

Legal Protection for Communities Victims of Environmental Damage due to illegal mining in Lampur Village, Central Bangka

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KEYWORDS	ABSTRACT
Legal Protection; Community Victims; Environmental Damage	Mining is a promising natural resource to support the economy of a country and also the local government. Mining activities that are made into livelihoods have shown income for the community, especially dasa lampur, Central Bangka. So that a lot of people are involved in mining. Moreover, illegal mining. But natural resources such as tin cannot be renewed. The purpose of this research is to determine whether there is legal protection for victims of environmental damage due to illegal mining in Lampur village, Central Bangka. The method used in this research is the normative-empirical method, using a legislative approach, and interviewing the local community. The results of the research, in general, people in Lampur village carry out mining activities because of economic interests so that this research provides information to the community how important it is to protect the environment and their own safety.

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Introduction

Bangka Belitung Islands Province is a province located in Indonesia which consists of 2 main islands namely Bangka Island and Belitung Island which are surrounded by small islands around it. Bangka Belitung Islands Province has been established as the 31st province by the Government of the Republic of Indonesia based on Law No. 27 of 2000 concerning the Establishment of Bangka Belitung Islands Province. The province of Bangka Belitung is the result of the division of the province of South Sumatra and the city of Pangkal Pinang as the capital. Bangka Belitung is known as one of the largest tin producers in the world. Tin mining in Bangka Belitung is one of the main sources of income for the community. 98% of the tin produced is exported to various countries, while the remaining 2% is used for domestic industries. Bangka Belitung produces a large amount of tin with total production reaching 76,400 tons in 2017 and an average of 60,000 tons and in the last ten years, 99% of all Indonesian tin was produced by Bangka Belitung. Mining and natural resources are used for the welfare of the people. Regulated in Law No. 3 of 2020 article 4 paragraph 1 and paragraph 2 which explains that the state has the right to full control of non-renewable natural resources, for the welfare of the people. The state is also responsible for processing existing natural resources in order to realize

the welfare of the people. Likewise, local governments (provincial and district / city) carry out the function of supervising and maintaining control of natural resources in their respective regions. Indonesia also regulates the holders of rights to ownership of underground excavation materials. Basically, land rights do not include rights to underground excavation. Underground excavation is regulated by the government in the form of mining laws, in order to realize the welfare of the people.

Along with the development of mining on the island of Bangka, there are various negative impacts that can harm the local community, this is because almost all areas on the island of Bangka Belitung contain tin. Lampur Village is one of the villages that is the location of tin mining managed by Pt tin. Lampur Village is located in Sungai Selan District, Central Bangka Regency, Bangka Belitung Islands Province, Indonesia. The population of Lampur village is approximately 5000 people, with 1 village head starting with the border with the train to the border of air tugu. Lampur village has 3 hamlets, namely lampur hamlet, complex hamlet and air pasir hamlet. Lampur village is classified as one of the villages that has quite a lot of content. Pt tin did mining for quite a long time in lampur village, until Pt tin experienced a crisis and decided to move to muntok. When Pt Timah left lampur village, Pt Timah had time to do reclamation, namely greening by planting acacia trees and sengon trees, but it did not last long, because the community resumed mining. As a result, the community can be said to have damaged the environment that has been attempted to be reclaimed. This is fairly reasonable considering that most of the people of Lampur Village depend on tin mining for their economic needs. The people of Lampur village have advantages in terms of mining because it has been passed down from generation to generation from ancestors since decades. The mining carried out by the lampur village community consists of residents' own land and there is also former land from Pt Timah mining, which has been reclaimed by Pt Timah but the local community dismantled it again to look for tin at that location. The kphp wants to reclaim the natural damage. However, the village does not dare to fully guarantee the remaining assets, because the local community is also looking for tin to survive, which is not a village asset.

