

Legal Protection Of The Environment In The Utilisation Of Space For Coal Mining In Lubuk Bernai Village, Batang Asam Sub-District, Tanjung Jabung Barat District, Jambi Province

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Date of Submission: 25-12-2023

Date of Acceptance: 05-01-2024

ABSTRACT: Reviews the impact of coal mining on the environment in LubukBernai Village, BatangAsam District, West TanjungJabung Regency, Jambi Province. The author uses laws and regulations in the form of the 1945 Constitution, Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Minerals and Coal, Law Number 32 of 2009 concerning Environmental Protection and Management along with various implementing regulations in the form of regional regulations, ministerial regulations, government regulations along with various theories about laws and regulations. The author analyses using laws and regulations, books, research results and law journals. The result of the author's analysis is that coal mining will not disturb the environment as long as it is carried out based on the rules of the spatial planning field because the preparation of spatial planning has taken into account environmental aspects. In the conclusion section, it is presented that the government in providing spatial policies must be in accordance with KLHS and in providing IUP and IUPK in coal mining must consider spatial regulations.

KEYWORDS:KLHS, local government, spatial planning, coal mining, environment.

I. INTRODUCTION

Space includes one unit, namely air space, sea, land, including space on earth as a gift from God so that the state must be grateful, protect and manage space with sustainable principles to prosper the people as much as possible as Article 33 paragraph (3) of the 1945 Constitution. In managing space as the authority of the central and

regional governments but must respect the rights of everyone. Arranging space must pay attention to coordinated, comprehensive, comprehensive, effective, integrated and efficient aspects without forgetting social, defence, political, economic, security and environmental preservation aspects. Space as a place for living things such as humans and plants to carry out their survival so that there must be activities to manage space productively, safely, sustainably and comfortably and must pay attention to aspects of the Archipelago Concept for harmonisation between the natural and artificial environment so that when utilising space must pay attention to the function of preventing adverse effects on the environment. Spatial planning in Indonesia must be integrated, harmonious and harmonious so that the government provides assistance to the regions for the implementation of spatial planning at the provincial, district and city levels.

This is because people in carrying out their activities and lives vary and are not always the same so that there is the potential for imbalance in regional development and affect the environment so that spatial planning is carried out which has a purpose in development, preservation and protection and coordination of development in each area related to harmonious human activities. Arranging space by utilising and controlling, both of which are carried out considering the carrying capacity and capacity of the environment as a result of utilising space must not forget the health of the environment. Therefore, the regulation of the spatial plan adjusts the potential and situation of each region or area in terms of utilising, controlling is carried out with a licensing mechanism to utilise

space, disincentives and incentives or imposed sanctions. Licensing means that the implementation of activities in line with spatial planning, incentives and disincentives are efforts to maintain the use of space in accordance with spatial planning, sanctions to overcome actions that contradict spatial plans. Organising space holds a variety of.

The principle of utilising space is in line with Law No. 26/2007. One of the implementing regulations of Law No. 26 of 2007 is Government Regulation No. 16 of 2004 concerning Land Stewardship that land as a gift from God must be controlled by the state and directed towards the interests of many people so as to improve the welfare and prosperity of the people. In using land, it must be in accordance with the aspects of provision, purpose, use and maintenance. Article 14, Article 15 and Article 52 of the UUPA and Article 33 paragraph (1) of Law Number 26 of 2007 are mandated for efforts to organise the use of land to utilise space. In organising the use of land with the structure of managing the controlled, used and utilised land. In this government regulation, it is more regulated to utilise space to pay attention to the function of the area stipulated in the Spatial Plan (hereinafter abbreviated as RTRW) at the provincial level called RTRWP and at the district level called RTRWK.

II. DISCUSSION

Based on Article 1 number 1 of the UUPPLH that the environment is a unity of space, objects, living things including humans and human behaviour, as well as conditions and forces that have an influence on nature, including the survival and welfare of humans and other living things, Law Number 26 of 2007 concerning Spatial Planning, defines space as a container consisting of land, air, sea including the earth which is a unified area for humans and other living things to carry out activities, life and maintain the continuity of life. Space (as well as the environment in an ecological sense cannot be limited, because it is a unity. Space is limited in the context of administration and sovereignty. Based on the 2 (two) arrangements of the law, it can be seen that the environment is always in the form of space. Talking about spatial planning is actually talking about the environment. The environment as a unity of space (in the form of a large natural system or ecosystem) which includes various parts (environmental components) and is related to one another, so disturbances to one component will affect other components. In principle, do not wait for pollution to occur but rather pollution must be prevented.

One of the prevention instruments in the environment is the Strategic Environmental Assessment (hereinafter abbreviated as KLHS) regulated in Article 14 of UUPPLH. KLHS is a systematic, comprehensive and participatory analysis that considers sustainable development, namely development must pay attention to present and future generations in a good environment so that it contains environmental, morality and cross-generational aspects. The principle of sustainable development must be reflected in programmes or plans and policies made by the authorities, namely the government. KLHS can be said to be an important and fundamental environmental study. KLHS is made by the central and local governments as Article 15 of UUPPLH then the central and local governments must carry out KLHS in the preparation of plans or policies such as RTRW at the national, provincial and district / city levels, then the results of KLHS must be a foothold in preparing plans or policies as Article 17 UUPPLH. KLHS is further regulated in Government Regulation No. 46 of 2016 concerning Procedures for Implementing KLHS, it is known that KLHS functions to prevent the decline in the quality of natural resources and the environment through plans, programmes and various policies. The government regulation mentions the relationship between KLHS and other instruments in environmental protection and management as complementary and mutually supportive, even KLHS supports other prevention instruments such as Environmental Impact Analysis (hereinafter abbreviated as AMDAL) and Environmental Management Efforts and Environmental Monitoring Efforts (hereinafter abbreviated as UKL-UPL).

