

LAW ENFORCEMENT AGAINST ILLEGAL MINING IN LAMPUNG PROVINCE

Hermansyah, Abid Dermawan, Tami Rusli, I Ketut Seregig

University of Bandar Lampung, Indonesia

Email : hermansyah.010711@gmail.com, dermawanabid07@gmail.com
tami.rusli@ubl.ac.id, iketutseregig@ubl.ac.id

Abstract

Keywords:

*Law Enforcement,
Illegal Mining,
Lampung Province.*

Illegal mining is a mining activity that is carried out without a permit and contrary to the provisions of laws and regulations, so that it has the potential to cause environmental damage, state losses, and disturb public order. This study aims to analyze the implementation of law enforcement against illegal mining in Lampung Province and the obstacles faced in its implementation. This study uses normative juridical approaches and empirical juridical approaches. Data was obtained through literature studies on laws and regulations, literature, and other legal materials, as well as field research through interviews with law enforcement officials and related agencies. The results of the study show that law enforcement against illegal mining has been carried out through preventive efforts in the form of socialization, coaching, and supervision, as well as repressive efforts through investigation, investigation, prosecution, and the imposition of criminal sanctions against the perpetrators. However, its implementation still faces various obstacles, including limited human resources and infrastructure, the breadth of the supervision area, low legal awareness of the community, and economic factors that encourage people to carry out mining activities without permits. Therefore, it is necessary to increase coordination between agencies, strengthen supervision, consistent law enforcement, and increase public legal awareness so that illegal mining can run more effectively and be able to provide legal certainty, justice, and protection for environmental sustainability.

INTRODUCTION

The management of natural resources in Indonesia, including the mineral and coal mining sectors, is constitutionally based on the principle of state control as mandated in Article 33 of the 1945 Constitution of the Republic of Indonesia. The state has the authority to regulate, manage, and supervise the use of natural resources for the greatest possible prosperity of the people. In this context, the existence of regulations in the mining sector is the main instrument in realizing fair and sustainable natural resource governance. (Santosa et al., 2023)(Priambodo et al., 2023)

Indonesia as a country rich in natural resources has great potential in the mining sector. However, behind this potential, illegal mining practices are still rampant in various regions, such as Kalimantan, Sulawesi, and Sumatra. This activity not only harms the state in terms of revenue, but also causes serious environmental damage and social conflicts in the community. Normatively, mining activities in Indonesia have been regulated in Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009. This law regulates the obligation of mining business licensing, environmental management, and criminal sanctions for mining actors without a permit. such as Mining Business License (IUP), Special Mining Business License (IUPK), or other permits in accordance with the provisions of laws and regulations. This provision shows that the state is trying to create legal certainty and control over mining activities.(Al Jibran, n.d.)

However, in practice, law enforcement against illegal mining still faces various obstacles, including weak supervision, involvement of officials, community economic factors, and the complexity of the perpetrator network. This shows that there is a gap between legal norms (*das sollen*) and reality on the ground (*das sein*). In addition, law enforcement is not only related to criminal aspects, but also administrative and civil. Therefore, a comprehensive approach is needed in assessing the effectiveness of law enforcement against illegal mining in Indonesia.(Situmeang & Redi, 2025)

Indonesia is a country rich in natural resources, especially in the mineral and coal mining sectors. This potential makes a great contribution to the national economy, both in the form of state revenue, investment, and labor absorption. However, on the other hand, the management of the mining sector also faces various serious problems, one of which is the rampant practice of illegal mining. Illegal mining is an exploration and exploitation of mineral and coal resources that is carried out without official permission from the government or not in accordance with the provisions of laws and regulations. This practice is not only unlawful, but also has various negative impacts, such as state losses due to loss of potential income, massive environmental damage, and social conflicts in the community. (Saputri et al., 2024)

In addition, the aspect of environmental protection in mining activities is also regulated in Law Number 32 of 2009 which requires every business activity to maintain environmental sustainability. However, in practice, illegal mining often ignores environmental aspects, leading to water pollution, land degradation, and loss of biodiversity.(Yulianingrum, 2023)

