

Legal Politics of Mining Permits in the National Strategic Project: A Deconstructive Analysis based on Green Constitution and Prophetic Justice

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ABSTRACT

This research analyzes and deconstructs the legal politics of the national strategic project (NSP) permit in the mining sector using the green constitution and prophetic justice approaches. The legal politics of NSP shows the domination of an anthropocentric paradigm, which places the law as an instrument of economic acceleration, rather than as a mechanism of ecological protection. Using a juridical normative method and an interpretative-deconstructive analysis, this research studies the tension between ecological constitution norms in Articles 28H and 33 of the 1945 Constitution, development policies, as well as the configuration of mining permit regulations. Findings show that a narrow interpretation of the state control concept has shifted the legal orientation from ecological benefit (*maslahah*) to capitalistic interests. Using the prophetic justice paradigm, this research offers a reconstruction of legal values that integrate humanization, liberation, and transcendence in a permit policy. Recommendations include the application of green licensing, sustainability-based approval, and community-based monitoring as a framework of mining permit governance, which is based on ecological justice and prophetic ethics.

Keywords: legal politics, national strategic project, green constitution, prophetic justice, mining.

INTRODUCTION

In the last decade, the legal politics of national development in Indonesia show a strong tendency towards investment acceleration through the national strategic project (NSP). One of the most dominant sectors of this policy is mining, which is deemed a motor of economic development and a significant source of state income (Wardana & Darmawardana, 2024).

However, aside from that developmental euphoria, there is a fundamental problem regarding environmental sustainability and social justice. The granting of NSP permits in the mining sector often leads to the emergence of conflicts between economic interests, ecological interests, and local citizens' rights. This phenomenon shows the existence of a bias of legal politics that places a greater partisanship on the logics of state capitalism rather than the constitutional mandate to protect the living environment as a human right of citizens. In this context, it is crucial to review the legal paradigm of mining permit through a prophetic value-based approach that places a greater emphasis on ecological justice (Kartikasari, 2025).

The national strategic project was actually designed to encourage inclusive economic growth and equalize development. However, in its practice, the implementation of the mining NSP often leads to the emergence of serious issues, such as forest destruction, water pollution, and socio-ecological conflicts with indigenous peoples (Hidayati et al., 2025). This shows the existence of a gap between legal ideality and the reality of policy implementation. The legal politics that regulate NSP permits seem to still place the environment as a mere economic instrument, rather than as an entity which has constitutional rights that need to be protected. The Republic of Indonesia's 1945 Constitution explicitly guarantees the right to a good and healthy environment. The lack of balance between development and ecological protection becomes the root problem in the current legal politics of mining permits; thus, there needs to be a deconstructive framework to rearrange its legal orientation (Binawan & Soetopo, 2023).

In this context, deconstruction is sensed as an effort to dismantle the dominant meaning and structure in the legal politics of mining permit, which tends to be anthropocentric and economic. This deconstructive approach aims to analyze the basic assumption that becomes the basis for legal policies, to find a new form that is more aligned with the green constitution principle. The green constitution is a concept that places environmental protection as the core of constitutional enforcement and sustainable development. In reality, Indonesia already has a strong constitutional foundation to achieve this through Article 28H clause (1) and Article 33 clause (3) of the 1945 Constitution. However, its interpretation and implementation are often marginalized by political-economic interests (Puteri, 2025). Therefore, the deconstruction of

the NSP permits legal politics must be directed to return the constitutional spirit to mining permit practices that uphold sustainability and ecological justice.

Apart from the green constitution perspective, this research also carries the prophetic justice concept as a moral and ethical paradigm for reconstructing environmental legal politics. Prophetic justice originates from Kuntowijoyo's idea, which emphasizes the integration of the values of divinity (transcendence), humanity (humanization), and social justice (liberation) into every public policy (Anwar et al., 2023). In the context of mining permits, prophetic justice demands that the state is not only be profit-oriented, but also carry the moral mandate to safeguard the earth to be inherited by future generations as a divine mandate. This concept offers a holistic approach towards environmental law that combines the spiritual, social, and ecological dimensions. Therefore, prophetic justice becomes an ethical framework to assess how far the NSP legal politics are aligned with the values of substantive justice and sustainability of life (Novanda, 2023).

