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Legal Accountability for Mining Business Permit Violations in Post Disaster Sumatra

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ABSTRACT

Post disaster mining activities in Sumatra reveal numerous violations of mining business permits that heighten environmental risks and endanger local communities. This study examines the issue using a normative legal approach by reviewing laws, technical mining regulations, environmental provisions, court decisions, and academic literature as primary data sources, which are classified and analyzed through statutory methods and both vertical and horizontal synchronization to identify normative gaps, authority mismatches, and weaknesses in oversight. The analysis shows that many companies continue operating despite unsafe post-disaster conditions, neglect rehabilitation obligations, delay risk reporting, and leave unstable mining structures unattended. Law enforcement is hindered by overlapping authorities, limited mine inspectors, local political-economic influence, and the weak bargaining position of affected communities, indicating that the formal legal framework has yet to provide effective control. Strengthening accountability mechanisms is therefore necessary through reassessing post-disaster permits, employing monitoring technologies, and

applying sanctions more consistently so that mining activities do not exacerbate disaster impacts and can ensure environmental protection and public safety.

Keywords: *Mining, Post Disaster, Mining Business Licenses*

INTRODUCTION

Natural disasters that have frequently struck various regions of Sumatra in recent years have not only caused physical and social losses to communities but have also exposed fundamental issues regarding the vulnerability of the national mining governance system.¹ Landslides in former mining hill areas, flash floods exacerbated by sedimentation from mineral extraction, and river pollution following waste overflows all indicate that mining practices in Sumatra still contain significant irregularities, particularly concerning compliance with mining business permits (IUP). When a disaster occurs, mining activities should ideally be suspended until environmental conditions stabilize and companies fulfill their rehabilitation obligations and risk reporting requirements. However, field realities show that some IUP holders continue operating or quickly resume operations without following environmental recovery procedures that should serve as legal prerequisites. This phenomenon makes the issue of legal accountability for post-disaster IUP violations an urgent topic for deeper examination, as it concerns the state's consistency in upholding the principles of precaution and sustainable natural resource management.

Within Indonesia's legal structure, mining business permits are not merely administrative documents but serve as regulatory instruments that define the boundaries of authority, environmental obligations, and safety standards for permit holders.² When disasters occur, legal provisions require companies to assess impacts, secure the site, and report current conditions to the government. Yet field findings from several provinces in Sumatra reveal violations such as non-compliance with reclamation obligations, abandonment of mine pits that increase

¹ Agustina Ayunimas, Novy Haryati, Herix Sonata, and Meli Muchlian. 2023. "Karakteristik Tanah Pada Lereng Sebagai Mitigasi Pasca Bencana Tanah Longsor (Studi Kasus: Nagari Aie Dingin, Kab. Solok, Sumatera Barat)." *Jurnal Bangunan, Konstruksi dan Desain*. Vol. 1, No. 3 Desember 2023. Padang: Universitas Andalas.

² Nurul Anisa, Ahmad Rustan, and Nur Nashriani Jufri. "Dampak Tumpang Tindih Izin Usaha Pertambangan (Iup) Terhadap Keberlanjutan Pengelolaan Sumber Daya Alam." *Jurnal Yustisiabel*. Vol. 9, No. 2, Oktober 2025. Banggai: Universitas Muhammadiyah Luwuk.

landslide risks, operation of heavy equipment in disaster-prone zones, and neglect of environmental permits and technical documents that are no longer aligned with post-disaster conditions. These forms of non-compliance not only pose ongoing ecological threats but also directly endanger communities, burden local governments, and worsen the environmental quality already damaged by disasters. At this point, a critical question arises regarding the extent to which existing legal accountability mechanisms can effectively sanction IUP violators and ensure that mining activities do not trigger new disasters.

The inadequacy of post-disaster law enforcement in the mining sector does not solely stem from intentional misconduct by companies; it is often linked to the weak oversight capacity of local governments, overlapping authority between institutions, unclear post-disaster mitigation procedures in mining regulations, and integrity issues among law enforcement officials. In some cases, companies exploit emergency situations as opportunities to evade supervision, as disasters often shift government and public attention away from mining activities.³ Moreover, available legal accountability instruments administrative, civil, and criminal are often not applied strictly due to local economic and political considerations. Regional governments dependent on mining revenues frequently face dilemmas between enforcing the law rigorously and maintaining economic relations with mining companies. This condition demonstrates that the formal legal framework is insufficient without transparent, independent, and accountable implementation mechanisms.

