
Received: 7 Februari 2026 | **Accepted:** 28 Maret 2026 | **Published:** 30 May 2026

LEGAL CERTAINTY REGARDING REGULATIONS ON COMMUNITY MINING AREAS (WPR) FOR ROCK COMMODITIES IN SPATIAL PLANNING IN NORTH KAYONG REGENCY, WEST KALIMANTAN

¹ Putra Azman, ² MS Tumagor

^{1,2} Master of Laws, Bhayangkara University of Greater Jakarta

Email Correspondent: putraazman20@gmail.com

ABSTRACT

This study examines the legal certainty of the regulation of Community Mining Areas (WPR) for rock commodities within the spatial planning framework in Kayong Utara Regency, West Kalimantan. The study aims to analyse the implementation of WPR regulations, the obstacles to the legalisation of community mining, and the alignment of mining activities with the Regional Spatial Plan (RTRW). The research method employed is empirical legal research using a socio-legal approach through interviews, field observations and a literature review. The results indicate that the majority of small-scale mining activities are still carried out without the required WPR authorisation and Small-Scale Mining Permits (IPR), and are therefore categorised as unauthorised mining (PETI). Furthermore, the majority of mining sites are located in areas that do not comply with the RTRW, such as protected areas and river buffer zones. The main obstacles to the designation of WPRs include complex bureaucracy, weak coordination between central and local governments, and a lack of alignment in spatial planning policies. This study recommends accelerating the designation of WPRs, harmonising the RTRW, simplifying the licensing process, and strengthening environmental oversight to ensure legal certainty and environmental sustainability.

Keywords: *Legal Certainty, Small-Scale Mining Areas, Spatial Planning, Rock Mining, North Kayong Regency*

INTRODUCTION

Rock mining activities in Kayong Utara Regency, West Kalimantan, have shown a significant increase in recent years (2025–2026), in line with the demand for materials for the construction of roads, ports and residential areas (Yunas, 2025). However, this increase in activity has not been fully accompanied by the regulation of Community Mining Areas (WPR) in regional spatial planning documents. This occurs because mining activities are carried out by communities in areas where no WPR has been designated, whether or not they hold official small-scale mining permits. This situation gives rise to legal conflicts between the economic interests of the community, environmental protection, and the certainty of regional spatial planning (Aji, 2024a). In practice, some small-scale mining activities take place along rivers, within protected areas, and in areas not designated for mining in the Regional Spatial Plan (RTRW).

This situation highlights a discrepancy between mining legislation and the implementation of regional spatial planning in Kayong Utara Regency (Yunas, 2025) .

Small-scale mining activities currently have illegal status. Whilst *de facto* driving the economy and supporting infrastructure development, the absence of a designated WPR and official permits means these activities are classified as ‘Unlicensed Mining’ (PETI) (Firdaus et al., 2025) . Furthermore, the local government has been slow to respond with appropriate regulations, leading to a failure to act or a delay in integrating WPRs into the Kayong Utara Regency Spatial Plan (RTRW), thereby creating a legal conflict. The community is being sacrificed in terms of their legal status, whilst the environment is being sacrificed ecologically. Consequently, *a win-win solution* is required. Repressive law enforcement (arrests) will only cripple the local economy and hinder infrastructure development. The best solution is to accelerate the revision/updating of the regional RTRW by incorporating WPR zoning based on a Strategic Environmental Assessment (KLHS), followed by the provision of guidance and legalisation for these small-scale miners (Sarwani, 2025) .

Normatively, regulations concerning small-scale mining are set out in Law No. 3 of 2020 amending Law No. 4 of 2009 on Mineral and Coal Mining. Article 1, point 32, states that a WPR is a part of a Mining Area where small-scale mining activities are carried out (Kurniawan, 2023) . Furthermore, Article 22 stipulates that the designation of WPRs is carried out by the central government following coordination with local governments (Sudarmanto et al., 2024) . However, in practice, in Kayong Utara Regency, there are still areas that are *de facto* sites of small-scale mining but have not yet been designated as WPRs. Consequently, the community carries out mining without clear legal authorisation, making them vulnerable to being categorised as unauthorised mining (PETI). This situation highlights the lack of alignment between national mining policy and local government implementation in spatial planning (Rendi, n.d.) .

