

## Obligation to Approve the Use of Forest Areas for Mining Business Actors Operating in Protected Forest Areas (Case Study of PT Nickel Indonesia)

Muhammad Adli Az Lubis  
Universitas Indonesia, Indonesia  
Email: [muhadli.lubis@gmail.com](mailto:muhadli.lubis@gmail.com)

\*Correspondence

### ABSTRACT

**Keywords:** forestry, PT Nickel Indonesia, which is a mining company that has protected forests, use of held a Contract of Work since 1968, part of its mining area forest areas, approval of is located in the Protected Forest Area area so it must carry use of forest areas, mines. out business activities by the provisions that have been regulated related to PPKH. This article will discuss the obligations of mining business actors who own PPKH operating in protected forest areas by taking a case example from PT Nickel Indonesia. In addition, this article will also explain the sanctions that will be received for PPKH permit holders if they neglect the obligations that have been set by the government in the applicable regulations. On the other hand, this article will also try to examine how mining facilities have been built but are in the buffer zone. It is further explained in this article that, PPKH functions as a government control with obligations that must be fulfilled by business actors who obtain it. Violation of these obligations can result in administrative and criminal sanctions. The sanctions that may be received if they violate these obligations are a warning for PT Nickel Indonesia to improve business governance that pays attention to the environment. PT Nickel Indonesia's supporting facilities that existed in the buffer area before the regulation took effect are expected to continue to be used by receiving special policies from the government to support nickel ore mining and processing activities in Indonesia and of course, PT Nickel Indonesia as a PPKH holder is committed to maintaining transparency and communication with all stakeholders regarding the use of supporting facilities that have been built before the enactment of the regulation new ones.



### Introduction

Forest areas are a vital natural resource for the development of the forestry sector and sectors outside forestry (Arif & Hardimanto, 2023). The use of forest areas is directed at the development of the forestry sector, while its use is also aimed at development

outside the forestry sector. Article 3 of the 1999 Forestry Law states that Forest Areas are certain areas designated and/or designated by the government to maintain their existence as permanent forests (Najicha, 2020).

Not only the richness of biodiversity found in the forest area but also the richness of mineral resources in it (Najicha & Handayani, 2017). To increase the value of minerals contained in the bowels of the earth, mining business actors need to carry out exploration and exploitation activities. This is done so that the use of non-renewable natural resources can be done wisely and pay attention to environmental sustainability so that it can provide benefits and added value for the needs of the people of Indonesia in the future (Gunardi, Redi, & Marfungah, 2021). These natural resources will then be exploited from the forest area to undergo a further processing process so that they can provide sustainable benefits in the future (Ishak, Asman, & Ahmad, 2016).

These exploration and exploitation activities are included in the use of forest areas for development purposes outside the forestry sector, without changing the function and designation of forest areas (Rina, 2021). The birth of Law Number 11 of 2020 concerning Job Creation has sparked a debate regarding the impact of mining activities on the environment. Some parties argue that the law provides convenience for investment and infrastructure development that can accelerate Indonesia's economic growth. However, many are concerned that changes in the law lead to a neglect of environmental protection and preservation effort (Muslimin & Ulfa, 2022). In particular, the provisions that govern the use and management of natural resources are the main focus of this article. There are concerns that the emphasis on economic growth could lead to significant environmental changes. Efforts to preserve ecosystems and maintain biodiversity may be marginalized in the intensification of efforts to achieve economic targets. Therefore, the government and other stakeholders need to conduct an in-depth evaluation of the environmental impacts of the policies regulated in the Job Creation Law, as well as take the necessary steps to ensure that environmental protection and sustainability efforts are not neglected in the journey of national economic development (Sutarmin, Oksatriana, Fadli, & Amaliyah, 2022).

