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The Effectiveness of the Coal Mining Licensing System in the Implementation of Sustainable Development Goals

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Abstract

Introduction: *The mining licensing system is a key instrument in controlling coal exploitation activities to achieve sustainable development targets after the adoption of the 2015 Sustainable Development Goals (SDGs). However, there are problems in the licensing function as an environmental impact control mechanism and disparities between national regulations and policy implementation at the regional level that hinder the achievement of sustainable mining goals.*

Purposes of the Research: *The purpose of writing this article is to evaluate the effectiveness of the coal sector licensing mechanism in Jambi City in adopting SDGs values and examine the challenges of implementing sustainable mining policies at the local level.*

Methods of the Research: *The research uses a qualitative approach with a descriptive analysis method on the mining licensing system in Jambi City. Data collection techniques through documentation studies on regional licensing policies, Mayor's regulations in the field of mining, regulations on coal sector control, and analysis of literature from relevant scientific sources.*

Results Main Findings of the Research: *The research reveals that the coal licensing system in Jambi City has adopted the principles of SDGs 12 (responsible consumption and production) through the Decree of the Mayor of Jambi Number 54 of 2023 concerning the control of coal transportation, the optimization of the licensing function as an environmentally friendly production control tool, and the establishment of a multi-agency coordination system in the supervision of responsible production practices, However, there are still weaknesses in the implementation of sanctions and the synchronization of central and regional policies.*

Keywords: Licensing System; Coal Mining; Sustainable Development Goals.

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INTRODUCTION

Coal is one of the strategic excavation materials that is also a very large energy resource. Indonesia is one of the largest coal mining producing areas in the world.[1] Coal mining is one of the most dominant sectors in economic development, including in Jambi City. This activity

[1] Nilma Suryani, Armansyah, and Hafiza Yetti, "Dampak Pertambangan Batu Bara Terhadap Kondisi Sosial Ekonomi Masyarakat Lokal Di Kota Jambi," *UNES Law Review* 7, no. 1 (2024): 345–53, https://doi.org/10.31933/unesrev.v7i1.

not only encourages the growth of the industrial sector and job creation, but also contributes to regional revenue. Even so, mining also brings a number of negative impacts that cannot be ignored. Environmental damage, water and air pollution, and social conflicts around the mining area are real challenges that continue to recur. This shows that mining management is not enough only from an economic perspective, but must also consider environmental sustainability and community welfare. Coal exploitation activities must be able to maintain the function and preservation of the environment. In accordance with the mandate contained in Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia.[2]

In line with global commitments, Indonesia has adopted the Sustainable Development Goals (SDGs), which are the direction of development until 2030. One of the key points in the SDGs is Goal 12, which emphasizes the importance of responsible consumption and production. In the context of mining, this means that the entire process, from licensing to post-production, must be run in a transparent, efficient and environmentally friendly manner. Licensing is a key instrument in this process because it is the starting point for determining whether a mining activity is feasible and in accordance with the principles of sustainability.

At the local level, such as in Jambi City, the implementation of the mining licensing system often faces various obstacles. Limited institutional capacity, weak coordination between related parties, lack of supervision, and low public participation are obstacles that are still often encountered. As a result, many mining practices run without adequate oversight, and do not fully reflect the expected sustainability values. In fact, challenges and dynamics at the regional level are actually critical points that determine the direction of mine management in the future.

Through this study, the author wants to evaluate the extent to which the coal mining licensing system in Jambi City is able to support the implementation of SDGs 12. This approach was chosen because so far the issue of the effectiveness of licensing at the city level has not been studied in depth. Exploring how permits are granted, implemented, and supervised, this study is expected to provide a more complete picture of the challenges and gaps for improvement going forward. Raising this issue is important, not only to support more responsible mine

[2] Hendra Herman and Yeni Widowaty, "Perlindungan Hukum Terhadap Masyarakat Atas Kegiatan Stockpile Batubara Di Kabupaten Muaro Jambi," *Bina Hukum Lingkungan* 8, no. 2 (2024): 235–58, https://doi.org/10.24970/bhl.v8i2.256.

