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The role of buton polres in completing illegal sand criminal actions in kamelanta village

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Abstract. The conclusion is first: There are 2 major activities in law enforcement carried out by Buton Police namely Investigation initiated from Receiving reports or complaints from someone about a case of sand mining, Finding information and evidence, Ordering to stop suspected people and asking and checking identification self, conduct other actions according to the law that is responsible and the authority of the investigator to make and submit a report. And the Investigation begins with the process of Arrest, Detention, Search, Confiscation, Summoning, Examination and the making of Minutes. Second; The obstacles faced by law enforcement officials in dealing with illegal sand mining in Buton Regency are, the lack of legal distribution in the community, legal awareness is a community's perspective on the law. Economic factors, increasing needs along with the times make anyone able to do anything to meet those needs, including doing things against the law. Educational Factors. Many educated people only go to elementary school and don't even go to school.

1. Introduction

Indonesia as a constitutional state has mandated the 1945 constitution in article 33 paragraph 3 that the earth, water and natural resources contained therein shall be controlled by the state and used as much as possible for the welfare of the people¹, therefore the management of natural resources contained in it can be empowered as it should be to realize people's prosperity and promote public welfare and the creation of a sustainable happiness order based on integrated national policy taking into account the needs of present and future generations. In fulfilling the lives of many people, the management must, therefore, be controlled by the state to provide added value to the national economy, including management in the mining sector [1].

Indonesia is a country that has the potential for wealth from mining minerals. The mining materials include gold, silver, copper, oil, natural gas, coal and others. State control rights contain the authority to regulate, manage and supervise the management or exploitation of minerals, and contain the rules and obligations to use as much as possible for the welfare of the people. In the General Guidelines, the State has gradually delegated the authority of the central government to regional governments in the



implementation of selective natural resource management and maintenance of the environment so that the quality of the ecosystem is maintained, which is regulated by law so that organized by the government [2].

Mining is part or all of the stages of activities in the context of research, management and exploitation of minerals or coal which includes general investigation, exploitation, feasibility studies, construction, mining, processing and refining, transportation and sales and post-mining activities. Law No. 4 of 2009 concerning mineral and coal mining consisting of 175 chapters and XXVI chapters beginning to be published on 12 January 2009 put forward the main points of reasoning and reasons for why this law was born [3].

First because the minerals and coal described in mining law are natural wealth which is the gift of God Almighty which has an important role in human life, both mineral and coal mining businesses are able to increase economic growth nationally and realize regional development in a sustainable manner. The third It is considered that Law No. 11 of 1967 concerning the basic provisions of mining is not suitable so that changes in legislation are needed which take into account national and international developments seeking the potential of minerals and coal independently, transparently, competitively, efficiently and environmentally. The toughest challenge for natural resource-rich countries in the mining sector is the proliferation of criminalization and has become an open secret. [4] Mining problems not only arise from the existence of official mining activities but also touch on mining activities that are of an unofficial nature (no permit/illegal) or commonly called Illegal Mining [5].

Even this unlicensed mining activity is a factor in the emergence of uncontrolled environmental damage and other problems. Southeast Sulawesi Province, especially Buton Regency, Kel Kamelanta, unlicensed mining/illegal mining activities have recorded an increase every year as many cases are handled by the Sungguminasa District Court regarding illegal sand mining issues without IUP, IPR or IUPK. [6] Namely the existence of the main causes of correlative factors so that the potential of natural wealth owned by Buton Regency, Kel Kamelanta is one of the centers for the production of mineral materials of mineral sand, which are distributed to several regions such as the City of Baubau and its surroundings.