Although the legal framework has been made available quite comprehensively, law enforcement against illegal mining in Indonesia still faces various obstacles. Weak supervision, limited resources of law enforcement officials, and the alleged involvement of certain individuals are factors that hinder the effectiveness of law enforcement. In addition, community economic factors also encourage illegal mining activities, especially in areas with limited employment. (Ranto et al., 2023)

Another problem that is no less important is the gap between legal norms (*das sollen*) and reality in the field (*das sein*). Theoretically, the law is expected to be able to provide certainty, justice, and utility. However, in practice, law enforcement against illegal mining is often not able to provide a deterrent effect to the perpetrators, so these activities continue to be repeated. (Purba et al., 2025)

Although the regulatory framework has been comprehensively prepared, in practice there are still various problems, especially related to the rampant illegal mining. This phenomenon shows that the existence of regulations has not been fully effective in

controlling unlicensed mining activities. In fact, in some cases, illegal mining actually develops in the midst of a legal system that has been clearly regulated.(Normelani et al., 2022)

Furthermore, the regulation regarding sanctions against illegal mining has actually been expressly regulated in laws and regulations, both in the form of administrative and criminal sanctions. However, the existence of these sanctions has not completely provided a deterrent effect to the perpetrators(Maharani et al., 2024). This raises questions about the effectiveness of existing regulations, whether the problem lies in the substance of the law, the structure of law enforcement, or the legal culture of the community. (Amalia & Emalia, 2022)

From the perspective of law enforcement, as stated by Soerjono Soekanto, the effectiveness of the law is influenced by several factors, namely the substance of the law, law enforcement officials, facilities and infrastructure, society, and legal culture. These five factors are interrelated and determine the success of law enforcement in a country, including in the context of illegal mining. (Purba et al., 2024)

Based on this description, it can be understood that the problem of illegal mining is not only related to legal aspects, but also involves social, economic, and environmental dimensions. Therefore, a comprehensive study is needed to analyze how the existing legal arrangement is, how the implementation of law enforcement, and what obstacles are faced in efforts to tackle illegal mining in Indonesia.

RESEARCH METHODS

This research uses a type of legal research with a normative juridical approach and an empirical juridical approach. The normative juridical approach is carried out through the study of laws and regulations, legal principles, doctrines, court decisions, and various literature related to law enforcement against illegal mining(Nurhayati et al., 2021). Meanwhile, an empirical juridical approach is carried out to obtain primary data through field research by conducting interviews with law enforcement officials and related agencies, such as the Lampung Regional Police, the Prosecutor's Office, the Energy and Mineral Resources Service (ESDM), and other parties related to law enforcement against illegal mining in Lampung Province. The combination of these two approaches was used to obtain a comprehensive analysis of the legal arrangements, law enforcement implementation, and obstacles faced in countering illegal mining in Lampung Province.(Benuf & Azhar, 2020)

RESULTS AND DISCUSSION

a. Implementation of Law Enforcement Against Illegal Mining in Lampung Province

Indonesia is a country rich in natural resources, including mineral resources and rocks that have high economic value. These natural resources are a gift from God Almighty that must be managed wisely for the greatest prosperity of the people as mandated in Article 33 paragraph (3) of the 1945 Constitution. In its implementation, mining activities must be carried out based on the principles of legality, sustainability, and environmental protection. However, in practice, there are still many illegal mining activities that are carried out without permits and contrary to the provisions of laws and regulations.

Based on the results of the interview of the investigators of the Directorate of Criminal Investigation of the Police, Lampung Province is one of the areas that has a considerable potential for mineral and rock resources. Various types of mining materials, such as sand, stone, urdu soil, andesite stone, and other materials are spread across a number of districts

and cities in Lampung Province. This potential provides economic benefits for the community and the region, but on the other hand it also raises various legal problems, especially related to the rampant illegal mining practices.

Illegal mining is a mining activity that is carried out without a valid permit from the government or carried out in a way that is contrary to the provisions of the applicable law. These activities not only harm the state from the aspect of state and regional revenue, but also have the potential to cause environmental damage, social conflicts, and threaten the safety of the community around the mine site.

In order to maintain the management of natural resources in accordance with the provisions of the law, the government and law enforcement officials have the obligation to enforce the law against every form of violation in the mining sector. The law enforcement aims to provide legal certainty, create a deterrent effect, protect the environment, and ensure that mining activities are carried out in accordance with the principles of sustainable development.

