ABSTRACT

Objective: Globalization has a great influence on the legal system of a country, including the mining legal system. In Indonesia, Pancasila can be considered the legal basis and the source of all laws. This study aims to analyze Pancasila as a Source of Law to answer the Challenges of Globalization related to Mineral and Coal Mining Laws in Indonesia.

Method: The research method used is doctrinal law. The Statute Approach examines all laws and regulations relating to legal matter. Data was collected by studying literature and conducting direct interviews with informants.

Result: Generally, the legal development of mineral and coal mining in Indonesia is based on Pancasila. Mining activities must be distinct from foreign investment activities. Regarding investment, the principles of international foreign investment conventions are not under Pancasila.

Conclusion: Pancasila, as the nation’s basic philosophy, is open without the need to change its fundamental values to be maintained following existing developments. Thus, even though Pancasila may not be in harmony with the legal principles of international investment, as long as the executive, legislative and judicial institutions are based on Pancasila in carrying out their duties, then in the future other ideologies cannot influence Pancasila ideology.

Keywords: mining, law, ideology, Pancasila, globalization.
RESUMO

Objetivo: A globalização tem uma grande influência no sistema jurídico de um país, incluindo o sistema jurídico mineiro. Na Indonésia, Pancasila pode ser considerada a base legal e a fonte de todas as leis. Este estudo tem como objetivo analisar a Pancasila como uma Fonte de Direito para responder aos Desafios da Globalização relacionados às Leis de Mineração Mineral e Carvão na Indonésia.

Método: O método de pesquisa utilizado é a lei doutrinal. A Abordagem do Estatuto examina todas as leis e regulamentos relacionados à questão legal. Os dados foram coletados estudando literatura e realizando entrevistas diretas com informantes.

Resultado: Geralmente, o desenvolvimento legal da mineração de minério e carvão na Indonésia é baseado em Pancasila. As atividades mineiras devem ser distintas das atividades de investimento estrangeiro. Em relação ao investimento, os princípios das convenções internacionais de investimento estrangeiro não estão sob Pancasila.

Conclusão: Pancasila, como filosofia básica da nação, está aberta sem a necessidade de mudar seus valores fundamentais a serem mantidos após os desenvolvimentos existentes. Assim, mesmo que Pancasila possa não estar em harmonia com os princípios legais do investimento internacional, enquanto as instituições executivas, legislativas e judiciais forem baseadas em Pancasila no cumprimento de suas obrigações, então no futuro outras ideologias não podem influenciar a ideologia Pancasila.

Palavras-chave: mineração, direito, ideologia, Pancasila, globalização.

1 INTRODUCTION

Globalization has a great influence on the legal system of a country. In this era of globalization, every country builds its economy through industrial activities by processing natural resources in their country (Waluyo et al., 2019). The influence of globalization is so strong that it influences the formation of laws and regulations. The impact of globalization on countries in the world is increasingly unavoidable. In today's developments, legal products in world countries have begun to mix in the common law and civil law legal systems. It occurs due to governments' need to establish cooperative relations in the economic field (Dobra & Dobra, 2013) (Firdaus, 2018).

The globalization of law is not only based on international agreements between nations, but also the understanding of legal and cultural traditions between the west and the east. Globalization which contains the spread of liberalism has influenced Indonesian law such as mineral and coal mining laws and investment laws in Indonesia (Wignaraja, 2003). As a developing country, Indonesia has a wealth of natural resources. Therefore, many national companies are interested in establishing a business (Hill et al., 2008). The mining business is one of the business areas that received the government's top priority before and after the issuance of the Investment Law, both for foreign and domestic parties.
The mining legal system has developed in line with the era of globalization. The government tries to direct and manage natural resources included in the mining business. The mining business includes petroleum, natural gas, coal, metals, tin, nickel, bauxite, iron sands, silver, and copper concentrates (Firdaus et al., 2020). The contribution of the mineral and coal mining sector to improving people's welfare is linked to the goal of state control over national natural resources (Saeed et al., 2015).

