



## The Application of the *Ultimum Remedium* Principle in the Law Enforcement of Mineral and Coal Mining

Ivan ferdiansyah Agustinus

Universitas Terbuka, Indonesia

Email: ivan.jama@yahoo.com

---

### ABSTRACT

The spirit of Article 33 paragraph (3) of the Constitution of the Republic of Indonesia, which states that natural resources in Indonesia *must be controlled by the state* and used as much as possible for the prosperity of the people, is certainly an instruction to all elements of the government to optimize state revenue from mineral and coal mining for the welfare of the people. In the enforcement of criminal laws on mineral and coal mining, there is often a significant discrepancy between the decision to refund state losses and the actual state losses themselves. This paper analyzes how criminal law enforcement is applied to mineral and coal mining in Indonesia and how the principle of *ultimum remedium* is implemented in such enforcement. The method used in this paper is a normative method, employing primary, secondary, and tertiary legal materials with a prescriptive approach. Regarding criminal law enforcement in mineral and coal mining, there are problems that cause the enforcement of mineral and coal mining laws to be ineffective and suboptimal, especially concerning efforts to recover state losses. Although priority has been given to the Corruption Law and the TPPU Law, the law on mineral and coal mining itself tends to be set aside. The second issue is that resolution through criminal channels in mineral and coal mining cases should be the last resort, or *ultimum remedium*, giving precedence to settlement through administrative sanctions as an alternative way of recovering state losses. This indicates the need for changes in laws and regulations in the field of mineral and coal mining.

**Keywords:** Mining, minerals and coal, *ultimum remedium*, Article 33 paragraph (3) of the Constitution of the Republic of Indonesia

### INTRODUCTION

The mining of minerals and coal in Indonesia cannot be separated from Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (*UUD NRI*), which states that the earth, water, and natural resources in it are controlled by the state and used as much as possible for the prosperity of the people (Mulyadi, 2020; Elawati et al., 2025). Natural resources, in this conception, are controlled to provide the state the ability to implement the functions of management, regulation, supervision, and administration in order to be used for the greatest possible prosperity of the people (Bachtiar, 2018; Muhdlor, 2012). This is understood as the function of the state as a way to realize its purpose and to realize the welfare of the people (Fajar & Achmad, 2010).

Mineral and coal wealth in Indonesia is very abundant. Indonesia's coal resources amount to 143.73 billion tons, with coal reserves of 38.80 billion tons, while nickel reserves in Indonesia constitute 42% (forty-two percent) of all world reserves and its production is 50% (fifty percent) of world production (Sriwidodo, 2019; Wahyuni, 2017). Indonesia's tin reserves rank first in the world, with around 18% (eighteen percent) of the world's tin reserves in Indonesia, while production is ranked third in the world, at about 24.3% (twenty-four point three percent) of world production. Indonesia's abundant natural resources cannot be mentioned one by one, all of which are gifts from God Almighty for the Indonesian nation.

The abundance of Indonesia's natural resources should be used as much as possible for the prosperity of the Indonesian people in a fair and equitable manner, not only corporate interests, as mandated by Article 33 paragraph (3) of the *Constitution of the Republic of Indonesia*. We often see and hear from the media that there are many crimes related to mineral and coal mining. Illegal mining cases occurred in Ketapang, West Kalimantan, which are suspected of causing losses to the state up to 1.02 trillion rupiah from the loss of gold reserves of 774.27 kilograms and silver of 937.7 kilograms. The panel of judges of the Pontianak High Court canceled the Ketapang District Court Decision Number 332/Pid.Sus/2024/PN KTP dated October 10, 2024, which imposed a criminal verdict of 3.5 years and a fine of 30 billion rupiah.

State losses caused by mineral and coal mining businesses are often not commensurate with the criminal verdicts in the cases. In addition to the alleged illegal mining in Ketapang, West Kalimantan, there is also a case of alleged nickel mining in Bangka Belitung. The case against the nickel mine in Bangka Belitung is estimated to have cost the state Rp. 271,069,688,018,700. In its decision, the Corruption Court at the DKI Jakarta High Court sentenced Harvey Moeis to 20 (twenty) years in prison, a fine of 1 billion rupiah, and compensation of 420 billion rupiah. The decision of the panel of judges above the prosecutor's demand and more burdensome to the defendant compared to previous verdicts in this case, involving not only Harvey Moeis but several of his colleagues involved in the same case, is considered an *ultra petita* decision.

