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Legal Conflicts in Granting Mining Permits to Religious Organizations in Indonesia

Alik Maulidatin, Nur Chanifah, Indah Dwi Qurbani
Faculty of Law, Brawijaya University, Malang City, Indonesia
alikmaulidatinn@gmail.com

Abstract

This study examines the normative conflict arising from granting Special Mining Business Permits (IUPK) to business entities owned by religious organizations in Indonesia and evaluates its implications for environmental protection and legal system coherence. This issue emerges from the inconsistency between Law No. 2 of 2025, which prioritizes religious organizations in obtaining mining permits, and Law No. 17 of 2013, which mandates these organizations to preserve natural resources and the environment. This research employs normative legal research using statutory and conceptual approaches, supported by prescriptive analytical methods to assess legal consistency, environmental principles, and institutional mandates. The findings reveal a fundamental philosophical and juridical contradiction between the extractive orientation of mining law and the socio-religious and ecological mandate of community organization law. This regulatory inconsistency creates legal uncertainty, weakens environmental protection, and risks transforming religious organizations from social-ethical institutions into extractive economic actors. Furthermore, this policy potentially undermines the constitutional principle of state control over natural resources and the precautionary principle in environmental governance. This study proposes a legal reconstruction model through harmonization of conflicting regulations, removal or restriction of priority mining rights for religious organizations, and redirection of their economic activities toward sustainable non-extractive sectors. The originality of this research lies in its integrative normative framework linking legal hierarchy, environmental constitutionalism, and institutional legitimacy to develop a coherent and sustainability-oriented mining governance model. These findings contribute to strengthening environmental legal policy and preserving the normative integrity of religious institutions in natural resource governance.
Keywords: *Environmental Protection; Legal Conflict; Mining Permits; Religious Organizations*

1. INTRODUCTION

Indonesia has abundant natural resources, particularly in the mineral and coal mining sectors. All of these natural resources are under state control and are utilized to the fullest extent for the prosperity of the people, as stipulated in Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This provision places the state as the holder of a constitutional mandate to regulate, manage, and supervise the utilization of natural resources for the realization of social justice for all Indonesian people.[1] The meaning of "controlled by the state" refers to the public authority of the state to carry out regulatory, administrative, and supervisory functions. In the mineral and coal mining sector, this authority is exercised by the government through the establishment of regulations, the granting of licenses, and the supervision of mining activities

[1] Angga Kurniawan, Abdul Madjid, and Istislam Istislam, "Reconstructing Legal Frameworks for Post-Mining Reclamation Guarantees and Ecological Justice," *Jurnal Ius Constituendum* 10, no. 3 (2025): 491–514, https://doi.org/10.26623/jic.v10i3.12779.

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based on Law Number 4 of 2009 concerning Mineral and Coal Mining, as last amended by Law Number 2 of 2025.[2]

Through the granting of mining permits, the state controls the utilization of natural resources that are strategic and of high economic value. In its development, the government, through the Ministry of Energy and Mineral Resources, gives priority to granting Special Mining Permits (IUPK) to business entities owned by religious community organizations. This policy is based on Law 2/2025, Government Regulation No. 39 of 2025, and Presidential Regulation No. 76 of 2024, to promote the equitable distribution of the economic benefits of natural resources.[3] However, granting IUPKs to religious community organizations raises legal and institutional issues, because religious community organizations are established to carry out social functions and develop religious values, not to manage the mining sector, which is technical, high-risk, and has a significant impact on the environment. As emphasized in Law Number 17 of 2013 concerning Community Organizations, as amended by Law Number 16 of 2017. [4]

Mining activities have great potential to cause environmental damage, including deforestation, land degradation, water and air pollution, loss of biodiversity, and damage to unproductive post-mining land.[5] In addition, it often triggers social conflicts around mining areas. Meanwhile, Article 75 paragraphs (1) and (2) of Government Regulation Number 96 of 2021 as amended by Government Regulation Number 39 of 2025 (PP 39/2025) stipulate that Special Mining Business License Areas (WIUPK) consist of WIUPK for metal minerals and WIUPK for coal, which are granted on a priority basis to certain subjects, including business entities owned by religious community organizations. This regulation is intended to realize economic equality and improve community welfare through the distribution of access to natural resource management.[6]

Government Regulation No. 39 of 2025 provides legal certainty for WIUPK investors, including business entities owned by religious community organizations, through priority and auction mechanisms for metal minerals and coal. By establishing clear criteria, such as the form of a limited liability company, majority share ownership by national religious organizations, ownership of a mining sector NIB, and a commitment to environmental preservation. However,

[2] Amirullah Nur Rizkiya Muhlas, "Antinomi Hukum Pengaturan Penawaran WIUPK Dan IUPK Secara Prioritas Terhadap Badan Usaha Ormas Keagamaan," in *Prosiding Seminar Nasional Program Doktor Ilmu Hukum* (Surakarta: Universitas Muhamadiyah Surakarta, 2024), 72–84.

[3] Iwan Nasution Amanda Syafani Al Ikhsan Hasibuan, "Pemberian WIUPK Kepada Organisasi Kemasyarakatan Keagamaan: Analisis Terhadap UU Minerba Dan PP Nomor 25 Tahun 2024," *Legal Standing : Jurnal Ilmu Hukum* 9, no. 4 (2025): 1018–32, https://doi.org/10.24269/ls.v9i4.12025.

[4] La Sensu et al., "Dampak Pemberian IUPK Kepada Ormas Keagamaan Terhadap Prinsip Keberlanjutan Lingkungan Dan Tata Kelola Pertambangan Di Indonesia," *Halu Oleo Legal Research* 7, no. 1 (2025): 167–83, https://doi.org/10.33772/holresch.v7i1.1633.

[5] Dahliani Dahliani and Hadi Tuasikal, "Corporate Responsibility for Environmental Damage from The Perspective of Unlawful Acts and Environmental Justice," *Jurnal Ius Constituendum* 10, no. 2 (2025): 265–81, https://doi.org/10.26623/jic.v10i2.12020.

[6] Indah Dwi Qurbani and Ilham Dwi Rafiqi, "Prospective Green Constitution in New and Renewable Energy Regulation," *Legality: Jurnal Ilmiah Hukum* 30, no. 1 (2022): 68–87, https://doi.org/10.22219/ljih.v30i1.18289.

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this administrative certainty is not balanced with specific operational regulations and oversight mechanisms. To date, there are no regulations governing technical mining standards for religious community-owned business entities. Without clear and binding guidelines, the involvement of religious organizations in mining has the potential to cause conflict between the religious values they uphold and the destructive impacts of mining activities, while also undermining the goal of environmental protection and damaging the social legitimacy of religious organizations themselves.

