



## Lampung Provincial Government Policy on the Impact of Mineral and Coal Mining Based on Sustainable Development Principles

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### **Abstract**

The withdrawal of authority from the regional government to the central government in mineral and coal mining activities causes all of them to become legal. This study aims (1) to analyze the authority of the Regional Government in Minerba mining activities (2) to analyze the Lampung Provincial Government's Policy on the impact of Minerba Mining based on the principles of Sustainable Development. The method used is the normative research method and the statutory approach. The results of this study are (1) the authority of the Regency/City Regional Government was withdrawn by the Central Government, but after the issuance of Presidential Regulation Number 55 of 2022 concerning Delegation of Granting Business Permits in the Mineral and Coal Mining Sector, the Center delegated it to the Provincial Governments. Regency/City Regional Governments no longer have authority over mining activities, their authority is limited because it is only delegated from the central government. The Regional Government does not have absolute authority, because the source of authority is given from the delegation process alone, to carry out the mandate of Law Number 55 of 2022 concerning Delegation of Granting Business Permits in the Mineral and Coal Mining Sector, the Regional Government of Lampung Province issued Lampung Governor Regulation Number 26 2022 concerning Amendments to Lampung Governor Regulation Number 47 of 2021 concerning Delegation of Licensing and Non-Licensing Authority to the Head of the Investment Service and One-Stop Integrated Services. However, the Pergub does not fully comply with the principles of Sustainable Development, namely democracy, justice and sustainability. The governor's regulation only explains the delegation process submitted by the center to the regions, because the authority is delegated, the authority possessed by the provincial regional government is still limited, so the Provincial Government is not optimal in carrying out law enforcement in the Minerba mining sector.

**Keywords:** *Authority; Policy; Minerba Mining; Sustainable Development*

### **Introduction**

Article 33 paragraphs (3) and (4) of the 1945 Constitution explain that natural resource management aims at the greatest prosperity of the people and is based on sustainable and environmentally sound principles. It is this spirit that should be the "guiding star" in any legal policy related to environmental management, including in the implementation of regional autonomy [1]. Systematic and

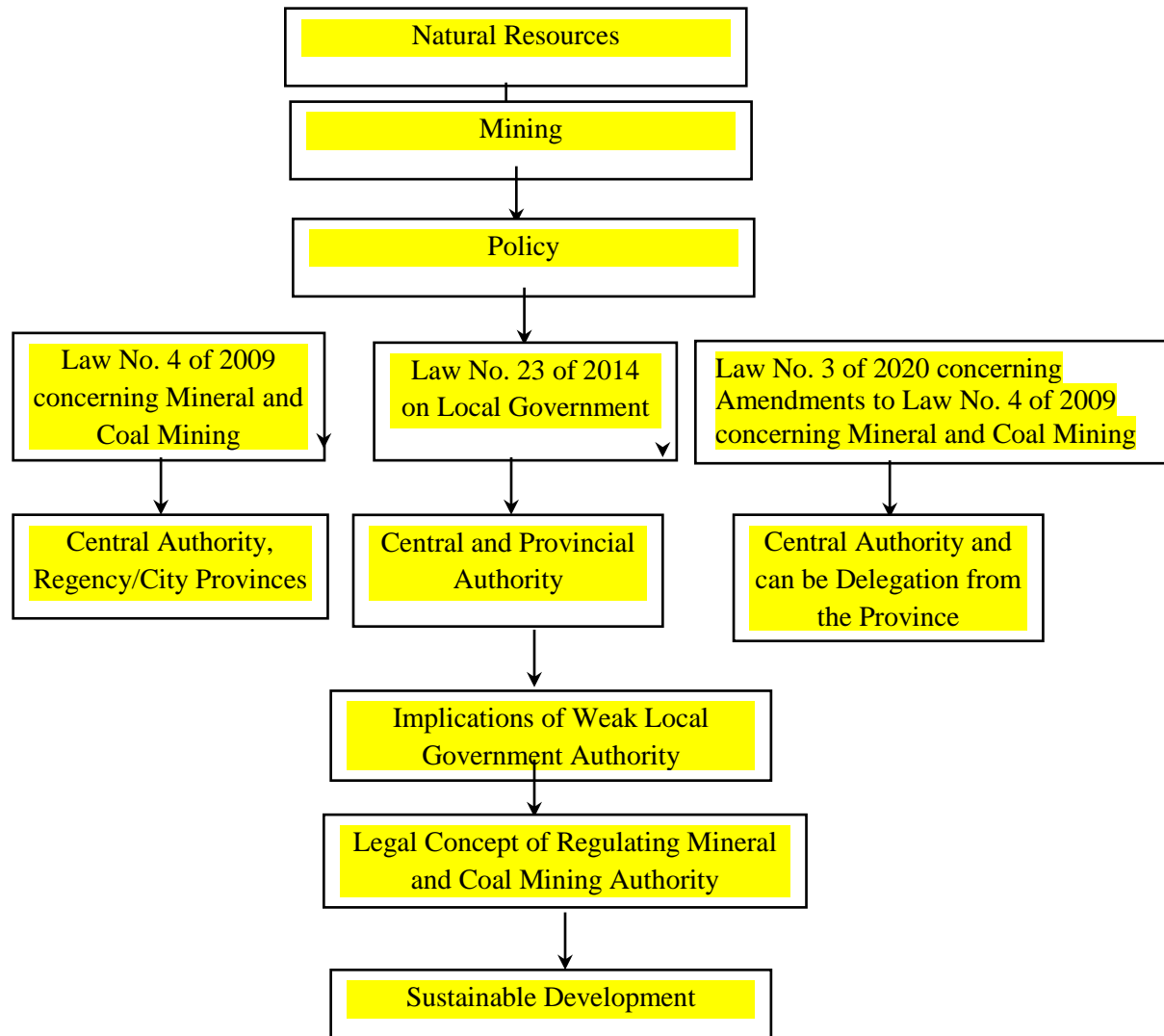
integrated efforts made to preserve environmental functions and prevent environmental pollution and/or damage, [2] which includes planning, utilization, control, maintenance, supervision, and law enforcement. The government and the entire community have an obligation to protect and manage the environment [3] in order to realize the implementation of sustainable development, namely the environment can still be used as a life support for the Indonesian people and other living beings.

