

A LEGAL ANALYSIS OF THE STATE OF EMERGENCY ON THE CLIMATE CRISIS AND MINING MANAGEMENT ON THE SMALL ISLAND OF SANGIHE AND ITS IMPLICATIONS FOR NATIONAL SECURITY

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Abstract

This study analyzes the link between the escalating global climate crisis, mining practices, and Indonesia's increasing national security vulnerability in its outermost small islands, using Sangihe Island as a strategic case study. The climate crisis increases ecological pressure on small islands with limited carrying capacity and strategic value for the nation's sovereignty and maritime territorial integrity, particularly when intersected with large-scale mining. This study uses a normative juridical method through a legislative, conceptual, and court decision analysis approach to assess national legal capacity in responding to ecological and non-military threats. The findings indicate that Sangihe Island, covering approximately 73,700 hectares, was once burdened with a mining concession of approximately 42,000 hectares by PT Tambang Mas Sangihe, which triggered environmental degradation, social conflict, and increased climate risks. Although the mining permit was legally revoked in 2024, mining activities continue on an area of approximately 30 hectares by two local companies acting as operational proxies through a partnership scheme with PT TMS. The national legal framework, including the ratification of the Paris Agreement, Supreme Court decisions, and Constitutional Court decisions consistently prohibit mining on small islands by classifying it as an abnormally dangerous activity, affirming that the practice constitutes a non-military threat to national security and demanding the reconstruction of integrated policies in the climate emergency situation.

Keywords: *Climate crisis, Small island mining, State of emergency law, National security, Outlying small islands*

INTRODUCTION

Indonesia's more than 17,000 small islands constitute a national strategic asset with high ecological, economic, and security value (BPS 2022). This recognition was affirmed by Presidential Decree No. 6 of 2017, which designated 111 islands as Outermost Small Islands, positioning them as the vanguard of the nation's maritime sovereignty. However, in practice, the management of small islands still faces a structural dilemma between an orientation toward extraction-based economic growth and demands for environmental sustainability. Over the past decade, mining activities in small island regions, such as Bangka Belitung, Wawonii, the Riau Islands, and Raja Ampat, have demonstrated a consistent pattern of ecological degradation with cross-sectoral impacts (KLHK 2023; Robbins, 2012). The revocation of the permits of four mining companies in Raja Ampat in 2025 confirms that mining on small islands not only violates environmental protection principles but also poses risks to regional governance and security (Basyari, 2025). Ecologically, small islands have high levels of endemism but very limited carrying capacity, making them vulnerable to permanent damage from extractive activities (UNEP, 2021; Alongi, 2022). Data shows that 65% of small islands in Indonesia have experienced environmental degradation, while deforestation in the 2017–2021 period reached 318.6 thousand hectares, mostly related to mineral mining concessions (KLHK, 2023; Forest Watch Indonesia, 2024). This damage directly contributes to the escalation of the climate crisis through the loss of carbon stocks and the weakening of the island ecosystem's function as a climate buffer (IPCC, 2021; IPCC, 2022).

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From a national security perspective, resource exploitation on small islands triggers social conflict, increases the vulnerability of border areas, and weakens community resilience to the impacts of climate change (Homer-Dixon, 1999; UNDP, 2023). Tensions in the Natuna region demonstrate how extractive activities can intersect with geopolitical dynamics and foreign intervention (CSIS Indonesia, 2022). Thus, the case of Sangihe Island highlights the tension between extractive mining practices and the state's constitutional obligation to protect the safety of the people, the environment, safeguard territorial sovereignty, and ensure national security as mandated by the 1945 Constitution of the Republic of Indonesia. The escalation of the climate crisis, intersecting with large-scale mining concessions and the toleration of illegal activities, demonstrates that normal legal mechanisms and sectoral approaches are inadequate to address systemic socio-ecological and geopolitical risks. Therefore, Sangihe serves as a national precedent that emphasizes the need for a state of emergency legal perspective as a constitutional basis for the prohibition of mining on the outermost small islands and a foundation for the reconstruction of integrated national policies in responding to the climate emergency and maintaining national security.

