

Community Rights Protection as a Pillar of Sustainable Mining in Indonesia : A Review of Government and CSR Roles From Environmental Law and Islamic Environmental Jurisprudence

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Abstract: Sustainable mining in Indonesia requires balancing economic extraction with environmental protection and community rights. However, current frameworks—government regulation and mandatory CSR—often face implementation gaps and lack ethical grounding. This study examines how integrating Islamic environmental jurisprudence with Indonesia's environmental law and CSR obligations can better protect community rights and promote sustainable mining practices. Using a normative empirical legal approach, the study analyzes Scopus-indexed literature, statutory instruments (e.g., Law No. 32/2009), and Islamic legal sources. It maps conventional mechanisms such as land-right recognition, FPIC, regulatory oversight, and CSR, and extends the analysis with: (1) a comparative integration of government and CSR roles with Islamic principles (*amanah*, *adl*, *hifz al-bi'ah*), and (2) case studies from Bangka Belitung and other mining regions showing faith-based community mobilization. Findings show that coupling legal mechanisms with Islamic ethical imperatives enhances community agency: government policies gain moral legitimacy, CSR becomes a faith-driven commitment, and communities use fatwas and customary-Islamic norms to demand environmental justice and corporate accountability. Evidence shows regions applying Islamic fatwas on “environmentally friendly mining” benefit from stronger social licenses and improved local welfare. This study contributes an integrative governance model that combines legal obligations, CSR practices, and Islamic ethics to prioritize community rights and ecological sustainability in Indonesia's mining sector.

Keywords: Sustainable Mining; Community Rights; Environmental Law; Islamic Environmental Jurisprudence; Corporate Social Responsibility.

Abstrak: Pertambangan berkelanjutan di Indonesia memerlukan keseimbangan antara ekstraksi ekonomi, perlindungan lingkungan, dan pemenuhan hak-hak masyarakat. Namun, kerangka hukum yang ada—meliputi regulasi pemerintah dan kewajiban CSR—sering kali menghadapi kesenjangan implementasi dan lemahnya landasan etika. Penelitian ini mengkaji bagaimana integrasi fikih lingkungan Islam dengan hukum lingkungan Indonesia dan kewajiban CSR dapat memperkuat perlindungan hak masyarakat serta mendorong praktik pertambangan yang lebih berkelanjutan. Dengan pendekatan hukum normatif-empiris, kajian ini menganalisis literatur terindeks Scopus, peraturan perundang-undangan (misalnya UU No. 32 Tahun 2009), serta sumber hukum Islam. Analisis dilakukan dengan memetakan mekanisme konvensional seperti pengakuan hak atas tanah, persetujuan bebas dan berdasarkan informasi (FPIC), pengawasan regulasi, serta CSR, dan dilanjutkan dengan dua fokus kajian: (1) integrasi peran pemerintah dan CSR dengan prinsip-prinsip Islam (*amanah*, *adl*, dan *hifz al-bi'ah*), dan (2) studi kasus dari Bangka Belitung dan wilayah pertambangan lainnya yang menunjukkan mobilisasi masyarakat berbasis nilai keagamaan. Hasil penelitian menunjukkan bahwa penggabungan instrumen hukum dengan imperatif etika Islam meningkatkan daya tawar masyarakat: kebijakan pemerintah memperoleh legitimasi moral, CSR menjadi bentuk komitmen keagamaan, dan masyarakat menggunakan fatwa serta norma Islam untuk menuntut keadilan lingkungan dan akuntabilitas perusahaan. Bukti empiris menunjukkan bahwa wilayah yang menerapkan fatwa “pertambangan ramah lingkungan” memiliki izin sosial yang lebih kuat dan kesejahteraan lokal yang meningkat. Penelitian ini menawarkan model tata kelola terintegrasi yang memadukan kewajiban hukum, praktik CSR, dan etika Islam untuk memprioritaskan hak masyarakat dan keberlanjutan ekologi dalam sektor pertambangan di Indonesia.

Kata kunci: Pertambangan Berkelanjutan; Hak Masyarakat; Hukum Lingkungan; Fikih Lingkungan Islam; Tanggung Jawab Sosial Perusahaan.

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Introduction

Natural resource management, particularly in the mining sector, presents significant multidimensional challenges in Indonesia and around the world. Mining activities, while potentially driving economic growth, often intersect with crucial issues related to local community rights, environmental sustainability, and social justice. This complex interplay underscores that the way we govern and utilize natural resources reflects more than just economic or environmental considerations—it touches the core of our societal values and national priorities. In this sense, the place it occupies, both in the political and economic approach of public authorities, will have no competition since it is the fundamental unity of our entire essence and our existence¹.

