

## Law Enforcement Problems of Illegal Tin Mining in Realizing Restorative Justice: A Study at the Bangka Resort Police

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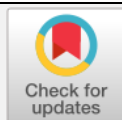
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### ABSTRACT

*Law enforcement against criminal acts without a permit (illegal mining) must be carried out for the sake of social justice for all Indonesian people. The Bangka Resort Police, as one of the institutions of the Indonesian National Police, has duties and obligations in realizing ideal conditions both in law enforcement efforts and other persuasive efforts, must be fast and responsive in tackling illegal mining. In this regard, this research aims to examine law enforcement problems of illegal tin mining in realizing restorative justice with the locus of study, namely the Bangka Resort Police. The formulation of the problem studied in this research is as follows. First, what are the legal issues to realizing restorative justice in the enforcement of illegal tin mining crimes by the Bangka Resort Police? Second, how are the efforts of the Bangka Resort Police to overcome the obstacles in law enforcement against the criminal act of illegal tin mining? The legal problems that occur involve various dimensions, namely the dimensions of competence, personnel commitment, supporting facilities and infrastructure, and issues from the social environment of the community. Multiple efforts have been carried out by the Bangka Resort Police in the internal aspect and implementing progressive actions as a form of dedication by law enforcement officials.*

**Keywords:** *Illegal Tin Mining; Law Enforcement; Police; Restorative Justice*

## 1. Introduction

Realizing a conducive security and public order situation is the shared responsibility of all Indonesian people. However, the Indonesian National Police institution has the duty and responsibility to create a conducive security and public order situation. Life in a country cannot normally run without the presence of the police. The term police first come from the Greek, namely "*politeia*" from Plato, with the background of thinking that an ideal country is following its ideals, free from greedy and evil state leaders, where justice is upheld (Azhari, 1995, p. 19). Another variety of terms can be seen in the United Kingdom with "police", Germany with "*polizei*", and the Netherlands with "*politie*" (Sadjijono, 2010, p. 1).

A country can run well without an army, but not if the police are not present in the country concerned. Japan and Costa Rica (Latin America) do not have soldiers. Still, the lives of their people can run safely and peacefully because, in both countries, there is a police institution in charge of maintaining a conducive security and public order situation (Khoidin & Sadjijono, 2007, p. 139).

The institutional and moral responsibility of the National Police is a noble task that needs to be implemented wisely and with social justice. Humanitarian duties are the most important tasks carried out in the context of the safety of the people, carried out convincingly or persuasively and in a civilized or humanistic manner to build a community paradigm that follows the ideals of the Indonesian people fair civilized.

This task is principally the duty and responsibility of the Indonesian National Police to remain vigilant, responsive, and firm in dealing with all kinds of violations of the law. The Indonesian National Police must also be professional in carrying out these duties and responsibilities to maintain trust. Every society wants conditions to feel safe, comfortable, peaceful, and peaceful in everyday life. Therefore, the manifestation of the coveted state of the community can be realized if it can maintain public security and order in an ideal and conducive community situation and condition.

The typology of the community in the mining area with the exploitation of natural resources will affect the conduciveness of the community. Therefore, the Indonesian National Police must have a special scheme to create a conducive society.

As an area with the largest tin ore content in Indonesia, one of the natural resources since the Dutch colonial era and continues to be exploited today, Bangka Belitung Islands Province is certainly a province with a special perspective in maintaining order and security for its people. One of the regencies in the Bangka Belitung Islands Province, namely the Bangka Regency, and including areas containing large amounts of tin ore, currently illegal mining is still rampant.

Illegal mining activities are usually carried out by indigenous people and non-natives outside the area designated as a mining area without the local government's permission. Even miners often use quite sophisticated equipment such as electric generators, diesel engines, motorized water pumps, mashing/milling machines, and so on (Badan Pembinaan Hukum Nasional, Kementerian Hukum dan HAM Republik Indonesia, 1995).

