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IMPACT OF MERAPI SAND MINING IN KLATEN CENTRAL JAVA

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Abstract

In the general explanation of Law No. 4 of 2009 on Mineral and Coal Mining it is outlined that the Basic Law 1945 Article 33 paragraph (3) affirms the earth, water, and natural wealth contained therein is controlled by the state and used for the great prosperity of the people. In this study, the authors examined how environmental damage impacts the merapi sand mining in Klaten. The research method used in this study is empirical legal research, where in empirical research emphasizes more on the symptoms and consequences that occur based on the field, or in another sense this study uses observation methods as primary data to see how the law in action goes. From the results of the research obtained that the impact of merapi sand mining in the central java klaten is the first impact on the damage of agricultural land, plantation land that certainly threatens the availability of land for future generations of farmers that will certainly have an impact on food availability, secondly damaging evacuation routes and thirdly disrupting water content, ecology, landslide prone.

Keywords: impact, merapi sand, mining, Klaten

I. INTRODUCTION

In the general explanation of Law No. 4 of 2009 on Mineral and Coal Mining it is outlined that the Basic Law 1945 Article 33 paragraph (3) affirms the earth, water, and natural wealth contained therein is controlled by the state and used for the great prosperity of the people. Considering minerals and coal as natural wealth contained in the earth is an un renewable natural resource, its management needs to be done as optimally as possible, efficient, transparent, sustainable and environmentally minded, and fair in order to obtain the most benefits for the prosperity of the people in a sustainable manner. Furthermore, mining development must adapt to the changing strategic environment, both national and international. The main challenges faced by mineral and coal mining are the influence of globalization that encourages democratization, regional autonomy, human rights, the environment, technological and information development, intellectual property rights as well as the demands of increasing the role of private and public. Energy supply in Indonesia still faces major obstacles due to a much greater increase in consumption than the increase in energy supply. The increase in consumption was strongly driven by an increase in economic

growth that increased energy needs in the business and industrial sectors, as well as an increase in consumption at the household level.¹

Indonesia is a country with great natural wealth potential. The potential of natural wealth is in the form of renewable or non-renewable resources. The natural wealth that cannot be renewed is petroleum, natural gas, coal, mining goods and other minerals that make a considerable contribution to the Indonesian economy. Natural resources in Indonesia are abundant enough that they are massively exploited for development needs. Mining is one of the efforts to utilize natural resources by carrying out activities ranging from the stage of search, excavation, processing to the marketing stage of the mine results.²

The series of mining activities must be related to the environment. An environment that is a place for the interaction of living beings in it to form a network of life.³ In environmental management, sustainable principles are needed for environmental sustainability. Good environmental management is a form of long-term development efforts for the welfare of life.⁴ In the consideration letter of Law No. 4 of 2009 on mineral and coal mining it is clear that mineral and coal mining business activities that are mining business activities outside of the petroleum, oil and gas and groundwater have an important role in providing real added value to national economic growth and sustainable regional development.⁵

The next government provides opportunities to Indonesian legal entities, cooperatives, individuals, and local governments to conduct mineral and coal businesses based on permits, which are in line with regional autonomy, granted by the Government and/or local governments in accordance with their respective authority. In order to implement decentralization and regional autonomy, the management of mineral and coal mining is implemented based on the principles of externality, accountability, and efficiency involving the Government and local governments.

Article 2 of Law No. 4/2009 on mineral and coal mining confirms that mineral and/or coal mining is managed based on:

1. Principles of benefit, fairness, and balance;

¹ Endah Murniningtyas, 2014, *Prakarsa Strategis Pengembangan Konsep Green Economy*, Kementerian ESDM, Jakarta, p.75

² Irawan dkk dalam Willyam Buli, 2018, *Strategi Pengendalian Kerusakan Lingkungan Melalui Pembinaan Kelembagaan Pertambangan Batubara Tanpa Izin Studi Kasus Di Kabupaten Muara Enim*, Program Pascasarjana Universitas Lampung, Bandar Lampung, p.1

³ Netty Dahlah Uar, Sigit Heru Murti dan Suwarno Hadisusanto, 2016, *Kerusakan Lingkungan Akibat Aktivitas Manusia pada Ekosistem Terumbu Karang*, Jurnal MGI, ISSN 0215-1790, Vol 30 No 1, p.89

