

# MINING LEGAL POLICY BASED ON LOCAL WISDOM IN INDONESIA

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## MINING LEGAL POLICY BASED ON LOCAL WISDOM IN INDONESIA

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### Abstract

Local wisdom encompasses the intrinsic values, cultural practices, and accumulated knowledge endured among indigenous societies, particularly within mining activities. This study examines the impact of incorporating local wisdom into mining legislation on achieving a harmonious equilibrium between the exploitation of natural resources, environmental preservation, and safeguarding indigenous peoples' rights. The objective of this study is to examine the implementation and consequences of mining law rules in Indonesia that are grounded in local wisdom. The research approach employed in this study is normative legal research, which entails examining and analyzing mining legal laws applicable in Indonesia. This includes an exploration of rules that encompass many parts of local wisdom. The findings of this study demonstrate that alterations in mining legislation in Indonesia, mainly through the implementation of Law Number 3 of 2020, which modifies Law Number 4 of 2009, have resulted in substantial transformations in the mining landscape. The concentration of mining policy at the national level has diminished local governments' capacity to exercise regulatory control over the mining industry. Nevertheless, the extraction of legal laws grounded in indigenous knowledge is crucial as it acknowledges the wide range of environmental attributes and circumstances present in individual regions. This facilitates the implementation of more pertinent and efficient legislation, promotes comprehensive environmental preservation, places attention on the socio-economic consequences, and mitigates the occurrence of social conflicts. While the central government maintains primary authority, there have been endeavors to prioritize the inclusion of local viewpoints, wisdom, and the needs of communities in the management of mining activities in Indonesia.

**Keywords:** Policy, Mining Law, Local Wisdom, Local Community, Environment.

### A. INTRODUCTION

Mining does have a very strategic role in driving national development in Indonesia. As one of the main economic sectors, mining significantly contributes to state revenues through export foreign exchange, taxes, and royalties (Toumbourou et al., 2020). Apart from that, revenue from mining is also the main support in the State Revenue and Expenditure Budget (APBN) and Regional Revenue and Expenditure Budget (APBD) in many areas that have mining potential (Bauer, 2013).

In mining management, there are two main approaches that can be found. First, a more centralized approach where the central government regulates policies and regulations, and their implementation is under the supervision of the central government (Gunningham & Sinclair, 2009). In this approach, natural resources and local communities are often considered objects that must follow central government regulations. This can create an imbalance in the benefits obtained by local communities and often creates tension between the government and communities around mining areas (Adam et al., 2021).

The second approach is mining decentralization, where local governments have more autonomy in managing natural resources (Larson, 2002). This approach provides opportunities for local communities to directly manage mining and monitor their area (Noble & Birk, 2011). This creates a sense of ownership and active involvement of the community in preserving the environment and carrying out practices following the local wisdom values adhered to by the area. Legally, the 1945 Constitution of Indonesia ensures the entitlement of the Indonesian populace to engage in the administration of mining, as stipulated in Article 33, paragraph (3). This article highlights the significance of state control over the earth, water, and natural resources, emphasizing their use to

promote the prosperity and well-being of the populace. According to Listiyani and Said (2018), it is stipulated that natural resources, such as minerals or mining materials, are considered the communal possession of the Indonesian populace and should be utilized in a manner that serves their best interests. The concept of state control over natural resources is elucidated in Law Number 4 of 2009 about Mineral and Coal Mining, afterward revised by Law No. 3 of 2020. According to Sinaga et al. (2020), the legislation asserts that minerals and coal within Indonesia's mining jurisdiction are classified as non-renewable natural resources bestowed by a divine entity and play a significant role in fulfilling the livelihood requirements of a substantial population. Hence, it is imperative that the government regulate the above entity's management to generate tangible benefits for the domestic economy and effectively foster the well-being and prosperity of the populace equitably (Bhasin & McKay, 2002).

The spirit of Law Number 4 of 2009, as amended by Law No. 3 of 2020, is reflected in Article 3, which states the objectives of mineral and coal management. One of the goals is to increase the income of local, regional, and state communities, as well as create jobs to improve people's welfare (Sihombing & Hadita, 2021). This shows that mining law in Indonesia should pay attention to the welfare and participation of local communities in managing these natural resources. Thus, mining law in Indonesia emphasizes the people's right to participate in managing natural resources, with the primary aim being to achieve shared prosperity and prosperity (Langston et al., 2015).

