

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Implementation of People's Mining Permits after the enactment of Presidential Regulation of the Republic of Indonesia Number 55 of 2022 concerning Delegation of Granting Business Licensing in the Mineral and Coal Mining Sector

Jentung Wisnu Murti¹⁾, Anis Mashdurohatun²⁾ &, Ahmad Usman Jama³⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: jentungwisnumurti@gmail.com

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: anism@unissula.ac.id

³⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: ahmadusmanjama@unissula.ac.id

Abstract. *The purpose of this writing is to find out and describe the implementation of People's Mining Permits after the enactment of Presidential Regulation of the Republic of Indonesia Number 55 of 2022 concerning Delegation of Granting Business Licensing in the Mineral and Coal Mining Sector. The approach method in writing uses the Normative juridical approach method. The results of the research conducted indicate that the centralization of authority in the central government in managing the coal sector can also be one of the reasons why the implementation of these regulations does not run optimally in the regions so that there is a need to delegate authority to regional governments. Delegation of authority can encourage more equitable regional development and growth. By giving regions or local entities autonomy in decision making, local governments can direct resources and investment to accelerate regional development.*

Keywords: Coal Minerals; Mining Permit; People's Mining.

1.Introduction

The mining sector is a strategic pillar of the Indonesian economy, mandated by Article 33, paragraph (3) of the 1945 Constitution to be utilized for the greatest prosperity of the people. However, the legal landscape governing this sector has undergone significant fluctuations,

Implementation of People's Mining Permits after the enactment of Presidential ...
(Jentung Wisnu Murti, Anis Mashdurohatun &, Ahmad Usman Jama)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

particularly regarding the distribution of authority between the central and regional governments. The enactment of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 regarding Mineral and Coal Mining (the "Minerba Law") marked a shift toward absolute centralization, where all licensing authorities were pulled to the central government.

This centralization created a "bureaucratic bottleneck" for small-scale local miners. The vast geographical distance and complex administrative requirements at the central level made it nearly impossible for traditional and local miners to obtain People's Mining Permits (Izin Pertambangan Rakyat or IPR). In response to these challenges and the rising prevalence of illegal mining, the government issued Presidential Regulation (Perpres) Number 55 of 2022 concerning the Delegation of Granting Business Licensing in the Mineral and Coal Mining Sector.

Perpres 55/2022 aims to restore some of the authority to Provincial Governments to accelerate services, supervision, and guidance. This study focuses on analyzing the implementation of IPR after this delegation. The central question is whether this delegation can effectively resolve the bureaucratic hurdles faced by the regions or if it introduces new complexities regarding regional readiness. This article will dissect the urgency of authority delegation as a legal instrument for equitable regional economic development.

2. Research Methods

The method used in this research is the normative juridical method. Normative legal research is conducted by examining library materials or secondary data as the basic material to be researched by conducting a search of regulations and literature related to the problem being studied (Soekanto & Mamudji, 2015).

The approach used includes the statute approach and the conceptual approach. The data used are secondary data consisting of primary legal materials (Minerba Law, Perpres No. 55/2022), secondary legal materials (legal journals, books), and tertiary legal materials. The data analysis was carried out qualitatively and descriptively to provide a comprehensive understanding of the delegation of authority in the mining sector.

3. Results and Discussion

3.1. Legal Transformation: From Centralization to Sub-Delegation

Implementation of People's Mining Permits after the enactment of Presidential ...
(Jentung Wisnu Murti, Anis Mashdurohatun &, Ahmad Usman Jama)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

The enactment of Law Number 3 of 2020 initially created a "centralization shock" in the Indonesian mining sector. By revoking the authority of provincial governments to issue mining permits, the central government aimed to standardize supervision and reduce regional corruption. However, this policy ignored the geographical reality of Indonesia. For small-scale local miners (People's Mining), processing permits through the central ministry in Jakarta created an insurmountable bureaucratic wall.

