

Policing Unlawful Tin Mining Post in Execution of Regulation No. 3 Of 2020 Concerning Changes to Regulation No. 4 of 2009 Concerning Mineral and Coal Mining in Bangka Belitung Region

Megawati Barthos¹, Jhohan Adhi Ferdian²
megawati_barthos@borobudur.ac.id¹, jhohan.adhi.ferdian@gmail.com²

Universitas Borobudur^{1,2}

Abstract. Mineral and coal mining is a key, non-inexhaustible normal asset constrained by the state, and is a crucial product that is the business of many individuals. The freezing of room use for mining regions is likewise in opposition to the idea of the mineral and coal mining business itself. This kind of exploration is Regulating research. The methodologies utilized are a legal methodology and a calculated methodology. The data source used is secondary data. Data analysis was carried out descriptively and qualitatively. Concluding is carried out using a deductive method, namely concluding from general to specific, especially those related to the research topic, to be specific Policing Unlawful Tin Mining After the Execution of Regulation No. 3 of 2020 concerning Alterations to Regulation No. 4 of 2009 concerning Mineral and Coal Mining in Bangka Belitung Area. This exploration found that in Article 35 passage 4 of the Mineral and Coal Regulation Number 3 of 2020, the focal government can designate the power to give licenses to operate to common provincial legislatures by the arrangements of legal guidelines. In the guideline of Regulation Number 3 of 2020, changes to Regulation Number 4 of 2009 concerning Mineral and Coal Digging direct lawbreaker arrangements for any demonstrations that are denied in mineral and coal mining exercises. Mining in backwoods regions likewise needs to acquire consent from the Service of Ranger service.

Keywords: Law Enforcement, Illegal Tin Mining, Policy.

1 Introduction

Mineral and coal mining is a non-inexhaustible key normal asset constrained by the state and is an imperative item that is the vocation of many individuals. the load up, and abuse of minerals or coal which merges general appraisal, assessment, study, attainability, headway, mining, dealing with or conceivably refining or improvement and besides use, transportation and courses of action, as well as post-mining works out. The mineral and coal mining regulation contains the fundamental substance in regards to the arrangement that non-sustainable regular assets are public resources constrained by the state for the government assistance of individuals whose execution is done by the public authority as the holder of strategy, administrative, organization, the executives, and oversight capabilities. In the mean time, mining business exercises are done by partnerships that have mining license to operate regions (WIUP) [1].

Bangka Belitung is a territory in Indonesia that comprises of two fundamental islands, to be specific Bangka Island and Belitung Island who doesn't have the foggiest idea about the Bangka Belitung Islands which have plentiful normal riches, particularly minerals as tin. As a result, they have become the largest tin producing islands. In Indonesia, it isn't to be expected that the vast majority of the jobs on the Bangka Belitung Islands are tin diggers. Mineral and coal mining are key non-sustainable regular assets constrained by the state and are indispensable items that are the business of many individuals[2].

The freezing of room use for mining regions is likewise in opposition to the idea of the mineral and coal mining business itself. As expressed in the preface to Regulation No. 3 of 2020, minerals and coal are non-inexhaustible regular assets and abundance. This means that at some point mineral and coal resources will run out. Thus, it makes no sense to maintain a mining business permit area permanently considering that the mining deposits, which are a functional aspect of space utilization, have already been mined. At this point, changes in the spatial use of ex-mining areas become a necessity. Second, as an impractical movement, mining has the effect of lessening the conveying limit and conveying limit of an area. Regions with conveying limit and limit that are in the basic class can increment natural weakness and dangers to human security so through spatial arranging these regions should be changed to catastrophe inclined regions. It implies that adjustments of room use are a need assuming the conveying limit and conveying limit of the region are at this point not adequate for mining exercises.

Changes to the Mineral and Coal Mining Law start from the assumption that spatial planning is an obstacle to investment. Based on this assumption, spatial planning for mining areas must be frozen so as to create legal certainty for investors. Spatial planning plays a vital function in facilitating coherent and integrated policies through spatial strategies (UNECE 2008:12). In this case, spatial planning is not just an instrument to guarantee legal certainty for investors, but an instrument to guarantee justice for all parties [3]. This is why in the Spatial Planning Law legal certainty and justice are combined into one principle called the Principle of Legal Certainty and Justice. This principle itself is interpreted as "spatial planning is carried out based on the law/legislative provisions and that spatial planning is carried out by considering the community's sense of justice and protecting the rights and obligations of all parties fairly with the guarantee of legal certainty.

