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A LEGAL REVIEW OF NICKEL MINING ACTIVITIES IN RAJA AMPAT BASED ON THE LAW ON ENVIRONMENTAL PROTECTION AND MANAGEMENT

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Abstrak

Nickel mining operations in Raja Ampat raise various legal dilemmas and environmental impacts, as the region has been designated as a conservation zone characterized by significant biodiversity and consisting of many small islands that are highly vulnerable to ecological degradation. The objective of this study is to examine the legal framework governing nickel mining operations in accordance with existing legislation, evaluate the justifications for continuing mining activities in Raja Ampat under the Mining Law, and ensure legal accountability for environmental violations caused by nickel mining in the region. The methodological approach adopted in this study is normative legal research, utilizing a legislative framework and conceptual analysis. Legal data sources were derived from an extensive literature review, encompassing legal instruments, scholarly articles, and various other legal documents. The findings of this investigation indicate that the legal parameters governing nickel mining have been codified in Law No. 3 of 2020 on Mineral and Coal Mining and Law No. 32 of 2009 on Environmental Protection and Management. However, during the implementation phase, there have been glaring deficiencies in oversight and regulatory overlaps that have facilitated the continuation of mining activities in Raja Ampat.

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INTRODUCTION

Environmental protection is a constitutional mandate that establishes the state as the highest authority in managing natural resources for the welfare of the people without

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sacrificing ecological sustainability. Constitutionally, the legal basis for environmental management in Indonesia is rooted in Article 28H, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees every person's right to a good and healthy environment, as well as Article 33, paragraph (4), which affirms that the national economy must be conducted with an environmental perspective. At the operational level, these constitutional principles are enshrined in Law No. 32 of 2009 on Environmental Protection and Management (PPLH Law), as partially amended by Law No. 6 of 2023 on the Enactment of the Cipta Kerja Government Regulation in Lieu of Law (Perpu) into Law. This legal instrument serves as both a normative guide and a legal safeguard for government officials in monitoring, regulating, and enforcing the law regarding all activities involving the use of land and natural resources in Indonesia.

Conceptually, mineral mining activities—particularly nickel mining—are classified as extractive industries that pose high risks to ecosystem sustainability. Large-scale nickel mining often triggers a structural dilemma between accelerating national economic growth through industrial downstreaming and the real threat of environmental degradation, such as deforestation, water pollution, and the loss of biodiversity. This is where the Environmental Protection and Management Law (UU PPLH) plays a crucial role through the implementation of instruments to prevent pollution and/or environmental damage, such as the Environmental Impact Analysis (Amdal), Environmental Management and Monitoring Measures (UKL-UPL), and business licensing integrated with environmental approvals. The provisions for the enforcement of administrative, civil, and criminal sanctions within the Environmental Protection and Management Law are designed to be repressive to ensure that corporations and individuals who violate environmental quality standards can be held legally accountable in order to uphold ecological justice.

However, in practice, nickel mining activities in the Raja Ampat region have drawn sharp criticism and sparked legal and sociological debates in the public sphere. On the one hand, the expansion of mining areas is promoted as part of harnessing the region's economic potential; on the other hand, Raja Ampat is ecologically a marine conservation area designated as a global center of marine biodiversity, making it highly vulnerable to the impacts of sedimentation and mining waste pollution. This polarization of interests—between economic mining exploitation and the obligation to protect this legally designated environmental conservation area—has led to inconsistencies in law enforcement on the ground. Therefore, an in-depth normative-empirical analysis is needed to map how the provisions of the Environmental Protection and Management Law (UU PPLH) are implemented in overseeing nickel mining activities in Raja Ampat, as well as to what extent environmental law enforcement can be carried out objectively to achieve sustainable development.