However, it can be understood if in general, the rules regarding the use of nature for human life aim to maintain the preservation of justice (is) and the benefit of human life. Lately, there has been an interesting phenomenon about the causes of natural disasters that afflict humans. One of the causes of landslides and flash floods and environmental damage caused by ecosystem damage. This disaster can be a result of activities that can change the surface of the earth. Therefore, sand mining can trigger environmental damage. Although this statement is not always true, it should be recognized that many mining activities cause damage to the mining sites. [7] However, it should also be borne in mind that on the other hand, the quality of the environment in the mine increases sharply. The problem of sand mining should be raised as a legal problem because there are so many in Indonesia that use river sand as an economic profit-seeking land. Mining sand to be traded as in Buton Regency, Kamelanta Village.

Based on the implementation and implementation up to the enforcement of the Law on the management of natural resources and mining excavated by the state, namely the central government, represented by the Minister of Energy and Mineral Resources as authorized officials prior to the enactment of regional autonomy, after the entry into force regional autonomy in terms of licensing is not only the authority of the Ministry of Energy and Mineral Resources, but has now become the authority of the provincial and district / city governments through governors and regents / mayors as officials authorized to issue mining authority decrees, sign contracts of work, and mining works agreement is located in the sea area [8].

The settlement of the illegal sand mining case carried out by legal institutions in Buton police station became the only benchmark for law enforcement for violations that occurred due to mining activities in Buton district, Kel Kamelanta. This certainly can have an impact on the state's efforts to manage and utilize natural resources, based on the accumulation that is known related to the number of state losses caused due to the criminalization of the mining business, especially the environmental

problems that exclude good mining practices. Until the sentence is sent to the parties concerned based on the principle of justice, benefit and legal certainty [9].

From the description of the background, it is considered necessary for researchers to study and examine this problem. And explained it in the form of a thesis entitled "Completion of the Case of Illegal Sand Mining by Buton Regional Police (a case study of Sand Mining in Buton District, Kel Kamelanta which was processed by the Buton Regional Police)." The formulation of the problem in this study is how is the process of resolving the illegal mining case in Buton Regional Police Station? And What are the factors that become obstacles in implementing law enforcement against illegal sand mining ?

2. Methods

2.1. Types of research

Based on the problems examined by the author, the research method is empirical juridical. Empirical research is research that focuses on examining a phenomenon or the state of the object of research in detail by gathering the facts that occur and developing existing concepts [10].

2.2. Research location and case approach

This research was conducted at the Buton police station. The location specification of this study is about the case of sand mining in Kamelanta subdistrict Buton District which still includes the jurisdiction of the Buton police station. The approach used is the law approach and case approach.

2.3. Data types and data sources

Sources of legal data used in this study include:

- a. Secondary Legal Data, namely all legal data obtained from the interview process at the time of the study in the field.
- b. Primary Legal Data, namely all legal data or material that has a juridical binding position, such as legislation and scientific books in the field of law relating to the topic of research as well as Literature and research results.

2.4. Data collection technique

Data collection techniques used in this study are following the types and sources of legal data. Source of legal data called this research data obtained through observation, interviews, and relevant documents that will be inventory and analyzed. In the document data the author gets legal data that is theoretical, namely by reading and studying books, literature, documents, magazines, internet, legislation, research results and other data that are closely related to the problem under study.

3.5. Legal data analysis techniques

In this study, legal problems will be analyzed qualitatively. In this case, the source of the research obtained in this study is by carrying out an inventory while at the same time studying the field research, legislation and documents that can help interpret the related norms, then the research sources are processed and analyzed to answer the problems studied. The last stage is to conclude from the research sources that are processed so that in the end, it can get the right conclusion [11].

3. Results and discussion

3.1. The Process of settling illegal sand mining cases conducted by Buton Police

To obtain a clear picture of the case of Illegal Sand Mining on Kamelanta Beach will be described below:

1. Investigation

The investigation into the case of illegal sand mining on Kamelanta Beach was carried out by the Buton Regional Police Investigator. Investigation is the first step in a criminal procedure before an investigation is conducted. Buton police investigators in investigating cases of illegal sand mining at Kamelanta Beach include a series of actions as follows [12]:

a. Receive reports or complaints from someone about a case of sand mining.

