



Mining Concession Policy for Religious Organizations in Indonesia: An Analysis of Vertical Inconsistencies in the Norm Hierarchy Framework

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Abstract:

This article examines inconsistencies in legal policies granting mining concessions to religious organizations in Indonesia. The legal issue is the inconsistency between Article 75, paragraph 3, of Law Number 3 of 2020 and Article 83A, paragraph 1, of Government Regulation Number 25 of 2024. The IUPK has been granted to a number of religious organizations that meet the qualifications, such as NU, Muhammadiyah, KWI, PHDI, and Walubi. This normative legal research uses legal and conceptual approaches, analyzing primary and secondary legal material through the study of documents and literature. The results of the study show that norm inconsistency arises from hyperregulation, the lack of harmonization of regulatory hierarchies, and sectoral egos in the legislative process. The legal implications include legal uncertainty, potential judicial review, loss of public trust, and confusion in the mining industry licensing process. This study contributes to understanding the normative inconsistencies between hierarchical legal regulations and their juridical implications, and provides recommendations for regulatory reform through strengthened harmonization and adherence to the principles of legislative hierarchy. The study's findings highlight the urgent need for regulatory alignment to ensure legal certainty and protect the public interest in the management of natural resources.

Abstrak:

Artikel ini mengkaji inkonsistensi kebijakan hukum yang memberikan konsesi pertambangan kepada organisasi keagamaan di Indonesia. Permasalahan hukum yang dihadapi adalah ketidaksesuaian antara Pasal 75 ayat 3 UU Nomor 3 Tahun 2020 dan Pasal 83A ayat 1 Peraturan Pemerintah Nomor 25 Tahun 2024. Pemberian IUPK telah diberikan kepada sejumlah organisasi keagamaan yang telah memenuhi kualifikasi seperti NU, Muhammadiyah, KWI, PHDI dan Walubi. Penelitian hukum normatif ini menggunakan pendekatan hukum dan konseptual, menganalisis materi hukum primer dan sekunder melalui studi dokumen dan literatur. Hasil penelitian menunjukkan bahwa inkonsistensi norma terjadi karena hiperregulasi, kurangnya harmonisasi hierarki regulasi, dan ego sektoral dalam proses legislasi. Implikasi hukum termasuk ketidakpastian hukum, potensi judicial review, hilangnya kepercayaan publik, dan kebingungan dalam proses perizinan industri pertambangan. Studi ini berkontribusi untuk memahami inkonsistensi normatif antara peraturan hukum hierarkis dan implikasi yuridisnya, memberikan rekomendasi untuk reformasi regulasi melalui proses harmonisasi yang diperkuat dan kepatuhan terhadap prinsip-prinsip hierarki legislatif. Temuan studi ini menyoroti kebutuhan mendesak untuk

A. Introduction

Indonesia is known as one of the countries with abundant natural resources¹. One of the key components of strong national economic development is the use of natural resources, which must be managed responsibly for the benefit of the community while also protecting the surrounding environment. This is in line with what is stated in the 1945 Constitution of the Republic of Indonesia, Article 33, paragraph 3, which emphasizes that natural resource management must be carried out fairly, transparently, and responsibly, with the main orientation on improving the quality of life of the community as holders of the right to national natural resources.

Along with the development of national regulations, the Mineral and Coal Mining Law has undergone several revisions that align its substance with the policies of the Job Creation Law. The issuance of Government Regulation Number 25 of 2024 related to the implementation of mineral and coal mining businesses has again caused a diverse public response². Article 83A, paragraph 1 of Government Regulation Number 25 of 2024, contains additional norms, namely the inclusion of religious organizations in the scheme for distributing mining resource management rights. In fact, Article 75, paragraph 3 of Law Number 3 of 2020 only provides these rights to State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMN), and/or Private Enterprises. Government regulations indirectly set priority schemes for business entities under the auspices of religious organizations in obtaining the right to manage Special Mining Business License Areas (WIUPK).³

In the development of this policy, it has been implemented by providing WIUPK priority offers to six major religious organizations: Nahdlatul Ulama (NU), Muhammadiyah, the Fellowship of Churches in Indonesia (PGI), the Indonesian Bishops' Conference (KWI), the Indonesian Hindu Dharma Parisada (PHDI), and Walubi, especially on the land of the

¹ Shinta Diana Putri, "Mineral and Coal Mining Licensing Policy in Indonesia," *Journal of Mining Policy*, 2019, 1–15.

