DECENTRALIZATION OF COAL MINING LICENSE IN THE IMPLEMENTATION OF REGIONAL AUTONOMY IN EAST KUTAI REGENCY EAST KALIMANTAN PROVINCE

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ABSTRACT

Issues raised in the study of this dissertation is the decentralization of the licensing of coal mining in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan of this condition has not been effectively demonstrated by environmental factors cause air pollution conditions that have a negative impact on health; unfavorable factors interorganizational relationships. resources available to avoid overlapping and characteristics of regional officials lack of coordination.

The method used a qualitative approach with descriptive analysis method to describe systematically the facts and characteristics of the object and the subject of empirical observations precisely in the form of variations problems associated with coal mining permits decentralization in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan Province.

The results showed that the decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan province has not been effective, due to the factor of factor of environmental conditions, inter-organizational relationships, available resources, and characteristic of implementing agencies condition officials who harm the coal mining company boils down to increase social welfare.

Decentralization of coal mining permits in the implementation of regional autonomy should be reflected in the
attitudes of local government officials to realize good governance and clean government for the use of natural resources with the rules of the forests, plantations, and land.

Key Words: Decentralization, Coal Mining Permits, and Regional Autonomy.

I. INTRODUCTION

Implementation of the system of government of the Republic of Indonesia is a change of government system is centralized to a decentralized system of governance as provided or authorized under Act No. 22 of 1999 and revised by Law No. 32 of 2004 and converted into Law No. 8 of 2005 and then changed again to Law No. 12 of 2008 on Regional Government. Implementation of government affairs, enacted Regulation No. 38 of 2007 good governance among other matters that the obligatory and options held by the Provincial Government and Regency / City in the context of regional autonomy.

Item 7 of Article 1 of Law No. 32 Year 2004 on Regional Government explained that: "Decentralization is the transfer of power by the government to local government autonomy to govern and manage the affairs of government in the system of the Republic of Indonesia". Regional autonomy is a form submission system of government affairs and delegation of authority to the regions which are below. Therefore, regional autonomy is the right, authority, and duty to regulate the area and manage his own household in accordance with the laws and regulations that apply to establish and implement policies and initiatives according to the aspirations of the people. The implementation of regional autonomy with the policies established by the Board for the Regional Representatives; (a) develop the ability to create regional economic prosperity and improve the lives of the material in a fair and equitable; (b) improving the health, education, housing, and employment; (c) encourage the enforcement of human rights, political freedom and democracy; (d) develop and civilization; (e) raising awareness in the regulation, development, empowerment, and sustainable services.

According Asshiddiqie (2007: 1) that:

"The policy of regional autonomy made by decentralizing the powers that had been centralized in the
hands of the central government. The decentralization process implies the central government power transferred from the central to local governments, as appropriate, to realize a shift of power from central to local counties and cities throughout Indonesia ".

Explanation Asshiddiqie reminded that; policy of regional autonomy made by the local government, simply can not be separated from the system of national policy. The emphasis on the autonomy of districts / cities are intended to bring the setting, development, empowerment, and service to the community, and provides flexibility for districts / cities to set up their own household in accordance with the conditions, potential and diversity of the region. Due to Government policy made not just see the limits of formal competence or interest areas concerned, but see the possible impact on other areas or national interest as a whole.

Rasyid (2002: 21) explains that:

"Decentralization for regional autonomy is basically a correction of the failure of the centralized system and uniformasi longstanding rule. Therefore, regional autonomy as a system of government has been assigned a very important instrument in shaping the independence of local government to carry out development activities and the achievement of public welfare ".

Decentralization for regional autonomy is one concept that puts the government system independence governments and communities in achieving the goal setting activities, development, empowerment, and services to improve the well-being of the community through efforts; (1) create efficiency and effectiveness of resource management area; (2) improve the regulation, development, empowerment, and service in creating a space for people to participate (participation) which berorientasi in the public interest.

Decentralization assessment of coal mining permits in the implementation of regional autonomy legitimates as stipulated in Law No. 32 of 2004 on Regional Government is Article 176 which states: Local governments in improving the local economy can provide incentives and /
or facilities to the public and / or investors that the local regulation based on the legislation.

The inclusion of the chapter contains a clear decentralization of coal mining permits in the implementation of regional autonomy innovative look important, such as the provision of one-stop integrated service (PTSP) in increasing local revenue (PAD), and the growth of Gross Domestic Product (GDP) is the sum of the value or amount the value of final goods and services produced by the entire business in one year include; taxation, restrictions aimed at investors of business activity, economic growth, employment expansion, an increase in income per capita, and the expansion of development results.