LITERATURE REVIEW

This research is based on the theory of the rule of law (*rechtsstaat*) in line with the constitution Article 1 paragraph (3) of the 1945 Constitution which places law as the main instrument for the implementation of state power and the protection of the people (Ayuni, 2024). In a crisis, the doctrine of emergency law is relevant because normal law is inadequate to face the existential threat to the state (Ayuni, 2024). Jimly Asshiddiqie (2007) emphasized that emergency conditions require special legal norms, including the role of state apparatus. In Indonesia, Articles 12 and 22 of the 1945 Constitution authorize the state to take extraordinary measures in a limited and proportional manner to protect the safety of the people and territorial sovereignty.

The Climate Security approach views climate change and environmental degradation as non-traditional threats to state stability, particularly in small outermost islands (Buzan & Wæver, 1998; Alongi, 2022; IPCC, 2022). State Fragility emphasizes that a state's failure to guarantee security, prosperity, and political legitimacy increases the risk of instability due to mining and resource conflicts (Rotberg, 2003; Fund for Peace, 2024). Territoriality emphasizes the importance of controlling physical space to maintain sovereignty; management of small islands by foreign actors can erode territorial integrity (Sack, 1986; BPS, 2022). These three theories emphasize that small island mining has both ecological and strategic impacts on national security (Buhaug, 2010; UNDP, 2023; UNEP, 2021).

Mining on small outer islands can create a structural emergency when economic, ecological, social, and geopolitical risks are cumulative and cannot be controlled by normal law (Alongi, 2022; BMKG, 2023). Positive legal practice confirms this prohibition: the Supreme Court of the Republic of Indonesia categorized mining on small islands as an abnormally dangerous activity, and the Constitutional Court of the Republic of Indonesia, in Decision No. 35/PUU-XXI/2023, affirmed environmental protection and citizen rights. On Sangihe Island, mining, legal conflicts, and environmental degradation demonstrate the limitations of sectoral administrative law (Bisnis.com, 2022; Suriyani, 2025; Kompas.id, 2022). Emergency law provides a normative-constitutional framework for the mining ban for the safety of the people, territorial integrity, and national security amidst the climate emergency (Alongi, 2022; IPCC, 2021; JATAM, 2021; UNDP, 2023).

Previous studies have been limited to environmental sectoral aspects and have not explored the implementation of emergency laws to address the cumulative ecological, social, and geopolitical risks resulting from mining on small, outermost islands. This research fills the gap regarding the implementation of emergency laws as an integrative framework for environmental protection, public security, and territorial sovereignty, while also providing policy recommendations to address non-military threats to national security resulting from the climate crisis and mining on small, outermost islands.

METHOD

This research uses a normative juridical method with a combination of statute, conceptual, and case approaches. The analysis is conducted deductively with qualitative data processing to evaluate legal, institutional, and emergency mitigation issues in the outermost small islands, particularly Sangihe Island, related to climate threats that impact national security. The research process begins with a literature review, analysis of legislation, and review of related legal cases. Data is then updated to formulate the problem, develop a theoretical framework, review previous research, and develop a conceptual framework. The determination of research subjects and objects, the creation of interview guidelines, data collection and analysis, and the preparation of conclusions are carried out systematically to produce in-depth and comprehensive findings.

RESULTS AND DISCUSSION

Geography and Ecological Vulnerability of Sangihe Island

Sangihe Island is located at the northern tip of the Republic of Indonesia, directly bordering the Philippines and located at the intersection of strategic international sea lanes. The area of this island is approximately \pm 73,698 hectares and the ocean area is 11,126.61 km². Sangihe Islands Regency consists of 105 small and very small islands, of which 26 are inhabited and 79 are uninhabited (Sangihe Islands Regency Government, n.d.), with a population of 139,925 (BPS Sangihe Islands, 2020), most of the community depends on fisheries and agricultural commodities. Ecologically, small islands have limited carrying capacity so they are vulnerable to environmental disturbances and climate change (BMKG, 2024). Anthropogenic pressures, such as large-scale gold mining, if not properly managed, can exacerbate these vulnerabilities and create broad cross-sectoral impacts. Sangihe's geological conditions also add a dimension of ecological risk; the island is home to Mount Awu, an active volcano with the potential for eruptions and volcanic disasters, and is close to the Banua Wuhu submarine volcano, a source of geothermal energy and a risk of marine eruptions that could impact coastal ecosystems (Beritasatu, 2022).

