

Implementation of the Public Interest Principle for the Prevention of Environmental Damage Due to the Sand Mining Plan by CV.Kayon in the Gendol River, Sleman Regency



Jayanto Timbang¹, Hyronimus Rhiti², Setia Budianto³, Jody Anggara Ginting⁴

^{1,2,3,4} Master of Law, Atma Jaya University Yogyakarta, Indonesia

ABSTRACT: Mining in Indonesia provides great economic benefits, but can also cause negative impacts in the form of environmental damage. Attention to mining, apart from its negative impacts, is also related to the public interest, namely the right of everyone to a good and healthy environment (Article 65 paragraph 1 of the Environmental Protection and Management Law). CV Kayon needs to pay attention to the principle of public interest for the surrounding community by conducting mediation to produce a consensus decision that provides benefits for both parties. The implementation of the principle of public interest is the main thing that must be done by CV Kayon so that the Sindumartani Village community does not reject the sand mining that will be carried out, but of course, it must pay attention to the rights, wishes, local wisdom of the community and prioritize the benefits that can be provided, on the one hand, the Environmental Impact Analysis (AMDAL) that CV Kayon already has needs to be socialized to the community, so that the community knows what kind of impact it will have and environmental preservation after mining activities have been carried out.

KEYWORDS: Implementation, Public Interest Principle, Sand Mining, CV.Kayon, Public Interest, Gendol River

I. INTRODUCTION

Mining in Indonesia provides great economic benefits, but can also cause negative impacts in the form of environmental damage. Attention to mining, apart from its negative impacts, is also related to the public interest, namely the right of everyone to a good and healthy environment (Article 65 paragraph 1 of the Environmental Protection and Management Law, after this referred to as UUPLH).

Public interests, both environmental interests and the interests of society at large, often become a problem when they are not considered. Mining actors seem to only make profits without much concern for the principle of public interest. On the one hand, mining can be carried out as long as it is legalized by laws and regulations. However, on the other hand, the public interest aspect is often ignored. Juridically, mining can be carried out by individuals, cooperatives or mining companies. But socially, public interest must also be considered.

One of the mining businesses examined here is CV Kayon. CV Kayon is engaged in sand mining in the Gendol River, Sleman. As is known, sand mining is often carried out both by the community and by mining companies. The Mining Plan carried out by CV Kayon, in addition to having legality in the form of licenses, must also pay attention to the principle of public interest. Based on the description of the problem above, the formulation of the problem, namely:
How is the implementation of the principle of public interest that must be carried out by CV.Kayon as an effort to prevent environmental damage due to sand mining plans in the Gendol River, Sleman Regency?

II. RESEARCH METHODS

The type of research used is Normative (Juridical) legal research. According to Peter Mahmud Marzuki, normative legal research is a process to find a law, legal principles, and legal doctrines to answer the legal issues at hand.¹ In normative legal research the data used is secondary data consisting of primary, secondary and tertiary legal materials.

The legal materials used consist of primary and secondary materials used in this research, primary legal materials consist of:

- 1) Legislation.
- 2) Principles of Law.
- 3) Judicial decisions and/or decisions of dispute resolution institutions.

¹ Peter Mahmud Marzuki. Legal Research. Jakarta: Kencana Prenada Group, 2007, p 35.

Implementation of the Public Interest Principle for the Prevention of Environmental Damage Due to the Sand Mining Plan by CV.Kayon in the Gendol River, Sleman Regency

4) Contract²

Secondary legal materials consist of:

- 1) Legal opinions published in books, journals, reports, research, newspapers, and scientific magazines.
- 2) Minutes, authentic manuscripts, and statistical data from official agencies/institutions.³

Tertiary legal materials consist of:

Legal dictionaries and non-legal dictionaries such as the Big Indonesian Dictionary.⁴

Data analysis conducted by researchers is based on previous research conducted by Abimanyu and Ahsan Nurhadi who examined the case of "community participation in order to prevent potential environmental damage due to rock mining in Gendol River"⁵ So that this research is an interpretative research, which is an effort to find explanations of social or cultural events based on the perspectives and experiences that have been studied.⁶

III. RESEARCH RESULTS AND DISCUSSION

1. OVERVIEW OF SAND MINING

The definition of mining is contained in Article 1 number 1 of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009, which states that:

"Mining is part or all stages of activities in the framework, management, and exploitation of minerals or coal which include general investigation, exploration, feasibility study, construction, mining, processing and refining or development and utilization, transportation and sales, as well as post-mining activities".