Investigators who have known received a report or complaint about an event that is suspected to be a criminal act must immediately take the necessary investigative action. Reports can be in the form of written reports and oral reports. Reports or complaints submitted in writing must be signed by the reporter or complainant, for reports or complaints submitted orally must be recorded by the investigator and signed by the reporter or complainant and investigator. If the reporter or complainant cannot write, it must be stated as a note on the report or complaint [5].

The Investigator must provide a letter of receipt of the report or complaint to the person concerned. In the case of illegal sand mining on Kamelanta Beach, reports were obtained by cell phone from a resident who resided on the Kamelanta Beach area on Friday, February 17, 2018, at 21.00 WIB. The report was received by members of the Buton Regional Police, who then the police officer reported to the Buton police guard picket officer. The report informed that on Kamelanta Beach, there were activities that were suspected of illegally mining sand. The picket guard immediately records the contents of the report and supports the Report Receipt (STPL).

After the Buton District Police Investigator received a report about the incident which allegedly was a criminal act from residents residing in the Sadranan Coast Area, the Buton Police Investigator checked whether or not the report was correct. The results of the checking turned out to be true that there was a criminal act of illegal sand mining on Kamelanta Beach, then the next action was taken.

b. Looking for information and evidence.

Investigators who have received reports immediately come to the scene and can prohibit anyone from leaving the place while the inspection has not been completed. Investigators who come at the crime scene (TKP) must immediately provide protection and first aid if the place is still endangering security, and investigators also. Must close and secure the crime scene, including closing and making boundaries at the crime scene. Search for evidence is done at the crime scene and its surroundings if necessary with a search of the body, carried out meticulously, and diligently [13].

Buton police investigator in the case of illegal sand mining on Kamelanta Beach, after receiving the report, immediately went to the scene of the crime to be observed and reconnaissance. When conducting a location check, it turns out that there is activity in mining sand. Buton police investigator immediately secured the location. The investigator also searched for evidence relating to the illegal sand mining case, searching for evidence was carried out around the location where the examiner carried out sand mining and searches on the body of the examinee.

c. Asking to stop suspected people and asking for and checking self-identification.

For the investigation, Investigators are authorized to order people who are at the scene of the crime at the time of the crime to not / are prohibited from leaving the scene of the crime and collect it outside the limits that have been made. To take action to stop someone who is suspected and all the identity of the questioned is not necessary with a special warrant or with any letter. If a person suspected of not heeding or disobeying what was told and questioned by the investigator, the investigator did not force it by forced effort.

In the investigation of the case of illegal sand mining on Kamelanta Beach, investigators immediately stopped the investigator named Jarwoko who was caught carrying out illegal sand mining activities and two people named Badawi and Teguh who were also at the scene. The Polair Investigator immediately examined the three people. Examination in the form of vehicle documents, the identity of the examinee, documents related to the sand. The examiner was also interrogated with

several questions, including where he wanted to go, what items were brought, whose sands were taken.

d. Conduct other actions according to the responsible law

At the behest of the investigator, the investigator can take the following actions:

- 1) Arrest, the prohibition of leaving the place, search and confiscation;
- 2) Inspection and seizure of letters;
- 3) Taking fingerprints and photographing someone;
- 4) Bringing and confronting someone to the investigator (KUHAP Article 5 paragraph (1) letter b).

In the case of illegal sand mining on Kamelanta Beach, Buton Police Investigators have never taken any other action under the law. Responsible as mentioned above because the suspect was caught in the act, where at the time of the incident the suspect was directly arrested by the investigator, so the act of arrest, prohibition of leaving the place, search and seizure, inspection and seizure of the letter, taking fingerprints and photographing someone, bringing and confronting someone, that all carried out by investigators.

e. Authority of Investigators to Make and Submit Reports

Related to the case of illegal sand mining in Kamelanta Beach, Kab. Buton, investigators are required to make a written report about the results of the implementation of the investigation action. This report is intended for the accountability and supervision of investigators so that whatever investigators do is stated in the report. The report on the results of the investigation was submitted to the investigator.

