

PSYCHO-JURIDICAL REVIEW OF TRADITIONAL PEOPLE'S OIL MINING IN MUBA DISTRICT, SOUTH SUMATERA

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ABSTRACT

This study focuses on the psycho-juridical review of traditional people's oil mining in Mangunjaya Village and Sungai Angit Village, Babad Tomang District, Musi Banyuasin Regency, South Sumatera. Data collection using in-depth interviews, field observations and documentation records. Sampling by purposive sampling. Interviews were conducted with 9 people who are competent in their fields. The validity of the data used a triangular data approach, namely cross-checking interview data, field observations and documentation records. Data analysis with a thematic approach. The results found that people's oil mining in the villages of Mangunjaya and Sungai Angit, Babad Toman District, Musi Banyuasin Regency, South Sumatera has become a custom that has been passed down from generation to generation since the Dutch colonial administration, from the time of independence to the present. The main motivation of the village people to manage traditional oil mines is economic motives to meet family needs, so that they feel psychological well-being, are mentally healthy and are able to work creatively. During mining activities, there was social conflict due to poor mining management, resulting in land fires, people's houses, or environmental pollution, so the government closed it. However, later on, the government undertook control, guidance and made the villagers as mining partners to meet the demand for oil in the wider community.

Keywords: *Indigenous psycho-juridical, traditional people oil mining.*

1. PREFACE

Musi Banyuasin Regency (Muba Regency), South Sumatera is one of the areas in Indonesia that has oil mining managed by the surrounding people. This traditional oil mining is still going on today, because it is believed that petroleum reserves are still sufficiently available in the area, even though the mining has been managed since the Dutch colonial era (Simamora, 2000). The people of Muba district still feel the sweetness of the results of traditional oil mining, because the management system is still manual with simple tools, such as using an iron pipe pulled by a motorcycle engine, used car or truck engine. Oil mining activities have been going on for decades after independence and have been passed down from generation to generation, so that it has become the custom for the community to run a traditional oil mining business. Thus, the community really has depended their livelihood through the oil mining business.

It should be noted that the oil companies that were managed during the Dutch colonial government understood that the oil content of the Musi Banyuasin district was never exhausted and the results were abundant. The results of the petroleum mining made a real contribution to increasing regional income which supported government financing during the time the Dutch ruled in the Dutch East Indies (Archipelago). Therefore, it is not surprising that the Dutch colonial government continued to strive to maintain its position as the sole ruler in the archipelago, including in South Sumatera. The status quo was maintained in such a way that

profits from oil mining continued to go to the state treasury of the Dutch colonial government. So the Netherlands has a very profitable economic interest for the country, namely by continuing to suck up oil in the Musi Banyuasin Regency. But now the Dutch have left the archipelago, and left traces of petroleum mining activities spread across the archipelago (Sutedi, 2011). There are thousands of oil mining points that are widespread in the Muba district and are currently still being actively managed traditionally by the people (Yuswalina & Candra, 2017).

After independence on August 17, 1945, the government of the Republic of Indonesia has not been able to manage all the mining points left by the Dutch colonialists and there are still many thousands of these oil mining points that have become neglected (not well managed). Because of this, the Government of the Republic of Indonesia issued law number 11 of 1967 concerning basic provisions on mining which stated that old wells from the Dutch colonial heritage could be managed by the people. Article 1 of Law number 11 of 1967 states that people's mining is the business of mining minerals from all groups a, b and c referred to in article 3 paragraph 1 which is carried out by local people on a small basis or in mutual cooperation. with simple tools for self-search (in Salim, 2005). In 1970, people's awareness emerged to take the initiative to manage the oil mine, on the grounds that the results of the mine could be used to support their economic life.

