



Fragmentation of Authority in Mineral and Mineral Mining Licensing based on a Prismatic Legal Perspective

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ABSTRACT

The governance of mineral and coal mining licensing in Indonesia shows that there is a tension between decentralization and centralization policies in state administrative law. After the amendment of the Mineral and Coal Law and the enactment of the Regional Government Law, the authority of mining licensing has undergone a significant shift from the local government to the central government. These changes have resulted in fragmentation of authority, disharmonization of regulations, unclear institutional coordination, and problems of legal certainty in national mining governance. This study aims to analyze the fragmentation of authority in mineral and mineral mining licensing based on the perspective of state administrative law and Fred W. Riggs' prismatic legal theory. This research is a normative legal research. The results of the study show that the centralization of mining licensing authority has not completely solved the governance problem, but has instead given birth to a new form of institutional fragmentation and administrative dualism. A prismatic legal perspective shows that Indonesia's mining governance shows the character of a transitional society characterized by the coexistence between modern law and patrimonial bureaucratic culture. This study found that the disharmonization of the distribution of authority leads to legal uncertainty, weak supervision, and decreased regional participation in natural resource management. The novelty of the research lies in the use of prismatic legal theory as a framework for analysis of the fragmentation of mining licensing authority in Indonesia.

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ABSTRAK

Tata kelola perizinan pertambangan mineral dan batu bara di Indonesia menunjukkan adanya ketegangan antara kebijakan desentralisasi dan sentralisasi dalam hukum administrasi negara. Pasca amandemen Undang-Undang Mineral dan Batu Bara serta berlakunya Undang-Undang Pemerintahan Daerah, kewenangan perizinan pertambangan telah mengalami pergeseran signifikan dari pemerintah daerah ke pemerintah pusat. Perubahan-perubahan ini mengakibatkan fragmentasi kewenangan, ketidakselarasan peraturan, koordinasi kelembagaan yang tidak jelas, serta masalah kepastian hukum dalam tata kelola pertambangan nasional. Penelitian ini bertujuan untuk menganalisis fragmentasi kewenangan dalam perizinan pertambangan mineral dan batu bara berdasarkan perspektif hukum administrasi negara dan teori hukum prisma Fred W. Riggs. Penelitian ini merupakan penelitian hukum normatif. Hasil penelitian menunjukkan bahwa sentralisasi kewenangan perizinan pertambangan belum sepenuhnya menyelesaikan masalah tata kelola, melainkan justru melahirkan bentuk baru fragmentasi kelembagaan dan dualisme administratif. Perspektif hukum prisma menunjukkan bahwa tata kelola pertambangan di Indonesia mencerminkan karakter masyarakat transisi yang ditandai oleh koeksistensi antara hukum modern dan budaya birokrasi patrimonial. Penelitian ini menemukan bahwa ketidakharmonisan dalam pembagian kewenangan menyebabkan ketidakpastian hukum, pengawasan yang lemah, serta berkurangnya partisipasi daerah dalam pengelolaan sumber daya alam. Keunikan penelitian ini terletak pada penggunaan teori hukum prisma sebagai kerangka analisis terhadap fragmentasi kewenangan perizinan pertambangan di Indonesia.

A. INTRODUCTION

1. Background

Natural resource management is one of the most strategic forms of state authority in state administrative law.¹ In the context of a welfare state, the state has a constitutional obligation to control and manage natural resources for the maximum prosperity of the people as affirmed in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.² One of the sectors that has a strategic position in natural resource governance is the mineral and coal mining sector.³

¹Good Governance in Natural Resources Management, 2021, [https://repository.unpad.ac.id/bitstream/123456789/45000/1/good governance SDA.pdf](https://repository.unpad.ac.id/bitstream/123456789/45000/1/good%20governance%20SDA.pdf).

² 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>.

³ 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>.

Indonesia's mineral and coal mining licensing governance has shifted from decentralization to recentralization. Although decentralization was intended to improve local responsiveness and resource management, it resulted in overlapping licenses, weak coordination, and regulatory inconsistencies, prompting the consolidation of licensing authority under the central government through Law Number 3 of 2020. This shift, however, has not fully resolved regulatory and institutional fragmentation, raising questions about how authority should be coordinated to achieve effective, accountable, and sustainable mining governance.⁴

The policy of decentralizing mining licensing authority during the period of regional autonomy was initially intended to increase the effectiveness of natural resource management and strengthen the role of local governments in public services.⁵ However, the implementation of this authority in practice actually raises various administrative and legal problems, such as overlapping mining business licenses, licensing corruption, weak environmental supervision, land conflicts, and the issuance of mining permits that are not in accordance with the regional spatial planning.⁶ This condition shows that the implementation of mining decentralization has not been balanced with adequate institutional capacity and supervision systems in the regions.

The central government subsequently viewed these issues as evidence of weaknesses in the decentralized mining governance system. Consequently, Law No. 23 of 2014 on Regional Government restructured the division of mining authority by revoking most licensing powers from regency and city governments and transferring them primarily to provincial governments, while retaining certain functions at the central level.⁷ This change was intended to strengthen coordination and oversight, but it also diminished the role of regency and city governments in mining governance and established a more hierarchical distribution of licensing authority.⁸

Changes in the political law of mining management are further strengthened through the amendment of Law Number 4 of 2009 to Law Number 3 of 2020 concerning Mineral and Coal

⁴ 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>.

⁵ 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>.

⁶ Desman Diri Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation," *The Essence of Law* 3, no. 2 (2021): 123–33, <https://doi.org/10.35586/esensihukum.v3i2.108>.

⁷ 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.

⁸ Bambang Yunianto, "The Implications of Law Number 23 of 2014 on the Development of Minerals and Coal" 12, no. 23 (2016): 1–22, <https://doi.org/10.30556/jtmb.Vol12.No1.2016.228>.

Mining.⁹ The change emphasizes the centralization of the central government's authority in the issuance of mining licenses on the grounds of creating regulatory harmonization, increasing investment certainty, and strengthening national mining supervision.¹⁰ However, the centralization of authority in fact also raises new problems in the form of disharmonization of authority and fragmentation of mining governance between the central government and local governments.

The policy of centralizing mining licensing authority is basically directed to create regulatory harmonization, strengthen the supervisory system, increase investment certainty, and reduce the practice of abuse of authority in the issuance of mining permits in the regions.¹¹ The central government considers that the withdrawal of mining licensing authority is necessary to improve national mining governance which previously faced various problems due to weak coordination and supervision in the decentralized era.¹² However, the implementation of the centralization of authority actually raises new problems in the authority relationship between the central government and local governments. Local governments no longer have strategic authority in issuing mining business licenses, but are still burdened with responsibilities in dealing with social impacts, environmental damage, land conflicts, and various administrative problems due to mining activities in their areas.¹³ This condition shows an imbalance between the government's authority and responsibility in the governance of mineral and coal mining.

The imbalance in the distribution of authority ultimately gives birth to the fragmentation of authority and disharmony in national mining governance. The central government has the dominant authority in issuance, administrative control, and the determination of strategic policies for mining licensing, while local governments are only given a limited role in the aspect of supervision and handling of social and environmental impacts due to mining activities in their areas.¹⁴ This condition shows that there is a separation between decision-making authority and

⁹ Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation."

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," 2016.

¹¹ Yanuardi Yanuardi, Marjanneke J Vijge, and Frank Biermann, "Improving Governance Quality through Global Standard Setting? Experiences from the Extractive Industries Transparency Initiative in Indonesia," *The Extractive Industries and Society* 8, no. 3 (2021): 100905, <https://doi.org/10.1016/j.exis.2021.100905>.

¹² Erina Pane and Adam Muhammad Yanis, "Reconstruction of Mining Policies on Justice in Lampung Province," *BOARD* 8, no. 2 (2020): 139–51, <https://doi.org/10.20961/bestuur.v8i2.42830>.

¹³ Rachael Diprose et al., "Regulating Sustainable Minerals in Electronics Supply Chains: Local Power Struggles and the 'Hidden Costs' of Global Tin Supply Chain Governance," *Review of International Political Economy* 29, no. 3 (2022): 792–817, <https://doi.org/10.1080/09692290.2020.1814844>.

¹⁴ Boymau, Yohanes, and Kase, "Reformulation of Mining Coaching and Supervision Arrangements in the Perspective of Reorientation of Regency/City Government Authority."

administrative responsibilities that must be borne by the local government as the party closest to the affected communities and the location of mining activities.

