

# LEGAL STUDY ON THE SYNCHRONIZATION OF REGULATIONS BETWEEN KLHK AND ESDM IN THE PROCESS OF UTILIZING SEDIMENTATION POND WATER (MINING WASTE)

1<sup>st</sup> Ayih Sutarih

Law Department Faculty of Law  
Universitas Swadaya Gunung Jati  
Cirebon, Indonesia  
[Ayih.sutarih@ugj.ac.id](mailto:Ayih.sutarih@ugj.ac.id)

2<sup>nd</sup> Boma Apriansyah,

Law Department Faculty of Law  
Universitas Swadaya Gunung Jati  
Cirebon, Indonesia  
[Ayih.sutarih@ugj.ac.id](mailto:Ayih.sutarih@ugj.ac.id)

3<sup>rd</sup> R. Aat Ratnaningrum

Law Department Faculty of Law  
Universitas Swadaya Gunung Jati  
Cirebon, Indonesia  
[Ayih.sutarih@ugj.ac.id](mailto:Ayih.sutarih@ugj.ac.id)

**Abstract**— Companies operating in the mining and industrial sectors are mandated to adhere to regulations established by the Ministry of Environment and Forestry (KLHK), which oversees the environmental activities of companies, particularly in waste handling and utilization. Simultaneously, compliance with the Good Mining Practice regulations set forth by the Ministry of Energy and Mineral Resources (ESDM), the overarching body regulating all mining activities, is imperative. The fundamental concept involves scrutinizing each government policy in reviewing sedimentation pond water utilization to create an environmentally pristine setting. The research methodology employed is grounded in the positivism paradigm to assess the impact of sedimentation pond water utility based on Minister of Energy and Mineral Resources Decision No. 1827K/30/MEM/2018 and Republic of Indonesia Ministry of Environment and Forestry Regulation No. 5 of 2021 concerning Procedures for Issuing Technical Approvals and Operational Feasibility Letters in the Environmental Pollution Control Sector. The outcomes reveal that sedimentation ponds serve as environmental management facilities for preventing and mitigating environmental pollution. In this context, processing and utilization of sedimentation ponds are permitted with a precautionary principle during mining activities. Holders of Production Operation Mining Business Licenses (IUP Operasi Produksi) and Production Operation Special Mining Business Licenses (IUPK Operasi Produksi) are obliged to manage mining environmental concerns in accordance with ecological documents. KLHK affirms that mine-settling pond water (mining waste) can be utilized with permission, while

ESDM allows the usage of this water solely for dust control on mining roads.

Keywords— *Utilization of sedimentation pond water; Regulations; Mining.*

## I. INTRODUCTION

The territory of the Unitary State of the Republic of Indonesia encompasses land, sea, and air, including the space within the Earth. It also includes resources that require protection and sustainable management to preserve their beauty. This complies with the requirement stated in Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia and aligns with the principles and values of Pancasila. To fulfill the requirement of Article 33 paragraph (3), the government and local authorities are responsible for organizing spatial planning while ensuring the rights of all individuals are respected.

The existence of human life on Earth is intricately interconnected with its Environment and other living organisms, including animals and plants. Human beings rely on other organisms to meet their various requirements. Humans and other living beings have a mutual relationship with each other. Humans, animals, plants, and microorganisms inhabit a particular area. In addition to living organisms, the space also contains non-living entities, including a mixture of gases known as air and water in its gaseous, liquid, and solid forms, as well as soil and stone. The living habitat of a live organism refers to the space it occupies, including both living and non-living components.

The Environment is a unity of a space consisting of objects, forces, conditions, and living things, including humans, that form a system with mutually influencing relationships to create the continuity of life and the welfare of humans and other living things. The emergence of environmental cases that occur in every region cannot be

separated from such attitudes and behaviors, which is none other than the implication of the still strong anthropocentrism view that always puts humans and their interests at the center of everything. Humans are considered the most decisive in the ecosystem order, so they do anything to the Environment, even in ways that damage it. As a result, there is now an environmental crisis, such as a water crisis, clean air, animal extinction, etc. Humans, along with animals, plants, and microorganisms, occupy a certain space. Except for living things, there are also non-living things in that space, such as air consisting of various gases and water in the form of vapor, liquid, solid, soil, and rocks.