The problems of illegal mining do not only revolve around permits and non-permits. Mining procedure activities are carried out uncontrollably. The ongoing mining activity without a permit causes a large negative impact on the environment and social conflicts and even impacts other criminal acts. But with, many people whose main source of livelihood is tin mining and the limited opportunities for the general public to mine tin or the lack of tin reserves have also created new problems, including causing chaos and large crowds to the level of other crimes such as drugs, persecution, and even murder. Of the various cases that

accompany illegal mining, most cases of methamphetamine occur in tin mining areas. Illegal mining activities are very risky to become a place for shabu to circulate. Disclosure of cases of shabu-type drugs at illegal mining locations revealed that not only users but meth dealers also often carry out transactions at illegal mining locations in large enough quantities as found as evidence in the field. The mining area is quite far away, and the geographical dimension makes it difficult even in difficult locations such as at sea, adding to the value of the difficulty of disclosing these cases.

Prediction of disclosure of drug cases, especially the type of methamphetamine, in 2020 will increase. This result collaborates between the Indonesian National Police, the National Narcotics Agency, and related agencies. Besides drug cases that are rampant due to illegal mining activities, violence cases that cause death and even murder cases also occur. A sadistic murder case that correlates with illegal mining activities was carried out on an illegal mining owner (mine owner) named Supri, who was killed by his two subordinates.

The suspects Kanang and Angga are tin mining workers belonging to the victim. This murder has a motive based on hurt because the mine boss accused the perpetrators of stealing machinery and other mining equipment, so on that charge, the two perpetrators were fired by the victim. The two perpetrators, who did not accept the accusation, then took action to kill the victim. Apart from killing, the perpetrators also stole valuables belonging to the victim, ranging from cash, jewelry, and so on, which were estimated to be worth millions of rupiah. The two cases above clearly indicate accompaniment crimes in illegal mining operations.

From the various cases above, cases of illegal mining must be the focal point in the realm of law enforcement. Because the dimension of tackling illegal mining cannot be taken lightly, this is also an indicator of other criminal acts. It can become a culture of people who do not obey the law long term.

The Bangka Resort Police, as one of the institutions for the Indonesian National Police, has the duty and obligation to create an ideal situation, both in law enforcement and other persuasive efforts, and must be fast and responsive in tackling illegal mining. In this regard, this research aims to examine law enforcement problems of illegal tin mining in realizing restorative justice with the locus of study, namely the Bangka Resort Police.

The formulation of the problem studied in this research is as follows. First, what are the legal issues to realizing restorative justice in the enforcement of illegal tin mining crimes by the Bangka Resort Police? Second, how are the efforts of the Bangka Resort Police to overcome the obstacles in law enforcement against the criminal act of illegal tin mining?

## **2. Research Methodology**

Research, including grounded research, begins with formulating the problem. A problem arises because two assumptions have a relationship, both practical, the existence of causation, and one confirms the other. Legal issues occupy an essential position. Therefore if there is an error in identifying legal issues, it will also result in wrong answers to the issue in question. Then errors will also lead to a new argument expected to solve the legal issue (Marzuki, 2016).

In this research, the method used is the statute approach method (legislation) and the conceptual approach method (conceptual approach). Peter Mahmud Marzuki, in his book, argues that the statute approach method is carried out by examining all laws and regulations that have relevance or relevance to the legal issues being handled. According to Peter Mahmud Marzuki, a conceptual approach method is an approach that moves from the views of experts and the doctrines that develop in legal scholarship (Marzuki, 2006).

In research that tends to be empirical, the data sources are data obtained through sources and information from those written in documents, referred to as legal materials. So the legal materials used are as follows:

- a. Primary legal materials
  - 1) the 1945 Constitution of the Republic of Indonesia ([Republik Indonesia, 2002a](#));
  - 2) Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police ([Republik Indonesia, 2002b](#));
  - 3) Law of the Republic of Indonesia Number 3 of 2020 concerning Amendments to Law of the Republic of Indonesia Number 4 of 2009 concerning Mineral and Coal Mining ([Republik Indonesia, 2020](#));
- b. Secondary Legal Materials are legal materials that provide clarity on primary raw materials. Secondary legal materials include books or literature, electronic books or e-books, journals, papers, articles from trustworthy websites from the internet, and the results of other scientific works related to the writing of this scientific paper.