Controversial mining practices, such as the PT Tambang Mas Sangihe concession, which was granted a government concession of approximately 42,000 hectares, have triggered environmental degradation, social conflict, and community protests, as depicted in the documentary *Sangihe Melawan* (Sangihe Against), showing how local communities actively demand environmental justice and sustainability (Kompas, 2022). This fact confirms that ecological pressures on Sangihe Island are not only physical, but also have implications for social, economic, and national security resilience, especially when mining activities continue through a local company proxy scheme (Baru Gold Corp., 2023) even though the main permit has been legally revoked by community lawsuits up to the Supreme Court and the Constitutional Court (MKRI, 2024).

The global climate crisis is exacerbating existing ecological pressures, such as rising sea surface temperatures, changing rainfall patterns, and the increasing frequency of tropical storms. These impacts are disrupting coral reef ecosystems, seagrass meadows, and mangrove forests, which are crucial reservoirs of blue carbon (IPCC, 2021; IPCC, 2022). Small islands with limited carrying capacity are expected to face further threats, including the risk of reduced fisheries productivity, land degradation, and social instability if natural resources can no longer support the needs of local communities. In the context of law and policy, small outer islands such as Sangihe are a crucial example of how the state must respond to cumulative ecological threats. Starting from the impacts of cross-border climate change, plus the burden of environmentally unfriendly mining economic activities, this condition can create a state of emergency and exacerbate national security issues.

PT Tambang Mas Sangihe (PT. TMS) Mining Concession

The fundamental change in Indonesian mining policy after the fall of the Sukarno government was marked by the opening of foreign investment through Law Number 1 of 1967 concerning Foreign Investment and Law Number 11 of 1967 concerning Mining Principles. This legal regime gave birth to a work contract system that provided broad space for foreign corporations to manage national mining resources (Salim, 2010). In this context, on March 17, 1997, President Soeharto approved the Generation VI Contract of Work (KK) for PT Tambang Mas Sangihe (PT TMS), a Canadian-based gold mining company, with an initial concession area of 123,850 hectares in the Sangihe Islands (JATAM, 2021).

Although PT TMS's concession area was subsequently reduced, structural issues remained. On January 29, 2021, the Minister of Energy and Mineral Resources issued Decree No. 163.K/MB.04/DJB/2021 concerning Approval of the Increase in the Production Operations Phase of PT TMS's Contract of Work (CoW) by 42,000 hectares until 2035 (Ministry of Energy and Mineral Resources, 2021). This area is equivalent to approximately 57 percent of the total land area of the Sangihe Islands, including several smaller surrounding islands. This policy sparked widespread community resistance, threatening living space, livelihoods, and the sustainability of coastal ecosystems (Mongabay Indonesia, 2021; Betahita, 2022).

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Source: Ina-Geoportal, MOMI ESDM JAN 2025

The PT TMS concession also demonstrates the strong dominance of foreign capital in this ecologically fragile and geopolitically strategic region. Data from the Ministry of Energy and Mineral Resources' Minerba One Data (MODI) as of June 15, 2021, shows that 70 percent of PT TMS's shares are owned by the Canadian Sangihe Gold Corporation, while the remainder are held by national companies: PT Sungai Belayan Sejati (10 percent), PT Sangihe Prima Mineral (11 percent), and PT Sangihe Pratama Mineral (9 percent). These companies are led by Terrence Kirk Filbert as President Director (Ministry of Energy and Mineral Resources, 2021; DetikFinance, 2021). This ownership structure underscores the strong control of global capital over mineral resources on this small island with limited ecological carrying capacity. Mining activities in the concession area of PT Tambang Mas Sangihe (TMS) have the potential to cause land degradation, loss of forest cover, river sedimentation, and coastal water pollution, which have a direct impact on coral reef ecosystems and the livelihoods of fishermen (Econusa, 2022; Polnustar IPB, 2022). Furthermore, gold mining on Sangihe Island threatens the survival of the endemic Sangihe crested thrush (*Eutrichomyias rowleyi*), a species thought to be extinct for over a century, and has the potential to submerge small, ecologically vulnerable islands due to changes in the landscape and environmental carrying capacity (BBC News Indonesia, 2021).

