

Table of contents

Volume 1181

2023

◀ Previous issue Next issue ▶

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Preface

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+ Open abstract  View article  PDF

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Peer Review Statement

+ Open abstract  View article  PDF

Environmental Sciences

OPEN ACCESS 012001

Above ground biomass after 39 years logging in Kintap Research Forest, South Kalimantan

Muhammad Abdul Qirom, Wawan Halwany, Fajar Lestari and Dony Rachmanadi

+ Open abstract  View article  PDF


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Forest Management Units' Role in Conserving and Maintaining Watershed Sustainability to Support Electrical Energy

I Hendraswari, Syahidan, I A S L P Putri and F Ansari

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Environmental reporting by Indonesian agricultural companies around the spread of the COVID-19 epidemic

A K Widagdo, S R Ika, C N Dhani, L F Putri and B T Sumbodo

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012004

Influencing people for good: Waste bank and social marketing communication strategies

E N S Alkhajar, A R Luthfia and A Sofyan

[+ Open abstract](#) [View article](#) [PDF](#)

Biodiversity and Conservation

OPEN ACCESS

012005

Visitors' Awareness to Maintain and Preserve the Biodiversity and Environment at Bantimurung Nature Tourism Object, Bantimurung Bulusaraung National Park

I A S L P Putri and F Ansari

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012006

The Role of the Biological Diversity Convention in Mangroves Rehabilitation in Indonesia

T F Widayanti, A M Irfan, E M Djafar, M Z Hakim, A M Muin, Ratnawati, M Riza and M Aswan

[+ Open abstract](#) [View article](#) [PDF](#)

Policy

OPEN ACCESS

012007

Low awareness of low carbon attitude, feedback from coercive action

TN Anisah, A Kurniawan and Nurwiyanta

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Law

OPEN ACCESS

012008

How Indigenous Peoples Resolve *Ulayat* Land Disputes (Study in Koto Gasib, Siak Regency)

E Deliana, M A Rauf and Z Akmal

[+ Open abstract](#) [View article](#) [PDF](#)

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012009

The dispute resolution of the authority of state institutions in Indonesia

P R Capella, I S Putra, W S Widiarty, Y Karlina, U Hibar and A Laksana

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-
- OPEN ACCESS** 012010
The Deconstruction of Policy on Coal Waste: Threats and Challenges in Achieving Ecological Justice
A Rohman, H Hartiwiningsih, M Rustamaji and S Sulistyanta
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012011
Tin Mining in Bangka Belitung Islands and Its Impact on the Reputation of Geographical Indication: A Policymakers Perspective
Darwance, Dwi Haryadi, Rafiqqa Sari, Muhammad Syaiful Anwar and Ndaru Satrio
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012012
Model of settlement of the crime of economic exploitation against children through a humanist approach
F Ferawati
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012013
Flexible Working Arrangements (FWAs) in Malaysia: The Missing Component of the Right to Disconnect
SC Shaari and SR Amirul
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012014
The Restrictions on the Beach Tourism Destination Development as an Effort for Environmental Preservation
A. Pawestri, I. Wahyuliana and L. D. Nugroho
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012015
Legal Policy on the Protection of Ulayat Rights of Indigenous Peoples in Kampar Regency
D Haryono, E Firdaus, M Indra, D Artina, S Andrikasmi and P Jehwae
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012016
Regulation of Water Resources to Guarantee the Right to Availability of Water in the Karst Area of Maros-Pangkep, South Sulawesi, Indonesia
M Z Hakim, T F Widayanti, A Arifin, M Ruslan and M U Sari
[+ Open abstract](#) [View article](#) [PDF](#)

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-
- OPEN ACCESS** 012017
Study of the Problems of Efforts to Protect Geographical Indications in the Bangka Belitung Islands Pre-Certification
Darwance, R Sari, M S Anwar and D Saputra
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012018
Legal Policy of Implementation Green Economy In the Tourism Sector To Realize Sustainable Tourism And Environment
L. D. Nugroho, S. R. Melati, I. Wahyuliana, A. Pawestri and L. F. Kurniawan
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012019
Regional Government Strategies in Developing the Regional Development Budget in Overcoming Poverty at Rokan Hulu Regency
M Indra, Junaidi and Z Akmal
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012020
Indonesia's Plan for Concurrent Regional Expansion
M Indra
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012021
Forest management to Achieve Sustainable Forestry Policy in Indonesia
E M Djafar, T F Widayanti, M D Saidi, A M Muin and Ratnawati
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012022
Settlement of Customary Violation in the Coastal Part of Pelalawan Regency
Erdianto, S Putra and Elmayanti
[+ Open abstract](#) [View article](#) [PDF](#)
-
- OPEN ACCESS** 012023
The urgency to strengthen blue carbon ecosystem settings based on theory law development to use to realize sustainable development in Indonesia
H Susanti and E Yanti
[+ Open abstract](#) [View article](#) [PDF](#)

