

ELUCIDATION OF  
REGIONAL REGULATION OF WEST KALIMANTAN PROVINCE  
NUMBER 9 OF 2019  
ON  
MINERALS AND COAL MINING MANAGEMENT

I. GENERAL

Mining resources are one of the natural resources that play an important role in human life. Almost all the tools and equipment from the simple to the sophisticated made from the commodity of mining, ranging from metallic minerals, non-metallic minerals, and rocks. While coal and radioactive are also sources of energy. Hence, human life since the past to this very moment depends on the commodity of mine.

The utilization of minerals and coal as the natural wealth contained in the earth is a renewable natural resource. Therefore, the management needs to be optimal, efficient, transparent, sustainable and environmentally sound, and fairness, in order to obtain the maximum benefits of for sustainable community prosperity. Likewise, in the implementation of mineral and coal mining business, it needs to be managed based on good and true mining rules while still prioritizing sustainable development.

The potential of mineral mining in West Kalimantan has a very important role and needs to be utilized optimally. This is for supporting the development of Regional and National areas. It is undeniable that in the management of mineral and coal mining in the region will still face various challenges such as the influence of globalization that encourages democratization, regional autonomy, human rights, the environment, development of technology and information, as well as the demands of increased private and public participation.

With the enforcement of Law Number 23 of 2014 on Local Government, issuance of Mining Business License (IUP) and People's Mining License (IPR) which have been in the regency/municipal government, has been handed over to the Provincial Government. In other words, the Regent/Mayor is prohibited from issuing mining licenses. The new authority is in the Provincial Government.

To answer a number of problems in the Minerals and Coal Mining Management, and to carry out the authority in the field of Energy and Mineral Resources as referred to in Law Number 23 of 2014, it is necessary to establish Regional Regulation on Minerals and Coal Mining Management. This Regional Regulation is generally a policy for the government of West Kalimantan Province in administering the Minerals and Coal Mining Management. While in particular, namely to be a guideline in administering the mining licensing services, after the enactment of Law Number 23 of 2014 on Local Government.

In the implementation of this Regional Regulation, using principles of sustainability, fairness, public participation, welfare, and principles of openness. In the application of the principle, also still pay attention to the function principles of environmental, transparency, accountability, efficiency, and the principle of recognizing the rights of local community to the natural wealth they have in the mining area.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

Sufficiently clear.

### Article 3

#### Point a

Sufficiently clear.

#### Point b

Sufficiently clear.

Point c

The term "fostering" means all activities covering providing direction, instruction, guidance, training and counseling in mining management.

Supervision means an activity that is done to ensure the enforcement of legislation in the field of mining management.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

Sufficiently clear.

Point j

Sufficiently clear.

Point k

The term "inventory" means an activity to produce comprehensive regional data on the potential minerals and coal mining.

The term "general investigation" means the stage of mining activities to determine the regional geological conditions and indications of mineralization.

Point l

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Section (1)

Inventory and research are conducted to obtain data and information. The activities are executed in coordinated manner by the Governor.

Section (2)

Sufficiently clear.

Article 8

Section (1)

Assignments are made to support WP setup and development of mining science and technology.

Section (2)

Sufficiently clear.

Article 9

Section (1)

In determining the assignment area, the Governor coordinates with the Minister and local Regent/Mayor.

Section (2)

Sufficiently clear.

Article 10

Section (1)

A map of potential minerals and/or coal contains the least information on mineral carrier rock formations and/or coal carriers.

Section (2)

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Section (1)

Map of potential/reserves of minerals and/or coal at least contains the potential distribution of minerals and/or coal. The map is made in the form of maps sheets and digital maps.

Section (2)

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Section (1)

Point a

Sufficiently clear.

Point b

Coal mining covers: solid bitumen; asphalt rocks; coal and peat.

Section (2)

Point a

Metallic minerals mining includes lithium, beryllium, magnesium, potassium, calcium, gold, copper, silver, lead, zinc, tin, nickel, manganese, platinum, bismuth, molybdenum, bauxite, mercury, tungsten, titanium, barite, vanadium, chromite, antimony, cobalt, tantalum, cadmium, gallium, indium, yttrium, magnetite, iron, galena, alumina, niobium, zirconium, ilmenite, chromium, erbium, ytterbium, dysprosium, thorium, cesium, lanthanum, niobium, neodymium, hafnium, scandium, aluminum, palladium, rhodium, osmium, ruthenium, iridium, selenium, telluride, strontium, germanium, and xenotime.

Point b

Non-metallic minerals mining includes diamonds, corundum, graphite, arsenic, quartz sand, fluorspar, cryolite, iodine, bromine, clenbuterol, sulfur, phosphate, halite, asbestos, talk, mica, magnesite, yarosite, ocher, fluorite, ball clay, fire clay, zeolite, kaolin, feldspar,

bentonite, gypsum, dolomite, calcite, rijang, pyrophyllite, quartz, zircon, wollastonite, alum, quartz rocks, perlite; rock salt, clay, and limestone for cement.