The whole is referred to as an environmental permit. Environmental permits are used as the basis for granting business licences or permits to carry out activities. In the KLHS provisions, the Local Government must pay attention to the ecosystem and the precautionary principle, namely in making regulations must be careful so that pollution or environmental damage does not occur, namely in the RTRWK guided by KLHS, besides that the government must also hold the principle of self-assessment (self-assessment), namely in granting business permits such as permits in mining activities, the government must consider the carrying capacity and carrying capacity of the environment referring to KLHS in issuing permits in the form of AMDAL or UKL-UPL. KLHS is so important because it contains the carrying capacity and capacity of the environment to the performance of ecosystem services /

services, development, the more vulnerable and adaptive capacity to climate change, the level of resilience and potential biodiversity, estimates of environmental impacts and risks, and efficiency in utilising natural resources, as Article 16 UUPPLH so that in determining the RTRW at the national, provincial and district / city levels must be guided by KLHS stipulated in Article 19 paragraph (1) UUPPLH so that the RTRW must pay attention to environmental aspects.

Space as a living environment, considering the living environment as space. The environment as a unity of space with all objects, power (energy). Space problems are called problems for the environment, environmental problems are space problems. Space and the environment are interrelated. The environment is space in a broad sense while space is space in a narrow sense. The right to a living environment in good and healthy conditions means that the space is in good and healthy conditions. Therefore, if it is not in accordance with the rules of space, it is called violating environmental rules, resulting in pollution or destruction of the environment. Article 1 letter 2 of UUPPLH explains that protecting and managing the environment is a series of efforts that constitute an integrated system to preserve the function of the environment and prevent the environment from being polluted or damaged. In relation to the activities of protecting and managing the environment, there are several series of activities, starting at the stages of planning, utilising, controlling, maintaining, supervising, and enforcing the law. Environmental pollution means that the environment is deliberately introduced with substances, living things, energy, or various other components that are the impact of human activities and exceed the quality standard criteria of the environment. In order not to go too far, it is necessary to control the environment from pollution, as in Article 13 of the UUPPLH so that the function of the environment remains sustainable so that it can continue to benefit the welfare of the community now and then.

In Article 14 of UUPPLH, there are activities that are pollution prevention activities, including through regulations regarding Environmental Quality Standards or abbreviated as BML, AMDAL, Environmental Management Efforts and Environmental Monitoring Efforts or abbreviated as UKL-UPL, licensing, other laws and regulations connected to UUPPLH as preventive measures so that pollution does not occur. Keep in mind that the environment is said to be polluted if it has passed the environmental BML, if it has not passed the maximum BML limit, it cannot be said

to be polluted yet. Spatial Planning is regulated by Law Number 26 Year 2007. Mining is a form of part of the spatial pattern, namely space intended for cultivation functions, while structures are facilities and infrastructure, namely efforts to support economic and social activities. In managing the space consists of activities to regulate, foster, implement and supervise the implementation of spatial planning. Mining is included as a spatial arrangement seen from the main function of the area, namely cultivation, classification based on administrative areas, namely in the district or city, mining is also included in the classification of spatial planning in terms of regional activities, namely rural areas. Not only Law Number 26 of 2007, the environment is regulated in implementing regulations such as Government Regulation Number 21 of 2021 regulating the implementation of spatial planning. Related in the form and procedure regarding the role of the community in the implementation of spatial planning is regulated in Government Regulation Number 68 of 2010. In this regulation there are arrangements for community activities to plan, utilise and control space. In utilising space, the community can rely on local wisdom and the RTRW in their area and is intended to ensure and even improve the preservation of the environment.

The community has a role in monitoring and supervising the implementation of the RTRW so that they can object if there is development that contradicts the RTRW. Controlling the use of space in the form of incentives, disincentives, zoning, licensing and sanctions. The Indonesian state through the government apparatus forms laws on the environment, for example with the formation and enactment of Law Number 32 of 2009 concerning Environmental Protection and Management or abbreviated as UUPPLH and the 1945 Constitution, especially Article 28H paragraph (1) as a guideline. Based on this, it provides guidance that the State of Indonesia has provided guarantees in relation to a healthy environment. It is known that the presence of the UUPPLH is intended to protect and manage the environment. In the UUPPLH, there are also principles that become the basis or soul in carrying out every provision in the UUPPLH, of course in relation to protecting and managing the environment, including through various principles, such as prudence, participatory, local wisdom, polluter pays, state responsibility, ecoregion, sustainability and sustainability. Local wisdom is one of the guidelines in implementing environmental sustainability in Indonesia. In the UUPPLH, it can be seen that every activity carried

out by business actors in relation to the potential to cause pollution, then the UUPPLH provides a solution to control the pollution, this is called preventive efforts in the form of supervision instruments and licensing. However, if pollution has already occurred, then repressive efforts can be made, guided by laws that have a good impact, do not deviate and continue to pollute and damage the environment. In terms of preventive and repressive measures, UUPPLH also takes administrative, civil and criminal law provisions. The goal is none other than to keep the environment healthy. However, criminal law is only used as an ultimatum, which is the last resort if administrative law and civil law have been implemented.

