

Mining Permits and Environmental Justice in Indonesia: Imam Al-Mawardi's Perspective on the Decision of the Semarang Administrative Court No. 68/G/Pu/2021/PTUN.SMG

*Aulia Luthfi Ramadhan¹, Mustapa Khamal Rokan²

^{1,2}Universitas Islam Negeri Sumatera Utara, Indonesia

*aulia0203212043@uinsu.ac.id

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Abstract

This study aims to analyze the dynamics of mining permits in Indonesia through a case study of the Semarang Administrative Court Decision No. 68/G/Pu/2021/PTUN.SMG, with a particular focus on environmental justice for the residents of Wadas Village from the perspective of Imam Al-Mawardi's thought. The research employs a normative juridical method with a qualitative approach, examining legal documents, court rulings, mining regulations, and Islamic literature related to the concept of justice. The findings reveal that the court's consideration primarily emphasizes administrative and procedural legality, while neglecting the principle of substantive justice, which, according to Al-Mawardi, centers on the protection of community rights, public welfare (maslahah), and the prevention of environmental damage. These findings highlight a disparity between national development interests and the rights of local communities. Accordingly, the study recommends a reform of mining permit policies to ensure greater participation and fairness, as well as the integration of the principle of al-'adalah (justice) into legal decision-making and public policy processes in Indonesia.

Keywords: Mining Permits, Environmental Justice, Imam Al Mawardi, Substantive Justice, Public Policy.



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INTRODUCTION

The mining sector is one of the strategic pillars of economic development in Indonesia. As a country rich in natural resources, Indonesia hosts thousands of mining sites across various regions, encompassing coal, nickel, gold, and mineral stones such as andesite. Mining activities are expected to contribute to national economic growth and meet the demand for raw materials in infrastructure development. However, despite its economic contributions, the mining sector continues to face unresolved legal, environmental, and social challenges (Salinding, 2019).

One of the most pressing issues in Indonesia's mining sector is the widespread occurrence of illegal mining. According to data from the Ministry of Energy and Mineral Resources (ESDM) in 2023, over 4,000 Mining Business Permits (IUP) have been issued nationwide, yet approximately 25–30% of these permits exhibit administrative and environmental irregularities (ESDM, 2025). Illegal mining activities are prevalent in regions prone to social conflict and environmental degradation, indicating a weakness in regulatory oversight and law enforcement within the mining sector (Arini, 2021).

This study focuses on a specific legal case Decision No. 68/G/Pu/2021/PTUN.SMG by the Semarang Administrative Court concerning a dispute over andesite stone mining permits in

Wadas Village. According to the ruling, the andesite mining project in Wadas was intended to support the construction of the Bener Dam, part of the National Strategic Projects (PSN). However, residents of Wadas Village opposed the mining plan, arguing that it posed a serious threat to their environmental rights and livelihood (PTUN, 2021).

Table: Summary of Key Data from the Semarang Administrative Court Decision No. 68/G/PU/2021/PTUN.SMG:

Type of Data	Key Findings
Number of Mining Business Permits (IUP) Issued Nationally (2023)	More than 4,000 IUPs issued
Percentage of Problematic IUPs	25–30% (Related to regulatory compliance and environmental impact)
Disputed Object	Andesite mining for the Bener Dam National Strategic Project in Wadas Village, Purworejo
Legal Basis of the Dispute	Decree of the Governor of Central Java No. 590/20 of 2021 (land procurement for the dam and mining)
PTUN Verdict	The lawsuit filed by Wadas residents was rejected; the court emphasized administrative legality
Issues in Wadas	The licensing process was deemed non-transparent, lacked community participation, posed threats to land, ecosystems, and water sources, and raised concerns of structural injustice

Wadas Village is an agrarian community that heavily relies on environmental sustainability and natural resources. The majority of its residents earn their livelihoods as farmers, depending on fertile agricultural land and naturally flowing water sources in the area. For the people of Wadas, the presence of andesite stone mining poses a significant threat, potentially eliminating their sources of livelihood, damaging the local ecosystem, and increasing the risk of natural disasters such as landslides and water pollution.

Ideally, all mining activities must be legally authorized in accordance with prevailing laws and regulations. Such permits are not merely administrative formalities but must undergo environmental impact assessments (AMDAL) and involve the active participation of affected communities. However, in the case of Wadas Village, residents argue that the licensing process lacked transparency and provided minimal opportunity for public involvement. The government is perceived to have prioritized development projects over the protection of local community rights (Anjelina, 2022).

