

## Rape Cases Legal Aspects of Higher Education Involvement in Mineral and Coal Mining Agglomerations in Indonesia

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### Article History:

Submitted:

30-03-2025

Received:

30-06-2025

Accepted:

30-07-2025

### Keywords:

Agglomeration, State University, Regulation, Mining, Minerals and Coal

### Abstract

Mineral and coal mining agglomerations (minerba) in Indonesia have become an economic strategy to improve the efficiency and competitiveness of the extractive industry. In its development, Law Number 3 of 2020 concerning Mineral and Coal Mining authorizes state universities to manage Special Mining Business Areas (WUPK). The involvement of universities in mining agglomerations has various legal and economic implications, including licensing, governance, and environmental and social impacts. This article analyzes the legal framework governing the role of universities in mining management and examines the effectiveness of regulations in supporting sustainable economic growth. Through a normative approach and policy analysis, this study finds that although regulations have opened opportunities for universities to participate in the mining industry, challenges remain in terms of regulatory harmonization, oversight mechanisms, and the balance between academic interests and the commercialization of natural resources. The Fourth Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining aims to restore and revitalize the spirit of Article 33 of the 1945 Constitution by involving universities, which are expected to contribute to innovation, increasing the added value of minerals and coal, and the sustainability of the national economy. Furthermore, this also serves as an important momentum to improve mining governance to be more environmentally conscious and equitable. Granting mining management permits to universities can be an effort to overcome the funding limitations faced by universities, especially in the development of research and innovation

## 1. Introduction

Enforcement law in Indonesia is the important thing for maintained as A the adage “fiat justitia” shaky caelum” meaning justice must enforced even though sky collapse. Efforts enforcement law This is also in line with with objective development Indonesian nationality, namely realize a just and prosperous society based on Pancasila and the 1945 Constitution in an independent and sovereign country. Indonesia, as a sovereign nation, has the right to control, maintain, and utilize all available minerals and coal to support the lives of its people. The state exercises its function to control and manage mining resources, including the authority to regulate, manage, empower, and supervise the management of material extraction, and take over ongoing material extraction within Indonesian territory. In carrying out its duties and authorities, the state delegates authority to state institutions, both executive and government,<sup>3</sup> whose government authority in the mining sector is derived from attributions that include the constitution and laws and regulations.<sup>1</sup>

<sup>1</sup> Muhammad Tahiq Azmi, *Several Aspects of Constitutional Law, Criminal Law, and Islamic Law* (Jakarta: Kencana Prenada Media Group, 2012).

The mining industry in Indonesia, particularly the minerals and coal (minerba) sector, plays a crucial role in the country's economy. Its abundant natural resources make Indonesia a leading producer of mineral commodities, both in the global and local domestic markets.<sup>2</sup> However, this industry also faces significant challenges, both in terms of environmental, social, and economic sustainability.<sup>3</sup> Therefore, sound mining governance is key to optimizing natural resource potential while maintaining a balance between environmental sustainability and community well-being.

Natural resource management is a strategic issue closely linked to national resilience. Our natural resources are the fundamental capital for national economic development.<sup>4</sup> Natural resources such as oil, gas, coal, minerals, forests, and agricultural land are key pillars of a nation's economic, energy, food, and water security. The availability and proper management of natural resources will determine a nation's independence and competitiveness. Excessive exploitation of natural resources threatens sustainable development. Uncontrolled exploitation of natural resources can lead to environmental damage, the loss of biodiversity, and the loss of resources for future generations.<sup>5</sup>

As a national wealth, natural resources must be controlled by the state.<sup>6</sup> As stated in Article 33 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia (UUD 1945) which states that "the land and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." The meaning of Article 33 paragraph (3) is that the Indonesian economy must be structured on the principles of mutual cooperation and mutual assistance. Economic activities do not only prioritize the interests of certain individuals or groups, but rather focus on the common interests and welfare of society as a whole.<sup>7</sup> The Indonesian economy is not individualistic, but rather collective and just.<sup>8</sup> Overall, this article reminds us that the Indonesian economic system must be oriented towards social justice and mutual cooperation, to achieve shared prosperity without ignoring the interests of the people.

To strengthen mining industry governance, the Indonesian government, through Law Number 3 of 2020 concerning Mineral and Coal Mining, also provides space for state universities and several religious organizations to be directly involved in natural resource

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<sup>2</sup> Edy Suryanto, "Does Indonesian Nickel Have a Competitive Advantage in the International Market?," *Ecoplan* 5, no. 2 (2022): 110–19. <https://doi.org/10.20527/ecoplan.v5i2.506>.

