



**LEGAL ANALYSIS OF MITIGATION OF ENVIRONMENTAL AND SOCIAL
IMPACT IN SAND MINING EXCAVATION C**

**Ghina Rahma Jelita¹, Gita Maria Ulfa², Nela Oktaviani³, Endang Sutrisno⁴, Deni Yusup
Permana⁵**

University Swadaya Gunung Jati , Indonesia

Email: grahmajelita@gmail.com , ulfagitamaria@gmail.com , nelaoktaviani2710@gmail.com ,
endang.sutrisno@ugj.ac.id , deni.yusup@ugj.ac.id

Abstract

Mining sand Excavation C, in particular , has cause degradation environment and impact social , and this just one example How operation mining can give benefits and harms public local . Because of this is problem urgent social , we must Act fast For finish degradation environment and disasters nature caused by mining illegal . Things that become attention main is How problem mitigation impact environmental and social issues in mining sand Excavation C is arranged based on analysis law . With use method study juridical normative , research This aim For analyze aspect law around arrangement mitigation impact environmental and social related mining sand Excavation C. Damage environment that has not resolved , especially in the Cikeruh River , is results direct from research that examines potency consequence law from mining illegal in the District area Majalengka . Opportunity field jobs , opportunities economy , and increasing village treasury , is a number of impact social from mining sand Excavation C. Mining sand Excavation C has impact the environment is a must mitigated Activities performed ignore licensing with refer to Constitution Number 3 of 2020 concerning Mineral and Coal Mining and Regency Regional Regulations Majalengka Number 3 of 2004 concerning Mining Business Management . The miners traditional must own Permission Community Mining (IPR).

Keywords : Policy Mitigation , Mining Sand Excavation C

INTRODUCTION

According to Constitution Number 3 of 2020 Concerning Mineral and Coal Mining, minerals, coal and rocks is one of source Power important nature for continuity life man (Adriansyah and Jefri Kurniawan 2024). Industrial and development processes infrastructure important (eg roads, bridges, and buildings) depend heavily on this mineral. Sand and equipment building others are very important For every project construction massively (Koirala and Joshi 2017).

Exploration , exploitation , production and sales is part from the mining process. Group A, group B, and group C are three category main included in minerals. Mining company group C includes companies operating in the field extraction gravel, marble, kaolin, granite, sand, limestone, rock mountains , land , and materials kind other (Malkani and Mahmood 2016). Impact negative social , such as the destruction source supporting power life communities that depend on mining and conflict areas ownership tangible land oppression, occurs when aspect environment ignored during operation mining (Abuya 2016). When aspect environment ignored in mining process sand , will arise impact negative to social like damage sources life environmentally dependent society area mining and conflict ownership land like oppressive rights people on the land. Impact the resulting environment like , the damage road Raya , change form and function river , Degradation ecosystem river , change flow and function river , as well damage road kingdom is example impact environment (Malkani and Mahmood 2016).

In the regions Indonesia is particularly rich in it source Power mining , issues exploitation mining without permission the more widespread (Dutu 2016). Motivation main from actions This often is chase profit financial direct with sacrifice preservation environment life in period long . Society and government face challenge big consequence difficulty this, which is caused by the lack of

awareness public how importance guard environment.

Still is strong perception that mining damage environment. Diversity biological disturbed Good in distribution nor abundance species around mining areas (Harabiš 2016). Conflicts caused by complaints public about damage environment appear Because source problem No quick identified . Society has different perceptions to mining sand Excavation C along flow of the Cikeruh River in the Regency area Majalengka so that required approach specifically by the government local to public through socialization to problem damage environment (Jung, Mehta, and Tong 2018).

Lots of it damage environment and disasters nature caused by mining illegal must quick found method as well as rational solution , cause mine illegal clear is problematic social that can annoying To use social and community. Necessary exists effort For prevent risk disaster , fine through development physique nor awareness and improvement ability face threat disasters in the district area Majalengka throughout flow of the Cikeruh River in accordance with Constitution Number 24 of 2007 concerning mitigation (Albris, Lauta, and Raju 2020).

