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Legal Harmonization of Coal Natural Resources Management Based on Sustainable Development in the Perspective of Criminal Law

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A B S T R A C T

This study analyzes the regulation and legal harmonization of coal resource management in Indonesia from the perspective of sustainable development and criminal law. Using a normative juridical method with conceptual, statutory, political, and historical approaches, the study finds that coal management is grounded in the 1945 Constitution and various sectoral laws. However, legal fragmentation and weak enforcement hinder environmental protection and justice. Harmonization of criminal sanctions, especially in cases of illegal mining and abuse of authority, is essential. The study proposes an ideal legal construction based on justice, sustainability, and legal certainty, aligned with the principle of the rule of law to ensure effective and fair coal governance in Indonesia.

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INTRODUCTION

Natural resources play a fundamental role in supporting human existence. Within the diverse societal context of Indonesia, these resources are not merely viewed through an economic lens but are also deeply embedded with social, cultural, and political significance. They contribute to the development of civilizations, with each ethnic and cultural group shaping its unique perspectives on how natural resources should be governed and utilized (Alikodra, 2012:218). This diverse perception is a reflection of the intrinsic connection between indigenous identity and the natural environment.

Legally, natural resources are defined in Article 1 paragraph (9) of Law No. 32 of 2009 on Environmental Protection and Management as components of the environment, consisting of biological and non-biological elements, that collectively form an integrated ecosystem. This definition emphasizes the holistic nature of natural resources as not merely isolated elements but as interconnected components essential to the functioning of life-supporting systems. Therefore, their preservation and sustainable use are not only ecological imperatives but also legal obligations.

Furthermore, Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia reinforces this understanding by affirming that the earth, water, and the natural wealth contained within them are to be controlled by the state and utilized for the benefit of the people. This provision establishes a fundamental principle of state sovereignty over natural resources, placing the state in a position of trustee or guardian. Consequently, the state has the authority and responsibility to regulate, manage, and allocate these resources in ways that ensure equitable access, intergenerational equity, and environmental sustainability.

This constitutional mandate also implies a rejection of exploitative or profit-driven models of resource management that ignore public interests. Instead, it calls for a governance framework that integrates environmental, social, and economic considerations. In practical terms, this includes community participation, environmental justice, and policies that prevent the monopolization of resources by certain groups. By doing so, the law seeks to ensure that natural resource management contributes to inclusive development and supports the long-term welfare of all Indonesian citizens.

In managing natural resources, an ecological approach is increasingly necessary—one that transcends purely economic considerations. Such an approach incorporates multiple dimensions, including environmental integrity, sustainability, and intergenerational equity. Development, while essential to enhancing human welfare, often entails the exploitation of natural resources, which inevitably alters ecosystems. These changes can produce both positive outcomes, such as increased productivity, and negative consequences, including environmental degradation and long-term risks to human health and livelihood. As highlighted by Mukhlis and Musta'ali Lutfi (2019:27), the pursuit of greater economic benefit is invariably accompanied by heightened ecological risks.

The classification of natural resources can vary depending on their ecological characteristics. Generally, they are divided into two main categories:

terrestrial (land-based) and aquatic (water-based) resources. Moreover, in customary governance systems, natural resources are managed based on distinct ownership and usage regimes, including open access (public), state-owned, privately held, and communal property (Irwandi, 2014:128). Each ownership model comes with its own legal implications. For instance, open access resources can be freely utilized by anyone, whereas private property is protected from external interference. Communal resources, on the other hand, are managed collectively by a group, requiring permission for use by outsiders.

From a constitutional standpoint, Article 33 paragraph (3) of the 1945 Constitution firmly establishes the principle of state control over natural resources, underscoring that such control must be exercised to promote the people's collective prosperity. This principle implies that the Indonesian state acts as a steward of natural wealth on behalf of its citizens.

However, in practice, the legal framework governing natural resources—particularly extractive sectors such as coal—exhibits significant shortcomings. Firstly, it tends to prioritize resource exploitation for economic growth and state revenue, often neglecting conservation and ecological balance. Secondly, the legal regime is biased toward large-scale investors, marginalizing local and indigenous interests. Thirdly, natural resource management remains centralized under a state-dominated model, limiting regional autonomy. Fourthly, sectoral fragmentation prevails, resulting in disjointed policy implementation and weak inter-agency coordination. Lastly, the legal recognition of human rights—especially those of indigenous peoples—is insufficient, leading to legal uncertainty and social conflict.

To address these systemic flaws, it is essential to adopt an environmentally sustainable development paradigm. Such a model seeks harmony between economic advancement and the conservation of ecological functions, ensuring that current development initiatives do not compromise the needs of future generations.

In response to these issues, the Indonesian government has enacted several reforms, including the adoption of new laws intended to strengthen environmental governance. Nonetheless, critical challenges persist. These include the continued dominance of the central government in resource management, lack of inter-sectoral coordination, limited public participation, and inadequate legal protection for indigenous communities. Furthermore, the principles of transparency, accountability, and community involvement remain weakly institutionalized.