The space occupied by a living thing and non-living things in it is called the residing Environment of that living thing. The Environment refers to all external factors that affect an organism: living organisms (biotic factors) or non-living variables (abiotic factors). The balance of nature states that there is a balance between plant and animal communities contained in several ecosystems gradually, which is always balanced even though there is a balance between plant and animal communities changing the components of their physical Environment. Ecosystem plants and animals also change due to fires, floods, erosion, earthquakes, pollution, and climate change. Although ecosystems are constantly changing, if there is harmony in the development and review of government policies in the utilization of settling pond water, it can return to its original state as long as the changes are not drastic.

This situation aligns with Law Number 32 of 2009 concerning Environmental Protection and Management, Article 1, paragraph 1. The Environment is a space unit with all objects, forces, conditions, and living things, including humans and their behavior. It affects nature, the continuity of life, and the welfare of humans and other living things. The fourth amendment of the 1945 Constitution of the Republic of Indonesia in 2002 emphasized the improvement of the status of the Environment and the human rights guaranteed by the Constitution. The provisions in the 1945 Constitution of the Republic of Indonesia that regulate the Environment are formulated in 2 (two) articles, namely Article 28H paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia. Article 28H paragraph (1) of the 1945 Constitution states that: "Every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment, and to receive health services." Article 33(4) of the 1945 Constitution states that:

"The national economy is organized based on economic democracy with the principles of togetherness, fair efficiency, sustainability, environmental perspective, independence, and maintaining a balance of progress and national economic unity."

The Environment is an ecosystem, an order of environmental elements that constitute a comprehensive whole and influence each other in shaping environmental balance, stability, and productivity. Development affects and is affected by the Environment. The interaction between development and the Environment forms an ecological system called an ecosystem. The juridical basis can be seen in Legislation such as Law Number 4 of 2009 concerning Mineral and Coal Mining, Law Number 32 of 2014 concerning Environmental Protection and Management, Law Number 23 of 2014 concerning Regional Government, and Decree of the Minister of Energy and Mineral Resources Number 1827K/30 / MEM / 2018 and Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number 5 of 2021 concerning Procedures for Issuing Technical Approval and Operational Feasibility Letters in the Field of Environmental Pollution Control.

The existence of regulations regarding all environmental regulations is intended so that nature can be utilized for the benefit of humanity's welfare at this time and, no less important, for the benefit of people's welfare in the future (sustainable development). In other words, making UUPPLH and other sectoral regulations is intended or imbued with the intention of saving the Environment. Pollution and environmental damage always threaten the preservation of the Environment; for this reason, it is necessary to make prohibitions to prevent pollution and environmental damage.

The conditions that currently occur in companies engaged in mining and industry must comply with every Regulation set by the government. In this case, KLHK, as a government agency that oversees company activities related to the Environment, especially the handling and utilization of waste, on the other hand, must also meet and comply with the Good Mining Practice regulations promulgated by ESDM as the parent that regulates all mining activities. Seeing the above concept, it is essential to examine each Government Policy in Reviewing the Utilization of Settling Pond Water as an effort to create a beautiful environment; KLHK has rules where mine settling water (mine waste) must be licensed in its utilization, while ESDM does not regulate this and tends to allow the use of water to be limited to utilization in terms of handling dust on mine roads.

## II. METHOD

The research method used is normative legal research. Normative legal research (Legal research) is research conducted to find the truth of coherence, namely whether the rules of law are in accordance with legal norms, whether the norms in the form of orders or prohibitions are in accordance with legal principles, and whether a person's actions (acts) are in accordance with legal norms (not just in accordance with legal rules) or legal principles. Normative

legal research is research conducted by studying legal standards (norms) taken from laws and regulations related to the concept of Factors Affecting the Utilization of Settling Pond Water Based on the Decree of the Minister of Energy and Mineral Resources Number 1827K/30 / MEM / 2018 and the Role of the Government towards the Realization of Government Policy in Reviewing the Utilization of Settling Pond Water. Normative juridical research refers to the norms and principles of law contained in laws and regulations, legal systematics, research on legal synchronization, comparative law, and legal history.

