



Article

Structural Victimization in Mining Downstreaming Policies

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Abstract

The mining downstreaming policy, which is justified as a means to transform Indonesia into a developed and self-reliant nation, needs to be examined from various perspectives. Theoretically, the national economy will grow, and the people will become more prosperous. However, in practice, this policy creates structural and systematic injustices. The objective of this study is to identify the mechanisms and structures that lead to structural victimization within mining downstreaming policies at the regional level. This study is a socio-legal study that views law more in terms of context than text, in the sense that it places the understanding and enforcement of law in conjunction with the social sciences. This approach is used to analyze how law, in the form of policies and regulations, can produce structural injustice or harm. The findings were then analyzed using descriptive-qualitative methods. The results of the study revealed complex and systematic structural injustices occurring in communities surrounding the mine as a result of the mining downstreaming policy. Structural victimization manifests itself in economic inequality, environmental exploitation, exclusive decision-making, socio-cultural shifts within the community, as well as disparities in political power and influence. This study offers a critical perspective calling for policy reforms oriented toward social justice, environmental protection, and sustainability.

A. Introduction

Indonesia is blessed with abundant natural resources, as well as promising geological and mineral resources. According to the 2022–2027 National Mineral and Coal Management Plan, Indonesia ranks first in the world in terms of nickel reserves and production, accounting for 23% of global reserves and 29% of global production¹. Nickel is a key mining commodity that plays a vital role in the global industry, particularly in the production of stainless steel and batteries. With demand continuing to rise, many countries are competing to become the world's largest nickel producer. In addition to nickel, Indonesia is also one of the world's leading coal-producing countries, with a total production of 725 million tons, accounting for 8.3% of global production². The mining sector has long been a significant contributor to government revenue. This is evidenced by the fact that non-tax state revenue (PNBP) from the energy and mineral resources sector in 2023 reached Rp300.3 trillion, or 116% of the set target of Rp259.2 trillion.³

¹ <https://ekonomi.bisnis.com/read/20240828/44/1794432/daftar-10-negara-penghasil-nikel-terbesar-di-dunia-2024> diakses pada 20 Mei 2026

² Data Badan Pusat Statistik Tahun 2024

³ <https://www.esdm.go.id/id/media-center/arsip-berita/tembus-rp3003-triliun-pnbp-sektor-esdm-di-2023-lampaui-target>, diakses pada 16 Oktober 2024



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Indonesia's abundant natural resources, particularly its mineral resources, serve as the foundation for national development, as mandated by the Constitution as set forth in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia "to establish a Government of the Republic of Indonesia that protects the entire Indonesian people and all of Indonesia's territory, and to promote the general welfare, enlighten the life of the nation, and participate in maintaining world order, based on freedom, eternal peace, and social justice."⁴ Thus, social justice serves as the justification for building a just and prosperous society, which is the goal of the Indonesian nation⁵. The nation's next primary task is to perfect and safeguard that independence and to realize it through equitable and democratic development carried out in a gradual and sustained manner⁶.

Currently, Indonesia is actively pursuing economic development by promoting and implementing various investments in the mining sector particularly in nickel across many regions. It is therefore not surprising that in certain regions, such as North Maluku, economic growth in the mining sector is quite high. Investment is one of the ways used to productively grow one's wealth⁷. Investment is one of the economic indicators for improving national economic performance. High levels of investment will boost economic growth. In fact, investment is considered an indispensable necessity in development activities, particularly economic development. The scale of investment in the mining sector has demonstrated significant potential to contribute to driving regional and national economic growth. Furthermore, this sector is also a key contributor to employment, government revenue, and foreign exchange earnings. The factors that investors consider when investing their capital include: natural resources, human resources, political and economic stability, government policies, and ease of obtaining permits.

In 2009, Indonesia, through the Mineral and Coal Mining Law, required the mineral mining industry to process or utilize various commodities including nickel within Indonesia to a certain level of refinement before exporting them to international markets. This law encourages mining companies to build smelters and other infrastructure, thereby increasing tax revenue and creating more jobs. This policy is known as the downstream processing of nickel. This strategy is crucial for Indonesia, which possesses abundant natural resources with the potential to be developed into industrial products that can boost income and improve the well-being of the people.

The Mineral Downstreaming Program launched by the President of the Republic of Indonesia is of critical and strategic importance in adding value to raw materials. This shift in focus from raw materials to refined nickel products enables Indonesia to optimize the use of its natural resources more efficiently and sustainably. Nickel is a key component in the production of lithium-ion batteries for the electric vehicle market. Nickel also plays a vital role

⁴ Fathurrahim dan Nurhayati Chalil, "Integration of the Concept of Archipelagic State and Jou Se Ngofangare Customary Values in the Formation of Marine Policy in North Maluku," *Journal of Legal Contemplation* 1, no. 3 (2025): 167–81, <https://doi.org/10.63288/jlc.v1i3.15>.

