Dualism in Law Enforcement and Corporate Responsibility in Nickel Mining in Raja Ampat: A Comparative Study of PT Gag Nikel and PT Anugerah Surya Pratama

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Abstract
This article examines nickel mining in Raja Ampat Regency, Southwest Papua, comparing PT Gag Nikel (PT GN), which retained its operating license, against PT Anugerah Surya Pratama (PT ASP), whose Mining Business License (IUP) the government revoked on 10 June 2025. Both companies operated in small island areas prohibited from mineral extraction under Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands and Constitutional Court Decision No. 35/PUU-XXI/2023. This normative legal research applies statutory and comparative approaches to two questions: first, whether revoking PT ASP's IUP while continuing PT GN's operations reflects equitable law enforcement; and second, whether both companies have fulfilled obligations under international instruments including the UDHR, ICCPR, ICESCR, ILO Convention No. 169, UNDRIP, the UN Guiding Principles on Business and Human Rights (UNGPs), the UN Global Compact (UNGC), the ESG framework, and the SDGs. The findings reveal selective enforcement patterns and significant corporate sustainability gaps. PT GN, backed by a 1998 Contract of Work and a parent company registered with the UNGC, demonstrates comparatively stronger compliance, yet shares with PT ASP a failure to secure Free, Prior, and Informed Consent (FPIC) from indigenous communities. This article argues that the regulatory framework requires comprehensive reform, law enforcement must be applied consistently, and corporate responsibility must be strengthened to protect this globally recognized geopark region.

Keywords: Raja Ampat; Nickel Mining; Small Islands; UN Global Compact; Corporate Sustainability; FPIC

Introduction

Raja Ampat Regency, located in Southwest Papua Province, Indonesia, encompasses one of the world's most biodiverse marine ecosystems. Designated as a UNESCO Global Geopark in 2023, the archipelago hosts more than 75% of the world's known coral species and serves as the primary livelihood base for tens of thousands of indigenous Papuan fishing communities (Maspul, 2025). The convergence of these ecological and social values with Indonesia's ambitions for nickel-based battery mineral development has produced a governance crisis that came to a head in June 2025, when President Prabowo Subianto revoked the IUPs of four mining companies while simultaneously permitting PT Gag Nikel (PT GN) to continue operations on Gag Island.

The legal controversy is layered. Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands (the PWP3K Law) explicitly prohibits mineral extraction on small islands, defined as those not exceeding 2,000 km². Constitutional Court Decision No. 35/PUU-XXI/2023 reinforces this prohibition by finding that mining in such areas may cause irreversible environmental damage inconsistent with the precautionary principle (Andini & Mina, 2025). Both PT GN on Gag Island (60 km²) and PT ASP on Manuran Island (0.75 km²) operate in legally prohibited zones, yet the government's enforcement response treated them differently.

The selective revocation has attracted sustained criticism from environmental organizations, indigenous rights advocates, and legal scholars. The Association of Indigenous Law Teachers (APHA, 2025) publicly demanded consistent enforcement, while Climate Rights International (2025) documented ongoing human rights and environmental violations in Indonesia's nickel supply chain. Internationally, the episode intersects with growing scrutiny of Indonesia's compliance with voluntary and binding commitments under the UNGPs, the UNGC, UNDRIP, and the SDGs.

Prior scholarship has examined mining governance on small islands (Aris & Ekawati, 2025), corporate liability under environmental law (Hasibuan et al., 2025), and FPIC obligations in Indonesian mining licensing (Hamid & Nita, 2024; Prihandono et al., 2023). None, however, has applied a systematic comparative legal analysis to the PT GN PT ASP disparity or benchmarked both companies simultaneously against the full spectrum of applicable international instruments. This article fills that gap.

