

The Implementation of Administrative Sanctions Against Environmental Violations Committed by Mining Companies in West Nusa Tenggara Province

Muhammad Irfan Jayadi^{1*}, Ilham Hidayat²

¹ Department of Law, University of Muhammadiyah Mataram, Indonesia

² Department of Law, Universiti Malaya, Malaysia

* Corresponding author: irfanjya2606@gmail.com

ARTICLE INFO	ABSTRACT
Article history Received: April 06, 2025 Revised: April 11, 2025 Accepted: May 21, 2025 Published: May 28, 2025 Keywords Administrative Sanctions Environmental Violations Mining Companies West Nusa Tenggara Environmental Law  License by CC-BY-SA Copyright © 2025, The Author(s).	Environmental law enforcement plays a crucial role in preserving ecological sustainability, particularly in regions with intensive mining activities such as West Nusa Tenggara Province (NTB), Indonesia. This study aims to analyze the implementation of administrative sanctions against mining companies that violate environmental regulations and to evaluate the effectiveness of these sanctions based on existing legal frameworks, particularly Law No. 32 of 2009 on Environmental Protection and Management. The research adopts an empirical juridical approach, utilizing document analysis and interviews with officials from the NTB Provincial Environmental Agency and affected community members. The findings reveal that although the normative legal framework for administrative sanctions is well established, its implementation faces numerous challenges, including weak supervision, limited human resources, and the influence of economic and political interests. Furthermore, discrepancies between the severity of violations and the types of sanctions imposed reduce the deterrent effect on offenders. Therefore, strengthening institutional capacity and ensuring transparency in environmental law enforcement are essential to uphold ecological justice and protect the public's right to a healthy environment.
<i>How to cite:</i> Jayadi, M. I., & Hidayat, I. (2025). The Implementation of Administrative Sanctions Against Environmental Violations Committed by Mining Companies in West Nusa Tenggara Province. <i>Justicia Insight</i>, 1(2), 44-49. https://doi.org/10.70716/justin.v1i2.159	

INTRODUCTION

Mining activities constitute one of the strategic sectors in national development, contributing significantly to both regional and national economic growth. In West Nusa Tenggara Province (NTB), abundant natural resource potential has positioned the region as a center for mining activities, particularly in the extraction of minerals and rocks. However, alongside the increasing exploitation of natural resources, a range of environmental issues has emerged, posing serious threats to ecosystems and public health (Saragih, 2021).

Mining companies often engage in operations that neglect fundamental principles of environmental protection and management. Negative impacts such as water and air pollution, land degradation, loss of biodiversity, and social conflicts with indigenous communities are clear evidence of weak oversight over mining activities (Rahmawati, 2020). In many cases, the resulting environmental damage is irreversible, leading to long-term ecological and economic losses.

To address these challenges, the Indonesian government has established a legal framework through Law No. 32 of 2009 concerning Environmental Protection and Management (PPLH Law). Within this legal framework, three primary types of sanctions are introduced for environmental violations: administrative, civil, and criminal sanctions. Among these, administrative sanctions are considered a crucial instrument due to their relatively swift and effective enforcement, as they can be imposed directly by competent authorities without requiring court proceedings (Lubis, 2019).

Administrative sanctions serve as both corrective and repressive measures in environmental law, aiming to halt ongoing violations, restore environmental conditions, and deter future infractions by

business actors. These sanctions include written warnings, government coercion (*bestuursdwang*), suspension of permits, and revocation of business licenses (Amrullah, 2022). Such mechanisms enable authorities to take immediate action in response to violations before environmental damage escalates further.

Despite their normative regulation, the implementation of administrative sanctions in practice often falls short of expectations. Numerous environmental violations by mining companies in NTB have not been addressed with adequate enforcement, or have even gone unnoticed. This situation raises concerns regarding the effectiveness of administrative sanctions, especially considering that many companies repeatedly commit similar offenses or fail to fulfill their environmental restoration obligations (Putri & Anshari, 2021).

