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Implementation of Policy on Licensing and Reporting Procedures for Gold Mining Activities in Southeast Minahasa

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Abstract. This study aims to determine how the implementation of policies related to gold mining licensing in Southeast Minahasa Regency. The research method used is qualitative research method, with data collection techniques namely observation, in-depth interviews, and document studies. The results showed that the implementation of the gold mining licensing policy in Southeast Minahasa Regency has not run effectively. Complex licensing mechanisms and unclear waiting times have caused license applications to be delayed for years, resulting in uncertainty among the mining community and a lack of interest in applying for licenses. Multi-agency supervision has proven ineffective due to technical constraints and inadequate infrastructure, such as limited patrol cars for large areas and difficult road conditions in the rainy season. Although licensing regulations have been comprehensively regulated in Law No. 4/2009 on Mineral and Coal Mining, with the latest revision in Law No. 3/2020, implementation in the field is still hampered by various structural, technical, social and cultural obstacles. The positive impacts of gold mining activities include contributions to the livelihoods of the poor, local economic growth, the formation of social solidarity within mining communities, and the provision of significant alternative employment. However, negative impacts include environmental degradation, public health risks, social conflict and criminality, potential loss of local revenue, and weak law enforcement and good governance. The implementation of this policy highlights the need for reforms in licensing management and more effective oversight, as well as more holistic policy integration to optimize the economic benefits of mining while minimizing its negative impacts on communities and the environment.

Keywords. Policy Implementation, Mining Licensing, Licensing Mechanism, Gold Mining

A. INTRODUCTION

Indonesia is a country that is very rich in natural resources. Natural resources are divided into those that can be renewed (renewable) such as sunlight, water, wind, and there are also those that cannot be renewed (unrenewable) such as oil, gas, coal, gold, tin, and others. Especially in non-renewable natural resources in the process of exploitation and management needs to be done with great care in order to get optimal results (Adellea, 2022) [1].

One of the provinces that is rich in mining minerals is North Sulawesi Province. The province, which has an area of 13,892.47 km², also has many mining areas in various regions such as South Minahasa Regency, Southeast Minahasa, Bolaang Mongondow, East and Sangihe

Islands. This is used as a race for companies to obtain Mining Business License Areas in North Sulawesi province as stated in the Decree of the Minister of Energy and Mineral Resources of the Republic of Indonesia Number: 105.K/MB.01/MEM/B/2022 concerning North Sulawesi Mining Areas.

In the mining process, the license given by the government is a mining business license (IUP). To obtain an IUP, the government establishes mechanisms and conditions, among others, such as the fulfillment of AMDAL which must be fulfilled by business actors/miners which will later become material for consideration and verification of the birth of an IUP. Although the government has established rules regarding the mechanisms and conditions for implementing mining business activities as stipulated in Government Regulation No. 96 of 2021 and other laws and regulations, especially in North Sulawesi with Regional Regulation No. 3 of 2019, in reality it does not solely guarantee that there are no unlicensed/illegal mining business activities (PETI) or often known as illegal mining. There are mining activities that run without an IUP or IPR.

Unlicensed Gold Mining (PETI) is a gold mining activity carried out illegally without obtaining permission from the authorities, such as the government or agencies authorized in natural resource management (Paruki & Ahmad, 2022) [2]. This activity often occurs in areas that have gold reserves, but are not officially regulated or monitored. Based on Law No. 4 of 2009 states that any person who carries out mining activities without a license will be subject to criminal sanctions in the form of imprisonment and a substantial fine (Putri et al., 2021) [3]. Meanwhile, the Minister of Energy and Mineral Resources (ESDM) Regulation No. 7 of 2020 regulates the procedures for granting licensing areas and reporting on gold mining activities, including steps to stop PETI activities by providing alternative solutions that are legal and environmentally friendly. Despite strict regulations, PETI still occurs due to economic factors, lack of supervision in the field, and lack of public understanding of the negative impacts.

The reality of the conflict between norms and the implementation of regulations can be supported by records from ESDM which noted that there were still more than 2,700 PETIs that existed in Indonesia until the third quarter of 2022. Based on the results of monitoring and searching on the Supreme Court website through the Directory of Supreme Court Decisions, 418 cases in the Minerba and Oil and Gas Mining sector were found. The cases start from the District Court level to the Supreme Court.