<sup>3</sup> Tuti Widyaningrum and Muhammad Rifqi Hamidi, "Mineral and Coal Mining Law Reform Towards Sustainable Justice and Legal Certainty for the Indonesian People," *Iblam Law Review* 4, no. 3 (2024): 11–22. <https://doi.org/10.52249/ilr.v4i3.436>

<sup>4</sup> Nur Arief Hapsoro and Kresensia Bangun, "The Development of Sustainable Development Seen from an Economic Aspect in Indonesia," *Lakar: Jurnal Arsitektur* 3, no. 2 (2020): 88–96. <http://dx.doi.org/10.30998/lja.v3i2.7046>

<sup>5</sup> Dewi Sendhikasari D. et al., *National Energy and Natural Resources Management*, Ronny Bako (East Jakarta: Balai Pustaka, 2016).

<sup>6</sup> Anna Triningsih, "State Control of Water Resources as an Effort to Support the Economy," *Indonesian Legislation Journal* 17, no. 3 (2020): 343–54. <https://doi.org/10.54629/jli.v17i3.610>

<sup>7</sup> Yoga Permana and Fauzatul Laily Nisa, "The Concept of Justice in the Perspective of Islamic Economics," *Darussalam Journal of Islamic Economics* 5, no. 2 (2024): 80–94. <https://doi.org/10.30739/jesdar.v5i2.3072>

<sup>8</sup> Elli Ruslina, "The Meaning of Article 33 of the 1945 Constitution in the Development of Indonesian Economic Law," *Constitutional Journal* 9, no. 1 (2012): 49–82. <https://doi.org/10.31078/jk913>

management, one of which is through the Special Mining Business Area (WUPK). The involvement of universities in this sector is not only limited to research and development of mining technology, but also opens up opportunities for universities to play a role in the management of mineral and coal resources. However, despite this opportunity offering significant potential, the involvement of universities in mining agglomerations in Indonesia faces several challenges, both legal and regulatory. Various parties consider that the revision of the Mineral and Coal Law passed by the House of Representatives (DPR), one of which is the Indonesian Forum for the Environment (WALHI). The involvement of universities in the mining sector raises various issues related to the authority, oversight, and the role that universities should play as educational and research institutions. Universities in Indonesia, which are essentially oriented towards education and research, face difficulties in balancing academic functions with their involvement in the commercial mining industry.

Specifically for universities, as one of the legal entities receiving mining concessions, there is ample concrete evidence of their role in the country's economic development. Universities have played educational, cooperative, and promotional roles in organizing regional government systems to support regional development. This promotional role is crucial in identifying community issues that require public policies with the ultimate goal of improving the welfare and independence of the community itself.<sup>9</sup> Universities even play a crucial role in aligning natural resource management policies based on local wisdom for national resilience. This is because universities possess qualified human resources to conduct in-depth studies or research related to local wisdom in natural resource management, which can form the basis for national policy. Universities engage local communities and other stakeholders in identifying problems and potential for natural resource management in the local area. The results of these studies can inform strategic formulations for more equitable, sustainable, and culturally aware natural resource management programs.<sup>10</sup>

However, the problem is that not all universities actively act as strategic partners in the development of mining industrial areas. Research results are not widely utilized by mining companies, research remains theoretical and not yet applied, and involvement is often short-term projects. The dominance of large universities in Java, such as the University of Indonesia, the Bandung Institute of Technology, and Gadjah Mada University, also results in the minimal contribution of local universities in mining areas. These universities have advantages in terms of human resources, research infrastructure, industry networks, and relationships with ministries.<sup>11</sup> This makes them *key players* in research collaboration and national policy implementation, including in strategic mining projects such as *smelters . governance mining , and downstreaming .* Furthermore, there is no formal platform that unites three stakeholders—universities, local governments, and mining companies—in planning and monitoring mining agglomerations.

<sup>9</sup> Suwandi S Sangadji, "The Strategic Role of Higher Education in the Perspective of Regional Development in North Maluku Province," OSF Preprints 20 (2018).

<sup>10</sup> Agus Surono and Maslihati Nur Hidayati, "The Role of Higher Education in Harmonizing Local Wisdom-Based Natural Resource Management Policies for National Resilience," in National Conference on Law Studies (NCOLS), vol. 6, 2024, 15–55. <https://doi.org/10.30598/jhpk.2021.5.1.107>.

<sup>11</sup> Bagyo Y Moeliodihardjo, Biemo W Soemardi, and Satryo S Brodjonegoro, "Development of Partnership Strategies between Universities, Industry, and Government in Indonesia," 2013.

