

Legal Analysis of the Role of the Police in the Process of Investigating Criminal Acts of Mining Without a Permit (Research Study in the Jurisdiction of Bintan Police)

Marganda Pandapotan

Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail: kasresbintan23@gmail.com

Abstract. *This study examines the application of restorative justice in law enforcement of criminal acts of vandalism at Polresta Barelang, Batam City, especially in the Rempang case. In the context of Indonesian law, Polresta Barelang plays an important role in handling vandalism cases that are often related to social and agrarian conflicts. Restorative justice, which emphasizes the restoration of relationships between perpetrators, victims, and the community, is an approach that is increasingly being considered. This study aims to assess the effectiveness of the application of restorative justice in resolving conflicts, minimizing negative impacts, and creating a conducive environment for restorative justice. This study also identifies obstacles faced, such as social resistance and lack of specific regulations, and offers solutions to improve the application of restorative justice in the future. The results of the study indicate that the application of restorative justice can improve social harmony and reduce the potential for ongoing conflict, although it still requires clearer regulatory support and wider socialization to the community.*

Keywords: *Conflict; Property; Resolution; Social.*

1. Introduction

The Unitary State of the Republic of Indonesia is one of the big countries that highly prioritizes the applicable legal provisions. The positive legal rules that apply in Indonesia are clearly an important component in building a safe, peaceful and peaceful life. One of the areas of law in order to maintain order and security for Indonesian citizens is criminal law. A state of law that is organized based on the constitution of the 1945 Constitution absolutely requires a set of laws that uphold human rights and guarantee that every citizen has the same position before the law and government and is obliged to uphold the law and government without exception.¹

Mining business is an activity to optimize the use of natural mining resources (mining materials) found in the earth of Indonesia.² Mining business activities carried out without a permit can be subject to criminal penalties as stated in the criminal provisions of Article 158 of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, which states that, "Any person who carries out Mining without a

¹Article 27 of the 1945 Constitution of the Republic of Indonesia

²Salim, HS, Mining Law in Indonesia, Raja Grafindo Persada, Jakarta, 2008, p. 53

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permit as referred to in Article 35 shall be punished with imprisonment of a maximum of 5 (five) years and a maximum fine of IDR 100,000,000,000.00 (one hundred billion rupiah).

Indonesia is a country rich in mining materials³. The mining materials are in the form of gold, silver, copper, oil and natural gas, coal and many other natural potentials that can support the development of the country.⁴ Mining materials are original minerals in their original form. All mining materials are controlled by the state and utilized for the entire Indonesian nation.

This reflects the importance of every management or business that can only be done with permission from the state. The affirmation in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia gives the state the authority to regulate and supervise in the form of statutory regulations. The constitutional provisions in question are the highest source of law in the management and business of natural resources (SDA) in Indonesia which aims to realize the greatest possible justice and prosperity for the people.⁵

Mining materials are natural resources that are non-renewable and have a very limited amount of course have a very high economic value. The existence of a very high economic value is a factor in the mining business becoming an industry both by the government and the private sector, the existence of mining activities also has a negative impact.

Mining activities, despite having high economic value, often have negative impacts on the environment and society. One of the crucial problems in the mining sector is illegal mining carried out without a permit. This crime not only damages the environment, but also harms the state and society.

This study focuses on a legal analysis of the role of the police in investigating illegal mining crimes, by taking a case in the jurisdiction of the Bintan Police as a case study. The case of illegal sand mining in Bintan is a real example of how illegal mining activities can harm the environment and society.

2. Research Methods

This study adopts a combined normative-empirical approach to analyze the role of the police in enforcing the law against illegal mining crimes in the jurisdiction of the Bintan Police. The normative method is carried out through an in-depth study of laws and regulations related to mining, especially Law Number 3 of 2020. Meanwhile, the empirical method is carried out by collecting primary data through in-depth interviews with investigators at the Bintan Police and document studies related to illegal mining cases that occurred in the area.

In this study, data analysis is carried out qualitatively by describing the research, then conducting a comparison between the data and legal theories, legal experts and laws and regulations, where the analysis begins with data collection, data processing and finally data presentation. While the conclusion drawing will use the deductive method, namely the

³Bambang Prabowo Soedarso, Portrait of Mining Law in Indonesia in the Era of Law No. 4 of 2009, Journal of the Institute for International Law Studies, Volume 6 Number 3, Jakarta, 2009, p. 411.