Law reflects the ideology adopted by a country and this can be seen in the ideas or values contained in legal products (Hangabei et al., 2020a). In its ideal position, Pancasila is projected to become an ideology that influences the content of existing laws and regulations in Indonesia. In the state order, Pancasila is used as the ideology of the Indonesian state (Dewantara et al., 2019). In the sense that every state regulation and legislation must be guided by the Pancasila values contained in it. Pancasila is the state ideology and a source of law above the source of state law. Ideology is one of the most important sources and factors in shaping the worldview of attitudes of people and individuals (Clay, 2016). Constantly being exposed to ideological influences, social reality, and its institutions stimulate the development and change of ideological doctrines, including in implementing mining regulations. The correlation between ideology and law can affect the legal system (Gumbira & Wiwoho, 2019). Ideology affects the legal system because it is directly related to the socio-political and economic conditions in a country. Globalization also affects the legal system of a country. To answer the challenges of globalization, ideology is the right basis for regulating the legal system of a nation. This study aims to analyze Pancasila as a Source of Law to answer the Challenges of Globalization related to Mineral and Coal Mining Laws in Indonesia.

2 THEORETICAL FRAMWORK

2.1 PANCASILA AS THE SOURCE OF ALL SOURCES OF LAW IN INDONESIA

Pancasila was officially codified for the first time in the nation's founding principles. Pancasila was finally released on August 18, 1945, the day after the proclamation of Indonesian independence.

The function and position of Pancasila for the unitary state of the Republic of Indonesia:

(1) Pancasila as the soul of the Indonesian nation, is the values of life in Indonesian society through instrumental elaboration as a reference for life which
is the ideals to be achieved, and under the breath of the soul of the Indonesian nation and because Pancasila was born together with the birth of the Indonesian government.

(2) Pancasila as the personality of the Indonesian nation is a form of role in showing the existence of the Indonesian nation's character that can be distinguished from other countries, such as the mental attitude, behavior, and deeds of the Indonesian nation.

(3) Pancasila, as the way of life of the Indonesian nation, is a crystallization of life experiences in the history of the Indonesian country, which has shaped the attitudes, character, behavior, values, norms, and ethics that have given birth to a way of life.

(4) Pancasila is the basis of the Indonesian state to regulate the life order of the Indonesian nation and the Indonesian state, which governs all implementation of the Indonesian constitutional system according to Pancasila.

(5) Pancasila is the source of all legal authorities for the Republic of Indonesia because all Indonesian state life is based on Pancasila and must be based on law. All acts of power in society must be based on law.

(6) Pancasila is the noble agreement of the Indonesian nation because at the time the state was founded, Pancasila was an aristocratic agreement agreed upon by the state's founders to be implemented, maintained, and preserved.

(7) Pancasila is the ideals and goals of the Indonesian nation because Pancasila contains the purposes and objectives of the Indonesian state, which is to make Pancasila the standard or unifying foundation of the country.

The function of Pancasila as the source of all sources of law means that Pancasila is the ideology of Indonesian law, a collection of values that must be behind the entirety of Indonesian law, principles that must be followed as a guide in making choices of law in Indonesia as a statement of psychological values and the wishes of the Indonesian people, also in the law. In the MPR Decree No. III/MPR/2000 Concerning Legal Sources and Sequencing of Legislations contains three paragraphs, including Legal sources are sources that are used as material for the preparation of laws and regulations; Legal sources consist of written sources of law and unwritten laws, Sources of law The basic national law is Pancasila as written in the Preamble to the 1945 Constitution, that are Belief in One Supreme God, just and civilized Humanity, Indonesian Unity and Democracy led by
wisdom in deliberation/representation, and by realizing social justice for all people. Indonesia and the body of the 1945 Constitution.

Pancasila as an ideology is manifested in various fields of life, as well as in legal life. Applying these Pancasila values always refers to harmony between all components so that the principle of harmony, the principle of propriety, and the principle of harmony are achieved (Indriati, 2020). As the Indonesian legal system, Pancasila must concentrate on developing national legal conceptions. This means that Pancasila can become a legal system owned by the Indonesian people with the characteristics that, in principle, Pancasila as a legal system has similarities and differences with Western legal concepts. The concepts of rechtsstaat and the rule of law are oriented towards "human dignity," such as liberalism, the individualism of capitalism, and secularism. In contrast, the Pancasila legal system is based on communalism: a shared spirit to achieve Indonesia's goals of upholding justice with the principle of divinity. The substance of Pancasila values is divinity, humanity, democracy/deliberation, and justice; fifth, these values are arranged in a pyramidal hierarchy where the value of justice is the peak value, or in other words, the value of justice is the goal of the Pancasila legal system (Wardhani et al., 2022).