Some positive steps are evident in laws such as Law No. 5 of 1994 on the Ratification of the UN Convention on Biological Diversity, Law No. 23 of 2014 on Regional Governance, and Law No. 39 of 1999 on Human Rights. These legal instruments promote essential principles for equitable and sustainable resource governance. Yet, the integration of global norms—such as ecological sustainability, decentralization, public participation, and indigenous rights—into national legislation remains incomplete. To safeguard the ecological and social future of the nation, these structural deficiencies in natural resource law and policy must be addressed with urgency and political will.

Sustainable development is intrinsically linked to the concept of environmental sustainability. A healthy and well-maintained environment is essential for supporting human existence. Therefore, development that respects environmental limits is crucial for enhancing the well-being of both current and future generations. Essentially, development and the environment exist in a symbiotic relationship—each influencing and being influenced by the other. The overarching goal of development is to elevate people's living standards and better meet their fundamental needs. To achieve this, it is vital to preserve the environment's capacity to sustain life and prevent degradation.

Protecting the environment is critical to preventing irreversible damage and the potential loss of biodiversity. Without careful stewardship, the ecosystems that humans rely on for clean air, water, food, and shelter risk collapse. This deterioration would directly threaten human survival and quality of life in the long term. Consequently, development policies and practices must integrate environmental conservation to ensure that economic and social progress does not come at the expense of natural resources.

Moreover, sustainable development requires a forward-looking approach that balances immediate human needs with the preservation of ecological functions. This means adopting strategies that minimize environmental footprints, promote renewable resource use, and encourage restoration efforts. By doing so, societies can foster resilience against environmental shocks and ensure a stable foundation for future generations to thrive. Ultimately, the pursuit of sustainability is not only about conserving nature but also about securing humanity's future in harmony with the planet.

In Indonesia, the use of criminal law (to ensure the enforcement of rules, including in the management of natural resources, especially coal) seems to be a policy that has been accepted by all parties, as evidenced by the presence of criminal sanctions in every policy of making laws and regulations. The use of criminal law is considered a natural and normal thing, and indeed should be present in every legislation as an effort to adhere to a regulation. However, the problem arises, what policies should be pursued, so that the policy of using criminal sanctions in every legislation can really be effective, its presence can be felt by the community, can be successful and effective. Considering that recently the means of criminal sanctions are felt to be less useful because they are rarely or almost never applied by the authorized body. In connection with this Herbert L. Packer argued:

a. Criminal sanctions are essential and unavoidable; society cannot function properly now or in the foreseeable future without them. b. They represent the most effective tool available for addressing serious and immediate harms or threats to safety. c. Criminal sanctions simultaneously act as the main protector and potential violator of individual freedom. When applied judiciously and with compassion, they protect freedom; however, if enforced harshly and without discretion, they can endanger it. (Herbert, 2008:167) (Criminal sanction is indispensable; we cannot, now or in the foreseeable future, live together, without its b. Criminal sanction is the best available device we have for dealing with gross and immediate harms and threats of harm c. Criminal

sanction is at once prime guarantor and prime threatener of human freedom. Used sparingly and humanely, it is a guarantor; used indiscriminately and coercively, it is a threat).

From this formulation, it can be seen how important the presence of criminal sanctions is in dealing with various threats of crimes and violations both now and in the future. Criminal sanctions are the best means available to deal with crime and great danger, it is the main guarantor and at one time could be the main threat to human freedom. It is a guarantor when used sparingly and a threat when used carelessly and forcibly. In cases where other laws besides the criminal law fail, the criminal law must come to the fore.

The state should punish things that are contrary to the law, which other measures cannot properly inhibit, so the criminal law should be at the forefront. But it cannot be expected that the criminal law will fill all the gaps.

Another problem related to law enforcement is that knowledge of legislation, especially those related to the protection, utilization and conservation of coal natural resources, is still not well socialized among law enforcement officials and other related agencies. Limited information on the protection, utilization and preservation of biological natural resources and ecosystems, types of protected plants and animals, knowledge of the intricacies of illegal trade in protected wild plants and animals, both at the national and regional levels, is still not widely understood by law enforcement officials and other related agencies.

On this research we use some theory Ecological Justice Theory emphasizes the fair distribution of environmental benefits and burdens among all members of society, including future generations. It goes beyond anthropocentric views by integrating the rights of nature and ecosystems into the legal and ethical discourse (Alikodra, 2012:218). In the context of natural resource management in Indonesia, this theory supports the need for equitable access, sustainable use, and legal recognition of indigenous communities' roles. The application of ecological justice in natural resource law positively correlates with sustainability and recognition of indigenous rights. Sustainable Development Theory rests on the principle that development must meet the needs of the present without compromising the ability of future generations to meet their own needs. It stresses a balanced approach among economic growth, environmental protection, and social equity (Mukhlis & Musta'ali Lutfi, 2019:27). In relation to coal resource management, this theory challenges exploitative state-centric legal frameworks and calls for participatory, integrated, and ecologically informed policies. Sustainable development-oriented legal instruments reduce the ecological risks of natural resource exploitation.

