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The Political-Business Nexus Behind Priority Mining Area Allocations (WIUPK) for Religious Organizations: An Analysis of Government Regulation Number 25 of 2024

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ABSTRACT

The allocation of Special Mining Business License Areas (WIUPK) to business entities owned by religious organizations under Government Regulation Number 25 of 2024 has generated debate regarding the interactions among state authority, political interests, civil society organizations, and business actors. This study aims to examine the political process underlying the formulation of Government Regulation Number 25 of 2024, particularly Article 83A, and to analyze the relationships among state actors, political elites, religious organizations, and business interests through the theoretical perspectives of state capture, the business-politics nexus, and civil society. This study employed a qualitative approach using a document analysis design. Data were collected from laws and regulations, official government documents, academic publications, institutional reports, and relevant media sources. The data were analyzed using the interactive model developed by Miles, Huberman, and Saldaña, supported by source and theoretical triangulation. The findings reveal that Government Regulation Number 25 of 2024 was formulated through an executive regulatory process that combined provisions granting priority access to WIUPK for religious organizations with other provisions benefiting large-scale mining license holders. The study also identifies patterns of interest exchange among state actors, political elites, religious organizations, and business interests that exhibit characteristics consistent with state capture, although it does not establish definitive evidence regarding the motives of the actors involved. This research highlights the importance of transparency, public participation, and stronger accountability mechanisms in the formulation of strategic natural resource policies.

INTRODUCTION

Natural resource governance has become a critical global issue because the management of strategic resources, particularly minerals and energy commodities, is closely associated with economic development, political authority, environmental sustainability, and public welfare (Schneider, 1997; Domínguez-Gómez & González-Gómez, 2021). Countries with abundant natural resources often face complex governance challenges, including unequal resource distribution, weak institutional accountability, conflicts of interest, and the influence of political and economic elites on policymaking processes. From a global political economy perspective, natural resource governance is not merely an administrative process but also reflects the interactions among state institutions, private interests, and societal actors in

determining who gains access to strategic resources (Kativu & Oskarsson, 2021). Therefore, transparency, accountability, and public participation have become essential principles for ensuring that resource allocation policies serve the broader public interest rather than the interests of specific groups (Ndou & Sebola, 2014).

The mining sector represents one of the most strategic areas of global resource governance because minerals and coal remain important commodities that support industrial development, energy security, and economic growth. However, mining governance frequently encounters challenges related to regulatory capture, elite networks, and unequal access to natural resources. The concept of state capture, introduced by Hellman, Jones, and Kaufmann, explains how powerful groups may influence the formulation of state rules and policies to secure particular advantages. (Hellman et al., 2000; Damonte, 2021) Unlike conventional corruption, which typically involves illicit transactions within established institutional rules, state capture emphasizes the process through which institutional arrangements, regulations, and policymaking mechanisms may be shaped by networks of political and economic interests. This perspective has become increasingly relevant to understanding natural resource governance, in which decisions concerning licenses, concessions, and regulatory frameworks determine the distribution of economic benefits (Szoke-Burke & Werker, 2021).

Indonesia provides an important context for examining these dynamics because the country possesses significant mineral and coal resources that contribute substantially to national economic development (Kaufmann & Vicente, 2011). The government has continuously sought to reform mining governance through regulatory adjustments aimed at improving investment certainty, licensing efficiency, and downstream industrial development. One such regulatory change was Government Regulation Number 25 of 2024, which amended Government Regulation Number 96 of 2021 concerning the Implementation of Mineral and Coal Mining Business Activities. Normatively, the regulation was intended to simplify licensing mechanisms, strengthen legal certainty, and improve mining sector governance. However, it attracted considerable public attention because it introduced Article 83A, which provides for the priority offering of Special Mining Business License Areas (WIUPK) to business entities owned by religious organizations (Camba, 2021).

The involvement of religious organizations in mining governance represents a significant shift in the relationship between civil society and the state (Wilson et al., 2021). Traditionally, religious organizations in Indonesia have played important roles as social institutions providing education, welfare services, and public advocacy. However, under the WIUPK policy, religious organizations are positioned not only as social actors but also as potential economic beneficiaries of state policy. This transformation raises questions about the changing role of civil society organizations, particularly whether their involvement in strategic economic sectors strengthens community empowerment or creates new forms of dependency among social organizations, political authorities, and business interests. The government has framed this policy as part of an economic empowerment initiative for religious communities, while critics have raised concerns regarding governance risks, conflicts of interest, and institutional accountability (Salari & Noghanibehambari, 2021).

