Vertical Conflict on Sea Sand Mining Activities in Lampung; Law Enforcement and Sociological Approach

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<th>Article’s Info</th>
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<td><strong>keywords:</strong></td>
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<td>Enforcement; Conflict; Community; Sea Sand Mining</td>
<td>The lack of law enforcement related to marine sand mining activities that conflict with the community in Lampung Province certainly causes many problems. It can cause quite a high social conflict and environmental ecosystems and cause ecological disasters. In addition, the impact of the sea sand mining permit also overlaps the allocation of coastal areas and small islands. This article aims to analyze law enforcement against marine sand mining activities that conflict with the community in Lampung Province. This study uses an empirical normative method with a qualitative analysis model. The informant was from WALHI by Irfan Tri Musri and some miners. The results show that law enforcement for sea sand mining has to start from the law formulation, application, and execution stages of law enforcement. Next, prevention efforts to control environmental impacts that need to be performed by making maximum usage of the monitoring and licensing instruments. In addition, Lampung Province Regulation Number 1 of 2018 concerning Zoning Plans for Coastal Areas and Small Islands must be appropriately implemented for law enforcement because it is sufficient to accommodate the interests of the community. The most dominant inhibiting factors in law enforcement of marine mining in</td>
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A. Introduction

Lampung Province covers a land area of 33,628.03 Km², meanwhile, Lampung Province covers 132 islands around it, and the sea has a boundary within 12 nautical miles of the coastline leading to the open sea of 51,991 Km². The coastline in Lampung Province has a length of about 1,105 km, formed into 4 (four) coastal areas, namely the West Coast for 210 km, Semangka Bay for 200 km, Lampung Bay and the Sunda Strait for 160 km, and the East Coast for 270 km.¹

Recently, damage to coastal areas and small islands in Lampung Province is an event that has been experienced for quite a long time and is massive.² The current status of the mangrove ecosystem in Lampung Province is only 6,648.53 hectares, or the equivalent of only 0.20% of the total area of Lampung Province.³

After almost 20 years since the coastal project that emerged in early 2000 by the Lampung Provincial government in collaboration with third parties, it turns out that up to this day, it can be said that there has not been a severe change related to the coast in Lampung Province. One strategic issue, namely coastal spatial planning, has been implemented in the Lampung Province Regional Regulation Number 1 of 2018 concerning Rencana Zonasi Wilayah Pesisir dan Pulau-Pulau Kecil (RZWP3K/ the Zoning Plan for Coastal Areas and Small Islands)⁴ of Lampung Province 2018-2038.⁵

Managing coastal areas and small islands is entirely the authority of the Lampung Provincial Government after the enactment of Law No. 23 of 2014 concerning the Regional Government. In addition to being mandated by Law Number 1 of 2014 concerning the Management of Coastal Areas and Small Islands, the Lampung Provincial Government has also stipulated Lampung Province Regional Regulation Number 1 of 2018 RZWP3K 2018-2038 on January 15, 2018. it is the basis for issuing permits in coastal areas and small islands of Lampung Province. It also as a spatial, legal justice for coastal communities and weapons to stop sea sand mining in Lampung Province because this regional regulation no longer accommodates sea sand mining activities until the 12-mile coastline zone except for oil and gas mining.⁶

In addition to being contained in the Lampung Province RZWP3K regional regulation, sand mining in the sea is regulated in Law No. 27 of 2007 and amended through Law No. 1 of 2014 concerning the Management of Coastal Areas and Small Islands.⁷ In Article 35, it is stated that it is not permissible to mine sea sand if it can disrupt the stability of the waters.⁸ The Lampung Provincial government needs to implement it optimally. This condition is proven by several