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management, but also to ensure that development in Jambi City continues to be balanced between economic interests and environmental sustainability.

METHODS OF THE RESEARCH

This research uses a qualitative approach qualitative research will refer to the concept of meaning, definition, characteristics, metaphors, symbols and other things related to description.[3] A qualitative approach is an approach or method used in research that is carried out by researching and analyzing existing literature materials in depth. A qualitative approach is used to investigate and understand the meaning given by an individual or group to a social or humanitarian problem.[4] Qualitative research is a process to find legal rules, legal principles, and legal doctrines to answer the legal issues faced related to the coal mining licensing system in Jambi City. Using approaches: statute approach, conceptual approach, and case study approach. Data collection techniques through documentation studies on regional licensing policies, mayoral regulations in the mining sector, coal sector control regulations, and literature analysis from relevant scientific sources using descriptive analysis methods.

RESULTS AND DISCUSSION

The Sustainable Development Goals (SDGs) are an agreement of cities around the world that aim to realize cities and settlements that provide equal rights and opportunities, encourage inclusivity and ensure that every resident without discrimination is able to occupy and create cities and settlements that are just, safe, healthy, accessible, affordable, resilient, and sustainable.[5] One of the greatest natural resources that Indonesia has is coal, especially in Jambi Province. According to Law Number 4 of 2009 Article 1 number 1 "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 study, construction, cross-section,

[3] Muhammad Firmansyah, Masrun, and I Dewa Ketut Yudha S, "Esensi Perbedaan Metode Kualitatif Dan Kuantitatif," *Elastisitas: Jurnal Ekonomi Pembangunan* 3, no. 2 (2021): 156–59, https://elastisitas.unram.ac.id/index.php/elastisitas/article/view/46.

[4] John W Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative Adn Mixed Methods Approaches* (London: Sage Publications Lt, 2017).

[5] Aullia Vivi Yulianingrum and Yohana Widya Oktaviani, "Kebijakan Pengelolaan Pertambangan Batubara Yang Berorientasi Pada Sustainable Development Goals Di Wilayah IKN, Indonesia," *Jurnal Analisis Hukum* 6, no. 2 (2023): 229–45, https://doi.org/10.38043/jah.v6i2.4670.

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processing and refining, transportation and sales as well as post-mining activities".[6] Although Jambi Province is one of the largest new stone producing provinces in Indonesia, this does not necessarily mean that the coal reserves in Jambi Province can contribute to improving the welfare of the surrounding community.[7] The existence of mining companies, many people have switched their labor from those who previously mostly pursued the agricultural sector, now pursue the mining sector or provide goods and services. However, the increase in coal prices is not always directly proportional to the improvement in the welfare of local communities. This can be seen around coal mining, where this coal mine does not have much effect on improving welfare for the surrounding community. The environment is a continuous unity between space and all objects, powers, conditions and living things and all their behaviors that affect natural conditions.[8]

A. Coal Mining Licensing System in Jambi City in the Context of Sustainable Development

This licensing system functions to control and regulate mining activities so as not to cause negative impacts that damage the environment and society.[9] Licensing in the mining sector is not just an administrative process to obtain business legality, but also an important mechanism in ensuring that every mining activity is carried out in accordance with the principles of sustainable development. In Jambi City, which serves as a distribution and transit node for coal from upstream mining areas, the licensing system is a key instrument to manage the impact of these activities. In general, the licensing system that applies in Jambi City refers to national regulations, especially Law Number 3 of 2020 concerning Mineral and Coal Mining, as well as derivative regulations at the regional level, such as mayoral regulations related to traffic and the environment. Local governments have a role in regulating technical aspects related to transportation, the use of urban space, and the supervision of coal transportation activities that pass through their administrative areas.

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[6] Sunardi Syahhuri and Budiman, "Efektivitas Pengawasan Perizinan Tambang Batu Bara Oleh Dinas Energi Dan Sumber Daya Mineral (ESDM) Provinsi Kaltim Di Kota Samarinda," *Jurnal Ilmu Pemerintahan* 9, no. 1 (2021): 32–41, https://doi.org/10.30872/jip.v9i1.763.