At this time illegal Tin mining carried out by residents there are partners and some are not, where there is also collaboration between Pt Timah and MSP and take Tin from lampur village but there is no large scale in lampur village. The miners are also not based on permits in accordance with the applicable law, namely Law no.4 of 2009 Article 67 Paragraph 1 reads "Regents / mayors provide IPR, especially to local residents, both individuals and community groups and / or cooperatives" based on interviews conducted by miners who do not meet the terms and conditions in accordance with the law. Not only that, there is a lack of land clarity and a lack of understanding of the community, so that people return to mining on the former Pt tin mining land. So that the village head does not have the realm to stop people who want to do illegal mining on the land. Coupled with the thinking of people who think instantly, not thinking about the natural damage caused by the mining.

In contrast to farming or gardening, it takes a long time to get a sizable profit, while tin mining is faster because today can be tin today also the miners get money. Natural damage is definitely the main impact of mining carried out by the community. Not only tin mining, but all those who carry out mining activities are certain to damage nature. Regarding the matter of mining licenses, it can be concluded that the community has constraints regarding funds, this is because if the community wants to sell to partners the profits generated cannot be immediate. The community must follow several existing procedures, while people who sell tin to collectors they immediately get profit at that time. In addition, the price of tin at collectors is much higher than at Pt Timah. Because illegal tin

mining does not meet safety standards, several cases of accidents related to illegal tin miners have occurred, ranging from severed fingers, legs, and even deaths. But it cannot be accounted for because it is illegal and has become a consequence that must be borne by the community itself. Therefore, the impact caused by illegal mining is also quite large on environmental damage which has the potential to also harm the surrounding community. The village head himself has not been able to prohibit the community because of the basic needs of the community that must be met. However, there have been efforts from village officials to urge the community to be more concerned about themselves and the surrounding environment, such as conducting socialization about environmental damage and work safety. Not all people in Lampur Village have jobs as tin miners, some people have turned into farmers and entrepreneurs. The agricultural commodities in Lampur Village are mostly palm oil, coffee and vegetables. As for entrepreneurship, there are *peci* that are widely known, there are also those who open stalls and culinary businesses. The mining area in Lampur Village is not too disruptive to the plantation area. At this time, residents who are still mining are mostly mining in the former Pt Timah land. The impact seen at this time is more inclined to the community's economy, where the price of tin is cheap. The cost used to mine tin does not match the selling price of tin obtained by the community. For environmental impacts, there are several former mining sites that have become community garbage dumps.

Previous studies have explored various aspects of tin mining. For instance, Yulianti et al. (2020) analyzed tin mining's economic implications in Bangka Belitung, emphasizing its role in community development. Meanwhile, Hadini et al. (2023) examined legal enforcement against illegal mining activities, highlighting gaps in regulatory adherence and societal awareness. These studies underscore the persistent conflict between economic dependence on tin mining and environmental sustainability. However, prior research has largely focused on broader provincial trends without a detailed investigation into specific communities affected by illegal mining and the resultant legal frameworks for victim protection.

This study addresses the aforementioned gap by focusing on Lampur Village in Central Bangka, a community heavily reliant on tin mining. Unlike earlier works, this research combines normative and empirical methods to evaluate the legal protection available to communities impacted by environmental damage due to illegal mining. The novelty of this study lies in its dual emphasis: assessing the socio-legal dimensions of mining's impact and proposing actionable recommendations for community and governmental stakeholders.

The research problem is multifaceted. First, Lampur Village faces a socio-economic paradox; while tin mining sustains livelihoods, it simultaneously causes severe environmental degradation. Second, the persistence of illegal mining highlights inadequacies in legal enforcement and community awareness. Lastly, the village's dependence on tin mining reflects broader challenges in transitioning to sustainable economic activities. These issues raise critical questions about the balance between economic survival and environmental preservation, and the role of legal frameworks in mitigating conflicts.

Through this study, we aim to provide an in-depth understanding of these dynamics, offering insights into improving legal protection and promoting sustainable practices. This contribution seeks to fill gaps in existing literature by addressing the specific challenges and opportunities within Lampur Village.

Materials and Methods

This research employs a normative-empirical approach, combining legal analysis with field observations to comprehensively assess the issue of environmental damage caused by illegal mining in Lampur Village. The normative aspect focuses on the analysis of applicable legislation, including mining laws and environmental protection regulations. The empirical aspect involves direct observation and interviews with affected community members to gather qualitative data on the socio-economic and environmental impacts of illegal mining.