Therefore, the 2025 revision of the Mineral and Coal Mining Law is highly relevant. It is hoped that the revised Mining Law will provide greater opportunities for universities to obtain permits for natural resource management, while simultaneously encouraging universities to be more actively involved in technology development, research, and sustainable mining management. Furthermore, synchronizing the roles of universities, the government, and business actors can create more transparent, efficient, and competitive governance, accommodating not only economic interests but also prioritizing environmental and social sustainability in every aspect of mining activities. Research into the legal and regulatory aspects of university involvement in the mineral and coal mining agglomeration in Indonesia is crucial for identifying how the revised 2025 Mining Law can address existing challenges and provide solutions for more sustainable, innovative, and competitive mineral and coal resource management. This understanding will help clarify the role of universities in this sector and optimize their contribution to the advancement of the mining industry in Indonesia.

Based on the above background, the author intends to conduct research to analyze how the Legal Aspects and Regulations of the Involvement of Higher Education Institutions in Mineral and Coal Mining Agglomerations are based on the Fourth Amendment to the Mineral and Coal Mining Law of 2025. The formulation of the problems determined are as follows: 1) What is the legal basis that regulates the involvement of higher education institutions in the management of mineral and coal mining in Indonesia? 2) How can the involvement of higher education institutions in mining agglomerations support regional and national economic growth? 3) What are the legal and economic challenges faced by higher education institutions in carrying out their roles as managers of mineral and coal mining?

This study demonstrates a high degree of novelty as it examines the legal aspects related to the strategic role of universities within the framework of the mineral and coal mining industry agglomeration—an area that has not been widely explored in previous research. Although several previous studies have discussed the involvement of various actors in the mining industry agglomeration, these studies have not specifically addressed the position and contribution of universities from a legal perspective. As example , study <sup>12</sup>Simamora only focuses on the role of local government, mining companies, and communities in the development of industrial clusters in East Kalimantan, without discussing the role of universities as legal subjects in the process .

Aan Jaelani's study, which adopted the triple helix model, positions universities as providers of innovation; however, the study did not examine the legal dimensions of such collaboration, such as involvement in licensing, industrial estate management, or legal responsibilities in technology transfer. Meanwhile, Lestari's research<sup>13</sup> more limited to the aspects of vocational partnerships and training in CSR programs, without touching on the

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<sup>12</sup> Vailimlim Simamora et al., "SWOT Analysis of Superior Agricultural Products in Humbang Hasundutan: A Study of Value-Added Product Processing," *RIGGS: Journal of Artificial Intelligence and Digital Business* 4, no. 2 (2025): 2544–2549.

<sup>13</sup> Hefty Magda Lestari and Aida Qonitatillahari, "Management of Vocational High School Partnerships with the Industrial World through Optimizing Industrial Classes at SMK Raden Rahmat Mojosari," *JlIP-Jurnal Ilmiah Ilmu Pendidikan* 7, no. 12 (2024): 14176–82. <https://doi.org/10.54371/jiip.v7i12.6459>



legal position of universities in business agreements, management of environmental impact analysis (AMDAL), or governance of mining-based industrial areas .

In contrast to the three studies mentioned above previously , research This in a way special analyze framework laws and regulations that enable universities to play an active role in mining agglomerations, both as researchers and as part of the legal system governing licensing, collaboration, and environmental oversight. Thus, the main contribution of this study lies in providing a strong normative foundation for strengthening the role of universities in sustainable development in the mining sector, through an integrated legal, institutional, and strategic agglomeration approach.

## 2. Methods

This study uses a normative legal research method, which includes legal norms contained in laws and court decisions, as well as current norms.<sup>14</sup> The approaches used are a conceptual approach and a legislative approach. The conceptual approach *is carried out* by examining theories of mining law, state administrative law, and mining economics theory to understand the position and role of universities in the mineral and coal sector. The legislative approach *is carried out* by analyzing relevant laws and regulations, such as Law Number 4 of 2009 concerning Mineral and Coal Mining which has undergone the Fourth Amendment, as well as other laws and regulations related to the policies and roles of universities in the mining industry. The main focus of this research is to examine the legal and regulatory aspects governing the involvement of universities in the mineral and coal mining agglomeration (minerba) in Indonesia and its implications for the mining sector economy. Therefore, this research analysis is qualitative with a standard legal approach, the data collection technique in this research is a literature study , including research on laws and regulations and legal books, articles, and documents related to the research. This research also uses a deductive thinking method, namely a way of thinking in drawing conclusions drawn from something general and has been proven to be true and the conclusion is intended for something specific.<sup>15</sup>

## 3. Results and Discussion

### 3.1. Law on the Involvement of Universities in Mineral and Coal Mining Management in Indonesia

It cannot be denied that the designation of universities as mining entities has given rise to much criticism of state policy.<sup>16</sup> The involvement of universities in the mining sector, as stipulated in the revised Minerba Law, is not limited to research and innovation alone, but also includes the management of Special Mining Business Areas (WUPK), which opens up the possibility of commercial activities. This is explicitly stated in Article 51A, which grants management authority to state universities. However, the essence of university involvement must remain linked to the Tri Dharma of Higher Education, particularly in technology development, human resource capacity building, and applied research. Therefore, it is

<sup>14</sup> Soerjono Soekanto; Sri Mamudji, Normative Legal Research, Brief Review, 16th edition. (Jakarta: Rajawali Pers, 2014).

