

The Role of The Police in Law Enforcement of Mineral and Coal Crimes Based on Legal Certainty (Case Study of The North Kalimantan Regional Police)

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Abstract. *Illegal mining activities remain a problem in law enforcement of mineral and coal crimes in North Kalimantan Province, particularly gold mining in Sekatak District, Bulungan Regency. These activities not only violate mining licensing provisions but also create social, economic, security, and environmental issues. Furthermore, the police face difficult-to-reach geographical conditions, limited personnel and operational facilities, and low public legal awareness. Based on these issues, this study aims to analyze the role of the police, obstacles to law enforcement, and the role of the police in enforcing mineral and coal crimes based on legal certainty. This research employs an empirical juridical method with a legislative, conceptual, and comparative approach. Data were obtained through interviews and a study of laws and regulations, books, journals, and documents related to the handling of mining crimes. The analysis utilizes the Theory of Authority, Soerjono Soekanto's Theory of Legal Effectiveness, and Gustav Radbruch's Theory of Legal Certainty. The study also compares mining law enforcement between Indonesia and the Philippines. The research results show that the North Kalimantan Regional Police have implemented law enforcement through investigations, prosecutions, prosecutions, and cross-sectoral coordination. However, its effectiveness is still hampered by legal factors, limited personnel and facilities, geographical conditions, low legal awareness, and the culture of illegal mining that has developed in society. Law enforcement based on legal certainty requires strengthening the capacity of investigators, operational facilities, inter-agency coordination, and a preventive approach and community empowerment. The Philippines' experience with multi-agency enforcement and the formalization of small-scale mining can provide lessons for Indonesia.*

Keywords: *Illegal Mining; Law Enforcement; Legal Certainty; Minerals and Coal; Police.*

1. Introduction

The utilization of mineral and coal natural resources is a strategic sector in national development because it contributes significantly to state revenue and economic growth. The state, based on Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, has the authority to control and regulate the utilization of natural resources for the greatest prosperity of the people. However, the high economic value of the mineral and coal sector has also triggered widespread violations of the law, such as illegal mining, misuse of mining business permits, and organized crime that have an impact on environmental damage and social conflict in society.¹

The government has enacted Law Number 4 of 2009 concerning Mineral and Coal Mining, which was later amended by Law Number 3 of 2020 in order to realize good mining governance and ensure legal certainty. This law comprehensively regulates licensing, supervision, and criminal sanctions for violations in the mineral and coal sector. Although regulations are in place, in practice, law enforcement against mineral and coal crimes still faces various problems, both in terms of legal substance, law enforcement structures, and community legal culture.²

The Indonesian National Police, as a law enforcement agency, plays a central role in the criminal justice system, including law enforcement in mineral and coal crimes. Under Law Number 2 of 2002 concerning the Indonesian National Police, the Indonesian National Police (Polri) is authorized to conduct inquiries and investigations into all crimes in accordance with statutory provisions. In the context of mineral and coal crimes, the police's role extends beyond repressive action to include preventive and preemptive measures to prevent mining crimes and protect the interests of the community and the environment.³

However, in enforcing mineral and coal crime laws, the police often face various obstacles. These obstacles include overlapping authority between agencies, limited human resources with technical competence in the mining sector, pressure from economic and political interests, and low levels of public legal awareness. These conditions result in suboptimal law enforcement and the potential for legal uncertainty in its application.⁴

¹Salim HS, *Mining Law in Indonesia*, RajaGrafindo Persada, Jakarta, 2014, p. 45.

²Soerjono Soekanto, *Factors Influencing Law Enforcement*, RajaGrafindo Persada, Jakarta, 2015, p. 8.

³Mardjono Reksodiputro, *Indonesian Criminal Justice System*, University of Indonesia Press, Jakarta, 2007, p. 23.

⁴Satjipto Rahardjo, *Law Enforcement: A Sociological Review*, Genta Publishing, Yogyakarta, 2009, p. 56.

