

Civilized Ecological Justice: Critics upon Pollution Management Policy as the Coal Mining Boom's Impact in Indonesia

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ABSTRACT

This study examines the mining coal pollution management policy in Indonesia. This research is doctrinal research using inductive-deductive logic using library materials. The data was then analyzed using qualitative methods. The results showed that, First, mining coal pollution in Indonesia having bad impacts to human being and biodiversity. The impacts described as health pollution, water pollution, and noise pollution which . Second, the development of environmental law and regulation are considered non-transparency which opposite with Indonesian principle of promulgation making. Some removed regulations indicate that its regulation becomes boon to the industry not to the folks yet. The people around the industry are affected by the pollution so does the biodiversity, this regulation does not reflects the values of justice. Third, Civilized ecological justice based on Adab values is then used as an offer to reconstruct the existing management policy so that the policy will be able to reflect all the virtues that come from the highest standards these are wisdom, courage, temperance, and justice. Thus, ecological justice as the result of the management policy making of the reflecting the essence of high virtue values and the requirements for correct knowledge because it is by its hierarchical level which, if implemented, will lead to fair conditions as reflected by Adab.

Key words : Civilized legal Justice, Ecological Justice, Policy, Pollution

Introduction

Humans have a detrimental impact on natural habitats due to various activities including deforestation, urbanization, roads, the energy sector (renewable and coal), mining, and climate change (Scanes, 2018). Developing countries struggle on two conflicting classes, issues caused by underdevelopment and caused by activities for economic development. In another word, developed country state policy is

generally environment-drive while developing country state policy is economic-driven. This includes the policy that should be pro-environment, thus make Good Mining Practice (GMP) become the spirit of the mining performers (Dwiki, 2018). Difficult economic circumstances have historically led Indonesian leaders to enact economic reforms, leading some to argue that bad times have resulted in good policy (Patunru and Rahardjo, 2015). Legitimate on coal mining is very important to be known

to showing the limit of justice from its management in coal mining, there are many opencast legal or illegal coal mining emerges around the world which impact the ecosystem especially for the residential around the industries (Lahiri-Dutt, 2016). Due to the State Action Plan to Reduce the Greenhouse Effect, Indonesia has also ratified the United Nations Framework Convention on Climate Change (under Law No. 6 of 1994) and the Kyoto Protocol (under Law No. 17 of 2004), this is focus on Policy on Climate Change. The Ministry of Environmental issued the guidelines for preparing the climate change adaptation action and has established a Control for Climate Change and Land and Forest Fire Unit which, among other things, facilitates the mitigation of climate change, an inventory of greenhouse gas, and the evaluation and reporting of local action plans in reducing greenhouse gases. According to the Law No. 32 of 2009 on The Management and Protection of the Environment (as amended by Law No. 11 of 2020 on Job Creation, "The Job Creation Law") the Environmental protection and management is a systematic and integrated effort carried out to preserve environmental functions and prevent environmental pollution and/or damage which includes planning, utilization, control, maintenance, supervision, and law enforcement.

The natural resource dispute is finally enclosed by ironic stories in the middle of the contested economic benefit (Ibrahim, Haryadi, and Wahyudin, 2018). Issues on environmental increasing the human selfish in managing the earth by their act and products of policy, climate changes everyday due to the earth's suffering, and human claiming that they have the right to managing the benefit of natural resources for their long liveness. Rawls in ecological justice claimed that all organisms have a claim in justice to a fair share of the planet's environmental resources (Koprina, 2014), means that human is not only the one who are having the absolute right to savoring the benefits of earth's resources. In the other side of ecological justice, it is refers to equitable distribution of environmental goods among human populations as well as between species. Its is often seen as a condition when members of disadvantaged, ethnic, and minority or other groups suffer disproportionately at the local, regional or national levels from environmental risks or hazards. The fight against climate change is fundamentally about human rights and securing justice for those suffering from its impact—vulnerable countries and

communities that are the least culpable for the problem (Robinson, 2018), this fights called as Climate Justice. This fighting of justice relate to health and balance environmental as well as human well being in this world because all creatures need a critical component of biodiversity (Nurhiyadah and Alam, 2020) which producing the heart of the world.

