

Social Injustice from The Presence of the Bauxite Mining Companies

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Abstract. This paper aims to examine the forms of social injustice by the presence of mining companies and local residents in the Tayan Hilir, Sanggau. This study used a qualitative approach accomplished through a descriptive method, and which was then analyzed using qualitative analysis to describe the form of social injustice for society by the presence of mining companies. Results of the study explained that point on begins the social injustice originated from government policies that tend to favor the mining entrepreneurs. With the capital and support of the state, these persons are in superior position to act half "forceful" against the society's land concessions. On the other hand, society who do not possess the knowledge and power become the injured party. It is based on the reality that occurs when land concessions in Embaloh and Semerah Hamlet (Dusun) which were not in accordance with the contractual agreement. Relocation offered by the company was far off and there are no public facilities.

Keywords: Social Injustice, Mining Company, Land Concession

Introduction

The wealth of nonrenewable energy resources is scattered in several areas, as outlined by Febriansyah, Artha; Novianti Vera; Ikhsan (2013: 395) that the potential of natural resources and mineral reserves of metallic spread across 437 locations in Western and Eastern part of Indonesia. Similarly, West Kalimantan stores abundant natural resources, especially minerals such as gold, lead, iron, manganese, zircon, kaolin and Ball Clay. Based on the Data the service of mining and energy West Kalimantan Province in 2011, said that the best-mining region that produced bauxite are in Sanggau and Ketapang district with the reserved bauxite around 622.921 million tons. Related to those plentiful and fantastic minerals, investors are vying to invest in the mining sector that promises a huge advantage.

Based on the law on Minerals and coal Mining No. 4 of 2009 on mining and minerals, the regional head of Sanggau

issued the mining licenses to 36 companies bauxite with total area of 517 175 hectares. Particularly in District Tayan Hilir in 2012 gave permission to 16 bauxite companies. Imagine that, those spacious mining area can also affect and penetrated the land of local community. The company argued that they have already owned business license with. Then, they made various efforts so that the spotted mineral area which are in the land of citizens submitted to the company through land concessions.

Although that the potency of mineral explored and exploitation of reserved minerals is able to add the state income, but it also has impacts. In the long term, it affected by damaging the landscape that causing spots giant, due to management the mineral mining. It is not only the destruction of nature but also the social impact on environmental degradation that damage the social order around the mining. Moreover, the dominating operating rights by enterprises with a very

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long period of decades torture the people that they could not take back their land that has already submitted to the company.

The impact of mining occurred inequality in society such as in Tenggara as described by Apriyanto and Harini (2013: 290) based on the findings of research by the presence of mining coal in the village of Loa Ipuh Army Tenggara. The negative impacts were the environmental damage with polluted air and rivers air, while impact of economic growth in society assessed not too significant compared to the company profit. There is an injustice that afflicts the people indicated by no increased of welfare. Similarly described by Pertiwi and Dharma (2011: 1), the results of research by the presence of a coal mine in the village of Sempaja North Samarinda. The impacts of mining activities increased in disturbing the public by causing erosion, water flooding, air and soil pollution, so reduction of forest areas.

Management of natural resources that damage the environment according to Jenkins, Heledd (2004: 23), in response to widespread and increasing criticism, the mining industry has started to pay serious attention to its environmental and social impacts. If the Management of natural resources is not managed optimally according Haryana (2014: 197) potentially leading to disaster, whether natural or social disaster. An issue of social disaster is that people treated unfairly by mining companies marked by the loss of the rights of communities living around the forest.

The presence of mining management certainly should contain an element of justice for community, the justice should heed to the rights of local communities. As principles of justice, that is the emphasis on proportions with the principle of impartiality. The principle of equity of a company as defined by Aprianti (2013:5) is the responsibility of the company to achieve fairness in business. The social responsibility is to sustain the economic development for the benefit of society and the natural environment as a responsibility in justice.

The public perceives inverted condition that there was an injustice condition in the presence of mining. The injustice issues directly related to the rights of local communities. Often the issue was about the detrimental of the society because of the concession. The case in Tayan Hilir Sub district, in Dusun Embaloh and Dusun Semerah, The land

concessions happened in the new settlement relocation that does not correspond with the total area taken by the company because it was not comparable with the land provided. Moreover, the distant of relocation sites was in remote villages. The points of agreement according to the agreed do not correspond to reality.

