

# The Potential for Corporate Corruption in Mining Licensing Policies for Religious Organizations in Indonesia

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## Abstract

The primary purpose of this research is to examine the potential corruption by corporations through the policy of granting mining licenses to religious community organizations (religious organizations) in Indonesia. This research contributes to analysing the potency of corruption and provides a concept for preventing corruption in the mining sector after the issuance of mining

business licenses for religious organizations. The novelty of this research is to detect various potential criminal acts of corruption by corporations after the enactment of regulations that permit religious organizations to manage mines. Additionally, the concept of corporate corruption prevention provides policy input to prevent corruption in this sector. This research uses normative legal research methods with conceptual, statutory, and case approaches. A significant finding of this research is that corruption is potentially liable in mining management by religious organizations, considering that the business entities owned by religious organizations are not very credible in managing the mining sector. Furthermore, previous studies and surveys have found that many mining companies overlook or ignore their anti-corruption commitments and policies. The potency of corruption is also exacerbated by regulatory loopholes in the mining sector, which are susceptible to corruption. This research recommends a policy that regulates the standard quality of the business entity owned by a religious organization, especially human resources capacity, organizational management, and anti-corruption commitments and policies within the business entity. In addition, to avoid potential corruption in this sector, the government's commitment and the participation of society in monitoring mining governance are certainly needed.

**KEYWORDS** Corporate corruption; mining; religious organizations.

## Introduction

The issuance of Government Regulation Number 25 of 2024 regarding Amendments to Government Regulation Number 96 of 2021 concerning implementing Mineral and Coal Mining Business Activities (Mining Business 2024) has caused a prolonged polemic in society.<sup>1</sup> This polemic was generated by a clause that provided opportunities for religious organizations to manage mining. Before the issuance of this Government Regulation, mining management could only be carried out by private companies and state-owned enterprises (BUMN).<sup>2</sup> This means that the Government Regulations

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<sup>1</sup> Afifudin Nur Rosyid Astinda, "Legal Analysis of Granting Mining Business Licenses to Community Organizations (Ormas)," *Musamus Law Review* 7, no. 1 (2024): 1–9, <https://doi.org/10.35724/mularev.v7i1.6311>.

<sup>2</sup> Indri Dwi Apriliyanti and Diwangkara Bagus Nugraha, "Burning Coal in a Cleaner Way: Institutional Fragmentation, Power Dynamics, and Business Influence in Indonesia's Biomass Co-Firing Imaginaries," *Energy Research & Social Science* 121 (March 2025): 103949, <https://doi.org/10.1016/j.erss.2025.103949>.

of 2024 concerning Mining Activity legalize religious organizations' direct participation in managing the mining sector in Indonesia.<sup>3</sup>

Many communities reject the involvement of religious organizations in handling mines.<sup>4</sup> Due to several arguments. Firstly, the mining industry is one of the industries with many legal problems,<sup>5</sup> mainly related to the amount of environmental damage and corruption in each mining area.<sup>6</sup> The *Harian Kompas* report delivers alarming data: Indonesia accounts for 58.2% of the world's forest destruction.<sup>7</sup> *Harian Kompas* also provides further information that mining activity is the foremost factor of forest destruction in Indonesia, with approximately 1.18 million hectares in 2024.<sup>8</sup>

In addition, mining activities also generate prolonged conflicts between the government, companies, and communities around mining sites.<sup>9</sup> According to the Consortium for Agrarian Reform in 2023, 32 civil conflicts rejected mining activities.<sup>10</sup> The data indicate

<sup>3</sup> Tammam Sholahudin and Muh. Nur Rochim Maksum, "Analisis Dampak Sosial Dan Ekonomi Dari Pemberian Konsesi Tambang Kepada Organisasi Masyarakat Nahdlatul Ulama," *Arus Jurnal Sosial Dan Humaniora* 4, no. 2 (2024): 672–82, <https://doi.org/10.57250/ajsh.v4i2.516>.

<sup>4</sup> Sri Nurnaningsih Rachman and Melki T. Tunggtati, "Kontradiksi Pengaturan Penawaran Prioritas Wilayah Izin Usaha Pertambangan Khusus Terhadap Badan Usaha Milik Organisasi Kemasyarakatan Keagamaan," *The Juris* 8, no. 1 (2024): 349–65, <https://doi.org/10.56301/juris.v8i1.1315>.

<sup>5</sup> Nyayu Aisyah et al., "Estimating a National Critical Mineral Security Index in Indonesia Using Analytical Hierarchy Process," *Environmental and Sustainability Indicators* 24 (December 2024): 100510, <https://doi.org/10.1016/j.indic.2024.100510>.

<sup>6</sup> Laurens Bakker, "Custom and Violence in Indonesia's Protracted Land Conflict," *Social Sciences & Humanities Open* 8, no. 1 (2023): 100624, <https://doi.org/10.1016/j.ssaho.2023.100624>.

<sup>7</sup> Ahmad Arif, "Indonesia Sumbang 58,2 Persen Perusakan Hutan Tropis Akibat Pertambangan," *Harian Kompas* (Jakarta), September 13, 2022, <https://www.kompas.id/baca/humaniora/2022/09/13/indonesia-sumbang-582-persen-perusakan-hutan-tropis-akibat-pertambangan>.

<sup>8</sup> Danur Lambang Pristiandaru, "Deforestasi RI Terburuk Kedua Di Dunia, 1,18 Juta Hektare Hutan Rusak," *Harian Kompas* (Jakarta), Oktober 2024, <https://lestari.kompas.com/read/2024/10/14/150000086/deforestasi-ri-terburuk-kedua-di-dunia-1-18-juta-hektare-hutan-rusak>.

<sup>9</sup> Bambang Hidayana et al., "Communal Violence as a Strategy for Negotiation: Community Responses to Nickel Mining Industry in Central Sulawesi, Indonesia," *The Extractive Industries and Society* 7, no. 4 (2020): 1547–56, <https://doi.org/10.1016/j.exis.2020.08.012>.

<sup>10</sup> Konsorsium Pembaruan Agraria, "KPA: 660 Konflik Agraria Pecah Sepanjang 2020-2023, Imbas PSN Ada 105," *Www.Kpa.or.Id*, Oktober 2023, <https://www.kpa.or.id/2023/10/19/kpa-660-konflik-agraria-pecah-sepanjang-2020-2023-imbas-psn-ada-105/>.

that mining activities trigger susceptibility to conflicts in society.<sup>11</sup> This conflict susceptibility contradicts religious organizations' fundamental function of retaining unity and brotherhood in society, rather than causing conflicts related to mining activity.

Secondly, the mining industry is one of the sectors that is prone to corrupt practices in Indonesia.<sup>12</sup> Besides being susceptible, corruption in the mining sector contributes to considerable state losses.<sup>13</sup> The tin corruption case involving Harvey Moeis is one of the most significant state losses, with a value of around Rp. 271 Trillion.<sup>14</sup> The other cases in this sector occurred in 2019, with state losses of around Rp. 5.9 Trillion. Because of the massive state losses due to corruption in this sector, Abraham Samad, a former chairman of the Corruption Eradication Commission (KPK), opines that every person in Indonesia can earn Rp. 30 million per month if corruption in the mining sector can be eliminated.<sup>15</sup> The mining sector's corruption susceptibility encourages people to avoid religious organizations, as they contradict religious values.<sup>16</sup>

Despite the polemics of this policy, the government still commits to continuing the policy of granting mining permits to religious organizations. The government argues that this concession will make the religious organization economically independent and avoid fraudulent practices in mining management by managing mining activity properly, correctly, and professionally. The government believes that mine management by religious organizations, their religious knowledge capacity, and business entity can be adequately and professionally implemented. It will also

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<sup>11</sup> Maribeth Erb et al., "Exploring a Social Geology Approach in Eastern Indonesia: What Are Mining Territories?," *The Extractive Industries and Society* 8, no. 1 (2021): 89–103, <https://doi.org/10.1016/j.exis.2020.09.005>.

<sup>12</sup> Andrea Petermann et al., "Mining and Corruption," *Resources Policy* 32, no. 3 (2007): 91–103, <https://doi.org/10.1016/j.resourpol.2007.08.003>.

<sup>13</sup> Anang Sulistyono et al., "Interpretasi Hukum Oleh Hakim Konstitusi Dalam Mendekonstruksi Anatomi Korupsi Migas," *Jurnal Konstitusi* 14, no. 2 (2017): 418, <https://doi.org/10.31078/jk1429>.

<sup>14</sup> Amyra Shasya Nabilla et al., "Analisis Framing Berita Kasus Korupsi Timah: Dampak Kerugian Negara Rp271 Triliun Pada Kompas.Com Dan Detikcom," *Tuturlogi* 5, no. 3 (2024): 122–34, <https://doi.org/10.21776/ub.tuturlogi.2024.005.03.2>.

<sup>15</sup> Mumu Muhajir et al., "Harmonisasi Regulasi Dan Perbaikan Tata Kelola Sumber Daya Alam Di Indonesia," *Integritas: Jurnal Antikorupsi* 05, nos. 2–2 (2019), <https://doi.org/10.32697/integritas.v5i2-2.479>.

<sup>16</sup> Abdul Karim et al., "Altruistic Works, Religion, and Corruption: *Kiai s' Leadership to Shape Anti-Corruption Values in Pesantren*," *Cogent Social Sciences* 9, no. 1 (2023): 2238968, <https://doi.org/10.1080/23311886.2023.2238968>.

be able to foster economic independence and provide benefits to the society around the mine site.<sup>17</sup>

This research focuses on the potency of corruption in the mining sector by religious organizations, a gap that previous researchers have not paid more attention to. Most research dealing with mining corruption only discusses the quality of regulations and the drafting process, which is considered a factor in corruption practice. Zico Junius Fernando discusses several articles in mining regulations that potentially ignore anti-corruption principles. The problematic articles in Law Number 3 of 2020 concerning Mineral and Coal Mining are loopholes in the mining sector's corruption.<sup>18</sup> On one side, from Zico, the academic investigation around the potential and loopholes of corruption due to the quality of mining regulations was also conducted by King Faisal Sulaiman. He highlights that the poor legislative drafting system in the mining sector potentially opens up loopholes for corruption. Faisal underlines that the poor quality of the law drafting process bears a weak regulation caused by a very short process, non-transparent, inaccessible to the public, and violates numerous legal norms and formal and material principles related to anti-corruption values.<sup>19</sup> The closed and publicly inaccessible law-making process inclines the abuse of power and political transactions when drafting regulations in the mining sector.

Previous legal research in the mining sector also discussed many issues related to environmental damage, including potential conflicts between communities and mining companies. Teguh Sedarto reveals that the government is not too serious about enforcing the law against mining companies, ignoring environmental sustainability.<sup>20</sup> Yanto Sufriadi also emphasizes that mining companies neglecting environmental damage often grounds conflict

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<sup>17</sup> Muhammad Fitrah, "Menggali Konsesi Tambang: Muhammadiyah Sebagai Intermediary Antara Pemerintah, Perusahaan, Dan Masyarakat," *Jurnal Paradigma: Jurnal Multidisipliner Mahasiswa Pascasarjana Indonesia*, n.d., <https://doi.org/10.22146/jpmmpi.v5i2.101903>.

<sup>18</sup> Zico Junius Fernando et al., "Deep Anti-Corruption Blueprint Mining, Mineral, and Coal Sector in Indonesia," *Cogent Social Sciences* 9, no. 1 (2023): 2187737, <https://doi.org/10.1080/23311886.2023.2187737>.