Data presented in the Semarang Administrative Court decision indicates that the panel of judges focused primarily on aspects of administrative legality. The court ruled that the lawsuit filed by Wadas residents was inadmissible, on the grounds that all formal procedures had been fulfilled without considering the substance of justice or the socio-ecological impacts that underpinned the residents' objections. This reflects a tendency within Indonesian administrative law to prioritize procedural legality, often at the expense of substantive justice.

Hardiati (2020) revealed administrative and technical barriers in the issuance of Mining Business Permits (IUP) at the regional level, which have led to inconsistencies and the potential for social conflict between mining companies and local communities. Sari (2021) highlighted the environmental impacts of mining in East Kalimantan, including deforestation and significant contamination of water sources, underscoring the weakness of environmental protection in current licensing practices. Ramadhan (2022) emphasized that corruption risks and weak governance exacerbate social inequalities and deepen conflicts between permit holders and affected communities. Yuliana (2023) examined the shift in licensing authority following the enactment of Law No. 3 of 2020 on Mineral and Coal Mining (Minerba), which transferred licensing power from regional governments to the central government, sparking controversy over reduced public participation and regional autonomy. Putra (2024) stressed the need to integrate the principles of environmental justice into licensing governance to mitigate conflict and ensure the sustainability of natural resources (Salinding, 2019).

This study not only examines the licensing procedures and court rulings but also analyzes how the principle of substantive justice should serve as the foundation of every public policy. Imam Al-Mawardi's perspective provides the normative framework to assess that a decision must be truly just not only procedurally but also in its tangible impact on affected communities. Through this approach, my research offers a new contribution to the discourse on environmental justice and the reform of mining policy in Indonesia.

RESEARCH METHODS

This study employs a normative juridical method combined with a qualitative approach (Soekanto, 2010). The normative juridical method aims to examine and analyze existing legal norms, including mining regulations, administrative procedures, and court rulings, which serve as the primary objects of study. The focus of this method lies in the analysis of legal documents as the main data sources, encompassing laws, government regulations, gubernatorial decrees, as well as the Decision of the Semarang Administrative Court No. 68/G/Pu/2021/PTUN.SMG and the Supreme Court Decision No. 482 K/TUN/2021. This method is utilized to assess the conformity of governmental and judicial actions with prevailing legal principles and the concept of substantive justice, as articulated in classical Islamic legal thought, particularly that of Imam Al-Mawardi. In parallel, a qualitative approach is applied to explore the conceptual meanings embedded within legal texts, especially in interpreting how substantive justice is either implemented or neglected in the context of mining permits (Margono, 2005). Through this approach, the research seeks to uncover the relationship between the normative aspects of mining licensing and the resulting social realities, including the impacts on local communities affected by state policy.

In the data collection process, this study relies on primary data in the form of court decisions and official legal documents related to mining permits. Secondary data are obtained from legal literature, scholarly journals, previous research articles, and classical Islamic works such as *Al-Ahkam al-Sulthaniyyah* by Imam Al-Mawardi, which discusses the concepts of justice, public welfare (*maslahah*), and the role of the state. The analysis is conducted using a descriptive-qualitative method by systematically describing the content of the documents, interpreting relevant legal principles, and linking them to the social context and the framework

of substantive justice. The steps undertaken include the inventory and classification of documents, mapping legal arguments within the decisions, and integrating the analysis into a theoretical construction of justice from the perspective of Islamic law.

The main limitation of this research is the absence of field data collection, such as interviews or direct observations of Wadas Village residents or other relevant stakeholders. Consequently, the analysis of the social and psychological dynamics of the community is restricted to the available secondary sources. This naturally limits the depth of understanding regarding the immediate community response. Nevertheless, as a normative legal study, this research retains its strength in developing a critical analysis of formal legality and its disparity with substantive justice. The scope of the research is confined to the legal and moral aspects of mining permit policy, rather than its technical or political dimensions. Through this approach, the study is expected to contribute theoretically to the development of administrative law that is more responsive to community rights and environmental sustainability, in line with the values of *maqāṣid al-sharīʿah* and the principle of *al-ʿadālah* in Imam Al-Mawardi's thought.

