
The Law Enforcement of Mining Sand Material C in Dua Boccoe Sub-District, Bōne Regency Based on Law No 4 the Year 2009



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ABSTRACT: The Exploration, construction, mining, management, refining, transportation, and sales of C sand mining in the Bōne Regency the development of liars harms the environment and community morals are all part of the frameworks of research, management, and exploitation. The number of illegal sand mining operations increased from 2013 to 2015 despite efforts by the Bōne Regency's legal authorities to eradicate it. In several instances of illegal sand mining in the Bōne Regency, there was no legal procedure. In order to implement law enforcement against those involved in illegal sand mining in Dua Boccoe District, Bōne Regency, and to ascertain the extent of the government's role in controlling it, this study was conducted. Direct study at the site or location being studied falls under the category of field research. The amount of discussion about the consequences of lying sand mining in Bōne Regency for the community and the impact of such mining must be increased, and efforts must be made to apprehend those who engage in such mining rather than taking preventive action.

KEYWORDS: Law Enforcement, Sand Mining, Minerals C

I. INTRODUCTION

Humans play a significant role in the environment and affect their environment. Both meet the necessities of life, such as food, clothing, and shelter. The growth and development of human thought are related to technological developments that can negatively and positively impact the environment. Indonesians are indeed required to protect and improve the environment so that it can continue to be a source of life for Indonesians (Salim HS 2005). Utilization of natural potential in each region can be done for anything and anyone, but rules and norms must be adhered to and agreed upon. Excavated C is a mining material usually used for infrastructure development and private, private, and government buildings (Andriana 2021; Siburian 2016; Surya 2019). Excavated rock, also referred to as class C minerals, is crucial for infrastructure development, particularly for the establishment of road infrastructure facilities, the building of homes, and the construction of office buildings. The rise of sand mining carried out by community members can have a positive or negative impact; small-scale miners still have to pay attention to geological and legal aspects because much of small-scale mining do not / do not heed this matter. Such as the many related legal aspects in the form of permits, spatial or regional arrangements, including policies on zoning, land, control, pollution, and reclamation, as well as customary law. This must be done by everyone who conducts mining business to protect and preserve the environment. Chapter 65 point (1) of Law Number 4 of 2009 concerning Mineral and Coal Mining that business entities, cooperatives, and individuals who will carry out mining must meet administrative, technical, environmental, and financial requirements.

In accordance with regional laws or other regulations, local governments issue permits, which serve as proof of legality and permit holders to engage in specific commercial or recreational activities (Y. Sri Pudyatmoko 2009). There are various types of permits that we can find in Law Number 4 of 2009 Regarding Mineral and Coal Mining in the form of; Mining Business Permit (IUP), Exploration IUP, Production Operation IUP, People's Mining Permit (IRP), Special Mining Business Permit (IUPK), Exploration IUPK, and Production Operation IUPK. Dua Boccoe Subdistrict has various natural resource wealth, which has various potentials for increasing Regional Original Income (PAD) through efforts to utilize potential natural resources (SDA), namely minerals. By increasing revenue for the area and examining potential sources of regional income in the field of regional taxation, it is possible to finance the implementation of regional government and enhance community services. Dua Boccoe Sub-district has various mineral resources scattered in several areas, mainly sand and stone.

Due to the Dua Boccoe Sub-mineral district's C's significant potential, both private individuals and corporate entities have engaged in numerous mining-related activities. The mining operations conducted need to be authorized. This does not rule out

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the possibility that illegal mining activities often escape the government's attention as the party authorized to issue permits. One of the concrete examples of excavation C comes from Pakkasalo Village, Dua Boccoe District, Bõne Regency. In this village, all of the C minerals are explored and managed by the private sector. The management by the private sector certainly brings in revenue for the region, directly related to the location and local government. Those directly related to the excavation site feel there is an advantage. Because the location of excavation C in this area is very close to community (village) settlements, the manager usually provides opportunities for the surrounding village community to earn a living by working as unskilled "sand collectors" in the C excavation. The Based Article 41 Number 4c of Regional Regulation Number 2 of 2013 concerning the Regional Spatial Plan of Bõne Regency reads: "Natural sandy gravel commodities are determined in parts of Sibulue District, Ajangale sub-district, part of Palakka sub-district, and part of Kajuara District". It has been stated that among several sub-districts in Bõne Regency, Dua Boccoe is not included as an area/area that is allowed to carry out non-metal mineral mining. So, business actors should not be allowed to carry out mining C excavation in Dua Boccoe District because the regional regulation clearly states which areas are allowed to conduct mining business for mineral C, sandy gravel commodity.