This impact is legally recognized through the Supreme Court Decision No. 650 K/TUN/2022, which confirms that the gold mining concession of PT Tambang Mas Sangihe on Sangihe Island is not only administratively problematic but also has strategic implications for state sovereignty. The neglect of local community participation and the lack of a permit from the Minister of Maritime Affairs and Fisheries represent a serious violation of the small island legal regime and the principle of ecological precaution. In the context of small outer islands with limited carrying capacity and strategic geopolitical position, large-scale mining has the potential to cause irreversible environmental damage, threaten community living spaces, and weaken the state's control over its own natural resources. Therefore, the PT TMS case cannot be understood solely as a licensing dispute, but rather as a non-military national security issue directly related to territorial protection, ecological resilience, and Indonesia's strategic interests in the maritime border region. The Supreme Court of the Republic of Indonesia emphasized the high ecological risks and the irreversible nature of the damage if large-scale mining is continued on Sangihe Island (Supreme Court of the Republic of Indonesia, 2024). Thus, the existence of the PT TMS concession cannot be understood solely as an economic or administrative issue, but rather as a non-military national security issue directly related to territorial protection, ecological resilience, and Indonesia's strategic interests in maritime border areas. In the context of small, outermost islands, large-scale mining has the potential to increase economic,

social, and ecological vulnerabilities and undermine the stability of the country's strategic areas amidst the escalating global climate crisis.

Revocation of Proxy Licenses and Activities

The gold mining permit of PT Tambang Mas Sangihe (PT TMS) covering an area of 42,000 hectares until 2035 granted through the Decree of the Minister of Energy and Mineral Resources Number 163.K/MB.04/DJB/2021 was officially revoked through the Decree of the Minister of Energy and Mineral Resources Number 13.K/MB.04/DJB.M/2023. The revocation is a follow-up to the Supreme Court Cassation Decision Number 650 K/TUN/2022 dated January 12, 2023 which has permanent legal force, with the ruling rejecting the cassation request of the Minister of Energy and Mineral Resources and PT TMS and upholding the Decision of the Jakarta High State Administrative Court Number 140/B/2022/PT.TUN.JKT dated August 29, 2022 which declared it null and void and ordered the revocation of the permit in question. This decision was reaffirmed through the Supreme Court's Judicial Review Decision Number 15 PK/TUN/2024 dated May 6, 2024 (Supreme Court of the Republic of Indonesia, 2023, 2024). Normatively, the series of decisions are based on Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands which expressly prohibits mining activities on small islands, the Mineral and Coal Mining Law as amended by Law Number 3 of 2020, as well as the precautionary principle in Law Number 32 of 2009 concerning Environmental Protection and Management and the State Administrative Court Law in conjunction with the Government Administration Law.

Although the gold mining permit of PT Tambang Mas Sangihe (PT TMS) has been revoked through a series of legally binding court decisions, field findings indicate that mining activities are still ongoing on an area of approximately 30 hectares. This activity is suspected to be carried out through a proxy strategy, involving local companies CV Mahamu Hebat Sejahtera and PT Putra Rimpulaeng Persada as extensions of PT TMS' operations following the legal defeat (Baru Gold Corp., 2023). The continuation of this practice reflects weak environmental oversight and law enforcement, and also indicates a serious gap between legal norms and policy implementation in the strategic outermost small island region. In the context of Sangihe Island as a state border area, this decision confirms that the granting of mining permits cannot be viewed solely as an administrative and economic issue, but rather is directly related to the protection of natural resource sovereignty, ecological sustainability, and the non-military dimension of national security due to the potential for irreversible environmental damage.

