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## Execution of Criminal Acts of Fines Can Not Be Fulfilled by Convicts in Mining Crimes

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### Abstrak

Penelitian ini bertujuan untuk menganalisis instrumen hukum pidana atas denda yang telah melewati masa tenggang di sektor pertambangan dan pelaksanaan denda pidana bagi terpidana yang telah melewati masa tenggang dengan prinsip kepastian hukum. Metode penelitian dan penulisan ini menerapkan Hukum empiris dengan pendekatan konseptual, prinsip, teori hukum pidana, pendekatan hukum, dan pendekatan kasus. Penelitian ini menghasilkan dan menjawab persoalan hukum bahwa kemunculannya juga dapat melihat penerapan denda dan kecenderungan untuk menerapkan hukuman penjara secara kumulatif dengan hukuman penjara. Jenis sanksi pidana dalam undang-undang pertambangan dan batubara merupakan tindak pidana utama dalam Penjara, denda, dan Penjara. Jika pelaku adalah badan hukum, jenis sanksi denda bagi badan hukum ditambah 1/3 dari ketentuan pidana maksimum denda yang dikenakan. Kejahatan tambahan termasuk mencabut izin usaha dan/atau mencabut status badan hukum. Pertanggungjawaban pidana di bidang pertambangan dapat dikenakan kepada orang pribadi atau badan hukum yang dapat ditinjau dari subjek tindak pidana yang terkandung dalam ketentuan pidana. Temuan berikut adalah penerapan sanksi pidana dan denda dalam tindak pidana di sektor pertambangan masih menimbulkan masalah; Yaitu, terdapat kesenjangan antara sanksi pidana dan denda dalam perumusan UU Pertambangan karena tidak adanya aturan eksplisit tentang mekanisme upaya koersif sehingga terpidana dapat melaksanakan hukuman denda yang dijatuhkan. Adanya opsi hukum pidana denda dapat digantikan dengan hukuman penjara, menyebabkan banyak terpidana memilih menjalani hukuman penjara daripada denda. Dengan menjalani hukuman penjara, seolah-olah terpidana telah membayar denda secara penuh.

Article Info	Abstract
<b>Article History:</b> Received : 03-08-2025 Revised : 20-12-2025 Accepted : 22-12-2025 Published : 31-12-2025.	<p><i>This study aims to analyze criminal legal instruments for fines that have passed the grace period in the mining sector and the implementation of criminal fines for convicts who have passed the grace period by the principle of legal certainty. This research and writing method applies empirical Law with a conceptual approach, principles, criminal law theory, law approach, and case approach. This study produces and answers the legal issue that the emergence can also see the application of fine penalties and the tendency to apply prison sentences cumulatively with prison sentences. The type of criminal sanction in the mineral and coal law is the main crime in Imprisonment, a fine, and Imprisonment. If the perpetrator is a legal entity, the type of fine sanction for the legal entity is plus 1/3 of the maximum criminal provisions of the fine imposed. Additional crimes include revoking business licenses and/or revoking legal entity status. Criminal liability in the mining sector can be imposed on individuals or legal entities as can be reviewed from the subject of criminal acts contained in the criminal provisions. The following finding is that the application of criminal sanctions and fines in criminal acts in the mining sector still raises problems; namely, there is a gap between criminal sanctions and fines in the formulation of the mining law due to the absence of explicit rules on the mechanism of coercive efforts so that the convict can carry out the fine imposed sentence. The existence of a criminal law option of fines can be replaced by prison sentences, causing many convicts to choose to serve prison sentences instead of fines. By serving a prison sentence, it is as if the convict has paid the fine in full.</i></p>
<b>Keywords:</b> Criminal Act; Execution; Fines; Mining	

## INTRODUCTION

The execution of fines in the context of mining crimes is a complex issue and is often faced by legal systems in various countries, including Indonesia. Fines are imposed as a sanction for violations of the Law in the mining sector, which aims to provide a deterrent effect and encourage compliance with regulations <sup>1</sup>. However, many convicts cannot meet the obligation to pay the fine due to difficult economic conditions, losses incurred by the offence, or a lack of understanding of the legal consequences. This problem creates challenges in law enforcement and raises questions about fairness in the justice system <sup>2</sup>. One known aspect is that the inability of convicts to pay fines often leads to prison sentences as an alternative. In many cases, convicts who are unable to meet their fine obligations choose to serve prison sentences, which not only burdens the justice system but also does not provide constructive solutions for offenders <sup>3</sup>. Prisons are not always effective

<sup>1</sup> Beth A Colgan, 'The Excessive Fines Clause: Challenging the Modern Debtors' Prison' (2018) 65 UCLA Law Review 2.

<sup>2</sup> Gill McIvor, Carlotta Pirnat and Christian Grafl, 'Unpaid Work as an Alternative to Imprisonment for Fine Default in Austria and Scotland' (2013) 5 European Journal of Probation 3.

<sup>3</sup> Beth A Colgan and Jean Galbraith, 'The Failed Promise of Installment Fines' (2024) 172 University of Pennsylvania Law Review 989.

places of rehabilitation and often only worsen the social and economic conditions of convicts. Therefore, it is essential to explore other, more humane alternatives that can positively impact individuals and society <sup>4</sup>.

As a literature review, similar research related to this has been conducted by previous researchers. Among others is Ali M et al., who focus on Whether criminal fines in economic legislation are effective—evidence from Indonesia <sup>5</sup>. The next researcher, Rasjuddin, focuses on the Criminal Law Protection of Mining Companies in Environmental Damage Management <sup>6</sup>. Thus, another researcher, Salam S et al., concentrates on Corporate legal responsibility against environmental damage <sup>7</sup>. In addition to similar research, a researcher, namely Mtavangu, V.B., et al., researches The Efficacy of Administrative Orders and Sanctions in Regulating Corporate Environmental Crimes in Mining Areas in Tanzania <sup>8</sup>. Finally, Gernand, J.M. focuses on Evaluating the effectiveness of mine safety enforcement actions in forecasting the lost-days rate at specific worksites <sup>9</sup>. However, the researcher analyzed What is the legal basis for fines that have passed the grace period in the mining sector in Indonesia. How is the implementation of the execution of penalties against convicts who have passed the grace period by the principle of legal certainty?

The general understanding of executing unfulfilled fines also includes a legal vacuum in the regulations governing this. Many existing laws do not provide clear guidance on what steps to take when fines cannot be met, so law enforcement often faces difficulties enforcing sanctions <sup>10</sup>. The absence of a precise mechanism to deal with this situation can lead to unfair treatment of the convicted and reduce the legal system's effectiveness. Therefore, legal reforms must address this

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<sup>4</sup> McIvor, Pirnat and Grafl (n 2).

<sup>5</sup> Mahrus Ali and others, 'Is Criminal Fine in Economic Legislations Effective? Evidence from Indonesia' (2022) 8 Cogent Social Sciences.

<sup>6</sup> Rasjuddin Rasjuddin, 'Perlindungan Hukum Pidana Lingkungan Terhadap Kegiatan Perusahaan Pertambangan Dalam Prnanggulangan Dampak Lingkungan' (2020) 36 Jurnal Hukum 1 <<http://jurnal.unissula.ac.id/index.php/jurnalhukum/article/view/11180>>.

<sup>7</sup> S Salam and others, 'Corporate Legal Responsibility against Environmental Damage' (2019) 343 IOP Conference Series: Earth and Environmental Science 012137.

<sup>8</sup> Vicent Bartholomew Mtavangu, 'The Efficacy of Administrative Orders and Sanctions in Regulating Corporate Environmental Crimes in Mining Areas in Tanzania' (2024) 20 Law, Environment and Development Journal 33.

<sup>9</sup> Jeremy M Gernand, 'Evaluating the Effectiveness of Mine Safety Enforcement Actions in Forecasting the Lost-Days Rate at Specific Worksites' (2016) 2 ASCE-ASME Journal of Risk and Uncertainty in Engineering Systems Part B: Mechanical Engineering.

<sup>10</sup> Zico Junius Fernando, Kiki Kristanto and Ariesta Wibisono Anditya, 'Knitting Democracy, Separating Restraints: Legal Reform and a Critical Analysis of Article 256 of the New Criminal Code and Its Impact on Freedom of Speech' (2024) 5 Journal of Law and Legal Reform 555.

issue and create a more transparent and fairer framework <sup>11</sup>. It is essential to realize that the execution of the criminal act of an unfulfilled fine by a convict in a mining crime has an impact not only on the convicted individual but also on society and the environment <sup>12</sup>. The inability to enforce fines can reduce public trust in the legal system and create the perception that violations of the Law in the mining sector can be carried out without meaningful consequences. Thus, a better understanding of the issue can help formulate more effective policies and strategies to improve compliance with mining regulations and create a fairer and more responsive legal system <sup>13</sup>.

However, in the context of executing criminal acts of fines that cannot be fulfilled by convicted mining entrepreneurs in mining crimes, several aspects are still not widely known <sup>14</sup>. First, data and statistics regarding the number of convicted mining entrepreneurs who cannot pay fines in the mining sector are still minimal. Without comprehensive data, it is difficult to understand the extent to which these problems occur and their impact on the legal system. This lack of information also makes it difficult for the authorities to formulate appropriate policies to deal with the situation. Second, there is a gap in understanding the factors that cause convicted mining entrepreneurs to be unable to fulfil their fine obligations <sup>15</sup>. Many convicts come from bankrupt mining backgrounds, but in-depth research into their social and economic conditions is lacking. This matter creates difficulties in formulating appropriate solutions, such as rehabilitation programs or more humane alternatives to sanctions. Without a clear understanding of the causes of this inability, efforts to improve the legal system will be less effective. Third, the legal vacuum in the regulations governing the execution of fines is also a significant problem. Many existing laws do not provide clear guidance on the steps to be taken when fines cannot be met. The absence of a precise mechanism to deal with this situation can lead to unfair treatment of convicted mining

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<sup>11</sup> Linert Lirëza, Faculty Law and Universitas Jendral Soedirman, 'ILLEGAL LOGGING ENFORCEMENT : DYNAMICS OF PENAL SANCTIONS IN KEBUMEN COURT' (2024) 09 36.

<sup>12</sup> Mtavangu (n 8).

<sup>13</sup> Dwi N Adhiasto, 'A Criminal Justice Response to Address the Illegal Trade of Wildlife in Indonesia' 1; Gazalba Saleh and Teng Junaidi Gunawan, 'DESIGNING A JUST, DEFINITE, DETERRENT, RESTORATIVE, AND RESPONSIVE CRIMINAL JUSTICE SYSTEM THROUGH SENTENCING ECONOMIC VALUE' (2021) 24 Journal of Legal, Ethical and Regulatory Issues 1.

<sup>14</sup> VA Shestak and EA Postoeva, 'CRIMINAL LIABILITY FOR ILLEGAL COAL MINING: RUSSIAN AND FOREIGN LEGAL REGULATION; [Уголовная Ответственность За Незаконную Добычу Угля: Российское и Иностранное Правовое Регулирование]' [2022] Ugol 95.

<sup>15</sup> Colgan and Galbraith (n 3).

entrepreneurs and reduce the legal system's effectiveness. Law enforcement often lacks adequate tools to enforce sanctions, creating uncertainty in the legal process <sup>16</sup>.

It is essential to explore the social impact of the inability of convicted miners to pay fines. There has not been enough research on how this situation affects the communities around mining sites, including the impact on public trust in the legal system <sup>17</sup>. This gap demonstrates the need for further research to understand the broader implications of executing unfulfilled fines and to formulate more effective and equitable policies in law enforcement in the mining sector <sup>18</sup>. The execution of criminal acts of fines that convicts cannot fulfil in mining crimes is an urgent issue to be addressed. In this case, the legal vacuum challenges law enforcement and justice. Many convicted mining entrepreneurs cannot pay fines for various reasons, including difficult economic conditions and a lack of understanding of legal consequences. Therefore, it is crucial to fill this gap by formulating more transparent and effective policies enforcing fines to provide the expected deterrent effect and encourage compliance with mining regulations <sup>19</sup>. The main reason for filling this void is to ensure that the legal system functions fairly and effectively. The inability of convicted mining entrepreneurs to pay fines often leads to prison sentences, which not only burden the justice system but also do not provide constructive solutions for offenders. Better policies, such as flexible payment mechanisms or alternative sanctions, are expected to reduce the number of convicts forced to serve prison sentences and provide opportunities for them to correct wrongs <sup>20</sup>. It will also help reduce the social stigma that is often attached to individuals involved in breaking the Law.

Filling this void creates a system more responsive to convicts' needs and conditions <sup>21</sup>. By understanding the factors that lead to the inability to pay fines, such as economic conditions and access to resources, policies can be formulated to provide more humane solutions. For example, rehabilitation or social work programs can be a better alternative to prison sentences, allowing

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<sup>16</sup> Marci M Fulton, 'The Impact of New Civil Penalties on Your Bottom Line' (2007) 112 *Coal Age* 48.

<sup>17</sup> Ning Li and others, 'Evaluation and Quantitative Characterization for the Ecological Environment Impact of Open Pit Mining on Vegetation Destruction from Landsat Time Series: A Case Study of Wulishan Limestone Mine' (2024) 158 *Ecological Indicators* 111371; Indah Dwi Qurbani and Nabila Aulia Rahma, 'STRATEGIC ANALYSIS OF GREEN FINANCE CRIME TO STRENGTHEN GREEN ECONOMY IN EMERGING MARKETS' (2024) 6 32.