As the one of the world's top exporters of the fossil fuel and a nation which among the world's five largest coal producers and being the second largest coal exporter, Indonesia has contributing many natural resources through out the world since colonial era. Indonesia affecting many economic and social aspects in the worlds, because coal emerges many benefits in economy side although on another side is proven to have its very noxious effects on human health (Sanchez and Luan, 2018), it is also produces dusts and radiation which have a direct negative impact on the ecology, biodiversity, and health of the surrounding communities (Mishra and Das, 2017). Setyatwati (2021) described that the rapid development of Indonesia's economy in the recent decades has accelerated the exploitation of natural resources by the extractive industries and increased carbon emissions through higher energy consumption. Additionally, the persistent enthusiasm for coal energy and the ambitious deployment of renewable energy may have led to injustices in the energy system, short-sighted corrupt practices, and environmental harm.

Many studies from experts have found that coal mining activities in Indonesia cause various types of pollution that have an impact on the environment, especially those that threaten human life itself. This issues are existing since the colonial era this the pandemic era, this study examines the impact of mine coal pollution in Indonesia and to describe the policy management on the mine coal pollution management relate to the new regulation of environmental law. The focus study in this research refer on the critics upon the environmental justice as the impact of coal mining boom in Indonesia. Where as stated on the Pancasila about " just and civilized humanity and the social justice for all Indonesian People", and the purpose of the environmental law protection itself is " to ensure the fulfillment of justice for present and future generations. Do Indonesia can survive with the boom of coal mining challenge while many pollution problems emerge threaten the biodiversity and human life.

The Omnibus law brings many changes on the

enforcement of legal environment, several rules are considered to be the industrial companies bliss. As an example the absolute responsible of hazardous waste by proving the wrongdoing is removed on Omnibus Law. Problems, arises about how will the benchmarks for giving administrative and criminal sanctions be applied if there is no evidence? whether a decision can be made only by assessing the object of environmental damage and not on how the damage could have occurred, what caused it, how technical it was, whether it was due to intentional or accidental factors. The new rules do not transmit the values of justice in a transparent manner, the law seems to favor companies that are considered capable of developing the country's economy. Or is there indeed an influence from the existing conflicts of interest from the policymakers? The concept of Adab and its values will be used as the tools to criticize the management policy if coal mining pollution by studying its environment law and analyzing some empirical phenomenas relate to the coal mining pollution.

Method

This research is non-doctrinal legal research that places observations on social reality to be placed as general propositions. According to Soetandyo (2013), legal validities are not determined by abstract norms born of the construction of human thought but from facts that grow and develop in society. By using an inductive-deductive syllogism and a macro approach, where the law is no longer conceptualized as 'law as it should be' and not positivistically as a *norm ius constituendum* or 'law as it is in books but empirically as law as it is functioning in society (Soetandyo, 2013).

Research and Discussion

Mining Coal Boom and Its Impact Pollution to Nature

As the one of the world's top exporters of the fossil fuel and a nation which among the world's five largest coal producers and being the second largest coal exporter, Indonesia has contributing many natural resources through out the world since colonial era. Indonesia affecting many economic and social aspects in the worlds, because coal emerges many benefits in economy side although on another side is

proven to have its very noxious effects on human health (Sanchez and Luan, 2018), it is also produces dusts and radiation which have a direct negative impact on the ecology, biodiversity, and health of the surrounding communities (Mishra and Das, 2017). Olufemi and Mukhola (2019) claimed that people living near combustion sources such as coal-fired power plants are reported to be affected at higher levels of pollution that has been caused by coal processing. Even though the customary practice of mining coal, the country is earning good revenues, but at the same time, it has resulted in serious health and environmental issues within its gamut (Mishra and Das, 2017), furthermore many big industries has existing. Because of the mining production, this nation has laid the waste to large swatch of forest, polluted waterways, and disenfranchised local communities which has proceeded the pollution into nature. The mining production generate negative impacts in the local ecological conditions, which adversely affect the local economy and threaten the sustainability of local livelihood systems. And as mining intensified and coal was mined out, concessions were left with large mine voids unrefilled and abandoned without closure – many within close vicinity to human settlements (Toumborou, 2020).