LITERATURE REVIEW

Environmental Protection and Management as a Constitutional Foundation

Environmental protection is a constitutional right of every citizen, as stipulated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees the right to a good and healthy environment. Furthermore, Article 33 paragraph (4) of the Constitution emphasizes that national economic development must be carried out based on the principles of sustainability and environmental awareness. These constitutional provisions are further elaborated in Law Number 32 of 2009

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concerning Environmental Protection and Management (Environmental Protection and Management Law/UUPPLH), which regulates pollution prevention instruments, Environmental Impact Assessments (EIA/AMDAL), environmental monitoring, law enforcement, and liability for environmental damage. Therefore, environmental protection serves as the constitutional foundation for all natural resource utilization activities, including nickel mining operations in Raja Ampat.

Previous Studies on Nickel Mining and Environmental Protection

Numerous studies have shown that nickel mining activities have significant environmental impacts when they are not accompanied by proper environmental management. Franky Butar Butar (2010) argued that environmental law enforcement in the mining sector continues to face various challenges, particularly weak government supervision and the ineffective implementation of administrative, civil, and criminal sanctions. Rifda Afifah and Sodikin (2019) explained that mining companies are required to fulfill their environmental responsibilities as part of sustainable development. Meanwhile, Kanda Ramandana (2024) found that numerous violations of mining business permits still occur, including mining activities conducted outside the licensed concession area, failure to carry out post-mining land reclamation, and inadequate government oversight. Specifically regarding Raja Ampat, Uswatun Nur Auliya et al. (2026) emphasized that mining activities must remain subject to the provisions of the Environmental Protection and Management Law (UUPPLH), even when a Mining Business License (IUP) has already been granted. Another study entitled Raja Ampat on the Brink of Disaster: An Analysis of Regulatory Effectiveness and Law Enforcement Challenges Against Nickel Mining Companies (2025) concluded that weak supervision and overlapping regulations are the primary factors contributing to the inadequate protection of the environment in Raja Ampat.

Legal Liability in Mining Activities

Studies on legal liability indicate that mining companies responsible for environmental pollution or damage may be held accountable through administrative, civil, or criminal legal mechanisms. The Environmental Protection and Management Law provides administrative sanctions in the form of written warnings, government coercive measures, suspension of business licenses, and ultimately revocation of licenses. Furthermore, business entities may also be required to compensate for environmental damage and undertake environmental restoration as stipulated in Article 87 of the Environmental Protection and Management Law. From a criminal law perspective, Articles 98 and 99 of the Environmental Protection and Management Law impose criminal sanctions on any individual who intentionally or negligently causes environmental pollution or damage. Accordingly, law enforcement is intended not only to punish offenders but also to ensure the restoration of environmental functions that have been degraded as a consequence of mining activities.

Research Gap

Previous studies have examined environmental law enforcement, mining licensing systems, the ecological impacts of nickel mining, and corporate liability for environmental damage. However, most of these studies have analyzed these issues separately rather than through an integrated legal perspective. There remains limited

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research that specifically examines nickel mining activities in Raja Ampat using a juridical approach that integrates the provisions of Law Number 3 of 2020 concerning Mineral and Coal Mining with Law Number 32 of 2009 concerning Environmental Protection and Management, particularly regarding the legal basis of mining activities in protected areas and the forms of legal liability arising from environmental violations. Therefore, this study aims to address this research gap by comprehensively analyzing the legal framework governing nickel mining, the legal basis for implementing nickel mining activities in Raja Ampat, and the forms of legal liability for environmental violations under the Environmental Protection and Management Law (UUPPLH).

RESEARCH METHOD

This study employs a normative research method. This method emphasizes the study of legal norms, rules, doctrines, and principles applicable within the legal system. It is used in legal research to examine legislation, court decisions, and legal literature. This research method is also known as the doctrinal legal research method. This is because it focuses on primary legal sources such as legislation and court decisions; additionally, it utilizes secondary legal sources, namely expert opinions and legal journals. This research adopts a statutory approach, specifically the 1945 Constitution of the Republic of Indonesia, Law No. 32 of 2009 on Environmental Protection and Management, and Law No. 3 of 2020 on Minerals and Coal.

