



Mining practices in Indonesia: The role of agrarian law in land grabbing and the elimination of indigenous peoples' rights

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ABSTRACT

Background: The relationship between nature and society is an ecological unity that is mutually formed. However, in the historical premise of capitalism, man is separated from nature and placed in relations of production that make nature an object of exploitation for the accumulation of capital. In Indonesia, the expansion of extractive industries, particularly mining, does contribute to national economic growth, but at the same time results in structural land grabbing, especially in indigenous territories. This study aims to examine the practice of mining as a manifestation of the capitalist system that perpetuates agrarian injustice, deprivation of land rights, and the marginalization of Indigenous Peoples. **Methods:** The research uses qualitative method through literature review and comparative-descriptive case study with socio-legal approach to examine the relationship between socio-ecological reality due to mining and agrarian legal framework. Data were obtained from Scopus and Web of Science indexed journals, ecological perspective books, and NGO and institutional reports. The analysis was carried out using Marxist ecological theory, which views capitalism as treating nature as an unlimited resource that can be exploited, as well as agrarian law theory, which asserts that the earth, water, and natural resources must be controlled by the state for the greatest prosperity of the people. **Findings:** The findings show that the hegemony of the mining industry in Papua, North Maluku, NTT, and Sumatra is causing the loss of indigenous peoples' living space, resulting in increased poverty and decreased health quality, as well as triggering ecological damage such as deforestation and river pollution. This condition is consistent with the Marxist ecological perspective that capitalism encourages degrarianization and creates ecological disharmony through the expansion of extractive industrial production space. In addition, formal agrarian law often fails to protect indigenous peoples' rights to land as living space. **Conclusion:** In conclusion, capitalism transforms nature from a living space into an object of production, while the role of the state that facilitates extractive industries reinforces structural inequality and ignores the mandate of Agrarian Justice in Article 2 point 3 of the 1960 Constitution. **Novelty/Originality of this article:** The novelty of this study lies in integrating Marxist ecological theory with agrarian law analysis to reveal how capitalism and state-facilitated mining perpetuate indigenous dispossession and ecological degradation in Indonesia.

KEYWORDS: agrarian; capitalism; indigenous peoples; land; mining.

1. Introduction

Indonesia is a country rich in natural resources with a wide range of diversity both include air water flora fauna including extensive land as a basic natural resource (Ramli, R & Annisa, A & Hakim, 2023). The wealth is affirmed through the legal basis of the 1945 Constitution Article 33, with manifestations that affirm that the earth as a resource, water followed by flora and fauna as a natural wealth so that the state has an obligation to regulate,

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organize and see, then determine and regulate legal relations between people and legal acts concerning the earth, water and space in order to achieve prosperity for society. (Indonesian Mining Institute, 2018).

Rational problems with Natural Resources in Indonesia persist. Ranging from poverty, unemployment, environmental damage, and agrarian conflicts (Salsabila et al., 2023), especially with regard to land and society (Celios & Greenpeace, 2024). This condition shows that the sovereignty of Indonesia's Natural Resources is still very vulnerable as a result of the pattern of unequal control of Natural Resources (Hajad et al., 2023), as well as unfair policies that often harm people in the land sector (Jalal et al, 2025). As if the theory on paper instead of managing and regulating natural resources for the prosperity of the people in accordance with the mandate of the 1945 Constitution, the policies that are present are often a tool to continue to reproduce the inequality in Natural Resource Management in land ownership and the elimination of people's living space (Bakker, 2018).

Natural resource management is inseparable from the fact that the practice of managing natural resources in the form of agriculture, plantations and mining is part of the production scheme of the capital accumulation system (Veltmeyer, 2023). At the same time the capital system externalizes nature through the use of extra human nature which is interpreted as a free gift (Moore, 2011). A prerequisite for achieving more value or profit (Pontoh, 2022), the expansion of capital allows the expansion of production that not only exploits human labor by consuming unlimited work time so as to create a culture of deprivation of unpaid work or energy (Moore, 2019), but also utilizes natural resources as a material for fulfilling the needs of life in order to increase the value of strong production (Marx, 1932). This was reaffirmed by Karl Marx that capitalists are able to survive longer, not only worsen the conditions of human labor, but this system always utilizes the advantages of industry as part of the accumulation of capital in order to increase income and high profits (Marx, 1932).

Broadly speaking, the capitalist system treats nature not as living space, but as property or property to be exploited (Nguyen & Tran, 2024). his means that capitalism destroys the two main sources of wealth, namely humans and nature. Nature is treated as a factor of production that can be exploited indefinitely, not as part of human living space (Oppenheimer, 1887). With the aim of achieving surplus value, there is a meeting between landlords and the capitalist system. So that the antagonism between these two interests produces various forms of production, including the extraction industry, namely mining (Oppenheimer, 1887).

In indonesia, diverse natural resources and abundant human resources (Saleh, 2020), should be the main capital for resilient and sustainable natural resource management. As for energy materials such as oil, gas, tin, gold, copper, nickel, cobalt, bauxite, primary iron, iron sand, silver to coal (Gani, 2020), which are stored abundantly below the Indonesian soil surface so that the abundant energy materials extractive industry, namely mining, become one of the sectors that dominate the national economy. November 2024 Director General of coal minerals at the Ministry of energy and Mineral Resources, Tri Wahyono, said that there were 4,634 mineral and coal mining business licenses in Indonesia (Ayudiana, 2024). In addition to the large number of mineral and coal mining permits that dominate the industrial sector, of course, we must admit together that with the widespread granting of mining permits, it also raises various social and ecological conflicts ranging from damage and loss of environmental functions (Adhi et al., 2022), as well as inequality of land tenure that often causes agrarian conflicts (Nulhaqim et al., 2020). This condition causes the exclusion of local communities from their own land and often leads to criminalization and detention of citizens (Ernest et al., 2024).