In subsequent developments, the government issued Law number 11 of 2011 concerning oil and gas mining. On the basis of these regulations, the government seeks to manage oil mining throughout the territory of the Republic of Indonesia, including in Muba Regency, South Sumatra province. The government also had time to ban people who have already enjoyed the benefits of petroleum mining. The government accuses the people of violating statutory regulations, ministerial regulations or legal norms, so that all efforts by the people to mine oil are considered illegal (not legal). According to Herman et al, (2022) the act of mining petroleum that is not in accordance with the rule of law, can be criminally prosecuted, meaning that anyone can be subject to criminal sanctions if deemed to have legally violated the rule of law which has been legally proven in court.

On the basis of this legal thought, in 2017 the local government took firm action to close down oil mining points, so that the people no longer manage oil mines, even though the oil wells are located on their own plantation land. This condition is ironic. They have plantation land that contains petroleum, but are prohibited from taking the oil. If they remain stubborn and mine for oil, criminal sanctions in the form of imprisonment await them. Because of that, the people also shifted from oil mining and changed professions by developing a rubber plantation business. This business had to be done to cover the economic needs of the family. Over time, the price of rubber produced from these people's plantations did not meet expectations, because the price of rubber has decreased from time to time. Meanwhile, the need to eat to support the family must be maintained from day to day. As a result, they actually suffered losses. Production costs are greater than the profit from the sale of raw rubber. They protested against the government's policy of closing their mining business. They were also forced to be determined to disobey policy rules that were detrimental to the people, so the people returned to managing and mining these old wells.

Responding to these unfavorable conditions, the Muba district government also established a regional company, PT Petrolomium Muba, with the aim of being able to manage old well oil mines. The government officially invites people's participation to take part in oil mining. The government is aware that the people need to meet their needs. The people must be involved to

take part in the oil wealth in the archipelago, with the aim of raising awareness in managing oil mines left over from the Dutch colonial heritage. The people feel happy, because there is already a cooperative relationship between the people and the government of the Republic of Indonesia. A right decision that can provide positive benefits for the people. The people feel calm in managing the oil mines, because there is already a legal umbrella that covers the oil mining activities, without feeling guilty, afraid or worried. From these various problems, the formulation of the problem in this study is what is the psycho-juridical description of traditional people's oil mining in Musi Banyuasin district, South Sumatra?

2. RESEARCH METHOD

This research is a qualitative-descriptive research that can give deep meaning to data and facts in the field. This approach is characterized by recording oral data, observational data and written data (Arifudin et al, 2022). Therefore, data collection techniques used structured interview techniques, field observations, and documentation records (Subadi, 2006; Sugiyono, 2011). A structured interview is an interview conducted with participants based on a pre-prepared interview guide. Field observation, namely observation activities carried out by observing the location of petroleum mining managed by the people and by the government. Document records in the form of notes from journals, books, or online social media (Sugiyono, 2011).

The research activity was carried out with location settings in Mangun Jaya village and Sungai Angit village, Babad Toman District, Musi Banyuasin Regency, South Sumatra. Musi Banyuasin Regency, South Sumatra consists of 11 sub-districts and one of the sub-districts is Babad Toman. The area of the Babad Toman District is 1523 km² which consists of 17 villages with a population of 52 640 people. Of the 17 villages, only 2 villages were used as research areas, namely Mangunjaya Village and Sungai Angit Village. The reason for choosing the research area is that the two village locations are areas that have thousands of oil mining points that are still managed by the village community. In addition, the two locations were oil mining centers managed by the Dutch colonial government.

Characteristics of research participants are people who have an understanding of petroleum mining managed by the people. The sampling technique used purposive sampling. The validity of the data (before data analysis was used) used a triangular data approach, namely cross-checking and verifying interview data, observation data and documentation data (Sugiyono, 2011). Data analysis uses a thematic approach, namely psycho-juridical traditional people's oil mining.

3. RESULT AND DISCUSSION

The subjects who were interview participants were people who understood the life of the people's oil miners in their respective areas. There are 9 people who have become participants, as shown in table 1 below.

