

POWER CONTESTATION AND ENVIRONMENTAL DEGRADATION: Evidence From Bombana's Gold Mining Site, Southeast Sulawesi Province, Indonesia

Ulil Amri

Abstrak

Reformasi dianggap akan membawa kesejahteraan kepada masyarakat lokal, yang selama ini telah ditelantarkan oleh rezim Orde Baru, sebagaimana amanat Undang-undang Nomor 22 dan 25 Tahun 1999 mengenai desentralisasi kebijakan dan keuangan. Undang-undang tersebut memberikan kesempatan kepada masyarakat lokal untuk mengurus sumber daya alam dan manusia yang ada di daerahnya masing-masing. Sejauh ini, Reformasi mungkin sudah merealisasikan cita-cita di atas. Namun, di beberapa daerah yang lain, Reformasi malah menyisakan masalah seperti konflik dan kerusakan lingkungan hidup. Khususnya di Kabupaten Bombana, Provinsi Sulawesi Tenggara, konflik yang berbasis kontestasi kekuasaan diantara para pemangku kepentingan sumber daya pertambangan tidak dapat dihindarkan. Pada gilirannya, konflik tersebut mengakibatkan degradasi lingkungan di sekitar area pertambangan. Tulisan ini bertujuan untuk mendeskripsikan perkembangan terakhir jalannya Reformasi yang, pada titik tertentu, memunculkan konflik sosial dan mengarah pada degradasi lingkungan di suatu daerah. Adapun argumen tulisan ini adalah bahwa masing-masing pemangku kepentingan telah 'membajak' undang-undang desentralisasi sebagai basis legitimasi mereka untuk merebut sumber daya pertambangan yang berujung pada rusaknya lingkungan. Pada bagian akhir, tulisan ini akan mengajukan rekomendasi singkat mengenai bagaimana menyelesaikan persoalan tersebut.

Kata kunci: Reformasi, Desentralisasi, Kontestasi kekuasaan, Konflik, dan Degradasi lingkungan.

A. PENDAHULUAN

Reformasi has restored Indonesia from authoritarian to be a real democratic country by accommodating the voice of local people through decentralization policy scheme. This scheme is acknowledged to bring power closer to the locals as well as give them opportunity to manage local resources by technically establishing new region. Following the implementation of the policy on January 2001, some new regions emerged including Bombana in 2003. During few years after the establishment, this region went with relatively stable situation until a gold mining site was found in the region's upland in 2008.

Besides producing benefit to the region, the mining site also raising problems like conflict based on contestation which then leads to environmental degradation. The contestation involved several groups including provincial, regional government, local miners, traditional landowners, and companies, where each claims to have rights over the site. Each group refers to the decentralization laws to legalize its action. This article aims to analyze the way of these groups employ certain law to pursue each own goal which then raises conflict, and in turn damages environment. At the end, short recommendations will be proposed to mitigate the problems. However, this article does not make any generalization to other mining sites found after *Reformasi* era. So do the proposed recommendations might not be able to be applied in other sites regarding to the complexity of local features.

This article will be systematized as follows. Firstly, it discusses some literatures on the topic of decentralization led to conflict, and environmental degradation. Secondly, it provides briefly picture of Bombana from its history until gold mining site was found. Thirdly, it features analysis of why and how local stakeholders contest each other for the sake of getting control over the site which

ends up with environmental degradation. Finally, this article proposes brief recommendation to solve the problems as concluding remarks.

B. PEMBAHASAN

B.1. Literature Review

Since Suharto stepped down from presidency, Indonesia faced difficult situation due to Asian economic crisis. Many people then extracted natural resource to face the crisis. This natural resource can be both forest and mineral. Unfortunately, their use neglected environmental condition. One of which suffered the most was environment surrounding the forest and mining areas. This suffering became serious due to the weakness of monitoring and evaluation in the early stage of decentralization (Mc Mahon et al 2000, p. vii).

In Kalimantan for example, McCarthy (2002) shows how Indonesia faces serious environmental problem, especially during decentralization era where illegal logging practices become acute. According to him, the root of the problem is a shifting of political and economic structure from center to periphery. This era provides opportunity for local people to get as much benefit as possible so that they are able to enlarge their power by generating institutional arrangements such as regional taxes (*retribusi daerah*). However, government is not a single player here. There are many other players including local elites, entrepreneurs (*cukong*), and people do such kind of arrangements.