Two research questions guide the analysis: (1) Is the government's differentiated response revoking PT ASP's IUP while retaining PT GN's consistent with the prohibition on mining in small island areas and equitable law enforcement within Indonesia's mining and environmental law framework? (2) To what extent have PT GN and PT ASP fulfilled their obligations under the UDHR, ICCPR, ICESCR, ILO Convention No. 169, UNDRIP, UNGPs, UNGC, ESG standards, and the SDGs, particularly regarding indigenous communities' rights, the right to a healthy ecosystem, and corporate sustainability?

This research contributes to three bodies of literature: the governance of extractive industries on ecologically sensitive small islands; the implementation of international human rights frameworks in Indonesian mining law; and the relationship between voluntary corporate sustainability commitments (UNGC, ESG) and mandatory legal compliance.

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Research Method

This study applies normative legal research, a doctrinal approach that examines law through the analysis of primary and secondary legal sources to identify legal principles, consistency of application, and gaps between norms and practice (Benuf & Azhar, 2020). The research employs two complementary methods: a statutory approach, which systematically examines applicable Indonesian legislation and international instruments, and a comparative approach, which places PT GN and PT ASP side by side across identical legal and sustainability criteria.

Primary legal sources include the 1945 Constitution of the Republic of Indonesia; Law No. 39 of 1999 on Human Rights; Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands; Law No. 32 of 2009 on Environmental Protection and Management; Law No. 3 of 2020 on Mineral and Coal Mining; Presidential Regulation No. 5 of 2025 on Forest Area Supervision; and Constitutional Court Decision No. 35/PUU-XXI/2023. International instruments analyzed include the UDHR, ICCPR, ICESCR, ILO Convention No. 169, UNDRIP, the UNGPs, the UNGC Ten Principles, and the SDGs 2030 Agenda.

Secondary sources include peer-reviewed journal articles (domestically accredited Sinta 1-4 and internationally indexed), institutional reports from Climate Rights International, the Natural Resource Governance Institute, the International Institute for Sustainable Development, and the UN Working Group on Business and Human Rights, as well as data from the Ministry of Energy and Mineral Resources (MOEM) ESDM One Map platform.

Data analysis follows the legal reasoning framework of identification, description, systematization, and evaluation of legal norms (Marzuki, 2021). For the comparative dimension, both companies are assessed against identical criteria: legal basis, environmental compliance, FPIC implementation, UNGC registration, ESG performance, and SDG alignment. The resulting analysis is synthesized into findings on law enforcement consistency and international accountability.

Results and Discussions

Case Background: PT Gag Nikel and PT Anugerah Surya Pratama

PT Gag Nikel has operated on Gag Island since 1972, when nickel exploration began. On 19 January 1998, President Soeharto signed Generation VII Contract of Work No. B53/Pres/I/1998, covering 13,136 hectares. Asia Pacific Nickel Pty. Ltd. held 75% of shares and PT Antam Tbk. held 25%. In 2008, PT Antam Tbk. acquired all outstanding shares, making PT GN a wholly owned state enterprise subsidiary (Sari et al., 2025).

By 2025, PT GN held a comprehensive permit portfolio: an AMDAL approved in 2014, addenda in 2022 and 2024, Forest Area Borrowing and Use Permits from 2015 and 2018, and a 2025 RKAB targeting 3 million wet metric tons (WMT). Of the 187.87-hectare mine-affected area, 135.45 hectares (72%) had undergone reclamation. PT GN's

production rights extend to 30 November 2047 under MOEM Ministerial Decree No. 430.K/30/DJB/2017 (Aris & Ekawati, 2025).

PT Anugerah Surya Pratama, a foreign-invested company connected to PT Wanxiang Nickel Indonesia, concentrated operations on Manuran Island. Although the company reported an initial concession area of 1,173 hectares, MOEM and ESDM One Map data record 10,673 hectares an area exceeding Manuran Island's total land mass of approximately 746.88 hectares (Natsir et al., 2024). The Production Operation IUP (Decree No. 91201051135050013, dated 7 January 2024) ran to 7 January 2034. The company's AMDAL document dated from 2006 and had never been updated.