The debate surrounding Government Regulation Number 25 of 2024 has generated considerable academic and public discussion. Several concerns have emerged regarding the compatibility of the regulation with existing mining governance principles. Critics argue that the policy may create legal uncertainty because Law Number 3 of 2020 concerning Mineral and Coal Mining establishes specific mechanisms for obtaining a Special Mining Business License (IUPK), particularly through auction procedures applicable to private business entities. In addition, the timing of the regulation's issuance, shortly after the confirmation of the results of the 2024 presidential election, has prompted discussion regarding possible political considerations underlying the policy formulation process. These debates demonstrate that the

WIUPK policy cannot be examined solely from legal or economic perspectives but also requires an analysis of political relationships, institutional structures, and interactions among relevant actors.

Previous studies have examined different dimensions of mining access policies for religious organizations. (Suheri, 2025) investigated political patronage in the granting of mining permits to Nahdlatul Ulama, emphasizing the relationship between political support and resource allocation. (Fanani & Budiman, 2024) examined the moral dilemmas associated with religious organizations' involvement in mining activities from an Islamic ethical perspective. Meanwhile, (Miliasari et al., 2025) focused on ecological justice challenges arising from the legalization of mining access and its implications for environmental governance. These studies provide important perspectives on the political, religious, and ecological dimensions of the WIUPK policy.

Nevertheless, existing studies have not sufficiently explained how Government Regulation Number 25 of 2024 was formulated or how relationships among state actors, political elites, religious organizations, and business interests influenced the emergence of the regulation. Previous research has primarily focused on the consequences of and debates surrounding mining access, while limited attention has been directed toward the regulatory formulation process itself. This limitation creates a research gap concerning the mechanisms through which strategic natural resource policies are formulated and the ways in which political-economic configurations shape regulatory outcomes.

This research is important because regulations governing access to strategic natural resources have long-term implications for governance, economic distribution, and public trust. Understanding the political processes underlying the formulation of mining regulations is essential for evaluating whether policymaking mechanisms sufficiently accommodate transparency, accountability, and inclusive participation. The issue becomes particularly significant when civil society organizations, which traditionally function as institutions of social oversight, become direct beneficiaries of state resource policies. The relationships among state authorities, political interests, business actors, and religious organizations therefore require deeper examination to understand the changing boundaries between civil society and economic power.

The novelty of this study lies in its analysis of Government Regulation Number 25 of 2024 not merely as a mining policy instrument but as a product of political rulemaking examined through the theoretical frameworks of state capture, the business-politics nexus, and civil society. Unlike previous studies that primarily discuss political patronage, religious morality, or ecological justice, this research examines the configurations of power, institutional arrangements, and relationships among actors underlying the formulation of priority WIUPK allocation policies. By focusing on the regulatory formulation process, this study contributes to a broader understanding of how strategic resource governance may be influenced by interactions among political, social, and economic actors.

Therefore, this study aims to examine the political process underlying the formulation of Government Regulation Number 25 of 2024, particularly Article 83A concerning the priority allocation of WIUPK to business entities owned by religious organizations. This research seeks to analyze how relationships among state actors, political elites, religious organizations, and business interests shaped the direction of the policy. Using a qualitative document analysis approach, this research contributes to the political economy literature on natural resources by providing insights into regulatory formulation, power relations, and governance accountability. The findings are expected to contribute academically to research on resource politics and practically to policymaking by informing the development of more transparent, participatory, and accountable natural resource governance frameworks.

METHOD

This study employed a qualitative approach using a document analysis design. The analysis focused on the political process underlying the formulation of Government Regulation (PP) No. 25 of 2024, which amended PP No. 96 of 2021, particularly the provisions concerning the priority allocation of Special Mining Business License Areas (WIUPK) to business entities owned by religious mass organizations (ormas). The data comprised primary and secondary sources. Primary sources included PP No. 25 of 2024, PP No. 96 of 2021, Law No. 3 of 2020 concerning Mineral and Coal Mining, Presidential Regulation No. 76 of 2024, and relevant official government documents. Secondary sources included books, journal articles, research reports, institutional publications, and relevant media coverage (Bowen, 2009; Creswell & Poth, 2018).

