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Unraveling the Darkness of Raja Ampat: A Neglected Criminal Justice System

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Abstract:
This study examines the complex challenges confronting Raja Ampat, a globally significant region renowned its extraordinary marine biodiversity and rich cultural heritage, through the lens of an integrated criminal justice system. Raja Ampat is increasingly imperiled by illegal activities, including unregulated nickel mining and environmental exploitation, which threaten both ecological integrity and social well-being. Utilizing a normative legal methodology with statue and conceptual analysis, this research critically evaluates the current application of justice mechanisms involving law enforcement, judicial institutions, correctional services, and community participation. The study reveals critical systemic weaknesses, including fragmented legal authorities, poor coordination with local communities, and inadequate policy integration, that perpetuate illegal practices and social conflicts. Importantly, this study emphasizes the need to harmonize environmental regulations with criminal law frameworks to establish stronger deterrents against ecological crimes. Beyond its regional focus, this study contributes to the international discourse on ecological governance and criminal justice by providing a replicable model of integrated legal frameworks that balance ecological conservation with community empowerment. The findings provide actionable insights for global policymakers, law enforcement agencies, and civil society organizations seeking to enhance justice systems as effective instruments for sustainable development and social equity. Ultimately, this study advocates for a collaborative and comprehensive approach to justice system that aligns enforcement mechanisms with global sustainability goals, thereby supporting the preservation of biodiversity hotspots worldwide.

Keywords:
criminal justice system; Raja Ampat; unraveling.

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Introduction

Like it or not, law and licensing should go hand in hand.[1] Law is an instrument to ensure that no action is carried out based on the interests of a particular group.[2] Meanwhile, licensing is a concrete manifestation of that law. Law and licensing are an important part of society and the government system, which aims to create order, ensure justice, and ensure that business activities are in accordance with applicable norms and standards.[3] Simply put, law is the foundation for governance, while licensing serves as a control mechanism and provides

[1] O V Berezhnyy, "Evolution of Normative and Legal Definition Concept of Licensing," *Social Law*, no. 2 (2024): 72–79.
[2] Lita Tyesta Addy Listya Wardhani, Muhammad Dzikirullah H. Noho, and Aga Natalis, "The Adoption of Various Legal Systems In Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems," *Cogent Social Sciences* 8, no. 1 (December 31, 2022), https://doi.org/10.1080/23311886.2022.2104710.
[3] Maimanah et al., "Delay in the Division of Inheritance: A Theoretical Review Within Legal System Framework in Indonesia," *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (2024): 241–57, https://doi.org/10.18592/sjhp.v24i1.12916.

legitimacy. Law and licensing have a symbiotic and inseparable relationship. Therefore, every permit granted must be based on applicable law. In its creation, the law must also consider justice, certainty, and the characteristics of the group subject to the regulation. Thus, the resulting law is also responsive and takes into account the interests of the community. Law provides a basic framework and legitimacy for every action, while licensing serves as an operational mechanism to control, supervise, and ensure that every activity operates within the legal framework and meets the established standards.[4] To achieve maximum effectiveness, a strong, transparent, and enforceable legal system is needed, as well as a simple, fast, efficient, and corruption-free licensing system.

However, this entire concept does not apply to the nickel licensing process in Raja Ampat. The efforts of the current government regime to create nickel downstream businesses appear to be one of the factors supporting the haphazard issuance of nickel licenses. Long before now (around 1970), PT Gag Nikel, a subsidiary of PT Antam, has been exploring Gag Island since 1972 and signed a Contract in 1998.[5] However, the construction phase was only carried out between 2015 and 2017, and production began in 2018. At the time of production in that year, this licensing case had not yet come to the public's attention. This situation raises concerns about improper permit management. Permits should be granted based on careful consideration, with accountable academic requirements and adequate environmental considerations. However, these requirements are not being met.

This case came to the surface, around early June 2025, when the environmental organization Greenpeace Indonesia released findings and analysis regarding the threat of damage to the law and marine ecosystem in Raja Ampat due to mining. This case then became a public spotlight, because Raja Ampat's position as a conservation area has many small islands, which should be prohibited from mining based on Article 23 paragraph (2) of Law Number 1 of 2014 concerning Management of Coastal Areas and Small Islands. Raja Ampat is also a tourist destination, both foreign and domestic, which of course will have a positive impact on the economy in Raja Ampat. If Raja Ampat area is damaged, it is feared that tourism income will decline due to environmental damage caused by nickel mining. The tourism sector is also the one most threatened if this mining is carried out.

In addition to PT Gag, four other companies also operate in Raja Ampat. There are PT Anugerah Surya Pratama (PT ASP), which operates on Manuran Island, PT Kawei Sejahtera Mining (PT. KSM), which operates on Kawe Island, PT. Mulia Raymond Perkasa (PT MRP), which operates on Batang Pele Island, and PT Nurham, which operates on Waegeo Island. After this case became a public discussion, President Prabowo Subianto decided to revoke the Mining Business License (IUP) of four companies, namely PT ASP, PT KSM, PT MRP, and PT Nurham. As for PT Gag Nikel, its license was not revoked. The government argued that it was bound by a Contract with PT Gag Nikel since 1998. This Contract is a permit that was issued during the New Order era, and will only expire in 2047. In addition, PT Gag Nikel has submitted a Work Plan and Budget (RKAB) to the government for 2025.[6] Meanwhile, the other

[4] I Dewa Gede Atmadja and Ketut Adi Wirawan, "Legal Principles in Legal System," in *International Conference on "Changing of Law: Business Law, Local Wisdom and Tourism Industry"(ICCLB 2023)*, 2023, 583–90.
[5] Indra Purnama, "Profil PT Gag Nikel Di Pulau Gag Yang Diperbolehkan Terus Beroperasi," 2025.
[6] Eka Yudha Saputra, "Pemerintah Cabut 4 Izin Usaha Tambang Di Raja Ampat," 2025.

four companies did not. This condition is what caused PT. Gag Nikel's permit not to be revoked, while the other four companies had their permits revoked.