In its various forms, mining always impacts the environment because, in principle, this activity involves changes in the natural ecosystem. Mining done anytime and anywhere will directly impact environmental damage (Craig, 2010). Various problems, phenomena, and issues related to environmental damage, even loss of life in ex-mining areas, have resulted in distrust of the government's ability to maintain community welfare (Porter & Phillips-Howard, 1997). The fact that communities around mines face significant consequences, including loss of life, environmental damage, and other negative impacts, has raised doubts about mine management efforts which so far have not been able to fulfill basic welfare principles (Zhengfu et al, 2010).

The acknowledgment of local wisdom in environmental management in Indonesia is stipulated in Law No. 32 of 2009 on Environmental Protection and Management (Wiryani & Senastri, 2022). According to Nugroho (2021), local knowledge, as stipulated in Article 1 number 30 of the law above, encompasses esteemed principles ingrained in the community's daily existence, serving as a means to safeguard and sustainably govern the environment. The significance of local wisdom is underscored as a fundamental principle in environmental preservation and governance, as delineated in Article 2, letter (l) and its accompanying elucidation. According to Nurhidayah (2013), this principle posits that to safeguard and effectively govern the environment, it is imperative to acknowledge and prioritize the esteemed values inherent in individuals' lives. The legal framework also encompasses provisions about the community's responsibility in safeguarding and overseeing the environment, with a particular emphasis on the cultivation and conservation of indigenous cultural practices and knowledge to ensure the sustainability of the environment, as articulated in Article 70, paragraph (3), letter (e) (Palilingan et al., 2019).

Local wisdom within the community should be integrated into mining legal policies (Helmi, 2020). This integration refers to changing the understanding and views contained in local wisdom into part of the mining sector's legal regulations (Warassih, 2018). In other words, concepts, opinions, designs, ideas, hopes, or understandings contained in local wisdom are changed and adapted into concrete mining legal policies. This transformation process will enable the legal substance to be implemented by various parties participating in mining management (Omalu & Zamora, 1999).

The country of Indonesia has the potential for abundant natural resource wealth which of course has implications for very strong economic potential so that in the future this region has the opportunity to achieve various economic benefits (Mckay & Bhasin, 2001). One of Indonesia's rich natural resources is the mining sector, which, of course, requires a management pattern in the form of legal policies based on each region's needs while still upholding the local wisdom values that exist in each region (Sullivan & Purwono, 2013). So, the problem that will be studied is what local wisdom-based mining legal policies look like in Indonesia.

From this problem formulation, this research aims to investigate further the implementation and impact of local wisdom-based mining legal policies in Indonesia. By identifying mining legal policy issues in Indonesia and the implementation of mining legal policy in Indonesia, this research hopes to provide deeper insight into how to deal with the complexities of modern mining within the framework of local wisdom and sustainable development. This research can also serve as a basis for recommending future mining regulations and practice improvements.

## B. LITERATURE REVIEW

### 1. Overview of Mining Law

The phrase "mining law" originates from its English version, known as "mining law." In Dutch, it is referred to as "*mijnrecht*," while in German, it is known as "*bergrecht*." According to Kuyek (2005), the definition of mining legislation was provided. Mining law has been established to safeguard the mining industry's interests and mitigate conflicts among mining corporations by providing a clear delineation of ownership rights pertaining to mining activities. The original intention did not encompass the regulation of mining activities or the mitigation of their effects on both the environment and human populations. It is imperative to consider alternative legal frameworks to safeguard these interests. According to Castrilli (2010), the definition of mining legislation was provided. Mining legislation might serve as a framework for implementing specific environmentally protective measures during various stages of mining activities, including exploration, development, reclamation, and rehabilitation.

According to Hannah Owusu-Koranteng (2009), the definition of mining law was provided. Mining Law encompasses regulations governing the operations of mining companies, with a particular focus on surface mining, which is widely recognized as a highly detrimental form of investment due to its significant environmental impact. The primary aim of mining laws should be to establish comprehensive safeguards that effectively safeguard the rights of mining communities and protect the environment. Additionally, these laws should ensure equitable distribution of benefits between the host countries and the investors involved in mining activities. One notable feature of Ghana's mining and mineral legislation is the explicit prioritization of safeguarding the interests of multinational mining corporations. At the same time, protecting community rights and environmental concerns needs to be more well-defined. Mining law refers to the set of legal regulations governing the mining activities. The stated objectives encompass several vital aspects: safeguarding the welfare of local residents, preserving the natural environment, promoting equitable financial gains for both the host country and investors, and assuring the effective execution of mining operations conducted by multinational corporations.

