

**IMPLEMENTATION OF SAMBAS REGENT REGULATION
NUMBER 18 OF 2018 CONCERNING ENVIRONMENTAL
PERMITS FOR GOLD MINING IN TEBING BATU VILLAGE****Nurkarima**Institut Agama Islam Sultan Muhammad Syafiuddin Sambas
nurkarima80@gmail.com**ABSTRACT**

This research was motivated by the existence of a gold mining business managed by a group of communities in Tebing Batu Village, Sambas Regency. The mine has been established for a long time but some do not have environmental permits from either the Village Government or the District Government. Meanwhile, in Sambas Regency, there are laws and regulations governing environmental permits, namely Regent Regulation Number 18 of 2018 concerning Environmental Permits. The objectives of this study are twofold, namely: to determine the implementation of Regent Regulation Number 18 of 2018 concerning Environmental Permits for Gold Mining in Tebing Batu Village; and to assess the legal consequences of mining activities in Tebing Batu Village based on Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits. This research uses a descriptive method, namely research that uses an overview of the facts, nature, and relationships between the events studied. This type of research is qualitative which is field research. This research also includes empirical legal research that examines social issues in terms of laws and regulations, namely Sambas Regent Regulation No. 18 of 2018 concerning Environmental Permits. To obtain research data, researchers used interview and observation techniques. The findings of this study are that the implementation of Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits is still not optimal because there is a mining business that does not have a business license and is not yet required AMDAL where environmental permits are the initial instrument for issuing business permits. The legal consequence is that the mining business is actually not fit to operate because it does not have an environmental permit so that parties involved in the mining business can be subject to administrative and even criminal sanctions.

Keywords: Perbub No. 18/2018, gold mining environmental permit

INTRODUCTION

The State of Indonesia is a State of Law that has been listed in the 1945 Constitution article 1 paragraph 3. (UUD 1945, 2018) This emphasizes to the entire community that Indonesia is a country of law, so the people are obliged to obey the applicable rules. The rules created are useful for security and peace in a country. The law itself is a series of regulations that bind, coerce, and have sanctions to regulate the lives of people in the State of Indonesia.

Indonesia has made regulations in several fields, one of which is the one that regulates licensing. Licensing law is a law that regulates public relations with the state in the event of a community requesting a permit. Permit is an act of one-sided State Administration Law that is applied in regulations based on requirements and procedures according to the provisions. The licensing process in this case has parties involved, both business actors, licensors (government/officials) where there is a legal relationship between the two and the accompanying legal consequences give birth to studies, studies, and understandings of permits and licensing cannot be separated from the legal aspect. (Sigit Sapto Nugroho dan Anik Tri Hayani, 2021)

The licensing law also regulates environmental licensing contained in Government Regulation Number 27 of 2012 as a substitute for Government Regulation Number 27 of 1999 concerning Amdal, regulating two instruments of environmental protection and management, namely environmental assessment instruments and Environmental Permit instruments. Currently, the form of licensing for mining business activities according to Law No. 3 of 2020 explains that the types of licensing are mentioned:

- a. Mining Business License (IUP)
- b. Special Mining Business License (IUPK)
- c. People's Mining Business License (IUPR)
- d. Special Mining Business Permit (IUPK) as a continuation of the work contract and PKP2B
- e. Rock Mining License
- f. Assignment permit
- g. Mining Services Business License
- h. Permit of Carriage and Sale.

One of the licensing rules is a mineral and coal mining business license in the management of mining business licenses regulated in the regulation of Law Number 04 of 2009, which in its management has procedures including in the granting of mining business licenses, permits are given to individuals or entities because they are included in certain business license groups, in

granting and measuring the level of service is measured from the type of license given. (Undang-Undang Nomor 4 Tahun 2009)

Based on Article 33 paragraph (3) of the 1945 Constitution, the earth, water, and natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people. This is still not fully implemented in Indonesia. to achieve the welfare and prosperity of the people of Indonesia, various kinds of business and production activities that support development are held. These activities are not only carried out by the government but by the surrounding community or the private sector. (Abrar Saleng, 2004)