To clarify the handling of the investigation of cases of illegal sand mining on Kamelanta Beach will be described as follows: On Friday, February 17, 2018 at 9:00 pm West Indonesia Time, a member of the Buton Police Bhabinkamtibmas received a call from a resident that there was an activity of sand mining on Kamelanta Beach. The police officer immediately contacted the Buton police guard picket officer about the report. After the Buton Regional Police Investigator received the report, he immediately sought information on whether or not the case was true. After arriving at the location, it was true that the person who was raising a sack filled with sand into the truck. The person was immediately questioned, from the results of the inspection, it was found that the examiner was mining without permission to mine in the area. Among them were drivers and car owners, they said that they did not interfere in this case because, at that time, they only slept in the car. Besides that, their need to come to Kamelantah Beach was because the examiner asked for help to borrow a car.

2. Investigation

After obtaining the evidence from the results of the investigation, the investigator of the Buton police station conducted a series of investigative actions as follows:

a. Arrest

Arrest orders are only made against someone who has allegedly committed a crime based on the evidence obtained. Investigators in conducting arrests must show a Letter of Assignment (ST) and give the examiner an Arrest Warrant (SPP). The contents of the arrest warrant include:

- 1) Identity of the suspect;
- 2) Reasons for arrest;
- 3) A brief description of crime cases;
- 4) The place of the suspect is examined.

Copies of the arrest warrant must also be given to his family immediately after the arrest. In the case of being caught, the arrest can be carried out without an arrest warrant, with the provisions of the catcher having to immediately hand over the offender along with the evidence obtained to the closest auxiliary investigator or investigator. Those who should arrest suspects in terms of being caught are those who have authority in the task of order, peace and public security to be handed over along with

or without evidence to investigators or investigators. Caught in the hands is the arrest of a person when he is committing a crime or immediately after a while the crime is committed or shortly after being called by the public that he did it or a moment later he found an object allegedly used to commit the crime indicates that he is the culprit or contributes to or commits the crime. The duration of arrest is one day or 1 x 24 hours.

Arrest in the case of illegal sand mining at Kamelanta Beach, Kab. Buton carried out by catching the examiner when being examined is raising a bag of illegal sand into the truck. In this case, the examinee is caught in the act of being caught, because the investigator detects being investigated while committing a crime and there is evidence that proves that the examinee has committed a crime so that his status becomes a suspect. It is feared that if the suspect is not immediately arrested, the suspect can escape, remove the evidence, and carry out acts of violence again. When arresting Polair investigators only carry a Task Order (STP) to conduct an investigation. After being caught a new Arrest Warrant (SPP) was made. The Police Investigator made an official report caught in the minutes, which contained that the investigator caught the suspect caught red-handed.

b. Detention

Detention is carried out against the suspect by giving a warrant for detention or the determination of a judge. The containment letter contains:

- 1) Identity of the suspect;
- 2) Reasons for detention;
- 3) A brief description of crime cases;
- 4) The place of the suspect is detained.

Copies of detention orders must be given to the suspect's family. Detention is carried out against the suspect because of sufficient evidence that the suspect has committed a crime and there is a concern that the suspect will escape, damage or eliminate evidence and will repeat the crime, the alleged criminal offense is included in the formulation of Article 21 paragraph (4) of the Criminal Procedure Code. The type of detention can be:

- 1) Detention of State detention houses.
- 2) House detention, and
- 3) City detention.

At the request of suspects, investigators or judges, according to their respective authorities, they can hold detention orders with or without collateral for money or guarantees, based on the conditions specified. Investigators, public prosecutors or judges, because of their position at any time can revoke detention in the case of a suspect or defendant violating the conditions that have been determined.