Religious community organizations essentially lack the technical and managerial capacity and experience to manage mining activities, which are complex and pose a high risk to the environment. The main function of community organizations is social service and the preservation of values, not the management of extractive activities that have the potential to damage the environment and trigger social conflict. Granting permits to religious community organizations through priority mechanisms or auctions demonstrates an inconsistency in policy with the objectives of establishing community organizations as stipulated in Law No. 17 of 2013. This policy not only opens up the risk of environmental damage, but also places religious community organizations in a vulnerable position to social conflict and moral legitimacy degradation within society.

Although several previous studies have examined the granting of WIUPK/IUPK to religious organizations from the perspective of regulatory conflict, hierarchy of norms, and constitutionality. There has been no systematic study examining whether the extractive and profit-oriented orientation of mining activities is inherently incompatible with the objectives of establishing religious organizations as formulated in the Law on Mass Organizations. Among them is a study by Bernike (2024), which highlights regulatory disharmony and normative conflicts in WIUPK policies for religious organizations.[7] Furthermore, Rachman (2024), in his research, emphasizes the aspects of constitutionality and state control over natural resources.[8] Meanwhile, Anggawira (2025) conducted research linking mining policy with environmental protection principles.[9] This study explicitly focuses on reconstructing IUPK policies for religious organizations by integrating the objectives of establishing these organizations, the principle of environmental prudence, and the hierarchy of legal norms into a single integrated normative analysis. Unlike previous studies, which tended to be partial and legal-formal, this study constructs an evaluative framework that assesses the consistency of policies not only in terms of

[7] Geby Bernike, Devi Ervina Nusyamsiah, and Shannia Angelia Rahardjo, "Tinjauan Yuridis Pemberian Izin Kepada Ormas Keagamaan Dalam Usaha Pertambangan Mineral Dan Batubara Berdasarkan Peraturan Pemerintah Nomor 25 Tahun 2024," *Padjadjaran Law Review* 12, no. 2 (2024): 157–70, https://doi.org/10.56895/plr.v12i2.1813.

[8] Anggawira and Rahmat Dwi Putranto, "Analisis Yuridis Peraturan Pemerintah Nomor 25 Tahun 2024 Tentang Organisasi Masyarakat Keagamaan Dan Pelaksanaan Kegiatan Usaha Pertambangan Mineral Dan Batubara," *Iblam Law Review* 5, no. 2 (2025): 43–57, https://doi.org/10.52249/ilr.v5i2.608.

[9] Sri Nurnaningsih Rachman and Melki T. Tunggati, "Kontradiksi Pengaturan Penawaran Prioritas Wilayah Izin Usaha Pertambangan Khusus Terhadap Badan Usaha Milik Organisasi Kemasyarakatan Keagamaan," *The Juris* 8, no. 1 (2024): 349–65, https://doi.org/10.56301/juris.v8i1.1315.

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authority but also in terms of the alignment of objectives, ecological sustainability, and normative legitimacy. Therefore, the objective of this study is to examine the IUPK regulation by assessing the suitability of the involvement of religious community organizations in mining activities with the provisions of Article 5 letter (e) of Law 17/2013 and the principles of environmental protection.

2. METHOD

This study is a normative legal study (juridical normative) that aims to examine and reconstruct the regulations on Special Mining Business Permits (IUPK) for business entities owned by religious community organizations. This study identifies normative disharmony and formulates legal constructs within the framework of sustainable environmental protection. The approaches used include a legislative approach and a conceptual approach. The legislative approach is used to examine the consistency and potential conflict of norms between the 1945 Constitution of the Republic of Indonesia, Law Number 17 of 2013 concerning Community Organizations in conjunction with Law Number 16 of 2017, Law Number 4 of 2009 concerning Mineral and Coal Mining in conjunction with Law Number 2 of 2025, Law Number 32 of 2009 concerning Environmental Protection and Management, and Government Regulation Number 96 of 2021 in conjunction with Government Regulation Number 39 of 2025. A conceptual approach was used to construct arguments based on the theory of the hierarchy of norms, the principle of legal utility, and the principles of prudence and sustainable development. Primary, secondary, and tertiary legal materials were obtained through literature studies, then analyzed prescriptively and analytically using grammatical and systematic interpretation methods to formulate IUPK regulations that are normatively and systemically harmonious.

3. RESULTS AND DISCUSSION

3.1 Legal Reasons for the Creation of Special Mining Business Permit Regulations for Religious Community Organizations

The Constitution affirms that control over natural resources is the mandate of the state, the implementation of which is delegated to the government solely to ensure the greatest prosperity for the people. This delegation is a constitutional mandate that carries public responsibility and strict normative limitations. In the mining sector, this mandate is realized through policy, regulation, management, and supervision. This means that the government acts as an administrative regulator and the main party responsible for the strategic direction and control of important production sectors that control the livelihoods of many people. Every mining policy that is formulated and enshrined in legislation must reflect the orientation of the public interest, guarantee fair distribution, and ensure environmental sustainability. When mining policies deviate from this mandate, for example, by prioritizing sectoral interests or certain exclusive access, then normatively these policies should be questioned because they have the potential to

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obscure the meaning of state control and reduce its constitutional objectives.[10] The government plays a central role in formulating policies and issuing mining permits to protect the state's rights over natural resources, given the scale of mining activities carried out by domestic and foreign companies.[11]

In order to develop the mining sector, the government has implemented various legal reforms, one of which is through the authority to grant mining permits or mining rights as the legal basis for the implementation of mining activities.[12] In its development, the government granted Special Mining Business Permits (IUPK) to business entities owned by religious community organizations on the grounds of supporting the improvement of community welfare and the equitable distribution of mining economic benefits. This policy was realized through the priority granting of WIUPK to business entities of religious community organizations that were deemed to have contributed to the national economy.[13] The policy is framed as an instrument of equitable distribution and economic justice to improve public welfare. Through a scheme that prioritizes the granting of WIUPKs to business entities owned by religious and community organizations, the state claims to be expanding access to natural resource management outside of conventional corporations and creating legal certainty for investors. Rhetorically, the policy appears progressive and inclusive, but substantively, the argument is questionable. The WIUPKs granted cover strategic commodities such as metal minerals and coal, which are sectors of high economic value but also pose serious ecological risks.[14]

By giving priority to business entities and mass organizations, the state is not merely distributing permits, but distributing control over national strategic resources. The question is, does this scheme truly expand public welfare evenly, or does it create special access based on institutional affiliation? Furthermore, the excuse of legal certainty for investors should not obscure the basic principle of state control over natural resources for the greatest prosperity of the people. This is because the legal certainty given to certain subjects is not synonymous with distributive justice. If this priority policy is not accompanied by guarantees of transparency, accountability, technical competence, and strict environmental protection, then claims of economic equality have the potential to become a fragile normative legitimacy. Therefore, this policy must be critically

[10] Sudaryat Sudaryat, "Downstream, Good Mining Practices, Reclamation and Post-Mining: Policy and Law Enforcement in Indonesia," *Jurnal Ius Constituendum* 10, no. 1 (2025): 1–15, https://doi.org/10.26623/jic.v10i1.10569.