Legal certainty is a fundamental principle in a state based on the rule of law (rechtstaat). Legal certainty requires that laws be enforced consistently, non-discriminatory, and predictably applied by society. Gustav Radbruch emphasized that legal certainty is one of the fundamental values of law, along with justice and expediency. In enforcing mineral and coal crimes, legal certainty is crucial so that law enforcement officials, including the police, have clear guidelines for action and avoid discriminatory treatment of perpetrators.⁵

North Kalimantan Province has diverse mineral resource potential, particularly gold, which is spread across several regions. One area with significant gold deposits is Bulungan Regency, particularly in Sekatak District, which is known for its legal and illegal gold mining activities. Indications of gold mining have also been found in Malinau and Nunukan Regencies. According to data from the North Kalimantan Provincial Energy and Mineral Resources (ESDM) Office, artisanal gold mining has grown rapidly since 2013, with the number of miners reaching thousands in several locations. Gold production from this activity is difficult to measure precisely because it is largely conducted without permits, but it is estimated to produce several kilograms of gold per month. This activity generally still uses traditional methods, which have subsequently evolved to include the use of mechanical tools and chemicals such as mercury and cyanide, potentially leading to environmental pollution and legal violations.

Besides gold, coal is one of North Kalimantan's leading resources, contributing significantly to the regional and national economy. According to data from the Ministry of Energy and Mineral Resources (ESDM), North Kalimantan's coal reserves reach hundreds of millions of tons, spread across Malinau Regency, Tana Tidung Regency, and Bulungan Regency. Coal production in North Kalimantan has shown an increasing trend in recent years, with the majority of production destined for export and the domestic energy industry. Several companies holding Mining Business Permits (IUP) operate in the region on a large scale. However, the high economic value of coal also triggers various legal violations, such as illegal mining, overproduction, and violations of reclamation and post-mining regulations.

In addition, the potential for Class C mining materials (non-metallic minerals and rocks) in North Kalimantan is also quite abundant and spread across various regions, particularly in Bulungan Regency, Tarakan City, and parts of Nunukan Regency. These commodities include sand, gravel, crushed stone, and fill soil, which are widely used for regional infrastructure development. Based on local government data, Class C mining activities are dominated by small to medium-scale businesses, with production volumes continuing to increase in line with infrastructure development in North Kalimantan. However, many mining

⁵Widodo Dwi Putro, *Critique of the Legal Positivism Paradigm*, Genta Publishing, Yogyakarta, 2011, p. 112.

activities are carried out without official permits, especially along river basins. These activities have the potential to cause environmental impacts such as erosion, sedimentation, and damage to river ecosystems, thus requiring more optimal supervision and law enforcement.

North Kalimantan Province, with its significant mineral and coal resource potential, is highly vulnerable to mining crimes. Its vast geographical location, limited access to surveillance, and the persistence of illegal mining activities require firm and sustained law enforcement. Therefore, the North Kalimantan Regional Police play a crucial role in ensuring that mining activities comply with applicable laws.⁶

In carrying out its duties, the North Kalimantan Regional Police are required to enforce mineral and coal crimes professionally, transparently, and accountably. Law enforcement based on legal certainty requires clear norms, adherence to legal procedures, and effective coordination with relevant agencies. If legal certainty is not achieved, law enforcement has the potential to give rise to conflict, public distrust, and undermine the authority of the law itself.⁷

Sociologically, illegal mining practices in North Kalimantan Province are not limited to gold, but also encompass coal and other minerals spread across various regions such as Bulungan, Malinau, and Tana Tidung Regencies. These unauthorized mining activities generally involve local communities who rely on the mining sector as their primary source of livelihood, as well as external parties as financiers and equipment providers. Economic factors, limited employment opportunities, and the high selling price of mining products are the main drivers of this rampant activity. In practice, illegal mining creates an informal economic pattern that is difficult to eradicate due to the community's dependency, thus creating a dilemma between law enforcement and the community's socio-economic aspects.