In fact the central government still holds the overall responsibility for the general administration of the local government area as the obligation to succeed the coal mining permits in the implementation of regional autonomy which has been formulated by the Central Government to synergize interaction, interrelation and interdependence of various factors which are determined by the environmental conditions, the relationship interorganizational, available resources, and the characteristics of regional officials. The interaction between the factors described by Cheema and Rondinelli (1983:28) as follows:

![Figure 1: Factors Affecting Implementations of Decentralization Policy](image-url)
Based on figure 1. Above factors affecting Implementations of policy desentralization relationship factors that play a role in the decentralization process of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan to the Local Government agencies. He said there are two approaches in the decentralization process. First: the compliance approach, which considers the implementation of decentralization that is no more than routine technical issues. Implementation process that does not contain elements of political planning predetermined by the political leaders. The administrators and the implementor consisting of political leaders. Second: the political approach. This approach is referred to as a political approach which views: administration as an integral part of the policy making process in which policies are refined, reformulated or even abandoned in the process of implementing them (the administration as an integral part of the policy-making process in which policy is enhanced, formulated or even abandoned in the process of applying it.)

Constitution of the Republic of Indonesia Year 1945 included Local Government in Chapter VI, namely Article 18, Section 18A and Section 18B generally Article 18 paragraph (2) states; Provincial Governments, District, and Municipal organize and manage their own affairs according to the principles of autonomy and assistance. While subsection (5) is written, run the Local Government autonomy except in matters of government by Law - Law is determined as the affairs of the Central Government. Paragraph (6) The same article states, Regional Administration and Local Regulations may specify other rules to implement autonomy and assistance based on the aspirations of the people in the bonds of the Republic of Indonesia.
Implementation of the coal mining business by local governments associated with coal mining permit authority. In fact, coal mining permit authority in the implementation of regional autonomy made by the Local Government often experience problems such as: first, the Institute / Ministry does not issue a permit or authority coal mining, coal mining because there are often areas of forestry, and plantations, the Ministry Forestry, Ministry of Agriculture, Ministry of Agriculture, Ministry of Mines and Energy, the Ministry of tourism and the Creative Economy, and the National Land Agency (BPN) issued a "Letter of release" or the License Usage of forests and plantations. Second, the scope of the authority of the local coal mining permits in the implementation of regional autonomy granted by the Head of the Region to investors. This means that the delegation of authority, submission of affairs of the Central Government to Local Government has the right and obligation to take care of and set up their own households.

Institute / Ministry of Forestry, Ministry of Agriculture, Ministry of Agriculture, Ministry of Mines and Energy, the Ministry of tourism and the Creative Economy, and the National Land Agency of coal mining permits in the implementation of regional autonomy as a mandate of:

a. Law No. 41 of 1999 on Forestry, set up that the management of forest resources, among others cut down without permission, cutting near water sources (reservoirs), not according permission to cut down, cut down a protected region and national park, killing wildlife and protected trees, smuggling wood, wood processing, illegal bribe forest officials, failure to pay reforestation and other funds, the authority of the Ministry of Forestry.

b. Law No. 18 of 2004 On Plantations, set that as an agricultural country whose livelihood largely populated farming and gardening of course we need a law or regulation as the legal basis for developing plantations in Indonesia the public welfare.

Issue the decentralization process in the coal mining permits decentralized governance conducted by the local government during this experience barriers caused by overlapping (over-lapping), duplicates, blanks, and each take over
the regulatory functions of the Law No. 41 Year 1999 on Forestry, and Act No. 18 of 2004 On Plantations. Kartiwa (2012:133) explains that;

Overlaps occur not only because of the unclear division of authority between the autonomous region. Overlapping kwenagangan also driven by other motivations, by exploiting loopholes that still exist and are open to be manipulated or engineered.

The phenomenon of overlapping decentralized authority in the licensing of coal mining in the implementation of regional autonomy that occurs at the district/city in managing natural resources for the community to develop the creativity of various aspects of life that are owned autonomous regions as the central government as a partner for the optimal contribution of national integrity.