⁴ Yenni Widowaty dan Dinda Riskanita, Agustus 2019, *Upaya Pemerintah Daerah Mengatasi Kerusakan Lingkungan Akibat Alih Fungsi Lahan Berdasarkan Konsep Negara Kesejahteraan, Supremasi Hukum*, Jurnal Penelitian Hukum p-ISSN: 1693-766X; e-ISSN: 2579-4663, Vol. 28, No. 2, p. 125

⁵ Undang-Undang Nomor 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batubara

2. The principle of impartiality to the interests of the nation;
3. Participatory principles, transparency, and accountability;
4. Sustainable and environmentally minded principles.

In the above facts shows that most mining in Indonesia is done with open pit mining system so as to impact environmental damage. The impact of environmental damage is the loss of forest vegetation, flora and fauna as well as soil layers. This causes disruption of hydrological function, biodiversity, carbon uptake, oxygen suppliers and environmental temperature control. Changes to a watershed such as reduced river water discharge, damage to land spans as recharge areas, high sedimentation, decreased river water quality and infiltration.⁶

The same is also the case in sand mining in central Java's Klaten Regency, not only causing environmental damage such as impaired hydrological function, biodiversity, carbon uptake, oxygen supply and environmental temperature control. Changes in a watershed such as reduced river water discharge, damage to the land span as recharge areas, high sedimentation, decreased river water quality and infiltration, but mining is carried out on agricultural land so that in the long run that it threatens the availability of land for generations of farmers. The damage to land availability for generations of farmers will have an impact on the availability of food needs. Currently it is known that there are dozens of businesses using heavy equipment in Klaten suspected of not pocketing illegal alias permits, in 2019 there are 40 (forty) new permits issued or recommended by the local village chief. If these permits are escaped without understanding of the ecosystem either by the mining community or related parties, then it can be ensured that the environmental damage will continue to get worse. Even today miners seem to be taking advantage of Covid-19 by doing mining activities.⁷

Concerns about the adverse impact of sand mining activities are not only related to the damage of evacuation routes, but also the threat of natural disasters such as landslides, floods and so on. A number of mining sites appear to leave gaping excavation marks, minimal reclamation even without reclamation at all. The green surface of Kemalang nature that has been the focus of water receding, is now increasingly depleted by heavy equipment mining activities both domesticated and illegal. The existence of Mount Merapi actually has a positive impact as well as a negative impact for the people in the area around Mount Merapi. Mount Merapi is among the most active guntung in Indonesia, every 2-15 years Mount Merapi emits volcanic material. Volcanic material bursts of Mount Merapi flow into the 13 main rivers located on Mount Merapi. The negative impact of Mount Merapi during a large eruption caused disaster for the people in the area around Mount Merapi. The eruption of Mount Merapi also had a positive impact on the communities around Mount Merapi area because the volcanic

⁶ Irawan dkk dalam Willyam Buli, 2018, *Loc. Cit*

⁷ <https://nusantara.rmol.id/read/2020/05/05/433486/manfaatkan-pandemik-covid-19-penambang-pasir-ilegal-di-klaten-diam-diam-beroperasi>.

material bursts can be used by local residents for mining activities c. Economically mining activities in the area of Mount Merapi provide income for the surrounding community. With the mining activities of merapi sand community around the area of Mount Merapi has a job. The economy of the surrounding community is becoming more stable and improving.⁸

Sand mining is done by the people around Mount Merapi area in a traditional and modern way. The majority of the people around Mount Merapi have livelihoods as sand miners. Before 1992 Merapi sand mining activities used traditional tools such as hoe, crowbar, shovel, etc. People form groups of 4-5 people usually one family to collect sand at some point. Once collected the sand transporter truck will take the sand. Since 1992 mining activities are carried out in a modern way following the development of technology. Modern mining is done using heavy equipment or back hoe. For traditional mining is usually done by the indigenous peoples around merapi volcano and for modern miners is done by foreign investors or foreign mining companies that cooperate with some communities around the Area of Mount Merapi both in the region of Central Java Province and Yogyakarta Province. There are currently hundreds of miners in the upper reaches of merapi river. Mining companies are interested because of the abundant merapi sand and the potential of C mining materials located in the Area of Mount Merapi.⁹

With the central government's policy to the local government, the local government is authorized to manage local resources to increase the local native income, which is against the backdrop of the government granting permission to miners to operate in the Merapi mountain area. Before regional autonomy all regional policies were regulated by the central government including regional revenues. Regional income from the management of regional natural resources is received by the central government.

