

# Efforts to Combat Illegal Mining Crimes in Tulang Bawang Regency Lampung Province

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## Abstract

**Purpose:** This study examines efforts to combat illegal mining in Tulang Bawang Regency, Lampung Province, through penal and non-penal approaches, assessing the effectiveness of law enforcement based on legal substance, structure, and culture.

**Methodology:** Using a normative juridical approach, the research relies on primary and secondary legal materials. Data were obtained from interviews, case observations, legislation, books on penal policy, and previous studies related to mining law enforcement.

**Results:** The penal approach provides a firm legal foundation for imposing sanctions on illegal mining actors, yet enforcement remains constrained by overlapping regulations, weak coordination, and low legal awareness. Non-penal efforts—such as legal education, simplified licensing, economic empowerment, and local participation—are crucial to address socio-economic causes and ensure preventive control.

**Conclusion:** Combating illegal mining in Tulang Bawang requires an integrated balance between penal and non-penal approaches. Effective enforcement depends on regulatory simplification, institutional synergy, and enhanced public awareness to achieve sustainable and lawful resource management.

**Limitations:** This study focuses on the legal and policy framework in Tulang Bawang and does not include quantitative analysis of economic or environmental impacts, relying primarily on normative and qualitative interpretation.

**Contribution:** This study emphasizes the need for combining legal sanctions with preventive socio-economic strategies to strengthen law enforcement and public participation. Its findings offer practical insights for policymakers and law enforcers in developing sustainable solutions to eradicate illegal mining.

**Keywords:** *Criminal Law Enforcement, Illegal Mining, Legal System, Penal Policy, Tulang Bawang.*

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## 1. Introduction

Mining is one of the strategic sectors in national development, which is crucial in supporting the country's economy (Hutagalung, Maroni, Shafira, Maulani, & Farid, 2025). Indonesia, with its abundant natural resources, especially in the mineral and coal sectors, makes mining one of the backbones of the economy (Irham, Fauzan, & Pramasha, 2024). However, behind this large potential, there is a significant issue, namely the widespread practice of illegal mining or mining without permits. Illegal mining activities not only harm the state in terms of tax revenues and retribution but also have serious environmental impacts, disturb social order, and undermine good governance (Andriawan & Muhammad Akib, 2021).

The Constitution of the Republic of Indonesia, through Article 33 paragraph (3) of the 1945 Constitution, affirms that the earth, water, and natural resources contained within them are controlled by the state and used for the greatest prosperity of the people. This principle means that the management of natural resources must be carried out in a planned, sustainable, and fair manner to provide optimal benefits for the wider community (Kesuma, 2023). However, in practice, the exploitation of natural resources through illegal mining contradicts this constitutional ideal (Rosalia & Hidayat, 2024).

Illegal mining refers to mining activities carried out without obtaining official permission from the government, such as Mining Business Licenses (IUP), People's Mining Licenses (IPR), or Special Mining Business Licenses (IUPK). According to Article 158 of Law Number 3 of 2020 on Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, it is stipulated that individuals or business entities conducting mining activities without permits can be subject to criminal sanctions, including imprisonment for up to five years and a fine of up to one hundred billion rupiah. This provision is intended to create a deterrent effect on perpetrators and prevent the further spread of illegal mining practices. However, the effectiveness of implementing these regulations on the ground often faces various challenges, such as law enforcement issues, the socio-economic conditions of the community, and government institutional aspects (Hadju, 2025).

The phenomenon of illegal mining does not only occur in the mineral-rich areas of Eastern Indonesia but is also widespread across almost all provinces, including Lampung Province. One of the regions prone to illegal mining activities is Tulang Bawang Regency. This district has an area rich in natural resources, particularly sand and other minerals, which attract both individuals and certain groups to mine illegally. Illegal mining activities in Tulang Bawang have been ongoing for a long time and have even been passed down through generations. This has made the practice seem legitimized by local culture and the economic needs of the community, even though it is legally a criminal act (Ananta, 2024).