### III. RESULTS AND DISCUSSION

Influence of the Benefit of Settling Pond Water Based on Decree of the Minister of Energy and Mineral Resources Number 1827K/30/MEM/2018 Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number 5 of 2021 concerning Procedures for Issuing Technical Approval and Operational Feasibility Letters in the Field of Environmental Pollution Control.

The mining business is an activity that optimizes the utilization of natural mining resources (excavated materials) contained in the Earth. In Law Number 4 of 2009 concerning Mineral and Coal Mining, Article 1 point (1) states that mining is part or all stages of activities in the context of research, management, and exploitation of minerals or coal, which include general investigation, exploitation, feasibility studies, construction, mining, processing and refining, transportation and sales, and post-mining activities. Article 1 point (6) states that the Mining Business is an activity in the context of mineral and coal exploitation, which includes stages of general investigation, exploitation, feasibility studies, construction, mining, processing and refining, transportation and sales, and post-mining.

The environment is, in principle, a system that is interconnected with one another, so the definition of the environment includes almost all elements of God's creation on this Earth. That is why the Environment, including humans and their behavior, is a very determining element of the Environment. However, it cannot be denied that some people consider the environment worthless because the environment (nature) is only an object intended for humans. In other words, humans are the rulers of the Environment, so the Environment is only perceived as an object, not a subject.

The tendency to function criminal law in environmental matters as a premium medium is very prominent compared to prioritizing other legal remedies, even though formal offenses are more dominant than material offenses. UUPPLH emphasizes imprisonment for violators of administrative law who have not polluted and/or destroyed the Environment. When entrepreneurs, in this case, both

state-owned and private enterprises, pollute by not utilizing settling water ponds and disposing of them without laboratory tests, it can cause pollution.

Fundamentally, "pollution" implies "contamination" and "deterioration ."The fouling and deterioration of something will increasingly destroy what is fouled or deteriorated so that it can eventually destroy every fouled object. According to the classification of environmental pollution can be divided into:

Chronic where damage is progressive but slow.

Shock or Acute sudden and severe damage usually arises from an accident.

Harmful with severe biological loss and in the presence of radioactivity genetic damage.

Catastrophic where the deaths of living organisms are numerous and they may become extinct.

Environmental damage is a continuous and indirect change in the environment's physical, chemical, and biological properties that exceeds the standard criteria for ecological damage. According to Muhamad Erwin, damage means that it can no longer be utilized as its actual function, with environmental damage meaning that the Environment has reduced its usefulness or is approaching extinction and may even have become extinct altogether. Utilization of Natural Resources is the use of natural resources to improve the quality of life and welfare of the community by taking into account its characteristics and functions as a source and life support, which includes ecological, economic, and socio-cultural functions, as well as the needs of future generations. Seeing that this is related to the utilization of mine-settling water ponds, it can be reviewed from several regulations in accordance with the hierarchy of laws and regulations, namely:

Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number 5 of 2021 concerning Procedures for Issuing Technical Approval and Operational Feasibility Letters in the Field of Environmental Pollution Control. "Article 1 paragraph 5 states that Environmental Management Efforts and Environmental Monitoring Efforts, from now on abbreviated as UKL-UPL, are a series of environmental management and monitoring processes outlined in a standard form to be used as a prerequisite for decision making and included in Business Licensing, or approval by the Central Government or Regional Government." Then in article 3 states that: (1) Every Business and Activity subject to Amdal or UKLUPL that disposes of and utilizes Wastewater must have Technical Approval and an SLO. (2) Wastewater disposal and utilization activities include:

discharge of Wastewater to surface Water Bodies;

discharge of Wastewater to certain formations;

utilization of Wastewater to certain formations

utilization of Wastewater for application to land; and

discharge of Wastewater into the SeaPasal 17 menyebutkan bahwa:

(1) The person in charge of the Business and Activity conducting Wastewater disposal and utilization activities must have a Wastewater treatment system and injection facility that has obtained an SLO.

(2) To obtain the SLO, as referred to in paragraph (1), the person in charge of the Business and Activity shall submit a report to the Minister, governor, or regent/mayor by the authority to issue the Environmental Approval regarding the completion of the construction of the Wastewater treatment system and Wastewater injection and testing facilities.

This Regulation emphasizes that sediment water can be utilized as long as the person in charge of the Business and Activity does not need Technical Approval; Wastewater management is integrated into environmental documents.

