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Model of Law Harmonization on Coal Mining in the Forest Area: The Law of Natural Resources's Perspective

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Abstract

Mining resources are one of natural resources that can be classified as one of the non-renewable resources. Due to its characteristic, the mining will be no more available when they are totally exploited by mining activity. Other characteristic of mining industry is its sediment locations that are located on beneath of the surface of earth. Therefore, mining exploitation must be quarried far to the bowels of earth to get its materials. The result of it the mining industry always bring many impacts toward the changes on earth landscape and other problems to the environment. At the beginning, forestry resources in Indonesia are managed under the regulation of the Act No. 5/1967 (LNRI-1967-8, TLN-2823) regarding Forestry, and then substituted by the Act No. 41/1999 (LNRI-1999-167, TLNRI-3587) regarding Forestry. By the status quo, its legal standing is even being legalized and facilitated under the regulation of Loan and Use of Forestry Area which regulated on article 38 of the Act No. 41/1999 and then substituted by the Act No. 19/2004 regarding Forestry, the Act No. 4/2009 regarding Mineral and Coal Mining, also the Government's Regulation (PP - Peraturan Pemerintah) No. 24/2010 on the Use of Forestry Area. The regulations at the ministerial level, which regulates the mining activity at forests, have also very dynamic since 1978 until 2014. The example of those regulations are: the Forestry Ministerial Regulation (PerMenhut; Peraturan Menteri Kehutanan) of P.14/Menhut/2006 on 10 March 2006 on the Guidelines for Loan and Use of Forestry Area *Juncto* P.64/Menhut/2006 on 17 October 2006 on the alteration of P.16/2006, such as on article 2, article 8 point (3), article 13 point (2), and article 18 point (1) up to the Forestry Ministerial Regulation of P.18/Menhut-II/2014. There is a contradiction of legal standing and coal mining activities on the forestry areas, which shows that the problem needs to be solved by the mechanism of law harmonization. To deal with those problems, the framework of the law harmonization can use the model of legal reform - called: tinkering harmonization, following harmonization, and leading harmonization.

Keywords: Coal mining activities on the forestry areas

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