The problems arising on the ground stem from the fact that regional spatial planning regulations impose strict provisions regarding land use. Article 37 of Law No. 26 of 2007 stipulates that land use must comply with the Regional Spatial Plan (RTRW) (Sudarmanto et al., 2024) . Furthermore, Government Regulation No. 21 of 2021 on the Implementation of Spatial Planning emphasises the importance of aligning business activities with spatial plans as the legal basis for land use (Ruang, n.d.) . However, evidence on the ground indicates that rock mining activities are still taking place within restricted production forest areas and local conservation areas in several sub-districts of North Kayong. This has led to issues of legal certainty, including environmental damage, river sedimentation, land-use conflicts, and weak oversight by local government of small-scale mining activities.

This problem is evident from the rise in unauthorised mining activities, driven by the economic circumstances of local communities. Based on data from the Ministry of Energy and Mineral Resources and several regional reports from West Kalimantan, the small-scale mining sector serves as an alternative source of livelihood for communities due to limited job opportunities (Sumardjono,2022) . However, the designation of WPRs has not been optimised, making it difficult for communities to obtain Small-

Scale Mining Permits (IPR). According to Agustine et al., their research explains that legal certainty in mining must be achieved through the synchronisation of government authority, natural resource management, and community protection (Agustine, 2019a) . Meanwhile, Sarwani emphasises that spatial planning is an instrument for controlling land use that must guarantee ecological balance and social justice (Sarwani, 2025) . The views of these experts indicate that the regulation of the WPR is not only related to the legality of mining operations, but also concerns the protection of community rights and environmental sustainability.

The lack of legal certainty regarding WPR in North Kayong Regency has raised concerns amongst miners and the local community regarding the need to avoid conflict, safeguard the growth of the regional economy and local livelihoods, and mitigate the risk of disasters frequently caused by *illegal* mining (M et al., 2023) . Law enforcement officials in Kayong Regency frequently carry out crackdowns on rock mining operations carried out by local residents and migrants, which are deemed illegal in the absence of a permit. On the other hand, for the surrounding communities, this is a means of livelihood that has been passed down through generations (Redi & Marfungah, 2021) . It is therefore of the utmost importance to ensure legal certainty and the involvement of the WPR in formulating spatial planning policies, as the current situation prevents communities from having legal access to mining areas within their own territories, thereby helping to avoid tensions and conflicts between the community, the local government, and law enforcement agencies. Article 33(3) of the 1945 Constitution of the Republic of Indonesia stipulates that the earth, water and natural resources are controlled by the State and utilised to the greatest extent possible for the prosperity of the people. In this context, the State should be able to introduce regulations that provide legal certainty whilst also protecting small-scale miners (Kurniawan, 2023) .

Whilst many have discussed and analysed various issues surrounding small-scale mining and spatial planning, there remain gaps in research that have not yet been specifically examined. For instance, Aji's research, which examines the government's role in the allocation of Small-Scale Mining Areas (WPR) in West Kalimantan, highlights the weakness of local government policies in the designation of these areas (Aji, 2024b) . Similarly, Desianda explains in her research on the dynamics of small-scale mining law following changes to national mining regulations (Desianda, n.d.) . Firdaus, Rahmi, and Sarwani examine the policy on mining spatial planning zones in Jambi Province, explaining in their research how changes to the spatial planning of mining areas affect legal certainty (Sarwani, 2025) . Furthermore, Mukti et al. discuss in their research the authority of local governments in determining mining business licence areas following the revision of the Mineral and Coal Law (Mukhti, 2026) . The findings of the above research have not specifically analysed legal certainty in the regulation of rock commodity WPRs from the perspective of empirical law and spatial planning in North Kayong Regency.

Furthermore, there are significant gaps that require scientific examination and analysis, as observed in the field, through an in-depth review of legal norms, regulations and local by-laws relating to mining and spatial planning, as well as the implementation

of the law through empirical approaches. Furthermore, this study focuses on Kayong Utara Regency because this area possesses considerable mineral resource potential but still faces issues of legal uncertainty and regulatory challenges. The findings of this study include identifying the factors causing the sub-optimal designation of WPRs and pinpointing the barriers to coordination between the central and local governments in the management of small-scale mining. Consequently, this research holds strategic value in supporting reforms towards fair and sustainable small-scale mining policies.

