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Illegal Mining and Regional Spatial Plan Violations (A Case Study of Kedungmalang Village, Batang Regency)

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Abstract

Spatial planning is a fundamental instrument in regulating land use. To maximize the utilization and function of land, the Regional Spatial Plan (RTRW) was established as a tool to maintain spatial balance. Activities that are inconsistent with the intended use and function of the land can disrupt this balance and indicate poor governance. Illegal mining practices in Kedungmalang Village, located along the riverbank, constitute violations of spatial planning regulations and administrative offenses. This study aims to analyze these mining violations in relation to the Batang Regency RTRW and to assess the effectiveness of the local government's law enforcement. The methodology employed in this study is a normative-empirical legal approach. The normative analysis was conducted through a literature review of relevant regulations. Subsequently, the empirical approach was conducted through field observations and in-depth interviews

with various relevant parties. The data obtained were then analyzed using descriptive-qualitative methods to identify the gap between legal norms and actual practices on the ground. The research findings reveal multidimensional violations of regulations regarding spatial planning, permitting, and environmental protection. Furthermore, the effectiveness of law enforcement regarding spatial planning protection remains limited. This study comprehensively examines the inconsistencies between illegal mining practices and RTRW provisions, as well as the effectiveness of law enforcement. Consequently, this research underscores the urgency of synchronizing spatial planning regulations at both the central and regional levels. Furthermore, effective oversight and the consistent application of legal sanctions are also necessary to ensure the sustainability of spatial planning.

Keywords

RTRW; Spatial Planning; Illegal Mining; Land Use

A. Introduction

Spatial planning refers to the spatial structure and patterns organized at the national, regional, and local levels. As a fundamental instrument governing the use of territorial space, spatial planning aims to achieve order, balance, and sustainable development. Spatial planning encompasses all spaces, whether they have been planned or have not yet undergone the planning process. The state or government has the authority to conduct spatial planning; the constitutional basis for this authority is set forth in Article 33, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states, "The earth, water, and natural resources contained therein are controlled by the state and utilized for the greatest possible prosperity of the people." Spatial planning activities are always related to the planning, utilization, and control of land use, which are inseparable from one another.¹

¹ Fatia Kultsum, "Implementasi Asas Berkelanjutan Dalam Penyusunan Rencana Tata Ruang Wilayah Provinsi Dan Kabupaten/Kota Di Indonesia," *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria* 3, no. 1 (April

The concept of decentralization implemented in Indonesia grants local governments the authority to manage spatial planning within their respective regions.² Local governments then develop systematic spatial plans, which are subsequently incorporated into the Regional Spatial Plan document. Plans for spatial planning and land use are based entirely on the objective physical characteristics of the land and environmental conditions.³ The Regional Spatial Plan (RTRW) serves as a tool for regulating development, preventing inappropriate land-use changes, and maintaining the balance of the region. A region is an area with a primary function, whether conservation or cultivation.

The Regional Spatial Plan (RTRW) guides regional development by analyzing local potential and characteristics. The existence of the Regional Spatial Plan (RTRW) aligns with the concept of *spatial planning*, which serves as the foundational approach to the spatial planning system in Indonesia. This approach focuses not only on land-use regulation, but also on the integration of spatial functions in accordance with the region's potential and the needs of the community, requiring efficient spatial planning oriented toward social, economic, and ecological sustainability.⁴ Spatial planning in Batang Regency is established by Batang Regency Regional Regulation No. 13 of 2019 concerning the 2019–2039 Spatial Plan for Batang Regency, which designates special zones in accordance with the spatial structure and patterns that have been previously studied.

Mining is one of the strategic sectors that makes a significant contribution to both national and regional economic development. Mining activities conducted in

30, 2023): 1–17, <https://doi.org/10.23920/litra.v3i1.1314>.

² I Gede Surata and Ni Ny. Mariadi, "Kewenangan Pemerintah Kabupaten Dalam Pengatur Penguasaan Hak Atas Tanah," *Jurnal Penelitian Dan Pengembangan Sains Dan Humaniora* 6, no. 1 (2022): 67–73, <https://doi.org/10.23887/jppsh.v6i1.43199>.

³ M.Si., M.H. By Ir. H. Juniarso Ridwan and S.H., M.H. Achmad Sodik, *Hukum Tata Ruang Dalam Konsep Kebijakan Otonomi Daerah* (Nuansa Cendekia, 2023).

⁴ Christine T. Purba and Asmarani Ramli, "Pemanfaatan Ruang Atas Tanah Sebagai Solusi Tata Ruang Berkelanjutan Di Jakarta: Studi Kasus The Villas MOI," *Bina Hukum Lingkungan* 10, no. 1 (2025): 138–152.

accordance with applicable regulations provide various benefits, including increased local revenue, job creation, and the availability of industrial raw materials. However, on the other hand, there are illegal mining practices that actually cause various losses and serious problems. Illegal mining activities constitute the exploitation of mineral resources carried out without official permission from the government. In addition to violating the licensing provisions under Law No. 3 of 2020 on Mineral and Coal Mining, these mining activities also frequently conflict with the Regional Spatial Planning (RTRW) established by local governments.

Kedungmalang Village, Wonotunggal Subdistrict, Batang Regency, Central Java, has a mining activities for rocks and non-metallic minerals, often referred to as "Class C mining." These mining operations in Kedungmalang Village take place in a river area that also serves as the border between Batang Regency and Pekalongan Regency. The primary products of this mining are sand and rocks. Pursuant to Law No. 4 of 2009 as amended by Law No. 3 of 2020 on Mineral and Coal Mining, an official permit is required for mining activities. However, mining activities at this location are being conducted without an official permit from the government.

Regional Regulation No. 13 of 2019 on the 2019–2039 Spatial Plan (RTRW) for Batang Regency stipulates that mining zones are permitted only in six sub-districts: Tulis, Subah, Banyuputih, Limpung, Tersono, and Gringsing, including for Class C mining or the extraction of rocks and non-metallic minerals. Meanwhile, in Wonotunggal Subdistrict, including Kedungmalang Village, the area is designated as an agricultural and residential zone specifically designated for food crops, horticulture, and river channels, not for mining activities. The Regional Spatial Plan (RTRW) is crucial as a tool for controlling land use because it can prevent conflicts of interest and mitigate the negative impacts of uncontrolled land use.⁵

The issue of environmental damage caused by mining

⁵ Juni Riski Amelia, "Analisis Kritis Peran Rencana Tata Ruang Wilayah (RTRW) Sebagai Instrumen Perlindungan Lingkungan Hidup," *Justicia Sains: Jurnal Ilmu HUKUM* 09, no. 01 (2024): 18–33.

operations in Indonesia is becoming increasingly complex and persistent. Various forms of environmental damage—such as pollution, soil instability, and disruption to communities living near mining sites—occur because mining operations are not properly managed, including large-scale land clearing and excavation that exceeds the soil's capacity.⁶ Illegal sand and gravel mining activities in Kedungmalang Village, located on the border of Batang and Pekalongan Regencies, have caused serious environmental problems. These unlicensed mining operations not only violate legal regulations but also have a significant negative impact on the ecosystem and the sustainability of the local community's living environment.

Illegal mining activities in Kedungmalang Village are causing environmental damage and threatening the sustainability of the community's living environment. Mapping results show that the area affected by these mining activities spans 17,771.786 square meters—or approximately 1.7 hectares—including irrigated rice fields and farmland that serve as productive land for local residents.⁷ The degradation of productive land results in the loss of farmers' livelihoods and often causes flooding that damages agricultural land in the vicinity of mining areas. Furthermore, illegal mining activities clearly harm the government because, due to their illegal nature, local governments do not receive revenue from taxes or fees generated by these mining activities.

Illegal mining activities in Kedungmalang Village drew public attention, reaching a peak in July 2025. The viral nature of the case prompted the government to carry out a forced shutdown of the illegal mining operations, conducted by the Civil Service Police Unit, the Environmental Agency (DLH), the Public Works and Spatial Planning Agency (PUPR), and other interagency teams, with the Kedungmalang Village

⁶ Arief K. Syaifulloh, "Dampak Kerusakan Lingkungan Akibat Penambangan Pasir Merapi Di Klaten," *Jurnal Penegakan Hukum Dan Keadilan* 2, no. 2 (2021): 147–61, <https://doi.org/10.18196/jphk.v2i2.9990>.

