

Law Enforcement Against Unlicensed Gold Mining Activities in the Gorontalo Regency Area

Moh. Farhan R. Kadullah¹, Nur Insani², Apriyanto Nusa³

Ichsan Gorontalo University

Article Info

Article history:

Accepted: 11 July 2026

Published: 1 September 2026

Keywords:

Law Enforcement;

unlicensed gold mining;

Minerba;

Abstract

Unlicensed gold mining activities are acts that are contrary to the provisions of laws and regulations in the mining sector and have the potential to cause environmental damage, state economic losses, and disruptions to sustainable natural resource management. This study aims to analyze law enforcement of unlicensed gold mining activities in Gorontalo Regency and analyze the factors that hinder law enforcement of these activities. The type of research used is normative legal research with a legislative approach, a conceptual approach, and a case approach. Legal materials consist of primary legal materials, secondary legal materials, and tertiary legal materials obtained through literature studies, then analyzed qualitatively by prescriptive methods. The results of the study show that law enforcement against unlicensed gold mining activities has been expressly regulated in Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining through the application of criminal sanctions against everyone who carries out mining activities without a permit. However, the effectiveness of law enforcement still faces various obstacles, including low public legal awareness, limited law enforcement facilities and infrastructure, and economic factors that encourage people to carry out mining activities without permits. Therefore, it is necessary to strengthen supervision, increase public legal awareness, and synergy between the government and law enforcement officials so that law enforcement can be carried out effectively and sustainably.

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Corresponding Author:

Moh. Farhan R. Kadullah

Ichsan Gorontalo University

E-mail: Mohfarhankadullah@gmail.com

1. INTRODUCTION

Indonesia is a country that has a wealth of natural resources, including mineral and coal resources spread across various regions. This wealth is a gift that has strategic value for national development because it can be a source of state revenue, increase economic growth, create jobs, and encourage regional development. Therefore, the management of mineral resources must be carried out in a planned, sustainable manner, and based on the principle of justice so that the benefits can be felt by the entire community.

Within the framework of the state of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, every form of natural resource utilization must be carried out in accordance with the provisions of laws and regulations. In addition, Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia emphasizes that the earth, water, and natural resources contained in it are controlled by the state and

used as much as possible for the prosperity of the people. This provision shows that the state has the authority to regulate, manage, supervise, and take action against any natural resource utilization activities that are carried out in violation of the law.

One of the sectors that has a great contribution to the national economy is the mineral mining sector, especially gold mining. Gold is a commodity of high economic value whose demand continues to increase both in domestic and international markets. The high selling value of gold has encouraged an increase in mining activities in various regions. However, this development was also followed by the emergence of the practice of Unlicensed Gold Mining (PETI) carried out by individuals and community groups without having a valid license from the government. These activities not only violate the provisions of the law, but also cause various negative impacts on the environment, occupational safety, public health, and have the potential to reduce state revenues from the mining sector.

Mining activities without a permit are generally carried out by ignoring the principles of good mining (good mining practice). In practice, PETI actors often use harmful chemicals such as mercury and cyanide in the gold processing process. The use of these materials can cause water, soil, and air pollution which has an impact on ecosystem damage and endangers public health around mining areas. In addition, illegal mining activities also often trigger social conflicts, destruction of forest areas, landslides, and loss of productive land functions. This condition shows that PETI is not only a legal issue, but also an environmental, social, economic, and governance issue.

As a form of control over mining activities, the government has established various regulations that regulate the implementation of mining businesses. The regulation is currently contained in Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, which was then amended through Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining. In this provision, it is emphasized that every mining business activity must have a license issued by the government in accordance with its authority. Anyone who carries out mining activities without a permit can be subject to criminal sanctions as stipulated in the criminal provisions of the Mineral and Mineral Law.

Although regulations have expressly regulated the obligation to have a mining business license and the criminal threat for unlicensed mining actors, in reality PETI activities are still found in various regions of Indonesia. This condition shows that there is a gap between legal norms (*das sollen*) and the reality that occurs in the field (*das sein*). Various factors such as high gold prices, low levels of community welfare, limited employment, weak government supervision, and suboptimal law enforcement are the causes of the rampant mining activities without permits. In addition, legal enforcement by the authorities often only targets perpetrators in the field, while those who benefit more from these activities have not been fully touched by the legal process.

