

THE EFFECTIVENESS OF LAW ENFORCEMENT AGAINST ILLEGAL MINING OF CATEGORY C MINERALS WITHIN THE JURISDICTION OF THE BALI REGIONAL POLICE

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ABSTRACT

Illegal mining of Category C minerals, commonly known in Indonesia as "galian C" and comprising non-metal minerals and rocks such as sand, gravel, andesite, and building stone, remains a persistent problem in Bali despite the province's dependence on ecological integrity for its tourism-based economy. This article examines the effectiveness of law enforcement against unlicensed Category C mining within the jurisdiction of the Bali Regional Police (Polda Bali), against the backdrop of Law Number 3 of 2020 on the Second Amendment to the Mineral and Coal Mining Law, Bali Provincial Regulation Number 4 of 2017 on Non-Metal Mineral and Rock Mining, and the environmental protection provisions of Law Number 32 of 2009. Using a normative-empirical (socio-legal) method supported by documentary analysis of statutory provisions, official police disclosures, and reported enforcement cases in Klungkung and Karangasem regencies, this study applies Soerjono Soekanto's five-factor framework for measuring the effectiveness of law enforcement: the legal substance itself, the law enforcement apparatus, supporting facilities and infrastructure, the community, and legal culture. The findings indicate that although the substantive legal framework criminalising unlicensed mining is comparatively robust, its enforcement in Bali is substantially weakened by the 2020 centralisation of mining licensing authority to the central government, which produced a licensing vacuum affecting dozens of previously operating businesses; by limited investigative capacity and technical equipment specific to environmental and mining crime within Polda Bali's Directorate of Special Criminal Investigation; by continuing economic dependence of local communities on quarrying for livelihood and on its output for cheap construction material; and by weak inter-agency coordination between the police, the Bali Provincial Energy and Mineral Resources Office, and customary village (desa adat) institutions. The article concludes that improving enforcement effectiveness requires simplifying and accelerating central licensing processes for small-scale rock quarrying, strengthening specialised investigative capacity within Polda Bali, and integrating customary environmental norms with formal law enforcement mechanisms.

Keywords: law enforcement effectiveness; illegal mining; Category C minerals; Mineral and Coal Mining Law; Bali Regional Police

INTRODUCTION

Indonesia's mineral wealth has historically been classified, since the enactment of Law Number 11 of 1967 concerning Basic Provisions of Mining, into three categories: Category A minerals, deemed strategic for national security and the economy, such as petroleum and

uranium; Category B minerals, deemed vital, such as gold, silver, and iron; and Category C minerals, comprising materials of comparatively lower strategic value but of substantial local economic importance, including sand, gravel, andesite stone, clay, and other non-metal minerals and rocks typically used for construction purposes. Although the tripartite A-B-C classification was formally abolished by Law Number 4 of 2009 concerning Mineral and Coal Mining, which replaced it with a functional classification of metal minerals, non-metal minerals, rocks, and coal, the term "galian C" or "Category C mining" has persisted in common usage, regional regulation, and law enforcement practice throughout Indonesia to refer to small-scale quarrying of construction materials, and this article adopts that continuing usage for clarity and consistency with the source materials examined.

Bali presents a particularly acute setting in which to examine the enforcement of Category C mining regulation. The island's economy is overwhelmingly dependent on tourism, which in turn depends on the preservation of landscape, water catchment areas, and coastal and highland ecosystems that are directly threatened by uncontrolled quarrying of sand, stone, and gravel. At the same time, Bali's continuing construction boom, driven by tourism infrastructure, villa development, and public works, generates persistent demand for cheap, locally sourced Category C materials, creating strong economic incentives for quarrying activity to continue with or without formal licensing. Provincial and national authorities have repeatedly identified numerous unlicensed quarrying operations across Bali's regencies, particularly in Karangasem and Klungkung, and the Corruption Eradication Commission (Komisi Pemberantasan Korupsi, KPK) has itself flagged the proliferation of unlicensed Category C mines in Bali as a governance concern.