The problem that then arose from the mining business in Pakkasalo Village, Dua Boccoe District, was the damage to the road where the road was the main road for drivers was traversed by the vehicle transporting excavation C from the mine site to the consumer; this was due to the capacity of the road before the presence of excavation C in the mining area. This area is still covered with rough asphalt (not Hotmik), so it cannot withstand the load on it, which is passed by large trucks every day, so the only road to the village where excavation C is located is badly damaged. In addition, the environmental impact generated by mining activities must also be considered because there have been many cases around the mining area experiencing damage. This is also inseparable from the conditions in the area because mining activities are carried out without any direction for environmentally sound mining, both in the mining sector and the surrounding community. Hence, the risk of geological disasters that will be caused is very high, such as landslides. To minimize the impact of mining activities without permits. carried out by the community, the government has the authority to enforce the law by referring to Article 158 of Law Number 4 Year 2009 concerning Mineral and Coal Mining which reads "everyone who carry out a mining business without an IUP, IPR, or IUPK as referred to in article 37, article 40 paragraph (3), article 48, article 67 paragraph (1), article 74 paragraph (1) or (5) shall be subject to a maximum imprisonment of 10 years and a maximum fine of Rp. 10,000,000,000.00 (ten billion)". With the intention that the state and society The Dua Boccoe Subdistrict area is not permanently harmed by the actions of people or groups of perpetrators of illegal sand mining crimes, which saves the country from the threat of economic loss and raises its dignity of the country.

II. RESEARCH METHOD

The method comes from the Greek methods, consisting of two words, meta, which means to go, though, and to follow. At the same time, hodos is the way, way, and direction. So the meaning of the word Methodos is a scientific method that does something according to specific rules (Juliansyah Noor 2014). Such as in the preparation of research that uses several methods as follows: This study used field research, where the researchers directly gathered information from interview subjects or respondents who had something to say about law enforcement. Against Mining of Mineral C Sand in Dua Boccoe Subdistrict, Bõne Regency based on Law No. 4 of 2009 in Bõne Regency. Based on the problems studied by the author, the research method used is juridical empirical. The empirical juridical legal research method is carried out by looking at the reality in practice. This approach is also known as the sociological approach, carried out directly in the field (Soekanto, Soerjono 2009).

III. RESULT AND DISCUSSION

Natural resources abound in every district and region of the Unitary State of the Republic of Indonesia. Oil, coal, tin, gold, sand, and minerals are the foundation of wealth. The government controls and owns wealth for the benefit of its citizens (Adrian Sutedi 2012). Based on the 1945 Constitution of the Republic of Indonesia, optimizing the wealth of natural resources on land and at sea has the potential for economic progress and improvement of the Indonesian nation. Mineral mining is the extraction of minerals from rocks or seeds that does not involve the use of geothermal energy, natural gas, or groundwater. The Republic of Indonesia is a country with abundant natural resources and contains a variety of minerals. Based on Article 1 of Government Regulation No. 27 of 1980 concerning the classification of minerals, they are classified into 3 groups, namely:

1. Group A or strategic minerals included in these minerals are petroleum, liquid bitumen, natural wax, natural gas, solid bitumen, asphalt, anthracite, coal, uranium, radium, thorium, and other radioactive minerals such as nickel, koalt, tin.

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2. Group B or vital minerals included in these minerals are iron, manganese, molybdenum, chromium, tungsten, vanadium, titan, bauxite, copper, lead, zinc, gold, platinum, silver, mercury, diamond, arsine, antimony, bismuth, yttrium, ruthenium, cerium and other rare metals.

3. Group C or minerals that do not include minerals A and B; nitrates, phosphates, rock salt (halite), asbestos, talc, mica, graphite, magnesite, yarosit, leucite, alum, ocher, gemstones, semi-precious stones, quartz sand, kaolin, feldspar, gypsum, pumice bentonite, tras, obsidan, pearlite, diatnome, Fullers earth, marble, slate, limestone, dolomite (Salim 2012).

Everyone carrying out mining business activities must obtain a permit from a competent authority. Without such a permit, the person carrying out the mining business can be qualified as illegal mining. Perpetrators of mining criminal acts can be charged in article 158 of Law Number 4 of 2009 concerning Mineral and Coal mining which reads as follows "everyone who conducts mining business without IUP, IPR or IUPK as referred to in article 37, article 40 paragraph (5) shall be sentenced to a maximum imprisonment of 10 years and a maximum fine of Rp. 10,000,000,000.00 (Ten billion rupiah).

