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Recentralization of Mineral and Coal Mining Licensing in the Perspective of Prophetic Law

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ABSTRACT

This article analyzes the legal politics of recentralization of mineral and coal mining licensing in Indonesia from a prophetic legal perspective. The urgency of this research arises from the increasing agrarian conflicts, environmental damage, and uneven distribution of economic benefits, which show weaknesses in mining governance in both the decentralized and post-centralization eras. The amendment through Law Number 3 of 2020 marks a shift of authority from the local government to the central government, which aims to improve governance, but creates new problems related to participation and justice. This study aims to analyze the legal politics of the recentralization of mineral and coal mining licensing and evaluate it from the perspective of prophetic law, which includes the values of humanization, liberation, and transcendence. The method used is normative juridical with a legal and conceptual approach. The results show that recentralization strengthens state control and increases administrative efficiency, but has not been able to guarantee substantive justice due to limited public participation, unequal distribution of benefits, and weak environmental protection. From the perspective of prophetic law, these policies do not fully reflect the values of humanization, liberation, and transcendence. The novelty of this research lies in the use of prophetic law as an analytical framework in the legal politics of natural resources, which was previously mainly studied through political economy or administrative governance approaches. The study also proposes a reconstruction of legal politics through a participatory decentralization model based on prophetic values, a synthesis between centralization and decentralization. This model is expected to achieve fairer, more inclusive, and sustainable mining governance.

Keyword: *Recentralization; Prophetic Law; substantive justice; sustainable governance; Community Participation*

Kata Kunci:

Resentralisasi;
Hukum Profetik;
Tata Kelola Berkelanjutan;
Partisipasi Masyarakat

Abstrak:

Artikel ini menganalisis politik hukum resentralisasi perizinan pertambangan mineral dan batubara di Indonesia dari perspektif hukum profetik. Urgensi penelitian ini muncul dari meningkatnya konflik agraria, kerusakan lingkungan, dan distribusi manfaat ekonomi yang tidak merata, yang menunjukkan kelemahan dalam tata kelola pertambangan baik di era desentralisasi maupun pasca-sentralisasi. Perubahan melalui UU Nomor 3 Tahun 2020 menandai pergeseran kewenangan dari pemerintah daerah ke pemerintah pusat, yang bertujuan untuk meningkatkan tata kelola, tetapi menciptakan masalah baru terkait partisipasi dan keadilan. Studi ini bertujuan untuk menganalisis politik hukum resentralisasi perizinan pertambangan mineral dan batubara dan mengevaluasinya dari perspektif hukum profetik, yang mencakup nilai-nilai humanisasi, pembebasan, dan transendensi. Metode yang digunakan adalah

yuridis normatif dengan pendekatan hukum dan konseptual. Hasil penelitian menunjukkan bahwa resentralisasi memperkuat kontrol negara dan meningkatkan efisiensi administrasi, tetapi belum mampu menjamin keadilan substantif karena partisipasi publik yang terbatas, distribusi manfaat yang tidak merata, dan perlindungan lingkungan yang lemah. Dari perspektif hukum profetik, kebijakan-kebijakan ini tidak sepenuhnya mencerminkan nilai-nilai humanisasi, pembebasan, dan transendensi. Keunikan penelitian ini terletak pada penggunaan hukum kenabian sebagai kerangka analitis dalam politik hukum sumber daya alam, yang sebelumnya sebagian besar dipelajari melalui pendekatan ekonomi politik atau tata kelola administrasi. Studi ini juga mengusulkan rekonstruksi politik hukum melalui model desentralisasi partisipatif berdasarkan nilai-nilai profetik, sebuah sintesis antara sentralisasi dan desentralisasi. Model ini diharapkan dapat mencapai tata kelola pertambangan yang lebih adil, inklusif, dan berkelanjutan.

