, S.H., MH

ASSISTANT EDITORS

Shany Carolina Mawuntu

PEER REVIEWERS

Prof. Dr. I Gusti Ayu Ketut Rachmi Handayani, S.H., M.M (Universitas Sebelas Maret)

Prof. Dr. I Gede A.B Wiranata, S.H., M.H (Universitas Lampung)

Dr. Nurhadiantomo, S.H., M.Hum (Universitas Muhammdiyah Surakarta)

Dr. Erina Pane, S.H., M.H (UIN Lampung)

Address:

Universitas Bandar Lampung

Jl. Z.A Pagar Alam No.89 Labuhan Ratu, Bandar Lampung 35142

Telp: 0721-789825 Fax: 0721-770261

Email: jurnal.mh@ubl.ac.id

Journal of **PRANATA HUKUM** is intended as a medium of communication, education and scientific information in the field of legal science. Servings and packaging are sought communicatively through scientific language.

The editor invites all elements of society, both academicians, practitioners, community institutions, and individuals interested in the field of law to participate in developing ideas, insights, and knowledge through writings to be published in this journal. Through **PRANATA HUKUM** is expected to occur the process of developing the field of law as an important part of a long series of processes to advance the nation's society

IMPLEMENTATION OF ARTICLE 3 LAW NUMBER 4 OF 2009 CONCERNING MINERAL AND COAL MINING IN THE GRANTING OF EXPLORATION MINING BUSINESS LICENSE

Anggalana,¹ DeryPermana Putra,² Chandra Reformasi³

Abstract

Indonesia is a country rich in natural resources. Therefore, the Government is expected to be able to manage these natural resources with the aim of people's welfare in accordance with the mandate of the Constitution of the Republic of Indonesia 1945 as stipulated in Article 33 paragraph (3) which reads "The Earth, water and natural resources contained therein are controlled by the state and used for the greater prosperity of the people ". Article 3 of Law Number 4 Year 2009 concerning Mineral and Coal Mining provides guidelines for the government in the implementation of mining business activities and to support the implementation of licensing of mining business activities. The issue of how to implement the granting of exploration mining business licenses based on Article 3 of Law No. 4 of 2009 on Mineral and Coal Mining in Lampung Province and how to supervise mining business activities in Lampung Province. The method used uses normative and empirical juridical research. The implementation of the granting of exploration mining business licenses based on Article 3 of Law No. 4 of 2009 on Mineral and Coal Mining in Lampung Province has been running but not yet maximal because the permit process is too long so that the purpose of the implementation of mining business activities is not achieved. The suggestion is that the license for exploration mining activities must be carried out by one government agency / agency, in order to facilitate the process of obtaining the permit in order to support the effectiveness of mining activities and the cycle of domestic mining investment, especially in Lampung Province.

Keywords: *Implementation; Exploration Mining Business License; Minerals and Coal.*

I. INTRODUCTION

Indonesia, which is part of a land area, has a lot of natural wealth which varies from region to region. Natural resource management is one of the government's efforts to improve the welfare of its people, as stated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which reads as

¹ Lecturer of Law Faculty Universitas Bandar Lampung, anggalana@ubl.ac.id

² Student of Law Faculty Universitas Bandar Lampung, derypermanaputra1199@gmail.com

³ Student of Law Faculty Universitas Bandar Lampung, chandrareformasi@gmail.com

follows: Earth, water and natural resources contained therein are controlled by state and used for the greatest prosperity of the people.

Furthermore, in the implementation of Article 33 paragraph (3) above, various implementing regulations were born which were the actualization of these provisions, including the birth of State Control Rights, as contained in Law Number 5 of 1960 concerning Basic Agrarian Regulations, rights control of the state over land in the territory of the Republic of Indonesia. This right to control is the right thing, considering that Indonesia is a country with varied natural resources available in sufficient quantities. One of the natural resources that are considered to have strategic potential in advancing the national economy is mining materials in the form of minerals and coal.⁴

During the New Order government, Law Number 11 of 1967 concerning Basic Provisions of Mining was issued, slowly but surely mining became an attractive sector because it was sensitive to the public. It is interesting because it contributes significantly to state revenues and is increasingly highlighted when world commodity prices soar, but it is also sensitive because it has a negative impact on the environment and the view that mining has not provided maximum benefits for all parties as expected, and has even committed many human rights violations.⁵