Environmental contamination associated with the extractive industries poses risks to wildlife and is viewed as potential habitat degradation. Mining also degrades and/or destroys habitats; for instance, unregulated gold mining can cause considerable damage including the release of toxicants including cyanide, arsenic, boron, copper, fluoride, mercury, and zinc. Anthropomorphic (human-induced) climate change is degrading habitats, such as the polar region and the oceans due to acidification (Scanes, 2018). Coal has been at the heart of material transformations in how humans live, work and relate to one another since the Industrial Revolution. Coal and coal-products are used for a variety of purposes, but the two key uses of coal are (a) the generation of electricity and heat; and (b) as an input to the production of iron, mainly for steel production (Edwards, 2019). Brown and Spiegel in Straus (2017) refer to energy as a 'master resource' that 'empowers and transforms the world as it flows in varied forms through natural and social circuitry', and the legacy of coal lies not only in fuelling steam engines, powering industry and generating electricity, but in how it has enabled or constrained particular modes

of political and economic power. Growing public concern over climate change has compounded aversion to coal, further undermining an industry already opposed for its adverse effects on health, wellbeing, and local ecologies. When coal is burned as a fuel for a power plant, it produces a number of emissions that affect the environment, including CO, CO₂, NO_x, and SO_x. CO emissions cause ozone depletion (O₃) causing skin cancer, besides CO emissions if inhaled by humans causes the oxygen depleted blood flow that ultimately leads to death (Setiawan *et al.*, 2018). Burning coal to produce electricity or heat releases small particles (PM_{2.5} and smaller) and different toxic elements that are related to cardiovascular and respiratory diseases and cancer (Sanchez and Luan, 2018). During drilling, blasting, sizing, and transportation, the release of total suspended particulate (TSP) matter and inhalable particulate matter (PM₁₀) is the reason of air pollution in and around the mining zone (Mishra and Das, 2017).

Many studies from experts have found that coal mining activities in Indonesia cause various types of pollution that have an impact on the environment, especially those that threaten human life itself. First, it emerges the air pollution, it is a major cause of non-communicable diseases (NCDs). According to World of Health Organization (WHO) air pollution from coal caused 1.3 million death on Indonesia, Air pollution affects the respiratory, cardiovascular and the nervous system, being associated to serious NCDs such as ischemic heart disease (IHD), chronic obstructive pulmonary disease (COPD), lower respiratory infection (LRI), cardiovascular diseases (CVD), acute low respiratory infections (ALRI), asthma and lung cancer. WHO estimated that air pollution-related NCDs caused around 62,000 deaths in Indonesia in 2012. Stroke, IHD, and lung cancer were the most observed diseases (Sanchez and Luan, 2018). The air contaminated brings the risk of human inhalation, this contamination threat new-borns, children (1y), children (8–10y), and adults (age>17y) (Yadav, 2021). Misra and Daz (2017) found that the activities such as drilling, blasting, and transportation are the central cause behind air pollution. The largest sources of air pollution in mining operations are as follows: particulate matter transported by the wind as a result of excavations, blasting, and transportation of materials; wind erosion fugitive dust from tailings facilities; stockpiles; waste dumps; and haul roads. Exhaust emissions

from mobile sources (cars, trucks, heavy equipment) also raise these particulate levels. In the roads, it was observed that the movement of heavy vehicles, which had tons of coal meant for transportation to other places, was seen creating air pollution. It was also noticed that during transportation, the coal-loaded vehicles were normally uncovered. Even the trains which transport coal from the source point to the designated place pose serious threats as the loads are literally uncovered.

Second, water pollution. Mine excavation process causes mine drainage, it is is metal-rich water formed from a chemical reaction between water and rocks containing sulfur-bearing minerals. The weightiest after effect of a mining is its effects on water resources, the impact of mining on surface and groundwater is due to spill erosion, sedimentation, acid mine drainage, lowering of water table, subsidence, disturbance on hydrological cycle and rainfall. Acid mine drainage is regarded one of mining's most serious threats to water resources. A mine with acid drainage has the capacity for long term damaging impacts on rivers, streams and aquatic life (Ugya and Ajibade, 2018). The mining wastewater mostly enters watercourses through Acid Mine Drainage (AMD), or via spills or seepage of toxic chemical compounds and heavy metals that have filtered into the soil. This has serious ramifications for the health of surrounding communities because this contaminated water can also be taken up by vegetation and livestock and enter the food chain through bioaccumulation. (Schoderer *et al.*, 2020).