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Introduction

The change in the management regime of mineral and coal mining in Indonesia shows the increasingly complex political and legal dynamics since the enactment of Law Number 3 of 2020.[1] The shift in licensing authority from local governments to central governments marks the return of the recentralization model in strategic natural resource governance. This policy was born in the context of increasing criticism of decentralization practices that are considered to have failed to create effective governance. Data from the Ministry of Energy and Mineral Resources (EMR) shows that until 2019 there were more than 10,000 mining business licenses (IUPs) spread across various regions, with most of them administratively and legally problematic.[2] This condition reflects weak coordination between levels of government and lack of integration of the licensing system. From a political and legal perspective, this phenomenon shows a change in the direction of state policies in controlling strategic sectors.[3]

[1] Nur Fadilah Al Idrus, "The Impact of Legal Politics and Community Response to the Reform of the Mineral and Mineral Law," *Journal of Law Enforcement and Justice* 3, no. 2 (2022): 114–27, https://doi.org/10.18196/jphk.v3i2.14898.
[2] Anja Firash Ipri Danasla, Eddy Asnawi, and Bagio Kadaryanto, "Analysis of the Authority of Mining Business Licenses in the Perspective of Mineral and Mineral Law," *Lancang Kuning Law Journal* 2, no. 2 (2025): 144–50, https://doi.org/10.31849/lklw.v1i01.23281.
[3] Danasla, Asnawi, and Kadaryanto.

The post-reform mining decentralization policy was initially designed to improve the welfare of local communities through the distribution of authority to local governments.[4] Decentralization is believed to be able to accelerate public services and increase community participation in natural resource management.[5] However, practice in the field shows results that are contrary to these goals. Data from the Corruption Eradication Commission (KPK) noted that around 60% of IUPs issued by regions do not meet clean and clear (CnC) obligations.[6] In addition, many permits are issued without considering the spatial layout and carrying capacity of the environment. Research shows that decentralization opens up space for the dominance of local elites in resource management. Thus, decentralization without strong oversight actually gives birth to exploitative governance practices.

The phenomenon of social conflict and environmental damage due to mining activities further strengthens the argument of previous governance failures.[7] Data from the Agrarian Reform Consortium (KPA) shows that the mining sector is one of the main contributors to agrarian conflicts in Indonesia.[8] In addition, the JATAM report noted that former mining pits in East Kalimantan have caused dozens of fatalities due to not being reclaimed. Academic research also confirms that mining activities contribute significantly to deforestation and environmental degradation.[9] This condition shows that mineral and mineral issues are not only related to economic aspects, but also related to people's right to life and environmental sustainability.

[4] Nabilla Desyalika Putri and Dian Agung Wicaksono, "Implications of Legislation on the Takeover of Authority in the Field of Mineral and Coal Mining by the Central Government," *Indonesian Legislation Journal* 13, no. 1 (2016): 19–32, https://doi.org/10.54629/jli.v13i1.89.
[5] Melkianus Boymau, Saryono Yohanes, and Dhesy A Kase, "Reformulation of Mining Coaching and Supervision Arrangements in the Perspective of Reorientation of Regency/City Government Authority," *RIGGS: Journal of Artificial Intelligence and Digital Business* 4, no. 4 (December 2025): 3397–3405, https://doi.org/10.31004/riggs.v4i4.4131.
[6] Novita Eka Utami, "Centralization of Local Government Authority in Mining Licensing After the Enactment of the Mineral and Coal Law," *Lex Renaissance* 8, no. 2 (March 2024): 360–78, https://doi.org/10.20885/JLR.vol8.iss2.art10.
[7] Firyal Nurul Badriyah, "Contradictions between Land Certification Regulations and the Principles of Minangkabau Customary Law on Ulayat Land National Land Regulations, Particularly the Complete Systematic Land Registration" 1, no. 358 (2025): 12–26.
[8] Ragil Mustofa and Anita, "The Implications of Indigenous Peoples' Land Rights in the Implementation of Mineral and Mineral Mining Activities in Indonesia," *Journal of Law Window* 12, no. 2 (2025): 123–39, https://www.ejournalwiraraja.com/index.php/FH.
[9] Ahmad Redi and Luthfi Marfungah, "The Development of Mineral and Coal Mining Legal Policy in Indonesia," *Invite: Legal Journal* 4, no. 2 (2021): 473–506, https://doi.org/10.22437/ujh.4.2.473-506.

The recentralization policy through the revision of the Mineral and Mineral Law emerged as the state's response to these various failures. The government assumes that the centralization of authority will increase control,[10] reduce permit abuse, and improve the governance of the mining sector. Energy and Mineral Resources data shows that after recentralization, the number of IUPs has been successfully ordered significantly through the verification process and revocation of problematic permits.[11] However, the effectiveness of this policy is still a debate among academics. A number of studies show that centralization has the potential to reduce transparency and public participation.[12] Thus, recentralization is not a single solution without consequences.