The weakness in environmental law enforcement is attributed to various factors, including limited human and technological resources, poor interagency coordination, and the influence of political and economic interests in decision-making processes. In certain instances, law enforcement officials are reluctant to sanction large corporations perceived as major contributors to regional economic growth (Sutardi, 2020).

From the perspective of administrative law, administrative sanctions reflect the state's authority to supervise legal compliance, particularly by business actors. Thus, the ineffectiveness of administrative sanctions signifies a diminished state capacity to control the conduct of economic actors that potentially harm the environment (Hasibuan, 2022).

As one of the regions with high levels of mining activity, NTB faces significant challenges in balancing development goals with environmental sustainability. Communities residing near mining sites are often the most directly affected by pollution and environmental degradation, yet their voices are frequently marginalized in policy and decision-making processes (Zainuddin, 2018).

This condition underscores the need for a legal orientation that favors environmental protection and the rights of affected communities—an embodiment of environmental justice. Environmental justice advocates for the recognition of the right to a clean and healthy environment as a component of human rights, and demands that environmental offenders be subjected not merely to symbolic penalties, but also to substantive restoration obligations (Nurhayati, 2023).

Examining the implementation of administrative sanctions is crucial as a form of evaluation of the regulatory framework and institutional performance in enforcing environmental law. This evaluation must extend beyond normative legal aspects to also encompass sociological and institutional dimensions that influence the success or failure of enforcement mechanisms (Widodo, 2019).

Several prior studies suggest that the effectiveness of administrative sanctions is highly dependent on procedural transparency, the assertiveness of enforcement authorities, and public participation in environmental monitoring (Panambunan, 2021). In the absence of participation and accountability, administrative sanctions risk becoming mere formalities.

In practice, many local governments lack the derivative legal instruments and necessary resources to implement administrative sanctions effectively. In NTB, for instance, most regions have yet to enact regional regulations or gubernatorial decrees detailing technical procedures for imposing administrative sanctions on mining operators (Mulyadi & Pratama, 2020).

Furthermore, the information asymmetry between companies and local communities leads to injustice in the enforcement process. Communities are often unaware of how to report environmental violations, or they lack confidence that their reports will be taken seriously (Yunus, 2017). This results in minimal public engagement in environmental oversight.

Therefore, it is imperative to adopt a renewed approach to the implementation of administrative sanctions—one that includes active community involvement, enhanced capacity of supervisory personnel, and strengthened local regulations. Regular monitoring and evaluation of sanction enforcement are also essential to ensure that the objectives of environmental law are genuinely fulfilled.

This study aims to comprehensively analyze the implementation of administrative sanctions against environmental violations committed by mining companies in West Nusa Tenggara Province, to identify the barriers faced, and to propose strategic recommendations to enhance the effectiveness and authority of environmental law at the regional level. It is hoped that this research will contribute both academically and practically to the realization of sustainable and equitable mining governance.

RESEARCH METHOD

The research methodology employed in this study is a normative-empirical legal research approach. Normative legal research was conducted by analyzing the applicable positive legal norms governing administrative sanctions in the context of environmental protection, particularly as stipulated in Law Number 32 of 2009 concerning Environmental Protection and Management, along with its implementing regulations at both national and regional levels. This aspect of the study also examined the principles of administrative law relevant to the enforcement of administrative sanctions.

In addition to the normative approach, this study adopted an empirical perspective by investigating the actual implementation of administrative sanctions in the field, specifically within the Province of West Nusa Tenggara (Nusa Tenggara Barat, NTB). The data sources in this research consisted of both primary and secondary data. Primary data were collected through in-depth interviews with key informants, including officials from the Provincial Environmental Agency (Dinas Lingkungan Hidup Provinsi NTB), mining supervisory officers, and representatives from affected local communities. Secondary data were obtained through a literature review encompassing statutory regulations, official government documents, and relevant prior research findings.

Data collection techniques included document analysis and interviews, while the data analysis technique employed was descriptive-qualitative. This method integrates both normative and empirical findings to provide a comprehensive understanding of the effectiveness of administrative sanctions implementation against environmental violations committed by mining companies in the region.

