

Meaning of Environmental Management Surveillance of Coal Mining in Uupplh and Mineral and Coal of Law Perspective

Nurul Listiyani^{1*} Suhariningsih² Istislam³ Bambang Sudjito³

1. Doctorate Candidate of Law Faculty, Brawijaya University, Malang, Indonesia and Lecturer of Law Faculty, University of Islam Kalimantan

2. Professor of Civil Law, Brawijaya University, Malang

3. Postgraduate Program of Law Faculty, Brawijaya University, Malang

Abstract

In environmental management, the main effort should be done is the prevention of pollution or environmental damage, not mitigation pollution that has occurred, in accordance with the principle "an ounce of prevention is worth a pound of cure". Edith Brown Weiss stated that prevention and mitigation are two tools that are used for environmental protection. In the mineral and coal mining, surveillance basically done as a preventative measure to evaluate the suitability of mining activities with the license. Article 141, paragraph (1) of Law No. 4 of 2009 (Statute Book of 2009 No. 157) on Mineral and Coal Mining (hereinafter written Mining Law) states that one of the elements that must be supervised by the central government or regional governments are environmental management. This study is a normative legal research that examines the primary legal materials, consisting of legislation in the field of environment and mining, in particular with regard with surveillance of environmental management. To find a concept of integrated supervision, researchers examined four (4) approaches that have relevance significantly, namely the legislation approach, the conceptual approach, comparative approach and philosophical approach.

Keywords: environmental management, prevention, coal mining

I. INTRODUCTION

Article 33 paragraph (3) NRI Constitution of 1945 which states: "The earth and water and natural resources contained in it are controlled by the state and utilized for the benefit of the people". In an effort to realize the prosperity of the people, the government made sustainable development. Sustainable development is a conscious effort in processing and utilizing natural resources to improve the welfare of the people of the inner or outer, where the implementation of natural resource use must be harmonious and balanced with environmental functions. (Eko Handoyo, 2016)

Grammatically, the phrase "controlled by the state" and "utilized for the benefit of the people" has the meaning that the state as the manager of SDA. As a manager, then the state is responsible for maintaining sustainability for the people's prosperity in a sustainable manner as well. Article 2 letter a UUPPLH stated that the protection and management of the environment carried out under the principles of state responsibility. The state's responsibility is defined as follows. (Article 2 paragraph a UUPPLH)

- a. The state guarantees the use of natural resources will benefit as much as possible for the welfare and life quality of the people, both the present generation and future generations.
- b. State guarantees citizens' rights to environmental proper and healthy
- c. State prevents the use of natural resources activities that cause pollution and / or damage to the environment.

In National Medium Development Plan of 2014-2019 national development agenda book I explained that there are three (3) main problems of the nation, one of the main problems is the weakness of the economic fundamentals of the nation. Weak economic foundations of the nation seen from unresolved problems of poverty, social inequality, disparities between regions, excessive environmental damage due to the exploitation of natural resources, and dependence in terms of food, energy, finance, and technology. With the "recognition" the government agreed that the country has a latent problem that we must overcome together related environmental damage as a result of the excessive exploitation of natural resources.

The main effort should be made in the environmental management of the coal mining is the prevention of pollution or environmental damage, not overcoming pollution that has occurred, in accordance with the principle "an ounce of prevention is worth a pound of cure". Edith Brown Weiss as quoted by Siti Sundari Rangkuti stated that prevention and mitigation are two tools that are used for environmental protection.

Preventive function from coal mining activities realized in the form of control by the authorities in the field of environmental monitoring. Supervision of environmental management is a consequence of a license issued by the government or the local government in accordance with their authority. Drupsteen (Drupsteen, 1994), said licensing is the most important instrument of environmental policy. Environment sector licensing is licensing in the context of environmental protection and management that is based on the law on environmental protection and management.