Indonesia is one of the countries that has the most mining commodities so that the largest state revenue is also from the export of mining materials such as nickel, lithium and or other metal minerals, the Ministry of Energy and Mineral Resources recorded the realization of state revenues from the mineral and coal mining sector or mineral and coal as of September 6, 2021 reaching IDR 42.36 trillion, or 108.33 percent of this year's target. [4] Based on the Minerba One Data Indonesia website, the non-tax state revenue plan in the mineral and coal mining sector reaches IDR 39.10 trillion. The most mineral and coal sector revenues were recorded in August 2021. Royalties obtained by the state from the mineral and coal sector amounted to IDR 4.2 trillion, and sales of mining products amounted to IDR 2.98 trillion. The Ministry of Energy and Mineral Resources also noted that the realization of state revenues in the mineral and coal mining sector reached IDR 34.65 trillion in 2020, or 110.29 percent of the projected IDR 31.41 trillion [5]

The management of mineral and coal mining has the objectives of mining business activities, including economic, social, and environmental interests. Sustainable development is a form of response to the concept of conventional development, which only succeeds in improving the economy but fails in the environmental aspect. This happens because conventional development puts the economy at the center of growth issues and places social and environmental factors in a less important position. In fact, mineral and coal natural resources are non-renewable, which means that if only economic growth is the goal, there will be social and environmental consequences, because mineral and coal exploitation is done in order to meet the needs (of industry and energy) of the present or present without jeopardizing the fulfillment of the needs of future or future generations [6]

The use of natural resources for the development of social welfare for the people of Indonesia has been impliedly outlined in the purpose of statehood. The purpose of the Indonesian state as stated in the 4th line of the Preamble to the 1945 Constitution of the Republic of Indonesia which states that “[...] protect the entire nation and all Indonesians and to promote the general welfare, educate the nation's life, and participate in carrying out world order based on independence, lasting peace and social justice. [...] [7]

Mining is a sector that has received serious attention from the government, considering that the mining business activity contributes significantly to the entry of state foreign exchange, this can be seen by the large number of Mining Power permits in the regions [8]. On the other hand, with the increasing number of mining business activities both involving foreign and national investment, causing massive exploitation and resulting in pollution and damage to the environment. [9] Wahana Lingkungan Hidup Indonesia (WALHI) noted that there are at least 3 mining problems ranging from licensing problems, conflicts with local residents, to pollution due to mining tailings and coal dust [10]. When mining activities are completed, the problem is not over because there are several mining companies that leave the former mining pits unceremoniously.



In terms of natural resource management, Law Number 32 of 2004 provides basic changes in the implementation of local government, especially regarding the implementation of mining affairs. Although it is not expressly mentioned in the section [11]. The explanation of Article 13 paragraph (2) and Article 14 paragraph (2) states that the field of mining affairs is included in the affairs of the Provincial and Regency/City Governments which are elective, namely affairs that actually exist and have the potential to improve the welfare of the community in accordance with the conditions, peculiarities, and superior potential of the area concerned. The regulation of government affairs in the mining sector regulated in Law Number 32 of 2004 to provincial and regency/city governments is then strengthened and detailed by Law Number 4 of 2009 concerning Mineral and Coal Mining. Law Number 4 of 2009 concerning Mineral and Coal Mining provides a new dimension in the management of mineral and coal mining, where mining management authority is no longer classified based on the type of excavated material.