RESULTS AND DISCUSSION

Legal Construction and Licensing Dispute in Wadas

The mining permit dispute in Wadas Village began with the issuance of the Decree of the Governor of Central Java No. 590/20 of 2021, which designated Wadas Village as a site for land acquisition and a source of andesite stone material for the construction of the Bener Dam, a project included in the National Strategic Projects (PSN) (Arifin & Irsan, 2019). Residents of Wadas, feeling that their rights to land and a healthy environment were under threat, filed a lawsuit with the Semarang Administrative Court (PTUN) under case number 68/G/Pu/2021/PTUN.SMG. In their claim, the residents argued that the mining permit process failed to meet the principles of transparency, public participation, and environmental justice (PTUN, 2021).

In its decision, the Semarang Administrative Court rejected the lawsuit filed by the Wadas residents. The panel of judges emphasized the fulfillment of administrative procedures such as public dissemination and consultation, which were deemed to have been conducted by the government. However, the substantive concerns raised by the residents such as socio-ecological impacts, loss of land, and threats to clean water sources were not central to the court's legal considerations. The judges evaluated the procedural legality as the primary benchmark for the validity of state administrative decisions (Bujani, 2022).

This decision was subsequently appealed to the Supreme Court. In Decision No. 482 K/TUN/2021, the Supreme Court upheld the ruling of the Semarang Administrative Court on the grounds that the licensing process had complied with formal legal requirements. The Supreme Court also considered the designation of Wadas Village as a land acquisition site for the PSN to have a legitimate legal basis. However, like the lower court, the Supreme Court did not address the substantive justice issues that were at the heart of the residents' concerns.

An analysis of both rulings reveals that the paradigm of state administrative law in resolving the mining dispute in Wadas prioritizes procedural compliance over the protection of community rights and the environment. This highlights a serious critique of the tendency within

Indonesian positive law to be overly formalistic and insufficiently responsive to the aspirations of affected communities (Alfiyan, 2019).

Analysis of the Semarang Administrative Court Decision and Substantive Injustice for the People of Wadas Village

The Semarang Administrative Court Decision No. 68/G/Pu/2021/PTUN.SMG represents a significant turning point in the dynamics of mining permit issuance in Wadas Village. In this case, the panel of judges rejected the residents' lawsuit on the grounds that the government had fulfilled the required administrative procedures, such as conducting public outreach and consultations. In the ruling, the judges stated that the object of the dispute namely the Decree of the Governor of Central Java No. 590/20 of 2021 was legally valid as it had followed procedures in accordance with the prevailing laws and regulations.

The key elements of judicial consideration in the decision were as follows:

a. Jurisdiction

The court determined that the case falls within the jurisdiction of the Semarang Administrative Court, as the object of the dispute was a state administrative decision specifically, the Decree of the Governor of Central Java No. 590/20 of 2021. The judges emphasized that this dispute is within the domain of administrative law and thus falls under the absolute competence of the Administrative Court.

b. Legal Standing of the Plaintiffs

The court acknowledged that the plaintiffs, who are residents of Wadas Village, possess legal standing to file the lawsuit. The residents were considered directly affected parties by the issuance of the governor's decree.

c. Object of Dispute

The court ruled that the Decree of the Governor of Central Java No. 590/20 of 2021 constitutes a valid object of litigation, as the decision has a direct legal impact on the rights of the Wadas community.

d. Administrative Procedure

The judges assessed that the process of issuing the decree complied with the applicable legal and regulatory framework. The government was deemed to have carried out all necessary procedures, including public outreach, public consultation, issuance of the Environmental Impact Assessment (AMDAL), and land acquisition, in accordance with legal requirements.

e. Public Participation

The court held that the government had conducted public outreach and consultation by involving representatives from Wadas Village. The judges opined that the presence of community representatives in these forums fulfilled the requirement for public participation, even though the plaintiffs argued that the participation lacked substantive engagement.

f. Environmental Impact Assessment (AMDAL)

The court held that the AMDAL (Environmental Impact Assessment) document had been prepared in accordance with formal legal requirements. It was stated that the potential environmental impacts had been identified and that mitigation plans were outlined in a document approved by the government (Oktorina, 2018).

g. Status as a National Strategic Project (PSN)

The judges emphasized that the Bener Dam project, including land acquisition activities in Wadas Village, is part of a National Strategic Project intended to serve the public interest, such as the provision of raw water and flood control.

h. Substantive Objections by Residents

The court declared that the plaintiffs' objections particularly regarding socio-ecological impacts and alleged violations of the right to a healthy environment do not fall within the jurisdiction of the Administrative Court (PTUN). The judges asserted that the PTUN only assesses administrative aspects, while issues related to environmental harm or losses fall under civil or separate environmental law jurisdiction.