So far, the mining permit legal politics are mostly determined by the power configuration between the central government, investors, and legislative institutions. Legal products, such as Law No. 3 of 2020 on Mineral and Coal Mining and Law No. 11 of 2020 on Job Creation, show the pro-investment legal orientation. On the one hand, such policies promise ease in obtaining permits and bureaucratic efficiency, but on the other hand, weakens environmental control and community participation. In several of its decisions, the Constitutional Court have also carried out corrections towards legalization practices that lack transparency and neglect the sustainability principle. However, this correction has not been fully addressed through a substantive policy reformation (Ananda et al., 2025). Therefore, the deconstruction of legal politics becomes crucial to deconstruct the structural root of environmental law inequality that happens in the practice of mining NSP permits.

This research departs from two main approaches, i.e., the legal politics theory and the prophetic justice theory. The legal politics theory is used to analyze how the direction and content of legal policies are formed by power interests, while the prophetic justice theory functions as an instrument to morally evaluate legal orientation. This approach is combined with the green constitution idea as a normative framework to assess whether the existing mining permit regulations are already aligned with the constitutional mandate (Sadnyini & Kurniawan, 2023). The combination of these three theoretical frameworks is expected to result in an

analysis that reveals the legal politics structure, test its consistency towards constitutional principles, while offering a legal model based on ecological and prophetic justice.

This research aims to describe the construction of mining NSP permit legal politics, evaluate the relevance of the green constitution in deconstructing such policies, and offer a prophetic justice-based direction of reconstruction (Wardana, 2022). It is hoped that this analysis may provide a scientific contribution towards the strengthening of the environmental legal paradigm in Indonesia that is not only legalistic, but also ethical and spiritual. Practically, this study's results may become a material for reflection for policymakers to increase their sensitivity towards ecological justice issues and the state's moral responsibility. Therefore, the mining permit legal politics in the future may evolve from mere instruments of exploitation to a vehicle to achieve a balance between development, humanity, and environmental preservation according to the constitutional mandate.

RESEARCH METHOD

This study uses a normative juridical method with legislative, conceptual, and philosophical approaches to examine the legal politics of mining licensing in the national strategic project. The main data sources originate from laws and regulations, Constitutional Court decisions, government policy documents, and literature relevant to the concept of green constitution and prophetic justice. The analysis is carried out through interpretive-deconstructive techniques, namely, interpreting legal norms critically to reveal power relations, anthropocentric biases, and shifts in legal orientation towards ecological interests. This approach allows researchers to identify contradictions between constitutional norms related to environmental protection and mining licensing practices that are oriented towards economic acceleration. Furthermore, a prescriptive analysis was carried out to formulate a more ethical and ecologically equitable licensing governance model through the integration of humanization, liberation, and transcendence values within the framework of prophetic justice.

RESULTS & DISCUSSION

A. The Construction of the NSP Mining Permit Legal Politics based on the Economic Development Paradigm

The construction of the mining permit legal politics in the national strategic project (NSP) reflects a new face of the Indonesian legal development politics that is highly economic and pragmatic. The state places the law not as an instrument to protect citizens' ecological

rights, but rather as a tool to accelerate investment and guarantee business certainty (Anisah, 2020). This shift marks the birth of a developmental law paradigm that is oriented on growth (growth-oriented legal politics) (Schmid, 2023). Changes to Law No. 4 of 2009 into Law No. 3 of 2020 on Mineral and Coal Mining, as well as the enactment of Law No. 11 of 2020 on Job Creation shows how the law is placed within a framework of deregulation and simplification of permits (Putri et al., 2023). Substantially, the direction of this legislation ignores the principles of precaution and sustainable use, which become the foundation of environmental law. Thus, the law loses its corrective character towards the state's economic control (Larasati et al., 2021).

In the legal politics of natural resources, the NSP becomes a strategic instrument for the state to integrate the national economic agenda with the global interest of the mineral market (Rafiqi, 2024). The government justifies the mining project as a step to achieve energy independence and industrial downstreaming, but empirically, the NSP actually strengthens the extractivism-based state capitalism logics. The state no longer functions as the manager of natural resources who side with the people, but rather as regulators who facilitate the accumulation of corporate capital (Cahyono et al., 2020). This can be seen from the One Single Submission (OSS) mechanism that centers the permit authority at the central level under the reason of bureaucratic efficiency. However, this happens even though, from the perspective of state administrative law, this permit centralization has neglected the principle of decentralization and eroded the constitutional rights of the regions and local communities to monitor and consume natural resource produce as mandated in Article 33 of the 1945 Constitution (Ciptaswara & Sulistiowati, 2022).

