



West Papua Regional Police Efforts in Handling Illegal Mining Crimes in Manokwari Regency

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Abstract: This study examines the efforts of the West Papua Regional Police in addressing illegal mining crimes in Manokwari Regency, a region rich in mineral resources yet vulnerable to environmental degradation and social conflict. Illegal mining persists due to economic pressures, weak governance, difficult geographical access, and limited enforcement capacity. Using a normative juridical approach supported by statutory, conceptual, and case analyses, this research identifies that illegal mining has caused severe ecological damage particularly river pollution and forest destruction—while generating social tensions related to indigenous land rights and depriving the local government of potential revenue. The West Papua Regional Police implement both penal and non-penal strategies grounded in the Mineral and Coal Mining Law and the National Police Law. Penal measures include investigation, prosecution, confiscation of mining equipment, and disruption of illegal logistics chains. Non-penal efforts involve preventive education, community outreach, and coordination with local stakeholders. However, enforcement remains constrained by socio-economic dependence on mining and resistance from customary communities. The study concludes that sustainable mitigation requires integrated law enforcement combined with government-supported economic empowerment programs to reduce community reliance on illegal mining.

Keywords: Environmental Damage, Illegal Mining, Law Enforcement, Manokwari Regency, West Papua Regional Police

1. Introduction

Natural resource management in the mining sector embodies the mandate of Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which affirms that the land, water, and natural resources contained therein are controlled by the state and used to the greatest extent possible for the prosperity of the people. This norm serves as a philosophical foundation that ensures that mining management is not solely oriented towards economic profit, but also towards equitable distribution of benefits, environmental sustainability, and social justice.

Mining is a crucial sector that makes a significant contribution to national development in Indonesia. This sector not only plays a role in increasing state revenues but also provides industrial raw materials and creates jobs for the community (Irham et al., 2024). This principle emphasizes that all forms of natural resource utilization must be carried out with due regard for the public interest and based on the principles of justice and sustainability. These natural resources include both renewable and non-renewable resources. Non-renewable natural resources include gold, copper, silver, coal, diamonds, nickel, manganese, and others (Manik & Rambe, 2024). These natural resources, in legislation and various literature, are referred to as minerals and coal (Salim, 2012).

Minerals and coal are non-renewable natural resources, so their management must be optimal and sustainable. Furthermore, their utilization must be directed towards the greatest possible welfare and prosperity of the people (Suparji & Mizi, 2023). However, due to their non-renewable nature, minerals and coal require careful, transparent, and long-term management. National regulations categorize minerals and coal as strategic

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resources, so their management must be optimized to ensure a balance between economic, social, and environmental interests (Sumardjono, 2008).

Mining management regulations are comprehensively regulated through Law Number 4 of 2009 concerning Mineral and Coal Mining, which was later amended by Law Number 3 of 2020. Illegal mining practices continue to be a serious problem in Indonesia. Law Number 4 of 2009 concerning Mineral and Coal Mining stipulates that minerals and coal contained within Indonesian jurisdiction are non-renewable natural resources, gifts from God Almighty, that play a vital role in fulfilling the needs of the people. Therefore, their management must be controlled by the state to provide tangible added value to the national economy in an effort to achieve prosperity and equitable public welfare.

These illegal mining activities are carried out without meeting the administrative, technical, and environmental requirements stipulated in the law, thus resulting in legal violations and state losses. Article 158 of the Mineral and Coal Mining Law explicitly stipulates that anyone conducting mining activities without a permit shall be subject to a maximum imprisonment of five years and a maximum fine of one hundred billion rupiah. Furthermore, perpetrators can also be charged with environmental crimes under Law Number 32 of 2009 concerning Environmental Protection and Management if their activities cause environmental pollution or damage.

Specifically in West Papua, the abundant mineral resource potential is attractive to both local mining operators and outsiders. Manokwari Regency, as the provincial capital, is characterized by hilly topography, dense forests, and rivers that hold potential minerals, particularly gold and grade C minerals (sand and stone). While this potential presents development opportunities, it also creates opportunities for uncontrolled illegal mining. Several local media reports indicate that illegal gold mining is still rampant in the Masni District and the upper reaches of the Wariori River.

