

## The Law of Natural Resources Management for Economic Prosperity: A Critical Analysis of Law No. 3 of 2020 on Mineral and Coal Mining

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### ABSTRACT

This research critically analyzes Law No. 3 of 2020 on Mineral and Coal Mining, focusing on its impact on natural resource management for economic welfare in Indonesia. Utilizing a normative legal research method, the study examines the law's potential to strengthen the mining sector and increase its contribution to the national economy. While the law aims to boost investment and revenue, it faces significant challenges related to environmental sustainability, local community rights, and governance. The findings reveal that criticisms of Law No. 3/2020 underscore the need for a more balanced approach, ensuring that economic interests do not compromise environmental protection and social justice. To achieve sustainable, fair, and transparent mining sector management, governance reforms and stronger law enforcement are essential. This will ensure that Indonesia's natural resources are managed equitably for the benefit of all, not just a select few.

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## INTRODUCTION

Natural resources, particularly minerals and coal, play a crucial role in the economic prosperity of nations, especially in resource-rich countries like Indonesia. The strategic importance of these resources is evident in their ability to contribute to the national economy, not only through the extraction and sale of raw materials but also through the employment and development of local industries (Suhaimi, 2020). In this context, the management of natural resources, especially minerals and coal, has a direct and significant impact on national economic growth and the welfare of the people. The legal framework governing this sector, particularly Law No. 3 of 2020 on Mineral and Coal Mining, provides the foundation for regulating the exploration, extraction, and management of these resources. However, despite its crucial role, the law has faced several criticisms, particularly in its implementation and its effectiveness in ensuring equitable economic distribution and environmental sustainability. This research critically analyzes Law No. 3 of 2020, focusing on the economic welfare it seeks to promote through proper natural resource management.

Minerals and coal are non-renewable natural resources that, once depleted, cannot be replenished. These resources are vital for Indonesia's economy, serving as significant export commodities and contributing to industrial development. According to Article 3 and Article 4 paragraph (1) of Law No. 3 of 2020, mineral and coal management is aimed at increasing the income of local, regional, and national communities and creating job opportunities for the maximum welfare of the people. Suhaimi (2020) emphasizes that this legal framework is expected to balance economic development with social welfare, ensuring that the benefits from resource extraction are distributed equitably among all stakeholders.

Economic welfare in this research refers to the economic benefits that communities derive from the extraction and management of natural resources. These benefits are expected to manifest through improved income, employment opportunities, and social development programs initiated by the mining companies and the government. The concept of welfare is deeply rooted in the Indonesian Constitution, particularly in Article 33, which mandates that natural resources be managed for the greatest benefit of the people. The Community Development and Empowerment (CDE) program is one of the mechanisms intended to ensure that mining operations contribute to local economic welfare (Toruan, 2023).

Law No. 3 of 2020, which amended Law No. 4 of 2009, serves as the primary legal framework governing mineral and coal mining activities in Indonesia. This law sets the foundation for the exploration, production, and post-mining activities while ensuring that mining companies comply with environmental standards and community welfare obligations. The law includes provisions for the allocation of funds to support Community Development and Empowerment programs, which are expected to improve the quality of life for communities around mining areas (Syarif et al., 2014; Harsono, 2019; Toruan, 2023). However, the effectiveness of this law in achieving its stated goals

remains a subject of debate, as various stakeholders, including civil society organizations, have raised concerns regarding its implementation and potential loopholes.

The primary object of this research is Law No. 3 of 2020 on Mineral and Coal Mining, which serves as the legal basis for mining activities in Indonesia. This law regulates not only the extraction of mineral and coal resources but also the management of the environmental and social impacts of mining operations. The law's emphasis on economic welfare and the protection of local communities makes it a key area of focus for this research. Additionally, this study investigates how the implementation of this law affects communities living around mining areas, particularly in terms of their access to economic benefits and their protection from environmental degradation.

The critical issue in the current research revolves around the effectiveness of Law No. 3 of 2020 in realizing its stated goals of enhancing economic welfare and ensuring sustainable natural resource management. Despite the legal provisions mandating companies to contribute to community development and empowerment, there have been widespread reports of environmental degradation, economic disparity, and insufficient social programs for communities affected by mining activities (Toruan, 2023). Furthermore, the law's lack of explicit provisions on corporate social responsibility has led to inconsistencies in the implementation of the CDE program, with many companies failing to meet their obligations or engaging in superficial initiatives that do not provide long-term benefits to local communities (Suhaimi, 2020). These issues highlight a significant gap between the legal framework and the actual practices on the ground, raising concerns about the law's ability to fulfill its promise of equitable economic development.

