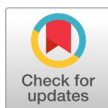
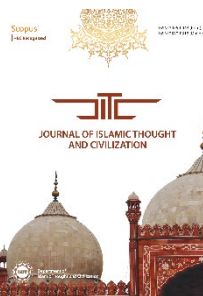


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**Title:** Decolonization of Mining based on Qur’ānic Worldview: A Study of QS 9:34 and Mining Law in Indonesia Using Maqāṣid Sharī’ah

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# Decolonization of Mining based on Qur'anic Worldview: A Study of QS 9:34 and Mining Law in Indonesia Using Maqāṣid Shari'ah

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## Abstract

This study examines the decolonization of Indonesia's mining sector, highlighting how colonial structural legacies, particularly legal frameworks, have fostered the emergence of a new elite that replicates colonial power dynamics, thereby concentrating resource benefits among a select few rather than promoting collective welfare. The introduction of Government Regulation No. 25 of 2024, which grants priority rights to religious organizations for mining management, parallels the context of QS al-Taubah (9): 34, which critiques Jewish and Christian religious leaders for hoarding wealth to the detriment of communal benefit. This article employs Jasser Auda's *maqāṣid al-shari'ah* framework to explore the Qur'anic worldview of QS 9:34, and evaluates Indonesia's mining laws through six principles: Qur'anic cognition, comprehensiveness, wholeness, openness, multidimensionality, and purposefulness. This article argues that QS 9:34 emphasizes the use of wealth for the public good rather than for individual or sectarian interests. In a postcolonial state, natural resource governance must prioritize public welfare and prevent monopolization by a small group. However, Government Regulation No. 25 of 2024 has sparked controversy due to its conflict with the Mineral and Coal Mining Law. Without equitable and transparent oversight, this policy risks harming communities and contravening the Qur'anic worldview of justice in resource management. Consequently, the study argues that postcolonial Indonesia remains unprepared for true decolonization, as certain groups perpetuate colonial-like exploitation under various pretexts, including religious ones. Thus, on this basis, the article advocates the necessity of legal reform.

**Keyword:** decolonization, *maqāshid shari'ah*, mining, postcolonial, Qur'anic worldview, social justice

## Introduction

QS Al-Taubah (9): 34 critiques religious leaders, specifically Jewish rabbis and Christian monks, for misusing their authority to hoard gold and silver—mining proceeds—that should be equitably distributed for communal welfare. Concurrently, Indonesia, as a postcolonial state, despite achieving political independence, remains ensnared in a colonial legacy that has hindered comprehensive decolonization. Strategic mining operations are predominantly controlled by foreign corporations through long-term, disadvantageous contracts.<sup>1</sup> Rather than fostering economic sovereignty, the promulgation of 'Government Regulation' officially known as *Peraturan Pemerintah* (PP) No. 25 of 2024, which grants mining permits to 'religious organizations' (also known in Indonesia as *Organisasi Kemasyarakatan Keagamaan (Ormas Keagamaan)*), introduces

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<sup>1</sup>Shofwan Al Banna Choiruzzad, "To Build the World Anew: Decolonization and Cold War in Indonesia," *Asian Perspective* 44, no. 2 (2020): 209–231, <https://doi.org/10.1353/apr.2020.0013>.

new complexities.<sup>2</sup> This situation parallels the context of QS al-Taubah (9): 34's revelation, necessitating an examination of Indonesia's mining decolonization through the lens of the verse's ethical principles.

This study aims to analyze QS al-Taubah (9): 34 to elucidate its core message and apply it to the decolonization of Indonesia's mining sector. It employs Jasser Auda's *maqāsid al-sharī'ah* framework, a "systems approach" that prioritizes higher objectives of justice, freedom, human rights, and collective welfare. Auda critiques traditional *uṣūl al-fiqh* (Islamic jurisprudence) for its textual, binary, and reductionist tendencies, advocating for an expanded scope of classical *maqāsid*—historically focused on individual welfare—to address contemporary challenges through a multidimensional framework encompassing six systemic features: Qur'ānic cognition, comprehensiveness, wholeness, openness, multidimensionality, and purposefulness.<sup>3</sup>

In the context of Indonesia's mining decolonization and QS al-Taubah (9): 34, Auda's *maqāsid* framework aligns with the study's emphasis on evaluating mining legislation to ensure equitable resource distribution in accordance with Qur'ānic worldview. This methodology supports critiques of policies like PP No. 25 of 2024, which risk concentrating resource control among religious elites. Consequently, this research holds significant implications for understanding how Qur'ānic worldview, particularly those in QS al-Taubah (9): 34, can inform the decolonization of Indonesia's mining sector. Overall, it contributes not only to Qur'ānic exegesis but also offers value-based Islamic solutions to practical challenges in natural resource governance in Indonesia.

## 2. Method

This study concurrently examines Indonesia's decolonization process and QS al-Taubah (9): 34, identifying parallel conditions, through the lens of Jasser Auda's *maqāsid al-sharī'ah* framework. By analyzing the verse's meaning and objectives, particularly its admonition against hoarding wealth and its implications for communal welfare, this article employs a Qur'ānic worldview to evaluate Indonesia's decolonization efforts, focusing on the implications of PP No. 25 of 2024. The operational framework of analysis involves identifying *muqtaḍā al-ḥāl* (situational context), which emphasizes tailoring communication to the audience's circumstances, including situational factors, setting, timing, and communicative intent.<sup>4</sup> Additionally, the *muqtaḍā al-maqāl* (textual context) approach focuses on selecting appropriate linguistic styles, such as word choice, sentence structure, and delivery, to ensure effective message transmission aligned with the Qur'ānic worldview.<sup>5</sup> This methodology further necessitates coherence with the Qur'ān's linguistic and historical dimensions at the level of *ma'ānī* (semantics) and its rhetorical styles at the level of *bayān* (rhetoric).