RESULT AND DISCUSSION

Legal Regulations Governing Nickel Mining Activities Based on Legislation

Nickel mining activities in Indonesia are regulated by various laws and regulations aimed at ensuring the optimal utilization of mineral resources while maintaining environmental sustainability. Constitutionally, the management of natural resources is based on Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the earth, water, and natural resources contained therein are controlled by the state and utilized to the greatest extent possible for the prosperity of the people. This provision grants the state the authority to regulate, manage, and oversee the utilization of natural resources, including mineral resources such as nickel. Furthermore, Article 28H, paragraph (1) of the 1945 Constitution of the Republic of Indonesia also guarantees every person's right to a good and healthy environment. Therefore, mining management must be carried out while maintaining a balance between economic interests and environmental protection.

Further regulations regarding mining activities are set forth in Law No. 3 of 2020 Amending Law No. 4 of 2009 on Mineral and Coal Mining. This law serves as the primary legal basis for the conduct of mining activities in Indonesia. These provisions specify that mining activities encompass all stages of mineral management, ranging from general surveys, exploration, feasibility studies, construction, mining, processing and refining, transportation, and sales, through to post-mining activities. Nickel falls under the category of " " metals, the exploitation of which must be conducted based on permits issued by the government. Consequently, all nickel mining activities must meet the administrative, technical, environmental, and financial requirements established by applicable laws and regulations. In practice, mining activities are not only regulated by the Minerba Law but must also comply with environmental protection provisions set forth in Law No. 32 of 2009 on Environmental Protection and Management (UUPPLH). This

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law establishes various legal instruments aimed at preventing environmental pollution and damage resulting from business activities and/or activities that have the potential to impact the environment. Mining is one of the business sectors that poses a high risk to the environment because it can cause changes in the landscape, erosion, sedimentation, water pollution, ecosystem damage, and a decline in environmental quality if not properly managed.

One of the key instruments regulated under the UUPPLH is the Environmental Impact Analysis (AMDAL). An AMDAL is a study of the significant and substantial impacts of a business or activity on the environment, used as the basis for decision-making regarding the environmental feasibility of an activity. Any mining activity with the potential to cause significant environmental impacts is required to have an EIA in place before obtaining an environmental permit and commencing operations. The purpose of the EIA is to identify potential environmental impacts that may arise and to formulate measures for prevention, management, and environmental monitoring so that mining activities do not cause damage that harms the community or the surrounding environment. In addition to the requirement to have an EIA, mining companies are also obligated to implement sustainable environmental management and monitoring. These obligations include controlling water pollution, managing waste, reclaiming post-mining land, maintaining environmental quality, and submitting environmental management reports to the relevant authorities. In the context of nickel mining, these obligations are particularly critical, given that mining operations are typically conducted using open-pit methods, which have the potential to generate mine water runoff, sedimentation, and changes in land cover that can disrupt the balance of surrounding ecosystems.

To ensure business operators' compliance with environmental regulations, the government is granted the authority to conduct oversight as stipulated in Articles 71 through 73 of the Environmental Protection and Management Law (UUPPLH). This oversight is carried out through on-site inspections, evaluation of environmental documents, monitoring of EIA implementation, and assessment of companies' compliance with their environmental obligations. If violations are found, the government may impose administrative sanctions ranging from written warnings and government enforcement measures to the suspension or revocation of business licenses. Additionally, companies may be held civilly or criminally liable if proven to have caused environmental pollution or damage.

In the context of nickel mining in Raja Ampat, these legal regulations play a crucial role, given that the region is an area of high ecological value and is recognized as one of the world's largest centers of marine biodiversity. Various studies indicate that mining activities in the Raja Ampat region have the potential to cause coastal sedimentation, coral reef damage, increased water turbidity, and changes in land cover due to the clearing of mining areas. Therefore, all mining activities conducted in the region must comply with the provisions of the Mineral and Coal Law (UU Minerba) and the Environmental Protection and Management Law (UUPPLH) to ensure that the utilization of mineral resources proceeds in tandem with efforts to protect and preserve the environment. Based on the above, it is clear that the legal framework governing nickel mining activities in Indonesia comprehensively addresses various aspects, ranging from permitting, environmental management, and oversight to law enforcement against violations. However, the effectiveness of environmental protection is determined not only by the existence of regulations but also by the consistency of their implementation on the

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ground. Therefore, the success of nickel mining management depends heavily on companies' compliance with applicable legal provisions as well as the effectiveness of government oversight to achieve sustainable and environmentally responsible development.