In the UUPPLH, it is clearly illustrated that protecting and managing the environment in life is not managed by the central government alone, but by local governments, this is reflected in the clarity of authority between the two listed in each article of the UUPPLH. Environmental management is one of the expectations to be realised from spatial planning activities. In summary, the relationship between spatial planning and environmental management is that in utilising space there must be arrangements so that the use of space does not interfere with the environment. Spatial planning is organised with the aim that space is in a comfortable, safe, productive and sustainable condition based on the following "Wawasan Nusantara dan Ketahanan Nasional".

1. Harmonious natural and man-made environment;
2. Natural and artificial resources used in an integrated manner without forgetting human resources; and
3. The function of the protected space and the negative influence of the environment as a result of the utilised space can be prevented.

Arrangement in space is a system that includes planning, utilising and controlling the use of space, the spatial arrangement system as a unit and cannot be separated from each part and is carried out not contrary to the concept of spatial arrangement in order to realise the following conditions.

1. Space is utilised successfully and efficiently in order to contribute and the environment is managed sustainably;
2. Waste in utilising space is avoided; and
3. Without degrading the quality of space.

Environmental management is one of the expectations of spatial planning. Local governments in determining mining areas must pay

attention to ecological aspects and be environmentally sound as Article 10 paragraph (2) of Law Number 3 of 2020 and the existence of provisions for state reserve areas (hereinafter abbreviated as WPN) in Article 28 letter e of Law Number 3 of 2020, namely paying attention to the carrying capacity and capacity of the environment, then the Regional Government of TanjungPagar Barat Regency in determining WP and WPN in its district must pay attention to environmental aspects as mandated by Law Number 3 of 2020, namely there is KLHSas Article 9 paragraph (1) of Law Number 3 of 2020. Furthermore, when it has been included in the RTRW, it is assumed that the existence of mining in the RTRW is safe for the environment, then it is the duty of mining business operators (business actors) to take care of licensing in the environmental sector, one of which is AMDAL as the Appendix to the Minister of Environment and Forestry Regulation Number 4 of 2021 which requires coal to have environmental documents in the form of AMDAL, this is a mandate from Article 65 paragraph (1) and Article 86 paragraph (1) of Law Number 3 Year 2020. The requirement to obtain a Mining Business Permit (hereinafter abbreviated as IUP) or Special Mining Business Permit (hereinafter abbreviated as IUPK) is that there must be licensing in the environmental sector as a form of pollution prevention. Nature is a source of life for humans while business activities in the mining sector have the potential to disrupt nature, one of which is due to waste and changes in physical conditions caused by activities in coal mining.

In relation to the implementation of coal mining, it is included as a cultivation area, namely the mining allotment area and becomes an object in managing space according to the function of the area and is divided into provincial and regency / city areas by taking into account the type of area, namely villages or cities as in Article 5. Article 6 paragraph (1) letter b, that spatial planning must adhere to the potential of human resources, social, economic, cultural and environmental conditions. Article 7 of Law No. 26 of 2007, namely managing space with the intention of prospering the people as much as possible with the central and regional governments having the authority to implement spatial planning. The realisation of coal mining depends on the RTRW designed by the Provincial Government as the authority based on Article 10 paragraph (2) and then adheres to the principle of the implementation of government affairs, namely the duty of assistance to district / city governments based on Article 10 paragraph (4). More details are the authority of the district / city government in

Article 11 paragraph (1), namely regulating, fostering and supervising the realisation of spatial planning by forming District / City RTW for activities to use and control in utilising space in the district or city.

In Article 14 paragraph (1), the first stage is planning. Planning activities to produce a general spatial plan (RUTR) include RTRWN, RTRWP and RTRW Kabupaten.Kota). In Article 17, planning space to discuss planning for the structure and pattern of space. planning in the structure of space, namely the plan for the system of infrastructure settlement centres while planning in the spatial pattern, namely protected areas and cultivation.

1. Provincial Spatial Plan (RTRWP). In Article 22, the RTRWP is guided by the RTRWN and must remember the carrying capacity and capacity of the environment. Article 23 paragraph (1) letter c, the provincial spatial pattern regulates protected areas and cultivation so that it is used as a means of utilising and controlling the use of space in the province. The RTRWP period is 20 years. Carrying capacity is the ability of the environment to support activities, while capacity is the criterion that the environment is still said to be unpolluted.
2. Regency Spatial Plan (RTRWK). Article 25, RTRWN and RTRWK are guided by the RTRWP and must be guided by the carrying capacity and capacity of the environment. In Article 26 paragraph (1) letter c, the provincial spatial pattern regulates protected areas and cultivation so that it is used as a means of utilising and controlling the use of space in the district. The term of the RTRWK is 20 years.

