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The Role of the Police Apparatus in Handling Conflicts between Mining Companies and the Community (Study in East Kalimantan, Indonesia)

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Abstract

This article aims to examine and analyze the role of the police in handling land conflicts between coal mining companies and the community in East Kalimantan, as well as the obstacles faced during the dispute resolution process. The results show that the police play a strategic role as mediators, legal educators, and law enforcers in creating fair and sustainable solutions. The mediation approach used prioritizes open dialogue and legal education to bridge the gap in public understanding of land legality. However, various structural, technical, and social obstacles such as the absence of specific Standard Operating Procedures, weak cross-sector coordination, and limited public access to legal documents still pose significant challenges. This research recommends the formulation of specific Standard Operating Procedures, enhanced cross-sector coordination, and more intensive legal education for the community to strengthen the effectiveness of the police's role in resolving land conflicts. These findings are expected to contribute to the development of more inclusive and equitable law-based conflict resolution strategies in the future.

Abstrak

Artikel ini bertujuan untuk mengkaji dan menganalisis peranan aparat kepolisian dalam menangani konflik pertanahan antara perusahaan pertambangan batubara dan masyarakat di wilayah Kalimantan Timur dan apa saja hambatan yang dihadapi selama proses penyelesaian sengketa. Hasilnya menunjukkan bahwa kepolisian memainkan peran strategis sebagai mediator, edukator hukum, dan penegak hukum dalam menciptakan solusi yang adil dan berkelanjutan. Pendekatan mediasi yang digunakan mengutamakan dialog terbuka dan edukasi hukum untuk menjembatani kesenjangan pemahaman masyarakat terhadap legalitas tanah. Namun, berbagai hambatan struktural, teknis, dan sosial seperti ketiadaan Standar Operasional Prosedur khusus, lemahnya koordinasi lintas sektor, serta keterbatasan akses masyarakat terhadap dokumen legal masih menjadi kendala signifikan. Penelitian ini merekomendasikan penyusunan Standar Operasional Prosedur khusus, peningkatan koordinasi lintas sektor,

serta edukasi hukum yang lebih intensif bagi masyarakat untuk memperkuat efektifitas peran kepolisian dalam menyelesaikan konflik pertanahan. Temuan ini diharapkan dapat berkontribusi pada pengembangan strategi penyelesaian konflik berbasis hukum yang lebih inklusif dan adil di masa depan.

1. Introduction

The presence of coal mining companies in Indonesia can have a positive impact on society and the country because it can drive regional development, provide regional and national economic benefits, create supporting business opportunities, develop new infrastructure, offer job opportunities, open up isolated remote areas, and enhance knowledge through technology transfer to the surrounding communities (Ahmad, 2019). In addition to these positive impacts, mining activities also have negative effects on both the environment and society. Mining companies, in their operations, from exploration drilling, land acquisition, land excavation or stripping, coal transportation, stockpiling, to shipping, always directly interact with the environment and the community. Therefore, coal mining companies are very vulnerable and likely to experience conflicts with the communities around the mining operations (Anastasia et al., 2024).

Land conflicts occurring in Indonesia are quite numerous, as stated by the Directorate General of Regional Administration (Ditjen Adwil) during the coordination meeting on Dissemination and Assistance of Government Policies in Resolving Land Disputes and Conflicts in the Region on February 28, 2024, that within the period from 2021 to 2024, 1,494 land cases were reported to the Ministry of Home Affairs. In East Kalimantan, at least eight land conflicts have been recorded, three of which involve disputes in the mining sector. Similarly, the cases that occur between the community and mining companies, based on statements from the mining business operators and the police in the Samarinda area, indicate that most conflicts are related to land issues. These can include overlapping claims on the same object with legality issued by different institutions, such as the Certificate of Ownership Rights issued by the National Land Agency, the Land Control Certificate issued by the Village and District Government, and there are also cases of land control without any legality.

