

Corruption Prevention Efforts in Mining

ABSTRACT

The mining sector plays a crucial role in increasing state revenue but is also vulnerable to corruption. This vulnerability is influenced by the high economic value of natural resources, suboptimal oversight, and complex regulations. This study aims to explore strategies for preventing corruption in the mining sector through regulatory, institutional, and public participation approaches. The methods used include literature review, analysis of legislation, and evaluation of the implementation of anti-corruption programs carried out by the government and independent institutions. The results indicate that corruption prevention can be strengthened through the implementation of a transparent digital licensing system, disclosure of beneficial ownership, capacity building for supervisory officials, and the involvement of communities and civil society organizations. In addition the use of technology such as e-procurement, online reporting mechanisms, and geospatial data can enhance accountability in mining management. In conclusion, preventing corruption in this sector requires collaboration among various stakeholders, information transparency, and consistent law enforcement to ensure sustainability

Keywords: corruption prevention; mining; governance; transparency

INTRODUCTION

The mining sector is a strategic resource that plays a significant role in national economic development. However, the industry's capital-intensive nature, high risk, and complex licensing process make it vulnerable to corruption. Various cases, such as bribery related to mining permits, abuse of authority in granting mining business permits (IUP), and illegal mining activities involving officials, demonstrate that governance in this sector still faces significant challenges. Corruption in the mining sector not only harms the state in terms of revenue but also negatively impacts the environment, triggers social conflict, and diminishes local communities' rights to natural resources (Siregar, 2020).

Preventing corruption in the mining sector requires a comprehensive approach. This strategy includes strengthening a transparent licensing system, enhancing the integrity of government officials, utilizing technology to monitor the entire mineral production and distribution chain, and public participation in oversight of mining activities. Various initiatives at both the national and international levels have encouraged improvements in governance, including the implementation of good mining governance principles, transparency of beneficial

ownership, and open data policies aimed at reducing opportunities for abuse of power (EITI Indonesia, 2023).

By identifying root causes and designing effective prevention strategies, it is hoped that mining sector management can be more transparent, accountable, and sustainable. This article discusses various forms of vulnerability to corruption in the mining sector and strategies for prevention through regulatory approaches, technology utilization, and community involvement (Muladi, 2021). According to Zainudin Hasan (2025), in his book Anti-Corruption Education on page 63, corruption has held the government hostage, ultimately leading to plutocracy.

According to KPK data obtained through collaboration with relevant ministries and institutions as of October 2016, of the total 34.7 million hectares of land holding mining permits in Indonesia, approximately 22.9 million hectares are located in forest areas. Of this total, 6.3 million hectares are not designated for mining activities, such as protected forests and conservation forests. This situation has given rise to the public perception that mining companies are difficult to prosecute. Several corruption cases in this sector have been uncovered, for example, alleged corruption related to changes in the mining business permit (IUP) for a 400-hectare coal mine owned by PT. Citra Tobindo Suskes Perkasa. Several individuals have been named as suspects, including the former President Director of PT. Antam, the President Director of PT. Indonesia Coal Resources, the Senior Manager of Corporate Strategic Development of PT. Antam, and several commissioners of related companies. This case demonstrates the gap between existing regulations and practice, where several government officials have used their authority unlawfully, contrary to the provisions of Law No. 30 of 2014 concerning State Administration, particularly in the mining sector.

RESEARCH METHODS

The author uses a legal research method with a normative juridical approach, based on library materials and related legal regulations. In this study, the author utilizes a legislative and analytical approach to explain the existing issues. The legal approach is used because the basis for stopping criminal acts of corruption in the natural resources sector is Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption together with Law No. 20 of 2001 which amended Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. This also involves Government Regulations, Ministerial Circulars, international customs, as well as international conventions and agreements.

