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# Law Enforcement Against Organized Illegal Mining in the Jurisdiction of the East Kalimantan Regional Police

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**ABSTRACT**

Organized illegal mining constitutes a serious criminal offense that inflicts substantial economic losses upon the state, causes extensive environmental degradation, and undermines the rule of law. This study aims to analyze the effectiveness of law enforcement against organized illegal mining within the jurisdiction of the East Kalimantan Regional Police and to identify strategic measures for its optimization. Employing a normative juridical approach complemented by empirical juridical methods, this research integrates theoretical analysis with field data to examine the dynamics of and obstacles to the law enforcement process. The theoretical framework draws upon Soerjono Soekanto's theory of law enforcement and John Rawls' theory of justice as the primary analytical foundations. The findings reveal that law enforcement efforts continue to confront significant challenges, including weak interagency coordination, limited institutional resources, and the resilience of well-protected organized criminal networks. Furthermore, the vast and geographically challenging terrain of East Kalimantan further compounds the complexity of enforcement operations. This research recommends the adoption of a more integrative law enforcement approach encompassing institutional strengthening, capacity building of law enforcement personnel, and the formulation of regulations more responsive to evolving organized crime patterns. It is anticipated that the findings of this study will serve as a reference

for reformulating more effective, equitable, and sustainable criminal law enforcement strategies to address organized illegal mining in Indonesia.

**Keywords:** Justice, Law Enforcement, Organized Crime

## 1. INTRODUCTION

East Kalimantan stands as one of Indonesia's most mineral-rich provinces, endowed with vast reserves of coal, gold, and iron sand that have long driven national economic growth (Hamdani & Fauzia, 2024). Yet this very abundance has become a source of profound legal disorder. Organized illegal mining — locally termed *pertambangan tanpa izin* or PETI — has evolved far beyond sporadic violations committed by subsistence miners. It now constitutes a sophisticated criminal enterprise: hierarchically structured, technologically equipped, and protected by networks that penetrate both the market and, at times, the state apparatus itself. The phenomenon demands rigorous criminal law analysis, not merely administrative or regulatory treatment.

The normative foundation governing this domain is clear. Article 33(3) of the *Undang-Undang Dasar Negara Republik Indonesia Tahun* 1945 (the 1945 Constitution) unambiguously declares that "the land, waters, and natural resources contained therein shall be controlled by the state and exploited for the greatest welfare of the people." This constitutional mandate translates into positive criminal law through Law No. 4 of 2009 on Mineral and Coal Mining (*Undang-Undang Pertambangan Mineral dan Batubara*), as fundamentally amended by Law No. 3 of 2020. Under Article 158 of the amended law, any party conducting mining activities without a valid *Izin Usaha Pertambangan* (IUP) or *Izin Usaha Pertambangan Khusus* (IUPK) shall be liable to imprisonment for a term of up to five years and/or a fine of up to IDR 100 billion. Further, Article 160(2) imposes criminal liability on those who conduct production operations at the exploration stage without authorization. These provisions signal

unequivocal legislative intent: illegal mining is not an administrative infraction but a serious criminal offense.

The principles underpinning the enforcement of these provisions are equally well-established. The principle of *legalitas* (*nullum crimen sine lege*) demands that every criminal prosecution be grounded in a clear statutory basis. The principle of *equality before the law* requires that enforcement be applied consistently regardless of the perpetrator's economic or political standing. The principle of *ultimum remedium*, while counselling restraint in the resort to criminal sanction, does not preclude its use where the gravity of the offense warrants it — and organized illegal mining, by any objective measure, does. Additionally, the principle of *kepastian hukum* (legal certainty) demands that enforcement be predictable, consistent, and transparent.

