



COAL MINING RECLAMATION POLICY PROFETICAL BASED: STUDY IN EAST KALIMANTAN

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Abstract

This study aims to offer the concept of a prophetic paradigm in managing natural resources, especially minerals and coal, as a reference and guide for stakeholders, coal mining entrepreneurs, and the community on the values of morality and piety to the Creator. Method: This type of research was classified as legal, sociological research, in which the phenomenon was seen directly in the field with the purposive sampling method. It used primary data, namely direct interviews with stakeholders, companies, and communities in coal mining areas in the province of East Kalimantan. Then, the data were analyzed with the approach of case and philosophy in order to get the formulation of legal system factors that were not working properly and prophetic principles in the management of coal mines. Result: From this research, the coal mining reclamation policy made by the local government has not yet reached the legal objective because (1) there was no community participation, (2) unclear structural authority rules in natural resource management, and (3) uncertainty in the implementation of reclamation and post-mining regulations. Therefore, the concept is needed as a solution to solve the problem. Through the prophetic paradigm, the concept of Natural Theology is produced, which is directed to be able to care for nature through the application of Shari'a or moral values that are based on faith. Natural theology is an idea that requires humans to place nature as the highest priority in life. In this position, nature occupies the highest position compared to other materials.

Keywords:

policy, coal mining,
reclamation

Abstrak

Penelitian ini bertujuan menawarkan konsep paradigma profetik dalam mengelola sumber daya alam khususnya mineral dan batu bara, sebagai referensi dan pedoman bagi stakeholder, pengusaha pertambangan batu bara dan masyarakat pada nilai-nilai moralitas dan ketakwaan kepada Sang Pencipta. Method : Jenis penelitian ini tergolong penelitian hukum sosiologis dimana melihat fenomena langsung dilapangan dengan metode purposive sampling. Menggunakan data primer yaitu wawancara langsung ke stakeholder, perusahaan dan masyarakat area tambang batu bara di provinsi Kalimantan Timur. Selanjutnya dianalisis dengan pendekatan kasus dan filosofi guna mendapatkan rumusan

faktor-faktor sistem hukum tidak berjalan semestinya dan prinsip profetik dalam pengelolaan tambang batubara. Result : Dari penelitian ini dihasilkan kebijakan reklamasi pertambangan batu bara oleh pemerintah daerah belum mencapai tujuan hukum karena (1) tidak ada partisipasi masyarakat, (2) ketidakjelasan aturan kewenangan struktural dalam pengelolaan sumber daya alam, (3) Ketidaktegasan aturan pelaksanaan reklamasi dan pascatambang. Sehingga dibutuhkan konsep sebagai solusi pemecahan masalah. Melalui paradigma profetik dihasilkan konsep Natural Teology yang diarahkan mampu merawat alam melalui penerapan syariat atau nilai-nilai moralitas yang berdasarkan pada keyakinan (iman). Natural teology merupakan gagasan yang mengharuskan manusia menempatkan alam sebagai prioritas tertinggi dalam kehidupan. Pada posisi ini, alam menempati posisi paling tinggi dibanding materi lainnya.

INTRODUCTION [Times New Roman 12 pt, 1.25 space, Bold]

The Preamble to the 1945 Constitution, the fourth paragraph states that the state of Indonesia protects all the people of Indonesia and all the independence and the land that has been struggled for, and to improve public welfare. From the perspective of environmental law, the statement “protects all the people of Indonesia and all the independence and the land that has been struggled for” means that the state has a responsibility to preserve the function and protection of the environment either human resources, natural resources, and cultural resources. The approach is through the concept of the archipelago insight, which emphasizes that the sovereignty of the national territory with all its contents and wealth is a single regional unit, container, living space, and material unity of the entire nation and becomes the nation's capital and common property. Furthermore, Article 28 H paragraph (1) of the 1945 Constitution, the second amendment confirms that everyone has the right to a good and healthy environment. (Priyanta., 2012)

Efforts to realize the welfare of natural resource management, especially coal mining businesses, have not yet been fully achieved. The policies that have been implemented by the Government of Indonesia have not adequately considered the ability, capacity, and natural resources for governance that does not damage the environment. Natural resource governance interventions increasingly rely on new logic that requires citizens, local authorities, and communities to be responsible for their welfare and the sustainability of natural resources. (Mustalahti, I., Gutiérrez-Zamora, V., Hyle, M., Devkota, B. P., & Tokola, N., 2020)