Theoretical debates about decentralization and centralization in natural resource governance are relevant to understanding these dynamics.[13] Decentralization theory emphasizes the importance of government proximity to society to increase policy responsiveness.[14] In contrast, centralization theory emphasizes regulatory efficiency and consistency.[15] Studies show that the success of decentralization depends heavily on the capacity of local institutions. Therefore, an integrative approach is needed that is able to combine the advantages of the two systems.

The legal-formalistic conventional legal approach has proven to be unable to answer the complexity of mining problems in Indonesia. This approach tends to focus on legal certainty without paying attention to substantive justice and ethical dimensions. As a result, the resulting policies often ignore the interests of local communities. In this context, law must be understood as an instrument of social

[10] Putri and Wicaksono, "The Implications of the Legislation on the Takeover of Authority in the Field of Mineral and Coal Mining by the Central Government."
[11] Maulvi Ratri Adinda Putri, Sadino, and Suartini, "Legal Review of Indonesia's Minerba One Data Policy for Mining Business License Holders," *The Enlightenment: Scientific Journal of the University of Muhammadiyah Buton* 9, no. 4 (2023): 965–77, https://doi.org/10.35326/pencerah.v8i4.4496.
[12] Boymau, Yohanes, and Kase, "Reformulation of Mining Coaching and Supervision Arrangements in the Perspective of Reorientation of Regency/City Government Authority."
[13] Novita Eka Utami, "Centralization of Local Government Authority in Mining Licensing After the Enactment of the Mineral and Coal Law."
[14] Putri and Wicaksono, "The Implications of the Legislation on the Takeover of Authority in the Field of Mineral and Coal Mining by the Central Government."
[15] Novita Eka Utami, "Centralization of Local Government Authority in Mining Licensing After the Enactment of the Mineral and Coal Law."

transformation, not just a regulatory tool.[16] Therefore, an alternative approach that is more holistic and value-based is needed.

The prophetic legal approach as an alternative normative framework offers a more comprehensive perspective in analyzing mining policy. The concept of prophetic law developed by Kuntowijoyo emphasizes three main values, namely humanization, liberation, and transcendence. These values are relevant to assess whether mining policies have been in favor of society and the environment. This approach is also able to fill the gap in legal analysis that has tended to be positivistic. Thus, prophetic law can be the ethical foundation in the political reconstruction of natural resource law.[17]

The limitations of prior research on the recentralization of mining licensing reveal a significant research gap. Most previous studies have examined recentralization through the lenses of governance reform, decentralization, regulatory efficiency, and political economy. These studies generally conclude that transferring licensing authority to the central government aims to strengthen state control, enhance legal certainty, and address the fragmentation of the licensing system. However, these studies remain limited as they focus primarily on institutional effectiveness and administrative performance, without deeply integrating normative dimensions of justice, specifically the ethical relationships among the state, local communities, and the environment. Consequently, existing research has failed to explain how mining governance should be reconstructed to move beyond a mere focus on legal compliance and economic efficiency toward the realization of substantive justice. These limitations also reveal an unresolved theoretical gap. Previous studies have failed to produce a normative model capable of integrating state authority, public participation, and ecological responsibility into a cohesive legal-political framework. Consequently, the discourse on mining governance remains trapped in a dichotomy between centralization and decentralization, without offering an alternative paradigm that simultaneously ensures legal certainty, social justice, and environmental sustainability. Yet, empirical evidence indicates that policies re-centralizing licensing authority have

[16] Mustofa and Anita, "Implications of Indigenous Peoples' Land Rights in the Implementation of Mineral and Mineral Mining Activities in Indonesia."
[17] Marthen B Salinding, "Legal Principles of Mineral and Coal Mining in Favor of Indigenous Law Communities," *Constitution Journal* 16, no. 1 (2019): 148–69, https://doi.org/10.31078/jk1618.

been accompanied by rising social conflict, inequitable distribution of economic benefits, and environmental degradation across various mining regions. This situation demonstrates that the core issue lies not merely in the choice between centralization and decentralization, but rather in the absence of a legal-political model capable of comprehensively integrating principles of justice. Therefore, this situation presents both an academic and practical imperative for further research.

