



Criminal Law Enforcement Against Illegal Nickel Mining in Kolaka, Southeast Sulawesi: Toward Deterrent and Ecologically Restorative Sentencing

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Abstract: This article analyzes criminal law enforcement against illegal nickel mining in Kolaka, Southeast Sulawesi, and evaluates whether the applicable sanctions serve deterrent, preventive, and ecological-restoration objectives. The study uses normative juridical research with statute and conceptual approaches, drawing on the author's thesis as the contextual case foundation and updating the legal analysis through Indonesia's current mining, environmental, forestry, and anti-money-laundering framework. The study finds that illegal mining should not be treated as a single licensing violation. Depending on the proven facts, enforcement may combine unauthorized-mining offences, false reporting, failure to conduct reclamation and post-mining obligations, environmental crimes, corporate liability, and asset-recovery measures. The principal constraints are fragmented institutional authority, weak integration of permit and environmental data, difficulties in proving ecological harm and corporate control, conflicts of interest arising from local economic dependence on mining, and sentencing practices that do not consistently finance restoration. The article proposes an integrated enforcement model based on joint permit audits, parallel criminal and ecological investigations, beneficial-owner and asset tracing, protection of community informants, and judicial orders that combine proportionate punishment with disgorgement and verified environmental recovery. Such a model better aligns mining law enforcement with constitutional control of natural resources and intergenerational environmental justice.

Keywords: Illegal Nickel Mining; Environmental Crime; Criminal Law Enforcement; Ecological Restoration; Kolaka.

Introduction

Article 33 (3) of the Constitution of the Republic of Indonesia¹ places the earth, water, and natural resources under state control for the greatest prosperity of the people. This constitutional mandate does not authorize unlimited extraction. It requires the State to regulate, administer, supervise, and ensure that mineral development generates public benefit while preserving the environmental systems on which present and future communities depend. In the mining sector, the legitimacy of economic exploitation therefore rests on legality, accountability, distributive justice, and ecological sustainability rather than on revenue generation alone.

Nickel has acquired strategic importance because it supports stainless-steel production and the expanding battery value chain. Indonesia's downstream-industrialization policy has increased investment and production incentives, but it has also intensified the risk of land clearing, sedimentation, forest degradation, water pollution, and conflict over access to land and coastal resources. Kolaka Regency, including the Pomalaa mining area, illustrates this tension. The author's thesis identified continuing concerns regarding mining without valid authorization, procedurally disputed permits, activities in forest areas without the required forest-use approval, and inadequate reclamation and post-mining implementation. A Kolaka-focused environmental-politics study similarly associated

¹ Constitution of the Republic of Indonesia of 1945, art. 33(3).

environmental damage with mining activity in forest areas, problematic permitting, and the tension between profit and environmental protection.²

The central legal question is not simply whether an operator possesses a mining business licence. Illegal nickel mining may involve a chain of conduct: extraction without authorization; use of licences outside their approved stage, commodity, or territorial limits; false production and sales reports; transport or purchase of unlawfully extracted ore; concealment of criminal proceeds; environmental pollution or damage; and abandonment of reclamation obligations. Treating the case as a single administrative irregularity can obscure corporate beneficiaries, understate ecological loss, and produce sentences that do not restore damaged ecosystems. Mining law must consequently be read together with environmental, forestry, corporate, and anti-money-laundering law.

Indonesia's legal framework has changed materially since the original Mineral and Coal Mining Law was enacted in 2009. Law Number 4 of 2009 has been amended, most significantly by Law Number 3 of 2020 and most recently by Law Number 2 of 2025. The operational regime is further governed by Government Regulation Number 96 of 2021, as subsequently amended, while environmental approval is regulated under Government Regulation Number 22 of 2021 and forest-area use under Government Regulation Number 23 of 2021 and its implementing regulations. The terminology must also be updated: the former environmental licence has been integrated into environmental approval, and the former borrow-to-use forest permit is now generally framed as an approval for forest-area use (Persetujuan Penggunaan Kawasan Hutan, PPKH).³

The legal reforms have not eliminated enforcement problems. Recent scholarship characterizes illegal mining enforcement in Indonesia as fragmented across sectoral institutions and emphasizes the need for stronger coordination and legislation capable of addressing the complete illegal-mining chain. The author's thesis reached a comparable conclusion in the Kolaka context: criminal enforcement remained insufficiently effective and was not consistently connected to ecological restoration or the recovery of unlawful gains. This article develops that thesis into a publication-oriented normative argument and updates the applicable legal framework.⁴

Accordingly, this article addresses two questions. First, how should Indonesia's current criminal-law framework be applied to illegal nickel mining in Kolaka so that liability is legally complete and consistent with the purposes of punishment?. Second, what institutional and evidentiary obstacles impede effective enforcement, and what integrated model can overcome them?. The article's contribution is a recovery-centered enforcement design that connects the legality of extraction, corporate and financial accountability, and measurable ecological restoration.