Today's environmental problems have developed as a global issue, so it is important to study further regarding the aspect of legal protection. Environmental problems that are often heard are about the problem of environmental pollution, this is what causes the depletion of natural resources. The negative impact of declining environmental quality due to pollution due to the depletion of natural resources and resulting in losses to the community. (Undang-Undang Dasar 1945)

Mining materials that can be managed are not applied individually, but are managed comprehensively and collectively so that their benefits can be useful for all mankind as God's creatures who are mandated as caliphs on earth. Indonesia is endowed with abundant natural resources, including mining materials. As a country, Indonesia has a high dependence on the use of mining materials as development capital.

The implication of the application of Article 33 paragraph (3) is to give full authority to the State to control, own and regulate the management of natural resources. This is not necessarily interpreted as natural resources belonging to the State. However, the State is tasked with regulating the justice, sustainability and social functions of natural resources for the greatest possible welfare of the people. (Sutedi, 2011)

That the purpose of state control over natural resources is to eliminate the concentration of control by a person or a group of people over natural resources, which is feared to threaten the achievement of people's welfare and the loss of natural resource functions. Indonesia's natural resources are an important capital in national implementation. Gold as a natural resource plays an important role in the national economy.

In Sambas Regency, precisely in Tebing Batu Village, there is a gold mine managed by a group of people in the village. The mining is in the form of an individual mine that has started operating a dozen years ago which is still a free area to visit. The gold workers in the mining are not only people

who live in Tebing Batu Village but from various local areas. Some workers in the gold mine are manual and some use heavy equipment. According to information obtained by researchers from one of the gold mining workers, mining has been established for a long time but some do not have environmental permits from both the Village Government and the Regency Central Government. Berdasarkan peraturan bupati Nomor 18 Tahun 2018 Tentang Izin Lingkungan pada pasal 1 ayat 5 yang berbunyi “izin lingkungan adalah izin yang diberikan kepada setiap orang yang melakukan Usaha dan/ atau kegiatan yang wajib Amdal atau UKL-UPL dalam rangka perlindungan dan pengelolaan lingkungan hidup sebagai persyaratan memperoleh izin Usaha dan/ atau Kegiatan”. (Sambas, Sekretariat Daerah Kabupaten)

RESEARCH METHODS

The research method used in this study is a type of qualitative descriptive research with an empirical or sociological approach. Qualitative research is research to find an explanation of a phenomenon, looking for the truth based on the value or quality of the data obtained (Butarbutar, 2018). The research was conducted in Sambas Regency, Tebing Batu Village, East Sebatuk, Sebawi District, citing problems in the implementation of Regent Regulation Number 18 of 2018 concerning Environmental Permits. The data source consists of primary data obtained through interviews with the Village Secretary, workers in the gold mine, the people of Tebing Batu Village, and the Environmental Management Office. There are 2 sources of data obtained, namely primary and secondary sources. Secondary data sources come from legal literature and the results of the symposium. Data collection techniques involve observation, structured interviews, and documentation. Primary data is a data source that has been taken directly from respondents, informants, or the object being studied. This means that the source of research data is obtained from the original source in the form of interviews, polls from individuals or groups (people) or the results of observations of an object, event or submission result (object). In other words, researchers need to collect data by answering research questions (survey method) or object research (observation method) (Sugiyono, 2017). Meanwhile, secondary sources are data obtained from library materials that are published or textbooks written by influential legal experts (de hersendee leer), legal journals, and the results of the latest symposiums related to the topic of proposal research (Sodik, 2015). Data collection tools include interview guidelines, thesis guidelines, and mobile phones. Data analysis involves data reduction, descriptive presentation of data, and drawing conclusions based on comparisons between

theory and field facts. The validity of the data is checked through the extension of the observation period, observation diligence, trifugulation, and member checks. This technique is expected to produce accurate and valid data to support solutions to the problems raised.

