

# Illegal Mining: a Transnational and Extraordinary Crime

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**Abstract:** *Managing natural resources doesn't mean they are owned by the state, controlled by the state, for the benefit of a specific group of people. Corporate crimes in the mining business are considered ordinary crimes and crimes for which the perpetrators are only given administrative sanctions. This research explores and reveals the unauthorised meanings of land use based on the Mineral and Coal Mining Law. The data used for analysis consists of agrarian laws, mineral and coal mining laws, and case data that have reached final legal force. The overall data will be analysed and used to assess the alignment between existing rules and their implementation. The construction of legal norms regarding illegal mining practices involving corporations or foreign citizens has not been accommodated in the Mineral and Coal Mining Law. The illegal mining case in West Nusa Tenggara Province illustrates that sanctions regulating illegal mining operators for foreign citizens must be well and firmly formulated to prevent the leakage of Indonesia's natural resource wealth abroad.*

**Keywords:** *Illegal Mining, Transnational Crime, Extraordinary, Criminal, Administrative*

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**Abstrak:** Mengelola sumber daya alam bukan berarti dimiliki, dikuasai, dan dimanfaatkan oleh negara untuk kepentingan sekelompok orang tertentu. Kejahatan korporasi dalam bisnis pertambangan merupakan kejahatan biasa dan kejahatan yang pelakunya hanya dikenakan sanksi administratif. Penelitian ini mengkaji dan mengungkap makna pemanfaatan lahan secara tidak sah berdasarkan Undang-Undang Pertambangan Mineral dan Batubara. Data yang digunakan untuk analisis terdiri dari data hukum agraria, data hukum pertambangan mineral dan batubara, serta data kasus yang telah memperoleh kekuatan hukum tetap. Keseluruhan data tersebut akan dianalisis dan digunakan untuk menilai keselarasan antara aturan yang ada dengan pelaksanaannya. Konstruksi norma hukum mengenai praktik pertambangan ilegal yang melibatkan korporasi maupun warga negara asing belum terakomodasi dalam Undang-Undang Pertambangan Mineral dan Batubara. Kasus pertambangan ilegal di Provinsi Nusa Tenggara Barat memberikan gambaran bahwa sanksi yang mengatur pelaku pertambangan ilegal bagi warga negara asing harus dirumuskan dengan baik dan tegas guna mencegah kebocoran kekayaan sumber daya alam Indonesia ke luar negeri.

**Kata kunci:** Penambangan Ilegal, Kejahatan Transnasional, Luar Biasa, Kriminal, Administratif

## I. INTRODUCTION

Very poor land management has many impacts, including poverty, crime, ignorance, and the complete denial of local communities' rights to their natural resources, and all of these actions can be categorized as extraordinary and extraordinary crimes. The mandate of Article 33 paragraph (3) is expressly stipulated that natural resources must be managed for the greatest benefit of the people. The meaning of managing natural resources does not mean that they are owned by the state, controlled by the state, to be enjoyed by the greatest number of certain groups of people <sup>1</sup>. The meaning of "controlled by the state" implies that the state is given the function of managing natural resources by using all its capabilities to improve the welfare of the people through the results of its natural resources. It is a known fact that the management of natural resources prioritizes the profits of a select group. The utilization and management of natural resources based on pragmatic profit will significantly impact the destruction and loss of community rights to natural resources.

An act of a legal subject that causes a very broad and even long-term impact resulting from large-scale activities and organized by a group and system. Legal facts regarding corporate crimes operating in the mining business sector that cause broad and long-term impacts and can be classified as extraordinary and beyond-limit crimes can even be categorized as ecocide crimes <sup>2</sup>, but it is seen as a common crime and a crime for which the perpetrators are only given administrative sanctions.

The high number of illegal mining cases in Indonesia is due to the failure of law enforcement agencies to implement legal regulations related to (PETI), conflicts of norms and overlapping regulations in mining management, and the inability of communities to monitor and supervise illegal mining activities. One case that occurred in West Nusa Tenggara (NTB) Province is that a corporation without a permit continued illegal gold mining activities located in the Sekotong area of West Lombok Regency. This mine, allegedly managed by foreign workers (TKA) from China, generated an income of Rp1.08 trillion per year for the corporation.

In Administrative Law, a permit is a legal instrument used by the government to influence citizens to follow the recommended methods to achieve a concrete goal <sup>3</sup>. As a

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<sup>1</sup> Tri Hayati, "Hak Penguasaan Negara Terhadap Sumber Daya Alam Dan Implikasinya Terhadap Bentuk Pengusahaan Pertambangan," *Jurnal Hukum & Pembangunan* 49, no. 3 (2019): 768–87.

<sup>2</sup> Muhammad Ali Ausath, "Upaya Penerapan Ekosida Sebagai Kejahatan Luar Biasa Di Indonesia," *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria* 2, no. 1 (2022): 115–28.