Having established the worldview of QS al-Taubah (9): 34, this study assesses the decolonization of Indonesia's mining sector using Auda's *maqāsid al-sharī'ah* framework, which emphasizes six principles: Qur'ānic cognition, comprehensiveness, wholeness, openness, multidimensionality, and purposefulness. *Qur'ānic cognition* denotes the application of the Qur'ān's

<sup>2</sup>Mark Berger, "Post-Cold War Indonesia and the Revenge of History: The Colonial Legacy, Nationalist Visions and Global Capitalism," in *The Rise of East Asia*, ed. Mark T. Berger and Douglas A. Borer (London: Routledge, 2002), 181–204, <https://doi.org/10.4324/9780203076606>.

<sup>3</sup>Jasser Auda, *Maqasid al-Shariah as Philosophy of Law: A Systems Approach* (London: International Institute of Islamic Thought, 2010).

<sup>4</sup>Ahmad Ismail, and Ahmad Solahuddin, "Psychology of Patience and Semantic Approach to the Qur'an: Meaning of Qāla on Istirjā' Verse," *Cogent Arts & Humanities* 10, no. 1 (2023): 2168342, <https://doi.org/10.1080/23311983.2023.2168342>.

<sup>5</sup>Ahmad Ismail, "Exploring New Arabic Semantic Paradigms for Understanding the Quran: Addressing Interpretive Gaps and Hidden Meanings," *Ijaz Arabi Journal of Arabic Learning* 7, no. 3 (2024): 1339–1354, <https://doi.org/10.18860/ijazarabi.v7i3.27123>.

ethical values to inform mining legislation, such as the ‘Mineral and Coal Mining Law’ also known as *Undang-undang Mineral dan Batubara* (UU Minerba), grounded in a Qur’ānic worldview. *Comprehensiveness* reflects the Qur’ān’s holistic guidance across spiritual, social, and economic domains, enabling legislations like Mineral and Coal Mining Law to embody this integrative perspective. *Wholeness* underscores the interconnectedness of these elements within a cohesive legal system, ensuring policies that avoid partiality. *Openness* highlights the transparency and adaptability exemplified in PP No. 25 of 2024. *Multidimensionality* emphasizes the interrelation of Indonesia’s legal frameworks, fostering a Qur’ānic worldview. *Purposefulness* asserts that regulations must pursue noble objectives, such as communal welfare, aligning with QS al-Taubah (9): 34, to ensure that resources are managed for collective prosperity rather than elite enrichment.<sup>6</sup>

Thus, Auda’s *maqāsid al-sharī’ah* framework provides a robust structure for evaluating whether Indonesia’s mining decolonization fosters social justice, enhances public welfare, and ensures the management of natural resources for communal benefit, in accordance with a Qur’ānic worldview. Unlike traditional interpretations of *maqāsid al-sharī’ah*, Auda’s approach offers a comprehensive, systemic framework rooted in the Qur’ān’s worldview, addressing complex contemporary challenges.<sup>7</sup>

### 3. A *Maqāsid*-Based Analysis of QS al-Taubah (9): 34

QS 9:34 strongly warns against hoarding wealth without using it for the sake of Allah. In the context of *maqāsid al-Qur’ān* (the Qur’ān’s objectives), the verse highlights the moral and religious duty to use wealth for the good of the community. This verse can be better understood through three main approaches: *muqtadā al-ḥāl* (context of the situation), *muqtadā al-maqāl* (context of the text), and *balāghah* (rhetorical meaning).

*Yā ayyuhā alladhīna āmanū inna kašīran mina al-aḥbārī wa al-ruhbānī laya’kulūna amwāla al-nāsi bil-bāṭili wa yašuddūna ‘an sabīlillāh, wa alladhīna yaknizūna al-dhahaba wa al-ṣiddata wa lā yunfiqūnahā fī sabīlillāh, fa basysyirhum bi’adzābin alīmin*

O you who believe, many of the rabbis and monks devour people’s property wrongfully and turn people away from God’s path. Those who hoard gold and silver and do not spend them in God’s cause— warn them of a painful punishment.

QS Al-Taubah: 34 comprises two distinct segments. The first segment, *yā ayyuhā alladhīna āmanū - wa yašuddūna ‘an sabīlillāh*, is unanimously interpreted by Islamic scholars as addressing Jewish religious leaders (*aḥbār*). The second segment, *wa alladhīna yaknizūna al-dhahaba - bi’adzābin alīmin*, has elicited divergent scholarly opinions. Some scholars maintain that it continues to address the People of the Book (*ahl al-kitāb*), consistent with the first segment, while others argue that it also encompasses Muslims. The *muqtadā al-ḥāl* shows that this verse was revealed during a time when early Muslims were working to build social justice. It responded to wealthy individuals who refused to use their wealth for the community or to support Islam. These people focused on personal gain instead of helping others. The verse strongly emphasizes the duty to use wealth in rightful ways, especially for religious and community purposes.<sup>8</sup>

A historical account involving Abu Dharr al-Ghifari illustrates this interpretive divergence. While in Ar-Rabdhah, Abu Dharr was questioned about his presence there. He responded that it was related to God’s command in QS Al-Taubah: 34, which prohibits hoarding gold and silver without

<sup>6</sup>Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law*.

