



The Paradox of Nickel Mining and Indigenous Peoples' Rights in Raja Ampat

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Original Article

Abstract

The expansion of nickel mining in the Raja Ampat Islands has generated tensions among the green energy transition agenda, biodiversity conservation, and the rights of Indigenous Papuan communities. This study aims to analyze the national and international legal frameworks governing the Indonesian government's obligations, evaluate the extent to which these obligations have been fulfilled in the governance of mining activities in Raja Ampat, and formulate a multidimensional legal accountability framework for the protection of Indigenous peoples. The study employs a normative legal research method using statutory, conceptual, case, and comparative approaches, with qualitative analysis of the collected legal materials. The findings reveal that, although Indonesia possesses an adequate normative framework, its implementation is hindered by significant accountability deficits, including policy inconsistencies, limited participation of Indigenous communities, and ineffective enforcement of environmental laws. This study proposes a model of administrative, constitutional, civil, environmental, and human rights accountability as a foundation for reforming mining governance toward ecological justice, the protection of Indigenous communities, and the sustainable management of natural resources.

Keywords: *Nickel Mining, Indigenous Papuans, Legal Accountability, Raja Ampat*

Abstrak

Perluasan pertambangan nikel di Kepulauan Raja Ampat menimbulkan konflik antara agenda transisi energi hijau, perlindungan keanekaragaman hayati, dan hak-hak masyarakat adat Papua. Penelitian ini bertujuan menganalisis kerangka hukum nasional dan internasional yang mengatur kewajiban pemerintah Indonesia, mengevaluasi pemenuhan kewajiban hukum tersebut dalam tata kelola pertambangan di Raja Ampat, serta merumuskan kerangka pertanggungjawaban hukum multidimensional bagi perlindungan masyarakat adat. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, kasus, dan komparatif yang dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa Indonesia telah memiliki kerangka normatif yang memadai, namun implementasinya mengalami defisit akuntabilitas akibat inkonsistensi kebijakan, lemahnya partisipasi masyarakat adat, dan tidak optimalnya penegakan hukum lingkungan. Penelitian ini merumuskan model pertanggungjawaban administratif, konstitusional, perdata, lingkungan, dan hak asasi manusia sebagai dasar reformasi tata kelola pertambangan yang fokus pada keadilan ekologis, perlindungan masyarakat adat, dan keberlangsungan sumber daya alam.

Kata kunci: *Pertambangan Nikel, Masyarakat Adat Papua, Akuntabilitas Hukum, Raja Ampat*

1. INTRODUCTION

Natural resources constitute a strategic asset for national development that, pursuant to Article 33(3) of the 1945 Constitution of the Republic of Indonesia, must be controlled by the state and utilized for the greatest prosperity of the people. However, natural resource governance in Indonesia frequently reflects tensions among economic interests, environmental protection, and respect for the rights of Indigenous peoples. This issue is particularly evident in the nickel mining sector, which has emerged as a critical component of the global supply chain for electric vehicle batteries and the broader energy transition agenda.

As the world's largest producer of nickel, Indonesia has positioned downstream nickel processing as a central pillar of its national economic development strategy. Rising global demand has accelerated the expansion of mining activities into areas of significant ecological value and Indigenous territories.¹ One region experiencing such pressures is the Raja Ampat Islands in Southwest Papua Province. Nickel extraction policies in this area have created a dilemma between economic development objectives and the state's obligation to protect the environment and safeguard the rights of Indigenous peoples.²

Raja Ampat possesses the highest marine biodiversity in the world and is internationally recognized as part of the Coral Triangle. The region hosts approximately 75% of the world's coral species and more than 1,700 species of reef fish.³ Its designation as a UNESCO Global Geopark in 2023 further underscores its ecological, geological, and cultural significance as one of the world's most important conservation areas.⁴ For Indigenous Papuans, Raja Ampat is not merely a geographical territory but a living space with profound spiritual, social, and economic dimensions. Their livelihoods depend on the sustainability of forests, marine ecosystems, and customary territories through traditional fishing practices, sasi (customary resource management practices), and community-based ecotourism.⁵

In recent years, nickel mining activities on Gag Island, Kawe Island, and Manuran Island have increased substantially. The expansion of mining operations has resulted in

¹ Rusdin Alauddin and Husen Alting, "Sengketa Lahan Akibat Usaha Pertambangan Nikel: Sebingkai Potret Dari Maluku Utara," *Etnohistori: Jurnal Ilmiah Kebudayaan Dan Kesenjangan* 3, no. 2 (2016): 212–28.