<sup>18</sup> Marci Fulton, 'Upping the Ante: Increased Penalties under the MINER Act' (2007) 112 *Coal Age* 48.

<sup>19</sup> Pieter JF Huizing, 'Proportionality of Fines in the Context of Global Cartel Enforcement' (2020) 43 *World Competition* 61.

<sup>20</sup> Christian Mott and Larisa Heiphetz Solomon, 'Alternative Punishments: How Laypeople and Judges Impose Alternative Noncarceral Sanctions' (2024) 30 *Psychology, Public Policy, and Law* 326.

<sup>21</sup> *ibid*.

convicted mining entrepreneurs to contribute back to society while fulfilling their legal obligations<sup>22</sup>. The hypothesis that can be put forward is that by filling the void in the execution of fines, there will be an increase in compliance with the Law in the mining sector<sup>23</sup>. If convicted mining entrepreneurs are given more flexible and humane options to meet their fine obligations, they will be more motivated to comply with existing regulations. In addition, with clear legal reforms, it is hoped that more equitable justice will be created and violations will be reduced in the future so that the mining sector can operate better and responsibly<sup>24</sup>.

Mining regulations are regulated in Law 3 of 2020, which amends Law 4 of 2009 concerning mineral and coal mining<sup>25</sup>. There are only four forms of mining in forest areas without a permit, namely mining without a permit, submitting false information report data, laundering mining products, and not carrying out Reclamation and post-mining, which impacts state losses. One of the incidents that often occurs is illegal mining, which harms the environment and the community around the mine due to the inconsistency of mining procedures as determined and can cause harm to the state<sup>26</sup>. Illegal mining crimes are also rampant in Southeast Sulawesi Province; one example is illicit mining activities in Lelewawo Village, Batu Putih District, North Kolaka Regency, as stated in Decision 296/Pid.Sus/2021/PN KDI 2021 that Arisman Bin La Feulo, as the Defendant June 2020, conducted checks around the Nickel Ore mining site in Batu Butih District, North Kolaka Regency, to purchase Nickel Ore. Furthermore, Defendant saw the existence of a former mine opening and a pile of Nickel Ore in Lelewawo Village, Batu Putih District, North Kolaka Regency, so at that time, Defendant knew that there was an opportunity to carry out Nickel Ore

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<sup>22</sup> Ilya Slavinski and Becky Pettit, 'Proliferation of Punishment: The Centrality of Legal Fines and Fees in the Landscape of Contemporary Penology' (2022) 69 *Social Problems* 717; Sara K Rankin, 'Civilly Criminalizing Homelessness' (2021) 56 *Harvard Civil Rights-Civil Liberties Law Review* 368; Thomas Anton Sandøy, Ståle Østhus and Anne Line Bretteville-Jensen, 'Social Inequality in Alternative Sanctions: A Register Data Study on All Adolescent Drug Offenders in Norway 2005–2015' (2023) 20 *European Journal of Criminology* 1331.

<sup>23</sup> Patricia Faraldo Cabana, 'Paying off a Fine by Working Outside Prison: On the Origins and Diffusion of Community Service' (2020) 17 *European Journal of Criminology* 628 <<https://journals.sagepub.com/doi/10.1177/1477370818819691>>.

<sup>24</sup> Maria Katarina E Rafael and Chris Mai, 'Understanding the Burden of Legal Financial Obligations on Indigent Washingtonians' (2022) 11 *Social Sciences* 17 <<https://www.mdpi.com/2076-0760/11/1/17>>; Jean Galbraith and others, 'Poverty Penalties as Human Rights Problems' (2023) 117 *American Journal of International Law* 397 <[https://www.cambridge.org/core/product/identifier/S0002930023000258/type/journal\\_article](https://www.cambridge.org/core/product/identifier/S0002930023000258/type/journal_article)>.

<sup>25</sup> Mineral and Coal Mining 2009 4; Law 3 Year 2020 Mineral & Coal Mining 2020; David Hariadi, Hesti Wulan and Sonya Claudia Siwu, 'Analisis Yuridis Terhadap Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja' (2023) 9 *Jurnal Hukum to-ra : Hukum Untuk Mengatur dan Melindungi Masyarakat* 428.

<sup>26</sup> M Zaid and others, 'The Sanctions on Environmental Performances: An Assessment of Indonesia and Brazilia Practice' (2023) 3 *Journal of Human Rights, Culture and Legal System* 236.

mining activities at that location. Furthermore, on August 23, 2020, Defendant began to conduct mining activities without the government's official permit until August 23, 2020, with a processed location area of about 1 hectare.

On August 23, 2020, as mentioned above, the Defendant's mining activities were stopped by the Personnel of the Directorate of Special Criminal Investigation of the Southeast Sulawesi Regional Police. Legal proceedings began until finally the Defendant was declared by the Kendari District Court that the Defendant was legally and convincingly proven guilty of committing the crime of mining without a permit as stipulated in Article 158 *of the juncto* Article 35 of Law Number 3 of 2020 concerning Amendments to Law 4 of 2009 concerning Mineral and Coal Mining and the Defendant is sentenced to 7 (seven) months in Prison and a fine of Rp.1,000,000,000 (One Billion Rupiah) with the provision that if the fine is not paid, it will be replaced with a prison sentence of 2 (two) months. In the hearing of the case, the panel of judges decided on additional sanctions, namely the sanction of confiscation of objects, but based on the Criminal Code, the additional sanctions are facultative, and specific circumstances are imperative. In addition, the objects confiscated are objects or goods suspected of being the proceeds of crime, including deliberately used for criminal acts. Therefore, most inmates prefer to serve confinement instead of unpaid fines because the Criminal Code allows convicts to choose between paying or not. If for the reason of not being able to pay, then the adagium *Quoniam potest solvere poenam in aere, luat in corpore* (whoever is unable to pay, then he must pay for the suffering of the body), which is imprisonment/Imprisonment instead of a fine <sup>27</sup>. This understanding is also appreciated by the community in general, as reflected in the adagium *Quaelibet poena corporalis, quanvis minima, majorest quaelibet poena pecuniaria* (however light a corporal crime may be, it will be heavier than a fine) <sup>28</sup>.

The Court's decision can mean that in law enforcement against mining crimes, penalties can be applied cumulatively, namely Imprisonment and fines <sup>29</sup>. In connection with the application of penalties, when viewed from the policy aspect of criminal Law, the phenomenon of the use of

<sup>27</sup> Natalie Goulette and James Frank, 'Examining Criminal Justice Practitioners' Views on Collateral Consequences Policy' (2018) 43 American Journal of Criminal Justice 724 <<http://link.springer.com/10.1007/s12103-017-9423-5>>.

<sup>28</sup> Gill McIvor, Carlotta Pirnat and Christian Grafl, 'Unpaid Work as an Alternative to Imprisonment for Fine Default in Austria and Scotland' (2013) 5 European Journal of Probation 3 <<https://journals.sagepub.com/doi/10.1177/206622031300500202>>.

<sup>29</sup> Jessica Mogk and others, 'Court-Imposed Fines as a Feature of the Homelessness-Incarceration Nexus: A Cross-Sectional Study of the Relationship between Legal Debt and Duration of Homelessness in Seattle, Washington, USA' (2020) 42 Journal of Public Health e107 <<https://academic.oup.com/jpubhealth/article/42/2/e107/5510723>>.

criminal penalties is a type of criminal sanction that is *non-custodial* and is also considered not to cause stigmatization and economically, the state receives input in the form of money <sup>30</sup>. However, in practice, problems also arise related to whether the convict can pay the fine after the deadline set by the District Court. There are also no provisions related to the actions that can be taken to force the Convicted to pay the fine. Therefore, the researcher needs to conduct a comparative analysis related to "Criminal Execution of Fines That Cannot Be Fulfilled by Convicted Mining Cases" and with the following problem formulation: What is the legal basis for fines that have passed the grace period in the mining sector in Indonesia? How is the implementation of the execution of penalties against convicts who have passed the grace period following the principle of legal certainty?

## METODE

The research method used in this study is a qualitative approach with a descriptive research design. This research aims to explore and understand the phenomenon of the execution of fines that convicts cannot fulfil in mining crimes. The population in this study includes convicted mining entrepreneurs who have been fined in mining crime cases, law enforcement, and practitioners in the mining sector. Samples will be taken purposively, i.e., by selecting individuals with relevant experience or knowledge related to the research topic. In this way, it is hoped that the data obtained can provide an in-depth picture of the challenges and solutions in executing fines. The instruments used in this study included semi-structured interviews and document analysis. Interviews will be conducted with convicted mining entrepreneurs, law enforcement, and legal experts to gain diverse perspectives on fine execution. In addition, document analysis will be carried out on laws and regulations governing fines in mining crimes, as well as relevant case data. The research procedure will begin with data collection through interviews and document collection, followed by data analysis to identify patterns, challenges, and recommendations for fine execution. The results of this research are expected to contribute to developing more effective policies in law enforcement in the mining sector.

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<sup>30</sup> Rebecca J Mitchell and others, 'Homelessness and Predictors of Criminal Reoffending: A Retrospective Cohort Study' (2023) 33 Criminal Behaviour and Mental Health 261 <<https://onlinelibrary.wiley.com/doi/10.1002/cbm.2298>>.



## DISCUSSION AND ANALISYS

The study results on the execution of fines that convicts cannot fulfil in mining crimes show that several factors affect the inability of convicted mining entrepreneurs to pay fines <sup>31</sup>. From the interviews conducted, many convicted mining entrepreneurs revealed that challenging economic conditions, especially for those from low-income backgrounds, are the main barrier <sup>32</sup>. In addition, some convicted mining entrepreneurs also state a lack of understanding of the legal consequences of their offences, which leads to an inability to meet the obligation of fines. Furthermore, this study found that many law enforcers find it difficult to enforce the execution of penalties due to a legal vacuum regulating the mechanism for handling convicted mining entrepreneurs who cannot pay<sup>33</sup>. Many existing laws do not provide clear guidance on the steps to be taken in this situation, creating uncertainty in the legal process. This difficulty has led to law enforcement often lacking adequate tools to enforce sanctions, reducing the legal system's effectiveness in dealing with violations in the mining sector <sup>34</sup>.

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<sup>31</sup> Michael Gmeiner and Robert Gmeiner, 'Regulation Enforcement' (2022) 43 Journal of Labor Research 163 <<https://link.springer.com/10.1007/s12122-022-09332-3>>; AA Vasin, EA Kozyreva and AS Tyuleneva, 'Optimization of the Occupational Safety Compliance Control (OSCC) System at a Coal Mining Enterprise' (2017) 56 Journal of Computer and Systems Sciences International 810 <<http://link.springer.com/10.1134/S1064230717050124>>.

<sup>32</sup> Bobby Mahlori and Elma van der Lingen, 'Evaluation of Factors That Hinder Technology and Engineering Entrepreneurs in the Mining Sector', *2018 Portland International Conference on Management of Engineering and Technology (PICMET)* (IEEE 2018) <<https://ieeexplore.ieee.org/document/8481860/>>; Nick Williams and Colin Williams, 'Entrepreneurship and Deprived Urban Areas: Understanding Activity and the Hidden Enterprise Culture', *Entrepreneurial Neighbourhoods* (Edward Elgar Publishing 2017) <<https://china.elgaronline.com/view/edcoll/9781785367236/9781785367236.00010.xml>>; Dallin Overstreet, 'The Negative Impact of Barriers to Entry on Income Inequality' (2020) 40 Economic Affairs 344 <<https://onlinelibrary.wiley.com/doi/10.1111/ecaf.12426>>.

<sup>33</sup> Igor Z Fedorov and others, 'Judicial Practice and Issues of Improving Administrative and Civil Liability in Entrepreneurship' (2025) <[https://link.springer.com/10.1007/978-3-031-83041-9\\_27](https://link.springer.com/10.1007/978-3-031-83041-9_27)>; Rasjuddin Rasjuddin, 'PERLINDUNGAN HUKUM PIDANA LINGKUNGAN TERHADAP KEGIATAN PERUSAHAAN PERTAMBANGAN DALAM PRNANGGULANGAN DAMPAK LINGKUNGAN' (2020) 36 Jurnal Hukum 1 <<http://jurnal.unissula.ac.id/index.php/jurnalhukum/article/view/11180>>; Iryna Chatsverykova, 'Mobilization of Criminal Law by Business and State: Socio-Economic Status of Defendants and Pretrial Detention in Economic Cases' (2018) 19 Journal of Economic Sociology 12 <[https://ecsoc.hse.ru/data/2018/04/01/1164751079/ecsoc\\_t19\\_n2.pdf#page=12](https://ecsoc.hse.ru/data/2018/04/01/1164751079/ecsoc_t19_n2.pdf#page=12)>.

