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Effectiveness of Law Enforcement against Illegal Mining Crimes in the Jurisdiction of Pohuwato Regency

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ABSTRACT

This article analyzes the effectiveness of law enforcement against illegal mining crimes in the jurisdiction of Pohuwato Regency and the impacts caused by these activities. Illegal mining is a legal issue because it violates mining licensing provisions and causes environmental damage, but at the same time it is a source of livelihood for some communities. This study uses an empirical juridical method with a sociological legal approach through observation, interviews, and document studies. The results show that law enforcement against illegal gold mining in Pohuwato Regency tends to be carried out through a deliberation and guidance approach, including guidance to communities or landowners to obtain legal mining permits. On the other hand, illegal mining has a negative impact on the environment, particularly damage to plantation land, pollution, flooding, and ecosystem destruction. Based on Soerjono Soekanto's theory of legal effectiveness, several factors have supported law enforcement, but the infrastructure or facilities factor is not optimal due to the lack of adequate monitoring and complaint facilities around the mining area. This article emphasizes that law enforcement against illegal mining must combine enforcement, licensing guidance, environmental restoration, and community economic alternatives.

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1. Introduction

Mineral and coal resources are natural resources controlled by the state and used to the greatest extent possible for the prosperity of the people as mandated by Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia [1]. Mining management must therefore be carried out based on permits, responsible governance, and environmental protection. Mining without permits or illegal mining is a legal problem because it ignores the state's authority to regulate, supervise, and ensure the benefits of mining for the wider community.

Pohuwato Regency is a region with significant mining activity, particularly artisanal gold mining. Mining activities are found in several sub-districts, including Buntulia, Dengilo, Patilanggio, Taluditi, and Popayato. Some of these activities lack valid mining permits, yet they continue because they serve as a source of livelihood for the community. This situation presents a dilemma for the government and law enforcement officials. On the one hand, these activities violate the law; on the other, the community relies on mining for its livelihood.

Illegal mining has negative impacts in the form of environmental damage, damage to plantation land, potential flooding, water and soil pollution, and disruption of ecosystem functions. The Mineral and Coal Law regulates criminal threats for those who carry out mining without a permit [2]. In addition, mining activities in forest areas without a permit can also be related to the Forestry Law and the Law on the Prevention and Eradication of Forest Destruction [3]. However, the existence of criminal norms does not automatically stop illegal mining practices in the field.

Previous research on illegal mining has focused largely on environmental impacts and criminal sanctions. However, a study of the effectiveness of law enforcement in Pohuwato Regency requires an empirical approach due to factors such as community economics, limited monitoring facilities, and the authorities' preference for a deliberative approach. This article's novelty lies in analyzing the effectiveness of law enforcement based on Soerjono Soekanto's five factors, while also assessing the impact of illegal mining on the local environment.

The problem formulation of this article is:

1. How effective is law enforcement against illegal mining in the jurisdiction of Pohuwato Regency?
2. What are the impacts of illegal mining activities in the jurisdiction of Pohuwato Regency?

In line with the problem formulation above, this study aims to analyze the effectiveness of law enforcement and the impact of illegal mining. This article's contribution is expected to provide input for law enforcement policies that still consider socioeconomic aspects and environmental restoration.

2. Research Methods

This study employs an empirical juridical legal approach. The juridical approach is used to examine regulations regarding mineral and coal mining, forestry, the environment, and criminal provisions for illegal mining. The empirical approach is used to examine how law enforcement is implemented in Pohuwato Regency, including options for resolution through deliberation, guidance, and licensing guidance.

The data sources consist of primary and secondary data. Primary data were obtained through observation and interviews with relevant parties, while secondary data were obtained from laws and regulations, mining law books, journals, and supporting documents. The data were analyzed qualitatively using Soerjono Soekanto's theory of legal effectiveness, which includes legal factors, law enforcement, facilities, society, and culture.

