
Administrative Sanctions in The Form of Revocation of Mining Business License Through Investment Arrangement Policy in Indonesia

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Abstract

Prior to the existence of Law Number 3 of 2020, control of minerals and coal by the state was carried out by the Government and/or Regional Governments. After the amendments were made, control of minerals and coal by the state was held by the Central Government, so that currently the authority to revoke mining business licenses belongs to the Central Government, namely the President who is assisted by the Vice President and Ministers. The aim of the research is to analyze the development of the latest regulations related to the imposition of administrative sanctions in the form of revocation of mining business permits through investment management policies in Indonesia. The research method of this article uses normative legal research methods, examines the current laws and regulations in force in Indonesia, both in the form of laws and implementing regulations. The discussion on laws and regulations focuses on primary legal materials, and secondary legal materials. The authority to revoke business licenses in the field of mineral and coal mining is owned by the Minister of Investment/Head of the Investment Coordinating Board, there are 2 (two) main reasons for revocation of permits, namely Business Actors do not submit work plans and cost budgets, and/or Business Actors The business does not have actual activities for a certain period of time. Fulfillment of the conditions for revocation of a mining business license must be fulfilled, if the procedural and substance requirements are not met, then the decision regarding the revocation of the permit becomes a decision that is null and void. The government must be more careful and mature when preparing appropriate legal regulations regarding license revocation.

Key Word: License Revocation; Mining; Policy

Introduction

In Article 33 Paragraph (3) of the 1945 Constitution it is stated that the land, water and natural resources contained therein are controlled by the state, and used for the greatest prosperity of the people. In this connection regarding mining, in Article 4 paragraph (1) of Law no. 3 of 2020 concerning Amendments to Law no. 4 of 2009 concerning Mineral and Coal Mining states that minerals and coal as non-renewable natural resources are national assets controlled by the state for the greatest possible welfare of the people (Gatot Supramono, 2012). Control over these natural resources by the state in this case is carried out by the Central Government through the functions of policy, regulation, administration, management and supervision.

To realize the function of controlling natural wealth, the Central Government carried out investment arrangements by forming a Task Force to organize land use arrangements and investment arrangements between ministries/agencies through the stipulation of Presidential Decree No. 1 of 2022 concerning the Task Force for Land Use Arrangement and Investment Arrangement. Based on the results of the evaluation from the Task Force, if the Mining Business License Holder does not fulfill the obligations stipulated in the mining business license and the provisions of the laws and regulations, they will be subject to administrative sanctions, ranging from sanctions in the form of written warnings to revocation of mining business permits.

Juridically according to Article 117 of Law no. 3 of 2020 the expiry of the mining license is due to being returned, revoked, or expired. Then, Article 119 of Law no. 3 of 2020 stipulates that revocation can be carried out for mining licenses that meet the conditions. First, the mining license holder does not fulfill the stipulated obligations and the provisions of the laws and regulations. Second, mining license holders commit criminal acts as referred to in this law. Third,

mining license holders are declared bankrupt.

The control right owned by the state over natural resources in the form of minerals or mining materials means that the state holds the power to control and exploit all mineral resources in the mining jurisdiction of Indonesia. This includes the power of the state to formulate policies and actions in managing, managing and supervising (Wirahadi Wirahadi Putra, 2015).

Prior to Law No. 3 of 2020, control of minerals and coal by the state is carried out by the Government and/or Regional Governments. After the changes were made, the control of minerals and coal by the state was held by the Central Government, so that currently the authority to revoke mining license belongs to the Central Government, namely the President who is assisted by the Vice President and the Minister.

In Article 1 number 40 of Government Regulation No. 96 of 2021 concerning Implementation of Mineral and Coal Mining Business Activities explains "The Central Government is the President of the Republic of Indonesia who holds the power of the Government of the Republic of Indonesia who is assisted by the Vice President and Ministers as referred to in the 1945 Constitution of the Republic of Indonesia". The Minister in question is the Minister who administers government affairs in the field of Mineral and Coal Mining (Ministry of Energy and Mineral Resources).