<sup>3</sup> Eric Biber and J B Ruhl, "The Permit Power Revisited: The Theory and Practice of Regulatory Permits in the Administrative State," *Duke LJ* 64 (2014): 133.

legal instrument, a permit serves as the spearhead or tool aimed at directing, controlling, engineering, and designing a just and prosperous society <sup>4</sup>. Environmental crimes are committed by exploiting the weaknesses of the legal regulations in force in a country. Light sanctions for environmental crimes have a significant impact on the high crime rate and extensive environmental damage. A weakness in the regulations on environmental crimes lies in the formulation of norms regarding the validity of business actors' control over natural resources <sup>5</sup>. The multiple interpretations of the requirements for the validity of the acquisition and utilisation of natural resources are one of the issues that have not been resolved to this day <sup>6</sup>. The importance of clearly defining the meaning of valid conditions in the management and utilisation of natural resources can resolve one of the problems occurring in environmental crimes and crimes committed against natural resources <sup>7</sup>.

## II. RESEARCH METHODOLOGY

This research traces and reveals an act of environmental crime that has a very wide-ranging impact on humans and nature. The data used for analysis consists of agrarian laws, mining, mineral, and coal laws, as well as data from cases that have reached final judgement. The overall data will be analysed and used to assess the suitability between existing rules and their application. This research will highlight the differences between transnational crime and national crime that has an impact beyond the boundaries of human values.

## III. DISCUSSION

### A. Unlawful Deconstruction of Meaning in Mining Law

Derrida argues that justice can be understood within the law, which shows what is right and what humans should do. The reason is none other than that the law grants authority or rights to an individual or a group of people to ensure that what is just and right is enforced. Then, simultaneously, the law also imposes an obligation on an individual or a

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<sup>4</sup> Tetyana Shevchuk and Andriy Sobakar, "Permits of Administrative and Legal Environmental Security: Essence, Types for Improvement," 2021.

<sup>5</sup> Neal Shover and Aaron S Routhe, "Environmental Crime," *Crime and Justice* 32 (2005): 321–71.

<sup>6</sup> Michael C Gavin, Jennifer N Solomon, and Sara G Blank, "Measuring and Monitoring Illegal Use of Natural Resources," *Conservation Biology* 24, no. 1 (2010): 89–100.

<sup>7</sup> Damián Zaitch, Tim Boekhout van Solinge, and Gudrun Müller, "Harms, Crimes and Natural Resource Exploitation: A Green Criminological and Human Rights Perspective on Land-Use Change," *Conflicts over Natural Resources in the Global South—Conceptual Approaches*, 2014, 91.

group of people to fulfil these demands, or in other words, the law requires humans to act justly and rightly. It is in this face of the law that justice can be found as the regulator of human life to do what is fair and right (*droit*)<sup>8</sup>. It is generally said that an unjust person is one who is disobedient to the law (unlawful, lawless) and unfair, while a just person is one who is law-abiding and fair. Since the act of fulfilling/obeying the law is just, all legislative actions in accordance with existing rules are just. The purpose of lawmaking is to achieve societal progress and happiness. Therefore, all actions that tend to produce and maintain societal happiness are just<sup>9</sup>.

One of the current problems in natural resource management is the fragmented and non-integrative perspective on natural resources, which leads to highly sectoral policies. This poses a very serious threat to the sustainability of a nation's economic and social ecosystems, particularly for the Indonesian people<sup>10</sup>. Mineral and coal mining is a strategic, non-renewable natural resource controlled by the state, and a vital commodity essential for the lives of many. In Article 1, paragraph 1 of Law Number 3 of 2020 Amending Law Number 4 of 2009 concerning Mineral and Coal Mining, mining is defined as part or all stages of activities in the management and utilisation of minerals or coal, including general investigation, exploration, feasibility studies, construction, mining, processing and/or refining or development and/or utilisation, transportation and sale, as well as post-mining activities<sup>11</sup>.

The problem of licensing capacity is what caused issues for 10,922 (ten thousand nine hundred and twenty-two) in Indonesia. Both institutional capacity and human resource capacity. The non-reformist capacity of the bureaucracy, characterised by the corrupt, nepotistic, slow, and convoluted behaviour of certain bureaucrats, results in poor public services and negatively impacts the conduct of mining business activities. Currently, there are 2 (two) options for improving problematic mining permits: revocation of the permit and reissuance of a new permit with supervision from the central government, provincial government, and the Corruption Eradication Commission

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<sup>8</sup> Chris Ruhupatty, "Keadilan Dalam Pandangan Dekonstruksi," *Dekonstruksi* 9, no. 04 (2023): 125–28.

<sup>9</sup> Inge Dwisvimiari, "Keadilan Dalam Perspektif Filsafat Ilmu Hukum," *Jurnal Dinamika Hukum* 11, no. 3 (2011): 522–31.

