



IMPLEMENTATION OF THE DESIGNATION OF NICKEL MINING AREA IN KAWASI VILLAGE, ISLAND OF OBI.

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ABSTRACT

Sustainable development principles ensure current needs are met without compromising future generations' capabilities, integrating economic, socio-cultural, and environmental aspects for a balanced approach. Spatial planning, under Law Number 26 of 2007, defines regions based on administrative or functional aspects and areas for protection and cultivation. Mining activities in South Halmahera, including minerals, coal, oil, natural gas, and geothermal resources, contribute to regional economic growth while managing land use and environmental impacts. Specifically, mineral mining covers Bacan, Obi, Kasiruta, and Kayoa districts, particularly benefiting Obi's Kawasi Village under PT HARITA GROUP, generating jobs and attracting diverse investments. This study evaluates whether South Halmahera's Regional Regulation Number 20 of 2012 and PT HARITA GROUP's mining practices in Obi Islands adhere to sustainable development principles. By using normative legal method, the author finds that South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning contains the principles of sustainable development. From a juridical aspect, the designation of the nickel mining area is carried out by PT. Harita Group has been established in accordance with statutory regulations. However, there are indications that the mining carried out does not fully implement the principles of sustainable development. This is known from research conducted by WALHI North Maluku in 2023, namely the pollution of the waters of Weda Bay and Obi Island. This means that the mining process is carried out without paying attention to sustainable principles. This could be due to a lack of supervision by the relevant institutions. However, procedural supervision is not regulated in South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning.

Keywords: nickel mining, area designation, kawasi village, obi island

INTRODUCTION

Development, as defined in the Big Indonesian Dictionary, is a process of building initiated by developed countries and implemented by developing countries' governments, focusing on exploring and processing natural resources like water, air, and land. According to Article 33 of the 1945 Constitution of Indonesia, the state controls natural resources for the people's prosperity, emphasizing economic democracy with principles of togetherness, efficiency, justice, sustainability, and environmental awareness.

These constitutional principles guide the utilization of natural resources through

various laws and regional regulations, ensuring development aligns with economic democracy and environmental sustainability. Government intervention, characteristic of a welfare state, provides legal certainty and resolves conflicts in administrative, civil, or criminal law.

The use of natural resources must align with environmental preservation to support sustainable development. This approach ensures that development does not compromise environmental functions, allowing for a sustainable environment for future generations. The principle of sustainable development means that the

implementation of development to meet the needs of the current generation is carried out with the principle of not reducing the ability of future generations to meet their needs (Hardjasoemantri, 1994). The implementation of the principles of sustainable development according to A. Sonny Keraf must fulfill three principles, namely the principles of democracy, the principles of justice and the principles of sustainability (Keraf, 2006).

Construction and physical development must align with comprehensive planning, guided by spatial planning, which informs economic, social, and other area developments. Effective spatial planning identifies public institution issues, integrates macro and detailed plans, and establishes zoning regulations. This ensures plans are actionable and beneficial for current and future generations.

Spatial planning, including the National Regional Spatial Plan, informs medium and long-term programs, serving as a basis for Long-Term and Medium-Term Development Plans. Sustainable development principles aim to balance economic, socio-cultural, and environmental aspects, ensuring these interconnected elements support each other.

Provincial and Regency/City Spatial Planning Plans also guide development, with specific programs for related sectors. The South Halmahera Regency Regional Spatial Plan (RTRW Hal-Sel) outlines principles, objectives, policies, strategies, spatial structure and pattern plans, strategic area management, and spatial utilization controls for the region from 2012 to 2032.

Philosophically, a development process can be defined as "a systematic and continuous effort to create conditions that can provide various legitimate alternatives for achieving the most humanistic aspirations of every citizen". In other words, the development process is a process of humanizing humans. In Indonesia and in various developing countries, the term development often has a more physical

connotation, meaning carrying out physical building activities, often more narrowly defined as building physical infrastructure/facilities. The meaning of "legitimate alternative selection" in the definition of development above means that efforts to achieve these aspirations are carried out in accordance with applicable law or within an acceptable institutional or cultural order (Ernan, 2009).

Development is a planned and deliberate process involving interconnections and mutual influences among various factors, aimed at improving community welfare through careful planning. Law Number 26 of 2007 on Spatial Planning defines a region based on administrative or functional aspects and an area primarily for protection and cultivation.