In the case of illegal sand mining on Kamelanta Beach, investigators did not detain suspects, because the suspect received a suspension of detention. In this case, the suspect gets a suspension of detention with the guarantor of the suspect's brother-in-law, arguing that the suspect is the backbone of the family breadwinner. In this case, the guarantor guarantees that the suspect will not flee, and if the suspect escapes, the guarantor is willing to replace the suspect is facing a case that is alleged to the suspect.

c. Search

Searching can be done in a house or body or clothes. In searching, there must be a permit from the Chair of the District Court. In very necessary and urgent circumstances, the investigator must act immediately and it is impossible to get permission first, the investigator can search on: on the home page of the suspect residing, staying. At each other place, the suspect resides. At the place of criminal offense carried out or there is a former, at the place of lodging, and other public places. In the event that the investigator conducts a search as described above, the investigator is not permitted to examine or confiscate letters, books and other writings that are not objects related to the criminal act concerned, except objects related to the criminal act in question or which are alleged to have been used for

committing the criminal offense and therefore must immediately report to the head of the local district court to obtain his approval.

Except in the case of being caught, investigators are not permitted to enter:

- 1) Space where the People's Consultative Assembly (MPR) is taking place, the House of Representatives (DPR), or the Regional Representative Council (DPD).
- 2) Places where religious services or ceremonies are taking place.
- 3) The room where a court hearing is taking place.

When arresting a suspect, the investigator is only authorized to search the clothes, including the objects he carries, if it is allegedly for sufficient reason that the suspect has an object that can be confiscated.

d. Foreclosure

Confiscation can only be done with a permit from the Chair of the District Court, but if in a very necessary and urgent situation, and it is not possible to obtain a permit in advance, the investigator can still carry out the confiscation but only for movable objects. Foreclosures can be imposed on:

- 1) Objects or bills obtained from criminal acts.
- 2) Items that have been used or prepared to commit a crime.
- 3) Objects that are used to deter the investigation of a crime.
- 4) Objects that have been made to commit a crime.
- 5) Objects that have a direct relationship with a criminal act committed.
- 6) Objects that are in confiscation due to civil or bankrupt cases

(KUHAP Article 39 paragraph (1)). In the case of being caught, investigators can confiscate objects and equipment which are apparently or reasonably suspected to have been used to commit criminal acts or other objects that are used as evidence. Investigators also have to seize packages or letters or other objects the transportation is carried out by the post office and telecommunications, Bureau or communication or transportation company along the package, letter, or object intended for the suspect or originating from him and for that to the suspect and officials of post office and telecommunications, Bureau or communication company must be given receipt, confiscated objects stored in the house of storage of state seizures (RUBASAN), confiscated objects, recorded by weight and number according to each type, characteristics and characteristics, days, places and dead seizures, identities of people from which objects it was confiscated and others were then given the right and stamp batan and signed by the investigator. If a confiscated object is impossible to wrap, the investigator gives a note written on the label affixed or attached to the object. Items confiscated in the case of illegal sand mining on Kamelanta Beach are objects which are evidence of the results of searches as stated.

e. Summoning

For the sake of conducting an examination, the investigator summoned suspects and witnesses. In calling for suspects and witnesses, it must be carried out based on considerations that the suspect and witness have a role as a suspect and witness in a criminal act that has occurred, where it is obtained from police reports, minutes of reports, reports on the results of investigations. The investigator summons suspects and witnesses who are deemed necessary to be examined with a valid summons by paying attention to the reasonable intervals between the receipt of the call and the day someone must fulfill the call.

The person who is called must come to the investigator and if he does not come, the investigator must call once again, with an order to the officer to bring him. If a suspect or witness who is called gives a reasonable and reasonable reason that he cannot come, then the investigator comes to his residence. If the investigator considers it necessary to ask for expert information, the investigator can ask for the opinion of an expert or person who has special expertise.

f. Examination

If a person is suspected of committing an act of speech before the investigator initiates the examination, the investigator must notify that the suspect has the right to obtain legal assistance or in his case must be accompanied by a legal advisor. In the case of illegal sand mining, the suspect Jarwoko refused to be accompanied by a legal advisor, the suspect stated that he would face himself, and the suspect, in this case, made a statement that the suspect refused to be accompanied by a legal advisor.