II. RESEARCH METHOD

This paper uses juridical-normative method. legal research (Soetandyo Wignjosoebroto, 2002) focuses on the meaning of environmental management supervision of the coal mining in perspective UUPPLH and Mining Law, is a legal research in the realm of normative or doctrinal study

In this paper, the authors use three (3) approaches that have relevance significantly, namely the legislation approach, the conceptual approach, and the approach philosophical. Legislation approach (statute approach) is used as the subject set off from legislation, namely the problem of setting supervision by the government towards environmental management in coal mining as a consequence on the environmental permits and business licenses issued by the government or local government. The conceptual approach (conceptual approach) set off from the views and doctrines that developed in the jurisprudence to find ideas that lead to the concepts of law, a legal sense and the principles of law relevant to the issues faced. With a conceptual approach, researchers will first inventory the concept of supervision set out in UUPPLH and Mining Law, assess and understand it, compared with supervision concept derived from the theory and the thinking of experts, so that eventually able to find meaning supervision of environmental management referred to in UUPPLH and Mining Law.

The philosophical approach (philosophy approach) researchers expect to be able to interpret the concept of Right to Control State which create principle of national responsibility in the regulation, management and supervision of natural resources, as well as assessing the values of the concept of environmental protection and sustainable management.

Types of legal materials used in this study include the primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal material is authoritative legal material, which mean that it has the authority consisting of legislation, official records in the making of laws and regulations, or court order. Secondary legal material is all the publicity about the law which is not an official documents that are authoritative. While tertiary legal material is materials that provide instructions and an explanation of the primary and secondary legal materials.

III.RESULT AND DISCUSSION

Mineral and coal mining which is a non-living natural resources, managed by principle of benefit, fairness and balance, favor the interests of the nation, participation, transparency and accountability, and environmentally sustainable. Supervision is a consequence of the issuance of the license, after the management of the organization obtain environmental permits. Supervision is basically done as a preventative measure if mining activities are conducted in accordance with existing regulations. Article 141, paragraph (1) Mining Law states that one of the elements that must be supervised by the Central Government or Local Government is Environment Management (Anton F. Susanto, 2007). Supervision carried out by mining inspectors of the holders of IUP, IPR, or IUPK, in accordance with their authority. Mining Law itself does not provide further explanation of the significance of monitoring of environmental management referred to in Article 141 letter (h).

Further regulation on the supervision of environmental management in coal mining is contained in Government Regulation No. 55 Year 2010 (State Gazette No. 85 of 2010) on the fostering and Supervision Management of Mineral and Coal Mining which is the implementing regulations of Article 141-145 Mining Law, In Article 16 letter (h) PP states that one of the elements of the mining business activities shall be supervised is environmental management, reclamation and post-mining.

A. Redefining Environmental Management in UUPPLH and Mining Law

The term "management", according to Indonesian dictionary, comes from the root word "manage", and subsequently in the verb manage, which means: controlling, organizing (the government and so on): run, take care of (companies, projects, etc.). (N.H.T. Siahaan, 2004)

When viewed from the above understanding, the activities of which include management can be grouped into:

1. The process, ways, actions to manage;
2. The process of carrying out certain activities by moving the power of others;
3. Process that helps formulate a policy and objectives of the organization;
4. Process that provides supervision on all matters involved in the implementation of policies and achievement of goals.

The definition in line with the understanding that management put forward by George R. Terry that says that management is the utilization of human resources or other resources that can be realized in the planning, organizing, directing, and monitoring to achieve a certain goal.

Mining Law as the law governing mineral and coal mining sector are not formulate explicitly the significance of environmental management and the management of mineral and coal.

Salim HS gives the formula that the management of mineral and coal is an attempt to manage, control, and formulating policies in the implementation of mineral and coal mining (Salim HS, 2012). Minding

interpreted as an attempt to commercialize and manage mineral resources and coal. Control is implemented in an effort to implement preventive measures in the form of licensing. While formulating policies interpreted as an attempt to organize, create and define the various laws and regulations relating to the utilization of mineral resources and coal.

As the researchers write in the above, that the Law No. 4 of 2009 on Mineral and Coal did not give clear meaning of the formulation of environmental management became one of the surveillance. But when seen from the Government Regulation No. 55 Year 2010 concerning the Development and Control of Business Management of Mineral and Coal which is the implementing regulations of the provisions of Article 144 of the Mining Law, which in Article 28 paragraph (1) letter a implicitly states that environmental management interpreted as a living instrument in the management efforts and environmental monitoring (UKL-UPL) as well as the environmental permit.

