

The Role of Public Legal Awareness in Efforts To Prevent Illegal Gold Mining

Jhoni Lie¹⁾ & Ade Adhari²⁾

¹⁾Universitas Tarumanagara, E-mail: jhoni.217242014@stu.untar.ac.id

²⁾Universitas Tarumanagara, E-mail: adea@fh.untar.ac.id

Abstract. *Illegal Gold Mining (PETI) is a persistent problem in various regions in Indonesia. This activity not only causes state losses in terms of tax revenue and levies, but also impacts environmental damage and threatens public safety. One factor contributing to the continued prevalence of illegal gold mining is the low level of public legal awareness regarding the importance of complying with mining licensing provisions. This study aims to analyze the role of public legal awareness in preventing illegal gold mining practices and identify obstacles faced in increasing such legal awareness. This study uses an empirical legal research method with a socio-legal approach. The results indicate that public legal awareness plays a significant role in preventing illegal gold mining practices through increasing understanding of legal regulations, compliance with licensing provisions, and community participation in protecting the environment. However, economic factors, low levels of education, and suboptimal legal socialization remain major obstacles. Therefore, synergy is needed between the government, law enforcement officials, and the community to increase legal awareness in order to realize sustainable mineral resource management.*

Keywords: Awareness; Environment; Gold; Illegal; Mining.

1. Introduction

Indonesia is a country blessed with abundant and diverse natural resources, including various types of energy sources with high economic value. This natural wealth is spread across various regions and is a key asset in supporting national development and improving people's welfare. One sector that plays a strategic role is the mining sector, which produces various important minerals, such as minerals, coal, petroleum, natural gas, gold, silver, and copper. The availability of these abundant mining resources makes Indonesia one of the countries with great potential in managing and utilizing natural resources for sustainable development (Philipus M. Hadjon, (2018).

The constitutional basis for the control and utilization of natural resources in Indonesia is regulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This provision affirms that land, water, and all natural resources contained therein are under the control of the state and must be utilized to the maximum extent possible for the welfare

of the people. Thus, the state has the authority to regulate, manage, and supervise the utilization of natural resources to provide optimal benefits to the community and ensure the realization of social justice and general welfare in a sustainable manner. The utilization of these natural resources must be carried out in accordance with applicable legal provisions to ensure environmental sustainability and public welfare.

In practice, mining activities in Indonesia can be divided into two categories: legal and illegal. Legal mining is mining business activities carried out based on valid government permits and within designated areas in accordance with statutory regulations. Furthermore, licensed mining activities are generally required to consider occupational safety, environmental protection, and potential social impacts on communities surrounding the mining area.

In contrast, illegal mining, or unlicensed mining, is the exploitation of mineral resources without obtaining a permit from the relevant authorities. These activities are generally carried out outside designated mining areas and often disregard operational standards, safety aspects, and environmental protection regulations. Consequently, unlicensed mining activities have the potential to cause various environmental, social, and economic problems.

One of the most common impacts of illegal mining is ecosystem destruction and environmental pollution. These activities can lead to land degradation, forest destruction, river pollution, declining water quality, and the loss of environmental functions essential to community life. This occurs because illegal mining operators generally fail to operate their businesses in accordance with the provisions and standards established by law.

Normatively, the implementation of mining activities in Indonesia is regulated by Law No. 3 of 2020 concerning Amendments to Law No. 4 of 2009 concerning Mineral and Coal Mining (Minerba Law). This regulation governs various aspects of mining activities, from licensing and management of mining areas, business operations, to supervision and sanctions for violations. However, in practice, individuals and business entities are still found to be conducting mining activities without permits. This phenomenon indicates that the existence of adequate regulations is not fully able to prevent legal violations in the mining sector. Therefore, increased public legal awareness and more effective supervision are needed to suppress the practice of illegal mining.

Although the government has made various efforts to combat illegal gold mining (PETI), including through supervision, regulation, and law enforcement against perpetrators, these activities continue to be found in various regions. The continued existence of PETI demonstrates that an approach solely focused on imposing sanctions or repressive measures has not been able to provide an optimal deterrent effect (Ukut, 2021). Therefore, a more comprehensive strategy is needed that prioritizes preventive measures, one of which is through increasing public legal awareness. By increasing legal awareness, it is hoped that the public will not only understand the existence of legal regulations governing mining activities but also recognize the importance of complying with these provisions to maintain environmental sustainability, social order, and the sustainability of natural resources.

