

Legal Aspects of The Procedures for the Use of Forest Areas for Mining Activities

Muh. Jufri Dewa^{1*} Nur Nashriany Jufri²

1. Faculty of Law, Halu Oleo University, Kendari, Southeast Sulawesi, Indonesia, PO box 93232, Kendari, Southeast Sulawesi, Indonesia
2. Faculty of Law, Muhammadiyah University KH. Ahmad Dahlan Street No. 10, Kendari 93117, Southeast Sulawesi, Indonesia

* E-mail of the corresponding author: muh.jufridewa@yahoo.com

Abstract

The use of forest areas for mining purposes is carried out through the granting of Forest Area Use Permits (PPKH) by the Minister (Menlhk), taking into account restrictions on area and duration as well as environmental sustainability. The use of forest areas for mining activities is carried out: In production forest areas with open-pit mining and underground mining; while in protected forest areas, only underground mining is permitted, with the stipulation that it must not result in subsidence, permanent changes to the primary function of the forest area, and damage to groundwater aquifers.

Keywords: Legal Aspects, Forest Areas, Mining

DOI: 10.7176/JLPG/150-01

Publication date: January 28th 2026

1. Introduction

Mining activities in forest areas (production and protection), in addition to complying with the provisions of Article 38 of Law Number 41 of 1999, and the provisions of Article 46 of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, "IUP holders must meet the following requirements before conducting production operations: administrative, technical, environmental (life), and financial," they must also have a PPKH from the Ministry of Environment and Forestry.

The PPKH regulations were stipulated initially in the Minister of Forestry Regulation No. P.18/Menhut-II/2011 concerning Guidelines for Forest Area Borrowing, then underwent several changes, then regulated in Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.7/MENLHK/SETJEN/KUM.1.2/2019 concerning Amendments to Regulation of the Minister of Environment and Forestry Number P.27/MENLHK/SETJEN/KUM.1/7/2018 concerning Guidelines for Forest Area Borrowing; then revoked by Regulation of the Minister of Environment and Forestry Number 7 of 2021 concerning Forestry Planning, Changes in Forest Area Designation and Changes in Forest Area Function, as well as Forest Area Use; using the term Forest Area Use Approval (PPKH).

The use of forest areas for mining purposes is carried out through the granting of Forest Area Use Permits (PPKH) by the Minister, taking into account restrictions on area and duration as well as environmental sustainability (Republic of Indonesia, 1999). The use of forest areas for mining activities is carried out under the following conditions: 1. In production forest areas, the following may be carried out: a. open-pit mining; b. underground mining; and 2. In protected forest areas, only underground mining is permitted, provided that it does not result in: a. subsidence of the ground surface; b. permanent change in the primary function of the forest area; and c. damage to groundwater aquifers (Government of the Republic of Indonesia, 2010).

The impact of mining activities in protected forest areas is greater than the damage to production forests. The rate of damage to protected forests from 1997 to 2002 was 10% per year, while that of production forests was 5% per year (Adiwinata, Murniati and Rumboko, 2007). The same source also states that the total protected forest area is 20.7 million hectares, with a damage rate of 4 million hectares. Illegal logging and land conversion are the leading causes of damage (Ramadhan, 2023).

The losses caused by the destruction of protected forests are very high, not only economically but also ecologically and socially. The results of research conducted by (Purwatiningsih, 2022), several economists have

carried out calculations of the environmental conservation value of forests, which are around US\$4 billion or Rp. 34 trillion (US\$1 = Rp. 8500), which is the conservation value of natural forests for soil protection and water absorption. Similarly, research conducted by (Ginoga, Lugina and Deden Djaenudin, 2005), states that the total economic value of forests is greater than Rp. 10 million per hectare per year, with the most outstanding value being carbon sequestration (85%). IPB has also researched that the value of timber forest products is less than 5% of the intrinsic value of forest resources. It means that the losses from forest exploitation activities are enormous if conservation aspects are not taken into account, due to mining within forest areas.

In addition to these impacts, mining activities in forest areas, both in protected forests and production forests, also cause water shortages during the dry season, flooding and landslides during the rainy season, resulting in damaged agricultural land, crop failure, and other problems.