Point c

Rocks mining includes pumice, tras, toseki, obsidian, manner, perlite, diatom land, scrap soil (fullers earth), slate, granite, granodiorite, andesite, gabbro, peridotite, Basalt, trachite, leucite, clay, backfill soil, pumice, opal, chalcedony, chert, quartz crystal, jasper, chrysoprase, mined wood, garnet, jade, agate, diorite, topaz, large quarry mountain rocks, gravestone of hill, gravel river, river stones, river pebbles sift without sand, backfill sand, tidal sand, natural sandy pebbles (sirtu), choice of heap material (soil), backfill local soil, soils (laterite), limestone, onyx, sand, and sand that does not contain metallic mineral elements or non-metallic mineral elements in the amount that means reviewed in terms of economics mining.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Section (1)

Point a

The enterprises may be a private enterprise or a Local-Owned Enterprise.

Point b

Sufficiently clear.

Point c

Individuals may be individual person, firms, or limited partnership.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

The term "enterprise" means any legal entity engaged in the mining company established under Indonesian law and domiciled in the territory of the Unitary State of the Republic of Indonesia.

Article 26

Section (1)

Sufficiently clear.

Section (2)

The term "feasibility study" means the stage of mining business activities to obtain detailed information of all related aspects to determine economic feasibility and technical mining business, entering into analysis on the impact of environment and post-mining planning.

Section (3)

The term "construction" means a business activity to perform the development of all production operations, including environmental impact control.

The term "mining" means a part of mining business activities to produce minerals and/or coal and their associated minerals.

Processing and refining are mining business activities to improve the quality of minerals and/or coal and to utilize and acquire associated minerals.

Section (4)

Sufficiently clear.

Article 27

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "mineral association" means a group of minerals that have chemical and petrographic properties that occur or form together (in one genes).

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Article 28

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Activities that do not run on mining business include land utilization with the aim of equalization and arrangement of land



(cut and fill) in the establishment of industrial, warehousing, housing, infrastructure, and others must apply for permits to the Governor through a regional instrument administering licensing service.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

Sufficiently clear.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

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Article 43

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Article 44

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Article 45

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Article 46

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Article 47

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Article 49

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Article 50

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Article 51

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Article 52

Sufficiently clear.

Article 53

Sufficiently clear.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Section (1)

The term "mine commodities" means the metallic minerals and coal.

Section (2)

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Section (1)

Sufficiently clear.

Section (2)

The report contains the progress of work within a certain period of time and in a certain stage of activity submitted by IUP Exploration holders and IUP Production Operation holders.

Article 72

Sufficiently clear.

Article 73

Sufficiently clear.

Article 74

Sufficiently clear.

Article 75

Sufficiently clear.

Article 76

Point a

Sufficiently clear.

Point b

In implementing the rules of good mining technique, the IUP holder considers:

1. provisions of mining occupational health and safety;
2. safety of mining operations;
3. management and monitoring of the mining environment, including reclamation and post-mining activities;
4. conservation of minerals and coal resources; and
5. management of the remaining mine from a mining business activity in the form of solid, liquid, or gas until it meets the main standards of environmental quality before detachable environmental stability.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

The allocation of the post-mining land is listed in the land use agreement between the IUP holder and the land rights holders.

Point j

If the IUP holder does not carry out reclamation and post-mining in accordance with the approved plan, then the Governor may assign a third party to perform reclamation and post-mining with the collateral funds provided by the IUP holder.

Point k

Sufficiently clear.

Point l

Sufficiently clear.

Point m

Sufficiently clear.

Point n

Sufficiently clear.

Point o

Sufficiently clear.

Point p

Sufficiently clear.

Point q

Sufficiently clear.

Article 77

Sufficiently clear.

Article 78

Section (1)

The fostering of mining business management consists of:

- a. granting guidelines and the implementation standards of mining business;
- b. providing guidance, supervision, and consultation;
- c. education and training; and
- d. planning, research, development, monitoring, and evaluation of the implementation of mining business in the field of minerals and coal.

Section (2)

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

Sufficiently clear.

Article 81

Sufficiently clear.

Article 82

Sufficiently clear.

Article 83

Sufficiently clear.

Article 84

Section (1)

The term "community empowerment" means an activity to improve the ability of people both individually and collectively, to be better the level of their lives. Program preparation and plans are consulted with regency/municipal governments and local communities.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 85

Sufficiently clear.

Article 86

Sufficiently clear.

Article 87

Sufficiently clear.

Article 88

Sufficiently clear.

Article 89

Sufficiently clear.

Article 90

Sufficiently clear.

Article 91

Sufficiently clear.

Article 92

Sufficiently clear.

Article 93

Sufficiently clear.

Article 94

Sufficiently clear.