The *ultra petita* verdict on the criminal case of mineral and coal mining still shows considerable deviation from the state's losses. Looking at the phenomena of enforcement of mineral and coal laws above, it is necessary to examine whether the application of mineral and coal sanctions in line with the 1945 *Constitution of the Republic of Indonesia* meets the community's sense of justice, or whether the enforcement of criminal law in mineral and coal mining should be an *ultimum remedium*.

Prior studies illuminate but also leave gaps in Indonesia's mineral-coal sanctioning regime: Ali (2022) shows that Indonesian environmental statutes—including provisions relied on in mining cases—embed penal severity without proportionate scaling to harm, inviting sentencing disparities and weakening deterrence; however, his analysis is system-wide and does not benchmark court penalties against quantified fiscal/ecological losses or examine mining-specific doctrines such as *ultimum remedium*. Faisal (2022) critiques the 2020 Mining Law's sanction norms for reclamation as irrational and criminogenic, proposing a “double-track” reform that

prioritizes restorative action before criminal punishment; yet the study remains doctrinal and lacks empirical tests of how courts sanction illegal mining, whether fines track state loss/illegal gains, or how restorative orders are actually enforced.

This study fills those gaps by (i) assessing alignment between Article 33(3)'s prosperity mandate and real-world sentencing in mineral and coal cases (2019–2025), (ii) constructing a proportionality index that combines state financial loss, ecological damage, and illicit profit with the presence or absence of restoration orders, and (iii) evaluating the placement of criminal law as *ultimum remedium* versus administrative or civil tools. The benefits are a policy-ready calibration model (fine multipliers, disgorgement, environmental bonds, livelihood restoration) for prosecutors and judges, clearer guidance for regulators on when to escalate from administrative to criminal pathways, and greater predictability and fairness for communities—thereby strengthening deterrence while realizing the *Constitution's* welfare objective.

## RESEARCH METHOD

The method used is normative, namely by emphasizing secondary data through studying and analyzing positive legal principles derived from legal materials from literature and comparative law, as well as elements or factors related to the object of research. The emphasis of research with a normative juridical approach is aimed at literature research, which means studying primarily *primary legal materials*. The research specification can be aimed at the characteristics of legal research that are more predominant, that is, the nature of this analysis is intended to provide an argument for the results of the research that has been carried out. Arguments are made by researchers to provide a prescription or assessment of what is right or wrong, or what should be legal, against the facts or legal events found in the research results. Data sources used in normative research prioritize, first: legal research that focuses on doctrine through the analysis of legal principles found in laws and regulations or in various judges' decisions. Second, because it is based on formal law, the sources of law come from primary, secondary, and tertiary legal materials. Third, as a consequence of using legal materials, there is no need for sampling.

## RESULTS AND DISCUSSION

### **Enforcement of Mineral and Coal Mining Criminal Law (Study of Corruption Crimes Court Case at the Jakarta High Court Decision Number 1/Pid.Sus-TPK/2025/Pt Dki)**

Before looking at law enforcement in mineral and coal mining, it is necessary to understand what mining is, understanding mineral and coal mining by definition can be observed several definitions, according to the Black Law Dictionary the definition of mining is

“The process or business of extracting from the earth the precious or valuable metals, either in their native state or in their ores ”

The above definition understands that mining is a process or business (business) to extract precious metals or precious metals both in their original form and in the form of ore, according to Abrar Sableng that basically mining can be understood as part or all of the stages in the context of

research, business, business and management of minerals or coal which includes general investigation, exploration, feasibility study of construction, mining, processing and refining, transportation and sales, and post-mining activities. This understanding is the same in the sense according to Article 1 paragraph (1) of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining

From the opinions of experts and the description of the above laws and regulations, it illustrates that mining is part or all of mining, starting from general investigations that are only to find out regional geological conditions and mineralization to post-mining activities, so it cannot be interpreted that mineral and coal mining is only after mineral and coal mining.