<sup>34</sup> Alexandra Mallett and others, 'Environmental Impacts of Mining in Brazil and the Environmental Licensing Process: Changes Needed for Changing Times?' (2021) 8 The Extractive Industries and Society 100952 <<https://linkinghub.elsevier.com/retrieve/pii/S2214790X21001143>>; Kuat Puji Prayitno, Galih Pandu Ramadhan and Faiz Nuha Ilmawan, 'Law Enforcement's Role in Tackling Illegal Gold Mining for Sustainable Development Goals' (2025) 609 E3S Web of Conferences 07002 <<https://www.e3s-conferences.org/10.1051/e3sconf/202560907002>>; Johanna Espin and Stephen Perz, 'Environmental Crimes in Extractive Activities: Explanations for Low Enforcement Effectiveness in the Case of Illegal Gold Mining in Madre de Dios, Peru' (2021) 8 The Extractive Industries and Society 331 <<https://linkinghub.elsevier.com/retrieve/pii/S2214790X20303269>>.

## 1. The Legal Basis of Fines and Their Application in the Mining Sector in Indonesia

Fines are the oldest type of crime and older than prison crimes. Payment of fines can sometimes be in compensation and customary fines. Criminal fines have been used in criminal Law for centuries<sup>35</sup>. The Anglo-Saxons initially systematically used financial punishment for criminals. Payment of money in compensation is given to the victim. The compensation reflects the long-standing self-help justice that allows victims to seek direct redress against those who have wronged and the resulting bloodshed<sup>36</sup>. Thus, it can be concluded that the threat to the life and property of a group posed by victim retaliation is an essential factor in the development and popularity of punishment in the form of money. A criminal fine is a punishment in the form of a person's obligation to restore the legal balance or make amends for his wrongdoing by paying a certain amount<sup>37</sup>.

Criminal fines have their qualifications or uniqueness compared to the type of death penalty or prison sentence. Therefore, the penalty of fines also aims to ensnare the perpetrator<sup>38</sup>. This fine is not intended to enrich the state or impoverish the perpetrator because if it refers to the qualification of the criminal penalty of a fine regulated in the Criminal Code, the criminal value of a fine is considered low<sup>39</sup>. Explicitly, the criminal fine is regulated in the following Article: 1.

<sup>35</sup> Muhammad Natsir, Andi Hidayat Anugrah Ilahi and Titien Pratiwi Adnas, 'POLITICAL AND LEGAL DEVELOPMENTS IN MINERAL AND COAL MINING LAWS: A CRITICAL REVIEW' (2024) 9 Diponegoro Law Review 186 <<https://ejournal.undip.ac.id/index.php/dlr/article/view/38009>>.

<sup>36</sup> Patricia Faraldo-Cabana, *Money and the Governance of Punishment* (Routledge 2017) <<https://www.taylorfrancis.com/books/9781134872572>>; Patricia Faraldo-Cabana, 'Who Dares Fine a Murderer? The Changing Meaning of Money and Fines in Western European Criminal Systems' (2016) 25 Social & Legal Studies 489 <<https://journals.sagepub.com/doi/10.1177/0964663915618545>>; Patricia Faraldo Cabana, 'A Certain Sense of Fairness? Why Fines Were Made Affordable' (2015) 12 European Journal of Criminology 616 <<https://journals.sagepub.com/doi/10.1177/1477370815587765>>.

<sup>37</sup> Avi Meyerstein, 'Beware of the Repeats' (2008) 113 Coal Age 72 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-52049105003&partnerID=40&md5=079ed80f0b02ba3101ddde083adcd856>>; Faraldo Cabana (n 36); Fulton (n 18).

<sup>38</sup> S Salam and others, 'Corporate Legal Responsibility against Environmental Damage' (2019) 343 IOP Conference Series: Earth and Environmental Science 012137 <<https://iopscience.iop.org/article/10.1088/1755-1315/343/1/012137>>; VA Shestak and EA Postoeva, 'CRIMINAL LIABILITY FOR ILLEGAL COAL MINING: RUSSIAN AND FOREIGN LEGAL REGULATION' [2022] Ugol' 95 <<http://www.ugolinfo.ru/index.php?article=202208095>>.

<sup>39</sup> Beth A Colgan, 'Graduating Economic Sanctions According to Ability to Pay' (2017) 103 Iowa Law Review 53 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85037172151&partnerID=40&md5=255bff46d3b8c396a27541c67aa76fc1>>; Alexes Harris, *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor* (Russell Sage Foundation 2016) <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85009948418&partnerID=40&md5=a12b7d38046b03953a119d6854bb50cb>>; Breanne Pleggenkuhle, 'The Financial Cost of a Criminal Conviction: Context and Consequences' (2018) 45 Criminal Justice and Behavior 121 <<https://journals.sagepub.com/doi/10.1177/0093854817734278>>.

Article 30 of the Criminal Code reads: a) The amount of the fine is at least twenty-five cents; b) If a fine is imposed, it is not paid, then it is replaced with a prison sentence; c) The duration of the substitute imprisonment is at least one day, and the maximum is six months; d) In the judge's decision, it is determined that for a fine of half a rupiah or less, the length of Imprisonment instead of the fine is one day; for a fine greater than that, for each half rupiah is reimbursed for not more than one day, and for the remaining half rupiah, the duration is also one day; e) The sentence of confinement may be imposed for a maximum of six months if the maximum fine is increased because of certain crimes committed, repeated crimes, or because of the matters specified in Article 52; f) The sentence should never exceed eight months. Subsequently mentioned on Article 31 of the Criminal Code reads: a) Convicts can serve a substitute prison sentence without waiting for the deadline to pay fines; b) He is always authorized to release himself and the substitute imprisonment by paying the fine; c) The payment of part of the fine, conditional starting to serve the substitute prison sentence, exempts the convict from a portion of the Imprisonment that is proportional to the part paid <sup>40</sup>.

The problem is that the threat of criminal fines contained in the Criminal Code is not of high value when compared to the current currency value in Article 3 of the Regulation of the Supreme Court of the Republic of Indonesia Number 02 of 2012 concerning the Adjustment of the Limits of Misdemeanor Crimes and the Number of Fines in the Criminal Code states that each maximum amount of fine penalties threatened in the Criminal Code except Article 303 paragraph (1) and paragraph (2), 303 bis paragraph (1) and paragraph (2), multiplied to 1,000 (thousand) times. One of the objectives of issuing Supreme Court Regulation Number 2 of 2012 concerning the Adjustment of Limits on Misdemeanor Crimes and the Number of Fines in the Criminal Code is

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<sup>40</sup> Elena Kantorowicz-Reznichenko and Maximilian Kerk, 'Day Fines: Asymmetric Information and the Secondary Enforcement System' (2020) 49 *European Journal of Law and Economics* 339 <<https://link.springer.com/10.1007/s10657-020-09658-2>>; Javier García Luengo, 'The Adaptation of Administrative Fines to the Offender's Economic Capacity and the Problem of Definition of Offences in Punitive Measures; [La Adaptación de Las Sanciones Pecuniarias Administrativas a La Capacidad Económica Del Infractor y Los Problemas D'] [2015] *Revista General de Derecho Administrativo* <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-84926639616&partnerID=40&md5=4bdfc30cc3b265189d1adbc8b8290bea>>; Mitali Nagrecha and Nicole Bögelein, 'Criminal-Legal System Actors' Practices and Views on Day Fines; [Festsetzung von Geldstrafen - Zum Umgang Mit Dem Tagessatzsystem in Der Praxis]' (2019) 1 *Kriminologie* 267 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85132524189&doi=10.18716%2Ffojs%2Fkrimoj%2F2019.2.11&partnerID=40&md5=97a1975d8aeb3e23832e642768dbbf74>>.

to make the criminal fines effective again <sup>41</sup>. The Supreme Court's consideration to adjust the amount of penalties can be seen from the explanation in the last paragraph, namely to reduce the burden on Correctional Institutions which have currently exceeded their capacity, which has resulted in the emergence of new problems and re-effective the criminal fines <sup>42</sup>.

Based on Article 30 of the Criminal Code, there is no provision for a definite deadline for when the fine must be paid. Moreover, Article 30 of the Criminal Code does not provide other actions that guarantee that the convict can be forced to pay the fine, such as confiscating or confiscating his property or wealth. So, according to the Criminal Code system, the possible alternative if the convict does not pay the fine is to impose a substitute prison sentence. Penalties in the formulation of the Criminal Code are threatened alternatively with Imprisonment (Book II has 133 articles) or with Imprisonment (Book III has 34 articles), and the formulation is threatened alone (Book II has two articles and Book III has 40 articles) <sup>43</sup>. However, Article 103 of the Criminal Code opens up the possibility for lawmakers outside the Criminal Code to deviate from or exclude matters that are generally regulated in the Criminal Code so that in the regulations of special criminal acts outside the Criminal Code, fines are constantly threatened in the formulation of the criminal act cumulatively and in particular articles are threatened alternatively with Imprisonment <sup>44</sup>. Mainly related to fine criminal sanctions, there have been many changes to various types of new criminal acts outside the Criminal Code, which contain provisions for criminal punishment of fines as one of the criminal means to strengthen the enactment of new legal rules. The increase in penalties can also be seen with the emergence of a tendency to apply prison

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<sup>41</sup> Elena Kantorowicz-Reznichenko, 'Day-Fines: Should the Rich Pay More?' (2015) 11 *Review of Law & Economics* 481 <<https://www.degruyterbrill.com/document/doi/10.1515/rle-2014-0045/html>>; R Barry Ruback, *Economic Sanctions in Criminal Justice* (Oxford University Press New York 2021) <<https://academic.oup.com/book/41154>>.

<sup>42</sup> Faraldo Cabana (n 23).

<sup>43</sup> D Haryadi, Ibrahim and Darwance, 'Environmental Improvement Policy through the Obligation of Post-Tin Mining Reclamation in the Islands of Bangka Belitung' (2023) 1175 *IOP Conference Series: Earth and Environmental Science* 012021 <<https://iopscience.iop.org/article/10.1088/1755-1315/1175/1/012021>>; Ummi A'zizah Zahroh and Fatma Ulfatun Najicha, 'Problems and Challenges on Environmental Law Enforcement in Indonesia: AMDAL in the Context of Administrative Law' (2022) 5 *Indonesian State Law Review (ISLRev)* 53 <<https://journal.unnes.ac.id/sju/index.php/islrev/article/view/46511>>.

<sup>44</sup> INGOLF DITTMANN, '<scp>The Optimal Use of Fines and Imprisonment If Governments Do Not Maximize Welfare</Scp>' (2006) 8 *Journal of Public Economic Theory* 677 <<https://onlinelibrary.wiley.com/doi/10.1111/j.1467-9779.2006.00283.x>>; Nuno Garoupa and Murat Mungan, 'Optimal Imprisonment and Fines with Non-Discriminatory Sentences' (2019) 182 *Economics Letters* 105 <<https://linkinghub.elsevier.com/retrieve/pii/S0165176519302344>>; Avraham D Tabbach, 'Does a Rise in Maximal Fines Increase or Decrease the Optimal Level of Deterrence?' (2009) 5 *Review of Law & Economics* <<https://www.degruyter.com/document/doi/10.2202/1555-5879.1245/html>>.

sentences cumulatively with prison sentences <sup>45</sup>. The Law that applies the penalty of a cumulative fine with Imprisonment can be reviewed in Law 4 of 2009 concerning Mineral and Coal Mining as amended through Law 3 of Law of 2020 concerning amendments to Law 4 of 2009 concerning Mineral and Coal Mining, especially in the following statements <sup>46</sup>.

Illegal or unlicensed mining is a serious offense regulated in Article 158. This article expressly states that every person who carries out mining activities without a valid permit, as referred to in Article 35, can be subject to criminal sanctions in the form of imprisonment for a maximum of 5 (five) years and a maximum fine of Rp100,000,000,000.00 (one hundred billion rupiah). This provision aims to provide a deterrent effect against illegal mining perpetrators and protect natural resources and the environment from damage from uncontrolled mining activities. In addition to illegal mining, submitting incorrect data reports is a criminal offense in the mining sector. Article 159 stipulates that holders of IUP, IUPK, IPR, or SIPB who deliberately submit reports that are not by reality or provide false information, as referred to in Article 70 letter e, Article 105 paragraph (4), Article 110, or Article 111 paragraph (1), can be sentenced to a maximum prison sentence of 5 (five) years and a maximum fine of IDR 100,000,000,000, 00 (one hundred billion rupiah) <sup>47</sup>. This provision emphasizes the importance of transparency and accountability in mining activities.

Production activities without a valid permit are also criminal offenses regulated in Article 160 paragraph (2). This article states that any person who has an IUP or IUPK at the stage of exploration activities, but carries out production operation activities, can be sentenced to a maximum prison sentence of 5 (five) years and a maximum fine of Rp100,000,000,000.00 (one hundred billion rupiah). This sanction aims to prevent mining activities that exceed the limits of the permits granted and potentially harm the state and society. Another criminal act related to

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<sup>45</sup> Madalina-Cristina Danisor, 'The Sentencing System of the Plurality of Crimes - Indifference towards the Effects of Severe Penalties in Romania; [Le Système Punitif de La Pluralité d'infractions Indifférence Face Aux Effets de Lourdes Peines En Roumanie]' (2018) 71 *Revue Internationale de Criminologie et de Police Technique et Scientifique* 449 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85060554923&partnerID=40&md5=9c68283e100fdd5949f2484162c6fa84>>; AN Tarbagaev and Ju S Letnikov, 'Problems of Cumulative Punishment Assignment by Means of Accumulative Sentencing' [2014] *Criminology Journal of Baikal National University of Economics and Law* 105 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-84918844989&partnerID=40&md5=cf2eb422ba6b42af832e7ab7a7ba395f>>.