Internationally, laws in developing countries whose economies are based on natural resources, which regulate the mining sector, are currently experiencing an increase in scope and specificity. The government at that time felt the need to replace Law Number 11 of 1967, the most important reason was how the dynamics of the world of mineral and coal mining in the country could no longer be accommodated by the laws that were born at the beginning of the New Order era. In order to face strategic environmental challenges and answer all these problems, the government formed a new law on the management and exploitation of mineral and coal mining, namely Law Number 4 of 2009 concerning Mineral and Coal Mining, which contains the following main ideas:

1. Minerals and coal as non-renewable resources are controlled by the state and their development and utilization are carried out by the government and local governments (pemda) together with business actors.
2. The government further provides opportunities for business entities with Indonesian legal status, cooperatives, individuals, and local communities to carry out mineral and coal exploitation based on permits, which are in line with regional autonomy, granted by the government and / or local

⁴ Daud Silalahi dan Kristianto PH. 2011. *Perizinan Dalam Kegiatan Pertambangan di Indonesia Pasca Undang-Undang Minerba No. 4 Tahun 2009*. Law Review XI NO.1, Jakarta.

Simon F. Sembiring. 2009. *Jalan Baru Untuk Tambang: Mengalir Berkah Bagi Anak Bangsa*. Gramedia, Jakarta, p. 175.

governments (Pemda) in accordance with their respective authorities. respectively.

3. Mining efforts must provide maximum economic and social benefits for the welfare of the Indonesian people.
4. In the context of implementing decentralization and regional autonomy, the management of mineral and coal mining is carried out based on the principles of externality, accountability and efficiency involving the government and local governments.
5. Mining businesses must be able to accelerate regional development and encourage community / small and medium-sized business / entrepreneur economic activities as well as encourage the growth of mining supporting industries.
6. In the framework of creating sustainable development, mining business activities must be carried out with due regard to the principles of the environment, transparency and community participation.

Furthermore, it is explained in Article 1 of Law Number 4 of 2009 concerning Mineral and Coal Mining stipulating that "Mining is part or all of the stages of activity in the context of research, management and control of mineral or coal which include general investigations, exploration, feasibility studies, construction, mining, management and refining, transportation and sales, and post mining activities".

In order to support sustainable national development, the objectives of mineral and coal management are described in Article 3 of Law Number 4 of 2009, as follows:

1. Ensuring the effectiveness of the implementation and control of mining business activities in an efficient, effective and competitive manner.
2. Ensuring the benefits of mineral mining in a sustainable and environmentally friendly manner.
3. Guarantee the availability of minerals and coal as raw materials and / or as a source of energy for domestic needs.
4. Support and develop national capabilities to be more competitive at the national, regional and international levels.
5. Increase the income of local, regional and state communities, and create jobs for the maximum welfare of the people.
6. Guarantee legal certainty in the implementation of mineral and coal mining business activities.

The mining business aims to process the minerals that are in the earth so that all citizens can use and utilize them to carry out their lives in order to achieve prosperity and prosperity.

The paradigm of natural resource management often does not prioritize the interests of conservation and protection as well as the sustainable function of

natural resources.⁶Therefore mining activities must also pay attention to the surrounding environmental conditions from the impact of mining activities, both the condition of the surrounding communities who live close to the mining location or the natural environment, because mining activities are activities whose use is not only for the present but also for the future.

Before the implementation of regional autonomy, the authority in mining licensing was the authority of the central government. The birth of Law Number 32 of 1999 and Law Number 32 of 2004 concerning Regional Government, which in Article 7 paragraph (2) gives authority to regions to regulate business management of natural resources contained in their jurisdiction. After the enactment of Law Number 23 of 2014 in conjunction with Law Number 9 of 2015 concerning Regional Government, it states that government affairs regarding the management of Energy and Mineral Resources are concurrent government affairs (options) whose authority is held by the central and regional governments. Regional governments are given the authority to be able to manage government affairs themselves in order to advance their economy.