⁷ Kutnadi, "Pekab Batang Tutup Tambang Galian C Ilegal," ANTARA Jateng, 2025, <https://jateng.antaranews.com/berita/592597/pekab-batang-tutup-tambang-galian-c-ilegal>.

Government also participating in the operation to shut down the illegal mining activities based on the Regent's order.

Several previous studies have highlighted violations of spatial planning regulations. In 2025, Aziza Zulpiasari et al. conducted a study titled "Spatial Planning Violations and Increased Disaster Risk: A Case Study of Development in the Anai Valley, West Sumatra," which examined spatial planning violations and increased disaster risk through a case study of development in the Anai Valley, West Sumatra Province.⁸ It was explained that the Anai Valley is the upstream area of the Anai River Basin (DAS), which serves as a watershed. However, the riverbank area in that region has been used for commercial purposes, with hotels and cafes constructed there. Following a field survey by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), both commercial buildings were found to violate spatial planning regulations because they lacked recommendations or permits from the relevant authorities and contravened the Tanah Datar Regional Regulation on the Regional Spatial Plan (RTRW) of Tanah Datar. The method employed in this study is normative legal research based on relevant theories and legislation. The results of this study indicate that spatial planning violations in the Anai Valley Area—involving infrastructure development and the exploitation of natural resources that do not align with established spatial plans—have caused significant environmental damage. This suggests that the existing oversight and law enforcement systems remain weak.

In 2025, Farhan Syani Natama and Elvira Dewi Ginting conducted a study titled "The Legal Responsibility of Local Governments in the Implementation of Local Regulation No. 3 of 2016 on Land Use Compliance in Labuhanbatu Regency," analyzing the mechanisms of legal responsibility and the role of the government in addressing spatial planning violations.⁹

⁸ Aziza Zulpiasari et al., "Pelanggaran Tata Ruang Dan Peningkatan Risiko Bencana: Studi Kasus Pembangunan Di Lembah Anai, Sumatra Barat," *Causa: Jurnal Hukum Dan Kewarganegaraan* 12, no. 10 (2025): 167–86.

⁹ Farhan Syani Natama Hrp and Elvira Dewi Ginting, "Tanggung Jawab Hukum Pemerintah Daerah Dalam Implementasi Peraturan Daerah Nomor 3 Tahun 2016 Tentang Kesesuaian Penggunaan Lahan Di Kabupaten

This study employs a juridical-normative method with a legislative and conceptual approach. The results of this study indicate that the implementation of Regional Regulation No. 3 of 2016 on Land Use Compliance in Labuhanbatu Regency has not been optimal. This is due to systemic violations, such as the operation of a palm oil mill in Rantau Selatan Subdistrict—which should be located within the Rantau Selatan Subdistrict industrial zone—and the construction of an electricity transmission tower without a permit. Regarding legal accountability, this study reveals inconsistencies in law enforcement, where the local government demonstrates a firm response to the unauthorized electricity transmission tower but fails to enforce the law against the palm oil mill violation. This study concludes that the successful implementation of the Regional Spatial Plan (RTRW) requires strong *political will*, consistent law enforcement, and the commitment of all *stakeholders* to achieve sustainable and equitable spatial planning in Labuhanbatu Regency.

This study aims to comprehensively analyze the forms of violations of the Batang Regency Spatial Plan (RTRW) caused by illegal mining activities in Kedungmalang Village, Wonotunggal Subdistrict, and to assess the effectiveness of law enforcement by the local government in addressing these unlicensed mining activities.

This study employs a normative-empirical legal methodology that integrates normative and empirical approaches. The normative approach is conducted through a literature review by examining relevant laws and regulations, such as Law No. 26 of 2007 on Spatial Planning, Law No. 3 of 2020 on Mineral and Coal Mining, and Batang Regency Regulation No. 13 of 2019 on the 2019–2039 Spatial Plan for Batang Regency. This normative study aims to identify the legal provisions governing land use and mining activities, as well as to determine the legal basis violated by illegal mining practices in Kedungmalang Village. Primary, secondary, and tertiary legal sources were analyzed qualitatively using a statutory approach (*statute approach*) and a conceptual

approach (*conceptual approach*).

The empirical approach in this study was conducted through field observations and in-depth interviews with various stakeholders, including officials from the Batang Regency Government (Department of Environment, Department of Public Works and Spatial Planning, and the Civil Service Police Unit), the Kedungmalang Village Government, mining operators, and the local community affected by mining activities. The selection of the research location in Kedungmalang Village was based on the presence of illegal mining activities that have clearly caused legal and environmental issues, and have drawn public attention following the forced closure in July 2025. The empirical data obtained was then analyzed using descriptive-qualitative methods to examine the gap between legal norms and on-the-ground practices (*das sollen and das sein*), as well as to assess the interactions among stakeholders in the process of law enforcement and spatial planning in Batang Regency.

B. Legal Framework for Regional Spatial Planning and Mining in Indonesia

Legal regulations regarding Regional Spatial Planning and mining in Indonesia serve as a crucial foundation for maintaining a balance between economic development and environmental sustainability. Regional Spatial Planning (RTRW) functions as a planning instrument that governs land use at the national, provincial, and district/municipal levels. The principles of spatial compatibility and legality are applied in the legal framework governing RTRW and mining, thereby serving as the basis for law enforcement and preventing conflicts over land use.

1. Legal Basis for Spatial Planning

The constitutional basis for the management of space and natural resources in Indonesia requires that such management be conducted in a fair, sustainable, and community-welfare-oriented manner. This is affirmed in Article 33, paragraph (3) of the 1945 Constitution, which states that “the earth, water, and natural resources contained

therein are controlled by the state and utilized for the greatest prosperity of the people.” The constitutional formulation of Article 33, paragraph (3) of the 1945 Constitution serves as the philosophical and legal foundation for all spatial planning policies in Indonesia.

Article 33, paragraph (3) of the 1945 Constitution, in the context of spatial planning, affirms that spatial management is not merely a technical activity, but a constitutional mandate to ensure that the utilization of natural resources is carried out fairly, sustainably, and with a focus on public welfare. Therefore, every regional spatial plan must reflect the principle of public welfare by regulating land use while maintaining ecological, social, and economic functions as stipulated in Article 33, paragraph (3) of the 1945 Constitution.

The regulations governing spatial planning in Indonesia are specifically set forth in Law No. 26 of 2007 on Spatial Planning. In Law No. 26 of 2007 on Spatial Planning, space is defined as a container for the entire living environment, encompassing land, sea, and air, which is conceptually understood as a system that includes the processes of spatial planning, land use, and control over such land use.¹⁰ This Law also establishes the fundamental principles of spatial planning, emphasizing integration across sectors and regions, environmental sustainability, democratic planning, legal certainty, and equity in the distribution of land use.¹¹

Each region is required to formulate a Regional Spatial Plan (RTRW) as an instrument for controlling land use in accordance with local characteristics and needs. The authority of district and city governments is emphasized in Article 11 of Law No. 26 of 2007 on Spatial Planning. The Batang Regency Regional Spatial Plan is set forth in Regional Regulation No. 13 of 2019 concerning the 2019-2039 Batang Regency Regional Spatial Plan (RTRW). The Batang Regency Regional Spatial Plan (RTW) serves to regulate land use in the Batang Regency in accordance with ecological, social, and economic functions.

¹⁰ Imamulhadi, “Aspek Hukum Penataan Ruang: Perkembangan, Ruang Lingkup, Asas, Dan,” *Bina Hukum Lingkungan* 6, no. 1 (2021): 121–144.

¹¹ Undang-Undang Nomor 26 Tahun 2007 tentang Penataan Ruang

The village of Kedungmalang, which is located within the Wonotunggal subdistrict, is not included in the mining zone, as mining areas are defined as regions with potential mineral resources in solid, liquid, or gaseous form, as indicated by geological maps or data. Mining areas are also locations where some or all stages of mining activities are carried out. These activities include research, general surveys, exploration, production or exploitation operations, and post-mining activities. Mining areas can be located on land or in water and are not limited by land use.

