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Legal Policy Model For Pollution And Environmental Damage Control In The Bangka Belitung Islands Province

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ABSTRACT

This research aims to find out the application of regional regulations in the Bangka-Belitung Archipelago Province. The main problem in this research is divided into several sub-problems. First, how is the regional regulation of the Bangka Belitung Islands Province No. 8 of 2018 concerning control of pollution and environmental damage, Second, what is the legal policy model for controlling environmental pollution and damage in the Bangka Belitung Islands province? While the existing problems can be answered and conclusions are drawn based on these findings, based on facts and statistics, cases of environmental damage essentially indicate the failure of positive law when dealing with community economic problems. Law as a "tool" fails to engineer society socially so that the ultimate goal cannot be obtained, or in other words, the complex substance does not guarantee that its application will be good and effective, especially in the application of regional regulation number 8 of 2018. As for the legal policies of the Government of the Bangka Belitung Islands Province in controlling environmental pollution and damage due to illegal tin mining activities by the local community, there are three policies, namely, the first Strategic Environmental Assessment (KLHS), carrying out post-mining reclamation, and providing green open spaces.

Keywords: legislation, environmental law, damage and pollution

INTRODUCTION

Environmental damage has almost occurred today, without exception in Indonesia. As the rule of law, the environment is a fundamental matter, which is expressly regulated in the 1945 Constitution, specifically Article 28H Paragraph 1, which reads: "Everyone has the right to live in good physical and mental health and to have a place to live and live.[3] As a gift from God Almighty to the Indonesian nation, the environment must be maintained so that it becomes a source and support for the Indonesian nation. Damage to the natural environment cannot be separated from human behavior.[4] Humans, users of the earth's environment, play an important role in determining environmental sustainability. Therefore, the state, government, and all stakeholders are obliged to protect and manage the environment in the implementation of sustainable development so that Indonesia's environment is maintained and supports life for the Indonesian people and other creatures that inhabit the earth.[5] In environmental management, the most important task is to avoid pollution or environmental damage, not to avoid pollution that has already occurred, following the principles of "prevention is a cure." In addition, environmental permits are the main requirement for issuing transactions related to the exploitation of natural resources, such as mining permits.

Good environmental management is a form of long-term development for the welfare of life.[6] The causes of environmental damage, including land, sea, and air, are broadly caused by two factors, namely natural factors and human factors. Meanwhile, the environmental damage

caused by human factors has a more chronic and long-term impact, direct or indirect. Examples of environmental damage, especially on land aspects due to human activities, are illegal logging or forest burning to clear land, which causes air pollution. Fuel consumption is the main contributor to environmental impacts, with more than 89%. [7] One of the problems that a smart city must solve is environmental pollution.

Therefore, pollution problems must be managed actively. Environmental pollution in Article 1 paragraph (14), based on the Law on the Environment No. 32 of 2009, is the entry or inclusion of living things, substances, energy, and/or other components into the environment by human activities so that they exceed the environmental quality standards set by humans. Has been established. [8] Environmental damage is a form of action carried out by humans that causes physical changes and loss of physical characteristics, both directly and indirectly, of the properties possessed so that the standard criteria for quality environmental damage are exceeded. [9]

Therefore, in 2009, the government drafted and considered the Environmental Protection and Management Law No. 32, which stipulates the national economic development required by the 1945 Constitution of the Republic of Indonesia (from now on referred to as the 1945 Constitution), which is carried out following the principles of sustainable and environmentally sound development. In the second reflection, it was argued that the spirit of regional autonomy in the administration of the Unitary State of the Republic of Indonesia has led to changes in relations and powers between the government and regional governments, including in the areas of environmental protection, control, and management. Then the third consideration is that the decline in the quality of the environment has threatened the survival of humans and other living things. Therefore the environment must be thoughtfully and consistently protected, supervised, and managed by all interested parties. [10]

In addition, the amount of high-quality natural resources in the world is decreasing. Over the past three decades, the world has faced many changes that have severely impacted natural resources, environmental laws, and economic activities in various countries and regions. [11] especially Indonesia, along with the increasing population. Humans will use at least 50 percent more of the natural resources that the earth provides. However, this will continue very quickly until 2030, while the earth will need 1.5 years to produce and replenish the natural resources consumed throughout the year.

