The Role of Environmental Principles in Mining Resources: A Discourse of Islamic and Indonesian National Law

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Abstract

Human life is inherently intertwined with the environment, serving as the backdrop for all daily activities. It is within this environment that individuals fulfill basic needs such as sustenance, shelter, and resources, often without a full appreciation of the environment’s profound significance. The extraction and utilization of resources, particularly from mines within the Earth, play a pivotal role in meeting human needs. This study highlighted that mine, as products derived from the Earth’s depths, merit responsible stewardship to ensure sustainable use. It is imperative for humans to recognize the broader societal implications of mining activities beyond personal interests. Islamic principles advocate for the equitable distribution of mining resources as a communal right and shared property. This perspective allows for the enjoyment of these resources by all individuals. Islam does not preclude the delegation of mining resource management to the government, emphasizing national prosperity. In tandem with Islamic principles, Positive Law acknowledges the government’s authority to grant mining rights to various entities. Private businesses, cooperative entities, and individuals are among those eligible for such rights, contingent upon obtaining proper
business licenses from relevant authorities. This legal framework aligns with the overarching goal of fostering national development and ensuring responsible resource management for the benefit of society.

Keywords: Management, Mining Goods, Islamic Law, Positive Law

A. Introduction

Human existence is inexorably intertwined with the natural environment, as individuals engage in various activities within the climate on a daily basis. The environment serves as the primary backdrop for essential human functions, including the procurement of sustenance and other basic necessities. Unfortunately, there is a prevailing lack of awareness regarding the profound significance of the environment, as individuals often overlook its critical role in sustaining human life. It is imperative for individuals to adopt a more conscientious approach to environmental conservation, abstaining from activities that pose potential harm. This responsibility is underscored by the pivotal role of the environment in human existence, an interconnection emphasized in legal frameworks such as Regulation Number 32 of 2009 concerning Environmental Protection and Management.

In order to preserve the environment effectively, there is a need for heightened awareness and adherence to regulatory provisions that govern ecological protection. Regulation Number 32 of 2009 establishes a legal framework for environmental safeguarding, emphasizing the imperative of responsible management. This underscores the interconnectedness of human existence with the environment, urging individuals to refrain from actions that may detrimentally impact this critical component of human life.

In its current state, Indonesia stands out for its exceptional abundance of natural resources, garnering global recognition for its ex-

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tensive forested areas, among the largest worldwide. The noteworthy fertility of its land supports the cultivation of a diverse range of crops. The natural landscapes, marked by their breathtaking beauty, collectively contribute to the creation of an awe-inspiring environment. Furthermore, the expansive water bodies surrounding Indonesia, alongside a thriving aquatic ecosystem, significantly bolster the country’s fisheries industry, playing a pivotal role in sustaining human life.³

Indonesia, encompassing the entirety of its land, water, and airspace, is a recipient of diverse natural wealth, a divine endowment with its origins in the benevolence of God. As civilized beings, it is incumbent upon the Indonesian populace to responsibly steward these gifts, utilizing them judiciously for the prosperity and welfare of the nation. Such conscientious management aligns with the imperative to recognize and uphold the divine trust embedded in the nation’s natural wealth.⁴

In any case, after some time and the ascent of normal abundance, ecological violations likewise frequently happen around our current circumstance, however all of that without us understanding it. For instance, in mining, mining is a work to investigate different possibilities contained in the entrails of the earth. The state assumes full command over all the abundance contained in the earth and is utilized as well as could be expected for the success of individuals. Nonetheless, the truth of the matter is that individuals do mining exercises by not focusing on significant angles in that frame of mind, as not focusing on the results caused or the impact of the mining (unlawful mining), yet it doesn’t preclude the chance of mining likewise did by mining organizations that as of now have official grants.⁵

Not only that, on land there are various forms of mining goods in the form of gold, nickel, tin, copper, coal and so on. Under the

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⁵ See Article 33 paragraph (3) of the 1945 Constitution
bowels of the earth itself are stored gas and oil which are also quite large. But looking at the existing facts, it turns out that such rich natural resources have never given blessings to the Indonesian people, especially in terms of the mining industry. This industry is like a "wolf in sheep’s clothing", it covers up its rottenness with things and sweet promises. And Indonesia’s natural wealth should be managed and utilized sustainably for the welfare of the Indonesian people and humanity in general now and in the future.