Unlicensed Mining (PETI) is one type of criminal offense that is rampant, threatening the balance, stability and productivity of the environment. In other words, these criminal acts pose a danger to the environment and its elements (space, objects, power, conditions, and living things). This is because the characteristics of PETI, among others, do not comply with good mining practices, causing excesses such as environmental pollution, water pollution with mercury, no post-mining reclamation, and so on. Considering this, and in line with the global consensus, overcoming PETI must be pursued through an integrative policy that combines non-penal and penal policies (Adhari, 2017) [4].

Non-penal policies are oriented towards eliminating the causes of PETI, including through legal awareness reform, creating jobs and improving community skills, and improving the government's supervisory function. This is expected to prevent the occurrence of illegal mining. Meanwhile, penal policy is carried out by orienting efforts to tackle PETI which is more repressive in nature by relying on criminal sanctions as a means. In the end, PETI can not only be overcome but can be prevented.

In addition, the government also expanded the scope of artisanal mining areas. In Law No. 3/2020, artisanal mining activities can be carried out in an area of a maximum of 100

hectares (Ha) and a maximum depth of 100 Ha. Meanwhile, when Law No. 4/2009 was still in effect, people could only mine in an area as wide and deep as a maximum of 25 Ha. The Ministry of Energy and Mineral Resources also divided two categories of area for each People's Mining License (IPR) in Law No. 3/2020. IPR can be issued to individuals with a maximum area of 5 hectares, while IPR for cooperatives is given with a maximum area of 10 hectares. It is hoped that the completeness of WPR must be followed by IPR, which is still very few and asked Forkompinda elements to be able to immediately help the regions to make recommendations for issuance of IPR," Arifin concluded.

PETI continues to be a concern for the government. The emergence of PETI activities is difficult to avoid because PETI is a form of community access to natural resources and the environment. People with limited knowledge and technology try to fulfill their needs by managing mineral resources in their area and creating new job opportunities and improving their economy. Agung Pribadi (2022) in the website of the Ministry of Energy and Mineral Resources noted that there are more than 2700 PETI locations spread throughout Indonesia [5].

The rise of PETI is considered because mining licenses managed by the people are still difficult due to the lack of commitment of local governments in establishing Regional Regulations on People's Mining Areas (WPR) and People's Mining Licenses (IPR). PETI often occurs when there is a surge in commodity prices. The existence of limited employment opportunities, economic pressure, the absence of educational requirements, the temptation of instant results and easy to do causes PETI to ramp up. The perpetrators of PETI are generally people who do not have access to jobs in the formal sector. So, they do illegal mining because it can be done easily.

Based on facts in the field, it is known that PETI also causes several problems, as quoted from Hardiyanto (2025) in Kompas.com, which explained that there was allegedly theft and forced mining in the illegal mining area in Alason, Ratatotok District. This caused turmoil between the police and the perpetrators. In fact, there were victims of gunshot wounds, as well as destruction and burning of a number of assets at the scene. This incident certainly caused unrest in the community, especially mining business actors. However, the legal certainty of the mining business actors is minimal because the business they run is illegal [6].

In addition, quoted from Manadolive.co.id states that the Governor of North Sulawesi Major General (ret.) Yulius Selvanus, urged that community mining activities must be managed responsibly to prevent negative impacts on nature and the surrounding community. Thus, aspects of security and environmental sustainability remain a top priority in mining activities. In this case, mining activities are expected to be carried out responsibly in accordance with existing laws and regulations in order to prevent negative impacts on nature and surrounding communities (Manadolive, 2025) [7].

Gold mining should be done legally so as not to cause damage to the environment. But in fact, mining licenses cannot be obtained easily, there are several regulations that must be met by business actors so that mining can be carried out legally. So, not infrequently due to the difficulty of licensing and economic pressure the community conducts illegal gold mining.

Mining-related regulations are regulated in the Regulation of the Minister of Energy and Mineral Resources of the Republic of Indonesia No. 19 of 2020. However, not all gold mines that run have permits (PETI) which can endanger the environment due to illegal mining. As is the case in Southeast Minahasa today where illegal mining is increasingly widespread and very difficult to stem due to the absence of strict rules from the government related to licensing regulation policies So, the problems that will be analyzed in this paper include the rise of Unlicensed Gold Mining (PETI) which is not in accordance with applicable laws and

regulations and the potential environmental impacts that can be caused by Unlicensed Gold Mining (PETI).

