NEGREI
Academic Journal of Law and Governance
Institut Agama Islam Negeri (IAIN)
Curup, Indonesia
ISSN 2775-8621 (p), 2798-3803 (e)
volume 5, number 1, 2025

The Legal Politics of Mining Management in Aceh after The Enactment of Law Number 3 of 2020 on Mineral and Coal Mining

Putri Kemala Sari[1], Eza Aulia[2], M. Nahyan Zulfikar[3], Ilka Sandela[4]
[1,2,,3,4]Department of Law, Faculty of Social and Political Sciences, Teuku Umar University
[1]putrikemalasari@utu.ac.id, [2]ezaaulia@utu.ac.id, [3]m.nahyanzulfikar@utu.ac.id, [4]ilkasandela@utu.ac.id

DOI : *http://doi.org/10.29240/ negrei.v5i1.13185*

Submitted: May 14, 202; Reviewed: May 16, 2025; Accepted: July 16, 2025

Abstract

The enactment of Law Number 3 of 2020 on Mineral and Coal Mining has had an impact on Aceh as a special autonomous region in the management of mining activities. The ratification of this law is considered to be in conflict with Law Number 11 of 2006 on the Governance of Aceh and Government Regulation Number 3 of 2015 concerning National Government Authority in Aceh. Aceh's special status in the mining sector includes the authority to issue Mining Business Licenses. In response to this issue, the Aceh Government, through letter Number 543/11240, affirmed its stance on maintaining Aceh's special authority in managing mineral and coal mining. Subsequently, the Ministry of Home Affairs issued Letter Number 118/4773/OTDA, reaffirming that the Central Government retains authority to determine Norms, Standards, Procedures, and Criteria (NSPK) related to mining affairs, human resource development supervision, and foreign investment (PMA) matters.This study employs a normative legal research method with a statutory approach. The aim of the study is to examine the legal politics of mining management in Aceh following the enactment of Law Number 3 of 2020, particularly in the context of its special autonomy. The study further seeks to analyze and describe the harmonization of both legal frameworks in determining the special authority of Aceh in mining management. The research findings show that, normatively, the provisions of Law Number 3 of 2020 also apply to the regions of Yogyakarta, DKI Jakarta, Aceh, West Papua, and Papua, insofar as no specific law regulates otherwise for these regions. With the enforcement of this law, Aceh's authority in the mining sector, as previously granted under Law Number 11 of 2006, has been reduced. Based on an Instruction from the Governor of Aceh, mining management in Aceh continues to operate as usual. This is supported by an Instruction from the Ministry of Home Affairs, which confirms that Aceh may disregard provisions of the new law if there are existing regulations specifically governing mineral and coal mining in the region.

keywords:
Legal Politics; Mining; Special Autonomy Aceh;

Introduction

In a state governed by the rule of law, there must stand legal principles based on four fundamental pillars, as put forth by Scheltema, namely: the principle of legal certainty (*het rechtszekerheidsbeginsel*), the principle of equality (*het gelijkheidsbeginsel*), the principle of democracy (*het democratischebeginsel*), and the principle that the government is formed to serve the people (*het beginsel*

van de dienende overheid, or "government for the people").[1] The state possesses broad and extensive legitimacy, one aspect of which concerns the fundamental issues of a state governed by law—namely the issues of power, especially the issues of authority and jurisdiction.[2] The power and authority in question refer to how policy-makers carry out policies and formulate decisions that address public needs and serve the public interest. These decisions must be articulated in a standard formal legal document to ensure their legitimacy and validation. Such policies are embodied in legal products in the form of legislation.