Mining business activities are not only carried out by companies, but some mining business activities are carried out by individuals. Mining actors in carrying out mining businesses must obtain a Mining Business License, hereinafter referred to as IUP. The meaning of IUP in Article 1 point 7 of Law Number 4 of 2009 concerning Minerals and Baturaba, is a license to carry out a mining business. IUP is granted to business entities, cooperatives and individuals. Permission is an allowable exemption against a prohibition from a law. These exceptions can be investigated by providing certain limitations for the granting of certain permits.⁷

Licensing simplification in the Energy and Mineral Resources (ESDM) sector continues to support the investment climate and promote economic growth. After the Minister of Energy and Mineral Resources Regulation No. 29 of 2017 concerning Licensing in Oil and Gas Business Activities succeeded in reducing oil and gas permits to only 6 permits, So on May 9, 2017 the Minister of Energy and Mineral Resources again signed a regulation on simplifying permits for the management of the mining sector through Regulation Number 34 of 2017 concerning Licensing in the Mining Sector Mineral and Coal.⁸

Regulations regarding the issuance of mining business permits, this is a form of government control and supervision of mining management and

⁶ Zulfikar Jaya kusuma. 2007. *Tanggung Jawab Sosial Perusahaan Tradisional Pertambangan Minyak Terhadap Masyarakat Lokal (Perspektif Hak Asasi Manusia)*. Jurnal Law Republica, Vol.7, No.1. Jambi.

⁷Tri hayati. 2015. *Era Baru Hukum Pertambangan: Di Bawah Rezim Undang-Undang Nomor 4 Tahun 2009*. Yayasan Pustaka Obor Indonesia, Jakarta, p. 135.

⁸<https://www.esdm.go.id/id/media-center/arsip-berita/inlah-poin-poin-peneyederhaaan-izin-minerba-dalam-permen-esdm-nomor-34-tahun-2017>. Diakses, Senin, 26 November 2020, Pukul 16.30 WIB.

exploitation. The IUP in the Minerba Law consists of two stages, namely an Exploration IUP and a Production Operation IUP. An exploration IUP includes general investigation, exploration and feasibility studies. Meanwhile, a Production Operation IUP covers construction, mining, processing and refining, as well as transportation and sales activities. Holders of Exploration IUP and Production Operation IUP have the right to be able to carry out all or part of mining activities because they have fulfilled the mandatory requirements required in the Prevailing Laws. As a mining business license is not automatically given to a cooperative or a mining business person, apart from the fact that mining goods have high economic value, the mining business also poses a high risk to the environment and the lives of the community around the mine, so that mineral and coal mining can only be carried out by mining actors who already have IUP. All forms of mining must obtain a mining permit from the government, so that supervision can be easily carried out by the permit issuer. Based on the background, the authors are interested in conducting research with the title Implementation of Article 3 of Law Number 4 of 2009 concerning Mineral and Coal Mining in Granting Exploration Mining Business Permits.

II. DISCUSSION

The definition of mining in Law Number 4 of 2009 concerning Mineral and Coal Mining, namely part or all of the stages of activities in the framework of research, management and exploitation of minerals and coal which include general investigations, exploration, feasibility studies, construction, mining, management and refining , transportation and sales, and post mining activities. In the Big Indonesian Dictionary (KBBI), what is meant by mining is digging (taking) mining goods from the ground.⁹ Then, AbrarSaleng stated that mining business is essentially an effort to extract minerals from the earth.¹⁰

Mining is an industry where mineral minerals are processed and separated from unnecessary following materials. In the mineral industry, the process of obtaining economical minerals usually uses the extraction method, which is the process of separating minerals from rock against unnecessary retaining minerals. Unnecessary minerals will become waste in the mining industry and have a significant contribution to environmental pollution and degradation. The mining industry is an upstream industry that produces mineral resources and is a source of raw materials for the downstream industry which is needed by people around the world.

From the definitions of mining above, it can be analyzed that mining is an effort to extract and utilize minerals. Essentially, the development of the mining

⁹ Departemen Pendidikan dan Kebudayaan. 1990. *Kamus Besar Bahasa Indonesia*. Jakarta, p. 890.

¹⁰ Abrar Saleng. 2004. *Hukum Pertambangan*. UII Press, Yogyakarta. p. 90.

and energy sector strives for a process of developing potential mineral and energy resources to be used economically and optimally for the greatest prosperity of the people. Mineral resource is a non-renewable source. Therefore, its application is expected to be able to maintain a balance and safety performance and preservation of the environment and the surrounding community.

In the mining business, there are several stages that must be passed before reaping the economic results of mining activities, namely:

- a. General investigation is an attempt to investigate in general geology or physics, on land, waters and from the air, everything with the intention of making a general geological map or to determine signs of minerals in general.
- b. Exploration efforts are all mining geological investigations to determine more carefully / thoroughly the nature of the location of the mining material.
- c. Exploitation business is a mining business with the aim of producing minerals and utilizing them.
- d. Processing and refining business is a process to improve the quality of minerals as well as to utilize and obtain the elements found in minerals.
- e. Transportation business is all efforts to move minerals and the results of processing and refining of minerals from the exploration area or processing / refining / refining areas.
- f. Sales business is all business selling minerals and products of processing / refining of minerals.

