

Pencabutan Izin Pertambangan oleh Bupati Kutai Timur (Kasus Pencabutan Izin PT. Ridlatama Tambang Mineral) = Revocation Mining License by Kutai Timur Regent (Case Study Retraction License PT. Ridlatama Tambang Mineral).

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Abstrak

Penelitian ini berdasarkan dari gugatan pada PT. Ridlatama Tambang Mineral pada Bupati Kutai Timur, PT. Ridlatama Tambang Mineral telah melakukan investasi cukup besar terkait dengan daerah di Kutai Timur akan tetapi ternyata investasi tersebut mempunyai masalah terkait dengan izin explorasi berdasarkan UU No 4 Tahun 2009 Tentang Pertambangan, akan tetapi Bupati telah menerbitkan banyak izin terkait dengan Izin Ekplorasi dan Izin Eksploitasi pada berbagai pihak yang menimbulkan sengketa antara PT. Ridlatama Tambang Mineral dan Pemerintah Indonesia Bupati Kutai Timur, hal ini dikarenakan Izin Ekplorasi dan Eksploitasi PT Ridlatama di cabut oleh Bupati Kutai Timur, Dalam Putusan PK No.138/PK/TUN/2012 PT. Ridlatama harus mendapatkan izin pinjam pakai kawasan hutan dari Menteri Kehutanan terlebih dahulu sebelum melakukan kegiatan penyelidikan umum dan atau eksplorasi pertambangan di wilayah kawasan hutan sebelum ada izin dari Menteri Kehutanan, namun pada kenyataannya sebelum izin dari Menteri Kehutanan tersebut diperoleh, PT. Ridlatama telah melaksanakan kegiatan penyelidikan umum dan atau eksplorasi pertambangan di wilayah kawasan hutan.

<hr>The Research is based on the lawsuit PT. Ridlatama Tambang Mineral on Indonesia Government Kutai Timur Regent, PT. Ridlatama Tambang Mineral have a major investor's perspective, especially when investing in region such as Kutai Timur which have a problem in legal system remains a chronic problem, investors are ensured that they are protected against expropriation Law No. 4 Year 2009 provides a major impact from the investor which the local administrator are allowed to issue mining permits, The local government has issued many of the Izin EKCP exploration licenses and Exploitation Licenses many permits were issued mining area can be owned by more than one company with different permits, a situation that has triggered disputes between the PT. Ridlatama Tambang Mineral and Indonesia Government East Kutai Regent, Based on the the Bupati of East Timur the licences held by Ridlatama Group have remove the EKCP Licenses from Ridlatama Group, based on decree No 138 PK TUN 2012, PT. Ridlatama must obtain borrow to use permits from ministry of forestry and must public inquiry and exploration of mining in forest area but based on facts the borrow to use forest permit not been obtain from ministry of forestry PT. Ridlatama has been Carried out its general investigation and mining or exploration activities in forest area.