

## The Role of the Mining Company Corporate Social Responsibility and the Issue of the Weda Bay Sea Ecosystem Environmental Health

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### Abstract

**Purpose:** This research is aimed to know the management of the Corporate social responsibility carried out by the PT. TEHT in Central Halmahera and also to know how the ideal mining management activity is which is based on environmental management and protection. **Method:** The method used is the empirical research method using the statute approach and the case approach. **Result:** The inventarization results of field study are analyzed to obtain the conclusion, then it is analyzed using the integrative and conceptual method of analysis which is courced from the primary and the secondary data. The problem which is analyzed in this research departs from when PT. TEHT disposed ore in the Central Halmahera sea, which directly brings loss to the sea ecosystem of the Weda Bay. This is because the responsibility of a company has direct impact to the social and the environmental activities. It is manifested in the form of behaviors and activities which should be in line with the sustainable development and the social welfare. Also, the legal regulations are integrated with the principle of sustainable environment protection and management. **Conclusion:** The company should be aware of the social and the environmental health dimensions which become the processing location of the mining materials. The Weda Bay experienced environmental destruction due to mining and it becomes an unhealthy environment.

**Keywords:** *Corporate social responsibility, Healthy environment, Society, Mining.*

### Introduction

The concept of Corporate Social Responsibility is strongly linked to the sustainability of the company. A good company is not only demanded to produce great profits. But, it should also be concerned of the environmental sustainability and health, as well as the people's welfare. This is because in carrying out their operational activities, the company will directly or indirectly interact with the environment.

The company will be sustainable if it carries out its responsibility not only to the stakeholders, but also to the society and the environment which becomes the company's location of operation. The society will give a negative response to the companies which are deemed to not be aware of the economic, social, and health conditions of the surrounding environment. This negative response from the society will threaten the sustainability of the company.

The Corporate Social Responsibility may basically be applied in all companies. But, the challenge faced by one company is different from that of another. One type company which is interesting to be observed is the mining company. In the mining industry, the environmental aspect often becomes the victim in this industrial activity, thus it is not a new issue. The environmental pollution carried out by PT.

TEHT on the Weda sea becomes a real impact of a mining company's presence in an area. This is because the intentional disposal of ores to the sea becomes a threat to the living sea ecosystem in Weda Bay, Central Halmahera. Fish and other biota are polluted by heavy metals, which will in the end poison and disturb the health of the people who catch the sea produces in Weda Bay, Central Halmahera. The activity carried out by PT.

TEHT is a violation of the Law No. 39 of 2009 on the Environmental Protection and Management, the Law No. 27 of 2007 on the Management of the Shore and the Small Island Areas, and also the North Maluku Regional Regulation No. 3 of 2018 on the Plan of the Shore and Small Island Territory Zonation in North Maluku [1].

Though principally, a good environmental protection management is an important part of the human rights, such as the right to live, the right for a proper living standard, the right for health and the right for a clean environment. The right for a good and healthy living environment has a strong link to achievement of the human lives' quality, thus the right for a good and a healthy environment cannot be decreased under any condition.

## Materials and Methods

This is an empirical research which uses the statute approach and the case approach. The writer collects data through literature review, field study, and documentation study. The three studies of data collection are grouped into two kinds, which are primary and secondary data. The primary data is obtained through field study and the secondary study is sourced from literature review.

The results of the field study inventarization is analyzed to obtain a conclusion, which is then analyzed using the integrative and conceptual methods of analysis. Such methods are directed to find, to identify, to process, and to analyze the legal sources to understand the meaning, the significance, and the relevance.

## Results and Discussion

Terminologically, the corporate sosial responsibility may be defined as a company's responsibility to the society. The Law No. 40 of 2007 on the Limited Company chooses to use the term, "Corporate social and environmental responsibility" in the explanation of that regulation. Conceptually, both have similar meanings. Other terms which are parallel to the CSR are Corporate Responsibility, Corporate Citizenship, Responsible Business, Sustainable Responsible Business, and Corporate Social Performance [2]. Many terms are used to refer the Corporate Social Responsibility or CSR with the various defintions.

