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The Dynamics of Law Enforcement of Corruption Crimes in the Mining Sector and Its Impact on Transparency in Natural Resource Management

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Abstract: Law enforcement against corruption in the mining sector in Indonesia faces various challenges that affect the transparency of natural resource management. This study focuses on the dynamics of implementing Law No. 31 of 1999 in combination with Law No. 4 of 2009 concerning Mineral and Coal Mining and Law No. 20 of 2001 for the Eradication of Criminal Acts of Corruption, as well as implementing regulations related to licensing and royalty management. The analysis shows a legal vacuum, particularly in the aspects of licensing supervision, royalty management, accountability of state-owned/regional-owned mining company officials, and losses due to environmental damage, making it often difficult to enforce the Corruption Eradication Law effectively. Legal arguments are developed based on the principle of state accountability for natural resource management, the principle of legality in corruption crimes, and the obligation of public officials to prevent state losses. The research findings indicate that weak coordination between law enforcement agencies, unclear mechanisms for criminal sanctions against embezzlement of mining assets, and regulations that are still administrative in nature open up opportunities for corrupt practices. Thus, effective law enforcement requires regulatory harmonization, the implementation of transparent audit and oversight mechanisms, and the renewal of proportionate criminal sanctions to ensure more accountable and sustainable natural resource management.

Keyword: Corruption, Mining, Law Enforcement.

INTRODUCTION

Law enforcement against corruption in the mining sector cannot be separated from the complexity of natural resource governance in Indonesia (Qasthary, 2025). Corruption in this sector often involves the abuse of authority in granting mining business permits, the manipulation of production reports, and the embezzlement of royalties and taxes that should be state revenue (Kamala, 2025). This situation results in the loss of potential state revenue and significant environmental damage. Furthermore, weak internal and external oversight mechanisms in the mining sector also contribute to the situation, opening up opportunities for

collusion between public officials and business actors (Hartono, 2025). This situation indicates that corruption in the mining sector is not only individual but also systemic and structural.

The mining sector is a strategic sector that makes a significant contribution to the national economy, but it is also fertile ground for corrupt practices that are difficult to eradicate (Yazid, 2021). The large number of mining permits issued without adequate environmental and social studies indicates irregularities in the licensing system (Sonic, 2024). Lengthy bureaucratic processes and the involvement of numerous parties increase the opportunities for bribery and gratuities (Suryanto, 2021). Furthermore, the lack of transparency in public information regarding permit, production, and payment data prevents the public from optimally monitoring mining management (Oetomo, 2025). This situation demonstrates that the mining sector governance does not fully comply with the principles of public transparency and accountability.

Legislation governing corruption and the mining sector has been formulated quite comprehensively, but its implementation still faces various obstacles. Law Number 31 of 1999, in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption, establishes strict criminal norms for permit violations and acts detrimental to state finances (Dewi, 2019). Meanwhile, Law Number 4 of 2009, in conjunction with Law Number 3 of 2020 concerning Mineral and Coal Mining, regulates administrative aspects, permits, and company obligations to the state (Al Idrus, 2022). The combination of these two legal regimes creates a relationship between the administrative and criminal law domains, which are interconnected in law enforcement against mining corruption. Problems arise when the line between administrative violations and criminal corruption becomes blurred, thus hindering fair and effective law enforcement.

The theory of the rule of law is an important foundation for understanding why law enforcement against corruption in the mining sector must be carried out consistently and fairly (Ismoyo, 2025). The rule of law places the supremacy of law as the primary foundation in regulating the exercise of state power and economic activity (Bunga, 2021). In the context of natural resource management, this principle requires that all actions of the government and business actors comply with the law and must not be arbitrary (Sriyanti, 2023). The application of the law must ensure certainty, justice, and benefit for all Indonesians as the rightful owners of natural resources (Azharie, 2023). When the law is not properly enforced, the state's legitimacy as a resource manager will weaken, and public trust in state institutions will decline.

The principles of good governance play a crucial role in preventing corruption in the mining sector. Good governance emphasizes transparency, accountability, public participation, and the rule of law (Suriadi, 2025). Every stage of mining activities, from permit issuance and exploration to post-mining management, must be openly accountable to the public (Redi, 2021). When these principles are ignored, the mining system will be dominated by private or group interests, at the expense of the state's interests. Such practices demonstrate that ethical and legal violations in the mining sector management not only damage the economy but also threaten social justice (Sarah, 2025).

