GIJLSS
Greenation International Journal of Law and Social Sciences
+62 81210467572 https://research.e-greenation.org/GIJLSS greenation.info@gmail.com
GREENATION RESEARCH

DOI: https://doi.org/10.38035/gijlss.v3i3

Renewal of People's Mining Business Permit Regulations as an Instrument for Improving Community Welfare

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Abstract: Artisanal mining plays a strategic role in empowering the local economy, but its practice is often hampered by legal uncertainty, overlapping permits, and weak oversight. This study aims to examine the need for legal reform related to the People's Mining Business Permit (IUPR) so that it can function effectively as an instrument for improving community welfare. The research method used is a normative juridical approach, with an analysis of laws and regulations, including Law Number 4 of 2009 concerning Mineral and Coal Mining, amendments to Law Number 3 of 2020 in conjunction with Law Number 2 of 2025, and Government Regulation Number 96 of 2021 in conjunction with Government Regulation Number 25 of 2024. The results of the study indicate that although regulations already regulate the IUPR mechanism, its implementation is hampered by limited capital, overlapping areas, weak oversight, and suboptimal regional government coordination. Therefore, legal reform is needed, including strengthening derivative regulations, simplifying permit procedures, increasing access to financing, and synergy between central and regional governments so that the IUPR is truly able to provide legal certainty, encourage economic equality, and improve community welfare.

Keywords: People's Mining Business Permit, Legal Reform, Community Welfare

INTRODUCTION

Artisanal mining has a strategic role in driving the economy of communities in rural areas and areas rich in natural resources (Irham, 2024). This activity is often the primary source of livelihood for community groups with limited access to the formal sector (Nurhayati, 2025). Community mining activities not only generate economic value but also serve as a means of social empowerment because they directly involve the community in the mineral and coal production process (Sari, 2024). However, this sector is often underestimated because it is considered to lack the large economies of scale of conventional mining companies (LOVENDA, 2025). However, if properly regulated and measured, artisanal mining can be an effective instrument for economic equality and poverty reduction in resource-rich regions (Merdiani, 2025).

The reality on the ground shows that artisanal mining activities still face various fundamental problems, particularly related to legal certainty and overlapping permit areas (Bariun, 2024). Many artisanal mining activities are conducted in areas that have not been designated as Community Mining Areas (WPR), leading to conflicts with large-scale Mining Business Permit (IUP) holders (Ranggalawe, 2023). Furthermore, a weak oversight system has led to the emergence of illegal mining practices that are detrimental to the environment and state revenues (Hartono, 2025). This situation demonstrates that existing legal regulations are unable to provide protection and certainty for artisanal miners. These weaknesses also indicate the need for regulatory improvements so that artisanal mining activities can be carried out legally, safely, and sustainably.

Legal uncertainty in the implementation of artisanal mining reflects the weak synchronization between central and regional policies. Some regions possess significant natural resource potential but lack a clear mechanism for effectively establishing WPRs and issuing IUPRs (Saripudin, 2025). This disharmony hinders communities from accessing legitimate permits and causes them to operate outside the legal system. This situation demonstrates the need for a legal framework that is more adaptive and responsive to the needs of local communities. Regulations that support the community need to be established so that community mining activities are not only administratively legal but also able to contribute to social welfare and regional development.

Mining law reform is a crucial step in strengthening the legality and effectiveness of the People's Mining Business Permit (IUPR). Law Number 4 of 2009 concerning Mineral and Coal Mining, as amended by Law Number 3 of 2020 in conjunction with Law Number 2 of 2025, regulates the mining licensing mechanism, including for communities. However, the implementation of these provisions remains suboptimal due to weak derivative regulations and oversight. Government Regulation Number 96 of 2021, in conjunction with Government Regulation Number 25 of 2024, does provide guidance on the implementation of mining business activities, but administrative and institutional strengthening is still needed to ensure the people's licensing system runs effectively and transparently.

The principle of state control over natural resources, as stipulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, serves as the philosophical basis for regulating the mining sector (Setiawan, 2025). The state has an obligation to control natural resources and utilize them to the fullest for the prosperity of the people (Winarno, 2024). This principle legitimizes that all mining activities must be directed towards improving community welfare, not solely for corporate interests. Artisanal mining is one manifestation of this principle, where communities are given the space to directly manage mineral resources within clear legal boundaries (Rahayu, 2021). With proper regulation, the principle of state control can be realized through the economic empowerment of communities surrounding mining areas.

