

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 Class C mineral resources remains one of the most significant environmental and criminal law issues in Indonesia, including within the jurisdiction of the Bali Regional Police. Such activities not only reduce state revenue but also cause severe environmental degradation affecting surrounding communities. This research aims to analyze the effectiveness of criminal law enforcement against illegal Class C mining activities within the jurisdiction of the Bali Regional Police and to identify the obstacles encountered by law enforcement agencies together with possible solutions. This research employs normative legal research supported by empirical research using statutory, conceptual, and empirical approaches. Data were collected through literature studies and interviews with investigators of the Bali Regional Police. The findings indicate that criminal law enforcement has been implemented through preventive and repressive measures in accordance with Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 on Mineral and Coal Mining. Nevertheless, law enforcement has not yet achieved optimal effectiveness due to several obstacles, including the extensive locations of illegal mining operations, limited supervisory personnel, low public legal awareness, high economic incentives from illegal mining activities, and inadequate inter-agency coordination. Therefore, strengthening institutional coordination, improving supervision, enforcing the law consistently, and increasing community participation are essential to improve the effectiveness of law enforcement.

Keywords: Law Enforcement, Illegal Mining, Class C Minerals, Mining Crime, Bali Regional Police.

INTRODUCTION

Indonesia is a country endowed with abundant natural resources—both biological and mineral—distributed across the archipelago. This natural wealth serves as a primary asset for national development and must be utilized to the greatest extent possible to achieve public welfare, as mandated by Article 33, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This article stipulates that the land, water, and natural resources contained therein are controlled by the state and utilized for the greatest prosperity of the people. The principle of state control over these natural resources forms the constitutional basis for the government to regulate all mineral and coal mining business activities in Indonesia. Management of the mining sector must be conducted based on principles of sustainability, equity, legal certainty, utility, transparency, and environmental protection, ensuring that resource utilization not only

yields economic benefits but also safeguards environmental sustainability for future generations.

One category of mineral resources with significant economic value is "Group C" minerals, which include sand, stone, gravel, fill dirt, limestone, and various other construction materials. The ever-increasing need for infrastructure development has driven up the demand for Group C minerals, thereby spurring the growth of mining activities in various regions, including Bali Province. Conversely, the high demand for these construction materials has also triggered the emergence of unlicensed or illegal mining activities. Illegal mining operations are conducted without meeting the administrative, technical, environmental, and financial requirements stipulated by prevailing laws and regulations. Consequently, these activities result in various negative impacts—such as environmental degradation, erosion, landslides, flooding, water pollution, and the loss of groundwater recharge functions—as well as financial losses to the state due to the absence of tax payments or non-tax state revenue.

Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 on Mineral and Coal Mining explicitly stipulates that every mining activity must possess a Mining Business License (IUP). Violations of this provision constitute a criminal offense under Article 158, which imposes severe penalties—including imprisonment and substantial fines—on those conducting unauthorized mining. Bali Province possesses significant potential for "Category C" mineral resources—such as sand, stone, fill soil, and other construction materials—distributed across several regencies, particularly Karangasem, Bangli, Buleleng, Gianyar, and Tabanan. High demand for materials to support tourism and infrastructure development has driven a steady rise in the need for Category C minerals, thereby creating opportunities for illegal mining activities.

These illegal mining operations typically employ heavy machinery, such as excavators, to conduct large-scale extraction without regard for environmental conservation. Once material reserves are depleted, mining sites are often abandoned without reclamation, resulting in landscape degradation, increased natural disaster risks, and a decline in the environmental quality for local communities. This situation presents a serious challenge for law enforcement agencies—specifically the Bali Regional Police—in carrying out criminal law enforcement within the mining sector. Law enforcement aims not only to deter offenders but also to preserve the environment and ensure legal certainty for the public and business operators who conduct mining activities legally.