To analyze this study, the authors used Marxist ecological theory rooted in the ideas of Karl Marx in *Capital: a Critique of Political Economy* (Oppenheimer, 1887). This theory emphasizes that capitalism sustains the reproduction of its accumulation by appropriating and exploiting natural resources. This pattern is reflected in extractive industry practices that often cause ecological damage and threaten the lives of surrounding communities, including Indigenous Peoples. Both theories of agrarian law (Harsono, 2008), emphasize

that natural resource management must be carried out in a fair, sustainable, environmentally friendly, and coordinated manner, and accommodate the aspirations of the community (Nugraha, 2024), especially Indigenous peoples who are most affected by agrarian conflicts. In line with the Basic Rules of Agrarian principles, Natural Resources must be utilized for the maximum prosperity of the people. This theory also confirms the importance of legal certainty for Indigenous peoples through the recognition of customary law, namely customary law as the basis of their lives (Harsono, 2008) in order to realize justice for the environment and affected Indigenous Peoples.

In contrast to previous research (Amalia, 2023) it found that mining activities such as PT Freeport Indonesia in Papua have a major impact on the economy and the environment. In terms of the economy, the mining sector contributed the most to the increase in GRDP and create jobs and improve the quality of human resources. However, from the environmental and social side, this mining activity causes water pollution, forest destruction, acid rain, and socio-economic disparities for Indigenous peoples such as the Kamoro and Amungme tribes. So there is a need for firm policies from the government to minimize natural damage and ensure the welfare of the Papuan people is achieved (Amalia, 2023). In this study, the author focuses on mining practices that have implications for land grabbing and the removal of Indigenous rights in Indonesia. In addition, this study also analyzes the role of agrarian law in overcoming these inequalities, as well as examining the extent to which legal instruments are able to realize justice for the environment to oppressed communities. Thus, this research is expected to provide scientific resources to critically understand the relationship between mining practices and agrarian conflicts and become evaluative material for policy makers and mining companies in formulating policies that are more in favor of protecting the rights of Indigenous Peoples.

2. Methods

This study uses qualitative methods with data or materials obtained from the study of literature. All necessary data or scientific study materials come from books, journals, articles, Digital legislation, supporting documents and others. This method uses a comparative case study approach that is descriptive analyst to describe and analyze mining conflicts and the role of agrarian law on land grabbing and the rights of indigenous peoples who are oppressed in Indonesia. Overall, the study has a socio-legal perspective, because it examines how the law works in social reality

2.1. Data collection and search strategies

Three main sources are used to collect documents, the first is the search for books or written literature related to mining, capitalism against Natural Resources, agrarian law against land and Indigenous Peoples. Second, digital-based documents both nationally and internationally by prioritizing publications indexed by scopus, as well as journals available in domestic University repositories and publication searches and journal publication institutions in the field of Social Sciences and humanities and foreign law. The search for publications is Elsevier, Taylor & Francis Online, Ipusnas, Google Scholar, Researchgate, publication institutions are EDP Sciences journals, JESSD Symposium, etc., as well as legal institutions that provide journal publications that are indexed with Scopus, DOAJ, sinta 1 and sinta 2, Garuda, Index Copernicus and others. Third, for supporting data such as ebooks, statistical data or reports relevant to research accessed through institutional digital information systems, articles from Capitalism Nature Socialism, Monthly Review, IndoProgress, articles from various NGOs, namely Jatamnas, Grenpeace, Walhi, Mongabay, and others, as well as digital laws relevant to research themes accessed through the Google search engine.

The search strategy focused on books, journals, and articles related to mining, agrarian, social, and environmental law, particularly those discussing the impact of mining on land tenure and the rights of indigenous peoples. Book selection is done by reviewing the title,

table of contents, conclusion, and year of publication, while journal selection is done by reviewing the title, abstract, research results, Journal index, and suitability of the method. The authors also browse ebooks and relevant statistical data and prioritize the sources of the last five years to maintain the relevance of the research.

2.2. Data collection and analytical framework

The data collection used is a literature review that will review the written provisions. Furthermore, the data obtained will be processed into 3 steps. The first is editing, which is rewriting the various data obtained so that completeness can be completed if incomplete documents are found. Both data systematization is to select various data and then classify them according to the relevant classification. The three descriptions describe research results based on various groups of data obtained to be grouped (Solikin, 2021). Overall, the author's research is descriptive analyst. That is, research carried out on independent variables with the aim of accurately describing the nature of an individual, state, symptom, or certain group to determine a symptom (Abubakar, 2021). With the aim of research using comparative case study approach is to make a comparison of cases with other variables. Through the method of comparative case studies authors can present valid results to obtain a truth or fact of research.

The analytical framework of this study adapts the Marxist ecological theory pioneered by Karl Marx in his book *Capital: A Critique of Political Economy*, which sees capitalism as a system that treats nature as an unlimited resource to be exploited, including through the mining industry. Industrial progress for Capitalists is understood as a process that deprives labor and land, giving rise to ecological damage and oppression of society (Oppenheimer, 1887). This theory is certainly relevant to the author's research that analyzes mining practices and their effects on land grabbing and the elimination of Indigenous Peoples' Rights. The second theory is the theory of agrarian law which emphasizes the importance of fair and sustainable management of Natural Resources and environmentally friendly. All natural resources must be utilized to achieve the welfare of the community as stipulated in the basic agrarian law (Harsono, 2008).