As an archipelagic state of the Archipelago Province, Bangka Belitung is facing a severe threat of environmental damage due to tin mining both on land and at sea. Environmental degradation has a negative impact during and after mining. [12] As a result of poor mining governance and the threat of an environmental emergency, the Provincial Government of Bangka Belitung has responded quickly through Regional Regulation Number 8 of 2018 because Bangka Belitung has abundant natural resource potential. However, on the other hand, excessive exploitation of natural resources causes pollution and damages the community's environment. Philosophically, the issuance of this regional regulation is expected to preserve the environment even further by providing strict limits for illegal miners to pay attention to environmental balance and sustainability. Furthermore, sociologically, this regional regulation was born out of community participation in encouraging the provincial government to take firm steps by making a legal formulation regulating the activities of environmental companies sporadically carried out by the community.

Then from the legal substance of Regional Regulation Number 8 of 2018, juridically, it is a form of concretization of Law Number 32 of 2009 Concerning Environmental Protection and Management. Many pollution cases have occurred due to tin mining, such as in the coastal area of Matras, Sungailiat. In addition to the coastal areas damaged by tin mining, many areas have experienced the impact of natural resource management activities. However, activities that destroy nature, such as tin mining, illegal logging, and large-scale plantations, have polluted water conditions in several rivers. The results of water quality monitoring by BPLHD of Bangka Belitung Province in 2012 stated that several rivers on Bangka Island, such as the Mabet, Kayu Besi, Limbung, Baturusa, Selindung, Pangkal Balam, and Rangkui Rivers were categorized as

heavily polluted.[13] As the Legal Construction in article 46, paragraph 2 Regional Regulation Number 8 of 2018, massively is pollution that can be seen physically and has a real or actual impact on environmental and public health conditions.[14] Following this case, the environment in the Bangka Belitung area has massively experienced the effects of pollution and environmental damage, which has caused changes in local environmental conditions.

From the pollution case, the application of the Bangka Belitung Regional Regulation Number 8 of 2018 needs to be optimized and appropriately realized due to several problems. These problems include the ambiguity of control responsibilities, especially in the handling and recovering of pollution and damage between the provincial government and the district/city government, as a result of the provisions of the laws and regulations that need to be operational more. Therefore, environmental control has yet to be optimized in Indonesia, especially in the Bangka Belitung archipelago province, which is caused by pollution due to tin mining. Hence, researchers want to do more research on applying local regulations on pollution control and environmental damage so that there is a government policy in dealing with environmental problems because it has been damaged and polluted due to massive exploitation by irresponsible elements, especially in Bangka Belitung.

PROBLEM FORMULATION

Based on the description and analysis in the background as described above, two critical issues are the focus of specific research, namely, How to Apply the Regional Regulation of the Bangka Belitung Islands Province Number 8 of 2018 concerning Control of Pollution and Environmental Damage and how to Model Legal Policy Control Pollution and Environmental Damage in the Province of the Bangka Belitung Islands.

RESEARCH METHODS

This research is normative juridical research. Normative research methods are also known as doctrinal research, namely a study that analyzes the good law written in the book as well as laws decided by judges through court proceedings.[15]

In order to analyze concrete legal phenomena, this study uses two critical approaches, namely the statute approach, which analyzes various legal rules, principles, and legal principles, which are the focus and research findings.[16] As well as a conceptual approach which uses the dimensions of analysis in answering questions. In the context of legal science, the conceptual approach to legal issues is analyzed through the concept and legal doctrine aspects that lie behind them [17]

This research is analytical or prescriptive analytical dominant [18], which not only describes the problem but analyzes the purpose of the law, values of justice, legal validity, legal concepts, and legal norms. In general, there are 3 sources of data in this study. First, primary legal materials consist of the 1945 Constitution of the Republic of Indonesia before and after the amendments and statutory regulations. Second, secondary legal materials are supporting sources of primary legal materials consisting of scientific books, scientific writings, results of seminars, workshops, and other scientific works related to personal data and human rights. The three tertiary legal materials are legal materials that support primary and secondary legal materials such as dictionaries and encyclopedias.