⁵ Tri Hayati, "Hak Penguasaan Negara Terhadap Sumber Daya Alam Dan Implikasinya Terhadap Bentuk Pengusahaan Pertambangan," *Jurnal Hukum & Pembangunan* 49, no. 3 (2019): 768, <https://doi.org/10.21143/jhp.vol49.no3.2199>.

⁶ Ferdinand Tharorogo Wau dkk., "Analisis Strategis Kebijakan Hilirisasi Mineral: Implikasi Ekonomi dan Pengaruhnya terhadap Perekonomian Indonesia," *Journal Publicuho* 7, no. 3 (2024): 1215–24, <https://doi.org/10.35817/publicuho.v7i3.481>.

⁷ Irawan Irawan dkk., "Peningkatan Investasi dan Hilirisasi Nikel di Indonesia," *MARAS: Jurnal Penelitian Multidisiplin* 2, no. 1 (2024): 411–21, <https://doi.org/10.60126/maras.v2i1.189>.

in the circular economy due to its high recyclability; the ore can be reused repeatedly without compromising its quality⁸. On the other hand, the implementation of the nickel downstream policy certainly faces a number of challenges. Sometimes a policy fails to deliver the projected results in line with its targets, or proves inefficient because plans and controls aimed at ensuring efficiency are not followed⁹.

The designation of mining areas will not only directly impact communities' land rights both individual and communal but will also have a direct impact on the areas under community management and their access to natural resources. Previous research found that communities near nickel mining areas who chose non-smelter jobs did not perceive the nickel smelter project as a significant driver of community welfare, as the development benefits from this mineral processing industry must offset environmental costs and the loss of certain agricultural and aquaculture opportunities¹⁰. The management of metal mineral mining (nickel) has a positive impact on the communities surrounding the mine by creating jobs, improving the well-being and quality of life of these communities, and providing benefits to the local government, such as local revenue through revenue-sharing funds, which have increased the regency's Regional Revenue and Expenditure Budget (APBD) by billions of rupiah¹¹. However, it cannot be denied that the negative impacts of these mining activities are significant, including environmental damage.

North Maluku serves as the hub for Indonesia's upstream-to-downstream nickel mining industry. This was formalized with the enactment of Presidential Regulation (Perpres) of the Republic of Indonesia No. 109 of 2020, regarding the Third Amendment to Presidential Regulation No. 3 of 2016 on the Acceleration of the Implementation of the National Strategic Project for the Obi Island Industrial Zone, South Halmahera Regency, North Maluku Province. This designation simultaneously reclassifies the industrial zone on Obi Island as a National-Scale Development. The industrial zone, developed by PT Trimegah Bangun Persada (TPB) or Harita Nickel through its entity PT Dharma Cipta Mulia (DCM), is projected to require an investment of Rp 31.32 trillion. Previously, tenant companies or affiliates namely PT Gane Permai Sentosa, PT Halmahera Jaya Feronikel, and PT Megah Surya Pertiwi (MSP) were already in operation, along with another partner company, PT Halmahera Persada Lygend (HPAL). MSP operates a smelter with a production capacity of 240,000 tons of ferronickel (FeNi) per year across four production lines¹². Nevertheless, there are several systematic mechanisms at play that prevent the public from realizing that government policies regarding mining downstream activities in their region involve structural victimization.

In line with mining investment activities in the North Maluku region, particularly on Obi Island in South Halmahera, the economic structure which was originally dominated by the agriculture and fisheries sectors has shifted toward the mining and processing industries. Data

⁸ Roopali Phadke, "Green nickel, electric vehicles and mining governance challenges in the U.S.," *Extractive Industries and Society* 18, no. April (2024): 101469, <https://doi.org/10.1016/j.exis.2024.101469>.

⁹ Indra Kristian, "Kebijakan Publik Dan Tantangan Implementasi Di Indonesia," *Jurnal Dialektika: Jurnal Ilmu Sosial* 21, no. 2 (2023), <https://doi.org/https://doi.org/10.63309/dialektika.v21i2.155>.

¹⁰ Ali Rahmat Kurniawan dkk., "Appraising affected community perceptions of implementing programs listed in the environmental impact statement: A case study of Nickel smelter in Indonesia," *Extractive Industries and Society* 8, no. 1 (2021): 363–73, <https://doi.org/10.1016/j.exis.2020.11.015>.