The authority of the Minister of Energy and Mineral Resources to revoke mining business permits is an attribution authority, in which the responsibility for authority rests with the relevant Government Agency/Official, namely the Minister of Energy and Mineral Resources. This authority can be delegated to other Government Agencies/Officials, for example to the Minister of Investment/Head of the Investment Coordinating Board.

The phenomenon of delegation of authority to revoke permits in the field of mineral and coal mining occurred in early 2022. On January 6, 2022, the Central Government through the Minister of Investment carried out a massive IUP revocation in a short time. The government is targeting 2,343 mining licenses to be revoked in 2022. The Ministry of Investment noted that up to April 24 2022, 1,118 mining licenses had been revoked (Direktorat Jenderal Bea dan Cukai Kementerian Keuangan, 2022).

The Minister of Investment carries out the revocation of mining business permits in his capacity as a Government Official who has delegated authority to issue permits in the field of mineral and coal mining. The purpose or objective of the formal product of a government administration procedure is an administrative decision that contains provisions regarding the rights and obligations obtained by individuals or other members of the public in administering government. The decision can be in the form of a State Administrative Decision. Every State Administrative Decree issued by a State Administration Officer describes the relationship between the Government and its Citizens, so that the point of contact between the interests of the Citizens and the Government in an administrative context always leads to the issuance and enactment of a State Administrative Decree (Irvan Mawardi, 2016).

Thus, it is very closely related to the implementation of the revocation of mining business licenses with the Law on Government Administration, this is because the Decree from the Minister of Investment is a State Administrative Decree. Therefore, State Administrative Decisions become objects of state administration, so they must refer to the provisions of the law which form the basis for the regulation regarding State Administration Decisions, namely Law No. 30 of 2014 concerning Government Administration.

Based on the reasons mentioned above, the author raises this theme as research so that we can find out about the latest regulatory developments regarding the imposition of administrative sanctions in the form of license revocation through investment management policies in Indonesia. To limit the discussion of the description above, the problems formulated in this study are as follows:

1. What is the authority and implementation of mining license revocation through investment management policies in Indonesia?
2. How is the fulfillment of the conditions for the revocation of mining license through investment management policies in Indonesia?

Methodology

The research method of this article uses normative legal research methods, examines the current laws and regulations in force in Indonesia, both in the form of laws and implementing regulations. The discussion on laws and regulations focuses on primary legal materials, and secondary legal materials.

Primary legal materials are in the form of laws and regulations in the field of Mining and Coal, laws on Government Administration and other laws and regulations governing the

termination of permits, while secondary legal materials are obtained through literature studies from various documents in the form of works, books and periodicals that discuss regarding mineral and coal mining business. Data collection uses a literature study that aims to find and obtain basic information about the imposition of administrative sanctions in the form of revocation of mining business permits in Indonesia.

Result & Discussion

Authority and Implementation of Mining Business Permit Revocation

In Article 12 paragraph (1) letter a Law No. 30 of 2014 concerning Government Administration, it is stated that Government Agencies and/or Officials obtain authority through attributions regulated in the 1945 Constitution and/or laws. Then, in paragraph (3) of Article 12 of Law no. 30 of 2014 states that attribution authority cannot be delegated, except for provisions in the 1945 Constitution and/or laws. If you look at the provisions of Law no. 3 of 2020 concerning Mineral and Coal Mining, in terms of revocation of mining business licenses, the authority of the Minister of Energy and Mineral Resources to revoke permits is an attribution authority, namely an authority originating from law.

Then, Government Regulation no. 96 of 2021 concerning Implementation of Mineral and Coal Mining Business Activities, explains that the Minister in question is the Minister who carries out government affairs in the mineral and coal mining sector, namely the Minister of Energy and Mineral Resources. Based on Presidential Regulation No. 68 of 2015 concerning the Ministry of Energy and Mineral Resources and Minister of Energy and Mineral Resources Regulation no. 15 of 2021 concerning Organization and Work Procedure, the Ministry of Energy and Mineral Resources has the task of administering government affairs in the energy and mineral resources sector to assist the President in administering state government. Therefore, the Ministry of Energy and Mineral Resources has the authority to formulate and determine policies in the field of guidance, control and supervision in the field of mineral and coal mining (Kementerian ESDM, 2022).