Environmental Law gives meaning different environmental management with the Law on Mineral and Coal. Making of environmental management was expanded in the legislation on a new environmental. This is because the word management into a single unit with the word protection so that it becomes a sentence: the protection and management of the environment. Law No. 32 of 2009 formulated that the protection and management of the environment is a "systematic effort and integrated undertaken to preserve the environment and prevent pollution and / or damage to the environment that includes planning, utilization, control maintenance, supervision and law enforcement".

Environmental management in perspective UUPPLH has a very broad meaning. This is reflected on the activities undertaken in the implementation of environmental management. Planning for a first attempt in environmental management is carried out through the stages of inventory of environmental, zoning ekorogion, and the drafting of the Protection and Environmental Management (RPPLH) which is a written plan that includes potential, environmental issues, as well as the protection and management in the period certain. RPPLH became the basis for formulating and loaded in the long-term development plan and medium-term development plan.

UUPPLH stipulates that supervision is one of the activities to be instrumental in protecting and managing the environment. Supervision is carried out by the Minister, governor or regent / mayor in accordance with their authority. Supervision is done against responsible for the business or activity on the provisions set out in the legislation in the field of environmental protection and management as well as compliance of those responsible business / and or activities on the environmental permit.

Looking at the description of the meaning (of protection) and environmental management in UUPPLH that researchers have described above, it can be a framework that environmental management is referred to in UUPPLH have the very broad meaning than environmental management that became the object of scrutiny as referred to in the Mining Law. Management of the environment referred to in Article 141, paragraph (1) letter h Mining Law is related to document environmental management and environmental permits. While in UUPPLH, environmental management covers a broader meaning and comprehensive, as the researchers describe above.

B. Environmental Management Authority in coal mining

In the country there are organizations powers, while in government organizations is the whole of the implementation government authorities, it is taking place within the organization an agency or official of State Administration and inter-organizational of agencies or officials of State Administration. According to Bagir Manan, the authority is the ability acquired by the rules to perform specific actions intended to cause a certain result which includes the right and obligation (*rechten en plichten*). (Bagir Manan, 2002)

Source of authority of the government is the legislation. Theoretically, the authority that comes from legislation were obtained in three ways, namely (Ridwan HR, 2016) : attribution, delegates and mandates. Attribution is granting authority to the new government, which previously did not exist, by a legislation to carry out the tasks of government in full. This means sticking authority of attribution is the establishment of a new authority which previously did not exist, and specifically in the field of governance. That attachment is owned by the holder of the full authority, in the sense that also includes the authority to create a policy that applies out and in, which is poured in the form of legislation. Therefore, the recipient authority is based on the attribution will take full responsibility. Delegates, the delegation of authority that has been there from the attribution of authority to officials of the state administration, not fully. Therefore, the delegation of authority is always preceded by the attribution of authority. The authority granted is not in full, in the sense that it does not include the authority to shape policy that can force out and into. The responsibility passed to the recipient as far as delegation of authority delegated authority. The mandate, namely the provision of duty of Mandans (mandate givers) to mandatorily (the Mandated), for and on behalf of the state administration mandate to make decisions or perform certain tasks. Thus, the authority and responsibility remains in the hands of mandate givers.

Government authority in environmental management is constitutionally reference to the provisions of Article 33 paragraph (3) and (4) of the Constitution of the Republic of Indonesia Year 1945. Article 33 paragraph (3) reads :

"Land and water and natural resources contained in it are controlled by the state and utilized for

the welfare of the people”

Such provisions assert their "right to control the country" the land, water and natural resources contained therein. Through the master rights, the state is authorized to regulate the use and management of land, water and natural resources to be used for the greatest prosperity of the people. This authority can be fully implemented by the government or partially delegated to the regions, depending on the governance system adopted (Bagir Manan, 2000). In a centralized government, that authority is generally in the central government. Instead in a decentralized system, the authority given to the majority of local government, the provincial government and district / city. In organizing the right to control the country's authority, through Article 33 paragraph (4) confirmed that any economic activity must be conducted in accordance with the principle of sustainable and environmentally friendly.