Decree of the Minister of Energy and Mineral Resources Number 1827K/30/MEM/2018 concerning Guidelines for Implementing Good Mining Engineering Practices.

This Regulation explains that Mine Water is water that is in the location and/or originates from mining activities, both mining and processing, including runoff water in the mining area. The treatment of mine water is the duty of the Head of Mine Engineering and/or the Person in Charge of Engineering and the Environment. In this case, IUP and IUPK holders prepare environmental management facilities before conducting exploration drilling activities and provide environmental management facilities to control erosion and sedimentation, protect surface water quality, and protect against contamination of hazardous and toxic materials and hazardous and toxic waste to ecological media. The environmental management facilities include a) drainage channels, b) settling ponds, and c) containers for hazardous and toxic and non-hazardous and toxic waste.

Regional Regulation of West Java Province Number 4 of 2023 concerning Environmental Protection and Management Plan. This provision explains the concept and protection of environmental processing only as contained in the provisions of Article 1, paragraphs 8 to 10, which state:

(8) Environmental Protection and Management, hereinafter abbreviated as PPLH, is a systematic and integrated effort to preserve environmental functions and prevent environmental pollution and/or damage. It includes planning, utilization, control, maintenance, supervision, and law enforcement.

(9) The West Java Province Regional Environmental Protection and Management Plan, from now on referred to as the Provincial RPPLH, is a written plan containing potential environmental problems and protection and management efforts within a certain period.

(10) The Regency/City Regional Environmental Protection and Management Plan, hereinafter referred to as Regency/City RPPLH, is an environmental protection and

management plan document stipulated by regional regulation at the regency/city level.

Paragraph 14 only explains the concept of Environmental Capacity, which is the ability of the Environment to absorb substances, energy, and other components that enter or are introduced into it.

This Regulation does not explain in detail the utilization of sediment ponds because this PERGUB only focuses on the general concept of environmental protection and treatment as found in Article 7, paragraphs (1) and (2), which states:

(1) The strategic environmental issues of the Provincial RPPLH include a. land conversion, the decline in vegetated land cover, and degradation of biodiversity;

b. decrease in water carrying capacity;

c. decrease in food carrying capacity

d. waste problem

e. degradation of air quality;

f. optimization of cooperation in resource use between regions; and

g. disasters due to climate change.

(2) The goals, objectives, policies, and strategies contain/outline the implementation of the RPPLH's strategic issues.

So, the three legal bases above relate to the concept of thinking that develops in BUMN / SPASTA companies in utilizing settling water ponds. In this case related to the idea of licensing law is a public law whose implementation is carried out by the government both at the central and regional levels as the state administration apparatus considering that this licensing law is related to the government, so the media mechanism can be said that licensing law includes the discipline of State Administrative Law or Governance law as we know the government is as a guidance and control of the community and one of the government's functions in the field of guidance and control is the granting of permits to specific communities and organizations which is an administrative control mechanism that must be carried out in government practice. So, the function of granting permits here is the function of the government itself carried out by the department as stated in Article 3 paragraph (1) of Presidential Decree No. 44 of 1974, which states that each department carries out the function of formulating implementation policies and technical policies, providing guidance and guidance and granting licenses by the general guidelines set by the President and based on applicable laws and regulations. When there is a permit, there is a legal object that requires the permit; in this case the legal object is contained in Law Number 4 of 2009 concerning Mineral and Coal Mining states in Article 1 number (1) what is meant by mining is, part or all stages of activities in the context of research, management and exploitation of minerals or coal which includes general investigation, exploration, feasibility studies, construction, mining, processing and refining,

transportation and sales, as well as post-mining activities. Still, in the same Law Number 4 of 2009 concerning Mineral and Coal Mining, Article 1 point (29), what is meant by mining area, from now on referred to as WP, is an area that has mineral and coal potential and is not bound by government administrative boundaries which are part of national spatial planning. Article 1 point (32) of Law Number 4 of 2009 concerning Mineral and Coal, the people's mining area, from now on referred to as WPR, is part of the WP where people's mining business activities are carried out. The mining business is an activity in the context of mineral or coal exploitation. It includes the stages of general investigation, exploration, feasibility study, construction, mining, processing, refining, transportation, sales, and post-mining.