In another study, McCarthy (2004) finds how people become more expressive during the post Suharto's regime. Unfortunately, this expression manifested into certain forms of inconsistency and pragmatism in interpreting laws and regulations in order to pursue each group's interest. Furthermore, such interest leads to conflict of power in order to get control over resources. As each group races to gain opportunities, forest remains devastated. The more groups try to get benefit, the more they damage the forest. This fact leads him to urge us to rethink whether or not *Reformasi* is a right way to move forward comparing to the past undemocratic era.

In the case of mining, after the implementation of decentralization, many groups contest each other to get control over the tin mining site in Bangka-Belitung. Iskandar *et al* (2005) describes the situation as more complicated than before due to transition period of becoming new province. The decentralization laws are used by all regional governments both to gain revenue and help people to face the crisis by enacting regional government policy to mine the site. One of the policies is to give mining permit to local people to mine freely. Unfortunately, this activity goes far from what have been expected and being uncontrollable. In turn, it damages environment. This article will employ the essence of the studies above to see the relation between conflict based on power contestation and environmental degradation in Bombana's gold mining site. The data collection of this article is developed from previous research fieldwork on the topic of the Dynamic of Power Contestation over Bombana's Gold Mining Site.

B.2. Bombana: The Blessing of Go(l)d

Bombana is a new region in Southeast Sulawesi Province which previously became a part of Buton region. After the massive growth of new regions, following the implementation of decentralization, in 2003 Bombana declared itself as a new region with Rumbia as the capital city. This declaration was legalized by Law No. 29/2003. Geographically, Bombana is a strategic region. Its location closes to Banda Ocean which is known as the strategic area of sea trade. Bombana covers 2.845,36

km² of land and 11.837,31 km² of sea which consists of seven sub districts. Its population is about 110.029. The government revenue is mainly from local tax while its people's income is primarily from agriculture (paddies, fruits, and vegetables), trade (forest, agriculture, and livestock breeding commodity), and transportation (port of ships) (Southeast Sulawesi Provincial Government 2009).

Historically, Bombana was a Moronene's place, an original ethnic who has occupied the region long time ago. Based on the local mythology, once upon a time the region was called as *Tau Bonto*, meaning 'rotten year'. The story began when *Tau Bonto* experienced a massive paddy harvest but soon became rotten because people did not know how to make use of those abundant paddies. *Tau bonto* was also known as a small kingdom governed by *Mokolele*, a king of the region. After Indonesian independence in 1945, *Tau Bonto* or Bombana joined Buton as a sub district (Bappenas n.d).

In 2008, Bombana got miracle. A huge amount of gold deposit had been found in the region which estimated about 165,000 tones (Kontan 2008). The deposit is found on two sites: Rarowatu and North Rarowatu sub district. Rarowatu site is located on ex-transmigration area namely *Sentra Pemukiman Delapan* (SP 8). It is a barren land on a hilly area. Due to such condition, the trans-migrants moved to another area. Meanwhile, North Rarowatu site is located near Tahi Ite River. The distance between these two sites is not far, about 10 kilometers (Muttaqin 2009).

The miracle came in the middle of 2008. Local people in Tahi Ite namely Budi intended to build livestock. But then he received 'mystical message' while sleeping, saying that he should dig the area. Afterwards, Budi and his friend came to the area and tried to dig. Amazingly, they found gold material. Then, he changed his mind not to build livestock any longer, but to mine gold. At the time, Budi and his friend were the only miners at the site. The gold was sold to market in Makassar, South Sulawesi Province. Due to regularly come to the same buyer, Budi was suspected to commit crime, stealing a huge amount of gold, so that Police Department of Makassar interrogated him. Finally, Budi told his activity and the site where he found the gold (Muttaqin 2009).

Soon, the information about the gold mining site spread everywhere. Hundreds of people came to the sites afterwards. They were mainly from neighbor regions like Konawe, North Konawe, Kolaka, North Kolaka, Buton, Muna, and also Kendari municipality. Gradually, people outside the province also came in a great numbers. Some of them were from Papua, Java, Kalimantan, and also near Sulawesi Island. During several months after the first finding, Bombana had been visited about 20,000 people. "It is a blessing of God", said Nur Alam, the Governor of Southeast Sulawesi Province (Kompas 2008).