The impacts of illegal mining activities in Tulang Bawang are complex. Environmentally, illegal mining has caused ecosystem destruction, water pollution, soil degradation, and loss of biodiversity (Prasetyo, Baderan, & Hamidu, 2025). Socially, there have been conflicts between the community and law enforcement officers, conflicts among community groups, and a growing mistrust of the government. Economically, the local government has lost potential regional income due to the absence of retribution or taxes from illegal mining activities. Furthermore, the investment climate has become less favorable due to the dominance of uncontrolled illegal practices (Maramis, 2013).

Several previous studies have indicated that the widespread practice of illegal mining is driven by various factors. First, the economic factor, where the local population depends on mining for their livelihood due to limited alternative job opportunities (Johar, 2021). Second, the legal factor, which includes weak law enforcement, limited personnel, overlapping authorities between the central, provincial, and local governments, and convoluted permitting processes. Third, the social and cultural factor, where the long-standing practice of unlicensed mining has led to the development of a local culture that is permissive of illegal activities (Bakri, Laupe, & Salam, 2023).

Efforts to combat illegal mining can essentially be carried out through two approaches: penal and non-penal (Edla et al., 2025). Penal efforts involve legal mechanisms that emphasize criminal sanctions as a repressive measure against perpetrators. These penal instruments are regulated in the Mineral and Coal Mining Law (UU Minerba) and the Criminal Code (KUHP), as well as their various derivative regulations. Meanwhile, non-penal efforts focus on preventive, educational, and persuasive approaches, including community development, alternative economic empowerment, simplification of licensing processes, and legal awareness campaigns. Non-penal approaches are considered important because they address the root causes that encourage illegal mining, particularly the economic factors (Adhari, 2017).

However, both penal and non-penal efforts face serious challenges in implementation. Penal efforts are often hindered by limited law enforcement personnel, poor coordination between agencies, and

resistance from communities that rely on illegal mining for their livelihood. On the other hand, non-penal efforts are constrained by limited budgets, low public legal awareness, and slow bureaucratic reform in simplifying the permitting process. Therefore, a combination of both approaches is crucial so that efforts to combat illegal mining are not only short-term but also lead to sustainable solutions.

Tulang Bawang Regency, as the focus of this research, has strategic significance. First, because it is one of the areas in Lampung Province with considerable mining resource potential, making it vulnerable to illegal mining practices. Second, because the illegal mining problem in this region has local, regional, and environmental implications, such as water pollution flowing into other areas, as well as the potential for horizontal and vertical conflicts that could escalate (Aida & Setiawan, 2021).

Third, because studies on illegal mining in Tulang Bawang are relatively limited, this research is expected to make an important contribution to the development of legal science, particularly criminal law and environmental law, as well as provide policy recommendations for local and central governments. For example, the case of sea sand mining at the mouth of the Tulang Bawang River in 2023, conducted by PT STTP, showed illegal mining practices that were halted by the Ministry of Maritime Affairs and Fisheries (KKP) for not having the Coastal Zone Management Activity Approval (PKKPRL) and violating Lampung Province Regional Regulation Number 1 of 2018 on Coastal Zoning (RZWP3K). This fact underscores the legal violations in the use of maritime space and indicates weak corporate compliance with environmental regulations (Napitupulu, 2023).

Based on the above description, this research is important to comprehensively examine criminal law measures against illegal mining in Tulang Bawang Regency, both through penal and non-penal approaches. The focus of the research will be on how criminal law policies are implemented in the field, what obstacles law enforcement officers face, and how to optimize non-penal strategies to strengthen the effectiveness of efforts to combat illegal mining. Therefore, this research is expected to produce not only theoretical studies but also practical recommendations for stakeholders (Cahyanto, Natsir, & Hidayat, 2025).

The novelty of this research lies in its focus on Tulang Bawang Regency in Lampung Province, which has largely been overlooked in academic studies, even though illegal mining practices are prevalent. Furthermore, this research will not only examine the penal path in the context of the Mineral and Coal Mining Law and national criminal law but will also emphasize the importance of non-penal paths such as economic empowerment and community legal education as preventive strategies, considering legal substance, legal structure, and legal culture, thus providing a more holistic picture of the effectiveness of law enforcement.

Additionally, this research is relevant to efforts to achieve sustainable development goals (SDGs), particularly Goal 15 (Life on Land) and Goal 16 (Peace, Justice, and Strong Institutions) (Muflhani, Romdhon, & Novanda, 2024). Efforts to combat illegal mining from both criminal and non-criminal perspectives are expected to promote social justice, preserve the environment, and improve community welfare sustainably.