3. Results and Discussion

This section presents the results of research and analysis covering three main aspects: mining, land and indigenous peoples, and Indonesian agrarian law. In the mining aspect, the discussion covers the history of mining in Indonesia, the amount of mineral and non-mineral resources, natural resource production mechanisms, potential conflicts that arise, as well as the reality of mining practices and their implications as manifestations of the capitalist system on land, indigenous peoples, the environment, and humans. The land and Indigenous Peoples aspect highlights the position of indigenous lands, the vulnerability of indigenous peoples, and the impact of deprivation on living space. Meanwhile, the agrarian law aspect discusses the national legal framework, the synchronization of customary law as the basis of the National Land Law, and the lack of regulations that protect the rights of indigenous peoples and customary lands.

3.1. History of mining in Indonesia

Historically, mining in the archipelago began with the Hindus and the Chinese hundreds of years ago. The indigenous people of the archipelago or natives choose to farm rather than work mined because it is considered risky. Some mining observers in Indonesia noted that gold mining has been cultivated in Indonesia since 700 BC (Zulkifli, 2014). Entering the year 1619-1799 the pattern of mining activity was first carried out by the community traditionally but the pattern changed along with the needs, the mining business then took the form of a community and then carried out by local organizations until finally taken by the Dutch East Indies government in 1850 (Zulkifli, 2014). In the period 1950-

1966 when the Indonesian government was under the leadership of Sukarno (Old Order regime), the government with support from abroad carried out various mineral resource exploration activities including the search for iron ore and coking coal in Kalimantan and Sumatra and other projects. On the other hand, foreign parties began to show interest in targeting mining resources in Indonesia. Driven by the development of mining technology and supported by foreign capitalism, Indonesia became the main object of future mining sites (Zulkifli, 2014). In the period 1966-1998 when Indonesia was under the leadership of Suharto, in order to support mining practices, the government issued relevant legal products, namely the 1967 law on Foreign Investment, which became the initial milestone for the entry of foreign capital in mining. This rule is characterized by the existence of Article 3 Paragraph 1 which states that it allows foreign investors to enter the branches of production that control the livelihood of many people. Foreign mining that has made history as a company that received a mining permit and also as the first foreign investor to enter Indonesia is PT Freeport Indonesia Inc. From America and followed by as many as 16 foreign mining companies such as ALCOA, Billton Mij, INCO, Kennecott, US Steel and others as if to indicate that the Mining Law products offered by Indonesia to foreign investors can be accepted by international mining circles. But on the other hand, the opening of foreign investment opportunities in mining that dominates the Industrial sector is certainly an early symptom of environmental damage in Indonesia (Zulkifli, 2014).

The number of mining companies that are interested in mining practices in Indonesia shows that the quality of Natural Resources has great potential, coupled with the legal optics that are relatively in favor of the mining industry. Various regulations related to environmental policies, Occupational Safety and health, as well as other economic factors make this sector very profitable for investors (Soemarwoto, 1991). As an illustration, the following data are presented production and stripping conducted by PT Batubara Ombilin in the period 1976-1981.

Table 1. Ombilin coal production and stripping 1976-1981

Year	Production (Ton)	Land stripping (M3)
1976	60,151,20	300,845,00
1977	81,020,11	342,225,00
1978	87,115,54	1,187,401,00
1979	92,318,37	1,3382,980,72
1980	142,829,59	1,363,833,00
1981	241,687,10	1,568,404,00

(sources: Zeen, 1984)

3.2. Total mineral and non-mineral resources of Indonesia

According to the Ministry of Energy and Mineral Resources 2021 (Ministry of Energy and Mineral Resources Republic of Indonesia, 2022) report entitled Indonesian Minerals Coal and Geothermal Resources and Reserves 2021 Executive Summary, the amount of data on resources and reserves of metal minerals reached 2,611 locations with main commodities such as gold, primary, alluvial gold, copper, tin, nickel, silver, and cobalt. While the amount of data on resources and reserves of Non-Metallic Minerals reached 4,270 locations followed by the type of rock and coal commodities. The summary table of resources and reserves of metallic minerals and Non-metallic minerals in 2021 is as follows:

Table 2. Summary of metallic mineral resources and reserves

No.	Commodity	Total resources (metric tons) *)		Total reserves (metric tons)	
		Ore	Metal	Ore	Metal
1	Primary gold	16,028,926,779	8,699	3,619,471,264	1,987
2	Alluvial gold*)	1,632,792,609	355	65,726,139	150