Data were collected through document review and literature review and were analyzed using the interactive analysis model of Miles, Huberman, and Saldaña, consisting of data condensation, data display, and conclusion drawing and verification. Source and theoretical triangulation were employed to strengthen the credibility of the findings. State capture served as the primary theoretical framework, complemented by the concepts of the business-politics nexus and civil society in interpreting the findings (Miles et al., 2014).

The unit of analysis was the political process underlying the formulation of PP No. 25 of 2024, including the naskah akademik (academic manuscript), deliberation records, and public statements by relevant actors. Documents were purposively selected based on their relevance to the legal basis, policy formulation process, and positions of key actors concerning the priority allocation of WIUPK to religious ormas. The analysis covered relevant documents and statements from government institutions, the House of Representatives (Dewan Perwakilan Rakyat [DPR]), religious ormas, academics, and civil society organizations. Because the study relied exclusively on documentary sources without conducting direct interviews, interpretations of actors' motives and relationships were limited to evidence contained in the available documents and public statements. The findings should therefore be interpreted within the context and temporal scope of the analyzed policy process.

RESULTS AND DISCUSSION

Based on an examination of the text of Government Regulation Number 25 of 2024, related laws and regulations, official press releases from the Ministry of Energy and Mineral Resources (ESDM), and statements from a number of key actors as outlined in the background section, this section presents the results of the analysis organized according to the study's three research questions: the political process behind the formation of PP 25/2024, the underlying inter-actor relations, and the characteristics of State Capture that can be identified from the policy granting priority WIUPK to religious mass organizations.

The Political Process Behind the Formation of Government Regulation Number 25 of 2024

Formally, PP 25/2024 was issued as an amendment to PP 96/2021 and was positioned by the government as an instrument for simplifying licensing and strengthening investment certainty in the mineral and coal mining sector. The Ministry of ESDM bundled a number of changes into a single regulatory package, ranging from adjustments to RKAB nomenclature, the extension of permits for state-owned enterprise (BUMN) subsidiaries, the establishment of criteria for integrated production operations to support downstreaming, through to new provisions on priority WIUPK for business entities owned by religious mass organizations under Article 83A.

This bundling pattern is an important finding for the analysis of the political process of policy formation. One notable aspect of how PP 25/2024 was drafted as a single package deserves attention. Article 83A, which touches on a popular issue such as economic empowerment of the ummah, was in fact stitched together with provisions whose real benefits are felt far more by holders of large-scale business licenses namely, the assurance of extensions for existing IUPK holders and BUMN subsidiaries. This kind of bundling is not a drafting coincidence. It indicates that the legislative process did not treat each provision as a standalone issue, but rather as a single package uniting interests that actually point in different directions within the same legal instrument.

Other technical provisions in this Government Regulation further reinforce questions about the motive and timing of its issuance. Article 22 regulates the requirements for WIUPK auction participants, while Article 54 sets a permit duration whose expiry coincides with the year of the next general election. This provision linking the permit term to the electoral cycle, when read together with the political context surrounding the issuance of this Regulation, opens room for interpretation that the timing and duration of the policy were also factored in within a framework of short-term political interest. Presidential Regulation (Perpres) 76/2024 was issued not long after PP 25/2024, appearing as a technical complement: it specifies who is eligible to be offered WIUPK, how the offering process runs, and how the ownership structure of recipient business entities must be supervised. The presence of two mutually reinforcing regulations issued in close succession strengthens the impression that the WIUPK priority policy is not a standalone piece of regulation, but part of a layered series of arrangements prepared in advance.

Tracing the chronology further back shows that the commitment to grant mining access to religious mass organizations was in fact conveyed by President Jokowi long before PP 25/2024 was drafted specifically at the Nahdlatul Ulama (NU) National Congress (Muktamar) in December 2021, when he promised coal, nickel, and copper mining concessions to NU.1 The roughly two-and-a-half-year gap between that promise and its realization through PP 25/2024 on 30 May 2024 indicates that this policy was not a rapid response to technical mining-management needs, but rather the fulfillment of a long-delayed political commitment. What makes this particularly relevant for analyzing the policy's timing is the fact that the promise was realized exactly three months after the General Elections Commission (KPU) officially confirmed the 2024 presidential election results on 20 March 2024, rather than at any other point during that two-and-a-half-year span. This timing pattern reinforces the reading that the executive regulatory pathway used to establish Article 83A was not merely a matter of investment legal certainty, but also involved electoral calculations about the most opportune moment to deliver on that political commitment.

