

## TRADITIONAL GOLD MINING IN BUWUN MAS VILLAGE, SEKOTONG SUB-DISTRICT FROM THE PERSPECTIVE OF MASALAHAT MURSALAH

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### *Abstract*

*Traditional gold mining in Sekotong, West Lombok, has become one of the main livelihoods of the local community. This activity is carried out independently and in groups by residents in traditional ways. This research aims to find out how the mining mechanism, the factors that encourage people to do mining and to find out that the activity contains greater benefits than favors.*

*This research uses qualitative methods, primary data obtained through interview methods and secondary data obtained through books, journals, theses, and other sources related to this research, data collection techniques used by researchers using unstructured interview techniques, documentation and observation. While data analysis techniques use inductive techniques.*

*The results showed that traditional gold mining is carried out in a simple way, people do mining because of economic limitations and employment opportunities. In the review of masalahat mursalah, this mining contains masalahat and mafsadat but in practice this mining is permissible because it contains more benefits than mafsadat in accordance with sharia principles, so it is permissible.*

**Keywords:** Mining Law, Masalahat Mursalah, Traditional Gold Mining, Islamic Law, Benefit.

### 1. INTRODUCTION

Mining is part or all stages of activities in the context of research, management and exploitation of minerals and coal which include general investigation, exploitation, processing, refining, transportation and sales.<sup>1</sup> There are two types of mining legally, namely legal and illegal mining. Legal mining is mining that has obtained permission from the government and a special location, considering its impact on society while illegal mining is mining without official permission from the government, does not have a registered location, and ignores its impact on society.

Illegal mining in Buwun Mas Village is one of the areas endowed with a wealth of natural resources, especially gold mining products scattered in hilly areas, namely suge, angel, lendak bare, lenong, bunut kantor, and so on. In the midst of the economic conditions of the village community, which still depends on the traditional agriculture and fisheries sectors, gold mining has become a promising alternative livelihood. With simple tools and techniques passed down from generation to generation, the community tries to utilize the natural potential to meet the economic needs of the family.

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<sup>1</sup> Law Number 4 Year 2009 on Mineral and Coal Mining

Mining activities have now long been carried out by local communities both individually and in groups without permission from the government because of the increasingly urgent economic conditions, many people choose shortcuts to find new livelihoods by mining gold without complying with applicable regulations, mining starts from the technique of taking rocks containing gold on the surface of the land, whether it is state-owned land or citizen-owned land and the form of protest from the landowner is to protect the land from being taken again, the community digs up to hundreds of meters in a form like a well excavation and even makes passages with unclear directions, the results of the excavation are processed using logs until they become mud to produce the expected gold.

The increase in traditional gold mining activities brings two conflicting sides. On the one hand, this activity opens up economic opportunities for residents who previously lived in limitations such as opening up jobs and supporting daily life. Many families depend on mining products for their livelihoods, because income from agriculture and fishing is not always stable and very dependent on the season. In fact, many people have been able to send their children to college from the proceeds of mining, some residents consider that mining is a form of endeavor to survive.

This activity also raises various serious problems. The traditional methods used tend to ignore aspects of miners' work safety and environmental protection. The use of hazardous chemicals such as mercury to process gold without good waste management has the potential to pollute soil and water sources.

While modern mining is carried out using heavy equipment such as excavators and high technology, obtaining strict licensing and being environmentally friendly, traditional mining is carried out in a simple way using tools such as hammers, crowbars, but is dangerous to the environment.

## **2. RESEARCH METHOD**

This research uses qualitative research methods, to describe the conditions that occur in a society specifically and realistically. In this study, using qualitative research because researchers show the results of field research both in terms of location, objects, and symptoms in masalah mursalah research on gold mining in Buwun Mas Village, Sekotong District, West Lombok.

Data analysis in qualitative research occurs throughout the research. This analysis includes using data, grouping it, selecting it, classifying it, and finding what is important to learn before deciding what to tell others.

## **3. DISCUSSION**

Mining is a type of activity that aims to extract minerals and other mining materials from the earth, and extract these natural resources. Mining refers to the process of extracting extractable materials from the earth, while the term "mine" refers to the location where mining activities take place.<sup>2</sup>

### **a. Types of Mining**

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<sup>2</sup> Salim, *Mining Law*, (Jakarta: Rajawali Press, 2012), pp. 7.