Legal awareness is fundamentally a crucial factor influencing people's legal behavior in everyday life. A high level of legal awareness will encourage people to understand their rights and obligations and foster compliance with applicable laws and regulations. Conversely, a low level of legal awareness can contribute to various forms of legal violations, including illegal mining practices. Therefore, the higher the level of legal awareness in the community, the greater the likelihood of sustainable legal compliance and a reduction in illegal mining activity in an area.

Based on the above description, it can be seen that the practice of Illegal Gold Mining (PETI) remains a persistent problem despite the existence of various laws and regulations governing mining activities and law enforcement efforts undertaken by the government. This condition indicates that the existence of regulations and law enforcement alone is not fully capable of preventing illegal mining activities. In this case, public legal awareness is one aspect that plays a crucial role in ensuring compliance with applicable legal provisions and encouraging public participation in efforts to prevent PETI. However, the level of public legal awareness is still influenced by various factors that can hinder the effectiveness of these prevention efforts. Therefore, this study focuses on examining the role of public legal awareness in efforts to prevent Illegal Gold Mining and analyzing various factors that become obstacles in increasing public legal awareness to support the effectiveness of preventing illegal mining practices.

2. Research Methods

This study uses a normative legal research method with analytical descriptive specifications. Normative legal research is conducted through a study of applicable legal norms, both those contained in laws and regulations, legal principles, and legal doctrines relevant to the problem being studied (Peter Mahmud Marzuki, 2007). This study aims to analyze the role of public legal awareness in efforts to prevent and overcome the practice of Illegal Gold Mining (PETI) based on applicable legal provisions. The approaches used include a statutory approach and a conceptual approach. The statutory approach is carried out by examining various regulations related to mining and law enforcement, while the conceptual approach is used to examine legal theories, principles, and concepts related to public legal awareness (Mukti Fajar & Yulianto Achmad, 2010).

The data used in this study are secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include relevant laws and regulations, while secondary legal materials are obtained from books, scientific journals, research results, and expert opinions. Tertiary legal materials are obtained from legal dictionaries, encyclopedias, and other reference sources that support the research (Amiruddin & H. Zainal Asikin, 2006). All data were collected through literature studies and analyzed qualitatively by interpreting, connecting, and evaluating various legal provisions related to the research object to obtain systematic and scientifically accountable conclusions.

3.Results and Discussion

3.1. The Role of Public Legal Awareness in Preventing Illegal Gold Mining

Legal awareness can be defined as a condition in which individuals and groups in society possess knowledge, understanding, and respect for applicable legal norms, which are then reflected in attitudes and behaviors that comply with these legal provisions (Amiruddin & H. Zainal Asikin, 2006). Legal awareness is not only related to knowing the existence of a regulation, but also includes the ability to understand the purpose of establishing the law and the willingness to comply with and implement it in everyday life. A good level of legal awareness is an important factor in realizing social order and the effectiveness of law enforcement in society. According to Soerjono Soekanto, public legal awareness can be measured through several main indicators, namely legal knowledge, legal understanding, legal attitudes, and legal behavior patterns. Legal knowledge relates to the extent to which the public is aware of the existence of applicable legal regulations. Legal understanding indicates the level of public understanding of the content, purpose, and benefits of these regulations. Legal attitudes reflect the public's views or assessments of the law, while legal behavior patterns are seen from the actual actions of the public in complying with and implementing legal provisions in everyday life. These four indicators are interrelated and serve as benchmarks in assessing the level of legal awareness of a society.

Public legal awareness plays a crucial role in preventing illegal gold mining (PETI), particularly in increasing compliance with mining permit requirements and preventing environmental damage. Communities with sound knowledge and understanding of mining law will recognize that all mining activities must be carried out based on valid government permits. This awareness encourages communities to avoid illegal mining activities and to conduct mining activities in accordance with established procedures and requirements. Therefore, legal awareness serves not only as a means to increase compliance with the law but also as an instrument that can guide communities towards responsible and sustainable natural resource management.