[11] Elsa Ardhilia Putri et al., "Penguatan Prinsip Transparansi Dalam Sentralisasi Izin Usaha Pertambangan Minerba Guna Meminimalisir Korupsi," *Arena Hukum* 16, no. 3 (2023): 557–82, https://doi.org/1021776/ubarenahukum2023016026.

[12] Andrian Sutedi, *Hukum Pertambangan* (Jakarta: Sinar Grafika, 2011). 79

[13] Rebeka Triutami, Irawan Harahap, and Dedy Felandry, "Konflik Norma Pengaturan WIUPK Secara Prioritas Kepada BUMN BUMD Dengan Badan Usaha Milik Ormas Keagamaan," in *Prosiding SEMNASHUM* (Riau: Universitas Lancang Kuning, 2025), 1–21.

[14] Vivian Clarosa and Rasji Rasji, "The Legitimacy Controversy Surrounding Mass Organizations as Holders of Mining Business Licenses within the Framework of National Mining Law," *Jurnal Ilmu Hukum Kyadiren* 7, no. 2 (2026): 1197–1207, https://doi.org/10.46924/jihk.v7i2.382.

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examined: is it truly an instrument of social justice or merely a redistribution of concessions in a new guise?

Theoretically, this policy represents a shift in the mining licensing paradigm that is not institutionally neutral. Giving priority to WIUPK to religious organizations shifts the management model from a corporate competency basis to a socio-religious affiliation basis, which has the potential to conflict with the objectives of the organization itself. Organizations that essentially carry a social, moral, and public welfare mandate risk being pushed into an extractive economic logic laden with profit interests and conflicts of interest. This policy changes the position of organizations in the economic-political structure of natural resources. When organizations become mining operators, their socio-religious orientation has the potential to be reduced by the business interests inherent in the extractive sector. This is not merely an expansion of their role, but a transformation of their institutional character. Therefore, if this policy is to be maintained, the state must ensure that the management of WIUPK by CSO business entities is subject to strict sustainability standards, public accountability, and strict environmental protection. Without such guarantees, this policy is not an instrument of social justice, but rather a step that weakens the normative coherence of mass organizations while ignoring the principles of natural resource sustainability and the welfare of the wider community.

The argument for accelerating the downstreaming of minerals and coal is based on the assumption that the benefits of mining have not been distributed fairly and have not contributed significantly to education, health, and social welfare. On that basis, the government has opened a WIUPK priority scheme for religious organizations as an instrument for redistributing economic benefits. However, this justification is problematic if it is not accompanied by governance readiness, technical capacity, and a commitment to the principles of sustainable mining. Without these prerequisites, the involvement of religious organizations has the potential to become a counterproductive symbolic policy. Instead of strengthening downstreaming and expanding the benefits of the real sector, this policy risks reproducing structural problems such as weak supervision, unequal distribution of profits, and environmental degradation that have long been associated with the mining industry. As a result, the constitutional goal of optimizing state control over minerals and coal for the greatest prosperity of the people is likely to fail again.[15]

The empowerment of religious community organizations through their business entities is seen as the embodiment of social justice and equitable welfare in line with the ideals of the state. Religious community organizations have proven to contribute significantly to the national

[15] Caritas Woro Murdiati Tandori, "Implikasi Hukum Dan Sosial Keterlibatan Ormas Keagamaan Dalam Sektor Pertambangan Studi Atas Pasal 83A Peraturan Pemerintah No. 25 Tahun 2024," *Jurnal Panorama Hukum* 10, no. 1 (2025): 17–33, https://doi.org/https://doi.org/10.21067.

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economy, particularly through the education, health, and community empowerment sectors.[16] On this basis, the prioritization of WIUPK/IUPK issuance to religious organizations is positioned as an instrument of distributive social justice, so that the benefits of mining resource management are not concentrated in the hands of a handful of business actors, but can be felt by the wider community. Philosophically, the formulation of Law Number 2 of 2025 is based on the mandate of Article 33, paragraph (3) of the 1945 Constitution regarding state control over natural resources for the greatest prosperity of the people. The government considers that the utilization of the mining sector, particularly in areas covered by the former Coal Mining Concession Agreements (PKP2B), has not resulted in a fair and significant distribution of economic benefits to local communities. Therefore, Law 2/2025 is intended as an effort to redistribute natural resource wealth more inclusively by shifting the policy orientation from solely increasing state revenue to strengthening community economic independence. However, to achieve this goal, Law 2/2025 introduces an innovative yet controversial legal mechanism through the amendment of Article 75 paragraph (3), which opens up the possibility of giving priority for IUPK (Special Mining Business License) to business entities owned by religious community organizations. This policy raises normative issues because it brings together the agenda of economic equality with mining activities that are extractive and pose a high risk to the environment, thus requiring a critical assessment of the philosophical, constitutional, and sustainability consistency of this policy.

The government assumes that placing religious community organizations as mining operators can minimize the potential for social conflict while increasing the effectiveness of economic empowerment programs. This paradigm no longer views community organizations solely as religious entities, but rather as strategic partners in development that are seen as having the social and institutional capacity to manage productive assets for the welfare of the people.[17] The normative legitimacy of this assumption refers to Article 39 paragraph (1) of Law Number 17 of 2013 concerning Mass Organizations, which states that legal mass organizations can establish business entities to meet the needs and sustainability of their organizations. However, this policy can be critically interpreted as an attempt by the state to create new mass-based economic conglomerates. Instead of relying solely on state-owned enterprises or private corporations, the state is forming new economic actors that have a broad social base and strong moral legitimacy, with the hope that they will be more resilient to economic turmoil while also being in line with the national agenda.

[16] Moh Fiki, Ramdhani Listiono, and Afifah Eranie Mauluna, "Tinjauan Teori Hukum Terhadap Penawaran Wilayah Izin Usaha Pertambangan Khusus Secara Prioritas Kepada Badan Usaha Yang Dimiliki Oleh Organisasi Kemasyarakatan Keagamaan," *Jurnal Hukum Dan Legislasi Kontemporer* 9, no. 2 (2025): 80–93, https://journal.fexaria.com/j/index.php/jhlk.