2. Research Method

This type of research is normative legal research. Normative legal research is the process of discovering legal norms, legal principles (fundamentals), and legal doctrines to answer legal issues and to produce new legal arguments, theories, and concepts as prescriptions for solving problems. Normative legal research is based on the discipline of law and the methods of normative legal science, namely the science of law whose object is the law itself.

The approaches used in this legal research are: the Statute Approach, which is used to examine the hierarchy and principles (fundamentals), and is also helpful for tracing the ratio legis and the ontological basis of legislation so that researchers can grasp the law's philosophical content. The statutory approach involves examining the laws and regulations that underpin the research study, "Legal Aspects of the Procedures for the Use of Forest Areas for Mining Activities."

Case Approach, used by analyzing laws and regulations in the fields of forestry, mining, and the environment in relation to Procedures for the Use of Forest Areas for Mining Activities, which have an impact on the environment, the forest area itself, and the local community due to the presence of mining activities at that location.

The Conceptual Approach stems from views and doctrines that have developed in the field of forestry and mining law, as well as the impact of mining activities in forest areas. This approach aims to identify and apply a concept that harmonizes the use of forest areas for mining activities with their preservation.

3. Discussion

3.1 Use of Forest Areas for Mining Business Activities

Constitutionally (Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia), which requires that the earth, water, and natural resources contained therein be controlled by the state and used (allocated) for the greatest prosperity of the people, the use of forests and forest areas embodies the spirit of democracy, justice, and sustainability. Under the provisions of Article 38 of Law No. 41 of 1999 (Republic of Indonesia, 1999), the use of forest areas for development purposes outside of forestry activities can only be carried out in production forests and protected forests without changing the primary function of the forest area, through the granting of a loan-for-use permit by the Minister, taking into account certain limitations on area and duration as well as environmental sustainability.

The use of forest areas aims to regulate the use of part of the forest area for development purposes outside of forestry activities. The legal provisions governing the use of forest areas are stipulated in (Government of the Republic of Indonesia, 2021), which states that "The use of forest areas aims to regulate the use of forest areas for development purposes outside of forestry activities." The use of forest areas can only be carried out within production forest areas, and/or protected forest areas. The use of forest areas is carried out without altering their primary function, taking into account the limitations of area and time frame, as well as environmental sustainability.

Procedures for the use of forest areas (for mining activities), namely: The use of forest areas for development purposes outside forestry activities can be carried out only for activities with strategic objectives that cannot be avoided. Development interests outside forestry activities include mining and other activities. The use of forest areas for mining activities is carried out under the following conditions: a. in production forest areas, the following may be carried out: 1. Mining using the closed mining method; and/or 2. Mining using underground

mining methods; b. in protected forest areas, only mining using underground mining methods may be carried out, provided that it does not result in: 1. subsidence; 2. permanent changes to the primary function of the forest area; and/or c. damage to groundwater aquifers (Government of the Republic of Indonesia, 2021). The prohibition referred to in letter b is exempted for mining activities whose environmental documents have been assessed as having an impact on land subsidence, permanent changes to the primary function of the forest area, or disruption to groundwater aquifers, provided that efforts are made to minimize the aforementioned impacts. Furthermore, underground mining in protected forests shall be carried out in accordance with the provisions of laws and regulations.

The use of forest areas for development purposes outside forestry activities is carried out under a Forest Area Use Permit (PPKH). The Minister grants forest area use permits upon application. In (Government of the Republic of Indonesia, 2021) The Minister may delegate to the Governor the authority to grant Forest Area Use Permits for a specified area for the development of non-commercial public facilities and small-scale mining.

Applications for forest area use must meet the following requirements: a. administrative, and b. technical. Based on the application, the Minister conducts an assessment. If the application does not meet the requirements, the Minister issues a letter of rejection; if the assessment results show that it does, the Minister issues a Forest Area Use Permit (Government of the Republic of Indonesia, 2021).

