



Aceh's Position in the Designation of People's Mining Areas (WPR) amid the Centralization of Mining Authority

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Original Article

Abstract

The centralization of mining authority following the enactment of Law No. 2 of 2025 and Government Regulation No. 39 of 2025 has raised questions concerning the position of the Aceh Government in the designation of People's Mining Areas (Wilayah Pertambangan Rakyat/WPR), particularly regarding the interaction between the national legal framework governing mineral and coal mining and Aceh's special status under Law No. 11 of 2006. This study aims to examine the scope of the Aceh Government's authority and develop an appropriate normative framework for WPR designation based on the principle of *lex specialis derogat legi generali*. Employing a normative juridical approach, the study applies statutory, conceptual, historical, and legal harmonization approaches. The Law on the Government of Aceh (UUPA) continues to operate as *lex specialis*, whereas the national mineral and coal mining framework applies only to the extent that it does not supersede Aceh's special legal arrangements. The principal legal issue arises from a regulatory gap in the implementing framework governing the exercise of authority. This study proposes a functional allocation of authority in which regency and municipal governments submit WPR proposals, the Governor of Aceh exercises designation authority, and the Central Government performs standardization and supervisory functions. This framework is intended to reconcile the national mining governance system with Aceh's constitutionally and statutorily recognized special autonomy.

Keywords: *Aceh Government Authority, Lex Specialis, Mineral And Coal Mining, Special Autonomy*

Abstrak

Sentralisasi kewenangan pertambangan setelah berlakunya Undang-Undang Nomor 2 Tahun 2025 dan Peraturan Pemerintah Nomor 39 Tahun 2025 menimbulkan persoalan mengenai kedudukan Pemerintah Aceh dalam penetapan Wilayah Pertambangan Rakyat (WPR), terutama dalam hubungan antara system hukum hukum Minerba dan kekhususan Aceh berdasarkan Undang-Undang Nomor 11 Tahun 2006. Penelitian ini bertujuan menganalisis kedudukan kewenangan Pemerintah Aceh dan merumuskan konstruksi norma ideal mengenai penetapan WPR berdasarkan prinsip *lex specialis derogat legi generali*. Penelitian menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual, historis, dan harmonisasi hukum. UUPA tetap berfungsi sebagai *lex specialis*, sedangkan sistem hukum Minerba berlaku sepanjang tidak mengesampingkan pengaturan khusus Aceh. Persoalan utama karena terputusnya rantai penormaan pada tingkat peraturan pelaksana. Penelitian merekomendasikan pembagian kewenangan fungsional melalui pengusulan oleh kabupaten/kota, penetapan oleh Gubernur Aceh, serta standardisasi dan pengawasan oleh Pemerintah Pusat.

Kata kunci: *Kewenangan Aceh, Lex Specialis, Pertambangan Minerba*

1. INTRODUCTION

The management of mineral and coal resources in Indonesia is inextricably linked to the relationship between state control over natural resources and the allocation of governmental authority. Article 33(3) of the 1945 Constitution of the Republic of Indonesia places the land, waters, and natural resources contained therein under state control for the greatest prosperity of the people. At the same time, Article 18B (1) recognizes and respects regional government units that possess special or distinct status. These two constitutional provisions should not be understood as isolated norms. State control establishes the objectives and legitimacy of natural resource management, whereas recognition of regional distinctiveness determines how such authority is structured in accordance with the constitutional and legal characteristics of each region. This relationship is reflected in Law No. 11 of 2006 concerning the Governing of Aceh (UUPA), which grants the Aceh Government and regency and municipal governments authority to manage natural resources, including mineral and coal mining, within their respective jurisdictions.

Challenges arise when developments in national mining policy strengthen the role of the Central Government. Amendments introduced through Law No. 3 of 2020 and subsequently through Law No. 2 of 2025 have reinforced the Central Government's position in mining governance. At the same time, Law No. 2 of 2025 introduces policies aimed at expanding the participation of cooperatives, small and medium-sized enterprises (SMEs), and certain community groups in mining activities. The central issue, therefore, is not simply whether greater centralization is necessary, but how such centralization can be reconciled with a legal system that simultaneously recognizes asymmetric decentralization in Aceh.

This tension became particularly evident following the amendment of Article 173A of the Mineral and Coal Mining Law through Law No. 2 of 2025. The previous provision expressly identified Aceh as a region in which the provisions of the Mineral and Coal Mining Law applied insofar as the relevant matters were not specifically regulated under legislation governing Aceh's special status. The amended provision adopts a more general formulation by extending the applicability of the Mineral and Coal Mining Law to all provinces while retaining exceptions where specific regulations apply. This change is significant because the issue extends beyond identifying regions with special status; it also concerns the interpretation and substantiation of specific legal norms within each respective allocation of governmental authority.

