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Enforcement of Criminal Laws Against Coal Mining Without a Permit in the Muara Enim Police Area

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Abstract: The development of mining activities without permits has also led to an increase in the trade of mining products on the black market, where natural resources are exploited illegally and mining products are distributed and sold illegally to avoid government taxes, which has reached a very worrying stage. This research method uses empirical juridical. Next, the topic of discussion was the enforcement of criminal law against coal mining without a permit in the Muara Enim police area. As a result, law enforcement carried out in the Muara Enim Police area against unlicensed miners has been carried out but has not been optimal, because there are no comprehensive regulations.

Keyword: Coal, Criminal law enforcement, Mining, Muara Enim Police Station, Without permission.

INTRODUCTION

Natural resource management is human human resources which aims to explore and manage natural resources and wealth, including water, air, and land, for the greatest prosperity of the people, as intended in article 33 paragraph 3 of the Constitution of the Republic of Indonesia in 1945 activity. Indonesia states that the earth, water, and natural resources they contain are under state control and should be used for the greatest prosperity of the people. To realize the welfare and prosperity of the Indonesian people, various production and business activities are carried out to support development. The mining activity that is developing in Indonesia is the mining sector. Indonesia is a country rich in minerals (mining). These minerals include silver, gold, oil, copper, natural gas, and coal.

Minerals and coal in Indonesian mining areas are non-renewable natural resources that are gifts from God Almighty and have an important role in people's lives. Therefore, to provide added value to the national economy in mineral and coal mining business activities and achieve national wealth and prosperity, management must be controlled by the state.

Regarding the number of criminal acts related to illegal coal mining, based on data accessed through the Case Tracking Information System (SIPP Muara Enim District Court), the number of criminal acts related to illegal coal mining in the 2010-2024 period was 19 items. The final decision is not yet available. Based on the Incident Tracking Information System (SIPP), the number of illegal coal mining crimes is expected to increase in 2024.

There are still many mines and coal mines that do not have mining permits. There are negative impacts caused by mineral and coal mining, sand mining, and unauthorized dumping. This means that environmental damage due to erosion of mining areas, due to erosion, mining process waste can also pollute the environment. The use of fossil fuels produces CO₂ which causes the greenhouse effect and global warming which can affect the quality of life of residents. To overcome these negative impacts, all companies must take social responsibility or Corporate Social Responsibility (CSR). CSR must be implemented based on the principles of sustainable development. The principle of sustainable development is to meet the needs of the present without sacrificing the needs of future generations.

The use of land and natural resources always ignores environmental aspects, so we don't care about what happens in the future or what the benefits will be for future generations. Because prevention and prevention aspects are always ignored, the losses will be greater and uncontrollable. The impact of mining activities not only causes economic losses but also often causes disturbing social disturbances, such as This includes increasing tensions with the community, the transformation of the community's agricultural structure into a mining community, as well as environmental pollution and damage around the mine.

Currently mining activities are very developed. The results achieved will provide significant benefits in improving the welfare of local communities, especially miners. However, there is one thing that needs the government's attention. This is an illegal mining problem.

The development of mining activities without permits has also led to an increase in the trade of mining products on the black market, where natural resources are exploited illegally and mining products are distributed and sold illegally to avoid government taxes, which has reached a very worrying stage. Therefore, incidents that fall into the category of criminal acts of illegal mining are endless.

According to Article 33 Paragraph 3 of the 1945 Constitution, the earth, water, space, and natural resources contained therein are controlled by the state for the greatest prosperity of the people. Liberalization of the mining sector weakens the realization of these ideals and regulations in the mining sector seem to ignore the mission that is intended and makes it possible because the state/government does not pursue added value which cannot be achieved because the sophisticated techniques to do so have not been acquired. They have a weak position and tend to defer to investors. Moreover, environmental problems are currently a big question mark in Indonesia. This country has long been known for its cultural diversity, highly respects nature and the environment, and really values and preserves the customs and traditions of its ancestors placed at the top. The Badui indigenous community, for example, maintains the Pikku culture of protecting nature and the environment by enforcing and violating unwritten customary rules. Even though these indigenous people are often ostracized, in fact, they respect the environment and nature more than modern society. Because, even though the sanctions are not too heavy, various customary regulations are complied with and implemented effectively, and the environment is maintained.

