

# Innovation in Legal Pluralism for Resolving Tin Mining Disputes in Batu Beriga: Realizing Regulatory Certainty and Sustainable Ecological Justice

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## *Abstract*

*The resolution of disputes in tin mining activities in Batu Beriga faces significant complexity due to the overlap of various legal systems, including state law, customary law, and international law. Legal pluralism in this context has the potential to serve as an instrument that accommodates the interest of multiple stakeholders, including local communities, the government, and mining businesses. However, the implementation of legal pluralism in dispute resolution encounters challenges, particularly in ensuring regulatory certainty and achieving sustainable ecological justice. This article aims to analyze the role of legal pluralism in resolving tin mining disputes in Batu Beriga and to explore legal innovations that can support the development of effective sustainability pathways. Using a normative approach, this study examines applicable regulations and dispute resolution practices that have been implemented. The findings of this study are expected to provide policy recommendations that not only guarantee legal certainty but also strengthen environmental protections and justice for affected communities.*

**Keywords:** legal pluralism, dispute resolution, tin mining, sustainability, ecological justice.

## 1. INTRODUCTION

The normative approach in legal studies emphasizes the importance of understanding legal rules that apply both formally and substantively within a legal system. In the context of tin mining in Batu Beriga, legal pluralism emerges as a phenomenon involving interactions between state law, customary law, and international legal norms. These three legal systems often come into conflict, ultimately creating challenges in dispute resolution (Benda-Beckmann & Turner, 2018). Therefore, an in-depth study of the application of legal pluralism in the mining sector is necessary to identify how this diversity of laws can offer effective and sustainable solutions.

Normatively, state law provides the foundation for mining regulation through legislation governing licensing, environmental management, and dispute resolution mechanisms. However, in practice, customary law continues to play a significant role, particularly in regulating the relationship between local communities and natural resources within their territories. Meanwhile, international law offers principles of environmental protection and human rights, which should serve as important references in formulating sustainable mining policies. The lack of harmony among these three legal systems often hinders efforts to achieve fair and effective dispute resolution (Larson & Soto, 2008).

The complexity of dispute resolution in tin mining extends beyond legal aspects and is closely tied to local social, political, and ecological dynamics. In Batu Beriga, conflicts

between communities, mining companies, and local governments are often triggered by regulatory inconsistencies, a lack of transparency in the issuance of mining permits, and weak environmental oversight. This reflects the inadequacy of conventional top-down legal approaches in addressing the plural realities present within society. As a region rich in natural resources but also ecologically vulnerable, Batu Beriga requires a dispute resolution framework that is not only legalistic but also responsive to local values and oriented toward environmental sustainability. Therefore, it is crucial to reconsider the role of legal pluralism as a more adaptive and participatory approach to addressing the challenges faced in the tin mining sector.

Legal certainty in the mining industry is a crucial aspect that must be addressed to create investment stability and ensure that natural resource exploitation is carried out responsibly. However, the aspect of ecological justice must not be overlooked (Rohmy & Nihayaty, 2025), considering that environmental impacts from mining activities can have long-term consequences for both ecosystems and surrounding communities. Therefore, innovation is needed in the application of legal pluralism—one that not only emphasizes regulatory certainty but also ensures environmental protection and the well-being of local communities.

This article aims to analyze the role of legal pluralism as a dispute resolution mechanism in tin mining conflicts in Batu Beriga, while also exploring legal innovations that can support the creation of effective sustainability pathways. Using a normative approach, this study examines the applicable regulations and existing dispute resolution practices. The findings are expected to offer policy recommendations that not only ensure legal certainty but also strengthen environmental protection and justice for affected communities.

## **2. METHOD**

This study uses a normative approach, which examines law as a system of norms that applies within society. This approach is employed to analyze the relevant legal rules in the resolution of tin mining disputes in Batu Beriga, sourced from national law, customary law.

Data for this study were collected through library research, which involved gathering primary, secondary, and tertiary legal materials. Primary legal materials include applicable regulations, court rulings, and other legal instruments. Secondary legal materials consist of books, academic journals, and previous research related to legal pluralism and mining dispute resolution. Meanwhile, tertiary legal materials were used to provide conceptual understanding and definitions from various sources..