One of the things highlighted is the change to Law Number 41 of 1999 concerning Forestry, which has caused great concern, especially related to the change in terms and instruments used in borrowing and using forest areas. One of the most notable changes is the abolition of the long-used Forest Area Borrowing Permit (IPPKH) instrument and its replacement with a new instrument known as the Forest Area Use Approval (PPKH). This step has been officially regulated through Government Regulation Number 23 of 2021 concerning Forestry Implementation. The decision to change this instrument has triggered various reactions from various parties, both from businessmen, environmental activists, and the wider community. Some see these changes as positive steps that will improve forest management and reduce the risk of overexploitation of natural resources. However, on the other hand, there are also concerns that these changes could open up loopholes for abuse or an increase in uncontrolled deforestation. Therefore, it is important for governments and other stakeholders to closely monitor the implementation of these new

instruments, as well as to ensure that the measures taken are aligned with overall forest and environmental conservation efforts.

With the PPKH, the government has more detailed tools to ensure that the use of forest areas is carried out while still considering the impact on the environment and the sustainability of forest ecosystems. It also reflects the spirit of encouraging sustainable development, where economic growth must not be achieved at the expense of the environment (Robbani, Karjoko, & Najicha, 2021). However, of course, the implementation of PPKH must also be accompanied by strict supervision and active involvement from various parties, including local communities and environmental organizations, to ensure that environmental interests are also taken into account in every decision related to the use of forest areas. Thus, PPKH is not only a formal regulation but also a real commitment to maintaining ecological and social sustainability in the national development process.

The problem of compliance with the obligation to approve the use of forest areas for mining business actors operating in protected forest areas is a serious challenge to maintaining harmony between economic development through the mining sector and environmental sustainability. Violations of these consent obligations can involve a variety of aspects, including permit application procedures, compliance with environmental requirements, compensation for environmental impacts, local community participation, and appropriate monitoring and reporting. Non-compliance with these obligations can have an impact on significant environmental damage, increase social conflicts with local communities, and undermine the sustainability of forest ecosystems.

Therefore, law enforcement and increasing awareness and responsibility from all related parties are key in overcoming this problem, so this article intends to answer 3 formulations of problems regarding PPKH obligations for mining business actors operating in protected forest areas where the author takes an example of a case on the company PT Nickel Indonesia. In addition, this article will also try to explain the sanctions that will be received for PPKH holders if they are negligent in fulfilling the obligations that have been set by the government in the applicable laws and regulations. On the other hand, this article will also try to examine how mining facilities have been built but are in the buffer zone.

## **Research Methods**

This research will collect data through interviews and observations by going directly into the field to meet with informants. In this study, the researcher describes how the implementation of PT Vale Indonesia's mining obligations in supporting the application of good and sustainable mining engineering principles in carrying out mining operational activities. The data obtained is then presented in the form of a description of words so that it is easier to understand according to what is obtained in the field. In addition to the form of word descriptions, the researcher will also present data in the form of research documentation to emphasize and clarify the results of the research obtained.

## **Research Typology**

The typology of the research conducted in this study is Prescriptive-Analytical where the researcher provides direction on legal theories and laws and regulations on a legal issue in a legal event and provides legal instructions to solve it.

### **Data Type**

The type of data used in compiling legal research related to the implementation of PT Vale Indonesia's mining obligations in supporting the application of good and sustainable mining principles to mining production operational activities in the Sorowako concession area, East Luwu Regency is in the form of secondary data. Secondary data itself refers to data that is indirectly related to the respondents being investigated or researched and is a support for the research being conducted. Legal materials that can help to analyze and understand primary legal materials, such as books, research results, articles, legal scientific works and magazines as well as articles related to the problem.