Types of mining business as referred to in Article 34 of Law Number 4 of 2009 concerning Mineral and Coal Mining, are explained in more detail in Article 2 of Government Regulation Number 96 of 2021 concerning the Implementation of Mineral and Coal Mining Business Activities. Mining businesses are categorized into:<sup>3</sup>

1) Mineral mining

Mineral mining is a group of mining of minerals in the form of ore or rock, outside geothermal, oil and gas, and groundwater.

2) Coal mining

Coal mining includes asphalt rock, coal, solid biturment, and peat. The object of the author's research is traditional mining so that in accordance with the explanation above that mining is included in the type of mineral mining.

b. Legal Basis of Mining

The legal basis of mining is the provisions contained in the laws and regulations that underlie the implementation of an action in the management of the mining process by individuals and legal entities.

The legal basis for mining is written as follows:

- 1) Law Number 4 of 2009 concerning Mineral and Coal Mining
- 2) Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH).
- 3) Government Regulation Number 96 of 2021 concerning the Implementation of Mineral and Coal Mining Business Activities.
- 4) Government Regulation No. 22 of 2010 on Mining Areas
- 5) Government Regulation Number 27 of 2012 concerning Environmental Permits.

1) Positive Impact

Illegal mining activities have a significant positive impact on the family economy. Through this activity, some residents are able to improve their standard of living, such as repairing houses, buying vehicles, and meeting other economic needs. However, not all miners experience satisfactory results. Although some of them earn large incomes of up to hundreds of millions of rupiah, their consumptive lifestyles and lack of financial management skills mean that their lives remain unchanged. There are also those who are suddenly rich from mining, but the sustainability of their welfare is not guaranteed.

2) Negative Impact

Mining that does not have an official permit status, the perpetrators of PETI (Mining Without Permit) have no obligation to pay taxes or other contributions to the state. Conversely, the government will also not be responsible for the damage caused by illegal mining activities. Illegal gold mining remains a serious problem that requires close supervision. Without adequate supervision, PETI activities have great potential to damage the environment. Moreover, the perpetrators of PETI generally

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<sup>3</sup> Azizah Luthfi Nur Utami, "Islamic Law Review of Sand Mining on Privately Owned Mountainous Land (Case Study in Karangreja Purbalingga Village)", *Thesis*, Faculty of Sharia UIN Prof. K.H. Saifuddin Zuhri, Purwokerto, 2022, p. 17.

have a minimal understanding of the importance of environmental management. This condition occurs in almost all mining locations.

The open access to illegal gold mining has negative impacts, one of which is the increase in school dropout rates. The large income earned from gold mining activities makes many children choose to quit school and go directly to become miners. They think that continuing their education is a waste of time and money, because in the end they will still become gold miners. Some of them even stated, "Instead of going to school and wasting time and money, it's better to start mining right away.

Social conflicts often arise among gold miners, both between groups and individuals, as a form of effort to defend and protect their personal interests. Clashes between miners over mining areas are not uncommon. Disputes that start in the mining area can also spread outside the area. The lives of illegal miners are very vulnerable to the emergence of various social problems.

1) People's Gold Mining

The existence of small-scale gold mining in the Buwun Mas Village area is a potential hidden mineral wealth and is currently the main source of income for some people. This cannot be denied as part of their reality. The heyday of the Legendary Hill in Buwun Mas, Bukit Montor, and Bukit Malaikat are silent witnesses to how people can earn more than enough income and even become suddenly rich. Every individual wants a decent and sufficient life, even though they have to face various risks, both those that occur now (in mining activities) and those that may arise in the future. The glory of Buwun Mas for more than ten years has been recorded in history. However, over time, this unlicensed artisanal gold mining practice began to become an anomaly in the context of community development and empowerment. To date, traditional gold mining activities in Buwun Mas are still ongoing.<sup>4</sup>

Table 3.2

Data on Group AB Miners

No	Name of Miner	Age
1	Mr. BR	23
2	Mr. EK	30
3	Mr. KT	40
4	Mr. ZD	25
5	Mr. MP	26

Table 3.3

YZ Group Miners Data

No	Name of miner	Age
1	Mr. MS	24
2	Mr. RD	34
3	Mr. SK	25
4	Mr. ND	42
5	Mr. RM	28
6	Mr. KM	31
7	Mr. SG	35

