

Implementation of Qanun Aceh Number 15 of 2017 about Post- Mining Reclamation in West Aceh Regency

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Abstract

The Mining and Quarrying sector plays an important role in the economy of West Aceh Regency. In Aceh Province, laws and regulations regarding mining, especially related to post-mining reclamation, have been regulated in Qanun Aceh Number 15 of 2017 concerning Amendments to Qanun Aceh Number 15 of 2013 concerning Mineral and Coal Mining Management. However, not all mining companies are actively and legally registered in West Aceh Regency, so this can have an impact on the destruction of forest ecosystems, and also trigger other ecological disasters. Therefore, this study aims to know and understand in depth the implementation of Qanun Aceh Number 15 of 2017 related to Post- Mining Reclamation in the mining activity area of West Aceh Regency. The research method used in this study is an empirical juridical research that focuses on the enactment or implementation of normative legal provisions on every specific legal event that occurs in the field or in society. The results of the study show that for West Aceh Regency, there is no special Qanun that regulates the management of minerals and coal (minerba), especially post-mining reclamation, therefore the management in this sector follows higher regulations, such as Qanun Number 15 of 2017 and other relevant governor's regulations. Some of the factors that are inhibiting the implementation of Qanun Aceh Number 15 of 2017 related to Post- Mining Reclamation in West Aceh Regency include: scarcity of administrative documentation, lack of implementation of reclamation obligations, local socio-economic conflicts, and illegal mining activities.

Keywords: implementation of qanun; post-mining reclamation; West Aceh Regency.

Introduction

Indonesia, as a country rich in various natural resources, has great potential to be used as one of the pillars in improving the quality of life of the community (Aminah et al., 2022). Indonesia is a country that has abundant geological resources, including various types of mineral materials such as radioactive, metallic, non-metallic mineral materials, as well as rocks and coal. Mineral resources of metals that are Indonesia's flagship include iron, primary gold, copper, nickel, bauxite, and silver. In the global context, Indonesia occupies the

sixth position in terms of the wealth of geological resources. The existence of this wealth is inseparable from the regional geological conditions of Indonesia which are located in the confluence area between continental plates and oceanic plates, known as subduction zones (Redi & Marfungah, 2021).

The availability of mineral and coal reserves and their contribution to the national economy cannot be separated from the importance of implementing good governance in their management. This sector requires a wise and sustainable approach, considering that the natural resources within the earth are non-renewable. In addition, mining activities often face two conflicting interests: the need for natural resources and the protection of the environment (B. Salinding, 2019). Environmental damage is not the only negative consequence that may arise; conflicts between communities and companies as well as changes in land use can also occur (Redi, 2016).

Mining activities in Indonesia itself have been going on for a long time, even since the colonial period. Various legal instruments have been issued to support mineral and coal mining activities, both during the colonial period and after independence. The state has the authority to carry out the function of controlling mineral resources. This control is not only carried out by the central government, but also by local governments, both at the provincial and district/city levels, with the aim of improving the welfare of the local community (Ministry of Environment and Forestry (MoEF), 2019). The presence of Law No. 23 of 2014 which was amended by Law No. 9 of 2015 concerning the Second Amendment to Law No. 23 of 2014 concerning Regional Government (hereinafter referred to as the 2014 Local Government Law) began to raise issues related to the division of authority between the central government and local governments in the management of coal mining business activities. In this case, local governments at the district/city level that have great potential in the mining sector have experienced a transfer of authority to the central and provincial governments.

The enactment of Law Number 3 of 2020 which amends Law Number 4 of 2009 concerning Mineral and Coal Mining (Mineral and Coal Mining Law 2020) brings significant changes in terms of mineral and coal mining management authority at the district/city level (Rizkirobby et al., 2023). However, Article 173A of the 2020 Mineral and Mineral Law states that the provisions in this law also apply to the Provinces of D.I. Yogyakarta, DKI Jakarta, Aceh, West Papua, and Papua, provided that there are no special provisions in the law that regulate the privileges and specificities of the region (Cut Azzuhra Fadhilah dan Zainal Abidin, 2022).