Third is noise pollution, Coal mine noise is one of the important causes of human errors. Coal mining is a loud, daylong, and nightlong process that includes blasting, drilling, and continuous movement of heavy vehicles (Misra and Dar, 2017). It comes from industrial equipment in production activities such as shearers, tunneling machines, ventilators, conveyors, rock drills, pneumatic drills, etc. Also, noise from underground coal mine has multiple sound sources, high intensity, high sound level, and frequency bandwidth. Coal mine noise negative impacts on miners' psychology, physiology, and behavior, affecting coal mine safety production (Li *et al.*, 2021). Health risk is higher in working environments where noise exceeds the allowable level (Lilic *et al.*, 2018). Noise affects human auditory organs, nervous system, and cardiovascular system. They may will loss hearing, it will make the heart rate would increase which contributes to hyperten-

sion and can increase systolic and diastolic blood pressure. Liu et al (2021) in his research found that beside these impacts, coal mine noise affects the safety behavior of miners and causes safety accidents. Noise can affect the attention, reaction, and fatigue of miners. In further, Sorderlo et al (2020) claimed that noise pollution not only affect human live but also the biodiversity especially the animals and plants around the industry. He found the evidence through his systemic map that the noised pollution caused by human activity affecting animals behavior such as birds, mammals, reptiles, and fish. Noise levels are steadily increasing worldwide and may potentially affect many animal species. Animals also suffer human like disabilities like hearing loss, loss in responsiveness, dizziness and disturbance, there many studies are proven that noise effects on wildlife have also results indicated that they also prefer to live away from noise like bears, wolves, ants, lions and larger animals like elephants and whales (Farooqi *et al.*, 2020).

The Policy Amendments on Policy enforcement is A boon for Indonesia's Natural Resources Industry

Due to the State Action Plan to Reduce the Greenhouse Effect, Indonesia has also ratified the United Nations Framework Convention on Climate Change (under Law No. 6 of 1994) and the Kyoto Protocol (under Law No. 17 of 2004), this is focus on Policy on Climate Change. The Ministry of Environmental issued the guidelines for preparing the climate change adaptation action and has established a Control for Climate Change and Land and Forest Fire Unit which, among other things, facilitates the mitigation of climate change, an inventory of greenhouse gas, and the evaluation and reporting of local action plans in reducing greenhouse gases. Environmental protection in Indonesia is principally regulated by Law No. 32 of 2009 on The Management and Protection of the Environment (as amended by Law No. 11 of 2020 on Job Creation, "The Job Creation Law"). Under the Law on Regional Governments (Law No. 23 of 2014 as lastly amended by Law No. 9 of 2015), which grants regional autonomy to regional Governments, including the protection of the environment, implementing regulations of the Environmental Law are formulated at national as well as regional level. It is primarily administered and enforced by the Ministry of the Environment and Forestry (MOEF), Governors, and Regents/ Mayors based on their respective authorities. Beside

that, Indonesia also has established with the special issues relate to the environment protection, such as: the Regional Environmental Management Agency (*Badan Pengendalian Lingkungan Hidup – "BPLHD"*) for regional control, the AMDAL Appraisal Commission for administering environmental impact assessments (*Analisis Mengenai Dampak Lingkungan – "AMDAL"*), a National Water Resources Board (*Dewan Sumber Daya Air*) for water resources control, and a Security and Law Enforcement Center for Environment and Forests (*Balai Pengamanan dan Penegakan Hukum Lingkungan Hidup dan Kehutanan*). All of these institutions are obligate to protecting and managing the environment, and supervising compliance by parties responsible for businesses or activities in their areas with the relevant regulations on the protection and management of the environment and with their environmental permits.

Policy or development program for environment protection must be imbued by the obligation to make environmental preservation and realize the goal of sustainable development (Handayani *et al.*, 2018). But, policies and ratified laws including Omnibus law concern on Environmental managing and protections seems never resolve the issues or problems relate to the ecological side, According to Jong (2020) Omnibus law emerges the major problem for environment protection. He observed that this new regulation is less of public participation, no more AMDAL commission, Legal Challenges rolled out, and attracting dirty investments this is also would be a campaign to kill environmental safeguards. WALHI (2020), declared that The Omnibus Law on the Job Creation Act, from planning to ratification, is filled with conflicts of interest in the coal mining and dirty energy businesses. Indonesian Centre for Environmental Law (ICLE, 2020) argued that The preparation of the Job Creation Law violates the provisions of Law Number 12 of 2011 concerning the Establishment of Legislations. According to the observer, there is no principle of openness and the principle can be implemented. In relation to the principle of openness, this principle requires the planning process until the promulgation of a statutory regulation needs to be transparent and open so that all levels of society have the widest opportunity to provide input in the formation of legislation invitation. Because both the Job Creation Bill and its Academic Manuscripts can only be accessed officially after the President's Letter is submitted to the House of Representatives. he academic paper also

