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CONSOLIDATING MINING AREAS LEGAL POLICY FOR SUSTAINABLE SPATIAL PLANNING

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ABSTRACT
The need to develop mineral and coal mining resources is increasingly causing many problems, including environmental issues. There needs to be continuous planning in mining areas based on the Environment. With a focus on spatial planning for mining areas in Indonesia, this research discusses the current mining regulatory framework and the issue of harmonization between spatial planning for mining areas based on environmental sustainability. This paper intends to answer the third research statement: First, how to conduct theoretical training on several legal principles of sustainable development from environmental protection and management perspectives. Second, what is the concept of environmental administrative and legal regulation in the field of supervision in realizing the determination of mining areas based on environmental development? Third, what is the licensing model for spatial planning and environmental planning in monitoring environmental management that is environmentally sound? This research uses normative legal analysis with a statutory and conceptual approach. The results of this study indicate that with an integrated environmental permitting and spatial planning concept, establishing a mining business permit area is predicted to function as an effective prevention instrument against the emergence of environmental pollution and damage due to mining activities. Recommendations given with the existence of legal criteria relating to the determination of mining areas to become the authority of the Minister of Environment and Spatial Planning, Governors and Regents/Mayors will result in the principle of environmental sustainability because this authority can be determined based on the size of "geographical-ecological", "economic conditions", or "administrative.

KEY WORDS
Environmental sustainability, mining area, spatial.

Using mineral and coal mining resources is an integral part and a primary need for development worldwide (H. S. Salim, 2006). With population growth and increased community development needs, the need for mineral and coal mining has increased (Nalule, 2019). Regardless of various views, mineral and coal mining resources is a *conditio sine qua non*.

Mineral and coal mining are non-renewable natural resources, meaning that excessively using them can affect future availability (Saleng, 2004). If used continuously, mineral and coal mining natural resources will undoubtedly impact the Environment and social impacts that will be detrimental to the surrounding community (Redi, 2014). Mining can change the natural landscape, damage and/or remove vegetation, produce tailings and waste aid, and drain water and surface areas (Hoessein et al., 2020). The ex-mining lands will form giant puddles and stretches of arid, acidic soil if not rehabilitated (Chandranegara, 2022; Suranta, 2012).

One of the crucial issues in contemporary Indonesian mining activities concerns the correspondence between the development of mining activities vis a vis spatial planning policies, especially regarding the overlap between the direction of spatial planning policies and land use for mining, which allegedly ignores the principles of environmental sustainability. Mining activities cannot be separated from or separated from national spatial planning policies—this is as confirmed in Art 1 para (29) Mining Law of 2020: A Mining Area is an area that has Mineral and/or Coal potential and is not bound by government

administrative boundaries which are part of the national spatial plan.

Mining activities depend on the mining location area, meaning that mineral and coal mining resources can only be produced in specific places that contain a wealth of underground natural resources (Chandranegara, 2016). In the end, activating the actualization of potential locations for exploiting mineral and coal mining resources is also connected to various aspects such as economic, environmental and social conditions (Redi, 2017a). Thus, every impact from mining activities directly impacts national spatial planning, such as changes to spatial plans, social and ecological effects, the economy and the sustainability of the surrounding communities (Chandranegara, 2017).

As a policy tool, the law has a crucial role in organizing and managing the linkages between planning and implementing the mining jurisdiction concept through adjusting strategic and regulatory documents that ensure environmental sustainability inspired by regulatory standards and practices in the international world (Crossley, 2019). The Mining Law revitalises the compatibility between mining and spatial planning through the concept of a 'Mineral and Coal Management Plan' prepared by the Minister, taking into account several things: starting from the carrying capacity of natural resources and the Environment, regional spatial planning to the availability of facilities and infrastructure. These primary considerations have provided a strong guarantee for sustainable development that hopes for justice between generations in Indonesia (Redi, 2017a). At the same time, mining that involves the Environment will also be tied to the substance of sound environmental management (principles of good environmental governance*)* as regulated in the Environmental Law of 2009, which is currently in effect.

This study aims to answer three research questions: (1) what are the theoretical exercises regarding several legal principles of sustainable development from the perspective of environmental protection and management? (2)What is the concept of environmental administrative and legal regulation in the field of supervision in realizing the determination of mining areas based on environmental development? (3) what is the licensing model for spatial planning and environmental planning in monitoring environmental management that is environmental?

The current paper followed the logical sequence of notions‘ appearance. This article begins with a reflective activity by tracing the true roots of sustainable development in mineral and coal mining activities. Section 2 then examines this essence being transplanted into normative principles. In the next section, this article offers the development of the concept of environmental administration law to oversee environmental management in determining mining areas so that the goal of maintaining sustainable development is achieved. In Section 3, this article closes with the idea of an integrated licensing model that incorporates spatial planning and the Environment as the basis for environmentally sound environmental management.

The urgency of several things offered in this article is to provide an academic contribution to the mining law sector and its suitability to spatial planning policies, which currently need more attention in various academic researches. Practically speaking, increasing problems in the environmental sector on the one hand - and the other hand, the country's need to utilize natural resources for economic progress - must be resolved in a compromise manner without harming any party. So, appropriate and comprehensive policies are needed to optimize the mining sector's development and environmentally friendly spatial planning. It is hoped that this policy will provide consistency, clarity and coordination from the government to mining authorities in running their business.