<sup>19</sup> King Faisal Sulaiman, "Legislative Corruption: Criticism of the Omnibus Law Policy in the Mineral and Mining Sector in Indonesia," in *E3S Web of Conferences*, ed. D. Mutiarin et al., vol. 440 (2023), <https://doi.org/10.1051/e3sconf/202344004008>.

<sup>20</sup> Teguh Sedarto et al., "Enforcement of Law on Environmental Violations by Mining Companies in Indonesia," paper presented at 8th International Seminar of Research Month 2023, *Nusantara Science and Technology Proceedings*, Galaxy Science, May 14, 2024, <https://doi.org/10.11594/nstp.2024.4177>.

in society. The mining company frequently solves the conflict by resorting to violence and intimidation against society. Consequently, many society members experienced violence just because they protested mining activities that devastated the environment around their settlements. Sufriadi suggests that the government should pay serious attention to advanced regulations in mining management to minimize environmental damage. Additionally, humanist conflict resolution also needs to be immediately enforced to protect victims of the violence and intimidation of people who refuse and protest mining management activities destroying the environment.<sup>21</sup>

The only research discussing the legal impact after the regulation on granting mining business licenses to religious organizations was conducted by Safriansyah Yanwar Rosyadi and Rineke Sara. They reveal various challenges and obstacles to the policy of granting mining licenses to religious organizations. The research identifies several obstacles that probably hinder the realization of this policy. These obstacles include unclear licensing procedures, a lack of transparency, and limited public understanding of regulations related to licensing procedures in the mining sector.<sup>22</sup> This research also highlights the lack of community involvement in monitoring mining management, which can trigger the potential for unprofessional mining activities carried out by religious organizations. Although the research discusses mining permits for religious organizations, it scrutinizes potential obstacles to their realization.

The previous studies above illustrate that the potential for corruption by corporations in mining activities carried out by religious organizations should be discussed as a research gap. This research is noteworthy for investigating issues related to mining and its potential for corruption and unsettling society. This is due to the massive state losses caused by mining corruption, as described in previous cases. Thus, the novelty of this research is to detect various potential criminal acts of corruption by corporations after the enactment of regulations that permit religious organizations to manage mines. This research also proposes multiple solutions to prevent corruption in the mining sector, particularly involving

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<sup>21</sup> Yanto Sufriadi et al., "The Violence in Conflict of Natural Resources Tenure Rights- Companies Vs Traditional Communities in Indonesia," *UUM Journal of Legal Studies* 15, no. 1 (2024): 197–220, <https://doi.org/10.32890/uumjls2024.15.1.9>.

<sup>22</sup> Safriansyah Yanwar Rosyadi and Rineke Sara, "Problems of Granting Mining Business Permits to Community Organizations," *Cognitionis Civitatis et Politicae* 1, no. 6 (2024), <https://doi.org/10.70177/politicae.v1i6.1824>.

religious organizations. To emphasise this novelty, this study was conducted to answer the following questions: *First*, how do religious organizations respond to mining business licence policies? *Second*, what forms of corruption exist in the mining sector by corporations in Indonesia? *Third*, what is the potential for corporate corruption after mining business licences are granted to religious organizations?

## Method

This research applies normative legal research methods commonly known as doctrinal research methods.<sup>23</sup> Doctrinal research seeks to find legal truths in cases based on regulations and literature studies,<sup>24</sup> mainly related to mining regulations and religious organizations. Therefore, this research adopts a statute approach, a case approach, and a conceptual approach.<sup>25</sup> The statute approach is used to trace the variety of potential corruption by corporations in the mining sector carried out by business entities owned by religious organizations. The case approach in this research is to map mining corruption cases that received court decisions. This mapping figures out regulatory gaps that cause corruption in the mining sector, dealing with the weaknesses of mining regulation.<sup>26</sup> This research also adopts the conceptual approach to trace various ideas to prevent corruption in the mining sector, especially ideas to eradicate the potency of corruption in mining activities carried out by business entities owned by religious organizations.

This research is qualitative in nature as it focuses on examining cases of corruption in the mining sector committed by corporations. Therefore, the methods used to obtain data are based on text analysis and case studies of several corruption cases in the mining sector in Indonesia. Data analysis was conducted using prescriptive analysis because this study not only explains the potential for

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<sup>23</sup> Sanne Taekema and Wibren Van Der Burg, *Contextualising Legal Research: A Methodological Guide* (Edward Elgar Publishing, 2024), <https://doi.org/10.4337/9781035307395>.

<sup>24</sup> Nasir Majeed et al., "Doctrinal Research in Law: Meaning, Scope and Methodology," *Bulletin of Business and Economics (BBE)* 12, no. 4 (2023): 559–63, <https://doi.org/10.61506/01.00167>.

<sup>25</sup> Nurul Aisahrani et al., "The Constitutional Protection of Freedom of Artistic Expression: A Comparison between Indonesia, Iran and the United States," *Journal of Indonesian Constitutional Law* 2, no. 2 (2025): 227–48, <https://doi.org/10.71239/jicl.v2i2.125>.

<sup>26</sup> Laode M. Syarif, "Political Corruption and Natural Resources Management in Indonesia," in *Grand Corruption*, 1st ed., by Robert I. Rotberg and Fen Osler Hampson (Routledge, 2024), <https://doi.org/10.4324/9781032719344-11>.

corporate corruption after mining permits are granted to religious organizations, but also outlines several strategic policies that the state can implement to prevent corruption in the mining sector. This research was conducted over seven months, from June 2024 to January 2025, based on an analytical model using analytical descriptive methods to find various regulatory weaknesses against potential corruption and their solutions in the mining sector.

## Results & Discussion

### A. Granting Mining Permits and the Response of Religious Organizations

The granting of mining permits to religious organizations presents a diverse response from religious organizations. Some organizations stated that they accepted the offers, and others refused. Those who receive the offers argue that the granting of mining permits needs to be responded to well by accepting the granting of mining permits. Acceptance of this policy must be accompanied by a commitment to professionalism in mining management. Community organizations must present a new model of mining management with professional management to avoid environmental damage.<sup>27</sup> The impression so far is that mining activities always cause unfavorable legal issues around fraudulent management,<sup>28</sup> neglect of ecological damage,<sup>29</sup> and present prolonged conflicts between the community and mining corporations.<sup>30</sup>

Meanwhile, religious organizations that reject the policy of granting mining permits argue that the policy is not in line with the objectives of religious organization activities, which usually focus on

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<sup>27</sup> Setyo Budi Kurniawan et al., "Cases of Oil Spills in the Indonesian Coastal Area: Ecological Impacts, Health Risk Assessment, and Mitigation Strategies," *Regional Studies in Marine Science* 79 (December 2024): 103835, <https://doi.org/10.1016/j.rsma.2024.103835>.

<sup>28</sup> Blane D. Lewis and Adrianus Hendrawan, "The Impact of Majority Coalitions on Local Government Spending, Service Delivery, and Corruption in Indonesia," *European Journal of Political Economy* 58 (June 2019): 178–91, <https://doi.org/10.1016/j.ejpoleco.2018.11.002>.

<sup>29</sup> Wahyu Adi et al., "Ecological Condition of Seagrass Meadows around Sea-Based Tin Mining Activities in the Waters of Bangka Belitung Islands, Indonesia," *Marine Pollution Bulletin* 209 (December 2024): 117151, <https://doi.org/10.1016/j.marpolbul.2024.117151>.

<sup>30</sup> Matthew Libassi, "Gold Conflict and Contested Conduct: Large- and Small-Scale Mining Subjectivities in Indonesia," *Geoforum* 148 (January 2024): 103648, <https://doi.org/10.1016/j.geoforum.2022.10.005>.



fostering community religious traditions, increasing the spirit of unity, avoiding conflicts between religions, and other activities that focus on improving the quality and religious culture of

the community.<sup>31</sup> Those who refuse are not ungrateful for the state's commitment to creating empowered and economically independent religious organizations. This rejection is based on the religious organization's function. Receiving the offers to manage mining activities provokes risks and errors caused by religious organizations' lack of professional resources to handle mines. The following table describes several religious organizations that accept and reject the policy of granting mining permits.

**TABLE 1.** List of Religious Organizations that Accept and Reject the Mining Permit Policy

Religious Organizations	Accept /Reject	Argument	Sources
Muhammadiyah	Accept	Accepting for the purpose of providing goodness in the mining sector. This acceptance is accompanied by consideration of <i>maslahat</i> (advantage) and <i>mafsadat</i> (disadvantage). If the mining produces more mafsadat, Muhammadiyah's mining management will be stopped.	<a href="https://muhammadiyah.or.id/2024/07/muhammadiyah-siap-kelola-tambang-dengan-pertimbangan-yang-seksama/">https://muhammadiyah.or.id/2024/07/muhammadiyah-siap-kelola-tambang-dengan-pertimbangan-yang-seksama/</a>
Nahdlatul Ulama' (NU)		Accepting the independence of the organization and for adequate financing of the Islamic Boarding School managed by NU.	<a href="https://nu.or.id/nasional/pbnu-dan-tambang-dinamika-sikap-nu-dalam-satu-dekade-ipALT">https://nu.or.id/nasional/pbnu-dan-tambang-dinamika-sikap-nu-dalam-satu-dekade-ipALT</a>
Persatuan Islam (Persis)		Persis stated that this policy is positive and must be responded to with a positive attitude. Mining management by religious organizations should be an example of good mining management.	<a href="https://news.detik.com/berita/d-7464994/alasan-pp-persis-terima-kelola-tambang-untuk-menjadi-contoh-yang-benar">https://news.detik.com/berita/d-7464994/alasan-pp-persis-terima-kelola-tambang-untuk-menjadi-contoh-yang-benar</a>
Mathlaul Anwar		Mathla'ul Anwar considers that mining business licenses for religious organizations will realize an equitable economic policy in Indonesian society and help implement education, proselytizing, and social activities.	<a href="https://mediaindonesia.com/ekonomi/676840/mathlaul-anwar-dukung-pemerintah-beri-izin-usaha-tambang-kepada-ormas">https://mediaindonesia.com/ekonomi/676840/mathlaul-anwar-dukung-pemerintah-beri-izin-usaha-tambang-kepada-ormas</a>
Nahdlatul Wathan (NW)		Nahdlatul Wathan considers that the policy of granting	<a href="https://nwonline.or.id/nahdlatul-wathan-">https://nwonline.or.id/nahdlatul-wathan-</a>

<sup>31</sup> Bernardus Agus Rukiyanto et al., "Religious Education to Develop Respect for Plurality in Indonesia," *Journal of Beliefs & Values*, February 2024, 1–16, <https://doi.org/10.1080/13617672.2024.2308982>.