In relation to the Authority Theory and Welfare Laws Theory, the role of the state in the management of natural resources associated with the authority acquired state to process natural resources. The legal system in Indonesia would entitle the state in the form of rights of control that is comprehensive for managing land, water and natural resources contained therein. Right to control the country associated with the function of the state in the management of natural resources becomes important when it is associated with the welfare of society. (Ronny Adrie, 2014)

Management in conjunction with environmental laws closely related to power or authority, ie who were given the responsibility of managing the environment. In the concept of environmental laws, Siahaan, revealed that one of the aspects of environmental law is the existence of an institution that has the power (power) to take over management of natural resources and the environment. In terms of juridical power (power) related to the authority, the authority derived from power, and an authority may not exist if it does not fall from power state, in which power itself is a state (state). Sources of power in the lifestyle of a society, nation and state is the state. (N.H.T. Siahaan, 2008)

Implementation of government power implemented through government authority regulated by the law. Fundamental changes occurred in the classification of government affairs, Law Number 23 Year 2014 split into 3 (three) affairs, namely the absolute government affairs, concurrent government affairs and general government affairs. Absolute government affairs is wholly government affairs under the authority of the Central Government. Concurrent government affairs is the government affairs shared between the central government and the province and districts / cities. While the general government affairs according to Law No. 23 of 2014 was government affairs under the authority of the President as head of government.

Based on Law No. 23 Year 2014 on Regional Government, local governments in the province, district or city also has the authority to manage the affairs of government in the environmental field and also in the fields of energy and mineral resources. The authority granted to local governments to regulate and manage their own affairs and people interests are the authority gained through attribution.

In particular, government authorities and local governments in environmental management is set in UUPPLH. The material covers a very wide field of environmental aspects of space, top of the mountain down to the bowels of the earth and the sea, including human resources, biological natural resources, non-biological natural resources and artificial resources. The material is very extensive it may not be completely within the law, but it requires a set of laws and regulations with similar direction and characteristics. Therefore, the nature of environmental legislation regulate the basic provisions of environmental management. The Environment Law is an umbrella act shall contain principles and of basic principles for environmental management, so that it becomes a frame of reference for drafting legislation other environmental sectors, one of which the coal mining sector.

C. Making of Supervision in the Protection Law Perspective and Environmental Management and Mineral and Coal Law

Tatiek Sri Djatmiati and Phillipus M. Hadjon stated that characteristics of administrative law enforcement characterized by the presence of 2 (two) activities, namely monitoring and enforcing sanctions (Phillipus M. Hadjon dan Tatiek Sri Djatmiati, 2005). In this study, administration law enforcement which analyzed is in the context of monitoring activities of environmental management as a form of government responsibility on the environmental permit and business license has been issued. From a legal point of administration, supervision is the first function of administrative law enforcement authority (Phillipus M. Hadjon, 1996).

In Dictionary of Indonesian Language explains the notion of supervision as surveillance and policy directions running of the company, while the control is described as a check on the progress of (task) to compare the results and targets on a regular basis and adjust the business (activity) to the monitoring result. While from a legal perspective, surveillance intended to prevent the occurrence of errors, whether intentional or unintentional, as a preventive effort, or also to correct the mistake if it happens, as a repressive effort. In practice, their control is often seen as a means of preventing all forms of government duties deviation from what has been outlined. So herein lies the essence or core of an surveillance.

Linked to the monitoring of environmental management in coal mining as an instrument of

administrative law enforcement in the protection and management of the environment, the researchers analyzed criteria supervision arrangements paired with supervision arrangements in UUPPLH and Mining Law as one element of administrative law enforcement, namely: (Istislam, 2012)

First, that supervision in the administrative law enforcement in environmental protection and management of the judicial supervision (law), which aims to make the provisions of the law (administration) protection and management of the environment that are mandatory or prohibited provisions are not violated. If the obligations or prohibitions contained in the legal provisions (administration) and management of environmental protection are violated, we conducted the application of administrative sanctions.