3. Results and Discussion

This article discusses the relationship between criminal mining norms and local law enforcement practices. The analysis takes into account the fact that illegal mining is not only a matter of permit violations but also a matter of community economics and environmental damage. Therefore, the effectiveness of law enforcement is assessed by the law's ability to change behavior, halt damage, and provide legal recourse for communities.

3.1. Effectiveness of Law Enforcement against Illegal Mining in the Jurisdiction of Pohuwato Regency

Law enforcement against illegal mining in Pohuwato Regency is carried out through both law enforcement and social approaches. Research shows that when illegal gold mining issues arise, resolution is often directed through deliberation and guidance. Authorities also direct communities or landowners engaged in mining activities to obtain legal mining permits. This approach demonstrates that authorities are not solely using criminal instruments, but also using persuasive approaches.

From a legal standpoint, the basis for enforcement is already in place. The Minerals and Coal Law regulates licensing requirements and sanctions for mining without permits [2]. However, the effectiveness of the law is not solely determined by the threat of criminal penalties. If communities lack access to licensing processes, economic alternatives, or technical guidance, then law enforcement that is solely repressive can lead to social resistance. Therefore, law enforcement must be accompanied by facilitation of the legalization of community mining businesses if they meet legal and environmental requirements.

From a law enforcement perspective, authorities have attempted to respond to emerging issues within the community. However, their effectiveness remains limited because illegal mining activities persist. This demonstrates the gap between law enforcement actions and changes in community behavior. In Soerjono Soekanto's theory, the success of law enforcement is influenced by five interrelated factors [4]. In this case, legal and law enforcement factors are relatively readily available, but infrastructure/facilities and the community remain the main obstacles.

The author's position is that the effectiveness of illegal mining law enforcement in Pohuwato cannot be judged solely by the presence or absence of criminal prosecution. Effectiveness must be measured by a decrease in illegal activity, increased compliance with permits, environmental recovery, and reduced social conflict. Therefore, effective law enforcement requires a combination of enforcement, licensing guidance, field supervision, and strengthening alternative economies.

3.2. Impacts of Illegal Mining Activities in the Jurisdiction of Pohuwato Regency

Illegal mining has a negative impact on the environment. Unlicensed gold mining activities can damage plantations, alter the landscape, disrupt water flows, and increase the risk of flooding. This damage not only harms the environment but also the communities that depend on agriculture and natural resources for their livelihoods. In the long term, land degradation will reduce the economic

productivity of the community itself.

Environmental impacts can also arise from the use of hazardous chemicals in gold processing. Water and soil pollution have the potential to harm public health and ecosystem sustainability. From an environmental law perspective, these impacts demonstrate that illegal mining is not simply a violation of permit administration, but can also be an act that damages the environment and threatens the community's right to a good and healthy environment [5].

On the other hand, illegal mining also has short-term positive economic impacts by providing jobs and income for communities. However, these economic benefits are often outweighed by the environmental and legal risks it poses. When illegal activities are allowed to continue, communities are vulnerable to criminal prosecution, workplace accidents, land conflicts, and long-term damage to livelihoods. Therefore, economic arguments cannot justify allowing legal violations.

Compared with previous research on illegal mining, this article's findings highlight the local dilemma between economic needs and legal compliance. The article's findings emphasize that addressing illegal mining must go beyond case-by-case enforcement. Local governments and authorities need to establish monitoring systems, complaint channels, permit development, reclamation, and environmental restoration to ensure the law serves as a tool for protecting communities and the environment.

4. Conclusion

Effective law enforcement against illegal mining in Pohuwato Regency remains challenging. Authorities have addressed the issue through deliberation, guidance, and licensing guidance, but illegal mining activities persist. Based on the theory of legal effectiveness, infrastructure/facilities and public awareness are the main obstacles.

Illegal mining has negative impacts in the form of land destruction, pollution, flood risk, and ecosystem disruption, despite providing short-term economic benefits for some communities. The author emphasizes that law enforcement must combine criminal prosecution, licensing guidance, field supervision, environmental restoration, and economic alternatives to not only stop violations but also address their social roots.

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