The definition of mining in paragraph 1 of article 1 of Law Number 4 of 2009 concerning Mineral and Coal Mining has the following meaning: "Any or all stages of activities related to the exploration, management, and development of minerals or coal. "Exploration, exploration, feasibility studies, construction, mining, processing and refining, transportation and sales, and post-mining activities are very technical and pose a high risk to

the environment. Therefore, mining activities must be carried out carefully, paying attention to environmental conditions and not excessively and not causing environmental damage. Remember that every environment has its limits. The criminal act of mining without a permit or illegal coal mining is a criminal act of mining without a permit which can harm the environment and endanger the interests of the surrounding community.

Apart from recognizing the criminal act of illegal coal mining, the Mining and Coal Law also contains various other criminal acts, most of which are directed against mining companies, and others against officials who issue permits in the mining sector only. Therefore, what is at issue is that mining activities violate the criminal law on mining without a permit.

As noted above, the state has the right to manage the natural resources it contains, including earth, water, and mining. Based on this, anyone who wants to carry out mining activities must first obtain permission from the state/government. If the mining activity is carried out and the perpetrator does not have a permit, then the act is a criminal act as intended in Article 158 of the Mineral and Coal Law which reads as follows: IUP, IPR, or a person who carries out mining business without an IUPK permit Article 37, Article 40 (3) , Article 48, Article 67 (1), Article 74 (1) or (5) is punishable by a maximum imprisonment of 10 years. The maximum fine is IDR 10,000,000,000 (IDR 10 billion).

From the description above, it can be understood that in the case of mineral and coal mining, the perpetrator is suspected of committing a mining crime as regulated in Law Number 4 of 2009 as the latest amendment to Mineral Law Number 3 of 2020. Coal is regulated by Mining and Mining Industry Crime which mentioned above is the extraction of minerals and coal in sandy areas and embankments. Regarding mining without a permit carried out by the perpetrator, the authorities will take action in accordance with the provisions of the applicable laws and regulations. Based on the above, I would like to consider in more detail all the problems related to unauthorized mining carried out by individuals and companies. Based on the explanation above, the author can formulate the problem of criminal prosecution for coal mining without permission from the Muara Enim police.

METHOD

The research method used is empirical legal research. Legal research methods are legal research methods that use empirical facts about human behavior (verbal behavior obtained from interviews and actual behavior carried out through direct observation). Empirical research also helps us observe the consequences of human actions in the form of physical ruins and archives.

RESULTS AND DISCUSSION

Law Enforcement Against the Crime of Coal Mining Without a Permit

Law enforcement in a broad sense includes activities related to the enforcement and application of the law, both within the framework of the judicial process and outside the law, and violations or deviations from the law by people who are subject to the law, activities related to legal prosecution. Law enforcement in the narrow sense only refers to the enforcement of written formal regulations.

Provisions in Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining provide sanctions for all prohibited actions in the field of mineral and coal mining. Regulation of behavior that is classified as a criminal offense is part of criminal justice policy. This regulation aims to eradicate crimes related to those regulated in the Minerba Law.

Mining crimes are acts that are prohibited by regulations that provide sanctions for perpetrators to protect mining and coal mining activities and companies. To prevent crime, it is necessary to comply with various laws and regulations.

The criminal act of mining without a permit, which is called illegal mining, is a criminal act of mining without a permit that can harm the environment and endanger the interests of the surrounding community. Apart from recognizing illegal mining violations, the Mineral and Coal Law also contains various other violations, most of which are directed at mining companies, and are aimed at officials who issue permits in the mining sector, just one type or another. The problem is that mining without a permit violates the Mining Criminal Code.

As noted above, the state has the right to manage the natural resources it contains, including earth, water, and mining. Based on this, anyone who wants to carry out mining activities must first obtain permission from the state/government.

If mining activities occur, the perpetrator does not have a permit, then the action constitutes a criminal act as regulated in Article 158 of the Mining Law which reads as follows: Every person who carries out mining business without an IUP, IPR, or IUPK as intended in Article 37, Article 40 paragraph (3), Article 48, Article 67 paragraph (1), Article 74 paragraph (1) or paragraph (5) shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of IDR 10,000,000,000.00 (ten billion rupiahs).