MATERIALS AND METHODS OF RESEARCH

It is a doctrinal legal research method that uses secondary data. This method focuses on the letter of the law rather than the law in action. Using this method, we compose a descriptive and detailed analysis of legal rules found in primary sources (cases, statutes, or regulations). This method aims to gather, organise, and describe the law, provide commentary on the sources used, and then identify and describe the underlying theme or

system and how each source of direction is connected. For instance, it used the Indonesian 1945 Constitution, the Mining Act of 2009 and 2020, the Spatial Act of 2007, and the Environmental Act of 2009. In addition, it also used a conceptual approach before the data were analysed qualitatively. The study used only secondary data. A positive legal inventory became an initial and primary activity to conduct research and assessment in the study**.**

RESULTS AND DISCUSSION

Principles of Sustainable Development: Status and How It Implemented. The existence of sustainable development principles in the management of natural resources and the Environment at the Rio de Janeiro Earth Summit, such as the principle of justice in one generation, the focus on early prevention, the principle of protecting biodiversity and the regulation of internalization of environmental costs, is at least an essential reference for countries to protect natural resources and the Environment from the threat of damage or pollution (Bell et al., 2013; Bethan, 2008). According to Daud Silalahi, the principles of sustainable development will influence traditional legal principles, which must adapt to developments in science and technology and bring new dimensions to the legal aspects of the development process (Silalahi, 1996). The story brings new conditions and values that will influence existing values, both economically and socially, so a process of adjustment to unique needs is needed.

After the 1972 Stockholm conference, national development in the context of efforts to protect the Environment through establishing national legal instruments showed significant progress (Hoessein et al., 2020; Mukhlish, 2010). This can be seen through promulgating the Environmental Law of 1982, later replaced by the Environmental Law of 1997. One of the considerations underlying or underpinning changes to environmental law is the awareness and life of the community concerning environmental management, which has experienced such development so that improvements are needed to achieve sustainable development goals that are environmentally friendly. This can be seen through promulgating the Environmental Law of 1982, later replaced by the Environmental Law of 1997. One of the considerations underlying or underpinning changes to environmental law is the awareness and life of the community concerning environmental management, which has experienced such development so that improvements are needed to achieve sustainable development goals that are environmentally friendly (A. G. Wibisana, 2017).

In contrast to the Environmental Law of 1997, which has adopted sustainable development within a normative framework by defining it in Article 1 paragraph (2), Sustainable development with an environmental perspective is a conscious and planned effort which integrates the Environment, including resources, into the development process to ensure capabilities, welfare, and quality of life of the present and future generations - and make it a principle of implementation as written in article 3: Environmental management which is carried out based on state responsibility, sustainable principles, and the principle of benefits aims to realize sustainable development with an insight into Environment in the framework of the development of the Indonesian people as a whole and the development of the entire Indonesian people who believe in and are devoted to God Almighty.

Table 1 – Comparison of environmental management laws, in ensuring sustainable development

The Environmental Law of 1982	The Environmental Law of 1997
Environmental management is based on preserving environmental capabilities in a harmonious and balanced manner to support sustainable development to improve human welfare.	Environmental management, which is carried out under the principles of state responsibility, the focus on sustainability, and the principle of benefits, aims to realize sustainable development with an environmental perspective in the context of the development of the Indonesian people as a whole and the development of the entire Indonesian people who believe in and fear God Almighty.

By examining the essence of sustainable development and several existing global and national agendas, in this article, the author presents an opinion regarding the background to the transplantation of the concept of sustainable development into Indonesian law - which is

divided into global and national political factors: in international politics, it is driven by awareness The Global Environment was vibrant in the early 1990s, environmental issues became an increasing global concern. Events such as the UN Conference on Environment and Development in Rio de Janeiro in 1992 (Earth Summit) and international agreements such as the UN Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD) highlight the importance of environmental protection and management life. This also influences Indonesia to adopt laws that align with international commitments and global environmental norms.

Next are national political factors: In the 1990s, Indonesia experienced significant political changes. The New Order government that was in power for decades experienced pressure from society and an increasingly strong environmental movement. Public demonstrations and environmental activist movements voice concern over the environmental damage caused by unsustainable development. These political factors encourage changes in policy and legislation in the environmental sector. Human rights issues played a significant role in driving the change in law. Environmental issues are also closely related to the protection of human rights. The right to live in a clean and healthy environment is recognized internationally. In Indonesia, the human rights movement also grew stronger during this period. The formation of the Environmental Law of 2009 aligns with the principle of protecting human rights related to the Environment. Bourchier and Hadiz assessed that domestic developments also played a vital role—the New Order government faced sharp criticism due to societal changes. Bourchier and Hadiz describe a society in the 1990s as one that changed drastically and dramatically due to economic progress and increased education. Public awareness about the dilapidated government and social issues regarding elite corruption is increasing (Bourchier & Hadiz, 2014).

Several of these factors then drastically changed the climate of human rights law from being sensitive-exclusive to becoming participatory-inclusive. These changes are also related to the need to regulate and manage the impact of rapid economic development in Indonesia. Industrial growth and exploitation of natural resources increase pressure on the Environment. This law reflects the need to ensure that economic growth goes hand in hand with environmental protection and sustainable development.

The reformation and the change of regime from the New Order to democracy was also followed by the transformation of environmental policies through the shift in The Environmental Law of 1997 to The Environmental Law of 2009—with several reasons: Policy Development and Environmental Conditions, the main reason for the revocation Environmental Law of 1997 was to adjust with the development of policies and increasingly complex environmental conditions. Newer and more comprehensive laws are needed to address more recent environmental challenges and issues. Focus on Environmental Protection: The change in the name of the law from “Environmental Management” to “Environmental Protection and Management” indicates a greater emphasis on protection. The Environmental Law of 2009 emphasizes efforts to protect and preserve the environmental (D’Hondt, 2019). The Environmental Law of 2009 strengthens the responsibilities and obligations of the government, society and various related parties in environmental protection and management. The new law provides a more substantial legal basis for implementing environmental protection measures and maintaining sustainability. It also broadens the scope of environmental regulation. This includes more comprehensive arrangements related to natural resource management, pollution control, ecosystem protection, and the environmental impacts of economic activities (Kurniawan et al., 2020). Harmonization with International Regulations: The Environmental Law of 2009 aims to update and harmonize Indonesian environmental regulations with relevant international regulations. Thus, Indonesia can fulfill international commitments and obligations regarding environmental protection and management (Erwin, 2015).