¹¹ Sahrina Safiuddin dkk., "Upaya Administratif sebagai Instrumen Mewujudkan Penyelenggaraan Pemerintahan yang Baik Bagi Masyarakat," *Halu Oleo Law Review* 6, no. 2 (2022): 208–17, <https://doi.org/10.33561/holrev.v6i2.6>.

¹² Data KPPIP (Komite Percepatan Penyediaan Infrastruktur Prioritas) <https://kppip.go.id/>

from the Central Statistics Agency shows that North Maluku's economic growth is the highest in Indonesia, driven by the nickel downstream industry. In the second quarter of 2024 compared to the first quarter of 2024, growth reached 6.89 percent. In terms of production, the Manufacturing Sector recorded the highest growth at 18.52 percent¹³.

Although the government touts its downstream processing program as a national solution to boost the economy and increase regional prosperity, this policy has, on the other hand, widened the gap. Several mechanisms operating systematically and deeply as a result of government policies and mining companies have subjected the communities on Obi Island to structural victimization. Unwittingly, local communities have long been trapped in a dynamic of power that continuously marginalizes them within the framework of policy structures and broader economic interests. Unlike previous studies, this research aims to examine how structural victimization manifests within Indonesia's nickel mining downstreaming policies.

Previous studies on Indonesia's nickel downstream policy have primarily focused on its economic, legal, environmental, and governance dimensions. Existing research has examined the contribution of downstream industrialization to economic growth, employment creation, state revenue, regional development, and investment attractiveness, while other studies have emphasized environmental degradation, regulatory effectiveness, and community welfare surrounding mining areas. Although these studies provide important insights into the consequences of nickel downstreaming, they generally treat affected communities as stakeholders or beneficiaries of development policies rather than as victims of structural injustice. Consequently, there remains limited scholarly attention to how state policies, institutional arrangements, and the interaction between government and corporate actors systematically produce conditions that marginalize local communities. The mechanisms through which legal frameworks, licensing systems, and development policies institutionalize unequal power relations and generate structural victimization have not been comprehensively examined, particularly within the context of Indonesia's nickel downstreaming agenda in North Maluku.

This research addresses that gap by positioning nickel downstreaming not merely as an economic or environmental policy, but as a legal and socio-political process capable of generating structural victimization. Accordingly, the central research question is: How does Indonesia's nickel downstreaming policy produce structural victimization of local communities, and through what legal and institutional mechanisms is such victimization reproduced? By employing the theoretical perspective of structural victimization, this study offers a new analytical framework for understanding the hidden victims of development-oriented mining policies beyond conventional discussions of environmental impacts or social conflict. The novelty of this research lies in integrating structural victimology with the legal analysis of mining downstream policies, thereby revealing forms of victimization embedded within state policies, governance structures, and institutional practices. In doing so, this study contributes to the advancement of victimology, mining law, and socio-legal scholarship by expanding the concept of victims beyond direct physical or environmental harm to include communities disadvantaged by unequal legal and policy structures. Furthermore, the findings are expected to provide a conceptual foundation for developing more socially just and victim-oriented mining governance in Indonesia

¹³ Badan Pusat Statistik, <https://malut.bps.go.id/>

B. Methodology

The primary objective of this study is to identify the mechanisms and institutional structures that produce structural victimization within the implementation of the nickel downstream mining policy on Obi Island, South Halmahera, North Maluku. To achieve this objective, the study adopts a socio-legal research approach that integrates legal analysis with perspectives from the social sciences.¹⁴ Rather than focusing solely on the normative content of legal rules, this approach examines how legal norms, public policies, and institutional practices operate in their social context and how they contribute to patterns of structural injustice and victimization experienced by affected communities.

The research employs a descriptive-qualitative design to provide an in-depth understanding of the relationship between legal regulation, institutional governance, and the social impacts of nickel downstream industrialization.¹⁵ Obi Island was selected as the research site because it represents one of Indonesia's strategic centers for nickel downstream development, where rapid industrial expansion has generated significant legal, social, environmental, and governance issues.

The study utilizes both primary and secondary data. Primary data were collected through semi-structured interviews with relevant stakeholders, including government officials, representatives of mining companies, community leaders, local residents, and civil society organizations directly affected by the implementation of the downstream policy. Where appropriate, field observations were also conducted to complement the interview findings and to capture the actual socio-legal conditions within the research area. Secondary data consist of legislation, government policy documents, court decisions, academic literature, official reports, and other relevant documentary sources concerning mining governance, downstream industrialization, and structural victimization.