<sup>7</sup>Ibid.

<sup>8</sup>Ahmad Ismail, “Linguistic and Contextual Analysis of Fasting in Surah al-Baqarah: A Jewish-Christian Heritage in 7th Century Arabia,” *Jurnal Al Bayan: Jurnal Jurusan Pendidikan Bahasa Arab* 16, no. 1 (2024): 258–280, <https://doi.org/10.24042/albayan.v16i1.22526>.

expending it in the way of Allah. When this issue was debated with Mu'awiyah, the latter posited that the verse applied exclusively to the People of the Book. Abu Dharr, however, insisted on its relevance to Muslims as well. This disagreement reached Caliph Uthman, who urged Abu Dharr to demonstrate obedience to leadership despite differing perspectives.<sup>9</sup>

The dialogue, though its exact location is uncertain, is believed to have taken place after the conquest of Mecca (*fath al-Makkah*) and following the Prophet's death, likely in the Levant region near Aqabah—an area known for its silver mines. It captures the concerns of the Prophet's Companions (*ṣaḥābah*), particularly around wealth accumulation, a relevant issue in mining regions.<sup>10</sup> Historically, gold mining has played a central role in human civilization; evidence from Mesopotamia (modern-day Iraq) shows that as early as 4000 BCE, gold was mined, and by 2500 BCE, the Sumerians had developed advanced techniques using tools like sluice boxes. This historical backdrop highlights the longstanding economic and cultural importance of mining, which aligns with the Qur'ānic warning in QS Al-Taubah: 34 about the ethical management of wealth.<sup>11</sup>

The analysis of *muqtaḍā al-maqāl* (contextual coherence) emphasizes the examination of *munāsabah* (coherence between verses), which seeks to demonstrate the harmonious relationship among verses within a text. This coherence is evidenced by the presence of *awāṭif* (connective elements) in each verse, which may take various forms, such as conjunctions (*ḥurūf al-'atf*), vocative particles (*nidā'*), and others.<sup>12</sup> In QS Al-Taubah, the vocative particle *yā ayyuhā alladhīna āmanū* (O you who believe) appears in verses 23, 28, 34, and 38, establishing coherence by addressing believers directly. However, the themes addressed in these verses vary, encompassing prohibitions against associating with polytheists (QS 9:23), safeguarding the sanctity of places of worship (QS 9:28), warnings against prioritizing worldly matters (QS 9:34), and the importance of sincerity in deeds (QS 9:38).

What, then, is the role and function of the *nidā'* in these verses? Typically, the clause following a vocative particle introduces an imperative, yet in QS Al-Taubah: 34, the *nidā'* is followed by a declarative statement rather than a command. In contrast, the preceding verses (QS 9:2–22) predominantly employ imperatives.<sup>13</sup> This distinction suggests a coherent relationship between QS 9:23, 28, 34, and 38 and QS 9:2–22, as the *nidā'* in these verses operates within a context of exhortation. The use of *yā ayyuhā alladhīna āmanū* unifies the address to believers, creating a thematic linkage despite the varied subject matter.

This study posits that the concept of *muqtaḍā al-ḥāl* (contextual exigency) is critical for interpreting QS Al-Taubah: 23, 28, 34, and 38. The presence of the vocative particle not only ensures

<sup>9</sup>Ibnu Jarir al-Tobari, *Jami' al-Bayan fi Tafsir Ayi al-Quran* (Beirut: Dar al-Kotob al-Ilmiyyah, 2010), 134.

<sup>10</sup>Martin Levey, "The Refining of Gold in Ancient Mesopotamia," *Chymia* 5 (1959): 31–36, <https://doi.org/10.2307/27757174>.

<sup>11</sup>Ashraf El Maghraby, Heba M. R. Hathout, and Kholoud M. AbdelMaksoud, "Heavy Metal Contamination in the Vicinity of Gold Mine and Its Environmental Impact at Eastern Desert, Egypt," *Arabian Journal of Geosciences* 16, no. 11 (2023): 599, <https://doi.org/10.1007/s12517-023-11702-9>.

<sup>12</sup>Ahmad Solahuddin Dunkring, and Jamaluddin Hadi Kusuma, "The Wholeness of the Sura in the Structure of the Qur'an: the Theory of Nazm in the Exegesis Book of Nizām Al-Qur'an wa Ta'wīl al-Furqān bi al-Furqān by al-Farāhī," *SUHUF* 13 no. 1 (2020): 123–156, <https://doi.org/10.22548/shf.v13i1.510>

<sup>13</sup>Ridhouh Wahidi, "Nidā' al-Qur'an: A Study of the Manuscript of *Tafsīr Yā Ayyuha al-Lazīna Āmanū* by Shaykh Abdul Latief Syakur 20th Century," *Ishlah: Jurnal Ilmu Ushuluddin, Adab dan Dakwah* 6, no. 1 (2024): 127–146.

structural coherence but also underscores the verses' rhetorical intent to engage the faithful directly. By analyzing the interplay between declarative and imperative forms following the *nidā'*, this study highlights the nuanced communicative strategy of the Qur'ān, which adapts its tone to address diverse ethical and spiritual concerns while maintaining textual unity. Understanding these connective elements enhances the exegesis of these verses, illuminating their role within the broader discourse of QS al-Taubah (9): 34.