Thus, this research aims to find out how Policy Implementation related to Gold Mining Licensing in Southeast Minahasa Regency. Evaluation of the policy is expected to reduce the rise of illegal gold mining.

B. METHOD

This research applies descriptive research methods through a qualitative approach. The descriptive method is a research method that focuses its attention on problems and events that exist at the time the research is carried out or problems that are actual, then the depiction of the facts about the problem will be analyzed with actual interpretation (Namawi & Martini, 2017) [8].

The focus of this research is Policy Implementation related to Gold Mining Licensing in Southeast Minahasa Regency, with research indicators, namely: 1) licensing mechanism, 2) Supervision and Control of Mining Activities, 3) factors driving and inhibiting policy implementation, and 4) the impact of policy implementation. The location of this research is Southeast Minahasa Regency, where there are many gold mines with no official license to the Regional Government. Analysis of the Unlicensed Gold Mining (PETI) policy is carried out to determine the impact that can be obtained for miners who carry out gold mining without a license.

The number of informants in this study was 18 people who were determined by purposive sampling. The data collection techniques used were observation, in-depth interviews and documentation studies. Researchers used the Miles and Huberman interactive model data analysis technique in Mokot et al. (2023) [9]. Qualitative type data analysis activities are carried out in a continuous and as interactive as possible until completion. Where, the activity of analyzing data consists of data collection, data reduction, data display, and conclusion drawing.

C. RESULT AND DISCUSSION

RESEARCH RESULT

Implementation of Gold Mining Licensing Policy in Southeast Minahasa

Gold mining is one of the significant economic activities in Southeast Minahasa Regency, particularly in areas such as Rataotok and Belang. This activity contributes to the income of most of the community, both directly through employment as miners and indirectly through supporting sectors such as mining equipment trade, fuel providers, logistics, and consumption services. However, this high level of activity does not always go hand in hand with legality in accordance with applicable legal provisions.

The central government through Law No. 4/2009 on Mineral and Coal Mining, as well as its amendment in Law No. 3/2020, has stipulated that every mining activity must be carried out based on an official permit from the government [10]. At the regional level, this regulation is translated through the licensing governance mechanism and reporting of mining business activities. This research examines the licensing mechanism and supervision of mining licenses in Southeast Minahasa Regency.

a. Licensing Mechanism

The gold mining licensing policy in Southeast Minahasa Regency normatively refers to Law No. 4/2009 on Mineral and Coal Mining which has been updated through Law No. 3/2020. In it, it is emphasized that mining activities can only be carried out by individuals or business entities that have official licenses from the government.

The granting of gold mining business licenses in Southeast Minahasa Regency follows a series of stages regulated by national legislation, ranging from Law No. 4/2009 on Mineral and Coal Mining to relevant Government Regulations and Ministerial Regulations. In the field, this sequence consists of four main phases: (1) application for Mining Business License Area (WIUP), (2) technical and environmental survey and evaluation, (3) issuance of Mining Business License (IUP), and (4) periodic reporting and monitoring. While these phases appear regulatively systematic, experience at the district level shows that each step is fraught with administrative complexity, institutional capacity challenges, and access barriers for small communities.

Based on the results of interviews in the field, data findings on this first indicator were obtained, namely: 1) The gold mining licensing process already has clear and standardized procedures, both in terms of administrative and technical aspects. However, the process is often hampered by the community's lack of understanding of the procedures, as well as the lack of coordination between technical institutions. 2) The community/miners generally know that there are regulations for gold mine management through the village government, subdistrict government, NGOs and the media. This is also the case with licensing mechanisms and requirements. 3) Permit processing is seen as complicated, time-consuming, and the complexity of the requirements that must be met. 4) Some managers have tried to apply to the district government and the central government for official licenses, but until now there is no clarity. 5) Miners will apply for a license when there is a determination of a community mining area (WPR). The applicable licensing stages refer to Law No. 3 of 2020. 6) In the field, this sequence consists of four main phases: (a) application for Mining Business License Area (WIUP), (b) technical and environmental survey and evaluation, (c) issuance of Mining Business License (IUP), and (d) periodic reporting and supervision. While these phases appear regulatively systematic, experience at the district level shows that each step is fraught with administrative complexity, institutional capacity challenges, and access barriers for small communities. 7) In general, the licensing process follows national regulations. But indeed, in the field we see many people who do not understand this formal legal stage. Socialization has been carried out, but it has not maximally touched all levels.