Data were collected through document analysis, interviews, and field observations, and subsequently analyzed using descriptive-qualitative methods. The analytical process involved data reduction, data categorization, thematic interpretation, and triangulation between legal documents and empirical findings to enhance the validity and credibility of the research. This methodological framework enables the study to examine not only the legal framework governing nickel downstream policies but also the manner in which those policies are implemented in practice and their implications for structural victimization within the affected communities.¹⁶

C. Results and Discussion

The scope of victimization has expanded to include illegal abuses of public power, such as violations of human rights and the abuse of authority by those in power, as well as illegal abuses of economic power and other forms of structural victimization, such as discrimination

¹⁴ Sulistyowati Irianto dkk, *Kajian Sosio Legal* (Pustaka Larasan bekerjasama dengan Universitas Indonesia Universitas Leiden Universitas Groningen, 2012, Denpasar, hlm 2

¹⁵ Irwansyah, *Penelitian Hukum, Pilihan Metode dan Praktif Penulisan Artikel*, Edisi revi (Mirra Buana Media, 2020). Jakarta, hlm 182-183

¹⁶ Zainudin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2019).

in legislation, inequity within legal institutions and systems, and in the creation and application of the law.¹⁷

Structural victimization is related to social structures and specific social elements and often does not directly or immediately cause mental, physical, or social suffering. Certain social elements can lead to structural victimization. Arif Gosita identifies social elements consisting of:¹⁸

- a. Interests
- b. Social institutions
- c. Social values
- d. Norms
- e. Status
- f. Roles.

Social elements influence people to commit or perpetuate victimization related to specific social structural elements in their environment; in other words, social elements play a role in supporting or reinforcing structures that create and maintain practices of injustice. Victims are often unaware of this because it seems like a natural part of life. Even if they later become aware of it, victims are unable to seek justice because the perpetrators belong to a more powerful and influential group.

The process of victimization in the nickel mining downstream policy on Obi Island is structured and systematic. The following is an overview of mining on Obi Island, accompanied by an analysis of structural victimization in terms of economic inequality, environmental exploitation, injustice in decision-making, socio-cultural shifts within the community, and disparities in political power and influence.

Existing Mining Operations on Obi Island

Obi Island is one of the largest islands in South Halmahera Regency. There are five subdistricts on Obi Island: South Obi, Obi, West Obi, East Obi, and North Obi. South Obi Subdistrict has the largest area in South Halmahera, covering 1,083.48 km².

Topographically, the main island of Obi is generally a hilly area with a short coastline. The hilly terrain means that the main island of Obi has many springs and rivers that originate in the hills. Additionally, on the western part of Obi Mayor Island lies Lake Kapi, the largest lake on Obi Island. In the past, cloves and coconuts were the main commodities on Obi Island, and the fisheries sector was also heavily relied upon.

Currently, many mining companies are investing in Obi Island. The commodities and the area of mining concessions on Obi Island are shown in the following table:

¹⁷ Fathurrahim dan Tri Syafari, "Building Law Enforcement with Character Ulil Albab: Reflection of Godly Values in The National Legal System," *Journal of Legal Contemplation* 1, no. 2 (2025): 84–95, <https://doi.org/10.63288/jlc.v1i2.8>.

¹⁸ Arif Gosita, *Masalah Korban Kejahatan* (Bhuana Ilmu Populer, 2004).

Table 1. Area of Mining Concession Permits on Obi Island

No	Type of Permit	Business Entity	Company Name	Activity	Commodity	Decree Area
1	IUP	PT	Aneka Tambang Resources Indonesia	Production Operation	Nickel	607.88
2	IUP	PT	Anugrah Bukit Besar	Production Operation	Nickel	853.60
3	IUP	PT	Bela Sarana Permai	Production Operation	Iron Sand DMP	4.290
4	IUP	PT	Budhi Jaya Mineral	Production Operation	Limestone	4.711
5	IUP	PT	Cita Karya Sejahtera	Exploration	Limestone	1,146
6	IUP	PT	Indonesia Mas Mulia	Production Operation	Gold DMP	4.800
7	IUP	PT	Gane Permai Sentosa	Production Operation	Nickel DMP	1.276.99
8	IUP	PT	Gane Tambang Sentosa	Production Operation	Nickel	2.314
9	IUP	PT	Halim Pratama	Production Operation	Nickel	1.317
10	IUP	PT	Intim Mining Sentosa	Production Operation	Nickel DMP	3.185
11	IUP	PT	Intim Mining Sentosa	Production Operation	Nickel	1.935
12	IUP	PT	Jikodolong Megah Pertiwi	Production Operation	Nickel DMP	1.884.84
13	IUP	PT	Mineral Perkasa Sentosa	Production Operation	Gabbro	58.64
14	IUP	PT	Mulia Putra Sejahtera	Production Operation	Nickel	2.967.75
15	IUP	PT	Obi Anugerah Mineral	Production Operation	Nickel	1.775
16	IUP	PT	Obi Mayor Nusantara	Production Operation	Limestone for Industry	3.153
17	IUP	PT	Obi Putra Mandiri	Production Operation	Nickel DMP	4.058
18	IUP	PT	Rimba Kurnia Alam	Production Operation	Nickel	1.800
19	IUP	PT	Serongga Sumber Lestrai	Production Operation	Nickel DMP	2.229.58
20	IUP	PT	Tri Megah Bangun Persada	Production Operation	Nickel	4.247
21	IUP	PT	Wanatiara Persada	Production Operation	Nickel	1.725.54
Total						50.336.22