Essentially, legal awareness is the primary foundation for shaping public legal behavior. Individuals with a high level of legal awareness are not only aware of the existence of legal regulations and the sanctions that govern them, but also understand the purpose of those regulations. One of the goals of implementing the *ultimum remedium* principle is to increase public legal awareness and compliance. Increasing public legal awareness is a strategic step to encourage compliance with mining licensing provisions (Ade Adhari et al., 2024). In mining, licensing does not merely function as an administrative requirement, but also as a control mechanism aimed at ensuring that mining activities are carried out in an orderly, safe manner, and with attention to environmental protection aspects. Therefore, communities that understand the importance of licensing will be more likely to conduct business activities in accordance with applicable laws and avoid illegal mining practices (Salim HS, 2022).

In addition to increasing compliance with licensing regulations, legal awareness also plays a role in fostering public awareness of environmental sustainability. Understanding the negative impacts of illegal mining (PETI) can encourage communities to be more responsible in utilizing natural resources. Unlicensed mining activities are generally carried out without regard to established environmental management standards, potentially causing various problems such as water pollution, land degradation, erosion, sedimentation, and loss of biodiversity. These impacts not only harm the environment but can also disrupt the social and economic lives of communities that depend on the sustainability of natural resources.

Public participation in oversight is a form of legal awareness that can support effective law enforcement in the mining sector. As those closest to mining locations, communities have faster access to information regarding illegal mining activities. Therefore, communities can act as partners with the government and law enforcement agencies in providing information, conducting social oversight, and reporting illegal mining activities to the relevant authorities. This public involvement is crucial because it can help detect violations early, allowing for more rapid and appropriate preventive and enforcement measures. Furthermore, public participation in oversight can also create effective social control against illegal mining perpetrators. Public awareness and involvement can exert social pressure that encourages individuals or groups to refrain from conducting unauthorized mining activities. Therefore, the higher the level of public legal awareness, the greater the opportunity to create an environment that supports compliance with the law and rejects all forms of illegal mining activities (Takdir Rahmadi, 2021).

A well-informed community understands that illegal mining activities not only carry the potential for legal sanctions but can also cause long-term harm to the environment and future generations. This awareness can encourage the community to reject involvement in illegal gold mining activities, support law enforcement, and actively participate in protecting and monitoring the surrounding environment. Therefore, increasing legal awareness through education, counseling, legal outreach, and community participation in ongoing monitoring is a crucial step in ensuring compliance with licensing regulations while preventing environmental damage from illegal gold mining practices. With increased public legal awareness, it is hoped that efforts to prevent illegal gold mining can be carried out more effectively and sustainably.

3.2. Factors Inhibiting Increasing Public Legal Awareness

Behavior that violates prevailing social norms is essentially a deviation from agreed-upon rules and values. These actions can disrupt the creation of order, security, and harmony in community, national, and state life. When someone commits an act that violates legal or social norms, society generally views such actions as violations that can negatively impact the surrounding environment. In certain circumstances, such violations can even be categorized as crimes because they violate applicable legal provisions and harm the public interest.

The existence of various forms of violations and crimes is a social phenomenon that continues to accompany human development. Along with social, economic, and cultural changes, the forms and methods of law violations have also become increasingly complex. Therefore, crime is a problem that continues to receive attention from the government and society because it can threaten social stability and hinder the achievement of development goals.

In practice, various efforts have been made to address and suppress crime rates through the establishment of laws and regulations, increased supervision, and strict law enforcement. However, the reality is that crime cannot be completely eradicated. Crime can only be prevented, controlled, and its incidence minimized through various integrated approaches. Ideally, law should not only provide legal certainty but also realize justice and benefit for society (Ade Adhari & Indah Siti Aprilia, 2023). In illegal gold mining, public compliance with mining regulations must be built through awareness that the law aims to protect the common good and the environment. Therefore, in addition to effective law enforcement, active public participation and increased legal awareness are also needed to create a more orderly and law-abiding social environment. The following are some obstacles to increasing public legal awareness:

3.3. The Economic Factors

The economic benefits derived from illegal gold mining (PETI) are often the primary factor driving communities to continue these activities, despite their awareness that they violate applicable laws. The relatively large potential for quick revenue generation makes illegal mining a viable option for meeting the economic needs of communities, particularly those with limited access to employment and other sources of income. This situation demonstrates that economic considerations often outweigh the need to comply with laws and regulations.