b. Supervision and Control of Mine Activities

The local government, in this case the Southeast Minahasa District Government, has a very important role in the management of the mining sector, although the main authority for issuing gold mining licenses has been transferred to the central and provincial governments. In the context of regional autonomy, the district government remains the spearhead in terms of supervision, counseling, facilitation, and control of social and environmental impacts arising from mining activities, both legal and illegal. This function becomes even more crucial given the high intensity of gold mining activities in this area, particularly in Ratatotok, Belang and surrounding areas.

Based on the results of interviews in the field, the findings on this second indicator are: 1) The main authority for issuing gold mining licenses has been transferred to the central and provincial governments. 2) Field supervision is carried out by an integrated team, namely the Environmental Agency, the Energy and Mineral Resources Agency, and the district-level PETI Task Force. 3) Most of the artisanal miners in Southeast Minahasa are farmers and laborers who switched professions due to economic pressure. They do not have access to information and resources to apply for licenses. 4) Technical constraints, facilities and infrastructure are less supportive such as: patrol car for 700 km² district (one unit). Mining locations are difficult to

reach, especially during the rainy season, slippery roads, many points are unreachable. Also, supervision only focuses on PETI hotspots, not legal IUPs.

c. Obstacles and Challenges in Implementing the Gold Mining Licensing Policy in Southeast Minahasa

The implementation of gold mining licensing policy in Southeast Minahasa Regency has been legally regulated quite comprehensively through Law No. 4/2009 on Mineral and Coal Mining, as amended by Law No. 3/2020. However, the reality of implementation in the field shows that the implementation of this regulation still faces various structural, technical, social, and cultural obstacles. These obstacles not only slow down the legalization of mining activities, but also encourage the rise of unlicensed gold mining (PETI), which in turn brings ecological, economic and legal risks to the community.

Based on the results of interviews in the field, the findings data on this third indicator were obtained, namely: 1) The reality of implementation in the field shows that the implementation of this regulation still faces various structural, technical, social, and cultural obstacles. These obstacles not only slow down the legalization of mining activities, but also encourage the rise of unlicensed gold mining (PETI), which in turn brings ecological, economic and legal risks to the community. 2) Local governments, particularly the Environmental Agency (DLH), Energy and Mineral Resources Agency, and PTSP Agency, have significant limitations in carrying out their guidance and supervision functions. These limitations include a lack of personnel, transportation equipment to remote mining areas, and limited operational funds to conduct socialization, mapping, or field supervision. 3) The overlap between community land claims and the IUPs of large companies is also a source of conflict and obstacles. Some locations that have historically been cultivated by the community are included in the concession areas of private companies.

Determinants of Positive and Negative Impacts of Unlicensed Gold Mining (PETI) Regulation in Southeast Minahasa

Unlicensed gold mining (PETI) in Southeast Minahasa Regency has been going on for decades. This activity grew out of the social and economic conditions of the community who experienced limited access to formal employment, education, and state services. Although illegal in the eyes of the law, PETI activities have had a number of positive impacts on people's lives, particularly in terms of economic livelihoods, local self-reliance, and the growth of supporting sectors at the micro level.

This research found that there are several main determinant factors that make PETI regulation, even in the framework of legal irregularities, have a positive effect on society. These factors include: 1) Contribution to the Livelihood of the Poor. 2) Growth of Mining-Based Local Economy. 3) Formation of a Social Solidarity System in the Mining Community. 4) Provision of Alternative Employment. 5) Economic Dependence that Forms Local Power Relations.

From the results of observations and interviews, it can be concluded that despite being outside the formal legal framework, PETI activities have made a real contribution to the economic and social life of the people in Southeast Minahasa. It acts as a "social cushion" that sustains residents from the threat of poverty, opens alternative employment opportunities, and drives the local economy.