Several reasons for updating environmental policies do not necessarily solve environmental problems. Instead, the challenges are increasing with new variants, one of which is dealing with mining issues before the enactment of The Environmental Law of 2009. Several national environmental problems have been recorded as strategic concerns, starting

from the Lapindo Brantas ltd Hot Mudflow in East Java (2006), forest and land fires in Riau (2003-present), pollution in Buyat Bay, North Sulawesi by Newmont Minahasa Raya (2004), Forest and Land Fires in West Kalimantan (2005), Illegal Logging in Kalimantan, Pollution of the Surabaya River (1995-2005), Transfer of Protection Forest Functions to urban areas in Riau (2007), Forest damage in Kalimantan East (2004-2008), which according to the results of research conducted by the Forum for the Environment in 2008, was the peak of environmental damage in East Kalimantan, and several other environmental cases. The policy response through the Environmental Law of 2009 needs to be re-examined, whether the paradigms and visions in the Environmental Law of 2009 are appropriately realized—or vice versa, counter-productive from the spirit of its formation. For this reason, this article will reflect and parse back the contents of The Environmental Law of 2009—especially its offence with the mining sector, which has been a problem.

In the context of The Environmental Law of 2009, several environmental legal principles form the basis for environmental management in the mining sector (Handayani & Rachmi, 2011). Several legal principles are closely related to efforts to prevent environmental pollution and destruction from mining activities. The following is a description of the principles of environmental law in the context of environmental management in Indonesia.

The focus of sustainable development with an environmental view, in essence, reflects a close meaning with the hope of integrating the Environment into the development process to guarantee the capabilities, welfare and quality of life of present and future generations. This principle is the philosophical basis for national development, even though reality shows that the intensity of pollution and environmental destruction resulting from the designation of mining areas will continue to occur and threaten people's lives and the Environment itself (Putra, 2003). From a juridical perspective, the principle of sustainable development with an environmental view is a conscious and planned effort which integrates the Environment, including resources, in determining mining areas to ensure the capabilities, welfare and quality of life of present and future generations. Apart from that, environmental management is carried out with the principles of state responsibility, the principle of sustainability, and the principle of benefits aimed at realizing sustainable development with an environmental perspective in the framework of the complete story of Indonesian people and the development of the entire Indonesian society who believe in and are devoted to God Almighty (Manafi et al., 2009).

In line with these provisions, Emil Salim describes development and the Environment "Those environmental elements are dissolved in development. Environmental elements are not seen as separate from development as sugar is separated from tea water. Still, the Environment is dissolved in sustainable development like sugar dissolves in sweet tea (E. Salim, 1986).” Thus, environmental and development philosophy is related to the application of the principles of sustainable development from an environmental perspective. Apart from prioritizing the present and future generations' welfare and quality of life, it also considers the environment's capacity to support the lives of humans and other living creatures. It cannot be denied that the negative impact of mining activities, especially mining business permit areas, is the emergence of environmental pollution and damage, even though legal instruments such as The Environmental Law of 2009 have been implemented as a preventive and repressive effort to ensure the continuity of the Environment from threats and disturbances carried out by the community or perpetrators—mining businesses in carrying out their economic activities (Arsyad & Rustiadi, 2008). Therefore, a legal instrument in the form of The Environmental Law of 2009 is expected to minimize ecological risks arising from development impacts that do not pay attention to aspects of environmental sustainability. It must also be accompanied by serious efforts from the state to carry out law enforcement against environmental business actors who cause environmental pollution and damage.

From a theoretical-juridical perspective, industrial companies in the country try to maintain sustainability and prevent environmental pollution from mining activities (Priyanta, 2015). Therefore, facing the dynamics of industrial companies' activities today, theoretically and idealistically, the legal principles of environmental conservation should remain the basis for commitment for industrial companies in actualizing their economic activities and

remembering that the principle of preserving environmental functions is a juridical instrument that cannot be ignored by business actors in the country (Purwanto, 2009). In other words, the legal principle of keeping environmental functions contains several fundamental aspects that can prevent pollution from national industrial waste. For this reason, it is realized that the activities of industrial companies can cause environmental pollution. Consequently, its destruction is considered a dangerous threat to society and the Environment's survival (Akib, 2012). Therefore, the actualization of the principle of preserving the function of the Environment means preventing the Environment from being polluted or damaged due to the weakening of business actors' commitment to maintaining the part of the Environment when carrying out their economic activities (Keraf, 2010).

