

# Deti\_on\_Controling\_Illegal\_Mining\_in\_West\_Nusa\_Tenggara\_Province

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## Government Collaboration on Controlling Illegal Mining in West Nusa Tenggara Province

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### Abstract

Illegal mining problems arise because the Mining Business Permit (IUP) has expired, so that miners who were originally licensed because the IUP has expired are reluctant to renew them so that they become "illegal miners". The reluctance of the miners to comply with the mining administration is due to the fact that licensing management is cumbersome and time consuming and costly. Now, there are 261 Mining Business Permits (IUP) in West Nusa Tenggara, consisting of 27 metal mineral IUPs and 234 rock IUPs (West Nusa Tenggara ESDM Office, 2019). Of the 27 metal mineral IUPs, in fact there are 11 IUPs covering an area of 35,519 ha which are indicated to be in protected and conservation forest areas (Director<sup>20</sup> General of Mineral and Coal, MEMR, 2017). In fact, based on Law number 41 of 1999 concerning Forestry, the two are<sup>31</sup> may not be used for mining activities. In this study the authors chose a qualitative research approach to uncover and discuss Government Collaboration in Controlling Illegal Miners in West Nusa Tenggara Province. This research is an "observed facts" activity that produces "knowledge based on experience". With Comte's view that only by using positive philosophy to study the human mind and social interaction can understand real social progress, the analy<sup>4</sup>s of Government Collaboration in Controlling Illegal Miners in West Nusa Tenggara Province is directed to reveal the social progress of the Indones<sup>18</sup> people in realizing prosperity and legal awareness. on society. The results of the study indicate that Government Colla<sup>4</sup>ration in law enforcement for illegal miners in the jurisdiction of West Nusa Tenggara Province, is a manifestation of handling the complexities that have occurred so far. This can be resolved in various ways, one of which is the existence of a social community approach and activating the Community and/or Community Leaders, so that with this all the lowest and highest elements can unite to support the Goals, Aims and Targets that have been arranged in the RPJMD 206- 2021.

### Keywords

Government collaboration;  
controlling; illegal mining



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### I. Introduction

Development is a systematic and continuous effort made to realize something that is aspired. Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired. In addition, development is also very dependent on the availability of natural resource wealth. The availability of natural resources is one of the keys to economic growth in an area. (Shah<sup>8</sup> M. et al. 2020)

Development has a goal to create community welfare. The welfare of the community can be seen from the increase in economic growth and the even distribution of income (Arsyad, 2010:11). Over a long period of time, national development has produced

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significant progress, but at the same time it has left various pressing problems to be addressed, including the disparity or inequality between regions.

Currently, Indonesia is one of the main actors in the global economy. This is shown by Indonesia's membership in the G-20 world economic organization (the Group of Twenty). It is an organization that contains the 19 countries with the largest economies in the world plus the European Union. These countries are noted to have very high Gross Domestic Product (GDP) per capita. The United States leads the way with GDP per capita reaching US\$ 67.4 thousand, followed by Australia (US\$ 53 thousand), Germany (US\$ 48 thousand), Canada (US\$ 47.9 thousand), Japan (US\$ 43 thousand), and France (US\$ 42.6 thousand). Indonesia's GDP per capita stands at US\$ 4,160.

In early 2020, Indonesia enjoyed an economic growth rate of 5 percent. This figure is higher than the average global economic growth which is only around 3.4 and 3.4 percent. Of course, this calculation has changed slightly with the emergence of Covid-19 as a global pandemic since March 2020 in various parts of the world, including Indonesia. According to the Asian Development Bank (ADB), Indonesia's economic growth will only be in the range of 2.5 percent in 2020, or halved from the 2019 growth rate of 5 percent, due to the outbreak of Covid-19. In this case, when compared to other countries, Indonesia is seen as having quite strong economic fundamentals despite the crisis caused by the pandemic. (Hasanudin, 2020).