This fragmentation of authority creates an institutional gap that can undermine the effectiveness of mining governance.¹⁵ The division of responsibilities across various levels of government can lead to unclear accountability, limited coordination, and difficulties in exercising control over licensing, environmental oversight, and regulatory enforcement. Although local governments are closest to mining sites and affected communities, they possess limited formal authority to address environmental degradation, land conflicts, pollution, and associated socio-economic impacts.¹⁶ Conversely, the central government may face limitations in maintaining effective oversight of geographically dispersed mining activities. Consequently, the separation of licensing authority from local administrative responsibilities can create a misalignment between decision-making, oversight, and enforcement, thereby diminishing the effectiveness of mining governance.¹⁷

The disharmonization of mining governance can also be seen from the weak coordination between government agencies in the implementation of mining authority.¹⁸ Mining authorities related to the environment, forestry, spatial planning, and local government sectors often run partially and unintegrated.¹⁹ This condition has led to the emergence of overlapping policies, inconsistencies in supervision, and unclear responsibilities between government institutions. As a result, legal certainty in the implementation of mining licensing is weak because the implementation of authority does not run in a harmonious and coordinated manner.²⁰

These problems show that the centralization of mining licensing authority has not been fully able to create effective and fair mining governance. Centralization has actually given birth to a new form of power fragmentation that shows an imbalance in the relationship between the

¹⁵ Fuji Syifa Safari et al., "The Urgency of the Establishment of a National Regulatory Body in Improving the Quality of Legislation in Indonesia," *Locus : Journal of Legal Concepts* 6, no. 1 (2026).

¹⁶ Nancy Dela Oktora, Raha Bahari, and Choirul Salim, "The Role of the Government Related to Environmental Damage Reviewed from the Administrative Aspect," *Siyasah: Journal of Constitutional Law* 3, no. 1 (2023): 165–82, <https://doi.org/10.32332/siyasah.v4i1>.

¹⁷ Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation."

¹⁸ Novita Eka Utami, "Centralization of Local Government Authority in Mining Licensing After the Enactment of the Mineral and Coal Law," *Lex Renaissance Journal* 8, no. 2 (2023): 360–78, <https://doi.org/10.20885/jlr.vol8.iss2.art10>.

¹⁹ 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>.

²⁰ 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>.

central government and local governments in the management of natural resources.²¹ Therefore, it is necessary to rearrange the distribution of mining authority in a more proportionate manner through strengthening institutional coordination and providing adequate authority space to local governments in order to create harmonious, participatory, and legally stable mining governance.

Legal certainty in the implementation of mining licensing is not only determined by the clarity of legal norms, but also by the consistency of the distribution of authority between government organs in its implementation.²² When the division of authority is not followed by an effective coordination mechanism, the implementation of the functions of licensing, supervision, and law enforcement has the potential to run out of synchronicity, causing uncertainty for the government, business actors, and the community. From the perspective of state administrative law, this condition shows that the effectiveness of a policy is not enough to measure from regulatory changes alone, but also from the ability of the government system to ensure harmony in authority relations, institutional accountability, and protection of the public interest.²³

This phenomenon can be analyzed through Fred W. Riggs's theory of prismatic society, particularly his explanation of administrative systems characterized by overlapping and competing institutional structures. In the context of mining licensing in Indonesia, the division of authority among central, provincial, and local governments reflects this condition: formal legal rules establish a hierarchical allocation of licensing authority, whereas practical responsibilities regarding oversight, environmental protection, and community impact are dispersed across various levels of government. This gap between formal authority and administrative practice can lead to overlapping responsibilities, unclear accountability, and inconsistencies in regulatory implementation. Thus, Riggs's prismatic perspective offers a useful framework for explaining why the shift from decentralization to the current regionalization model has not automatically resulted in a fully integrated mining governance system. Rather than merely assessing whether authority should be centralized or decentralized, the prismatic approach helps reveal how the

²¹ Eka Utami, "Centralization of Local Government Authority in Mining Licensing After the Enactment of the Mineral and Coal Law."

²² Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation."

²³ Oktora, Bahari, and Salim, "The Role of the Government in Environmental Damage Reviewed from an Administrative Aspect."

coexistence of formal legal structures and fragmented administrative practices contributes to regulatory disharmony in mining licensing.

Previous research has generally addressed mining issues from the perspective of the environment, investment, decentralization, and transformation of mining regulations. The research conducted by Muhammad Salman Al Farisi examines the decentralization of mineral and coal mining authority after the amendment of the Mineral and Mineral Law with a focus on the implications of the transfer of authority from the local government to the central government.²⁴ The research focuses on changes in the politics of mining law and the relationship of government authority in the mineral and mineral sector. Meanwhile, A. Fuad's research on mining recentralization policies shows that changes in mining regulations have created a contest of interests between the government, corporations, and local communities in controlling natural resources.²⁵ In addition, M.R. Setyadi's research discusses the impact of decentralization of mining management on the welfare of local communities by highlighting the issue of the effectiveness of natural resource management in the era of regional autonomy.²⁶ The research of Anna Suryani, Iwan Darmawan, and Agus Satory also examines the transformation of mining regulations and the dynamics of strategic variables in the amendment of the Mineral and Mineral Law, especially related to policy centralization, downstreaming, and strengthening the role of the central government in national mining governance.²⁷ However, these studies have not specifically examined the fragmentation of mining licensing authority using the perspective of Fred W. Riggs' prismatic law. Previous studies have also not much to link the disharmonization of the distribution of mining authority with the character of the transitional bureaucracy in the administrative law of the Indonesian state. Therefore, this study has a novelty because it analyzes the fragmentation of mineral and mineral mining licensing authority through a prismatic legal approach to explain how the coexistence between the modern legal system and the patrimonial bureaucratic culture causes disharmonization of authority and the problem of legal certainty in mining governance in Indonesia.

²⁴ Muhammad Salman Al-Farisi, "Decentralization of Authority in Mineral and Coal Mining Affairs in Law Number 3 of 2020," *Ecosystem Scientific Journal* 21, no. 1 (2021): 20–31; Muhammad Salman Al Farisi, "Recentralization of Mineral and Coal Mining Management Authority," *Journal of Lex Generalis (JLS)* 2, no. 8 (2021): 2017–32, <https://doi.org/10.52103/jlg.v2i8.487>.

²⁵ Anis Fuad et al., "Mining Recentralization Policy and Its Implications for People's Mining Governance in Lebak Regency," *Moderate: Scientific Journal of Government Science* 11, no. 3 (2025): 781–96, <https://doi.org/10.25157/moderat.v11i3.4410>.

²⁶ Hariyasin et al., "Decentralization of Mining Management Arrangements for Community Welfare," *Wasaka Law* 10, no. 2 (2022): 278–87, <https://ojs.stihsa-bjm.ac.id/index.php/wasaka/article/view/133>.

²⁷ Anna Suryani, Iwan Darmawan, and Agus Satory, "Transformation of Mining Regulations and the Dynamics of Strategic Variables," *Environmental Law Building* 10, no. 1 (2025): 80–97, <https://doi.org/10.24970/bhl.v10i1.469>.

This research departs from the argument that changes in authority policies in the mining sector have not been fully able to create harmonization of governance as the goal of lawmakers. On the contrary, the centralization of authority has the potential to give birth to fragmentation of authority relations, weak institutional coordination, and legal uncertainty in the implementation of mining licensing.²⁸ Through the perspective of Fred W. Riggs' prismatic law, this study is expected to show that the disharmonization is not only caused by normative problems in laws and regulations, but also influenced by the character of the transitional bureaucracy that causes the implementation of authority not to run in an integrated and effective manner.

2. Research Questions

Based on this background description, this study is focused on examining the distribution of authority in the governance of mineral and coal mining licensing and its implications for legal certainty. Therefore, this study formulates the following research questions:

1. What is the form of fragmentation of the authority of the central government and local governments in mineral and coal mining licensing in Indonesia?
2. How does Fred W. Riggs's prismatic legal perspective explain the disharmonization of authority and the problem of legal certainty in the governance of mineral and mineral mining permits?

3. Research Methods

This study aims to analyze the fragmentation of authority in the governance of mineral and coal mining licensing and examine the problem of legal certainty based on the perspective of Fred W. Riggs' prismatic law. This study uses a normative legal research method²⁹ with a prescriptive character to analyze and provide legal arguments on the problem of fragmentation of authority in mineral and coal mining licensing in

²⁸ Boymau, Yohanes, and Kase, "Reformulation of Mining Coaching and Supervision Arrangements in the Perspective of Reorientation of Regency/City Government Authority."

²⁹ Hezron Sabar et al., "Governance of Mineral and Coal Mining Permits : Legal Dynamics in Indonesia and Nigeria," *Diponegoro Law Review* 10, no. 2 (2025): 234–53, <https://doi.org/10.14710/dilrev.10.2.2025.234-253>; 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>.