DISCUSSION

Implementation Theory

According to Indra Muda, policy implementation is seen in a broad sense, it is a legal administrative tool where various actors, organizations, procedures, and techniques work together to implement policies to achieve the desired impact or goal (Muda, 2019).

According to Wahab, Implementation is also often considered a form of operationalization or implementation of activities that have been determined based on the law and become a mutual agreement among various stakeholders (stakeholders), actors, organizations (public/private), procedures, and techniques synergistically that are mobilized to work together to implement policies in a certain desired direction (Wahab, 2014). According to Deddy Mulyadi, "Implementation is a policy related to various activities where the activity undergoes a change or transformation that is multi-organizational" (Mulyadi, 2016).

One of the important stages in the public policy process is the implementation stage. Implementation is an advanced stage after a policy is clearly formulated and a way for a policy to achieve the expected goals. Lester and Stewart explain that "Policy implementation is seen in a broad sense, as a legal administrative tool of various actors, organizations, procedures and techniques that work together to implement policies to achieve the desired impact or goal (Wahab S. A., 2007).

Legal implementation, Implementation is a policy in completing decisions in order to achieve good goals depending on how the implementation goes well in carrying out the final improvement process. Therefore, a good implementation is expected in every program to create the expected goals. Talking about the implementation of the law, we are talking about the implementation of the law itself where legal norms are created to be enforced. A law can no longer be called a law, if it has never been implemented. The implementation of the law is related to human beings and their behavior (Hanifah, 2002).

The concept of implementation is increasingly being discussed along with the number of experts who contribute their thoughts on policy implementation as one of the stages of the policy process. Wahab and several

authors put the policy implementation stage in a different position, but in principle every public policy is always followed up with policy implementation (Taringan, 2008).

According to Karmanis and Karjono, implementation is a way for the goals in a policy to be achieved. As the meaning of implementation is interpreted by public policy law, the implementation of public policy can be understood as the process of implementing a policy in which there is certainty of goals in it to be achieved properly, certainly referring to binding legal regulations (Karmanis, 2020).

The above theories can be concluded that the meaning of implementation is the implementation of a rule or policy that must be implemented according to expectations and does not cause the desired impact. Therefore, it must meet the supporting factors for the implementation of. Basically, in the political system, public policy is implemented by government agencies where government agencies involve one body that functions as an implementer, and are aimed at the many organizational units involved in it. In addition, it is also aimed at the process of implementation itself which is influenced by various organizational variables. From each of these variables, they can interact with each other.

Regent Regulation

Laws and regulations are written regulations that contain generally binding legal norms and are formed or determined by state institutions or authorized officials through procedures stipulated in laws and regulations (Sakti Rmadhon Syah. R, 2020).

Each region has its own regulations according to the needs of the region. The intention of local government is through the general provisions of article 1 of Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government (jo). Law Number 23 of 2014 concerning Regional Government states in paragraph 2 that Regional Government is the implementation of government affairs by local governments and regional people's representative councils according to the principle of autonomy and assistance duties with the principle of autonomy as widely as possible in the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1954 Constitution paragraph 3, regional government is the head of the region as an element of organizing government affairs which is the authority of the autonomous region (Rahayu, 2018).

Regent Regulation is a regulation designed and proposed by the Regent and stipulated by the Regent to follow up on higher laws and regulations. Regent regulations are regulatory laws and regulations set by the regent to

carry out orders of higher laws and regulations or in carrying out the authority of the local government. The Central Government gives authority to the regions to make regional policies as the legal basis for the implementation of regional autonomy and to provide services, increase participation, initiatives and community empowerment aimed at improving community welfare.

Environmental Permit Theory

Permits are a preventive juridical government tool, used as an administrative instrument to control people's behavior. Therefore, the nature of a permit is preventive, because in a permit instrument, it cannot be released with orders and obligations that must be obeyed by the permit holder (Sihaan. N.H.T, 2009). In addition, the function of permits is restrictive, permits can function as an instrument to overcome environmental problems caused by human activities that are inherent in the basis of permits. This means that a business that obtains a permit for environmental management is burdened with the obligation to counteract pollution or environmental destruction arising from its business activities.