Local governments can manage income from the utilization of local natural resources. After that each area is vying to increase the area's native income. With the granting of permits to miners caused companies operating in the area around Merapi to increase. Mining companies dominated merapi sand mining activities after licensing from the local government. With the use of modern mining companies the utilization of C mining materials increased thus increasing regional revenues and regional foreign exchange. The original revenue of the area from C Merapi excavation material is large enough that the utilization of technology continues to be used so that, the local government gives permission to the mining company.¹⁰

⁸ Wahyu Krisna Hadiyanto, A., 2012, *Kajian Dampak Kerusakan Lingkungan Akibat Penambangan Pasir di Desa Keningar Daerah Kawasan Gunung Merapi*, Yudhistira, 9(2), p. 76–84

⁹ Widyastomo, B., 2010, *Pengaruh Penambangan Pasir Dan Batu Terhadap Kondisi Sosial Ekonomi Penambang Di Kecamatan Kemalang Kabupaten Klaten, Provinsi Jawa Tengah*. Universitas Gajah Mada, Yogyakarta.

¹⁰ Aisyah, N., & Purnamawati, D. I., 2012, Tinjauan Dampak Banjir Lahar Kali Putih Kabupaten Magelang Pasca Erupsi Merapi 2010. *Jurnal Teknologi*, 5(1), p. 19–28

By looking at the conditions of the facts, as well as how the Law governs, this is where understanding ecosystems is very important in environmental management efforts because social considerations are very closely related to the political process and decision-making in the development of environmental monitoring. According to Presidential Decree No. 70 of 2014 on the Spatial Plan of Gunung Merapi National Park Area, merapi slope area of Kemalang area entered in protected zone, horticulture and there are plantations.¹¹ Presidential Decree No. 70 of 2014 shows in detail and clearly how exactly the reality of Klaten Regency in the Cultivation Zone is more dominant than the Mining zone. Since 2019 mining permits in Klaten Regency have not been issued and the mining permits issued have switched to granting permits for other forms of activity in the field of structuring the land of abandoned illegal former mines and plantation arrangements as has been the case so far. There are currently seven mining companies. In addition, there are dozens of companies that hold plantation permits.

The research method used in this study is empirical legal research, where in empirical research emphasizes more on the symptoms and consequences that occur based on the field, or in another sense this study uses observation methods as primary data to see how the law in action goes. The authors conducted data collection with interview techniques, In this study conducted live interviews with speakers at research sites and related agencies as well as experts on Environmental Law. After obtaining the data, then systematically arranged and then analyzed using qualitative analysis method, namely after the data is obtained is systematically deciphered in the form of sentence description then concluded in an inductive way of thinking so as to be an overview of the answer to the problem based on the results of the study.¹²

II. DISCUSSION

Mining throughout its history has been a controversial sector. On the one hand it provides an important source of energy and material that makes the progress of mankind possible. The results of mines and their derivatives are found in all products utilized by modern humans. On the other hand, mining is also known as a sector that presents a lot of problems for the environment and the people living around the mine. Due to its frequent nature in remote locations, mining is widely carried out in ecologically sensitive areas; in addition to being side by side, tangent, or even in an area inhabited by traditional communities. If properly managed, environmental damage can be minimized, as well as bring positive social and economic impacts such as business opportunities, job opportunities, infrastructure development, increased

¹¹<https://www.krjogja.com/berita-lokal/jateng/klaten/penambangan-pasir-rusak-ekosistem-lereng-merapi/>

¹² Hamidi, 2004, *Metode penelitian kualitatif*, Malang, Universitas Muhammadiyah Malang, p. 251.

regional and national income, and other advances that can be enjoyed by the community.

