

# Deti\_The\_Collaborative\_Governance\_with\_Focus

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# 13 The Collaborative Governance with Focus on Controlling the Illegal Mining in Indonesia

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## Abstract

*This study studies and analyzes collaborative governance to develop a strategic paradigm for controlling illegal mining in the Indonesian province of West Nusa Tenggara. This study employed a qualitative approach with 16 research respondents selected using the snowball method. This investigation also employs descriptive analysis derived from observer triangulation analysis. According to the findings of this study, the collaborative governance in controlling illegal mining in West Nusa Tenggara Province has shown a positive direction if it continues to be carried out consistently between the current government and its law enforcement officers to control the persistent illegal miners in the jurisdiction area of West Nusa Tenggara Province. The PASTI collaboration model, which is comprised of the regional government, law enforcement officers, private sector, community leaders, and parent organizations, is the strategic model derived from the findings of this study and can be utilized to control illegal mining in West Nusa Tenggara Province (environmental observers).*

## Introduction

The origin of mining in Indonesia can be traced back to colonial times. Besides, modern mining in Indonesia began with the issuance of Mining Law No. 11/1967, marked by foreign investors (Hasibuan, Tjakraatmadja, & Sunitiyoso, 2021). Simultaneously, the welfare of the Indonesian people based on economic democracy has been thought of since a long time ago by the nation's founding fathers through the opening fragment of paragraph (3) article (33) of the 1945 Constitution (Istinah, Witasari, Fuadi, & Maskun, 2021). One way to fulfill that is by securing the mining sector, which is ruled by a regional autonomy policy to enhance economic growth and community welfare (Antono, Jaharadak, & Khatibi, 2019), especially in West Nusa Tenggara Province. However, it is unfortunate that the mining potential spread across West Nusa Tenggara (NTB) has not been appropriately managed (Anggraeni, Agustriani, & Palimbong, 2020). This is demonstrated by the upward trend in the number of cases of illicit mining reported from 2014 to 2018. The biggest number of unlawful mining activities suggests that the management of permits is complex and time- and cost-intensive. In addition, experts emphasized the need to give a condensed summary of collaborative governance's measures aimed at curbing illegal mining in Indonesia. (Anggraeni et al., 2020; Hasibuan et al., 2021).

Additionally, the issue of illegal miners arises due to the expiry of the Mining Business Permit (IUP). Hence, licensed miners initially are reluctant to renew their licenses and become unlawful miners. At the same time, most miners are unwilling to register because the licensing process is time-consuming, requires many legal documents, and is costly (Suhartini & Abubakar, 2017). Research shows that the Department of Energy and Mineral Resources (ESDM) of West Nusa Tenggara marked that from the total of 294 mining companies, there was only 261 mining business

permits out in West Nusa Tenggara in 2019, consisting of 27 business permits for the metal mineral mining category and 234 for the rock mining category (Harimbawa, Sumaryadi, Djohan, & Mulyati, 2022). Furthermore, The West Nusa Tenggara's ESDM Office noted that the 11 mining business permits were in protected and conservative forest areas covering 35,519 hectares (Harimbawa et al., 2022).

The Publish What You Pay (PWYP) Indonesia and a coalition of 35 civil society organizations that promote the improved governance and its utilization of extractive resources (oil, gas, mining, and other natural resources), along with The Community Solidarity for Transparency of West Nusa Tenggara (SOMASI NTB), conducted a rapid assessment of the opportunities and challenges in increasing the transparency of mining permits in the West N. Nusa Tenggara. PWYP Indonesia and SOMASI NTB discovered disparities among Regional Apparatus entities undertaking public information disclosure based on this brief investigation. (Irfan & Israfil, 2017).

In an initial effort to manage illicit miners, the Governor of West Nusa Tenggara coordinated with all necessary legal instruments, including the DPRD, to issue laws on mining company permits to resolve these issues (Kurniawan & Surono, 2013). Based on these regulations, the government of West Nusa Tenggara has canceled 46 mining business licenses that did not correspond with their primary business aims. Nonetheless, this initial effort is deemed insufficient because population income distribution did not appear as anticipated; therefore, the West Nusa Tenggara Regional Government must maintain its governance and develop sound policies (Harimbawa et al., 2022). Similarly, it must engage with several partners to eliminate illegal mining and promote community welfare. Consequently, the current study intends to investigate the collaborative governance for addressing illegal mining by performing a qualitative analysis to propose a comprehensive solution.