A significant part of this proliferation can be traced to a specific regulatory disruption. Law Number 3 of 2020 concerning the Second Amendment to Law Number 4 of 2009 on Mineral and Coal Mining (hereinafter "UU Minerba") withdrew mining licensing authority from provincial governments and centralised it entirely within the national government. Bali provincial officials have publicly acknowledged that this transition left dozens of previously licensed Category C mining businesses without valid authorisation once their provincially issued licences expired, because the new national licensing process, which now requires a Mining Business Permit (Izin Usaha Pertambangan, IUP) or, for small-scale rock quarrying, a Rock Mining Permit (Surat Izin Pertambangan Batuan, SIPB), could not process the volume of pending applications quickly enough to prevent a licensing gap. The consequence is that a substantial share of what is now classified as illegal Category C mining in Bali did not originate from deliberate evasion of the law but from an administrative bottleneck coinciding with

legislative centralisation, a distinction with direct implications for how law enforcement should calibrate its response between criminal prosecution and administrative facilitation.

Within this landscape, the Bali Regional Police (Kepolisian Daerah Bali, Polda Bali), acting principally through its Directorate of Special Criminal Investigation (Direktorat Reserse Kriminal Khusus, Ditreskrimsus), bears primary responsibility for criminal law enforcement against unlicensed mining under Article 158 of the UU Minerba, which criminalises mining conducted without the requisite licence with imprisonment of up to five years and a fine of up to one hundred billion rupiah, as well as under related provisions of environmental protection law where quarrying causes ecological damage. Despite periodic, publicised enforcement actions, such as the November 2024 operation against an unlicensed stone and andesite quarry in Gunaksa village, Klungkung regency, media and civil society reporting continues to describe Karangasem regency in particular as a persistent hotspot of unlicensed Category C mining that has proven resistant to sustained law enforcement intervention. This apparent gap between the existence of a clear statutory prohibition and the persistence of widespread violation motivates the central inquiry of this article: how effective is law enforcement against illegal Category C mining within Polda Bali's jurisdiction, and what factors account for the observed gap between legal norm and social fact.

This article addresses two research questions. First, how does the current statutory and regulatory framework, comprising the UU Minerba, its implementing regulations, and Bali Provincial Regulation Number 4 of 2017 on Non-Metal Mineral and Rock Mining, structure criminal and administrative liability for unlicensed Category C mining. Second, applying a recognised analytical framework for measuring legal effectiveness, what factors explain the level of enforcement effectiveness actually observed within Polda Bali's jurisdiction, and what measures could improve that effectiveness. The discussion is confined to Category C mineral and rock mining and to criminal and administrative enforcement mechanisms; civil compensation claims and the separate regulatory regime for metal minerals and coal fall outside the scope of this study.

METHOD

This study employs a normative-empirical legal research method, also referred to in Indonesian legal scholarship as socio-legal research, which combines doctrinal analysis of applicable statutory and regulatory provisions with a descriptive-qualitative examination of how those provisions operate in observed practice. This combined method is appropriate because the research problem, the effectiveness of law enforcement, cannot be answered through textual analysis of legal norms alone but requires an assessment of how those norms

interact with institutional capacity, community behaviour, and enforcement practice on the ground.

The statutory approach is used to analyse the UU Minerba (Law Number 3 of 2020 amending Law Number 4 of 2009), its implementing government regulations, Law Number 32 of 2009 on Environmental Protection and Management, and Bali Provincial Regulation Number 4 of 2017 on Non-Metal Mineral and Rock Mining. The conceptual approach is used to clarify the continuing operational meaning of "Category C minerals" notwithstanding its formal replacement in national legislation. A case study approach is used to examine documented enforcement actions within Polda Bali's jurisdiction, including the publicly disclosed 2024 enforcement operation in Gunaksa village, Klungkung regency, and reported patterns of unresolved illegal quarrying in Karangasem regency, in order to illustrate how the statutory framework and the five effectiveness factors operate in concrete circumstances.