A permit is an administrative legal instrument that can be used by government officials who are authorized to regulate the ways in which entrepreneurs run their business in a permit authorized officials to set out terms or conditions in the form of orders or prohibitions that must be complied with by the company. Thus, permission is an individual-level legal arrangement or a subjective legal norm because it is already associated with a certain legal subject. Location permits and building permits (IMB) basically refer to spatial arrangements. However, the IMB regulation is operationally formulated in the regional regulations of each city/district (Takdir, 2012).

Systematically regarding environmental permits can be explained as follows :

1. Definition

An environmental permit is a permit given by every person who carries out a Business and/or activity that is required to have an EIA or UKL/UPL in the context of environmental protection and management as a prerequisite for obtaining a Business and/or Activity permit, with the issuance of an Environmental Feasibility Decision or UKL-UPL Recommendation by the Minister, governor, mayor/regent. So that the issuance of environmental permits is a requirement for obtaining business or activity licenses (Rahma Dwi Satri, 2021).

2. Legal Source

- a. Law Number 32 of 2009 concerning Environmental Protection and Management.

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- b. Government Regulation of the Republic of Indonesia Number 27 of 2012 concerning Environmental Permits.
 - c. Regulation of the Minister of Environment Number 5 of 2012 concerning Mandatory Amdal Activities.
 - d. Regulation of the Minister of Environment Number 17 of 2012 concerning Guidelines for Community Involvement in the Environmental Impact Analysis Process and Environmental Permits.
 - e. Peraturan Menteri Lingkungan Hidup Nomor 16 Tahun 2012 tentang Pedoman Penyusunan Dokumen Lingkungan Hidup.
 - f. Regulation of the Minister of Environment Number 8 of 2013 concerning the Procedure for Assessment and Inspection of Environmental Documents and the Issuance of Environmental Permits (Rahma Dwi Satri, 2021).

Scope

Certain businesses or activities cannot be carried out without permission from the authorized government organs. This reality is understandable because various things are often related to the activities that will be carried out by permit applicants. Permits are the basis for the applicant's rights and obligations to carry out a certain business or activity. Environmental permits can be submitted through UKL-UPL inspections or EIA assessments in accordance with the provisions of the Minister of Environment Regulation Number 5 of 2012 concerning Mandatory EIA Activities. Environmental Impact Analysis, hereinafter referred to as EIA, is a study of the important impact of a business and/or planned activity on the environment that is necessary for the decision-making process about the implementation of the Business and/or Activity (Rahma Dwi Satri, 2021).

The presence of environmental permits is the starting point of both environmental problems in Indonesia, namely environmental pollution and environmental destruction that occurs in Indonesia. Pollution and destruction of the environment is a social burden, which in the end the community and the government have to bear the cost of restoration (Amri, 2022).

Meanwhile, in several writings about environmental permits, it is stated that environmental feasibility studies also include environmental permits. Then Siti Sundari Rangkuti stated, that environmental licensing is as follows: (Rangkuti, 2005)

1. HO Permit
2. Industrial Business License
3. Waste Disposal Permit

4. Operation Permit for Storage, collection, management, and/or stockpiling of B3 waste
5. B3 waste transportation permit
6. B3 waste utilization permit
7. Operating permit for B3 waste management equipment
8. B3 waste management and landfill location permit
9. Dumping permit
10. Permits to conduct businesses and/or activities that emit emissions and/or disturbances
11. Location permissions

Environmental Permit Requirements

- a. Environmental Permits through AMDAL Assessment (Rahma Dwi Satri, 2021)

Environmental Permits through Assessment AMDAL

No	Document Type	Information
1	Cover Letter for Environmental Permit Application and Assessment of ANDAL, RKL, and RPL Documents	Typed on the letterhead of the initiating company
2	KA/ANDAL, RKL and RPL/ANDAL Addendum, RKL and RPL Documents	It is prepared in accordance with the Regulation of the Minister of Environment Number 16 of 2012 concerning Guidelines for the Preparation of Environmental Documents. On behalf of the initiator in accordance with the business or activity submitted for the permit application.
3	Company Profile	Company profile or initiator activity
	Notary Deed	On behalf of the initiating company

