

## Weak Land Management as a Cause of Mining Land Overlap

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**ABSTRACT:** Indonesia is a country rich in natural resources, both on land and throughout the waters of the archipelago. The rights of the Indonesian people contain 2 (two) elements, namely the element of ownership and the element of the task of authority to regulate and lead the control and use of the joint land it owns, the authority to regulate the control of the use of the joint land is delegated to the State. To regulate the rights of the Indonesian nation as the highest right holder, it is authorized to the State of the Republic of Indonesia which is the powerful organization of the entire people. However, it should be understood that there are still many problems faced in land management, especially mining areas that intersect with forestry and plantations. The purpose of this study is to observe and evaluate the weaknesses in land management which result in overlapping land in the mining area. The method used in this research is Mixed Methods. The strategy in this study uses the Concurrent Embedded Strategy method. The use of Concurrent Embedded Strategy in research will be implemented in the form of qualitative and quantitative data collection at the same time. The reality that will be examined in this research is the coordination of overcoming overlapping land at 47 IUP OP locations in Kutai Kartanegara Regency, in terms of the factors that influence the success of coordination. The lack of coordination in overcoming overlapping land is dominantly caused by the behavior of the apparatus which is formed by the dimensions and indicators of its formation, namely the mandate and the system. Agencies that issue land use permits only have land-use data within their jurisdiction, this is due to the absence of a centralized integrated land data system that can be accessed by all agencies and stakeholders.

**KEYWORDS-** Coal, Land Use, Overlapping Permits, Policies and Spatial Planning

### I. INTRODUCTION

Space is a container that includes land space, sea space, and air space, including space within the earth as a unified territory, where humans and living things live, carry out activities and maintain their survival" and "Spatial planning is a system of spatial planning processes, use of space, and control of space utilization". Speaking of spatial planning, mining industry activities, one of which is coal mining, are very closely related to land and space use. This land use has always been a classic problem between sectors, especially between the mining sector, the forestry sector, and the plantation sector. The basic thing that must be seen is that Indonesia is blessed with abundant mineral resources, which if managed properly, can provide a strong basis for the livelihood of its people. Indeed, the existence of mining projects in Indonesia is often regarded as a catalyst for accelerating infrastructure development and improving community welfare in various regions (Resosudarmo, et al, 2009). Mining activities have been the source of various conflicts caused by policy and regulatory uncertainty over land use and property rights, illegal smallholder mining (community mining is often, but not always, small-scale; it can also refer to a larger and somewhat coordinated mining operation unrelated to legal mining companies), pollution and environmental impacts, and the uncertainty of local livelihoods after mine closure. These conflicts are exposed and become more prominent under the current structure of decentralization of authority to local governments, and a substantially freer social and political environment (Resosudarmo, et al, 2009). The policy that has been carried out by the government, namely the One Map Indonesia Policy, aims to produce a standard and single map that can clarify and provide a record of land tenure that is consistent with the goal of resolving land use conflicts in the forestry sector. Implementation of this policy faces many challenges, including contested land ownership, uncertainty over the status of customary lands, and other procedural barriers associated with the creation of a single master map. Although most of Indonesia's forests are owned and managed by indigenous peoples, this is not always recognized uniformly across different legal jurisdictions (Nuhidayah, et al, 2020). Conflicts between government, companies, and local communities may involve issues of legal versus customary rights, economic development policies that tend to harm certain

## Weak Land Management as a Cause of Mining Land Overlap

groups, and poor coordination between levels of government and 2 other stakeholders involved in land use and resource management power (Yasmi et al., 2012).

Conflict over land and natural resources in Indonesia is an endless problem, and tends to increase from time to time. Efforts to resolve the conflict seem inadequate. All parties agree that conflicts over land and resource management result in enormous costs, and therefore must be addressed as early as possible (Zakaria, et al, 2018). In this study, it was carried out from the perspective of the emergence of multiple management rights letters on the same land. However, we realize that the research still has many weaknesses and shortcomings, both in terms of data quantity, analysis and interpretation of the situation in the field. However, with this research, there are important things that must be the concentration of all parties that this overlapping conflict will become a ticking time bomb if there is no solution and solution to the problem. The advantage of this research is that focus group discussions have been conducted with various parties to get real input about overlapping land in mining areas.