In South Halmahera, spatial planning seeks to create a balanced, harmonious, safe, comfortable, productive, and sustainable regional space, focusing on agriculture, fisheries, maritime tourism, and mining to enhance community welfare. Regional Regulation Number 20 of 2012 outlines space utilization to establish spatial structures and patterns, ensuring development aligns with these plans through effective supervision and regulation.

Spatial planning instruments harmonize development interests across central, regional, and sectoral levels. Mining areas boost regional economic growth by attracting investment and creating jobs while optimizing land use and environmental management. The regulation also defines rural areas as regions with primary agricultural activities, serving as hubs for rural settlements, government services, social services, and economic activities.

According to South Halmahera Regency Regional Regulation Number 20 of 2012, Mining Designated Areas include:

- a. Mineral mining areas
- b. Coal mining areas

- c. Oil and natural gas mining areas
 - d. Geothermal mining areas
- Specifically, mineral mining areas are located in:
- a. Bacan (Bacan, West Bacan, East Bacan subdistricts)
 - b. Obi (Obi, South Obi, East Obi, West Obi, North Obi Districts)
 - c. Kasiruta (West Kasiruta, East Kasiruta Districts)
 - d. Kayoa (West Kayoa, Kayoa)

Obi District, particularly Kawasi Village, is an important mineral mining area under PT HARITA GROUP, which has created thousands of jobs and attracted diverse investors. The mining activities have significantly boosted the economy of South Halmahera Regency and North Maluku Province. However, managing these resources involves land use and can potentially cause environmental issues, impacting sustainable development.

Aryo Bhawono reported that damage caused by nickel mining and processing had cleared forests on Obi Island and polluted the sea, where residents get a source of protein (Bhawono, 2024). This is reinforced by research on Weda Bay and Obi Island conducted by Walhi North Maluku in 2023, the results of which show that several measures of water quality standards in Pula Obi are below the standards of Minister of Environment Decree No. 51 of 2004 concerning Sea Water Quality Standards (WALHI dan Auriga Nusantara, 2022).

The use of natural resources, including the mining sector, and the principles of sustainable development should not conflict with each other, but should go hand in hand to ensure the welfare of future generations. The application of the principles of sustainable development does not prevent the utilization of all natural resources that exist in Indonesia.

In fact, the principle of sustainable development by controlling the use of natural resources will result in maintaining

environmental sustainability so that the environment can be enjoyed longer for future generations. So that the sound of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which reads "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people" will be realized, not just for the current generation. but also, for future generations.

Therefore, this research aims to find out whether the area designation in Regional Regulation Number 20 of 2012 concerning the Regional Spatial Plan for South Halmahera Regency for 2012-2032 contains the principles of sustainable development, as well as finding whether the PT HARITA GROUP Nickel Mining Area Allocation arrangements in Kawasi village, Obi Islands apply the principles of sustainable development.

METHOD

This research is legal research using methods that are in accordance with the scientific characteristics of jurisprudence, namely normative legal research. As normative legal research, the method used is a legal research method which aims to study and analyze the regulation of regional government authority in issuing environmental approvals in statutory regulations so that the results that will be achieved then are to provide a prescription regarding what should be done regarding the issues raised.

Analysis and interpretation of gathered legal materials are conducted to address current legal issues. Conclusions are derived from this analysis and interpretation, forming arguments to respond to the legal questions raised. Finally, recommendations or suggestions are proposed based on these new arguments developed in the conclusion phase.

RESULTS AND DISCUSSION

1. Analysis of Sustainable Development

Principles in Area Allocation in Regional Regulation Number 20 of 2012 concerning South Halmahera Regency Regional Spatial Planning for 2012-203

The urgency of the existence of South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning is:

- a. The RTRW Regional Regulation is a blueprint for space utilization for regional development activities. This means that the provincial, district and city RTRW becomes a reference for the regional government concerned to direct the location and use of space in preparing development programs related to the use of space in that area, space. Thus, the use of space to prepare development plans in provincial, district and city areas must still pay attention to the RTRW of the province, district and city concerned;
- b. The RTRW Regional Regulation is both legal and a basis for providing recommendations for directing space utilization. Thus, the use of space to prepare development plans in provincial, district and city areas must still pay attention to the RTRW of the province, district and city concerned;
- c. The RTRW Regional Regulation is legal for regional authorities in carrying out mandatory affairs relating to planning, utilization and supervision of spatial planning, as well as implementing the orders of Law Number 32 of 2004 concerning Regional Government j.o Law Number 23 of 2014 concerning Regional Government.

