



## Law enforcement against rock mining in Dawan district, Bali

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### Abstract

The natural resources contained in the earth of Indonesia are one of the natural wealth that, if managed properly, will contribute to the economic improvement of the country, which can be used for development interests and economic enhancement for the welfare of the community, one of which is obtained through mining activities such as rock mining in Dawan District, Klungkung Regency. Rock mining in Dawan District is used for land preparation in the Bali Cultural Project; however, this rock mining has not obtained the necessary permits as required by legislation and may lead to legal implications. Based on this, the purpose of this research is to understand the law enforcement of mining against Regional Regulation of Klungkung Regency Number 1 of 2024 on rock mining in Dawan District. This research uses an empirical approach to address the issues present in the field. The results show that law enforcement against violations of Regional Regulation of Klungkung Regency Number 1 of 2024 can involve the closure or cessation of all rock mining activities in Dawan District because the rock mine owners have not obtained the necessary permits according to applicable laws and may face environmental criminal charges.

**Keywords:** Enforcement, Law, Mining, Permit

### Introduction

The country of Indonesia has abundant natural resources, both renewable and non-renewable. Indonesia's natural wealth attracts a lot of investment, particularly in mining, especially metal mining (gold, silver, bauxite, nickel, etc.) and coal as a source of fuel that is highly sought after by European countries and China. Therefore, Indonesia has a dependency on the management of natural resources to support the welfare of its people and for the interests of the state. Article 33, paragraph (3) of the 1945 Constitution states:

"The earth, water, and natural resources contained therein are controlled by the state and used to the greatest extent for the prosperity of the people."

The natural resources across Indonesia are a responsibility used to fulfill the rights of all Indonesian citizens in achieving prosperity. The state's authority encompasses land, water, and airspace, which indirectly become the rights of the Indonesian people. To manage natural resource wealth wisely and sustainably, the government issues laws regulating the management of natural resources. The state fully controls all wealth contained in the earth of Indonesia and uses it as best as possible for the Indonesian people who are entitled to the wealth owned by the state, and state control is the ultimate goal for the management of natural wealth aimed at the welfare of the people<sup>[1]</sup>.

Article 1, point (1) of Law Number 3 of 2020 concerning Mineral and Coal Mining explains that mining is part or all stages of activities or all stages of activities in the context of research, processing, and management of minerals and coal, including general investigation, exploration, feasibility studies, construction, mining, processing and refining, transportation and sales, as well as post-mining activities.

Based on the provisions of Article 11, paragraph (2) of Law Number 26 of 2007 concerning Spatial Planning, it regulates that district local governments have the authority to implement spatial planning in the district. This planning includes the spatial planning of the district, the utilization of

district space, and the control of the utilization of district space.

Spatial planning is designed to enforce spatial patterns according to their intended use, collaboratively developed by stakeholders. The function of the spatial planning of districts or cities includes, among others, in the utilization of space or development of districts or cities as a reference in achieving balanced development in the district or city, a reference in the preparation of long-term regional development plans and medium-term regional development plans, a reference for investment locations in the district or city conducted by the government, the community, and the private sector, guidelines for the preparation of detailed spatial plans in the district or city, and references in the administration of defense<sup>[2]</sup>. The benefits of spatial planning include achieving integrated development within the district or city, ensuring harmony of development in the district or city with surrounding areas, and guaranteeing the realization of quality spatial planning in the district or city<sup>[3]</sup>.

In the issuance of business permits in the area being requested, spatial suitability becomes very important to know whether the requested area is in accordance with spatial planning through the issuance of Spatial Utilization Activity Suitability. Deviations in spatial utilization from the provisions and norms that should be upheld. The Regional Spatial Plan is created to enhance security, comfort, productivity, and to create harmony among natural environments. Mining areas have been established in the spatial pattern based on in-depth studies considering the conditions of the area where mining activities are conducted<sup>[4]</sup>.

For instance, the Bali Cultural Center project requires rock mining sources for land preparation in the project area. The Bali Cultural Center project is carried out in a former C excavation site located in Gunaksa Village, Dawan District, Klungkung Regency. The project land is situated in a disaster-prone area filled with puddles everywhere. The total land required for the Bali Cultural Center is 334

hectares. For land preparation, a material volume of 4.5 million cubic meters is needed. Of this, 1.5 million cubic meters of material comes from dredging in the Bena Port area conducted by PT Pelindo (Persero). Then, 2 million cubic meters are sourced from several quarries around the area. Meanwhile, 1 million cubic meters come from excavations from the Marina arrangement. During the course of this project, the material source from Bena Port was not realized due to the lack of storage for the material before it could be distributed to the Bali Cultural Center Project.