In terms of process, a policy with such significant impact on the distribution of access to strategic natural resources was pursued through the executive regulatory pathway via a Government Regulation and a Presidential Regulation rather than through a legislative amendment at the parliamentary level. The scarcity of public documentation regarding the substantive deliberation process for Article 83A, reflected in the fact that public reaction emerged relatively only after this Regulation was issued rather than during the drafting stage, indicates that the political process behind its formation took place largely behind closed doors at the executive level before subsequently becoming a subject of open public debate.

Relations Among the State, Political Elites, Religious Mass Organizations, and Business Interests

Using the Business-Politics Nexus framework, the relations among actors in the formation of PP 25/2024 can be mapped into three positions. First, state actors and political elites the President and the Minister of ESDM as the issuers of the regulation act as the authority establishing the rules of the game in the mining sector. Second, economic actors in the form of mining business operators who benefit from investment certainty and license extensions. Third, religious mass organizations, which are explicitly named as the recipients of priority WIUPK under Article 83A.

The relationship among these three actors reflects a pattern of interest exchange as described by Schneider. Religious mass organizations gain economic access in the form of priority WIUPK, as well as legitimacy as parties economically empowered by the state, while political elites gain social support and legitimacy from religious mass constituencies. However, the provision that WIUPK-recipient business entities must still meet the same technical and administrative requirements applicable to mining business license holders in general indicates that the technical operational and capital control of large-scale mining is likely to remain dependent on business partners possessing adequate technical and financial capacity. In other words, religious mass organizations potentially hold formal status, while functional control over mining activities lies with the business actors behind them.

The debate between Ismail (a BRIN researcher) and Ahmad Redi illustrates two ways of reading this relationship. Ismail highlighted risks of incompetence, conflict of interest, inefficient oversight, threats to regional economic stability, and the potential for State Capture should mine management be carried out by religious mass organizations. Ahmad Redi reads the matter from a different angle. According to him, the object granted by the state is not a mining permit for the people, but rather WIUPK for a business entity, so that its recipient whoever it may be must still pass the same standard mechanisms and requirements applicable to mining business operators in general. From this viewpoint, the "religious mass organization" status is merely a label attached to the shareholder, not an exemption from the existing licensing regime.

This tension between Ismail's and Ahmad Redi's readings actually points to a more fundamental question: whether formal beneficiary status is sufficient to guarantee that the economic benefits genuinely flow to the religious mass organization, or whether that status merely serves as packaging for control that in reality remains in the hands of the technical business partners behind it.

This pattern of interest exchange becomes more apparent when linked to the political dynamics surrounding the 2024 general election. In October 2023, the Constitutional Court issued Decision Number 90/PUU-XXI/2023, which changed the minimum age requirement for presidential and vice-presidential candidates, thereby opening the way for President Jokowi's son, Gibran Rakabuming Raka, to run as vice-presidential candidate alongside Prabowo Subianto. The decision drew widespread controversy because it was handed down by Constitutional Court Chief Justice Anwar Usman, who is Jokowi's brother-in-law and Gibran's uncle, leading many to view it as rife with conflict of interest.2 Amid this controversy, leading figures of major religious mass organizations were relatively muted in voicing firm critical positions, in contrast to the strong response from constitutional law

academics and civil society. In fact, several findings point to the opposite tendency: a number of NU elders and officials were reported to have actively campaigned for the Prabowo-Gibran ticket, even though PBNU as an institution declared itself neutral to the point of having to suspend dozens of its officials for involvement in the 2024 election contest.3 Not long after the ticket officially won the election and PP 25/2024 was issued, Minister of Investment Bahlil Lahadalia affirmed that PBNU would be the first mass organization to receive a large-scale coal concession, and PBNU Chairman KH Yahya Cholil Staquf officially expressed gratitude to President Jokowi for this affirmative policy.4 This sequence of events showing an uncritical stance toward a legal controversy benefiting the ruling circle, followed by indications of electoral support, and subsequently followed by economic access in the form of a mining concession aligns with the pattern of exchange relationship described by Schneider, in which political support (whether explicit or through acquiescence toward legal controversy) is directly proportional to the economic benefits obtained afterward.

