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Criminal Liability of Business Actors Who Do Not Have A Mining Permit for Non-Metallic Minerals and Rocks Case Study in Asahan Regency

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ABSTRACT

This study discusses legal aspects, forms of sanctions, as well as efforts to recover and prevent violations in mining activities of non-metallic minerals and rocks (MBLB) in North Sumatra province. Based On The North Sumatra Regional Regulation No. 2 year 2013, businesses must have a license to carry out mining activities to ensure sustainable governance. Non-compliance with this regulation resulted in negative impacts including environmental damage, social conflicts, and loss of local revenue potential. In law enforcement, the sanctions applied include criminal penalties in the form of imprisonment and fines, along with the obligation to restore the environment by business actors. Enforcement proceedings also involve investigation, seizure of evidence, as well as supervision of the execution of court decisions. The research method used is normative juridical approach with qualitative analysis. The results showed that the success of mine governance depends on the synergy between adaptive regulation, consistent law enforcement, and active participation of all stakeholders. The use of modern technology and regular regulatory evaluation are also key to improving the effectiveness of surveillance and Prevention of violations. With an integrated approach, the mining sector of non-metallic minerals and rocks is expected to provide sustainable economic benefits without compromising environmental sustainability and community welfare. This study recommends strengthening the capacity of law enforcement officials, increasing transparency, and regulatory education to business actors as strategic steps to prevent violations in the future.

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INTRODUCTION

Natural resource management is a human activity in digging, managing resources, and natural resources as well as possible which includes water, air, land aimed at the prosperity of the people, as stipulated in Article 33 paragraph (3) of the Constitution of the Republic of Indonesia 1945 states that the earth, water and Natural Resources contained therein are controlled by the state and to be used as the prosperity of the people. The achievement of the welfare and prosperity of the people of Indonesia, then the implementation of various production activities and efforts to support development. Mining business activities for development in Indonesia is the mining sector (Robby Surya Rusmana, 2017).

Indonesia is a country rich in minerals (mining). Such minerals, include silver, gold, oil, copper, natural gas, and coal, non-rock minerals and metals. Minerals and coal in the mining area of Indonesia is a non-renewable natural resources as a gift of God Almighty has an important role in people's lives, then the management must be controlled by the state to provide added value, for the national economy in mineral and coal mining business activities to achieve prosperity and prosperity of the people fairly.

Mining is also a sector that has received serious attention from the government, considering that mining business activities make a considerable contribution to the influx of foreign exchange, this is seen by the number of mining business licenses in the region. Law Number 3 of 2020 on minerals and coal as a legal basis in conducting mining business activities, namely to achieve Good Minning Practice. Good Minning Practice is a mining activity that obeys the rules, is well planned, conserves minerals and ensures safety.

Before conducting mblb mining business activities must have a license first, every mblb mining business must have a license as stipulated in Article 1 Paragraph (7) of Law Number 3 of 2020 concerning Mineral and Coal Mining "Mining Business License (IUP) is a license granted to conduct mining business in the mineral and coal mining sector. Presidential Regulation Number 55 of 2022 concerning delegation of Business Licensing in the field of Mineral and coal mining. In principle, the North Sumatra provincial government through the PMPPTSP office and the North Sumatra EMR Office are ready to carry out this delegation of authority. The signing of a joint commitment by the governor of North Sumatra Edy Rahmayadi, Forkopimda and other related parties. North Sumatra Governor Edy Rahmayadi said that the delegation of authority regarding the implementation of the MBLB license. The government of North Sumatra province also through North Sumatra provincial regulation No. 3 year 2013 on General Mining Management Article 5 Paragraph 1 states that the authority of local governments in the management of mineral and coal mining includes one of them is the granting of mining business licenses (IUP), coaching, community conflict resolution and supervision of mining businesses across the district/city and/or sea area 4 (four) miles to 12 (twelve) miles measured from the coastline to the high seas.

The provincial government (Pemprov) of North Sumatra has received the delegation of Licensing Authority for non-metallic minerals and rocks (MBLB). The delegation is in accordance with Presidential Regulation (Perpres) number 55 of 2022 concerning the delegation of Business Licensing in the field of Mineral and coal mining. As for some of the delegated authorities, among others, the provision of standard certificates and permits, guidance on the implementation of delegated business licenses, supervision over the implementation of delegated business licenses, granting and determining the territory of mblb mining business licenses. Then the determination of the mblb benchmark price, and the provision of recommendations or approvals related to the delegated authority.

