



JiHK is licensed under a Creative Commons Attribution 4.0 International license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.



DOI: 10.46924/jihk.v7i2.372



The Urgency of Applying the Principles of Accuracy and Public Interest in the Evaluation Process and the Imposition of Administrative Sanctions on Mining Business Permits

Evelyn Natasha^{1*} & Tundjung Herning Sitabuana²

^{1,2} Faculty of Law, Universitas Tarumanagara Jakarta, Indonesia

Correspondence

Evelyn Natasha, Faculty of Law, Universitas Tarumanagara Jakarta, Indonesia, Letjen S. Parman St No.1, RT.6/RW.16, Tomang, Grogol Petamburan, West Jakarta City, Jakarta 11440, e-mail: evelyn.205220088@stu.untar.ac.id

How to cite

Natasha, Evelyn., & Sitabuana, Tundjung Herning. 2026. The Urgency of Applying the Principles of Accuracy and Public Interest in the Evaluation Process and the Imposition of Administrative Sanctions on Mining Business Permits. *Jurnal Ilmu Hukum Kyadiren*. 7(2), 1096-1109. <https://doi.org/10.46924/jihk.v7i2.372>

Original Article

Abstract

This article analyzes the urgency of applying the principles of due diligence and public interest in evaluating and imposing administrative sanctions on Mining Business Permits (IUP) in Indonesia. Using normative legal research methods, the study examines statutory regulations, principles of administrative law, and decisions of the Administrative Court (PTUN) to assess the consistency of government actions in mining oversight. The findings indicate that many IUP revocation decisions are overturned because of insufficient data verification, the absence of on-site inspections, and the failure to consider community and environmental impacts. This demonstrates that these two principles are essential prerequisites for ensuring the legality, accountability, and social legitimacy of administrative decision-making. The article recommends strengthening coordination between central and regional governments, enhancing supervisory capacity, and involving local communities as key strategies for improving mining governance and promoting more accountable administrative law enforcement.

Keywords: *Accuracy Principle, Public Interest, Administrative Sanctions, Mining Permits, Governance*

Abstrak

Artikel ini mengkaji urgensi penerapan asas kecermatan dan asas kepentingan umum dalam evaluasi dan penjatuhan sanksi administrasi terhadap Izin Usaha Pertambangan (IUP) di Indonesia. Melalui metode penelitian hukum normatif, studi ini mengkaji peraturan perundang-undangan, prinsip hukum administrasi, serta putusan PTUN untuk menilai konsistensi tindakan pemerintah dalam pengawasan pertambangan. Hasil penelitian menunjukkan bahwa banyak keputusan pencabutan IUP dibatalkan karena kurangnya verifikasi data, tidak dilakukannya pemeriksaan lapangan, dan pengabaian dampak terhadap masyarakat serta lingkungan. Kondisi ini menegaskan bahwa kedua asas tersebut merupakan prasyarat penting untuk memastikan legalitas, akuntabilitas, dan legitimasi sosial suatu keputusan administrasi. Artikel ini merekomendasikan penguatan koordinasi pusat-daerah, peningkatan kapasitas pengawasan, serta pelibatan masyarakat sebagai strategi untuk memperbaiki tata kelola pertambangan dan mendorong penegakan hukum administrasi yang lebih bertanggung jawab.

Kata Kunci: *Asas Kecermatan, Kepentingan Umum, Sanksi Administrasi, Izin Usaha Pertambangan, Tata Kelola.*

1. INTRODUCTION

The mining sector constitutes a vital component of Indonesia's economic trajectory, not only due to its contribution to state revenues but also because of its strategic function in sustaining investment stability and ensuring national energy security. Nevertheless, this economic significance is accompanied by persistent risks, including environmental degradation, social tensions, and governance challenges. To regulate mining operations and safeguard alignment with the public interest, the state employs licensing mechanisms—most prominently the Mining Business Permit (IUP)—which obligate permit holders to meet administrative, technical, and environmental standards. In practice, governmental authorities routinely assess the performance of IUP holders and frequently impose administrative sanctions when non-compliance is identified.

Existing scholarship has explored the implementation of such sanctions across various regulatory settings. Revanus, for instance, examined the enforcement of administrative penalties against companies that fail to undertake reclamation and post-mining activities as mandated by Government Regulation Number 78 of 2010, concluding that administrative sanctions serve as a critical instrument to compel IUP holders to fulfill their obligations related to post-mining land restoration.¹ Conversely, Sangki et al. investigated the types of non-compliance associated with the implementation of IUPs that may warrant permit revocation, including breaches of environmental obligations, infringements of community rights, and violations of occupational safety standards. Their study also delineated the procedural stages that authorized officials must follow when initiating and executing the revocation process.²

Regulatory shifts have likewise influenced the supervision and governance of IUPs. Hayrani observes that the central government's exercise of oversight authority in the context of regional autonomy has generated new areas of contention, particularly concerning the application of the *contrarius actus* principle and the delineation of powers between central and regional authorities in relation to IUP revocation.³ Priambudi et al. conducted a more focused assessment of coal IUP revocations related to violations of the Domestic Market Obligation (DMO) policy, concluding that certain revocation decisions may be susceptible to invalidation because they disregard fundamental principles and procedural requirements in permit administration.