All activities that have important impacts, especially those that have the potential to pollute the environment, must be based on AMDAL. The thing to remember is that in Article 67 of the UUPPLH, basically everyone has an obligation to maintain the function of the environment to remain sustainable and control the pollution and damage of the environment. In Article 69 of the UUPPLH, it is regulated that each person is prohibited from carrying out activities that result in pollution and damage to the environment. Seeing the provisions in the UUPPLH, it is clear that basically everyone as a legal subject must obey the applicable law, one of which is that every activity carried out is obliged to protect the environment is new-noise mining as regulations in the field of spatial planning in TanjungJabung Barat Regency respond to Law

Number 23 of 2014 concerning Regional Government and Article 11 of Law Number 26 of 2007 concerning Spatial Planning, so that the Regional Government has the authority to implement the RTRW. One of them is the West TanjungJabung Regency government which is given the authority to regulate the RTRW, which includes planning the structure and pattern of space in the regency, including to determine the Regency's strategic areas by providing direction in utilising and controlling space in West TanjungJabung Regency.

The existence of a policy in managing space is aimed at directing the use of space in the TanjungJabung Barat Regency area that is successful, balanced, useful, harmonious and sustainable and is intended for community welfare and defence and security. Therefore, guidelines are needed so that integration in spatial planning is achieved through Regional Regulation of TanjungJabung Barat Regency Number 12 of 2013 which regulates the RTRW of TanjungJabung Barat Regency for 2013 - 2033. Land utilisation for mining is the same as space utilisation for cultivation as a domain in utilising space. In Article 32 paragraph (2) of Law No. 26 of 2007, utilising space on the surface of the land or in the earth. Article 33 of Law No. 26 of 2007, utilising space is guided by the function of the space that can be seen in the relevant RTRW both provincial and district for the development of various stewardship, one of which is land. Land is related to mining. Planning, utilising and then controlling.

In Article 35 of Law No. 26 of 2007, controlling by licensing, zoning incentives, sanctions and disincentives. Article 35, zoning to control the use of space, while licensing is not regulated by Law No. 26 of 2007 because Article 37 paragraph (1) regulates that licensing is regulated according to the stewardship of land that is implemented, namely coal mining. Officials who have the authority to utilise space are not allowed to issue permits that are not in line with RTWN, RTRWP, RTRWK in Article 37 paragraph (7) because it is to protect the environment. Incentives and disincentives are realised to control the use of space, including through ease of licensing, while disincentives provide high taxes and compensation. To follow up on Article 7 of Law Number 26 of 2007, the Jambi Province Regional Regulation Number 10 of 2013 on the Jambi Provincial Spatial Plan 2013-2033 was issued, that spatial utilisation is defined as an effort to realise the structure and pattern of space. In its utilisation by preparing and implementing programmes and financing adjusted to the spatial plan. To follow up on Article 11

paragraph (1) of Law No. 26 of 2007, the Regional Regulation of TanjungJabung Barat Regency No. 12 of 2013 concerning the RTRW of TanjungJabung Barat Regency Year 2013-2033 was also issued, the utilisation of space is defined as an effort to realise the structure and pattern of space. The utilisation begins with preparing and implementing programmes including financing so as not to conflict with the spatial plan.

Mining is conducted in areas that are rich in natural resources to be mined, usually far from urban centres in rural areas (parts of districts), which involves spatial planning in rural areas. In Article 48 of Law No. 26/2007, rural areas are organised so that the environment does not degrade and supports the quality of the environment and preserves local culture. For village areas, the RTRWK applies because it is part of the district area. Spatial planning concerns the community, in Article 60, that is, the community has the right to submit objections to officials who do have power in businesses that contradict spatial planning. In Article 61, the community is also given the obligation to obey the RTRWN, RTRWP and RTRWK and the use of space based on licensing. If they do not heed the rights and obligations that complement them, then administrative sanctions are imposed in Article 63 including written warnings, activities are temporarily stopped, locations are closed, permits are revoked, permits are cancelled, buildings. This is because the community is equipped with a role, namely participating to control in the utilised space as Article 65. If the organiser feels aggrieved by the utilization of space, it can submit a lawsuit to the court as in Article 66, although in principle it can be resolved outside the court by holding the principle of kinship and mutual cooperation, except if it has resulted in environmental pollution, namely exceeding the Ambient BML, it must be resolved through the court. Failure to utilise the space in accordance with the permit may result in imprisonment for a maximum of 3 (three) years and a maximum fine of Rp500,000,000.00. These sanctions can be avoided if the implementation of spatial planning is in line with the principles held by Law Number 26 of 2007 in relation to new coal mining activities as Article 2 letter c, sustainability is held so that in managing space without forgetting preservation and carrying capacity and capacity for the environment, especially the interests of future generations, then Article 2 letter f that in managing space with the involvement of interested parties or concerned with spatial planning. Then, managing space also holds the principles of productive, safe, sustainable and comfortable. Productive means that

the use of space must have a positive impact on the community's economy so as to create prosperity; safe, that is, the community is protected by law without fear of threats; sustainable, that is, not forgetting the interests of future generations and comfortable, that is, in line with various socio-cultural values in the community so as to create peace and tranquility in carrying it out. An implementing regulation is needed for Law No. 26/2007 because one of the scopes and regulates land stewardship as in Government Regulation No. 16/2004 on Land Stewardship. Land stewardship is essentially a pattern for land use and consists of activities to control, use and utilise land in the form of land consolidation, namely utilising land for the benefit of the community in a fair manner. There are 3 (three) elements in land stewardship, namely controlling land (in relation to individual groups of people and legal entities on land, using land (in relation to using the earth's surface as a natural or man-made landscape), utilising land (in utilising land to provide added value due to physical changes to the land). The purpose of land stewardship in relation to new coal mining is to control, use and utilise land for coal mining in line with the RTRW (especially RTRWP and RTRWK) in the implementation of development and the function of the area, namely the cultivation area. The implementation of coal mining is part of land stewardship which is a form of land order because it is a form of controlling the use of land. Coal mining is an activity regulated in the RTRW so that the implementation of coal mining has certainty from a legal aspect.