In particular, the authority to revoke mining business permits owned by the Minister of Energy and Mineral Resources has been delegated to the Minister of Investment. The basis for the delegated authority to revoke mining business permits to the Minister of Investment is Minister of Energy and Mineral Resources Regulation No. 19 of 2020 which regulates the delegation of authority to issue and terminate mining business permits from the Minister of Energy and Mineral Resources to the Minister of Investment (Ahmad Redi, 2022).

Regulation of the Minister of Energy and Mineral Resources No. 19 of 2020 was enacted because of Presidential Regulation no. 97 of 2014 concerning the Implementation of One Stop Integrated Services, namely as stipulated in Article 7 paragraph (2) of Presidential Regulation No. 97 of 2014 that "Delegation or Delegation of Authority as referred to in paragraph (1) letter a is stipulated through a Technical Ministerial Regulation/Head of Institution".

On the basis of this delegation, since January 6 2022, the Minister of Investment has revoked a number of thousands of mining business licenses as previously explained. Permit revocation is carried out based on the evaluation results from the Task Force. In Article 3 of Presidential Decree No. 1 of 2022, the Task Force has the task of mapping land use for mining, plantation and forest utilization activities as a result of the revocation of mining business permits, business use rights or building use rights, and forest area concession permits. Provide recommendations to the Minister of Investment to revoke said permits, and stipulate policies on the use of land whose licenses have been revoked as well as to coordinate and synergize in land use and investment arrangements for people's welfare.

The Task Force consists of a Chair, Deputy Chair, Executive Members, and Secretariat. Minister of Investment as Chair, Minister of Energy and Mineral Resources, Minister of Environment, and Minister of Agrarian Affairs as Deputy Chair. Composition of Executive Members consisting of the Director General, and Deputy Sector from each related Ministry. In carrying out its duties, the Task Force is assisted by a Secretariat based at the Ministry of Investment.

Based on the results of the evaluation carried out by the Task Force, there are 2 (two) main reasons for the revocation of the permit against the imposition of the sanction for the revocation of the IUP, namely the business actor does not submit a work plan and budget, and/or the business actor does not have actual activities during the term. certain time. Then, the basis for the revocation of the permit is the provisions of Article 119 of Law no. 3 of 2020 concerning Mineral and Coal Mining which authorizes the Minister to carry out supervision up to the revocation of permits (Sihol, 2022).

According to Article 119 of Law No. 3 of 2020 mentioned above, the mining business license can be revoked by the Minister if it fulfills the conditions. First, the permit holder does not fulfill the obligations contained in the mining business permit or the provisions of the laws and regulations. Second, the permit holder commits a criminal act as referred to in Law no. 3 of 2020 concerning Mineral and Coal Mining. Third, the permit holder is declared bankrupt.

Further explanation regarding the imposition of administrative sanctions in the form of revocation of mining business permits (Article 185 paragraph (2) letter c of Government Regulation No. 96 of 2021) without going through the stages of imposing administrative sanctions in the form of written warnings and temporary suspension of part or all of the Exploration or Production Operations activities in certain conditions regulated in Article 188 of Government Regulation No. 96 of 2021 concerning Implementation of Mineral and Coal Mining Business Activities. First, criminal violations committed by license holders based on court decisions that have permanent legal force. Second, the results of the Minister's evaluation of permit holders that have caused environmental damage and have not implemented good mining techniques. Third, the permit holder is declared bankrupt in accordance with statutory provisions.

The Minister of Investment provides an opportunity for permit holders who object to the issuance of a decision regarding license revocation to submit an objection letter. A total of 700 permit holders submitted objections to the Minister of Investment, i.e. at the end of September 2022 there were 700 IUP holders who submitted objections to the implementation of license revocation which was carried out by the Central Government since early 2022. The Central Government through the Minister of Investment followed up objections from Business Actors who subject to sanctions revocation of the license by conducting an evaluation.