### **Type of Material (Source) Legal**

The types of sources and legal materials that will be used in the preparation of this research are related to the implementation of PT Vale Indonesia's obligations in supporting the application of good and sustainable mining engineering principles to mining production operational activities in the Sorowako concession area, East Luwu Regency, including the following:

- a. Primary legal materials are authoritative ones, standard rules, basic rules, legislation, including jurisprudence. The primary legal materials used are the 1945 Constitution, Law Number 11 of 2020 concerning Job Creation, Law Number 32 of 2009 concerning Environmental Protection and Management, Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Minerals and Coal. Including the regulations of each of the laws mentioned above.
- b. Secondary Legal Sources that will be used are references in the form of legal books by experts, legal articles both published in journals or the internet, legal papers, legal magazines and tabloids and other materials related to this research.
- c. Meanwhile, Tertiary Legal Sources are to provide clues and explanations and become a thrower on secondary legal sources consisting of legal dictionaries, Indonesia encyclopedias and others.

### **Data Collection Techniques**

Data collection techniques are a very important element in the study process of a research. This data collection technique is needed to assist researchers in carrying out their research. Through data collection in the form of a recording process of events, frameworks, and matters related to the research subject, it can be used to support the research conducted.

The resource persons who will be selected to support the data collection process through the interview process are company employees, community leaders, local communities and government officials, where the characteristics of the resource persons selected in this study are as follows:

- a. Employees of the company who have a minimum of 5 years of service and are responsible for the application of good mining engineering principles in PT Vale Indonesia's concession area.
- b. Community leaders or local communities who have settled in locations affected by PT Vale Indonesia's mining operations for at least 10 years, so that they can provide more detailed information regarding the impact of mining activities that have occurred so far.
- c. Government officials at the Environmental Service who have had a 5-year working period in the agency.
- d. Literature and Literature Studies

Literature studies or literature searches are carried out by searching for or rediscovering literature information about a certain field in the library and outside the library using the help of secondary literature and or other search means.

#### **Data Analysis Methods**

The data analysis method used in this study is quantitative data, namely data analysis and processing based on the researcher's understanding of the data and/or information obtained which is then narrated to obtain research conclusions.

#### **Form of Research Results**

The form of research results in this study is prescriptive-analytical, which combines insights from all previous analyses to determine which action should be taken in the current problem or decision.

### **Results and Discussion**

#### **Implementation of Forest Area Use Approval Obligations (PPKH) for PT Nickel Indonesia**

PT Nickel Indonesia is a mining company that holds a Contract of Work that has been approved by the Government of Indonesia since 1968 which refers to the Mining Law of 1967. PT Nickel Indonesia has been carrying out nickel ore mining and processing operations in South Sulawesi Province since 1970 based on the rights granted in the Contract of Work. PT Nickel Indonesia has a work contract area spread across the Protected Forest Area, Production Forest and Other Utilization Areas (APL). In the general provisions of Article 1 Number 50 of the Minister of Environment and Forestry Number 7 of 2021, it is stated that Other Utilization Areas (APL) are areas that are not forest areas but are based on government regulations on forestry stated in the 1999 Forestry Law which regulates Forest Area Utilization Permits. Both regulations, it is explained in detail related to the prohibition of mining in the Forest Area area so that several mining companies that already have a Contract of Work before the Law and the regulation take effect have obtained legal standing or legal basis from the Government of Indonesia to carry out mining activities in the Forest Area area. Legal standing is one of the concepts used to determine whether the applicant is affected enough so that the dispute is brought before the court.

Following up on this matter to ensure a conducive investment climate, the Indonesian government tried to find the best solution so that finally Presidential Decree Number 41 of 2004 was issued which regulates licensing to carry out mining activities in the Forest Area area. The regulation explains that the government through the President of the Republic of Indonesia has granted permits to carry out mining activities in the Forest Area area to 13 companies that have obtained Work Contracts before the enactment of Law Number 41 of 1999 related to Forestry and one of the 13 companies is PT Nickel Indonesia so that the 13 companies can continue mining and nickel processing activities in protected forest areas. The exemption given by the Government of Indonesia is because all of these companies have been operating since decades ago while preserving the environment around the mining area and the company is part of the National Vital Object that greatly affects the economy of the State of Indonesia.