Socioeconomics

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Building Smart People In Overcoming Poverty In The Kendeng Mountain Area,
Banyumas Regency

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T Tobirin, BT Harsanto, W Wahyuningrat and D Indiahono

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[View article](#)



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012025

Green purchase behavior: the role of green advertising, green awareness, and eco-literacy

Andika, D N Luthfiana, Nadia and Kartinah

[+ Open abstract](#)



[View article](#)



[PDF](#)

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012026

Readiness of sustainability course in accounting curriculum at Indonesian Higher
Education

R Wijaya and W H Putri

[+ Open abstract](#)



[View article](#)



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Tin Mining in Bangka Belitung Islands and Its Impact on the Reputation of Geographical Indication: A Policymakers Perspective

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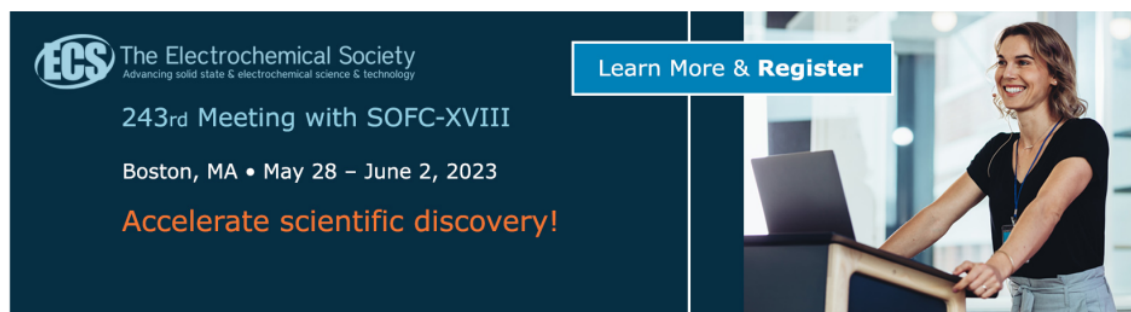
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Darwance, R Sari, M S Anwar et al.

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Tin Mining in Bangka Belitung Islands and Its Impact on the Reputation of Geographical Indication: A Policymakers Perspective

Darwance¹, Dwi Haryadi², Rafiqah Sari³, Muhammad Syaiful Anwar⁴, Ndaru Satrio⁵
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Abstract : The Bangka Belitung Islands are known as one of the best white pepper producing areas in the world which is normatively recognized as a geographical indication. One of the factors in the recognition of white pepper as a geographical indication is the environmental factor in this area which causes the taste to be distinctive and different from white pepper from other regions. On the other hand, tin mining is happening massively, one of which is turning pepper plantations into mining areas. This study uses empirical juridical methods, linking the consequences of tin mining to the reputation of white pepper as a geographical indication from the perspective of policy makers in the mining sector. The data used are primary data obtained from interviews as well as secondary data obtained from literature study data on a number of documents. From the results of the study conducted, it was found that most policy makers were of the opinion that uncontrolled tin mining had an effect on the reputation of white pepper, because many pepper plantations had turned into mining areas. Juridically, if this condition is allowed, it will threaten the reputation of white pepper as a geographical indication.

1. Introduction

Bangka Belitung Islands Province is renowned for its Muntok White Pepper, one of the world's finest white pepper. In addition to being a source of foreign exchange, white pepper plantations in this region provide vast employment and ample raw materials for national and international industries [1]. White pepper farming has become a culture in nearly every community in this region, although it is not their primary source of income [2]. This suggests that pepper cannot be separated from the life of the people in this region.

On the global market, white pepper from Muntok is known as Muntok White Pepper. Pepper plantations in Bangka and Belitung Islands are benefited by favorable geographical characteristics, giving the pepper its excellence in quality. Compared with other white peppers, Muntok White Pepper's superior qualities include its fragrant aroma and spicier flavor [3]. This implies that on the global market, Muntok White Pepper is the quality benchmark for white peppers [4]. Because of its distinct flavor, Muntok White Pepper has a unique competitiveness [5].