Land stewardship is the same as the pattern in managing the arrangement of land benefits as Government Regulation No. 16 of 2004, one of which is the cultivation area in Article 4 paragraph (2). Mining is one of the activities carried out in the cultivation area (mining allotment area) based on the Regency / City RTRW, this is the obligation of the local government so that in planning development in the Regency in relation to utilising space must be in accordance with the Regency / City RTRW. Coal mining is part of the implementation of land use. Basically, all parties who have rights on a parcel of land are subject to the obligation to utilise the land in line with the RTRW without forgetting the aspects of maintenance and prevention of land destruction regulated in Article 8. Article 13 regulates the technical requirements for the implementation of land stewardship, namely the use and utilisation of land, namely in using and utilising land in cultivation areas must be in line with the functions of the area that have been determined in the

RTRW. However, in utilising land for cultivation, it is not allowed to be neglected, so there is maintenance and prevention of damage, in utilising land it should provide and / or increase added value as Article 13 paragraph (4). Land stewardship as stated in Article 13 paragraph (5) in new coal mining activities is basically carried out in rural areas because coal mining areas are usually far from settlements so that the principle that is held is LOSS, namely sustainability, optimisation, harmony and balance in the use and utilization of land whose emphasis is on the use of space with due regard to environmental conservation. Article 1 point 23 of Law No. 26 of 2007, rural areas are areas intended for agriculture. The implementation of land use in rural areas is influenced by activities that require space, such as coal mining, agriculture, plantations, mining and fisheries. Explanation of the LOSS link as follows.

1. Lestari or Kelestarian “Sustainability”, the utilisation and use of land over a long period of time must maintain the physical condition of the soil, especially soil fertility. If sustainability is adhered to, there is an impact in the form of more efficient use of land due to the minimum expansion of the area because of the conservation of land and the current generation can inherit the land to the next generation in relation to managing the land.
2. Optimal or Pengoptimalan “Optimisation” is the use of land must provide maximum economic benefits but must be considered the ability or physical condition of the land with activities held on the land.
3. Serasi dan seimbang or “harmony and balance”, land must cover the interests of individuals, community groups or the state so as not to create conflicts in using land. Harmony and balance can be realised if it holds a priority issue, namely determining a list of activities that must take precedence for the public interest.

In Article 14 of Law No. 26 of 2007, parties holding rights to land must be in line with all laws and regulations. Based on Article 22, the author can conclude that mining is part of the implementation in managing land because it involves a series of activities in the form of paying attention to the function of the area and in controlling, using and utilising land in line with the RTRW. In this government regulation, holding the principle of usefulness and successful use, namely the activities of managing land use should be able to achieve realisation in the form of increasing land value and in line with spatial functions. In addition,

it also holds the principle of harmony, harmony and balance, namely the parties related to the implementation of land use management activities, namely coal mining, must understand their rights and obligations so that no problems occur, there is the principle of sustainability, namely in organising various activities must preserve the function of land as a form of paying attention to future generations. The mining area as part of the cultivation area is the mining allotment area. More clearly, land utilisation is an effort made by the party holding the right to the land by increasing the value of the land through the implementation of activities that do not have a negative impact on using the land. Maintenance of land is an effort to provide protection for the function of land, while destruction of land is a condition of land that is no longer able to be utilised as the function of the Area due to actions to change the physical and biological environment.

In Law 26 of 2007 and Government Regulation No. 16 of 2004, it is regulated that the use and utilisation of land must be considered in relation to the carrying capacity and carrying capacity of the environment, so the establishment in the environmental sector, especially UUPPLH, must be in line with Law 26 of 2007. Space utilisation must be regulated in the RTRW considering that community development has an impact on the environment so that it must be regulated so that community development does not damage the environment. If space utilisation is not in line with the RTRW, it will result in a decline in the quality of the environment. Spatial planning and managing the environment to utilise space must be regulated so that the use of space does not interfere with the environment. Spatial planning is intended to harmonise the natural environment against artificial and protect the function of space by preventing adverse effects on the environment, namely the effect of arranging space.

1. Based on Article 21 of Law No. 5/1960 on the Basic Regulation of Agrarian Principles, the party or person who has the right to be said to be the owner of vacant land is a person who is able to open or cultivate vacant land on the condition that he/she is an Indonesian citizen (WNI) or a legal entity established in accordance with Indonesian law, namely in the form of a Limited Liability Company (PT).
2. Based on the Consideration Section letter a of Jambi Province Regional Regulation Number 10 of 2013 RTRW Jambi Province 2013 - 2033, space is defined as an environment with a limited and non-renewable nature, so management should be carried out.

Management is carried out wisely and its utilisation also holds sustainable principles for the benefit of current and future generations, one of which is for the coal mining sector.