From the perspective of *balāghah* (rhetorical analysis), the verse employs *tawkīd* (emphatic reinforcement), most notably in the phrase *fa-bashshirhum bi-'adhābin alīm* ("then warn them of a painful punishment"). The particle *fā'* introduces a dramatic effect, directly correlating their misdeeds with severe consequences, thereby establishing an explicit cause-and-effect relationship. The term *bashshir* (conventionally meaning "to give glad tidings") is employed ironically to convey dire warnings, a rhetorical device that heightens the gravity of the admonition. The incorporation of *innā* and *lām al-tawkīd* further amplifies the statement, reinforcing the admonition as an inescapable and serious threat.<sup>14</sup>

Thus, this verse not only exhorts believers to utilize wealth in the path of Allah but also exemplifies how the Qur'ān's deliberate linguistic precision profoundly impacts its audience, fostering a deeper comprehension of the consequences of their actions and promoting moral rectitude and social equity. In its literal articulation, QS al-Taubah (9): 34 specifically addresses Jewish and Christian clergy who mismanage communal wealth and mineral resources unjustly. However, its universal applicability extends beyond these groups to encompass all religious authorities, including those within Islam, urging them to manage gold and silver mines in accordance with divine injunctions. Wealth derived from gold and silver that is not expended in the path of Allah precipitates ruin, not only spiritually but also socially, as it engenders disparities that contravene the principles of justice.

#### **4. Integrating *Maqāṣid al-Sharī'ah* into Mining Law: Toward Ethical Resource Governance**

PP No. 25 of 2024, amending PP No. 96 of 2021 on the Implementation of Mineral and Coal Mining Business Activities, introduces a contentious policy through Article 83 A, which prioritizes the management of 'Special Mining Business Permit Areas' officially known as *Wilayah Izin Usaha Pertambangan Khusus* (WIUPK) for business entities owned by religious community organizations.<sup>15</sup> The article stipulates:

*"Dalam rangka peningkatan kesejahteraan masyarakat, pemberian WIUPK dapat dilakukan penawaran secara prioritas kepada Badan Usaha yang dimiliki oleh organisasi kemasyarakatan keagamaan."*

*"In the context of enhancing community welfare, the allocation of WIUPK may be offered on a priority basis to business entities owned by religious community organizations."*

This policy aims to improve societal welfare by empowering religious organizations economically but has drawn criticism for conflicting with Law No. 3 of 2020 on Mineral and Coal Mining. The Mineral and Coal Mining Law restricts mining permits to State-Owned Enterprises (SOEs) also known as *Badan Usaha Milik Pemerintah* (BUMN), Regional-Owned Enterprises (ROEs) officially known as *Badan Usaha Milik Daerah* (BUMD), or private entities through a

<sup>14</sup>Saddam Hamza Hamza, "The Qur'anic *fā'* and their Uses," *Surra Man Ra'a* 19.77 Part 2 (2023).

<sup>15</sup>Syahna Nabila Rachmania, Sukarmi, and Shinta Hadiyantina, "Legal Analysis of the Ratio Legis Behind Risk-Based Business Licensing Reform in Indonesia: A Study of PP No. 24/2018 and PP No. 5/2021," *Law and Safety* 96, no. 1 (2025): 140–149, <https://doi.org/10.32631/pb.2025.1.12>.

transparent bidding process. Consequently, delegating authority to religious community organizations without a competitive bidding mechanism raises concerns about legal uncertainty and potential conflicts of interest.

Article 83A is problematic due to its misalignment with the governance principles outlined in the Mineral and Coal Mining Law, particularly regarding transparency and technical competence. The priority offering to religious community organizations-owned business entities bypasses the competitive bidding requirement mandated by Article 75 of Mineral and Coal Mining Law, which ensures efficiency and fairness in WIUPK allocation. Moreover, religious community organizations often lack the technical expertise or experience necessary for managing mining operations, posing risks to environmental sustainability and community welfare. The absence of stringent technical criteria in Article 83A creates opportunities for misuse of authority, where mining permits may be granted based on organizational affiliations rather than operational capacity. This contravenes the principle of *lex superior derogat legi inferiori*, as the regulation appears to undermine the higher legal authority of Mineral and Coal Mining Law.<sup>16</sup>

#### 4.1. Cognition of the Qur'ān and the Formation of Mining Legislation

QS 9:34 frames resource management as a moral duty to ensure that wealth benefits society as a whole, not the powerful few. After colonial exploitation, decolonization is necessary so that postcolonial governments can limit external control and ensure that resources are shared fairly across society.<sup>17</sup> Decolonization is the process of ending colonial rule and gaining independence, developing from the late eighteenth century and accelerating after World War I and II as colonized societies demanded political, economic, and cultural self-determination. Early revolutions, such as the American (1775) and Haitian (1804) Revolutions, demonstrated that colonial domination could be challenged, and inspired later independence movements across Africa, Asia, and Latin America. After World War II, these movements expanded rapidly, leading more than 165 former colonies to achieve independence within two centuries, driven by rising education, economic change, nationalist movements, and, in some regions, prolonged and violent struggle that reshaped global power relations.<sup>18</sup>

The United Nations played a key role in promoting decolonization by recognizing self-determination as a fundamental human right and condemning colonial rule as a violation of human rights, though many postcolonial states continue to face challenges such as nation-building, economic stability, and the protection of Indigenous rights. In this context, QS 9:34 warns against the accumulation of wealth for narrow or religiously justified interests and calls for its fair use for the public good, reinforcing the need for postcolonial states to reclaim control over natural resources from colonial and neocolonial exploitation. Decolonization, therefore, is not limited to political independence but involves dismantling the cultural, psychological, and economic legacies of colonialism in order to restore the agency, identity, and rights of formerly colonized societies.

