

Authority Relationship Between Central Government and Regional Government Over Supervision of Rocks Mining Permits

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Abstract

The uniqueness of the earth's structure pattern in a particular area has the potential to carry out exploration activities for Non-Metal Minerals and Rocks that can be maximally optimized. Non-metallic mineral and rock mining in Bojonegoro Regency has the second superior potential after oil and gas mining. The production of mining non-metallic minerals and rocks in the form of phosphate stone, marble / onyx, and gamping stone. Bojonegoro Regency realizes non-metallic mineral and rock mining plans, one of which is by supervising and controlling mining activities. It is interesting for researchers to see how the supervision model for rock mining permits in Bojonegoro Regency after the issuance of PERPRES 55/2022. This study uses the socio-legal research method. The authority to supervise rock mines is no longer owned by the Bojonegoro Regency Government, but the Bojonegoro Regency Government exercises discretion to carry out supervision of rock mines by discretion. The discretion exercised involves existing apparatus and collaborates with the community, police, prosecutors, and village officials. There must be a re-identification of the authority to supervise rock mining by involving the Bojonegoro district government in the field supervision process.

Keywords: Administrative Law; Permits; Supervision; Rock Mining

INTRODUCTION

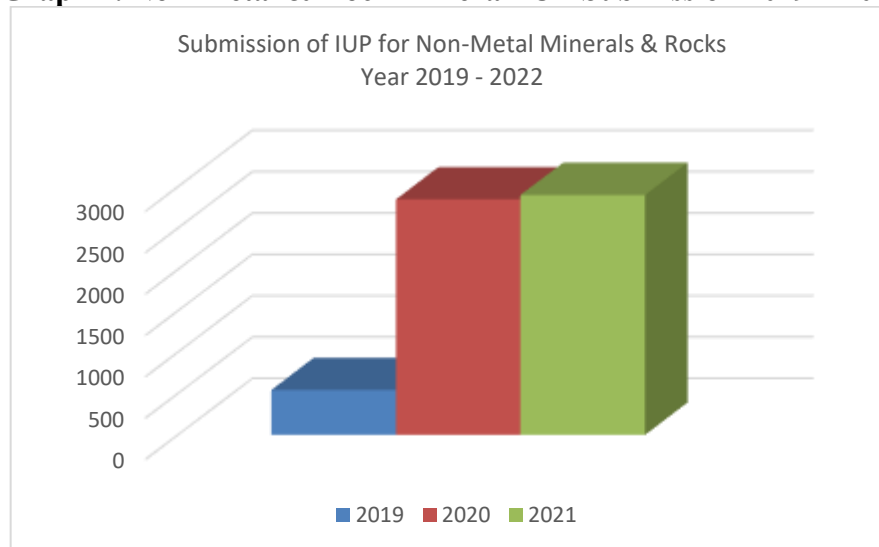
The development of the the aspiration of the Indonesian government to promote faster and broader economic growth, to achieve the prosperity of a developed, a just society that aligns with the noble principles established by the nation's founders, as reflected in the fourth paragraph of the Constitution of the Republic of Indonesia Year 1945 (UUD NRI 1945). This honorable goal is pursued by the Indonesian government, acting as a key agent in shaping society, utilizing legal frameworks as instruments of social transformation, in accordance with Roscoe Pound's opinion, *namely "law as a tool of social engineering"*. To achieve the acceleration and broadening of economic development, the Indonesian government is working to eliminate overlapping regulations that may hinder national economic progress. With this condition, of course, the government wants to realize the economic principles stated in the body of the national economy is structured on the foundation of economic democracy, guided by principles such as togetherness, justice combined with efficiency, sustainability, environmental awareness, independence, and maintaining a balance between progress and national economic unity "The national economy is organized based on economic democracy with the principles of togetherness, equitable efficiency, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity.****)". The form of this cut is realized by the emergence of laws and regulations using the omnibus law method, the legislation numbered 11 of 2020, which addresses Job Creation. The purpose of the birth of the Job Creation Law is a strategic policy to create and expand work through increasing investment, promoting the growth and enhancement of Cooperatives along with Micro, Small, and Medium Enterprises.