The Territory of Indonesia is a country that exceptionally maintains the law, consequently all viewpoints in the execution and organization of the state are managed in an arrangement of regulations and guidelines. The fourth section of the Preface to the Constitution of the Republic of Indonesia in 1945 contains the idea of state goals both explicitly and for the most part. Specifically, the reason for the state is to safeguard the whole country and all Indonesian carnage and to advance the overall government assistance and teach the existence of the country, while overall it is to partake in executing request in light of freedom, enduring harmony and civil rights.

Since the enactment of Law Number 4 of 2009 concerning Mineral and Coal Mining (read: Positive Law Law) as a substitute for Law Number 11 of 1967 concerning Basic Provisions of Mining, the system of Contract of Work and Production Sharing Contract is no longer valid. The Positive Law regulates mining businesses in Indonesia through mining business licenses (IUP). However, the permit has provided extensive opportunities for private business entities and individuals to take and dredge mining goods throughout Indonesia’s mining areas.
Law in a society aims to create order and harmony in life. The law has a regulating and coercive nature. A rule of law is for the needs of community livelihood, prioritizing the interests of the community, not for the needs or interests of individuals or groups, the law also safeguards the rights and determines the obligations of its community members in order to create an orderly, just, and prosperous society.\(^{11}\)

Whereas in Islamic rules and Positive Law has been regulated regarding the management of this mine, because the mine is actually owned and shared wealth not privately. And it should be maximized in joint management for the common good. From this problem, the author feels the need to examine mining management which is studied from the perspective between Islamic law and positive law.

**B. Management of Mining Goods in the Perspective of Islamic Law**

According to Taqyuddin an-Nabhani, within the framework of Islamic law, natural resources, including forests and inexhaustible mining materials, are considered abundant and beyond depletion. The management of such resources is envisioned to be within the purview of the state, with the subsequent outputs intended for distribution among the populace to fulfill both primary and secondary needs. Islam, being regarded as the most comprehensive and perfected religion, offers guidance on the responsible management and utilization of Earth’s contents for the collective benefit of humanity.\(^{12}\)

Nasrun Haroen explained about ownership, if an object is devoted to someone then the object will be fully in his control, so that others cannot act and use it. The owner of the property is free to take legal action against his property, such as buying and selling, granting it, endorsing it or lending it to others, as long as there is no prohibi-
tion of Shari’a.\textsuperscript{13}

In the view of Islamic law, mining goods are common property, thus no one has the right to control them or even own them individually. Including in this case, the management of mining goods must not be carried out by individuals (private), because public property must be managed in general which is represented by the state or government authorities so that the benefits of these goods can be felt by the public (wider community).\textsuperscript{14}

With regard to the managers of mining goods, Maliki scholars in their famous words, argue that everything that comes out of the bowels of the earth in the form of mining goods cannot be owned by managing them, but these goods belong to the Baitulmal of the Muslims, that is, the property of the state (government). It is the state that should control mining goods because the law shows public welfare considerations, demanding that justice be realized, it must be managed by the government in a country.\textsuperscript{15} It is feared that such mining goods will be discovered by evil and irresponsible people. If left unchecked, they will do great damage and sometimes they scramble to get it, resulting in bloodshed. Therefore, the property must be collected under the authority of the government which is the representative of the Muslims, whose use goes back to them (Muslims) for the benefit.\textsuperscript{16} Similarly, if there is a person or even a group of people in a company (corporation) who carry out exploration activities for mining goods, they must not own it, but all of it is the public property of Muslims controlled and managed by the government.