The normative implications are particularly apparent in the regulation of People's Mining Areas (Wilayah Pertambangan Rakyat/WPR). A WPR constitutes a prerequisite for the issuance of a People's Mining License (Izin Pertambangan Rakyat/IPR). Consequently, the legalization of small-scale mining activities depends on the prior designation of an area as a WPR. Government Regulation No. 25 of 2023 classifies

WPRs as part of the broader Mining Area framework, while Regulation of the Minister of Energy and Mineral Resources No. 18 of 2025 provides that WPRs are proposed by the governor and designated by the Minister following an evaluation of the applicable requirements. Furthermore, Government Regulation No. 39 of 2025 stipulates that an IPR application may be submitted only for an area that has been designated as a WPR and for which a WPR management document approved by the Minister is available.

This legal framework gives rise to structural questions concerning the allocation of authority. Although provincial governments may exercise authority at the IPR licensing stage, access to the prerequisite object—the WPR—remains determined at the central level. Although Presidential Regulation No. 55 of 2022 delegates certain licensing authority, including authority relating to IPRs, to provincial governments, such delegation does not automatically confer authority to designate WPRs. Consequently, a potential misalignment may arise between upstream authority over the designation of mining areas and downstream authority over mining licensing. The complexity of this issue is further heightened by the need to interpret these provisions in conjunction with Article 156 of the Law on the Governing of Aceh (UUPA) and the principle of *lex specialis derogat legi generali*, under which a specific legal regime takes precedence over a general legal regime. Accordingly, the WPR issue is not merely an administrative matter within the mining sector; it also concerns the interaction between national legal norms and Aceh's special autonomy framework.

Previous studies have examined the relationship between the centralization of mining authority, regional autonomy, and Aceh's special legal status. Ridwansyah, Abidin, and Zakyyah, for example, analyze the authority of the Aceh Government in the mineral and coal mining sector by comparing the Mineral and Coal Mining Law with the Law on the Governing of Aceh (UUPA). Their study identifies a normative disparity between national mining regulations and the UUPA and emphasizes Article 173A as an important legal basis for recognizing Aceh's special regulatory regime. The study primarily addresses the general status of Aceh's mining authority and the need to strengthen harmonization between the two legal systems.¹

However, the existing literature has not specifically addressed the normative construction of authority over the designation of People's Mining Areas within the context of the recent centralization of mining governance. The distinction between authority to issue an IPR and authority to designate the WPR that constitutes the legal prerequisite for such a license remains insufficiently examined. This distinction is particularly important in Aceh because the allocation of mining authority must be interpreted not only within the framework of national mining legislation but also in light of the special autonomy regime established by the UUPA. The resulting regulatory

¹ Muhammad Ridwansyah et al., "Disharmony in Mineral and Coal Mining Regulation in Aceh: A Critical Review of the Basic UUPA, UU Minerba and MoU Helsinki," *Dusturiyah: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial* 16, no. 1 (2026): 100–118, <https://doi.org/10.22373/pzetqv38>.

relationship raises a fundamental question: to what extent does the centralization of mining authority affect the authority of the Aceh Government to designate WPRs?

Against this background, this study examines the position and scope of the Aceh Government's authority in the designation of People's Mining Areas following the recent development of national mining regulations. It focuses on the relationship between the Mineral and Coal Mining Law, its implementing regulations, and the UUPA, particularly in light of the principle of *lex specialis derogat legi generali*. The study also seeks to formulate a normative model for the allocation of authority over WPR designation that can reconcile national standards for mineral and coal mining governance with Aceh's special autonomy framework.

Santoso and Azizah examine the strengthening of regional autonomy in response to the centralization of mining governance introduced by Law No. 2 of 2025. Their study highlights the declining role of regional governments in mining-sector policymaking, administration, regulation, management, and oversight.² Meanwhile, Agassi analyzes the legal politics underlying the amendments to the Mineral and Coal Mining Law and their implications for communities and the environment. Taken together, these studies demonstrate that changes to the mineral and coal mining legal framework concern not only administrative efficiency but also the allocation of governmental authority and the protection of public interests.³

The study by Paransi, Pinasang, and Tampongangoy is more closely related to the present research because it specifically examines the establishment of People's Mining Areas (Wilayah Pertambangan Rakyat/WPR). The study finds that, following the enactment of Law No. 3 of 2020, the authority to designate WPRs rests with the Central Government, while regional governments are involved primarily in proposing areas for designation. However, the study does not examine subsequent changes to the legal framework following the enactment of Law No. 2 of 2025 and Government Regulation No. 39 of 2025, particularly in the context of regions with special legal status, such as Aceh.⁴