Source: WALHI North Maluku Data, 2023

Based on the data above, it is evident that nickel is a key commodity in the mining and industrial sectors on Obi Island. The large number of companies investing on Obi Island indicates the massive scale of exploration and exploitation activities aimed at meeting both domestic and global demand for nickel. According to the 2024 South Halmahera in Figures report, Obi Island has a total area of 3,048 km². When compared to the combined area of the 21 mining concessions as detailed in the table above, approximately 16% or one-sixth of Obi Island's total land area is currently designated as mining concession areas. Although the proportion of the concession area relative to the total land area of Obi is not particularly large, the environmental damage caused by the encroachment of these mines is already evident and increasingly alarming.

Economic Marginalization

A blessing and a curse. This phrase aptly captures the context of mining investments on Obi Island. In accordance with the mandate of the 1945 Constitution of the Republic of Indonesia, the welfare of the people is the primary objective of natural resource management. Downstreaming policies are akin to a trap of structural victimization. To explain the phenomenon of the marginalization of the local population on Obi Island in relation to globalization as a movement, we can draw on the dependency theory, which states that underdevelopment is the result of economic exploitation of underdeveloped regions by advanced metropolitan capitalism. Frank offers an intriguing phrase for this process: "development of underdevelopment." According to him, development and underdevelopment are not merely relative and quantitative, but also "relational and qualitative" because they are "structurally different." The same capitalist mechanisms produce development or progress at the center and underdevelopment on the periphery¹⁹. As a developing country, Indonesia is trapped in the role of meeting the needs of developed nations. This presents a dilemma. The role it plays in serving the global market actually gives rise to new problems at the local level.

Growth in the mining sector often overlooks local non-mining sectors such as agriculture and fisheries. This imbalance has also been studied by Anthony Ennin and Emmanuel, who found that large-scale mining has a negative impact on the agricultural sector due to land degradation and a decline in the agricultural workforce. Consequently, this leads to spikes in local food prices and reduced farmer incomes, which in turn slows economic growth in the long term²⁰.

The expansion of the mining industry on Obi Island has clearly marginalized the role of indigenous communities and farmers. Many residents report losing access to their farmland and traditional livelihoods such as farming and gardening. Productive lands have been seized for the construction of mining facilities and infrastructure supporting downstream processing.²¹ This situation underscores the existence of structural inequalities that perpetuate the role of local communities as the party that is consistently disadvantaged in the dynamics of development based on the extraction of natural resources.

¹⁹ Suraya Afiff, "Antropologi dan Persoalan Perubahan Iklim: Perspektif Kritis Ekologi Politik," *Jurnal Antropologi: Isu-Isu Sosial Budaya* 24, no. 1 (2022): 109–18, <https://doi.org/10.25077/jantro.v24.n1.p109-118.2022>.

²⁰ Anthony Ennin dan Emmanuel A. Wiafe, "The impact of mining foreign direct investment on economic growth in Ghana," *Cogent Economics and Finance* 11, no. 2 (2023), <https://doi.org/10.1080/23322039.2023.2251800>.

²¹ Bambang Hutagalung, Pulau Obi Rusak Akibat Tambang Nikel: Siapa yang Bertanggung Jawab, <https://suarabatakapanuli.com/2025/05/28/pulau-obi-rusak-akibat-tambang-nikel-siapa-bertanggung-jawab/>, diakses tanggal 20 Mei 2026

Environmental Exploitation

Mining activities are always intertwined with the environment. The environment serves as a space where living organisms interact to form a web of life. In environmental management, the principle of sustainability is essential for environmental conservation. Good environmental management is a manifestation of long-term development efforts aimed at improving quality of life²². The environmental issues faced by each region depend on environmental conditions that are influenced by human activities within that region²³. It is a natural fact that humans will always be dependent on the environment. Humans act upon the environment and receive a response from it. Mismanagement of the environment leads to environmental degradation, meaning a decline in the environment's ability to support human well-being because its carrying capacity is no longer optimal for human life²⁴. Natural systems are characterized by constant change, and if humans attempt to stabilize nature for their own benefit, this will lead to stability in the short term but disaster in the long term.