The focus of the research conducted in East Kutai region of East Kalimantan Province, including one of the largest coal mines producing districts on the island of Borneo. The reasons for selecting this area, because of the abundant natural resources, and extend in East Kutai regency. Abundance of natural resources, if explored by coal mining companies such as; PT. Kaltim Prima Coal, PT. Indomenco Mandiri, PT. Thies, PT. Darma Henwa Bengalon Coal Project, and others certainly boost, making a positive contribution to the prosperity of the community, as well as making a positive contribution to the prosperity of the community in East Kutai district includes the province of East Kalimantan. On the one hand the existence of coal mining companies bring tremendous negative impact to the Indonesian government and society.

Data Gross Regional Domestic Product (GDP) per capita of East Kutai Regency of East Kalimantan Province which is the total value or total value of final goods and services produced by the entire business in one year. Gross Domestic Product at current prices represent the value-added goods and services are calculated using the prices for the year, while the Gross Domestic Product at constant price shows the added value of goods and services is calculated using the price in a given year as the base. Gross Domestic Product at current prices
are used to see shifts and economic structures, while the Gross Domestic Product on the basis of a constant used to determine the economic growth from year to year. Gross Domestic Product per capita and income per capita Regional District of East Kutai coal mining period of 2008 to 2012 presented the following table:

Table 1
Per Capita GDP and Per Capita Income Regional District of East Kutai Coal Mining Sector Year 2008 - 2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Population Mid Year (People)</th>
<th>Coal (Rp)</th>
<th>GRDP Per Capita</th>
<th>Regional Income Per Capita</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>195.635</td>
<td>18.558.198</td>
<td>13.660.882</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>204.731</td>
<td>20.033.311</td>
<td>14.774.195</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>255.637</td>
<td>18.655.674</td>
<td>13.861.970</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>265.521</td>
<td>20.916.039</td>
<td>15.516.327</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>279.718</td>
<td>22.847.298</td>
<td>16.977.011</td>
<td></td>
</tr>
</tbody>
</table>

Source: District Development Planning Agency East Kutai, 2013

The economic growth of East Kutai Regency increases each year with an area of 35747.50 km2 and is divided into 18 sub-districts and 135 villages / urban, showed that economic growth in East Kutai is significant. Economic growth in East Kutai District, among others revealed by the financial data for fiscal year 2013 that for the Regional Budget (budget) East Kutai Regency at Rp 6,391 trillion. Mining coal is dominant and plays an important role since 2008, a growth of 12.83 per cent increase coal production in East Kutai, then following the oil and gas mining, agriculture and forestry sub-sector. Dominant contribution of coal mining in East Kutai regency of East Kalimantan coal potential exists at 9508.19 million metric tons, or 45.35 per cent of the reserves.

Implications of the gap between the decentralized governing the granting of coal mining in the implementation of regional autonomy
in the East Kutai Regency of East Kalimantan province to investors occurred because that causes decreased investment activity in the region. The impact of this gap is certainly not limited to the low productivity of the region, narrowing employment, and difficulties in raising incomes.

Various studies and research related to the issue of decentralization of coal mining permits in the implementation of regional autonomy has been carried out by a variety of academics and professionals with research conducted in various areas and regions, according to the author, the research has significance to what was observed, thus believes that this research is worth doing, it conveyed the following literature review has been done.

The first study, conducted by Mansour, with the title of "Factors Influencing the Implementation of Regional Autonomy Against Post-New Order in South Sulawesi" program Pascasarja Padjadjaran University, Bandung, 2003. Study was conducted with the aim of revealing the influence of environmental conditions, organizational relationships, resources and implementing organizational characteristics, as well as how these factors jointly influence the implementation of regional autonomy in the province of South Sulawesi.

The design study is to explain the study (explanatory research) and the descriptive research (descriptive research). The approach used is a combination of a quantitative approach by using statistical analysis of the path (path analisys) and a qualitative approach using interview guides (interview guide) to conduct in-depth interviews.

Descriptive results of this study indicate that the environmental conditions, the relationship between the organization, resources, and organizational characteristics jointly positive and significant impact on the implementation of regional autonomy in the province of South Sulawesi.

Concretely that four factors should be viewed as an integrated whole and can not be separated, meaning that among the four factors that no one has the dominant influence of the other factors, resulting in the implementation of regional autonomy can not be viewed as dichotomous.

Critics of the study was that in general the factors that influence policy implementation has not received adequate attention, because
of the decentralization policy makers often assume if a public policy has been set then immediately implemented by local authorities in the implementing organization. Implementation of the policy is not a technical process in implementing a public policy, but rather a process of interaction of political, social and economic dynamic and not easily taken into account in the implementation of regional autonomy.

