Legal Policy of the Mineral and Coal Mining Law on the Criminalization Aspects of Mining Business Activities

Rosalinda Pratiwi Tarigan

{rosalindapratiwitarigan24@gmail.com}

Magister of Law, Bangka Belitung University, Indonesia

Abstract. Legislation is a legal political product in Indonesia in the form of policy, and this is no exception in the case of Law Number 3 of 2020 (Mining Law). One of the articles that has attracted attention is Article 162, which is part of criminal sanctions. Starting from the limitations of rights and questions about the direction and purpose of the preparation of this law, this research discusses the legal political direction of mining criminalization in Indonesia based on the Mining Law and provides a legal analysis related to the direct imposition of criminal sanctions in Article 162. The method used to examine this issue in-depth is the normative legal research method and employs a legal and conceptual approach.

Keywords: Legal Politics, Constitution, Mining, Punishment

1 Introduction

In the core principles advocated by Lawrence Meir Friedman, it is mentioned that there are three components in the legal system, namely legal structure, legal culture, and legal substance.[1] Therefore, when discussing law, we cannot disregard legislation as a part of this sub-system, which is legal substance. Legislation in Indonesia is a product resulting from the social construct represented by the legislative body, the DPR, and is formed through a process known as legal politics. The concept of legal politics or legislation politics is a system based on the procedure of creating regulations and involves a series of procedures such as drafts or designs of the political body.[2] Prof. Mahfud MD, a professor of Constitutional Law, has highlighted the various stages of legal politics, from the development of the law to the implementation of legal provisions, which also encompasses the roles of law enforcers. As part of a policy, based on our Constitution, in Article 1, paragraph (3) of the 1945 Constitution, it is stated that "Indonesia is a state of law." As a rule of law, Indonesia adheres to a recognized legal system that refers to the civil law, which prioritizes legislation as a source of law.[3] This kind of system holds the hope that law itself is a tool for the well-being of society, protecting citizens from arbitrary behavior and can act to safeguard and accommodate the rights and obligations of its citizens for

ICTA II-MIL 2023, October 21, Pangkalpinang, Indonesia

DOI 10.4108/eai.21-10-2023.2343523

the functioning of a nation. Therefore, in Indonesia, the law is present in various aspects of its society, from economic activities, education, to the management of Natural Resources (SDA).[4]

Speaking of natural resources, Indonesia is a country rich in its natural resources. In fact, referring to the provisions in Article 33, paragraph (3) of the 1945 Constitution, it states how the land, water, and natural wealth are owned by the state, provided that they are used for the prosperity of the people. In this context, the possession we know is a just, responsible, and rule-compliant possession. Regulations regarding the control of SDA are found to have been enacted in 2020, known as Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining (hereinafter referred to as the Minerba Law Revision).

When discussing mining, mining is a part or a complete set of procedures related to activities aimed at studying, managing, exploring, and assessing mining, which will depart to become activities related to production, and even post-mining activities.[2] It should be noted that in a series of mining activities, various impacts are generated. Firstly, it certainly has a positive impact, especially in terms of the economy, as it can provide employment opportunities and contribute to the state's revenue. Additionally, mining also assists in meeting the country's energy needs, which must be fulfilled given the continuous increase in energy demand. However, on the other hand, there are also significant environmental impacts, which pose a considerable threat to the community, ranging from soil contamination to water pollution within the community environment.[5]

When discussing mining, mining comprises a set of procedures aimed at researching, managing, exploring, and assessing mining, which ultimately lead to activities related to production, including post-mining activities. It should be noted that this sequence of mining activities has various impacts.[6] Firstly, it has a positive impact, especially on the economy, as it provides employment opportunities and contributes to the state's revenue. Additionally, mining helps support the country's energy needs, which must be met due to the continuous increase in energy demand. However, on the flip side, there are significant environmental impacts that pose a considerable threat to the community, affecting the land and water within the community's environment.

Therefore, to understand how mining significantly impacts the country, the government must take a serious and firm stance regarding mining management in Indonesia. According to data from the Ministry of Energy and Mineral Resources, as of November 24, 2022, mining contributed to revenue realization of up to IDR 155.75 trillion.