Holders of forest area use permits are required to: a. implement the boundaries of the forest area use permit area; b. pay non-tax state revenue for forest area use; c. carry out planting for watershed rehabilitation; d. pay non-tax state revenue compensation for holders of forest area use permits in provinces with insufficient forest area; e. carry out forest protection; f. carry out reclamation and/or reforestation in forest areas that have been granted forest area use permits that are no longer in use; g. Reimburse investment costs to managers/holders of forest utilization management/business permits; and h. carry out other obligations stipulated by the Minister. The implementation of forest area use permit boundaries shall be carried out within a maximum period of 1 (one) year after the issuance of the forest area use permit and cannot be extended. If the holder of the forest area use permit is a government agency or a village-owned enterprise, the implementation period for the demarcation may be extended for up to 1 (one) year. If the holder of the forest area use permit has completed the demarcation of the forest area use area, the Minister shall determine the boundaries of the forest area use work area. Furthermore, if the forest area use holder does not complete the implementation of forest area use zoning within the period mentioned above, the forest area use approval shall be canceled and declared invalid (Government of the Republic of Indonesia, 2021).

Based on the forest area use permit, the permit holder may cut down trees for land clearing, provided they pay PSDH and/or DR in accordance with the laws and regulations. The term of the forest area use permit is the same as the term of the business permit in the relevant field and is carried out in accordance with the provisions of the laws and regulations. The term of the forest area use permit for activities that do not require a business permit in accordance with the relevant field is granted for a maximum period of 20 (twenty) years. It may be extended based on the results of an evaluation. If the results of the evaluation show that the holder of the forest area use permit no longer uses the forest area in accordance with the forest area use permit, the forest area use permit shall be revoked (Government of the Republic of Indonesia, 2021).

The Minister shall monitor and evaluate holders of forest area use permits, and may delegate this to designated officials or transfer it to the Governor. Forest area use permits shall be revoked if: a. the term of the forest area use permit has expired; b. revoked by the Minister; c. revoked by the Minister based on a final and binding court decision; and d. voluntarily surrendered by the holder of the forest area use permit to the Minister before the term expires, with a written statement. The revocation of forest area use approval shall be carried out if the holder of forest area use approval is subject to sanctions based on this (Government of the Republic of Indonesia, 2021).

- Quotas for forest area use permits for mineral and coal mining activities apply to: a. islands that are classified as small islands; b. Perum Perhutani working areas; c. protected forest areas; or d. production forest areas;
- The quota for forest area use permits for mineral and coal mining activities on islands classified as small islands may be considered at 10% (ten percent) of the area of production forests and protected forests on the island concerned;
- The quota for approval of forest area use for mineral and coal mining activities in production forest areas within Perum Perhutani's working area may be considered at 10% (ten percent) of the total forest management unit area;

- The quota for approval of forest area use for mineral and coal mining activities in protected forests in a province may be set at 10% (ten percent) of the protected forest area.
- The quota for approval of forest area use for mineral and coal mining activities in production forest areas in a province is 10% (ten percent) of the total area of production forest areas in the province concerned.
- The 10% (ten percent) quota referred to in points 2 to 5 is subject to the following considerations: a. Control of forest area use; and b. Continuity of business licensing for forest area utilization or forest management.

The use of forest areas for mineral and coal mining activities shall be carried out in accordance with the provisions of the Forest Area Utilization Quota Regulation:

- In production forest areas, the following activities may be carried out: 1. Mining using open pit mining methods; and/or 2. Mining using underground mining methods;
- In protected forest areas, only underground mining is permitted, provided that it does not result in: 1. Land subsidence; 2. Permanent changes to the primary function of the forest area; and 3. Damage to groundwater aquifers;
- For the 13 (thirteen) permits/agreements in the mining sector as stipulated in Presidential Decree No. 41 of 2004 concerning Permits or Agreements in the Mining Sector located in Forest Areas, in accordance with Law No. 41 of 1999 concerning Forestry as last amended by Government Regulation instead of Law No. 2 of 2022 concerning Job Creation, mining activities may be carried out using open pit mining methods in Protected Forests.

The prohibition referred to in letter b above does not apply to mining activities for which the environmental impact assessment has determined that there will be an impact on land subsidence, permanent changes to the primary function of the forest area, or disruption to groundwater aquifers, provided that measures are taken to minimize such impacts (Ministry of Environment and Forestry of the Republic of Indonesia, 2021).

Approval for the use of forest areas for mineral and coal mining activities shall not be granted in production forest areas that:

- Are subject to permits for forest utilization for Economic Restoration in natural forests and/or approval for Social Forestry management or Social Forestry reserves;
- It is a Special Purpose Forest Area (KHDTK);
- Designated as a buffer zone directly bordering the conservation forest area for a distance of 500 m (five hundred meters), and
- Designated as a protected area within the forest timber utilization business permit area.