Research Methods

This study uses normative juridical research. It examines legal norms governing mineral and coal mining, environmental protection, forest-area use, corporate criminal liability, and money laundering. The statute approach evaluates the Constitution, the Mineral and Coal Mining Law as most recently amended, the Environmental Protection and Management Law as amended through the Job Creation framework, the Anti-Money-Laundering Law, and relevant government and ministerial regulations. The conceptual approach analyzes law enforcement, punishment objectives, corporate attribution, deterrence, restoration, and intergenerational justice.

Primary legal materials consist of legislation and regulations. Secondary materials include the author's 2024 Master of Law thesis, books on mining and environmental criminal law, and peer-reviewed

² Muhammad Sibgatullah Agussalim, Ariana, and Ramlah Saleh, "Kerusakan Lingkungan Akibat Pertambangan Nikel di Kabupaten Kolaka Melalui Pendekatan Politik Lingkungan," *Palita: Journal of Social Religion Research* 8, No. 1 (2023): 37–48.

³ Government Regulation Number 96 of 2021, as amended by Government Regulation Number 25 of 2024 and Government Regulation Number 39 of 2025; Government Regulation Number 22 of 2021; Government Regulation Number 23 of 2021.

⁴ Arif Rohman, Hartiwiningsih, and Muhammad Rustamaji, "Illegal Mining in Indonesia: Need for Robust Legislation and Enforcement," *Cogent Social Sciences* 10, No. 1 (2024).

scholarship on illegal mining and environmental damage. The thesis is used as the contextual foundation for the Kolaka problem, not as a substitute for a new empirical investigation. Allegations recorded in the thesis are therefore treated as issues requiring official verification through permit audits and criminal investigation, rather than as final determinations of guilt.

Legal materials were collected through literature study and analyzed qualitatively and prescriptively. The analysis first maps prohibited conduct and applicable sanctions; second, evaluates those sanctions against the objectives of punishment; third, identifies enforcement barriers; and fourth, formulates an integrated enforcement model. The study applies the principle of legality: cumulative or alternative charging is justified only when each offence's statutory elements are supported by admissible evidence.

Results and Discussion

Legal Architecture for Criminal Enforcement

Mining authorization is the first legal gate. Under Article 158 of the Mineral and Coal Mining Law, any person conducting mining without the authorization required by Article 35 is subject to imprisonment of up to five years and a fine of up to IDR 100 billion. This sanction corrects the older penalty formulation reproduced in parts of the thesis. The offence is complete when unauthorized mining is proven; it should not be reduced to an administrative matter merely because the investigation also reveals environmental or forestry violations.⁵

Authorization must be assessed substantively. Investigators should verify the licence holder, commodity, coordinates, approved stage, production quota, term, work plan and budget, contractor relationships, hauling routes, stockpiles, and sales documentation. An operator may possess a formal licence yet conduct activities beyond its legal scope. For example, production under an exploration-stage authorization, extraction outside approved coordinates, or the use of another company's documents may trigger different mining offences and administrative consequences. A digital permit record must therefore be matched against geospatial and operational evidence rather than accepted at face value.

Illegal mining frequently generates documentation designed to legitimize ore after extraction. Article 159 criminalizes intentional false reports or false information submitted by holders of specified mining authorizations, with a maximum penalty of five years' imprisonment and a fine of IDR 100 billion. Article 161 also addresses persons who receive, use, process, transport, or sell minerals that do not originate from lawful authorization, subject to the precise current statutory elements. These provisions allow enforcement to move beyond excavator operators and examine traders, transporters, stockpile managers, laboratories, and corporate officers who integrate illegal ore into lawful supply chains.⁶

Reclamation and post-mining obligations are not peripheral. Article 161B criminalizes a former IUP or IUPK holder whose licence has been revoked or expired and who fails to conduct reclamation or post-mining measures and/or place the required guarantee funds. The maximum sanction is five years' imprisonment and an IDR 100 billion fine, with an additional order to pay funds needed to discharge the reclamation or post-mining obligation. This provision is particularly important where illegal or non-compliant extraction leaves open pits, unstable overburden, contaminated runoff, or sediment impacts that continue after production stops.⁷

⁵ Law Number 3 of 2020, art. 158. The provision prescribes a maximum of five years' imprisonment and an IDR 100 billion fine.