The government views investment as a crucial factor to drive the acceleration and broadening of economic growth are primarily driven by increased investment, which, according to Ernita, Dewi, and colleagues, significantly impacts Indonesia's economic progress. For the eyes of the world, Indonesia is a country with a favorite destination for business people who want to invest, this is because Indonesia has a very high number of young people (Ernita, Dewi, Syamsul Amar, 2013). One of the government's efforts to improve Indonesia's investment climate

is the implementation of a streamlined licensing system, now known as risk-based investment licensing. Following the enactment of the Job Creation Law, this licensing system classifies investments into three risk categories: low, medium, and high risk. The manoeuvre mandated to carry out its own risk-based business licensing after the birth of the Job Creation Law is currently issued by the Central Government and Regional Governments in accordance with norms, standards, procedures, and criteria set by the Central Government through the (Deloitte, 2022) *Online Single Submission* (OSS) system. According to Hadiyantina, the authority itself serves as a driving force for government administration, enabling the state to be dynamic ("de staat in beweging") so it can effectively function and provide services to its citizens. The transfer of authority to manage risk-based business licensing is expected to improve Indonesia's investment climate, making it more attractive and friendly for investors (Hadiyantina, S., 2018).

One of the most productive investment climates in Indonesia at this time is in the extraction of non-metallic minerals and rocks, as reported by cnbcindonesia.com referencing data from Minerba One Data Indonesia (MODI) under the Ministry of Energy and Mineral Resources (ESDM), shows that over the past three years, applications for Non-Metal and Rock Mineral Mining Business Licenses (IUP) have been recorded in 2019, 2020, 2021 has increased, can be seen through the table as follows: (Umah, 2021)

Graph 1. Non-Metal & Rock Mineral IUP Submission 2019 – 2022



Source: Secondary Legal Material, processed by the author

The uniqueness of the pattern of earth structure in a particular area has good natural resource potential to carry out exploration activities for optimization potential in the extraction of non-metal mineral and rock resources. This condition is also enjoyed by Bojonegoro Regency where the regional economic structure is captured through the Gross Regional Domestic Product (GRDP) dominated by the Mining and Quarry Business Field by 54.29 percent in 2022, can be seen in the picture below about the GDP of Bojonegoro Regency in 2022:

Figure 1. Gross Regional Domestic Product (GDP) Bojonegoro Regency in 2022



Source: Official Statistics News No. 002/02/3522/Th. III, February 28, 2023, concerning Economic Growth of Bojonegoro Regency in 2022, secondary data.

The Mining and Quarry Business Field that develops and dominates the economic sector in Bojonegoro Regency is one aspect to improve community welfare and become a hope for the local community strives to enhance regional economic growth. Between 2016 and 2020, the mining and quarrying sector recorded the highest growth in Gross Domestic Product (GDP) at current prices (ADHB), as illustrated in the subsequent table:

Table 2. Gross Regional Domestic Product (GDP) based on prevailing prices (ADHB) Bojonegoro Regency Year 2016 – 2020

Business Field	2016	2017	2018	2019	2020
Mining and Quarrying	24.144,5	30.755,9	36.328,5	38.525,2	30.508,2

*The numbers in the table are units of billion rupiah

Source : Final Report of Investment Potential Study of Bojonegoro Regency, Secondary Data, processed by the author

Non-metallic mining of mineral and rock in Bojonegoro Regency has the second superior potential after oil and gas mining. The production from operations involving extraction of non-metallic mineral and rock categorized into Phosphate Stone with a potential area of 25 hectares which is now only limited to 4,767 M³ in Jono Village, Temayang District, Marble / Onyx Stone with a potential area of 335 hectares which is now only limited to 234 M³ in Jari Village, Gondang District, and Limestone potential area of 335 Hectares which is now only limited to 4,530,000 M³ in Key Village, Dander District, Elephant Village, Baureno District, and Dandanggilo Village, Kasiman District. The amount of non-metallic mineral and rock mining in Bojonegoro Regency is the potential of the region to develop an area that has economic value, through the Final Report of the Investment Potential Study of Bojonegoro Regency by looking at the Regional Spatial Plan of Bojonegoro Regency, Bojonegoro Regency realizes the non-metallic mineral and rock mining plan by: 16111611(Final Report of Investment Potential Study of Bojonegoro District. n.D., n.d.)

1. Identification of potential mineral and mining resources
2. Mining setup
3. Mining monitoring and control
4. Provide mining support facilities and infrastructure
5. Supervision and control of mining activities
6. Developing human resources in the mining sector

Looking at the mining plan above, researchers focused on supervision and control activities of rock mining activities in Bojonegoro Regency. Supervision is an activity to check something that has been carried out in accordance with plans, orders, and established principles.