The legislation governing mining activities is Law Number 4 of 2009, which specifically pertains to the extraction of minerals and coal. Law Number 4 of 2009 on Mineral and Coal Mining encompasses the regulation of two distinct entities, namely mineral and coal mining materials (Birawa & Tedjosaputro, 2020). Upon careful examination of the provisions or articles within this statute, it becomes evident that there needs to be a legal definition of mineral and coal mining. In order to comprehend the significance of mining law, particularly concerning mineral and coal mining law, it is imperative to provide a general explanation of mining law (Salinding, 2019).

The philosophical basis is established by Law Number 4 of 2009 concerning Mineral and Coal Mining, namely:

- 1) The minerals and coal contained in the Indonesian mining jurisdiction are non-renewable natural resources as a gift from God Almighty, and they play an essential role in meeting the livelihood needs of many people; thus, their management must be controlled by the state in order to provide real added value to the national economy in efforts to achieve fair prosperity and welfare of the people.
- 2) Mineral and coal mining business activities, which are mining business activities other than geothermal, oil and gas, and groundwater, play an essential role in providing real added value to national economic growth and sustainable regional development in providing real added value to growth.

- 3) Taking into account national and international developments
- 4) Because Law No. 11 of 1967 on Basic Mining Provisions is no longer applicable, changes to the statutory regulations in the field of mineral and coal mining are required to manage and exploit mineral and coal potential independently, reliably, transparently, competitively, efficiently, and environmentally friendly, in order to ensure sustainable national development.

The state has power over mineral and coal resources in the Republic of Indonesia. "The state has full freedom or authority (*voll diegebevoegdheid*) to determine the necessary policies in the form of regulating (*regelen*), administering (*besturen*), and supervising (*toezichthouden*) the use and utilization of national natural resources," says the definition. The state's essential authority controls natural resources in formulating policies, arrangements, management, and supervision. The government makes state policies and manages the state, following its authority to issue and revoke permits, licenses, and concession facilities. Furthermore, the state's regulatory function is carried out through legislative authority exercised by the DPR in collaboration with the government and regulations promulgated by the government. The management function is then done through shared ownership arrangements and/or direct involvement in BUMN or BUMD management. Meanwhile, the state, in this case, the government, performs the supervisory function of the state in order to supervise and control so that the implementation of the state's control over the sources of wealth in question is genuinely carried out for the greatest prosperity of all people, as mandated by the 1945 Constitution.

## 2. Regional Authority in Managing its Natural Resources

The terms authority and authority are defined as the right and power to act, the power to make decisions, command, and delegate responsibility to other parties. Thus, authority (competence, *bevoegdheid*) only concerns certain areas, while authority is a collection of authorities (*rechtbevoegdheden*). Government actions in a legal state like Indonesia must be based on law. Because in the rule of law, there is a principle of legality, this principle determines that without the basis of authority granted by applicable laws and regulations, all kinds of government officials will not have the authority to influence or change the legal situation or position of their citizens (Trembey, 1997).

The delegation of authority from the central government to the regions based on the Regional Government Law has a significant impact. This implies that development in the region must be carried out more professionally and independently. This means that regional governments must carry out more comprehensive management tasks, which include the planning, implementation, and evaluation stages of regional development in an integrated manner. Apart from that, regional autonomy also requires respecting and realizing the community's aspirations, needs, and ideas in dealing with problems that arise in their region. Implementing regional autonomy has resulted in significant changes at the central, provincial, and district/city levels. One of the striking changes is in managing natural resources (Thorburn, 2002).

Regional autonomy in natural resource management aims to provide greater authority to regions to manage and utilize natural resources for the welfare of local communities (Lockwood et al., 2010). This is very important considering that Indonesia has very abundant natural resource potential. For example, Indonesia's tropical forests cover an area of 139 million hectares, and fish catches reach 6.7 million tons per year. Apart from that, Indonesia also has various mining products such as petroleum, natural gas, and other minerals. Therefore, serious attention to natural resource management is essential, especially at the regional level. This is due to Indonesia's enormous natural wealth. Managing these natural resources, a wise approach must be applied to provide maximum benefits for the prosperity of the Indonesian people, per the mandate of Article 33 of the 1945 Constitution. It is also necessary to preserve these natural resources for future generations without eliminating their benefits for the current generation.