3. Based on Article 8 paragraph (3) letter d of Jambi Province Regional Regulation Number 10 of 2013, that the optimisation strategy in terms of utilising cultivation areas in order to provide support for regional economic development includes increasingly using cultivation areas but not forgetting the carrying capacity of the environment. Cultivation areas are defined as places that are intended for certain activities, one of which is the mining allotment area.
4. Based on Article 34 paragraph (2) letter a number 7 of Jambi Province Regional Regulation Number 10 of 2013, it is regulated that West TanjungJabung Regency is a place for coal mining in line with Article 38 paragraph (2) letter a that BatangAsam District is one of the allotment areas for coal mining.

Land utilisation must be in accordance with the function of the land and the potential for mining in the area, if it is not appropriate it will cause disruption to the balance of ecosystems and the environment. Land utilisation heeds the carrying capacity and capacity of the environment. Article 1 letter 7 UUPPLH, the environment has a carrying capacity, namely the capacity for the environment to support the life of living things, especially humans, as well as other living things without forgetting the proportion between the two, while the environment has a capacity can be interpreted as the capacity for the environment in terms of absorbing or sucking both energy, substances, and other components do enter or humans deliberately enter the environment. In utilising land, it pays attention to land functions such as material as a place to live and for human activities, land as a habitat for biodiversity and its ecosystems and also land to support human life needs through water, soil or mineral resources in it.

It can be seen that there is a link between the environment and the RTRW. The RTRW has an impact on the environment, if the spatial arrangement of an area is not in accordance with the RTRW, it has a negative impact on the environment. Likewise, if the spatial arrangement is in accordance with the RTRW, it has a good impact on the environment, considering that the RTRW is formed by taking into account environmental aspects (as in KLHS) and aims to prevent the environment from being polluted and / or damaged. Mining, of course, is one of the

objects regulated in the RTRW of each district/city. One of them is TanjungJabung Barat Regency, through Regional Regulation of TanjungJabung Barat Regency Number 12 of 2013 concerning the Regional Spatial Plan of TanjungJabung Barat Regency Year 2013 - 2033. Article 38 paragraph (2) letter a number 1 of Regional Regulation Number 12 of 2013 stipulates that in TanjungJabung Barat Regency coal mining is organised in 4 (four) sub-districts, namely Merlung, RendahMendaluh, Muara Papalik and BatangAsam. But it does not forget that in each sub-district there is a WPN as in Article 38 paragraph (3). The provision of WPN is based on Government Regulation Number 25 of 2023 concerning Mining Areas. In the government regulation, namely Article 1 number 18, that WPN is intended for national strategic interests. Furthermore, Article 14 paragraph (3) letter d, namely national strategic interests, is intended to reserve coal commodities by paying attention to balanced ecosystems and the environment, especially so that coal mining can be carried out sustainably as Article 41 of Government Regulation Number 25 of 2023.

Based on the TanjungJabung Barat RTRW, the existence of coal mining in BatangAsam Sub-district is in accordance with the law, but the RTRW also requires the existence of a WPN. Mining business organisers must apply good mining principles regulated in Article 96 of Law Number 3 of 2020, namely that parties holding IUP and IUPK must carry out in managing and monitoring the environment for mining including reclamation and post-mining and also adhere to BML guidelines if mining activities produce liquid waste, then if they want to dispose of it into environmental media, they must hold effluent BML and ambient BML. Environmental pollution as stated in Article 1 point 14 of UUPPLH jo. Article 1 point 28 of PP No. 22 of 2021 concerning the Implementation of Environmental Protection and Management is the entry or deliberate introduction of energy, living things and other components or substances into the environment due to human actions that have exceeded environmental quality standards. It is necessary to see the elements of environmental pollution as follows.

1. it must first be confirmed that another component (e.g.waste) has entered the environment. The word "entry" can mean entry not due to intent, but due to natural processes or events. While the word "introduction" can be interpreted as an "attempt to introduce" energy, living beings, other components or substances into the environment. To find out,

aresearch and/or laboratory testing is needed on the wastes in the environmental media, whether they are intentionally introduced by certain parties, or entered due to natural events. It is also investigated whether the polluted environmental media is correlated with wastes from a particular activity or business. By taking samples, in each region there is an Environmental Sample Laboratory, disposing of waste outside the specified limits, then tested using the eligibility standards determined by the Laboratory.

2. It is emphasised once again here that waste in environmental media exists because it is intentionally introduced by humans, not because of natural processes such as natural disasters for example. UUPPLH does not include natural disasters as a cause of pollution. So an earthquake that causes a waste container to leak and enter the river, for example, cannot be accused as the perpetrator of pollution. Pollution due to natural events also cannot give rise to legal liability. In this case, the government and all citizens are responsible for overcoming and restoring environmental conditions in a damaged or polluted state due to natural events. In order to know for sure about the presence or absence of other components that enter the environment due to human activities, there must be testing in a trusted laboratory. Thus, it is not determined arbitrarily or as a mere assumption or presumption. In the current legislation, only human beings are held liable for civil and criminal offences, either the government or the community or both together, while humans can be held legally responsible, nature cannot be held legally responsible. Is there an element of fault on the part of the person in charge of the business? It is not necessarily the case that the business is the guilty party. The burden of proof is on the plaintiff. Pollution of natural events will not be possible, it is impossible to be legally responsible, thus the responsible parties are the community, the government, and the community and the government together. Then, there is a need for restoration, which is carried out by the community and the government.
3. Exceeding the established BML. BML is the benchmark for determining whether or not there is environmental pollution. As stated in Article 20 paragraph (1) of UUPPLH, the determination of environmental pollution uses the BML (environmental quality standard). Some are forced to enter, but not exceed the