The phenomenon of land cases that occurred in the district of Tayan Hilir mostly happens in other areas. The problem was about the agrarian that occurred by the presence of mining companies. Community unfairly treated, this issue ultimately led to a conflict because citizens feel marginalized in their own region. Of course, people are deluded by the forces of capitalist entrepreneurs. As described by Purbaya, Bawor and Nurmala Dewi, Sicily (2014: 22) that the land owned by residents is grabbed by the company using the business permit. The company has the power of capital that is able to influence the policies in the field of natural resources to maintain and safeguard its interests. These practices are a form of criminalization of citizens by powerful corporations. The company's responsibility to make the justice was not realized.

The issue of land concessions in Dusun Embaloh and Dusun Semerah until now has not completed. The problem between the mining companies with the villagers about the relocation site and extent of the concession area was not comparable since it causing huge losses by the citizens of the right to survival. Based on described indications, the purpose of this paper is to discuss the forms of social injustice of citizens by the presence of mining companies in the district of Tayan Hilir through the perspective of social justice

The Concept of Social Justice

Analysis of social justice meant by John Rawls, 1972 (Ife, Jim & Tesoriero, Frank, 2008: 106), which seeks to apply the principle of equality in basic freedoms and equality to get a chance to progress. Further reinforced by the concept of justice (Indonesian Wikipedia, the free encyclopedia) is a condition morally ideal truth about something, either in relation to objects or people. The concept of justice is more specifically described by Ife, Jim & Tesoriero, Frank (2008: 116) that justice is indirectly some of the views or honesty, or equality that includes the rights. The explanation of these rights is a fundamental for the understanding of justice.

Justice of the rights regarding natural resources as defined by Suparlan (2003: 26) is the rights of local communities to use their area to continue their livelihood. In fact, the company in the name of national interest takes that right. This condition indicated that there was an element of injustice management of natural resources, which was controlled by the company. According the Suparlan opinion as factual conditions of citizens around mining, a form of injustice is the existence of an inequality by tenure and control structure of the economy by the investors in this case the mining company.

Furthermore, this study was described as using qualitative descriptive method. This method describes the social phenomena in the Tayan bauxite mining Hilir Subdistrict concerning citizens land concessions by mining companies. The type of data used were primary data obtained from informants as relocated citizens, employers, community leaders and some people who know the obvious issue of land concessions. The technique of collecting data was through observation and interview techniques. Observation technique was used to observe the location of the mining area, the residential area and the area of land affected by mining exploration. Interviews was conducted to gain information of citizens who are in the area of mining, community leaders, employers and government by using in-depth interview techniques. Secondary data were obtained through the documentation and study of literature related to the research objectives. Analysis of the data of this study was processed using qualitative analysis to describe the presence of social injustice citizens by the presence of mining companies in the district of Tayan Hilir.

Bauxite Mining Relocation problems in Tanjung Bunut

Areas to be relocated were RT Sungai Merah Dusun Piasak, Village Pedalaman (consisted 13 families) and Dusun Embaloh Desa Tanjung Bunut (Consisted 105 families). In the early planning of the relocation area was in Bukit Sembilan Belas Embaloh district, Desa Tanjung Bunut. However, this relocation plan raised many problems, especially of Dusun Embaloh Desa Tanjung Bunut, because of the provided location that was not in accordance with the company contract.

Bauxite mining in the region in recent years faced serious problems related to the relocation plan, especially for the Dusun

Embaloh area. Several issues has been risen as the result that relocation could not be executed between the companies, PT. Aneka Tambang as the license of mining concessions, and the Dusun Embaloh community. The company drafted relocation in unstrategic place that is far from the access road and public facilities like markets , schools and hospitals , so that the local community considers the draft relocation will eliminate the source of life compare with current life location which is very strategic and fertile.

Unilateral action by company to divert land concession to a new location indicated cases of unclear land ownership in the new location. Related to the status of property rights over the land on relocation area of Dusun Embaloh. Society did not have certain the legal status relating to the ownership of the occupied land so they were difficult to maximum use the land to support the economic, social and cultural development. Meanwhile residents required certain land ownership status of relocated area. This uncertainty makes people unable to use their land because their stupefaction of displaced to another area which is not necessarily able to cultivated for agricultural land residents, while the previous land as a source of livelihood of citizens.