2. *Legal Basis for Mining*

Each region is required to formulate a Regional Spatial Plan (RTRW) as an instrument for controlling land use in accordance with local characteristics and needs. The authority of district and city governments is emphasized in Article 11 of Law No. 26 of 2007 on Spatial Planning. The Spatial Plan for Batang Regency is set forth in Regional Regulation No. 13 of 2019 concerning the Spatial Plan (RTRW) for Batang Regency for 2019–2039. The Spatial Plan (RTRW) for Batang Regency serves to regulate land use within the regency to align with ecological, social, and economic functions.

Mining management in Indonesia is governed primarily by Law No. 4 of 2009 on Mineral and Coal Mining, which was subsequently amended by Law No. 3 of 2020 on Mineral and Coal Mining. The Mineral and Coal Mining Law stipulate that mining activities must be conducted in a sustainable and environmentally responsible manner, while providing economic benefits to the state and society. In its revision, this regulation strengthens the central government's role in regulation and permitting, thereby limiting local authorities' powers. This creates new dynamics in the oversight of mining operations because the impacts of mining are felt more acutely at the local level, while control over permits remains in the hands of the central government.

The mining licensing system in Indonesia is comprehensively regulated by Law No. 4 of 2009 on Mineral and Coal Mining *as amended by* Law No. 3 of 2020. Article 35 of the Mineral and Coal Mining Law stipulates that any mining

activity may only be conducted after obtaining an official permit from the government, which covers Mining Areas (WP), Mining Business Permit Areas (WIUP), Community Mining Areas (WPR), and Special Mining Business Permit Areas (WIUPK).

The mining permitting process must include exploration, feasibility studies, and production operations to ensure that mining activities are carried out in a planned and sustainable manner and in accordance with regional spatial planning principles.¹² In practice, the permitting system often faces challenges stemming from a lack of alignment between central and local policies, as well as poor coordination with Regional Spatial Plans (RTRW). This situation creates a legal loophole that certain parties exploit to extract resources without valid permits, thereby facilitating illegal mining.

Illegal mining constitutes a serious violation of mining laws and regulations. The Mineral and Coal Mining Law explicitly stipulate administrative sanctions that may be imposed on offenders, such as license revocation, suspension of mining activities, administrative fines, and the obligation to conduct environmental restoration.

Administrative sanctions for illegal mining are regulated under Article 151 of the Mineral and Coal Mining Law, which is intended as a control mechanism to ensure that business operators comply with licensing requirements and do not cause environmental damage or social conflict. However, the effectiveness of administrative sanctions is often hindered by weak on-site supervision, limited capacity of local authorities, and political and economic interests that influence the law enforcement process. This creates a situation where legal norms are clear, yet illegal mining practices remain rampant. This results in state losses and has a negative impact on spatial planning sustainability and the well-being of local communities.

¹² Lady Tri Sonic, "Optimalisasi Sistem Perizinan Pertambangan Di Indonesia : Menuju Tata Kelola Yang Berkelanjutan Dan Bermanfaat," *Hukum Transendetal Ums*, 2024, 21–34.

3. *Synchronization of Land Use and Mining Regulations*

The alignment of spatial planning and mining regulations in Indonesia is a fundamental issue within the framework of sustainable development. Law No. 26 of 2007 on Spatial Planning stipulates that all land use must be consistent with the Regional Spatial Plan (RTRW), which is formulated hierarchically from the national level down to the regency/city level.

Law No. 4 of 2009 on Mineral and Coal Mining *in conjunction with* Law No. 3 of 2020 provides the legal framework for the management of mineral and coal resources through a licensing mechanism. This licensing mechanism includes Mining Business License Areas (WIUP), Community Mining Areas (WPR), and Special Mining Business License Areas (WIUPK).

The relationship between the Regional Spatial Plan (RTRW) and mining permits in Indonesia lies in the principle of land-use compatibility, which is a key requirement for the issuance of mining business permits. National land use and utilization are governed by the Basic Agrarian Law (UUPA), which has since been developed in a complex manner that may lead to jurisdictional conflicts, both vertically and horizontally.¹³

The Regional Spatial Plan (RTRW) serves as a regulatory instrument for land use to ensure that all development projects do not conflict with established land-use designations. Consequently, mining activities in Indonesia may only be conducted if the requested location is situated within an area designated for mining activities in accordance with the Regional Spatial Plan (RTRW). An area designated as a protected zone, a residential zone, or an area with specific ecological functions under the Regional Spatial Plan (RTRW) is not permitted for mining activities.

¹³ Kayla Vania, Gita Putri, and Suwari Akhmaddhian, "Harmonisasi Regulasi Nasional Dalam Pengelolaan Dan Pemanfaatan Tanah Dalam Perspektif Teori Sistem Hukum," *Logika: Jurnal Penelitian Universitas Kuningan* 16, no. 3 (2025): 197–206.

C. Violations Type of the Regional Spatial Plan (RTRW) by Illegal Mining in Kedungmalang Village

The Regional Spatial Plan (RTRW) serves as a legal instrument that regulates the planned, sustainable, and equitable use of space. This instrument not only serves as a development guideline but also as a control mechanism to ensure that all economic activities, including mining, comply with established land-use designations.

Mining activities, including illegal mining, that operate outside the framework of the Regional Spatial Plan (RTRW) reflect non-compliance with spatial planning laws and regulations, while also creating a disconnect between normative policies and the actual exploitation of natural resources on the ground. These violations not only have legal implications but also result in ecological, social, and local governance consequences.

1. Profile of Illegal Mining Activities in Kedungmalang

Kedungmalang Village is a village in Batang Regency located in Wonotunggal Subdistrict. It is characterized by a rural landscape with relatively flat to hilly topography, and is dominated by agricultural land and rural areas. According to the Chief of Kedungmalang Village, Mr. Mulyono, the majority of the community in Kedungmalang Village tends to rely on the agricultural sector. This is due to limited access to formal employment opportunities.

The geographical conditions of Kedungmalanh Village do indeed hold potential natural resources in the form of minerals and ores. These conditions have drawn the attention of the community to engage in mining activities, even though such activities do not comply with applicable laws.

Due to economic factors resulting from limited access to formal employment, illegal mining activities in Kedungmalang Village began to emerge as the community's economic needs grew and market demand for minerals increased. Sobirin, a village official in Kedungmalang, stated that mining activities in the village were initially carried out sporadically by small groups using traditional methods and simple equipment.

However, mining subsequently took place on a larger scale.

Picture 1 and 2. River Sand and Stone Mining Activities in Traditional Way



Source: Researcher's Documentation, 2026

The commodities mined illegally in Kedungmalang Village—specifically those referred to in this article, which are located along the Kupang River—are generally Class C minerals, such as sand and stone, which have high economic value for construction purposes. Mining practices in Kedungmalang Village, which initially relied solely on traditional methods, have expanded to a larger scale and now involve more modern equipment, such as heavy machinery like excavators.

Picture 3. Heavy Machinery in Illegal Mining Operation Site in Kedungmalang Village



Source: Researcher's Documentation, 2026

The perpetrators of illegal mining in Kedungmalang Village are local residents driven by economic factors, as well as outsiders who take advantage of the local government's lax oversight. The operators of the illegal mining operations in Kedungmalang Village are facilitated by D (initial), a resident of Pesalakan Village, Bandar Subdistrict, Batang Regency. Currently, D is 68 years old and has been involved in the mining business since 2001. However, mining operations in the Kedungmalang Village area began in 2023. Initially, the mining operation was located in Sengare Village, Pekalongan Regency. However, since the river serves as the border between Batang and Pekalongan Regencies, D purchased rice fields in the Kedungmalang Village area to subsequently use for his mining business.

D had previously operated a mining business in Wonotunggal Village in 2013. According to Batang Regency Regional Regulation No. 7 of 2011 on the 2011–2031 Spatial Plan for Batang Regency, Wonotunggal Subdistrict was indeed previously designated for clay mining. However, following the issuance of Regional Regulation No. 13/2019 on the Spatial Plan for Batang Regency 2019–2039, Wonotunggal Subdistrict was designated as a non-mining zone. D was aware that Wonotunggal Subdistrict was no longer a mining zone, yet he continued to operate his mining business.