Provisions regarding South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning have an impact on environmental aspects because with this policy, development arrangements are more orderly and the surrounding community is

protected from environmental damage resulting from uncontrolled development.

Currently, spatial planning has been placed as an important component that also determines the success or failure of a region's development process, especially in the context of a sustainable development process. On the other hand, population growth which is increasingly rapid over time ultimately creates an obligation for the government to regulate various means of human life.

Spatial planning policy is one of the efforts to realize sustainable development. In line with that, the existence of law in every spatial planning will greatly determine the success or failure of the spatial planning policy itself. The urgency of spatial planning must be interpreted as the main agenda in the context of development planning for a country or region, including South Halmahera Regency. The existence of spatial planning will greatly determine the progress and decline of the development of an area. Thus, spatial planning policy must be seen as an instrument that can direct and develop humans towards a better civilization in the future.

In this regard, in order for South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning to be said to implement the principles of sustainable development, its provisions must contain three principles of sustainable development, namely the principles of democracy, the principles of justice and the principles of sustainability (Keraf, 2006).

The principle of democracy guarantees that development is carried out as an embodiment of the collective will of all the people for the common interests of all the people. Based on these democratic principles, a number of very important aspects were found, namely that the main development agenda is the people's agenda for the benefit of the people, community participation in formulating and

implementing development is a moral and political necessity, there is a necessity for honest and open access to information about the development agenda and the existence of public accountability regarding the development agenda, policy formulation process and development implementation.

The principle of democracy in South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning contained in Article 1 number (31) Section 2, Article 16 paragraph (3) letters (a) and (b), Article 38, Article 40, Article 52, Article 53, Article 55, Article 56, Article 57, Article 58, and Article 60.

This principle basically guarantees that all people and community groups have the same opportunity to participate and participate in every development process and productive activities and participate in enjoying the results of development itself.

The principle of justice in South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning is clearly regulated in Article 1 number (31), Article 2, Article 52 and Article 53, the contents of which have been explained previously, namely in the discussion regarding the analysis of democratic principles in Regional Regulations South Halmahera Regency Number 20 of 2012 concerning Regional Spatial Planning.

Article 1 number (31), Article 2, Article 52 and Article 53 apart from reflecting the principle of democracy also reflects the principle of justice, namely that this regional regulation guarantees that all people and community groups in South Halmahera have the same opportunity to participate in every development process. and productive activities also have the same rights and obligations in enjoying the results of development in the South Halmahera region.

The principle of sustainability requires that public policy makers must be able to design a development agenda in a

long-term, visionary dimension, seeing both positive and negative development impacts from various perspectives.

The principle of sustainability in South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning is very widely spread in its articles, such as Section 2 Article 3 paragraph (2), Article 4 paragraphs (5), (6), (7), (9), Article 16, Article 17 paragraph (1), Article 18, Article 19, Article 20, Article 21, Article 22, Article 23, and Article 41.

2. Analysis of the Application of Sustainable Development Principles in the Allocation Arrangement for Nickel Mining Areas in Kawasi Village, Obi Islands

Mining designated areas are areas that have potential mining material resources and are places where mining activities are carried out in land and water areas (Nikijuluw, 2013). Law Number 26 of 2007 concerning spatial planning, which among other things for the mining sector, mandates regulations on mining designated areas as follows (Sintorus, 2019):

- a. mining designated areas as part of cultivation areas.
- b. Cultivation areas that have national strategic value in the mining sector are designated as mining flagship areas.
- c. Oil and gas mining areas including offshore mining and natural gas as national strategic areas from the point of view of natural resource interests.

Meanwhile, the regulation of mining cultivation areas and mining-based National strategic areas is regulated in Government Regulation Number 26 of 2008 concerning National Regional Spatial Planning (RTRWN). This RTRWN is a policy direction and strategy for utilizing State territorial space which consists of spatial structures and spatial patterns with objectives such as safe, comfortable,

productive and sustainable national regional space as well as integration between RTRWN, Provincial RTRW and Regency/City RTRW with utilization. land, sea and air space including space within the earth and controlling the use of national, provincial and district/city space, as well as the use of natural resources to improve community welfare, balance and harmony of development between regions and sectors and national defense and security. dynamic and national integration (Pardiarto, 2006).