Violations of IUPs have their own complex characteristics compared with violations under normal circumstances. They involve not only the fulfillment of administrative duties but also public safety concerns, ecosystem recovery, and spatial planning that changes drastically after a disaster. When companies neglect land rehabilitation obligations or continue mining without updated risk assessments, they increase the likelihood of secondary disasters, such as collapses of unstable slopes, failure of sedimentation dams, or water contamination spreading into residential areas. From a legal perspective, such violations should be classified as acts endangering the environment and public safety, thereby justifying the imposition of more severe sanctions. However, implementation often falls short. Compromises, inadequate administrative settlements, or even case closures without follow-up legal processes still occur. This demonstrates a significant gap between legal norms and their application in the field.

³ Radeni Ilyan Putra, Risna Armalia, Eva Satriani, Reflis, and Satria Utama. "Analisis Dampak Pertambangan Tanpa Izin (PETI) Batu Andesit di Desa Tasikmalaya Kabupaten Rejang Lebong." *Jurnal Sains dan Teknologi*. Vol. 4, No. 3, Juni 2025. Medan: Yayasan Literasi Sains Indonesia.

These issues underscore the need for an in-depth examination of how legal accountability for post-disaster IUP violations should be formulated and enforced. Such a study is necessary to identify discrepancies between regulations and actual practices, map the factors that hinder law enforcement, and establish a legal basis for more effective accountability mechanisms that create deterrent effects. Academically, this issue is also urgent because existing literature on mining and environmental law remains limited in addressing the relationship between mining permits and post-disaster conditions. At the same time, this research holds strategic value for communities and local governments by providing insight into how mining violations can exacerbate post disaster conditions and how appropriate policies can prevent recurring damage.

Discussions on legal accountability for post-disaster mining permit violations in Sumatra are relevant not only for understanding the dynamics of mining regulations but also for strengthening environmental protection and public safety systems. This study aims to provide a comprehensive analysis of the relationship between disasters, permitting, and law enforcement, while offering critical perspectives to improve future mining governance. Through a structured and in-depth approach, this research is expected to serve as a scientific reference promoting more responsible, sustainable, and environmentally sensitive mining practices in post-disaster contexts. With such an analytical foundation, this study seeks to contribute to strengthening the role of the state in regulating the mining sector and ensuring that natural resource exploitation does not compromise public safety or ecosystem sustainability in Sumatra.

METHOD

This study employs a normative legal research method, which focuses on examining the legal norms governing accountability for violations of mining business permits (IUP), particularly in the post-disaster context in the Sumatra region. This method was chosen because the research centers on analyzing legal rules, principles, institutions, and accountability mechanisms that formally regulate mining activities and post disaster supervision. In normative research, the object of analysis is not the empirical behavior of field actors but the alignment between legal norms and the situations that those norms are intended to regulate. The choice of a normative method is also based on the need to examine regulatory weaknesses, normative gaps, and disharmonization of laws, which frequently

contribute to weak law enforcement against post disaster IUP violations.⁴ This method is considered the most appropriate for explaining how legal accountability should be constructed and applied in accordance with statutory mandates, while also evaluating whether the existing legal instruments are adequate for addressing violations that occur in post crisis environmental conditions.

Information used in this study derives from primary, secondary, and tertiary legal materials, which are systematically compiled to produce a comprehensive understanding. Primary legal materials include laws, government regulations, ministerial regulations, and regional regulations related to mining activities, mining permits, environmental governance, and disaster management provisions. Relevant court decisions including cases involving IUP violations, environmental crimes, and mining administrative disputes are also utilized to examine how legal norms are applied in practice. Secondary legal materials consist of academic literature such as books, scientific journal articles, research reports, publications by environmental oversight institutions, and government policy analyses discussing the dynamics of law enforcement in the mining sector. Meanwhile, tertiary legal materials such as legal dictionaries, legal encyclopedias, and technical mining guidelines are used to clarify key concepts and enrich the understanding of relevant terminology. Research instruments were developed through techniques of norm inventory and classification, which involve collecting rules related to legal accountability for IUP violations and mapping them based on hierarchy, regulatory substance, and scope of authority.