⁶ *Ibid.*, art. 159.

⁷ *Ibid.*, art. 161B(1)–(2).

Table 1. Core enforcement matrix for illegal nickel-mining cases

Conduct	Legal basis	Principal consequence	Enforcement relevance
Mining without required authorization	Mineral and Coal Mining Law, Art. 158	Up to 5 years' imprisonment and IDR 100 billion fine	Establishes the core extraction offence; verify licence scope, location, stage, and term.
Intentional false reporting or false information	Art. 159	Up to 5 years' imprisonment and IDR 100 billion fine	Targets documentary laundering and inaccurate production, sales, or compliance reports.
Failure to conduct reclamation/post-mining after licence revocation or expiry	Art. 161B	Up to 5 years, IDR 100 billion, plus payment for reclamation/post-mining	Connects punishment directly to financing ecological recovery.
Tools, profits, and costs arising from the crime	Art. 164	Additional confiscation and cost-payment orders	Removes economic benefit and prevents restoration costs from being shifted to the public.
Pollution, environmental damage, or corporate environmental crime	Environmental Law, Arts. 98–100 and 116–119	Imprisonment/fines and corporate measures, depending on elements	Addresses ecological harm and liability of corporations and responsible decision-makers.
Concealment or transfer of criminal proceeds	Law No. 8 of 2010, Art. 3 et seq.	Money-laundering sanctions and asset recovery	Reaches beneficial owners and financial gains when predicate-offence and laundering elements are proven.

Source: Author's analysis of the applicable legislation.

Article 164 provides the bridge between punishment and economic/ecological recovery. In addition to principal sanctions, the court may order confiscation of items used in the offence, confiscation of profits derived from the offence, and payment of costs arising from the offence. Properly used, these measures can prevent offenders from retaining the benefit of illegal extraction and can shift investigation and sentencing toward the full social cost of the crime. The prosecution should quantify machinery, ore, receivables, profits, unpaid state revenue, and reasonably attributable restoration costs.⁸

Mining offences do not displace environmental criminal law. Articles 98 and 99 of Law Number 32 of 2009 address intentional and negligent conduct causing exceedance of environmental quality standards or statutory damage criteria, while Article 100 addresses specified formal violations after administrative sanctions have not been complied with or repeated violations occur. Corporate criminal liability is regulated in Articles 116–119, enabling prosecution of the business entity and/or persons who ordered or led the offence. The limited ultimatum-remedium formulation applicable to Article 100 should not be generalized to every environmental or mining offence. Article 158 is a direct criminal prohibition, and serious pollution or damage under Articles 98–99 may be prosecuted when their elements are established.⁹

Corporate attribution must be addressed expressly in the case theory. Article 116 of the Environmental Protection and Management Law allows liability to attach to the business entity and/or the person who ordered the offence or acted as the activity leader. The evidentiary inquiry should identify who set production targets, approved operations, controlled budgets, selected contractors,

⁸ Ibid., art. 164.

⁹ Law Number 32 of 2009 concerning Environmental Protection and Management, arts. 98–100 and 116–119, as amended by Law Number 6 of 2023.

received compliance reports, and decided whether to stop or continue after a violation was known. Formal job titles are relevant but not decisive; effective decision-making authority and actual benefit are central. A compliance policy should mitigate liability only when it is genuine, adequately resourced, monitored, and enforced not when it exists merely on paper while unlawful production remains an accepted business practice.

The availability of multiple statutes does not justify indiscriminate cumulative charging. Each charge must protect a distinct legal interest or address distinct conduct, and the prosecution must avoid double counting the same factual harm when recommending sentence. A disciplined charging memorandum should identify the elements, evidence, defendant, protected interest, and remedy associated with every count. This approach respects legality and procedural fairness while ensuring that licensing, environmental damage, falsification, corporate benefit, and laundering are not artificially collapsed into one offence.