Unfortunately, statistical data shows that the unemployment rate in Indonesia is currently at 5 percent. This means that from the total workforce in Indonesia as many as 197.92 million people, there are around 7 million unemployed people. Therefore, even though it has been included as an economically strong country, Indonesia still has quite a lot of homework to do in an effort to provide welfare for all. In this case, the government needs to think about various efforts to make policies that can encourage lower unemployment rates. Because, being prosperous is the right of all citizens, without exception. (Hasanudin, 2020).

To reduce the Gini ratio and to make income distribution more even, of course, efforts must be made by the governments of West Nusa Tenggara and Indonesia, such as stabilizing prices, providing guidance to improve human resources and improving health facilities and infrastructure. With the problem of income distribution disparity, of course, it is also related to the level of community welfare in the Province of West Nusa Tenggara. The increasing economic growth and the more equitable distribution of income between regions are certainly expected to increase the level of community welfare. Community welfare is one of the goals expected by every region, including regencies/cities in West Nusa Tenggara Province.

The potential of natural resources owned by the Province of West Nusa Tenggara such as the industrial sector in the Province of West Nusa Tenggara has not provided sufficient sharing in the economy of the Province of West Nusa Tenggara, because its role is only about 5 percent. Lack of sharing in the industrial sector because the majority of industries in West Nusa Tenggara Province are small industries and household crafts. The number of formal industrial companies that grew in 2018 was 294 companies by absorbing 1,448 workers, of which the largest number of formal industries was in Mataram City as many as 78 companies absorbing 266 workers and the lowest was in Dompu Regency.

The high number of illegal mining. One of the reasons for this is that there is no control from the Civil Service Police Unit (Satpol PP). This was stated by the Head of the Civil Service Police Unit (Satpol-PP) of West Nusa Tenggara Province. Then Dirjaharta when asked for his response, admitted that he could not do anything. -what current. "We

are ready to regulate the illegal C excavation, it's just a matter of what the Mining Service does. Are they ready?" (Lombok.co.id).

In addition to the above, the problem of Illegal Mining arises because the Mining Business Permit (IUP) has expired, so that miners who were originally licensed because the IUP has expired are reluctant to renew them so that they become "illegal miners". The reluctance of the miners to comply with the mining administration is due to the fact that licensing management is cumbersome and time consuming and costly. Now, there are 261 Mining Business Permits (IUP) in West Nusa Tenggara, consisting of 27 metal mineral IUPs and 234 rock IUPs (West Nusa Tenggara ESDM Office, 2019). Of the 27 metal mineral IUPs, in fact there are 11 IUPs covering an area of 35,519 ha which are indicated to be in protected and conservation<sup>20</sup> forest areas (Directorate General of Mineral and Coal, MEMR, 2017). In fact, based on Law number 41 of 1999 concerning Forestry, the two areas may not be used for mining activities.<sup>13</sup>

The problems above show problems in the governance of mining permits in West Nusa Tenggara Province, which are also commonly found in other provinces in Indonesia. The low level of licensing transparency, which is indicated by the closedness of licensing documents and the permit issuance process, has an impact on the lack of public oversight space, which more or less contributes to the problems that develop in the field.

The success of the Regional Government in collaborating with the Regional Police of West Nusa Tenggara needs to be improved along with the increase in illegal mining. The leadership described by Suradinata (2013: 5) is "Government leadership or governance leader, is the ability of a person as a leader in addition to being capable of government, also having the ability to make decisions quickly, precisely, and measurably as well as leading good governance, namely managing resources as a source of resources high quality resources based on governance ethics".

Meanwhile, collaboration that can describe<sup>26</sup> the integration of all government units between all elements within the region such<sup>5</sup> the Governor, the Head of the Regional Police of West Nusa Tenggara and the Chair of the Regional House of Representatives of the Province of West Nusa Tenggara to continue to work hand in hand to find good solutions<sup>29</sup> and strategies as a way out for the illegal miners. Of course the solution offered refers to the fifth principle of Pancasila, namely<sup>12</sup> Social Justice for All Indonesian People".

One form in the concept of governance or governance which is called the concept of collaborative governance or collaborative governance. According to Ansell and Gash, "Collaborative governance is therefore a type of governance in which public and private actors work collectively in a distinctive way, using particular processes, to establish laws and rules for the pr<sup>1</sup>vision of public goods" (Ansell and Gash, 2007:545).