Successful law enforcement depends not only on the existence of adequate legal regulations but is also influenced by factors such as the quality of law enforcement personnel,

facilities and infrastructure, the public's legal culture, inter-agency coordination, and the level of public compliance with the law. Therefore, analyzing the effectiveness of law enforcement against illegal mining offenses is crucial to determining the extent to which prevailing legal provisions have achieved legal objectives: legal certainty, justice, and societal benefit. Based on the foregoing, this study examines the effectiveness of law enforcement regarding illegal mining of Category C minerals within the jurisdiction of the Bali Regional Police, including the obstacles faced by law enforcement officials and measures to enhance enforcement effectiveness, with the aim of achieving sustainable and environmentally conscious mineral resource management.

METHOD

This study employs a normative legal research method supported by empirical research. The normative legal research was conducted by examining legislation, legal principles, legal theories, and various literature related to mining law and criminal law enforcement. Meanwhile, the empirical research involved field data collection through interviews with investigators from the Bali Regional Police handling illegal mining offenses, as well as the documentation of unauthorized mining cases within the Bali Regional Police's jurisdiction.

The research approaches utilized include the statute approach, the conceptual approach, and the empirical approach. The statute approach involved examining regulations governing mineral and coal mining, while the conceptual approach was used to analyze theories regarding the rule of law, legal certainty, and law enforcement. The empirical approach was employed to gain insight into the implementation of law enforcement against illegal mining offenses within the Bali Regional Police's jurisdiction.

The data used consists of both primary and secondary data. Primary data was obtained through interviews with Bali Regional Police officers, whereas secondary data was derived from primary legal materials (legislation) and secondary legal materials (books, scientific journals, and previous research findings), as well as tertiary legal materials (legal dictionaries and other scholarly sources). All data were analyzed using a qualitative juridical analysis method involving data reduction, data presentation, legal interpretation, and deductive conclusion drawing.

RESULTS AND DISCUSSION

The Effectiveness of Law Enforcement Against Illegal Mining of Category C Minerals within the Jurisdiction of the Bali Regional Police

Law enforcement serves as a primary instrument for ensuring the implementation of legal provisions established by the state. In the context of mining, law enforcement aims not only to sanction offenders but also to guarantee the sustainable management of natural

resources, protect the environment, and provide legal certainty for the public and business entities that have complied with licensing requirements. Pursuant to Article 33, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, the state holds the authority to control the land, waters, and natural resources contained therein for the greatest prosperity of the people. This constitutional mandate is further elaborated in Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 on Mineral and Coal Mining, which stipulates that every mining business activity must possess a Mining Business License (IUP).

Unlicensed mining constitutes a legal violation subject to criminal sanctions, as stipulated in Article 158 of the Mineral and Coal Mining Law. The imposition of such criminal penalties indicates that the legislature classifies illegal mining as a serious offense due to the resulting losses incurred by the state, the community, and the environment. Within the jurisdiction of the Bali Regional Police (Polda Bali), illegal mining offenses typically involve "Category C" minerals—such as sand, stone, fill dirt, and other construction materials. Such activities are frequently found in areas with significant mineral potential, particularly in the regencies of Karangasem, Bangli, Gianyar, and Buleleng, among others. Mining operations are conducted using heavy equipment, such as excavators, with relatively high production capacities, enabling the generation of substantial economic profits within a short period. However, these activities generally fail to address environmental conservation aspects or the obligation to undertake land reclamation once mining operations have concluded.

These illegal mining activities have caused significant landscape alterations, including the creation of abandoned mining pits, loss of vegetation, increased soil erosion, river sedimentation, and damage to water catchment areas, as well as heightened risks of landslides and flooding during the rainy season. Such conditions demonstrate that the impact of illegal mining extends beyond economics, causing extensive ecological consequences for environmental sustainability. In enforcing the law against illegal mining offenses, the Bali Regional Police employ two primary approaches: preventive and repressive. The preventive approach involves public legal awareness campaigns, coordination with local government, monitoring of areas prone to illegal mining, and mapping of regions with the potential for unauthorized mining activities. This approach aims to prevent criminal acts before legal violations occur.

