

Hilirisasi Mineral Sebagai Upaya Transformatif Super Prioritas Dan

Penerapannya Pada Perusahaan Penanam Modal Asing

INTISARI

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Hilirisasi Mineral merupakan salah satu dari 20 (dua puluh) Upaya Transformatif Super Prioritas yang diatur dalam Rancangan Akhir Rencana Pembangunan Jangka Panjang Nasional (RPJPN) 2025-2045. Arah kebijakan pengembangan Hilirisasi Industri ini diharapkan mencapai pengolahan hingga produk akhir yang berbasis sumber daya alam tambang dan *critical minerals*. Upaya Tranformatif Super Prioritas tersebut telah dimulai dengan penguatan berbagai aturan Hilirisasi Mineral di Indonesia mulai dari larangan ekspor bahan mentah tambang, kewajiban pengolahan dan/atau pemurnian di dalam Negeri, jaminan perpanjangan IUP/IUPK Operasi Produksi, Relaksasi Izin Ekspor Produk Pengolahan, Aturan Pendirian *Smelter*, Aturan Batasan Minimum Pengolahan dan/atau Pemurnian, Aturan Insentif Fiskal-Non Fiskal, Tata Cara serta Persyaratan Ekspor Produk Tambang Hasil Pengolahan dan Pemurnian, dan Aturan Divestasi saham bagi Penanam Modal Asing. Penelitian ini dikhususkan untuk menganalisis pelaksanaan aturan Hilirisasi Mineral yang merupakan Upaya Tranformatif Super Prioritas pada Perusahaan Penanaman Modal Asing.

Penelitian ini menggunakan metode normatif empiris. Penelitian normatif dilakukan dengan cara meneliti bahan pustaka yang terdiri dari bahan hukum primer, sekunder, dan tersier melalui studi dokumen. Penelitian empiris dilakukan melalui wawancara dengan narasumber dan responden menggunakan pedoman wawancara. Data yang diperoleh baik dari penelitian kepustakaan maupun penelitian lapangan dianalisis secara kualitatif dan hasil yang diperoleh dari penelitian ini disajikan secara deskriptif.

Hasil dari penelitian ini menunjukkan bahwa pelaksanaan Upaya Tranformatif Super Prioritas pada Hilirisasi Mineral dilakukan dengan mengacu pada “Arah Pengembangan Hulu-Hilir Mineral tahun 2025-2045” yang ditetapkan Kementerian ESDM dan target penahapan pembangunan industri logam nasional pada Kementerian Perindustrian berdasarkan “Rencana Induk Pembangunan Industri Nasional tahun 2015-2035”. Pemerintah telah menerapkan aturan-aturan Hilirisasi dengan ketat termasuk adanya jaminan kesungguhan pendirian *Smelter* dan denda keterlambatan apabila pendirian *Smelter* tidak mencapai target progres kemajuan fisik. Hanya saja dengan memperhatikan ketersediaan industri hilir yang masih terbatas, Pemerintah perlu mengevaluasi kembali penentuan denda keterlambatan pendirian *Smelter* yang lebih obyektif dengan memperhatikan kondisi nilai tambah yang berbeda-beda pada masing-masing komoditas tambang.

Dalam pelaksanaan Hilirisasi Mineral oleh Perusahaan Penanaman Modal Asing, kepastian berusaha dari Pemerintah merupakan hal mendasar yang dibutuhkan Penanam Modal Asing dalam melaksanakan usahanya di Indonesia. Beberapa hal terkait Kepastian Berusaha tersebut adalah kemudahan perizinan dan jaminan perpanjangan izin IUP/IUPK bagi Pemegang IUP/IUPK yang mendirikan *Smelter*, stabilitas perpajakan, serta jaminan izin ekspor produk pertambangan hasil pengolahan dan/atau pemurnian. Pemerintah Indonesia juga perlu menjaga stabilitas penerapan aturan Hilirisasi Mineral di Indonesia dari tantangan gugatan negara-negara anggota *World Trade Organisation* (WTO) agar aturan hilirisasi mineral di Indonesia tidak berubah-ubah karena adanya tekanan gugatan Internasional. Aturan Hilirisasi Mineral di Indonesia harus tetap dijalankan dengan mempertimbangkan posisi Indonesia sebagai negara berkembang yang berhak mengoptimalkan pengelolaan Sumber Daya Mineralnya guna meningkatkan pertumbuhan industri nasional, penyerapan tenaga kerja, peningkatan kesejahteraan masyarakat dan mengatasi sumber daya mineral yang kritis.

Kata Kunci : Hilirisasi Mineral, Transformatif Super Prioritas, Penanaman Modal Asing.

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Mineral Downstreaming as a Super Priority Transformative Effort and its Implementation in the Foreign Direct Investment Companies

ABSTRACT

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Mineral Downstreaming is one of the 20 (twenty) Super Priority Transformative Efforts stipulated in the Final Draft of the National Long-Term Development Plan (RPJPN) 2025-2045. The policy direction for the development of Downstream Industry is expected to achieve processing to final products based on mining natural resources and critical minerals. The Super Priority Transformative Efforts have begun with the strengthening of various Mineral Downstreaming regulations in Indonesia, starting from the prohibition of exports of raw mining materials, the obligation to process and / or refine domestically, guaranteeing the extension of IUP / IUPK Production Operations, Relaxation of Processing Product Export Permits, Smelter Establishment Rules, Minimum Processing and / or Refining Limitation Rules, Fiscal-Non-Fiscal Incentive Rules, Procedures and Requirements for Exporting Mining Products from Processing and Refining, and Divestment Rules for Foreign Investors. This research is devoted to analysing the implementation of Mineral Downstreaming rules which are Super Priority Transformative Efforts in Foreign Investment Companies.

This research uses empirical normative method. Normative research is conducted by examining library materials consisting of primary, secondary, and tertiary legal materials through document studies. Empirical research is conducted through interviews with sources and respondents using interview guidelines. The data obtained from both library research and field research are analyzed qualitatively and the results obtained from this research are presented descriptively.

The results of this study show that the implementation of Super Priority Transformative Efforts on Mineral Downstream is carried out with reference to the 'Direction of Upstream-Downstream Mineral Development in 2025-2045' set by the Ministry of Energy and Mineral Resources and the staging target of national metal industry development at the Ministry of Industry based on the 'National Industrial Development Master Plan 2015-2035'. The government has strictly implemented downstream regulations including the guarantee of the seriousness of the smelter establishment and late penalties if the smelter establishment does not reach the physical progress target. However, considering the limited availability of downstream industries, the government needs to re-evaluate the determination of late fees for smelter establishment more objectively by taking into account the different value-added conditions in each mining commodity.

In the implementation of Mineral Downstreaming by Foreign Investment Companies, business certainty from the Government is a fundamental thing needed by Foreign Investors in carrying out their business in Indonesia. Some things related to Business Certainty are the ease of licensing and guarantee of extension of IUP / IUPK licences for IUP / IUPK Holders who establish Smelters, tax stability, and guarantee of export permits for mining products from processing and / or refining. The Indonesian government also needs to maintain the stability of the implementation of the Mineral Downstreaming rules in Indonesia from the challenges of the lawsuit of the World Trade Organisation (WTO) member countries so that the mineral downstreaming rules in Indonesia do not change due to the pressure of international lawsuits. Mineral Downstreaming rules in Indonesia must continue to be implemented by considering Indonesia's position as a developing country that has the right to optimise the management of its Mineral Resources in order to increase national industrial growth, employment, improve community welfare and overcome critical mineral resources.

Keywords: Mineral Downstreaming, Transormative Super Priority, Foreign Direct Investment.