¹ Revanus, "Tinjauan Masalah Penerapan Sanksi Administrasi Terkait Reklamasi Pasca Tambang Berdasarkan Peraturan Pemerintah Nomor 78 Tahun 2010 Di Kecamatan Siluq Ngurai Kabupaten Kutai Barat," *Journal of Law* 6, no. 2 (2020): 1–15.

² Caren April Ashley Theresa Sangki, Ronny A. Maramis, and Audi H. Pondaag, "Tinjauan Yuridis Mengenai Pencabut Izin Usaha Pertambangan Pada Perusahaan Tambang," *Lex Privatum* 13, no. 2 (2024): 1–11.

³ Mayer Hayrani DS, "Pengaturan Pengawasan Pusat Terhadap Izin Usaha Pertambangan Mineral Dan Batubara Di Era Otonomi Daerah," *Jurnal Legislasi Indonesia* 16, no. 1 (2019): 133–46.

Nonetheless, these decisions continue to produce legal effects insofar as they have not been formally annulled.⁴

Conversely, Maftukhan examined a PTUN ruling concerning expired IUPs and identified indications of non-compliance with the General Principles of Good Governance (AUPB)—including the principles of legal certainty, transparency, and accountability—arising from the failure to complete required administrative procedures prior to the revocation of the permit.⁵ This study demonstrates that deficiencies in the application of the AUPB may generate legal uncertainty and create space for speculation concerning judicial independence. In contrast, Zahra et al. redirect the analysis toward state administrative officials, underscoring that negligence or abuse of authority in issuing environmental permits can subject officials to administrative sanctions. Consequently, permits are no longer regarded merely as procedural formalities but as substantive regulatory tools intended to safeguard the environment and the public.⁶

Thana Yudha's research highlights an additional dimension of mining permit dynamics that is frequently overlooked in strictly normative discussions. Through an examination of IUP implementation in territories that constitute the living spaces of traditional communities, the study demonstrates that the issues extend beyond the correctness of administrative procedures. IUPs that formally adhere to statutory requirements may nonetheless generate conflict when licensing processes fail to incorporate community participation or disregard collective rights that predate the issuance of the permit.⁷

This condition illustrates a gap between the state's objective of ensuring investment certainty and the reality that social legitimacy constitutes an equally essential component of permit acceptability. The exclusion of indigenous communities from the licensing process renders administrative decisions socially unsupported and susceptible to dispute, whether through formal legal avenues or community-based resistance. At this juncture, it becomes evident that mining permit issues extend beyond questions of legality and procedural compliance, encompassing principles of ecological justice, equitable benefit distribution, and the protection of vulnerable groups. These findings further underscore that sound mining governance must account for the interplay between legal norms and their social context, ensuring that administrative decisions are not only legally valid but also socially legitimate and practically sustainable.

⁴ Zaki Priambudi et al., "Meninjau Alasan 'Tidak Dipenuhinya Kuota Domestic Market Obligation' Sebagai Dasar Pencabutan Izin Usaha Pertambangan Batubara," *Jurnal Hukum Dan Pembangunan* 54, no. 2 (2024): 289–312, <https://doi.org/10.21143/jhp.vol54.no2.1633>.

⁵ Ahmad Habibi Maftukhan, "Analisis Yuridis Terhadap Dugaan Kolusi Oleh Hakim Dalam Putusan Pengadilan Tata Usaha Negara Terkait Izin Usaha Pertambangan (IUP) Kadaluaras," *Innovative: Journal Of Social Science Research* 4, no. 6 (2024): 9071–88, <https://doi.org/10.31004/innovative.v4i6.16545>.

⁶ Shalsabila Putri Fairuz Zahra, Radha Evi Nur Rizki, and Moh. Imam Gusthomi, "Urgensi Penegakan Sanksi Administrasi Terhadap Pejabat TUN Atas Pelanggaran Izin Lingkungan Oleh Korporasi," *Jurnal Ilmu Sosial Politik Dan Humaniora* 4, no. 2 (2024): 1–10, <https://doi.org/10.53697/iso.v4i2.1898>.

⁷ E. F. Thana Yudha, "Pelaksanaan Izin Usaha Pertambangan Dalam Konflik Antara Kepentingan Investasi Dan Perlindungan Masyarakat Adat," *Mustika Justice: Jurnal Ilmu Hukum* 4, no. 2 (2025): 1–19.