The authority of the National Police is the authority contained in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. The duties and authorities of the National Police are regulated in detail in Chapter III. In carrying out its duties (Article 13 and Article 14), the National Police is given the authority described in Article 15 and Article 16 with further provisions in Article 17, Article 18 and Article 19. The criminal act of mining without a permit/illegal mining is a criminal act in business. mining carried out by companies/foundations whose people, bodies or legal entities do not have permission from government agencies according to applicable regulations and is a criminal act of intimidation. Criminal provisions for mining crimes without a permit/illegal mining are regulated in Law Number: 3 of 2020 concerning Mineral and Coal Mining, which is regulated in Article 158, Article 160 Paragraph (1) and Paragraph (2), Article 161, Article 163 Paragraph (1) and Paragraph (2), and Article 164.

Example of a Mining Case Without a Permit in the Muara Enim Area

Muara Enim Police confiscated four trucks loaded with illegal coal at the Muara Enim-Batu Raja intersection, Padulaksa Village, Tanjung Agung District, Muara Enim Regency. Muara Enim Police Criminal Investigation Director AKP Dalmanson said that his party saw four vehicles in the convoy that Enim was passing through in Padulaksa Village, Tanjung Agung District, and on the Muara Enim-Batu Raja Public Road, claiming to have received information from the public that it had been suspended. Apart from the truck, there are four other drivers with the initials OA (23), A (56), AL (42), and BK (45), all of whom are residents of Muaratik Village, North Musirawas District (Muratara), currently registered as. He was arrested by police officers. Based on test results, the coal was loaded from Muara Enim, Tanjung Agung District, Tanjung Agung Village, Tanjung Agung Warehouse on Jalan Raya Muara Enim-Baturaja and transported to Bandar Lampung Regency. Trucks carry an average of 12 tonnes of coal. In accordance with the provisions of Article 161 of Amendment to Law Number 3 of 2020, the perpetrator and evidence of four trucks loaded with coal were secured from the Muara Enim Police for the purposes of further investigation into Mineral and Coal Mining.

Here the author can conclude that the Muara Enim Police have carried out several criminal actions in dealing with the crime of coal mining without a permit (PETI) in the

Muara Enim Recreation Area, including: Using pressure (oppressive) and the final step is to seek a final solution by taking legal action firm one.

Following the disclosure of the criminal act of illegal mining, the Muara Enim Police have taken firm and cruel action against irresponsible perpetrators, especially those who cause environmental damage, and it is appropriate for the perpetrators to flee into the shadows of this power. They are free and free to violate regulations issued by the Unitary State of the Republic of Indonesia (NKRI).

There are four forms of criminal acts committed by mining companies in forest areas without permits, namely: carrying out mining without permits, submitting false reporting data, laundering mining products, and non-compliance with reclamation and post-mining activities.

This is in accordance with Articles 158, 159, and 161 B paragraph (1) of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining and Law Number 4 of 2010 concerning Mineral and Coal Mining. Batubara provisions of Article 3 Number 8. Prevention and eradication of money laundering crimes. Apart from that, illegal mining still continues to occur in Muara Enim and is not affected by the law because law enforcement against coal mining without permits in forest areas is not carried out optimally and effectively. Considering that the act of mining without a permit is a criminal act of mining without a permit in a forest area, it is appropriate that the crime imposed is not only for IPPKH violations but also for other acts related to the theft of mining products. Such as after reclamation or mining. This can be done by taking coercive action through fines (payment of compensation) and additional sanctions based on Article 164 of the Minerba Law which is aimed at environmental restoration. Therefore, it is hoped that it can provide a deterrent effect against crime.

The author also believes that it is very important for government officials to pay more attention to perpetrators and illegal miners, according to the government. Because their actions have certain causes and reasons, such as difficulty in finding employment. We can be present amid community unrest by providing the best solutions to reduce practices that can result in the recurrence of illegal mining as explained above.

CONCLUSION

Provisions in Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining provide sanctions for all prohibited acts in the field of mineral and coal mining. Regulation of behavior that is classified as a criminal offense is part of criminal justice policy. This regulation aims to eradicate crimes related to those regulated in the Minerba Law. Criminal actions carried out by the Muara Enim Police in dealing with the crime of coal mining without a permit (PETI) in the Muara Enim Recreation Area include Socialization (Prevention) and prevention with Warnings (Prevention). Implementation of repressive (repressive) efforts, and as a final step, the search for a final solution through firm legal action.

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