Public Accountability Theory provides a normative framework for assessing the extent to which public officials and business entities have fulfilled their obligations to the state and society (Andriana, 2025). Accountability demands that every government decision and policy be legally, administratively, and morally accountable (Resmadiktia, 2023). In the mining sector, accountability includes obligations for transparent production reports, royalty payments, environmental preservation, and the fulfillment of the rights of communities surrounding mines (Prewati, 2024). When accountability mechanisms are ineffective, opportunities for corruption become increasingly open. Low accountability also leads to state

losses that are difficult to trace legally, as many transactions and decisions are made without clear administrative records.

Transparency in natural resource management is a crucial instrument for preventing corruption. Public disclosure of information regarding permits, mining output, and state revenues is not only a legal obligation but also a form of social oversight (Saripudin, 2025). When data and information are publicly accessible, the opportunity for abuse of power is reduced. Transparency also strengthens the legitimacy of government policies regulating the mining sector and provides space for the public to actively participate in oversight. The lack of transparency in this sector leads to an information imbalance between the government, companies, and the public, ultimately weakening the integrity of the legal system.

According to Soerjono Soekanto's law enforcement theory, there are five primary aspects that affect how successful law enforcement is: the law itself, law enforcement personnel, facilities and infrastructure, society, and legal culture (Iqsandri, 2022). In the context of corruption in the mining sector, these five factors often do not function harmoniously. Overlapping regulations, non-independent officials, a lack of supporting resources, and low public legal awareness result in slow and ineffective law enforcement. This imbalance between factors demonstrates that corruption cannot be resolved simply by strengthening sanctions but also requires institutional reform and a change in legal culture.

The relationship between administrative law and criminal law in mining corruption cases requires a thorough understanding because the two often overlap. Administrative law regulates the actions of public officials in exercising their authority, while criminal law prosecutes acts that exceed their authority and harm the state (Rizkyta, 2022). In practice, many mining corruption cases stem from administrative violations, such as issuing permits without proper procedures or abuse of authority in managing state revenues. When administrative mechanisms fail to enforce discipline and accountability, criminal prosecution becomes the last resort for justice. The unclear boundaries between these two legal regimes are often exploited to avoid criminal liability.

According to Article 33 of the Republic of Indonesia's 1945 Constitution, the state controls the land, water, and natural resources found there and uses them for the benefit of the populace as a whole. This clause reflects the idea of state control, which is the duty of the state to fairly manage, safeguard, and use natural resources (Chandra, 2024). This management must ensure sustainability, public welfare, and environmental protection. When corruption occurs in the mining sector, the state has failed to fulfill its constitutional mandate, as natural resources, which should be a source of prosperity, have instead become a source of suffering for the people. This principle of state control serves as the moral and legal foundation for efforts to eradicate corruption in the mining sector.

The principles of legality and criminal accountability are crucial in ensuring that law enforcement against corruption in the mining sector is carried out in accordance with the principle of justice. The principle of legality ensures that no act can be punished except under applicable legal provisions, so all law enforcement must be based on clear rules (Rahayu, 2014). Criminal accountability demands that any public official who abuses their authority or causes state losses be held accountable proportionately (Juliani, 2020). These two principles ensure that law enforcement is non-discriminatory and can act as a deterrent to perpetrators of corruption in the mining sector. When these principles are consistently enforced, substantive justice in natural resource management will be more easily achieved.

METHOD

This study employs a legislative and conceptual approach in a normative legal manner. In particular, the provisions outlined in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption and Law

Number 4 of 2009 in conjunction with Law Number 3 of 2020 concerning Mineral and Coal Mining, as well as implementing regulations like Government Regulations and Regulations of the Minister of Energy and Mineral Resources, were examined for synchronization and efficacy using the statutory approach regarding the licensing system and royalty supervision. This approach focuses on how these legal norms interact with each other, overlap, or even create legal vacuums in law enforcement practices in the natural resources sector. The conceptual approach is used to examine and interpret legal concepts such as law enforcement, public accountability, and transparency in natural resource management based on the theory of the rule of law, the theory of good governance, and the theory of law enforcement according to Soerjono Soekanto. This approach provides a deep understanding of the philosophical foundations and principles of justice in natural resource management and the state's responsibility for preventing corruption. This research is descriptive-analytical, using secondary data sources derived from primary, secondary, and tertiary legal materials through literature review. The analysis was conducted qualitatively to assess the consistency, relevance, and effectiveness of the applicable legal system in realizing transparent and corruption-free mining governance.