Referring to the data , that becomes principal problem is how? aspect law in arrange problem mitigation impact environmental and social For mining sand Excavation C. This becomes very important remember problems life is problems with those who own it impact big and important .

LITERATURE REVIEW

Asril in the journal discuss on "Impact Mining Excavation C Against Community Life in Koto Kampar Hulu District, Kampar Regency," explained about impacts and losses incurred to life public good at the moment and in the future come , okay field losses economy like disappearance eye livelihood , loss source Power production for fishermen because it 's on the island lah they catching fish. Connected with study author in the journal there is several possible variables used in study This that is impact environment and impact social mining sand excavation C, as well effort government in mitigation damage environment . As for what makes the difference study This with study previously is study This use analysis law in handle impact from mining sand Excavation C.

Mining process as arranged in Constitution Number 3 of 2020 concerning Mineral and Coal Mining includes Lots stages among them investigation general, exploration, study feasibility, construction, processing, refining, development, sales and post-mining. Mining illegal refers to activity mining carried out by people or business entities without permission official , and not obey standards and regulations proper mining . The study entitled "Effort Government in cope Impact Type C Mining Excavation in the District Kaliwungu Duchy of Kendal" written by researchers activities mining on site this must obtain permission government center as intended in Article 35 paragraph (1) of the Law Number 3 of 2020 concerning Mineral and Coal Mining.

Special C excavation mine various minerals such as soil, sand, gravel, marble, kaolin, granite, and many more Lots Again. Request to product mining C excavation, incl sand, gravel, stones, soil, and heaps/ fills , very large Because growth amount resident. Increasing request This driven by need will source Power there are many sector, incl development roads, housing, retail malls, industry, centers government , and offices . As a result, an increase activity mining impact negative on the environment Because use tool heavy in a way continuously .

Damage environment can give rise to impact among them impact environment and impacts social . Impact environment is results from changes that occur in the environment Because activity or project certain . Whereas impact social is consequence from changes that occur in individuals and communities as results from implementation project , program, or policy in a public . For prevent exists impact the required Analysis Impact Environment (AMDAL). Analysis Impact Environment (AMDAL) is evaluation to consequences that arise from something initiative or activities , whether they have an impact positive nor negative , with take into account various aspect like environment physical , chemical , biological , as well factor social economics , culture and health society .

According to the Cambridge Dictionary, mitigation is steps For reduce level danger , inconvenience , or loss from something . Whereas according to Merriam-Webster, mitigation refers to effort reduce or minimize impact negative from something , okay in process or the result . After happen incident disaster , like disaster nature , mitigation can depicted as series actions taken For reduce level severity detrimental consequences .

RESEARCH METHODS

In this research, a normative juridical approach was chosen as the method because it aims to analyze the implementation of various related laws and regulations. This research does not use samples in the quantitative sense, but rather focuses on analyzing primary legal materials, such as the constitution, laws, and regional regulations, as well as relevant secondary legal materials, such as books, academic journals, and scientific publications. Data was collected through literature and documentation studies, with the researcher as the main instrument equipped with documentation and analysis guidelines. Data accuracy was maintained through verification of primary and secondary legal sources, as well as references from leading legal experts and literature. Data analysis was conducted qualitatively using a normative juridical approach, including interpretation, categorization, and synthesis of the legal material that had been collected, as well as connecting it to relevant legal theories and concepts.

RESULTS AND DISCUSSION

Mining is action removes valuable minerals, oil, gas, and coal from earth through the excavation process. Understanding mineral and coal mining can be seen in Article 1 Paragraph (1) of the Law Number 3 of 2020. Mining process involves various kinds of processes, starting from election location start and continue through exploration, processing, transportation, and mining construction until product is ready for sale.

Description above is comprehensive because it covers diverse mining activities, there is possible done before mining, there is being done at the moment mining, and some are also being carried out after mining. According to Article 1 paragraph (4) of the Law Number 3 of 2020 concerning Mineral and Coal Mining, in question with "mineral mining" is deed obtain rock or ore from something location certain, not including source Power hot earth, oil earth, gas and groundwater. Excavated Mineral C extract various various minerals included soil, sand, limestone, mountain rock, gravel, marble, kaolin, granite, and several other minerals.