### **3. Results and Discussion**

#### **3.1. Legal Problems in Efforts to Realize Restorative Justice in Enforcement of Illegal Tin Mining Crimes by the Bangka Resort Police**

One of the natural resources owned by the Indonesian people is related to mineral resources. In the mining world, Indonesia is known as a country rich in mineral content that is ready to be explored at any time. If this mineral resource is to be utilized, it must be managed properly and wisely to positively contribute to building the country's economy ([Supramano, 2012, p. 1](#)).

Mining should be carried out in a good mining dimension based on the procedures and prerequisites set out in several laws and regulations that specifically regulate the mine itself. These statutory regulations are called laws ([Helawati, 2014, p. 1](#)).

In essence, the law contains ideas or concepts that can be classified as abstract, including ideas about justice, legal certainty, and social benefits. Law enforcement essentially talks about the enforcement of ideas and concepts which are abstract, in which law enforcement is an attempt to turn ideas into reality. The process of realizing these ideas is the essence of law enforcement ([Rahardjo, 2009, p. 12](#)).

According to [Soekanto \(2008, p. 5\)](#), law enforcement is an activity to harmonize the relationship of values embodied in solid and embodied rules and attitudes of action as a series of final value elaboration to create, maintain, and maintain a peaceful social life.

Conflict can be defined as a clash of power and interests between one group and another in the process of competing for relatively limited social resources (economic, political, social, and cultural). According to [Lawang \(1994, p. 53\)](#), conflict is defined as a struggle to obtain rare things such as values, status, power, and so on. The goal of those in conflict is not only to gain profit but also to subdue their competitors. One of the most prominent forms of conflict relates to illegal mining.

Based on etymology, conflict prevention seeks to prevent violent conflict. Conflict settlement is an effort to reach an agreement on peace with steps or ways to end the violent behavior itself. Conflict management is a method or step that aims to avoid, including limiting violence where it might occur in the future. Therefore, conflict management seeks support to change behavior into positive behavior, especially for the parties involved in a conflict. Then



regarding conflict resolution, it is a thought that specifically discusses and analyzes the causes of conflict and seeks and tries to build a new and eternal relationship that is applied in the interactions of community groups that are at odds with each other. Finally, conflict transformation is a political and social source that is widely discussed and studied with a source of thought, namely a conflict, and make efforts to transform favorable conditions (positive energy) from war (conflict) into changes in peaceful conditions in social and political life (Jamil, 2007).

A group of indigenous people usually carries out illegal mining activities, and non-native locals outside the area are designated a Mining Area without a permit. Even miners often use sophisticated equipment such as electric generators, diesel engines, motorized water pumps, mashing/milling machines, etc (Badan Pembinaan Hukum Nasional, Kementerian Hukum dan HAM Republik Indonesia, 1995, p. 27).

Activities mining procedures are carried out uncontrollably. The ongoing mining activity without a permit causes a large negative impact on the environment and social conflicts and even impacts other criminal acts. The problems of illegal mining do not only revolve around permits and non-permits, but with a large number of people whose main source of livelihood is tin mining and the limited opportunities for the general public to mine tin or the lack of tin reserves have also created new problems, including causing chaos and large crowds to the level of other crimes such as drugs, persecution, and even murder.

Illegal mining activities are very risky to become a place for shabu to circulate. The mining area is quite far away, and the geographical dimension makes it difficult even in difficult locations such as at sea, adding to the value of the difficulty of disclosing these cases. Of the various cases that accompany illegal mining, most cases of methamphetamine occur in tin mining areas. Disclosure of cases of shabu-type drugs at illegal mining locations revealed that not only users but meth dealers also often carry out transactions at illegal mining locations in large enough quantities as found as evidence in the field. This result collaborates between the Indonesian National Police, the National Narcotics Agency, and related agencies.

