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# **Implementation of Kepmen ESDM No 1827 K/30/MEM/2018 Concerning Guidelines for the Implementation of Good Mining Techniques for the Utilization of Coal Post-Mining Reclamation in the Form of Tourism**

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**Abstract:** Indonesia's natural resource wealth has been recognized by the world since the colonial period, one of its natural wealth is mineral resources. The abundance of mineral mining goods in Indonesia creates another urgency regarding the final production results from mining, namely mine excavation holes. The solution offered by the government is reclamation in the form of other forms of utilization, one of which is tourism. This solution was realized with Minister of Energy and Mineral Resources Decree No. 1827 K/30/MEM/2018 concerning guidelines for good mining engineering principles. The use of reclamation as a form of tourism has had an impact on the environment, social and economy, for example the AirANGKAng Tourism Village where tourist attractions include fisheries, animal husbandry, water tourism, and animal conservation, the Breksi Cliff Tourism in Jogjakarta, then the Lati Petangis Grand Forest Park in Paser where it is used as a means of water tourism, flora and fauna conservation, and is used for deer farming.

**Keyword:** Post-Mining Reclamation, Legislation, Tourism.

## **INTRODUCTION**

The country of Indonesia has a variety of natural resources, one of the natural resources that Indonesia has is mineral resources. All Mineral Resources are controlled by the central government and used by all Indonesian people. These provisions are as stated in Article 33 paragraph (3) of the 1945 Constitution which states that "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people" and Article 33 paragraph (4) of the 1945 Constitution which states that "The national economy is organized based on economic democracy with the principles of togetherness, fair efficiency, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity".

As one of the world's coal producers and exporters based on the amount of production of mineral mining goods in the 2021-2022 period with the following amounts.

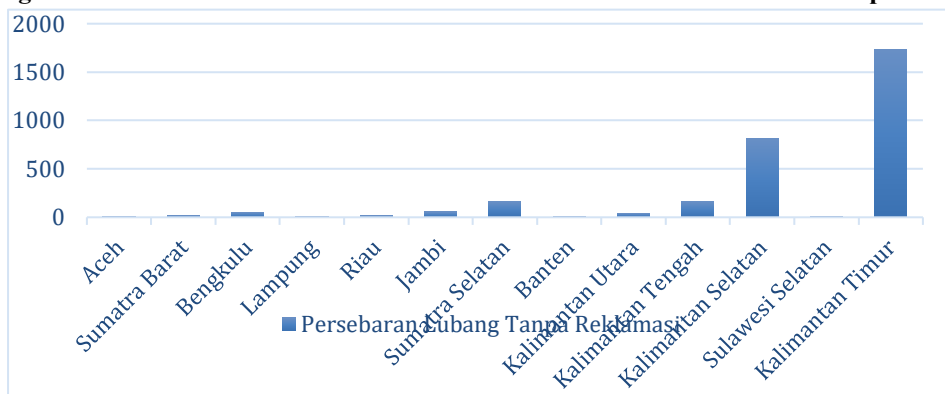
**Table 1. Total Production of Mineral Mining Goods in Indonesia for the 2021-2022 Period**

Mineral Mining Goods	Production of Mineral Mining Goods	
	2021	2022
Coal	614.058.577 ton	687.4020.285 ton
Bauxite	25.781.187 ton	28.808.674 ton
Gold	78.996 kg	85.205 kg
Tin Concentrate	52.467 tonmetrik	57.735 tonmetrik
Copper Concentrate	3.377.023 tonmetrik	3.321.239 tonmetrik
Nickel Ore	65.509.854 ton	98.187.963 ton

Source: BPS Publication of Non-Oil and Natural Gas Mining Statistics for 2024

The abundance of mineral mining goods in Indonesia creates another urgency regarding the final production results from mining, namely mine excavation holes. Reclamation and post-mining are solutions to these problems where IUP and IUPK owners are required to carry out reclamation activities as stated in Article 96 of Law No. 3 of 2020 concerning Mineral and Coal Mining. Based on data from the Mining Advocacy Network (Jatam), Red Jatam Coordinator Johansyah noted that in 2020, there were at least 3,092 mining holes that had not been reclaimed in Indonesia. The distribution of these holes is spread across several provinces in Indonesia, including the following:

**Figure 1. Distribution of holes without reclamation in Indonesia for the 2020 period**



Source: Jatam data for 2020 from CNBC Indonesia (<https://www.cnbcindonesia.com/news/20210129141759-4-219673/ribuan-lubang-tambang-tak-direklamasi-begini-data-esdm>)

In reality, the large number of mine holes that have not been reclaimed indicates that the implementation of reclamation in Indonesia is still very low. This is a consideration for the government regarding reclamation plans in other forms of use, because it remembers that the main problem of low implementation of reclamation in Indonesia is due to the availability of land to cover holes and the costs required for the closing process. The Ministry of Energy and Mineral Resources (ESDM) noted that throughout 2021, 8,539 hectares of ex-mining land had been successfully reclaimed, most of the ex-mining land was reclaimed as agricultural and forestry land, and was also used as educational and tourist facilities. The use of reclamation in other forms of use is based on the Decree of the Minister of Energy and Mineral Resources Number 1827 K/30/MEM/2018 concerning Guidelines for Implementing Good Mining

Engineering Principles, attachment VI confirms that the reclamation program can be implemented in other forms in the form of revegetation (replanting plants) or other uses including tourism, water sources and cultural areas.

One form of reclamation utilization that is widely realized is tourism. Green tourism activities or ecotourism are environmentally friendly activities that are economically sustainable and in harmony with the social and cultural conditions of ecotourism destination areas. The use of reclamation as a tourist attraction not only shows its natural beauty but is also used for other uses, namely meeting raw water needs; flood control; aquaculture; farm; and can be used as a power generator. The use of reclamation as ecotourism is used as a forest model for conservation of regional endemic biodiversity as well as other flora and fauna that supports the return of the surrounding ecosystem.

Some examples of the use of reclamation in other forms are; the former tin mining area which has become the AirANGKAng Tourism Village where tourist attractions include fisheries, animal husbandry, water tourism, and animal conservation, the Breksi Cliff Tourism in Jogjakarta is one of the popular tourist attractions currently, where previously it was a natural rock mining location by the local community, then the Lati Petangis Forest Park in Paser which is used as a means of water tourism, flora and fauna conservation, and is used for deer farming.

The form of use of reclamation as a tourist attraction also has an impact on the social and economic activities of local communities. Each impact that arises will be related to each other, for example the number of tourist visits which has an impact on the economic activities of the surrounding community and also has an impact on the environment, both in terms of cleanliness and the sustainability of the flora and fauna ecosystem within it. To support economic growth, the role of the government and surrounding communities is needed in maintaining and managing the conversion of reclaimed land which has been converted into ecotourism as sustainable development. Looking at the many impacts resulting from not closing reclamation holes, as well as the emergence of options for using other forms of reclamation, the researcher wants to examine how the Minister of Energy and Mineral Resources Decree No. 1827 K/30/MEM/2018 is implemented regarding guidelines for implementing good mining engineering principles for the use of post-mining coal reclamation, especially in the form of tourism.

## **METHOD**

The type of research used is sociological juridical with a qualitative approach, sociological juridical is an approach based on binding norms or regulations that are adapted to the symptoms of society in a policy or environmental condition which gives rise to consequences on various aspects of social life. The qualitative approach method is used for the needs of researchers who focus on in-depth observations by paying attention to the phenomenon of the influence of human actions based on juridical provisions on the reality of post-mining reclamation utilization in the form of tourism.

The data collection technique uses literature research, namely a data collection technique by reviewing books, literature, notes and reports related to the problem to be solved (Nazir, 1988). Literature studies also examine various reference books and previous research results in the form of scientific works and opinions from experts which are useful for obtaining a theoretical basis regarding the problem to be researched (Sarwono, 2006). The validity of this research data uses the Triangulation technique. Triangulation according to Sugiyono (2011) is defined as a technique that combines various existing data collection techniques and data sources. Therefore, this research uses triangulation to test data through data collection techniques and various data sources to obtain correct and correct information in solving the formulation of this research problem.

## RESULTS AND DISCUSSION

### **Implementation of Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 concerning Guidelines for Implementing Good Mining Engineering Principles for the Utilization of Post-Mining Coal Reclamation in the Form of Tourism**

Implementation according to Daniel A. Mazmanian and Paul A. Sabatier (1979), namely understanding what actually happens after a program is declared effective or formulated, policy implementation is the events and activities that arise after the ratification of state policy guidelines which include both efforts to administer them and to cause real impacts on society or events (Solichin 1997). The definition of implementation above is that a policy is not only formulated, then promulgated and then ignored, but must be implemented so that it has the impact or goal it wants to produce.