## **2. Literature Review and Hypothesis Development**

### ***2.1 Penal and Non-Penal Countermeasures***

Efforts to combat illegal mining can be carried out through two approaches: penal and non-penal. The penal approach relies on criminal law instruments to deter perpetrators. According to Barda Nawawi Arief, penal policies are one of the social control mechanisms used by the state to protect society from harmful actions (Ismanto, Alavi, & Lubis, 2024). In cases of illegal mining, the application of provisions in Law Number 3 of 2020 concerning Mineral and Coal Mining, especially Article 158 on mining without permits, stipulates that perpetrators of unlicensed mining can face up to five years in prison and a fine of up to one hundred billion rupiahs. This law enforcement aims to create legal certainty while also preserving the environment.

However, the penal approach often faces obstacles. Research in Pangkep, South Sulawesi, for example, revealed difficulties in proving the elements of the criminal act and the limited capacity of law enforcement officers in handling illegal mining cases. On the other hand, the non-penal approach emphasizes preventive, persuasive, and educational efforts (Badaru, Razak, Umam, & TL, 2023). These include community development, simplifying the licensing process, providing alternative livelihoods, and increasing legal awareness. A study in Bengkayang, West Kalimantan, showed that community empowerment programs and legal socialization were effective in reducing social conflicts caused by illegal mining (Sudarmin, 2016). Therefore, a combination of penal and non-penal efforts is considered a more comprehensive approach in combating unlicensed mining.

## **2.2 Criminal Law Enforcement Policy**

Criminal law enforcement is a key instrument in combating illegal mining. Lawrence M. Friedman's legal system theory emphasizes that law enforcement is influenced not only by the substance of the law but also by the structure of law and the legal culture of society (Ansori, 2017). The substance of law in this context is clearly regulated through the Minerba Law, which imposes heavy criminal penalties on illegal mining perpetrators. However, from a structural perspective, law enforcement officers often face limitations in resources, both personnel and equipment, to carry out supervision and enforcement in the field

Furthermore, the legal culture of society also plays a significant role. Many mining communities view illegal mining as a tradition passed down through generations, thus seeing it as a normal practice (Mana, Hasan, & Rusli, 2023). This situation leads to resistance against criminal law enforcement efforts, even triggering conflicts with authorities. Therefore, criminal law enforcement policies should not only focus on imposing sanctions but must also take into account the socio-economic factors of the community. Law enforcement agencies need to establish better coordination between institutions, from the police, prosecutors, and courts to local governments, so that the criminal law enforcement against illegal mining can be more effective (Wibowo, Kristhy, & Noor, 2024).

## **2.3 Mining Policy in Accordance with the Minerba Law**

Law Number 3 of 2020 on Mineral and Coal Mining is the primary legal basis for mining management in Indonesia. One significant change introduced by this law is the transfer of authority for granting mining business permits (IUP) from local governments (district/city) to the central and provincial governments. This is intended to strengthen mining governance and prevent the abuse of authority at the local level. Under the Minerba Law, the public is given the opportunity to obtain permits through the People's Mining License (IPR) scheme. The IPR is intended to allow local communities to engage in small-scale mining activities legally while still considering environmental aspects. However, in practice, many people face difficulties accessing permits due to complicated procedures and high costs. As a result, they prefer to engage in illegal mining.

The mining policy in the Minerba Law also stipulates the obligation of reclamation and post-mining obligations for permit holders. This aims to ensure environmental sustainability after mining activities. Unfortunately, in the case of illegal mining, these obligations are not fulfilled, leading to greater environmental damage. Therefore, the implementation of the Minerba Law must be accompanied by strict supervision and simplified access to permits for the community to achieve sustainable mining practices (Herman et al., 2022).