The authority to issue and supervise rock mining permits has been delegated following the enactment of Presidential Regulation Number 55 of 2022 on the Delegation of Business Licensing in the Mineral and Coal Mining Sector (PERPRES 55/2022) becomes the delegated authority, before further to see the existing authority, the researcher first sees from the delegation to the PERPRES, the delegation in question is the transfer of government authority from the central government to provincial regional governments concerns the granting of business licenses in the mineral and coal mining sector, the delegation authority related to rock mining permits are listed in the following articles(Freddy, 2020): Article 2 paragraph (1) of PERPRES 55/2022 "Delegation includes:

1. gift;
1. standard certificates; and
2. permission;
3. guidance on the implementation of delegated Business Licensing; and
4. supervision over the implementation of delegated Business Licensing".

Article 2 paragraph (3) letter c

"The granting of permission as referred to in paragraph (1) letter a number 2 consists of:

IUP in the framework of domestic investment for rock commodities with the following conditions:

1. located in 1 (one) provincial area; or
2. sea area up to 12 (twelve) nautical miles".

Article 5 paragraph (1) of PERPRES 55/2022

1. The Central Government is responsible for providing guidance and overseeing the implementation activities to the Provincial-Regional Authority regarding the carrying out of Delegation as stated in Article 2. Development and supervision as mentioned in paragraph (1) are the implementation is carried out in compliance with the laws and regulations governing the guidance and supervision of Regional Administration operations.

Founded on the prevailing legal framework, the authority to issue permits and oversee rock mining activities rests with the Provincial Government. This regulation is certainly beneficial for regional administrations, particularly at the provincial level. Consequently, the Bojonegoro Regency Government, despite being an area with rock mining potential, holds only a supporting role, limited to accompanying central government officials during site inspections. Seeing the latest regulation regarding the supervisory function of mining rock permits makes an exciting issue for district / city governments that have mining areas in their areas, this is because the district / city feels the magnitude of the original opinion of the region derived from mining non-metal minerals and rocks. It is interesting for researchers to see how the supervision model for rock mining permits in Bojonegoro Regency after the issuance (Nugroho, 2022) of PERPRES 55/2022. Because the supervisory authority is owned by the Provincial Government, but the location of rock mining activities are located within the boundaries of a Regency or City, there will be a relationship of power between the Provincial Government as the receiver of delegation authority Here is a paraphrased version of "from the central government and the Regency / City Government as the owner of the rock mining area": "The rock mining area is under the ownership and authority of both the central government and the Regency/City Government. So the researcher wants to research the "*Supervision Model Of Rock Mining Permits In Bojonegoro Regency*".

RESEARCH METHODS

The type of research conducted in this study is socio-legal, which approaches legal research by viewing law not only as a set of prescriptive rules and applied disciplines but also as an empirical reality. In this approach, law is examined beyond theoretical frameworks to understand its practical and social implications. This is in accordance with the problems that will be examined by the author Here are some paraphrased versions of "related to the relationship between the central government and regional" to avoid plagiarism: " concerning the interaction between the national and regional governments authorities as well as the supervision model of rock mining permits in Bojonegoro Regency. Research approach is a way or method to conduct a study. The research approach that will be the approach employed in this research is a sociological approach because it is in line with the type of socio-legal research. The sociology of law approach examines how societal responses and interactions take place when legal norms operate within a community. This research will be conducted in mining areas in Bojonegoro Regency, especially in Rock Mining. The choice of location was based on the author's curiosity about the relationship between central and local government authority as well as model supervision of rock mining permits by local governments in Bojonegoro Regency(Kadarudin, 2021)(Arikunto, 2002)(HS, Salim, 2013)

RESULT AND DISCUSSION

In accordance with the framework of the 1945 Fundamental Law of the Republic of Indonesia, namely Articles 18, 18A, and 18B, the administrative system of the unitary state is organized into provinces, which are further separated into regencies and municipalities. Each level—province, regency, and city—functions as a local government vested with the power to administer and administer its own affairs, guided by the principles of decentralization, deconcentration, and assistance duties, while exercising the broadest possible regional autonomy.

Decentralization refers to the handover of power and powers from the central government to regional governments, granting them autonomy to manage their own affairs independently without intervention from the central government. Furthermore, Article 1 number 8 of Law Number 23 of 2014 provides a specific definition of decentralization (Hamidi, 2011).

"Decentralization is the handover of Government Affairs by the Central Government to autonomous regions based on the Principle of Autonomy."