Collectively, these studies indicate that scholarly discussions on mining permits have predominantly centered on violations of reclamation and post-mining obligations, the procedures and authority for revoking Mining Business Permits (IUPs), jurisdictional disputes between central and regional governments, allegations of collusion or abuse of power in the revocation process, as well as the accountability of State Administrative Court officials and the protection of affected communities. Nevertheless, research that explicitly positions the principles of due diligence and the principle of public interest as the core analytical lens for assessing and imposing administrative sanctions on Mining Business Permits remains comparatively limited. Most existing works refer to the AUPB only in broad terms, without elaborating on how the duty of diligence is operationalized in data verification and processing practices during evaluations, or how the “public interest” standard is conceptualized and applied as a justification for administrative sanctions in the mining sector.

This gap serves as the point of departure for the present study. In the context of rapid regulatory transformations, the digitalization of licensing through the OSS-RBA, and the growing complexity of mining governance, a comprehensive understanding of the application of the principles of due diligence and the principle of public interest has become increasingly crucial—not only to ensure the legality of administrative decisions but also to uphold accountability and safeguard the public interest. Against this backdrop, this article formulates two central questions: (1) how the principles of due diligence and the principle of public interest are applied in the evaluation process and the imposition of administrative sanctions on IUP holders; and (2) why the implementation of these two principles is of urgent significance for the supervision and enforcement of administrative law in the mining sector.

2. METHODOLOGY

This study employs a normative legal research method that concentrates on analyzing the legal norms contained in positive law governing administrative actions in the mining sector, particularly with respect to the application of the principles of accuracy and public interest in the evaluation process and the imposition of administrative sanctions on IUP. In this research, law is understood not only as a set of statutory rules, but also as a body of norms that guide human conduct in accordance with societal values. The normative legal method is applied to examine positive legal provisions by considering the hierarchical structure of legislation as well as the coherence and consistency among regulatory instruments. The data utilized consist of primary, secondary, and tertiary legal materials obtained through a comprehensive literature review.⁸ The study adopts a statute approach, examining relevant legal regulations in connection with the

⁸ Rayhan Fiqi Fansuri and Juan Matheus, “Enforcement of Human Rights through Criminal Law Against Environmental Destruction Due to Batik Industry Activities,” *Indonesian Journal of Criminal Law Studies* 7, no. 2 (2022): 291–316, <https://doi.org/https://doi.org/10.15294/ijcls.v7i2>.

application of the principles of accuracy and public interest in the evaluation and sanctioning of IUPs. The analytical technique used is qualitative analysis, involving the systematic processing and interpretation of legal materials. In drawing conclusions, the study applies a deductive reasoning model, deriving findings from general legal norms—including legislation, legal principles, and legal theories—to evaluate and resolve specific legal issues related to administrative supervision and enforcement in the mining sector.

3. RESULT AND DISCUSSION

3.1. The Application of the Principles of Accuracy and Public Interest in the Evaluation Process and the Imposition of Administrative Sanctions on Mining Business Permits (IUP)

In its initial development, the AUPB in Indonesia had not yet obtained formal legal recognition and therefore lacked binding authority within the positive legal framework. During the deliberations of Bill No. 5 of 1986 on the State Administrative Courts in the House of Representatives (DPR), the ABRI faction proposed that the AUPB be incorporated as one of the legal grounds for initiating lawsuits against decisions issued by state administrative bodies or officials.⁹ However, the proposal was rejected by the government. The objection was delivered by the Minister of Justice at the time, Ismail Saleh, who represented the government during the legislative deliberations. The government argued that Indonesia did not yet possess clear criteria for the *Algemene Beginselen van Beoorlijke Bestuur* (General Principles of Proper Administration) as recognized in the Netherlands. Indonesia's administrative tradition was considered insufficient to directly adopt such principles. Consequently, the government maintained that the application of the AUPB should evolve gradually through jurisprudence and concrete administrative cases before it could be articulated as a more definitive legal norm.

Over time, alongside shifts in national political dynamics, the AUPB gradually secured formal recognition within statutory regulations. The principles were first explicitly incorporated into Law No. 28 of 1999 concerning the Administration of a Clean State Free from Corruption, Collusion, and Nepotism. Subsequently, in 2014, the Indonesian House of Representatives enacted Law No. 30 of 2014 on Government Administration. Article 5 of this law affirms that the AUPB constitutes one of the fundamental principles guiding government administrative practices. Furthermore, Article 10 explicitly enumerates eight principles—legal certainty, benefit, accuracy, impartiality, prohibition of abuse of authority, public interest, transparency, and quality service—as the core elements of the AUPB.

⁹ Cekli Setya Pratiwi et al., *Asas-Asas Umum Pemerintahan Yang Baik* (Sinar Grafika: Jakarta, 2021), hal. 180.

