

ANALYSIS OF LAW ENFORCEMENT AGAINST ILLEGAL MINING IN DECISION NUMBER 376/Pid.Sus-LH/2024/PN Bls

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Received:04/07/2026 | Revised : 10/07/2026 | Accepted: 27/07/2026 | Published :11/08/2026

Abstract

This study examines law enforcement and the grounds for judges' considerations regarding unlicensed mining criminal acts, focusing on the case study of **Decision Number 376/Pid.Sus-LH/2024/PN Bls**. Although the Minerba Law strictly regulates criminal sanctions, field implementation and supervision are deemed suboptimal due to the rampant occurrences of illegal mining across various regions. This unauthorized activity has broad impacts on ecological aspects (forest and environmental degradation, river pollution), economic aspects (state revenue losses), and social aspects (disruptions to public order). Utilizing a normative legal approach, this research aims to analyze law enforcement patterns and the judges' juridical arguments in rendering decisions based on the study of relevant regulations, literature, and court documents.

Keywords: Law Enforcement; Illegal Mining; Judges' Decision

INTRODUCTION

As a country endowed with abundant natural resources, Indonesia possesses significant potential in the mining sector. This sector focuses on the management of minerals and coal, which are utilized for various purposes. Pursuant to Article 1 paragraph (1) of the Mineral and Coal Mining Law (Mining Law), mining activities encompass all or part of the stages of investigation, exploration, feasibility studies, construction, mining operations, processing and refining, transportation, sales, and post-mining activities.¹ Mining plays a vital role in national development as it constitutes one of the country's sources of state revenue. In addition, this sector creates employment opportunities and provides economic benefits to the community. Therefore, mining activities must be carried out responsibly, systematically, and in accordance with the applicable laws and regulations.

Mineral and coal mining activities in Indonesia are carried out in accordance with the legal provisions stipulated in Law Number 3 of 2020 concerning the Amendment to Law Number 4 of 2009 on Mineral and Coal Mining. The law serves as the legal framework governing the administration of the mining sector to ensure that mineral and coal resources are managed responsibly, sustainably, and in a manner that provides benefits to various stakeholders.² Under the law, every mining business is required to obtain a permit from the government. The acquisition of such a permit constitutes a mandatory prerequisite that must be fulfilled by every party before conducting any mining activity or business, as it plays a significant role in supporting business operations and promoting national economic growth.³

Permits are required to ensure that mining activities are monitored and carried out in compliance with occupational safety standards, environmental protection requirements, and the applicable administrative regulations. Through this permitting system, the government is able to oversee and control mining activities to prevent adverse impacts on society and the state.

Despite the increasingly stringent regulation of the mining sector, mining activities continue to be carried out outside the legal framework. Such activities are categorized as illegal mining because the extraction of minerals or coal is conducted by certain parties without the official permits that constitute the primary legal requirement for undertaking mining operations. Coal mining is generally conducted over an extended period and involves the use of large-scale mining equipment and technology, resulting in extensive land excavation. Consequently, coal mining activities have significant environmental impacts.⁴ Illegal mining occurs on both small and large scales across various regions of Indonesia. For example, the island of Sumatra is exceptionally rich in mineral resources, including petroleum, coal, copper, tin, granite, and various other mineral commodities.⁵ The widespread occurrence of illegal mining indicates that public legal awareness and the effectiveness of government supervision have not yet reached an optimal level.

Many individuals engage in mining activities without legal authorization, a practice commonly referred to as illegal mining. Ultimately, such activities give rise to numerous adverse consequences, including environmental degradation.⁶ From an environmental perspective, illegal mining is frequently carried out without regard for the regulations governing environmental management and protection. Those involved in illegal mining tend to prioritize economic gain while disregarding the long-term impacts on the surrounding environment. As a result, illegal mining has caused extensive deforestation, river pollution, soil erosion, landslides, and the degradation of natural ecosystems.