From an implementation perspective, Aminah, Nurlisa, Ubaidullah, and Hasan demonstrate that the management of artisanal gold mining in Aceh Jaya faces several challenges, including weak policy implementation, limited dissemination of regulatory information, unauthorized mining activities, and inconsistencies between regional and national regulations. These findings indicate that the legality of artisanal mining cannot

² Bagus Teguh Santoso and Anisa Kurniatul Azizah, "Penguatan Otonomi Daerah Dalam Pengawasan Kegiatan Pertambangan Minerba Pasca UU No 2 Tahun 2025," *Majalah Hukum Nasional* 55, no. 1 (2025): 26–57, <https://doi.org/10.33331/mhn.v55i1.1086>.

³ Rikki Hendrawan Muhammad Adhe Agassi, "Analisis Politik Hukum Undang-Undang Nomor 3 Tahun 2020 Tentang Perubahan Atas Undang-Undang Nomor 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batubara," *Madani: Jurnal Ilmiah Multidisiplin* 1, no. 11 (2023): 397–412, <https://doi.org/10.5281/ZENODO.10282684>.

⁴ Marlinda Eva Paransi et al., "Tinjauan Yuridis Pendelegasian Wewenang Dalam Pembentukan Wilayah Pertambangan Rakyat," *Lex Administratum* 12, no. 2 (2024): 1–14.

be separated from the institutional framework governing community access to mining areas.⁵

Nugroho, in examining Law No. 2 of 2025 through the perspective of Critical Legal Studies, adds another dimension by demonstrating that changes to the mineral and coal mining legal framework are also connected to the distribution of political power and socioeconomic interests. However, that study focuses primarily on the expansion of entities eligible for priority mining permits rather than on the relationship among regional special status, WPR designation, and the allocation of governmental authority.⁶

The research gap lies in the absence of a study that specifically examines the authority of the Aceh Government to designate People's Mining Areas following the amendment of Article 173A through Law No. 2 of 2025, while systematically connecting this issue with Article 156 of the Law on the Governing of Aceh (UUPA), the principle of *lex specialis derogat legi generali*, Government Regulation No. 39 of 2025, and Regulation of the Minister of Energy and Mineral Resources No. 18 of 2025. The originality of this study lies in reconstructing the relationship among the legal norms governing governmental authority, Aceh's special legal status, and the WPR designation mechanism in order to formulate a more operational, coherent, and legally consistent normative framework.

This study has two objectives. First, it analyzes the authority of the Aceh Government in the designation of WPRs following the enactment of Law No. 2 of 2025 and Government Regulation No. 39 of 2025. This analysis applies the principle of *lex specialis derogat legi generali* to determine the relationship between the Mineral and Coal Mining Law as the general legal regime and the UUPA as the special legal regime. Second, it formulates an appropriate normative framework for the allocation of WPR designation authority in Aceh, including the stages of proposal, designation, issuance of People's Mining Licenses (Izin Pertambangan Rakyat/IPR), guidance, and supervision. The study seeks to develop an allocation of authority that promotes legal certainty, regulatory coherence, consistency within the hierarchy of laws and regulations, alignment with the national mining governance framework, and recognition of Aceh's special status and asymmetric decentralization.

2. RESEARCH METHODOLOGY

⁵ Aminah Aminah et al., "Kebijakan Pemerintah Kabupaten Aceh Jaya Dalam Pengelolaan Pertambangan Emas Rakyat," *Jurnal Sosiologi USK: Media Pemikiran & Aplikasi* 16, no. 2 (2022): 215–28, <https://doi.org/10.24815/jsu.v16i2.26450>.

⁶ Muhammad Bayu Nugroho, "Analisis Yuridis Implikasi Undang-Undang Nomor 2 Tahun 2025 Tentang Pertambangan Mineral Dan Batubara (Minerba) Terhadap Kemudahan Izin Usaha Pertambangan Bagi Koperasi Desa Merah Putih Melalui Perspektif Critical Legal Studie," *Ariyah: Jurnal Hukum Ekonomi Bisnis* 2, no. 1 (2026): 57–72, <https://doi.org/10.36908/ariyah.v2i1.1846>.

This study employs normative legal research to examine the legal status and scope of the Aceh Government's authority to designate People's Mining Areas (Wilayah Pertambangan Rakyat/WPR) following the enactment of Law No. 2 of 2025 and Government Regulation No. 39 of 2025. The analysis focuses on the relationships, consistency, and harmonization of legal norms governing mining authority, Aceh's special legal status, and the designation of WPRs.