does not explain the urgency of why the regulation should be changed. This law does not answer the problem and does not solve the homework for sustainable development and environmental protection. Several articles related to the mining and dirty energy sectors that were reviewed also show that the Omnibus Law on Job Creation will only benefit a handful of big businessmen who have affiliation with the political elite. Below is the short explanation relate to Omnibus Law and the Law No. 32 of 2009 on The Management and Protection of the Environment.

To meet the Climate goals, Indonesia need to reduce the building new coal plants, even President Jokowi called for climate action, in fact, the destructive coal mining continues to boom (Santoso, 2020). According to a report by the Indonesia-based Center for International Forestry Research (CIFOR), Indonesian coal mining boom is leaving trail of destruction. Indonesia’s coal sector has boomed on the heels of an administrative decentralization process that followed the country’s 1998 transition from authori-

tarian rule to democracy (Jong, 2020). Greenpeace Indonesia claimed that the coal industry in Indonesia is one of the world’s top exporters of the fossil fuel. This country has also laid waste to large swath of forest, polluted waterways, and disenfranchised local communities, observers say. Under a new deregulation bill being deliberated in parliament, things could get even worse, they warn. There are 8,663 unlicensed mines in 352 locations in Indonesia, a quarter of them is gold mine the boom (VOA, 2019).

Concerning on the Pollution and the waste from the coal mining productions such as Fly Ash and Bottom Ash (FABA) from the burning coal contaminated the air circumstances in the surrounding coal mining production which affecting human inhalation problem, metal from the mining process causing the water pollution, and drilling emerges noise pollution. Even researched has found that FABA is proven affecting children and new-born healthy, FABA was categorized as hazardous waste, the amount is large and difficult to control so that it is

Table 1. The Law No. 32 of 2009 on The Management and Protection of the Environment versus Law No. 11 of 2020 on Job Creation (Environmental Law)

Article	Law No. 32 Year 2009	Law No. 11 Year 2020
1	Business Permit	Article 40 on Environmental permit: as the requirement; to obtain a business license and/or activity.
2	Environmental impact analysis (EIA)	Article 26 On Document prepatation involving: affected communities; environmentalists; and/or; and who are affected by all forms of decisions in the EIA process.
3	Hazardous Waste Responsibility	Article 88: Everyone whose actions, business, and/or activities use B3, generates and/or manages B3 waste, and/or poses a serious threat to the environment, is absolutely responsible for the losses that occur without the need to prove the element of fault. (Absolute responsibility)
4	Freezing or Revocation of Permits	Article 79: The imposition of administrative sanctions in the form of freezing or revocation of environmental permits as referred to in Article 76 paragraph (2) letters c and d is carried out if the person in charge of the business and/or activity does not carry out government coercion.

Source: Data Processing

included in the category of B3 waste. But as technology develops, but as stated by the government on the Omnibus Law FABA can actually be reprocessed into something useful. Hydropower companies will find it easier to run their business without thinking about FABA indications again. But, are the government and companies really reprocessing it into something useful?. The opposite condition described in Suralaya, Cilegon by last February 2021, During the COVID-19 pandemic, residents who live around the coal power plant also feel their air is polluted. For about 30 minutes, a thick 'ash rain' rains on residents' houses and plants. Previously, in 2020, pollution hit North Morowali, Sulawesi as a result of the operation of PT Central Omega Resources Industri Indonesia (CORII) which produces nickel. Pollution not only pollutes the air but also public hearing health as a result of the noise of the company's production activities (Syahni, 2021).

One of coal mining industry, PT. Alam Tri Sentosa according to Environmental Justice Atlas known as the worst of the worst coal projects ever in Indonesia which threatens local indigenous peoples and Borneo's mega-diverse forest ecosystem (EJA, 2017), this project lead to biodiversity loss, deforestation and loss of vegetation cover, another potential will emerges the fires and global warming. And the worst is populations of orangutans and other threated species (these forests form a significant part of Borneo's mega-diverse and world-renowned forest ecosystems), health impact such as malnutrition, and socio-economical impacts such as: corruption, livelihood loss, traditional knowledge loss, human rights' violation, and land dispossession. On the other case, Mongabay described that Indonesia's coal Industry in 2021 has started as a year of unbridled optimism. Indonesian standard policy relate to the coal mining is categorized as too general if compared with another nations such as the United States and Australia (Dwiki, 2018), current condition in Indonesia shows that the local government as the sub-national division is still powerless based on the lack of laws which specified its authority. Even following the decentralization stage due to the reformation era, Indonesia has central and local government that might have similar function with the states in a federal system of the United States and Australia.