Based on the description above, it can be analyzed that to start mining business activities, the business actor must understand and carry out every mining stage correctly in order to obtain quality minerals and carry out the processing process so that it has high economic value.

3. Mining Permit

a. Mining Business License (IUP)

The meaning of Mining Business Permits is spelled out in Article 1 point (7) of Law Number 4 of 2009 concerning Mineral and Coal Mining, namely a license to carry out mining businesses. The implementation of the Mining Business Permit (IUP) consists of two stages, shorter than Law Number 11 of 1967 concerning Basic Mining Provisions, namely as follows:

- 1) Exploration IUP which includes general investigation, exploration and feasibility studies.
- 2) Production Operation IUP covers construction, mining, processing and refining, as well as transportation and sales activities.

b. Community Mining Permit (IPR)

The definition of a People's Mining Permit (IPR) is spelled out in Article 1 point (10) of the Minerba Law, namely a license to carry out mining businesses in community mining areas with a limited area and investment. Community mining

activities in Article 66 of Law Number 4 of 2009 concerning Mineral and Coal Mining can only be carried out for mines as follows:

- 1) Metal mineral mining.
- 2) Non-metal mineral mining
- 3) Rock mining.
- 4) Coal mining.

The area and time period for Community Mining Permits in Article 68 of Law Number 4 of 2009 concerning Mineral and Coal Mining, namely that for an area of one Community Mining Permit can be granted to individuals at most one hectare, community groups at most five hectares and / or cooperatives at most ten acres lot. Meanwhile, the term of the People's Mining Permit is a maximum of five years and can be extended.

c. Special Mining Business License (IUPK)

The definition of a Special Mining Business License is spelled out in Article 1 point 11 of Law Number 4 of 2009 concerning Mineral and Coal Mining, namely a license to carry out mining business in a special mining business permit area. The implementation of a Special Mining Business license (IUPK) consists of two stages, namely as follows:

- 1) Exploration IUPK, which includes general investigation, exploration and feasibility studies.
- 2) Production Operation IUPK includes construction, mining, processing and refining, as well as transportation and sales activities.

Holders of Special Mining Business Permits (IUPK) who find other minerals in the Special Mining Business Permit (WIUPK) managed are given priority to exploit them. If the Mining Business Permit holder intends to exploit other minerals found, he must apply for a new Mining Business License (IUP). If the holder of a Mining Business Permit (IUP) is not interested in exploiting the mineral he finds, he is obliged to protect the other minerals because these other minerals can only be given to other parties by the Minister.

Implementation of Article 3 of Law Number 4 of 2009 concerning Mineral and Coal Mining Granting Exploration Mining Business Permits in Lampung Province.

Based on the results of research at the Lampung Province Energy and Mineral Resources Office by conducting interviews with the Head of the Mineral and Coal Business Section of the Lampung Province Energy and Mineral Resources Office, Levi Marfiarty, every citizen wishing to carry out a mining business is required to have a mining business license (IUP), After the enactment of Law Number 23 of 2014 in conjunction with Law Number 9 of 2015, matters of energy and mineral resources fall under the authority of the central government and

provincial regions, one of which is the authority of the provincial government is the issuance of mining business permits.

Applications for exploration mining business permits can only be submitted by business entities, cooperatives and companies to the Minister or the Governor through the Lampung Province Investment and Integrated Licensing Service and the Lampung Province Energy and Mineral Resources Office with the following requirements:

- 1) Mineral and Coal Mining Business License Area Requirements.
 - a) Administrative Requirements
 - a. Application letter
 - b. Company profile
 - c. The composition of the board of directors and the list of shareholders
 - d. Deed of establishment of a business entity engaged in the mining business which has been legalized by an authorized official
 - e. SIUP, SITU, TDP, NPWP
 - f. Certificate of domicile
 - b) Technical Requirements
Map of application for WIUP which is equipped with geographic coordinates of latitude and longitude in accordance with the provisions of the geographic information system that apply nationally.
 - c) Financial Requirements
Pay for area backup and map printing.
- 2) Space Utilization Permit
 - a) Mineral and Coal Exploration Mining Business License Requirements.
 - a. Administrative Requirements
 - b. Application letter
 - c. Company profile
 - d. The composition of the board of directors and the list of shareholders
 - e. Deed of establishment of a business entity engaged in the mining business which has been legalized by an authorized official
 - f. NPWP and KTP
 - g. Certificate of domicile
 - b) Technical Requirements
 - a. Curriculum vitae and statement letter from mining and geological experts with at least 3 years experience
 - b. Map of the Mining Business Permit Area (WIUP) equipped with geographic coordinates of latitude and longitude in accordance with the provisions of the geographic information system that apply nationally
 - c) Environmental Requirements
Statements to comply with statutory provisions in the field of environmental protection and management