Based on all of these considerations, the panel of judges ruled to reject the lawsuit filed by the residents of Wadas Village, concluding that the government had fulfilled all necessary administrative procedures. The judges also asserted that aspects of public participation, consultation, and environmental impact had been procedurally addressed in accordance with prevailing legal provisions.

From the judicial reasoning presented, it can be concluded that the court adopted a predominantly procedural legal approach. The judges appeared to consider the fulfillment of administrative requirements sufficient to legitimize the state administrative decision, without thoroughly examining the substantive justice experienced by the affected community. In contrast, many residents argued that the government's public outreach efforts were merely formalities, where community voices were not genuinely heard, and no effective mechanisms for objection were provided.

The court also failed to comprehensively address the social and ecological impacts faced by the people of Wadas Village. In court documents, residents had expressed concerns over the loss of agricultural land which constituted their primary economic resource as well as the risks of ecological disasters such as landslides and water contamination resulting from mining activities (Mauli & Hapsari, 2025). However, these concerns were largely disregarded in the court's decision, as if justice could be measured solely by the fulfillment of procedural formalities (Merino, 2023).

In Imam Al-Mawardi's theory of justice, justice that relies solely on formal procedural aspects is insufficient to be deemed just (Al Mawardi, 2020). Al-Mawardi emphasizes that true justice must realize public welfare (maslahah 'ammah) and protect vulnerable segments of society (Mujahidin, 2017). If a decision is legally valid yet results in social and environmental harm, it is considered unjust (ẓālim) under Islamic principles of justice:

"ومن جائر الأحكام ما يقلب المصلحة مفسدة ويقلب الحق باطلا"

(Among the forms of unjust rulings is a decision that turns public benefit into harm and truth into falsehood).

The Supreme Court, in its Decision No. 482 K/TUN/2021, which upheld the ruling of the Semarang Administrative Court, echoed the same approach. In its reasoning, the Court affirmed that the administrative procedures had been carried out in accordance with legal provisions, yet it made no reference to whether the decision delivered substantive justice to the residents of Wadas Village. The Court also disregarded the flaws in public participation raised by the

residents and failed to consider the social and ecological impacts presented during the trial (Boediningsih & Tandiono, 2022).

This excessive emphasis on administrative procedures exposes a weakness in the legal system's ability to accommodate the rights of affected communities. If the law is measured solely by procedural compliance, justice becomes a formality that serves the interests of those in power. In contrast, from the perspective of *maqāṣid al-sharī'ah*, justice must ensure the protection of life, property, and the economic sustainability of local communities.

The findings of this study indicate that the judges failed to establish a balance between legality and social justice as an integrated whole. This contradicts the principle of *al-'adālah*, which demands that every public policy including judicial decisions must benefit the people and prevent greater harm. In other words, the panel of judges did not consider the dimension of substantive justice that safeguards the interests of the residents of Wadas Village, who are the most affected party.

From the perspective of modern administrative legal philosophy, the resolution of state administrative disputes should not be limited to procedural adherence, but should also consider the principles of justice and public utility. In this context, the court's ruling in the Wadas case reflects a rigid interpretation of the law, which ought to be more adaptive to social and environmental justice.

Therefore, this analysis demonstrates that the judicial considerations in both the Semarang Administrative Court and the Supreme Court rulings have not succeeded in realizing substantive justice as taught in Islamic principles of justice. Decisions that rely solely on procedural legality ultimately weaken the position of communities directly impacted by state policies. Judges should act as guardians of substantive justice not merely as enforcers of administrative procedures.