In a study of coal mining permits decentralization in the implementation of regional autonomy, the authors analyze why decentralization of coal mining permits in the implementation of regional autonomy which include factors of environmental conditions, interorganizational relationships, resources for program implementation, and the characteristics of the implementing agencies in realizing the concept of decentralization has not conservation of forest resources and plantations in the area.

The second study, conducted by Samsu, Suramanggala, Dt. I. appendices, H and Ngau, Y. study titled "The Impact Of Fiscal Decentralization Forestry, Local Communities and Spatial Planning. Bogor, 2005, the Center for International Forestry Research (CIFOR). Decentralization of forestry to local finance, local communities and spatial planning in Bulungan East Kalimantan Province, conducted by Samsu et al (2005). Applicability of Act No. 22 of 1999 Jo Act No. 32 of 2004 and its implementing regulations, has given greater authority to local governments to conduct forest management activities. In Bulungan, Regent issued what is known as the Harvesting and Timber Utilization Permit (IPPK).

In journey time, the central government notice any irregularities in the implementation of the regional policy. Occurs tug of authority between the central government and local governments are characterized by suspension of authority to the regions. This study documents the forestry policy during the era of regional autonomy and assess its effects on the region and the financial community. Also studied was the regional spatial planning in relation to forest and community land tenure. The results of this study indicate that the presence of positive and negative impacts of the decentralization policy. Central and local governments need to work together to
solve problems and more attention to the factors inhibiting effective implementation of decentralization. Not synchronization rules and regulations; ambiguity of authority at each level of government; lack of coordination and the ability to manage, monitor and control of forest resources; lack of effective implementation of sanctions and failure to ensure a fair society to benefit from forest resources become important issues that need to be considered and solved.

Critics of this study is that the main problem faced is unclear authority and responsibility between the government, the Provincial Government and Regency / City. Efforts to be built is cooperation between levels of government to carry out government duties in forests and plantations that are concurrent. Furthermore, the hierarchy of responsibilities, reporting mechanisms, incentives and sanctions are clearly formulated. Local governments are involved in developing community participation mechanisms and the parties in order to benefit the distribution of forest resources more equitable and responsible.

Enactment of Law No. 22 of 1999 Jo Law No. 22 Year 2004 on Regional Government, encouraging a paradigm shift in all sectors of coal mining. Forest management danperkebunan initially transformed into centralized and decentralized authority and responsibility shifting forest management and plantation from Central Government to local government there is a difference in perception among various stakeholders (stakeholders) on various matters concerning the management of forests and plantations.

Research decentralization of coal mining permits in the implementation of regional autonomy and plantation forest management gained an understanding of the degradation of forest and plantation resources in prevention efforts as well built and plantation forest management model that is consistent with the policy of decentralization, which include a variety of factors that are determined by the environmental conditions, interorganizational relationships, resources for program implementation, and the characteristics of the implementing agencies in the concept of decentralization.

The third study, conducted by Ekom Koswara, with the title
"Factors Affecting Implementation of Regional Autonomy in Indonesia" (A Study on Implementation of Regional Autonomy with point weight on the Second Level according to Law No. 5 of 1974) "Gadja Mada University, Yogyakarta, 1996.

This study combined qualitative methods and quantitative methods. Qualitative methods are used primarily when penelurusan idea of decentralization and regional autonomy certain periods. Quantitative methods are used to examine the relationship between the variables that influence, which is the independent variable and the implementation of regional autonomy as affected or dependent variable as depicted on the idea, put forward some conclusions in detail as follows:

1. There is a very strong tendency of the ego attitude of bureaucratic centralism and the elite levels of the central and local level I, which is a major obstacle to the implementation of regional autonomy emphasis on the second level, both in treating the principle of decentralization is carried out together with deconsentralisasi, and in order to execution of tasks.

2. Attitude and ego-centralism behavior severely limits the scope for the entire level II initiative because any effort to develop regional autonomy is always dependent on the discretion of the center which resulted in the independence of the region to be weak.

3. This happens because there are flaws in the system and setting the wisdom of granting autonomy to the regions as set out in Law No. 5 of 1974 and its implementation rules that are no longer relevant to the current state of development.

4. Therefore, the establishment of regional autonomy is dependent upon four (4) factors mempengaruhi. Pertama one another, the environmental conditions; Second, the relationship between organizations; Third, the resources available, and the
Fourth, the characteristics of regional officials.