Legal Pluralism Theory posits the coexistence of multiple legal systems within one geographic area or community. This theory acknowledges state law, customary law, and religious law as legitimate legal systems operating simultaneously (Irwandi, 2014:128). Within the context of natural resource management, especially coal, it underscores the necessity to accommodate customary law systems and indigenous rights in state-based regulation. Legal pluralism recognition enhances community-based natural resource governance effectiveness.

METHODOLOGY

In accordance with the issues examined, this study employs a normative legal research method. According to Bahder Johan Nasution, normative legal research is a form of legal research that focuses seriously on the existing structure of positive law (Bahder Johan Nasution, 2016:75), while maintaining and developing it through logical reasoning by studying the three layers of legal science: legal dogmatics, legal theory, and legal philosophy. This research is specifically directed toward analyzing the Legal Harmonization of Coal Natural Resources Management Based on Sustainable Development in the Perspective of Criminal Law. The normative methodology in this research is clarified and applied through three main approaches:

Historical Approach

This approach is used to trace the historical development of laws governing coal natural resource management in Indonesia, particularly in relation to criminal law and the principle of sustainable development. It seeks to uncover the socio-political and economic contexts that influenced the formulation of relevant legal norms.

Conceptual Approach

This approach examines the core legal concepts relevant to the research, including legal harmonization, sustainable development, and criminal liability in the context of natural resource management. This analysis aims to go beyond a descriptive reading of the law and instead engage with the theoretical coherence and normative foundations of the legal framework.

Statutory (Legislative) Approach

This approach involves a detailed analysis of relevant statutory provisions, including Law No. 3 of 2020 on Mineral and Coal Mining, Law No. 32 of 2009 on Environmental Protection and Management, and related criminal law provisions. The statutory texts are examined systematically to assess the extent to which legal harmonization has been achieved and how effectively it supports the principle of sustainable development.

By integrating these three approaches, this normative legal research aims to present a comprehensive and critical evaluation of the harmonization of coal natural resource management laws in Indonesia within the framework of sustainable development and criminal law principles.

DISCUSSION

Regulation of Coal Natural Resources Management in Indonesian Legislation

In the management of Mineral and coal mining, this must guarantee the rights of citizens to the right to a good and healthy environment, which is regulated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia that, "Everyone has the right to live in physical and mental prosperity, to live, and to have a good and healthy environment and the right to obtain health services." Based on this arrangement, the citizens for a good and healthy environment is one form of social rights, as stated by Philipus M Hadjon

that: natural rights and human rights that are converted into legal rights are called fundamental rights. (Philipus Hadjon, 1989:92).

From a legal philosophy standpoint, the right to a good and healthy environment constitutes a fundamental right derived from broader notions of human dignity and social justice. Philipus M. Hadjon explains that natural rights and human rights, once recognized and codified into law, become legal rights that must be protected and fulfilled by the state. The recognition of environmental rights as part of fundamental rights implies that any activity, including mining, must be conducted within the boundaries of sustainability and public welfare. Therefore, policies and licensing mechanisms must be scrutinized to prevent environmental degradation that would undermine these protected rights.

Furthermore, recognizing the right to a healthy environment as a fundamental social right implies that its protection cannot be subordinated to economic interests alone. The state must ensure that the exploitation of mineral and coal resources does not lead to irreversible environmental damage or marginalization of affected communities. This approach requires transparency, environmental accountability, and active public participation in decision-making processes related to mining activities. Ultimately, safeguarding environmental rights within the framework of mineral and coal management is essential to uphold the constitutional promise of welfare and justice for all citizens.

Coal mining has an important role in development by producing raw materials for industry, absorbing labor, as a source of foreign exchange and increasing local revenue. Mining businesses introduce technology, train skilled workers, and incorporate modern management patterns. Meanwhile, on the other hand, the impacts of coal mining include environmental damage/pollution of water, land and air, noise and social conflict. For the coal mining business in Jambi province, in recent years, it has resulted in various negative impacts on environmental problems, including deforestation during exploration and exploitation activities, stripping/digging of land, noise from mining machines, loss of water catchment areas, air pollution by dust from mining machines and water pollution due to the disposal of waste/tailings into rivers. Another bad impact is that mining businesses can also trigger social conflicts between mining entrepreneurs and communities around mining areas or between fellow communities around mining areas.

Coal mining plays a significant role in supporting national and regional development by providing essential raw materials for industry, creating employment opportunities, serving as a source of foreign exchange, and contributing to increased local government revenue. The presence of coal mining operations often leads to the transfer of technology, development of a skilled labor force, and the application of modern business and management practices. These benefits can stimulate economic growth and improve infrastructure in mining regions, especially when managed responsibly and sustainably.