The witness was questioned without swearing unless there was sufficient reason to suspect that he would not be present at the hearing in court. The action is examined individually but may be met with one another and they are obliged to provide actual information. In examining the suspect, he was asked whether he wanted to hear witnesses who could benefit him, and if there were any, it would need to be noted in the minutes. In this case, the investigator must call and examine the witness.

Information of the suspect and witness is given to the investigator without any pressure from anyone and in whatever form. The information of the suspect is recorded by the investigator in the minutes as thoroughly as possible according to the word used by the suspect himself. The minutes were signed by the investigator and by those who gave the information after they agreed to the contents. If the suspect or witness does not want to sign his signature, the investigator records the minutes and their alerts. An expert witness who is questioned must take an oath or make an appointment before the investigator that he will provide information according to his best knowledge unless it is caused by his dignity, occupation, or position requiring that he keep a secret can refuse to provide the requested information.

In the case of illegal sand mining on Kamelanta Beach, suspects are very cooperative, which facilitates the inspection process. In-Law No. 27 of 2007 Article 35 letter i which reads "Every person is prohibited from mining sand in areas that if technically, ecologically, socially and culturally cause environmental damage and environmental pollution and harm the surrounding community. In-Law No. 27 of 2007 Article 73 paragraph (1) letter d also states that a person can be sentenced to a minimum of two years in prison and a maximum of ten years and a fine of at least Rp 2,000,000,000.00 (Two billion rupiahs) and a maximum of Rp.10,000,000.00.00 (Ten billion rupiahs) if it violates the provisions of Article 35 letter i. The expert witness stated that Article 35 letter i and or 73 paragraph (1) letter d of Law No. 27 of 2007 which was used by investigators to ensnare suspects was still difficult to interpret, the expert witness explained that after checking and checking at the location where the suspect carried out illegal sand mining.

The expert witness did see that there were traces of sand extraction and that there had been a physical change, but the expert witness could not say whether the actions of the suspect had caused environmental damage or not. Environmental damage based on Law No. 32 of 2009 concerning Environmental Protection and Management in Article 1 number 17 constitutes direct and indirect changes to the physical, chemical and biological characteristics of the environment that exceed the standard criteria for environmental damage. In-Law No. 27 of 2007 it is not explained about the standard criteria for illegal sand damage to the coastal environment, so the clause on the article is difficult to understand. In Article 35 letter i there is no mention of what kind of environmental damage can be subject to criminal charges because it cannot be said from expert witnesses that environmental damage has occurred considering the vast coastal area and illegal sand taken by the suspect 120 sacks with a weight of 15 kg each. , if cashed in the amount of Rp. 800,000.00 (Eight hundred thousand rupiahs).

Standard Criteria for Environmental Damage as stipulated in Law No. 32 of 2009 concerning Environmental Protection and Management in Article 1 number 15 is a measure of the limits of changes in the physical, chemical and / or biological characteristics of the environment which can be tolerated by the environment to be able to continue to preserve its functions. The standard criteria for damage set out in Law No. 32 of 2009 cover the standard criteria for damage to ecosystems and due to climate change. In Article 21 paragraph (3) it is stated that the standard criteria for ecosystem damage include:

1. Standard criteria for soil damage for biomass production;
2. Standard criteria for damage to coral reefs;
3. Standard criteria for environmental damage related to forest fires and land;
4. Standard criteria for mangrove damage;
5. Standard criteria for damage to seagrass beds;
6. Standard criteria for damage to peat;
7. Standard criteria for karst damage; and
8. Standard criteria for damage to other ecosystems following the development of science and technology.