The number of mining business licenses (IUP) production operations (OP) of non-metallic minerals and rocks (MBLB) in North Sumatra province reached a total of 398 permits. The IUP is divided into two categories, namely permits that are still valid and permits that have expired. In addition, there are significant differences in the area covered by each category of permits. This Data provides an overview of the distribution and legality status of mining business licenses in the region, as summarized in the following table:

Table 1. Number of Mining Business Licenses (IUP) Production Operations (OP) of Non-Metallic Minerals and Rocks (MBLB) in North Sumatra Province

Categories	Jumlah IUP	Area (Hektare)
IUP OP that still applies	217	3.646,87
IUP OP the timeout occurred	181	9.721,95
Total	**398**	**13.368,82**

Source: Regional Sindonews (2022)

For information, the number of mining business licenses (IUP) for production operations (OP) of MBLB in North Sumatra is 398, with details of IUP that is still valid 217 and IUP that expires 181. With a total area of IUP OP is still valid covering an area of 3646.87 hectares and expired 9721.95 hectares. Business activities of non-metallic minerals, rocks, and coal that do not have a mining business license (IUP) in Asahan Regency is one of the important issues in natural resource management. This discrepancy can have negative impacts, both from the environmental, social, and economic sides.

Problems of criminal sanctions in the context of North Sumatra regional Regulation No. 2 of 2013 can be described that based on several cases found in Asahan Regency many entrepreneurs without having a mining business license (IUP) as stipulated in Article 22 paragraph (1) mineral and coal exploration activities can only be carried out after obtaining an exploration IUP from the Governor.

In fact, there are still many non-metallic rock and coal Mineral business activities that do not have a mining business license and do not pay taxes. There are negative impacts caused by mineral and coal mining activities such as unlicensed mining activities (IUP) often do not follow environmental standards, so that it can cause deforestation(deforestation), pollution of water, soil, and air, as well as massive erosion and damage to ecosystems and without official permission, businesses will not contribute in the form of taxes or levies to local governments, which leads to loss of potential revenue that could be used for regional development. To overcome these negative impacts, the North Sumatra provincial government issued North Sumatra regional Regulation No. 2 of 2013 on General Mining Management Article 63 as follows:

1. Any person who conducts mining business activities without an IUP as meant in Article 22 paragraph (1), or Article 27 paragraph (1) shall be penalized with imprisonment and fine in accordance with laws and regulations.
2. Any person or holder of production operation IUP that accommodates, utilizes, processes and refines, transports, sells minerals and coal that are not from the holder of IUP, or special IUP as referred to in Article 30 letter a, letter b, letter c, or letter d shall be subject to imprisonment and fines in accordance with laws and regulations.
3. (3) IUP holders who conduct mining business activities outside the IUP, as referred to in Article 12 paragraph (1), or Article 19 paragraph (1), shall be threatened with imprisonment for a maximum of 6 (six) months and a maximum fine of Rp. 50,000,000 (fifty million rupiah).

However, the issue of criminal sanctions in the context of North Sumatra regional Regulation No. 2 of 2013 can be described that based on several cases found in Asahan Regency many entrepreneurs without having a mining business license (IUP) as stipulated in Article 22 paragraph (1) mineral and coal exploration activities can only be carried out after obtaining an exploration IUP from the Governor.

Table 2. Cases of Illegal Mining in Asahan Regency

No.	Location	Date	Mining Activities	Evidence
1	Desa Marjanji Aceh Kecamatan Songsongan, Kabupaten Asahan	29 September 2023	Galian C Batu Padas	2 truk
2	Dusun I, Desa Danau Sijabut, Kecamatan Air Batu, Kabupaten Asahan	Jumat, 07 Apr 2017	Penambangan pasir secara illegal	4 Truk dan 2 Escavator
3	Desa Sei Lendir Kec. Sei Kepayang Barat Kabupaten Asahan	Rabu, 10 Agustus 2022	Penambang pasir illegal	2 unit truk, 1 unit excavator

Illegal mining is often done in Asahan Regency. One of the cases that greatly seized the public's attention was the case of illegal mining in Asahan Regency which was found by the North Sumatra police raided the location of the mine/excavation of urug land in Hamlet I, Lake Sijabut Village, Air Batu District, Asahan Regency, Thursday (6/4/2017). From the raid, officers seized 4 trucks and 2 escavators used in carrying out illegal mining practices. In addition, on September 29, 2023, a landslide in Marjanji Aceh Village, Songsongan District, Asahan Regency caused by illegal mining in the incident killed 2 illegal mining workers, so the BPBD Asahan requested that the location be closed temporarily.Based on the description of the background above, the author is interested in doing a scientific paper entitled criminal liability of business actors who do not have a mining license for non-metallic minerals and rocks in Asahan regency, North Sumatra province.