Addressing this gap, this study not only employs prophetic law as an analytical perspective but also proposes a reconstruction of the legal politics regarding the recentralization of mining licensing, introducing the "Prophetic Participatory Decentralization Model" as its research novelty. This model reconstructs the relationships among the central government, local governments, and the community within mining governance by integrating three core values of prophetic law, humanization, liberation, and transcendence, which serve as operational indicators for the administration of mining licenses. The value of humanization is operationalized through substantive public participation at every stage of the licensing process; the value of liberation is realized through the equitable distribution of economic benefits, the protection of community rights, and regional empowerment; and the value of transcendence is embodied through ecological responsibility, environmental protection, and intergenerational sustainability. Thus, this study aims to analyze the legal politics surrounding the recentralization of mineral and coal mining licensing while formulating a reconstruction of legal politics based on prophetic law, thereby offering a mining governance model that is more equitable, participatory, and sustainable Therefore, this study aims to analyze the legal politics of the recentralization of mineral and mineral mining licensing in Indonesia and examine its implications in the perspective of prophetic law. Based on this description, the formulation of the problem in this study is: (1) Legal Politics of Recentralization of Mineral and Mineral Licensing in Indonesia? and (2) How is such recentralization analyzed in the perspective of prophetic law that includes the values of humanization, liberation, and transcendence?

Research Methods

This study uses a normative juridical method that focuses on the analysis of the legal norms that govern the recentralization of mineral and coal mining licensing in a prophetic legal perspective.[18] The approach used includes a statute *approach* to examine the provisions in Law Number 3 of 2020 and its derivative regulations, as well as a *conceptual approach* to examine legal political theory, the concept of decentralization and centralization, and prophetic legal values that include humanization, liberation, and transcendence. This research focuses on the systematic construction of norms and legal policy directions. The analysis is directed to assess the conformity of legal norms with the principles of substantive justice and prophetic values. Thus, this research places law as a system of norms that can be studied doctrinally. Therefore, this method is chosen to produce prescriptive legal arguments. This approach allows researchers to provide normative recommendations to the policies being studied.

The legal materials used in this study consist of primary legal materials and secondary legal materials that are analyzed prescriptively.[19] Primary legal materials include laws and regulations related to mineral and mineral mining, especially Law Number 3 of 2020 and its implementing regulations. Meanwhile, secondary legal materials consist of academic literature, books, and scientific journal articles relevant to legal politics, natural resource governance, and prophetic law. The technique of collecting legal materials is carried out through literature studies of credible and accessible sources. The analysis is carried out by a prescriptive method, namely by assessing existing legal norms and formulating recommendations on how the law should be formed or improved. Legal interpretation is carried out systematically, grammatically and telelogically to find the meaning and purpose of norms. The results of the analysis are then compiled in the form of legal arguments that provide directions for policy reform. Thus, this research produces normative and applicable recommendations in mining law reform.

[18] Hezron Sabar Rotua Tinambunan et al., "Legal Protection Policy for the People in Handling COVID- 19 : A Comparison of Indonesia and Australia," *Realism: Law Review* 3, no. 1 (2025): 31–43.
[19] Hezron Sabar Rotua Tinambunan et al., "Recentralization of Mining Licensing Authority and Its Impact on Local Autonomy in Indonesia," *Jurnal Suara Hukum* 7, no. 2 (2025): 520–39, https://doi.org/10.26740/jsh.v7n2.p520-539.

Discussion

1. Legal Politics of Recentralization of Mineral and Mineral Licensing in Indonesia

The legal policy of recentralizing mineral and coal mining licensing represents a deliberate choice by the state to shift the configuration of natural resource management authority from local governments to the central government. [20] From the perspective of legal politics, as articulated by Mahfud MD, law is a product of state policy that reflects political direction and the objectives of governance; consequently, any change in legal norms is invariably linked to interests the state seeks to realize. [21] Therefore, the changes introduced by Law Number 3 of 2020 signify more than just an administrative adjustment regarding licensing authority; they also signal a shift in the political-legal orientation toward the management of strategic natural resources. The state has once again positioned the central government as the dominant actor, citing the need to strengthen oversight, enhance legal certainty, and optimize management within the mining sector. Thus, this recentralization manifests a shift in legal-political orientation, moving away from a decentralization paradigm toward the strengthening of state control over natural resources.[22]

This legal-policy choice was grounded in the assumption that previous decentralization policies had failed to achieve effective mining governance. The government argued that the extensive authority held by local governments had led to overlapping permits, weak oversight, and an increase in the abuse of authority. Data from the Ministry of Energy and Mineral Resources indicated that prior to the enactment of Law Number 3 of 2020, there were approximately 10,922 Mining Business Licenses (IUPs), with over 3,300 deemed problematic due to a failure to meet administrative requirements or "Clean and Clear" status. Furthermore, findings from the Corruption Eradication Commission's (KPK) coordination and supervision efforts regarding the mineral and coal sector revealed that