Second, the supervision carried out by the agency (agencies) government. For this second criterion of Article 71 and Article 72 governing authority of the minister, governor or regent / mayor to supervise the compliance of those responsible business and / or activity of the legislation and the compliance with environmental permits. Furthermore, in Article 141, paragraph (2) Mining Law, surveillance can be carried out by a mining inspector in accordance with the provisions of the legislation, which in the Minister of Energy and Mineral Resources No. 02 of 2013 Article 9 paragraph (2) stated that the mining inspector is functional officials appointed by governors and regents / mayors.

Third, surveillance is not always associated with licensing, because it can also occur outside the interests of surveillance licensing. Exclusion of the third criterion is not in sync with supervision referred to in UUPPLH, because by referring to Article 72 UUPPLH the supervised object is obedience responsible for the business / activity of the environmental permit. Likewise in the Mining Law states that the supervision of the environmental management carried out by inspectors of the compliance of those responsible mining efforts on the environmental permits that have been issued. The arrangement is reinforced in Article 28 paragraph (1) Regulation No. 55 of 2010 which stated that the supervision of environmental management, reclamation and post-mining at least include environmental management and monitoring in accordance with the document management environment or the environmental permits that have been approved.

Fourth, the monitoring results can be used as the basis for consideration of the application of administrative sanctions. Supervision and the imposition of sanctions is a unity administration in administrative law enforcement environment. In Article 76 Paragraph (1) UUPPLH expressly regulates the relationship between supervision by the administrative sanctions, where it is stated that the minister, governor or regent / mayor applying administrative sanctions to the person in charge of operations and / or activities if the supervision is found violations of environmental permits.

Fifth, to conduct surveillance activities, government officials must meet three conditions of validity, namely: authority, substance and procedures. Supervisory authority related to a government official who did it, where in UUPPLH stipulated that the competent authority to supervise the compliance of those responsible for the business and / or activities on the environmental permit is a minister, governor or regent / mayor in accordance with his authority, as represented under Article 72 UUPPLH. The principle adopted in administrative law is an officer who issued the permit is obliged to monitor compliance with the provisions that are required in the permit. While the Mining Law Article 140, provides that the supervision carried out by the Minister, governors and regents / mayors on the implementation of mining activities by the holder of Mining Business License (IUP), Community Mining License (IPR), or the Special Mining Business License (IUPK).

D. Analysis of Environmental Management Supervision in Coal Mining.

Environmental management is a human effort to interact with the environment in order to sustain life and achieve prosperity. Supervision (*toezichthouden*) as a form of authority possessed by the state in the utilization of natural resources, are part of environmental management instruments that must be implemented by the government / local government as stipulated in UUPPLH.

Supervision of the management of coal mining can not be separated from the involvement of sectoral agencies, based on the Law No. 4 of 2009 on Mineral and Coal Mining (hereinafter written Mining Law). Based on Article 140 Mining Law, states that the Minister shall supervise the implementation of the management of mining operations carried out by the provincial government and district / city governments in accordance with their authority. Further stated again that the Minister may delegate to the governor to supervise the implementation of the authority in the field of mining operations carried out by the district / city. Supervision is done by the Minister, governors and regents / mayors on the implementation of mining activities by the holder of the mining business license (IUP), Community Mining License (IPR), or Special Mining Business License (IUPK).

Implementing Regulations for Management Supervision of coal mining further provided in the Indonesian Government Regulation No. 55 Year 2010 (State Gazette of the Republic of Indonesia Year 2010 Number 85, Supplement of the Republic of Indonesia Number 5142) on Fostering and Supervision Management of Mineral and Coal Mining. In Article 14 stated that the monitoring carried out on the implementation of the management of mining operations carried out by the provincial government and district / city governments in accordance with the authority includes supervision of: (Article 14 Government Regulation No. 55 Year 2010)

- a. WPR Determination;
- b. Determination and granting the WIUP non-metallic minerals and rocks;
- c. Giving the WIUP metallic minerals and coal;
- d. IPR Publishing;
- e. IUP Publishing; and
- f. To provide guidance and supervision of the activities carried out by the holders of IPR and IUP.

