

Analisis regulatory reform pada sektor pertambangan, mineral, dan batubara di Indonesia dalam perspektif modern mining code = Regulatory reform analysis in the mining, mineral and coal sector in Indonesia in the perspective of modern mining code

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Abstrak

Konteks reformasi regulasi secara tepat menjadi penting untuk menunjang agenda reformasi birokrasi di Indonesia. Eksistensi regulasi di Indonesia saat ini tidak terlepas dari isu tumpang tindih yang tidak menjamin kepastian hukum terutama di sektor pertambangan, mineral, dan batu bara. Adapun hal ini dapat dibenahi melalui strategi reformasi regulasi sebagai upaya dalam mencapai tujuan nasional. Maka dari itu, skripsi ini bertujuan untuk menganalisis regulatory reform pada sektor pertambangan, mineral dan batubara di Indonesia menggunakan konsep Modern Mining Code yang dikembangkan oleh Nguyen, Boruff & Tonts (2019). Penelitian ini menggunakan paradigma post-positivist dengan teknik pengumpulan data yang dilakukan melalui wawancara mendalam dan studi kepustakaan. Temuan penelitian menunjukkan bahwa regulatory reform pada sektor pertambangan, mineral, dan batubara telah memberikan beberapa manfaat mengenai kepastian investasi, hukum, dan simplifikasi permasalahan yang ada sebelumnya. Hasil penelitian menunjukkan hanya terdapat 5 indikator yang tidak sesuai dengan regulatory reform perspektif modern mining code yaitu Foreign exchange access, Elimination of political pressure, Arbitration of impacts on local peoples, Address indigenous issues, dan Stipulate rights of regulatory authority, sedangkan 24 indikator sisanya dari 10 dimensi yang ada pada teori Modern Mining code sudah sesuai dan terakomodir pada upaya regulatory reform sektor mineral dan batubara.The proper context of regulatory reform is important to support the bureaucratic reform agenda in Indonesia. The existence of regulations in Indonesia today is inseparable from overlapping issues that do not guarantee legal certainty, especially in the mining, mineral, and coal sectors. This can be addressed through a regulatory reform strategy as an effort to achieve national goals. Therefore, this thesis aims to analyze regulatory reform in the mining, mineral, and coal sector in Indonesia using the Modern Mining Code concept developed by Nguyen, Boruff & Tonts (2019). This study uses a post-positivist paradigm with data collection techniques carried out through in-depth interviews and literature study. Research findings indicate that regulatory reform in the mining, mineral, and coal sectors has provided several benefits regarding investment certainty, law, and simplification of previous problems. The research results show that there are only 5 indicators that are not by regulatory reform from the perspective of modern mining code, namely Foreign exchange access, Elimination of political pressure, Arbitration of impacts on local peoples, Address indigenous issues, and Stipulate rights of regulatory authority, while the remaining 24 indicators are from The 10 dimensions in the Modern Mining

code theory are appropriate and accommodated in the regulatory reform efforts of the mineral and coal sector.