[17] Asti Wasiska, "Analisis Kebijakan Hukum Tentang Pengelolaan Izin Usaha Pertambangan Diberikan Kepada Organisasi Masyarakat (ORMAS)," *Jurnal Darma Agung* 33, no. 1 (2025): 302–16.

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In this context, large religious organizations such as Nahdlatul Ulama and Muhammadiyah, which have millions of members and significant socio-political influence, gain access to strategic economic resources in the form of mining areas. Consequently, the policy of granting priority WIUPK/IUPK cannot be separated from the political-legal dimension, and even has the potential to be interpreted as a strategy for consolidating power and building social loyalty through the distribution of natural resources.[18] Although designed with the aim of social equality and justice, the ratio legis of Law Number 2 of 2025 contains a fundamental weakness in the form of normative contradictions. On the one hand, this law encourages religious community organizations to engage in the extractive mining industry, which is inherently high-risk in terms of environmental damage. On the other hand, the purpose of establishing religious community organizations as stipulated in Article 5 letter (e) of Law 17/2013 actually requires community organizations to preserve natural resources and the environment. This contradiction creates epistemological inconsistency in the logic of the legislation, because organizations are encouraged to pursue economic goals that are structurally potentially incompatible with the moral, social, and legal mandates inherent in their identity.

In fact, granting IUPKs to business entities owned by religious community organizations is not entirely in line with Article 33, paragraph (3) of the 1945 Constitution. The phrase "controlled by the state" requires substantive control, including management and supervision within the framework of public authority, not merely the issuance of permits. Legally, business entities owned by mass organizations are private entities, not state organs or state-owned enterprises/regionally owned enterprises that structurally represent public control over natural resources. When IUPKs are granted to private entities, there is a risk of shifting from the concept of state control to a form of delegation that resembles the privatization of strategic sectors. If state control is not consistently dominant and accountable, this policy has the potential to reduce the constitutional meaning of Article 33 paragraph (3) to mere administrative legitimacy, rather than a real instrument for the greatest prosperity of the people.[19] Meanwhile, religious community organizations are essentially formed as socio-religious entities, not for-profit corporations. Their mandate is ethical and serves the community, so granting IUPKs to their business entities conceptually shifts the institutional orientation from a social mission to an extractive economic logic.

Even more problematic is the fact that religious organizations do not have a track record or technical capacity in the mining industry, which requires high levels of competence in technology, risk management, occupational safety, and environmental protection. This lack of capacity opens up the possibility of dependence on corporate partners or third parties, so that

[18] Ainus Syahida Atsari and Ike Wanusmawatie, "Analisis Kebijakan Tentang Klientelisme Dalam Pemberian Izin," *Arus Jurnal Sosial Dan Humaniora (AJSH)* 5, no. 2 (2025): 1320–29.
[19] Nur Auliya Rahmantika Shinta Hadiyantina, Dewi Cahyandari, Xaviera Qatrunnada Djana Sudjati, *Hukum Perizinan* (Jakarta: Sinar Grafika, 2024). 3

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these organizations have the potential to become merely "legal vehicles" for certain business interests. In such a situation, socio-religious legitimacy can be exploited to cover up activities that exploit natural resources. Consequently, this policy risks obscuring the identity and mandate of CSOs and contradicts the principles of social justice and the management of natural resources for the greatest prosperity of the people. Instead of expanding public benefits, granting IUPKs to entities with incompatible orientations and capacities has the potential to create distortions in the distribution of benefits and weaken accountability in the management of strategic sectors.[20]

Based on the theory of the hierarchy of laws and regulations, this policy shows normative inconsistency whereby Law No. 2/2025, as a sectoral law, actually opens up space for the involvement of religious organizations in the extractive sector, while Law No. 17/2013 affirms the mandate of mass organizations to play a role in the preservation of natural resources and the environment. When more technical norms encourage high-risk activities that have the potential to damage the environment, while more fundamental norms emphasize the obligation to preserve, there is a disharmony that undermines the principles of consistency and coherence in the legal system. Furthermore, the ratio legis of Law 2/2025 is built on the deterministic assumption that the participation of religious organizations in mining will automatically accelerate the distribution of welfare. This assumption ignores the reality of technical capacity, governance, and ecological risk management, which are absolute prerequisites in high-risk industries. Without this foundation, the involvement of religious organizations has the potential to shift the socio-religious mandate towards pragmatic economic-extractive interests. Thus, this policy is not only normatively problematic but also philosophically contradictory. Placing religious organizations' business entities in the high-risk extractive sector not only increases the potential for pollution and environmental damage but also has the potential to reduce the moral legitimacy of the organizations themselves as guardians of ethical values and theological responsibility for environmental sustainability.

3.2 The Impact of IUPK Regulations on Business Entities Owned by Religious Community Organizations in Indonesia

The concept of a green constitution places environmental protection as a constitutional obligation of the state that must be integrated into every public policy, including the granting of Special Mining Business Permits (IUPK). The granting of IUPK must prioritize compliance with environmental laws, guarantee community participation, and ensure that mining activities do not damage the ecosystem and continue to provide sustainable benefits to the community.[21] The principle of environmental sustainability requires that mining activities be carried out with an emphasis on natural resource conservation, reclamation, and post-mining environmental

[20] Aris Yulia Nugroho, Wahyu, Erwin Syahruddin, Saiful Anam, "Ormas Keagamaan Jadi Korporasi : Politik Hukum Di Ujung Tambang," *Jurnal Litigasi* 26, no. 1 (2025): 307–43, https://doi.org/10.23969/litigasi.v26i1.20375.
[21] Qurbani and Rafiqi, "Prospective Green Constitution in New and Renewable Energy Regulation."

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restoration. Every IUPK holder, including religious community organizations, is required to strictly implement environmentally friendly mining standards.[22] Failure to comply with this principle has the potential to cause permanent environmental damage and is contrary to the objectives of sustainable development. Granting IUPKs to religious community organizations does have the potential to improve community welfare and empowerment. However, without professional, transparent management based on the principles of a green constitution, this policy risks triggering social conflict, damaging public trust, and opening the door to abuse of authority. Therefore, the prioritization of IUPKs for religious organizations must be supported by strict regulations and effective oversight mechanisms.[23]

In accordance with the principle of prudence as stipulated in Article 2 letter (f) of Law Number 32 of 2009 concerning Environmental Protection and Management, mining activities are high-risk activities with the potential for irreversible damage. Considering that religious community organizations do not have the capacity, expertise, and track record in the field of mining. The prioritization of IUPK issuance is a high-risk policy and contrary to the principle of prudence. Ignoring the principle of prudence in issuing IUPKs to religious organizations can be classified as a violation of the law or maladministration, as it contradicts Law 32/2009 as the legal umbrella for the environment. The irreversible nature of environmental damage, coupled with Indonesia's poor track record in mining management, confirms that this policy should not be used as an experiment. Therefore, strict supervision and evaluation are necessary to maintain the balance between economic development and environmental preservation in accordance with the principles of the green constitution.