2.2 THE RELATIONSHIP BETWEEN THE PHENOMENON OF GLOBALIZATION CHALLENGES AND THE PANCASILA IDEOLOGY

Globalization is a complex phenomenon, even referred to as a word that has power because its definition crosses political and social boundaries, making it difficult to find a single definition (Buckley, 2020; Heupel et al., 2021). However, globalization has key characteristics accepted by all parties, such as the liberalization of international trade, massive cross-border financial flows and the absence of national boundaries. In other words, globalization is a process of worldwide social order that knows no boundaries (Cuervo-Cazurra et al., 2020). Globalization is increasingly unstoppable, and later, ideological and cultural flows from other countries influence the ideology of Pancasila.

Globalization positively influences the progress of the Indonesian nation and state. However, globalization also has negative effects, such as providing a place to grow identity politics in various countries, including Indonesia. From the political aspect, globalization can convince the Indonesian people that liberalism can bring progress and prosperity. In these conditions, Pancasila plays an important role as a way of life and the
foundation of the state. Pancasila will assess which values can be absorbed under these values. In the current era of globalization, Indonesia's nation and state must overcome globalization's challenges (Wardani et al., 2022).

3 METHODOLOGY

3.1 THE TYPE OF RESEARCH

Based on the formulation of the problem in compiling this research, the types of research used are normative or doctrinal legal research. Normative or doctrinal legal research is a legal method that utilizes secondary data sources or researching library materials.

3.2 RESEARCH APPROACH

The approach used is the statutory approach. The legal approach is carried out by reviewing all laws and regulations related to the legal issues being handled. A statutory approach is an approach using legislation and regulations. The characteristic of this research is descriptive-analytic research. Analytical descriptive study, a form of research that aims to describe what exists. Analytical descriptive research tries to describe and interpret something, for example conditions or relationships that exist, opinions that develop, ongoing processes, influences or consequences that occur.

3.3 RESEARCH DATA

The secondary data used in this study include as follows:

(1) Primary legal materials are regulatory documents that are binding and determined by the competent authority.
(2) Secondary legal materials are all documents which are such as books, seminars, legal journals, magazines, newspapers, scientific papers and several sources from the internet related to researched material.
(3) Tertiary legal materials are all documents that contain concepts and information that supports primary legal material and secondary legal materials, such as dictionaries and encyclopedias.
3.4 DATA COLLECTION TECHNIQUES

Data collection techniques were carried out using library research and conducting direct interviews with informants. The results of the assessment activities are then systematically summarized as the essence of the results of the document study review. The purpose of this documentation technique is to search for conceptions, theories, opinions or findings related to the research problem. Data collection techniques are carried out by:

1. Preliminary observations were carried out to determine the condition of the research area for assessment related to demographic characteristics and general description of the population.
2. Interviews were conducted by asking questions arranged in a list of questions prepared in advance.
3. Field notes are needed to take stock of new things in the field that is related to the list of questions that have been prepared.

3.5 DATA ANALYSIS

Analysis of legal rules involves processing, analyzing, and constructing normative legal research data. Then construction is carried out by entering articles into categories based on the understanding of the legal system. Problems are answered using deductive logic. The deductive method is done by reading, interpreting, and comparing the relationships of related concepts, principles, and rules to conclude the formulated writing objectives. Furthermore, a cross-examination is carried out with other laws and regulations to determine the level of harmony and whether there is a discrepancy between these laws and regulations. Data analysis was carried out qualitatively through deductive reasoning analysis.