Although it will only expire in 2047, PT Gag Nikel will actually enter the post-mining phase as of 2038. This means that since 2038, the company has been required to carry out land reclamation and rehabilitation. In addition, from several sources obtained, PT Gag Nikel plans to extend its operational permit after 2038 if there are still potential nickel reserves. It is important to note that this Contract is a "legacy" from the New Order era (signed by President Soeharto) and is one of the reasons why PT Gag Nikel can still operate on Gag Island. In fact, the Coastal and Small Islands Management Law of 2007 (as amended in 2014) has clearly prohibited mining on small islands.

By this definition, PT. Gag Nikel case is a complex issue involving environmental aspects, licensing, and alleged violations of the law. Therefore, the handling of this case cannot be limited to the administrative or civil realm. A criminal justice system (SPP)[7] approach is needed to resolve this case. Then, the legal issue that arises from this debate is about the conflict of norms. The conflict of norms that occurs is the clash of norms between the PT Gag Nikel Contract issued in 1998 with the Coastal and Small Islands Management Law of 2007 (as amended in 2014). The Contract issued in 1998 clearly allows nickel mining in the Raja Ampat area. However, the Law clearly prohibits it. This is the main legal issue that will be addressed in this study. Then, after the norm conflict that occurs, the legal issue will continue with the solution to the problem, whether using the Criminal justice system, or using another case resolution pattern. This study will answer all of these issues. Thus, this study will focus on resolving the norm conflict that occurs, and how to answer the challenges of interpretation and proper law enforcement. The position of law enforcement chosen is criminal law enforcement which must be able to interpret and apply the law progressively to protect the interests of the greater environment.

This study differs from several previous articles or studies, for example, the article published by Kurniawan Arif Maspul.[8] Maspul, by his article, continues to discuss the normative impacts of nickel mining in Raja Ampat. Maspul even suggests the need for more integrative and stringent law enforcement in addressing the Raja Ampat issue. This article can be considered a follow-up to Maspul's article, using a criminal justice system approach. The second article, similar to the current study, is by Nasution.[9] Although both discuss Raja Ampat, the study emphasizes the comments of a mass organization in Indonesia that differ from the spirit of law enforcement. Finally, there is an article by Nuraini et al.[10] Nuraini discusses the importance of an institutional approach in the law enforcement process in Raja

[7] Ichsan Anwary, "Exploring the Interconnectedness Between Public Administration, Legislative Systems, and Criminal Justice: A Comparative Analysis of Malaysia and Indonesia," *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 172–82, https://doi.org/10.5281/zenodo.4756211.

[8] Kurniawan Arif Maspul, "Sacrificing Paradise: Indonesia's Green Energy Ambitions and the Future of Raja Ampat," *Journal of Environmental Economics and Sustainability* 2, no. 3 (June 11, 2025): 22, https://doi.org/10.47134/jees.v2i3.711.

[9] Aditya Kurniawan Nasution, "Environmental Conflict Communication PBNU and Activist Perspectives on Mining in Raja Ampat: A Discourse Analysis of the ROSI Kompas TV Broadcast," *International Journal of Environmental Communication (ENVICOMM)* 3, no. 1 (2025): 57–69, https://doi.org/https://doi.org/10.35814/envicomm.v3i1.8880.

[10] Nuraini Nuraini et al., "Access Justice And Strengthening The Institutional Performance Of Marine Ecotourism Management In Raja Ampat, Indonesia," *Journal of Sustainability Science and Management* 16, no. 8 (December 2021): 268–88, https://doi.org/10.46754/jssm.2021.12.020.

Ampat. However, this study does not elaborate on how to follow up on the ideas it brings. Therefore, this study can be used to supplement technical arguments regarding how to strengthen institutions, especially within the criminal justice system, in resolving the Raja Ampat case.

This study aims to unravel the complexities behind the criminal justice system's failure to protect Raja Ampat, employing an integrated criminal justice system framework that emphasizes multi-institutional cooperation and community engagement. By adopting a normative legal approach, this study critically examines the statutory provisions and conceptual foundations underpinning the administration of justice in Raja Ampat. The findings aim to highlight the systemic weaknesses that enable environmental crimes to persist and provide actionable recommendations for reform. In essence, this study has two main points to discuss. First, why the case in Raja Ampat occurred. This first section will discuss the factors that caused the licensing failure in Raja Ampat. Furthermore, it will explain how the failure of the licensing system impacted the environment in Raja Ampat. Second, the discussion will delve into how to resolve this case. The author's proposed solution in the article is to utilize the Criminal Justice System to address this issue. This use of the Criminal Justice System is the main focus of the discussion, as it is expected to resolve the issues that have arisen. Beyond contributing to the regional discourse, this study addresses broader concerns relevant to global environmental governance and sustainable development. By focusing on Raja Ampat as a case study, this study offers valuable insights for policymakers, law enforcement officials, and civil society worldwide who face similar challenges in balancing ecological conservation with effective legal enforcement. Ultimately, this work advocates for a revitalized, integrated justice system capable of protecting biodiversity hotspots while empowering local stakeholders in the fight against environmental degradation.