It is a blessing because the site brings benefit to people surrounding the site. Economically, the miners, at least, got 1 gram per day. It is equal to IDR 200,000 (USD 20). Few miners even got more than that. In fact, they just use simple equipment like hoe, shovel, and frying pan. This amount of money cannot be compared to their income per day without mining. Even the regional minimum salary, IDR 770,000 per month (Indonesian Human Resource Community 2009), is still lower than that. This economic boom does not only impact local people, but also outsiders. In turn, such boom creates multiplier effects.

B.3. The Portrait of Power Contestation in Bombana: Why and How Does It Happen?

Blurred Laws

Reformasi has changed social, political, and cultural configuration of Indonesia. Previously, the country was managed by a centralized system of government in which every single government policy set in Jakarta. Today, after enjoying *Reformasi* era, some of the policy decided on regional and municipality level including health, education and culture, agriculture, trade and investment, land administration, environment, and labor (Rasyid 2002, p. 3). All of these authorities guaranteed by the Law No. 22/1999 on political decentralization and the Law No. 25/1999 on fiscal balance between central and regional government. By these laws, the locals are then able to demonstrate their social, political, and cultural expression. Later, both laws are used by the locals to legitimate their activity on the mining site. Also, these laws open flexible interpretation, confusion, and even ambiguity especially in relation to the control right over resources (Eilenberg 2003, p. 211).

In the field of mineral resources, there was the Law No. 11/1967 on mineral resources enacted by New Order regime stating that central government became the powerful body in managing the resources. The government had a single right to issue mining permit which was also known as Contract of Work (CoW) for those who intended to do mining extraction. For those who had already got such permit had automatically right to do extraction even though the site was still in dispute with landowner or other groups. This law does not seem to be in line with the spirit of *Reformasi* where local people's right is put first. Consequently, this intersect of laws create problem later on.

The intersect between decentralization laws and the New Order's mineral resources law continued until it was substituted by the Law No. 4/2009. Although the spirit of this law is already in line with decentralization policy because has devolved authority in issuing permit from central to regional government and municipality, but it is believed to remove central government's power over regional level. For example, the law still guarantees the right of some existing mining companies which have already damage local people and environment (Maemunah 2009). At the local level, similar law intersection is also occurred.

Once mining site was found in Bombana, the vice president of Indonesia, Jusuf Kalla, and the governor of Southeast Sulawesi Province, Nur Alam, directly opened the site for people to come. Thus, many people not only from near but also out of the site came to mine. Due to many people came in, which in turn caused problem, the regional government (Bombana's regent) decided to limit the number of miners by issuing tax for them. This regulation obligated the miners to pay about IDR 250,000. This latter regent's concern contradicted with the previous vice president and governor's policy. This confusing policy was then employed by some groups including security officers and miners who might get benefit from that.

The similar situation continued when the regent issued mining permit for 15 companies which in turn damaged environment surrounding the site. In responding to this problem, the governor commanded regional government to stop any mining activities while waiting for evaluation (Tempo 2010a). However, the regional government ignored such instruction. Rather, it conveyed the companies to continuously do extraction. Again, this situation raised further confusion about rule of law over the site. In further, the situation is employed by many interest groups to get lucrative opportunity as many as possible from the site.

Grievance

Van Klinken (2008) noted that one of the reasons behind power contestation or conflict over resources is grievance factor (p. 36). Grievance means unsatisfied

condition felt by anyone or group that leads them to make protest, resistance, or complaint (Merriam Webster 2010). In further, these facts raises conflict. In the context of Indonesia, where many conflicts and contestations happened after the sudden resignation of Suharto and New Order, grievance factor could explain how people were unhappy due to many resources taken out from them without receiving any benefit. In the case of Bombana for example, grievance becomes a central factor of the locals' action.

