

RINGKASAN

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**Penerapan Sanksi Pidana Terhadap Penjualan
Mineral Dan Batubara Ilegal (Studi Putusan
Pengadilan Negeri Bireuen Nomor 108/Pid.Sus-
Lh/2024/Pn Bir)**

**(Romi Asmara, S.H., M.Hum & Fitria Mardhatillah,
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Penerapan hukum pidana terhadap pelaku yang menyuruh melakukan atau turut serta dalam pengangkutan mineral dan batubara tanpa izin. Putusan Nomor 108/Pid.Sus-LH/2024/PN Bir. atas nama terdakwa Samsul Bahri yang dijatuhi pidana karena dianggap menyuruh melakukan pengangkutan hasil tambang tanpa izin. Kajian dilakukan untuk menilai kesesuaian penerapan unsur tindak pidana dengan fakta persidangan, pertimbangan hakim dalam menjatuhkan putusan, serta implikasinya terhadap penegakan hukum di bidang pertambangan mineral dan batubara.

Metode penelitian yang digunakan adalah yuridis normatif, dengan pendekatan penelitian perundang-undangan *statute approach* yang berkaitan dengan sanksi pidana terhadap penjualan mineral dan batubara ilegal (Studi Putusan Pengadilan Negeri Bireuen Nomor 108/Pid.Sus-Lh/2024/Pn Bir).

Penerapan sanksi pidana terhadap penjualan dan pengangkutan mineral serta batubara ilegal dalam Putusan Nomor 108/Pid.Sus-LH/2024/PN Bir telah memenuhi ketentuan hukum yang berlaku, namun sanksi yang dijatuhkan masih relatif ringan sehingga kurang memberikan efek jera. Penegakan hukum masih berfokus pada pelaku lapangan dan belum menjangkau aktor utama di balik kegiatan pertambangan ilegal. Oleh karena itu, diperlukan penerapan sanksi yang lebih tegas, proporsional, dan menyeluruh guna melindungi kepentingan negara, masyarakat, dan lingkungan hidup. Pertimbangan hakim dalam Putusan Nomor 108/Pid.Sus-LH/2024/PN Bireuen terkait pertambangan mineral dan batubara ilegal secara yuridis telah terpenuhi dan putusan hakim sah, namun sanksi yang dijatuhkan berada pada tingkat rendah sehingga kurang optimal dalam memberikan efek jera. Pertimbangan hakim lebih didominasi aspek yuridis dibandingkan sosiologis, serta masih berfokus pada pelaku individual tanpa menjangkau aktor utama, sehingga penegakan hukum dinilai belum menyentuh aspek struktural dan memerlukan pendekatan yang lebih komprehensif.

Hakim dalam menjatuhkan putusan perkara tindak pidana pertambangan ilegal mengintegrasikan pertimbangan yuridis dan sosiologis secara seimbang dengan memperhatikan tingkat peran dan keterlibatan terdakwa dalam tindak pidana. Pendekatan tersebut menghasilkan putusan yang mencerminkan keseimbangan antara kepastian hukum, keadilan, dan kemanfaatan hukum.

Kata Kunci : Penerapan, Sanksi Pidana, Batubara Ilegal

SUMMARY

Fauzan Mubarraq 220510325 ***The Implementation of Criminal Sanctions Against the Sale of Illegal Minerals and Coal (A Study of the Decision of the Bireuen District Court Number 108/Pid.Sus-LH/2024/PN Bir)***

(Romi Asmara, S.H., M.Hum & Fitria Mardhatillah, M.H)

Application of criminal law to perpetrators who order or participate in the transportation of minerals and coal without a permit. Decision Number 108/Pid.Sus-LH/2024/PN Bir. in the name of defendant Samsul Bahri who was sentenced for allegedly ordering the transportation of mining products without a permit. The study was conducted to assess the suitability of the application of the elements of the crime with the facts of the trial, the judge's considerations in issuing the verdict, and its implications for law enforcement in the field of mineral and coal mining.

The research method used is normative juridical, with a statute approach to research related to criminal sanctions for illegal mineral and coal sales (Study of Bireuen District Court Decision Number 108/Pid.Sus-Lh/2024/Pn Bir).

The application of criminal sanctions for the illegal sale and transportation of minerals and coal in Decision Number 108/Pid.Sus-LH/2024/PN Bir complies with applicable legal provisions, but the sanctions imposed are relatively light and therefore lack a deterrent effect. Law enforcement still focuses on field operators and has not yet reached the main actors behind illegal mining activities. Therefore, stricter, more proportionate, and comprehensive sanctions are needed to protect the interests of the state, society, and the environment. The judge's considerations in Decision Number 108/Pid.Sus-LH/2024/PN Bireuen regarding illegal mineral and coal mining have been legally met and the judge's decision is valid. However, the sanctions imposed are low-level, thus less than optimal in providing a deterrent effect. The judge's considerations are dominated by legal aspects rather than sociological ones, and still focus on individual perpetrators without reaching the main actors. Therefore, law enforcement is deemed to have not addressed structural aspects and requires a more comprehensive approach.

In rendering judgments on illegal mining cases, judges balance legal and sociological considerations, taking into account the extent of the defendant's role and involvement in the offense. This approach yields a verdict that reflects a balance between legal certainty, justice, and legal utility.

Keywords: *Implementation, Criminal Sanctions, Illegal Coal*