## II. METHOD

The method used in this research is Mixed Methods. This research is a research step by combining two forms of research that have existed before, namely qualitative research and quantitative research, used together in a research activity, so that more comprehensive, valid, reliable and objective data are obtained. This study explores in more depth related to the reality of the coordination of overcoming overlapping land use in Kutai Kartanegara Regency.

Qualitative methods are used to obtain an overview of the reality of the coordination of overcoming overlapping land use in Kutai Kartanegara Regency. While the Quantitative Method is used to find the contribution of Mandate, System and Behavior to the coordination of overcoming overlapping land use in Kutai Kartanegara Regency.

The selection of a qualitative approach to answer the proposed research problem, emphasizes more on:

1. Explore and understand the reality of coordination in overcoming land overlapping cases in Kutai Kartanegara Regency, East Kalimantan Province in terms of the factors that influence the success of coordination, namely: Mandate, System and Behavior.

2. Expressing, understanding the shortcomings that occur in coordination in overcoming cases of overlapping land in Kutai Kartanegara Regency, East Kalimantan Province, and providing solutions to these problems in terms of the factors that affect the success of coordination, namely: Mandate, System and Behavior. Coordination factors can be described in the following table (Table 1.):

**Table 3.1. Operationalization of Coordination Variables**

Sub Variable	Dimension	Indicator
Mandate	1. Leadership Commitment	<ol style="list-style-type: none"> <li>1. Looking for opportunities to cooperate with other parties</li> <li>2. Providing incentives and rewards to employees involved in coordinating activities</li> <li>3. Ensure that all necessary resources as well as time are available for the coordination team</li> <li>4. Manage external pressures and political pressures that may occur in coordination.</li> </ol>
	2. Ministries/Agencies and stakeholders involved	<ol style="list-style-type: none"> <li>1. Allocate time to engage with all existing Stakeholders</li> <li>2. Check whether the group outcome is realistic or will meet the standard of needs desired by all these Stakeholders.</li> <li>3. Monitoring the situation and conditions between all Stakeholders continuously during coordination cooperation activities in order to manage various changes in the setting of existing priorities.</li> </ol>
	3. Define and agree on the results of the collaboration	<ol style="list-style-type: none"> <li>1. All team members must have a good clear understanding of the objectives.</li> <li>2. Agree on the future time frame in which they will work.</li> </ol>
System	1. There is a well-documented and well-documented governance and accountability framework	<ol style="list-style-type: none"> <li>1. Clarity of roles and goals from the start of coordination</li> <li>2. There is a meeting point between individual accountability and the common goal of coordination</li> <li>3. There are regular and regular meetings of all leaders of related institutions or agencies</li> </ol>

## Weak Land Management as a Cause of Mining Land Overlap

		<ol style="list-style-type: none"> <li>4. The single leading institution must be agreed from the beginning along with the role of the supporting institutions</li> <li>5. Document all existing governance and accountability processes</li> </ol>
	2. Adequate and sufficient resources	<ol style="list-style-type: none"> <li>1. There is an official budget</li> <li>2. Stages of work that allow progress without dependence on the group.</li> <li>3. Sufficient time to create a pattern of working relationships, the results to be achieved and the formation of the required behavior</li> </ol>
	3. The process of measuring the performance of the TOR that has been made	<ol style="list-style-type: none"> <li>1. There is a mutually agreed activity plan,</li> <li>2. There are responsibilities and time targets in each activity</li> <li>3. There is a reliable performance measurement to measure existing progress</li> </ol>
Behavior	1. Proper representation, skills and team leadership	<ol style="list-style-type: none"> <li>1. Reflecting the representation of interests from the involvement of cross-sectoral institutions or agencies</li> <li>2. Have negotiation skills</li> <li>3. Have the right skills and competencies</li> <li>4. Individual motivation which is reflected in individual interest and incentives provided</li> <li>5. The role of the leader in the group</li> </ol>
	2. Organizational culture that supports coordination	<ol style="list-style-type: none"> <li>1. The level of support the individual provides</li> <li>2. Support leaders in building a culture of collaboration</li> </ol>
	3. Culture, language and shared values	<ol style="list-style-type: none"> <li>1. Build trust between members</li> <li>2. There is sufficient time to learn the perspectives of each member</li> <li>3. Building a culture together</li> <li>4. Understand assumptions and unwritten language</li> </ol>