Although Bombana established in the Post Suharto's era, it does not mean that local people grievance there does not exist. The Moronene, an indigenous ethnic community, had been evicted from their ancestral land for several times when Suharto was in power. In 1968, the Moronene who lived in Rumbia were forced out to move to Langkowala without any clear reason. The same eviction occurred again in 1977 while the government resettled them to Tembe. This resettlement was a part of the national development program. This program urged people in the remote, hilly, and upland areas to move to the downtown where infrastructures like road, local market, and communication were available (Prakarsa Rakyat 2005).

At the same time, the government announced that 37.000 hectares of the region were for Industrial Forest (*Hutan Tanaman Industri/HTI*) and managed by PT. Barito Pasifik Timber Company (Prakarsa Rakyat 2005). The locals were then cleansed from this forest to ensure that there would be no disturbance during the company's operation. Many homes and plantations cultivated by the locals were burnt by the police and military officers during the cleansing operation. To keep survive, they had to moved out from the forest which was also their customary land.

In 1983, due to an establishment of conservation area named Rawa Aopa National Park, the Moronene were for the third times evicted from their homeland. Such eviction was also conducted through a harsh way involving police and regional government officials (Duncan 2008, p. 103). During the policy making process, the government did never involve the locals to take part. Rather, they were just being 'object' of that policy. In fact such policy was about them. This kind of violation continued up to *Reformasi* era in which police officers destroyed the Moronene's homes. Recently, such eviction addressed to the local people who do mine on the site.

When busy with their activity, the miners were banned and then removed from the site. During February until August 2009, thousands of miners had been removed including those who came from outside areas. The regional government employed both police and military forces. These officers guarded the main gate of the site and regularly swept the whole site to ensure that none miner left. It was common that some miners were tortured during the sweeping and eviction without any compensation. In fact, mineral resource law guarantees the miners for about 25 hectares of land of the site.

Conflicts over the Mining Site

In Bombana, the intersection of laws and social grievance seem to become the main reason behind the conflict over the mining site. After the implementation of decentralization, and followed by the establishment of Bombana as the new region in Southeast Sulawesi Province, local people of Bombana become more courageous in articulating their interest. Each group employs decentralization laws in both to legalize action and pursue its own goal. The regional government for example challenged the central and provincial government to manage local natural resources

even though it was further challenged by the local people for the similar concern. These local people were collaborated with landowners and NGO activists.

Conflict over the mining site began when the regional government unilaterally closed the SP 8, an initial mining site for informal mining activity. On the one hand, this policy was to challenge both the vice president (central) and the governor's (provincial government) appeal that the site was free for informal mining. On the other hand, the policy was to discipline and to control the local people's activity around the site. The regional government was really confident that its action as on behalf of the decentralization laws. However, the other groups like the informal miners, the traditional landowners were also claimed to behave upon the laws.

In responding the regional government's action, the miners firstly performed little resistance by gossiping and mocking the government. They described the government as corrupt and become new oppressor on the local level. In further, they played cat and mouse (*kucing-kucingan*) that was hiding when the police and military officers did incursion over the site, and came back after the incursion ended. This situation went for few months until the regional government instructed the officers to conduct total incursion to ensure the site was really empty from informal mining activity. This incursion ended with the final clearance of the site from miners.

However, the miners did not give in. They began to show strong resistance through conducting mass protest and demonstration. At this time, landowners and NGO activists started to involve in. They were united together to challenge the regional government and asked for the locals' right over mineral resources, as clearly guaranteed by the laws. They forced the government to realize what had been mandated by the laws, which at least giving them special location for informal mining activity. Unfortunately, the government gave negative response. Rather, it welcomed some mining companies to invest in the region. The government argues that company was the best partner to cooperate rather than informal miners which only damage environment. At this time, the race between the regional government and the informal miners to exploit the site were started.

The arrival of two mining companies, PT. Panca Logam Makmur and PT. Tiram Indonesia soon became a target for people's attack. These companies were believed to be *raison d'être* of people's eviction as well as customary land snatch. On July 2009, thousands of people did such attack. The attackers consisted of local people, miners, landowners, and supported by the local NGOs. They fitted out themselves with weapons like sword, blade, and crowbar. On the other side, the companies were protected by hundreds of security officers consisted of police and army troops with complete equipment. Consequently, bloody accident was occurred. Two miners were shot dead during the accident.