² Mutiara Fajriatul Izza Putri, Viorelia Nabila Tasya, and Amanda Destiana Prastika, "The Urgency of Granting Mining Management Permits for Religious Organizations in Indonesia," *TARUNALAW: Journal of Law and Sharia* 2, No. 2 (2024): 215–30.

³ B B C News Indonesia, "President Jokowi Allows Religious Organizations to Manage Mines," 2024, <https://www.bbc.com/indonesia/articles/c1ddgk11v0yo>.

former PKP2B Adaro and others.⁴ Until March 2026, in the era of President Prabowo, NU has completed the coal IUPK process and is ready for operational execution, while Muhammadiyah is under evaluation by the Director General of Mineral Resources of the Ministry of Energy and Mineral Resources despite a judicial review at the Constitutional Court.

There is a normative gap due to inconsistencies between provisions of the Law and the Government Regulations governing the granting of mining concessions. Article 83A, paragraph (1), of Government Regulation Number 25 of 2024 expands the subjects that can obtain WIUPK offers by opening opportunities for entities that were previously not regulated under the law. After obtaining the WIUPK, the entity can then apply for a Special Mining Business License (IUPK). However, this provision is contrary to Article 75, paragraph (3), of Law Number 3 of 2020, which expressly limits IUPK recipients to SOEs, BUMDs, and/or private business entities. This difference in regulation shows an inconsistency in the hierarchy of laws and regulations, in which government regulations expand norms that have been limited by law. As a result, a legal loophole has emerged that allows religious organizations to be involved in mine management, even though it does not have a clear basis in the law, thus potentially causing legal uncertainty in the practice of mining operations⁵.

The norm gap, as mentioned above, raises fundamental questions about the consistency of the law and the application of the regulatory hierarchy principle in the Indonesian legal system. Basically, Government Regulations, as legal instruments set by the President, function to implement and describe the provisions in the Law in accordance with their intentions and objectives, so that they must not deviate from or exceed the norms regulated in the law.⁶ However, the finding of overlapping regulations shows the poor quality of the formation of laws and regulations, which results in disharmony and conflict of norms⁷. This condition requires a thorough evaluation and compliance with the applicable regulations to remain in harmony with the structure of the legal hierarchy, as conflicts between lower and higher regulations can have juridical implications and disrupt legal certainty.⁸

⁴ Aditya Putra Perdana, "Special Pathway" for Religious Organizations to Get Mining Permits," Kompas.id, 2024.

⁵ Aditya Putra Perdana, "Special Pathway" for Religious Organizations to Get Mining Permits," Kompas.id, 2024.

⁶ Hovhannes Sargsyan et al., "Beyond Anthropocentrism: Reinterpreting Islamic Legal Ethics through Transspecies Rights and Ecological Jurisprudence," *Indonesian Journal of Islamic Law* 8, no. 1 (2025): 92–112, <https://doi.org/10.35719/9vrysr32>.

⁷ Gazali, *Introduction to Jurisprudence* (Mataram: Sanabil, 2022).

⁸ Ghazali.