The urgency of this research stems from the fact that the uncertainty surrounding WPRs has direct implications for environmental protection, community welfare and legal certainty regarding regional investment. If WPR regulations are not promptly aligned with spatial planning policies, the potential for social conflict, environmental damage and the criminalisation of mining communities will continue to rise. Consequently, this study is expected to provide policy recommendations regarding the harmonisation of small-scale mining and spatial planning regulations, the optimisation of WPR demarcation, and the strengthening of local government oversight of rock mining activities. Furthermore, the findings of this study are also expected to contribute academically to the development of mining and spatial planning law in Indonesia, particularly in realising social justice and legal certainty for small-scale mining communities.

RESEARCH METHODOLOGY

This study employs an empirical legal research design using a socio-legal approach, which examines law not only as written norms (*law in books*) but also as living social behaviour applied within society (*law in action*) (Aslam, 2023). This approach is relevant for analysing the certainty of regulations governing Community Mining Areas (WPR) for rock commodities within spatial planning in Kayong Utara Regency, as the research not only examines the provisions of Law No. 3 of 2020 on Mineral and Coal Resources and Law No. 26 of 2007 on Spatial Planning, but also investigates the implementation, obstacles and practices of community mining in the field. This study employs *a statutory approach*, *a conceptual approach* and *an empirical approach* to obtain a comprehensive picture of the alignment between legal norms and the social realities within the community of small-scale miners (Sugiyono, 2013).

The data sources in this study consist of primary and secondary data. Primary data were obtained through direct interviews with the local government of North Kayong Regency, relevant agencies, law enforcement officials, small-scale miners, and community leaders in the rock mining area. In addition, the study also utilised field observations of small-scale mining sites suspected of lacking the required WPR or Small-Scale Mining Permit (IPR) authorisation. Meanwhile, secondary data was obtained through a literature review of legislation, academic journals, mining law texts, the Kayong Utara Regency Spatial Planning Document (RTRW), and relevant previous research findings. Data analysis was conducted qualitatively by grouping data according to legal issues, which were then analysed using the theories of legal certainty, authority, and spatial planning to identify gaps between legal norms and their implementation on the ground (Rahayu et al., 2020).

This research method was chosen as it is capable of providing a realistic picture of the problems surrounding the regulation of the WPR for rock commodities within regional spatial planning, including the factors causing the sub-optimal legalisation of small-scale mining in Kayong Utara Regency. This study also seeks to identify forms of regulatory disharmony between mining and spatial planning policies, as well as their impact on communities and the environment. Using an empirical approach, the research findings are expected to yield practical policy recommendations, particularly regarding the acceleration of WPR designation, the harmonisation of the Regional Spatial Plan (RTRW) with small-scale mining areas, and the strengthening of oversight and legal protection for small-scale miners (Tan, 2021) . Therefore, empirical legal research is the appropriate method for linking normative legal aspects with social realities in the practice of small-scale mining in the region.

RESULTS AND DISCUSSION

A. Research Findings

1. The Regulatory Framework for WPR in Kayong Utara Regency

Based on the results of the field research, it was found that the majority of rock mining activities in Kayong Utara Regency do not yet have WPR legal status or a Small-Scale Mining Permit (IPR). This situation means that mining activities are categorised as Unlicensed Mining (PETI), as shown in the table below:

Table 1.

Legal Status of Community Mining of Rock Commodities

No	Mine Location Category	Number of Sites	Percentage
1	Holds WPR and IPR	2	10%
2	Holds a WPR but not yet an IPR	3	15%
3	No WPR or IPR	15	75%
	Total	20	100%

Source: Observations and interviews with local residents

The data above shows that 75 per cent of small-scale mining sites are still operating without legal authorisation. This indicates a low level of implementation of small-scale mining policies in Kayong Utara Regency. This situation leaves the mining communities vulnerable to criminalisation and legal action. These findings suggest that the research hypothesis stating that “legal certainty regarding the regulation of small-scale mining for rock commodities within the regional spatial plan is not yet optimal” is valid.

2. Alignment of Mining Locations with the Kayong Utara Regency Spatial Plan

The results of the observations indicate a discrepancy between the locations of small-scale mining operations and the zoning in the Kayong Utara Regency Spatial Plan (RTRW). As shown in the table below:

Table 2.

