

Commitment of the Regional Government of East Seram Regency to Prepare the Draft of Regional Regulation Concerning CSR

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Abstract : *This research analyzes the commitment of the East Seram Regency Government preparing the Draft Regional Regulation (Ranperda) on Corporate Social Responsibility (CSR). This study is crucial considering the presence of companies in the region that have obligations to implement corporate social responsibility. Government supervision, through local government, will provide optimal impact for efforts to realize the improvement of community welfare, so it will not trigger disputes between communities and oil and gas mining companies in the region, due to neglected fulfillment of surrounding community rights resulting from oil and gas mining management. The research method used a qualitative approach with data collection techniques through interviews, observation, and documentation study. The results showed that the readiness of the East Seram Regency Government to prepare regional regulations for supervising oil and gas mining management activities in the region is marked by initiating meetings with various companies located in East Seram Regency and establishing the formulation of East Seram Regency Regional Regulation on CSR as a priority agenda to be proposed in the draft regional regulation this December with prioritized enactment in 2025.*

Keywords : *Local Government, Draft Regional Regulation, CSR*

Abstrak : Penelitian ini menganalisis komitmen Pemerintah Daerah Kabupaten Seram Bagian Timur dalam mempersiapkan Rancangan Peraturan Daerah (Ranperda) tentang Corporate Social Responsibility (CSR). Kajian ini penting mengingat keberadaan perusahaan-perusahaan di wilayah tersebut yang memiliki kewajiban untuk melaksanakan tanggung jawab sosial perusahaan. Pengawasan pemerintah, melalui pemerintah daerah akan memberikan dampak yg optimal bagi upaya terwujudnya peningkatan kesejahteraan masyarakat, sehingga tidak akan menjadi pemicu sengketa-sengketa masyarakat dengan perusahaan pertambangan migas di daerah, akibat terabaikan pemenuhan hak-hak masyarakat sekitar, akibat pengelolaan pertambangan migas. Metode penelitian menggunakan pendekatan kualitatif dengan teknik pengumpulan data melalui wawancara, observasi, dan studi dokumentasi. Hasil penelitian menunjukkan Kesiapan Pemerintah Daerah Kabupaten Seram Bagian Timur mempersiapkan peraturan daerah untuk melakukan pengawasan terhadap kegiatan pengelolaan pertambangan migas di daerah ditandai dengan mengagagas pertemuan dengan berbagai Perusahaan yang terdapat di Kabupaten Seram Bagian Timur serta menetapkan Penyusunan Peraturan Daerah Kabupaten Seram Bagian Timur tentang CSR sebagai agenda



prioritas yang akan diusulkan dalam rapenperda pada bulan Desember ini dengan prioritas pengundangan pada tahun 2025.

Kata kunci : Pemerintah Daerah, Ranperda, CSR

I. INTRODUCTION

This research departs from the results of research that has been carried out in 2023 in East Seram Regency on the responsibility of oil and gas mining business license holders for the Bati tribe in East Seram Regency, which shows that the exploration of oil and Gas Natural Resources carried out by the oil and gas mining exploration business license holder company, in this case PT. Balam limited Energy and PT. BGP leaves the conflict between the Bati tribal community and the company.¹

Differences in point of view and treatment of the region and the absence of legal arrangements that specifically regulate the responsibility of companies holding oil and gas exploration business licenses are triggers for conflicts over natural resources, where the Bati Tribe views the land or territory as a mother so that it is forbidden to be injured or damaged, while the company views.

On the other hand, related to mining management in Indonesia, the linkage of the right to control the state over mining with the greatest prosperity of the people will realize the state's obligations:²

1. All forms of utilization of Natural Resources mining and the results obtained in it (natural wealth), should significantly increase the prosperity and welfare of society.
2. Protect and guarantee all the rights of the people contained in and above the earth that can be produced directly or enjoyed directly by the people.
3. Prevent any action from any party that will cause the people have no opportunity or loss of rights contained in and on Earth.

Thus, the state has an obligation to recognize and guarantee the rights of indigenous peoples, as part of the Indonesian community has the right to mining management, as one of the source sectors of state revenue for development to realize the welfare of the people. Welfare of the people can be described by the fulfillment of basic needs, namely the basic needs of clothing, food, house (primary), additional needs (secondary) and complete needs (tertiary).³ Welfare is not limited to the fulfillment of basic needs, but also includes guarantees of rights to existing ownership, and integrates with community life, especially in customary law communities against the environment and local natural resources.