² Irfan Maulana, "Tambang Nikel Di Raja Ampat Rusak Pesisir Dan Terumbu Karang," *Mongabay*, 2025, <https://mongabay.co.id/2025/10/09/tambang-nikel-di-raja-ampat-rusak-pesisir-dan-terumbu-karang/>.

³ PPID Balai Pengelolaan Kelautan Kupang, "Kenapa Raja Ampat Penting Untuk Dilestarikan," *Kementerian Kelautan Dan Perikanan*, 2025, <https://ppid.kkp.go.id/upt/balai-pengelolaan-kelautan-kupang/news/detail/kenapa-raja-ampat-penting-untuk-dilestarikan/>.

⁴ Kementerian Energi dan Sumber Daya Mineral, "Pemberdayaan Masyarakat Jadi Poin Penting Penilaian Raja Ampat UNESCO Global Geopark," *Kementerian Energi Dan Sumber Daya Mineral*, 2026, <https://www.esdm.go.id/id/media-center/arsip-berita/pemberdayaan-masyarakat-jadi-poin-penting-penilaian-raja-ampat-unesco-global-geopark>.

⁵ Alferin Rahma et al., "Menjaga Raja Ampat Dari Ancaman Nikel Demi Surga Terakhir Indonesia," *Trivikrama: Jurnal Ilmu Sosial* 9, no. 8 (2025): 1–5, <https://doi.org/10.9963/6pad6z25>.

deforestation, coastal sedimentation, and growing threats to coral reefs and local livelihoods (Indonesian Environmental Control Agency, 2025). This situation is particularly problematic because several national legal instruments, including Law No. 1 of 2014 and Constitutional Court Decision No. 35/PUU-XXI/2023, explicitly emphasize the protection of small islands from mining activities that may cause environmental degradation.

Research by Nicolaus Petrus Likuwatan Werang et al. identified a dilemma between the green energy transition agenda and the governance of nickel mining in Raja Ampat, highlighting regulatory fragmentation, inadequate environmental protection, and limited consultation with local communities.⁶ Similarly, Mulyani and Helmi argued that mining activities are inconsistent with the principles of sustainable development and threaten the long-term viability of conservation-based tourism in Raja Ampat.⁷

From a policy perspective, Karubaba et al. demonstrated the lack of synchronization between national and regional policies governing mining activities in West Papua, as well as the insufficient recognition of Indigenous community participation.⁸ Comparable findings were reported by Wospakrik, who emphasized the importance of strengthening legal norms concerning Indigenous peoples as a form of constitutional protection for customary rights in Papua.⁹

From a human rights perspective, Wati et al. found that the expansion of nickel mining in Raja Ampat has contributed to ecological degradation, social inequality, and threats to the survival of Indigenous communities.¹⁰ Likewise, Prakasa et al. underscored the need to limit state intervention and investment practices that may undermine customary rights and the right to self-determination of Indigenous Papuans.¹¹

In the international context, MacInnes et al. emphasized the importance of the principle of Free, Prior, and Informed Consent (FPIC) as an essential standard for

⁶ Nicolaus Petrus Likuwatan Werang et al., "Nickel Mining and Environmental Trade-Off in Raja Ampat Papua: A Conceptual Note on Legal and Policy," *Journal of Social and Policy Issues* 6, no. 1 (2026): 1–8, <https://doi.org/10.58835/jspi.v6i1.563>.

⁷ Basri Mulyani and Muhammad Helmi, "Justice and Sustainability: Legal Perspectives on Mining and Tourism in Raja Ampat," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 3 (2025): 638–55, <https://doi.org/10.29303/ius.v13i3.1840>.

⁸ Andrew Karubaba et al., "Implementation of West Papua Regional Regulation No. 5 Year 2023 and Governor's Regulation No. 16 Year 2024: Literature Study on the Dynamics of People's Mining Law: Implementasi Peraturan Daerah Papua Barat No. 5 Tahun 2023 Dan Peraturan Gubernur No. 16 Tahun 2024: Studi Kepustakaan Tentang Dinamika Hukum Pertambangan Rakyat," *Intan: Jurnal Penelitian Tambang* 8, no. 1 (2025): 25–35, <https://doi.org/10.56139/intan.v8i1.300>.