Religious Organizations	Accept /Reject	Argument	Sources
		mining permits will be able to make religious organizations economically independent.	mendukung-pemerintah-keluarkan-iup-ormas-ini-bisa-lebih-terkontrol/
Persatuan Umat Islam (PUI)		PUI considers the granting of mining management permits to religious organizations as a form of government attention so that these organizations can be more valuable for the community and nation.	m.jpnn.com/news/pui-nilai-izin-pengelolaan-tambang-kepada-ormas-bermanfaat-bagi-umat
Persatuan Tarbiyah Islamiyah (Perti)		Accepting the policy of granting mining permits for religious organizations because the main objective is to realize organizational independence and people's welfare. The decision has to consider the <i>maslahat</i> (advantages) for society in mining management.	<a href="https://perti.or.id/dpp-perti-menguak-polemik-izin-tambang-dan-peranan-ormas-keagamaan/">https://perti.or.id/dpp-perti-menguak-polemik-izin-tambang-dan-peranan-ormas-keagamaan/</a>
Badan Komunikasi Pemuda Remaja Masjid Indonesia (BKPRMI)		Mine management for BKPRMI is beneficial in financing Quran teachers spread throughout Indonesia.	<a href="https://radarsukabumi.com/nasional/organisasi-remaja-masjid-bkprmi-kepincut-kelola-tambang-kami-lihat-nudan-muhammadiyah/">https://radarsukabumi.com/nasional/organisasi-remaja-masjid-bkprmi-kepincut-kelola-tambang-kami-lihat-nudan-muhammadiyah/</a>
Persatuan Gereja-Gereja Indonesia (PGI)	Reject	PGI rejected the offers because of the existence of its organization, which is not devoted to managing mines but to fostering communities to become more religious.	
Konferensi Waligereja Indonesia (KWI)		KWI rejected the offer because it could not manage the mine. The lack of capacity will make it susceptible to mine management errors.	
Nahdhatul Wathan Diniyah Islamiyah (NWDI)		NWDI's rejection is based on the argument that the management of mines by religious organizations is contrary to the primary purpose of sharia and the religious principles that NWDI believes in.	<a href="https://www.kompas.com/tren/read/2024/06/11/083000265/daftar-ormas-keagamaan-yang-tolak-izin-tambang-dari-jokowi">https://www.kompas.com/tren/read/2024/06/11/083000265/daftar-ormas-keagamaan-yang-tolak-izin-tambang-dari-jokowi</a>
Huria Kristen Batak Protestan (HKBP)		HKBP rejects granting mining licenses because it does not want to be involved in mining. HKBP is also responsible for dismissing all activities that damage the environment.	
Perhimpunan		PMKRI predicts that there will	

Religious Organizations	Accept /Reject	Argument	Sources
Mahasiswa Katolik Republik Indonesia (PMKRI)		be several risks, such as the potential for new agrarian conflicts with the community and the sharpening of social inequality if religious organizations accept the offer of mining business licenses.	
Al-washliyah		Al-Washliyah stated that it does not have the capacity to manage mines because the organization's activities focus on education, social work, and proselytizing.	<a href="https://khazanah.republika.co.id/berita/sejvi9483/alwashliyah-pengelolaan-tambang-bukan-bidang-ormas-keagamaan">https://khazanah.republika.co.id/berita/sejvi9483/alwashliyah-pengelolaan-tambang-bukan-bidang-ormas-keagamaan</a>
Kesatuan Mahasiswa Hindu Dharma Indonesia (KMHDI)		The rejection is because religious organizations do not have sufficient capital to manage the mines, in terms of funding and human resource readiness. In addition, managing mines also has many risks, such as social conflict, environmental damage, and economic inequality.	<a href="https://kmhdi.org/kmhdi-tolak-izin-tambang-diberikan-ke-ormas-agama/">https://kmhdi.org/kmhdi-tolak-izin-tambang-diberikan-ke-ormas-agama/</a>
Lembaga Dakwah Islam Indonesia (LDII)	No decision yet	LDII will still review the policy of granting mining business licenses for religious organizations. LDII does not want to rush into making decisions about mining.	<a href="https://www.ldii.or.id/tawaran-ormas-kelola-tambang-ldii-tegaskan-sikap-bijak-terhadap-konsesi-tambang/">https://www.ldii.or.id/tawaran-ormas-kelola-tambang-ldii-tegaskan-sikap-bijak-terhadap-konsesi-tambang/</a>
Parisada Hindu Dharma Indonesia (PHDI)		PHDI supports this policy on the condition that the program must be equitable, transparent, fair, and right on target. PHDI also hopes that the government will facilitate and assist religious organizations, enabling them to manage mines effectively.	<a href="https://www.detik.com/sumut/berita/d-7381549/respons-phdi-soal-izin-kelola-tambang">https://www.detik.com/sumut/berita/d-7381549/respons-phdi-soal-izin-kelola-tambang</a>
Perwakilan Umat Buddha Indonesia (Walubi)		The government has not yet officially offered Walubi mining permits.	<a href="https://nasional.sindonews.com/read/1425595/15/respons-konsesi-tambang-walubi-belum-ambil-sikap-1722312447">https://nasional.sindonews.com/read/1425595/15/respons-konsesi-tambang-walubi-belum-ambil-sikap-1722312447</a>
Darud Dakwah wal-Irsyad (DDI)		There has been no official statement regarding this organization's approval or rejection of mining permits for religious organizations.	The statement cannot be traced.
Hidayatullah			
Al-Khairaat			
Rabithah Alawiyah (RA)			

Religious Organizations	Accept /Reject	Argument	Sources
Gabungan Gereja Advent Hari Ketujuh (GMAHK)			
Persekutuan Gereja Tionghoa di Indonesia (PGTI)			
Majelis Tinggi Agama Khonghucu (Matakin)			
Syarikat Islam (SI)			

Source: Author's search results from various sources

Based on the table above, three kinds of responses from religious organizations in responding to the policy of granting mining permits: accepting, rejecting, and not yet determining a stance. The stances and decisions of the religious organizations relate to those three responses. Muhammadiyah, NU, PHDI, NW, PERTI, BPKPRMI, PERSIS, and Mathla'ul Anwar are the religious organizations that accept the policy of granting mining permits. The second group is the religious organizations that refuse the policy. They are Al-Washliyah, KWI, NWDI, PMKRI, KMHDI, HKBP, and PGI.

The third classification is the religious organizations that are undecided on the policy. SI, RA, Hidayatullah, GMAHK, Al-Khairaat, PGTI, MATAKIN, WALUBI, DDI, PHDI, and LDII are the religious organizations that have not yet decided to issue mining permits for them. One of the reasons this organization has not yet agreed on mining permits for religious organizations is that there has been no official offer from the government to the organization, so the organization has not been able to decide its organizational attitude. The organization will choose the offers if the government offers the policy to its organization. In addition, several religious organizations also provide a reason that they still academically inspect the policies conducted by their management, and the process is still ongoing. This research examines whether the decisions regarding mining permits are seriously considered, particularly regarding the positive and negative impacts on the organization and the public.

The acceptance of several religious organizations towards the mining permit policy was unexpected. Before the government officially issued this policy, many religious organizations had criticized mining practices that they considered contrary to religious

principles, especially the principle of the importance of preserving natural resources and the environment. In fact, several religious organizations, such as NU and Muhammadiyah, had issued fatwas declaring mining practices that damage the environment to be *haram* (forbidden).<sup>32</sup> Several fatwas issued by religious organizations regarding the haram nature of mining activities are outlined in the table below:

TABLE 2. Fatwas issued by religious organizations regarding the mining industry

Religious organizations	Fatwa's Number	Haram/ Halal	Argumentation
Majelis Ulama Indonesia	22/2011	<i>Halal</i>	Mining may be carried out as long as it is for the public good, does not cause damage, and is environmentally friendly.
Majelis Ulama Indonesia	22/2011	<i>Haram</i>	Mining should not be conducted if it causes environmental damage, disrupts public interests, and does not comply with environmentally friendly mining management standards and principles:
Nahdlatul Ulama	Decision of the 33rd Congress (Muktamar), 2015	<i>Haram</i>	1) Excessive exploitation of natural resources that results in environmental damage is prohibited; 2) The granting of exploitation permits by government officials that result in irreparable damage to nature is unlawful if done intentionally; 3) The community's attitude is to promote what is good and forbid what is evil to the best of their ability.
Muhammadiyah	077/I.1/F/2024	<i>Haram</i>	Excessive, exploitative mining activities that disregard environmental and community rights are prohibited and contrary to Islamic teachings.

Source: Based on the author's research from various references.

Table 2 above shows that religious organizations are aware that any mining industry engaged in mining activities will impact environmental damage, conflicts with surrounding communities, and practices that deviate from religious law, including the potential for corruption. That is why several religious organizations emphasise in their fatwas on mining that mining practices that are not adequately managed and result in environmental damage are haram. The stance of religious organizations that accept the granting of mining permits by the government has naturally drawn criticism from the public, who question the status of mining management as haram in

<sup>32</sup> Andi Rezal Juhari et al., "Fiqh Dan Politik Ekologi: Studi Komparatif Pendekatan Muhammadiyah Dan Nahdhatul Ulama Terhadap Krisis Lingkungan," *Jurnal Tahqiq: Jurnal Pemikiran Hukum Islam* 19, no. 2 (2025): 57-74., <https://doi.org/10.61393/tahqiq.v19i2.343>.

the above fatwa. In contrast, religious organizations have accepted the government's policy of granting mining permits on other occasions. It is therefore natural for the public to consider some of these religious organizations to be inconsistent with the fatwa regarding the haram nature of mining practices that damage the environment.

## B. Corruption in the Mining Sector by Corporations in Indonesia

Based on the previous cases, the potency of corruption in the mining sector carried out by corporations involved in mining companies over the past six years. Some of the cases can be seen in the table below.

**TABLE 2.** Mining Corruption Cases in Indonesia

Perpetrator	Year	Cases	State loss
Hendra Wijayanto, General Manager PT Antam North Konawe.	2024	In the case of granting illegal mining licenses to 38 companies conducting mining activities in PT Antam's IUP (mining license) area, the 38 companies only had a cooperation contract for heavy equipment rental.	State loses Rp. 2,3 Trillion
Awang Faroek Ishak, Governor of East Kalimantan, 2008-2013 and 2013-2018.	2024	The case is receiving gratification or special treatment in the process of gaining the mining license for dredging in East Kalimantan.	State loses Rp. 223 Billion.
Saifudin Aswari Rivai, The Regent of Lahat 2008-2013 and 2013-2018.	2024	The corruption case of the coal mining management license in Lahat Regency in 2010-2014 related to increasing the permit from a coal exploration license to a production operation mining license (IUP OP).	State loses Rp. 495 Billion.
Abdul Gani Kasuba, Governor of North Maluku, 2014-2019 and 2019-2024.	2024	Corruption cases of bribery and gratification during 2019-2023 were received from various mining companies related to nickel mining licenses in North Maluku. The corruption case is also associated with winning contractor tenders and managing mining license areas for 37 companies in North Maluku.	State loses Rp. 109 Billion.
Harvey Moeis, PT Refined Bangka Tin (RBT)	2023	In 2018-2019, Harvey Moeis contacted the President Director of PT Timah Tbk to conduct illegal mining in the IUP of PT Timah Tbk on the grounds of renting tin smelting processing equipment. Some of the profits for himself and other suspects. They claim that the profit is the corporate social responsibility (CSR) fund, so there is a suspicious flow of funds leading to the practice of corruption (TPK) and money laundering (TPPU).	State loses Rp. 300 Trillion.
Mardani H.	2022	Bribery cases in the form of gifts or promises	No state

Perpetrator	Year	Cases	State loss
Maming, The Regent Tanah Bumbu, 2010-2015 and 2016-2018.		related to mining business permits worth Rp. 104.3 billion in 2014-2020 in Tanah Bumbu Regency, South Kalimantan. Signing the IUP for operations and production transfer from PT BKPL to PT PCN with backdated administrative files.	losses were found.
Muhammad Husni, Head of Energy and Mineral Resources Service (ESDM) NTB, 2013-2021.	2021	Providing access to PT AMG to mine in the Dedalpak Block, Pringgabaya District, East Lombok, for the period 2021-2022 without approval of the activity plan and budget (RKAB) from the Ministry of Energy and Mineral Resources of the Republic of Indonesia.	State loses Rp. 36 Billion.
Zainal Abidin, Head of Energy and Mineral Resources Service (ESDM) NTB, 2021-2023.			
Herman, Vice President UBPP LM, 2011-2013.			
Tri Hartono, General Manager UBPP Logam Mulia, 2013.			
Abdul Hadi Aviciena, General Manager UBPP Logam Mulia, 2017-2019.	2022	Corruption in the case of gold washing and gold stamp melting involves cooperation with third parties outside the work contract. The gold stamp melting and gold-washing cooperation also did not undergo due diligence. The suspects carried out illegal activities by attaching private parties' precious metals with the Antam gold logo brand, with a precious metal printing result of 109 tons.	
Muhammad Abi Anwar, General Manager UBPP Logam Mulia 2019-2020.			
Iwan Dahlan, General Manager UBPP Logam Mulia, 2021-2022.			
Dody Martimbang, Senior Executive Vice President UBPP LM, 2013-2017.			
Alwinsyah Lubis, President Director PT Antam (Persero) Tbk, 2008-2013.	2021	Corruption in the misappropriation of the 400-hectare diversion coal mining license (IUP) in Sarolangun Regency, Jambi Province. The conspiracy involved diverting mining licenses involving several companies by providing additional capital from PT Antam Tbk to a subsidiary of PT ICR through a board of directors' decision without conducting an	State loses Rp. 92,5 Billion.