4 RESULT AND DISCCUSION

4.1 ANALYSIS OF MINERAL AND COAL MINING LEGAL SYSTEMS IN THE ERA OF GLOBALIZATION BASED ON IDEOLOGY

Various regulations on mining need to explain what mining law is explicit. Joan Kuyek put forward the meaning of mining law (Kuyek & Coumans, 2003). Mining laws have been set up to protect the interests of the mining industry and minimize the conflicts between mining companies by clarifying who owns what rights to mine. The development
of mineral and coal mining laws in Indonesia has been seen from the Dutch era until the reform era by implementing the Indische Mijnwet 1899 related to mining policies in Indonesia. Subsequently, this provision was amended by Indische 1910 and 1918 and Mijnordonatie 1906, which emphasized that the processing of permits for oil and mining of metallic minerals, coal, gemstones and several other minerals was issued by the Central Government. During the Japanese occupation, mining businesses that abandoned by the Dutch and continued by the Japanese to expedite the engine the war. New mining areas opened, and mostly worked on by Japanese companies themselves, among them Ishihara Sanyo, Mitzui Kozan, Nippon Chisso and Mitsuhubisi Kabushiki Kaisha (Devi & Prayogo, 2013).

The Independence of the Republic of Indonesia has issued a Government Regulation instead of Law Number 37 of 1960 concerning Mining and a Regulation instead of Law Number 44 of 1960 concerning Oil and Gas. When entering the new order era, Law No. 11/1967 was issued concerning Basic Mining Provisions. After the reform, there were demands for legal reform of Law Number 11 of 1967. On the one hand, this law opens up vast opportunities for foreigners to invest through contracts of work with centralized licensing. Law Number 4 of 2009 was born, which became a new chapter of mining management in Indonesia with a decentralized character and opened access to the community to mine. The implementation of this new regulation is only sometimes as expected, and even some of them are considered contrary to the 1945 Constitution, so some parties conduct a judicial review to the Constitutional Court. Multiple products the law in the history of mining in Indonesia has more or less contributed to the field of mining law. The law regulates mining activities, the legal subjects involved, and how the law works in society. Law no. 4 of 2009 concerning Mineral Mining and Coal is still unable to answer developments, problems, and legal requirements in the operation of mineral and rock mining coal. Hence, it is necessary to make changes to become a legal basis that effective, efficient, and comprehensive in implementing mineral mining and coal. In addition, the government's reason for amending Law no. 4 of 2009 concerning Mineral and Coal Mining is due to things such as the existence of a lawsuit, the Constitutional Court granted some, and there are derivative regulations from Law no. 4 of 2009, which is not in sync with the Act itself. To that end, the Government issued a new regulation related to mineral and coal mining in Law no. 3 in 2020 about Amendments to Law No. 4 of 2009 concerning Mining Minerals and Coal.
4.2 THE MAJOR IMPACT OF GLOBALIZATION ON MINERAL AND COAL MINING IN INDONESIA.

The major impact of globalization on mineral and coal mining activities is the increase in foreign investment. The mining industry is inseparable from attracting foreign investment. Foreign investment in the mining sector continues to increase (Fernando et al., 2023). Regulations for foreign investment in the mining sector use Law number 25 of 2007 concerning Investment(Yuniar, 2021). Standardization of legal norms for cross-border trade originated from the 1944 Wood Conference, which included General Agreements on Tariffs and Trade (GATT), Trade-Related Aspects on Investment Measures (TRIMS), Multilateral Agreement on Investment (MIA), Multilateral Investment Guarantee Agency (MIGA), ASEAN Comprehensive Investment Agreement (ACIA), ASEAN Economic Community(Pardede, 2022). The doctrine of investment law regulated in Law No. 25 of 2007, which originates from the Multilateral Agreement on Investment, has a style of liberalization in the trade and investment sector and has become positive law in Indonesia since the ratification of the WTO, GATT, the agreement into effect of the ASEAN Economic Community.

International principles regarding investment related to the central principle of equal treatment or non-discrimination, are used as a reference for investment regulations in Indonesia. The principles contained in the foreign investment Law can include the principle of legal certainty, the principle of openness, the principle of accountability, the principle of fair efficiency, the principle of togetherness, the principle of sustainability, and the principle of environmental insight. Substantially the principles of foreign investment listed in Law No. 25 of 2007 express state policy to spur national economic growth by exploiting natural resources, especially mining owned by Indonesia. Implementing liberalization in the investment sector is in the grand design of international economic institutions and developed countries to apply globally. Implementation of investment liberalization in international trade has a meeting point with the terms commonly used by the world trade system, which is based on the free market ideology(Picciotto & Mayne, 2016; Wahhab et al., 2023; Yadav & Yadav, 2023). Based on this ideology, the market mechanism surrenders the world economic and trade system. The process of forming national legal instruments is inseparable from the interests of global economic politics. The orientation of these legal instruments is directed at facilitating the interests of foreign investors to explore and exploit mining natural
resources. Based on Kelsen's perspective, the legal system is seen as hierarchically arranged rules based on a grundnorm. At each level, legal norms are not only implemented, but in concretizing legal norms from a higher regulation, new legal norms are also created by applying higher norms to specific situations and parties. It is in line with the investment principles of Law No. 25 of 2007, which is guided by international principles regarding investment.