Indonesia. The research is focused on resolving legal issues regarding the disharmonization of the distribution of authority between the central government and local governments after the enactment of Law Number 23 of 2014 concerning Regional Government and Law Number 3 of 2020 concerning Mineral and Coal Mining which causes legal uncertainty in mining governance. The approaches used include a statute approach to examine the consistency and synchronization of mining authority arrangements, a conceptual approach to analyze Fred W. Riggs' theory of authority, decentralization, centralization, and prismatic law, and a historical approach to trace the political development of mining authority law from the era of decentralization to the recentralization of authority. Primary legal materials in the form of laws and regulations and court decisions were analyzed together with secondary legal materials in the form of international journals, books, and state administrative law doctrines in order to find the ratio legis and inconsistencies in the regulation of mining authority. All legal materials are then analyzed qualitatively with systematic and prescriptive interpretation methods to formulate an ideal legal construction in the arrangement of mining licensing authority that is able to reduce the fragmentation of authority, strengthen legal certainty, and create a coordinated relationship between the central government and local governments in natural resource governance.

B. DISCUSSION/ ANALYSIS

1. Fragmentation of Authority of the Central and Regional Governments in Mineral and Coal Mining Licensing in Indonesia

a. Paradigm Shift in Authority in Mineral and Mineral Mining Governance

The distribution of authority in the governance of mineral and coal mining in Indonesia has undergone very dynamic changes in line with the paradigm of the relationship between the central government and local governments.³⁰ These dynamics show that the regulation of mining authority is not only related to administrative aspects, but also related to the political configuration of natural

³⁰ Alfredo Risano, "Disharmony between Law No. 3 of 2020 concerning Amendments to Law No. 4 of 2009 concerning Mineral and Coal Mining and Law No. 23 of 2014 related to Authority in the Field of Mineral and Coal Mining by the Central Government," *Justicia: Journal of Legal Sciences* 8, no. 2 (2024): 89–101, <https://doi.org/10.30736/ji.v8i2.120>.

resource management laws. The perspective of state administrative law places authority as the core of every government action because all administrative actions must be based on the principle of legality.³¹ The principle of legality requires that every exercise of government authority rests on a clear legal basis. Regarding mining permits, authority is distributed among the central, provincial, and local governments through attribution, delegation, or mandate. This distinction determines the legal responsibility and accountability of each level of government and helps assess whether the fragmentation of mining authority constitutes a legal conflict or merely a complex division of administrative competencies.³² In the doctrine of state administrative law, authority is understood as legal power given to government organs to carry out public legal actions. Philipus M. Hadjon explained that government authority can be obtained through attribution, delegation, and mandate.³³ In the context of natural resource management, government authority comes from the constitutional attribution directly granted by the 1945 Constitution of the Republic of Indonesia to the state to regulate and manage natural resources for the public interest.³⁴

The provisions regarding state control over natural resources are affirmed in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "the earth and water and the natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people."³⁵ This provision is the constitutional basis for the state to carry out the functions of regulation (*regelendaad*), management (*bestuursdaad*), management (*beheersdaad*), supervision (*toezichthoudensdaad*), and policies (*beleidsdaad*) in the management of natural resources.³⁶ The Constitutional Court through Decision

³¹ Syofyan Hadi, "Examining the Indonesian Legal System (Comparative Study with Other Legal Systems)," *DiH: Journal of Law* 12, no. 24 (2016): 118–27, <https://doi.org/10.30996/dih.v12i24.2244>.

³² Moh Gandara, "Attribution, Delegation and Mandate," *Legal Treasures* 2, no. 3 (2020): 92–99, <https://doi.org/10.15575/kh.v2i3.8187>.

³³ Gandara.

³⁴ R. Akbar, "Mineral Law for the Benefit of the People or Corporations?," *BLC Journal* 6, no. 1 (2021): 55–63, <https://doi.org/10.24239/blc.v6i1.750>.

³⁵ Ni Luh Ariningsih Sari, "The Concept of the Right to Control the State Over Land in the Land Law (UUPA) and the Constitution," *Ganec Sound* 15, no. 1 (2021): 991–98, <https://doi.org/10.35327/gara.v15i1.202>.

³⁶ Derita Prapti Rahayu et al., "Environmental and Social Injustice: Impact and Sustainability of Small Scale Tin Mining Under Indonesia's New Mineral and Coal Regulation," *Cepalo* 7, no. 2 (2023): 119–30, <https://doi.org/10.25041/cepalo.v7no2.3137>.

No. 001-021-022/PUU-I/2003 emphasized that the right to control the state is not interpreted as private ownership by the state, but as a constitutional mandate to regulate and control the use of natural resources in order to provide the greatest benefits for the welfare of the people. In the context of mineral and coal mining, the implementation of the right to control the state is realized through the mining licensing system as a legal instrument of state administration to control natural resource exploitation activities.³⁷ Therefore, the state has the authority to determine the decentralization model of authority in mining management.

The post-reform decentralization policy then placed local governments as important actors in the implementation of the function of state control over natural resources, including in the mineral and coal mining sectors.³⁸ Through Law Number 22 of 1999 concerning Regional Government and later strengthened through Law Number 32 of 2004, local governments are given broad authority in the implementation of government affairs based on the principle of regional autonomy.³⁹ The policy is part of the government reform agenda that aims to reduce the centralization of power, strengthen the democratization of government, and increase the effectiveness of public services in the regions. In the context of mining, the regency/city government is given the authority to issue mining business licenses as a form of implementing administrative decentralization in natural resource management. Thus, the delegation of mining authority to local governments during the decentralization period is a manifestation of the implementation of the right to control the state distributed through the regional autonomy mechanism in order to bring natural resource management closer to the interests of local communities.

The authority of local governments in issuing mining permits is basically based on the assumption that the region has a better understanding of the geographical, social, and economic conditions of its territory. Local governments

³⁷ Hezron Sabar Rotua Tinambunan et al., "Recentralization of Mining Licensing Authority and Its Impact on Local Autonomy in Indonesia," *Journal of Legal Voices* 7, no. 2 (2025): 520–39, <https://doi.org/10.26740/jsh.v7n2.p520-539>.

³⁸ Ahmad Redi and Luthfi Marfugah, "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>.

³⁹ Aulia Rahman Tohari and Kadek Wiwik Indrayanti, "A Study of the Authority of Regional Heads in the Granting of Mining Permits in East Kalimantan," *Independent Law Journal* 4, no. 2 (2023): 90–100.

are seen as closer to the local community so that they are considered able to create mining governance that is more participatory and responsive to regional needs.⁴⁰ In addition, mining decentralization is also expected to increase local income and accelerate local economic development through the use of natural resources.⁴¹ From the perspective of decentralization theory, the delegation of authority to the regions is a form of distribution of government power so that decision-making is not centralized in the central government.⁴² Rondinelli explained that administrative decentralization aims to increase efficiency, accountability, and community participation in the administration of government.⁴³ Fred W. Riggs's prismatic legal perspective shows that the implementation of decentralization of authority in developing countries often faces problems of bureaucratic unpreparedness and weak institutional integration.⁴⁴ Riggs explained that a prismatic society shows the coexistence between the modern administrative system and the patrimonial bureaucratic culture which causes the exercise of government authority not always to run according to the principles of legality and rationality of modern administration.⁴⁵ In the context of mining in Indonesia, the granting of broad authority to local governments is not fully followed by strengthening institutional capacity and adequate supervision systems. As a result, the implementation of mining licensing authority in various regions is often influenced by local political interests, power patronage, and short-term economic orientation, which ultimately gives birth to various mining governance issues.⁴⁶

The policy of decentralization of mining authority after the reform was initially intended to strengthen the implementation of regional autonomy and

⁴⁰ Tinambunan et al., "Recentralization of Mining Licensing Authority and Its Impact on Local Autonomy in Indonesia."

⁴¹ Meggi Okka Hadi Miharja, Andreas Dwi Setyo, and Herbowo Presetyo Hadi, "Legal Implications Related to People's Mining in the Mineral and Mineral Sector in Indonesia," *Private Law* 7, no. 1 (2015): 99.

⁴² Sri Nurhari Susanto, "Methods of Acquisition and Limits of Government Authority," *Administrative Law and Governance Journal* 3, no. 3 (2020): 430–41, <https://doi.org/10.14710/alj.v3i3.430-441>.

⁴³ 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>.

⁴⁴ Hadi, "Examining the Indonesian Legal System (Comparative Study with Other Legal Systems)."

⁴⁵ Ilham Yuli Isdiyanto and Anom Wahyu Asmorojati, "Reflection and Implementation of Prismatic Concept In The National Legal System," *Varia Justice* 19, no. 2 (2023): 134–52, <https://doi.org/10.31603/variajusticia.v19i2.9100>.

