



# Law Enforcement as an Effort to Control Environmental Damage Due to Sand Mining in the Progo River, Yogyakarta

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**Abstract.** This study aims to determine law enforcement in controlling environmental damage due to sand mining on the Progo River, Yogyakarta. This type of research is doctrinal research. The approach taken uses a statutory and conceptual approach. The technique of collecting legal materials used in this legal research is through library research/document studies. The sources of legal materials use primary and secondary legal materials (statutes and supporting documents). The results of the study show that the law enforcement has made efforts to reprimand through administrative sanctions by transporting suction machine tools and sending warning letters to a number of companies that violate the provisions of Government Ordinance Number 78 of 2010 concerning Reclamation and Post-mining. Further, no law enforcement has been taken against them so that the warning does not frighten or deter illegal miners. Then the losses caused by mining carried out by miners and mining entrepreneurs also had a negative impact on the lives of the people along the Progo river until demonstrations were carried out. The reality, then, was made worse by companies and miners who didn't want to do reclamation. Moreover, when they did sand mining activities, they didn't pay attention to the existing rules. They could sue through a civil class action in accordance with the general explanation of point 5 paragraph 2 of Law Number 32 of 2009 on Environmental Protection and Management.

**Keywords:** Law Enforcement · Environment · Mining

## 1 First Level Heading (Head 1)

Indonesia is a country that has abundant natural resources which are national wealth. This wealth includes minerals which include mineral and coal mine [1]. Considering that mine coal and mineral are natural resources that cannot be managed renewable, they need to be carried out as optimally as possible and with an environmental perspective to obtain their benefits. The 1945 Constitution of the Republic of Indonesia Article 33 Paragraph 3 mandates that the earth, water, and natural resources contained therein shall be controlled by the state and used for the prosperity of the people [2]. Seeing this mandate, the potential of Indonesia's abundant wealth can be utilized to support Indonesia's economic progress

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as the fulfillment of the welfare of the Indonesian people. However, the damage to natural resources continues to increase over time, both in number and in the distribution of the area.

Physically, the damage is caused by the high exploitation carried out in the waters especially river. This is important considering that uncontrolled over-exploitation and limited knowledge of mining will damage the environment's natural resources. Sand mining business activities in the Progo River, Yogyakarta, which ignore environmental sustainability are not in line with article 33 section 4 of the 1945 Constitution of the Republic of Indonesia which mandates that the national economy is organized based on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental insight, independence, as well as by maintaining a balance of progress and national economic unity. However, article 28 H section (1) regulates the right of a person to live in physical and spiritual prosperity, to live and to have a good and healthy living environment and the right to obtain health services [3]. In practice, what is idealized in Article 33 section (4) and Article 28 H section (1) of the 1945 Constitution of the Republic of Indonesia turns out to be far from expectations, because there are still many sand mining activities that cause environmental damage to the Yogyakarta Progo river so that people do not get a healthy living environment.

Law Number 4 of 2009 concerning Mineral and Coal Mining stipulates that mineral and/or coal mining is managed in a sustainable and environmentally sound manner, so every business actor or sand mining activity is required to carry out reclamation and post-mining as an effort to restore environmental functions as they should. This condition is exacerbated by the fact that sand mining activities in the Progo River in Yogyakarta, as many as 33 sand mining companies in the Progo river do not carry out reclamation, although there are several miners who have ended [4]. Then not to mention at the end of 2019, at the mouth of the Progo River, precisely in Banaran Village, Gulun Kulon Progo District, Yogyakarta, whose residents were made restless as a result of the many mining companies that did not follow existing protocols or rules. Many residents feel the impact of environmental damage and are disturbed by sand mining activities in their area. These include damaged roads, narrowed and damaged waterways, and residents are worried that their wells will experience seawater intrusion. In addition, residents suspect that the sand extraction has sucked up the seawater so that their local roads turn white when dry and transport the sand when it is still wet so that the roads become muddy. Seeing one of the news exposures in the mass media, the need for law enforcement in preserving the environment includes [5] monitoring and implementing (or under threat) the use of administrative, civil, or criminal instruments are should be implemented so that compliance with generally accepted and individual regulations is achieved.

## 2 Problem Statements

How is law enforcement as an effort to control environmental damage due to sand mining in the Progo River, Yogyakarta?

### 3 Research Method

This type of research is doctrinal research. The approach taken uses a statutory and conceptual approach. The technique of collecting legal materials used in this legal research is through library research/document studies. The sources of legal materials use primary and secondary legal materials (statutes and supporting documents).