An analysis of the Semarang Administrative Court Decision No. 68/G/Pu/2021/PTUN.SMG reveals the presence of substantive injustice experienced by the residents of Wadas Village, despite the fulfillment of procedural administrative requirements. In its ruling, the court limited its assessment to procedural legality, such as public dissemination and consultation, without addressing the residents' objections concerning the adverse socio-ecological impacts. This decision neglects the principle of substantive justice as mandated by the Islamic concept of justice, particularly in the perspective of Imam Al-Mawardi, who emphasizes public welfare (*maslahah 'ammah*) and the protection of vulnerable groups (Ramadani, 2019). This deficiency is also evident in the Supreme Court's decision, which upheld the PTUN ruling without adequately examining the social and environmental consequences. The weakness of Indonesia's administrative legal system lies in its overreliance on procedural aspects while failing to account for justice that protects the rights of affected communities. Such decisions, though legally valid, can result in substantive injustice that harms society and thus fail to reflect the true essence of justice.

Court Decisions and the Limitations of Formal Legality

The rulings of the Semarang Administrative Court and the Supreme Court in the Wadas case underscore the dominance of administrative legality in resolving mining disputes. The

courts concluded that all formal procedures had been fulfilled, thereby rejecting the residents' lawsuit. This aligns with the findings of Boediningsih & Tandiono, who argue that administrative law in Indonesia tends to prioritize procedural aspects over substantive justice (Widyaningrum & Hamidi, 2024).

However, this study finds that a purely formal legal approach is insufficient to address the complexity of mining-related issues. When courts rely solely on written regulations, the welfare of communities and environmental protection are often overlooked. This leads to public dissatisfaction and increases the potential for horizontal conflict.

From the perspective of Imam Al-Mawardi, judges carry a moral responsibility to uphold substantive justice (Al-Mawardi, 2000). In his seminal work *Al-Aḥkām al-Sulṭāniyyah*, he states:

وَالْقَضَاءُ إِخْبَارٌ عَنِ الْحُكْمِ الشَّرْعِيِّ عَلَى سَبِيلِ الْإِلْزَامِ

"The judiciary is the authoritative declaration of the divine law (ḥukm shar'ī)."

Accordingly, a judge must not be confined solely to the literal text of the law, but must also take into account the public interest (*maṣlaḥah*) and potential harm (*mafsadah*) of each decision.

Criticism of formal legality has also emerged from legal scholars and practitioners who argue that the law must be capable of adapting to social and environmental dynamics. Without flexibility and sensitivity to context, the law risks losing its relevance and effectiveness as an instrument of justice (ILHAM, 2024).

This study concludes that the limitations of formal legality must be balanced by a substantive justice approach that foregrounds the values of *maqāṣid al-sharī'ah* and public welfare. Only through this integrative framework can the law truly function as an instrument of justice.

The decisions of the Semarang Administrative Court and the Supreme Court in the Wadas mining permit dispute illustrate the dominance of formal legality in dispute resolution, prioritizing procedural compliance over substantive justice. Although the administrative procedures were deemed to have been fulfilled, these rulings neglected the public welfare and environmental protection that should serve as priorities in public policymaking. This poses a risk of deepening community dissatisfaction and escalating social conflict.

From the perspective of Imam Al-Mawardi, judges are not merely bound to the legal text, but are morally obligated to consider the social and environmental consequences of their decisions in order to achieve substantive justice (Sonny & Wardhana, 2020). Critiques of formal legality are also echoed among academics who argue that the law must be flexible and responsive to social change (Utami, 2023). Therefore, a legal approach that emphasizes procedural formalism must be complemented by the principles of substantive justice and *maqāṣid al-sharī'ah* to ensure that law fulfills its role as a true instrument of justice.

Al-Mawardi's Perspective on the Concept of Al-'Adālah (Justice)

In addressing the resolution of mining disputes particularly in the Wadas case the concept of *al-'adālah* (العدالة), or justice, in the thought of Imam Al-Mawardi serves as a critical foundation for evaluating public policy and judicial decisions. In his seminal work *Al-Aḥkām*

al-Sultāniyyah wa al-Wilāyāt al-Dīniyyah, Al-Mawardi asserts that justice is the principal pillar in maintaining social order and a necessary condition for the legitimacy of governmental authority (Al-Mawardi, 2016).

According to Al-Mawardi, justice is not realized merely through the fulfillment of formal procedures; it must be oriented toward the public good (maṣlaḥah ‘āmmah) and the substantive protection of community rights. He states:

"العدل أساس الملك"

"Justice is the foundation upon which legitimate authority stands."