In essence, we can evaluate the government's seriousness and attention through the issuance of regulations that govern Minerals and Coal (Minerba Law), which were updated in 2020.[7] However, looking at how laws, as part of the political and legal product, raise several issues that require more in-depth academic scrutiny, especially concerning Article 162 of Law Number 3 of 2020 or Minerba Law. It states that there are criminal sanctions for anyone who obstructs or disrupts mining activities carried out by the holders of IUP, IUPK, IPR, or SIPB who meet the requirements as stipulated by the law. This raises questions about how the law should ideally serve to protect public or community interests. Starting from these provisions, it can be argued that the "elements" of protecting IUP, IUPK, IPR, or SIPB holders have the potential to harm not only the community but also the environment if these activities are found to be detrimental to many people.

Considering the purpose of criminalization, which is to prevent criminal activities by upholding legal norms for the protection and well-being of the community (prevention) and to reintegrate the offender into society through guidance and rehabilitation, the presence of regulations related to minerals and coal through Law Number 3 of 2020 is a political product that cannot be separated from legal politics, which also relates to how criminal sanctions are implemented, especially in terms of preventing such crimes.[8] Criminalization policies involve defining actions that, initially, were not considered criminal and turning them into criminal offenses within a legal framework. In essence, criminalization policies are part of criminal policy, using criminal law as a means, and are therefore an integral part of criminal law policy. Thus, this article is compiled to gain a deeper understanding of the legal politics in the construction of criminal regulations within the Minerba Law.

Based on the background provided, this research is primarily concerned with two main issues. Firstly, it seeks to explore the direction of the legal and criminal policy related to mining activities in Indonesia, particularly as defined by the Minerba Law (Minerals and Coal Mining Law). Secondly, it aims to conduct a juridical analysis focusing on the direct consequences of the introduction of criminal offenses as outlined in Article 162 of the Minerba Law. The main objectives of this research are twofold: first, to gain a comprehensive understanding of the legal and criminal policy surrounding mining activities in Indonesia, particularly in the context of the Minerba Law; and second, to conduct a juridical analysis to evaluate how the inclusion of these criminal offenses in Article 162 of the Minerba Law directly impacts various stakeholders within the mining sector. By addressing these specific aspects, this research will provide insights into the fundamental legal and policy direction underpinning the criminalization of certain activities within the Indonesian mining industry, shedding light on how it affects the different parties involved.

2 Method

This paper utilizes the normative or doctrinal research method, incorporating a variety of document-based studies. It relies on legal source materials such as legislation, court decisions, contracts, legal theories, and scholarly opinions.[9] The process of gathering these legal sources involves qualitative analysis, which is implemented by aligning relevant regulations with the issues under consideration.[10] Once a substantial amount of data has been collected, the next step involves data verification and classification.[11] Utilizing qualitative descriptive analysis techniques, the collected data is systematically reviewed and logically analyzed. This process is intended to yield valid conclusions that are closely correlated with the issues addressed in this research.

3 Result and Discussion

3.1 The Direction of Criminal Law Policy in Mining in Indonesia Based on the Mineral and Coal Mining Law

Indonesia's legal framework for mining activities has evolved since the enactment of Law No. 3 of 2020, which amended the previous regulations in Law No. 4 of 2009 concerning Mineral and Coal Mining.[7] In the updated law, it is evident that the authority and licenses that were previously held by regional governments were eliminated and replaced with licenses held by the central government. This transition is rooted in the sole authority stipulated in Article 4 of the law. Furthermore, Article 6 specifies that the central government has the exclusive authority to

oversee all aspects of mining, from mining business licenses (IUP) to special mining business licenses (IUPK) and people's mining licenses (IPR). This shift extinguished the attribution authority previously held by regional governments under Article 8 of Law No. 4 of 2009 concerning Mineral and Coal Mining.[12]

In this context, the policy direction we can deduce is the centralization of mining licensing. Legal policy changes are often seen as instrumental in achieving the state's objectives. The shift in authority from regional governments to the central government can be attributed to both internal and external factors. Internally, it is linked to political and legal power imbalances at the regional government level.[13] Externally, it relates to the interests of stakeholders in the mining sector, particularly investors looking to inject capital into mining activities. The primary concern of investors is to ensure that legal regulations are in line with their investment goals and positively impact their mining business operations.