The Management of natural resources such as bauxite can increase source of nation income, and people expect the presence of mining companies in the region can an increase in the welfare. The company expected to absorb the local labor and potential economic resources that can be managed by the community, with the opening of new jobs, open trade and services area development around mining would increase. Then, the opening of access roads can connect the isolated region. The reality of social phenomena to explain precisely the presence of mining companies in the midst of society would lead to the destruction of nature and the destruction of social, economic and cultural. Based on those points, these are the description of the forms of social injustice suffered by residents due to the presence of mines.

The Social Injustices by Government Policies as Licensors

Actually, the management of mining originated from government policy that issued the regulations as mining law or Act No. 4 in 2009. It stated that "mining

is a part or all phases of activities in the framework of research, management and exploitation of mineral or coal that includes general investigation, exploration, feasibility, construction, mining, management and refining, transportation and sales as well as post-mining activities." Under the law minerba, it was affirmed in chapters 6 and 7 that in the management of the authority to conduct mining management are the central government, provincial government and district / city governments. Then through PP No. 75 of 2001 concerning the issuance of the Mining Authority's decision can be made by ministers, governors, regents/ mayors are tailored to the mining authority area.

Local authorities provided a mining permit allegedly contained "game" that the local government granted permission to the prospective employer that did not meet the requirements, and without regard to the circumstances of the area that would be explored, as the government Sanggau has permitted mining company in 2012 amounted to 16 companies. Many of the companies that were given such permission. According to information of citizens Tayan Hilir, they explained about the most important problem is the damage to the landscape up to hundreds of hectares, so that the previous land -shaped plantations and farms into wasteland cannot be planted for both plantation and farmland.

Many number of these licenses was because the high-interest of the company with area owned by citizens that suspected containing minerals. As according Bawor Purbaya, Tandiono and Nurmala Dewi, Sicily (2014: 12), explained that the presence of plantation and mining companies indicated their manipulation practice activities and deal with government regulations, in various ways. Another case people who did not have knowledge and power of the bargaining position become the victim because of the strength of the financier. The greatest loss was the issue of inappropriate land compensation with the prize of their land. In the end, people become marginalized in their own land.

Government promised to improve the welfare of the people by the presence of mining companies did not match the reality. Based on the research results Aprianti (2003: 6) it is a company's responsibility to give effect to the betterment of society as a form of justice. Instead of mining companies in Tayan Hilir ignore its responsibilities as in the case of recruitment, the mining company

promised to recruit labor from the local people. Based on the interview with one of the informants (residents) from the Embaloh village states that if before the company pledged recruitment recruited from the local population, but the promise was ignored, the recruitment of labor taken from other areas, by the reason that local residents did not qualify in technical mining. From these cases, it seemed the government could not be a facilitator in order to provide employment for local citizens.

Injustice economic access opportunities between the company and local communities

Ideally, when viewed from Indonesia's development goals are to improve social welfare and social justice. The development objective is oriented towards sustainable development (sustainable development) as described by Tjokrominoto, Moeljarto (2008: 12) that "sustainable development will be realized through the linkages between the natural, socio-economic aspects and culture". Human activities should not damage the ecological resources and natural environment. But in reality, the environmental crisis happens today which is very pathetic as described by Ife, Jim & Tesoriero, Frank (2008: 53) the reduction of natural resources, loss of biological sources, otherwise the increase in air pollution, an increase in nuclear waste and waste other toxins will result in extinction of human civilization itself.

Society as a subject of development acts as partner with various parties, both government and employers not otherwise be in a position "aggrieved" by the development. Therefore, social justice has not even touched the community's rights of life. Thought social justice (Ife, Jim & Tesoriero, Frank, 2008: 107; John Rawls, 1973) is the presence of the public awareness related to justice, honesty and equality. Perspective of social justice here recognizes the equality of the rights of individuals to receive individual and institutional opportunities in aspects of social life. Equality has become an important thing for the opportunity to get any access without pressing or intimidating for those who are not able to compete by the power of entrepreneurs / businessman.

Problems of land area controlled by mining companies as described by Hartati & Zulfa Aulia (2013: 155) that the active role of local governments in maximizing mine

excavation goods helped trigger social conflict mainly concerns the people around the mining area. Moving on from the involvement of the government, employers were in a superior position in the management of mining. Government involvement strengthened the position of the employer of mining companies to ease 16 companies in Tayan Hilir.