RESULT AND DISCUSSION

Handling Corruption Crimes: Vertical Synchronization

The term corruption comes from the Latin word "corruptio," "corruption" in English, and "corruptive" in Dutch. The term refers to acts that are destructive, immoral, and dishonest, particularly those related to financial management. Meanwhile, according to Black's Law Dictionary, corruption is defined as an act committed with the aim of obtaining personal or group gain by abusing a position or authority. This act is carried out for personal or other gain and is contrary to legal obligations and violates the rights of others (Hasan, 2025).

In handling corruption crimes in the mining sector, vertical coordination plays a crucial role. This requires all elements of the justice system, particularly those handling corruption cases, to work in harmony and share a common understanding from the investigation stage to the implementation of court decisions. This harmony is necessary so that all parties have the same perspective on the legal provisions violated by the suspect. The initial stage in handling corruption cases is determining the suitability of the case for court proceedings, which can begin at the investigation or prosecution stage. In addition, vertical synchronization also functions to ensure that the legal regulations applicable in a field do not conflict or overlap, so that law enforcement can run effectively and consistently (Muhajir et al., 2019).

Following the enactment of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, issues arose in the form of overlapping authority between subsystems within the criminal justice system, particularly regarding the institutions authorized to conduct inquiries and trials in corruption cases. Article 26 of the law stipulates that the investigation, prosecution, and examination of corruption cases are carried out in accordance with applicable criminal procedure law, unless otherwise specified in this law.

This provision essentially indicates that the handling of corruption crimes remains guided by Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), the sole applicable criminal procedure law in Indonesia. Therefore, investigative authority rests with the police, as stipulated in Articles 106 to 136 of the KUHAP, while prosecution falls under the authority of the prosecutor's office, as stipulated in Articles 137 to 144 of the KUHAP. However, Article 27 of Law Number 31 of 1999 creates unclear authority, as it regulates the formation of a joint team under the coordination of the Attorney General to handle corruption crimes that are difficult to prove. Subsequently, this coordination authority is transferred to the Corruption Eradication Commission (KPK), as stipulated in Article 6 of Law Number 30 of 2002 concerning the KPK. This situation demonstrates the importance of synchronization between subsystems within the criminal justice system to ensure legal certainty and equal legal treatment. In the context of law enforcement against corruption in the mining sector, vertical regulatory alignment is needed to avoid overlapping

authority. Normatively, the National Police (Polri) and the KPK have authority in eradicating corruption, so existing regulations must be harmonized. The police have the authority to investigate and inquire through the judicial process through general courts, and the Prosecutor's Office is authorized to conduct investigations and prosecutions. Meanwhile, the KPK exercises its authority in an integrated manner, from investigations to prosecutions through a special court, namely the Corruption Court (Muhajir et al., 2019).

Efforts to Address Corruption in the Mining Sector: Horizontal Synchronization

In handling corruption in the mining sector, horizontal synchronization is a crucial step. This effort must begin with the awareness and commitment of leaders in each subsystem within the criminal justice system to jointly combat corruption. Horizontal synchronization can only be effective if each subsystem understands that they all have equal and complementary roles, without any perceived hierarchy of authority. Furthermore, this process also requires alignment between regulations that have equal standing and regulate the same field to avoid conflict.

Regulations in the natural resources sector develop sectorally, with varying backgrounds and scopes of authority. Each natural resource sector in Indonesia has its own regulations. Although this research focuses on laws, in practice, overlapping authorities are still found. For example, potential conflicts can arise between forestry laws and spatial planning laws in determining spatial or regional allocations. This situation arises when the designation of forest areas in the Regional Spatial Plan (RTRW) is inconsistent with the designation of forest areas by the Minister, which was carried out before the enactment of the Spatial Planning Law (Rusmini, 2020).