As Mahfud MD describes, politics is a determining factor in law. The political characteristics of a particular regime significantly influence the nature and type of legal products it generates. In a regime with a democratic political configuration, the resulting legal products tend to be responsive or populist in nature. Conversely, in an authoritarian regime, the legal products tend to be orthodox, conservative, or elitist. In the context of law understood as legislation, it is not an exaggeration to say that "law is a product of politics," since legislation originates from political institutions (such as the DPR—the Indonesian House of Representatives), and the provisions within it are compromises or agreements among various political factions with parliamentary representation. Agreeing with Mahfud's assertion that legal products are outcomes of political processes, one can argue that the political configuration greatly determines the direction of the policies being developed. Furthermore, as discussed by Padmo in his book *Fundamentals of Political Science*, legal politics is defined as the fundamental policy of the state in determining the direction, form, and content of the law to be enacted, as well as the criteria used to determine legal sanctions.[3]

Legal politics can thus be viewed as a statement of the will of the ruling authority concerning the applicable law within its jurisdiction and the direction of legal development to be pursued. In this regard, the authors believe that legal politics pertains both to future law (*ius constituendum*) and to current, applicable law (*ius constitutum*).[4] This study focuses on mining policy, specifically the management of mining activities in Aceh. According to statutory provisions, mining business activities include all stages of operations related to the investigation, management, and exploitation of mineral and coal resources, including general surveying, exploration, feasibility studies, construction, mining, processing and refining, transportation and sales, and post-mining activities.

These mining activities have implications across various dimensions—economic, social, political, and legal. Mining policy is currently governed by Law Number 3 of 2020, which amends Law Number 4 of 2009 on Mineral and Coal Mining. The rationale for amending the law lies in the critical role that mineral and coal mining plays in generating significant added value for national economic growth and sustainable regional development. However, its implementation continues to face obstacles, particularly regarding the division of authority between central and regional governments, licensing, protection of affected communities, mining data and information, oversight, and sanctions. As a result, the mineral and coal mining administration has not been running effectively and has yet to deliver optimal added value.

One of the most fundamental and impactful changes for regional governments is the elimination of their authority over mining management. This authority has now been centralized

---

[1] Bagir Manan, Kekuasaan Kehakimah Republik Indonesia, Pusat Penerbitan Universitas LPPM Universitas Islam Bandung, 1995.
[2] S.F. Marbun, Peradilan Administrasi Negara dan Upaya Administratif di Indonesia, UII Press Yogyakarta, 2003
[3]Mahfud MD, Moh., Politik Hukum di Indonesia, Jakarta : PT Raja Grafindo Persada, 2012. Cet. Ke-5
[4] Miriam Budiardjo, Dasar – Dasar Ilmu Politik, Jakarta; Gramedia Pustaka Utama, 2005.

under the national government, which determines mineral and coal management plans, sets national mining policies and standards, formulates guidelines and criteria, conducts surveys and research across all mining jurisdictions, and sets investment thresholds and shareholding limits for foreign investment companies operating in the mining sector, among many other revised provisions under Law Number 3 of 2020. Nevertheless, this raises questions regarding regions with special autonomy status—do the new provisions diminish the specific authority already granted under their respective regional laws? Aceh serves as an illustrative example.

In line with what was conveyed by Derita and Faisal, in their journal regarding the legal politics of mining permit authority after the amendment to the provisions of the new Minerba Law, they stated that the provisions of the new Minerba Law give the impression of a setback in strengthening regional autonomy authority, namely by eliminating Articles 7 and 8 in order to strengthen the authority of the central government regarding mining management permits. Article 35 of the 2020 Minerba Law has also undergone changes, allowing the central government to delegate the authority to grant business permits to provincial governments in accordance with statutory provisions. This is merely a delegation of authority, not the independent authority inherent in provincial governments. Legal policies related to licensing authority are increasingly not providing more authority to regions, but rather, narrowing their scope to the point of revoking the authority of regional governments to act in carrying out their administrative functions, including issuing and revoking permits.[5]

As a region with special autonomy status, Aceh is granted authority through both attribution and delegation in the management of mining activities. This is grounded in Article 156 of Law Number 11 of 2006 on the Governance of Aceh, which states:

1. The Aceh Government and district/city governments shall manage natural resources in Aceh, both on land and at sea, in accordance with their respective authorities.
2. The management referred to in paragraph (1) includes planning, implementation, utilization, and oversight of business activities, which may involve exploration, exploitation, and cultivation.
3. The natural resources referred to in paragraph (1) include mining (covering minerals, coal, and geothermal energy), forestry, agriculture, fisheries, and marine resources, which must be carried out based on principles of transparency and sustainable development.