Foreign investment is also related to international agreements. There are dualism and monism in the relationship between international law and national law. Dualism holds that international law and national law are two different things, which cannot be linked for several reasons. Meanwhile, monism needs to distinguish between international law and national law (Ingadottir, 2022; Künkler & Sezgin, 2016). According to monism, international and national laws are the unity of all laws that govern human life. The current administrative government must adhere to more than monism with the primacy of international law and national law. From a theoretical point of view, national legal politics must continue to prioritize national interests while considering international trends (Priyono, 2018). Gustav Radbruch stated that law must reflect legal certainty, expediency, and justice. Therefore, by referring to the values of Pancasila, Gustav Radbruch's three legal elements, national legal politics related to international agreements must be monism with the primacy of national law (Bix, 2011; Radbruch, 2006). Thus all international agreements to become national law must be by national interests, which are based on the values of Pancasila without ignoring international trends.

Globally Pancasila is inappropriate with the principles of international conventions for foreign investment. Because of the correlation of basic ideas, investment law doctrines are a form of expansion of the world capitalist system. International conventions on investment generally have liberal, positive laws. Liberal law and positive through law have the character of modern law, which is not intended to realize the welfare of society but to guarantee legal certainty for the effect of trade and investment liberalization (Spears, 2010). Nowadays, to attract foreign investors to Indonesia, the government carried out a strategy by making the following policies such as ratify the omnibus law on the job creation law, release of the online single submission risk based approach (OSS-RBA), release of investment priority list, established investment management institution (dharsana et al., 2022; Iqbal et al., 2022).
Pancasila is the official philosophical foundation of the Indonesian state, and it is not necessarily meant to be aligned with the principles of international investment laws. The principles of Pancasila may not align with the liberal economic principles that underlie international investment laws. For example, the principle of social justice for all Indonesian people may require the Indonesian government to impose certain restrictions on foreign investment to ensure that the benefits of investment are shared equitably among the Indonesian people. This could be seen as incompatible with the liberal economic principles that underlie international investment laws. However, it is important to note that the Indonesian government has been working to attract foreign investment while also ensuring that the benefits of investment are shared equitably among the Indonesian people. The government has implemented various policies and regulations to promote foreign investment in the country, while also protecting the rights of Indonesian workers and ensuring that foreign investors are held accountable for their actions. While Pancasila may not align with the principles of international investment laws, it is the official philosophical foundation of the Indonesian state and plays an important role in guiding the country's development. The Indonesian government has been working to attract foreign investment while also ensuring that the benefits of investment are shared equitably among the Indonesian people.

The subject of incompatibilities between national laws and international human rights standards cannot be treated solely on the basis of national arguments, and that international investment agreements are an important consideration in this context. Indonesia has signed 43 international investment agreements, out of which 29 are currently in force. These agreements include bilateral investment treaties (BITs), free trade agreements (FTAs) with investment chapters, and other types of agreements with investment provisions. The BITs signed by Indonesia typically provide for basic protections for foreign investors, such as national treatment, most-favored-nation treatment, and protection against expropriation without adequate compensation. Some BITs also include provisions on dispute settlement, which allow investors to bring claims against the host state directly before an international arbitral tribunal. Indonesia has also signed several FTAs with investment chapters, including with Australia, China, Japan, Korea, and the European Union. Some investment treaties, for example, include provisions that allow foreign investors to sue governments for damages if they believe their investments have been unfairly affected by government action. These provisions can
potentially limit the ability of governments to regulate in the public interest, or to take measures that are necessary to protect human rights. It is important to note, however, that the implementation and interpretation of investment treaties can vary depending on a range of factors, including the specific terms of the treaty, the domestic legal framework of the signatory countries, and the decisions of international tribunals that may be called upon to adjudicate disputes under these treaties.