Research Type and Approach

The study adopts a qualitative research design to explore the legal and social dimensions of illegal mining. The normative approach examines relevant legal frameworks, such as Law No. 4 of 2009 on Mineral and Coal Mining and regional regulations, while the empirical approach gathers first-hand insights from local stakeholders. This dual approach ensures a balanced understanding of legal provisions and ground realities.

Research Design

The research design integrates both normative and empirical methods to systematically address the research objectives. First, legislative and regulatory texts were analyzed to identify the legal protections available to communities affected by environmental damage. Second, fieldwork was conducted in Lampur Village, where interviews with local residents, village officials, and other stakeholders provided qualitative data on the socio-economic and environmental consequences of illegal mining. Observations of mining sites further corroborated the data collected.

The implementation of this design involved the following steps:

1. Document Review: Collecting and analyzing legal texts, policy documents, and previous research relevant to tin mining and environmental protection.
2. Field Observations: Visiting mining sites in Lampur Village to observe the current state of the environment and the extent of illegal mining activities.
3. Stakeholder Interviews: Conducting semi-structured interviews with community members, village leaders, and representatives of relevant organizations to understand the local context and challenges.
4. Data Triangulation: Cross-referencing findings from document reviews, observations, and interviews to ensure the validity and reliability of the results.

By employing this comprehensive research design, the study provides a nuanced understanding of the legal and social implications of illegal mining in Lampur Village and offers evidence-based recommendations for addressing the identified challenges.

Results and Discussions

Legal protection of communities affected by environmental damage due to illegal mining

Illegal mining without a license and not in accordance with procedures will certainly have many impacts, especially negative impacts on the environment and society. Regarding legal arrangements, it has been stated in the legislation that the government has the right based on mining activities carried out by everyone to carry out mining activities because the state has the power to control the earth, water and natural resources contained therein including mining.

Communities affected by illegal mining have or have several forms of legal protection, namely: (Pradiatmika et al., 2020)

a. Mineral and Coal Law

- 1) The Minerba Law (Mineral and Coal) is Law Number 3 of 2020 which contains:
- 2) IUP holders have an obligation to carry out reclamation and post-mining in order to restore the environment that will have an impact on the environment and society.
- 3) IUP holders must deposit funds so that the reclamation process can take place.
- 4) Communities affected by environmental damage are entitled to compensation and redress.

b. Lawsuits; Communities affected by illegal mining can file a lawsuit against the IUP holder and the Government.

c. Regional Regulation (Perda)

Each region has its own regulations, the provincial / city / district regulatory policy in Bangka Belitung is contained in Bangka Belitung Regional Regulation Number 7 of 2014 concerning Mineral mining management. It also regulates the principles, objectives and scope of mineral mining management as well as the provincial government's authority in the management and utilization of mineral resources, mining areas, mining business licenses, temporary suspension of mining business activities, mining data, mining service businesses, and land use for mining businesses. (Putri & Prasetyo, 2021).

Bangka Belitung Provincial Regulation Number 7 of 2014 also regulates the rights and obligations of reclamation and post-mining IUP holders, value-added enhancement, procedures for submitting reports, local revenue, guidance and supervision, community development and empowerment, education and training, investigation, sanctions, other provisions and closing provisions. (Putri & Prasetyo, 2021). Communities affected by illegal mining can submit legal rocks to Non-Governmental Organizations (NGOs) in Bangka Belitung and the Community can also apply for assistance to the Regional Office of the Ministry of Law and Human Rights. The Regional Office of the Ministry of Law and Human Rights in Bangka Belitung provides services to underprivileged communities.