Perpetrator	Year	Cases	State loss
		internal study. The Sarolangun Regent No. 32 Decree of 2010 on approving the exploration IUP to a production operation IUP to PT TMI was allegedly fictitious.	
Nur Alam, Former Governor of Southeast Sulawesi, 2008-2018.	2018	Abuse of power in granting exploration and production IUP (mining license) to PT Anugrah Kharisma Barakah (PT AHB), affiliated with PT Billy International, and Nur Alam received gratification in terms of bribes.	State Loses Rp. 1.596.385.45 4.137,00 and environmental losses for restoration costs Rp. 2.728.745.13 6.000,00

Source: Author’s search results from various sources

Based on the amount of state losses above, the corruption cases in the mining sector induce quite massive state losses. This amount justifies the findings of previous researchers that corruption in the mining sector costs massive state losses. This opinion is rational because one of the corruption cases caused the state losses of Rp 271 trillion, as the case of corruption in the tin mining sector by Harvey Moeis.

### C. Legal Issues of Corruption Prevention in the Mining Sector

Although regulations have been changed to prevent corruption,<sup>33</sup> especially in the mining sector, corrupt corporate practices still emerge.<sup>34</sup> This means that the concept of overcoming the potency of criminal acts in this sector obtains less serious attention from the state, both in efforts to create regulations that impact closing the gaps for corruption and in the seriousness of law enforcement agencies in punishing corporations against corruption in the mining sector.<sup>35</sup>

There are at least two main legal issues related to preventing

<sup>33</sup> Richard Dutu, “Challenges and Policies in Indonesia’s Energy Sector,” *Energy Policy* 98 (November 2016): 513–19, <https://doi.org/10.1016/j.enpol.2016.09.009>.  
<sup>34</sup> Atikah Mardhiya Rohmy et al., “Judicial Mafia and Ecological In-Justice: Obstacles to Policy Enforcement in Indonesian Forest Management and Protection,” *Trees, Forests and People* 17 (September 2024): 100613, <https://doi.org/10.1016/j.tfp.2024.100613>.  
<sup>35</sup> Janet Xuanli Liao and Weibo Zhang, “The Governance Models vs. the Development Courses of the Mining Sector: Cases of Indonesia and the Philippines,” *Mineral Economics* 37, no. 2 (2024): 279–95, <https://doi.org/10.1007/s13563-024-00442-1>.



corruption in the mining sector. The first is the seriousness of the state in creating regulations that support efforts to prevent corruption in the mining sector.<sup>36</sup> The issuance of Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mining, Minerals, and Coal (Mineral and Coal of 2020), which creates a centralized mining business licensing system, has also given rise to legal issues, mainly related to the elimination of regional government authority in Articles 7 and 8 of Law No. 4 of 2009 (Mineral and Coal Law of 2009).<sup>37</sup> Removing the provisions in the two articles was expected to minimize the occurrence of dirty practices in the licensing process in the mining sector.<sup>38</sup> Several corruption cases in the mining sector have dragged many regional heads into involvement in granting mining licenses.<sup>39</sup>

In fact, after implementing the centralization of mining licenses, dirty practices in issuing and granting mining licenses by the central government continued.<sup>40</sup> Moreover, it is alleged that the central government encourages corporations to grant mining licenses to those supporting the winning process in the general election in Indonesia.<sup>41</sup> The centralization of the granting of mining permits, as regulated in Article 6 paragraph (1) of the 2020 Mineral and Coal Law, makes the central government the only party authorized to grant mining licenses and determine mining areas for corporations that apply for the mining business permit. This centralized authority is deeply understood for corruption, especially when linked to the

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<sup>36</sup> Terry OCallaghan, "Patience Is a Virtue: Problems of Regulatory Governance in the Indonesian Mining Sector," *Resources Policy* 35, no. 3 (2010): 218–25, <https://doi.org/10.1016/j.resourpol.2010.05.001>.

<sup>37</sup> Afifudin Nur Rosyid Astinda et al., "Konflik Regulasi Dan Masalah Kelayakan Pada Kebijakan Izin Usaha Pertambangan Bagi Ormas Keagamaan," *Jurnal USM Law Review* 7, no. 3 (2024): 1851–64, <https://doi.org/10.26623/julr.v7i3.10900>.

<sup>38</sup> Tim T. Werner et al., "Patterns of Infringement, Risk, and Impact Driven by Coal Mining Permits in Indonesia," *Ambio* 53, no. 2 (2024): 242–56, <https://doi.org/10.1007/s13280-023-01944-y>.

<sup>39</sup> Samuel J. Spiegel, "Governance Institutions, Resource Rights Regimes, and the Informal Mining Sector: Regulatory Complexities in Indonesia," *World Development* 40, no. 1 (2012): 189–205, <https://doi.org/10.1016/j.worlddev.2011.05.015>.

<sup>40</sup> Alvin Camba, "The Unintended Consequences of National Regulations: Large-Scale-Small-Scale Relations in Philippine and Indonesian Nickel Mining," *Resources Policy* 74 (December 2021): 102213, <https://doi.org/10.1016/j.resourpol.2021.102213>.

<sup>41</sup> Eve Warburton, "Private Power and Public Office: The Rise of Business Politicians in Indonesia," *Critical Asian Studies* 56, no. 2 (2024): 184–206, <https://doi.org/10.1080/14672715.2024.2334069>.

involvement of mining corporations in every general election momentum.<sup>42</sup> The potential distribution of mining licenses to these corporations considers the campaign costs for winning presidential candidates require many funds and transact some certain agreements, including agreements to facilitate the mining business licensing process.<sup>43</sup>

In addition to the legal issues regarding the centralization of mining permits, another issue that creates opportunities for corruption, along with the enactment of the Mineral and Coal Law of 2020, is the legal immunity obtained by the central government if there is an error in the issuance of mining business permits.<sup>44</sup> The Mining Law of 2009 regulates a maximum criminal penalty of two years in prison and a maximum fine of two hundred million for anyone who intentionally, contrary to the law, issues mining permits, IUP, IPR, or IUPK. After the amendment to the Mineral and Coal Law of 2020, the provisions were removed along with the removal of the provisions of Article 165 of the 2009 Mineral and Coal Law. With the removal of this provision, the government that issues IPR, IUP, and IUPK cannot be held accountable for its mistakes in delivering mining permits.<sup>45</sup>

The second legal issue is the weak performance of law enforcement agencies in prosecuting corruption cases in the mining sector,<sup>46</sup> especially law enforcement against large-scale corporations. Corruption in this sector is very vulnerable and potentially causes massive state losses.<sup>47</sup> This dynamic's effect is that the state is unable to target and return many state funds

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<sup>42</sup> Jose Antonio Ordonez et al., "Coal, Power and Coal-Powered Politics in Indonesia," *Environmental Science & Policy* 123 (September 2021): 44–57, <https://doi.org/10.1016/j.envsci.2021.05.007>.

<sup>43</sup> Joe Amick et al., "Presidential Electoral Cycles and Corruption Charges," *Journal of East Asian Studies* 22, no. 2 (2022): 281–307, <https://doi.org/10.1017/jea.2022.9>.

<sup>44</sup> Farida Kaplele et al., "Barriers to the Implementation of the Articles of Continuing Acts in the Law of Criminal Acts of Corruption in Indonesia," *International Journal of Criminology and Sociology* 10 (July 2021): 1190–95, <https://doi.org/10.6000/1929-4409.2021.10.138>.

<sup>45</sup> Fernando et al., "Deep Anti-Corruption Blueprint Mining, Mineral, and Coal Sector in Indonesia," 202.

<sup>46</sup> Yanto Rochmayanto et al., "Devolution of Forest Management to Local Communities and Its Impacts on Livelihoods and Deforestation in Berau, Indonesia," *Heliyon* 9, no. 5 (2023): e16115, <https://doi.org/10.1016/j.heliyon.2023.e16115>.

<sup>47</sup> Hilaire Tegnau et al., "Mining Corruption and Environmental Degradation in Indonesia: Critical Legal Issues," *BESTUUR* 9, no. 2 (2021): 90, <https://doi.org/10.20961/bestuur.v9i2.55219>.

because law enforcement against these corporations is rarely exposed and optimally processed.

Based on several cases exposed in the mining sector, state asset returns are not commensurate with state losses. An example of this argument is a corruption case by Alwinsyah Lubis in diverting a 400-hectare coal Mining Business Permit (IUP) in Sarolangun Regency, Jambi Province. The verdict in this case was only a sentence of 6 years in prison and a fine of 300 million, subsidiary to 4 months in jail. The amount is certainly not comparable to the state's estimated losses of Rp. 92.5 Billion.<sup>48</sup>

The frail law enforcement in ensnaring corruption perpetrators in the mining sector is also identified in the trading system of the Mining Business License (IUP) area of PT. Timah involving Harvey Moeis. In this case, the state loss was estimated to reach Rp. 271 trillion, a large number of state losses. The state's loss in this corruption case is not comparable to the verdict of a sentence of 6.5 years, a fine of Rp. 1 billion, and compensation for additional criminal penalties of Rp. 210 Billion.<sup>49</sup> It is reasonable, given the limitations of this verdict. Many parties criticized the light verdict on the corruption case, in which the state lost hundreds of Trillions of rupiah. Natalius Pigai, Minister of Human Rights, considered that the verdict did not reflect a sense of justice and disappointed the public.<sup>50</sup>

These two decisions, which illustrate the light sentences for corruption perpetrators in the mining sector, are the basis for many opinions about the lack of seriousness of law enforcement officers in prosecuting corruptors. This lack of seriousness is considered a factor in the state's missing the opportunity to seize the assets of corruptors in the mining sector.<sup>51</sup> Such law enforcement will not be

<sup>48</sup> Anggoro Arif Wicaksono et al., "Confiscation of Corporations Related to Corruption and Money Laundering in Economic Law," in *Proceedings of the International Conference on Law, Economic & Good Governance (IC-LAW 2023)*, ed. Abdul Kadir Jaelani et al., vol. 827, Advances in Social Science, Education and Humanities Research (Atlantis Press SARL, 2024), [https://doi.org/10.2991/978-2-38476-218-7\\_30](https://doi.org/10.2991/978-2-38476-218-7_30).

<sup>49</sup> Daffa Ladro Kusworo and Titi Anggraini, "Extensive Interpretation of State Financial Losses in Tin Sector Corruption: A Comparative Study of Emerging Economies," *Integritas: Jurnal Antikorupsi* 10, no. 2 (2024): 173–86, <https://doi.org/10.32697/integritas.v10i2.1280>.