Furthermore, in terms of businesses and / or activities have obtained mining license (IUP, IPR, IUPK), then the minister, governor or regent / mayor in supervising the implementation of the management of mining activities carried out by the holders of IUP, IPR, or IUPK covering supervision of:

- a. Mining techniques;
- b. Marketing;
- c. Finance;
- d. Data management of mineral and coal;
- e. Conservation of mineral resources and coal;
- f. Mining occupational safety and health;
- g. Mining operation safety;
- h. Environmental management, reclamation and post-mining;
- i. Utilization of goods, services, technology, and engineering capabilities and design domestically;
- j. Development of technical manpower in mining;
- k. Development and empowerment of local communities;
- l. Acquisition, development, and application of mining technology;
- m. Other activities in the field of mining business activities related to public interest;
- n. Implementation of activities in accordance with IUP, IPR, or IUPK; and
- o. The number, type, and quality of mining

Article 28 of the Indonesian Government Regulation No. 55 Year 2010 concerning the Development and Control of Business Management Mineral and Coal Mining, which is the implementing regulations of the provisions of Article 144 of the Mining Law, detailing the scope of supervision of environmental management, which is in the same chapter also regulates reclamation and post-mining supervision, namely:

- a. Environmental management and monitoring in accordance with the document of environmental management or environmental permits that owned and have been approved;
- b. Structuring, restoration, and improvement of land according to their intended uses;
- c. Determination and disbursement of reclamation guarantees;
- d. Management of post-mining;
- e. Determination and disbursement of collateral post-mining; and
- f. Fulfillment of environmental quality standards in accordance with the provisions of the legislation.

Supervision of the environmental management, reclamation and post-mining is conducted by mine inspectors and coordinate with the regulatory authorities in the environmental field and in the field of reclamation.

Based on the provisions of article 28 paragraph (2) above, then terminologically the supervision of environmental management in the mining business is not carried out by mine inspectors independently, but must be established in coordination with the regulatory authorities in the environmental field.

Supervision is the main instrument in administrative law, which is part of the law enforcement efforts preventively. Law enforcement is an attempt to achieve compliance with the laws of society. Supervision is intended to prevent violations as well an early to prevent violations in order to avoid even worse consequences.

In terms of environmental management supervision coordinated by the mine inspector with the environment supervision officials, according to Ridwan, one of the motives to do surveillance is coordination. Coordination should start at the planning stage so that the implementation is expected to support the realization of the implementation of administrative law enforcement. (Ridwan HR, 2016)

Linked to the supervision of environmental management set out in Article 141, paragraph (1) letter h Law No. 4 Year 2009 on Mineral and Coal. So from the description the meaning of environmental management as an object of supervision set out in Article 28 paragraph (1) Government Regulation No. 55 Year 2010 on foresting and supervision the management of Mineral and Coal Mining Business, is related to document environmental management or environmental permit held by the holder mining license.

Essentially, environmental management that became the object of supervision in the Mining Law, has similarities with the object of supervision regulated in Law Number 32 of 2009 on the Protection and Environmental Management, which in Article 71 paragraph (1) UUPPLH stated that: minister, governor or regent / mayor in accordance with their authority shall supervise the compliance of those responsible for the business and / or activities on the conditions set out in the legislation in the field of protection and environmental management, namely the letter of environmental feasibility decision or recommendation of UKL-UPL, which in

the Mining Law is referred to as a document of environmental management.

Furthermore, Article 72 UUPPLH stipulated that minister, governor or regent / mayor in accordance with their authority shall supervise compliance of those responsible business and / or activities on the environmental permit. Environmental permits as an object of supervision set forth in UUPPLH, has similarities with the object of supervision stipulated in the Mining Law which explicitly states that the supervision of environmental management at least include environmental management and monitoring in accordance with the environmental management document or an environmental permit that owned and have been approved.

Environmental management in the State Administration Law regarding the three (3) aspects, namely: authority, procedure and substance. In connection with the authority to supervise as one element in a government authority / local government in environmental management, then there is an overlap of authority for supervising the compliance of those responsible effort to legislation and compliance with environmental permits. UUPPLH and sectoral Mining Law regulate supervisory authority to the same object. Whereas in the State Administrative Law there is the principle that the authorities issued licenses, have the obligation to carry out supervision on the license.