- b. Environmental Permits Through Inspections UKL-UPL
Environmental Permits Through Inspections UPK-UPL

No	Document Type	Information
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1	Cover Letter for Environmental Permit Application and UKL-UPL Inspection	Typized above the company's letterhead. Complete with the initiator's signature.
2	Form UKL-UPL	Prepared in accordance with the Regulation of the Minister of Environment Number 16 of 2012 concerning Guidelines for the Preparation of Environmental Documents. On behalf of the initiator in accordance with the business and/or activity submitted for the permit application.
3	Company Profile	Company profile and/or initiator activity.
4	Akta Notaris	On behalf of the initiating company.

Legal Consequences

Legal consequences are the consequences given by law to a legal event or act of a legal subject (Mas, 2003). Based on the Indonesian Language Dictionary, consequence has the meaning of something that is the end or result of an event, requirement, or circumstance that precedes it. The legal consequences used in this study are the legal consequences in the form of the birth, harm, or disappearance of a certain legal situation and the legal consequences in the form of the birth, or change of a certain legal relationship.

According to Jazim Hamidi, the word legal impact/legal consequences contains the intention of a direct, strong, or explicit legal impact or effect. In the legal literature, three types of legal consequences are known, which are as follows:

- a. Legal consequences in the form of birth, change, or a certain legal situation.

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- b. Legal consequences in the form of the birth, change, or disappearance of a certain legal relationship.
 - c. The legal consequences are in the form of sanctions, which are not desired by the subject of the law (unlawful acts).

Talking about legal consequences begins with the existence of legal relationships, legal events, and legal objects. According to Soedjono Dirdjosisworo in his book *Introduction to Legal Science*, the consequences of law arise due to the existence of legal relationships where in the relationship there are rights and obligations (Dirdjosisworo, 2010). Events or events that can cause legal consequences between parties who have a legal relationship, these legal events exist in various aspects of law, both public and private law (Dirdjosisworo, 2010).

Sathipto Rahardjo, stated that legal events are intended to move, the law provides qualifications, for certain relationships, it is called legal relationships. Legal regulations, for example, because there are legal regulations and what moves them are called legal events and the formulation of behavior in legal regulations must occur immediately so that it causes legal consequences (Rahdjo, 2010).

In order for a legal consequence to arise, Sathipto formulates that there are two stages, namely, the existence of certain conditions in the form of the occurrence of an event in reality that meets the formulation in the legal regulations which are called legal bases and it is recommended to distinguish between legal bases and regulatory bases, namely by referring to the legal regulations used as the frame of reference (Rahardjo, 2006).

Based on the theory described above, the researcher concludes that legal consequences are changes that occur due to events and legal bases that are not at the same time or in line with the occurrence of legal consequences. Legal consequences are one of the unlawful acts where theories and facts in the field are not in line.

Implementation of Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits

One of the important stages in the public policy process is the implementation stage. Policy implementation is an advanced stage after the policy is clearly formulated and as a way for a policy to achieve the expected goals (Wahab, Sholichin Abdul, 2007). Implementation is the implementation of a rule or policy that must be implemented according to expectations and does not cause the desired impact.

Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits is a rule that changes from the 2012 Regent Regulation on Environmental Permits. The basic rule is Law Number 32 of 2009 concerning Environmental Protection and Management. The content contained in the Sambas Regent Regulation article 1 paragraph 5 Number 18 of 2018 concerning Environmental Permits that environmental permits are permits given to every person who carries out businesses or activities that are required by EIA or UKL-UPL in the context of environmental protection and management as a condition for obtaining Business and/or Activity permits (Sambas, Sekretariat Daerah Kabupaten).

To find out whether the Implementation of Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits in Sambas Regency has been implemented or cannot be seen from practice in the field and must be adjusted to the content of the regulation. Another meaning of implementation is the implementation after there is a plan that is considered ready.