METHODS

This study uses normative juridical and empirical juridical approaches simultaneously. This study uses a simultaneous normative juridical and empirical juridical approach (mixed method) to assess the criminal liability of business actors who do not have a mining permit for minerals and non-metal rocks in Asahan Regency. Juridical normative, which focuses on the literature review of relevant legislation such as Law No. 3 of 2020 on amendments to Law No. 4 of 2009 on Mineral and coal mining, as well as the Criminal Code and technical regulations, Presidential Regulation (Perpres) number 55 of 2022 concerning the delegation of business licenses in the field of Mineral and coal mining. Data collection techniques used are Library Research: collecting primary legal materials (legislation, Court decisions), secondary legal materials (books, journals, research results), and tertiary legal materials (legal dictionaries, encyclopaedias) and interviews: conducted with law enforcement officers (investigators, prosecutors, judges), local government officials related to mining licensing, as well as communities affected by illegal mining activities. As for the data analysis is done qualitatively by combining the results of normative studies and empirical findings. The analysis process includes data reduction, data clarification, data Interpretation and conclusion.

RESULTS AND DISCUSSION

Legal Aspects of Criminal Liability For Unlicensed Business Actors

Criminal liability for business actors without a mining license for non-metallic minerals and rocks is expressly regulated in various regulations. North Sumatra Regional Regulation No. 2 of 2013 mandates that business actors must have a license to carry out mining activities. The absence of this permit is a violation that can be subject to criminal sanctions in accordance with law No. 4 of 2009 on Mineral and coal mining. Criminal elements include the existence of unlawful acts, losses incurred, and the intention or negligence of business actors. This approach ensures that the law can be enforced fairly (Arief Setyawan, 2020).

Criminal liability is imposed not only on individuals, but also on legal entities. In the context of mining, companies operating without a license may be subject to corporate criminal sanctions. These sanctions include large fines, operational freezes, to the revocation of other licenses that the company has. This gives a firm message to business actors to comply with applicable legal rules. Clarity regarding corporate responsibility is contained in law No. 40 of 2007 on Limited Liability Companies (Dewi Hapsari, 2019).

The elements of criminal liability include an unlawful act, the guilt of the perpetrator, and the causal relationship between the act and the consequences caused. Business actors who are proven to carry out mining activities without permission must meet these elements in order to be subject to criminal sanctions. This process of proof is carried out through investigations by law enforcement officers. The court has an important role in ensuring that all these elements are legitimately and convincingly proven. Strict law enforcement provides a deterrent effect to business actors who violate.

Criminal sanctions applied to unlicensed businesses include imprisonment, fines, or both. Article 63 Of North Sumatra Regional Regulation No. 2 of 2013 regulates in detail the type and severity of criminal sanctions that can be imposed. This penalty is adjusted according to the degree of harm caused by the illegal activity. The imposition of sanctions also takes into account factors such as environmental impact, community involvement and illegally obtained profits. Thus, criminal law serves as an instrument to regulate the behavior of business actors (Yuniarti Wijaya, 2019).

The role of law enforcement officers is very important in the process of handling illegal mining cases. Police, prosecutors, and courts are working together to uncover and crack down on lawlessness in the mining sector. This cooperation includes the process of investigation, prosecution and decision-making in court. Transparency in the legal process is the key to creating public trust in the justice system. Efficiency and justice in handling cases of illegal mining is a top priority for the local government (Rina Kurniasari, 2019).

Criminal law provisions in the mining sector also aim to protect society and the environment. Illegal mining activities often have a negative impact on ecosystems, water quality, and the health of surrounding communities. Business actors who violate this rule not only harm the state, but also local communities. Strict law enforcement ensures that business actors are responsible for losses incurred. In addition, this effort also supports environmental sustainability (Lestari Wibowo, 2018).