<sup>50</sup> Mas Alamil Huda, "Menteri HAM Natalius Pigai Bicara Vonis 6,5 Tahun Harvey Moeis, Begini Penilaiannya," *Republika* (Jakarta), Desember 2024, <https://news.republika.co.id/berita/spb2mn487/menteri-ham-natalius-pigai-bicara-vonis-65-tahun-harvey-moeis-begini-penilaiannya>.

<sup>51</sup> Bambang Sugeng Rukmono et al., "The Effectiveness of Recovering Losses on State Assets Policy in Dismissing Handling of Corruption," *Journal of Human*

able to target the significant proceeds of crime. Efforts to pursue the proceeds of crime are considered an effective approach, with the assumption that the perpetrators of the crime will utilize the proceeds of crime to manage their criminal organizations (the life and blood of the crime).<sup>52</sup> Therefore, without exposure and confiscation of the corruption crime, the perpetrators can straightforwardly mobilize their crimes to avoid the ongoing legal process.<sup>53</sup> Consequently, it is not astonishing that many major corruption cases accompany the enforcement process.

## D. Religious Organizations' Involvement in Mining Corruption: Experiences in Some African Countries

The discussion related to the experience of religious leaders and leaders in corruption in the mining sector in several African countries provides a valuable message for the sustainability of the Indonesian government's policy of granting mining business licenses to religious organizations. In many cases, especially in African countries, religious leaders have become actors in corruption in the mining sector. Their involvement in this unethical transaction is one of the arguments that corruption loopholes still exist in every human being, including those who deeply understand religion.<sup>54</sup>

The mining industry in Africa is one of the richest on the continent, having lured investment from most multinational and local companies. Corruption is the most significant setback, with politicians, corporate executives, and sometimes even religious leaders involved in unethical dealings.<sup>55</sup> In a handful of African countries, religious leaders have been involved in corporate

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*Rights, Culture and Legal System* 4, no. 2 (2024): 299–330, <https://doi.org/10.53955/jhcls.v4i2.259>.

<sup>52</sup> Joceline Andersen, "Bad Blood: Serial Killers, True Crime, and the Racial Imaginary in *Shadow of a Doubt*," *Canadian Journal of Film Studies* 33, no. 1 (2024): 1–24, <https://doi.org/10.3138/cjfs-2022-0036>.

<sup>53</sup> Nobumichi Teramura et al., eds., *Corruption and Illegality in Asian Investment Arbitration*, vol. 22, Asia in Transition (Springer Nature Singapore, 2024), <https://doi.org/10.1007/978-981-99-9303-1>.

<sup>54</sup> Omer Gokcekus and Tufan Ekici, "Religion, Religiosity, and Corruption," *Review of Religious Research* 62, no. 4 (2020): 563–81, <https://doi.org/10.1007/s13644-020-00421-2>.

<sup>55</sup> Nkosingiphile Mkhize et al., "African Solutions to African Problems: A Narrative of Corruption in Postcolonial Africa," *Cogent Social Sciences* 10, no. 1 (2024): 2327133, <https://doi.org/10.1080/23311886.2024.2327133>.

corruption in mining, with ways of facilitating illegitimate agreements and laundering money, as well as using their influence to hinder or combat anti-corruption activities.<sup>56</sup> Considering this, it would be pertinent to examine some African countries. For instance, Shepherd Bushiri, the leader of the Enlightened Christian Gathering megachurch, has been the subject of numerous allegations related to fraud, money laundering, and tax evasion in South Africa. His businesses drive interests in a variety of sectors, including mining. An investigation by South African authorities revealed that Bushiri's company was involved in fraudulent activities, resulting in the confiscation of properties and bank accounts linked to Bushiri.<sup>57</sup>

Bushiri and his wife had been charged with defrauding investors of approximately R102 million (about USD 6.6 million) through an operation that assured hefty returns within a short period.<sup>58</sup> In 2020, while on bail, they fled the country to Malawi, breaching their bail conditions, consequently leading the South African authorities to extradite them.<sup>59</sup> This escape of the couple raised the level of legal and diplomatic challenges between South Africa and Malawi.<sup>60</sup> The extradition of the Bushiris remains a work in progress, with South African authorities vying for any legal means to counteract in pursuit of having them brought back to answer the charges.<sup>61</sup> The recent events reveal the complex juxtaposition of religious leadership and business enterprises with legal accountability in the backdrop of South Africa's struggles to combat corruption within its mining industries, and pervasively.

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<sup>56</sup> Agyenim Boateng et al., "Institutions and Corruption Relationship: Evidence from African Countries," *Journal of International Management* 30, no. 3 (2024): 101136, <https://doi.org/10.1016/j.intman.2024.101136>.

<sup>57</sup> Henri Njangang et al., "Does Corruption Starve Africa? The Mitigating Effect of Political Distribution of Power," *Journal of Policy Modeling* 46, no. 1 (2024): 171–97, <https://doi.org/10.1016/j.jpolmod.2023.12.003>.

<sup>58</sup> Abraham Telar Nicknora, "Anti-Money Laundering Compliance and Financial Performance of Selected Commercial Banks in South Sudan: A Survey of Literature on Customer Due Diligence," *Journal of Financial Risk Management* 13, no. 02 (2024): 261–77, <https://doi.org/10.4236/jfrm.2024.132012>.

<sup>59</sup> Godswill Owoche Antai et al., "The Effect of Conversion of Extradition Methods and Unlawful Deportation on Human Rights in Nigeria," *Journal of Indonesian Constitutional Law* 2, no. 2 (2025): 128–59, <https://doi.org/10.71239/jicl.v2i2.67>.

<sup>60</sup> Chikondi Kasiya et al., "The Principle of Believability in the Language of Fraud Text Messages in Malawi: A Forensic Linguistic Analysis," *Journal of Investigative Psychology and Offender Profiling* 22, no. 2 (2025): e70001, <https://doi.org/10.1002/jip.70001>.

<sup>61</sup> Letho John, "Home Affairs Officials Under Investigation for Corruption Over Bushiri's Fraudulent Permit", accessed, 10th March, 2025

In Ghana, the illegal sector of gold mining, popularly referred to as "galamsey," has significantly impacted the environment and economy of the nation.<sup>62</sup> The type of informal industry has been a key contributor to the country's gold production. Still, it operates outside the regulatory framework, leading to extreme degradation of the environment with many health risks. Although government crackdowns on galamsey continue, the practice seems persistent, thanks to organized crime and corruption. In Ghana, the illegal gold mining sector, locally known as "galamsey," significantly impacts the nation's environment and economy. Although evidence directly linking the religious leaders with corrupt mining practices is limited, traditional leaders, who often have far-reaching religious and cultural influence here, have been involved in galamsey.<sup>63</sup>

For example, in August 2024, the Asantehene destooled three chiefs from the Sabronum area: the Gyaasehene, Akyeamehene, and Baamuhene. They were destooled, as the title suggests, due to their involvement in galamsey, thus showing the will of traditional authority in the fight against illegal mining in its jurisdiction.<sup>64</sup> In the same vein, the Chief of Ohwim, Nana Kusi Baaye II, was also dethroned by the Asantehene in February 2025 on charges of breaching the Asantehene's Great Oath, extortion, unlawfully selling some lands, including those earmarked for cemeteries, and illegal mining activities. This ruling shows the traditional leadership's involvement in sanctioning the wrongdoing of its members when action has to do with environmental degradation and cultural values erosion, such as these. Thus, such cases manifest the very subtle, complex relationships that traditional authority figures have with illegal mining in Ghana. Although there is limited direct evidence of religious leaders orchestrating or partaking in corrupt practices, the significant influence that traditional leaders have as custodians of cultural and spiritual values necessitates adopting many transparency and accountability mechanisms in both religious and

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<sup>62</sup> Leonora Kleppa Stærfeldt and Paul Austin Stacey, "Environmental Governance and Political Contestation in Contexts of Illegal Small-Scale Gold Mining in Ghana," *Geoforum* 160 (March 2025): 104221, <https://doi.org/10.1016/j.geoforum.2025.104221>.

<sup>63</sup> Paul Stacey, "Institutional Coalescence and Illegal Small Scale Gold Mining in Ghana," *World Development* 185 (January 2025): 106808, <https://doi.org/10.1016/j.worlddev.2024.106808>.

<sup>64</sup> Samuel Ataribanam, "The Role of Spirituality, Cultural Traditions, and Personal Values in Corrupt Practices within Ghana's Governmental Institutions," *African Journal of Empirical Research* 6, no. 1 (2025): 135–47, <https://doi.org/10.51867/ajernet.6.1.14>.

traditional institutions to mitigate corruption in the mining sector.<sup>65</sup>

However, in some African countries, there have been negative involvement in the mining industry corruption incidents. However, in some other parts of Africa, countries' religious leaders have aided in curtailing the situation or incidence of corruption in the mining industry. For instance, Illegal mining has remained an issue in Nigeria, especially in gold-rich states such as Zamfara, Osun, and Kaduna. The role of religious leaders in the Nigerian mining industry is very complex; there seems to be scanty documentation of the direct association of any religious leader primarily with corrupt practices in the industry.<sup>66</sup> However, some individuals with religious affiliations have contributed significantly to the conflict concerning resource and industry issues. A typical example is Owezidei Thomas Ekpemupolo, popularly known as Tompolo. Tompolo is recognized as a religious leader of the Woyin religion, the indigenous religion of the Ijaw people, and he was the chief priest to the Egbesu deity personified through war and justice within the Ijaw culture. Besides his religious vocation, he was a frontline figure of the Movement for the Emancipation of the Niger Delta (MEND), a militant body opposed to what he regarded exploitation and environmental degradation by major oil companies in the Niger Delta. His position was that of the mediating influence between the religious and the militant activism that was an outcome of the multifaceted challenges faced by the oil industry in Nigeria. In the Niger Delta, traditional leaders who, often with tremendous religious authority within their communities, are usually spearheading the struggles towards environmental justice.<sup>67</sup>

This is for His Most Royal Majesty King Godwin Bebe Okpabi, the leader of Ogale. He is actively engaged in lawsuits against multinational oil firms such as Shell, seeking remediation from oil spills and degradation his community has suffered.<sup>68</sup> King Okpabi

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<sup>65</sup> Riccardo D'Emidio, "Policing Corruption or Corrupted Policing? Social Norms and Policing in Ghana," *European Journal of Social Psychology*, January 6, 2025, ejsp.3137, <https://doi.org/10.1002/ejsp.3137>.

<sup>66</sup> Aina-Obe Shamsuddin Bolatito and Nazifi Dahiru Abdullahi, "A Faith-Based Framework for Mitigating Corruption in Nigeria; An Islamo-Christian Perspective," *SSRN Electronic Journal*, ahead of print, 2025, <https://doi.org/10.2139/ssrn.5154206>.

<sup>67</sup> Raymond Adibe et al., "Rentierism and Security Privatisation in the Nigerian Petroleum Industry: Assessment of Oil Pipeline Surveillance and Protection Contracts (2018)," in *Capitalism and Economic Crime in Africa*, 1st ed., by Jörg Wiegatz (Routledge, 2024), <https://doi.org/10.4324/9781003034162-32>.

