

**ANALISIS PENEGAKAN HUKUM TERHADAP TINDAK PIDANA
PENAMBANGAN PASIR ILEGAL**

(Studi Putusan No 224/Pid-Sus/2023/PN.Tjk)

Skripsi

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2024

ABSTRAK

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Penambangan ilegal atau pertambangan tanpa izin (PETI) telah menjadi permasalahan ekologi bagi sumber daya alam di Indonesia. Putusan Majelis Hakim Pengadilan Negeri Tanjung Karang Nomor 224/Pid.Sus/2023/PN Tjk menjadi salah satu contoh buruk praktik penambangan ilegal yang masih terjadi di Provinsi Lampung. Oleh karenanya penulis mengangkat permasalahan seperti bagaimanakah penegakan hukum terhadap pelaku tindak pidana penambangan pasir ilegal? Apa saja faktor-faktor yang menghambat dalam penegakan hukum terhadap pelaku penambangan pasir ilegal?

Metode penelitian ini menggunakan pendekatan yuridis normatif. Sumber dan jenis data yang digunakan adalah data sekunder diperoleh dari hasil studi pustaka dan wawancara.

Berdasarkan hasil penelitian dan pembahasan maka dapat dikemukakan bahwa penegakan hukum dari Majelis Hakim pada Putusan Nomor 224/Pid.Sus/2023/PN Tjk maka, terdakwa secara sah dan berdasarkan dengan fakta-fakta dipersidangan telah terbukti bersalah dengan melakukan pertambangan pasir secara ilegal dengan melanggar ketentuan pada Pasal 158 Undang-Undang Nomor 3 Tahun 2020 majelis hakim tidak melihat adanya alasan pembeda atau pemaaf bagi perbuatan tindak pidana pertambangan yang dilakukan oleh terdakwa. Sehingga majelis hakim berdasarkan dengan Putusan Nomor 224/Pid.Sus/2023/PN Tjk telah menghukum terdakwa dengan hukuman penjara selama 8 (Delapan) bulan dan denda sejumlah lima juta rupiah. Masih terdapatnya faktor-faktor penghambat terutama pada sektor penegakan hukum oleh kepolisian, kejaksaan sampai pada

majelis hakim di pengadilan negeri terhadap pelaku atau kepada pelaku pertambangan pasir yang tidak memiliki izin usaha dapat memengaruhi kualitas hukuman yang diterima pelaku pertambangan ilegal, yang telah tercermin pada putusan Nomor 224/Pid.Sus/2023/PN Tjk yang menghukum terdakwa selaku penambangan pasir ilegal tanpa adanya izin resmi dari pemerintah pusat dan pemerintah daerah dengan hukuman penjara hanya 8 (Delapan) bulan lamanya dan disertai dengan adanya denda yang sangat sedikit sebesar lima juta rupiah.

Kata Kunci: Penambangan Ilegal, Penegakan Hukum, Pertimbangan Hakim.

ABSTRACT

ANALYSIS OF LAW ENFORCEMENT OF THE CRIMINAL ACT OF ILLEGAL SAND MINING (Number Decision Study Number 244/Pid-Sus/2023/PN Tjk)

By

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Illegal mining or what is known as mining without a permit (PETI) has become an ecological problem for natural resources in Indonesia. This problem has become a phenomenon for environmental observers, quite a few local communities or local customs feel that illegal mining activities have damaged the community's environmental ecosystem. The decision of the Panel of Judges at the Tanjung Karang District Court Number 224/Pid.Sus/2023/PN Tjk is a bad example of illegal mining practices that are still occurring in the Province. Therefore, the author raises issues such as what are the basic considerations for judges in imposing a crime in Decision No: 224/Pid.Sus/2023/PN Tjk? What is the law enforcement process and what are the factors inhibiting law enforcement in the crime of illegal sand mining?

This research method uses a normative juridical approach. The source and type of data used is secondary data obtained from the results of literature studies and interviews.

Based on the results of the research and discussion, it can be stated that the law enforcement of the Panel of Judges in Decision Number 224/Pid.Sus/2023/PN Tjk means that the defendant legally and based on the facts at trial has been proven guilty of carrying out illegal sand mining in violation of The provisions of Article 158 of Law Number 3 of 2020, the panel of judges did not see any justification or excuse for the mining crime committed by the defendant. So the panel of judges based on Decision Number 224/Pid.Sus/2023/PN Tjk has sentenced the defendant to 8 (eight) months in prison and a fine of five million rupiah. There are still inhibiting factors, especially in the law enforcement sector by the police, the prosecutor's office and even the panel of judges at the district court against perpetrators or sand mining actors who do not have business permits, which can

influence the quality of punishment received by illegal mining perpetrators, which has been reflected in decision No. 224/Pid.Sus/2023/PN Tjk which sentenced the defendant to illegal sand mining without official permission from the central government and regional government with a prison sentence of only 8 (eight) months and accompanied by a very small fine of five million rupiah.

Keywords: *Illegal Mining, Law Enforcement, Judge's Consideration.*