According to D, the owner of a mining operation in Kedungmalang Village, there are two units of heavy equipment used to support the operation of his mining business. The sales system used in this illegal mining operation involves direct sales to consumers, without intermediaries. D stated that he never sold mining products directly; rather, it was independent contractors—such as the owner of a *dump truck* and workers using traditional tools—who sold directly to consumers. D admitted that he only received fees or wages for infrastructure in the form of a road leading to the mining site. In fact, construction is currently underway on a road for a depot located along the riverbank that extends into the river's flow.

Picture 4. Heavy Machinery in Illegal Mining Operation Site in Kedungmalang Village Currently Expanding a New Road



Source: Researcher's Documentation, 2026

At present, D's illegal mining operations in Kedungmalang Village have ceased following their shutdown in July 2025 by the Batang Regency Public Works and Spatial Planning Agency, the Environmental Agency, the One-Stop Investment and Services Agency, and the Civil Service Police Unit.

2. Analysis Regional Spatial Plan (RTRW) of Batang Regency Inconsistency

Batang Regency Local Regulation No. 13 of 2019 on the 2019–2039 Regional Spatial Plan establishes the structure of the regional spatial pattern, including the zoning of protected areas, cultivation areas, and strategic areas within the

regency. The existence of illegal mining practices in Kedungmalang Village constitutes an activity outside the land use designations listed in the Regional Spatial Plan (RTRW) and creates a discrepancy between normative spatial planning policies and the reality of land use on the ground.

Table 1. Comparison of Zones Based on Regional Regulation No. 13 of 2019 on the 2019–2039 Spatial Plan for Batang Regency with the Conditions in Kedungmalang

Zones According to Perda 13/2019	Reality in Kedungmalang	Discrepancy	Affected Area (ha)
Agricultural Area	Some agricultural land has been converted into mining sites	Land-use conversion that does not comply with the Regional Spatial Plan reduces agricultural productivity	1.7 ha
Protected Areas (Riverbanks, Areas around reservoirs)	Mining takes place around rivers and reservoirs, which the local community commonly refers to as "kedung."	Damaging the river ecosystem, thereby increasing the risk of disasters and destroying the historic pond in Kedungmalang Village	3 ha
Strategic Areas of the Regency	There are no official mining permits in Kedungmalang Village	Illegal mining is not included in Batang Regency's strategic plan	± 4 ha

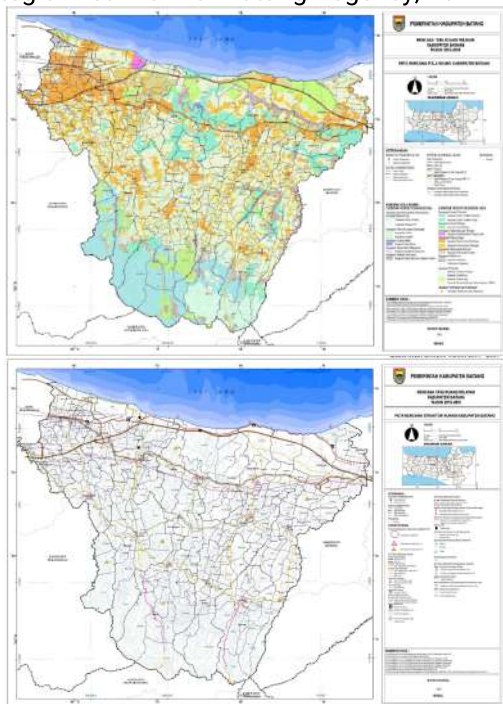
Source: Researcher's Analysis, 2026

A comparison between the zoning in the Batang Regency Spatial Plan and the locations of illegal mining operations in Kedungmalang Village reveals serious violations of spatial planning regulations. Based on Regional Regulation No. 13 of 2019 concerning the 2019-2039 Spatial Plan, the Kedungmalang area is included in the agricultural zoning and certain protected areas, which are normatively not designated for mining activities. Illegal mining activities not only contradict the established land use designations but also

cause multidimensional impacts that disrupt the sustainability of regional development.

Pursuant to Article 10(1)(b) of Batang Regency Regional Regulation No. 13 of 2019 concerning the 2019–2039 Spatial Plan for Batang Regency, Wonotunggal Subdistrict is included in the Bandar Development Area (SWP). Furthermore, Article 10 paragraph (2) letter b of the Regional Regulation states that the Bandar SWP has functions including: (a) food crop agriculture, horticulture, plantations, and livestock; (b) agroindustry; (c) trade and services; (d) inland fisheries; (e) forestry; and (f) tourism.¹⁴ Thus, it is clear that Wonotunggal Subdistrict is not included in the mining zone as defined by Regional Regulation No. 13 of 2019 on the 2019–2039 Spatial Plan for Batang Regency.

Picture 5, 6, and 7. Spatial Planning Map, Spatial Structure Plan, and Strategic Area Plan for Batang Regency, 2019–2039



¹⁴ Peraturan Daerah Kabupaten Batang Nomor 13 Tahun 2019 tentang Rencana Tata Ruang Wilayah Kabupaten Batang 2019-2039



Source: Annex to Batang Regency Regional Regulation No. 13 of 2019 on the Batang Regency Spatial Plan for 2019–2039

The Spatial Planning Map above is a visualization of the spatial planning policies established in the Regional Spatial Plan (RTW). The map illustrates the division and zoning of land in Batang Regency. The spatial planning map serves as a tool for regulating land use and can be used as a reference when issuing land use permits.

Pursuant to Article 60(3) of Regional Regulation No. 13 of 2019 on the 2019–2039 Spatial Plan for Batang Regency, Wonotunggal Subdistrict is also designated as a metal mineral mining area. However, based on Articles 121–123 of the aforementioned Regional Regulation, the mining site in Kedungmalang Village is located within a land-use zone designated for agricultural areas, specifically food crop areas, horticultural areas, and river zones. Article 122(f) explicitly prohibits cultivation activities that threaten the function of food crop agricultural land, reduce or degrade soil quality, and are not in the public interest. Furthermore, Article 123 provides further details regarding mining activities that are permitted under certain conditions and with limitations.

Article 60(4) of Regional Regulation No. 13 of 2019 on the 2019–2039 Spatial Plan for Batang Regency states that rock mining may be conducted in Banyuputih Subdistrict, Gringsing Subdistrict, Limpung Subdistrict, Subah Subdistrict, Tersono Subdistrict, and Tulis Subdistrict. Furthermore, Regent Regulation No. 80 of 2021 on Technical Provisions for Land Use specifies that rock mining activities in horticultural, plantation, and industrial zones within the subdistricts mentioned in Article 60, paragraph (4) of Regional Regulation

No. 13 of 2019 on the 2019–2039 Spatial Plan for Batang Regency are limited to a maximum of 20% of the total area of each respective zone. This is intended to preserve resources as a reserve for sustainable development while continuing to observe the principles of environmental conservation.

In practice, the presence of illegal mining in Kedungmalang Village indicates a serious deviation from land-use planning. Some land that should be used as rice paddies and fields has been converted into sites for non-metallic mineral mining. Illegal mining activities in Kedungmalang Village have significant multidimensional implications. Land conversion in agricultural areas not only leads to crop failures but also thwarts the production of various other agricultural products due to the change in land use.¹⁵ Legally, these activities lack the Spatial Utilization Activity Compliance Permit (KKPR) required by spatial planning regulations. From an environmental perspective, illegal mining in Kedungmalang Village increases the risk of ecological disasters such as floods and landslides due to soil degradation around the mining sites. Water quality has also deteriorated as a result of this illegal mining. According to a statement by Sobirin, a village official in Kedungmalang, a drought has occurred in the pool along the Kupang River. Furthermore, the illegal mining activities are taking place near a water source, and the water quality there has clearly deteriorated.