These provisions remain valid as long as they have not been repealed, which creates a legal contradiction. This contradiction arises when laws of equal hierarchical status conflict in their application. Furthermore, although the new mining law—Law Number 3 of 2020—includes Article 173, which provides: "The provisions of this Law shall also apply to the Special Region of Yogyakarta, the Special Capital Region of Jakarta, the Province of Aceh, the Province of West Papua, and the Province of Papua, insofar as they are not otherwise specifically regulated under separate legislation concerning the uniqueness and special status of these regions," such provisions are not accompanied by sufficient efforts to include or empower regional governments in implementing these mandates. To date, technical regulations to accommodate the changes under the new law have yet to be issued.

Therefore, the authors aim to further analyze the legal politics of mining management in Aceh

[5] Derita dan Faisal, 2021. Politik Hukum Kewenangan Perizinan Pertambangan Pasca Perubahan Undang – Undang Minerba, *Jurnal Pendecta*, Vo 16 Nomor 1.

and examine the harmonization between the provisions of the national mining law and the special autonomy regulations governing Aceh.

Research Method

In accordance with the title and issues discussed in this study, and in order to provide meaningful results, this research employs a normative juridical method (*normative legal research*). The normative juridical research method involves the study of legal materials through library research, relying solely on secondary data sources.[6]

This study aims to obtain relevant materials such as legal theories, legal concepts, legal principles, and statutory provisions related to the subject matter. According to Soerjono Soekanto, the scope of normative legal research includes:[7]

a. Research on legal principles;
b. Research on the systematic structure of law;
c. Research on the degree of vertical and horizontal legal synchronization;
d. Comparative law research; and
e. Legal history research.

This study employs a deductive reasoning approach—a method of reasoning that begins with general premises that are proven to be true and draws conclusions that apply to specific cases.[8] Thus, the object of analysis is approached qualitatively, based on legal norms contained in statutory regulations. The method of approach used is the statutory approach, focusing on the systematic analysis of laws relevant to this study.

Data analysis is conducted by collecting materials through a review of legal literature and secondary data, including primary legal materials, secondary legal materials, and tertiary legal materials, in the form of documents and existing laws and regulations. These materials are analyzed to support a normative juridical analysis of the legal politics underlying Law Number 3 of 2020, which serves as the Second Amendment to Law Number 4 of 2009 on Mineral and Coal Mining Management.

Discussion and Analysis

1. Theories and Principles of Legislative Formation

Maria Farida Indrati Soeprapto states that, in theory, the term "legislation" (*wetgeving* or *gesetzgebung*) has two meanings: first, it refers to the process of drafting or forming state regulations, both at the national and regional levels; second, it refers to all state regulations that are the result of such legislative processes, whether formulated at the central or regional level.[9] In the context of Law Number 12 of 2011 on the Formation of Laws and Regulations, legislation is defined as a written rule that is generally binding and created by an authorized official through procedures established by law.[10]

---

[6] Soerjono Soekanto dan Sri Mahmudji, Penelitian Hukum Normatif, Suatu Tinjauan Singkat, (Jakarta: Raja Grafindo Persada, 2003, hlm. 13.
[7] *Ibid,* hlm 14.
[8] *Ibid,* hlm 15
[9] Maria Farida Indrati S., Ilmu Perundang-undangan : Jenis,Fungsi, dan Materi Muatan, Cet. 13, Kansius Yogyakarta, 2012;
[10] Lihat Pasal 1 ayat (1) dan ayat (2) UU No 12 tahun 2011 tentang Pembentukan Peraturan Perundang-undangan

Legislation itself is one form of legal norm. In the field of legal and legislative studies, there are generally three (3) types of legal norms resulting from legal decision-making processes, namely:[11]

1) Regeling – normative decisions of a regulatory nature;
2) Beschikking – normative decisions of an administrative or individual stipulative nature;
3) Vonnis – judicial decisions.