In Article 36 paragraph (4) UUPPLH mentioned that, an environmental permit issued by the minister, governor or regent / mayor in accordance with their authority. Ministers referred to in the article is the Ministry of Environment and Forestry. Based on the principle adopted in the State Administrative Law, the competent authorities carry out supervision on environmental permit issuance is the minister, governor or regent / mayor, where in article 71 paragraph (4) states that officials of the supervision environment established by the Minister, governor or regent / mayor is functional officials who carry out supervision.

Based on legal norms that researchers describe, then in supervision of compliance of those responsible for the business and / or coal mining activities of the legislation and the compliance with environmental permits, official environment supervision is an official who has the authority to carry out supervision on environmental management as referred to in Article 141, paragraph (1) point h of Law No. 4 of 2009 on Mineral and Coal mining.

CONCLUSION

Based on the analysis of the legal issues that have been described, it can be concluded that the environmental management referred to in Article 141, paragraph (1) letter h Mining Law is related to the document management environment and the environmental permit. While in UUPPLH, environmental management covers a broader meaning and comprehensively, ie as a systematic attempt and integrated undertaken to preserve the environment and prevent pollution and / or damage to the environment that includes planning, utilization, control maintenance, supervision and law enforcement hukum.

Essentially, environmental management that became the object of supervision in the Mining Law, has similarities with the object of supervision regulated in Law Number 32 of 2009 on the Protection and management of the environment, the compliance of those responsible business and / or activity of regulatory legislation and environmental permits. However, the supervisory authority is owned by two (2) pieces of ministries, namely the Ministry of Environment and Forestry and the Ministry of Energy and Mineral Resources, or in the area carried out by the Regional Environmental Agency and the Department of Energy Mines and Mineral Resources. Those supervisory authority are regulated sectorally in UUPPLH and Mining Law.

REFERENCES

Journal Article

- A'an Efendi. *Prinsip-Prinsip Pengelolaan Pertambangan Berbasis Lingkungan Berdasar Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. Jurnal Konstitusi. PKHK. Universitas Janabadra kerja sama dengan Mahkamah Agung Republik Indonesia. Vol. 1. No. 1. November 2012.
- Emil Salim. 1991. *Pembangunan Berkelanjutan (Strategi Alternatif dalam Pembangunan Dekade Sembilanpuluhan)*. Artikel pada Prisma (Majalah Pemikiran Sosial Ekonomi). Jakarta. LP3ES.
- Istislam. 2012. *Sanksi Paksaan Pemerintah Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup*". Disertasi. Universitas Airlangga. Surabaya.
- Mas Achmad Santosa. *"Efektivitas Penegakan Hukum Administrasi dalam Perlindungan dan Pengelolaan Lingkungan Hidup di Indonesia: Studi Kasus di Provinsi Jawa Tengah"*. Disertasi. Universitas Indonesia. Jakarta. 2014.
- Naskah Akademik Undang-Undang Nomor 4 tahun 2009 tentang Mineral dan Batubara.
- Naskah Akademik Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.
- Naskah Akademik Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.
- Syaifudin. 2012. *Asas Keseimbangan dalam Perjanjian Kerjasama Penambangan Batubara*. Disertasi Universitas 17 Agustus 1945 Surabaya.

