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#10217 Summary

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Submission

Authors Derita Prapti Rahayu

Title Eksistensi Pertambangan Rakyat Pasca Pemberlakuan Undang-Undang Nomor. 3 Tahun 2020

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Title and Abstract

Title Eksistensi Pertambangan Rakyat Pasca Pemberlakuan Undang-Undang Nomor. 3 Tahun 2020

Abstract Sejak berlakunya Undang-Undang Minerba No.3 Tahun 2020 eksistensi pertambangan rakyat dari aspek perizinan, pengawasan, pembinaan, hingga pengelolaan lingkungan hidup semakin menyulitkan masyarakat kecil. Tujuan penelitian ingin mengetahui sejauh mana keberpihakan negara terhadap eksistensi pertambangan rakyat pasca perubahan regulasi yang baru. Sehingga dapat diperoleh sisi manfaat dalam hal kebijakan hukum dalam rangka memperkuat posisi hukum pertambangan rakyat. Metode penelitian menggunakan penelitian hukum normatif. Hasil kajian dari penelitian ini antara lain; pertama, dengan diberlakukannya Undang-Undang Minerba Tahun 2020 membuat kewenangan perizinan pemerintah daerah telah diamputasi dan pengorganisasian perizinan yang sentralistik oleh pemerintah pusat. Kedua, eksistensi pertambangan rakyat menjadi tidak jelas pihak mana yang berwenang menetapkan WPR. Ketiga, peran strategis pemerintah daerah telah dicabut dan saat ini pemerintah daerah hanya menjadi perpanjangan tangan pemerintah pusat sehingga akan muncul budaya birokratisasi dalam tata kelola pertambangan rakyat.

Kata kunci: Perlindungan hukum; Pengetahuan Tradisional; Hak cipta Pertambangan Rakyat, Pemerintah Pusat, Perizinan, Pemerintah Daerah, Pemberlakuan

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