Unlicensed businesses often use various modus operandi to avoid detection. Some of these include the use of fake permits, exploitation in unsupervised areas, and cooperation with certain individuals. These modes indicate gaps in oversight that need to be fixed. Local governments should improve surveillance systems through the use of technology and community involvement. More effective law enforcement can reduce these illegal practices. Legal awareness among business actors is still a big challenge in the mining sector (Tri Wahyuni, 2020).Many businesses do not understand the legal consequences of unlicensed mining activities. Socialization and education are important steps to increase this awareness. Local governments can work with educational institutions and community organizations to disseminate information related to mining regulation. With increased legal awareness, violations can be minimized (Ardi Prasetyo, 2019).

The application of corporate criminal sanctions requires a special approach in the process of proof. In many cases, it is difficult to define individual responsibilities within a company. Therefore, the law gives the authority to ensnare corporations directly. This includes confiscation of company assets, freezing of business activities, and large fines. This mechanism aims to ensure that companies cannot operate without complying with applicable rules (Dian Permana, 2020).

The impact of criminal sanctions against unlicensed business actors is not only felt by the actors themselves. This sanction also provides a deterrent effect for other business actors who potentially violate the rules. The government took advantage of the momentum from major cases to increase surveillance and tighten regulation. Socialization related to the legal consequences of illegal mining is part of prevention efforts. This ensures that law enforcement is effective (Indah Rahmawati, 2018).

International cooperation has become essential in dealing with cross-border mine violations. Illegal activities involving trade in mining products often involve actors from different countries. Indonesia has established cooperation with several countries to monitor and stop this illegal trade. This process includes the harmonious exchange of information, Joint Operations and law enforcement. With this cooperation, violations can be suppressed more effectively (Bambang Nugroho, 2020).

Restorative approaches in mine law enforcement are becoming an increasingly popular alternative. Business actors who violate are given the opportunity to repair the environmental damage that has been caused. This includes land rehabilitation, waste management, and compensation to affected communities (Indra Saputra, 2019). This approach not only punishes, but also provides a long-term solution for the environment. This restoration is becoming an important part of the sustainable mining policy. The restoration of the environment damaged by illegal mining requires the collaboration of various parties. Governments, businesses, and communities must work together to restore disturbed ecosystems. This process requires substantial funding and long-term commitment. Regulations that require businesses to set aside reclamation funds are an important preventive measure. Thus, environmental damage can be minimized (Rina Wijayanti, 2020).

Dynamic regulations are key to maintaining the relevance of mining regulations in the midst of changing times. The government regularly evaluates the applicable regulations. This evaluation includes adjustments to new technologies, market dynamics, and environmental challenges. This process involves experts and other stakeholders to ensure that regulation remains effective. With adaptive regulation, violations can be minimized (Tri Haryanto, 2019).

The use of digital systems in mine permit governance is a significant step in preventing violations. The government has adopted information technology to simplify the process of registration, supervision, and reporting. This system improves administrative efficiency as well as reduces the chance of corruption. With a technology-based approach, businesses no longer have an excuse for not complying with permit obligations. This digital transformation supports transparency and accountability in the mining sector. Dispute resolution through mediation approach is an alternative for mining business actors. This process allows for the peaceful and efficient resolution of conflicts without having to go through the courts. Mediation provides an opportunity for business actors to correct mistakes and fulfill legal obligations. This approach also reduces the workload of the judicial system. With mediation, law enforcement can still be effective while encouraging compliance. Collaboration between government agencies is key to improving the effectiveness of mine surveillance. Coordination between energy, environment and law enforcement agencies ensures that all violations can be addressed holistically. This approach includes data sharing, joint operations, and integrated training. This collaboration creates better synergies in law enforcement in the mining sector. With integrated surveillance, illegal mining violations can be suppressed (Yuniarto Hadi, 2018).

Administrative sanctions are often the first step in handling mining violations. The government gives reprimands or administrative fines to business actors who do not comply with regulations. This step gives the perpetrator time to correct the mistake without being immediately subject to criminal sanctions. This approach is expected to encourage voluntary compliance (Lestari Purnama, 2020). If the violation persists, then criminal measures are taken. Socialization and campaigning on the importance of mining permits is a priority in preventing violations. The local government regularly conducts seminars and workshops involving business actors, the community, and academics. The Program provides in-depth information on the regulation and legal consequences of violations. With increased understanding, business actors are expected to be able to better comply with applicable regulations. This step creates a strong legal culture in the mining sector (Bambang Setiawan, 2020).