With the enactment of Law No. 4 of 2009, the authority to issue licenses became centralized under the auspices of regional autonomy, shifting from centralization to decentralization of authority. In essence, before the issuance of this law, the regulation of mining licenses was centralized, reflecting characteristics that prioritized legal products during the New Order regime as a form of centralized government.

Centralized authority implied that various mining-related activities, including licensing and mining operations, were exclusively within the purview of the Minister of Mining. Besides the change in the regulatory framework, a shift towards a decentralized system with a significant delegation of authority to local leaders in natural resource management took place. Most district heads, empowered by the new authority, acted as if they were mining owners, given their control over granting Mining Business Licenses (IUP) and Coal Mining Business Work Area Permits (WIUP) without a prior evaluation of their environmental impact. However, after the enactment of Law No. 23 of 2014 concerning Regional Government, a shift from a sectoral approach concerning administrative licensing to a governance regime occurred, involving the mining sector in bureaucratic and governance matters.

Furthermore, an intriguing discussion pertains to the shift in the legal policy direction of mining following the enactment of Law No. 3 of 2020, amending Law No. 4 of 2009. The legal policy direction for mining has evolved, with the authority for granting mining licenses no longer being a priority for regional governments after the changes in the Mineral and Coal Mining Law in 2020. Previously, this authority was exercised in a balanced manner between the central government and regional governments. At present, this authority is entirely in the hands of the central government. The convergence of state authority and people's authority creates a unique concept of social regulation. Natural resources become a social asset that reproduces social conflicts and social integration within the community. Competing interests are managed realistically to create harmony within society. Artisanal mining represents a different perspective on the existence of professional mining companies.

In the revision of the Mineral and Coal Mining Law, the focus is not only on the policy stakeholders in mining licensing, but it is also interesting to examine the criminalization provisions within the law. Article 162 is one of the provisions that include criminal offenses in the Mineral and Coal Mining Law. Article 162 can potentially be used as a tool to silence environmental defenders. In this context, it may affect communities that refuse to cease their

struggle and advocacy for a healthy and environmentally friendly environment, which is being violated by mining activities.

In theoretical terms, this law is part of public policy concerning legislative and regulatory matters as a means of ensuring compliance by stakeholders with the state's interests.[14] However, considering the emergence of criminal offenses that threaten human rights defenders and environmental advocates, questions arise about the direction of this policy, whether it is oriented toward the general public or solely towards stakeholders. Historically, looking at Foucault's perspective, reading history is regarded as a form of self-technologization in the process of subjectifying subjects. This leads to an exploration of the intentions and objectives of the law's revision, focusing on the need for policy reconstruction through evaluation and improvement. When comparing it to other laws, such as the criminalization policy for illegal fishing, these regulations employ various complementary punitive instruments, including the seizure of ships.[15]

For instance, in the context of mining activities in Southeast Sulawesi, an active public subject within the regulatory framework can be observed. Southeast Sulawesi holds the highest number of nickel mining licenses in Indonesia. According to data from the Central Statistics Agency in 2022, there are at least 50 nickel mining companies in North Konawe Regency.[16] This situation has had positive effects, with the local community benefiting economically through job opportunities. However, many community members feel disadvantaged by the presence of nickel mining activities in the Konawe Regency.

The local communities receive compensation ranging from IDR 1 million to IDR 1.5 million per month from mining activities. However, prior to mining, mining companies often engage in activities like clearing all trees and subsequently digging large holes known as open pits. Due to the absence of tree roots stabilizing the area, the soil becomes prone to landslides, especially during heavy rainfall, leading to both landslides and floods. Government data indicates that there were at least 21 floods and landslides in Southeast Sulawesi in 2022. In contrast, between 2005 and 2008, before licenses were issued to several mines, there were only two to three similar incidents per year, according to the National Disaster Mitigation Agency (BNPB). For example, in July last year, mudslides hit a school in the village of Boenaga. An environmental activist concerned about the rapid destruction caused by mining activities found that nickel sedimentation was flowing into the sea and burying coral reefs. This analysis indicates that the minimized role of the local community and environmental activists can have negative consequences not only for the community but also for the country.