Mining sand happens throughout flow of the Cikeruh River. Society in general using a canoe and shovel for take sand in the river, but there are also those who are assisted by equipment big like beko. Resident local first time doing it mining sand because confession they to source Power nature on the land those, which have potential add income they. Economy local responsible answer on situation This majority its people including in class intermediate to below, which is marked with low salary and performance limited education even There is some people rely on mining sand as eye his livelihood.

Findings from study mining sand has can accessed during almost four decades, and has endure during a number of generation. Statement the contradictory with Language Article 4 paragraph (1) Regulations Government Number 96 of 2021 which is firm said the Minister was responsible answer compile plan National Mineral and Coal management for period time certain. Agreement This have period 5 years time and can changed every 5 years.

In accordance Article 1 paragraph (6) of the Law Number 32 of 2014 concerning Regional Government, government area have authority full For supervise affairs governance and guarding well-being public local. This known as autonomy area in a Unitary State Republic of Indonesia, regions autonomous have authority, ability, and obligation For organize and supervise affairs his government Alone as well as well-being people local. However as not quite enough answer supervision mining sand Excavation C still is with the government district / city. Miner sand No own permission official Because perception public expensive costs and complicated requirements, as well the result No Enough For fulfil need daily they.

Although No own permission mining, miners sand still control in a way physique to mining areas sand. Since enactment Constitution Number 3 of 2020, the Central Government carries out not quite enough answer giving permission mining, replace Local government. Constitution Number 3 of 2020 concerning Mineral and Coal Mining. Found facts that all supervision mining legal sand is located in supervision Local government.

Mining sand illegal often ignore evaluation impact environment . The action violate the conditions listed in Constitution Number 32 of 2009 concerning Protection and Management Environment Life that way firm state that environment life is something unity geography has impact important to well-being and existence creature life other .

Impact environment from mining sand Excavation C includes : following :

1. Damage to Highways

Most of the public experience loss consequence existence mining sand Excavation C. One type loss is the damage connecting path One hamlet or block with hamlet or block other . According to public local people admitted that condition road Keep going worsened consequence dense every truck day transport sand , gravel , and stone.

2. Eroded Community Land Around the River

Owner land often experience difficulty consequence activity mining Because management land that is not adequate . Activity mining continuous sand continuously use tools heavy Keep going give rise to damage to land eroding communities around location mining .

3. It's changed Form and Function of Rivers as well Destruction of River Habitat

The river is a long , continuous flowing body of surface water to downstream from the source (Aksoy 2020). Change morphology river is consequence direct from activity mining sand . Important rivers as water provider , support livelihoods , reservoirs , and other needs become not enough works consequence situation This .

A number of impact social issues caused by mining among others:

1. Open Field Work For the Surrounding Community

There is activity from mining sand open field work for public local . Transfer process sand from river to vehicle carrier need power man .

2. Open Business Opportunities for Local Communities

Local community utilise mining For Lots opportunity economics , like using river stones For needs like mortar , tombstone , stall eating , workshop and washing vehicle .

3. Add Village Cash Income

Found facts that the village treasury can take profit from levy as big as 20,000 rupiah (equivalent with two tens thousand rupiah) for every transport truck sand. Society can use these funds For repair roads, development infrastructure public new , and funding initiative other .

Do monitoring, decline , and recovery quality of water, air and soil, as well identification and eradication source pollution and damage environment alive, appropriate with Article 14 paragraph (3) letter b Regulations Regent Majalengka Number 29 of 2020 which explains in a way Specific not quite enough responsibilities , functions and procedures of the Environmental Service Life Regency Majalengka (Bărbulescu, Barbeș, and Dumitriu 2024).

Found facts change environment consequence activity mining sand can nature permanent , or No can returned to circumstances beginning . Obstacles encountered Regional Government , among others is :

1. Perpetrator business miner sand Excavation C is lacking care to sustainability environment , temporary society lacks understanding about importance friendly development environment .