Economic, Social and Ecological Impacts

The continued impact of these mining activities is reflected in a significant increase in heavy metal pollution in the waters of Sangihe Island. Research by the North Nusa State Polytechnic (Polnustar) in collaboration with Greenpeace Indonesia found that arsenic (As) concentrations in Binebas Bay reached 0.0228 mg/L and lead (Pb) 0.0126 mg/L, both exceeding marine environmental quality standards. These figures are significantly higher than the baseline data in PT TMS's 2017 and 2020 Environmental Impact Assessment (AMDAL) documents, which recorded arsenic levels of <0.0003 mg/L (Greenpeace Indonesia & Polnustar, 2025). This increase in pollution correlates with the conversion of mining land, which increased by 45.53% between 2015 and 2021, accelerating erosion and the runoff of hazardous materials into the sea through the steep coastal hills.

This heavy metal pollution has serious ecological impacts on areas globally recognized as part of the Coral Triangle and Ecologically or Biologically Significant Areas (EBSAs). Mangrove damage and coral bleaching have been empirically recorded, indicating cumulative and potentially irreversible ecosystem degradation on small islands with limited carrying capacity (Greenpeace Indonesia & Polnustar, 2025). Furthermore, heavy metals such as mercury (Hg), arsenic, and lead have been detected in fish consumed primarily by the community, including scad. The neurotoxic compound methylmercury even has the potential to penetrate the placenta and blood-brain barrier, making it extremely dangerous for fetuses and children. Risk analysis indicates that daily mercury exposure in toddlers in Sangihe can exceed safe limits by up to fourfold (Greenpeace Indonesia & Polnustar, 2025).

The implications of this pollution extend to the social and economic dimensions of coastal communities. A report by EcoNusa and the Center for Coastal and Marine Resources Studies at the Bogor Agricultural University (IPB) recorded a 69.04% decline in fish catch volume after increased mining activities, particularly for key commodities such as skipjack tuna, baronang, and red snapper. This decline directly impacted fishermen's incomes by an average of 27.3%, exacerbating the economic vulnerability of coastal households dependent on marine resources (EcoNusa & PKSPL IPB, 2022). Ironically, the mining sector itself has failed to provide sustainable welfare benefits, as most mineworkers work without adequate contracts and legal protections and are trapped in an

exploitative profit-sharing system. From a non-military national security perspective, this series of findings confirms that the mining issue on the small island of Sangihe has gone beyond mere administrative and environmental issues. Marine pollution, public health threats from heavy metal exposure, declining food security, and the erosion of public trust in the state have the potential to trigger social instability in border areas. Furthermore, the practice of proxy mining following a court ruling reflects a weakening of the rule of law and the state's failure to uphold sovereignty over the management of strategic natural resources. In the context of the climate crisis and Sangihe's position as a small, outermost island, this situation constitutes a real threat to Indonesia's national security, demanding a more assertive, integrated, and risk-based legal and policy response.

National and International Legal Frameworks Related to Small Island Mining

I. Principles of the Rule of Law and Territorial Sovereignty

Indonesia, as a state governed by the rule of law, based on the 1945 Constitution, places law as the primary instrument for exercising power and protecting the people, including in the management of natural resources and border areas (Indonesia, 1945). In times of crisis, whether ecological or social, the legal doctrine of emergency becomes relevant when normal law proves inadequate in addressing existential threats to the state and the safety of the people (Ayuni, 2024).

The concept of an archipelagic state, championed since the Djuanda Declaration (1957), received international recognition through UNCLOS 1982, which recognized Indonesia as an Archipelagic State. The provisions in Article 46(b) and Article 47(1) of UNCLOS provide a legal basis for drawing archipelagic baselines and regulating the Indonesian archipelagic maritime territory, including small islands and their waters as a strategic unit from a geographical, economic, and political perspective (United Nations, 1982).

Since 2005, Indonesia, as an archipelagic nation, has officially introduced the concept of outermost small islands through Presidential Regulation Number 78 of 2005 concerning the Management of Outermost Small Islands (PPKT). This regulation defines outermost small islands as islands with an area of $\leq 2,000$ km² that have a geographic coordinate base point forming an archipelagic sea baseline in accordance with national and international law. Article 2 of the Presidential Regulation emphasizes that the management of outermost small islands aims to maintain the territorial integrity of the Republic of Indonesia, national security, and regional stability, while simultaneously encouraging the sustainable use of natural resources and community empowerment.