According to Abdullah Syukur, the implementation of a program that has been determined by the government must be in line with existing conditions, both in the field and outside the field. Where an activity involves several elements accompanied by efforts and supported by supporting tools, the factors that can support the implementation program are as follows: (Syukur, 1987)

a. Communication

It is a program that can be implemented well if it is clear to the implementers. This concerns the process of conveying information, clarity of information, and consistency of the information conveyed. Clarity of standards and objectives does not guarantee that implementation runs well and effectively if it is not accompanied by communication between organizations and inauguration activities. All implementers must understand what is dealt with by the policy for which the implementation is their responsibility.

From the interviews conducted by the researcher, basically gold workers in Tebing Batu Village have not or have never known about the existence of Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits and have never been socialized from related parties directly in Tebing Batu Village.

b. *Resouces*

In this case, it includes four components, namely the fulfillment of the number of staff and quality quality, information needed for decision-making

or sufficient authority to carry out duties as responsibilities and facilities needed in the implementation of (Syukur, 1987). In the process of implementing human resource policies, it is absolutely necessary to achieve a policy goal, in addition, funds are no less important in implementing public policies so that the planned programs are achieved, the implementation desired by policymakers will be carried out properly.

Resources are one of the supports in order to achieve implementation based on the results of interviews, socialization has never been done regarding environmental permits, in the Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits. Supervision or monitoring in the field to see if business activities that are required to have environmental permits are still minimal.

Mr. Rachman Hakim, S.T explained that the People's Housing Office, Kwasan Settlement Environmental Management and officials as supervisors had conducted a raid at the gold mine in Tebing Batu Village, but no workers were found at that time and there was only heavy equipment at the location.

c. Disposisi

The attitude of commitment to the implementation of the program, especially from those who are program implementers, especially those who are program implementers.

As an implementer, it is required to have an attitude of commitment both from institutions and individuals. When a policy is to be implemented properly, the commitment to supervise and monitor what is to be carried out must be in accordance with the policy made. In article 1 paragraph 5 of the Sambas Regent Regulation Number 18 of 2018 concerning environmental permits that every activity and/or business must carry out environmental permits and mandatory environmental assessments, in fact in the field there are still activities that are mandatory for the masim to have an environmental permit.

d. Bureaucratic Structure

The bureaucratic structure is SOP (Standard Operating Procedures), which regulates the flow in the implementation of the program. If this is not difficult in achieving satisfactory results, because the special finish without a standard pattern. A policy has affirmed a certain standard and goal that must be implemented by policy implementers. Identification and achievement indicators are crucial stages in policy implementation analysis. These achievement indicators are an assessment of the extent to which the baseline measures and objectives have been realized.

Based on the theory explained, implementation as a form of implementing a policy has goals and results. What is needed according to the theoretical presentation is the SOP or how the flow of implementing the program or policy that has been made. Based on the results of interviews conducted by the researcher, the supervision after the enactment of the Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits is still not optimal, socialization is carried out only in a few villages in Sambas Regency. So that many people do not know about the existence of these regulations and about environmental permits for businesses or activities that are mandatory for EIA.

The four factors above are seen as influencing an implementation process, but there is also an interest and mutual influence between one factor and another. In addition, in the implementation process, there are at least three important and absolute elements, namely::

- a. There is a program (policy) that is implemented.
- b. Community groups that are targeted and benefit from change and improvement programs.
- c. Elements of implementation, both organizations and individuals who are responsible for the management, implementation and supervision of the implementation process.

Legal Consequences of Mining Activities in Tebing Batu Village Based on Applicable Laws

In accordance with the Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits article 9 paragraph 2 which reads "In this case, the business and/or activities planned by the Initiator are required to have a life protection and management permit, an environmental permit as referred to in paragraph (1) listing the number and type of environmental protection and management permits in accordance with laws and regulations" (Sambas, Sekretariat Daerah Kabupaten).