<sup>16</sup>Adinda Agis Fitria Cahyani, "Potential Irregularities of Public Organizations' Mining Business Licenses in Government Regulation No. 25 of 2024," *Jurnal Hukum Lex Generalis* 4, no. 11 (2023): 1–17.

<sup>17</sup>Walter LaFeber, "The American View of Decolonization, 1776–1920: An Ironic Legacy," in *The United States and Decolonization: Power and Freedom*, ed. David Ryan and Victor Pungong (London: Palgrave Macmillan, 2000), 24–40, [https://doi.org/10.1057/9780333977958\\_2](https://doi.org/10.1057/9780333977958_2).

<sup>18</sup>Prasenjit Duara, "Introduction: The Decolonization of Asia and Africa in the Twentieth Century," in *Decolonization*, ed. Prasenjit Duara (London: Routledge, 2004), 19–36, <https://doi.org/10.4324/9780203485521-4>.

#### 4.2. Comprehensive Understanding of the Interrelationship Between Government Regulations and Legal Frameworks

PP No. 25 of 2024 has sparked debate because it allows religious organizations to manage WIUPK through Article 83A. While presented as a way to promote public welfare, this provision conflicts with the Mineral and Coal Mining Law, which prioritizes state-owned enterprises (BUMN/BUMD) in mining management. As a result, it raises concerns about legal consistency and the capacity of religious organizations to manage mining operations effectively.<sup>19</sup> Indonesia's legal system follows a clear hierarchy, with the 1945 Constitution (UUD 1945) as the highest legal authority that all other laws must follow. Below the Constitution are statutory laws enacted by the DPR and the President, which regulate specific policy areas and have greater authority than lower-level regulations.<sup>20</sup>

Government Regulations (Peraturan Pemerintah/PP) are issued by the President to implement statutory laws and provide technical and procedural guidance, but they are legally subordinate and must not conflict with the laws they enforce, even though they strongly influence policy practice. Within Indonesia's legal hierarchy, PPs are complemented by Presidential, Regional, and Ministerial Regulations, each addressing more specific policy areas. Critics argue that Article 83A is problematic because it allows religious organizations—often without technical capacity—to manage mining activities, potentially harming the environment and local communities. Moreover, this provision contradicts the Mineral and Coal Mining Law, which requires transparent, competitive, and locally based mechanisms for assigning mining areas to state-owned enterprises. By departing from these legal standards, Article 83A raises concerns about transparency, professionalism, and legal consistency, and therefore requires careful review to ensure compliance with higher laws and principles of fair resource governance.<sup>21</sup>

In Islamic law, QS 9:34 sees managing natural resources—like minerals—as a trust from God meant to benefit everyone. The verse warns against using wealth for personal or group gain and stresses the need for fairness, justice, and sharing. If religious organizations manage WIUPK without following these principles, it would go against Qur'anic values. Good mining practices must ensure fair benefits for all, not just a few. Article 83A raises serious moral and social concerns. While it aims to let religious groups help in development, without strong oversight and alignment with mining laws and Islamic ethics, it could create new inequalities. To avoid this, the regulation needs to be revised and closely monitored to ensure it follows both national laws and the Qur'an's guidance for fair and sustainable resource management.

#### 4.3. Toward Holistic Reform in Mineral and Coal Legislation

Mining laws, decolonization principles, and QS 9:34 share a common goal of promoting justice, sovereignty, and fair use of natural resources for the public good. Together, they support a mining system that is just, sustainable, community-oriented, and firmly under postcolonial state control. The Mineral and Coal Mining Law, including Law No. 4 of 2009 as amended by Law No. 3 of 2020 and PP No. 25 of 2024, emphasizes state control over mining to serve national interests and public welfare. This approach reflects the goals of decolonization, and seeks to end foreign domination of resources, returning control to postcolonial states. In the mining sector, decolonization means using

<sup>19</sup>Yunus, Muh, et al. "Mining Permits for Religion Organizations in Indonesia: Public Interest vs Islamic Ethics," *Indonesian Journal of Legal Community Engagement* 8, no. 2 (2025): 617–646, <https://doi.org/10.15294/jphi.v8i2.32999>.

<sup>20</sup>Cahyani, "Potential Irregularities of Public Organizations' Mining Business Licenses." 1–17.

<sup>21</sup>Muhammad, Sawedi, et al. "Corporate Social Responsibility Programs in Mining Areas: Insights from Stakeholder Groups in Indonesia," *Cogent Social Sciences* 10, no. 1 (2024): 2357675, <https://doi.org/10.1080/23311886.2024.2357675>.

natural resources for domestic development rather than for the benefit of foreign actors or narrow elites, highlighting the law's role in promoting self-reliance and long-term development.<sup>22</sup>

QS al-Taubah (9): 34 introduces a moral and spiritual dimension to the stewardship of natural wealth, including mining proceeds. The verse admonishes against the hoarding of wealth for personal gain, mandating its equitable utilization for the collective good. This teaching provides an ethical foundation for postcolonial states to ensure that mining governance is conducted with transparency, equitable benefit distribution, and accountability to society.<sup>23</sup>

These three perspectives exhibit profound synergy. The Mineral and Coal Mining Law serves as the legal framework, the decolonization worldview promotes national autonomy, and QS al-Taubah (9): 34 offers moral and ethical guidance. Collectively, they emphasize the importance of leveraging mining yields as instruments for national prosperity, social equity, and environmental sustainability. Effective implementation of these perspectives ensures that mining governance not only complies with positive law but also upholds universal values of justice and communal welfare.