Alignment of Mining Locations with the RTRW

No	Area Category	Number of Sites	Percentage
1	In accordance with the RTRW	5	25%
2	Limited Production Forest Area	8	40%
3	Protected Areas/River Buffers	7	35

Source: Observations and interviews with local residents

As many as 75 per cent of mining sites are located in areas that do not comply with the Regional Spatial Plan (RTRW). This indicates a conflict over land use between the economic interests of the community and regional spatial planning policies. Interview results show that the community engages in mining in these areas due to economic factors and limited employment opportunities. Furthermore, the lack of a designated Mining Work Permit (WPR) means that the community has no legal access to the mining areas.

3. Barriers to the Designation of WPR and IPR

The study identified several key factors hindering the legalisation of small-scale mining, as outlined below:

Table 3.
Factors Hindering the Designation of WPR and IPR

No	Barrier	Percentage of Respondents
1	Complex bureaucratic process	35%
2	No synchronisation of the RTRW yet	25%
3	Lack of central-regional coordination	20%
4	Lack of public awareness of regulations	10%
5	High licence processing costs	10
6	Barriers	Percentage of Respondents

The greatest obstacle stems from complex bureaucracy and a lack of alignment between the Regional Spatial Plan (RTRW) and mining policy. These conditions highlight the weak coordination between the central government and local authorities in the management of small-scale mining.

4. The Environmental and Social Impacts of Small-Scale Mining. As shown in Table 4 below

No	Type of Impact	Level of Impact
1	Environmental damage	High
2	River sedimentation	High
3	Social conflict within the community	Moderate
4	Economic growth in the community	High
5	Damage to road infrastructure	Moderate

Small-scale mining activities have a significant economic impact on communities, particularly in terms of increasing household income and creating alternative employment opportunities. However, the resulting environmental impacts are also considerable, such as river sedimentation,

damage to protected areas, and changes to the landscape. Consequently, the regulation of small-scale mining must strike a balance between economic interests and environmental protection

B. Discussion

1. Legal Certainty in the Regulation of Small-Scale Mining Areas (WPR) for Rock Commodities in North Kayong Regency

Legal certainty in the regulation of Small-Scale Mining Areas (WPR) for rock commodities in North Kayong Regency still faces various challenges, whether in terms of local regulations, legislation or mining practices within spatial planning. Based on the research findings, the majority of small-scale mining activities are still carried out without official authorisation in the form of a WPR and a Small-Scale Mining Permit (IPR) (Yulianingrum et al., 2023). This situation indicates that the implementation of Law No. 3 of 2020 on Minerals and Coal (Minerba) has not yet been optimal, particularly Article 22, which stipulates that the designation of WPRs is to be carried out by the central government following coordination with local governments (Redi, 2021). This lack of clarity leaves communities in a state of legal uncertainty and makes them vulnerable to being categorised as engaging in unauthorised mining (PETI) (Yusuf Dm et al., 2025).

According to Gustav Radbruch, legal certainty is one of the primary objectives of law, alongside justice and utility (Nahuddin, 2016). Legal certainty must be realised through rules that are clear, consistent and can be effectively applied within society (Fathoni et al., 2014). In the context of small-scale mining in Kayong Utara Regency, legal certainty has not yet been fully achieved as there remains a discrepancy between mining regulations and regional spatial planning policies. In his research findings, Yanto also explains that mining law must be able to provide protection for small-scale communities so that the utilisation of natural resources can be carried out fairly and sustainably (Yanto, 2021). Thus, the weak legal standing of WPRs indicates a failure on the part of the state to provide legal protection for small-scale mining communities.

Furthermore, the issue of legal certainty is also influenced by changes in governmental authority following the enactment of Law No. 23 of 2014 on Regional Government. Under this regulation, authority over mining management was transferred from district/municipal governments to provincial and central governments (Agustine, 2019). This shift in authority has resulted in the local government of North Kayong District having limited capacity to directly formulate policies regarding small-scale mining. Consequently, the process of establishing WPRs has been slowed down as it requires lengthy and complex inter-governmental coordination.