Apart from that, RTRWN has regulated mining designated areas as follows (Haris, 2020):

- a. Policies and strategies for developing cultivation areas by establishing flagship areas as the leading agricultural sectors.
- b. Policies and strategies for developing national strategic areas from the perspective of utilizing strategic natural resources by establishing National Strategic Areas with a Mining Economic Basis.
- c. Indication of the main mining area programs and mining-based national strategic areas.
- d. Directions for controlling mining mainstay areas.

Regulations regarding the Utilization of Mining Area Allocations carried out by PT. Harita Group in the Obi Islands which are based on Article 28 paragraph (1) PERDA No. 20 of 2012 concerning Regional Spatial Planning, namely regarding the allocation of mining areas, Mining Designated areas according to the PERDA are in Bacan area, namely Bacan, West Bacan and East Bacan subdistricts; Obi area, namely in Obi, South Obi, East Obi, West Obi and North Obi Districts, Kasiruta area, namely in West Kasiruta District and East Kasiruta District; and the Kayoa area, namely West Kayoa and Kayoa.

There is integration in the use of natural resources and artificial resources by

paying attention to human resources (Koesnadi, 2000). Control of space utilization is also carried out through licensing of space utilization, providing incentives, disincentives and implementing sanctions.

This permit is intended as an effort to regulate space utilization in accordance with the RTR. This is confirmed (Article 35 of Law Number 26 of 2007 concerning Spatial Planning) that control of space utilization is carried out through the establishment of zoning regulations, permits, providing incentives and disincentives, and the imposition of sanctions. Furthermore, in article 1, point 27 of the PPTR, it is emphasized that zoning regulations are provisions that regulate space utilization and control provisions and are compiled for each block/allotment zone for which the zoning is determined in the RRTR.

Considering the importance of licensing, sanctions are not only imposed on space utilization that does not comply with licensing provisions, but also on authorized government officials who grant permission for space utilization that is not in accordance with the Spatial Planning Plan (Wahid, 1992).

Furthermore, with this intention, it is emphasized (Article 61 of Law Number 26 of 2007 concerning Spatial Planning) that in the use of space, PT. Harita Group must:

- a. Comply with the spatial plan that has been determined.
- b. Utilize space in accordance with the space utilization permit from the authorized official.
- c. Comply with the provisions stipulated in the space utilization permit requirements.
- d. Providing access to areas designated by the provisions of the Spatial Planning Regulations as public property.

Article 38 paragraph (1) of Law Number 41 of 1999 concerning Forestry states that the use of forest areas for

development purposes outside of forestry activities can only be carried out in production forest areas and protected forest areas. PT Harita Group also carries out mining activities in the Obi District Forest which is included in the production forest and is supported by Article 25 Paragraph (2) Letter b PERDA Number 20 of 2012 concerning the Regional Spatial Plan for South Halmahera Regency which states that the Production Forest Area is spread across West Bacan, North West Bacan, East Bacan, South Bacan, East Gane, South East Gane, Middle East Gane, West Gane, South West Gane, Batanglomang Islands, Joronga Islands, Obi, South Obi and East Obi districts with an area of 185,474.85 Ha.

Meanwhile, article 38 paragraph (4) provides restrictions on the use of protected forest areas for mining activities, namely that open mining areas are prohibited. These articles are the legal basis for PT Harita to carry out mining activities in forest areas.

PT Harita Group borrows and uses production forest areas, in accordance with Minister of Forestry Regulation No. P.14/Menhut-II/2006 concerning guidelines for borrowing and using forest areas states that, borrowing and using forest areas is: the use of part of a forest area to another party for development purposes outside of forestry activities without changing the status, designation and function of the area, with the aim of limiting and regulating the use of some forest areas for strategic interests or limited public interests outside the forestry sector and to avoid the occurrence of enclaves within forest areas.

The permission to borrow and use forest areas will be removed if (Salim, 1985):

- a. The time period has expired;
- b. The approval in principle is revoked by the permit provider as a sanction imposed on the permit holder;
- c. The approval in principle is handed back by the permit holder with a

written statement to the permit giver before the period of approval in principle or ends.