Besides this opinion, another opinion regarding collaborative governance was put forward by Agranoff and McGuire in Chang (2009: 76-77) which states as follows: In particular, collaborative governance has placed a great deal of emphasis on voluntary horizontal collaboration and horizontal relationships among multi-sectoral participants, as the demands of clients often go beyond the capacities and roles of a single public organization, and require interaction among the various organizations involved and involved in public activities collaboration is needed to enable governance to be structured so as to effectively meet the increasing demands arising from management across government, organizational, and sectoral boundaries.

Huxam and Vangen (in <sup>7</sup>amy, 2018:51) suggest six things in the government collaboration process, namely: (a) managing aims; (b) compromises; (c) communication; (d) democracy and equality; (e) power and trust; (f) determination of commitment and stamina.

<sup>1</sup> Collaborative governance in this case focuses more on the voluntary aspects of collaborative practice. It is hoped that the voluntary aspect of each actor involved in the collaboration works optimally to achieve the goals of the collaboration. So that the program or policy implemented will be more effective because it involves organizational or institutional relations.

## II. Research Method

<sup>16</sup> Creswell (2012) suggests a synthesis of general assumptions about the characteristics of qualitative research that has been proposed by a number of researchers, then Sillahi (2012) says that there are two paradigms that have developed in the sociological tradition, namely the positivism paradigm and the phenomenological paradigm. The positivism paradigm is expressed as a traditional, experimental, or empiricistic paradigm developed by sociologists such as Comte, Durkheim, and Mill. In contrast, the phenomenological or naturalistic paradigm is expressed as a constructivist<sup>7</sup> interpretive, or post-positivist approach or post-modern perspective and is considered a countermovement paradigm to the positivist tradition in the late 19th century, developed by sociologists such as Weber and Kant. Comte's positivism emphasized "knowledge based on experience". Or "observed facts". Comte argued that only by using positive philosophy to study the human mind and social interaction could real social progress be understood.

Based on the opinions expressed above, the authors choose a qualitative research approach to uncover and discuss Government Collaboration in Controlling Illegal Miners in West Nusa Tenggara Province. This research is an "observed facts" activity that produces "knowledge based on experience". With Comte's view that only by using positive philosophy to study the human mind and social interaction can understand real social progress, the analysis of Government Collaboration in Controlling Illegal Miners in West Nusa Tenggara Province is directed to reveal the social progress of the Indonesian people in realizing prosperity and legal awareness. on society.

## III. Result and Discussion

Visualization of government collaboration by prioritizing managing aims between the local government and law enforcers or policy makers to enforce the law on illegal miners. Of course, it requires a policy management that leads to the goals that have been agreed upon by the policy makers.

Therefore, to answer the above problems, a question was asked about the purpose of government collaboration on law enforcement against illegal miners in the legal area of West Nusa Tenggara Province carried out by all Regional Government officials, such as Informant 1 HL Gita Ariadi (Sekda of West Nusa Tenggara Province). ) stated that all regional apparatus from the provincial level to the village level<sup>5</sup>ed to "control and control PETI". PETI in question is Unlicensed Gold Mining, in West Nusa Tenggara Governor Regulation Number 64 of 2020 concerning Regional Plans for Mercury Reduction and Elimination, where until 2019 there are 6 (six) Small Scale Gold Mining (PESK) locations in West Nusa Tenggara Province, and as many as 2 (two) locations previously had 71 IPRs in WPR, namely West Lombok Regency 71 units, and Dompu Regency 5 units, while 4

(four) locations that do not have an IPR or WPR which are categorized as Gold Mining Without Permit (PETI), namely in Central Lombok Regency, West Sumbawa,

Sumbawa, and Bima Regency. Gold processing activities in all ASGM locations use mercury with drum/coil processing equipment, with a total of 16,247 units and a capacity of 457.85 tons, generally carried out independently or individually, while alternative non-mercury gold processing uses cyanidation technology with equipment in the form of barrels/silos. , is seen as more effective than technology using drums / coils, because in terms of income it is greater.