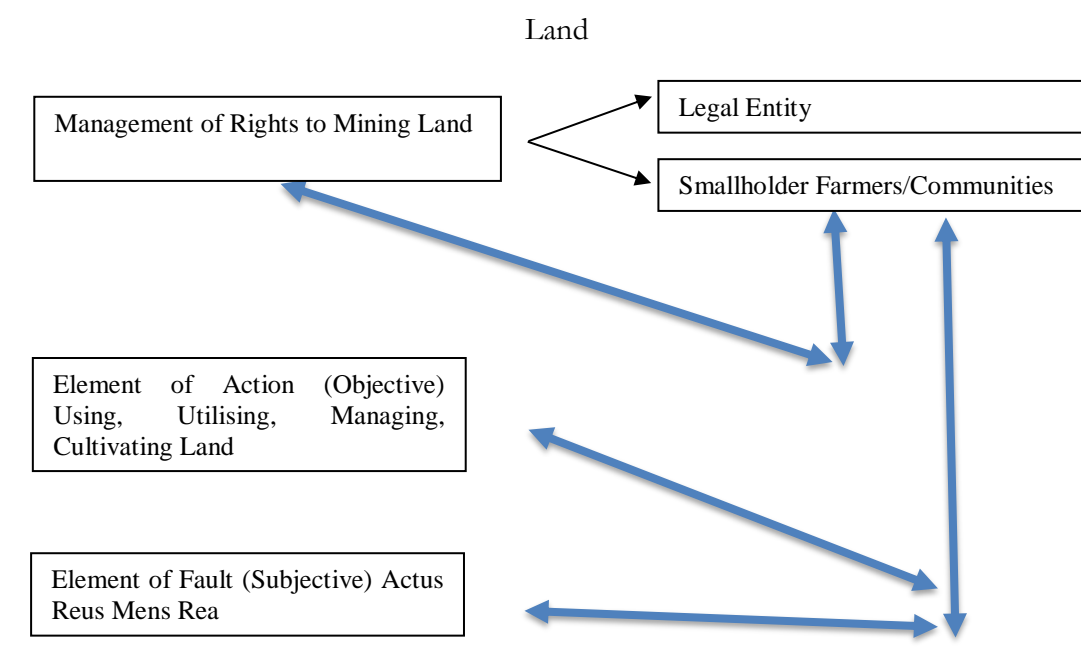
<sup>10</sup> La Ode Mbunai, "Dekonstruksi Kebijakan Dan Kepastian Hukum Sebagai Upaya Perlindungan Investor Dalam Mempercepat Perkembangan Investasi Pada Sektor Pertambangan Menuju Masyarakat Lima Titik Nol (5.0)" (Universitas Kristen Indonesia, 2024).

<sup>11</sup> Herman Herman et al., "Penegakan Hukum Terhadap Tindak Pidana Penambangan Mineral Di Kawasan Hutan Tanpa Izin," *Halu Oleo Legal Research* 4, no. 2 (2022): 261–75.

(KPK)<sup>12</sup>. In interpreting conflict, Loekman Soetrisno stated that conflict is not always dysfunctional. On the contrary, conflict can lead to something functional. This means it can be a vehicle for driving change towards a better condition. Therefore, conflict is further divided into two types: 1) Destructive conflict, which occurs when conflict arises but is not accompanied by mechanisms to mitigate it, and 2) Functional conflict, which produces new changes or consensus that leads to improvement.

Furthermore, conflict is distinguished by its substance, namely legal conflict and conflict of interest. Legal conflict is a conflict concerning differences in rights and obligations. This legal conflict arises from the violation of someone's rights or the violation of obligations. This is different from a conflict of interest. Conflict of interest concerns differing views on access to something, whether it be land, natural wealth, or the natural resources contained within it. Conflict, in essence, is known to exist as legal conflict based on values<sup>13</sup>. Legal conflicts and conflicts of interest arising from the use and management of land for mining, as formulated in the law governing mining, whether for individuals or legal entities, can be seen in the illegal interpretation of land used as the object of mining operations, interpreted based on ownership requirements as formulated in Article 16 of the Basic Agrarian Law (UUPA), as shown in the diagram below:

Fig 1. Fulfilment of the Elements of Criminal Liability for the Lawful Use of Plantation