Ibn Qudamah in his great book Al-Mughni on \textit{Ihya’u al-mawat}, says: Mining goods that humans covet and use at no cost, such as salt, water, sulfur, gas, mummies (a kind of medicine), petroleum, diamonds and others that cannot be owned by cultivation, must not be retained ownership rights to someone so that other Muslims are pre-

\begin{itemize}
\item \textsuperscript{13} Nasrun Haroen, \textit{Fiqh Muamalah}, cet. ke-2, (Jakarta: Gaya Media Pratama, 2007), 31.
\item \textsuperscript{15} Az-Zuhaili, \textit{Al-Fiqh al-Islami wa Adillatuh}, 2910.
\item \textsuperscript{16} Yusuf Qardhawi, \textit{The Role of Values and Morals}, 130.
\end{itemize}
vented from obtaining them. This will harm, complicate and harm them. Since the mined goods are public property, they must be given to the state to manage them.

The point of Ibn Qudamah’s opinion is that all goods or mining materials belong to many people even though they are obtained from special property rights. Therefore, anyone who finds mined goods or petroleum on his property is not lawful for him to own them individually. The mining goods become public property, so they must be given to the state as a representative of the people to manage it.

Mining goods today, according to Jaribah’s consideration in the economic jurisprudence of Umar bin al-Khatlab, have a great urgency for the economic development of a country, mining goods have become a primary need in building civilization, establishing industry, as well as the world’s demand for him has increased enormously. Among the characteristics of mining goods is their dependence on probability factors. This means that search and research efforts often have an impact on mining exploration with very large amounts exceeding the exploration funds. That means that giving individuals ownership rights and their exploration or management will have the effect of monopoly in their hands individually, which will further disrupt the distribution process and will deny justice to all citizens who actually own the mine.

Among other characteristics of mining goods is that mining goods can run out and will experience scarcity one day. Therefore,

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19 Petroleum is an oily liquid that can burn, contains asphalt of various colors, is found in the upper layer of the earth, is a mixture of hydrocarbons and other substances, used as gasoline, kerosene, and so on.
22 Sembiring, The right to control the state over agrarian resources.” BHUMI: Journal of Agrarian and Land Affairs, Julius. 2.2 (2016): 119-132.
effective and exclusive measures must be established for the utilization of mining wealth, of course, taking into account the rights of the next generation of mining goods.\(^{23}\) In addition, mining goods can also be stockpiled or stored somewhere that will one day have a very high rupiah value, because mining goods are only concentrated in certain areas of the world, and can be determined production and storage in such a perfect and very good way.\(^{24}\) Giving individuals free rein their expenses and supplies is tantamount to providing them with a way to hoard mining wealth, play with its price, and realize enormous individual wealth which in turn has an impact on global damage to national and even international distribution processes.\(^{25}\)

In consideration of these reflections, in accordance with the perspective articulated by Jaribah bin Ahmad al-Haritsi, it is posited that the prerogative to oversee the exploration, including management, of mining resources and the subsequent dissemination of outcomes should be exclusively vested in the state. This allocation is subject to adherence to the tenets delineated in Islamic jurisprudence. Nevertheless, this standpoint does not preclude the potential for collaboration between the state and specific sectors to actualize sustainable production frameworks, ensuring equity in the distribution of mining products.

**C. Provisions for the Management of Mining Goods in Positive Law**

In the case of mineral and coal mining, Law Number 11 of 1967 concerning Basic Provisions of Mining stipulates that by having a mining authority, a legal entity or individual has the right and can carry out business in the form of exploration and exploitation of mining goods.