Until now, there is not one single definition which is globally agreed upon. Article 1 point 3 of the Law No. 40 of 2007 on the Limited Company defines the Corporate Social Responsibility as follows:

"The social and environmental responsibility is the commitment of a company to take the role in sustainable economic development to increase the beneficial quality of the life and the environment, for the sake of the company itself, the local community, as well as the society in general."

The conception of the Corporate Social Responsibility in the Law on Companies gives a terminology on the social and the environmental responsibility which is regulated in Article 74 as follows:

- A company which carries out its business activities in the sector and/or that which regards natural resources must carry out the Social and Environmental Responsibility.
- The Social and Environmental Responsibility as mentioned in clause (1) is an obligation of the Company which is budgeted and taken to account from the Company's fund in which its execution is carried out by considering appropriateness and reasonableness.
- A Company which does not carry out its responsibility as mentioned in clause (1) will be imposed to sanctions according to the stipulations of the constitutional regulation.

The application of the Corporate Social Responsibility in the Law on Limited Companies is further regulated in the Governmental Decree No. 47 of 2012 on the Socio-Environmental Responsibility. The social aspect in Article 108 of the Law No. 40 of 2009 on Minerals and Coal regards the making of the Environmental Impact Assessment and/or Environmental Management Efforts and Environmental Monitoring Efforts from the social perspective [3].

Since the issuing of the constitutional regulations on the Environmental Impact Assessment, this Assessment's development is highly progressive in the social perspective compared to the National Environmental Assessmental Protection Act (NEPA) which

was issued on 1970 in the United States, and the Environmental Assessment Review Process (EARP) in Canada, as they are deemed as a Social Impact Assessment (SIA) with the term of add on study. The right for a healthy environment has started to be discussed simultaneously with the right for development since the establishment of the United Nations Conference on the humans' living environment in Stockholm, Sweden on 1972, which was then followed up by the Rio de Janeiro Earth Summit on 1992 which discusses the development and the environment. The United Nations Conference on sustainable development in Johannesburg, South Africa on 2002 has produced a commitment, a covenant, and an action plan for the execution of the sustainable development to create a healthy environment [4].

Regarding the preservation of the environmental function, each company which carries out business in the various sectors of mining have the obligation to carry out such things: *First*, to pay attention to the spatial factor and to obey the strategic environmental analysis. *Second*, to provide an analysis on the environmental impacts. It is an analysis on the great and important impacts of a business and/or activity which is planned on the environment which is needed for the decision-making process on the establishment of a business and/or activity.

*Third*, to manage the waste produced by the business and/or activity. Those responsible for the business must yield the waste management to other parties. *Fourth*, to manage dangerous and poisonous materials. The management of dangerous and poisonous materials include creating, transporting, distributing, keeping, using, and/or disposing. Apart from those obligations, the mining company is prohibited from violating the quality standards and the standard criteria of environmental destruction [5].

Generally, the principle of the Corporate Social Responsibility in the environmental aspect has a strong link to the Law on the Protection and the Management of the Environment, especially regarding the obligation to create the Environmental Impact Assessment and/or Environmental Management Efforts and Environmental Monitoring Efforts. This is an obligation which must be fulfilled by the company.

The principle of environmentally friendly technology is the ninth principle of the Global Compact (GC). This principle is related to the creativity and innovation which is commonly carried out by every business owner, especially by companies whose activities bring significant impacts for the environment. The mining sector, as a business which is strongly linked to environmental impacts should appropriately implement the environmentally friendly principle, which must be seen in the the Environmental Impact Assessment and/or Environmental Management Efforts and Environmental Monitoring Efforts which are proposed whilst registering for the Mining Business License and the Special Mining Business License [5].

The description on the social responsibility to create a healthy environment in the Law on Companies is written in paragraph eight of the general explanation, which may be described as follows: *First*, the purpose of the Social and Environmental Responsibility is to create a sustainable economic development to increase the beneficial quality of life and the environment for the Company itself, the local community, and the society in general. *Second*, the Social and the Environmental Responsibility has the aim to support the development of company relations which are harmonious, balanced, and appropriate according to the environment, the values, norms, and cultures of the local society.