No.	Commodity	Total resources (metric tons) *)		Total reserves (metric tons)	
		Ore	Metal	Ore	Metal
3	Copper	15,951,450,554	65,944,875	3,017,819,590	19,936,017
4	Tin*)	7,159,668,511	2,406,880	6,840,343,359	2,165,905
5	Lead	4,009,783,572	94,005,800	76,273,815	2,853,376
6	Nickel	17,685,749,507	177,814,602	5,243,538,419	57,111,962
7	Primary iron	7,349,424,602	1,671,643,457	1,702,216,159	353,757,486
8	Iron sand	3,940,294,766	890,695,801	1,216,504,448	476,132,595
9	Manganese	190,890,310	87,638,863	129,433,888	57,417,310
10	Mercury	32,254,882	76	-	-
11	Antimony	11,890,421	375,555	3,958,633	15,835
12	Bauxite	6,632,138,239	1,094,186,118	3,220,859,010	520,475,101
13	Platinum	114,750,000	8	-	-
14	Iron sediment	5,825,623	3,680,168	-	-
15	Silver	10,545,402,270	78,624	3,115,958,765	11,541
16	Zinc	3,771,823,836	63,535,053	68,642,182	2,785,811
17	Laterite iron	7,746,537,224	1,164,191,400	1,532,195,254	317,532,880
18	Cobalt	3,283,552,980	7,446,443	682,412,785	484,480
19	Chromite	17,679,700	7,095,982	22,848,799	9,138,061
20	Placer chromite*)	4,795,844	1,053,322	3,552,165	137,971
21	Molybdenum	2,809,124,333	277,013	-	-
22	Laterite titanium	1,341,685,306	9,972,609	205,860,784	1,291,700
23	Placer titanium	598,457,092	37,649,288	206,966,052	11,181,518
24	Vanadium	230,801,000	1,574,148	161,629,516	1,101,899
25	Monazite*)	6,925,944,594	186,663	-	-
26	Xenotime*)	6,466,257,914	20,734	0.09	0.06

(Ministry of Energy and Mineral Resources, Republic of Indonesia, 2022)

Table 3. Summary of non-metallic mineral resources and reserves

No.	Commodity	Hypothetical (metric tons)	Total Resources (metric tons)	Total Reserves (metric tons)
1	Amethyst	-	8,668	-
2	Andesite	57,689,810,000	21,056,888,602	3,161,691,429
3	Ball clay	99,620,000	58,258,552	976,624
4	Barite	377,000	37,378,000	-
5	Basal	1,282,160,420	5,043,631,160	1,675,100
6	Ornamental stone	2,940,750,784	61,000	-
7	Quartz stone	390,000	28,335,139	21,408,936
8	Potassium rock	-	71,345,284,840	-
9	Pumice	601,552,780	162,094,000	-

No.	Commodity	Hypothetical (metric tons)	Total Resources (metric tons)	Total Reserves (metric tons)
10	Limestone	607,954,760,100	177,537,491,141	12,016,042,580
11	Slate	1,946,958,000	-	-
12	Sulfur	1,697,000	3,221,692	2,610,192
13	Bentonite	501,190,800	351,797,706	9,420,843
14	Dasit	1,189,258,627	2,026,125,000	-
15	Diabas	625,000,000	-	-
16	Diatomacea	107,105,800	31,056,700	-
17	Diorite	8,773,845,000	520,780,730	604,195
18	Dolomite	2,378,907,607	2,471,357,211	158,548,761
19	Feldspar	6,435,680,286	4,820,061,821	34,570,458
20	Phosphate	19,113,040	8,485,580	187,561
21	Gypsum	7,268,422	170,890	-
22	Jade	-	74,475	-
23	Granite	60,760,216,683	21,391,799,589	638,874,252
24	Graphite	-	31,300,000	-
25	Granodiorite	2,126,000,000	-	-
26	Diamond*)	100,640	43,590,201	10,066,271
27	Jasper	600	650,000	-
28	Chalsedony	109,852	1,657,500	-
29	Calcite	60,025,000	62,092,200	377,632,565
30	Kaolin	1,249,877,424	339,389,719	8,293,242
31	Rusted wood	-	13,750	-
32	Quartzite	2,975,259,000	297,248,498	-
33	Clay	90,949,234,845	9,955,303,296	291,019,605
34	Magnesite	780	-	-
35	Marble	106,220,384,000	4,817,241,284	18,990,004
36	Obsidian	4,150,000	62,720,000	-
37	Ocher	123,085,840	45,000	-
38	Onyx	527,500	-	-
39	Opal	-	1.67	-
40	Zircon	5,026,850	121,951,318	48,215,864
41	Quartz sand	23,223,593,600	2,111,225,091	330,894,485
42	Sea sand*)	-	1,970,452,984	832,657,505
43	Peridotite	8,289,422,000	107,789,630	21,703,646
44	Perlite	1,287,190,100	193,942,000	-
45	Pyrophyllite	104,762,000	96,446,710	17,097,702
46	Prehnnit	-	4,200	-
47	Chert	287,663,000	1,089,680	-

No.	Commodity	Hypothetical (metric tons)	Total Resources (metric tons)	Total Reserves (metric tons)
48	Serpentinite	1,290,635,000	137,500	-
49	Sand and rock	5,171,218,700	4,124,656,883	796,115,643
50	Talk	185,000	1,946,200	-
51	Toseki	221,651,000	53,896,000	-
52	Trakhite	4,124,316,000	1,286,927,500	-
53	Trass	4,307,815,880	381,894,553	168,179,215
54	Travertine	-	7,500	-
55	Ultrabasic	42,636,369,900	52,737,271,640	-
56	Iodine	-	138,192	10,658
57	Zeolite	236,081,163	290,864,194	4,134,579

(Ministry of Energy and Mineral Resources Republic of Indonesia, 2022)

3.3. Producing natural resources

There are several stages that must be passed in producing natural resources, namely the search stage, exploration stage, development stage, production stage and processing stage. The search stage can be carried out by geological, geochemical, and geophysical means and methods, this stage can take years (Zeen, 1984). The exploration stage is after the indication of a type of mineral in an area has been determined, then further work is carried out in more detail to find out the actual form of debris in order to estimate the amount of available reserves. The development stage is after passing the search and exploration stage, then next make preparations for mining such as re-drilling, tunneling, shafts and so on. The mining stage is the process of mining mineral materials, in the mining stage the ores obtained are separated from other minerals to be transported to the processing site. The last stage of smelting, in this stage, for example, in the form of lead sand, it is melted to obtain white blocks. From this stage the blocks that have been ready to use will be sent to the place or factory that requires (Zeen, 1984).