Autonomous regions have rights, authorities, and obligations in regulating and managing their own administrative affairs and the interests of the people in the regions. As a legal consequence of the principle of decentralization, not all administrative affairs are organized by the central government exclusively. Various administrative affairs can be conducted using the help of lesser government units. Government affairs that are transferred to regional governments become part of the regional administration, granting regions the freedom to manage and regulate their own affairs, while still being subject to supervision from the central government or higher-level authorities. With the continued supervision, freedom does not carry the meaning of independence (*onafhankelijk*) (Abdurrahman, 1987)

In addition to decentralization, there is also deconcentration defined in regional autonomy refers to the authority granted to local governments to organize and administer governmental matters as well as address the interests of their communities. according to the legislation:

"Deconcentration is the delegation of part of Government Affairs under the authority of the Central Government to the governor as the representative of the Central Government, to vertical agencies in certain regions, and/or to the governor and regent/mayor as the person in charge of general government affairs"

As well as the Assistance Duty defined in article 1 number 11 of Law Number 23 of 2014 which states that:

"The task of assistance is the assignment from the Central Government to the autonomous regions to carry out part of the Government Affairs under the authority of the Central Government or from the provincial Regional Government to the district/city regions to carry out some of the Government Affairs under the authority of the provincial regions."

In the literature, two forms of autonomy are known, namely limited autonomy and broad autonomy. As stated by Bagir Manan, limited autonomy may be categorized by three main criteria: First, specific governmental affairs must be clearly defined and regulated in particular ways at the regional level. Second, the system of supervision and control should be such that the autonomous regions lose the ability to freely determine how to manage their affairs. Third, the fiscal relationship between the central government and the regions should impose restrictions on the regions' original financial capacities, thereby limiting their degree of autonomy. Conversely, broad autonomy is grounded in the principle that all governmental affairs are inherently regional matters, except for those explicitly reserved for the central government (Manan, 2001).

Regulations regarding primary authority to authorize mining business activities through permits lies with the Central Government licenses experience dynamics from time to time. The spirit of regional autonomy was seen in mining regulations during the enactment of Law No. 4 of 2009. The provincial and regency/city administrations are vested with the power to grant mining business licenses and to formulate regional regulations concerning mining operations. Previously, mining management was centralized; however, it has shifted towards decentralization as regulated by Law Number 4 of 2009. This shift aims to empower regional governments to manage the natural resources inside their territories, enabling them to contribute to regional development. This is reinforced by the Constitutional Court Ruling Number 10 / PUU-X / 2012 which is related to the examination of Law No. 4 of 2009 against the 1945 NRI Constitution. According to the Court's Consideration, that government affairs in determining Mining Areas (WP), Mining Business Areas (WUP) and the boundaries and areas of Mining Business Permit Areas (WIUP), are not administrative affairs that are absolutely the business of the central government in order to guarantee the sovereignty of the unified state of the Republic of Indonesia, but are facultative administrative affairs that are highly dependent on the situation, conditions and needs of effective implementation government. According to the Court, the determination of the facultative division of government affairs must reflect the spirit of the Constitution, which grants the widest possible autonomy to local governments. Consequently, the allocation of government affairs and facultative authority should be based on the particular circumstances, conditions, and needs to ensure effective governance and uphold democratic principles. Related to natural resources, it must also consider the principles of justice and harmony in the use of natural resources, in this case minerals and coal (Risal, 2018) (Yofita, Emilda, 2021).

In addition, the decision gives consideration regarding the widest autonomy granted to local governments for managing their own matters is stipulated in Article 18, paragraphs (2) and (5) of the 1945 Constitution of the Republic of Indonesia. This autonomy operates within the framework of political democracy, governing the relationship between regional and central governments. Regional administrations are enabled to govern and manage their own government matters, except for those specifically assigned to the central government by law, thereby promoting effective and democratic governance. Granting autonomy to regions is one form of state acknowledgment of the existence of diverse regions in Indonesia to take care of their own autonomous government affairs. The purpose of granting autonomy to regions is to empower them and speed up the decision-making process in managing government affairs that they can handle independently, making governance more effective and efficient. Fundamentally, Article 18 section (5) of the 1945 Constitution mandates that regions be granted residual authority,

meaning that they hold all governmental powers except those explicitly delegated to the central government. That is, the 1945 NRI Constitution in principle requires the granting of more authority to the regions, and the central government only holds authority in strategic government affairs to guarantee state sovereignty and territorial unity of the Republic of Indonesia, and additional authority, namely the authority to carry out government affairs that are coordination, synchronization, standardization, evaluation, and control to ensure effectiveness, harmony and balance in implementation government (Yofita, Emilda, 2021).