Table 1

Participants Description

Participant (gender)	Ages	Job	Explanation
S (M)	54	People's oil entrepreneur	Since 1982 - now
L (M)	33	People's oil entrepreneur	Since 2006 - now
U (M)	65	People Mining Employee	Since 2014 - now
R (M)	51	Mangunjaya Village Officer	Since 1998 – now
I (M)	37	Government Officer	Since 2006 – now
A (M)	54	Oil tank driver assistance	Since 2001 - now
Agg (M)	32	Pertamina Security	Since 2006 - now
Dw (M)	54	Public Relation Officer of Oil and gas special task force, South Sumatera	Since 2001 - now
Kw (M)	54	Administration and Finance	Since 2002 - now

Muba district oil mining management

Indonesia is one of the largest oil producing countries in the world. Crude oil from mining in Indonesia is not only for domestic consumption, but also partly exported to other countries. Therefore, the results of petroleum mining are a mainstay to support the national economy. For this reason, the Government of the Republic of Indonesia pays great attention to being able to manage oil mining in all parts of the archipelago, including in Musi Banyuasin Regency, South Sumatra. According to the head of the Sumbagsel Migas SSK, there are 7,734 oil mining points spread across the Muba district, South Sumatra. The distribution of the mining points covers 8 sub-districts in Muba Regency, South Sumatra, namely Tripe Toman, Batanghari, Leko, Lawang Wetan, Tungkal Jaya, Plakat Tinggi, Keluang and Bayung Lencir.

Because of this, the government is focusing on mining spots that can truly be professionally managed and produce thousands of barrels of oil. With the results of this petroleum, it will be able to contribute to the country's foreign exchange and improve the national economy (Yuswalina & Candra, 2017). Furthermore, the regional government of the Muba Regency, South Sumatra, will of course also feel the results of petroleum. In the official report on the APBD (Regional Revenue and Expenditure Budget) of Muba Regency for 2019/2020 it is stated that petroleum revenues reach hundreds of billions of rupiah and have a significant influence on the smooth running of government and regional development (Muba APBD Report for the 2019/2020 fiscal year). One of the influences that can be felt is the achievement of economic growth in the Muba district area in 2020 of 5.6% which exceeds the previous year's target (the 2019 target is 5.4%).

However, it was acknowledged by the local government that there were still many mining points in the Muba district, South Sumatra which had not been managed properly and had tended to be neglected since 1970. The reason was that the operational area for oil mining was too large, but there were limitations in technology and human resources to management, so that not all well points are managed properly. On the basis of these conditions, the government issued laws and regulations of the Minister of Energy and Mineral Resources which provide opportunities for the public to actively manage oil mining points resulting from the Dutch colonial heritage. The government realizes that there are limitations for state companies to be able to manage all of these oil mining points. thus, the government involves the community to actively take part in managing oil mining (Law No. 11 of 1967 concerning mining principles). This law is no longer valid because it has been repealed and now Law number 22 of 2001 concerning oil and natural gas applies. Of course, the government has set specific conditions that must be met by the community if they take part in managing these oil mining points (Salim, 2005).

In principle, the district government of Musi Banyuasin, South Sumatra invites people's participation to jointly manage oil mining in their area. The aim is to encourage the community to participate in the development of the petroleum mining industry, because the results have a significant influence on the regional income of Muba Regency, South Sumatra. The local government provides opportunities for the community to be able to enjoy the results of petroleum mining, so that they can improve their economic welfare. The community must form an organization that brings together the people of the Sungai Angit village area and is named PBSA (Association of Drilling or Sungai Angit drilling). Of course, they have to take care of official permits issued by the local government of Muba district.