RESULTS AND DISCUSSION

Dynamics and Problems of Law Enforcement

Law enforcement against corruption in the mining sector exhibits complex dynamics, involving numerous law enforcement agencies with varying authorities. From the investigative phase to the prosecution, the Attorney General's Office, the Indonesian National Police (Polri), and the Corruption Eradication Commission (KPK) all play a crucial part in managing mining corruption cases. Whereas the Prosecutor's Office and the Police more usually deal with issues that happen at the regional level, the KPK concentrates on cases that involve state authorities and have systemic effects. Law Number 30 of 2002 and Law Number 19 of 2019 pertaining to the Corruption Eradication Commission serve as the foundation for this authority, which mandates the KPK to conduct investigations, indictments, and prosecutions of corruption crimes. This dynamic often leads to overlapping case handling due to suboptimal coordination between institutions.

Law enforcement in the mining sector also demonstrates that corruption methods often evolve along with changes in licensing and regulatory systems. One form of corruption is corruption in the issuance of Mining Business Permits (IUP), where public officials accept bribes to expedite or approve permits without meeting legal requirements. Article 5 and Article 12 letter a of Law Number 31 of 1999, in conjunction with Law Number 20 of 2001, stipulate that any state official who accepts a bribe in connection with their position is subject to life imprisonment or a minimum of four years' imprisonment. In practice, enforcement of this article is often hampered by evidence because bribery transactions are conducted covertly and through intermediaries. This pattern is often found in mining-producing areas, particularly when permits are issued without proper environmental and technical verification mechanisms.

Manipulation of mining production data is also a form of corruption that is difficult to eradicate. Mining companies often report lower production results than the actual results in order to reduce their royalty payments to the state. This action violates Article 2 paragraph (1) of Law Number 31 of 1999, which stipulates that anyone who unlawfully enriches themselves or others and harms state finances is guilty of corruption. Furthermore, this practice also violates Article 111 of Law Number 4 of 2009 concerning Mineral and Coal Mining, which requires IUP holders to accurately report production and financial data to the government. The lack of technical oversight and limited human resources are major obstacles

to detecting this manipulation, particularly in artisanal mining areas or small-scale companies.

Embezzlement of royalties and mining taxes is also a significant legal issue. Many companies underreport their actual income or use fictitious accounts to avoid paying their obligations to the state. Article 3 of Law Number 31 of 1999, in conjunction with Law Number 20 of 2001, stipulates that any state official or other party who abuses their authority to enrich themselves and harm state finances can be punished with a maximum of 20 years' imprisonment. Meanwhile, the oversight mechanism for royalty payments is regulated in Government Regulation Number 81 of 2019 concerning Types and Tariffs for Non-Tax State Revenue Applicable to the Ministry of Energy and Mineral Resources. Discrepancies between company financial reports and the results of the Supreme Audit Agency (BPK) audits indicate that royalty embezzlement is a deeply ingrained practice and difficult to eradicate without adequate transparency in the mining financial system.

Policy changes in the mining sector, such as the issuance of Law Number 3 of 2020, which revised Law Number 4 of 2009, have impacted law enforcement mechanisms. The centralization of licensing authority to the central government was intended to reduce corruption at the regional level, but on the other hand, it created new problems in the form of a concentration of power that is vulnerable to abuse. Article 4, paragraph (2) of the revised Mineral and Coal Law states that mining control is exercised by the central government, not regional governments. This change reduces the space for public participation in the oversight process and weakens the checks and balances between the central and regional governments. The unclear licensing procedures following the revision also create legal ambiguity that has the potential to lead to administrative and criminal irregularities.

Regulatory problems in the mining sector oversight arise from the absence of norms that clearly stipulate criminal sanctions for administrative violations that result in state losses. Many licensing violations are subject to only administrative sanctions such as permit revocation or fines, without criminal consequences, even though they result in significant financial losses. The absence of clear regulations creates a legal vacuum, particularly in the post-mining phase and royalty management. The Implementation of Mineral and Coal Mining Business Activities is governed by Government Regulation Number 96 of 2021 still focuses on administrative mechanisms and does not explicitly address the criminal realm. This gap has implications for a weak deterrent effect and opens up opportunities for officials and businesspeople to commit irregularities without serious legal consequences.