Data for this study are secondary in nature, drawn from library and documentary research (*studi kepustakaan*) rather than primary field interviews. Primary legal materials comprise the applicable statutes, government regulations, and the Bali provincial regulation referenced above. Secondary materials comprise official police and provincial government disclosures, reporting by the Corruption Eradication Commission on regional mining governance, national and Bali-focused news reporting on specific enforcement actions and unresolved quarrying sites, and academic literature on illegal mining enforcement and on the Soekanto effectiveness framework. The collected data are analysed qualitatively by first identifying the elements of criminal and administrative liability under the applicable statutory framework, and then systematically evaluating the available evidence concerning each of Soekanto's five effectiveness factors as applied to the Bali Category C mining context, culminating in an assessment of overall enforcement effectiveness and the identification of specific structural obstacles.

RESULT AND DISCUSSION

The Substance of the Law: Adequacy and Ambiguity

Assessed purely as a matter of statutory design, the legal framework governing Category C mining in Bali is comparatively robust. Article 158 of the UU Minerba provides a clear and substantial criminal sanction for unlicensed mining, the introduction of the SIPB licence category specifically simplifies the licensing pathway available to small-scale rock quarrying operators relative to the full IUP process designed for larger metal and coal ventures, and Bali Provincial Regulation Number 4 of 2017 supplies additional locally calibrated

technical and spatial requirements. Measured against the first of Soekanto's five factors, the substance of the law is not the primary source of the enforcement gap observed in Bali.

Nonetheless, two substantive weaknesses emerge from the analysis. First, the 2020 centralisation of licensing authority, while legally unambiguous, was not accompanied by transitional provisions adequate to prevent the licensing vacuum that Bali provincial officials themselves have publicly attributed to the emergence of a substantial share of currently unlicensed operations; the law was substantively clear but its implementation timeline created a period during which formerly compliant operators became, through no new act of their own, non-compliant as a matter of law. Second, the continuing informal use of the term "Category C" alongside the formal statutory taxonomy of metal minerals, non-metal minerals, and rocks introduces a degree of terminological inconsistency across regional regulation, police documentation, and public discourse that, while not undermining the substantive prohibition itself, can complicate precise classification of borderline materials and consequent determination of which specific licence type, IUP, IPR, or SIPB, is required for a given quarrying operation.

The Law Enforcement Apparatus: Institutional Capacity within Polda Bali

The second effectiveness factor concerns the professionalism and capacity of the enforcing institution. Polda Bali's Directorate of Special Criminal Investigation has demonstrated operational capability to conduct targeted enforcement actions, as illustrated by the November 2024 operation against the unlicensed stone and andesite quarry in Gunaksa village, Klungkung, which followed a community report, involved field investigation, seizure of evidence including heavy equipment, and resulted in a named suspect referred for further prosecution. This case demonstrates that when a specific complaint or intelligence lead is available, Polda Bali possesses the investigative procedure and institutional will to act.

However, the persistence of reportedly unresolved, openly operating unlicensed quarries in Karangasem regency over an extended period, despite repeated media exposure and civil society reporting, suggests that reactive, complaint-driven enforcement of the kind exemplified by the Klungkung case has not been matched by a proactive, sustained monitoring capacity sufficient to address illegal mining as a persistent regional pattern rather than a series of isolated incidents. This gap is consistent with a broader characteristic noted in Indonesian illegal mining enforcement literature generally, namely that specialised environmental and mining-crime investigative units are frequently under-resourced relative to the geographic and logistical scale of the activity they are tasked with monitoring, and that enforcement capacity

is disproportionately triggered by external reporting, whether from communities, media, or oversight bodies such as the Corruption Eradication Commission, rather than by independent, continuous surveillance.