According to Abrar Saleng, mining includes all processes or stages involved in the research, management, and exploitation of mineral or coal resources. This includes activities such as general surveys, exploration, feasibility studies, construction, mining, processing and refining, transportation and sales, and post-mining activities.⁷ In contrast to Abrar, Sukandarrumidi argues that the definition of mining business includes all activities carried out by individuals, legal entities, or business entities to extract mineral resources with the aim of further use in human interests. On the other hand, mining activities include a series of activities ranging from exploration and evaluation of the potential to mineral exploitation, which is carried out for the benefit of the company, the surrounding community, and the government at both local and national levels.⁸

The definition of mining contains the exploitation of minerals or coal, so it is also necessary to contain the definition of minerals and coal. The definition of minerals and coal is contained in Article 1 number 2 and number 3, namely:

"Minerals are inorganic compounds formed in nature, which have certain physical and chemical properties and regular crystal arrangements or their combinations that form rocks, either in loose or solid form".

"Coal is a naturally occurring deposit of carbonaceous organic compounds from plant remains".

Based on the definition of minerals and coal that have been mentioned, it is important to know which category sand mining falls into, because the research to be written will examine sand mining, after looking at Law No. 3 of 2020 sand is included in certain types of non-metallic minerals. This is contained in Article 42 letter c, namely:

"What is meant by "certain types of non-metallic minerals" are non-metallic minerals that are of high value and not easily available (including diamonds and precious stones) or non-metallic minerals that are needed to ensure the supply of strategic industries (including limestone, clag, and quartz sand for the cement industry)".

The definition of non-metallic minerals is also contained in the Regulation of the Minister of Energy and Mineral Resources of the Republic of Indonesia Number 05 of 2017 concerning Increasing Mineral Added Value Through Domestic Mineral Processing and Refining Activities stated in Article 1 number 3, namely:

"Non-metallic minerals are minerals whose main elements consist of non-metals, such as bentonite, calcite (limestone), quartz sand, etc."

So from the general review of mining, it can be seen that sand mining is included in the class of mineral and non-metal mining so that from this it will be a reference for the research that will be written, especially when discussing legal problems and conclusions.

² Atma Jaya University Yogyakarta Faculty of Law, 2022 p 7.

³ *Ibid*, p 8

⁴ *Ibid*.

⁵ Abimanyu et.al, 2022, "Community Participation in the Prevention of Potential Environmental Damage Due to Rock Mining in the Gendol River (Case Study of the Sindu Tolak Asat Social Movement)", *Hermenutika Journal* Vol. 6, No. 1, February 2022 p 155.

⁶ <https://eprints.umm.ac.id/35197/4/jiptummpg-gdl-raihansafi-47896-4-babiii.pdf> accessed on 3 May 2023, 21:09 WIB, p 25.

⁷ Abrar Saleng, 2004, *Mining Law*, Yogyakarta: UII Press, p 44

⁸ Sukandarrumidi, 2016, *Industrial Excavation Materials*, Yogyakarta: Gadjah Mada University Press, p 38.

Implementation of the Public Interest Principle for the Prevention of Environmental Damage Due to the Sand Mining Plan by CV.Kayon in the Gendol River, Sleman Regency

2. Sand Mining Plan in Gendol River

In 2018, CV Kayon planned to carry out mining activities in the Gendol River, particularly in Sindumartani Village, Ngemplak, Sleman. However, the majority of Sindumartani residents agreed to oppose the mining activity due to concerns about the potential environmental damage it would cause. In response to the rejection of mining activities in the River, the community formed a social movement known as Paguyuban Sindu Tolak Asat (PSTA), which aims to be a communication channel for the community in gathering their collective aspirations.