2. Although The Regional Government has appealed about licensing in accordance procedure For do , However still just Still there is mining sand Excavation C without permission .

3. Authority about mining Excavation C in accordance with Constitution Number 3 of 2020 everyone licensing is regulated by the Ministry , if there is miner sand Excavation C has permission However experience problem like procedures mining . Local Government only give penalty administrative like restoration and reprimand written .

4. Limited workers in the field like ; two people in the field supervision , four controllers impact , and two extension workers , so No monitored in a way comprehensive .

Important For do mitigation damage environment caused by mining sand and Regional Government active , Efforts made in handle mining sand that is do monitoring and supervision in accordance Regulation Regent Majalengka Number 29 of 2020 concerning Details Duties , Functions and Work Procedures of the Environmental Service Life Regency Majalengka (Agboola et al. 2020).

Found facts supervision to mining legal sand that is done like regular supervision ie obedience to appropriate rules permission environment , order on technique mining sand carried out , monitoring routine with see direct to place mining , and construction like management , protection to environment , capacity mining , engineering mining , and procedures mining (Long et al. 2023). Whereas For mining illegal sand is carried out approach special persuasive through socialization like mining permits sand , the impact will be generated , and enforced by the Civil Service Police Unit Praja .

Enforcement law environment in Indonesia, according to Aristotle about justice , includes good management , implementation strong regulation , completion dispute , as well give heavy sanctions to violators law (Nurhuda 2023). This matter No only about give punishment , but also doing steps prevention For prevent damage environment. Objective Finally is reach justice environment for public. Method infringing mining law seen clear in production sand Excavation C which is not have permission. Penalty administrative enforced in accordance with Constitution Number 3 of 2020 concerning Mineral and Coal Mining as reaction to exists activity illegal mining in the Regency area Majalengka which resulted damage environment (Irawan 2013). Penalty the including revocation permission sales , imposition fine , termination temporary activity exploration or production , and giving reprimand written (Wurman 2017).

Constitution Number 32 of 2009 concerning management also regulates penalty criminal related excavation . Article 98 paragraph (1) regulates that with on purpose ignore standard quality damage environment life or regulation quality air , water, or sea water can threatened with criminal prison between three until with ten years and fines between three billion until with ten billion rupiah.

Soepomo in his work " Temporary Constitution Republic of Indonesia" explained that the rule of law aim For ensure exists regularity law in society , which means give protection law to public . There is linkages each other influence between law and power . For mitigate impact bad environment consequence activity mining sand illegal in the District Majalengka , gift permission business mining must become very important thing . Local community must do complaint activity dangerous mining environment , and government area must take initiative in eradicate problem miner sand illegal excavation C.

CONCLUSION

Mining Sand Excavation C is in the Cikeruh River Regency Majalengka not enough notice mitigation to impact environmental and social. Lack of understanding related the impacts that arise in damage post mining sand Excavation C. This result the damage the environment and ecosystem in the Cikeruh River, experienced its erosion land community, access experienced path damage, holes that cause Lots harmful dust and pollution public around. You also need to pay attention impact social issues that exist in society like open field work, giving opportunity business Because exists mining sand, add village cash income. Importance notice Analysis Impact Mining environment sand Excavation C as well mitigation impact environment. Efforts implemented Local Government Majalengka like monitoring and supervision in accordance Regulation Regent Majalengka Number 29 of 2020 concerning Details Duties, Functions and Work Procedures of the Environmental Service Life Regency Majalengka.

Actions mining sand in the Cikeruh River which is not have permission, Regency Majalengka, yes worn penalty fine administrative as arranged in Constitution Number 3 of 2020 concerning Mineral and Coal Mining, as well consequence criminal as intended in Constitution Number 32 of 2009 concerning Protection and Management Environment Life. Punishment This worn For overcome potency damage environment caused by activities. The expected government increase supervision to destructive activities ecology and prioritization application regulation to mining sand without permit on the Cikeruh River, Regency Majalengka. Police local and Regency Regional Government Majalengka have obligation For Keep going communicate with owner company mining, giving education to they about necessity get permission business mining with notice sustainability environment.

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