The study applies four legal approaches: the statutory approach, conceptual approach, historical approach, and legal harmonization and synchronization approach. The legal materials consist of primary, secondary, and tertiary sources. Primary legal materials include the 1945 Constitution of the Republic of Indonesia; Law No. 11 of 2006 concerning the Governing of Aceh; the Mineral and Coal Mining Law and its subsequent amendments; Government Regulation No. 25 of 2023; Government Regulation No. 39 of 2025; Presidential Regulation No. 55 of 2022; and Regulation of the Minister of Energy and Mineral Resources No. 18 of 2025. Secondary legal materials include scholarly books, journal articles, legal commentaries, and other academic publications relevant to mining governance, regional autonomy, and Aceh's special legal status. Tertiary legal materials are used to clarify legal terminology and provide supporting references.

Legal materials were collected through a literature review and analyzed qualitatively using a prescriptive-normative method. The analysis employed grammatical, systematic, historical, and teleological methods of legal interpretation. Particular attention was given to the principles of *lex superior derogat legi inferiori*, *lex specialis derogat legi generali*, and *lex posterior derogat legi priori* to determine the relationship and precedence among potentially overlapping legal norms.

The analysis further identifies normative gaps arising from the distinction between the authority to designate WPRs and the authority to issue People's Mining Licenses (Izin Pertambangan Rakyat/IPR). This distinction is examined to determine whether the existing regulatory framework provides a coherent allocation of authority between the Central Government and the Aceh Government. The study ultimately seeks to reconstruct a legally coherent and operational normative framework for WPR designation that accommodates the national mining governance regime while recognizing Aceh's special legal status and asymmetric decentralization.

3. RESEARCH RESULT AND DISCUSSION

3.1. The Status of the Aceh Government's Authority to Designate People's Mining Areas (WPRs) Following Law No. 2 of 2025 and Government Regulation No. 39 of 2025

The 2025 amendment to the Mineral and Coal Mining Law did not abolish Aceh's special legal status in the governance of mining resources. However, it created new

implementation challenges because the norms recognizing this special status have not been translated into clear operational mechanisms for the designation of People's Mining Areas (Wilayah Pertambangan Rakyat/WPRs). The central issue is therefore not the disappearance of the legal basis for the Aceh Government's authority, but the lack of alignment between the allocation of authority established at the statutory level and the implementing provisions contained in government and ministerial regulations.

Governmental authority constitutes a legal power derived from statutory provisions.⁷ Accordingly, determining which governmental institution has the authority to designate WPRs cannot be based solely on prevailing administrative practice; rather, it must be traced to the legal source from which such authority derives. The constitutional foundation is established in Article 33(3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which places natural resources under state control for the greatest prosperity of the people. State control, however, does not require every act of resource management to be performed directly by the Central Government. Regional governments constitute part of the state apparatus; consequently, the exercise of regulatory, administrative, managerial, and supervisory functions by regional governments may constitute an expression of state control when supported by a valid legal basis. Therefore, assigning authority to designate WPRs to the Aceh Government does not, in itself, diminish the state's control over mineral resources.

This constitutional framework becomes more specific when considered in conjunction with Article 18B(1) of the 1945 Constitution, which recognizes and respects regional government units with special or distinct characteristics. This provision provides a constitutional basis for asymmetric decentralization, under which the allocation of governmental authority need not be uniform across all regions. This principle was subsequently institutionalized through Law No. 11 of 2006 concerning the Governing of Aceh (UUPA). Article 156 of the UUPA grants the Aceh Government and regency and municipal governments authority to manage natural resources, including mineral and coal mining, encompassing the planning, implementation, utilization, and supervision of business activities. Accordingly, mining governance in Aceh rests on a special legal basis that substantively intersects with matters regulated under the Mineral and Coal Mining Law (UU Minerba).

The relationship between the UUPA and the UU Minerba reflects the characteristics of the principle of *lex specialis derogat legi generali*. First, the UUPA does not displace all provisions of the UU Minerba. Provisions concerning technical mining

⁷ Roro Hanum et al., "Misperceptions of the Government's Authority to Provide Legal Aid in Review of Hierarch Legislation," *Jurnal Mahkamah : Kajian Ilmu Hukum Dan Hukum Islam* 9, no. 2 (2024): 183–94, <https://doi.org/10.25217/jm.v9i2.5073>; Stefanus Kurniadi Janggur, "The Limits of Authority of Regional Heads as Protectors of the Indonesian Red Cross (PMI) under the Red Cross Law," *Kajian Ilmiah Hukum Dan Kenegaraan* 4, no. 2 (2025): 73–84, <https://doi.org/10.35912/kihan.v4i2.5154>.

standards, occupational health and safety, environmental protection, reclamation, post-mining activities, and criminal sanctions remain applicable to the extent that these matters are not specifically regulated under the UUPA. Second, both instruments have the same formal legal status as statutes (*undang-undang*), and therefore the relationship between them is not primarily a matter of hierarchical superiority requiring resolution through the principle of *lex superior derogat legi inferiori*. Third, although the UUPA and the UU Minerba generally regulate different subject matters, they overlap in their application to the management of mineral and coal resources in Aceh. Accordingly, determining which statute operates as the *lex specialis* must be based on the specific legal subject matter under examination rather than merely on the titles or general scope of the statutes.