Land use control in Kutai Kartanegara Regency which consists of:

1. 10 people from Regional Spatial Planning Coordinating Board (BKPRD) Kutai Kartanegara Regency
2. 10 people from Regional Planning Agency (Bappeda) of Kutai Kartanegara Regency
3. 35 people from the Department of Energy and Mineral Resources of Kutai Kartanegara Regency
5. 20 people from the Forestry and Plantation Service of Kutai Kartanegara Regency
6. 10 people from the Agriculture Service of Kutai Kartanegara Regency
7. 5 people from the Environmental Agency of Kutai Kartanegara Regency

The details of the mining companies that are officially registered according to the regulations in force in the Kutai Kartanegara Regency are as follows:

1. Mining Business Permit (IUP) production operation 112 permits
2. Mining Business Permit (IUP) exploration 116 permits
3. Mining Authority (KP) exploitation 57 permits
4. Mining Authorization (KP) for exploration 131 permits
5. Mining Authorization (KP) general investigation 24 permits
6. Coal Mining Concession Work Agreement (PKP2B) 1 permit

The Department of Energy and Mineral Resources seeks to collect data on IUPs and find the best possible solution with companies experiencing problems with overlapping land use with the principle of a win-win solution.

### III. RESULT

To be successful in coordinating efforts to overcome overlapping land use in Kutai Kartanegara Regency, excellent negotiation skills are needed. In this regard, based on observations and interviews conducted by the researchers at the Regional Spatial

## Weak Land Management as a Cause of Mining Land Overlap

Planning Coordinating Board of Kutai Kartanegara Regency, the researchers received information that the negotiation skills possessed by members of the coordination team were felt to be minimal. This is reflected in the low level of coordination of the coordination meeting and even if it is present the coordination participants choose to be passive. This behavior implicitly shows that the ability to negotiate with team members is weak, because if their negotiating skills are good then team members will not take passive actions but instead will act actively in fighting for the interests of the institution and also the interests of coordinating land use more broadly.

Meanwhile, in relation to getting success in coordinating efforts to overcome overlapping land use in Kutai Kartanegara Regency, excellent negotiation skills are needed. In this regard, based on observations and interviews that the researchers conducted with entrepreneurs who experienced cases of overlapping land use in the Kutai Kartanegara Regency area, the researchers received information that the Regional Space Utilization Coordination Agency (BKPRD) team's negotiating skills were weak, this was seen by their passiveness in responding to utilization problems. land.

In the practice of coordinating the handling of overlapping land uses in Kutai Kartanegara Regency, the researchers found an indication of the lack of powerful negotiating power of the relevant agencies in an effort to resolve the overlapping land use problem. This can be seen from the opinions expressed by the Head of the ESDM Service, the Head of the Coal Mining Subdin, the ESDM Service, the Forestry Service and the Environment Service which stated that when the sectoral ego of the party that carried out PPLB emerged, the agency could not force it and could not force each party to comply with the recommendations for solving the problem.

The results of observations and interviews that researchers conducted with entrepreneurs, community leaders and social organizations who experienced cases of overlapping land use in the Kutai Kartanegara Regency area, obtained information that strengthened the opinion above, namely the weak strength of the BKPRD as the coordinator due to the communication lines established in BKPRD, it is a horizontal or parallel path, not a vertical path, which is reflected in the absence of full authority from BKPRD to be able to determine policies, only limited to coordination or suggestions that may or may not be implemented by the relevant agencies. Other information disclosed by entrepreneurs based on their experience in the process of measuring efforts to obtain mining permits several years ago, overlapping land use may be based on inaccurate land measurement processes. The entrepreneur stated that he had experienced land measurement by the authorized agency, where the land surveying officer still did not use the theodolite tool and GPS coordinates where the measurement of land boundaries still used manual measuring tools.

It is noted that there are 9 factors that support the success of coordination which are divided into 3 dimensions, namely mandate, system and behavior, even though they are separated from each other, the three dimensions are interconnected and mutually reinforcing. Opinions about the consistency of the implementation of the Regional Regulation on RTRW and the lack of firm law enforcement against those who violate land use, both from the business side and the community, were balanced by the opinion of the Head of the ESDM Office of Kutai Kartanegara Regency which stated that spatial planning had been carried out since 1991 or the 1990s. beginning. However, at that time there was no land use zoning in spatial planning. Previously only APL or KBLK in forestry areas and outside forestry. New forest areas are in permanent zones, limited areas, protected forest areas, only in forest areas. APL is just a settlement, a water point, so it's not like Law No. 27 of 2008 on spatial planning.