Aceh Province is one of the provinces in Indonesia that has the status of a local government with special characteristics. Based on Article 156 of Law Number 11 of 2006 concerning the Government of Aceh (UUPA), as a step to implement the privileges and specificities of Aceh, the Government of Aceh gives its delegation

of authority to the district and city governments. However, the UUPA does not explain in detail the division of authority

West Aceh Regency has an area of 2,927.95 km² with a population of 198,736 people (Central Statistics Agency of West Aceh Regency, 2024). This district is one of the areas in Aceh Province that is rich in natural resources. One of the potential natural resources owned is in the mineral and coal sectors. The Mining and Quarrying sector does play an important role in the economy of West Aceh Regency. In 2023, this sector accounts for around 54% of total investment in West Aceh. In addition, this sector also recorded significant growth, with investments reaching IDR 551.3 billion in the first to third quarter of 2023 (The Central Statistics Agency of West Aceh Regency, 2024). Below are the number of registered businesses in the Metal and Coal Mineral Mining Sector in the West Aceh Regency area:

Table 1. Data on Mining Business Permits (IUP) for Metallic Minerals and Coal in West Aceh Regency in 2023

No.	IUP Holder Name	Kab.	IUP Decree No.	Publication Date	End Date	Commodities	Area (Ha)
1.	PT. Magellanic Garuda Kencana	West Aceh	No. 191 Year 2012	15/02/2012	15/02/2033	Gold (Placer)	3250
2.	Aceh Putra Putri Cooperative	West Aceh	No. 142.A Year 2010	21/04/2010	31/04/2029	Gold (Placer)	195
3.	PT. Agrabudi Jasa Bersama	West Aceh	No. 351 Year 2009	23/11/2009	12/03/2028	Coal	5000
4.	PT. Mifa Brothers	West Aceh	No. 117.b Year 2011	30/03/2011	13/04/2025	Coal	3134
5.	PT. Prima Bara Mahadana	West Aceh	No. 190 Year 2012	15/02/2012	15/02/2032	Coal	2024
6.	PT. Surya Makmur Indonesia	West Aceh	No. 545/DPMPSTSP/2564/IUP-OP./2017	20/10/2017	09/10/2032	Coal	1600
7.	PT. Indonesia Pacific Energy	West Aceh	No. 545/BP2T/917/IUP-OP./2016	16/05/2016	16/05/2036	Coal	3263
8.	PT. Nirmala Coal	West Aceh	No. 545/DPMPSTSP/25	23/10/2017	23/10/2027	Coal	3198

	Nusantara		71/IUP- OP./2018				
9.	PT. Universal Pratama Sejahtera	West Aceh	No. 545/ DPMPTSP/ 606/IUP ECSC./2021	15/03/2021	15/03/2028	Coal	4934

Source: Energy and Mineral Resources of Aceh Province in 2023

Based on the data above, it can be seen that there are several Mining Businesses in the West Aceh Regency area that have obtained Mining Business Permits (IUP) for mineral commodities, metals and coal. However, based on preliminary data obtained from the results of an interview with Mr. Dede Redharoylita as the Head of Environmental Control and Planning, he said that not all mining companies are actively and legally registered in West Aceh Regency (Dede Redharoylita, 2024). Meanwhile, according to data from the Aceh Environmental Forum (Walhi), around 5,000 hectares of protected forests in various sub-districts in West Aceh Regency have been damaged in the last five years. This illegal mining activity involves around 100 units of heavy equipment that operate every day in areas such as Sungai Mas, Panton Reue, and Pante Ceureumen Districts (Andi Nur Aminah, 2024). This damage not only damages forest ecosystems but also triggers ecological disasters such as floods and landslides.

In Aceh Province, laws and regulations regarding mining, especially related to post- mining reclamation, namely Qanun Aceh Number 15 of 2017 concerning Amendments to Qanun Aceh Number 15 of 2013 concerning Mineral and Coal Mining Management, in Articles 27 and 28 which contain provisions regarding the obligation of Mining Business Permit (IUP) holders to provide reclamation and post-mining guarantee funds, and designate a third party to carry out reclamation if the IUP holder does not carry out the obligation. It can be seen from the provisions of the Article above, the rules regarding the obligation to implement post-mining reclamation are only intended for mining businesses that have an IUP, while based on the data as previously described, environmental damage in the mining area of West Aceh Regency is also caused by illegal mining business activities. Therefore, efforts to control and stop illegal mining activities are urgently needed to save the environment in West Aceh.