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goods. For holders of KP or contracts of work who have succeeded
in working on mining excavated materials have the opportunity and
possibility to own the mining materials they have cultivated.\textsuperscript{26} Ownership of mining goods, as contemplated above, can automatically
pass from the state to the contractor, only after the contractor has
completed the obligations to the state that have been agreed in the
contract. These obligations include deadrent payments and royalties or production dues, as well as other obligations such as taxation.
These payments are used as state revenue and income from the mining
sector.\textsuperscript{27} Mining regulation is an exceptional arrangement that directs mining freedoms (the piece of land containing valuable metals in soil or shakes) as per laid out rules.\textsuperscript{28}

Legitimate principles in mining are partitioned into two sorts, composed and unwritten mining regulation guidelines. Composed
mining regulation is a law and order contained parents in law and
guidelines, deals, and statute Unwritten mining regulations are legitimate arrangements that foster locally. The structure is unwritten and neighborhood, implying that it just applies inside the nearby local area.\textsuperscript{29}

The main difficulties looked by mineral and coal mining are the impact of globalization that supports democratization, local independence, common freedoms, the climate, innovative and data improvements, licensed innovation privileges and requests for expanded jobs of the confidential area and society.

There are at least six points that demand the establishment of a

\begin{thebibliography}{99}
\bibitem{28} H. Salim HS. Mining Law in Indonesia (Jakarta: PT Raja Grafindo Persada, 2004), hlm. 8.
\end{thebibliography}
new and actual law on mineral and coal mining, namely:  

a. Minerals and coal as non-inexhaustible assets are constrained by the state and their turn of events and use are completed by the Public authority and neighborhood legislatures along with business entertainers.

b. The Government further gives open doors to Indonesian lawful elements, cooperatives, people, and neighborhood networks to do mineral and coal abuse in view of licenses, which are in accordance with territorial independence conceded by the Public authority as well as nearby states as per their particular specialists.

c. In request to carry out decentralization and provincial independence, mineral and coal mining the board is done in view of the standards of externality, responsibility, and productivity including the Public authority and neighborhood states.

d. Mining business should give most extreme financial and social advantages for the government assistance of the Indonesian public.

e. Mining organizations should have the option to speed up provincial turn of events and empower monetary exercises of the local area/little and medium business visionaries and energize the development of mining supporting enterprises.

f. In request to make economical turn of events, mining business exercises should be done by considering the standards of climate, straightforwardness, and local area cooperation.

To guarantee the safeguarding of natural capabilities, all activities participated in mining are expected to do:

a. Entertainers should have an ecological effect examination or an 

30 Ali Budiardjo dkk, IND-ENG-UU 4 of 2009 Mineral and Coal Mining (PDF), ABNR COUNSELLORS AT LAW, hlm. 4-5, download 8 Desember 2012.


evaluation of the major and significant effects of arranged exercises on the climate vital for the dynamic interaction on the execution of exercises. Things investigated incorporate, environment and air quality, physiology and geography, water quality, land, widely varied vegetation, social and general wellbeing.

b. Entertainers are expected to oversee squander from organizations and exercises.  

c. Entertainers are expected to oversee perilous and harmful materials.

In addition to these obligations, miners are also prohibited:

a. Violating quality standards and standard criteria for environmental damage
b. Import hazardous and toxic waste.

All these obligations must be fulfilled by mining actors and the prohibition must be heeded. As we know, mining, especially sand mining, must have an important impact on the environment, both the physical environment and the social environment.

Regarding mine management, Regulation Number 4 of 2009 concerning Mineral and Coal Mining right now gives direction that the administration and double-dealing of unearthed materials should be completed deliberately, autonomously, dependably (ecological effect investigation), straightforward, cutthroat, proficient, and earth sound, from the outset beginning from the assurance of mining regions which are essential for public spatial intending to deals and post-mining. The most common way of carrying out the assurance of digging regions for mining licenses to operate and/or extraordinary mining license to operate regions and/or local area mining regions, then must also be carried out with a transparent and accountable mechanism, involving all elements, namely the executive in this case the central government or regional government, legislature, fig-


ures, experts and communities around the mining area.\textsuperscript{36}

Since the new provisions in the field of Mineral and Coal Mining number four which was passed as a law in early 2009, mining business licenses were introduced with existing mining locations in the mining business permit area. Since then, the mining power with a contract of work agreement between a general mining investor and the central or state government is no longer valid.\textsuperscript{37}