It needs further study on the validity of the Indonesian state's agreement to become a party to certain international conventions. The main problem in this connection is how to implement an international agreement within Indonesia's national jurisdiction. In practice, it is not easy to answer because there are many forms and types of international agreements, each with a different character and substance. Every international agreement must be examined in depth first, whether it can be directly enforced or not, whether it requires statutory regulations to transform its substance first, and thus, this statutory regulation is implemented. Therefore, we need some references that can be used to examine the implementation of an international company within the scope of the national jurisdiction of a country, including Indonesia (Parthiana, 2017). If there is an incompatibility between domestic and international law, the state may need to take steps to bring its domestic legal system into conformity with its international obligations. Failure to do so may result in a breach of the state's obligations under international law, which could have legal consequences. In summary, while an incompatibility between domestic law and international law can create challenges for a state in fulfilling its international obligations, it would not necessarily invalidate the state's consent to being a party to specific international conventions.

Pancasila itself is a noble value extracted from the national culture in the archipelago and has basic values of human life that are universally recognized and applied throughout the ages. As for the relationship between indigenous culture and international treaties, it is a complex issue that depends on various factors, including the specific treaty in question and the context in which it is being applied. It is important to note that international law recognizes the rights of indigenous peoples and seeks to protect their cultural heritage and traditional knowledge. However, there may be instances where the application of international treaties may conflict with certain indigenous practices or beliefs, and in those cases, it is up to the relevant authorities to find ways to reconcile those differences while still upholding their obligations under international law.
In 2023 the government issued Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code. The drafting of laws was carried out with one of the missions, namely adaptation and harmonization of various legal developments that occurred, both as a result of developments in the field of Criminal Law and the development of values, standards and norms recognized by nations in the international world. The mission is placed within the framework of legal politics by carrying out the preparation of this Law in the form of codification and unification, which is intended to create and maintain consistency, justice, truth, goodness, benefit, and legal certainty by taking into account the balance between national interests, community interests, and the interests of individuals within the Unitary State of the Republic of Indonesia which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Article 190 sanctions anyone who carries out the Elimination and Replacement of the Pancasila Ideology. Apart from that, Article 188 is against anyone who spreads and develops the ideology of communism/Marxism-Leninism or other understandings that are contrary to Pancasila and makes it a group that aims to fight Pancasila values and understand political ideology, which is manifested in the form of Pancasila war political movements. The emergence of this Law requires adaptation and harmonization of the values, standards and norms recognized by nations in the international world based on Pancasila. It should serve as a guideline in any formation of laws and regulations and resolution of incompatibility in-laws where Pancasila must be used as a basis without having to apply it even though the regulations made are related to the international world.

Ratification of international treaties involves various state and government agencies and their instruments. Every agreement in the field of public law is governed by international law and made by the Government with countries, international organizations, or other international law subjects. All international investment agreements must be in line with the national interest. National interest is the public interest in protecting legal subjects of the Unitary State of the Republic of Indonesia and the sovereign jurisdiction of the Unitary State of the Republic of Indonesia. Therefore, when an agreement conflicts with national interests, the Government must conduct proper studies so that Indonesia does not hesitate to agree. Its relation to Indonesian investment must attract the attention of investors from countries with different ideologies so that Indonesia must follow existing developments according to international agreements. Despite the liberal-capitalistic and social-communist elements contained in the
investment system in Indonesia. However, these elements only compare values in practice because Pancasila, the basic philosophy of the nation and state, has an open ideology. Its means that Pancasila, as the basis of the nation's philosophy, does not need to change its basic values to be maintained abreast of existing developments (Absori et al., 2022; Pesurnay, 2018; Rogers et al., 2020). When potential investors consider investing in a foreign country, they assess the level of protection and legal safeguards available to them. Countries with robust protection standards for foreign investment tend to attract more investors because they provide a stable and predictable business environment. Investors are more likely to commit their capital when they have confidence that their investments will be protected against arbitrary actions, such as expropriation, unfair treatment, or discriminatory practices.