This settling pond is used as an environmental management facility made in the context of preventing and overcoming pollution and ecological damage; in this case, processing and utilization are allowed to use settling ponds with the principle of prudence when carrying out the mining activity process. Holders of Production Operation IUP and Production Operation IUPK are required to carry out mining environmental management by environmental documents to prevent and overcome pollution and ecological damage.

This is in line with the theory of legal protection because the concept of enforcing this law is the primary funnel for business actors who run their businesses in the mining sector. After all, the existence of statutes will create legal certainty for business actors and the principle of obedience of business actors; this concept of legal protection emphasizes that law aims to integrate and coordinate various interests in society because, in traffic of interests, protection of specific interests can only be done by limiting multiple interests on the other hand. The interest of law is to take care of human rights and interests so that the law has the highest authority to determine human interests that need to be regulated and protected. Legal protection must see the stages, namely legal protection born from a legal provision and all legal regulations given by the community, which is an agreement of the community to regulate behavioral relationships between members of the community and between individuals and the government, which is considered to represent the interests of society. This is in line with the theory of legal protection. According to Satijipto Raharjo, legal protection protects human rights (HAM) that others harm. That protection is given to the community so they can enjoy all the rights granted by law. Law can be used to realize adaptive, flexible protection, predictive, and anticipatory protection. The law is needed for those weak and not yet strong socially, economically, and politically to obtain social justice.

So, the legal basis above relates to the concept of thinking that develops in BUMN / SPASTA companies when utilizing settling water ponds. In this case related to

the idea of licensing law is a public law whose implementation is carried out by the government both at the central and regional levels as the state administration apparatus considering that this licensing law is related to the government, so the media mechanism can be said that licensing law includes the discipline of State Administrative Law or Governance law as we know the government is as a guidance and control of the community and one of the government's functions in the field of guidance and control is the granting of permits to specific communities and organizations which is an administrative control mechanism that must be carried out in government practice. The Role of Local Government towards the Realization of Government Policy in Reviewing the Utilization of Settling Pond Water. The government's commitment to addressing the problem of inequality and environmental crisis due to mining activities has yet to be accompanied by efforts to restore the Environment and social and cultural rights of the people who have been destroyed by the development model in the name of economic growth. These conditions show that excessive pragmatic mining and approaches and goals dominated by momentary profits are now the scourge and the main actors in the scale of damage and environmental impacts. The ecosystem is always changing, but if there is harmony in the development and review of government policy in the utilization of settling pond water, it can return to its original state as long as the changes are not drastic. This situation is in line with Law Number 32 of 2009 concerning Environmental Protection and Management, Article 1, paragraph 1, the Environment is a unit of space with all objects, forces, conditions, and living things, including humans and their behavior, which affects nature itself, the continuity of life, and the welfare of humans and other living things. The fourth amendment of the 1945 Constitution of the Republic of Indonesia in 2002 emphasized the improvement of the status of the environment and the human rights guaranteed by the Constitution. The provisions in the 1945 Constitution of the Republic of Indonesia that regulate the Environment are formulated in 2 (two) articles, namely Article 28H paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia. Article 28H paragraph (1) of the 1945 Constitution states that: "Every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment, and to receive health services." Article 33(4) of the 1945 Constitution states that:

"The national economy is organized based on economic democracy with the principles of togetherness, fair efficiency, sustainability, environmental perspective, independence, and maintaining a balance of progress and national economic unity."

Of course, a systematic and integrated handling pattern is needed and supported by consistent supervision to

ensure that all mining businesses remain within the corridors determined by statutory regulations. They remember that the essence of environmental life is a life that encompasses the order and values of life within it. If ecological damage and pollution occur, one form of corporate responsibility is to restore the Environment. Restoring the Environment from pollution and destruction of environmental functions is closely related to investment and mining activities. Every mining investment activity (mining business permit) requires an ecological licensing instrument, which requires the person in charge of the mining investment business to conduct ecological restoration activities in mining investment activities. Environmental restoration arrangements are regulated in Article 54, paragraph (1) of Law No. 32 of 2009, which requires that every person who pollutes and destroys the Environment must restore the function of the Environment.