#### 4.4. Advancing Legislative Openness in Indonesia's Mining Sector: Challenges and Opportunities

Publish What You Pay (PWYP) Indonesia has called on President Joko Widodo to revoke PP No. 25 of 2024, which amends regulations on mineral and coal mining, arguing that key provisions undermine transparency, accountability, and legal consistency. PWYP highlights Article 83A, which prioritizes the allocation of WIUPK to religious organizations, and Article 195B(2), which allows permit extensions based on periodic evaluations, as conflicting with the Mineral and Coal Mining Law that prioritizes state-owned enterprises, regional interests, and clear licensing mechanisms. PWYP further grounds its critique in Article 33(3) of the 1945 Constitution, which mandates state control of natural resources for public welfare, and argues that transparent and competitive allocation of WIUPK best reflects this principle, warning that PP No. 25 of 2024 appears influenced by political considerations rather than established legal norms.

Activists have raised concerns about this regulation, warning of risks like community conflicts, corruption, and technical issues. They worry that religious organizations could get caught up in complex rules and spark problems in other areas. The main concern isn't the organizations' abilities, but that the regulation breaks mining laws and skips fair, open bidding processes. Some experts have also pointed out that the revision process for PP No. 25 of 2024 lacked transparency. It was released along with other controversial rules, like PP No. 21 of 2024 on housing savings, which also drew criticism. This points to a larger issue of weak public involvement and lack of openness in decisions affecting important sectors.

#### 4.5. Reconciling Multidimensional Objectives in Indonesia's Mining Governance

After gaining independence, many postcolonial countries continue to face big challenges. Even though they are politically free, they often depend on former colonial powers or large foreign companies for their economy. This is because colonial systems focused on taking resources without building strong local industries. As a result, these countries still struggle to be self-sufficient and are easily affected by changes in global prices. In many cases, foreign companies still control the resources, and weak or corrupt governments allow only a small group to benefit, leaving most people

<sup>22</sup>Getachew Fentahun, "Foreign Aid in the Post-Colonial Africa: Means for Building Democracy or Ensuring Western Domination?" *Cogent Social Sciences* 9, no. 1 (2023): 2241257, <https://doi.org/10.1080/23311886.2023.2241257>.

<sup>23</sup>Frederick Cooper, "Decolonizations, Colonizations, and More Decolonizations: The End of Empire in Time and Space," *Journal of World History* 33, no. 3 (2022): 491–526, <https://doi.org/10.1353/jwh.2022.0029>.

behind.<sup>24</sup> Article 83A of PP No. 25 of 2024 lets religious groups manage mining areas, which may cause problems. People worry these groups might act in their own interest instead of helping everyone. QS 9:34 warns that unfair use of wealth leads to injustice. So, managing natural resources must be fair, transparent, and beneficial to all people. Policies like Article 83A should focus on justice and sustainability.<sup>25</sup>

QS 9:34 highlights the need for fair and responsible use of resources. Independent countries should manage their natural wealth for the benefit of all citizens, not just certain groups or foreign companies. Unfair use of resources causes economic gaps and social inequality. In postcolonial countries, political and social problems can be reduced by following the values in QS 9:34. Poor resource management increases injustice, but fair and transparent governance helps create equality and stability. Sharing wealth fairly is key to building peaceful and stable societies.<sup>26</sup>

Moreover, crises of cultural and national identity can be addressed by applying the principles of QS al-Taubah (9): 34, which emphasize integrity and accountability in safeguarding entrusted legacies. Newly independent states must preserve their identity not only by upholding cultural values but also by ensuring that resources are managed in ways that safeguard the nation's future, preventing plunder or mismanagement.<sup>27</sup>

#### 4.6. Purposefulness Regulation of Indonesia's Mineral and Coal Sector

The implementation of Article 83A of PP No. 25 of 2024, which prioritizes religious organizations in managing WIUPK, may be perceived as aligning with the objective of fostering community development or fulfilling social responsibilities. However, a critical perspective, informed by both Qur'anic principles and legal frameworks, centers on the utilization of these resources—namely, how entities granted access, such as religious organizations. Should the exploitation of natural resources under this regulation primarily serve individual or organizational interests, neglecting environmental sustainability, social justice, and equitable societal benefits, the objectives articulated in QS al-Taubah (9): 34 remain unfulfilled. Such practices risk undermining the ethical foundations of resource governance by prioritizing short-term gains over broader social responsibilities.<sup>28</sup>

QS 9:34 emphasizes that wealth should be used for the benefit of society, not for personal or group gain. In line with this, Article 83A of Government Regulation No. 25 of 2024 must ensure that resources managed by religious or other organizations truly serve the public good. This includes fair distribution of mining profits and reinvestment in sustainable development. In postcolonial nations,

<sup>24</sup>Masao Miyoshi, "A Borderless World?: From Colonialism to Transnationalism and the Decline of the Nation-State," in *Postcolonialism: Critical Concepts in Literary and Cultural Studies*, ed. Diana Brydon (London: Routledge, 2023), 1867–1892, <https://doi.org/10.4324/9781003101444-8>.