Law Enforcement Theory is a theory that explains how legal norms are applied in order to achieve legal goals, namely legal certainty, justice, and utility.

Based on the results of PH's interview in the implementation of law enforcement against illegal mining in Lampung Province is based on various laws and regulations that regulate the management of mineral and coal resources. Its constitutional basis is contained in Article 33 paragraph (3) of the 1945 Constitution which affirms that the earth, water, and natural resources contained in it are controlled by the state and used for the greatest prosperity of the people. This provision gives the state the authority to regulate, manage, and supervise the use of natural resources.

In addition, further regulations regarding mining are regulated in the Minerals and Coal Law as an amendment to Law Number 4 of 2009. The law requires every party that conducts mining activities to have a valid permit from the government.

If mining activities are carried out without a permit, the perpetrators may be subject to criminal sanctions, administrative sanctions, or environmental restoration obligations in accordance with applicable legal provisions.

The implementation of law enforcement against illegal mining in Lampung Province is carried out through two main approaches, namely a preventive approach and a repressive approach.

1. Preventive Measures

Preventive efforts are preventive measures taken before a violation of the law. The main goal of preventive efforts is to reduce the potential for the emergence of illegal mining activities through education, supervision, and community development.

a. Socialization of Laws and Regulations

The local government and related agencies periodically socialize the public about the importance of legality in mining activities. The socialization aims to provide an understanding of licensing procedures, obligations of permit holders, and sanctions that can be imposed on illegal mining perpetrators. Through socialization activities, it is hoped that the community will have better legal awareness so that they do not carry out mining activities without a permit.

b. Supervision of Mining Areas

Supervision is one of the important instruments in the prevention of illegal mining. Supervision is carried out by technical agencies in charge of energy and mineral resources together with law enforcement officials.

Supervision activities include:

1. Monitoring of mining sites;
2. Examination of licensing documents;
3. Evaluation of compliance with environmental regulations;
4. Supervision of the distribution of mining products.

Through effective supervision, the potential for violations can be detected early.

c. Community Development

Community development is carried out to increase understanding of the negative impact of illegal mining on the environment and the social life of the community.

In addition, the government is also trying to provide alternative economic activities to people who have been dependent on illegal mining activities for their livelihoods.

2. Repressive Efforts

In addition to preventive efforts, law enforcement is also carried out through repressive actions against illegal mining perpetrators.

a. Research and Investigation

When indications of unlicensed mining activities were found, law enforcement officials conducted an investigation to obtain preliminary information about the alleged criminal act.

If sufficient preliminary evidence is found, the process will proceed to the investigation stage to collect evidence and determine the party responsible for the illegal mining activities.

b. Arrest and Seizure

In the implementation of law enforcement, the authorities can arrest perpetrators who are suspected of committing illegal mining crimes.

In addition, confiscations were also carried out for:

1. Heavy equipment;
2. Operational vehicles;
3. Mining products;
4. Documents related to illegal mining activities.

The seizure aims to stop illegal mining activities while supporting the evidentiary process in court.

c. Prosecution and Trial

After the case file is declared complete, the case is transferred to the public prosecutor for prosecution in court.

Through the trial process, the judge will examine the evidence and determine whether the defendant is proven to have committed the crime of illegal mining. If proven guilty, the defendant can be sentenced to a crime in accordance with the provisions of laws and regulations.

The implementation of law enforcement against illegal mining in Lampung Province is carried out through preventive and repressive efforts. Preventive efforts are carried out through legal socialization, supervision of mining areas, and community development, while repressive efforts are carried out through investigation, investigation, arrest, confiscation, prosecution, and criminalization of illegal mining perpetrators.

Despite the strong legal basis and the involvement of various law enforcement officials, the implementation of law enforcement still faces various obstacles, such as the breadth of the supervision area, limited facilities and infrastructure, community economic

factors, and low legal awareness. Therefore, stronger synergy is needed between the government, law enforcement officials, and the community to increase the effectiveness of law enforcement and realize sustainable natural resource management in Lampung Province.

b. Obstacles in Law Enforcement Against Illegal Mining

Based on the results of the Prosecutor's Office Interview, mining is one of the sectors that has an important role in national economic development. The existence of mineral and coal resources makes a significant contribution to state revenue, regional development, and improving community welfare. However, the management of these natural resources must be carried out in accordance with the provisions of the applicable law so as not to cause losses to the state, society, and the environment.