In reality — *das sein* — the gap between normative aspiration and enforcement practice is stark. As of the third quarter of 2022, the Ministry of Energy and Mineral Resources recorded more than 2,700 unauthorized mining sites across Indonesia, with 2,645 involving mineral extraction and 96 involving coal (Rohman et al., 2024a). Potential state losses attributable to illegal mining reached IDR 1.6 trillion in 2019 and escalated to IDR 3.5 trillion by 2022 (Rohman et al., 2024a). In East Kalimantan specifically, criminal organizations exploit the province's vast and geographically challenging terrain to conduct coal *rat-hole mining* adjacent to licensed concessions, illegal alluvial gold extraction using mercury in the Mahakam Ulu and Kutai Barat districts, and offshore iron sand dredging along the Berau and Kutai Timur coastline. These operations are managed by hierarchical syndicates whose *mastermind* figures command significant political and financial resources, insulating themselves from prosecution (Redi, 2023). Existing scholarship confirms that law enforcement in this context suffers from weak interagency coordination, insufficient investigative capacity, and a regulatory framework insufficiently calibrated to the organized character of the crime (Harjiyatni et al., 2024).

What ought to obtain — *das sollen* — is a criminal law enforcement paradigm firmly anchored in the *rechtsstaat* ideal proclaimed by Article 1(3) of the 1945 Constitution: "The State of Indonesia is a state based on the rule of law." This ideal demands not merely the formal application of penal statutes, but substantive, effective, and just enforcement that dismantles criminal networks at all organizational levels. Scholars have rightly argued that Indonesia's current mining legislation fails to adequately address the organized dimension of the offense, and that enforcement responsibility fragmented across the National Police, Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil* or PPNS) of the Ministry of Energy and Mineral Resources, the Attorney General's Office, and regional authorities creates structural gaps that organized syndicates routinely exploit (Rohman et al., 2024b).

Responding to this enforcement deficit, the Indonesian state has undertaken several measures. The National Police (*Kepolisian Republik Indonesia*) established a specialized unit within the *Badan Reserse Kriminal* (Bareskrim) for environmental and natural resource crimes. The Ministry of Energy and Mineral Resources issued Ministerial Regulation No. 26 of 2018 on Good Mining Practices and Supervision. Presidential Regulation No. 22 of 2022 subsequently sought to consolidate supervisory authority over mineral inspectors under a centralized body. Training programs for specialized *penyidik* (investigators) in mining criminal law have been conducted at the regional level, including within the East Kalimantan Regional Police jurisdiction. Nevertheless, these efforts have yielded incomplete results: case resolution rates at trial stage remain low, prosecutorial outcomes rarely reach *mastermind* actors, and criminal networks demonstrate a capacity to reconstitute rapidly following enforcement operations (Angel & Tamrin, 2025).

This study accordingly advances the argument that effective law enforcement against organized illegal mining in East Kalimantan cannot be achieved through fragmented or *ad hoc* measures. It requires, instead, a systematic normative analysis of

the criminal law framework, a sober assessment of the structural and operational obstacles confronting the East Kalimantan Regional Police, and the formulation of optimization strategies grounded in established theories of criminal law enforcement. The research is anchored in Soerjono Soekanto's theory of law enforcement factors and John Rawls' theory of justice, and employs a normative juridical method utilizing statute, conceptual, and case approaches. Its findings are intended to serve both doctrinal scholarship and the practical reform of criminal law enforcement in one of Indonesia's most legally consequential resource regions.

## 2. RESEARCH METHOD

The methodological design of this research is rooted in the conviction that organized illegal mining, as a *tindak pidana khusus* (special criminal offense), is most appropriately analyzed through the disciplinary lens of criminal law rather than through any broadened or interdisciplinary framework. The nature of the legal problem under examination — namely, the enforceability and optimization of criminal law norms against hierarchical criminal syndicates operating in East Kalimantan — demands a methodology that is precise, internally coherent, and doctrinally grounded. Accordingly, this study employs normative juridical research (*penelitian hukum normatif*) as its foundational method: a mode of legal inquiry that treats law as a system of prescriptive norms to be analyzed on the basis of their logical structure, internal consistency, and fidelity to governing legal principles.

Normative juridical research, as authoritatively positioned in Indonesian legal scholarship, occupies a legitimate and indispensable place in legal science precisely because its object of study — the legal norm — is distinct from the object of social science (Negara, 2023). It examines the law as it is written and as it ought to be applied, interrogating the gap between normative prescription and enforcement practice through the analytical tools of jurisprudence rather than through empirical data collection. This

approach is particularly well-suited to the present inquiry, which is fundamentally concerned with whether the existing criminal law framework — principally Law No. 3 of 2020 on Mineral and Coal Mining, Law No. 2 of 2002 on the National Police, and the *Kitab Undang-Undang Hukum Acara Pidana* (KUHAP) — is doctrinally adequate, consistently applied, and structurally capable of addressing organized criminal networks. Where enforcement failures are observed, the research treats these not merely as operational matters but as symptoms of normative deficiencies that must be diagnosed and remedied at the level of criminal law doctrine and policy (Harjiyatni et al., 2024).