Natural resources, especially in strategic sectors like mining, thus become not only an economic asset but a mirror of how a nation defines justice, governance, and its collective future. History shows that conflicts arising from mining activities are often rooted in the neglect of community rights, which in turn exacerbates environmental degradation and deepens the gap of social injustice. This neglect not only affects present communities but also poses a serious threat to intergenerational sustainability, which requires the maintenance of natural resources and the environment so that future generations can enjoy the same or better conditions². Violations of environmental

rights by corporations occur through various forms of activities that cause environmental damage³; therefore, ensuring equitable governance and environmental responsibility in resource exploitation is essential to uphold justice across generations, preventing current corporate misconduct from compromising the environmental rights of future populations. In this context, the urgency to build an effective framework for protecting the rights of directly affected communities becomes even more pressing.

The philosophical basis for the protection of these rights rests on the principles of social justice, ecological sustainability, and community empowerment. On the other hand, the operations of modern mining companies can no longer be separated from the concept of Corporate Social Responsibility (CSR). Social Responsibility - CSR). CSR is not just a philanthropic act, but has become an essential part of ethical and sustainable corporate operations, considering the significant impact that mining activities can have on the environment and the social order of the surrounding community. Therefore, the role of government as a regulator and facilitator, the company's obligation to carry out CSR, and the recognition and protection of community rights are three main pillars that must work together to realize responsible mining management.

However, the reality on the ground often shows tensions and gaps between the three

¹ Muhammad Mutawalli Mukhlis et al., "Enhancing Water Cooperation N Africa: The Role and Challenges of International Law in Managing Transboundary Resources," *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 2 (2024): 333–58, <https://doi.org/10.18592/sjhp.v24i2.13640>.

² Muhammad Mutawalli Mukhlis et al., "Strengthening Indonesia's Waste Management Laws: Compliance with Public Health and Marine Conservation Norms,"

Substantive Justice International Journal of Law 7, no. 2 (2024): 142–66, <https://doi.org/10.56087/substantivejustice.v7i2.298>.

³ Muhammad Mutawalli Mukhlis et al., "The Dilemma of Administrative Sanctions in Legalizing Palm Oil Plantations in Indonesian Forest Areas," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 8, no. 1 (2025): 171–90, <https://doi.org/10.24090/volkgeist.v8i1.13114>.

pillars. A fundamental question arises as to how the urgency and philosophical basis for protecting community rights can be translated into concrete mining management practices? To what extent is the role and effectiveness of the protection provided by the government through its regulations and supervision in guaranteeing community rights and environmental sustainability? What are the specific obligations of mining companies in the context of CSR, and how does their implementation in the field contribute (or fail to contribute) to community and environmental welfare? Furthermore, how can these three aspects—community rights protection, government roles, and company obligations—be harmoniously integrated within an environmental legal framework to achieve the goal of fair and sustainable mining management?

This article aims to answer these questions by comprehensively analyzing the urgency and philosophical basis of community rights protection in the mining context, examining the role of government in providing legal and environmental protection, and identifying and analyzing mining companies' CSR obligations and their implementation. Through a synthesis of these three aspects, this study seeks to offer an integrated environmental legal framework for sustainable mining management in Indonesia.

The significance of this study lies in its contribution to academic discourse in the field of environmental law, particularly in relation to the mining sector. In addition, this study is

expected to provide an integrated and useful perspective for policy makers, legal practitioners, mining company management, and civil society organizations engaged in community and environmental rights advocacy. Ultimately, the findings and analysis in this article are expected to form the basis for formulating more effective policy recommendations to strengthen the protection of community rights and environmental sustainability in the management of the national mining sector.

Indonesia's legal framework explicitly safeguards environmental and community interests. The Environmental Protection and Management Law (No. 32/2009) affirms that “everyone shall be entitled to a good and healthy environment” as a basic human right, ensuring public participation in environmental governance and sustainable development.⁴ At the same time, Islamic environmental jurisprudence (*fiqh al-bi'ah*) provides complementary ethical norms: the Quran teaches that humans were created as *khalifahs* (stewards) on earth, charged to “maintain and take care of the earth”,⁵ which imposes a trust (*amanah*) to protect nature. In practice, this has led Indonesian Islamic authorities to issue environmental fatwas that mirror legal goals. For example, the Indonesian Ulema Council has declared that mining practices must be “environmentally friendly” and not “impoverish the community,” effectively forbidding activities that harm people or ecosystems.⁶ These developments illustrate the potential synergy between Indonesia's

⁴ Law of the Republic of Indonesia Number 32 of 2009 Concerning Protection and Management of Environment.

⁵ J. M. Muslimin, Lutfi Chakim, and . Fauzani, ‘Maqasid Al-Shariah in Environmental Conservation of Yusuf al-Qardawi's Perspective’, 2020, doi:10.5220/0009919008690877.

⁶ Iskandar Iskandar and Hadi Sofuoğlu, ‘Islamic Environmentalism in Indonesia: An Analytical Study of MUI Fatwas on Environmental Protection’, *Bulletin of Islamic Research*, 3 (2025), pp. 178–202, doi:10.69526/bir.v3i2.168.

statutory environmental law and Islamic ethical principles. By integrating positive law and Islamic environmental jurisprudence, the state can more effectively uphold community rights and achieve truly sustainable mining.