## **3. Research Methodology**

This research uses a normative juridical approach, which focuses on library research to analyze various relevant primary and secondary legal sources. This approach was chosen because the study emphasizes the analysis of positive legal norms, particularly those regulated in Law Number 3 of 2020 on Mineral and Coal Mining (Minerba) and Law Number 32 of 2009 on Environmental Protection and Management. The aim is to thoroughly examine how criminal law policy reform influences the regulation of criminal offenses, especially in the context of law enforcement in Indonesia. The data used in this research is secondary data, including primary legal materials such as legislation, implementing regulations, and international conventions, as well as secondary legal materials such as books, scientific

journals, expert opinions, and relevant legal articles. Data collection is carried out through library research by exploring various literatures that discuss criminal law theories and academic studies on the implementation of the Minerba Law.

Data analysis is conducted qualitatively, with a focus on legal interpretation through systematic reviews of regulations and literature, analyzed descriptively and argumentatively. This approach considers the development of the criminal justice system in Indonesia in efforts to address illegal mining crimes. Through the normative juridical method, which is based on conceptual analysis and a study of positive law, this research is expected to provide a comprehensive, critical, and objective overview of strategies for combating illegal mining crimes, as well as offer more accurate policy recommendations to ensure law enforcement that is just, sustainable, and in favor of the interests of the community and environmental preservation.

#### 4. Results and Discussion

##### 4.1 Penal and Non-Penal Efforts to Address Illegal Mining Crimes in Tulang Bawang

Efforts to combat illegal mining in Tulang Bawang Regency cannot rely solely on the application of criminal law but also require a non-penal approach focused on prevention. In the context of criminal law policy (penal policy), crime prevention must be viewed as part of a social policy aimed at protecting the community and achieving common welfare. The book *Criminal Law Policy* emphasizes that criminal policy is a rational effort by the state to address crime through both penal (repressive) and non-penal (preventive) measures, which complement each other (Kenedi, 2017).

###### a. Penal Efforts

Penal or repressive efforts are criminal law instruments used after a crime has occurred, with the aim of deterring the perpetrator and preventing the recurrence of the crime. In the context of illegal mining, the primary legal basis is Law No. 3 of 2020, which amends Law No. 4 of 2009 concerning Mineral and Coal Mining. Article 158 of this law states that anyone engaging in mining without a permit is subject to a prison sentence of up to five years and a fine of up to one hundred billion rupiahs. This provision shows that the state takes illegal mining seriously because it harms the national economy, threatens environmental sustainability, and causes social conflict.

In the framework of criminal law policy, the penal stage begins with the formulation or drafting of laws by legislators, the application of laws by law enforcement agencies, and the execution of criminal sentences. In Tulang Bawang, criminal sanctions are applied by the police, prosecutors, and the judiciary through investigations, prosecutions, and trials of perpetrators. Law enforcement officers can apply multiple charges, such as combining the provisions of the Minerba Law with the Law on Environmental Protection and Management, to strengthen the deterrent effect. Additionally, law enforcement can be extended by confiscating mining equipment and recovering environmental damage as part of additional penalties.

However, the effectiveness of penal efforts in Tulang Bawang still faces various challenges. First, the limited number of personnel and monitoring resources makes it difficult for law enforcement officers to oversee mining areas in remote regions. Second, proving criminal elements often requires expert witnesses to explain the environmental damage caused, which prolongs the investigation process. Third, there are still some members of the community who resist legal processes because illegal mining has become a hereditary livelihood. This situation aligns with the view in *Criminal Law Policy* that criminal law has limitations in addressing crime without adequate non-penal policies.

###### b. Non-Penal Efforts

Non-penal efforts are preventive measures taken before a crime occurs. This approach emphasizes community building, education, and socio-economic policies to prevent people from engaging in illegal

mining. In criminal law policy, non-penal efforts are considered more strategic because they target the root causes of crime.

Based on the author's research, non-penal efforts in Tulang Bawang can be implemented through several steps. First, local government and law enforcement agencies need to conduct socialization and education campaigns to inform the community about the dangers of illegal mining, both legally and environmentally. Second, the government should simplify the process for issuing permits for People's Mining Permits (IPR) so that the community can mine legally. Simplifying the licensing process will encourage people to transition from illegal mining activities to official mining that is regulated and supervised.