However, this positive impact is artificial and short-term if not supported by clear regulations and adequate legality. Therefore, the best strategy is to acknowledge the economic reality of PETI, but at the same time build a gradual legalization mechanism such as the

establishment of WPR and the granting of IPR, so that people's mining activities can officially contribute to Regional Original Revenue (PAD), protect the environment, and ensure the safety of miners.

While unlicensed gold mining (PETI) brings economic benefits to local communities, it also has serious negative environmental, legal, social and governance consequences. This research found that behind the short-term economic benefits, PETI holds systemic risks that could undermine ecological balance and social stability in the long run.

Some of the determinants that exacerbate the negative impacts of PETI in Southeast Minahasa include: 1) Environmental damage and pollution. 2) Public health risks. 3) Social conflict and criminality. 4) Loss of potential regional income. 5) Weak law enforcement and governance.

The lack of supervision from the government and law enforcement also makes PETI a normal habit. Residents no longer consider the activity as a violation of the law, let alone as a threat to the environment and the future of their children.

This governance weakness is exacerbated by the absence of local regulations that accommodate the transition from PETI to legal mining. Local governments do not yet have affirmative policies to facilitate the legalization of artisanal mining, either through the establishment of WPR or IPR assistance. As a result, the community is left hanging in legal uncertainty.

Unlicensed Gold Mining (PETI) activities in Southeast Minahasa have far-reaching and profound negative impacts. Environmental damage, water pollution, health threats, social conflicts, criminality, and loss of potential regional income are the real consequences of the absence of equitable and sustainable mining governance.

Regulations that are too strict without an implementable solution actually make people choose illegal channels. Therefore, the government needs to shift its approach from solely repressive to a gradual legalization approach, intensive assistance, and strengthening of an inclusive licensing system. Without that, PETI will continue to grow as a socio-economic phenomenon that is difficult to control and risks compromising the future of the region and the next generation.

DISCUSSION

Implementation of Gold Mining Licensing Policy in Southeast Minahasa

The implementation of the gold mining licensing policy in Southeast Minahasa Regency faces complex dynamics, which are not only related to administrative issues, but also to the social, economic and cultural aspects of the community. Although the legal framework for licensing has been regulated nationally through Law No. 4/2009 on Mineral and Coal Mining, which was later updated to Law No. 3/2020, in practice in the field, the implementation of this policy is still far from expectations. This situation shows a gap between ideally designed policies and their implementation in the social reality of mining communities.

To comprehensively understand the implementation of this policy, the policy implementation theory approach developed by Van Meter and Van Horn in Tumbel (2024) is very relevant. According to this theory, policy implementation is influenced by six important variables, namely: 1) Policy size and objectives, 2) Resources, 3) Characteristics of implementing agents, 4) Inclination or disposition of implementers, 5) Communication between implementing organizations, and 6) Social, economic, and political environmental conditions [11].

The first variable is policy size and objectives, which refers to how clear, consistent, and measurable the objectives of a policy are. In the context of gold mining licensing in Southeast Minahasa, the normative policy objective is to create legal, sustainable and pro-community mining governance. In practice, however, the implementation of this objective is often inconsistent. One of the main indications is the absence of an official People's Mining Area (WPR) in Southeast Minahasa. In fact, WPR is a legal prerequisite for communities to obtain People's Mining License (IPR). Without a WPR, communities have no legal option to mine, so they are indirectly encouraged to carry out PETI (Unlicensed Gold Mining) activities. This condition indicates that the policy does not fully provide a viable legal alternative for the community, so that the size and objectives of the policy become blurred at the implementation level.

The second variable, resources, is the main obstacle in the implementation of licensing policies at the local level. The government of Southeast Minahasa Regency has limitations in terms of human resources, facilities, and funds. Relevant agencies such as the Environmental Agency, the PTSP Agency, and the Energy and Mineral Resources Agency have a limited number of personnel, and lack operational vehicles to reach mining sites located in remote and hilly areas. One DLH staff member stated that his agency only has one operational vehicle that must be used for all mine monitoring activities in a district covering more than 700 km². This means that mine monitoring, both legal and illegal, cannot be conducted effectively and routinely.