The government plays a crucial role in formulating policies and issuing mining permits as a form of state control over natural resources. Through its licensing authority, known as the mining authority, the state determines who has the right to manage mineral and coal resources that are of strategic value to the national economy. Minerals and coal play an important role in supporting the industrial, energy, and manufacturing sectors.[24] However, the expansion of the mining industry, which has not been balanced with strict environmental policies, has caused serious ecological and social impacts in various regions of Indonesia. Empirically, mining activities have been proven to be one of the main causes of environmental damage. In South Kalimantan, coal mining activities have repeatedly triggered landslides on national roads, such as in Satui Barat Village (2022), as well as similar cases in Bukit Mulya, Bunati, Tatakan, and Kintap. These landslides have damaged residents' homes and public infrastructure financed by state taxes, showing that the economic benefits of mining are not commensurate with the burden of

[22] Benadito Rompas and Tri Hayati, "Implikasi Kebijakan Sektor Hilir Pertambangan: Ancaman Dan Perlindungan Terhadap Lingkungan Hidup," *Jurnal Ius Constituendum* 7, no. 1 (2022): 177–91, https://doi.org/10.26623/jic.v7i1.4908.
[23] Bernike, Devi Ervina Nusyamsiah, and Shannia Angelia Rahardjo, "Tinjauan Yuridis Pemberian Izin Kepada Ormas Keagamaan Dalam Usaha Pertambangan Mineral Dan Batubara Berdasarkan Peraturan Pemerintah Nomor 25 Tahun 2024."
[24] Armin Hasti, Abrar Saleng, and Juajir Sumarji, "Kewenangan BKPM Dalam Mencabut Izin Usaha Pertambangan," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 2 (2023): 1195–1204, https://doi.org/10.37680/almanhaj.v5i2.3218.

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environmental and social damage borne by the community. This situation highlights the weak supervision and failure of the state to ensure the safety of the environment and its citizens.[25]

A broader threat also exists in coastal areas and small islands. Data from Forest Watch Indonesia (FWI) shows that around 7 million hectares of small islands in Indonesia are under concession pressure, with 245,000 hectares allocated specifically for mining. Between 2017 and 2021, deforestation on small islands reached 318,600 hectares, directly impacting marine pollution, coastal sedimentation, loss of biodiversity, and the destruction of the livelihoods of indigenous peoples, fishermen, and coastal farmers.[26] This fact shows that mining in vulnerable areas not only damages terrestrial ecosystems but also marine ecosystems that support the livelihoods of local communities. The case of nickel mining on Gag Island, Raja Ampat, West Papua, further highlights this threat. The clearing of hundreds of hectares of land on this small island risks causing sedimentation into the sea, damaging coral reefs and seagrass beds, and threatening Raja Ampat's status as a globally significant conservation area and geopark. This region is one of the world's marine biodiversity hotspots and should be strictly protected by the state. Environmental damage caused by mining also triggers ecological disasters.[27] In Central Halmahera, North Maluku, severe flooding in July 2024 submerged four villages and affected more than 6,500 residents. The floods were triggered by the destruction of approximately 26,100 hectares of primary forest over the past decade due to nickel mining expansion. The loss of the forest's function as a water catchment area caused rainwater mixed with soil and heavy metals to flow rapidly into settlements and coastal areas, increasing the risk of repeated disasters.[28]

Based on empirical evidence, mining activities in Indonesia have caused massive and systemic damage, ranging from deforestation, flooding, and landslides to the loss of livelihoods for communities. The impact is not only ecological, but also social, economic, and on public health. This situation shows that existing mining governance has not been able to effectively control risks. In this ecological crisis, policies that open space for religious community organizations to manage mining businesses actually reflect a policy contradiction. Rationally, a sector that has proven to be high risk and poorly supervised should be tightened, not expanded. When regulatory design adds actors without improving the structure of supervision and environmental protection standards, the potential for damage will increase directly. The causal relationship is clear: the expansion of permits in an unaccountable system will increase the probability of environmental degradation and social conflict. From a green constitution perspective, this step is

[25] M. Jefry Raharja Kisworo Dwi Cahyono, "Terulang Lagi, Jalan Negara Di Kalsel Longsor Akibat Tambang," www.walhi.or.id, 2022, https:///terulang-lagi-jalan-negara-di-kalsel-longsor-akibat-tambang.

[26] Media FWi, "Putusan Mahkamah Konstitusi (MK): Momentum Perbaikan Tata Kelola Pertambangan Di Pulau Kecil Di Indonesia," fwi.or.id, 2024, https://fwi.or.id/mk-tambang-deforestasi-pulau-pulau-kecil/.

[27] Aryo Bhawono, "Foto-Foto Kerusakan Raja Ampat Oleh Tambang," BETAHITA.ID, 2025, https://betahita.id/news/lipsus/11167/foto-foto-kerusakan-raja-ampat-oleh-tambang.html?v=1750198179 .

[28] Walhi, "Bencana Ekologis Terjadi: WALHI Maluku Utara Meminta Aktivitas Pertambangan Di Lokasi Banjir Dihentikan," walhi.or.id, 2024, https://www.walhi.or.id/bencana-ekologis-terjadi-walhi-maluku-utara-meminta-aktivitas-pertambangan-di-lokasi-banjir-dihentikan .