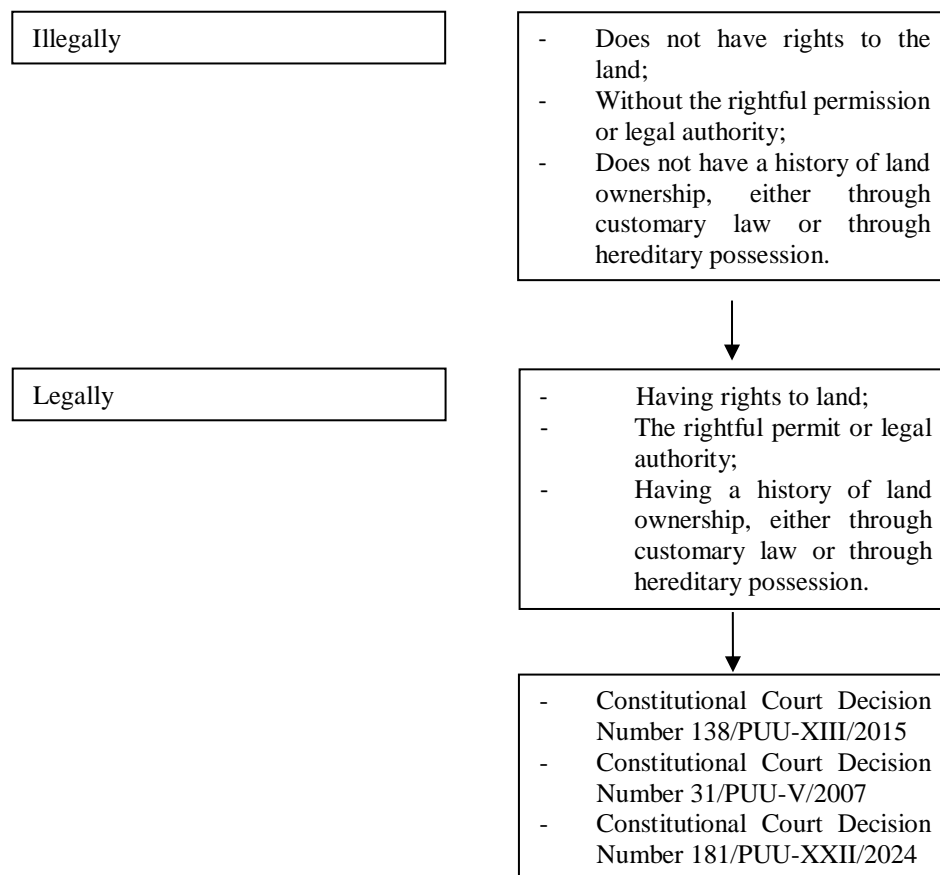


<sup>12</sup> Risaldi Gosal, "Tinjauan Yuridis Terhadap Pertambangan Ilegal Ditinjau Dari Pasal 158 Undang-Undang Nomor 3 Tahun 2020 Tentang Perubahan Atas Undang-Undang Nomor 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batubara," *Lex Administratum* 12, no. 3 (2024).

<sup>13</sup> Erika Erika, "Konflik Pembebasan Lahan Di Wilayah Tanah Adat Masyarakat Hukum Adat Dalam Konsensi Pertambangan Mineral Dan Batubara," *Jurnal Komunikasi Hukum (JKH)* 4, no. 2 (2018): 1–14.

Based on the scheme above, when abstracted based on the Constitutional Court Decision Number 138/PUU-XIII/2015, if the person in question commits the act of illegally using plantation land, they must meet the above elements for their criminal liability to be fulfilled. Criminal liability, as an element that can be legally and illegally described, can be outlined in the table below:

Fig 2. Elements of Validity of a Right to Land



Source: Dissertation by Jhon Tyson Pelawi, Year 2024

The explanation of the fig 1 and fig 2 above clarifies that the validity of natural resource utilisation and control is not solely based on rigid legal provisions, particularly on proof of land ownership rights for conducting business, for example, only referring to the Right to Cultivate (HGU). It is important to examine whether the Right to Cultivate meets the requirements and does not contain other rights within it. If there are other rights within the Right to Cultivate, including unwritten rights, the state's priority is to prioritise the unwritten rights as long as the control and utilisation that occurred can be tested, especially for maintaining the lives of families and communities.

**B. Illegal mining is classified as a transnational and extraordinary crime**

For example, the issue of resolving land rights, which in the old regulations was the obligation of the holder of a Mining Business Permit (IUP) to resolve land rights in mining activities and could be done in stages. However, there are no legal consequences when the IUP holder fails to implement or complete the resolution of land rights. Especially the land of indigenous communities, leading to illegal actions by the IUP holders and criminal threats against local residents who obstruct mining activities or criminalization,<sup>1</sup> yet the resolution of their land rights is incomplete. The responsibility for resolving land rights for mineral and coal mining business activities underwent a fundamental change between the previous and post-change laws <sup>14</sup>.

Legally, in addition to granting the government the authority to control land by registering someone's land ownership rights, the UUPA also grants land rights holders the authority to manage and utilise their land as stipulated in Article 4 of the UUPA. According to the provisions of Article 4 paragraph (1) of the UUPA, the state's right to control as referred to in Article 2 of the UUPA is determined by the existence of various types of rights over the earth's surface, which are called land, that can be granted to and owned by individuals, either alone or jointly with other individuals and legal entities. Furthermore, in its explanation, it is emphasised that land is the surface of the earth. The UUPA explanation fully describes that only the surface of the earth, namely land, can be a person's right. Meanwhile, Article 4 paragraph (2) of the UUPA stipulates that the rights to land referred to in paragraph (1) of this article grant the authority to use the land in question, as well as the earth's surface, water, and space above it, as needed for interests directly related to the use of the land within the limits set by this law and other higher legal regulations <sup>15</sup>.