In addition to these three types of legal products, there is also a form of regulation known as *beleidsregels* (policy rules), which are commonly translated in Indonesian as "discretionary regulations" or "quasi-legislation."[12]

According to Burkhardt Krems, one major part of legislative science is the *Gesetzgebungstheorie* (theory of legislation), which is oriented toward clarity and transparency in meaning and interpretation— i.e., toward cognitive understanding.[13] The process of ensuring clarity and precision in the meaning of legislation is heavily influenced by the law-making process itself, which is one of the core stages of legal development, alongside implementation, enforcement, and legal comprehension. As is well known, comprehensive legal development must include the substantive content of laws and regulations. Therefore, to ensure that the resulting legislation reflects good quality as a legal product, it is necessary to understand several fundamental principles for the formation of legislation, including: philosophical, legal, and sociological foundations.[14]

In addition to these foundational principles, laws and regulations are also formed based on several general legal principles, including:[15]

1) **Non-retroactivity**

This principle is stated in Article 13 of *Algemene Bepalingen van Wetgeving* (A.B.) which translates to: "Laws only apply for the future and do not have retroactive effect." Likewise, Article 1(1) of the Indonesian Penal Code provides: "No act may be punished unless it is based on a prior penal law." This principle means that a law may only be applied to events that occur after the law
comes into effect.

2) **Inviolability of legislation**

This principle implies that: a) laws may contain content that deviates from the Constitution; and
b) no one, including judges, has the authority to conduct material review of laws—this power lies solely with the legislative body that created the law.

3) **Welfare state principle (welvaartsstaat)**

Laws must serve as instruments to optimally promote both spiritual and material welfare for society and individuals through reform.

4) **Lex superior derogat legi inferiori**

Higher-ranking laws override lower-ranking laws. This means that lower-ranking regulations must not contradict higher-ranking ones. Only laws of the same or higher rank may amend, repeal, or add to existing laws.

---

[11] King Faisal Sulaiman, Teori Peraturan Perundang-undangan dan Aspek Pengujiannya, Yogyakarta: Thafa Media, 2017, hlm, 7
[12]Jimly Asshiddiqie, Perihal Undang-Undang, Jakarta: Konstitusi Press dan PT Syaami Cipta Media,2006,hlm.1.
[13] Maria Farida, *Op. Cit.*, hlm 8
[14] M. Khozim, Sistem Hukum Perspektif Ilmu sosial, Bandung: Nusa Media, 2009, hlm.12-19.
[15] *Ibid,* hlm 20

5) **Lex specialis derogat legi generali**

Specific laws override general ones. When two laws of equal hierarchy apply simultaneously and conflict, the specific provision prevails.

6) **Lex posterior derogat legi priori**

Newer laws override older ones. If two laws of equal rank regulate the same matter, the newer law takes precedence over the older one.

Good legislative drafting must adhere to the principles outlined in Law Number 12 of 2011 on the Formation of Laws and Regulations, which include:

a. clarity of purpose;
b. appropriate legislative authority;
c. consistency between type, hierarchy, and content;
d. enforceability;
e. efficiency and effectiveness;
f. clarity of formulation; and
g. transparency.

Laws hold a strategic and essential position in any country, whether from the standpoint of a legal state, the hierarchy of legal norms, or the general function of law. Within the concept of a state governed by law, legislation represents a formulation of legal norms in national life. As Paul Scholten stated, "Law is contained in legislation," thereby warranting the law a high and central position.

2. Legal Politics

Padmo Wahjono defines legal politics as the fundamental policy that determines the direction, form, and content of the laws to be established.[16] The "direction" in this context refers to the planning of the law—how it is intended to achieve its goals. The policy regarding the "form" refers to the types of legislation to be adopted, while the policy on "content" refers to the substance of the laws to be created. From this perspective, legal politics may be interpreted as the ideal concept of law (*ius constituendum*).

