

Government efforts to tackle illegal mining in Madura Island

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Abstract. Madura is an island consisting of four districts which are part of the regional government of East Java Province, In Madura there are many illegal mining problems which are still operating and there is no solution to resolve them, From the research results, there are several reasons that illegal mining occurs in Madura, namely economic, social and law enforcement. Solutions and recommendations to the local government to overcome illegal mining, namely Law Enforcement carried out by Carrying out Enforcement Raids and Legal Sanctions, Increased Supervision by means of Integrated Supervision and use of Supervision Technology, Education and counseling by providing mining education to the community and providing alternative jobs other than mining, and Inter-Institutional Collaboration by Coordinating with Non-Governmental Organizations.

1 Introduction

There are interesting facts regarding illegal mining on Illegal mining activities has spreaded in four districts of Madura Island like Bangkalan, Sampang, Pamekasan, and Sumenep. The fact has been reported by several Madura news media. Illegal mining has not yet been resolved properly and has become more complex spreaded in every area. This problem is difficult to be eradicated because its case is suspected by influenced individuals and groups. [1] likewise in Pamekasan district that there are people who control illegal mining covering an area of 980.55 hectares of land,[2] while in Sampang district there are 8 The mining point used is to manipulate tax payments.[3] Apart from that, Suara Jatim media reported that Bangkalan district is not free from illegal mining and there are even allegations that it is also suspected by law enforcement officials,[4] In four districts in Madura there are illegal mines which will certainly damage the environment, and the impacts have been seen in the past few months such as floods, landslides and other disasters that have harmed the community. Based on Law Number 3 of 2020 concerning Mineral and Coal Mining, to carry out mining, people or business entities must obtain a permit so that they can be monitored in the implementation of their mining activities.[5] However, this regulation is ignored or indeed miners never know about this law.

The government has committed to resolving this frequency of illegal mining by issuing Presidential Regulation Number 55 of 2022 concerning Delegation of Granting Business Licensing in the Mineral and Coal Mining Sector. This regulation was made to implement the Mining and Coal Law, which gives several authorities to the Provincial Government to realize effective and efficient governance.[6] However, this presidential regulation is not effectively binding on all

people who only care about their own satisfaction and enriching themselves through illegal means.

Meanwhile, illegal mining can cause many problems, such as criminal acts, land use conflicts, environmental damage, and pollution can destroy the environment in the future.[7] If left unchecked, this can have a negative impact on society.[8] Therefore, all parties must pay serious attention from the start.

In environmental law, there are three concepts that can be used to prevent illegal mining including supervision, observation, and socialization of existing laws and regulations. These three concepts form the basic of preventive law enforcement, which means that law enforcers do not have to immediately take legal action, instead, they must provide solutions or instructions to the public so that they know how to protect the environment so that they do not violate the law. In fact, prevention must be carried out by the government or related parties, but there are several government officials who participate in securing and even owning illegal mining.[9]

In fact, apart from the concept of preventing illegal mining, there are also law enforcement instruments, especially environmental law, which consists of the use of administrative law, civil law, and criminal law. However, law enforcement cannot solve this illegal mining.

Madura which is part of the East Java government, At least the East Java government is taking action to resolve the problem of illegal mining on the island of Madura, because licensing and all forms of regulations related to mining are not yet effective in the Madura island region, meanwhile, the district government on the island of Madura cannot act directly because the legal basis must be based on the law made by the East Java government.

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2 Three concepts of mines: legal mining, illegal mining, and expired licensed mining

Legal mining is mining that has a license to carry out mining work activities. Illegal mining is mining that does not have a license to carry out mining activities. Expired licensed mining is mining that has a permit to carry out mining activities but the time of the permit has expired. These three concepts often exist in several areas in Madura in mining activities, legal mining or mining that has a permit, there are no problems in its implementation, it's just that there are often no reports to the government and neglect to fulfill mining tax payment obligations. Meanwhile, the problem of mining where the permit period has expired does not extend the permit but is not referred to as illegal mining, because illegal mining is a mining activity without a permit and this is included in mining crime.

In fact, illegal mining can be said to be a legal mine, it is enough to have a permit, as stated in the mining licensing procedures that the first step in a mining business before carrying out a permit is to start by obtaining a mining business permit area (WIUP). Next, the second step is to apply for an Exploration Mining Business Permit (IUP) and Production IUP via the Online Single Submission (OSS) website, which is an integrated electronic system managed and organized by the OSS Institution for administering Risk-Based Business Licensing [10].

In presidential regulation number 55 of 2022 concerning the delegation of permits, licensing is carried out online, namely OSS, which is a copy of the central government. Meanwhile, in the East Java provincial government, there is an application called JOSS (Jatim online single submission) for two websites related to licensing, including mining. OSS is used for all permits, both central government and regional government. Meanwhile, JOSS is a local website that only applies to the East Java provincial government [11].