There is a case involving a resident of Simpang Pasir Village, Palaran District, Samarinda City, named Mas'ud, who claims to own a plot of land located along the coal transport road owned by PT Insani Baraperkasa. Although Mr. Mas'ud does not have legal ownership of the land, he feels he has been cultivating it for years. Meanwhile, PT Insani Baraperkasa, as a coal mining company, has also conducted a land acquisition (buy-sell) for the disputed land and possesses land ownership documents in the form of a Land Control Certificate issued by the Handil Bhakti Village Government and Palaran District.

This is because efforts to resolve the issue through mediation at the sub-district office did not yield the desired outcome. This situation prompted Masud, a resident who felt aggrieved, to stage a protest on June 16, 2023. The action involved obstructing the coal transportation activities of PT Insani Baraperkasa by stretching ropes and wood across Madu-Madu Street RT 27, Handil Bakti Village, Palaran District. This action was taken around 3:00 PM WITA, and it directly

impacted the cessation of the company's transportation activities. Following the report from PT Insani Baraperkasa, the Palaran Sector Police immediately issued Investigation Warrant No. Sprin/33NIHUK.6.6./2023 on June 17, 2023. The letter serves as the basis for the police to further investigate the alleged legal violations committed by Masud, including whether his actions violate the relevant articles in the Minerba Law and the Criminal Code.

In addition to law enforcement and security functions, the police also play a role as mediators between the community and companies in resolving land conflicts. The role of the police in this case can be reviewed from Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police. This article outlines three main tasks of the police, namely maintaining public security and order (Article 13(a)), enforcing the law (Article 13(b)), and providing protection, guidance, and service to the community (Article 13(c)). Based on the above description, this article examines and analyzes the role of the police in handling disputes/conflicts between coal mining companies and the community, as well as the obstacles and challenges faced by the police in the East Kalimantan region of Indonesia.

2. Metode

The research method used in this journal article is empirical legal research, which emphasizes the observation of the reality of legal practices in the field. This research was conducted directly at the Samarinda City Police, with the aim of understanding how the application and enforcement of the law occur factually in a specific context. In this research, data were obtained through interviews with police officers, observations of case handling processes, and the review of related documents, thereby providing a comprehensive picture of the effectiveness and challenges of law enforcement at the practical level.

3. Results and Discussion

3.1 The Role of the Police in the Conflict Between Coal Mining and the Community

There are several steps taken by the Police in handling the conflict, namely:

- 1) **Initial Conflict Handling Steps:** This initial approach aims to understand the core of the conflict, including the validity of the documents that form the basis of the company's claim (Fadrullah & Syam, 2024). In this case, the company can present valid legal documents related to land rights, while Mr. Mas'ud does not have formal documents to support his claim. However, the police still give Mr. Mas'ud the opportunity to prove his possession of the land through physical evidence such as the presence of plants, buildings, or witnesses supporting his claim.
- 2) **Mediation Efforts and Humanistic Approach:** Although there is no specific Standard Operating Procedure (SOP) for handling land conflicts, the Palaran Sector Police prioritize a persuasive approach in resolving this conflict. Mediation becomes an important step taken before the case is escalated to the law enforcement stage. Through members of the Intelkam and Criminal Investigation Units, the police provided Mr. Mas'ud with an understanding of the legal consequences of his actions, which were deemed to obstruct the company's

activities. Additionally, the police also encourage the company to consider providing fair compensation to the community as a form of peaceful resolution.