RESULTS AND DISCUSSION

The implementation of administrative sanctions in environmental law enforcement in the Province of West Nusa Tenggara (NTB) remains suboptimal. Normatively, Law No. 32 of 2009 on Environmental Protection and Management (PPLH) provides a strong legal basis for environmental supervisory officials to impose administrative sanctions, including written warnings, government coercion, license suspension, and revocation. However, in practice, the imposition of such sanctions on mining companies violating environmental norms is often not carried out decisively or consistently. This raises concerns over the ineffectiveness of administrative law as a control mechanism against environmental degradation caused by mining activities.

Interviews with officials from the NTB Environmental Office (DLH) revealed frequent violations by mining companies, particularly concerning hazardous and toxic waste (B3), unauthorized land use, and the failure to conduct post-mining reclamation. Nevertheless, most cases only result in written warnings or recommendations for administrative improvements, with no binding legal follow-up actions. This lack of decisiveness supports the findings of Hadi and Wulandari (2022), who argue that weak enforcement of administrative sanctions is often influenced by limited institutional capacity and a bias toward short-term economic interests.

Field studies indicate that areas such as West Sumbawa, Dompu, and East Lombok exhibit high levels of mining activity with significant environmental impacts. Forest cover loss, river pollution, and soil erosion are common occurrences that frequently lead to social conflict. Indigenous communities and local farmers suffer the consequences of environmental degradation, yet their voices are often marginalized in supervisory and enforcement processes. As Lubis (2021) notes, power imbalances between mining corporations and local communities hinder the realization of ecological justice through administrative legal mechanisms.

Beyond legal substance issues, the implementation of administrative sanctions is further hampered by overlapping authorities between central and regional governments. Following the enactment of Law No. 23 of 2014 on Regional Government, the authority over mining licensing and supervision was transferred to the provincial level. However, in practice, coordination among provincial, district, and ministerial agencies remains fragmented. This results in delays in sanction enforcement and, in some cases, inaction due to inadequate technical data. Nasution (2020) highlights that inter-agency disharmony is one of the main causes of stagnation in local environmental law enforcement.

Within the framework of administrative law theory, administrative sanctions serve as strategic tools for preventive control over license misuse and violations of environmental norms. These sanctions are non-

judicial yet legally binding, and as such, should be implemented swiftly and effectively. Nevertheless, field findings demonstrate a high degree of discretionary practice, where supervisory officials tend to be permissive towards violations committed by large corporations. This reflects a weak adherence to the principles of legality and accountability in environmental administration (Ridwan, 2022).

From a regulatory standpoint, the PPLH Law and its derivative regulations already provide sufficient instruments to enforce administrative sanctions. Articles 76 to 80 of the PPLH Law clearly outline the procedures and forms of such sanctions. However, the effectiveness of these provisions heavily depends on political will and the capacity of enforcement institutions. Research by Sulistyani (2021) indicates that inadequate budgeting, weak internal oversight, and the absence of a sanction evaluation system render administrative sanctions a mere formality rather than a genuine effort to protect the environment.

A case study in Dompu Regency exemplifies this issue, where a mining company found guilty of discharging tailing waste into a river was merely issued a written warning. There was no government order to cease operations or repair the damage, despite substantial evidence of pollution. This situation illustrates that administrative sanctions have yet to function as an effective deterrent mechanism. Instead, companies tend to regard such sanctions as routine business risks. According to Yustisia and Prasetyo (2023), the effectiveness of administrative sanctions relies heavily on consistent enforcement and public disclosure of enforcement outcomes to create a widespread deterrent effect.

Transparency also poses a serious challenge in the implementation of administrative sanctions. Communities and the media often lack access to data on violations and follow-up actions. This lack of openness hinders public participation in oversight processes. In fact, Article 65(2) of the PPLH Law guarantees the public's right to environmental information. Insufficient transparency fosters distrust toward government institutions and creates opportunities for corrupt or collusive practices in mining supervision (Saragih & Manurung, 2021).