However, the miners stood firm. They did not afraid of what had they been experienced. They shifted mining activity from SP 8 to SP 6, as the first site had been occupied by the companies. Although the latter site did not as rich as the first one, the miners were still able to earn money from it. It was about two months the miners stayed in this site before the government continued the next eviction. In September, they moved to another site named SP 4 to continue informal mining extraction. All of these resistances were aimed to defend the right of informal mining activity as guaranteed by the laws.

Similarly, the traditional landowners challenged the government. They resisted the government policy due to neglecting their rights over the mining site. They believe that the laws also guarantee the rights of the traditional landowners over the land. The way these landowners challenged the government were two.

First, they collaborate with the miners and NGO activists to conduct protest and mass demonstration. Second, they rent the land to the miners to disrupt the companies' operation. By doing this, they indirectly disrupted the government as well. All of the groups involved in the conflicts damage the environment surrounding the site. They are racing against each other to get as much benefit from the site. First are the informal miners. Since their coming, three rivers have been contaminated by the mine tailings: Tahi Ite, Wumbubangka, and Langkowala. Additionally, their nomadic mining activity which moving from one to another site has also broadened the destruction. Second are the landowners. By renting land to the miners, they have also involved in destroying the environment. Third is the regional government. By issuing mining permit to the companies, the government ultimately widens environmental degradation. Moreover, the government did not conduct any tight monitoring to the companies' operation.

B.4. Environmental Degradation

Impact to the River

Since the site was found in 2008, all interest groups including the government, the informal miners, the landowners, and the companies have been involved in conflict of interest which then damaged the environment surrounding the site. One of the most suffered from that is the river. There are three rivers impacted by the mining activities such as Tahi Ite, Langkowala, and Wumbubangka.

In Tahi Ite river, water has been contaminated by the high level of mercury (Hg). Mercury is used by the miners to separate gold from other kind of materials. Mercury is a kind of chemical which cannot be decomposed by any other liquid. The river contained mercury in turn causes damage to not only human but also ecosystem nearby. Meanwhile, the mine tailings are slowly piled the river (JATAM 2010). Besides that, Tahi Ite is also damaged by mining waste called as tailing. The miners just simply threw it into the river after extract its gold. Overall, the Tahi Ite river has been destructed so that cannot be used for household consumption any longer.

In Langkowala, the level of mercury can be found in both the river and the dam. In the river the level of mercury reaches 0.05 mg/liter whereas in the dam it reaches 0.93 mg/liter. Both are already above normal limit which is only 0.02 mg/liter (Tempo 2010a). The impacts are clear. Ecosystem and human are damaged. Plankton in the river has already declined due to congeries of mining activity. Some people are then suffered serious diseases such as skin cancer, blindness, and also death. Furthermore, the congeries also block households' access for pure water from the river as well as the dam cannot be functioned as usual for irrigating rice field and farm (Fajar 2009).

Similarly, in Wumbubangka the level of mercury is also high reaching about 0.4 mg/liter (Kompas 2009). This mercury poison living thing in the river and harm people's life. Person who is contaminated by this chemical potentially causes blood cancer and even death. The reason of why the miners use this chemical massively is because it is very effective in separating gold from other materials comparing to others, cheap, sold in many places, and can be bought by anyone without any regulation. The further impact of this mining activity is it hampers pure water supply to household in both Lantari Jaya and North Rarowatu district and also stops the flow of water to fish pond and rice field.

In further, this river pollutant affects the fishing zone especially in Tiworo strait, a south area of the province which becomes a part of Muna region. Tiworo

strait is believed to have large number and many species of fish. Due to water contaminated mercury sent by the three rivers above in turn contaminates fish around the strait. This chemical directly goes into the fish body which then potentially contaminates human after consumed (Antara 2009). Besides that, the river pollutant poisons mangrove around the coast (Fajar 2009). Also, it disrupts seaweed cultivation as well as fish catch (Ahmad 2009, p. 118).