<sup>25</sup>Gurminder K. Bhambra, "Colonial Global Economy: Towards a Theoretical Reorientation of Political Economy," *Review of International Political Economy* 28, no. 2 (2020): 307–322, <https://doi.org/10.1080/09692290.2020.1830831>.

<sup>26</sup>Andrea M. Vásquez-Fernández and Cash Ahenakew pii tai poo taa, "Resurgence of Relationality: Reflections on Decolonizing and Indigenizing 'Sustainable Development'," *Current Opinion in Environmental Sustainability* 43 (2020): 65–70, <https://doi.org/10.1016/j.cosust.2020.03.005>.

<sup>27</sup>Cyrus Schayegh, and Yoav Di-Capua, "Why Decolonization?" *International Journal of Middle East Studies* 52, no. 1 (2020): 137–145, <https://doi.org/10.1017/S0020743819001107>.

<sup>28</sup>Carlos Tornel, "Decolonizing Energy Justice from the Ground Up: Political Ecology, Ontology, and Energy Landscapes," *Progress in Human Geography* 47, no. 1 (2023): 43–65, <https://doi.org/10.1177/0309132522113256>.

conflicts over natural resources are common, with different groups—ethnic, religious, or political—competing for control. This often leads to distrust, as resource management is seen as a way to enrich certain groups.<sup>29</sup> The Qur’ān, through QS 9:34, urges the use of wealth to promote justice and social welfare. When resources are controlled by a few for their own benefit, inequality grows. The verse reminds us that wealth, including natural resources, should support the common good, not serve private interests.

Article 83A of PP No. 25 of 2024 allows religious organizations to manage WIUPK areas, which complicates resource governance in postcolonial contexts. This could lead to concerns that these groups may prioritize their own interests over the public good, creating tension between effective use of resources and fair distribution of wealth. QS 9:34 warns that weak trust in resource management can lead to injustice and inequality. To prevent this, management must be transparent, fair, and serve everyone—not just a few. This shows that even after gaining independence, postcolonial countries still struggle to stop natural resources from being controlled by a small group, which worsens social and economic gaps. That’s why fair and open policies are crucial to reduce distrust and avoid future conflicts.

## 5. Discussion

This study argues that QS 9:34 frames natural resources as divine trusts that must be managed justly, and rejects the concentration of wealth and control by particular groups, including religious authorities. In this context, Government Regulation No. 25 of 2024, especially Article 83A, becomes controversial because it gives priority access to religious organizations in managing Special Mining Business Permit Areas (WIUPK). While the policy claims to support decolonization by redistributing access, it risks creating new forms of elite control that conflict with the principle of justice emphasized in QS 9:34.

The findings of this study are clearer when placed within historical and contemporary debates on mining decolonization and resource governance in Indonesia. Horowitz et al. show that large-scale mining often triggers cultural, ecological, and gender-based resistance from Indigenous communities against state–corporate extractivist practices rooted in internal colonialism.<sup>30</sup> Historically, Rinardi, et al. argue that the nationalization of Dutch companies in the 1950s failed to achieve sustainable management due to weak state institutions.<sup>31</sup> These arguments align with Nashirulhaq and Kukuh, who find that state–corporate power relations persist through limited participation, a reliance on CSR approaches, and the absence of fair benefit-sharing for Indigenous communities.<sup>32</sup> Astuti, Raman, and Yerima further demonstrate that mining expansion, particularly nickel, has caused ecological damage, social displacement, and cultural loss, confirming that

<sup>29</sup>Sharon Stein, and Jhuliane Evelyn da Silva, “Challenges and Complexities of Decolonizing Internationalization in a Time of Global Crises,” *ETD Educação Temática Digital* 22, no. 3 (2020): 546–566, <https://doi.org/10.20396/etd.v22i3.8659310>.

<sup>30</sup>Leah S. Horowitz et al. “Indigenous Peoples’ Relationships to Large-Scale Mining in Post/Colonial Contexts,” *The Extractive Industries and Society* 5, no. 3 (2018), <https://doi.org/10.1016/j.exis.2018.05.004>.

<sup>31</sup>Rinardi, Haryono, et al. “History of a ‘Missed Opportunities’: Dutch Colonial Legacy and Decolonization of the Maritime Economy in Indonesia,” Social Science Research Network, <https://doi.org/10.2139/ssrn.5261787>.

<sup>32</sup>Muhammad Nashirulhaq, and Kukuh Prasetyo Idzharul Haq, “Toward Economic Legal Pluralism in Indonesia’s Mining Law: Sadd al-Žarī’ah or Fath Sadd al-Žarī’ah?” *Az-Zarqa’: Jurnal Hukum Bisnis Islam* 17, no. 1 (2025): 102–123, <https://doi.org/10.14421/az-zarqa.v17.i1.4498>.

decolonization problems in Indonesia are structural and ongoing.<sup>33</sup>

Recent studies on mining decolonization in postcolonial contexts show that similar problems occur across regions. Turkina finds that mining–Indigenous partnerships in Mongolia and Australia often function through stakeholder colonialism, where mining is framed as inevitable, and Indigenous knowledge and consent are marginalized.<sup>34</sup> This parallels Brunson’s research in North America, which shows that mining frequently removes economic value from Indigenous lands while leaving social and ecological harms, unless governance is rebuilt to support community sovereignty, as seen among the Tahltan and Navajo Nations.<sup>35</sup> In Latin America and Africa, Paskus links illegal mining and conflict minerals to weak postcolonial institutions, land inequality, and social conflict.<sup>36</sup> Studies on critical minerals for energy transition further warn that decarbonization can reproduce colonial injustice when Indigenous communities are excluded from decision-making.<sup>37</sup> Together, these findings indicate that mining decolonization cannot be limited to ownership transfer or legal reform, but requires deeper changes in governance, community institutions, and fair benefit-sharing in line with social justice, ecological sustainability, and Qur’anic ethics.