## 3. Local Wisdom in Natural Resources Management

Natural resources only have economic worth when managed and processed to create new products. However, humans frequently overexploit these natural resources without contemplating



the long-term consequences. Because everyone has equal access to natural resources, this can lead to overexploitation, eventually leading to the "tragedy of the commons" (Feeny et al., 1990).

The significance of local wisdom values in advancing the nation's progress is becoming more widely recognized. The outlook on life, knowledge, and living tactics employed by local communities to overcome various issues in meeting their requirements are referred to as local wisdom. Local wisdom can also be defined as a system encompassing numerous aspects of local communities' social, political, cultural, economic, and environmental life. This local wisdom is unique because it is dynamic, sustainable, and linked to its community (Diab et al., 2022).

The relationship between local wisdom values and natural resource management can be defined as a community's cultural knowledge, which encompasses a variety of cultural knowledge relating to models of sustainable use and management of natural resources. As a result, management of natural resources based on local wisdom can be interpreted as exploiting natural resources with a concept of local wisdom, namely by determining the areas that are designated as areas that must be preserved and must not be exploited excessively, where management of natural resources must also consider the future impacts resulting from current natural resource management.

### C. METHOD

The present study is characterized as normative legal research, which entails an examination of norms within favorable legal rules and their corresponding legal principles. The objective is to identify legal regulations, principles, and legal opinions substantiated by library data to address the legal issues under investigation (Christiani, 2016). This study provides fundamental sources and guidelines about secondary data, encompassing primary legal documents and secondary legal materials. Primary legal materials encompass various laws and regulations that are pertinent to the subject matter. These include, but are not limited to, law no. 3 of 2020, which pertains to amendments made to law no. 4 of 2009 concerning Coal Minerals, law no. 23 of 2014 addresses matters related to Regional Government and law no. 32 of 2009, which governs Environmental Management and Conservation. Additionally, several other legal regulations fall within the purview of primary legal materials. Secondary legal materials consist of opinions provided by legal specialists with expertise in library research. These materials encompass scientific findings published in reputable legal journals, news articles, and relevant content from trustworthy internet websites. The data was gathered by conducting literature reviews and analyzing Internet media studies. The analysis employed qualitative juridical reasoning, specifically legal analysis based on legal reasoning and argumentation.

### D. RESULTS AND DISCUSSION

#### 1. Mining Legal Policy Issues in Indonesia

The enactment of Law Number 4 of 2009, also known as the Mineral and Coal Mining Law (UU Minerba), has resulted in significant alterations to the regulatory framework governing mining activities within the Indonesian context. One of the most notable transformations pertains to the shift from a mining authorization system and legal form of agreement (labor contract) to a licensing system. According to Hayati (2015), there has been a transformation in the role of the government within the mineral and coal mining industry. This transformation involves shifting from a position of equality with business actors to a role where the government now permits these business actors.

In addition to this alteration, there needs to be a straightforward elucidation of the central government's jurisdiction over the mining sector in the mineral and coal legislation. Therefore, the jurisdiction over governmental matters in the mining industry lies within the purview of the regional government. According to Nalle (2012), regional administrations possess the jurisdiction to provide licenses for mining operations as a component of State administrative services to achieve overall welfare (*bestuurzorg*).

Nevertheless, it is crucial to acknowledge that the regulation of mining management, as stipulated in Article 13 of the Mineral and Coal Law, has limitations. This implies that the jurisdiction over mining affairs is not inherently vested in the provincial or district/city administration. Contrarily,

this topic can be regarded as "discretionary" when examined from both a legal and practical standpoint. When considering the allocation of this authority, it is imperative to consider the prevailing mining capacity in alignment with the superior potential of the specific region, regional attributes, and the circumstances under which regional legal provisions are formulated and implemented (Rahimallah, 2022).

In other words, local governments can determine whether they want to manage mining affairs. This decision must be based on careful consideration regarding the potential benefits to the welfare of local communities. As such, the Minerals and Coal Act provides a framework that allows for local adaptation in mining regulation, which can be tailored to the needs and characteristics of each region.

This is in keeping with the mineral and coal management policy, which is implemented through the environmental management authority as the entry point in order to ensure that it is managed with the principles and awareness of maintaining and preserving the environment for the sake of continuous development, protecting the nation from pollution and harm. Managing minerals and coal in Indonesia is crucial to promoting long-term national growth. First and foremost, the major goal is ensuring mining-related economic operations are implemented and controlled effectively. So that this sector can best contribute to the economy of the nation, this work must be done in an efficient, effective, and competitive manner.