Prediction of disclosure of drug cases, especially the type of methamphetamine, in 2020 will increase. Besides drug cases that are so rampant due to illegal mining activities, issues of violence that cause death and even murder cases also occur. A sadistic murder case that correlates with illegal mining activities was carried out on an illegal mining owner (mining boss) named Supri, who was killed by his two subordinates. The suspects Kanang and Angga are tin mining workers belonging to the victim.

This murder has a motive based on hurt because the mine boss accused the perpetrators of stealing machinery and other mining equipment, so on that charge, the two perpetrators were fired by the victim. The two perpetrators, who did not accept the accusation, then took action to kill the victim. Apart from killing, the perpetrators also stole valuables belonging to the victim, ranging from cash, jewelry, and so on, which were estimated to be worth millions of rupiah. The two cases above clearly indicate accompaniment crimes in illegal mining operations.

From the various cases above, illegal mining cases must be the focal point in the realm of law enforcement. Because the dimension of tackling illegal mining cannot be taken lightly, this is also an indicator of other criminal acts. It can become a culture of people who do not obey the law long term. In Bangka Regency, we can witness the impact of mining without a permit, namely with the emergence of natural disasters ranging from droughts, floods, infertile soils, rivers becoming dry. It will cause losses to the people, nation, and state. Therefore, law enforcement against criminal acts without a permit (illegal mining) must be carried out for the

sake of social justice for all Indonesian people. Because, if allowed to continue, it is possible to disturb residents due to the environmental impacts caused by illegal mining.

### **3.2. Bangka Resort Police Efforts To Overcome Law Enforcement Obstacles Against Illegal Tin Mining Crime**

Tin mining activities in Bangka are still rampant and cannot be separated from illegal mining activities or contrary to the law. Illegal tin mining is a mining activity that does not have the authority to carry out its activities, and this is because it is carried out by:

- a. Without having a mining permit from the responsible agency;
- b. Activities outside the licensed area owned; or
- c. Not following the designation status of the activity permit stages.

The following is the data regarding the handling of illegal mining cases that the Bangka Resort Police have carried out from 2018 to 2020:

**Table 1. Data for Handling Illegal Mining Cases 2018 to 2020**

Year	Number of Crimes	Settlement of Criminal Cases
2018	10	Resolve
2019	2	Resolve
2020	4	Resolve

Source: Bangka Resort Police Operational Section

From the table, it can be illustrated that the Bangka Resort Police has enforced the law by controlling illegal tin mines. This can be done, of course, with good cooperation between sectors following their respective duties and authorities.

Environmental damage caused by rampant illegal mining in Bangka is a big problem that must be addressed immediately. However, the problem is the high expectations for tin mining, which later became the main source of income for the people of Bangka. These are like two sides of a knife that can damage the environment or become a new problem due to the depletion of the tin itself as a non-renewable natural resource.

Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining is the legal basis regarding the issue of mineral and coal mining, including tin mining. Law No. 3 of 2020 is the legal basis for an effective, efficient, comprehensive mineral and coal mining operation ([Republik Indonesia, 2020](#)).

The Mineral and Coal Law application has various dimensions in administration, bureaucracy, social, economic, and autonomy, including law enforcement issues, especially illegal mines. This is the domain of law enforcement officers, namely the Indonesian National Police. Implementing the Mineral and Coal Law as a national mining law regulation is further regulated by a Regional Regulation to implement regional autonomy.

Regional Regulation of the Bangka Belitung Islands Province No. 7 of 2014 concerning Illegal Mining Management. It is the legal basis for how to carry out good and correct mineral mining management accompanied by responsibility so that it can contribute to supporting the development and the welfare of the people in the Province of the Bangka Belitung Islands, including in Bangka Regency as one of the regencies in the Bangka Belitung Islands Province ([Gubernur Kepulauan Bangka Belitung, 2014](#)).