Several studies have analyzed the role of natural resource management in promoting economic welfare and environmental sustainability. However, many of these studies focus either on the legal aspects or on the economic outcomes, with little attention given to the intersection of law, economic welfare, and environmental sustainability in the context of mining. For example, Absori et al. (2022) and Fernando et al. (2023) have examined the legal implications of Law No. 3 of 2020, while Harun et al. (2023) and Zhou (2024) focus on the economic impacts of mining activities. Few studies, however, have critically assessed the extent to which the legal framework supports both economic welfare and environmental protection simultaneously. This research addresses this gap by analyzing Law No. 3 of 2020 from a multi-dimensional perspective, incorporating legal, economic, and environmental considerations. By doing so, this study contributes to a more comprehensive understanding of how natural resource management can be improved to ensure sustainable development and social justice.

This research aims to critically evaluate the effectiveness of Indonesia's Law No. 3 of 2020 on Mineral and Coal Mining in promoting both economic welfare and sustainable natural resource management. It focuses on assessing how well the law achieves its objectives at local, regional, and national levels, particularly through the Community Development and Empowerment (CDE)

program, which seeks to distribute mining benefits to local communities. Additionally, the study identifies challenges in the law's implementation, especially concerning environmental sustainability and social justice, and offers recommendations for improving the legal framework to better align with sustainable development and economic equity principles.

## **LITERATURE REVIEW**

Literature on natural resource management, especially concerning minerals and coal, underscores the importance of balancing economic growth with social welfare and environmental sustainability. In resource-rich countries like Indonesia, legislation such as Law No. 3 of 2020 on Mineral and Coal Mining seeks to regulate extraction while ensuring that economic benefits reach local communities through mechanisms like the Community Development and Empowerment (CDE) program (Suhaimi, 2020). Despite this, studies reveal gaps in implementation, with reports highlighting environmental degradation and inconsistent community support efforts from mining companies (Toruan, 2023). Prior research often examines either economic outcomes or legal frameworks independently; however, a more holistic approach, considering legal, economic, and environmental impacts, is needed to fully understand how natural resource management laws can support sustainable development (Absori et al., 2022; Fernando et al., 2023). This study addresses this gap by evaluating the extent to which Law No. 3 of 2020 achieves these interconnected goals, providing a multidimensional analysis of resource management in Indonesia.

## **METHODOLOGY**

The methodology used in this research is normative legal research, also referred to as doctrinal legal research or library research (Efendi & Ibrahim, 2018). This approach focuses on the analysis of applicable legal norms, particularly Law No. 3 of 2020 on Mineral and Coal Mining. A statutory approach is employed to examine all relevant laws and regulations associated with the legal issues under discussion. In addition, a futuristic approach is integrated to propose and evaluate ideal legal concepts for future application. This approach is essential for formulating recommendations for future legal developments. The research relies on both primary and secondary legal materials. Primary legal materials, which are authoritative and have legal force, include statutes and regulations. Secondary legal materials, such as textbooks and scholarly works, provide foundational principles and expert opinions relevant to the issues being studied (Diantha, 2017). Data collection methods include the identification and inventory of relevant laws and regulations, as well as the examination of library resources and online materials that offer various perspectives on the subject matter. The collected legal materials are analyzed using descriptive, evaluative, and argumentative techniques, ultimately leading to the formulation of conclusions regarding the research findings.

## **RESULT AND DISCUSSION**

Natural resources, particularly minerals and coal, are strategic assets that can contribute significantly to state revenues, job creation, and strengthening the competitiveness of the national economy in the global market. However, natural resource management also brings complex challenges, especially related to environmental sustainability, social justice, and good governance. Therefore, legal regulations governing the mineral and coal sector are important instruments in achieving a balance between economic utilisation and environmental protection.

In a welfare state, natural resources such as minerals and coal are considered strategic public assets, and their management must be under the control of the state for the benefit of all the people. From the perspective of welfare state theory, the state has an active and significant role in ensuring that the welfare of all its citizens is fulfilled through policies that are fair and orientated towards the interests of society. In the context of natural resources, this theory requires the state to use its wealth- such as minerals and coal - to improve the economic welfare of the people.

On the other hand, the welfare state seeks to realise social justice, where limited natural resources must be managed in such a way that the benefits can be felt by current and future generations. Mineral and coal mining policies need to pay attention to aspects of sustainability, with the aim of avoiding excessive exploitation that can harm local communities and damage the environment. In this context, economic welfare is not only judged by short-term profits, but also by the protection of environmental rights and ecosystem sustainability.

Law No. 3/2020 on Mineral and Coal Mining is an important step in Indonesia's efforts to manage its natural resources for economic prosperity. While this law has the potential to increase investment and state revenue, several aspects of this regulation have generated controversy and criticism from various groups, including environmental activists, academics, and civil society.