Article 9 of Law Number 23 of 2014 divides government affairs into 3 (three) parts, namely absolute government affairs, concurrent government affairs, and general government affairs. [12] Concurrent government affairs are divided into compulsory government affairs and elective government affairs. Furthermore, Article 12 paragraph (3) stipulates that government affairs in the field of energy and mineral resources are included in the affairs of the government of choice. The provisions of Article 14 paragraph (1) of Law Number 23 of 2014 state that the implementation of government affairs in the fields of forestry, marine, as well as energy and mineral resources is divided between the Central Government

and provincial regions. The division of authority between the central government and the provincial government can be seen in the Annex to Law Number 23 of 2014. In the Annex to Law Number 23 of 2014, the letter cc concerning the division of government affairs in the field of energy and mineral resources stipulates that these government affairs become the authority of the central government and provincial governments. Although in the corridor of Law Number 23 of 2014 has been narrowed the authority of local governments only specifically to the provincial government, there is still decentralization implemented in the context of regional autonomy.

In the new Mineral and Coal Law of 2020, the attribution authority shifts to the authority of the delegation. Article 35 paragraph (4) in the 2020 Mineral and Coal Law will certainly cause interpretation as if the local government has the authority, even though it does not have independent authority as long as it is interpreted as the absence of granting or delegating authority from the central government to the provincial government. Moreover, Article 35 requires implementing regulations such as Government Regulations in order to provide guarantees of legal certainty to the provincial government in order to obtain its authority, to what extent that the authority can be exercised.

Based on the background above, the basis for conducting this research is that there is a withdrawal of authority from the local government to the central government in mineral and coal mining activities, causing a legal vacuum. So that the Regency/City Regional Government no longer has authority over mining activities, the authority it has is limited because it is only a delegation from the central government, the regional government does not have attributive authority. Because they do not have absolute authority, the provincial regional government only gets delegation of authority. In the context of protecting the environment due to the impact of mineral and coal mining it will cause damage to the region, while the Regency/City area no longer has the authority to carry out environmental management. To control the damage caused by mineral and coal mining lies with the provincial government, then can the provincial government implement efforts to prevent the impact of damage caused by mineral and coal mining?.

Therefore it is necessary to conduct a study regarding the Regional Government Policy of Lampung Province on the Impact of Mineral and Coal Mining Based on the Principles of Sustainable Development. Based on the background description above, the formulation of the problem in the study is as follows:

1. How is the authority of local governments over mineral and coal mining activities?
2. How is the Policy of the Regional Government of Lampung Province towards the Impact of Mineral and Coal Mining Based on the principle of Sustainable Development??

## ***Method***

The methods used are normative research methods and statute approaches. Normative Juridical Approach [13], that is, an approach by examining the rules, norms, norms, rules related to the problem to be studied. This approach is intended to collect various kinds of laws and regulations, theories and literature that are closely related to mining. Data Collection used in this study is a literature study procedure.

## ***Results and Discussion***

### **1. Local Government Authority over Mineral and Coal Mining Activities**

Article 18A paragraph (2) of the 1945 Constitution of the Republic of Indonesia forms the basis for the distribution of authority for the utilization of natural resources and other resources for regional governments. In terms of managing non-metal mineral and rock mining, this paragraph should be able to

strengthen the role of regional governments in managing mining resources in their area. Arrangements for the distribution of authority to Regional Governments should not undermine the concept of the right to control the state as stipulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Article 33 paragraph (3) forms the basis for the authority of the Right to Control by the Central Government. Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia stipulates that the land and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. The formulation of being controlled by the state never existed before, but one thing is agreed upon that being controlled by the state is not the same as being owned by the state. The concept of control rights is relevant to the concept in Article 2 paragraph (2) of Law Number 5 of 1960 concerning Principles of Agrarian Management (UUPA).

No	Authority	Law No. 4 of 2009	Law No. 23 of 2014	Law No. 3 of 2020	Presidential Regulation No. 55 of 2022.
1	Mineral and coal mining management authority	The authority to manage mineral and coal mining is divided between central government authorities, provincial authorities and district/city authorities (Articles 7 & 8).  Unregulated	Appendix to Law Number 23 of 2014 letter cc. The division of authority is contained in 7 (seven) provincial authorities	Articles 7 & 8 are deleted, so that the authority for Mineral and Coal Mining lies with the central government. (Article 6).  The center can delegate the authority to issue business permits to provincial regional governments. (Article 35 paragraph 4)	the authority delegated by the Central government to the Regional Provincial Governments is explained in Articles 2 & 3
2	Monitoring	The Minister supervises the implementation of mining business management carried out by provincial governments and regency/city governments in accordance with their authority. (Article 140 paragraph 1)	Authority is given to the central government and provincial governments	The Minister supervises the implementation of Mining Business activities carried out by holders of IUP, IUPK, IUPK as a Continuation of Contract/Agreement Operations, IPR, SIPB,	carried out by mine inspectors and mining supervisory officials

		<p>The Minister may delegate to the governor to supervise the implementation of management authority in the mining business sector which is carried out by the district/city government. (Article 140 paragraph 2).</p>		<p>Transportation and Sales Permits, or IUJP. (Article 140)</p> <p>Deleted</p>	
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The mineral and coal law aims to provide an opportunity for the community to manage natural products in the local area with supervision from the center so that they can create superior and environmentally-minded human resources. There needs to be a change because it has not shown progress on legal requirements or becoming a legal umbrella for solutions or challenges in problems that exist in mineral and coal mining. So that it becomes an urgency to harmonize laws and regulations to make them more effective and efficient [14]