Whereas in Article 1 paragraph (4) for the standard criteria for damage due to climate change, namely rising temperatures, rising sea levels, storms, and drought. In-Law No. 32 of 2009 has been regulated regarding the standard criteria for environmental damage, but the standard criteria for illegal sand damage in coastal areas do not yet exist. With not yet set the standard criteria for environmental damage to the coastal areas resulting in. In the investigation of cases of illegal sand mining on Kamelanta Beach, it became difficult to find evidence that could prove that the suspect had carried out mining which resulted in environmental damage as stipulated in Law No. 27 of 2007 Article 35 letter i.

The case of illegal sand mining on Kamelanta Beach is also a case that deserves attention, seeing the amount of sand taken by the suspect whether it has caused environmental damage or not. The absence of a standard for damage to illegal sand for coastal environments makes perceptions in different communities, for example, there is a tourist who takes one glass of sand because he wants to be collected at home, compared to what the suspect took 120 (one hundred and twenty sacks) of sand both can be said to have carried out mining which caused environmental damage as stipulated in Law No. 27 of 2007 Article 35 letter i. This should be of concern to the government and law enforcers in making and implementing the law. For this reason, the standard criteria for damage to the coastal environment need to be made immediately, and the criteria used must also be fair without harming the community. In the case of illegal sand mining at Kamelanta Beach, Investigators of the Buton Regional Police have not been able to find evidence that can make it clear that the mining actions carried out by the suspect violated the law. Therefore the investigator added a general rule, namely the Criminal Code Article 362 to ensnare the suspect that "anyone who takes something, wholly or partly belonging to another person, with the intention to be held unlawfully, is threatened with theft, with a maximum of five years imprisonment or a fine at most sixty thousand ".

Investigators ensnare suspects with Article 362 of the Criminal Code, because if only charged Article 35 letter i and or Article 73 paragraph (1) letter d of Law No. 27 of 2007, the suspect can be free from imprisonment because the Buton Police Investigator cannot ensure that the suspect's actions have caused damage to the coastal environment as stipulated in Law No. 27 of 2007 Article 35 letter i. Besides that, if illegal sand mining is carried out in the coastal area continuously, the damage will occur which can cause damage to the coastal area, because to restore sand as before it takes a very long time even hundreds of years, the sand is formed from weathering coral animals that are on the seafloor.

The purpose of the use of Article 362 of the Criminal Code concerning theft is to create a deterrent effect, so as not to carry out illegal sand mining again in coastal areas. Technically, long-term mining of illegal sand will result in abrasion. Whereas ecologically, the pandanus plants that live in the sand are damaged, because the place where mining is carried out is overgrown with pandanus, even though pandanus is the nesting place for quails and wood snakes, if the pandanus which is the home of the animals is destroyed, then it can resulting in the extinction of these animals. Mining too socially detrimental which results in reduced coastal aesthetics which certainly has an impact on the interest of visitors or tourists who come to Kamelanta Beach, Kab. Buton, which means that it will affect the socio-economic conditions of coastal communities who work as sellers of services and stalls.

Kamelanta Beach is also often used as a place for offerings, with sand mining in the area causing the beach area to be less beautiful, resulting in reduced comfort and solemnity when the ritual is

carried out. For this reason, Polair tried to prevent sand mining from happening again, so that the impacts described above would not occur. The actions taken by the Polair Investigator in overcoming the difficulties in determining the standard criteria for environmental damage using the Criminal Code Article 362 make this case the arrested suspect a suspect of theft rather than mining, although in this case, it was clear that the suspect had violated the law in illegal sand mining. In Law No. 27 of 2007 it has not been regulated about the standard of environmental damage that could cause suspects to be free from law because there is no incriminating evidence that they have carried out mining that could damage the environment, but that does not mean the Buton police can say that the suspect's actions were theft element of taking. Taking as stated in the Criminal Code Article 362 is taking the property of others, whereas in the case of illegal sand mining on the Beach Kamelant it is taking goods belonging to the State not someone else. Therefore the Polair should be able to use other rules relating to environmental damage.