<sup>68</sup> Henrietta Omo Oshokunofa, "Environmental Pollution, Variegated Violence: The Fizzling Bond of Delta State Diaspora from Their Homeland," *Third World*

has, therefore, broader traditional considerations. In contrast, in many Nigerian settings, traditional institutions may include a religious component and also thereby capture the broad nature of cultural and spiritual responsibilities. Yet another curious fact underlies the scenario is that adequate documentation proving the above tie between religious leaders and corrupt practices in Nigeria's mining or oil industries is in acute scarcity. This implies that although these religious figures may play influential roles in the community, there might not be too many public documents on their specific involvement in corruption within the industry. To this extent, the religious leaders in Nigeria have often had the good fortune of being messengers and mouthpieces for their communities regarding the issues of transparency, environmental protection, and the rights of the affected communities from mining and oil extraction.<sup>69</sup> In virtue of the moral authority by which these leaders draw a following among their people, their position affords them opportunity to mediate between communities, corporations, and the government in seeking to assure that the interests of these leaders' followers are not unduly compromised to their detriment by exploitation or environmental harm.<sup>70</sup>

In addition, Talisman Energy, a Canadian corporation, became embroiled in considerable controversy concerning its activities in Sudan during the Second Sudanese Civil War. The corporation was accused of complicity in human rights violations, including allegations that oil proceeds were funneled toward government military operations committing atrocities.<sup>71</sup> Talisman was sued in a U.S. court by the Presbyterian Church of Sudan, and it was alleged that the company had directly assisted the government of Sudan in committing acts of human rights violations. Although the lawsuit was dismissed for the inadequacy of admissible evidence, it underlines the complex interplay of religious institutions and

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*Quarterly* 45, no. 3 (2024): 589–605, <https://doi.org/10.1080/01436597.2023.2278705>.

<sup>69</sup> Collins Ekpenisi et al., "Constitutional and Legislative Framework for Sustainable Environmental Management in Nigeria: Issues and Challenges," *Journal of Indonesian Constitutional Law* 2, no. 2 (2025): 193–226, <https://doi.org/10.71239/jicl.v2i2.69>.

<sup>70</sup> Souad Ezzerouali et al., "The Constitutionality of Water Irrigation Policy in Morocco: Sustaining Agricultural Security Amid Climate Change," *Journal of Indonesian Constitutional Law* 2, no. 2 (2025): 103–27, <https://doi.org/10.71239/jicl.v2i2.63>.

<sup>71</sup> Khalid Elagab Ahmed, "Resolving Secessionist Wars in the Horn of Africa: A Call for a Critical Discourse," *African Security* 17, nos. 1–2 (2024): 35–58, <https://doi.org/10.1080/19392206.2024.2329855>.



corporate entities in conflict zones blessed with natural resources. The Democratic Republic of the Congo (DRC) has vast mineral wealth, including cobalt, coltan, and diamonds. Keeping this mineral wealth at the center of interminable conflicts, armed groups, with the full knowledge of the world community, exploit these minerals to finance their activities. While more often than not, religious leaders in the DRC have been engaged in peacebuilding and conflict resolution, sometimes their engagement in the mining sector has raised questions.<sup>72</sup> Sometimes, they have directly negotiated with armed groups to resolve peace issues involving mineral exploitation. For instance, in February 2025, leaders from Congo's largest-church organizations, the Conférence Épiscopale Nationale du Congo (CENCO) and the Église du Christ au Congo (ECC), under the leadership of Bishop Donatien Nshole, who also functions as the Secretary-General of CENCO, held talks with the M23 rebels backed by Rwanda in Goma to foster dialogue and explore non-military means toward the resolution of the current conflict. The mix of such engagements highlights the complex involvement of religious persons in conflicts at sites of mineral wealth. The intertwining of religion, conflict, and mineral exploitation in the DRC requires a more thorough differentiation. While religious leaders have been key players in peace initiatives, the issues of corruption and the lucrative mining industry make it difficult. Thus, it is essential to ensure that religious institutions operate transparently and are not manipulated for criminal activities. Continuous watchfulness is required to avert any potential misuse of religious authority in the DRC mining sector.

Following this line of reasoning, one can say that governments in Africa should, therefore, impose stricter controls on religious organizations and mining companies to curb the involvement of religious leaders in mining-related corrupt practices. More stringent laws on financial transparency should be put in place to check against such churches acting as money laundering instruments. On their part, churches must embrace accountability mechanisms to ensure their leaders do not indulge in acts that breach ethical standards. There should be concerted support for civil society organizations and the media as they expose the culture of corruption. This way can open the door for promoting ethical leadership in Africa's religious and corporate sectors alike so that the mines can help rather than hinder the citizens.

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<sup>72</sup> John Akoeda, "Wealth and Human Insecurity in the Democratic Republic of Congo," in *Global Encyclopedia of Public Administration, Public Policy, and Governance*, ed. Ali Farazmand (Springer Nature Switzerland, 2024), [https://doi.org/10.1007/978-3-319-31816-5\\_4436-1](https://doi.org/10.1007/978-3-319-31816-5_4436-1).

## E. The Potency of Corruption by Corporations in the Mining Sector after the Granting of Mining Business Permits to Religious Organizations

The potency of corruption in the mining sector after the issuance of the policy of granting mining business permits to religious organizations still has the possibility of corruption in this sector. This potency is grounded in previous experiences related to the opportunities for corruption in the mining sector.<sup>73</sup> Figures of religious organizations have either been involved in corruption by corporations or have the potential for corruption because several cases of corruption in the mining sector include figures still active in managing religious organizations in Indonesia. Religious organizations, in general, consist of figures who have undoubtful religious knowledge and capacity. Several figures affiliated with religious organizations are involved in several corrupt practices in Indonesia,<sup>74</sup> including corruption in the mining sector.

The potential for corruption opportunities by corporations, based on several facts, there are still many mining companies involved in corruption cases. Even one case of mining corruption was once suspected of involving thirty-eight mining companies occurred in the case of alleged criminal acts of mining corruption in the Mining Business License Area (WIUP) of PT Antam's Production Operation (OP), in the Mandiodo Block, North Konawe Regency), Southeast Sulawesi. The alleged involvement of several mining companies refers to the investigation order of the Head of the Southeast Sulawesi High Prosecutor's Office Number: Print-07/P.3/Fd.1/10/2022 dated October 10, 2022 junto the investigation order of the Head of the Southeast Sulawesi High Prosecutor's Office Number: Print-07a/P.3/F.d 1/02/2023 dated February 14, 2023.

The facts above show that mining companies are susceptible to corruption in the mining sector. Even in one case, corruption can involve many corporations. This statement is proven by facts that

<sup>73</sup> Bambang Slamet Riyadi and Muhammad Mustofa, "Corruption Culture on Managing Natural Resources: The Case Political Crime 'Papa Asking Stock of PT. Freeport Indonesia,'" *International Journal of Criminology and Sociology* 9 (April 2022): 26–36, <https://doi.org/10.6000/1929-4409.2020.09.04>.

<sup>74</sup> Carla Jones, "Style on Trial: The Gendered Aesthetics of Appearance, Corruption, and Piety in Indonesia," *Comparative Studies in Society and History* 66, no. 4 (2024): 814–44, <https://doi.org/10.1017/S0010417524000197>.

have received a final decision from the court. In the last five years, many mining corporations have been corrupted in this sector. Here are several companies entangled in mining corruption cases.

**TABLE 3.** List of Corporations Involved in Mining Corruption Cases

Year of Handling	Companies involved	Corruption Case
2022	PT. Antam PT Indonesia Coal Resource	Corruption of misappropriation of diverting 400-hectare coal mining business permit (IUP) in Sarolangun Regency, Jambi Province.
	UBPP Logam Mulia	Carrying out the corruption of gold washing and gold cap melting cooperation with non-work contract third parties, cap melting and gold washing cooperation also did not undergo due diligence.
	PT Prolindo Cipta Nusantara	Corruption cases of bribery in the form of gratification or special promises related to mining business permits.
2023	PT. Refined bangka Tin (RBT) PT. Timah	Corruption case of illegal mining in the Mining Business Permits (IUP) of PT Timah Tbk on the grounds of PT's renting method of tin smelting processing equipment. RBT.
2024	PT. Anugerah Mitra Graha (AMG)	Granting mining access to the Dedalpak Block, Pringgabaya District, East Lombok, for 2021-2022 without approving the activity plan and budget (RKAB) from the Indonesian Ministry of Energy and Mineral Resources.
	PT Andalas Bara Sejahtera  PT. Sultra Bangun Persada (SBP); PT. Baraya Nikel Sulewesi (BNS) PT. Matarombeo Energi Sejahtera (MES) PT. Tolakindo Nickel Indonesia (TNI) PT. Bersama Pomala Maju (BPM) PT. Logam Indo Mulia (LIM) PT. Prima Mineral Sejahtera (PMS) PT. Salaam Berkah Mineral (SBM)	Corruption case of upgrading permits from coal exploration permits to coal Mining Business Permits for Production Operations (IUP OP)  Corruption crime in mining in the Mining Business Permit Area (WIUP) for Production Operations (OP) of PT Antam, in the Mandiodo Block, North Konawe Regency (Konut), Southeast Sulawesi

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PT. Ayam Jantan Selatan (AJS)  
 PT. Bintang Mineral Sejahtera (BMS)  
 PT. Jaya Bersama Sahabat (JBS)  
 PT. Prima Ore Mineral (POM)  
 PT. Monthly Gadman Indonesia (MGI)  
 Abbasy Mining Devplotment (AMD)  
 PT. Putri Unahaa Delapan- Delapan  
 (PU88)  
 PT. Total Mineral Sulewesi (TMS)  
 PT. Muria Wajo Mandiri (MWJ)  
 PT. Geo Gea Mineralindo (GGM)  
 PT. Konawe Ginerall Mining (KGM)  
 PT. Kurnia Ayu Mining (KAM)  
 PT. Dharma Sembaga Nusantara  
 (DSN)  
 PT. Tria Cahaya Karomah (TCK)  
 PT. Bintang Mining Indonesia (BMI)  
 PT. Berkah Alam Sejati Mineral  
 (BAMS)  
 PT. Karunia Mineral Celebes (KMC)  
 PT. Bintang Mineral Utama Inti (BMUI)  
 PT. Aufa Mineral Prata (AMP)  
 PT. Altan Bumi Barokah (ABB)  
 PT. Aira Putri Tusawuta (APT)  
 PT. Anandonia Mining Perkasa (AMP)  
 PT. Vimi Kembar Group (VKG)  
 PT. Vito Triad Perkasa (VTP)  
 PT. Mughni Inti Sulewesi (MIS)  
 PT. Bone Sulewesi Prima (BSP)  
 PT. Diyon Mining Trading (DMT)  
 PT. Bumi Sultra Abadi (BSA)  
 PT. Damai Mining Sentosa (DMS)  
 PT. Celebes Multisarana Sakti (CMS)

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Source: Compiled by the author based on several sources

The table above displays the number of companies involved in corruption cases in the mining sector for four years. Forty-six corporations are listed in the mining corruption cases during 2022-2024. The data above also illustrates an excellent opportunity for corruption in the mining sector by corporations.

Corruption cases by mining companies also potentially arise regarding several surveys and studies regarding the readiness of mining companies to prevent corruption. Mainly related to the commitment and anti-corruption policies of mining companies in Indonesia. Based on the data released by Transparency International (TI) in 2024, the score for commitment to and anti-corruption policies in mining companies in Indonesia is very low. TI surveyed 121 mining companies in Indonesia using a scoring method of 2, 1, and 0. Companies that openly state their anti-corruption commitment, declare compliance with existing anti-corruption regulations, and support commitment from company leaders award

a score of 2. Companies that are half-hearted or unclear in their stance when declaring their anti-corruption commitment, openly declaring compliance with existing anti-corruption regulations, and commitment support from company leaders get a score of 1. Meanwhile, a score of 0 is for the companies that do not commit at all, provide no information about those three things, or companies that commit anti-corruption, but have company representatives who are suspects in corruption crimes. Furthermore, there has been a conflict between the company and the affected community in the last 3 years.

Regarding the commitment of mining companies to anti-corruption, TI provides accessible data in the following table.