From a civil society perspective, this finding reveals a shift in the position of religious mass organizations from a watchdog function typically situated outside the state and the market toward becoming actors that also receive economic benefits from state policy. This positional shift is relevant to the criticism raised by Walhi that the WIUPK priority policy potentially conflicts with the provisions of Law Number 3 of 2020, which restricts IUPK priority solely to BUMN/BUMD (state/regional-owned enterprises). When religious civil society organizations also become beneficiaries of a legally controversial policy, their independent oversight function over state policy is potentially weakened.

Characteristics of State Capture in the WIUPK Priority Policy for Religious Mass Organizations

Referring to the framework of Hellman, Jones, and Kaufmann, the primary object of State Capture analysis is the process of forming the rules of the game, not policy implementation. In this case, the relevant indicator is that a fundamental change to IUPK/WIUPK priority originally, under Law Number 3 of 2020, granted only to state/regional-owned enterprises was carried out through a Government Regulation rather than through a legislative amendment. This step, highlighted by Walhi as a deviation from higher-level statutory provisions, serves as one indication of a redistribution of access to natural resources pursued through an executive regulatory pathway that is relatively easier to amend than a law.

Kaufmann and Vicente assert that State Capture does not always take the form of bribery or illegal transactions, but can also occur through political relationships, elite networks, policy lobbying, and coalition-building. The configuration identified in PP 25/2024 the bundling of large investment interests with symbolic provisions for religious mass organizations within a single regulatory package, the use of the executive regulatory pathway, and the setting of a permit duration linked to the electoral cycle aligns with the patterns described in the State Capture literature, namely the formation of rules of the game that benefit a particular coalition of actors outside an open public deliberation mechanism.

Nevertheless, this study cannot conclusively determine that PP 25/2024 constitutes a proven practice of State Capture, given the existence of alternative readings from academics such as Ahmad Redi, who positions this policy as a technical legal instrument that remains subject to the standard requirements of mining business licensing. What can be concluded

from the document analysis is that this policy design creates an opportunity structure consistent with State Capture patterns, while more definitive proof of actors' motives and relations would require further data beyond the scope of this document study.

Compared with previous research, these findings complement the study by Didi Suheri, which highlighted political patronage in the granting of mining permits to the Nahdlatul Ulama mass organization; the study by Fanani and Budiman, which highlighted the dilemma of religious moral principles; and the study by Miliasari, Adnan, and Abdulrahman, which focused on ecological justice. This study offers an explanation at the level of the rule-formation process that has not been extensively addressed by those studies, thereby enriching the understanding that the controversy surrounding the WIUPK priority policy for religious mass organizations concerns not only social, moral, or ecological impacts, but also the configuration of power within the regulatory process itself.

CONCLUSION

This study concludes that the formulation of Government Regulation Number 25 of 2024 concerning the priority allocation of Special Mining Business License Areas (WIUPK) to business entities owned by religious organizations reflects a complex interaction among regulatory authority, political interests, and economic considerations. The policy was formulated through an executive regulatory process that integrated Article 83A, concerning priority access to WIUPK for religious organizations, with other provisions related to investment certainty in the mining sector and licensing arrangements for large-scale business actors. The findings indicate relationships among state actors, political elites, religious organizations, and business interests that exhibit patterns consistent with the business-politics nexus and state capture perspectives. However, because this research relied on document analysis, the findings should be interpreted as identifying structural characteristics and conditions conducive to state capture rather than as providing definitive evidence of the motives of specific actors. Therefore, strengthening transparency, public participation, and accountability mechanisms is essential for the future formulation of strategic natural resource policies (Devi et al., 2025; Kadir et al., 2026; Rahayu et al., 2025).

Future research should extend the analysis by incorporating empirical evidence from interviews with policymakers, mining industry actors, religious organizations, civil society groups, and affected communities to provide a more comprehensive understanding of the motivations, negotiations, and power relations underlying regulatory formulation. Further studies could also compare similar natural resource policies across countries or sectors to examine how political-business relationships influence resource allocation mechanisms. In addition, future research could investigate the implementation of WIUPK policies, including governance practices, economic outcomes, environmental impacts, and the extent to which benefits are distributed among affected communities. Such studies would complement the current findings and contribute to the development of more inclusive, transparent, accountable, and sustainable natural resource governance frameworks.

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AUTHOR CONTRIBUTIONS

All authors contributed to the study design, methodology development, data collection and analysis, manuscript drafting, and manuscript revision. All authors have read and approved the final version of the manuscript.

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