Article 173A of the UU Minerba occupies a particularly important position because it establishes a mechanism for determining the relationship between the UU Minerba and legislation governing regions with special status or privileges. The amendment to Article 173A through Law No. 2 of 2025 removed the explicit reference to Aceh and replaced it with a formulation applicable generally to all provinces, subject to the qualification that the relevant matter is not specifically regulated under legislation governing regional special status or privileges. Although the amendment altered the wording of the provision, it did not eliminate the substantive exception. Accordingly, Law No. 2 of 2025 should not be construed as having automatically superseded the UUPA. Rather, the phrase “unless otherwise specifically regulated” indicates that the legislature continues to recognize the possibility of distinct legal regimes applicable to regions with special status.

The issue becomes more complex when this legal framework is applied to the designation of WPRs. The designation of a WPR essentially constitutes a legal and administrative act that identifies and allocates a specific area for small-scale mining activities. Because Article 156(2) of the UUPA expressly includes planning as a component of natural resource management, the designation of a WPR may, conceptually and normatively, be situated within the planning function of mining activities. On this basis, there is a substantial legal argument that the designation of WPRs in Aceh falls within the scope of the special authority granted to the Aceh Government under the UUPA.

The existence of a legal basis for Aceh's special authority does not, by itself, resolve the question of how that authority should be exercised under the post-2025 regulatory framework. The subsequent implementing regulations must be interpreted in a manner consistent with the statutory allocation of authority and the special autonomy regime established by the UUPA. The critical question is therefore whether the current implementing framework merely operationalizes the national standards for WPR designation or, instead, effectively transfers the substantive authority to designate WPRs

away from the Aceh Government. This distinction is essential for determining whether the current regulatory framework is compatible with the principle of *lex specialis derogat legi generali* and with the constitutional recognition of Aceh's special autonomy.

This situation also reveals significant issues at the level of implementing regulations. Government Regulation No. 25 of 2023 assigns the authority to designate People's Mining Areas (Wilayah Pertambangan Rakyat/WPRs) to the Minister, following a proposal submitted through a mechanism initiated by regional governments. Subsequently, Government Regulation No. 39 of 2025 addresses the regulation of People's Mining Licenses (Izin Pertambangan Rakyat/IPRs) and WPR management documents, while Regulation of the Minister of Energy and Mineral Resources No. 18 of 2025 regulates the management of people's mining activities. However, these instruments do not establish a specific mechanism through which Aceh can operationalize the authority derived from the Law on the Governing of Aceh (UUPA). Consequently, a gap emerges between substantive authority and procedural authority. Although the UUPA provides the legal foundation for natural resource management in Aceh, the administrative mechanism for WPR designation continues to position the regional government primarily as a proposer to the Minister.

These findings build upon the study by Ridwansyah et al., which identifies tensions between the UUPA and the Mineral and Coal Mining Law (UU Minerba) and positions the UUPA as the *lex specialis* governing mining activities in Aceh. The present study demonstrates that this normative tension is not merely an abstract question of the allocation of governmental authority but also manifests concretely at the stage of WPR designation.⁸ The findings further complement the research of Paransi et al., which indicates that, following the enactment of Law No. 3 of 2020, authority to designate WPRs rests with the Central Government, while regional governments are limited to proposing areas for designation. However, this general framework cannot be applied automatically to Aceh without considering the UUPA and the exception mechanism established under Article 173A of the UU Minerba.⁹ Similarly, the findings of Santoso and Azizah concerning the trend toward greater centralization of mining authority acquire additional significance when distinguishing between regions operating under the ordinary decentralization framework and regions governed by asymmetric decentralization arrangements.¹⁰

Normatively, the Aceh Government's authority concerning the designation of WPRs retains a legal basis following the enactment of Law No. 2 of 2025 and Government Regulation No. 39 of 2025. This authority derives principally from Article 156 of the UUPA and is reinforced by the exception mechanism established under

⁸ Ridwansyah et al., "Disharmony in Mineral and Coal Mining Regulation in Aceh."

⁹ Paransi et al., "Tinjauan Yuridis Pendelegasian Wewenang Dalam Pembentukan Wilayah Pertambangan Rakyat."