¹ Dokumen KLHS Revisi RTRW Provinsi Lampung Tahun 2009-2029 diakses pada tanggal 13 April 2021 pkl 20:30 WIB.
⁴ Rencana Zonasi Wilayah Pesisir dan Pulau-Pulau Kecil (RZWP3K) is a management tool for coastal areas and small islands. In its implementation, RZWP3K must refer to the Regional Spatial Plan (RTRW).
⁵ Eksekutif Daerah WALHI Lampung, Pesisir Laut dan Pulau-Pulau Kecil Lampung, Kertas posisi isu pengelolaan wilayah pesisir laut dan pulau-pulau kecil Lampung, (Bandar Lampung: Eksekutif Daerah WALHI Lampung), hlm. 2.
⁶ Ibid Hlm 4
cases of violations in the coastal areas and small islands of Lampung Province, which were left alone without going through the legal process and imposition of sanctions. Besides that, it is also related to the existence of an operation Mining Business License (IUP-OP) for sea sand mining in the sea of Lampung Province, which also shows the weakness of the Lampung Provincial government’s commitment to providing health and safety guarantees for the people and the environment. Therefore, the Lampung Provincial government also has enough power to implement and evaluate the withdrawal of sea sand mining permits in 2019 after ratifying the Regional Regulation RZWP3K Number 1 of 2018 Lampung Province.\(^9\)

One of the problems is the weak law enforcement against marine sand mining in Lampung Province, as happened in 2019-2020. There are still 5 Production Operation Mining Business Permits (IUP-OP) of sea sand known to mine in the waters of Lampung Province, which are located in 3 regencies, namely Tulang Bawang, South Lampung, and East Lampung. The five mining permits are considered administratively flawed in their issuance.

The impact of the issuance of the sea sand mining permit will certainly overlap the allocation of coastal areas and small islands and potentially cause high social disputes, damage environmental ecosystems, and cause ecological disasters.\(^10\) These sea sand mining permits are also issued to capture fisheries areas/areas based on the RZWP3K and in the Lampung Province Regional Regulation RZWP3K, which no longer accommodates areas/areas for mining activities except for oil and gas mining. The following are in detail the 5 Sea Sand Mining Permits issued by the Lampung Provincial Government:\(^11\)

**Table 1. IUP (Izin Usaha Pertambangan)/ Mining Business License, the Sea Sand Mine, is Still Rising Until 2020**

<table>
<thead>
<tr>
<th>NO</th>
<th>Company Name</th>
<th>Certificate Number</th>
<th>Area (HA)</th>
<th>Start Date</th>
<th>Expiration Date</th>
<th>Regency</th>
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<tr>
<td>1</td>
<td>Lautan Indonesia Persada</td>
<td>540/3710/KEP/II.07/2015</td>
<td>1,000.0</td>
<td>26 Mar 2015</td>
<td>26 Mar 2020</td>
<td>Lampung Selatan</td>
</tr>
<tr>
<td>2</td>
<td>Makmur Anugerah Mandiri Sejahtera</td>
<td>540/14496/KEP/V.16/2017</td>
<td>996.60</td>
<td>8 Dec 2017</td>
<td>19 Dec 2022</td>
<td>Tulang Bawang</td>
</tr>
<tr>
<td>3</td>
<td>Pusat Koperasi Nelayan Indonesia (PUSKONELI)</td>
<td>540/3604/KEP/II.07/2015</td>
<td>997.00</td>
<td>24 Mar 2015</td>
<td>24 Mar 2020</td>
<td>Tulang Bawang</td>
</tr>
<tr>
<td>4</td>
<td>Sejati 555 Sampurna Nuswantara</td>
<td>540/12979/KEP/II.07/2015</td>
<td>1,000.0</td>
<td>30 Sep 2015</td>
<td>30 Sep 2020</td>
<td>Lampung Timur</td>
</tr>
<tr>
<td>5</td>
<td>Sejati 555 Sampurna Nuswantara</td>
<td>540/12980/KEP/II.07/2015</td>
<td>1,000.0</td>
<td>30 Sep 2015</td>
<td>30 Sep 2020</td>
<td>Lampung Timur</td>
</tr>
</tbody>
</table>