Many of the companies take away the rights of life, based on interviews with one of the village residents Tobak explained that if all permits for mining operation, so out of control, how great a negative impact on rural economies. This makes the public land area around the mine area were slowly relegated to areas that are not fertile, so far remote from the access of the districts. The area of land is not fertile due to the exploitation of mines located in Bukit 19. When the responsibilities of CSR is hold in December 2012, the company did the revegati program by planting fruit trees such as tree jackfruit, jackfruit, guava tree, durian, rambutan trees. When teams did the plant, they found out that the land observation is not fertile which also supported by laboratory data of land. The land is low in humus, meaning ex-mining land area cannot be planted. This happens also in other areas so that the land is abandoned.

These conditions triggered the raises of potential conflicts, as confirmed by Habib Ahmad (2004: 23) that those potential conflicts in the countryside due to their mastery of the companies of the economic resources in their village. Injustice happened because the power of the financiers who shut livelihood opportunities the evicted residents. These conditions triggered potential conflicts for both sides. The impacts of the mining company's presence in fact lead to citizen disappointment. Research of Purbaya Bawor, Tandiono and Nurmala Dewi, Sicily (2014: 21) explained that

the sense of justice is not becoming the priority in law enforcement to fight for the citizens affected by the relocation. Begin with helplessness of society when the company expanded into citizens lands through concessions, when in fact, it is a form of deprivation of rights of citizens. The impact for citizens is the hardness to meet various needs of life due to loss of livelihood. It is clarified as described by Rizal, Samuel; Paranoan, DB; Djaja, Suarta (2013: 122) for most of the agricultural land converted as mining area, most of people lose their land as a source of life between generations.

The Injustice of Land Concessions for Citizens

Based on to the case in the community around Sungai Jaman and the village of Emberas, this place became a mining site owned by the company. A total of 33 families in the two villages are placed in unrepresentative locations which is precisely positioned away from the remote location of public facilities and city districts. The previous residents location was very strategic that was close to public facilities and access to the neighboring villages. These conditions lead to rejection of the citizens, because it was not in accordance with an agreement with the company. It was agreed that they would be relocated to a strategic location than the location of the shelter residents beforehand. The incompatibility of responsibility of companies to provide suitable relocation caused losses of rights to live as they should. Inversely, as is the case in the district Gede Bage Bandung research Marenda Isaac, Ida Nurlinda, Yani Pujiwati (2011: 87) that the government's concerned toward the people's land by land consolidations program to protect the rights of citizens on the ground.

The incompatibility relocation experienced by residents, triggered the land conflict (agrarian) between the company and the community. Residents did not accept the incompatibility relocation, that they did a demonstration to the company. This was confirmed by Bawor Purbaya, Nurmala Dewi, Sicily (2014: 22) that conflict is not a conflict between parties with equal power, with the capital and support of the state. Employers were positioned in power while the people were weakened. Based on these opinions, the author analyzed that the position of the marginalized, as a form of social injustice that afflict the community, is because of the force by the authorities and employers.

The insignificant changes of improvement quality of life caused by an injustice done to the community, according to Ife, Jim & Tesorerio, Frank (2008: 109) because of the strong influence of the company so that citizens became victims, unfairly residents blamed considered against the law. It was because their position are weak that did not have the strength to resist. This injustice was in accordance with Haryani research results (2014: 192) that described the injustice of people in mining areas cause social insecurity, there is a resistance of citizens to fight for their rights. Based on information from the citizens, the interview stated that the company used the land in Dusun Semerah, and it would be relocated

according to the needs of citizens. Place reserved only for houses with a total area of each house of 200 square meters, whereas before, the size of residents land could reach the one hectare. The area of land can be used for agriculture; the fact relocation of residents' land was not adequate.

The potency of conflict began from conflicts of interest among employers with citizens. Based on the interview, said that some residents accompanied by Tobag Dayak council questioned on the company regarding land concessions that do not comply with the agreement and citizens requesting review of contracts that have been agreed. By the company argued that the relocation of land provided for under the agreement was quite representative. Incompatibility of perspective began triggered potency of conflict in the mining environment to be widening lead to other problems by the presence of bauxite mining. As emphasized by Atok, K and Sinju, B (2009: 296) that the injustice control of various social groups such as tenure by entrepreneurs exclusively spawned a crisis of justice which resulted in people being "refugees development" marked by lose their rights to manage resources on communal land.