The provisions referred to in point a are exempted from: Applications that have received approval for the use of forest areas for exploration or further exploration activities;

- Applications for extension of approval for the use of forest areas, as long as the business permit is still valid;
- Applications for transportation roads and/or special transportation facilities for mining production.

3.2 Procedures for Applying for and Requirements for Approval to Use Forest Areas for Mining Activities

Approval for the use of forest areas is granted for: a. business activities; and b. non-business activities. Approval for the use of forest areas is granted through an application and processed by the Ministry. Applications for approval for the use of forest areas are submitted by: a. individual business actors; b. non-individual business actors; and c. government agencies. Individual business actors are Indonesian citizens who are legally competent to perform legal actions, namely individuals, groups of people, and/or communities; while non-individual business actors consist of: a. legal entities; or b. business entities (Budiningsih, Ekawati and Handoyo, 2016).

Applications for approval to use forest areas shall be submitted by: a. ministers or heads of government agencies; b. governors; c. regents/mayors; d. heads of legal entities/business entities; or individuals and/or communities. If the Ministry uses forest areas, approval for such use shall be determined by the Minister, upon an application from the Director General or Head of the Ministry agency in charge of the relevant affairs. Applications for the use of forest areas submitted by individuals, groups of people, and/or communities shall be in accordance with the provisions of laws and regulations in the field of mining (Ministry of Environment and Forestry of the Republic of Indonesia, 2021).

Applications for approval to use forest areas shall be submitted to the Minister through the Director General, and shall be submitted via: a. the OSS system for applicants seeking to use forest areas for business activities; or b. The Ministry's counter, or by uploading the application file through the forest area use approval application system for applicants for non-business activities. The application file must be accompanied by the administrative and technical requirements in the form of original documents or copies of documents legalized by the issuing agency or notary, in hardcopy and digital (softcopy) form. Applications submitted through the OSS system are forwarded to the Ministry. Ministry counter officers or verification officers: a. download and assess the completeness of the requirements for applications submitted through the forest area use approval application system and through the OSS system; or b. Check and assess the completeness of the requirements submitted at the Ministry counter. Based on the download, examination, and assessment of the completeness of requirements, if: a. The requirements are incomplete and/or unsuitable, the Ministry counter officer or verification officer returns the application file to the applicant with: 1. A rejection notification/notification through the OSS system or email to the applicant; or 2. Providing proof of verification results or notification/rejection notification through the forest area use approval application system for applicants; and b. If complete and compliant, the Ministry counter officer or verification officer will provide: 1. Notification/acceptance notification of the application file through the OSS system or email for business activity applications; 2. A receipt or notification of receipt through the forest area use approval application system for non-business activity applications (Dewa et al., 2023).

According to (Ministry of Environment and Forestry of the Republic of Indonesia, 2021) Requirements for applying for forest area use, consisting of: a. administrative requirements: 1. statement of commitment; 2. statement of integrity; and 3. business entity or legal entity profile, including Taxpayer Identification Number (NPWP), Identity Card (KTP), and deed of establishment of the business entity or legal entity; and b. technical requirements; made in the form of a notarial deed or a stamped statement letter stating that the applicant for forest area use approval, within 1 (one) year, is committed to: a. completing the boundaries of the forest area use approval; b. pay the State Non-Tax Revenue (PNBP) for forest area use, for holders of forest area use permits with the obligation to pay the PNBP for forest area use who are permitted to carry out activities in the field after obtaining a forest area use permit; c. pay PNBP Compensation, for holders of forest area use permits with the obligation to pay PNBP Compensation; d. Submit a baseline for forest area use and a baseline map with a minimum scale of 1:50,000 (one to fifty thousand) or the largest scale at the requested location in accordance with the results of the demarcation and environmental documents; e. Submit a valid business license in cases where, at the time of application for forest area use approval, the holder of the forest area use approval is required to have a business license but does not yet have a valid one. Submit environmental documents and environmental approvals for businesses and/or activities that are required to have an Environmental Impact Assessment (AMDAL) or Environmental Management Plan and Monitoring Plan (UKL-UPL), in cases where, at the time of application, the holder of the forest area use approval does not yet have a business permit or has a business permit that is not yet effective, for holders of forest area use approvals who are required to have a Business Identification Number (NIB); g. Submitting the NIB for business actors; and h. Submit a statement of willingness to reimburse the investment costs for forest management/utilization to the manager/business permit holder for the utilization of forest products.