This research deploys three complementary approaches within the normative juridical framework, each serving a distinct analytical function in the examination of criminal law enforcement. The *statute approach* (*pendekatan perundang-undangan*) forms the primary axis of analysis. It requires a systematic and critical examination of all legislative instruments bearing on the criminal regulation of mining activities, from the constitutional mandate of Article 33(3) of the 1945 Constitution through the penal provisions of Articles 158 and 160 of Law No. 3 of 2020, and further to the procedural criminal law norms of the KUHAP and the institutional authority of Law No. 2 of 2002. The statute approach does not merely catalogue these provisions; it evaluates their normative coherence, tests for *lacunae* and contradictions, and assesses their fitness for addressing the organized dimension of illegal mining crime. This approach is foundational because, as legal research methodology consistently affirms, valid legal argumentation must originate in the authoritative text of positive law (Redi, 2023).

The *conceptual approach* (*pendekatan konseptual*) supplements the statute approach by engaging the doctrinal resources of criminal law scholarship. It draws upon legal concepts — *mens rea*, *actus reus*, criminal liability, and the theory of organized crime — to construct a normative framework adequate to the complexity of the subject matter. In this study, Soerjono Soekanto's theory of law enforcement factors, which

identifies five determinants of enforcement effectiveness (the law itself, enforcement officers, facilities, the community, and legal culture), serves as the primary conceptual lens through which the criminal law system is evaluated. John Rawls' theory of justice, specifically his principles of equal liberty and the difference principle, provides the normative benchmark against which enforcement outcomes are assessed for their equity and legitimacy. The integration of these theoretical frameworks is not an exercise in interdisciplinarity but a legitimate doctrinal method: criminal law scholarship has long recognized that the evaluation of penal norms requires reference to foundational theories of justice and legal effectiveness (Rohman et al., 2024b).

The *case approach* (*pendekatan kasus*) completes the methodological architecture by grounding the normative analysis in the concrete realities of criminal adjudication. Court decisions in illegal mining cases — including decisions handed down within the jurisdiction of the East Kalimantan Regional Police and relevant higher courts — are examined not for their sociological significance but for the *ratio decidendi* they reveal: the legal reasoning through which judges interpret and apply penal norms, assess evidence, and determine liability. These decisions illuminate whether the substantive and procedural criminal law norms are applied consistently, whether the organized character of the offense is adequately captured by the courts' reasoning, and whether the sanctions imposed reflect the gravity of the criminal conduct. The case approach, in this sense, functions as an empirical test of normative adequacy — a means of observing the law in judicial operation without departing from the normative register of legal analysis (Angel & Tamrin, 2025).

The legal materials employed in this research are organized into three hierarchical tiers. Primary legal materials — comprising the 1945 Constitution, Law No. 3 of 2020, Law No. 2 of 2002, the KUHAP, Ministerial Regulation No. 26 of 2018, Presidential Regulation No. 22 of 2022, and relevant court decisions — constitute the authoritative sources upon which all normative conclusions must be grounded. Secondary legal

materials — including criminal law textbooks, peer-reviewed journal articles, doctoral dissertations, and official institutional reports — serve an interpretive and supportive function, providing the doctrinal context within which primary materials are understood and evaluated. Tertiary legal materials — legal dictionaries and encyclopaedias — are employed selectively for definitional purposes where conceptual precision demands it.

The collection of these legal materials proceeds through systematic library and documentary research (*studi kepustakaan* and *studi dokumentasi*), employing a *snowball* method of source identification to ensure comprehensive coverage of the relevant literature. All collected materials are subjected to qualitative legal analysis: a process of prescriptive interpretation that applies recognized methods of *grammatical*, *systematic*, *teleological*, and *historical* interpretation to extract the normative content of the legal texts under study. The analytical findings are presented in a descriptive-analytical narrative that traces the criminal law norms from their legislative formulation through their institutional application, identifying points of coherence and dysfunction, and culminating in normatively grounded recommendations for the optimization of criminal law enforcement against organized illegal mining in East Kalimantan.