Impact to the Fish Pond and Rice Field

The conflicts among the interest group over the mining site cause damage for fishpond and rice field in the sub district. There are at least two areas impacted by such as Lantari Jaya and North Rarowatu. In both areas, the total area of fish pond impacted is approximately 5900 hectares (Media Indonesia 2009) whereas the total of rice field impacted reaches 5000 hectares (Tempo 2010b). Before the mining was found, both fishpond and rice field did never face this kind of water supply shortage. Nowadays, half of them are dried. Therefore, most of rice and fish farmer in both sub districts do not do their activity any longer. The companies and the informal miners are the most responsible for this problem.

During a year, there are about 8 villages in both sub districts that impacted most including Watu-watu, Lantari, Langkowala, Kalaero, Lomba Kasih, Anugerah, Rarongkeu, and Pasare Apua. All of these villages suffer bad rice harvest which in turn determines the total harvest in Bombana region, as these villages are the most significant rice producers. For instance, in 2006 the total harvest reached 31,998 tons and significantly increased in the next year with about 40,413 tons. This number went up in 2008 achieved 52,682 tons. The reason behind this success story was all of the rice fields were productive. However, this success was stopped in 2009 due to the decline number of productive rice fields (Tempo 2010b).

The decline number of rice harvest is also determined by the drying of many wells around the rice fields. Before the gold mining site is found, the well was full of water so that the harvest was successful. However, after the massive number of people came to the site as well as companies, the wells around the site are getting dry absorbed by their activity. Although the farmers have already deeply dug the soil in order to get water, such effort is useless. The miners and the companies contest each other to get water for gold extraction. In further, it does not only rice fields suffer dry, but also small farms of households.

Besides that, in the near future, 900 hectares of fishpond in North Rarowatu will potentially fail in fish harvest whenever heavy rain pour over the region. This rain brings tailings containing poisoned chemicals from the site on the upland area to the fishpond on the lowland. At the end, the tailings poisoned all fish in the fishpond. In fact, the fishpond owners are able to reap approximately 500 kilograms for each hectare. There are about 110 families depend their lives from the fishpond. Both the companies and the miners' tailings pass through this region (Media Sultra 2009).

Impact to the Forest and Its Ecosystem

One of the large destruction over environment surrounding the site was occurred after the beginning of the companies' exploitation. As has been mentioned above, the massive coming of the companies is facilitated by the regional government. One of the environments impacted the most is Rawa Aopa National Park. There are about 107 hectares of its area have become one of the companies' mining site which had been given KP by the government. This mining activity damages the conservation area as many species are now lost from the park

including deer, and civet (Fajar 2009). In fact, this KP contravenes with the Forest Law No. 41/1999 that prohibits any mining activity around the forest or conservation area.

Similarly, the KP of PT Panca Logam is also a problem. There are about 2100 hectares of its mining operation area is in the forest zone has not got permit from the Ministry of Forestry. According to Walhi (2009), the government issued KP without conducted environmental impact study (*analisis mengenai dampak lingkungan/AMDAL*). Due to mining exploitation in this area, many ecosystems are then in danger to be extinct. There are three types of ecosystems live in this area including salt marsh, savanna, and mangrove. Each has hundreds of unique flora and fauna. The most famous endemic species are *anoa* and *maleo* (Berita Lingkungan 2009).

This degradation has actually begun since the early years of *Reformasi* when many people came to the forest and did logging. Initially, people logged trees in the forest in order to fulfill basic needs such as for home building. Later, they converted the forest to be cacao farm zone. In addition, the massive coming of people from neighbor areas, South Sulawesi, into Bombana caused more deforestation. They converted the forest area to be domestication zone. Nowadays, the situation in the forest is getting serious due to high level of illegal logging, poaching, mining, and forest burnt. These cases do not only occur in peripheral, but also central area of the forest.

The situation was gradually getting worse after the provincial government lowered the forest's status from protected forest to be a production one. The government announced that approximately 0.5 hectare of forest area will be used for mining extraction. This policy is then acknowledged as the initial cause of conflict in the region which in turn attracted other group to get involve such as the regional government, the traditional landowners, and the informal miners which in further damaging this forest.

C. PENUTUP

Following the implementation of decentralization policy, Bombana became a new region in Southeast Sulawesi province in 2003. The region went with relatively stable on politics until gold mining site was found in 2008. Soon, many interest groups get involve in conflict based on power contestation to get control over the gold mining site such as the central, provincial, regional government, the traditional landowners, the informal miners, and companies. Some of them contest each other while some other makes collaboration. The conflict is actually rooted on past grievance and blurred laws. These blurred laws are utilized by each group to achieve its goal. Unfortunately, this conflict leads to environmental degradation over the site later on due to each group races against other to exploit the site.