Method

This research uses a qualitative approach with a literature study design (literature study review) which focuses on normative-empirical legal analysis. The normative legal approach is used to examine laws and regulations, legal doctrines, and philosophical principles relevant to the protection of community rights, the role of government, and corporate social responsibility in the mining context. The empirical aspect in this study refers to the analysis of secondary data that describes the implementation, impacts, and challenges of the legal and policy framework in the field, as reported in the reviewed literature. This study also utilizes additional literature studies referred to in source documents, including reputable scientific journal articles, books, research reports, and relevant court decisions to enrich the analysis and provide a broader context.

The study's conceptual framework explicitly incorporates Islamic environmental jurisprudence alongside national law and CSR principles. Key Islamic concepts – including the *maqāṣid al-sharī'ah* (higher objectives of Shariah), the human role as *khalifahs* (earth trustees), *amanah* (divine trust over nature), and traditional conservation constructs like *hima* – are treated as central analytical lenses.

The research employs qualitative analysis of scholarly literature from reputable international journals (indexed in Scopus) and legal documents. In particular, recent Islamic scholarship is reviewed to understand how *fiqh al-bi'ah* (Islamic ecological jurisprudence) informs sustainable development. As one study notes, Islam contains “fundamental rules for supporting sustainable development,” namely the implementation of *fiqh al-bi'ah* grounded in the *maqāṣid al-sharī'ah*.⁷ By conducting a systematic literature review of both environmental law and Islamic legal theory, the methodology ensures that Islamic environmental principles are integrated into the analysis.

Result and Discussions

Urgency and Philosophy of Community Rights Protection

The process of modernization and globalization has caused the primary needs of society that must be met to become an important thing, especially in resource-rich areas where development pressures often intersect with local livelihoods⁸. In this context, the urgency of protecting community rights in mining management is deeply rooted in the philosophical foundations of social justice, ecological sustainability, and community empowerment itself. Historical conflicts often arise from the neglect of these rights, leading to environmental degradation and social injustice. Community empowerment through increasing legal awareness is crucial⁹

⁷ Mahmud Yusuf and others, 'Green Economy Financing According to Fiqh Al-Biah as Part of Maqashid Sharia', *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 21 (2023), doi:10.31941/pj.v21i1.2725.

⁸ Muhammad Mutawalli Mukhlis, "Tanggung Jawab Negara Terhadap Dikawasan Pesisir Pantai," *YUDISIA: JURNAL PEMIKIRAN HUKUM DAN HUKUM ISLAM* 12, no. 1

(2021): 1–16, <https://doi.org/http://dx.doi.org/10.21043/yudisia.v12i1.9341>.

⁹ N. Ilyas, Ichsan et al., "Empowering Community Legal Awareness in the Utilization of Mining Natural Resources and Environmental Protection," *Jissr* 2, no. 2 (2022): 205–214,

emphasizes the importance of legal awareness to encourage independence and sustainable resource management. Active community involvement not only informs them of their rights but also equips them to assert those rights in natural resource governance.

The issue of land rights is central, where recognition of local peoples' rights can be a pathway to improved livelihoods and biodiversity protection¹⁰. Inclusive mining governance, which involves community participation and respects the legal rights of indigenous peoples, has been shown to facilitate cooperative engagement between industry and local populations, minimizing the potential for conflict¹¹. Developments in jurisprudence, as demonstrated by the case of *Baleni v. Minister of Mineral Resources* in South Africa, underscored the paradigm shift from mere consultation to requiring consent from landowner communities before mining rights are granted. The ruling sets an important precedent for protecting informal landowners and underscores the need for community involvement in decisions affecting their land and resources.

Furthermore, the issue of forced displacement of communities due to mining activities adds to the complexity of rights protection¹² documented how indigenous peoples are often displaced from their

ancestral territories, resulting in profound social and ecological impacts. This phenomenon reflects a global trend where the growth of the mining industry is often prioritized over community rights and environmental integrity. Therefore, the integration of indigenous peoples' voices in employment opportunities and respect for their rights is essential for sustainable local development¹³, in line with the urgent need to address the environmental impacts of mining such as emissions, land degradation and biodiversity loss¹⁴.

Role and Protection of Government

The main pillar of this protection is the implementation of strict regulations, which must be based on the principles of social and environmental justice. These regulations cover licensing, land use, and management of social and environmental impacts. The government has a responsibility to ensure that companies comply with these regulations.

Continuous monitoring is another crucial element that effective oversight allows for early detection of violations and the taking of necessary corrective actions to protect the environment and communities. This oversight is not merely an administrative task, but an integral part of risk mitigation. Government protection also includes support for affected

<https://doi.org/https://doi.org/10.59065/jissr.v2i2.141>.

¹⁰ S. Papworth et al., "The Impact of Gold Mining and Agricultural Concessions on the Tree Cover and Local Communities in Northern Myanmar," *Scientific Reports* 7, no. 1 (2017), <https://doi.org/https://doi.org/10.1038/srep46594>.