Within this framework, two principles of particular significance in administrative actions within the mining sector are the principle of accuracy and the principle of public interest. The principle of accuracy obliges government officials to conduct assessments objectively, precisely, and on the basis of verified data. This duty to act diligently aligns with Article 52 paragraph (2) of Law No. 30 of 2014 on Government Administration, which stipulates that the validity of an administrative decision must rest on statutory provisions and the general principles of good governance (AUPB). Moreover, Article 55 paragraph (1) underscores that every administrative decision must be supported by adequate justification, including legal, sociological, and philosophical considerations, which articulate the reasons underlying the decision.¹⁰

Meanwhile, the principle of public interest mandates that every governmental decision pursue a legitimate public objective, including the protection of society, the preservation of the environment, and the assurance of business continuity. These two principles hold particular relevance in the context of evaluating and imposing administrative sanctions on IUPs, as decisions in the mining sector invariably generate substantial effects—ranging from implications for public safety and environmental quality to the sustainability of business operations and the stability of regional economies.¹¹ Accordingly, the failure to apply the principle of due diligence or any deviation from the principle of public interest may render administrative actions unlawful, disproportionate, and potentially classifiable as an abuse of authority.

These two principles are therefore crucial in the evaluation and administrative sanctioning of Mining Business Permits (IUPs). Evaluations conducted without due diligence or sanctions imposed without regard to the public interest may result in administrative measures that are unlawful, disproportionate, and incompatible with several core principles of good governance.¹² Indeed, departures from these two principles may constitute a form of abuse of authority (*détournement de pouvoir*), as the decisions rendered are no longer grounded in the principles of legality or aligned with legitimate public objectives.¹³ Thus, the application of the principles of due diligence and public interest is not merely a normative obligation but a fundamental requirement for ensuring accountable, transparent, and equitable administrative governance in the mining sector. In practice, the principle of due diligence obliges government officials

¹⁰ Julista Mustamu, *Buku Diskresi Dalam Pemerintahan: Hak, Batas Dan Konsekuensi Hukumnya* (Bandung: Penerbit Widina, 2025), hal. 78.

¹¹ Dwi Wijayanti, Samsul Munir, and Nurul Syalafiyah, “Tinjauan Hukum Siyasah Terhadap Kebijakan Publik Dalam Penanganan Lingkungan Hidup,” *Islamic Law Jurnal Siyasah* 9, no. 2 (2024): 132–43, <https://doi.org/10.53429/iljs.v9i2.598>.

¹² Oheo K. Haris, “Good Governance (Tata Kelola Pemerintahan Yang Baik) Dalam Pemberian Izin Oleh Pemerintah Daerah Di Bidang Pertambangan,” *Yuridika* 30, no. 1 (2015): 58–83, <https://doi.org/10.20473/ydk.v30i1.4879>.

¹³ Dicky Darmawan and Lidia Priscilla Pattiasina, “Konstruksi/Karakter Hukum Penyalahgunaan Wewenang Dan Menyalahgunakan Kewenangan Dalam Tindak Pidana Korupsi,” *Mataka Corruption Law Review* 1, no. 1 (2023): 46–64, <https://doi.org/10.47268/sasi.v27i4.679>.

to ensure that every administrative decision rests on comprehensive data and factual accuracy, as mandated by Article 52 paragraph (2) of the State Administration Law.

The evaluation of IUP holders must therefore involve rigorous verification of production reports, fulfillment of financial obligations, implementation of reclamation and post-mining activities, and compliance with environmental documentation. This requirement is reinforced in Government Regulation No. 96 of 2021, which mandates field verification prior to the imposition of sanctions. When officials disregard this procedural step, administrative decisions become susceptible to procedural and substantive defects.¹⁴

Deficiencies in the application of the principle of due diligence are evident in several cases brought before the State Administrative Court. A pertinent example is the case of PT Bintang Sinar Perkasa (Palu PTUN No. 16/G/2014/PTUN.PL), in which the revocation of an IUP was declared invalid because officials were unable to substantiate the decision with adequate factual grounds. The evaluation had been conducted without proper field inspection, and the data relied upon had not been verified. The panel of judges concluded that such conduct constituted a violation of the principle of due diligence as well as the procedural requirements mandated by the Minerba Law and its implementing regulations. This decision illustrates that a failure to exercise due diligence not only weakens the legitimacy of administrative measures but can also result in the annulment of the administrative action itself.

Another illustration can be found in the case of PT Samudra Hindia Jaya (PTUN Decision No. 244/G/2024). In this matter, the revocation of the IUP was annulled because the government failed to demonstrate that the evaluation process had been conducted properly and transparently. The decision was considered premature, unsupported by complete data, and issued without undergoing the mandatory warning and clarification stages required under statutory regulations. The panel of judges concluded that the government's actions did not satisfy the standards of accuracy and factual verification mandated by Article 52 paragraph (2) of the State Administration Law, leading to the revocation being declared invalid and ordered to be reinstated.