By focusing on providing privileges for mining entrepreneurs from the start, as clearly outlined in the Academic Paper, the Minerba Law cannot avoid overriding community rights. In this case, it becomes logical to view that a guarantee not to change the spatial use of mining areas has an impact on the enjoyment of the right to a good and healthy environment. Freezing mining business permit areas that have been determined results in the loss of opportunities for the community to participate in decision-making in fighting for the right to a good and healthy living environment as guaranteed by Article 28H paragraph (1), Article 28F, Article 28C paragraph (2) and Article 28D paragraph (1). As an illustration, when a space unit inhabited by indigenous peoples has been designated as a mining business area, the indigenous peoples lose their living space permanently. The government may argue that the mining business permit area is determined after going through spatial planning provisions, one of which is by involving community participation in spatial planning [4].

The execution of government issues by provincial legislatures in view of territorial independence implies that the freedoms, specialists, and commitments of districts as

independent locales are to control and deal with their local government undertakings and the interests of neighborhood networks inside the arrangement of the Unitary Condition of the Republic of Indonesia. From this getting it, provincial independence can be deciphered as the power given to independent districts to control and oversee government issues and the interests of nearby networks themselves according to community aspirations to increase the effectiveness and results of government administration in the context of providing services to the community and implementing development by regulations. legislation.

According to the Regional Government Law, regional autonomy aims to encourage the availability of public services by the demands of regional communities and encourage efficient and allocative users of government funds through decentralization of authority and community empowerment. In executing territorial independence as planned, locales are given the position to do government issues, specifically simultaneous government undertakings which are partitioned into compulsory government undertakings and discretionary government issues. In light of Article 12 passage (3) of Regulation Number 23 of 2014 concerning Provincial Government, territorial legislatures have expert in government undertakings in the field of energy and mineral assets, this matter is a discretionary government matter. In the Connection to Regulation Number 23 of 2014 concerning Provincial Government, in the mineral and coal sub-affairs, the provincial regional government has authority including a. determination of non-metallic mineral and rock mining business permit areas within 1 (one) provincial area and sea areas up to 12 miles; b. issuance of metal mineral and coal mining business permits in the context of domestic investment in Regional mining business permit areas located within 1 (one) provincial region including sea areas up to 12 nautical miles; c. issuance of non-metallic mineral and rock mining business permits in the context of domestic investment in mining business permit areas located within 1 (one) provincial region including sea areas up to 12 nautical miles [5].

Article 33 section (3) of the 1945 Constitution centers around that the earth, water, and standard assets contained in that are constrained by the state and utilized for the best flourishing individuals. Taking into account that minerals and coal as regular abundance contained in the earth are non-sustainable natural resources, their management needs to be carried out as optimally as possible, efficiently, transparently, sustainable and environmentally friendly, and fairly to obtain the greatest benefits for the people's prosperity sustainably. To confront strategic environmental challenges and answer a number of these problems, it is necessary to formulate laws and regulations in the field of mineral and coal mining which can provide a legal basis for steps to reform and reorganize mineral and coal mining management and exploitation activities. Prosperous community life, Peace, justice and prosperity are certainly highly desired by the government of any country in the world, including Indonesia. This situation will not be realized without continuity between several supporting and supporting factors. The supporting factors in realizing a safe and peaceful life are very diverse, including economic, social, political, and cultural factors. Meanwhile, the most important supporting factor in creating prosperity is the security factor [6].

In light of the rising number of instances of unlawful excavators, this should be a point of convergence in the extent of policing. Since managing unlawful mining can't be trifled with, this is a mark of other crook acts, which have turned into a culture of rebellious society that happens persistently. In Bangka Regime, we can see the many effects brought about by diggers without licenses, to be specific the rise of cataclysmic events going from dry season, floods,

barren land, and waterways evaporating. What has happened in the last 2 years is that this has even been done only 100 meters from the Himbauwan and prohibits people from carrying out illegal mining activities. This illegal mining has caused flooding in the city of Pangkal Pinang since 2016. In this manner, policing mining without grants should be streamlined and completed earnestly for civil rights for every Indonesian individual, assuming that passed on uncontrolled it will possibly upset occupants because of the ecological effect of unlawful mining. Accordingly, on account of unlawful mining in the Mangkol Slope Fantastic Timberland Park region, policing been completed where the culprits of unlawful mining are dealt with [7].

2 Method

This kind of exploration is Regulating research. The methodologies utilized are a legal methodology and a reasonable methodology. The information source utilized is auxiliary information. Data analysis was carried out descriptively and qualitatively [8]. Closing is completed utilizing an insightful strategy, in particular finishing up from general to explicit, particularly those connected with the examination point Policing Unlawful Tin Mining After the Execution of Regulation No. 3 of 2020 concerning Alterations to Regulation No. 4 of 2009 concerning Mining Minerals and Coal in Bangka Belitung Area. Subjective information examination is completed on the off chance that the experimental information got is as an assortment of words and not a progression of numbers and can't be set up into classes. Information can be gathered in different ways (interview perception, records, and tapes). It is generally handled first prior to being utilized in subjective exploration, including the aftereffects of interview records, information decrease, examination, information translation, and triangulation [9].