However, despite these positive contributions, coal mining also brings a range of negative consequences, particularly concerning environmental and social aspects. The mining process can lead to extensive environmental

degradation, including water, air, and soil pollution, as well as noise pollution from heavy machinery. In Jambi Province, for instance, coal mining has been associated with deforestation during both the exploration and exploitation phases, disruption of land structure due to excavation, and air pollution from dust and emissions. Additionally, the release of waste or tailings into rivers has caused significant water contamination, posing a threat to aquatic ecosystems and public health.

Beyond environmental harm, coal mining activities in Jambi have also intensified social tensions, especially among communities living near mining sites. Disputes may arise between local residents and mining companies over land rights, access to natural resources, or the perceived unequal distribution of mining benefits. In some cases, these conflicts extend between different community groups, particularly when mining creates divisions based on employment, land use, or environmental impact. These dynamics highlight the need for comprehensive regulation, community engagement, and sustainable mining practices that prioritize long-term environmental protection and social harmony.

Management of mineral and coal mining in Indonesia is regulated in the provisions of Law Number 4 of 2009 concerning Mineral and Coal Mining. Coal mining, as mentioned above, can provide both positive and negative sides. For this reason, the use of coal mining management must be carried out in a sustainable manner, in order to create prosperity for citizens. Development of sustainable coal mining management, in this case environmentally based, is an absolute necessity. For this reason, coal mining must go hand in hand with efforts to protect and manage the environment by developing sustainable, environmentally based mineral mining management. (Abrar Saleng, 2014:211). Law Number 4 of 2009 concerning Mineral and Coal Mining, (LNRI of 2009 Number 4 and TLNRI Number 4959); harmonizing economic development and environmental carrying capacity refers to the 1982 Stockholm Declaration, the principle of The Rio Declaration on Environment and Development, 1992 states that: "Human being is at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature." (W. Friedman, 1990:31). From the provisions above, the regulation of coal mining management also refers to the provisions of international law and national law.
Mining management arrangements refer to:

1. Law Number 4 of 2004 concerning the Minerba Law;
2. Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining;
3. Implementing regulations include: Government Regulation Number 23 of 2010;
4. Government Regulation Number 24 of 2012 concerning Implementation of Mineral and Coal Mining Business Activities;
5. Government Regulation Number 22 of 2010 concerning Mining Areas;
6. Government Regulation Number 68 concerning Reclamation and Post-Mining.

7. Government Regulation Number 55 of 2010 concerning Development and Supervision of the Management and Implementation of Mineral and Coal Mining Businesses;
8. Regulation of the Minister of Mines and Mineral Resources Number 02 of 2013 concerning Supervision of the Implementation of Mining Management by Provincial Governments and Regency/City Governments.

The principles and objectives of the mineral and coal mining law as stated in Article 2 of the Mineral and Coal Law are: "Mineral and/or coal mining is managed on the basis of:

a. benefits, justice and balance;
b. siding with the interests of the nation;
c. participatory, transparency and accountability;
d. sustainable and environmentally friendly".

Considering that minerals and coal as natural wealth contained in the earth are non-renewable natural resources, their management needs to be carried out as optimally as possible, efficiently, transparently, sustainably and environmentally friendly, and fairly in order to obtain the greatest benefits for the people's prosperity in a sustainable manner.

The principle of benefit is a principle by which the management of mineral and coal resources can provide benefits for the welfare of many people. This principle is in accordance with the concept developed by Jeremy Bentham known as utilitarianism. As for the utilitarianism principle of mineral and coal mining law which is in favor of society, it places benefit as the main aim of the law. Benefit here is defined as happiness, which does not question whether a law is good or unfair, but rather depends on the discussion regarding whether the law can provide happiness to humans or not. (M. Erwin, 2011:179) Management of mineral and coal resources must be such that it makes a real contribution to economic growth, not just enjoyed by business actors and officials related to mining. This also includes the community must obtain maximum benefits from the results of mineral and coal management.

As a manifestation of the state's acknowledgment of community rights over mineral and coal resources, the governance of these resources can enhance societal welfare. The principles of justice encompass aspects such as public welfare, equality, acknowledgment of community ownership, legal pluralism, and the "polluter pays" principle. This principle of justice seeks to establish the management of mineral and coal resources that ensures fairness both across and within generations. Furthermore, this principle also aims to provide legal safeguards for other communities involved in the management of coal mining natural resources. (Marilang, 2011: 10) Hence, the principle of justice serves as a foundational guideline in the governance and utilization of mineral and coal resources, where the use must guarantee equal rights for the broader community.

From the perspective of justice, we must also consider the rights and interests of future generations, because unlimited mining production means waste and is also a form of deprivation of the rights of future generations. Such actions are a form of violation of the values of justice between generations. Regarding the principles of justice and participation in the Minerba Law, it

creates problems, the rules are very normative. The things that are regulated are only limited to giving authority to the provincial government to increase community participation, especially communities around mining areas, as explained in Article 7 letter (i) of the Minerba Law, namely the development and increase of community participation in mining businesses by paying attention to environmental sustainability.