¹¹ G. Poelzer et al., "Community as Governor: Exploring the Role of Community Between Industry and Government in SLO," *Environmental Management* 72, no. 1 (2022): 70–83, <https://doi.org/https://doi.org/10.1007/s00267-022-01681-0>.

¹² W. Odendaal and P. G. M. Hebinck, "Mining on Communal Land as a New Frontier – A Case Study of the

Kunene Region, Namibia," *Journal of Land Use Science* 15, no. 2–3 (2019): 457–476, <https://doi.org/https://doi.org/10.1080/1747423x.2019.1671524>.

¹³ S. Holcombe and D. Kemp, "From Pay-out to Participation: Indigenous Mining Employment as Local Development?," *Sustainable Development* 28, no. 5 (2020): 1122–1135, <https://doi.org/https://doi.org/10.1002/sd.2063>.

¹⁴ A. Bebbington et al., "Resource Extraction and Infrastructure Threaten Forest Cover and Community Rights," *Proceedings of the National Academy of Sciences* 115, no. 52 (2018): 13164–13173, <https://doi.org/https://doi.org/10.1073/pnas.1812505115>.

communities, including empowerment and ensuring they benefit from mining activities. An inclusive approach that provides space for community participation in planning and decision-making can strengthen the social foundations of the mining sector.

Protection of the rights of indigenous and local communities that emphasizes the importance of recognizing their legal rights to fully participate in decisions that affect their lives. Integrating local wisdom into resource management policies can reduce the potential for conflict. However, implementation challenges remain; there is often a gap between policies on paper and implementation in the field, especially regarding community support and consistency of supervision. Therefore, increasing efficiency and accountability in implementing regulations is important.

Public participation in the policy-making process is also emphasized as a key to safeguarding. The involvement of diverse stakeholders can result in more responsive and innovative policies. The government is also obliged to implement strict environmental standards, make ecological sustainability a priority, and ensure post-mining land rehabilitation to restore ecological and social functions. Support for the adoption of sustainable mining practices through incentives and promotion of environmentally friendly technologies, as well as capacity

building of local communities through training, are also part of the government's role. Finally, effective cooperation between the public and private sectors is considered essential to achieving the goal of sustainable natural resource management.

CSR Obligations of Mining Companies

Corporate Social Responsibility (CSR) is positioned as an essential element in ethical and sustainable mining operations. The main obligations of companies include transparent disclosure of their CSR activities. Vanessa & Meiden¹⁵ stated that this disclosure is a form of accountability that allows the public to understand the impact of mining and the mitigation efforts undertaken. Good environmental management is also a must; Sembiring¹⁶ linked a high commitment to ESG (Environmental, Social, and Governance) by increasing the company's credibility in the eyes of stakeholders.

Companies are required to actively participate in CSR programs that provide real benefits to local communities, such as in the fields of education, health, and economic empowerment¹⁷. Community empowerment programs not only function as mitigation of negative impacts but can also strengthen the image and social legitimacy of the company¹⁸. Company characteristics, such as size and ownership structure, have been found to influence CSR implementation; large

¹⁵ F. Vanessa and C Meiden, "Beberapa Faktor Yang Mempengaruhi CSR Disclosure Pada Sektor Pertambangan Yang Terdaftar Di BEI Periode 2015-2018," *Jurnal Ilmu Komputer Dan Bisnis* 11, no. 2 (2020): 2415–2430, <https://doi.org/https://doi.org/10.47927/jikb.v11i2.3>.

¹⁶ C. L. Sembiring, "Manajemen Laba Dan Pengungkapan Tanggung Jawab Sosial Perusahaan Dengan Komisaris Independen Dan Kepemilikan Institusional Sebagai Variabel Pemoderasi," *Berkala Akuntansi Dan Keuangan Indonesia* 2, no. 1 (2017),

<https://doi.org/https://doi.org/10.20473/baki.v2i1.3544>.

¹⁷ M. K. S. SH et al., "Analisis Indeks Kepuasan Masyarakat Pada Program Wisata Konservasi Penyu Pt Gag Nikel," *Focus Jurnal Pekerjaan Sosial* 6, no. 1 (2023): 1, <https://doi.org/https://doi.org/10.24198/focus.v6i1.4888>.

¹⁸ A. A. Ma'ulla and I. I. Rachmawati, "Literature Review : Analisis Manfaat Penerapan Corporate Social Responsibility (Csr) Terhadap Citra Perusahaan Pertambangan," *Jmie* 1, no. 2 (2024): 62–75, <https://doi.org/https://doi.org/10.59407/jmie.v1i2.313>.

companies tend to have greater capacity for sustainable programs. However, local participation in CSR planning and implementation is essential to ensure the relevance and effectiveness of the program¹⁹.