From the description above we have seen that some of regulation about the administrative policy is changed due the the new regulation on Omnibus

Law. Policy for mining coal pollution from the perspective of empirical cases shown that, the regulation amendment is the boon for National Indonesia's Natural Resources Industry. Firstly, some regulations are removed, we have seen on the table one above that Business Permit and Freezing or Revocation of Permits are removed. Previously these regulation are the main requirement needed for the companies to run their business production, they only can run their business according to the business license including which regulated the specific types of industrial field. On the new Omnibus law these regulation are removed, companies have the larger chances to expand their business which resulting new industries emerges in Indonesia, especially the foreign industries. Second, as ECLA's statement about no principle openness on Omnibus Law above, we see that environmentalists and who are affected by all forms of decisions in the EIA process is not involved on the Environmental Impact Analysis for the prevention, countermeasures, recovery pollution but only for the impacted society. Furthermore, absolute responsibility for environmental losses by the company does not require proof of wrongdoing. Then how will the benchmarks for giving administrative and criminal sanctions be applied if there are no proving of losses? whether a decision can be made only by assessing the object of environmental damage and not on how the damage could have occurred, what caused it, how technical it was, whether it was due to intentional or accidental factors. The new rules do not transmit the values of justice in a transparent manner, the law seems to favor companies that are considered capable of developing the country's economy. Or is there indeed an influence from the existing conflicts of interest from the policymakers? As declared by Herman and Asa'ad (2019) that the policy making especially on natural resources such as coal are fully covered by conflict interest which provides an opportunity for central and local political actors to consolidate power and reposition themselves to capture of power institutions and democratic institutions through contestation of local elections. The fact is found that in the current reality of democracy that political actors who occupy the stage of democracy are people who have capital (money) or background as entrepreneurs.

For the solution impacts on coal mining which already found by the researchers above, Indonesia should be very focus on the impacts of coal mining

production not only for the achievement on increasing the investment. Studying from the empirical cases which the environmental problem above, we can conclude that the pursuit of justice of the ecological justice in Indonesia having many dilemmatic problems especially in enforcing the law. New policy and regulations emerges dual interpretation on the law implementation which harms the society's life and the environment. The closed transparency showing that the regulation only focus on the industrial companies interest or the the interested parties.

Civilized Ecological Justice as an Offer to reconstruct the Policy in managing Pollution in Indonesia

An inconsistent and incomplete regulations pertaining to mining, favor to serve the business interests before the environment and the local community. This results in severe encroachment upon community rights and leads to long-term conflicts between mining companies and local communities, and has weakened the capacity of local authorities to help the affected community to recover their rights (Muhdar, Nasir, and Nurdiana, 2019). As stated from Rawls on ecological justice that all organisms have a claim in justice to a fair share of the planet's environmental resources (Kopnina, 2014), means that human is not only the one who are having the absolute right to savoring the benefits of earth's resources. it is refers to equitable distribution of environmental goods among human populations as well as between species. Its is often seen as a condition when members of disadvantaged, ethnic, and minority or other groups suffer disproportionately at the local, regional or national levels from environmental risks or hazards. Justice if the main focus on the policy of managing coal mining pollution. On the environmental law in article 3 (point f) that the policy is purpose to ensure the fulfillment of justice for present and future generations. On the contrary, environmental problems can not be fairly resolved. The legal justice enforcement on each cases due to the Omnibus Law are considered as written on the promulgation. Some phenomena's relate to the pollution of coal mining are emerges, even during this COVID-19 Pandemic. People who are living near to the industry are the first victim of mining coal pollution and so does the animals and plants. They risk their lives, health is compromised, and biodiversity is imbalance. It may seems can be overcome easily,

or may be unseen recently, but the boom of effect will hit Indonesia as time goes by, may be for the next of 5 to 10 years. Indonesia really needs to managing the policy of managing mine coal pollution for now on, it should be refer on the civilized values as stated on the procurement of UUD 1945 and Pancasila (the state philosophy), point 2 " just and civilized humanity" and point 5 " Social justice for all the people of Indonesia".