Mining law plays a crucial role in realizing social justice for the community. The law serves not only as an instrument for controlling mining activities but also as a means to regulate the distribution of economic benefits from natural resource management (Ramadhani, 2023). Social justice, in this case, is reflected in the regulation's ability to provide equal opportunities for local communities to participate in and benefit from mining. Regulations that favor the community will foster a sense of justice and trust in the state (Widyaningrum, 2024). This aligns with national development goals, which emphasize welfare as a fundamental right of all citizens.

Artisanal mining is closely linked to the concept of community empowerment, which emphasizes increasing community capacity to manage resources independently and sustainably (Saputri, 2024). Empowerment in this sector encompasses not only access to permits and land but also strengthening the technical, managerial, and financial capabilities of mining communities. This activity provides a means for communities to improve their standard of living without relying on external parties (Oetomo, 2025). When integrated with a sound legal system, community empowerment through artisanal mining can strengthen village economic independence and reduce disparities between regions.

The People's Mining Business Permit (IUPR) provides legal support for communities to conduct mineral and coal mining activities (Darongke, 2022). Based on Law Number 4 of 2009 in conjunction with Law Number 2 of 2025, IUPR is granted to individuals or community groups who have settled in the area and carry out mining activities in the People's Mining Area (WPR) (Sunandar, 2024). IUPRs differ from large-scale IUPs in that they are simpler, limited to a specific area, and focused on mining activities using simple technology (Toba, 2023). This regulation aims to allow communities to engage in economic activities without causing significant environmental damage and within clear legal boundaries.

The fundamental differences between IUPRs and IUPs lie in their purpose, scale, and administrative authority. IUP is given to business entities with large capital to carry out exploration and production activities in large areas, while IUPR is given to local communities with limited areas and types of commodities. IUPs require complex procedures, involving feasibility studies and environmental impact assessments (EIA), while IUPs are simpler and offer mechanisms accessible to the public (Kholifah, 2021). However, this simplicity often becomes an obstacle due to the lack of technical clarity in its application in the field. This lack of clarity requires adjustments and refinements to ensure communities truly benefit legally from these permits.

The People's Mining Area (WPR) has a central position in the implementation of the IUPR because it is the legal basis for community mining activities. The determination of WPR is expressly regulated in Article 22 of Law Number 4 of 2009, which was later amended by Law Number 3 of 2020 and then amended by Law Number 2 of 2025. This stipulates that WPRs are determined by the central government after coordination with regional governments. This determination process includes identifying areas that have potential mineral resources that can be exploited by the community using simple technology. Properly determining WPRs will minimize conflicts with large companies and provide legal certainty for mining communities (Wibowo, 2024). However, in many regions, this determination process remains ineffective due to limited geological data and cross-agency coordination.

The study of IUPR cannot be separated from the theoretical basis that explains the relationship between law, social justice, and community welfare. The Welfare State Theory asserts that the state has an active responsibility to ensure the welfare of its citizens through economic, social, and legal policies (Asror, 2024). The Theory of Social Justice put forward by John Rawls emphasizes that the distribution of economic benefits must favor the weakest groups in order to create social balance (Handayani, 2025). Meanwhile, the Law Enforcement Theory explains that the success of a regulation depends on the level of compliance, enforcement, and capacity of the institutions that implement it (Kadarmanta, 2025). These three theories form the basis of analysis to understand the role of IUPR regulations in creating real social welfare and social justice.

METHOD

This research uses a normative juridical method with a statutory regulatory approach and a conceptual approach. The statutory regulatory approach is used to examine the legal norms governing the People's Mining Business Permit (IUPR), starting from Law Number 4 of 2009 concerning Mineral and Coal Mining and its amendments through Law Number 3 of 2020 and Law Number 2 of 2025, to its implementing regulations such as Government Regulation Number 96 of 2021 in conjunction with Government Regulation Number 25 of

2024, as well as related ministerial regulations. This approach aims to systematically examine the relationship between legal provisions, the appropriateness of the regulatory hierarchy, and the effectiveness of norms in providing legal protection for people's miners. Meanwhile, the conceptual approach is used to explore and understand legal concepts related to community welfare, social justice, and community-based natural resource management. Through this approach, the research attempts to examine the relevance of welfare state theory, John Rawls's theory of social justice, and the theory of legal effectiveness in assessing the extent to which IUPR regulations can function as instruments for improving public welfare. By combining these two approaches, this research produces a comprehensive analysis of the need for legal reform that not only emphasizes normative aspects but also strengthens the philosophical values and social objectives of people's mining management in Indonesia.