As reported by Mongabay on its environmental news website, mining activities on Obi have had a direct impact on the environment. There has been a decline in the quality of the terrestrial environment and the marine waters around Obi. In his research, Aris issued an early warning regarding heavy metal pollution in the waters around Obi, South Halmahera. Water quality in the waters around Obi Island shows signs of contamination, and these pollutants have even accumulated in marine life such as clams and fish. Marine life exposed to heavy metals is at great risk because heavy metals are toxic and can endanger the surrounding community²⁵. Given that heavy metals are difficult to degrade, they easily accumulate in the environment and aquatic life, and their presence is naturally difficult to eliminate.

Meanwhile, the coastline of Obi Island also faces a serious threat due to the construction of port infrastructure supporting mining operations. According to monitoring by WALHI North Maluku, during the 2015–2023 period, there was a land area change of 11.85 percent, or 1.48 percent per year. The total area of coastal forests and mangrove forests converted during the 2012–2023 period was 491.93 hectares, or 23.15 percent over 11 years. If mangrove and coastal forests are depleted, this will undoubtedly impact marine life itself. Yet, as we know, mangroves serve as a means of mitigating climate change, reducing coastal erosion, and protecting against the threat of tidal waves²⁶.

The use of coal as an energy source and in smelting plants in the Obi Island industrial zone has also raised a number of issues. Data from the Kawasi Community Health Center (Polindes) shows that between 2021 and 2022, there were 1,530 cases of acute respiratory infections (ARI)²⁷. During those two years, 303 infants aged 0–1 month visited the Polindes.

²² Dinda Riskanita dan Yeni Widowaty, "Upaya Pemerintah Daerah Mengatasi Kerusakan Lingkungan Akibat Alih Fungsi Lahan Berdasarkan Konsep Negara Kesejahteraan," *Supremasi Hukum: Jurnal Penelitian Hukum* 28, no. 2 (2019): 123–35, <https://doi.org/10.33369/jsh.28.2.123-135>.

²³ Rahmatia Salsabil dkk., "Kerusakan Ekosistem Akibat Penambangan Pasir di Kawasan Gunung Merapi Kabupaten Sleman, Yogyakarta," *Jurnal Ekologi, Masyarakat dan Sains* 5, no. 1 (2024): 122–29, <https://doi.org/10.55448/jbn5pr88>.

²⁴ Indang Dewata dan Yun Hendri Danhas, *Toksikologi Lingkungan (Konsep dan Aplikatif)* (Rajawali Press, 2021).

²⁵ Tamrin Tamrin dan Muhammad Aris, "Early Warning of Heavy Metal Pollution in the Waters of Obi Island Based on Plankton Elements," *Jurnal Ilmiah PLATAX* 10, no. 1 (2022): 55, <https://doi.org/10.35800/jip.v10i1.37329>.

²⁶ Syahrudin Ode Mantra dkk., "Mangrove Community Structure in West Madapolo Village, North Obi District, South Halmahera Regency," *Jurnal Ilmiah PLATAX* 11, no. 2 (2023): 720–30, <https://doi.org/10.35800/jip.v11i2.49712>.

²⁷ <https://www.mongabay.co.id/2023/11/09/kala-kawasan-industri-nikel-pulau-obi-bertumpu-pada-energi-batubara-1/>, diakses pada tanggal 20 Mei 2026

As we know, coal combustion poses toxicity risks by increasing air pollution, which inevitably endangers public health²⁸.

If the health impacts of coal combustion represent a form of direct victimization of the community's bodies, then the ecological damage in mining areas signifies a broader and more systemic form of structural victimization of their living spaces. Research on biodiversity degradation in the laterite nickel mining areas of Obi Island, North Maluku, reveals significant ecological impacts resulting from downstream processing activities.²⁹ The loss of endemic species and the degradation of coastal ecosystems not only signify environmental damage but also constitute a form of structural victimization against local communities whose livelihoods depend on the sustainability of these resources. Within the legal framework of development, this reflects the state's failure to ensure ecological protection and the right to life for communities in a just manner.

The Indonesian government's ambitious plans to develop electric vehicles powered by nickel-based batteries pose a threat to the livelihoods of local communities on Obi Island. The ecological threats facing these small islands have become a global issue and represent a serious danger to the communities living in the vicinity of the mines, directly impacting their lives.