*Third*, regarding that, it must be stipulated that the companies whose business is in the sector and/or that related to the "natural resources" must carry out the Social and Environmental Responsibility. *Fourth*, the Social and Environmental Responsibility must be budgeted and taken to account from the Company's fund in which its execution is carried out by considering appropriateness and reasonableness, as stated by the explanation on the Law No. 40 of 2007 on Limited Companies.

Conceptually, the Corporate Social Responsibility has developed since a long time ago, since John Elkington developed the three important components of sustainable development, which are economic growth, environmental protection, and social equity. He also proposed the The World Commission on Environment and Development (WCED) in the Brundtland Report (1987).

Elkington further stated that the CSR is packaged in three focuses which are abbreviated into 3P, meaning *profit*, *planet* and *people*. The 3P is described as follows: a good company should not only seek economic profits only, but it should have a concern towards the health and the sustainability of the environment (planet), and the social welfare (people) [6].

The social and environmental responsibility (or the Corporate Social Responsibility) does not become an obstacle for the company to have a role in carrying out social and environmental responsibilities. A company which has taken the role to carry out social and environmental responsibilities may be given some awards by the authorized institution, as stated by Article 8 of the Republic of Indonesia Governmental Decree no. 47 of 2012 on the Limited Company Social and Environmental Responsibility (The Republic of Indonesia National Fascicle No. 89 of 2012).

PT TEHT is a company which operates in the South Halmahera Regency, with the Mining Business License No. 540/KEP/239/2012, on the nickle commodity production operation stage with the code WIUP 3682022122014007. It carries out its business activities on a land with the width of 1000 hectares, starting from May 30<sup>th</sup>, 2012 to December 21<sup>st</sup>, 2029. It also has the Mining Business License No. 540/KEP/238/2012 in the nickle commodity production operation stage with the code WIUP 3682022122014001, on the land with the width of 946 hectares, with the application date of May 30<sup>th</sup>, 2012 to December 21<sup>st</sup>, 2029.

In undergoing the company's vision and mission, there is the social and environmental responsibility, and it emphasizes the environmental health. Meanwhile, the management of PT. TEHT's corporate social responsibility is as follows.

Based on the data, in the aspect of social responsibility, PT. TEHT has carried out the social responsibility management. In the aspect of the triple bottom line concept execution, which consists of profit, people, planet (P3) and the decree of Article 74 of the Law No. 40 of 2007 on Limited Companies, PT. TEHT which operates as one of the largest companies in nickle mining in

Indonesia has only carried out the *profit* and *people* social responsibility well from the theory of the triple bottom line. Meanwhile, it has not maximally carried out the responsibility in maintaining and managing the environmental health around the mine. This may be seen from the various news reports below:

- A news report from the Halmaherapost portal on January 3<sup>rd</sup>, 2020 states that the PT. TEHT was complained by the society surrounding the mine to the Environmental Service of Central Halmahera Regency and the Environmental Service Team of Central Halmahera for disposing the ore remains to the sea. These services had carried out an investigation on the alleged action of sea pollution the week before. From the results of that investigation, the PT. TEHT energy must carry out a sea water quality examination in an official laboratory and deliver an official report [7].
- A news report from poskomalut.com [8] on December 26, 2019 reports that the Commission Secretary III of the South Halmahera Regency Regional Legislative Assembly, Munadi Kilkoda highlights the ore disposal of PT. TEHT in the Weda Bay.
- A news report from the poskomalut.com portal posed the tagline "Munadi : PT TEHT Must be Imposed with a Legal Sanction" [9] on December 30<sup>th</sup>, 2019. It reports that the Central Halmahera Regional People's Legislative Assembly asks the Environmental Service of Central Halmahera Regency to give sanctions to the PT TEHT. This is because that company purposely disposed ores to the sea, which causes environmental destruction.
- A report from the news portal lensaindonesia.com entitled "PT TEHT Energy's toxic and hazardous waste pollutes the Central Halmahera river" on October 11<sup>th</sup>, 2013 [10] reports that the nickle or mining activity of PT TEHT Energy in Weda District, Central Halmahera Regency, North Maluku makes the society concerned as the mining waste disposal at the border of Lokulamo and Lelilef villages has polluted the environment.

