

ABSTRAK

OPTIMALISASI PENEGAKAN HUKUM TINDAK PIDANA PERTAMBANGAN TIMAH ILEGAL DIKAWASAN PANTAI (Studi Di Kabupaten Bangka Barat)

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Penegakan hukum terhadap tindak pidana pertambangan timah ilegal di kawasan pantai Kabupaten Bangka Barat merupakan permasalahan kompleks yang melibatkan aspek hukum, ekonomi, sosial, dan lingkungan. Kabupaten Bangka Barat memiliki potensi besar sumber daya timah yang menjadi tumpuan ekonomi masyarakat, namun kegiatan penambangan tanpa izin (*illegal mining*) menimbulkan kerusakan lingkungan, menurunkan kualitas hidup penduduk, serta mengakibatkan kerugian negara. Fenomena tersebut menunjukkan belum optimalnya penerapan Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara, khususnya dalam aspek pengawasan dan penegakan hukum di wilayah pesisir. Permasalahan penelitian ini meliputi bagaimana kebijakan hukum pidana dalam penegakan hukum terhadap pertambangan timah ilegal di kawasan pantai Kabupaten Bangka Barat, dan bagaimana optimalisasi peran Kejaksaan sebagai penegak hukum dalam penyelesaian tindak pidana pertambangan tersebut.

Penelitian ini menggunakan metode yuridis empiris dengan pendekatan normatif dan sosiologis. Data primer diperoleh melalui wawancara dengan jaksa, pejabat pemerintah daerah, dan tokoh masyarakat, sedangkan data sekunder berasal dari peraturan perundang-undangan, buku, jurnal, dan literatur hukum terkait. Analisis dilakukan secara kualitatif untuk menemukan pola penegakan hukum yang ideal.

Hasil penelitian menunjukkan bahwa kebijakan hukum pidana terhadap pertambangan timah ilegal belum berjalan efektif akibat lemahnya koordinasi antarinstansi, rendahnya kesadaran hukum masyarakat, dan terbatasnya sumber daya aparat penegak hukum. Upaya penegakan hukum masih bersifat represif dan belum diimbangi dengan pendekatan preventif maupun restoratif. Peran Kejaksaan dapat dioptimalkan melalui penguatan fungsi *dominust litis*, peningkatan koordinasi dengan Kepolisian dan Pemerintah Daerah, serta penerapan prinsip *restorative justice* untuk memulihkan keseimbangan sosial tanpa mengabaikan efek jera bagi pelaku.

Optimalisasi penegakan hukum terhadap pertambangan timah ilegal di kawasan pantai Bangka Barat harus dilakukan secara komprehensif melalui penegakan hukum yang tegas, edukatif, dan berkeadilan. Penelitian ini diharapkan memberikan kontribusi bagi pembaruan kebijakan hukum pidana di sektor pertambangan, khususnya dalam mendukung pembangunan berkelanjutan dan perlindungan lingkungan di wilayah pesisir.

Kata Kunci: Penegakan Hukum, Pertambangan, Timah Ilegal,

ABSTRACT

AN ANALYSIS OF SENTENCING IN CONCURRING CRIMINAL OFFENSES OF MARRIAGE ORIGIN AND DOMESTIC NEGLECT (A Case Study of Decision Number: 287/Pid.B/2023/PN.Mgl)

**By
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Law enforcement against illegal tin mining in the coastal area of West Bangka Regency is a complex problem involving legal, economic, social, and environmental aspects. West Bangka Regency has great potential for tin resources that are the foundation of the community's economy, but illegal mining activities cause environmental damage, reduce the quality of life of the population, and result in state losses. This phenomenon shows that the implementation of Law No. 4/2009 on Mineral and Coal Mining is not optimal, especially in the aspects of supervision and law enforcement in coastal areas. The problems of this research include: (1) how is the criminal law policy in law enforcement against illegal tin mining in the coastal area of West Bangka Regency, and (2) how is the optimization of the role of the Prosecutor's Office as a law enforcer in resolving mining crimes. This research uses empirical juridical method with normative and sociological approaches. Primary data was obtained through interviews with prosecutors, local government officials, and community leaders, while secondary data came from legislation, books, journals, and related legal literature. The analysis was conducted qualitatively to find the ideal law enforcement pattern. The results showed that criminal law policy against illegal tin mining has not been effective due to weak coordination between agencies, low public legal awareness, and limited resources of law enforcement officers. Law enforcement efforts are still repressive and have not been balanced with preventive and restorative approaches. The role of the Attorney General's Office can be optimized through strengthening the dominus litis function, improving coordination with the Police and Local Government, and applying the principle of restorative justice to restore social balance without neglecting the deterrent effect for perpetrators. Optimizing law enforcement against illegal tin mining in the coastal area of West Bangka must be done comprehensively through strict, educative, and equitable law enforcement. This research is expected to contribute to the renewal of criminal law policy in the mining sector, especially in supporting sustainable development and environmental protection in coastal areas.

Keywords: Law Enforcement, Illegal, Tin Mining.