## 3. DISCUSSION

### Law Enforcement Against Organized Illegal Mining in the East Kalimantan Regional Police Jurisdiction

East Kalimantan (*Kalimantan Timur*) occupies a position of extraordinary strategic significance within the national mineral and coal mining landscape of Indonesia. Rich in coal deposits and situated at the geographical centre of the new national capital territory, *Ibu Kota Nusantara* (IKN), the province has simultaneously become a focal point for lawful investment and a fertile ground for organized illegal mining, locally known as *pertambangan tanpa izin* (PETI). The persistence of PETI in this jurisdiction is not merely an administrative failure; it is, in the criminal law sense, a structural defiance of the state's sovereign authority over natural resources as guaranteed

under Article 33 paragraph (2) of the 1945 Constitution. Illegal mining activities are expressly criminalized under Article 158 of Law No. 3 of 2020 concerning the Amendment to Law No. 4 of 2009 on Mineral and Coal Mining (*Undang-Undang Minerba*), which prescribes a maximum penalty of five years' imprisonment and a fine of up to one hundred billion rupiah for any person conducting mining operations without a valid *Izin Usaha Pertambangan* (IUP), *Izin Usaha Pertambangan Khusus* (IUPK), or *Izin Pertambangan Rakyat* (IPR) (Rohman et al., 2024a). The gravity of this provision notwithstanding, enforcement within the East Kalimantan Regional Police (*Polda Kaltim*) jurisdiction has remained demonstrably inadequate, a condition that demands rigorous legal scrutiny.

The types and geographical distribution of illegal mining activities across East Kalimantan exhibit a troubling diversity. Coal mining without a license constitutes the dominant category, given that the province holds some of the nation's most productive coal basins. However, unlicensed gold extraction and mineral dredging operations have also been documented across regencies bordering North Kalimantan and in riverine corridors such as the Mahakam River basin. As of the third quarter of 2022, national data identified more than 2,700 illegal mining sites across Indonesia, of which 2,645 involved mineral operations and 96 involved coal (Rohman et al., 2024a). East Kalimantan's share of this figure is disproportionately large relative to its area, reflecting both the abundance of its subsoil resources and the insufficiency of state oversight. Critically, what distinguishes East Kalimantan's PETI phenomenon from small-scale subsistence mining is its demonstrably organized character. Investigations conducted by the Directorate of Criminal Investigation (*Ditreskrimsus*) of *Polda Kaltim* have revealed operations utilizing heavy machinery, systematic transportation networks, and pre-arranged coal stockpiling sites—features that are incontrovertibly inconsistent with opportunistic individual mining and instead reflect a structured criminal enterprise (Huzaiman & Umar, 2025).

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The organizational structure of criminal groups engaged in organized illegal mining in East Kalimantan follows a layered hierarchy that complicates prosecution under existing criminal law doctrine. Field operators, truck drivers, and manual laborers constitute the lowest tier and are most frequently apprehended and prosecuted. Above them sit intermediary coordinators who manage logistics, transportation, and port access. At the apex are financiers and *de facto* corporate controllers who rarely appear at the operational site yet derive the greatest economic benefit from the enterprise. This structural reality is particularly evident in the *Ismail Bolong* case, where the National Police Criminal Investigation Agency (*Bareskrim Polri*) identified criminal elements in East Kalimantan and named suspects who, while officially serving as corporate commissioners, had in fact orchestrated an entire chain of unlicensed coal extraction, transportation, and sale under the nominal cover of a corporate entity (Ulinihayati & Prabawani, 2025). The manipulation of corporate facades to conceal organized criminal activity represents one of the most acute challenges to criminal law enforcement in this jurisdiction, as the application of criminal liability to legal entities requires prosecutors to pierce the corporate veil—a burden that Indonesian criminal procedure has historically been ill-equipped to discharge efficiently (Nola Putra E. C Simanungkalit et al., 2025).