Therefore, the government has a role and function to organize, regulate, control and supervise the state administration system, to be able to accelerate and articulate the

¹ Nancy S. Haliwela, dkk, 2023, *Tanggung Jawab Pemegang Izin Usaha Pertambangan Migas Bagi Masyarakat Suku Bati di Kabupaten Seram Bagian Timur*, Hasil Penelitian yang tidak dipublikasi, Fakultas Hukum Unpatti, Ambon, hlm 31

² Abrar Saleng, 2004, *Hukum Pertambangan*, UII Press, Jakarta, hlm 54-55

³ Gunawijaya, Rahmat. 2017. "Kebutuhan Manusia Dalam Pandangan Ekonomi Kapitalis Dan Ekonomi Islam." *AL-Maslahah Jurnal Ilmu Syariah*, Vol 13 Issu 2,

interests and needs of the community holistically and systematically, as well as continuous or sustainable (sustainable) development activities, so that the goals of the state and society can be realized in accordance with the provisions in the Preamble of the Republic of Indonesia Constitution year 1945.

The government has a role and function to realize the rights and obligations in the implementation of development through government authority. The form of government authority is carried out through decisions or decrees (*beschikking*). Realization of decisions or resolutions through regulatory arrangements. The purpose is to prepare a mechanism and ensure the implementation of development activities for the purpose as stipulated in the Preamble to the 1945 Republic Indonesian constitution. This will lead to government actions to establish various policies in the implementation of development activities, bringing consequences to the legal consequences of the emergence of rights and obligations that must be adhered to. One form of government action as a manifestation of government authority, is to establish policies in the form of legislation as a legal instrument in the implementation of development activities. One form of legislation in the field of oil and gas mining, as a natural resource owned by the Indonesian nation as a gift of natural wealth from God. Oil and gas mining is one of the excellent natural resources of the Indonesian nation that needs serious attention by the government in setting related policies and rules. Therefore, the government enacted Act Number 21 year 2001 concerning oil and Gas (UU Migas).

This is due to the position of the Provincial, District and city governments as an intermediate government, which functions as a representative of the government in the region in terms of supervision and guidance, so that the implementation of each policy in the form of the rule of law as stipulated in the legislation, in order to run efficiently and effectively. Supervision is not only aimed at the realization of the implementation of legislation, but supervision has substance for the realization of enforcement of the implementation of the rule of law in legislation. As already specified in the Investment Act, legal risks for companies that do not implement GCG and CSR are regulated in Article 34 of the Investment Act, namely sanctions in the form of written warnings, restrictions on business activities, freezing of business activities and / or investment facilities or revocation of business activities and / or investment facilities.

Government supervision, through local governments will provide an optimal impact for the realization of efforts to improve public welfare, so it will not be a trigger for community disputes with oil and gas mining companies in the region, due to neglected fulfillment of the rights of surrounding communities, due to oil and gas mining management.

II. RESEARCH METHOD

This study is a juridical-sociological legal research, namely research with an approach based on norms or regulations that are binding, so that it can be known that empirically the law is a symptom of society can be studied as a causal variable that causes

consequences on society.⁴ Starting from the problem under study based on the type of sociological juridical research, in solving the problem the researcher is guided by a descriptive qualitative approach. This study was conducted in the city of East Seram Regency Bula with emphasis on the local government of East Seram Regency legal material collection procedures by conducting research in the form of interviews and observations as well as literature studies on legal materials, namely primary legal materials and secondary legal materials. While the legal materials collected through Library search based on the card system method.

III. DISCUSSION

Commitment of the Regional Government of East Seram Regency to prepare the draft Perda CSR as a proposed product Region Regulation