Raja Ampat's designation as a UNESCO Global Geopark in 2023 exposed a direct contradiction: all of PT ASP's permits predated the geopark designation, demonstrating that mining licensing proceeded with no regard for the area's conservation function (Maspul, 2025). Between 26 and 31 May 2025, a MOEF inspection team documented serious violations. Inspectors found strong grounds to suspect PT ASP of criminal acts involving pollution and destruction of the aquatic ecosystem surrounding Manuran Island (Climate Rights International, 2025).

On 10 June 2025, President Prabowo Subianto convened a Restricted Cabinet Meeting that revoked the IUPs of PT ASP, PT Mulia Raymond Perkasa, PT Kawei Sejahtera Mining, and PT Nurham, while PT GN continued under heightened supervision. Three grounds supported the PT ASP revocation: proven environmental violations; operational area within the Raja Ampat Geopark; and a 2025 RKAB rejected for failing administrative requirements, including the absence of an updated AMDAL (Andini & Mina, 2025). In September 2025, the government reinstated PT GN's temporarily suspended license, prompting renewed protests from Greenpeace and more than 60,000 petition signatories opposing reinstatement.

Company	Location	Violations	Human Rights Implications
PT GN	Gag Island (60 km²)	Mining on small island contrary to Law No. 1/2014; AMDAL not updated since 2014	Threatens right to healthy life; intergenerational equity; indigenous land rights
PT ASP	Manuran Island (0.75 km²)	2006 AMDAL never updated; concession exceeds island area; documented water pollution	Violates right to health, food, and environment; indigenous peoples' land rights

Table 1. *Summary of Violations and Human Rights Implications*

Inconsistency in Law Enforcement: Analysis of the First Legal Issue

Article 33(3) of the 1945 Constitution requires that natural resources serve the welfare of all the people, not benefit a few. Article 33(4) adds that the national economic order must observe principles of sustainability and environmental sensitivity. Raja Ampat, ecologically fragile and composed of protected small islands, tests these constitutional commitments directly. Mining operations there have disrupted the ecosystem, threatened the tourism sector, damaged fishery resources, and narrowed the living space of local communities. Short-term economic gains are disproportionate to that ecological and social cost (Benuf & Azhar, 2020).

Article 9 of Law No. 39 of 1999 on Human Rights guarantees the right to life and self-improvement (paragraph 1), psychological and physical well-being (paragraph 2), and a healthy living environment (paragraph 3). Nickel mining in Raja Ampat touches all three. Given that nearly 97% of Raja Ampat's territory is a conservation area, mining damage threatens the livelihood base of communities dependent on the marine ecosystem, conflicting with the guarantees of life, security, and welfare under Article 9 (Hasibuan et al., 2025).

The PWP3K Law (Law No. 1 of 2014, amending Law No. 27 of 2007) defines small islands as those not exceeding 2,000 km². Article 23(2) lists nine priority uses for such islands: conservation; education and training; research and development; marine aquaculture; tourism; sustainable fisheries; organic agriculture; animal husbandry; and national defense. Nickel mining does not appear among them. Article 35(k) explicitly bans mineral extraction proven to cause environmental damage in technical, ecological, social, or cultural terms.

Field evidence from Gag Island shows deforestation, sedimentation, water pollution, coral reef damage, and habitat loss satisfying every element of the Article 35(k) prohibition. The operations also potentially violate Articles 35(a) and (d) on coral reef impacts and Articles 35(e) and (l) on mangrove ecosystem destruction (Amkieltiela & Siry, 2021). At 60 km², Gag Island squarely meets the small island definition, and PT GN's 1998 Contract of Work does not override prohibitions established by subsequent environmental legislation.

Law No. 32 of 2009 on Environmental Protection and Management requires an AMDAL for any business activity with the potential for significant environmental impact (Article 22(1)). Article 98 prescribes criminal sanctions of imprisonment from three to ten years and fines from IDR 3 billion to IDR 10 billion for proven polluters. PT ASP operated without an updated AMDAL for nearly two decades and polluted the surrounding waters, constituting cumulative serious violations. Those violations do not, however, resolve the equal applicability of the small island mining prohibition to PT GN.

