



Criminal Law Enforcement of *Uruk* Soil Without Mining Business License (IUP)

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ABSTRACT

The government has the authority to control and guarantee the availability of natural resources for the benefit of society. Within its authority, the government has regulated and provided guidelines for the exploitation of natural resources in the mining sector in Indonesia through Law No. 4 of 2009 concerning Mineral and Coal Mining (Minerba Constitution). This research aims to determine criminal liability and criminal law enforcement of the mining of uruk soil without a Mining Business License (IUP). The method used in this research is normative legal research. The results showed that several conditions must be filled for a person or legal entity to be sentenced, including the existence of a criminal act committed, the ability to be responsible and the element of error of intentionality or negligence. As stipulated in article 158 of the Law of the Republic of Indonesia number 4 of 2009 concerning Mineral and Coal mining. Law enforcement by the police of the Directorate of Special Criminal Investigation of East Java Regional Police, through investigation, has succeeded in finding suspects on behalf of supono or supo. Based on witness statements, expert statements, suspect statements, and evidences, it have fulfilled the criminal elements of mining uruk and sand land without being equipped with a Mining Business License (IUP) as stipulated in article 158 of RI Law number 4/2009 concerning Mineral and Coal mining.

Keywords: Criminal Law Enforcement, Mining of Uruk Soil, Mining Business License (IUP)

INTRODUCTION

All of the resources on earth controlled under the authority of state and will be utilize as effectively as possible for the welfare and prosperity of its people. However, in reality, there are lots of people who do the mining without considering the effect of the illegal mining itself. Despite that, this does not rule out the possibility that mining is also conducted by corporations that hold the legitimate licenses. The government has the authority to control and guarantee the availability of natural resources for the benefit of society. Within its authority, the government has regulated and provided guidelines for the exploitation of natural resources in the mining sector in Indonesia through Law No. 4 of 2009 concerning Mineral and Coal Mining (Minerba Constitution). Article 4 paragraph (1) of Minerba Constitution as a non-renewable natural resource is a national resource controlled by the state for citizens' welfare. (2) The state control of minerals and coal as referred to in paragraph (1) is administered by the Government and/or Regional Governments.

The law aims to bring peace and order to a coercive and regulated society. The rule of law serves the needs of the community and puts the needs of the community before the interests of any one person or organization. To build a peaceful and prosperous society, the law also defends individual rights and establishes societal responsibility. The actions that are subject to criminal law are those that adhere to formal requirements, i.e., conform to the Law formulation as set forth by the Criminal Code and other regulations that have a criminal dimension and have the material element that is in opposition to criminal law's ideals, or other words, conduct that is an illegal or criminal act.

Following Indonesia's independence, the rules for management of mining industry were established with the Government Regulation in lieu of Law (Perppu) Number 37 of 1960 concerning Mining, which ended the implementation of Indische Mijn Wet (IMW) 1989. A Government Regulation in Lieu of Law Number 44 of 1960 covering Oil and Gas was also issued during the same time, in 1960. The Law Number 5 of 1960 Concerning Basic Agrarian Regulations (UUPA). In order to accelerate the implementation of national economic development while still adhering to 1945 Constitution of Republic Indonesia, it is deemed necessary to repeal the Government Regulation in Lieu of Law Number 37 of 1960 Concerning Mining (State Gazette of 1960 Number 119) and replace it with a Law Number 11 of 1967 concerning Basic Mining Provisions which consisted of 12 Chapters and 37 Articles that was regulated on December 2nd, 1967. Additionally, Law Number 22 of 2001 which explicitly governs oil and natural gas was issued on November 23, 2001. Then, the Law Number 4 of 2009 Concerning Mineral and Coal Mining was issued on January 12, 2009, with the hope that this law will be more accurate with the demands of current conditions in mining sector, particularly regarding general mining which consists of 26 Chapters and 175 Articles.

Mining law is the rule that governs state's ability to manage minerals (mining) and legal relationships it has with individuals, groups of individuals, and/or other legal entities in regard to minerals (mining) management and use.¹ Every individual who engages in mining without a license will violate the Article 158 of Minerba Constitution, which states that "Anyone who conducted a mining business without an IUP, IPR or IUPK as referred in Article 37, Article 40 paragraph 3, Article 48, Article 67 paragraph 1, Article 74 paragraph 1 or paragraph 5 shall be punished with imprisonment for a maximum of 10 years and a penalize of IDR. 10,000,000,000.00 (10 billion rupiah)." Any mining-related activity conducted by a firm or other business entity without admittance is known as mining without a license. The definition of a Mining Business License, also known as an IUP or a permission to operate a mining business is found in Article 1 Number 7 of Law No. 4 of 2009. According to these regulations, it follows that a license is necessary for any individual or legal body that will conduct the mining operations.