Third, alternative economic empowerment programs such as the development of agriculture, fisheries, or small businesses are needed, as economic factors are a major driver of illegal mining. Fourth, the establishment of community mining monitoring groups can serve as an effective social control tool to monitor and report illegal mining activities. Fifth, of course, law enforcement and the local government of Tulang Bawang must ensure there are no illegal mining locations in the region. These non-penal efforts align with the goal of criminal policy, which not only focuses on punishment but also prioritizes the protection and welfare of society. With effective prevention, the number of illegal mining cases can be reduced without always relying on costly and time-consuming legal actions.

#### ***4.2 Law Enforcement of Illegal Mining in Tulang Bawang***

Law enforcement against illegal mining in Tulang Bawang Regency is a complex process as it relates to the legal, social, and economic systems. Law enforcement is not only concerned with penalizing perpetrators but also with the effectiveness of regulations, the capacity of law enforcement personnel, and the legal awareness of the community. To understand this dynamic, analysis can be conducted using Lawrence M. Friedman's legal theory framework, which emphasizes three important elements in the legal system: legal substance, legal structure, and legal culture. These three elements interact and determine the extent to which legal rules can be effectively applied.

##### **a. Legal Substance**

Legal substance refers to the entire set of norms, rules, and policies that form the foundation of law enforcement. In the case of illegal mining in Tulang Bawang, the legal substance has a clear foundation. Law No. 3 of 2020 on Amendments to Law No. 4 of 2009 on Mineral and Coal Mining explicitly prohibits mining without a permit. Article 158 of this law states that anyone who conducts mining activities without a permit may face up to five years in prison and a fine of up to one hundred billion rupiah. This provision demonstrates that the state has provided strong legal protection to safeguard natural resources and the environment from illegal exploitation.

Additionally, Law No. 32 of 2009 on Environmental Protection and Management provides an additional legal basis for taking action against illegal mining perpetrators. The articles in this law impose criminal penalties on those who cause environmental damage due to mining activities. With these two laws, law enforcement officers have the opportunity to apply multiple charges, so that penalties can be increased according to the level of environmental damage caused. This is also aligned with Law No. 26 of 2007 on Spatial Planning, which ensures that mining is conducted according to the designated land-use regulations.

Although a legal framework is available, the effectiveness of legal substance is often hindered by several factors. First, the complex and time-consuming process of issuing People's Mining Permits (IPR) discourages the community from obtaining official permits. This creates a legal gap that irresponsible parties exploit to carry out illegal mining activities. Moreover, there is no clear mechanism for monitoring holders of IUP (Mining Business Permits) in comparison to the mining activities in Tulang Bawang. There are also overlapping regulations between the central and local governments, especially in terms of mining management authority. This often creates confusion in the field for both

law enforcement and the community. Third, weak supervision of the implementation of issued permits leads to potential misuse, such as licensed mining operations conducting activities outside their permitted area.

To strengthen the legal substance, policy reforms that are more adaptable to local conditions are needed. The Tulang Bawang local government, together with the Tulang Bawang Regency DPRD (Regional People's Representative Council), should develop more technical and regionally tailored local regulations. Additionally, simplifying the process for People's Mining Permits and establishing clearer monitoring and evaluation mechanisms will ensure that the community has legal access to mining in designated areas. With clear, simple, and easy-to-apply legal substance, law enforcement officers will have more flexibility in enforcing regulations and providing legal certainty for all parties.

#### b. Legal Structure

Legal structure refers to the institutions, personnel, and working mechanisms responsible for enforcing the law. In Tulang Bawang, the legal structure for enforcing illegal mining involves the police, prosecutors, the judiciary, and local government agencies such as the Tulang Bawang Environmental Agency and the Energy and Mineral Resources Office (ESDM). The police play a key role as the frontline in patrolling, investigating, and prosecuting illegal mining activities. Once the investigation is complete, the case is transferred to the prosecution for trial.

Based on interviews with WALHI Lampung Director Irfan Tri Musri, law enforcement against illegal mining in Tulang Bawang still faces several obstacles. First, the limited number of police personnel working in specific criminal areas makes field supervision less than optimal. The majority of mining locations are in remote areas, including swamp forests and rivers, which adds to the difficulty of enforcement operations. Second, coordination between agencies often does not run smoothly. For instance, information about mining permits or illegal mining locations is not always quickly communicated between the local government and law enforcement. As a result, many mining activities that have been ongoing for a long time are only addressed after their environmental damage has spread.