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also problematic because it does not reflect the state's strong commitment to guaranteeing the right to a good and healthy environment. Thus, this policy risks exacerbating ecological damage while weakening the state's constitutional responsibility to protect public safety.[29]

The concept of sustainable development emphasizes that development is not merely economic growth, but rather an integrated process that requires the exploitation of resources, investment direction, technology choices, and institutional design to be subject to ecological limits. Development that ignores environmental carrying capacity essentially deviates from the principle of sustainability. Growth based on intensive exploitation without adequate environmental protection is not development. Forest destruction, pollution, and ecosystem degradation will transform into long-term social and economic burdens. Therefore, sustainability is not an obstacle to development, but a rational prerequisite so that today's progress is not paid for with ecological crises and social inequality in the future.[30]

In addition, the ecological and social impacts of mining policies essentially demonstrate a strong causal relationship between regulatory design and the consequences that arise. Damage such as landslides, coastal sedimentation, and flooding due to deforestation are technical failures, resulting from regulatory constructs that emphasize administrative licensing aspects rather than substantive ecological restrictions. When environmental carrying capacity and resilience are not used as absolute parameters in granting permits, exploitation in vulnerable areas becomes legally valid, even though it poses high ecological risks. The precautionary principle should prevent the granting of permits in areas that have the potential to cause serious or irreparable damage. In fact, this principle has not been effectively internalized in the design of norms. The risk of landslides in open-pit mining areas, damage to small island ecosystems, or the loss of forest function as a water catchment area are scientifically predictable risks. When permits are still granted without strict restrictions, the damage that occurs is a logical consequence of this policy choice. Weak oversight and sanctions also reinforce this causal relationship. Norms that do not create a deterrent effect give rise to moral hazard, whereby businesses tend to ignore their environmental obligations because the cost of violating them is lower than the economic benefits. Within the framework of a green constitution, this reflects a misalignment between sectoral policies and the constitutional mandate to guarantee the right to a good and healthy environment. Therefore, the ecological and social risks that arise are not side effects that are separate from policy, but rather a direct consequence of a legal architecture that has not placed environmental protection as a firm and non-negotiable normative boundary.

The prioritization of IUPK issuance to business entities owned by religious community organizations is a structurally problematic policy. Amidst an ecological crisis of massive

[29] Muhamad Nur et al., "Problems in the Enforcement of Article 98 of Law No . 32 of 2009 On Environmental Crimes," *Jurnal USM Law Review* 8, no. 3 (2025): 1584–99, https://doi.org/10.26623/julr.v8i3.12694.
[30] Nurlita Pertiwi, *Implementasi Sustainable Development Di Indonesia* (Bandung: Pustaka Ramadhan, 2017). 8

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deforestation, water pollution, and increasing mining-related disasters, the rational course of action should be to restrict and tighten supervision, not expand access. When a sector with weak oversight is expanded to include new actors, the risk of environmental damage and social conflict increases directly. Causally, this policy reveals a dissonance: the crisis is not addressed with regulatory corrections, but with legal expansion. Adding actors to a system that is not yet accountable will only multiply the potential for degradation. Furthermore, the involvement of religious organizations in the extractive industry also contradicts the social and moral functions that form the basis of their establishment, and risks eroding their ethical legitimacy in the eyes of the public. Therefore, this policy is not a progressive, affirmative step but rather a high-risk decision that has the potential to exacerbate ecological damage, expand the social burden, and demonstrate the state's failure to prioritize environmental protection in natural resource management.

Normatively, this policy deviates from the essence of environmental conservation, which demands the protection of the integrity and sustainable carrying capacity of ecosystems. The deep ecology perspective asserts that nature has intrinsic value and therefore cannot be reduced to an object of economic exploitation. The expansion of mining permits in the context of an ecological crisis demonstrates the subordination of environmental values to short-term economic interests. In addition, the principles of sustainable development and precaution require that permits be granted only to entities that have the technical capacity and a track record of sustainability.[31] The granting of IUPKs to religious community organizations that lack structural competence in the field of mining reflects a disregard for these standards. Thus, this policy is not only ecologically problematic but also demonstrates the state's inconsistency in carrying out its constitutional mandate to protect the environment and the safety of its people.

3.3 Normative Solution for Granting IUPK to Business Entities Owned by Religious Community Organizations

The government has made history by granting Special Mining Permits (IUPK) on a priority basis to business entities owned by religious community organizations for the first time. This policy is based on Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining, which opens up the possibility of granting priority IUPKs to community organizations on the grounds of improving community welfare. However, this policy has sparked public controversy, given that historically and functionally, religious

[31] Nasrullah Nasrullah et al., "Reconstructing Mining Governance Through Maqasid Al-Sharia: Towards Natural Resource Management Public Welfare Oriented," *Syariah: Jurnal Hukum Dan Pemikiran* 25, no. 1 (2025): 97–112, https://doi.org/10.18592/sjhp.v25i1.18046.

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community organizations are oriented toward social and religious activities, not the management of the extractive mining sector.[32]

Normatively, the granting of priority IUPKs is regulated in Article 75 paragraphs (1), (2), and (3) of Law 2/2025, which allows business entities owned by religious community organizations to obtain IUPKs in State Reserve Areas (WPN), including Special Mining Business License Areas (WIUPK). These permits can be obtained through an auction mechanism or priority offers by the central government. This regulation also legitimizes the involvement of religious community organizations in the management of WIUPKs for metal minerals such as iron, gold, copper, silver, tin, nickel, and aluminum, as well as WIUPKs for coal, with the consideration of strengthening the economic function of religious community organizations.[33] In fact, this policy raises conceptual and normative issues, particularly regarding the compatibility between the organization's socio-religious objectives and the nature of mining activities, which pose a high risk to the environment and the sustainability of natural resources.

The enactment of Law No. 2 of 2025, which accommodates the involvement of business entities owned by religious community organizations in mining management, has clearly caused a conflict of norms with Law No. 17 of 2013 on Community Organizations. This conflict is not merely a difference in sectoral regulations, but a fundamental contradiction regarding institutional objectives and character. Law 17/2013 defines community organizations as socio-religious entities formed for the purposes of public welfare, moral guidance, and social participation. Meanwhile, Law 2/2025 opens up space for mass organizations to engage in the mining sector, which is extractive in nature, profit-oriented, and poses high risks to the environment. This lack of synchronization creates serious teleological inconsistency. When mining activities are legitimized as part of the scope of mass organizations, economic orientation is no longer accessory but has the potential to become dominant. In this context, socio-religious objectives are threatened with being reduced to symbolic legitimization for business activities. This shift obscures the normative identity of CSOs and opens up space for structural conflicts of interest between moral functions and economic interests.[34] Argumentatively, the conflict between Law No. 2/2025 and Law No. 17/2013 shows that there's disharmony in the national legal system that can't be solved just by compromising on interpretation. Without firm normative corrections, the law actually legitimizes the transformation of mass organizations from socio-religious

[32] Egi Rivaldi Gumilar and Rianda Dirkareshza, "Disharmonisasi Pengaturan Pengelolaan Wilayah Izin Usaha Pertambangan Khusus Bagi Organisasi Masyarakat Keagamaan Di Indonesia," *Jurnal Interpretasi Hukum* 5, no. 3 (2025): 1292–1301, https://doi.org/10.22225/juinhum.5.3.11161.1292-1301.