Facilities and Infrastructure: Technical and Coordination Gaps

The third factor concerns the material and technical resources available to support enforcement. Effective monitoring of dispersed, often remote quarrying sites across Bali's regencies requires capacities such as aerial or satellite monitoring to detect new or expanding excavation, forensic capacity to assess environmental damage and calculate state or ecological loss for prosecutorial purposes, and reliable, shared licensing databases that allow field officers to verify in real time whether a given operation holds a valid SIPB or IUP. Publicly available information does not indicate that Polda Bali maintains a dedicated, continuously updated interface with the national mining licensing database sufficient to support rapid field verification, meaning that officers responding to a report of suspected illegal mining may face delay in confirming licensing status, during which evidence can be altered or operations temporarily suspended and later resumed.

A further infrastructural gap concerns inter-agency coordination between Polda Bali, the Bali Regional Civil Service Police Unit responsible for administrative supervision under the provincial regulation, and the Bali Provincial Energy and Mineral Resources Office. Because administrative inspection and criminal investigation are institutionally separated, information gathered by Satpol PP during a routine administrative inspection, such as the site assessments conducted in Karangasem documented in provincial disclosures, does not automatically or systematically translate into referral for criminal investigation where violations are found, unless a separate escalation process is deliberately initiated. This institutional separation, absent a formalised and consistently used referral mechanism, represents a structural facility gap rather than a failure of individual officers' diligence.

The Community Factor: Economic Dependence and Compliance Incentives

The fourth factor concerns the extent to which the regulated community understands and complies with the applicable rules. Category C quarrying in Bali is frequently conducted by small and medium-scale operators for whom quarrying constitutes a direct source of local livelihood, employing workers as excavator operators, sorting and screening labourers, and truck drivers, as reflected in the scale of operations documented in provincial inspections, which recorded workforces of five to eleven persons and daily production volumes in the range of fifteen to twenty-six truckloads per site. This economic embeddedness creates a structural incentive for continued operation even where licensing has lapsed or was never obtained,

particularly where formal licensing is perceived, accurately or not, as costly, slow, or bureaucratically inaccessible to small operators, a perception reinforced by the post-2020 centralisation experience described above.

At the same time, demand-side dynamics reinforce the persistence of unlicensed supply: Bali's continuing construction activity, driven substantially by tourism-related development, generates steady demand for the sand, stone, and gravel that Category C mining produces, and purchasers, whether construction contractors or individual consumers buying directly from quarry sites, rarely face any legal consequence for sourcing materials from unlicensed operations, since existing sanctions under the UU Minerba are directed at those who conduct the mining rather than at downstream purchasers. This asymmetry reduces the practical deterrent effect of supply-side criminal enforcement alone, since even successful prosecution of an individual operator does little to reduce the underlying demand that will likely be met by another unlicensed operator absent broader demand-side or market-structuring interventions.

Legal Culture: Customary Institutions and Public Perception of Enforcement

The fifth factor concerns the broader cultural orientation toward law as an institution. Bali's customary village structures, operating under *awig-awig* and coordinated through the Bali Customary Village Council, exercise informal authority over land use within customary territory that can, in some circumstances, run in parallel with or independently of formal state licensing requirements, creating a dual normative order in which a quarrying operation might be locally tolerated or even sanctioned under customary arrangements while remaining unlicensed as a matter of national mining law. Although the *Tri Hita Karana* philosophy is frequently invoked in Balinese environmental policy discourse as an aspirational standard of harmony between human activity and the natural environment, its practical translation into consistent local opposition to unlicensed quarrying appears uneven, particularly where quarrying activity provides direct economic benefit to the customary community itself or to politically connected local actors, a dynamic reflected in civil society reporting that has alleged the involvement of well-connected individuals in sustaining unlicensed quarrying operations in Karangasem without consequence.

Public perception of enforcement inconsistency, whether accurate or not, itself feeds back into legal culture: repeated media coverage alleging that certain unlicensed quarries continue operating openly despite being reported to authorities cultivates a public expectation that enforcement is selective or ineffective, which in turn can reduce both community willingness to report violations, since reporting appears futile, and operator perception of genuine legal risk, since observed non-enforcement of others' violations lowers the perceived probability of consequence for one's own. Breaking this feedback loop arguably requires not

only individual successful prosecutions, such as the Klungkung case, but visible, consistent, and geographically comprehensive enforcement sufficient to alter the general public perception of enforcement probability.