Based on the results of field interviews, the mining communities consider rock mining to be an activity that has been practised for generations and is their primary source of livelihood. However, due to the lack of official legal recognition, they are frequently subject to crackdowns by law

enforcement officials. This situation highlights a conflict between the economic interests of the community and the implementation of the state's formal laws. According to Satjipto Rahardjo's theory of progressive law, the law should not be oriented solely towards the text of regulations, but should also take into account social realities and community justice (Hutagalung, 2025) . Therefore, a purely repressive approach will not resolve the issues surrounding small-scale mining unless accompanied by clear legalisation solutions.

Accelerating the designation of WPRs and streamlining IPR procedures are crucial steps in creating legal certainty for small-scale mining communities. The government needs to harmonise mining regulations with regional spatial planning policies so that mining activities can proceed legally and sustainably. Furthermore, environmental oversight must be strengthened to prevent ecological damage caused by small-scale mining activities. In this way, legal certainty not only provides protection for the community but also ensures the sustainable management of natural resources in Kayong Utara Regency.

2. Conflict between Mining and Spatial Planning

Conflicts between small-scale mining and spatial planning in Kayong Utara Regency arise because many rock mining sites are located in areas that do not comply with the Regional Spatial Plan (RTRW). Based on field findings, some mining sites are situated in limited production forest areas, river buffer zones and protected areas. This situation contravenes Law No. 26 of 2007 on Spatial Planning, specifically Article 37, which stipulates that land use must comply with the RTRW. This non-compliance gives rise to a legal conflict between the economic interests of the community and environmental protection (M et al., 2023) .

According to Banchiriga, spatial planning is a legal instrument aimed at maintaining ecological balance and social justice in the use of space (Banchirigah, 2008) . The problem in Kayong Utara Regency is that the lack of coordination between mining policies and the RTRW has led to overlapping land use. Small-scale mining activities within protected areas have the potential to cause environmental damage, river sedimentation and land-use conflicts. Therefore, spatial planning must be utilised as a control mechanism to ensure that mining activities continue to take environmental sustainability into account.

Furthermore, conflicts between mining and spatial planning are also influenced by the economic circumstances of local communities. Based on interview findings, communities engage in mining activities due to limited employment opportunities and pressing economic needs. These factors lead communities to continue mining even in areas that do not comply with the RTRW. According to Soerjono Soekanto, the effectiveness of the law is significantly influenced by the social, economic and cultural factors of the community. Consequently, the enforcement of spatial planning laws cannot

be achieved solely through a repressive approach, but must also take into account the socio-economic conditions of the community (Arief, 2007) .

Another issue identified is that the revision of the North Kayong Regency Spatial Plan has not yet been optimised to accommodate areas with potential for small-scale mining. Government Regulation No. 21 of 2021 on Spatial Planning stipulates that land use must take into account synchronisation across development sectors, including the mining sector. However, the implementation of this policy at the local level continues to face bureaucratic obstacles and weak inter-agency coordination. Consequently, many small-scale mining areas lack certainty regarding spatial planning and mining legality.

Conflicts between mining and spatial planning are also influenced by weak oversight by local governments over small-scale mining activities. Suboptimal oversight has led to mining activities expanding uncontrollably in areas that should be protected (M et al., 2023) . According to Lawrence M. Friedman, the effectiveness of a legal system is influenced by its legal structure, legal substance and the legal culture of society (Febriyanti et al., 2025) . In the case of Kayong Utara Regency, weak institutional coordination and the legal culture of the community are the main factors causing spatial planning conflicts to persist.

Resolving mining and spatial planning conflicts requires an integrated policy approach. Local governments need to revise their Regional Spatial Plans (RTRW) by incorporating potential WPR areas based on Strategic Environmental Assessments (KLHS). Furthermore, coordination between the central government, provincial government and local government must be strengthened in the designation of WPRs (Silalahi et al., 2025) . This step is crucial for striking a balance between the economic interests of the community, environmental protection and legal certainty in the management of small-scale mining (Prasetya et al., 2024) .

3. Government Oversight in Kayong Utara Regency

The effectiveness of government oversight of small-scale mining activities in Kayong Utara Regency remains suboptimal. According to research findings, the oversight carried out by government officials is largely repressive in nature, involving crackdowns and the cessation of illegal mining activities. However, this approach has not been accompanied by solutions for legalisation or guidance for the mining communities. This situation has led communities to continue engaging in illegal mining activities due to pressing economic needs.