Every company that has obtained an exemption through Presidential Decree No. 41 of 2004 is still required to apply for PPKH after the Forestry Minister Regulation No. 43 of 2008 concerning Guidelines for the Use of Forest Areas is enforced. PT Nickel Indonesia has submitted PPKH since the regulation was issued and the permit was only received in 2018. When the PPKH is issued, PT Nickel Indonesia has several obligations that need to be followed up immediately to always comply with the regulations that have been set by the government. The regulation of the use of forest areas began with the issuance of Government Regulation Number 23 of 2021 concerning Forestry Administration, before the existence of this regulation, all business licenses were issued by local governments so that this matter was immediately reviewed by the Government of Indonesia where all activities of the use of forest areas for development outside the forestry sector must go through a licensing process managed by the central government.

In the context of Government Regulation Number 23 of 2021 concerning Forestry Implementation, mining activities are stated as one of the various activities that fall into the category of development interests outside forestry activities. This is explained specifically in Article 91 paragraph (2) where one of them is mining activities. The recognition of mining activities as part of development interests separate from forestry activities highlights the complexity of the relationship between forest management and other natural resource utilization in Indonesia. Mining activities often require access to and use of forest areas to extract natural resources such as oil, gas, coal, metals, and other minerals. However, while these activities can make a significant economic contribution, mining activities also often have serious impacts on the environment, including deforestation, soil degradation, water pollution, and reduced or threatened biodiversity extinction. Therefore, special arrangements such as PPKH are considered important to ensure that mining activities are carried out taking into account possible environmental impacts, as well as to ensure that managed forest areas can be maintained and restored by sustainability principles. Thus, careful regulation of mining activities in the context of forestry is not only important to protect environmental sustainability, but also to ensure that the economic activities carried out in it take place responsibly and sustainably for future generations.

Government Regulation Number 23 of 2021 which regulates Forestry Implementation only explains in general, while its implementation is regulated in the Minister of Environment and Forestry Regulation Number 7 of 2021 related to planning, changes in the designation and function of forest areas, as well as the use of forest areas, which is a derivative of the Job Creation Law. Minister of Environment and Forestry Regulation Number 7 of 2021 explains the obligations that must be fulfilled by PPKH holders or applicants and the obligations that must be fulfilled since the receipt of the Forest Area Use Approval for mining activities are as follows:

1. Carry out the boundary planning of forest areas approved by the Forest Area Stabilization Center (BPKH). Mining business actors are required to carry out the boundary planning of the Forest Area where the form of implementation of the Forest Area boundary is the minutes of the boundary arrangement accompanied by attachments.
2. Conducting a Pre-Logging Stand Inventory (ITSP) to fulfil PSDH - DR (Forest Resources Provision – Reforestation Fund) and compensation for stands with supervision by Forest Planning Technical Personnel under the guidance of the Production Forest Management Center (BPHP).
3. Paying Non-Tax State Revenue (PNBP), Mining business actors who have a PPKH permit are required to pay PNBP for the Use of Forest Areas every year where the amount is based on the calculation of disturbed areas that have been designed in a baseline for the use of Forest Areas.
4. Carry out reclamation and revegetation after mining.
5. Planting in the context of Watershed Rehabilitation (Watershed
6. Reimbursement of investment costs related to forest management/utilization to managers or holders of business licenses for the use of forest products
7. Maintaining the boundaries of the area of the forest area use borrowing permit,
8. Implement forest protection for the area of forest use permit permits.
9. Controlling forest and land fires.
10. Securing conservation and protected forest areas in the borrowed area of forest areas bordering conservation forests and protected forests
11. Provide convenience for local environmental and forestry officials and/or forest use permit holders or forest managers.
12. Empowering the community around the borrowed area using forest areas.
13. Make periodic reports every 6 (six) months to the Minister of Environment and Forestry regarding the use of forest areas.