In addition to being the center of pepper production in the plantation sector, this region is also a famous tin mining region which produces world-class quality tin. The number of tin mining activities in Bangka Belitung Islands, which began in 1709 AD, has increased tremendously after the government opened up access to tin mining for the general public. Previously, PT. Timah and PT. Kobatin had been the only companies permitted to do tin mining [6].

Tin mining activities are still ongoing on land and in the sea of Bangka Belitung Islands. Ever since the government no longer monopolizes tin mining by issuing licenses only to selected companies, the number of tin mining activities conducted both by corporations and the people in general has increased. These activities range from licensed mining (which is authorized by the government) to illegal mining (often referred to as unconventional mining).

The Ministry of Environment and Forestry of the Republic of Indonesia reported that 275,000 hectares of land in Bangka Belitung Islands are in a critical condition due to the tin mining activities [7].



The declining income from white pepper business, which was previously a leading export commodity in the province, encouraged people to turn to a more appealing, more promising tin mining. The price of white pepper continued to decline over the years, from IDR 90,000 per kg in 1999 to IDR 12,000 per kg in 2003, while the price of tin continued to increase, ranging from IDR 47,000 to IDR 50,000 per kg. Thus, tin mining is considered more profitable and yielded faster income [8].

The local community regards this a period of liberty and opportunities where commoners may freely engage in tin mining. Many do not have the capital and the capability to fulfill the requirements to receive a valid license, resulting in the rise of illegal mining. The illegal mining practices have spread in the majority of villages. Up to 70% of the local population [9] depends on illegal tin mining. Some villagers still own and work with their white pepper plantations, although they consider this a secondary occupation [10]. The rise in illegal mining activities led to the drop in the price of tin on the global market, caused by an abnormally large supply of tin in the London Metal Exchange (about 120,000 tons), most of which came from Indonesia.

A major commodity of Bangka Belitung Islands, white pepper has long been a part of the local community's lives which is traded on the international market with a branding strategy. Indonesia is still one of the largest pepper producers on the global market, but national pepper productivity continues to decline. This is partially due to disease problems, such as root rot caused by *phytophthora capsici* and yellow disease caused by parasitic nematodes [11]. In addition, the areas and yields of white pepper in Bangka Belitung Islands Province have continued to decline in recent years for a variety of reasons, one of which is the impact of illegal tin mining. If this situation persists, the role of white pepper in Bangka Belitung Islands Province would gradually diminish to nothing [12].

With a Geographical Indication (GI) certificate, Muntok White Pepper is characterized by a higher level of spiciness compared with other pepper varieties [13]. Muntok White Pepper is obtained from processed ripe pepper fruit, which is identified by its yellowing or reddening color. Muntok itself is the name of an old city founded centuries ago in the west part of Bangka Island. Muntok was established during the Dutch colonial era as a port city for transporting Bangka Island's natural resources, primarily white pepper. After the regional expansion, Muntok has become the capital of West Bangka Regency (Badan Pengelolaan Pengembangan dan Pemasaran Lada Provinsi Kepulauan Bangka Belitung, 2009) [14].

Presently, tin mining activities are carried out aggressively in a number of areas, including areas that were formerly used as pepper plantations. This has the potential to threaten the existence and reputation of Muntok White Pepper as a Geographical Indication. In addition, a number of policies issued by the government, including those in the form of law, progressively allow anyone to be involved in tin mining activities. Initially, mining sites were restricted to certain regions. However, the rising number of illegal mining activities ultimately increased the affected areas. This can jeopardize the reputation and also threaten the survival of Muntok White Pepper. This study objective is to discern the policymakers' perception of this problem.

2. Methods

This empirical juridical research investigated and analyzed the application of law in society, especially those related to legal compliance, the role of legal institution in the law enforcement process, and the implementation of the law [15]. Data was obtained by conducting topic-related interviews to a number of sources. This research used legal approach and qualitative analysis.