The integrity pact, is made in the form of a notarial deed or a stamped statement for applicants who are government agencies, stating that: a. they can fulfill all obligations; b. all documents attached to the application are valid; c. that it will not carry out any activities in the field before obtaining approval from the Minister; d. that it will not give, receive, or promise gifts/entertainment in any form in relation to the application; f. that it will submit the application for approval in accordance with the provisions of laws and regulations; and g. that in the event of a violation, it is willing to face legal consequences (Ministry of Environment and Forestry of the Republic of Indonesia, 2021).

The technical requirements that must be met consist of: a. A map with a minimum scale of 1:50,000 (one to fifty thousand) or larger, signed by the applicant and a soft copy map in shapefile (shp) format with UTM Datum WGS 84 coordinates depicting the location, area, and details of the use of the forest area being applied for; b. Remote sensing image map with a minimum resolution of 5 (five) meters covering the last 1 (one) year, accompanied by coordinates in the UTM Datum WGS 84 coordinate system; c. The Governor's recommendation on the use of forest areas is based on technical considerations from the provincial agency in charge of forestry and an analysis of the status and function of forest areas from the Forest Area Consolidation Agency. Technical considerations from Perum Perhutani in cases where the application is within the working area of Perum Perhutani; e. Permits/agreements or business permits or activities that are effectively valid, issued by officials

with the appropriate authority for applicants for forest area use approval who already have permits/agreements/permits, including clear and clean mineral and coal mining business permits that are still valid for a minimum period of 6 (six) months, except for businesses that do not yet have a business permit or activities that are not required to have a business permit; f. in the case of an application for approval to use a forest area for business that does not yet have a business permit, it must be accompanied by a decision/determination of the winner of the mining area auction for the application for approval to use the forest area for mining activities or a determination/assignment as a geothermal developer for the application for approval to use the geothermal forest area; g. a letter of reference from the Directorate General in charge of minerals and coal related to further exploration activities at the production operation stage, accompanied by a map depicting the area where further exploration and production operation activities will be carried out for applicants for approval to use forest areas for further exploration activities at the production operation stage; and/or h. environmental documents and environmental approvals for businesses and/or activities that are required to have an Environmental Impact Assessment (AMDAL) or Environmental Management Plan and Monitoring Plan (UKL-UPL), for applicants for forest area use approval who already have a business license (Tamsil, 2018).

Based on the application and application requirements, the Director General shall conduct an assessment within a maximum period of 24 (twenty-four) working days. The assessment shall be conducted by: a. identifying the suitability of the application requirements; and b. conducting a technical review. The technical review may be conducted through a confirmation meeting involving other relevant Directorates General. The confirmation meeting covers matters including: a. the adequacy of forest area size; b. the confirmation and utilization of forest areas, including matters related to the status and function of Forest Areas, indicative TORA maps, changes in Forest Area Designation and changes in Forest Area Function; c. forest management, including matters related to KPH, Social Forestry, KHDTK, Forest Areas for Food Security, KHDPK, and Perum Perhutani; d. forest utilization, including forest utilization business licensing, forest utilization certification, and business work plans; e. quotas; f. forest area use; g. land closure (Ministry of Environment and Forestry of the Republic of Indonesia, 2021).

Based on the assessment results: a. if the technical requirements are not met, the Director General, on behalf of the Minister, shall submit a rejection to the applicant; or b. If the technical requirements are met, the Director General shall submit a technical review and an attachment map of the forest area use approval to the Secretary General. The Secretary General shall, within a maximum period of 7 (seven) working days after receiving the technical review and draft of the attached map of the forest area use approval, conduct a legal review and subsequently submit the draft decision on forest area use approval and the attached map of forest area use approval to the Minister. The Minister shall, within a maximum period of 3 (three) working days after receiving the draft decision on forest area use approval and the attached map of forest area use approval, issue a Decision on Forest Area Use Approval (Dewa et al., 2023).