<sup>46</sup> Mineral and Coal Mining; Law 3 Year 2020 Mineral & Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

<sup>47</sup> Mineral and Coal Mining; Law 3 Year 2020 Mineral & Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

licensing is the illegal transfer of IUP, IUPK, IPR, or SIPB. Article 161A stipulates that any holder of IUP, IUPK, IPR, or SIPB who transfers their license as referred to in Article 70A, Article 86G letter a, and Article 93 paragraph (1), can be sentenced to a maximum prison sentence of 2 (two) years and a maximum fine of IDR 5,000,000,000.00 (five billion rupiah). This provision aims to prevent the practice of buying and selling mining permits that can harm the state and provide opportunities for incompetent parties to carry out mining activities. In addition, Article 161B paragraph (1) regulates the obligation of reclamation and post-mining for IUP or IUPK holders whose permits have been revoked or terminated. Any person whose IUP or IUPK is revoked or terminated and does not carry out reclamation and/or post-mining, and does not place a reclamation guarantee fund and/or post-mining guarantee fund, may be sentenced to a maximum prison sentence of 5 (five) years and a maximum fine of IDR 100,000,000,000.00 (one hundred billion rupiah). Article 161B paragraph (2) adds that in addition to criminal sanctions, former IUP or IUPK holders can also be subject to additional penalties in the form of payment of funds in the context of the implementation of reclamation and/or post-mining obligations that are their obligations <sup>48</sup>.

Finally, Article 162 regulates the criminal act of obstructing or interfering with legal mining activities. Any person who obstructs or interferes with the mining business activities of the holders of IUP, IUPK, IPR, or SIPB who have met the requirements as intended in Article 136 paragraph (2), shall be punished with the maximum prison sentence of 1 (one) year or a maximum fine of Rp100,000,000.00 (one hundred million rupiah). Article 164 adds that in addition to the criminal sanctions that have been mentioned, perpetrators of criminal acts in the mining sector can also be subject to additional penalties in the form of confiscation of goods used in committing criminal acts, deprivation of profits obtained from criminal acts, and/or the obligation to pay costs arising from criminal acts <sup>49</sup>.

Based on the description of the phrase of the Article mentioned above, it is known that the type of criminal sanction in the Mineral and Mineral Law is the main crime in the form of Imprisonment, fine, and Imprisonment. If the perpetrator is a legal entity, the type of fine sanction for the legal entity is plus 1/3 of the maximum criminal provisions of the fine imposed. Then, there

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<sup>48</sup> Mineral and Coal Mining; Law 3 Year 2020 Mineral & Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

<sup>49</sup> Mineral and Coal Mining; Law 3 Year 2020 Mineral & Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

are additional penalties in the form of revocation of business licenses and/or revocation of legal entity status. Criminal liability in the mining sector can be imposed on individuals or legal entities as can be reviewed from the subject of criminal acts contained in the criminal provisions, which begin with the formula "everyone" and the formula "if a legal entity commits the criminal act." The concept of criminal liability in the Indonesian legal system developed by delegating the burden of responsibility to the corporation itself<sup>50</sup>. Based on this concept, if there is a criminal act committed by the corporation, the person who is punished and receives the burden of criminal responsibility is the corporation itself or at least, the management (including people who do not have an official position but have a position to exercise control over the agents of the corporation) and the corporation itself are the perpetrators of the criminal act and both are charged with criminal liability<sup>51</sup>.

## **2. Application of the Principle of Legal Certainty of Criminal Execution of Fines for Convicts Who Have Passed the Grace Period**

One of the legal policies implemented by the government is regarding the criminal fine (in the Criminal Code), which was initially only applied to crimes and minor offences. An update of the fine criminal Law is used outside the criminal code, and criminal fines are implemented for special crimes such as in the mineral and mineral law. In the reform of the Law on special crimes, cumulative crimes, namely between Imprisonment and fines, are applied as criminal sanctions, so the purpose of punishment is expected to be fulfilled<sup>52</sup>. Mining crimes without a license are regulated in Law 4 of 2009 concerning mineral and coal mining<sup>53</sup>. This penal is regulated in Chapter XXIII on criminal provisions<sup>54</sup>. In articles 158 and 163 of Law 4 of 2009 on mineral and

<sup>50</sup> Amy K Feehan and Julia Garcia-Diaz, 'Investigator Responsibilities in Clinical Research' (2020) 20 *Ochsner Journal* 44 <<http://www.ochsnerjournal.org/lookup/doi/10.31486/toj.19.0085>>.

<sup>51</sup> Angus Nurse, 'Contemporary Perspectives on Environmental Enforcement' (2022) 66 *International Journal of Offender Therapy and Comparative Criminology* 327 <<https://journals.sagepub.com/doi/10.1177/0306624X20964037>>.

<sup>52</sup> M Antonia Biggs and others, 'Support for Criminalization of Self-Managed Abortion (SMA): A National Representative Survey' (2024) 340 *Social Science & Medicine* 116433 <<https://linkinghub.elsevier.com/retrieve/pii/S0277953623007906>>.

<sup>53</sup> Mineral and Coal Mining; Law 3 Year 2020 Mineral & Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

<sup>54</sup> Yijun Wu, 'Reform and Analysis of the Division of Legal Responsibility between Enterprises and Third-Party Governance under Environmental Pollution' (2022) 2022 *Journal of Environmental and Public Health* <<https://onlinelibrary.wiley.com/doi/10.1155/2022/5168699>>.

coal mining, it is explained that the legal subjects that can be punished in the mining sector are <sup>55</sup>:

a) An individual is a person or person who has committed criminal acts in the mining sector; b) Legal entity administrators: Administrators regulate, organize, or operate the legal entity; c) Legal entity: A legal entity is a collection of people with specific goals, property, rights, and obligations.

Meanwhile, seven types of criminal acts can be imposed on a person's Law, which includes:

- a. Conducting a mining business without an IUP (Mining Business License), IPR (People's Mining Permit), or IUPK (Special Mining Business License) Everyone who wants to carry out mining business activities must obtain permission from authorized officials. Without this permit, the person involved in the mining business can be qualified as an illegal miner. The consequences for people who carry out mining business without a license can be punished. In article 158 of Law 4 of 2009, 5 articles have been determined that are violated by people who carry out mining business without a license; the five articles include <sup>56</sup>. Indonesia's mining sector is regulated by Law 4 of 2009 concerning Mineral and Coal Mining, which has been amended several times, most recently with Law 3 of 2020 and further revision in 2025 <sup>57</sup>. The Constitution stipulates that the state controls these natural resources for the benefit of the Indonesian people. This control is carried out by granting mining permits (IUP) to private parties, although the state retains ownership of the mineral until royalties are paid. Land rights, most importantly, do not automatically confer mining rights. Under the legal framework, mining activities require a Mining Business License (IUP), which can be issued by the Ministry of Energy and Mineral Resources (EMR) or, in some cases, by local authorities such as governors, regents, or mayors. The 2020 amendments aim to centralise licensing authorities under the Energy and Mineral Resources to improve regulatory consistency and streamline the investment process. However, small-scale community-based mining retains some regional oversight. These IUPs are divided into exploration permits (IUPE) and production operations

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<sup>55</sup> Brandon L Crawford and others, 'An Exploratory Examination of Attitudes toward Illegal Abortion in the U.S. through Endorsement of Various Punishments' (2023) 121 Contraception 109952 <<https://linkinghub.elsevier.com/retrieve/pii/S0010782423000057>>; Stephanie Janet Schneidewind, Diana Meemken and Susann Langforth, 'Measures and Penalties for Animal Welfare Violations at German Abattoirs: A Compilation of Current Recommendations and Practices' (2023) 13 Animals 2916 <<https://www.mdpi.com/2076-2615/13/18/2916>>.

<sup>56</sup> Rasjuddin (n 6); RO Movchan and others, 'Criminal Liability for Illegal Mining: Analysis of Legislative Novelties' [2022] Naukovyi Visnyk Natsionalnoho Hirnychoho Universytetu 116 <<http://nvngu.in.ua/index.php/en/archive/on-the-issues/1885-2022/content-5-2022/6370-116>>.

<sup>57</sup> Law 2 Year 2025 Mineral & Coal Mining 2020 (Jurnal Hukum to-ra : Hukum Untuk Mengatur dan Melindungi Masyarakat) 4.



(IUPOP), covering the various stages of mining activities. Recent amendments, including those in place by 2025, focus on improving domestic mineral processing and providing opportunities for small businesses and religious groups. The government prioritises companies that plan to set up processing facilities in Indonesia, depending on the investment size, added value, and job creation. Stricter rules are also applied regarding land use in mining areas, ensuring that designated areas remain unchanged and meet specific criteria regarding the availability of resources and domestic needs<sup>58</sup>. The ongoing revision reflects Indonesia's commitment to balancing foreign investment with the growth of its domestic metals sector, while addressing concerns about regulatory consistency, environmental sustainability, and community empowerment<sup>59</sup>. The legal landscape constantly evolves, requiring stakeholders to stay informed about the latest changes to ensure compliance and maximise opportunities in Indonesia's dynamic mining industry.

- b. Submitting False Reports or False Information in Article 159 of Law 4 of 2009, six articles have been determined to be violated by IUP, IPR, or IUPK holders, which result in the imposition of Imprisonment and fines to the perpetrators. Indonesian Law 4 of 2009 places significant reporting obligations on various actors in the mining sector to ensure transparency and accountability<sup>60</sup>. This obligation informs the government about mining activities, resource extraction, and environmental management practices<sup>61</sup>. The specific requirements vary depending on the mining permit type held and the operation stage. Exploration permit holders (IUP) who extract minerals or coal are mandated by Article 43, paragraph (1), to submit a report to the issuing authority, providing details of their findings and activities. Similarly, Article 81 paragraph (1) extends this obligation to holders of special exploration permits (IUPK) who find mineral or coal metals during excavation, requiring them to report their

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<sup>58</sup> Baomin Dong, Yu Zhang and Huasheng Song, 'Corruption as a Natural Resource Curse: Evidence from the Chinese Coal Mining' (2019) 57 *China Economic Review* 101314 <<https://doi.org/10.1016/j.chieco.2019.101314>>; Rabeh Khalfaoui and others, 'Environment-Growth Nexus and Corruption in the MENA Region: Novel Evidence Based on Method of Moments Quantile Estimations' (2023) 342 *Journal of Environmental Management*.

<sup>59</sup> Cristian Ortiz and others, 'Environmental Impact of the Shadow Economy, Globalisation, and Human Capital: Capturing Spillovers Effects Using Spatial Panel Data Approach' (2022) 308 *Journal of Environmental Management*.

<sup>60</sup> Law 2 Year 2025 Mineral & Coal Mining 2025; Law 3 Year 2020 Mineral & Coal Mining; Mineral and Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

<sup>61</sup> Muhammad Salman, Donglan Zha and Guimei Wang, 'Indigenous versus Foreign Innovation and Ecological Footprint: Dynamic Threshold Effect of Corruption' (2022) 14 *Environmental and Sustainability Indicators* 100177 <<https://doi.org/10.1016/j.indic.2022.100177>>.

findings to the Minister of Energy and Mineral Resources. This report is critical to monitoring the potential of resources and guiding future mining policies. Beyond exploration, the law also emphasises environmental responsibility. Article 70 letter e stipulates that Small Scale Mining Permits (IPR) holders must manage the environment in collaboration with local governments<sup>62</sup>. This point highlights the commitment to sustainable mining practices and the involvement of local authorities in overseeing environmental protection measures. Furthermore, to ensure financial transparency, Article 105 paragraph (4) requires non-mining business entities involved in the sale of minerals and/or coal to report the proceeds of such sales to the relevant authorities, be it Ministers, Governors, Regents, or Mayors, depending on their respective jurisdictions<sup>63</sup>. Finally, covering all permit holders, Article 110 and Article 111 paragraph (1) stipulate a comprehensive obligation for IUP and IUPK holders to submit extensive data from exploration and production and periodic reports on work plans and implementation to the relevant government agencies. These measures collectively aim to encourage responsible mining practices and ensure that the benefits of resource extraction are accounted for and properly managed.

- c. Carrying out exploration activities without having an IUP or IUPK In Article 160 of Law 4 of 2009, sanctions have been determined for people who carry out exploration activities without having an IUP or IUPK. Law No. 4 of 2009 outlines the framework for managing Indonesia's mineral and coal resources, emphasising state control for the benefit of its people<sup>64</sup>. This control is carried out through a licensing system, authorising certain officials to issue Mining Business Licenses (IUPs) and Special Mining Business Licenses (IUPK)<sup>65</sup>. Article 37 appoints the Regent/Mayor for the area within one district, the Governor for the cross-district area within a province (with the recommendation of the local Regent/Mayor), and the Minister for the cross-provincial area (with the recommendation of the Governor and the Regent/Mayor)

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<sup>62</sup> Francisca Romana Harjiyatni, Hartanti and Chrismayanti Angelia Y Katu, 'Law Enforcement Toward Illegal Limestone Mining in Gunungkidul Regency, Indonesia' (2024) 18 *Revista de Gestao Social e Ambiental* 1.