5. Four factors possessed different degrees of influence on the implementation of regional autonomy, either individually or jointly. Individually, environment factors have the highest degree of influence, so it is the most dominant factor in influencing the implementation of regional autonomy. Successive inter-organizational relationships factor into second, third resource is, and characteristics of local government officials is fourth. Taken together kondisilingkungan factors continue to have different influences and the highest on the implementation of regional autonomy. Successive resource factors are in second, third factor inter-organizational relationships, and characteristics of local government officials is fourth.

Critics of the research Ekom Koswara (1996) is the question of the factors that affect the implementation of regional autonomy in Indonesia is still a lot of views about the system of decentralized government and relativity penyenggaraan narrowly wide regional autonomy is regarded as a reflection of the political elite wisdom that can not be separated from the influence of the state and values that prevailed at the time. One form of decentralization of political or territorial decentralization, and other designations over the system or principles of decentralization, but the goal of the Government of the Republic of Indonesia penyenggaraan unchanged primarily work towards social justice for all Indonesian people. Weakness is often encountered circumstances contained in the legislation set a target ang demands will not change because they can no longer be used as a means to conduct social engineering (socio-engineering) to the state perbaikan to fit the goals to be achieved.

Although research conducted from three previous studies hardly representative of the entire situation needs urgent decentralization of coal mining permits in the implementation of regional autonomy, but urgent
research has unmasked illumination of the complexities and diversity in decision-making and control of natural resources and the needs of the people which is precisely addressed by explicitly partitioning the region as the area between regions horizontally and vertically partitioning the organizational hierarchy. District or a city consider himself very autonomous and separated from the presence in the vicinity. This trend shows the counties and cities are no longer looking at key positions Provincial Government and the Central Government even.

If this condition is allowed to drag would endanger the survival of the nation itself integration. Issues that arise in the way of coal mining permits decentralization in the implementation of regional autonomy is due to the implementation aspects. In response to this to do a review and critical evaluation of the three studies mentioned above, especially in terms of how to run a democracy more prospective.

II. METHOD

The method used in this study is a qualitative approach, the descriptive analysis method. Locke, Spriduso and Silferman (in Creswell, 1994:147) argues that qualitative research is interpretative research. As such, the biases, values and judgments of the Researches Become stated explicitly in the research report. Such openness is considering to be useful and positive. That is a qualitative research approach that is tailored to the characteristics of interpretive research is directly involved in the study site through participation observation (participant observation), if the use of a qualitative design approach does not emphasize the issue of what is (das Sein) with the fact that there is (das sollen) in the field as a result of bias, values and assessment of research into explicitly stated in the research report. Openness is important in considering it to be a useful and positive.

Then according Moleong, (2008:3) qualitative research methods as a research procedure that produces descriptive data in the form of written or spoken words of the people and observed behavior. Qualitative research requires more guidance towards the preparation of substantive theory based on the data. Thus the use of a qualitative approach is more emphasis on the process of finding meaning and
disclosure clearer meaning behind the phenomena that appear in the studies reviewed is more comprehensive, in-depth, natural and candid, so know the real issues in the field where research.

A qualitative approach to answer the research problem posed, and more emphasis is placed on:

1. Reveal and understand the process of decentralization of licensing coal mining in East Kutai regency of East Kalimantan.

2. Understanding the implementation of regional autonomy in applying the principles of environmental conditions; interorganizational relationships, available resources, and characteristic of the implementing agencies (the characteristics of the implementing agency).

3. Establishing a causal explanation or the relationship between decentralization of coal mining permits in the implementation of regional autonomy that environmental conditions; interorganizational relationships (interorganizational relationships), available resources (resources available), and characteristic of the implementing agencies (the characteristics of the implementing agency) in the context of decentralization in East Kutai regency of East Kalimantan.

Approach that emphasizes qualitative methods epistemologik in this study who gave birth to a reformulation and reconceptualization of the theory of decentralization coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan Province, from a combination of perspectives studied through the integration of ethics and emic approaches, as well as the qualitative paradigm of modern.

This process appears with a new hypothetical proposition through the interpretation of the interactions between the attributes and propreitise are then used to build the category and provide explanation of the phenomenon under study. This research activity is characterized by the activity collect, describe and interpret data about the situation experienced, certain relationships,
activities, views, or attitudes shown on trends evident in the ongoing process, conflict and cooperation tapered run. Through this design obtained a description of phenomena, facts, properties and relationships phenomenal decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan Province as a whole and thus do multidimensional formulation of the hypothesis as a categorization and research findings.