### 3.3. Joint Commitment as a Real Effort

Bangka Regency is one of the districts with a large enough risk in illegal mining. This requires a strong commitment and motivation from the Chief of Police in implementing the Mineral and Coal Law in the jurisdiction of the Bangka Regency. The implementation of this commitment can be reduced from various aspects, including:

#### 1) Grand Strategy of the Indonesian National Police for the Year 2005-2025

The approach used in this Grand Strategy is an approach through the enforcement of community justice, better known as restorative community justice, which is an effort to prevent crime (not prioritizing overcoming measures to enforce the law, security, and public order). Enforcement of Justice Society emphasizes the aspect of justice as a motivation to solve crime problems, achieve security and public order, as well as support democratic life;

#### 2) The priority program of the Chief of the Police of the Republic of Indonesia

It is called "*Presisi*", namely *Prediktif, Responsibilitas, Transparansi Berkeadilan* (Predictive, Responsibility, Fair Transparency) to arrange institutions changes in organizational systems and methods, making the human resources (HR) of the Indonesian National Police superior in the era of police 4.0, changes in police technology modernization, improving the performance of maintaining security and public order, improving law enforcement performance, strengthening the support of the Indonesian National Police in handling COVID-19, as well as national economic recovery.

16 priority programs for the Chief of the Indonesian National Police, including:

- 1) Institutional Arrangement
- 2) Changes in Organizational Systems and Methods
- 3) Making the Indonesian National Police HR Superior in the Police 4.0 Era
- 4) Changes in Modern Police Technology in the Police 4.0 Era
- 5) Strengthening the Performance of Maintenance of Community Security and Order
- 6) Improved Law Enforcement Performance
- 7) Strengthening the Support of the Police of the Republic of Indonesia in Handling COVID-19
- 8) National Economic Recovery
- 9) Ensuring the Security of National Priority Programs
- 10) Strengthening Social Conflict Handling
- 11) Improving the Quality of Public Service of the Indonesian National Police
- 12) Realizing an Integrated Public Service of the Indonesian National Police
- 13) Consolidation of Public Communication
- 14) Leadership Supervision of Every Activity
- 15) Strengthening the Supervision Function
- 16) Supervision by Public Complaints

This priority program is then actually implemented in the Oath of Office of the Chief of the Resort Police before taking up his position as regulated in the Regulation of the Chief of the Indonesian National Police Number 20 of 2011 concerning Oaths or Promises of Officials within the Indonesian National Police consisting of:

- 1) Loyal and fully obedient to Pancasila, the 1945 Constitution of the Republic of Indonesia, and the Unitary State of the Republic of Indonesia;

- 2) Obey all laws and regulations, and carry out entrusted official duties with full dedication, awareness, and responsibility;
- 3) Always uphold the honor of the state, government, and the Indonesian National Police, and will always prioritize the interests of the community, nation, and state over personal, individual, or group interests, that will hold secrets of something which by nature or according to orders must be kept secret;
- 4) Will not commit corruption, collusion, nepotism, and gratification in any form from or to anyone, which is suspected or reasonably suspected to induce to do or not to do something contrary to the obligations of the position and work;
- 5) Work honestly, disciplined, responsible, careful, and passionately for the benefit of the community, nation, and state ([Kepala Kepolisian Republik Indonesia, 2011](#)).

By taking this oath, the Chief of the Resort Police is obliged to build comprehensive integrity in an Integrity Pact. The implementation and declaration of the integrity zone development were marked by signing an integrity pact by the Head of the Bangka Resort Police and the ranks of officers in the Bangka Resort Police. The signing of the integrity pact is a bureaucratic reform program for the Indonesian National Police to realize the best public services in Bangka Regency, including dealing with illegal mining.