3. Results and Discussion

3.1. *The Impacts of Tin Mining on Pepper Plantations*

Environmental conditions are the key factor in the development of Bangka Belitung Islands' agricultural sector [16]. White pepper, one of the oldest and most important spices, can grow in regions with a tropical climate and sufficient annual rainfall. The plant thrives at altitudes below 600 meters above sea level with annual precipitation between 2,200 and 5,000 mm and temperatures ranging from 20° C to 35° C. In addition, white pepper plant requires 60 to 93 percent humidity and 6 to 7 soil pH for optimal growth. Since stagnant water can cause root rot in young pepper plants, a proper drainage system is required [1].

White pepper is the leading commodity of Bangka Belitung Islands Province. This region produces 80-90% of Indonesian white pepper [17]. The Decree of the Minister of Agriculture Number 46/Kpts/PD.120/1/2015 on the Determination of the National Plantation Area has the Province of the Bangka Belitung Islands established as the center for the development of white pepper in Indonesia since 2015. The reason for this establishment is the province's favorable climate, suitable geographical conditions, and the availability of large land areas. However, the decline in production and productivity remains a significant problem. In addition, there has been a decrease in the number of pepper farmers in recent years [18].

The enormous natural resources of Indonesia give its government a significant challenge. The people of Indonesia will benefit from proper management of these resources. On the other hand, poor management might result in the so-called resource curse [19], which is now happening to Bangka Belitung Islands. Bangka Belitung Islands is a province with complex ecological issues, with prevalent environmental degradation both on land and in the sea [20]. This is because tin mining activities in this region have been in existence for a long period of time and are operated even in regions which, both environmentally and regulatory, are prohibited for mining. This is consistent with the statement that environment and mining are two distinct sectors that intersect [7]. According to Article 28H of the 1945 Constitution of the Republic of Indonesia, a good and healthy environment is a basic human right for all Indonesian citizens. In addition, the constitution is committed to the protection of human rights and sustainable development in natural resource management [19].

Unfortunately, mining policies including tin mining policies in Bangka Belitung Islands do not support the spirit of protecting the environment, which is consistent with the spirit of the constitution [21] despite the importance of environmental aspect in mining activities [22]. There is currently no reliable data or information which addresses the environmental damage caused by unrestricted tin mining in Bangka Belitung islands. After the reformation, the government had relaxed the regulations on tin mining, hence encouraging people to engage in traditional tin mining. This includes some pepper farmers who switch profession to tin miners, causing the production and productivity of white pepper to decline. The environmental damage due to unrestricted tin mining can be seen from the increased number of ex-mining sites that are left exposed over time [12].

3.2 *Tin Mining & Muntok White Pepper's Reputation in the Perspective of Policymakers*

As a norm, the objective of law is to create order, or at least lead a previously disorderly situation to a more orderly one. To provide such a sense of security and order, laws and regulations are designed, compiled, agreed upon, ratified, and implemented. In relation to the politics of law on HKI (intellectual property rights), the central government does not involve local governments in all branches of HKI regulations. Local governments are only involved in the protection of geographical indication, which is stipulated in the Trademarks and Geographical Indication Law [23].

To examine the perspective of policymakers regarding the impacts of tin mining on Muntok White Pepper, interviews with them were held in regencies/cities in Bangka Belitung Islands Province. The study participants were members of the Department of Environmental Affairs, a branch of the Department of Energy and Mineral Resources, and the Civil Service Police Unit, the heads of sub-districts with the most tin mining activities in the regency/city within the scope of study, and several members of the Regional House of Representatives who are on the commission responsible for mining and environmental affairs. Each policy maker provided their opinion on a statement stating that tin mining, both legal and illegal, affects white pepper plantation areas and endanger white pepper plants. The five options ranged from strongly disagree to strongly agree. A total of 32 sources were interviewed, with the exception of the East Belitung branch of Energy and Mineral Resources Department, the South Bangka branch of Energy and Mineral Resources Department, and Civil Service Police of Belitung.

Of the 32 study participants, 11 people strongly agree with the statement that tin mining, regardless of its legal status, affects the size of pepper plantation areas, which reduces the production and productivity of pepper and may lead it to its extinction. Meanwhile, 18 people agree, 2 people are doubtful, and 1 person strongly disagrees with the statement. This indicates that most of the policymakers are aware that tin mining activities harm the environment and threaten the survival and **reputation of Muntok White Pepper as a Geographical Indication**.

Those who strongly agreed stated that their opinion was based on the ongoing situation in the region. For example, when tin ores were expensive, pepper plantations were razed to make way for tin mining. The conversion of pepper plantations to tin mines reduced the areas that can be used as pepper plantation, while the post-mining site is not suitable for pepper plants. The decreasing areas of pepper plantation, and the increasing number of people switching from pepper farming to tin mining may lead to pepper extinction in the future.