Method

The main purpose of this study is to find a solution to the illegal nickel mining case in Raja Ampat. The most visible legal issue in the case is the conflict of norms between the Contract owned by the government and PT. Gag Nikel with the Coastal and Small Islands Management Law of 2007 (as amended in 2014). After that, the author also provides recommendations on how to enforce the law in the case using a criminal justice system approach. To answer this question, the author uses normative legal research with a statue approach and a conceptual approach.[11] This study employs secondary legal materials in the form of laws and regulations, legal concepts and principles, and doctrines relevant to the problems under investigation. Some of the laws and regulations discussed are the Civil Code, the Coastal and Small Islands Management Law of 2007 (as amended in 2014), the Criminal Code of 2023, and the Criminal Procedure Law of 1981. All data were analyzed prescriptively qualitative,[12] by examining the related legal substance, assessing the application of the ideas presented, and evaluating the policies implemented by the state. Additionally, the author also utilizes secondary data from

[11] Tunggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Originis and Approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (February 2023): 1–9, https://doi.org/10.22219/aclj.v4i1.24855.

[12] V. V. Kozhevnikov, "The Structure of Logical, Prescriptive and Specialized Legal Norms," *Law Enforcement Review* 5, no. 2 (July 5, 2021): 45–61, https://doi.org/10.52468/2542-1514.2021.5(2).45-61.

reports compiled by various non-governmental organizations and environmental observers on the current situation in Raja Ampat. This data includes environmental damage, the remaining biodiversity in Raja Ampat, and the potential environmental damage resulting from nickel mining. This data wereused to analyze the importance of a multi-sectoral approach to the criminal justice system to ensure the appropriate resolution of this case. The results of this study are expected to contribute to improving mining licensing in Indonesia, especially in mining aspects that pay more attention to the environment, are transparent and equitable.

Discussion

1. Conflict of Norms in Nickel Mining Licensing in Raja Ampat

Laws should not overlap.[13] Laws are made in a manner that they align with one another.[14] If the laws that are made turn out to overlap and even contradict each other, then many harmful impacts occur. First is legal uncertainty. This is the main factor in the harmful impacts that occur. The public, both individuals and legal entities, becomes confused about which rules to follow.[15] Not only that, the government, as the implementer and administrator of the state, sometimes does not know which rule to choose. Second, there is the potential for injustice.[16] When there are two or more conflicting laws, law enforcement officials can be wrong in enforcing the law, resulting in injustice or discrimination. Third is the high number of disputes.[17] With the overlapping rules, there will be more interpretations of the conflicting legal rules, and disputes will occur. Fourth is erosion of public trust.[18] If the laws that are made are not in harmony and in line, then public trust in the legal system and government can continue to erode. If this erosion continues to occur, then order, security, and justice in society will become increasingly difficult to achieve.

In theory, there are several types of legal conflicts. First is conflicts between legal norms,[19] or often referred to as legal antinomy. This conflict is the most classic legal conflict, where two or more similar legal norms directly conflict with each other. For example, there is a conflict between laws and laws. Second is legal hierarchy conflicts.[20] This conflict rises when one law conflicts with another, but the conflicting laws are not equal in their application, for example, between laws and government regulations. Third is conflicts between times.[21] This conflict arises when there is a change in law from time to time, and questions arise about

[13] Adam Russell Murray, "Overlap, Overdetermination, and the Necessity of Origin," *Asian Journal of Philosophy* 4, no. 46 (2025), https://doi.org/https://doi.org/10.1007/s44204-025-00257-z.
[14] Amany Akhyar and Gusti Ayu Putri Saptawati, "A Systematic Literature Review to Address Overlapping Laws in Indonesia," *Bulletin of Electrical Engineering and Informatics* 14, no. 3 (June 2025): 2338–46, https://doi.org/10.11591/eei.v14i3.8407.
[15] Brian Z Tamanaha, *Legal Pluralism Explained* (Oxford University PressNew York, 2021), https://doi.org/10.1093/oso/9780190861551.001.0001.
[16] Maeve McKeown, "Structural Injustice," *Philosophy Compass* 16, no. 7 (2021): e12757.
[17] Mohan M Kumaraswamy, "Conflicts, Claims and Disputes in Construction," *Engineering Construction and Architectural Management* 4, no. 2 (June 1997): 95–111, https://doi.org/10.1046/j.1365-232X.1997.00087.x.
[18] Angelo Cozzubo, Elard Amaya, and Juan Cueto, "The Social Costs of Crime: The Erosion of Trust Between Citizens and Public Institutions," *Economics of Governance* 22, no. 2 (June 11, 2021): 93–117, https://doi.org/10.1007/s10101-021-00251-0.
[19] Mhd Teguh Syuhada Lubis et al., "The Criminal Law Policy on the General Election System in Indonesia," *Jurnal Dinamika Hukum* 23, no. 3 (December 30, 2023): 587, https://doi.org/10.20884/1.jdh.2023.23.3.3782.
[20] Mark J Davenport, "Enhancing Legal Document Analysis with Large Language Models: A Structured Approach to Accuracy, Context Preservation, and Risk Mitigation," *Open Journal of Modern Linguistics* 15, no. 2 (2025): 232–80.
[21] M Irsyad, "Hukum Dan Penyelesaian Konflik Hukum," *De Lega Lata: Jurnal Ilmu Hukum* 6, no. 2 (2021): 389–95, https://doi.org/https://doi.org/10.30596/dll.v6i2.7836.