Another manifestation of the implementation of commitment and motivation for the implementation of the Mineral and Coal Law in tackling illegal mining which is reduced to the Grand Strategy of the Indonesian National Police and the Priority Program of the Chief of the Indonesian National Police by the Head of the Bangka Resort Police is by emphasizing the Commander Wish which is said at every morning meeting of the Bangka Resort Police personnel on Wednesday.

The Commander Wish states, among others, Cultural Reform, Humane Police, Improvement of Public Services, Increasing Professionalism in Law Enforcement, Increasing the Stability of Security and Public Order, and Media Management.

#### **3.4. Performance of the Operational Task Force for Control of Illegal Tin: Between Fairness and Operational Target**

Regarding the lack of implementation of the Mineral and Coal Law in dealing with illegal mining at the Bangka Resort Police, it is related to the performance of the Operational Task Force for Illegal Tin Control, which is an integrated task force throughout the Bangka Belitung Islands Province to the level of the Resort Police.

The performance of the Operational Task Force for Illegal Tin Control at the Bangka Resort Police is still not optimal, which is related to the operation strategy for dealing with illegal mining. This can be seen from the ongoing management of tin mining. There is still selective logging.

**Table 2. Activities of Operational Task Force for Illegal Tin Control of Menumbing**

No	The Task Force	Number of Activities	
		2018	2019
1	Preemptive	3	4
2	Preventive	10	5
3	Law Enforcement	11	7



No	The Task Force	Number of Activities	
		2018	2019
Total		24	16

Source: Bangka Resort Police Operational Section

Countermeasures for illegal tin mining by the Operational Task Force for Illegal Tin Control still tend to be oriented towards the planned operation targets, not the objectives of the illegal mining operations so that illegal mining control is not sustainable, the orientation of performance evaluation by the Operational Task Force for Illegal Tin Control does not refer to the objectives of the operation to counter illegal tin mining and the absence of a clear and transparent reward and punishment mechanism thus causing a lack of motivation of personnel in carrying out the operations of the Operational Task Force for Illegal Tin Control.

The geographical condition of the mining area in the Bangka Regency, which is so difficult and dangerous, has become an inseparable factor in implementing the Mineral and Coal Law in dealing with illegal mining at the Bangka Resort Police. Under these conditions, efforts to tackle tin mining at the Bangka Resort Police have encountered various obstacles, both caused by natural and non-natural factors.

The geographical condition of the mining area in the Bangka Regency, which is so difficult and dangerous, has become an inseparable factor in implementing the Mineral and Coal Law in dealing with illegal mining at the Bangka Resort Police. Under these conditions, efforts to tackle tin mining at the Bangka Resort Police have encountered various obstacles, both caused by natural and non-natural factors.

### 3.5. Bangka Resort Police Personnel in Number Dimension

The perspective of personnel competence is also an obstacle in the enforcement of illegal mining by the Bangka Resort Police.

In principle, there are still some weaknesses in mining conflict management competence in the Bangka Resort Police. This can be seen from the number of Bangka Resort Police personnel who are still not standard. This can be seen from the following table:

**Table 3. Bangka Resort Police Personnel**

No	Police Unit Name	Number (Personnel) Real	Police Personnel Composition List	Number of Personnel Shortages
1	Bangka Police Resort	260	500	240
2	Sungailiat Sector Police	34	50	16
3	Belinyu Sector Police	34	90	56
4	Merawang Sector Police	29	50	21
5	Mendobarat Sector Police	30	50	20
6	Pemali Sector Police	21	30	9
7	Bakam Sector Police	20	30	10
8	Riau Silip Police Sector	27	50	23
9	Puding Besar Sector Police	25	50	25
10	Bangka Police Resort	480	900	420
11	Sungailiat Sector Police	260	500	240

No	Police Unit Name	Number (Personnel) Real	Police Personnel Composition List	Number of Personnel Shortages
12	Belinyu Sector Police	34	50	16
13	Merawang Sector Police	34	90	56
14	Mendobarat Sector Police	29	50	21
<b>Total</b>		<b>30</b>	<b>50</b>	<b>20</b>

This condition illustrates that the actual number of Bangka Resort Police personnel is still not up to standard. This causes the handling of illegal mining to be less effective, considering that the vast area is not proportional to the number of personnel who tend to be lacking or not up to standard.