Forms of Criminal Sanctions and Enforcement Proceedings Against Business Actors

Criminal sanctions against business actors who do not have a mining license for non-metallic minerals and rocks (MBLB) are expressly regulated in North Sumatra regional Regulation No. 2 of 2013. Business actors who violate are required to undergo criminal penalties in the form of imprisonment or fines, depending on the degree of violation committed. This provision aims to provide a deterrent effect while protecting natural resources managed by the state. Violations that cause massive environmental damage will be subject to heavier sanctions according to legislation. This step is in line with the purpose of criminal law to maintain a balance between public interest and environmental conservation (Bambang Setiawan, 2020).

The criminal sentence imposed involves the threat of imprisonment for the convicted business person. Article 63 Of North Sumatra Regional Regulation No. 2 of 2013 explains that imprisonment can range from several months to several years depending on the scale of the offense. Offenses involving major damage or repeated illegal activity earn longer prison sentences. Prison as a form of criminal sanction has a corrective and repressive function against business actors. In addition, this punishment gives a strong message to the public to respect the regulations in force (Arif Budiman, 2019).

Article 63 in North Sumatra provincial regulation No. 2 of 2013 regulates criminal sanctions for mining business actors who do not have a mining business license (IUP) or who carry out mining activities that are not in accordance with applicable regulations. Business actors involved in illegal mining activities or who violate the provisions of this regulation may be subject to criminal sanctions in the form of imprisonment and fines. Here is a more detailed description of the regulated forms of criminal sanctions:

1. Imprisonment: business actors who carry out mining activities without permission or carry out activities outside the designated area (WIUP) may be subject to imprisonment, as stated in Article 63 paragraph (1). This imprisonment may be imposed for a certain period established by the court in accordance with the gravity of the offense.
2. Fines: in addition to imprisonment, business actors who carry out mining activities without a license may be subject to fines whose amount is adjusted to state losses or damage caused as a result of these activities. This fine is intended to provide a deterrent effect to business actors and as a form of compensation for losses incurred due to illegal mining activities.
3. Sanctions against IUP holders: Article 63 paragraph (2) also stipulates that IUP holders who carry out mining activities in a manner that is not in accordance with the provisions, such as accommodating or utilizing minerals or coal that are not from a valid IUP, may be subject to imprisonment and fines in accordance with the provisions of applicable laws and regulations. It aims to enforce transparency in the management of mining businesses and prevent illegal practices in the distribution and processing of mining products.

Fines are another criminal sanction that is often applied to illegal mining business actors. The amount of the fine is adjusted to the value of losses incurred due to unlicensed mining activities. The fines imposed also consider the potential for illegal profits obtained by business actors. The use of fines as a punishment provides an opportunity for business actors to complete their obligations without having to serve a prison sentence. Nevertheless, too low a fine can be considered as not providing a deterrent effect.

The number of unlicensed mines and do not pay taxes that have not been sanctioned this is due to several factors that influence, first the location is not wide so that businesses consider it as an effort to change the condition of the soil from hills to flat. Secondly, the lack of knowledge of business actors in the process of obtaining permits because before the mining business license is issued, the location of the mining business must first enter the mining business license area determined by the Governor. The third is the presence of persons who provide protection to mining operators who do not have permits.

The law enforcement process against illegal mining business actors begins with an investigation by the authorities. This investigation involves the collection of evidence, including documentation of the mine site, the results of the mine, and the tools used. The evidence collected became the basis for determining whether the mining activity violated the law. Investigations are conducted transparently to ensure that no party is harmed during the process. The results of this investigation became a foothold for the prosecution stage in court (Hendra Setiawan, 2019).

Confiscation of evidence is an important step in the enforcement of illegal mining laws. Evidence seized includes mining products, heavy equipment, and documents related to illegal activities. The purpose of this seizure is to stop the operation of the mine while ensuring that the evidence can be used in the judicial process. The seizure procedure is carried out in accordance with the provisions of the law in order to preserve the validity of the evidence. The move shows the government's commitment in cracking down on illegal mining violations (Dian Kurniasih, 2019).