which law applies to events that occurred before the change. Fourth is legal conflicts between legal fields. This legal conflict occurs when a case involves multiple legal field, for example, between civil law which is private in nature, and criminal law which is public in nature. The conflict of norms that occurs between the Contract of PT. Gag Nikel and the Coastal and Small Islands Management Law of 2007 (as amended in 2014) is the fourth type of legal conflict. Namely, there is a conflict between civil law, which is private in nature, and public law. This conflict is the core of the nickel mining problem in Raja Ampat. PT. Gag Nikel holds the VII Generation Contract Number B53/Pres/I/1998 of 1998 which was signed by the President of the Republic of Indonesia on January 19, 1998. Meanwhile, the Law was first enacted by Law Number 27 of 2007 and has been amended by Law Number 1 of 2014.

On the one hand, the Contract that binds the state with PT. Gag Nikel falls into the category of private law, while the Law falls into the category of public law. This conflict is not something new. In Indonesia, there are many examples of similar conflict cases. Several other cases that occurred in Indonesia, including:

Table 1. Legal Conflict Between Contracts and Laws in Indonesia[22]

Years of Contract	Contract Holder	Location	Conflicting laws
1997	PT. Agincourt Resources (Gold Mine)[23]	South Tapanuli, North Sumatra (6,560 square kilometers)	the Mineral and Coal Mining Law (2009, amendment 2020)
1982	PT. Kaltim Prima Coal (KPC) (Coal Mine)[24]	Sangatta, East Kutai, East Kalimantan (84,938 hectares)	
1987	PT. Tambang Mas Sangihe (Gold Mine)[25]	Sangihe Island, North Sulawesi (42,000 hectares)	

Source: Author's Creation

All of the above legal conflicts share a commonality, namely a legal conflict between a Contract made privately between the state and a company, against public laws and regulations. This conflict falls into the fourth category of legal conflict. On the one hand, the state has already agreed with the company to manage a mine or other resource. On the other hand, the state must also comply with public and generally applicable laws and regulations, the Mineral and Coal Mining Law (2009, amendment 2020). Since the Mineral and Coal Mining Law (2009), the Contract regime in mining activities has not been permitted. All mining permits use the Mining Business Permit (IUP) regime, which places the state one level above the company. If subject to the IUP regime, the state can revoke the permit at any time if the company falls to comply with the state's licensing provisions. It is something that cannot be done if the mining legal regime is subject to the Contract.

[22] Suwarti Suwarti, Decha Khunmay, and Stepan Abannokovya, "Conflicts Occurring Due to the Application of Different Legal Inheritance Systems in Indonesia," *Legality: Jurnal Ilmiah Hukum* 30, no. 2 (September 18, 2022): 214–27, https://doi.org/10.22219/ljih.v30i2.21020.
[23] Eka Gusnetta Putri Wahyudi and Nur Afni Manullang, "Analisis Upaya Perlindungan Hukum Masyarakat Adat Di Daerah Pertambangan (Studi Kasus PT Agincourt Resources)," *Jurnal Ilmiah Wahana Pendidikan* 10, no. 24.2 (2024): 301–7.
[24] Nanda Vico et al., "Eskalasi Hukum Dan Politik Dalam Revisi Undang-Undang Mineral Dan Batu Bara," *Ranah Research: Journal of Multidisciplinary Research and Development* 7, no. 3 (March 10, 2025): 1495–1512, https://doi.org/10.38035/rrj.v7i3.1295.
[25] Annisa Fitri Mustafa, "Konflik Tambang Emas Sulawesi Utara: Pertambangan Emas Tanpa Izin (PETI)," *Penelitian Ilmu Pengetahuan Sosial* 1, no. 1 (January 31, 2024), https://doi.org/10.61511/pips.v1i1.2024.571.

Likewise, the case is with the Law. This law prohibits mining on small islands or islands that are included in conservation areas. The problem is that the Contracts of all the companies above were made long before there was a law prohibiting it. The Contract is like a general agreement. Placing the state and the company as equal parties. Therefore, the state cannot terminate the Contract at any time. The state must comply with the provisions of any agreement it enters into, in accordance with the general legal principle, namely that the agreement applies like a law for its makers (pacta sunt servanda).