The basic concept of granting the right to carry out General Mining activities which 45 years ago was through an Agreement, with the existence of this new Law, will be changed in the form of granting Mining Business Licenses. The same concept is also treated in Indonesia’s neighboring country, Australia, but the difference is that Indonesia itself has not provided legal certainty in the event of disputes in the mining sector. In Australia, on the other hand, the courts have been able to provide legal certainty to general mining investors there.\textsuperscript{38}

Before the authorization of Regulation No. 22 of 1999 jo. Regulation Number 32 of 2004 concerning Local Government, the main organization that has expert in the administration of mining normal assets of the focal government. This is because of a concentrated government framework, implying that a wide range of undertakings connected with mining, whether connected with the assurance of mining power licenses, agreements of work, coal mining concession work arrangements, or others, the authority approved to give grants is the clergyman, for this situation the Priest of Energy and Mineral Assets. In 2004, the expert in allowing mining permits to operate was given over not exclusively to the focal government, yet additionally gave over to nearby state run administrations (commonplace, area or city) as per their power managed by different guidelines.\textsuperscript{39}

\textsuperscript{36} Nandang Sudrajat, \textit{Indonesian Mining Theory and Practice}, 65.
\textsuperscript{38} Adrian Sutedi, \textit{Mining Law}, 106.
\textsuperscript{39} Salim, HS, \textit{Mining Law in Indonesia}, (Jakarta: PT Raja Grafindo Persada,
Additionally, the Positive Regulation likewise directs the power to oversee mineral and coal mining in section four concerning the power to oversee mineral and coal mining. Notwithstanding the focal government through the Pastor of Energy and Mineral Assets, this regulation likewise gives position to common states (lead representatives) and local or regional authorities. Obviously, the administration authority by the focal government for this situation is more and more extensive in extent as specified in Regulation Number 4 of 2009.40

One of the authorities of the central and regional governments in managing mining goods, especially in mineral and coal mining, is the granting of mining business permits, both general mining, special mining and community mining. The mining business license was granted to three institutions, namely business entities, cooperatives and individuals. Thus, the management of mineral and coal mining goods can also be carried out by the three institutions (business entities, cooperatives and individuals) after receiving approval or mining business licenses from the local government. In the explanation of the Positive Law it is stated that: “The public authority further gives open doors to Indonesian lawful substances, cooperatives, people, and neighborhood networks to do mineral and coal abuse in light of licenses, which are in accordance with provincial independence, truly by the Public authority or potentially nearby state run administrations as per their particular specialists.”41

The business element being referred to is any legitimate substance taken part in mining, a laid out under Indonesian regulation and domiciled in the area of the Unitary Condition of the Republic of Indonesia. The business element can be a personal business substance, a State-Claimed Venture, or a Territorial Possessed Endeavor

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40 For details of central and local government management authorities, see Articles 6-7 of the Mining Law.
participated in mining. In Unofficial law Number 24 of 2012, it is made sense of that a business element or confidential company is a business substance or confidential enterprise took part with regards to homegrown speculation and unfamiliar venture. The partnership being referred to is a business substance comprising of a gathering or legitimate elements of Cooperatives by putting together their exercises with respect to the standard of cooperatives and simultaneously as a group’s monetary development in light of the guideline of connection. Concerning what is implied with people can be normal people, firm organizations, or privately owned businesses.\(^\text{42}\)

In addition to mining business licenses granted to business entities, cooperatives and individuals, through community mining permits, local communities also have the opportunity to manage mining goods around the area where certain communities live. The IPR is given by the Regent/mayor, especially to local residents, both individuals and community groups and/or cooperatives. The mining area for individuals is at most one hectare, community groups are at most five hectares and/or cooperatives are at most 10 hectares.\(^\text{43}\)

The last mining license is a special mining business license, this permit is given specifically by the Minister of Energy and Mineral Resources by taking into account regional interests in the context of regional empowerment. Not much different from IUP and IPR, IUPK can also be given to business entities incorporated in Indonesia, both in the form of state-owned enterprises, regional-owned enterprises, and private business entities. However, the difference is that state-owned enterprises and regional-owned enterprises in this permit get top priority from the Minister to obtain the permit.

