

**PERAN PEMBERI IZIN DALAM MENGHINDARI TUMPANG TINDIH
(OVERLAPPING) SUATU IZIN USAHA PERTAMBANGAN DALAM
SATU WILAYAH
(STUDI KASUS PUTUSAN NOMOR 18/G/2021/PTUN.BDG)**

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ABSTRAK

Penelitian ini bertujuan guna mengetahui bagaimana peran dari pemberi izin dalam pemberian izin usaha pertambangan terhadap suatu perusahaan guna menghindari tumpang tindih izin antar dua perusahaan. Memberikan perlindungan guna terhindar dan mengetahui faktor-faktor penyebabnya terjadi tumpang tindih.

Metode pendekatan yang digunakan dalam penelitian ini adalah metode yuridis normatif, dengan spesifikasi penelitian deskriptif analitis. Sumber bahan hukum yang digunakan adalah bahan hukum primer yang berupa peraturan perundang-undangan yang relevan dan buku-buku literatur, yang di disajikan dengan uraian yang sistematis.

Berdasarkan hasil penelitian dapat disimpulkan bahwa Pemberi izin perlu melibatkan berbagai pihak dalam mengeluarkan suatu izin khususnya dalam penepatan suatu izin usaha pertambangan diperlukan suatu penetapan wilayah pertambangan, hal tersebut harus dilakukan secara transparan, partisipatif, dan bertanggung jawab serta dilakukan dengan cermat guna menghindari tumpang tindih suatu izin usaha pertambangan. Hal tersebut perlu ditekankan agar tidak merugikan salah satu pihak karena adanya suatu ketetapan yang tidak sesuai perundang-undangan.

Kata Kunci : Perizinan, Tumpang Tindih, Usaha Pertambangan

**THE ROLE OF LICENSORS IN AVOIDING OVERLAPPING OF A MINING
BUSINESS LICENSE IN ONE REGION**

(CASE STUDY OF DECISION NUMBER 18/G/2021/PTUN.BDG)

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ABSTRACT

The aim of this study is to understand the licensor's role in granting mining business license to a company in order to avoid overlapping license between two companies, to grant protection from overlapping license, and to understand underlying factors which cause overlapping license.

The method of approach used in this research is normative juridical method, with descriptive analytical approach as this research's specification. Legal material sources used in this research is primary legal materials in the form of relevant laws and regulations as well as literature books, which are presented with systematic descriptions.

Based on this research's result, it can be concluded that the licensor needs to involve various parties when issuing a license, more specifically when applying mining business license, determining the mining area is required and must be done in a transparent, participative, and responsible manner, also must be done carefully in order to avoid overlapping mining business license. Thus, the matter needs to be emphasized so it does not harm one of the parties due to a provision which is not in accordance to the laws and regulations.

Keywords : Licensing, Overlap, Mining Business