CV Kayon had conducted socialization beforehand, but the party expressed disappointment that the socialization was not conducted thoroughly for all residents. "Only to those who agree," said Basuni, a representative of residents who rejected the mining plan to be carried out by CV Kayon. During the socialization process, it was revealed that the land area to be mined reached 5.06 hectares. The daily target is 36 racks of Class C lorries. The contract lasts for 4 years and 11 months with a working period of 600 days. So far, various mediation efforts have been made at the village, subdistrict, and district levels. However, all these efforts have not resulted in a satisfactory agreement. Basuni hopes that the government will not grant an environmental permit for the activity, considering the impacts that may arise. Based on Radar Jogja's observation at the location, many rejection banners were seen. Currently, no mining activities have been carried out, and heavy equipment has not been deployed. However, the CV has built a permanent two-story building that will reportedly be used as an office.⁹

On 12 December 2019, the Sleman Regency Environmental Agency (DLH) issued a letter stating that mining permits in Sindumartani Village would not be granted to CV Kayon until their issues with PSTA were resolved.¹⁰ Implicitly, we can conclude that the Sleman Regency government, which represents the local government and has the authority related to mining in the Sleman area, namely the Environmental Service (DLH), has implemented the principle of public interest for the Sindumartani Village community by refusing or not issuing a mining permit from CV Kayon before an agreement is reached between the community and the miner.

3. Impacts that can occur if sand mining is carried out on the Gendol River

The Sindumartani villagers expressed their opposition through a letter of objection and a request for an audience with the Sleman Regency Environmental Agency. The Sindumartani community does not agree with mining activities because they can cause negative impacts on the surrounding environment, including

- a) "Damage to nature and the ecosystem of the Gendol River;
- b) Potential damage or loss of springs in the Gendol River, which has long been used by local residents for daily needs and irrigation of rice fields;
- c) Possible decrease in well water due to increasing in groundwater depth in the Gendol watershed;
- d) Negative health impacts due to air pollution resulting from mining activities.
- e) Noise disturbance for people living around the mine site.
- f) Damage to roads used for mining goods distribution.
- g) Potential for social conflict in vulnerable and sensitive neighboring communities".¹¹

For many years, villagers have relied on the flow of the Gendol River for their various needs. This includes meeting their daily clean water needs and as a source of water for agriculture and irrigation. One local resident, Paimin, expressed his concern that the granting of permits for mining activities would result in an area of about 5 hectares being controlled by a private company. This would prevent the locals from utilizing it.

"The area proposed as a mining site has been used by residents for agriculture, such as growing rice, beans and corn. If the company controls the area, residents will no longer be able to obtain agricultural products," said the Head of RT 05 Morangan hamlet, Paimin, on Thursday (31/10/2019). Paimin also expressed his concern that mining activities using heavy equipment would cause residents' wells around the location to dry up. Paimin also expressed his concern that mining activities using heavy equipment would cause residents' wells around the site to dry up. "Since the entire river basin will be massively excavated, it is feared that this will have an impact on the decline in groundwater levels around the area".¹²

⁹ <https://radarjogja.jawapos.com/sleman/65738938/warga-tolak-tambang-karena-ancam-sumber-mata-air> accessed on 13 June 2023, at 15:38 WIB.

¹⁰ <https://kumparan.com/pandangan-jogja-com/tambang-galian-c-di-diy-dan-sekitarnya-banyak-ditolak-masyarakat-1skZNhKMPfW/1> accessed on 13 June 2023, at 15:54 WIB.

¹¹ Abhimanyu et al, *Op.Cit.* p 159

¹² <https://www.cendananews.com/2019/10/warga-sindumartani-sleman-tolak-rencana-eksploitasi-sungai-gendol.html> accessed 13 June 2023.

Implementation of the Public Interest Principle for the Prevention of Environmental Damage Due to the Sand Mining Plan by CV.Kayon in the Gendol River, Sleman Regency

PSTA, GAPOKTAN Sindumartani, and GAPOK Perikanan Sindumartani have calculated the economic value of the utilization of the Gendol River which has been used by the Sindumartani community for daily water needs as well as agricultural and fisheries activities. The following is a table of the economic value of Gendol River water utilization each year.¹³