<sup>63</sup> *ibid.*

<sup>64</sup> Giorleny Altamirano Rayo, Eric S Mosinger and Kai M Thaler, 'Statebuilding and Indigenous Rights Implementation: Political Incentives, Social Movement Pressure, and Autonomy Policy in Central America' (2024) 175 *World Development* 106468 <<https://doi.org/10.1016/j.worlddev.2023.106468>>.

<sup>65</sup> Law 2 Year 2025 Mineral & Coal Mining; Law 3 Year 2020 Mineral & Coal Mining; Mineral and Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

<sup>66</sup>. The law also addresses situations where permit holders want to expand their operations to include minerals different from those originally specified. Article 40 paragraph (3) mandates that IUP holders who wish to process other minerals must submit a new IUP application to the competent authority – Minister, Governor, or Regent/Mayor – based on jurisdictional boundaries. This argument ensures that all mining activities are properly permitted and regulated, even when diversifying resource extraction. Furthermore, Article 48 details the specific authority for issuing Production Operations IUPs, again describing responsibilities based on location. The Regent/Mayor oversees operations within a district/city, the Governor oversees activities that include districts within a province (with local recommendations), and the Minister oversees cross-provincial operations (also requires local recommendations). This tiered system aims to balance central oversight with regional considerations. To enforce these regulations, Article 160 of Law No. 4 of 2009 stipulates sanctions for those who carry out exploration activities without the necessary IUP or IUPK. Violators face a maximum prison sentence of 1 year and a maximum fine of Rp 200,000,000.00 (two hundred million rupiah). The sanctions are alternative, meaning that violators can be sentenced to prison or fines, highlighting the legal intent to prevent illegal mining activities and uphold the integrity of the licensing system <sup>67</sup>.

- d. Having an Exploration IUP but carrying out production operations activities: The IUP holder is only given the right to carry out one activity <sup>68</sup>. Still, if the activity has been completed, the person can apply for the next IUP. In article 161 paragraph (2) of Law 4 of 2009, sanctions have been determined for people who have an exploration IUP but carry out production operations; the sanctions are in the form of: 1. Imprisonment for a maximum of five years 2. Maximum fine of Rp 10,000,000,000.00 (ten billion rupiah). Sanctions for perpetrators in this

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<sup>66</sup> Binit Agrawal, 'Whither Criminal Cartel Enforcement in the EU? A Law and Economics Assessment' (2023) 2023 Erasmus Law Review 46; Mahrus Ali and others, *Protecting Environment Through Criminal Sanction Aggravation*, vol 7 (2022).

<sup>67</sup> Yuliya Zabyelina and Daan van Uhm, *Illegal Mining: Organized Crime, Corruption, and Ecocide in a Resource-Scarce World* (2020); Agus Riwanto, Sukarni Suryaningsih and Delasari Krisda Putri, 'Reform and Breakthrough in Business Regulations for Empowering MSMEs in Indonesia and the Netherlands' (2023) 3 Journal of Human Rights, Culture and Legal System 513.

<sup>68</sup> Johanna Espin and Stephen Perz, 'Environmental Crimes in Extractive Activities: Explanations for Low Enforcement Effectiveness in the Case of Illegal Gold Mining in Madre de Dios, Peru' (2021) 8 Extractive Industries and Society 331 <<https://doi.org/10.1016/j.exis.2020.12.009>>.

provision are Imprisonment and fines. Consequently, the penalty, namely Imprisonment and fines <sup>69</sup>.

- e. Accommodating, utilizing, processing, refining, transporting, and selling minerals and coal not from holders of IUP, IUPK, or IUPK <sup>70</sup>.

Those who can accommodate, utilize, process, refine, transport, and sell minerals and coal are people or holders of IUP, IUPK, or permits <sup>71</sup>. However, what about people who hold minerals or coal that do not come from people or holders of IUP, IUPK, or permits themselves? The answer to this has been determined in article 161 of Law 4 of 2009 has been determined 10 articles that are violated. Law No. 4 of 2009 establishes a framework for mineral and coal mining in Indonesia, authorising certain officials to grant mining permits <sup>72</sup>. Article 37 stipulates that the Regent/Mayor is responsible for issuing an IUP in a single district or city. At the same time, the Governor handles the area covering several districts within a province, depending on the recommendation of the local Regent/Mayor. The Minister of Energy and Mineral Resources holds the authority for projects that cross provincial boundaries, again requiring recommendations from the Governor and the local Regent/Mayor. This tiered system balances local needs with broader regional and national interests. The law also addresses the responsibilities of permit holders throughout the mining life cycle <sup>73</sup>. Article 40 paragraph (3) stipulates that IUP holders who wish to extract minerals beyond what was permitted initially must apply for a new IUP from the competent authority – Minister, Governor, or Regent/Mayor – depending on the location of the mining area. This opinion ensures that the expansion or diversification is properly inspected and regulated. Exploration

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<sup>69</sup> Law 2 Year 2025 Mineral & Coal Mining; Law 3 Year 2020 Mineral & Coal Mining; Mineral and Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

<sup>70</sup> Iskandar Zainuddin Rela and others, 'Effect of Corporate Social Responsibility on Community Resilience: Empirical Evidence in the Nickel Mining Industry in Southeast Sulawesi, Indonesia' (2020) 12 Sustainability (Switzerland).

<sup>71</sup> Anđela Ivic, Nina María Saviolidis and Lara Johannsdottir, 'Drivers of Sustainability Practices and Contributions to Sustainable Development Evident in Sustainability Reports of European Mining Companies' (2021) 2 Discover Sustainability <<https://doi.org/10.1007/s43621-021-00025-y>>; Mohammad Jhanattan and others, 'Mining Management of Nonmetallic Minerals and Rocks Based on Government Policy' (2023) 6 International Journal of Environmental Impacts 165.

<sup>72</sup> Jhanattan and others (n 71); Lola Yustrisia and others, 'Mining Corruption, Environmental Damage, and the Increasing Unauthorized Properties of State Officials' (2024) 8 Edelweiss Applied Science and Technology 1856.

<sup>73</sup> Arif Rohman, Hartiwiningsih Hartiwiningsih and Muhammad Rustamaji, 'Improving Ecological Justice Orientation through a Typological Approach to Illegal Mining in the Criminal Justice System' (2024) 10 Cogent Social Sciences <<https://doi.org/10.1080/23311886.2023.2299083>>; Sarah Jackson and others, 'Mining and Sustainability in the Circumpolar North: The Role of Government in Advancing Corporate Social Responsibility' (2023) 72 Environmental Management 37.

activities are also subject to special reporting requirements. Article 43 paragraph (2) mandates that IUP holders engaged in exploration that discover minerals or coal and intend to sell these resources must first obtain a temporary permit for transportation and sales. Similarly, Article 81 paragraph (2) imposes the exact requirements on holders of special exploration permits (IUPK) who wish to sell the mineral metals or coal they extract. Finally, the law emphasises responsible resource management and financial transparency. Article 67 paragraph (1) gives the Regent/Mayor power to grant IPR (People's Mining Permit), especially to residents, individuals, community groups, and cooperatives. Article 74 paragraph (1) authorises the Minister to grant IUPK to the Minister, considering the region's interests. Furthermore, Article 103 paragraph (2) and Article 104 paragraph (3) promote domestic processing and refining, while Article 105 paragraph (1) ensures that entities that sell minerals or coal that are mined without being primarily engaged in mining first obtain an IUP for the operation of products. Article 110 and Article 111 paragraph (1) stipulate a comprehensive obligation for IUP and IUPK holders to submit extensive data from exploration and production and periodic reports on work plans and implementation to the authorised government agencies <sup>74</sup>.

In connection with this problem, it is necessary to develop the construction of a national legal system based on local wisdom that can ensure the protection of the rights of local communities over the legal, social, cultural, and political systems that it has been upheld, with the hope of preventing and minimizing natural resource conflicts in Indonesia <sup>75</sup>. In this case, Arief Sidharta proposed that Indonesia's national legal order must contain the following characteristics: An ideal legal framework must have national insight and archipelago wisdom, reflecting a deep understanding of the nation's noble values and the archipelago's characteristics. This statement includes accommodating the legal consciousness of regional ethnic groups and diverse religious beliefs, creating harmony in diversity <sup>76</sup>. In addition, the legal framework must be formulated in writing and unified as far as possible to ensure certainty and ease in applying the law. Rationality is crucial in law formation, including rationality of efficiency, feasibility (*redelijkheid*), rationality of rules, and values upheld. The rule of law must be designed to achieve the desired goals most

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<sup>74</sup> Jhanattan and others (n 71); Mahrus Ali and others, 'Punishment without Culpability in Environmental Offences' (2022) 8 Cogent Social Sciences <<https://doi.org/10.1080/23311886.2022.2120475>>.

<sup>75</sup> Faraldo Cabana (n 23).

<sup>76</sup> OK Haris, TS Djamiati and JS Adiansyah, 'Good Mining Practices toward a Good Mine Management: A Case of Mining Business Permit Issuance' (2020) 413 IOP Conference Series: Earth and Environmental Science.

effectively and efficiently, considering the principles of justice and propriety. Procedural rules guarantee transparency, allow the government to review the decision-making process rationally, ensuring that any decision is based on objective and measurable considerations. Furthermore, a sound legal framework must be responsive to people's aspirations and expectations. The law must not be static, but must be able to adapt to changing times and societal needs <sup>77</sup>. Thus, the law can be an effective instrument to realize social justice and welfare for all citizens. In the application of cumulative penalties to a criminal case in the mining sector, the perpetrator is given a penalty of Imprisonment as well as a fine, as can be reviewed in the following cases:

a. Case Position

Around June 2020, Arisman Bin La Feulo was appointed the Head of the South Sulawesi Nickel Ore Team PT. Putra Kreasi Lippo checked the Nickel Ore mining area in Batu Putih District, North Kolaka Regency, to purchase Nickel Ore. Furthermore, he saw the existence of a former mine opening and a pile of Nickel Ore in Lelewawo Village, Batu Putih District, North Kolaka Regency, so at that time, he knew that there was an opportunity to carry out Nickel Ore mining activities at the location and invited AIDIN and rented six units of excavator vehicles to be used in the mining process. On August 23, 2020, Arisman Bin La Feulo began to carry out soil excavation activities (OB) to be able to reach Nickel Ore in Lelewawo Village, Batu Putih District, Regency, North Kolaka without the knowledge of Johnny Rusli as the President Director of PT. Son of Lippo's creation. Furthermore, on September 23, 2020, the South Sulawesi Police Directorate of Criminal Investigation Team visited the location and found a former mine opening covering an area of 1 Ha and 7 (seven) piles of Nickel Ore with a lot of around 10,000 Metric Tons belonging to Arisman Bin La Feulo so that at that time the Directorate of Criminal Investigation of the South Sulawesi Police investigated the incident mentioned above.

b. Public Prosecutor's Indictment

The Public Prosecutor in his indictment stated that the Defendant ARISMAN Bin LA FEULO on Wednesday, September 23, 2020 at around 14.30 WITA or at least at another time in September 2020 took place in Lelewawo Village, Batu putih District, North Kolaka Regency or at least in another place that is still included in the jurisdiction of the Lasusua District Court based on the provisions of Article 84 paragraph (2) of the Criminal Procedure Code, most of

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<sup>77</sup> Jackson and others (n 73).

the witnesses are domiciled more than close to the Kendari District Court and the Defendant is detained in the Kendari South Sulawesi Police Detention Center so that the Kendari District Court has the authority to examine and adjudicate this case, has carried out mining without a permit in the form of mining Nickel Ore minerals as regulated and criminally threatened in Article 158 *Juncto* Article 35 of Law of the Republic of Indonesia Number 03 of 2020 concerning Amendments to Law of the Republic of Indonesia Number 4 of 2009 concerning Mineral and Coal Mining <sup>78</sup>.

c. Public Prosecutor's Claim

The Public Prosecutor, in the letter of demand, stated that he demanded that the Panel of Judges who examined and tried the case decide as follows:

1. Declaring that the Defendant Arisman Bin La Feulo is legally and convincingly proven guilty of committing the crime of Mineral and Coal Mining as regulated and criminally threatened in Article 158 *Juncto* Article 35 of Law Number 3 of 2020 concerning Amendments to Law 4 of 2009 concerning Mineral and Coal Mining <sup>79</sup>.
2. Imposing a sentence of Imprisonment for 1 (one) year and a fine of Rp. 1,000,000,000 - (One Billion Rupiah) *A subsidy* of 5 (five) months in Prison is reduced while the Defendant is in custody, with an order that the Defendant be detained <sup>80</sup>.
3. Declaring evidence in the form of: The following items were recovered and processed: One yellow JBC Type 104/2000 excavator, serial number SHAJE20BPJ2681738; one yellow JBC Type 104/2000 excavator, serial number SHAJE20BJJ2750057; and one yellow JBC Type 104/2000 excavator, serial number SHAJE20BPJ27504138, all brand JBC Type 104/2000, were identified as belonging to PT Raja Multi Sarana and subsequently returned to HUDRI MAJJA, the rightful witness. Additionally, one orange HITACHI Type ZX210F-5G excavator, serial number HCMDCDF2H00062701, and one orange HITACHI Type ZX210F-5G excavator, serial number HCMDCDF2T00062707, both brand

<sup>78</sup> Law 2 Year 2025 Mineral & Coal Mining; Law 3 Year 2020 Mineral & Coal Mining; Mineral and Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

<sup>79</sup> Law 2 Year 2025 Mineral & Coal Mining; Law 3 Year 2020 Mineral & Coal Mining; Mineral and Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

<sup>80</sup> Colgan (n 1).