<sup>15</sup> Sedarmayanti; Syarifudin Hidayat, Research Methodology (Bandung: Mandar Maju, 2002).

<sup>16</sup> Ahmad Redi et al., *Indonesia Mining Law Review Review of Mining Law Policy in Indonesia Post Amendment to the Mineral and Coal Law* (Deepublish, 2021).

important to distinguish between purely commercial activities and academic-based commercial activities that aim to support the sustainability of educational institutions without deviating from the principles of non-profit and scientific orientation as stipulated in Law No. 12 of 2012 concerning Higher Education.<sup>17</sup> There is a potential normative conflict between the Mining Law and the Higher Education Law, particularly regarding institutional orientation. The Mining Law provides space for universities to function as business entities, while the Higher Education Law emphasizes that universities are non-profit institutions oriented towards education, research, and community service. Therefore, clear and firm derivative regulations are needed regarding the mechanisms for cooperation between universities and state-owned/regional-owned enterprises (BUMN/BUMD) or private partners, the establishment of implementing legal entities (spin-offs), and accountability and oversight schemes to prevent the shift of academic institutions' functions into purely business entities. One possible resolution is through harmonization of technical regulations between the Ministry of Energy and Mineral Resources and the Ministry of Education, Culture, Research, and Technology in the form of a Joint Regulation governing the operational boundaries of universities in the mining sector<sup>18</sup>. Some environmental law experts even believe that the government's plan to prioritize mining permits for universities will actually threaten academic freedom, while simultaneously shifting knowledge-producing institutions to be more pragmatic in their business practices. Mining is a risky business, especially from an environmental and social perspective. The narrative of mine management being able to reduce tuition and other costs is reckless. Prioritizing mining would make the campus more environmentally friendly, and some environmental law experts have expressed concerns. The role between The government, business actors, and universities are also threatened.<sup>19</sup>

However, the involvement of state universities in the management of Special Mining Business Areas (WUPK) aims to For interest academic and innovation Technology, particularly in the field of research and development of science and technology in the mining sector itself, is not solely for commercial purposes.<sup>20</sup> The involvement of public enterprises in the mining world does not kill large-scale mining businesses, but rather grows alongside them in Indonesia's economic democracy.<sup>21</sup> This policy also has a strong legal basis in legislation. This regulation provides a foundation for universities, particularly state universities (PTN), to

<sup>17</sup> Surono, A., & Maslihati Nur Hidayati. (2024). *The Role of Higher Education in Harmonizing Local Wisdom-Based Natural Resource Management Policies for National Resilience*. National Conference on Legal Studies (NCOLS). <https://conference.upnvj.ac.id/index.php/ncols/article/view/2978>

<sup>18</sup> Government of the Republic of Indonesia, "Law Number 3 of 2020," Government of the Republic of Indonesia § (2020).

<sup>19</sup> A. Asnawi; Toto Sudiarjo, "Why is it Risky for Universities to Manage Mines?," mongobay.co.id, 2025, <https://www.mongabay.co.id/2025/02/06/mengapa-berisiko-kalau-perguruan-tinggi-kelola-tambang/>.

<sup>20</sup> Linda Sari, "EFFECTIVENESS OF THE IMPLEMENTATION OF LAW NO. 32 OF 2009 CONCERNING ENVIRONMENTAL PROTECTION AND MANAGEMENT (Study of Illegal Gold Mining in Hutabargot Nauli Village, Hutabargot District, Mandailing Natal Regency)" (IAIN Padangsidempuan, 2021). <https://etd.uinsyahada.ac.id/7037/>

<sup>21</sup> Riant Nugroho Dwijowijoto and Randy R Wrihatnolo, Management of Privatization of State-Owned Enterprises (Elex Media Komputindo, 2008).

participate in mining activities for the purposes of education, research, and development of the national mining industry.<sup>22</sup>

The Fourth Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining aims to restore and revitalize the spirit of Article 33 of the 1945 Constitution. Article 33 paragraph (3) which states that "*The land and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.*" is the legal basis for regulating the mining sector in Indonesia. Mining management must be carried out in accordance with the provisions, including the granting of Mining Business Permits (IUP), environmental impact analysis (AMDAL), and the application of sustainability aspects.

<sup>23</sup> Article 4 also states that "*the national economy is organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental awareness, independence, and by maintaining a balance of progress and national economic unity.*" The meaning of economic democracy is that the economic system involves all people in the production, distribution, and consumption processes because in principle the economy should not be controlled by a handful of people or corporations that harm the interests of the wider community.