g. News

After the examination, the investigator makes a report about the results of the investigation that has been carried out. The minutes contain all the results of the actions of the investigation and investigation process. The minutes are immediately submitted to the public prosecutor, the public prosecutor after receiving the results of the investigation from the investigator, immediately learns and examines them, and within seven days must inform the investigator whether the results of the investigation are complete or not. If the results of the investigation are incomplete, the public prosecutor returns the case file to the investigator along with instructions on what must be done to be completed and within fourteen days from the date of receipt of the file, the investigator must return the case file to the public prosecutor.

In the case of illegal sand mining on Kamelanta Beach, Buton, after the investigation was complete, the Buton Police Investigator made an official report on the investigation of illegal sand mining in Saddranan Beach, Kab. Buton Regional Police Investigator signed Buton and. The signed minutes are submitted to the Public Prosecutor. The official report of the illegal sand mining case turned out to be returned by the public prosecutor to the Buton Police Investigator because there were still some incomplete, accompanied with instructions on what should be done to be completed. In this case, more emphasis is placed on the subject matter. Investigators in completing the minutes are only given fourteen days from the date of receipt of the file, and must immediately return the minutes before the specified time runs out.

Buton police investigator in the case of illegal sand mining at Kamelanta Beach, Kab. Buton handed over the results of filing a case to the Public Prosecutor with a cover letter from the Head of the Unit equipped with examination files, evidence, and suspects. After receiving the results of the examination, the public prosecutor immediately examined the case files and evidence provided by the Buton Regional Police Investigator. After the results of the examination by the public prosecutor are declared complete, then the minutes of evidence and suspects are made, signed by the Buton District Public Prosecutor and Investigator or called the second stage of submission completed.

3.2. Obstacles to confronting law enforcement against actors of illegal sand mining crimes

In carrying out law enforcement efforts on illegal sand mining in Buton District, Buton Police Precinct has made preventive efforts, but the police have encountered several obstacles, namely:

1. Lack of legal awareness in the community

The lack of legal awareness of the people in Buton District has made more and more actions violate the legal provisions stipulated in the Law. People who are unfamiliar with the administration are one of the obstacles in eradicating illegal sand mining. The existence of provisions in Law number 23 of 2014 stating that all permits delegated to the Governor's Office increasingly make the sand mining community in Buton Regency increasingly lazy to arrange business permits to conduct mining.

2. Economic factors

Illegal sand miners depend on an average of the proceeds from the sand mining. Based on the explanation from the mining community, the limited number of jobs and the many necessities of life that will be fulfilled, they will carry out their initiative to get a job and be able to fulfill their needs by doing sand mining along Kamelanta Beach. In addition to being able to meet the needs of their families, they can also accommodate 2 to 3 workers, thereby reducing unemployment.

3. Educational factors

The level of education in Buton Regency is generally still relatively low. This is due to the uneven distribution of schools in each sub-district.

4. The role of the government of north Sumatra Regency in regulating illegal sand mining

To monitor illegal sand mining, the Buton Regency government has so far only conducted socialization to the local community, which is certainly not very effective.

4. Conclusion

The conclusion is first: There are 2 major activities in law enforcement carried out by Buton Police namely Investigation initiated from Receiving reports or complaints from someone about a case of sand mining, Finding information and evidence, Ordering to stop suspected people and asking and checking identification self, conduct other actions according to the law that is responsible and the authority of the investigator to make and submit a report. And the investigation starts with the process of arrest, detention, search, seizure, summons, examination and the making of minutes. Second; The obstacles faced by law enforcement officials in dealing with illegal sand mining in Buton Regency are, the lack of legal distribution in the community, legal awareness is a community's perspective on the law. Economic factors, increasing needs along with the times make anyone able to do anything to meet those needs, including doing things against the law. Educational Factors. Many educated people only go to elementary school and don't even go to school.

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