Moreover, not all environmental supervisory officers possess adequate technical capacity to verify violations and impose appropriate administrative sanctions. Many lack backgrounds in environmental science or administrative law. As a result, the quality of assessments and impact evaluations tends to be inadequate, leading to disproportionate or inappropriate sanctions. Fitriani (2020) emphasizes that improving human resource capacity is key to strengthening the effectiveness of administrative instruments in environmental protection.

The post-sanction environmental recovery mechanism is another major concern. Many mining companies found in violation are not required to undertake concrete rehabilitation or environmental restoration. Consequently, ecological damage becomes permanent, inflicting long-term harm on ecosystems and communities. Under international environmental law, the polluter pays principle should underpin the imposition of sanctions. However, this principle has not been fully internalized in local policies and administrative practices (Kusumawati, 2019).

From the perspective of environmental economics, the ineffectiveness of administrative sanctions also distorts the external costs borne by society. Companies do not bear the costs of environmental damage they cause, resulting in social costs that far exceed any economic gains. According to a cost-benefit analysis by Purwanto (2020), mining-related environmental damage in NTB causes annual losses amounting to billions of rupiah, with no compensation from the businesses responsible.

By comparison, provinces such as West Java and East Kalimantan have developed online violation reporting systems and regularly publish lists of offending companies. These initiatives have proven effective in increasing the impact of administrative sanctions by exerting reputational and social pressure on companies. NTB could adopt similar models to build a more transparent and accountable enforcement and supervision system (Arifianto, 2022).

In conclusion, administrative sanctions hold great potential as efficient and flexible mechanisms for environmental law enforcement. However, without strong institutional support, competent human resources, and information transparency, these sanctions will lack coercive power. Institutional reform and systemic improvements are essential to ensure the consistent and sustained application of such sanctions. Only through a comprehensive approach can environmental degradation from mining in NTB be minimized and ecological justice achieved.

CONCLUSION

Based on the findings and analysis, it can be concluded that the implementation of administrative sanctions for environmental violations committed by mining companies in the Province of West Nusa Tenggara still faces significant challenges across legal, institutional, technical, and political dimensions. Although Law Number 32 of 2009 on Environmental Protection and Management provides a clear normative legal framework, in practice, the enforcement of administrative sanctions remains largely symbolic and lacks deterrent effect.

The limited capacity of environmental supervisory authorities, low transparency of environmental information, minimal community participation, and the predominance of economic interests in mining oversight policies are among the key factors impeding the effectiveness of administrative sanctions. Additionally, overlapping institutional authorities and the absence of a sustainable evaluation system further exacerbate the problem.

Therefore, it is imperative to strengthen institutional frameworks, enhance human resource capacities, and develop a transparent and participatory monitoring system to ensure that administrative sanctions can function optimally as instruments of environmental law enforcement. Such reforms are essential to hold mining companies accountable for their ecological impacts and to realize the principles of ecological justice and sustainable development in West Nusa Tenggara Province.