¹⁰ Santoso and Azizah, "Penguatan Otonomi Daerah Dalam Pengawasan Kegiatan Pertambangan Minerba Pasca UU No 2 Tahun 2025."

Article 173A of the UU Minerba. Accordingly, the WPR designation framework, which places the designation authority at the ministerial level, should not be applied to Aceh without first considering its special legal regime. The issue, therefore, is not the absence of a legal basis for Aceh's authority, but rather the existence of a normative and operational gap: specific statutory authority is recognized, yet it has not been adequately translated into administrative procedures under the implementing regulations.

Addressing this gap requires harmonization between the UU Minerba and the UUPA, together with a restructuring of the mechanism through which WPR designation authority is exercised in Aceh. Such harmonization should ensure that the recognition of Aceh's special legal status is not merely declaratory but is translated into an effective institutional and administrative framework for the governance of small-scale mining. In this context, the central issue is not the exclusion of national mining standards, but the establishment of a coherent division of authority that allows those standards to operate consistently with the special autonomy framework applicable to Aceh.

3.2. Constructing an Ideal Normative Framework for Regulating the Authority to Designate People's Mining Areas (WPRs) in Aceh

The primary issue lies not merely in conflicts among legal regulations but in a disconnect within the normative chain extending from the statutory level to the implementing regulations. Article 156 of Law No. 11 of 2006 concerning the Governing of Aceh (UUPA) provides the legal basis for the Aceh Government to manage natural resources, including mining, encompassing the functions of planning, implementation, utilization, and supervision. These provisions demonstrate that Aceh's authority over natural resource management is not merely an administrative power derived from an ordinary delegation by the Central Government. Nevertheless, within the national mining governance framework, the operational mechanism for designating People's Mining Areas (Wilayah Pertambangan Rakyat/WPRs) remains structured around a model that places the Central Government as the primary decision-making authority. For example, Regulation of the Minister of Energy and Mineral Resources No. 18 of 2025 regulates WPR management and documentation requirements, which serve as a basis for the issuance of People's Mining Licenses (Izin Pertambangan Rakyat/IPRs) by provincial governments. However, the regulation does not, by itself, resolve how Aceh's special legal status should be translated into an effective authority to designate WPRs.

Accordingly, an ideal normative framework should be constructed through a hierarchical and interconnected regulatory structure rather than through a single, isolated regulatory amendment. At the statutory level, the first priority is to strengthen the legal consequences of exemption clauses applicable to regions governed by special-status legislation so that such clauses do not remain merely declaratory. Article 173A of the Mineral and Coal Mining Law (UU Minerba) should be interpreted systematically in

conjunction with the UUPA to ensure that Aceh's special legal status produces concrete consequences for the formulation and implementation of subordinate regulations. Although national mining legislation remains the general legal framework, its application in Aceh must accommodate the specific norms established under the UUPA.

With respect to the source of authority, a conceptual distinction must be drawn between attribution and delegation. Substantively, the authority of the Aceh Government may be understood as authority derived directly from the UUPA. However, to integrate the authority to designate WPRs—which is currently allocated to the Central Government—into the national mining administration system, delegation may constitute the most appropriate operational mechanism. A mandate is less suitable because it generally transfers only the exercise of a task without transferring the underlying responsibility for the authority exercised.¹¹ By contrast, delegation involves the transfer of authority and corresponding responsibility to the recipient, subject to the requirements of administrative law.¹² Accordingly, delegation in this context should not be understood as creating new authority for the Aceh Government. Rather, it should function as an institutional mechanism for connecting the special authority already recognized under the UUPA with the administrative framework established by national mining legislation. This distinction is consistent with the Law on Government Administration, which differentiates among attribution, delegation, and mandate as distinct sources of governmental authority, each producing different legal consequences.

Furthermore, an effective division of authority should be based on a clear separation of functions, both vertically and horizontally.¹³ Regency and municipal governments should be responsible for proposing WPR locations based on local community needs, socioeconomic conditions, and the characteristics of mining activities in their respective areas. The Aceh Government should then conduct administrative and technical verification of the proposals, after which the Governor of Aceh would exercise the authority to designate the WPR. The Central Government, through the relevant ministry, would retain responsibility for establishing national norms, standards, procedures, and criteria (NSPK), as well as conducting technical assessments and exercising guidance, supervision, evaluation, and control. Under this arrangement, the Central Government would retain its national regulatory and supervisory functions, while the Aceh Government would exercise decision-making authority that is responsive to the region's specific legal, social, and geographical characteristics.

¹¹ Muhammad Farizka Sisma and Zakki Adlhiyati, "Legal Liability on Administrative Tort: Recent Regulation Perspective," *Jurnal Cendekia Hukum* 8, no. 2 (2023): 242–52, <https://doi.org/10.33760/jch.v8i2.592>.