On the other hand, poor management results in severe environmental damage. The former mine pits with their acidic water are a picture that can be seen in all parts of the world. Forced evictions of residents, as well as conflict with the community are the effects of widely reported mining. Likewise, the wealth of mining that should be enjoyed by the state and its citizens is largely lost due to corruption. Unfortunately, it must be acknowledged that the poor performance of mining in environmental, social and economic management is still very much happening, if not even the dominant picture. Therefore, in general mining is indeed known as a sector that is not good. The film *Sexy Killers*, which has since been made, has been clicked more than 20 million times on YouTube, plus several hundred shows shared depicting the bad side of coal mining that has long been widely known. In a world that is looking forward to climate change, mines and coal-fired power plants are not popular.¹³

The condition is exactly the same when it is found from the results of research in the field directly. The condition of roads, settlements and land in Kemalang Klaten area can almost be said to be badly damaged due to rock and sand mining activities that are constantly exploited massively by businessmen who are legal entities as well as by citizens illegally. There are opportunities or opportunities that can be enjoyed economically by the residents around mining open the opportunity to do mining illegally without permission because according to the information of the local residents that as long as there is mining the impact of environmental damage and air pollution every day is felt by the local residents so that it makes the residents who do not have a permit also participate in mining activities.

It was said by the source: "cook to mas every day we are only told to see people enjoying the money and we are only told to vacuum it even though a lot of damage to the land and roads we also feel" is part of the portrait of the complaining *kesah* delivered directly by the residents around the mining in the sand mining area in klaten regency area of central Java, not only causing environmental damage such as impaired hydrological functions, biodiversity, carbon uptake, oxygen suppliers and environmental temperature control. Changes to a watershed such as reduced river water discharge, damage to the land span as recharge areas, high sedimentation, declining river water quality and infiltration, but mining is done on farmland so that in the long term it can threaten the availability of land for generations of farmers. The damage to land availability for generations of farmers will have an impact on the availability of food needs.

¹³<https://www.mongabay.co.id/2019/05/02/sexy-killer-pertambangan-dan-atau-pembangunan-berkelanjutan-1/>.,

Dozens of mining businesses using heavy equipment in Klaten are suspected of not pocketing illegal alias permits, in 2019 there are 40 (forty) new permits issued or recommended by local village chiefs. If these permits are passed without the support of the ecosystem either by the mining community or related parties, then it can be ensured that the environmental damage will continue to get worse. Even miners seem to be taking the most out of covid-19 by doing mining activities. the adverse impact of the sand mining activity. Not only related to the damage to the evacuation route, but also the threat of natural disasters such as landslides. A number of mining sites appear to leave gaping excavation marks, minimal reclamation even without reclamation at all. The green surface of Kemalang nature that has been the focus of water receding, is now increasingly depleted by heavy equipment mining activities both domesticated and illegal. "According to Presidential Decree number 70 of 2014, merapi slope area of Kemalang area enters the protected zone, horticulture and there are plantations.¹⁴

Therefore, the entrepreneur squandered the licensing of rock and sand mining in the slopes of Mount Merapi Klaten by applying for another permit with the arrangement of plantations or plantation cultivation. If there is currently found there is another form of plantation arrangement that is actually done that is currently in the field only done with origin so that the main target rather than the establishment of plantation land for the welfare of the people is not achieved. Plantation business license is different from land arrangement permit that has previously been issued in Klaten Regency. If the land structuring permit only requires an environmental permit from the Environment and Forestry Office, provincial ESDM Office and business license, but the plantation business license must have a business license and location permit from the National Land Agency. Recommendations or permits from the National Land Agency are issued because in the arrangement of plantations whose land uses the land residents must verify from the National Land Agency so that the land used is actually declared not in a state of dispute.

If in the plantation permit activity it turns out that it must organize the former mining land and must issue materials, the entrepreneur must have an environmental permit and seek a Special Mining Business License (IUPK) to the Provincial Energy Department. The plantation business license policy was enacted on the basis of Regulation of the Minister of Agriculture No. 29/2016 on Changes to Permentan No. 98/2013 on Plantation Business Licensing. The Environment Agency plays a role in publishing the Document on Environmental Management Efforts (UKL) and Environmental Monitoring Efforts (UPL). The document is the basis for the issue of environmental permits.