Regulation Number 32 of 2009 concerning Ecological Assurance and the executives underlies natural strategy in Indonesia. Regulations, unofficial laws and other executing guidelines are instru-


ments of prudence. Ecological approach instruments should be laid out in natural regulations and guidelines for legitimate assurance and mirror the significance of regulation for tackling ecological issues. Legitimate instruments of natural approach laid out by the public authority through different implies that are preventive or if nothing else reestablished, to the typical phase of ecological quality.\(^4\)

D. Comparison of Mining Management between Islamic Law and Positive Law

1. Against the Mining Goods

Mining goods in the perspective of Islamic law, when viewed from the process of availability, there are two types. Mining goods that are born, namely mining goods that come out without any significant process, because the value of jewelry has been seen without any effort and only needs to find, sometimes easy and sometimes difficult (does not mean without effort).\(^5\) And inner mining goods, that is, mining goods that cannot be obtained except by hard work and at some cost that is not small. As for when viewed from the amount of inventory, there are two types. Limited mining goods, namely mining goods that are limited in quantity, which are not large in size for individuals, causing them to dominate the economy of the surrounding people. And unlimited mining goods, that is, mining goods that are unlimited in number, in other words these goods never stop producing their results and benefits. While the classification of mining goods according to Positive law in general there are two types of mining materials. Mining materials in the form of petroleum\(^3\) and natural gas\(^3\) or better known as special mining (oil and gas).\(^6\)


Regarding the type of mining goods when viewed from the mining process (activities to obtain) mining goods in the bowels of the earth so that they can be taken advantage of, then these mining goods according to Islamic law and Positive law are both classified into two types, namely: first, mining goods are born or surface mining, namely mining materials in the form of solid, liquid and gas mining materials that are obtained easily. Second, inner mining goods or underground mining, namely mining materials in the form of solid, liquid or gas mining materials obtained from the ground (earth) with several processes that are not easy, must be with a systematic method of extraction.\(^{47}\)

The difference between Islamic law and Positive law lies in the quantity or limit on the amount of mined goods available. In the perspective of Islamic law, if the mining goods are limited or not much (for individual sizes), then they can be taken and owned by anyone personally. Shafi’iyah scholars argue that mining goods that cause someone to take them repeatedly or exceed their needs then the mining goods cannot be owned individually.\(^{48}\) As for mining goods that are unlimited in number and continue to provide results or benefits, according to the majority of scholars as the compiler discussed in chapter II, it must not be owned and taken advantage of by someone because this is a common property right so that the benefits must be felt jointly as well.\(^ {49}\)

In the positive law there is no determination or certainty of the quantity and size of many or at least mining goods that will be excavated and taken from the bowels of the earth. Thus, every mining item in the natural area of the sovereign state of the Indonesian people belongs to the common people and is used for the greatest


\(^{48}\) Ibnu Qudamah, \textit{Al-Mugniz}, cet. ke-2, (Kairo: Hajar, 1992 M/ 1412 H), jilid VIII, hlm. 155-156.

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prosperity of the Indonesian nation in accordance with the mandate of the state constitution of the Constitution of the Republic of Indonesia in 1945 Article 33 paragraph (3). No one can own Indonesia’s natural wealth, especially mining goods individually or in certain communities.\(^{50}\)

2. Aspects of Mining Management

In the perspective of Islamic law, mining goods are public property. This means that the mining goods can only be owned jointly by Muslims so that they cannot be owned by anyone individually. The mining goods in question are mining goods that have elements: needed by many people, provide abundant results, easy to obtain without excessive effort, and the nature of its formation is not renewable. This type of mining goods is public property and management rights are given to the people.