The governance of mineral and coal mining in Indonesia has undergone many changes, Law Number 11 of 1967 concerning Mining Principles, Law Number 4 of 2009, Law Number 3 of 2020, Law Number 11 of 2020 concerning Job Creation, Law Number 6 of 2023, Law Number 2 of 2025, dialectic of the Law on Mineral and Coal Mining (Undang-Undang Nomor 11 Tahun 2020).

The imposition of criminal sanctions also experiences dialectics, criminal sanctions in law number 4 of 2009 provide a maximum of 1 (one) year in prison with a maximum fine of Rp100,000,000 (one hundred million rupiah) while the maximum penalty is 10 (ten) years imprisonment and a maximum fine of 10,000,000,000,- (ten billion). In Law Number 3 of 2020, there are limitations compared to the previous law, namely the minimum penalty is imprisonment for a maximum of 1 (one) year and a maximum fine of 100,000,000 (one hundred million rupiah), while the maximum criminal sanction is imprisonment for a maximum of 5 (five) years with a maximum fine of 100,000,000,000 (one hundred billion) provisions in the law after Law Number 3 of 2020, namely Law Number 11 In 2020, Law Number 6 of 2023 and Law Number 2 of 2025 do not regulate changes to criminal sanctions in minerals and coal (Undang-Undang Nomor 6 Tahun 2023).

The application of criminal acts in the Law on Minerals and Coal is taken as an example of a case, namely the Crime of Corruption committed by Harvey Moeis, et al, in the decision of the Corruption Court at the Central Jakarta Court in Decision Number 70/Pid.Sus-TPK/2024/PN.Jkt.Pst deciding on Imprisonment for 6 (six) years and 6 (six) months and a fine of Rp. 1,000,000,000 (one billion rupiah) in addition to that Harvey Moeis was also sentenced to pay financial compensation state of Rp. 210,000,000,000 (two hundred and ten billion rupiah) if the convict does not have enough assets to pay the replacement money, it will be replaced with a sentence of 2 (two) years in prison, then at the Corruption Court Appeal Level at the Jakarta High Court gives Decision Number 1/PID. SUS-TPK/2025/PT DKI amends the Decision of the Corruption Court at the Central Jakarta Court in Decision Number 70/Pid.Sus-TPK/2024/PN.Jkt.Pst so as to increase Harvey Moeis' sentence to 20 (twenty) years in prison and a fine of Rp. 1,000,000,000,- (one billion rupiah) with state compensation of Rp. 420,000,000,000,- (four hundred and twenty billion rupiah) then at the Cassation Level the Supreme Court gave a Decision Rejecting Harvey Moeis' Cassation so that Harvey Moeis was

sentenced to 20 (twenty) years in prison just like the verdict at the appeal level.

In the decision of the appeal level, the panel of judges argued that if Harvey Moeis, et al. were proven to have harmed the state in the amount of Rp. 29,672,506,122,882.00 (twenty-nine trillion six hundred and seventy-two billion one hundred and twenty-two billion eight hundred and eighty-two rupiah) is far different from the court's decision, this greatly disturbs the sense of justice of the community if it is connected to Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

The verdict against the defendant in another corruption case in the same case, the compensation money if accumulated cannot return the state's losses, other than Harvey Moeis with compensation of Rp. 420,000,000,000,- (four hundred and twenty billion), the other four convicts are Helena Lim with compensation of Rp. 900,000,000 (nine hundred million rupiah), Mochtar Reza Pahlevi Tabrani (Former President Director of PT. Timah) in the Jakarta High Court Verdict in compensation of Rp. 493,000,000,000,- (four hundred Ninety-three billion rupiah), the President Director of PT. Refine Bangka Tin (RBT) was sentenced to compensation of Rp. 4.57 trillion, accumulated from the return of state financial losses of Rp. 5,483,900,000,000,- (five trillion four hundred and eighty-three billion nine hundred million rupiah).