All tiers of government should possess authority without being subject to additional regulatory mandates. The principle of state control over Indonesia's mineral and coal resources is rooted in Article 33, paragraph (3) of the 1945 Constitution, which declares that "the earth, water, and the natural resources within are under the control of the state and utilized for the greatest benefit of the people." This constitutional provision serves as the fundamental doctrine for state control and forms the philosophical and legal foundation for managing natural resources in Indonesia. Besides exercising control and management, the state also acknowledges and respects the rights and existence of customary law communities along with their constitutional and traditional entitlements.As a form of protection for the community, laws related to natural resource management include norms for recognizing and protecting community rights to natural resources, including;

a) Law Number 5 of 1960 concerning Agrarian Principles; Law Number 41 of 1999 concerning Forestry as amended by Law Number 41 of 2019 concerning Forestry;
b) Law Number 7 of 2004 concerning Water Resources;
c) Law Number 18 of 2004 concerning Plantations;
d) Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands;
e) Law Number 32 of 2009 concerning Environmental Protection and Management.

Law Number 4 of 2009 concerning Mineral and Coal Mining as amended by Law No. 3 of 2020 as one of the laws related to natural resource management. The control and management system for minerals and coal refers to Article 33 paragraph (3) of the 1945 Constitution. Natural wealth in the form of minerals and coal is controlled and managed by the state for the greatest prosperity of the people. However, not a single provision in the Mineral and Coal Law provides recognition and protection for the rights of communities living in areas rich in mineral and coal resources.

Indonesia's rich natural resource potential must be accompanied by sound and responsible governance to achieve the national objective of ensuring the people's welfare. As a state governed by law, Indonesia embeds this aspiration within its constitutional framework, particularly in the fourth paragraph of the Preamble to the 1945 Constitution, which emphasizes the promotion of the general welfare. Furthermore, the Constitution affirms that every citizen has the right to a good and healthy environment, highlighting this as both a human right and a constitutional entitlement for all Indonesians (Nurul Listiani, 2018:111).

This recognition implies that the state, through its government and relevant institutions, carries the responsibility to safeguard environmental

quality as part of its commitment to sustainable development. Ensuring environmental preservation is not merely an ethical obligation but a constitutional mandate, especially in the context of continued development. Sustainable environmental management must guarantee that natural resources remain available and viable as life support systems for present and future generations.

The constitutional basis for this mandate is clearly articulated in Article 33 paragraph (3) of the 1945 Constitution, which stipulates that the earth, water, and natural resources they contain are to be controlled by the state and allocated for the greatest benefit of the people. This provision reinforces the principle that resource governance must prioritize collective welfare rather than private gain, aligning environmental stewardship with national prosperity and long-term sustainability.

Harmonization of Criminal Law Policy for Coal Natural Resources with Sustainable Development from a Criminal Law Perspective

The legal definition of "mining" in Indonesia is comprehensively articulated in Article 1 point (8) of Law No. 4 of 2009, as amended by Law No. 3 of 2020 on Mineral and Coal Mining. According to this provision, mining encompasses a series of interconnected activities aimed at the research, management, and extraction of mineral or coal resources. These stages include preliminary surveys, exploration, feasibility studies, infrastructure development, mining operations, mineral processing and refining, transportation and marketing, as well as post-mining reclamation and rehabilitation. This broad definition reflects the state's recognition that mining is not merely the act of extraction, but a complex chain of activities requiring technical precision, environmental responsibility, and long-term planning.

Furthermore, the notion of a "mining business" is defined in Article 1 point (5) of the same law as an enterprise or endeavor conducted to support and execute mineral or coal-based operations. The primary objective of such a business is to optimize the utilization of Indonesia’s mineral wealth in a manner that aligns with national interests. These activities are intended to maximize the economic value derived from the country’s extractive resources while maintaining accountability to environmental and social standards.

In line with this legislative framework, Article 8 paragraph (1) of Law No. 4 of 2009, as amended by Law No. 3 of 2020, introduces a structured classification of mining business activities. This classification provides legal clarity on the types of operations permitted under Indonesian law and guides the issuance of licenses, regulatory oversight, and compliance mechanisms. By distinguishing various forms of mining activity, the law establishes a hierarchy of legal obligations and procedural requirements for business entities operating within the sector.

This stratification also supports the government's broader goals of transparency, resource management, and environmental protection. The legal definitions and classifications outlined in the Minerba Law not only serve as the foundation for governance of mining activities but also play a pivotal role in harmonizing economic development with sustainable environmental

stewardship. Through clear legislative articulation, Indonesia seeks to balance industrial growth in the mining sector with the imperative to safeguard ecological integrity and uphold intergenerational equity.

