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Photo: Illegal Gold Mine in Central Sulawesi Landslides. (AP/M. Taufan)

Jakarta, CNBC Indonesia - Mining Law Expert, Ahmad Redi, revealed that the action of the Minister of Energy and Mineral Resources (ESDM) in releasing the rock mining permit in Wadas Village, Bener District, Purworejo, Central Java, was an act of abuse of authority.

Ahmad Redi assessed that the extraction of mining materials, in this case andesite rock, requires permits, namely a Mining Business Permit (IUP). This is because the area is designated as a Mining Business Area (WIUP).

Which, in Article 2 paragraph 1 letter d PP No. 96/2021, andesite rock is included in the rock commodity. This means that business, whether for the public interest or for one's own interests, still requires permits in the mineral and coal (minerba) sector.

"The Minerba Law does not regulate the distinction between mining business activities for the government's own interests or the interests of other parties. Any mining activity involving mining commodities in mining areas must obtain a business permit in the mineral and coal sector," said Ahmad Redi to CNBC Indonesia, Thursday (17/2/2022).

EDITORIAL CHOICE

In this IUP, said Ahmad Redi, there are accompanying obligations that must be carried out by anyone who mines,

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and head of mine engineering.

So, in the Minerba Law, BUMN and BUMD are given space to obtain an IUP. This business entity can be given an IUP and then supply andesite for the Bener Dam project.

Through an IUP, the responsibility of the IUP holder is attached to *good mining practices* .

"Therefore, the absence of an IUP in the andesite mine in Wadas Village, this is an abuse of authority," stressed Ahmad Redi. This act of abuse of authority is included in Law Number 30 of 2014 concerning Government Administration.

Minister of Energy and Mineral Resources (ESDM) Arifin Tasrif revealed in the Hearing Meeting (RDP) with Commission VII DPR, Thursday (17/2/2022) that andesite mining is in Wadas Village, Bener District, Purworejo, Central Java it does not require an iIUP.

The reason is because andesite mining is used for the construction of the Bener Dam as a National Strategic Project (PSN) initiated by the PUPR Ministry through the Directorate General of Water Resources.

"So considering that this is a national interest, the PUPR stated that the stone material from the existing *quarry is of the andesite type and is produced only for project material purposes, not for commercial purposes. So no mining permit was given,*" said Minister Arifin.

The Director General of Mineral and Coal (Dirjen Minerba) of the Ministry of Energy and Mineral Resources, Ridwan Djamaluddin, added that according to existing regulations, in this case Government Regulation Number 96 of 2021. It is said that Rock Mining Permits (SIPB) are only given to business entities, BUMDs or bodies private businesses in the context of domestic investment.

Meanwhile, in this case the government, namely the PUPR Ministry, does not require a permit to carry out rock mining. "Moreover, it is used for one's own needs, environmental and tax responsibility is handed over to the PUPR ministry, this right is linked to coordination with the PUPR ministry and the Regional Government," said Ridwan.

As previously known, the Director General of Mineral and Coal has issued a letter with letter number T-178/MB.04/DJB.M/2021 dated 28 July 2021. This letter was issued in response to a letter from the Director General of Water Resources, Ministry of Public Works and Public Housing (PUPR) in response to PSN's request for recommendations for the construction of the Bener Dam.

Ridwan Djamaluddin in his letter said that the implementation of quarry material extraction activities for the construction of the Bener Dam carried out by the Directorate General of Water Resources of the Ministry of Public Works and People's Works does not require permits in the mineral and coal mining sector.

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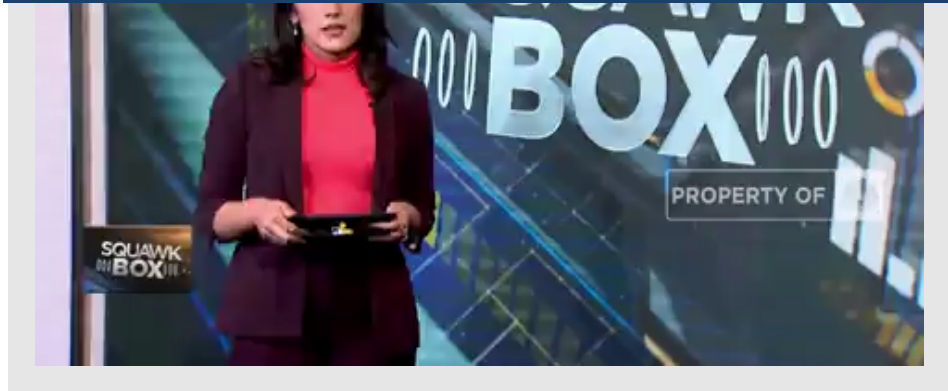
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(pgr/pgr)

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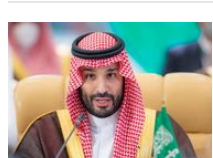
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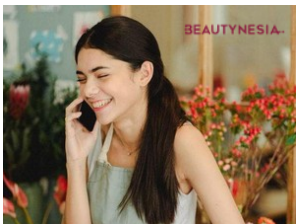
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