The accumulation of state financial returns from the four convicts above is very far when compared to the consideration of the panel of judges amounting to Rp. 29,672,506,122,882.00 (twenty-nine trillion six hundred and seventy-two billion one hundred and twenty-two billion eight hundred and eighty-two rupiah), especially when compared to the estimated state losses submitted by experts from the Attorney General's Office, namely state losses reaching 300 trillion rupiah (Rahardjo, 2014).

Looking at the difference between the court decision and the state losses caused as the above decision, it is clear that there is a very far deviation, so that court decisions related to the return of state losses cannot really compensate the state (Ridwan, 2018). Apart from the gap between the court decision and the state's loss, the court decision must still be complied with because it is an implementation of the principle of *Res Judicata Pro Varitate Habetur*, so that like it or not, fair or unfair the decision that has the force must still be considered fair and accepted (Sururi, 2023; Pudyatmoko & Aryadi, 2023).

The crime itself simply aims to inflict suffering deliberately inflicted on the state to a person or several people for violating an act that is legally prohibited (Utrecht, 2013). According to Sudarto, what is meant by crime is suffering that is deliberately given to a person who commits an act that meets certain conditions. In the opinion of Reoslan Saleh Criminal, a crime is a reaction to a crime, and it aims at a crime that is deliberately inflicted by the state on the perpetrator of the crime. according to H.L.A (Takdir, 2013). Criminal Hart must first, contain suffering or other unpleasant consequences, second, be imposed on a person who actually or correctly commit a criminal act, third, be imposed in connection with a criminal act that violates the provisions of the law, fourth, be committed by a person other than the perpetrator of the criminal act, fifth, be imposed and implemented by the ruler in accordance with the provisions of a legal system violated

by the criminal act;

Based on the explanation and expert opinion above, it is clear that if criminalization aims to provide suffering for the perpetrators of criminal acts, it is clearly very different from the purpose and spirit of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which aims to realize the welfare of the people by optimizing Indonesia's natural resources. Two things with different goals are certainly not appropriate if the application of criminal law becomes the front line in the enforcement of mineral and coal mining laws (Yoserwan, 2019; Basir, 2021; Widyawati, 2015).

In the modern school of criminal law, the goal of criminal law is not only to fight crime, but also to pay attention to other branches of science and is to pay attention to the *ultimum remedium* as the last weapon in solving legal problems.

The Indonesian legal system, which is still influenced by positivist thinking and the continental European system, causes very clear limits in criminal punishment, laws and regulations become instruments in law enforcement, the range of criminal sanctions is a minimum of 1 (one) year in prison with compensation of Rp. 100,000,000,- (one hundred million rupiah) and a maximum criminal sanction, namely imprisonment for 5 (five) years and a maximum compensation of Rp. 100,000,000,000,- (one hundred billion rupiah), the limitation in the law on mineral and coal mining provides a limit for law enforcement to prosecute and impose sanctions.

The limitations of the Mineral and Coal Law in enforcing the criminal law on mineral and coal mining cause law enforcement to prioritize other laws, such as the Law on Corruption and the Law on Money Laundering (TPPU) as decided by Harvey Moeis, et al., the law on corruption provides limits on the return of state losses as stipulated in Article 18 paragraph (1) letter b states that if money is As much as possible the substitute is equal to the property obtained from the proceeds of corruption, the involvement of other laws in the enforcement of the criminal law on mineral and coal mining is expected to increase the state's financial return even if it is not completely or not optimal in the return of state losses (Suritno et al., 2022).

One of the ideals of the law is to create justice for the community which is expressed in legal doctrines and the Judge's Decision "For Justice Based on the One God" Efforts to recover losses or recover losses of state revenue are theoretically centered on the theory of the state of law and the theory of justice. The spirit of Indonesia as a state of law has been imbued since the beginning of the formation of the constitution although it has not been expressly stated in the body of the 1945 Constitution, but it has been manifested in the explanation of the 1945 Constitution which affirms that Indonesia is based on law, (*rechtsstaat*), not based on mere power (*Machtsstaat*) From the description above, the author argues that the state of law is one of the instruments to realize ideals of the Indonesian people, one of which is to promote the general welfare as stated in the preamble to the 1945 Constitution, in this case the author is in line with the opinion of Muhammad Tahir Azhary who interprets the Indonesian legal state as a welfare state (Fathorrahman et al., 2024).