This study uses the study of Mutiara Fajriatul Izza Putri et al. (2024) as a literature review to see the position and novelty of the study. The study discusses the urgency of granting mining permits to religious organizations under Government Regulation Number 25 of 2024, emphasizing that permits are granted through an assessment of effectiveness and compliance with requirements, and that the BKPM plays a role in accordance with applicable regulations. The similarities between the two studies lie in the same study object, namely Government Regulation Number 25 of 2024, but the difference lies in the focus of the analysis: the previous study highlighted the urgency of granting permits, while this study focuses on the normative inconsistency between the government regulation and the 2020 Mineral and Mineral Law and its implications for the legality of policies in the Indonesian legal system.

This research offers novelty by analyzing normative inconsistencies between Government Regulation Number 25 of 2024 and Law Number 3 of 2020, particularly regarding the priority of mining concessions to religious organizations, from the perspective of Hans Kelsen's norm hierarchy theory in the Indonesian legal system. This study aims to identify the causes of norm incompatibility, examine its juridical implications, and formulate recommendations to strengthen regulatory harmonization and compliance with the principles of legal hierarchy.

B. Research Methods

This study uses a normative legal method, treating legal norms as the object of study through the analysis of documents and literature. The approach used includes a legislative analysis of the consistency and hierarchy between Law Number 3 of 2020 and Government Regulation Number 25 of 2024, as well as a conceptual approach that utilizes Hans Kelsen's norm hierarchy theory and the principle of legal harmonization. The research data consisted of primary legal materials (laws and regulations) and secondary sources (journals, books, and expert opinions), collected through literature reviews. The analysis is carried out prescriptively, and the author seeks to offer arguments as solutions to the legal problem under study.⁹

C. Research Results

The research findings reveal a significant normative inconsistency between Government Regulation Number 25 of 2024 and Law Number 3 of 2020, particularly regarding the granting of Special Mining Business Permits (IUPK) to religious organizations. The law explicitly limits eligible

⁹ I Made Pasek Diantha, *Normative Legal Research Methodology* (Jakarta: Prenada Media, 2017).

recipients of IUPK to State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMD), and private business entities; however, the government regulation expands this scope by including religious organizations without a valid delegation basis, thereby violating the principle of legal hierarchy (*lex superior derogat legi inferiori*). This inconsistency reflects poor regulatory drafting, unsupported by adequate juridical, sociological, and philosophical analysis. Furthermore, three main factors contribute to this issue: reactive, poorly measured hyperregulation; weak harmonization processes within the hierarchy of laws and regulations; and strong sectoral egos among institutions that prioritize their own interests without ensuring alignment with higher-level regulations. As a result, this situation leads to overlapping norms, regulatory ambiguity, potential legal uncertainty, and confusion in practical implementation, particularly in the governance of mining licensing.

D. Analysis and Discussion

1. Inconsistency of Mining Concession Norms for Religious-Based Community Organizations

In L.M. Gandhi's view, there are eight things that contribute to the inconsistency of the application of the law in Indonesia, including: (a) differences between laws caused by the disharmony between applicable laws and regulations; (b) inconsistency between the law and its implementing regulations where such laws are not in line with the implementing regulations; (c) the difference between the substance of laws and regulations and policies of government institutions; (d) the difference between written legal provisions and interpretation in jurisprudence; (e) policies issued by central institutions that often contradict each other; (f) differences in the direction and substance of policies between the central and regional governments; (g) ambiguity in the formulation of the law; and (h) irregularities in the division of authority between government agencies¹⁰.

L.M. Gandhi's views on the eight factors that cause legal inconsistencies are highly relevant to the problems raised by Government Regulation Number 25 of 2024, especially Article 83A, which expands the priority of WIUPK to religious community organizations.¹¹ This provision is normatively contrary to Law Number 3 of 2020 concerning Mineral and Mineral Resources, especially Article 75, paragraph (3), which limits IUPK to SOEs, BUMDs, or private business entities. In Gandhi's framework, this condition reflects two main factors

¹⁰ Iryana Anwar, Muslim Lobubun, dan Yohanis Anthon Raharusun, "Inkonsistensi Peraturan Perundang-undangan," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 294–322.