⁴⁶ Sri Nurhidayati, "The Process of Formulating Mining Policy in Sumbawa Regency," *Journal of Policy & Public Administration (JKAP)* 17, no. 1 (2013): 58–71.

increase the effectiveness of natural resource management in the region.⁴⁷ The granting of authority is based on Law Number 32 of 2004 concerning Regional Government and Law Number 4 of 2009 concerning Mineral and Coal Mining which provides space for local governments to issue mining business licenses.⁴⁸ However, in practice, the exercise of this authority actually raises various administrative and legal problems because many local governments issue mining business licenses without paying attention to environmental carrying capacity, spatial synchronization, or coordination with the central government. This condition is contrary to the principle of sustainable development as stipulated in Article 2 of Law Number 32 of 2009 concerning Environmental Protection and Management which emphasizes that environmental management must be carried out based on the principles of sustainability, prudence, and integration.⁴⁹ As a result of this weak supervision and coordination, there have been thousands of problematic mining business licenses that overlap forest areas, plantation areas, and conservation areas.

The problem of overlapping mining permits shows that there is a fragmentation of authority in natural resource governance due to weak harmonization of regulations and coordination between government agencies.⁵⁰ Local governments often issue mining permits without synchronization with national spatial planning policies or the status of forest areas under the authority of the central government. This condition shows the overlapping of authority between the legal regimes of mining, forestry, the environment, and spatial planning.⁵¹ Normatively, Article 18 of Law Number 26 of 2007 concerning Spatial Planning requires that every use of space be carried out according to the spatial

⁴⁷ Al-Farisi, "Decentralization of Authority in Mineral and Coal Mining Matters in Law Number 3 of 2020."

⁴⁸ Fuad et al., "Mining Recentralization Policy and Its Implications for People's Mining Governance in Lebak Regency."

⁴⁹ Suryani, Darmawan, and Satory, "Mining Regulation Transformation and Dynamics of Strategic Variables."

⁵⁰ Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation."

⁵¹ 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>.

plan that has been determined.⁵² However, in practice, many mining business permits are issued in areas that are legally not in accordance with the spatial designation or status of forest areas. This shows the weak integration of the government administration system in mining management.

This shift occurred in two stages. First, Law Number 23 of 2014 concerning Regional Government transferred the majority of mining authority from regency/city governments to provincial governments. Subsequently, Law Number 3 of 2020 which amended Law Number 4 of 2009 concerning Mineral and Coal Mining delegated authority over strategic mining permits to the central government to strengthen regulatory harmonization, oversight, and investment certainty. However, this phased redistribution of authority also created new fragmentation at the administrative, regulatory, and institutional levels.⁵³ The central government takes over most of the strategic authority of mining on the grounds of creating regulatory harmonization, strengthening supervision, and increasing investment certainty.⁵⁴ Although normatively centralization is intended to improve mining governance, in practice the change in the distribution of authority actually gives birth to a fragmentation of new authority that is administrative, regulative, and institutional.

b. Forms of Fragmentation of Authority in Mineral and Mineral Mining Licensing

The fragmentation of authority in mineral and mineral mining governance can be understood as a condition for the division of government functions into various institutions that have overlapping, insynchronous, or not effectively

⁵² Alen Saprika, Afrizal, and Azwar, "Social Practice of Mining: A Study of Conflict Management by a Clear and Clean Permit Company in Ulayat Penghulu Nan Salapan, North Nagari Lunang," *Journal of Anthropology: Socio-Cultural Issues* 21, no. 1 (2019): 73–80, <https://doi.org/10.25077/jantro.v21.n1.p73-80.2019>.

⁵³ Boymau, Yohanes, and Kase, "Reformulation of Mining Coaching and Supervision Arrangements in the Perspective of Reorientation of Regency/City Government Authority."

⁵⁴ Nabila Desyalika Putri and Dian Agung Wicaksono, "The Implications of the Legislation on the Takeover of Authority in the Field of Mineral and Coal Mining by the Central Government," *Legislative Journal* 5, no. 2 (2022): 258–77, <https://doi.org/10.20956/jl.v5i2.24111>.

integrated authority.⁵⁵ In the context of mining licensing, fragmentation is seen in the following forms.

1. Regulation Fragmentation

Regulatory fragmentation in the governance of mineral and coal mining occurs because the regulation of the mining sector involves various sectoral legal regimes that have different orientations, authorities, and regulatory mechanisms. Mining management is not only subject to Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, but also related to Law Number 41 of 1999 concerning Forestry, Law Number 32 of 2009 concerning Environmental Protection and Management, Law Number 26 of 2007 concerning Spatial Planning, Law Number 23 of 2014 concerning Regional Government, as well as various investment regulations and risk-based licensing systems through the Job Creation Law.⁵⁶ The large number of sectoral regulations causes mining governance to be in a complex regulatory space and often not harmoniously integrated.

The disharmonization of regulations can be seen from the overlap of authority and licensing arrangements between sectors.⁵⁷ The Mineral and Coal Mining Law gives legitimacy to the exploitation of mineral and coal resources, while the Forestry Law restricts the use of forest areas for mining activities except for obtaining permits to borrow and use forest areas as stipulated in Article 38 of the Forestry Law.⁵⁸ On the other hand, the Environmental Protection and Management Law requires every business activity to have

⁵⁵ Dwi Prilmilono Adi and Ahmad Zuhairi, "The Concept of People's Mining Law (Study in West Lombok Regency)," *IUS Journal of Law and Justice Studies* IV, no. 1 (2016): 180.

⁵⁶ Al Farisi, "Recentralization of Mineral and Coal Mining Management Authority"; Derita Prapti Rahayu and Faisal Faisal, "The Existence of People's Mining After the Enactment of Amendments to the Law on Mineral and Coal Mining," *Indonesian Journal of Legal Development* 3, no. 3 (2021): 338, <https://doi.org/10.14710/jphi.v3i3.337-353>; Yuniarto, "The Implications of Law Number 23 of 2014 on the Development of Minerals and Coal"; Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation."

⁵⁷ Risano, "Disharmony between Law No. 3 of 2020 concerning Amendments to Law No. 4 of 2009 concerning Mineral and Coal Mining and Law No. 23 of 2014 related to the authority in the field of mineral and coal mining by the central government."

⁵⁸ Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation."

environmental approval as an instrument to prevent environmental damage. In addition, the Spatial Planning Law requires that every space utilization activity be in accordance with the regional spatial plan. The difference in regulatory orientation between these regulations often causes normative conflicts in mining licensing practices, especially when mining areas are in forest areas, conservation areas, or are not in accordance with regional spatial planning.⁵⁹

This condition causes overlapping regulations in mining licensing practices because each government sector has different regulatory regimes and administrative interests in natural resource management.⁶⁰ In practice, mining business licenses are often issued in areas that intersect with protected forest areas, conservation areas, or areas that are not in accordance with regional spatial plans.⁶¹ These problems show that mining management has not been harmoniously integrated with forestry, environment, and spatial planning. In fact, normatively Article 14 of Law Number 26 of 2007 concerning Spatial Planning requires that every use of space be carried out in accordance with the spatial plan that has been determined, while Article 38 of Law Number 41 of 1999 concerning Forestry stipulates that the use of forest areas for purposes outside forestry activities can only be carried out through the mechanism of permits to borrow and use forest areas.⁶² However, in mining administrative practice, these provisions often do not run synchronously, resulting in conflicts of authority and overlapping permits.

Recent efforts to rationalize mining authority have not fully eliminated regulatory inconsistencies, as mining activities remain governed by various

⁵⁹ By S.O. Omoijuanfo, Michael U. Ukponu, and Zacheus O. Opafunso, *Mineral Extraction and Governance in the Nigerian Mining Industry: An Examination of Regulatory Conflicts Amongst Nigeria's Three Tiers of Government*, *Journal of Sustainable Development Law and Policy*, vol. 15, 2024, <https://doi.org/10.4314/jsdlp.v15i1.2>.

⁶⁰ Fred W Riggs, *Administration in Developing Countries: The Theory of Prismatic Society* (Boston: Houghton Mifflin, 1964).

⁶¹ 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>.