Compatibility is formed from the concept and limitations of the state's right to control national agrarian wealth and program planning. The allocation of national agrarian wealth accommodated in the substance of the IUP and other articles of Law No. 4 of 2009 includes the authority, responsibility, rights, and obligations of the central or regional government, right holders, and the community <sup>16</sup>.

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<sup>14</sup> Wahyu Nugroho, "Persoalan Hukum Penyelesaian Hak Atas Tanah Dan Lingkungan Berdasarkan Perubahan Undang-Undang Minerba," *Jurnal Hukum Ius Quia Iustum* 27, no. 3 (September 2020), <https://doi.org/10.20885/iustum.vol27.iss3.art7>.

<sup>15</sup> Anna Triningsih and Zaka Firma Aditya, "Pembaharuan Penguasaan Hak Atas Tanah Dalam Perspektif Konstitusi," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 3 (2019): 329.

<sup>16</sup> Widhya Mahendra Putra, "Sinkronisasi Peraturan Perundang-Undangan Mengenai Izin Usaha Pertambangan Dalam Rangka Mewujudkan Pembangunan Nasional Yang Berkelanjutan," 2010.

Transnational crimes in mining are defined as unlawful acts against the Mineral and Coal Mining Law committed by individuals or corporations within the territory of the Republic of Indonesia, where the proceeds of the crime are managed and enjoyed by taking natural resource wealth out of the territory of the Republic of Indonesia. The relationship between transnational crimes and extraordinary crimes involves the seizure of natural resource proceeds by individuals or corporations, and these crimes are committed in an organised manner, causing widespread impact on the state and directly affected communities. Seeing the tremendous impact it had, the term "ecocide" emerged as a new term to classify crimes that affect the environment and are massive, widespread, and structural.

Transboundary crimes are specifically defined in relation to environmental crimes that have a very wide-ranging impact on nature and humans<sup>17</sup>. Transboundary crimes can be categorised into several characteristics: First, the scope includes: 1) Mining that causes environmental damage, 2) Actions that cause damage to environmental ecosystems, 3) Exploiting the environment by violating the law, 4) Depriving communities of their right to land they have managed as a means of sustaining their lives, 5) Utilising natural resources to conduct business without a permit. Second, characteristics including: 1) Involving more than one country, 2) Organised, 3) Involving governments. Third, the classification of crimes includes: 1) crimes against nature: a) damaging wildlife, b) damaging biodiversity, c) directly damaging natural resources; 2) crimes against humanity: a) deprivation of the right to life, b) deprivation of property rights.

Transnational crimes are not specifically regulated in either national or international law. The formulation of laws on transnational crimes in Indonesian legislation can be based on the principle of territoriality as regulated in Article 2 of the Criminal Code, the principle of national protection as regulated in Article 5 of the Criminal Code, and the principle of universality as regulated in Article 4 of Law Number 1 of 2023 concerning the Criminal Code. Ratification and formulation in international law can also be based on Law Number 5 of 2009 concerning the Ratification of the United Nations Convention Against Transnational Organised Crime (UNTOC).

By definition, ecocide comes from the Greek words *oeco*, meaning environment, and *caedere*, meaning killing or destruction. Therefore, ecocide can be defined as the destruction of habitat or the environment. Ecocide usually occurs systematically.

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<sup>17</sup> Linert Lirëza and Gentian Koçi, "Environmental Crimes: Their Nature, Scope, and Problems in Identification," *Interdisciplinary Journal of Research and Development* 10, no. 1 S1 (2023): 237.



"Systematically" here means it is intentionally carried out by the perpetrator and causes the destruction of ecological, social, and cultural functions as part of human life. In its development on the international stage, ecocide is the voice of the international community <sup>18</sup>. The Ministry of Energy and Mineral Resources (ESDM) recorded 2,741 illegal mining locations, also known as PETI or illegal mines, spread across various regions in Indonesia <sup>19</sup>. The remaining 2,645 illegal mineral mining locations are evenly distributed across almost all provinces <sup>20</sup>. These illegal mines employ approximately 3.7 million workers without permits, with about 480 locations outside mining business permit areas (WIUP) and 133 locations within WIUP, including 2,128 locations whose whereabouts are unknown and will be identified <sup>21</sup>.

Table 1. Number of Illegal Mines in Indonesia.

No	Year	Amount
1	2021-2022	Approximately 2,700 to 2,741 illegal mining locations have been revealed by the government and the Ministry of Energy and Mineral Resources.
2	2025	Approximately 2,380 illegal mineral mining locations are scattered across Indonesia.

Source: self-managed in 2025

Based on Table 1 above, it is explained that the high number of illegal mining activities from 2021 to 2025 is spread across Indonesia. Illegal mining by business actors or corporations under the guise of small-scale mining, with the aim of obtaining legal protection. The level of understanding and knowledge among the community living in the mining area regarding the impact caused by illegal mining is still low.