Source: Wahana Lingkungan Hidup Indonesia Lampung (WALHI Lampung)


\(^10\) Arif Satria, *Pengantar Sosiologi Masyarakat Pesisir*, (Jakarta: Yayasan Pustaka Obor Indonesia, 2015), hlm. 1

\(^11\) Catatan Akhir Tahun WALHI Lampung Tahun 2019 “Lampung Masih Darurat Ekologis” diakses tanggal 13 April 2021 pkl 21:00 WIB.
In Table 1, it is explained that five Sea Sand Mining permits were issued by the Lampung Provincial Government, whose licenses expired in 2020. The legal subjects are PT Lautan Indah Persada, located in South Lampung; PT Makmur Anugerah Mandiri Sejahtera, located in Tulang Bawang; Puskoneli which is also located in Tulang Bawang; and PT Sejati 555 in East Lampung.

Of the 5 IUP OP permits above, the license that has not expired until now is PT Makmur Anugerah Mandiri Sejahtera because the permit will only expire in 2022. The Lampung Provincial Government at that time should not have issued a marine space management permit throughout 2014–2018 because, at that time, it did not yet have a plan for zoning coastal areas and small islands related to the division of marine areas. However, in 2015 and 2017, the Lampung Provincial Government issued five sea sand mining permits, leading to polemics in the community and social conflicts.

Post the issuance of the Regional Regulation on RZWP3K Lampung Province, which is expected to provide health and safety guarantees for coastal communities and guarantee the environment from exploitative efforts and development that is not environmentally friendly. Still, the government and law enforcement officers ignore criminal acts. The environment, coast, and small islands in Lampung Province allow vertical conflicts between communities and corporations. So some problems and conflicts continue to occur and drag on until now.

The novelty of this research will make a significant contribution to preventing and reducing vertical conflicts in sand mining activities in Lampung Province. It can be seen that law enforcement against sea sand mining activities against the community in Lampung Province is not optimal and not real, transparency, and justice. The Execution Stage tends to fail because the crime of sea sand mining has not described good law enforcement and does not provide a deterrent effect for the perpetrators.

B. Discussion

Law enforcement, according to Barda Nawawi Arief, has three stages, namely: Design stage, implementation enforcement stage, and implementation stage. In terms of efforts to enforce the law, Barda Nawawi Arief interprets the broad meaning of enforcing all the customs of social life and defines the narrow meaning in which the enforcement of the rule of law is defined as a judicial practice. Furthermore, Barda Naawai Arief stated that in enforcing criminal law, there are two ways; 1) enforce criminal law in concreto; 2) enforce criminal law in abstract. In enforcing criminal law, an abstract is a method of drafting/designing (formulating) legislation by the legislature, which can be considered through the ratification stage. In enforcing criminal law in concreto, namely based on the method of application/implementation and the application of legislation through law enforcement officers, which can be done by judicial and execution.

It is certainly not easy to enforce environmental laws such as sea sand mining because the criminal law system is placed into (ultimum remidium) or the last resort in enforcing the law. However, environmental law enforcement is only sometimes carried out repressively. After the impact has occurred but can also be carried out preventively through licensing approval requirements, AMDAL (Environmental Impact Analysis), and compliance with environmental

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13 Eksekutif Daerah WALHI Lampung Op.Cit, hlm. 3.
16 Ibid., pg 26.
quality standards are the responsibility of government agencies. Because many environmental cases that occur, such as water pollution, air pollution, forest destruction, and sea sand mining, with all the consequences that follow, occur because preventive law enforcement is weak. One of the causes of weak compliance with laws and environmental principles is the government apparatus's weak control and thinking (mindset).\textsuperscript{17}