In the process of land preparation at the Bali Cultural Center project, the material needs are partially sourced from the Dawan District area, Klungkung Regency, although the Dawan District area, according to Regional Regulation of Klungkung Regency Number 1 of 2024 concerning the Regional Spatial Plan of Klungkung Regency for 2024-2044, is not a rock mining area. The Strategic Environmental Study of the Regional Spatial Plan of Klungkung Regency for 2024-2044 also explains the importance of maintaining environmental carrying capacity sustainably. The rock mining process has caused changes in the landscape, altered the aesthetics of the area, and eliminated plasma nuftah as a guardian of surface water and groundwater hydrology. Efforts to maintain environmental sustainability during the mining process require control over mining activities. One of the important licensing processes in opening a mine is environmental approval, which is conducted through the preparation of environmental documents in the form of an Environmental Management Statement, Environmental Management and Monitoring Efforts, and an Environmental Impact Analysis that corresponds to the risks and scale of the mining activities undertaken. To ensure the environmental management plan and environmental monitoring plan, discussions with the community and government are necessary<sup>[5]</sup>. Supervision as a legal preventive instrument is very important and needed. Without environmental supervision, there is concern that further damage will occur. Supervision aims to prevent violations to avoid more severe environmental damage. This research aims to understand the law enforcement regarding rock mining based on Regional Regulation of Klungkung Regency Number 1 of 2024 concerning the Regional Spatial Plan of Klungkung Regency for 2024-2044.

## Results and Discussion

### 1. Concept of Law Enforcement

Law is one of the fields whose existence is essential to guarantee social and national life, especially since Indonesia is a rule of law country, which means that every action of state apparatus must be based on law, and every citizen must obey the law. With the increasingly complex development of the world today, various serious problems often arise that need to be addressed as early as possible. These problems may take the form of violations of existing norms in social life or rules that tend to create phenomena that contradict moral principles and ethical standards as well as legal regulations. The violations that occur are a reality of human existence that cannot fully accept these rules. If such matters are allowed to persist without sufficient attention, they will cause unrest in society, potentially disrupting public order<sup>[6]</sup>.

In law enforcement, it implies that every legal violation or deviation from the law involves law enforcement officials

such as police, judges, prosecutors, or lawyers, and the continuity of law is in their hands. The role of law enforcement officials becomes important because they carry out the will of the law. Everyone cannot turn a blind eye to the reality of law enforcement officials as a category of human beings and not merely as positions that tend to provide their own interpretations of the tasks that must be carried out according to their level and type of education. Law enforcement is the pathway to achieving legal ideas and ideals or legal objectives<sup>[7]</sup>.

A systematic study of law enforcement and justice is theoretically stated to be effective if the 5 pillars of law function well, namely: the legal instruments, the law enforcement apparatus, the community factors affected by the legal regulations, the cultural factors or legal culture, and the facilities and means that can support the implementation of the law. Hikmahanto Juwono states that in Indonesia, traditionally, the institutions that carry out law enforcement are the police, the prosecutor's office, the judiciary, and advocates<sup>[8]</sup>.

Law enforcement is greatly influenced by the conditions and social interactions occurring within society, which can be reflected in a society that maintains or develops a system of rights based on status, or a society with a sharp distinction between "the haves" and "the have-nots," or a society that exists within an authoritarian power environment, will place a different law enforcement system compared to an open and egalitarian society. In other words, proper and just law enforcement is determined by the will and participation of community members, not solely by the desires of law enforcement actors<sup>[9]</sup>.

### 2. The Concept of Rock Mining

In the 1960s, the legislation governing mining was Law Number 11 of 1967 concerning Basic Provisions of Mining. Meanwhile, in the year 2000, specifically in 2009, the Government, with the approval of the People's Consultative Assembly of the Republic of Indonesia, decided on Law Number 4 of 2009 concerning Mineral and Coal Mining<sup>[10]</sup>. According to Salim in his book titled "Mining Law of Minerals and Coal," the term mining law comes from the English translation, which is "mining law," in Dutch it is called "mijnrecht," and in German it is referred to as "bergrecht." Johan Kuyek presents the definition of mining law. Mining law is:

"have been set up to protect the interests of the mining industry and to minimize the conflicts between mining companies by giving clarity to who owns what rights to mine. They were never intended to control mining or its impact on land or people. We have to look to other laws to protect these interests."

This means that mining law is a set of rules aimed at protecting interests related to the mining industry and minimizing conflicts between mining companies while providing general clarification to anyone who has rights to conduct mining activities. They were never intended to control mining activities or their impact on land or people. We must look to laws to protect interests related to mining. Thus, this definition can be used to analyze the objectives of the law.

Mining activities are regulated under Law Number 4 of 2009 concerning Mineral and Coal Mining. To further detail the implementation of this law, it is elaborated in the form of Government Regulations, one of which is Government

Regulation Number 23 of 2010 concerning the Implementation of Mineral and Coal Mining Business Activities. Mining commodities are classified into five categories, namely:

1. Radioactive minerals, including: radium, thorium, uranium;
2. Metal minerals, including: gold, copper;
3. Non-metal minerals, including: diamonds, bentonite;
4. Rocks, including: andesite, clay, fill soil, gravel from hills, river gravel, fill sand;
5. Coal, including: asphalt rock, coal, peat.