To answer the legal conflict that occurred, the author formulated the argument into several main points, namely:

a. There is one most well-known legal principle in resolving legal conflicts, namely the principle of Lex Superior Derogat Legi Inferior.[26] According to this principle, higher law overrides lower law. According to the author, laws and regulations have a higher legal standing than any agreements, even those made by the state itself. Therefore, if the Contract conflicts with the applicable laws and regulations, the Contract itself can be considered Void;

b. In the principles of civil law, pacta sunt servanda is indeed highly respected, especially as an important and primary legal principle. However, in the context of public law, pacta sunt servanda cannot negate the existence of state sovereignty.[27] If there is a conflict between the agreement and the laws and regulations, the principle of Rebus Sic Stantibus applies. Alternatively, there may be a change in circumstances that underlie the agreement. Therefore, the agreement is no longer subject to Pacta Sunt Servanda and is considered null and void;

c. Contracts have a different legal regime from agreements in general. Contracts for natural resource management fall into the category of Public Contracts or *Publiekrechtelijke Overeenkomst*.[28] This public contract encompasses more than just the business interests between the two parties who agree. Therefore, Contracts must also be subject to applicable laws and regulations;

d. In contract law, there is a known change or amendment to the agreement as long as it is desired by the parties. With the change in laws and regulations, the state, as one of the parties to the agreement, can submit a change to this agreement to ensure that the conflict does not occur widely and has a bad impact. Contract renegotiation can be done by seeking the best solution for managing natural resources in Indonesia.[29]

By this definition, the author concludes that natural resource management Contracts conflicting with the law must be considered null and void. The law takes precedence over the

[26] Sri Wijayanti et al., "Norm Clash in Lex Superior Derogate Legi Inferiori Principle's Implementation on Circular Letters and Laws," *Reformasi Hukum* 28, no. 3 (December 31, 2024): 234–50, https://doi.org/10.46257/jrh.v28i3.732.
[27] Oliver J Lissitzyn, "Treaties and Changed Circumstances (Rebus Sic Stantibus)," *American Journal of International Law* 61, no. 4 (October 1967): 895–922, https://doi.org/10.2307/2197343.
[28] Erica Bosio et al., "Public Procurement in Law and Practice," *American Economic Review* 112, no. 4 (April 1, 2022): 1091–1117, https://doi.org/10.1257/aer.20200738.
[29] Jonathan Brogaard, Matthew Denes, and Ran Duchin, "Political Influence and the Renegotiation of Government Contracts," ed. David Denis, *The Review of Financial Studies* 34, no. 6 (May 21, 2021): 3095–3137, https://doi.org/10.1093/rfs/hhaa093.

agreement. Therefore, all legal conflicts that occur above, including the Raja Ampat Case, must also be subject to this provision. Thus, all cases in Raja Ampat, and all other natural resource conflicts must enter into a criminal law settlement mechanism not only stopping at administrative sanctions as is currently happening. This conclusion is at least based on various criminal regulations attached to the applicable laws and regulations, for example Article 73 the Law, which has the potential to punish anyone who intentionally damages coral reefs in the Conservation Area for a maximum term of 10 years. Then, Article 158 of the Mineral and Coal Mining Law of 2020 states that anyone who carries out mining without a permit as referred to in Article 37, Article 40 paragraph (3), Article 48, Article 67 paragraph (3), Article 68 paragraph (2), or Article 98 paragraph (3) shall be punished with a maximum imprisonment of 5 years and a maximum fine of IDR 100 billion rupiah. In this case, PT. Gag Nickel and other companies should be considered to have no permits, because they are still based on contracts, not on permits as mandated by law. This distinction is crucial because operating under contracts alone, without the appropriate legal permits, renders these activities unauthorized and illegal under the Law.[30] The absence of formal permits means that these companies circumvent essential regulatory oversight mechanisms designed to ensure sustainable practices, environmental protection, and social responsibility. This legal gray area facilitates unchecked environmental degradation and undermines the rule of law in Raja Ampat, threatening both the region's biodiversity and its local communities.

Indonesia's mining and environmental laws explicitly require companies to obtain permits from relevant authorities before commencing operations. These permits, which include Business Identification Numbers (NIB) and Mining Business Licenses (IUP), are essential for legal operation and must be applied for through an electronic system, with the government evaluating and designating specific mining areas. These permits serve as a vital control point, mandating environmental impact assessments, compliance with environmental management plans, and community consultations. Without such permits, companies operate outside the legal framework, avoiding accountability for environmental damage and social impacts. PT. Gag Nickel's reliance on contracts rather than permits indicates a systemic loophole or deliberate neglect of the regulatory process, raising significant concerns about governance, transparency, and enforcement in the region.

The implications of this unauthorized activity extend far beyond mere legal violations. Raja Ampat is internationally recognized as a biodiversity hotspot, hosting thousands of marine species, many of which are endemic and vulnerable to extinction.[31] Illegal and unregulated mining operations have the potential to cause irreversible harm to coral reefs, marine ecosystems, and fisheries that local communities depend on for subsistence and livelihoods. Sediment runoff, heavy metal contamination, and habitat destruction associated with nickel mining threaten to disrupt delicate ecological balances, reducing biodiversity and impairing ecosystem services.

[30] Hilaire Tegnan et al., "Mining Corruption and Environmental Degradation in Indonesia: Critical Legal Issues," *Bestuur* 9, no. 2 (November 24, 2021): 90, https://doi.org/10.20961/bestuur.v9i2.55219.

[31] Zen L Siallagan et al., "Why Many Indonesian Marine Species Remain Undescribed: A Case Study Using Polychaete Species Discovery," *Raffles Bulletin of Zoology* 71 (2023).

The failure of the criminal justice system to effectively regulate and sanction companies like PT. Gag Nickel exacerbates these challenges.[32] The criminal justice system plays a critical role in enforcing laws, deterring illegal activities, and delivering justice to affected communities. However, in Raja Ampat, institutional fragmentation, insufficient coordination among agencies, and weak enforcement capacity have rendered the justice system ineffective in responding to environmental crimes. Fragmentation among legal authorities results in responsibilities being dispersed across multiple institutions, often with overlapping or unclear mandates. Law enforcement agencies may lack specialized knowledge or resources to investigate environmental crimes, while judicial institutions may face challenges in prosecuting complex cases involving technical environmental issues. Correctional systems may be ill-equipped to handle offenders involved in environmental violations, and community engagement mechanisms are often underdeveloped, limiting local participation in monitoring and reporting illegal activities.