Besides its impact on investment, the mining sector also has an impact on environmental aspects. Mining law policies in Indonesia cannot be separated from environmental law. Mining development must comply with strategic environmental changes, both national and international (Duda et al., 2022). The law of environmental in Indonesia was ratified by an international convention. The principles of the Stockholm Declaration and its recommendations are used as a direction to create an Indonesian national institution in environmental management. After the conference, the Indonesian government formed a drafting committee and work planner for the government in the field of environmental development by RI Presidential Decree No. 60 of 1972. In 1987, the Commission on Environment and Development (WCED) in Our Common Future put forward ideas about sustainable development (World Commission On Environment And Development, 1987) outlined in TAP MPR-RI No II/1988 concerning Outlines of State Policy, Chapter IV General Pattern of Pelita Fifth letter D number 29. Thus, development with an environmental perspective and sustainable development has laws as the embodiment of national policy. Furthermore, in 1992 the United Nations Conference on Environment and Development (UCED) Rio Declaration was carried out. Through the Office of the State Minister for the Environment, the Government of Indonesia published the initial publication of Indonesia's 21st Agenda, which focused on problems, interests, and national aspirations in which there were 18 problem areas. The next convention is the Vienna Convention. The Government of the Republic of Indonesia has ratified through presidential decree No. 23 of 1992. Indonesia is bound to actively take follow-up steps to anticipate and implement the convention's provisions (Hardjasoemantri & Supriyono,
2014). Nowadays, Environmental policies in Indonesia are regulated in Law Number 32 of 2009 concerning Environmental Protection and Management which is an amendment to the 1982 environmental law and Law no. 23 of 1997. Sustainable development in the modern day must inevitably include green development as it provides the best means of addressing the dual issues of protecting the environment and boosting the economy(Khoruzhy et al., 2023; Kumar & Kumar, 2023).

4.3 MINERAL AND COAL MINING LEGAL SYSTEMS IN THE ERA OF GLOBALIZATION BASED ON IDEOLOGY

Modern society is looking for an ideological paradigm for the further development of the socio-political, economic and legal system(Svyrydenko & Stovpets, 2020). With the ideology of a nation that is the foundation of life, it can carry out a country's goals(Milne et al., 2009). Pancasila is an open ideology available to absorb new values that can be useful for the nation's survival(Putu et al., n.d.). If Indonesia is not careful, then people will tend to follow the flow of external ideologies. (Siregar et al., 2019). Analyzing the position of Pancasila in the hierarchical structure of the Indonesian legal system is related to Kelsen's "grundnorm" legal theory. Kelsen's legal theory includes the place and role of the grundnorm. Grundnorm occupies basic norms as "initial premises", which are the basis of everything. Kelsen stated that the validity of the grundnorm was immediately taken for granted. The implementation of certain ideological paradigms in historical retrospectives can be arranged. It can be based on ontological principles, prescribing values, the possible transformation of existing cultural standards, forms of consolidation of various social interests, and trends in the development of social and political practices that affect the laws of a country(Kelsen, 1959).

At this time, Law no. 3 of 2020 concerning Mineral and Coal Mining is a guided regulation. The Mineral and Coal Law was prepared to face globalization and changes in the strategic environment of the mining industry, both nationally and internationally. Various challenges and the influence of globalization in its development have influenced the public's perspective in viewing natural resource management. In Law No. 3 of 2020, there are principles which are the implementation of the Pancasila ideology, such as:

1. Principle of Benefit, Fairness and Balance
2. Alignment to the Nation’s Interests
3. Participatory, Transparency and Accountability
(4) Sustainable and Environmentally Friendly

These principles in the latest mining law show that the rules that have emerged in this era of globalization are still based on Pancasila. If the Indonesian people want their people to become a Pancasila society, in the sense of a community in which all actions and relationships between humans are imbued with Pancasila, then one of the effective tools to make it happen is through the formation of laws and regulations based on the values of Pancasila (Arsyiprameswari et al., 2021; Conley et al., n.d.).