## Literature Review

One of the Governance concepts is the concept of Collaborative Governance (CG), in which various private and public actors should work together distinctly, applying specific procedures for establishing rules and regulations regarding public goods provision and are suitable for the society (Bianchi, Nasi, & Rivenbark, 2021). Simultaneously, collaboration is needed to enable the structure to effectively meet the increasing demands which arise from management across government, organizational and sectoral boundaries (Mukhlis & Perdana, 2022). Besides that, early researchers defined those collaborative efforts as a method to achieve goals flexibly with more creative goal achievement quickly (Ansell & Gash, 2008). Researchers also reported these collaborations as the most competitive path to produce new goods and services that allow for the advancement of knowledge globally (Sullivan, White, & Hanemann, 2019). At the same time, Florini and Pauli (2018)

highlighted the significance of collaborative governance as a pillar to achieving sustainable development goals.

(Huxham, Vangen, Huxham, & Eden, 2000) outlined six aspects of the collaborative governance method for conducting this collaboration: goal management; compromise; communication; democracy and equality; strength and trust; determination and stamina. Moreover, according to (Thomson & Perry, 2006), collaborative governance is viewed as one method for resolving chronic social conflicts between stakeholders and formulating regional development plans for environmental protection policies via creative, deliberate, and mutually advantageous self-organization. In the collaborative governance system, participants and the government are treated equally and autonomously as social actors (Purdy, 2012). Consequentially, group decisions are not made by majority vote but by consensus (Purdy, 2012). Collaborative governance is a means of achieving participatory democracy in social conflict, regional development, and environmental protection. In light of the importance of collaborative governance, the purpose of the present study is to examine collaborative governance for addressing illicit mining by focusing on goal management, compromise, communication, democracy and equality, strength and trust, resolve, and perseverance.

## Research Methods

This research was sketched by descriptive qualitative design. The descriptive qualitative design was chosen due to the emphasis on the perceptions and experiences of the participants and the way such experiences make sense regarding various aspects of life (Bloomfield & Fisher, 2019). Therefore this research produces many fundamental realities which can be developed through triangulation analysis to reveal the validity of the data (Noble & Heale, 2019). Furthermore, this research also applied Comte's positivism paradigm that highlights the observed facts and activities to produce knowledge based on experience (Kaboub, 2008) to reveal the social progress of the Indonesian people, especially people in West Nusa Tenggara Province, to realize their prosperity and legal awareness.

This research pointed out the illegal mining cases that occurred in the jurisdiction area of West Nusa Tenggara Province through the research period from September 2021 to February 2022 by existing secondary and primary data sources according to the research focus. The research informants were 16 people who were determined by the snowball sampling technique to deliver their views regarding illegal mining, regulations, and the role of the local government and West Nusa Tenggara

community in preventing illegal mining that has occurred lately.