Before the regulatory changes, the Mineral and Coal Mining Law could not be solely deemed as having a negative impact or being a product of failed political protection for the community. For example, the law accommodated the role of regional governments, where, if problems arose between mining companies and the local community, regional governments could actively mediate. In cases related to these issues, regional governments had the authority to temporarily halt operations and even revoke Mining Business Permits (IUP).

However, after the legislative changes, it introduced additional bureaucratic processes. This can be explained through a scheme in which, if the community felt aggrieved by mining activities, the grievances could involve environmental damage or disputes over land. In such cases, the regional governments no longer had the authority to take any actions. This was due to the

comprehensive authority now regulated by the central government, not by the regional governments of the respective regencies or cities.

Therefore, in a situation where communities intend to protest, they must first adhere to several regulations. One of these regulations involves submitting reports to the central government or, at the very least, the provincial government. However, regions like Southeast Sulawesi, which are far from the central government and not located on the island of Java, are not well served by these rules. Such regulations are far from the principles of good governance, as the local population in mining areas cannot do much when their environment is being damaged by mining activities.[3]

Another issue relates to the regulations regarding the penalties for individuals attempting to disrupt mining activities that can lead to disastrous consequences for these individuals, as stated in Article 162 of the Mineral and Coal Mining Law. The article suggests that if local communities try to interfere with mining activities, they may be prosecuted, fined up to IDR 100 million, or even suffer from a catastrophe caused by the company. This unreasonable regulation introduced by the new Mineral and Coal Mining Law not only allows a handful of mining conglomerates to exploit the natural resources of the region but also criminalizes those who oppose the exploitation of their land. Furthermore, the lack of clear definitions for the term "disruption" in the law adds to the ambiguity.

Furthermore, regarding the regulations that appear to favor businesses in terms of their responsibility for reclaiming and rehabilitating former mining sites, these rules are divided into two separate activities: reclamation and post-mining activities. According to the regulations of the 2009 Mining Law, mining companies were required to carry out both reclamation and post-mining activities simultaneously and deposit reclamation and post-mining security funds. However, despite the regulations in place, in practice, there are numerous cases where abandoned coal mining sites are left open and turn into giant lakes, claiming several lives.

Regrettably, the regulations, in fact, harm the local communities. This is evident in Article 96 subparagraph b of the Mineral and Coal Mining Law, which imposes the obligation on mining companies to complete only one of the reclamation activities. Mining companies often prove to be negligent in performing reclamation and post-mining activities as per the regulations, yet they are still permitted to extend their contracts. Furthermore, according to Article 169A of the Mineral and Coal Mining Law, under the pretext of increasing state revenues, the government provides guarantees for contract extensions in the form of Coal Contracts of Work (CCoW) and Coal Mining Work Agreements (PKP2B) for up to two ten-year extensions.

Referring to Article 128A of the Omnibus Law on Job Creation No. 11 of 2020, which supersedes certain provisions of the Mineral and Coal Mining Law, it stipulates that businesses adding value to coal will receive special treatment in the form of a 0% royalty rate. It is disheartening to witness that despite mining companies having already generated substantial profits for the country, they are now entitled to royalties. Furthermore, these royalties, as determined by the government from mining companies, form a part of state revenue and contribute to regional income through the Revenue Sharing Fund mechanism. Clearly, through the Mineral and Coal Mining Law No. 3 of 2020 and amendments in the Omnibus Law, the central government appears to emphasize subjectivity within the policy and creates ambiguity in its policy sustainability. This is due to the fact that the target of the Mineral and Coal Mining

Law is not limited to the local community alone.