Meanwhile, the repressive approach entails inquiries, formal investigations, the arrest of perpetrators, seizure of heavy machinery, cessation of mining activities, designation of suspects, and the referral of cases to the public prosecutor's office for subsequent court proceedings in accordance with the Criminal Procedure Code (KUHP) and the Mineral and

Coal Mining Law. These repressive measures represent an implementation of criminal law enforcement functions aimed at deterring illegal mining perpetrators. When analyzed through Soerjono Soekanto's theory of legal effectiveness, the efficacy of law enforcement against illegal mining is influenced by five key factors: the law itself, law enforcement officers, facilities and infrastructure, the community, and culture. These five factors are interconnected; thus, successful law enforcement depends not only on the existence of legal regulations but also on the ability of law enforcement officers to consistently implement those regulations and on community support for the enforcement process.

Regarding the substance of the law, the regulations governing illegal mining offenses actually provide a sufficiently strong legal basis for law enforcement authorities. However, the effective application of these provisions still faces various obstacles, particularly concerning the vast geographical spread of illegal mining sites, limited supervisory personnel, the high economic value of mined materials, and low public compliance with mining licensing requirements. Furthermore, law enforcement in the mining sector necessitates close coordination among the Police, the Ministry of Energy and Mineral Resources, the Environmental Agency, local governments, and other relevant institutions. Cross-sector coordination is a crucial factor in ensuring that enforcement actions do not merely conclude with criminal proceedings but are also followed by environmental restoration through the reclamation or rehabilitation of former mining areas.

Thus, it can be concluded that the effectiveness of law enforcement against illegal mining of Category C minerals within the jurisdiction of the Bali Regional Police has proceeded in accordance with applicable legal mechanisms; however, it has not yet reached an optimal level of effectiveness, as it remains influenced by various internal and external factors requiring continuous improvement.

The successful enforcement of the law against illegal mining is not determined solely by the existence of statutory regulations prohibiting unlicensed mining activities; it is also influenced by various interconnected factors. Although Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 on Mineral and Coal Mining has provided a robust legal basis for law enforcement agencies, practical obstacles persist that prevent law enforcement from functioning optimally. These obstacles are legal, structural, technical, and sociological in nature.

The Vast Scope of Illegal Mining Locations

One of the primary challenges facing the Bali Regional Police is the vast expanse of territory containing potential "Category C" mineral deposits. Most mining sites are situated in

mountainous or hilly areas, along riverbanks, or in locations relatively distant from administrative centers, making them difficult to reach quickly. These geographical conditions make continuous monitoring impossible. Illegal miners typically exploit remote locations to evade law enforcement scrutiny. Furthermore, mining activities often take place at night or outside standard working hours, complicating enforcement operations. Consequently, police forces must conduct periodic area mapping and joint patrols with relevant agencies to detect unauthorized mining activities at an early stage. According to Soerjono Soekanto's theory of legal effectiveness, this situation relates to the factor of law enforcement facilities and infrastructure. Without adequate operational support, effective monitoring of mining areas is difficult to achieve.

Limited Personnel and Law Enforcement Resources

Another obstacle is the limited number of personnel specifically assigned to handle mining-related criminal offenses. Handling mining cases requires technical expertise distinct from that needed for general crimes, as these cases involve geological, environmental, and licensing aspects, as well as mining law. Beyond personnel constraints, law enforcement officers also face a lack of operational resources—ranging from field vehicles, documentation equipment, surveillance drones, and GPS devices to the mining experts needed to assist in establishing evidence. Proving mining offenses often requires expert examination to verify the status of the area, the type of mineral being extracted, and the legality of the mining operations. This situation demonstrates that successful law enforcement depends not only on the quality of the officers themselves but also on adequate facilities and support, ensuring that investigations and inquiries are conducted professionally and accountably.

Low Public Legal Awareness

Public attitudes also contribute to the prevalence of illegal mining activities. Some members of the public believe that extracting sand, stone, or fill dirt is permissible without restriction as long as it takes place on privately owned land. However, under the provisions of the Mineral and Coal Mining Law, all mining activities require government authorization, regardless of land ownership status. A lack of understanding regarding these legal requirements often leads to public involvement—whether direct or indirect—in illegal mining activities, acting as landowners, mine workers, material transporters, or buyers of mined products. This low level of legal awareness indicates that criminal law enforcement must be complemented by legal education efforts—such as outreach, public awareness campaigns, and ongoing guidance—to ensure the public understands the importance of environmental protection and compliance with mining licensing regulations.