Previous studies examined criminal law enforcement for mining without a business license. First, Redi's research shows that the causes of mining without a license are regulatory issues, licensing bureaucratic capacity, normative guidance and supervision, law enforcement and socio-economic constraints. The impact of mining without a license is the impact of environmental damage, the impact of state revenues, and social conflict.² Second, research by Sembiring Rusmiati and Imamulhadi which shows that law enforcement officials have enforced the law as an effort to handle the illegal coal mining crimes, but the number of cases has actually increased from year to year. Then, it is necessary to increase legal awareness for the community in the law enforcement through non-penal legal to support the crime prevention efforts. In addition, the enforcement of criminal law against coal mining without a license has not been adapted to the intended purpose of punishment.³ Furthermore, the research conducted from Purba, Siregar and Sitohang's shows that those who commit criminal acts of mining without a business license are criminally responsible that will be sentenced to imprisonment for two years and four months and a penalize of IDR. 2,000,000,000, a subsidiary of one month in prison.⁴ Fourth, Astina and Tarmizi's research shows that the causes of the criminal act of sand mining without a license are due to factors of ignorance about laws and regulations, economy, lack of socialization about mining, and lack of legal

¹ Salim, *Hukum Pertambangan Mineral Dan Batubara*, Cetakan Ke. (Jakarta: Sinar Grafika, 2014).

² Ahmad Redi, "Dilema Penegakan Hukum Penambangan Mineral Dan Batubara Tanpa Izin Pada Pertambangan Skala Kecil," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 5, no. 3 (2016).

³ Shafira Nadya Rahmayani Sembiring, Elis Rusmiati, and Imamulhadi, "Penegakan Hukum Pidana Terhadap Pertambangan Batubara Tanpa Izin Di Kalimantan Timur Dikaitkan Dengan Tujuan Pemidanaan," *Jurnal Kertha Semaya* 8, no. 4 (2020): 541–570.

⁴ Chrisdon Zakaria Purba, Hisar Siregar, and Lesson Sihotang, "Pertanggungjawaban Pidana Pelaku Usaha Yang Melakukan Usaha Penambangan Tanpa Izin, IPR Atau IUPK (Studi Putusan Nomor 556/Pid.Sus/2019/PN BLS)," *PATIK : Jurnal Hukum* 1, no. 1 (2021): 38–50.

awareness in society. While imposing a crime on the perpetrator is implemented by imposing the indictment in the form of a subsidiary, with primary indictments and subsidiary indictments. Then, the efforts in dealing with the case included several efforts called preventive efforts and repressive efforts.⁵ Last, the research conducted by Yola shows that law enforcers conduct raids and confiscate the tools for operating mining activities as evidence of law enforcement. There are several obstacles due to formal juridical factors, law enforcement factors, infrastructure and facilities, social and cultural factors, and there are law enforcement efforts in tackling mining without a license conducted through penal route efforts and non-penal route efforts.⁶ Based on the previous research above, this research will examine and analyze the criminal act of uruk soil mining that conducted without mining business license (IUP).

On Thursday, 27th February 2014 around 08.30 WIB, members of Unit II, Sub-Directorate IV/Tipidter of Directorate of Criminal Investigation of East Java Regional Police conducted an inspection of documents/licenses related to the business activities of mineral rock mining, soil and sand types in Ketapang District, Sumber Karang, Dlanggu sub-district, Mojokerto Regency. From the investigation results, it was found that mineral mining activities of uruk soil type rock were conducted by Mr. SUPONO als SUPO using 1 (one) unit of Bechoe excavator heavy equipment and the mining was not equipped with a Mining Business License (IUP), thus violating the provisions of the law as regulated in Article 158 of Republic Indonesia Law number 4 of 2009 concerning Mineral and Coal Mining.

This research was conducted in relation to the enforcement of criminal law on mining of soil mineral rock types without a mining business authorization based on some descriptions provided above (IUP). This research aims to comprehend and examine the criminal law enforcement of soil mineral mining without a Mining Business License (IUP), as well as criminal liability of mining soil minerals without a Mining Business License (IUP).