Positive legal aspects of petroleum mining

Article 1 paragraph 1 Law number 22 of 2001 states that petroleum is crude oil in natural form such as hydrocarbons, bitumen which is obtained by condensation or excavation, but does not include natural gas. In accordance with the mandate of article 33 of the 1945 Constitution, all petroleum products are used for the welfare of the Indonesian people (Saleng, 2004). Therefore, it is the state that has full authority and power to control these crops. In this case, the government has a business entity that manages petroleum mining carried out by Pertamina (Simamora, 1999). According to Kaswanto, SSK Sumsel administration and finance manager (2019) that in an effort to manage and supervise oil mining in the South Sumatra region, the government assigned SSK Migas South Sumatra to be able to monitor all mining activities in its supervision area. The government is trying hard to oversee all oil mining activities, so that all oil mining results can be regulated in such a way and the results can be used for prosperity and social welfare for all Indonesian people (Salim, 2005).

Furthermore, according to Mahendrawan, head of SSK Migas Southern Sumatra (2023), the government always pays serious attention to oil mining carried out by the people, because they really need a living to fulfill their family's economic needs. They can manage their oil mining business while still paying attention to safety factors and preserving the mining environment. They need to receive education from the government or experts in their fields on how to maintain security and safety while mining for oil so that they can prevent fires that claim lives (Jati, 2022).

Psycho-juridical customary oil mining of the people of the village

Good law is law that grows and develops from the social spirit of the community itself, because every member of society recognizes, accepts and implements the rule of law to regulate social order in society (Situngkir, 2022). In fact, concrete good law can be realized in customary law. Customary law is an unwritten (black and white) law that develops through customs, traditional values, and customs in certain areas, such as in villages (Tjahjani, 2020). Mangunjaya and Sungai Angit Villages, Babat Toman District, Muba Regency, South Sumatra are 2 villages that geographically already had oil-producing areas before the arrival of the Dutch in the archipelago. This means that the village area does contain kerosene. Villagers who have long been born, raised and live in the 2 villages understand and are aware of the natural wealth in their village.

When the Dutch came and controlled the archipelago from the 15th-16th centuries, the Dutch were free to take all natural wealth including oil wealth, including those in the 2 villages, Babat Toman District, Muba District, South Sumatra. Village people were involved to become workers in oil mining managed by a Dutch company. Thus, the villagers began to have basic knowledge and skills to mine petroleum. This was done from generation to generation, so that local values,

customs, culture developed, namely the habit of mining oil. And this is the forerunner to the development of unwritten customary law in petroleum mining that applies in the two villages.

In the view of psychology, the habit of mining oil contains cognitive, affective and conative aspects. Cognitively, oil mining behavior contains elements of knowledge about land, areas or certain locations that contain oil. This knowledge is passed down from generation to generation. Likewise, the affective aspect is motivation, encouragement or will that moves a person to do something in order to achieve a certain goal. Someone carries out oil mining because there is economic motivation, because what they do has an impact on economic benefits for the sake of realizing life's welfare. The conative aspect is certain skills, expertise or skills possessed by the village community. The community has the skills to mine petroleum, even though it is traditional in nature which adapts to the conditions and habits that develop in the village. Furthermore, sociologically, the village community benefits from the presence of potential and oil deposits in their area. From a legal standpoint, the existence of customary law provides an important foundation for village communities to carry out their traditional oil mining activities (Situngkir, 2022).

Social conflict: Illegal mining and legal closure

At first, the community did not know the procedures for managing oil mines, so the local government tried to carry out controlling operations by closing mining points at several mining sites in 1982. The community was evicted and told to stay away from the mining location. Because they have violated the law. They are considered to be mining illegally. According to Herman et al, (2022) that illegal mining is mining that is considered illegal because it does not have a mining permit, so mining actors can be subject to criminal sanctions, if the problem is resolved through legal means. This is a statute approach, an approach to law enforcement in order to obtain legitimate justice and be accepted by various parties. Because of this, the government also enforces the rules by closing old well mining points that are managed by the people.