Based on the description in the background, the identification of the problem is (1) How is the Implementation of Qanun Aceh Number 15 of 2017 related to Post-Mining Reclamation in West Aceh Regency? (2) What are the inhibiting factors in the implementation of Qanun Aceh Number 15 of 2017 related to Post-Mining Reclamation in West Aceh Regency? Meanwhile, the purpose of writing this article is to know and understand in depth the implementation of Qanun Aceh

Number 15 of 2017 concerning Mineral and Coal Mining Management in terms of Post-Mining Reclamation in the mining activity area of West Aceh Regency. The research method used in this study is an empirical juridical research that focuses on the in-action enforcement or implementation of normative legal provisions in every specific legal event that occurs in the field or in society.

Discussion

Implementation of Qanun Aceh Number 15 of 2017 related to Post-Mining Reclamation in West Aceh Regency

Article 33 of the 1945 Constitution is the main legal basis for the management of natural resources in Indonesia, including mining activities. This article affirms that "The earth and water and the natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people." This principle underlines that natural resource management must be carried out by paying attention to community welfare and environmental sustainability. Post-mining reclamation is one of the implementations of this principle (Handle & Series, 2020). After the mining activities are completed, mining companies are obliged to carry out reclamation to restore environmental conditions that have been disturbed. This is regulated in more detail in Law Number 4 of 2009 concerning Mineral and Coal Mining and its derivative regulations.

Law Number 4 of 2009 concerning Mineral and Coal Mining was issued to implement the provisions of Article 33 of the 1945 Constitution. Law No. 4 of 2009 which was later amended by Law No. 3 of 2020 aims to regulate the management of mineral and coal resources in order to provide real added value for the national economy and people's welfare in a fair manner (Explanation of Law Number 4 of 2009 concerning Mineral and Coal Mining). This law also emphasizes the importance of sustainable and environmentally sound management, in accordance with the principles mandated by Article 33 of the 1945 Constitution.

Post-mining reclamation rules based on Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining (hereinafter referred to as the Mineral and Coal Law) include several important provisions, including (Putri et al., 2023):

- 1) Reclamation and Post-Mining Obligations, namely holders of Mining Business Permits (IUP) and Special Mining Business Permits (IUPK) are required to carry out reclamation and post-mining in accordance with the approved plan. If the IUP or IUPK holder does not carry out the reclamation as planned, the government can appoint a third party to carry out the reclamation using the guarantee funds that have been provided.
- 2) Guarantee Fund, namely IUP and IUPK holders are required to provide reclamation and post-mining guarantee funds. These funds are used to ensure the implementation of reclamation and post-mining as planned. If IUP or IUPK

holders do not place a guarantee fund, they can be subject to criminal sanctions of up to 5 years in prison and a fine of up to Rp 100 billion.

- 3) Sanctions, namely in addition to criminal sanctions, IUP and IUPK holders who do not carry out reclamation or do not provide collateral funds may be subject to additional administrative and criminal sanctions in the form of payment of funds for the implementation of reclamation and/or post-mining obligations.
- 4) Environmental Management, which is the strengthening of policies related to environmental management in mining business activities, including the implementation of reclamation and post-mining, to ensure that there are no more abandoned former mining pits (Eddy Nurtjahya, Ratna Santi, 2020).