The accurate data obtained is then elaborated by analyzing the concepts contained in the legal material by interpreting the legal material, then explaining and describing the correlation between various laws and regulations and the problems studied so that conclusions can be drawn on the problems studied.

RESULTS AND DISCUSSION

A. Application of the Regional Regulation of the Bangka Belitung Islands Province Number 8 of 2018 concerning Control of Pollution and Environmental Damage.

The 1945 Constitution of the Republic of Indonesia is the legal basis that has existed and is in effect until now. The law also requires citizens to exploit natural resources and use them according to their needs, in Article 3(3) of the Constitution of the Republic of Indonesia (1945) states that the state can control land, water, and the wealth in them.[19]] The pollution and environmental damage that has occurred in Indonesia needs regulations that can have a

deterrent effect. Therefore, in every implementation of environmental law, every general principle of good governance will always be considered.[20] The existence of these principles will provide the objective that every implementation of the policies and regulations in force will not deviate from the objectives of environmental management and protection that have been set for the common interest so that everyone has the right to experience a good and healthy living environment.

Environmental law will always be related to environmental issues such as forest fires, species extinction, deforestation, climate change, and others. In law enforcement of the environment, there are rules to regulate environmental or environmental management, which cover all aspects aimed at regulating all human actions to protect the environment from various damages and pollution to achieve prosperity and sustainability for future generations.

Environmental law is effective if it has achieved a goal in which various aspects are interrelated and work well in law enforcement. Enforcement of environmental law is a significant part of environmental law itself, where transparent law enforcement can make people comply with the law. Since the enactment of the 2001 regional regulation, the central and regional governments have issued several regulations regarding natural resource management to anticipate enormous natural damage. Based on academic investigations, there are at least several existing legal regulations, including the following:

Product of law	Scope	correlation
The 1945 Constitution of the Republic of Indonesia (article 18 paragraph 6)	Constitutional basis for establishing local regulations (autonomous)	Authority to stipulate regional regulations and other regulations
Law of the Republic of Indonesia Number 22 of 1999 jo 32 of 2004	Local government	Central and local government authorities
Law of the Republic of Indonesia Number 7 of 2004	Water resources	Use of Dan Water resources management
Law of the Republic of Indonesia Number 32 of 2009	Environment	Protection Management of the environment
Government Regulation number 27 of 1999	Environmental Impact Analysis	EIA procedures, environmental quality standards
Government regulation number 28 of 2011	Management of nature reserve areas and nature conservation areas	Nature management and preservation
Government regulation number 27 of 2012	Environmental permit	Environmental permits
Government regulation number 46 of 2016	Procedures for conducting strategic environmental studies	Methods of environmental assessment
Government regulation number 12 of 2017	Fostering and supervising the implementation of local government	Local government oversight
Government regulation number 47 of 2017	Environmental economic instruments	Environmental economic needs
Ministerial Regulation number 4 of 2012	Environmentally friendly indicator	Environmentally friendly standards and indicators
Regional Regulation of the Bangka Belitung Islands province Number 8 of 2018	Control of pollution and environmental damage	Management of pollution and damage
Regional regulation of the Bangka Belitung Islands province Number 13 of 2007	Regional long term development plan	Long term development process

As the central pillar of environmental administration, environmental management institutions are a critical factor in the success of environmental management. Therefore, the existence of environmental management institutions both at the central and regional levels has a strategic