The data collection procedure in this normative research was carried out through an in-depth and structured literature study focused on the relevance of legal materials. This process includes tracing legislative documents, court decision databases, official ministry portals, academic publications, and other supporting literature. After all legal materials were collected, a filtering process was conducted to ensure that the data used had direct relevance to the issue of post-disaster IUP violations. The data analysis method applied is qualitative normative analysis using a statute approach. The statutory approach is used to assess the consistency of norms in mining and environmental regulations. This is followed by vertical and horizontal synchronization analysis to evaluate coherence among rules across different levels, as well as prescriptive analysis to provide recommendations on how the law should be applied. Through this series of steps, the study aims to generate a comprehensive description of appropriate and

⁴ Kanda Ramandana, "Penegakan Hukum terhadap Kasus Pelanggaran Izin Usaha Pertambangan (IUP) pada Pertambangan Nikel." *Indonesian Journal of Natural Resources and Environmental Law*. Vol. 1, No. 1, Mei 2024. Kuningan: Universitas Kuningan.

effective legal accountability mechanisms for addressing post-disaster IUP violations in the Sumatra region.

RESULT & DISCUSSION

The recurrent natural disasters in the Sumatra region have exposed fundamental issues in national mining governance. Areas affected by floods, landslides, or ecosystem degradation often have a history of intensive mining activity, which heightens environmental vulnerability when disasters occur.⁵ This situation demonstrates that mining business permits function not only as administrative instruments but also as legal commitments to ensure that mining operations are conducted with due diligence. When a disaster strikes, this commitment is put to a real test, as companies are obligated to halt operations, reassess environmental impacts, and fulfill rehabilitation requirements before resuming activities.

Although mining business permits are regulated through various legal provisions at both national and regional levels, their implementation reveals numerous loopholes exploited by companies to continue operating without regard for subsequent risks.⁶ Neglect of land rehabilitation obligations, failure to report new risks, and abandonment of unsafe mining conditions indicate weak legal enforcement on the ground. These conditions not only threaten ecosystem sustainability but also place communities in dangerous situations that may result in loss of life or additional economic harm.

The post disaster context reveals that the relationship between companies, communities, and the state in the mining sector is far from balanced. Companies often occupy dominant positions due to their capital strength and access to bureaucratic networks, while disaster affected communities remain vulnerable and unable to conduct effective oversight or lodge complaints. The state, which should serve as the primary regulator, encounters various technical, jurisdictional, and political obstacles when attempting to enforce the law. This imbalance underscores

⁵ Alfian Muttaqin, Rini Mariana Sibarani, Fikri Nur Muhammad, and Fify Triana, "Penyebab Banjir Bandang di Kabupaten Lahat - Sumatera Selatan Maret 2023." *Jurnal Sains & Teknologi Modifikasi Cuaca*. Vol. 24, No. 2, Desember 2023. Jakarta: ational Research and Innovation Agency.

⁶ Ferdianta Wahyu Nur Pratama, Tristina Annisadina, and Bella Fernanda, "Peninjauan Perencanaan Spasial dan Tata Kelola Pemerintahan dalam Pengembangan Kota Tambang: Studi Kasus Kabupaten Musi Banyuasin." *Tunas Agraria* Vol. 8, No. 1, Januari 2025. Yogyakarta: Sekolah Tinggi Pertanahan Nasional.

the need to strengthen legal accountability mechanisms, especially when violations occur in environments that have not yet stabilized.

Legal accountability for post-disaster mining permit violations becomes increasingly important when considering their long-term impacts. Allowing violations to go unaddressed not only worsens environmental degradation but also sets a harmful precedent for future mining practices. Clear legal frameworks, effective oversight mechanisms, and consistent enforcement of sanctions are essential to ensure that disasters are not exploited as opportunities to weaken state control over mining companies. This study seeks to fill the gap in understanding how law enforcement should be carried out and what strategies can be pursued to ensure that compliance with mining permits truly functions as an instrument for protecting the environment and communities.