Implementation barriers often arise, including a lack of in-depth understanding of the real needs of the community²⁰. Therefore, clear financial commitments and transparency in the allocation and use of CSR budgets are crucial for accountability^{21,22}. Companies also have a responsibility to respond to pressing issues such as climate change and waste management through their CSR agenda²³. Regular impact evaluation of CSR programs, involving stakeholders, is necessary to ensure long-term benefits. Finally, good CSR implementation also serves as a risk mitigation tool, reducing potential conflicts with the community²⁴.

The findings presented in the Results section highlight the close interconnection between the urgency of protecting community rights, the role of government regulation and oversight, and the implementation of corporate social responsibility (CSR)

obligations in creating sustainable and equitable mining management.

The synthesis of findings shows that the protection of community rights is not merely a normative or philosophical issue, but has significant practical implications for social stability and environmental sustainability in mining areas. This urgency is reinforced by empirical evidence regarding the negative impacts of mining, such as forced displacement and environmental damage. Increasing legal awareness and recognition of land rights and community consent emerged as key elements in community empowerment. These findings are in line with the role of the government which is expected not only to make regulations but also to ensure effective supervision and support public participation and protection of indigenous peoples' rights.

However, there is a significant gap between the ideal regulatory framework and its implementation on the ground, as indicated in the analysis of the role of government. This gap is often exploited or exacerbated by corporate practices. This is where the role of CSR becomes crucial. The obligation of

¹⁹ M. Khafid and M. Mulyaningsih, "Kontribusi Karakteristik Perusahaan Dan Corporate Governance Terhadap Publikasi Sustainability Report," *Ekuitas (Jurnal Ekonomi Dan Keuangan)* 19, no. 3 (2018): 340–359, <https://doi.org/https://doi.org/10.24034/j25485024.y2015.v19.i3.129>.

²⁰ I. Ariyanti and S. Hermawan, "Pengaruh Kinerja Lingkungan, Leverage, Dan Ukuran Perusahaan Terhadap Corporate Social Responsibility (Studi Empiris Pada Perusahaan Pertambangan Yang Terdaftar Di Bursa Efek Indonesia Tahun 2016-2020)," *Innovative Technologica Methodical Research Journal* 1, no. 4 (2024): 15, <https://doi.org/https://doi.org/10.47134/innovative.v1i4.45>.

²¹ P. P. R. A. Dewi and P. A. A. Agustina, "Ukuran Perusahaan, Leverage, Kinerja Perusahaan Dan Carbon Emission Disclosure," *Jurnal Ilmiah Manajemen Ekonomi*

& *Akuntansi (Mea)* 7, no. 3 (2023): 667–680, <https://doi.org/https://doi.org/10.31955/mea.v7i3.3383>.

²² T. D. Sidauruk and A. Yuliana, "Pengaruh Return on Assets, Ukuran Perusahaan Dan Pertumbuhan Perusahaan Terhadap Pengungkapan Corporate Social Responsibility," *Jurnal Liabilitas* 3, no. 1 (2018): 20–40, <https://doi.org/https://doi.org/10.54964/liabilitas.v3i1.30>.

²³ A. A. Y. Utami, "Pengaruh Kepemilikan Institusional, Kepemilikan Manajerial, Ukuran Direksi, Proporsi Dewan Komisaris Independen Dan Komite Audit Terhadap Penghindaran Pajak," *Jiip - Jurnal Ilmiah Ilmu Pendidikan* 6, no. 6 (2023): 4288–4302, <https://doi.org/https://doi.org/10.54371/jiip.v6i6.2156>.

²⁴ T. Jurnal and N. S. Manurung, "Ukuran Dewan, Keberagaman Dewan Dan Pengungkapan Tanggung Jawab Sosial Perusahaan: Peran Koneksi Politik," *Jurnal Bisnis Dan Akuntansi* 25, no. 1 (2023): 45–64, <https://doi.org/https://doi.org/10.34208/jba.v25i1.1722>.

companies to be transparent²⁵, manage the environment well, implement relevant empowerment programs, and involve local participation are potential bridges to overcome the negative impacts of mining and build more harmonious relationships. However, the implementation of CSR itself faces challenges, such as a lack of understanding of community needs and the need for systematic impact evaluation. The finding that CSR also functions as a risk mitigation for companies suggests that there are business incentives behind this practice, which need to be balanced with a genuine ethical commitment.

Theoretically, this research strengthens the arguments in the environmental law and social justice literature regarding the importance of a rights - based approach. approach) and participatory governance in natural resource management. The integration of rights protection, government regulation, and corporate CSR offers a more holistic framework than an approach that only focuses on one aspect. In practice, these findings have important implications for stakeholders. The government needs to strengthen oversight capacity, ensure consistent law enforcement, and facilitate meaningful public participation. Mining companies are encouraged to go beyond formal compliance with CSR regulations, towards implementing programs that are truly participatory, transparent, accountable, and have a long-term positive

impact on society and the environment. For civil society, these findings can be the basis for advocacy to strengthen the bargaining position of communities in negotiations with the government and companies.