Civilized in Indonesian term is translated as " beradab", it has meaning that civilized is having adab. Adab refers to an acknowledgment of the right and proper place, the conditions and conditions of life, to do self-discipline positively, and the desire to participate in following one's role following the recognition that occurs in all human life and society that describes a condition of justice (Al-Attas, 1990). Al-Attas (1990) has explained that the Divine command to act with justice implies that man as an individual was created by God with a natural inclination (Fitri) for justice and to know what justice means for him to be able to act according to Divine commands. In terms of its relation to the state, political justice (producing legal products) is a condition as a product produced by human reason and freedom of choice as a result of its original agreement with God (as vicegerency on Earth). Justice as a divine command includes fair action towards a community with the state (in the context of society) and the individual (relationship with oneself). Justice then becomes civil, as it relates to the organization and operation of all civil institutions. Al-Attas called this form of justice partial justice, while what has preceded humans and the state since their creation is natural justice (Fitri), natural justice is a high standard of justice that precedes partial justice. The concept of justice is then described as a harmonious condition or state where everything is in its proper places, such as the cosmos or similar, a state of balance, whether it refers to objects or living things. Concerning man, justice means the conditions and situations where he is in the right and proper place, justice implies knowledge of the right and proper place for something or existence; right as against wrong; spiritual gain versus loss; truth as opposed to falsehood and falsehood (Al-Attas, 1993). The concept of Adab reflects the condition of justice, in the form of the right action from self-discipline for the sake of knowledge that comes from wisdom.

Laws with adab or being civilized has met the

requirements of virtue values, these are wisdom, courage, temperance, and justice. Civilized law will realize civilized legal justice, not only based on a few values that are the basis of a decision. It is not a policy for the judge to grant leniency that is large enough if only because there are feminist-humanitarian values behind the decision. The law will forever be a project of buying and selling security from the authorities, this decision will make other elements put aside the power of law, certainty, and from a coercive nature to a negotiable nature. It has been discussed previously that the nature of a legal order that reflects justice as a noble idea to be realized cannot be separated from the context of other values, in addition to the context of the existence of legal norms that have grown and developed in society. A concept of legal justice should not only focus on justice only for humans, namely on the level of equality, human rights, or a decent life for them, but also on the norms that govern themselves. Legal justice must be global justice, which brings people to universal justice and returns them to a noble position, this is following the concept of Al-Attas *adab*, where justice must be in the right and proper position or position, no less and no more, and not in favor of any particular interest. So that the law does not lose its spirit, namely justice, the law must have the basics of exemplary values that are permanent and are at the level of values according to their degree.

In other words, Adab consists of acknowledgment and cognitive action in which humans should actualize the conditions of being the right place, just order in it-(concerning society) which implies knowledge: that comes from wisdom (wisdom; aims to realize the goal of seeking knowledge; activity internal and external souls that arise from ethical and moral values and virtues to reveal the truth that comes from religion. Al-Attas stated that virtue (fadillah) is an activity of the soul and that humans have a dual nature: animal and rational. The realization of the virtues in oneself requires an affirmation of reality and truth accompanied by action according to the discernment which involves subjecting the bodily faculties and appetites of the animal soul, to the practical and theoretical faculties of the rational soul in such a way that the stable state of the soul is praised by reason and religion are achieved. The practice of subordinating the faculties of the animal soul to the rational soul requires freedom. To realize civilized actions, Al-Attas seeks education for the absorption of adab which he calls tammadun because according to him learning science without character will

lead to what is called corruption of knowledge (Al-Attas, 1993).

The right place refers to a certain order, the right place means the 'real' and 'true' place as symbolized by the term *haqq*. As a reality, it denotes ontological conditions; as the truth of a logical condition, and shows a consideration or law that justifies the reality of the actual situation. *Haqq* also means conformity to the demands of wisdom, justice, truth, reality, and balance. It is a state or attribute that is wise, present, true, real, and balanced; it is a state of necessity, which is unavoidable, in its place; it is the state of an all-pervading being. Everything and events that are formed by *haqq* are not only related to the current situation but also include past and future conditions. About conditions in the future, *haqq* means verification, realization, and actualization. The meaning of *haqq* is understood as something that includes, both the truth about the existence of something because it is one of the names of Allah that describes him as an absolute substance which is the essence and not the concept of existence (Daud, 1998).