One of the problems that until now is still a serious concern is the rampant practice of illegal mining or illegal mining. Illegal mining is a mining activity that is carried out without a valid permit from the government or is carried out in violation of the provisions of laws and regulations. This activity not only results in state losses from the economic aspect, but also causes environmental damage, social conflicts, and various other negative impacts.

In order to overcome illegal mining practices, the government and law enforcement officials have made various efforts through preventive and repressive approaches. However, the implementation of law enforcement against illegal mining still faces various obstacles that cause these activities to continue in various regions. These obstacles come from legal, institutional, social, economic, and cultural aspects of the community.

Therefore, it is important to understand the various obstacles faced in law enforcement against illegal mining in order to formulate appropriate solutions to improve the effectiveness of law enforcement and sustainable natural resource management.

Juridical obstacles are obstacles that come from the legal aspects and laws and regulations that govern the mining sector. In practice, even though Indonesia has quite complete regulations regarding mining, there are still various problems that affect the effectiveness of law enforcement. One of the obstacles that often arise is the change in regulations that are dynamic enough that they require adjustments by law enforcement officials and the community.

In addition, there is also the issue of harmonization between central and regional regulations. In some cases, differences in understanding of mining management authority have caused difficulties in the process of monitoring and cracking down on illegal mining activities.

Another juridical obstacle is the complexity of proof in illegal mining cases. Law enforcement officials must be able to prove the existence of mining activities without permits and the involvement of the parties responsible for these activities. In practice, the evidentiary process often requires the support of technical data, licensing documents, and expert information that are not always easy to obtain.

Law enforcement against illegal mining is highly dependent on the role of law enforcement officials including the police, prosecutor's office, courts, and related technical agencies. However, in its implementation there are various obstacles that come from institutional aspects. One of the main obstacles is the limited number of personnel tasked with supervising and taking action against illegal mining activities. The extent of the mining area that must be supervised is not proportional to the number of officers available.

In addition, the technical ability of the apparatus in handling mining crimes is also a challenge in itself. Mining crimes have special characteristics that require an understanding

of geology, environmental, licensing, and natural resource governance aspects.

In some cases, the law enforcement process can also be hampered by weak coordination between agencies that have authority in the mining sector. In fact, the success of eradicating illegal mining requires effective cooperation between law enforcement officials and technical agencies. It is also undeniable that the integrity of law enforcement officials is a very decisive factor. If there are individuals who abuse their authority or provide protection against illegal mining activities, the law enforcement process will experience serious obstacles.

The factor of facilities and infrastructure is one of the important elements in the effectiveness of law enforcement. In practice, limited facilities are often an obstacle in efforts to eradicate illegal mining. Illegal mining areas are generally located in remote areas, forested areas, mountainous areas, or hard-to-reach locations. These conditions require adequate support for operational vehicles, communication equipment, monitoring technology, and other resources.

Budget limitations are also a factor that affects the effectiveness of supervision. The process of patrolling, field monitoring, and control operations requires a lot of money. If budget support is limited, the intensity of supervision of illegal mining activities will be reduced. In addition, the development of technology used by illegal mining actors is often faster than the surveillance capabilities of the authorities. As a result, perpetrators can easily change locations or hide their activities from government surveillance.

Causal factor theory is used to analyze why a violation of the law or criminal act occurred. This theory is important in legal research, criminology, and when an expert is asked to explain the cause of a legal event.

One of the main factors that makes illegal mining difficult to eradicate is the social and economic conditions of the community around the mining area. Many people depend on illegal mining activities for their livelihoods due to limited employment and low welfare levels. In such conditions, mining is considered a source of income that is able to meet the needs of daily life. The high economic value of mining products is also a driving factor for people to continue to carry out mining activities without permits. The benefits obtained are often considered to outweigh the legal risks that may be faced.

From the perspective of legal sociology, this condition shows that compliance with the law is greatly influenced by economic factors. As long as the community does not have adequate alternative jobs, the practice of illegal mining will continue despite various law enforcement efforts. In addition, the existence of economic relations between illegal mining actors and the surrounding community often leads to the emergence of social support for these activities. As a result, law enforcement officials have difficulty in obtaining information and public support in the enforcement process.