Synthesis: An Uneven Effectiveness Profile

Applying Soekanto's framework in combination indicates that enforcement effectiveness against illegal Category C mining within Polda Bali's jurisdiction is uneven across the five factors rather than uniformly weak or strong. The substantive legal framework is adequate, and demonstrated institutional capacity exists, as shown by successful case-specific enforcement action, but these strengths are substantially offset by a licensing-transition-induced compliance gap, limited proactive monitoring and inter-agency referral infrastructure, strong community-level economic dependence on continued quarrying, and a legal culture in which customary institutional authority and public perception of inconsistent enforcement combine to weaken the practical deterrent effect of the statutory sanctions in place. This profile suggests that improving enforcement effectiveness in Bali specifically requires interventions targeted at the facilities, community, and culture factors rather than further substantive legislative amendment, since the analysis does not identify statutory inadequacy as the principal constraint.

Policy Implications and Recommended Measures

Several concrete measures follow from this analysis. First, national and provincial authorities should prioritise accelerated processing of Rock Mining Permit (SIPB) applications specifically for small-scale Category C operators who held valid provincial licences prior to the 2020 centralisation, recognising that a substantial portion of currently unlicensed activity originated from an administrative transition rather than deliberate evasion, and that criminal prosecution is a poor substitute for administrative facilitation in such cases. Second, Polda Bali should be provided with direct, real-time access to the national mining licensing database and with dedicated technical capacity, including remote sensing or periodic aerial monitoring, to shift enforcement from a purely complaint-driven model toward proactive identification of unlicensed or expanding quarrying activity, particularly in known hotspot areas such as Karangasem. Third, a formalised referral protocol should be established between the Bali Regional Civil Service Police Unit, the Bali Provincial Energy and Mineral Resources Office, and Polda Bali, ensuring that administrative inspection findings indicating apparent criminal violation are systematically escalated for investigation rather than resolved solely through administrative means. Fourth, engagement with Bali's customary village institutions should be pursued not as a substitute for formal enforcement but as a complementary channel, given the

demonstrated capacity of customary structures to influence local land-use behaviour, provided that such engagement is designed to reinforce rather than compete with formal licensing compliance. Finally, sustained and geographically comprehensive enforcement visibility, rather than isolated high-profile operations, is necessary to shift public perception of enforcement probability and thereby strengthen the general deterrent function of the existing statutory sanctions.

These measures should also be sequenced with an awareness of their differing time horizons. Licensing facilitation for previously compliant small-scale operators is achievable in the short term through administrative policy adjustment alone and would likely produce the most immediate reduction in the raw number of technically illegal operations, since it addresses the transitional licensing vacuum rather than requiring new investigative capability. Strengthening technical monitoring infrastructure and formalising inter-agency referral protocols represent medium-term institutional investments requiring budgetary allocation and inter-agency agreement, but would yield a more durable improvement in proactive enforcement capacity than reliance on complaint-driven or externally triggered action alone. Shifting community economic incentives and legal culture, by contrast, represents a longer-term structural objective that cannot be achieved through police action in isolation and instead requires coordinated regional economic policy, such as support for licensed cooperative quarrying models that preserve local livelihood while ensuring compliance, alongside sustained public communication regarding both the environmental rationale for regulation and the consistency of its enforcement. Treating these three horizons as complementary rather than sequential, so that short-term licensing relief does not substitute for the medium- and long-term institutional and cultural measures, offers the most realistic path toward closing the enforcement effectiveness gap identified in this study.

