



A Juridical Analysis of the Revocation of Mining Investment Permits from the Perspective of Legal Certainty and the General Principles of Good Governance (A Study of Decision Number 332/G/2024/PTUN.JKT)

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Abstract: This study aims to analyze the legality of the revocation of mining investment permits, the judges' legal considerations regarding legal certainty for investors, and the implementation of the General Principles of Good Governance (AUPB) in Decision Number 332/G/2024/PTUN.JKT. This research employs a normative legal research method using statutory, case, and conceptual approaches. The legal materials used consist of primary, secondary, and tertiary legal sources analyzed qualitatively. The results of the study indicate that the revocation of the mining investment permit of PT Tiga Samudra Nikel raises issues of legality because it was allegedly carried out without following the complete stages of administrative sanctions as regulated in mining laws and regulations. In addition, the judges' legal considerations focused more on formal aspects, namely the obligation to pursue administrative remedies before filing a lawsuit to the State Administrative Court, resulting in the substance of the dispute not being examined comprehensively. This study also shows that the implementation of the General Principles of Good Governance (AUPB) in the revocation of mining permits has not been carried out optimally, particularly regarding the principles of legal certainty, transparency, and prudence. Therefore, strengthening administrative governance is necessary so that the revocation of mining business permits is conducted transparently, proportionally, and provides legal protection for investors.

Keywords: Legal Permit Revocation; Mining Investment; Legal Certainty; AUPB; State Administrative Court.

Introduction

Indonesia, as a country rich in natural resources, has the mining sector as one of the main pillars supporting national economic development. Mining activities not only contribute to state revenue but also serve as a strategic instrument for attracting both domestic and foreign investment¹. The issue of legal certainty in the revocation of mining investment permits is reflected in the state administrative dispute between PT Tiga Samudra Nikel and the Minister of Investment/Head of the Investment Coordinating Board as adjudicated in Decision Number 332/G/2024/PTUN.JKT.

The dispute originated from the issuance of the Decision of the Minister of Investment/Head of the Investment Coordinating Board Number 20220118-01-41110 dated January 31, 2022, concerning Permit Revocation, which revoked and declared invalid the Decree approving the transfer of the Exploration Mining Business License from PT Tiga Samudra Perkasa to PT Tiga Samudra Nikel. The revocation of the permit caused losses to the company, resulting in the suspension of its mining operations and the loss of investment opportunities that had previously been undertaken².

¹ Irham, F., Fauzan, R. G., & Pramasha, R. R. (2024). Peran sumber daya alam dalam mendorong perekonomian nasional. *Jurnal Media Akademik (JMA)*, 2(11).

² Setiyo Utomo, S. H., & Kn, M. Penguatan Pasal 33 Ayat (3) Dalam Amandemen Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. *Jurnal Majelis*, 51

In its lawsuit, PT Tiga Samudra Nikel argued that the permit revocation was carried out without prior notification, explanation, or warning as required by the applicable laws and regulations. The plaintiff contended that the government's action was contrary to Article 151 of Law Number 3 of 2020, which stipulates the stages of administrative sanctions, namely written warnings, fines, temporary suspension of activities, and permit revocation³. Furthermore, the plaintiff asserted that the revocation decision failed to provide a detailed explanation of the violations committed or the obligations that had not been fulfilled by the company, as required under Article 119 of Law Number 4 of 2009 concerning Mineral and Coal Mining. In addition to the issue of legal certainty, this case is also relevant for examination from the perspective of the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik/AUPB*).

AUPB constitutes fundamental principles that must guide every government official in exercising administrative authority. These principles include legal certainty, expediency, impartiality, accuracy, transparency, prohibition of abuse of power, and good public service⁴. In the context of Decision Number 332/G/2024/PTUN.JKT, the revocation of the permit without a clear explanation and without transparent administrative procedures raises questions regarding the conformity of the government's actions with the principles of AUPB.

Method

This study employs normative legal research, which focuses on examining legal norms, statutory regulations, legal principles, and court decisions related to the research object⁵. The normative approach was selected because this research aims to analyze the legality of the revocation of mining investment permits in Decision Number 332/G/2024/PTUN.JKT. To achieve this objective, the study applies a statutory approach, a case approach, and a conceptual approach. The legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 30 of 2014 concerning Government Administration, Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 on Mineral and Coal Mining, Government Regulation Number 96 of 2021 concerning the Implementation of Mineral and Coal Mining Business Activities, and Decision Number 332/G/2024/PTUN.JKT.