The non-involvement of local governments after the enactment of Law No. 3 of 2020 in the implementation and management of mineral and coal mining by the framer of the law is based on the reason that there is still conflicting authority between the Central Government and Regional Government, so that it is less effective and cannot provide optimal added value. In addition, in the academic text of Law No. 3 of 2020 explains that the euphoria of regional autonomy is politically more interpreted as a delegation of power that seems unlimited and oriented towards short-term interests and is often interpreted more on the interests of territorial control. Several cases of chaotic management of permits, environmental supervision and damage, as well as conflicts between communities around the location of Natural Resources (SDA) utilization with legal entities holding mining business permits in the regions reflect the negative side of natural resource management in the era of political autonomy so far. As a result, disharmony in natural resource management is inevitable between the central government and local governments. More operationally, this conflict is in turn interpreted as a conflict over authority between the center and the regions. These conflicts usually occur due to local government demands to fully manage natural resources, as well as demands on the central government to create harmony with other related sectors. Therefore, the implementation of mining of minerals and coal under the provisions of Law No. 3 of 2020 is under the full control of the central government, namely in article 4 (Yofita, Emilda, 2021).

In fact, if we return to the Indonesian constitution In the unitary state of execution of government responsibilities generally remains under the authority belonging to the Central Government. However, since Indonesia follows a decentralized system of a unitary state, certain government tasks are managed independently by the regions. This arrangement fosters mutual relationships that give rise to the division of authority, financial management, and oversight between the central and regional governments. According to Bagir Manan, autonomy is the spearhead of efforts to realize welfare. Given that the welfare function will expose the government to concrete realities that vary from region to region and develop following the dynamics of the needs of the local community, autonomy must provide sufficient space to exercise freedom to run the government. One of them is for areas that have potential natural resources in the form of non-metallic minerals and rocks, namely Bojonegoro Regency (Huda, 2014) (*Final Report of Investment Potential Study of Bojonegoro District. n.D., n.d.*).

Minerals and rocks that are non-metallic mining in Bojonegoro Regency has the second superior potential after oil and gas mining. The production from mining non-metallic minerals and rocks in the form of Phosphate Stone with a potential area of 25 hectares which is now only limited to 4,767 M³ in Jono Village, Temayang District, Marble / Onyx Stone with a potential area of 335 hectares which is now only limited to 234 M³ in Jari Village, Gondang District, and Limestone potential area of 335 Hectares which is now only limited to 4,530,000 M³ in Key Village, Dander District, Elephant Village, Baureno District, and Dandanggilo Village, Kasiman District. The amount of non-metallic mineral and rock mining in Bojonegoro Regency is the potential of the region to develop an area that has economic value, through the Final Report of the Investment Potential Study of Bojonegoro Regency by looking at the Regional Spatial Plan of Bojonegoro Regency, Bojonegoro Regency realizes the non-metallic mineral and rock mining plan by: 16151615 (*Final Report of Investment Potential Study of Bojonegoro District. n.D., n.d.*).

1. Identification of potential mineral and mining resources

2. Mining setup
3. Mining monitoring and control
4. Provide mining support facilities and infrastructure
5. Supervision and control of mining activities
6. Developing human resources in the mining sector

Looking at the mining plan above, researchers focused on supervision and control activities of rock mining activities in Bojonegoro Regency. Supervision is an activity to check something that has been carried out in accordance with plans, orders, and established principles. The power to grant and oversee rock mining permits is stipulated under Presidential Regulation No. 55 of 2022 on the Delegation of Business Licensing in the Mineral and Coal Mining Sector (PERPRES 55/2022) becomes the delegated authority, before further to see the existing authority, the researcher first sees from the delegation to the PERPRES, the delegation in question is the handover concerning state administration that Being the authority of the central government to provincial regional governments in the context of granting business licenses in the field of mining activities in the mineral and coal sector, the delegation authority related to rock mining permits is listed in the following articles (Freddy, 2020):

Article 2 paragraph (1) of PERPRES 55/2022

"Delegation includes:

1. gift:
 1. standard certificates; and
 2. permission;
3. guidance on the implementation of delegated Business Licensing; and
4. supervision over the implementation of delegated Business Licensing".

Article 2 paragraph (3) letter c

"The granting of permission as referred to in paragraph (1) letter a number 2 consists of:

IUP in the framework of domestic investment for rock commodities with the following conditions:

1. located in 1 (one) provincial area; or
2. sea area up to 12 (twelve) nautical miles".

Article 5 paragraph (1) of PERPRES 55/2022

1. The Central Government provides guidance and oversight to the Provincial Government regarding the implementation of the delegation as stipulated in Article 2.
2. The development and supervision referred to in paragraph (1) shall be implemented in accordance with the legal provisions governing the guidance and supervision of Regional Government administration.