3.1 Enforcement of the Criminal Offense in Article 162 of the Mineral and Coal Mining Law

The regulations governing mining activities under the Mineral and Coal Mining Law address not only administrative matters but, as discussed in the previous section, also incorporate several provisions related to criminal offenses.[17] For instance, Article 162 of the Mineral and Coal Mining Law. In practice, this article has claimed lives, one of which is the case of Noorhayati. Noorhayati led an indigenous ritual in Belian, Paser Regency, East Kalimantan, as the heir to the land. Unfortunately, Noorhayati was reported to the local police by PT Kideco Jaya Agung for allegedly obstructing mining activities. Ironically, the indigenous ritual performed at the mining site was intended as a form of warding off misfortune, as the land had been confiscated, and the ecological cosmological balance was disrupted. The court ruled that Noorhayati was guilty of fulfilling the elements of the offense under Article 162 of the Mineral and Coal Mining Law, resulting in a suspended sentence.[18]

It is disheartening to discover that Noorhayati is not the only individual who has fallen victim to the misuse of Article 162 and other criminal provisions in the Mineral and Coal Mining Law. Thus, when we scrutinize the wording of Article 162 in conjunction with Article 136(2) of the Mineral and Coal Mining Law, the formulation of this criminal offense does not adhere to the principle of lex certa. This means that Article 162 lacks legal certainty. Legal certainty is essential in any legal regulation as it plays a role in providing assurance that there is a law that prescribes what should and should not be done.

The current problem is how the criminal offense in Article 162 of the Mineral and Coal Mining Law, which is formulated through the phrase "obstruct or disrupt," contains uncertainty regarding the boundaries of the offense. This ambiguity has the potential for the emergence of more cases similar to Noorhayati in the future, leading to the criminalization of anyone taking such actions.

The criminal provisions in any legal regulation, when viewed from the perspective of the criminalization study, become an important subject of inquiry. Criminalization can be an element of criminal law policy whereby authorities declare a particular act as a criminal offense. From a values perspective, criminalization represents a shift in values where an act previously considered non-condemnable and non-punishable becomes subject to condemnation and punishment.[19]

When we consider the wording of Article 162 of the Mineral and Coal Mining Law as part of criminal law policy, particularly in formulating the offense, the discussion should initially revolve around the rationality and consideration of socio-philosophical, socio-political, and socio-cultural factors in crafting the offense. Secondly, how the criminal law policy should be formulated with a view to its utility. Lastly, how the criminal law policy should be directed toward achieving state objectives. With these considerations in mind, the question arises as to whether the offense in Article 162 meets these three indicators or not. In this context, the criminal offense contained in Article 162 no longer seems to have a strong rationale to allow for the criminalization of acts that meet the elements of obstructing or disrupting mining activities as stipulated in Article 162.

The background to how certain actions are eventually criminalized can be justified based on moral theory when these actions are not aligned with the moral values of society. Therefore, if immoral actions are not declared as crimes, it is feared that it could undermine the moral attitudes of society. Consequently, moral theory has been somewhat overlooked in examining actions that can be criminalized, as rationalism and utilitarianism have become more popular.

The concept of criminalization is fundamentally justifiable when an action meets the criteria of causing harm to an individual's or public interest. Thus, in the absence of harm, the state should not restrict individual rights. The state, as the ultimate authority, can use its legislative power to formulate criminal norms at any time to prevent harm to others. The notion of harm mentioned here is a common factor in the formulation of criminal policy according to liberal individualistic theory. Furthermore, state actions have a dual meaning based on this theory; for instance, when there is harm, but it remains within reasonable limits, criminalization may not be warranted.

Concerning Article 162, it is apparent that, when viewed from a moral theory perspective, the legal norm outlined in this provision distorts moral values. Even though the state's intention is not to criminalize actions within the scope of Article 162 when it is the landowners whose legal rights have not been fulfilled by mining permit holders that obstruct or impede mining activities. Consequently, it can be concluded that the formulation of the offense in Article 162 can compromise the moral rights of the community. Further addressing the legal aspect of Article 162, despite the Constitutional Court's ruling that Article 162 is not contrary to the constitution, the parties applying for a review argued that Article 162 in conjunction with Article 136 paragraph 2 contradicts Article 28E paragraph 3 (the right to freedom of association, assembly, and expression), Article 28C paragraph 2 (the right to advance and assert their rights collectively), and Article 28D paragraph 1 (the right to legal certainty and equal treatment before the law).[20]

The petitioners also referred to how the concept of freedom of expression is accommodated in liberal and individualistic theories. Considering that the threshold for "obstructing" and "impeding" is not very clear, in the context of the Noorhayati case, this offense appears to be too elastic, which can lead to a domino effect on restricting the rights of individuals, including human rights.