Another environmental law principle that can be utilized as a preventive measure in determining mining areas is the principle of compensation. The legal basis for the principle of balance due to pollution to mining activities can be demonstrated through the provisions of Article 87, paragraph (1) - (4) of The Environmental Law of 2009. These normative provisions are the realization of a principle existing in environmental law called the polluter pays principle. Apart from being required to pay compensation, polluters and/or environmental destroyers as a result of mining activities can also be burdened by judges to take specific legal actions, for example, an order to install or repair a waste management unit so that the waste conforms to the specified environmental quality standards; restore environmental functions; eliminate or destroy the causes of environmental pollution and/or destruction. The imposition of forced payments (dwangsom) for every day of delay in executing a court order to carry out specific actions is to preserve environmental functions (Handayani & Rachmi, 2011). This principle of compensation can be used to ask industrial companies in the mining sector suspected of polluting or destroying the Environment to fulfill their obligations to pay compensation, either through court processes (litigation) or outside the court (non-litigation) following legal procedures for resolving cases—environmental pollution cases outlined by The Environmental Law of 2009. Thus, based on the overall elaboration of the legal principles of sustainable development in the environmental Law of 2009 perspective, it can be concluded that these principles are all environmental legal principles which theoretically or practically can be utilized to hold legal responsibility to mining companies that have failed to prevent the emergence of industrial waste pollution which causes environmental pollution. The principle of sustainable development with an ecological perspective and preserving environmental functions is fundamental in preventing environmental pollution (Hardjasoemantri, 1990). Even though the principle of compensation emphasizes repressive legal action, it becomes a legal instrument for business actors to control the Environment from being polluted so that, in the end, the preservation of environmental functions within the framework of sustainable development can truly be enjoyed by current and future generations.

Mining Areas and Sustainable Development. The Environment and natural resources are essential "capital" for the development (Shelton, 2021). Supposedly, the nature of the product, which functions as a means of realizing human welfare, can be used to achieve a good and healthy environment (Goldfarb, 1995). However, in reality, development makes nature a satisfying tool for achieving sectoral growth and prosperity, so it is not surprising that various kinds of pollution and environmental damage appear on this earth due to the designation of mining areas (Rosana, 2018).

Sustainable development's principal goals are efforts to synchronize, integrate and give equal weight to the three main aspects of development: economic, socio-cultural and environmental (Fadli & Lutfi, 2016). The idea is that economic, socio-cultural and ecological development must be closely related. Therefore, the elements of this interrelated entity must not be separated or opposed to one another (Roy & Tisdell, 1998). Developmentalism, which only prioritizes economic growth and progress, must be replaced with a more holistic and integrative approach by paying serious attention to socio-cultural and environmental development (Wati, 2018). This is because the economic progress achieved so far has brought costly losses on the socio-cultural and environmental side. Socio-cultural and environmental destruction has caused the state and society to pay a heavy price in terms of

financial value and defeat (Putra, 2003). Therefore, the conditions and challenges Indonesia faces in the context of development, especially in the mining sector, especially in determining mining areas, require breakthroughs related to environmental management regulations to eliminate pollution and destruction (Pinilih, 2018).

This article offers the development of the concept of environmental administrative law, especially in the field of supervision over the determination of mining areas from a legal and policy perspective, as part of the national legal development agenda in the environmental sector. The law concerning the basic framework of national development reveals itself in two faces (Jazuli, 2015). On the one hand, the law shows itself as an object of national development. The development of environmental administration law in monitoring environmental management based on The Environmental Law of 2009 is the development of several things that require change or development in a more advanced (progressive) direction, not fixated on conservative thinking.

Environmental Management in the Mining Area. It cannot be denied that there is urgency for institutional existence in the supervision of environmental management. It can even be said that legislation's success in the environmental sector is also determined by "the existing administrative and institutional framework*"* (Kramcha, 2004). Environmental supervision institutions are a core part of the environmental management system and the central pillar of environmental administrative law in the environmental policy-making (Mallo et al., 2011). The environmental management oversight institution is equipped with the authority to make administrative regulations and enforce them administratively in addition to carrying out actual environmental management administrative activities (Farber, 1992). The regulatory formulation regarding the Environmental Management Authority is outlined in the provisions of Articles 8-13 of The Environmental Law of 1997. This is reflected in Articles 9 and 11 of The Environmental Law of 1997 concerning national environmental management institutions. The substance of the provisions of Article 9 of The Environmental Law of 1997 reveals that national environmental management is carried out in an integrated manner by government agencies following their respective duties and responsibilities and is coordinated by the Minister.

Observing the provisions of Article 9 of The Environmental Law of 1997, the arrangement of the article is contradictory and adds to the meaning of the word integrated with each or coordination: Integration requires unification of authority (institutional), while coordination refers to a cooperative relationship regarding the implementation of sectoral authority (Mallo et al., 2011). The substance of the provisions of Article 11 of The Environmental Law of 1997 aligns the term integrated with coordination in national-level environmental management, which a Minister institutionally carries out. Likewise, the Environmental Law of 2009 also aligns integration and coordination. This can be traced to Article 63, paragraph (2) of The Environmental Law of 2009, which states, "Environmental information systems are carried out in an integrated and coordinated manner and must be published to the public." According to Article 1 Number 39 of The Environmental Law of 2009, the Minister in question is the Minister who carries out government affairs in the field of environmental protection and management. Based on the description of the duties and authorities of environmental management institutions in determining mining areas, the development of the concept in question relates to the Organizational Restructuring Environmental Ministry. As long as there is no restructuring into a Departmental Institution, then the formulation of the authority will not be able to run correctly. Therefore, to create a good and integrated environmental management oversight institution, it is essential to have the Minister of Environment and Spatial Planning led the Department of Environment and Spatial Planning with full authority. Understanding the meaning of environmental management authority in an integrated manner requires integrated authority, meaning it is, on the one hand (Daly, 2017).