To ensure that the provisions in the law can be implemented effectively and efficiently, as well as provide the details and specifications necessary to implement the provisions in the law, the implementing regulations of Law Number 3 of 2020 were issued, including:

- a. Government Regulation Number 25 of 2023 concerning Mining Areas.
- b. Government Regulation Number 96 of 2021 concerning the Implementation of Mineral and Coal Mining Business Activities.
- c. Government Regulation Number 78 of 2010 concerning Coaching and Supervision as well as Reclamation and Post-Mining.
- d. Government Regulation Number 55 of 2010 concerning Guidance and Supervision of the Implementation of the Management and Implementation of Mineral and Coal Mining Business, including the role of the central and regional governments in coaching and supervision.
- e. Minister of Energy and Mineral Resources Regulation Number 10 of 2023 concerning Procedures for the Preparation, Submission, and Approval of Work Plans and Cost Budgets as well as Procedures for Reporting on the Implementation of Mineral and Coal Mining Business Activities.
- f. Minister of Energy and Mineral Resources Regulation Number 16 of 2021 concerning Amendments to the Regulation of the Minister of Energy and Mineral Resources Number 7 of 2020 concerning Procedures for Granting Regions, Licensing, and Reporting on Mineral and Coal Mining Business Activities.
- g. Regulation of the Minister of Energy and Mineral Resources Number 26 of 2018 concerning the Implementation of Good Mining Principles and Supervision of Mineral and Coal Mining, and
- h. Other derivative regulations.

Aceh Province has a favorable geological position, which allows the storage of various potential natural resources, especially in the fields of mining and energy. Some of them are non-renewable natural resources, so the management of the mining and energy sectors needs to be carried out carefully. This must pay attention to mining procedures that are in accordance with applicable

norms and regulations, and are oriented towards conservation and environmental protection. Thus, the potential in the mining and energy sectors can be utilized sustainably. In the context of the potential of Mineral Resources and Energy in various provinces in Indonesia, the Central Government through the Ministry of Energy and Mineral Resources has opened representatives for research and development projects in this sector, including in Aceh (Aceh Government, n.d.).

Qanun Number 15 of 2017 concerning the Management of Mineral and Coal Mining is a regional regulation that regulates the management of natural resources, especially minerals and coal, in the Aceh region. The Mineral and Mineral Mining Management Qanun is formed based on the provisions contained in Article 7, Article 11, Article 43, Article 156 to Article 159 and Article 165 of Law Number 11 of 2006 concerning the Government of Aceh, as well as Articles 4 and 7 of Law Number 4 of 2009 concerning Mineral and Coal Mining, the Government of Aceh has the authority to regulate the management of mineral and coal mining.²⁰

Qanun Aceh Number 15 of 2017 regulates several further provisions regarding post- mining reclamation, which include:

- a. Holders of Mining Business Permits (IUP) and Special Mining Business Permits (IUPK) are required to carry out reclamation and post-mining in accordance with the plan that has been approved by the local government (Article 27 of Qanun Aceh Number 15 of 2017 concerning Mineral and Coal Mining Management).
- b. IUP and IUPK holders must provide reclamation guarantee funds placed in government banks. These funds are used to ensure the implementation of reclamation and post- mining as planned (Article 27 of Qanun Aceh Number 15 of 2017 concerning Mineral and Coal Mining Management).
- c. IUP and IUPK holders are required to report the implementation of reclamation and post-mining periodically to the local government. The local government is responsible for supervising the implementation of the reclamation (Article 27 of Qanun Aceh Number 15 of 2017 concerning Mineral and Coal Mining Management).
- d. IUP and IUPK holders who do not carry out reclamation as planned may be subject to administrative and criminal sanctions. These sanctions include revocation of business licenses and fines (Article 27 of Qanun Aceh Number 15 of 2017 concerning Mineral and Coal Mining Management).
- e. Local communities are involved in the planning and implementation of reclamation to ensure that the activities are in line with their needs and expectations (Article 75 of Qanun Aceh Number 15 of 2017 concerning Mineral and Coal Mining Management).

The Governor's Regulation (Pergub) is part of the hierarchy of laws and regulations in Indonesia. Although it is not expressly stated in Article 7 (1) of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, in

Article 8 paragraph (2) of Law Number 12 of 2011 it is stated that Laws and Regulations other than Article 7 paragraph (1), including the Governor's Regulation are recognized for their existence and have binding legal force as long as they are ordered by higher Laws and Regulations or are formed based on authority (Article 75 of Qanun Aceh Number 15 of 2017 concerning Mineral and Coal Mining Management). In addition, Article 246 paragraph (1) of Law Number 23 of 2014 concerning Regional Government also states that the governor's regulation is formed "to implement regional regulations" or "under the power of laws and regulations" (Article 246 paragraph (1) of Law Number 23 of 2014 concerning Regional Government). Therefore, it can be known that the main function of the governor's regulation is to implement regional regulations (perda)/qanun, as well as serve as more detailed technical and operational guidelines to ensure that the regional regulation/qanun can be implemented effectively and efficiently.