3 Findings and Discussion

3.1 Arrangements of Law Enforcement Against Illegal Tin Mining After the Implementation of Law No.3 of 2020 concerning Amendments to Law No.4 of 2009 concerning Mineral and Coal Mining in Bangka Belitung Province

In Article 35 section 4 of the Mineral and Coal Regulation Number 3 of 2020, the focal government can assign the position to give licenses to operate to common provincial legislatures by the arrangements of legal guidelines. In the guideline of Regulation Number 3 of 2020, alterations to Regulation Number 4 of 2009 concerning Mineral and Coal Digging manage criminal arrangements for any demonstrations that are precluded in mineral and coal mining exercises. The regulation of acts that are classified as criminal acts is part of the politics of criminal law. This regulation is intended to tackle crimes related to criminal acts regulated in the Minerba law. The problems that will be faced at the technical level make it impossible for the central government to work alone. Of course, it will involve local governments in maintaining the quality of the environment in which areas are being mined. With the enactment of Law Number 3 of 2020, it will also have an impact on the existence of community mining. The centralized bureaucratization of licensing will have an impact on community mining [10].

Many mining is carried out illegally, that is, without obtaining permission from the government. This certainly causes losses for society and the country. Natural destruction and environmental pollution often occur due to illegal mining and miners who do not care about preserving nature, so the country suffers many losses due to miners not paying taxes. It is not uncommon to find illegal mining practices in forest areas that do not have complete permits. Even though it has been explained in Regulation Number 3 of 2020 concerning Mineral and Coal Mining, Article 158, that the threat given to perpetrators of criminal acts of mining without a permit is very large. Mining in forest areas also needs to obtain permission from the Ministry of Forestry as stated in Article 134 which states that mining business activities cannot be carried out in prohibited places before obtaining permission from government agencies by the provisions of statutory regulations, without granting a Borrow-to-Use Forest Area Permit issued by the Minister of Forestry.

In mid-2020, the public power did an update to the Mineral and Coal Guideline, with the endorsement of Guideline Number 3 of 2020 concerning Minerals and Coal, which replaces Guideline No. 4 of 2009. There are many updates in this new legal product, with the main point of interest being the transfer of mining permits is again under the central government, not regional governments [11]. The main purpose of taking over this authority is to re-optimize supervision, management, and state income from mining resources, in line with the vision of Article 33 Passage (2) of the 1945 Constitution. The approval of Regulation No. 3 of 2020 concerning Minerals and Coal which replaces Regulation No. 4 of 2009 became a quite critical momentum for the province of Bangka Belitung. The reason is the central government withdrew the mining licensing authority in this regelling that was originally owned by the regional government. The centralization built into mining permits is focused on ensuring the effectiveness of resource management by the center, based on Article 33 passage (2) of the 1945 Constitution which affirms that the earth, water, and normal assets contained in that are constrained by the state [4].

The public authority further gives potential open doors to business elements with Indonesian lawful substances, cooperatives, people, and neighborhood networks to do mineral and coal business in light of licenses, which are in accordance with provincial independence, in all actuality by the Public authority as well as local states by their particular specialists. With regards to carrying out decentralization and local independence, the board of mineral and coal mining is done in view of the standards of externality, responsibility, and proficiency including the Public authority and provincial states [11].

3.2 The Urgency of Law Enforcement Against Illegal Tin Mining After the Implementation of Law No.3 of 2020 concerning Amendments to Law No.4 of 2009 concerning Mineral and Coal Mining in Bangka Belitung Province

Bangka Belitung, the second largest tin-producing island in the world, only gained status as a province in November 2000, after previously being part of South Sumatra. The existence of the Bangka Belitung Islands, which is now filled with a population of 1.431 million, is represented by two main commodities that have become its geographical identity, namely tin and pepper. Since the beginning of the reform, the

granting of authority to manage regional affairs in Bangka Belitung has been welcomed with the issuance of various regional regulations, including Regional Regulation No. 1 of 2001 concerning General Mining Management, Regional Guideline No. 20 of 2001 concerning Expenses on Broad Mining and Other Related Minerals, and Provincial Guideline No. 10 of 2002 concerning Management and Utilization of Kolong. The main implication of opening the door to autonomy in the mining sector is the expansion of tin mining in Bangka Belitung, especially illegal miners who have also flooded the tin market share. The spirit of reform and autonomy in Bangka Belitung is mainly demonstrated by the positive growth of the regional economy and regional fiscal capacity. The regional expansion of the Bangka Belitung archipelago province, with broad decentralized authority, encourages increased equality of public services, health, education, and regional financial stability.