- d) Financial Requirements
 - a. Proof of placement of guarantees for the seriousness of the implementation of exploration activities
 - b. Proof of payment of area reservation fee and payment of mineral and coal WIUP map recording for regional application
- 3) Mineral and Coal Production Mining Business License Requirements
 - a) Administration
 - a. Application letter for Production Operation Mining Business License
 - b. Company profile
 - c. The composition of the board of directors and the list of shareholders
 - d. Deed of establishment of a mining business entity
 - e. Company registration certificate (TDP), SIUP, SITU
 - f. Certificate of domicile
 - g. NPWP and KTP
 - b) Technical
 - a. Map of an exploration IUP equipped with geographic coordinates of latitude and longitude in accordance with the provisions of the geographic information system that apply nationally
 - b. Approval of the full exploration report
 - c. Approval of the feasibility study report
 - d. Approval of the reclamation plan
 - e. Approval of post mining plans
 - f. Approval of work plans and budget costs
 - g. Approval of plans for the construction of facilities and infrastructure to support production operations
 - h. List and curriculum vitae of experienced experts at least 3 years
 - c) Environment
 - a. Environmental document in which there is a statement of ability to comply with the provisions of laws and regulations in the field of environmental protection and management
 - b. Approval of the environmental documents is in accordance with the provisions of laws and regulations
 - d) Financial
 - a. The last year's financial statements that have been audited by a public accountant
 - b. Proof of payment of fixed fees for the last 3 years (minerals and coal)
 - c. Proof of payment for investment compensation according to the bid value of the auction

Henceforth, these requirements are first submitted to the Lampung Province Investment and Integrated Licensing Service, after being verified and approved, the application is then forwarded to the Lampung Province Energy and Mineral

Resources Office to obtain technical approval / opinion regarding the implementation of the mining business.

To issue a technical recommendation, the Department of Energy and Mineral Resources must hold a meeting with 7 experts in mining and the head of the department to determine whether the application is technically approved or not, after obtaining a technical recommendation by the Lampung Province ESDM Service, it is then returned back to the Investment Service and Integrated Licensing Service of Lampung Province. Then the application letter is sent to the Mayor / Regent where the mining area is located to obtain a permit, after being approved by the Mayor / Regent then the application letter is returned to the Lampung Province Investment and Integrated Licensing Service Service, after the required documents are declared complete, then a Mining Business Permit is issued (IUP) which has been signed by the Governor.

The community must go through this process if they wish to obtain a mining business permit (IUP) for exploration from the central / regional government in order to carry out legal mining activities. When viewed from the provisions contained in Article 3 of Law Number 4 of 2009 concerning Mineral and Coal Mining, the article contains the objectives of mineral and coal mining which must serve as guidelines for the government in the implementation of mining activities.

Article 3 paragraph 1 reads "guaranteeing the effectiveness of the implementation and control of mining business activities in an efficient, effective and competitive manner" which means that the government must guarantee the effectiveness of the implementation starting from licensing to the sale of mining products, however it is found that in order to obtain mining business permits Exploration (IUP) really requires a long process and through various approvals from government officials / institutions, this has made the implementation of Article 3 of Law Number 4 of 2009 concerning Mineral and Coal Mining not maximal.

Furthermore, in Article 3 paragraph 6 it reads "guaranteeing legal certainty in the implementation of mineral and coal mining business activities" but the fact is that the government has not issued specific rules regarding licensing and implementation by foreign companies that will or have managed natural resources in Indonesia so that there is a chance that fraud will occur. carried out by foreign companies in mining activities. Based on the description above, it can be analyzed that the implementation of Article 3 of Law Number 4 of 2009 concerning Mineral and Coal Mining in Lampung Province has been running but has not been maximized, because obtaining a mining business license (IUP) for exploration takes a long time because it passes the approval process. from related government officials, this process is not efficient and hampers the development of national

capacity in managing natural resources so that they can compete at the national, regional and international levels.