3 Legal basis for mining permits in Madura

Madura which is part of the East Java government, In carrying out the duties and functions of the East Java government, it must be based on established laws, because Indonesia is a country based on law, In fact, the East Java Provincial Government does not yet have regional regulations or governor regulations regarding mining because there is no order in the mining law to make provincial regional regulations regarding mining. However, there is a Decree of the Governor of East Java Number 188/213/KPTS/013/2023 concerning Integrated Teams and Supervision of Non-Metal Minerals and Rocks.

In the implementation of mining, it follows Law Number 3 of 2020 concerning mineral and coal mining and related to the Delegation of Licensing, there is a Presidential Regulation of 2022 concerning Delegation of Granting Business Licensing in the Mineral and Coal Mining Sector. As a result of the absence of regional

regulations that regulate illegal mining, it has increasingly provided opportunities for people in low economic conditions to carry out illegal mining on the island of Madura. On the same hand, the impact of the absence of regional regulations has the impact of weak law enforcement in the field.

4 The basis for the existence of illegal mining in the Madura region

4.1 Economic aspects

Business actors who want to open mining land should have awareness of managing business permits. The mindset of business actors who feel that arranging business permits is too expensive and complicated must be changed, that obtaining permits is an obligation that must be fulfilled by parties wishing to carry out mining activities.[12] In fact, licensing service procedures must be clear, strict, detailed, officially regulated and implemented in accordance with general principles of good governance, and the process flow and deadlines must be regulated.

However, it cannot be denied that in the Madura region, in carrying out the licensing service process, we often find certain individuals who charge fees for business actors who process the permits, claiming that it is a sign of gratitude from the business actors to these parties for processing their permits until the permit is issued.

This kind of bureaucratic capacity, especially officials providing mineral and coal mining licensing services, indirectly influences the psychological attitude of the community to apply for the licensing process, thus making mining without a permit an alternative to processing permits which is considered expensive, difficult and time consuming. This is what makes mining business actors lazy to take care of permits and manage mines arbitrarily without permits against the law even though it should be their responsibility. If you want to get big results, of course you have to balance it with the capital you spend. Moreover, many people feel that they do not need to take care of permits on the grounds that the land is theirs. So, through policies and legal regulations made by the government, illegal mining can be minimized and there must be economic guidance and training on environmental restoration efforts so that we don't just rely on mining businesses but develop other economic potential.

4.2 Social aspects

Apart from economic aspects, the existence of illegal mining is also influenced by social aspects of society.[13] Within the framework of the social life of communities around mining areas in the Madura region, social relations are formed through shared interests in managing local production sources, shared land and natural resources, and shared history. and culture. The loss of community control over land and natural resources causes the social capital base of the community to disappear.

The company and the people around it are two (two) components that influence each other. The company needs the surrounding community to develop the company itself, and conversely the community in the Madura region needs the company to improve the community's economy and regional development through the company's presence.

Social factors regarding the relationship between the community and mining activities have quite a large influence on the occurrence of illegal mining. Local people rarely question whether mining has a permit or not, the most important thing for local people is that they do not feel disadvantaged by the mining as long as their land rights are fulfilled. Most people are still unfamiliar with what good and correct mining permits are like. It is this community ignorance that encourages illegal mining business actors to continue carrying out mining activities without permits because according to them it is enough to persuade people living around the mines with the promise of jobs.

4.3 Regulatory aspects

The existence of legal norms that are problematic in their formation creates problems in their implementation. The existence of mining without permits is not free from regulatory conflicts regarding the authority to grant permits as stated in the provisions between Law Number 4 of 2009 concerning Mineral and Coal Mining and Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 regarding Mineral and Coal Mining. Apart from the conflict, there is also a legal vacuum, especially regional regulations related to illegal mining in East Java province, while the Madura region is part of East Java province.

5 Government efforts in combating illegal mining

To prevent adverse impacts, the government should make various efforts and strategies to curb illegal mining in the Madura region, such as:

5.1 Law enforcement:

In implementing law enforcement several actions can be seen, namely:

5.1.1 Carrying out raids and enforcement

A raid is an inspection or search carried out by law enforcement officers in the Madura region, while Enforcement is firm action taken by law enforcement officials after violations or crimes are discovered in the Madura region. These two activities are part of law enforcement efforts carried out to ensure that people in the Madura region remain safe, orderly and comply with applicable regulations, especially those related to illegal mining [14].

5.1.2 Legal sanctions

The application of strict sanctions against illegal mining perpetrators in the Madura region is to provide a deterrent effect and if the mining activity occurs without a permit, then the action is a criminal act,[15] as regulated in Article 158 of the Mining Law which reads "Every person who carries out mining business without an IUP, IPR or IUPK as intended in Article 37, Article 40 paragraph (3), Article 48, Article 67 paragraph (1), Article 74 paragraph (1) or paragraph (5) shall be punished with imprisonment for a maximum of 10 (ten) years and a maximum fine of IDR 10,000,000,000.00 (ten billion rupiah)."