[7] Afif Syarif, "Pengelolaan Pertambangan Batu Bara Dalam Penegakan Hukum Lingkungan Pasca Otonomi Daerah Di Provinsi Jambi," *Arena Hukum* 13, no. 2 (2020): 264–77, https://doi.org/10.21776/ub.arenahukum.2020.01302.4.

[8] Fatma Ulfatun Najicha, I Gusti Ayu Ketut Rachmi Handayani, and Lego Karjoko, "Regulation of Law Enforcement in Prevention and Handling of Fire Forest in Environmental Hazards," *Medico-Legal Update* 21, no. 1 (2021): 259–62, https://doi.org/10.37506/mlu.v21i1.2314.

[9] Leonardo Halomoantua Hutapea, "Formulasi Hukum Sistem Insentif Perizinan Pertambangan Batubara Untuk Efisiensi Penggunaan Sumber Daya Alam Dalam Perspektif Economic Analysis of Law," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 1 (2024): 495–506, https://doi.org/10.38035/jihhp.v5i1.3078.

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However, challenges arise when a procedural licensing approach has not been able to touch the substantive aspects of sustainability. This means that transportation and operational permits often only assess the completeness of administrative documents, without strong oversight of the long-term impact on air quality, traffic safety, and public comfort. When the licensing system is not accompanied by monitoring and evaluation, it is difficult to ensure that the permitted activities are in line with sustainability principles. Generally, this special mining business license is given to the main priority, namely state-owned enterprises and regional-owned enterprises. However, it is possible that private business entities can obtain a business license for the mining process by participating in an auction of mining special business license areas. Special Mining Business License which is a business license granted to entrepreneurs as one of the extensions and implementation of work contracts or business work agreements in the Mining sector in Indonesia.[10]

The Sustainable Development Goals (SDGs), especially SDGs 12 on responsible consumption and production, the licensing system should be able to regulate not only the quantity of activities, but also the quality. Sustainable development requires that economic activities do not sacrifice the carrying capacity of the environment and the welfare of future generations. In Jambi City, efforts to integrate sustainability principles into the licensing system are beginning to be seen through the limitation of transportation operational hours, the regulation of special routes, and the establishment of an inter-agency coordination forum. Although not perfect, these steps are an important signal that licensing is beginning to be positioned as a tool of environmental and social control, not just a legal-formal procedure. However, to be truly effective, this system needs to be strengthened through regulatory harmonization, capacity building of supervisory apparatus, and community involvement in supervision and licensing evaluation. Only in this way, the coal mining licensing system in Jambi City can become an instrument that is truly in line with the ideals of sustainable development.

B. Decree of the Mayor of Jambi Number 54 of 2023 as a Regional Policy Innovation

[10] Angga Dwijayanto, "Mengenal Izin Usaha Pertambangan (IUP)," klikpajak.id, 2022, https://klikpajak.id/blog/iup-izin-usaha-pertambangan/.

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One of the important breakthroughs made by the Jambi City Government in the context of controlling the impact of mining is the issuance of Jambi Mayor Decree Number 54 of 2023 concerning Coal Transportation Control through the Establishment of an Integrated Coal Road Transportation Traffic Control Team. The team, which consists of various elements of law enforcement and the Jambi City Government, will carry out the task of supervision and law enforcement through the application of sanctions and fines, as well as criminal punishment of imprisonment, based on Jambi City Regional Regulation Number 4 of 2017 Article 22.[11] This policy is concrete evidence that local governments not only act reactively to problems that arise, but also begin to implement preventive and control approaches based on good environmental governance.