¹¹ Agung Pratama Istifaila, "Hakim Konstitusi Di Persimpangan Jalan : Kuasa Lembaga Pengusul Dalam Pemberhentian Yang Kontroversial," *Manabia: Journal of Constitutional Law* 3, no. 2 (2023): 287–306, <https://doi.org/https://doi.org/10.28918/manabia.v3i02.1416>.

of inconsistency: the inconsistency between implementing regulations and laws (vertical inconsistency) and the disharmony between regulations (horizontal disharmony), which, in practice, gives rise to symptoms of hyperregulation in the Energy and Mineral Resources sector.¹² The concrete impact of the disharmony can be seen in the emergence of ambiguity in licensing practices, as seen in the case of Nahdlatul Ulama, which has entered the implementation stage, while Muhammadiyah is still in the evaluation stage by the Directorate General of Mineral and Mineral Resources, thus causing legal uncertainty and non-uniform treatment.

From the perspective of Hans Kelsen's normative hierarchy theory, this condition clearly violates the principle of *lex superior derogat legi inferiori*, which holds that lower rules should not conflict with higher rules. This finding is also supported by academic studies, such as the article "Juridical Analysis of PP 25/2024" (IBLAM Law Review, 2025), which concludes that the substance of the PP exceeds the authority delegated by its parent law. In line with that, Jimly Asshiddiqie considers this phenomenon a form of "over-regulation" or excessive use of regulatory authority by the government, because implementing regulations should be technical-operational, not create new norms with no basis in law. Similar criticism was also conveyed by Wasingatu Zakiyah from YLBHI, who assessed that the policy had the potential to violate Article 33 paragraph (3) of the 1945 Constitution related to state control of natural resources for the greatest possible prosperity of the people, even encouraging the conduct of a material test to the Supreme Court. Thus, this issue not only reflects formal flaws in the regulatory hierarchy but also has far-reaching implications for natural resource governance, the principle of distribution justice, and public trust in the legal system.

The Government's consistency in implementing laws and regulations is greatly influenced by the extent to which the government's legal culture aligns with society. The public tends to comply with the regulations set by the government, as long as the government shows consistency in the application of the law¹³. One of the government's successes is measured by how well existing regulations are implemented in Indonesia, as the process of drafting laws and regulations also involves the community.

¹² Kaharudin Kaharudin et al., "The Problem of Normative Inconsistency in Legislation in Indonesia: An Analysis from the Perspective of Legal Science," *JIHAD : Jurnal Ilmu Hukum Dan Administrasi* 7 (December 18, 2025), <https://doi.org/10.58258/jihad.v7i4.9886>.

¹³ Iryana Anwar Muslim Lobubun, Yohanis Anthon Raharusun, "Inkonsistensi Peraturan Perundang-undangan dalam Penyelenggaraan Pemerintahan Daerah di Indonesia," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 294–322.

From the description above, it appears that there is an inconsistency in the norm where Government Regulation No. 25 of 2024 is contrary to the content of Law No. 3 of 2020 in giving priority to mining concessions by adding Religious Organizations to the priority scale. Prof. Jimly Asshiddiqie's views on the issue of abuse of authority carried out by the government are highly correlated with issues related to the priority of WIUPK to Religious Organizations, where Government Regulation Number 25 of 2024 can be considered to have been excessively regulated by adding Priority WIUPK material for community religious organizations that are not regulated in the Mineral and Coal Mining Law¹⁴.

In the preparation of provisions in Indonesia, the government has strictly regulated through Law No. 12 of 2011 and Law No. 15 of 2019. Through the provisions of the two laws, a mechanism is provided to harmonize the implementation of each stage of law and regulation preparation. This regulatory structure allows for cooperative implementation during the legislative process. This procedure is intended to ensure that the preparation of legal regulations is carried out carefully so that they do not contain substances that may cause disharmony or inconformity with other laws and regulations¹⁵.