¹² Kenneth A. Bamberger, "Regulation as Delegation: Private Firms, Decision Making, and Accountability in the Administrative State," *Duke Law Journal* 56, no. 2 (2006): 377–468.

¹³ Michael Y. Lee, "Enacting Decentralized Authority: The Practices and Limits of Moving Beyond Hierarchy," *Administrative Science Quarterly* 69, no. 3 (2024): 791–833, <https://doi.org/10.1177/00018392241257372>; Nozim Muminov Muminov, "Models of the Development of Local Self-Government and the Experience of Decentralization: An Institutional Approach," *International Journal of Psychosocial Rehabilitation* 24, no. 2 (2020): 1954–64, <https://doi.org/10.61841/cd9v9g83>.

This framework would also establish a more coherent relationship between WPR designation and the issuance of People's Mining Licenses (IPRs). WPR designation should be positioned as an upstream stage in the mining licensing process, whereas the issuance of an IPR constitutes a downstream stage. The Aceh Government cannot effectively issue an IPR if the area in which community mining activities are to be conducted has not first obtained WPR status. Therefore, the authorities governing WPR designation, IPR issuance, guidance, and supervision should not be designed as isolated functions without clear procedural linkages. Presidential Regulation No. 55 of 2022 demonstrates that the delegation of authority in the mining sector may encompass not only the issuance of licenses but also the guidance and supervision of the exercise of delegated authority. This regulatory framework provides a conceptual basis for designing the allocation of authority as an integrated administrative chain rather than as a collection of disconnected institutional functions.

From this perspective, the ideal normative framework can be formulated as a coordinated sequence: proposal by regency and municipal governments → administrative and technical verification by the Aceh Government → designation of WPRs by the Governor of Aceh → issuance of IPRs by the authorized provincial authority → national standardization, guidance, supervision, evaluation, and control by the Central Government. Such an arrangement would preserve national standards while giving practical effect to the special authority recognized under the UUPA. It would also reduce the normative gap between the statutory recognition of Aceh's special autonomy and the implementing regulations governing WPR designation.

Five key principles should underpin the formulation of this normative framework. First, the authority to designate People's Mining Areas (Wilayah Pertambangan Rakyat/WPRs) should be distinguished from the authority to establish national norms, standards, procedures, and criteria (NSPK). Under this arrangement, the Governor of Aceh would exercise decision-making authority at the regional level, while the Minister would retain responsibility for maintaining national standards. Second, the delegation of designation authority should not diminish substantive national requirements, including compliance with spatial planning, territorial boundaries, prohibitions on overlapping claims, environmental protection requirements, reclamation obligations, and post-mining responsibilities. Third, the framework should incorporate multilayered accountability through reporting requirements, integration of WPR data into the national mining information system, periodic evaluations, and corrective mechanisms. Fourth, legally binding time limits should be established for each stage of the process to prevent administrative uncertainty and undue delays. Fifth, meaningful public participation should be incorporated because people's mining activities are fundamentally connected to the interests and conditions of local communities.

Based on these principles, an ideal framework may be structured as follows: regional proposal → Aceh verification → central technical assessment → designation by the Governor → IPR issuance → joint guidance and supervision. Regency and municipal governments would propose WPR locations, while the relevant Aceh regional agencies would conduct administrative and technical verification. Following verification and receipt of technical consideration from the Minister or an authorized official, the Governor of Aceh would designate the WPR. The provincial government would subsequently facilitate the preparation of WPR management documentation and the issuance of People's Mining Licenses (Izin Pertambangan Rakyat/IPRs) within its legally assigned authority. The Minister would retain responsibility for national guidance and supervision and could evaluate the Governor's decision for compliance with national NSPK. This model establishes a functional distribution of authority that does not treat central and regional governments as mutually exclusive regulatory regimes, but rather as two levels of government performing differentiated functions within an integrated administrative system.

These findings extend the research of Ridwansyah et al., which identifies tensions between the Law on the Governing of Aceh (UUPA) and the Mineral and Coal Mining (Minerba) regulatory framework and emphasizes the need to recognize Aceh's special legal status.¹⁴ The present study advances that discussion by moving beyond the identification of regulatory disharmony and proposing a concrete institutional architecture for allocating authority over WPR designation. The findings are also consistent with Paransi et al., who demonstrate that WPR designation and IPR issuance involve distinct configurations of governmental authority.¹⁵ However, this study introduces an Aceh-specific dimension by conceptualizing the WPR as an institutional interface between asymmetric decentralization and national standardization. Similarly, the findings of Santoso and Azizah concerning the increasing centralization of mining authority following amendments to the Mineral and Coal Mining Law are further qualified by this study.¹⁶ Centralized authority need not be eliminated altogether; rather, it should be concentrated on functions that require national uniformity, while regionally specific decision-making may remain within the authority of the relevant regional government where supported by the applicable special legal regime.