Some of the substance of the changes to the Minerba Law conveyed by the Chairperson of the Legislative Body in the RDPU BALEG DPR RI on February 3, 2025, include the implementation of economic democracy by expanding and adding community-owned business entities in the management of mineral and coal mining. The expansion of business entities that include Cooperatives, Sole Proprietorships, Religious Community Organizations, Universities, and Small and Medium Enterprises (SMEs) is an effort by the state to empower the economy. The Minerba Law also encourages mineral and coal mining to carry out refining processing domestically in order to increase economic added value (downstream), as well as provide legal certainty <sup>24</sup>, as mandated by the Constitutional Court's decision on the Minerba Law to lawmakers.<sup>25</sup>

The drafting of the Amendment to the Minerba Law which involves universities as one of the managing business entities also continues to uphold the principles in the Formation of Legislation, as referred to in Law No. 12 of 2012 Article 2 which is based on Pancasila and the 1945 Constitution and Article 3 where universities are based on scientific truth, reasoning, honesty, justice, benefits, virtue, responsibility, diversity, and affordability <sup>26</sup>.

The legal basis for university involvement in mineral and coal mining management in Indonesia is stipulated in various regulations, ranging from laws to ministerial-level technical

<sup>22</sup> Mohammad Ali, *Education for national development: towards an independent and highly competitive Indonesian nation* (Grasindo, 2009).

<sup>23</sup> Widyaningrum and Hamidi, "Mineral and Coal Mining Law Reform Towards Sustainable Justice and Legal Certainty for the Indonesian People."

<sup>24</sup> Suparji Suparji and Rafqi Mizi, "Regulation of Minerals and Coal for the Welfare of the People," *Jurnal Magister Hukum: Hukum dan Kesejahteraan* 4, no. 2 (2023): 1-8. <http://dx.doi.org/10.36722/jmih.v4i2.761>

<sup>25</sup> Ali, *Education for National Development: Towards an Independent and Highly Competitive Indonesian Nation*.

<sup>26</sup> Cahya Fajar Budi Hartanto, "Analysis of the Governance of Educator and Education Personnel Standards in Maritime Vocational Higher Education in Indonesia: Capt. Cahya Fajar Budi Hartanto\*, Haryani," *Journal of Maritime Transportation Science and Technology* 2, no. 1 (2020): 20-29. <https://doi.org/10.51578/j.sitektransmar.v2i1.14>

regulations. These regulations aim to ensure that university involvement in the mining sector is oriented not only toward resource utilization but also toward education, research, and the development of sustainable mining technologies.

### 3.2. University Involvement in Mining: Regulatory Analysis, Accountability and Legal Risks

Legally, the involvement of state universities in mining activities is legitimized by Article 51A of the Fourth Revision of Law Number 4 of 2009 concerning Mineral and Coal Mining (Minerba Law), which grants access to the management of Special Mining Business Areas (WUPK). However, this role remains limited by the normative principles of Law Number 12 of 2012 concerning Higher Education, which emphasizes that universities are non-profit institutions oriented towards education, research, and community service (Article 1 Paragraph 2 and Article 3).

The legal implication is that universities cannot operate purely corporately, like commercial enterprises. Mining activities by universities must be oriented toward supporting the Tri Dharma of Higher Education and must not conflict with their status as non-profit public entities. This is where the main legal limitation lies: universities may engage in economic activities, but only to the extent that they support academic functions and are not solely for institutional profit <sup>27</sup>.

As explained previously, one of the foundations of university involvement in mining agglomerations is economic democracy, which involves all levels of society in the production, distribution, and consumption processes, including mining activities. <sup>28</sup>The proposal for mining management for universities represents a crucial opportunity to improve mining governance to be more environmentally conscious and equitable. Granting mining management permits to universities can be one way to address the funding limitations faced by universities, particularly in research and innovation development. <sup>29</sup>

University involvement in activity mining need mechanism supervision adequate laws and institutions. Unfortunately, until now moment This Not yet There is regulation the descendants that regulate in a way technical governance, reporting and auditing of activity mining managed by universities. In fact, the mining sector this is very vulnerable to risk deviation administrative, conflict interests, up to potential violation environment <sup>30</sup>. Within the framework governance principles good governance, at least must set:

- a. The university's obligation to forming a business unit separate (for example through service agencies general or research holding unit),
- b. Periodic audits by the Audit Agency Finance (BPK) or institution independent,

<sup>27</sup> Surono, A., & Maslihati Nur Hidayati. (2024). *The Role of Higher Education in Harmonizing Local Wisdom-Based Natural Resource Management Policies for National Resilience*. National Conference on Legal Studies (NCOLS). <https://conference.upnvj.ac.id/index.php/ncols/article/view/2978>

<sup>28</sup> Ilham Mirzaya Putra, Regional Development (Prokreatif Media, 2023).