Meanwhile, the principle of public interest mandates that every governmental decision be directed toward community protection, sound environmental stewardship, and the sustainability of business operations. In the mining sector, administrative measures invariably produce wide-reaching effects on surrounding communities, ecological conditions, and regional economic stability. Accordingly, the imposition of administrative sanctions on IUPs cannot rely solely on procedural formalities but must

¹⁴ Putri Kemala Sari Putri, Nila Trisna, and Dara Quthni Effida, "Tanggung Jawab Pelaksanaan Reklamasi Dan Pasca Tambang Perusahaan Pemegang IUP Operasi Produksi Batubara Berdasarkan Prinsip Good Mining Practice (Studi Kasus PT. Mifa Bersaudara Aceh Barat)," *Jurnal Hukum Samudra Keadilan* 2 18, no. 1 (2023): 108–20, <https://doi.org/10.33059/jhsk.v18i1.7382>.

take into account the broader implications for the public interest.¹⁵ When officials impose sanctions without taking the public interest into account, such actions may be deemed disproportionate and indicative of a deviation from the legitimate purpose of authority (*détournement de pouvoir*).¹⁶

The significance of these two principles is clearly reflected in the pattern of PTUN decisions. When the government fails to apply the principles of due diligence and public interest, administrative actions—particularly the revocation of Mining Business Permits (IUPs)—become invalid, disproportionate, and readily subject to annulment by the courts. The cases discussed above illustrate that adherence to the AUPB is not merely a normative obligation but a fundamental condition for preserving the legitimacy of administrative decisions. In the mining sector, which involves substantial risks and long-term consequences, the consistent application of the principles of due diligence and public interest is essential to ensuring accountable, transparent, and equitable permit governance.

3.2. The Urgency of Applying the Principles of Accuracy and Public Interest in the Supervision and Enforcement of Mining Administrative Law

The imperative to apply the principles of due diligence and public interest in the supervision of mining permits stems from empirical conditions in the field, not merely from legal mandates. In many regions, mining consistently presents complex dynamics: substantial economic interests, social pressures from affected communities, and environmental risks that may arise at any time. This layered reality precludes a simplistic, black-and-white approach to administrative decision-making. The government is therefore required to develop a comprehensive understanding of on-the-ground conditions before issuing any decision.¹⁷

In practice, monitoring activities frequently reveal that the number of IUPs distributed across various regions far exceeds the government's available supervisory capacity. Following the transfer of authority to the central government, these challenges have become even more significant. Changes in production reports, overlapping permit areas, delays in reclamation, and other technical developments often progress more rapidly than the government's verification mechanisms. Under such conditions, accuracy ceases to be merely a normative requirement and becomes the only safeguard against government errors that could create broader complications. A misjudgment of

¹⁵ Ojak Situmeang and Ahmad Redi, "Rekonstruksi Mekanisme Hukum Dalam Pencabutan Izin Usaha Pertambangan Berdasarkan Asas Kemanfaatan Hukum," *Jurnal Retentum* 5, no. 2 (2023): 415–33, <https://doi.org/10.46930/retentum.v7i1.5384>.

¹⁶ Tedi Sudrajat and Endra Wijaya, *Perlindungan Hukum Terhadap Tindakan Pemerintahan* (Jakarta: Bumi Aksara, 2021), hal. 89.

¹⁷ Wahyuddin Bakri, Suardi Laupe, and Andi Muhammad Ikbil Salam, "Pertambangan Kawasan Karts Dan Kondisi Sosial Masyarakat," *Sosiologia: Jurnal Agama Dan Masyarakat* 3, no. 1 (2023): 139–50, <https://doi.org/10.35905/sosiologia>.

even a single piece of information may lead to the improper revocation of a permit or, conversely, the tolerance of violations that should have been addressed.

The principle of public interest derives further relevance from the characteristics of the Indonesian mining landscape, which frequently intersects with community living spaces. Numerous mining sites are situated in proximity to residential areas, rivers, agricultural land, and even customary territories. In such contexts, administrative decisions invariably affect more than a single stakeholder. Decisions that do not adequately account for the public interest can readily generate tensions—whether through the loss of farmland, contamination of water sources, or disruption of local economic activities.¹⁸ Within this context, the principle of public interest functions as a reminder that governmental authority cannot be exercised solely to accommodate the technical aspects of permitting or the economic interests of companies; rather, it must prioritize broader collective welfare.