Manokwari Regency, as a region with abundant natural resource potential, is not immune to the problem of illegal mining. Unlicensed mining activities in this region are often carried out using traditional or semi-modern methods by community groups and certain parties seeking personal gain. The impacts of illegal mining in Manokwari Regency are complex. Environmentally, these activities cause forest destruction, river pollution, and disruption of biodiversity. Socially, conflicts arise between pro- and anti-mining communities, including issues related to customary rights of indigenous peoples. Economically, local governments lose potential local revenue (PAD) because these activities do not contribute officially through taxes and levies. Furthermore, from a legal and security perspective, illegal mining is often linked to other crimes such as the smuggling of hazardous chemicals, money laundering, and violence associated with disputes over mining sites.

In addressing these issues, the West Papua Regional Police (Polda Papua Barat) plays a strategic role. As a law enforcement institution, the West Papua Regional Police is tasked with enforcing applicable laws, providing protection to the community, and maintaining security and order within its jurisdiction. These duties are stipulated in Law Number 2 of 2002 concerning the Indonesian National Police, which affirms the function of the National Police as a state instrument in the areas of maintaining public security and order, law enforcement, protection, and service to the community.

In the context of law enforcement, the Indonesian National Police, including the West Papua Regional Police (Polda), has a strategic role in combating and prosecuting perpetrators of illegal mining. These duties and authorities align with the mandate of Law Number 2 of 2002 concerning the Indonesian National Police, which affirms the police's function as a state instrument in maintaining public order and security, enforcing the law, and providing protection, guidance, and services to the community.

However, in practice, addressing illegal mining in Manokwari Regency is not simple. The West Papua Regional Police face various obstacles, such as limited personnel resources, limited infrastructure, difficult geographic access, and resistance from community groups dependent on illegal mining for their livelihoods. Furthermore, law en-

forcement often confronts complex social and political issues, including intertwined local economic interests.

The phenomenon of illegal mining in West Papua is not only influenced by extreme geographical factors, but also greatly influenced by the social, political, and economic dynamics unique to the region. From a social aspect, the dependence of some communities on traditional mining as a source of short-term income makes this activity difficult to stop, especially in areas with limited economic access and minimal alternative livelihood options. The social structure of indigenous communities with strong ties to customary land also often gives rise to different understandings regarding the ownership and management of natural resources, so that it is not uncommon for mining activities to be considered part of their collective rights, regardless of the legality of permits required by the state (Karubaba et al., 2025).

From an economic perspective, the conditions of development inequality and the high level of economic needs of the community create strong incentives for involvement in illegal mining (Soe'oad, 2024). High gold prices and stable market demand are the main drivers of illegal mining, including the involvement of actors with capital networks outside the region. Meanwhile, from a political perspective, illegal mining practices often intersect with the interests of local elites and certain groups who exploit weak supervision, sectoral egos between agencies, and covert support for financially profitable activities (Cadizza & Pratama, 2024). The combination of social, economic, and political factors makes illegal mining in West Papua more complex than in other regions.

Amidst this complexity, research into the West Papua Regional Police (Polda Papua Barat) is crucial, both academically and practically. Academically, the West Papuan context offers unique characteristics that have not been widely discussed in the literature on illegal mining law enforcement. The difficult-to-reach terrain, the relationship between indigenous communities and the state, the local economic structure, and the dynamics of horizontal conflict make this region highly relevant as a case study to enrich understanding of the effectiveness of law enforcement in areas with high social and geographic vulnerability. Analysis of the West Papua Regional Police is crucial for mapping the extent to which formal legal approaches can operate within the context of legal pluralism and the social complexity of indigenous communities in Papua.

From a practical perspective, this research is highly urgent because the West Papua Regional Police are on the front lines in confronting the continued growth of illegal mining, which has the potential to cause large-scale environmental damage and threaten regional security. Unlike other regions in Indonesia facing similar issues, illegal mining in West Papua carries higher security risks, including potential conflicts with indigenous communities, the involvement of armed informal economic groups, and threats to the safety of police personnel during enforcement operations in remote areas. Therefore, a study of the strategies, obstacles, and effectiveness of law enforcement efforts by the West Papua Regional Police will not only contribute to local policy development but can also serve as a national reference for addressing illegal mining in regions with similar conditions

2. Materials and Methods

This research employs a normative legal research method (normative juridical) that focuses on the analysis of positive legal norms, legal principles, the concept of legal responsibility, and illegal mining practices. The approaches employed include a statute approach, a conceptual approach, and a case approach.