If previously the affairs of mineral and coal mining were decentralized down to the district/city governments, based on Law Number 23 of 2014 this authority was revoked and transferred to the provinces. According to the Director General of Regional Autonomy at the Ministry of Home Affairs, the authority over controlling mineral and coal mining is an authority that is ecological in nature and in practice is prone to irregularities [15]. Some of the things that according to the Central Government are obstacles because they are run by 497 districts/cities and added by division areas [16]. Some of the things that according to the Central Government are obstacles because they are run by 497 districts/cities and added by division areas.

The relationship between the authority of the central and regional governments in matters of energy and mineral resources is explained in more detail in letter cc of Appendix to Law Number 23 of 2014. Appendix to Law Number 23 of 2014 letter cc regulates the authority of the provincial government in relation to mineral and coal affairs. The division of authority is contained in 7 (seven) provincial authorities in accordance with the mandate of the Appendix to Law Number 23 of 2014, covering:

- 1) Determination of non-metal mineral and rock mining business permit areas within 1 province and sea area up to 12 miles;
- 2) Issuance of metal mineral and coal mining business permits in the framework of domestic investment;
- 3) Issuance of business permits for mining non-metallic minerals and rocks in the context of domestic investment;
- 4) Issuance of people's mining permits;
- 5) Issuance of mining business permits for special production operations for processing and refining in the context of domestic investment whose commodities come from the same 1 province

- 6) Issuance of mining service business licenses and certificates of registration in the context of domestic investment; And
- 7) Determination of benchmark prices for non-metallic minerals and rocks.

Thus, even though the space for decentralization has been narrowed down to the authority of the province, this can still be appreciated as a form of dividing the management of non-metal mineral and rock mining to the regions. This authority also has an impact on public services to the community, especially with regard to permits that are still in the Regions.

The existence of the Mining Law has again undergone changes in accordance with existing developments. The initial change occurred with the enactment of Law Number 23 of 2014 concerning Regional Government. In accordance with the previous explanation, the division of mining management authority has changed. Change of authority for non-metal mineral and rock mining which is no longer in the district/city government and is withdrawn to the provincial government.

This changing condition certainly resulted in a conflict between the Law on Regional Government and the Law on Mining. Moreover, in the General Provisions Article 409 does not mention the revocation of the authority of the district/city government as stipulated in the Appendix to Law Number 23 of 2014 letter cc. If viewed from a technical point of view of drafting laws and regulations as stipulated in Appendix II of Law Number 12 of 2011 concerning Formation of Legislation, Article 409 should clearly state the provisions in Article 8 of Law Number 4 of 2009 are repealed and declared null and void so that this is in line with the division of authority stipulated in the Appendix to Law Number 23 of 2014.

The conflict of authority between the Mining Law and the Regional Government Law should be resolved by adjusting the Mining Law to the provisions stipulated in the Regional Government Law. However, this condition is increasingly disparate with the enactment of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mining.

Overlapping issuance of mining and non-mining permits is also an actual problem, for example in a mining area it is possible that there are various types of permits that overlap with each other such as forest management permits, plantation permits and mining permits. Of course this results in the absence of legal certainty regarding implementation. As well as sanctions that are considered ineffective against mining permit holders who commit administrative and criminal violations, are part of the actual problems that occur in the implementation of Law no. 4 of 2009 [17]

The existence of Law Number 4 of 2009 which has differences from Law Number 23 of 2014 was amended with the enactment of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009. Law Number 3 of 2020 has a significant juridical impact on management authority mining of non-metallic minerals and rocks. Law Number 3 of 2020 has regulated the transfer of authority owned by local governments, both provincial and district/city, to the central government. The articles that give authority to the local government are deleted or the formulation of the article is changed so that no authority is left to the regional government. Article 169 letter c of Law Number 3 of 2020 stipulates that all regional government authorities in Law Number 4 of 2009 and other laws governing regional government authority in the field of mineral and coal mining must be interpreted as the authority of the central government unless otherwise stipulated in the law. Thus, all regional government authority arrangements, both provincial and district/city, regarding mineral and coal mining are repealed and transferred to the central government.