The application of law enforcement for illegal or illegal miners needs to be dealt with firmly and the role of each regional apparatus. This is as explained by Informant 2, namely H. Baiq Isvie Rapurda (Chairman of the DPRD of West Nusa Tenggara Province) who stated:

"Unification of understanding and steps and actions in law enforcement controlling illegal miners and uniting perceptions in dealing with illegal miners".

In the opinion above, it is urgently needed for unification or in another context is collaboration between all regional apparatus **in the Province of West Nusa Tenggara** in order to enforce laws that apply to all. Collaboration is not only to enforce the law for illegal miners, but also as a tool to deal with and minimize the emergence and growth of illegal miners.

In line with the opinion above that Informant 3, namely Didik Putra Kuncoro (Karo OPS Polda West Nusa Tenggara) emphasized that:

"According to my observations, the purpose of government collaboration for law enforcement for illegal miners is to take action together in a supportive atmosphere to systematically solve existing and emerging problems and not only solve these problems by law enforcement alone."

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The above opinion emphasizes that **the problem of illegal mining is not only** law enforcement. Observing this opinion, apart from enforcement, solutions or solutions must also be found to follow up on the development of the illegal mining problem. Solving the problem of illegal mining can be done by finding a joint solution that is carried out by all regional officials in West Nusa Tenggara Province.

Following up on joint solutions to illegal mining problems by finding joint solutions, it is hoped that they will be able to find a coherent government collaboration strategy model. This is as expressed by Informant 4, namely Budi Prayitno (Kasatpol PP of West Nusa Tenggara Province) who expressed his opinion, namely:

"The government collaboration strategy model by the central government and/or local government in the era of information disclosure is needed by involving all relevant provincial government apparatus and law enforcement stakeholders in West Nusa Tenggara, so as to suppress the development of illegal miners in the West Nusa Tenggara region by creating consensus and agreement with the community".

In order to solve the problem of illegal miners so as not to drag on and have a wider impact, informant 4 emphasized that there are concrete steps from all devices and stakeholders to be able to contribute to the prevention and enforcement of law for illegal miners. By creating a step that results from a mutual agreement or consensus between the government and the community, it is hoped that it can maintain the integrity and a comfortable and conducive atmosphere for the community.

The same thing was also expressed by Informant 5, namely H. Fauzan Khalid (Regent of West Lombok) who explained the aims and objectives of the Collaboration, namely:

"Collaboration means the process of working together to produce ideas or ideas in solving the problems of illegal miners together towards a common vision, namely so that the problem of illegal mining does not occur in West Nusa Tenggara".

It was clearly stated that the solution to law enforcement for illegal miners was expected to be carried out by cooperation between lines of government or to be carried out with the collaborative role of the government in West Nusa Tenggara Province. This is considered important so that there are no more illegal miners in the Province of West Nusa Tenggara, so that all government officials and law enforcement officials as well as related stakeholders can understand a concept and idea as well as ideas towards a better vision for the Province of Nusa Tenggara.

Preventive steps that can be taken are to provide education by going directly to people who carry out illegal mining (illegal) so that it is hoped to be able to make people who carry out illegal mining aware not to do it again. Because seeing the impact of material and non-material losses are very large if the community continues to carry out illegal mining, according to its nature and effectiveness. Preventive law enforcement means that active supervision is carried out on compliance with regulations without direct incidents involving concrete events that give rise to suspicions that legal regulations have been violated. While repressive measures Law enforcement as a result of environmental damage that is repressive in nature is carried out in terms of actions that violate regulations and aim to directly end prohibited acts. Criminal action generally always follows a violation of the rules and usually cannot negate the consequences of the violation. To avoid repeated criminal action, the perpetrator himself must stop the situation.

The understanding of the application of government collaboration in enforcing the law on illegal miners is seen as a real threat in the future, not only detrimental in terms of regional income but also in terms of the environment which is very detrimental. Therefore, the government and all elements of the West Nusa Tenggara Province community work hand in hand to be able to apply and enforce the law fairly and equitably.

