

Reduksi Kewenangan Pemerintah Daerah Pada Kegiatan Usaha Pertambangan Dalam Undang-Undang Nomor 3 Tahun 2020 Tentang Mineral Dan Batubar = Reduction the Authority of Local Governments in Mining Business Activities in Law Number 3 of 2020 concerning Minerals and Coal

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Abstrak

Revisi Undang-Undang Nomor 4 Tahun 2009 menjadi Undang-Undang Nomor 3 Tahun 2020 seolah mereduksi kewenangan pemerintah daerah. Sebanyak 19 pasal yang telah direvisi yang bertalian dengan kewenangan pemerintah daerah hampir seluruh kewenangan pemerintah daerah ditarik menjadi kewenangan pusat, di dalam penelitian ini akan menyajikan persoalan mengenai ketengan pemerintah daerah pada urusan mineral batubara kepada pemerintah pusat. kewenangan pemerintah daerah provinsi maupun kabupaten/kota pada urusan pertambangan, merupakan urusan yang bersifat concurrent yang dalam penanganannya melibatkan antara pemerintah pusat dan pemerintah daerah, menarik sebagian besar kewenangan dan tidak melibatkan pemerintah daerah tentu berpotensi berimplikasi negatif dalam hal penyelenggaraan urusan pertambangan mineral dan batubara, misalnya, mencakup dana bagi hasil, tanggung jawab sosial perusahaan, resistensi masyarakat setempat akibat kurang jelasnya mekanisme keberatan atau penolakan mereka terhadap kehadiran penambangan di daerahnya, lemahnya isu pengawasan dan pembinaan dalam mengurangi tingkat risiko sosial dan lingkungan, dan lebih penting memangkas jarak antara pemerintah dan masyarakat.

.....The revision of Law Number 4 of 2009 to Law Number 3 of 2020 revised 135 articles from the 217 articles contained in Law Number. 4 of 2009, in detail there are 73 articles that have been added, 51 articles have been amended, and 11 articles have been deleted. As many as 19 revised articles relating to the authority of local governments, almost all local government authorities have been withdrawn to the central authority, leaving room for delegation of part of the authority of the Central Government to provincial local governments for the issuance of IPR and SIPB, in this study will present the implications of regional city district governments. no longer have space of authority in coal mineral mining affairs. the authority of the provincial and district / city governments in mining affairs, is a concurrent affair which in its handling involves the central government and regional governments, withdrawing most of the authority and does not involve local governments, of course, has the potential to have negative implications in terms of carrying out mineral and coal mining affairs. for example, it includes profit-sharing funds, corporate social responsibility, local community resistance due to unclear mechanisms for their objection or resistance to the presence of mining in their area, weak issues of supervision and guidance in reducing the level of social and environmental risk, and more importantly reducing the distance between the government and Public. </p>