The result of the evaluation carried out by the Minister of Investment is that several revocations of mining business permits were reinstated. Recovery was carried out in several stages, in the first stage there were 83 to 90 licenses recovered from a total of 213 mining business permits evaluated. In the second phase, 115 permits were deemed to have met the recovery requirements (in the recovery process) out of a total of 219 permits. In the third stage, there are 300 other mining business licenses that will go through an evaluation process.

However, not all objection letters from Mining Business License Holders received a response. Where after 12 days of objection legal efforts submitted to the Minister of Investment to ask for clarification regarding the license revocation did not receive a response. Furthermore, the holder of a Mining Business Permit who did not receive a response made an administrative appeal against the President, but no decision was issued on the administrative appeal. Thus, Business Actors who feel aggrieved by the cancellation of the mining business license filed a lawsuit with the Jakarta State Administrative Court.

Policies on land use regulation and investment management must be understood as steps that need to be carried out in a coordinated manner between ministries/agencies. This policy is appropriate for permit holders who have been granted permits but have not worked on or processed them so that the mining business permit area becomes idle land, as well as permit holders who do not fulfill their obligations to submit a work plan and budget.

However, on the other hand there are holders of mining business permits who have not been proven to have committed a violation as the substance of the decision to revoke the permit which makes the provisions of Article 119 Law No. 3 of 2020 as the basis for license revocation so that administrative sanctions in the form of revocation of mining business permits are canceled through a Decision of the Jakarta State Administrative Court which has permanent legal force. Some of these decisions are as follows:

1. Decision Number 126/G/2022/PTUN-JKT in the case between PT Genba Indo Resources as the Plaintiff against the Minister of Investment/Head of the Investment Coordinating Board of the Republic of Indonesia as the Defendant. Amar from this decision granted the Plaintiff's claim in its entirety, declaring null and void the Decree of the Minister of Investment/Head of the Investment Coordinating Board on behalf of the Minister of Energy and Mineral Resources Number: 20220110-01-18819 dated 10 January 2022, ordering the defendant to revoke the Decree of the Minister of Investment/Head The Investment Coordinating Board on behalf of the Minister of Energy and Mineral Resources Number: 20220110-01-18819 dated 10 January 2022.
2. Decision Number 127/G/2022/PTUN.JKT in the case between PT ABADI NIKEL NUSANTARA as the Plaintiff against the Minister of Investment/Head of the Investment Coordinating Board of the Republic of Indonesia as the Defendant. Amar from this decision granted the Plaintiff's claim in its entirety, declaring null and void the Decree of the Minister of Investment/Head of the Investment Coordinating Board on behalf of the Minister of Energy and Mineral Resources Number: 20220218-01-57864 dated 18 February 2022, ordering the defendant to revoke the

- Decree of the Minister of Investment/Head The Investment Coordinating Board on behalf of the Minister of Energy and Mineral Resources Number: 20220218-01-57864 dated 18 February 2022.
3. Decision Number 197/G/2020/PTUN-JKT in the case between PT. Multi Perkasa Lestari as the Plaintiff against the Minister of Investment/Head of the Investment Coordinating Board of the Republic of Indonesia as the Defendant. Amar from this decision granted the Plaintiff's claim in its entirety, declaring null and void the Decree of the Minister of Investment/Head of the Investment Coordinating Board on behalf of the Minister of Energy and Mineral Resources Number: 20220405-01-65367 dated 05 April 2022, ordering the defendant to revoke the Decree of the Minister of Investment/Head The Investment Coordinating Board on behalf of the Minister of Energy and Mineral Resources Number: 20220405-01-65367 dated 05 April 2022.
 4. Decision Number 236/G/2020/PTUN-JKT in the case between PT. Prospects for Bumindo Sejahtera as the Plaintiff against the Minister of Investment/Head of the Investment Coordinating Board of the Republic of Indonesia as the Defendant. Amar from this decision granted the Plaintiff's claim in its entirety, declared the revocation of permit Number: 20220818-01-97206 dated 18 February 2022 null and void, ordered the Defendant to revoke the revocation of permit Number: 20220818-01-97206 dated 18 February 2022.
 5. Decision Number 151/G/2020/PTUN-JKT in the case between PT Ganda Dinamika as the Plaintiff against the Minister of Investment/Head of the Investment Coordinating Board of the Republic of Indonesia as the Defendant. Amar from this decision granted the Plaintiff's claim in its entirety, declared the cancellation of permit Number: 20220301-01-25831 dated March 5, 2022, ordered the Defendant to revoke the revocation of permit Number: 20220301-01-25831 dated March 5, 2022.
 6. Decision Number 349/G/2020/PTUN-JKT in the case between PT. Bumi Persada Surya Pratama as the Plaintiff against the Minister of Investment/Head of the Investment Coordinating Board of the Republic of Indonesia as the Defendant. Amar from this decision granted the Plaintiff's claim in its entirety, declaring null and void the Letter of Withdrawal of Permit Number: 20220218-01-33696 dated 18 February 2022, requiring the Defendant to revoke the Letter of Withdrawal of Permit Number: 20220218-01-33696 dated 18 February 2022 on behalf of PT. Bumi Persada Surya Pratama.