Understanding that criminalization within the criminal policy framework in Article 162 of the Mineral and Coal Mining Law has strayed from the true objectives of criminalization is critical. The primary purpose of criminalization should be to protect the community and achieve social welfare. The issue lies in how this policy in Article 162 does not adequately accommodate the objectives of criminalization for the public interest but rather favors the construction of mining permit holders over landowners.[1]

Moreover, it is noteworthy that even civil society or environmental activists who lack legal authority or land rights in mining activities are also likely to be categorized as obstructing mining activities. Criminalization based on Article 162 is oriented towards punishment rather than prevention or remedy for criminal offenses or violations in the mining sector. In essence, in the formulation of this political product, it should be influenced by the perspective of

[1] Faisal, Derita Prapti Rahayu. (2021). Tujuan Pemidanaan Undang-Undang Minerba Dalam Perspektif Kebijakan Kriminalisasi. *Bina Hukum Lingkungan Volume 5 Nomor 2*. Hal 298

legislators on the objectives of criminalization. The state or government should act as a mediator that does not favor any particular group but instead prioritizes the interests of the general public, including protecting the environment, preserving natural resources in the vicinity of communities, and ensuring legal protection for the people.

4 Conclusion

Building upon the discussion of the previously identified issues, it becomes evident that the policy focus of the Mineral and Coal Mining Law (UU Minerba) is primarily oriented towards protecting business interests. Furthermore, the recent revisions to this legal framework have introduced additional bureaucratic layers, particularly when communities feel aggrieved by the actions of mining companies. These grievances can encompass environmental damage or land dispute conflicts, and as a result, local government authorities (Pemda) may find themselves unable to take any meaningful action.

Moreover, when considering the existence of criminal offenses outlined in Article 162, it is apparent that these provisions deviate significantly from the intended goals of criminalization. The fundamental objective of criminalization is to provide protection and well-being to the public. However, it is clear that in the case of Article 162, it fails to safeguard the basic rights of individuals and communities.

Finally, Article 162 falls short in ensuring legal certainty, which should ideally be a fundamental aspect of any legal framework. The policy and legal framework associated with UU Minerba, in its current form, appears to prioritize the interests of mining companies and has the potential to undermine the rights and welfare of communities affected by mining activities. This calls for a reevaluation of the law's objectives and its effectiveness in achieving its intended purpose.

References

[1] B. N. Arief, *RUU KUHP Baru: Sebuah Restrukturisasi/Rekonstruksi Sistem Hukum Pidana Indonesia*. Semarang: Badan Penerbit Universitas Diponegoro, 2012.

[2] A. Redi, 'Dinamika Konsepsi Penguasaan Negara Atas Sumber Daya Alam', *JK*, vol. 12, no. 2, p. 401, May 2016, doi: 10.31078/jk12210.

[3] A. Yanto, F. Salbilla, R. C. Sitakar, and Yokotani, 'IMPLIKASI RESENTRALISASI KEWENANGAN PERTAMBANGAN TIMAH TERHADAP POTENSI PENDAPATAN DAERAH DI BANGKA BELITUNG', *Jurnal Interpretasi Hukum*, vol. 4, no. 2, pp. 344–357, 2023, doi: https://doi.org/10.55637/juinhum.4.2.7756.344-357.

[4] A. Yanto, *Hukum dan Ketertiban: Fragmen Pemikiran Tentang Paradigma Hukum dan Perkembanganya*. Yogyakarta: Megalitera, 2022.

[5] I. N. Juaningsih, 'Polemik Revisi Undang-Undang Minerba dalam Dinamika Tata Negara Indonesia', *adalah*, vol. 4, no. 3, Jul. 2020, doi: 10.15408/adalah.v4i3.16502.

[6] A. Yanto, *Kamus Ilmiah Populer*. CV Bukupedia Indonesia, 2020.

[7] A. Yanto, N. Azzahra, A. Gladisya, M. M. Zakirin, and M. S. Anwar, 'Revitalisasi Kewenangan Pengelolaan Pertambangan Oleh Pemerintah Daerah Dalam Mengoptimalisasi Pelaksanaan Otonomi Daerah Di Bangka Belitung', *Innovative: Journal of Social Science Research*, vol. 3, no.