Judging from the stipulations contained in current legislation and regulations, the granting of permits and supervision of rock mining is the powers vested in the Provincial Government. Naturally, the emergence of this provision is good news for Regional Governments, especially in Provincial Governments. So that the authority of the Bojonegoro Regency Government as a regency that has a rock mining area is only limited to accompanying when the central government visits the mining site. Seeing the latest regulation regarding the supervisory function of mining rock permits makes an exciting issue for district / city governments that have mining areas in their areas, this is because the district / city feels the magnitude of the original opinion of the region derived from mining non-metal minerals and rocks (Nugroho, 2022).

Regarding the supervision of in relation to non-log and rock mineral mining activities, the Regional Government of Bojonegoro Regency does not possess supervisory authority. Pursuant to Article 5 paragraph (1), the responsibility for providing guidance and supervision lies with the central government, which has delegated this authority to the provincial government, in this case the Province of East Java.

Within a unitary state, the guiding principle is that says that the power holder in the administration of government lies in the hands of the Central government, therefore the autonomy given to the Regions is not independence but limited freedom or it can be said that independence is a form of providing opportunities for Regions that must be accounted for, therefore the Central Government has the right to supervise Regional Governments in carrying out their duties organizing government in the Regions. On this subject Amrah Muslimin argues that: the principle contained in the unitary state is that the Central Government has the authority to intervene more intensively in matters in the Regions and the authority of the Central Government is only contained in a general formulation of the Constitution. The central government's supervision of the regions is a binder of unity, so that the pendulum of freedom of autonomy does not move so far as to reduce or even threaten unity, but supervision must not result in a reduction in the values contained in the principles of decentralization and the benchmarks of the regional household system such as the basis of popular and the freedom of the region to take initiative, therefore the pendulum of supervision must move in balance, not too loosely but neither is it too strict (Syafudin, 1985) (Manan, 1994).

Central Government supervision of local governments is a must that must exist in a unitary state. Supervision of the Central Government to the Regions is intended so that the Regions can perform their duties in carrying out Regional government as well as possible, so that the interests of the state and the people in the Regions can be guaranteed. The supervisory function is a limitation on power, therefore supervision is very important to control the work of the Regional Government in organizing Regional Government so as not to deviate from applicable regulations.

According to Suhino, the function of central supervision of the regions is very important, because supervision is an effort to ensure harmony between the implementation of government duties by autonomous regions and the central government and to ensure the smooth administration of government effectively and successfully (Anggraini, 2011).

The purpose of supervision according to Sujamto is to find out and assess the true reality of the implementation of duties and work, whether it is in accordance with what it should be or not. So it can be seen that the purpose of supervision is to assess the reality that has happened and compared with what should happen, so that it will be seen whether the results achieved have met what they should. If there is a deviation, it will be easily controlled and quickly corrected. According to Victor M. Manulang and Jusuf Juhir, the objectives of supervision are (Sujamto, 1986):

1. ensure the provision of implementation in accordance with plans, policies and orders.
2. bring order to the coordination of activities.
3. prevent waste and misappropriation.
4. ensure the realization of public satisfaction with the goods and services produced.
5. Fostering trust in organizational leadership

The purpose of the Central Government's supervision of the Regions is so that the administration of government in the Regions can run smoothly, efficiently and successfully, so that the purpose of governance, namely the welfare of the people of the region, can be carried out.

Supervision consists of various forms and based on various things, namely:

1. Direct supervision and indirect supervision
2. preventive surveillance, repressive surveillance, and general surveillance
3. external supervision and internal supervision

Based on an interview with Mr. Yoppy, Head of Regional Regulation Enforcement of Bojonegoro Regency, according to Presidential Regulation Number 55 of 2022 concerning the Delegation of Business Licensing in the Mineral and Coal Mining Sector, Bojonegoro Regency no longer holds the authority to supervise coal mining businesses, as this authority has been transferred to the provincial government. In addition to the problem of no authority in the field

of supervision, even in the process of issuing permits, local governments are not involved. The situation that occurs is, permits will be issued without knowing the process by the local government of Bojonegoro Regency. If there is a problem with the mining business license granted, the community reports to the Bojonegoro Regency PP Satpol, even though the Bojonegoro Regency PP Satpol does not have the authority to supervise. The steps taken by Satpol PP are to continue to carry out inspections and enforcement by cooperating with the police and prosecutors. Violations that occur will be reported to the police, so that accountability for these actions is more inclined to the criminal realm than the realm of state administration.