The management of coal mining has a positive side, namely as the development of technology is quite advanced, the use of coal also increases. It can be proven by the demand for the use of coal in Indonesia in the power generation and cement industries. In 1988, a new

standard was introduced for emissions from fossil fuel power plants, specifically the use of fossil coal with a mining system on the ground surface. (Boesono, M., 1990)

Ideally, the Government in the management of natural resources includes policies on the structuring, utilization, development, maintenance, recovery, supervision, and control of mineral and coal resources in the hope that the damage and welfare of the community can be lifted. (Soelistijo, UW, & Mili, MZ., 2014)

The management of natural resources is intended to provide environmental protection due to mining activities in Indonesia, which began in 1982. With the issuance of Government Regulation No. 29 of 1986, it includes regulations on Environmental Impact Analysis (AMDAL) aimed at minimizing mining management that can damage the environment around the mine, even though it is not enough to be used as a tool for changes to environmental damage.

Coal mining has a series of consequences on land resources and places high stress on the ecological environment. Stripping, excavation, transportation, and disposal have different effects on the physical, chemical, and biological properties of the soil. In addition, the reconstructed landscape increases small-scale spatial heterogeneity of the mined land. (Feng, Y., Wang, J., Bai, Z., & Reading, L., 2019)

Neglecting the obligations of coal mining companies in the post-mining stage has resulted in negative changes in the economic and social structure and environmental damage. (Gray, N.F., 1997) It is due to the lack of supervision in the field of the coal mining business, which has led to the idea of an ideal concept in the management of coal mining, especially after mining and reclamation. (Dwiki, S., 2018).

The coal mining business in Indonesia is widespread, including in the rapidly developing East Kalimantan Province that is characterized by the size of the mining land, the amount of production, as well as its influence on economic, social, cultural, and local community activities. For the interests of regional development, the presence of coal mining activities has a good impact, especially in the economic field. Among them are absorbing the workforce of local residents, opening business opportunities in the mining area, and the primary source of regional income.

During the 1990s, there has been a shift in exploration investment by multinational mining companies to areas that were previously closed or considered too risky. Many countries have introduced changes to their mineral policies, mining laws, and fiscal system. (Otto, J. M., 1998). The impact of coal mining management does not only have a negative impact on the environmental damage side, even in terms of social, security, and community safety. (Salzman, J., Thompson, B., 2014) It happens because of the licensing policies given by the Regional Government, quite a lot without thinking about spatial and regional planning.

In East Kalimantan, there are 1,430 Mining Business Permit (IUP) concessions spread across seven Cities/Districts, which occupy 5,134,272.51 Ha of 12,726,752 Ha area in the province. It means that almost 50% of this area is the coal mining area. Then, the local government made a policy to revoke licenses for troubled companies and conducted a permit moratorium. Data from the Department of Energy and Natural Resources and Minerals of East Kalimantan (ESDM), Provincial Regional House of Representatives (Provincial DPRD), and Provincial Government in the Hearing Meeting (RDP) on July 24, 2019, there were approximately 700 companies whose licenses were revoked and were required to take care of clean and clear (C&C), as the table below:

Table 1. The Number of Coal Mining Permits (IUP) In the Province of East Kalimantan

No	Districts/Cities	Total Exploration		Total Production Operations		Total	
		Total	Area (Ha)	Total	Area (Ha)	Total	Area (Ha)
1	Paser	27	74.847,93	40	35.067,95	67	109.915,89
2	Penajam Paser Utara	92	136.306,13	57	78.854,78	149	215.160,92
3	Samarinda	4	820,90	59	26.777,20	63	27.598,10
4	Kutai Timur	126	1.071.734,25	35	283.710,02	161	1.355.444,27
5	Kutai Kertanegara	324	603.978,38	299	273.344,49	623	876.322,87
6	Kutai Barat	169	924.717,00	75	332.995,00	244	1.257.712,00
7	Berau	71	219.324,60	22	66.654,23	93	285.978,83
	THE NUMBER OF COAL IUP	813	3.031.729,20	587	1.096.403,68	1.400	4.128.132,88
1	PKP2B	7	251.490,00	33		30	1.006.139,63
	TOTAL					1.430	5.134.272,51