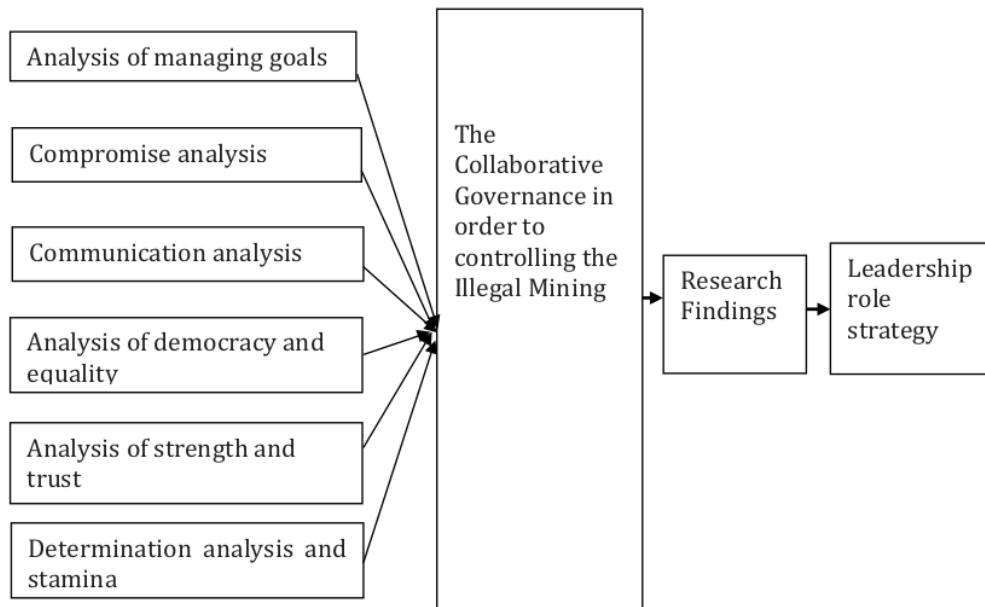


Figure 1. Conceptual Research

## Result and Discussion

As an archipelago, the Indonesian province of West Nusa Tenggara comprises two (two) b<sup>6</sup> islands, namely Lombok Island and Sumbawa Island. The entire land area of West Nusa Tenggara<sup>31</sup> province's ten (ten) regencies is 20,124.48 km<sup>2</sup> (Irfan & Israfil, 2017). The province of West Nusa Tenggara has several mining activities, including metal mining and rock mining, given its size (Baiq, 2018). However, these mining activities in the province of West Nusa Tenggara have not yet exceeded expectations due to the prevalence of illegal mining. Under (Schrujjer, 2020) idea, numerous analyses of collaborative governance are cited in this study.

### The Analysis of Collaborative Governance by Prioritizing Targets Management

The collaborative governance fulfillment by enforcing the law on illegal miners seemed to be a real need for future environment and regional income (Pölonen, Allard, & Raitio, 2020). Hence, there is a dire need for all the elements of the West Nusa Tenggara Province community and the government to work together to force and apply the law equitably and fairly. Besides, to control, handle, and illegal discipline miners, the West Nusa Tenggara Province community law enforcement can be a suitable solution via the cultural method (Harimbawa et al., 2022). In this manner, illegal miners will be more conscientious about their actions due to legal consequences. On the other hand, at the regional government level, collaborating with line enforcement agencies and all sectors of society to

combat illegal mining is a formidable problem. (Duff & Downs, 2019). Besides, collaborative governance also aims to enforce laws to prevent illegal mining, resulting in the environmental pollution in Indonesia, specifically in the province of West Nusa Tenggara (Anggraeni et al., 2020). To optimize this prevention, there is a synergy between all government tiers, service agencies, including the Police Department, security forces, i.e., 29 Indonesian National Army (TNI), and law enforcement agencies to reduce the number of illegal miners and increase the number of law enforcers. By highlighting the importance of such cooperation, it is necessary to form a Task Force for Unlicensed Gold Mining (PETI Task Force Team), consisting of relevant agencies and law enforcement officers. The formation of the task force team is an all-out attempt to supply illicit miners with education and prosecution. However, its formation is primarily intended to correct the attitudes and understanding of illegal miners. Therefore, with a good purpose, it is hoped that it will change the activities of the people who depend on their life on illegal mining.

Research shows that an important thing that can change the mindset of illegal miners is law enforcement by local officials (Syahrin, 2018). According to the sources, enforcing the law requires a focus on relative justice, prioritizing the conversion process to determine the most effective means of managing illegal mining. (Yulianto, 2020). However, research shows that, in actuality, the law enforcement agencies are not efficiently and effectively utilizing their powers to control the illegal mining due to some shortcomings in existing regulations and difficulty in licensing process to become legal miners (Harimbawa et al., 2022). The shared objective of implementing collaborative governance should be to consistently enforce the law against unlawful miners to overcome such deficiencies. Therefore, the current government, law-making bodies, and forces should be aware of the miner-perceived inconveniences and problems associated with the licensing procedure.

Besides, the collaborative governance can establish a 3 sustainable cooperative environment among the law enforcement officers and regional leaders in the area to facilitate the miners 19 opt for the legal procedures for mining. This opinion is included in the "Regional Medium Term Development Plan (RPJMD) 2016-2021. To have prosperous futures, all individuals are expected to act morally and to have positive personalities in their respective roles. Additionally, consistency is necessary to achieve consistent objectives at the regional, local, provincial, and national levels. In addition, it demonstrates the government's responsibility as the holder of the law's mandate to act within the appropriate legal boundaries while also considering the economic demands of the population.