[33] Fajar Hidayansyah Ilham and Marchellina Anggraeni, "Tinjauan Yuridis Pemberian Wilayah Izin Usaha Pertambangan Khusus Kepada Badan Usaha Milik Organisasi Kemasyaraktan Keagamaan Tanpa Mekanisme Lelang," *Jurnal Hukum & Pembangunan* 54, no. 3 (2024), https://doi.org/10.21143/jhp.vol54.no3.1644.

[34] Rachman and Tunggati, "Kontradiksi Pengaturan Penawaran Prioritas Wilayah Izin Usaha Pertambangan Khusus Terhadap Badan Usaha Milik Organisasi Kemasyarakatan Keagamaan."

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entities into corporate actors in the extractive sector, a shift that contradicts the raison d'être of their formation.

As a result, the essence and fundamental mandate of mass organizations as entities that carry out social, moral, and environmental preservation missions have been reduced. This condition risks hindering the achievement of the goals of religious community organizations, especially when business entities owned by mass organizations carry out mining activities that have the potential to cause pollution and damage to natural resources amid the escalating environmental crisis in Indonesia. In fact, religious community organizations philosophically and ideologically carry a narrative of divinity that places environmental preservation as part of moral and spiritual responsibility. Although the policy of granting IUPKs to business entities owned by religious community organizations is constructed as an instrument for improving welfare, on the other hand, these organizations should remain committed to the goal of preserving natural resources and the environment, as emphasized in Article 5 letter (e) of Law 17/2013.

The fact is that religious community organizations do not have the technical capacity, experience, or professional competence in mining management, which is a high-risk sector that requires special expertise and strict environmental impact control. This unpreparedness is a structural risk that can lead to weak governance and ecological damage.[35] With limited technical capacity, the potential for management failure and social tension is even greater. Instead of strengthening public benefits, this policy could actually erode the integrity and social function of the mass organizations themselves. Forcing mass organizations to get involved in the extractive industry has the potential to increase environmental conflicts and social tensions, while dragging the moral legitimacy of mass organizations into the arena of pragmatic economic interests. Ultimately, this policy creates a contradiction with the ethical and social mandate inherent in the very existence of CSOs.

Administratively, PP 39/2025 does provide a legal framework that regulates licensing, ownership structure, and business feasibility for business entities owned by religious community organizations. With this construction, the state has formally opened up space for community organizations to participate in the mining industry.[36] However, administrative legality is not synonymous with constitutional legitimacy or substantive feasibility. Fulfilling procedural requirements does not necessarily address issues of technical capacity, ecological risks, conflicts of interest, or compatibility with the social mandate of mass organizations. Regulations may grant permission, but they do not automatically guarantee accountable and sustainable

[35] Ananda Putri Salsabila, "Disharmoni Peraturan Penawaran Prioritas Wilayah Izin Usaha Pertambangan Khusus (Wiupk) Pasca Diprioritaskan Terhadap Badan Usaha Organisasi Kemasyarakatan Keagamaan," *Jurnal Hukum & Pembangunan* 55, no. 1 (2025), https://doi.org/10.21143/jhp.vol55.no.1.1693.

[36] Afifudin Nur Rosyid Astinda, Wahyu Pujo Pratama, and Muhammad Bagas Haidar, "Konflik Regulasi Dan Masalah Kelayakan Pada Kebijakan Izin Usaha Pertambangan Bagi Ormas Keagamaan," *Jurnal USM Law Review* 7, no. 3 (2024): 1851–64, https://doi.org/10.26623/julr.v7i3.10900.

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governance. Therefore, the existence of a formal legal basis should not be used as a final justification. Without a critical examination of its social, ecological, and constitutional implications, this policy risks remaining merely administratively legitimate, while substantive problems in the management of strategic sectors remain unresolved.

In addition, there are substantial regulatory gaps, particularly regarding operational mechanisms, technical standards, and ethical obligations of religious organizations' business entities in conducting sustainable and environmentally conscious mining. To date, there are no specific regulations that bind and distinguish the governance of mining by religious organizations' business entities from that of mining companies in general. As a result, there is a normative paradox whereby social-religious legitimacy is used to enter the extractive sector, but this is not followed by a commensurate strengthening of ecological responsibility. This policy ultimately stops at administrative legality, without ensuring consistency between the ethical mandate of mass organizations and the practice of natural resource exploitation.[37] This regulatory vacuum has led to serious clashes between the socio-religious identity of mass organizations and the exploitative nature of mining, which poses high risks to the environment. Without stricter accountability standards, mass organizations have the potential to engage in practices that are contrary to their ethical values, thereby eroding their own credibility and social legitimacy. Here, there is a clear normative contradiction: one legal regime opens space for activities that risk damaging the environment, while another regime mandates protection and preservation.

In this context, the removal of the article that includes religious community organizations as priority recipients of IUPK/WIUPK is the most logical and constitutional solution to end the existing conflict of norms. As long as this norm is maintained, the tension between the extractive mining regime and the socio-religious community organization regime will never be truly resolved. Reinterpretation or administrative restrictions will only result in a false compromise that substantively maintains the inconsistency of objectives. By removing these provisions from Law No. 2 of 2025, Law No. 17 of 2013 on Community Organizations in conjunction with Law No. 16 of 2017, will once again be upheld as the main reference norm that limits and directs the activities of community organizations in accordance with their founding objectives.

Mass organizations are socio-religious entities formed for the sake of public welfare, moral guidance, and social participation, not as instruments for capital accumulation in the mining sector. Maintaining the involvement of mass organizations in mining concessions means consciously allowing a shift in institutional orientation from social functions to the logic of profit and exploitation of natural resources. Legal reconstruction through the elimination of norms is a policy choice and a systemic necessity to maintain the philosophical coherence of the national legal system. The economic activities of mass organizations remain possible, but must be placed

[37] Anggawira and Putranto, "Analisis Yuridis Peraturan Pemerintah Nomor 25 Tahun 2024 Tentang Organisasi Masyarakat Keagamaan Dan Pelaksanaan Kegiatan Usaha Pertambangan Mineral Dan Batubara."

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in sectors that do not conflict with the principle of environmental prudence and do not give rise to structural conflicts of interest. Without this decisive step, the moral and legal legitimacy of mass organizations risks being degraded, opening up space for social polemics that are contrary to the goals of justice and public welfare that are to be realized.