Integration of Governmental Regulation and Islamic Environmental Ethics

Indonesia's statutory framework and Islamic jurisprudence together shape mining governance. The state enforces strict environmental laws (e.g. mandatory AMDAL licensing and CSR obligations under Law No.32/2009 and related mining regulations) to protect communities and ecosystems.²⁶ In parallel, Islamic teachings provide moral imperatives that complement legal rules. For example, Indonesian religious authorities frame environmental care as an intrinsic Islamic value: the MUI (Indonesian Ulema Council) has issued fatwas that inform public policy, making environmental stewardship a normative reference for governances.²⁷ In Quranic terms, wanton destruction is explicitly forbidden (e.g. QS 2:205 warns that Allah "does not like corruption" when people "walk the earth to do damage").²⁸ Thus, legal and religious approaches reinforce one another: the law provides enforcement machinery while Islamic ethics inculcate a duty not to harm nature or communities.

Legislative instruments codify CSR as a binding duty to local communities. Indonesian mining firms are required by multiple statutes

²⁵ Vanessa and Meiden, "Beberapa Faktor Yang Mempengaruhi CSR Disclosure Pada Sektor Pertambangan Yang Terdaftar Di BEI Periode 2015-2018."

²⁶ Januar Eko Prasetyo and others, 'Corporate Social Responsibility Community Development And Empowerment Program In Indonesia', *Journal of Management Information and Decision Sciences*, 24.1 (2021).

²⁷ Liana Nurul Qowiyyu and . Kusmana, 'MUI and the Issues of Sustainability: Challenge and Opportunity for Green Diplomacy', 2020, doi:10.5220/0009918908590868.

²⁸ Ya Rakha Muyassar and others, 'Environmental Jurisprudence and Its Implications for Mining Practices in Ngabang, West Kalimantan', 2023, doi:10.2991/978-2-38476-180-7_157.

to fund community development: CSR implementation has been made compulsory by the Investment Law No.25/2007, the Environmental Management Law No.32/2009, Company Law No.40/2007 and related regulations.²⁹ In practice, this means that extraction companies must allocate budgets and programs for education, health, livelihoods and environmental remediation in neighboring areas. Such regulatory mandates ensure that government-backed CSR programs (PKBL, PPM schemes) focus on local welfare and sustainability, reflecting a participatory vision in environmental law. This state-driven CSR regime aims to balance economic interests with communal rights, requiring firms to engage villagers in planning and to remediate land and water in mining.³⁰

Islamic jurisprudence offers parallel ethical goals that align with sustainability. Environmental jurisprudence (*fiqh al-bi'ah*) explicitly ties nature protection to the higher objectives (*maqāsid*) of Sharia. Leading jurists note that safeguarding religion, life, intellect, lineage and property inherently demands preserving the environment.³¹ Yusuf al-Qardhāwī and others explain that environmental *fiqh* is “an effort to create goodness and avoid harm,” placing the stewardship of earth under the same purpose as other Sharia objectives. For example, Islamic doctrine asserts that natural resources are a trust (*amānah*) granted to humanity;

communities have a collective duty to manage them justly. These principles reinforce governmental aims by cultivating a moral culture in which mining firms are spiritually accountable for preserving community welfare.

CSR practice exemplifies the synergy of law and Islamic values. Recent empirical studies find that Indonesian mining companies with Sharia compliance deliver stronger CSR performance.³² In other words, firms that adopt Islamic business ethics tend to invest more effectively in their host communities. Corporate disclosure analyses further show that many resource companies now frame CSR in Islamic terms: sustainability reports often reference *ḥabl min Allāh* (duties to God) and *ḥabl min al-nās* (duties to people) alongside Global Reporting Initiative indicators.³³ PT Timah (tin producer) and others score highly on Islamic CSR criteria, reflecting an integration of religious ethics into corporate behavior. These findings suggest that legal mandates and Islamic ethical motivation converge – when law requires CSR, Islam provides an additional incentive for companies to go beyond minimal compliance.

An integrated approach is thus advocated by scholars: strong regulation backed by genuine participation. Islamic-academic analysis argues that sustainable resource governance must combine enforceable policies with community engagement grounded in

²⁹ Prasetyo and others, ‘Corporate Social Responsibility Community Development And Empowerment Program In Indonesia’.

³⁰ Prasetyo and others, ‘Corporate Social Responsibility Community Development And Empowerment Program In Indonesia’.

³¹ Muyassar and others, ‘Environmental Jurisprudence and Its Implications for Mining Practices in Ngabang, West Kalimantan’.

³² Muhamad Mai and others, ‘Indonesian Mining Companies’ Social Responsibility Performance: The

Role of Ownership Structure and Sharia Compliance’, *Cogent Business & Management*, 11 (2024), doi:10.1080/23311975.2024.2396738.