Table 1. Economic Valuation of Sindumartani Communit

1 Agriculture Sector					
		Land Area Agriculture (ha)	Harvest Season (times/year)	Average Income (1 ha)	Total
	Plants Principal	100	2	IDR 30,000,000	IDR 6,000,000,000
2 Fisheries Sector					
		Total Swimming	Harvest/year	Average Income 1 pond	Total
		200	1	IDR 5,000,000	IDR 1,000,000,000
3 Residents' Water Source					
		Total Source	Number of households	Dues (IDR 15,000 x 12 Months)	Total
		20	900	IDR 180,000	IDR 3,240,000,000
4 Stone Sawmill Industry					
		Total	Income per Month		Total
		1	IDR 100,000		IDR 1,200,000
Total					IDR 10,241,200,000

By calculating the economic valuation, PSTA aims to provide education to the Sindumartani community that the land around the Gendol River has a high production value. If there is environmental damage due to mining activities in the Gendol River, the community will experience economic losses of Rp 10,241,200,000 (Ten Billion Two hundred forty million two hundred thousand rupiah). It should be noted that the agricultural sector, fisheries sector, and residents' water sources, all use the Gendol river water flow, so this is what needs to be considered in granting permits to CV Kayon, that the AMDAL from CV Kayon must not pollute the Gendol river water.

4. Implementation of the Public Interest Principle Must Be Prioritised by CV. Kayon

CV Kayon, which planned to mine sand in the Gendol River, was rejected by the community because of two things, firstly they did not clearly specify the Environmental Impact Assessment (AMDAL) that they would use and secondly, they did not prioritize the public interest or the interests of the community, specifically what the author means is the principle of public interest. Based on Article 25 of the Environmental Law, the EIA document contains:

- "assessment of the impact of business plans and/or activities;
- evaluation of activities in the vicinity of the business and/or activity plan location;
- suggestions and community responses to the business plan and/or activities;
- an estimate of the magnitude of the impact and the significance of the impact if the business plan and/or activity is implemented;
- holistic evaluation of impacts to determine environmental feasibility or infeasibility; and
- environmental management and monitoring plan".

CV Kayon as a sand mining business actor has obligations regulated in Article 68 of the Environmental Law, namely:

Every person who conducts business and/or activities is obliged to:

- "provide information related to environmental protection and management in a correct, accurate, open and timely manner;
- maintaining the sustainability of environmental functions, and
- comply with the provisions on environmental quality standards and/or environmental damage standard criteria".

The public interest is in the public interest and this must be implemented. According to Grindle, implementation is a general process of action at a certain program level that can be studied.¹⁴ A more concrete understanding of implementation related to the author's research is put forward by Horn who argues that implementation is the action of individuals (officials) or government or

¹³ Paguyuban Sindu Tolak Asat, PSTA Economic Valuation Document, data from PSTA member interviews

¹⁴ Mulyadi, 2015, Organisational Behaviour and Service Leadership, Bandung: Alfabeta, p 47.

Implementation of the Public Interest Principle for the Prevention of Environmental Damage Due to the Sand Mining Plan by CV.Kayon in the Gendol River, Sleman Regency

private groups where policies are directed to achieve their objectives.¹⁵ The definition of implementation that has been described can be concretized into private actions in this case CV. Kayon to achieve its goal, namely mining sand, to carry out mining objectives, it must first be understood what is the definition of the principle of public interest. The definition of the principle of public interest is contained in the explanation of four laws, namely

"Law No. 28/1999 on State Administration that is Clean and Free from Corruption, in Article 3 point 3. The principle of Public Interest is the principle that prioritizes public welfare in an aspirational, accommodative, and selective manner".

"Law Number 30 of 2014 concerning Government Administration, in Article 10 paragraph (1) letter g. The Public Interest Principle is a principle that prioritizes public welfare and benefits in an aspirational, accommodative, selective and non-discriminatory manner".

"Law Number 23 of 2014 concerning Regional Government, in Article 58 letter c. The Public Interest Principle is a principle that prioritizes public welfare in an aspirational, accommodative, and selective manner".

"Law Number 25 of 2009 concerning Public Services, in Article 4 letter a which reads: the implementation of public services is based on the public interest. Service delivery should not prioritize personal and/or group interests".