[20] Redi and Marfungah, "The Development of Mineral and Coal Mining Legal Policy in Indonesia."
[21] Bob Hasan, "Legal Aspects of Higher Education Involvement in Mineral and Coal Mining Agglomerations in Indonesia," *DiH: Journal of Law* 21, no. 2 (2025): 223–37, https://doi.org/10.30996/dih.v0i0.13124.
[22] Muhammad Lutfi, Emi Sukiyah, and Nana Sulaksana, "Zoning Analysis of Mining Business Land Using the K-Means Clustering Method Based on Geographic Information System," *Journal of Mineral and Coal Technology* 15, no. 1 (2019): 49–61, https://doi.org/10.30556/jtmb.Vol15.No1.2019.978.

approximately 60% of IUPs issued by local governments failed to meet good governance standards. These findings subsequently served as the basis for the government's legal-policy decision to reclaim licensing authority for the central government. [23]

The government's argument regarding effectiveness warrants a more critical analysis from the perspective of the politics of law. The politics of law encompasses not only regulatory effectiveness but also the distribution of authority, the protection of public rights, and the realization of state objectives as mandated by the constitution.[24] While recentralization holds the potential to improve administrative coordination, it simultaneously alters the balance of power between the central and regional governments. This shift indicates that the state prioritizes a control-oriented approach over regional empowerment in natural resource management. Consequently, the success of the recentralization policy cannot be measured solely by bureaucratic efficiency; it must also be assessed by its ability to uphold democratic principles and fairness in mining governance. [25]

Changes in the distribution of authority between the central and regional governments have implications for the implementation of the principle of regional autonomy. Article 18, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirms that regions possess the authority to regulate and manage governmental affairs based on the principles of autonomy and the assignment of specific tasks. However, the recentralization of authority over mining permits has increasingly limited the scope of discretion available to regional governments in determining the direction of development based on their respective regional potentials. [26] Consequently, the relationship between the central and regional governments has shifted from one of coordination to one characterized by greater subordination. This situation demonstrates that recentralization has not only altered

[23] Gaddafi Alfiqri et al., "Harmonization of Regulations: The Key to Legal Stability in Investment and Economic Development After the Enactment of the Job Creation Law," *Siyasah: Journal of Constitutional Law* 5, no. 1 (2025): 1–26, https://doi.org/10.32332/siyasah.v4i1.
[24] Clara C M U Rusyuniardi, "The Binding Power of Mining Business Licenses in Mining Law in Indonesia," *Lex and Societatis* 8, no. 1 (2020): 148–54.
[25] Sarkowi V Zahry, "The Impact of Centralization on the Enactment of Law Number 4 of 2009 Concerning Mineral and Coal Mining on the Development of Regional Autonomy," *Journal La Sociale* 4, no. 4 (December 2023): 244–48, https://doi.org/10.37899/journal-la-sociale.v4i4.1625.
[26] Clara C M U Rusyuniardi, "The Binding Power of Mining Business Licenses in Mining Law in Indonesia," *Lex and Societatis* 8, no. 1 (2020): 148–54.

the administrative structure of government but has also transformed the political configuration of power within Indonesia's constitutional system.

This shift in the configuration of power has also impacted the quality of local democracy regarding mining management. When licensing authority rested at the local level, communities enjoyed closer access to policymakers through local governments and representative bodies. [27] Conversely, once authority was centralized, the decision-making process became increasingly removed from the communities directly affected by mining activities. [28] This situation has curtailed the scope for public participation in the licensing process while simultaneously weakening public accountability mechanisms. Consequently, recentralization affects not only administrative aspects but also leads to a decline in the quality of participatory democracy within natural resource governance.