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<sup>4</sup> Buwun Mas Village Profile 2025

8	Mr. RP	29
9	Mr. TS	40
10	Mr. LR	39

Table 3.4  
Group XR miner data

No	Miner's name	Age
1	Mr. WR	35
2	Mr. QT	24
3	Mr. BP	45
4	Mr. JK	34
5	Mr. HD	27
6	Mr. DK	36
7	Mr. LT	39

In Islam, one of the methods of determining the law whose existence is recognized and used by scholars in determining a law that does not yet have a nash is *maslahah mursalah*. *Maslahah mursalah* is an effort to prevent unwanted things from happening so as not to cause things that have a negative impact. Islamic law regulates human actions that have been done and also those that have not been done, not that this makes Islamic law restrictive of human freedom. Because Islamic law has one of the objectives to create benefits and avoid badness or damage.

Based on interviews in the field, traditional mining practices are carried out in a simple way using tools such as hammers, crowbars and others, miners also use chemicals to obtain gold but not all of them. This method has a high risk to health and the environment even though they are aware of these dangers, but residents continue to mine because of limited alternative livelihoods and the difficulty of licensing.

In terms of benefits, mining activities have a large economic impact on the community. Some residents depend on mining because of limited employment opportunities. Mining results are used to fulfill basic needs, from this activity shows the element of *maslahah dharuriyah* (primary level benefit), namely maintaining life which is the main objective of *maqashid sharia*. When viewed from the *mafsadah* side, mining activities cause damage such as environmental pollution due to the use of chemicals.

Based on the review of *maslahah mursalah*, this practice contains *maslahah mursalah*, because it provides real benefits to society but is not explicitly regulated in the nash. This activity is acceptable, because the *maslahah* is greater such as improving the community's economy, reducing unemployment, businesses get increased income with mining, and *mafsadat* such as environmental pollution. So this mining is permissible because the benefits are greater.

When viewed from the benefits, this traditional mining practice has many benefits, such as the economy starting to increase with the income generated from mining and opening up jobs, the point is that many people have benefited after traditional mining in Sekotong.

In Islamic law, basically the management of mining natural resources must maintain balance and environmental sustainability because damage must be accounted for in the world and the hereafter, as in the Word of Allah swt, QS Ar-Rum : 41

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ  
بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ

Meaning: "There has been destruction on land and in the sea due to the deeds of men, so that Allah may feel for them some of the consequences of their deeds, so that they may return to the right path."

Based on the conditions - the requirements of Maslahah Mursalah to be able to make hujjah according to Imam al-Ghazali above as follows:<sup>5</sup>

1. Maslahah daruriyah is a benefit whose existence is needed by human life. With this mining, many local people are looking for rezeky and depend on this mining, this is in accordance with the wishes of Shara' that everyone must continue to try and innovate in terms of finding sustenance.

2. Maslahah hajjiyah is a benefit whose level of human needs to him is not at the dharuri level, traditional mining is run on the basis of mutual assistance, this traditional gold mining is to help the surrounding community who feel the economy is still lacking.

3. Maslahah tahsiniyah is a maslahah whose human life needs to him not to the level of daruri, nor to hajiyat. Traditional gold mining is very helpful for the surrounding community who do have a middle to lower economy, for them to participate in mining or just take advantage of the resources in the mining area, and also help the upper middle class in the form of utilizing mining products. This means that this mining includes all circles of society without exception.

From the author's analysis above about Traditional Gold Mining in Buwun Mas Village, Sekotong District, West Lombok with the principles set by the law, and can be said to be maslahah both in terms of practice and benefits.

Based on the results of interviews with miners and community leaders in sekotong, it was found that traditional mining has a positive impact such as increasing economic needs while the negative impact is like damage to the environment.