BML that has been set. It is permissible to discharge waste into the river, but not to exceed the environmental standard limits, then obtain approval from the central government or local government. It is called pollution if it exceeds the BML. BML as stated in Article 1 point 13 of UUPPLH "pollutant elements" that are allowed to exist, pollutant functions that are tolerated, that are elements of the environment. In the living environment (certain ecosystems) there must be living things, energy, certain components, substances as elements of the living environment, pollutant elements whose existence is tolerated are "pollutant elements that are tolerated or allowed to exist in environmental media (certain ecosystems). In other words, this BML is a kind of benchmark, standard or standard for living things, energy, certain components, substances that exist or must exist in the environment, and a benchmark, standard or standard for polluting elements that can exist in the environment. In short, polluting elements may exist, but are limited. Article 20 paragraph (3) of the UUPPLH states that the discharge of waste into environmental media by any person if it meets the requirements does not exceed the BML in the Annex of Government Regulation Number 22 of 2021 and is approved by the Central Government or Regional Government. Based on Article 21 paragraph (1) that in managing water resources includes all management activities by conserving, utilising and controlling which are systematic and include efforts to plan, implement, monitor and evaluate which is referred to as managing water resources which integrates the meaning of actions involving many parties and consists of the following.

- a. Sustainable management, managing water resources for present and future generations.
- b. Managing water resources with an environmental perspective, meaning the carrying capacity of the environment. Based on Article 1 point 7 of the UUPPLH, the carrying capacity of the environment is the ability of the environment to provide conditions and capabilities in supporting humans to other living things and balancing the two, while the capacity is defined as the ability of the environment to absorb or accommodate substances and components entered and entered into it as Article 1 point 8 of the UUPPLH. In addition, there are also effluent and ambient BMLs. BML is a benchmark or maximum of substances, living

things, energy or components in polluting elements as stated in Article 1 number 13 of the UUPPLH. BML consists of ambient BML which is the amount of substances contained in the environmental media. Coal management waste in river water, then there are provisions, namely in class 1 to class 4. The class indicates water that can be consumed based on the amount of waste in the river. Unlike the Effluent BML, which is the limit or maximum amount of waste allowed to be discharged into environmental media. This means that there are provisions made by the government regarding the maximum amount of waste and certain substances in the waste or discharge regulated in Ministerial regulations. When it comes to river water, there is a Minister of Environment Regulation Number 5 of 2014 concerning Wastewater Quality Standards and then followed up by Governor Regulations in each region by considering the conditions of development, the environment and the types of waste in each region, in Jambi Province there is Jambi Provincial Regional Regulation Number 6 of 2017 regulating protecting and managing the environment. Effluent BML is the limitation of waste that can be discharged into the environment while ambient BML is the standard of waste generated from the activity. Based on Article 1 point 7 of the UUPPLH, the carrying capacity of the environment is the ability of the environment to provide conditions and capabilities in supporting humans to other living things and balancing the two, while the capacity is defined as the ability of the environment to absorb or accommodate substances and components entered and entered into it as Article 1 point 8 of the UUPPLH. It is permissible to dispose of coal waste into river water but must be covered by a water resources exploitation permit as media and material as Article 6 paragraph (4) number 1 Permen PUPR Number 01/PRT/M/2016 jo. Article 13 paragraph (3) letter d of Government Regulation Number 121 Year 2015, further in the Minister of Public Works and Public Housing Regulation Number 3 Year 2023 concerning Licensing and Approval Arrangement in the Water Resources Sector, namely Water Resources Concession Permit as media and material by considering environmental aspects and RTRW.

Before the effluent is released into the environment. There are several provisions as per Article 99 as follows.

1. In relation to reclamation and post-mining, it is the obligation of the IUP or IUPK holder;
2. In relation to reclamation, it must pay attention to the balance of the land to be cleared against the land that has been reclaimed. Furthermore, in Article 100, it is known that providing funds to guarantee reclamation and post-mining is the obligation of the party holding the IUP or IUPK, this is called the polluter pays principle and strict liability.

More clearly, Article 97 of Law Number 4 Year 2009, parties holding IUP and IUPK must also hold BML in order to preserve the function and carrying capacity, especially water. Mining activities are closely related to the environment because it is interpreted as one of the principles held in the Minerba Law, namely environmentally sound and sustainable development as Article 2 letter d of Law Number 4 of 2009. Environmental pollution and destruction can be divided into 2 (two) types, namely due to nature and due to human actions. The main highlight is human action, because if pollution and destruction is done by humans then it is categorised as pollution and destruction. However, if it is done by nature, it is not pollution as in Article 1 point 14 of the UUPPLH that it is said to be polluted and damaged if there is an element of deliberate introduction of living things, other components, substances or energy into the environment by humans and exceeds the BML limit, while destruction is defined as human behaviour and has an impact in changing the physical state of the environment directly or indirectly and exceeds the standard criteria for environmental damage as in Article 1 point 16 of the UUPPLH. Furthermore, environmental damage is an environment whose physical properties change due to the exceeding of the standard criteria for damage. Environmental problems are defined as a decline in environmental quality due to pollution or destruction. Pollution and destruction of the environment is ecologically the point of emphasis of the consequences it causes. One of the means used to control environmental problems is environmental law so that Indonesia has UUPPLH. Pollution and damage are closely related, this is called eco-populism that the environment is for the welfare of the people and environmental safety. Human dignity is increasing but it must also be included with environmental conditions, because there must be a balance between human dignity and environmental

conditions, it will not be possible for dignity to be guaranteed if the environment is not considered. Humans do not consider the impact on the environment. If the environment is polluted and damaged, it will have an impact on mining activities, most likely mining activities can no longer be continued because the environment has lost its carrying capacity because its capacity is harmed by not paying attention to BML.