⁹ Decky D. A. Wospakrik, "Protection of Indigenous Communities in the Management of Oil and Gas Natural Resources In the Warim Block Central Papua," *International Journal of Advanced Multidisciplinary* 4, no. 4 (2026): 744–54, <https://doi.org/10.38035/ijam.v4i4.1901>.

¹⁰ Ikma Wati et al., *The Urgency of Human Rights Protection Against Natural Resource Conflicts in Raja Ampat Papua*, 10, no. 1 (2026): 118–29, <https://doi.org/10.31316/jk.v10i1.10026>.

¹¹ Satria Unggul Wicaksana Prakasa et al., "Protecting the Land Tenure Rights of Papuan Indigenous Peoples After New Autonomy Region," *Indonesia Law Reform Journal* 3, no. 3 (2023): 287–303, <https://doi.org/10.22219/ilrej.v3i3.31352>.

protecting the rights of Indigenous peoples in the extractive industry.¹² Furthermore, Santioso and Sinaga examined the role of environmental diplomacy and civil society pressure in encouraging the reassessment of mining permits in Raja Ampat.¹³ Similarly, Maulidatin et al. proposed legal reconstruction through regulatory harmonization and the strengthening of the precautionary principle in environmental governance.¹⁴

Based on the existing body of literature, studies on mining activities in Raja Ampat have largely been dominated by environmental, human rights, and natural resource governance perspectives. To date, no study has specifically examined the legal accountability of the Indonesian government toward Indigenous Papuans arising from the issuance and maintenance of nickel mining permits on the small islands of Raja Ampat through a multidimensional approach that integrates national law, international law, human rights principles, and theories of state accountability. This research gap constitutes both the rationale and the novelty of the present study.

This study aims to analyze the national and international legal frameworks governing the Indonesian government's obligations to protect the rights of Indigenous Papuans from the impacts of nickel mining activities in Raja Ampat. Furthermore, it examines the extent to which the government has fulfilled its legal obligations in the issuance and supervision of mining permits and proposes a multidimensional legal accountability model encompassing administrative, constitutional, environmental, and human rights dimensions to promote good mining governance.

2. RESEARCH METHODOLOGY

This study employs a normative legal research method with a multidisciplinary approach enriched by a socio-legal perspective to examine the legal accountability of the Indonesian government toward Indigenous Papuans arising from nickel mining activities in the Raja Ampat Islands. The research is both descriptive-analytical and prescriptive in nature, aiming not only to describe the existing legal framework but also to formulate an ideal model of legal accountability.

Several approaches are employed in this study. First, the statutory approach is used to examine laws and regulations concerning mining, environmental protection, human rights, and the protection of Indigenous peoples. Second, the conceptual approach is applied to analyze the concepts of the rule of law, ecological justice, sustainable development, and state accountability. Third, the case approach is utilized

¹² Angus MacInnes et al., "Free, Prior and Informed Consent: How to Rectify the Devastating Consequences of Harmful Mining for Indigenous Peoples," *Perspectives in Ecology and Conservation* 15, no. 3 (2017): 152–60, <https://doi.org/10.1016/j.pecon.2017.05.007>.

¹³ Claudia Marcia Anastasia Santioso and Melpayanty Sinaga, "Greenpeace's Transnational Advocacy Strategies Against Nickel Mining in Raja Ampat," *Bhuvana: Journal of Global Studies* 3, no. 2 (2025): 219–39, <https://doi.org/10.59408/bjgs.v3i2.256>.

¹⁴ Alik Maulidatin et al., "Legal Conflicts in Granting Mining Permits to Religious Organizations in Indonesia," *Jurnal Ius Constituendum* 11, no. 2 (2026): 264–85, <https://doi.org/10.26623/jic.v11i2.13591>.

through an examination of nickel mining activities in Raja Ampat and relevant judicial decisions. Fourth, the comparative approach is adopted by comparing national legal frameworks with international standards, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the principle of Free, Prior, and Informed Consent (FPIC).