The most vulnerable potential conflict in Tayan Hilir Subdistrict was a potential conflict of land. There is several mining company operating in that area, such as PT. Aneka Tambang Tbk, PT. Indonesia Chemical Alumina, PT. Kapuas Prima Persada. Based on the results of the study, those companies inflicted some cases involving the dignity of citizens. Indeed, before the presence of the mining company, the forest area was the source of livelihoods by using plants, animal and fish found in the forest to live. Society can freely use the land for farming and plantation crops such as rice, vegetables and rubber plantations. When citizens used the land for rice farming, another crop near the farm could also be used to plant other vegetable crops. As the result, they could have something to live and make money. The presence of mining eliminates the source of livelihood.

The economic losses were not comparable with the company's promise that would increase the welfare of the people. When citizens lose their source of life because their land was not optimal for agricultural land, the only hope of the people was getting jobs in companies. In fact, the bauxite industry employed very few people around, because

of workers coming from local residents did not meet the requirements of experts in accordance with the company's needs. This created new unemployment in the society. Moving from this phenomenon, the presence of mining decreased the citizen's income level. Recruitment of labor from other regions was confirmed by Yudhistira ; Krisna Hidayat, Revelation; Hadiyanto, Agus (2011 Journal Impact Assessment, Environmental Damage Due Sand Mining Activities in the Village of Mount Merapi Meningar Region Region) the presence mining attracts migrants to find employment resulting the lost opportunity for the locals. This creates social jealousy that started potential conflicts between the local populations with migrants.

Basically, the public has the local knowledge in managing land, done carefully not to cut down any trees or destroying forests without considerations. The planting of the values of local wisdom has become a tradition for generations. The concern about the environment to the next generation is clarified by Zainuddin, Hadi Mustafa, dafis Sufyan, Hakam (2014: 16) it begins early age, especially in elementary schools provide positive influence on the formation of the character of environmental concerns . Students are becoming more concerned about the cleanliness of the environment and care for the natural environment system in order to stay beautiful.

The phenomenon of the presence of the mining company affected the narrow or even loss of the agricultural public land. Local residents have to be burden of severe life because of damaged of natural environment that means a loss of biological resources as the foundation of his life. That was where mining does not have a significance increase in income of local residents.

The significance of the presence of mining to improve the welfare of society required further study. As Fatmawati (2011: 12) that the group of companies marginalizing weaker groups, so it will create new poverty for the lower classes of society, giving rise to social conflicts. As confirmed by Triscritti, Fiorella (2013: 438). Peru has been the largest gold producer in Latin America since 1996, has engendered social protests and conflicts that, in a context of weak institutions. The application of justice in management of environment must be observed within the framework of what the rights of environment and man are. In this case, those two things

should be equal.

In fact, the presence of Bauxite mining companies in the district of Tayan Hilir destructed the economy of citizens. The impact of mining resulted the local residents have to bear the burden of severe life because of damaged natural environment which means a loss of biological resources that have been the foundation of his life. That was where mining does not have a significance increase in income of local residents. In government point of view, the existence of mining was considered as one alternative to the addition of nation income to finance government productivity with the possibility of ignoring the impact of environmental degradation and damage to the social environment in mining areas.

Conclusions

The conclusion of this paper explained the presence of mining companies in Tayan Hilir Subdistrict Sanggau that created injustice for the citizens. Mining company's superior position as the investors get special privileges from the government for the company's interests. Otherwise, people at a disadvantage into the injured party, eventually becoming the marginalized communities in their own area of livelihoods. Social injustice suffered by local communities regarding the relocation of citizens who are "displaced" by the company. They were placed in locations that were not representative, in remote location and lack of public facilities so that preclude the source of life and livelihood of citizens. In fact, the presence of mining has not considered the rights of communities living around the mines.

There should be attention of businesses and governments to the aspirations of the people around mining areas on about the survival of their lives. Corporate Social Responsibility Program about the existence of citizens' concession should be suitable with the contract, which is equal. As well as the government should become a mediator to find the best solution to the problem of land concessions around the mining area.

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