

# Role of Indigenous People Institutions in Efforts to Reduce Mining Actions of C-Class Quarry Sand

1<sup>st</sup> Hesty Tambajong

State Administration Department,  
Faculty of Social and Political Science,  
Universitas Musamus  
Merauke, Indonesia  
[hestytambajong@yahoo.co.id](mailto:hestytambajong@yahoo.co.id)

2<sup>nd</sup> David Laiyan

State Administration Department,  
Faculty of Social and Political Science,  
Universitas Musamus  
Merauke, Indonesia  
[fransin.ratih@gmail.com](mailto:fransin.ratih@gmail.com)

3<sup>rd</sup> Fransin Kontu

State Administration Department,  
Faculty of Social and Political Science,  
Universitas Musamus  
Merauke, Indonesia  
[davidlaiyan@unmus.ac.id](mailto:davidlaiyan@unmus.ac.id)

4<sup>th</sup> Alexander Phoek Tjilen

State Administration Department,  
Faculty of Social and Political Science,  
Universitas Musamus  
Merauke, Indonesia

5<sup>th</sup> Nur Djalal

State Administration Department,  
Faculty of Social and Political Science,  
Universitas Musamus  
Merauke, Indonesia

6<sup>th</sup> Yenni Pintauli Pasaribu

Chemistry Education Department,  
Faculty of Teacher Training and  
Education  
Universitas Musamus  
Merauke, Indonesia  
[pasaribu@unmus.ac.id](mailto:pasaribu@unmus.ac.id)

7<sup>th</sup> Yorinda Buyang

Chemistry Education Department,  
Faculty of Teacher Training and  
Education  
Universitas Musamus  
Merauke, Indonesia  
[yorindabuyang@gmail.com](mailto:yorindabuyang@gmail.com)

8<sup>th</sup> Ingrid Marlissa

Mathematics Education Department,  
Faculty of Teacher Training and  
Education  
Universitas Musamus  
Merauke, Indonesia  
[inggrid\\_fkip@unmus.ac.id](mailto:inggrid_fkip@unmus.ac.id)

**Abstract**—The Merauke Regency Government has officially issued Regional Regulation Number 6 of 2008 concerning Environmental Conservation, which regulates sand mining of C-class quarry. As for all this time the community has been carrying out C-class sand mining activities continuously and without permission. This action resulted in coastal abrasion and had the effect of threatening the existence of Marind people who inhabited the coastal areas of Merauke. This research aimed to explain the role of Indigenous Peoples Institutions in an effort to reduce the actions of sand mining in question. This is very necessary because the customs of the coastal community have an attachment to the Marind Indigenous Peoples Institution which is the holder of customary rights to ulayat land in Merauke regency. The research method used in this research was descriptive qualitative with data collection techniques are observation and interview, while data analysis used data reduction, data presentation, verification, and conclusions. The results of this research indicate that strengthening the role of the Marind Indigenous Peoples Institution is to advocate and provide assistance to the community and intervene through the Sasi tradition which is expected to influence changes in attitudes of the community to be more aware of excessive sand mining.

**Keywords**—the role of Indigenous Peoples Institutions, C-class quarry mining

## I. INTRODUCTION

Indonesia has entered the era of reform and then begun rolling regional autonomy in all provinces throughout Indonesia in accordance with Law Number 32 of 2004 concerning Regional Government, which provides confirmation that local governments are given the opportunity to take care of their own households and

communities by utilizing and empowering various resources owned by the region[1].

Merauke Regency, which is also a province of Papua, has also begun to move to optimize various resources it possesses, one of which is the mining sector where Papua is also known for its rich quarry (mining). Quarry materials include gold, silver, copper, petroleum, gas, coal, clay, sand soil or C-class quarry. As for the mining of this C-class quarry material, it has been illegally carried out by companies in coastal areas of Merauke city. This condition has a bad impact and threatens the lives of the people and ecosystems in coastal areas due to the faster coastal abrasion caused by these conditions. The people who inhabit the coastal areas also feel anxious about this mining activity and until now they have not been able come up with the right solution. In the coastal areas of Merauke Regency, the majority are native to the Merauke tribe, the Marind tribe, who have long maintained all the natural resources they have in order to be used regularly and wisely. This situation is felt as an opportunity to further encourage the participation of indigenous people to continue to protect the coastline in question from illegal mining activities.