The forestry dimension must also be separated analytically from the mining licence. A valid mining authorization does not automatically authorize operations in a forest area. Where the concession overlaps a forest area, investigators must verify the required PPKH, its coordinates, conditions, compensation or rehabilitation obligations, and validity period. Likewise, environmental approval, AMDAL or UKL–UPL documentation, waste-management requirements, and water-quality obligations must be examined independently. The absence or invalidity of one instrument does not automatically prove every criminal offence, but it may establish an administrative violation, support proof of unlawfulness, or reveal false statements and environmental harm.

Finally, illegal nickel mining is economically motivated. Where unlawful ore is sold and the proceeds are transferred, converted, spent, or concealed with the requisite knowledge and purpose, Law Number 8 of 2010 can support a parallel money-laundering investigation. This is not automatic: prosecutors must prove the predicate crime, the relevant financial conduct, and the statutory mental element. Nevertheless, financial investigation is essential because conventional mining prosecutions often stop with field-level actors while the controlling persons and accumulated profits remain untouched.¹⁰

Purposes of Punishment and Ecological Restoration

The purpose of punishment determines what counts as successful enforcement. A sentence may be formally lawful yet materially ineffective if the offender retains illegal profit, the damaged site remains unrestored, and the same corporate network can resume operations through another entity. Environmental criminal law therefore requires a combined theory of proportional retribution, specific and general deterrence, prevention, restitution of public loss, and ecological restoration. Indonesian criminal-policy scholarship similarly situates crime control within social defence and social welfare, not retaliation alone.¹¹

Proportionality requires the sentence to reflect culpability, scale, duration, environmental consequences, and the offender's role. A small equipment operator, a site manager, a director who authorizes production, and a beneficial owner who finances and monetizes illegal ore do not necessarily bear identical culpability. At the same time, corporate structure must not become a shield. Decision-making records, instructions, financing, production targets, sales contracts, and distribution of proceeds can establish who exercised effective control and who benefited.¹²

Deterrence requires credible detection and the removal of profit. A fine below the expected gain may be treated as a business cost, particularly where enforcement is infrequent. Article 164 confiscation, anti-money-laundering asset recovery, and reclamation-payment orders should therefore complement imprisonment and principal fines. Comparative environmental-law research has long emphasized that

¹⁰ Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, art. 3 and related provisions.

¹¹ Barda Nawawi Arief, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana* (Bandung: Citra Aditya Bakti, 2011).

¹² Muladi, *Kapita Selekta Sistem Peradilan Pidana* (Semarang: Badan Penerbit Universitas Diponegoro, 1995).

the choice between administrative and criminal instruments should reflect the seriousness of the violation, enforcement probability, and the need for effective sanctions rather than a mechanical preference for one branch of law.

Ecological restoration is distinct from ordinary monetary punishment. A criminal fine is paid to the State and does not necessarily rehabilitate the affected watershed, forest, coast, or community. Courts and prosecutors should therefore seek legally available additional orders tied to a scientifically defined restoration plan, a costed budget, an implementation schedule, independent verification, and consequences for non-compliance. Where restoration in kind is technically impossible, compensatory ecological measures should be directed to the affected ecosystem and community rather than treated as a generic payment.¹³

This recovery-centered approach also responds to intergenerational justice. Nickel is non-renewable, while environmental damage may persist long after extraction and revenue have ceased. The State's constitutional control over natural resources is therefore breached twice when illegal mining occurs: first through extraction outside lawful public control, and second when ecological and social costs are transferred to residents and future generations. The purposes of punishment are fulfilled only when the sentence condemns the offence, neutralizes its benefit, prevents repetition, and repairs harm to the extent legally and scientifically possible.

Enforcement Obstacles in Kolaka

The first obstacle is institutional fragmentation. Mining authorization, environmental approval, forest-area use, spatial planning, taxation, transport, port operations, and criminal investigation are administered by different institutions and levels of government. Centralization of significant licensing authority does not remove the local government's practical importance in spatial information, environmental observation, community complaints, and emergency response. Without a shared case file and interoperable data, each institution may see only one segment of the conduct. Fragmentation produces delays, conflicting interpretations, and opportunities for operators to exploit gaps between agencies. Rohman, Hartiwiningsih, and Rustamaji likewise identify insufficiently integrated enforcement as a persistent weakness in Indonesia's response to illegal mining.¹⁴

The second obstacle is evidentiary complexity. Proving unauthorized extraction requires reliable coordinates, dates, volumes, and links between equipment, personnel, and the responsible enterprise. Proving environmental crimes additionally requires sampling protocols, chain of custody, accredited laboratory results, baseline data, expert causation analysis, and attribution of damage to the relevant operation. Rainfall, pre-existing degradation, multiple operators in one watershed, and movement of ore between concessions may complicate causation. An investigation that waits until the site has been altered or rehabilitated informally may lose decisive evidence.