The four laws above have slightly different elements of legal certainty adopted by the four laws because the scope and object of the four laws are different, but basically, the purpose and spirit are the same, there are only differences in the editorial sentences made different, but the meaning is the same.

a. Environmental Interests

The definition of the environment is stated by Munadjat Danusaputro, he revealed that the environment includes all objects and conditions, including humans and their actions, which exist in the space where humans are and have an influence on the lives and welfare of humans and other living things.¹⁶ In line with this, Daud Silalahi also stated that the environment includes all objects and situations that exist in the space we inhabit and have an impact on our lives.¹⁷

The definition of Environment is also contained in Article 1 number 1 of UUPPLH "the unity of space with all objects, forces, conditions, and living things, including humans and their behavior, which affect nature itself, the continuity of life, and the welfare of humans and other living things". In the UUPLH, it is referred to as the environment, but it has the same meaning as the environment. The environment has the interest to be protected and managed and this has been formulated in article 1 number 2 of the UUPLH, namely:

"Environmental protection and management are systematic and integrated efforts undertaken to preserve environmental functions and prevent pollution and/or damage to the environment, including planning, utilization, control, maintenance, supervision, and law enforcement".

Based on Article 2 Letter e of the UUPLH, environmental protection and management are carried out based on the principle of "benefit". The definition of the principle of benefit is contained in the general explanation of the UUPLH, namely:

"The principle of benefit means that all businesses and/or development activities carried out are adjusted to the potential of natural resources and the environment to improve the welfare of the community and human dignity in harmony with the environment".

The interest of the environment to be protected and managed has the objective to "ensure the fulfillment and protection of the right to the environment as part of human rights, this is regulated in Article 3 letter g. The environmental interests described above are interested to protect the environment as an object, but it is necessary to describe the interests of the community as a subject.

b. Community Interests

The public interest in life has been guaranteed by the State Constitution, namely the 1945 Constitution of the Republic of Indonesia which is the highest hierarchy of regulations based on Article 7 of Law Number 12 of 2011 concerning the Establishment of Legislation. Everyone's interest in a good and healthy environment is contained in Article 28H paragraph (1), namely:

"Every person has the right to live in physical and mental prosperity, to have a place to live, and to have a good and healthy environment and to receive health services".

In line with the above based on the consideration of UUPLH letters d and f reads:

Letter d:

"that the declining quality of the environment has threatened the continuity of human life and other living things so that it is necessary to protect and manage the environment seriously and consistently by all stakeholders"

Letter f:

¹⁵ Arifin Tahir, 2014, Public Policy and Transparency in Local Governance: Alfabeta, p. 55.

¹⁶ N.H.T. Siahaan, 2004, Environmental Law and Development Ecology, Jakarta: Erlangga, p. 4.

¹⁷ M. Daud Silalahi, 2001, Environmental Law in the Indonesian Environmental Law Enforcement System, Bandung: Alumni, p 9.

Implementation of the Public Interest Principle for the Prevention of Environmental Damage Due to the Sand Mining Plan by CV.Kayon in the Gendol River, Sleman Regency

"that in order to better ensure legal certainty and provide protection for the right of every person to obtain a good and healthy environment as part of the protection of the entire ecosystem, it is necessary to reform Against Law No. 23 of 1997 on Environmental Management".

The right for everyone to obtain a good environment is also regulated in UUPPLH in Article 65 paragraphs (1), (2), (3), (4), namely:

- (1) "Everyone has the right to a good and healthy environment as part of human rights.
- (2) Everyone has the right to environmental education, access to information, access to participation, and access to justice in fulfilling the right to a good and healthy environment.
- (3) Every person has the right to submit proposals and/or objections to business plans and/or activities that are expected to have an impact on the environment.
- (4) Everyone has the right to play a role in environmental protection and management in accordance with the laws and regulations".

Article 65 paragraph (2) of UUPPLH has regulated the right to be involved in the decision-making process. Agung Wardana argues that the right to participate in decision-making also includes the right to reject any business plans and activities that have the potential to damage the environment.¹⁸ Providing opportunities for the community to obtain information about environmental management is also an integral part of their role in environmental management.¹⁹

In addition to being guaranteed the interests of the central and local governments for a good and healthy environment, the community is also guaranteed its role to play an active role in environmental protection and management, this is regulated in Article 70 paragraphs (1), (2), (3), which states that:

- (1) "The community has the same rights and opportunities to play an active role in environmental protection and management".
 - (2) The role of the community can be:
 - a. social surveillance;
 - b. provision of suggestions, opinions, proposals, objections, complaints; and/or
 - c. submission of information and/or reports.
 - (3) The role of the community is to:
 - a. raise awareness in environmental protection and management;
 - b. enhancing self-reliance, community empowerment, and partnerships;
 - c. fostering community capacity and pioneering;
 - d. fostering community responsiveness to social monitoring, and
 - e. develop and maintain local culture and wisdom in the context of preserving environmental functions".
- Based on the consideration letter c of Yogyakarta Special Region Regulation No. 3/2015 on Environmental Protection and Management, it states that "serious, consistent and consequent efforts to protect and manage the environment need to be made to prevent a decline in the quality of the environment in the Special Region of Yogyakarta". The rejection of mining activity plans carried out by the people of Yogyakarta, especially the people of Sindumartani Village, is actually a real implementation of the right to have a good and healthy environment. There are two main functions of the community's right to a good and healthy environment. First, the right to protect themselves from external disturbances that can harm the environment. Second, regarding the right to demand actions aimed at preserving, restoring, and improving the environment.²⁰

To analyze and examine the legal problems that have been described, the author uses legal theory, the function of legal theory is as a means or tool in studying and analyzing events that arise and develop in society, state, and nation.²¹ The legal theory used by the author is Utilitarianism Legal Theory. Utilitarianism proposed by Jeremy Bentham which states that:

"The law must prioritize the principle of expediency as the main objective in law. This principle of expediency refers to the achievement of happiness. In this case, the goodness or badness of a law is determined by whether the law is able to provide happiness to humans or not. The existence of this happiness should be felt by every individual. However, if the achievement of overall happiness is not possible (which it is not), then efforts are made to ensure that this happiness can be enjoyed by as many individuals as possible in the society or nation".²²

Normatively, this is in accordance with the law established in Indonesia, especially the 1945 Constitution of the Republic of Indonesia in Article 28H paragraph (1) and UUPPLH which mandates that the law must provide benefits and happiness for many

¹⁸ Agung Wardana, 2013, "The Right to the Environment: An Introduction to the Discussion", *Advocacy Journal*, Vol.3/No.2/2013, UNMAS Faculty of Law, p 126.

¹⁹ Widia Edorita, 2014, "Community Participation in the Environment According to Law No. 32/2009 on Environmental Protection and Management", *Journal of Legal Science*, Vol.4/No.1/2014, p. 131.

²⁰ Koesnadi Hardjasoematri, 2005, *Environmental Law*, Yogyakarta: Gadjah Mada University Press, p 102

²¹ Salim, HS, 2010, *The Development of Theory in Legal Science*, Jakarta: RajaGrafiindo Persada, p. 18.

²² Serlika Aprita, et.al., 2020, *Philosophy of Law*, Depok: Rajawali Pers, pp 104-105.

Implementation of the Public Interest Principle for the Prevention of Environmental Damage Due to the Sand Mining Plan by CV.Kayon in the Gendol River, Sleman Regency

individuals, which specifically means the community, but empirically the mining plan to be carried out by CV.Kayon in the Gendol River Sleman Regency does not provide benefits to the community and also does not provide happiness as the principle of Jeremy Bentham's utilitarianism legal theory, it is quite the opposite so the mining plan to be carried out by CV Kayon needs to pay attention to the principle of public interest for the surrounding community by conducting mediation to produce a consensus decision that provides benefits for both parties. The implementation of the principle of public interest is the main thing that must be done by CV Kayon so that the Sindumartani Village community does not reject the sand mining that will be carried out, but of course, it must pay attention to the rights, local wisdom of the community and prioritize the benefits that can be provided, on the one hand, the AMDAL that has been owned by CV Kayon needs to be socialized to the community so that the community knows what kind of impact it will have and environmental preservation after mining activities have been carried out.

IV. CONCLUSIONS AND SUGGESTIONS

CV Kayon needs to pay attention to the principle of public interest for the surrounding community by conducting mediation to produce a consensus decision that provides benefits for both parties. The implementation of the principle of public interest is the main thing that must be done by CV. Kayon so that the Sindumartani Village community does not reject the sand mining that will be carried out, but of course, it must pay attention to the rights, wishes, local wisdom of the community and prioritize the benefits that can be provided, on the one hand the AMDAL that CV Kayon already has needs to be socialized to the community, so that the community knows what kind of impact it will have and environmental preservation after mining activities have been carried out.