The preceding studies demonstrate clear parallels with the findings of this research, particularly in showing that postcolonial states often lack the institutional and normative capacity to govern natural resources equitably. Rather than securing just resource governance, decolonization processes may instead generate new forms of colonial domination. This study corroborates this pattern by showing that the prioritization of WIUPK areas for religious organizations under Government Regulation No. 25 of 2024 does not inherently realize distributive justice as articulated in QS 9:34. In the absence of a fundamental reorientation of policy objectives, the decolonization agenda risks reproducing a new form of elitism, marked by the transfer of control from foreign to domestic actors.

Based on these findings, legal reform is urgently needed to align Government Regulation No. 25 of 2024 with the Mineral and Coal Law and constitutional principles. This includes strengthening the principle of *lex superior derogat legi inferiori*, (higher law repeals/derogates lower law) recognizing customary rights in licensing processes, and requiring verifiable free, prior, and informed consent. The involvement of religious organizations in mining must also be clearly limited through technical feasibility standards, financial transparency, and rules to prevent conflicts of interest, so as not to contradict principles of justice in the Qur’ān.

Beyond legal reform, mining decolonization requires changes in governance that are more participatory and sustainable. The state should act as a facilitator by promoting cooperation between

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<sup>33</sup>Rini Astuti, Sujatha Raman, and Ardhitya Eduard Yeremia, “Putting Community-Centric Justice into Just Transitions from the Global South: The Case of Indonesia’s Nickel Sector,” *Environmental Research Letters* 20, no. 5 (2025): 054020, <https://doi.org/10.1088/1748-9326/adc8b9>.

<sup>34</sup>Natalya Turkina, “Neither Naïve nor Fatalistic: Decolonizing Mining Partnerships with Indigenous Communities in Mongolia and Australia,” *Business and Society* 65, no. 1 (2025): 232–276, <https://doi.org/10.1177/00076503241283802>.

<sup>35</sup>Alex Brunson, *Articulating Value in Tribal Mineral Development* (Golden, CO: Payne Institute for Public Policy, Colorado School of Mines, 2026).

<sup>36</sup>Mike Paskus, “Comparing Cases of Illegal Mining and Conflict Mineral Extraction in Different Post-Colonial States: Brazil, Venezuela, Ghana, and the Democratic Republic of the Congo,” (Senior Independent Study Thesis, The College of Wooster, 2024), <https://openworks.wooster.edu/independentstudy/11041/>.

<sup>37</sup>Rachel Herring, Keaton Sandeman, and Lyuba Zarsky, “Decarbonization, Critical Minerals, and Tribal Sovereignty: Pathways towards Conflict Transformation,” *Energy Research and Social Science* 110 (2025): 103561, <https://doi.org/10.1016/j.erss.2024.103561>.

local governments, Indigenous communities, and local economic actors through fair benefit-sharing, community-based monitoring, and environmentally just downstream development. Strengthening the technical, institutional, and epistemic capacity of local communities is essential so that decolonization moves beyond policy rhetoric. Mining reform should therefore aim not only at economic growth or energy transition, but also at restoring ethical relations between humans, nature, and power, in line with Qur'ānic ethics and social justice.

### 5.1. Conclusion

Even after gaining political independence, postcolonial countries still face major challenges in managing natural resources fairly. If these resources are controlled by only a few groups, it can worsen inequality and cause social tension. That's why clear and fair policies are needed to build trust and ensure that everyone benefits. QS 9:34 strongly warns against hoarding wealth and stresses the importance of using it for the good of society. It criticizes wealthy people, including religious leaders, who don't use their wealth to support justice and public welfare. Although it mentions Jewish and Christian figures, the message applies to all faiths, including Islam. The verse calls for fair and responsible management of resources—like gold and silver—in line with Qur'ānic values of justice and accountability.

Drawing on the discussion above and informed by Jasser Auda's *maqāṣid al-sharī'ah* framework, this study recommends a fundamental revision of PP No. 25 of 2024 to realign mining governance with the principles of justice, coherence, and sustainability articulated in QS 9:34 and the broader decolonization agenda. Such revision should ensure consistency with the Mineral and Coal Mining Law by reaffirming the primacy of BUMN and BUMD, strengthening legal coherence (*wholeness*), and preventing conflicts of interest through clear technical, financial, and accountability standards for any non-state actor involvement. In line with the *maqāṣid* principles of comprehensiveness and multidimensionality, mining regulation must integrate ethical, social, ecological, and economic considerations, including verifiable free, prior, and informed consent (FPIC), equitable benefit-sharing, and long-term environmental protection. Moreover, the principle of openness requires transparent and participatory policy-making processes, while purposefulness demands robust oversight to ensure that resource governance genuinely serves public welfare rather than reproducing new forms of elitism. Without such reorientation, PP No. 25 of 2024 risks undermining both Qur'ānic ethics and the substantive goals of mining decolonization in Indonesia.

#### Author Contribution

**Baeti Rohman:** sole author

#### Conflict of Interest

The authors of the manuscript have no financial or non-financial conflict of interest in the subject matter or materials discussed in this manuscript.

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