North Kalimantan is characterized by dense forests, extensive river basins, and limited transportation access, making it difficult to monitor and prosecute illegal mining activities. Illegal mining locations are generally located in remote and scattered areas, with land and river access allowing perpetrators to easily relocate or evade law enforcement. This situation is exacerbated by limited monitoring facilities and infrastructure and the vast jurisdiction that must be monitored. From a law enforcement perspective, the North Kalimantan Regional Police have implemented various repressive measures through investigations and inquiries into mining crimes, demonstrating a relatively consistent trend in case handling despite still facing various structural and cultural obstacles.

⁶Adrian Sutedi, *Mining Law*, Sinar Grafika, Jakarta, 2012, p. 67.

⁷Jimly Asshiddiqie, *Law Enforcement*, Constitution Press, Jakarta, 2010, p. 41.

2. Research Methods

The research method used in this study is empirical research. Empirical research views law not merely as norms contained in legislation, but also as something that is realized and implemented in society. Thus, empirical research is oriented towards examining the workings of law in reality, including the behavior of law enforcement officers and the social conditions that influence law enforcement. This approach is relevant to this research because the object of study relates not only to normative provisions regarding the authority of the Police in enforcing the law on mineral and coal crimes, but also to how this authority is implemented in practice by the North Kalimantan Regional Police.⁸

3. Results and Discussion

3.1. The Role of the Police in Enforcing Current Mineral and Coal Crimes in North Kalimantan Province

1. Implementation and Effectiveness of Police Duties and Functions in Enforcing Minerba Criminal Law

North. The implementation of the duties and functions of the Republic of Indonesia National Police in enforcing the law on mineral and coal crimes is part of the police's function in maintaining public security and order and enforcing the law. In the context of mineral and coal mining crimes in North Kalimantan Province, the implementation of these functions is carried out by the Special Criminal Investigation Directorate of the North Kalimantan Regional Police, specifically the Sub-Directorate of Certain Crimes (Subdit Tipidter). Based on the Regulation of the Republic of Indonesia National Police Number 3 of 2024, the Ditreskrimsus has the task of conducting investigations and inquiries into special crimes, including certain crimes within the jurisdiction of the Regional Police, while Sub-Directorate IV carries out investigations and inquiries into certain crimes.⁹ Thus, institutionally there is a clear basis for the Sub-Directorate of Tipidter to handle criminal acts in the mining sector.

Based on the research results, the police's duties in enforcing mineral and coal crime laws are carried out through a series of measures that include preemptive, preventive, and repressive efforts. Preemptive efforts include providing legal counseling and education to the public regarding mining licensing obligations. Preventive efforts are carried out through patrols, monitoring areas with the potential for illegal mining, mapping, and coordination with technical agencies

⁸Soerjono Soekanto, op.cit., pp. 51-52.

⁹Indonesian National Police. (2024). Regulation of the Indonesian National Police Number 3 of 2024 concerning Amendments to Regulation of the Indonesian National Police Number 14 of 2018 concerning the Organizational Structure and Work Procedures of the Regional Police, Appendix XVII.

and local governments. Repressive efforts are carried out through investigations, prosecutions, enforcement operations, examination of witnesses and suspects, confiscation of evidence, and determination of suspects.¹⁰This pattern shows that law enforcement by the North Kalimantan Regional Police does not merely wait for criminal acts to occur, but also seeks to prevent and detect illegal mining activities.

In the patrol and prevention phase, police effectiveness is demonstrated by their ability to obtain information regarding the presence or activity of illegal mining before taking repressive action. Patrols also serve as a means of establishing a presence in areas considered vulnerable. However, the effectiveness of this preventive function faces limitations due to the geographical characteristics of North Kalimantan, which mean that not all locations can be routinely monitored. A presentation by the North Kalimantan Regional Police's Directorate of Special Criminal Investigations (Ditreskrimsus) indicates that the illegal mining (PETI) location in Sekatak District can be reached by land or river, requiring considerable distance and travel time. This situation prolongs the mobilization of personnel and equipment and impacts the speed of response to illegal mining activities.¹¹Thus, patrols have an early detection function, but their reach is not yet commensurate with the size and characteristics of the area that must be monitored.