The third obstacle is corporate and supply-chain opacity. Illegal ore may pass through contractors, transport companies, stockpiles, surveyors, laboratories, purchasers, and formally licensed processing facilities. Documents may identify one company while financing and control lie elsewhere. Investigators need access to corporate registries, beneficial-ownership information, bank records under lawful procedures, tax and non-tax revenue data, digital communications, weighbridge records, shipping documents, and ore-quality records. Without following the commodity and the money, enforcement is likely to stop at replaceable field actors.

The fourth obstacle is conflict of interest and economic dependence. The thesis records concerns that some disputed mining activity involved entities with local-government connections and that regional income and employment interests can weaken the willingness to enforce rules consistently. These concerns require institutional safeguards rather than assumptions of guilt: recusal rules, external

¹³ Michael G. Faure and Katarina Svatikova, "Criminal or Administrative Law to Protect the Environment ? Evidence from Western Europe," *Journal of Environmental Law* 24, No. 2 (2012): 253–286.

¹⁴ Rohman, Hartiwiningsih, and Rustamaji, "Illegal Mining in Indonesia", *Cogent Social Sciences* 2024, Vol. 10, No. 1, 2358158.

supervision, transparent permit disclosure, documented enforcement decisions, and independent review where the government has an ownership or revenue interest in the operator. Equal enforcement is essential to avoid selective prosecution of small miners while more powerful corporate actors remain insulated.¹⁵

The fifth obstacle is weak integration of criminal sentencing with restoration. Case files may establish the act of mining but omit a defensible ecological-loss assessment. Prosecutors may seek imprisonment and fines without requesting confiscation, profit recovery, or payment of restoration costs. Even when reclamation is ordered administratively, responsibility for implementation and verification may remain unclear after a company changes ownership, becomes inactive, or loses its licence. This gap shifts costs to the public and undermines deterrence.

The sixth obstacle is limited community participation and protection. Residents, workers, drivers, and local officials may hold information about excavation locations, nighttime hauling, document manipulation, or environmental impacts, but may fear retaliation or loss of livelihood. Recent research on illegal nickel mining in protected forests highlights the importance of effective whistleblower and justice-collaborator protection. Complaint mechanisms must therefore provide confidentiality, evidence-preservation guidance, anti-retaliation measures, and clear referral pathways to competent investigators.¹⁶

Effective enforcement in Kolaka should be organized as a case-based system rather than a sequence of disconnected agency responses. The proposed model contains six mutually reinforcing components.

First, authorities should conduct a joint legality and permit audit. The audit must overlay mining-business authorization, approved coordinates, production plans, environmental approval, PPKH, spatial plans, land rights, reclamation guarantees, and actual satellite or drone-observed disturbance. The output should be a time-stamped legal map identifying authorized, disputed, expired, and unauthorized activity. Because permits can be amended or revoked, investigators must preserve the version legally applicable at the time of the conduct.

Second, a joint case team should be formed at the earliest stage. It should include mining inspectors, environmental civil servant investigators, police investigators, prosecutors, forestry officials where relevant, geospatial and laboratory experts, and financial investigators. The team should agree on offence hypotheses, evidentiary responsibilities, search and seizure priorities, sampling plans, and a common chronology. Coordination does not erase each institution's statutory authority; it prevents gaps and duplication while preserving lawful chains of command.

Third, criminal and ecological proof should proceed in parallel. Site documentation, drone imagery, coordinates, machinery identification, ore-volume estimation, and witness interviews should occur alongside water, soil, sediment, and biodiversity assessment. Experts should distinguish emergency containment, reclamation, restoration, and long-term monitoring costs. A preliminary cost estimate can support asset-preservation applications, while a final expert assessment can support sentencing and additional orders.

Fourth, liability should follow control, benefit, and the commodity chain. Investigators should identify the legal entity, directors, operational decision-makers, financiers, beneficial owners, contractors, purchasers, and facilities that knowingly receive illegal ore. Corporate prosecution should be considered where organizational policy, tolerance, deficient compliance, or decision-maker conduct satisfies the statutory attribution rules. Financial investigation should trace payments, sales receivables, assets, and related-party transactions so that confiscation and anti-money-laundering measures are realistic rather than symbolic.