The substance of the decree includes regulating the operating hours of coal trucks, the establishment of special transportation routes that do not pass through densely populated areas, restrictions on vehicle tonnage, and strengthening supervision in the field by joint apparatus. Through this policy, the Jambi City Government seeks to reduce the negative impacts that have arisen, such as severe congestion, road damage, disruption to community activities, and air pollution that has increased drastically due to the density of mining truck traffic. From a sustainable development perspective, this policy reflects the commitment of local governments to the precautionary principle, prevention principle, and intergenerational responsibility. This means that the decision not only focuses on short-term economic efficiency, but also on the sustainability of ecosystem functions and the quality of life of urban communities. The large number of Mining Powers issued by the local government makes the division of mining areas complicated. There are several mining areas that overlap with each other because each region has the right to issue a Mining Power of Attorney so that it is difficult to be controlled by the central government.[12]

In addition, the Decree also affirms the position of local governments as important actors in sustainable development, even though some of the authority of the mining sector has been

[11] Suwandi and Teuku Muhammad Valdy Arief, "Truk Batu Bara Dilarang Masuk Kota Jambi, Ada Denda Rp 50 Juta," Kompas.com, 2023, https://regional.kompas.com/read/2023/01/26/111654478/truk-batu-bara-dilarang-masuk-kota-jambi-ada-denda-rp-50-juta?page=all.

[12] Nazaruddin Lathif, "Tinjauan Yuridis Tentang Kewenangan Pemerintah Provinsi Dalam Penerbitan Izin Usaha Pertambangan Batubara," *Jurnal Panorama Hukum* 2, no. 2 (2017): 149–66, https://doi.org/10.21067/jph.v2i2.2076.

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taken over by the central government. Taking advantage of the available regulatory space, the Jambi City Government seeks to create a local control system that is adaptive to the specific challenges faced by urban areas due to mining activities.

C. The Impact of Policy Implementation on the Environment and Social

The implementation of Jambi Mayor's Decree Number 54 of 2023 has begun to show a number of positive impacts, especially in terms of reducing traffic disturbances and air quality. After the implementation of restrictions on operating hours and the diversion of coal truck lanes to certain routes, a number of areas that were previously congested and often congested experienced a significant decrease in the volume of heavy vehicles, especially during peak hours. This has an impact on increasing the comfort of people's mobility, reducing residents' complaints related to dust pollution, and starting to recover road infrastructure in several main points of the city. Good Environmental Governance (GEG) is an important foundation for effective waste management, with its principles including transparency, community participation, accountability, fairness, and sustainability. The importance of waste management in the context of sustainable development includes aspects of the environment, health, community participation, resource efficiency, and moral responsibility to future generations.[13]

On the other hand, this policy also triggered adjustments by transport companies and business actors in the mining sector. Some operators feel burdened by restrictions on hours and lines because they are considered to reduce distribution efficiency. However, most entrepreneurs also realize that this control is needed to maintain the long-term sustainability of distribution and avoid broader social resistance from the community. However, the effectiveness of this policy has not been completely evenly distributed at all points. Some violations are still found, especially in suburban areas that have not been reached by optimal supervision. The use of alternative routes outside the official route and violations of operational hours are challenges in itself. The limited number of supervisory officers, the lack of a

[13] Febryanti and Aldri Alfrinardi, "Kebijakan Pemerintah Kota Jambi Terhadap Pengelolaan Sampah Dalam Memenuhi Prinsip Good Environmental Governance," *Gudang Jurnal Multidisiplin Ilmu* 2, no. 1 (2024): 202–6, https://gudangjurnal.com/index.php/gjmi/article/view/223.

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community-based reporting system, and the lack of strict and consistent sanctions cause a number of business actors to not have sufficient incentives to comply comprehensively.

D. The Challenge of Synchronizing Central and Regional Policies

One of the main obstacles in the implementation of mining control policies at the regional level is the disharmony of policies between the central and regional governments. After the enactment of Law Number 3 of 2020 concerning Mineral and Coal Mining, the authority to issue Mining Business Licenses was fully transferred to the central government. As a consequence, local governments - including Jambi City—no longer have the authority to determine who has the right to run the mining business, even though they are the most directly affected by these activities. Community involvement and participation are very necessary in decision-making, from the community can obtain various information related to the activities that will be carried out because the decision will have an impact not only on the community but also on the government. This community involvement and participation is not only at the time the decision will be issued but also at the supervision process. However, the community must also be provided with information related to the existence of an activity plan. Article 2 of the Minerals and Coal Law of 2009 also states that; Participatory based mineral and coal mining. This is intended that in mining activities, not only the participation of the permit givers and holders, but also the community around the mine. However, the principle of democracy and public participation, which is part of the principle of sustainable development, has not been regulated in detail in the Minerals and Coal Law of 2009. Community participation is still at the non-participatory level and there is even a violation of the basic rights of the community in the determination of mining areas.[14] This imbalance of authority causes coordination between the local and central governments to often be out of sync, especially in the aspects of supervision and sanctions enforcement. On the one hand, local governments are responsible for the management of spatial planning, traffic, and the environment. Hundreds of former coal mine pits look like lakes or giant ponds. Meanwhile, from a distance, the lake is quite charming. The water looks clear greenish. Behind that, there is danger waiting. Various harmful metal