An environmental permit is a permit given by every person who carries out a Business and/or activity that is required to have an EIA or UKL/UPL in the context of environmental protection and management as a prerequisite for obtaining a Business and/or Activity permit, with the issuance of an Environmental Feasibility Decision or UKL-UPL Recommendation by the Minister, governor, mayor/regent. So that the issuance of environmental permits is a requirement for obtaining business or activity licenses. (Undang-undang Nomor 32 Tahun 2009)

The results of the interview conducted by the researcher were that the Village Secretary revealed that the mining still did not have an official permit from either the local village or the district government. Gold mining is very influential for the environment, especially river water, waste that cannot be managed properly will have a bad effect on the nearby environment.

The gold worker added that gold mining has been running for more than 10 years and has never done a business license or environmental permit, the gold worker has also taken care of the licensing file, but the cost is quite large and causes the worker to cancel the intention to do the permit. In fact, environmental permits are the initial basis for issuing business licenses or as an instrument for business licenses. Waste from gold mining in Tebing Batu Village flows into the water of the Seminis River and affects the land or plantations of residents of Tebing Batu Village which are close to the mining.

Sambas Regent Regulation Number 18 of 2018 article 14 concerning permit holders have the right to carry out wastewater disposal and/or utilization activities in accordance with the quality standards set out in the permit and get protection from the Regional Government for environmental protection and management efforts (Sambas, Sekretariat Daerah Kabupaten).

Based on Article 123 of the PPLH Law, "All permits in the field of environmental management that have been issued by the Minister, governor, or regent/mayor in accordance with their authority must be integrated into environmental permits no later than 1 (one) year since this law was enacted".

The presence of environmental permits is the starting point of both environmental problems in Indonesia, namely environmental pollution and environmental destruction that occurs in Indonesia. Pollution and destruction of the environment is a social burden, which in the end the community and the government have to bear the cost of restoration (Wahidin, 2014).

Talking about legal consequences begins with the existence of legal relationships, legal events, and legal objects. According to Soedjono Dirdjosisworo in his book Introduction to Legal Science, the consequences of law arise due to the existence of legal relationships where in the relationship there are rights and obligations (Dirdjosisworo, 2010). Events or events that can cause legal consequences between parties who have a legal relationship, these legal events exist in various aspects of law, both public and private law (Dirdjosisworo, 2010).

The legal consequences of mining activities if they do not have an environmental permit are based on the explanation of the theory above and the observation of researchers in the field that gold mining in Tebing Batu Village does not have an environmental permit or environmental approval.

This results in the procedure or process of implementing mining when working does not have mining standards according to environmental documents as a result. Environmental management and protection are not maintained. Based on article 2 paragraph 1, environmental permits are given with the intention of an effort to manage the environment in a sustainable and responsible manner in an orderly manner (Sambas, Sekretariat Daerah Kabupaten).

Based on the results of the interview, if gold mining that does not have an environmental permit, of course, cannot issue a business license, and the mining implementation process is not glued to environmental documents which results in waste that cannot be managed according to standards and flows to nearby land and even to river water containing mercury.

CONCLUSION

As a form of implementation of Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits, Sambas Regent Regulation Number 18 of 2018 concerning Environmental Permits has been implemented, but it is still not optimal in its implementation. Because there are still activities or businesses in Sambas Regency that are still not mandatory EIA and do not carry out environmental permits which are an obstacle to carrying out business permits in accordance with the Sambas Regent Regulation Number 18 of 2018 concerning environmental permits. This shows the weak government supervision of the implementation of the regulation.

The legal consequences of Gold Mining activities in Tebing Batu Village, namely mining that does not have an environmental permit, of course, have many disadvantages, such as waste treatment that is not in accordance with standards and there is no supervision in accordance with what is stated in environmental documents and the events that occur are illegal acts. If a mining company does not have an environmental permit, it will not obtain a business license and obtain both administrative and criminal sanctions. It can be emphasized that the legal consequences of the mining are unlawful acts and the parties involved can be subject to sanctions in accordance with laws and regulations.

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