The political legal implications of this recentralization indicate that the core issue lies not merely in the choice between centralization and decentralization, but rather in the legal paradigm underpinning the policy. [29] A legal political approach oriented solely toward bureaucratic efficiency and investment certainty has failed to address issues of social justice, public participation, and environmental sustainability. This situation reveals a normative deficit in mining law and policy, which remains dominated by administrative and economistic approaches.[30] Consequently, a new paradigm is required, one that not only regulates the distribution of authority but also establishes equitable relationships among the state, the community, and the environment. [31] This paradigm serves as the foundation for a subsequent analysis of "prophetic law" as a basis for

[27] M Hilmi Miftahzen Reza and Sultanshina Kamila, "Chemical Castration Punishment: An International Human Rights Law Perspective," *Realism: Law Review* 3, no. 1 (2025): 18–30, https://doi.org/10.71250/rlr.v3i1.54.
[28] Rina Isti Yuniarsih, "Sanctions for Illegal Mining in the Mineral and Mineral Law and Islamic Criminal Law," *Al-Jinai Al-Islami Journal* 2, no. 2 (2025): 82–94, https://doi.org/10.15575/jaa.v3i1.1691.
[29] Bramaputera Tori Hidayatullah et al., "OSS RBA and the Problem of Agrarian Justice in an Analysis of the Digital Licensing System in Mining in Indonesia," *Journal of Scientific Research and Assessment* 2, no. 6 (2025): 960–70.
[30] Fransiscus Juan Palempung, Friend H Anis, and Mercy Maria Magdalena Setlight, "Juridical Study of the Application of Sustainable and Environmentally Sound Principles in Investment Activities in the Mining Sector," *Tana Mana Journal* 4, no. 2 (2023): 24–36.
[31] Muhamad Khoirul Wafa, "The Role and Participation of the Community in the Formation of Law," *Siyasah: Journal of Constitutional Law* 3, no. 1 (2023): 87–103, https://doi.org/10.32332/siyasah.v4i1.

reconstructing the legal-political framework governing the recentralization of mineral and coal mining licensing. [32]

2. The recentralization is analyzed in the perspective of prophetic law

The need for legal political reconstruction in the mineral and mineral mining sector is a logical consequence of the findings of the previous prophetic legal analysis. The existing recentralization policy shows weaknesses in the aspects of justice and participation.[33] Therefore, reconstruction is needed to improve policy design. This reconstruction does not aim to reject total recentralization, but to integrate the value of substantive justice. The proposed approach is participatory decentralization based on prophetic values. This model combines state control with community participation. Thus, policies become more responsive. This approach is relevant in the Indonesian context.

The principle of substantive participation of local communities in policy reconstruction is a direct implementation of the value of humanization. The community must be actively involved in every stage of the licensing process.[34] Participation is not only formal, but it also exerts a real influence on decisions. This is important to ensure that policies reflect the needs of the community. In addition, participation increases the legitimacy of the policy. Research shows that public participation can improve the quality of natural resource governance. Therefore, the mechanism of participation must be strengthened. This strengthening is the key to procedural justice.

Strengthening access to information as part of substantive participation is also an important element in policy reconstruction. The public must have access to information related to mining permits and activities. Transparency is a key requirement for effective participation. Without adequate information, the community cannot participate meaningfully. Therefore, policies must ensure

[32] Danasla, Asnawi, and Kadaryanto, "Analysis of the Authority of Mining Business Licenses in the Perspective of the Mineral and Mineral Law."
[33] Firdaus Arifin et al., "Legal and Constitutional Gaps in Strategic Environmental Assessment: Between Formality and Substantive Environmental Protection in Indonesia," *IUS Journal of Law and Justice Studies* 13, no. 2 (2025): 346–63, https://doi.org/10.29303/ius.v13i2.1698.
[34] Rahayu and Faisal, "The Existence of People's Mining After the Enactment of Changes in the Law on Mineral and Coal Mining."

information disclosure. It can also increase government accountability. Thus, transparency becomes an integral part of policy reconstruction.

The principle of equitable distribution of benefits in mining policy is the implementation of liberating values in prophetic law. Policies must ensure that economic benefits are not only enjoyed by the state and corporations. Local communities must benefit proportionately. This can be done through a fairer profit-sharing mechanism. In addition, community empowerment programs need to be strengthened. Equitable distribution can reduce social conflict. Therefore, policies must be directed at distributive justice. Thus, people's welfare can be improved.

Strengthening the local economy in the mining sector is also part of the implementation of liberation values. Local communities should be given the opportunity to engage in mining economic activities. This can be done through local content policies.[35] In addition, the government must encourage the development of small and medium enterprises around the mining area. This policy can increase the economic independence of the community. Thus, dependence on large companies can be reduced. Therefore, economic empowerment is important.

The principle of environmental protection based on transcendental ethics is an important element in the reconstruction of mining policy.[36] Natural resource management must consider environmental sustainability. Policies must integrate the principle of moral responsibility towards nature. This can be done through strengthening environmental regulations.[37] In addition, law enforcement must be carried out firmly. Companies must be required to carry out reclamation. Therefore, environmental protection is a priority.