Limited facilities and resources are also a constraint. Illegal mining enforcement operations require logistics, transportation, and equipment. Without adequate funding and support, law enforcement officers often only conduct occasional operations that are incidental rather than routine monitoring. Additionally, the lengthy and time-consuming judicial process can discourage officers on the ground. Illegal mining cases, even when clear violations have occurred, often still require expert witnesses to prove environmental damage, which is difficult due to the scarcity of environmental experts in Tulang Bawang.

Many environmental violation cases that go to court fail to secure a guilty verdict due to formal evidentiary challenges. On the other hand, smaller cases like the capture of wildlife or the felling of trees in forest areas are often successfully penalized. This situation shows that law enforcement, when it is positivistic, is often unfair. As Honore de Balzac said, as quoted by Philippe Sands, "The law is like a spider's web, which catches only the small insects, while the bigger ones can escape." This means that the law tends to be harsh on minor violations but weak against larger and more complex environmental crimes (Akib, 2014).

To overcome these barriers, a synergy of integrated law enforcement between the police, prosecutors, judiciary, and local government is necessary. Periodic joint operations should be intensified with support from provincial or central government budgets. The use of technology, such as drones and satellite monitoring systems, can help law enforcement officers quickly and accurately map illegal mining locations. Additionally, improving investigators' capacities through technical training on environmental crimes and mining offenses is essential to enhance their expertise in dealing with illegal mining cases.

### c. Legal Culture

Legal culture refers to the attitudes, values, and legal awareness of the community. This element plays a crucial role in the success of law enforcement because, no matter how good the laws and enforcement personnel are, the law will not be effective if the community does not have the awareness to comply with it. In Tulang Bawang, the legal culture remains a major challenge. Illegal mining is often viewed as a traditional livelihood that is socially acceptable. Many local people see mining as a quick way to meet their family's economic needs, even though they are aware that the activity is illegal. The strong economic motive is the primary reason for the low compliance with mining regulations. High unemployment, limited job opportunities, and the higher income from mining compared to other jobs make the community more likely to choose the legal risks over losing their livelihood. Additionally, some people view natural resources as a common property that should be freely exploited without needing government permits. This view is reinforced by the lack of education on the environmental impacts and legal sanctions of illegal mining activities.

To change the legal culture, the local government and law enforcement must adopt a persuasive and sustained approach. Public education on the environmental dangers of illegal mining, its health impacts, and the consequences for future generations must be carried out intensively through socialization, counseling, and public campaigns. The government should also provide alternative livelihoods that are safer and legal, such as small business development, skills training, or empowerment of the agriculture and fisheries sectors. By offering viable economic options, the community will no longer feel compelled to engage in illegal mining activities.

Additionally, the involvement of community leaders, customary leaders, and local organizations is critical in fostering legal awareness. Community leaders have a significant influence on changing the way people view the importance of adhering to mining regulations. Community-based monitoring programs can also be established to allow local people to actively participate in overseeing illegal mining activities in their communities. By doing so, the community becomes not only an object of law enforcement but also an active subject in protecting the environment.

## 5. Conclusions

Based on the above discussion, efforts to combat illegal mining in Tulang Bawang Regency must combine both penal and non-penal approaches in a balanced manner. Penal efforts are necessary to enforce the law and provide a deterrent effect, while non-penal efforts are needed to prevent crime by improving the social and economic conditions of the community. Law enforcement in illegal mining cases in Tulang Bawang requires a comprehensive approach. From the legal substance perspective, regulations are adequate but need to be simplified to make them more accessible to the community. From the legal structure perspective, law enforcement officers need to be strengthened with coordination, adequate budgets, and appropriate technology.

Meanwhile, from the legal culture perspective, increasing public awareness through education, economic empowerment, and active participation is key to long-term success. Law enforcement relying solely on criminal penalties will not be effective without community support and social policies that reduce economic dependence on illegal mining activities. The concept of criminal law policy emphasizes that the ultimate goal of crime prevention is not just punishment but also the protection of society and the achievement of welfare. The synergy between local government, law enforcement agencies, and the community is essential to achieving legal, sustainable, and just natural resource management in Tulang Bawang.

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