

CHAPTER IV

CONCLUSION

4.1. Conclusion

1. Regulation in response to the Mining Law No. 4 of 2009 has not been carried out by local governments of Tanah Bumbu Regency. The evident is from institutions that have not been able to formulate the regulation as an alternative measure. This is because the relevant institutions have not been able to act proactively in offering solutions to the problems arising from the Mining Law No. 4 of 2009. In addition, the latest regulation of Decentralization No. 23 of 2014 regulates the authority of local governments in the mining and energy sectors. This regulation reduces the authority of local governments in carrying out technical work in mining and energy.
2. Plans for construction of mining and energy have been implemented. The evident is from the cooperation of local government and local mining company in improving the local economy. However, within the last 5 years, Distamben IUP has not been able to publish it in accordance with the targets set in the Strategic Plan (Plan). This is because the global economy that affect the world price of mineral and coal so that it gives impact on growth of mineral and coal mining industry.
3. In order to protect the mining industry, Distamben does not focus on tackling illegal mining adverse impact on the environment and detrimental

to the survival of the State. In addition, Distamben is being focused in the field of fuel distribution in Tanah Bumbu Regency.

4. In performing its role as implementers of Mining Law, Distamben and related institutions have not been able to simplify the procedure for the issuance of an IUP mining entrepreneurs. The latest decentralization law No. 23 of 2014 is the main obstacle in the mining district governments. So that local governments no longer have the authority to implement the Mining Law. As from October 2014 implementation of the Decentralization Law Distamben given for two years for the alienation process documentation.
5. The practice of local politics is still an important issue in Tanah Bumbu Regency, especially in the mining industry. So that it becomes the most difficult thing to control because of the fraud that has been structured is difficult to detect.
6. Local governments and BPMPD still focus on small and medium industries, as BPPMD only provide services investment licenses with a value below 10 billion rupiah. Moreover, because since the last 5 years of mineral and coal prices decline globally so that the adversely affects the mining industry in Tanah Bumbu Regency. This situation has implications for the transfer of the mining sector into the plantation and fishery.

4.2 Recommendation

1. The main recommendation for the central government is to examine further in the process of drafting legislation, so there is no overlapping in the authority or the adverse effects of these laws.
2. For the provincial government, they should implement it with the values of decentralization contained in the decentralization laws. Especially the role of control as an arm of the central government.
3. Mining companies are expected to cooperate with the government in running the business sportsmanship and transparent. Besides referring to environmental sustainability and social life of the community.
4. Mining companies as the private sector in dealing with Mining Law No 4 of 2009 implementation are expected to find out the join venture to conduct smelter in term to minimize the cost.
5. It is important to conduct further research on the study of the implementation of Mining Law No. 4 of 2009 and Decentralization Law No. 23 of 2014 and its terms.