Meanwhile, sanctions for mines that are licensed but violate the provisions are contained in Article 151 of the Minerba Law. Paragraph (1) The Minister has the right to impose administrative sanctions on holders of IUP, IUPK, IPR, SIPB, or IUP for Sales for violations of the provisions as intended in Article 36A, Article 41, Article 52 paragraph (4), Article 55 paragraph (4), Article 58 paragraph (4) Article 61 paragraph (4), Article 70, Article 70A, Article 71 paragraph (1), Article 74 paragraph (4), Article 74 paragraph (6), Article 86F, Article 86G letter b, Article 91 paragraph (1), Article 93A, Article 93C, Article 95, Article 96, Article 97, Article 98, Article 99 paragraph (1), paragraph (3), and paragraph (4), Article 100 paragraph (1), Article 101A, Article LO2 paragraph (1), Article 103 paragraph (1), Article 105 paragraph (1) and paragraph (4), Article 106, Article 107, Article 108 paragraph (1) and paragraph (2), Article 110, Article 111 paragraph (1), Article 112 paragraph (1), Article 112f paragraph (1), Article 114 paragraph (2), Article 115 paragraph (2), Article 123, Article 123A paragraph (1) and paragraph (2), Article 124 paragraph (1), Article 125 paragraph (3), Article 126 paragraph (1), Article 128 paragraph (1), Article 129 paragraph (1), Article 130 paragraph (2), or Article 136 paragraph (1).

Paragraph (2) Administrative sanctions as intended in paragraph (1) are in the form of: a. written warning; b. fine; c. temporary suspension of part or all of Exploration activities or Production Operations; and/or d. revocation of IUP, IUPK, IPR, SIPB, or IUP for Sales.

5.2 Increased Supervision:

In carrying out increased supervision several steps can be taken, namely:

5.2.1 Integrated Supervision

Integrated Supervision is a concept that refers to the coordination and integration of supervision in various sectors or areas to ensure efficiency, consistency and effectiveness in the implementation of supervision. This monitoring approach is carried out holistically, covering various aspects and entities that interact in a system or sector in the Madura region. So it is very necessary to involve various related agencies to monitor mining activities in the Madura region. The aim is to ensure coordination and consistency in the implementation of policies and regulations, as well as to identify and

address risks that may arise as a result of such interactions.

5.2.2 Surveillance Technology

Surveillance technology is a set of tools and systems used to monitor, observe, and collect information about individuals or groups. This technology is often used for security purposes, activity monitoring and data collection in various contexts, from government to the private sector, surveillance technology can be used as a government effort to monitor, observe and collect information related to illegal mining in the Madura region. Such as the GPS Tracking System (Global Positioning System), for example using drones and satellites to monitor areas prone to illegal mining in the Madura region.[16]

5.3 Education and counseling

5.3.1 Community education

Providing education to the community in the Madura region about the negative impacts of illegal mining and the importance of protecting the environment on a regular basis. This is because many individuals involved in illegal mining activities do not understand the dangers that can arise from these activities. For this reason, it is necessary to provide outreach or outreach, especially regarding the impact of Peti's activities on the surrounding environment. Apart from that, providing guidance and outreach to the people in the Madura island region so that they are willing to process their mining permits so that they are not said to be illegal.[17] This mining permit is given for the safety of miners. So those provided with coaching and socialization facilities are miners who have illegal mining businesses.[18]

5.3.2 Job alternatives

Provide training and alternative employment opportunities for communities involved in illegal mining. The government should try to provide other employment opportunities for the community so that they do not carry out illegal mining activities by providing job training facilities through the district regional government. Because if we look back, illegal mining activities are one of the many homework assignments that the government must immediately complete. The solution is not easy and must be gradual, but if it is not resolved immediately by providing alternative work, the impact on the environment and losses for the country will increase.

5.4 Inter-agency collaboration:

Coordination with NGOs (Non-Governmental Organizations) regarding illegal mining in the Madura region is an important step in dealing with this problem effectively.[19] NGOs often have in-depth local knowledge, dedicated human resources, and extensive networks that can assist in tackling illegal mining.

Collaborate with NGOs and local communities to monitor and report illegal mining activities. Collaboration with NGOs can be more structured and effective in overcoming the problem of illegal mining in the Madura region.

6 Conclusion

The rise of illegal mining in Madura requires solutions to overcome it, solutions and recommendations to the local government to overcome illegal mining, namely Law Enforcement carried out by Carrying out Enforcement Raids and Legal Sanctions, Increased Supervision by means of Integrated Supervision and use of Supervision Technology, Education and counseling by providing mining education to the community and providing alternative jobs other than mining work, and Inter-Institutional Collaboration by Coordinating with Non-Governmental Organizations.

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