Law No. 3 of 2020 on Mineral and Coal Mining requires IUP holders to satisfy administrative, technical, environmental, and financial requirements cumulatively before commencing production (Articles 39(k) and 46(2)). Presidential Regulation No. 5 of 2025 on Forest Area Supervision provides the normative basis for licensing supervision in the geopark area. Constitutional Court Decision No. 35/PUU-XXI/2023 affirms that mineral extraction on small islands may cause irreversible damage contrary to the precautionary

principle. Under that decision, both PT GN and PT ASP are potentially in violation of the same legal norm (Natsir et al., 2024).

Aspect	PT Gag Nikel	PT ASP
Legal Basis	Contract of Work VII (1998)	Production Operation IUP (2024)
Location	Gag Island (±60 km²)	Manuran Island (±0.75 km²)
Concession Area	13,136 ha	10,673 ha (exceeds island area)
AMDAL (EIA)	2014, updated 2022 & 2024	2006, never updated
RKAB 2025	Approved (3 million WMT)	Rejected by MOEM
Reclamation	135.45 ha (72% of open area)	No record
UNGC Status (parent)	Active (PT Antam, since Feb 2024)	Not registered
IUP Status	Retained	Revoked 10 June 2025
Potential Violation of Law 1/2014	Yes (small island)	Yes (small island + concession exceeds island area)

Table 2. *Comparative Legal Profile of PT Gag Nikel and PT ASP*

The comparative profile (Table 2) reveals that while PT ASP's violations are more extensive and better documented, PT GN operates under the same legal prohibition on small island mining. The government's differentiated treatment rests primarily on PT GN's superior administrative compliance an updated AMDAL, an approved RKAB, active reclamation, and state-enterprise ownership rather than on a legal determination that the small island prohibition does not apply. This constitutes selective enforcement grounded in financial and political considerations rather than legal principle (Aris & Ekawati, 2025).

Compliance with International Standards: Analysis of the Second Legal Issue

Mining operations in Raja Ampat risk violating Articles 11 and 12 of the ICESCR. Article 11 protects the right to an adequate standard of living including food sufficiency; Article 12 protects the right to the highest attainable standard of health. Fishing communities whose livelihoods depend on the marine ecosystem experience coral reef destruction, sedimentation, and pervasive pollution as direct threats to survival. PT ASP, which continued mining without a valid environmental document and polluted the waters

surrounding Manuran Island, bears the most direct responsibility (ICESCR, 1966, arts. 11-12).

Neither company has produced evidence of meaningful consultation or a valid FPIC process with Raja Ampat's indigenous communities. This violates Article 27 of the ICCPR, which protects minority groups' right to practice their culture, and Article 15 of ILO Convention 169, which requires meaningful consultation before mineral exploration or exploitation begins. Article 32 of UNDRIP adds a further obligation by requiring states to obtain indigenous communities' consent before approving projects touching upon their lands, resources, and territories (Kastu Suardana et al., 2025; Prihandono et al., 2023). IUPs were issued to PT GN in 1998 and to PT ASP in 2024 without demonstrable evidence of an accountable FPIC process, violating UNDRIP's requirements.

PT Antam's registration as an active UNGC participant since 6 February 2024 (profile: unglobalcompact.org/participants/162570) binds PT GN to all ten UNGC principles. UNGC Principle 7 requires companies to prioritize a precautionary approach to environmental risks. Operating an open pit mine in the world's highest marine biodiversity area is difficult to reconcile with that principle. Estimates from LPEM FEB UI show that 5,702 hectares of undeforested land on Gag Island fall within the concession, representing substantial forward-looking environmental risk (UN Global Compact, 2025; Climate Rights International, 2025). PT ASP holds no UNGC registration and carries no accountability mechanism: no sustainability report, no grievance channel, and no trace of human rights due diligence.