In accordance with Article 33 of the 1945 Constitution, it states that crops and water are controlled and managed by the state for the welfare of the Indonesian people. It is the state that has the sole authority to manage natural products (in this case oil mining) and use them for the welfare of the people. Thus, the people do not have the right to manage any mining. But not for long, the community still manages the oil mine, because the supervision process begins to loosen or become less stringent. Finally, in 2017, based on President Jokowi's instructions, the local government of the Muba district, in collaboration with the military, the Army, Police and Civil Service Police, carried out a special operation to close mining points. There were a number of 20 mine points that were officially closed (Antaraneews, 2017). However, after the closure and several months later, the community returned to managing the oil mine with the excuse of supporting the family's economy.

The practical solution: Legal recognition and legal protection by the government

Setiabudhi & Palilingan (2022) state that the government can make policies that can accommodate the aspirations and will of the people, namely providing legal protection. Legal protection is a government effort that deliberately makes it easy for the people to be able to manage small-scale mining with the aim of prospering and prospering the people they lead. Legal protection as a rule of government policy that deliberately side with the interests of the people. On the basis of the rule of law, they as small people feel happy and calm in mining oil,

because they have complied with the provisions of the laws and regulations regarding oil and gas.

Now the people of Sungai Angit village, Babat Toman, feel happy and calm in managing the oil mine, because the local government has recognized their existence as partners in oil mining. They have been doing petroleum mining legally. The government officially acknowledges all of its efforts in managing oil mines. The Musi Banyuasin community must carry out mining in accordance with local government directives, with the aim of controlling data on community members that are officially recorded by the government, so that all mining actors can be monitored as well as possible.

The local government fosters the community to form institutions by organizing its members who are members of the Banyuasin Drilling (mining) Group. (PBSA – Angit River Drill Association). They also have to obtain official permits so that they become partners with the government in the management of oil mines. Licensing is collective in nature, meaning that the permit is granted by the government to the community association for drilling the people's oil mines. Therefore, they feel calm and do not need to feel worried, anxious or afraid in running a petroleum mining business. Neither party has the authority to interfere with the existence of their business. Because they have followed the laws and regulations in accordance with the provisions of the state.

Psychological well-being of people's oil mining

Ryff (in Arslan, & Asıcı, 2022) stated that psychological well-being is psychological well-being that can be felt by everyone. Psychological well-being is considered as an important part that needs to be realized every day in anyone's life. Those with high or low socioeconomic status need psychological well-being. Why does someone have abundant material wealth, but never feel psychological well-being. Of course his life will never feel happiness. The happiness of life, in Ryff's view (in Arslan, & Asıcı, 2022; Choi, & Jang, 2022) includes having life goals, self-development, environmental mastery, friendship, and social adjustment. The aspects of happiness in life can be described as follows.

The people of the villages of Mangun Jaya and Sungai Angit have a clear purpose in life, namely to become human beings who have faith, piety and faithfully believe in God Almighty; and practice their faith by loving fellow human beings and loving their environment. They are aware that they live in the midst of a people's mining environment, so they are diligent in developing their potential and competence so that they are skilled in extracting petroleum in their area. The way they follow the highest education to become a bachelor's degree. With the basis of this self-development, it will be easy for them to master their living environment. They can work creatively and innovatively in working on their oil mines, as well as obtaining increased welfare and economic prosperity. Apart from that, they will also find it easy to adapt to the social environment of society, as well as build friendships with anyone.

Psychological well-being is a reflection of human life that has balanced mental health within itself (Heinsch et al, 2022) and has emotional intelligence (Lucas-Mangas, et al, 2022). One of the signs of a mentally healthy and emotionally intelligent person is characterized by thoughts, feelings and a calm attitude in facing life's problems. El-Kassar et al, (2022) realize that feeling calm, peaceful and comfortable is an important key for anyone to work creatively and innovatively. Setiabudhi & Palilingan (2022) added that peace of mind is closely related to external factors which are realized by the legal protection provided by the local government. Bradshaw et al (2022) state that what is meant by external factors are factors that do come from

outside the village community and they have an important role in managing the running of the wheels of government in a particular area.