These preventive limitations are also related to the condition of supporting facilities. According to AKP Alamsyah Nugraha, vehicles used to enter the mining site must be four-wheel drive due to the terrain, which consists of dirt roads, hills, and muddy paths. At the time of the research, Sub-Directorate IV of the Special Crimes Unit only had one 4x4 operational vehicle. For activities involving larger personnel or requiring the transportation of evidence, personnel must borrow or rent a double-cabin vehicle.¹²These conditions indicate that the implementation of patrols and operations is not solely determined by the availability of personnel, but also by the mobility of officers. Therefore, patrol activities can be considered to be effective as a preventative measure, but not yet optimal in terms of coverage, as oversight capabilities are still limited by geographic access and operational facilities.

After obtaining initial information regarding suspected illegal mining activities, the police conduct an investigation to determine whether or not a crime has

¹⁰Interview with AKP Alamsyah Nugraha as Head of Unit 1, Sub-Directorate IV, Special Crimes Directorate, North Kalimantan Regional Police, April 23, 2026; Directorate of Special Criminal Investigation, North Kalimantan Regional Police. (2025). Exposure of the Illegal Mining Situation in Sekatak District, Bulungan Regency, North Kalimantan

¹¹Directorate of Special Criminal Investigation of the North Kalimantan Regional Police. (2025). Exposure of the Illegal Mining Situation in Sekatak District, Bulungan Regency, North Kalimantan

¹²Interview with AKP Alamsyah Nugraha as Head of Unit 1, Sub-Directorate IV, Special Crimes Directorate, North Kalimantan Regional Police, April 23, 2026

occurred and to gather necessary information. In practice, the North Kalimantan Regional Police (Polda Kalimantan Utara) handles these cases by inspecting the location, tracing permit status, gathering information on the activities, and coordinating with technical agencies. This is crucial because mineral and coal crimes require technical verification, including the legality of the activity, the mining location, and the type of activity. Research data shows that investigators use the provisions of the Mineral and Coal Law and the technical guidelines for the Field Guidelines for Handling Mining Crimes (Illegal Mining) as a reference in determining investigative and investigative actions.¹³ Thus, the investigation has served as an instrument of initial selection and verification, although its effectiveness is still affected by the need to obtain technical data and limited access to the site.

The next stage is enforcement operations, which represent a concrete manifestation of the police's repressive function. Based on research findings, operations are conducted at locations suspected of illegal mining activities and are aimed at halting the activity, apprehending the perpetrators, and securing equipment and materials related to the crime. In several cases, investigators have applied Article 158 of the Mineral and Coal Mining Law to those who mine without permits and Article 161 to those who store, process, transport, or sell mining products not sourced from legitimate permit holders.¹⁴ This demonstrates that enforcement operations are not only directed at workers at the mine site but also attempt to reach downstream activities. In terms of output, these actions can be considered effective, resulting in the discovery of cases, the arrest of perpetrators, and the seizure of evidence.

However, the effectiveness of enforcement operations cannot be measured solely by stopping activities during the operation. Effectiveness assessments must examine whether illegal mining activity has decreased or persisted after enforcement. In the context of North Kalimantan, case data shows that the handling of mining crimes continues year after year. Furthermore, the illegal mining site in Sekatak has access from multiple directions, allowing perpetrators to evade authorities during enforcement operations.¹⁵ This condition shows that enforcement operations have immediate effectiveness in stopping activities at the time of the operation, but their long-term effectiveness needs to be seen from the sustainability of supervision and the ability to prevent the recurrence of similar activities.

¹³Directorate of Certain Crimes, Criminal Investigation Agency of the Indonesian National Police. (2022). Field Guidelines for Handling Mining Crimes (Illegal Mining).

¹⁴Republic of Indonesia. (2020). Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, Article 158 and Article 161.