- A news report from the portal amanmalut.blogspot entitled “PT. TEHT Threatens the Future of Sawai Customary People” [11] on November 13<sup>th</sup>, 2013 explains that PT TEHT has polluted the Saloi river water with its waste, though that river is used by Lukulamo and Woejerana people to fulfill their needs of clean water and to water their plants.

Apart from the news reports above, the researcher carried out a field research using the sampling method in the form of questionnaire and 63 samples which are spread to four villages surrounding the mine. Some facts on the social and environmental responsibility of the PT. TEHT are displayed in the table below:

No	Questionnaire Question	Villages Surrounding the Mine			
		Gemaf Village	Lukolamo Village	Lelilef Sawai Village	Lelilef Waibulen Village
1	As far as you know, during the mine company's operation in your area, has it given a CSR in the villages surrounding the mine?	Yes (90,5 %)	Yes (37 %)	Yes (83,3 %)	Yes (22,2 %)
		No (9,5 %)	No (63 %)	No (16,7 %)	No (77,8 %)
2	What forms of CSR are given?	Money (23,8 %)	-	Money (66,7 %)	Money (66,7 %)
		Social Aid (66,7 %)	Social Aid (63 %)	Social Aid (33,3 %)	Social Aid (33,3 %)
		Never (9,5 %)	Never (37 %)	-	-
3	Has the company given a CSR in the form of environmental development to the society surrounding the mine?	No (66,7 %)	No (96,3 %)	No (83,3 %)	No (100 %)
		Yes (33,3 %)	Yes (4,7 %)	Yes (16,7 %)	-
4	How many times in a year/month does the company give the CSR?	Once a year (81 %)	Once a year (70,4 %)	Never (100 %)	Never (100 %)
		Once every two years (9,9 %)	Once every two years (29,6 %)		
5	Can the aid improve the life and give health and educational impacts to the people surrounding the mine?	Yes (76,2 %)	Yes (25,9 %)	-	Yes (11,1 %)
		No (23,8 %)	No (29,6 %)	No (66,7 %)	-
		-	I don't know (44,4)	I don't know (33,3 %)	I don't know (88,9 %)
6	Do you know of the PT. IWIP and PT. TEHT CSR in the economic sector?	Yes (9,5%)	Yes (3,7 %)	-	-
		No (90,5%)	No (74,9 %)	No (100 %)	No (77,8 %)

		-	Not sure (25,9 %)	-	Not sure (22,2 %)
7	Are there trainings from the mining company to increase the skills of the people surrounding the mine?	Yes (14,3 %)	-	-	-
		No (47,6 %)	No (66,7 %)	No (66,7 %)	No (88,9 %)
		Not sure (19 %)	Not sure (14,8 %)	-	-
		I don't know (19%)	I don't know (18,5 %)	I don't know (66,7 %)	I don't know (11,1 %)
8	With that training, can the people receive new jobs or create new work opportunities?	Yes (38,1 % )	Yes (18,5 %)	-	Yes (22,2 %)
		No (38,1 % )	No (70,4 % )	No (33,3 % )	No (55,6 % )
		Not sure (14,3 %)	Not sure (11,1 %)	I don't know (66,7 %)	I don't know (22,2 %)
9	Can the CSR programs increase the income of the people around the mine?	Yes (52,5 %)	Yes (11,1 %)	-	Yes (22,2 %)
		No (38,1 %)	No (70,4 %)	No (83,3 %)	No (33,3 %)
		Not sure (9,5 %)	Not sure (18,5 %)	Not sure (16,7 %)	Not sure (44,4 %)
10	Do you know of the Mining Company CSR towards the environment surrounding the mine?	Yes (5,8 %)	Yes (4,7 %)	-	-
		No (95,2 %)	No (96,3 %)	No (100 %)	No (100 %)
11	Can the environmental programs through the Company's CSR maintain the environment around the Weda Bay?	Maintained (14,3 %)	-	-	-
		Still Maintained (28,6 %)	Still Maintained (7,5 %)	-	-
		Not sure (14,3 %)	Not sure (11,1 %)	Not sure (50 %)	Not sure (11 %)
		Not Maintained (42,9 %)	Not Maintained (81,5 %)	Not Maintained (50 %)	Not Maintained (88,9 %)