Fifth, prosecutors should use a sentencing memorandum tailored to environmental mining crime. The memorandum should identify the scale and duration of extraction, degree of planning, role of each

¹⁵ Indah Sri Utari et al., "Illegal Nickel Mining in Protected Forests: Challenges in Whistleblower and Justice Collaborator Protection in Indonesia," *Indonesian Journal of Environmental Law and Sustainable Development* 4, No. 2 (2025): 341–374.

¹⁶ *Ibid.*

defendant, profit, public-revenue loss, environmental damage, community impact, obstruction or falsification, prior violations, remedial conduct, and ability to restore. Requested orders should distinguish principal fines from confiscation, disgorgement, reclamation or post-mining payments, and environmental restoration costs. The court should receive a monitorable implementation plan, not merely a general request to “restore the environment.”

Sixth, enforcement must be transparent and socially protected. Non-confidential permit maps, enforcement status, final judgments, and restoration progress should be published in accessible form. Communities should have a channel to report non-compliance and verify whether restoration measures address local water, land, fisheries, and livelihood impacts. Whistleblowers and witnesses should receive protection consistent with Indonesian law. Transparency strengthens deterrence because operators can no longer assume that a case ends when machinery is removed from the site.

The model also clarifies the relationship between preventive and repressive enforcement. Administrative supervision, permit suspension, compliance orders, and environmental audits should prevent harm where possible. Criminal law should intervene when conduct satisfies criminal elements, particularly where extraction is unauthorized, reporting is falsified, damage is serious, obligations are deliberately abandoned, or organized financial benefit is involved. Prevention and punishment are complementary: credible criminal enforcement raises the cost of non-compliance, while transparent administrative supervision reduces the opportunity for crime.

For Kolaka, implementation can begin with a time-limited pilot covering one priority mining cluster and its associated hauling, stockpile, and port routes. Within the first ninety days, the responsible institutions should reconcile permit coordinates and status, identify disturbed areas, verify environmental and forest-use approvals, catalogue reclamation guarantees, and establish a secure complaint channel. The next phase should select cases using transparent criteria such as scale of unauthorized extraction, risk to water or forest systems, evidence of document manipulation, recurrence, and the value of suspected unlawful benefit. A pilot produces an auditable enforcement method that can later be standardized for other nickel-producing regions.

Performance should be measured by outcomes rather than by the number of raids or suspects. Relevant indicators include the percentage of priority sites with reconciled permit data, time from complaint to site preservation, value of assets restrained and confiscated, proportion of prosecutions reaching controlling persons, amount of reclamation or restoration funding secured, completion of court-ordered recovery milestones, and publication of monitoring results. Outcome indicators reduce incentives for symbolic enforcement and make it possible to evaluate whether criminal law actually changes corporate behaviour and environmental conditions.

Conclusions

Indonesia’s current legal framework provides a substantial basis for prosecuting illegal nickel mining in Kolaka. Article 158 addresses mining without required authorization; Article 159 addresses false reporting; Article 161B connects failure to perform reclamation and post-mining duties with criminal and financial consequences; and Article 164 enables confiscation of instruments and profits and payment of costs arising from the crime. Environmental offences and corporate liability under Law Number 32 of 2009, forestry requirements, and anti-money-laundering measures may apply concurrently when their distinct elements are proven. Enforcement should therefore reconstruct the complete conduct and benefit chain rather than isolate the excavation act.

The principal barriers are fragmented authority, incomplete integration of permit and environmental data, complex proof of ecological causation and corporate control, possible conflicts of interest, underdeveloped asset tracing, weak protection for informants, and sentences that do not reliably finance restoration. These barriers explain why formal criminalization alone does not guarantee effective enforcement.

The recommended response is an integrated enforcement protocol for Kolaka and other nickel-

producing regions: joint legality audits; early multi-agency case teams; parallel criminal, ecological, and financial investigations; corporate and beneficial-owner accountability; protected community reporting; and sentencing requests that combine proportionate imprisonment and fines with confiscation, disgorgement, reclamation funding, and independently verified ecological restoration. Permit and enforcement data should be published, and cases involving government-owned or government-connected enterprises should be subject to recusal and external review safeguards.

Such an approach gives practical meaning to the constitutional requirement that natural resources be controlled for public prosperity. It prevents illegal profit from being privatized while ecological loss is socialized, and it aligns criminal punishment with sustainable development and intergenerational justice.

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