- 3) **Implementation of Restorative Justice Principles:** In handling this conflict, the police prioritize the Restorative Justice method in accordance with Police Regulation No. 8 of 2021 (Fringka, 2017). This method aims to resolve conflicts amicably, with conditions that must be met by both parties. The police believe that this approach is more suitable for maintaining a sense of justice for the community, which often finds itself in a weak position due to limited access to legal documents and understanding of the law. This approach also helps avoid escalation of conflicts and ensures that the company can continue its operations.
- 4) **Efforts in Legal Education and Protection of Community Rights:** The police recognize that there is a lack of understanding among the community, so the police also recommend to the community, including Mr. Mas'ud, to promptly arrange the legality of the land they occupy to ensure a strong legal basis in the future. In addition, the police emphasize the importance of respecting the public's right to express their opinions, in accordance with the procedures outlined in the law. In the case of Mr. Mas'ud, the police provided him the opportunity to present his arguments in the field before asking him to come to the police station to give an official statement. This step demonstrates the police's effort to handle protests proportionally without disregarding the public's right to voice their opinions.
- 5) **Law Enforcement as a Last Resort:** the police stated that law enforcement is the last option taken if mediation fails. In this case, when Mr. Mas'ud continued to halt the company's activities despite being given directions, the company eventually reported him officially. The police then conducted an investigation into the report while continuously trying to demonstrate the legal consequences that would be faced if the conflict was not resolved.

The research findings indicate that the role of the police in the conflict between PT Insani Baraperkasa and Mr. Mas'ud encompasses various dimensions, ranging from mediation to law enforcement. The police strive to maintain a balance between the rights of the community and the interests of the company while prioritizing peaceful resolution. This approach reflects the police's commitment to upholding the principles of justice, legal certainty, and the protection of rights for all parties. Measures such as mediation, legal education, and the application of Restorative Justice methods are important parts of the police's strategy in resolving this conflict fairly and without escalation.

In addition, the police often use persuasive and dialogical approaches to resolve conflicts, including land disputes such as the case between PT Insani Baraperkasa and Mr. Mas'ud. The main focus is to find a solution that can be accepted by both parties without bias, acting as a neutral mediator. In the deliberation, the police offered compensation or alternative solutions that allowed the community to submit claims even without valid legal documents, while the company could maintain its ownership status. This is done by involving various related parties to create a conducive atmosphere and prevent the conflict from escalating further. The main objective is to prevent the escalation of conflict and foster mutual understanding among all parties involved.

Furthermore, the principles of restorative justice based on Police Regulation No. 8 of 2021 serve as an important foundation in mediation (Gumilar & Dirkareshza, 2025). This approach avoids

harsh legal measures by encouraging reconciliation and relationship restoration (Hamdhani & Hadiyantina, 2025). The police ensure that the community can express their positions without fear, and provide solutions such as mediation or compensation. This approach also aims to repair social relations disrupted by land disputes (Nurmalasyari et al., 2024). In the process, the police also utilize local wisdom such as customary deliberations to support conflict resolution that is more accepted by the community. This protects communities that often find themselves in a weaker position legally or in terms of access to legal documents, while ensuring that companies continue to comply with applicable regulations (Pertiwi et al., 2025).

As mediators, the police help the community, who may have a limited understanding of the legal system, through education (Pradiatmika et al., 2020). They provide guidance, such as how to manage land legal documents through local government or legal steps that can be taken if one feels aggrieved (Salman & Bintang, 2024). The police also ensure the balance of both parties' positions, so the mediation process is fair. Thus, they not only bridge the differences but also maintain neutrality and fairness for all parties (Saputri et al., 2024). In some cases, the police even provide special assistance to communities that require additional help to present their claims or defend their rights in front of the Company (Sonny & Wardhana, 2020).

In its role as law enforcement, the police ensure that all parties comply with regulations, such as Law Number 4 of 2009 on Mineral and Coal Mining (Ternando & Irawan, 2024). They assess whether the actions of the community, such as blocking company activities, violate the law. The police also investigate the legality of the company's documents to ensure the validity of the claims (Zakie, 2017). If legal violations are found, the police proceed with the investigation by gathering evidence, examining documents, calling witnesses, and verifying land ownership claims. This process ensures legal certainty and protects the rights of the weaker members of society. In addition, the police coordinate with related agencies, such as the National Land Agency (BPN), to ensure that all data and information obtained are accurate and valid (Zega et al., 2025).