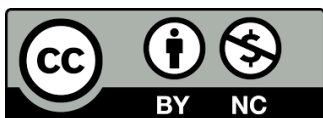
The author's suggestion is that if CV Kayon conducts good and comprehensive socialization to the entire community, then solutions to problems can be sought and found so that there is an agreement between CV Kayon and the Sindumartani Village community. If CV Kayon still insists on implementing the sand mining plan in the Gendol River, Sleman Regency, then the Sindumartani Village community can increase their participation by filing a lawsuit to court in order to obtain legal certainty

REFERENCES

- 1) Abrar Saleng, 2004, Mining Law, Yogyakarta: UII Press.
- 2) Arifin Tahir, 2014, Public Policy and Transparency of Local Government Administration: Alfabeta.
- 3) Koesnadi Hardjasoematri, 2005, Environmental Law, Yogyakarta: Gadjah Mada University Press.
- 4) M. Daud Silalahi, 2001, Environmental Law in the Indonesian Environmental Law Enforcement System, Bandung: Alumni.
- 5) Mulyadi, 2015, Organisational Behaviour and Service Leadership, Bandung: Alfabeta.
- 6) N.H.T. Siahaan, 2004, Environmental Law and Development Ecology, Jakarta: Erlangga.
- 7) Peter Mahmud Marzuki. Legal Research. Jakarta: Kencana Prenada Group, 2007.
- 8) Salim, HS, 2010, The Development of Theory in Legal Science, Jakarta: RajaGrafiindo Persada,
- 9) Serlika Aprita, et.al., 2020, Philosophy of Law, Depok: Rajawali Press.
- 10) Sukandarramumidi, 2016, Industrial Excavation Materials, Yogyakarta: Gadjah Mada University Press.
- 11) Atma Jaya University Yogyakarta Faculty of Law, 2022, Guidelines for Legal Writing, Yogyakarta.
- 12) Abimanyu et al, 2022, "Community Participation in the Prevention of Potential Environmental Damage Due to Rock Mining in the Gendol River (Case Study of the Social Movement of Paguyuban Sindu Tolak Asat)", Hermenutika Journal Vol. 6, No. 1, February 2022.
- 13) Agung Wardana, 2013, "The Right to the Environment: An Introduction to the Discussion", Advocacy Journal, Vol.3/No.2/2013, UNMAS Faculty of Law.
- 14) Widia Edorita, 2014, "Community Participation in the Environment According to Law No. 32/2009 on Environmental Protection and Management", Journal of Legal Science, Vol.4/No.1/2014.
- 15) 1945 Constitution.
- 16) Law No. 32 of 2009 on Environmental Protection and Management.
- 17) Law No. 4 of 2009 on Mineral and Coal Mining
- 18) Law Number 25 of 2009 on Public Services.
- 19) Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining.
- 20) Law No. 32 of 2004 on Regional Government.
- 21) Law Number 30 of 2014 on Government Administration
- 22) Law Number 28 of 1999 on Clean and Free State Administration from Corruption, Collusion and Nepotism.
- 23) Yogyakarta Special Region Regulation 2015 on Environmental Management Protection.
- 24) Regulation of the Minister of Energy and Mineral Resources of the Republic of Indonesia Number 05 of 2017 concerning Increasing Mineral Added Value Through Mineral Processing and Refining Activities

Implementation of the Public Interest Principle for the Prevention of Environmental Damage Due to the Sand Mining Plan by CV.Kayon in the Gendol River, Sleman Regency

- 25) <https://eprints.umm.ac.id/35197/4/jiptummpg-gdl-raihansafi-47896-4-babiii.pdf> accessed on 3 May 2023, at 21:09 WIB, p 25.
- 26) <https://radarjogja.jawapos.com/sleman/65738938/warga-tolak-tambang-karena-ancam-sumber-mata-air> accessed on 13 June 2023, at 15:38 WIB.
- 27) <https://kumparan.com/pandangan-jogja-com/tambang-galian-c-di-diy-dan-sekitarnya-banyak-ditolak-masyarakat-1skZNhKMPfW/1> accessed on 13 June 2023, at 15:54 WIB.



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.