In other words, this 3 collaborative governance in line with enforcement for illegal mining in West Nusa Tenggara Province can be a manifestation to handle all the issues and complex situations in the mining context. There are numero 1 potential solutions to this problem. For instance, the construction of a social community approach and the activation of

community leaders to unite all the highest and lowest elements in support of the 2016-2021 RPJMD's objectives, aims, and ambitions. The socio-economic conditions of the inhabitants, which are dependent on illicit mining, can be altered and redirected to other sectors, such as agricultural areas and modern mining fields, with substantial expenditures. In addition to improving the living standards of the mining community, it may also contribute to environmental preservation and the sustainable use of natural resources for future generations. Collaborative Governance Analysis by Prioritizing Compromise.

Collaborative governance is an embodiment that encourages joint efforts from the stakeholders and non-states to overcome these complex issues through collective decision-making and implementation (Bianchi et al., 2021; Florini & Pauli, 2018; Pölonen et al., 2020; Sullivan et al., 2019). At the same time, as a concrete form of handling illegal miners, all elements require collaborative governance to develop plans and implement law enforcement against illegal miners in the legal area of West Nusa Tenggara Province. Besides, forming an action plan implies a need for communication and coordination across institutions or agencies in the Regional Government of West Nusa Tenggara Province. So, it is hoped that the communication and coordination methods will lead to the will to improve and minimize the occurrence of mining which is no longer widespread. The big expectation in this law enforcement is that it is equitable and fair, which also becomes the community's hope.

Society favors an integrated partnership between all branches of government and law enforcement. Consequently, it is believed that this integration and cooperation will produce or reflect a positive indication for all joint lines by prioritizing development and supervision efforts and encouraging illegal mining operations to adopt legal mining practices. This viewpoint argues that a shift in perspective would result in a better direction by realizing the coaching and monitoring process. As a result of this shift in perspective, it is intended that illegal miners will no longer engage in illegal or illicit mining. In addition, collaborative governance in illegal mining law enforcement is viewed as a challenge for which no solution exists.

Therefore, the government, law enforcers, and social and community leaders need to sit down and think about this properly by mixing and matching all instruments of thought to create and form an appropriate solution for this wild miner to stop doing the illegal way. Those illegal miners will get the right solution to determine their future activities. This collaboration can be accomplished by reviving the nodes of law enforcement by collaborating with all elements of the regional government down to the lowest level and with the assistance of law enforcement officers by prioritizing the duties and functions of each party so that it can serve as a model for future collaborations with other parties in the relevant field. It is intended that by teaching and strengthening the community about the consequences of illicit mining practices, they will alter the



paradigm as illegal miners transition to licensed miners. This is also an appreciation for collaborative governance, which can create new entrepreneurs from the mining sector. Simultaneously, having a business license can also preserve an integrated and massive environment (Idemudia, Kwakyewah, & Muthuri, 2020).

Thus, to conduct this collaboration, the regional government of West Nusa Tenggara Province needs to apply an inventory method to manage regional assets properly. That will provide significant benefits for the smoothness and success of the activities. In addition, the provincial government of West Nusa Tenggara Province needs to implement systematic and continuous socialization methods to create discipline and order in norms, customs, and culture in the community to be maintained. It should present all strategies and operations implemented by the government apparatus, law enforcement, and community leaders to reduce the number of illegal miners. In addition, collaborative governance is the cornerstone of all other components of internal control that provide discipline and structure because it prioritizes and shapes an organization's culture <sup>15</sup> influence employees' control awareness. (Tolvanen et al., 2019). Hence, the regional government of West Nusa Tenggara Province needs to apply the methods to control the environment due to illegal mining.