Source: Dinas ESDM Province of East, 2021

Although sanctions have been imposed on companies that have problems with revocation of licenses, they still leave a problem, including the mine pit that has not been reclaimed, flooded, and fatalities. It should be a serious concern for businesses, governments, and the public. Despite in 2010, the Government focused on improving the environment around the mine with Indonesian Government Regulation No. 78 of 2010 concerning Reclamation and Post-Mining. Although it was followed by the Regional Regulation of the Province of East Kalimantan Number 8 of 2013 concerning the Implementation of Reclamation and Post-Mining, it still did not provide security and safety for the surrounding

community. From 2011-201, 35 people died as a result of falling in a coal mine pit that was not given a warning sign. Victims of the mine pits scattered in various cities and districts in the province of East Kalimantan, namely 21 people in Samarinda, 12 people in Kutai Kartanegara, one person in Penajam Paser Utara, and one person in West Kutai. It was due to the distance between the location of the coal mine pit with a population area of only 100-300 meters. Whereas, in the Regulation of the Minister of Environment of Indonesia Number 4 of 2012 concerning Environmental-Friendly Indicators for coal open mining businesses or activities, the minimum distance from the residential area should be 500 meters.

From the various problems above, it raises a thought that the implementation of policies taken by the state, both the central and regional governments, is still more prioritizing formal procedural democracy; whereas, the goal of the welfare state does not get a significant priority. (Kaelan., 2017: 167) Therefore, it can be taken into question how the legal policies for managing coal mine reclamation in East Kalimantan and the prophetic basis of natural management to achieve the ideals of the Indonesian state law.

RESEARCH METHODS

This research was an empirical study by focusing the object of research on reclamation management policies and case studies in East Kalimantan, Indonesia. The Source of data in this study was primary data obtained from observations and interviews. Secondary data were obtained from library research by collecting data from legislation, books, and articles related to the problem to be examined. Among others were employing primary legal materials, such as Article 33 of the 1945 Constitution of the Republic of Indonesia, Law on Regional Governments, and Law on Mineral and Coal Mining. Besides, the secondary legal materials were materials that provided explanations regarding primary legal materials, namely books, journals, papers related to coal mining management policy. Tertiary legal materials included legal materials that provided instructions and explanations for primary legal materials and secondary legal materials, such as legal dictionaries, newspapers, and so forth. Furthermore, the qualitative data analysis used was an interactive model, which was the data reduction component, and the data presentation was conducted by collecting data. After the data were collected, the three components interact. If the conclusions were not strong enough, then the verification was needed, and the researchers were required to re-collect data in the field.

RESULTS AND DISCUSSION

The Management of Coal Mining in East Kalimantan

In addressing coal mining management issues, the provincial government of East Kalimantan has made various efforts to reduce violations of post-mining management. The following is the Government's effort to overcome post-mining problems by establishing regulations:

Table 2. The Government's Effort To Overcome Post Mining Problems by Establishing Regulations

Year	Policy	Explanation
2010	Issued the Government Regulation Number 78 the Year 2010 concerning Reclamation and Post-Mining.	Central government efforts.
2012	Issued the Regulation of the Minister of Environment Number 4 of 2012 Concerning Environmental-Friendly indicators for Coal Mining Businesses and/or Activities.	A minimum distance of activities and location of the mine is 500 meters from the settlement area.
2013	Issued the Regional Regulation of East Kalimantan Province Number 8 of 2013 concerning the Implementation of Reclamation and Post-Mining.	Local Government Regulation
2015	The Governor stopped 11 mining companies in East Kalimantan, including three companies in Samarinda	Revocation of license
2016	The Ministry of Environment and Forestry closed down the operation and sealed the former mine pit.	PT Cahaya Energi Mandiri, PT Energi Cahaya Industritama, and PT Multi Harapan Utama

Source: processed data

Based on a case study in the coal mine reclamation activity, the researchers found a lack of clarity in the management of post-coal mining reclamation, namely the existence of rules related to the role and authority of the structure in the management of post-coal reclamation. In 2013, a moratorium on mining permit issuance was published, which officially agreed to review all mining licenses with the Governor and Regent. The Regional House of Representatives of the East Kalimantan Province approved Regional Regulations on Reclamation and Postmining, which mandated post-mining cleansing and reclamation, and required the formation of an agency between institutions to monitor their implementation. This new Regional Regulation brought East Kalimantan a more aligned focus on improving forest and land governance. In addition to reducing greenhouse gas emissions to mitigate global climate change, this program assisted to de-centralize forest and land governance to ensure transparency and accountability in the management, protection, and distribution of natural resource benefits aimed at achieving sustainable economic growth.