**TABLE 4.** Anti-Corruption Commitment in Mining Companies in Indonesia

Dimensions of anti-corruption commitment	Score		
	2	1	0
Company's anti-corruption commitment statement	6	2	113
The company's compliance with applicable anti-corruption regulations, including the Corruption Law	4	1	116
The company's top leaders – directors, commissioners, and senior managers support the company's anti-corruption commitment	1	1	119

Source: Gita Ayu Atikah dkk, *Transparency in Corporate Reporting: Mining Company Assessment in Indonesia*, (Jakarta: Transparency International Indonesia, 2024), 18.

The table above confirms that anti-corruption commitment is still not a priority in corporate organizational management, even for general matters concerning anti-corruption commitment. From the table, it can be seen that only six corporations have such commitment, while for companies whose commitment is not firm, only one company. Meanwhile, 113 companies do not commit to anti-corruption values and commitment. That low level of corporate commitment to anti-corruption values certainly affects non-compliance with the anti-corruption regulations and corporate leaders' support for anti-corruption commitments in their corporate environment.

Meanwhile, anti-corruption policies in mining companies also display terrible data. The general purpose of this dimension is to identify and assess several corporations' anti-corruption policies, such as accepting and granting gratifications, handling conflicts of interest, regulations on revolving door practices, cooling-off periods, and providing political donations. The data obtained by TI in this dimension can be seen in the following table.

**TABLE 5.** Anti-Corruption Policies in Mining Companies in Indonesia

Dimensions of anti-corruption policy	Score
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	2	1	0
The company has a policy regarding the acceptance and giving of gratification/gifts, hospitality, and expenses	3	7	111
Does the company have a policy regarding handling conflicts of interest?	1	6	114
Does the company have a policy regarding the revolving door (the phenomenon of entry and exit)?	0	0	121
Does the company have a policy regarding the cooling-off period (the cooling-off period)?	0	0	121
The company has a policy regarding the provision of political donations	1	1	119

Source: Gita Ayu Atikah et al., *Transparency in Corporate Reporting: Mining Companies Assessment in Indonesia*, (Jakarta: Transparency International Indonesia, 2024), 22.

The table above reflects the lack of company commitment to anti-corruption values. Most aspects of policies that lead to the potential for corruption in the mining sector do not provide provisions that support efforts to prevent corruption. Of course, this condition is very concerning because these dimensions are vulnerable to deviation and abuse. If a mining company does not have a policy that supports an anti-corruption commitment, it will be difficult to escape from corrupt practices in managing its mining activities. This argument seems to be true if many companies are involved in criminal acts of corruption in Indonesia. The absence of anti-corruption commitment and policies indicates a lack of seriousness on the part of mining companies in preventing corruption within their companies.

The large number of companies involved in corruption in the mining sector and the lack of seriousness in the commitment and implementation of anti-corruption policies are loopholes that may also occur in mining companies managed by religious organizations. Although the developing discourse mentions the policy of granting mining business permits to religious organizations, according to the provisions of Article 4 Paragraph (6) of the 2024 Mining Activities, the ones carrying out mining management activities are companies and/or business entities formed by religious organizations. It means that the executor of mining activity is business entities with majority shareholders owned by religious organizations.<sup>75</sup> Suppose 121 mining companies surveyed by Transparency Indonesia with the highest tax payments cannot commit to and establish anti-corruption policies within their companies. It will trigger scepticism

<sup>75</sup> Egi Rivaldi Gumilar and Rianda Dirkareshza, "Disharmonisasi Pengaturan Pengelolaan Wilayah Izin Usaha Pertambangan Khusus Bagi Organisasi Masyarakat Keagamaan Di Indonesia," *Jurnal Interpretasi Hukum* 5, no. 3 (2025): 1292–301, <https://doi.org/10.22225/juinhum.5.3.11161.1292-1301>.

about whether religious organizations' companies and/or business entities can uphold anti-corruption values, commitments, and policies in mining management. However, they have just been appointed in the mining industry with limited capacity and experience.

The religious organization's hesitation will be increasingly justified because several cadres from religious organizations have been investigated in corruption cases,<sup>76</sup> and some of these figures have even been sentenced by the court. Some of those cadres of religious organizations are: 1) Patrialis Akbar was caught in a bribery case in the judicial review of the Animal Husbandry and Animal Health Law that regulates meat import restrictions;<sup>77</sup> 2) Mardani H. Mami received bribes in the form of gifts or promises related to mining business permits worth Rp. 104.3 billion in the period 2014-2020 in Tanah Bumbu Regency, South Kalimantan;<sup>78</sup> 3) Abdul Hadi Djamal received bribes for the Tanjung Siapi-api Pier project in October 2009;<sup>79</sup> 4) Said Agil Husin Al Munawar committed a criminal act of corruption in the form of deviation of the Community Endowment Fund and Hajj Management Costs.<sup>80</sup> In addition to the names above, several cadres and administrators of religious organizations may still be involved in corruption cases in Indonesia.

Concerns about the potency of corruption in the mining sector

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<sup>76</sup> Bambang Sugeng Rukmono et al., "The Effectiveness of Recovering Losses on State Assets Policy in Dismissing Handling of Corruption," *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 299–330, <https://doi.org/10.53955/jhcls.v4i2.259>.

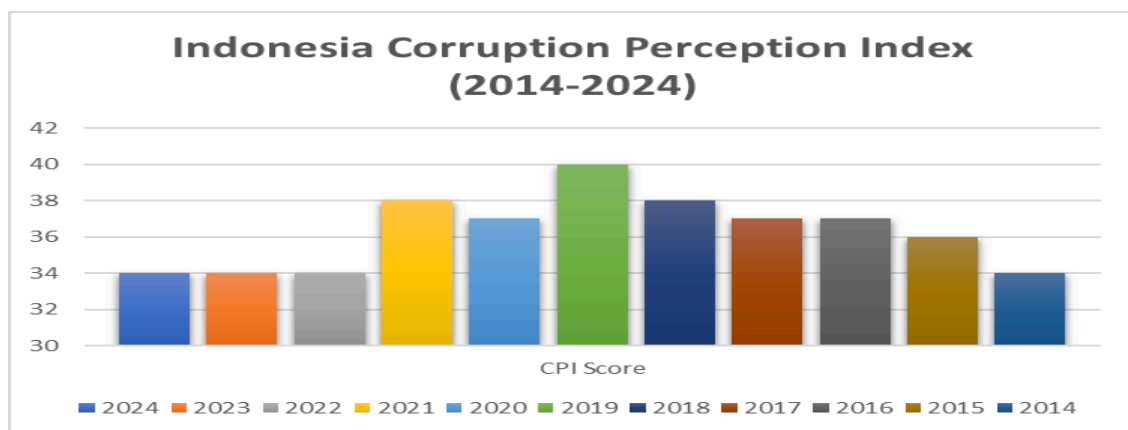
<sup>77</sup> Andy Omara and Novira Maharani, "Mahkamah Konstitusi Post Judicial Review of the 11/2020 Job Creation Law: Toward Politization of Judiciary?," in *Proceedings of the 3rd International Conference on Law, Governance, and Social Justice (ICoLGaS 2023)*, ed. Abdul Aziz Nassihudin et al., vol. 805, Advances in Social Science, Education and Humanities Research (Atlantis Press SARL, 2023), [https://doi.org/10.2991/978-2-38476-164-7\\_56](https://doi.org/10.2991/978-2-38476-164-7_56).

<sup>78</sup> Suteki Suteki, "Examination of Witnesses in Criminal Case Trials during the Covid-19 Pandemic in Progressive Legal Perspective," paper presented at Proceedings of the 1st International Workshop on Law, Economics and Governance, IWLEG 2022, 27 July 2022, Semarang, Indonesia, Semarang, Indonesia, *Proceedings of the 1st International Workshop on Law, Economics and Governance, IWLEG 2022, 27 July 2022, Semarang, Indonesia*, EAI, 2023, <https://doi.org/10.4108/eai.27-7-2022.2326288>.

<sup>79</sup> Nadiatus Salama and Nobuyuki Chikudate, "Religious Influences on the Rationalization of Corporate Bribery in Indonesia: A Phenomenological Study," *Asian Journal of Business Ethics* 10, no. 1 (2021): 85–102, <https://doi.org/10.1007/s13520-021-00123-0>.

<sup>80</sup> Delorens Lorentje Naomi Bessie, "Anti-Corruption Education for Catechumens," *British Journal of Multidisciplinary and Advanced Studies* 6, no. 1 (2025): 26–41, <https://doi.org/10.37745/bjmas.2022.04218>.

are also reinforced by the fact that the Corruption Perception Index (CPI) released by Transparency International fluctuates. According to the released data, Indonesia's CPI has experienced an up-and-down cycle over the past 10 years and has declined and stagnated over the past 4 years. The CPI data can be seen in the following figure.



**FIGURE 1.** Indonesia's Corruption Perception Index over the last 10 years

The figure above illustrates that the condition of corruption eradication and anti-corruption commitment in Indonesia has not moved from an unsafe position. It experienced a significant increase during 2014-2019, but in the years after that, it decreased until 2024.<sup>81</sup> The number of the index score condition is certainly still unsafe for a country in its efforts to eradicate corruption and make its country free from corrupt practices.<sup>82</sup>

## F. The Idea of Corporate Corruption Prevention in Mining Activities by Religious Organizations

Although the policy of granting mining business permits has potential for corruption, the state has stipulated this policy. Consequently, religious organizations can appeal the application for mining management permits. In the preventive phase, the state or society must dispel the potential for corruption.<sup>83</sup> At this time, the

<sup>81</sup> Amni Zarkasyi Rahman and Dyah Lituhayu, "Maladministration and Corrupt Behavior: Indonesia's Bureaucracy Reforms Perspective," *KnE Social Sciences*, ahead of print, March 19, 2024, <https://doi.org/10.18502/kss.v9i7.15538>.

<sup>82</sup> Hufon Hufon and Sultoni Fikri, "The Urgency of Regulating Forfeiture of Assets Gained from Corruption in Indonesia," *Legality : Jurnal Ilmiah Hukum* 32, no. 2 (2024): 292–310, <https://doi.org/10.22219/ljih.v32i2.35243>.

<sup>83</sup> Kamaruddin and Syed Agung Afandi, "Anti-Corruption Policy Analysis:



preventive stage may encourage religious organizations to manage mining management and activity correctly and commit to anti-corruption values. Mining management carried out by religious organizations through their business entities must be a model for managing mines by considering environmental ethics and avoiding corrupt practices.

The state can ensure, in several ways, that mining management can be executed appropriately and avoid corrupt practices, from the licensing process to its implementation. First, in granting mining business permits to religious organizations, the government needs to be fair by ensuring that all religious organizations that meet the specified criteria receive the same offer and opportunity to manage the mine.<sup>84</sup> There have been no detailed regulations determining the requirements and criteria for religious organizations to grant mining permits because these criteria are regulated in the presidential regulation currently still being drafted. Meanwhile, the Government Regulation on Mining of 2024 only stipulates criteria for religious organizations that can manage mines. These organizations already have a business entity and are the majority shareholders in the agency.

The opportunity to grant mining permits equally to religious organizations can still be explored in the process of drafting presidential regulations. This must be done to ignore earlier loopholes of discrimination and corruption in granting mining licenses.<sup>85</sup> No religious organizations should feel discriminated against to keep the main purpose of the policies. The primary purpose of granting mining permits for religious organizations is to realize economic independence and improve the economic quality of the community. The granting of mining permits should not only address religious organizations with large members to refute the issue that granting mining permits is compensation for political support.

It is also important to pay serious attention to the readiness of business entities owned by religious organizations to manage

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Indonesian Open Government Study," paper presented at IAPA 2023 Annual International Conference, *KnE Social Sciences*, March 19, 2024, <https://doi.org/10.18502/kss.v9i7.15531>.