Thus, the authority of the national environmental management oversight institution, especially in terms of determining mining areas, is in the hands of a Minister who, for the sake of integrated environmental management, has full authority to stipulate ecological policies and, at the same time has the authority to make administrative decisions regarding

activities that may cause negative impacts on the Environment. The need to have institutions that have full power in environmental management, including those for controlling environmental pollution and damage, is based on the consideration that the number of government organs authorized in environmental management is perceived to be less conducive to efforts to control environmental pollution and damage. So, merging environmental planning into the Ministry's organizational structure was initially expected to be the key to forming the Department of Environment and Spatial Planning.

Integrated Monitoring Policy in Mining Areas. In environmental management based on The Environmental Law of 2009, administrative environmental law enforcement can be carried out in preventive and repressive ways (Nurjaya, 2008). Preventive administrative environmental law enforcement is carried out through supervision, while repressive law enforcement is done through administrative sanctions (Erwin, 2015). Supervision and application of administrative sanctions aim to achieve public compliance with organizational environmental legal norms. The concept of environmental management supervision policy regarding the determination of mining areas in the context of The Environmental Law of 2009 needs to be regulated comprehensively, which includes self-monitoring, self-recording and self-reporting by reporting the results to the relevant agencies, and is open to the community; primary supervision by inspectors from the licensing agency; second supervision from a provincial or government agency (central) if the first agency fails to carry out its supervisory function.

Another supervision is external supervision or public supervision. Thus, general supervision is as open and broad as possible to realize environmental management based on sustainable development, especially implementing an administrative objection mechanism if the permit-issuing agency ignores licensing procedures and public input (Brundtland, 1987). Of course, an appropriate punishment strategy (sanctioning strategy) is needed to make supervision effective, from applying the lightest administrative sanctions (warnings one, two and three) to revocation of permits. This sanctioning strategy is required to avoid imposing sanctions based on arbitrariness (A. G. Wibisana, 2017; M. R. A. G. Wibisana, 2017).

Supervision in the perspective of the provisions of Articles 22-24 of The Environmental Law of 1997, legally and normatively, does not reflect a comprehensive control concept, bearing in mind that the supervision carried out by the Environmental Ministry as stipulated in Article 22 does not apply to all types of environmental permits, especially in terms of determining mining areas. The supervision attached to the Minister of Environment is limited to permits for waste disposal into environmental media. This happens because the institutional status of the Environmental Ministry as a non-departmental State Ministry is an institutional obstacle in environmental monitoring. Supervision, as stipulated in Article 22, cannot be realized by the Environmental Ministry, including in the regions, because of the Environmental Ministry's organizational obstacles and also because an integrated institutional arrangement has yet to be issued.

Meanwhile, the provisions of Article 23: "control of environmental impacts as a monitoring tool is carried out by an institution specifically established for this purpose by the government". From the aspect of environmental administration law, the formulation of Article 23 appears wrong because environmental impact control is not a monitoring tool but rather an "effort" or "activity" to prevent and overcome environmental impacts. The substance of the Environmental Law of 2009 can also not become an alternative for integrated supervision. The existence of regulations in Chapter XII shows that the latest law requires integrated cooperation at every level of government. In the author's opinion, the rules regarding supervision do not yet demonstrate the existence of the role of the Minister of Environment because authorized officials can delegate their authority in carrying out supervision. The word delegation shows that the authority delegated to the delegates is their responsibility, not the responsibility of the delegator.

Therefore, the authors propose an alternative concept that is integrated from developing the idea of environmental administration law to determining mining areas offered in this paper. The concept of good supervision in environmental management in realizing

sustainable development will be successful if it implements the idea of integrated supervision carried out by the Minister of Environment and Spatial Planning, Governors, Regents/Mayors at the regional level. The concept of integrated supervision, both self-monitoring, self-recording and self-reporting, as well as public supervision, the results of which can be openly known to the public. Thus, supervision carried out properly, prioritizing integration between lines will prevent violations of environmental administration legal norms. If this monitoring concept is carried out well, environmental pollution caused by violations can be avoided.

Integrated Spatial Planning and Supervising Environmental Management. The functional meaning of the existence of environmental permits and spatial planning in the context of monitoring environmental management based on the realization of sustainable development as an effort to control environmental pollution and destruction resulting from the determination of mining areas is reflected in the level of comprehensiveness of permit requirements. It is through the licensing requirements that environmental licensing instruments have an essential meaning in preventing environmental pollution and assessing the environmental management performance of a company. In Suparto Wijoyo's, There is a division of environmental licensing requirements that accommodates all forms of essential protection components, which in this case include the following criteria ”*standard condition*”, ”*limit condition*”, ”*operating condition*”, ”*monitoring condition*”, ”*reporting condition*” (Suparto, 2005).

The concept of licensing requirements mentioned above is part of developing Indonesia's existing environmental and spatial planning system towards an integrated environmental licensing (Shelton, 2021). The "integrated environmental licensing system" has become one of the trends in developing environmental administration law, especially in environmental management supervision. The concept of simplification of various types of environmental licensing in one integrated environmental licensing formula is pursued by revising and establishing new environmental legislation that accommodates the "integrated environmental licensing system". Undeniably, international trends colour the dynamics of ecological management arrangements that The Environmental Law of 2009 drafters do not follow or know. The increasing complexity of environmental and spatial planning permits has yet to be resolved with the promulgation of the Environmental Law of 2009. The Environmental Law of 2009 only relies on the existing situation and does not carry out reforms in the field of environmental licensing. If you look closely, The Environmental Law of 2009 provides legitimacy for various environmental permits in Indonesia.

It is understood that the formulation of the provisions mentioned above in supervision in the mining sector, especially in the determination of mining areas that integrate an "integrated" system in the perspective of environmental permits, only constrains the need for "integrated policies", so that it does not reflect the basic concept of supervision of integrated environmental management which requires "unification” regulation (law) and administrative structure (authority and institutional). If one dives deeper, in The Environmental Law of 2009, there are many terminologies of "integrated", which is irrelevant to the theoretical framework of "supervision of integrated environmental management" (Silalahi, 1996).