These materials serve as the main legal basis for analyzing the issues discussed in this study. The collection of legal materials was conducted through library research by reviewing statutory regulations, court decisions, books, scientific journals, articles, and other relevant legal documents concerning the revocation of mining investment permits⁶. As a normative legal study, this research emphasizes the examination of legal norms and judicial considerations rather than empirical data. The collected legal materials were analyzed qualitatively through interpretation and systematic evaluation of applicable laws, legal theories, legal principles, and the judges' reasoning contained in Decision Number 332/G/2024/PTUN.JKT. This analytical process was undertaken to assess whether the revocation of mining investment permits was consistent with the principle of legal certainty and the General Principles of Good Governance (AUPB).

³ Sari, H. D. (2022). Asas dan Fungsi Pemerintahan: Implementasi Asas-Asas Umum Pemerintahan yang Baik (AAUPB) serta Fungsi Pemerintahan dalam Pelayanan Publik. *Universitas Muhammadiyah Sidenreng Rappang*, 20.

⁴ Prawiranegara, K. (2021). Implementasi asas-asas umum pemerintahan yang baik pada pemerintahan Kabupaten Dompu. *Lex Renaissance*, 6(3), 591-604.

⁵ Masidin, S. H. (2023). *Penelitian hukum normatif: Analisis putusan hakim*. Prenada Media.

⁶ Ramdhan, M. (2021). *Metode penelitian*. Cipta Media Nusantara.

Findings and Discussion

The Legality of the Revocation of Mining Investment Permits in Decision Number 332/G/2024/PTUN.JKT

The revocation of mining investment permits constitutes a form of governmental administrative action that directly produces legal consequences for the holders of mining business licenses. In administrative law practice, the revocation of a permit is not merely regarded as an exercise of governmental authority but must also be carried out in accordance with the principles of legality, legal certainty, and the protection of the rights of legal subjects affected by such decisions. Therefore, every decision to revoke a mining business permit must comply with statutory regulations and the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik/AUPB). In Decision Number 332/G/2024/PTUN.JKT, the dispute arose from the issuance of the Decision of the Minister of Investment/Head of the Investment Coordinating Board Number 20220118-01-41110 dated January 31, 2022, concerning the Revocation of Permits against PT Tiga Samudra Nikel. The object of dispute in this case was a state administrative decision revoking and declaring invalid the Decree approving the transfer of the Exploration Mining Business License from PT Tiga Samudra Perkasa to PT Tiga Samudra Nikel. Pursuant to Article 1 paragraph (9) of Law Number 51 of 2009 concerning the State Administrative Court, a state administrative decision must be concrete, individual, final, and produce legal consequences for an individual or a private legal entity. In this case, the Panel of Judges considered that the disputed object fulfilled these requirements because the decision was issued in written form, specifically addressed to PT Tiga Samudra Nikel, final in nature, and resulted in legal consequences in the form of the loss of the plaintiff's right to conduct mining business activities⁷.

Normatively, the legality of the revocation of mining business permits is governed by Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 on Mineral and Coal Mining. Article 151 paragraph (2) provides that administrative sanctions may take the form of written warnings, administrative fines, temporary suspension of part or all exploration or production activities, and/or revocation of mining business permits. Based on this provision, permit revocation constitutes the final administrative sanction and should therefore be preceded by other administrative measures. In the present case, the plaintiff argued that it had never received any written warning or other administrative sanction prior to the issuance of the revocation decision⁸. Consequently, the government's action was considered inconsistent with the procedures prescribed by statutory regulations. When examined in light of Article 71 of Law Number 30 of 2014 concerning Government Administration, an administrative decision issued with procedural defects may be annulled. Accordingly, from a procedural perspective, there are indications that the decision to revoke PT Tiga Samudra Nikel's mining business permit did not satisfy the principle of legality in governmental administration. Furthermore, according to the theory of the General Principles of Good Governance (AUPB) proposed by Kuntjoro Purbopranoto, every governmental action must be undertaken carefully, transparently, and without abuse of authority. As the holder of administrative authority, the government is obliged to provide clear legal reasons for every decision it issues, particularly those that result in losses to individuals or legal entities. In this case, the revocation of the permit without adequate explanation indicates a potential violation of the principles of transparency and legal certainty⁹.

⁷ Situmeang, O., & Redi, A. (2025). Rekonstruksi Mekanisme Hukum dalam Pencabutan Izin Usaha Pertambangan Berdasarkan Asas Kemanfaatan Hukum. *Jurnal Retentum*, 5(2), 415-433.

⁸ Kusdarini, E. (2020). *Asas-Asas Umum Pemerintahan Yang Baik Dalam Hukum Administrasi Negara*. Uny Press.

⁹ Wijaya, A. A. (2025). Pemberian Dan Pencabutan Izin Usaha Pertambangan Nikel Di Raja Ampat Dalam Perspektif Negara Hukum Dan Demokrasi. *Jurnal Media Akademik (JMA)*, 3(6).