Fulfillment of Mining Business Permit Revocation Requirements

Mukmin Muhammad (2021: 31) explains that when viewed from a theoretical point of view, the Government in making decisions must pay attention to the terms or conditions, because a decision will arise which contains deficiencies so that with deficiencies it will cause the decision to become invalid (*niet rechtsgelding*).

Hidayat Pratama Putra (2020: 37) explains the Van Der Pot Theory which divides legal requirements (legal requirements) for decisions into 2 (two) groups, namely material requirements and formal requirements. Material requirements are a state tool that makes decisions must be in power, in the will of state instruments that make decisions it cannot be less, decisions must be based on certain conditions/situations, and decisions must be made without violating other regulations according to "content and objectives" in accordance with the rules that form the basis of the decision, while formal requirements are conditions that are determined in connection with the preparation of requirements and refer to the way a decision is made that must be fulfilled, the decision must be given a specified form, the conditions specified in connection with the implementation of the decision must be fulfilled, and the time period determined between the occurrence of the things that caused the decision to be made and the decision to be announced cannot be skipped.

Then, E. Utrecht summarized the legal requirements of the Van Der Pot theory into 4 (four) parts, namely: a) Decisions must be made by the governing bodies/organs (*bevoegbd*), that is, who made it; b) Because the decision is a statement of will (*wilsverklaring*), then the formation of the will must not contain juridical deficiencies (*geen juridische gebreken in de wilsvorming*); c) The regulation must be given the form (form) stipulated in the regulations that form the basis, and the maker must also pay attention to the method (*prosedure*) make that decision, if the method is regulated strictly (clearly) in the ground rules; d) The contents and objectives of the regulations must be in accordance with the contents and objectives of the basic regulations.

Based on the opinion of the legal expert, it can be stated that the aspects that are legal requirements for a decision include aspects of authority, aspects that do not contain juridical

deficiencies or are without legal defects, aspects of form and procedure (procedures) as well as aspects of content and purpose.

Juridically based on Article 52 paragraph (1) of Law no. 30 of 2014 concerning Government Administration there are 3 (three) requirements for a decision to be declared valid, namely: a) Determined by an authorized official; b) Made according to the procedure; and c) Substance that is in accordance with the object of the decision.

As pointed out by Asmuni (2017: 47), previously there were no laws that were general in nature (general rules) governing the legal requirements of a State Administrative Decision so that each institution made conditions according to the tastes of the institution itself in the form of Administration. Service Manuscripts. The legal requirements for a State Administrative Decree listed in the Law on Government Administration should have been taken into account so that the purpose of setting out the legal requirements for general state administrative decisions (*general rules*) can be realized (Asmuni, 2017).