Furthermore, the aspect of legal education has become an integral part of the police's role. Many people do not understand the importance of legal documents as proof of land ownership. Through Bhabinkamtibmas, the police provide guidance on the administrative process to obtain these documents, such as coordinating with the village or sub-district. In addition, they explained the rights and obligations of the community in land conflicts, emphasizing that actions such as blockades without legal basis can be considered violations under Article 162 of Law No. 4 of 2009. This education is not only informative but also proactive, aiming to empower the community to better understand their legal position and the steps they can take to protect their rights.

As a preventive measure, the police advise the public to promptly arrange legal land documents even if there is no ongoing dispute. They encourage the community to coordinate with the local government to understand the legal status of their land. This education aims to prevent similar conflicts in the future.

The police also collaborate with community leaders and religious figures to disseminate educational messages about the importance of land legality. A humanistic approach, such as open dialogue and transparency in legal processes, helps build trust between the community and law

enforcement officials. These efforts strengthen the relationship between the community and legal institutions, creating a collaborative framework for managing future conflicts. In mediation, the police ensure that all parties' rights are respected. The process of verifying legal documents is carried out transparently, and the community is provided with information about the legal avenues they can pursue to defend their rights. With this approach, the police not only handle ongoing conflicts but also contribute to sustainable and fair conflict resolution. In addition, the police monitor the results of the mediation to ensure that the agreed-upon solutions are implemented well by all parties, so that trust in the legal process can be maintained in the long term.

3.2 Obstacles and Constraints Faced by the Police in Handling Conflicts Between Coal Mining Companies and Communities

In handling conflicts between the community and mining companies, the police face various obstacles that could potentially reduce the effectiveness of resolving conflicts peacefully and fairly. The first identified obstacle faced by the police is the absence of specific Standard Operating Procedures (SOP) that detail the steps for handling land conflict. Although the police adhere to the Police Law No. 2 of 2002 and instructions from the National Police Chief emphasizing the importance of resolving social conflicts, the absence of SOPs causes the approaches used to be situational. As a result, the handling of cases such as the one involving Mr. Mas'ud and PT Insani Baraperkasa heavily depends on the policies and capabilities of individual police officers in the field. This variation has the potential to cause inconsistencies in conflict resolution efforts, especially in cases that require speed and decisiveness.

Furthermore, the limited understanding of land legality among the community has become one of the biggest obstacles in this conflict. Mr. Mas'ud, like many other members of the community, does not have formal documents to support his claim to the disputed land. However, legal documents are one of the main requirements recognized in legal proof. This situation becomes even more complicated when the community relies on long-standing claims of possession that are often unable to be proven through official documents. This ignorance among the community, largely due to the lack of access to legal education, puts them in a weak position when facing companies with formal legality.

Although the police have made efforts to provide legal education through Bhabinkamtibmas, these efforts have not yet been fully effective in reaching all layers of society. The education provided is often limited to individual or small community approaches, thus failing to create a uniform understanding of the law at the community level.

Moreover, the public's perception of the police also poses a challenge that needs to be addressed. In this case, the public often perceives that the police are more biased towards the company, especially when the company can present legal documents as proof of ownership. This perception creates additional tension in the mediation facilitated by the police. Although in interviews the police assert that they strive to remain neutral and give equal time to both parties to present their arguments, negative perceptions from the community remain a psychological barrier that can affect trust in the mediation process.

Furthermore, coordination between the police and other agencies, such as local governments, land agencies, and community leaders, also presents its own challenges. In an interview, the police revealed that the coordination process often takes time due to differing perspectives between agencies. For example, when verifying the legality of documents held by a company, the police must coordinate with the agency that issued those documents. This process takes time and often encounters obstacles due to inter-agency sectoral egos.

Another obstacle is the legal uncertainty that the community often faces in land conflicts. In this case, the community members who do not possess legal documents often feel that their rights are not protected. Although the police give the community a chance to prove their claims through witnesses or physical evidence, this process is still considered not strong enough compared to the formal documents held by the company. On the other hand, companies tend to urge the police to take immediate action against the public, whom they consider to be disrupting their activities, putting the police in a dilemma.