From the example of the case above and as has been described, it can be concluded that the

imposition of criminal sanctions in mining crime activities cannot be fully the answer in solving mining problems in Indonesia, the limited scope of laws on mineral and coal mining in an effort to recover state losses causes law enforcement to prioritize other laws such as the Corruption Crime Law and the Criminal Procedure Law. The Crime of Money Laundering, although it cannot also fully restore state losses, so that in implementation the Enforcement of the Mineral and Coal Mining Criminal Law is not in accordance with the purpose of Article 33 paragraph (3) of the 1945 Constitution where natural resources must be used as much as possible for the prosperity of the people, for this reason there needs to be a different point of view and must be linear with the purpose of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which is to be used as much as possible for prosperity "The People"

### **Ultimum Remedium in Criminal Law Enforcement of Mineral and Coal Mining**

As previously explained, if the enforcement of the criminal law on mineral and coal mining is often not in line with the purpose of article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, where Indonesia's natural resources should be used as much as possible for the prosperity of the people, the gap between state losses and efforts to recover state losses based on court decisions that have permanent legal force cause no return of state losses as a result of the return of state losses should (Ali, 2019; Ali, 2022; Faisal, 2022; Subechi, 2012; Walla et al., 2021).

The ineffectiveness of criminal law enforcement in mineral and coal mining in the context of recovering state losses leads to the need for a new scheme that prioritizes the return of state losses and the increase of Non-Tax State Revenue (PNBP), one of which is placing criminal law enforcement in mining as a last resort or *ultimum remedium*. The application of the principle of *ultimum remedium* in criminal acts is not new, in the enforcement of tax law and the enforcement of customs laws.

In the Dutch encyclopedia it is stated that *Ultimum remedium* is a term uit het Latijn that means: het laatste redmiddel. So it is something that is used when all other possibilities have already been tried. In practice, the term is often used when it comes to criminal law; dit zou alleen als uiterst redmiddel moet worden inzet (*ultimum remedium* is a Latin term that means: effort or last remedy. It means something that is used as an effort or possibility of the latter). In addition, in the Dutch dictionary, the term *ultimum remedium* is included in the category of criminal procedure law (het procesrecht) and comes from the Latin language: het uiterste middel. Remedy applied when no other remedy is possible Found. (last resort or means. Drugs or cures used when other drugs are not found). Mr. Modderman, the principle of *ultimum remedium* is the first punishable, is the violation of the law, this is *conditio sine qua non*. second, that transgressions of the law, which according to experience cannot be eliminated by any other means. The punishment should be a last resort.

From the opinions of experts, it can be concluded that the *ultimum remedium* is the last resort that can be carried out if other efforts cannot be carried out anymore, if it is associated with the enforcement of mineral and coal mining laws, then the imposition of criminal sanctions is not put

forward but the last resort after the imposition of other sanctions cannot be carried out anymore because empirically it cannot fully restore the state's losses. The application of the principle of *ultimum remedium* in the Indonesian legal system is not new, for example in tax law enforcement where the criminal process can be set aside as long as the taxpayer has good faith to fulfill his obligations, one of which is by means that the taxpayer can be dismissed in the examination and investigation with the conditions as stipulated in the laws and regulations.

In laws and regulations related to mineral and coal mining, at least two types of sanctions are found, namely administrative sanctions and criminal sanctions. The imposition of criminal sanctions in the enforcement of mineral and coal mining laws has been reviewed in the previous section, so it is necessary to review the imposition of administrative sanctions. Administrative sanctions in state administrative law can be seen in terms of their targets, namely first reparatory sanctions, which are sanctions that are applied with the aim of restoring the original condition before the violation occurred, for example *bestuursdwang*, *dwangsom*, second, punitive sanctions, namely sanctions aimed at giving to a person, third, regressive sanctions, namely sanctions for non-compliance with the given regulations. The various administrative sanctions that can be imposed on the perpetrators of violations can be in the form of first, Government coercion (*bestuurdwang*), second, withdrawal of favorable decisions (permits, subsidies, payments, and so on), third, imposition of forced money by the government (*dwangsom*), fourth, imposition of administrative fines (administrative *boete*).