Constitutional Judge Anwar Usman's opinion emphasized that, in formulating laws and regulations, each norm must complement rather than eliminate the others.¹⁶ This inconsistency reflects the drafting of regulations that deviate from the applicable normative principles and rules¹⁷.

The granting of IUPK to religious organizations through Government Regulation instruments should be considered a form of legal smuggling, as it exceeds the limits of authority that should be subject to the law. This becomes increasingly problematic, given that the mineral and coal mining sector is a strategic sector that, under the principle of the right to control the state, should be managed directly by the state for the greatest possible prosperity of the people. The government's argument that grounds the policy on the goal of "improving the welfare of the community," as stated in Article 83A, paragraph (1), of Government Regulation No. 25 of 2024, cannot be justified juridically or logically, because welfare cannot

¹⁴ Ricca Anggraeini, *Ilmu Hukum: Pengaruh Kewenangan dari Pembentukan Peraturan Perundang-undangan terhadap Jenis dan Hierarki Peraturan Perundang-undangan*, Cet 1 (Depok: Rajawali Press, 2019).

¹⁵ Ricca Anggraeini, *Ilmu Hukum: Pengaruh Kewenangan dari Pembentukan Peraturan Perundang-undangan terhadap Jenis dan Hierarki Peraturan Perundang-undangan*, Cet 1 (Depok: Rajawali Press, 2019).

¹⁶ Widayati, "PENERAPAN PRINSIP-PRINSIP HUKUM DALAM PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN YANG PARTISIPATIF DAN ADIL."

¹⁷ Kelima dan Sofiani, "Konflik Normatif dalam Peraturan Pertambangan," *Jurnal Hukum Pertambangan dan Lingkungan* 8, no. 4 (2023): 210–25.

be separated from the principle of justice. Therefore, natural resource management should be directed at the distribution of benefits in a fair and sustainable way, not through the granting of concessions to certain parties outside the framework determined by law. From a prescriptive perspective, the government should reorganize this policy by returning to the principle of the hierarchy of laws and regulations and prioritizing management through SOEs/BUMDs as state representatives, to ensure control, accountability, and the optimal use of natural resources for the public interest at large.¹⁸

2. The Juridical Implications of Normative Inconsistency

The normative inconsistency between Government Regulation Number 25 of 2024 and Law Number 3 of 2020 has resulted in several significant juridical implications:

a. Legal uncertainty

The emergence of confusion over which legal norms should serve as the primary reference will risk creating uncertainty in investment planning, risk management, and the fulfillment of legal obligations. The government and law enforcement officials will have difficulty in enforcing legal norms consistently and fairly, which will pose a dilemma in determining the application of relevant norms, especially if there are significant differences in substance between laws and government regulations¹⁹.

As a result, the law enforcement process becomes non-transparent and may lead to subjective or inconsistent decisions, which undermines the public's perception of legal certainty. The implications for communities in mining environments include a lack of trust in the legal system and government policies, due to a lack of clarity regarding their rights and obligations, as well as the applicable legal protections.

b. Potential for Review

Juridically, Government Regulations are considered to have no legal force, so they can be canceled through a material test mechanism. Parties who feel aggrieved by

¹⁸ Nancy Wondal, Fauzie Hasibuan, and Phattarawadee Rungsimanop, "The Law of Natural Resources Management for Economic Prosperity: A Critical Analysis of Law No. 3 of 2020 on Mineral and Coal Mining," *International Journal of Contemporary Sciences (IJCS)* 1 (October 30, 2024): 952–63, <https://doi.org/10.55927/ijcs.v1i12.12044>.