According to Mazmanian and Sabatier's theory (in Subarsono, 2011) there are three variables that influence the success of an implementation, namely characteristics of the problem (tractability of the problem), characteristics of policies/laws (ability of statute to structure implementation) and environmental characteristics (nonstatutory variables affecting implementation). Mazmanian and Sabatier's theory in (Suharno, 2013) considers that an implementation will be effective if the implementation bureaucracy complies with what has been outlined in the regulations (implementation instructions, technical instructions), or it can also be called a top down model.

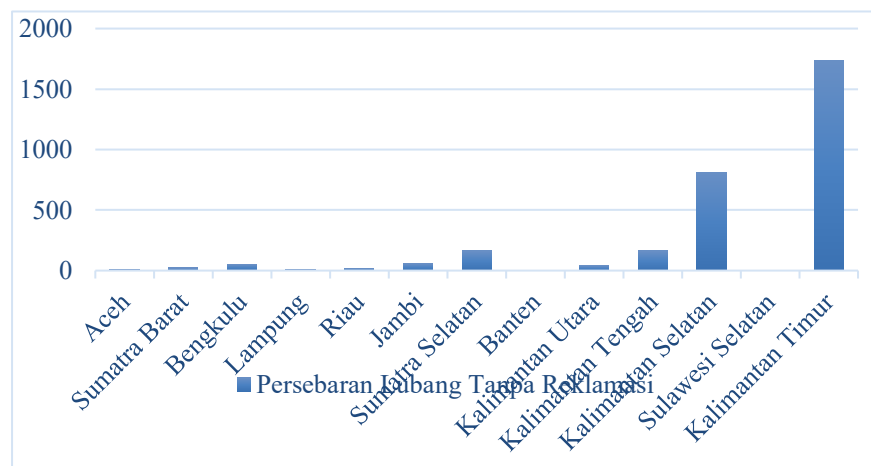
Minister of Energy and Mineral Resources Decree No 1827 K/30/ MEM/2018 concerning Guidelines for Good Mining Engineering Principles is a form of public policy that regulates the implementation of mining techniques starting from application guidelines, rules guidelines and evaluation of mining service business techniques. Regulations on the use of post-mining reclamation in the form of tourism are contained in Appendix VI concerning Guidelines for implementing reclamation and post-mining and post-operation in mineral and coal mining business activities.

In the Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 Appendix VI, the reclamation program for the production operation stage can be implemented in the form of revegetation and/or other uses consisting of: a) residential areas; b) tourism; c) water source; or d) cultivation area. Management of land intended for purposes other than revegetation is carried out until the land is stable and ready to be used according to its intended purpose.

The implementation of Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 Appendix VI regarding the use of post-mining reclamation in the form of tourism can be seen from several factors according to Mazmanian and Sabatier's theory, namely first from the policy characteristics of the problem, that the birth of this policy is based on the main problems of mining production in Indonesia. The high production of mineral mining in Indonesia also has an impact on the final result of the mining process, namely the excavated mine holes.

Based on data from the Mining Advocacy Network (Jatam), Red Jatam Coordinator Johansyah noted that in 2020, there were at least 3,092 mining holes that had not been reclaimed in Indonesia. The distribution of these holes is spread across several provinces in Indonesia, including the following:

**Figure 1. Distribution of holes without reclamation in Indonesia for the 2020 period**



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In reality, the large number of mine holes that have not been reclaimed indicates that the implementation of reclamation in Indonesia is still very low. This is a consideration for the government regarding reclamation plans in other forms of use, because it remembers that the main problem of low implementation of reclamation in Indonesia is due to the availability of land to cover holes and the costs required for the closing process. And it has caused 40 fatalities in the period 2011-2021 for the East Kalimantan Province region according to East Kalimantan Jatim data. This is the basis for the problem of making Minister of Energy and Mineral Resources Decree No. 1827 K/30/MEM/2018 regarding the use of post-mining reclamation for other purposes.