Especially for the people of Mangun Jaya Village and Sungai Angit Village, Babat Toman District, Muba District, South Sumatra, they feel grateful for the local government policy that understands the wishes of its people. Khan & Abbas (2022) add that gratitude is an expression of gratitude from a person or group of people because they have received help from parties with higher authority. With this assistance, important activities related to their livelihoods become easier, smoother and there are no significant obstacles. Arslan & Asıcı, (2022) revealed that if these conditions are felt in a sustainable manner, even though there are changes and changes in regional government leadership officials, the people will always feel economic prosperity and happiness in their lives.

The economic motivation of oil mining

Paek, Zee, Fitzsimons, & Higgins (2022) stated that motivation is an encouragement that moves an individual or group of people to carry out activities to achieve certain goals. Economic motivation is an impulse that influences an individual or group of people to carry out activities to obtain economic benefits. In relation to petroleum mining, it can be said that almost all mining is carried out by the people individually or by a group of people who are members of a community group or cooperative based on economic motives. This means that every people's mining contains economic motives, because everyone does mining with the aim of increasing prosperity and welfare. If they are not involved in mining, they will not be able to sustain their families, because they have no other means of livelihood, apart from mining in the location closest to where they live (Yuswalina & Chandra, 2017; Kowaas, 2022; Turangan, Pangemanan, & Kimbal, 2022).

Part of the Babad Toman sub-district consists of rubber and oil palm plantations. The community depends on the rubber plantation for their life and economic livelihood. But the results of rubber plantations do not always provide sufficient profit, so that people feel at a loss and are unable to meet their family's economic needs. Even though the needs of daily life must be fulfilled regularly and cannot be delayed. This is the main motive of the people to manage old wells with the aim of fulfilling their daily needs. This is in line with the results of research by other experts (Yuswalina & Candra, 2017: Kowaas, Sarapun, & Gerungan, 2022; Wahab, Tuhuteru & Nurany, 2022; Xu, Lyu, Xue, Liu, 2022) which states that artisanal mining is mining that managed individually or by a group of people in a cooperative or social partnership (such as mineral, coal, gold mining) has an economic impact that can prosper and improve people's lives.

Meanwhile, since the time of the Dutch colonial administration, Musi Banyuasin district has been known as a petroleum-producing area that can enrich the Dutch government. After the Dutch left Indonesia, the Dutch left old wells (Sutedi, 2011). For the most part, the old wells in the Mangunjaya village area, Babat Toman District have been managed by the government, namely through Pertamina. However, specifically for the Sungai Angit village area, Tripe Toman is managed by the community. This happened because the plantation lands in the Sungai Angit village area did indeed belong to the people or the community. Because of this, the community took the initiative to work on these old wells on their own land.

4. CONCLUSIONS AND RECOMMENDATIONS

Indigenous psycho-juridical have lived and developed since the Dutch colonial era until now in the area of Mangunjaya Village and Sungai Angit Village, Babat Toman District, Muba Regency,

South Sumatra. The psychological and juridical aspects grow and develop through the course of history which has been passed down from generation to generation by the community, so that they still manage traditional oil mines in their village area. In this case, the local government of the Muba district of South Sumatra needs to pay attention to and maintain the preservation of customary psychojurics in the 2 villages, in order to realize their psychological well-being from time to time.

During the data collection process in the field, it was found that there was environmental damage due to smallholder oil mining. Because of that, research still needs to be continued to be able to deepen the impact of oil mining business on environmental damage. It's just that they, as the people, still need guidance and direction from the government or scientists from universities, so that they understand more about how to carry out oil mining while still protecting the environment (Suhadi et al, 2022).

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