RESEARCH METHOD

The research method used is normative research that places law as a building system of norms. Normative legal research is conducted to produce arguments, theories or new concepts in solving the problems.⁷ This research employs a normative research methodology, which means that it was conducted in accordance

⁵ Astina and Tarmizi, "Tindak Pidana Penambangan Pasir Tanpa Izin Produksi (Suatu Penelitian Di Wilayah Hukum Pengadilan Negeri Sigli)," *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana* 4, no. 4 (2020): 784–794.

⁶ Lorindhea Renata Yola, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Usaha Penambangan Tanpa Izin Usaha Pertambangan Di Kepulauan Bangka Belitung Menurut UU No 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batu Bara," *MAHUPAS: Mahasiswa Hukum Unpas* 1, no. 1 (2021): 67–78.

⁷ Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi* (Jakarta: Kencana, 2016).

with the legal standards in relevant laws and regulations.⁸ The research approach used is statute approach and the case approach. The statutory approach is an approach taken by examining all laws and regulations related to the legal issues. While the case approach is an approach that conducted by examining cases related to the issues which have become court decisions that have permanent legal force.

The sources of legal materials used are primary, secondary and tertiary legal materials. Primary legal sources consist of 1945 Constitution of Republic Indonesia, Criminal Code (KUHP), Law Number 8 of 1981 concerning Criminal Procedure Code, Law Number 4 of 2009 concerning Mineral and Coal Mining, Law Number 32 of 2009 regarding Environmental Protection and Management, Government Regulation No. 23 of 2010 regarding Implementation of Mineral and Coal Mining Business Activities, Minister of Energy and Mineral Resources Regulation No. 05 of 2017 concerning Increasing the Added Value of Minerals through Domestic Processing and Refining Activities. The secondary legal materials consist of books, research results, seminars results and minutes of trial. While tertiary legal materials consist of Big Indonesian Dictionary, Indonesian encyclopedia and Black's Law Dictionary. The data analysis is conducted by collecting all the legal materials, which are not in the form of numbers and connecting them with the problems studied.

RESULT AND DISCUSSION

Criminal Liability of Uruk Soil Without Mining Business License (IUP)

According to paragraph 3 of Article 33 of 1945 Constitution, the state has sovereignty of the land, water, and other resources found there and uses them for the benefit of the populace. As a non-renewable natural resource, minerals are one of the natural resources found in the earth. As such, they require optimal, efficient, transparent, sustainable, and ethical oversight in order to yield the most benefits for the prosperity of the people. The development of mining must also adjust to changes in the strategic environment, both domestically and internationally. The main challenge faced in mineral considerations are the globalization which has pushed for democratization, regional autonomy, human rights, environment, the developments in technology and information, intellectual property rights and demands for an increased role of private sector and society. The minerals found in Indonesian mining areas are play a significant role in sustaining the citizens' livelihood. As a result, the state must manage the mineral mining in order to increase the national economy as an effort to developing the citizens welfare. The sustainable development of regional economies and national economies depends heavily on the mineral mining industry, it means that the management of mining

⁸ Achmad Subagyo, Moh Saleh, and Saiful Abdullah, "Legal Protection for Taxpayers Participants of Voluntary Disclosure Program in the Law on Harmonization of Tax Regulations," *IUS POSITUM (Journal of Law Theory and Law Enforcement)* 1, no. 4 (2022).

need to be conducted responsible and accurate in order to maintain its sustainability and balance.

The management of mineral and coal mining business activities aims to provide income for local, regional and state communities and create job opportunities for citizens. On the other hand, Mining without permission defeats the goal of Mining, which is to ensure the advantages of mineral and coal mining in a sustainable and environmentally sound manner and to ensure legal certainty in implementing mineral and coal mining business activities. Managing mineral and coal mining involves various elements of interest directly related to business activities, including economic, social and environmental interests. This relates to the characteristics of mineral and coal natural resources as non-renewable natural resources, then the concept of sustainable development attempts to collaborate the economic, social and environmental aspects in a single package of cumulative mineral and coal mining management concepts.