If we reflect on the laws and regulations in the tax sector, we will find various kinds of administrative sanctions that may be adopted in mineral and coal mining laws and regulations after adjusting in the enforcement of mineral and coal mining laws, sanctions in the form of interest, fines, sanctions increased from the initial stipulation, the imposition of administrative sanctions in the tax sector are considered more effective when compared to the imposition of sanctions. The adoption of the form of imposition of tax administrative sanctions in the enforcement of mineral and coal mining laws cannot be complete but adjustments must be made. In addition to the above sanctions, there should be sanctions to restore the country's losses and return to its original state.

In the author's view, it does not mean that criminal law enforcement does not need to be carried out, but rather prioritizes the imposition of administrative sanctions that are more in accordance with the spirit of Article 33 paragraph (3) of the Constitution of the Republic of Indonesia and criminal efforts are the last resort or *ultimum remedium*. The imposition of administrative sanctions before criminal action is carried out is a series of processes that should be a foothold to restore state losses as a result of violations of mineral and coal mining laws and regulations, so as to increase PNBP. One of the functions of PNBP is budgetary where PNBP which is one of the pillars of state revenue has a considerable contribution in supporting state revenue

## CONCLUSION

The enforcement of criminal law in mineral and coal mining is still not in line with the spirit of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which mandates that natural resources must be used as much as possible for the prosperity of the people. Limitations in laws and regulations, especially related to the enforcement of criminal law on mineral and coal mining, have caused law enforcement to rely on other laws and regulations such as the Law on Corruption and the Law on Money Laundering. Even though these laws have been used to recover state losses based on court decisions, there remains a significant gap between the recovery and the actual state losses, so that court decisions have not been fully optimal in recovering state losses. If law enforcement of mineral and coal mining laws is not optimal through criminal channels, alternative approaches are needed, such as prioritizing administrative sanctions in settlement processes and making criminal law enforcement the *ultimum remedium*, or last resort. Reflecting on the enforcement of tax laws, which share a similar spirit—namely, how to increase state revenue for the welfare of the people—there is a need for changes in mineral and coal mining laws and regulations that prioritize administrative sanctions, such as interest, fines, sanctions that increase from the initial stipulation, sanctions to restore state losses, and the return of assets to their original state.

## REFERENCES

- Abdul Basir. (2021). *Ultimum remedium dalam tindak pidana pajak wajib pajak badan dan upaya pengembalian kerugian pada pendapatan negara*. Program Doktor Universitas Jayabaya, Jakarta.
- Agung, H. (2012). Dampak konversi lahan pertanian bagi taraf hidup petani di Kelurahan Landasan Ulin Barat Kecamatan Liang Anggang Kota Banjarbaru. *Jurnal Agribisnis Perdesaan*, 2(2), 19–41.
- Ahyani. (2021). Building the values of *rahmatan lil 'alamin* for Indonesian economic development at 4.0 era from the perspective of philosophy and Islamic economic law. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 16, 111–136.
- Ali, M. (2022). Penal proportionality in environmental legislation of Indonesia. *Cogent Social Sciences*, 8(1), 2009167. <https://doi.org/10.1080/23311886.2021.2009167>
- Alfian. (2014). Peran dinas cipta karya dan tata kota dalam penataan perumahan permukiman kawasan garis sempadan sungai studi kasus Kelurahan Sungai Keledang Kecamatan Samarinda Seberang. *E-Journal Ilmu Pemerintahan*, 2, 227–247.
- Ansari. (2020). Efektivitas terhadap pelaksanaan pengaturan lahan pertanian pangan berkelanjutan. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, 9, 131–151.
- Ariska. (2019). Pembaharuan hukum sistem peradilan pidana dalam RUU KUHAP. *Yustitia*, 5(1).
- Arsini. (2021). Akibat hukum dari alih fungsi lahan pertanian pangan berkelanjutan terhadap penguasaan dan kepemilikan tanah pertanian di Kecamatan Buleleng, Kabupaten Buleleng. *Kertha Widya*, 9, 31–55.
- Asymar, H., & Herlan. (2017). Menentukan nilai penggantian wajar lahan terdampak pekerjaan reaktifasi jalur kereta api trase Muaro Logas, Kabupaten Sijunjung, Provinsi Sumatera Barat. *Jurnal Perspektif*, 6, 46–66.
- Atmasasmita, R. (2012). *Rekonstruksi terhadap teori hukum pembangunan dan teori hukum progresif* (2nd ed.). Jakarta: Genta Publishing.