In the UUPPLH, there are several things that must be held in relation to controlling acts of polluting and damaging the environment, namely there are instruments to prevent, overcome, restore which are implemented by the central and regional governments, and hold responsibility for businesses and activities that are not contrary to the responsibilities, roles, and authorities of the parties. The instrument to prevent is regulated in Article 14 of UUPPLH as follows.

1. KLHS (Strategic Environmental Assessment) is the authority of the government (Minister of Environment) and local government so that the principles of sustainable development are included in every programme or activity. KLHS in the planning stage protects and manages an increasingly strong environment. The preparation of KLHS considers the carrying capacity and capacity and BML.
2. Spatial planning. Spatial planning aims to protect the preservation of the function of the environment and public safety and planning in managing space that must be guided by KLHS and the preservation of the function of the environment and public safety. Planning in managing space must adhere to KLHS and environmental quality standards. In relation to spatial planning, the village in Tanjung Jabung Barat Regency is indeed intended for coal mining in 34 paragraph (2) of the Regional Regulation of Tanjung Jabung Barat Regency Number 12 of 2014 regulates spatial and regional planning in Tanjung Jabung Barat Regency in 2014-2034.
3. AMDAL. Every action that has important consequences in relation to the environment must have an AMDAL, if it does not have an important impact, the Environmental Management Efforts and Environmental Monitoring Efforts document or abbreviated as UKL-UPL is sufficient. If it is only household-based or small, then SPPL is enough. In relation to EIA, there is actually a Regulation of the Minister of Environment Number 4 of 2021 concerning various kinds of businesses that are required to conduct EIA, one of which

is coal mining. guided by Article 22 of UUPPLH regarding the important impacts referred to in EIA, including the intensity of environmental materials that receive consequences and the number of affected people. UKL-UPL is mandatory for activities that do not have an important impact and if it is not mentioned in the Minister of Environment Regulation Number 4 of 2021, UKL-UPL is mandatory but not mandatory for EIA as stated in Article 6 of Government Regulation Number 22 of 2021. If it is not mandatory for EIA and UKL-UPL, it must fulfil environmental documents in the form of SPPL, which is a Statement of Ability to Manage and Monitor the Environment as stated in Article 8 of Government Regulation Number 22 of 2021. But for coal, amdal is certainly mandatory.

III. CONCLUSION

The state through the government mandates that the earth, water and natural resources are controlled by the state (BARAKA) as Article 33 paragraph (3) of the 1945 Constitution is a spatial unit whose management has environmental aspects because coal is included as BARAKA controlled by the state and its management is aimed at maximising the prosperity of the people, but on the other hand it is included as a space, namely the cultivation area and in its management there are aspects of the environment, so in regulating coal as BARAKA in a space can be utilised in a sustainable manner must pay attention to environmental aspects, then in addition to providing economic benefits it is also balanced in terms of preservation of the environment. It can be seen that there is a link between the environment and the RTRW. RTRW has an impact on the environment, if the spatial arrangement of an area is not in accordance with the RTRW, it has a negative impact on the environment. Likewise, if in arranging a space in accordance with the RTRW, it has a good impact on the environment, considering that the RTRW is formed by taking into account environmental aspects (as in KLHS) and aims to prevent the environment from being polluted and / or damaged. This is because KLHS must be held by the Regional Government in forming the RTRWP and RTRWK in the region.

KLHS is an instrument to prevent pollution and/or damage to the environment so that it is held in the preparation of RTRW both RTRWN, RTRWK in accordance with the principles of sustainable development, namely paying attention to cross-generational justice.

Development that does not only discuss profit, but must also be socially accepted and environmentally sound or socially accepted (environmentally friendly), so that sustainable development must be considered (Natural resources, the environment must be sustainable). It is useless if only the development is sustainable, while the basis such as natural resources and the environment is not sustainable, so there must be environmentally sound development (sustainable development), namely the environment as a basis must also be sustainable, related to natural resources. Development must pay attention to present and future generations in a good environment, natural resources and sustainable development, contains aspects of morality and cross-generation, lest only the current generation enjoys, while the next generation does not enjoy a healthy environment. Thus, what is important is the basis in the form of the environment, natural resources, and then sustainable development. Sustainable development exists because the environment and natural resources are preserved. Thus, sustainable development is basically cross-generational development. The impact of spatial utilisation for coal mining on the environment in Lubuk Bernai Village, Batang Asam Sub-district, West Tanjung Jabung Regency, Jambi Province is that the environment is maintained because it holds laws and regulations, especially in the field of spatial planning, namely Law Number 26 of 2007, Jambi Provincial Regional Regulation Number 10 of 2013 and West Tanjung Jabung Regency Regional Regulation Number 12 of 2013 which regulates Spatial Planning in Jambi Province and West Tanjung Jabung Regency.

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