Currently, the mining activities that are more commonly known are mining for metal mineral commodities such as gold, copper, nickel, bauxite, and coal commodities. In addition to these main mineral commodities and coal, rock commodities play an equally important role, especially in providing material support for infrastructure development, including the establishment of road infrastructure, housing development, and office buildings.

The terminology for Class C mining materials, which was previously regulated under Law Number 11 of 1967, has been changed based on Law Number 4 of 2009 to "rock," making the use of the term Class C mining materials no longer appropriate and replacing it with "rock."

Mining encompasses all or part of the stages of activities in the management and exploitation of minerals or coal. In the Indonesian dictionary, mining is defined as digging (taking) mining materials from the ground. Furthermore, Abrar Saleng states that mining activities involve the extraction of mining materials from the earth<sup>[11]</sup>.

Mining law is one of the fields of legal study that has experienced rapid development. This is evidenced by the establishment of various regulations governing mining. In the 1960s, the law regulating mining was Law Number 11 of 1967 concerning Basic Provisions of Mining, while in the 2000s, specifically in 2009, the Government, with the approval of the Indonesian House of Representatives, established Law Number 4 of 2009 concerning Mineral and Coal Mining<sup>[12]</sup>.

According to Salim HS, mining law is the entirety of legal principles that regulate the authority of the state in managing mining materials and govern the legal relationship between the state and individuals or legal entities in the management and utilization of mining materials. The legal principles in mining law are divided into two types: written and unwritten legal principles. Written mining law consists of legal principles found in regulations, treaties, and jurisprudence. Unwritten mining law consists of legal provisions that live and develop within society. Its form is unwritten and its nature is local, meaning it only applies within the local community<sup>[13]</sup>.

In terms of legal regulation, mining law has established mechanisms for mining. Both formally managed and illegal mining often lead to environmental damage and do not significantly impact the economy of the communities surrounding the mines, along with the weak oversight of mining by the government. Post-mining activities cause environmental damage, and efforts for environmental management are inadequately conducted, resulting in prolonged suffering for the community. A set of regulations that have been created should be able to reduce illegal

mining, which is very detrimental to regions such as the mining activities occurring in Geumpang and Tangse Districts in Pidie Regency<sup>[14]</sup>.

Control over land use is carried out through land use permits, the provision of incentives and disincentives, and the imposition of sanctions. Land use permits are intended as an effort to regulate land use so that every land use must be conducted in accordance with spatial planning. Land use permits are regulated and issued by the Government and Local Government according to their respective authorities. Land use that does not comply with spatial planning, whether equipped with permits or not, is subject to administrative sanctions, criminal penalties of imprisonment, and/or fines.

The imposition of sanctions, which is one of the efforts to control land use, is intended as a regulatory action against land use that does not comply with spatial planning and zoning regulations. Sanctions are not only imposed on land users who do not comply with the provisions of land use permits but are also imposed on the government officials who issue land use permits that do not comply with spatial planning. In the Law on spatial planning sanctions (Law Number 24 of 1992 on Spatial Planning), Article 26 states: (1) Land use permits that do not comply with the Regional Spatial Plan of the District/City established under this law are declared invalid by the relevant regional head. (2) If the permit referred to in paragraph (1) can be proven to have been obtained in good faith, compensation for losses arising from the cancellation of the permit may be requested.

As a form of law enforcement against violations of Regional Regulation Number 1 of 2024 concerning rock mining in Dawan District, the author encourages comprehensive coordination to enforce the law using the legal considerations outlined above. The Regent of Klungkung and the Vice Regent of Klungkung held a Limited Coordination Meeting (Rakortas) inviting the Head of the Bali Provincial Civil Service Police Unit, the Dawan Sub-district Head, the Gunaksa Village Head, the Gunaksa Traditional Village Chief, the Klungkung Environmental and Land Agency, and the Klungkung Public Works, Spatial Planning, and Settlement Agency on Monday, June 30, 2025, and decided to close and stop rock mining activities. Following this decision, the Head of the Civil Service Police Unit and Fire Department summoned the rock mine owners for guidance and warnings, and if they continued mining, they would be brought to legal proceedings.

Following up on the limited coordination meeting, the Vice Regent of Klungkung summoned the rock mine owners and emphasized that as of July 3, 2025, all rock mining activities without permits in Dawan District are prohibited from operating or must cease.

## Conclusion

Law enforcement against violations of Klungkung District Regional Regulation Number 1 of 2024 concerning the Regional Spatial Plan of Klungkung District for 2024-2044 can result in the closure or cessation of all rock mining activities in Dawan District because the rock mine owners have not obtained permits in accordance with applicable laws and regulations or may face environmental criminal charges.

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