<sup>18</sup> Ausath, "Upaya Penerapan Ekosida Sebagai Kejahatan Luar Biasa Di Indonesia."  
<sup>19</sup> Ami A Meutia, Dianto Bachriadi, and Nurfitri Abdul Gafur, "Environment Degradation, Health Threats, and Legality at the Artisanal Small-Scale Gold Mining Sites in Indonesia," *International Journal of Environmental Research and Public Health* 20, no. 18 (2023): 6774.  
<sup>20</sup> Frederick Owusu-Nimo et al., "Spatial Distribution Patterns of Illegal Artisanal Small Scale Gold Mining (Galamsey) Operations in Ghana: A Focus on the Western Region," *Helixyon* 4, no. 2 (2018).  
<sup>21</sup> Osman Antwi-Boateng and Mamudu Abunga Akudugu, "Golden Migrants: The Rise and Impact of Illegal Chinese Small-scale Mining in Ghana," *Politics & Policy* 48, no. 1 (2020): 135–67.

Table 2. Impact of Illegal Mining in Indonesia.

No	Consequences caused	Environmental Impact
1	Water pollution	<ul style="list-style-type: none"> <li>- Acid Mine Drainage (AMD): Uncontrolled mining activities can produce highly acidic AMD and contaminate water sources;</li> <li>- Erosion and flooding: The loss of vegetation due to land clearing for illegal mining increases the risk of erosion, landslides, and flooding;</li> <li>- Water quality changes: The water becomes turbid due to sediment and physical changes in the river caused by mining activities;</li> <li>- Ecosystem damage: Water pollution with hazardous chemicals like mercury can wipe out fish and other aquatic organisms, as well as harm biodiversity.</li> </ul>
2	Air pollution	<ul style="list-style-type: none"> <li>- Greenhouse gas emissions: Mining activities, including illegal ones, generate greenhouse gas emissions such as <math>\text{CO}_2</math> and <math>\text{CH}_4</math>, which contribute to global climate change; Air pollution;</li> <li>- In addition to dust, toxic fumes from hazardous chemicals are also released into the atmosphere, which can harm human health and the surrounding environment;</li> </ul>
3	Threatening the lives of the public	<ul style="list-style-type: none"> <li>- Chemical poisoning: The use of chemicals like mercury in illegal gold mining can cause poisoning in humans;</li> <li>- Risk of disease: People who consume contaminated water or are exposed to toxic chemicals are at risk of health problems, and can even contract diseases like typhoid.</li> </ul>

	<ul style="list-style-type: none"><li>- Impact on pregnant women: Mercury can be harmful to pregnant women, causing birth defects, low birth weight, premature birth, and even cognitive, motor, and hearing impairments in children.</li></ul>
4	<div>Soil pollution<ul style="list-style-type: none"><li>- Decreased fertility: Excavation and exposure of soil layers lead to the loss of fertile topsoil, which is essential for plant growth;</li><li>- Contamination: Waste such as tailings contains heavy metals and toxic chemicals (including mercury in illegal gold mines) that seep into the soil and groundwater.</li><li>- Landscape changes: Open-pit mining leaves behind holes, mounds, and acid mine drainage pools that cannot be optimally reused after mining;</li></ul></div>
5	<div>Social and economic impact<ul style="list-style-type: none"><li>- Disruptions to agriculture: Poor water quality can damage agricultural land, as happened to rice paddies in Sidrap, South Sulawesi;</li><li>- Searching for alternative water sources: Communities are forced to find other water sources, which are often contaminated with harmful bacteria;</li><li>- Economic losses: Damage to agricultural land and declining environmental quality can lead to economic losses for the local community.</li></ul></div>

Source: self-managed in 2025

The impact caused by illegal mining confirms that crimes related to mining activities can be categorised as transnational and extraordinary crimes because, in addition to the impacts described above, mining crimes also lead to conflicts with local communities who feel marginalised or have lost access to their natural resources. This conflict can lead to social tension, violence, or even armed conflict in some cases <sup>22</sup>. The impacts described in Table 2 above, which underlie environmental crimes against natural

<sup>22</sup> Riza Cadizza and Riza Chatias Pratama, “Dampak Pertambangan Ilegal Terhadap Kerusakan Lingkungan Di Indonesia,” *UNMUHA LAW JOURNAL* 1, no. 2 (2024): 83–90.

resources, can be categorised as transnational crimes and extraordinary crimes <sup>23</sup>. The image shows the effects of environmental damage on both nature and humans.

Fig 3.