In addition to human resources and facilities, the limited technical knowledge of the community is also a problem. Many artisanal miners do not know the licensing procedures in detail, and most do not even recognize the terms IPR or WPR. They only understand the practice of mining as a traditional form of business that has been going on for generations. In many interviews, residents stated that they did not know where and how to apply for a mining permit. This situation is exacerbated by the community's low level of education and legal literacy.

The third variable, namely the characteristics and capabilities of policy implementing agents, we can see that local government officials basically have good intentions to help the community, but are limited by authority. Since the enactment of Law No. 23/2014 on Regional Government, mining licensing authority has been transferred to the provincial and central governments. District governments only function as facilitators and technical coordinators. This position means they do not have the authority to issue licenses or directly designate WPRs. Some officials expressed frustration that their proposals to the province were not immediately responded to or processed. This suggests an imbalance between the spirit of implementation at the local level and the bureaucratic system at the top.

The fourth variable, the disposition or tendency of implementers, refers to the attitude and commitment of implementers to the policy being implemented. In Southeast Minahasa, policy implementers at the district level generally showed a positive attitude towards the implementation of the licensing policy. They conducted socialization, collected data, and prepared a map of proposed WPRs to support the legalization of artisanal mining. However, this commitment is not always enough to overcome structural and bureaucratic barriers at the provincial and central levels. Therefore, implementation stagnates, not because of the implementers' resistance, but because of the limited formal room for maneuver.

The fifth variable in Van Meter and Van Horn's theory is interorganizational communication between implementers. In the context of mining licensing policy in Southeast Minahasa, vertical communication between the district and province often does not run smoothly. Information about the progress of the WPR proposal, the document validation

process, or the latest directives from the ministry are not always well received by the district government. Some official letters even go unanswered for a long time, putting the community mining legalization program in limbo. On the other hand, horizontal communication between agencies within the local government is also not optimal. Sometimes there are overlapping activities between technical agencies, or policies are not uniformly conveyed to the community.

The sixth variable is the social, economic and political environment. The social environment of the mining community in Southeast Minahasa is dominated by community groups experiencing economic pressure. Agriculture that is no longer productive, limited access to education and public services, and rising prices of basic needs have forced many residents into illegal mining. In this case, PETI becomes a rational choice because it provides quick income, although it is full of risks. Regulations that do not provide practical legal solutions will only strengthen people's choice of illegal activities.

Based on the six variables above, it can be concluded that the implementation of the gold mining licensing policy in Southeast Minahasa Regency has not been effective. The biggest obstacles are at the structural and institutional levels, especially the absence of WPR, complicated licensing bureaucracy, and weak cross-government coordination. Policies that are not accompanied by adequate technical and administrative support in the regions will only result in regulations that are not grounded in reality. Within the framework of top-down implementation theory, this kind of policy is very vulnerable to failure because it relies too much on central design and ignores local dynamics.

Therefore, a new approach that is more participatory and contextual is needed. The central and provincial governments need to simplify the process of establishing WPRs and granting IPRs to artisanal mining communities. At the same time, local governments need to be strengthened in terms of authority and budget to conduct effective education, mentoring and supervision. Policy implementation will only be successful if all implementing actors have sufficient understanding, ability and space to carry it out in a real local context.

Determinant Factors of Positive and Negative Impacts of Mining Regulations in Southeast Minahasa Regency

Unlicensed gold mining (PETI) in Southeast Minahasa Regency is a socio-economic phenomenon that not only reflects weak law enforcement, but also the failure of public policy to create an inclusive legal mechanism. PETI arises not only because of violations, but also because of the lack of access and the absence of legal solutions that can be reached by the community. In examining the impact of regulations on PETI activities, both positive and negative, a complete theoretical approach is needed to understand why policies not only fail to curb, but also actually strengthen these illegal practices.

Within the framework of Van Meter and Van Horn's policy implementation theory, this condition can be understood as a form of implementation failure due to a mismatch between policy objectives and implementation capacity (Dilapanga et al., 2024) [12]. In addition, Dye's theory of public policy function in Mamonto (2023) states that public policy is "what the government decides and does not decide." This means that the state's silence on certain conditions is a form of public policy [13]. This means that the state's silence towards certain conditions is also a form of policy, which in the context of PETI can mean omission.

a. Positive Impact and Supporting Factors

Paradoxically, PETI has had a number of positive economic and social impacts on local communities. This is possible because existing mining regulations do not provide formal

channels for small communities to engage in the mining industry. Thus, despite being outside the law, PETI addresses basic community needs that have not been accommodated by policy.