3.4. Potential natural resource conflicts

Natural resources certainly have the potential to cause conflict. The potential for conflict is very high in Indonesia. According to Zulkifli (2014), there are four types of rights in natural resource management. The first is the right of access, which refers to the right to enter resource areas that have clear boundaries in order to enjoy non-extractive benefits. The second is the right of utilization, meaning the right to utilize available resources. The third is management rights, which is the right to participate in resource management. The fourth is exclusive rights, referring to the right to determine who may have access rights and how those rights are transferred to other parties. In addition, there is also the right of transfer, which grants the right to sell or lease part or all of the collective right.

Beyond the types of rights, there are also regimes of ownership of natural resources (Zulkifli, 2014). The state regime refers to natural resources that are owned by all citizens, where the transfer of processing authority is carried out by the government. The private regime grants individuals or companies the right to own and control resources. The community or communal regime refers to resources that are owned and controlled collectively by a group of people. Lastly, open access means that resources can potentially be owned or utilized by everyone without restriction. Potential conflicts that occur in the mining area so far represent economic injustice and access to resources owned by the surrounding community (Ernest et al., 2024). Thus contrary to the principle of the national economy which is held on the principle of Justice, environmentally sound as stated in Article

33 of the Constitution (Harsono, 2008). Because the community considers that the exploration area is their customary territory or hometown. On the other hand, corporations consider that the authority they receive through mining license rights, feel they have the right to explore as much as possible to find surpluses (Lochery, 2022). The management of potential conflicts that occur in the mining environment has been influenced by 3 main actors, namely the company, the community around the mining area, and the government. However, conflicts that often arise related to the environment, especially around the mine is the community and the company (Zulkifli, 2014).

3.5. The reality of mining practices in Indonesia and the implications of mining practices as a manifestation of the capitalist system on land and Indigenous Peoples

In the reform era, regional economic ideas have strengthened, causing policy shifts (Genita Permata Sari 1, Dona Utami 2, Muja Rachel Sony Pratama 3, Putra Harrymanto 4, 2024). The government in an effort to support companies that seek profit through investment, then promotes sectors that have high value (Kim & Sumner, 2021). Armed with new regulatory products and driven by efforts to increase local revenue, local governments are competing to attract investors and explore sources of income and foreign exchange by issuing various local regulations that support extractive industries, namely mining (Akhmaddhian et al., 2023).

Over the rise of the mining industry, instead of obtaining benefits such as employment and the environment is maintained (Anwar et al., 2024), people actually bear an uneven economic burden because not all people are employed and many continue to work as manual labor with low wages. This reflects that economic growth based on extractive industries such as mining does not always translate into poverty alleviation (Rahmadani, 2025), the fate of communities around mining areas is often eliminated from the ancestral heritage land, which is the source of their economic, social, cultural, spiritual, and identity. Their livelihood is also seasonal, switching between agriculture and mining (Paltasingh & Satapathy, 2021).

This is in line with Marx's thought that the capitalist system supposes the total separation between society and the means of production such as land and Natural Resources (Gerber, 2025). From this separation, systematic appropriation of natural resources such as mining ranging from gold, nickel, tin, coal and other products that cause exploitation of nature (Marx, 1887). This means that capitalism aggressively prioritizes financial gain and expansion, while ignoring the environmental and disruptive consequences between human civilization and nature (Zhang, 2013). As a result, there is widespread contamination, soil degradation, deforestation, and overall ecological damage (Thi et al., 2024).

Geographically, mining activities are always carried out in Forest, hilly, and even coastal areas. These areas generally have abundant natural resources such as metallic minerals and non-metallic minerals. The area is often a living space for Indigenous people such as Indigenous groups (Paltasingh & Satapathy, 2021), who have for generations hung their lives on the balance of nature (Wetzlmaier, 2012). As a result, indigenous peoples often become groups affected by the loss of their land and natural resources, they lose access to indigenous lands such as the loss of livelihoods that have supported families for generations (Ali, 2024). It is not uncommon for mining activities to dispose of waste that causes Indigenous people to experience various diseases (Kuum, 2022). This condition indicates that natural resources in the capitalist system have encouraged the process of deagrarianization, in which the lives of Indigenous people who previously depended on ecological harmony are shifted and disrupted due to the presence of industrial production space in the form of mining.

Thus, it must be acknowledged that in Indonesia, capitalist expansion has found its momentum through a dependency on nature (Marx, 1981), primarily through the hegemony of extractive industries such as mining. Historically, the flexibility of national legal instruments has been directed to favor investment, particularly in the mining sector

(Rahman et al., 2025), yet, at the same time, the state has diminished prospects for enacting laws that protect the rights of Indigenous Peoples. Instead of providing legal protections grounded in the principles of justice, equality, transparency, human rights, and environmental sustainability (Jamin et al., 2023), the mining industry in Indonesia persists by strengthening the legitimacy of capital. Certain corporations have even tightened their operations through the presence of security apparatuses within mining areas (Zulkifli, 2014). This condition illustrates a neoliberal economic framework that enables capitalism to solidify its dominance over natural resources. Capitalism assumes that depleted natural resources can be replaced by human or manufactured capital, treating nature as if it possesses no limits. This entrenched capitalist system ultimately results in ecological exploitation (Ruiz et al., 2025), causing Indigenous Peoples to suffer both losses and displacement from the lands they have protected for generations.