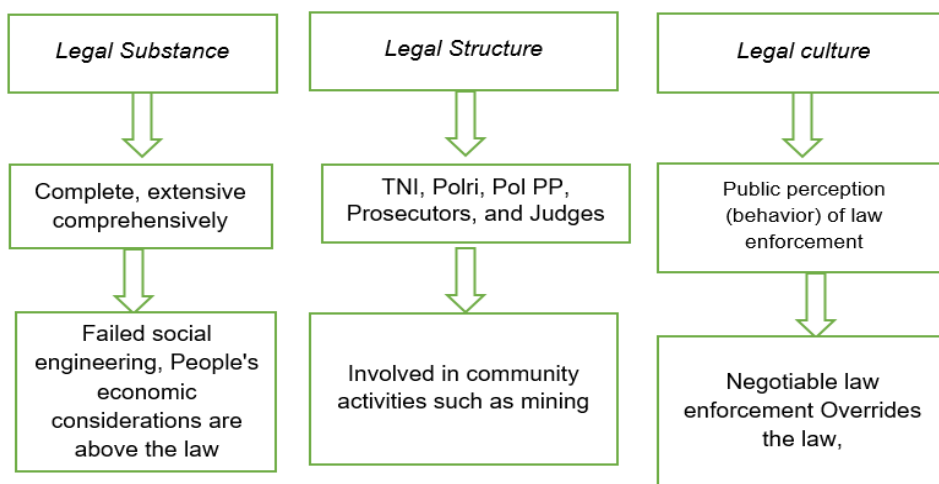
and significant role in carrying out environmental management. Article 1, paragraph 7 of Law Number 32 of 2004 emphasizes that: "decentralization is the transfer of government authority by the government of the head of an autonomous region to regulate and manage government affairs in the system of the unitary state of the Republic of Indonesia." [21] From this formulation, it is clear that regional government authority is the authority that originates from the authority handed over by the government to the head of an autonomous region. Thus the authority of the regions in carrying out various regional government affairs is the authority of the delegation including in the management of pollution control and environmental damage. [22]

With this authority, the province of Bangka Belitung is one of the autonomous regions, which is an area that is vulnerable to environmental pollution and damage. Hence, the regional government issued regional regulation Number 8 of 2018 concerning control, environmental pollution, and damage. As a philosophical basis, the issuance of a regional regulation of the Bangka Belitung Islands Province Number 8 of 2018 is the aspiration of the community as an effort to realize environmental needs that meet good environmental quality in everyday life to create awareness of the legal culture of the community so as not to cause damage to the environment.

Therefore, the community's need for the environment will be fulfilled. Moreover, there is still much environmental damage in the Bangka Belitung Islands Province caused by the actions of residents to fulfill economic needs, which causes damage to the local environment. To prevent this, legal products were issued to reduce activities that damage the environment. In order to create the application of environmental control, the local government must carry out good environmental justice. It must follow sustainable development because if development is not carried out sustainably but more precisely based on the economy [23], then pollution and environmental damage will make the environment uncomfortable.

Moreover, in the context of the current ecological and social crises, it is essential to find strategies for sustainable development. [24] Because sustainability is carrying out development that meets the needs of the present without compromising the needs of future generations, emphasizing environmental sustainability, achieving social justice, as well as economic and environmental sustainability, stopping pollution that leads to climate change and changing lifestyles and habits of a sustainable population and is also the most significant opportunities for improving the relationship between humans and the environment, crossing ideological barriers and based on analyzes demonstrating the true sustainability of individual actions. [25]

To weaken local law enforcement values, law enforcement aims to influence a culture of compliance by applying local regulations to the community. Friedman's concept can be used to analyze how the legal system can affect the suitability of legal subjects with the rules. The three indicators can be described as follows.



Rule The law, as stated in legal substance, provides regulation and guarantees against environmental pollution and damage in Bangka Belitung, especially in mining activities from before to exploration activities and the obligations of tin miners to realize environmental-based

mining activities. However, the facts on the ground that the application of legal rules and regulations from the Bangka Belitung Region, pollution, and natural damage due to illegal mining activities based on statistical data due to these activities reached 20,078.1 hectares. In contrast, 40-70% of damage to coral reefs and marine ecosystems has occurred.[26]

In 2014, the Environmental Agency for the Bangka Belitung Islands Province released environmental damage inventory data. The total class level of critical land was 1,675,240.51 Ha with criteria for critical land and critical potential of 15.15% and 37.28%, 44 54% in the form of slightly critical land, and 10.79% in the form of non-critical land and others. The critical level of this land only reaches 10.20% of the land area of the Bangka Belitung Islands Province. However, the problem is not the size of the percentage of damaged land, which is only a tiny amount, but the real danger, namely environmental damage, that has reached a stage where it cannot be utilized.[27]