Factors - Factors that Lampung villagers continue to carry out illegal mining

Bangka Belitung Islands, located near South Sumatra Province, can be categorized as the single largest tin producer in Indonesia. (Yulianti et al., 2020).. The existence of tin ore minerals on the island of Bangka Belitung can be said to be an advantage given by God Almighty to the island of Bangka, which is not too broad but has extraordinary natural wealth. However, these advantages do not always bring positive things, instead they become a source of serious impact on the bangka belitung region. This began with the government's policy of allowing people to mine tin, which the government intended to help people who were facing an economic crisis, tin mining carried out in the islands of Bangka Belitung is an economic sector that is the backbone of community development in the Bangka Belitung Islands. (Yanto et al., 2023) However, at this time the people of Bangka Belitung have experienced progress in the economic field but still maintain illegal tin mining activities. This can be proven by the people of Bangka Belitung who currently still depend on the economy on mining activities, both partnered and unconventional mining, because almost every point of the island of Bangka Belitung has the potential to contain tin seeds in it.

Lampung village is one of the places rich in tin in its time, it cannot be denied that the existence of tin beans is the livelihood of residents to support their daily needs in order to continue their survival, People's mining is used as a means to meet daily needs through the utilization of existing resources in the area. (Hadini et al., 2023). However, as we know that natural resources are non-renewable resources, which cannot be relied upon in the long term. Until now, the people of Lampung village still depend on illegal mining, this is because mining activities are not common for the people of Lampung village, it is hereditary, which has been done by the people of Lampung village since Pt tin and regional policies that allow tin mining. It cannot be denied that the people of Lampung village are less concerned with the impacts that have been caused by mining, where there is environmental damage that occurs in Lampung village due to illegal mining, but still the people of Lampung village continue to carry out tin mining, this is driven by several factors, namely:

1. Economic Factors

Economic factors are the main factors that are appropriate to explain the situation of the people of Lampung Village who still carry out illegal tin mining. Tin is the main sector in the Bangka Belitung Islands, which can drive other sectors as well as Lampung village, whose economic changes are driven by tin mining. (Yola, 2021). Although at this time most of the community has switched their livelihoods to plantations such as oil palm plantations, coffee plantations, and there are MSME products in the form of peci made typical of Lampung village, the village head of Lampung village said that currently there are other UMKM product development products to encourage people not to depend on uncertain natural resources. But until now illegal mining has not been stopped even though many residents have switched livelihoods. Some local residents say that tin cannot be stopped even though it has damaged the environment, this is because some residents still make illegal tin mining their main livelihood.

2. Environmental factors

Environmental factors are very supportive factors for mining activities because not all regions in Indonesia have the same natural resources. Lampung village is a strategic village for mining this is because Lampung village is a village rich in tin ore at that time therefore there was a tin Pt who did mining but over time Pt tin left Lampung village and after Pt tin was finished mining there were local residents who looked for tin scraps and re-opened excavations from the land to get tin ore, this happened because there was overlap over the ownership of the area which the village officials themselves could not stop. Not only that, there are also residents who mine on their own land to fulfill their daily lives.

3. Government Factors

The government is also a factor in this because, at one time there was a desire for reclamation but this could not be done because there were people who were still mining and the government itself had not been able to provide solutions related to the problems that occurred, where the need for more jobs for the people of Lampung Village because their factor in mining was economic.

4. Community factors

Community factors can also influence this because community factors are still supported by an ancient mindset, this community mindset is a factor in the community still conducting illegal tin

mining. The average lampur village community thinks practically according to the village head of lampur village if the community mines tin, the community can sell their tin directly to collectors and get money while if the community who makes a living from plantations has to wait months to get profits. And not all people have the capital to clear land and switch to plantations because it requires considerable capital.

Conclusion

This research concludes that the socio-economic dependence on tin mining in Lampur Village has created a cycle of environmental degradation and insufficient legal enforcement. Despite the economic benefits, illegal mining practices have led to severe ecological damage and safety concerns. The lack of effective implementation of legal frameworks further exacerbates these issues, leaving communities vulnerable to both environmental and socio-economic challenges.

Through a combination of normative and empirical methods, this research highlights the importance of legal protection and community awareness in addressing the adverse impacts of illegal mining. The findings underscore the need for collaborative efforts between local governments, community leaders, and stakeholders to implement sustainable practices and enforce regulations. By providing alternative economic opportunities and fostering a culture of environmental responsibility, it is possible to mitigate the negative impacts of illegal mining while promoting long-term sustainability for the residents of Lampur Village.