<sup>29</sup> Agus Muhammad Hatta, "ITS' Response Regarding Mining Management Permits for Universities," [its.ac.id](https://www.its.ac.id), 2025, <https://www.its.ac.id/news/2025/02/04/tunjungan-its-terkait-izin-pengelolaan-tambang-bagi-perguruan-tinggi/>.

<sup>30</sup> Redi, Ahmad, Faisal Santiago, Ismail Rumadan, and Zainal Arifin Hoesein. *Indonesia: The Mining Law Review: A Review of Mining Law Policy in Indonesia Following Amendments to the Mineral and Coal Law*. Deepublish, 2021



- c. Reporting impact environmental impact analysis (AMDAL) in accordance with provisions of Law No. 32 of 2009 concerning Protection and Management Environment.

Without structure strong oversight, universities at risk bear not quite enough answer law civil, administrative, and even criminal, if happen loss party third or damage environment in management mine. Conflict interest appear when college tall faced with two contradictory interests: maintaining integrity academic and encouraging independence financial through activity economy. In terms of conceptual, thing This create *tension* between epistemic and instrumental rationality, where science knowledge can commodified for the purpose of economy.

In a way law, conflict This can managed through a number of approach:

- a. Separation structure institutional: formation entity affiliated (spin-off) that runs business mining in a way independent However still in university supervision.
- b. Arrangement ethics and transparency: a must for lecturers / researchers involved for state *conflict of interest* and not abuse position academic.
- c. Implementation principle non-profit in use income: total profit must used return For support education, research, or devotion society, not For accumulation capital (PT Law Article 63).

In the context of mining agglomerations, the principles of economic democracy must be applied so that the management and empowerment of natural resources not only benefit a select few but also positively impact the wider community. <sup>31</sup>The Chairperson of the Legislative Body, during the Public Hearing of the Legislative Body of the Indonesian House of Representatives (DPR RI) on February 3, 2025, outlined at least three principles for promoting economic democracy:

#### 1. Possibility (*Possible*)

*Enabling* means creating a climate and atmosphere that is free from structural and cultural barriers. In <sup>32</sup>this regard, the government must develop policies that facilitate community involvement in the mining industry. To this end, the government has sought to involve universities as entities in the mining business.

#### 2. Strengthening (*Empowering*)

*Empowering* means Strengthening knowledge and skills to solve problems and identify self-needs. <sup>33</sup>Empowerment also means providing communities with access to knowledge and skills so they can independently manage existing economic resources, as well as increasing their capacity to actively participate in the mining economic chain. In this regard, not only

<sup>31</sup> Darol Arkum, Sustainable Development of the Tin Mining Industry in Indonesia (Deepublish, 2024).

<sup>32</sup> M Hidayat, "Empowering the Community Economy Through Batulayang Tourism Village, Cisarua District, Bogor Regency" (UIN Sunan Gunung Djati Bandung, 2023).

<sup>33</sup> Rauf Hatu, "Empowerment and Social Assistance in Society (A Theoretical Study)," Jurnal Inovasi 7, no. 04 (2010). <https://ejurnal.ung.ac.id/index.php/JIN/article/view/762>

universities but also cooperatives, sole proprietorships, religious organizations, and small and medium enterprises (SMEs) are part of the state's efforts to empower the economy.

### 3. Protection

*Protection* means protecting vulnerable groups from discrimination and domination.

<sup>34</sup>The state and mining companies must provide protection to more vulnerable groups from exploitation, discrimination, and domination by more powerful parties. The state must also ensure that mining activities do not harm communities socially, economically, and environmentally.

Application of the principles of *Enabling*, *Empowering*, and *Protecting* Mining agglomerations will create an inclusive, sustainable, and equitable economic ecosystem. By establishing supportive regulations, enhancing community capacity, and providing protection for vulnerable groups, the mining industry can become a driver of economic growth that not only benefits companies but also improves the well-being of surrounding communities. In essence, the government wants to provide opportunities for universities to participate in natural resource management, particularly mineral and coal mining. Granting permits to domestic universities is solely to improve the quality of education. The government believes that to improve education, universities require quality facilities, premises, resources, and infrastructure, which require adequate funding. Therefore, universities are being given the opportunity to manage mining areas.