Based on Article 169 letter c, it is also regulated that there is local government authority related to the management of non-metal mineral and rock mining. Regional government authorities that are still granted in accordance with Law Number 3 of 2020 include:

- 1) Article 35 paragraph (4) of the amendment provides that the Central Government may delegate the authority to grant Business Permits to provincial governments in accordance with the provisions of laws and regulations.
- 2) Article 128 paragraph (1) of the amendment gives authority for local governments to collect local income from holders of IUP, IUPK, IPR or SIPB. Local revenues consist of:
  - a. Local taxes;
  - b. Regional levy;
  - c. People's mining dues; and
  - d. Miscellaneous legitimate local revenues based on the provisions of laws and regulations.:

Although the authority to grant permits passes to the Central Government as described above, Article 35 Paragraph (4) of Law 3/2020 explains, where the Central Government can carry out delegation related to the granting of permits to the Provincial Government in accordance with legal regulations. So it shows that the Provincial Government now has delegated authority, which of course will further require implementing regulations. This condition makes the Provincial Government an extension of the central government due to the delegation or handover of authority regarding licensing as well as from all aspects related to management, supervision, guidance and law enforcement that have been regulated in the Mineral and Coal Law [18] This condition resulted in a paradigm shift in the issuance of mining permits which was once based on the principle of the spirit and spirit of regional autonomy through the principle of decentralization, turning into centralization [19].

The implementing regulation in question is a Government Regulation, where what has been issued is Government Regulation Number 96 of 2021 concerning Implementation of Mineral and Coal Mining Business Activities where in article 6 paragraph (5) stipulates that the delegation of business permits to the Provincial Government is only granted through standard certificates and permits. based on the principles of effectiveness, efficiency, accountability and externality. So from here it can be observed that the delegation did not occur in the implementation of the NIB award. Then Article 8 explains that the arrangements regarding the delegation are further regulated through a Presidential Regulation.

The Presidential Regulation is Presidential Regulation Number 55 of 2022 concerning Delegation of Granting Business Licensing in the Mineral and Coal Mining Sector which stipulates that delegation to the Provincial Government is carried out to realize the implementation of good and effective governance. So that the delegation does not only occur in the issuance of standard certificates and permits, but also in the guidance and supervision related to the administration of permits, granting and determination of non-metal mineral WIUP, certain types of non-metallic minerals, and rock provided that they are located in 1 provincial area or sea area. up to 12 nautical miles, setting benchmark prices on non-metallic minerals, certain types of non-metallic minerals, and rocks as well as providing recommendations or approvals related to the authority that is delegated. (Articles 2 and 3).

With the change in policy regarding mineral and coal mining, the Job Creation Law and the Mineral and Coal Mining Law, the authority of the Regency/City Regional Government was withdrawn by the Central Government. However, after the issuance of Presidential Regulation Number 55 of 2022 concerning Delegation of Granting Business Permits in the Mineral and Coal Mining Sector, the Center delegated it to the Provincial Governments. So that the Regency/City Regional Government no longer has authority over mining activities, the authority possessed by the Provincial Government is limited because it is only a delegation from the central government, the regional government does not have attributive authority.

Even though they have received a delegation of licensing authority, the delegated authority is only limited to granting standard certificates and permits, fostering and supervising the implementation of business licensing. Because the authority of the provincial regional government was obtained from the delegation, the provincial government experienced limitations in enforcing the law in the mineral and coal



sector. So far, most of the mining locations are in remote areas far from the reach of the Central Government. The regional government should have more control over the affordability than the central one because of its location adjacent to the mining area.

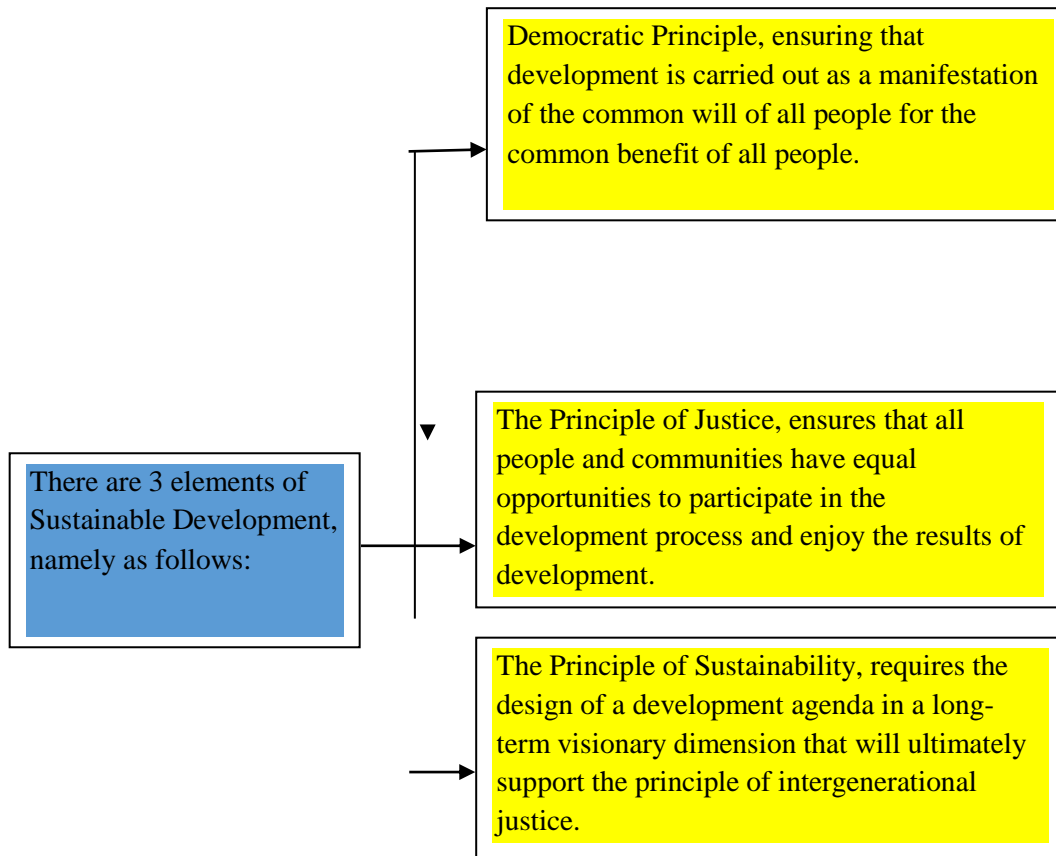
The Central Government delegates the authority to grant Business Permits to provincial governments. Delegation of authority makes regional governments limited and not optimal in enforcing the law in the mineral and coal mining sector. Authority regarding the potential of Natural Resources in the regions should be in the hands of the local government, or at least the local government should be involved. In "Article 33 Paragraph (3) of the 1945 Constitution" "it is stated that the earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people, but the word "state" cannot only be interpreted as the central government. Of course, local government is also a part of it. And an important point that should not be forgotten is the phrase "used for the greatest prosperity of the people".