Based on the data above, it is shown that the people from the four villages surrounding the mine, which are Lukolamo Village, Lelilef Sawai Village, Lelilef Waibulan Village, and Gemaf Village know that the PT. TEHT has given CSR to the villages. In Gemaf Village,

90.5 % of the people know of the CSR, meanwhile only 37 % of the people from Lukolamo Village know of the PT. TEHT CSR. Then, in Lelilef Sawai Village, whose location is closest to the mining area, 83,3 % of the people know of the CSR program from

the company. Then, only 22,2 % of the people from Lelilef Waibulan Village know of the CSR. Then, the types of CSR given to the people surrounding the mine are as follows. In Gemaf village, 23 % is in the form of money, and 66,7 % is in the form of social aid/buildings. Then, in Lukolamo Village, it is only in the form of social aid, with the percentage of 63 %. In Lelilef Sawai village, the form of CSR is only in the form of money, as much as 66,7 %, which is in contrast with the Lukolamo Village, meanwhile the social aid is only 33,3%.

This percentage is same as the CSR given to Lelilef Waibulan Village, where money is 66,7 % and social aid is only 33,3%. The CSR for environmental improvement in Gemaf Village is only 33,3 %, with a tiny percentage of 4,7 % in Lukolamo Village. The environmental improvement in Lelilef Sawai is also very low, which is only 16,7 %. Worse, there is no environmental improvement at all in Lelilef Waibulan Village. Apart from that, regarding the period of CSR grant to the society around the mining area, 81% of Gemaf Village people stated that it is carried out once a year, meanwhile 9,9% stated that it is carried out once every two years.

Then, 70,4 % of Lukolamo villagers stated that the CSR is carried out once a year, meanwhile 29,6 % of the villagers stated that it is carried out once every two years. This condition is different from the Lelilef Waibulan village, where 100% of the respondents stated that there is no CSR at all. Apart from that, 83,3 % of the Lelilef Sawai villagers said that the CSR is carried out once a year, and 16,7 % stated that it is carried out once every two years. From the interview to the villagers surrounding the mine area, it is found that the CSR aid of PT.

TEHT gives health and educational impacts to the Gemaf Village, according to 76,2 % of the respondents from that village. Meanwhile, 23,8 % do not feel any impacts of the CSR. This means that most of the Gemaf Village people have felt an impact from the Company's CSR. This may be understood as the location of Gemaf Village is closer to PT. IWIP rather than that to PT.

TEHT. This condition is contrary to that in Lukolamo Village, where only 25,8 % of the people there feel impacts of the CSR in the fields of health and education. Then, only 11,1% of the Lelilef Waibulan Village people

felt the impacts. Even worse, none of the villagers of Lelilef Sawai have felt the impacts of the Company's CSR in the field of health. Then, regarding PT.TEHT's CSR which may increase the economy of the society surrounding the mine, only 9,5 % of the villagers in Gemaf Village know of it. Meanwhile, the rest which is 90,5 % do not know of it. In Lukolamo village, only 3,7 % of the respondents know of it, meanwhile the majority which is 97,3 % do not know of it.

Then, in the last two villages, which are Lelilef Sawai Village and Lelilef Waibulan, 100% of the population do not know of the company's CSR in the economic field. Regarding the trainings from the company to increase the skills of the society surrounding the mine, only 14,3 % of the Gemaf villagers know of it. Meanwhile, the rest which is 86,7 % do not know of it. Ironically, on the rest of the three villages, which are Lukolamo Village, Lelilef Sawai Village, and Lelilef Waibulan Village, 100 % of the people do not know of any trainings established by the Company. Thus, it may be concluded that since PT. TEHT carried out mining activities in Weda Bay, the CSR management carried out by the company only touched the social aspect of the society surrounding the mine.