The second indicator is the characteristics of policies/laws, in this case Minister of Energy and Mineral Resources Decree No. 1827 K/30/MEM/2018 based on references to Law No. 3 of 2020 concerning amendments to Law No. 4 of 2009 concerning Mineral and Coal Mining, Law No. 32 of 2009 concerning Environmental Protection and Management, PP No. 78 of 2010 concerning Reclamation and Post-mining and Minister of Energy and Mineral Resources Regulation No. 26 of 2018 concerning Implementation of Good Mining Principles and Supervision of Mineral and Coal Mining. The implementation of Minister of Energy and Mineral Resources Decree no. 1827 K/30/MEM/2018 has fulfilled the substantive conformity in the statutory hierarchy.

Minister of Energy and Mineral Resources Decree no 1827 K/30/MEM/2018 concerning Guidelines for Good Mining Engineering Principles contains eight appendices, each of which regulates mining implementation starting from the application, evaluation and/or ratification stages of the mine head and person in charge, to technical guidelines for mining service businesses and evaluation of mining service businesses. As well as in terms of regulating the use of reclamation for other purposes, attached is Appendix VI regarding guidelines for implementing reclamation and post-mining and post-operation in mineral and coal mining business activities. In attachment VI it is stated that the reclamation program for the production operations stage can be implemented in the form of revegetation and/or other uses including: a) residential areas; b) tourism; c) water source; d) cultivation area. As for other provisions regarding the implementation of reclamation in other forms of use, it is not regulated further in this Ministerial Decree. Land use arrangements for purposes other than revegetation are carried out until the land is stable and ready to be used according to its purpose.

The implementation of the ESDM Ministerial Decree is carried out by mining business owners, heads of mining engineering with mining technical staff, the Director General on behalf of the Minister or governor according to their authority, as well as agencies of the ESDM and mining services, and the Environment Service. The access for outside groups to participate in the implementation of this policy can be seen from the participation of the community and community organizations who have more attention to post-mining reclamation. The plan for reclamation costs for production operations must include the costs of implementing reclamation, including those carried out by third parties.

The third indicator is environmental characteristics. The implementation of this policy also influences the socio-economic conditions of surrounding communities and regions, especially the use of post-mining reclamation in the form of tourism. The local community is given a platform to develop creativity to support tourist visits, one of which is by making handicrafts and culinary delights that show their regional identity. Indirectly, the economy of the surrounding and regional communities is also influenced by this new model of tourism. Regarding the pros and cons of this policy, many environmental observers have come forward, where they think that the former mining holes must be covered with soil again because converting them to tourism is not a solution, apart from the water content which is still contaminated with heavy metals and other dangerous substances which are not suitable for living creatures and leaving these holes can cause fatalities. The existence of the option of utilizing post-mining reclamation in the form of tourism provides a solution for mining business owners and the government in implementing post-mining reclamation, while the maintenance of tourism has been handed over to a third party, namely the regional government.

### **Benefits and Impacts of Utilizing Post-mining Coal Reclamation in the Form of Tourism Based on the Implementation of Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 concerning Guidelines for Mining Engineering Principles Appendix VI**

Implementation of Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 concerning Guidelines for Mining Engineering Principles in terms of utilizing post-coal mining reclamation in the form of tourism provides benefits and impacts, while the benefits and positive impacts of tourism resulting from the conversion of post-coal mining reclamation are as follows:

- a) As a conservation forest
- b) As a conservation tool for endemic flora and fauna
- c) As a livestock (for example deer)
- d) As aquaculture
- e) As a tourist attraction
- f) Increasing the economic capacity of the surrounding community
- g) Increase regional income
- h) Increase investment in the tourism sector
- i) As a means of introduction and education regarding environmental conservation
- j) Increase employment and business opportunities in the surrounding community
- k) Increasing community creativity in being economically competitive
- l) Improving the quality of life of the surrounding community
- m) Increasing public awareness of the environment
- n) To fulfill irrigation needs
- o) As a power generator.

The negative impacts of the implementation of Minister of Energy and Mineral Resources Decree No. 1827 K/30/MEM/2018 concerning Guidelines for Mining Engineering Principles in terms of utilizing post-mining coal reclamation in the form of tourism, are as follows:

- a) Damage to the surrounding environment due to lack of supervision of tourists
- b) The emergence of piles of rubbish
- c) Decrease in the environmental quality of local residents
- d) The emergence of dependence on the tourism industry
- e) Seasonal unemployment, if the number of tourists is decreasing
- f) Affecting people's cost of living
- g) Susceptible to social conflict between members of the community or with tourists.