Increasing public involvement in anti-corruption education studies refers to various planned efforts to encourage an active public role in preventing, monitoring, and reporting corrupt practices. These steps include providing education, open access to information, a transparent reporting system, and guaranteeing legal protection for whistleblowers. Strong public participation makes the public a strategic partner for the government in eradicating corruption. This active involvement can encourage the creation of governance that is more open, accountable, and responsive to public needs (Hasan, 2025)

The government must ensure that policies and regulations are formulated transparently and involve the participation of all parties, not just in limited meetings with certain officials and businesspeople (Muhajir, 2019). Previously the focus of oversight was more on expenditures, but now we know that corruption in revenue sectors such as taxes and mining causes greater losses to the state. To prevent and eradicate corruption, there are five main programs recommended (Hasan, 2025):

Strengthening Law Enforcement in Eradicating Corruption:

- 1) Elect clean and committed leaders of law enforcement agencies, such as the Attorney General and the Chief of Police, who prioritize eradicating corruption.
- 2) Increase legal action against corruption cases, particularly in the public service sector, state revenue, state expenditure, law enforcement, high-profile actors, and state financial losses. Eliminate bureaucratic red tape that hinders investigations and pursue corruptors who flee through international cooperation.
- 3) Implement firm action against corruptors, including reversal of evidence, execution of corruptors with final and binding convictions, demanding severe penalties and confiscation of corruptors' assets, and eliminating special facilities for corruptors.
- 4) Promote regulations that support corruption eradication, such as revisions to the corruption law, asset confiscation, witness and victim protection, and revisions to the criminal procedure law. Furthermore, evaluate all anti-corruption policies and units of the previous administration.
- 5) Strengthen cooperation and support for law enforcement agencies and the Corruption Eradication Commission (KPK) by supporting budgets and regulations that support the KPK, strengthening synergy between law enforcement agencies, and ensuring sufficient allowances and budgets for handling corruption cases.

Accountability of Corruption Perpetrators

Criminal accountability essentially embodies a person's obligation to bear all risks and legal consequences arising from their criminal acts. The application of criminal accountability requires the perpetrator to be accountable for their actions. Essentially, this concept is closely related to the principle of culpability, a key principle in criminal law, which asserts that punishment can only be imposed if there is fault on the part of the perpetrator. Therefore, criminal accountability rests on the capacity to be responsible, where every individual can be held legally accountable for their actions. However, not everyone can be held accountable under criminal law, as only those with legal capacity and the ability to distinguish between right and wrong can be held accountable, including in the corruption case related to the Menanga Jaya Village Budget.

In rendering a decision a judge does not solely adhere to written legal provisions, but also considers the legal values that have developed in the life of society. This is as regulated in Article 28 paragraph (1) of Law Number 40 of 2009 which emphasizes that judges are obliged to explore, follow, and understand the legal values that exist in society. Therefore, the judge's decision must be based on an interpretation of the law that is in harmony with the sense of justice that grows

and develops in society, and takes into account various other factors such as social, cultural, economic, and political conditions. With this background, differences in decisions in similar cases are possible, considering that each judge has a viewpoint and basis for consideration that is not always the same (Hasan, 2021)

CONCLUSION

Based on the analysis, the author draws several key conclusions. First, a strategy of vertical and horizontal synchronization is needed to prevent and eradicate corruption in the natural resources sector. The persistent overlapping regulations and authorities between agencies open up opportunities for abuse of authority and corrupt practices. Therefore, vertical synchronization between regulatory levels and horizontal synchronization between institutions, particularly within the criminal justice subsystem, is crucial. This alignment must be accompanied by a shared commitment to eradicating corruption and adjusting laws and regulations to ensure they are not contradictory.¹¹

Second, preventing abuse of authority in handling corruption in the mining sector can be achieved through the implementation of Law Number 30 of 2014 concerning State Administration. This law serves to strengthen the principles of good governance and prevent the occurrence of corruption, collusion, and nepotism. These preventive efforts are implemented preventively and in line with the provisions of Law Number 30 of 2002 concerning the Corruption Eradication Commission. To ensure just law enforcement, initial handling of alleged maladministration should be pursued through administrative law mechanisms as stipulated in the State Administration Law. Furthermore, internal oversight plays a crucial role in the implementation of good governance principles to support fair criminal law enforcement in accordance with the principles of the rule of law.

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