This phenomenon can be observed in land issues in Papua, where indigenous communities—such as the Namblong and Awyu tribes—continue to face severe hardships through 2025. These communities struggle even for basic needs, such as access to clean water, due to land stripping activities for mining. Such practices seize the livelihoods essential for the preservation of humanity, land, and forests (Alvionita, 2025). Furthermore, the utilization of the Raja Ampat Islands for tourism promotion has led to rapid population growth, which in turn causes damage to coral reefs and marine ecosystems, including an increase in plastic waste and untreated wastewater (Green Peace, 2025).

Moving on from Papua, mining practices that led to land grabbing and removal of Indigenous people also occurred in Sangaji village, Kota Maba, East Halmahera regency, North Maluku province. This case began when the company with PT Position since April 2025 carried out land grabbing and destruction of customary forest areas in the MABA Sangaji customary area (Jumat, 2025). The action sparked the anger of Indigenous people who directly witnessed about 700 hectares of customary forest being cleared by mining industry activities. As a result, hilly areas overgrown with dense trees look bare, some tributaries are subject to pollution, irreparable ecological heavy damage. Ironically, the customary land that has been living for hundreds of years for many people has become the reason for criminalization for MABA Sangaji residents, as many as 11 people were detained and faced a verdict trial with a 5-month prison for defending their land (Sawal, 2025).

Based on the data that has been collected, the expansion of capital in mining areas that has led to agrarian conflicts to land grabbing and the elimination of indigenous peoples in mining sites triggers various conflicts. According to data presented by the NGO Consortium for agrarian reform, from 2021 to 2024, agrarian conflicts caused by the mining industry amounted to 41 conflict eruptions with an area of 71,101.5 hectares and affected victims such as Indigenous Peoples reached 11,153 families (Agraria, 2025). NGO Jatamnas also noted that the expansion of mining projects in 2024 led to a significant escalation of agrarian conflicts. In JATAM's 2024 annual report entitled *Bara Perusahaan Warisan Biasa* (ordinary people's resistance against extractivism machines), it confirms that since the last 20 years, 25,000 hectares of primary forest have been deforested and turned into nickel mine puddles (Jaringan Advokasi Tambang Nasional, 2024).

As a result, indigenous peoples who are in the circle of mining practices lose their living space, being eliminated from their lands that they have guarded for hundreds of years. This led to various forms of conflict including land grabbing, to the loss of indigenous peoples land rights due to the issuance of new permits for various types of Mines. This condition also eliminated the production spaces that for hundreds of years ensured the safety of Indigenous Peoples. Now they are faced with the threat of life, declining health quality, weak economic power due to mining and downstream activities. The following is a summary of agrarian conflicts arising from mining activities that affect land and society. In fact, agrarian conflicts are not only born from policies that ignore the people, but also from weak agrarian governance that opens up space for the land mafia (Susanto, 2026). They exploit legal loopholes, bureaucratic corruption, and collusion with authorities to seize people's land.

Table 4. Selected summary of agrarian conflicts of mining activity 2024-2025

No	Year	Location	Types of mine conflicts	Forms of conflict	Impact of mining activities
1	2025	Raja Ampat, Papua	Land demolition islands promotion	Depriving human survival, land, and forests.	People lose their land and the environment suffers special damage in the water area, namely on coral reefs and marine ecosystems.
2	2025	Sangaji Village, East Halmahera, North Maluku	Grabbing and destruction of indigenous forest areas	Criminalization of young people Sangaji. And detention.	Hilly areas look bare, there is soil damage, some tributaries are polluted, heavy ecological damage that cannot be restored.
3	2024	Poco Leok, Manggarai, NTT	General mining process	Intimidation, indigenous people who refuse to experience violence and even criminalization.	Risk of various disasters.
4	2024	Lelilef Village, Veda District, Central Halmahera Regency, North Maluku Province	Nickel mining	Intimidation. Criminalization.	The poverty rate increases and the quality of health decreases. Damage to water sources, so that Indigenous people have to buy clean water. Destruction of traditional production space. Indigenous Peoples Deforestation.
5	2011-2024	Torobulu Village, Laeya District, South Konawe Regency	Nickel mining	Land Grabbing.	Destruction of the environment. Citizens' living space is destroyed.
6	2024	Bowone Village, Sangihe Island	Gold mining	Seizure of the island.	Vulnerable to natural disasters. Waste disposal Material settles under the sea.
7	2024	Dairi, Sumatera Utara	Zinc mining	Destruction of the environment.	Sewage leaks pollute water sources. Depriving society of production space

(Sources: Jaringan Advokasi Tambang Nasional, 2024)

These actions are often criminalized and intimidated (Kurniawan et al., 2025). Environmental damage caused by mining activities is clearly contrary to the law on the protection of Life No. 32 of 2009 article 1, Number 12 of Law No. 32 of 2009 on Environmental Protection and Management (Undang-Undang Ri Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup, 2009), this law confirms that environmental management must be based on the principles of responsibility, sustainability and sustainability, balance, integration, benefits, prudence, justice, biodiversity, the principle of paying pollutants, participatory, and local wisdom. Article 3 of the law also emphasizes the objectives of environmental management, namely ensuring human safety and health, maintaining survival and achieving ecosystem harmony and balance, protecting the right to the environment as part of human rights and controlling the wise use of Natural Resources.