Implementation of Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 concerning Guidelines for Implementing Good Mining Engineering Principles for the Utilization of Post-Mining Coal Reclamation in the Form of Tourism

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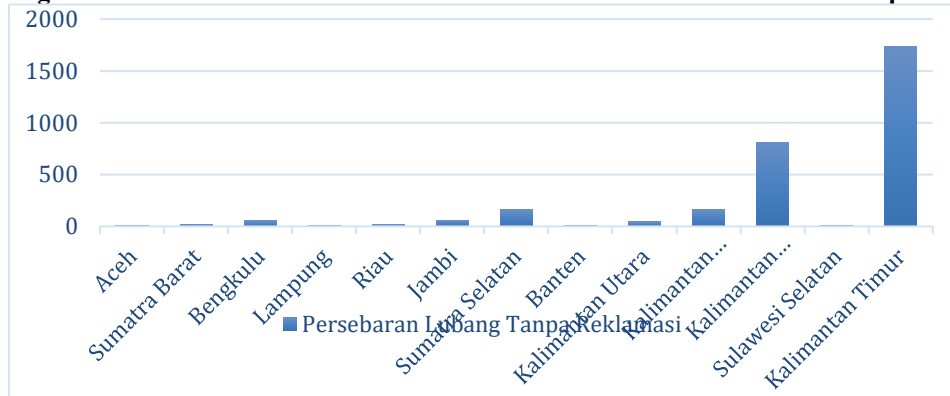
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In the Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 Appendix VI, the reclamation program for the production operation stage can be implemented in the form of revegetation and/or other uses consisting of: a) residential areas; b) tourism; c) water source; or d) cultivation area. Management of land intended for purposes other than revegetation is carried out until the land is stable and ready to be used according to its intended purpose.

The implementation of Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 Appendix VI regarding the use of post-mining reclamation in the form of tourism can be seen from several factors according to Mazmanian and Sabatier's theory, namely first from the policy characteristics of the problem, that the birth of this policy is based on the main problems of mining production in Indonesia. The high production of mineral mining in Indonesia also has an impact on the final result of the mining process, namely the excavated mine holes.

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Minister of Energy and Mineral Resources Decree no 1827 K/30/MEM/2018 concerning Guidelines for Good Mining Engineering Principles contains eight appendices, each of which regulates mining implementation starting from the application, evaluation and/or ratification stages of the mine head and person in charge, to technical guidelines for mining service businesses and evaluation of mining service businesses. As well as in terms of regulating the use of reclamation for other purposes, attached is Appendix VI regarding guidelines for implementing reclamation and post-mining and post-operation in mineral and coal mining business activities. In attachment VI it is stated that the reclamation program for the production operations stage can be implemented in the form of revegetation and/or other uses including: a) residential areas; b) tourism; c) water source; d) cultivation area. As for other provisions regarding the implementation of reclamation in other forms of use, it is not regulated further in this Ministerial Decree. Land use arrangements for purposes other than revegetation are carried out until the land is stable and ready to be used according to its purpose.

The implementation of the ESDM Ministerial Decree is carried out by mining business owners, heads of mining engineering with mining technical staff, the Director General on behalf of the Minister or governor according to their authority, as well as agencies of the ESDM and



mining services, and the Environment Service. The access for outside groups to participate in the implementation of this policy can be seen from the participation of the community and community organizations who have more attention to post-mining reclamation. The plan for reclamation costs for production operations must include the costs of implementing reclamation, including those carried out by third parties.

The third indicator is environmental characteristics. The implementation of this policy also influences the socio-economic conditions of surrounding communities and regions, especially the use of post-mining reclamation in the form of tourism. The local community is given a platform to develop creativity to support tourist visits, one of which is by making handicrafts and culinary delights that show their regional identity. Indirectly, the economy of the surrounding and regional communities is also influenced by this new model of tourism. Regarding the pros and cons of this policy, many environmental observers have come forward, where they think that the former mining holes must be covered with soil again because converting them to tourism is not a solution, apart from the water content which is still contaminated with heavy metals and other dangerous substances which are not suitable for living creatures and leaving these holes can cause fatalities. The existence of the option of utilizing post-mining reclamation in the form of tourism provides a solution for mining business owners and the government in implementing post-mining reclamation, while the maintenance of tourism has been handed over to a third party, namely the regional government.