### 3.6. Support for Facilities and Infrastructure and Technology Compared to the Field

Tackling illegal mining activities is certainly not an easy task for Bangka Police personnel, considering the difficult field conditions or terrain to reach either on foot or by motorized vehicle. The location of illegal mining activities is no longer a secret, carried out in hidden places, far from transportation access, especially in Bangka. It is usually carried out in rivers or swamps, which are the habitats of wild animals such as crocodiles and venomous snakes.

From this, it can be said that personnel carrying out their duties will have their challenges and are dangerous for both the team and personal personnel, namely safety. One form of using technology to combat illegal mining is establishing the LADA application, but this application has not been used optimally.

One form of using technology to combat illegal mining is establishing the LADA application, but this application has not been used optimally. In addition, the use of technology is also realized by the availability of drones and GPS as a supporting tool for the prevention of illegal mining. Drones and GPS can monitor the location points of illegal mining activities that cannot be reached by personnel and vehicles quickly and secretly to minimize the perpetrators from hiding evidence and escape from the Bangka Resort Police officers.

The weakness is related to the limited means of transportation specifically to deal with illegal mining by adjusting it based on the location of mining activities such as truck vehicles where it is very much needed as a mode of transporting equipment that is evidence of illegal mining and transporting personnel to illegal mining locations. The role of facilities and infrastructure is very important for implementing the task of dealing with illegal mining in the Bangka Resort Police. It is very supportive to determine success in carrying out law enforcement tasks, especially in overcoming illegal mining with complete facilities and infrastructure. The budget support and infrastructure facilities are still not optimal and very limited.

In tackling illegal mining in locations with waters such as rivers, water transportation to the location of illegal mining waters at the Bangka Resort Police has been equipped with rubber boats. However, the limited number of rubber boats, which only amounted to 2 units, plus one, was damaged. Even though this tool is very important to secure evidence from illegal mining activities as a special means of transportation, this rubber boat is an absolute requirement because of the difficult location described above.

### 3.7. Community Legal Culture

An existing rule, of course, has a purpose and a goal that is none other than so that society becomes orderly and safe. Obeying the law is a moral obligation because the law provides certainty and justice for everyone. The community's legal compliance factor in mining dynamics in Bangka is still lacking.

Some forms of community disobedience to the law from a mining perspective in Bangka Regency, various control activities have been carried out by the Bangka Resort Police. However, this action often results in rejection from the community, despite repeated warnings and socialization.

Law enforcement includes preventive and repressive law enforcement. Enforcement of environmental law is an effort to comply with the regulations and requirements of the applicable legal provisions in general, individually, through supervision and application of administrative, criminal, and civil sanctions. Environmental law enforcement is also closely related to the apparatus's ability and community compliance with applicable regulations.

Law as a norm invites people to achieve certain ideals and conditions without ignoring reality, even though it often occurs between existing norms and inconsistent behavior.