In addition, (\textit{Izin Usaha Pertambangan "IUP."}), or Mining Business License for sand mining in Lampung Province, is considered not serious in granting permits. In 2019 WALHI Lampung demanded to revoke the sand mining permit granted to PT Lautan Indonesia Persada (PT LIP) in the Gunung Anak Krakatau area. Mining is permitted except for gas and oil. To enforce the law in Lampung Province, the management of coastal areas and small islands is entirely the responsibility of the Lampung Province government after the enactment of Law No. 23 of 2014 concerning the Regional Government. As a mandate from Law No.1 of 2014 concerning the Management of Coastal Areas and Small Islands, the Lampung Provincial Government has also stipulated the 2018 Lampung Province RZWP3K Perda as the legal umbrella for coastal communities. The regional regulation is also the basis for issuing permits in coastal areas and small islands in Lampung Province, as well as being a legal umbrella in spatial justice for coastal communities and the Lampung Province regulation. Sea sand mining in this regional regulation is no longer accommodated up to 12 miles of line zone.\textsuperscript{18}

1. Law Enforcement Against Sea Sand Mining Activities in Conflict with Communities in Lampung Province

Environmental issues often cause conflict in the community. Like the sea sand mining conflict in Lampung Province that occurred before the 2018 Lampung Province, RZWP3K Regulation was ratified. The sea waters of East Lampung Regency and Tulang Bawang have become fishing zones and areas for sustainable crab cultivation. Until the Lampung Province Regional Regulation RZWP3K was ratified, the area was still a sustainable crab cultivation area. The Central Government within the zone regulated fishing zones. The problem in recent years was the existence of sea sand mining activities and forcing the issuance of permits and plans for exploiting sea sand, which certainly had a considerable impact on the environment.

There are five Operation Mining Business Permits (IUP-OP) of sea sand, which are known to mine in the sea waters of Lampung Province, located in 3 regencies, namely Tulang Bawang, South Lampung, and East Lampung. The five mining permits are considered administratively flawed in their issuance. The impact of the issuance of the sea sand mining permit will certainly overlap the allocation of coastal areas and small islands and potentially cause high social disputes, damage environmental ecosystems, and cause ecological disasters.\textsuperscript{19} Irrespectively, the problems of licensing and law enforcement tend to be weak, and law enforcement officers tend to be less firm when enforcing the law, especially if the company has a permit, even though in conflict with the law enforcement community, it is difficult to do.\textsuperscript{20}

Lampung Province issues production mining business licenses (IUP-OP) for sea sand mining which overlaps with laws and regulations. They also should have been revoking permits related to sea sand mining which shows the lack of commitment of the Lampung Provincial Government to provide health and safety guarantees for the people and the environment. In fact,

\begin{footnotesize}
\begin{enumerate}
\item Eksekutif Daerah WALHI Lampung Op.Cit, hlm. 3.
\item Hasil wawancara kepada Irfan Tri Musri, selaku Direktur Eksekutif WALHI Lampung. Rabu 05 Januari 2022.
\end{enumerate}
\end{footnotesize}
in implementing law enforcement against sea sand mining activities in Lampung Province, the government needs to be more firm in law enforcement efforts. It is proven by several cases of sea sand mining in Lampung Province, which have been left alone without going through a legal process and imposed sanctions by the government.\textsuperscript{21} Several cases, namely the controversy over the alleged plan to mine sea sand at the mouth of the Tulang Bawang river by PT Sienar Tri Tunggal Perkasa. There are many rejections from the community regarding this mining activity because it damages its ecosystem. Another problem can also be seen in the official application from the Ministry of Energy and Mineral Resources, namely Minerba One Map Indonesia (MOMI), which is an application about the geographical location of mining areas and essential information on permits from all over Indonesia. In this application, it was found that there is still one company with a sea sand mining permit, namely PT Makmur Anugerah Mandiri Sejahtera (PT MAMS), which covers an area of 996.60 ha and ends in 2022. PT MAMS should not be able to carry out mining because the coordinates of the Mining Business License Area (WIUP) owned is in the Capture Fisheries Zoning Perda RZWP3K Lampung.