According to the theory of public administration oversight, government oversight aims to ensure that policy implementation proceeds in accordance with legislation (Aneta, 2012) . Under Law No. 3 of 2020 on Minerals and Coal, the government has a duty to provide guidance and oversight of small-scale mining activities (Kurniawan, 2023) . Furthermore, Article 140 of the Minerals and Coal Law stipulates that the government is obliged to supervise

the implementation of good mining practices and environmental protection. However, the implementation of supervision in Kayong Utara Regency still faces constraints in terms of human resources and budget.

According to Philipus M. Hadjon, government oversight must be carried out through a balanced approach combining preventive and repressive measures. Preventive oversight is carried out through guidance, public awareness campaigns on regulations, and the provision of legal access to mining communities (O'Faircheallaigh, 2010) . Meanwhile, repressive oversight is carried out through law enforcement against mining activities that damage the environment. In practice, the local government of North Kayong Regency still predominantly employs a repressive approach rather than a preventative one. Consequently, relations between mining communities and law enforcement officials frequently give rise to social conflict (Yunas, 2025)

Therefore, the effectiveness of government oversight needs to be strengthened through improved inter-agency coordination, the provision of clear local regulations, and the empowerment of mining communities. The local government also needs to develop a community-participation-based oversight model so that small-scale mining activities can be managed collectively. With effective oversight, the government will not only be able to safeguard the environment but also provide legal protection for small-scale mining communities.

4. Practical Implications and Government Policy

The government must immediately revise the Spatial Plan (RTRW) for Kayong Utara Regency by incorporating potential small-scale mining areas (WPR) based on the Strategic Environmental Assessment (KLHS). This policy is essential to ensure that the use of land for small-scale mining has legal certainty and does not conflict with protected areas (Aji, 2024b) . Article 19 of Law No. 26 of 2007 on Spatial Planning stipulates that local governments are obliged to formulate RTRWs that take into account the potential of natural resources and environmental sustainability.

In addition to revising the RTRW, the central government needs to expedite the designation of WPRs in accordance with the provisions of Article 22 of Law No. 3 of 2020 on Mineral and Coal Resources. The slow designation of WPRs means that communities do not have legal access to small-scale mining activities.

Another policy that needs to be implemented is the simplification of procedures for Small-Scale Mining Permits (IPR) (Saputra et al., 2024) . Lengthy bureaucratic processes and the costs of obtaining permits are the main factors hindering communities from obtaining legal mining status. According to public service theory, the government must provide services that are simple, swift and affordable for the public. Therefore, bureaucratic reform in the processing of IPRs is a strategic step towards enhancing the effectiveness of small-scale mining legalisation (Maryam, 2016) .

The government also needs to strengthen environmental oversight of small-scale mining activities. Law No. 32 of 2009 on Environmental Protection and Management stipulates that all business activities must preserve the environment and prevent pollution. Environmental oversight must be carried out through river quality monitoring, the reclamation of former mining sites, and the application of environmentally friendly mining techniques. Such policies are essential to ensure that small-scale mining activities do not cause long-term ecological damage (Indonesia, n.d.) .

Consequently, the policy implications of this study emphasise the importance of harmonising mining regulations, spatial planning and environmental protection. The government must introduce policies that are not only focused on law enforcement but also provide economic solutions and social protection for small-scale mining communities. Integrated policies will be able to strike a balance between regional development interests, community welfare and environmental sustainability.

From the above discussion, the researcher understands that, empirically, the certainty of regulations governing Community Mining Areas (WPR) for rock commodities within spatial planning in Kayong Utara Regency, the issue of regulatory certainty regarding Community Mining Areas (WPR) for rock commodities in Kayong Utara Regency reveals a discrepancy between mining legislation, spatial planning policies, and the social practices of local communities on the ground. As a developing region in West Kalimantan, Kayong Utara Regency has a high demand for rock materials for the construction of roads, bridges, ports and residential areas. These conditions have fuelled the growth of community rock mining activities in several sub-districts, such as Sukadana, Simpang Hilir, Teluk Batang and Seponti. However, the majority of these activities lack legal standing in the form of designated WPRs or Community Mining Permits (IPR). In practice, communities continue to mine due to economic necessity and weak oversight by the local government.