1) Source of Economic Livelihood

The most dominant factor that keeps PETI going is that it has become the main economic source for most communities in areas such as Ratatotok, Belang and surrounding areas. People who previously depended on agriculture and informal work now earn a much higher income from traditional mining. PETI fills the gap left by regional employment and economic development policies. From a public policy theory perspective, this suggests that when the state fails to provide formal options, communities will create informal mechanisms as an adaptive response to economic pressures (Howlett & Ramesh, 2003) [14].

2) Microeconomic Growth

Another positive impact can be seen in the local economic ecosystem that has grown around illegal mining sites. Food stalls, transportation services, mining equipment shops and gold processing services have emerged. Money circulation in mining villages increases, and trading activities become more lively compared to non-mining villages. This provides an indirect economic boost to communities that are not directly involved in mining, but are in the economic chain that is formed.

3) Mining Community Social Solidarity

PETI also generates strong social capital among mining communities. Family or neighborhood-based work groups are formed, and they implement a profit-sharing system and help each other when accidents or calamities occur. In a situation without formal social security, these communities replace the state's function as social protector. This concept is in line with Putnam's theory of social capital, which states that high social solidarity plays a major role in building community trust and resilience (Putnam, 1993) [15].

b. Negative Impacts and Triggering Factors

On the other hand, PETI also brings serious negative consequences, especially in environmental, health, social and legal aspects. The absence of the state in managing this activity causes massive ecological and social losses.

1) Environmental Damage and Pollution

PETI activities do not follow environmentally friendly mining technical standards. Mine pits are left open, forests are cut down without permits, and rivers are used as dumping grounds for mining waste. Mercury and cyanide are used without adequate protection, causing soil and water pollution. This damage is proof that PETI activities, if not controlled, will permanently damage the ecological balance. In the theory of sustainable development, development that damages the carrying capacity of the environment cannot be categorized as progress.

2) Health Risks

Exposure to mercury and other chemicals causes a range of health problems, from skin irritation to neurological disorders. Children and pregnant women are the most vulnerable. Without the use of personal protective equipment, miners work in dangerous conditions every day. Even residents who do not mine are affected by the consumption of contaminated water.

3) Social Conflict and Inequality

PETI has led to conflicts between local groups and outside investors. When heavy equipment owned by large investors enters the people's mining area, clashes often occur. In addition, the distribution of profits is uneven, leading to social jealousy. This reflects Karl

Marx's conflict theory, which states that inequality in the control of the means of production will lead to social conflict.

4) Loss of Regional Revenue Potential

Because PETI is not recorded in the official system, there is no fiscal contribution to the regional treasury. This is a big paradox: regional resources are massively extracted, but do not provide Regional Original Revenue (PAD) for development.

5) Weak Law Enforcement

The absence of strict and fair law enforcement is the main reason why PETI continues to operate. Mining raids are only conducted occasionally, and usually only catch small miners. Big financiers and illegal gold buyers are left untouched.

According to Van Meter and Van Horn, if policy implementers lack commitment, resources, and a strong monitoring system, then policy implementation will experience structural failure. This is the case in Southeast Minahasa, where the policy exists, but the implementation is weak and not supported by an effective institutional structure.

The regulation of PETI activities in Southeast Minahasa Regency shows a double face: on the one hand, it fails to provide inclusive legal channels, and on the other hand, it is unable to enforce the law fairly. PETI grows as a consequence of the failure of policy implementation that is unable to accommodate the social reality of mining communities.

D. CONCLUSION

Based on the results of the analysis and discussion of the implementation of the gold mining licensing policy in Southeast Minahasa Regency has not run effectively, because:

1) The licensing mechanism is complex, requiring unclear waiting times. Applications for permits that have been submitted for many years have not been realized, causing other mining communities to become ignorant and no longer willing to apply for permits.

2) Supervision is a joint/multi-agency authority (ESDM Agency, Environmental Agency, Mine Inspector and Police/Law Enforcement) and supervision is carried out periodically six months or once a year and insidentially, especially when there are conflicts that occur in the mining area.