In this article, the author will focus on discussing the obligations that have been discussed in points one to five. The implementation of these obligations will take an example of one of the mineral mining companies, namely PT Nickel Indonesia and the information will be explained in the following points:

1. Demarcation of Forest Areas

PT Nickel Indonesia obtained PPKH for the first time in 2018. One form of commitment or PT Nickel Indonesia as a PPKH holder must arrange the boundaries of

the working area in the forest area. This is to provide de facto & de jure certainty in PT Nickel Indonesia's work area in the use of forest areas. In 2018, PT Nickel Indonesia obtained a permit to use an 8,000-hectare forest area where the arrangement of the perimeter boundary has been carried out along 318,000 meters.

The area boundary planning activities for the approval of the use of forest areas are carried out by the method of self-boundary arrangement and alliance, the arrangement of the outer boundary of the forest area for the boundary of the permit area which is the outer boundary of the forest area that has not been arranged, and through the reconstruction of the boundary of the forest area for the boundary which is the outer boundary of the forest area that has been rearranged for more than 5 years.

## 2. PSDH-DR Payment Related to Pre-Logging Stand Inventory (ITSP)

Forest Resources Provision (PSDH) is a levy imposed instead of the intrinsic value of forest products collected from state forests. PSDH is one of the non-tax state revenues in the forestry sector. Meanwhile, the Reforestation Fund is a fund for forest reforestation and rehabilitation. Pre-Logging Stand Inventory (ITSP) is one of the mandatory activities that must be carried out by every PPKH owner before felling trees because this investment data is needed to calculate PSDH-DR payment obligations. The definition of ITSP is as follows:

"Pre-Logging Stand Inventory (ITSP) is the activity of recording, measuring and marking trees in the annual work block area to find out: the number, type and diameter for each data on core trees, protected trees, trees to be harvested and work fields."

The benchmark price of PSDH-DR is regulated in the regulation of the Minister of Environment and Forestry Number P.64/Menlhk/Setjen/Kum.1/12/2017 while the Reforestation Fund is based on Government Regulation Number P.12 of 2014. PT Nickel Indonesia from 2019 to 2021 has made PSDH payments of 4 billion rupiah and Reforestation Funds of 1 million US dollars.

## 3. Non-Tax State Revenue (PNBP)

Based on regulations that have been issued by the government, the amount of PNBP that must be paid by mining business actors holding PPKH will apply retroactively or not be charged since the PPKH was issued so that PT Nickel Indonesia is obliged to pay PNBP starting in 2008 since the enactment of Forestry Minister Regulation No. 43 of 2008 not since the PPKH was issued in 2018. The value of PNBP to be paid by PT Nickel Indonesia had become a polemic because the PNBP obligation applied retroactively starting in 2008 so the basis for calculating PNBP was questioned by PT Nickel Indonesia to the government and finally the government appointed an Independent Institution or the Financial Audit Agency (BPK) to be a mediator to resolve the dispute over the value of PNBP that must be paid by PT Nickel Indonesia. BPK conducted an audit to calculate the amount of PNBP that must be paid and finally, BPK issued an official report related to the value of PNBP that must be paid of 203 (two hundred and three) billion rupiah to accommodate PT Nickel Indonesia's mining activities in the protected forest area from 2008 to 2018. PT Nickel Indonesia finally accepted and approved the value of the PNBP



by immediately making payments in 2019 as a form of the company's commitment to always comply and comply with applicable regulations.

However, the PNBPN polemic has not been completed since the repayment of the PNBPN for the 2008-2018 period which was completed in 2019 because the Ministry of Environment and Forestry (MoEF) reappointed a technical team to conduct an audit and field verification process to validate the amount of PNBPN that has been determined by the BPK by comparing the PPKH plan data and the actual area of the mine area that has been opened. Mining areas that have been reclaimed and all supporting facilities that have been available in the forest area. The audit process was carried out by the technical team of the Ministry of Environment and Forestry in 2021 and from the results of the audit, a new report was obtained under PT Nickel Indonesia still has a shortfall in PNBPN payments of 140 billion rupiahs in the period 2008 – 2019 in addition to the amount of PNBPN of 203 billion rupiah that has been repaid in 2019.