<sup>84</sup> Muhammad Arief Virgy et al., "One Map Policy as an Anti-Corruption Endeavour in the Indonesian Mining Sector," *Integritas: Jurnal Antikorupsi* 10, no. 2 (2024): 161–72, <https://doi.org/10.32697/integritas.v10i2.1312>.

<sup>85</sup> Haryono Umar et al., "Corruption Prevention in Organizational Clustering in Indonesia: Through the Role of the HU-Model in Detecting Corruption," *Journal of Money Laundering Control* 27, no. 7 (2024): 60–75, <https://doi.org/10.1108/JMLC-10-2023-0163>.

mining regarding human resources, mining technology equipment, and company management, especially anti-corruption commitments and policies. The corporation needs to fulfil the requirements before applying for and obtaining mining licenses.<sup>86</sup> The anti-corruption commitments and policies must be adequately prepared to avoid the poor mining management system potentially caused by the absence of internal company commitments and policies toward anti-corruption behaviour. The results of the Transparency International Indonesia survey in 2024 showed that the Transparency in Corporate Reporting (TRAC) score for anti-corruption aspects in 121 mining companies in Indonesia was only 0.31 out of a maximum score of 10.

This low score indicates that the average score obtained from the 121 mining companies in Indonesia is in the very low score category in disclosing anti-corruption policies and programs. This means that out of the 121 mining companies that contribute to the massive taxes in Indonesia, only six companies have an anti-corruption commitment in their companies. If the state is serious about maximizing efforts to improve community welfare by granting mining licenses to religious organizations, what needs to be considered is that the mining governance model executed by religious organizations must be free from intrigue and corrupt practices. This effort can be realized in numerous ways, one of which is the seriousness of company management in managing mines professionally and creating strong anti-corruption policies within the company. If doing so, the idea of creating a new model of integrity and professional mining management free from corrupt practices will be easy for religious organizations to implement. Therefore, the readiness of business entities towards anti-corruption commitments and policies must be an absolute requirement before the organization obtains a mining business permit.

Corruption prevention also needs to be carried out during the implementation of mining management by improving the supervision system, both by state institutions and civil society.<sup>87</sup> Supervising company performance in managing mining is a vital

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<sup>86</sup> Achmad Maghfur et al., "Pertambangan Oleh Ormas Dalam Perspektif Hukum Ekonomi Syariah (Analisis Terhadap Peraturan Pemerintah Nomor 25 Tahun 2024)," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): 2011–17, <https://doi.org/10.62976/ijijel.v2i4.743>.

<sup>87</sup> Bowen Gu, "Black Gold and Green BRI—A Grounded Analysis of Chinese Investment in Coal-Fired Power Plants in Indonesia," *The Extractive Industries and Society* 17 (March 2024): 101411, <https://doi.org/10.1016/j.exis.2024.101411>.

entity because, in this session, legal deviation practices and corruption have the potential to be executed.<sup>88</sup> State institutions cannot enforce the supervision system independently. It seems impossible to systematically maximize the supervision system if it is only implemented by state institutions, given limited human resources, accessibility issues, and other obstacles to supervision.<sup>89</sup> That is why civil society needs to directly participate as a partner in supervision because, in any case, the participation of civil society in managing mining will contribute to the state in preventing corruption in the mining sector.

The engagement of civil society is crucial not only because it can maximize the state's duty to oversee any deviation in managing natural resources,<sup>90</sup> but also because it is an effort to involve the community in protecting and caring for their natural resources from various corruption crimes. Such a role is strategic because civil society is usually the victim of improper mining management.<sup>91</sup> The role of civil society in monitoring mining governance to avoid corrupt practices is vital, especially when it comes to saving natural resources from corruption. The involvement of civil society should be an integral part because natural resources include elements of life needed by all elements of the nation without exception. Natural resources are the livelihood of many people and must be managed for the greatest prosperity. Corruption and crimes against natural resources, including mining, must be considered threats and harm many people's livelihoods, so there should be improved supervision.<sup>92</sup> The state and civil society can cooperate to supervise mining management and activity.

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<sup>88</sup> Anastasia Suhartati Lukito, "Building Anti-Corruption Compliance through National Integrity System in Indonesia: A Way to Fight against Corruption," *Journal of Financial Crime* 23, no. 4 (2016): 932–47, <https://doi.org/10.1108/JFC-09-2015-0054>.

<sup>89</sup> Saldi Isra et al., "Obstruction of Justice in the Effort to Eradicate Corruption in Indonesia," *International Journal of Law, Crime and Justice* 51 (December 2017): 72–83, <https://doi.org/10.1016/j.ijlcj.2017.07.001>.

<sup>90</sup> Hoirur Rosikin, "The Concept of Hand Catching Operations on Corruption Eradication Based on the Value of Justice (Decision Study Number 97 / Pid / Prad / PN Jkt.Sel)," *Syariah: Jurnal Hukum Dan Pemikiran* 21, no. 2 (2021), <https://doi.org/10.18592/sjhp.v21i2.4446>.

<sup>91</sup> Muslihudin Muslihudin et al., "Relationship between Environmental Damage and Corruption Cases in Indonesia," *E3S Web of Conferences* 73 (2018): 02011, <https://doi.org/10.1051/e3sconf/20187302011>.

<sup>92</sup> Abdul Rahim Ridzuan et al., "The Impact of Corruption on Environmental Quality in The Developing Countries of Asean-3: The Application of The Bound Test," *International Journal of Energy Economics and Policy* 9, no. 6 (2019): 469–78, <https://doi.org/10.32479/ijeep.8135>.

Religious organizations must also consider the fatwas they have issued in response to mining and corruption. In the field of mining, religious organizations such as Muhammadiyah, MUI, and NU have issued fatwas on the haram status of mining activities. This *haram* status is due to mining practices that are mostly destructive to environmental sustainability and have the potential to cause natural disasters. Several religious organizations believe that mining causes more damage than benefits, both to humans and the environment, and even to the state. For example, the fatwa of the Majelis Tarjih dan Tajdid of the Pengurus Pusat Muhammadiyah No. 077/I.1/F/2024 states that mining activities are *haram* for four reasons, including: *First*, mining activities cause severe environmental damage; *Second*, regulations that are not based on justice and public interest; *Third*, mining activities that disregard the rights of the community. Fourth, mines are being used as political tools.<sup>93</sup>

Meanwhile, through its 33rd Mukhtamar Decision in 2015, NU has explicitly stated that the exploitation of natural resources through mining will cause environmental damage, which is prohibited by religion (*haram*). This fatwa also recommends that the government and the community work together to prevent environmental damage and monitor mining activities. This is in line with MUI Fatwa No. 22 of 2011, which also prohibits mining activities that damage the environment due to non-compliance with environmentally friendly mining management standards and principles.<sup>94</sup>

Meanwhile, in the field of corruption, several religious organizations have also stated their position that this criminal act is strictly prohibited by religion. In several of its fatwas, NU has noted that corruption is one of the major sins for which the perpetrator can be punished by death. This fatwa was first issued at the National Conference (Munas) of Alim 'Ulama in 2002, and was reaffirmed at the 2012 Munas.<sup>95</sup> Before NU, MUI had already declared this practice to be haram. It even stated that the public should not engage in or

<sup>93</sup> Juhari et al., "Fiqh Dan Politik Ekologi: Studi Komparatif Pendekatan Muhammadiyah Dan Nahdhatul Ulama Terhadap Krisis Lingkungan."

<sup>94</sup> Moh. Mufid, "Green Fatwas in Bahtsul Masā'il: Nahdlatul Ulama's Response to the Discourse on the Environmental Crisis in Indonesia," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 15, no. 2 (2020): 173–200, <https://doi.org/10.19105/al-ihkam.v15i2.3956>.

<sup>95</sup> Maghfur Ahmad, "Fiqh Anti-Korupsi Mazhab Negara: Memadu Hukum Islam Dan Hukum Nasional," *Jurnal Hukum Islam*, ahead of print, May 14, 2014, <https://doi.org/10.28918/jhi.v12i1.526>.

avoid corruption.<sup>96</sup> Meanwhile, Muhammadiyah has confirmed the prohibition of corruption in the book 'Fikih Antikorupsi: Perspektif Ulama Muhammadiyah'. This book is a legal compilation compiled by Muhammadiyah scholars in response to corruption in Indonesia, organized in Halaqah Tarjih in 2025.<sup>97</sup>

Religious organizations should use the fatwa declaring corruption and mining to be haram as a basis if they have issued mining permits through their business entities. Religious organizations must be able to implement mining management that is not only environmentally friendly but also ensures that there are no opportunities for corruption in all stages of mining activities. The implementation of fatwas issued by religious organizations is a form of commitment to comply with the legal provisions that have been formulated.<sup>98</sup> If this can be done, then in terms of legal ethics, these organizations have become role models for their members to comply with fatwas on religious laws that have been created.

## Conclusion

This research concludes that the potential for corruption by corporations is very much available, including in the policy of granting mining business licenses to religious organizations. Although the figures in religious organizations are figures with a high capacity of religious knowledge, the gap for corruption remains possible since mining activities are managed by companies and/or business entities owned by religious organizations, as corporations permitted to govern mine activity. The acceptance of this policy by several religious organizations further strengthens the potential for corruption, as in previous years, these organizations had issued fatwas declaring mining operations *haram* (forbidden). Suppose the legal ruling on the haram nature of mining operations issued by their internal organizations is ignored. In that case, there is also the potential for anti-corruption values to be disregarded in mining activities.

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<sup>96</sup> Didin Baharuddin and Husin Watimenna, "Maqāsidī's Interpretation on the Verses Supporting the Fatwa on the Confiscation of Corruptors' Assets: A Study of the Decision of the Ijtima' Ulama of the MUI Fatwa Commission," *Al Quds: Jurnal Studi Alquran Dan Hadis* 9, no. 1 (2025): 142–52, <https://doi.org/10.29240/alquds.v9i1.11409>.

<sup>97</sup> Ahmad, "Fikih Anti-Korupsi Mazhab Negara: Memadu Hukum Islam Dan Hukum Nasional."

<sup>98</sup> Syamsul Fatoni, "Violence Eradication in Education through a Juridical-Religious Approach: Seeking an Ideal Model under the Criminal Justice System," *Al-Risalah* 20, no. 1 (2020): 87, <https://doi.org/10.30631/al-risalah.v20i1.319>.

The potential for corruption in mining governance is also based on the fact that, to date, many mining corporations have been involved in criminal acts of corruption due to inadequate oversight by the state. In addition, the facts also indicate that mining companies do not commit to anti-corruption commitments and policies, which is the cause of the large number of companies involved in corruption in the mining sector. Many problems related to the seriousness of eradicating corruption in the mining sector confirm the chaotic and disorganized regulation. The existence of preferential treatment for mining companies and officials in the mining sector who are immune to the law further opens up loopholes for corruption in this sector. The granting of mining business licenses to religious organizations does not release the potential of corruption loopholes in the mining sector because, from the beginning, the state has treated organizations preferentially on the grounds of a desire to create organizational independence and community economic empowerment.

The government should standardise and equalise mining permit issuance policies to prevent potential corruption. In addition, maximum supervision through collaboration between the state and civil society must be carried out so that mining permits can be appropriately managed and free from corrupt practices. The government needs to conduct maximum and comprehensive supervision at every stage of mining activity by deploying law enforcement officials and institutions authorised in this area of supervision. In addition, the involvement of civil society, especially non-governmental organizations that focus on mining, must be maximised to complement the government's supervisory efforts so that this industry can be carried out correctly.

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