In view of this, it is important to further develop Regulation Number 4 of 2009 concerning Mineral and Coal Mining to give lawful assurance in the administration and business exercises of Mineral and Coal Digging for business entertainers in the Mineral and Coal area. As an improvement to Regulation Number 4 of 2009 concerning Mineral and Coal Mining, there is new satisfied added to this Regulation, one of which is connected with the position to oversee minerals and coal. With the issuance of Guideline Number 3 of 2020 concerning Changes to Rule Number 4 of 2009 concerning Mineral and Coal Mining, the capacity to manage minerals and coal has been moved. Control of Minerals and Coal by the State is done by the Focal Government by the plans of this Rule [5]. Before the changes, control of Minerals and Coal by the State was held by the Public authority as well as commonplace governing bodies.

Guideline of Unlawful Tin Mining Exercises. Guideline of unlawful tin mining exercises in view of Regulation number 3 of 2020 as a change to Regulation number 4 of 2009 concerning Mineral and Coal mining as expected in it. There are guidelines in regards to holders of Mining Licenses to operate (IUP), Unique Mining Licenses to operate (IUPK), Individuals' Mining Grants (IPR), or Rock Mining Licenses (SIPB) who purposely submit reports as planned in Article 70 letter. The obligation regarding ecological harm becomes heavier, as does the danger of approvals. can be forced on mining movement entertainers who don't do post-mining recovery by giving an assurance store [10].

As an archipelagic region that has very large potential tin reserves, the Regional Government of the Bangka Belitung Islands Province has established regulations relating to mineral mining. As regulated in Law Number 23 of 2014, mineral and coal mining matters are general regional government affairs. This means that the authority for mineral and coal matters is divided between the Central Government and the Provincial Government by taking into account the principles of accountability, efficiency, and externalities as well as national strategic interests. A development to the order of Regulation Number 23 of 2014 is the establishment of Local Guideline of the Bangka Belitung Islands Territory [1].

After the order of Regulation No. 3 of 2020 concerning Minerals and Coal and Official Declaration Number 55 of 2022, the back-and-forth over mining the board

authority between the focal and territorial legislatures has brought about a regularizing meeting point with legitimate conviction. The central government takes over most of the authority, while regional governments receive delegations in several fields. With this delegation, the regional government in Bangka Belitung needs to establish several policies that can become instruments to optimize mining management authority in the region and produce maximum benefits for the prosperity of the people in the region. Regional autonomy does not mean providing unlimited access for regions to carry out economic activities and regulate resource utilization, but rather determining clear legal mechanisms regarding how available resources can be optimized for use. The focal and territorial state run administrations need to zero in on their particular specialists to make an ideal and useful tin mining biological system by the command of Article 33 Passage (4) of the 1945 Constitution [12].

4 Conclusion

1. In mid-2020, the public authority executed an update to the Mineral and Coal Guideline, with the authorization of Guideline Number 3 of 2020 concerning Minerals and Coal, which replaces Guideline No. 4 of 2009. There are many updates in this new legal product, with the main points of interest, transferring licensing for mining back under the central government, not regional governments. The main purpose of taking over this authority is to re-optimize supervision, management, and state revenue from mining resources.
2. In Article 35 passage 4 of the Mineral and Coal Regulation Number 3 of 2020, the focal government can designate the position to allow licenses to operate to commonplace provincial legislatures by the arrangements of legal guidelines. In the guideline of Regulation Number 3 of 2020, changes to Guideline Number 4 of 2009 concerning Mineral and Coal Digging manage criminal arrangements for any demonstrations that are precluded in mineral and coal mining exercises.
3. Regulation Number 3 of 2020 concerning Mineral and Coal Mining Article 158 contains an extremely huge danger for culprits of criminal demonstrations of mining without a grant with the danger of 5 years in jail and a fine of IDR 100,000,000,000 (One hundred billion rupiah). Mining in backwoods regions likewise needs to acquire consent from the Service of Ranger service.

5 Suggestion

1. It is trusted that the freezing of room use for mining regions will likewise be in opposition to the idea of the mineral and coal mining business itself. As expressed in the preface to Regulation No. 3 of 2020, minerals and coal are non-inexhaustible regular assets and abundance.
2. It is trusted that the mineral and coal mining regulation will contain the principal substance in regards to the arrangement that non-sustainable normal assets are public resources constrained by the state for the government assistance of individuals whose execution is completed by the public authority as the holder of strategy, administrative, organization, the board and oversight capabilities. Meanwhile,

mining business activities are carried out by corporations that have mining business permit areas (WIUP)

3. It is hoped that to face strategic environmental challenges and answer a number of these problems, it is important to plan regulations and guidelines in the field of mineral and coal mining that can give a legitimate premise to moves toward change and rearrange mineral and coal mining the executives and double-dealing exercises to make a general public that is prosperous, peaceful, full of justice and prosperity.

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