

**TINJAUAN YURIDIS PERTAMBANGAN PADA KAWASAN
KONSERVASI (Studi Kasus Pertambangan Batuan Ilegal Di Cagar Alam
Dan Taman Wisata Alam Bukit Tangkiling Kalimantan Tengah)**

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INTISARI

Penelitian Tesis ini sebagai respon terhadap aktivitas pertambangan ilegal di Bukit Tangkiling, yang merupakan kawasan konservasi sekaligus salah satu ikon pariwisata Provinsi Kalimantan Tengah. Kawasan ini juga dikenal dengan nilai sejarah dan budaya yang penting karena didalamnya terdapat peninggalan serta warisan budaya suku Dayak yang hingga kini masih terpelihara. Tesis ini bertujuan mengetahui dinamika pertambangan batuan ilegal di CA dan TWA Bukit Tangkiling, menganalisis dampak lingkungan terhadap eksistensi ekosistem, serta mengkaji implementasi penegakan hukum di kawasan Bukit Tangkiling. Penelitian yang dilakukan menggunakan metode normatif-empiris, yaitu tidak hanya mengkaji kawasan konservasi berdasarkan teori dan aturan yang berlaku saja namun juga meneliti kawasan konservasi sesuai kondisi di lapangan. Data penelitian yang telah didapatkan akan dianalisis secara kualitatif dan dijabarkan secara deskriptif. Hasil penelitian menunjukkan dinamika praktik pertambangan berlangsung dalam jangka waktu yang lama dan dilakukan secara terbuka terkesan dipelihara karena dihadapkan adanya asimetri perlakuan serta kecenderungan tebang pilih dalam proses penertiban. Aktivitas pertambangan menyebabkan kerusakan ekosistem dan mengubah wajah alam kawasan akibat pengambilan batu dengan metode pembakaran dan peledakan, mengancam kelestarian flora dan fauna terutama di kawasan Bukit Liau yang mengalami pergeseran fungsi dari konservasi menuju eksploitasi. Penegakan hukum cenderung bersifat imbauan moral dan negosiasi informal, tanpa sanksi tegas yang memberikan efek jera karena BKSDA sebagai pengelola kawasan konservasi tidak memiliki kewenangan, meskipun mereka yang paling sering menghadapi langsung praktik pelanggaran di lapangan. Tidak dapat dipungkiri bahwa penegakan hukum masih diwarnai oleh *ego sektoral* antar lembaga. Balai Gakkum yang memiliki kewenangan penegakan hukum lambat merespons karena wilayah kerjanya mencakup beberapa provinsi sekaligus.

Kata Kunci: Pertambangan Ilegal, Kawasan Konservasi, Bukit Tangkiling.

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A Juridical Review of Mining Activities in Conservation Areas (Case Study of Illegal Rock Mining in the Nature Reserve and Nature Tourism Park of Bukit Tangkiling, Central Kalimantan)

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ABSTRACT

This thesis research is conducted in response to illegal mining activities in Bukit Tangkiling, which is a conservation area as well as one of the tourism icons of Central Kalimantan Province. The area is also recognized for its significant historical and cultural values, as it contains relics and cultural heritage of the Dayak community that have been preserved to this day. This thesis aims to examine the dynamics of illegal rock mining in the CA and TWA of Bukit Tangkiling, to analyze the environmental impacts on ecosystem sustainability, and to assess the implementation of law enforcement in the Bukit Tangkiling conservation area. The research employs a normative–empirical method, which not only examines conservation areas based on prevailing theories and legal regulations but also investigates the actual conditions in the field. The collected data are analyzed qualitatively and presented descriptively. The findings show that mining practices have persisted for a long period and are carried out openly, creating the impression that they are being tolerated due to asymmetrical treatment and selective enforcement during regulatory control processes. Mining activities have caused ecosystem degradation and significantly altered the natural landscape through stone extraction using burning and blasting methods, threatening the conservation of flora and fauna, particularly in the Bukit Liau area, where the function of the area has gradually shifted from conservation to exploitation. Law enforcement tends to rely on moral appeals and informal negotiations without firm sanctions that could create a deterrent effect. This condition is partly caused by the fact that BKSDA, as the manager of the conservation area, does not possess adequate law enforcement authority, despite being the institution that most frequently encounters violations in the field. Furthermore, law enforcement is still influenced by sectoral ego among institutions. The Environmental and Forestry Law Enforcement Agency Balai Gakkum, which holds formal authority in law enforcement, often responds slowly due to its extensive jurisdiction covering several provinces simultaneously.

Keyword: *Illegal Mining, Conservation Area, Tangkiling Hill.*

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