An ESG assessment shows contrasting performance. On the environmental dimension, PT GN has reclaimed 72% of the total open mining area while PT ASP has no reclamation record. On the social dimension, neither company meets adequate FPIC standards, though PT GN operates CSR programs as a consequence of its state-enterprise ownership. On the governance dimension, PT GN maintains a clearer accountability structure, whereas PT ASP has disclosed almost nothing and reportedly closed its operational office on Manuran Island (Maulidia & Bridle, 2025). Against SDG 14 and SDG 15, both companies exert damaging pressure on marine and terrestrial ecosystem preservation targets, with PT ASP's impact more acute and more extensively documented.

The UNGPs' three-pillar framework Protect, Respect, and Remedy—clarifies responsibility across actors. The Indonesian government's first-pillar duty to protect has been partially fulfilled through IUP revocations, but inconsistent application against PT GN undermines credibility. The second-pillar corporate duty to respect requires human rights due diligence; PT GN's performance is inadequate, and PT ASP's is effectively absent. The third pillar right to remedy remains inaccessible to affected communities, with no disclosed grievance mechanism from either company (Hamm, 2021).

Conclusion

This study confirms a substantial disparity in law enforcement across the Raja Ampat nickel mining cases. Revoking PT ASP's IUP rests on solid legal grounds given its cumulative violations: an AMDAL unrevised for nearly two decades, a concession area exceeding the island's own territorial boundaries, an RKAB that failed administrative

verification, and documented evidence of ecosystem pollution. Allowing PT GN to continue production contains a juridical defect of equal gravity: Gag Island, at 60 km², also falls within the small island category the PWP3K Law prohibits from mining, a prohibition reinforced by Constitutional Court Decision No. 35/2023. The 1998 Contract of Work does not override prohibitions established by subsequent environmental legislation. This pattern of selective enforcement sets a dangerous precedent (Aris & Ekawati, 2025).

The second finding reveals a gap in international accountability between the two companies. PT GN, through PT Antam's active UNGC membership, has a stronger normative foundation, yet serious deficiencies remain in FPIC compliance and long-term environmental risk mitigation. PT ASP is absent from every international accountability framework: no UNGC registration, no human rights due diligence, no ESG reports, and no FPIC procedures as required by UNDRIP and ILO Convention 169. Both companies share one critical failure: neither conducted meaningful consultation with Raja Ampat's indigenous communities, violating standards required by the ICCPR, ICESCR, UNDRIP, and ILO Convention 169 (APHA, 2025).

Based on these findings, the authors recommend: (1) the government and DPR close the legal gap between legacy Contracts of Work and the PWP3K Law's small island mining prohibition through transparent resolution mechanisms; (2) the Ministry of Environment and Forestry initiate criminal proceedings against PT ASP's management under Article 98 of Law No. 32 of 2009; (3) Indonesia ratify ILO Convention No. 169 to strengthen indigenous peoples' legal protections; (4) an independent supervisory body including indigenous community representatives be established to monitor PT GN's compliance; (5) PT Antam publish a Communication on Progress (COP) report under the UNGC demonstrating implementation of all ten principles at PT GN; (6) an independent ESG audit of PT GN be publicly disclosed; and (7) the Indonesian government formulate a National Action Plan on Business and Human Rights (NAP-BHR) governing mining in conservation areas and small islands (UN Working Group on Business and Human Rights, 2023; NRGI, 2025).

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Competing Interest

The authors state that there is no conflict of interest in the publication of this article.

Generative AI Statement

During the preparation of this manuscript, the authors used Claude (Anthropic) to assist with translation from Indonesian to English and to refine language and improve readability. Following this process, the authors critically reviewed, edited, and validated the output to ensure accuracy and scientific integrity. The authors maintain full accountability for the final content. AI was used solely as a supportive tool and is not credited with authorship. No original data analysis or interpretations were performed by AI without human oversight.