RESULT AND DISCUSSION

Current Regulations and Implementation of People's Mining Business Permits

Regulations regarding Community Mining Business Permits (IUPR) are based on Law Number 4 of 2009 concerning Mineral and Coal Mining, as amended by Law Number 3 of 2020 and Law Number 2 of 2025. These regulations emphasize that community mining is a form of mining business activity carried out independently by communities in areas designated by the government as Community Mining Areas (WPR). Provisions regarding IUPRs are regulated, among others, in Article 1, number 32, which defines IUPRs, and Article 22, which regulates the determination of WPRs by the Central Government after coordination with regional governments. These norms emphasize the state's role in providing legal space for communities to manage natural resources sustainably.

Articles 35 and 67 of the amended Minerba Law also regulate the types of permits and the obligations of IUPR holders. IUPR holders are required to carry out mining activities in accordance with good mining techniques, maintain occupational safety, and protect the environment. These provisions demonstrate that an IUPR serves not only as an administrative permit but also carries legal responsibility for equitable natural resource management. The principle of sustainable management serves as the basis for ensuring that artisanal mining activities maintain a balance between community economic interests and environmental protection, as mandated by Article 33, paragraph (3) of the 1945 Constitution.

Government Regulation Number 96 of 2021 concerning the Implementation of Mineral and Coal Mining Business Activities, as amended by Government Regulation Number 25 of 2024, details the technical provisions for implementing an IUPR. This regulation emphasizes that granting an IUPR is the authority of the Central Government, following an administrative, technical, and environmental evaluation process. The licensing system has been simplified by utilizing the Online Single Submission (OSS) system for greater accessibility by mining communities. Furthermore, this regulation also includes provisions regarding the guidance, supervision, and reporting of artisanal mining activities to ensure orderly, transparent, and accountable mineral resource management.

The derivative policies supporting the IUPR regulation are regulated through several sectoral regulations, one of which is the Minister of Energy and Mineral Resources Regulation Number 7 of 2020 concerning Procedures for Granting Areas, Licensing, and Reporting in Mineral and Coal Mining Business Activities. This provision technically regulates the permit-granting mechanism, procedures for reporting mining activities, and the regulation of the Mining Permit Area (WPR), which serves as the legal basis for the IUPR. The relationship between mining permits and environmental policy is also strengthened through provisions regarding Environmental Impact Analysis (AMDAL) and an integrated, risk-based business licensing system. This integration is expected to ensure legal certainty for mining communities and prevent unauthorized mining activities.

A legal evaluation of mining legal policies indicates that the current IUPR regulation has moved towards a more centralized and integrated system. However, its effectiveness still faces challenges such as delays in WPR determination, weak guidance for artisanal miners, and overlapping permit areas with large-scale mining businesses. These conditions create legal uncertainty and hinder the IUPR's objective as an instrument for improving community welfare. Therefore, restructuring and implementing regulations and inter-institutional coordination are crucial to ensure the integration of legal, economic, and social aspects in the implementation of the Mining Permit (IUPR).

Fundamental changes to the authority for managing artisanal mining occurred after the enactment of Law Number 11 of 2020 concerning Job Creation, followed by amendments to the Mineral and Coal Mining Law through Law Number 3 of 2020 and Law Number 2 of 2025. Prior to these amendments, the authority to grant IUPRs rested with regents or mayors, as stipulated in Article 22 of Law Number 4 of 2009. Following the amendments, this authority was transferred to the Central Government, while regional governments play a role in coordinating, fostering, and supervising artisanal mining activities. This shift in authority aims to create more uniform national policy standards and reduce the potential for conflict between regions in granting permits.