The legal politics of mining NSP in the economic development framework also illustrates the asymmetric power relations between the state and corporations. This relationship is symbiotic–clientelist, where the state depends on private investment to achieve developmental targets, while corporations utilize the state's legal legitimacy to protect their economic interests (Baker et al., 2023). This condition is called regulatory capture, i.e., a situation where the law and public policies are coopted by business interests. This results in a condition where mining permits are no longer mechanisms of ecological selection, but rather an instrument to legalize the exploitation of resources (Van Dycke et al., 2024). Such a legal paradox shows that NSP not only has administrative functions, but also political functions, which become an arena of hegemony, where the law is mobilized to produce legal compliance without guarantee of ecological justice. Therefore, the legal politics of NSP permits are, in

essence, legal politics of power that are covered with developmental retorics (Kotzé & Adelman, 2023).

The anthropocentric tendency in the legal politics of national development makes the environment reduced to a mere economic instrument, rather than an entity with intrinsic values. In the anthropocentric paradigm, human beings are deemed the center of all policies, while nature is merely an object that may be used without limits (Muthmainnah et al., 2020). This happens even though, since the Amendment of the 1945 Constitution, the Indonesian Constitution has acknowledged the rights to a good and healthy environment as a fundamental right (Article 28H clause (1)). Therefore, every form of legislation and policy (including NSP policies) should comply with the constitutional environmentalism principle, i.e., a policy orientation that places ecological preservation as a state constitutional obligation (Supriyadi, 2023). However, the NSP legislation and execution processes ironically show constitutional deviation, i.e., when development is understood as a justification for exploitation, rather than as an instrument to create a balance between human beings and nature as stipulated in Article 33 clause (3) of the 1945 Constitution (Arifin et al., 2025).

Historically, the legal politics of Indonesia's development is rooted in the developmentalistic paradigm of the New Order Era (1966-1998), which places economic growth as the main measure of the state's success, an ideological footstep that still strongly influences modern NSP policies. Regulations, such as Government Regulation No. 42 of 2021 on the Ease of the National Strategic Project, explain the pro-economic legal orientation that eliminates several environmental permit procedures that are deemed to slow down investment (Syawawi, 2021). Theoretically, this policy leads to a tension between the rule of law and the rule of capital. On the one hand, the law is used to ensure stability and certainty, but on the other hand, the law is compromised for economic efficiency. This tension shows that the law has lost its critical role as a control mechanism of corporate and state power. In other words, the law no longer serves ecological justice, but rather serves the market (Bhagat & Hubbard, 2022).

Normatively, the mining NSP legal politics contain a fundamental contradiction between the constitutional mandates and economic policies. The Constitution places the environment as an integral part of human rights and an instrument of people's welfare, while NSP policies interpret welfare merely from the material dimension (O'Donnell et al., 2020). This condition leads to the reduction of the "people's welfare" concept in Article 33 of the 1945 Constitution into the economic legitimacy to exploit natural resources (Sulaiman, 2021).

Through the consideration of Decision No. 85/PUU-XI/2013, the Constitutional Court reviews Law No. 7 of 2004 on Water Resources. It explicitly states that “The state must guarantee that the management of natural resources is conducted in a just and sustainable manner that orients towards public interests” (Weningtyas & Widuri, 2022). However, the NSP legal politics ironically neglect this sustainability dimension by placing corporate interests as the main beneficiary.

From the perspective of the environmental state administrative law (constitutional environmentalism), the state should act as a trustee of natural resources, rather than as an absolute owner. The public trust doctrine principle that is acknowledged in various environmental jurisprudences declare that the state only holds the mandate of management for public interest, rather than economic exploitation (Rahmawan & Cetera, 2020). The NSP legal politics shift this doctrine into the corporate trust doctrine, where public trust is shifted into business entities through legal concessions. In practice, the NSP regime gives tremendous ease to mining corporations in the form of tax relief, overlapping permits in forest areas, as well as legal protection for investment (Kartikasari, 2025). As a consequence, the position of the people and indigenous communities that depend on the forest ecosystem becomes marginalized. This phenomenon shows that NSP is not merely an economic policy, but an ideological transformation that dissociates the law from the ecological mandate of the constitution (Ifdal, 2022).