In some illegal gold mining activities, the use of hazardous substances such as mercury poses serious risks to environmental sustainability and public health. As human activities and their impacts on ecosystems continue to increase, the importance of monitoring environmental quality has become increasingly evident. Through rigorous environmental monitoring, significant changes in environmental quality parameters can be identified. Such changes may adversely affect human health, ecosystem sustainability, and the overall quality of life.⁷

In addition to its environmental impacts, illegal mining also causes significant losses to the state. The existence of unauthorized mining activities reduces state revenue derived from taxes, levies, and non-tax state revenue that should otherwise be generated through legally authorized mining operations. Furthermore, the absence of the required permits makes it more difficult for the government to supervise and monitor the production and distribution of mined resources. This situation is contrary to the principle enshrined in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which provides that the control and utilization of natural resources must be directed toward achieving the greatest possible benefit for the welfare of the people. Therefore, the central government is vested with the authority to regulate and manage the utilization of mineral and coal resources throughout the territory of Indonesia. Such authority must be exercised through optimal resource management to support economic growth while strengthening the self-reliance of national industries that utilize these natural resources.⁸

From a social perspective, illegal mining also gives rise to various problems within the community. Unauthorized mining activities frequently trigger land disputes, conflicts among local residents, and disturbances to public security and order. Moreover, illegal mining operations generally fail to comply with occupational safety standards, thereby increasing the risk of workplace accidents that may result in fatalities. These conditions demonstrate that illegal mining is not merely a legal issue but also involves significant social, economic, and environmental problems.

The economic conditions of the community constitute one of the primary factors contributing to the prevalence of illegal mining practices. The opportunity to earn income, obtain employment, and engage in business activities are important determinants of a community's economic well-being. Difficulty in securing employment is one of the most common challenges faced by many members of society. Another contributing factor is the imbalance between the compensation received and the workload or outcomes of the work performed.⁹ Furthermore, the lack of effective supervision by the government and law enforcement authorities has also contributed to the continued occurrence of illegal mining. In certain cases, there is also the involvement of particular parties who exploit illegal mining activities for their own personal gain.

As a measure to combat illegal mining practices, the government undertakes legal action against those responsible. Law enforcement is carried out through the application of legal instruments and sanctions derived from administrative law, criminal law, and civil law.¹⁰ In addressing illegal mining activities, the criminal law approach has become one of the most widely applied enforcement mechanisms. This is because mining activities conducted without the required permits are classified as unlawful acts and are expressly subject to criminal sanctions under the Mineral and Coal Mining Law (Mining Law).

Pursuant to Article 158 of the Mineral and Coal Mining Law, any person who carries out mining activities without the permit required under Article 35 may be held criminally liable. The sanctions that may be imposed include imprisonment for a maximum term of five years and a fine of up to IDR 100,000,000,000.00.¹¹ These sanctions are imposed as part of law enforcement efforts and to deter illegal mining practices that may endanger the environment.¹²

The imposition of sanctions against perpetrators of illegal mining is still considered to be less than optimal. In many cases, enforcement is limited to administrative sanctions or the temporary suspension of mining activities. Even when such cases are brought before the courts, the criminal penalties imposed often fail to reflect the extent of the environmental damage caused. Consequently, these sanctions have not produced a sufficient deterrent effect, and offenders remain motivated to continue their activities because they perceive them to be economically profitable.¹³ This provision demonstrates that the government places serious emphasis on combating illegal mining offenses due

to the substantial harm they cause. The enforcement of criminal law is expected to deter offenders and prevent others from engaging in similar unlawful activities. This is essential to safeguarding the welfare of the present generation while preserving natural resources for future generations. Legal certainty also constitutes one of the fundamental elements of regulatory reform in the mining sector. Clear and consistent legal provisions are necessary to ensure that mining business activities can be conducted in an orderly manner without uncertainty in the application of the law.¹⁴

A statutory regulation may be considered effective if its existence is capable of encouraging the public to comply with and implement the provisions it establishes. Public compliance with the law constitutes an important benchmark for assessing the effectiveness of the implementation of a legal regulation. Accordingly, the effectiveness of a law can be evaluated through the actual behavior of the community in complying with its provisions.¹⁵ Decision Number 376/Pid.Sus-LH/2024/PN Bls illustrates an actual case of illegal mining. In this case, the defendant carried out excavation and soil extraction activities without possessing the valid permit required under the prevailing mining laws and regulations. These activities were conducted using heavy equipment, and the excavated soil was subsequently sold for economic gain. Such conduct not only violated Law Number 3 of 2020 concerning Mineral and Coal Mining but also caused losses to the landowner and posed a threat to the environment. The facts of the case demonstrate that illegal mining involves violations of licensing requirements, infringements of community rights, and the failure to ensure the sustainable management of natural resources.