An integrated criminal justice system framework advocates for the synchronization of efforts across law enforcement, judiciary, corrections, and community sectors. By aligning legal procedures, policies, and practices, this approach aims to create a cohesive response mechanism capable of addressing the multifaceted nature of environmental crime. In Raja Ampat, such integration would entail establishing clear communication channels between agencies, developing specialized environmental crime units, and enhancing training programs to build expertise in environmental law enforcement. In addition to institutional reforms, legal frameworks must be harmonized to eliminate contradictions and gaps that undermine enforcement. This includes aligning environmental regulations with penal codes to establish clear definitions of environmental crimes, appropriate sanctions, and procedural guidelines for prosecution. A coherent legal framework would provide judges and prosecutors with the necessary tools to hold offenders accountable and deliver consistent judgments that deter future violations.

The study contribution to the international community lies in its detailed case analysis and normative framework for strengthening justice systems in biodiversity-rich regions. It underscores the importance of legal clarity, institutional coordination, and community empowerment as pillars of effective environmental governance. These insights align with global efforts, such as the Sustainable Development Goals (SDGs), particularly SDG 16 (peace, justice, and strong institutions) and SDG 15 (life on land), which emphasize the interdependence of justice and conservation.[33] To translate these principles into practice, actionable recommendations are imperative. Policymakers should prioritize revising mining and environmental regulations to require explicit permit requirements and integrate environmental crime into penal codes with defined penalties. Law enforcement agencies must establish dedicated environmental crime units equipped with necessary technical expertise

[32] Lilik Haryadi, Hartiwiningsih Hartiwiningsih, and Sapto Hermawan, "Legal Protection for Communities Affected by Nickel Mine Exploitation Amidst Increased Exploration for Electric Battery Needs," in *International Conference On Law, Economic \& Good Governance (IC-LAW 2023)*, 2024, 68–76.
[33] Freya Higgins-Desbiolles, Lynda-Ann Blanchard, and Yoko Urbain, "Peace Through Tourism: Critical Reflections on the Intersections Between Peace, Justice, Sustainable Development and Tourism," *Journal of Sustainable Tourism* 30, no. 2–3 (2022): 335–51, https://doi.org/https://doi.org/10.1080.

and sufficient resources.[34] Judicial institutions need training programs to handle environmental cases effectively and consistently. Community-based monitoring and reporting systems should be institutionalized to enhance transparency and public participation.

In conclusion, the case of PT. Gag Nickel and similar companies operating without proper permits in Raja Ampat exemplifies the urgent need to address systemic neglect within the criminal justice system. The failure to enforce existing legal requirements not only threatens one of the world's most precious ecological treasures but also undermines social justice and sustainable development. An integrated approach to criminal justice offers a promising pathway to reconcile legal enforcement with environmental conservation and community empowerment. By confronting fragmentation, enhancing coordination, harmonizing laws, and engaging local stakeholders, Raja Ampat can move towards a more just and sustainable future—setting a precedent for other regions facing similar struggles

2. Integrated Criminal Justice System Approach to the Raja Ampat Case

The legal conflict between the Mining Contract and the Company has been resolved. Based on the analysis above, it is clear that The Contract must be considered null and void. The real problem does not stop there. There needs to be a solution regarding how to enforce the law on nickel mining cases in Raja Ampat. As noted by Greenpeace, several impacts of nickel mining in Raja Ampat have occurred.[35] This impact is not only from the environmental aspect. Moreover, it also occurs in the economic and social factors.[36] According to Greenpeace, nickel mining in Raja Ampat has destroyed at least 500 hectares of natural vegetation in Raja Ampat, including 300 hectares of Gag Island. In fact, this forest is a place for the growth and survival of endemic flora and fauna.[37]

The impact of environmental damage also occurs through the sedimentation caused by land clearing, which allows mud to flow into the sea and damage coral reefs. In fact, the beauty of the coral reefs in Raja Ampat is considered the best in the world. In addition to the environmental aspect, the impact also occurs from the economic aspect. The number of tourists, both domestic and foreign, is expected to experience a significant decline due to the damage to the coral reefs, which are the main attraction of Raja Ampat. In addition, fish catches have decreased because fish tend to move away from damaged waters. Fishermen in Raja Ampat feel the direct impact. This has the potential to reduce the income of the fishermen themselves. In addition to the economic and environmental effects, there are also social impacts. Indigenous people feel that their nature is being damaged and robbed in the name of development. The areas that are mining concessions, in some cases, are sacred or sacred areas for indigenous peoples. The entry of companies without legitimate customary deliberations has raised concerns about the erosion of cultural values and the loss of spiritual

[34] Vitaliy Kovalenko et al., "International and National Mechanisms Combating Ecosystems' Damage and Environmental Crimes to Foster Sustainable Development," *Grassroots Journal of Natural Resources* 7, no. 2 (August 1, 2024): 63–82, https://doi.org/10.33002/nr2581.6853.070203.
[35] Greenpeace Indonesia, "Kritik Industrialisasi Nikel, Aktivis Greenpeace Gelar Aksi Di Konferensi Nikel Internasional Di Jakarta," 2025.
[36] Rafika Farah Maulia et al., "Raja Ampat Dalam Bayang-Bayang Tambang: Haruskah Dilanjutkan?," 2025.
[37] Raden Putri Alpadillah Ginanjar, "Dampak Tambang Nikel Di Raja Ampat Versi Greenpeace," Tempo, 2025.