The government has the authority to manage natural resources through the issuance of licenses, licenses, and concession instruments since the state holds the right to regulate Indonesia's natural resources. The Law No. 4 of 2009 Concerning Mineral and Coal Mining (UU Minerba) and its implementing regulations, particularly Government Regulation No. 23 of 2010 Concerning Mineral and Coal Mining Business Activities (referred to as PP No.23 of 2010), as amended several times, most recently by Government Regulation No. 77 of 2014 Concerning Amendments to Two Regulations Government No. 23 of 2010. Article 6, Article 7, Article 8, Article 35 to Article 63 of Minerba Constitution regulates licensing authority, both business licensing and business area licensing. Furthermore, in Law Number 23 of 2014 concerning Regional Government (referred to as Regional Government Law) also regulates licensing authority by the central government and regional governments regarding divided interests in mineral and coal sector.

Licensing authority in Minerba Constitution is divided into the authority of central government, provincial government, and district/city government. The authority approach is based on administrative area approach, i.e., licenses by Minister of Energy and Mineral Resources include authority over the location, benefits and impacts across provinces, while the governors include authorities whose locations, benefits and impacts are across provinces and regents/mayors include authorities that are located across provinces, benefits, and impacts are in one district/city. Furthermore, the licensing requirements have been completely regulated in PP No. 23 of 2010 which stipulates that every application for a business license in mineral and coal mining sector must meet the requirements of administrative, technical, environmental and financial. In mining business activities, there are three types of mining business, called mining business licenses (IUP), special mining business licenses (IUPK), and people's mining licenses (IPR). Through these three types of licenses, individuals, business entities and

cooperatives can conduct their mining business activities in accordance with business licenses applied for and approved by government. Without this license, any mineral and coal exploitation cannot be conducted and all such exploitation actions become mining activities without a license.

Mining activities in Indonesia are conducted by mining companies that already have the official licenses. However, it is not uncommon to find mining companies that do not have official licenses and local communities who conduct the mining activities. This clearly has an impact, especially on environmental aspects caused by not paying attention to important aspects, then the consequences are caused by the existence of the mining itself. In connection with the existence of mining activities without licenses on ground objects, the government requires a legal product in the form of a Presidential Instruction of Republic Indonesia Number 3 of 2000 concerning Coordination of Handling Problems of Unlicensed Mining. As for the provisions in it, it has several instructions including the efforts in solving the problem, control and blocking all forms of mining activities without a license functionally and thoroughly in accordance with their respective duties and authorities.

The Republic Indonesia's 1945 Constitution serves as the legal foundation for the notion of state control over mining in Indonesia. Once all necessary conditions have been met or a crime has been established, the criminal culpability is determined. This evaluation is conducted both objectively and subjectively; the objective evaluation pertains to government of illegally produced goods and, consequently, to the production and the moral ideals that are being transgressed. The government is assessed objectively to determine whether they are guilty or not based on moral principles. The government is subject to a subjective evaluation that determines whether or not specific psychological issues are to blame for moral violations. The criminal responsibility is tied to crime's target rather than the offense itself, and the criminal culpability when the criminal law was issued was associated with an incapacity to be accountable for undesirable, unintended, or disagreeable effects.⁹

Criminal liability contains objective and subjective accountability. Objectively, the perpetrator has committed a criminal act according to applicable law (legality principle) and subjectively the perpetrator should be blamed or held accountable for the crime committed (principle of guilt), then his party should be punished. The principle of error or culpability is one of the fundamental principles, which needs to be explicitly stated in the concept as a principal partner of legality. An error can arise from two things, called the existence of an unlawful act as an

⁹ Romli Astamasmita, Didik Endro Purwoleksono, and Nur Basuki Minarno, *Tindak Pidana Dan Pertanggungjawaban Pidana: Tinjauan Kritis Melalui Konsistensi Antara Asas, Teori Dan Penerapannya* (Jakarta: Kencana, 2016).

objectively disgraceful act and as a result of disgraceful act.¹⁰ In Minerba Constitution, apart from recognizing mining without a license (Illegal Mining) which is considered a crime, there are also various other types of crimes. Most of which are aimed at mining business actors, and only one type of crime is aimed at officials issuing licenses in mining. Types of criminal acts in mining are as follows:

a. Criminal Act of Conducting Mining Without a License

Mining activities where the perpetrators do not have a license, then their actions are criminal acts regulated in Article 158 of the Minerba Constitution which stated that everyone who conducts mining business without IUP, IPR, or IUPK as referred to in Article 37, Article 40 paragraph (3), Article 48, Article 67 paragraph (1), Article 74 paragraph (1) or (5) shall be punished with imprisonment a maximum of 10 years and a maximum penalize of IDR. 10,000,000,000 (ten billion rupiah).