³³ Nurafifah Wulandari and Rahmat Saleh, ‘Analysis of CSR Disclosure Practice in Sustainability Reports: A Case Study of Mining and Agriculture Companies in the Indonesia Sharia Stock Index’, *Widya Cipta: Jurnal Sekretaris Dan Manajemen*, 8 (2024), pp. 153–61, doi:10.31294/widyacipta.v8i2.22818.

cultural values. For example, one review urges that government action should include “strengthening regulations and policies” as well as “pressure on companies to provide space for public involvement”. In practice this means not only policing environmental laws, but also leveraging the participatory spirit of Islam (e.g. *shūrā*, *maslahah*) to involve villagers in decision-making. In sum, complementary state and Islamic frameworks can jointly promote participative and sustainable mining: state law supplies the backbone of oversight, while Islam infuses the process with a participatory ethics of justice and care.³⁴

Table 1: Integration of Indonesian Environmental Law and Islamic Environmental Ethics in Mining Governance

Legal Framework (Government Regulation)	Islamic Environmental Ethics	Integration and Synergy
Law No. 32/2009 mandates AMDAL and CSR for environmental protection and community development.	Qur’anic teachings (e.g., QS 2:205) prohibit environmental destruction; nature is a trust (<i>amānah</i>).	Law enforces obligations; Islam instills moral accountability. Both prevent harm to people and nature.
CSR is legally binding through Law No. 25/2007, No. 40/2007, and others. Companies must fund health, education, and environmental programs.	Fiqh al-bi’ah links environmental care to <i>maqāṣid al-sharī’ah</i> —preserving life, intellect, and property.	Legal CSR duties align with Islamic goals of public benefit (<i>maṣlaḥah</i>) and justice.
State-mandated CSR programs (e.g., PKBL, PPM) require community engagement and remediation.	Islamic ethics promote <i>shūrā</i> (consultation) and <i>adl</i> (justice) in resource management.	Government policy gains depth through Islamic participatory ethics and communal involvement.
Legal sanctions are imposed for violations (e.g., AMDAL non-compliance).	Islam forbids <i>fasād</i> (corruption and environmental harm); accountability is both legal and spiritual.	Dual enforcement: legal punishment and spiritual consequence reinforce compliance.

³⁴ Nurul Qowiyyu and Kusmana, ‘MUI and the Issues of Sustainability: Challenge and Opportunity for Green Diplomacy’.

Legal Framework (Government Regulation)	Islamic Environmental Ethics	Integration and Synergy
National policies promote sustainable development through regulation.	Religious fatwas (e.g., MUI) frame environmental care as a religious obligation.	Policies gain legitimacy and acceptance through religious guidance and moral language.
Empirical evidence links legal mandates with improved corporate behavior.	Sharia-compliant companies show better CSR performance, linking ethics to business.	Integration boosts effectiveness: law motivates externally, Islam motivates internally.

Case Studies: Community Rights Protection in Indonesian Mining Practice

In real-world mining contexts, community rights are defended through both legal channels and Islamic norms. Legally, Indonesia’s constitution and agrarian law nominally recognize customary (*adat*) land rights, but mining regulations often override these protections. As one analysis notes, despite constitutional assurances, mining is treated as a “crucial national priority,” and indigenous landholders “are not given alternatives other than surrendering their land” to state-sanctioned operations.³⁵ This legal imbalance has historically marginalized village communities, creating conflicts when land is allotted without proper consent. Nevertheless, environmental statutes do mandate public participation: communities must be consulted in AMDAL processes and can challenge projects in courts. The gap between legal theory and practice has led communities to seek additional safeguards, including invoking Islamic concepts of rights and justice.

³⁵ Ismail Rumadan and Ummu Salamah, ‘Legal Status of Indigenous Land Rights in Indonesia’s Mining Investment Policy’, 2023, doi:10.2991/978-2-38476-180-7_94.

One illustrative case is small-scale tin mining in Bangka-Belitung. Here, unlicensed community mining has been both an economic boon and an environmental concern. Field research found that artisanal tin operations “contributed positively to the economic growth” of the region but also generated “negative repercussions” due to their illegality.³⁶ In particular, the study documented how rampant informal mining harmed reclamation efforts and local human resource development” and show “a deficiency in...reclamation” supervision. The authors call for formalizing these activities: the government should issue community mining permits to integrate these operators into the legal framework and enforce sustainable practices. This example highlights how rights-based community interests clash with lawlessness, and how legal channels (permits, enforcement) are needed to protect both people and environment.

Religious authorities have also taken proactive steps to guide mining communities. In 2011, the MUI issued Fatwa No. 22/2011 on “Environmentally Friendly Mining” in response to rising illegal logging and mining.³⁷ The fatwa explicitly bans harmful mining practices, effectively declaring environmentally destructive activities as impermissible (haram) under Islamic law. By framing environmental harm in moral-religious terms, the fatwa equips local Muslim communities with a normative tool: they can interpret its guidance as supporting their demands for clean, fair mining. In practice, such edicts by respected

clerical bodies can sway public opinion and put pressure on companies and authorities to comply with both the letter and spirit of environmental regulations.