Law Number 3 of 2020, explains the minimal role of the provincial regional government and also the district/city regional government in the implementation of the mining sector because the local government in the implementation of the mining sector is considered to only focus on means to increase regional income and seems to ignore aspects of social empowerment of local communities and protection environment in every management of natural resources, then poor management of permits and supervision which results in environmental damage and prolonged conflicts between permit owners and local communities which add to the chaos in the mining sector in the area.

## **2.Policies of the Regional Government of Lampung Province on the Impact of Mineral and Coal Mining Based on the Principles of Sustainable Development**

Regional government is the implementation of government affairs by regional governments and regional people's representative councils according to the principle of broadest autonomy within the system and principles of the Unitary State of the Republic of Indonesia as referred to in Article 18 Paragraph 5 of the 1945 Constitution of the Republic of Indonesia which states that "Regional governments are autonomous who can carry out government affairs to the widest possible extent and have the right to regulate government authority except for government affairs which are determined by law as the affairs of the central government .[20]

Sustainable development is defined as development that does not stop with the standard of living of future generations not being worse or better than the standard of living of the current generation. According to the World Commission on Environment and Development (WCED), sustainable development is development that is aimed at meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are 2 main key concepts, namely the very essential needs for the poor and need to be prioritized and the limitations of the environment's ability to meet the needs of present and future generations. The principles of sustainable development are explained in the following table:

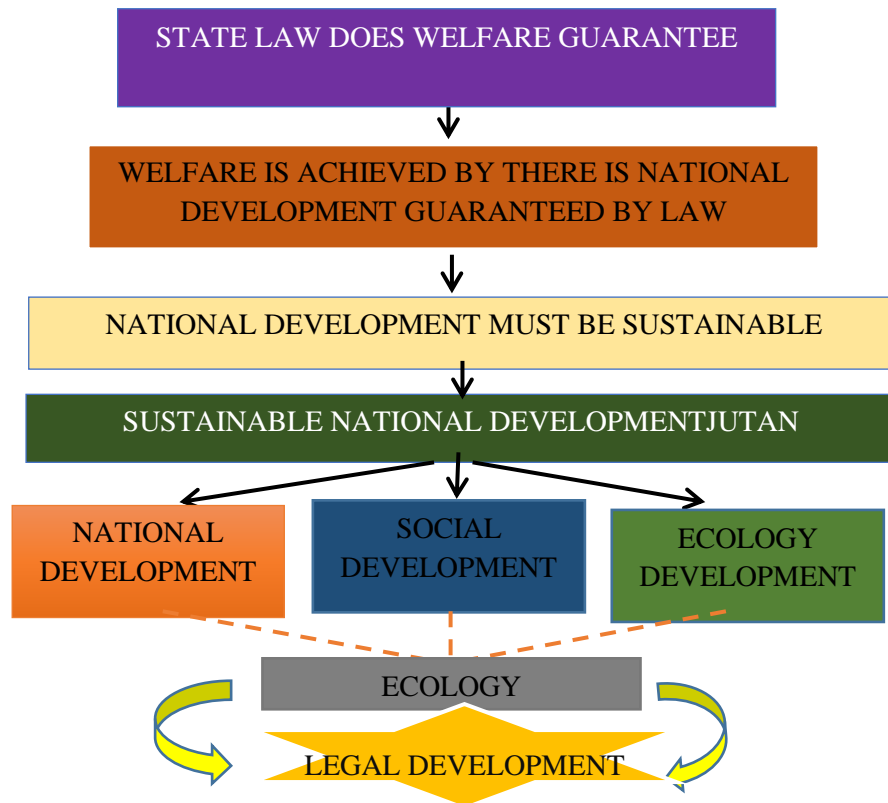


Source: Keraf, A. Sonny, 2002, Environmental Ethics, Kompas, Jakarta

Mineral and coal mining is one of the efforts to increase development, because the results of the mining will increase Regional Native Income (PAD) but in the context of sustainable development the principle of sustainable development which has the criteria of democracy, justice, and sustainability. The development must pay attention to the environment. Sustainable development is not a simple concept of how the current generation's development process can sustain future generations, but also offers a paradigm of principles that must be used as a basis for integrating environmental protection in every environmental management activity.