Mining activities in Raja Ampat can be carried out in accordance with the Mining Law

Mining activities in Raja Ampat are essentially permitted because Indonesia adheres to the principle of state control over natural resources, as stipulated in Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This provision states that the earth, water, and the natural resources contained therein are under the control of the state and shall be utilized to the greatest extent possible for the prosperity of the people. This state control is not interpreted as absolute ownership, but rather as the state's authority to regulate, administer, manage, and supervise the utilization of natural resources for the benefit of society. Therefore, the state has the authority to grant permits to business entities to conduct mining activities, including nickel mining. Further regulations regarding mining activities are set forth in Law No. 3 of 2020 Amending Law No. 4 of 2009 on Mineral and Coal Mining (the Minerba Law). Article 1(1) of the Minerba Law explains that mining refers to some or all stages of activities related to the management and exploitation of minerals or coal, including general surveys, exploration, feasibility studies, construction, mining, processing and refining, transportation and sales, as well as post-mining activities. This provision indicates that mining activities are legally recognized and permitted as long as they are carried out in accordance with established procedures and requirements.

Nickel is a metallic mineral commodity of strategic importance for national development. In recent years, global demand for nickel has increased significantly alongside the growth of the stainless steel industry and the electric vehicle battery industry. Indonesia is even recorded as the country with the world's largest nickel reserves, leading the government to designate the nickel mining sector as a key sector in driving national economic growth and the downstream processing of mineral industries. This situation has led various regions with potential nickel reserves—including Raja Ampat—to become targets for mining development. Legally, mining activities may be conducted only if the business operator has obtained a valid permit from the government. Pursuant to Article 35(1) of the Mineral and Coal Law, mining operations are conducted based on business permits issued by the central government. These permits serve as legal instruments that grant companies the legitimacy to conduct exploration and exploitation of mineral resources. With these permits, companies obtain the right to operate in mining areas in accordance with the scope and duration specified by the government.

In the context of Raja Ampat, nickel mining activities can be carried out because several companies have obtained the legal basis in the form of work contracts or mining business permits issued by the government. One of the companies engaged in nickel mining in the region is PT Gag Nikel, which operates on Gag Island in Raja Ampat Regency. The existence of these permits indicates that, from a mining law perspective, mining activities in Raja Ampat were initially deemed to meet the administrative and legal requirements set by the government. However, the legality of mining activities is not determined solely by the possession of a mining business permit. The Minerba Law

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also stipulates that mining activities must be carried out with due regard for safety, occupational health, mineral resource conservation, and environmental protection and management. In other words, a mining permit is not an absolute right, but rather a right accompanied by various legal obligations that must be fulfilled by the company.

In addition to complying with the Minerba Law, mining activities in Raja Ampat must also adhere to the provisions of Law No. 32 of 2009 on Environmental Protection and Management. Article 22 of the Environmental Protection and Management Law (UUPPLH) requires every business and/or activity that has the potential to cause significant environmental impacts to have an Environmental Impact Analysis (AMDAL). This requirement is particularly critical because nickel mining activities—especially those using open-pit mining methods—have the potential to cause impacts such as erosion, sedimentation, water pollution, land cover degradation, and disruption to coastal and marine ecosystems.

In practice, there has been debate regarding the sustainability of mining activities in Raja Ampat because the region is an area of extremely high ecological value . Raja Ampat is known as one of the world's largest centers of marine biodiversity and possesses ecosystems that are vulnerable to natural resource exploitation. Several studies indicate that mining activities in the Raja Ampat region have the potential to cause coastal sedimentation, increased water turbidity, coral reef damage, and changes in land cover due to the clearing of mining areas. These conditions raise concerns that mining activities could threaten the ecological functions of the Raja Ampat region if not properly managed.