Law enforcement on marine sand mining activities that conflict with the community in Lampung Province still needs to be improved. It could see that law enforcement officers’ preventive and repressive efforts are not running optimally, starting from the formulation, application, and execution stages of law enforcement. So in the future, law enforcement talking about sea sand mining will also talk about processing coastal areas and small islands, which must be handled comprehensively and thoughtfully and prioritize sustainability, accountability, openness, and justice. Suppose the management of coastal areas and small islands is carried out poorly and is not guided by the environment and coastal communities. In that case, it will potentially cause adverse impacts that are very difficult to overcome and recover from and potentially prolonged conflict. Poor management of coastal areas and small islands can result in sea level rise, coastal abrasion, damage to marine ecosystems, structural conflicts, and other destructive impacts. In formulating laws and regulations, legislative provisions are the most effective initial stage and must be considered by legislators as much as possible. Therefore, efforts to prevent and overcome crime through legal channels are the responsibility of the legislative/legislative institutions, law enforcement officers, or the legislative body itself.\textsuperscript{22} 

The sea sand mining problem is closely related to environmental law enforcement, especially preventive efforts, namely monitoring legal policies related to the management of ecosystem impacts by maximizing the use of law enforcement instruments. Therefore, the development of a legal mechanism for the protection and utilization of living ecosystems that is comprehensive, clear, and firm is needed to guarantee legal certainty as the basis for the protection and processing of natural resources and other development activities, accompanied by a supervisory function of law enforcement in the field.\textsuperscript{23} 

The local government has the authority to form laws and regulations relating to sea sand mining in Lampung Province. It must make regulations that align with the policies of the law above and review the facts the community perceives. For this reason, it is considered very important that Law Enforcement Against Sea Sand Mining Activities.\textsuperscript{24} The author sees that there is still a gap for sea sand mining actors who need to enforce the law. They stated that they already have a permit; even though they have a permit, if it impacts the environment and

\begin{itemize}
\item[\textsuperscript{22}] Hasil wawancara kepada I Made, selaku Wakil Ketua Komisi II DPRD Provinsi Lampung. Kamis 06 Januari 2022.
\end{itemize}
society, law enforcement can be carried out under Article 35 letter I of Law number 27 of 2007. However, efforts at the formulation stage already exist in the Lampung Province. The Lampung Provincial Government has implemented the Lampung Provincial Regulation RZWP3K Lampung Province. This regional regulation serves as the basis for issuing permits in coastal areas and small islands in the province of Lampung, as well as a legal umbrella for spatial justice for coastal communities. The condition is evidenced by the absence of space allocation for mining 0-12 miles, conservation areas, capture fisheries zones, cultivation zones, tourism zones, and several other zonings. The future government must commit to maintaining its regional regulations, which are considered to have accommodated the interests of the community, and implement and supervise these regulations to run well even though, in reality, they have yet to be implemented optimally.

Government law enforcement officers must be more firm in law enforcement efforts, causing law enforcement problems. The manifestation of this lack of firmness in law enforcement is that the Lampung Provincial Government, on the issue of PT LIP being sued by the people of Sebesi Island, is considered not firm in withdrawing the permit pocketed by PT LIP. Besides that, several cases of sea sand mining in Lampung Province are left alone without going through a process of law. The law and the imposition of sanctions by the Lampung provincial government are also related to the existence of an industrial production operation Mining Business License (IUP-OP) for sea sand mining which overlaps with laws and regulations. The Lampung provincial government is also not firm in revoking sea sand mining permits and shows a weak commitment of the Lampung Provincial Government to providing health and safety guarantees for the community and the environment. As with PT Lautan Indonesia Persada, Irfan Tri Musti said the Lampung Provincial Government still needs to clarify the ownership of PT LIP's permit for sea sand mining around the Mount Anak Krakatau area. Based on the statement from the Head of the Lampung Province ESDM Office, PT LIP has obtained a permit that is valid until March 26, 2020. This permit is considered contrary to the statement of the DPRD (Regional People's Representative Council) of Lampung Province, which has held a dialogue with WALHI. Lampung Provincial Regulation No. 1 of 2018 concerning the Zoning Plan for Coastal Areas and Small Islands (RZWP3K) states that Lampung province in 2018-2038 does not provide sea space designated for mining except for oil and gas mining. If there is a marine mining permit, it is clear that the permit is null and void.