The conflict between Law No. 2/2025 and Law No. 17/2013 can only be resolved by removing or restricting religious organizations as priority recipients of IUPK. The removal of the article that lists religious mass organizations as recipients of IUPK/WIUPK will restore Law No. 17 of 2013 as the main reference in directing and limiting the activities of mass organizations in accordance with their socio-religious characteristics, while also emphasizing that mass organizations are not mining corporations. Thus, the legal and moral legitimacy of mass organizations is not reduced by extractive business logic that conflicts with the mandate of environmental preservation. Therefore, a fundamental evaluation and reconstruction of legal regulations is needed to align with the objectives of establishing mass organizations, including religious mass organizations. This reconstruction can be done by removing or revising provisions that involve religious community organizations as subjects receiving IUPK/WIUPK offers. As an alternative, the economic activities of mass organizations should be directed towards non-extractive business sectors that are sustainable, welfare-oriented, and provide tangible benefits to the wider community. This approach not only minimizes ecological damage, but also prevents social polemics and maintains the consistency of the social-religious objectives of community organizations within the framework of a state law oriented towards environmental sustainability.

As stated in Article 2 letter (f) of Law Number 32 of 2009 concerning Environmental Protection and Management, the precautionary principle is explicitly positioned as the foundation of environmental protection and management. This principle has clear legal consequences: when there is a potential threat of serious and/or irreversible damage, the state is obliged to take preventive action even if there is no absolute scientific certainty. In the mining sector, which is inherently high-risk in terms of ecological degradation, this principle should be strictly applied and not relaxed. The granting of IUPKs to business entities owned by religious organizations raises fundamental questions regarding technical capacity, operational experience, and environmental governance. When there are reasonable doubts about mining management competence, the risk of damage is not merely a theoretical possibility, but a real potential that could have long-term and irreversible impacts. Under such circumstances, the principle of prudence leaves no room for policy experimentation. The state is obliged to close risk gaps from the licensing stage, including by revoking or removing norms that open up such access. Ignoring the principle of prudence in granting IUPKs means allowing potential ecological damage to occur for the sake of sectoral policy interests. Such actions clearly contradict Law 32/2009 and could potentially be classified as maladministration due to the disregard of the legal obligation to prevent serious impacts on the environment.

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The religious values that are alive and embraced by the majority of Indonesian society strongly emphasize the principle of natural balance and the moral obligation to protect it as a trust.[38] The removal of provisions that designate religious community organizations as recipients of IUPK/WIUPK is in fact a constitutional step to protect the integrity and dignity of religion from economic instrumentalization in the extractive sector. The involvement of mass organizations in mining risks dragging the moral legitimacy of religion into industrial practices that are fraught with ecological conflicts and business interests. Therefore, the evaluation and reconstruction of regulations is urgent. Norms that give priority to religious mass organizations in IUPK need to be removed or revised so as not to cause normative inconsistencies and deviations from the socio-religious mandate that forms the basis of their existence.

According to Satjipto Rahardjo, regulatory reconstruction is part of progressive legal development, which views law as something that is not static, but must continue to change and adapt to the dynamics of society. Law should not stop at normative certainty alone, but must be oriented towards justice and benefit. [39] Mochtar Kusumaatmadja added that regulatory reconstruction is not limited to changes in the wording or meaning of articles, but rather a substantial renewal that must take into account the philosophical, sociological, and juridical foundations of a regulation as a whole, so that the law truly reflects the values of justice, the needs of society, and legal certainty.[40] The revocation of the priority scheme opens up space for more appropriate and constitutional economic empowerment. Religious organizations can be directed towards sustainable non-extractive sectors such as education, health, and MSME empowerment, which are more in line with their socio-religious mandate and have a direct impact on the community without the risk of ecological damage.

The disharmony between Law 2/2025 and Law 17/2013 must be resolved through the reconstruction of mining licensing policies that uphold the consistency of legal objectives and the hierarchy of norms. Sectoral regulations must not deviate from the fundamental mandate of mass organizations as socio-religious entities that are obliged to preserve the environment. Within this framework, revoking the priority rights of religious organizations to obtain mining permits is a rational and proportionate corrective measure. This policy prevents potential ecological impacts and social conflicts, restores legal coherence, and maintains the integrity of the role and identity of religious organizations in accordance with their mandate. A comprehensive evaluation of mining licensing norms must be carried out through conceptual reconstruction that places the principle of prudence and sustainable development as the main foundation. Legal regulations need to be returned to the purpose of establishing community

[38] Daniel Jonathan and Parluhutan Pangaribuan, "Quo Vadis Izin Pengelolaan Tambang Untuk Badan Usaha Milik Organisasi Kemasyarakatan Keagamaan," *Jurnal Pemberdayaan: Publikasi Hasil Pengabdian Kepada Masyarakat* 4, no. 1 (2025): 68–77, https://doi.org/10.47233/jpmittc.v4i1.2783.
[39] Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia* (Yogyakarta: Genta Publishing, 2009). 72
[40] Mochtar Kusumaatmadja, *Konsep-Konsep Hukum Dalam Pembangunan* (Bandung: Alumni, 2006). 89

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organizations in Law 17/2013, namely as social-ethical subjects, not extractive industry actors. This reconstruction is important to stop the pragmatic sectoral approach and ensure that every licensing policy is in line with environmental protection and the institutional mandate of mass organizations. Thus, conflicts of norms can be resolved structurally while strengthening national legal coherence and maintaining ecological integrity within the framework of the Indonesian rule of law.

4. CONCLUSION

This study confirms the existence of a conflict of norms between Article 75 of Law 2/2025, which prioritizes business entities owned by religious mass organizations in obtaining IUPKs, and Article 5 letter (e) of Law 17/2013, which requires mass organizations to preserve natural resources and the environment. This conflict is not merely administrative in nature, but rather reflects a fundamental conflict of objectives between the logic of exploitation in the mining regime and the ecological mandate in the mass organization regime. This construction reflects philosophical and juridical inconsistencies in the mining law and community organization law systems, whereby the state normatively positions community organizations as subjects of environmental preservation, but simultaneously legitimizes their involvement in high-risk extractive sectors. As a result, the essence and fundamental mandate of community organizations as entities that carry out social, moral, and environmental preservation missions are reduced. This condition risks hindering the achievement of religious community organizations' goals, especially when business entities owned by CSOs carry out mining activities that have the potential to cause pollution and damage to natural resources amid the escalating environmental crisis in Indonesia. In fact, religious community organizations philosophically and ideologically carry a narrative of divinity that places environmental preservation as part of moral and spiritual responsibility. On that basis, this study recommends a review of the priority of IUPKs for business entities owned by religious community organizations, strengthening the application of the precautionary principle and environmental protection standards, and shifting the economic role of community organizations to non-extractive sectors that are consistent with their socio-religious mandate and environmental preservation.

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