4.1. Last but not least, the regional government of West Nusa Tenggara Province must employ control techniques to eradicate or limit all sorts of dangers and disturbances to public order and ensure that regional government and laws or regulations can operate efficiently. It can assist the government and the society create national security more efficiently, effectively, and in an organized manner. Collaborative Governance Analysis by Prioritizing Communication

To serve the community, especially those affected by the law enforcement of illegal miners, collaborative governance between the regional government and law enforcement officers is necessary to establish. It is also essential to devise regulations related to unlawful miners and create balanced social and economic conditions for the communities affected by these illegal actions. In this collaboration, firmness in supervision must be ensured by issuing spatial recommendations in each district/city to license the mining sector. It also facilitates business people who will apply for permits and carry out law enforcement against illegal miners who do not have good intentions to obtain permits. Because the central government gives the licensing policy, it can mandate law enforcement against illegal miners through regional government and community leaders to find out the right solution for illegal miners. However, finding a solution for illegal miners who no longer conducts illegal mining is not just an ordinary discourse but needs to require further discussion involving all elements or elements down to the lowest layers (Kortei et al., 2020). This is because the weakest parts can carefully see, hear and feel the complaints and concerns of illegal mining actors affected by law enforcement to continue their lives amid transitioning activities towards a better direction (Obeng et al.,

2019).

In addition, the integration of all government lines demonstrates the availability of good, appropriate, and collaborative governance solutions (De Guimarães, Severo, Júnior, Da Costa, & <sup>24</sup> noria, 2020), allowing the government to implement the principles of good governance. One of the foundations of good governance is accountability ((Dadanga Hartanto, Agussani, & Dalle, 2021).

Good governance in its growth toward the norms of social life supports collaborative governance on law enforcement against illegal miners in the legal territory of the province of West Nusa Tenggara. The collaborative governance to enforce the law against unlawful miners prioritizes the cultural norms that apply in their specific regions by putting community interests affected by the enforcement of illegal mining regulations first. It is predicted that law enforcement that promotes cultural values will lessen communal unrest. All local governments must utilize this strategy to create a sense of security, comfort, and peace for the population that will engage in new activities outside of illicit mining. In other words, collaborative governance by prioritizing communication is very important. The main point in taking this approach is that this method can be put forward to directly touch the individual's hearts to realize their mistakes and want to fix themselves by conducting mining activities following applicable rules and regulations. This approach can also be taken by formally and informally approaching community leaders using a cultural method. In addition, the participation of local community leaders reflects the total support from all government agencies to collaborate (Hossu, Ioja, Susskind, Badiu, & Hersperger, 2018). As a result, the government is better able to comprehend the status of the local community and provide socialization with the most appropriate solutions to field-specific problems. The Collaborative Governance Analysis by Prioritizing Democracy and Equality.

The alignment of rules between regional leaders towards <sup>1</sup> law enforcement on illegal miners in West Nusa Tenggara Province is quite good, i.e., prioritizing preventive efforts first, which is then carried out with repressive or strict action if these preventive efforts are not heeded. The central government guides the enforcement efforts to participate in supervising mining activities that occur in their respective regions. To convey the right message, efforts to enforce and prevent infractions of the law must be coordinated with local governments and components of society. Collaboration can begin with educational outreach, and this prevention effort can generate a positive image for the continuation of <sup>30</sup>sting restrictions in the community. Furthermore, synchronization between the central and local governments in terms of drafting regulations is also essential due to the implementation of regional autonomy so that regions can exercise more authority in mining management and have an impact on the alignment of law enforcement on an ongoing basis (Xia, Wang, Du, Liu, & Zhou, 2018). Besides, the sustainability of policies should

be added to government policies at the level I, level II, and regional governments level by involving religious leaders and community leaders so that the law enforcement plan runs harmoniously and fairly (Holland, 2020). In other words, the government needs to jointly set a shared vision across institutions/agencies so that gold mining without a permit can be eradicated. The Regional leaders also need to have a shared idea to achieve program and activity goals drawn to their respective duties and functions to translate development planning documents in their respective regions.

### **The Collaborative Governance Analysis by Prioritizing Power and Trust**

<sup>1</sup> The law enforcement against illegal miners in the jurisdiction area of West Nusa Tenggara Province is considered very important because law enforcement officers are considered guards and protectors of society. Therefore, law enforcement must continue to establish absolute ethics against anyone who engages in illegal mining without a license. On the other hand, regional leaders and legal apparatus should have the intellectual capacity to collaborate with all levels of society to build synergistic communication between them (Gupta & Koontz, 2019). Furthermore, a responsive government must support this intellectual talent for the community's economic concerns to be resolved expeditiously. This means that federal and regional governments and law enforcement officers must take legal action under applicable rules in their respective capacities. However, law enforcement must prioritize a feeling of humanity because some individuals in mining regions are employed as day laborers. When enforcing environmental protection policies and regulations in the province of West Nusa Tenggara, the economic status of the surrounding community must be taken into consideration.