In the context of increasing legal awareness, economic factors are one of the most significant obstacles. Limited economic conditions can influence people's perspectives on the law, especially when they are faced with pressing life needs. For some people, meeting basic needs such as clothing, food, and shelter is a top priority for the survival of themselves and their families. As a result, compliance with legal regulations is often placed at a lower priority than daily economic needs.

Furthermore, the licensing process, perceived as complicated, time-consuming, and costly, is also a factor driving some communities to resort to illegal mining. Under these circumstances, the legal regulations governing mining permits are often viewed as an administrative burden that is difficult to fulfill. Therefore, some mining operators prefer to operate without permits, considering the potential immediate economic benefits, despite the potential risk of legal sanctions.

This phenomenon demonstrates that efforts to prevent illegal gold mining cannot be achieved solely through law enforcement. Policies that address the root causes of community economic problems are needed, such as providing alternative employment opportunities, empowering the community economically, simplifying licensing mechanisms, and increasing education on the importance of legal compliance. This way, increasing public legal awareness can be more

effective, supported by adequate social and economic conditions, so that communities no longer consider illegal mining activities their primary option for meeting their needs (Hana Aulia Putri, 2020).

3.4. The Low Level of Education

The level of public education is one factor influencing legal understanding and awareness. Low levels of education can make it difficult for the public to understand the various legal provisions governing mining activities, including licensing procedures, the rights and obligations of mining business actors, and the legal consequences that can arise from violations of laws and regulations. This condition results in some communities not having an adequate understanding of the prohibition on illegal gold mining (PETI) or the negative impacts these activities have on the environment, social life, and the sustainability of natural resources.

In addition to educational factors, the suboptimal implementation of legal education and outreach programs is also a contributing factor to the low level of public legal awareness. Legal education programs that have not been implemented evenly have resulted in many people, particularly those in areas with mining potential, still not receiving sufficient information regarding legal provisions in the mining sector. As a result, people often do not understand the licensing procedures required to conduct mining activities legally and are unaware of the various sanctions that can be imposed if they mine without a permit.

This low level of legal understanding demonstrates that the mere existence of laws and regulations is insufficient to foster legal compliance within society. Sustained efforts through legal education and outreach are needed. Effective public education is needed to ensure the public understands the substance of applicable regulations and recognizes the importance of legal compliance. By increasing legal knowledge, the public is expected to understand that mining activities carried out without permits not only have the potential to result in legal consequences for those involved but can also cause environmental damage and harm to the wider community (N. Kartika, 2024).

Therefore, local governments, along with relevant agencies, need to increase the intensity of legal outreach and education for the public, especially in areas vulnerable to illegal gold mining practices. This step is crucial for building a positive legal culture, increasing public legal awareness, and encouraging active community participation in preventing and monitoring illegal mining activities. With increased public understanding of mining law, it is hoped that compliance with legal provisions will also improve, thereby minimizing illegal gold mining practices.

3.5. The Weakness in Law Enforcement

Consistency in law enforcement is a crucial factor influencing public compliance with laws and regulations. Law enforcement that is not carried out firmly and consistently has the potential to undermine public trust in the legal system (Widodo Saputra, 2024). Under such

circumstances, some people may assume that violating the law will not have significant consequences, thus encouraging behavior that ignores the rule of law. As a result, various forms of violations, including illegal gold mining (PETI), can continue despite clear legal provisions.

Essentially, effective law enforcement relies not only on the role of law enforcement officials but also requires synergy and cooperation from various stakeholders. Law enforcement officials, local governments, relevant agencies, and the community have complementary roles in preventing and combating illegal mining activities. Effective collaboration among these stakeholders is crucial for achieving effective and sustainable law enforcement.

Local communities hold a strategic position in efforts to prevent illegal mining because they are the ones who best understand the environmental conditions and activities occurring in their areas. With this knowledge, communities can act as partners with the government in monitoring, providing information, and reporting illegal mining activities to the authorities. This community involvement not only strengthens the oversight function but also reflects legal awareness and concern for environmental protection and the common good.