3.6. *Environment and people*

Quality of life can be measured by 3 criteria, first the degree of fulfillment of the need to live as a living being and this need is absolute because it is driven by the human desire to maintain the survival of his life (Soemarwoto, 1991). Both degrees of fulfillment of the need for human life, meaning having a role to take decisions about things that determine the fate of himself, his family, and society, especially the needs of a human life. Finally, the degree of freedom to choose that the degree of freedom is limited by both written and unwritten law (Soemarwoto, 1991), with 3 criteria of quality of life, the quality of the environment can be measured.

3.6.1 *Land and indigenous peoples*

In a study by Dr. Nasikun, a rural sociologist (Fakih, 1995), states that the inequality of land ownership structure in Indonesia is a direct consequence of the existence of capitalistic-based industrial hegemony, especially in the development and mining sectors. The process of capital-oriented industrialization has removed indigenous peoples from their living spaces. About 70-80% of land in remote areas rich in natural resources is controlled by only 10-20% of the population, the majority of which are landlords and investors. They not only control the land but also create social relations that ensnare the people through the process of production relations such as placing workers on their own land for the sake of the production chain of capitalism (Fakih, 1995). This condition shows how the combination of Agrarian power supported by the state, being on the land of Indigenous people causes capitalism to become more powerful.

Conditionally, indigenous peoples have a close relationship with nature due to their natural dependence on the surrounding environment. This relationship is reflected in their centuries-old customs and traditions, where Indigenous Peoples collectively manage and guard their ancestral lands. The practice not only demonstrates a form of respect for nature, but also contributes greatly to the sustainability of ecosystems and their well-being with the various benefits received (Leyton-Flor & Sangha, 2024). Indeed, the relationship of indigenous peoples with their land forms a close dependence on nature directly. This dependence covers various aspects especially social and cultural aspects that become vital elements in their lives. Through this dependency relationship, Indigenous Peoples acquire local knowledge, practice cultural skills and ceremonies, obtain food resources to sustain life, and work together to maintain natural ecosystems for overall health and well-being (Leyton-Flor & Sangha, 2024).

This is in line with the habits of various tribes in the world who live in tropical ecosystems where Indigenous people not only maintain their land through the preservation of forests, flora and Fauna, but also preserve various types of plants and various types of vegetables. They teach children to have harvesting skills, hunt ethically because they avoid excessive hunting in order to maintain the balance of the ecosystem on their land. The pattern of life certainly reflects that Indigenous people appreciate the flora and fauna not only because of its function, but because (Abas et al., 2022).

Land is very important to indigenous peoples in all aspects of their lives from attachment to culture, spirituality, language, law, family, and identity. Indigenous peoples have learned how to recognize land profiles through wisdom passed down from their ancestors. This knowledge can also be utilized by modern societies to observe the surrounding environment and act as an early warning system in assessing the quality of their land, even through their development, they can forecast the weather, predict tsunamis, winds, observe fish swimming patterns so that Indigenous peoples can take preventive measures to reduce the impact of various impending natural disasters (Leyton-Flor & Sangha, 2024). This custom reflects that the land becomes a source of life as well as a symbol of the cultural and spiritual identity of the indigenous people.

3.8. Agrarian law

According to agrarian law, the definition of Agrarian in the basic agrarian law (UUPA) is used in a very broad sense (Harsono, 2008), covering the earth, water, and space that contain energy and elements that can be used to maintain and develop the fertility of the earth, water, and natural resources in it are controlled by the state. The wealth is used to achieve the greatest prosperity of the people in the sense of nationality, welfare, and independence of society and the state according to Indonesian law (Harsono, 2008). The wealth contained in the Earth is called minerals, namely chemical elements, minerals, ores and all kinds of rocks including precious rocks which are natural deposits (Harsono, 2008). While agrarian law is a group of various legal fields, each of which regulates the rights of control over certain natural resources. According to Harsono (2008), agrarian law can be grouped into several branches. The first is land law, which regulates the rights of tenure over land in the sense of the Earth's surface. The second is water law, which governs the rights of ownership over water resources. The third is mining law, which regulates the rights of control over mineral materials as intended by the Basic Law of Mining. The fourth is fisheries law, which covers the rights of control over natural resources contained in water. Finally, there is the law of control over energy and elements in space, as intended by Article 48 of the Basic Agrarian Law.

3.8.1. Agraria Synchronization of customary law as the basis for agrarian law

Juridically, customary law is used as the basis of national land law, because customary law is the original law of Indonesia because it was purely born from community habits long before Western law was applied (Harsono, 2008). Customary law considers that the highest land tenure is customary rights (Harsono, 2008). Customary rights are a series of authorities and obligations of an Indigenous legal community, which relate to land located within its territory, as the main support for the livelihood and life of Indigenous people, while the series of rights and obligations of the community in the basic agrarian law, is interpreted as customary rights (Arba & Putro, 2024). The indigenous people have the right to freedom to open, use the land included in the territory of their legal community. If either a member of the adat or a foreigner wishes to use or control the land, they must notify the adat ruler. The notice is not a request for permission to use the land, because if you want to use the land do not have to pay something. The business to open or use (Harsono, 2008). Land is for example fields, gardens, rice fields, tebat, housing and others. Each of them according to customary law has a special law. Meanwhile, if indigenous people want to take forest products, river products, or swamps, hunting and even other purposes can freely take it without having to ask permission or give gifts (Harsono, 2008).