### 4 Findings and Discussion

Sand mining activities in the Progo River contributes to positive impacts as well as negative impacts. Among the positive impacts is that the results from the management and utilization of sand mining directly contribute to the increase in Original Local Government Revenue (PAD) through taxes, levies, or royalties to the regions.

In addition, sand mining also has a negative impact on the environment, one of which is environmental damage. This happens when the mining companies do not want to do reclamation after the mining is done. Recently, news has spread on the banks of the Progo River, Kulon Progo Regency, Yogyakarta that more than 300 hectares of ex-sand mines have been left to be destroyed without reclamation. Of course, this condition is very worrying and endangers the settlements of residents who live along the banks of the Progo river during the flood season. Hundreds of hectares of land are now forming a cluster of lakes along the west side of the watershed, which is prone to collapse. Even when a small flood occurs, the mine road which is the access for mining transportation traffic collapses.

This is exacerbated by the fact that it is mainly for illegal miners as well as companies that already have permits. When carrying out sand mining activities, the company often does not comply with regulatory protocols such as what happened at the estuary of the Progo River in Banaran Village, Kulon Progo sub-district. Seeing these conditions, it is necessary to enforce the law in preserving the environment.

As happened at the mouth of the Progo river in Banaran Village, Kulon Progo sub-district, the residents of the three hamlets were inflamed and could not stand it, which eventually led to demonstrations because the main illegal mining and illegal sand mining operations were destroying their territory. Hundreds of residents staged demonstrations, they demanded the local village government to act decisively to close the sand mining operations that use suction machines because the negative impact was starting to be felt by the people on the banks of the Progo river starting to dry up due to the water level of their wells continuing to shrink [2]. As is known, this action has been carried out by the Kulon Progo Ministry of Environment by sending a letter of warning to those who do not reclaim the ex-mining land they use and confiscating mining equipment such as suction machines and pipes for miners who do not comply with the regulations. Preventive actions have been carried out by making maximum use of the supervision instruments carried out for compliance with regulations. But in this case, it has been going on for more than 3 years and some have even stopped, but no one has done any reclamation yet.

In Article 112 of Law Number 32 of 2009 concerning the protection and management of the environment, it is stated that any office official who intentionally does not supervise

the person in charge of a business and/or activity against the laws and regulations and environmental permits as referred to in 71 and Article 72 can be sentenced to criminal punishment. It does not end here, the losses caused by mining carried out by miners and mining operations also have a negative impact on the communities along the Progo river until demonstrations. They demand very important environmental conditions starting from the physical impact of the environment reducing surface water discharge/springs, vehicular traffic on village roads causing road damage plus sand trucks exceeding capacity, and when it rains the area becomes prone to flooding. The resolution of the problems experienced by the community can be done through civil channels.

Settlement of civil disputes in the environment can be reached through the courts and outside the court, as explained in the general explanation of point 5 section 2 of Law Number 32 of 2009 concerning Environmental Protection and Management which states: "Civil law provisions include the settlement of environmental disputes outside the court and in court." Settlement of environmental disputes in court includes group representative claims, environmental organizations' rights to sue, or government lawsuits. According to Article 91 section (1) of Law Number 32 of 2009 concerning Environmental Protection and Management, it is stated that the community has the right to file a group representative lawsuit for their own interests and/or the interests of the community if they suffer losses due to pollution and/or environmental damage. In this case, the affected community can file a class-action lawsuit. However, until this time, this stage is still in the initiation stage. However, this is very appropriate to do considering what the miners and companies have done has caused heavy damage and caused great losses in their area environment. Furthermore, it can be used as a lesson and a deterrent for miners to be more careful and pay attention to existing protocols or rules.

## 5 Conclusion

The law enforcement has made efforts to reprimand through administrative sanctions by transporting suction machine tools and sending warning letters to a number of companies that violate the provisions of government ordinance number 78 of 2010 concerning reclamation and post-mining. Further, no law enforcement has been taken against them so that the warning does not frighten or deter illegal miners. Then the losses caused by mining carried out by miners and mining entrepreneurs also had a negative impact on the lives of the people along the progo river until demonstrations were carried out. Then, was made worse by companies and miners who did not want to do reclamation. Moreover, when they did sand mining activities, they didn't pay attention to the existing rules. They could sue through a civil class action in accordance with the general explanation of point 5 paragraphs 2 of Law Number 32 of 2009 on Environmental Protection and Management.

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