The study relies on primary, secondary, and tertiary legal materials collected through literature review and document analysis. The data are analyzed using a qualitative normative method, employing grammatical, systematic, historical, teleological, and comparative interpretations. Furthermore, deductive legal reasoning is applied to formulate a framework for the government's legal accountability toward Indigenous Papuans.

3. RESEARCH RESULT AND DISCUSSION

3.1. National and International Legal Framework Governing the Indonesian Government's Obligations to Protect the Rights of Indigenous Papuans

Indonesia possesses a relatively comprehensive legal framework for the protection of Indigenous peoples and the environment. The primary constitutional foundation is provided by Article 18B(2) of the 1945 Constitution of the Republic of Indonesia, which mandates that the state recognize and respect Indigenous legal communities and their traditional rights, provided that they continue to exist and remain consistent with societal development and the principles of the Unitary State of the Republic of Indonesia. This provision constitutionally recognizes the existence of Indigenous Papuans and their inherent customary rights.

In addition, Article 28H(1) of the Constitution guarantees every person's right to a good and healthy environment as a fundamental human right. This guarantee is reinforced by Article 33(3), which stipulates that land, water, and the natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people. The state's right to control should not be interpreted as absolute ownership of natural resources; rather, it constitutes a constitutional mandate requiring the state to regulate, manage, protect, and ensure the utilization of natural resources for the welfare of all citizens, including Indigenous Papuans.

Nevertheless, a degree of regulatory tension exists between the doctrine of state sovereignty over natural resources and the protection of Indigenous peoples' rights. This tension was addressed through Constitutional Court Decision No. 35/PUU-X/2012, which affirmed that customary forests are no longer classified as state forests but rather form part of the territories of recognized Indigenous legal communities. The decision provides constitutional reinforcement for Indigenous customary rights and underscores the state's obligation to respect traditional rights in natural resource governance.

Despite this normative recognition, effective implementation remains limited. The nickel mining case in Raja Ampat illustrates a significant gap between the law on the books and the law in action. The issuance of mining business permits on the small islands of Raja Ampat demonstrates that mining policy continues to be dominated by a paradigm of resource exploitation, often at the expense of Indigenous community protection and environmental sustainability.¹⁵

Law No. 3 of 2020 concerning Mineral and Coal Mining has strengthened the centralization of mining licensing authority under the central government. Existing studies indicate that such centralization has weakened local community participation and reduced local government oversight of mining activities. This finding is consistent with the conclusions of Mulyani and Helmi, who argued that centralized mining governance contributes to environmental degradation and threatens the sustainability of Raja Ampat's tourism sector.¹⁶

Conversely, Law No. 1 of 2014 concerning the Management of Coastal Areas and Small Islands provides robust protection for small islands against mining activities. Article 35(k) expressly prohibits mining activities that cause environmental degradation and adversely affect surrounding communities. Moreover, Article 23 of the law effectively prohibits mining activities on islands with an area of less than 2,000 km². Accordingly, from a legal perspective, nickel mining activities on several small islands in Raja Ampat are inconsistent with Indonesian positive law.

Constitutional Court Decision No. 35/PUU-XXI/2023 further reinforces this prohibition by categorizing mining activities on small islands as abnormally dangerous activities. The decision not only strengthens environmental protection but also prioritizes ecosystem integrity and the sustainability of local communities as fundamental considerations in natural resource governance.

Furthermore, Law No. 32 of 2009 concerning Environmental Protection and Management requires all mining activities to be supported by an Environmental Impact Assessment (AMDAL) prepared through a participatory process involving affected communities. In practice, however, the participation of Indigenous Papuan communities in decision-making processes and in the preparation of AMDAL documents remains extremely limited. This situation reflects a violation of the principle of meaningful participation, which constitutes a fundamental principle of contemporary environmental law.

Law No. 21 of 2001 concerning Special Autonomy for Papua, as amended by Law No. 2 of 2021, provides special recognition of the rights of Indigenous Papuans over their customary territories and the natural resources contained therein. Article 43

¹⁵ Hendra Sani and Syamsuddin Syamsuddin, "Konflik Penambangan Nikel Di Raja Ampat: Analisis Etika Lingkungan Dan Rekayasa Pertambangan Untuk Konservasi Berkelanjutan," *RIGGS: Journal of Artificial Intelligence and Digital Business* 4, no. 2 (2025): 3453–61, <https://doi.org/10.31004/riggs.v4i2.1041>.