Based on Article 1 number (8) of Law Number 4 of 2009 as amended by Law No. 3 of 2020 concerning Mineral and Coal Mining, the definition of mining is some or all stages of activities in the context of research, management and exploitation of minerals or coal which includes general investigations, exploration, feasibility studies, construction, mining, processing and refining, transportation and sales, as well as post-mining activities. The definition of mining business based on Article 1 number (5) of Law Number 4 of 2009 concerning Mineral and Coal Mining is an activity in the context of mineral or coal business. This activity is carried out to optimize natural mining resources (excavated materials) found in Indonesia. The classification of mining businesses is based on Article 8 paragraph (1) of Law Number 4 of 2009 as amended by Law No. 3 of 2020 concerning Mineral and Coal Mining includes:

1. Radioactive mineral mining;
2. Mining of metal minerals and coal; And
3. Minin of non-metallic minerals and rocks.

That this classification of mining businesses is necessary because it is related to the authority of permit givers and business actors. The implementation of mining business is carried out based on;

1) Mining Business Assignment;
2) Mining Business License; And
3) People's Mining Permit.

For legal norms to be effective and enforceable, they must be accompanied by mechanisms that ensure compliance. Legal rules require institutional and procedural tools that uphold their authority and legitimacy, compelling all parties to adhere to them. When consistently enforced, these rules establish not only legal certainty but also enhance the credibility of the legal system (Sudrajat, 2010:61). Within the broader context of sustainable development, two interdependent elements must be harmonized: environmental protection and developmental progress. The foundational principle of sustainability stems from the inherent tension between the infinite nature of human needs and the finite availability of natural resources. Consequently, the sustainable use and conservation of natural resources become imperative.

Environmentally sound development serves as a strategy to strike a balance between natural resource utilization and economic pursuits. Such an approach ensures that present developmental needs are met without compromising the ecological integrity and resource availability for future generations. As a resource-rich nation, Indonesia possesses both renewable and non-renewable natural assets. Renewable resources include water, vegetation, and air, while non-renewable resources encompass minerals such as coal, gold, nickel, copper, and diamonds (Nugroho, 2012:160).

Indonesia, as a country endowed with abundant natural resources, holds a pivotal position in advancing such a development paradigm. The archipelago boasts a diverse array of both renewable and non-renewable natural assets.

Renewable resources, such as freshwater, forests, biodiversity, and clean air, are essential for maintaining ecological functions and supporting livelihoods. These resources, however, are vulnerable to degradation if not managed sustainably. On the other hand, Indonesia's non-renewable resources—including coal, gold, nickel, copper, and diamonds—have driven substantial economic growth but also pose environmental and social challenges due to the finite nature of these assets and the ecological risks associated with their extraction.

To reconcile economic aspirations with environmental responsibilities, Indonesia must adopt comprehensive policies and regulatory frameworks that promote responsible resource management. This includes strengthening environmental impact assessments, enforcing land-use regulations, and investing in green technologies and renewable energy. Community participation, corporate accountability, and intergenerational equity must also be central to development strategies. Ultimately, environmentally sound development is not merely an ideal; it is a necessary path for countries like Indonesia to ensure ecological resilience, economic justice, and sustainability for generations to come.

The territorial space of the Republic of Indonesia—comprising land, sea, air, and subsoil—is considered a divine endowment, entrusted to the Indonesian people for optimal utilization. This perspective is enshrined in Article 33(3) of the 1945 Constitution and aligns with the principles of Pancasila. In alignment with this constitutional mandate, spatial planning law empowers both central and regional governments to manage and utilize space while respecting individual rights. Law No. 3 of 2020, amending Law No. 4 of 2009, introduces new classifications of mining zones, such as the Mining Legal Area (WHP), Mining Area (WP), Mining Business Area (WUP), and People's Mining Area (WPR). These divisions are crucial in regulating the extraction of mineral and coal resources.

To operationalize this constitutional mandate, spatial planning law provides a structured mechanism that authorizes both central and local governments to regulate land and resource use in a coordinated and just manner. This legal framework ensures that spatial utilization supports development goals while maintaining ecological balance and upholding individual and communal rights. It also demands careful attention to overlapping interests and potential conflicts between different sectors, requiring integrative governance and long-term environmental foresight.

In the context of mining, the enactment of Law No. 3 of 2020—an amendment to Law No. 4 of 2009—introduces more detailed zoning for mineral and coal exploitation. These zones include the Mining Legal Area (Wilayah Hukum Pertambangan/WHP), Mining Area (Wilayah Pertambangan/WP), Mining Business Area (Wilayah Usaha Pertambangan/WUP), and People's Mining Area (Wilayah Pertambangan Rakyat/WPR). Such classifications aim to improve the regulatory clarity and governance of extractive activities by delineating specific zones for industrial-scale operations, state-managed ventures, and community-based mining, thereby supporting orderly resource development aligned with national interests and sustainability principles.

However, the revised law also presents potential inconsistencies, particularly regarding the delineation of WHP, which lacks synchronization with prior spatial planning laws. While the concept of WHP was briefly introduced in Law No. 4 of 2009 and elaborated in Law No. 3 of 2020, its definition remains ambiguous. This raises questions about its coherence with spatial planning objectives as defined in Law No. 26 of 2007, which mandates the consideration of environmental, social, economic, and geostrategic factors in land-use planning.