From a mining law perspective, the fact that a region possesses potential mineral resources, in principle, permits mining activities as long as they do not conflict with applicable laws and regulations. However, from an environmental law perspective, the conduct of mining activities must still take into account the principles of sustainable development, the precautionary principle, and the principles of environmental sustainability and conservation as stipulated in the Environmental Protection and Management Law (UUPPLH). Therefore, the existence of a mining business permit cannot be used as a basis for neglecting environmental protection.

Furthermore, the state has the authority to monitor and evaluate permits that have been granted. If, during implementation, violations of environmental regulations are found or it is proven that serious environmental damage has occurred, the government may impose administrative sanctions ranging from written warnings, government enforcement measures, suspension of the permit, to revocation of the mining business permit. This demonstrates that the continuity of mining activities is highly dependent on the company's level of compliance with all applicable legal provisions.

Based on the above explanation, it is clear that mining activities in Raja Ampat can be carried out because they have a strong legal basis, both constitutionally and under the provisions of the Mineral and Coal Law. This legal standing is obtained through the licensing mechanism granted by the state to mining operators. However, the conduct of mining activities must not only meet licensing requirements but must also comply with environmental protection and management regulations. Thus, the existence of a mining permit must be viewed as an instrument that grants rights while simultaneously imposing obligations on the company to preserve the environment and ensure the sustainable use of natural resources.

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Forms of Legal Liability for Environmental Violations Resulting from Nickel Mining Activities in Raja Ampat

Legal liability for environmental violations resulting from nickel mining activities in Raja Ampat is fundamentally governed by Law No. 32 of 2009 on Environmental Protection and Management (UUPPLH), Law No. 3 of 2020 on Mineral and Coal Mining (Minerba Law), and Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands. These three regulations provide the legal basis for the government to enforce the law against business entities that cause environmental pollution or damage as a result of mining activities.

Based on the results of the Ministry of Environment's oversight in 2025, a number of violations were found to have been committed by several nickel mining companies in Raja Ampat. These violations included mining activities lacking complete environmental documentation, land clearing outside the permitted area, mining activities on small islands of high ecological value, and environmental management practices that did not comply with statutory regulations. In response to these findings, the government has taken enforcement actions, including the temporary suspension of mining activities, the imposition of administrative sanctions, the review of mining business permits, and the revocation of permits for companies proven to have violated environmental laws.

From an environmental law perspective, the first form of liability that can be imposed is administrative liability. Article 76(2) of the Environmental Protection and Management Law (UUPPLH) stipulates that administrative sanctions may take the form of written warnings, government enforcement measures, suspension of business permits, and revocation of business permits. Administrative sanctions serve as a control mechanism to halt violations and restore business operators' compliance with environmental regulations. In the case of Raja Ampat, the application of administrative sanctions is evident in the government's actions to temporarily suspend the activities of several mining companies and revoke mining business permits deemed inconsistent with environmental protection regulations and the governance of small islands.

In addition to administrative liability, business operators may also be held civilly liable if mining activities cause harm to the environment or the community. The legal basis for this is found in the Environmental Protection and Management Law ( ), specifically Article 87(1) of the UUPPLH, which states that any person responsible for a business and/or activity that causes environmental pollution or damage, thereby resulting in harm, is obligated to pay compensation and/or take specific remedial actions. In the context of nickel mining in Raja Ampat, civil liability may take the form of an obligation to pay compensation, fund environmental restoration, and carry out rehabilitation and restoration of damaged ecosystems. If it is proven that coastal sedimentation, coral reef damage, forest degradation, or water pollution has occurred as a result of mining activities, then the government, affected communities, and environmental organizations have the right to file a civil lawsuit against the responsible company.