It is time for the government to strengthen regulations in the mining and environmental sectors. Environmental law enforcement must be fully implemented by imposing stricter penalties on companies that disregard environmental protection principles. A rigorous monitoring system is also essential to prevent further damage.

Inequity in Decision-Making

Public participation in the mining sector in Indonesia is receiving increasing attention. As a sector that intersects with people and the environment, the mining sector recognizes the importance of involving communities in decision-making and the implementation of policies that impact their lives. This has also led to the understanding that the success of the mining sector depends not only on technical and economic factors, but also on the support, involvement, and interests of surrounding communities.

Encouraging public participation in the mining sector offers significant benefits. First, it enhances transparency and accountability within the industry. Second, it reduces the potential for conflict and strengthens trust among various stakeholders. Third, it leads to policies and decisions that are aligned with the aspirations of the community.

The political and bureaucratic elites classify minerals such as nickel as strategic resources of high economic value, and therefore believe they must be controlled and managed regardless of the long-term impact on the region's ecological systems and its socio-cultural environment.³⁰

²⁸ Muhammad Mohsin dkk., "Economic Growth , Social Interaction , and Public Health : An Application of Semi-Quantitative Mathematical Approach," *Mdpi*, 2021.

²⁹ Retno Dewi Handayani dkk, Keanekaragaman Hayati Kawasan Nikel Laterit Studi: Pertambangan Nikel Pulau Obi, Maluku Utara, Prosiding TPT XXX Dan Kongres XI PERHAPI 2021. <https://perhapi.or.id/wp-content/uploads/2025/02/PROSIDING-TPT-XXX-PERHAPI-2021.pdf>

³⁰ Rahmat Syarif dkk., "Post-release Juvenile Offender at the Special Development Institute for Children in the Perspective of Sociology of Law," *Journal of Legal Contemplation* 1, no. 1 (2025): 37–45, <https://doi.org/10.63288/jlc.v1i1.4>.

According to Arif Gosita, victimization does not only affect individual victims but can also involve specific social structures. Victimization of social structures is commonly referred to as Structural Victimization³¹. The local community on Obi Island is relegated to the lowest rung of the social hierarchy, with no right to engage in meaningful negotiations regarding any policies adopted by the local or central government. Resignation has become their only option.

Mining policies must be inclusive and take into account the interests of all parties, especially local communities, as they are the ones who will directly feel the impact of mining operations. When communities are involved, the decisions made reflect their needs, aspirations, and expectations. This will also enhance the legitimacy of the policies in the eyes of the local community. In reality, it is primarily the village elites, along with company representatives and government officials, who play the most significant roles in negotiation processes and the like.

In his study of environmental justice, Schlosberg (2004) asserts that justice must not only be viewed from the perspective of distributive justice such as the sharing of benefits and burdens but must also encompass procedural justice, namely community involvement in the decision-making process, as well as recognition of the identity and rights of affected groups (recognition justice).³² All three dimensions of justice appear to have been consistently overlooked in the implementation of mining downstream activities on Obi Island. Economic inequality and the disregard for sociocultural sustainability reflect the state's failure to achieve comprehensive environmental justice.

Socio-Cultural Shifts in the Community

The arrival of a mine in a region often brings significant changes to the social and cultural fabric of the local community. As cited by Lubis and Firdaus, Nanang Martono notes that social change includes shifts in age distribution, birth rates, and a decline in the sense of community among members of society as a result of urbanization and modernization. Cultural change is far broader in scope than social change. Cultural changes involve many aspects of life, such as the arts, science, technology, rules of organized living, and philosophy. Social and cultural changes occur within societies that do not possess a culture, and conversely, culture cannot exist without a society³³.

When a mining operation moves into an area, it triggers massive spatial transformation. To carry out extraction activities, the land must be cleared of property, people, and their homes. Extensive land acquisition is required to expand the operational area. This leads to increased migration, which results in the decline of local communities³⁴.

The mining downstream project has transformed the way of life for the people of Obi Island. In the past, the people of Obi Island spent their days farming, tending to plantations such as cloves and coconuts, and many worked as fishermen; now, they have shifted toward

³¹ Arif Gosita, *Masalah Korban Kejahatan*, Cetakan I (Akademika Pressindo, 1993).