The 2009 Mineral and Coal Mining Law required land reclamation, but without providing details on how it should be monitored, supervised, and enforced. Therefore, the Law on Regional Government in 2014 came into effect, which had an impact on the role of mining inspectors and mining supervisory officials who were drawn from the regions to the central government. However, the withdrawal was not accompanied by a budget, so that the oversight operational budget still existed at the provincial level. Thus, Local Regulations did not have any influence on mining companies anymore. It affected other things, such as guarantee funds of reclamation that were not obeyed by all local governments. For example, there were still areas that utilize different methods of calculating the number of reclamation

costs. There were also guaranteed funds that were not deposited through the banking mechanism that has been determined.

The Indecision on Regulations relating to the Implementation of Reclamation and Post-Mining

Substantially, the rules have fulfilled and accommodated the management of natural resources and the environment well. However, it remains to be seen whether this regulation will be fully implemented and accountable, including post-mining land clearing that will become a reality. (Skousen, J., & Zipper, C. E., 2014) Before carrying out the reclamation and post-mining activities, a mining business permit that was granted by the central, provincial, or district/city government is in accordance with its authority. The following is one of the provisions relating to the authority of the central government in the management of mineral and coal mining, namely:

- a) Determination of national policies;
 - b) Making legislation;
 - c) Establishment of national standards, guidelines, and criteria;
 - d) Determination of the national mineral and coal mining permit system;
 - e) Determination of the mining area after coordinating with the Regional Government and the Representative Council of the Republic of Indonesia;
 - f) Grant of Exploration and Production Operation Business Permit;
 - g) Evaluating Production Operation Business Permits issued by Regional Governments, which have caused environmental damage and which have not applied good mining principles;
 - h) Guidance and supervision of the management of mineral and coal mining carried out by the regional government;
 - i) Guidance and supervision of the preparation of regional regulations in the mining sector.
- Whereas, the authority of provincial and district/city governments is in the form of policymaking in the making of the regional legislation, guidance, and supervision. (Law Number 4 of 2009 concerning Mineral and Coal Mining, Article 7 and Article 8)

Actually, the provisions above were influenced by several case studies mentioned above, the rules, and reclamation policies carried out on ex-mining land that was considered ineffective and have not touched the country's goals (*rechtidee*). Because the rules of Mineral and Coal Mining are actually not aligned with the Minister of Energy and Mineral Resources (ESDM) Regulation of 2014 concerning the Implementation of Reclamation and Post-Mining

in Mineral and Coal Mining Business Activities. The regulation provides an opportunity for companies not to close the former mining holes. The Ministerial Regulation referred to regulating reclamation can be carried out in other forms such as tourism, water sources, or cultivation. In fact, the water in a former mining pit contained dangerous heavy metals. Thus, the Minister of Energy and Mineral Resources regulation actually encouraged government omission to companies that did not close ex-mining pits. The government should impose strict sanctions on companies that did not carry out reclamation, and it was in contradiction with the Mineral and Coal Mining Law and the Government Regulation, as well as Regional Regulations of the Province of East Kalimantan concerning Reclamation and Post-Mining.

No matter how well the legal structure is structured to carry out the established legal rules and as well as any quality of legal substance created without the support of a legal culture by people involved in the system and society, law enforcement will not run effectively (Dupuy, K. E., 2014). Community participation in reclamation activities is essential because, with this participation, reclamation activities are expected to be successful. The expected community participation is in the form of the absence of the community conducting mining around the reclamation site during the reclamation process (Grandt, A. F., 1978). Community empowerment is the responsibility of the company. Post-mining land reclamation is a responsibility that arises because the Mineral and Coal Law requires reclamation and post-mining for Production Business Permit holders. The authority granted by the law is given to the Government in the form of making regional regulations, granting permits for implementing reclamation, developing and empowering local communities in the mining business by paying attention to environmental sustainability, guidance, and supervision (Shrader-Frechette, K., 1981).