Overlapping authority between the central and regional governments undermines the effectiveness of law enforcement in the mining sector. Following the enactment of Law Number 23 of 2014 concerning Regional Government, licensing and supervisory authority was largely shifted to the central level, while responsibility for field supervision remains with regional governments. The imbalance results in weak reporting and oversight in the field, as regions lack full authority to prosecute violations. This condition is contrary to the principle of government effectiveness as regulated in Article 10 paragraph (2) of the Regional Government Law, which emphasizes the importance of synergy between the central and regional governments in government affairs. The unclear division of authority also hampers coordination between law enforcement agencies when handling corruption cases involving regional officials and mining companies.

Coordination between agencies such as the Corruption Eradication Commission (KPK), the Ministry of Energy and Mineral Resources (ESDM), the Supreme Audit Agency (BPK), and the Regional Inspectorate is often ineffective. Each agency has its own oversight and law enforcement mechanisms that are not always well integrated. The KPK focuses on enforcement, while the ESDM emphasizes administrative oversight, and the BPK conducts financial audits after violations occur. This disparate working pattern results in many

corruption cases in the mining sector being unable to be fully resolved. This lack of coordination contradicts the spirit of Article 8 paragraph (1) of Law Number 30 of 2014 concerning State Administration, which requires synergy and integration between agencies to achieve legal certainty and justice.

The relationship between criminal law and administrative law remains a major challenge in enforcing the law in the mining sector. Many actions by public officials or companies actually involve elements of abuse of authority but are only handled as administrative violations. Administrative law is often used as a shield to avoid criminal prosecution on the grounds of procedural violations. In fact, Law Number 31 of 1999 clearly stipulates that abuse of authority resulting in state losses is a criminal act of corruption, as stipulated in Article 3. The lack of a clear distinction between administrative violations and criminal acts of corruption makes it difficult for law enforcement officials to determine the appropriate jurisdiction and legal instruments for handling cases.

Political interference and economic interests also pose serious obstacles to law enforcement in the mining sector. Many public officials are affiliated with mining companies or receive financial support from business actors in the political process. This situation creates conflicts of interest that weaken the independence of law enforcement officials when dealing with corruption cases involving influential parties. Article 5 of Law Number 28 of 1999 concerning the Governance of a Clean State Free from Corruption, Collusion, and Nepotism requires every public official to avoid conflicts of interest in carrying out their duties. When this principle is ignored, legal justice is difficult to achieve, and corruption in the mining sector continues to recur as part of a non-transparent political-economic system.

The Impact and Solutions of Law Enforcement on Transparency in Natural Resource Management

Corruption in the management of natural resources (SDA) has a significant economic impact on the country. Corrupt practices cause leakage of state revenue, particularly from the mining and energy sectors, which have high economic value. Manipulation of production data, tax evasion, and rigged royalty calculations result in losses of trillions of rupiah that should have been channeled to the state treasury. This situation not only hampers national development but also widens the gap between the potential wealth of natural resources and public welfare. The state loses the opportunity to utilize natural resources as capital for equitable, sustainable development.

Fraud in the governance of natural resources also has serious social and environmental impacts. Communities surrounding exploitation areas often become victims of conflicts of interest between companies, the government, and local communities. Exploitation without adequate oversight results in ecosystem degradation, water and soil pollution, and the loss of livelihoods for traditional communities. Welfare inequality is further exacerbated when profits are enjoyed by only a small economic elite, while surrounding communities live in poverty. This situation creates a crisis of trust in the government as the natural resource manager, which should be on the side of the people.

The legal impact of corrupt practices in the natural resources sector is no less serious. When law enforcement officials fail to impose firm sanctions on corruptors, public trust in the legal system declines sharply. Inconsistent law enforcement creates a perception of injustice and reinforces a culture of impunity. Public officials involved in administrative violations often escape criminal prosecution, even though their actions have significant corrupting consequences. This situation demonstrates that public official accountability remains weak, and internal oversight mechanisms are not functioning effectively as they should.