1. The Government's Role in Controlling Illegal Sand Mining in Indonesia Dua Boccoe District, Bōne Regency

Licensing is one of the administrative instruments used as a means in the field of prevention and control of environmental pollution. Licensing in the mining sector is associated with the granting of mining authorizations. Based on article 2 of government regulation number 32 of 1969, mining authorization is given in the form of:

- a. Mining assignment decree, namely mining authorization granted by the minister to government agencies to carry out mining business.
- b. People's mining permit decree, namely mining authorization granted by the minister on a small scale and with a minimal area.
- c. Decree on granting mining authorization, namely mining authorization granted by the minister to state companies, regional companies, other midwives, or individuals to carry out mining businesses (Suparto 2005, 32).

Provision of Mining Business Licenses for Metal Mineral and Coal Exploration: Administrative, Technical, Environmental, and Financial Requirements:

1. Administrative Requirements

a. Company:

- 1) application letter signed on stamp duty by the board of directors Business entity;
- 2) The make-up of the board of directors and the shareholders' list; and
- 3) copy of domicile certificate.

b. Cooperative:

- 1) application letter signed on stamp duty by the chairman of the cooperative;
- 2) the composition of the management; and
- 3) copy of domicile certificate

c. Individual:

- 1) application letter signed on stamp duty; and
- 2) copy of domicile certificate.

d. Firms and limited partnership companies:

- 1) application letter signed by the company management;
- 2) composition of management and list of shareholders; and domicile certificate

2. Technical Requirements

- a. Curriculum vitae and statement letter of the most experienced mining and geological expert with at least 3 (three) years; and
- b. WIUP map with geographical coordinates of latitude and longitude according to the National Geographic Information System (GIS).

3. **Environmental Requirements Stamped statement letter to comply with the provisions of laws and regulations in environmental protection and management.**

4. Financial Requirements

- a. Proof of placement of exploration seriousness guarantee; and
- b. Proof of payment of compensation value for WIUP information data.

The granting of authority to regions (districts/municipalities is) an acknowledgment which is confirmed by the existence of Chapter IV: regional authority, but chapter III of Law Number 32 of 2004 concerning Regional Government entitled the division

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of government affairs, is more regulatory than acknowledgment, even though in article 10 paragraph (1) it is stated that "local governments carry out government affairs under their authority unless government affairs are determined by this law to be government affairs." Indonesia is one of the world's countries with many natural resources, both renewable and non-renewable. Non-renewable types of natural wealth an example is natural resources in the form of mining. There are many types of mining materials in Indonesia, including sand. In carrying out the control of sand mining, to avoid deviations in the implementation of tasks, the organizational structure and a clear division of functions and tasks are essential factors that can reduce the occurrence of irregularities. Control policies, especially in the field of sand mining, can be in the form of written or unwritten provisions. However, for the implementation of supervisory duties to run well, it is better if the implementation details are carried out in writing. This is intended to make it easier to evaluate the implementation of the work because there is written evidence.

5. Implementation of Law Enforcement Against Sand Mining Actors Illegal in Dua Boccoe District, Bõne Regency

The advancement of the law's completion as it is, supervision of its application to ensure there is no violation, and, in the event of a violation, restoration of the law that has been broken so that it can once again be enforced. However, due to numerous influencing factors, enforcing the law is not always simple. These factors are as follows:

- a. legal factor itself, in which it is limited to the law only
- b. Law enforcement factors, namely the parties that form and apply the law.
- c. Factors of facilities or facilities that support law enforcement
- d. Community factors, namely the environment in which the law is enforced or applied
- e. Cultural factors, The namely works of creativity and taste based on the human initiative in social life (Suparto 2005).

The goal of law enforcement is to oversee the proper application of the law and ensure that no violations occur. A mining area has mineral and coal potential after being referred to as WP and is unrestricted by government administrative boundaries that are a part of the national spatial layout. The emergence of the term industrial minerals for group C minerals is because, psychologically, the minerals belonging to group C are considered not strategic and not vital. Judging from their functions and uses, group C minerals can be divided into:

- a. Construction excavated materials, namely those fully used as filling and building materials. Includes: sand, gravel, limestone, andesite, granite, quartz sand and marble
- b. Industrial minerals, namely minerals that become industrial raw materials. Includes: zeolites, semi-precious stones, bentonite and ocher.

The state has the legal authority to manage the earth, the water, and the natural resources found there, including mining. As a result, anyone planning to engage in mining operations must first request permission from the state or government. From this definition, it can be inferred that sand mining is a prohibited act under the law, and that anyone who violates the prohibition by engaging in mining activities, specifically sand mining without a permit from the government and harming the surrounding environment, will face threats (sanctions) in the form of specific crimes. The form and organization of mining companies through "People's Mining" is not stated in detail in the Law on Mining and Coal. However, it is stated in the Law on Principal Mining Article 5 letter (h). Furthermore, community mining is described in Article 11 of Law Number 11 of 1967 concerning Basic Mining Provisions, namely:

- a. People's mining aims to provide opportunities for the local people to cultivate minerals to participate in developing the country in the mining sector with the government's guidance.
- b. People's mining is only carried out by local people who hold mining rights (permits) for People's Mining.
- c. Provisions regarding People's Mining and the methods and conditions for obtaining a People's Mining Authorization (permit) are regulated in a Government Regulation.