⁴Adrian Sutedi, Mining Law, Sinar Grafika, Jakarta, 2011, p. 4.

⁵Achmad Surya, Law Enforcement Against Unlicensed Type C Mining in Bener Meriah Regency, Volume 5, Number 2, October 2019, pp. 126-140.

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author takes data, statements, opinions, which are general in nature and then draws specific conclusions.

3. Results and Discussion

This study highlights the implementation of the role of the police in handling illegal mining crimes (TIPI) in the jurisdiction of the Bintan Police. This area, with its abundant mineral resource potential, has become the target of illegal mining activities that are detrimental to the environment, socially, and economically. Based on Lawrence M. Friedman's legal system theory, this study analyzes how the structure, substance, and culture of law play a role in supporting or hindering police performance. In addition, Sudikno Mertokusumo's theory of legal certainty is the basis for assessing how legal regulations and practices support consistent and fair law enforcement.

The TIPI handling process is carried out in three main stages: identification, supervision, and action. Identification includes collecting information through public reports, using remote sensing technology, and collaborating with related agencies. This stage aims to accurately map the location of illegal activities. The supervision stage is carried out through routine patrols and monitoring using sophisticated tools such as drones, surveillance cameras, and direct coordination with related parties. Action involves collecting strong evidence, such as documents, eyewitnesses, mineral samples, and heavy equipment used by the perpetrators, which is then continued with arrest and legal process.

However, this implementation faces various obstacles. Limited resources, both in terms of personnel, facilities, and technology, are the main challenges. Geographical areas that are difficult to access, such as remote areas and hilly areas, make it difficult to patrol and supervise. In addition, the legal culture of the community is often not supportive, because most people view TIPI as a source of livelihood without realizing its long-term impacts. In fact, the involvement of certain officers or influential parties in this illegal activity adds to the complexity of efforts to eradicate TIPI.

This study identified that one of the main solutions is to increase the capacity of law enforcement officers through ongoing training. This training includes mastery of mining regulations, modern investigative techniques, and the use of technology. Strengthening facilities and infrastructure, such as sophisticated detection equipment, vehicles for accessing difficult areas, and integrated information systems, is also an urgent need. This information system allows for fast and accurate data exchange between the police and related agencies, thereby increasing the efficiency and effectiveness of investigations.

Socialization and education to the community is also very important to build awareness of the negative impacts of TIPI. The community needs to be given an understanding of the risks of environmental damage, potential social conflict, and loss of regional income due to illegal activities. Effective socialization can increase community participation in reporting suspicious activities, as well as reduce social resistance to law enforcement efforts.

In addition to preventive measures, firm action against individuals involved in TIPI must be taken to maintain the integrity of law enforcement institutions. Enforcement of sanctions against perpetrators, both individuals and groups, must also be carried out consistently. A dialogic approach with local communities and coordination with local governments and

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agencies such as the Ministry of Energy and Mineral Resources can help create sustainable solutions.

In the long term, legal certainty is a key factor in overcoming TIPI. Clear regulations and transparent licensing procedures will help minimize legal loopholes that can be exploited by TIPI perpetrators. By strengthening the role of legal structures (police and related agencies), legal substances (rules and regulations), and legal culture (public awareness), it is hoped that illegal mining activities can be suppressed.

This study concludes that the implementation of the police's role in handling TIPI requires a comprehensive and collaborative approach. Cross-sectoral cooperation, increasing technological capacity, and strengthening legal culture are important elements to create effective and sustainable law enforcement. With the right strategy, the jurisdiction of the Bintan Police is expected to maintain the sustainability of natural resources, protect the environment, and improve community welfare.

4. Conclusion

This study concludes that the implementation of law enforcement against illegal mining crimes in the jurisdiction of the Bintan Police still faces various obstacles, even though there is a fairly strong legal umbrella. Limited resources and regional complexity are the main challenges. These findings indicate the need for a more comprehensive approach in handling this case, including increasing personnel capacity, strengthening coordination between institutions, and active community participation. This study provides an important contribution to understanding the dynamics of law enforcement in mining areas and can be the basis for developing more effective policies.

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