After the investigation is completed, the next stage is the prosecution by the public prosecutor. Prosecution includes the preparation of an indictment that is based on the evidence that has been collected during the investigation. In the trial, the prosecutor is tasked with proving that the business actor has committed a violation of the law in accordance with the indictment.

This process gives the offender the opportunity to defend himself and present mitigating evidence. The judge then determines the verdict based on the facts and evidence presented (Rina Wijayanti, 2020).

Court rulings against illegal miners often include additional penalties in the form of environmental remediation. Judges can order businesses to repair environmental damage that has occurred due to illegal mining activities. This recovery includes land reclamation, mine waste management, and compensation to affected communities. This measure aims to reduce the long-term impact of violations committed. In addition, environmental restoration is becoming an integral part of the law enforcement process in the mining sector (Indah Pratama, 2020).

Supervision over the implementation of court decisions is carried out by the relevant agencies to ensure that the sanctions imposed are properly implemented. Business actors who do not comply with the ruling may be subject to additional sanctions, including additional fines or imprisonment. This supervision aims to prevent business actors from repeating the same violation. Transparency in oversight also creates public trust in the legal system. This step shows that the government is serious about enforcing the law in the mining sector. Coordination between agencies is an important element in the enforcement of illegal mining laws. Local governments, environmental agencies, and law enforcement officials must work together to address violations holistically. This collaboration includes information exchange, joint operations, and capacity building of the apparatus. Good coordination ensures that violations can be dealt with efficiently and thoroughly. This effort also helps create synergies in maintaining good mine governance. The use of modern technology is one of the steps to improve the effectiveness of law enforcement in the mining sector. Technologies such as satellite imagery and drones are used to monitor mining activity in hard-to-reach areas. The Data obtained from this technology is used as evidence in the process of Investigation and prosecution. The use of technology also helps to identify violations more quickly and accurately. Thus, technology is becoming an important tool in supporting mine law enforcement (Yusuf Pranoto, 2019).

The application of administrative sanctions is the first step before criminal sanctions are imposed. The government often gives warnings or warnings to business actors to stop their illegal activities. If the offender does not comply with the reprimand, then criminal sanctions are applied. This approach gives businesses the opportunity to comply with regulations without having to go through the judicial process. Despite this, administrative sanctions must be balanced with strict supervision to be effective. Socialization on mining regulation is a preventive step in reducing violations in this sector. The government is working with various parties to provide education to business actors about the importance of mining permits. This familiarization Program includes information on registration procedures, the benefits of legal compliance, and the consequences of violations. With a better understanding, business actors are expected to comply with applicable regulations. Socialization also helps to build a strong legal culture in society (Dewi Anggraeni, 2020).

Collaboration with the private sector is an important element in illegal mining law enforcement efforts. Large companies can act as government partners in providing training to small businesses on Good mine governance. In addition, the private sector can also assist in funding environmental recovery programs. This cooperation creates a more inclusive and sustainable mining ecosystem. With the support of the private sector, law enforcement efforts are becoming more effective ((Rizal Mahendra, 2020). Criminal law enforcement in the mining sector must also be balanced with dynamic regulatory strengthening. The government periodically evaluates existing regulations to ensure their relevance and effectiveness. This evaluation includes adjusting to new challenges, such as technological developments and global market dynamics. With adaptive regulation, law enforcement can be more responsive. This step shows that the law must always be in harmony with the needs of the Times (Lestari Pertiwi, 2020).

Efforts to Recover and Prevent Violations in Mining Activities

Environmental restoration is one of the main steps after illegal mining activities are stopped. Governments and businesses have a responsibility to ensure that damaged land is thoroughly rehabilitated. This rehabilitation process includes vegetation replanting, mine waste management, and soil stabilization. Environmental restoration aims to restore ecosystem function and reduce the long-term impact of illegal mining activities. This step also sends a message that mine management must always be oriented towards sustainability (Indah Wulandari, 2020).

The involvement of local communities in the recovery process is the key to success. Communities around mining sites are often the most affected by illegal activity. Their involvement in the rehabilitation process creates a sense of belonging and shared responsibility for the environment. Programs such as community empowerment in greening or waste management help create a sustainable positive impact. Thus, the recovery focuses not only on ecological but also social aspects.