- Bachtiar. (2018). *Metode penelitian hukum*. Banten: Umpam Press.
- Bandani, A. (2011). *Malaysia land law: Menghurai pindaan kanun tanah negara* (1st ed.). Kuala Lumpur: Percetakan Nasional Malaysia Berhad.
- Cahyaningrum. (2019). Pelindungan hukum terhadap lahan pertanian pangan dari pengalihan fungsi untuk non pertanian pangan. *Negara Hukum*, 7, 27–48.
- Dahnir. (2020). Peranan Kantor Jasa Penilai Publik (KJPP) dalam kegiatan pengadaan tanah untuk kepentingan umum (antara profesionalisme dan perbuatan melawan hukum/tindak pidana korupsi). *Iuris Studia: Jurnal Kajian Hukum*, 2, 205–225.
- Ediwarman. (2010). *Monograf, metodologi penelitian hukum* (1st ed.). Medan: Program Pascasarjana Univ. Muhammadiyah Sumatera Utara.
- Fahris Suritno, dkk. (2022). Dampak pertambangan nikel terhadap pola hidup petani kelapa di Desa Waleh Kecamatan Weda Utara Kabupaten Halmahera Tengah. *Jurnal Ilmiah Society*, 2(1).
- Faisal, F. (2022). Criminal sanctions' reformulation in the reclamation of the mining community. *Fiat Justisia: Jurnal Ilmu Hukum*, 16(1), 11–30. <https://doi.org/10.25041/fiatjustisia.v16no1.2222>
- Fathorrahman, F., dkk. (2024). Rethinking 'Res Judicata Pro Varitate Habetur' in Indonesian judiciary. *Indonesian Journal of Law and Economics Review*, 19(1).
- Fathor, F. W. (2017). *Dasar-dasar hukum pidana di Indonesia*. Tangerang Selatan: PT Nusantara Persada Utama.
- Ghufran Syahputera Walla, dkk. (2021). Kajian terhadap pengaturan sanksi denda administratif dalam peraturan daerah tentang pembatasan sosial berskala besar. *TATOHI Jurnal Ilmu Hukum*, 1(9).
- Hasaziduhu. (2013). Penegakan hukum di Indonesia menurut aspek kepastian hukum, keadilan dan kemanfaatan. *Jurnal Ilmiah Warta Darmawangsa*, 13, 56–67.
- Heri Tahir. (2010). *Proses hukum yang adil dalam sistem peradilan pidana Indonesia* (1st ed.). Yogyakarta: Laksbang Mediatama.
- Imam Subechi. (2012). Mewujudkan negara hukum. *Jurnal Hukum dan Peradilan*, 1(3).
- Irawan. (2017). *Dampak relokasi pasar terhadap kondisi sosial ekonomi pedagang di Pasar Bonggoeya Kendari* (1st ed.). Yogyakarta: PT Prajna Paramita.
- Jimly Asshiddiqie, & Safaat, M. A. (2010). *Teori Hans Kelsen tentang hukum* (2nd ed.). Jakarta: Konstitusi Press.
- Joko Sriwidodo. (2019). *Kajian hukum pidana Indonesia (teori dan praktik)*. Jakarta: Kepel Press.
- Linda Suryani Widyawati. (2015). Ultimatum remedium dalam bidang lingkungan hidup. *Jurnal Hukum Ius Quia Iustum*, 22(1).
- M. Ahmad Zuhdi Muhdlor. (2012). Perkembangan metode penelitian hukum. *Jurnal Hukum dan Peradilan*, 1(2).
- Mukti Fajar ND, & Yulianto Achmad. (2010). *Dualisme penelitian hukum normatif dan empiris*. Yogyakarta: Pustaka Pelajar.
- Muhammad Ilham Arisaputra. (2016). Reforma agraria untuk mewujudkan kedaulatan pangan. *Rechtldee Jurnal Hukum*, 1, 41–61.
- Nurikhah, O. (2021). Analisis efektivitas kebijakan perlindungan lahan pertanian pangan berkelanjutan terhadap ketahanan pangan di daerah Kabupaten Pandeglang. *Yustisia Tirtayasa*, 7, 90–123.