4. Conclusion

Public legal awareness is a strategic factor in preventing illegal gold mining (PETI). A high level of legal awareness can encourage the public to better understand and comply with the provisions of laws and regulations governing mining activities, particularly those related to licensing. Furthermore, legal awareness also contributes to fostering public concern for environmental protection and preservation, increasing public participation in monitoring illegal mining activities, and supporting more effective law enforcement. Thus, legal awareness serves not only as a means to increase compliance with the law but also as a crucial instrument in realizing responsible and sustainable natural resource management. However, efforts to increase public legal awareness still face various challenges that can impact the effectiveness of preventing illegal gold mining. These obstacles include the economic conditions that encourage dependence on illegal mining activities, low levels of education, limited legal outreach and counseling, and suboptimal law enforcement. Therefore, comprehensive and sustainable measures are needed, including improving legal education, empowering the community economically, strengthening the role of the government and law enforcement officials, and implementing consistent and equitable law enforcement. Through synergy between these various parties, it is hoped that the practice of illegal gold mining can be minimized and sustainable development goals can be achieved.

5. References

- Abrar, A. N. (2022). "Politik Hukum Pertambangan Dalam Pelaksanaan Kewajiban Pengolahan dan Pemurnian Mineral dan Batubara di Indonesia". *Jurnal Program Magister Hukum FHUI*, 2(7): 56–61.

- Ade Adhari dan Indah Siti Aprilia. (2023). "Morality in Law: An Analysis Towards the Legal Philosophy and Indonesia National Legal System". *Indonesia Law Review*, Vol. 13, No. 2.
- Ade Adhari, Pujiyono, Shidarta, et al. (2024). "The Ultimium Remedium Principal Formulation Policy is Partial in Nature to Corporate Criminality in Indonesia". *Indonesia Law Review*, Vol. 14, No. 1.
- Amiruddin, & Asikin, H. Z. (2006). *Pengantar Metode Penelitian Hukum*. Jakarta: Raja Grafindo Persada.
- Butar, F., et al. (2022). *Pengantar Hukum Pertambangan Mineral dan Batubara*. Surabaya: Airlangga University Press.
- Fajar, M., & Achmad, Y. (2010). *Dualisme Penelitian Hukum Normatif dan Empiris*. Yogyakarta: Pustaka Pelajar.
- Hadjon, P. M. (2018). *Pengantar Hukum Administrasi Indonesia*. Yogyakarta: Gadjah Mada University Press.
- Ibrahim, J. (2007). *Teori & Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publishing.
- Kartika, N. (2024). "Kesadaran Hukum Masyarakat Dalam Pengurusan Sertifikasi Hak Milik Tanah Di Desa Teluk Ketapang Kecamatan Senyerang". *JlIP (Jurnal Ilmiah Ilmu Pendidikan)*, 7(2).
- Marzuki, P. M. (2007). *Penelitian Hukum*. Jakarta: Kencana Prenada Group.
- Putri, H. A. (2020). "Penegakan Hukum Terhadap Pertambangan Emas Tanpa Izin oleh Kepolisian Sektor Kecamatan Singingi". *LEX Renaissance*, 5(4): 863–876.
- Rahmadi, T. (2021). *Hukum Lingkungan di Indonesia*. Jakarta: RajaGrafindo Persada.
- Republik Indonesia. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Republik Indonesia. Undang-Undang Nomor 3 Tahun 2020 tentang Perubahan atas Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara.
- Republik Indonesia. Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.
- Salim HS. (2022). *Hukum Pertambangan Mineral dan Batubara di Indonesia*. Jakarta: Sinar Grafika.
- Saputra, W. (2024). "Penegakan Hukum Terhadap Tindak Pidana Pertambangan Emas Tanpa Izin di Kepolisian Resor Pasaman Barat". *Unes Law Review*, 7(1): 11–20.
- Soekanto, S. (2019). *Kesadaran Hukum dan Kepatuhan Hukum*. Jakarta: Rajawali Pers.
- Ukut. (2021). "Penegakan Hukum Terhadap Penambangan Batubara Ilegal Ditinjau Dari Perspektif Hukum". *Journal of Law Untag*, 1: 387–403.
- Waluyo, B. (2014). *Pidana dan Pemidanaan*. Cetakan Ke-4. Jakarta: Sinar Grafika.