Academic critiques on the NSP legal politics not only regard procedural issues, but also structural ones. When the law is produced in unequal power relations, it will function as a facility to legitimize power, rather than as a facility to create a limitation of power. Legislation such as the Law on Job Creation combines thousands of sectoral norms and eliminates several environmental permit requirements under the reason of creating a certainty of investment (Syahwal, 2024). From the ecological justice perspective, legal certainty cannot stand on ecological uncertainty. Every mining permit must not only comply with administrative requirements, but should also become subject of examination through substantive ecological review (Amprazis & Papadopoulou, 2020). NSP legal politics that ignore this substantial examination have created a regulatory vacuum on environmental protection. In such a situation, the law becomes an instrument of domination which perpetuates inequality between central and regional governments, between the state and the people, as well as between economic interests and ecological justice (Rifai & Haeril, 2024).

Theoretically, NSP legal politics reflects a neo-developmentalism pattern: a developmental law model that combines state intervention with the logic of the global market. This paradigm is built on the belief that economic growth will automatically produce social welfare (Sodikin, 2019). However, several studies (Warburton, 2024; Dimiyati et al., 2021) show that such an approach fails to create ecological justice, as it does not calculate the limitation of the environmental carrying capacity. In international law, the sustainable development and intergenerational equity principles demand a balance between the needs of the present generation and the rights of future generations. Meanwhile, NSP ironically shows temporal injustice, where current economic profits are paid for with long-term ecological destruction. The state's failure to insert the sustainability principle in NSP's legal design shows the weak ecological constitutionalism of the national legal practice (Bertram, 2023).

Therefore, the construction of the NSP mining permit legal politics can be read as a form of legal paradox between economic efficiency and constitutional legitimacy (Ridwan & Afinnas, 2025). On the one hand, the NSP displays the law as an instrument of state modernization, but on the other hand, it weakens the basic principles of the legal state that applies social and ecological justice. The economic development paradigm that the NSP carries does not accommodate the green constitution ethics, but rather produces an extractive legality: a legality that is formally valid but morally defected. To free itself from this paradox, there needs to be a legal reposition from a mere instrument of development into a law that fosters the balance of life. Legal politics that are ecologically just must place the law not merely as investment managers, but rather as the guardians of the earth's sustainability. This is the fundamental challenge that must be answered in the effort to deconstruct the direction of NSP-based national developmental law.

B. Green Constitution-Based Deconstruction of the NSP Permit Legal Politics

The deconstruction of the national strategic project (NSP) permits legal politics in the mining context departs from the awareness that the Indonesian Constitution is not a mere instrument of power politics, but also an ecological document containing moral mandates to maintain natural preservation. The amendment of the 1945 Constitution has expanded the horizon of citizens' constitutional right by acknowledging the right for a good and healthy environment (Article 28H clause (1)), as well as declares that the earth, water, and natural resources therein are under the control of the state and must be used optimally for the people's welfare (Article 33 clause (3)) (Binawan & Soetopo, 2023). However, in the NSP practice, this constitutional meaning is reduced to a narrow economic legitimation. The state interprets

“social welfare” merely as an accumulation of income and industrial growth, rather than as ecological balance. Therefore, this deconstruction becomes absolute to dismantle the legal construction which positions the living environment as objects of exploitation, rather than as constitutional subjects with existential rights (Haryadi et al., 2020).

The green constitution emerges as a critique against the domination of the anthropocentric paradigm in developmental legal politics. The green constitution principle demands legal reorientation to an ecocentric perspective that acknowledges the reciprocal relationship between human beings, the state, and nature (Fauzan, 2021). From this perspective, the constitution not only guarantees the citizen right to a good and healthy environment, but also obliges the state to protect the rights of nature as a living entity. However, within the NSP framework, the ethical order of the constitution is marginalized by the logics of administrative efficiency, which is institutionalized through deregulation policies and simplification of permits. The One Single Submission (OSS) scheme and the integration of the Mining Business Permit (*Izin Usaha Pertambangan/IUP*) and Forest Area Use Permit (*Izin Pinjam Pakai Kawasan Hutan/IPPKH*) become symbols of the bureaucracy’s formal rationality, which ignores ecological substance (Christiawan, 2020). The deconstruction of legal politics is needed to uncover how environmental law is commodified through technocratic procedures, even though, in essence, it is a constitutional mandate that cannot be traded.