¹⁵Directorate of Special Criminal Investigation of the North Kalimantan Regional Police. (2025). Exposure of the Illegal Mining Situation in Sekatak District, Bulungan Regency, North Kalimantan.

During the witness and suspect examination and investigation phases, the effectiveness of law enforcement can be measured by the investigator's ability to translate field findings into cases that can be processed through the criminal justice system. Research data indicates that the North Kalimantan Regional Police handle not only illegal gold mining activities but also cases of illegal processing and sales of mined products. Case data from 2024 and 2025 indicate that illegal gold processing activities in North Kalimantan, including in Sekatak, were handled under Article 161 of the Mineral and Coal Mining Law.¹⁶ This is a positive development because law enforcement does not stop at perpetrators found at mining sites, but is starting to touch parties in the economic chain of illegal mining.

3.2. Obstacles to the Police's Role in Law Enforcement of Mineral and Coal Crimes in North Kalimantan Province

1. Obstacles to Legal Factors in Enforcing Minerba Criminal Law

Legal factors are one of the factors that influence the effectiveness of law enforcement as stated by Soerjono Soekanto.¹⁷ In the context of law enforcement for mineral and coal crimes in North Kalimantan Province, legal factors relate to the substance of laws and regulations, the application of legal norms, proving criminal elements, and the synchronization of regulations used in handling illegal mining cases. Based on research results, legal barriers remain a major obstacle in the implementation of law enforcement for mineral and coal crimes by the Directorate of Special Criminal Investigation of the North Kalimantan Regional Police.

Normatively, criminal acts in mineral and coal mining are regulated in Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining. In this provision, Article 158 regulates the crime of mining without a permit, while Article 161 regulates the crime of processing, transporting, and selling mining products not sourced from official permit holders.¹⁸ In addition, the handling of mining crimes is also supported by Field Instructions (Juklap) for Handling Mining Crimes (Illegal Mining) issued by the Directorate of Certain Crimes of the Criminal Investigation Agency of the Indonesian National Police as a technical guideline for investigators in handling illegal mining cases.

Although regulations for mineral and coal crimes are already in place, practical law enforcement still faces challenges related to the complexity of implementing

¹⁶Data on illegal mining crime cases from the North Kalimantan Regional Police's Criminal Investigation Directorate for 2024–2025; interview with AKP Alamsyah Nugraha, May 10, 2026.

¹⁷Soekanto, S. (2015). Factors influencing law enforcement. Jakarta: RajaGrafindo Persada.

¹⁸Republic of Indonesia. (2020). Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining.

these legal rules. According to the Guidelines for Handling Mining Crimes (Illegal Mining), mining crimes involve not only illegal mining but also violations in the areas of forestry, the environment, spatial planning, and the use of subsidized fuel. This situation often requires the simultaneous application of various laws and regulations (a multi-door approach), making the evidentiary process more complex.¹⁹

Another legal obstacle concerns proving the elements of mining crimes. An interview with AKP Alamsyah Nugraha, Head of Unit 1, Sub-Directorate IV of the Special Criminal Investigation Directorate of the North Kalimantan Regional Police, revealed that investigations often face difficulties in proving the legality of mining activities, particularly regarding the status of the permit area, the origin of the mining products, and the involvement of other parties in the distribution chain of illegal mining products.²⁰ This is because illegal mining activities are generally carried out in remote areas with a nomadic pattern and no clear administration.

The difficulty of providing evidence is evident in the investigation into the illegal gold processing case handled by the North Kalimantan Regional Police's Criminal Investigation Directorate. In the investigation report for suspect JS, investigators must prove that the gold processing and utilization activities carried out by the suspect did not originate from a valid mining business permit holder as referred to in Article 161 of the Mineral and Coal Mining Law. This proof requires technical data, expert testimony, and a complex process of tracing the mining product distribution chain.