2, pp. 8321–8330, 2023, doi: https://doi.org/10.31004/innovative.v3i2.1386.
[8] B. N. Arief, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*. Bandung: PT. Citra Aditya Bakti, 2005.
[9] A. Yanto and F. Hikmah, 'Akomodasi Hukum Yang Hidup Dalam Kitab Undang-Undang Hukum Pidana Nasional Menurut Perspektif Asas Legalitas', *Recht Studiosum Law Review*, vol. 2, no. 2, pp. 81–91, 2023, [Online]. Available: https://talenta.usu.ac.id/rslr
[10] K. Benuf and M. Azhar, 'Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer', *Gema Keadilan*, vol. 7, no. 1, pp. 20–33, 2020, doi: https://doi.org/10.14710/gk.2020.7504.
[11] M. W. Firdaus, A. Yanto, F. Hikmah, and S. Nugroho, 'Urgensi Resolusi Konflik Klaim Nine Dash Line Tingkok Di Perairan Natuna Utara', *JIC*, vol. 8, no. 2, p. 277, Jun. 2023, doi: 10.26623/jic.v8i2.6972.
[12] D. Prapti Rahayu, F. Faisal, D. Darwance, and K. Jaka Ferdian, 'ENVIRONMENTAL AND SOCIAL INJUSTICE: IMPACT AND SUSTAINABILITY OF SMALL SCALE TIN MINING UNDER INDONESIA'S NEW MINERAL AND COAL REGULATION', *cepalo*, vol. 7, no. 2, pp. 129–142, Sep. 2023, doi: 10.25041/cepalo.v7no2.3137.
[13] Z. Dordia Arinandaa and A. Aminah, 'Sentralisasi Kewenangan Pengelolaan Dan Perizinan Dalam Revisi Undang-Undang Mineral Dan Batu Bara', *JIH*, vol. 10, no. 1, p. 167, Feb. 2021, doi: 10.30652/jih.v10i1.8080.
[14] O. Yanto, Y. M. Darusman, S. Susanto, and A. D. Harapan, 'Legal Protection of the Rights of the Child Victims in Indonesian Juvenile Criminal Justice System', *yus*, vol. 23, no. 01, pp. 24–35, Sep. 2020, doi: 10.24123/yustika.v23i01.2818.
[15] A. Yanto, F. Hikmah, S. Nugroho, and D. Firmansyah, 'Tinjauan Yuridis Penegakan Hukum Illegal Fishing di Natuna Utara', *Lex Jurnalica*, vol. 20, no. 2, 2023, doi: https://doi.org/10.47007/lj.v20i2.6749.
[16] D. Haryadi, 'Dialektika Unsur Merintangi Kegiatan Usaha Pertambangan Dengan Prinsip Demokrasi', *Jurnal Hukum XVII*, vol. 17, no. 1, 2023.
[17] A. Yanto, *Hukum dan Manusia: Riwayat Peralihan Homo Sapiens Hingga Homo Legalis*. Yogyakarta: Segap Pustaka, 2022.
[18] S. Akhmaddhian, 'PENEGAKAN HUKUM LINGKUNGAN DAN PENGARUHNYA TERHADAP PERTUMBUHAN EKONOMI DI INDONESIA (Studi Kebakaran Hutan Tahun 2015)', *UNIFIKASI*, vol. 3, no. 1, Feb. 2016, doi: 10.25134/unifikasi.v3i1.404.
[19] M. R. Siombo, 'Tanggungjawab Pemda Terhadap Kerusakan Lingkungan Hidup Kaitannya Dengan Kewenangan Perizinan Di Bidang Kehutanan dan Pertambangan', *Jurnal Dinamika Hukum*, vol. 14, no. 3, 2014.
[20] Y. Prianto, B. Djaja, R. Sh, and N. B. Gazali, 'PENEGAKAN HUKUM PERTAMBANGAN TANPA IZIN SERTA DAMPAKNYA TERHADAP KONSERVASI FUNGSI LINGKUNGAN HIDUP', *BHL*, vol. 4, no. 1, p. 1, Oct. 2019, doi: 10.24970/bhl.v4i1.80.