¹⁶ Mulyani and Helmi, "Justice and Sustainability."

regulates the protection of customary rights, while Article 38 emphasizes that Papua's economic development must be oriented toward the welfare of the Papuan people based on the principles of justice and equity. However, the policy of centralizing mining licensing authority has diminished the substantive meaning of special autonomy and increased the vulnerability of Indigenous communities to the expansion of extractive industries. This finding supports the argument of Prakasa et al., who contend that excessive state intervention in the name of investment has the potential to undermine the rights of Indigenous Papuans.¹⁷

Indonesia also bears international legal obligations to protect the rights of Indigenous Papuans. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes the principle of Free, Prior, and Informed Consent (FPIC), namely the right of Indigenous peoples to grant or withhold consent to projects affecting their territories and natural resources. The FPIC principle requires that consent be given freely and without coercion, prior to the commencement of a project, and based on complete and accessible information provided to the affected communities.¹⁸

However, the FPIC principle has not been effectively implemented in mining governance in Raja Ampat. Indigenous communities have not been meaningfully involved in decision-making processes concerning the issuance of mining permits, indicating that the state has failed to fulfill its international obligations to respect the rights of Indigenous peoples. This finding is consistent with the view of MacInnes et al., who argue that compliance with FPIC constitutes a fundamental prerequisite for responsible mining practices.¹⁹

Furthermore, the Convention on Biological Diversity (CBD) and the Kunming–Montreal Global Biodiversity Framework 2022 identify biodiversity conservation and the participation of Indigenous peoples as essential components of global environmental governance.²⁰ Given that Raja Ampat represents one of the world's most important centers of biodiversity, the Indonesian government has both a legal and a moral obligation to ensure that development policies do not compromise ecosystem sustainability or the rights of Indigenous communities.

The national and international legal frameworks provide a robust normative foundation for protecting Indigenous Papuans from the adverse impacts of nickel

¹⁷ Prakasa et al., "Protecting the Land Tenure Rights of Papuan Indigenous Peoples After New Autonomy Region."

¹⁸ Putri Mei Lestari Lubis and Dwiki Putra Perkasa, "Analisis Yuridis Prinsip Free, Prior, Informed Consent (FPIC) Sebagai Instrumen Pencegahan Pelanggaran Hak Asasi Manusia Pada Pertambangan Di Wilayah Adat," *El-Iqthisady: Jurnal Hukum Ekonomi Syariah* 7, no. 2 (2025): 1205–16, <https://doi.org/10.24252/el-iqthisady.v7i2.63392>.

¹⁹ MacInnes et al., "Free, Prior and Informed Consent."

²⁰ Dwiko Permadi, "Peneliti UGM Kaji Peran Hutan Adat Dalam Mencapai Target Global Keanekaragaman Hayati," *Fakultas Kehutanan Universitas Gadjah Mada* (Yogyakarta), 2026, <https://fkt.ugm.ac.id/2026/03/09/peneliti-ugm-kaji-peran-hutan-adat-dalam-mencapai-target-global-keanekaragaman-hayati/>.

mining in Raja Ampat. The principal challenge lies not in the absence of legal norms but rather in weak implementation, policy inconsistencies, and the state's failure to fulfill its constitutional and international obligations. The Raja Ampat case therefore reflects a broader crisis of state accountability in natural resource governance and underscores the need to reconstruct mining policies based on human rights, ecological justice, and respect for the rights of Indigenous peoples.

3.2. Fulfillment and Failure of Mining Governance in Raja Ampat, Papua

The Indonesian government has not fully fulfilled its legal obligations to protect the rights of Indigenous Papuans and instead exhibits a systemic pattern of accountability failure. This failure is reflected across multiple dimensions of public accountability, including legal accountability, process accountability, program accountability, and policy accountability.

From the perspective of legal accountability, the government is required to exercise its mining licensing authority in accordance with the rule of law and prevailing statutory provisions. However, the issuance and maintenance of mining business permits on Gag, Kawe, and Manuran Islands are inconsistent with Law No. 1 of 2014 concerning the Management of Coastal Areas and Small Islands and Constitutional Court Decision No. 35/PUU-XXI/2023, both of which expressly prohibit mining activities on small islands. The continued operation of PT Gag Nikel, despite its location on a small island, demonstrates a clear inconsistency between legal norms and governmental practice.