The local is now so brave to challenge the central. For example, the regional government does not obey what the vice president and the governor instruction to free the site for informal mining activity. The regional government argues that decentralization laws guarantee its power in managing natural resources. On the other side, the central and the provincial government do act on behalf of the similar laws. Meanwhile, the regional government is challenged by the informal miners and traditional landowners. These latter groups also believe that the decentralization laws basically guarantee their rights over the site. This kind of law exploitation colors the conflict over mining site in Bombana.

The sectors which suffer the most are environment including river, rice field and fish pond, and forest surrounding the site. Tahi Ite, Langkowala, and Wumbubangka river for example have been poisoned by mercury use of both the companies and informal mining activity. Moreover, the rivers pollute the Tiworo Strait which is known as the provincial main fishing zone. The mining activity also causes water supply shortage for rice field and fish pond in both Lantari jaya and North Rarowatu sub district. Consequently, the number of harvest is declined comparing to before mining extraction. Besides, the mining activity impact forest including the Rawa Aopa National Park. Some species have been lost and potentially extinct forever.

Based on the problem above, this article proposes recommendation as follows. First, the central government should not involve in the conflict and must become a mediator for the whole interest groups. All of these groups' interest should be accommodated and fairly regulated in the whole constitution (from national law to village regulation). The central government must ensure that the constitution does not have any contradiction in itself. In other words, all regulations in the local level must be consistent with the national one in order to prevent the possibility of law intersected and exploited by certain interest group.

Second, in relation to environmental degradation, the central government must do moratorium as soon as possible. It means that all activities related to the site must be stopped. During the time of moratorium, the central governments together with all interest groups formulate the best scheme of sustainable mining activity in the region. The scheme must contain penalty for those who do not obey the agreement. Besides, the scheme must also consider the impact of the mining activity to the broad livelihood including rice field, fish pond and sea fishing. Last but not least, the scheme must put concern on the protected forest and Rawa Aopa National Park. Even sustainable mining activity must be banned from these areas.

DAFTAR RUJUKAN

- Ahmad, F., Tingkat Pencemaran Logam Berat dalam Air Laut dan Sedimen di Perairan Laut Muna, Kabaena, dan Buton, Sulawesi Tenggara, *Makara Sains*, Vol. 13, No. 2, pp. 117-124, 2009.
- Antara., *Merkuri Ancam Perairan Tangkap Ikan Sultra*, 2009.
<http://www.antaraneews.com/berita/1258601051/merkuri-ancam-perairan-tangkap-ikan-sultra>
Accessed in 1 June 2010.
- Bappenas, *Bombana: Negeri Dewi Padi*, n.d, <http://els.bappenas.go.id/upload/other/Bombana.htm>
Accessed in 8 November 2009.
- Berita Lingkungan, *Menengok Lingkungan di Jazirah Tenggara Sulawesi*, 2009.
<http://www.beritalingkungan.com/berita/2009-07/TNRAW/> Accessed in 7 June 2010.
- Duncan, CR., *Civilising the Margins: Southeast Asian Government Policies for the Development of Minorities*, NUS Press, Singapore, 2008.
- Eilenberg, M., Negotiating autonomy at the margins of the state: The dynamics of elite politics in the borderland of West Kalimantan, Indonesia, *Southeast Asia Research*, Vol. 17, No.2 (2003), pp. 201-227.
- Fajar, *Bombana Lumbung Emas yang Terkoyak*, 2009.
http://www.fajar.co.id/koran/1261964728FAJAR.UTM_28_8.pdf Accessed in 5 June 2010.
- Indonesia Human Resource Community, *UMR Sulawesi Tenggara*, 2009.
http://www.hrcentro.com/umr/sulawesi_tenggara Accessed in 25 October 2009.
- Zulkarnain, I, Erman, E, Pudjiastuti, TN, Mulyaningsih, Y., *Konflik di Kawasan Pertambangan Timah Bangka Belitung: Persoalan dan Alternatif Solusi*, LIPI Press, Jakarta, 2005.

