

ABSTRAK

DESKRISI TENTANG PERLINDUNGAN HUKUM BAGI PEKERJA TAMBANG TERHADAP PERTAMBANGAN TANPA IZIN

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Kegiatan pertambangan mineral dan batu bara memiliki peranan penting dalam menunjang pembangunan ekonomi nasional. Namun, dalam praktiknya masih banyak ditemukan kegiatan pertambangan tanpa izin (PETI) yang tetap beroperasi dan mempekerjakan tenaga kerja, salah satunya di Desa Kolbano, Kecamatan Kolbano, Kabupaten Timor Tengah Selatan. Kondisi tersebut menimbulkan permasalahan serius terkait perlindungan hukum bagi pekerja tambang, khususnya karena kegiatan usaha dilakukan tanpa dasar perizinan yang sah.

Penelitian ini bertujuan untuk mengetahui alasan pekerja tetap memilih bekerja pada perusahaan pertambangan tanpa izin, bentuk perlindungan hukum yang diperoleh pekerja tambang dalam kegiatan PETI, serta sikap pemerintah melalui instansi terkait, khususnya Dinas Energi dan Sumber Daya Mineral (ESDM), terhadap aktivitas pertambangan batu bara tanpa izin. Metode penelitian yang digunakan adalah penelitian hukum yuridis empiris dengan sifat deskriptif. Data diperoleh melalui wawancara, observasi lapangan, serta studi kepustakaan terhadap peraturan perundang-undangan dan literatur hukum yang relevan.

Hasil penelitian menunjukkan bahwa faktor ekonomi, minimnya lapangan pekerjaan, serta rendahnya pemahaman hukum menjadi alasan utama pekerja tetap bekerja pada kegiatan pertambangan tanpa izin. Perlindungan hukum terhadap pekerja tambang pada kegiatan PETI belum terlaksana secara optimal, karena pelaku usaha tidak memenuhi kewajiban hukum sebagaimana diatur dalam peraturan perundang-undangan di bidang ketenagakerjaan dan pertambangan. Selain itu, sikap pemerintah melalui instansi terkait dinilai belum tegas dan efektif dalam melakukan pengawasan serta penindakan terhadap kegiatan pertambangan tanpa izin. Oleh karena itu, diperlukan upaya yang lebih komprehensif melalui penegakan hukum yang tegas, peningkatan pengawasan, serta edukasi hukum kepada masyarakat dan pekerja tambang guna mewujudkan perlindungan hukum dan pengelolaan sumber daya alam yang berkeadilan dan berkelanjutan.

Kata kunci: perlindungan hukum, pekerja tambang, pertambangan tanpa izin, PETI.

ABSTRATCK

DESCRIPSI STUDY ON LEGAL PROTECTION FOR MINE WORKERS IN ILLEGAL MINING ACTIVITIES

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Mineral and coal mining activities play an important role in supporting national economic development. However, in practice, there are still many illegal mining activities that continue to operate and employ workers, one of which occurs in Kolbano Village, Kolbano District, South Central Timor Regency. This condition gives rise to serious problems related to legal protection for mine workers, particularly because the mining activities are carried out without a valid legal permit.

This study aims to examine the reasons why workers choose to continue working in illegal mining companies, the forms of legal protection received by mine workers in illegal mining activities, and the government's response through relevant institutions, particularly the Department of Energy and Mineral Resources (ESDM), toward unlicensed decorative stone mining activities. The research method used is empirical juridical legal research with a descriptive approach. Data were collected through interviews, field observations, and literature studies of relevant laws and regulations as well as legal literature.

The results of the study indicate that economic pressure, limited employment opportunities, and a low level of legal awareness are the main factors influencing workers to remain employed in illegal mining activities. Legal protection for mine workers involved in illegal mining has not been implemented optimally, as business actors fail to fulfill their legal obligations as stipulated in labor and mining regulations. Furthermore, the government's stance through related institutions is considered insufficiently firm and effective in conducting supervision and enforcement against illegal mining activities.

Therefore, more comprehensive efforts are required through strict law enforcement, enhanced supervision, and increased legal education for communities and mine workers in order to realize adequate legal protection and fair, sustainable natural resource management.

Keywords: legal protection, mine workers, illegal mining, PETI.