HITACHI Type ZX210F-5G, were identified as belonging to BUDIMAN CANDRA and returned to him, the rightful witness. Furthermore, one yellow KOMATSU bulldozer model D85ESS-2, serial number KMT0D035V53J14519, was identified as belonging to H. NURDIN DALLE and returned to him, the rightful witness. Finally, seven piles of nickel ore mined by PT Putra Kreasi Lippo were confiscated by the state.

- d. Stipulate that the Defendant be charged to pay a case fee of Rp—5,000 (five thousand rupiah).

### **Judicial Verdict**

After carefully considering the evidence presented and the applicable law, the Court has reached a verdict regarding the Defendant, Arisman Bin La Feulo. It is hereby stated that the Defendant Arisman Bin La Feulo is legally and convincingly guilty of committing the crime of Mineral and Coal Mining, because this crime is explicitly regulated and carries criminal threats as stated in Article 158 juncto Article 35 of Law Number 3 of 2020. This law concerns amendments to Law 4 of 2009, which is related to Mineral and Coal Mining activities within the framework of national law. As a consequence of the aforementioned guilty verdict, the Court ordered the imposition of a sentence designed to reflect the severity of the crime committed <sup>81</sup>. The Defendant is hereby sentenced to 7 (seven) months in prison. In addition to the prison sentence, a monetary fine was imposed on the Defendant in Rp. 1,000,000,000 (One Billion Rupiah). The Court further determined that if the Defendant fails to pay the specified fine, he will be subject to a substitute penalty, which consists of an additional 2 (two) months in prison. To ensure fairness and accuracy in executing this sentence, the Court ordered that the period of arrest and detention previously served by the Defendant be credited in full to the amount of the sentence imposed <sup>82</sup>. This provision recognizes the time the Defendant has served while awaiting trial and verdict, thereby preventing the unfair extension of their confinement beyond the intended period <sup>83</sup>. Furthermore, the Court acknowledged the existence of various evidence presented

<sup>81</sup> Mahrus Ali and others, 'Criminological Outlook of Overcoming Disproportionate Punishment in Environmental Crimes' (2021) 10 International Journal of Criminology and Sociology 22 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85099649022&doi=10.6000%2F1929-4409.2021.10.04&partnerID=40&md5=59deab0aca95a5dd572caaa59a3ff167>>.

<sup>82</sup> Enock Mintah Ampaw and others, 'Rethinking Small-Scale Gold Mining in Ghana: A Holy Grail for Environmental Stewardship and Sustainability' (2024) 437 Journal of Cleaner Production 140683 <<https://linkinghub.elsevier.com/retrieve/pii/S0959652624001306>>.

<sup>83</sup> Mihailis E Diamantis, 'Criminal Law the Corporate Insanity Defense' (2021) 111 Journal of Criminal Law and Criminology 1 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85102851675&partnerID=40&md5=a69ce3032a35712bfd4ddd6a72784e86>>.



during the trial. A separate determination of the disposition of this evidence will be issued next, outlining the specific fate of each item based on its relevance to the case and applicable legal guidelines. This point ensures transparent and lawful handling of all crime-related material <sup>84</sup>.

Based on the description of the verdict above, it is known that Arisman Bin La Feulo was sentenced to 2 types of crimes, namely Imprisonment for 7 (seven) months and a fine of Rp. 1,000,000,000, - (One Billion Rupiah) with the provision that if the fine is not paid, it will be replaced with Imprisonment for 2 (2) months. After the verdict, the criminal verdict will be executed. Execution is one of the Prosecutor's powers regulated by Law to implement the decision of a judge who has obtained permanent legal force (*inkracht van gewijsde*). The authority of the Prosecutor as an executor is regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code. The Public Prosecutor plays a central role in the administration of criminal justice, as highlighted by the provisions of the law. Article 13 stipulates that the Public Prosecutor is a Public Prosecutor who is authorized by law, entrusted with critical responsibility in conducting prosecutions and carrying out determinations made by the Judge. This basic article underlines the legal position of prosecutors and the scope of their duties in the judicial system. Furthermore, Article 14, especially letter j, explicitly describes the authority of the Public Prosecutor to carry out the Judge's Determination. This provision strengthens the role of the Prosecutor in ensuring that judicial decisions are effectively implemented and enforced, maintaining their position as key figures in the practical application of the law <sup>85</sup>. Implementing court decisions with legal force is left to the Prosecutor, as stipulated in Article 270. This article mandates that the court clerk provide a copy of the decree to the Prosecutor, thus allowing the Prosecutor to initiate and supervise the execution process. This argument ensures accountability and compliance with the judicial process, with the Public Prosecutor serving as the primary agent to carry out the court's mandate.

Execution, according to Andi Hamzah, is an act of carrying out a court decision that has permanent legal force (*in kracht van gewijsde zaak*), which is punitive and carried out by force <sup>86</sup>.

<sup>84</sup> MARINA NEHME and OLE W PEDERSEN, 'Accountability and Offsetting in Environmental Law Enforcement' (2022) 49 Journal of Law and Society 93 <<https://onlinelibrary.wiley.com/doi/10.1111/jols.12346>>.

<sup>85</sup> Vitaly Shelestukov, Vasili Erin and German Pavlov, 'Specialized Prosecutor's Offices of Kuzbass in Regional Coal Mining and Environmental Safety Protection' (2018) 41 E3S Web of Conferences 02029 <<https://www.e3s-conferences.org/10.1051/e3sconf/20184102029>>; Dwi Oktafia Ariyanti, Muhammad Ramadhan and JS Murdomo, 'Penegakan Hukum Pidana Terhadap Pelaku Penambangan Pasir Secara Ilegal Di Area Gumuk Pasir' (2020) 2 Jambura Law Review 30 <<http://ejurnal.ung.ac.id/index.php/jalrev/article/view/4376>>.

<sup>86</sup> Adi Maulana and Zainurohmah Zainurohmah, 'Elimination of Justice Collaborator Requirements in Granting Remissions for Corruptors in Indonesia: Progress or Setback in Legal Reform?' (2023) 4 Journal of Law and Legal Reform 325 <<https://journal.unnes.ac.id/sju/index.php/jllr/article/view/68206>>.

Decision 296/Pid.Sus/2021/PN KDI in 2021 has permanent legal force, and the Public Prosecutor plays a central role in the administration of criminal justice, as highlighted by the provisions of the law <sup>87</sup>. Article 13 stipulates that the Public Prosecutor is a Public Prosecutor who is authorized by law, entrusted with critical responsibility in conducting prosecutions and carrying out determinations made by the Judge. This basic article underlines the legal position of prosecutors and the scope of their duties in the judicial system. Furthermore, Article 14, especially letter j, explicitly describes the authority of the Public Prosecutor to carry out the Judge's Determination <sup>88</sup>. This provision strengthens the role of the Prosecutor in ensuring that judicial decisions are effectively implemented and enforced, strengthening their position as key figures in the practical application of the law. The implementation of court decisions that have legal force is left to the Prosecutor, as stipulated in Article 270 <sup>89</sup>. This article mandates that the court clerk must provide a copy of the decree to the Prosecutor, thus allowing the Prosecutor to initiate and supervise the execution process <sup>90</sup>. This ensures accountability and compliance with the judicial process, with the Public Prosecutor serving as the primary agent to carry out the Court's mandate.

Regarding the implementation of criminal fines, fines are regulated in Law 8 of 1981 concerning the Criminal Procedure Code. Certain articles clearly define the legal framework governing the implementation of financial penalties in criminal cases. Article 273 paragraph (1) stipulates that convicts who are sentenced to pay fines are given a period of 1 (one) month to fulfill these obligations. Exceptions to this timeline exist for expedited investigation events, where fines must be paid immediately after a court decision. This provision aims to ensure prompt compliance with financial penalties imposed by the courts <sup>91</sup>. Aware of the potential for mitigating circumstances, Article 273 paragraph (2) allows the extension of the payment period. This paragraph states that if there is a compelling reason, the initial period of 1 month may be extended for a maximum of one additional month. This provision provides a degree of flexibility to

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<sup>87</sup> *ibid.*

<sup>88</sup> Mohammad Farhadishad, Mohammad Kazemifard and Zahra Rezaei, 'Predicting Court Judgment in Criminal Cases by Text Mining Techniques' (2023) 15 *Journal of Information Technology Management* 204 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85183474936&doi=10.22059%2Fjitm.2023.350464.3206&partnerID=40&md5=e5e30ba71afe1c8f4f2193b2f8b09ca7>>.

<sup>89</sup> Mallett and others (n 34).

<sup>90</sup> *ibid.*

<sup>91</sup> Law 2 Year 2025 Mineral & Coal Mining; Law 3 Year 2020 Mineral & Coal Mining; Mineral and Coal Mining; Hariadi, Hesti Wulan and Sonya Claudia Siwu (n 25).

accommodate unforeseen difficulties that may hinder the convict's ability to pay the fine within the initial period of time.

Based on these articles, the period of implementation of criminal judgments involving fines is a maximum of 2 (two) months, starting from the time the Panel of Judges pronounces a Criminal Decision in Court. Given the inability of the convict to pay the fine set at Rp 1,000,000,000 (One Billion Rupiah), the legal consequence is that the convict will be subject to an additional 2 months in prison in lieu of the unpaid fine. Prison replacement with this fine is standard legal procedure when a convict is unable to meet their financial obligations to the Court <sup>92</sup>. The phenomenon of criminal sanctions fines for criminal acts in the mining sector still causes problems in its implementation. Namely, there is a gap between the criminal sanction of penalties in the formulation of the Mining Law and its implementation in the field, which is caused by the lack of explicit regulation of the mechanism of coercive efforts so that the convict can carry out the fine imposed sentence. This statement is one of the weaknesses and more beneficial for perpetrators of mining crimes. The existence of a criminal law option of fines can be replaced by prison sentences, causing many convicts to choose to serve prison sentences instead of fines <sup>93</sup>. Perpetrators of criminal acts tend to think they would rather serve a prison sentence of several months than spend a significant amount of money. By serving a prison sentence, it is as if the convict has paid the fine in full <sup>94</sup>.

Likewise, the Criminal Procedure Code also does not recognize the existence of coercive efforts against convicts sentenced to fines <sup>95</sup>. The Criminal Code only recognizes confiscation during the investigation but does not acknowledge the confiscation of execution carried out to implement the Court's decision. The Criminal Procedure Code only regulates the implementation of court decisions <sup>96</sup>. The execution of fines is only determined by the deadline for payment repayment, so it can be concluded that the fine is less effective because the mechanism is not

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<sup>92</sup> Andrea N Montes and others, 'An Assessment of Prisoner Reentry, Legal Financial Obligations and Family Financial Support: A Focus on Fathers' (2021) 18 International Journal of Environmental Research and Public Health 9625 <<https://www.mdpi.com/1660-4601/18/18/9625>>.

<sup>93</sup> Di Mu and others, 'Prediction of Recidivism and Detection of Risk Factors Under Different Time Windows Using Machine Learning Techniques' (2024) 42 Social Science Computer Review 1379 <<https://journals.sagepub.com/doi/10.1177/08944393241226607>>.

<sup>94</sup> Haryadi, Ibrahim and Darwance (n 43).

<sup>95</sup> R Movchan and others, 'Criminal Liability for Illegal Acts with Amber: Law-Making and Law-Enforcement Issues' [2024] Naukovyi Visnyk Natsionalnoho Hirnychoho Universytetu 197 <<http://nvngu.in.ua/index.php/en/archive/on-the-issues/1909-2024/content-3-2024/6933-197>>.

<sup>96</sup> Shestak and Postoeva (n 14).

explicitly regulated. This study highlights the social impact of convicted miners' inability to pay fines, which was often overlooked in previous discussions. By showing that uncertainty in executing penalties can reduce public trust in the legal system, this study fills a gap in understanding the relationship between law enforcement and social legitimacy. Therefore, the results of this study not only provide recommendations for legal reform and encourage stakeholders to consider the social impact of existing policies, thereby creating a fairer and more effective legal system in the mining sector <sup>97</sup>.