A critical analysis of Law No. 3/2020 on Mineral and Coal Mining covers several key dimensions, namely: (1) efforts to increase investment and economic prosperity, (2) environmental sustainability in mining management, (3) local community rights and social justice, (4) governance reform and implementation challenges.

### **Critical Analyses Relating to Investment and Economic Prosperity**

Law No. 3/2020 on Mineral and Coal Mining stipulates that the management of mineral and coal resources should be orientated towards improving national economic welfare. One of the steps taken through this law is to strengthen the role of the central government in overseeing and controlling mining activities, which is expected to address the issue of policy fragmentation between the central and local governments that often hinders investments that will contribute to improving national economic welfare. Law No. 3/2020 on Mineral and Coal Mining introduces a number of important changes designed to provide legal certainty and attract investors, both domestic and foreign. One significant change is the automatic extension of Mining Business Licences (IUP) and Special Mining Business Licences (IUPK) for companies that have fulfilled

their environmental and financial obligations.

In this context, Law No. 3/2020 on Mineral and Coal Mining provides greater legal certainty to mining industry players by extending the mining licence period to 20 years and can be extended for the same period. This is expected to provide stability for investors in the long term and encourage increased investment in the mining sector. Increased investment in the sector is seen as important to create jobs, increase state revenue through taxes, royalties and other revenues, and support infrastructure development.

Criticisms have arisen regarding the distribution of benefits from mining activities. Some argue that the economic benefits generated by the mining sector tend to only be felt by a handful of large companies and economic elites, while local communities, especially in mining areas, often do not feel the positive impacts directly. In fact, in some cases, local communities have to bear the social and environmental burdens caused by mining activities.

### **Critical Analysis Related to Environmental Sustainability in Mining Management**

One of the main criticisms of Law No. 3/2020 on Mineral and Coal Mining is the lack of attention given to environmental sustainability. Mining activities, especially on a large scale, often cause severe environmental damage, including deforestation, land degradation, water and air pollution, and loss of biodiversity. In Indonesia, which is rich in biodiversity, the environmental impact of the mining sector is a serious issue that needs to be addressed carefully.

Although Law No. 3/2020 on Mineral and Coal Mining includes an obligation for mining companies to conduct reclamation and post-mining. However, criticism arises because the supervision and law enforcement mechanisms related to this obligation are considered not strong enough. There are many cases where mining companies do not carry out reclamation properly, leaving environmental damage that has long-term impacts on neighbouring communities.

Furthermore, Law No. 3/2020 on Mineral and Coal Mining strengthens the role of the central government in granting mining licences, potentially overriding the authority of local governments in managing the environment in their areas. This fuels concerns that local environmental considerations may not receive adequate attention in the process of granting mining licences, which could ultimately exacerbate environmental degradation in vulnerable areas.

### **Critical Analysis of in Relation to Local Community Rights and Social Justice**

One aspect that is often overlooked in natural resource management regulations is the rights of local communities, especially indigenous communities who often live around mining areas. Law No. 3/2020 on Mineral and Coal Mining stipulates that the central government has full authority to grant mining business licences, without the obligation to consult directly with local communities. This has fuelled concerns that local communities do not have a sufficient voice in the decision-making process regarding mining activities that directly impact their lives.

Law No. 3/2020 on Mineral and Coal Mining is considered to ignore the rights of local communities, especially indigenous peoples and other vulnerable groups living around mining areas. In many cases, local communities are not adequately involved in decision-making processes related to mining activities that take place in their areas. In fact, they are often the ones most affected by mining operations, both in social, economic and environmental terms. Criticisms of Law No. 3/2020 on Mineral and Coal Mining also include provisions regarding the removal of local communities from land that will be used for mining. Law No. 3/2020 on Mineral and Coal Mining gives the government great authority to procure land for mining purposes, which has the potential to disregard community rights to land and natural resources. In some cases, indigenous peoples and local communities have lost access to their land without being properly compensated or without fair dialogue about the social impacts of mining operations.

In many cases, local communities, including indigenous peoples, face conflicts with mining companies over land tenure, access to natural resources, and the socio-economic impacts of mining activities. Criticism of Law No. 3/2020 on Mineral and Coal Mining focuses on the lack of mechanisms to protect the rights of local communities, as well as inequities in the distribution of economic benefits from the sector. Some argue that the law favours the interests of large corporations and investors, while the rights of local communities, including land and resource rights, are often overlooked.