The phenomenon of unlicensed gold mining in Gorontalo Regency shows that the implementation of the law in the mining sector has not been running optimally. One of the proofs is the action of the Gorontalo Resort Police officers who secured an excavator unit and three operators in an operation to control Unauthorized Gold Mining (PETI) activities in Pasir Putih Hamlet, Pilomonu Village, Mootilango District in 2025. The crackdown proves that unlicensed gold mining activities are still ongoing even though Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining has expressly regulated the obligation to have a license and criminal threats for everyone who carries out mining activities without a permit.

2. RESEARCH METHODS

This study uses an empirical normative legal method by combining a regulatory approach and an empirical approach. The data used consisted of primary data obtained through observation and documentation, as well as secondary data obtained through literature studies of laws and regulations, books, scientific journals, and literature related to mining. The data is analyzed qualitatively by linking the applicable legal provisions with the facts found in law enforcement practices.

3. RESULTS OF RESEARCH AND DISCUSSION

a. Law Enforcement Against Unauthorized Gold Mining Activities in Gorontalo Regency

Law enforcement of unlicensed gold mining activities is a form of implementing state functions in ensuring legal certainty, justice, and benefits for natural resource management as mandated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This provision emphasizes that the earth, water, and natural resources contained in it are controlled by the state and used as much as possible for the prosperity of the people. The meaning of control by the state not only gives the government the authority to manage natural resources, but also requires the state to regulate, supervise, control, and take action against every form of natural resource utilization that is contrary to the provisions of the law. Thus, any mining activity carried out without obtaining a permit from the government is an act that is contrary to the law and can be subject to administrative or criminal sanctions in accordance with the provisions of laws and regulations.

The regulation of mining business activities in Indonesia has undergone significant developments in response to the dynamics of mineral and coal resource management. The changes aim to create a mining management system that provides legal certainty, increases investment, strengthens government supervision, and ensures environmental protection. In this context, the current regulation regarding mining is guided by Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining. Through these changes, the government emphasized that all mining activities must be carried out based on valid licensing as a form of state control over the use of mineral resources.

The existence of a licensing system in the mining sector has a very important function because it is a legal instrument to ensure that mineral exploration and exploitation activities are carried out in accordance with good mining principles. Through the licensing mechanism, the government can supervise the technical feasibility of mining activities, environmental protection, work safety, fulfillment of tax obligations and state revenue, and corporate social responsibility to the community around the mining area. Therefore, mining activities carried out without a permit not only violate administrative provisions, but also have the potential to cause economic losses, environmental damage, social conflicts, and loss of state revenue that should be obtained from the mining sector.

From a criminal law perspective, gold mining activities without a license are a criminal offense that is expressly regulated in the criminal provisions of the Mineral and Coal Law. The formulation of the criminal provisions shows that the lawmakers view illegal mining activities as an act that has a high level of danger because it not only harms the state from an economic point of view, but also threatens environmental sustainability and community safety. Therefore, the application of criminal sanctions against unlicensed mining perpetrators is intended as a means to provide a deterrent effect while preventing the development of illegal mining practices in various regions.

Within the framework of the state of law, law enforcement against unlicensed gold mining activities cannot be understood only as a process of arresting and criminalizing perpetrators, but rather as a series of actions starting from prevention, supervision, investigation, investigation, prosecution, examination in court, to the implementation of court decisions. All of these stages must be carried out based on the principles of legality, the principle of legal certainty, the principle of justice, and respect for human rights as regulated in the Indonesian criminal justice system.

Gorontalo Regency is one of the areas that has a large potential for mineral resources, which opens up opportunities for the development of gold mining activities. On the one hand, this potential provides economic benefits for the community, but on the other hand, it also poses a risk of the emergence of unlicensed mining activities carried out individually or in groups. From a legal point of view, any mining activity that does not have a permit remains an act that is contrary to the provisions of the Mineral and Mineral Law even though it is carried out for the reason of meeting economic needs. This shows that economic reasons cannot be used as a basis for justifying violations of the law because any use of natural resources must remain subject to the provisions of applicable laws and regulations.