Under the framework of Regional Regulation No. 13 of 2019 on the 2019–2039 Regional Spatial Plan, protected areas in Batang Regency include protected forests, water catchment areas, river buffers, areas surrounding reservoirs or dams, green open spaces, and several other conservation areas. Each designated area serves its own ecological and hydrological functions.

Article 44(4)(i) states that Wonotunggal Subdistrict, with an area of approximately 448 hectares, is a water catchment

¹⁵ M. Iqbal Sun'an Santoso and Icha Cahyaning Fitri, "Alih Fungsi Lahan Persawahan Menjadi Perumahan Di Kabupaten Jember Berdasarkan Peraturan Daerah Kabupaten Jember Nomor 1 Tahun 2015 Tentang Rencana Tata Ruang Wilayah Kabupaten Jember Tahun 2015-2035," *Journal of Contemporary Law Studies* 1, no. 1 (2023): 1–11, <https://doi.org/10.47134/lawstudies.v1i1.1945>.

area characterized by a slope greater than 40%, a score above 175, and an elevation above 2,000 meters.¹⁶ Furthermore, Article 127(3)(g) prohibits mining activities in river buffer zones, areas surrounding springs, and water recharge zones. River buffer zones play a vital role in minimizing natural disasters; therefore, the conversion of river buffer zones does not meet the standards for land suitability and capacity.¹⁷

Illegal mining activities in Kedungmalang Village, carried out in the Kupang River area, clearly constitute a violation of Article 127(3) of Regional Regulation No. 13 of 2019 on the 2019–2039 Spatial Plan for Batang Regency. Exploitation of water catchment areas reduces the soil's ability to absorb and store water, thereby increasing the risk of flooding during the rainy season and drought during the dry season. Illegal mining activities in Kedungmalang Village are contrary to the principles of sustainable spatial planning.

3. Typology of Legal Violations

Illegal mining activities in Kedungmalang Village involve violations of land use regulations, licensing violations, violations of sustainability principles, and violations of good governance. The illegal mining practices occurring in Kedungmalang Village constitute a multi-faceted violation, where one violation triggers damage in other sectors—in this case, violations of spatial planning regulations. Land-use violations involving land conversion are often driven by the need to provide supporting facilities for various activities.¹⁸ In this context, the conversion of agricultural land to mining has led to an imbalance.

¹⁶ Peraturan Daerah Kabupaten Batang Nomor 13 Tahun 2019 tentang Rencana Tata Ruang Wilayah Kabupaten Batang 2019-2039

¹⁷ Donny Steven Paul Turnip, Abdul Wahid Hasyim, and Johannes Parlindungan, "Pengendalian Pemanfaatan Ruang Pada Kawasan Sempadan Sungai (Studi Kasus: Sempadan Sungai Brantas Kecamatan Lowokwaru Kota Malang)," *Planning for Urban Region and Environment (PURE)* 11, no. 3 (2022): 37–46, <https://purejournal.ub.ac.id/index.php/pure/article/view/248%0Ahttps://purejournal.ub.ac.id/index.php/pure/article/viewFile/248/208>.

¹⁸ Adysahwan Adysahwan, Syafri Syafri, and Syahriar Tato, "Tipologi Dan Perubahan Pemanfaatan Ruang," *Urban and Regional Studies Journal* 4, no. 2 (2022): 94–101, <https://doi.org/10.35965/ursj.v4i2.1464>.

Table 2. Legal Instruments Violated by Illegal Mining in Kedungmalang Village Summary

Violations Categories	Legal Basis	Consequences
Spatial	Law No. 26 of 2007 on Spatial Planning	Administrative sanctions, including imprisonment or fines
License	Law No. 3 of 2020 on Mineral and Coal Mining	Imprisonment for a maximum of 5 (five) years and a fine of Rp 100 billion
Environment	Law No. 32 of 2009 on Environmental Protection	Environmental restoration or reclamation obligations and criminal penalties for environmental damage

Source: Researcher's Analysis, 2026

Spatial violations in the illegal mining operations in Kedungmalang Village have led to various other forms of non-compliance. The administrative violation committed by these operations is the lack of a valid Mining Business Permit (IUP) issued by the competent authority. Illegal mining in Kedungmalang Village is conducted without going through formal permitting procedures, and thus is not recorded in the monitoring and control systems of either the local or central government.

Law No. 3 of 2020 Amending Law No. 4 of 2009 on Mineral and Coal Mining, or the Minerba Law, stipulates that mining business activities may only be conducted by holders of a Mining Business License (IUP), a Special Mining Business License (IUPK), Community Mining Permits (IPR), and Rock Mining Permits (SIPB). The owners of the mining operations in Kedungmalang Village do not possess any of these documents; therefore, their business activities can be classified as administrative violations in the mining sector. These mining operations are operating without legal authorization and are thus legally considered nonexistent within the state's regulatory framework.

The owner of an illegal mining operation, D, stated that he had previously intended to obtain a permit for his mining business. However, D admitted to facing difficulties with the administrative process due to the need to incur significant costs. One of these is the post-mining reclamation cost; D stated that his mining operation is a small-scale quarrying business and that the costs he would incur in applying for an

IUP are considered disproportionate to the income he generates. Furthermore, according to information from the Batang Regency DPMPTSP, the business operator has never submitted a permit application.

The use of existing space must comply with the Regional Spatial Plan (RTRW) as stipulated in Law No. 26 of 2007 on Spatial Planning. Article 61 of the Spatial Planning Law stipulates that every person utilizing space is required to: (a) comply with the spatial plan; (b) obtain a spatial utilization permit; and (c) carry out activities in accordance with the permit granted.

Illegal mining in Kedungmalang Village also violates spatial planning regulations due to the use of riverbank areas for mining operations. Consequently, these mining operations do not hold a Spatial Utilization Activity Compliance Permit (PKKPR). Normatively, according to Article 127, paragraph 3 of the Batang Regency Spatial Plan (RTRW), agricultural areas and riverbanks used for such mining operations are not designated as locations for the exploitation of natural resources, including mining. This land conversion clearly contradicts the principles of land use outlined in the RTRW and prioritizes only short-term economic gains.¹⁹

Article 36 of Law No. 32 of 2009 on Environmental Protection requires every business to have an Environmental Impact Assessment (EIA) or UKL-UPL document and an environmental permit. These environmental permits are issued based on environmental feasibility decisions and UKL-UPL recommendations issued by local governments, thereby ensuring that business activities do not harm the environment and remain within the limits of environmental capacity.²⁰ According to Agung Hermawan, Head of the Spatial Planning Division at the Public Works and Urban Development Agency (DPUPR), the illegal mining in Kedungmalang Village violates

¹⁹ R Widodo D Pramono and Ananda Prima Yurista, *Hukum Perencanaan: Perangkat Optimalisasi Pemanfaatan Ruang Berkeadilan Dan Permukiman Berkualitas* (Yogyakarta: UGM Press, 2024).

²⁰ Annisa Sephia Jannah et al., "Tanggung Jawab Administratif Pemerintah Daerah Dalam Pengawasan Izin Lingkungan," *CONSTITUO: Journal of State and Political Law Research* 4, no. 1 (2025): 99–115, <https://doi.org/10.47498/constituo.v4i1.5009>.

these regulations because the operators do not yet possess the required permits, which include an environmental permit, a KKPR permit, and a building permit. Furthermore, anyone conducting business and/or activities is obligated to ensure the sustainability of environmental functions in accordance with Article 68(b) of the Law. Furthermore, the use of heavy machinery in the mining operations causes turbidity or water cloudiness, resulting in a violation of environmental quality standards.

D. Law Enforcement Against Illegal Mining in Kedungmalang Village

Regional Regulation No. 13 of 2019 on the Spatial Plan for Batang Regency, Law No. 26 of 2007 on Spatial Planning, as well as Law No. 3 of 2020 on Mineral and Coal Mining, form the legal framework that stipulates that mining activities may only be conducted with official permits and must comply with established spatial zoning.