Decision Number 376/Pid.Sus-LH/2024/PN Bls warrants further examination because several legal aspects require more in-depth analysis. First, it is necessary to examine how law enforcement authorities apply the criminal provisions governing mining offenses to perpetrators of unauthorized mining activities. Second, it is important to analyze how the panel of judges considers the legal facts, the evidence presented, and the applicable statutory regulations before rendering its decision. Third, although the Mineral and Coal Mining Law prescribes substantial criminal sanctions, illegal mining offenses continue to occur frequently. This raises questions regarding the effectiveness of the law enforcement measures that have been implemented.

Furthermore, the examination of this case reveals that certain parties suffered losses as a result of the defendant's actions, particularly the landowner whose property was used as the site for the extraction of soil materials. Nevertheless, the court's decision places greater emphasis on the defendant's criminal liability than on restoring the losses suffered by the victim. This situation raises questions regarding the extent to which the judgment has fulfilled the objectives of the law, particularly the realization of justice, legal certainty, and legal benefit. Therefore, an examination of Decision Number 376/Pid.Sus-LH/2024/PN Bls is essential to gain a deeper understanding of how the law is enforced against illegal mining offenses and how the panel of judges considered the relevant legal aspects in rendering its judgment against the defendant.

This research was undertaken based on the author's interest in conducting an in-depth analysis of the application of criminal sanctions in cases involving unauthorized mining activities, as reflected in Decision Number 376/Pid.Sus-LH/2024/PN Bls. The study is expected to contribute new perspectives to the development of criminal law, particularly in relation to law enforcement in the mining sector and the protection of the environment. Furthermore, this research is intended to serve as a source of reflection and evaluation for law enforcement authorities in addressing the increasing prevalence of illegal mining activities across various regions of Indonesia.

Based on the foregoing discussion, the research problems formulated by the author are as follows:

1. What were the considerations of the panel of judges in rendering the judgment against the perpetrator of illegal mining in Decision Number 376/Pid.Sus-LH/2024/PN Bls?
2. How was the law enforced against the criminal offense of illegal mining in Decision Number 376/Pid.Sus-LH/2024/PN Bls?

RESEARCH METHOD

This study focuses on analyzing the implementation of criminal law enforcement in cases of unauthorized mining by using Decision Number 376/Pid.Sus-LH/2024/PN Bls as the object of analysis to obtain a more comprehensive understanding of the issue. In addition, this research examines how the panel of judges considered the relevant legal factors in rendering its decision against the perpetrator of illegal mining. The study also aims to assess whether the application of criminal sanctions in the decision is consistent with the provisions stipulated in the Mineral and Coal Mining Law. This research employs a normative juridical method by examining legal provisions and various documents related to the object of the study. The sources of legal materials include statutory regulations, court decisions, scholarly publications, and other relevant literature concerning the enforcement of the law against unauthorized mining activities.

DISCUSSION

1. Judicial Considerations in Reading the Judgment Against the Perpetrator of Illegal Mining in Decision Number 376/Pid.Sus-LH/2024/PN Bls

a. Judicial Considerations in Reading the Judgment

A court judgment cannot be separated from the crucial role of judicial considerations, which serve as the foundation for determining the resolution of a case. Such considerations must be based on an objective, prudent, and comprehensive analysis to ensure that the resulting judgment reflects the principles of justice and provides legal certainty for the parties concerned.¹⁶