Meanwhile, sanctions as referred to in b are imposed if (Hairadi, 2006):

- a. Not using the forest area in accordance with the provisions stated in the letter of approval and/or borrowing to use the forest area;
- b. Transferring the lease-to-use forest area to another party without the Minister's approval; or
- c. Leave the used forest area before it ends.

The Harita Group itself has a Mining Business License (IUP) to carry out mining business, and has an Exploration Mining Business License (IUP) or permission granted to carry out the stages of general investigation, exploration and feasibility studies and complete the Harita Group Exploration Mining Business License. also has a Production Operations Mining Business License to carry out stages of production operations activities.

Harita group also currently still produces by carrying out mining construction, processing and refining activities, as well as transportation and sales in the context of mining. This type of Mining Business Permit is given to business entities, cooperatives or individuals as an enhancement to exploration activities. Article 46 Law no. 4 of 2009 concerning Mineral and Coal Mining ("Minerba Law") regulates that every Exploration Mining Business Permit holder is guaranteed to obtain a Production Operation Mining Business Permit as a continuation of their mining business activities. This guarantee from the government will only apply if the Exploration Mining Business Permit holder fulfills all obligations as regulated in the Exploration Mining Business Permit. Production Operation Mining Business Permits can be granted to business entities, cooperatives, or individuals based on the results of auctions for metal mineral or coal WIUPs that already have data from

feasibility studies.

Harita Group was also granted a Mining Business License for a period of 20 years, and can be extended twice for 10 years each, for mining metallic minerals. Meanwhile, for non-metallic mineral mining, a Mining Business Permit can be granted for a period of 10 years, and can be extended twice for 5 years each. For rock mining, a maximum period of 5 years is given and a maximum period of 20 years for coal mining.

Because it is reviewed by Regional Regulations by carrying out mining activities in production forests that are designated as mining areas, the operations carried out by PT. The Harita Group in Kawasi Village, Obi District, South Halmahera Regency, was permitted with reference to the issuance of a permit granted by the Regional Government in accordance with Regent's Decree No. 18 of 2011 concerning the granting of a 4,247 Ha DMP Nickel Quarry Mining business permit to PT. Trimega Bangun Persada and taken over to PT. Harita Group according to mutual agreement, with location permission granted by the Regional Government, PT. Harita Group can process production business permits and other permits so that legally PT. Harita Group can operate in Kawasi village, Obi sub-district because according to the provisions of the law and based on permits in that area it is possible to carry out mining business.

Harita Group must have a Current Company License by complying with Article 23 of the Regulation on the Implementation of Mineral and Coal Mining Business Activities regarding the requirements for obtaining a Production Operation Mining Business License for Business Entities.

Harita must also fulfill the obligations contained in Article 95 of Law no. 4 of 2009 concerning Mineral and Coal Mining ("Minerba Law") which regulates several general obligations that must be complied with by holders of Mining Business Permits

and Special Mining Business Permits.

PT. Harita Group as a Mining Business License Holder is obliged to guarantee the implementation of environmental standards and quality standards in accordance with the characteristics of an area. Harita Group, as the holder of mining business permits and special mining business permits, is also obliged to preserve the function and carrying capacity of the water resources concerned in accordance with the provisions of statutory regulations.

Budihardjo emphasized that public space is a place where citizens make social contact and there has been a lack of synchronization between one arrangement and another, both in terms of the degree (hierarchy) of statutory regulations, as well as in terms of legal substance, thus affecting the effectiveness implementation of regional allocation regulations in spatial planning in society (Budiharjo, 2005).

In this regard, according to Imam Koeswahyono's view, in achieving the goal of better spatial planning, at the operational level of spatial planning there are at least 3 (three) stages that must be taken, namely (Koeswahyono, 2000):

- a. Conduct an introductory study of existing spatial conditions by conducting studies to see patterns and interactions of elements forming space, humans and natural resources;
- b. Introduction to spatial planning issues and the formulation of national regional spatial development policies emphasizing problems related to future spatial utilization policy directions and their constraints;
- c. Preparation of future space utilization strategies.