⁶² Iwan Permadi, Diah Pawestri Maharani, and Zainal Amin Ayub, "Averting Deforestation: Designing the Model of a Public Participation-Based Environmental Agreement of Shifting Functionality of Forest," *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 707–52, <https://doi.org/10.15294/jils.v8i2.68911>.

interconnected regimes encompassing mining, environmental protection, forestry, and spatial planning. For instance, Law No. 3 of 2020 centralizes the licensing of mineral and coal mining, whereas environmental obligations continue to be governed by Law No. 32 of 2009, and spatial planning by Law No. 26 of 2007. This overlapping regulatory framework necessitates coordination among the authorities responsible for licensing, the environment, forestry, and spatial planning. Consequently, inconsistencies may arise not only from conflicts regarding licensing authority but also from disparities in regulatory requirements, institutional responsibilities, and policy implementation across these various sectors.⁶³ The central government has indeed succeeded in attracting administrative authority for mining licensing to the central level through Law Number 23 of 2014 concerning Regional Government and Law Number 3 of 2020 concerning Mineral and Coal Mining.⁶⁴ However, this centralization is not accompanied by policy integration between the mining, environment, forestry, and spatial planning sectors. In fact, normatively, Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees the right of the community to obtain a good and healthy environment, while Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia emphasizes that the management of the national economy, including natural resources, must be carried out based on the principles of sustainability and environmental insight.⁶⁵ However, in the practice of mining administration, each government sector still exercises its authority partially based on different sectoral regulations. This condition causes the mining licensing process to be complex, bureaucratic, and prone to causing conflicts of

⁶³ Novita Eka Utami, "Centralization of Local Government Authority in Mining Licensing After the Enactment of the Mineral and Coal Law"; Risano, "Disharmony between Law No. 3 of 2020 concerning Amendments to Law No. 4 of 2009 concerning Mineral and Coal Mining and Law No. 23 of 2014 related to the authority in the field of mineral and coal mining by the central government."

⁶⁴ Rahayu and Faisal, "The Existence of People's Mining After the Enactment of Changes in the Law on Mineral and Coal Mining."

⁶⁵ Saprika, Afrizal, and Azwar, "Social Practice of Mining: A Study of Conflict Management by a Clear and Clean Permit Company in Ulayat Penghulu Nan Salapan, North Nagari Lunang."

authority and legal uncertainty for local governments, business actors, and communities affected by mining.

Regulatory disharmony in the mining sector has been exacerbated by the rapid transition from Law Number 4 of 2009 to Law Number 3 of 2020 concerning Mineral and Coal Mining; this shift not only restructured the division of authority between central and regional governments but also altered mechanisms for licensing, supervision, and control.⁶⁶ The central government assumed the majority of strategic mining authority, while regional governments lost significant administrative powers, creating difficulties in coordinating oversight and addressing local issues such as land conflicts, environmental degradation, and illegal mining. This situation reveals gaps in central-regional coordination and creates legal uncertainty regarding the fulfillment of mining obligations particularly concerning reclamation, environmental monitoring, and licensing compliance. From the perspective of legal harmonization and governmental coordination, effective mining governance requires the synchronization of legal norms and institutional responsibilities.⁶⁷ However, as outlined in Lawrence M. Friedman's legal system theory, the effectiveness of law depends on the alignment of its substance, structure, and legal culture.⁶⁸ This situation can be further understood through Fred W. Riggs's concept of a "prismatic society," wherein modern legal rules coexist with administrative structures that are fragmented and inadequately integrated. Consequently, recent efforts to rationalize Indonesia's mining governance have resulted only in formal changes to administrative authority without fully resolving issues of overlapping responsibilities, weak inter-agency coordination, and regulatory

⁶⁶ Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation"; 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," 2016.

⁶⁷ Hasan, "Legal Aspects of Higher Education Involvement in Mineral and Coal Mining Agglomerations in Indonesia."

⁶⁸ Lawrence M Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975); Mohd. Yusuf DM et al., "Analysis of Factors Inhibiting Criminal Law Enforcement in Indonesia in the Perspective of Lawrence Friedman's Theory," *Scientific Journal of Advocacy* 13, no. 2 (2025): 711–25, <https://doi.org/10.36987/jiad.v13i2.6369>.

instability.⁶⁹ Thus, the challenge of legal certainty lies not merely in the volume or frequency of regulatory changes, but also in fragmented institutional structures and prismatic administrative practices that hinder the realization of effective, equitable, and sustainable mining governance.⁷⁰

2. Institutional Fragmentation

Institutional fragmentation in the governance of mineral and coal mining occurs because changes in the distribution of mining authority are not followed by a proportional division of administrative functions between the central government and local governments.⁷¹ After the enactment of Law Number 23 of 2014 concerning Regional Government and amendments to the Mineral and Mineral Law through Law Number 3 of 2020, the central government gained dominant authority in the mining sector, especially related to the issuance of mining business licenses, the determination of mining areas, the granting of technical approvals, and the administrative control of mining activities. This provision can be seen in Article 4 paragraph (2) of Law Number 3 of 2020 which emphasizes that the control of minerals and coal by the state is organized by the central government. In addition, Article 35 paragraph (1) of Law Number 3 of 2020 states that mining businesses are carried out based on business licenses from the central government. The arrangement shows the concentration of administrative authority in the central government as a form of strengthening state control over natural resource management.⁷²

In practice, this concentration of authority is not followed by a balanced division of institutional functions with local governments. Local governments

⁶⁹ Jusmar and Ernawati S Kaseng, "Social Change in Prismatic Society in Indonesia," n.d.

⁷⁰ Hadi, "Examining the Indonesian Legal System (Comparative Study with Other Legal Systems)"; Kholis Roisah, "Legal Prismatics as the Basis for Legal Development in Indonesia Based on Pancasila (Study of Intellectual Property Law)," *Legal Issues* 41, no. 4 (2012): 399–406, <https://doi.org/10.14710/mmh.41.4.2012.399-406>.

⁷¹ Hariyasin et al., "Decentralization of Mining Management Arrangements for Community Welfare."

⁷² Yunianto, "The Implications of Law Number 23 of 2014 on the Development of Minerals and Coal"; Risano, "Disharmony between Law No. 3 of 2020 concerning Amendments to Law No. 4 of 2009 concerning Mineral and Coal Mining and Law No. 23 of 2014 related to Authority in the Field of Mineral and Coal Mining by the Central Government"; Rahayu and Faisal, "The Existence of People's Mining After the Enactment of Changes in the Law on Mineral and Coal Mining."

continue to face various social, environmental, and administrative impacts due to mining activities in their areas, such as land conflicts, environmental pollution, damage to regional infrastructure, and the handling of communities affected by mining.⁷³ However, local governments no longer have strategic authority in the process of issuing mining permits as previously owned in the era of decentralization. This condition is contrary to the principle of regional autonomy in Article 18 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which emphasizes that local governments are authorized to regulate and manage government affairs themselves according to the principle of autonomy and assistance duties. In the perspective of Rondinelli's decentralization theory, the distribution of government authority should be accompanied by a proportionate division of responsibilities and administrative functions in order to create effective governance.⁷⁴ However, in Indonesia's mining governance, there is an imbalance between the authority of the central government and the administrative responsibility of local governments.

Local governments in practice continue to bear various social and ecological responsibilities due to mining activities even though the strategic authority of licensing has been withdrawn to the central government. These responsibilities include community conflict resolution, environmental impact monitoring, handling regional infrastructure damage, and managing socio-economic impacts caused by mining activities.⁷⁵ This condition occurs because all mining activities directly take place in the regional administrative area and have an impact on the lives of the local community. In many cases, local governments are the first institutions to receive public complaints related to environmental pollution, land disputes, floods due to mining

⁷³ 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>.

⁷⁴ Al-Farisi, "Decentralization of Authority in Mineral and Coal Mining Matters in Law Number 3 of 2020."

⁷⁵ Alfiqui et al., "Regulation Harmonization: The Key to Legal Stability in Investment and Economic Development After the Enactment of the Job Creation Law"; Steven Paulus Hamonangan Tampubolon and Hartanto, "The Problem of Changing the Law on Minerals and Coal (Controlled by the State Is Not the Same as Owned by the State)," *Journal of Law and Socio-Politics* 2, no. 3 (2024): 1–16.

activities, and road damage due to the mobilization of mining vehicles.⁷⁶ However, local governments no longer have full authority to take administrative action against mining business licenses issued by the central government.

The imbalance between authority and responsibility shows the problem of the distribution of authority in national mining governance. Normatively, Article 67 of Law Number 32 of 2009 concerning Environmental Protection and Management requires each party to maintain the preservation of environmental functions and control pollution and environmental damage. In addition, Article 12 of Law Number 23 of 2014 concerning Regional Government also places the environment as a mandatory government affair related to basic regional services.⁷⁷ However, in practice, local governments experience limited authority in supervising and taking action against mining companies because the main administrative authority lies with the central government.⁷⁸ This condition causes the local government to be in a dilemma because it still has to be responsible for the impact of mining without the support of adequate control authority.

This condition ultimately creates an imbalance between authority and responsibility in the governance of mineral and coal mining. Local governments continue to face large administrative burdens due to mining activities in their areas, but no longer have adequate instruments of authority to control or take administrative action against such mining activities.⁷⁹ Local governments must deal with various problems such as community social conflicts, environmental pollution, damage to regional roads, to

⁷⁶ Hartati Hartati and Zainal Amin Ayub, "Jurisdictional Disputes between Central and Local Governments in the Management of Coal Mining," *Sriwijaya Law Review*, July 2024, 269–85, <https://doi.org/10.28946/slrev.Vol8.Iss2.3003.pp269-285>.