Following up on the amount of underpayment of 140 billion rupiah, PT Nickel Indonesia made an appeal effort by collecting supporting data as follows:

1. Aerial photo related to the area of the open pit mine area since 2008
2. Reclamation activities and reclamation success reports
3. The area used to build supporting facilities; and
4. The basis for determining the value of PNBPN is 203 billion rupiah by the BPK.

Based on the above data, in August 2021, the Ministry of Environment and Forestry finally decided that the value of PNBPN that had been determined by the BPK in 2018 related to the determination of the PNBPN underpayment from 2008 – 2018 would not be sued again and the Ministry of Environment and Forestry would only determine the value of PT Nickel Indonesia's underpayment from the 2019 period onwards so that with the decision that had been conveyed through an official letter to PT Nickel Indonesia, the value of the PNBPN shortfall was reduced by significantly from 140 billion rupiah to 20 billion rupiah and the company immediately paid off the underpayment of PNBPN.

#### **Carry out reclamation and post-mining revegetation.**

Reclamation activities are activities carried out throughout the stages of the mining business to restore and improve the quality of the environment so that it functions again by its designation, while post-mining activities are activities that are carried out after the end (partial or total end) of the mining business to restore environmental and social functions by local conditions throughout the mining area. Meanwhile, according to (Hermawan, 2011), one of the forms of reclamation is converting former mining land into agricultural land for food crops in three stages, namely the restoration of the land function itself, the improvement of land function and the maintenance of land function.

PT Nickel Indonesia has a sustainable reclamation program to achieve a reclamation ratio target of around 70% by 2025. The reclamation ratio is a comparison between ex-mining land that has been reclaimed and the total mining land that has been opened. The reclamation ratio in 2020 is around 60%, this is due to the average achievement of reclaimed land every year until 2019 in the range of 75 - 100 ha per year while the mining area opened to accommodate the needs of nickel processing operations

can reach around 150 - 200 ha per year. The imbalance between reclaimed land and mined land causes the reclamation ratio to only be in the range of 60%. The achievement of a reclamation ratio of 60% for PT Nickel Indonesia which is engaged in the mining and processing of nickel ore minerals is quite good compared to other mineral and coal mining companies in Indonesia because many mining companies in Indonesia have a reclamation ratio below 50%.

PT Nickel Indonesia is committed to achieving the target reclamation ratio of around 70% by 2025 by increasing the achievement of reclamation since 2020. The achievement of reclamation in 2020 reached 180 ha and PT Nickel Indonesia has submitted a reclamation plan to the government through the Ministry of Energy and Mineral Resources (EMR) with a reclamation target of around 280 – 300 ha per year in the period 2021 – 2025 so that the target of 70% of the reclamation ratio can be obtained by 2025. PT Nickel Indonesia has a strong commitment and this can be seen from the achievement of a reclamation area of around 284 hectares in 2021 and 295 hectares in 2022.

#### **Sanctions for Negligence of PPKH Holders**

PPKH holders who violate applicable provisions can be subject to administrative sanctions, by Articles 509-512 regulated in the Minister of Environment and Forestry Regulation Number 7 of 2021 related to administrative sanctions in the form of written warnings, freezing of PPKH and revocation of PPKH. Sanctions themselves are interpreted as one of the instruments to force citizens' behaviour to be by the law. In addition, administrative sanctions are also regulated in Article 80 Paragraph 2, namely:

"Every holder of a business license for the use of environmental services, a business license for the use of forest products, or a permit for the collection of forest products regulated in the law, if they violate provisions outside the criminal provisions as stipulated in Article 78, they will be subject to administrative sanctions. The sanctions that will be imposed are in the form of fines, revocation of permits, suspension of activities, and/or reduction of areas."