This safeguarding and maintaining activity can be carried out by starting to provide greater opportunities to the Marind Anim Indigenous Peoples Institution (LMA), which is currently playing a role in assisting coastal communities to overcome this problem. The presence and role of the Marind Anim Indigenous Peoples Institution (LMA) in the coastal areas of Merauke regency can be a

liaison between the government and the community as well as a guard ensuring that all available natural resources can be used wisely. A strengthening process is needed for the said institution in terms of making mentoring programs for the prevention and rehabilitation of illegal mining and providing special training for institutional administrators to be able to provide assistance to coastal communities to slowly help reduce illegal sand mining activities that have occurred.

## II. RESEARCH METHOD

This research used a qualitative approach with descriptive methods to examine empirical conditions in the field, which is then juxtaposed with various theories related to the object under study. The focus of the research problem was the Role of Indigenous Peoples Institutions in an effort to reduce the mining of C- class quarry. The source of research data was obtained through observation of empirical conditions that occurred in the field and then juxtaposed with literature review. Data analysis used interactive model analysis techniques including three stages of data reduction, data presentation, and conclusions[2].

## III. RESULTS AND DISCUSSION

### A. Results

#### 1) Indigenous Peoples Institution

Institutions are usually defined as established patterns of human behavior, consisting of social interactions structured in a relevant value framework. The existence of institutions is limited by two basic elements. The first is the structural element referring to the system of relations governed by an institution. The second is the element of belief, which is a basic element of an institution. Where an indigenous peoples institution is a social organization that is intentionally formed or which has naturally grown and developed in the history of certain customary indigenous communities with legal territories and property rights in the customary law, and have the right and authority to regulate, manage and resolve various life problems relating to and referring to custom and customary law in force. Indigenous Peoples Institutions are tasked with fostering and preserving culture and customs as well as the relationship between traditional leaders and the local village government. There are several functions of Indigenous Peoples Institutions:

1. Accommodating and channeling the aspirations of the community to the village government or sub-district head, and resolving disputes concerning customary law and community habits;
2. Empowerment and preservation as well as the development of customs and habits in order to enrich the culture of the community and empower the community in supporting the implementation of village and sub-district administration, implementation of development and establishment of community.

3. Creating a democratic and harmonious and objective relationship between the customary head or customary stakeholders with village government officials[3].

The Marind indigenous people's institution that is in a customary way has been the holder of the ulayat land rights in the Merauke Regency region has several functions: planning, directing, synergizing development programs in accordance with the customs values developed in the community in order to realize harmony, conformity, balance, justice and community welfare. In addition, In digenous Peoples Institution function as a means of control, security, tranquillity, community harmony either preventive or repressive[4].

#### 2) Mining Concept

Mining is part or all phases of activities in the framework of research, processing and exploiting minerals or coal covering general research, exploration, study of construction, mining, processing and purification, transportation and sales activities, as well as mining activities (Law No. 4 of 2009 Article 1 point 1). In the Great Dictionary of the Indonesian language, mining is to extract (take) mining materials from the ground. Then the mining business is essentially the business of extracting quarries from the earth[5]. Mining quarries are mostly found in remote areas with dense forests, such as hills and mountains or plain areas with environmental conditions that have not been disturbed, or the community whose social life has not been touched by the development of technological progress. Mining products can be in the form of gold, coal, petroleum, natural gas and other materials such as rocks and sand, or what is called 'C' class quarry which is used for construction purpose[6]. Article 33 paragraph 3 of the 1945 Constitution states that the earth and water and natural resources contained therein are controlled by the State and used for the greatest possible prosperity of the people so that the responsible management of the regional government is concerned with the regulation, licensing, guidance and supervision of mining.

According to [7], the mining business is an activity to optimize the utilization of the natural resources of the mining (quarries) contained within the earth. Government authority in mining management includes a. licensing, which aims to control and supervise the government on activities in certain matters whose provisions contain guidelines that must be carried out by those who have an interest or by an authorized official; b. mining, as a series of activities in the context of search efforts, or the control, management, utilization and sale of quarries; c. transportation, as a series of work done to transport materials or ore deposits from one place (mine) to another place (landfill/ processing place); d. Collection/retribution, a levy on certain activities provided by the regional government in the framework of granting permission to an individual or entity intended to guide, regulate, control and supervise the use of space, the use of natural resources, goods, infrastructure, facilities or certain facilities.