These findings suggest that economic and investment considerations have been prioritized over the constitutional mandate to protect the environment and Indigenous communities. Such actions reflect violations of the principles of legality and legal certainty because the government has failed to exercise its authority in accordance with applicable laws. Consequently, the state has not fulfilled its constitutional obligation to ensure that natural resources are utilized for the greatest prosperity of the people.

With respect to process accountability, the procedures for granting and supervising mining permits have not been conducted in a transparent, participatory, and accountable manner. Public access to Environmental Impact Assessment (AMDAL) documents remains highly restricted, while the involvement of Indigenous communities in decision-making processes has been minimal and largely procedural in nature. Moreover, no evidence has been identified demonstrating the substantive application of the principle of Free, Prior, and Informed Consent (FPIC) prior to the issuance of mining permits.

These circumstances indicate that Indigenous Papuans have not been afforded adequate opportunities to grant or withhold consent regarding projects that directly affect their customary territories and livelihoods. The principles of meaningful participation and FPIC constitute essential components of the protection of Indigenous

peoples' rights under international law and have become globally recognized standards in extractive industry governance.

The findings of this study are consistent with those of Nicolaus Petrus Likuwatan Werang et al., who identified weak consultation with local communities and fragmented mining governance in Raja Ampat.²¹ However, the present study goes beyond these findings by demonstrating that the lack of consultation is not merely an administrative deficiency but also constitutes a failure of the state to fulfill its legal obligation to guarantee the participation of Indigenous communities in natural resource governance.

Nickel mining policies in Raja Ampat are also inconsistent with broader development objectives. Although the government promotes nickel *downstreaming* as part of the green energy transition and national economic development agenda, it has largely overlooked the ecological and social consequences at the local level. The expansion of mining activities has contributed to deforestation, coastal sedimentation, coral reef degradation, and disruptions to the livelihoods of Indigenous communities that depend on fisheries and ecotourism.

These conditions indicate that mining-based development programs fail to satisfy the principles of sustainable development, which require a balance among economic growth, environmental protection, and social justice. This finding reinforces the conclusions of Mulyani and Helmi, who argued that mining and sustainable tourism in Raja Ampat are inherently difficult to reconcile because resource exploitation ultimately undermines the ecological foundations of the tourism sector.²²

Furthermore, this study identifies a pattern of regulatory capture, a condition in which the formulation and implementation of public policy are influenced more heavily by economic and investment interests than by considerations of community welfare and environmental protection.²³ The government appears to regard the protection of Indigenous communities as an impediment to investment rather than as a constitutional obligation that must be fulfilled.

This phenomenon is further exacerbated by the paradigm of resource nationalism, which positions the central government as the dominant actor in natural resource governance. The centralization of mining licensing authority has substantially limited the roles of local governments and Indigenous communities in determining the future of their territories. This finding corroborates the study by Prakasa et al., which argues

²¹ Nicolaus Petrus Likuwatan Werang et al., "Nickel Mining and Environmental Trade-Off in Raja Ampat Papua: A Conceptual Note on Legal and Policy."

²² Mulyani and Helmi, "Justice and Sustainability."

²³ Ekawestri Prajwalita Widiati, "Regulatory Capture: Tantangan Pembentukan Peraturan Perundang-Undangan Yang Baik Di Negara Demokrasi," *Prosiding Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara* 2, no. 1 (2024): 51–76, <https://doi.org/10.55292/5ezarv67>.

that excessive state intervention and investment authority have the potential to undermine the rights of Indigenous Papuans.²⁴

From the perspective of policy accountability, the government's response to public criticism regarding mining activities in Raja Ampat has been largely reactive rather than preventive. The revocation of four out of five mining permits in 2025 following the emergence of the *#SaveRajaAmpat* movement illustrates a pattern of performative governance, whereby policies appear responsive on the surface but are not accompanied by structural reforms capable of preventing similar problems in the future.

At least four indicators demonstrate this pattern. First, there is an absence of legally binding documents providing certainty regarding the announced permit revocations. Second, no environmental restoration orders have been issued for areas damaged by mining activities. Third, the permit of PT Gag Nikel has been maintained despite the company's operations being located on a small island. Fourth, there has been no substantive reform of the licensing system capable of closing the regulatory gaps that enable similar violations to occur in the future.