From the logic of the green constitution, every state policy with ecological impacts must comply with the precautionary and intergenerational justice principles. These principles demand that the state not only considers short-term economic benefits, but also long-term ecological impacts for the sustainability of life (Wahanisa & Adiyatma, 2024). In this context, the NSP legal politics ironically flips this order. The law is positioned to serve investment, rather than safeguard sustainability. Here, deconstruction means re-questioning the legal orientation that places human beings above nature. Within the Derridean framework, deconstruction does not only mean dismantling legal texts, but also opening room for alternative interpretation that is more just for the environment. Therefore, the deconstruction of the NSP mining permit is not a destructive act, but rather a hermeneutic effort to return the law into constitutional ethical values that have been neglected by the development regime (Harjiyatni & Anthony, 2022).

The NSP implementation has led to the emergence of a tension between two constitutional paradigms, i.e., the ecological paradigm and the economic paradigm. The

ecological paradigm stands on the green constitutionalism principle, while the economic paradigm is encouraged by capital interests and national growth. This tension can be seen from the permit dualism between the IPPKH and IUP (Mispansyah & Nurunnisa, 2021). Ideally, the IPPKH functions as an ecological control mechanism to ensure that mining activities do not damage forest areas. However, in the practice of NSP, the IPPKH is often subordinated to the interests of investment acceleration through IUP. This condition shows that environmental permits no longer function as an environmental safeguard, but rather as a legal formality to fulfill administrative requirements (Jamin et al., 2023).

The deconstruction of the NSP legal politics cannot be separated from an analysis of Article 33 clause (3) of the 1945 Constitution, which is often used as a basis to legitimize natural resource exploitation. The phrase “controlled by the state” has so far been positivistically interpreted as the government’s full authority to manage resources. However, conceptually, this phrase means public trusteeship rather than state ownership (Rafiqi, 2024). The state does not have natural resources, but bears the mandate to manage such resources for the benefit of the people and natural preservation. This interpretation is in line with Decision of the Constitutional Court No. 001-021-022/PUU-I/2003, which states that state control has a public characteristic rather than an absolute one (Fitriyani, 2024). However, in the NSP practice, this interpretation is reduced into administrative legitimacy to facilitate extractive projects. The green constitution deconstruction must return the meaning of Article 33 to an ethical basis of ecological management that places society and the environment as main subjects, rather than as mere sources of state capital (Imawan & Al Yasir, 2024).

Article 28H clause (1) of the 1945 Constitution, which guarantees every person’s right to a good and healthy environment, has experienced severe marginalization in the implementation of NSP policies. Such a right is not treated as a constitutional right with fundamental right characteristics, but is merely treated as an administrative right that may be negotiated for investment purposes. This happens even though, theoretically, the right for a good and healthy environment is part of the right which exceeds individual ownership and is linked to the survival of future generations (Wahanisa & Adiyatma, 2024). By ignoring such stipulations, the state has created a new form of constitutional injustice in the form of excluding citizens from their ecological rights through developmental regulations. Here, legal deconstruction functions as an effort to re-enforce the supremacy of environmental rights as part of substantive justice that is attached to human dignity.

In Decision of the Constitutional Court No. 35/PUU-X/2012, the Constitutional Court declares that indigenous forests are no longer part of state forests. This Decision not only corrects administrative inequality but also shifts the legal paradigm from state control to the acknowledgement of community and ecological rights (Sedubun, 2020). However, the progressive spirit of this Decision is not internalized in NSP policies. Mining projects in forest areas of Southeast Sulawesi show that state control is still understood within the legal-formal framework, rather than from an ecological-constitutional one. The deconstruction of legal politics must reread the aforementioned Constitutional Court Decision as a jurisprudential tool to enforce the paradigm that places the Constitution as the guardian of ecological sustainability (Dedihasriadi et al., 2025).

The deconstruction of NSP legal politics demands a review of the relationship between environmental law and investment law. The investment law so far places business certainty as the highest norm, while the environmental law is ironically deemed a regulative hindrance (Hijriah & Syam, 2024). This happens even though the sustainable development principle in international law, as stipulated in Rio Declaration 1992 and the 2030 SDGs Agenda, demands an integration between state development and environmental protection. Thus, the deconstruction here refers to shifting the legal priority from an orientation of economic efficiency to the balance of the ecosystem. The state must reject the false dichotomy between “environmental law” and “investment law”, as both are part of the constitutional mandate that equally achieve citizen welfare without sacrificing the sustainability of life (Zhang & Li, 2022).