III. RESULTS AND DISCUSSION

Management of coal mining in East Kutai Regency of East Kalimantan is currently managed by the mining company PKP2B (Coal Mining Agreement) in investment there are two (2) main goal is to replace part of a damaged supply of capital and additional capital of existing provision. The development of macro-sectoral regional development can not be separated from the development and distribution of investment allocation between regions. In that regard separated types of investments made by the private sector and the government, considering the factors that determine the location of the two types of investments are not always the same. Generally, the government is still considering some factors, such as the development of a particular area for political and strategic reasons.

Mining policy of integrated, comprehensive, and consistent attention to the importance of decentralization policies and aspirations of the region to improve the local economy appears to be a matter of interest. Because the East Kutai regional government in improving the regional economy on the local regulation based on the legislation. Regional policy in improving the regional economy of coal mining permits in the implementation of regional autonomy in East Kutai district are required to translate operational capital investment and promotion of the region.

Investment in East Kutai district when the translation of the policy is not clear, then by itself decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan difficult. Ambiguity is the translation of it seems to be a problem in the process of coal mining permit. That's why entrepreneurs coal mining in East
Kutai not know exactly the socialization of the policy, but also caused by the policy positions that are in the Law No. 32 of 2004 on Regional Government cope; that seems unrelated to coal mining operations. Though decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan Province as defined in the law applicable to the management of economic resources perberian coal mining permit.

Suwaryo (2012: 35) argues that:

To achieve the desired objectives, the implementation of regional autonomy policy requires that memawadai authority by the potential and the demands of society and still require further travel and socialize in an environment of implementing the policy and its target group.

Suwaryo intent, if decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan Province aimed at significantly accounted for a very essential and determine from a coal mining permits, although well-defined but not implemented when the coal mining permits became the slogan of the socioeconomic, cultural, and political processes that affect mere passively accept what is done by the Regional Government of East Kutai Regency to the public interest.

Decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan Province is not necessarily related to the organization of the course area. Other regional organizations are also concerned with the process of coal mining license which covers a number of aspects, each aspect is closely related to the implementation of the powers and duties of each principal regional organizations. In this perskeptif any department or agency is required to carry out its duties in a transparent and professional.

Then Cheema and Rondinelli (1983:18) said to provide an understanding of decentralization in a broad sense, namely:

"Decentralization is the transfer of planning, decision making, or administrative
authority from the central government to its field organization, local administrative units, semi-autonomous and parastatal organization, local government, or non-government organization.

Cheema and Rondinelli intent refers to the rules of law applicable in Indonesia, decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan is the devolution of government power by the central government to autonomous regions within the framework of the Unitary Republic of Indonesia became the primary choice in governance. This choice was based on the presence of some of the advantages of decentralization and goodness itself. Kaho (2001:13) identifies some of the benefits obtained by the decentralized system was followed, namely:

1. Reducing the accumulation of jobs in the central government.

2. In the face of the most urgent problems that require prompt action, the area does not need to wait for instructions from the central government again.

3. To reduce bureaucracy in the sense that bad because every decision can be immediately implemented.

4. In a decentralized system can be held differentiation (differentiation) and specialization (specialization) is useful for certain purposes. In particular territorial decentralization, can more easily adapt to specific local needs and circumstances.

5. Given the territorial decentralization, autonomous regions can constitute a kind of laboratory in matters relating to the administration, which can be useful for the entire country.

6. Reduces the possibility of arbitrariness of the central government.

7. Psychological aspect, more decentralized provide
satisfaction for those areas because it is more direct.

The results of the Department of Mines and Energy records of East Kutai Regency in May 2014, it is known that a mining company listed on the Department of Mines and Energy East Kutai licenses reached 147 companies in the form of mining business license (IUP) coal. The number of coal mining companies listed on the Department of Mines and Energy East Kutai Regency is presented in the following table.