### **Critical Analysis Relating to Governance Reform and Implementation Challenges**

The biggest challenge in the implementation of Law No. 3/2020 on Mineral and Coal Mining is the governance aspect. While Law No. 3/2020 on Mineral and Coal Mining aims to strengthen the role of the central government in managing the mining sector, there are concerns that corruption, bureaucratic red tape and lack of transparency remain key obstacles in ensuring that the law is effectively implemented. Corruption and abuse of power has been a problem in the mineral and coal mining sector, where mining licences are often granted without considering environmental impacts or the welfare of local communities. Law No. 3/2020 on Mineral and Coal Mining seeks to address some of these issues by tightening the licensing process and strengthening central government oversight. However, without deep reforms in governance and law enforcement, there is a risk that long-standing problems will continue, and the main objectives of the law will not be achieved. One specific criticism levelled is that Law No. 3/2020 on Mineral and Coal Mining gives too much authority to the central government, thereby reducing the role of local governments in managing natural resources in their areas. This can be especially problematic in terms of supervision and law enforcement in the field, where local governments are often closer to local communities and have a better understanding of environmental and social conditions in the region.

From various criticisms of Law Number 3 of 2020 concerning Mineral and Coal Mining in the implementation of mining business activities, the Indonesian government seeks to overcome various problems that arise due to

mining activities through the Community Development and Empowerment (CDE) programme as a form of social responsibility and reduce problem factors that often arise and can cause social conflict in communities around mines. The Community Development and Empowerment (CDE) programme is an initiative that is presented to improve the economic welfare of the community, especially those around the mining site. In this context, Community Development and Empowerment (CDE) serves as an alternative solution to overcome various economic problems that may arise due to mining activities. The following are some points that explain the role and importance of the PPM programme as a solution to improve economic welfare:

Firstly, local economic empowerment. The Community Development and Empowerment (CDE) programme is designed to empower local communities through training and skills development. With training, communities will acquire new skills that can increase their productivity, whether in agriculture, handicrafts, or other sectors. This not only creates jobs, but also increases people's income. Secondly, diversification of income sources. Community Development and Empowerment (PPM) encourages diversification of income sources for the community. By developing small and medium enterprises (SMEs), communities are not solely dependent on mining activities. This diversification can help reduce the economic risks associated with fluctuating mining commodity prices. Third, sustainable natural resource management. Through the Community Development and Empowerment (CDE) programme, communities are engaged in sustainable natural resource management. This includes environmentally friendly mining practices and good environmental management, so that communities can utilise natural resources without damaging their environment. As such, Community Development and Empowerment (CDE) contributes to long-term economic sustainability. Fourth, improving access to basic services. The Community Development and Empowerment (CDE) programme also focuses on improving people's access to basic services, such as education, health and infrastructure. With adequate facilities, people's quality of life will improve, and they will be better able to participate in economic activities.

With the enactment of Law No. 3 of 2020, entrepreneurs in the mining commodity sector are required to carry out domestic processing and refining before selling mining products abroad (export), especially for holders of Mining Business Licences (IUP) and Special Mining Business Licences (IUPK). This processing and refining activity is one of the steps encouraged by the government to increase the added value of mining products obtained through domestic mining (Supramono, 2012). This provision is also strengthened in Article 103 of Law Number 3 of 2020 concerning Minerals and Coal. The Community Development and Empowerment (CDE) programme is a strategic alternative solution to improve the economic welfare of communities, especially around mining areas. With a focus on empowerment, economic diversification, sustainable management, and improved access to basic services, Community Development and Empowerment (CDE) can help communities to face various

economic challenges and create a better future. Good programme implementation and collaboration between the government, companies, and communities will determine the success of the programme.

## **CONCLUSION AND RECOMMENDATION**

In conclusion, Law No. 3/2020 on Mineral and Coal Mining represents a significant step by the Indonesian government to enhance the management of its mining sector and boost the national economy. However, the law faces critical challenges, particularly in balancing economic growth with environmental sustainability, protecting local community rights, and ensuring good governance. Without comprehensive reforms in governance, regulatory enforcement, and a more holistic approach that prioritizes social justice and environmental protection, the law risks perpetuating past mistakes where short-term economic gains overshadowed long-term sustainability and equitable welfare distribution. Sustainable natural resource management is essential for ensuring that Indonesia's wealth benefits all its people, not just a select few.

## **ADVANCED RESEARCH**

Future research should explore more deeply how Law No. 3/2020 on Mineral and Coal Mining can be restructured or supplemented to address its current limitations, especially regarding environmental protection, community welfare, and governance transparency. Such studies could examine specific mechanisms or policy adjustments that would strengthen regulatory enforcement and improve accountability among mining companies. Additionally, comparative analyses with other resource-rich countries could provide insights into effective governance models that balance economic growth with sustainable development and social equity. Research focusing on the law's long-term impacts on local communities and the environment will further highlight areas where policy reform could help ensure that Indonesia's natural resources genuinely contribute to broad-based welfare and environmental stewardship.

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