The legal materials used in this research consist of: (a) Primary legal materials, namely statutory regulations; (b) Secondary legal materials, namely legal literature, scientific articles, expert opinions, and legal analyses; and (c) Tertiary legal materials, such as legal dictionaries and encyclopedias, which help explain legal terms and concepts. Data collection techniques include library research, legal document reviews, and case studies from media reports or publications.

The analysis is conducted descriptively and qualitatively, namely by describing and interpreting the legal norms found, linking them to relevant legal concepts, and assessing the extent to which these norms and concepts have or have not been implemented in practice (based on case illustrations). The results of the analysis will be linked to the formulation of the research problem to provide a comprehensive understanding of the form, basis, and efforts of the West Papua Regional Police in handling illegal mining crimes.

3. Results and Discussion

3.1. *The Impact of Illegal Mining on Environmental Damage in Manokwari Regency*

Law enforcement is a fundamental concept in legal science. Simply put, law enforcement can be defined as the state's efforts to implement and enforce the rule of law in real life through available legal apparatus and mechanisms (Arliman, 2020). According to Soerjono Soekanto, law enforcement is the activity of harmonizing the values outlined in the rules and expressing attitudes and actions to create, maintain, and sustain peace in social interactions (Soekanto, 2011).

Satjipto Rahardjo, through his progressive legal ideas, emphasized that the law must be responsive to societal needs and not rigid. In this context, law enforcement against illegal mining must not be solely focused on prosecution but must also consider social and ecological aspects (Aulia, 2018). Therefore, the role of the West Papua Regional Police is strategic in maintaining a balance between economic development, community protection, and environmental sustainability.

Barda Nawawi Arief described criminal policy as an integral part of social policy. It means that crime prevention cannot be separated from national development goals that emphasize social justice, welfare, and security (Barda Nawawi Arief, 2016). Therefore, criminal policy is not solely the responsibility of law enforcement officials, but also involves all state and societal institutions.

Criminal policy has two main areas: penal policy through criminal law. Penal policy encompasses determining what actions are categorized as crimes (criminalization), determining the types of criminal sanctions that can be imposed on perpetrators, and the law enforcement process by the police, prosecutors, courts, and correctional institutions (Ariyanti, 2019). Penal policy is repressive because it emphasizes action after a crime has occurred. However, this repressive nature remains essential for upholding legal norms and maintaining public order (Muladi & Nawawi, 1998).

The primary goal of criminal policy is to combat crime and protect society. This goal is further elaborated in the functions of criminal policy. The Preventive Function prevents crime from occurring through social, economic, educational, and legal policies (Dulkiah, 2020). The Repressive Function prosecutes perpetrators of crimes by imposing criminal sanctions under the law. The Curative and Rehabilitative Functions improve perpetrators so they can reintegrate into society and prevent them from repeating their actions (Satjipto, 1980).

The phenomenon of illegal mining in Manokwari Regency is a concrete example that demands the application of criminal policy theory. From a penal perspective, this crime is regulated by Article 158 of Law Number 3 of 2020 concerning Mineral and Coal Mining, which imposes a maximum prison sentence of five years and a fine of up to one hundred billion rupiah for those who mine without a permit. Law enforcement in this case is part of the penal policy implemented by the police, particularly the West Papua Regional Police.

Resolving the problem through penal channels alone is insufficient. Many illegal miners are local communities driven by economic constraints and a lack of employment opportunities (Ranggalawe et al., 2023). In this regard, non-penal policies such as economic empowerment, development of indigenous communities, and improvement of mining governance are crucial. These non-penal policies must go hand in hand with penal policies to achieve the overall goal of crime prevention (Adhari, 2017).

Therefore, criminal policy theory is relevant as an analytical framework in research on the role of the West Papua Regional Police in addressing illegal mining crimes. Law enforcement is not only intended to provide a deterrent effect but must also be linked to non-penal strategies that support sustainable development in West Papua.

In practice, the West Papua Regional Police face various obstacles. First, West Papua's geography, consisting of mountains, dense forests, and remote areas, makes access to illegal mining sites extremely difficult. Second, limited personnel and infrastructure often hinder enforcement operations. Third, there is resistance from local communities who depend on illegal mining for their livelihoods, resulting in enforcement often giving rise to social tensions. Fourth, there are indications of the involvement of certain individuals, both within the community and the authorities, which complicates the law enforcement process.