The urgency of these two principles is further reflected in the way mining disputes are adjudicated in court. Numerous revocation decisions concerning Mining Business Permits (IUPs) have been annulled because they were not supported by adequate preliminary assessments or were issued without considering their impacts on surrounding communities. This pattern reveals inconsistencies in the quality of administrative oversight. On one hand, the government seeks to enforce regulatory compliance; on the other, inaccuracies in the decision-making process erode the legal foundation and legitimacy of these measures. Ultimately, this situation disadvantages all parties: permit holders face operational disruptions, affected communities lack assurance of protection, and the government appears indecisive in regulating a strategically important sector.

Furthermore, the urgency of applying the principles of due diligence and public interest is also evident in the growing public demand for improved natural resource governance. Mining represents not only an economic activity but also a reflection of how the state manages resources for both current and future generations. Within the framework of sustainability, decisions made hastily or without regard to environmental conditions risk eroding public trust in governmental institutions. Consequently, the consistent application of these two principles forms part of broader efforts to preserve institutional integrity and ensure that administrative actions truly embody the objectives of state governance.

Considering these various factors, it becomes clear that the application of the principles of due diligence and public interest in the supervision and enforcement of mining administrative law extends beyond mere legal compliance. These principles correspond to practical demands arising from real conditions in the field—conditions

¹⁸ Atok Miftachul Hudha and Abdulkadir Rahardjanto, *Etika Lingkungan (Teori Dan Praktik Pembelajarannya)* (Malang: UMM Press, 2018), hal. 190.

that require caution, accuracy, and a clear orientation toward community protection and environmental sustainability. Thus, their consistent implementation constitutes the foundation for mining oversight that is fairer, more credible, and more worthy of public trust.

In many regions, challenges in overseeing mining permits are also shaped by information asymmetries between the government and permit holders. In several instances, company reports do not necessarily reflect actual field conditions. When the government lacks adequate verification mechanisms, reliance on administrative data that appears orderly on paper becomes inevitable, even when on-the-ground realities differ substantially. This circumstance underscores the critical importance of the principle of due diligence, as administrative decisions made without comprehensive review merely perpetuate existing inaccuracies. Superficial assessments may further create the impression that oversight is conducted as a procedural formality rather than as a substantive effort to ensure compliance with legal requirements.¹⁹

Furthermore, the application of the principle of public interest has become increasingly significant amid rising tensions between mining companies and local communities. Information asymmetries, limited outreach, and restricted opportunities for participation have left certain communities feeling excluded from the decision-making process, even though they are often the first to bear the adverse effects of mining activities. In this context, the public interest entails not only protecting communities from environmental risks but also ensuring that they have meaningful opportunities to voice their concerns. Without a strong orientation toward the public interest, administrative decisions are easily perceived as insensitive to local needs, potentially triggering resistance or social conflict.

The need to reinforce the implementation of these two principles is also evident in the relationship between central and regional governments. Although licensing authority is now predominantly centralized, regional governments remain the primary holders of early information on mining operations because of their proximity to affected areas. The misalignment between central and regional data creates substantial oversight gaps. Here, the principle of due diligence becomes particularly relevant, as insufficient coordination may result in decisions that do not reflect actual conditions. Strengthening this coordination is feasible only if authorized officials incorporate due diligence into their operational standards, rather than treating it as a merely normative obligation.²⁰

¹⁹ Farhan Setyo Oetomo, "Sentralisasi Kewenangan Dalam Pengelolaan Pertambangan Atas Penurunan Peran Pemerintah Daerah Dalam Pembaharuan Hukum Pertambangan.," *Jurnal Riset Multidisiplin Edukasi* 2, no. 5 (2025): 380–96, <https://doi.org/10.71282/jurmie.v2i5.340>.

²⁰ Azmi Fendri, *Pengaturan Kewenangan Pemerintah Dan Pemerintah Daerah Dalam Pemanfaatan Sumber Daya Mineral Dan Batu Bara* (Jakarta: RajaGrafindo Persada, 2023), hal. 176.

Conversely, developments in industrial dynamics have further reinforced the urgency of applying the public interest principle. The expansion of large-scale mining operations, the rise of artisanal mining, and the increasing use of new extraction technologies have altered the manner in which the government must respond to challenges in this sector. Any administrative decision that does not account for these evolving dynamics risks becoming irrelevant or ineffective in addressing emerging problems. Within this context, the public interest principle functions as a guiding framework, ensuring that governmental actions are informed not only by regulatory mandates but also by an understanding of changing social and environmental conditions.

In numerous judicial decisions, courts have increasingly given weight to arguments grounded in these two principles. Even when an administrative decision appears formally valid, judges may still find it deficient for failing to meet standards of accuracy or insufficiently considering the public interest. This evolution in judicial reasoning indicates that these principles are no longer merely ethical guidelines but have become doctrinal benchmarks for assessing the legality of administrative actions.²¹ In other words, the application of these two principles is no longer discretionary; it is a mandatory requirement to ensure that governmental decisions possess a solid legal foundation.