With the new policy, people are asked to understand that no more land is dredged and laid out but there is a plantation business. In addition, with the permits of plantations the surrounding community and other elements can control because in plantation permits there are rules for planting certain commodities. Otherwise residents can

¹⁴ <https://www.krjogja.com/berita-lokal/jateng/klaten/penambangan-pasir-rusak-ekosistem-lereng-merapi/>

report to the district government. While with the ease of permission to carry out other activities in the form of plantation arrangements today it still raises new problems that exist found field because in principle other activities in the form of the arrangement of the plantation is sand mining activities.

- a. Before the arrangement of the permitted land plantations was first issued materials in the form of sand and rocks, this is where the economic potential that became the main objective of the perpetrators of plantation structuring activities that took place in Klaten Regency. From the results of interviews with speakers in the field found some fundamental problems related to other forms of plantation structuring activities in klaten district which are as follows:
- b. That it is easy to obtain a plantation structuring permit in klaten district area of mining businesses prefer to manage the plantation planning permit rather than manage the mining permit that must arrive at the ministry of energy and energy;
- c. Permission of other forms of plantation structuring activities is cheaper than managing mining permits;
- d. Because the purpose of the plantation structuring activities is to remove the rock and sand material that is in the location of the plantation that has been allowed priority work carried out anyway on the production of the material is not on the arrangement of the plantation so that many found abandoned land or land with plants of origin;
- e. Because the priority of the plantation structuring activities is to remove the rock and sand material then when there is no stone and sand material that is not good even though it has been tamed then the location that has been allowed is then left alone and the entrepreneur prefers to move places by taking care of new permits again because licensing other forms of activities of plantation structuring is cheaper and easier;
- f. Because the main priority of the permit form of other activities of plantation land arrangement is to issue rock and sand materials found by entrepreneurs who are expanding the land that is allowed to issue rock and sand materials outside that have been granted permits;
- g. Because the main priority of other forms of plantation structuring activities is to remove rock and sand materials in conducting plantation land structuring activities often in violation of the provisions contained in the IUP OP for example:
- h. Violate stipulated time limits for performing work activities or operating hours;
- i. Violate the amount of heavy equipment used to remove rocks and sand;
- j. Violate the depth of the dig to remove rock and sand materials;
- k. Infringing on the amount of Stockfill (Rock Amount of Rock and Sand Material that can be issued) specified;
- l. Breaking dredge rules on cliffs to remove rock and sand material;
- m. In violation of the provisions of operational executors who are required to have special and certified expertise;

- n. Violate permitted coordinate points;
- o. Many more violations were committed by entrepreneurs because the main purpose is to take advantage of the large amount by removing materials in the form of rocks and sand.

Since the birth of Law number 3 of 2020 the role of the Local Government is eliminated and the authority of mineral and coal mining management is taken by the central government through the Ministry of Energy and Mineral Resources as can be seen in article 8 which is removed and replaced with article 8A. The authority of the local government that is obliged to conduct mining investigations and research in order to prepare wp mining territory is also withdrawn to the power of ministers in the central government can be seen in article 11. We find in article 14 law no. 4 of 2009 also removed in law no. 3 of 2020 which means that indeed all local government power has been co-oped and withdrawn into central government power when it is related to the determination of mining business area or WUP where the local government has the territory and technically knows and controls the area as it will be designated as WP.

Conception in the rpjmd mission of Klaten District Government is currently with the publication of rtrt regulations but related to the policy in the field of mining has not been formulated as a mission of RPJMD because in the formulation still conveys that law enforcement problems in the field of mining and the environment have not been given a solution in the form of activities to be carried out or products to be made. From the above description can be given a note to be formulated into an ideal policy that can be used in Klaten Regency especially in maintaining the environmental damage that has occurred so far due to the mining of rocks and sand in merapi area among others as follows:

1. Plantation Arrangement or Bududaya Plantation is another activity permit submitted for mining activities by removing rocks and sand from the permitted plantation area;
2. In article 2 of the Regulation of the Minister of Agriculture of the Republic of Indonesia No. 98/Permentan/Ot.140/9/2013 on the Guidelines for Licensing Plantation Business stipulated that this regulation is intended as a legal basis in the provision of licensing services and the implementation of plantation business activities, with the aim of providing protection, empowerment of plantation businesses in a fair way and providing certainty in plantation business;
3. The construction and supervision of plantation business licensing can be seen in article 44 where in paragraph 1 states that the construction and supervision of the implementation of plantation business licensing is carried out by the directorate general of governors and regents or mayors in accordance with its authority this is the entrance for the Regent to participate in the construction and supervision to the maximum;
4. In Article 13 of Law No. 32 of 2009 on Environmental Protection and Management is described as follows:

- 1) Control of pollution and/or environmental damage is carried out in order to preserve environmental functions.
- 2) Control of pollution and/or environmental damage as referred to in paragraph (1) include:
 - a. Prevention;
 - b. Countermeasures; and
 - c. Recovery.
5. Control of pollution and/or environmental damage as referred to in paragraph (1) shall be implemented by the Government, local government, and the person in charge of business and/or activities in accordance with their respective authorities, roles, and responsibilities. Currently it is not maximal because only DLHK serves to conduct supervision and evaluation after 6 months.
6. On Environmental Permit stipulated in Law No. 32/2009 on Environmental Protection and Management is regulated in article 36 to article 41 in which the Local Government is authorized to grant UKL UPL and AMDAL permission and the authority to revoke the permit.
7. If the local government does not currently have the opportunity to make a Statement on mining because it is blocked by law no. 3 of 2020 on changes to law No. 4 of 2009 on Mineral and Coal Mining and then another opportunity is to make regulations related to the environment so that the functions of UKL-UPL and AMDAL are issued by the Office of Environment and Forestry Klaten district.
8. Perpres 70 th 2014 is valid for 20 years since it was enacted but in the closing rules found article 86 paragraph 2 which states that the review of the spatial plan of the national park area of Mount Merapi is carried out once in 5 years it can actually be used as an entrance related to environmental problems that occur in existing protected zone areas as well as cultivation zones with indications of utilization and misuse of environmental permits or cultivation permits. Opportunities to advertise recommendations at the time of review.

Thus, which can be conveyed in this study found several articles that can be used as an entrance for Klaten Regency to be able to conduct supervision and evaluation of mining actors who damage the environment that is currently activities starting with the permit of plantation structuring or plantation cultivation remains achieved by not doing damage to the environment.

III. CONCLUSION

The development of merapi sand mining activity in Central Java's Klaten Region has had an impact on the damage of agricultural land, plantation land that certainly threatens the availability of land for future generations of farmers that will certainly have an impact on food availability. The mining of merapi sand in the klaten area of central Java has damaged evacuation routes. The presence of merapi sand mining activity in the

Klaten area of central Java interferes with water supply, ecology, landslide prone. Presidential Decree No. 70 of 2014 shows in detail and clearly how exactly the reality of Klaten Regency in the Cultivation Zone is more dominant than the Mining zone. Since 2019 mining permits in Klaten Regency have not been issued and the mining permits issued have switched to granting permits for other forms of activity in the field of structuring the land of abandoned illegal former mines and plantation arrangements.

Plantation business license is different from land arrangement permit that has previously been issued in Klaten Regency. If the land structuring permit only requires an environmental permit from the Environment and Forestry Office, provincial ESDM Office and business license, but the plantation business license must have a business license and location permit from the National Land Agency. Recommendations or permits from the National Land Agency are issued because in the arrangement of plantations whose land uses the land residents must verify from the National Land Agency so that the land used is actually declared not in a state of dispute. If in the plantation permit activity it turns out that it must organize the former mine land and must issue materials, the entrepreneur must permit the environment and seek a special mining business license (IUPK) to the Provincial Energy Department. The plantation business license policy was enacted on the basis of Regulation of the Minister of Agriculture No. 29/2016 on Changes to Permentan No. 98/2013 on Plantation Business Licensing. The Environment Agency plays a role in publishing the Document on Environmental Management Efforts (UKL) and Environmental Monitoring Efforts (UPL). The document is the basis for the issue of environmental permits.

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