b. Criminal Act of Submitting False Report Data

In conducting mining activities, the correct data or statements are made by the business actors concerned, such as feasibility study data, business activity reports, and sales reports. The act of providing incorrect data or reports actually has sanctions regulated in Article 263 of the Criminal Code concerning Forgery of Letters. Since the document forgery is in mining sector and has been specifically regulated, the perpetrators can be penalized with a maximum imprisonment of 10 years and a maximum fine of IDR. 10,000,000,000.

c. Criminal Act of Exploration Without Rights

In conducting mining exploration activities based on licenses issued by government, called IUP or IUPK, the exploration conducted without such licenses is a criminal act punishable under Article 160 paragraph (1) of Minerba Constitution with imprisonment for a maximum of 1 year or a penalize of of IDR. 200,000,000.-.

d. Criminal Act of Exploration IUP Holder that Not Performing Production Operation Activities

It is prohibited for IUP holders to conduct operations before to receiving the Production IUP after they have completed their exploratory efforts. This is due to the fact that running a mining operation has two stages, namely exploration and exploitation, and that implementation must follow established protocols. The maximum sentence for this case's breach is five years in prison and a penalize of up to IDR. 10,000,000,000.-.

e. Mining Laundering Crime

Money laundering is a term used to describe financial and banking operations in which proceeds from crimes are transferred through financial service

¹⁰ Agus Rusianto, *Tindak Pidana & Pertanggungjawaban Pidana: Tinjauan Kritis Melalui Konsistensi Antara Asas, Teori, Dan Penerapannya*, Cet. 1. (Jakarta: Kencana, 2016).

providers to create what is regarded as "clean" money. Mining laundering under Minerba Constitution is punishable by a maximum imprisonment of 10 years and a maximum penalize of IDR 10,000,000,000.

f. Criminal Act of Hindering Mining Business Activities

For instance, residents who feel wronged typically protest by obstructing mining activities by using various means to prevent mining from continuing. Mining entrepreneurs who have obtained licenses from authorized officials are responsible for any disturbances during mining activities.

Essentially, a judge can only impose 2 (two) types of criminal penalties on the defendant: cumulative (punished with 2 (two) introductory sentences at once, including imprisonment and fine) and those that are alternative (the judge is obliged to choose one of them, corporal punishment or imprisonment). Criminal acts in the mining sector do not distinguish between crimes and violations, then the sanctions imposed on the perpetrators are cumulative and alternative penalties. Cumulative penalties are found in criminal offences, called Articles 158, 159, 160 paragraphs (2), 161 and 165 of the Minerba Constitution. In contrast, alternative punishments are found in violation offences, namely Article 160 paragraph (1) and Article 162 of the Minerba Constitution.

Criminal Law Enforcement of Uruk Soil Without Mining Business License (IUP)

The implementation of criminal law enforcement of uruk soil without a Mining Business License (IUP) through Investigations by Police Directorate of Special Criminal Investigation of East Java Regional Police is conducted by:

1. Investigation

Investigation is a series of investigative actions to seek and find an event that is suspected of being a crime in order to determine whether or not an investigation can be conducted according to the method regulated in this law. In criminal cases, investigation are steps to research based on laws and regulations to ascertain whether the criminal event actually occurred or did not occur. Investigation is the initial stage of investigative process. In the Guidebook for the Implementation of Criminal Procedure Code, it is stated that "investigation" is one of the methods or sub-functions of an research that precedes other actions, called action in the form of arrest, detention, search, confiscation, examination of letters, summons for examination and submission of case files to public prosecutor. The investigation of criminal acts begins with the occurrence of an event that is known or conveyed, through information, reports or police reports, complaints, circumstances of being caught red-handed and the surrender of suspects and/or evidence from the public or institutions outside the police. Based on reports, complaints and information from the public received by investigators are still raw materials and that it is necessary to

conduct research. After the report is received, police officers immediately take action by visiting the crime scene (TKP) to seek information and evidence to determine whether an incident reported was a crime or not a crime, complete the information and evidence obtained before further action is taken as preparation for prosecution or examination.