The absence of explicit references to spatial integration within the Minerba Law reveals a significant regulatory gap that impacts sustainable governance. Effective spatial planning is essential to harmonize competing interests among economic growth, environmental protection, and social welfare. Without clear legal linkage between the designation of mining zones and spatial planning frameworks, resource management risks becoming fragmented and inconsistent, which can lead to overlapping uses and increased conflicts among stakeholders.

Spatial planning serves as a strategic tool that allocates land and resources in a manner that balances developmental objectives with environmental preservation. It guides decision-making to ensure that mining activities do not encroach upon ecologically sensitive areas or disrupt local communities' livelihoods. The lack of integration between mining laws and spatial plans therefore undermines holistic approaches necessary for maintaining ecosystem services and long-term sustainability.

Moreover, bridging this regulatory disconnect would promote transparency and coordination across government levels and sectors. Aligning mining permits with spatial plans encourages more responsible resource exploitation, reduces legal uncertainties, and supports inclusive development policies. Ultimately, embedding spatial considerations into mining regulations is vital for fostering sustainable natural resource governance that meets present needs while safeguarding resources for future generations.

The Mining Area (WP) serves as a critical designation encompassing specific land or maritime zones identified for their mineral and coal potential. Establishing mining operations within these areas requires careful and detailed evaluation of geological characteristics to ensure that extraction activities are viable and efficient. Proper identification of these zones is fundamental for resource management, as it helps prioritize locations that offer significant economic benefits while considering the feasibility of sustainable mining practices.

Integrating WP designation into broader national spatial planning is crucial to balancing economic ambitions with environmental stewardship. This requires thorough assessments of environmental limits and the natural carrying capacity of the designated zones. Without such considerations, mining activities risk causing irreversible damage to ecosystems, depleting resources, and disrupting local communities. Therefore, spatial plans must incorporate environmental thresholds that set clear boundaries to mining activities, helping to mitigate adverse impacts on biodiversity, water resources, and air quality.

To support sustainable WP allocation, strategic environmental assessments (SEAs) and other spatial planning tools play a vital role. These

instruments provide a framework for evaluating potential environmental risks and enable authorities to make informed decisions on where and how mining should proceed. By embedding these assessments within the planning process, it becomes possible to identify suitable locations that minimize ecological harm while optimizing resource use. This approach fosters a more responsible and balanced exploitation of mineral resources, aligning economic development with environmental preservation and social well-being.

Illegal coal mining continues to pose significant challenges across Indonesia, threatening both environmental sustainability and economic stability. These unauthorized operations frequently occur in remote or poorly monitored areas, making enforcement difficult. Beyond the immediate environmental damage, illegal mining disrupts local communities by polluting water sources, degrading soil quality, and increasing the risk of landslides and other hazards. The scale of these activities undermines efforts to promote responsible resource management and sustainable development within the country.

The environmental consequences of illegal mining are severe and often long-lasting. Unlike licensed mining companies that are required to undertake reclamation and rehabilitation efforts, illegal miners tend to ignore such responsibilities. This neglect leads to the destruction of forests, loss of biodiversity, and contamination of rivers and groundwater with hazardous chemicals. The resulting ecological damage compromises the livelihoods of nearby communities who depend on natural resources for agriculture, fishing, and daily life. Additionally, the unregulated removal of coal contributes to increased greenhouse gas emissions and broader climate change concerns.

From a regulatory standpoint, Indonesian law provides clear mechanisms to combat illegal mining. Article 158 of the Mineral and Coal Law explicitly criminalizes unauthorized mining activities, imposing penalties designed to deter offenders and promote environmental restoration. However, effective enforcement remains a challenge due to resource limitations, corruption, and the vastness of mining areas. Strengthening monitoring systems, increasing community participation, and enhancing inter-agency cooperation are critical steps to ensure that the law not only punishes illegal activities but also fosters long-term recovery of affected environments.

In this context, the harmonization of criminal law with sustainable development policies becomes essential. Indonesia's legal framework—comprising Law No. 3 of 2020 on Mineral and Coal Mining and Law No. 32 of 2009 on Environmental Protection—lays the groundwork for environmental accountability. However, weak enforcement and insufficient penal provisions limit the effectiveness of these laws. Harmonizing criminal sanctions with sustainability goals would empower the legal system to deter violations and promote compliance with ecological standards.

A historical analysis reveals the inadequacy of the legal regime to respond to escalating environmental challenges. For instance, despite regulations, regions like Kalimantan continue to suffer from illegal mining, highlighting implementation failures. Criminal law, therefore, must shift from a reactive to a

preventive stance—penalizing past misconduct while fostering responsible behavior through incentives and clear legal expectations.

From a conceptual standpoint, legal harmonization involves integrating criminal, environmental, and spatial planning laws into a coherent system that supports national development goals. By aligning criminal penalties with sustainable development frameworks, the state can enforce environmentally responsible practices and ensure that mining companies internalize environmental costs. Such an approach includes promoting reforestation, pollution control, and equitable resource distribution.