The Execution Stage for the conflicts shows that the author sees almost no law enforcement in the execution stage because the application stage for law enforcement on sea sand mining in Lampung Province needs to run. That law enforcement at the formulation and application stages should be able to run. It is expected to be able to provide health and safety guarantees for coastal communities and the environment from exploitative efforts and development that is not environmentally friendly. And allow vertical conflicts between the community and the miners to occur. Still, in reality, the government and law enforcement officers tend to omit environmental and coastal crimes & small islands in Lampung Province. Finally, law enforcement must still describe the truth in the execution stage. Law enforcement efforts do not deter offenders because efforts to enforce laws that are not firm and exacerbated by light sanctions make justice not in favor of the environment. We can see the context of state monasteries over sea sand mining in conflict with residents in coastal areas and small islands.

in the absence of law enforcement efforts by the Lampung provincial government or law enforcement officers against crimes that occurred.  

2. Barrier Factors in Law Enforcement Against Sea Sand Mining Activities in Conflict with Communities in Lampung Province

The main problem that plagues law enforcement agencies is the existence of aspects that directly or indirectly affect them. These aspects have neutral meanings and can have positive and negative impacts. When viewed from the aspect of law enforcement, it makes the rule of law worthwhile. Soerjono Soekanto explained these factors include:

- Legislative Factors (Legal Substance)
- Law Enforcement Factor
- Facilities or Facilities
- Community Factor
- Cultural Factor

Many obstacles in applying criminal sanctions against conflicting sea sand mining activities in Lampung Province so far have been related to law enforcement in Indonesia for the provision of punishments that are only based on laws that are applied rigidly and do not care about the background. To be sure, environmental issues and their implications for applying strict sanctions are complex matters. Many things hinder environmental law enforcement in the form of administrative, civil, and criminal sanctions against environmental crimes that need serious attention. Because these obstacles have a neutral meaning, we can see the positive and negative effects of the aspect of law enforcement itself for the rule of law to work.

The most dominant inhibiting factor that causes problems with sea sand mining activities that conflict with the community in Lampung Province is the law factor (substance) and the individual factor that enforces the law. In the aspect of legislation and substance, this is the most strategic stage and can be taken into account by the legislature. Therefore, efforts to prevent and overcome criminality in sea sand mining activities through legal channels are not limited to the responsibility of the orderly/legal apparatus. Therefore it is also the duty of the individual who makes the law/legislative institution.

The regional regulation escort that accommodates the processing of coastal areas and small islands must be continuously monitored lest policies are made solely for personal interests to cause conflict at the community level. In substance, coastal spatial planning has been implemented in Perda RZWP3K No. 1 of 2018 Lampung Province, which substantially actually Perda RZWP3K Lampung Province has properly accommodated the needs of the environment and the guarantee of life for coastal residents. Consequently, there was no fixed allocation for mining, conservation areas, capture fisheries zones, cultivation zones, tourism zones, and several other zonings. However, it is sufficient to accommodate the implementation and needs to be appropriately implemented. It is proven that there is still sea sand mining that is not following the zoning, so it conflicts with the community. Therefore, the issuance of permits must be strengthened so that sea sand mining practices do not occur again, not following their designation.