The criminal law framework governing law enforcement operations presents both robust instruments and significant lacunae. At the investigation stage, investigators from *Polda Kaltim* are empowered under Law No. 2 of 2002 on the Indonesian National Police and the Code of Criminal Procedure (*Kitab Undang-Undang Hukum Acara Pidana*, KUHAP) to conduct searches, seizures, arrests, and detentions. Proving the key criminal element—the absence of a valid mining permit—requires collaboration with technical experts from the Ministry of Energy and Mineral Resources (*Kementerian Energi dan Sumber Daya Mineral*, ESDM). The role of such expert opinions is constitutionally grounded in Article 120 of the KUHAP, which authorizes investigators

to request expert testimony. Empirical research confirms, however, that reliance on ESDM expert opinions introduces procedural delays and creates evidentiary uncertainty, as the absence of standardized criteria for assessing expert testimony leaves investigators, prosecutors, and judges with divergent interpretations of the same technical evidence (Susi Turti & Adi Nur Rahman, 2025). This normative gap produces inconsistency in the construction of criminal charges and, consequently, in the proportionality of sentences ultimately imposed by the courts.

The prosecution stage reveals further systemic vulnerabilities. Under Article 161 of Law No. 3 of 2020, the offense of transporting and selling mining products without proper authorization is equally criminalized, enabling prosecutors to charge not only those who extract minerals but also those who move and sell them through the supply chain. The application of the participation doctrine (*deelneming*) under Article 55 paragraph (1) point 1 of the Criminal Code (*Kitab Undang-Undang Hukum Pidana*, KUHP) provides the theoretical basis for holding co-perpetrators (*medepleger*) liable alongside the primary actor (*pleger*). Nevertheless, recent judicial decisions reveal persistent problems with the qualification of participation roles and the proportionality of sentences (Revaldo et al., 2026). In East Kalimantan's cases, the tendency of prosecutors to charge peripheral actors such as truck drivers and field supervisors as co-perpetrators while failing to include financiers and corporate orchestrators in the indictment reflects both an investigative limitation and a strategic prosecutorial conservatism that ultimately undermines the deterrent function of criminal law. The criminal law's aspiration to impose accountability proportionate to culpability—a principle central to the philosophy of *ius puniendi*—is effectively frustrated when those who bear the greatest moral and economic responsibility for organized illegal mining escape the reach of prosecution.

Several intersecting obstacles impede effective criminal law enforcement within the *Polda Kaltim* jurisdiction. From a juridical standpoint, the plurality of regulatory

regimes—spanning the *Undang-Undang Minerba*, the Environmental Protection and Management Law (Law No. 32 of 2009), and the anti-money laundering framework—creates jurisdictional ambiguity among investigators and prosecutors as to the appropriate legal basis for charges (Wibisono & Ma'ruf, 2021). The Anti-Money Laundering Law (*Undang-Undang Tindak Pidana Pencucian Uang*) is particularly relevant, given that organized illegal mining generates substantial proceeds that are subsequently laundered through corporate accounts, property transactions, and other financial instruments. Failure to prosecute money laundering as an ancillary offense alongside the predicate mining crime allows criminal networks to retain their illicit gains intact, thereby preserving the financial capacity to resume operations after criminal sanctions have been served. At the technical level, the remoteness of many illegal mining sites in East Kalimantan, combined with the inadequacy of forensic and mapping infrastructure available to *Polda Kaltim*, severely constrains investigators' capacity to gather admissible physical evidence (Hutagalung & Arpangi, 2025). Moreover, unlawful cooperation between some members of law enforcement institutions and illegal mining operators—a phenomenon observed and documented by civil society organizations in the province—represents a critical integrity deficit that not only weakens individual cases but corrodes the legitimacy of the criminal justice system as a whole (Silahi & Anderson, 2025).

The effectiveness of law enforcement as measured by case clearance rates, conviction rates, and the quality of sentences imposed presents a disquieting picture. While *Polda Kaltim* has successfully investigated and referred a number of PETI cases to the prosecutor's office, the preponderance of convictions falls upon lower-tier actors rather than the financiers and corporate masterminds who constitute the criminal enterprise's organizing intelligence. Studies of analogous enforcement patterns in Central Kalimantan and West Kalimantan confirm that this is not a localized aberration but a systemic feature of Indonesian criminal law enforcement against organized mining

crime, wherein field-level deterrence is achieved while the structural architecture of the criminal network remains intact (Wibisono & Ma'ruf, 2021). The sentencing outcomes further reflect this distortion: field operators receive custodial sentences, while those at the apex of the criminal hierarchy either remain unindicted or receive penalties disproportionately lenient relative to the scale of their criminal enterprise. This outcome is normatively untenable. The criminal law must, if it is to serve as a genuine instrument of justice, reach those whose decisions drive criminal enterprises rather than simply those whose hands execute them.