References

- Hadini, D., Pramesti, A. H., & Salsabila, S. (2023). Penegakan Hukum Terhadap Pelaku Pertambangan Timah Illegal di Kawasan Lintas Timur Dusun Tanjung Ratu Kabupaten Bangka. *Innovative: Journal of Social Science Research*, 3(5), 3625–3638. <https://j-innovative.org/index.php/Innovative/article/view/5301>
- Pemerintah Indonesia. (2010). Peraturan Pemerintah Nomor 23 Tahun 2010 tentang Pelaksanaan Kegiatan Usaha Pertambangan Mineral dan Batubara.
- Pemerintah Indonesia. (1969). Peraturan Pemerintah Nomor 32 Tahun 1969 tentang Pelaksanaan Undang-Undang Nomor 11 Tahun 1967 Tentang Ketentuan-Ketentuan Pokok Pertambangan.
- Pemerintah Indonesia. (1945). Undang-Undang Dasar Negara Kesatuan Republik Indonesia 1945.
- Pemerintah Indonesia. (2009). Undang-Undang Republik Indonesia Nomor 4 Tahun 2009 Tentang Mineral dan Batu Bara.
- Pemerintah Indonesia. (2009). Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.
- Pemerintah Indonesia. (1967). Undang-Undang Nomor 11 Tahun 1967 Tentang Ketentuan-Ketentuan Pokok Pertambangan.
- Pemerintah Indonesia. (2010). Undang-Undang Nomor 55 Tahun 2010 tentang Pembinaan dan Pengawasan Penyelenggaraan Pengelolaan Usaha Pertambangan Mineral dan Batubara.
- Pradiatmika, P. P., Widiati, I. A. P., & Karma, N. M. S. (2020). Perlindungan Hukum Terhadap Masyarakat di Daerah Pertambanga. *Jurnal Analog Hukum*, 2(2), 252–257.
- Putri, A. F. D., & Prasetyo, M. H. (2021). Kebijakan Hukum Pidana Dalam Penanggulangan Tindak Pidana Di Bidang Pertambangan. *Jurnal Pembangunan Hukum Indonesia*, 3(3), 312–324. <https://doi.org/10.14710/jphi.v3i3.312-324>
- Lestari, W. (2013). *Tambang timah ilegal di Bangka Belitung* [Skripsi, Universitas Bangka Belitung].
- Sutedi, A. (2022). *Hukum pertambangan*. Sinar Grafika.

- Syahrum, M. (2022). *Pengantar metodologi penelitian hukum: Kajian penelitian normatif, empiris, penulisan proposal, laporan skripsi dan tesis*. CV. Dotplus Publisher.
- Yanto, A., Azzahra, N., Gladisya, A., Zakirin, M. M., & Anwar, M. S. (2023). Revitalisasi Kewenangan Pengelolaan Pertambangan Oleh Pemerintah Daerah Dalam Mengoptimalkan Pelaksanaan Otonomi Daerah Di Bangka Belitung. *Innovative: Journal Of Social Science Research (Special Issue)* , 3(2), 8321–8332. <https://j-innovative.org/index.php/Innovative/article/view/1386>
- Yola, L. R. (2021). Penegakan Hukum Terhadap Pelaku Tindak Pidana Usaha Penambangan tanpa Izin Usaha Pertambangan di Kepulauan Bangka Belitung menurut UU No 4 Tahun 2009 tentang Oertambangan Mineral dan Batu Bara. *Jurnal Mahupas: Mahasiswa Hukum Unpas*, 1(1), 67–78.
- Yulianti, Y., Bani, B., & Albana, A. (2020). Analisa Pertambangan Timah Di Provinsi Kepulauan Bangka Belitung. *Jurnal Ekonomi*, 22(1), 54–62.
- Yunianto, B. (2009). Kajian problem pertambangan timah di Provinsi Kepulauan Bangka Belitung sebagai masukan kebijakan pertimahan nasional. *Jurnal Puslitbang Teknologi Mineral dan Batubara*, 5.