Such wide-ranging governmental authority needs to exist among mining companies, communities, NGOs, and universities/research institutions. There was a technological error in doing reclamation. Thus, the selection of appropriate technology needed to be done before reclaiming. Observation of mining conditions must be carried out first in order to find out the suitable technology for reclamation use in accordance with the conditions in the field so that the reclamation runs as planned and there are no losses of material or non-material losses (Tarlock, A. D., 1996).

In implementing the rule of law, there were still some problems left. Based on the survey results, it was found several main problems that often arose in the management of coal mining, namely: 1). The supervision of mining business activities was still weak. 2). There was a conflict of customs and local cultural values if the policies taken did not meet the values that

developed in the community, and the problem of profit-sharing arrangements that did not meet the sense of justice. 3) There was still neglect of the reclamation obligations by the company in running the mining business. Reclaimed mining pits that have not been reclaimed caused casualties and damage to the surrounding environment, which, if ignored, the balance of the environment would widen. 4) The transfer of authority between the central and regional governments created overlapping permits. It agrees with Nugroho, AW, & Yassir, I. (2017), who had the idea that the Government should enact regulations that require reclamation and rehabilitation activities in post-mining areas by improving the regulations for rehabilitation and reclamation activities.

Prophetic-Based Concepts on Natural Resource Management as a Solution Towards the Dream of State Law (Rechtidee)

The character of natural resource management is that its use is intended for the welfare of the people. The state should pay attention to the economic balance and equity of wealth in society. The state should pay attention to the benefit of environmental safety. (Levin, J., 2010) Concern over the impact of coal mining has caused a very complex crisis. The crisis concerns the lives of many people in the social, economic, cultural, health, and religious fields. (Sperry, L., Hoffman, L., Cox, R. H., & Cox, B. E., 2007)

According to Absori (2017), the environmental crisis is unknowingly expanding, while humans gradually forget their divine responsibility for the nature of themselves as *kehaifatullah al-ardi*. The universe is only a slave to human lust for the fulfillment of greed and power. In Alqur'an Surah Al-A'raaf: 56, Tafsir Al-Muyassar/Ministry of Religion of Saudi Arabia states that:

“And cause not corruption upon the earth after its reformation. And invoke Him in fear and aspiration. Indeed, the mercy of Allah is near to the doers of good.”

The above verse clearly explains that as a Khalifah, it is fitting to preserve nature so that the natural energy is not quickly destroyed. Of course, it will be beneficial for ourselves and also for our children and grandchildren.

The prophetic principle means to hold fast to the values of humanization, liberation, and transcendence. The term prophetic inspired Kuntowijoyo to use the term Prophetic Social Science. (Wardiono, K., 2016) With the contents of the values of humanization, liberation, and transcendence, prophetic social science is directed to engineering society towards its future socio-ethical ideals. Islamic prophetic values are found in the Koran, which reads:

“You are the best nation produced [as an example] for mankind. You enjoin what is right and forbid what is wrong and believe in Allah. If only the People of the Scripture had believed, it would have been better for them. Among them are believers, but most of them are defiantly disobedient.” (QS. Ali Imran: 110 Tafsir Al-Muyassar/Ministry of Religion of Saudi Arabia,2009)

Kuntowijoyo explains that the purpose of humanization is to humanize humans because that at this time, the community is experiencing a process of industrial dehumanization that makes humans no longer have a sense of humanity towards each other. Human dignity is determined by economic factors and power in social life (Wardiono, K., 2016). Whereas, in *Maqasid*, or sharia objectives, the definition of welfare means: 1). It has a focus on morals, religion, and spirituality as points of view of welfare. According to this concept, it is very different from the concept of welfare in the welfare state, which is generally secular in character and vertically does not aim to integrate spiritual and material aspirations. 2). The concept of Islamic *maqasid* sharia is more comprehensive, which aims to prosper humanity entirely, including in spiritual and material matters through faith and piety in Allah. 3). Every person is given the freedom to add wealth, has the right to meet the needs, gets a job, recognition, protection, and respect to grow the spiritual environment. Thus, the awareness of morals, obligations, religion, and spirituality is maintained. (Elviandri., Farkhani., Dimiyati, K., Absori., 2018)

The three main pillars of the prophetic values are humanization, liberation, and transcendence. If examined in more depth, humanization and liberation are with their horizontal dimension in responding to the issues of dehumanization, structural oppression, injustice, to modernization. Transcendence is guarding values related to divinity matters, in modernization that has made the present reality dry up on spirituality. Sharia is the core of the Islamic worldview. The Shari'a is the body of knowledge that gives purpose during Muslim civilization and suggestions for adapting to all changing times. Theoretically, Shari'a covers all areas of human life: individual, social, political, and intellectual.