Furthermore, the Mineral and Coal Law no. 3 in 2020 regulates that in the national interest, the Central Government, after consulting with the Indonesian legislative assembly, establishes a national policy of prioritizing minerals and or coal for domestic goods. To carry out the national interest, the Central Government has the authority to determine the amount of production, sales, and prices of metallic minerals, certain types of non-metallic minerals, or coal. Formulating the proper rules is conceptualized through the manifestation of values with the people who live in a society. In the Indonesian context, these rules must be based on the values contained in Pancasila, which are spiritual principles. Ideology is positioned as the basis for the constitutive and regulatory elements that are the origin of all legal sources in force in the country (Sudrajat, 2018). It has features that describe its values as legal ideals or rechtsidee, which have become the philosophical strength of legal norms (Hangabei et al., 2020b).

The legal system of a nation with other countries is generally different. It is due to differences in history, socio-political, and economic conditions. In other words, the characteristics of a nation's legal system depend on the characteristics of its social system stipulated in law (Detter de Lupis, 1989). In this paper, the author compares it with Vietnam. Vietnam is a socialist country under the leadership of the Communist Party. In general, the history of Vietnamese legal ideology was influenced by various legal ideologies. It can be divided into four periods: the feudal legal system, French colonialism, the traditional legal system of the Soviet Union, and the legal system during the period of integration and globalization (Thayer, 2017; Thi & Huong, 1986). In the era of globalization, Vietnam received the support of developed countries such as the United States, Japan, Denmark, Canada, and Germany in carrying out legal reforms. Before 1986 Vietnam adopted a socialist ideology. As a country with a socialist ideology, they share the goal of perpetuating a communist government in their own country. Socialism essentially served as an excuse to maintain a communist government. After 1986,
Vietnam adopted Doi Moi (renovation) to multilateralism and expanded its economic and political partnerships to achieve economic growth. Doi Moi's success has resulted in a transformation in state-society relations (Thanh Hai, 2021). The emergence of civil society organizations has weakened the hegemonic grip on society and shifted the basis of regime legitimacy from nationalism and socialist ideology to performance legitimacy. After these changes, Vietnam's Gross Domestic Product grew by almost seven percent per year and an average of 6.47 percent from 2000 to 2016 (Fforde, 2019).

In accordance with Indonesia, Vietnam has also ratified international agreements/conventions to become a source of law applied directly or indirectly in handling some instances in Vietnam. In general, Vietnam often interprets international agreements as domestic law as a way of implementing international agreements in Vietnam. The current mining context of Vietnam can be linked to the 2010 Minerals Law. Effective 1 July 2011, the regulation superseded the 1996 Minerals Law, and amendments were passed in 2005 to the new law protecting unexploited minerals, regulating mineral exploration and mining, and governing mineral management located on the border of Vietnam including foreign direct investment now encouraged by the federal government along with transparent tax rates and royalty payment schemes. This law also reformed the process for obtaining mining permits. It established the financial commitments of licensees and provided a basic framework to guide government agencies in managing the mining sector as a whole. The bodies tasked with enforcing these regulations consist of the Politburo, the Prime Minister, several Ministries including Natural Resources and the Environment; Industry and Commerce; Trading; Construction; Planning and Investment; Finance; and several provincial parties (Nguyen et al., 2019). The central government regulates the country's mining sector. Naturally, resource taxes and income from mining-related businesses make a significant contribution to local government.

CONCLUSION

Generally, the legal development of mineral and coal mining in Indonesia is based on Pancasila. Mining activities must be distinct from foreign investment activities. Regarding investment, the principles of international foreign investment conventions are not under Pancasila. However, Pancasila, as the nation's basic philosophy, is open without the need to change its fundamental values to be maintained following existing developments. Thus, even though Pancasila may not be in harmony with the legal principles of international investment, as long as the executive, legislative and judicial
institutions are based on Pancasila in carrying out their duties, then in the future other ideologies cannot influence Pancasila ideology.

5 CONCLUSION

The legal development of mineral and coal mining in Indonesia is based on Pancasila. Mining activities must be distinct from foreign investment activities. Regarding investment, the principles of international foreign investment conventions are not under Pancasila. However, Pancasila, as the nation's basic philosophy, is open without the need to change its fundamental values to be maintained following existing developments. Thus, even though Pancasila may not be in harmony with the legal principles of international investment, as long as the executive, legislative and judicial institutions are based on Pancasila in carrying out their duties, then in the future other ideologies cannot influence Pancasila ideology.
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