In addition, the marine ecosystem is in the form of coral reefs. Coral reefs with damaged conditions are found in Bangka Regency 57.06% of the covered area of 9,126.4 ha and South Bangka 29.60% of the 29.82 ha covered area. Polluted seawater also causes disease for people in coastal areas, and a decrease in fish caught reduces fishermen's income. Conflicts between mining entrepreneurs and fishermen exacerbate this.[28] Damage to the Jetik River riparian in Bangka Regency with an area of damage in the middle part of 1,983 hectares (ha) and 1,663 ha in the downstream and contamination of the water quality of the Jelitik River, which has exceeded the quality standard required in Government Regulation Number 82 of 2001 concerning Water Quality Management and Control Water Pollution and Regulation of the Minister of Health Number 416 of 1990 concerning Requirements and Monitoring of Water Quality.[29]

Apart from that, not only in the Jelith River but also in several rivers, such as the Mabet, Kayu Besi, Limbung, Baturusa, Selindung, Pangkal Balam, and Rangkui rivers which are categorized as heavily polluted. Thus, based on the facts and statistics above, it indicates a failure of positive law when dealing with social and economic problems. Law as a "tool" fails to engineer socially so that the ultimate goal cannot be obtained, or in other words, the complex substance does not guarantee that its application will be good and effective, especially in the application of regional regulation Number 8 of 2018.

Then, pollution and environmental damage to natural resources in Bangka Belitung cannot be separated from the existence of a legal structure to control natural resources, especially in illegal tin mining. Erwiza Erman[30] precisely refers to the involvement of the "elite" in managing upstream and downstream resources at the Bangka Belitung tin mine. With the cooperation of legal structures (such as the police and Satpol PP) and illegal miners who protect each other, reciprocity is created, which always encourages these miners to explore natural resources on a large scale so that the application of Regional Regulation number 8 of 2018 has never been taken into account and has not been taken into account. Been followed by the community due to these activities to meet the needs.

According to the legal culture, complex substances do not affect the social behavior of people who continue illegal mining, apart from the legal consequences, namely criminal sanctions. In law enforcement, the issue of community legitimacy is an important indicator to state that society can accept the law and follow it as a general agreement. Enforcement of criminal law concerning environmental law is only a last resort. Criminal law instruments are the final solution to environmental crimes committed by people (individuals and/or companies that are legal entities or illegal). Criminal law limitations prevented government action combating media corruption from failing.

Law Number 32 of 2009 concerning Environmental Management and Regional Regulation of the Bangka Belitung Islands Province Number 8 of 2018 concerning Pollution and Damage Control is a form of failed government legal policy. There are still many community actions that damage the environment carried out by the community. This is due to the ineffectiveness of the law. The sanctions given by law against perpetrators of environmental crimes do not have a deterrent

effect on society. The emerging phenomenon is that Indonesian people's awareness of environmental law is deficient. This shows that the disharmony of the legal culture is very concerning.

Therefore, the government must provide more efforts in law enforcement against perpetrators who cause environmental damage in the Bangka Belitung Islands Province, provide environmental management policies, and provide strict sanctions for perpetrators and be sentenced according to the law. The police must thoroughly investigate cases related to environmental damage, such as illegal mining, without any other intervention between police officers and perpetrators. Thus the application of regional regulations can be implemented more effectively and efficiently.

B. Model of Legal Policy for Controlling Pollution and Environmental Damage in the Province of Bangka Belitung Islands

Human concern for the environment has become a global concern related to the interests of the community itself, but the interests of human groups for the environment are insufficient due to environmental changes whose impacts are not only local, but global. Therefore, the "UN People's Conference on the Environment" which was held in Stockholm from 5 to 16 May 1972, emphasized that environmental management activities to preserve environmental sustainability are the responsibility of all mankind and every government around the world.[31]

To understand the need to carry out management of environmental problems in order to maintain harmony and balance of environmental capabilities in supporting sustainable development, it is necessary to increase the utilization of natural resources and environmental potential through conservation, rehabilitation and economizing on use through the application of environmentally friendly technologies and utilization of natural resources to achieve the maximum possible the magnitude of the people's prosperity, taking into account the preservation of environmental functions and balance, sustainable development, economic and cultural interests of the local community, and spatial planning; planning whose use is regulated by law.