The proposed model demonstrates that legal certainty does not necessarily require the centralization of governmental authority. Instead, legal certainty can be achieved through a clear allocation of functions, uniform national standards, measurable administrative procedures, definite time limits, and effective oversight mechanisms.¹⁷ At

¹⁴ Ridwansyah et al., "Disharmony in Mineral and Coal Mining Regulation in Aceh."

¹⁵ Paransi et al., "Tinjauan Yuridis Pendelegasian Wewenang Dalam Pembentukan Wilayah Pertambangan Rakyat."

¹⁶ Santoso and Azizah, "Penguatan Otonomi Daerah Dalam Pengawasan Kegiatan Pertambangan Minerba Pasca UU No 2 Tahun 2025."

¹⁷ Mochamad Ali Fajar et al., "Strengthening Legal Certainty in the Implementation of Metrological Supervision and Guidance," *Jurnal Usm Law Review* 8, no. 3 (2025): 1184–206, <https://doi.org/10.26623/julr.v8i3.12308>;

the same time, asymmetric decentralization does not mean that Aceh is exempt from national standards. Aceh's special status should instead be understood as providing differentiation with respect to who exercises decision-making authority and how that authority is exercised, rather than as reducing national standards governing environmental protection, mining safety, spatial planning, or responsible mining practices.

The ideal normative framework is therefore neither a model that maximizes the authority of the Aceh Government nor one that preserves absolute centralization. Rather, it should constitute a model of functional and controlled allocation of authority. The Central Government would retain responsibility for establishing norms, standards, procedures, and criteria (NSPK), together with national guidance, supervision, control, and evaluation. The Aceh Government would receive clear and legally enforceable authority to designate WPRs, while regency and municipal governments would perform functions based on local conditions and community needs. The issuance of IPRs, together with guidance and operational supervision, would then be integrated into a connected administrative chain.

Under this framework, Article 156 of the UUPA would operate as a substantive source of governmental authority rather than merely as a declaratory provision, while the national mineral and coal mining regime would continue to ensure uniformity in substantive standards. Such an arrangement would accommodate Aceh's special legal status within the framework of the Unitary State of the Republic of Indonesia while providing a normative pathway for transforming artisanal mining from an activity characterized by legal uncertainty into an activity that can be effectively regulated, supervised, and subjected to legal accountability.

4. CONCLUSION

The Law on the Governing of Aceh (UUPA), as the *lex specialis*, retains a central position in the governance of mining activities in Aceh, while the Mineral and Coal Mining legal framework operates as the general legal regime to the extent that it does not supersede the specific provisions governing Aceh. The principal issue is therefore not merely a conflict among legal norms but a discontinuity within the regulatory framework at the level of implementing regulations. The existing framework recognizes Aceh's special authority at the statutory level but has not adequately translated that authority into an operational mechanism for the designation of People's Mining Areas (WPRs).

Maalikussofa Maalikussofa et al., "The Principle of Erga Omnes and Legal Certainty in the Execution of Administrative Court Decisions," *Indonesian Journal of Administrative Law and Local Government* 3, no. 1 (2026): 1–23, <https://doi.org/10.26740/ijalgov.v3i1.50567>; Parluhutan Sagala et al., "Uniformity in The Legislative Process Following Constitutional Court Rulings," *Federalisme: Jurnal Kajian Hukum Dan Ilmu Komunikasi* 2, no. 1 (2025): 1–10, <https://doi.org/10.62383/federalisme.v2i1.473>.

This study proposes a functional allocation of authority in which regency and municipal governments submit WPR proposals, the Governor of Aceh designates the WPRs, and the Aceh Government facilitates the preparation of WPR management documentation, the issuance of People's Mining Licenses (IPRs), and related guidance within its legally assigned authority. The Central Government retains responsibility for establishing national norms, standards, procedures, and criteria (NSPK), as well as for conducting national supervision and evaluation. This model seeks to provide legal certainty while preserving national regulatory standards and giving practical effect to Aceh's asymmetric decentralization framework.

The contribution of this study lies in developing a normative framework for harmonizing the national mineral and coal mining regime with Aceh's special legal framework, particularly with respect to the allocation of authority over WPR designation. The study is limited by its reliance on normative legal analysis and the absence of empirical assessment of the proposed framework in practice. Future research should therefore examine the implementation of the proposed authority-allocation model and evaluate its implications for legal certainty, environmental protection, administrative effectiveness, and the socioeconomic conditions of artisanal mining communities.

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