Ultimately, effective oversight and enforcement of administrative law in the mining sector demand a state presence that is both firm and vigilant. Accuracy is essential to prevent the government from issuing misguided decisions, while the public interest ensures that every administrative action remains aligned with broader societal responsibilities. When these two principles are applied consistently, oversight functions not merely as a mechanism of control but also as a means of reinforcing governmental legitimacy in managing natural resources that are vital to the livelihoods of many.

4. CONCLUSION

It is evident that the quality of administrative governance in the mining sector is largely shaped by the degree to which the principles of due diligence and public interest are applied consistently in evaluation processes and the imposition of sanctions. These two principles not only complement the architecture of modern administrative law but also function as the foundation that links written regulations to on-the-ground realities. When administrative officials exercise their authority with due care, decisions are more likely to correspond to actual conditions and avoid errors that could disadvantage the state, business actors, and the public. Conversely, when the principle of public interest

²¹ Sanggup Leonard Agustian, "Asas-Asas Umum Pemerintahan Yang Baik Sebagai Batu Uji Bagi Hakim Dalam Memutus Sengketa Peradilan Administrasi Negara," *Jurnal Hukum Magnus Opus* 2, no. 2 (2019): 149–61, <https://doi.org/10.30996/jhmo.v2i2.2370>.

serves as the guiding orientation in administrative actions, decisions rendered become not only formally valid but also socially legitimate, as they take into account safety, community welfare, and environmental sustainability in mining areas.

Amid shifting institutional authorities, rapidly changing data conditions, and heightened public sensitivity to environmental and social justice concerns, the implementation of these two principles has become increasingly urgent. The numerous judicial decisions overturning IUP revocations on grounds of insufficient due diligence indicate that the core problem lies not solely in regulatory shortcomings but in the manner in which fundamental administrative principles are executed. In this context, supervision conducted hastily, without coordination, or without regard to factual conditions in the field will only diminish governmental credibility and deepen the divide between the state and the communities directly affected by mining operations.

Accordingly, a more systematic and transparent evaluation mechanism is required, including the updating of permit databases, the strengthening of oversight capacity, and the enhancement of coordination between central and regional governments. Conducting thorough field inspections and facilitating dialogue with local communities may constitute modest yet essential steps to ensure that the public interest remains central to administrative actions. The government must also ensure that every administrative measure—particularly the revocation or termination of permits—is supported by comprehensive and rational justification, and is defensible both legally and ethically. In this way, administrative law enforcement in the mining sector is directed not only toward procedural compliance but also toward embodying a commitment to justice, sustainability, and more responsible natural resource governance.

REFERENCE

Journals

Agustian, Sanggup Leonard. “Asas-Asas Umum Pemerintahan Yang Baik Sebagai Batu Uji Bagi Hakim Dalam Memutus Sengketa Peradilan Administrasi Negara.” *Jurnal Hukum Magnus Opus* 2, no. 2 (2019): 149–61.
<https://doi.org/10.30996/jhmo.v2i2.2370>.

Bakri, Wahyuddin, Suardi Laupe, and Andi Muhammad Ikbil Salam. “Pertambangan Kawasan Karts Dan Kondisi Sosial Masyarakat.” *Sosiologia: Jurnal Agama Dan Masyarakat* 3, no. 1 (2023): 139–50.
<https://doi.org/10.35905/sosiologia>.

Darmawan, Dicky, and Lidia Priscilla Pattiasina. “Konstruksi/Karakter Hukum Penyalahgunaan Wewenang Dan Menyalahgunakan Kewenangan Dalam Tindak Pidana Korupsi.” *Matacao Corruption Law Review* 1, no. 1 (2023): 46–64.
<https://doi.org/10.47268/sasi.v27i4.679>.