Politics is a domain within society concerned with collective goals. Law, as one of the instruments of society, is inherently linked to those goals. As such, law possesses a dynamic dimension—the socio- political dynamic embedded in the process of law formation. Understanding law from this dynamic aspect entails viewing law through the lens of legal politics. This approach involves discussions about the objectives of the law and the methods employed to achieve those objectives.[17]

Ahmad Fadlil Sumadi views legal politics as a political mechanism for determining both the goals and the means of achieving those goals through legal instruments within a state. Legal politics has a static aspect in its role of providing direction—setting goals, foundations, and frameworks for achieving those goals—and a dynamic aspect in its role of accommodating ongoing societal developments.[18]

---

[16] Mahfud MD. Politik Hukum di Indonesia.... *Loc.cit.* 2014
[17] Ahmad Fadlil Sumadi, Politik Hukum Konstitusi dan Mahkamah Konstitusi. Setara Press. Malang. 2013. Hlm 160
[18] *Ibid,* hlm 165

Legal politics, in the form of legal policy concerning which laws are to be enacted or not enacted, is always linked to the state's goals. According to Mahfud MD,[19] legal politics consists of both permanent (long-term) and periodic elements. The permanent elements include the adoption of judicial review, people- based economic policy, the balance between legal certainty, justice, and benefit, the replacement of colonial laws with national legislation, state control over natural resources, the independence of the judiciary, and so on. These permanent elements are embedded within the 1945 Constitution of the Republic of Indonesia and serve as a standard through which the legal politics of a law can be assessed in terms of its conformity with the Constitution.

This formal perspective on legal politics, however, is not the only lens available. Legal politics can also be examined through a substantive lens, focusing not just on the official formulations of laws as state products, but also on the background and processes that led to their creation. One might ask, for instance, why and how a particular law was formulated in a certain way and what consequences it has on the development of national law.[20]

Given the wide range of interpretations regarding legal politics, the authors find it necessary to clarify the definition of legal politics used in this paper. In this study, legal politics is understood as the official state policy direction as formulated in legislation, including policies on mining governance, which are then compared to the legal framework for Aceh's special autonomy as stipulated in Law Number 11 of 2006 on the Governance of Aceh.

3. Analysis The Legal Politics of Mining Management in aceh after The Enactment of Law Number 3 of 2020 on Mineral and Coal Mining

As stated in Article 18 paragraph (5) of the 1945 Constitution of the Republic of Indonesia,
it states: Regional governments exercise the broadest possible autonomy, except for government affairs designated by law as the responsibility of the Central Government. The nomenclature "...exercise the broadest possible autonomy..." can at least be understood to mean that provincial and district/city regions can determine the direction of their own regional policies based on their territorial characteristics as broadly as possible, as long as they do not fall within the authority of the central government.

The validity of Article 18 is reinforced by Article 18B of the 1945 Constitution of the Republic of Indonesia, which states: "The State recognizes and respects regional government units that are special or exceptional in nature, as regulated by law." State recognition of special and exceptional regions is exemplified in the reality of regions that have received special and exceptional status, one of which is Aceh. Aceh was designated a special autonomous region based on Law Number 11 of 2006 concerning the Government of Aceh. This law grants Aceh special privileges in the management and development of development and community affairs, including the management of its natural resources.

Revisions to the Mineral and Coal Mining Law, which primarily address management and oversight issues. Crucial changes include the transfer of licensing and oversight. The transfer of authority from regional to central governments raises further questions about whether this will be more effective and efficient, and provide broader benefits to the people. For regional governments,

---

[19] Mahfud MD., *Op.Cit.*

[20] Prespektif formal yang dimaksud ialah GBHN yang sebelum uud 1945 dirubah menjadi produk hukum yang ditentukan oleh MPR sekaligus menjadi arah kebijakan hukum secara nasional. Lihat Moh Mahfud MD. Politik Hukum di Indonesia.*Loc.cit.* 1998. Hlm 11

this transfer of authority could pose various risks, such as the loss of regional revenue and the possibility of environmental damage due to the lack of regional government oversight of mining activities in the region. Regional governments lack bargaining power and are not involved in natural resource management. Provincial governments may no longer feel ownership or concern for natural resources and their impact on the environment. Furthermore, it was stated that the new Minerba Law marks the revocation of functions that were under regional authority, both in terms of licensing and supervision.[21]