In rendering a criminal judgment, judges take into account both juridical and non-juridical considerations. Juridical considerations include the fulfillment of the elements of the criminal offense, witness testimony, applicable statutory provisions, and other legally relevant evidence presented during the trial. Meanwhile, non-juridical considerations include the impact of the defendant's conduct on society and the environment, as well as aggravating and mitigating circumstances relating to the defendant. In cases of illegal mining, judges generally consider the extent of environmental damage, the losses suffered by the state, and the degree of the defendant's culpability before imposing a sentence. The judgment should ultimately reflect the principles of justice, legal certainty, and legal benefit for society.

b. Judicial Considerations

In rendering its judgment in Case Number 376/Pid.Sus-LH/2024/PN Bls, the panel of judges considered various forms of evidence that satisfied the legal requirements set forth in Article 184 of the Indonesian Criminal Procedure Code (KUHP). The judges' conviction was established through a series of facts derived from witness testimony, expert testimony provided by the Ministry of Energy and Mineral Resources (MEMR), the documentary and physical evidence presented during the trial, and the defendant's testimony, all of which were interrelated and collectively supported the evidentiary findings before the court.

The evidence presented during the trial established that the defendant instructed certain individuals to carry out soil excavation activities using heavy equipment, namely an excavator, at a designated location. These activities were conducted without the official permit required for the operation of a mining business. The excavated soil was subsequently sold as fill material for economic gain. These facts demonstrate that the extraction of such materials constituted an unauthorized mining activity.

Based on the examination of the case and the assessment of the evidence presented, the panel of judges concluded that the defendant's conduct fulfilled all the elements of the criminal offense set forth in Article 158 of Law Number 3 of 2020 in conjunction with Law Number 4 of 2009 concerning Mineral and Coal Mining. The fulfillment of these elements included the defendant's status as a legal subject, the conduct of mining activities without the legally required permit, and the defendant's involvement in instructing another person to commit the offense. Consequently, the defendant was held criminally liable pursuant to Article 55 paragraph (1) point 1 of the Indonesian Criminal Code (KUHP). The judges' considerations were based on a juridical analysis of the facts established during the trial and the evidence that possessed legal evidentiary value. Such reliance on legally admissible evidence constitutes a common form of juridical consideration in cases involving illegal mining.

1. Fulfillment of the element of "Any Person"

The panel of judges first examined the fulfillment of the element of "any person" as the initial element in establishing the criminal offense. The judges concluded that the defendant was capable of being held criminally liable because he was physically and mentally competent, able to provide coherent testimony during the trial, and there were no legal grounds that would exempt him from criminal responsibility. Accordingly, the element of "any person" was deemed to have been satisfied.

2. Fulfillment of the Element of Conducting Mining Activities Without a Permit

Based on the facts established during the trial, the defendant carried out soil excavation activities using heavy equipment, namely an excavator, on Jalan Stadion Ujung, Air Jamban Village, Mandau District, Bengkalis Regency. The excavated soil was subsequently sold as fill material to other parties for economic gain. According to the expert witness from the Ministry of Energy and Mineral Resources (MEMR), the extraction of such material constituted a mining activity that required a mining business permit under the Mineral and Coal Mining Law. However, the defendant did not possess a Mining Business Permit (IUP), Community Mining Permit (IPR), Rock Mining Permit (SIPB), or any other form of mining authorization. Consequently, the panel of judges concluded that the element of conducting mining activities without the required permit had been legally proven.

3. Fulfillment of the Element of “Ordering Another Person to Commit the Act”

The judges further considered that the soil excavation was not carried out directly by the defendant but by Rizki Kurniawan Pangaribuan and Charles Pangaribuan. Nevertheless, these activities were performed under the defendant’s instructions. The defendant acted as the individual who organized, directed, and benefited financially from the sale of the excavated fill material. Accordingly, the panel of judges held the defendant criminally liable for the illegal mining activities, notwithstanding the fact that his conduct constituted participation in the form of “ordering another person to commit the offense” (doen pleger), as provided under Article 55 paragraph (1) point 1 of the Indonesian Criminal Code (KUHP).