Strengthening environmental law enforcement in the mining sector is also an important part of policy reconstruction. Violations of environmental regulations must be dealt with firmly. This is important to create a deterrent effect for business actors. In addition, supervision must be carried out consistently. The government

[35] Redi and Marfungah, "The Development of Mineral and Coal Mining Legal Policy in Indonesia."
[36] Salinding, "Legal Principles of Mineral and Coal Mining in Favor of Customary Law Communities."
[37] Anggita Yudanti and Wicipto Setiadi, "Problems of Indonesian Regulation Formation in Planning Regulation Formation with Regional Development Planning," *Volksgeist: Journal of Law and Constitutional Science* 5, no. 1 (2022): 27–40, https://doi.org/10.24090/volksgeist.v5i1.4973.

must increase the capacity of supervisory institutions. Thus, environmental damage can be minimized. Therefore, law enforcement is the key to sustainability.

The principle of strengthening the role of the region in the framework of state control then becomes an important element in creating a balance between centralization and decentralization.[38] Local governments must be given a role in the supervision and implementation of policies. However, this role remains in coordination with the central government. This model allows for a balance of power. Local governments can better understand local conditions.[39] Meanwhile, the central government maintains the consistency of national policies. Therefore, synergy needs to be strengthened.

The participatory decentralization model based on prophetic law ultimately became an integrative solution in the political reconstruction of mining law in Indonesia. This model is designed to bridge the weaknesses of recentralization that overly focuses on state control while correcting the failures of decentralization that were previously ineffective.[40] This approach combines the values of humanization, liberation, and transcendence in one integral policy framework. Humanization is realized through strengthening community participation as the main subject of policy. Liberation is implemented through a more equitable distribution of economic benefits and the reduction of structural inequality. Transcendence is realized through the integration of sustainability principles and moral responsibility towards the environment. Thus, this model is not only normative, but also operational in policy practice. Therefore, this model is a relevant alternative in mining governance reform.

The participatory character in the decentralized model based on prophetic law places local communities as actors who have a strategic role in the decision-making process. Participation is no longer understood as an administrative

[38] Rahayu and Faisal, "The Existence of People's Mining After the Enactment of Changes in the Law on Mineral and Coal Mining."
[39] Istislam et al., "Environmental Legal Protection Regulation through a Judicial Process Based on Legal Certainty and Anti-SLAPP Principles," *Jurnal Suara Hukum* 8, no. 1 (2026): 25.
[40] Putri and Wicaksono, "The Implications of the Legislation on the Takeover of Authority in the Field of Mineral and Coal Mining by the Central Government."

formality, but as a substantive mechanism that provides room for real influence.[41] This includes community involvement in the planning, licensing, and supervision stages of mining activities.[42] With strong participation, policies will be more responsive to local needs. In addition, participation also increases the social legitimacy of the resulting policies. This condition can reduce the potential for conflict between society, the state, and corporations. Therefore, participation is a key element in this model. Strengthening participation also reflects the implementation of humanization values in a concrete way.

The dimension of distributive justice in this model is realized through the regulation of a more equitable distribution of economic benefits for local communities. Mining policy is no longer only oriented to state revenue, but also to the welfare of the people in producing areas. This can be done through a more proportional profit-sharing mechanism and community economic empowerment programs. In addition, this model encourages the strengthening of the local economy through *local content policies* and community business development.[43] Thus, the community is not only a spectator, but also an actor in mining economic activities. This condition can reduce the social inequality that has been occurring. Therefore, the liberation dimension is an important part of this model. The implementation of distributive justice also contributes to social stability.

The dimension of environmental sustainability in the participatory decentralization model based on prophetic law places the value of transcendence as the main foundation in natural resource management.[44] Policies should ensure that mining activities do not damage the balance of the ecosystem. This can be done through strengthening environmental regulations, increasing supervision, and strict law enforcement. In addition, mining companies must be required to carry out environmental reclamation and rehabilitation optimally. This approach emphasizes that natural resource management is a mandate that must be maintained for future