3.3. Obligations and Prohibitions of Forest Area Use Permit Holders

Holders of forest area use permits who have obtained a determination of the boundaries of the forest area use work area are required to: a. prepare a plan and carry out reclamation and revegetation in forest areas that are no longer in use without waiting for the forest area use permit period to expire; b. carry out planting for the rehabilitation of river basins for holders of forest area use permits with the obligation to plant for watershed rehabilitation in accordance with the provisions of laws and regulations; c. pay non-tax state revenue (PNBP) for forest area use in accordance with the provisions of laws and regulations for holders of forest area use permits with compensation for paying PNBP; d. planting timber trees on the left and right edges or around the perimeter of the forest area use permit area as a form of protection in accordance with the provisions of laws and regulations for holders of forest area use permits for infrastructure development activities by government agencies; e. carry out stand inventory in accordance with the annual forest area use work plan; f. pay PSDH and/or DR in accordance with the provisions of laws and regulations; g. pay compensation for the value of the stands to the government if the area requested is a rehabilitated plantation forest; h. Reimburse forest management/utilization investment costs to forest utilization business license holders/managers if the forest area use permit area is located within the forest management/forest utilization business license work area. Maintain the boundaries of the forest area use permit area. Implement forest protection for the forest area approval in accordance with the provisions of laws and regulations. Implement prevention and protection against forest and land fires (Ministry of Environment and Forestry of the Republic of Indonesia, 2021).

Secure conservation forest areas and protected forest areas if the forest area approval borders conservation forests and protected forests, and coordinate with: 1. The head of the agency/head of the technical implementation unit (UPT) in charge of conservation forest areas, for conservation forest areas; 2. The head of the provincial office or the managing director of Perum Perhutani in the working area of Perum Perhutani, for protected forest areas; or 3. Head of the Forest Management Unit (Pemangkuhan Hutan/KPH). Provide facilities for environmental and forestry officials at both the central and regional levels for field monitoring and evaluation. Coordinate activities with local environmental and forestry agencies and/or forest utilization or management permit holders; o. empower communities within the forest area approval area; p. carrying out other obligations stipulated by the Minister; and submitting periodic reports every 6 (six) months online, and submitting proof of reporting to the Minister regarding the use of the borrowed area, with copies to: 1. Director General; 2. The Director General in charge of sustainable forest management; 3. The Director General in charge of natural resource and ecosystem conservation; 4. The Director General in charge of watershed control and forest rehabilitation; 5. The Head of the Provincial Office; 6. The Head of the Office, and 7. Head of the Watershed Management and Forest Rehabilitation Office (Tamsil, 2018).

Holders of forest area use permits for exploration activities are only subject to the following obligations: a. carry out reclamation of forest areas that are no longer in use without waiting for the forest area use permit period to expire; b. conducting an inventory of standing trees in the area planned for land clearing as a basis for PSDH and/or DR payments; c. paying compensation for the value of standing trees to the government if the area requested is a rehabilitated plantation forest area used in accordance with the provisions of laws and regulations; d. implementing forest protection in forest area use permit areas and surrounding areas in accordance with the provisions of laws and regulations; e. providing facilities for environmental and forestry officials at both the central and regional levels; f. coordinating activities with local environmental and forestry agencies and/or forest managers or forest utilization permit holders; g. empowering communities around forest area use permit areas; h. carrying out other obligations stipulated by the Minister; i. preparing periodic reports every 6 (six) months online and submitting proof of reporting to the Minister regarding the use of borrowed forest areas; with copies to: 1. Director General; 2. Director General in charge of sustainable forest management; 3. Director General in charge of natural resource and ecosystem conservation; 4. Director General in charge of watershed control and forest rehabilitation; 5. Provincial Head of Service; 6. Head of Office; and 7. Head of the Watershed Management and Forest Rehabilitation Office (Ministry of Environment and Forestry of the Republic of Indonesia, 2021).