The meaning of justice (al-‘adālah) according to Al-Mawardi encompasses distributive justice, social justice, and ecological justice (Al-Syatibi, 2004). He emphasizes that rulers and judges are obligated to prioritize the public interest over the private gain of a few beneficiaries of policy. In other words, a state policy that results in environmental degradation and the suffering of local communities stands in opposition to the principle of al-‘adālah as taught by Al-Mawardi.

Al-Mawardi stresses that true justice is that which produces tangible benefit for the people. A legal decision grounded solely in procedural compliance without regard to public welfare and the potential for harm is, in his view, a form of injustice. In one of his key statements, Al-Mawardi writes:

"ومن جائر الأحكام ما يقلب المصلحة مفسدة ويقلب الحق باطلا"

"Among the forms of unjust rulings is a decision that turns public benefit (maṣlaḥah) into harm and truth into falsehood."

Thus, in the context of mining permits in Wadas, the courts and government must go beyond mere administrative procedure. They are obligated to seriously assess the social and ecological impacts of such policies, as Al-Mawardi insists that judges and rulers must not issue decisions that result in societal harm, environmental degradation, or the violation of citizens' fundamental rights.

Al-Mawardi also elaborates that the responsibility of a ruler is to safeguard the rights of the most vulnerable in society. He writes:

"يدفع الضرر عن العامة ويقوم بحراسة الملة وسياسة الدنيا بالدين"

"To avert harm from the general public, protect the faith, and govern worldly affairs in accordance with religious values."

In this context, mining policies that marginalize public aspirations, damage the environment, and exacerbate social inequality represent a breach of the ruler's mandate as defined by Al-Mawardi.

Furthermore, Al-Mawardi places justice (al-‘adālah) as an integral component of maqāṣid al-sharī‘ah the overarching objectives of Islamic law, which seek to promote benefit and prevent harm. He affirms that every state policy must uphold the five essential protections (al-ḍarūriyyāt al-khams): religion (dīn), life (nafs), intellect (‘aql), lineage (nasl), and property (māl). When mining policies threaten lives, undermine public reason through systemic injustice, and destroy the economic livelihoods of communities, they stand in direct contradiction to the principles of maqāṣid al-sharī‘ah.

Al-Mawardi's concept of justice is also closely linked to the Qur'anic principle of deliberation (shūrā), as affirmed in the verse:

وَأَمْرُهُمْ شُورَى بَيْنَهُمْ

"And their affairs are (decided) through mutual consultation among them." (QS. Asy-Syura: 38) (NU Online, 2025).

Deliberation must meaningfully involve affected communities, not merely fulfill procedural formalities. In the Wadas case, the lack of genuine public participation in the permitting process violates the principle of just consultation (shūrā) as articulated by Al-Mawardi (Snyder, 2019).

Accordingly, this study affirms that the principle of al-'adālah (justice) in Al-Mawardi's political thought requires every public policy including mining permits to uphold the protection of marginalized communities, consider long-term environmental impacts, and ensure equitable participation for affected residents. Judges and policymakers must not be bound solely to procedural legality; rather, they must guarantee that substantive justice is truly realized (Umam, 2022).

The integration of Al-Mawardi's philosophy into mining policy is highly relevant for advancing a more humane, just, and sustainable model of natural resource governance. Law must serve as a vehicle to promote collective welfare (maṣlaḥah mushtarakah), not merely a legal instrument for safeguarding elite economic interests (Yuhani'ah, 2025).

Al-Mawardi's conception of al-'adālah provides a crucial framework for evaluating public policy, including the mining permit process in Wadas. He asserts that justice is not achieved solely through adherence to administrative procedures, but must also prioritize public welfare and the substantive protection of community rights. In this regard, decisions based solely on formal procedures without considering the social and ecological consequences constitute a form of injustice.

According to Al-Mawardi, policies that harm the environment and inflict suffering on local communities are contrary to the essence of true justice. Moreover, he underscores the necessity of participatory governance, which, in the case of Wadas, appears to have been neglected. Justice, from Al-Mawardi's perspective, must prioritize the protection of the most vulnerable, while maintaining a balance between economic needs, social equity, and environmental stewardship.

Policy Recommendations and Practical Implications

Based on the analysis of the mining permit dispute in Desa Wadas and the insufficient consideration of substantive justice in the court's ruling, this study offers a number of strategic policy recommendations that can be practically implemented to improve mining permit governance in Indonesia (Ismail, 2025). The primary recommendation is the need for regulatory reform that integrates the principle of al-'adālah according to Imam Al-Mawardi justice that is not merely formal but oriented toward the public good (maṣlaḥah 'āmmah), inclusive community involvement, and environmental protection.