4. Absence of Justifying or Excusing Grounds

The panel of judges determined that throughout the trial there were no legal grounds that could exempt the defendant from criminal liability, either in the form of justifying grounds or excusing grounds. Based on these considerations, the defendant remained fully responsible for his actions and was therefore subject to criminal punishment in accordance with the applicable laws.

c. Non-Juridical Considerations of the Judges

In imposing a criminal sentence, the panel of judges considered not only the legal aspects of the case but also the circumstances that constituted aggravating and mitigating factors for the defendant.

1. **Aggravating Circumstances**

The defendant's conduct was regarded as an aggravating factor because it was contrary to the government's efforts to promote orderly and environmentally sustainable mining practices. Unauthorized mining activities have the potential to cause environmental degradation and demonstrate disregard for the licensing requirements established by the state.

2. **Mitigating Circumstances**

The mitigating circumstances considered by the panel of judges were as follows:

1. The defendant admitted and expressed remorse for his actions;
2. The defendant behaved courteously throughout the trial proceedings;
3. The defendant had no previous criminal convictions.

The imposition of the criminal sentence was based not only on the defendant's culpability but also on the circumstances relating to the offender and the consequences arising from the criminal offense.

a) Analysis of the Legal Basis (Article 81 of the Indonesian Criminal Procedure Code)

Article 81 of the Indonesian Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana—KUHP) specifically governs pretrial procedures, particularly those relating to compensation and rehabilitation arising from unlawful arrest or detention. However, based on the substance of the case discussed in the above decision, the matter concerns the substantive criminal offense of illegal mining. In its legal reasoning, the panel of judges relied on Article 184 of the KUHP as the juridical basis for assessing the admissibility and validity of the evidence presented during the trial, including witness testimony, expert testimony, documentary evidence, indicia, and the defendant's testimony.

No evidence was found indicating that the defendant had been subjected to an unlawful arrest or detention. Accordingly, the judges' legal considerations in Decision Number 376/Pid.Sus-LH/2024/PN Bls are consistent with Article 81 of the KUHP and do not give rise to any entitlement to compensation or rehabilitation.

The panel of judges rendered its judgment after completing the entire trial process in accordance with the applicable criminal procedural law. Throughout the proceedings, the defendant was afforded the right to present a defense, provide testimony, and respond to the evidence presented by the public prosecutor. The judgment was subsequently delivered after the judges had assessed the facts and the evidence revealed during the trial.

From the perspective of safeguarding the rights of suspects and defendants, the judgment contains no indication that the defendant:

1. was unlawfully arrested;
2. was unlawfully detained;
3. was coerced into confessing to the offense; or
4. was deprived of the right to present a defense during the trial.

2. Law Enforcement Against the Criminal Offense of Illegal Mining in Decision Number 376/Pid.Sus-LH/2024/PN Bls

a. Law Enforcement Against Illegal Mining

The handling of mining activities that violate legal regulations is carried out through law enforcement mechanisms implemented by the government and the relevant authorities. These measures include preventive efforts, law enforcement actions, and the imposition of sanctions against offenders. Law enforcement is the process of implementing legal provisions so that the objectives and values embodied in the law may be realized in social practice.¹⁷ The primary objective of law enforcement in the mining sector is to ensure the orderly management of natural resources, safeguard environmental protection, and impose sanctions on those who commit violations. Law Number 3 of 2020, which amends Law Number 4 of 2009 concerning Mineral and Coal Mining, expressly provides that mining activities may only be conducted after obtaining the required permit from the government. Accordingly, any mining activity carried out without official authorization may be classified as a criminal offense.

In Decision Number 376/Pid.Sus-LH/2024/PN Bls, law enforcement against unauthorized mining activities was carried out through the stages of investigation and prosecution by law enforcement authorities in accordance with Law Number 3 of 2020 in conjunction with Law Number 4 of 2009 concerning Mineral and Coal Mining. Based on the facts established during the trial, the defendant, Zulkarnain alias Ahong bin Yusman, was proven to have conducted soil excavation using an excavator on Jalan Stadion Ujung, Air Jamban Village, Mandau District, Bengkalis Regency, without the legally required mining permit. The excavated material was subsequently sold as fill soil for economic gain, despite the absence of a Mining Business Permit (IUP), a Community Mining Permit (IPR), or any other permit required under the applicable mining laws.