The President of the Republic of Indonesia issued Presidential Decree Number 7 of the 2004-2009 National Medium-Term Development Plan of 2005, Presidential Decree Number 7 of 2005 Point 8 regarding filling. The Right to the Environment and Natural Resources found that the poor improved their management and use of the environment and natural resources through various programs. Realizing a beautiful and sustainable Indonesia, the objectives and directions for environmental development are set forth in the RPJP Law No. 2005-2025. The government approved Resolution 27 of the 2007 Long Term Development Plan (RPJP).[32]

Currently, Indonesia's long-term environmental policy refers to Law no. 27 of 2007 regarding the National Long-Term Development Plan (RPJP) for the next 20 years for various development aspects/sectors as outlined in the Preamble of the Constitution to disseminate and achieve the national goals set in 1945. Regarding Indonesia's long-term plans, missions related to the environment are listed in Point 6 of the 2005-2025 National Development Vision and Mission, namely: "Creating a beautiful and sustainable Indonesia".

Within the framework of regional autonomy, environmental issues are not only the responsibility of the state, but also the responsibility of regional governments. Regarding Pollution Control Policy, the Provincial Government of the Bangka-Belitung Islands refers to the Regional Regulation of the Bangka-Belitung Islands Province No. 8 of 2018, concerning Management of Pollution and Environmental Damage. The government's role or policy is very important because the process of environmental management requires the development of an integrated system in the form of a national policy, protection and management of the environment which must be implemented. according to the principles and consequences from the center to the regions. The important policy roles carried out by the government of the Bangka Belitung Islands Province in controlling Pollution and Environmental Damage include:

a) Preparation of Strategic Environmental Assessment (KLHS)

Strategic Environmental Assessment (KLHS) is a way to avoid environmental pollution and/or damage. In this case it is regulated based on the provisions of Article 15 paragraph (1) of Law

Number 32 of 2009 concerning Environmental Protection and Article 2 paragraph (1) Government Regulation No. 2. 46 of 2016 concerning procedures for conducting strategic environmental studies, which requires the central and regional governments to require KLHS to ensure that the principles of sustainability are supported and integrated in regional development and/or policies, plans and/or programs.

KLHS is a study conducted since the formulation of policies, plans and programs, with an analysis of the environmental impacts of the policies, plans and programs studied in the study.[33] Research covers social and economic aspects and environmental sustainability. Of course this is very important because environmental problems can be caused by:CRP does not pay attention to environmental impacts, thus damaging and polluting the environment. The Strategic Environmental Assessment (KLHS) includes a number of systematic, comprehensive and participatory analysis systems. The results of this study will become a reference for the Regional Government of the Bangka Belitung Islands Province and other stakeholders in efforts to protect and manage the environment in an integrated and sustainable manner in planning, operating, monitoring and maintenance., Control and Law Enforcement.[34]

Furthermore, KLHS must also be carried out by the regional government in terms of preparing and implementing evaluations of:

1. Regional spatial layout plan and its details;
2. Regional long-term development plan;
3. Regional medium-term development plan;
4. Policies, plans and/or programs that have the potential to cause environmental impacts and/or risks.

It can be said that the KLHS is a "vehicle" or a tool in applying the analysis of all policies, plans and/or programs that are under the authority of the local government. The KLHS contains policies consisting of:

1. The carrying capacity and carrying capacity of the environment for development;
2. Estimation of environmental impacts and risks;
3. Ecosystem service/service performance;
4. Efficient utilization of natural resources;
5. Level of vulnerability and adaptation capacity to climate change; and
6. Level of resilience and potential for biodiversity.

In the current context of Bangka Belitung, through the Regional Regulation of the Bangka Belitung Islands Province Number 14 of 2017 concerning the Regional Medium Term Development Plan for the Province of Bangka Belitung for 2017-2022 there are several KLHS recommendations that must be integrated into every policy, plan and/or program including:

1. Regional development strategic plans must be preceded by the preparation of general development plans and strategic plans and completed by the KLHS prior to the implementation of physical development;
2. Strategic area development plans in protected forest areas to maintain sustainability and not disturb the protected areas within them;
3. In developing new tourist areas, the interests of the local community must be taken into account, because most of the development areas are under the control of the community through BUMD or youth organizations;
4. The provincial government should map and determine provincial food production areas so that policies/programs for utilization of food security are more focused on certain areas and prevent changes in allotment of agricultural land to other activities;
5. The provincial government should identify and inventory existing protected areas in the province to prevent human resettlement and changes in protected activities. In addition, the results of the identification and inventory are confirmed by the governor's decision regarding the designation of protected areas in provincial areas;
6. To reduce excessive use of groundwater in the future, district governments should support and encourage district/city governments to build clean water treatment plants and distribution networks that use raw water from surface water such as ponds and rivers.