In the context of Aceh Province, there has not been a Governor's Regulation as an implementation of Qanun No. 15 of 2017, but the Governor of Aceh has issued several regulations related to the management of mineral and coal mining. One of the important things is the Aceh Governor's Instruction Number 12 of 2020 concerning the Authority to Manage Mineral and Coal Mining in Aceh (Article 246 paragraph (1) of Law Number 23 of 2014 concerning Regional Government). This instruction stipulates that the Aceh Government has the authority to manage the mineral and mineral mining sector in accordance with the provisions of the Aceh Government Law (UUPA) and Qanun Aceh Number 15 of 2017, where the governor's instruction is a form of administrative policy issued by the governor to provide direction or technical instructions to local government officials in carrying out certain tasks. This governor's instruction is not included in the hierarchy of laws and regulations and is usually used for internal government purposes.

Based on the results of an interview with Mr. Jakaria AB as the Secretary of the Sub-district Head in Sungai Mas District, representing Mr. Zakaria as the Sub-district Head in Sungai Mas District, said that so far West Aceh Regency has not had a special Qanun regarding the management of minerals and coal (minerba), so the management of this sector follows higher regulations, such as Qanun Aceh Number 15 of 2013 jo Qanun Number 15 of 2017 concerning Mineral and Coal Mining Management and regulations other relevant governors (Jakaria AB, 2024). So that the Government of West Aceh Regency refers to these regulations to ensure that mining activities in the West Aceh Regency area remain in accordance with the applicable provisions at the provincial and national levels. Therefore, the government of West Aceh Regency can propose the establishment of a new Qanun that more specifically regulates mineral and mineral management in the West Aceh Regency area.

Hindering Factors in the Implementation of Qanun Aceh Number 15 of 2017 related to Post- Mining Reclamation in West Aceh Regency

The implementation of Qanun Aceh Number 15 of 2017 concerning post-mining reclamation in West Aceh Regency faces several inhibiting factors. Here are some of them:

1) Scarcity of Administrative Documentation

The scarcity of administrative documentation is one of the main obstacles in implementing Qanun Aceh Number 15 of 2017 related to post-mining reclamation in West Aceh Regency. In accordance with Qanun Aceh Number 15 of 2017, every holder of a Mining Business Permit (IUP) and IUPK is required to submit a reclamation plan and post-mining plan when applying for a Production Operation IUP or Production Operation IUPK (Article 246 paragraph (1) of Law Number 23 of 2014 concerning Regional Government). However, many permit holders have not fulfilled this obligation. An example of a case is the Aceh Putra Putri Cooperative (KPPA) which has a gold mining permit, but has not submitted a reclamation plan document and has not placed a reclamation guarantee since 2021 and 2022 (Herianto, 2024). Thus, this shows the scarcity of administrative documentation that can hinder the implementation of reclamation in accordance with the provisions.

The Aceh Mining Business License Evaluation Team has recommended the revocation of permits for IUP holders who do not meet administrative obligations, including the submission of reclamation plan documents and guarantees (Herianto, 2024). This suggests that the scarcity of documentation could lead to more serious administrative sanctions. Complete and timely documentation is essential for good post-mining environmental management. Without a clear reclamation plan, the company cannot carry out effective rehabilitation measures, thus leading to further environmental damage.

The scarcity of administrative documentation, such as reclamation plans and reclamation guarantees, is a significant obstacle to the implementation of Qanun Aceh Number 15 of 2017 in West Aceh Regency. To achieve success in post-mining reclamation, it is important for IUP holders to fulfill all administrative obligations and for the government to increase supervision and law enforcement against such violations.