- Fansuri, Rayhan Fiqi, and Juan Matheus. "Enforcement of Human Rights through Criminal Law Against Environmental Destruction Due to Batik Industry Activities." *Indonesian Journal of Criminal Law Studies* 7, no. 2 (2022): 291–316. <https://doi.org/https://doi.org/10.15294/ijcls.v7i2>.
- Haris, Oheo K. "Good Governance (Tata Kelola Pemerintahan Yang Baik) Dalam Pemberian Izin Oleh Pemerintah Daerah Di Bidang Pertambangan." *Yuridika* 30, no. 1 (2015): 58–83. <https://doi.org/10.20473/ydk.v30i1.4879>.
- Hayrani DS, Mayer. "Pengaturan Pengawasan Pusat Terhadap Izin Usaha Pertambangan Mineral Dan Batubara Di Era Otonomi Daerah." *Jurnal Legislasi Indonesia* 16, no. 1 (2019): 133–46.
- Maftukhan, Ahmad Habibi. "Analisis Yuridis Terhadap Dugaan Kolusi Oleh Hakim Dalam Putusan Pengadilan Tata Usaha Negara Terkait Izin Usaha Pertambangan (IUP) Kadaluarsa." *Innovative: Journal Of Social Science Research* 4, no. 6 (2024): 9071–88. <https://doi.org/10.31004/innovative.v4i6.16545>.
- Oetomo, Farhan Setyo. "Sentralisasi Kewenangan Dalam Pengelolaan Pertambangan Atas Penurunan Peran Pemerintah Daerah Dalam Pembaharuan Hukum Pertambangan." *Jurnal Riset Multidisiplin Edukasi* 2, no. 5 (2025): 380–96. <https://doi.org/10.71282/jurmie.v2i5.340>.
- Priambudi, Zaki, Bima Rico Pambud, M. Ghifari Fardhana Bahar, and Rivan Hidayat. "Meninjau Alasan 'Tidak Dipenuhinya Kuota Domestic Mareket Obligation' Sebagai Dasar Pencabutan Izin Usaha Pertambangan Batubara." *Jurnal Hukum Dan Pembangunan* 54, no. 2 (2024): 289–312. <https://doi.org/10.21143/jhp.vol54.no2.1633>.
- Putri, Putri Kemala Sari, Nila Trisna, and Dara Quthni Effida. "Tanggung Jawab Pelaksanaan Reklamasi Dan Pasca Tambang Perusahaan Pemegang IUP Operasi Produksi Batubara Berdasarkan Prinsip Good Mining Practice (Studi Kasus PT. Mifa Bersaudara Aceh Barat)." *Jurnal Hukum Samudra Keadilan* 2 18, no. 1 (2023): 108–20. <https://doi.org/10.33059/jhsk.v18i1.7382>.
- Revanus. "Tinjauan Masalah Penerapan Sanksi Administrasi Terkait Reklamasi Pasca Tambang Berdasarkan Peraturan Pemerintah Nomor 78 Tahun 2010 Di Kecamatan Siluq Ngurai Kabupaten Kutai Barat." *Journal of Law* 6, no. 2 (2020): 1–15.
- Sangki, Caren April Ashley Theresa, Ronny A. Maramis, and Audi H. Pondaag. "Tinjauan Yuridis Mengenai Pencabut Izin Usaha Pertambangan Pada Perusahaan Tambang." *Lex Privatum* 13, no. 2 (2024): 1–11.
- Situmeang, Ojak, and Ahmad Redi. "Rekonstruksi Mekanisme Hukum Dalam Pencabutan Izin Usaha Pertambangan Berdasarkan Asas Kemanfaatan Hukum." *Jurnal Retentum* 5, no. 2 (2023): 415–33. <https://doi.org/10.46930/retentum.v7i1.5384>.
- Wijayanti, Dwi, Samsul Munir, and Nurul Syalafiyah. "Tinjauan Hukum Siyasah Terhadap Kebijakan Publik Dalam Penanganan Lingkungan Hidup." *Islamic*

Law Jurnal Siyasah 9, no. 2 (2024): 132–43.
<https://doi.org/10.53429/iljs.v9i2.598>.

Yudha, E. F. Thana. “Pelaksanaan Izin Usaha Pertambangan Dalam Konflik Antara Kepentingan Investasi Dan Perlindungan Masyarakat Adat.” *Mustika Justice: Jurnal Ilmu Hukum* 4, no. 2 (2025): 1–19.

Zahra, Shalsabila Putri Fairuz, Radha Evi Nur Rizki, and Moh. Imam Gusthomi. “Urgensi Penegakan Sanksi Administrasi Terhadap Pejabat TUN Atas Pelanggaran Izin Lingkungan Oleh Korporasi.” *Jurnal Ilmu Sosial Politik Dan Humaniora* 4, no. 2 (2024): 1–10. <https://doi.org/10.53697/iso.v4i2.1898>.

Books

Fendri, Azmi. *Pengaturan Kewenangan Pemerintah Dan Pemerintah Daerah Dalam Pemanfaatan Sumber Daya Mineral Dan Batu Bara*. Jakarta: RajaGrafindo Persada, 2023.

Hudha, Atok Miftachul, and Abdulkadir Rahardjanto. *Etika Lingkungan (Teori Dan Praktik Pembelajarannya)*. Malang: UMM Press, 2018.

Mustamu, Julista. *Buku Diskresi Dalam Pemerintahan: Hak, Batas Dan Konsekuensi Hukumnya*. Bandung: Penerbit Widina, 2025.

Pratiwi, Cekli Setya, Shinta Ayu Purnawati, Fauzi, and Christina Yulita Purbawati. *Asas-Asas Umum Pemerintahan Yang Baik*. Sinar Grafika: Jakarta, 2021.

Sudrajat, Tedi, and Endra Wijaya. *Perlindungan Hukum Terhadap Tindakan Pemerintahan*. Jakarta: Bumi Aksara, 2021.