The current condition is that companies operating in the mining and industrial sectors must comply with every Regulation set by the government, in this case, the Ministry of Environment and Forestry as the government agency that supervises company activities related to the Environment, especially the handling and utilization of waste, on the other hand, it must also fulfill and comply. Reasonable mining practice regulations launched by ESDM as the parent company regulate all mining activities. The thing that business actors, whether BUMN/PRIVATE, are afraid of is that their business activities carry the risk of pollution and environmental damage. This situation encourages the increasing need for efforts to control environmental impacts so that the risk of pollution to the Environment can be reduced to as little as possible. Efforts to maintain the environmental effects cannot be separated from supervisory actions so that implementation complies with statutory regulations. The trigger for why permits are not issued or stipulated in areas regarding Mining Areas is because of government regulations (Perpu) instead of Law No. 2 of 2014 concerning Regional Government; the reason is that regional governments (Pemda) can no longer issue mining permits. This critical point is stated in the attachment to Law No. 23 of 2014 regarding the division of concurrent government affairs between the central government, provincial regions, and district/city regions.

The Regulation states that regents and mayors no longer have the authority to assign mining business areas (WIUP) and mining business permits (IUP) to companies. This authority now belongs only to the governor and the central government. The Provincial Government (Pemprov) has the authority to determine mining business permit areas (WIUP) in mining areas in its territory. The cross-provincial mining areas are under the central authority of the Ministry of Energy and Mineral Resources (ESDM). The problem is that this Regional Government Law differs in content from the Mineral and Coal (Minerba) Law. In the Mining Law,

the authority for mining business permits is still in the hands of the Regent and Mayor. This will undoubtedly be an opportunity for the local government to challenge the law. In a hurry, the Director General of Mineral and Coal at the Ministry of Energy and Mineral Resources, Sukhyar, said that the government would immediately make derivative regulations to the Regional Government Law to align with the Mineral and Coal Law.

#### IV. CONCLUSIONS

The concept of licensing law is public law; the function of granting permits here is the function of the government itself, which is carried out by departments as stated in Article 3 paragraph (1) of Presidential Decree no. 44 of 1974, which states that each department carries out the function of formulating implementation policies and technical policies, providing guidance and coaching as well as granting permits by general policies determined by the President and based on applicable laws and regulations. When there is a permit, there is a legal object that requires the permit; in this case, the legal object is contained in Law Number 4 of 2009 concerning Mineral and Coal Mining, which states that in Article 1 number (1), mining is part or all of the activity stages in the context of research, management and exploitation of minerals or coal, which includes general investigations, exploration, feasibility studies, construction, mining, processing and refining, transportation and sales, and post-mining activities. Article 1 number (32) of Law Number 4 of 2009 concerning Minerals and Coal, the people's mining area called WPR, is part of the WP where people's mining business activities are carried out. The mining business is an activity in the mineral or coal business context. It includes the stages of general investigation, exploration, feasibility study, construction, mining, processing and refining, transportation and sales, and post-mining.

Business actors, whether BUMN/PRIVATE, have their business activities carry the risk of environmental pollution and damage. This situation encourages the increasing need for efforts to control environmental impacts so that the risk of pollution to the Environment can be reduced to as little as possible. Efforts to maintain the environmental effects cannot be separated from supervisory actions so that implementation complies with statutory regulations. Perms are not issued or stipulated in areas regarding Mining Areas because of government regulations in lieu of Law No. 2 of 2014 concerning Regional Government because regional governments can no longer issue mining permits. This critical point is stated in the attachment to Law No. 23/2014 regarding the division of concurrent government affairs between the central government, provincial regions, and district/city regions.

The Regulation states that regents and mayors no longer have the authority to determine mining business areas and mining business permits for companies. This authority now belongs only to the governor and the central government. The provincial government has the authority to determine mining business permit areas in mining areas in its territory. The cross-provincial mining areas are under the center's authority, represented by the Ministry of Energy and Mineral Resources. The problem is that this Regional Government Law differs in content from the Mineral and Coal (Minerba) Law. In the Mining Law, the authority for mining business permits is still in the hands of the Regent and Mayor. This will undoubtedly be an opportunity for the local government to challenge the law. In a hurry, the Director General of Mineral and Coal at the Ministry of Energy and Mineral Resources, Sukhyar, said that the government would immediately make derivative regulations to the Regional Government Law to align with the Mineral and Coal Law. The concern of business actors is that negative interactions occur if the harmonious environmental interaction process is disrupted, so the interactions are mutually detrimental. These needs are not just met but constantly change according to developments. Instead of getting legal certainty, business actors worry about regulations that need to be revised.