The police also face challenges in ensuring their neutrality amid pressure from both sides. In the case of Mr. Mas'ud, the police emphasized that they strive to provide equal rights and time for both the community and the company to present their arguments. However, pressure from companies with greater influence, whether in the form of legal documents or financial power, often makes the community feel that they are not treated equally.

Structural barriers are one of the main obstacles faced by the police, which is the absence of specific SOPs for handling land disputes involving communities and companies. Article 13 of Law Number 2 of 2002 emphasizes the police's responsibility in enforcing the law, but without clear procedural guidelines, police efforts tend to be uncoordinated. The absence of SOPs also affects the implementation of Article 19 of Government Regulation Number 24 of 1997 regarding the importance of land registration for legal certainty.

The weak coordination between the police and other agencies such as local governments, agrarian institutions, and land offices also poses an obstacle. Sectoral egos often hinder the swift and comprehensive resolution of conflicts. This contradicts Article 13 of Government Regulation Number 96 of 2021, which mandates supervision of land legality in mining activities. Then, Social Barriers include disparities in access to formal legal documents and the public's understanding of the law. PT Insani Baraperkasa has official legal documents in accordance with Article 19 of Government Regulation Number 24 of 1997. The Theory of Legal Certainty demands clarity and equal protection for all parties. However, the lack of formal documents places the community, like Mr. Mas'ud, in a weak position. The public's perception of police neutrality is often negative because they are seen as favoring those with legal documents. Moreover, many people do not understand the legal consequences of their actions, such as blocking a company's activities, which can violate Article 162 of Law No. 4 of 2009.

Then there are Technical Obstacles: The document verification process becomes the main technical obstacle in dispute resolution. PT Insani Baraperkasa has legal documents, but the police need to verify them through related agencies such as the land office or local government. This process often takes time and involves third parties, which delays the resolution of the conflict.

Overall, the obstacles faced by the police in handling conflicts between coal mining companies and the community include interrelated structural, social, and technical barriers. The absence of specific SOPs, weak inter-agency coordination, and the complicated document verification process are the main obstacles from structural and technical aspects, while the disparity in access to legal documents and the lack of legal understanding in the community reinforce the social barriers. As a result, the police have difficulty performing their roles optimally as law enforcers, mediators, and educators, which ultimately affects public trust in neutrality and justice in conflict resolution. To address this issue, strategic measures are needed, including strengthening the legal framework, enhancing cross-sector coordination, and providing more comprehensive legal education for the community.

4. Conclusion

Based on the above description, it can be concluded as follows: The police have played a strategic role in resolving land conflicts through a mediation approach that prioritizes restorative justice, legal education, and transparent dialogue. By maintaining neutrality, they not only bridge the gap between the community and the company but also provide sustainable solutions that protect the rights of all parties. This approach, supported by education on the importance of legal documents and other preventive measures, reflects the police's commitment to ensuring legal certainty, preventing conflict escalation, and strengthening public trust in law enforcement institutions.

Meanwhile, the obstacles faced by the police in handling conflicts between coal mining companies and the community include interrelated structural, social, and technical barriers. The absence of specific SOPs, weak inter-agency coordination, and the complicated document verification process are the main structural and technical obstacles, while the disparity in access to legal documents and the lack of legal understanding in the community reinforce the social barriers. As a result, the police have difficulty performing their roles optimally as law enforcers, mediators, and educators, which ultimately affects public trust in neutrality and fairness in conflict resolution. To address this issue, strategic measures are needed, including strengthening the legal framework, enhancing cross-sector coordination, and providing more comprehensive legal education for the community. Next, the recommendation that can be given is that the Police, together with the relevant agencies, should formulate and implement special SOPs in handling land conflicts, especially those involving the community and coal mining companies. Next, the Police need to strengthen coordination with relevant government agencies, such as the National Land Agency (BPN), Subdistrict and Village Governments, to expedite the resolution of land conflicts. A cross-sector communication forum can be established to discuss systemic solutions to frequently arising issues. In addition, legal education for the community must be intensified through integrated outreach programs about the importance of legal documents and their rights in land conflicts.

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