In connection with the legal requirements for a decision in the form of authority, in the revocation of a mining business license through an investment management policy, the requirement for full authority. The Minister of Energy and Mineral Resources has the authority to attribute the control of minerals and coal through the functions of policy, regulation, administration, management and supervision. Based on the attribution authority, the submission authority is handed over to the Minister of Energy and Mineral Resources as the *delegans* (authorized giver) to the Minister of Investment as the *delegaris* (authorized recipient). Thus, the Minister of Investment revoked the revocation of mining business permits based on Minister of Energy and Mineral Resources Regulation No. 19 of 2020 which specifically regulates the transfer of authority to grant and/or terminate permits in the mineral and coal mining sector in the context of implementing one-stop integrated services.

Stipulation of Minister of Energy and Mineral Resources Regulation No. 19 of 2020 is listed in the provisions of higher laws and regulations, namely Presidential Regulation No. 97 of 2014 which regulates the implementation of one-stop integrated services, that the delegation of authority in the context of one-stop integrated services is stipulated through a Technical Ministerial Regulation/Head of Institution.

Then, related to the legal requirements of the decision in the form of procedures. In the revocation of a mining business permit through an investment arrangement policy, the procedural requirements are met. Given that the imposition of administrative sanctions in the form of revocation of permits is carried out through evaluation from the Task Force formed based on Presidential Decree No. 1 of 2022 concerning the Task Force for Land Use Arrangement and Investment Arrangement. With 2 (two) main things that are the reason for the revocation of permits, namely not submitting a work plan and budget and/or not having actual activities for a certain period of time.

The initial purpose of establishing Presidential Decree No. 1 of 2022 is for structuring land use and structuring investment in order to increase effectiveness and efficiency for optimizing the use of natural resources. Therefore, the imposition of sanctions for revocation of mining business permits through an evaluation from the Task Force is understood as an effort to reorganize land use which is carried out in coordinated steps between ministries, thus making consideration of terminating mining business permits on the grounds that mining business permit holders do not submit work plans and budget, and/or failure to actualize activities for a certain period of time can be used as a basis for imposing administrative sanctions in the form of license revocation.

Regarding the legal requirements of the decision in the form of substance, in the revocation of the mining business license the conditions for substance were not fulfilled because the Decree did not explain what substance the license holder committed. The obligations referred to in the provisions of Article 93, Article 95 letters a to letter e, and Article 97 of Law no. 3 of 2020.

The imposition of license revocation sanctions is not supported by legal reasons or sufficient factual reasons so that the mining business permit holder does not know the reason why the decision was made, while this reason is necessary for the mining business permit holder as the party who is burdened and harmed by the imposition of a permit revocation sanction to defend interest in the decision to revoke the license. It would be more thorough and mature if the inclusion of the legal basis was accompanied by an explanation of the mistakes made by the mining business permit holder.

Marbun (2012: 221) argues, apart from juridical reasons there are also non-juridical reasons (facts) which are described in a decision so that the reasons for facts must contain convincing and correct facts. The decision to revoke the mining business license does not describe

the factual reasons which form the basis for implementing the license revocation, the Government only outlines the basic provisions without explaining the basic facts. The Government is of the opinion that the implementation of the license revocation is carried out by the Investment Task Force based on Presidential Decree No. 1 of 2020 with the reason for revoking the permit, namely not submitting a work plan and budget and/or not having realized activities for a certain period of time.

However, the results of the evaluation should have been included as the reason for the revocation, especially in the decision to revoke a mining business license because this is related to the principle of due diligence as part of the general principles of good governance. The principle of accuracy or thoroughness needs to be considered when preparing a decision so that all relevant factors, interests and circumstances are taken into account. Against decisions that do not contain sufficient consideration (*onvoldoende gemotiveerd*) must be cancelled. Therefore, the Government must be more careful and mature when preparing appropriate legal regulations related to revocation by explaining obligations that are not fulfilled by Business Actors (Enrico Simanjuntak, 2022).

Juridically, Article 64 paragraph (2) of Law no. 30 of 2014 states that the decision to revoke a permit should include the legal basis for revocation and pay attention to the general principles of good governance. The formal requirements for a State Administrative Decision include conditions related to the preparation for making a State Administrative Decision and the method for making a State Administrative Decision must be fulfilled. With respect to statutory regulations as a condition for the validity of State Administrative Decisions, a State Administrative Decision is contrary to the applicable laws and regulations if the decision in question is contrary to the provisions of the procedural/formal laws and regulations (Riawan Tjandra, 2018: 162).