#### Suggestions

The West Java regional government should emphasize sound principles when using sedimentation pond water for road water. During the mining process to the post-mining process, in this case, both state-owned and private entrepreneurs are still afraid of the use of settling pond water created to create a safe environment. Beautiful because in the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number 5 of 2021 concerning Procedures for Issuing Technical Approvals and Operational Feasibility Letters in the Field of Environmental Pollution Control, it is emphasized that mine settling water (mining waste) must have a permit for its use and may be used, while the Ministerial Decree Energy and Mineral Resources Number 1827K/30/MEM/2018 concerning Guidelines for Implementing Good Mining Engineering

Principles does not regulate this matter and tends to allow the use of water to be limited to handling dust on mining roads and does not require the use of a permit.

#### REFERENCES

- [1] Agoes Soegiarto, 2010, Ilmu Lingkungan, Sarana Menuju Masyarakat Berkelanjutan, Airlangga University Press: Surabaya.
- [2] Apriliani Soegiarto, 2005, Bibliografi Beranotasi Tentang Lingkungan Laut dan Pencemaran Laut, Jakarta: Lembaga Oseanologi Nasional, LIPI.
- [3] Caras, Tamir, & Zohar Pasternak. 2009. "Long-term environmental impact of coral mining at the Wakatobi marine park, Indonesia." *Ocean and Coastal Management*, Vol. 52, no. 10, hlm. 539-544.
- [4] Daud Silalahi, 2001, Hukum Lingkungan dalam Sistem Penegakan Hukum Lingkungan Indonesia, Bandung: Alumni.
- [5] Jimly Asshiddiqie, 2009, Green Constitution: Nuansa Hijau UUD NRI Tahun 1945, Jakarta: Rajawali Pers.
- [6] John Salindeho, 2007, Masalah Tanah Dalam Pembangunan, Jakarta: Sinar Grafika.
- [7] Muhammad Akib, 2011, Penegakan Hukum Lingkungan Dalam Perspektif holistik-Ekologis, Bandar Lampung: Penerbit Universitas Lampung.
- [8] Mulyanto. 2007, Ilmu Lingkungan, Graha Ilmu, Yogyakarta.
- [9] Otto Soemarwoto, 2001, Ekologi Lingkungan Hidup, Jakarta: Djembatan.
- [10] Syahrul Machmud, 2012, Problematika Penerapan Delik Formil Dalam Perspektif Penegakan Hukum Pidana Lingkungan Di Indonesia, Bandung: Mandar Maju.
- [11] Soerjono Soekanto dan Sri Mamuji, 2009, Pengantar Penelitian Hukum Normatif Suatu Tinjauan Singkat, Jakarta: Raja Grafindo Persada.
- [12] Supriadi, 2006, Hukum lingkungan di Indonesia: Sebuah Pengantar, Jakarta: Sinar Grafika.
- [13] Peter Mahmud Marzuki, 2005, Penelitian Hukum, Jakarta: Kencana Prenada Media Group.
- [14] Legislation: Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 ;Kitab Undang-Undang Hukum Pidana; Undang-Undang Nomor 40 Tahun 2007 tentang Perseroan Terbatas; Undang-Undang Nomor 4 Tahun 2009 Tentang Pertambangan Mineral dan Batubara Undang-Undang Nomor 32 Tahun 2014 Tentang Perlindungan dan Pengolahan Lingkungan Hidup; Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah; Keputusan Menteri Energi dan Sumber Daya Mineral Nomor 1827K/30/MEM/2018 tentang Pedoman Pelaksanaan Kaidah Teknik Pertambangan Yang Baik; Kehutanan Republik Indonesia Nomor 5 Tahun 2021 Tentang Tata Cara Penerbitan Persetujuan Teknis Dan Surat Kelayakan Operasional Bidang Pengendalian Pencemaran Lingkungan;