This protection framework is strengthened through Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands, which expressly prioritizes the sustainable use of coasts and small islands (Article 23 paragraph [2]) and prohibits mining activities that damage the environment and harm the community (Article 35 letter k). Although this law has undergone several revisions through Law Number 1 of 2014, the Job Creation Law, Government Regulation in Lieu of Law Number 2 of 2022, and Law Number 6 of 2023, the substance of the prohibition on mining on small islands remains. The state's commitment to protecting the outermost small islands was reaffirmed through Presidential Decree Number 6 of 2017, which designated 111 islands as Indonesia's Outermost Small Islands, placing them as strategic areas in the context of national sovereignty and security. Their distribution can be seen in the following figure:

Tambang Mas Sangihe on Sangihe Island null and void. The Court considered that granting a mining permit on a small island not only contradicts the PWP3K Law and the Environmental Protection and Management Law, but also ignores the precautionary principle and the community's right to a good and healthy environment. In its consideration, the Supreme Court emphasized that large-scale gold mining on small islands has the potential for extensive and irreversible ecological impacts, so it cannot be justified even if protected by the old work contract regime (Supreme Court of the Republic of Indonesia, 2023).

This normative affirmation is in line with and reinforced by the Constitutional Court Decision Number 35/PUU-XXI/2023, which rejected the petition for constitutional review of Article 23 paragraph (2) of Law 1/2014 and Article 35 letter k of Law 27/2007. The Constitutional Court emphasized that the prohibition on mining on small islands is a constitutional instrument to protect the right to the environment, prevent activities that are classified as abnormally dangerous activities, and maintain small islands as ecological and geopolitical buffers of state sovereignty. The Constitutional Court emphasized that the use of small islands outside of priority interests is only possible on a very limited and conditional basis, and must not threaten the sustainability of the ecosystem and the rights of the community (Constitutional Court of the Republic of Indonesia, 2024).

Thus, Supreme Court Decision No. 650 K/TUN/2022 and Constitutional Court Decision No. 35/PUU-XXI/2023 establish a consistent line of legal interpretation that mining on small islands is not merely an administrative or economic issue, but rather a constitutional issue concerning environmental protection, citizen rights, and non-military national security. In the context of a border island like Sangihe, violation of this prohibition has the potential to undermine the sovereignty of natural resources and the resilience of the nation's territory, so the legal legitimacy of mining activities on small islands must be firmly rejected.

III. International Instruments and Climate Commitments

The ban on mining on small islands is not only rooted in local ecological and social considerations, but must also be understood within the context of the global climate crisis and Indonesia's international commitments. As a party to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, Indonesia has consistently stated its commitment to reducing greenhouse gas emissions and protecting vulnerable ecosystems that serve as global climate buffers (UNFCCC, 2015; Government of Indonesia, 2016). Small islands, particularly the outermost small islands, play a strategic role in this context because their coastal ecosystems, such as mangrove forests, seagrass beds, and coral reefs, are significant blue carbon stores and natural buffers against the impacts of climate change (Alongi, 2014; Howard et al., 2017). Mining activities on small islands substantially contradict the goals of the Paris Agreement by accelerating deforestation, land conversion, coastal degradation, and the release of carbon stocks into the atmosphere. These impacts not only increase emissions but also increase the vulnerability of small islands to sea level rise, extreme storms, and irreversible ecosystem damage (IPCC, 2022). In this context, large-scale mining on small islands can be categorized as climate maladaptation, namely policies or activities that exacerbate climate risks rather than strengthen the adaptive capacity of communities and ecosystems (Barnett & O'Neill, 2010).