Regulatory reform is urgently needed to ensure firmer and more comprehensive law enforcement in the natural resources sector. Harmonization between Law Number 31 of 1999, in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption and Law Number 3 of 2020 concerning Mineral and Coal Mining, is necessary. These two regulations are closely related in governing the behavior of administrators and business actors in the natural resources sector. This harmonization will allow criminal sanctions to be applied to administrative violations that have corrupt motives or consequences. Synergy between regulations will also strengthen legal certainty for business actors while reducing the gray area in the interpretation of legal norms.

Technological advances should be leveraged to create a transparent and accountable natural resource management system. Digitizing licensing and reporting through platforms such as MODI (Minerba One Data Indonesia), e-royalty, and e-permitting can reduce direct interactions between officials and business actors, which are prone to corruption. These systems allow the public to access data on permits, production, and state revenues openly. Digital transparency also provides a basis for supervisory agencies to conduct more accurate, data-driven audits. Such digital innovations not only expedite administrative processes but also build a cleaner and more efficient governance ecosystem.

The role of internal supervisory agencies such as the Inspectorate General of the Ministry of Energy and Mineral Resources and the Financial and Development Supervisory Agency (BPKP) is crucial in detecting irregularities early. Both institutions must be strengthened in terms of authority, human resource capacity, and apparatus integrity. Strong internal oversight can prevent collusion between officials and business actors. Regular evaluations of mining projects, financial reporting systems, and compliance with environmental regulations are crucial instruments for maintaining transparency. Without effective oversight, even the best policies are easily misused.

Public audits need to be developed as a social control mechanism that involves public participation. Public involvement in oversight creates greater transparency and accountability. Local communities have direct knowledge of the impacts of natural resource exploitation activities in their areas, providing valuable information to oversight bodies. The government must ensure that public audit results are genuinely acted upon, not simply as an administrative formality. Public participation embodies the principles of economic democracy, which places the people as the legitimate owners of natural resources.

The whistleblowing system must also be strengthened to encourage reporting of corrupt practices in the natural resources sector. The reporting system should be secure so that whistleblowers do not face threats or intimidation. Protection for witnesses and whistleblowers is regulated by Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 concerning Witness and Victim Protection, but its implementation remains weak. Raising public and government awareness of the importance of reporting violations is crucial. Transparency can only thrive if every individual feels safe and supported when revealing the truth.

The effectiveness of law enforcement also depends heavily on reforming criminal sanctions to be more proportionate and create a deterrent effect. Many corruption cases in the natural resources sector result in lenient sentences, disproportionate to the state losses incurred. Reformulation of criminal sanctions must be directed toward additional penalties such as asset confiscation, revocation of business licenses, and prohibitions from holding public office. Such sanctions will have a stronger deterrent effect on other perpetrators. Firm and just law enforcement is a crucial foundation for creating natural resources governance with integrity. International practices such as the Extractive Industries Transparency Initiative (EITI) provide concrete examples of how transparency can be a global standard. Countries implementing EITI principles require extractive companies to publicly report their payments

and contributions to the government. These reports are then verified by an independent party and made public. This model demonstrates that information transparency can reduce corruption and increase public trust in government. Indonesia can strengthen its position by adapting national standards for natural resource management to align with global best practices without compromising its own legal framework.

CONCLUSION

Law enforcement against corruption in the mining sector remains plagued by various structural and institutional issues. Overlapping regulations between the Corruption Eradication Law, the Mineral and Coal Mining Law, and their derivative regulations create unclear boundaries of authority between agencies, both at the central and regional levels. This situation results in weak coordination in law enforcement and opens up opportunities for corrupt practices in the licensing, supervision, and production management processes. Data opacity, weak accountability systems, and limited capacity of law enforcement officers exacerbate the situation. As a result, corruption in the natural resources sector not only causes significant economic losses but also creates social inequality, environmental conflicts, and diminishes public trust in legal justice in Indonesia.

Harmonization between mining law and anti-corruption law needs to be a top priority so that any form of administrative irregularity that has a corruptive impact can be effectively addressed by criminal instruments. Strengthening digital oversight systems such as MODI, e-royalty, and e-permitting can be important instruments to promote transparency and prevent data manipulation. Institutional reforms also need to be directed at improving the professionalism, integrity, and independence of law enforcement officials and internal oversight bodies. Furthermore, public involvement in oversight mechanisms and social audits must be ensured through transparent, participatory policies. The application of clean, accountable, and sustainable governance principles is a key foundation for ensuring that natural resource management not only provides economic benefits but also reflects social justice and environmental sustainability.

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