

ABSTRAK

Judul penelitian ini adalah **“Deskripsi tentang Motif, Modus Terjadinya Tindak Pidana Penambangan Pasir Timah Tanpa Izin Usaha”** Rumusan masalah dalam penelitian ini adalah (1) Apa motif terjadinya tindak pidana penambangan pasir timah tanpa izin usaha (2) Apa modus terjadinya tindak pidana penambangan pasir timah tanpa izin usaha (3) Apa akibat hukum dari tindak pidana penambangan pasir timah tanpa izin usaha. Tujuan penelitian ini adalah (1) Untuk mengetahui motif terjadinya tindak pidana penambangan pasir timah tanpa izin usaha. (2) Untuk mengetahui modus terjadinya tindak pidana penambangan pasir timah tanpa izin usaha. (3) Untuk mengetahui akibat hukum dari tindak pidana penambangan pasir timah tanpa izin usaha Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan deskriptif kualitatif, menggunakan bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan serta bahan hukum sekunder berupa literatur hukum. Teknik pengumpulan data dilakukan melalui studi kepustakaan dan dianalisis secara kualitatif. berdasarkan hasil penelitian yang penulis lakukan maka yang menjadi kesimpulan dalam penelitian ini adalah (1) Motif terjadinya tindak pidana penambangan pasir timah tanpa izin usaha adalah sebagai berikut (a) Terdakwa ingin mendapatkan keuntungan yang besar dan cepat Harga pasir timah di pasar cukup tinggi, sedangkan biaya operasional untuk penambangan liar jauh lebih murah dibandingkan yang berizin.(b) Proses perizinan yang rumit dan mahal. Bagi pelaku berskala kecil, syarat administrasi, biaya, serta persyaratan teknis dan lingkungan untuk mendapatkan izin sering dianggap sulit dipenuhi.(2) Modus terjadinya tindak pidana penambangan pasir timah tanpa izin usaha yang dilakukan oleh para terdakwa dengan cara memodifikasi kapal pancing ikan menjadi kapal tambang, kemudian para terdakwa mengeksplor daerah-daerah yang sudah ditentukan dan melakukan penambangan(3) Akibat hukum dari tindak pidana penambangan pasir timah tanpa izin usaha adalah sebagai berikut(a) Para terdakwa ditahan (b) Para terdakwa dipidana penjara dan pidana denda (c) Barang bukti di sita Negara dan dimusnahkan

Kata Kunci: Tindak Pidana, Penambangan Pasir Timah, Izin Usaha

ABSTRACT

The title of this research is “Description of Motives and Modes of the Occurrence of the Criminal Act of Tin Sand Mining Without a Business License.” The problem formulations in this study are (1) What are the motives behind the occurrence of the criminal act of tin sand mining without a business license (2) What are the modes of the occurrence of the criminal act of tin sand mining without a business license (3) What are the legal consequences of the criminal act of tin sand mining without a business license. The objectives of this study are (1) To determine the motives behind the occurrence of the criminal act of tin sand mining without a business license. (2) To determine the modes of the occurrence of the criminal act of tin sand mining without a business license. (3) To determine the legal consequences of the criminal act of tin sand mining without a business license. The research method used is normative legal research with a qualitative descriptive approach, using primary legal materials in the form of laws and regulations and court decisions as well as secondary legal materials in the form of legal literature. Data collection techniques were carried out through literature study and analyzed qualitatively. Based on the results of the research conducted by the author, the conclusions in this study are (1) The motives behind the occurrence of the criminal act of tin sand mining without a business license are as follows (a) The defendants wanted to gain large and quick profits. The price of tin sand in the market is quite high, while operational costs for illegal mining are much cheaper compared to licensed mining. (b) The licensing process is complicated and expensive. For small-scale actors, administrative requirements, costs, as well as technical and environmental requirements to obtain a permit are often considered difficult to fulfill. (2) The modes of the occurrence of the criminal act of tin sand mining without a business license carried out by the defendants were by modifying fishing boats into mining vessels, then the defendants explored designated areas and conducted mining (3) The legal consequences of the criminal act of tin sand mining without a business license are as follows (a) The defendants were detained (b) The defendants were sentenced to imprisonment and fines (c) Evidence was confiscated by the state and destroyed

Keywords: Criminal Act, Tin Sand Mining, Business License