### **The Collaborative Governance Analysis by Prioritizing Determination and Stamina**

<sup>1</sup> The development in cooperation between leaders for law enforcement on illegal miners in the jurisdiction area of West Nusa Tenggara Province is necessary to find a solution for the program of coaching activities for illegal miners. This means that illegal miners can be encouraged and led to continuing improving their earnings. The growth of cooperation between leaders and law enforcement about illicit miners must be founded on the government's monetary regulations. By adhering to government-issued rules, the development of mining-related collaboration between regional leaders will strengthen the provincial government's decentralization role from the central government, allowing regional governments to carry out regulatory functions on their mining territory. Moreover, the determination of regional leaders to collaborate to force the law against illegal miners still needs to be instilled (Harimbawa et al., 2022). Prevention and control measures are implemented so that unlicensed miners can apply for and administer licenses under the legislation used to carry out legitimate mining activities. In particular, provincial and regional

governments, law enforcement officers, and interested parties must prevent and regulate unlawful mining activities humanely and lawfully. Thus, it will generate a resolve and a shared system resulting from a concerted effort to remove existing illegal mining while maintaining care for the community's welfare.

### Collaborative Governance Strategy Model

On its journey, collaborative governance could develop and proceeds through management of objectives; compromise; communication; democracy and equality; strength and trust; determination and stamina (Ansell & Gash, 2008). Referring to the research outcomes produced by the collaborative governance process, it is stated that the government collaboration model for law enforcement against illegal miners in the jurisdiction area of West Nusa Tenggara Province can be obtained by the government, law enforcement officers, private parties, traditional/community leaders, and environmental observers. Therefore, the authors found that this collaborative model for law enforcement government against illegal miners is PASTI. This model consists of regional governments, law enforcement officers, the private sector, traditional/community leaders, and parent organizations (environmental observers).