Books

- Adrian Sutedi. 2012. *Hukum Pertambangan*. Cetakan kedua. Sinar Grafika. Jakarta.
- Castrilli, Joseph F. 1999. *Environmental Regulation of the Mining Industry in Canada an Update of Legal and Regulatory Requirements*.
- Drupsteen, Th. G/ C.J. Kleijs-Wijnobel. 1994. *Upaya Penegakan Hukum Lingkungan Melalui Hukum Perdata-Administarsi-dan Hukum Pidana*. Dalam M.G. Faure, J.C. Oudijk, dan D. Scaffmeister. *Kekhawatiran Masa Kini Pemikiran Mengenai Hukum Pidana Lingkungan dalam Teori dan Praktek*. Terjemahan Tristam P. Moeliono. Citra Aditya Bakti. Bandung.
- Hadjon, M. Phillipus dan Tatiek Sri Djatmiati. 2005. *Argumentasi Hukum*. Gajah Mada University Press. Yogyakarta.
- Hardjasoemantri. Koesnadi. 1989. *Hukum Tata Lingkungan*. Edisi Keenam. Gajah Mada University Press. Yogyakarta.
- Helmi. 2013. *Hukum Perizinan Lingkungan Hidup*. Cetakan ketiga. Sinar Grafika. Jakarta.
- Jimly Asshiddiqie. *Green Constitution, Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. Rajawali Pers. Jakarta. 2009. Hal.94.
- Keraf, A.Sonny. 2010. *Etika Lingkungan Hidup*. Kompas Media Nusantara. Jakarta
- Manan, Bagir. 1992. *Dasar-Dasar Perundang-undangan Indonesia*. Ind-Hill. Jakarta.
- Ridwan HR. *Hukum Administarsi Negara (Edisi Revisi)*. 2016. Raja Grafindo Persada. Jakarta.
- Salim HS. *Hukum Pertambangan Mineral dan Batubara*. 2014. Sinar Grafika. Jakarta.
- Siahaan, N.H.T. *Hukum Lingkungan dan Ekologi Pembangunan (Edisi 2)*, 2004. Erlangga. Jakarta.
- Spelt, N. dan J.B.J.M. ten Berge. *Pengantar Hukum Perizinan*. Penyunting Phillipus M. Hadjon. Utrecht. 1991.
- Stroink, F.A.M. dan J.G.Steenbeek. 1985: *Inleiding in het Staats-en Administratief Recht*. Den Rijn : Samson H.D. Tjeenk Willink.
- Ten Berge, J.B.J.M. 1994. *Recent Development in General Administrative Law in the Netherlands*. Utrecht.
- Tri Haryati. 2015. *Era Baru Hukum Pertambangan di Bawah rezim UU No. 4 Tahun 2009*. Jakarta. Penerbit: Yayasan Pustaka Obor Indonesia.
- Wignyosoebroto, Soetandyo. 2002. *Hukum Paradigma, Metode, dan Dinamika Masalahnya*. (Ed) Ifdhal Kasim dkk. ELSAM dan Huma, Jakarta.

Act

- Constitution of the Republic of Indonesia Year 1945 after the fourth Amendment
- Decree of the People's Consultative Assembly (MPR) No. IX / MPR / 2001 on Agrarian Reform and Natural Resources Management.
- Law No. 5 of 1960 on the Basic Regulation of Agrarian Principles (State Gazette of the Republic of Indonesia Year 1960 Number 104, Supplement to State Gazette of the Republic of Indonesia Number 2043);
- Law No. 23 of 2014 on Regional Government (State Gazette of the Republic of Indonesia Year 2014 Number 244, Supplement to State Gazette of the Republic of Indonesia Number 5587);
- Law No. 32 of 2009 on Environmental Protection and Management;
- Law No. 4 of 2009 on Mineral and Coal;
- Government Regulation No. 55 of 2010 on Fostering and Supervision Management of Mineral and Coal Mining (State Gazette of the Republic of Indonesia Year 2010 Number 85, Supplement to the State Gazette of the Republic of Indonesia Number 5142);
- Government Regulation No. 27 Year 2012 on Environmental Permit (Official Gazette of the Republic of Indonesia Year 2012 Number 48, Supplement to State Gazette of the Republic of Indonesia Number 5285);
- Minister of Environment Regulation No. 5 of 2012 (Official Gazette of the Republic of Indonesia Year 2012 No. 408) on Type Of Planned Business And / Or Activities That Must Have Environmental Impact Assessment
- The Minister of Energy and Mineral Resources No. 02 of 2013 on the Supervision of the Implementation of the Mining Business Management Implemented by the Provincial Government and District / Municipality (Official Gazette of the Republic of Indonesia Year 2013 Number 78);

International Instrument

- IUCN Environmental Law Programme. *Draft International Covenant on Environmental and Development*.
- United Nations, *UN Documents Gthering a body of global agreements, Our Common Future, Chapter 2: Towards Sustainable Development From A/42/427*. Our Common Future: Report of The World Commission on Environment and Development.
- Charter of United Nations*;
- Stockholm Declaration on Human Environment 1972*;