At the level of praxis, the Shari'a gives meaning and substance to the behavior of Muslims in all their actions in the world. It is on this basis that the Shari'a is a problem solving that is not only to regulate human life but also to solve various problems, including ecological problems. Ecological problems can be solved through the application of Shari'a, because the Shari'a contains ecological values, such as *halal* and *haram*, *istislah*, *i'tidal*, and so forth. In sharia *maqasid*, maintaining nature occupies the highest position. (Assya'bani, R. 2017) In addition to protecting religion, reason, soul, descendants, and assets protecting nature is also the highest

goal of the Shari'a because nature is part of human life; if nature is damaged, then life becomes disrupted. Placing the Shari'a as the basis of *tawhid* and *tauhid* (monotheism) becomes the main axis in understanding nature. The deep meaning contained in monotheism (Single God) can embrace all the components that exist in the universe, human relationships with nature, and human unity with other living creatures. In this position, nature is seen as a unity in human life. Humans have the authority to use and utilize natural resources that have been provided. Even at this point, humans have the responsibility to protect, preserve, and use nature wisely for the balance of nature. In other words, humans are not allowed to overexploit natural resources ". (Assya'bani, R. 2017)

According to Kaelan in the perspective of Nationalism and Democracy, looking at this time in the elaboration of the articles contained in the Constitution, especially in article 33 of the 1945 Constitution of the Republic of Indonesia, the results of the amendment emphasize more on formal, procedural democracy by only emphasizing the distribution of power and is converted into a separation of power with the principle of check and balance, and strengthen the presidential system. However, in reality, it has not yet laid down the essential principle of the state's goal of prospering the people in the preamble of the Indonesian Constitution, known as the *Grundnorm*, or *staatsfundamentalnorn* as a source of values and principles for the preparation of articles in the 1945 Constitution of the Republic of Indonesia. (Kaelan., 2017)

The purpose of the state can be seen in the preamble of the 1945 Constitution of the Republic of Indonesia namely "..., the State protects the entire nation and all the independence" as a characteristic of the formal legal state and "advancing the general welfare of the nation's intellectual life" as a characteristic of the rule of law or welfare state, while in general "participating in carrying out world order based on eternal peace and social justice." It is what is the ideal philosophical ideal for the country of Indonesia. (Kaelan., 2017)

Reforms in Indonesia currently do not refer to the objectives of the rule of law materially and still do not touch the priority scale. It can be seen from several articles in the Indonesian constitution, which prioritize formal-procedural democracy, while the goal of the welfare state does not get a significant priority. The fact (*Das Sein*) of the elucidation in the articles of the 1945 Constitution in the amendment process and the regulations below it does not appear to be based on the legal cohesion of Indonesia, which is based on material legal sources, namely Pancasila values. In the fourth precept, it is stated that "Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives."

According to Kaelan, hermeneutically, it is contained the meaning of democracy but is based on the people and not individuals, consultations/representatives, and wisdom (everything that leads to goodness). Thus, it can also be said that in Pancasila, democracy is not only based on competition based on mere ratio but also based on a good for living together. (Kaelan, 2017)

Kaelan's opinion is in line with Paul Spicker's conceptual thinking of the welfare state, which means that the welfare state is intended to create social protection for anyone to prevent becoming truly poor. The welfare state must guarantee the availability of resources, opportunities, and services that are in accordance with the needs of the community, where these things are actually forgotten. Spicker added that the concept of the welfare state not only includes a description of a way of organizing welfare (social) or social services, but also a normative concept, or an ideal approach, which emphasizes that everyone must obtain social services as his right. The welfare state is also the biological child of ideological and theoretical struggles, especially those with the left-wing view, such as Marxism, Socialism, and Social Democratic.