### **Benefits and Impacts of Utilizing Post-mining Coal Reclamation in the Form of Tourism Based on the Implementation of Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 concerning Guidelines for Mining Engineering Principles Appendix VI**

Implementation of Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 concerning Guidelines for Mining Engineering Principles in terms of utilizing post-coal mining reclamation in the form of tourism provides benefits and impacts, while the benefits and positive impacts of tourism resulting from the conversion of post-coal mining reclamation are as follows:

- a) As a conservation forest
- b) As a conservation tool for endemic flora and fauna
- c) As a livestock (for example deer)
- d) As aquaculture
- e) As a tourist attraction
- f) Increasing the economic capacity of the surrounding community
- g) Increase regional income
- h) Increase investment in the tourism sector
- i) As a means of introduction and education regarding environmental conservation
- j) Increase employment and business opportunities in the surrounding community
- k) Increasing community creativity in being economically competitive
- l) Improving the quality of life of the surrounding community
- m) Increasing public awareness of the environment
- n) To fulfill irrigation needs
- o) As a power generator.

The negative impacts of the implementation of Minister of Energy and Mineral Resources Decree No. 1827 K/30/MEM/2018 concerning Guidelines for Mining Engineering Principles in terms of utilizing post-mining coal reclamation in the form of tourism, are as follows:

- a) Damage to the surrounding environment due to lack of supervision of tourists
- b) The emergence of piles of rubbish
- c) Decrease in the environmental quality of local residents

- d) The emergence of dependence on the tourism industry
- e) Seasonal unemployment, if the number of tourists is decreasing
- f) Affecting people's cost of living
- g) Susceptible to social conflict between members of the community or with tourists.

## CONCLUSION

The implementation of Minister of Energy and Mineral Resources Decree No. 1827 K/30/MEM/2018 Appendix VI regarding the use of post-mining reclamation in the form of tourism, can be seen from several factors according to Mazmanian and Sabatier's theory, namely first from the policy characteristics of the problem, that the birth of this policy is based on the main problem of mining production in Indonesia which indicates that the implementation of reclamation in Indonesian territory is still very low. So the option of using post-mining coal reclamation as tourism was born. The second indicator is the characteristics of the policy/law, in this case the implementation of Minister of Energy and Mineral Resources Decree no. 1827 K/30/MEM/2018 has met the substantive suitability in the statutory hierarchy. As well as in terms of regulating the use of reclamation for other purposes, attached is Appendix VI regarding guidelines for implementing reclamation and post-mining and post-operation in mineral and coal mining business activities. As for other provisions regarding the implementation of reclamation in other forms of use, it is not regulated further in this Ministerial Decree. Land use arrangements for purposes other than revegetation are carried out until the land is stable and ready to be used according to its purpose. The third indicator is environmental characteristics. The implementation of this policy also influences the socio-economic conditions of surrounding communities and regions, especially the use of post-mining reclamation in the form of tourism. The local community is given a platform to develop creativity to support tourist visits, one of which is by making handicrafts and culinary delights that show their regional identity. Indirectly, the economy of the surrounding and regional communities is also influenced by this new model of tourism.

Implementation of Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 concerning Guidelines for Mining Engineering Principles in terms of utilizing post-coal mining reclamation in the form of tourism provides benefits and impacts, while the benefits and positive impacts of tourism resulting from the conversion of post-coal mining reclamation are as follows; As a conservation forest, increasing the economic capacity of the surrounding community and regional income, as a means of introduction and education regarding the conservation environment, increasing employment and business opportunities for the surrounding community, as a means of fulfilling irrigation needs, and as a power generator. The negative impacts include the following: Damage to the surrounding environment due to lack of supervision of tourists, Decreased environmental quality for local residents, Seasonal unemployment, if the number of tourists is decreasing, Affects the community's cost of living, and is prone to social conflict between people in the community or with tourists.

The implementation of Minister of Energy and Mineral Resources Decree No 1827 K/30/MEM/2018 concerning Guidelines for Mining Engineering Principles for the use of post-mining coal reclamation in the form of tourism has had a significant impact on mining activities in Indonesia, although there are pros and cons related to its implementation, it cannot be denied that this policy also provides benefits and positive impacts. Meanwhile, to minimize undesirable things, it is necessary to have a special monitoring team around tourism to ensure security remains conducive for tourists and the environment so that it continues to run according to its intended purpose, as well as maximizing the facilities and infrastructure supporting tourism so that it can become a consistent sustainable development.

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