

**STRIKING A BALANCE BETWEEN LEGAL CERTAINTY FOR BUSINESS
OPERATIONS AND COMMUNITY PROTECTION: A JURIDICAL
ANALYSIS OF THE ACQUISITION OF TRANSMIGRATION LAND WITHIN
NICKEL MINING BUSINESS LICENSE (IUP)**

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ABSTRACT

The purpose of this legal research is to find out the impact of regulatory overlap among the mining, agrarian, transmigration, and environmental sectors on legal certainty in the acquisition of transmigration land by nickel mining companies, and evaluates the effectiveness of legal protection for transmigrant communities alongside the assurance of business certainty for mining enterprises. Regulatory inconsistency has created legal uncertainty in land utilization, potentially resulting social conflicts that affect both investment sustainability and the protection of transmigrant's rights.

Adopting an empirical legal research approach, this study analyzes law in action through interviews with government, business actors, and transmigrant communities, supported by doctrinal and literature-based research. The findings indicate that regulatory overlap undermines legal certainty for both investors and transmigrants due to weak policy harmonization, fragmented inter-agency coordination, and limited integration between licensing and spatial planning systems. Strengthening regulatory synchronization, integrating spatial and licensing data, and establishing comprehensive preventive and corrective protection mechanisms are therefore essential. The state plays a central role in ensuring integrated governance so that mining development proceeds in accordance with the principles of legal certainty.

Keywords: *Regulatory Overlap, Legal Certainty, Transmigration Land Acquisition*

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**MENCARI KESEIMBANGAN ANTARA KEPASTIAN BERUSAHA DAN
PERLINDUNGAN MASYARAKAT: ANALISIS YURIDIS TERHADAP
AKUISISI LAHAN TRANSMIGRASI YANG MASUK DALAM IZIN USAHA
PERTAMBANGAN (IUP) NIKEL**

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INTISARI

Penelitian ini bertujuan untuk menganalisis dampak tumpang tindih regulasi antara sektor pertambangan, agraria, transmigrasi, dan lingkungan hidup terhadap kepastian hukum dalam proses akuisisi lahan transmigrasi oleh perusahaan pertambangan nikel, serta mengkaji bentuk dan efektivitas perlindungan hukum bagi masyarakat transmigran dan kepastian berusaha bagi pelaku usaha. Ketidaksinkronan tersebut menimbulkan ketidakpastian hukum dalam pemanfaatan lahan, berpotensi memicu konflik agraria dan sosial yang berdampak pada keberlanjutan investasi maupun perlindungan hak masyarakat transmigran.

Penelitian ini menggunakan pendekatan empiris melalui wawancara dengan instansi pemerintah, pelaku usaha, dan masyarakat transmigran. Hasil penelitian menunjukkan bahwa tumpang tindih regulasi melemahkan kepastian hukum baik bagi pelaku usaha maupun masyarakat transmigran. Perlindungan hukum belum terwujud secara seimbang karena lemahnya harmonisasi kebijakan, koordinasi antarinstansi, dan integrasi sistem perizinan serta tata ruang dan diperlukan penguatan sinkronisasi regulasi, serta integrasi data spasial dan perizinan. Peran negara menjadi krusial dalam menciptakan tata kelola yang terintegrasi guna memastikan kepastian hukum.

Kata Kunci: Tumpang Tindih Regulasi, Kepastian Hukum, Akuisisi Lahan Transmigrasi

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