The intersection of organized criminal networks with the formal corporate sector in East Kalimantan adds a further dimension of complexity that existing enforcement structures are not yet adequately calibrated to address. The use of companies holding legitimate IUPs as conduits for the transportation and sale of coal extracted from unlicensed operations—a practice directly observed by civil society monitors in Balikpapan, where unauthorized miners openly used official shipping documents of IUP-holding companies—demonstrates how organizational crime exploits the interface between legality and illegality (Faisal & Rahayu, 2021). Under the criminal law, this conduct constitutes not merely illegal mining but potentially criminal fraud (*penipuan*) and abuse of corporate legal personality, offenses that broadened charging strategies could capture. The failure to systematically employ such expanded charging frameworks represents an unrealized prosecutorial resource that, if properly mobilized, could substantially increase the criminal law's reach into the organizational core of illegal mining networks. The regulatory reform introduced by Law No. 3 of 2020, which centralized mining licensing authority from regional governments to the national level, was designed in part to eliminate the regulatory arbitrage that had historically enabled local officials to issue permits of questionable validity. While this centralization theoretically strengthens state oversight, its practical impact on criminal law enforcement within *Polda Kaltim* has been uneven, as investigators continue to

encounter difficulty verifying permit status in real time due to the absence of a fully integrated and publicly accessible national mining license database (Rahman et al., 2025).

**Optimization Strategies for Law Enforcement Against Organized Illegal Mining in East Kalimantan**

The diagnosis of systemic enforcement failures articulated in the preceding section demands a correspondingly rigorous prescriptive response. Optimization of criminal law enforcement against organized illegal mining in the East Kalimantan Regional Police (*Polda Kaltim*) jurisdiction is not merely a matter of deploying more officers or prosecuting more cases. It requires a fundamental recalibration of criminal law strategy—one that confronts the *modus operandi* of organized criminal networks with equivalent structural sophistication and that is anchored in the theoretical framework of both Soerjono Soekanto's factors of law enforcement and John Rawls' theory of justice as fairness. This section advances five interrelated optimization strategies grounded exclusively in criminal law, arguing that their integrated implementation offers the most defensible path toward dismantling organized illegal mining in East Kalimantan.

The *modus operandi* of organized illegal mining in East Kalimantan is markedly more sophisticated than isolated acts of unauthorized extraction. Criminal groups systematically exploit the gap between licensing formality and operational reality, operating through front companies holding valid *Izin Usaha Pertambangan* (IUP) while conducting actual mining well beyond the authorized coordinates, or using legitimate companies' shipping documents to transport coal extracted from entirely unlicensed sites (Rohman et al., 2024a). Financiers rarely appear in any operative chain: they structure transactions through nominee arrangements, insert intermediary corporations as buffers, and channel proceeds through financial instruments that obscure the link

between illicit mineral sales and the beneficial owner's assets (Fernando et al., 2023). This layered criminal architecture is precisely what enables organized illegal mining to persist even after individual suspects are arrested and prosecuted—because eliminating a field operative does not sever the financial and organizational network that will simply recruit replacements. Any optimization strategy that fails to address this structural *modus operandi* at its organizational and financial core is, from a criminal law standpoint, strategically deficient.

Soerjono Soekanto's theory identifies five determinative factors of law enforcement effectiveness: law itself, law enforcement officers, facilities and infrastructure, the community, and legal culture. Applying this framework to the *Polda Kaltim* context, the most critical constraint is not the inadequacy of the *ius constitutum* but rather a combination of officer competency deficits, infrastructural limitations, and normative ambiguity in charging strategy. The first optimization strategy must therefore be the comprehensive capacity-building of criminal investigators assigned to organized mining cases within the *Ditreskrimsus Polda Kaltim*. Investigators must be trained in financial investigation techniques, including the identification of beneficial ownership structures, the tracing of proceeds through nominee accounts, and the construction of *follow-the-money* evidentiary chains sufficient to sustain a money laundering charge under Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering alongside the predicate mining offense (Ulinihayati & Prabawani, 2025). The failure to prosecute money laundering as an ancillary charge in organized illegal mining cases represents an unrealized enforcement resource of significant magnitude: proof that illicit coal proceeds flowed through a corporate account does not require overcoming the same evidentiary burdens as proving physical mining, yet it exposes the financial architects of organized criminal networks to serious criminal sanctions. Capacity-building in this domain is not optional; it is a prerequisite for enforcement that reaches the apex of criminal hierarchies rather than stopping at the field level.