Presidential Regulation Number 55 of 2022 concerning Delegation of Business Licensing in the Field of Mineral and Coal Mining, explains that the central government delegates part of the authority to grant mining permits to regions (provinces). However, the authority is only for mineral commodities not metals and rocks. delegation of authority to grant mining permits to regions (provinces). The authority to delegate mining permits is limited to non-metallic mineral commodities and rocks, excluding coal mining.

Development that aims to improve the welfare of the community is inevitable from the use of natural resources. [21] However, the exploitation of natural resources that do not heed the ability and carrying capacity of the environment can result in a deterioration in environmental quality. Many factors that cause deterioration in environmental quality as well as environmental damage can be identified from observations in the field. [22] Especially after the issuance of Law Number 3 of 2020, many of the authority owned by local governments were withdrawn by the Government. City and Regency Governments do not have authority in managing development in their respective regions. The application of sustainable development principles which include the principles of justice, democracy and sustainability is the only way to achieve prosperity across generations. It is mandated in the definition of sustainable development.



Source: Catharina Dewi Wulansari, 2006

The principle of sustainability, requires the design of a development agenda in a long-term visionary dimension that will ultimately support the principle of justice between generations. Therefore, the Regional Government of Lampung province carries out a policy by issuing Lampung Governor Regulation Number 26 of 2022 concerning Amendments to Lampung Governor Regulation Number 47 of 2021 concerning Delegation of Licensing and Non-Licensing Authority to the Head of the Investment and One-Stop Integrated Services Service. According to public policy theory as put forward by Thomas R Dye defines public policy as "is whatever the government chooses to do or not to do" (what the government chooses to do or not to do). [23] On this basis, the regional government of Lampung Province takes action or does something by issuing the Governor's Regulation.

The Regional Government of Lampung Province does not have absolute authority, because the source of authority is obtained only from the delegation process, to carry out the mandate of Law Number 55 of 2022 concerning Delegation of Granting Business Permits in the Mineral and Coal Mining Sector, the Regional Government of Lampung Province issues a Governor Regulation Lampung Number 26 of 2022 concerning Amendments to the Governor of Lampung Regulation Number 47 of 2021 concerning Delegation of Licensing and Non-Licensing Authority to the Head of the Investment Service and One-Stop Integrated Services. However, the Governor's regulation does not fulfill the principles of Sustainable Development. The governor's regulation only explains the delegation process given by the center to the regions, because the authority obtained by the delegation, the authority possessed by the provincial regional government is still limited, so the Provincial Government is not optimal in enforcing the law against mineral and coal mining.

There are three main principles of sustainable development, namely: The principle of democracy guarantees that development is carried out as a manifestation of the common will of all people for the common interests of all people. The authority given to the provincial government by the central government to manage mineral and coal mining is already a democratic form of sustainable development.

However, the authority given by the central government to provincial regional governments is only a delegation. The delegation referred to in the Minerba context is within the scope of licensing and development. The supervisory authority remains with the central government. With this delegation model, the central government can at any time withdraw the authority that has been delegated if the regional government is deemed to be underperforming in carrying out the delegated authority.

The principle of justice guarantees that all people and groups of people have equal opportunities to participate in the development process and share in the benefits of development. Exploitation carried out in mineral and coal mining areas for the sake of the economy has resulted in increased vulnerability to aspects of protecting, fulfilling and upholding human rights, especially for vulnerable and minority groups, because their position here only prioritizes economic benefits [24]. The people who only prioritize economic interests have created a shift in the social function of public commodities to mere economic commodities, and in the end have positioned the environment only as a commercial item that can be controlled by a few people by ignoring human and environmental interests and rights. Follow-up to create a legal concept of mineral and coal mining management that is environmentally sound, namely by emphasizing the concept of sustainable development (sustainable development) [25]

Many mining authorities have been withdrawn by the Central Government, so currently people who wish to protest regarding mining activities in their area must report to the central government or at least the province. Even so far most of the mining sites are in remote areas far from the central government. Robert W. Kates, Thomas M. Parris, and Anthony A. Leiserowitz divided the concept of sustainable development into two, namely relating to what must be preserved and what must be built. The parts that must be preserved include: 1) Nature, namely the earth, biodiversity and ecosystems. 2) Life support (support), among others; ecosystem services, resources and environment and 3) Community (society), namely culture, groups and places. As for the parts that must be built include:

1. Humans which here refers to the lives of children, life expectancy, education, equity, equality, equity, and equal opportunities.
2. Economy aimed at welfare, productivity, sector and consumption, and
3. Social aimed at institutions, social capital, sectors, countries and regions. In summary, it can be seen in table 7 below:

<b>What to in Preserve</b>	<b>What to build</b>
<b>NATURE:</b> Earth	<b>HUMAN:</b> Survival of children
<b>Diversity</b> Biological Ecosystem	<b>Hope</b> live Education Equity Equal opportunity
<b>SUPPORT:</b> Resource and Environmental Ecosystem Services	<b>EKONOMI:</b> Productivity    Welfare    in    the Consumption Sector
<b>COMMUNITY:</b> Culture Community Place	<b>SOCIAL:</b> Regional    State    Social    Capital Institutions

Lack of community participation and control. Community participation and control over the use of natural resources is still weak, even tends to be absent. The weak participation of the community in monitoring the use of natural resources is caused by several things, the absence of legal guarantees that provide a basis for the community to participate in supervision, the absence of commitment from local governments.

In opening every process that must be passed to obtain an IUP, there are indications of political economic transactions carried out by local governments with mining actors, as well as weak non-governmental networks that can exercise control in the regions [26].

The principle of sustainability, requires the design of a development agenda in a long-term visionary dimension that will ultimately support the principle of intergenerational justice [27]. The withdrawal of authority owned by local governments makes local governments unable to do much to manage mineral and coal mining. So far, local governments and the era of decentralization and the era of autonomy have the authority, where they should be able to maintain the mandate of this authority properly, but with the new Mineral and Coal Law, most of the authority is taken over by the center under the pretext of wanting to create a more conducive investment climate. In fact, the Central Government does not necessarily have sufficient capabilities and capacity to carry out the licensing process and supervision of mining areas throughout Indonesia.

In Lampung Governor Regulation Number 26 of 2022 concerning Amendments to Lampung Governor Regulation Number 47 of 2021 concerning Delegation of Licensing and Non-Licensing Authority to the Head of the Investment Service and One-Stop Integrated Services, there is no word "sustainability" because it only describes the delegation process from the Government Center to the Provincial Government. Regarding mineral and coal mining activities, so far the planning has tended to prioritize aspects of national development and regional development. As a result, it ignores the environmental conditions or the mining area which actually causes environmental damage and pollution.

Ideally, the planning of mineral and coal mining activities with an environmental perspective must prioritize 3 (three) aspects, namely first, the economic aspect, which aims at economic growth and equity. Second, the social aspect which aims for empowerment. Third, the ecological aspect whose aim is to maintain biodiversity. If seen from the description of the Governor of Lampung Regulation Number 26 of 2022 concerning Amendments to the Governor of Lampung Regulation Number 47 of 2021 concerning Delegation of Licensing and Non-Licensing Authority to the Head of the Investment Service and One Stop Integrated Services, it has not fully complied with the principles of sustainable development.

### ***Conclusion***

1. With the changes in policies regarding mineral and coal mining, the Job Creation Law and the Mineral and Coal Mining Law, the authority of the Regency/City Government is withdrawn by the Central Government. However, after the issuance of Presidential Regulation Number 55 of 2022 concerning Delegation of Business Licensing in the Mineral and Coal Mining Sector, the Center delegated to the Provincial Government. So that the Regency/City Government no longer has authority over mining activities, the authority owned by the Provincial Government is limited because only delegates from the central government, local governments do not have attributive authority.
2. The Regional Government does not have absolute authority, because the source of authority is obtained from the delegation process alone, to carry out the mandate of Law Number 55 of 2022 concerning Delegation of Granting Business Permits in the Mineral and Coal Mining Sector, the Regional Government of Lampung Province issues a Governor Regulation Lampung Number 26 of 2022 concerning Amendments to the Governor of Lampung Regulation Number 47 of 2021 concerning Delegation of Licensing and Non-Licensing Authority to the Head of the Investment Service and One-Stop Integrated Services. However, the governor's regulation does not fulfill the principles of Sustainable Development. The governor's regulation only explains the delegation process given by the center to the regions, because the authority obtained by the delegation, the authority possessed by the provincial regional government is still limited, so the Provincial Government is not optimal in enforcing the law against mineral and coal mining.

### ***Suggestion***

1. Local governments must be involved in the management of mineral and coal mining. The existence of mining is in the Regency/City and far from the reach of the central government. The government is given attributive authority, this is intended so that local governments can optimally enforce the law in the mining sector. The central government must truly ensure the consistency of various sectoral laws and regulations with their implementation. Often the amendments and formulation of Regional Government Laws are not followed by the formation of Sectoral Laws, which results in overlapping authorities
2. The regional government of Lampung province in making policies must at least contain the principles of Sustainable Development, taking into account the principles of justice, democracy, sustainability. The government also always guarantees and is consistent with supervision and guidance related to regional and central relations in administering government. Only with the consistent attitude of the Government, governance can run more effectively and more optimally in the corridor of the unitary state between the center and the regions.

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