This change in authority has direct implications for the implementation of regional autonomy and the effectiveness of public services in the mining sector. Regional governments, which previously held full authority, now only act as facilitators and supervisors. This situation creates coordination challenges because strategic decisions are made at the central level, while implementation and oversight are handled locally. To address this, a coordination mechanism was established between the Ministry of Energy and Mineral Resources, provincial governments, and district/city governments through an integrated reporting system and a technical guidance forum.

Article 139, paragraph (1) of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, as amended by Law Number 2 of 2025, strengthens the Minister's role in providing guidance and supervision of artisanal mining activities. The Minister has the authority to ensure that artisanal mining activities are conducted in accordance with the principles of environmental sustainability, occupational safety, and applicable legal provisions. This guidance includes providing technical guidance, occupational safety training, and facilitation in licensing and management of artisanal mining areas. Thus, the central government's role is key to creating orderly, productive, and equitable community mining governance, while simultaneously encouraging improved welfare for communities surrounding mining areas.

Legal obstacles faced in the implementation of the Mining Permit (IUPR) include the slow establishment of Community Mining Areas (WPR), overlapping permits with large companies, and weak law enforcement against illegal mining activities. Many regions lack adequate geological data, resulting in frequent delays in the establishment of WPRs. This situation leads communities to mine without valid permits, potentially leading to legal disputes and environmental damage. Weak law enforcement exacerbates the situation, as many community mining activities remain unregulated.

Administrative and institutional obstacles also pose significant obstacles. Lack of coordination between the Ministry of Energy and Mineral Resources, regional governments, and technical agencies causes the licensing bureaucracy to be slow and inefficient. The limited number of mining supervisors at the regional level often results in suboptimal field supervision. Furthermore, lengthy bureaucratic processes and an incompletely integrated digital system make it difficult for communities to access permits quickly and transparently.

Economic and social constraints are also major inhibiting factors in the implementation of the IUPR. Most artisanal miners have limited capital and access to financing from formal financial institutions. Low levels of financial literacy make it difficult for miners to meet banking administrative requirements. Low mastery of simple, environmentally friendly technology contributes to reduced productivity and increases the risk of environmental damage. Consequently, the economic potential of the artisanal mining sector has not been optimally utilized to improve community welfare.

Environmental aspects are also a serious concern in the implementation of the Mining Permit (IUPR). The lack of technical training and the implementation of occupational safety standards mean that artisanal mining activities often lead to environmental degradation. Land damage, water pollution, and ecosystem disruption are tangible impacts resulting from the weak implementation of sustainable mining principles. The government has attempted to increase miners' capacity through development programs, but implementation remains limited and uneven across all regions.

The legal impact of weak IUPR implementation is a decrease in legal certainty and protection for mining communities. Many artisanal mining activities have not yet obtained official permits, making them vulnerable to regulatory action without any sustainable solutions. This uncertainty also hampers the potential contribution of the people's mining sector to regional income and community welfare. Strengthening the legal system and institutional governance is key to achieving the IUPR's objectives as a means of empowering the people's economy equitably.

Analysis of the Update on People's Mining Business Permit Regulations

The implementation of the People's Mining Business Permit (IUPR) still faces various normative and practical obstacles. Although Law Number 4 of 2009 concerning Mineral and Coal Mining, as most recently amended by Law Number 2 of 2025 (the Minerba Law), emphasizes the importance of community empowerment through community mining activities, its implementation in the field has not been as expected. The discrepancy between normative objectives and the reality on the ground is evident in the continued prevalence of illegal mining (PETI), which causes environmental damage and the potential for criminalization of small-scale miners.

Furthermore, there is disharmony between central and regional policies due to changes in authority following the enactment of the Job Creation Law. Article 35 and Article 139 paragraph (1) of the Minerba Law place the authority for licensing, development, and supervision of IUPRs in the hands of the Minister of Energy and Mineral Resources. However, in practice, regional governments remain at the forefront of managing community mining areas due to their social, economic, and geographic proximity to the communities. This situation leads to overlapping policies and delays the permit-granting process.

The urgency of regulatory reform is becoming increasingly apparent because this legal uncertainty directly impacts the welfare of local communities. Without a clear and coordinated legal system, communities lack legal certainty to operate, while the government loses potential state revenue from the legal and sustainable artisanal mining sector.