Public legal awareness is a very important factor in the success of law enforcement. In many cases of illegal mining, the level of public understanding of the provisions of mining law is still relatively low.

Some people do not understand the mining licensing procedures and the legal consequences that can arise from mining activities without a permit. In fact, there is an assumption that the use of natural resources in the area around their residence is a right that can be done without requiring permission from the government. Low legal awareness also causes people to be less concerned about the environmental impact caused by illegal mining activities. As a result, environmental damage is often considered a natural consequence for the sake of economic gain.

This condition shows the importance of legal education and counseling to the community as part of the strategy to prevent illegal mining. According to the theory of the legal system put forward by Lawrence M. Friedman, legal culture is one of the important elements in the success of the legal system.

In the context of illegal mining, the legal culture of the community is often a factor that inhibits law enforcement. In some areas, illegal mining activities have been going on for a long time so it is considered a normal habit.

This condition causes people to tend to tolerate violations of the law that occur. In fact, in some cases, illegal mining actors gain social legitimacy because they are considered to provide economic benefits to the surrounding community.

The low legal culture is also reflected in the lack of public participation in reporting illegal mining activities to the authorities. As a result, many illegal mining activities are difficult to detect and act on quickly. Geographical factors are also a significant obstacle in law enforcement against illegal mining. Illegal mining locations are generally in hard-to-reach areas, such as forests, mountains, rivers, and inland areas. This condition makes it difficult for the authorities to carry out routine patrols and supervision. In addition, illegal mining perpetrators often move locations to avoid legal action. This high mobility causes the authorities to work harder in identifying and stopping illegal mining activities.

Difficult geographical conditions also have an impact on the slow handling process when violations of the law are found at the mining site. When analyzed using the theory of law enforcement from Soerjono Soekanto, the obstacles in law enforcement against illegal mining can be grouped into five main factors, namely:

1. Legal factors, in the form of regulatory issues and legal proof.
2. Law Enforcement Factors, in the form of limited personnel and coordination.
3. Facilities and Facilities Factor, in the form of lack of technology and budget support.
4. Community factors, in the form of economic conditions and low legal awareness.
5. Cultural Factor, in the form of a legal culture that still tolerates violations.

These five factors are interrelated and affect the effectiveness of law enforcement against illegal mining.

Law enforcement against illegal mining still faces various obstacles that are complex and multidimensional. These obstacles include juridical aspects, institutions, facilities and infrastructure, socio-economic conditions of the community, low legal awareness, unsupportive legal culture, and geographical factors that make it difficult to supervise.

These various obstacles show that the eradication of illegal mining cannot be carried out only through a repressive approach in the form of criminal prosecution alone. A more comprehensive approach is needed through strengthening regulations, increasing the capacity of law enforcement officials, providing adequate supervision facilities, increasing community legal awareness, and economic empowerment of communities around mining areas.

CONCLUSION

Based on the results of the research, it can be concluded that the implementation of law enforcement against illegal mining in Lampung Province has been carried out through preventive and repressive efforts by law enforcement officials in accordance with the provisions of applicable laws and regulations. Preventive efforts are carried out through socialization, supervision, and coaching to the community, while repressive efforts are carried out through investigations, investigations, arrests, prosecutions, and the imposition of

criminal sanctions against illegal mining perpetrators. The law enforcement aims to provide legal certainty, protect environmental sustainability, and realize orderly and sustainable management of mineral resources.

In addition, the implementation of law enforcement against illegal mining in Lampung Province still faces various obstacles, including limited human resources and infrastructure for law enforcement officials, the vastness of the supervision area, low public legal awareness, and economic factors that encourage people to continue to carry out mining activities without permits. Therefore, stronger synergy is needed between law enforcement officials, local governments, related agencies, and the community to increase the effectiveness of supervision, law enforcement, and prevention efforts so that illegal mining activities can be minimized..

With synergy between the government, law enforcement officials, and the community, it is hoped that these obstacles can be minimized so that law enforcement against illegal mining can run more effectively in realizing sustainable and equitable natural resource management.