⁷⁷ Hartanto, "The Problem of Changing the Law on Minerals and Coal (Controlled by the State Is Not the Same as Owned by the State)"; Hartati and Ayub, "Jurisdictional Disputes between Central and Local Governments in the Management of Coal Mining"; Miharja, Setyo, and Hadi, "Legal Implications Related to People's Mining in the Mineral and Mineral Sector in Indonesia."

⁷⁸ Boymau, Yohanes, and Kase, "Reformulation of Mining Coaching and Supervision Arrangements in the Perspective of Reorientation of Regency/City Government Authority."

⁷⁹ 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>.

environmental quality degradation due to mining activities, while strategic authority related to the issuance and revocation of mining business licenses lies with the central government.⁸⁰ As a result, local governments are in a weak administrative position because government responsibilities are not followed by proportionate control authority.

This imbalance is contrary to the principle of division of governmental affairs under Article 18 paragraph (5) of the 1945 Constitution and Article 9 of Law Number 23 of 2014, which require the distribution of authority to consider accountability, efficiency, externality, and national strategic interests. In mining governance, however, local governments often bear responsibility for regional impacts while having limited authority for supervision and control.⁸¹ At the same time, overlapping functions among the Ministry of Energy and Mineral Resources, the Ministry of Environment and Forestry, and regional governments in licensing, environmental protection, forestry, and spatial planning create coordination gaps and unclear accountability.⁸² Consequently, institutional fragmentation may lead to inconsistent implementation and weaken the effectiveness of mining governance.⁸³

2. Fred W. Riggs' Prismatic Legal Perspective on Disharmonization of Authority and the Problem of Legal Certainty in the Governance of Mineral and Mineral Mining Licensing

a. Fred W. Riggs' Concept of Prismatic Law

Fred W. Riggs developed the theory of prismatic society to explain the character of transitional societies that are in the transitional phase between the traditional system and the modern system.⁸⁴ According to Riggs, developing societies generally do not fully have the character of traditional or modern

⁸⁰ Jusmar and Kaseng, "Social Change in Prismatic Society in Indonesia."

⁸¹ Yunianto, "The Implications of Law Number 23 of 2014 on Mineral and Coal Development."

⁸² Boymau, Yohanes, and Kase, "Reformulation of Mining Development and Supervision Arrangements in the Perspective of Reorientation of Regency/City Government Authority"; Gandara, "Attribution, Delegation and Mandate."

⁸³ Alfiqui et al., "Harmonization of Regulations: The Key to Legal Stability in Investment and Economic Development After the Enactment of the Job Creation Law."

⁸⁴ Basu, "Revisiting Fred W. Riggs' Model in the Context of 'Prismatic' Societies Today."

societies, but rather show a combination of the two in the social structure and administration of government. In prismatic societies, modern institutions have been formally formed through modern bureaucratic regulations and structures, but in practice they are still influenced by traditional patterns of relationships, patronage of power, and patrimonial bureaucratic culture. Riggs explained that this condition causes government administration not to run rationally and effectively as expected in the modern administrative system. This theory was initially developed by Riggs through the work *Administration in Developing Countries: The Theory of Prismatic Society* to explain the administrative problems of developing countries that have undergone formal legal and bureaucratic modernization, but have not been followed by the transformation of the culture of government administration.⁸⁵

The main characteristics of prismatic societies according to Riggs include social heterogeneity, overlapping functions, legal formalism, and coexistence between modern and traditional systems.⁸⁶ Social heterogeneity shows the existence of a diversity of social, economic, and political structures that have not been harmoniously integrated in the system of government. Overlapping function describes the overlapping of authority and functions between government agencies due to weak bureaucratic coordination.⁸⁷ Meanwhile, legal formalism is a condition when modern regulations are formally formed to create administrative order, but their implementation is not effective because they are still influenced by the pattern of informal relations and power interests. In the perspective of the theory of state administrative law, this condition shows that there is a discrepancy between legal norms (*das sollen*) and the practice of government administration (*das sein*). Therefore, Riggs' prismatic society theory is relevant to analyze mining governance in Indonesia which shows the complexity of the relationship between law, bureaucracy, and power in natural resource management.

⁸⁵ Bass.

⁸⁶ Roisah, "Legal Prismatics as the Basis for Legal Development in Indonesia Based on Pancasila (Study of Intellectual Property Law)."

⁸⁷ Rahayu and Faisal, "The Existence of People's Mining After the Enactment of Changes in the Law on Mineral and Coal Mining."

The relevance of prismatic legal theory in Indonesian mining governance can be seen from the incompatibility between mining regulation reform and government administrative practices in the field. Normatively, the government has modernized mining law through the amendment of Law Number 4 of 2009 to Law Number 3 of 2020 concerning Mineral and Coal Mining and the centralization of mining authority through Law Number 23 of 2014 concerning Regional Government.⁸⁸ The reform aims to create regulatory harmonization, investment certainty, and strengthen national mining supervision. However, in practice, mining governance still faces problems of overlapping authority, disharmonization of regulations, weak coordination between institutions, and conflicts of interest in natural resource management. This condition shows that the modernization of mining regulations is not fully followed by the modernization of the bureaucratic structure and culture of government administration.⁸⁹

b. Disharmonization of Authority as a Manifestation of a Prismatic Society

The disharmonization of authority in the governance of mineral and coal mining shows the main characteristic of prismatic societies as stated by Fred W. Riggs, namely the coexistence between the modern legal system and the practice of transitional bureaucracy.⁹⁰ Normatively, the government has modernized mining administration through the centralization of authority and the implementation of a digital-based licensing system through the Online Single Submission (OSS) mechanism.⁹¹ The OSS system was formed as part of bureaucratic reform and licensing simplification to create administrative efficiency, service integration, and legal certainty in mining investment. The regulation is strengthened through Law Number 11 of 2020 concerning Job Creation and Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing which places the digital system

⁸⁸ Rahayu and Faisal.

⁸⁹ Sultan Fadillah Effendi, Nabila Aulia, and Mutia Faradila, "Ambivalence of the Right to Freedom of Opinion in the Modern Legal Constellation in Indonesia," *Realism: Law Review* 1, no. 3 (2023): 37–55.

⁹⁰ Eka Utami, "Centralization of Local Government Authority in Mining Licensing After the Enactment of the Mineral and Coal Law."

⁹¹ Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation."

as the main instrument for national licensing services.⁹² In the perspective of Max Weber's modern administrative theory, the use of digital-based administrative systems reflects a rational bureaucratic model that emphasizes efficiency, legality, hierarchy of authority, and standardization of government administrative procedures.⁹³ However, the modernization of mining administration in practice has not been able to completely eliminate bureaucratic problems and conflicts of authority in mining governance. Mining activities in various regions are still influenced by political patronage, informal relations between regional elites and mining corporations, weak bureaucratic coordination, and inconsistent administrative practices.⁹⁴ In many cases, the licensing and supervision process of mining is not only determined by formal legal mechanisms, but is also influenced by economic interests and power relations at the local and national levels. This condition shows the dualism between formal law and informal practices in the implementation of mining administration. Normatively, mining authority has been centered on the central government as stipulated in Article 4 paragraph (2) and Article 35 paragraph (1) of Law Number 3 of 2020, but in socio-political practice, the influence of local elites and economic interests remains very dominant in determining the direction of policies and the implementation of mining in the regions.⁹⁵

The perspective of legal pluralism theory also explains that in developing societies there is often a coexistence between state law and social practices and informal power that live in society.⁹⁶ In the context of Indonesian mining, formal laws built through the centralization of authority are often confronted with the socio-political realities of the region that are still influenced by political patronage

⁹² 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.

⁹³ Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978).

⁹⁴ Yusuf DM et al., "Analysis of Factors Inhibiting Criminal Law Enforcement in Indonesia in the Perspective of Lawrence Friedman's Theory."

⁹⁵ Rahayu and Faisal, "The Existence of People's Mining After the Enactment of Changes in the Law on Mineral and Coal Mining."

⁹⁶ John Griffiths, "What Is Legal Pluralism?," *Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): 1–55, <https://doi.org/10.1080/07329113.1986.10756387>; Hamda Sulfinadia et al., "Negotiating Islamic Inheritance and Customary Law: Functional Legal Pluralism and Matrilineal Pusako Randah in Minangkabau," *Journal of Islamic Law* 7, no. 1 (2026): 1–30, <https://doi.org/10.24260/jil.v7i1.3743>.

and local economic relations. This condition causes the implementation of mining administration law not to run fully in accordance with the principles of legality and legal certainty.⁹⁷ In addition, the weak coordination between the central government and local governments also shows that regulatory modernization is not followed by effective bureaucratic integration. As a result, various mining policies run sectorally and often cause inconsistencies in supervision and enforcement of mining administration laws.