Table 2
Mining Companies Registered (Already Adjusting to Law No. 4 of 2009 on Mineral and Coal)

<table>
<thead>
<tr>
<th>No</th>
<th>Type of Permit</th>
<th>Number Company</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>IUP- Exploration</td>
<td>122 Company</td>
<td>Operated yet</td>
</tr>
<tr>
<td>2.</td>
<td>IUP- Production Operations</td>
<td>25 Company</td>
<td>It operates</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>147 Companies</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: District Development Planning Agency East Kutai, 2013

Based on Table 2 above is known that as many as 122 listed companies have had a Mining Permit - Exploration yet in operation. This could be due to, among others, that on the surface of the land for mining exploration activities there is still a plantation and forest area status, so that exploration can not be done, because the main referral should not be out of Article 33 of the Constitution of the Republic of Indonesia Year 1945 (1945), which essentially confirms the earth, water and natural resources contained on Indonesian soil is managed for the greater benefit of the people. So on the basis of Article 33 UUD 1945 runway, the Law on Mineral and Coal Mining (Mining) No. 4 of 2009 that set up and more strategic confirmed to be positive with the provisions for the holders of the Contract of Work (CoW) who have agreed to immediately run the program a broad renegotiation land
(up to 25,000 hectares), royalties, mineral processing and refining in the country, the use of domestic goods and services, as well as divestment. While a number of companies who do not conform with the Act - Act No. 4 of 2009 on Mineral and Coal known from the following data.

Table 3
Mining Companies Registered
(Not Adjusting to Law No. 4 of 2009 on Mineral and Coal)

<table>
<thead>
<tr>
<th>No</th>
<th>Type of Permit</th>
<th>Number Company</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>KP. General Investigation</td>
<td>17 Exploration</td>
<td>Could Mining Company</td>
</tr>
<tr>
<td>2.</td>
<td>KP. Exploration</td>
<td>105 Exploration</td>
<td>Mining Company Can not</td>
</tr>
<tr>
<td>3.</td>
<td>KP. Exploration</td>
<td>25 Exploration</td>
<td>It operates</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>147 Companies</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: District Development Planning Agency East Kutai, 2013

The development of coal production in 2013 production reached East Kutai coal amounted to 7.4 Billion Metric Tons or 36.14% of the coal reserves in East Kalimantan province of 147 mining companies entering data in the Department of Mines and Energy East Kutai Regency. Registration and Mining Authority Mining Permit (IUP), with the application deadline back no later than June 1, 2014. Registration results that are known to re-apply as many as 147 companies or who has received the Mining Business License (IUP), which perizinannnya consists of:

Table 4
Registered Mining Company (June 2014)
(Already Adjusting to Law No. 4 of 2009 on Mineral and Coal)

<table>
<thead>
<tr>
<th>No</th>
<th>Type of Permit</th>
<th>Number Company</th>
<th>Description</th>
</tr>
</thead>
</table>
Decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan that have been issued a total of 147 companies are already operating as 122 companies and 25 companies still Exploration stage (not mine) and the remaining 89 companies have not signed up.

The development of coal production in 2013 in the East Kutai Regency is at 7.4 Billion Metric Tons or 36.14% of the coal reserves in East Kalimantan province of 147 listed mining companies that invest in the location and area of land that is planned to be explored by the group Limited Liability Company (PT), Commanditaire group Vennontschap (CV) is commonly called Kommanditgesellschaft of 147 companies that effectively carry out production activities. Of the many factors that led to the coal mining operations are not running smoothly. When associated with the implementation of the decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan. One of the factors in question are not effectively process as regulated in Law Number 32 Year 2004 on Regional Government.

In fact, the coal mining business in East Kutai Regency sizeable contribution, because royalties are levied by the Regional Government of East Kutai Regency range 5-7% per Metric Ton (MT) of coal, not to mention the impact of employment and business opportunities for local communities in cooperation with the firm. Contribution to the community around the coal mine mine big enough, especially in royalty payments by the Government of East Kutai Regency ranged between 5-7% of the price of coal is determined by the Regional Government of East Kutai Regency is a state revenue
taxes, not to mention taxes from employee salaries (21 pph) and corporate tax (Pph 25) and other dues such as dues and other harbor-making set by the Regional Regulation of East Kutai regency administration in efforts that have been implemented to support the productivity and efficiency of the coal mining business to expand employment and increase incomes.

Factors affecting the implementation of the decentralization policy of coal mining permits in East Kutai in East Kalimantan province as follows;

(1) Factors environmental conditions; includes a variety of dimensions, such as the national political structure, policy formulation process, political infrastructure and supra-structure of local political, cultural and social interests of various organizations, as well as the availability of physical infrastructure. A policy is essentially a condition arising from social, economic and political special and complex coloring is not the substance of the policy itself, but also the pattern of relationships between organizations and implementing organizations in the field and the potential resources and potential of both kinds. National political structure, ideology and influence the policy formulation process level and direction of regional autonomy. In addition, the characteristics of the local structure, socio-cultural groups involved in the policy formulation process and the level of interest of the organization as well as infra and superstructure conditions also play an important role in regional autonomy.