Reform of the IUPR law needs to be directed at three main aspects: simplifying licensing, strengthening community institutions, and public participation in oversight. First, the licensing mechanism needs to be simplified through an integrated digital system that is easily accessible to the public, such as the development of an Online Single Submission (OSS) specifically for the artisanal mineral and coal sector. This simplification aims to reduce administrative transaction costs and expedite permit issuance times. Second, the role of artisanal mining cooperatives needs to be strengthened as collective legal entities capable of processing permits, managing mines, and distributing production officially. This cooperative model can also serve as a means of improving the technical capacity and occupational safety of artisanal miners, in line with the principles of good mining techniques as stipulated in

Article 67 of the Mineral and Coal Law. Third, the direction of reform also needs to emphasize community-based participatory oversight. The government can establish a community-based monitoring mechanism to involve local communities in monitoring pollution, occupational safety, and the socio-economic impacts of mining activities. This model will strengthen social legitimacy while minimizing the risk of horizontal conflict among residents and between residents and large companies.

The ideal model for IUPR regulations should be built on the principle of integrating welfare, environmental sustainability, and social justice. Future regulations should focus not only on administrative aspects but also on the socio-ecological functions of artisanal mining. In this context, IUPR regulations should serve as an instrument for community economic empowerment while preserving natural resources.

The government should consider establishing a National People's Mining Coordinating Agency (BKPM), involving central and regional government agencies to synchronize policies, guidance, and supervision. This institution will serve as a cross-sectoral coordination platform, ensuring that artisanal mining policies align with environmental, spatial planning, and social welfare policies.

Furthermore, legal protection for artisanal miners must be a key pillar. It includes guaranteeing legal certainty regarding permits, access to capital, protection from criminalization, and responsibility for post-mining environmental restoration. Thus, ideal regulations not only provide legality but also ensure sustainability and social justice for mining communities.

Comparative studies of small-scale mining practices in other countries provide important insights for reforming IUPR law in Indonesia. In the Philippines, the People's Small-Scale Mining Act of 1991 (Republic Act No. 7076) regulates a community-based mining permit system with technical support and guidance from local governments. This model has successfully reduced illegal mining and increased community participation.

In Ghana, the implementation of the Small-Scale Gold Mining License provides legality for local miners, provided they comply with environmental and occupational safety standards. The Ghanaian government also provides technical training and simple equipment for small-scale miners.

Meanwhile, Tanzania implements a Primary Mining License (PML) system, which is granted only to local citizens and is based on the principle of community empowerment. The Tanzanian government provides designated mining areas equipped with shared facilities for artisanal miners. From these three countries, it can be concluded that the success of artisanal mining regulations is determined by three main factors: clarity of licensing, technical and institutional support from the community, and collaborative oversight between the government and local communities. These principles can serve as a foundation for Indonesia in developing a fair, adaptive, and sustainable IUPR regulatory model.

CONCLUSION

The regulation of the Community Mining Business Permit (IUPR), as stipulated in Law Number 4 of 2009 concerning Mineral and Coal Mining and its amendments through Law Number 3 of 2020 and Law Number 2 of 2025, and its implementing regulations, namely Government Regulation Number 96 of 2021 in conjunction with Government Regulation Number 25 of 2024, has essentially provided a legal framework for the legalization of community mining activities. However, its effectiveness remains limited due to various normative, administrative, and socio-economic constraints. The reality on the ground shows that many community mining activities have not been legally accommodated due to the slow establishment of Community Mining Areas (WPR), the complicated licensing process, and weak coordination between the central and regional governments. This disharmony in policy has implications for low legal protection for community miners and the suboptimal contribution of mining activities to improving community welfare. This issue demonstrates the need for legal reform oriented towards legal certainty, administrative efficiency, and social justice for mining communities. The government needs to immediately formulate operational and adaptive derivative regulations to meet community needs, including simplifying the licensing mechanism based on an integrated digital system through the Online Single Submission (OSS). Strengthening the institutional framework of community mining cooperatives is a crucial strategy to ensure miners have a legal framework that facilitates access to capital, technical training, and markets for their mining products. Collaboration between the government, cooperatives, and communities needs to be fortified to create sustainable and environmentally conscious community mining governance. Policy integration between the central and regional levels is key to creating a community mining management system that is not only legal and productive but also provides tangible economic benefits to local communities without sacrificing environmental sustainability.

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