Examining the essence of the revised Minerba Law, it can be seen that the new Minerba Law will bring about a recentralization of authority in both licensing and oversight. However, the authority previously held by regional governments could benefit communities in areas surrounding mining areas. For example, we can compare the provisions of the 2009 Minerba Law with the 2020 Minerba Law. Article 4 Paragraph (2) of Law Number 4 of 2009, which states, "Control of minerals and coal by the state as referred to in paragraph (1) is carried out by the Government and/or regional governments," was amended in Article 4 Paragraph (2) of Law Number 3 of 2020 to read, "Control of minerals and coal by the state as referred to in paragraph (1) is carried out by the Central Government in accordance with the provisions of this Law."

The policy direction outlined in Article 4 paragraph (2) of Law Number 4 of 2009 on Mineral and Coal Mining (Minerba Law) initially reflected a spirit of decentralization, in which regional governments were granted substantial authority to manage natural resources within their respective territories. However, the subsequent revision of the law shifted this authority back to the central government, indicating a transition from a decentralized to a centralized system. This shift has raised various concerns, particularly regarding whether the central government is capable of accommodating the specific needs and interests of each region in managing their mineral and coal resources. To date, this question remains unanswered.

The issue becomes even more complex when the revised law is applied uniformly, including to regions with special autonomy or privileged status. This gives rise to further questions about the existence and authority of special autonomous regions such as Aceh, which, under Law Number 11 of 2006 on the Governing of Aceh, has the right to manage its own natural resources. In the context of drafting legislation that affects or potentially impacts Aceh's special autonomy, consultation should be carried out with the Aceh House of Representatives (DPRA) as the region's legislative body. However, it remains uncertain whether such consultation was conducted during the revision process of the Minerba Law.

The findings of this study indicate that, normatively, the enactment of Law Number 3 of 2020 also applies to special autonomous regions such as Yogyakarta, DKI Jakarta, Aceh, West Papua, and Papua, insofar as it is not otherwise specifically regulated by the laws that govern the respective autonomy or special status of these regions.

With regard to Aceh's authority over mining governance, the new law has effectively reduced the scope of Aceh's authority as previously granted under Law Number 11 of 2006 on the Governance of Aceh. Nevertheless, based on the Governor of Aceh's Instruction, the management of mining in Aceh continues to be carried out as previously established. This is further reinforced by the Instruction from the Ministry of Home Affairs, which clarifies that the provisions of Law Number 3 of 2020 may be disregarded in Aceh if there are existing legal provisions that predate the law and specifically regulate mineral and coal mining governance within Aceh.

This condition reveals the presence of normative conflicts between regulations that are hierarchically parallel but differ in substance and implementation. For instance, although Law Number 3 of 2020 stipulates in Article 173 that:

---

[21] Pushep, Sentralisasi Sektor Pertambangan Jadikan Daerah Tidak Merasa Memiliki dan Peduli terhadap Dampak Lingkungan, https://pushep.or.id/sentralisasi-sektor-pertambangan-jadikan daerah-tidak-merasa-memiliki-dan-peduli-terhadap-dampak-lingkungan/, diakses pada tanggal 06 Nopember 2021

"The provisions of this Law also apply to the Special Region of Yogyakarta, the Special Capital Region of Jakarta, the Province of Aceh, the Province of West Papua, and the Province of Papua, insofar as they are not specifically regulated by other laws concerning the special autonomy of these regions,"

This provision has not been matched by adequate political will from the central government to involve or empower regional governments in implementing the mandates of this law. Moreover, technical regulations to accommodate and operationalize the changes mandated under Law Number 3 of 2020 have not yet been issued. This regulatory vacuum complicates efforts by regions like Aceh to harmonize the national legislation with their special autonomous provisions.