BIBLIOGRAPHY

- Al Jibrán, M. D. (n.d.). " *PERTAMBANGAN DI INDONESIA: POTENSI DAN TANTANGAN*.
- Amalia, F., & Emalia, Z. (2022). Fenomena kelimpahan sumber daya alam dan natural resource curse dalam perspektif ekonomi di Pulau Sumatera. *BULLET: Jurnal Multidisiplin Ilmu*, 1(05), 737–750.
- Benuf, K., & Azhar, M. (2020). Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer. *Gema Keadilan*, 7(1), 20–33. <https://doi.org/10.14710/gk.2020.7504>
- Maharani, M., Mabbruroh, I., Hannifah, V., & Pramasha, R. R. (2024). Pengaruh sumber daya alam dan lingkungan terhadap pertumbuhan ekonomi daerah. *Indonesian Journal of Economy and Education Economy*, 2(1), 336–341.
- Normelani, E., Putri, A., Efendi, M., & Danarto, W. P. (2022). Letak strategi dan pengembangan potensi sumber daya alam di Kalimantan Selatan. *Jurnal Geografika (Geografi Lingkungan Lahan Basah)*, 3(2), 67.
- Nurhayati, Y., Ifrani, I., & Said, M. Y. (2021). METODOLOGI NORMATIF DAN EMPIRIS DALAM PERSPEKTIF ILMU HUKUM. *Jurnal Penegakan Hukum Indonesia*, 2(1), 1–20. <https://doi.org/10.51749/jphi.v2i1.14>
- Priambodo, O. N., Wachjar, A., Pratama, A. R., & Sahfitri, M. (2023). Changes in land use impacted air temperature in Bekasi Regency. *Jurnal Pengelolaan Sumberdaya Alam Dan Lingkungan*, 13(3), 408–416. <https://doi.org/10.29244/jpsl.13.3.408-416>
- Purba, B., Daole, A. S. A., & Purba, L. M. (2025). Peran Sumber Daya Alam Sebagai Penggerak Perekonomian Nasional: Penelitian. *Jurnal Pengabdian Masyarakat Dan Riset Pendidikan*, 4(2), 7589–7595.
- Purba, B., Situmorang, E. J. Y., Annurradi, M. A. S., Siagian, H., & Hutagalung, M. (2024). Kebijakan Pemerintah dalam Pengelolaan Sumber Daya Alam: Studi Kasus Indonesia. *Economic Reviews Journal*, 3(3), 2145–2150.

- Ranto, R., Idrus, I. A., & Ferdian, K. J. (2023). Dampak Sosioekonomi Masyarakat Lokal Terhadap Pertambangan Timah dan Potensi Pendapatan Daerah Sektor Sumber Daya Alam Kabupaten Belitung Timur, Kepulauan Bangka Belitung. *Journal of Governance and Local Politics (JGLP)*, 5(1), 76–90.
- Santosa, S., Hassan, M. S., & Kasim, A. H. (2023). Quality of an ecoenzyme and potential of its residues as composting bioactivator. *Jurnal Pengelolaan Sumberdaya Alam Dan Lingkungan*, 13(3), 417–424. <https://doi.org/10.29244/jpsl.13.3.417-424>
- Saputri, D. A., Yahya, K. S., Dzikriyah, A., Ariska, P. I., Pratiwi, W. M., Purbadiri, A. M., & Azizah, S. U. (2024). Konsekwensi Yuridis Terhadap Penerbitan Ijin Usaha Pertambangan (Iup) Dalam Hal Terjadi Pelanggaran Operasional Dan Sanksi Hukumnya. *IUS: Jurnal Ilmiah Fakultas Hukum*, 12(2), 192–207.
- Situmeang, O., & Redi, A. (2025). Rekonstruksi Mekanisme Hukum dalam Pencabutan Izin Usaha Pertambangan Berdasarkan Asas Kemanfaatan Hukum. *Jurnal Retentum*, 5(2), 415–433.
- Yulianingrum, A. V. (2023). Tinjauan Yuridis Terhadap Tindak Pidana" Melakukan Usaha Pertambangan Tanpa Izin Usaha Penambangan":(Studi Putusan Nomor 312/Pid. Sus/2019/Pn. Smr). *YUSTISIA MERDEKA: Jurnal Ilmiah Hukum*, 9(1), 1–11.