7. Include disaster risk reduction formulas and/or other options in the form of programs with indicators, implementation time and funding.[35]

The Strategic Environmental Assessment can be regarded as a guide in determining development trends and policies towards environmental sustainability, because the introduction of the KLHS tool shows that the previous prevention tools were unable to prevent and resolve emerging environmental problems. The tools that existed before SEA were mostly adapted to single activities, eg BAMDAL (Environmental Impact Analysis) and licensing. At the same time, environmental problems can arise due to national macro policies or government programs that are not in accordance with the concept of sustainable development.

b) Recovery through Reclamation and Post Mining

The mining sector continues to play a role in building and supporting the economy of the Bangka Belitung Islands Province. Although after the last five years the use of labor in the mining sector has decreased proportionally. This is due to the scarcity of publicly available tin resources. Prioritizing several other sectors, namely agriculture, trade and services. What's interesting, however, is related to post-mining, when mining stops due to the tin mining process, large dug holes appear, which of course must be resolved immediately with post-mining, feedback or involvement. Holders of Exploration/Production IUP and Exploration/Production IUPK are required to carry out promotional and mining works. Any disturbed land will be reclaimed during prospecting and mined after mining. This is in accordance with the provisions of Article 2 of Government Regulation Number 78 of 2010.

Recovery (Reclamation) is an activity at the mining stage that organizes, restores, and improves the quality of the environment and ecosystem so that it can return to function as it should.[36]

This restoration aims to improve habitat and biodiversity so that it resembles the state of the earth before it was mined. Implementation of reclamation and post-mining by Exploration/Production Operations Mining Permit Holders and IUPK Exploration/Production Operations must comply with the following principles:

1. Protection and management of the mining environment.
2. Occupational Health and Safety.
3. Mineral and coal conservation

The important point in this case is how the implementation of post-mining regeneration and degradation must protect the environment more. This is because almost all mineral or coal mining operations, their systems and methods are good open pit or underground, disturbing the balance and sustainability of the environment. Furthermore, in implementing the protection and management of the mining environment, the following principles must be met:

1. Protection of the quality of surface water, underground water, sea water, soil and air based on quality standards or standard criteria for pollution according to statutory regulations.
2. Protection and restoration of biodiversity.
3. Ensuring the stability and safety of the monument which includes tailings ponds, abandoned mines and other man-made structures.
4. Proper utilization of former excavation sites.
5. respect local social and cultural values; and
6. Protection of the amount of underground water in accordance with statutory regulations.[37]

It is known that the quality conditions of surface water, groundwater, seawater, soil and air no longer meet government quality standards or standard criteria for measuring damage. This will of course affect the lives of the people of Bangka Belitung in general, especially if this is allowed to continue. The central government and especially the regional government must immediately monitor and evaluate post-mining arrangements and implementation. The implementation of monitoring and evaluation must also be tested in the field to ensure consistency with the information reported by the owner of the IUP Exploration and Production Companies IUPK Exploration Production Company. Hopefully the efforts and hard work of the government and local government can save the Bangka Belitung area or restore it to its original state.

c) Provision of Green Open Space

In Law Number 26 concerning Regional Planning of 2007, planning for urban areas must contain plans for the provision and utilization of green open spaces with an area of at least 30% of the urban area, 20% of public green open spaces, and 10% of private green spaces[38]. Monitoring

and implementing the provisions of Article 34 of Law no. 32 of 2009 regarding the prevention of pollution and environmental damage. The provincial government and the governor of the Bangka Belitung Islands determine, within their jurisdiction, the types of businesses and activities that must be accompanied by environmental management actions and environmental monitoring actions. The Provincial Government of the Bangka Belitung Islands is:

1. Provincial Regulation Bangka Belitung Islands Number 8 of 2018 concerning Control of Pollution and Environmental Damage.
2. Provincial Regulation Bangka Belitung Islands Number 2 of 2014 concerning Spatial Plans for the Province of Bangka Belitung Islands.
3. Provincial Regulation Bangka Belitung Islands Number 3 of 2017 Concerning Changes to Long Term Development Plans.