In the case of Aceh, Article 156 of Law Number 11 of 2006 remains valid, as it has not been repealed. This article provides a clear legal basis for Aceh's authority to manage natural resources, including minerals and coal, both on land and at sea, in accordance with the principles of transparency and sustainable development. The absence of synchronization and clarity in the hierarchical relationship between the laws has created legal uncertainty. Although Law Number 3 of 2020 seeks to centralize mining authority under the national government, this contradicts the existing special autonomy arrangements granted to Aceh, as well as the legal principles underpinning decentralized governance in Indonesia.

The tension between the two legal frameworks—Law Number 3 of 2020 and Law Number 11 of 2006—reflects the broader issue of legal disharmony within Indonesia's multi-layered legal system, especially concerning regions with special autonomy status. Although the national mining law attempts to establish a uniform regulatory framework, it lacks the sensitivity and flexibility required to accommodate the asymmetrical decentralization model that characterizes the governance of Aceh. Without adequate harmonization, the risk of overlapping authority and legal uncertainty persists.

The Ministry of Home Affairs' Letter Number 118/4773/OTDA emphasizes that the Central Government continues to hold authority in determining the Norms, Standards, Procedures, and Criteria (NSPK) in mining affairs, including supervision of human resource development and matters related to foreign investment (PMA). Meanwhile, the Government of Aceh, through Letter Number 543/11240, maintains its stance that Aceh retains its special authority in managing mineral and coal mining, grounded in its autonomous legal mandate.

The provisions contained in this legislation also reaffirm the scope of authority held by regional governments in relation to mining management. Although these provisions simultaneously reinforce the substance of Qanun Aceh Number 15 of 2017 concerning the Second Amendment to Qanun Number 15 of 2013 on the Management of Mineral and Coal Mining, there are several important notes to consider. One of the key points is that the contents of the circular letter issued by the Governor of Aceh are general in nature. The technical aspects of implementation, as stated in the circular, are not further regulated and still refer to Government Regulation Number 96 of 2021 concerning the Implementation of Mining Business Activities. This situation creates a contradiction, as the specific provisions that have already been outlined in regional regulations still rely on more general norms found in the implementing regulations of the revised Minerba Law for their execution.

This situation illustrates a lack of legal coordination and demonstrates the need for a harmonization framework to bridge the gap between national policy objectives and regional autonomy rights. It also raises important questions about constitutional consistency, particularly regarding the

principle of *lex specialis derogat legi generali*—the principle that special laws override general ones when both laws are of equal standing and govern the same subject matter.

Thus, in the context of Aceh, the specific provisions in Law Number 11 of 2006 should, in principle, take precedence over the general provisions of Law Number 3 of 2020, unless the former is expressly repealed or amended. In the absence of such a repeal, any attempt to fully apply Law Number 3 of 2020 to Aceh would constitute a legal inconsistency, potentially violating the region's constitutionally protected special autonomy.

This study reveals that political will and legislative consistency are essential in achieving coherent legal governance, especially in regions that possess unique legal and political statuses. The resolution of such conflicts requires a commitment from both central and regional governments to engage in dialogue, coordination, and collaborative law-making, guided by constitutional principles and a respect for regional autonomy.

Conclusion

This study concludes that the enactment of Law Number 3 of 2020 on Mineral and Coal Mining, while aimed at unifying and centralizing mining governance across Indonesia, has resulted in the reduction of Aceh's special authority as mandated by Law Number 11 of 2006 on the Governance of Aceh. The normative contradiction between national and regional laws has created legal uncertainty, particularly due to the absence of technical harmonizing regulations. Although Law No. 3/2020 includes provisions recognizing the distinct status of special autonomous regions, these clauses have not been operationalized through clear implementation guidelines. This creates tension in the application of national law to Aceh's mining sector, undermining the legal certainty, authority, and administrative efficiency of the region. The principle of *lex specialis derogat legi generali* should guide legal interpretation in such cases. As long as Law No. 11 of 2006 remains in effect, its provisions must take precedence in regulating natural resource management in Aceh. To ensure legal harmony and uphold Indonesia's constitutional commitment to decentralization, this study recommends the following: (1). The central government should issue derivative regulations to harmonize Law No. 3/2020 with Law No. 11/2006. (2). Legal synchronization efforts must involve participatory dialogue with regional governments, particularly Aceh, to respect its autonomous legal status.(3). Future policy reforms should explicitly account for regional legal pluralism within Indonesia's unitary framework, recognizing that national legal uniformity must coexist with regional legal distinctiveness. By integrating regional autonomy into the national legal framework, Indonesia can achieve a more balanced and just legal order, consistent with both constitutional principles and the realities of regional governance