ties between the community and their ancestral lands. Mining activities also have the potential to trigger conflict in the community, and there has even been criminalization of environmental activists and indigenous figures who reject mining.[38]

The complexity of this problem makes administrative law enforcement alone insufficient to solve the problems that arise. Administrative law enforcement is inadequate on its own because it relies on the government's inherent, and sometimes limited, capacity to interpret and apply laws. Resource constraints, a lack of independence from political interference, weak legal frameworks, slow processes, and a need for public cooperation and awareness also challenge it. To truly solve complex societal issues, administrative law must be complemented by other approaches, such as public awareness campaigns, community engagement, and potentially criminal justice reform. As is known, the government has closed permits for four companies. This solution is not enough. It is necessary to use a criminal law approach to solve this problem. The Raja Ampat mining case is genuine and serious because it involves illegal nickel mining in a globally recognized marine biodiversity hotspot, causing significant environmental damage, threatening ecosystems vital for climate resilience, and violating the rights of indigenous communities. The criminal justice system approach must be used because it offers a comprehensive and coordinated framework for addressing crime.[39] This approach views the entire criminal law enforcement process as a whole, interrelated and influencing, rather than as separate parts.

The use of an integrated criminal justice system approach is needed for several purposes, including:

a. An integrated criminal justice system ensures justice for all parties.[40] Justice is not only given to communities affected by nickel mining activities. Furthermore, justice is also intended for companies as parties holding mining permits. With a criminal justice system approach, law enforcers involved in resolving this case can utilize their authority to seek rehabilitation;

b. An integrated criminal justice system involves many institutions.[41] Among them are institutions consisting of the Police, the Prosecutor, and the Court. With coordination and communication from many institutions, a comprehensive resolution of the Raja Ampat case was obtained;

c. An integrated criminal justice system approach does not only focus on taking action after a crime has occurred. More than that, it also focuses on prevention efforts through effective law enforcement,[42] public education, and rehabilitation efforts;

[38] Ginanjar.
[39] Ichsan Anwary, "Evaluation of the Effectiveness of Public Administration Policies in the Development of Stringent Legal Framework: An Analysis of the Criminal Justice System in Indonesia," *International Journal of Criminal Justice Sciences* 17, no. 2 (2022): 312–23, https://doi.org/10.5281/zenodo.4756127.
[40] Eyitayo Joseph Oyeyipo et al., "Understanding the Importance of Inclusive Techniques in Promoting Peace and Equal Justice," in *Sustainable Development Goals* (CRC Press, 2024), 291–301.
[41] Rachel Slavny-Cross et al., "Are Autistic People Disadvantaged by The Criminal Justice System? A Case Comparison," *Autism* 27, no. 5 (2023): 1438–48, https://doi.org/https://doi.org/10.1177.
[42] Rahmat Ramadhani, "Legal Protection for Land Rights Holders Who Are Victims of the Land Mafia," *International Journal Reglement & Society (IJRS* 2, no. 2 (July 30, 2021): 87–95, https://doi.org/10.55357/ijrs.v2i2.114.

d. An integrated criminal justice system approach emphasizes the importance of due process of law.[43] This means that each stage of the criminal justice process must be carried out in accordance with legal procedures, guarantee the rights of the suspect/defendant, and prevent abuse of power;

e. The criminal justice system approach can be fully utilized to prioritize the implementation of restorative justice. With this approach, good relations between companies and affected communities can be used to formulate the concept of restorative justice;[44]

f. The criminal justice system functions in an integrated, transparent, and fair manner, and public trust in law enforcement agencies will increase.[45] This plays a crucial role in providing legal legitimacy and social stability for the resolution of cases that occur.

By this definition, it is essential to use the Criminal justice system approach in resolving the Raja Ampat case. In this study, the Criminal justice system used is the Integrated Criminal Justice System. In general, the Criminal justice system only involves the Police, the Prosecutor's Office, the Courts, and the Correctional Institutions.[46] In this case, the author attempt to involve other institutions related to the criminal justice system in an effort to resolve the Raja Ampat case. Institutions such as the Ministry of Environment and Forestry (KLHK), the Ministry of Energy and Mineral Resources (ESDM), Regional Governments, and Customary Institutions must be included as part of the resolution of this integrated criminal justice system according to their respective authorities. The resolution of the Raja Ampat case using the integrated criminal justice system approach initially began with a report from the public about alleged violations.

This report begins with a report from a community organization. The report is received by the KLHK and the Ministry of ESDM as administrative institutions and the police as criminal law enforcement institutions. Investigators at the ministry collect data and information to determine whether the reported incident is a criminal incident or not. Ministry investigators work with the police at this stage of the investigation. If sufficient initial evidence is found regarding a criminal act, the case will move to the investigation stage. Civil Servant Investigators (PPNS) in each ministry work with the police to collect evidence, examine witnesses, experts, and suspects, and confiscate evidence. Suspects may come from companies or officials who issue mining business permits. If indications of corruption are found, the agency involved in handling the case can involve the Corruption Eradication Commission (KPK).