REFERENCES

- Amrullah, F. (2022). *Hukum Lingkungan dalam Perspektif Administratif*. Jakarta: Prenadamedia Group.
- Arifianto, B. (2022). Penguatan Sistem Pengawasan Lingkungan Berbasis Digital di Kalimantan Timur. *Jurnal Hukum dan Lingkungan*, 11(2), 215–229.
- Asshiddiqie, J. (2009). *Pengantar Ilmu Hukum Tata Negara*. Jakarta: Rajawali Pers.
- Hadi, S., & Wulandari, N. (2022). Tantangan Penegakan Sanksi Administratif terhadap Pelanggaran Lingkungan di Daerah. *Jurnal Hukum Ekologis*, 5(2), 201–220.
- Hasibuan, R. (2022). Wewenang Pemerintah dalam Penegakan Sanksi Administratif Lingkungan. *Jurnal Ilmu Hukum Legal Opinion*, 10(3), 121–135.
- Irawan, T. (2020). Partisipasi Masyarakat dalam Penegakan Hukum Lingkungan. *Jurnal Konstitusi Lingkungan*, 9(3), 321–338.
- Kusumawati, N. (2019). Implementasi Prinsip Polluter Pays dalam Hukum Lingkungan Indonesia. *Jurnal Ilmu Lingkungan*, 17(1), 88–104.
- Lubis, F. (2021). Ketimpangan Kekuasaan dalam Konflik Pertambangan: Studi Kasus di NTB. *Jurnal Sosio-Legal Indonesia*, 4(1), 45–63.
- Lubis, M. (2019). *Hukum Lingkungan: Teori dan Praktik di Indonesia*. Bandung: Refika Aditama.
- Mulyadi, T., & Pratama, A. (2020). Kelemahan Regulasi Daerah dalam Penegakan Sanksi Administratif Tambang. *Jurnal Hukum & Kebijakan Lingkungan*, 14(1), 54–68.
- Nasution, A. (2020). Desentralisasi dan Dilema Kewenangan Lingkungan Hidup. *Jurnal Otonomi Daerah dan Lingkungan*, 6(2), 189–205.
- Nurhayati, N. (2023). Perlindungan Hak Atas Lingkungan Sehat sebagai Bagian dari HAM. *Jurnal Konstitusi*, 20(1), 89–102.
- Panambunan, A. M. (2016). Penerapan Sanksi Administratif dalam Penegakan Hukum Lingkungan di Indonesia. *Lex Administratum*, 4(2), 94–101.
- Purwanto, R. (2020). Analisis Cost-Benefit Kegiatan Pertambangan terhadap Lingkungan. *Jurnal Ekonomi dan Pembangunan*, 21(2), 87–102.
- Putri, R., & Anshari, D. (2021). Pelaksanaan Sanksi Administratif pada Kasus Pencemaran Lingkungan oleh Perusahaan Tambang. *Jurnal Yustisia*, 10(2), 134–147.
- Rahmawati, S. (2020). Dampak Pertambangan terhadap Lingkungan dan Solusinya. *Jurnal Lingkungan dan Pembangunan Berkelanjutan*, 8(1), 77–88.
- Ridwan, H. (2022). Legalitas dan Akuntabilitas dalam Penegakan Hukum Administratif Lingkungan. *Jurnal Hukum Tata Negara*, 10(1), 123–139.
- Saragih, D. (2021). Eksploitasi Tambang dan Ancaman terhadap Ekosistem NTB. *Jurnal Ekologi Hukum*, 5(2), 201–215.

- Saragih, M., & Manurung, D. (2021). Korupsi dalam Pengawasan Lingkungan: Perspektif Sosiologi Hukum. *Jurnal Integritas Hukum*, 6(3), 204–218.
- Sulistiyani, S. (2021). Evaluasi Penegakan Sanksi Administratif dalam UU PPLH. *Jurnal Regulasi dan Kebijakan Lingkungan*, 5(2), 98–112.
- Sutardi, H. (2020). Dinamika Politik Hukum dalam Penegakan Lingkungan. *Jurnal Legislasi Indonesia*, 17(3), 287–303.
- Toun, N. R. (2018). Analisis Kesiapan Pemerintah Provinsi Kalimantan Tengah dalam Wacana Pemindahan Ibu Kota Negara Republik Indonesia ke Kota Palangkaraya. *Jurnal Academia Praja: Jurnal Magister Ilmu Pemerintahan*, 1(01), 129-148.
- Widodo, J. (2019). Analisis Yuridis Penegakan Sanksi Administratif terhadap Pelanggaran Lingkungan. *Jurnal Hukum Responsif*, 11(4), 345–359.
- Yustisia, F., & Prasetyo, A. (2023). Efektivitas Sanksi Administratif sebagai Instrumen Pencegahan Pelanggaran Lingkungan. *Jurnal Hukum Lingkungan dan Pembangunan Berkelanjutan*, 8(1), 66–81.
- Yunus, M. (2017). Peran Masyarakat dalam Pengawasan Pertambangan di Daerah. *Jurnal Sosial Humaniora*, 9(3), 167–178.
- Zainuddin, A. (2018). Ketimpangan Hak Masyarakat Lokal dalam Tata Kelola Tambang. *Jurnal Kajian Sosial*, 13(1), 44–59.