

ABSTRAK

ANALISIS YURIDIS PENCABUTAN IZIN INVESTASI PERTAMBANGAN DALAM PERSPEKTIF KEPASTIAN HUKUM DAN ASAS-ASAS UMUM PEMERINTAHAN YANG BAIK (STUDI PUTUSAN NOMOR 332/G/2024/PTUN.JKT)

Penelitian ini bertujuan untuk menganalisis legalitas pencabutan izin investasi pertambangan, pertimbangan hukum hakim terhadap kepastian hukum bagi investor, serta penerapan Asas-Asas Umum Pemerintahan yang Baik (AUPB) dalam Putusan Nomor 332/G/2024/PTUN.JKT. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Sumber bahan hukum yang digunakan terdiri atas bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa pencabutan izin investasi pertambangan terhadap PT Tiga Samudra Nikel menimbulkan persoalan legalitas karena diduga tidak melalui tahapan sanksi administratif secara lengkap sebagaimana diatur dalam peraturan perundang-undangan di bidang pertambangan. Selain itu, pertimbangan hukum hakim lebih menitikberatkan pada aspek formal berupa kewajiban menempuh upaya administratif sebelum mengajukan gugatan ke Pengadilan Tata Usaha Negara, sehingga substansi sengketa belum diperiksa secara mendalam. Penelitian ini juga menunjukkan bahwa penerapan Asas-Asas Umum Pemerintahan yang Baik (AUPB) dalam pencabutan izin pertambangan belum terlaksana secara optimal, khususnya terkait asas kepastian hukum, asas keterbukaan, dan asas kecermatan. Oleh karena itu, diperlukan penguatan tata kelola administrasi pemerintahan agar pencabutan izin usaha pertambangan dilakukan secara transparan, proporsional, dan memberikan perlindungan hukum bagi investor.

Kata Kunci: pencabutan izin, investasi pertambangan, kepastian hukum, AUPB, PTUN.

ABSTRACT

LEGAL ANALYSIS OF THE REVOCATION OF MINING INVESTMENT PERMITS FROM THE PERSPECTIVE OF LEGAL CERTAINTY AND GENERAL PRINCIPLES OF GOOD GOVERNMENT (STUDY OF DECISION NUMBER 332/G/2024/PTUN.JKT)

This study aims to analyze the legality of the revocation of mining investment permits, the judges' legal considerations regarding legal certainty for investors, and the implementation of the General Principles of Good Governance (AUPB) in Decision Number 332/G/2024/PTUN.JKT. This research employs a normative legal research method using statutory, case, and conceptual approaches. The legal materials used consist of primary, secondary, and tertiary legal sources analyzed qualitatively.

The results of the study indicate that the revocation of the mining investment permit of PT Tiga Samudra Nikel raises issues of legality because it was allegedly carried out without following the complete stages of administrative sanctions as regulated in mining laws and regulations. In addition, the judges' legal considerations focused more on formal aspects, namely the obligation to pursue administrative remedies before filing a lawsuit to the State Administrative Court, resulting in the substance of the dispute not being examined comprehensively. This study also shows that the implementation of the General Principles of Good Governance (AUPB) in the revocation of mining permits has not been carried out optimally, particularly regarding the principles of legal certainty, transparency, and prudence. Therefore, strengthening administrative governance is necessary so that the revocation of mining business permits is conducted transparently, proportionally, and provides legal protection for investors.

Keywords: *permit revocation, mining investment, legal certainty, AUPB, State Administrative Court.*