Coordination between the East Java provincial police force and the Bojonegoro district police force is still ineffective. Satpol pp bojonegoro regency understands this, considering the work area of satpol pp east java is much wider. There is still no regional regulation of East Java Province that provides clarity regarding the supervisory collaboration model between the East Java Provincial Police and the Bojonegoro Regency PP Satpol.

The exercise of the provincial government's authority is carried out by the Provincial Investment and One-Stop Integrated Services Office (DPMPTSP) and the Office responsible for non-metallic minerals, certain types of non-metallic minerals, and rocks. This arrangement supports the effective and efficient implementation of guidance and supervision of mining business activities, it is formed:

1. Officials who have the duty, responsibility and authority to supervise the implementation of good mining engineering principles by the Mine Inspector; and
2. Officials who have the duty, responsibility and authority to supervise the implementation of mining business governance by Mining Supervisory Officials.

In accordance with Article 141 of the Mining Law, mine inspectors are authorized to conduct supervision, among others:

1. Technical mining;
2. Conservation of mineral and coal resources;
3. Mining safety;
4. Environmental management, reclamation, and post-mining; and
5. Mastery, development and application of mining technology.

In accordance with Article 141 of the Mining Law, the Mining Supervision Officer is authorized to supervise, among others:

1. Production and marketing.
2. Finance.
3. Mineral and coal data processing.
4. Utilization of goods, services, technology, and domestic engineering and design capabilities.
5. Development of mining technical workforce; and
6. Development and empowerment of local communities

Mine Inspectors are currently number 597 (five hundred and ninety-seven) both stationed in the national government and the provincial administration. As for the Mining Supervisory Officer, it is being proposed for its establishment. Prior to the establishment of the Mining Supervisory Officer to carry out the oversight of mining business management is conducted by officials designated by the Minister of Energy and Mineral Resources.

For supervision of business permits the responsibility for implementing good mining engineering principles has been delegated to the provincial Regional Government and is carried out by the Mine Inspector. Supervision of mining business governance implementation is carried out by the Mining Supervisory Officer. Before the establishment of this officer, the supervision was performed by officials appointed by the Governor. However, its implementation is still not effective, it can be done in Bojonegoro district.

Regulation Number 26 of 2018 and its technical guidelines/instructions, serving as the implementing regulation until a new ministerial regulation is enacted to support Law Number 3 of 2020. To ensure compliance with the Mineral and Coal Law, a Civil Servant Investigator (PPNS) has been established. According to Article 149 paragraph (2) of Law Number 4 of 2009, the PPNS is authorized to:

1. check the correctness of reports or information related to criminal acts in mining business activities.
2. conduct investigations on persons or entities suspected of committing criminal acts in mining business activities.
3. summoning and/or forcibly bringing people to be heard and examined as witnesses or suspects in cases of criminal mining business activities.
4. search places and/or facilities allegedly used to commit criminal acts in mining business activities.
5. inspect the facilities and infrastructure of mining business activities and stop the use of equipment allegedly used to commit criminal acts;
6. sealing and/or confiscating mining business activities used to commit criminal acts as evidence.
7. bring in and/or request the assistance of experts needed in connection with the examination of criminal cases in mining business activities; and/or
8. stop investigating criminal cases in mining business activities.

Based on an interview with Mr. Faisal from the Investment and One-Stop Integrated Service Office (PTSP) of Bojonegoro Regency, the absence of Bojonegoro Regency Government involvement in the business licensing process has resulted in more complicated licensing procedures. To address this issue, PTSP Bojonegoro Regency has exercised discretion, specifically regulating unlicensed rock mining by leveraging the authority of the village head.

Article 26 paragraph (1) of the Village Law states that the Village Head is in charge of organizing Village Government, carrying out Village Development, Village community development, and empowering Village Communities.

Article 26 paragraph (2) of the Village Law states that:

In carrying out the duties as referred to in paragraph (1), the Village Head has the authority:

1. leading the administration of Village Government;
2. appoint and dismiss Village officials;
3. hold the power of managing Village Finance and Assets;
4. establish Village Regulations;
5. establish the Village Revenue and Expenditure Budget;
6. fostering the lives of the village community;
7. building peace and order in the village community;
8. fostering and improving the village economy and integrating it in order to achieve a productive scale economy for the greatest prosperity of the village community;
9. develop the village's source of income;
10. propose and accept the transfer of part of state wealth to improve the welfare of the village community;
11. develop the socio-cultural life of the village community;
12. utilizing appropriate technology;
13. coordinate participatory village development;
14. represent the Village inside and outside the court or appoint a legal representative to represent it in accordance with the provisions of laws and regulations; and
15. Exercise other authorities in accordance with the provisions of laws and regulations.