Management of coal mining based on prophetic values can be used as a guideline in the management of sustainable mining businesses. This transcendental management will not only provide material satisfaction but also can meet the needs of justice in the real sense. Both managers and supervisors who apply transcendental values will be able to act and take responsibility in carrying out their obligations as human beings who have faith and piety to the Creator. Because basically, humans must not only do justice to themselves and others to get their welfare. Moreover, humans must be able to place themselves in life with humans, nature, and the Creator to achieve ultimate justice and prosperity. (Absori, Dimiyati, Ridwan. 2017)

Thus, the urgency of the existence of a prophetic basis in the rule of positive law in Indonesia is indeed needed. The reason for the existence of a prophetic basis with a state basis is that Indonesian Democracy, which has a basic self-identity, should be placed on the principle of the general goal of society, namely the state's objectives as contained in the preamble of the 1945 Constitution, Alenia 4, based on the philosophy of Pancasila. It is both the state's formal objective that is to protect the entire nation and all the independence, and the material objective is to advance the general welfare of the nation's intellectual life. (Kaelan, 2017)

The purpose of democracy today seems to be very far from the goal of a praxis democratic state, which places more emphasis on individual rights without placing it on the goal of national welfare. As a result, democracy produces individual power, transactional

politics, namely political transactions that place the correlation of power with money, individual freedom, and popularity. Consequently, Indonesian leadership is not based on the capability of leaders but money, individual satisfaction, and popularity.

The Pancasila philosophy can cover the lack of positive rules that exist specifically related to coal mining management policies. It is all overcome by developing the values contained in the first precept until the fifth precept. As we know, the pillar of transcendence or faith, which is in common with the first and second precepts. Individuals who have internalized prophetic values will have the following characteristics: (1) recognizing the existence of supernatural powers; (2) getting close and friendly to the environment (life) because the environment is interpreted as a part of God's verses and always glorifies Him; (3) trying always to obtain God's goodness so that person will not despair because the gift of God is everywhere. As long as people try and pray, God will grant their request; (4) understanding an event with a mystical approach and not a rational approach. Many maturational events must be approached with faith and conscience; (5) linking events with the teachings of the holy books and person's journal of life is directed by the compass of the Koran and the Sunnah along with the opinions of the benevolent experts and *makrifat* to God; (6) doing something with hope for future happiness or the end of the day. Person's vision of life is far ahead with high aspirations to be closer to God and His creatures; and (7) deigning to accept the matter as it is in the hope of a reply in the hereafter (*nrimo ing pandum*). (Assya'bani, R., 2017)

The pillars of humanization or *amar ma'ruf* are the equation of the second precept, the third precept, and the fourth precept. Individuals who are internalized by this value will have characteristics, such as (1) maintaining the kinship of each other despite different religions, beliefs, socio-economic status, and traditions, (2) looking at a person totally, including physical and psychological aspects, or body and soul, and (3) throwing away the nature of hatred. Everyone has limitations, so it is possible to make mistakes or imperfections. Accepting other people's shortcomings will eliminate the hatred that sometimes whacks a person's soul.

The pillar of liberation or *nahi munkar* is the fifth preceptive equation. Individuals both on the side of stakeholders, entrepreneurs, and the community able to internalize these values will have the character, including 1) siding with the interests of the people, not burdening the people with complicated procedures or high costs, 2) upholding justice, truth, and welfare, by creating programs and systems able to protect themselves and their social environment from supporting and participating, and 3) eradicating ignorance and socio-economic underdevelopment (poverty) through liberating education, and the development of the

popular economy. (Roqib, M., 2013) Through this, in the future, it can give birth to a mining business management policy, which is one of the legal products to be used as a role model by stakeholders, entrepreneurs in managing coal mining businesses, and the community to be able to realize the welfare of the community in the coal mining area based on prophetic.

CONCLUSION

1. The policy of reclamation and post-coal mining by the Provincial Government of East Kalimantan is based on a constitution that states that the earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. However, it has not touched on legal objectives because (1) there was no participation from the community, (2) unclear rules related to the role and structural authority in natural resource management, (3) unclear rules regarding the implementation of reclamation and post-mining.
2. The prophetic-based policy of coal mining reclamation is on the concept of Natural Teleology as a problem solver, which requires action in caring for nature through the application of Islamic law as a whole to every Muslim. Natural teleology is an idea that requires humans to place nature as the highest priority in life. In this position, nature occupies the highest position compared to other materials.

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