Another objective is to make sure that the advantages of coal and mineral extraction may be enjoyed sustainably and with consideration for environmental factors. Maintaining a healthy balance between using natural resources responsibly and protecting the environment is essential. This management must guarantee the availability of minerals and coal as necessary raw materials and energy sources to meet domestic needs, which is equally critical. This will help the nation's industrial and energy security.

Developing national capacities to increase competitiveness at the national, regional, and worldwide levels is also a goal. Indonesia can become a significant player in the international market by improving the mining industry. Another important objective is raising the level of income in local areas, regions, and the entire nation. To ensure that the Indonesian people enjoy wealth, mining must generate jobs and benefit the local community and the nation. Last but not least, this management must ensure legal clarity in the execution of business operations related to mining minerals and coal. This will ensure that policies and regulations linked to mining can be executed openly and fairly for all stakeholders and establish a stable and appealing environment for investment.

Based on the goals above, <sup>29</sup> the implementation of business activities in the mineral and coal mining sector is related to environmental permits in Law Number 32 of 2009 concerning Environmental Protection and Management as a new development, which is also a new development, in addition to being essential to pay attention to the licensing system within the framework of regional autonomy. Environmental impact analysis that is decentralized. If the licensing is for the forestry sector, it also relates to the lease-to-use rights for property utilized as a mining business area. The regional government is responsible for part of the execution of the licensing system in the mineral and coal industry.

According to the directive of Article 33 of the 1945 Indonesian Constitution, the shift in business activity implementation policy from a contract regime to a licensing regime genuinely offers promise for improving the value of benefits for the Indonesian people. This is a result of regional governments having a more dominating role in the mining industry, which makes it easier for regional governments to set policies in this area.

Indonesia's mining policy structure has undergone substantial modifications since Law Number 3 of 2020, which updates Law Number 4 of 2009 regulating Mineral and Coal Mining, was enacted. The new mineral and coal law's Article 8 expressly revokes regional governments' ability to oversee the mining industry. The upshot was that the provincial and district/city governments lost authority over the mining operations inside their jurisdictions.



The most striking impact is that local governments no longer have the authority to issue permits or other mining-related permits. This eliminates their ability to regulate, supervise, or even determine special requirements related to local wisdom or unique regional conditions related to mining activities. As a result, efforts to integrate local wisdom into mining activities are limited.

Another consequence is that regional governments can no longer issue regulations or regional legal products that regulate the mining sector according to the needs and characteristics of their region. This reduces flexibility in responding to problems or challenges in the local mining context. In this context, it is essential to consider how decision-making at the central level will influence local wisdom and environmental sustainability in the mining industry. While the central government may have a particular national vision and interest in managing mining resources, the role of local governments in identifying and promoting local wisdom and maintaining a balance between resource exploitation and environmental sustainability should be addressed. Thus, changes in mineral and coal laws have significant implications for mining dynamics in Indonesia, illustrating a shift in power and roles between the central government and regional governments in managing these valuable natural resources.

## **2. Implementation of Mining Law Policy Based on Local Wisdom in Indonesia**

With the enactment of Law Number 3 of 2020, which amends Law Number 4 of 2009 concerning Mineral and Coal Mining, provincial and district/city governments have lost the authority to issue permits related to mining, resulting in the loss of their control over mining activities in their areas and the ability to set special requirements according to local characteristics or regional wisdom, which was previously their responsibility. The centralization of mining policy at the national level is becoming more dominant, creating a uniform framework but also challenging the participation and involvement of regional governments and local stakeholders in decision-making regarding mining at the local level.

Mining legal policies based on local wisdom are still needed because they recognize that each region has unique characteristics, culture, and environmental conditions. Although mining policy has been centralized at the national level, it is essential to understand that local conditions and community participation greatly influence the sustainability and effectiveness of mining activities. Mining legal policies based on local wisdom are still needed for several very relevant reasons, including:

### **a) Local wisdom Recognizes diversity.**

Each region has unique and diverse geographical, cultural, and environmental characteristics, whether at the provincial, district, or city level. This diversity includes factors such as topography, local wisdom, cultural traditions, as well as the needs and aspirations of local communities. Mining legal policies based on local wisdom are critical because they enable the government to understand and consider these differences in regulating the mining sector. In this way, regulations can be adapted to the unique conditions in each region, creating a more relevant and practical framework. This benefits natural resource management and environmental protection and ensures that the economic and social benefits of mining can be more evenly distributed and meet the needs of local communities. In this way, policies based on local wisdom are both a principle and an essential step to achieving sustainable and inclusive development throughout the country.