## CONCLUSION

The increase in fines can also be seen with the emergence of a tendency to apply prison sentences cumulatively with prison sentences. The Law that applies the penalty of fines accumulated with Imprisonment can be reviewed in Law 4 of 2009 concerning Mineral and Coal Mining as amended through Law 3 of Law of 2020 amendments to Law 4 of 2009 concerning Mineral and Coal Mining, The types of criminal sanctions in the Mineral and Mineral Law are the main crimes in the form of Imprisonment, fines, and Imprisonment. If the perpetrator is a legal entity, the type of fine sanction for the legal entity is plus 1/3 of the maximum criminal provisions of the fine imposed. Then, there are additional penalties in the form of revocation of business licenses and/or revocation of legal entity status. Criminal liability in the mining sector can be imposed on individuals or legal entities as can be reviewed from the subject of criminal acts contained in the criminal provisions, which begin with the formula "everyone" and the formula "if a legal entity commits the criminal act." The application of criminal sanctions and fines in criminal acts in the mining sector still raises problems in its implementation; namely, there is a gap between the criminal sanction of fines in the formulation of the Mining Law and its implementation in the field caused by the lack of explicit regulation of the mechanism of coercive efforts so that the convict can carry out the fine imposed sentence. This matter is one of the weaknesses and more beneficial for perpetrators of mining crimes. The existence of a criminal law option of fines can be replaced by prison sentences, causing many convicts to choose to serve prison sentences instead of fines. Perpetrators of criminal acts tend to think they would rather serve a prison sentence of several

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<sup>97</sup> Mahdi Pouresmaeli and others, 'Corporate Social Responsibility in Complex Systems Based on Sustainable Development' (2024) 90 Resources Policy 104818 <<https://doi.org/10.1016/j.resourpol.2024.104818>>; Riwanto, Suryaningsih and Putri (n 67).

months than spend a significant amount of money. By serving a prison sentence, it is as if the convict has paid the fine in full.

## REFERENCES

- Adhiasto DN, 'A Criminal Justice Response to Address the Illegal Trade of Wildlife in Indonesia' 1
- Agrawal B, 'Whither Criminal Cartel Enforcement in the EU? A Law and Economics Assessment' (2023) 2023 Erasmus Law Review 46
- Ali M and others, 'Criminological Outlook of Overcoming Disproportionate Punishment in Environmental Crimes' (2021) 10 International Journal of Criminology and Sociology 22 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85099649022&doi=10.6000%2F1929-4409.2021.10.04&partnerID=40&md5=59deab0aca95a5dd572caaa59a3ff167>>
- , *Protecting Environment Through Criminal Sanction Aggravation*, vol 7 (2022)
- , 'Punishment without Culpability in Environmental Offences' (2022) 8 Cogent Social Sciences <<https://doi.org/10.1080/23311886.2022.2120475>>
- , 'Is Criminal Fine in Economic Legislations Effective? Evidence from Indonesia' (2022) 8 Cogent Social Sciences
- Altamirano Rayo G, Mosinger ES and Thaler KM, 'Statebuilding and Indigenous Rights Implementation: Political Incentives, Social Movement Pressure, and Autonomy Policy in Central America' (2024) 175 World Development 106468 <<https://doi.org/10.1016/j.worlddev.2023.106468>>
- Ampaw EM and others, 'Rethinking Small-Scale Gold Mining in Ghana: A Holy Grail for Environmental Stewardship and Sustainability' (2024) 437 Journal of Cleaner Production 140683 <<https://linkinghub.elsevier.com/retrieve/pii/S0959652624001306>>
- Ariyanti DO, Ramadhan M and Murdomo J, 'Penegakan Hukum Pidana Terhadap Pelaku Penambangan Pasir Secara Ilegal Di Area Gumuk Pasir' (2020) 2 Jambura Law Review 30 <<http://ejurnal.ung.ac.id/index.php/jalrev/article/view/4376>>
- Biggs MA and others, 'Support for Criminalization of Self-Managed Abortion (SMA): A National Representative Survey' (2024) 340 Social Science & Medicine 116433 <<https://linkinghub.elsevier.com/retrieve/pii/S0277953623007906>>
- Chatsverykova I, 'Mobilization of Criminal Law by Business and State: Socio-Economic Status of Defendants and Pretrial Detention in Economic Cases' (2018) 19 Journal of Economic Sociology 12 <[https://ecsoc.hse.ru/data/2018/04/01/1164751079/ecsoc\\_t19\\_n2.pdf#page=12](https://ecsoc.hse.ru/data/2018/04/01/1164751079/ecsoc_t19_n2.pdf#page=12)>
- Colgan BA, 'Graduating Economic Sanctions According to Ability to Pay' (2017) 103 Iowa Law Review 53 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85037172151&partnerID=40&md5=255bff46d3b8c396a27541c67aa76fc1>>
- , 'The Excessive Fines Clause: Challenging the Modern Debtors' Prison' (2018) 65 UCLA Law Review 2
- Colgan BA and Galbraith J, 'The Failed Promise of Installment Fines' (2024) 172 University of Pennsylvania Law Review 989
- Crawford BL and others, 'An Exploratory Examination of Attitudes toward Illegal Abortion in the

- U.S. through Endorsement of Various Punishments' (2023) 121 *Contraception* 109952  
<<https://linkinghub.elsevier.com/retrieve/pii/S0010782423000057>>
- Danisor M-C, 'The Sentencing System of the Plurality of Crimes - Indifference towards the Effects of Severe Penalties in Romania; [Le Système Punitif de La Pluralité d'infractions Indifférence Face Aux Effets de Lourdes Peines En Roumanie]' (2018) 71 *Revue Internationale de Criminologie et de Police Technique et Scientifique* 449  
<<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85060554923&partnerID=40&md5=9c68283e100fdd5949f2484162c6fa84>>
- Diamantis ME, 'Criminal Law the Corporate Insanity Defense' (2021) 111 *Journal of Criminal Law and Criminology* 1 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85102851675&partnerID=40&md5=a69ce3032a35712bfd4ddd6a72784e86>>
- DITTMANN I, '<scp>The Optimal Use of Fines and Imprisonment If Governments Do Not Maximize Welfare</Scp>' (2006) 8 *Journal of Public Economic Theory* 677  
<<https://onlinelibrary.wiley.com/doi/10.1111/j.1467-9779.2006.00283.x>>
- Dong B, Zhang Y and Song H, 'Corruption as a Natural Resource Curse: Evidence from the Chinese Coal Mining' (2019) 57 *China Economic Review* 101314  
<<https://doi.org/10.1016/j.chieco.2019.101314>>
- Espin J and Perz S, 'Environmental Crimes in Extractive Activities: Explanations for Low Enforcement Effectiveness in the Case of Illegal Gold Mining in Madre de Dios, Peru' (2021) 8 *Extractive Industries and Society* 331  
<<https://doi.org/10.1016/j.exis.2020.12.009>>
- , 'Environmental Crimes in Extractive Activities: Explanations for Low Enforcement Effectiveness in the Case of Illegal Gold Mining in Madre de Dios, Peru' (2021) 8 *The Extractive Industries and Society* 331  
<<https://linkinghub.elsevier.com/retrieve/pii/S2214790X20303269>>
- Faraldo-Cabana P, 'Who Dares Fine a Murderer? The Changing Meaning of Money and Fines in Western European Criminal Systems' (2016) 25 *Social & Legal Studies* 489  
<<https://journals.sagepub.com/doi/10.1177/0964663915618545>>
- , *Money and the Governance of Punishment* (Routledge 2017)  
<<https://www.taylorfrancis.com/books/9781134872572>>
- Faraldo Cabana P, 'A Certain Sense of Fairness? Why Fines Were Made Affordable' (2015) 12 *European Journal of Criminology* 616  
<<https://journals.sagepub.com/doi/10.1177/1477370815587765>>
- , 'Paying off a Fine by Working Outside Prison: On the Origins and Diffusion of Community Service' (2020) 17 *European Journal of Criminology* 628  
<<https://journals.sagepub.com/doi/10.1177/1477370818819691>>
- Farhadishad M, Kazemifard M and Rezaei Z, 'Predicting Court Judgment in Criminal Cases by Text Mining Techniques' (2023) 15 *Journal of Information Technology Management* 204  
<<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85183474936&doi=10.22059%2Fjitm.2023.350464.3206&partnerID=40&md5=e5e30ba71afe1c8f4f2193b2f8b09ca7>>
- Fedorov IZ and others, 'Judicial Practice and Issues of Improving Administrative and Civil Liability in Entrepreneurship' (2025) <[https://link.springer.com/10.1007/978-3-031-83041-9\\_27](https://link.springer.com/10.1007/978-3-031-83041-9_27)>
- Feehan AK and Garcia-Diaz J, 'Investigator Responsibilities in Clinical Research' (2020) 20 *Ochsner Journal* 44 <<http://www.ochsnerjournal.org/lookup/doi/10.31486/toj.19.0085>>

- Fernando ZJ, Kristanto K and Anditya AW, 'Knitting Democracy, Separating Restraints: Legal Reform and a Critical Analysis of Article 256 of the New Criminal Code and Its Impact on Freedom of Speech' (2024) 5 Journal of Law and Legal Reform 555
- Fulton M, 'Upping the Ante: Increased Penalties under the MINER Act' (2007) 112 Coal Age 48
- Fulton MM, 'The Impact of New Civil Penalties on Your Bottom Line' (2007) 112 Coal Age 48
- Galbraith J and others, 'Poverty Penalties as Human Rights Problems' (2023) 117 American Journal of International Law 397  
<[https://www.cambridge.org/core/product/identifier/S0002930023000258/type/journal\\_article](https://www.cambridge.org/core/product/identifier/S0002930023000258/type/journal_article)>
- Garoupa N and Mungan M, 'Optimal Imprisonment and Fines with Non-Discriminatory Sentences' (2019) 182 Economics Letters 105  
<<https://linkinghub.elsevier.com/retrieve/pii/S0165176519302344>>
- Gernand JM, 'Evaluating the Effectiveness of Mine Safety Enforcement Actions in Forecasting the Lost-Days Rate at Specific Worksites' (2016) 2 ASCE-ASME Journal of Risk and Uncertainty in Engineering Systems Part B: Mechanical Engineering
- Gmeiner M and Gmeiner R, 'Regulation Enforcement' (2022) 43 Journal of Labor Research 163  
<<https://link.springer.com/10.1007/s12122-022-09332-3>>
- Goulette N and Frank J, 'Examining Criminal Justice Practitioners' Views on Collateral Consequences Policy' (2018) 43 American Journal of Criminal Justice 724  
<<http://link.springer.com/10.1007/s12103-017-9423-5>>
- Hariadi D, Hesti Wulan and Sonya Claudia Siwu, 'Analisis Yuridis Terhadap Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja' (2023) 9 Jurnal Hukum to-ra : Hukum Untuk Mengatur dan Melindungi Masyarakat 428
- Haris OK, Djamati TS and Adiansyah JS, 'Good Mining Practices toward a Good Mine Management: A Case of Mining Business Permit Issuance' (2020) 413 IOP Conference Series: Earth and Environmental Science
- Harjiyatni FR, Hartanti and Katu CAY, 'Law Enforcement Toward Illegal Limestone Mining in Gunungkidul Regency, Indonesia' (2024) 18 Revista de Gestao Social e Ambiental 1
- Harris A, *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor* (Russell Sage Foundation 2016) <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85009948418&partnerID=40&md5=a12b7d38046b03953a119d6854bb50cb>>
- Haryadi D, Ibrahim and Darwance, 'Environmental Improvement Policy through the Obligation of Post-Tin Mining Reclamation in the Islands of Bangka Belitung' (2023) 1175 IOP Conference Series: Earth and Environmental Science 012021  
<<https://iopscience.iop.org/article/10.1088/1755-1315/1175/1/012021>>
- Huizing PJF, 'Proportionality of Fines in the Context of Global Cartel Enforcement' (2020) 43 World Competition 61
- Ivic A, Saviolidis NM and Johannsdottir L, 'Drivers of Sustainability Practices and Contributions to Sustainable Development Evident in Sustainability Reports of European Mining Companies' (2021) 2 Discover Sustainability <<https://doi.org/10.1007/s43621-021-00025-y>>
- Jackson S and others, 'Mining and Sustainability in the Circumpolar North: The Role of Government in Advancing Corporate Social Responsibility' (2023) 72 Environmental Management 37
- Jhanattan M and others, 'Mining Management of Nonmetallic Minerals and Rocks Based on