Supervision of Exploration Mining Business Activities in Lampung Province

Based on the results of research at the Lampung Province Energy and Mineral Resources Office by conducting an interview with Mr. Rusdianto as the Head of the Development Section of the Lampung Province Energy and Mineral Resources Service that mining supervision is carried out together with the mine inspector. They are employees of the Ministry of Energy and Mineral Resources who are assigned to each province to supervise mining businesses. In the Department of Energy and Mineral Resources of Lampung Province there are 28 mining engineers.

Mining inspectors together with the ESDM Agency conduct mining supervision by:

- a. Evaluation of reports on plans and implementation of mining business activities from IUP, IPR and IUPK holders
- b. Inspection to IUP, IPR and IUPK locations

Supervision as referred to is carried out on:

- a. Mining technical
- b. Marketing
- c. Finance
- d. Mineral and coal data management
- e. Conservation of mineral and coal resources
- f. Mining occupational health and safety
- g. Mining operation safety
- h. Environmental, reclamation and post mining management
- i. Utilization of domestic goods, services, technology and engineering and building design capabilities
- j. Development of mining technical workforce
- k. Development and empowerment of local communities
- l. Mastery, development and application of mining technology
- m. Other activities in the field of mining business activities involving public interest
- n. Implementation of activities in accordance with IUP, IPR or IUPK
- o. Amount, type and quality of mining business results

The mining inspector has the right to provide recommendations to mining companies regarding mining operations and to provide recommendations to the Energy and Mineral Resources Office if there is a mining that is not in accordance with mining regulations, the recommendation from the mining inspector is submitted to the Governor for evaluation and can be the basis for taking sanctions

law by the Department of Energy and Mineral Resources such as the temporary suspension of mining activities to the revocation of Mining Business Permits. Based on the description above, it can be analyzed that the supervision of the exploration mining business has been running but has not been maximized due to a lack of human resources when compared to its duties even though supervision has a very important function because supervision aims to ensure that the mining activity plan runs according to the standard mining exploitation guidelines and plans that have been implemented. set in order to minimize the bad effects of errors in mining activities.

III. CONCLUSION

The implementation of Article 3 of Law Number 4 of 2009 concerning Mineral and Coal Mining in Lampung Province has been running but has not been maximized, because obtaining a mining business license (IUP) for exploration requires a long time because it has passed the approval process from the relevant government officials, the process has not efficient and inhibits the development of national capacity in managing natural resources so that they can compete at the national, regional and international levels. Supervision of mining business activities in Lampung Province carried out by the Department of Energy and Mineral Resources together with the mine inspector has been running but has not been maximized due to a lack of human resources when compared to their duties, even though supervision has a very important function because supervision aims to ensure that the mining activity plan runs according to standard mining exploitation guidelines and plans that have been established in order to minimize the adverse effects of errors in mining activities.

REFERENCES

- Abrar Saleng. 2004. *Hukum Pertambangan*. UII Press, Yogyakarta.
- Daud Silalahi dan Kristianto PH. 2011. *Perizinan Dalam Kegiatan Pertambangan di Indonesia Pasca Undang-Undang Minerba No. 4 Tahun 2009*. Law Review XI NO.1, Jakarta.
- Departemen Pendidikan dan Kebudayaan. 1990. *Kamus Besar Bahasa Indonesia*. Jakarta.
- <https://www.esdm.go.id/id/mediacenter/arsip-berita/inlah-poin-poin-penyederhaan-izinminerba-dalam-permen-esdm-nomor-34-tahun-2017>. Diakses, Senin, 26 November 2020, Pukul 16.30 WIB

Simon F. Sembiring. 2009. *Jalan Baru Untuk Tambang: Mengalir Berkah Bagi Anak Bangsa*. Gramedia, Jakarta.

Tri hayati. 2015. *Era Baru Hukum Pertambangan: Di Bawah Rezim Undang-Undang Nomor 4 Tahun 2009*. Yayasan Pustaka Obor Indonesia, Jakarta.

Zulfikar Jaya kusuma. 2007. *Tanggung Jawab Sosial Perusahaan Tradisional Pertambangan Minyak Terhadap Masyarakat Lokal (Perspektif Hak Asasi Manusia)*. Jurnal Law Republica, Vol.7, No.1. Jambi.