In practice, law enforcement against illegal mining is carried out through two main channels: administrative and criminal. Administrative enforcement includes the suspension of mining activities, the revocation of permits (if any), the obligation to rehabilitate the land, and the imposition of fines. Meanwhile, criminal enforcement is applied to perpetrators who engage in exploitation without official permits, with the threat of imprisonment and fines in accordance with the provisions of the Mineral and Coal Law and the Spatial Planning Law. The enforcement of administrative sanctions aims to prevent environmental pollution or damage and to hold accountable business operators or activities that violate environmental agreements and mining business permits.²¹

Spatial planning oversight is the responsibility of local governments, with assistance from law enforcement agencies such as the police, the National Police Investigators (PPNS), and the prosecutor's office in addressing criminal violations. Law enforcement often faces a number of

²¹ Muhammad Jufri Dewa et al., "Penegakan Hukum Dalam Tata Kelola Pertambangan Berkelanjutan Berwawasan Lingkungan," *Halu Oleo Legal Research* / 5, no. 1 (2023): 62–75, <http://e-journal.unair.ac.id/index.php/>.

challenges in the field. Limited human and technological resources result in less effective oversight, leading to frequent violations.

1. Local Government Response to Illegal Mining

Local governments are responsible for ensuring that all development activities comply with the provisions of the Regional Spatial Plan (RTRW). Their role is both normative—through established regulations—and practical—in overseeing activities on the ground. Local governments are tasked with maintaining a balance between the environment, development, and social conditions within the community.²²

Regarding illegal mining practices in Kedungmalang Village, the local government—in this case, the Regency Government—has taken decisive action to halt mining activities that lack official permits and are located in river buffer zones and water catchment areas. The use of rivers as mining areas jeopardizes the sustainability of water resources in the future.²³ The decisive action taken by the Batang Regency Government in response to a complaint from the Kedungmalang Village Government regarding the misuse of agricultural land for illegal mining was to carry out a forced closure. This action was a reactive measure in response to community reports of damage to the historic area along the Kupang River caused by the mining activities.

The forced closure of an illegal mining operation in Kedungmalang Village began with complaints from local youth regarding damage to the pond—a historic landmark of Kedungmalang Village—caused by the mining activities. Mulyono, the Village Chief of Kedungmalang, stated that the Village Government immediately reported the illegal mining operation's misuse of land to the Regency Government. Mulyono explained that the Kedungmalang Village

²² Reforma Utama Putra and Nanik Sutarni, "Penegakan Hukum Terhadap Pertambangan Galian C Ilegal Dalam Perspektif Hukum Lingkungan Di Indonesia," *Inovasi Hukum* 7, no. 1 (2026): 148–69.

²³ Azzahra Yasmina Lisanti and Suwari Akhmaddhian, "Penegakan Hukum Terhadap Kasus Kerusakan Ekosistem Air Akibat Pertambangan Batubara," *Logika: Jurnal Penelitian Universitas Kuningan* 16, no. 02 (2025): 227–33.

Government does not permit mining operations in Kedungmalang Village because it is aware that Kedungmalang Village is not included in the areas designated for mining. Mulyono also explained that previously, the Regency Government in Wonotunggal Subdistrict had conducted outreach on land use in accordance with the Regional Spatial Plan.

In response to this situation, the Regency Government, under the direct instruction of Batang Regent M. Faiz Kurniawan, ordered the closure of mining operations. The forced closure of these illegal mines was not carried out immediately. The Regent of Batang instructed the Civil Service Police Unit (Satpol PP) together with the Batang Regency Environmental Agency (DLH), the Public Works and Spatial Planning Agency (DPUPR), and the Investment and One-Stop Integrated Service Agency (DPMPTSP) to conduct a field review and assessment. Inter-agency coordination for this closure operation began with a technical meeting. At the technical meeting, the DPUPR addressed issues related to legal aspects, spatial planning, irrigation technology, and river damage. Subsequently, the DLH presented on the legal aspects of environmental damage. Consequently, the Satpol PP, together with the OPD team, agreed to proceed with the closure of the illegal mining operations.

Figure 8. Illegal Mine in Kedungmalang Village Forced Closure by the Satuan Polisi Pamong Praja (Satpol PP) and the Operational Task Force (ODP)



Source: Media Lingkar Jateng

The closure of illegal mining operations in Kedungmalang Village by the Government and law

enforcement agencies constitutes the implementation of the Mineral and Coal Mining Law, Government Regulation No. 25 of 2024 amending Government Regulation No. 96 of 2021 on the Implementation of Mineral and Coal Mining Business Activities, Batang Regional Regulation No. 13 of 2019 on the Spatial Plan of Batang Regency for 2019–2039, Batang Regent Regulation No. 80 of 2021 on Technical Provisions for Land Use, and Batang Regional Regulation No. 16 of 2010 on Environmental Protection and Management.

The closure of the illegal mining operation in Kedungmalang Village was based on the signing of a statement by law enforcement officials, the mining operator (known as D), and the Kedungmalang Village Government, in which D agreed to cease his mining operations in Kedungmalang Village.

The closure of the illegal mining operation in Kedungmalang Village began following a complaint filed by the young men and women of Kedungmalang Village with the Kedungmalang Village Government. The Chief of Kedungmalang Village, Mulyono, stated that the basis for the complaint was that the site of a Kedungmalang Village legend had been impacted by mining activities owned by D. The name Kedungmalang refers to the existence of a kedung (a natural pool) located across the Kupang River, which serves as a symbol of Kedungmalang Village.²⁴ Sobirin, a village official in Kedungmalang, stated that D's illegal mining operations have caused the pond to recede. As a result of the pond's receding water level, river irrigation has been disrupted, and the illegal mining is considered to be damaging a symbol of Kedungmalang Village. Additionally, the structure of the Kupang River has changed, with the riverbed widening by 3 hectares.

²⁴ Ulil Azmi, "Ternyata Inilah Asal Usul Nama Desa Kedungmalang Di Wonotunggal Batang," *Cakap Media*, 2025.

Pictures 9 and 10. The Kupang River Situations, which has widened and silted up



Source: Researcher's Documentation, 2026

Following the closure of D's illegal mining operation in Kedungmalang Village, D claimed to have suffered losses as a result of the closure due to the partial suspension of mining operations. Nevertheless, D's mining activities within Pekalongan Regency continued to operate despite the fact that they were known to lack the necessary permits. This situation has caused significant environmental damage and complicated law enforcement efforts.

The decisive action taken by the local government to crack down on illegal mining activities in Kedungmalang Village was a direct order from the Regent of Batang, M. Faiz Kurniawan. Legally, the primary authority for managing mineral and coal mining lies with the central government through the Ministry of Energy and Mineral Resources

(ESDM).²⁵ The regency government's authority to forcibly halt mining activities in Kedungmalang Village is in accordance with the Spatial Planning Law. Thus, it is clear that the regency government has administrative authority and direct oversight over illegal mining, particularly if it violates the Regional Spatial Plan (RTRW) or is unlicensed.²⁶ However, in criminal enforcement, the district government must coordinate with law enforcement agencies. Thus, the district government's authority is limited to preventive and administrative enforcement, while criminal matters remain the purview of law enforcement agencies in coordination with the central government.

2. Analysis of Law Enforcement Effectiveness

The effectiveness of law enforcement against illegal mining in Kedungmalang Village can be gauged by the extent to which applicable regulations are consistently enforced and serve as a deterrent to offenders. Law enforcement can be considered effective when all enforcement measures are carried out systematically, consistently, and continuously.

Law enforcement can take either a preventive or a repressive form. To minimize violations, preventive law enforcement is implemented. In the context of spatial planning, the Batang Regency Government has implemented preventive law enforcement measures such as "Public Awareness Campaigns on Batang Regency Regulation No. 13 of 2019 concerning the 2019–2039 Spatial Plan for Batang Regency and Batang Regency Regulation No. 80 of 2021 concerning Technical Provisions for Land Use."

Preventive measures such as monitoring have never been implemented. The Head of the Spatial Planning Division at the Batang Public Works and Urban Development Agency, (name), stated that the local government took action after the mining activities garnered significant attention on social

²⁵ Septia Rona Puspita Gaby, "Pengelolaan Serta Pengaturan Hukum Pertambangan Mineral Dan Batubara Di Kota Samarinda," *Prosiding Seminar Nasional Teknik Lingkungan Kebumihan SATU BUMI* 2, no. 1 (2021): 52–62, <https://doi.org/10.31315/psb.v2i1.4445>.

