

**PERTANGGUNGJAWABAN PIDANA PELAKU KEGIATAN
PENAMBANGAN PASIR YANG MERUSAK IRIGASI DAN
INFRASTRUKTUR LAINNYA BERDASARKAN UNDANG-UNDANG
NOMOR 41 TAHUN 2009 TENTANG PERLINDUNGAN LAHAN
PERTANIAN PANGAN BERKELANJUTAN**

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ABSTRAK

Penelitian penambangan pasir tanpa izin berdampak rusaknya saluran irigasi, dengan membahas permasalahan apakah tindakan MAT melakukan kegiatan penambangan pasir berakibat rusaknya irigasi dan infrastruktur lainnya di Sungai Brantas. Penelitian menggunakan pendekatan peraturan perundang-undangan dan pendekatan konsep, diperoleh suatu kesimpulan bahwa: Tindakan MAT melakukan kegiatan usaha penambangan pasir di Sungai Brantas melanggar Pasal 51 UU No. 41 Tahun 2009, karena kegiatan yang dilakukan MAT dapat merusak irigasi dan infrastruktur lainnya serta mengurangi kesuburan tanah Lahan Pertanian Pangan Berkelanjutan, akibat perbuatan MAT tidak melakukan rehabilitasi atau mengembalikan ke keadaan semula. Atas tindakan tersebut MAT dapat dikenakan pidana dalam UU No.41 Tahun 2009 sebagaimana diatur dalam pasal 72, MAT menjalankan kegiatan usaha pertambangan, sebagai seorang pengusaha penambangan, berarti mampu bertanggung jawab atas perbuatannya, MAT menambang pasir di lingkungan lahan pertanian pangan berkelanjutan, tindakannya termasuk sengaja sebagai maksud, MAT melakukan perbuatan dengan sadar dan kemauan sendiri, sehingga tidak adanya alasan pemaaf telah terpenuhi, sehingga MAT dapat dipertanggungjawabkan dari segi pidana.

Kata Kunci: Penambangan Pasir, Tanpa Izin, Rusaknya Irigasi Dan Infrastruktur Lainnya

**CRIMINAL RESPONSIBILITY OF PERSONNEL OF SAND MINING
ACTIVITIES THAT DAMAGE TO IRRIGATION AND OTHER
INFRASTRUCTURE BASED ON LAW NUMBER 41 OF 2009
CONCERNING PROTECTION OF SUSTAINABLE FOOD
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ABSTRACT

Research on unlicensed sand mining results in damage to irrigation channels, by discussing the problem whether MAT's action of sand mining has resulted in damage to irrigation and other infrastructure on the Brantas River. Research using a statutory approach and a conceptual approach, it is concluded that: MAT's action of conducting sand mining business activities on the Brantas River violates Article 51 of Law no. 41 of 2009, because the activities carried out by MAT can damage irrigation and other infrastructure as well as reduce the fertility of the land for Sustainable Food Agriculture, due to MAT's actions not carrying out rehabilitation or returning to its original state. For this action, MAT can be subject to a criminal offense in Law No. 41 of 2009 as regulated in Article 72, MAT runs mining business activities, as a mining entrepreneur, means being able to be responsible for his actions, MAT mining sand in the environment of sustainable food agricultural land, his actions include intentionally as an intention, MAT commits an act consciously and on his own, so that no excuse has been fulfilled, so that MAT can be held accountable from a criminal perspective.

Keywords: Sand Mining, Without Permit, Damage to Irrigation and Other Infrastructure