1. Stages of Law Enforcement in the Case

a. Investigation Stage

Law enforcement commenced after the authorities discovered unauthorized soil excavation activities carried out on land owned by Adi Ardiansyah Harahap. During the investigation, the police established that the excavation activities had been conducted under the defendant's instructions. The defendant had directed Rizki Kurniawan Pangaribuan and Charles Pangaribuan to perform the excavation using an excavator.

At this stage, the investigators collected various forms of evidence, including:

1. Witness testimony;
2. Expert testimony from the Department of Energy and Mineral Resources (ESDM), as well as the defendant's testimony;
3. Relevant documents and written evidence; and
4. Physical evidence related to the soil excavation activities.

Based on the evidence obtained during the investigation, the investigators designated the defendant as a suspect and subsequently referred the case to the Public Prosecutor for prosecution.

b. Prosecution Stage

After the investigation was declared complete and the case file was assigned **P-21** status, the Public Prosecutor submitted the case to the Bengkalis District Court for trial. In this case, the prosecutor prepared an alternative indictment consisting of the following charges:

1. Article 158 of Law Number 3 of 2020 concerning Mineral and Coal Mining in conjunction with Article 55 paragraph (1) point 1 of the Indonesian Criminal Code (KUHP);
2. Article 385 of the Indonesian Criminal Code (KUHP);
3. Article 406 paragraph (1) of the Indonesian Criminal Code (KUHP) in conjunction with Article 55 paragraph (1) point 1 of the Indonesian Criminal Code (KUHP).

In the indictment, the Public Prosecutor argued that the defendant's conduct fulfilled all the elements of the criminal offense stipulated under Article 158 of the Mineral and Coal Mining Law. Accordingly, the prosecutor requested that the defendant be sentenced to **3 years and 10 months of imprisonment** and ordered to pay a fine of **IDR 1,000,000,000.00**. This action constituted the exercise of the prosecution authority in enforcing the law through judicial proceedings against the perpetrator of an illegal mining offense.

c. Evidentiary Stage at Trial

All evidence presented by the Public Prosecutor was examined by the panel of judges during the trial. The evidentiary process established that:

1. The defendant instructed other individuals to carry out the soil excavation activities;
2. The excavation was conducted using heavy equipment, namely an excavator;
3. The excavated soil was sold as fill material;
4. The activities had been carried out continuously since 2023; and
5. The defendant did not possess a valid mining permit.

According to the expert testimony provided by the Ministry of Energy and Mineral Resources (MEMR), the extraction of the material constituted a mining activity that could only be conducted after obtaining the appropriate official permit in accordance with the Mineral and Coal Mining Law. After examining all the evidence presented during the trial, the panel of judges concluded that the defendant's conduct had legally fulfilled all the elements of the charged criminal offense.

d. Sentencing Stage

After concluding that all the elements of the criminal offense had been proven, the panel of judges found the defendant guilty of conducting unauthorized mining activities. The court subsequently imposed the following penalties:

1. Imprisonment for **one (1) year and six (6) months**;
2. A fine of **IDR 1,000,000,000.00**; and
3. In the event that the fine is not paid, a substitute sentence of **one (1) month of imprisonment**.

With this judgment, the law enforcement process against the perpetrator of illegal mining reached its final stage through the imposition of criminal sanctions as a form of legal accountability for the offense committed. Decision Number 376/Pid.Sus-LH/2024/PN Bls ultimately established the defendant's criminal liability for illegal mining. The implementation of law enforcement is reflected in the sequential process consisting of the initial investigation conducted by the police, the prosecution carried out by the Public Prosecutor, and the adjudication of the case through judicial proceedings before the court.