The government has therefore failed to implement the principle of prospective accountability, which requires preventive measures and systemic reforms following the occurrence of legal violations. Instead, it has relied primarily on short-term administrative measures aimed at alleviating public pressure without addressing the underlying structural causes of the problem.

A significant gap also exists between judicial decisions and their implementation by the government. Although the Constitutional Court has issued several decisions strengthening the protection of Indigenous peoples and the environment, the implementation of these rulings has been hindered by non-compliance on the part of the executive branch. This gap illustrates the weakness of the system of checks and balances and diminishes the effectiveness of legal protection afforded to Indigenous communities.

The Indonesian government's failure to protect Indigenous Papuan communities in Raja Ampat should not be viewed as an isolated incident but rather as a systemic and structural failure. This failure is characterized by the dominance of an extractivist development paradigm, weak legal compliance, limited participation of Indigenous communities, ineffective environmental oversight, and the absence of policy reforms oriented toward ecological justice.²⁵

Mining governance in Raja Ampat demonstrates that the government has not fulfilled its constitutional, legal, and moral obligations to protect Indigenous Papuans. The case reflects a profound crisis of state accountability in natural resource governance

²⁴ Prakasa et al., "Protecting the Land Tenure Rights of Papuan Indigenous Peoples After New Autonomy Region."

²⁵ Muhammad Rayyan Hylmi et al., "Dari Tanah Leluhur Ke Tanah Konsesi: Politik Agraria Dan Krisis Hak Adat Di Raja Ampat," *Trivikrama: Jurnal Ilmu Sosial* 11, no. 9 (2025): 1–12.

and underscores the urgent need to reconstruct mining governance based on the principles of the rule of law, sustainable development, respect for human rights, and the effective protection of Indigenous peoples and small-island ecosystems.

3.3. A Multidimensional Legal Accountability Framework for Indigenous Papuans in Mining Governance in Raja Ampat

The existing legal accountability mechanisms remain fragmented and sector-specific. No legal instrument effectively integrates administrative, constitutional, civil, environmental, and human rights accountability within a coherent framework of protection. Consequently, when violations of Indigenous peoples' rights and environmental degradation occur, the government's response tends to be limited to temporary administrative measures that fail to address the underlying causes of the problem.

This study identifies five principal dimensions of legal accountability that should be incorporated into mining governance in Raja Ampat. First, administrative accountability. Any decision to issue a mining business permit in violation of applicable laws and regulations may be classified as an unlawful administrative act. Accordingly, the government is obliged to issue definitive, written, and publicly accessible decisions revoking all mining permits that contravene Law No. 1 of 2014 concerning the Management of Coastal Areas and Small Islands, including the permit that remains in force on Gag Island.

Announcing permit revocations without formal legal documentation is inconsistent with the principles of legal certainty and governmental accountability. In a state governed by the rule of law, administrative actions must be reviewable, subject to oversight, and capable of being held accountable. Therefore, the government must not merely announce permit revocations as a political response; rather, it must ensure that all administrative actions are embodied in valid and legally binding decisions.

Second, constitutional accountability. The state has a constitutional obligation to respect, protect, and fulfill the rights of Indigenous peoples, as stipulated in Article 18B(2), Article 28H(1), and Article 33(3) of the 1945 Constitution of the Republic of Indonesia. This study finds that the issuance of mining permits within the customary territories and small islands of Raja Ampat has disregarded the rights to a good and healthy environment, customary rights, and the rights of Indigenous peoples to participate in natural resource governance.

This situation reflects a departure from the proper meaning of the state's right to control natural resources. This constitutional concept should be interpreted as imposing an obligation on the state to ensure public welfare, rather than as a justification for exploiting natural resources at the expense of Indigenous peoples and the environment. Constitutional accountability therefore requires the state to review all mining policies

that are inconsistent with the principles of human rights protection and ecological justice.

Third, civil and environmental accountability. The destruction of customary forests, coastal sedimentation, and coral reef degradation in Raja Ampat have caused significant ecological and social harm to Indigenous communities. Under Article 88 of Law No. 32 of 2009 concerning Environmental Protection and Management, liability for environmental damage resulting in serious impacts is governed by the principle of strict liability.