The regulations governing the involvement of universities in mineral and coal mining agglomerations (minerba) in Indonesia have significant impact on the economic efficiency of this sector. Efficiency economy in the sector minerals can be measured from various aspects, including resource optimization, production cost reduction, increased technological innovation, and its impact on national and regional economic growth. The reason universities are being proposed for Mining Business Permit Areas (WIUP) is because the government wants all elements of society to have equal rights in managing natural resources, including universities.<sup>35</sup> So far, the positive impacts felt by the Government in involving universities in their duties of carrying out research as a manifestation of the tri dharma, include:

#### 1. Improving Innovation and Production Efficiency

Universities play a strategic role in developing more efficient and environmentally friendly mining technologies. <sup>36</sup>Regulations that allow universities to manage Special Mining Business Areas (WUPK) can achieve several positive impacts on economic efficiency. These include universities being able to apply research and innovation findings to the extraction, refining, and management of mining waste, thereby increasing production efficiency. Another

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<sup>34</sup> Eliagus Telaumbanua, "Study of Empowerment of Micro, Small, and Medium Enterprises in the Culinary Market of Gunungsitoli City," *Jesya (Journal of Economics and Sharia Economics)* 4, no. 2 (2021): 1045–58.

<sup>35</sup> Tempo.co, "10 Facts about the Mining Permit Polemic for Universities," Tempo.co, 2025.

<sup>36</sup> M Ferdi Septianda, "Economic Development Strategy Through Tin Mining on Singkep Island Reviewed from the Concept of Sustainable Development Goals (SDGs)," *Jurnal Nusantara* 2, no. 02 (2023): 147–56. <https://doi.org/10.69853/ja.v2i02.37>.

positive impact is innovation in mining technology, such as more economical energy extraction methods or improved processing technologies. Efficient mining can reduce production costs. This regulation allows universities to play a role in creating *mining automation technology*, which can reduce reliance on manual labor and increase mine productivity.

## 2. Improving Human Resources (HR) Quality and Productivity

Economic efficiency in the minerals and coal sector is also determined by the quality of the workforce.<sup>37</sup> With regulations allowing universities to manage mining areas, students and researchers gain hands-on experience in mining operations, which will enhance their skills when they enter the workforce. A workforce well-trained in the use of modern technology will improve operational efficiency and reduce inefficiencies caused by skills constraints. In other countries, such as Australia, collaborations between universities and mining companies produce work-ready graduates who can directly contribute to increased mining productivity.

## 3. Optimizing Natural Resource Empowerment

Regulations allowing universities to participate in the mineral and coal sector also encourage efficiency in natural resource management. Through research, universities can develop better processing techniques to increase mining yields and reduce waste. Universities can also conduct studies on more effective post-mining reclamation methods, reducing environmental costs for governments and companies.<sup>38</sup> In several countries, academic research has produced technologies for recovering minerals from mine waste ( *tailings* ), which increases resource efficiency and reduces environmental impact.

## 4. Increasing Investment and Competitiveness in the Mineral and Coal Sector

The involvement of universities in the mining sector also impacts investment attractiveness and industry competitiveness, particularly by supporting regulations for research and innovation in the mining sector. This demonstrates the government's commitment to more professional and sustainable management, thereby attracting more foreign investment.<sup>39</sup> With research from universities, the mining sector focuses not only on raw material extraction but also on more sustainable processing and utilization, thereby increasing economic value. Countries like Canada and Australia have policies that encourage universities to collaborate with the mining industry, contributing to the high level of competition in the mining sector globally

<sup>37</sup> Rahul Gonzales, "Maximizing the Potential of the Young Generation in the Mining Industry to Improve the Indonesian Economy Towards Golden Indonesia 2045: Young Generation for the Nation," *Himasapta Journal* 7, no. 1 (2022): 39–50. <https://doi.org/10.20527/jhs.v7i1.5344>

<sup>38</sup> Jamingatun Hasanah, "The Effect of Environmental Cost Disclosure According to PSAK 33 and Government Regulation Number 78 of 2010 on Financial Performance (Study of Mining Companies Listed on the Indonesia Stock Exchange for the 2013-2015 Period)," 2017. <https://doi.org/10.30871/jaba.v1i2.620>

<sup>39</sup> Nevi Zuairina, "Maximizing the Role of Higher Education in the Mineral and Coal Sector: Opportunities and Challenges," *pks.id*, 2025, <https://fraksi.pks.id/2025/02/25/meangkat-perguruan-tinggi-dalam-sektor-minerba-peluang-dan-tantangan/>.

### 3.3. Law and Economics for Universities in Carrying Out Their Role as Managers of Mineral and Coal Mining

The proposal to grant universities permission to manage mining activities in the revised Mineral and Coal Mining Law has drawn both pros and cons in the community. Many academics have called for a review and rejection of Article 51A of the Fourth Amendment to Law number 1 of 2009 concerning Mineral and Coal Mining. This is due to the numerous challenges and risks universities would face if forced to enter the mining business. While this regulation has the potential to increase the economic efficiency of the mineral and coal sector, several challenges still need to be addressed.