The interview revealed that not all soils contain tin, and not all soils are suitable for pepper planting. In Central Bangka, the area of pepper plantation continues to shrink, while tin mining areas continue to expand. Many owners converted their pepper plantations into tin mines.

However, despite their strong agreement, some remain optimistic that tin mining would not lead to the extinction of white pepper plant. They stated that pepper plantations are replaced with tin mining due to economic reasons, the major one being the high price of tin ore. Therefore, they believe that tin miners will switch back to pepper planting when the price of tin ores drops and the price of white pepper rises.

Those who agreed gave somewhat similar answers to the ones given by those who strongly agree. The conversion of pepper plantations to tin mines and the transition from farmers to miners are the two most dominating reasons given. They believe that these situations can endanger white pepper plant. Even though the post-mining pits can be refilled, the quality of the soil has deteriorated, especially after a long period of time. This damage is amplified when the mining activity is done illegally because there is no restriction as to which land can or cannot be mined. Once the tin content has been verified, the miners will continue to dig the land until no more tin can be extracted. This exacerbates the environmental damage caused by mining activities. On the contrary, licensed tin mining has clear designated mining areas, thus it is reasonable to argue that it has minimal impact on pepper plantations.

The ongoing tin mining activities have reduced the availability of lands for plantations and agriculture. This has impacted **the reputation of Muntok White Pepper as a Geographical Indication**. Meanwhile, restoring a post-mining site is a challenging feat due to the substantial expenses involved. The community turned to the mining sector after determining that mining tin was much more lucrative than growing white pepper. Consequently, the existence and **reputation of Muntok White Pepper as a Geographical Indication**

is seriously threatened.

The interview also revealed the participants' view that the massive mining will erode productive lands, including those used for white pepper plantations. Large areas of land are necessary for mining activities. Lands used for pepper plantations have been damaged, and white pepper plant cannot flourish in post-mining areas. Several stakeholders argued that in this case, the community has to sacrifice one for the other, because currently many pepper plantations have been converted into mining sites.

In contrast, stakeholders who are hesitant argued that other factors caused the current white pepper problem. Mining only has an impact on forest destruction that no one else has. Moreover, they argue that there has never been a study that stated that all tin mining was carried out at pepper plantations.

Meanwhile, stakeholders who strongly disagreed argued that the impact of mining depends on the presence of tin reserves located in hills, underwater soils, or valleys. If the mining is located in an area where there are no pepper plantations, it will certainly have no impact. That means, these stakeholders also indirectly assume that if tin mining is carried out in pepper plantations, it will certainly have an impact on its reputation as a Geographical Indication.

In contrast, stakeholders who are hesitant argued that other factors are responsible for the present pepper problem. So far, mining activities have only damaged non-private forests. They also claimed that no study had ever concluded that all tin mining activities were carried out on pepper plantations. Meanwhile, the stakeholder who strongly disagreed argued that the impact of mining depends on the presence of tin reserves, which are usually located in the hills, under the waters, or in the valleys. If the tin mine is located in an area where there are no pepper plantations, it will certainly have no negative impact on white pepper. That means, this stakeholder also indirectly assumes that if tin mining is carried out on white pepper plantations, it will certainly have a negative impact on its status as a Geographical Indication.

This study has revealed that the majority of policymakers acknowledged that tin mining is out of control and negatively affected the Muntok White Pepper's status as a Geographical Indication. However, despite the low number, some people are still doubtful of the existence of this impact. One of the participants even strongly disagreed. Policymakers who agreed and strongly agreed concluded that tin mining activities affect the existence of white pepper, and in turn will affect white pepper's reputation.

4. Conclusion

Pepper has always been a major commodity in Bangka Belitung Islands. Pepper from this region is famous for having a distinctive spiciness, which is the result of a combination of various environmental factors. Because of this, white pepper from this area is legally recognized as a Geographical Indication by the Ministry of Law and Human Rights. However, massive tin mining degrades and reduces the areas of pepper plantations from year to year. The declining size and areas of white pepper plantations has a negative impact on Muntok White Pepper's status. If this problem is not overcome, Muntok White Pepper will cease to be and no longer be a Geographical Indication. This problem is also recognized by policymakers in all districts/cities in Bangka Belitung Islands Province.

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