[14] Syofiarti, "Peran Serta Masyarakat Dalam Pengambilan Keputusan Pada Kegiatan Pertambangan Untuk Mewujudkan Pembangunan Berkelanjutan," *Refleksi Hukum: Jurnal Ilmu Hukum* 7, no. 1 (2022): 19–36, https://doi.org/10.24246/jrh.2022.v7.i1.p19-36.

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particles are contained in the former coal dredged lake. Mine pits are also prone to swallowing lives. "This is a danger, the former mine.[15] On the other hand, they do not have the authority to establish or revoke permits that are at the root of the mining activity itself. This creates a policy paradox that has the potential to weaken the effectiveness of sustainable natural resource management. The Local Government Law, explains that the licensing authority carried out by the district/city government is transferred to the provincial government. The Mineral and Coal Bill is the authority to be withdrawn to the central government, this is because of the intention to cut the bureaucratic system, which then this reason is very irrelevant because of the decentralized system that puts the maximum authority given to the local government, which then if the reason for the bureaucratic system should give authority to the local government.[16]

In addition to the issue of vertical coordination, another challenge is the limited participation of the community in the evaluation and supervision process of policy implementation. Local communities, which are supposed to be strategic partners in environmental impact control, have not been given adequate participatory space. There is no transparent complaint channel, technology-based reporting system, or regular communication forum between citizens, the government, and business actors. Therefore, synchronization between national policies and regional needs is absolutely necessary, especially in terms of harmonization of regulations, the delegation of part of supervisory authority, and the creation of collaborative mechanisms across actors. Without this synergy, policies at the local level will continue to run within structural limitations and will be difficult to make a real contribution to the achievement of sustainable development goals, especially SDGs 12.

CONCLUSION

The licensing system has adopted the principles of SDGs 12 (responsible consumption and production) through the Decree of the Mayor of Jambi Number 54 of 2023 concerning the control of coal transportation. This policy has succeeded in reducing traffic disruptions,

[15] Fauzi Syawal, Abdul Bari Azed, and Suzanalisa, "Kebijakan Hukum Pidana Dalam Penanggulangan Dampak Lingkungan Hidup Akibat Pengusahaan Pertambangan Batubara Di Kabupaten Sarolangun," *Legalitas: Jurnal Hukum* 9, no. 1 (2019): 17–45, https://legalitas.unbari.ac.id/index.php/legalitas/article/view/141.

[16] Roni Sulistyanto Luhukay and Rachmasari Kusuma Dewi, "Sentralisasi Kewenangan Perizinan Usaha Oleh Pemerintah Pusat Dalam Rancangan Undang–Undang Mineral Dan Batubara," *Al-'Adl* 13, no. 2 (2020): 265–84, https://doi.org/10.31332/aladl.v13i2.1861.

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improving air quality, and optimizing the licensing function as an environmentally friendly production control tool through the establishment of a multi-agency coordination system. However, there are still weaknesses in the implementation of sanctions that are not consistent and there is weak policy synchronization between the central and regional governments. The disharmony of authority after Law Number 3 of 2020 creates a paradox where local governments are responsible for environmental impacts but do not have the authority to issue permits. In addition, public participation in supervision is still limited due to the lack of transparent complaint channels and regular communication forums. To increase effectiveness, it is necessary to strengthen supervision, harmonize central-regional regulations, and develop a more comprehensive community participation system.

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