Law enforcement is seen as the right solution for the purpose of controlling, handling and disciplining illegal miners in the Province of West Nusa Tenggara, namely with a cultural approach so that illegal miners are more aware of themselves to no longer mine illegally or illegally. This is a big challenge for the Regional Government and all elements of society to collaborate in law enforcement for illegal miners.

In the context of the shared goal of government collaboration towards law enforcement of illegal miners in the jurisdiction of West Nusa Tenggara Province, informant 1 HL Gita Ariadi (Sekda of West Nusa Tenggara Province) expressed his opinion, namely "The goal is to prevent environmental pollution and K3 from happening to small-scale miners and the loss of potential mineral resources." It was explained that the main purpose of law enforcement against illegal miners was to prevent the expansion of environmental pollution that occurred in the province of West Nusa Tenggara.

In order to optimize this prevention, it is necessary to have synergy between all lines, as stated by informant 2, namely H. Baiq Isvie Rapurda (Chairman of the West Nusa Tenggara Provincial DPRD) who argues that "In law enforcement efforts, illegal miners are carried out in synergy between law enforcement officers, both from elements of the police, civil service police and security forces or the TNI." It is clearly stated that all elements of government need to work hand in hand to be able to synergize in minimizing illegal miners and maximizing law enforcers.

Law enforcement efforts really need to be enforced by local officials, including law enforcement. However, in enforcing the law, it is necessary to look at restorative justice which prioritizes the dialogue process to be able to provide the right solution for illegal miners so that they no longer carry out illegal mining. However, things are quite draining where law enforcement against illegal miners has not found a good solution. This is as expressed by informant 5, namely H. Fauzan Khalid (Regent of West Lombok) "The

understanding of the shared goals of government collaboration towards law enforcement of illegal miners in the jurisdiction of West Nusa Tenggara Province has not found a bright spot due to changes in existing regulations and licensing process which still makes it difficult for miners.”

The view above emphasizes that the common goal of government collaboration in law enforcement for illegal miners must be consistency from government officials and law enforcers in implementing regulations and all forms of the licensing process which are still considered difficult. This is in line with what was stated by Informant 6, namely H. Lalu Fathul Bahri (Central Lombok Regent) “The goal to be achieved is the formation of a law-aware society in the jurisdiction of the province of West Nusa Tenggara. In addition, this collaboration aims to build sustainable cooperation between regional leaders and law enforcement officers in the regions. In the First Mission of the 2016-2021 RPJMD, namely caring for morals in social life, coordination of cooperation and formulation of policies for the implementation of security and public order funds are important policy directions that serve as guidelines for regional apparatus to carry out development programs in the fields of peace, public order and community protection”.

This view is a culture that is included in a 2016-2021 RPJMD where policy makers include a religious element, namely morality, where every individual is expected to be well-blind and have a good personality for a good future. This good thing begins with not mining illegally or illegally. Therefore, local governments at the provincial, district and city levels as well as law enforcers continue to try to enforce the applicable law in accordance with what has been mutually agreed upon. This is in line with what was stated by Informant 7, namely H. M. Juani Taufik (East Lombok Regional Secretary) "it is in accordance with the applicable regulations, namely regarding environmental protection and management".

The above-mentioned consistency needs to be maintained in order to achieve the common goals of the Provincial, City and Agency Apparatuses as well as law enforcement officials. This is an embodiment of the Government's responsibility as the bearer of the mandate of the law as stated by Informant 8 H. Djohan Sjamsu (Regent of North Lombok) "The joint goal of the collaboration is appropriate and in accordance with the applicable legal basis but needs to be adjusted to Law No. : 3 of 2020 regarding amendments to law number 4 of 2009 concerning mineral and coal mining because after 6 months of promulgation the licensing authority is taken over from the Regional Government to the Central Government.”