The doctrine of strict liability allows perpetrators to be punished without needing to prove their fault (*mens rea*), as long as environmental pollution or damage has occurred (R. Kurniawan, 2014). It is intended to expedite the law enforcement process and reduce the burden of proof, which is often complicated in environmental cases. Meanwhile, vicarious liability is the concept of vicarious responsibility, where a legal entity, leader, or superior can be held criminally responsible for the actions of their subordinates (K. D. Kurniawan & Hapsari, 2022).

In illegal mining practices, this doctrine ensnares capital owners or corporations that finance illegal activities, even if they are not directly present at the mining site. The theory of preventive and responsive regulation emphasizes that environmental law enforcement must not be solely repressive but must also be preventive through licensing, supervision, and guidance mechanisms (Anwar & Sari, 2021). Responsive regulation uses a tiered sanction scheme, with education, warnings, administrative fines, and finally, criminal sanctions. This approach is considered more proportional and able to maintain a balance between law enforcement and development needs.

Our lawmakers have used the term "strafbaarfeit" to refer to what we recognize as a crime in the Criminal Code without providing any explanation of what exactly is meant by "strafbaarfeit." (Lamintang, 2014). According to Pompe, the term strafbaar feit can theoretically be defined as a violation of norms (a disruption of the legal order) committed intentionally or unintentionally by a perpetrator, where punishment is necessary to maintain the legal order and ensure the public interest.

Pompe also believes that it is extremely dangerous to seek an explanation of positive law solely based on theoretical opinions. A look at the Criminal Code reveals a large number of strafbare feiten, but from their formulations, it can be seen that none of them possess the general characteristics of strafbaar feit: namely, being unlawful, intentional, and punishable (Lamintang & Lamintang, 2022).

The characteristics mentioned above must be possessed by every strafbaar feit, because theoretically, every violation of norms or every overtreding must constitute behavior or gedraging, whether intentional or unintentional, by a perpetrator, which, in its appearance, constitutes behavior that is contrary to the law or in strijd met het recht or is of a wederrechtelijk nature.

Environmental crimes occupy a crucial position in contemporary criminal law studies. It is based on the fact that the impact of environmental crimes not only directly harms individuals but also disrupts ecosystems, threatens the sustainability of natural resources, and impacts life across generations (Kim, 2009). Therefore, environmental crimes are classified as extraordinary crimes that require a special legal approach and a comprehensive enforcement strategy.

With the development of modern environmental law, legal and criminological experts have formulated various theories to explain and respond to environmental crimes. These theories include the precautionary principle, the polluter-pays principle, the doctrines of strict liability and vicarious liability, the doctrine of corporate criminal liability, environmental criminology and green criminology, preventive and responsive regulation

theory, classical deterrence theory, the restorative justice approach, and the perspectives of sustainable development and progressive law.

Understanding these theories provides an important conceptual foundation for research on law enforcement efforts against illegal mining crimes in West Papua, particularly in Manokwari Regency. The precautionary principle is an international norm affirmed in the 1992 Rio Declaration on Environment and Development. This principle states that scientific uncertainty should not be used as a reason to delay preventive action if there is an indication of the potential for serious and irreversible environmental damage.

In the context of national law, this principle is reflected in the obligation of every business or activity to have an environmental impact analysis (EIA) document (Kharisma, 2020; Warong et al., 2024). The burden of proof is often shifted to the perpetrators of the activity to prove that their activities do not cause pollution or environmental damage (Jailani & Faisal, 2024). In cases of illegal mining, the application of this principle requires law enforcement officials to halt mining activities even when complete scientific data on the environmental impacts is not yet available. This principle is oriented towards prevention and minimizing irreversible risks. The Polluter Pays Principle is rooted in international environmental policy formulated by the OECD (Rupaidi, 2023). Essentially, any person or legal entity that pollutes the environment is obliged to bear the full costs of preventing, mitigating, and remediating the consequences of that pollution.

In Indonesian law, this principle is reflected in Law Number 32 of 2009 concerning Environmental Protection and Management (UU PLH), specifically regarding absolute liability and the obligation to restore the environment. In the case of illegal mining in Manokwari, this principle emphasizes that perpetrators are not only criminally liable but also obligated to undertake environmental restoration, such as reclaiming ex-mining land, normalizing polluted rivers, or compensating affected communities.