¹⁹ dkk. Putri Maufiroh, "STUDI HUKUM TENTANG INKONSISTENSI VERTIKAL PERATURAN PEMERINTAH NOMOR 18 TAHUN 2021," *Jurnal Pendidikan dan Pengembangan Institut Pendidikan Tapanuli Selatan* 9, no. 4 (2021): 191–96.

the provisions in Article 83A paragraph 1 of Government Regulation Number 25 of 2024 have the legal standing to submit a judicial review to the Supreme Court, challenging the conformity of the Government Regulation with its parent Law²⁰

The norm a quo affects the process of interpreting the law in the context of a regulation, where courts and law enforcement officials are guided by higher regulations. In practice, it creates an obligation for policymakers and law enforcement officials to conduct material tests to ensure compliance with the law.

c. Loss of public trust

One question often faced in the Indonesian legal system is whether laws are enacted for the benefit of a particular group or groups rather than for the public interest. If the principles of the formation of laws and regulations are applied consistently, then the laws that are formed will be more participatory and able to reflect an equitable sense of social justice²¹.

Although the principles governing the formation of laws and regulations do not have a concrete form in legal norms, their role is decisive in ensuring the quality and legitimacy of a legal product, both in the formation and enforcement stages. Legal norms are not accepted by society or cannot be applied in practice if the rule of law is considered invalid, even though the rule of law has been created by a legal authority and has gone through the correct process²².

Faith-based organizations that lack technical expertise in mine management undermine public trust in the government. The main concern is that the promulgation of Government Regulation Number 25 of 2024 has not ensured that a religious organization can provide welfare for the community in the mining environment.

d. Ambiguity of Mining Industry Licensing

Normative inconsistencies create confusion in the mining industry's licensing process and operations. Mining companies, legal practitioners, and regulatory authorities face uncertainty about which legal provisions to apply when processing

²⁰ Fathorrahman, "PERATURAN DELEGASI DALAM SISTEM HUKUM DAN PERATURAN INDONESIA," *HUKUM* 7, no. 2 (2018): 193–212.

²¹ Widayati, "PENERAPAN PRINSIP-PRINSIP HUKUM DALAM PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN YANG PARTISIPATIF DAN ADIL."

²² Nur Kemala Putri dkk., "Disharmonization of Laws and Regulations in Indonesia Between Form causes and solutions," *WATHAN: Journal of Social Sciences and Humanities* 1, no. 1 (2024): 55–63.

mining concession applications. This ambiguity undermines the fundamental principles of legal certainty for a functioning legal system and investment climate²³.

Ambiguity in a setting can create obstacles to its implementation. Therefore, regulations are needed that are in harmony with other provisions, drafted in simple, clear language, and that provide the public with convenient access and understanding.²⁴

In an effort to overcome the problem of inconsistency in the applicable legal rules, there are three approaches that can be taken:

1. **Amendment or revocation:** Amending or revoking certain articles, or even the entire content of legal regulations that are not in line with the law regulations at a higher level, by institutions or agencies that have authority. In this case, either Article 83A, paragraph 1, of Government Regulation Number 25 of 2024 must be repealed or amended to align with Law Number 3 of 2020, or Law Number 3 of 2020 must be amended to explicitly allow the inclusion of religious organizations if the policy is deemed necessary.
2. **Judicial review:** Submitting a request for a material review to a court, such as the Supreme Court, to test the conformity of norms in a regulation with higher legal norms. Interested parties can submit a material test that opposes the validity of Article 83A paragraph 1 of Government Regulation Number 25 of 2024 on the grounds that it is contrary to Law Number 3 of 2020²⁵.
3. **Application of legal principles:** Applying legal principles in resolving norm conflicts. In the context of the conflict between laws and government regulations, the principle of *lex superior derogat legi inferiori* holds that rules of a higher rank may override lower rules. Law enforcement officials must apply this principle and prioritize Law Number 3 of 2020 over conflicting provisions in Government Regulation Number 25 of 2024²⁶.

²³ Putri et al.