Legislatively, a cohesive regulatory architecture is necessary to close loopholes and ensure accountability. Enforcement must not only focus on punitive measures but also aim for rehabilitation, restitution, and ecological preservation. The inclusion of community rights, transparency mechanisms, and participatory governance in mining legislation would further democratize resource management and reinforce justice.

As environmental concerns, particularly climate change, intensify globally, Indonesia must strengthen its criminal law policies in the mining sector to safeguard its ecological and social capital. Coal mining regulations must evolve to prioritize environmental protection, community welfare, and intergenerational equity. The integration of criminal law with sustainability imperatives will enable Indonesia to foster a coal industry that supports economic development without sacrificing the environment.

In conclusion, the increase in criminal cases related to illegal mining underscores the urgency of evaluating whether court-imposed penalties effectively reflect the goals of criminal justice. Aligning legal enforcement with punitive and restorative objectives is a crucial step in mitigating illegal coal mining. Analyzing how sentencing practices relate to environmental protection can provide insights into improving the legal system's role in achieving sustainable resource governance.

CONCLUSIONS AND RECOMMENDATIONS

The philosophical basis for the regulation of coal resource management is found in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, while its legal framework is codified in several laws and regulations that govern coal resource administration. The primary legislation addressing this matter is Law Number 3 of 2020, which amends Law Number 4 of 2009 on Mineral and Coal Mining; this serves as the core legal reference for coal mining activities. The implementation of such activities is further detailed in Government Regulation Number 24 of 2012 concerning the Execution of Mineral and Coal Mining Business Activities. Initially, under Law Number 4 of 2009, the concept of mining areas was recognized as stipulated in Government Regulation Number 22 of 2010 on Mining Areas; however, this concept was eliminated following the enactment of Law Number 3 of 2020. Additional significant legal instruments relevant to coal mining oversight include Government Regulation Number 68 on Reclamation and Post-Mining Activities and Government Regulation Number 55 of 2010 concerning Guidance and Supervision in

Managing and Executing Mineral and Coal Mining Operations. These activities are managed by both provincial and district/city-level governments.

In managing coal mining operations, it is essential to uphold the public's constitutional right to a clean and healthy environment, as stipulated in Article 28H paragraph (1) of the 1945 Constitution, which affirms that "Everyone has the right to live in physical and spiritual well-being, to reside, and to enjoy a healthy and good environment, as well as to access healthcare services." One way the government ensures this right in the context of mining is by promoting the concept of sustainable development, which is embedded within national planning frameworks, including long-term, medium-term, and short-term development agendas.

REFERENCES

Ali, Z. (2009). Filsafat hukum. Sinar Grafika.

Alikodra, H. S. (2012). Konservasi sumber daya alam dan lingkungan. Gadjah Mada University Press.

Black, H. C. (n.d.). Black's law dictionary. West Publishing.

Friedman, W. (1990). Legal theory (Teori dan filsafat hukum: Telaah kritis atas teori-teori hukum) (Susunan I, II, dan III, Terj. M. Arifin). Rajawali Pers.

Friedman, W. (1990). Legal theory. Steven & Sons.

Hadjon, P. M., Djatmiati, T. S., Addink, G. H., & Ten Berge, J. B. J. M. (2012). Hukum administrasi dan tindak pidana korupsi. Gadjah Mada University Press.

Hamzah, A. (1987). Asas-asas hukum pidana. Yarsif Watampone.

Hardjasoemantri, K. (1999). Hukum tata lingkungan (Ed. 7, Cet. 14). Gadjah Mada University Press.

Irwandi, A. (2014). Batubara Indonesia. Gramedia Pustaka.

Kelsen, H. (1995). Teori hukum murni (Terj.). Rindi Press.

Marilang. (2011). Pengelolaan sumber daya alam tambang. Jurnal Al-Risalah, 11(1).

Mukhlis, & Lutfi, M. (2012). Daya dukung lingkungan untuk perencanaan pengembangan wilayah. Badan Penerbit Fakultas Geografi Universitas Gadjah Mada.

Mukhlish. (2019). Konsep hukum administrasi lingkungan dalam mewujudkan pembangunan berkelanjutan. Jurnal Konstitusi, 7(2).

Nasution, B. J. (2008). Metode penelitian ilmu hukum. Mandar Maju.

Nugroho, I. (2012). Pembangunan wilayah: Perspektif ekonomi, sosial, dan lingkungan. LP3ES.

Prianto, Y. (2019). Penegakan hukum pertambangan tanpa izin serta dampaknya terhadap konservasi fungsi lingkungan hidup. Jurnal Hukum Bina Hukum Lingkungan, 4(1).

Redi, A. (2018). Dilema penegakan hukum penambangan mineral dan batubara tanpa izin pada pertambangan skala kecil. Recht Vinding: Media Pembinaan Hukum Nasional, 5(5).

Salim. (2014). Hukum pertambangan mineral dan batubara. Sinar Grafika.

Sudrajat, N. (2010). Teori dan praktik pertambangan Indonesia menurut hukum. Pustaka Yustisia.