The Supreme Court's reasoning in Decision Number 650 K/TUN/2022 implicitly aligns with these climate obligations. By affirming that mining on Sangihe Island poses high ecological risks and has the potential to cause permanent damage, the Court not only upholds national environmental law but also maintains Indonesia's consistency with its international commitments to the climate change regime (Supreme Court of the Republic of Indonesia, 2023). This decision is reinforced by Constitutional Court Decision Number 35/PUU-XXI/2023, which considers the ban on mining on small islands a constitutional instrument to prevent hazardous activities that threaten environmental sustainability and the rights of future generations (Constitutional Court of the Republic of Indonesia, 2024). Thus, the ban on mining on small islands must be read as an integral part of national policy in addressing the dangers of the climate crisis. From a non-military national security perspective, failure to protect small islands

from high-risk extractive activities not only undermines natural resource sovereignty but also has the potential to create ecological, social, and geopolitical instability in the country's border regions (Buzan, Wæver, & de Wilde, 1998). Therefore, enforcing the ban on mining on small islands is a concrete manifestation of the state's responsibility in integrating global climate commitments into national policy and the protection of Indonesia's strategic areas.

The Legal Perspective of the State of Emergency on Mining in the Outermost Small Islands

This research is based on the principle of the rule of law (*rechtsstaat*) as affirmed in Article 1 paragraph (3) of the 1945 Constitution, which places law as the primary instrument for the exercise of state power and the protection of citizens' basic rights (Ayuni, 2024). Under normal conditions, law functions to maintain order and certainty. However, in crisis situations that threaten the safety of the people, territorial integrity, and the continuity of the state, law under normal circumstances is not always adequate. In this context, the doctrine of emergency constitutional law becomes relevant as a conceptual and normative basis for the state to take extraordinary measures in a legitimate, limited, and proportional manner. Jimly Asshiddiqie (2007) asserts that a state of emergency requires the enactment of special, temporary legal norms to restore normalcy. This view aligns with Carl Schmitt's thinking, which states that every legal norm presupposes a normal situation, so that in extraordinary circumstances the state must be able to make decisive decisions to maintain its existence (Schmitt, 2005). Constitutionally, Articles 12 and 22 of the 1945 Constitution legitimize the state to act in situations of danger and compelling urgency, as long as it meets the principles of necessity, proportionality, and accountability.

In the contemporary context, threats to the state are no longer limited to military aspects. The climate security approach views climate change and environmental degradation as non-traditional security threats that have a systemic impact on state stability. The Copenhagen School positions natural resource exploitation and environmental degradation as existential threats that have the potential to trigger social conflict, forced migration, and political and economic instability, particularly in geographically vulnerable areas such as small outer islands (Buzan et al., 1998; Buhaug, 2010). Therefore, mining on small islands cannot be viewed solely as a sectoral economic or environmental issue. Outlying small islands are characterized by limited environmental carrying capacity and strategic geopolitical positions that determine maritime sovereignty and national boundaries. Ecological damage in these regions directly impacts national resilience. This framework is reinforced by Rotberg's (2003) theory of state fragility, which explains that a state's failure to guarantee security, prosperity, and political legitimacy increases vulnerability to external shocks, including the climate crisis and natural resource exploitation. In the Fragile States Index, environmental degradation and resource conflicts are key indicators of increasing state vulnerability (Fund for Peace, 2024).

The case of Sangihe Island concretely demonstrates how PT Tambang Mas Sangihe (TMS) gold mining on a small island has triggered marine pollution, sedimentation, and the destruction of coral reefs, mangroves, and seagrass beds. This coastal ecosystem damage has a direct impact on declining fishing catches and threatens the economic sustainability of local communities (Febriantika, 2025). In this context, environmental degradation has transformed into a continuing socio-economic crisis and undermined public trust in the state. From a territorial perspective, control and control of physical space are at the heart of state sovereignty (Sack, 1986). Mining on small, outermost islands opens the door to foreign involvement through investments and work contracts that are difficult to monitor. The use of PT TMS's 1997 Contract of Work as the basis for a lawsuit against the President and state institutions in 2022 demonstrates how outdated legal instruments can be used to undermine state sovereignty in border areas (Bisnis.com, 2022). This situation demonstrates that mining on small islands has not only ecological dimensions, but also strategic and geopolitical ones.

These threats become even more complex when linked to the climate crisis. Small islands are inherently vulnerable to sea level rise, tropical storms, and changing rainfall patterns. The Meteorology, Climatology, and Geophysics Agency (BMKG) (2023) projects a significant decrease in rainfall in the Sangihe Islands between 2032 and 2040, which will directly impact the clean water crisis. Mining activities exacerbate this situation through the loss of water catchment areas, groundwater pollution, and increased heavy metal content. Nationally, the Indonesian Agency for Meteorology, Climatology, and Geophysical Agency (JATAM) recorded at least 218 mining permits on small islands as of 2023, with various accompanying ecological and social impacts (JATAM, 2021).