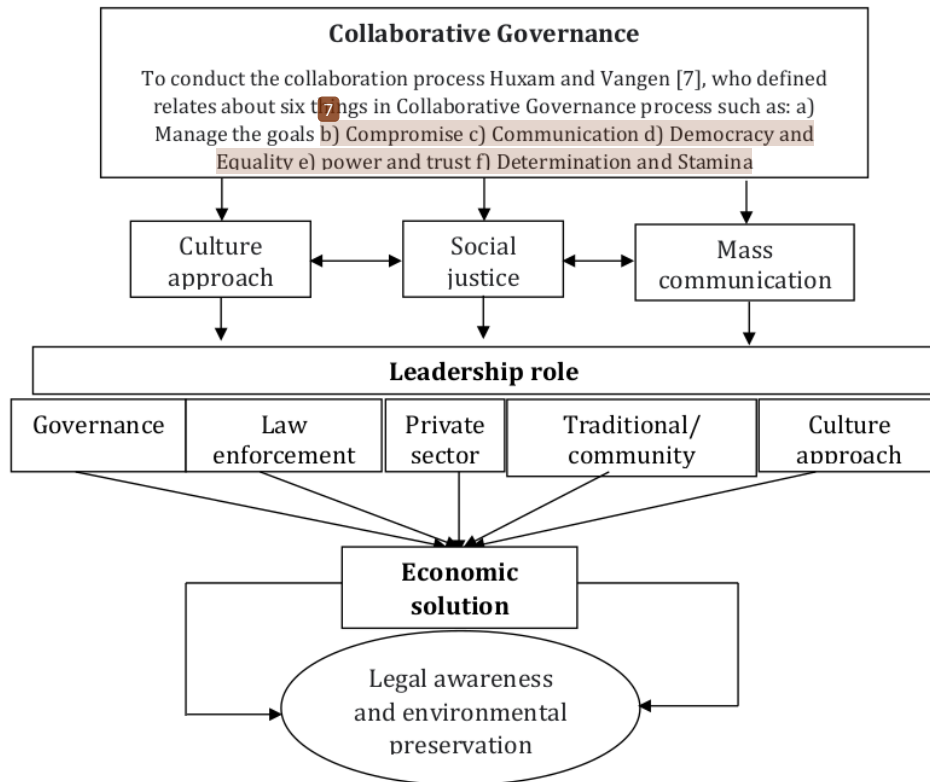


Figure 2. PASTI Collaboration

The practical implication<sup>1</sup> that the author can convey linked with collaborative governance in controlling illegal mining in 25<sup>st</sup> Nusa Tenggara Province is that this collaboration should not only be carried out by the regional government at the provincial, regency, and city levels. Instead, the regional people's representative council and law enforcement apparatus, the civil service police unit, the police, and possibly even the Indonesian national army should be involved. In addition, the commercial sector, traditional/community leaders, and Parent groups, particularly those focused on environmental observers, must be added to the control of unlawful mining actors.

The regional government is the head of a region where regional government organizers devise and implement the course of actions and carry the government affairs as an autonomous authority (Hayati & Aviana, 2021). Besides, research shows that the central government's delegation of business licensing authority to provincial and regional governments is based on effectiveness, efficiency, accountability, and externalities in the administration of government affairs (Dadang Hartanto, Dalle, Akrim, & Anisah, 2021). It further includes granting IPR (Mining business License) and SIPB (Author<sup>21</sup>ization Letter for Rock Mining). A delegation plan transfers licensing authority from the regional government to the central government, despite the provincial government's authority to regulate its territory. The regional government may be empowered to issue mining permits in the region or territory.

Law enforcement officers have a task to control all forms of business that do not have a business license. The right authority is given to the law enforcement agencies in the administrative order, i.e., the Civil Service Police Unit. Suppose, however, that the police department encounters obstacles while carrying out its duties and responsibilities to punish illegal miners and actors without a permit. It is vital to take decisive action against the claimed offense in this situation. The business sector is required to engage with the government simultaneously. At the same time, it is well-known that the private sector must collaborate to carry out approved mining operations as one of the capital owners. In addition, community leadership is an appropriate method to reduce the spread of illegal mining, which is getting wider. The role of community leaders is to deliver the understanding, advice, and opinion to illegal mining actors that seems much needed, considering the whole community still carries out great respect for its community leaders. Finally, the role of the parent organization, specifically as an environment<sup>26</sup> observer organization, needs to provide education and suggestions related to the impact or consequences of uncontrolled illegal mining that will damage the environment and affect ecosystem sustainability and uncontrolled<sup>16</sup> ste. Hence, the role of the parent organization is much needed to control illegal mining activities.

## Conclusion

Illegal mining is a significant problem in many regions of Indonesia, particularly in West Nusa Tenggara Province. In light of the importance of collaborative governance, the purpose of the present study is to examine collaborative governance for addressing illicit mining by focusing on goal management, compromise, communication, democracy and equality, strength and trust, resolve, and perseverance. This study employed a qualitative approach with 16 research respondents selected using the snowball method. This investigation also employs descriptive analysis derived from observer triangulation analysis. The findings of this study indicate that collaborative governance in preventing illegal mining in West Nusa Tenggara Province is a step in the right direction if it is consistently implemented by the current government and law enforcement officers/agencies to control illegal miners in the province's jurisdictional area. This study showed the significance of PASTI as a collaborative governance approach for managing illicit mining in the region of West Nusa Tenggara. It includes local government, law enforcement officers/agencies, the commercial sector, community leaders, and parent organizations (environmental leaders) due to the findings and discussion of this research. Provincial, regional, and municipal administrations and law enforcement personnel, and legislative members at the provincial, regency, and municipal levels are urged to improve their performance to enhance collaboration in illicit mining control.

- To Implement the regulations of controlling Mineral and Coal mining in the jurisdiction area of West Nusa Tenggara Province in the fairest way
- To implement an optimal collaborative governance pattern to support the realization of conducive social welfare
- To accomplish maximum and intensive control of illegal miners; and
- Expanding the government's accountability to illegal miners affected by this law enforcement.

Finally, the current study can serve as a foundation for further exploration and examination of illicit mining activities in other regions and identifying creative measures to manage such activities. This can contribute to the success and proclivity of communities, regions, cities, and nations.

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