Under the provisions of Article 22 of Law No. 3 of 2020 on Mineral and Coal Resources, WPRs may only be designated by the central government following coordination with local authorities. However, in practice, Kayong Utara Regency lacks clear regulations on WPRs for rock commodities that are integrated into the regional spatial plan (RTRW). Consequently, many small-scale mining sites are located outside the mining zones designated in the spatial plan. This situation creates legal uncertainty as communities carry out mining activities in areas not legally designated as mining zones.

Field observations indicate that some rock mining activities take place along riverbanks and within local protected areas. The consequences include damage to village roads caused by the transport of mining materials, river sedimentation, minor landslides, and conflicts over land use with the plantation sector as well as the ‘ ’ of conservation areas. From an empirical legal perspective, this situation highlights a gap between ‘law in books’ and ‘law in action’. Normatively, legal provisions already regulate the mechanism for legalising small-scale mining, but

their implementation has not been effective due to limited institutional coordination, a lack of mapping of the WPR, and insufficient public awareness-raising.

Table 5
Field Issues Regarding the Regulation of WPR for Rock Commodities
in North Kayong Regency

No	Field Issues	Field Findings	Legal Provisions	Forms of Non-Compliance and Legal Certainty
1	No definitive designation of rock WPRs has yet been made	Communities are mining using traditional methods without legal authorisation	Article 22 of Law No. 3 of 2020	Mining activities are taking place without a WPR basis
2	The mine is located outside the RTRW area	The mining site is located near riverbanks and settlements	Law No. 26 of 2007 on Spatial Planning	Land use is not in accordance with zoning regulations
3	Difficulties in obtaining mining rights	Artisanal miners do not understand administrative procedures	Article 67 of the Mining Law	The legalisation of small-scale mining is ineffective
4	Weak regional oversight	Mining activities take place without technical oversight	Government Regulation No. 96 of 2021	Mining supervision is not yet optimal
5	Social conflicts over land use	Disputes between local communities and landowners/plantation owners	Article 33 of the 1945 Constitution	Natural resource management has not yet ensured fairness
6	Environmental damage	Sedimentation and damage to village access roads have occurred	Law No. 32 of 2009 on the Environment	Mining activities do not comply with the principles of sustainability

CONCLUSION

From the discussion above, it can be concluded that legal certainty regarding the regulation of Community Mining Areas (WPR) for rock commodities in North Kayong Regency is still not functioning properly. The research findings reveal that the majority of small-scale mining activities are still being carried out without a WPR or a Small-Scale Mining Permit (IPR). Of the 20 mining sites studied, 75 per cent lacked legal authorisation and were therefore categorised as unauthorised mining (PETI). This situation indicates that the implementation of the Mineral and Coal Law has not been optimal, particularly regarding the designation of WPRs and the granting of permits to community miners. Consequently, the people of ‘ ’ frequently face crackdowns and legal uncertainty, even though mining activities have long been a source of livelihood for the community.

Furthermore, this study found inconsistencies between mining locations and the Regional Spatial Plan (RTRW). As many as 75 per cent of mining sites are situated in areas that do not comply with the RTRW, such as limited production forest areas, riverbanks and protected areas. This indicates a conflict between the community's economic interests and regional spatial planning policies. The community continues to mine due to economic necessity and a lack of employment opportunities. Furthermore, the slow ratification of the WPR and weak government coordination mean that communities lack legal access to small-scale mining activities. The main obstacles to the legalisation of small-scale mining are complex bureaucratic processes, a lack of alignment between the RTRW and mining policies, weak government coordination, a lack of public awareness of regulations, and the high cost of obtaining permits. Government oversight also continues to focus predominantly on cracking down on illegal mining, without being accompanied by guidance or legalisation solutions for the community. On the other hand, small-scale mining activities have a positive impact on the local economy as they boost incomes and create jobs. However, these activities also have negative environmental impacts, such as environmental degradation, river sedimentation and damage to village roads.

Based on field findings, the researchers recommend that the government urgently expedite the designation of Mining Work Areas (WPR), revise the Regional Spatial Plan (RTRW), streamline the process for obtaining Mining Rights (IPR), and strengthen oversight of small-scale mining activities. With clearer and more integrated policies, it is hoped that legal certainty, protection for small-scale miners, and a balance between economic interests and environmental protection can be achieved in Kayong Utara Regency.

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