#### **Legal basis related to the exception of supporting facilities in the buffer area.**

PT Nickel Indonesia received the first phase of PPKH in 2018 and on this permit, PT Nickel Indonesia still receives approval from the Ministry of Environment and Forestry for the use of supporting facilities in the buffer area. However, when PT Nickel Indonesia submitted the second phase of PPKH in 2020, by adding several supporting facilities in the buffer area that was already available and had not yet been included in the first phase of the PPKH application, the Ministry of Environment and Forestry did not approve the application and issued all locations in the buffer area in the second phase of PPKH application based on the new regulation of the Minister of Environment and Forestry Number 7 of 2021 so that this will have an impact on a significant decrease in the amount of nickel production. It can even cause operations to stop because supporting facilities (such as mine transport roads, ditches around the mine site or ditch perimeters and mine runoff management facilities) that were available before the new regulations were issued to support mining activities could not be used by business actors.

Currently, PT Nickel Indonesia is reviewing regulations related to buffer areas in the Minister of Environment and Forestry Regulation Number 7 of 2021, where in Article 374 Paragraph (1) and Paragraph (2) it is explained that PPKH cannot be allocated to Production Forest Areas which are designated as buffer areas that are directly adjacent to Conservation Forest Areas as far as five hundred meters and the same thing is also stated in the Minister of Environment and Forestry Regulation Number 27 of 2018 in Article 12. In the Minister of Environment and Forestry Regulation Number 50 of 2016, a different explanation was obtained compared to the subsequent regulations where in Article 12 Paragraph (1) c it is explained that PPKH for mining activities cannot be given to Production Forest Areas which are intended as buffer areas that are directly adjacent to Conservation Forest Areas as far as 500 m.

However, there is an exception related to the explanation in Article 12 paragraph 1 which is stated in Article 12 paragraph 2 and it is stated that under PPKH the buffer area can be exempted for mining transportation roads. PT Nickel Indonesia also conducted a review related to the regulations before the Minister of Environment and Forestry Regulation Number 50 of 2016 which regulates the guidelines for the use of Forest Areas for the period 1999 – 2015, namely:

1. Law No. 41 of 1999 which regulates forestry
2. Forestry Regulation No. 43 of 2008 related to guidelines for the use of forest areas
3. Government Regulation No. 24 of 2010 concerning the use of forest areas
4. Government Regulation No. 105 of 2015 related to the use of forest areas

However, no detailed explanation was found regarding the prohibition of PPKH in the buffer area as stated by the Minister of Environment and Forestry for the 2018-2021 period. Based on the explanation above, PT Nickel Indonesia is trying to ask for direct direction from the Ministry of Environment and Forestry to obtain PPKH approval on the buffer area that already has supporting facilities because all of these supporting facilities were built before 2018 and these facilities are very critical to support mining activities and environmental maintenance around the mining area. However, if in the future the above plan does not obtain approval from the government, PT Nickel Indonesia will apply for a PPKH permit related to a new location in the forest area to accommodate the plan to move the supporting facilities that have been built in the buffer area so that PT Nickel Indonesia's mining operations will use new supporting facilities that will be built outside the buffer area even though this plan will spend a lot of investment. PT Nickel Indonesia strives to always obey and comply with the regulations that have been set by the government as a form of the company's commitment to minimize the impact of environmental damage, maintain environmental sustainability to support sustainable development so that the sustainability of operations can be maintained to contribute more to the Government of Indonesia through state revenue in the form of taxes.