To that end, mechanisms for public participation must be systematically enhanced. It is no longer sufficient to merely include community representatives in formal socialization

forums. Both local and national governments must mandate the direct involvement of affected residents in project planning and evaluation meetings, and establish digital communication platforms or permanent consultation forums at the village level to serve as open discussion spaces among communities, government bodies, and mining permit holders. Such participation should not be reduced to an administrative formality but must guarantee legally binding channels for expressing objections.

In addition, monitoring of the mining permit process must involve independent institutions with authority and expertise in legal, social, and environmental matters. Ideally, such institutions should be collaborative bodies involving civil society organizations (CSOs), universities or environmental research centers, and national oversight agencies such as the Financial and Development Supervisory Agency (BPKP) or the Indonesian Ombudsman. Every mining project should undergo social and ecological audits not only by internal government bodies but also by these independent teams to ensure objectivity and policy accountability. These audits must be conducted before, during, and after the mining activities take place to comprehensively assess sustainability and justice outcomes.

Furthermore, integrating positive law with Islamic values must be designed through concrete policy instruments, such as the formulation of a Sharia-based mining code of ethics. This code should ensure that all resource exploitation activities do not damage the environment, do not marginalize vulnerable groups, and are conducted based on the principle of *shūrā* (consultation). For instance, in the preparation of Environmental Impact Assessments (AMDAL), the values of *maqāṣid al-sharī‘ah* could serve as additional indicators beyond the current technocratic frameworks. This approach would enrich the ethical content of policy-making and strengthen the position of local communities in negotiating their rights. Such policies can also be incorporated into regional regulations (*peraturan daerah*) based on local wisdom and religious values, bridging the gap between formal law and the justice needs of society.

The next recommendation is the reinforcement of a sustainability-oriented approach in natural resource management. Every mining permit should include long-term plans for environmental restoration, preservation of water sources, and sustainable economic alternatives for the community post-extraction. This is essential to ensure that mining policies do not merely address short-term impacts, such as compensation or relocation, but also secure ecological integrity and viable livelihoods for the affected populations. In this way, development would no longer be exploitative in nature, but rather regenerative and adaptive to environmental change.

Finally, public education and outreach are crucial in strengthening the bargaining power of communities during the mining permit process. Both governmental and non-governmental institutions should organize regular training sessions on environmental law and community advocacy, providing knowledge on the right to a healthy environment, participatory rights, and legal complaint mechanisms (Hodijah, 2017). With sufficient legal literacy, communities would no longer be passive subjects of development but active and critical agents in safeguarding their environment. Meaningful participation can only be realized when people fully understand their legal rights within the prevailing legal system.

In conclusion, by clarifying and deepening these recommendations, Indonesia's mining policy can advance toward greater justice, inclusivity, and sustainability. The principle of al-'adālah must serve as the normative foundation in all decision-making processes, both in government and the judiciary, to ensure that policies are not only legally valid but also morally and socially legitimate (Fauzi & Nulhaqim, 2024).

CONCLUSION

Based on the analysis, it can be concluded that the resolution of the mining permit dispute in Desa Wadas both at the level of the State Administrative Court (PTUN) in Semarang and the Supreme Court remains dominated by a procedural legality approach, emphasizing the fulfillment of administrative requirements. This approach neglects substantive justice, which should take into account social and ecological impacts, as well as meaningful public participation. From the perspective of Islamic justice, particularly according to Imam Al-Mawardi, true justice is not limited to procedural compliance, but must ensure public welfare (maṣlaḥah 'āmmah) and protection for vulnerable communities. The resistance of Wadas villagers against mining activities underscores the urgency of reformulating licensing governance to guarantee fair deliberation (shūrā), environmental protection, and the sustainability of local economic livelihoods.

Therefore, this study recommends a reform of mining permit policies based on the principle of al-'adālah (justice), by ensuring community participation in all stages of planning and evaluation, strengthening independent oversight by credible institutions, and integrating Islamic legal values into technical regulations in a practical manner. Public education regarding environmental and participatory rights is also essential to promote genuine empowerment. Through this approach, mining policy can transition from an exploitative orientation toward a natural resource governance model that is sustainable, equitable, and dignified.

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