Comparative Note: Environmental Restoration versus Punitive Enforcement

A further dimension relevant to assessing enforcement effectiveness concerns the balance struck between punitive sanction and environmental restoration. Article 158 of the UU Minerba and Article 109 of the environmental protection law are framed principally in punitive terms, imposing imprisonment and fines, but neither provision, nor Bali's provincial regulation, establishes a clear mandatory mechanism requiring convicted operators to fund or undertake reclamation of the excavated site as a condition integrated into the criminal sentencing process itself, as distinct from separate administrative reclamation obligations that attach to licensed operators under the UU Minerba's general reclamation and post-mining provisions. Because unlicensed operators by definition never entered the licensing process through which

reclamation guarantees are ordinarily secured, successful criminal prosecution of an unlicensed quarry operator does not automatically ensure that the resulting excavation scar, altered drainage pattern, or removed vegetation cover is remediated, meaning that even effective punitive enforcement may leave the underlying environmental harm that originally justified regulation substantially unaddressed. Strengthening the link between criminal conviction and mandatory court-ordered restoration, potentially through the ancillary sanction mechanisms available under environmental and forestry law elsewhere in Indonesia, represents an underexplored avenue for improving the practical effectiveness of enforcement in the specific sense of addressing the ecological harm that motivates regulation of Category C mining in the first place.

The Role of Oversight Bodies and Media in Sustaining Enforcement Pressure

The involvement of the Corruption Eradication Commission in flagging the proliferation of unlicensed Category C mining in Bali, and the sustained attention of local and national media to specific unresolved cases in Karangasem, illustrate a further factor relevant to effectiveness that sits at the intersection of the community and culture dimensions of Soekanto's framework: external oversight and public scrutiny appear to function, in practice, as a supplementary enforcement trigger operating alongside, and at times substituting for, proactive police-initiated monitoring. This pattern is consistent with experience in other areas of Indonesian natural resource law enforcement, where anti-corruption and environmental civil society monitoring has historically played an outsized role in prompting law enforcement action relative to what routine institutional monitoring alone has achieved. While such external pressure can be a valuable effectiveness-enhancing mechanism, reliance on it as a primary enforcement trigger is inherently uneven, since it depends on the continued attention of oversight bodies and media to a specific location or case, and cases that do not attract such attention, potentially including quarrying activity in less visible or less accessible parts of Bali's regencies, may experience materially lower effective enforcement probability than the more visible Karangasem cases discussed in this study, a disparity that itself constitutes an equity concern within the broader assessment of enforcement effectiveness.

CONCLUSION

This study finds that the effectiveness of law enforcement against illegal Category C mining within the jurisdiction of the Bali Regional Police is constrained less by deficiencies in the substantive legal framework, which provides clear and substantial criminal sanctions through Article 158 of the UU Minerba and complementary environmental protection

provisions, than by a combination of institutional, infrastructural, economic, and cultural factors external to the statutory text itself. The 2020 centralisation of mining licensing authority produced a transitional licensing vacuum that converted a significant number of previously compliant small-scale operators into technically illegal ones, demonstrated police investigative capacity has not been matched by proactive, sustained monitoring infrastructure or systematic inter-agency referral mechanisms, continuing community economic dependence on quarrying and on its low-cost output sustains persistent supply-side incentives for unlicensed operation, and an uneven legal culture, shaped by parallel customary institutional authority and public perception of inconsistent enforcement, weakens the practical deterrent effect of the sanctions that do exist.

Applying Soerjono Soekanto's five-factor framework therefore reveals an uneven effectiveness profile in which legal substance and demonstrated institutional capability represent relative strengths, while facilities and infrastructure, community compliance incentives, and legal culture represent the principal sources of continuing enforcement weakness. Addressing this profile calls for administrative facilitation of licensing for small-scale operators affected by the 2020 transition, strengthened technical and database infrastructure to enable proactive rather than purely complaint-driven enforcement, formalised coordination between police, provincial administrative supervisory bodies, and customary village institutions, and sustained, geographically comprehensive enforcement visibility capable of altering the public perception of enforcement probability that currently undermines general deterrence. These measures, pursued together rather than in isolation, offer a more promising path to improved enforcement effectiveness than further amendment of the substantive criminal provisions themselves.

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