The application of the strict liability principle requires mining companies to provide compensation and undertake environmental restoration without the need to establish fault. However, this study finds that, to date, no mandatory environmental restoration order or effective compensation mechanism has been implemented for affected communities. This condition demonstrates the state's failure to enforce environmental laws and guarantee the restoration of Indigenous peoples' rights. Accordingly, the government should immediately conduct independent environmental audits of all affected areas and require mining companies to finance the restoration of damaged forest and coral reef ecosystems.

Fourth, human rights accountability. The failure to implement the principle of Free, Prior, and Informed Consent (FPIC) in the mining permitting process constitutes a violation of the rights of Indigenous peoples as recognized under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Indigenous Papuans possess not only the right to receive information but also the right to grant or withhold consent regarding any project affecting their customary territories. The protection of Indigenous peoples cannot be limited to economic compensation alone; it must also encompass respect for their cultural identity, spiritual relationship with the land, and right to self-determination.

This finding is consistent with the study by MacInnes et al., which argues that compliance with the principle of Free, Prior, and Informed Consent (FPIC) constitutes a fundamental prerequisite for responsible mining practices.²⁶ However, the present study demonstrates that the failure to implement FPIC in Raja Ampat not only violates international standards but also reflects the state's failure to fulfill its human rights obligations.

Fifth, prospective accountability through mining governance reform. This study finds that the partial revocation of mining permits in 2025 was not accompanied by systemic reforms capable of preventing the recurrence of similar violations. Accordingly, this study proposes a model of mining governance reform that places Indigenous peoples and ecological sustainability at the center of natural resource management policies.

²⁶ MacInnes et al., "Free, Prior and Informed Consent."

This reform model encompasses several strategic measures. First, it calls for the harmonization of the Mineral and Coal Mining Law with the Law on the Management of Coastal Areas and Small Islands and the Papua Special Autonomy Law. Second, it proposes the integration of the principle of Free, Prior, and Informed Consent (FPIC) into all stages of the mining licensing process. Third, it advocates strengthening the recognition and protection of customary territories through the enactment of specific regulations concerning Indigenous Papuan communities. Fourth, it recommends the establishment of an independent oversight mechanism involving Indigenous communities, academics, and environmental organizations. Fifth, it proposes the adoption of the no-go zones principle for all mining activities in conservation areas and small islands of high ecological value.

The findings of this study differ from those of previous research, which has generally focused on strengthening environmental protection or enhancing community participation. By contrast, this study offers a comprehensive and integrated framework of legal accountability that places state accountability at the center of efforts to resolve mining conflicts in Raja Ampat.

Substantive protection for Indigenous Papuan communities cannot be achieved through a sectoral and reactive approach. Instead, a fundamental paradigm shift in natural resource governance is required, moving from an extractivist development model toward one oriented around ecological justice, respect for the rights of Indigenous peoples, and intergenerational sustainability. The multidimensional legal accountability framework formulated in this study may serve as a normative foundation for reforming Indonesian mining law and as a model for the protection of Indigenous communities in other resource-rich regions.

4. CONCLUSION

Indonesia possesses a robust legal framework for the protection of Indigenous peoples and the environment through the 1945 Constitution, statutory regulations, Constitutional Court decisions, and international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the principle of Free, Prior, and Informed Consent (FPIC). However, this study identifies a significant accountability deficit in the implementation of these legal frameworks. The government has not fully fulfilled its constitutional and legal obligations in the issuance, maintenance, and supervision of mining permits in Raja Ampat. Mining policies continue to demonstrate inconsistencies with the principles of the rule of law, sustainable development, human rights protection, and the protection of small islands.

This study proposes a multidimensional legal accountability framework encompassing administrative, constitutional, civil, environmental, and human rights dimensions as a foundation for reforming mining governance based on the principles of ecological justice. From an academic perspective, this research contributes to the

development of theories of state accountability in natural resource governance. From a practical perspective, it provides a normative basis for the formulation of more equitable and sustainable mining policies. This study is limited by its reliance on a normative legal approach. Therefore, future research should employ empirical or socio-legal approaches to examine the actual impacts of mining activities on Indigenous Papuan communities and to assess the effectiveness of existing legal protection mechanisms.

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