Data analysis was conducted using a qualitative method through a normative approach, which involved examining relevant legal regulations and interpreting the applicable legal provisions within the context of legal pluralism and tin mining dispute resolution in Batu Beriga. This analysis aims to identify existing legal issues, assess the effectiveness of regulations, and propose legal innovations that can enhance regulatory certainty and ecological justice for affected communities.

In its implementation, the normative approach in this study is also supplemented with a contextual examination of specific cases that occur on the ground. Although this method is not empirical, the analysis of legal regulations combined with the interpretation of the social dynamics in Batu Beriga provides a more comprehensive understanding. This study also employs a conceptual approach to explore the fundamental principles of legal pluralism, ecological justice, and natural resource conflict resolution. Therefore, the methods used not only examine law as a text but also as a social practice that exists within society, particularly in the context of the interaction between state law, customary law, and international norms.

### **3. RESULTS AND DISCUSSION**

#### **A. Dynamics of Legal Pluralism in Tin Mining Dispute Resolution**

Legal pluralism in the resolution of tin mining disputes in Batu Beriga reflects the interaction between three main legal systems: state law, customary law, and international law. State law, in this case, is represented by Law No. 3 of 2020 on Mineral and Coal Mining, which regulates licensing, environmental governance, and dispute resolution mechanisms. However, in practice, the implementation of these regulations still faces challenges due to land ownership claims by local indigenous communities..

On the other hand, customary law plays a role in regulating the ownership and utilization of natural resources based on local traditions. In several cases, local communities reject mining activities as they are seen as a threat to customary lands and ecosystem balance. International legal principles, such as the United Nations Guiding Principles on Business and Human Rights (UNGPs) and ILO Convention No. 169 on the Rights of Indigenous Peoples, also play a role in protecting the rights of local communities and ensuring sustainable resource exploitation. The lack of harmony among these three legal systems often results in legal uncertainty and prolonged conflicts. The new approach offered in this study is to design an integrative mechanism between state law, customary law, and international legal principles that can ensure the protection of local community rights while maintaining regulatory certainty for mining operators. This approach aims to create a harmonious legal framework that addresses the interests of all parties involved and promotes sustainable mining practices.

Legal uncertainty in resolving tin mining disputes in Batu Beriga remains a major challenge. Although national regulations have established mechanisms for dispute resolution, several key issues persist in practice, such as overlapping licenses, limited community participation in decision-making processes, and weak law enforcement regarding environmental violations. These challenges contribute to the complexity of resolving conflicts and achieving a balance between economic development and environmental sustainability.

In addition to regulatory issues, the imbalance in the distribution of benefits from the mining sector also fuels dissatisfaction among local communities. The local population feels that the exploitation of natural resources does not provide equitable benefits to them, while the environmental impact is significant. This study offers a solution based on stricter marine spatial planning policies and transparency in mining licensing (Pabbu & Suciati, n.d.), which not only provides legal certainty for investors but also ensures that sustainability and ecological justice are maintained.

In addition to the integrative approach between legal systems, it is also crucial to develop a mechanism for the formal recognition of customary law by the state. This recognition can be realized in the form of local regulations (Perda) that accommodate customary institutional structures and customary-based dispute resolution mechanisms. In this way, customary law would not only function as a social norm but also have binding authority within the national legal framework.

For example, several regions in Indonesia, such as Papua and Central Kalimantan, have adopted systems for recognizing customary law in natural resource management, which could serve as a model for implementation in Batu Beriga. When customary law is recognized as part of the formal dispute resolution system, the legitimacy of locally-based resolutions becomes stronger and has the potential to mitigate social conflicts.

In the context of legal pluralism theory proposed by John Griffiths, "real" legal pluralism (legal pluralism in fact) acknowledges the existence of non-state legal systems that operate alongside formal legal systems. In Batu Beriga, this phenomenon is clearly visible through the customary practices still carried out by the community, even though they are not explicitly included in positive law. Therefore, the state should not monopolize the definition of law but instead open up collaborative space between state institutions and indigenous communities in

determining the direction of natural resource sector regulations. By adopting an inclusive perspective on legal pluralism, the state can avoid bias towards capital interests and provide space for local values in the construction of justice.

## **B. Ecological Impact and Justice for Local Communities**

The exploitation of tin mines in Batu Beriga not only affects legal aspects but also brings significant ecological consequences. According to the 2025 report from the Ministry of Environment and Forestry (KLHK), mining activities have caused damage to coastal ecosystems, groundwater quality deterioration, and the loss of livelihoods for coastal communities.