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The second optimization strategy concerns the structural reform of inter-agency coordination through a criminal law lens. The current enforcement landscape fractures authority across the Indonesian National Police (*Kepolisian Negara Republik Indonesia*), the Ministry of Energy and Mineral Resources (*Kementerian ESDM*) through its Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil*, PPNS), the Attorney General's Office (*Kejaksaan Agung*), and the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*, KPK) in cases involving corrupt officials. This fragmentation produces jurisdictional ambiguity, duplicated effort, and strategic incoherence in charging decisions. What is needed is a formalized, legally grounded joint investigation task force (*satuan tugas*) with explicit authority to coordinate criminal investigation and prosecution from the evidence-gathering stage through to sentencing. Such coordination is not merely procedurally desirable; it is legally necessary to operationalize the full arsenal of criminal offenses available across the *Undang-Undang Minerba*, the anti-money laundering framework, and the Corruption Eradication Law in a coherent prosecutorial strategy targeting the complete spectrum of criminal actors (Tegnan et al., 2021). The *Ismail Bolong* case demonstrated that when *Bareskrim Polri* and the Attorney General's Office coordinated at the national level, it was possible to name senior suspects. The challenge is to institutionalize this coordination within *Polda Kaltim* as a standing operational protocol rather than an ad hoc response to high-profile cases.

The third optimization strategy addresses regulatory reform from the perspective of criminal law's *ius constituendum*. The penal provisions of the *Undang-Undang Minerba* require targeted amendments to resolve two critical deficiencies. First, the deletion of Article 165 of Law No. 3 of 2020—which previously imposed criminal sanctions on government officials who abused their authority in issuing mining permits—has effectively created immunity for corrupt bureaucrats whose permit decisions enable organized illegal mining to operate beneath a veneer of administrative

legitimacy (Fernando et al., 2023). Reinstating criminal liability for permit-issuing officials who act corruptly or negligently is not only a matter of political accountability but of criminal law coherence: a legal regime that punishes the miner but exempts the official who issued a fraudulent or collusive permit is structurally incapable of deterring the systemic corruption that sustains organized mining crime. Second, the maximum custodial penalty of five years prescribed under Article 158, while nominally significant, has proven insufficient to generate the deterrent effect required against well-financed criminal enterprises (Wijoyo et al., 2025). Increasing the maximum penalty for organized or corporate illegal mining, aligned with the proportionality principle of the new National Criminal Code (Law No. 1 of 2023) and calibrated to reflect the scale of state revenue losses—estimated at IDR 3.5 trillion in 2022 alone—would constitute a normatively defensible and practically necessary reform.

The fourth optimization strategy pertains to technology-based criminal intelligence and surveillance. The remoteness of many illegal mining sites in East Kalimantan, combined with *Polda Kaltim*'s limited forensic resources, has historically constrained investigators' capacity to build admissible evidence of organized mining activity. Satellite imagery, drone-based aerial surveillance, and geographic information system (GIS) mapping of permit boundaries against actual operational sites constitute emerging criminal investigation tools that, when properly institutionalized within the investigative framework of the KUHAP, can generate the physical and documentary evidence necessary to establish the spatial elements of the criminal offense—namely, that mining occurred beyond licensed coordinates or in the absence of any license whatsoever (Rahman et al., 2025). The integration of these technologies into criminal investigation practice requires not merely procurement but the development of digital forensic protocols that satisfy admissibility standards under Article 184 of the KUHAP, including proper chain-of-custody documentation for digital evidence. Simultaneously, the *Polda Kaltim* must develop and systematically deploy lawful interception

(*penyadapan*) capabilities, in accordance with the legal standards established for such measures, to penetrate the communication networks of organized criminal groups whose operational coordination occurs through digital channels (Kartikasari, 2025).