²⁶ By Ir. H. Juniarso Ridwan and Achmad Sodik, *Hukum Tata Ruang Dalam Konsep Kebijakan Otonomi Daerah*. Nuansa Cendekia, 2023.

media and following the receipt of complaints. The government's lack of awareness regarding these mining activities stemmed from the fact that the location was not intended for mining purposes.

Repressive law enforcement, on the other hand, is carried out after a violation has occurred with the aim of deterring offenders. The Batang Regency government took action against illegal mining in Kedungmalang Village by forcibly shutting down the operation. However, the only sanction imposed on the perpetrators was the closure of mining activities by the Regent of Batang, without any further legal proceedings—neither criminal nor civil. Enforcement efforts on the ground, carried out by the Satpol PP alongside the OPD team, faced difficulties in accessing the mining area, forcing the enforcement team to wade into the river. The illegal mining activities damaged the river embankment, altering the river's original contour, resulting in a 3-hectare widening of the river. Additionally, the mining site's location on the border between Batang and Pekalongan Regencies means that two sets of regulations apply.

Table 3. Government Authority in the Allocation of Spatial Planning Oversight Funds

Government Level	Primary Authority	Role
Ministry of Energy and Mineral Resources (Headquarters)	National policies, large-scale mining permits, Special Allocation Fund (DAK)	Allocating DAK funds to the provinces
Provincial Ministry of Energy and Mineral Resources	Regional policies, cross-county oversight, permit control	Allocating oversight funds through the Provincial Budget
County/City	Operational oversight of small-scale mines, technical implementation of land-use planning	Conducting monitoring activities with provincial funding

Source: Researcher's Analysis, 2026

Agung Hermawan, Head of the Spatial Planning Division, stated that the lack of an operational budget for enforcement also poses a challenge in taking action on the ground. Budget allocation for spatial planning supervision is regulated

through the Regional Budget (APBD). Anggoro, a member of the Batang Public Order Agency (Satpol PP), emphasized that spatial planning supervision in Wonotunggal Subdistrict—particularly regarding illegal mining in Kedungmalang Village—is allocated by the Provincial Ministry of Energy and Mineral Resources (ESDM). Consequently, operational funds for spatial planning supervision are allocated and managed by the Provincial ESDM.

The decisive measures taken by the Batang Regency Government to forcibly halt illegal mining are aimed at enforcing land-use regulations and protecting conservation areas.²⁷ This action reflects the Batang Regency Government's commitment to exercising its authority in accordance with Regional Regulation No. 13 of 2019 on the Batang Regency Spatial Plan (RTRW) for 2019–2039. Furthermore, the forced shutdown serves as a deterrent to offenders, as unlicensed mining activities in Kedungmalang Village were immediately halted without compromise.

Further environmental damage resulting from inappropriate land use did indeed cease following the forced closure of the mining operation. However, the degraded land requires reclamation and restoration of its ecological functions.²⁸ According to a statement by the Head of the Spatial Planning Division at the Batang Public Works and Urban Development Agency (DPUPR), Agung Hermawan, the illegal mining's operators have not yet carried out post-mining reclamation.

To prevent the resumption of these illegal mining operations, the local government conducts regular monitoring. Mulyono, a member of the Public Order Agency (Satpol PP) who helped shut down the illegal mining activities, confirmed

²⁷ Fitriyaningsih Nurmalsari, Siti Fatmawati L., and M. Yusuf, "Penegakan Hukum Tindak Pidana Illegal Mining Terhadap Kerusakan Lingkungan Hidup Di Kabupaten Konawe Utara," *Gorontalo Law Review* 7, no. 1 (2024): 245–63.

²⁸ Nyoman Sumawidayani, "Sustainable Environmental Management Dalam Mengatasi Permasalahan Kerusakan Lahan Akibat Penambangan Galian C Di Pendahuluan Metode Metode Penelitian Yang Penulis Gunakan Dalam Paper Ini Adalah Metode Penelitian Pustaka," *Journal of Contemporary Public Administration (JCPA)* 1, no. 2 (2021): 33–39.

that the agency had conducted monitoring and patrols of the site approximately five days after the closure. The patrol was conducted jointly with the Wonotunggal Subdistrict Government and the Kedungmalang Village Government. Mulyono added that while the illegal mining activities in Kedungmalang Village had indeed been halted, the heavy machinery used had not yet been removed.

To strengthen its oversight, the local government also continues to enforce the currently applicable local regulations; thus, in the event of a suspected violation, administrative sanctions in the form of a warning letter will be imposed in accordance with existing regulations. If the business operator continues its mining activities, it will be subject to criminal and/or civil penalties.

The residents of Kedungmalang Village have been directly affected by illegal mining activities in the village. The pond, which is central to the history of Kedungmalang Village, has been impacted by continuous dredging in the pond area, leading to siltation and the drying up of the pond. In this regard, the residents of Kedungmalang Village have participated in the enforcement against these illegal mining activities by filing complaints and reports with the Kedungmalang Village Government. This legal awareness among the community is also a key factor in effective law enforcement.

In responding to community complaints, the village government serves as a liaison between the community and the regency government.²⁹ Anggoro, a member of the Public Order Agency (Satpol PP), stated that residents of Kedungmalang Village had filed a complaint through the Regent's Report. During the operation to shut down the illegal mining operation, the Kedungmalang Village Government witnessed the closure. Sobirin, a village official from Kedungmalang, also signed a statement of agreement between the business operator and the Regency Government.

²⁹ Raihan Indra Widjaya and Ita Damayanti, "Dinamika Kewenangan Tata Ruang Desa: Tantangan Dan Peluang Dalam Pembangunan Berkelanjutan," *Journal of Supreme Legal Insight* 1, no. 1 (2025): 15–23, <http://creativecommons.org/licenses/by/4.0/>.

The content of the signed statement was the business owner's willingness to cease his mining operations in Kedungmalang Village. The Kedungmalang Village Government stated that the illegal mining was able to continue due to a lack of job opportunities for the local community.

The owner of an illegal mining operation in Kedungmalang Village stated that he pays substantial "taxes" to parties with vested interests. It is undeniable that political interests play a major role in the continued operation of these illegal mining operations; the involvement of informal networks leads to inconsistent and increasingly lax law enforcement.³⁰ Nevertheless, Mulyono explained that the Kedungmalang Village Government does not receive any profits from these illegal mining operations.

3. Legal Sanctions and It's Implementations

Law enforcement is supported by the imposition of sanctions. Perpetrators of illegal mining may face administrative, criminal, or civil penalties. The imposition of sanctions is carried out through coordination between the Batang Regency Government and law enforcement agencies. According to a statement by Agung Hermawan, Head of the Spatial Planning Division at the Batang Public Works and Spatial Planning Agency, spatial planning violations committed by illegal mining operations in Kedungmalang Village have been halted by the Regency Government, and the violations have been reported to law enforcement authorities for further action through criminal proceedings.

To address spatial planning violations, local governments or regency governments take initial steps by imposing administrative sanctions. Article 62 of Law No. 26 of 2007 on Spatial Planning states that any person who violates spatial planning regulations shall be subject to administrative sanctions. Furthermore, Article 63 of the

³⁰ Wilma Silalahi and Vincent Anderson, "Konstruksi Hukum Dalam Penyelesaian Sengketa Penambangan Ilegal/ Illegal Mining Di Indonesia: Fokus Pada Kasus Tambang Batu Bara Ilegal Di Kalimantan," *Jurnal Multilingual* 5, no. 2 (2025): 324–330.

Spatial Planning Law explains that such administrative sanctions may take the form of: (a) a written warning; (b) temporary suspension of activities; (c) temporary suspension of public services; (d) site closure; (e) revocation of a permit; (f) cancellation of a permit; (g) demolition of a building; (h) restoration of land use; and/or (i) an administrative fine. Site closure was applied in the case of illegal mining in Kedungmalang Village because the site was located within a river basin and had violated land use and spatial planning regulations.