Furthermore, legal obstacles also relate to proving the element of "mining without a permit" as stipulated in Article 158 of the Mineral and Coal Mining Law. In the case of unlicensed gold mining handled by the North Kalimantan Regional Police's Criminal Investigation Directorate, investigators must prove that the perpetrators actually carried out mining activities and did not have an official permit from the government. In practice, proving this element is often hampered because the perpetrators claim to be only field workers and are unaware of the legal status of their mining activities.

Legal barriers also arise from the ongoing differences in public understanding of mining licensing provisions. An interview with Mining Inspector Yusnita Rini revealed that many small-scale miners do not yet understand the licensing requirements under Law Number 3 of 2020 concerning Minerals and Coal. This lack of understanding has led some to view artisanal mining as a legitimate activity, even without official government permits.

¹⁹Directorate of Certain Crimes, Criminal Investigation Agency of the Indonesian National Police. (2022). Field Guidelines for Handling Mining Crimes (Illegal Mining).

²⁰Interview with AKP Alamsyah Nugraha as Head of Unit 1, Sub-Directorate IV Tipidter, Directorate of Special Criminal Investigation, North Kalimantan Regional Police, April 23, 2026.

On the other hand, based on interviews with the Sekatak Sub-district Head, illegal gold mining in Sekatak District has been going on for quite some time and has developed into a community economic activity in several areas. This situation often leads to law enforcement against illegal miners facing social resistance, as mining is considered a primary source of livelihood. Therefore, legal barriers relate not only to the substance of the law but also to public acceptance of the legal provisions themselves.

In addition to evidentiary challenges, legal factors also relate to the consistent application of criminal articles in handling mineral and coal mining cases. Based on case handling data from the North Kalimantan Regional Police's Criminal Investigation Directorate, the majority of illegal mining cases handled use Article 161 of the Mineral and Coal Mining Law, which concerns the processing and utilization of mining products without a permit. Meanwhile, the application of Article 158, which concerns mining without a permit, is relatively more difficult because it requires direct evidence of mining activities at the illegal mining site. This situation indicates that the legal aspect of proof remains a barrier to effective law enforcement for mineral and coal mining crimes.

In the perspective of Soerjono Soekanto's theory of legal effectiveness, legal factors are not only seen from the existence of legal rules alone, but also from the extent to which these rules can be implemented effectively in society.²¹ Based on the research results, although regulations regarding mineral and coal crimes are available in a fairly comprehensive manner, their implementation in the field still faces various obstacles, especially related to proving criminal elements, the complexity of implementing various regulations, and the low level of public understanding of mining law provisions.

4. Conclusion

1. The North Kalimantan Regional Police, through the Directorate of Special Criminal Investigation (Ditreskrimsus), Sub-Directorate of Tipidter (Tertiary Crimes), have enforced the law on mineral and coal crimes through preventive and repressive measures, ranging from patrols, investigations, prosecutions, and confiscation of evidence. Based on the Theory of Authority, this implementation is in accordance with police authority, but is not yet fully optimal due to limitations in personnel, facilities, and the region's geographic conditions. 2. Barriers to law enforcement include legal factors, law enforcement, facilities and infrastructure, society, and culture. Limited personnel numbers and competencies, operational facilities, territorial size, low legal awareness, and the growth of illegal mining activities as part of social and economic life have resulted in law enforcement not being optimal. This demonstrates the relevance of Soerjono Soekanto's Theory of Legal Effectiveness in explaining the empirical

²¹Soekanto, S. (2015). Factors influencing law enforcement. Jakarta: RajaGrafindo Persada.

conditions of this research. 3. Law enforcement based on legal certainty requires clarity of authority, consistent application of the law, increased capacity of officials, adequate facilities, and cross-sectoral coordination. Based on Gustav Radbruch's Theory of Legal Certainty, law enforcement must provide certainty, justice, and benefit. A comparison with the Philippines demonstrates that strengthening multi-agency enforcement and coordination between the police, technical agencies, and local governments can provide lessons for Indonesia in optimizing law enforcement for mineral and coal crimes.

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