The concept of legal formalism (formalism) put forward by Fred W. Riggs explains that modern regulations in prismatic societies often only function as formal instruments without adequate implementation effectiveness.⁹⁸ In the context of Indonesia's mining governance, the centralization of authority and the digitization of licensing do reflect the formal modernization of state administrative law. However, substantively, mining governance still faces problems of disharmonization of authority, sectoral egos, conflicts of interest, and weak coordination between government institutions. This condition shows that the main problem of Indonesia's mining governance is not only due to weak regulations, but also influenced by the transitional bureaucratic structure that is not fully able to implement modern administrative principles consistently and integrated.⁹⁹

Fred W. Riggs called this condition formalism, which is a state when modern legal rules have been formally established and enforced, but their implementation is not effective because they are still influenced by transitional administrative culture and patrimonial bureaucratic patterns.¹⁰⁰ In prismatic societies, modern law often serves only as a formal symbol of state modernization without being followed by substantive changes in bureaucratic behavior and power structures. As a result, there is a gap between the legal norms regulated in laws and regulations and government administrative practices in the field. From the perspective of state administrative law, this condition shows that there is a discrepancy between the

⁹⁷ 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>.

⁹⁸ Riggs, *Administration in Developing Countries: The Theory of Prismatic Society*.

⁹⁹ Susanto, "Methods of Acquisition and Limits of Government Authority."

¹⁰⁰ Basu, "Revisiting Fred W. Riggs' Model in the Context of 'Prismatic' Societies Today."

sollen and das sein, namely between the law that should apply and the reality of the implementation of government administration.¹⁰¹

The phenomenon of formalism is evident in the practice of mining governance in Indonesia.¹⁰² The government continuously changes mining regulations through the establishment of Law Number 3 of 2020 concerning Mineral and Coal Mining, the implementation of the Online Single Submission (OSS) system, and the simplification of risk-based licensing mechanisms through the Job Creation Law.¹⁰³ The reform formally shows the modernization of state administration that is oriented towards efficiency, bureaucratic integration, and increased investment certainty.¹⁰⁴ However, although licensing regulations are constantly updated and the administrative system is made more modern, conflicts of authority, regulatory disharmony, and legal uncertainty in mining governance persist. The overlap of authority between institutions, weak supervisory coordination, and the influence of political-economic interests in the licensing process show that legal modernization has not been fully followed by the modernization of the government bureaucratic culture.¹⁰⁵

c. The Problem of Legal Certainty in Mineral and Mineral Mining Governance

Legal certainty is one of the fundamental principles in state administrative law because every government action must be carried out based on clear, consistent, and predictable legal rules.¹⁰⁶ From the perspective of state administrative law, legal certainty serves to ensure the protection of people's rights while limiting the use of government authority so that it is not carried out

¹⁰¹ Boymau, Yohanes, and Kase, "Reformulation of Mining Coaching and Supervision Arrangements in the Perspective of Reorientation of Regency/City Government Authority."

¹⁰² Boymau, John, and Kase.

¹⁰³ Hidayatullah et al., "OSS RBA and the Problem of Agrarian Justice in an Analysis of the Digital Licensing System in Mining in Indonesia"; Alfiqri et al., "Harmonization of Regulations: The Key to Legal Stability in Investment and Economic Development After the Enactment of the Job Creation Law."

¹⁰⁴ Hartati and Ayub, "Jurisdictional Disputes between Central and Local Governments in the Management of Coal Mining."

¹⁰⁵ Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation."

¹⁰⁶ Krishna Djaya Darumurti, "Philosophical Perspective of the Concept of Government Discretionary Power," *Legal Reflections: Journal of Law* 8, no. 1 (2014): 56-57, <https://doi.org/10.24246/jrh.2014.v8.i1.p41-60>.

arbitrarily. Utrecht explained that legal certainty contains elements of clarity of norms, consistency of regulation, and certainty in the implementation of the law by government officials.¹⁰⁷ In the context of mineral and coal mining management, legal certainty is a very important aspect because the mining sector involves state interests, investment, environmental protection, and interrelated community rights.¹⁰⁸ Therefore, mining governance requires a harmonious system of regulation and distribution of authority in order to create legal stability in the implementation of mining licensing and supervision.

Legal certainty in mining governance is essential to ensure policy consistency, investment stability, environmental protection, and the rights of affected communities, as guaranteed by Articles 28D(1), 28H(1), and 33(4) of the 1945 Constitution.¹⁰⁹ However, fragmented authority and overlapping regulations in mining, forestry, environmental protection, and spatial planning create uncertainty in licensing, supervision, and enforcement.¹¹⁰ From Lawrence M. Friedman's legal system perspective, this reflects a lack of harmony between legal substance, institutional structure, and legal culture, while Fred W. Riggs' prismatic perspective highlights the gap between formally modern regulations and fragmented bureaucratic practices. Thus, legal uncertainty in mining governance results not only from regulatory inconsistency but also from weak institutional coordination and the incomplete integration of legal and administrative structures.¹¹¹

The fragmentation of authority and regulatory disharmony in mining governance weaken legal certainty through overlapping provisions governing mining, forestry, environmental protection, and spatial planning, which may create

¹⁰⁷Prilmilono Adi and Zuhairi, "The Concept of People's Mining Law (Study in West Lombok Regency)."

¹⁰⁸ Anang Dwiarmoko and Sutan Sorik, "Human Rights Regulation and Legal Protection of Indigenous Peoples in the Mining Business Sector."

¹⁰⁹ Diprose et al., "Regulating Sustainable Minerals in Electronics Supply Chains: Local Power Struggles and the 'Hidden Costs' of Global Tin Supply Chain Governance."

¹¹⁰ Alfiqri et al., "Harmonization of Regulations: The Key to Legal Stability in Investment and Economic Development After the Enactment of the Job Creation Law."

¹¹¹ Eka Utami, "Centralization of Local Government Authority in Mining Licensing After the Enactment of the Mineral and Coal Law."

conflicts of authority and unclear mechanisms for supervision and enforcement.¹¹² Mining licenses issued under mining legislation may, in practice, intersect with forest-area status under Law Number 41 of 1999, spatial-planning requirements under Law Number 26 of 2007, and environmental approval requirements under Law Number 32 of 2009, requiring coordination among different authorities.¹¹³ These challenges are further intensified by the regulatory changes from Law Number 4 of 2009 to Law Number 3 of 2020, which restructured mining licensing and shifted significant authority from local to central government without always being accompanied by adequate institutional adjustment and coordination. Consequently, differences in sectoral regulations and rapid changes in the distribution of authority can create inconsistent supervision, unclear administrative responsibilities, and instability in mining governance.¹¹⁴

Lawrence M. Friedman's legal system theory explains that the effectiveness of law is greatly influenced by the integration between the substance of the law, the legal structure, and the culture of the law.¹¹⁵ In the context of Indonesian mining, the legal substance continues to be updated through mining regulation reform and modernization of the licensing system.¹¹⁶ However, the change in the substance of the law was not followed by the harmonization of the bureaucratic structure and the adequate legal culture of the government. Fred W. Riggs' prismatic legal perspective explains that transitional societies tend to experience legal formalism, which is a situation when modern regulations are formally formed but their implementation is not effective due to weak bureaucratic coordination and still strong sectoral administrative patterns.¹¹⁷ In the context of Indonesian mining, the modernization of regulations and the centralization of authority only results in

¹¹² Rahayu and Faisal, "The Existence of People's Mining After the Enactment of Changes in the Law on Mineral and Coal Mining."

¹¹³ Satriawan, "Management of Mineral and Coal Mining Business After the Enactment of Law Number 11 of 2020 concerning Job Creation."

¹¹⁴ Fuad et al., "Mining Recentralization Policy and Its Implications for People's Mining Governance in Lebak Regency."

¹¹⁵ Rodiyah, "Between Normative and Empirical: The Establishment of Indonesia's Natural Resource Law (Legal System Perspective: Legal Substance)," *Law Research Review Quarterly* 1, no. 3 (2015): 135–50, <https://doi.org/10.15294/lrrq.v1i3.21479>; Yusuf DM et al., "Analysis of Factors Inhibiting Criminal Law Enforcement in Indonesia in the Perspective of Lawrence Friedman's Theory."

¹¹⁶ Effendi, Aulia, and Faradila, "Ambivalence of the Right to Freedom of Opinion in the Modern Legal Constellation in Indonesia."

¹¹⁷ Jusmar and Kaseng, "Social Change in Prismatic Society in Indonesia."

formal administrative order, while substantively mining governance still faces sectoral egos, conflicts of authority, and weak synchronization between government institutions. This condition causes the mining administration law to run partially and inharmoniously so that legal certainty in mining management becomes difficult to realize effectively.

d. The problem of legal certainty can be seen in several aspects.