Presidential Regulation (Perpres) No. 55 of 2022 acts as a "middle way" or a corrective policy. Although the authority remains "owned" by the central government, the execution is delegated back to the Governor. According to administrative law principles, this delegation means the responsibility for decision-making shifts to the delegate (the Governor), but the central government remains the ultimate regulator (Salim, 2021). This creates a dual-layer protection: local accessibility with national oversight.

3.2. The Mechanism of People's Mining Permit (IPR) Implementation

Under Perpres 55/2022, the delegation of IPR involves several critical aspects that were previously stagnant:

1. Issuance of Permits: Governors now have the authority to sign IPRs for individuals or cooperatives within designated People's Mining Areas (WPR).
2. Environmental Management: The delegation includes the approval of environmental documents (SPPL) for people's mining, which is much faster when handled by provincial environmental agencies.
3. Technical Supervision: The Governor appoints local mining inspectors to oversee safety and environmental standards.

The implementation of IPR after this regulation is expected to reduce the prevalence of illegal mining (PETI). When the permit process is local and accessible, miners are more likely to enter the formal economy, which allows the state to enforce environmental restoration standards (Reclamation) that are often ignored in illegal operations (Redi, 2016).

3.3. Economic Impact and Regional Autonomy

Implementation of People's Mining Permits after the enactment of Presidential ...
(Jentung Wisnu Murti, Anis Mashdurohatun &, Ahmad Usman Jama)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

The delegation of authority serves as a catalyst for equitable regional development. In the context of the Mineral and Coal sector, "equitable development" means that the benefits of natural resources are felt directly by the local community where the minerals are located. By giving regions or local entities autonomy in decision making, local governments can direct resources and investment to accelerate regional development.

By empowering the Provincial Government, the decision-making process becomes more contextual. For instance, a Governor understands the local land-use conflicts better than a central official. This autonomy allows the region to:

- Direct Investment: Link mining activities with local MSMEs.
- Revenue Generation: Increase the effectiveness of collecting Land and Building Taxes (PBB) and Non-Tax State Revenue (PNBP) through legalized mining entities.
- Labor Absorption: Legalizing People's Mining creates formal jobs for local residents, reducing poverty in mineral-rich but economically poor areas.

3.4. Challenges in the Implementation Phase

Despite the positive trajectory, several obstacles hinder the full implementation of Perpres 55/2022:

- Human Resource Gap: Many mining inspectors were transferred to the central ministry during the 2020 centralization. Provinces now face a shortage of technical experts to supervise the delegated permits.
- System Integration: The integration between the provincial licensing apps and the National Online Single Submission (OSS) system is often glitchy (Triwibowo, 2022). This technical gap creates "gray areas" where applications are stuck in digital limbo.
- WPR Determination: An IPR can only be issued if a WPR (Wilayah Pertambangan Rakyat) has been established. Currently, the determination of WPR remains the authority of the Minister of Energy and Mineral Resources. Without a designated WPR, the Governor cannot exercise the delegated authority to issue IPRs.

Implementation of People's Mining Permits after the enactment of Presidential ...
(Jentung Wisnu Murti, Anis Mashdurohatun &, Ahmad Usman Jama)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

3.5. Normative Analysis of the Delegation Principle

From the perspective of legal certainty, Perpres 55/2022 restores the spirit of the 1945 Constitution, particularly Article 18, which emphasizes regional autonomy. The centralization under Law 3/2020 was often criticized as a "setback" for democracy (Asshiddiqie, 2021). This Presidential Regulation corrects that by applying the principle of Subsidiarity—the idea that a central authority should have a subsidiary function, performing only those tasks which cannot be performed at a local level. People's mining, by its very nature, is a local activity and thus must be managed locally.