This may be seen from the CSR given by the company in the form of: (1) an improvement on the Trans Kobe road in Central Weda District [12], (2) The CSR of PT. TEHT has given aid in the form of an audio system and keyboard to the Youth and Sports Service Church at Lelilef Woebulen Village, Central Weda District [13], (3) the granting of two car units, a school bus, and an ambulance to the society surrounding the mine to be used by seven villages surrounding the mine [14].

Unfortunately, there has not been any significant environmental CSR's carried out by the PT. TEHT. Worse, since 2013 until 2020, there had been some reports of that company from the society surrounding the mine to the Environmental Service both in the Regency and in the Province levels on the disposal of ore remains to the Weda Bay. Due to that condition, it can be concluded that the CSR management of the PT.

TEHT Energy in the form of the company's care towards its surroundings has not touched the environmental aspect. The environmental CSR management of the PT. TEHT Energy which has not been carried out

well is actually violating the mandate of the Law No. 40 of 2007 on the Limited Companies, which stipulates that the Corporate Social and Environmental Responsibility has the aim to create a sustainable economic development to increase the beneficial quality and the health of the environment for the company itself, the local community, and the society in general [15]. There is a bad image that the the PT.

TEHT mining company is a zero-value business entity, due to the fact that there is the development of mining activities which do not fulfill the criteria. The emergence of that bad image, based on the writers' observation and experience in the field data, is due to the emergence of problems which follow the activities of the mining business, such as environmental destruction. It cannot be denied that a mining business is an activity which will surely bring loss and which will destruct the environment [16]. A corporate social responsibility must be burdened to companies such as the PT.

TEHT Energy as it does not carry out its CSR well. It is fact that companies which manage natural resources and companies whose business activities have impacts to the environment and the natural resources give disturbances and there are various sacrifices of the society and the health of the living environment. This principle is in line with the stipulations of the Law on the Protection and the Management of the Environment which regulates the "polluter pays principle".

It is part of the corporations' dimension of responsibility towards the environmental management. The legal principle of the environment where the "polluter pays principle" may be used as a preventive effort towards the waste pollution of national industries [17]. This normative stipulation is the realization of the principle which exists in the environmental law which is commonly known as the "polluter pays principle".

Apart from paying for the compensation, the polluter or the destructor of the environment may also be burdened by the judge to carry out some legal activities. For example, there may be the order to set up or to fix waste-management units, so that the waste is according to the environmental quality standard. The companies may also be ordered to improve the function of the environment,

to eradicate or to eliminate the cause of the environmental pollution or destruction.

There may be the imposition of forced money payments (*dwangsom*) of every day of the retard in carrying out the orders of the court to carry out certain actions. This is to preserve the function of the living environment. There needs to be an internal control in the PT TEHT, where that control is a monitoring activity carried out structurally by a body or an organ, which is part of the organization in the government. Such form of control may be grouped as a type of technical-administrative control or a built-in control.

Meanwhile, an external control in the environmental management is a monitoring carried out structurally by a body or an organ, which is outside of the organization in the government in the executive sense. For example, a control carried out directly, such as the social control carried out by the environment [18]. As an impact of the company's actions, the Weda Bay experienced some environmental losses, in the sense that the environment is no longer healthy.

The ore disposal in the Weda Bay has caused various pollution problems. For example, the biota, fish, and the environment is polluted by heavy metals. Thus, the humans who eat the fish and the sea produces of Weda Bay is threatened to experience health disturbances. PT TEHT should be legally sanctioned due to their violations on the activities which disturb the environmental health and sustainability which should be able to be enjoyed by the Central Halmahera people surrounding the Weda Bay.

## Conclusion

Based on the description of the research results in the discussion, it may be concluded that since PT. TEHT carried out mining activities in Weda Bay, the CSR management carried out by the company so far only touched th social aspect of the society surrounding the mine. Meanwhile, there has not yet any significant CSR's in the environmental sector as a form of the company's concern towards the living environment.

It is an irony as the CSR is a commitment to be responsible in creating a healthy environment. Thus, PT. TEHT has not carried out its obligations in managing the



environmental CSR in Weda Bay based on Article 7 of the Governmental Decree No. 47 of 2012 on the Social and Environmental Responsibilities of Limited Companies, thus may be imposed with legal sanctions.

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