2) Lack of Implementation of Reclamation Obligations

The lack of implementation of reclamation obligations is a significant obstacle in implementing Qanun Aceh Number 15 of 2017 related to post-mining reclamation in West Aceh Regency. Several Mining Business Permit (IUP) holders in West Aceh, such as the Putra Putri Aceh Cooperative (KPPA) and PT Magellanic Garuda Kencana (PT. MGK), has not carried out the reclamation obligation and has not submitted the necessary reclamation plan documents and reclamation guarantees. This has been reminded by the Aceh Mining Business License

Evaluation Team, which recommends revocation of the permit if the obligation is not met (Marzuki, 2024).

The inability to carry out reclamation can lead to further environmental damage, including soil and water pollution, as well as biodiversity loss. This is contrary to the main purpose of Qanun Aceh Number 15 of 2017, which is to ensure that mining activities are carried out with environmental sustainability in mind. If the IUP holder does not fulfill the reclamation obligation, the government can take decisive action, including revocation of the business license. This shows that the lack of implementation of obligations can lead to more serious sanctions for permit holders (Marzuki, 2024).

Supervision of the implementation of reclamation is often hampered by the limitations of human and financial resources in responsible government agencies. Without adequate supervision, IUP holders will feel that there are no consequences for not fulfilling their obligations. Community dissatisfaction with the negative impact of mining activities without reclamation can also cause social conflicts. Local communities often want transparency and involvement in the reclamation process, and this lack of communication can exacerbate the situation. Therefore, to address this problem, it is important for the government to increase surveillance, educate IUP holders on the importance of reclamation, and strengthen communication with local communities to ensure that mining activities are carried out in a responsible and sustainable manner.

3. Local Socio-Economic Conflicts

Mining activities in West Aceh often involve conflicts between local communities and mining companies. Land ownership claims by each party involved in mining are one of the main sources of conflict. Local communities often claim that the land used by mining companies is their traditional land that has been used for generations. The activities of coal trucks have caused large amounts of dust and mud, disrupting the activities of local residents. This dust and mud not only disturbs the comfort of life but also causes damage to village roads, resulting in protests from the community (Afrizal Tjoetra and Suadi, 2022).

Non-Governmental Organizations (NGOs) such as the Aceh Forum for the Environment (Walhi) have reported the destruction of vast areas of forest land due to illegal mining activities. These environmental losses do not only have an impact on natural ecosystems, but also on the livelihood of the fishing community that depends on the sea (Mritunjoy Sengupta, 2021). Local socio-economic conflicts often lead to mass demonstrations from the community. For example, public protests due to the dust caused and the damage to roads passed by coal transport vehicles have spread to the national mass media. For example, West Aceh residents have blocked road access to the coal mining company owned by PT Prima Bara Mahadana due to claims of Ulee Balang customary land (Mritunjoy Sengupta, 2021). This conflict arises due to dust and mud caused by coal trucks, as well as road damage.

Local socio-economic conflicts are the main obstacle to the implementation of Qanun Aceh Number 15 of 2017 concerning post-mining reclamation in West Aceh Regency. Land tenure claims, environmental degradation, environmental degradation of forests, and community protests are some examples of this complex phenomenon. To address these issues, it is important to improve the transparency of communication between relevant parties, improve strong regulations for the mining industry, and ensure the active participation of local communities in the reclamation process.

4. Illegal Mining Activities

According to data from the Indonesian Environment Forum (Walhi) Aceh, there are around 1,343 hectares of unlicensed mining spread across three sub-districts in West Aceh, including East Woyla District, Pante Ceuereme, and Sungai Mas Districts (Afifuddin in Gilang Helindro, 2023). This activity is not registered and does not follow the regulations set by the government. Illegal mining is often carried out without regard for environmental aspects, which can cause serious damage to local ecosystems. The use of hazardous chemicals in the illegal gold mining process can also contaminate the soil and water sources, which negatively impacts public health and environmental sustainability (Junaidi Hanafiah, 2024).