Mining business license holders need to know clearly the reason for the breach of the mining business license holder's obligations as regulated in the mining business license or laws and regulations referred to in the legal basis of the decree on license revocation. In addition to conformity with laws and regulations, attention needs to be paid to substance because in terms of economic factors, the utilization of business in the field of mineral resource mining is limited, investment risk is very high, capital and technology intensive, preparation before mining takes a long time, more or less 5 years (Gatot Supramano, 2012).

There are several types of risks in the mining sector, namely geological (exploration) risks related to the uncertainty of the discovery of reserves (production), technological risks related to cost uncertainties, market risks related to price changes, and government policy risks related to changes in taxes and domestic prices (Adrian Sutedi, 2012).

With regard to the impact of development activities in the mining sector, namely, providing real added value to the growth of the national economy, increasing local revenue, accommodating workers, especially the people around the mine, improving the economy of the community around the mine, increasing the micro-enterprises of the community around the mine, improving the quality of the community (human resources) around the mine, as well as improving the health status of the community around the mine (Salim HS, 2017).

The extreme and excessive steps of the Ministry of Energy and Mineral Resources and the Ministry of Investment are disproportionate when it is related to the fact that the type of business involved in Mining Business Actors is an extractive field which is capital intensive in nature. Of course, this needs to be a common concern so that a fair recovery is realized for all, if it is linked to the enthusiasm and government programs in the context of economic recovery through job creation through a conducive investment climate after the Covid-19 pandemic. The statement quoted the considerations of the panel of judges in the decision of the Jakarta State Administrative Court in Decision Number 127/G/2020/PTUN.JKT which was decided at the Deliberation Meeting of the Panel of Judges of the Jakarta State Administrative Court, on Friday, October 21, 2022.

With these reasons, the legal requirements of the decision in the form of substance in the decision to revoke a mining business license that are not in compliance can be revoked. In the provisions of Article 56 of Law no. 30 of 2014 describes the legal consequences of not fulfilling the legal requirements for a decision. If a decision does not meet the requirements for authority, then it becomes an invalid decision, whereas if it does not meet the procedural and substance requirements, then it becomes a decision that is null and void.

In connection with the filing of objections by a number of mining business license holders to the decision to revoke the permit determined by the Minister of Investment based on an evaluation from the Task Force on the stipulation of Presidential Decree No. 1 of 2022, there are similarities in objections related to the substance of the decision, namely the question of the lack

of explanation regarding the violation of the mining business permit holder's obligations in the legal basis for the decision to revoke the permit so that the permit holder believes that the sanction for revocation of the permit is imposed unilaterally without providing clear reasons.

Conclusion

The Minister of Investment has the authority to revoke business licenses in the field of mineral and coal mining based on Minister of Energy and Mineral Resources Regulation No. 19 of 2020 which regulates the delegation of authority to grant and terminate mining business permits from the Minister of Energy and Mineral Resources to the Minister of Investment. Based on this delegation, the Minister of Investment revoked a number of thousands of mining business permits based on the evaluation results from the Task Force. There are 2 (two) main reasons for the revocation of permits, namely Business Actors do not submit a work plan and budget (RKAB), and/or Business Actors do not have actual activities for a certain period of time. The basis for license revocation is the provisions of Article 119 of Law no. 3 of 2020 which gives authority to the Minister to carry out supervision until the license is revoked.

It is very closely related to the imposition of administrative sanctions in the form of revocation of mining business licenses with the Law on Government Administration which forms the basis for regulating a decision. Fulfillment of the conditions for the revocation of a mining business license must be met. If the procedural and substantive requirements are not met, the decision regarding the revocation of the license becomes a decision that is null and void. The government must be more careful and mature when preparing appropriate legal regulations regarding revocation by explaining obligations that are not fulfilled by Business Actors. Considering that business in the field of mineral resource mining has limited utilization, the investment risk is very high, it is capital and technology intensive and preparation before mining takes a long time, namely more or less five years.

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