In his book entitled Ri'ayatul Bi'ah fi Shari'atil Islam, Dr. Yusuf Al-Qardhawi explains that fiqh is very concerned about environmental issues. This can be seen from various discussions contained in classical fiqh literature, such as: thaharah (cleanliness), ihya al-mawat (clearing idle land), al-musaqat and al- muzara'ah (utilization of other people's land), as well as laws relating to buying and selling and maintenance. In addition, there are also other discussions that relate to the environment, including rights to natural resources such as water, fire, and salt, as well as animal rights.<sup>6</sup>

He also emphasized that the preservation of the environment is an effort to create benefit and prevent harm. This is in line with maqāsid al-syarī'ah (the purpose of religious sharia) formulated in kulliyāt al-khams, viz: hifzu al-nafs (protecting the soul), hifzual-aql (protecting the intellect), hifzu al-māl (protecting property), hifzu al-nasb (protecting

<sup>5</sup> Amir Syarifuddin, *Ushul Fiqh*, (Jakarta: Charisma Putra Utama, 2008), pp. 371-372

<sup>6</sup> Yusuf Al-Qardhawi, *Ri'ayatu Al-Biah fi As-Syari'ah Al-Islamiyah*, (Cairo: Dar Al-Syuruq, 2001), pp. 39.

offspring), and *hifzu al-dīn* (protecting religion). According to him, preserving the environment is an obligation to protect the five objectives of the Shari'ah. Thus, any behavior that leads to environmental damage can be considered as an act that threatens the soul, mind, property, lineage, and religion.<sup>7</sup>

The object of study of the environment in *fiqh al-Bi'ah* includes all environmental issues which are basically as follows:

1) Introduction of physical parts and their relationships

The environment includes various elements such as rivers, seas, forests, mountains, water, soil, air, and the balance of the ecosystem, including plants and animals. The theological aspect serves as the basis and paradigm, combining religious knowledge with scientific knowledge related to the environment.<sup>8</sup>

2) Utilization and management of natural resources.

Natural resources are divided into three categories: green (forests and plants), blue (seas), and brown (mines and energy). This concept is the basis in Islam, particularly in *fiqh*, for the sustainable management of natural resources so that their benefits can be passed on from generation to generation. *Fiqh al-bi'ah* regulates the authority in the utilization and management of nature and formulates ways of conservation to keep natural conditions pristine, including in resource management.<sup>9</sup>

3) Restoration or rehabilitation of an environment that has been damaged.

The contribution of *Fiqh al-Bi'ah* in efforts to conserve the environment that has suffered damage is very significant, including in dealing with land that has died. However, environmental issues are not only limited to this, but also include broader issues such as handling water pollution, air pollution, animal extinction, and the extinction of certain species of plants.

When viewed from the object of study above, traditional mining does not fulfill the object of study, as follows:

1. The environment cannot be separated from human existence because the two influence each other, but in practice many activities actually damage the environment such as water and air pollution, and the destruction of forests. This shows a lack of awareness of religious responsibility in protecting the earth.

2. Islam teaches that natural resources should be used wisely, fairly, and sustainably. But in reality, artisanal mining is often carried out without a license without regard to environmental impacts, and using hazardous materials such as mercury that can damage the soil and pollute the water.

3. Damage that has occurred must be repaired immediately, so it is mandatory to carry out recovery and rehabilitation, but in traditional mining practices, after the gold is extracted, the pits are left open, the land is left damaged and the water is polluted.

#### 4. CONCLUSION

1. Traditional gold mining practices in Buwun Mas Village are

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<sup>7</sup> Dzajuli, *Rules of Jurisprudence*, (Jakarta: Kencana, 2006), p. 165. 165.

<sup>8</sup> Mariatul Istiani, Muhammad Roy Purwanto, "Fiqh Biah in the Perspective of the Qur'an", *FIAI UII Student At-Thullab*, Vol. 1, Number. 1, February 2019.

<sup>9</sup> *Ibid*

carried out in a traditional way, namely using simple tools such as hammers, crowbars, and other tools. Mining has a real impact on the community, especially in the economic aspect. This activity is a source of income for many residents such as creating jobs, and encouraging the growth of small businesses such as stalls, workshops. This mining is a solution for the community in facing economic difficulties.

2. Based on the *maslahah mursalah* review, the practice of traditional gold mining in Buwun Mas Village has a positive impact, namely meeting economic needs (*maslahah al-mal*), reducing unemployment, and increasing the income of people who open businesses such as shops, workshops. The negative impact of these activities causes environmental damage, so the *maslahat* is more than the *mafsadat*. Thus, according to the *maslahah mursalah* perspective, this mining is permissible because it contains more benefits than harms in accordance with sharia principles.

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