

ABSTRACT

“Civil Liability Due To Illegal Gold Mining (Case Study Of District Court Sarolangun Decisions Number: 5/pdt.g/PN. Srl)

(v + 71 pages)

In the Sarolangun District Court case No: 5/Pdt.G/2021/PN Srl, the judge's legal considerations which declared the defendant to have committed an unlawful act were only based on the status of the land which legally did not belong to the defendant and the mining activity without a permit carried out by the defendant resulted in losses for the plaintiff as the holder of land rights (object of the case). With the formulation of the problem, namely how to formulate acts of gold mining without a permit in terms of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining and how to account for unlawful acts of gold mining without a permit in Sarolangun District Court Decision No: 5/Pdt.G/2021/PN Srl in terms of Law Number 4 of 2009 concerning Mineral and Coal Mining and Law Number 11 of 2020 concerning Job Creation. The research method used is normative juridical. According to Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, Unlicensed Gold Mining actions are fulfilled if mining activities are not based on mining administration in the form of IUP, IPR or IUPK or do not fulfill permission from the Government. The responsibility for unlawful acts of gold mining without a permit in the Sarolangun District Court Decision No: 5/Pdt.G/2021/PN Srl is to restore the land to its original condition to become flat and can be replanted and make forced payments (dwangsom) if negligent in carrying out the contents of the decision and compensation based on Law Number 4 of 2009 concerning Mineral and Coal Mining.

Keywords: Illegal Mining, Compensation, Civil Law.