Law enforcement against unlicensed gold mining activities must also be seen as a form of state protection of the environment. Illegal mining activities are generally carried out without paying attention to the technical rules of mining, which has the potential to cause forest damage, river pollution, soil degradation, landslides, and loss of biodiversity. The use of chemicals such as mercury in the gold separation process also poses a serious threat to public health because it can contaminate water, soil, and the food chain. Therefore, law enforcement against PETI is not only oriented towards punishing perpetrators, but is also an instrument to protect people's rights to a good and healthy environment.

From the perspective of law enforcement theory, according to Soerjono Soekanto, the success of law enforcement is influenced by five factors, namely legal factors, law enforcement factors, facilities and infrastructure factors, community factors, and cultural factors. These five factors are interrelated and determine the effectiveness of the implementation of criminal provisions in the mining sector. Thus, law enforcement against unlicensed gold mining activities is not enough to rely only on the existence of strict laws and regulations, but also requires professional officials, adequate support facilities, a high level of public legal awareness, and a legal culture that respects the rules.

Normatively, the main purpose of law enforcement against unlicensed gold mining activities is to create legal certainty, provide protection for the environment, maintain order in natural resource management, ensure state revenue, and create a balance between economic interests and environmental conservation interests. Therefore, law enforcement should not be understood solely as a repressive act through criminal imposition, but must also be accompanied by preventive policies in the form of continuous supervision, guidance to the community, increasing legal awareness, and strengthening coordination between agencies so that the purpose of establishing the Mineral and Mineral Law can be realized effectively.

b. Factors Inhibiting Law Enforcement Against Unlicensed Gold Mining Activities in Gorontalo Regency

1. Low Legal Awareness of the Community

One of the main factors that hinders law enforcement against unlicensed gold mining activities is the low level of public legal awareness of the importance of compliance with the provisions of laws and regulations in the mining sector. Legal awareness is a condition in which people understand, appreciate, and implement legal norms as guidelines in acting. In practice, some people still view that unlicensed gold mining activities are jobs that can be done as long as they generate economic benefits, without considering that these activities

are contrary to the applicable legal provisions. This view causes the threat of criminal sanctions as stipulated in laws and regulations to not be fully able to prevent the community from carrying out illegal mining activities.

Low legal awareness is also influenced by the lack of understanding of mining business licensing procedures, the rights and obligations of mining business actors, as well as the legal impact that can arise from carrying out mining activities without a permit. In addition, there is still an assumption that natural resources are wealth that can be freely used by the community around the mining area. This view is contrary to the principle of state control over natural resources as stipulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which emphasizes that natural resource management must be carried out under state control and used as much as possible for the prosperity of the people.

In addition to having an impact on compliance with the law, low legal awareness also reduces public participation in supporting law enforcement efforts. People who know about unlicensed mining activities often do not report to law enforcement officials because they consider these activities to be normal or because of social relationships with the perpetrators. Such conditions result in law enforcement not running optimally, because the success of cracking down on unlicensed mining activities basically also requires support and active participation from the community as part of the social supervision system.

2. Limited Law Enforcement Facilities and Infrastructure

Another factor that is an obstacle in law enforcement against unlicensed gold mining activities is the limited facilities and infrastructure owned by law enforcement officials and government agencies authorized to supervise mining activities. Law enforcement against mining crimes has different characteristics from conventional crimes because most mining sites are in mountainous areas, forests, or remote areas that are difficult to reach. This condition requires the availability of adequate operational vehicles, communication equipment, monitoring technology, and sufficient budget support so that supervision and enforcement can be carried out effectively.

The limitations of these facilities cause supervision activities to not be carried out continuously. In many circumstances, control operations are only carried out at certain times, providing an opportunity for the perpetrators to return to mining activities after the authorities leave the site. In addition, limited facilities also affect the speed of the authorities in responding to public reports about unlicensed mining activities. As a result, the law enforcement process becomes less effective because perpetrators have the opportunity to evade law enforcement actions or move mining activities to other, more difficult to reach locations.