Meanwhile, in the fundamental framework of integrated environmental management supervision in the context of sustainable development in determining mining areas, it is intended to construct integration between "policies" and "institutions". Sectoral environmental management can weaken the sustainable development (Tijow, 1972). This is, of course, different from the views which reveal that integrated environmental management supervision reflects good, compelling and legitimate government action (*behoorlijk, effectief en legitiem bestuurshandelen*) (Redi, 2017b). In the context of environmental pollution control in the context of monitoring, integrated environmental management requires "integrality": policies, regulations, competencies and institutions in environmental pollution control so that environmental pollution control ensures good, clean and healthy sustainability can be achieved. It is carried out well and effectively and has validity (Sembiring et al., 2020). The crystallization and internalization of the concept of monitoring environmental management in an integrated manner is a basis for studying the chain of legal arrangements that are conducive to efforts to control environmental pollution in Indonesia.

As a comparison, concerning the environmental licensing system and spatial planning as a legal instrument for preventing environmental pollution and destruction, a comprehensive or integrated licensing arrangement in the Netherlands can be put forward. In its development, sectoral environmental licensing regulations in the Netherlands have changed to become integrated and comprehensive regulations. This effort was then realized by inviting *Wet Milieubeheer*, Stb—1992 Number 551, which came into effect on March 1, 1993. The law of the environmental licensing system in the Netherlands, from sectoral licensing to integrated and comprehensive licensing, is a fundamental change step in combining various types of environmental permits into one kind of "integrated environmental permit". The realization of integrated environmental permits and spatial planning in the Netherlands is a process of deregulation and modernization carried out through the renewal of "environmental legislation": *Wet Milieubeheer* has simplified environmental licensing harmoniously within a legal framework for environmental management that is easy to implement and enforce (Wahid & SH, 2016). Control over the emergence of pollution and environmental damage is anchored in a single container for environmental permits in an "integrated environmental licensing system" (Redi, 2016). Due to the comparative legal system between Indonesia and the Netherlands regarding environmental permits and spatial planning and realizing successful environmental management that is based on sustainable development, it is deemed necessary for Indonesia to immediately have a comprehensive Environmental Management Law that regulates an integrated environmental licensing system." The substance of these regulations handles installations which require permits as an instrument for preventing environmental pollution and destruction, and the main elements should regulate (Rangkuti, 2020):

- An environmental licensing system for installations covering all types of environmental pollution;
- Authority to determine ambient, effluent and production process quality standards for all types of environmental pollution;
- Licensing procedures, including community participation and access to information;
- Provisions regarding administrative law protection;
- Requirements regarding supervision/monitoring and enforcement of administrative and criminal law (Hayati, 2011).

Thus, to realize environmental management supervision based on sustainable development as a means to maintain the preservation of environmental functions that present and future generations can enjoy in the context of environmental and spatial planning licensing, it is necessary to (undoubtedly) carry out reforms in sectoral environmental licensing sector towards an integrated environmental licensing system (integrated environmental licensing system) (Basri, 2013). It is time for the Decentralization and Integration of Environmental Licensing to be directed towards the concept of integrated environmental licensing (environmental integrated licensing system) (Silalahi, 1996). The idea of integrated environmental permits combines environmental and spatial permits that have been managed so far. Namely, HO permits, liquid waste disposal permits, permits for wastewater disposal to land, permits related to B3 waste management, dumping permits, etc. The existence of an environmental (protection) permit can replace an "outdated" HO permit (Marfungah et al., 2020).

Suppose an environmental permit is to be empowered as a tool of control. In that case, its position regarding a business license as the ultimate permit for a mining business activity must also be affirmed. In the Netherlands, a principle of equality of status applies between various keys. If one permit is revoked, the activity concerned can no longer operate automatically because the license is no longer complete. This principle is called "specialiteit beginsel" (Saleng, 2004). In addition, other aspects of development related to the development of integrated environmental and spatial planning permits, the elements of transparency, participation and accountability, need to be explained in detail and strictly related to the process of making and post-permit issuance (Bethan, 2008). Suppose you follow the environmental licensing reform that is taking place in the Netherlands. In that case, these methods can be followed by improving the environmental legislation, in this case, the

Environmental Law of 2009, which was initially sectoral towards integration—integrated environmental permit, meaning that there is only one type of environmental permit. With the existence of this integrated environmental licensing concept, it is predicted that access will be able to function as an effective instrument for preventing pollution and environmental damage. Therefore, realizing the idea of integrated environmental licensing brings new thinking about environmental management institutions and authorities.

From a juridical-administrative point of view, legal criteria relating to the determination of mining areas in integrated environmental permits are the authority of the Minister of Environment and Spatial Planning, Governors, and Regents/Mayors. This authority can be determined according to the size of the "geographical-ecological", "economic", or "administrative" conditions of each installation activity. Calculation of installation activities and environmental management bureaucracy based on "geographical-ecological", "economical", as well as "administrative" considerations is not easy. A commitment, carefulness and maturity of government officials at the central and regional levels are needed to establish an integrated environmental licensing authority, which aligns with the responsibility for regional autonomy and in the framework of realizing environmental management based on sustainable development.