## **Conclusion**

The application of PPKH obligations to PT Nickel Indonesia itself is always guided by applicable regulations and always obeys in fulfilling obligations related to the approval

of the use of forest areas obtained, this can be seen from the fulfilment of obligations related to forest area boundaries, payment of PSDH-DR obligations related to the number of trees cut down in the Forest Area area, making PNBP payments on time, carry out reclamation activities to achieve the target of a reclamation ratio of 70% and fulfil the obligation to implement watershed rehabilitation in areas that have been determined by the government. The sanctions that will be received for PPKH owners if they neglect the obligations that have been set by the government in the applicable regulations, are an alarm for business actors, especially PT Nickel Indonesia, to continue to make improvements in business governance that always pays attention to environmental management and monitoring, including the forestry sector.

Supporting facilities such as mine transport lines and settling ponds that have been built in the buffer zone area should still be able to be used because in principle the supporting facilities were built before the regulations related to the prohibition of the construction of any facilities in the buffer area took effect in 2018 so that this is the basis for PT Nickel Indonesia to request a policy from the Government of Indonesia to continue to be allowed to use these facilities to support mining and nickel ore processing activities.

### Bibliography

- Arif, Muhammad, & Hardimanto, Zana Zein. (2023). Kinerja ekonomi dan dampaknya terhadap degradasi lingkungan hidup di Indonesia. *Jurnal Litbang Sukowati: Media Penelitian Dan Pengembangan*, 7(1), 44–55.
- Gunardi, Gunardi, Redi, Ahmad, & Marfungah, Luthfi. (2021). Rekonstruksi Izin Pinjam Pakai Kawasan Hutan Untuk Kegiatan Pertambangan Di Indonesia. *Era Hukum-Jurnal Ilmiah Ilmu Hukum*, 19(1).
- Hermawan, Bandi. (2011). Peningkatan kualitas lahan bekas tambang melalui revegetasi dan kesesuaiannya sebagai lahan pertanian tanaman pangan. *Prosiding Seminar Nasional Budidaya Pertanian, Urgensi Dan Strategi Pengendalian Alih Fungsi Lahan Pertanian*. Bengkulu, 7.
- Ishak, Ismah Pudji Rahayu, Asman, Andi Idham, & Ahmad, Despry Nur Annisa. (2016). Pemanfaatan Teknologi Spasial Dalam Pengelolaan Daerah Aliran Sungai (Das) Binanga Lumbua Kabupaten Jeneponto Sulawesi Selatan. *Jurnal Geomatika*, 22(1), 1–8.
- Muslimin, Imam, & Ulfa, Maliyana. (2022). Mitigasi Perubahan Iklim Melalui Reklamasi Tambang. *Standar: Better Standard Better Living*, 1(6), 3–8.
- Najicha, Fatma Ulfatun. (2020). Konstitusionalitas Pengelolaan Migas dalam Mewujudkan Kedaulatan Energi Indonesia. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 19(2).
- Najicha, Fatma Ulfatun, & Handayani, I. Gusti Ayu Ketut Rachmi. (2017). Politik Hukum Perundang–Undangan Kehutanan Dalam Pemberian Izin Kegiatan Pertambangan di Kawasan Hutan Ditinjau dari Strategi Pengelolaan Lingkungan Hidup yang Berkeadilan. *Jurnal Hukum Dan Pembangunan Ekonomi*, 5(1). <https://doi.org/10.20961/hpe.v5i1.18358>
- Rina, Syahyudes. (2021). Pemanfaatan ‘Buffer Zone’ kawasan Konservasi Harimau Sumatera Giam Siak Kecil. *Geo Spatial Proceeding*.
- Robbani, Obed, Karjoko, Lego, & Najicha, Fatma Ulfatun. (2021). Inkoherensi Persetujuan Penggunaan Kawasan Hutan Pada Kawasan Hutan Lindung Untuk Kegiatan Pertambangan dengan Keadilan Ekologi. *Jurnal Discretie*, 2(3), 111–120.
- Sutarmin, Hari, Oksatriana, Dian, Fadli, Alif Muhammad, & Amaliyah, Ela Firda. (2022). *Optimasi PNPB Sektor Kehutanan Pasca UU Cipta Kerja*.