High Economic Value of Mining

The continuously rising demand for construction materials in Bali Province—driven by development in the tourism, housing, road, and infrastructure sectors—has resulted in relatively high prices for "Category C" minerals. This situation has spurred illegal mining activities, as they are perceived to offer substantial economic gains with relatively low operational costs. The profits generated from the sale of mined materials often far outweigh the legal risks faced by the perpetrators. Consequently, consistent law enforcement is essential to create a deterrent effect and prevent offenders from repeating their actions.

Suboptimal Inter-agency Coordination

Law enforcement in the mining sector involves various agencies, including the Indonesian National Police, the Attorney General's Office, the Ministry of Energy and Mineral Resources, provincial Energy and Mineral Resources agencies, Environmental Agencies, local governments, Watershed Management Agencies, and village administrations. In practice, however, coordination among these agencies has not always been optimal. Disparities in authority, limited data sharing, and the absence of an integrated oversight system mean that the process of addressing illegal mining sometimes takes longer than anticipated. Yet, under the concept of an integrated criminal justice system, successful criminal law enforcement relies heavily on harmonious coordination across all criminal justice subsystems, enabling each agency to exercise its authority effectively and provide mutual support.

Efforts and Solutions to Enhance the Effectiveness of Law Enforcement

To enhance the effectiveness of law enforcement against illegal mining of Category C minerals within the jurisdiction of the Bali Regional Police, comprehensive, systematic, and sustainable measures are required. These efforts should not rely solely on a repressive approach but must also incorporate preventive and collaborative measures.

Strengthening Integrated Oversight

Oversight must be conducted continuously through routine patrols in areas prone to illegal mining. The use of technologies such as drones, satellite imagery, Geographic Information Systems (GIS), and digital monitoring can assist authorities in detecting mining activities more quickly and accurately.

Optimizing Law Enforcement

Law enforcement must be carried out consistently, regardless of the perpetrators' social or economic status. All unauthorized mining activities must be processed in accordance with applicable laws to ensure legal certainty and create a deterrent effect for both the perpetrators and others contemplating similar actions. In addition to imprisonment and fines, the application

of supplementary penalties—such as the seizure of heavy equipment, confiscation of proceeds from the crime, and environmental restoration—needs to be optimized to minimize state losses and environmental damage.

Enhancing Inter-agency Coordination

Cooperation between the Bali Regional Police and the Energy and Mineral Resources Agency, the Environmental Agency, the Prosecutor's Office, local governments, and village authorities needs to be strengthened through the establishment of a coordination forum to combat illegal mining. Such coordination encompasses the exchange of data on illegal mining sites, the execution of joint operations, the formulation of standard operating procedures for case handling, and post-enforcement monitoring to ensure that illegal mining activities do not recur at the same locations.

Raising Public Legal Awareness

Prevention is a more effective strategy than enforcement action. Therefore, public legal outreach must be conducted periodically, involving local governments, village officials, community leaders, academics, and environmental organizations. Such outreach aims to improve public understanding regarding the procedures for obtaining mining business licenses, the environmental impacts of illegal mining, and the criminal penalties applicable to offenders.

Strengthening Sustainable Environmental Policy

Criminal law enforcement must go hand-in-hand with environmental protection policies. The government needs to mandate the reclamation of former mining sites, rehabilitate damaged areas, and tighten supervision of mining business license holders to prevent license misuse. Through a combination of preventive, repressive, and restorative policies, it is hoped that the effectiveness of law enforcement against illegal mining of "Category C" minerals within the jurisdiction of the Bali Regional Police will significantly improve, thereby realizing legal objectives such as legal certainty, justice, utility, and environmental sustainability.