(2) Factors interorganizational relationships; that successful implementation of regional autonomy policy requires interaction and coordination with a number of organizations at every level of government, from local to national and cooperation with non-governmental organizations or NGOs (NGO) among interest groups. Interorganizational
relationships is determined by the clarity and consistency of policy objectives, the effectiveness of the implementation of the planning and budgeting, quality of communication between the organization and the accuracy of the allocation function.

(3) Factors of available resources; conditions conducive environment can provide greater discretion to local governments and inter-organizational relationships is necessary for the effective implementation of regional autonomy. To what extent do local governments have the flexibility to plan and use the funds, allocated a budget to finance the purposes of his own household affairs, timeliness in allocating budgets to implementing organizations, the authority to levy financial resources and the authority to spend it at the local level, also affect the implementation of regional autonomy. Local governments implement regional autonomy as effectively as possible, he was given the support of national political leaders, officials of existing centers in the area, as well as leading groups in the area necessary administrative and technical support from the central government. This weakness is encountered during the limited resources and the authority to levy local government revenue sources are adequate to carry out the central task given.

(4) Factors characteristic of local government officials; precedence to the ability of the executive in the field of technical skills, managerial and political, the ability to plan, coordinate, supervise and integrate every decision, both derived from the sub-sub-unit of the organization, and the support that comes from the national political institutions and other central government officials. The nature and quality of internal communication, the relationship between the implementing agencies with
the community, and effective linkages with the private and non-governmental organizations play an important role in the implementation of regional autonomy. Quality leadership, staff commitment to the objectives of the policy, and is often also referred niveleering implementing organizations in the arrangement bureaucratic hierarchy.

This decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan Province is dependent upon the relationship of the four factors, namely; environmental conditions, inter-organizational relationships, available resources, and the characteristics of local government officials who berdampaknya; (1) the achievement of the policy objectives of decentralization is the creation of regional autonomy; (2) increasing the ability of local government agencies in planning, resource mobilization and implementation; (3) increased productivity, revenues, service to the community and active participation of the community through channeling inspiration and aspiration of the people which is used as a reference in analyzing why the relationship factors that affect the decentralization of coal mining permits in the implementation of regional autonomy in East Kutai East Kalimantan Province.

Empirically decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan Province of the attitude of the central government who have not submitted a number of powers to the provincial governments, and local governments are not willing to lose the authority or power that have enjoyed an advantage for the government center.

IV. CLOSING

Based on the results of the above description as a cover that decentralization of coal mining permits in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan province has not done effectively, because they can not effectively increase the exchange area, due to Local Government does not yet have broad discretion in the management of forest and plantations as a source of local revenue by not ignoring the
factors that determined by; environment factors that cause air pollution have a negative impact on health; interorganizational relationship factors that are not conducive to run coal mining activities in the interests of the public it serves; resource factor for the implementation of the coal mining region of overlap permits highly detrimental to the coal mining company; and factors are integral characteristics of implementing agencies is complex and can not be calculated from the licensing of coal mining in the implementation of regional autonomy in the East Kutai Regency of East Kalimantan.

The new findings in this study are: the speed of the implementation of a decentralization process of coal mining permits in the implementation of regional autonomy for coal mining companies is determined by feed back system which provides information about the facts and events in the field for consideration next policy-making.

New concepts in this study are: decentralization of coal mining permits in the implementation of regional autonomy based capital intensive planning activities carried out with due regard to the exploration of natural resource management uniformly thoughtful, proportionate and equitable distribution of resources to ensure the nation's wealth evenly in achieving a balance between area and the balance between central and local in strengthening the unity and integrity of the Unitary Republic of Indonesia.

V. REFERENCES

Books


14. Other Documents


17. Peraturan Pemerintah Nomor 38 tahun 2007 Tentang Pembagian Urusan.

18. Undang-Undang Nomor 41 tahun 1999 Tentang Kehutanan.

19. Undang-Undang Nomor 18 tahun 2004 Tentang Perkebunan.

22. Undang-Undang Nomor 4 tahun 2009 Tentang Mineral dan Batubara.