### **b) Environmental Protection**

When discussing licensing mineral and coal mining businesses, it is essential to consider environmental aspects. Law Number 32 of 2009 concerning Environmental Protection and Management is an essential reference. One of the things that must be considered is environmental protection, which also includes Indigenous Peoples (MHA). This means mining policies must be designed holistically considering their impact on the environment, including cultural aspects and local wisdom possessed by MHA. In the mining licensing process, the government and mining companies must ensure that their activities do not damage the environment and respect the environmental values and policies stipulated in Law Number 32 of 2009.

### **c) Socio-economic Impact**



Policies based on local wisdom in mining management reflect recognition of the importance of involving and considering the needs of local communities in mining activities. One thing focused on in this approach is setting stricter requirements regarding the social and economic impacts of mining activities. This means that mining companies are expected to pay more attention to the positive and negative impacts that can arise on local communities. By imposing stricter requirements, this policy ensures that local communities gain more significant benefits from mining activities, such as job creation, infrastructure improvements, or contribution to local social and economic development. In addition, it also forces mining companies to take their social responsibilities more seriously, including involving local communities in decision-making and providing fair compensation for using local resources.

d) Conflict Prevention

Recognizing local wisdom in mining management has significant positive implications in preventing social conflicts that can arise in mining activities. When the central government or mining companies ignore the aspirations and needs of local communities, this often triggers tension and dissatisfaction among local communities. Local communities may feel neglected, disadvantaged, or have no control over the natural resources in their area. However, governments and companies can create a more harmonious environment by recognizing and integrating local wisdom in mining policies. This means that mining policies and practices become more sensitive to the needs of local communities and incorporate their views in decision-making.

Although authority regarding mining rests with the central government, the central government in Indonesia has made several efforts to ensure that mining legal policies continue to pay attention to and include local wisdom. Some efforts made by the central government include:

1. **Integrated Policy Development:** The central government has developed an integrated policy considering local mining management aspects. This includes creating regulations allowing local governments to participate in the mining regulatory process, such as preparing regional **37** tial plans integrating mining policies.
2. **37** **Dialogue and Consultation with Relevant Parties:** The central government has increased **dialogue and consultation with relevant parties**, including local community representatives, traditional leaders, and affected community groups. This allows input from lower levels to be integrated into policymaking.
3. **Partnership Approach:** The central government encourages partnerships between the government, mining companies, and local communities. This engages companies in greater social and environmental responsibility and meeting local needs, including education, infrastructure, and economic empowerment.
4. **Establishment of Supervisory Institutions:** The central government has established supervisory and supervisory institutions tasked with monitoring mining activities, including their impact on the environment and society. This helps ensure that mining companies comply with applicable regulations and requirements.
5. **Strengthening Environmental Regulations:** The central government has strengthened strict environmental regulations to ensure that mining activities do not damage ecosystems and requires companies to conduct comprehensive environmental impact assessments.
6. **Firm Law Enforcement:** The central government is also increasing law enforcement against violations in the mining sector, including violations related to the rights of local communities and environmental aspects.

These efforts reflect the central government's efforts to integrate local wisdom in mining regulation in Indonesia, although primary authority remains with the central government. With a more holistic and collaborative approach, mining legal policies can pay more attention to and meet the needs and aspirations of local communities while maintaining the sustainability of the mining sector nationally.

## E. CONCLUSION

In this research, significant changes in mining legal policy in Indonesia, especially with the enactment of Law Number 3 of 2020, which amends Law Number 4 of 2009, have changed the landscape of mining regulation and implementation. The centralization of mining policy at the national level has removed the authority of regional governments to regulate and supervise mining activities according to local characteristics. Nevertheless, the importance of local wisdom in mining management remains relevant, recognizing the differences in culture, environment, and needs of each region. Mining legal policies based on local wisdom also include environmental protection and efforts to maximize social and economic benefits for local communities. Additionally, it helps prevent social conflict by including the aspirations of local communities in decision-making. The central government has made various efforts to integrate local wisdom into mining regulations, including dialogue, partnerships, strict supervision, and strict law enforcement. In facing these changes, finding a balance between policy centralization and attention to local wisdom and environmental sustainability is essential, with strong collaboration between all stakeholders.

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