In addition to ecological impacts, the social consequences of tin mining are also considerable. Communities dependent on the fishing sector have seen a decline in fish catches due to the degradation of marine ecosystems. This exacerbates the economic conditions of local communities that have long relied on the sea for their livelihood.

The concept of ecological justice must be translated into operational policies that involve environmental carrying capacity assessments before mining permits are issued. Any mining activity in coastal areas like Batu Beriga must consider the environmental capacity to absorb impacts such as ocean sedimentation, heavy metal pollution, and the destruction of marine habitats. Without this approach, the damage will be systemic and difficult to rectify in the long term. Additionally, protecting the economic and social rights of local communities needs to be strengthened, one way being through legally binding benefit-sharing agreements so that mining profits are not only enjoyed by corporations or local elites but also allocated for the development of health facilities, education, and basic infrastructure for local communities.

Ecological justice, as a new paradigm in environmental management, demands recognition of the rights of future generations to a healthy environment. This means mining policies should not only consider short-term benefits but must also project their impact on the sustainability of ecosystems for decades to come. From this perspective, the "sustainable development" approach is not enough unless accompanied by the principle of intergenerational equity, or fairness across generations. Therefore, the Environmental Impact Assessment (AMDAL) process must account not only for technical parameters but also for the social, cultural values, and ecological identity of the community. When communities are involved from the planning stage, the resulting decisions will be more accepted and sustainable.

To address the existing issues, an innovative approach is needed in resolving tin mining disputes, such as:

- a) **Enhancing community-based mediation mechanisms** to resolve conflicts in a more participatory and just manner, ensuring that local communities have a voice in the decision-making process.
- b) **Strengthening marine spatial planning policies** by ensuring that conservation areas remain unaffected by mining activities, protecting the integrity of coastal ecosystems.
- c) **Enhancing penalties for environmental violators** to prevent broader ecological impacts, ensuring that those responsible for environmental damage are held accountable.
- d) **Implementing transparency in the allocation of mining sector profits**, so that local communities can directly experience the economic benefits and ensure that the revenues are used for their welfare, such as for improving local infrastructure, education, and health serv.

The Indonesian government continues to update policies regarding tin mining governance, especially in coastal areas such as Batu Beriga. One of the latest developments is the revision of Law No. 3 of 2020 on Mineral and Coal Mining, which emphasizes sustainability and community involvement in mining licensing. Additionally, the proposal for

a moratorium on sea mining permits in Bangka Belitung is currently being discussed by the government as a strategic step to reduce conflicts and mitigate the increasingly widespread ecological impacts. The local government of Bangka Belitung has also begun implementing stricter mining zoning policies, considering ecosystem sustainability and the rights of indigenous communities.

Mining regulations in Indonesia need to be more adaptive in accommodating legal pluralism, especially given the increasing social conflicts and environmental degradation due to resource exploitation. Therefore, the government must ensure policies that provide space for customary law in natural resource management and make ecological justice principles an integral part of more progressive regulations (Wicaksono & Rahmawati, 2024).

The local community's opposition to sea mining has become stronger with the latest reports from environmental NGOs showing significant marine ecosystem degradation. Mining activities have threatened various marine species, including dugongs and coral reefs, which are vital parts of the Batu Beriga water ecosystem. Additionally, social conflicts are escalating due to dissatisfaction with the distribution of benefits from mining activities. Many residents feel that the exploitation of natural resources does not provide fair benefits to them, while the negative impacts on the environment and their livelihoods are increasingly felt. In recent developments, protests by local fishermen have become more frequent, even involving the sealing of mining equipment by residents who oppose sea mining.

Furthermore, an ecosystem-based approach and the protection of indigenous peoples' rights offer an innovative solution to resolving tin mining disputes. This approach emphasizes environmental protection as part of indigenous peoples' rights over natural resources, as well as reinforcing the role of local communities in managing and regulating their territories sustainably. With the right legal innovations and coordination among stakeholders, it is hoped that tin mining disputes in Batu Beriga can be resolved effectively, ensuring legal certainty and better environmental protection.