3.2 Implementation of Provisions Regulating Illegal Mining Crimes by the West Papua Regional Police

The West Papua Regional Police's enforcement and prevention efforts against illegal mining activities are based on a strong legal basis, namely Law of the Republic of Indonesia Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining (Minerba Law), in Articles 158 and 161. Article 158 stipulates that anyone mining without a Mining Permit (IUP/IPR/IUPK) faces a prison sentence of up to five years and a fine of up to IDR 100 billion, while Article 161 relates to the storage, transportation, or sale of illegal mining products.

The West Papua Regional Police's criminal enforcement efforts are carried out through a series of investigations and law enforcement activities, as reflected in case handling data from 2020 to 2025, with a total of 22 cases and 113 suspects. In 2022, there were 14 cases with 59 suspects, while in 2023, there were no cases. In 2024, there were 4 cases with 15 suspects, and this number increased to 39 in 2025. The confiscated heavy equipment included 18 excavators and 284.84 grams of gold. All efforts undertaken by the West Papua Regional Police, both enforcement and prevention, aim to ensure strict compliance with this law and prevent state losses and environmental damage from illegal activities.

The West Papua Regional Police, through the Directorate of Special Criminal Investigation, carries out its duties based on Article 14 Paragraph (1) letter f of the Indonesian National Police Law, namely conducting investigations and inquiries into all criminal acts, including repeatedly taking action against perpetrators of illegal mining activities. However, perpetrators continue to seek opportunities to mine. This is also influenced by the lack of a common perception among stakeholders (government, community, and law enforcement) regarding handling mining activities, resulting in community rejection of the actions taken by the West Papua Regional Police, such as refusing to allow security forces to enter mining sites during investigations and inquiries. Customary landowners are seeking investors to operate on their land, so if any action is taken, the customary

landowners and residents will oppose it. These actions have a significant impact on the community's economy, hindering economic activity because people have no other means of livelihood other than mining and leasing out mining sites.

Furthermore, the West Papua Regional Police's Criminal Investigation Directorate (Ditreskrimsus) has taken strategic action to disrupt the illegal logistics chain to cripple operational capacity, which is legally categorized as a violation of Article 161 of the Mineral and Coal Mining Law (regarding illegal transportation and utilization). This effort has been implemented through a ban on the mobilization of heavy equipment and strict monitoring of fuel supplies. Specifically, the Regional Police have inspected and recorded sales of Dexlite fuel using plastic jerry cans at gas stations and Pertashops. This logistical control has been expanded to include a mandate to monitor the movement of food and fuel through critical routes such as the SP-9 Dam, effectively targeting infrastructure essential to the continued illegal mining activities.

Finally, legal preventive measures are optimized through public education and formal warnings. The West Papua Regional Police have issued direct appeals to perpetrators of illegal mining activities in vulnerable areas (Wariori River, Syarai Beach, and Kaironi Beach) to cease their illegal activities. This step is reinforced by the installation of prohibition banners at six locations in Manokwari Regency. This outreach serves to eliminate excuses for legal ignorance and provides a strong warning of the criminal sanctions that await, thus supporting effective law enforcement, which can be implemented at any time if preventive measures are ignored

4. Conclusions

The West Papua Regional Police's handling of illegal mining crimes in Manokwari Regency is an implementation of criminal policies that are not only penal (repressive) but also non-penal (preventive), as mandated by the National Police Law and specifically stipulated by the Mineral and Coal Mining Law. In practice, law enforcement faces complex obstacles, particularly difficult geographic access, limited personnel and facilities, and local community resistance driven by economic constraints and customary rights conflicts. These limitations render repeated enforcement efforts ineffective. Furthermore, this study opens the door to further, more in-depth research on the effectiveness of penal and non-penal strategies in the context of regions prone to illegal mining activities, such as West Papua. Further research could be directed at comparative analysis between regions with different geographic, social, and customary characteristics to determine which enforcement model is most adaptive and sustainable. Furthermore, empirical research is needed on the relationship patterns between indigenous communities, local governments, and law enforcement officials to understand the factors that strengthen or weaken compliance with mining regulations. Future research could also evaluate the effectiveness of alternative economic empowerment programs in reducing community dependence on illegal mining activities, thereby providing a stronger academic foundation for evidence-based policy development.

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