³² David J. Hess, Rachel G. McKane & Caroline Pietzryk (2022) End of the line: environmental justice, energy justice, and opposition to power lines, *Environmental Politics*, 31:4, 663-683, DOI: [10.1080/09644016.2021.1952799](https://doi.org/10.1080/09644016.2021.1952799)

³³ Lubis Hermanto dan Firdaus, "Dampak Sosial Ekonomi Masyarakat Terhadap Aktivitas Pertambangan Batu Marmer Di Kelurahan Oi Fo'O Kota Bima," *Jurnal Komunikasi dan Kebudayaan* 8, no. 2 (2023): 69–85, <https://doi.org/10.59050/jkk.v8i2.51>.

³⁴ Irene Mwakesi dkk., "Mining impact on communities' livelihoods: A case study of Taita Taveta county, Kenya," *AIMS Environmental Science* 7, no. 3 (2020): 286–301, <https://doi.org/10.3934/environsci.2020018>.

an industrial way of life to keep pace with the times. As one of the mining hubs in North Maluku, Obi has become a destination for migrants from outside the region seeking their fortune, leading to a significant increase in the local population. This, in turn, inevitably impacts the lives of the local community, making their livelihoods increasingly competitive.

Power Imbalances and Political Influence in Mining Downstream Policy

The mining industry, which is essentially part of a conglomerate network and has strong access to capital, networks, and technology, often creates inequality and power imbalances. Under these conditions, local communities and regional governments do not have an equal footing in strategic decision-making regarding their own resources. It is nothing new that an oligarchic system is at play in the mining industry. The ruling elite are heavily involved in collaborating within the mining resource extraction chain in Indonesia, and North Maluku is no exception.

The people of Obi have also fallen victim to repressive forms of power in the guise of the law. According to JATAM's monitoring, to date, 35 residents have been charged under various criminal statutes ranging from allegations of vandalism to defamation—simply for defending their livelihoods.³⁵ This phenomenon demonstrates how the law no longer acts as a guardian of justice, but rather as a tool of repression that legitimizes the interests of extractive industries. In this context, criminalization is the most visible manifestation of structural victimization, in which politically and economically vulnerable communities are not only marginalized but also criminalized for voicing their opinions.

The central government has designated downstream processing as a national policy. Under the centralized Mining Law and Job Creation Law regime, it mandates local governments to strictly adhere to national policy directives and permits issued by the central government. In the author's view, national laws and regulations are indeed designed to require local governments to implement downstream processing. This is what Satjipto Rahardjo meant when he stated that the law has now become a tool heavily laden with political interests.³⁶ Roberto Unger, in his critical legal theory, argues that "the more justice is sacrificed for the sake of regulatory logic, the wider the gap becomes between the government's law and the public's sense of justice; ultimately, the law loses its clarity, as well as its legitimacy in the eyes of the public"³⁷

In this context, the local community of Obi Island views the law as no longer reflecting the values of justice it should uphold. In the name of economic order, the local community's voices of opposition are never taken into account; even the local government is bound to comply with central government policies rather than accommodate the community's aspirations.

The Mining and Mineral Resources Law, as a regulatory framework that strictly mandates downstream processing of mining products, is like a double-edged sword: on one hand, it justifies economic sustainability, but on the other, it accelerates the exploitation of natural resources with massive environmental damage. Furthermore, social and environmental

³⁵ JATAM Soroti Harita Group: Bisnis Ekstraktif Ancam Lingkungan <https://parboaboa.com/jatam-soroti-harita-group>, diakses pada 20 Mei 2026

³⁶ Satjipto Raharjo, *Sosiologi Hukum, Perkembangan Metode dan Pilihan Masalah* (Universitas Muhammadiyah Press, 2004).

³⁷ Roberto M Unger, *Teori Hukum Kritis (Posisi Hukum dalam Masyarakat Modern)*, Cetakan V (Nusa Media, 2011).

obligations in mining management must be understood as primary aspects and the main basis for the government's evaluation of a company's sustainability and viability.

D. Conclusion

The process of victimization in nickel mining downstream policies reflects a complex and systematic pattern of structural injustice. By focusing policies on resource exploitation, the collaboration between the government and corporations has exacerbated economic disparities and created deeper injustices for local communities. Ecosystems damaged by mining illustrate environmental exploitation that causes direct harm to residents' livelihoods, most of whom depend on nature. Furthermore, the lack of fairness in decision-making underscores that local communities are often sidelined from processes that affect their daily lives. Shifts in social and cultural values, caused by the influx of the mining industry, alter community dynamics, erode cultural identity, and dissolve long-standing social bonds. This is compounded by the power imbalance between local stakeholders and corporations or the government. This situation creates a system in which local communities become victims in a nearly unbroken cycle. In short, these downstream policies, which are not grounded in justice and sustainability, perpetuate structural victimization, disregard the rights and needs of communities, and widen socio-economic disparities.

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