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32 Munadjat Danusaputro, Hukum Lingkungan, Buku 1: Umum, Cet. Kedua, (Bandung; Binacipta, 1985), hlm. 95.
In law enforcement factors, local governments in issuing permits often overlap with other statutory policies. It is necessary to strengthen and review the issuance of permits that are calculated carefully and in a neutral manner. The permit should be selected and issued due to applicable requirements. It is difficult to enforce the law, especially from the government's supervisory function, which is also not running well where the authority of the Provincial Government needs to be carried out correctly. So that law enforcement officers can also be more in-depth and focus on the values of environmental justice. Law enforcement on conflicting marine sand mining activities in Lampung Province is based on at least three basic concepts. First is using all legal instruments, primarily administrative, criminal, and civil law. Second, prioritizing environmental or ecological sustainability above other needs. Third, not only to implement policies and legislation but also to maintain the values of justice and truth.

The factors of facilities and infrastructure that hinder law enforcement in sea sand mining conflict with the community in Lampung Province due to the lack of facilities and infrastructure to assist Polairud in carrying out all patrol and law enforcement activities in a preventive and repressive manner. The process of investigating the factors of facilities and infrastructure that hinder law enforcement also has an effect starting from the addition of the number of experts who have so far been minimal regarding experts related to sea sand mining to improve the performance of the apparatus. The community factor is the need to maximize the role of the population in managing coastal areas and small islands. Considering that coastal welfare is still facing various obstacles, it is essential that coastal zoning and small islands meet the needs of coastal residents and increase income. The welfare of coastal residents must be a concern, and poverty and income inequality remain a problem for coastal residents because sea sand mining is increasingly threatening the lives of fishers and coastal communities, which leads to conflicts and failure of law enforcement.

In terms of Cultural Factors, the existence of sea sand mining activities is certainly not in line with the culture of the people in Lampung Province because people in Lampung Province believe in ensuring the beauty of the beachfront area by following noble values.

International law perspectives

Sand mining in the Lampung province is only a minor component of the global mining problem. However, these minor issues are dispersed throughout the world. India and African countries are among the sand producers facing a pressing problem with this issue. As sand is a highly in-demand commodity, but its existence is increasingly scarce, the direct impact of sand mining on the ecological system, including environmental problems and becoming one of the Environmental Law Violations. The environmental impact of the extraction process of sand mining has bothered; thus, international law makes involved.

Law enforcement through the government prohibits and limits sand mining in certain areas to prevent environmental impacts that will damage ecosystems and environmental sustainability. Mining operations in several countries, such as Australia, New Zealand, Russia, and Sweden, require environmental permits that are prepared, designed, and implemented to

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achieve positive environmental outcomes. State regulations can achieve a Reduction of in-stream mining activities. New Zealand, Italy, France, the Netherlands, the UK, Germany, and Switzerland strictly regulate in-stream mineral mining. Overexploitation of coastal sand deposits is a problem that must resolve through regulations and rules. Pilkey asserts that "the natural source of beach sand is decreasing, and the natural causes of sand removal are increasing."  

The UN Convention on the Law of the Sea (UNCLOS) is a good starting point for examining "international law on sand mining." UNCLOS is a comprehensive, legally binding treaty intended to bring legal order to the sea and encourage the peaceful, equitable, and efficient exploitation of its resources while seeking to safeguard and maintain the marine environment and the natural riches of the seabed and its subsoil.

Riley Weyman, in his research, already concluded that the current international legal framework for regulating marine sand extraction lacks cohesive global standards and monitoring mechanisms. A lack of awareness concerning the issue and the shortfalls of the legal framework have allowed for marine sand and aggregate extraction to cause significant damage to marine and coastal environments around the world. Concluded after elaborating on the elements of the sand mining case with the provisions contained in UNCLOS.