Customary norms often intersect with Islamic values to bolster community rights. Many Muslim-majority adat communities view land as communal trust and resource-sharing as a religious obligation. For example, local leaders may cite the Qur’an in encouraging restraint: the verse from Al-Baqarah warns that those who travel the earth to spread corruption will face divine disapproval.³⁸ This scriptural injunction is commonly interpreted to prohibit mining practices that harm neighbors or ecosystems. In practice, some villages subject prospective investors to *musyawarah* (community consultation) grounded in adat-syari’ah principles, effectively insisting on fair compensation and environmental safeguards. While regional implementation varies, these hybrid adat-Islamic norms provide an additional avenue for communities to assert their rights in mining areas.

Overall, Indonesia’s experience shows that protecting communities under mining regimes often involves dual legal-religious strategies. In some cases, mining companies themselves have integrated Islamic philanthropy into CSR: distributing zakat or partnering with mosques to provide social services in mining zones. More broadly, Islamic environmentalism has gained ground: influential scholars and activists emphasize that nature care is a *fard kifāyah* (collective

³⁶ Dian Nuswantara and Dhea Pramesti, ‘Corporate Social Responsibility Regulation in the Indonesian Mining Companies’, *The Journal of Asian Finance, Economics and Business*, 7 (2020), pp. 161–69, doi:10.13106/jafeb.2020.vol7.no10.161.

³⁷ Nurul Qowiyyu and Kusmana, ‘MUI and the Issues of Sustainability: Challenge and Opportunity for Green Diplomacy’.

³⁸ Muyassar and others, ‘Environmental Jurisprudence and Its Implications for Mining Practices in Ngabang, West Kalimantan’.

duty) for Muslims, urging that “environmental preservation is an obligation of Muslims”. By framing ecological stewardship as a faith-driven imperative, religious discourse strengthens the social mandate for responsible mining. Thus, village communities can invoke not only state law but also Islamic moral authority—through fatwas, religious injunctions, or faith-informed adat—in pressing for their land and livelihood protections. Together, statutory rights and Islamic values form a dual support system, reinforcing the principle that community welfare must be a central pillar of sustainable mining policy.

Conclusion

This article has deeply analyzed the urgency of protecting community rights, the crucial role of government, and the obligation of corporate social responsibility (CSR) in the context of mining management in Indonesia, based on the perspective of environmental law. The main findings confirm that these three aspects are closely interrelated and are fundamental pillars for realizing mining practices that are not only economically profitable, but also socially just and environmentally sustainable. The urgency of protecting community rights, rooted in the principles of justice and sustainability and supported by developing legal precedents, demands a meaningful participation and consent mechanism, not just formal consultation.

The role of government as a regulator and supervisor is vital, but it faces implementation challenges and gaps between policies and practices in the field. Strengthening supervisory capacity, consistent law enforcement, and facilitating effective public participation are key to improving government performance in protecting community and

environmental rights. On the other hand, mining companies’ CSR obligations go beyond mere legal compliance; they demand a commitment to transparency, good environmental management, relevant and participatory community empowerment programs, and accountable impact evaluation. Effective CSR implementation serves not only as risk mitigation but also as a long-term social investment.

In conclusion, sustainable and equitable mining management can only be achieved through an integrated approach that harmoniously balances economic, social and environmental interests. This requires a joint commitment and synergy between the government, mining companies and communities. Continuous efforts are needed to strengthen the legal framework, improve governance effectiveness, ensure substantive CSR implementation and, most importantly, place the protection of community rights and environmental sustainability at the heart of every policy and practice in the mining sector. Only then can the potential of natural resources be utilized for the greatest prosperity of the people in a fair and sustainable manner.

Building on our discussion, it is clear that statutory mandates—such as FPIC requirements, AMDAL procedures, and compulsory CSR funding—are significantly strengthened when reinforced by Islamic ethical principles of stewardship (*amanah*) and justice (*‘adl*). Community case studies show that when religious authorities issue environmental fatwas and villagers invoke Islamic norms in local consultations, communities gain both moral and legal leverage to secure fair compensation, demand proper land rehabilitation, and hold companies accountable. Embedding Islamic

environmental jurisprudence into government policy and CSR frameworks therefore provides a normative and ethical foundation that amplifies legal protections, ensuring that sustainable mining governance truly serves both people and the planet.

Credit Authorship Contribution

Niken Yulian Yusuf conceptualized the research idea, led the development of the manuscript structure, and wrote the introduction and conclusion sections. Maskun provided critical input on the legal analysis, supervised the overall study, and ensured alignment with national legal frameworks. Arfin Hamid contributed to the theoretical and doctrinal analysis and helped synthesize the discussion related to legal implications. Ratnawati conducted the literature review and assisted in compiling supporting data and references. Muhammad Mutawalli Mukhlis developed the comparative Islamic law perspective, formulated the case study section, and helped refine the methodology. All authors contributed substantially to the writing and approved the final version of the manuscript.

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The authors declare that they have no competing interests. There are no financial, institutional, or personal relationships that could have influenced the research presented in this paper.

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