- Government Policy' (2023) 6 International Journal of Environmental Impacts 165
- Kantorowicz-Reznichenko E, 'Day-Fines: Should the Rich Pay More?' (2015) 11 Review of Law & Economics 481 <<https://www.degruyterbrill.com/document/doi/10.1515/rle-2014-0045/html>>
- Kantorowicz-Reznichenko E and Kerk M, 'Day Fines: Asymmetric Information and the Secondary Enforcement System' (2020) 49 European Journal of Law and Economics 339 <<https://link.springer.com/10.1007/s10657-020-09658-2>>
- Khalifaoui R and others, 'Environment-Growth Nexus and Corruption in the MENA Region: Novel Evidence Based on Method of Moments Quantile Estimations' (2023) 342 Journal of Environmental Management
- Li N and others, 'Evaluation and Quantitative Characterization for the Ecological Environment Impact of Open Pit Mining on Vegetation Destruction from Landsat Time Series: A Case Study of Wulishan Limestone Mine' (2024) 158 Ecological Indicators 111371
- Lirëza L, Law F and Soedirman UJ, 'ILLEGAL LOGGING ENFORCEMENT : DYNAMICS OF PENAL SANCTIONS IN KEBUMEN COURT' (2024) 09 36
- Luengo JG, 'The Adaptation of Administrative Fines to the Offender's Economic Capacity and the Problem of Definition of Offences in Punitive Measures; [La Adaptación de Las Sanciones Pecuniarias Administrativas a La Capacidad Económica Del Infractor y Los Problemas D' [2015] Revista General de Derecho Administrativo <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-84926639616&partnerID=40&md5=4bdfc30cc3b265189d1adbc8b8290bea>>
- Mahlori B and van der Lingen E, 'Evaluation of Factors That Hinder Technology and Engineering Entrepreneurs in the Mining Sector', *2018 Portland International Conference on Management of Engineering and Technology (PICMET)* (IEEE 2018) <<https://ieeexplore.ieee.org/document/8481860/>>
- Mallett A and others, 'Environmental Impacts of Mining in Brazil and the Environmental Licensing Process: Changes Needed for Changing Times?' (2021) 8 The Extractive Industries and Society 100952 <<https://linkinghub.elsevier.com/retrieve/pii/S2214790X21001143>>
- Maulana A and Zainuromah Z, 'Elimination of Justice Collaborator Requirements in Granting Remissions for Corruptors in Indonesia: Progress or Setback in Legal Reform?' (2023) 4 Journal of Law and Legal Reform 325 <<https://journal.unnes.ac.id/sju/index.php/jllr/article/view/68206>>
- McIvor G, Pirnat C and Grafl C, 'Unpaid Work as an Alternative to Imprisonment for Fine Default in Austria and Scotland' (2013) 5 European Journal of Probation 3
- , 'Unpaid Work as an Alternative to Imprisonment for Fine Default in Austria and Scotland' (2013) 5 European Journal of Probation 3 <<https://journals.sagepub.com/doi/10.1177/206622031300500202>>
- Meyerstein A, 'Beware of the Repeats' (2008) 113 Coal Age 72 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-52049105003&partnerID=40&md5=079ed80f0b02ba3101ddde083adcd856>>
- Mitchell RJ and others, 'Homelessness and Predictors of Criminal Reoffending: A Retrospective Cohort Study' (2023) 33 Criminal Behaviour and Mental Health 261 <<https://onlinelibrary.wiley.com/doi/10.1002/cbm.2298>>
- Mogk J and others, 'Court-Imposed Fines as a Feature of the Homelessness-Incarceration Nexus: A Cross-Sectional Study of the Relationship between Legal Debt and Duration of



- Homelessness in Seattle, Washington, USA' (2020) 42 *Journal of Public Health* e107 <<https://academic.oup.com/jpubhealth/article/42/2/e107/5510723>>
- Montes AN and others, 'An Assessment of Prisoner Reentry, Legal Financial Obligations and Family Financial Support: A Focus on Fathers' (2021) 18 *International Journal of Environmental Research and Public Health* 9625 <<https://www.mdpi.com/1660-4601/18/18/9625>>
- Mott C and Solomon LH, 'Alternative Punishments: How Laypeople and Judges Impose Alternative Noncarceral Sanctions' (2024) 30 *Psychology, Public Policy, and Law* 326
- Movchan R and others, 'Criminal Liability for Illegal Acts with Amber: Law-Making and Law-Enforcement Issues' [2024] *Naukovyi Visnyk Natsionalnoho Hirnychoho Universytetu* 197 <<http://nvngu.in.ua/index.php/en/archive/on-the-issues/1909-2024/content-3-2024/6933-197>>
- Movchan RO and others, 'Criminal Liability for Illegal Mining: Analysis of Legislative Novelties' [2022] *Naukovyi Visnyk Natsionalnoho Hirnychoho Universytetu* 116 <<http://nvngu.in.ua/index.php/en/archive/on-the-issues/1885-2022/content-5-2022/6370-116>>
- Mtavangu VB, 'The Efficacy of Administrative Orders and Sanctions in Regulating Corporate Environmental Crimes in Mining Areas in Tanzania' (2024) 20 *Law, Environment and Development Journal* 33
- Mu D and others, 'Prediction of Recidivism and Detection of Risk Factors Under Different Time Windows Using Machine Learning Techniques' (2024) 42 *Social Science Computer Review* 1379 <<https://journals.sagepub.com/doi/10.1177/08944393241226607>>
- Nagrecha M and Bögelein N, 'Criminal-Legal System Actors' Practices and Views on Day Fines; [Festsetzung von Geldstrafen - Zum Umgang Mit Dem Tagessatzsystem in Der Praxis]' (2019) 1 *Kriminologie* 267 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85132524189&doi=10.18716%2Ffojs%2Fkrimoj%2F2019.2.11&partnerID=40&md5=97a1975d8aeb3e23832e642768dbbf74>>
- Natsir M, Ilahi AHA and Adnas TP, 'POLITICAL AND LEGAL DEVELOPMENTS IN MINERAL AND COAL MINING LAWS: A CRITICAL REVIEW' (2024) 9 *Diponegoro Law Review* 186 <<https://ejournal.undip.ac.id/index.php/dlr/article/view/38009>>
- NEHME M and PEDERSEN OW, 'Accountability and Offsetting in Environmental Law Enforcement' (2022) 49 *Journal of Law and Society* 93 <<https://onlinelibrary.wiley.com/doi/10.1111/jols.12346>>
- Nurse A, 'Contemporary Perspectives on Environmental Enforcement' (2022) 66 *International Journal of Offender Therapy and Comparative Criminology* 327 <<https://journals.sagepub.com/doi/10.1177/0306624X20964037>>
- Ortiz C and others, 'Environmental Impact of the Shadow Economy, Globalisation, and Human Capital: Capturing Spillovers Effects Using Spatial Panel Data Approach' (2022) 308 *Journal of Environmental Management*
- Overstreet D, 'The Negative Impact of Barriers to Entry on Income Inequality' (2020) 40 *Economic Affairs* 344 <<https://onlinelibrary.wiley.com/doi/10.1111/ecaf.12426>>
- Pleggenkuhle B, 'The Financial Cost of a Criminal Conviction: Context and Consequences' (2018) 45 *Criminal Justice and Behavior* 121 <<https://journals.sagepub.com/doi/10.1177/0093854817734278>>
- Pouresmaeli M and others, 'Corporate Social Responsibility in Complex Systems Based on Sustainable Development' (2024) 90 *Resources Policy* 104818

- <<https://doi.org/10.1016/j.resourpol.2024.104818>>
- Puji Prayitno K, Pandu Ramadhan G and Nuha Ilmawan F, 'Law Enforcement's Role in Tackling Illegal Gold Mining for Sustainable Development Goals' (2025) 609 E3S Web of Conferences 07002 <<https://www.e3s-conferences.org/10.1051/e3sconf/202560907002>>
- Qurbani ID and Rahma NA, 'STRATEGIC ANALYSIS OF GREEN FINANCE CRIME TO STRENGTHEN GREEN ECONOMY IN EMERGING MARKETS' (2024) 6 32
- Rafael MKE and Mai C, 'Understanding the Burden of Legal Financial Obligations on Indigent Washingtonians' (2022) 11 Social Sciences 17 <<https://www.mdpi.com/2076-0760/11/1/17>>
- Rankin SK, 'Civilly Criminalizing Homelessness' (2021) 56 Harvard Civil Rights-Civil Liberties Law Review 368
- Rasjuddin R, 'Perlindungan Hukum Pidana Lingkungan Terhadap Kegiatan Perusahaan Pertambangan Dalam Prnanggulungan Dampak Lingkungan' (2020) 36 Jurnal Hukum 1 <<http://jurnal.unissula.ac.id/index.php/jurnalhukum/article/view/11180>>
- , 'PERLINDUNGAN HUKUM PIDANA LINGKUNGAN TERHADAP KEGIATAN PERUSAHAAN PERTAMBANGAN DALAM PRNANGGULUNGAN DAMPAK LINGKUNGAN' (2020) 36 Jurnal Hukum 1 <<http://jurnal.unissula.ac.id/index.php/jurnalhukum/article/view/11180>>
- Rela IZ and others, 'Effect of Corporate Social Responsibility on Community Resilience: Empirical Evidence in the Nickel Mining Industry in Southeast Sulawesi, Indonesia' (2020) 12 Sustainability (Switzerland)
- Riwanto A, Suryaningsih S and Putri DK, 'Reform and Breakthrough in Business Regulations for Empowering MSMEs in Indonesia and the Netherlands' (2023) 3 Journal of Human Rights, Culture and Legal System 513
- Rohman A, Hartiwiningsih H and Rustamaji M, 'Improving Ecological Justice Orientation through a Typological Approach to Illegal Mining in the Criminal Justice System' (2024) 10 Cogent Social Sciences <<https://doi.org/10.1080/23311886.2023.2299083>>
- Ruback RB, *Economic Sanctions in Criminal Justice* (Oxford University Press New York 2021) <<https://academic.oup.com/book/41154>>
- Salam S and others, 'Corporate Legal Responsibility against Environmental Damage' (2019) 343 IOP Conference Series: Earth and Environmental Science 012137
- , 'Corporate Legal Responsibility against Environmental Damage' (2019) 343 IOP Conference Series: Earth and Environmental Science 012137 <<https://iopscience.iop.org/article/10.1088/1755-1315/343/1/012137>>
- Saleh G and Gunawan TJ, 'DESIGNING A JUST, DEFINITE, DETERRENT, RESTORATIVE, AND RESPONSIVE CRIMINAL JUSTICE SYSTEM THROUGH SENTENCING ECONOMIC VALUE' (2021) 24 Journal of Legal, Ethical and Regulatory Issues 1
- Salman M, Zha D and Wang G, 'Indigenous versus Foreign Innovation and Ecological Footprint: Dynamic Threshold Effect of Corruption' (2022) 14 Environmental and Sustainability Indicators 100177 <<https://doi.org/10.1016/j.indic.2022.100177>>
- Sandøy TA, Østhus S and Bretteville-Jensen AL, 'Social Inequality in Alternative Sanctions: A Register Data Study on All Adolescent Drug Offenders in Norway 2005–2015' (2023) 20 European Journal of Criminology 1331
- Schneidewind SJ, Meemken D and Langforth S, 'Measures and Penalties for Animal Welfare Violations at German Abattoirs: A Compilation of Current Recommendations and Practices' (2023) 13 Animals 2916 <<https://www.mdpi.com/2076-2615/13/18/2916>>

- Shelestukov V, Erin V and Pavlov G, 'Specialized Prosecutor's Offices of Kuzbass in Regional Coal Mining and Environmental Safety Protection' (2018) 41 E3S Web of Conferences 02029 <<https://www.e3s-conferences.org/10.1051/e3sconf/20184102029>>
- Shestak VA and Postoeva EA, 'CRIMINAL LIABILITY FOR ILLEGAL COAL MINING: RUSSIAN AND FOREIGN LEGAL REGULATION; [Уголовная Ответственность За Незаконную Добычу Угля: Российское и Иностранное Правовое Регулирование]' [2022] Ugol 95
- Shestak VA and Postoeva EA, 'CRIMINAL LIABILITY FOR ILLEGAL COAL MINING: RUSSIAN AND FOREIGN LEGAL REGULATION' [2022] Ugol' 95 <<http://www.ugolinfo.ru/index.php?article=202208095>>
- Slavinski I and Pettit B, 'Proliferation of Punishment: The Centrality of Legal Fines and Fees in the Landscape of Contemporary Penology' (2022) 69 Social Problems 717
- Tabbach AD, 'Does a Rise in Maximal Fines Increase or Decrease the Optimal Level of Deterrence?' (2009) 5 Review of Law & Economics <<https://www.degruyter.com/document/doi/10.2202/1555-5879.1245/html>>
- Tarbagayev AN and Letnikov JS, 'Problems of Cumulative Punishment Assignment by Means of Accumulative Sentencing' [2014] Criminology Journal of Baikal National University of Economics and Law 105 <<https://www.scopus.com/inward/record.uri?eid=2-s2.0-84918844989&partnerID=40&md5=cf2eb422ba6b42af832e7ab7a7ba395f>>
- Vasin AA, Kozyreva EA and Tyuleneva AS, 'Optimization of the Occupational Safety Compliance Control (OSCC) System at a Coal Mining Enterprise' (2017) 56 Journal of Computer and Systems Sciences International 810 <<http://link.springer.com/10.1134/S1064230717050124>>
- Williams N and Williams C, 'Entrepreneurship and Deprived Urban Areas: Understanding Activity and the Hidden Enterprise Culture', *Entrepreneurial Neighbourhoods* (Edward Elgar Publishing 2017) <<https://china.elgaronline.com/view/edcoll/9781785367236/9781785367236.00010.xml>>
- Wu Y, 'Reform and Analysis of the Division of Legal Responsibility between Enterprises and Third-Party Governance under Environmental Pollution' (2022) 2022 Journal of Environmental and Public Health <<https://onlinelibrary.wiley.com/doi/10.1155/2022/5168699>>
- Yustrisia L and others, 'Mining Corruption, Environmental Damage, and the Increasing Unauthorized Properties of State Officials' (2024) 8 Edelweiss Applied Science and Technology 1856
- Zabyelina Y and van Uhm D, *Illegal Mining: Organized Crime, Corruption, and Ecocide in a Resource-Scarce World* (2020)
- Zahroh UA and Najicha FU, 'Problems and Challenges on Environmental Law Enforcement in Indonesia: AMDAL in the Context of Administrative Law' (2022) 5 Indonesian State Law Review (ISLRev) 53 <<https://journal.unnes.ac.id/sju/index.php/islrev/article/view/46511>>
- Zaid M and others, 'The Sanctions on Environmental Performances: An Assessment of Indonesia and Brazil Practice' (2023) 3 Journal of Human Rights, Culture and Legal System 236