The fragmentation of authority in mineral and coal mining licensing manifests in four primary ways. First, licensing overlaps persist despite the centralization of authority, driven largely by data inconsistencies and weak inter-agency integration, which can trigger conflicts regarding mining business license areas. Second, coordination remains ambiguous because local governments bear responsibility for the regional impacts of mining, such as environmental degradation and social conflict, while their administrative authority remains limited. Third, frequent regulatory changes create policy inconsistencies and legal uncertainty for both business operators and local governments, particularly regarding licensing and oversight. Fourth, fragmented oversight undermines the enforcement of administrative obligations, including requirements for land reclamation and environmental restoration.¹¹⁸

From the perspective of prismatic law, this situation reflects a gap between formally modernized mining regulations and institutionally fragmented administrative practices. The centralization of licensing authority has not been accompanied by fully integrated coordination, data systems, oversight mechanisms, and law enforcement responsibilities.¹¹⁹ Consequently, legal certainty is affected not only by regulatory changes but also by the coexistence of formal legal structures with overlapping institutional functions and incomplete administrative integration. This illustrates the prismatic nature of mining governance, wherein

¹¹⁸ Risano, "Disharmony between Law No. 3 of 2020 concerning Amendments to Law No. 4 of 2009 concerning Mineral and Coal Mining and Law No. 23 of 2014 related to the authority in the field of mineral and coal mining by the central government."

¹¹⁹ Redi and Marfungah, "The Development of Mineral and Coal Mining Legal Policy in Indonesia."

the modernization of formal law has yet to yield substantive coherence or effectiveness in the implementation of mining licensing.¹²⁰

d. Criticism of the Centralization of Authority in the Perspective of Prismatic Law

The policy of centralization of mining authority is basically built on arguments to create regulatory harmonization, strengthen supervision, and increase investment certainty in the mineral and coal mining sector.¹²¹ The central government through Law Number 23 of 2014 concerning Regional Government and Law Number 3 of 2020 concerning Mineral and Coal Mining withdraws most of the strategic authority of mining from the local government to the central government.¹²² Normatively, the policy is positioned as a solution to various mining governance problems in the era of decentralization, such as overlapping permits, licensing corruption, and weak regional supervision. However, in the perspective of Fred W. Riggs's prismatic law, the centralization of authority actually shows the tendency of legal formalism, namely the modernization of the legal structure that is carried out formally without being followed by substantive reform of the bureaucratic structure and culture of government administration.¹²³ As a result, centralization only moves the center of control of mining administration to the central government without actually resolving the root of the mining governance problem.

Riggs's prismatic societal perspective explains that developing countries tend to experience incompatibility between modern legal structures and bureaucratic practices that are still influenced by political patronage and informal power relations.¹²⁴ In the context of Indonesian mining, the formal centralization of authority is indeed aimed at creating legal certainty and administrative efficiency, but in practice it increases the concentration of power in the central government

¹²⁰ Roisah, "Legal Prismatics as the Basis for Legal Development in Indonesia Based on Pancasila (Study of Intellectual Property Law)."

¹²¹ Eka Utami, "Centralization of Local Government Authority in Mining Licensing After the Enactment of the Mineral and Coal Law."

¹²² Yudianto, "The Implications of Law Number 23 of 2014 on Mineral and Coal Development."

¹²³ Basu, "Revisiting Fred W. Riggs' Model in the Context of 'Prismatic' Societies Today."

¹²⁴ Roisah, "Legal Prismatics as the Basis for Legal Development in Indonesia Based on Pancasila (Study of Intellectual Property Law)."

and strengthens the dominance of the political-economic elite in the management of natural resources.¹²⁵ This condition can be seen from the increasingly centralized mining decision-making process in the central government, while regions that directly face the social and ecological impacts of mining lose substantive space in determining mining policies in their regions.¹²⁶ In fact, Article 18 paragraph (2) of the 1945 Constitution of the Republic of Indonesia emphasizes that local governments have the authority to regulate and manage government affairs themselves according to the principle of regional autonomy. However, in the practice of mining governance, local governments are more placed as administrative implementers and bearers of socio-ecological impacts without adequate control authority.

The centralization of mining authority also shows a paradox in the concept of state administrative supervision.¹²⁷ The central government formally holds full authority in mining control, but factually has limited bureaucratic capacity and the scope of supervision of mining activities spread across various regions.¹²⁸ On the other hand, local governments that have geographical proximity and social understanding of local conditions actually lose the instrument of authority to carry out administrative actions effectively. This condition has led to the emergence of a supervisory gap in mining governance, where administrative supervision becomes weak, slow, and unresponsive to regional problems.¹²⁹ As a result, issues such as illegal mining, environmental damage, indigenous land conflicts, and reclamation violations are often not effectively addressed.¹³⁰ In the perspective of Rondinelli's decentralization theory, the effectiveness of government is highly dependent on a proportionate distribution of authority between the central and regional governments so that decision-making can be more responsive to local needs.¹³¹

¹²⁵ Redi and Marfungah, "The Development of Mineral and Coal Mining Legal Policy in Indonesia."

¹²⁶ Aftab Haider et al., "From Stewardship to Sustainability: A Comparative Analysis of Islamic Ecological Jurisprudence and Western Anthropocentric Regimes" 25, no. 1 (2026): 41-60, <https://doi.org/10.31958/juris.v25i1.16040>.

¹²⁷ Jusmar and Kaseng, "Social Change in Prismatic Society in Indonesia."

¹²⁸ Hezron Sabar Rotua Tinambunan et al., "Recentralization of Mining Licensing Authority and Its Impact on Local Autonomy in Indonesia," *Journal of Legal Voices* 7, no. 2 (2025): 533.

¹²⁹ Arifin et al., "Legal and Constitutional Gaps in Strategic Environmental Assessment: Between Formality and Substantive Environmental Protection in Indonesia."

¹³⁰ Nurhidayati, "The Process of Formulating Mining Policy in Sumbawa Regency."

¹³¹ Al Farisi, "Recentralization of Mineral and Coal Mining Management Authority."

However, the centralization of mining in Indonesia actually creates an administrative distance between policy makers and social realities in the regions.

The main criticism of the centralization of mining authority in the perspective of prismatic law lies in the failure of the state to establish harmonization between regulatory modernization and cultural reform of the bureaucracy and government institutions.¹³² Riggs explains that the modernization of law in prismatic societies often results only in normative changes at the regulatory level, while the practice of government administration remains sectoral, patrimonial, and uncoordinated.¹³³ This condition can be seen in Indonesia's mining governance, where the centralization of authority actually gives birth to sectoral egos between institutions, overlapping supervision, and marginalization of local governments and local communities in the mining decision-making process. From the perspective of good governance theory, good natural resource governance should be built through the principles of participation, transparency, accountability, and a balanced distribution of authority.¹³⁴ Therefore, mining governance reform should not only be oriented towards administrative centralization, but should be directed at the development of a collaborative governance model that provides proportional authority space to local governments, strengthens institutional coordination, and ensures community participation in sustainable and equitable management of natural resources.

C. CONCLUSIONS

The fragmentation of mineral and coal mining governance in Indonesia is closely associated with the transition from decentralized to centralized licensing authority under Law Number 23 of 2014 and Law Number 3 of 2020. Although this transformation has consolidated licensing powers at the central level, it has not fully resolved institutional and regulatory fragmentation, as demonstrated by continuing inconsistencies among mining, environmental, forestry, and spatial-planning

¹³² King Faisal Sulaiman, "Legislative Corruption: Criticism of the Omnibus Law Policy in the Mineral and Mining Sector in Indonesia," in *E3S Web of Conferences*, vol. 440 (EDP Sciences, 2023), 4008, <https://doi.org/10.1051/e3sconf/202344004008>.

¹³³ Jusmar and Kaseng, "Social Change in Prismatic Society in Indonesia."

¹³⁴ *Good Governance in Natural Resources Management*.

regulations, limited coordination between levels of government, and the imbalance between centralized decision-making authority and local governments' responsibilities for managing the social and environmental consequences of mining activities. Viewed through Fred W. Riggs' prismatic perspective, these conditions reveal a broader discrepancy between increasingly modern and centralized legal structures and bureaucratic practices that remain characterized by overlapping functions, inadequate coordination, institutional capacity constraints, and informal administrative practices, thereby undermining legal certainty and effective implementation. Accordingly, reform should move beyond regulatory centralization toward a collaborative mining governance framework that harmonizes sectoral regulations, establishes clearer coordination between central and local institutions, and provides local governments with proportionate authority in supervision, environmental management, and conflict resolution. Such redistribution of responsibilities should be accompanied by institutional and supervisory capacity strengthening to ensure that mining governance becomes more legally coherent, participatory, accountable, effective, and environmentally sustainable.

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