Bibliography

Ahmad Fadlil Sumadi, *Politik Hukum Konstitusi dan Mahkamah Konstitusi*. Setara Press. Malang. 2013

Alivia, D. (2019). Politik Hukum Pengaturan Pemerintahan Daerah yang Bersifat Khusus atau Bersifat Istimewa di Indonesia. *Rechtidee*, *14*(2), 150–166.

Bagir Manan. *Kekuasaan Kehakiman Republik Indonesia*. Pusat Penerbitan Universitas, LPPM, Universitas Islam Bandung. 1995

Derita dan Faisal, 2021. Politik Hukum Kewenangan Perizinan Pertambangan Pasca Perubahan Undang – Undang Minerba, *Jurnal Pendecta*, Vo 16 Nomor 1.

Faisal Sulaiman, *Politik hukum, konstitusi, dan Mahkamah Konstitusi: aktualisasi konstitusi dalam praksis kenegaraan.* Setara Press. Jakarta, 2013

Jimly Asshiddiqie, *Hukum acara pengujian undang-undang.* Cet. 1, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, Jakarta, 2005

Lawrence M. Friedman dan M. Khozim (penerjemah), *Sistem Hukum Perspektif Ilmu Sosial.* Bandung: Nusa Media. 2009

Maria Farida Indriati S. *Ilmu perundang-undangan: jenis, fungsi dan materi muatan*. Kanisius, 2007

Miriam Budiardjo, *Dasar-dasar ilmu politik*. Gramedia pustaka utama. Jakarta, 2003

Moh Mahfud *MD. Politik Hukum Di Indonesia.* PT. RajaGrafindo Persada: Jakarta Ronto. 2012

Pushep.or.id. (2020, Oktober 19). *Sentralisasi Sektor Pertambangan Jadikan Daerah Tidak Merasa Memiliki dan Peduli terhadap Dampak Lingkungan.* Pushep.or.Id. https://pushep.or.id/sentralisasi-sektor-pertambangan- jadikan-daerah-tidak-merasa-memiliki-dan-peduli-terhadap-dampak-lingkungan/

S.F. Marbun, *Peradilan administrasi negara dan upaya administratif di Indonesia.* FH UII Press. Yogyakarta, 2015

Soerjono Soekanto, *Penelitian hukum normatif: Suatu tinjauan singkat*. Raja Grafindo persada, Jakarta, 2009

Sulaiman, K. F, *Teori Peraturan Perundang-Undangan dan Aspek Pengujiannya*. Yogyakarta: Thafa Media. 2017

Umar Said Sugiarto, *Pengantar Hukum Indonesia.* Sinar Grafika. Jakarta. 2013

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Undang-Undang Republik Indonesia Nomor 11 Tahun 2006 Pemerintahan Aceh.

Undang-Undang Republik Indonesia Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang- Undangan.

Undang-Undang Republik Indonesia Nomor 3 Tahun 2020 tentang Perubahan atas Undang-Undang Nomor 4 Tahun 2009 tentang Mineral dan Batubara.

Qanun Nomor 15 Tahun 2017 Tentang Pengelolaan Pertambangan Mineral dan Batubara

Peraturan Pemerintah Tahun 96 Tahun 2021 Tentang Pelaksanaan Kegiatan Usaha Pertambangan

.