The same thing was also stated by informant 9, namely H. Mahmud Abdullah (Regent of Sumbawa) “Since the enactment of the amendment to the Minerba law, all licensing authority has shifted to the central government, except those delegated to the provincial government. Law enforcement is in accordance with applicable regulations, and the government continues to provide guidance and supervision so that illegal mining can become a legitimate business.” Informant 10, namely Lalu Mohamad Saihu (Prabu 1) also stated "It is appropriate." And informant 11 Baiq Nurul Hidayah (Prabu 2 Community Leader 2) also has the same opinion, namely "it is appropriate". It was clear from the three informants that they agreed to collaborate with the government to be able to carry out law enforcement in accordance with the laws and regulations, so on that basis the Government and law enforcers could act in accordance with the applicable legal corridors.

Informant 12 also expressed a similar view, namely H. Saiul Bohari (Sekoteng Community Leader). who make a living are miners.” Compliance with law enforcement has been carried out by the government. However, the emphasis made by the government and law enforcement officers is to be able to discipline the community so that they can live



regularly in society. Viewed from a different perspective, the Government and in providing lessons to illegal miners, informant 7, namely HM Juani Taufik (East Lombok Regional Secretary) revealed that "In solving the problem of illegal mining it is necessary to be supported by all aspects from law enforcement, the government and the community so that in solving it there is no indication of selective logging in controlling illegal mines and there is legal certainty against illegal miners which creates a deterrent effect".

The opinion above raises the problems that arise due to the voting by law enforcement officials to enforce the law against illegal miners. This is seen as a threat in the future for the Regional Government, Law Enforcement Officials and the social conditions of the community. Because social jealousy will definitely come to the surface, therefore consistent firmness is needed to continue to enforce the law against illegal miners.

The active participation of all elements of the Government is also needed to enforce the law as stated by informant 8 Mr. H. Djohan Sjamsu (Regent of North Lombok) "It is appropriate, it is necessary to add collaboration with district/city governments so that collaboration is not only at the provincial government level, but also at the provincial level. Regency/city governments who are more aware of mining issues in their area can also actively participate." Support from government elements at the district and city levels must be more active, so that the goals and objectives of government collaboration to be able to enforce the law on illegal miners can be realized properly and are increasing.

The ongoing collaboration focuses on strengthening quality and quantity, as stated by informant 9, namely H. Mahmud Abdullah (Regent of Sumbawa) "The target is for mining supervision personnel to strengthen quantity and quality (according to the authority) and approach efforts by APH, and the community conducting mining. wild." The same thing was also expressed by informant 10, namely Lalu Mohamad Saihu (Community Leader of Prabu 1) "In my view, the government's goal is to enforce the law for illegal miners in the jurisdiction of Prov. West Nusa Tenggara (Prabu Village, Pujut District, Central Lombok Regency) is right, but my hope as a community leader on the government side should work with the village government and local community leaders." A valuable reference is that collaboration to enforce the law is not only carried out by government officials and law enforcers, but also the community and/or community leaders.

Government collaboration in law enforcement for illegal miners in the jurisdiction of West Nusa Tenggara Province, is a manifestation of handling the complexities that have occurred so far. This can be resolved in various ways, one of which is the existence of a social community approach and activating the Community and/or Community Leaders, so that with this all the lowest and highest elements can unite to support the Goals, Aims and Targets that have been arranged in the RPJMD 206- 2021.

The social conditions of the people who depend more on illegal mining activities must change and switch to other activities such as the Government Facilitating the existence of agricultural land, modern mining land through investment. In addition to improving the standard of living of the mining community, which is carried out correctly and according to regulations, it can also preserve the environment as a provision or legacy for future generations.

#### IV. Conclusion

To answer research questions and achievements through discussion of interview results, according to the research design, the following conclusions can be drawn: 1) Government collaboration in controlling illegal mining in West Nusa Tenggara Province

has shown a good direction and is carried out consistently by Government Officials and Law Enforcement Officials to continue to collaborate in controlling illegal miners which continues in the jurisdiction of West Nusa Tenggara Province; 2) A strategic model that can be carried out in controlling illegal mining in West Nusa Tenggara Province by using the PASTI Collaboration Model of Government Collaboration consisting of Local Government, Law Enforcement Officials, Private Sector, Traditional Leaders, and Parent Organizations resulting from the results of the research and discussion of the research.

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