Prohibitions for Forest Area Use Permit Holders; Forest area use permit holders are prohibited from: a. transferring forest area use permits to other parties or changing the name of the forest area use permit holder without the Minister's approval; b. guaranteeing/pledging forest area use permit areas to other parties; c. using mercury in mining activities; and d. conducting underground mining in protected forest areas, which results in: 1. Land subsidence; 2. Permanent changes to the primary function of the forest area; and 3. Damage to groundwater aquifers; e. conducting activities within the forest area usage permit area () before obtaining the determination of the forest area usage permit work area boundaries; f. the prohibition on activities referred to in letter c is exempted for activities related to the fulfillment of commitments and preparations, such as: 1. Conducting preparatory activities, such as the construction of a base camp (temporary basecamp); 2. The construction of facilities and infrastructure, and 3. Environmental documents must be prepared if the forest area use permit is issued without them. The prohibition referred to in letter e is exempted for holders of forest area use permits for: 1. The establishment of nurseries for specific agricultural purposes in the context of food security or energy security; 2. Vital national development activities, namely geothermal, oil and gas, electricity, reservoirs, and dams; 3. National strategic projects determined by the government; 4. National economic recovery activities; 5. Public safety support facilities; 6. Natural disaster management; and/or 7. Defense and security, which have obtained environmental approval through an Environmental Impact Assessment (EIA) or a completed UKL-UPL (Ministry of Environment and Forestry of the Republic of Indonesia, 2021).

4. Conclusion

Legal Aspects of Procedures for the Use of Forest Areas for Mining Activities are carried out with the approval of forest area use by the Minister of Environment and Forestry through a Director General Regulation based on a request from mining business operators (individuals and non-individuals) submitted through the Online Single Submission (OSS) system for applicants seeking to use forest areas for mining business activities. Applications for forest area use approval must be accompanied by the required administrative and technical documents, in original or legalized copies, in hardcopy and digital (softcopy) form. The results of the examination and assessment of the completeness of the requirements are as follows: a. if the requirements are incomplete and/or

unsuitable, the verification officer returns the application file to the applicant; and b. If the requirements are complete and suitable, the verification officer sends a "Notification of receipt of application file through OSS to the applicant; and a receipt or notification of receipt through the forest area use approval application system to the applicant."

References

Adiwinata, A., Murniati, N., & Rumboko, L. (2007). Forest rehabilitation in Indonesia Where to after more than three decades? Lessons from the Past.

Budiningsih, K., Ekawati, S., & Handoyo, H. (2016). Analysis of the Dynamics of Forest Land Use Policy: A Content Analysis of Policy Change of Use of Forest Area. *Jurnal Analisis Kebijakan*, 13(1), 13–28.

Dewa, M. J., Sensu, L., Sinapoy, M. S., Haris, O. K., Tatawu, G., & Ganing, M. Y. (2023). Legal Review of Changes in the Use of Forest Areas for Mining Businesses. *Halu Oleo Legal Research*, 5(1), 352–368. <https://journal.uho.ac.id/index.php/holresch/>

Ginoga, K., Lugina, M., & Deden Djaenudin, and. (2005). Policy Analysis of Protection Forest Management. *Jurnal Penelitian Sosial & Ekonomi*, 2(2), 203–231.

Government Regulation of The Republic of Indonesia Number 23 of 2021 Concerning Forestry Management, State Secretariat 1 (2021).

Government Regulation of the Republic of Indonesia Number 24 of 2010 Concerning the Use of Forest Areas, State Secretariat 1 (2010).

Law of The Republic of Indonesia Number 41 of 1999 Concerning Forestry, State Secretariat 1 (1999).

Purwatiningsih, S. D. (2022). Pemahaman Masyarakat Sekitar Hutan Pada Informasi Konservasi Hutan Dalam Memanfaatkan Dan Melestarikan Hutan Taman Nasional Gunung Halimun Salak. *IKRAITH-HUMANIORA Journal*, 6(1), 110–120.

Ramadhany, N. (2023). Laju Deforestasi Hutan Akibat Aktivitas Pertambangan di Provinsi Kalimantan Timur. *Jurnal Rekayasa Hijau*, 7(1), 10–19. <https://doi.org/10.26760/jrh.v7i1.10-19>

Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number 7 of 2021 Concerning Forest Planning, Changes in Allocation and Function of Forest Areas, and the Use of Forest Areas, Ministry of Environment and Forestry of the Republic of Indonesia 1 (2021). www.peraturan.go.id

Tamsil, T. (2018). Kajian Hukum Usaha Pertambangan Batubara di Dalam Kawasan Hutan.