

RINGKASAN

PUTRIANI
NIM 210510219

TINDAK PIDANA PENAMBANGAN
ILEGAL (Studi Putusan Nomor
163/Pid.B/LH/2021/PN.Lsm)
(Dr. Muhammad Nur, S.H., M.H. dan
Tasyukur, S.H., M.H.)

Penambangan ilegal mencerminkan kesenjangan antara Pasal 33 ayat (3) UUD 1945 dan Pasal 158 jo. Pasal 35 UU No. 3 Tahun 2020 yang mewajibkan adanya izin dalam kegiatan pertambangan dengan kasus yang terjadi dalam Putusan Nomor 163/Pid.B/LH/2021/PN.Lsm, terdakwa terbukti melakukan penambangan dan menjual tanah timbun secara ilegal tanpa IUP, serta dipidana penjara selama 4 bulan. Hal ini menunjukkan lemahnya kepatuhan terhadap prosedur hukum pertambangan yang seharusnya menjadi syarat utama dalam perlindungan sumber daya alam, dan sekaligus memperlihatkan perlunya penguatan pengawasan serta penegakan hukum guna menutup celah pelanggaran terhadap kewajiban *legal* formal di sektor pertambangan.

Penelitian ini bertujuan untuk mengetahui dan menganalisis penerapan hukum dan pertimbangan hakim dalam memeriksa dan memutus perkara tindak pidana penambangan ilegal pada Putusan Nomor 163/Pid.B/LH/PN.Lsm.

Metode penelitian ini adalah yuridis normatif dengan pendekatan perundang-undangan, dan pendekatan kasus. Data diperoleh melalui studi kepustakaan dengan menganalisis Putusan Nomor 163/Pid.B/LH/2021/PN.Lsm. Teknik analisis data dilakukan secara kualitatif untuk menelaah penerapan hukuman terhadap pelaku tindak pidana penambangan ilegal.

Hasil penelitian ini menunjukkan bahwa dalam Putusan Nomor 163/Pid.B/LH/2021/PN Lsm aparat penegak hukum telah menjalankan proses penyidikan dan penuntutan secara prosedural, meskipun masih dihadapkan pada berbagai hambatan seperti terbatasnya pengawasan di lapangan, lemahnya koordinasi antarinstansi, dan rendahnya kepatuhan masyarakat akibat tekanan ekonomi serta belum optimalnya regulasi dalam mendukung pertambangan rakyat yang sah. Di sisi lain, Majelis Hakim dalam putusan tersebut telah menerapkan prinsip keadilan dan kepastian hukum secara seimbang melalui penilaian alat bukti yang komprehensif dan proporsional, serta mempertimbangkan kondisi sosial-ekonomi terdakwa yang beritikad baik. Putusan yang dijatuhkan menunjukkan bahwa pendekatan peradilan tidak hanya bersifat represif, tetapi juga mengandung dimensi korektif dan edukatif.

Pemerintah perlu segera merancang dan mengimplementasikan sistem perizinan pertambangan rakyat yang inovatif, inklusif, dan berbasis teknologi digital, dengan membuka ruang partisipasi aktif masyarakat lokal.

Kata Kunci : Tindak Pidana, dan Penambangan Ilegal.

SUMMARY

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**ILLEGAL MINING AS A CRIMINAL
OFFENSE (A Case Study of Decision Number
163/Pid.B/LH/2021/PN.Lsm)**
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Illegal mining reflects a gap between Article 33 paragraph (3) of the 1945 Constitution and Article 158 in conjunction with Article 35 of Law No. 3 of 2020, which mandates the requirement of a mining permit. In the case examined in Decision Number 163/Pid.B/LH/2021/PN.Lsm, the defendant was proven to have carried out illegal mining and sold excavation soil without a Mining Business Permit (IUP), and was sentenced to 4 months in prison. This highlights the weak adherence to legal procedures in the mining sector, which should serve as a fundamental condition for protecting natural resources, and also emphasizes the urgent need to strengthen supervision and law enforcement to close gaps that allow violations of formal legal obligations in mining.

This research aims to understand and analyze the application of law and judicial considerations in the examination and adjudication of illegal mining crimes as reflected in Decision Number 163/Pid.B/LH/PN.Lsm.

This study uses a normative juridical method with a statutory and case approach. Data were obtained through literature review by analyzing Decision Number 163/Pid.B/LH/2021/PN.Lsm. The data were analyzed qualitatively to assess the legal implementation against the perpetrators of illegal mining.

The results of this study show that the Decision Number 163/Pid.B/LH/2021/PN Lsm reveals that law enforcement authorities have carried out the investigation and prosecution processes procedurally, although they still face several obstacles such as limited field supervision, weak inter-agency coordination, and low legal compliance among the public due to economic pressures and the lack of optimal regulation to support legal community-based mining. On the other hand, the Panel of Judges in the decision has applied the principles of justice and legal certainty in a balanced manner through comprehensive and proportional assessment of evidence, while also considering the socio-economic conditions of the defendant who acted in good faith. The imposed sentence demonstrates that the judicial approach is not only repressive but also includes corrective and educational dimensions.

The government should urgently design and implement a mining permit system that is innovative, inclusive, and based on digital technology, while also encouraging active participation from local communities.

Keywords: **Criminal** **Offense,** **and** **Illegal** **Mining.**