CONCLUSION

Based on the research findings and discussion regarding the effectiveness of law enforcement against illegal mining of Category C minerals within the jurisdiction of the Bali Regional Police (Polda Bali), the following conclusions can be drawn:

1. First, law enforcement against illegal Category C mineral mining within the Bali Regional Police's jurisdiction has essentially been carried out in accordance with the provisions of Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 on Mineral and Coal Mining, utilizing both preventive and repressive measures. Preventive efforts have been conducted through legal outreach, field
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monitoring, mapping of areas prone to illegal mining, and coordination with local governments. Meanwhile, repressive efforts have been implemented through preliminary inquiries, formal investigations, the naming of suspects, the seizure of heavy equipment, the cessation of mining activities, and the referral of cases to public prosecutors for court proceedings. However, when analyzed using Soerjono Soekanto's theory of legal effectiveness, this law enforcement implementation has not been fully effective, as it remains influenced by various factors—including the law itself, law enforcement personnel, facilities and infrastructure, the community, and legal culture.¹

2. Second, various obstacles hinder the optimal execution of law enforcement against illegal mining. These obstacles include the vastness of mining areas that are difficult to monitor, limited personnel and operational facilities, low public awareness regarding mining business licensing obligations, high economic profits derived from illegal mining, and suboptimal coordination among agencies authorized to oversee and take action against mining activities. Therefore, enhancing the effectiveness of law enforcement requires strengthening cross-sector coordination, increasing the capacity of law enforcement personnel, optimizing the use of surveillance technology, boosting public participation, and consistently applying legal sanctions to create a deterrent effect for illegal mining perpetrators.

Suggestion

Based on these conclusions, the author offers the following recommendations:

1. The Government—specifically the Ministry of Energy and Mineral Resources and the Bali Provincial Government—is urged to enhance the oversight system for mining activities by utilizing digital technology, establishing an integrated mining information system, and expediting the legalization process for small-scale mining operations that meet the requirements stipulated by prevailing laws and regulations.
2. The public is encouraged to raise legal awareness regarding the importance of officially licensed mining activities and environmental preservation, as well as to play an active role by reporting any unauthorized mining activities in their vicinity to law enforcement authorities.

REFERENCES

- Andi Hamzah. 2019. Indonesian Criminal Procedural Law. Sinar Grafika, Jakarta.
- Busro, Abu Daud, and Abu Bakar Busro. 2003. Principles of Constitutional Law. Ghalia Indonesia, Jakarta.

- Government Regulation Number 22 of 2010 concerning Mining Areas (State Gazette of the Republic of Indonesia of 2010 Number 28, Supplement to the State Gazette of the Republic of Indonesia Number 5110).
- Harahap, M. Yahya. 2017. Discussion on Issues and Application of the Criminal Procedure Code (KUHAP). Sinar Grafika, Jakarta.
- Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining.
- Law Number 32 of 2009 concerning Environmental Protection and Management (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 5059).
- Marzuki, Peter Mahmud. 2021. Legal Research. Kencana, Jakarta.
- Rahardjo, Satjipto. 2009. Law Enforcement: A Sociological Perspective. Genta Publishing, Yogyakarta.
- Redi, Ahmad. 2016. "The Dilemma of Law Enforcement Regarding Unauthorized Mineral and Coal Mining." *Jurnal Hukum*, Vol. 5, No. 3.
- Redi, Ahmad. 2016. Mineral and Coal Mining Law. Gramata Publishing, Jakarta.
- Redi, Ahmad. 2023. Mineral and Coal Mining Law. Sinar Grafika, Jakarta.
- Regulation of the Minister of Energy and Mineral Resources Number 11 of 2018 concerning Procedures for the Granting of Areas, Licensing, and Reporting of Mineral and Coal Mining Business Activities.
- Rosadi, Otong. 2012. Mining and Forestry from the Perspective of the Pancasila Legal Ideal. Thafa Media, Yogyakarta.
- Salim HS. 2022. Mineral and Coal Mining Law in Indonesia. Rajawali Pers, Depok.
- Soekanto, Soerjono. 2004. Introduction to Legal Research. UI Press, Jakarta.
- Soekanto, Soerjono. 2008. Factors Influencing Law Enforcement. PT RajaGrafindo Persada, Jakarta.
- The 1945 Constitution of the Republic of Indonesia.