Investigators are responsible to Investigator's Superiors and are supervised by the Investigating Supervisory Officer. When the allotted time has elapsed, and the investigator has not been able to determine whether there was a criminal incident and has not obtained at least 2 (two) evidences, the investigator may request an extension of investigation time from Investigating Supervisory Officer. For investigation activities outside the jurisdiction, it must be accompanied by an Investigation Warrant, Road License and Investigator's Supervisor. The investigation report submitted in writing, or verbally followed up with a written report no later than 2 x 24 (twenty four) hours.

2. Examination

The legal basis for conducting an investigation is (Perkapolri 6/2019 article 13 paragraph (1) and (2)). Whereas criminal investigation activities consist of (Perkapolri 6/2019 article 10 paragraph (1). After the Investigation Warrant is issued, the investigator will make a Notice of Commencement of Investigation (SPDP) (Perkapolri 6/2019 article 13 paragraph (3)) and sent to public prosecutor, reporter/victim, and the reported party within a period of no later than 7 (seven) days after the issuance of the Investigation Warrant. Suspects determination is based on at least 2 (two) evidences that conducted through a case-holding mechanism, except for being caught red-handed (Perkapolri 6/2019 article 25 paragraph (1)). The submission of case files to Public Prosecutor is conducted after the filing in investigative process is complete. When the case file is returned by Public Prosecutor to the Investigator, the case file is returned to Public Prosecutor after fulfilling the Public Prosecutor's instructions regarding deficiencies in contents/material of the case file (Perkapolri 6/2019 article 28 paragraph (1) and (2)).

After Public Prosecutor declares that the case file is complete, the filing of suspects and evidence occurs. When the suspect is not detained and is being uncooperative, the suspect may be apprehended and detained in order to deliver the suspect and the evidence to the Public Prosecutor. According to law, the Investigator on behalf of the Public Prosecutor must present case files, evidence, witnesses, and the accused before the court in the event of a rapid examination procedure involving a misdemeanor offense and/or a traffic violation (Perkapolri 6/2019, article 29(1), (2), and (3)). Through use of the Case Title, the inquiry is closed. Investigations can be closed down to provide legal benefits, a sense of justice, and legal certainty. The termination of investigation is conducted in

accordance with statutory provisions (Perkapolri 6/2019 article 30 paragraph (1), (2) and (3)).

On Thursday, 27th February 2014, around 08.30 WIB, members of Unit II Sub-Directorate IV/Tipidter of Directorate of Criminal Investigation of East Java Regional Police conducted an examination of documents/licenses related to the business activities of uruk soil in Ketapang Village, Sumber Karang Village, Dlanggu District, Mojokerto City. The mining activities for uruk soil are conducted by Mr. SUPONO als SUPO using 1 (one) unit of Bechoe excavator heavy equipment and his mining is not equipped with a Mining Business License (IUP). The results of mining activities are sold to the public for the price of sand Per Dum Colt Desel Truck IDR. 300,000 (three hundred thousand rupiahs), while for piled up land Per Dum Colt diesel trucks are priced at IDR. 130,000.- (one hundred and thirty thousand rupiahs). The mining activities conducted by Mr. SUPONO is not equipped with a mining business license, then it violates the provisions of law as regulated in Article 158 of RI Law number 4 of 2009 concerning Mineral and Coal Mining. Based on the case analysis, witnesses' statements, the statements of suspects and evidence, it can be concluded that the suspect, Mr. SUPONO has committed the crime of mining of uruk soil without being equipped with a license, as referred to in Article 158 UURI No. 4 of 2009 concerning mineral and coal mining.

CONCLUSION

Criminal liability is a form of responsibility that must be conducted by a person or legal subject who has committed a crime. Several conditions must be met for a person or legal entity to be convicted, including the existence of a criminal act committed by the perpetrator, the ability to be responsible and the presence of an element of error in the form of intent or negligence, as regulated in article 158 of RI Law number 4 of 2009 concerning Mineral and Coal mining.

Law enforcement by the Police Directorate of Special Criminal Investigation of East Java Regional Police, through investigations, has succeeded in finding the suspect on behalf of SUPONO. Based on witness statements, expert statements, suspect statements, and instructions, the case has fulfilled the criminal elements of mining landfill and sand without being equipped with a Mining Business License (IUP) as stipulated in article 158 of RI Law number 4 of 2009 concerning Mineral and Coal mining.

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