Several participatory dispute resolution initiatives have been implemented, such as multi-stakeholder dialogues involving representatives from the community, mining companies, and local governments. Legal mechanisms based on an ecosystem and indigenous rights approach are starting to be discussed as an option for resolving mining conflicts in Batu Beriga. This approach ensures that dispute resolution is not only based on formal regulations but also takes into account the rights of local communities to utilize and protect their natural resources. Furthermore, the ecosystem-based approach and the protection of indigenous peoples' rights have emerged as innovative solutions in resolving tin mining disputes. This approach highlights environmental protection as part of indigenous peoples' rights over natural resources and underscores the role of local communities in managing and regulating their territories sustainably.

#### **4. CONCLUSION**

Legal pluralism in resolving tin mining disputes in Batu Beriga reflects the complex interaction between state law, customary law, and international law. The disharmony between these three legal systems often becomes the main cause of regulatory uncertainty and prolonged conflicts. State law has provided a regulatory foundation through legislation governing licensing, environmental management, and dispute resolution mechanisms. However, in practice, customary law still holds significant influence (Wang, n.d.), especially in managing natural resources and land ownership. Meanwhile, international law emphasizes environmental protection and human rights (Didik F, Arimuladi. Human Rights Configuration in Indonesia, n.d.), which should serve as a guideline for sustainable mining practices. Regulatory uncertainty in the tin mining sector in Batu Beriga is caused by several factors, including overlapping permits, weak law enforcement, and limited community participation in decision-

making (Bedner, A. & Vel, J.A.C., 2010). Additionally, the existing regulations often fail to accommodate the interests of indigenous communities and their rights over customary land. As a result, local communities often feel marginalized and do not receive a fair share of the benefits from mining activities conducted by large companies.

The ecological impact of tin mining in Batu Beriga is significant, including damage to marine ecosystems, environmental degradation, and loss of biodiversity. Mining activities have caused environmental degradation that affects the livelihoods of coastal communities who depend on the fisheries sector (Rozikin et al., 2024). The decline in fish catches due to the destruction of marine ecosystems adds to the economic burden on local communities, creating increasing social dissatisfaction. To address these issues, innovation in resolving tin mining disputes based on the principles of ecological justice and regulatory certainty is required. Approaches like community-based mediation can provide a more participatory solution to conflicts, ensuring that the interests of all parties are accommodated. Furthermore, strengthening coastal zoning policies is necessary to ensure that conservation areas are not disturbed by mining activities. Transparency in the distribution of benefits is also a crucial aspect so that local communities can experience the economic benefits of natural resource exploitation in their areas. The government's efforts to revise mining policies and implement a moratorium on sea mining permits are strategic steps in reducing conflicts and mitigating broader ecological impacts. However, these policies still face challenges in implementation (Riant Nugroho, 2018), particularly in terms of effective monitoring and law enforcement. Therefore, community involvement in monitoring mechanisms must be strengthened to ensure that regulations are truly aligned with sustainability goals. Ultimately, resolving tin mining disputes in Batu Beriga should focus on balancing legal certainty, environmental protection, and the well-being of local communities. The concept of ecological justice should be the guiding principle in every policy made, ensuring that natural resource exploitation is conducted sustainably and benefits all affected parties fairly. With a holistic approach and a harmonized legal pluralism framework, it is hoped that the mining conflicts in Batu Beriga can be resolved in a more just and sustainable manner.

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## **NOVELTY**

The conflict between small-scale miners and PT Timah Tbk in Batu Beriga Village highlights the need for a new approach to conflict resolution. Traditional mechanisms such as law enforcement or corporate negotiations have proven ineffective in resolving overlapping claims and disputes over tin mining areas. This indicates the importance of finding and implementing innovative problem-solving concepts that prioritize inclusivity, sustainability, and dialogue. One potential solution is the development of a participatory governance framework, where local communities, local governments, and the company work together to

formulate mining regulations and profit-sharing schemes. Such an inclusive model can reduce the sense of marginalization among local miners and build mutual trust.

Additionally, integrating social, cultural values, and local wisdom into the regulatory framework can create a more adaptive and contextual mining governance system. Another promising concept is the collaborative mapping and allocation of resources, where small-scale miners and PT Timah work together to define mining boundaries to prevent operational overlaps. This approach not only increases transparency but also reduces potential conflicts over land ownership and resource control. Overall, moving away from a legalistic, adversarial approach and adopting innovative, community-centered problem-solving strategies is key to resolving mining conflicts in Batu Beriga Village and other regions facing similar issues.

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