Article 26 paragraph (3) of the Village Law states that:

In carrying out the duties as referred to in paragraph (1), the Village Head has the right:

1. propose the organizational structure and working procedures of the Village Government;
2. submit a draft and establish Village Regulations;
3. receive a fixed monthly income, benefits, and other legal receipts, as well as health coverage;
4. obtain legal protection for the policies implemented; and

1. mandate the implementation of duties and other obligations to the Village apparatus. Article 26 paragraph (4) of the Village Law states that:

In carrying out the duties as referred to in paragraph (1), the Village Head is obligated to:

1. uphold and practice Pancasila, implement the Constitution of the Republic of Indonesia Year 1945, and maintain and maintain the integrity of the Unitary State of the Republic of Indonesia, and Bhinneka Tunggal Ika;
2. improve the welfare of the village community;
3. maintain the peace and order of the village community;
4. obey and enforce laws and regulations;
5. carry out a life of democracy and gender justice;
6. implement the principles of Village Governance that are accountable, transparent, professional, effective and efficient, clean, and free from collusion, corruption, and nepotism;
7. establish cooperation and coordination with all stakeholders in the Village;
8. organizing good village government administration;
9. managing Village Finance and Assets;
10. carry out government affairs under the authority of the Village;
11. resolve community disputes in the village;
12. develop the economy of rural communities;
13. fostering and preserving the socio-cultural values of the village community;
14. empowering communities and community institutions in the village;
15. develop the potential of natural resources and preserve the environment; and
16. provide information to the village community.

The village head holds the responsibility to lead village administration and foster peace and order within the village community. This duty includes maintaining community order, which can also be seen as protecting the environment, since illegal mining activities disrupt social stability. The discretion to address such issues is exercised by PTSP Bojonegoro Regency, utilizing the authority of the village head to regulate unlicensed mining and safeguard the community.

Based on an interview with Mr. Hanif from the Environmental Agency (DLH) of Bojonegoro Regency, the optimization of supervision should be carried out collaboratively by the central government, the East Java provincial government, and the Bojonegoro Regency government. Joint supervision has been carried out, but it is still less effective in terms of intensity. If supervision is not carried out frequently, then violations will occur again. Based on the latest regulation, if there is a violation, the provincial government is in authority, while the local government of Bojonegoro Regency does not have the authority to supervise. There have been reports related to illegal mining to DLH Bojonegoro Regency and reported to East Java Province, but the process took a long time. The affected communities want their reports to be acted upon immediately, but the Bojonegoro Regency Government does not have the authority to take action, while the East Java Provincial Government has a very wide working area, so it is natural that incoming reports are slow to be handled properly.

CONCLUSION

Based on the data obtained, it is concluded that the authority to supervise rock mines is no longer owned by the Bojonegoro Regency Government, but the Bojonegoro Regency Government exercises discretion to carry out supervision of rock mines by discretion. The discretion exercise involves existing apparatus and collaborates with the community, police, prosecutors, and village officials. There must be a re-identification of the authority to supervise rock mining by involving the Bojonegoro district government in the field supervision process.

The transfer of supervisory authority over rock mining permits from district governments to provincial governments under Presidential Regulation Number 55 of 2022 has created significant gaps in regulatory practice at the local level, particularly in Bojonegoro Regency. Although the Bojonegoro Regency Government no longer holds formal supervisory authority, it continues to exercise administrative discretion to maintain order and address unlawful mining activities. This discretion is implemented through collaboration with local enforcement units, village officials, the community, the police, and the prosecutor's office.

The centralization of supervisory functions at the provincial level has proven less effective, largely due to the broad geographical scope and limited frequency of supervision conducted by the provincial authorities. This situation results in delayed responses to public complaints and creates dissatisfaction within affected communities. The empirical conditions demonstrate that the current regulatory design does not adequately reflect local needs, especially in regions with significant mining activity.

Therefore, it is necessary to re-identify and reconstruct the supervisory framework by granting Bojonegoro Regency a more substantive role in field supervision. Involving district governments is essential to ensure more effective oversight, quicker response mechanisms, and better harmonization between central, provincial, and local authorities in managing mineral resources.

The research recommendation is reintroducing limited supervisory authority for district governments, establish a joint supervisory task force, develop clear standard operating procedures (SOPs), strengthen community-based monitoring systems, increase the number and capacity of mine inspectors, implement mandatory coordination before issuing mining licenses, adopt technology-based monitoring tools.

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