Malikiyya scholars argue that it is the state that should control mining goods because the law shows the consideration of public good, demanding that more comprehensive justice be realized, it must be managed by the government in a country.\(^{51}\) This opinion is shared by the majority of scholars with some consideration of the tremendous benefits of mining goods for civilization. The management of mining goods is given to the state in this case is the government in power.\(^{52}\)

The responsibility for products which are uncovered materials as indicated by Regulation Number 4 of 2009 concerning Mineral and Coal Mining as an expert lex of the Constitution of the Republic of Indonesia 1945 Article 33 section (3), states unequivocally that these merchandise are totally the property of the whole Indonesian

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country.\textsuperscript{53} Regulation No. 4 of 2009 states that: “Minerals and coal as non-sustainable normal assets are public abundance constrained by the state for the best government assistance of individuals.”\textsuperscript{38} It tends to be reasoned that mining materials, both as minerals and coal, have a place with the Indonesian public or have a place with every single Indonesian individual. For this situation, the state by the constitution is simply given the option to control (not own) the exhumed material for ideal administration, effective, straightforward, economical and naturally sound and fair to get the most extreme advantage for the flourishing individuals in the long term.\textsuperscript{54}

The manager of mining goods from the perspective of Islamic law is actually the state through the government. Thus, companies or private entities engaged in mining or individuals that are not state-owned according to the perspective of Islamic law cannot and do not have the right to manage mining goods.\textsuperscript{55} The government may cooperate with certain groups to create a justified production pattern in order to realize justice for all people, especially in terms of the distribution of products and benefits from mining goods.\textsuperscript{56}

Not at all like Islamic regulation, the Positive Regulation specifies that the public authority might give mining the board privileges to the three business substances (personal business elements, cooperatives and people), as well as either all or part of the mining exercises which obviously in the wake of acquiring mining permits to operate from the capable specialists, specifically the focal government and neighborhood legislatures.\textsuperscript{57} However, this does not mean that all

\textsuperscript{53} Weighing the President of the Republic of Indonesia in Law of the Republic of Indonesia Number 4 of 2009 concerning Mineral and Coal Mining, letter a.


\textsuperscript{56} Ibid.

\textsuperscript{57} I. Rusnama, Nyoman Sri Agus, Ida Ayu Putu Widiati, and I. Nyoman Gede Sugiartha. “Criminal Sanctions for Unlicensed Sand Mining (Study of Verdict No. 120/Pid. Sus/2017/PN Gin).” \textit{Journal of Legal Analogy} 1.3 (2019):
private and individual business entities or just any cooperative can receive a mining business license, except those who have fulfilled the administrative requirements as mentioned in Article 39 of the Positive Law. Not only that, they also had to participate in the auction of mining business permits and their territories carried out by the government to get a share in the management of mining goods in the territory of the Republic of Indonesia.

Conclusion

Mining is a land product that must be managed properly by all humans and can be managed by the government under the pretext of profits and the results are given to the community. In addition, this mining also has a positive and negative impact on the surrounding community, which is positively improving the health of the local community with assistance and health programs that have been provided and land acquisition carried out by the company, while the negative impact caused by the existence of mining companies is causing many migrants from outside the area, frequent conflicts with the community and waste from mining activities is very detrimental to society. Meanwhile, in terms of employment, increasing income, development and also education have not received a very large influence. Although mining companies have provided programs to help communities, they have not been able to provide meaningful changes in these areas. And it would be better if mining companies reconsider the environmental aspects that are polluted due to mining activities, so companies also need to overcome waste expenditures that harm the community because repairing irrigation canals alone is still not enough if the company itself cannot regulate the expenditure of the waste it produces.

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