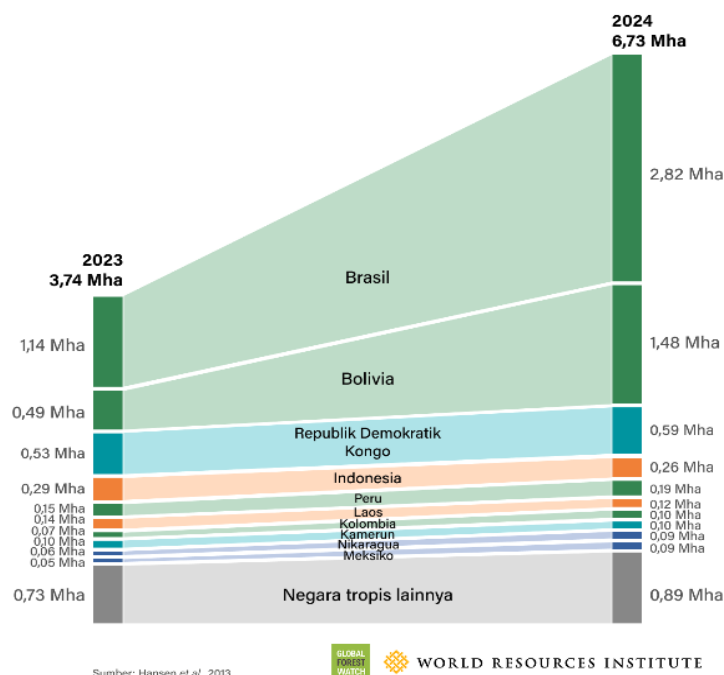


Fig 4.



Fig 3 shows the impact of environmental damage caused by forest fires that do not meet existing regulations and exceed the permitted area, leading to air pollution that threatens the health of affected communities. Fig 4 also explains that deforestation beyond the limits and in violation of regulations for land clearing will cause natural disasters, namely floods, resulting in the loss of property and even lives for the community.

Fig. 5



Source: World Resources Institute, 2025

<sup>23</sup> Rob White, *Transnational Environmental Crime: Toward an Eco-Global Criminology* (Willan, 2018).

Fig 5 explains that according to the latest data from the University of Maryland's Global Land Analysis and Discovery (GLAD) laboratory, available on WRI's Global Forest Watch (GFW) platform, tropical primary forests disappeared at a rate equivalent to 18 football fields per minute in 2024, nearly double the rate in 2023. This loss is occurring in some of the most important forest ecosystems, which are crucial for people's livelihoods, carbon storage, water provision, biodiversity, and other functions. Deforestation in 2024 alone resulted in greenhouse gas emissions of 3.1 gigatonnes (Gt), slightly higher than India's annual CO<sub>2</sub> emissions from fossil fuel use. Based on the summary of collected data, environmental crime indicators have a significant impact both nationally and internationally <sup>24</sup>.

### **C. CONCLUSION**

The responsibility for resolving land rights for mineral and coal mining business activities underwent a fundamental change between the previous law and the post-change law. The construction of legal norms regarding illegal mining practices involving corporations or foreign citizens has not been accommodated in the Mineral and Coal Mining Law. The illegal mining case in West Nusa Tenggara Province illustrates that sanctions regulating illegal mining operators for foreign citizens must be well-formulated and firm to prevent the leakage of Indonesia's natural resource wealth to other countries. The illegal mining that occurs is also based on the unauthorised utilisation and use of natural resources, stemming from an unauthorised interpretation that leads to multiple interpretations among law enforcement officials.

### **D. SUGGESTION**

Based on the research findings in this article, several recommendations can be made to strengthen efforts to combat illegal mining in Indonesia. First, the legal and regulatory framework governing the mining sector needs to be strengthened, with clear and firm sanctions against illegal mining practices, particularly those involving foreign companies. The gaps in the current Mineral and Coal Mining Law must be addressed immediately, particularly regarding the unauthorized exploitation of natural resources and the lack of specific provisions to address illegal activities carried out by foreign entities. Second, active community participation in controlling illegal mining is essential. Public awareness

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<sup>24</sup> Mohammad Fazle Rabbi, "Unveiling Environmental Crime Trends and Intensity in the EU Countries through a Sustainability Lens," *European Journal on Criminal Policy and Research*, 2024, 1–29.

campaigns regarding the environmental and health impacts of illegal mining should be conducted, as well as education for local communities about their legal rights to prevent exploitation by mining operators. Third, monitoring and law enforcement of mining activities should be carried out using advanced technology, such as satellite imagery and drones, to connect mining locations in real time. Better coordination between law enforcement agencies at the national and regional levels is also crucial. Fourth, given the transnational nature of illegal mining, Indonesia needs to strengthen cooperation with international organizations and neighboring countries in combating illegal mining practices. This collaboration could include the exchange of information, best practices, and technical expertise to address transboundary illegal mining operations that impact the environment and communities. These recommendations aim to create a more integrated and systematic approach to addressing the challenges posed by illegal mining in Indonesia, ensuring both legal compliance and environmental objectives.