Illegal mining activities create unfair competition for companies that operate legally and have met all licensing requirements. This can reduce revenue from taxes and royalties that should be received by local governments, as well as interfere with reclamation plans designed by official companies. Illegal mining activities also often trigger conflicts between local communities and miners. For example, people often feel that their rights to land and natural resources are being violated by unauthorized mining activities. This tension can lead to protests or legal action against mining companies. Despite efforts from the government to close illegal mining activities, such as the forced closure of illegal sand mining activities along the watershed, there are still many illegal mining locations that have not been touched by the law (Bukhari, 2024). This weakness in law enforcement makes illegal activities continue to grow and hinder the implementation of qanun. In addition, supervision of mining activities in West Aceh Regency is also highly dependent on the legality of the permits owned by the company. While legal mining is under government supervision, illegal mining is often not properly supervised, resulting in losses to the state and adverse environmental impacts (Dede Redharoylita, 2024).

Illegal mining activities in West Aceh are also one of the obstacles to the implementation of Qanun Aceh Number 15 of 2017 related to post-mining reclamation by creating environmental damage, social conflicts, and unfair competition with official mining activities. To overcome this problem, decisive action from law enforcement officials and collaborative efforts between the government, communities, and environmental organizations are needed to ensure

sustainable and responsible management of natural resources.

Conclusion

West Aceh Regency is one of the areas in Aceh Province that is rich in natural resources. One of the potential natural resources owned is in the mineral and coal sectors. The Mining and Quarrying sector does play an important role in the economy of West Aceh Regency. In Aceh Province, laws and regulations regarding mining, especially related to post-mining reclamation, have been regulated in Qanun Aceh Number 15 of 2017 concerning Amendments to Qanun Aceh Number 15 of 2013 concerning Mineral and Coal Mining Management, in Articles 27 and 28 it is stated that the obligation of Mining Business License (IUP) holders to provide reclamation and post-mining guarantee funds, and designate a third party to carry out reclamation if the IUP holder does not carry out the obligation. However, there has not been a Governor's Regulation as an implementation of Qanun No. 15 of 2017. For West Aceh Regency, there is no special Qanun regarding the management of minerals and coal (*minerba*), so the management in this sector follows higher regulations, such as Qanun Number 15 of 2017 other relevant governor's regulations.

Some of the factors that are inhibiting the implementation of Qanun Aceh Number 15 of 2017 related to Post-Mining Reclamation in West Aceh Regency include: Scarcity of Administrative Documentation, which is important for IUP holders to fulfill all administrative obligations as a form of success in post-mining reclamation; Lack of Implementation of Reclamation Obligations, i.e. without adequate supervision, IUP holders will feel that there are no consequences for not fulfilling their obligations; Local Socio-Economic Conflicts, namely conflicts between local communities and mining companies such as land tenure claims, environmental damage, environmental degradation of forests, and community protests are some examples of complex phenomena in the implementation of Qanun Aceh No. 15 of 2017, as well as Illegal Mining Activities, which create unfair competition for companies operating legally, despite the government's efforts to Closing illegal mining activities, but there are still many illegal mining locations that have not been touched by the law, so that the weakness in law enforcement makes illegal mining activities continue to grow and hinder the implementation of qanun.

Recommendations

In implementing Qanun Aceh Number 15 of 2017 related to Post-Mining Reclamation in West Aceh Regency, it is suggested that the West Aceh Regency Government can propose the establishment of Qanun which more specifically regulates Mineral and Coal Mining in the West Aceh Regency area, especially related to post-mining reclamation. So that with the existence of a legal umbrella that

regulates specifically, efforts to increase supervision and law enforcement of the implementation of post-mining reclamation can achieve success and sustainability, and natural potential can be optimized for the welfare of the community.

Regarding the inhibiting factors in implementing Qanun Aceh Number 15 of 2017, it is hoped that IUP holders can fulfill all administrative obligations in submitting reclamation plan documents and guarantees, increasing supervision and law enforcement by the Regency Government. West Aceh on violations to achieve success in post-mining reclamation, strengthen communication and ensure the active participation of local communities in the reclamation process, as well as collaborative efforts between the government, communities, and environmental organizations to ensure sustainable and responsible management of natural resources.

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