In handling out law enforcement efforts against illegal sand mining in the Dua Boccoe District, Bõne Regency, several laws and regulations governing this matter have been set. However, there are still challenges with implementation, including:

- a. Lack of Legal Awareness in the Community

Legal awareness is a factor in legal discovery. Awareness of the law means awareness that the law is the protection of the interests of the community. The emergence of the law is essentially due to conflicts or conflicts between human interests. In protecting each other's interests, humans in society must remember, consider, maintain and respect the interests of other human beings so that there is no conflict or harm to other parties or people. Other, so legal awareness should be what we do or do and what we do not do or do, especially to other people. This means being aware of our legal obligations to other people and the state. Increasing numbers of actions are being taken that are in violation of the laws regulated by the Act due to a lack of legal awareness in the community.

- b. Lack of Public Knowledge of the Impact of Mining Sand Illegally

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Some people do not understand the environment and the importance of a sustainably maintained environment; sand mining provides benefits and causes problems. Public knowledge about licensing for sand mining is also felt to be lacking, which has resulted in increasingly widespread mining; economic factors faced by the community also drive this and mining activities that use heavy equipment that functions to dredge materials cause ecological and social problems for the surrounding environment (M. Ashraf et al. 2011; M. A. Ashraf et al. 2011; Gavriletea 2017). Law enforcement, especially criminal law enforcement, is a process of implementing the law to determine what is lawful, with which one can be punished or punished according to the provisions of material criminal law, with instructions on how to act and the efforts required for the smooth implementation of good law, before and after unlawful acts occurred following the provisions of formal criminal law (Dwiyana 2017). The following factors influence law enforcement:

a. The legal factor itself is that the laws and regulations are still Unclear or incomplete so that there is difficulty in finding Guidelines and fundamental laws and regulations in dispute resolution.

b. Law enforcement factors, namely the parties that form or apply the law. What is meant by law enforcement here are those who are directly involved in law enforcement which not only includes "law enforcement" but also "peace maintenance". Law enforcers include those who work in the fields of justice, prosecutors, police, lawyers and correctional facilities. Law enforcers, as mentioned above, have an essential role in resolving a dispute.

c. Factors of facilities or facilities that support enforcement

These resources or facilities include well-trained and competent employees, efficient operations, suitable resources, and so forth. Law enforcement cannot be carried out efficiently without these facilities.

d. Community factor

Specifically, the setting in which the law operates or is applied. The goal of law enforcement, which is a community institution, is to bring about social peace.

e. Cultural factors

Specifically as a result of labor, originality, and taste based on individual initiative in social life. The law is a system, or a component of the community system, that combines structure, content, and culture. The values that underlie the relevant law are part of the legal culture (system), and these values are conceptions. The abstract notion of what is deemed acceptable and what is deemed inadequate (so avoided) (Dwiyana 2017). These five factors are closely related to each other because they are the essence of law enforcement and are benchmarks of the effectiveness of law enforcement. Material crime, with instructions on how to act and the efforts that must be made for the smooth implementation of the law before and after the unlawful act, occurs following the provisions of formal criminal law.

IV. CONCLUSION

The licensing is one of the administrative instruments used as a means in the field of prevention and control of environmental pollution. Licensing in the mining sector is associated with the granting of mining authorizations. Based on article 2 of government regulation, number 32 years 1969 The granting of authority to regions (regencies/municipalities is) recognition which is confirmed by the existence of Chapter IV: regional authority, but chapter III of Law Number 32 of 2004 concerning Regional Government entitled the division of government affairs, is more regulatory than recognition, although in Article 10 Paragraph (1) states that "local governments carry out government affairs under their authority unless government affairs are determined by this law to be government affairs". In the implementation of the control of the sand mining, in order to avoid deviations in the implementation of tasks, the organizational structure and a clear division of functions and tasks are essential factors which can reduce the occurrence of deviations. Control policies can take the form of written or unwritten provisions, particularly in the context of sand mining. The goal of law enforcement is to carry out the law as it is, monitor its application to ensure there are no violations, and, in the event that there are, fix the law in question so that it can once again be enforced. The goal of law enforcement is to oversee the proper application of the law and ensure that no violations occur. There would be additional attempts to reinstate the corrupt institution. There will be additional attempts to reinstate the broken law. A mining area, from now on referred to as WP, is a region with the potential for coal and minerals that is not restricted by administrative boundaries of the government and is a part of the national layout.

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