**Table 4. 2018-2019 Tin Mining Conflict Data**

No	Conflict
1	The vigilante action by residents against the mining activity of the Floating Unconventional Mine in Lumut Village, Perimping River
2	Refusal to hand over plasma land for Mabat Village residents to PT THEP
3	The frequent enforcement of illegal mining in the Perimping River and Mapur Village after controlling illegal mining by the Riau Silip Police Sector does not provide a deterrent effect considering that the miners are immigrants.
4	The arson was carried out by a group of the Indonesian Marine and Fisheries Institute of Bangka and fishermen from Batu Dinding, Bukit Tulang, Belinyu Sub-district, and fishermen from Rambang, Pangkal Niur, Riau Silip Sub-district on ±12 floating unconventional mining pontoons belonging to residents of Tanjung Batu Hamlet, Lumut Village, Belinyu District and residents Tire (some migrants from Sungai Lumpur who have lived in Kade Belinyu Village and Tirus Riau Silip).
5	Location of Bukit Ketok Village given that the mining activity has been going on from 2018 until 2020, if action is taken, it will impact the economy of residents, most of whom are miners. Every time the activities of the Floating Unconventional Mine increase, the crime is increased considering that the workers of the Floating Unconventional Mine are immigrants from South Sumatra, Bugis, Buton, and Lampung.
6	Residents' actions against the expulsion of the Production Suction Vessel operation in Teluk Kelabat caused a conflict between the residents and the company operating the Production Suction Vessel in Teluk Kelabat.
7	The pros and cons of the Belinyu Fishing Community towards the operation of Production Suction Vessels in the waters of Teluk Kelabat, Terentang, Belinyu Sub-district have ended up in the surrounding areas. Community action is getting bigger due to the existence of conflict-triggering information that is not necessarily true.

The low understanding of the community and the attitude of not wanting to be difficult is one of the causes of their becoming disobedient to the law. Timah and Bangka Belitung are difficult to separate. The incidents that often occur in illegal mining are related to the community's anarchism, divided into pro and contra parties. The two are always identical.

The cultural elements of the community in the economic dimension also contribute to the emergence of mining conflicts. Based on the reality on the ground, tin miners cannot build a mining mechanism that follows the law because the procedures are complicated and the costs incurred are relatively large. The time takes up to days while they must quickly find income to support their families, forming a legal culture that departs from an economic perspective.

Bangka Belitung was originally rich in natural resources, forest wealth, minerals, and even marine products. Its inhabitants, who started living from natural growth, respect their area of livelihood, so that customary law applies to maintain the balance of life between nature and its users (Bakhtiar, 2012).

In a long decade, tin mining companies in Bangka Belitung have been able to lull their employees with "prosperity" to create a "*Dak Kawa Nyusah*" culture in a consumptive pattern because they continue to depend on the salaries and rations and facilities of the tin company (Istin, 2009).

However, the pattern of community consumption in mining is very worrying. The culture of "*Dak Kawa Nyusah*" for the community to look for other livelihoods is why the community still carries out illegal mining. Moreover, the impact of illegal mining activities can give birth to the potential for social conflict.

The non-optimal handling of illegal mining at the Bangka Resort Police has implications for preventing social conflict. To overcome the occurrence of social conflict prevention, it is necessary to have prevention, mitigation, and post-conflict mitigation efforts that are outlined and formulated in overcoming illegal mining activities or mining activities without permits. The role of security and public order and the role of protection, protection, and community service must be carried out by the Bangka Resort Police. In addition to dealing with crime (repressive policing), the police must pay attention to the problem of preventing social conflict problems and the causes of conflict sources by analyzing social problems as problems (problem-oriented policing). By analyzing and solving problems early, the emergence of social deviations and social conflicts can be prevented early. In this case, through the handling of illegal mining at the Bangka Resort Police.

#### 4. Conclusion

The legal problem in creating a good mining world is that it requires mining to be carried out based on the procedures and prerequisites set out in several laws and regulations that specifically regulate the mining itself. These statutory regulations are called laws. The problems of illegal mining do not only revolve around permits and non-permits but with a large number of people whose main source of livelihood is tin mining and the limited opportunities for the general public to mine tin or the lack of tin reserves have also created new problems, including causing chaos and large crowds to the level of other crimes such as drugs, persecution, and even murder.

The efforts of the Bangka Resort Police in enforcing the crime of illegal mining have encountered various obstacles, both externally and internally. Internally, this problem can be described in various dimensions. Starting from the dimensions of competence, personnel commitment, and supporting facilities and infrastructure. Meanwhile, the external dimension



has a large complexity, including field conditions with difficult terrain, the legal culture of the community, and the community's economy, which is still dependent on tin mining commodities.

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