In this case, the law enforcement process successfully established that the defendant had carried out unauthorized soil excavation activities without the required legal permits. This conclusion was supported by sufficient evidence presented during the trial. The criminal justice system must operate in accordance with the principles of justice, impartiality, and respect for the legal values prevailing within society. Public confidence in, and response to, the application of the law also serve as important indicators of the effectiveness of law enforcement.¹⁸ The proof of all the constituent elements of the criminal offense provided the legal basis for holding the defendant criminally responsible for his actions. Furthermore, the application of Article 158 of Law Number 3 of 2020 demonstrates the State's role in supervising compliance with mining licensing requirements and promoting the lawful management of natural resources.

From the perspective of legal certainty, the handling of this case demonstrates that the applicable legal provisions were effectively enforced, as the perpetrator of unauthorized mining activities was prosecuted and ultimately subjected to criminal sanctions. The judgment affirms that any violation of the statutory obligation to obtain a mining permit may give rise to criminal liability in accordance with the prevailing laws and regulations. In addition to ensuring legal certainty, the application of the law must also be directed toward the realization of justice by guaranteeing that every individual receives the rights and legal treatment to which they are entitled.¹⁹ Accordingly, the function of the law does not end with the enactment of legal rules but is realized through their concrete application in judicial decisions that resolve legal disputes in accordance with the law.

To prevent environmental degradation and ecological damage, one of the preventive measures that can be implemented is the adoption of good mining practices.²⁰ From a **preventive** perspective, the judgment serves as a warning to the public against engaging in mining activities without the required permits. The imposition of imprisonment and fines on the defendant demonstrates that the State imposes sanctions for violations in the mining sector, thereby seeking to reduce illegal mining practices that are detrimental to the State, society, and the environment.

According to Soerjono Soekanto, law enforcement is an effort to harmonize or integrate established legal values and norms, which are subsequently manifested in attitudes and actions. This process represents the final stage in the realization of legal values aimed at creating harmony and order within society.²¹ In this judgment, the principle of legal certainty has been realized through the imposition of criminal sanctions on the offender, while the principle of legal benefit is reflected in the effort to maintain order in the mining sector.

Accordingly, law enforcement against the criminal offense of illegal mining in Decision Number 376/Pid.Sus-LH/2024/PN Bls may be regarded as having been properly implemented from the perspective of the

application of criminal law and the prosecution of the offender. Nevertheless, in order to fully achieve the objectives of the law—namely legal certainty, justice, and legal benefit—the effectiveness of criminal sentencing should be further strengthened.

CONCLUSION

In Case Number 376/Pid.Sus-LH/2024/PN Bls, the judges' decision was based not only on the applicable legal provisions but also on other relevant aspects of the case. Based on the evidence presented during the trial, the constituent elements of the criminal offense under Article 158 of Law Number 3 of 2020 in conjunction with Article 55 paragraph (1) point 1 of the Indonesian Criminal Code (KUHP) were found to have been satisfied through legally admissible evidence, including witness testimony, expert testimony, documentary evidence, physical evidence, and the defendant's testimony. The panel of judges also concluded that there were no legal grounds that could either negate the criminal nature of the offense or exempt the defendant from criminal liability. From a non-juridical perspective, the defendant's conduct was considered contrary to the Government's efforts to promote environmental protection and orderly mining operations. However, the mitigating factors taken into account included the defendant's admission of guilt and expression of remorse, his cooperative attitude throughout the trial, and the absence of any previous criminal convictions. After examining all the facts and evidence presented during the proceedings, the panel of judges concluded that the defendant was guilty of engaging in illegal mining activities. The criminal sentence was imposed after due consideration of the facts established during the trial and the application of the relevant legal provisions governing the offense.

The law enforcement process against unauthorized mining activities was carried out through the stages of the criminal justice system, beginning with the police investigation, followed by prosecution by the Public Prosecutor, and concluding with adjudication by the court. Based on the facts and evidence examined during the trial, the panel of judges found the defendant guilty of the criminal offense of illegal mining and imposed a sentence of **one (1) year and six (6) months of imprisonment**, together with a **fine of IDR 1,000,000,000.00**. In addition to ensuring legal certainty, the judgment serves both preventive and repressive functions by deterring and suppressing the commission of illegal mining activities.

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