The enforcement of environmental laws in Indonesia, which relies solely on administrative sanctions such as the revocation of mining permits (IUP) and special mining permits (IUPK), creates a legal loophole for illegal mining.³¹ Anggoro, a member of the Batang Public Order Agency (Satpol PP), stated that there were no further legal proceedings beyond the forced shutdown of the illegal mining operation in Kedungmalang Village. The business operator was also not summoned by the police or the prosecutor's office to provide further testimony and merely signed a statement at the time of the closure of his business. This indicates a lack of follow-up oversight regarding the forced closure of the illegal mining operation, which could provide an opportunity for the business operator to continue his activities.

Article 151(2) of the Mining Law states that violations of mining activities may be subject to administrative sanctions, including: (a) a written warning; (b) a fine; (c) temporary suspension of part or all of exploration or production operations; and/or (d) revocation of the IUP, IUPK, IPR, SIPB, or IUP for sales.

In addition, administrative sanctions for environmental damage caused by mining operations may include written warnings, government enforcement measures, suspension of

³¹ Rajwa Riyanto et al., "Implikasi Eksistensi UU Pertambangan Dalam Upaya Penyelesaian Permasalahan Pertambangan Ilegal (Studi Kasus Korupsi Tata Niaga Komoditas Timah Di IUP PT Timah Tbk)," *Jurnal Ilmiah Penelitian Mahasiswa* 2, no. 3 (2024): 539–52, <https://ejurnal.kampusakademik.my.id/index.php/jipm/article/view/193/163>.

environmental permits, and/or revocation of environmental permits, as provided for in Article 76(2) of Law No. 32 of 2009 on Environmental Protection and Management. In practice, the government has predominantly revoked operational permits for Mining Business Licenses (IUP) and Special Mining Business Licenses (IUPK). As of January 2022, the Indonesian government had revoked operational permits for 2,078 inactive, unproductive, transferred, or non-compliant mineral and coal mining permits. In addition, they also revoked 192 forestry permits covering 3,126,439 hectares, and 36 legal entity plantation business use rights that were not functioning properly.³²

The Spatial Planning Law and the Mining and Energy Law stipulate that violations of spatial planning regulations and illegal mining constitute serious criminal offenses that may result in criminal penalties, including imprisonment and substantial fines. Illegal mining in Kedungmalang Village constitutes a violation of the established spatial plan and results in a change in land use, thereby being punishable by imprisonment for a maximum of 3 (three) years and a fine of up to Rp500,000,000.00 (five hundred million rupiah) pursuant to Article 69(1) of the Spatial Planning Law. The absence of a mining business permit in Kedungmalang Village also violates Article 70(1) of the Spatial Planning Law, which prohibits the use of land that does not align with the land use permit issued by the competent authority. Thus, such violations are punishable by imprisonment for a maximum of 3 (three) years and a fine of up to Rp500,000,000.00 (five hundred million rupiah) in accordance with the provisions of that article. Furthermore, Article 70(2) stipulates that in the event of a change in land use, the perpetrator may be subject to imprisonment for a maximum of 5 (five) years and a fine of up to Rp1,000,000,000.00 (one billion rupiah).

Article 158 of the Mineral and Coal Law also stipulates that mining without a permit is punishable by imprisonment

³² Humas, "Pemerintah Cabut Ribuan Izin Usaha Tambang, Kehutanan, Dan HGU Perkebunan," Sekretariat Kabinet Republik Indonesia, 2022, <https://setkab.go.id/pemerintah-cabut-ribuan-izin-usaha-tambang-kehutanan-dan-hgu-perkebunan/>.

for a maximum of 5 (five) years and a fine of up to Rp100,000,000,000.00 (one hundred billion rupiah). These criminal provisions are intended to serve as a deterrent and to uphold legal certainty in the management of mineral resources in Indonesia. According to a statement by Agung Hermawan, Head of the Spatial Planning Division at the Batang Regency Public Works and Spatial Planning Agency (DPUPR), so far the criminal sanctions imposed on illegal mining operators in Kedungmalang Village have only consisted of halting mining activities. Ironically, the threat of criminal penalties for illegal mining operators in Indonesia is not fully realized because they are rarely enforced, resulting in mining operators not easily feeling deterred by the consequences of their activities.³³

Article 161 of the Mineral and Coal Law further stipulates that any person who stores, utilizes, processes and/or refines, develops and/or exploits, transports, or sells minerals and/or coal that do not originate from a holder of an IUP, IUPK, IPR, SIPB, or permit as referred to in the Law may be punished by imprisonment for a maximum of 5 (five) years and a fine of up to Rp100,000,000,000.00 (one hundred billion rupiah).³⁴ Consequently, the parties subject to sanctions are not only mining companies, but also independent workers who exploit mineral resources in the Kupang River in Kedungmalang Village may also be subject to sanctions.

These criminal provisions indicate that the state views illegal mining as a serious criminal offense that not only causes financial losses to the state but also leads to environmental damage and social conflict within communities. However, the enforcement of criminal sanctions against illegal mining often faces obstacles in practice, such as limited law enforcement capacity, difficulties in proving cases, and the influence of political and

³³ Y Sri Pudyatmoko, "Efektivitas Ancaman Pidana Denda Terhadap Pertambangan Tanpa Izin Dalam Amandemen Undang-Undang Minerba," *Jurnal Hukum & Pembangunan* 55, no. 2 (2025): 345–70, <https://doi.org/10.21143/jhp.vol55.no.2.1824>.

³⁴ Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara *jo.* Undang-Undang Nomor 3 Tahun 2020 tentang Pertambangan Mineral dan Batubara

economic interests on the legal process. Consequently, despite clear criminal norms and sufficiently severe penalties, illegal mining practices remain rampant in various regions, including Batang Regency, posing a major challenge to the effectiveness of mining regulations in Indonesia.

Illegal mining activities cause environmental damage due to improper land use. Pursuant to Article 67 of the Spatial Planning Law, damages resulting from illegal mining may be addressed through a lawsuit filed in court if efforts at negotiation and consensus fail to produce a resolution. Such a lawsuit may be filed individually or as a *class action* to seek compensation for actual damages suffered.

According to Agung Hermawan, Head of the Spatial Planning Division at the Batang Public Works and Spatial Planning Agency (DPUPR), the main obstacle to enforcing laws against illegal mining in Batang Regency is the lack of information regarding mining sites, except when complaints or reports are received from the public. This is because illegal mining is not recorded in the system and does not undergo a review process by the relevant technical agencies. Agung Hermawan added that to strengthen spatial planning enforcement, local regulations must be properly enforced through routine and periodic monitoring. Additionally, increased operational funding for monitoring is essential to bolster enforcement efforts on the ground.

E. Conclusion

Illegal mining in Kedungmalang Village, Wonotunggal Subdistrict, Batang Regency reflects a multidimensional violation of spatial planning, permitting, and environmental protection. Regulation No. 13 of 2019 on the 2019–2039 Spatial Plan for Batang Regency has normatively designated agricultural, horticultural, and riverbank areas as non-mining zones. However, the exploitation of mineral resources continues through the conversion of productive land. This creates a serious discrepancy between normative policies and on-the-ground realities, leading to ecological damage, reduced agricultural productivity, and disruption of community well-being. The types of violations occurring

include violations of spatial planning, permit legality, sustainability principles, and governance, indicating weak oversight by the Government and law enforcement agencies. Political interference in illegal mining involving informal parties for profit is a factor in the inconsistency of law enforcement in this case.

Law enforcement against illegal mining in Kedungmalang Village has been carried out through administrative measures, including forced closures and the cessation of mining activities. These violations are subject to criminal penalties under the Mineral and Coal Law and the Spatial Planning Law. However, the effectiveness of law enforcement remains limited due to a lack of preventive oversight and the weak enforcement of criminal sanctions. Although the community plays an active role in filing complaints, constraints faced by government agencies, budget limitations, and overlapping jurisdictions between the central and local governments pose significant challenges. Thus, the case of illegal mining in Kedungmalang Village underscores the need for the synchronization of spatial planning and mining regulations, the strengthening of oversight—both preventive and repressive—and the firm application of criminal sanctions. Consequently, law enforcement can serve as a deterrent, ensure the sustainability of spatial planning, and protect the well-being of local communities.

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