Based on Regional Regulation Number 20 of 2012 concerning Regional Spatial Plans for South Halmahera Regency for 2012-2032 Article 1 number 14 Space Utilization is an effort to create spatial structures and spatial patterns in accordance with spatial plans through the preparation

and implementation of programs and their financing. Spatial planning utilization control is carried out so that spatial planning utilization can proceed in accordance with the spatial planning plan.

To maintain a balance of environmental benefits, socio-cultural benefits and economic benefits, changes to the designation and function of forest areas must be based on optimizing the distribution of functions and benefits of forest areas in a sustainable and sustainable manner by considering the existence of forest areas with sufficient area and proportional distribution.

Changes in the designation and function of forest areas are carried out through partial change mechanisms or changes to provincial areas. Partial changes in the designation of forest areas are carried out through exchange or release of production forest areas that can be converted. Forest area exchange is carried out in limited production forests and permanent production forests (Robinson, 2010).

From a juridical aspect, the designation of the nickel mining area is carried out by PT. Harita Group was established in accordance with Law Number 26 of 2007 concerning Spatial Planning, Law Number 4 of 2009 concerning Mineral and Coal Mining and South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning.

Then PT. Harita Group has also been permitted to carry out mining business operations in accordance with existing regulations and does not conflict with the law, because the area is a designated mining area and in accordance with the South Halmahera Regency Regional Government's permit, namely Regent's Decree Number 18 of 2010 concerning Mining Business Permits, PT Harita Group meets the spatial planning legal requirements to operate and carry out production in the South Halmahera

Regency, Kawasi Village, Obi Islands, North Maluku Province.

Indications are that the policy for granting permits to operate PT. Harita Group violates the principles of sustainable development which is currently widespread in society. Even the Indonesian Forum for the Environment (Walhi) North Maluku has conducted research on the condition of the waters of Weda Bay and Obi Island (WALHI and Auriga Nusantara, 2022).

And the results show the level of pollution on the island. Several water quality standards on Obi Island are below the standards of Minister of Environment Decree No. 51 of 2004 concerning Sea Water Quality Standards. For example, the salinity in the waters of Obi Island is 30.10 ppt; degree of acidity (pH) of 6.60; dissolved oxygen (DO) of 2.97; nitrate analysis of 0.010 mg/L; phosphate analysis of 0.018 mg/L; and ammonia analysis of 0.6 mg/L.

Then a number of fish such as pomfret, baronang, kerong-kerong, and trevally are indicated to have been exposed to heavy metals which can cause necrosis, which causes the death of kidney, liver and muscle cells. In fact, the Obi people, especially Kawasi, farm and become fishermen to meet their food needs. This damage to land and waters shows that there has been confiscation of living space, not just housing.

This is of course very contrary to the principle of sustainability which is one of the principles of sustainable development. Environmental damage due to mining not only endangers the continuity of life today, as research findings by the Indonesian Forum for the Environment (Walhi) North Maluku have found, but can also result in the termination of the present generation's obligation to inherit an environment that is conducive to meeting the needs of future generations.

However, it is very unfortunate that in South Halmahera Regency Regional Regulation Number 20 of 2012 concerning

Regional Spatial Planning, there is no regulation regarding the supervisory obligations carried out by the relevant government. The existence of this regulation greatly contributes to ensuring that the implementation of mining in the South Halmahera region remains controlled and under control so that its implementation is truly in accordance with the principles of sustainable development.

CONCLUSION

South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning contains the three principles of sustainable development, namely the principle of democracy, the principle of justice and the principle of sustainability. However, the failure to clearly and in detail regulate criminal sanctions in South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional Spatial Planning, could have the effect of not implementing the principles of sustainable development optimally. There is also a provision that should be revised, namely Article 49 paragraph (2) where it seems there was an error in writing the article that was violated, namely that what should have been written Article 48 paragraph (1) letter c, was written Article 47 letter c.

From a juridical aspect, the designation of the nickel mining area is carried out by PT. Harita Group has been established in accordance with statutory regulations. However, there are indications that the mining carried out does not fully implement the principles of sustainable development. This is known from research conducted by WALHI North Maluku in 2023, namely the pollution of the waters of Weda Bay and Obi Island. This means that the mining process is carried out without regard to sustainable principles. This could be due to a lack of supervision by the relevant institutions. However, procedural supervision is not regulated in South Halmahera Regency Regional Regulation Number 20 of 2012 concerning Regional

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