Empirical data also shows that the threat to small islands has become a reality. ANTARA (2007) reported that at least 24 small Indonesian islands have already sunk, while BRIN projects that up to 115 small and medium-sized islands are at risk of disappearing by 2100 due to the combination of the climate crisis and environmental degradation (Damiana, 2024). This situation confirms that mining on small islands, when combined with the climate crisis, has the potential to threaten the country's territorial integrity. From the perspective of emergency constitutional law, the combination of the climate crisis and mining activities on small islands fulfills the characteristics of an abnormal situation that threatens the safety of the people and the integrity of the nation's territory. Therefore, the prohibition on mining on small islands, as stipulated in the Law on Coastal Area and Small Islands Management, and reinforced by Supreme Court Decision No. 650 K/TUN/2022 and Constitutional Court Decision No. 35/PUU-XXI/2023, must be understood as a constitutional preventive instrument against ecological emergencies and threats to national security.

Thus, mining on the outermost small islands cannot and should not be normalized as ordinary economic activity. Within the framework of non-military national security, this activity constitutes a multi-layered threat with simultaneous ecological, social, economic, and geopolitical impacts, thus demanding a swift, decisive, and constitutional state response to protect territorial sovereignty, the safety of the people, and the sustainability of the Unitary State of the Republic of Indonesia. Therefore, halting mining on the outermost small islands constitutes an emergency that must be considered an integral part of a national environmental security strategy, as well as an instrument for protecting the sovereignty of natural resources and the nation's borders. Failure by the state to take decisive and measured action not only risks perpetuating irreversible ecological damage but also potentially makes the climate crisis and small island degradation a long-term structural threat to the existence and integrity of the Unitary State of the Republic of Indonesia.

Implications for National Security

The combination of the climate crisis and mining activities on Sangihe Island poses a serious non-military threat and can be categorized as an emergency, which must not become the new normal. This small, outermost island, as a strategic border, plays a vital role in maritime defense, territorial surveillance, and projecting national sovereignty (Buzan & Wæver, 1998; UNDP, 2023). Ecological degradation due to large-scale mining, which continues despite official permits being revoked, weakens the island's carrying capacity, triggers social conflict, disrupts local economies, and increases the risks of climate change and resource competition (Indonesia, 2020; Constitutional Court, 2024). Weaknesses in law enforcement and oversight, including institutional fragmentation and the absence of a unified maritime command, increase the country's vulnerability to detecting and prosecuting territorial violations and illegal activities (Indonesia, 2009; UNDP, 2023).

Mining on Sangihe Island, combined with the impacts of climate change as a threat multiplier, threatens infrastructure, triggers forced migration, and undermines the stability of coastal communities. Therefore, swift, legal, and constitutional state intervention is necessary to halt mining activities, close regulatory loopholes, and protect public safety, national security, and territorial sovereignty (Supreme Court, 2024; Indonesia, 2020). Integrated management between the Ministry of Environment and Forestry, the Ministry of Energy and Mineral Resources, the Ministry of Marine Affairs and Fisheries, the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri) is key to ensuring that Sangihe Island continues to function as the vanguard of Indonesia's maritime sovereignty, while simultaneously managing ecological, social, economic, and geopolitical threats in a sustainable manner.

CONCLUSION

Indonesian law strictly prohibits mining on small, outlying islands like Sangihe, and residents have won in court. However, weak implementation allows mining practices, including those carried out by foreign companies, to persist and lead to environmental degradation. This situation is exacerbated by the climate crisis, as small islands are vulnerable to erosion, sea-level rise, and ecosystem damage, increasing social and economic risks. Sangihe Island's strategic status, along the border with the Philippines, makes law enforcement a multi-layered threat to national security, territorial sovereignty, and military operations. Therefore, strict law enforcement, ecosystem

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protection, and local community empowerment are crucial steps to strengthen ecological, social, and national security resilience.

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