The law must be wise (*hakama*), the meaning of the intellectual and practical act expressed by the word *hakama* has its origin from the meaning underlying the word *hukm*, which refers in the general sense to the knowledge of the true natures of things and acts according to the requirements of their true natures. *Hukm* in this sense, from which is derived the word *hikmah*, meaning wisdom, includes a comprehensive knowledge of the religion of Islam and a practical application of the moral and legal principles and ordinances of the religion within the community with the states and the individual to the self. The act where is divided into little and practical in nature is so precisely because its true fount of origin is wisdom, which is like why is divided into intellectual and practical wisdom. In other words, giving wisdom, although basically *hakama* or *hakm* is another term for judges, namely people who are given the trust to decide a case wisely. The law must imply the main values of wisdom to prove that the law is a requirement for comprehensive knowledge of religious values and the practical application of moral and legal principles and religious procedures in society when it comes to state life.

The main values of virtue are first, wisdom. Second, is courage is the greatness of soul, patience, fortitude, endurance, pardon, bravery, self-possession, correct evaluation of the self. It is a subdivision of

anger in the motive and appetitive faculty of the animal (vital) soul (*al-nafs al hawaniyah*). Courage is manifest in the soul when anger is subordinated to the dictates of religion and reason and obeys them and its arousal and appeasement); Third, Temperance is abstention from what is morally and ethically unlawful and base, not exceeding the right limit of reason, desiring what recommends, yielding to reason and religion. When it refers to the external senses, especially of taste and touch, temperance is to restrain the demands of the appetitive and irascible subdivisions of the faculty of the animal (vital) soul. Because temperance pertains ultimately to the faculties of the soul, its intended meaning cannot be reduced to moderation, moderation is only a part of temperance, not the whole of it, and fourth is Justice. Virtue and justice are the main foundations of virtue, so the law must be virtuous and just.

The focus on civilized ecological justice is not only to protect and recover the biodiversity to embody the ecological justice only but this is also to focus on the justice for future generation through its civilized management. That is to use the natural resource in temperance and wisely, courage to enforce the enforcement law to the wrong doer by proving the environmental losses to all biodiversity and human beings, and fairly manage, protect, and recover the ecosystem for future generation and limited the using of coal and other natural resources based on adab values. This is almost close to the Muttit and Kharta (2020) principle on managing equity and climate changes to reduce the natural resource using bay fair management environmental law.

Civilized ecological justice is the form of ecological justice that comes from transcendental value and reflects virtue values, namely ecological justice that brings wisdom; the ecological justice that reflects the courage of the community to obey the rule of law, ecological justice that is full of simplicity as a means of forgiveness for the guilty community; and ecological justice that is truly fair because it contains the values of adab originating from *amr*, *amn*, *ahl*, *hukm*, and *adl* according to their level. Ecological justice that requires adab values, will be able to reflect the wisdom and bring happiness to the community. The object of ecological justice is the existing policy and management under containing with norms and morals in society. Norms originating from the highest standards of justice, called Fitri justice, will create partial justice which is conditional on virtue values. Thus, the law and policy as a product

of human reason will contain the essence of high policy values and correct knowledge requirements, because it is by its hierarchical level which, if implemented, will lead to fair conditions to the human being and biodiversity.

Conclusion

Coal mining boom in Indonesia bring very bad impacts on human life and biodiversity, creatures risk life on struggling in nature. The new management policy stated on omnibus law represent injustice because there is non-transparency in managing the hazardous waste, there is no absolutism responsibility on proving wrong-doing and only impacted society who are permitted to involve in Environmental Impact Analysis (EIA), previously it was involved environmentalists; and/or; and who are affected by all forms of decisions in the EIA process for better EIA management to prevent the waste damage. Civilized ecological justice brings new concept on management policy on mining coal pollution, this will reconstruct the management policy to reflects the values of adab, that is wisdom, courage, temperance, and justice which root from *amr*, *amanah*, *hukm*, and *adl*. Civilized legal justice which based on the fitri justice will lead to the balance of nature, people will be very consider on doing the management of environment protection based on the adab values for the future generations.

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Conflict of Interest

All of the authors hadn't any conflict of interest

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