CONCLUSION

Based on the questions, “What are the theoretical exercises regarding several legal principles of sustainable development from the perspective of environmental protection and management?” So, I believe that the principles of environmental management law are fundamental in preventing environmental pollution. Even though the focus of compensation emphasizes repressive legal action, in substance, it becomes a legal instrument for business actors so that it continues to prevent the Environment from being polluted, so that in the end, the preservation of the function of the Environment within the framework of sustainable development (Sustainable Development) can genuinely be enjoyed by current and future generations. The second question in this article is, “What is the concept of environmental administrative, legal regulation in the field of supervision in realizing the determination of mining areas based on environmental development?” So assess development that requires change or action in a more advanced (progressive) direction, not fixated on conservative thinking. The story of the concept of environmental administrative law, especially in the field of supervision over the determination of mining areas from a legal and policy perspective, is part of the national legal development agenda in the environmental sector because the law concerning the basic framework of national development shows itself in two faces.

On the one hand, the law shows itself as an object of national development. The third question in this article is: “What is the licensing model for spatial planning and environmental planning in monitoring environmental management that is environmental?” I granted with the existence of legal criteria relating to the determination of mining areas which fall under the authority of the Minister of Environment and Spatial Planning, Governors and Regents/Mayors will result in the principle of environmental sustainability because this authority can be determined based on "geographical-ecological" measures, "economic conditions", or "administrative". It takes a commitment, accuracy and maturity of the ranks of government officials both at the central level and at the regional level to establish integrated environmental licensing authority, which is, of course, in line with the commitment to provincial autonomy and in the framework of realizing environmental management based on sustainable development.

We recommend environmental administration law, especially in the mining sector, in monitoring environmental management based on sustainable development. It is required that it must comply with and fulfill the requirements of administrative normative principles for environmental management supervision, which include: a) The substance of environmental management policy; b) Environmental management institutions; and c) Community participation.

REFERENCES

1. Akib, M. (2012). Politik hukum lingkungan: Dinamika and refleksinya dalam produk hukum otonomi daerah. RajaGrafindo Persada.
2. Arsyad, S., & Rustiadi, E. (2008). Penyelamatan tanah, air, and lingkungan. Yayasan Pustaka Obor Indonesia.
3. Basri, B. (2013). Penataan and pengelolaan wilayah kelautan perspektif otonomi daerah and pembangunan berkelanjutan. Perspektif, 18(3), 180–187.
4. Bell, S., McGillivray, D., & Pedersen, O. (2013). Environmental law. Oxford University Press, USA.
5. Bethan, S. (2008). Penerapan prinsip hukum pelestarian fungsi lingkungan hidup dalam aktivitas industri nasional: Sebuah upaya penyelamatan lingkungan hidup and kehidupan antar generasi. Alumni.
6. Bourchier, D., & Hadiz, V. (2014). Indonesian politics and society: A reader. Routledge.
7. Brundtland, G. H. (1987). Our common future—Call for action. Environmental Conservation, 14(4), 291–294.
8. Chandranegara, I. S. (2016). Purifikasi Konstitusional Sumber Daya Air Indonesia. Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional, 5(3), 359–379.
9. Chandranegara, I. S. (2017). Desain Konstitusional Hukum Migas untuk Sebesar-Besarnya Kemakmuran Rakyat. Jurnal Konstitusi, 14(1), 45. https://doi.org/10.31078/jk1413
10. Chandranegara, I. S. (2022). Kuasa Modal and Pembentukan Peraturan Perundang-undangan. In Dekonstruksi Perundang-Undangan Indonesia: Menggapai Cita-Cita Ideal Pembentukan Peraturan Perundang-Undangan. Fakultas Hukum Universitas Brawijaya, Fakultas Hukum Universitas Indonesia and ICLD.
11. Crossley, P. (2019). Renewable Energy Law: An International Assessment. Cambridge University Press.
12. Daly, H. E. (2017). Toward some operational principles of sustainable development 1. In The economics of sustainability (pp. 97–102). Routledge.
13. D'Hondt, L. Y. (2019). Addressing industrial pollution in Indonesia: The nexus between regulation and redress seeking.
14. Erwin, M. (2015). Hukum Lingkungan: Dalam sistem perlindungan and pengelolaan lingkungan hidup di indonesia.
15. Fadli, M., & Lutfi, M. (2016). Hukum and Kebijakan lingkungan. Universitas Brawijaya Press.
16. Farber, D. A. (1992). Politics and procedure in environmental law. The Journal of Law, Economics, and Organization, 8(1), 59–81.
17. Goldfarb, T. D. (1995). Taking sides: Clashing views on controversial environmental issues. (No Title).
18. Handayani, R., & Rachmi, G. A. K. (2011). Pengantar Hukum Lingkungan. Surakarta: Cakra Books.
19. Hardjasoemantri, K. (1990). Hukum tata lingkungan.
20. Hayati, T. (2011). Perizinan pertambangan di era reformasi pemerintahan daerah, studi tentang perizinan pertambangan timah di Pulau Bangka [PhD Thesis]. University of Indonesia.
21. Hoessein, Z. A., Bakhri, S., & Chandranegara, I. S. (2020). Environmental and Sustainable Development Policy after Constitutional Reform in Indonesia. Proceedings of the International Conference on Community Development (ICCD 2020). https://doi.org/10.2991/assehr.k.201017.177
22. Jazuli, A. (2015). Dinamika hukum lingkungan hidup and sumber daya alam dalam rangka pembangunan berkelanjutan. Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional, 4(2), 181–197.
23. Keraf, A. S. (2010). Etika lingkungan hidup. Penerbit Buku Kompas.
24. Kramcha, S. (2004). Livelihoods and Policy in the Artisanal and Small-Scale Mining Sector-An Overview. Background Document Prepared for DFID by the Centre for

