

Penegakan Hukum Terhadap Penambangan Emas Liar Sebagai Upaya Pengendalian Pengelolaan Lingkungan Hidup Di Kabupaten Tasikmalaya

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ABSTRAK

Penelitian dilatarbelakangi kegiatan penambangan emas liar yang menimbulkan dampak permasalahan penegakan hukum, upaya pengendalian dan pengelolaan lingkungan hidup, serta ketidak sesuaian antara peraturan perundang-undangan dengan penagakannya.

Metode penelitian adalah yuridis normatif dengan spesifikasi penelitian preskriptif. Data yang digunakan adalah data sekunder bersumber pada studi kepustakaan dan peraturan perundang-undangan. Data diolah dan dianalisis dengan metode normatif kualitatif.

Berdasarkan hasil penelitian diperoleh kesimpulan: (1) Pelaksanaan penegakan hukum terhadap pelaku penambangan emas liar di Kabupaten Tasikmalaya terdiri: (a) upaya preventif berupa sosialisasi terkait Undang-Undang Nomor 3 Tahun 2020, dan Undang-Undang Nomor 32 Tahun 2009; (b) upaya represif terhadap para pelaku penambangan liar. (2) Kajian normatif diketahui: (a) substansi dalam Undang-Undang Nomor 32 Tahun 2009 terdapat celah hukum yaitu aspek pengendalian, pengawasan dan sanksi administratif, dan penegakan hukum; (b) Undang-Undang Nomor 3 Tahun 2020 perlu memperhatikan terkait desentralisasi dan otonomi daerah.

Saran: (1) diharapkan peran serta instansi dan *stakeholder* terkait melaksanakan peran masing-masing dalam upaya menjaga kelestarian lingkungan dan mengatasi penambangan emas liar; (2) diharapkan pemerintah (Presiden) menyusun Peraturan Presiden tentang pendelegasian sebagian kewenangan perizinan usaha bidang pertambangan mineral dan batubara.

Kata Kunci: Penegakan Hukum, Penambangan Emas Liar, Pengendalian dan Pengelolaan Lingkungan Hidup

***Law Enforcement Against Illegal Gold Mining as an Effort to Control
Environmental Management in Tasikmalaya Regency***

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ABSTRACT

The background of the research is illegal gold mining activities that cause problems with law enforcement, efforts to control and manage the environment, as well as discrepancies between statutory regulations and their enforcement. The research method is normative juridical with prescriptive research specifications. The data used is secondary data sourced from literature studies and legislation. The data were processed and analyzed by qualitative normative methods.

Based on the results of the research, it was concluded: (1) The implementation of law enforcement against illegal gold mining actors in Tasikmalaya Regency consists : (a) preventive efforts in the form of socialization related to Law Number 3 of 2020, and Law Number 32 of 2009; (b) repressive measures against illegal mining actors. (2) The normative study found: (a) the substance of Law Number 32 of 2009 contains legal loopholes, namely aspects of control, supervision and administrative sanctions, and law enforcement; (b) Law Number 3 of 2020 needs to pay attention to decentralization and regional autonomy. Suggestions: (1) It is hoped that the participation of relevant agencies and stakeholders will carry out their respective roles to preserve the environment and overcome illegal gold mining; (2) It is hoped that the government (President) will draw up a Presidential Regulation concerning the Delegation of Part of the Authority for Business Licensing in the Mineral and Coal Mining Sector.

Keywords: Law Enforcement, Illegal Gold Mining, Environmental Control, and Management