From the point of view of law enforcement effectiveness, the availability of facilities and infrastructure is one of the important factors that determine the success of law enforcement. The existence of complete laws and regulations will not provide optimal results if it is not supported by adequate operational facilities. Therefore, improving the quality of law enforcement facilities and infrastructure is one of the steps that need to be taken to support the successful handling of unlicensed gold mining activities.

3. Community Economic Factors

Economic factors are one of the most dominant causes that encourage people to carry out gold mining activities without permits as well as being an obstacle in the implementation of law enforcement. The high economic value of gold compared to other types of work causes some people to choose to carry out mining activities without a permit as the main source of income. This condition is further strengthened by limited employment opportunities, low income levels, and lack of development of alternative economic sectors in areas with mining potential.

This situation results in law enforcement often faced with a dilemma between the interests of law enforcement and the economic needs of the community. Although law enforcement officials take action against unlicensed mining perpetrators, in practice these activities are often carried out again because the community still depends on mining products to meet their daily needs. Thus, the application of criminal sanctions alone will not necessarily be able to eliminate the root of the problem if it is not followed by government policies that provide alternative livelihoods and economic empowerment for the communities around the mining area.

Therefore, solving the problem of unlicensed gold mining requires a comprehensive approach, namely through a combination of firm law enforcement and economic development policies that are able to improve people's welfare. This approach is expected to reduce the community's dependence on unlicensed mining activities while creating conditions that support the realization of compliance with the law. Thus, law enforcement not only functions as a repressive instrument through the provision of criminal sanctions, but also becomes part of legal policies that aim to realize social justice, legal certainty, and benefits for society as a whole.

4. CONCLUSION

Based on the results of the discussion, it can be concluded that the enforcement of law enforcement against unlicensed gold mining activities in Gorontalo Regency has a clear legal basis based on Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining, but its implementation has not fully run optimally in realizing legal certainty, environmental protection, and a deterrent effect for the perpetrator. This condition is influenced by several inhibiting factors, namely low public legal awareness, limited law enforcement facilities and infrastructure, and economic factors that encourage people to carry out mining activities without permits. Therefore, synergy is needed between firm law enforcement, increased supervision, provision of adequate supporting facilities, and community empowerment efforts so that the prevention of unlicensed gold mining activities can be carried out effectively, sustainably, and in accordance with the purpose of establishing laws and regulations.

5. BIBLIOGRAPHY

- Ali, Zainuddin. *Metode Penelitian Hukum*. Jakarta: Sinar Grafika, 2021.
- Arief, Barda Nawawi. *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan*. Jakarta: Kencana, 2018.
- HS, Salim. *Hukum Pertambangan Mineral dan Batubara*. Jakarta: Sinar Grafika, 2022.
- Ibrahim, Johnny. *Teori dan Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publishing, 2019.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana, 2022.
- Rahardjo, Satjipto. *Masalah Penegakan Hukum: Suatu Tinjauan Sosiologis*. Bandung: Sinar Baru, 2009.
- Soekanto, Soerjono. *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: Rajawali Pers, 2019.
- Soekanto, Soerjono. *Pengantar Penelitian Hukum*. Jakarta: UI Press, 2019.
- Soekanto, Soerjono, dan Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Pers, 2021.
- Sutedi, Adrian. *Hukum Pertambangan*. Jakarta: Sinar Grafika, 2018.

- Haryadi, Dwi, Iskandar Zulkarnain, dan Rafiqah Sari. "Reformulation of Additional Criminal Sanctions in Law No. 2 of 2025 on Mineral and Coal Mining Based on Green Mining Principles." *Society*, Vol. 13, No. 3, 2025.
- Kaharuddin, Musya Ar-Rasheed, Emir Abdur Rasyid, dan Ferdi Raditya Akbar. "Analisis Perancangan dan Substansi Undang-Undang Nomor 2 Tahun 2025 tentang Pertambangan Mineral dan Batubara dalam Perspektif Ilmu Perancangan Perundang-Undangan." *Jurnal Pendidikan Tambusai*, Vol. 9, No. 3, 2025.