## B. Discussion

### 1) Role of Indigenous Peoples Institutions (LMA) Assistance to Indigenous Peoples Institutions

Considering the importance of supervision of excessive and unlicensed C-class quarry mining business, Indigenous Peoples Institutions together with the government should take care of and control all forms of mining businesses in Merauke. One of the actions that can minimize mining business is by providing assistance and supervision efforts to the excessive and unlicensed mining of C-class quarry. Some indicators are preventive supervision and repressive supervision. The efforts from customary institutions in assisting and supervising the actions of mining class-C quarries to minimize the occurrence of irregularities in the situation or condition that exists in the field are through socialization and licensing. Socialization is the delivery or form of notification to the public regarding mining. The socialization is carried out by Indigenous Peoples Institutions along with the mining service so that the community knows the actions taken by the miners who violate Law No. 4 of 2009 concerning Mineral and Coal Mining and Regional Regulation Number 12 of 2011 concerning Mineral Taxes Not Metals and Stones. Preventive supervision is carried out by Indigenous Peoples Institutions along with the Mining Agency in the form of socialization as a form of supervision that can prevent or minimize the occurrence of environmental damage and illegal mining. Although this socialization activity has not touched many related parties in the mining business, there is still a minimum impact of the mining. The socialization carried out by the Mining Agency was intended so the community would know the actions taken by the miners who violated Law Number 4 of 2009 concerning Mineral and Coal Mining and Regional Regulation Number 12 of 2011 concerning Mineral Taxes Not Metals and Stones. Socialization is a useful tool to convey or inform related parties or the community around how to mine in a correct and proper way in order to find out the positive and negative impacts of miners' activities. In the mining business, the socialization must be carried out as often as possible so that the miners better understand the impact of the mining business.

### 2) Customary *sasias* an effort to reduce sand mining

The various local wisdom that is owned by the community inhabiting a certain area, starting from customary rules, traditional ceremonies and folklore, are traditions used to regulate the lives of indigenous peoples side by side and in harmony with the surrounding environment. The wealth of local wisdom possessed by a region also plays a role in providing an understanding of awareness to protect the natural environment around the indigenous people who inhabit the area. Merauke Regency is one of the regions in Indonesia that has its own local wisdom, one of which the *Sasi* culture that can be used to preserve the environment. The use of *Sasi* customary culture can be used in a variety of opportunities to regulate

the use and utilization of an area or natural resources. The implementation of the *Sasi* custom in practice is often marked with the natural materials such as coconut leaves and *Teb* grass and *Anggin* flowers. So far, based on the results of the analysis in the field, the *Sasi* customs have not been maximally used in controlling the mining of C-class quarry sand occurring on the coast of Merauke. The application of the *Sasi* custom which is supposed to be used to regulate and maintain the environmental ecosystem is felt to be not maximally used as a way to reduce sand mining activities carried out so far. This condition increasingly makes sand mining more widespread and starts to enter customary land or sub-village. Sand mining activities that have been carried out also have an impact on the damage to the environment, so it threatens *Marind* people inhibited in the coast of Merauke with frequent occurrence of seawater flooding and coastal abrasion disasters.

*Sasi's* cultural intervention in practice in the coastal region of Merauke has not been used by Indigenous Peoples Institutions to encourage public awareness to control and reduce sand mining activities in question. This also happens because there is no clear customary law regarding this matter. In its utilization, there are already Regional Regulations on how to use and manage to mine of C-class quarry sand, but sand mining activities are still carried out irregularly, so it should be strengthened by the presence of strict *Sasi* customary law through Indigenous Peoples Institutions as customary law that can prevent and even reduce the sand mining activities. Therefore, Indigenous Peoples Institutions should take part in the intervention of turning *Sasi* customary culture into customary law to control and reduce sand mining activities in the coastal areas of Merauke Regency.

## IV. CONCLUSION

Based on the description of the discussion, the research results on the role of Indigenous Peoples Institutions on the mining of C-class quarry in Merauke Regency is to minimize the existence of unlicensed and continuous mining so as to reduce irregularities and environmental damage. There are numbers of efforts carried out by Indigenous Peoples Institutions, like mentoring and monitoring the C-class quarry mining which is carried out continuously and unlicensed. Preventive supervising efforts have not been running maximally due to the lack of socialization from indigenous Peoples Institution together with the local government to the miners or the local community and there are still many mines that do not have mining permits. Supervision carried out in a repressive manner like giving a reprimand and sanctions have not yet been carried out as there is no clear sign given to the party who committed the violation. Preventive and repressive supervision is already underway but not maximally done in accordance with the rules that have been set due to lack of socialization on the mining which has involved many parties, and due to weak supervision resulting in running the mining without permission. The factors that influence the supervision of Indigenous Peoples Institutions and

government in class C-class quarry mining business in Merauke Regency are human resources and community participation.

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