## REFERENCES

- Antwi- Boateng, Osman, and Mamudu Abunga Akudugu. "Golden Migrants: The Rise and Impact of Illegal Chinese Small- scale Mining in Ghana." *Politics & Policy* 48, no. 1 (2020): 135–67.
- Ausath, Muhammad Ali. "Upaya Penerapan Ekosida Sebagai Kejahatan Luar Biasa Di Indonesia." *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria* 2, no. 1 (2022): 115–28.
- Biber, Eric, and J B Ruhl. "The Permit Power Revisited: The Theory and Practice of Regulatory Permits in the Administrative State." *Duke LJ* 64 (2014): 133.
- Cadizza, Riza, and Riza Chatias Pratama. "Dampak Pertambangan Ilegal Terhadap Kerusakan Lingkungan Di Indonesia." *UNMUHA LAW JOURNAL* 1, no. 2 (2024): 83–90.
- Dwisvimiari, Inge. "Keadilan Dalam Perspektif Filsafat Ilmu Hukum." *Jurnal Dinamika Hukum* 11, no. 3 (2011): 522–31.
- Erika, Erika. "Konflik Pembebasan Lahan Di Wilayah Tanah Adat Masyarakat Hukum Adat Dalam Konsensi Pertambangan Mineral Dan Batubara." *Jurnal Komunikasi Hukum (JKH)* 4, no. 2 (2018): 1–14.
- Gavin, Michael C, Jennifer N Solomon, and Sara G Blank. "Measuring and Monitoring Illegal Use of Natural Resources." *Conservation Biology* 24, no. 1 (2010): 89–100.
- Gosal, Risaldi. "Tinjauan Yuridis Terhadap Pertambangan Ilegal Ditinjau Dari Pasal 158 Undang-Undang Nomor 3 Tahun 2020 Tentang Perubahan Atas Undang-Undang Nomor 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batubara." *Lex Administratum* 12, no. 3 (2024).
- Hayati, Tri. "Hak Penguasaan Negara Terhadap Sumber Daya Alam Dan Implikasinya Terhadap Bentuk Pengusahaan Pertambangan." *Jurnal Hukum & Pembangunan* 49,

- no. 3 (2019): 768–87.
- Herman, Herman, Oheo Kaimuddin Haris, Sabrina Hidayat, Handrawan Handrawan, Heryanti Heryanti, and M Fadli Masulili. “Penegakan Hukum Terhadap Tindak Pidana Penambangan Mineral Di Kawasan Hutan Tanpa Izin.” *Halu Oleo Legal Research* 4, no. 2 (2022): 261–75.
- Lirëza, Linert, and Gentian Koçi. “Environmental Crimes: Their Nature, Scope, and Problems in Identification.” *Interdisciplinary Journal of Research and Development* 10, no. 1 S1 (2023): 237.
- Mbunai, La Ode. “Dekonstruksi Kebijakan Dan Kepastian Hukum Sebagai Upaya Perlindungan Investor Dalam Mempercepat Perkembangan Investasi Pada Sektor Pertambangan Menuju Masyarakat Lima Titik Nol (5.0).” Universitas Kristen Indonesia, 2024.
- Meutia, Ami A, Dianto Bachriadi, and Nurfitri Abdul Gafur. “Environment Degradation, Health Threats, and Legality at the Artisanal Small-Scale Gold Mining Sites in Indonesia.” *International Journal of Environmental Research and Public Health* 20, no. 18 (2023): 6774.
- Nugroho, Wahyu. “Persoalan Hukum Penyelesaian Hak Atas Tanah Dan Lingkungan Berdasarkan Perubahan Undang-Undang Minerba.” *Jurnal Hukum Ius Quia Iustum* 27, no. 3 (September 2020). <https://doi.org/10.20885/iustum.vol27.iss3.art7>.
- Owusu-Nimo, Frederick, Jones Mantey, Kwabena B Nyarko, Eugene Appiah-Effah, and A Aubynn. “Spatial Distribution Patterns of Illegal Artisanal Small Scale Gold Mining (Galamsey) Operations in Ghana: A Focus on the Western Region.” *Heliyon* 4, no. 2 (2018).
- Putra, Widhya Mahendra. “Sinkronisasi Peraturan Perundang-Undangan Mengenai Izin Usaha Pertambangan Dalam Rangka Mewujudkan Pembangunan Nasional Yang Berkelanjutan,” 2010.
- Rabbi, Mohammad Fazle. “Unveiling Environmental Crime Trends and Intensity in the EU Countries through a Sustainability Lens.” *European Journal on Criminal Policy and Research*, 2024, 1–29.
- Ruhupatty, Chris. “Keadilan Dalam Pandangan Dekonstruksi.” *Dekonstruksi* 9, no. 04 (2023): 125–28.
- Shevchuk, Tetyana, and Andriy Sobakar. “Permits of Administrative and Legal Environmental Security: Essence, Types for Improvement,” 2021.
- Shover, Neal, and Aaron S Routhe. “Environmental Crime.” *Crime and Justice* 32 (2005): 321–71.
- Triningsih, Anna, and Zaka Firma Aditya. “Pembaharuan Penguasaan Hak Atas Tanah Dalam Perspektif Konstitusi.” *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 3 (2019): 329.
- White, Rob. *Transnational Environmental Crime: Toward an Eco-Global Criminology*. Willan, 2018.
- Zaitch, Damián, Tim Boekhout van Solinge, and Gudrun Müller. “Harms, Crimes and Natural Resource Exploitation: A Green Criminological and Human Rights Perspective on Land-Use Change.” *Conflicts over Natural Resources in the Global South—Conceptual Approaches*, 2014, 91.