In accordance with research conducted by a team of researchers at the Local Government of East Seram Bagin Regency, Moluccas province. Starting from the Regional People's Representative of East Seram Regency, Moluccas Province, the results showed that related to the Regional People's Representative of East Seram Regency implementation of social and Environmental Responsibility/CSR by the company, they have not set a legal product in the form of Regional Regulation concerning CSR to be a umbrella regulation, so that supervision can be carried out to control and evaluate the implementation of CSR by the company, both by PT. Balam Energy and PT Bureu Geophysical Prospecting (BGP), also by other companies that conduct investment activities in East Seram Bagin Regency, Moluccas province. Through Regional People's Representative of East Seram Regency institutions that will be formed to carry out tasks in the period 2024-2029. By the chairman of Regional People's Representative of East Seram Regency, representatives of Regional People's Representative of East Seram Regency members of Regional People's Representative of East Seram Regency who have been elected, have expressed their desire to plan the agenda for the formation of Regional Regulation CSR through Regional People's Representative of East Seram Regency initiative rights. The goal is to speed up the process of forming a CSR regulation to be published. This is done considering that CSR has become a legal obligation by Limited Liability Companies, and has been stipulated by legal provisions in laws and regulations. Similarly, it has been established by the Moluccas provincial government through Regional Regulation Number 9 year 2015 on guidelines for the implementation of social and Environmental Responsibility in Moluccas province. Thus it will be a source of legal basis for the formation of CSR regulations in East Seram regency, Moluccas province.

The study was also conducted on the Local Government of East Seram Regency, Moluccas Province. As presented by Mr. J. Salampessy as Temporary Regent of East Seram Regency, Moluccas Province gave a response related to the proposal of the research team to initiate the Local Government to carry out pengasawan on the implementation of CSR by a Limited Liability Company in the East Seram Regency, Moluccas province, so that it will provide effective, optimal and targeted CSR implementation. According To Temporary Regent, the idea is very beneficial for the East Seram Regency, Moluccas province. Considering the potential of natural resources (natural resources, both mining and oil and gas, banking, and other investments have carried out their activities. However, the contribution of CSR by the company has not been optimally obtained by the

⁴ Zainuddin Ali, 2015, *Metode Penelitian Hukum*, Sinar Grafika, Jakarta. Hlm 30

community and the environment around the area of the company's activities. This is also a source of conflict between the company and the surrounding community, as happened to the Bati Tribe and P.T. Balam Energy and PT Bureu Geophysical Prospecting (BGP). The community received the impact of damage, due to exploration activities by the company, but the contribution from the implementation of CSR by the company was not accepted at all. With the establishment of Perda CSR, it will be the basis of legitimacy for local governments to conduct CSR supervision, to evaluate the implementation of CSR. This needs to be done considering the potential of Natural Resources in the eastern part of Seram Regency, Moluccas province, which has the potential, it will be the purpose of investment activities by the company.

The research was also conducted on the heads of Related Agencies and a number of leaders of the East Seram district OPD scope, such as; the Inspectorate, law Bureau, PMPTSP Office, Environment Office, Regional Planning Agency, Education Office, Economic Section. The aim is to initiate and contribute ideas based on the results of previous years' research, and convey the contribution of ideas related to the essence of social and Environmental Responsibility/CSR supervision by Limited Liability Companies, through the creation of local regulations, as a legal umbrella, and provide input related to the flow and mechanism of supervision forms of supervision that can be formed through the "CSR Forum" consisting of local governments, communities and companies. This proposal received a very good response, for the Local Government in East Seram Regency, Moluccas province together with the Regional People's Representative of East Seram Regency set a CSR regulation, to be used as a legal basis for the implementation of CSR by the company. Local governments can establish a "CSR Forum" as a body for coordination and synergy. Through the CSR Forum can develop programs that can not be financed by the APBD budget, can be programs from the implementation of CSR activities by the company. These programs will certainly be proposed by each cross-sectoral related service, taking into account the needs of the community, especially the community and the surrounding environment, which are close to the company's area of activity.

CSR programs will be carried out on an ongoing basis, so that their implementation will be optimal, and the community and the environment can directly receive contributions from the CSR. Thus, the implementation of CSR by the company will be the right target, because it is in accordance with the needs of the community and the surrounding environment. Through CSR activities by the company to the community and the surrounding environment, will create a harmonious relationship between the community and the company. This relationship is created, because the community directly receives the benefits and contributions of CSR implementation from the company. The community will also be involved either directly or indirectly as CSR supervision, local governments will receive various inputs from the community related to the implementation of CSR by the company.

IV. CONCLUSION

The readiness of the Regional Government of East Seram Regency to prepare regional regulations to supervise oil and gas mining management activities in the region is marked by initiating meetings with various companies in East Seram Regency and establishing the preparation of East Seram Regency local regulations on CSR as a priority agenda that will be proposed in the regional draft regulation in December.

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