1. Dynamics of Post Disaster Mining Business Permit (IUP) Violations in Sumatra

Post-disaster conditions across various regions of Sumatra show that mining activities which should be halted or restricted are often continued without regard for the legal obligations attached to mining business permit holders.⁷ A review of multiple reports and regulations reveals a recurring pattern of corporate negligence, including the failure to submit post-disaster risk evaluations, delays in reporting geotechnical stability, and disregard for land rehabilitation procedures. Continuing mining operations in areas where soil structures have been destabilized by landslides or floods increases the likelihood of secondary disasters, as the environment has not yet returned to a safe condition. This phenomenon demonstrates that the existing legal framework is insufficient to exert effective control when not accompanied by strong and responsive oversight from local governments.

This tendency further highlights a direct relationship between weak law enforcement and the heightened ecological risks in post-disaster situations. When companies continue operations without adequate restoration, threats such as expanding mine pits, unstable sedimentation embankments, and waste flows

⁷ Putri Nurismawati, Rahayudi, and Nicholas Rae Hidayat, "Tanggung Jawab Korporasi Pertambangan Terhadap Lingkungan Pasca Undang-Undang Cipta Kerja : Studi Kasus Banjir Bandang Akibat Aktifitas Pertambangan PT Dairi Prima Mineral di Desa Bongkaras." *Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan* Vol. 1, No. 3, Mei 2025. Padang: Global Sciens Publisher.

carried by floods become increasingly difficult to manage. These risks ultimately burden surrounding communities, who are forced to bear health impacts, economic losses, and safety threats. Allowing IUP violations to persist amid emergency conditions illustrates that law enforcement has not yet provided optimal protection for either communities or the environment.

2. Factors Hindering Post Disaster Law Enforcement

Post disaster law enforcement faces a series of structural obstacles that prevent administrative, civil, and criminal instruments from being applied effectively. Analysis shows that overlapping institutional authorities particularly among local governments, the Ministry of Energy and Mineral Resources (ESDM), and environmental agencies constitute one of the main causes of inaccurate or delayed enforcement actions.⁸ Misaligned authority slows down processes such as violation verification, sanction determination, and permit revocation, all of which take longer than they should. This situation is exacerbated by poor inter-agency coordination during disasters, as each institution operates under its own priorities.

Another obstacle stems from the limited technical capacity of local governments. Many regions in Sumatra lack a sufficient number of mining inspectors, while the areas requiring oversight are geographically extensive.⁹ In post-disaster conditions, the need for supervision increases, yet local governments' ability to conduct field inspections does not match the complexity of the issues. The scarcity of technical experts often enables companies to operate heavy machinery, open new access roads, or move materials without proper safety procedures because the likelihood of being monitored is minimal. This shows that strengthening local government capacity is essential for ensuring corporate compliance with IUP regulations.

A further barrier relates to integrity issues and local political dynamics. Many regions rely heavily on the mining sector as a contributor to local revenue, making

⁸ Sofyan Nasution, Deny Guntara, and Muhamad Abas, "Penegakan Hukum Lingkungan dalam Tata Kelola dan Pengawasan Pertambangan Ilegal (Studi Kasus Pertambangan Gunung Kuda Kabupaten Cirebon)." *Jurnal Hukum, Humaniora dan Politik*. Vol. 6, No. 1, November 2025. Jakarta: Yayasan Dinasti.

⁹ Irsan Rahman, Basrawi Basrawi, Anis Widyawati, Leony Sondang Suryani, and Iyan Nurdiyan Haris, "Mineral and Coal Mining Regulatory Reform in Indonesia." *Journal of Law and Legal Reform*. Vol. 6, No. 2, April 2025. Semarang: Universitas Negeri Semarang.

strict enforcement appear as a threat to economic stability.¹⁰ This dependence leads governments to hesitate when revoking permits or imposing severe sanctions, particularly when companies have close ties to local elites. Such political economic factors help explain why post-disaster IUP violations persist and rarely progress to a conclusive legal process. The lack of consistent sanctions illustrates how political interests often override cautionary principles in natural resource management.