It should be noted that, in fact, only some of the UNCLOS regulations specifically mention sand mining. But found several cases related to the sea had sand-mining elements. The primary reference for cases related to commercialization and reclamation efforts of an area that is in contact with sand mining is the case of Philippines v. China (PCA case number 2013–19), also known as the South China Sea Arbitration. The problem regarding sand mining is Submissions no. 11 and 12, which violate article 192 of UNCLOS. In 2013, the Philippines filed an objection against China's claims and activities in the South China Sea to the UNCLOS Court of Arbitration in The Hague, Netherlands. The Philippines accuses China of interfering in its territory by fishing and reclamation by building artificial islands that cause 'severe damage to the coral reef environment.'

Article 192 concerning General Obligations states that states are obliged to protect and preserve the marine environment, but China's alleged failure to protect and preserve the marine environment by dredging and burying coral reefs with sediment created by China's sand mining efforts (submissions 11). Regarding the occupation and construction activities on Mischief Reef (Submission no. 12), China constructed its installations and artificial islands on Mischief Reef without permission from the Philippines.

The subsequent dispute under UNCLOS relating to the environmental impact of dredging and land reclamation, which have been resolved through arbitration, was Malaysia v Singapore. The Malaysia vs. Singapore case is ruling on the issue of sovereignty. The International Court of Law of the Sea found that Singapore had violated several provisions of UNCLOS and directed Singapore not to conduct reclamation in a manner that could cause serious harm to the marine environment. Additionally, to contravening article 192, the issue also violates article 194(1) of UNCLOS. It states that individuals or collectively must act to prevent, with serious efforts to, harmonize policies to reduce and control pollution of the marine environment caused by each source by using effective means and according to their abilities. The actions taken also apply to ecosystems and habitats threatened by scarcity (art. 194(5)).
The absence of global standards and monitoring mechanisms has allowed the detrimental effects of dredging to occur worldwide. Furthermore, these are relevant to sand mining and have provided an excellent basis for countries and create a legally binding obligation to regulate these activities within their respective jurisdictions to limit their impact on the environment. Unfortunately, the agreement does not specify or guide the substance of such laws and regulations or potential guidelines for minimizing the impact of these activities. The articles remind us that "such laws, regulations, and measures must not be less effective than international rules, standards, and recommended practices and procedures." Without a direct international standard for seabed extraction, this provision leaves significant room for varying interpretations.

C. Conclusion

Based on the problems and discussion above, it can conclude that Law Enforcement Against Sea Sand Mining Activities conflicts with the Community in Lampung Province. Law enforcement is not yet severe and needs to prioritize sustainability, accountability, transparency, and justice. At the Execution Stage, it tends to fail because crimes against sea sand mining have not depicted proper law enforcement and do not have a deterrent effect on perpetrators. In addition, to restore and repair the damaged environment must apply an essential administrative sanction.

The most dominant inhibiting factors in law enforcement for marine mining in conflict with the people in Lampung Province are law enforcement officers who are not tenacious in enforcing the law on sea sand mining and do not fully implement the law. Factors include a lack of experts to assist law enforcement officers, Community Factors, the lack of welfare levels of coastal communities currently facing various limitations, and Cultural factors of the people of Lampung Province, which are not following sea sand mining activities. Law enforcement officials in issuing permits often experience overlaps. They tend to need help understanding the Lampung Province RZWP3K regulation, which caused conflicts in 2018, and there was no oversight of sea sand mining activities in Lampung Province.

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Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara

Undang- Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup

Undang-Undang Nomor 1 Tahun 2014 tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil perubahan atas Undang-Undang Nomor 27 Tahun 2007 tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil

Perda Nomor 1 Tahun 2018 Provinsi Lampung tentang Rencana Zonasi Wilayah Pesisir dan Pulau-Pulau Kecil

D. Internet

Dokumen KLHS Revisi RTRW Provinsi Lampung Tahun 2009-2029 diakses pada tanggal 13 April 2021 pkl 20:30 WIB.

Pemaparan BAPPEDA Provinsi Lampung pada Workshop Forum DAS yang diselenggarakan pada 10 Desember 2019