Factually, when governments or corporations want to control land, the interests of indigenous peoples often have to yield to broader national interests, so the procedures and requirements set forth in customary law and legislation, including the general explanation of Article 3 of the 1960 Constitution, are often ignored. For any land tenure desired by the government or corporations in customary territories, it should still refer to Articles 1 and 9 of Presidential Decree No. 55 of 1993 on Land Acquisition for the implementation of development for the public interest (Harsono, 2008), which practically confirms that the implementation of development for the public interest must be carried out through deliberation to create equal relations, mutual listening, accepting opinions and desires based on voluntariness between land rights holders and parties who need land (Sakmaf, 2025). Presumably the rules of the agreement can be tried to achieve justice in it there is no element of coercion and even revocation of rights to land tenure. So that through deliberation conducted between landowners not only produce the form and amount of compensation in return to be given to holders of customary rights (Harsono, 2008). The respect for the existence of customary law and customary rights as cultural identity and the rights of traditional communities is supported by regulations, namely in Article 6 of Law Number 39 of 1999 (Ismi, 2012), that in order to enforce human rights, differences and

needs in customary law communities must be considered and protected by law, including customary land rights protected in line with the Times.

3.8.2. Minimal regulation on the protection of the rights of indigenous peoples and indigenous lands

Indigenous peoples' rights are human rights principles that protect both the collective and individual rights of Indigenous communities. According to Sempo et al. (2024), there are several rights of Indigenous Peoples guaranteed by the state. In terms of rights to land and natural resources, these have been expressly regulated through Article 33 paragraph (3) of the 1945 Constitution, which states that the earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. Land ownership itself is divided into various rights in accordance with Law No. 5 of 1960 on the Basic Principles of Agrarian Regulation (UUPA). Beyond land rights, Indigenous peoples are also guaranteed the right to identity and culture, which includes the right to maintain, develop, and pass on their culture and language. They are further entitled to participation in decision-making processes that affect their lives, as well as protection against violence and discrimination through strong legal frameworks. Additionally, Indigenous peoples must have equal access to quality education and culturally appropriate health services. With regard to the management of natural resources, state policies that have prioritized the economy in the mining sector have often caused Indigenous people to be marginalized and lose their living space, making it imperative for the government to protect and safeguard their rights over natural resource management.

Rationally, the rights of indigenous peoples are often marginalized by various national policies (Yahya, 2025), especially those that encourage the expansion of the mining industry. As a result of massive mining activities, land grabbing and land dispossession have caused Indigenous people to be eliminated from their own land and lose access to forests as their living space (M. Thalib, 2025). This condition is further reinforced by several state legal products. UUPA No. 5 of 1960, Articles 2 and 3, provides the pretext that if customary territory has not been formally established, it is considered state land (Pemerintah Republik Indonesia, 2004). Forestry Law Number 41 of 1999, particularly Article 1 Figure 6, Article 38, and Article 67, regulates access to state forest areas through the issuance of PPKH permits while making it difficult for indigenous peoples to obtain formal recognition through existing regulations (Republik Indonesia, 1999). Furthermore, the Mineral and Coal Law No. 4 of 2009 in conjunction with Law No. 3 of 2020, Article 4 paragraph (1) and Article 162, stipulates that communities considered to interfere with mining activities may be subject to criminal punishment (Republik Indonesia, 2009). Lastly, Law Number 11 of 2020 on Job Creation in the field of natural resources has further simplified business licensing through a risk-based approach, which has been criticized for potentially weakening protections for indigenous communities (Advokasi & Atas, 2020). On the basis of the application of neoliberal capitalist ideology in state policy, it is not surprising that the recognition in the law is only formal, for example by stating that the state recognizes the existence of indigenous peoples and customary rights as long as they still exist. Meanwhile, more progressive legal products and in favor of indigenous peoples are in the realm of Constitutional Court decisions that are only declarative. The indigenous peoples bill that supports the certainty of justice in which there are principles of equality without discrimination, transparency, humanity, harmony, diversity, local wisdom to sustainability and sustainability of environmental functions is only a sweet discourse because until now the Indigenous Peoples bill is still a draft in the DPR.

4. Conclusion

Using the perspectives of Marxist Ecology and agrarian law, this study shows that the capitalist system treats nature not as a living space, but as an exploitable object of production. The expansion of capital in the mining sector has given rise to systematic

agrarian conflicts in the form of land grabbing and the removal of indigenous peoples from their living space. The land, which for hundreds of years was treated as a source of life, turned into the production space of capital. Whereas in the agrarian framework, customary law as the basis of national land law affirms that Indigenous peoples have full rights to manage and utilize their customary territories.

In practice these rights are sacrificed in the name of “national interests” which serve as legitimacy for the running of extractive industries. As a result, indigenous peoples have lost access to their forests and livelihoods, compounded by regulations that facilitate mining and the absence of laws that firmly protect indigenous peoples and their lands, including the unapproved Indigenous Peoples bill. Thus, the state actually perpetuates structural inequality and ignores the spirit of Agrarian Justice as mandated in Article 2 Point 3 of the 1960 constitution that land is used to achieve the greatest prosperity of the people.

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Author's Contribution

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The author states there is no conflict of interest.

Declaration of Generative AI Use

During the preparation of this work, the author used Google Gemini and Preplexity to assist in script review, grammar correction, clarity, as well as typo correction. The author asserts that the entire structure and style of the script language is composed independently. After using this device, the author reviews and edits the content as needed and is solely responsible for the content of the publication.

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