In addition to administrative and civil sanctions, criminal liability may also be imposed if an environmental violation is committed intentionally or through negligence, resulting in environmental pollution and damage. Article 98(1) of the Environmental Protection and Management Law (UUPPLH) states that any person who intentionally commits an act resulting in the exceeding of environmental quality standards or criteria for environmental damage may be punished by imprisonment and a fine. Furthermore, Article 116(1) of the UUPPLH specifies that if an environmental crime is committed by

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a business entity, criminal charges may be brought not only against the business entity itself but also against the party who issued the order or acted as the leader of the activities that led to the commission of the environmental crime. Thus, if the results of an investigation prove the existence of intent or negligence resulting in environmental damage in Raja Ampat, the mining company and its management may be held criminally liable in accordance with applicable regulations.

Furthermore, legal liability for mining activities in Raja Ampat is also related to the management of coastal areas and small islands. Law No. 1 of 2014 stipulates that the utilization of coastal areas and small islands must take into account ecosystem conservation and environmental sustainability. Findings by the Ministry of Environment indicate that some mining activities are conducted on small islands that possess high ecological value and are vulnerable to environmental damage. Therefore, if mining activities are proven to violate the principles of protecting coastal areas and small islands, the government has the authority to conduct evaluations, revoke, or cancel business permits as a form of legal accountability for the violations committed. Based on the above, it is clear that legal accountability for environmental violations resulting from nickel mining activities in Raja Ampat can be enforced through administrative, civil, and criminal mechanisms cumulatively, depending on the severity of the violations committed. Effective law enforcement aims not only to impose sanctions on business operators but also to ensure environmental restoration and guarantee the continued ecological function of Raja Ampat as an area of high conservation value and biodiversity.

CONCLUSION

Legal Framework for Nickel Mining: This activity is comprehensively regulated under Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia (state control), Article 28H, paragraph (1) of the 1945 Constitution of the Republic of Indonesia (the right to a healthy environment), Law No. 3 of 2020 (the Mining and Energy Law), and Law No. 32 of 2009 (the Environmental Protection and Management Law). Every business operator is required to hold a valid permit and environmental documents, such as an Environmental Impact Assessment (EIA), before commencing operations.

Justification for Activities in Raja Ampat: Mining in Raja Ampat is permitted because several companies (such as PT Gag Nikel on Gag Island) have obtained valid legal grounds in the form of work contracts or Mining Business Permits (IUP) from the central government. However, ecologically, this poses a dilemma because the area is a small-island conservation zone that is highly vulnerable to degradation.

Forms of Legal Liability for Environmental Violations: Based on findings of violations by the Ministry of Environment in 2025 (such as mining without complete documentation and outside the permitted area), liability can be enforced through three instruments: Administrative Sanctions: Written warnings, government enforcement, temporary suspension of activities, up to revocation of the mining business permit; Civil Sanctions: The obligation to pay compensation and to take specific actions such as recovery, rehabilitation, and restoration of damaged ecosystems; Criminal Sanctions: Imprisonment and fines for individuals or business executives who intentionally or negligently violate environmental quality standards.

In this study, the legal analysis was conducted by referring to the laws and regulations in effect at the time the events or activities under study took place. The use of regulations in effect at the time of the events is intended to ensure the accuracy and

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relevance of the legal analysis in accordance with the principle of "tempus regit actum," which states that a legal act is evaluated based on the legal provisions in effect at the time the act was committed. Based on these considerations, this study uses Law No. 4 of 2009 on Mineral and Coal Mining, along with the implementing regulations in effect at the time the mining activities and licensing processes under study took place. Although subsequent amendments were made through Law No. 3 of 2020 and subsequent regulatory changes, the provisions in effect at the time the legal facts occurred are still used as the basis for analysis to avoid retroactive application of the law. In addition, this study also refers to Law No. 32 of 2009 on Environmental Protection and Management, as regulations concerning Environmental Impact Assessments (EIA), environmental protection, and legal liability for environmental pollution or damage are key aspects discussed in this study.

Thus, the use of regulations in effect at the time the event occurred aims to maintain the consistency of legal analysis, provide legal certainty regarding the subject under study, and ensure that legal assessments are conducted based on the provisions in effect at the time the legal facts occurred. Newer regulations are used for comparison to examine developments in legal policy in the fields of mining and the environment.

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