Development Studies at the University of Wales Swansea. Acquired from: Http://Www. Dfid. Gov. Uk/R4d/Pdf/Outputs C, 391.
25. Kurniawan, A. R., Murayama, T., & Nishikizawa, S. (2020). A qualitative content analysis of environmental impact assessment in Indonesia: A case study of nickel smelter processing. Impact Assessment and Project Appraisal, 38(3), 194–204.
26. Mallo, S. J., Wazoh, H. N., Aluwong, K. C., & Elam, E. A. (2011). Artisanal mining of cassiterite: The sub-surface (loto) Approach, sheet 390, Rayfield Jos, Nigeria. Wilolud Journals. Hal, 38–50.
27. Manafi, M. R., Fahrudin, A., Bengen, D. G., & Boer, M. (2009). Aplikasi Konsep Daya Dukung untuk Pembangunan Berkelanjutan di Pulau Kecil (Studi Kasus Gugus Pulau Kaledupa, Kabupaten Wakatobi). Jurnal Imu-Ilmu Perairan and Perikanan Indonesia, 16(1), 63–71.
28. Marfungah, L., Re, A., & Sudiro, A. (2020). Model of Mining and Mineral Mining Exploitation in the Pancasila Perspective and Indonesian Constitution UUD 1945. Tarumanagara International Conference on the Applications of Social Sciences and Humanities (TICASH 2019), 503–510.
29. Mukhlish, M. (2010). Konsep Hukum Administrasi Lingkungan Dalam Mewujudkan Pembangunan Berkelanjutan. Jurnal Konstitusi, 7(2), 067–098.
30. Nalule, V. R. (2019). Mining and the Law in Africa: Exploring the social and environmental impacts. Springer Nature.
31. Nurjaya, I. N. (2008). Pengelolaan sumber daya alam dalam perspektif antropologi hukum. Prestasi Pustaka Publisher.
32. Pinilih, S. A. G. (2018). The Green Constitution Concept in the 1945 Constitution of the Republic of Indonesia. Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada, 30(1), 200–211.
33. Priyanta, M. (2015). Pembaruan and Harmonisasi Peraturan Perundangundangan Bidang Lingkungan and Penataan Ruang Menuju Pembangunan Berkelanjutan. Hasanuddin Law Review, 1(3), 337–349.
34. Purwanto, P. (2009). Penerapan Teknologi Produksi Bersih untuk Meningkatkan Efisiensi and Mencegah Pencemaran Industri.
35. Putra, I. B. W. (2003). Hukum Lingkungan Internasional: Perspektif Bisnis Internasional. Refika Aditama.
36. Rangkuti, S. S. (2020). Hukum Lingkungan & Kebijaksanaan Ling Nasional Ed 4. Airlangga University Press.
37. Redi, A. (2014). Hukum pertambangan Indonesia: Pertambangan untuk kemakmuran rakyat. Gramata Publishing.
38. Redi, A. (2016). Dilema Penegakan Hukum Penambangan Mineral and Batubara Tanpa Izin Pada Pertambangan Skala Kecil. Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional, 5(3), 399–420
39. Redi, A. (2017a). Hukum penyelesaian sengketa pertambangan Mineral and Batubara.
40. Redi, A. (2017b). Hukum penyelesaian sengketa pertambangan Mineral and Batubara.
41. Rosana, M. (2018). Kebijakan pembangunan berkelanjutan yang berwawasan lingkungan di Indonesia. Jurnal Kelola: Jurnal Ilmu Sosial, 1(1).
42. Roy, K. C., & Tisdell, C. A. (1998). Good governance in sustainable development: The impact of institutions. International Journal of Social Economics, 25(6/7/8), 1310–1325
43. Saleng, A. (2004). Hukum pertambangan. UII press.
44. Salim, E. (1986). Pembangunan berwawasan lingkungan.
45. Salim, H. S. (2006). Hukum pertambangan di Indonesia.
46. Sembiring, R., Fatimah, I., & Widyaningsih, G. A. (2020). Indonesia's omnibus bill on job creation: A setback for environmental law? Chinese Journal of Environmental Law, 4(1), 97–109.
47. Shelton, D. (2021). International environmental law (Vol. 4). Brill.
48. Silalahi, D. (1996). Hukum Lingkungan Dalam Penegakan Hukum Lingkungan di Indonesia. Bandung: Alumni.
49. Suparto, W. (2005). Refleksi Matarantai Pengaturan Hukum Pengelolaan Lingkungan

Secara Terpadu (Studi Kasus Pencemaran Udara), Airlangga University Press, Surabaya, h. 328.
50. Suranta, F. A. (2012). Penggunaan lahan hak ulayat: Dalam investasi sumber daya alam pertambangan di Indonesia. Gramata Pub.
51. Tijow, L. (1972). Kebijakan Hukum Pengelolaan Lingkungan Hidup Di Indonesia. 5, 16.
52. Wahid, A. Y., & SH, M. S. (2016). Pengantar Hukum Tata Ruang. Prenada Media.
53. Wati, E. P. (2018). Perlindungan and Pengelolaan Lingkungan Hidup Dalam Pembangunan yang Berkelanjutan. Bina Hukum Lingkungan, 3(1), 119–126.
54. Wibisana, A. G. (2017). Pembangunan berkelanjutan: Status hukum and pemaknaannya. Jurnal Hukum & Pembangunan, 43(1), 54.Wibisana, M. R. A. G. (2017). Campur Tangan Pemerintah dalam Pengelolaan Lingkungan: Sebuah Penelusuran Teoritis berdasarkan Analisa Ekonomi atas Hukum (Economic Analysis of Law). Jurnal Hukum and Pembangunan, 47(2), 151–182.