Green Open Space Diversity (RTH) includes active play spaces for children, youth and adults. Conservation in the city and outside. This conservation can be in the form of green spaces, zoos, and botanical gardens. The aim of this park is to restore the nature of the city and if the location is suitable then the presence of wildlife will be preserved as much as possible.

Actors in the Management of Green Open Space (RTH) include:[39]

1. The government is doing construction work.
2. The private sector as an economic actor is not obligated to implement green space.
3. Community development and maintenance.
4. Media, Formation of Public Opinion and Views

In the development of green open spaces, there is the P2KH program (Green City Development Program) which is a concrete step by the central government together with state, city and regional governments to comply with the provisions of the Spatial Planning Law, especially in relation to. with that. for the implementation of urban greening and climate change. Green Open Spaces are provided to support environmental, social, cultural, economic and aesthetic benefits that can be used as disaster evacuation sites, including city parks, sports fields, ceremonial fields, green spaces, environmental parks and public cemeteries. Provision and utilization of green space serves to maintain and control environmental activities. Therefore, the green open space policy implemented in the Bangka Belitung Archipelago Province is very appropriate for controlling the environment due to damage and pollution resulting from the exploitation of tin on a large scale, which results in the loss of daily environmental activities. Life.

CONCLUSION

After the issuance of the Regional Regulation of the Bangka Belitung Islands Province Number 8 of 2018 concerning controlling pollution and environmental damage, this is an effort to reduce environmental damage due to Illegal Tin Mining in the Bangka Belitung Islands Province. However, the facts on the ground are still not optimal in that the implementation of these regulations is still not effective and efficient, both in terms of legal structure and legal culture. Because there are still many environmental damages such as environmental damage, the total class level of critical land is 1,675,240.51 Ha with the criteria of critical land and critical potential of 15.15% and 37.28%, 44.54% being rather critical land and 10.79% in the form of non-critical land and others. In addition, river water quality has also been polluted in several rivers, such as the Mabet, Kayu Besi, Limbung, Baturusa, Selindung, Pangkal Balam, and Rangkui rivers which are categorized as heavily polluted. Thus, based on the facts and statistics above, in essence, it indicates that there is a failure of positive law when dealing with social economic problems. Law as a "tool" fails to engineer socially so that the ultimate goal cannot be obtained or in other words the complex substance does not guarantee that its application will be good and effective, especially in the application of regional regulation Number 8 of 2018.

The legal policy model for the Bangka Belitung Islands Provincial Government in controlling environmental pollution and damage due to Illegal Tin mining activities by the local community consists of three policies, namely, first, the Strategic Environmental Assessment (KLHS) is a way to avoid environmental pollution and/or damage. In this case it is regulated based on the provisions of Article 15 paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Article 2 paragraph (1) Government Regulation No. 2. 46 of 2016 concerning procedures for conducting strategic environmental studies, which requires the central and

regional governments to require KLHS to ensure that the principles of sustainability are supported and integrated in regional development and/or policies, plans and/or programs. Second, recovery by reclamation and post-mining. Recovery (reclamation) is an activity at the mining stage that organizes, restores, and improves the quality of the environment and ecosystem so that they can return to functioning as they should. This restoration aims to improve habitat and biodiversity so that it resembles the state of the earth before it was mined. Implementation of reclamation and post-mining by Exploration/Production Operations Mining Permit Holders and IUPK Exploration/Production Operations must comply with principles including: Protection and management of the mining environment, Occupational safety and health, and Conservation of minerals and coal. And the third is the provision of Green Open Spaces, Green Open Space Diversity (RTH) which includes active play spaces for children, youth and adults. Conservation in the city and outside. This conservation can be in the form of green spaces, zoos, and botanical gardens. The aim of this park is to restore the nature of the city and if the location is suitable then the presence of wildlife will be preserved as much as possible

SUGGESTION

The Provincial Government of the Bangka Belitung Islands and Regency/City Governments must cooperate with each other in dealing with environmental problems, place more emphasis on law enforcement efforts against communities and individuals involved in illegal mining activities without a business license, provide strict sanctions and the local government must make short- and long-term policies to control environmental pollution and damage.

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