The social conditions of disaster-affected communities also influence the effectiveness of law enforcement. Communities recovering from disasters generally lack the capacity to monitor mining activities or report violations. In some cases, they even depend on mining companies for employment or emergency aid, creating fear of retaliation if violations are reported. This situation weakens community bargaining power, while companies may exploit the circumstances to continue operating despite regulatory non compliance. The imbalance of power between communities and corporate actors thus becomes an important factor that hinders the realization of fair and effective law enforcement.

3. Relevance of Legal Accountability

Legal accountability for post disaster IUP violations is formally regulated through administrative, criminal, and civil sanctions. However, its effectiveness depends heavily on the state's ability to enforce these provisions consistently.¹¹ The analysis indicates that most violations are addressed only through administrative sanctions such as warnings or permit suspension, while criminal sanctions are rarely applied even when violations pose risks to public safety. Such uneven enforcement diminishes deterrent effects and leads companies to perceive violations merely as ordinary operational risks. This condition weakens the legal authority of IUPs as binding control instruments.

Another weakness lies in the lack of post-disaster reassessment mechanisms for all issued permits. Ideally, every major disaster affecting mining areas should trigger a comprehensive review of existing permits, including an assessment of technical and environmental feasibility before operations are allowed to resume. In practice, however, such reassessments are rarely conducted thoroughly. The

¹⁰ Rizki Muhammad Fauzi, and Soni Nulhaqim, "Masalah Konflik Pertambangan di Indonesia Mining Conflict Issues in Indonesia." *Jurnal Kolaborasi Resolusi Konflik*. Vol. 6, No. 1, Januari 2024. Sumedang: Universitas Padjadjaran.

¹¹ Elviandri, "Penegakan Hukum dan Pengawasan Terhadap Kewajiban Korporasi Reklamasi Pasca Tambang." *UIR Law Review*. Vol. 6, No. 2, Februari 2022. Pekanbaru: Universitas Islam Riau.

absence of post disaster permit reviews prevents IUPs from adapting to altered ecological conditions that may significantly increase hazard levels. This leads to misalignment between permit documents and actual on-site conditions after disasters, thereby heightening the risk of recurring violations.

4. Strengthening Monitoring and Enforcement Mechanisms

Strengthening the monitoring system has become an urgent necessity to prevent repeated violations. Oversight must not only target administrative compliance but also address safety and environmental stability in post-disaster conditions. The government needs to expand the use of monitoring technologies such as satellite imagery, real time surveillance systems, and periodic environmental audits to minimize gaps that companies could exploit.¹² These technological tools can help authorities identify suspicious activities, heavy equipment movement, or land-form changes that may pose hazards. Their use can compensate for the limited number of mining inspectors and enable more effective supervision.

Enforcement must also be strengthened through consistent application of criminal and civil sanctions, particularly against companies responsible for causing further post-disaster damage. Criminal sanctions should target actions that directly endanger communities and the environment, such as neglecting slope stability, allowing unmanaged waste, or failing to conduct mandatory post-disaster rehabilitation. Consistent enforcement will send a strong signal that legal obligations are non-negotiable even during emergency situations. Moving toward law enforcement grounded in the precautionary principle will reinforce the state's authority in controlling mining activities.

CONCLUSION

Post disaster mining permit violations in Sumatra demonstrate that corporate compliance and the effectiveness of state oversight remain critically weak. Many companies continue operating despite unstable environmental conditions, triggering risks of landslides, secondary flooding, and pollution that

¹² Francis Maryanne Pattynama, "Tanggung Jawab Hukum Perusahaan Pertambangan dalam Reklamasi Pasca Tambang di Indonesia." *Journal of Mandalika Literatur*. Vol. 6, No. 1, November 2024. Mataram: Institut Penelitian dan Pengembangan Mandalika Indonesia.

threaten public safety. The existing legal framework does not function optimally due to overlapping institutional authorities, limited monitoring capacity, and strong local economic interests that often hinder firm enforcement actions. Sanctions that should deter violations frequently end at administrative warnings without further legal consequences. These conditions underscore the need to strengthen accountability mechanisms, including post disaster permit reassessments, consistent sanction enforcement, and enhanced technology-based monitoring so that the state can ensure mining activities operate within the boundaries of safety and environmental sustainability.

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