Therefore, the deconstruction of the NSP permits legal politics based on a green constitution principle is an epistemological project as well as a legal praxis which demands the state’s courage to reinterpret the constitution from a moral-ecological perspective. The law can no longer function as an instrument of growth but must become an instrument of guardianship for the earth (Mancilla, 2023). Deconstruction also means reinforcing the role of the Constitutional Court, State Administrative Court, and civilians as institutional guardians of ecological rights. This way, the green constitution principle does not stop as a normative discourse, but becomes a power of legal transformation that corrects the direction of development, so that it is in line with the ethical, spiritual, and ecological mandates of the nation.

C. Prophetic Justice-Based Reconstruction of the NSP Mining Permit Legal Politics

The prophetic justice-based reconstruction of the national strategic project (NSP) mining permit legal politics is an effort to return the spirit of ethics and spirituality in the national development legal system. This concept rejects the reduction of law into a mere tool of economic rationality and returns its position into a moral vehicle that guides the state's actions (Yanuary, 2024). Prophetic justice, as formulated by Absori and Kelik Wardiono, is rooted in the values of *amar ma'ruf nahi munkar* (encouraging good and preventing evil), which contains three main pillars, i.e., humanization, liberation, and transcendence. In the context of mining permits, these values demand that the law not only stops at procedural certainty but also guarantee ecological justice and social benefit (*maslahah*). Prophetic reconstruction means reinterpreting the legal function so that it does not merely serve economic growth but also safeguard life by making the law an instrument of sustainability (Iksan et al., 2023).

Prophetic justice declares that, in essence, the law is not merely a rational normative system but also a system of values that are rooted in divine moral awareness. In the prophetic paradigm, the state has the spiritual responsibility to protect the earth as a divine mandate (Wirawan, 2021). Therefore, the legal policy on mining permits cannot only be assessed from the administrative legality aspect, but also from the moral and spirituality values it contains. The prophetic justice-based reconstruction of legal politics demands that every mining permit be tested with three ethical questions: Does that policy honor human beings, protect nature, and enforce justice? If one of those elements is ignored, that permit loses its moral legitimacy.

In practice, the prophetic reconstruction rejects a dichotomy between the law and morality. In this case, true justice is only achieved when the law dialogs with transcendental ethical values. This concept is aligned with the thought of Satjipto Rahardjo, who perceived the law not as an inflexible institution, but as a facility to liberate human beings (law as liberation). The law that does not take the side of life is merely an instrument of control (Nafis & Rahmad, 2020). In the NSP context, the law that should protect balance ironically becomes an instrument to legitimize ecological destruction. Because of that, prophetic justice emerges to liberate the law from the shackles of economic positivism and returns its orientation for benefit (*maslahah*). Prophetic law must be sensitive towards social suffering, ecological justice, and the nation's spiritual values (Salurante, 2025).

Prophetic reconstruction also demands a change in paradigm from legal formalism to substantive justice. The legal system that has so far been trapped in procedural legality must be shifted to ethical legality, where justice is not only measured by compliance with regulations

but also by loyalty to the value of humanity and ecological balance (Miller, 2023). The application of prophetic values in mining permits can start from placing IPPKH (*Izin Pinjam Pakai Kawasan Hutan*) as a substantive ethical test. The government must ensure that every mining activity passes a moral-ecological assessment. In this framework, prophetic justice can recover the state's role as guardians of ecological dignity.

Prophetic justice connects the theological, humanistic, and ecological aspects. The theological dimension declares that the law must comply with divine values that reject destruction (*fasad*) in the face of the earth. The humanistic dimension demands the law to side with humanity and protect communities impacted by mines from structural inequality. Meanwhile, the ecological dimension demands harmony between human beings and nature as a basis for the survival of life. These three dimensions form an integral foundation of to reconstruct legal politics (Manalu, 2025). In the NSP context, the prophetic approach demands the presence of law which honors the earth, just like how human beings are honored. Therefore, development is not only measured by economic growth, but from how far it maintains moral, social, and ecological balance.