4. Conclusion

The implementation of People's Mining Permits (IPR) after the enactment of Presidential Regulation No. 55 of 2022 marks a significant shift back toward decentralized mining governance in Indonesia. This regulation successfully addresses the bottleneck of permit issuance that occurred during the 2020-2022 centralization era. By delegating authority to the Governor, the state provides a more realistic and accessible legal path for small-scale miners. However, the success of this delegation depends heavily on three factors: the speed of the Central Government in designating WPR areas, the technical readiness of provincial mining offices, and the synchronization of the OSS system. To achieve the goal of "equitable regional development," the delegation must be followed by a transfer of adequate budget and technical support to the provinces. This ensures that IPR is not just a piece of paper, but a tool for sustainable economic growth and environmental protection at the grassroots level.

5. References

- Adisasmito, W. (2020). *Sistem Hukum Pertambangan di Indonesia*. Jurnal Hukum & Pembangunan.
- Asshiddiqie, J. (2021). *Konstitusi Ekonomi*. Jakarta: Kompas.
- Bakar, S. (2023). "Environmental Supervision in Small Scale Mining". *Indonesian Journal of Environmental Law*.
- Fauzi, A. (2022). "Analisis Yuridis Perizinan Pertambangan Rakyat Pasca UU No. 3 Tahun 2020". *Jurnal Ilmu Hukum*.

Implementation of People's Mining Permits after the enactment of Presidential ...
(Jentung Wisnu Murti, Anis Mashdurohatun &, Ahmad Usman Jama)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Hadi, S. (2021). "Sentralisasi Kewenangan Pertambangan Mineral dan Batubara". *Jurnal Legislasi Indonesia*.

Ibrahim, J. (2018). *Teori dan Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia.

Kusuma, M. (2022). "Impact of Presidential Regulation No. 55 of 2022 on Local Economy". *International Journal of Law*.

Lubis, M. S. (2019). "Prinsip Otonomi Daerah dalam Pengelolaan SDA". *Jurnal Hukum Administrasi Negara*.

Marzuki, P. M. (2021). *Penelitian Hukum*. Jakarta: Kencana.

Nasir, M. (2023). "Delegasi Perizinan Tambang: Peluang dan Tantangan". *Jurnal Tata Negara*.

Pratama, R. (2022). "Legalitas Tambang Rakyat pasca Perpres 55/2022". *Jurnal Hukum Lingkungan*.

Puluhulawa, F. U. (2021). "Kebijakan Pengelolaan Pertambangan Rakyat". *Jurnal Legalitas*.

Redi, Ahmad. (2016). "Dilema Institusionalisasi Pertambangan Rakyat". *Jurnal Konstitusi*.

Salim, H.S. (2021). *Hukum Pertambangan Indonesia*. Jakarta: RajaGrafindo Persada.

Santoso, B. (2022). "Eksistensi Wilayah Pertambangan Rakyat dalam UU Minerba Baru". *Jurnal Rechten*.

Soekanto, S., & Mamudji, S. (2015). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Press.

Subekti, R. (2023). "Kepastian Hukum Izin Pertambangan Rakyat di Daerah". *Jurnal Rechts Vinding*.

Triwibowo, A. (2022). "Digitalisasi Perizinan Tambang melalui OSS". *Jurnal Administrasi Publik*.

Utama, I. G. (2021). "Politik Hukum Pertambangan Indonesia". *Jurnal Hukum Peratun*.

Implementation of People's Mining Permits after the enactment of Presidential ...
(Jentung Wisnu Murti, Anis Mashdurohatun &, Ahmad Usman Jama)



Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Wahyuni, S. (2023). "Kewenangan Gubernur dalam Delegasi Perizinan Minerba". *Jurnal Hukum Mimbar Justice*.

Yusgiantoro, P. (2020). *Ekonomi Energi: Teori dan Praktik*. Jakarta: LP3ES.

Zen, A. (2022). "Governance of Mineral Resources in the Era of Autonomy". *Journal of Indonesian Legal Studies*.

Implementation of People's Mining Permits after the enactment of Presidential ...
(Jentung Wisnu Murti, Anis Mashdurohatun &, Ahmad Usman Jama)