Based on observations and interviews with entrepreneurs with cases of overlapping land use in the Kutai Kartanegara Regency area, obtaining information relating to whether there is an effort to check whether the group outcomes are realistic or will meet the standards of needs desired by all stakeholders is that coordination tends to be just a formality, to fulfill the mandate. The law on the coordination of land use, but the coordination has not touched its essence, namely solving the root cause of overlapping land use and at the same time finding a solution. Another indicator is to monitor the situation and conditions between all stakeholders continuously during coordination cooperation activities in order to manage various changes in setting priorities - existing priorities have an average value of 3.98 and are included in the high category. This shows that the indicator monitors the situation and conditions between all stakeholders continuously during coordination cooperation activities in order to manage various changes in the determination of priorities that are in coordination in overcoming overlapping land use in Kutai Kartanegara Regency. Based on observations and interviews with entrepreneurs, community leaders and social organizations with cases of overlapping land use in the Kutai Kartanegara Regency area, information on whether there are efforts to monitor the situation and conditions between all stakeholders continuously during coordination cooperation activities in order to manage various a change in the setting of existing priorities is that continuous monitoring does not occur.

This can be seen from the information given by one of the informants who revealed that with only 5-7 meetings per year it would be difficult to be able to monitor the situation and conditions between all stakeholders in coordination, it could even be that no monitoring was carried out at all, resulting in protracted - dissolving the process of resolving land use conflicts that occur in the field.

## Weak Land Management as a Cause of Mining Land Overlap

### IV. DISCUSSION

The concept of "conflict" originated in sociology and refers to the behavioral or psychological contradictions between two social subjects due to inconsistent goals or interests (Fuhrmann, et al. 2013; Zhou, et al. 2021). With the continuous increase in the human development of nature, land use, and ownership, development intensity will change significantly, and the contradiction between human activities and natural resources will continue to deepen (Zou, et al. 2019; Zhou, et al. 2021).

Multi-criteria analysis is often used to identify potential land use conflict (LUC) and has produced two basic paradigms: a conceptual model and a spatial model (Zhou, et al. 2017; Zhou, et al. 2021). Participatory GIS is widely used in LUC process analysis and mitigation-strategy formulation and has become an effective means to explore the evolutionary processes and mechanisms of LUC (Kim, et al. 2018; Zhou, et al. 2021). The evolution of conflict is affected by the systemic (Kuusaana, et al. 2018), social, and economic environments (Bircol, et al. 2018; Anderson, et al. 2017; Zhou, et al. 2021) and presents a certain life cycle. The issue of spatial injustice caused by conflicts has gradually received attention. The existence of social justice makes it necessary to coordinate the relationship between economic development and environmental protection to alleviate LUC (Pacheco, et al. 2014). As the conflict between economic development and the natural environment continues to intensify, LUC urgently needs to be more effectively managed (Karimi, et al. 2018; Junior, et al. 2015).

As governmental intervention is often miniscule, most of the responsibility rests with mine management to ensure that land use conflicts are effectively prevented and resolved (Hilson, 2002). Perhaps no single industry has precipitated more disputes over land use than mining. Though economically, a great number of rewards are reaped from its activities, the land demands placed by mines often cause severe community disruption and hinder the development of other potentially profitable industries such as small businesses, merchant services and small-scale fisheries (Hilson, 2002).

### V. CONCLUSIONS

The ineffective coordination of overcoming overlapping land is predominantly caused by the behavior of the apparatus which is formed by the dimensions and indicators of its formation, namely the mandate and the system. Each agency that has the authority to issue land use permits runs independently without any synchronization directives from a formal institution that has the task of synchronizing activities among all agencies authorized to issue land management permits. Agencies that issue land use permits only have land use data within their jurisdiction, this is due to the absence of a centralized integrated land data system that can be accessed by all agencies and stakeholders.

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## Weak Land Management as a Cause of Mining Land Overlap

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