Judges' Legal Considerations on Legal Certainty for Investors in Decision Number 332/G/2024/PTUN.JKT

Legal certainty is one of the fundamental principles of a state governed by the rule of law, aimed at providing protection for the rights of society, including the rights of investors engaged in investment activities. In the mining sector, legal certainty is particularly important because investment activities require substantial capital, lengthy licensing procedures, and relatively long business periods. Therefore, every governmental action concerning the issuance or revocation of mining business permits must be carried out in accordance with clear legal provisions to avoid creating uncertainty for investors. In Decision Number 332/G/2024/PTUN.JKT, the issue of legal certainty arose from the revocation of PT Tiga Samudra Nikel's mining business permit by the Minister of Investment/Head of the Investment Coordinating Board. In this case, the Panel of Judges focused its legal considerations on the formal aspects of administrative dispute resolution, particularly the obligation to exhaust administrative remedies before filing a lawsuit with the State Administrative Court¹⁰. Based on the facts established during the proceedings, the plaintiff had submitted an administrative objection to the Minister of Investment/Head of the Investment Coordinating Board regarding the permit revocation decision. However, the plaintiff did not pursue an administrative appeal to the President of the Republic of Indonesia as the superior administrative authority before bringing the case before the Court.

Consequently, the Panel of Judges held that the lawsuit was premature because it did not satisfy the requirements set forth in Article 75 of Law Number 30 of 2014 concerning Government Administration. The plaintiff argued that the permit had been revoked without prior notification, without a detailed explanation, and without the imposition of administrative sanctions in stages as required under the Mineral and Coal Mining Law. These allegations indicated a potential violation of the principles of legal certainty and legal protection for investors. Nevertheless, the substantive issues were not examined in depth by the Panel of Judges because the claim had already been declared premature. This situation demonstrates that procedural compliance in administrative law often becomes the determining factor in whether a lawsuit is admissible. In the context of mining investment, legal certainty is closely linked to the stability of government policies. Investors require assurance that business permits obtained through lawful procedures will not be revoked unilaterally without clear reasons and transparent legal mechanisms. Uncertainty regarding the status of business permits may create significant investment risks, particularly in the mining sector, where operational costs are substantial and project management periods are relatively long¹¹. Accordingly, legal certainty for investors is influenced by several factors, including clarity of licensing procedures, transparency in governmental actions, protection of investors' rights, consistency in the application of law, and the effectiveness of dispute resolution mechanisms¹².

The Application of the General Principles of Good Governance (AUPB) in the Revocation of Mining Permits in Decision Number 332/G/2024/PTUN.JKT

The General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik/AUPB) constitute fundamental principles that must guide every government official in exercising administrative authority. Within the Indonesian administrative law system, AUPB serves an important function as a mechanism for controlling governmental actions and preventing arbitrary exercises of power. AUPB also provides a legal basis for protecting individuals and legal entities against administrative decisions and actions that produce legal consequences. The provisions concerning AUPB are explicitly regulated under

¹⁰ Illiyyin, D. Z., & Octarina, N. F. (2023). Peran Notaris Dalam Menciptakan Kepastian Hukum Bagi Investor. *Jurnal Civic Hukum*, 8(1)

¹¹ Triana, A. R., Putri, A. A., Mar'atussholikhah, K., Sukma, V. S., Firdaus, F., & Hidayat, M. F. (2024). Kepastian hukum dalam penanaman modal investasi di kawasan ekonomi khusus dari perspektif investor. *Politika Progresif: Jurnal Hukum, Politik dan Humaniora*, 1(3), 246-262.

¹² Suardhana, C. V. (2019). Perlindungan Hukum Terhadap Penanaman Modal Asing pada Sektor Perkebunan di Indonesia. *Jurnal Hukum Prasada*, 6(1), 1-14.

Law Number 30 of 2014 concerning Government Administration, particularly Article 10 paragraph (1), which identifies the principles of legal certainty, expediency, impartiality, accuracy, prohibition of abuse of authority, transparency, public interest, and good public service¹³. In Decision Number 332/G/2024/PTUN.JKT, the application of AUPB constitutes an important aspect in assessing the legality of the revocation of PT Tiga Samudra Nikel's mining business permit. The dispute arose following the issuance of a decision by the Minister of Investment/Head of the Investment Coordinating Board revoking the mining permit previously held by the plaintiff. The plaintiff argued that the government's action was undertaken without clear administrative procedures, without prior notification, and without providing a detailed explanation regarding the grounds for the revocation.