²⁴ Sri Nurnaningsih Rachman dan Melki T Tunggati, "Kontradiksi Penataan Penawaran Prioritas Wilayah Izin Usaha Pertambangan Khusus Badan Usaha Milik Organisasi Masyarakat Keagamaan," *Juris* 8, no. 1 SE-Pasal (30 Juni 2024): 349–65, <https://doi.org/10.56301/juris.v8i1.1315>.

²⁵ Pattuju, "Inkonsistensi Vertikal dalam Legislasi."

²⁶ Harun Fadhli, "Analisis Prinsip Lex Superior Derogat Legi Inferior," *Jurnal De Jure* 5, no. 2 (2021): 45–58.

Preventing inconsistencies in the formation of laws and regulations in Indonesia must be achieved through harmonizing the preparation of draft laws and regulations.²⁷ The harmonization process involves several stages that must be completed, from the planning stage to the regulatory announcement stage. In the initial stage, the rulemaker must plan and draft the main rules. The next stage is the harmonization of the concept of regulatory content, which involves analyzing the relationship with higher regulations, Pancasila values, and applicable legal principles²⁸.

Although harmonization aims to create harmony between various regulations, in practice, this process is often hampered by a variety of factors. One of the main obstacles is the difference of opinion between related agencies that causes sectoral egos. Institutions often have their own interests that lead them to retain certain concepts or materials in draft regulations, even if they conflict with higher or other regulations.

To strengthen the harmonization process, several steps should be implemented:

1. Establish clear standard operating procedures for regulatory harmonization mandating thorough checks of vertical and horizontal consistency
2. Increase the capacity and independence of harmonized institutions to identify and prevent normative conflicts
3. Require a comprehensive regulatory impact assessment that includes a legal hierarchy analysis
4. Promote inter-agency coordination and reduce sectoral egos through institutional mechanisms
5. Ensuring meaningful public participation in the legislative process to improve accountability and detect potential inconsistencies

E. Conclusion

This study concludes that there is a vertical normative inconsistency between Government Regulation Number 25 of 2024 and Law Number 3 of 2020, particularly concerning the expansion of eligible recipients of IUPK to religious organizations that lack a legal basis in the parent law. This inconsistency not only reflects weak harmonization within

²⁷ Nurmaelya Bahri, Syahabuddin, and A. Sugirman, "Reconstruction of the Scope Security Management System Government in Bone Regency," *Jurnal Al-Dustur* 8, no. 1 (2025): 14–26, <https://doi.org/10.30863/aldustur.v8i1.8877>.

²⁸ Fatiasha Noerwianto, Dwi Adha Pangestu, "Tantangan dan Strategi Proses Harmonisasi Peraturan Perundang-undangan di Indonesia."

the hierarchy of laws and regulations but is also driven by a phenomenon of hyper-regulation that is responsive yet unmeasured, as well as strong sectoral egos among institutions that disregard the principle of regulatory coherence. The impacts are significant, including legal uncertainty, the potential annulment of regulations through judicial review, a decline in public trust in the legal system, and confusion in licensing practices and mining governance. Therefore, firm corrective measures are required, including amendments or revocation of conflicting provisions, optimization of judicial review, and enforcement of the principle of *lex superior derogat legi inferiori*. Going forward, preventing similar inconsistencies requires strengthening regulatory harmonization mechanisms, enhancing inter-agency coordination, conducting comprehensive evaluations of policy impacts, and ensuring meaningful public participation in the law-making process.

F. Conflict of Interest Statement

We hereby affirm that in the process of compiling, writing, and submitting the manuscript of this article, we do not own and are not bound by any conflict of interest. The entire process of research, data collection, analysis, and manuscript preparation has been carried out independently and objectively, without any intervention or influence from various parties, both personally, professionally, institutionally, and financially that has the potential to cause bias. This statement is a manifestation of our commitment to academic integrity and scientific ethics, in order to ensure the validity, honesty, and scientific quality of the articles we submit.

G. Confession

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