3) The implementation of gold mining licensing policy in Southeast Minahasa Regency has been legally regulated quite comprehensively through Law No. 4/2009 on Mineral and Coal Mining, as amended by Law No. 3/2020. However, the reality of implementation in the field shows that the implementation of this regulation still faces various structural, technical, social, and cultural obstacles.

4) Positive Impact: 1) Contribution to the Livelihood of the Poor. 2) Growth of Mining-Based Local Economy. 3) Establishment of Social Solidarity System of Mining Community. 4) Provision of Alternative Employment. 5) Economic Dependence that Forms Local Power Relations.

5) Negative Impacts: 1) Environmental Damage and Pollution. 2) Public health risks. 3) Social conflict and criminality. 4) Loss of potential regional income. 5) Weak law enforcement and governance.

REFERENCES

- [1] A. J. Adellea, "Implementation of New Energy and Renewable Energy Policy in the Context of National Energy Security," *Indones. State Law Rev.*, vol. 4, no. 2, pp. 43–51, 2022.

- [2] N. R. A. Paruki and A. Ahmad, “Efektivitas Penegakan Hukum Tambang Ilegal,” *Batulis Civ. Law Rev.*, vol. 3, no. 2, pp. 177–186, 2022.
- [3] A. F. D. Putri and M. H. Prasetyo, “Kebijakan hukum pidana dalam penanggulangan tindak pidana di bidang pertambangan,” *J. Pembang. Huk. Indones.*, vol. 3, no. 3, pp. 312–324, 2021.
- [4] A. Adhari, “Kebijakan Kriminal Dalam Mencegah dan Menanggulangi Tindak Pidana Penambangan Tanpa Izin di Indonesia,” *Bina Huk. Lingkungan.*, vol. 2, no. 1, pp. 108–125, 2017.
- [5] A. Pribadi, “Pertambangan Tanpa Izin Perlu Menjadi Perhatian Bersama,” Kementerian Energi dan Sumber Daya Mineral Republik Indonesia. [Online]. Available: <https://www.esdm.go.id/id/media-center/arsip-berita/pertambangan-tanpa-izin-perlu-menjadi-perhatian-bersama>
- [6] S. Hardiyanto, “Kasus Penembakan Warga di Tambang Ratatotok Minahasa dan Identitas 8 Anggota Polisi yang Diperiksa,” Kompas.com. [Online]. Available: <https://makassar.kompas.com/read/2025/03/13/103522078/update-kasus-penembakan-warga-di-tambang-ratatotok-minahasa-dan-identitas-8?page=all>
- [7] Manadolive, “Gubernur Sulut YSK Imbau Aktivitas Pertambangan Rakyat Harus Dikelola dan Bertanggungjawab,” Manado Live. [Online]. Available: <https://www.manadolive.co.id/gubernur-sulut-ysk-imbau-aktivitas-pertambangan-rakyat-harus-dikelola-dan-bertanggungjawab/>
- [8] H. Nawawi and M. Martini, *Penelitian Terapan*. Yogyakarta: Gajah Mada University Press, 2017.
- [9] J. E. H. Mokat, G. H. Tumbel, and N. A. Onibala, “Archives Management System in the General Subdivision of the Regional Education Office of North Sulawesi Province,” *Tech. Soc. Sci. J.*, vol. 49, pp. 147–152, 2023.
- [10] P. P. R. Indonesia, “Undang-Undang No. 3 Tahun 2020 tentang erubahan atas Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara.” Pemerintah Republik Indonesia, 2020.
- [11] G. H. Tumbel, “Kebijakan Publik: Konsep dan Model Formulasi, Implementasi dan Evaluasi Kebijakan,” *Tanggung Denara Jaya Publ.*, 2024.
- [12] A. R. Dilapanga, L. Bulu, and J. Mantiri, “Kebijakan Publik,” *Tanggung Denara Jaya Publ.*, 2024.
- [13] F. H. Mamonto, “Analisis Kebijakan Publik,” 2023.
- [14] M. Howlett and M. Ramesh, *Studying public policy: Policy cycles and policy subsystems*. Toronto: Oxford University Press, 2003.
- [15] R. D. Putnam, “The prosperous community,” *Am. Prospect*, vol. 4, no. 13, pp. 35–42, 1993.