The implementation of prophetic justice in the mining permit system may start from the green licensing concept, i.e., a licensing concept that orients towards a balance between economic benefits and ecological integrity (Kharisma, 2020). In the prophetic context, licensing is not merely an administrative agreement but rather a moral contract between the state, human beings, and nature. Therefore, the process of granting mining permits must be carried out through a mechanism of prophetic testing by conducting a holistic assessment of the social, spiritual, and ecological impacts. This principle demands that each mining permit is based on the precautionary principle and responsibility in the face of God and human beings (Lutfulloh & Donri, 2021). The government must assess not only the investment and technical feasibility, but also the social benefits of that project. Therefore, the prophetic-based green licensing will place the law as an ethical gate that protects the earth from excessive exploitation and restate the state's function as the protector of life, rather than as the controller of resources.

Apart from that, the prophetic reconstruction also necessitates the application of a licensing model that places sustainability as a substantive requirement (sustainability-based approval). In this model, it is not enough to only submit formal Environmental Impact Assessment documents to obtain a mining permit, as it must be based on sustainability assessments which involve three main parameters, i.e., ecological carrying capacity, social

justice, and social integrity (Cumming et al., 2022). The state must guarantee that mining activities do not lead to ecological deficits or damages that exceed nature's recovery ability. This principle is in line with Articles 28H and 33 of the 1945 Constitution, which oblige the state to sustainably protect life. Sustainability-based approval is not only a technocratic innovation but an ethical reflection of prophetic justice that makes sustainability a constitutional morality that binds the state in every decision to issue permits (Sodikin, 2019).

The third dimension of prophetic reconstruction is the strengthening of community-based monitoring. From the perspective of a prophetic legal paradigm, public participation is not merely a democratic formality, but a manifestation of acknowledgement of values towards human dignity as a constitutional subject. Community-based monitoring of NSP mining permits must be institutionalized through a transparent and inclusive mechanism, where the local community has an ecological veto right to projects that threaten their environment and lives (Samad et al., 2021). This monitoring model implements the prophetic liberation principle, i.e., liberating society from a technocratic hegemony and corporate domination. The state has the obligation to guarantee the people's rights to information and involvement as guaranteed in Law No. 32 of 2009 on Environmental Protection and Management. Therefore, public participation becomes a moral pillar which guarantees that the law not only takes the side of capital but also takes the side of life and ecological justice (Azizah, 2021).

Prophetic justice-based reconstruction of legal politics also assumes the existence of a change in paradigm in the relationship between the state and corporations. So far, that relationship has transactional and legalistic characteristics, where the state has the role of granting permits and corporations have the role as economic implementers (Parningotan & Sari, 2021). The prophetic paradigm demands the reposition of the state as the guardians of the constitutional mandate (trustee) while demanding the reposition of corporations as agents of social responsibility (moral agents). This means that mining corporations must comply with prophetic ethics that not only orient towards profits, but also ecological welfare. The state must strengthen legal instruments, such as eco-taxation, restorative funds, and prophetic audits, which measure the moral and ecological activities of mines. Therefore, the law no longer becomes a tool to justify capital accumulation, but serves as a spiritual mechanism to guarantee harmony between the economy, human beings, and nature (Pambudi et al., 2022).

With this framework, the prophetic justice-based reconstruction of the national strategic project (NSP) mining legal politics is not only an academic project, but a new direction for national legal renewal that rejects the dualism between law and morality, between economy and

ecology, as well as between the state and the people. This paradigm demands that NSP legal policies are based on the principle of transcendence, so that development does not destroy the order of life created by God. The state must make prophetic justice a foundation of new legal formulation that combines environmental sustainability and spiritual welfare. The end goal is not mere economic efficiency, but ecological welfare and the morality of humankind. Only in that way can the law return to its essence, i.e., as an ethical vehicle which protects the earth, honors humanity, and enforces justice as a manifestation of faith and the constitutional responsibility of the nation.

CONCLUSION

The legal politics of the national strategic project (NSP) mining permit in Indonesia shows a shift in orientation from ecological constitutional mandate to exploitative economic legality. The state places the law as an instrument to accelerate investment, rather than as protectors of life. Through a green constitution-based deconstruction, it is found that this inequality is sourced from a narrow interpretation of Articles 28H and 33 of the 1945 Constitution that neglects the dimensions of sustainability and environmental rights. Meanwhile, the prophetic justice approach declares the need for legal reorientation to achieve the values of humanization, liberation, and transcendence, where the law functions to honor human beings and protect the earth. Therefore, the NSP legal politics must be directed to a green licensing model, sustainability-based approval, and community-based monitoring, so that the law no longer serves merely as tools to legitimize exploitation, but as an ethical vehicle to achieve a balance between economy, humanity, and ecology.

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