While the investigation process continues, the relevant ministries and local governments can begin to impose administrative sanctions if violations of the permits granted

[43] Karem Aboelazm, "The Role of Digital Transformation in Improving the Judicial System in the Egyptian Council of State: An Applied Study From a Comparative Perspective," *Journal of Law and Emerging Technologies* 2, no. 1 (2022): 11–50, https://doi.org/https://doi.org/10.1177.

[44] A Madjid and M Istiqomah, "Restorative Justice: A Suitable Response to Environmental Crime in Indonesia?," *Krytyka Prawa* 15, no. 3 (2023): 86–100, https://doi.org/10.7206/kp.2080-1084.622.

[45] Eka Sakti Koeswanto, Riswandi Riswandi, and Ahmad Redi, "Implications of Public Trust Due to Weak Law Enforcement Morality," *Edunity Kajian Ilmu Sosial Dan Pendidikan* 2, no. 1 (January 15, 2023): 78–86, https://doi.org/10.57096/edunity.v1i05.39.

[46] Michael Mueller-Smith and Kevin T. Schnepel, "Diversion in the Criminal Justice System," *The Review of Economic Studies* 88, no. 2 (March 22, 2021): 883–936, https://doi.org/10.1093/restud/rdaa030.

are found. Violations can take the form of warnings, freezing of permits, or revocation of permits, as has happened now. This permit revocation should not stop at four companies on the pretext of not having a RKAB. PT. Gag Nikel, as the holder of the Mining Business Permit, must be thoroughly investigated to determine whether there are elements of a permit violation. If it turns out that there is a permit violation, PT Gag Nikel should also have its permit revoked. Meanwhile, if the investigation is complete, the case enters the prosecution stage, which is the authority of the prosecutor's office, and the trial, which is the authority of the court. At this stage, the author also recommends involving traditional institutions in handling this case. As a community that is greatly affected by the Mining Business Permit, traditional institutions must be involved in resolving disputes.[47] Although it has been rejected several times by the Papuan traditional institution and has chosen to resolve this case through national criminal law, the existence of this traditional institution is important to continue taking other legal measures, such as seeking peace and rehabilitation efforts for damaged environmental conditions. Here is a general description of how the Criminal justice system resolves the Raja Ampat case, especially in relation to environmental crimes, in Table 2.

Table 2. Integrated Criminal justice system for Raja Ampat Case

Phase	Institution	Role
Reports and Investigations	Ministry of Environment and Forestry, Ministry of Energy and Mineral Resources, Police	Each institution functions to ensure that administrative and criminal matters related to the reports submitted are addressed.
Investigation	Ministry of Environment and Forestry, Ministry of Energy and Mineral Resources, Police, Corruption Eradication Commission	Collecting evidence, examining witnesses, experts, and suspects, and confiscating evidence. Equipped with the Corruption Eradication Commission, if suspected corruption is found
Prosecution	Prosecutor	Conducting prosecution
Trial	Court	Conducting Court
Administrative Punishment	Ministry of Environment and Forestry, Ministry of Energy and Mineral Resources, Regional Government	Imposing administrative sanctions according to the respective authorities
Rehabilitation and Peace	Customary Institutions	Striving for peace and environmental rehabilitation

Source: Author's Creation

Based on all of the explanations, the discussion of the weaknesses in the criminal justice system in Raja Ampat demonstrates that the urgency of legal reform extends beyond law enforcement to substantive justice for the local community. Without comprehensive reform, Raja Ampat's immense potential continues to be overshadowed by the darkness of unjust practices that erode public trust in the state.

Conclusion

The Raja Ampat case originates from a fundamental legal conflict between the state-issued contract and the existing laws and regulations governing natural resources. Resolving this conflict requires a careful re-examination of the applicable legal principles, which clearly

[47] Rusjdi Ali Muhammad, "Upaya Perdamaian Untuk Penyelesaiakan Perkara Pidana Reaktualisasi Kearifan Lokal Dalam Hukum Pidana Indonesia," *LEGITIMASI: Jurnal Hukum Pidana Dan Politik Hukum* 10, no. 2 (November 2021): 171, https://doi.org/10.22373/legitimasi.v10i2.11339.

indicate that national legislation must take precedence over contractual agreements. Consequently, addressing the issues in Raja Ampat cannot rely solely on administrative procedures, as is currently the case. Instead, a criminal law approach is essential to ensure a comprehensive and effective resolution, emphasizing the need to treat violations as criminal offenses rather than merely administrative infractions.

A criminal law approach must be adopted in resolving cases in Raja Ampat, in accordance with the provisions of relevant laws and regulations. An integrated criminal justice system approach is the choice because it can resolve this case more comprehensively. In addition to the police, prosecutors, and judicial institutions, several related ministries such as the Ministry of Environment and Forestry, the Ministry of Energy and Mineral Resources, Regional Governments, the Corruption Eradication Commission, and Customary Institutions should be involved in the integrated criminal justice system that will be implemented. These institutions are expected to be able to resolve cases in Raja Ampat in a more structured, comprehensive, and equitable manner. This study still has several shortcomings. Among them are Limited Empirical data, Narrow Geographic Focus, and Challenges in implementation. Although the study advocates for integrated justice system reforms, it may not fully address practical barriers to implementation, including resource constraints, capacity limitations of local authorities, or resistance from powerful stakeholders who benefit from the status quo.

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