Consequently, the plaintiff contended that the government's action was inconsistent with the principles of AUPB within the framework of administrative law. According to the theory of AUPB advanced by Kuntjoro Purbopranoto, governmental actions must be carried out in accordance with the principles of prudence, transparency, fairness, and legal certainty. As the holder of administrative authority, the government is required not only to act in accordance with the law but also to ensure the protection of the rights of individuals and legal entities affected by administrative decisions. Therefore, the application of AUPB in the revocation of mining permits serves as an important indicator in determining whether governmental actions are consistent with the principles of the rule of law. The principle of accuracy is particularly significant in preventing errors in the exercise of administrative authority. Decisions issued without careful consideration may result in losses for affected individuals and legal entities. In the present case, the revocation of the mining business permit caused the plaintiff to lose the right to conduct mining activities and potentially suffer substantial investment losses. Therefore, the government should have undertaken a comprehensive evaluation before issuing the revocation decision¹⁴.

Several indicators suggest a possible violation of the principle of accuracy, including the absence of a clear explanation regarding the company's alleged violations, the lack of identification of obligations that were allegedly unfulfilled, the failure to provide detailed reasons for the permit revocation, and the absence of a transparent administrative evaluation process¹⁵. Likewise, the principle of transparency is highly relevant to this dispute. Transparency requires the government to provide accurate, honest, and non-discriminatory information concerning administrative actions. According to the plaintiff, the revocation decision was issued without prior notification and without an adequate explanation regarding the reasons for the permit cancellation, thereby indicating a lack of transparency in governmental administration. Transparency is an essential element of democratic and accountable governance. When the government fails to provide clear information regarding the legal basis of an administrative decision, affected parties may encounter difficulties in understanding and challenging such actions. In the context of mining investment, a lack of transparency may undermine investor confidence in Indonesia's licensing system and administrative governance¹⁶.

Furthermore, the government's action may also be examined from the perspective of the principle prohibiting the abuse of authority. This principle requires governmental powers to be exercised strictly in accordance with the objectives for which they were granted and not for purposes beyond those authorized by law. Although the government possesses the authority to revoke mining business permits as part of its supervisory function over natural resource management, such authority must be exercised in compliance with established procedures and must not be used arbitrarily. Possible indications of violations of AUPB in this case include the lack of transparency in the decision-making process, the

¹³ Solechan, S. (2019). Asas-asas umum pemerintahan yang baik dalam pelayanan publik. *Administrative Law and Governance Journal*, 2(3), 541-557.

¹⁴ Sari, H. D. (2022). Asas dan Fungsi Pemerintahan: Implementasi Asas-Asas Umum Pemerintahan yang Baik (AAUPB) serta Fungsi Pemerintahan dalam Pelayanan Publik. *Universitas Muhammadiyah Sidenreng Rappang*, 20.

¹⁵ Ramadhana, W. (2023). Pengaturan hukum usaha mikro kecil dan menengah (UMKM) berdasarkan keadilan ekonomi. *Maliyah: Jurnal Hukum Bisnis Islam*, 13(2), 252-265.

¹⁶ Kusdarini, E. (2020). *Asas-Asas Umum Pemerintahan Yang Baik Dalam Hukum Administrasi Negara*. Uny Press.

absence of written warnings, the failure to specify the company's alleged violations, the non-implementation of complete administrative procedures, and the resulting losses suffered by the investor. The importance of AUPB in mining investment cannot be overstated. These principles ensure legal certainty for investors, prevent arbitrary governmental actions, enhance transparency in public administration, create a favorable investment climate, and provide legal protection for business actors. In modern administrative law, AUPB is not merely regarded as an ethical standard of governance but also as a binding legal norm governing the conduct of public officials. Consequently, violations of AUPB may constitute sufficient grounds for a court to annul a state administrative decision.

Conclusion

Based on the foregoing discussion, it can be concluded that the revocation of PT Tiga Samudra Nikel's mining investment permit in Decision Number 332/G/2024/PTUN.JKT demonstrates that governmental actions must be carried out in accordance with applicable laws and administrative procedures. The court's legal reasoning primarily focused on the formal requirement of exhausting administrative remedies before filing a claim with the State Administrative Court. Furthermore, the implementation of the General Principles of Good Governance (AUPB) in the revocation of the mining permit was not fully realized, particularly with regard to the principles of legal certainty, transparency, and proper administrative procedure. Based on the above conclusions, it is recommended that the government strengthen the mechanism for revoking mining business permits by ensuring compliance with statutory provisions and transparent administrative procedures. The State Administrative Court should strive to balance procedural considerations with substantive justice in resolving administrative disputes. In addition, investors and mining business actors should develop a better understanding of administrative remedies and dispute-resolution mechanisms as an important form of legal protection against governmental actions affecting their business activities.

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