Land reclamation is a preventive measure that must be done by mining businesses. Businesses are required to set aside reclamation funds as part of their operating permits. These funds are used to ensure that recovery can be made as soon as the mine is no longer operational. Regulations requiring reclamation provide assurance that mine damage is not a burden on the state or society. This approach shows the government's commitment to maintaining the sustainability of Natural Resources.

Prevention of violations in mining activities is carried out through closer supervision. Local governments play an important role in ensuring that mining activities are in accordance with the permits granted. Technologies such as satellite imagery and drones are important tools in monitoring mining activity in remote areas. The use of this technology enables real-time identification of violations and accelerates enforcement. With effective supervision, the risk of violations can be minimized (Rina Kusuma, 2020).

Socialization to business actors is another preventive measure that must be strengthened. The government often conducts seminars and workshops to improve understanding of mine regulation. Information on licensing procedures, legal obligations, and consequences of violations is the main focus in this program. With better knowledge, business actors are expected to reduce potential violations. Socialization also helps build good relations between the government and business actors. Strengthening regulation is a strategic step to prevent violations in the future. The government periodically evaluates existing regulations to ensure their relevance and effectiveness. Adjustments to new challenges, such as technological developments or global market dynamics, are part of this evaluation. Dynamic regulation ensures that the law can accommodate the needs of the times without losing its essence. With this approach, the Prevention of violations can be carried out more comprehensively (Tri Haryanto, 2020).

International cooperation is an important element in efforts to prevent cross-border mining violations. Illegal activities often involve trading mined products into international markets without official permission. Indonesia has established cooperation with other countries to monitor and stop this illegal activity. This process includes the exchange of information, Joint Operations, and harmonization of regulations between countries. With global collaboration, violations can be significantly suppressed. The involvement of the private sector in recovery and prevention efforts is also an important element. Large companies can contribute through Corporate Social Responsibility (CSR) programs that focus on restoring the environment. In addition, they can also assist small businesses in understanding and complying with mine regulations. This collaboration creates an ecosystem that supports good mine governance. Private sector support accelerates the implementation of recovery and prevention efforts.

Increasing the capacity of law enforcement officers is a priority in the Prevention of mine violations. Officials who have sufficient knowledge and skills can deal with illegal mining cases more effectively. Regular training on mine regulation and surveillance technology is an important part of strengthening this capacity. Thus, law enforcement officers can carry out their duties professionally and efficiently. These efforts support the creation of a better legal system. Community participation in mine supervision is one of the effective preventive measures. Residents living around the mine site have local knowledge that can help identify suspicious activity. The government opened a complaint channel that made it easier for the public to report violations. Information from the public is often a strong starting point for an investigation. Collaboration between communities and governments creates more inclusive oversight. Mine waste management is an important element in recovery efforts. Poorly managed mine waste can contaminate the surrounding water, soil and air. The government requires businesses to have an integrated waste management plan before obtaining an operational permit. These efforts ensure that mine waste does not cause long-term negative impacts. With good Waste Management, the environment can be optimally protected.

Environmental awareness campaigns become an integral part of violation prevention efforts. The government is working with environmental organizations to organize campaigns that educate people about the importance of sustainability in mines. The campaign covers issues such as ecosystem destruction, waste management, and the importance of mining permits. With increased awareness, the community can play an active role in preserving the environment. This step has a long-term positive impact. Regular evaluation of recovery and prevention programs is an important step to ensure their effectiveness. The government involves academics and practitioners in assessing the success of each program. The results of this evaluation are used to improve existing strategies or design new approaches. With continuous evaluation, recovery and prevention policies can be adapted to the needs of the field. This approach ensures consistent success.

CONCLUSION

The importance of criminal responsibility, forms of sanctions, as well as recovery and prevention efforts in mining activities. Environmental restoration through land reclamation, waste management, and compensation to affected communities is a strategic step to reduce the negative impacts that have occurred. On the other hand, preventive measures such as socialization, strengthening regulations, and the use of modern technologies are key in preventing the recurrence of violations. The collaborative approach between the government, the community and the private sector also plays a significant role in creating better mine governance.Central and local governments need to strengthen coordination in monitoring mining activities. Energy, Environment and law enforcement agencies should share data and work together in joint operations to crack down on violations. This collaboration can also involve the private sector through Corporate Social Responsibility (CSR) programs that support environmental recovery.

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