Harmonization between mining regulations (the Mineral and Coal Mining Law) and higher education regulations (the Higher Education Law) needs to be clarified to avoid conflicts of interest.<sup>40</sup> Regarding university capacity, not all universities have adequate resources and facilities to effectively manage mining areas. Mineral and coal mining agglomeration policies for universities must maintain a balance between academic and commercial objectives in mining management.

Regulations governing the involvement of universities in mining agglomerations have a significant impact on the economic efficiency of the minerals and coal sector. With appropriate regulations, university involvement can enhance technological innovation, optimize natural resource utilization, improve human resource quality, and enhance the competitiveness of the mining industry. This aims to encourage universities to become more financially independent. However, the implementation of these regulations still faces various challenges that must be addressed to maximize their benefits. With the revision of the Minerba Law in 2025, the Government can overcome various challenges, especially from the legislative aspects faced, namely:

1. Regulatory Ambiguity Regarding the Role of Universities in Mining

Law No. 3 of 2020 does not yet provide detailed technical regulations on how universities can carry out mining operations. Furthermore, Regulation of the Minister of Energy and Mineral Resources No. 7 of 2020 does not fully address the technical and administrative aspects related to university involvement, including licensing, management, and oversight mechanisms.

2. Potential Conflict with Higher Education Regulations

Law No. 12 of 2012 concerning Higher Education emphasizes that universities must be oriented toward education, research, and community service. If universities engage in commercial mining exploration and exploitation, there is the potential for deviation from their primary duties as educational institutions. The status of state universities as non-profit organizations can also conflict with the design of natural resource management for an objective economy. Revisions to the Mineral and Coal Mining Law could ensure that state universities can carry out their roles without conflicting with academic and non-profit

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<sup>40</sup> Aim Hamimurrohim, "THE PRESENCE OF LAW NUMBER 3 OF 2020 CONCERNING MINERAL AND COAL MINING REGARDING CHANGES IN THE AUTHORITY OF THE CENTRAL GOVERNMENT AND REGIONAL GOVERNMENT: A REVIEW OF ARTICLE 35 PARAGRAPH 1" (UNUSIA, 2021).



principles, and could also raise ethical debates regarding the commercialization of research and academics in the mining industry.

### 3. Limited Legal Capacity of Universities in Mining Management

Universities are not business entities, so they do not have the same legal flexibility as mining companies. In practice, university management of a WUPK (Central Business Area) requires a separate legal entity or collaboration with a state-owned or regionally-owned enterprise (BUMN/BUMD) to comply with mining regulations. Universities must establish dedicated business units or collaborate with industry partners, which require additional regulations and government approval. If not managed properly, universities can face legal disputes related to contracts, permits, and responsibilities in mining operations.

## 4. Conclusions

Natural resources in the form of minerals and coal, such as coal, nickel, tin, copper, gold, zinc, sodium, uranium, palladium, etc. are natural resources that are multiplied in type and function, so that in their processing and empowerment they have different uses. Community empowerment in the management of mineral and coal mining, especially in universities. Will benefit from two directions, namely the independence of universities and increased state revenue. The involvement of public-owned business entities in the management of minerals and coal, namely universities, community religious organizations, cooperatives and SMEs, as well as individual companies, is a form of implementation of Economic Democracy, from exclusive to inclusive. Equally important is providing legal certainty in the implementation of mineral and coal mining, especially in resolving overlapping mining areas and strengthening downstream programs. In line with the national interest to accelerate economic development in order to realize social welfare.

Internalization of Pancasila values in the preparation of the Draft Law on the Fourth Amendment to Law Number 4 of 2009 is the embodiment of the 5th principle of Pancasila, namely "Justice for all Indonesian people". The Draft Law on the Fourth Amendment to Law Number 4 of 2009 aims to restore and revive the spirit of Article 33 of the 1945 Constitution of the Republic of Indonesia, especially paragraphs (3) and (4). In addition, the preparation of the Draft Law on the Fourth Amendment to Law Number 4 of 2009 still adheres to the principles in the Formation of Legislation, as referred to in Law Number 12 of 2012 Article 2 and Article 3. Thus, the involvement of state-owned enterprises does not kill large-scale mining businesses, but rather grows together in Indonesia's economic democracy.

Ultimately, the shift in the final focus of natural resource management in the latest Minerba Law from utilization to empowerment has given rise to three empowerment visions: empowering, empowering, and protecting, which will create an inclusive, sustainable, and equitable economic ecosystem. Thus, the current Minerba Law actually contains novelties in terms of rationalizing Article 33 of the 1945 Constitution, and the mining industry can become a driver of economic growth that not only benefits corporations but also improves welfare public around

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