The fifth strategy requires confronting the structural corruption that enables illegal mining in East Kalimantan to operate openly and with impunity, as documented by civil society organizations in the province. Where members of the security apparatus are themselves complicit in shielding organized illegal mining operations, the criminal law's integrity imperative demands that they be subject to prosecution under both the Corruption Eradication Law and internal disciplinary mechanisms with genuine punitive force (Putri & Prasetyo, 2021). The normative basis for this is unambiguous: the Indonesian Anti-Corruption Law defines the receipt of gratification by a law enforcement officer in connection with the performance of official duties as a criminal offense, and the protection afforded by organized mining networks to corrupt officers constitutes precisely such gratification. Without a credible internal accountability mechanism that prosecutes complicit officers—rather than merely transferring or administratively sanctioning them—any external enforcement reform will be systematically undermined from within. The criminal justice system cannot function as an instrument of justice against organized crime when its own actors are beneficiaries of that crime.

These five strategies must be assessed through the lens of John Rawls' theory of justice as fairness. Rawls argues that a just society is one organized on principles that rational actors would choose from behind a *veil of ignorance*—principles that guarantee equal basic liberties and arrange social and economic inequalities to benefit the least advantaged (Muhammad et al., 2026). Applied to the criminal law context of organized illegal mining, Rawlsian justice demands that the enforcement apparatus treat all criminal actors proportionately and that the benefits of the state's natural resource sovereignty accrue equitably to all citizens rather than being captured by organized

criminal networks. The current enforcement pattern—whereby field operators receive custodial sentences while financiers retain their illicit gains—is fundamentally incompatible with Rawlsian justice because it imposes the burdens of criminal liability asymmetrically upon those least advantaged within the criminal hierarchy while allowing the most advantaged to escape legal accountability entirely. A criminal law enforcement regime consistent with Rawls' difference principle must reach the apex of criminal hierarchies precisely because the greatest harm—to state revenues, to legitimate industry, and to the sovereignty of natural resource governance—is concentrated there (Susi Turti & Adi Nur Rahman, 2025). The optimization strategies articulated above are not merely technical corrections; they are normative obligations that flow from the state's commitment to justice as fairness in the administration of criminal law.

## 4. CONCLUSION

Law enforcement against organized illegal mining in the East Kalimantan Regional Police jurisdiction reflects a criminal justice apparatus that possesses the normative authority to act but is structurally constrained in translating that authority into consistent, proportionate, and penetrating enforcement outcomes. The evidence demonstrates that while the *Polda Kaltim* has achieved measurable successes in disrupting field-level operations, the organized criminal networks financing, directing, and profiting from illegal mining in East Kalimantan continue to operate with relative impunity. The criminal law tools available—including the predicate crime provisions of the *Undang-Undang Minerba*, the participation doctrine of the KUHP, and the anti-money laundering framework—are in principle sufficient to prosecute the full spectrum of organized illegal mining actors. The persistent enforcement gap arises not from an absence of legal authority but from juridical ambiguities in charging strategies, technical limitations in evidence gathering, institutional integrity deficits, and a prosecutorial

culture that has not yet fully embraced the imperative of reaching the organizational apex of criminal networks. Addressing these deficiencies demands not incremental adjustments but a fundamental reorientation of criminal law enforcement strategy, one that treats organized illegal mining not as an aggregation of individual offenses but as a structured criminal enterprise warranting the full weight of the state's coercive legal power.

The optimization of criminal law enforcement against organized illegal mining in East Kalimantan requires the simultaneous pursuit of investigator capacity-building in financial crime detection, institutionalized inter-agency coordination, targeted regulatory reform to restore criminal liability for corrupt permit issuers and strengthen sentencing proportionality, technology-based criminal intelligence integration, and rigorous prosecution of complicit law enforcement personnel—all assessed against the standard of justice as fairness that Rawls' theory demands of any state committed to equal protection under criminal law. These strategies collectively constitute a legally coherent, theoretically grounded, and practically actionable blueprint for dismantling the organized criminal networks that have, for too long, exploited the enforcement gaps in East Kalimantan's mining governance regime with near-total impunity.

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