- Jaringan Advokasi Tambang, *Moratorium Tambang Emas Bombana demi Perbaikan yang Lebih Baik*, 2010. http://www.jatam.org/index2.php?option=com_content&do_pdf=1&id=828 Accessed in 6 June 2010.
- Kompas, *Bombana diserbu Penambang Emas*, 2008. <http://www.kompas.com/read/xml/2008/09/18/21230665/bombana.diserbu.penambang.emas> Accessed in 10 Oktober 2009.
- Kompas, *Tambang Emas Bombana Tercemar Merkuri*, 2009. <http://cetak.kompas.com/read/xml/2009/12/09/03530267/tambang.emas.bombana.tercemar.merkuri> Accessed in 6 June 2010.
- Kontan, *Potensi Emas Bombana 165 Ribu Ton*, 2008. <http://www.kontan.co.id/index.php/nasional/news/1829/Potensi-Emas-Bombana-165-Ribu-Ton> Accessed in 5 Oktober 2009.
- McMahon, Mining and the Environment in Indonesia: Long Term Trends and Repercussions of the Asian Economic Crisis, *EASES Discussion Paper Series*, 2000.
- Maemunah, S., *UU Minerba dan Masalah HAM*, 2009. <http://cetak.kompas.com/read/xml/2008/12/26/00323971/uu.minerba.%20dan.masalah.ham> Accessed in 23 September 2009.
- McCarthy, J.F., Turning in Circles: District Governance, Illegal Logging, and Environmental Decline in Sumatra Indonesia, *Society and Natural Resources*, Vol. 15 (2002), pp. 867-886.
- McCarthy, J.F., Changing to Gray: Decentralization and the Emergence of Volatile Socio-Legal Configurations in Central Kalimantan Indonesia, *Asia Research Centre Working Paper No. 101*, 2004.
- Media Sultra, *Krisis Air Di Tengah Mengkilapnya Emas Bombana*, 2009. <http://m3sultra.wordpress.com/2009/10/22/krisis-air-di-tengah-mengkilapnya-emas-bombana/> Accessed in 3 June 2010.
- Merriam Webster Online Dictionary. 2010, <http://merriam-webster.com/> Accessed in 8 June 2010.
- Muttaqin, *Bayar Dua Gram untuk PSK yang Berparas Cantik*, 2009. <http://www.kaltimpost.co.id/?mib=berita.detail&id=12392> Accessed in 20 September 2009
- Prakarsa Rakyat, Komunitas Adat Hukaea dan Laea Melawan Kekuasaan Negara, 2005. <http://www.prakarsa-rakyat.org/artikel/inisiatif/artikel.php?aid=5067> Accessed in 5 June 2010.
- Rasyid, R., *The policy of decentralization in Indonesia*, 2002. http://aysps.gsu.edu/isp/files/ISP_CONFERENCES_INDONESIA_RASYID_PAPER.pdf Accessed in 12 November 2009.
- Southeast Sulawesi Provincial Government, *Sekilas Kabupaten Bombana*, 2009. <http://www.sultra.go.id/id/?mod=statik&show=bombana> Accessed in 12 November 2009.
- Tempo, *Bombana, Bonanza Pemicu Bencana*, 2010a. <http://majalah.tempointeraktif.com/id/arsip/2010/01/11/LIN/mbm.20100111.LIN132415.id.html> Accessed in 4 June 2010.
- Tempo, *Lumbang Beras yang Kerontang*, 2010b. <http://ip52-214.cbn.net.id/id/arsip/2010/01/11/LIN/mbm.20100111.LIN132416.id.html> Accessed in 4 June 2010.
- Van Klinken, G., Blood, timber, and the state in West Kalimantan, Indonesia, *Asia Pacific Viewpoint*, Vol. 49, No. 1 (2008), pp. 35-47.
- Wahana Lingkungan Hidup, *Walhi Sultra Desak Pemda untuk Tutup Total Aktivitas PT. Panca Logam Makmur*, 2009. <http://www.walhi.or.id/in/kampanye/tambang/94-penutupan-tambang/260-tutup-total-aktivitas-pt-panca-logam-makmur> Accessed in 5 June 2010.