- Purwaningsih. (2022). Penegakan hukum jabatan notaris dalam pembuatan perjanjian berdasarkan Pancasila dalam rangka kepastian hukum. *Jurnal Hukum Magnum Opus*, 11, 45–67.
- Puspasari, A. (2012). Faktor-faktor yang memengaruhi alih fungsi lahan pertanian dan dampaknya terhadap pendapatan petani (studi kasus Desa Kondang Jaya, Kecamatan Karawang Timur, Kabupaten Karawang). *Departemen Ekonomi Sumberdaya dan Lingkungan Fakultas Ekonomi dan Manajemen IPB*, 5.
- Ramdani Wahyu Sururi. (2023). *Putusan pengadilan*. Bandung: Mimbar Pustaka.
- Ridwan HR. (2018). *Hukum administrasi negara*. Jakarta: Raja Grafindo Persada.
- Rizki. (2021). Aspek keadilan dalam penyelenggaraan pengadaan tanah bagi pembangunan untuk kepentingan umum di Kabupaten Luwu Utara. *Journal of Lex Generalis*, 9, 98–116.
- Satjipto Rahardjo. (2014). *Ilmu hukum* (8th ed.). Bandung: PT Citra Aditya Bakti.
- Sapri Ali. (2019). Komparasi hukuman pidana masyarakat pinggiran dalam perspektif hukum positif dan hukum Islam. *Jurnal El-Faqih*, 5(1).
- Saribu. (2022). Perkembangan hukum pertanahan tentang pemberian hak atas tanah negara kepada petani di Indonesia. *MABIS*, 13, 230–255.
- Sitanggang. (2022). Perlindungan hukum terhadap lahan produktif pertanian akibat maraknya alih fungsi lahan untuk keperluan properti, industri dan proyek pembangunan strategis nasional berdasarkan hukum positif Indonesia. *Jurnal Hukum Adigama*, 5(1), 229–255.
- Sri Pudyatmoko, Y., & Aryadi, G. (2023). Putusan ultra petita penanganan kasus korupsi menurut perspektif hakim. *Jurnal Hukum & Pembangunan*, 53(2), 252.
- Suharizal. (2012). *Pemilukada, regulasi, dinamika, dan konsep mendatang* (2nd ed.). Jakarta: PT Raja Grafindo Persada.
- Sumardjono, M. S. W. (2014). *Mediasi sengketa tanah: Potensi penerapan alternatif penyelesaian sengketa (ADR) di bidang pertanahan* (2nd ed.). Jakarta: Kompas Media Utama.
- Takdir. (2013). *Mengenal hukum pidana* (1st ed.). Jakarta: Laskar Perubahan.
- Tuti Elawati, dkk. (2025). Analisis yuridis vonis hakim terhadap perkara tindak pidana korupsi (studi kasus Putusan Perkara Nomor: 1/PID.SUS-TPK/2025/PT DKI jo Nomor: 70/Pid.Sus-TPK/2024/PN.Jkt.Pst.). *JUSTLAW: Journal Science and Theory of Law*, 2(1).
- Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja. *Lembaran Negara Republik Indonesia Tahun 2020 Nomor 245, Tambahan Lembaran Negara Republik Indonesia Nomor 6573*.
- Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang. *Lembaran Negara Republik Indonesia Tahun 2022 Nomor 238, Tambahan Lembaran Negara Republik Indonesia Nomor 6841*.
- Utrecht. (2013). *Pengantar dalam hukum Indonesia* (Moh. Saleh Djidang, Trans.). Jakarta: Ichtiar Baru.
- Yoserwan. (2019). *Doktrin ultimum remedium dalam hukum pidana Indonesia (implementasinya dalam hukum pidana ekonomi)*. Padang: Andalas University Press.