[41] Hezron Sabar Rotua Tinambunan et al., "Governance of Mineral and Coal Mining Permits: Legal Dynamics in Indonesia and Nigeria," *Diponegoro Law Review* 10, no. 2 (October 31, 2025): 234–53, https://doi.org/10.14710/dilrev.10.2.2025.234-253.
[42] Putri, Sadino, and Suartini, "Legal Review of Indonesia's Minerba One Data Policy for Mining Business License Holders."
[43] Fauzi and Nulhaqim, "The Problem of Mining Conflicts in Indonesia."
[44] A Luthfi, "Mining and Living Space: Reclamation Problems in Indonesia," *Indonesian Journal of Environmental Law* 7, no. 1 (2020): 83–92, https://doi.org/10.38011/jhli.v7i1.256.

generations. Thus, policies are not only short-term, but also long-term. Therefore, the value of transcendence is the foundation in this model. The integration of these values ensures ecological and social sustainability.

The relevance of the participatory decentralization model based on prophetic law in the Indonesian context is even stronger when it is associated with the complexity of mining issues involving social, economic, and environmental aspects. This model offers a more balanced approach between state control and community participation. In addition, this model is able to reduce social conflicts through inclusive and transparent mechanisms. By integrating the values of humanization, liberation, and transcendence, this model provides a new direction in the political reform of natural resource law. This approach is also in line with the principles of sustainable development that emphasize a balance between economic growth and social justice. Therefore, this model becomes relevant as a policy alternative. The implementation of this model is expected to be able to create more equitable and sustainable mining governance.

The implementation of legal political reconstruction based on prophetic law requires a strong political commitment from the government. Policies must be supported by clear regulations and effective oversight mechanisms. In addition, a paradigm shift in natural resource management is needed. A purely economical approach must be abandoned. Thus, policies can be more oriented towards the welfare of the community. Therefore, implementation is the main challenge.

The overall reconstruction of the legal politics based on prophetic law shows that the integration of ethical values in mining policy is an urgent need. The resulting policies must be able to balance economic, social, and environmental interests.[45] This approach emphasizes the importance of the moral dimension in law. Thus, the law is not only a tool of regulation, but also an instrument of justice. Therefore, prophetic law has become a relevant alternative paradigm in mining law reform in Indonesia.

Conclusion

[45] Boymau, Yohanes, and Kase, "Reformulation of Mining Coaching and Supervision Arrangements in the Perspective of Reorientation of Regency/City Government Authority."

The legal politics of recentralization of mineral and mineral mining licensing in Indonesia is a manifestation of state policy choices that are oriented towards strengthening control over strategic natural resources. This policy was born in response to the failure of decentralization marked by overlapping permits, weak supervision, and rampant abuse of authority at the regional level. In a legal political perspective, recentralization reflects the tendency of state-centered governance that places the state as the dominant actor in the management of natural resources. However, this approach also produces consequences in the form of reduced space for community participation and weakening the role of local governments. Thus, recentralization is not only an administrative solution, but also creates new normative problems related to justice and democracy. Therefore, the politics of recentralization of law shows an ambivalent character between efficiency and participatory exclusion.

The political reconstruction of mining management law based on prophetic law is an urgent need to bridge the gap between norms and practices. A participatory decentralization model based on prophetic values offers a synthesis between state control and community participation. This approach emphasizes the importance of integrating humanized values through substantive participation, liberating values through equitable distribution of benefits, and transcendence values through sustainable environmental protection. This reconstruction does not reject centralization absolutely, but places it within the framework of substantive justice. Thus, mining governance can move from an exploitative approach to a just and sustainable approach. Therefore, prophetic law makes a theoretical as well as a practical contribution to the reform of natural resource law in Indonesia.

Recommendations

The central government needs to redesign mining licensing policies by integrating substantive participation mechanisms of local communities as part of the decision-making process. This mechanism must ensure that the community is not only formally involved, but also has a real influence on policy outcomes. The government needs to develop an inclusive and rights-based public consultation model. In addition, community involvement must be carried out from the planning stage to policy evaluation. This step is important to realize the principle of

humanization in prophetic law. Thus, mining policies will be more responsive to the needs of the community. Therefore, participation should be a mandatory element in policy design.

The government needs to develop a collaborative governance model between the central and regional governments in mining management to create a balance between centralization and decentralization. Local governments must be empowered in the function of supervision and policy implementation. However, coordination with the central government must still be maintained to ensure consistency of national policies. This model allows for synergies between efficiency and local responsiveness. In addition, this collaboration can increase accountability and transparency in mining governance. Therefore, central-regional relations must be built proportionately. Thus, governance becomes more effective and fair.

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