

The Semiotics of Extractive Legality: Symbolic Law and Tin Mining Governance in Indonesia

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The Semiotics of Extractive Legality: Symbolic Law and Tin Mining Governance in Indonesia

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6

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Abstract

What if the law does not fail by absence, but by design? This study interrogates the juridical paradox at the heart of Indonesia's tin mining sector, where a dense environmental and extractive regulation architecture coexists with rampant illegality and impunity. Focusing on Bangka Belitung, a key tin-producing region, this research challenges the assumption that legal breakdown results from weak institutions or enforcement gaps. Instead, it reveals how law is strategically hollowed out, retaining its formal shell while losing its regulatory substance. Employing a critical socio-legal research design, the study combines normative legal analysis with interpretive document-based inquiry. It draws on statutory texts, court rulings, investigative journalism, NGO reports, and environmental audits to trace how legality is reconfigured through political patronage, shadow governance, and selective enforcement. Analytically, it integrates genealogical contextualization, discourse deconstruction, and theoretical synthesis rooted in Critical Legal Theory, Legal Realism, and Legal Pluralism. The findings show that the law in Bangka Belitung functions performatively: permits are issued, audits are conducted, and awards are granted, even as illegal mining thrives. Regulatory enforcement targets intermediaries while shielding institutional actors such as PT Timah. Systems like SIMBARA, introduced to enhance transparency, operate more as state optics than governance tools. A regime of extractive legality emerges, a juridical mutation characterized by symbolic compliance, fragmented authority, and the instrumentalization of law to legitimize disorder. Drawing from legal semiotics, this study conceptualizes legality as a performative and symbolic order, where law operates as spectacle rather than substance. It advances the notion of the death of law in resource frontiers, arguing that legal failure is not a malfunction but a mode of rule. Ultimately, the paper calls for a radical rethinking of legal accountability, not as institutional repair, but as a political struggle to dismantle juridical impunity's architecture in the Global South.

14

Extended author information available on the last page of the article

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1 Introduction

What if legal systems do not fail because of their absence, but because they persist in forms that no longer constrain power? What if legality itself, rather than protecting the rule of law, becomes the architecture through which impunity is authorized and extraction is normalized? In settings marked by intensive resource exploitation and chronic institutional weakness, law often does not disappear; it mutates. It ceases to function as a limit to state or corporate behavior and instead becomes an instrument for governing disorder through selective enforcement, symbolic compliance, or formalistic rituals of legality [1–3].

In this view, legal failure is not simply an administrative deficit or enforcement gap, as is commonly framed in policy discourse. Instead, it is an effect, sometimes deliberate, often systemic, of deeper political configurations that reposition the law to serve dominant economic and political interests. Critical legal theory and political economy scholars have long argued that law's purported neutrality masks its complicity in reproducing inequality and legitimizing dispossession [4–6].

Nowhere is the paradox of law under extractive capitalism more visible than in Indonesia's Bangka Belitung Islands. As the world's second-largest tin producer, home to around 90% of national output and contributing approximately a quarter of global production, the province occupies a strategic position within both transnational commodity chains and Indonesia's domestic mineral governance architecture [7, 8]. The sector is governed by a formal legal infrastructure that includes the Mineral and Coal Law (Law No. 4/2009), its revision under Law No. 3/2020, and further amendment via Law No. 2/2025, which introduced environmental audit obligations, domestic market priorities, and preferential licensing for cooperatives and religious organizations¹⁵. These laws are supplemented by technical regulations and the community-based People's Mining Permit (*Izin Pertambangan Rakyat* or IPR), designed to legalize and manage small-scale operations.

On paper, the regulatory system appears layered, rational, and sufficiently responsive to governance demands. However, in practice, Bangka Belitung operates under a radically different logic, where regulation is present but does not regulate; legality exists but does not constrain. Informal mining flourishes across terrestrial and coastal zones; law enforcement is sporadic and politically selective; environmental safeguards are routinely circumvented; and extractive rents circulate through networks of local entrepreneurs, state actors, and security intermediaries [9–13].

The result is not a legal void, but a “twilight zone” of legality [14]. In this governance condition, formal authority is continuously undermined by shadow power and economic urgency. State-owned enterprises have been implicated in purchasing illegally sourced tin, while military-linked brokers and local political fixers act as *de facto* regulators without credible public enforcement. This does not reflect the breakdown of law, but rather its strategic displacement, where legal frameworks are instrumentalized to maintain appearances of control while ceding actual governance

to extractive arrangements. Bangka Belitung is thus not simply a site of legal dysfunction; it is a frontier of juridical transformation, where law no longer disciplines extraction, but sustains it.

These dynamics are not unique to Indonesia. Similar patterns emerge across the Global South, where extractive legality functions as a mode of governance, sustaining accumulation through the selective activation of legal norms [15, 16]. The Bangka Belitung case, therefore, serves as a microcosm of broader global challenges confronting law in resource economies.

What collapses when law no longer limits power? Is the erosion of legal authority in extractive frontiers a failure of institutions or the success of a system reengineered to serve accumulation and control? These questions demand a shift from thinking of law as a stable, norm-bound system to understanding it as a political technology that can be appropriated, hollowed out, and repurposed without formally disappearing [2, 3, 5].

In policy discourse, the dysfunction of mining law is often framed as a problem of enforcement gaps, institutional fragmentation, or lack of administrative capacity [17, 18]. However, such framings obscure a more uncomfortable reality: in places like Bangka Belitung, law has not failed because it is absent, but because it has been systematically displaced. Legal norms remain in force on paper, but are absorbed into political networks and reproduced through informal intermediaries whose authority is rarely acknowledged but widely effective [1, 19].

This condition reflects what scholars have described as legal disempowerment [16] or the unmaking of legality [20], where legal institutions are not abolished, but their normative force is neutralized, their boundaries blurred, and their functions redirected. In such contexts, law no longer constrains extraction; it legitimizes it by omission, fragmentation, and silence. Legal forms continue circulating but are detached from enforcement, transparency, or justice. What we confront is not a juridical void but the death of law as constraint, its survival as form, but collapse as force.

This study intervenes at the intersection of legal theory, political economy, and extractive governance, where the meanings of legality, authority, and enforcement are far from self-evident. It engages critically with three overlapping bodies of thought, not to synthesize them, but to challenge the analytical silos that prevent us from understanding how law sustains rather than restrains extractive regimes.

First, the study draws on insights from regulatory capture theory, explaining how powerful interest groups co-opt the institutions meant to regulate [21, 22]. While often applied to advanced industrial democracies, capture in the context of Indonesia's mining sector takes on a dispersed and informalized form, rooted not only in institutional design flaws but also in social networks, patronage logics, and embedded collusion [23]. Law is not simply captured exogenously; the political economy of extraction endogenously shapes it.

Second, the study engages with critical legal theory, particularly works arguing that law is never ideologically neutral [3–5]. Legal form may appear coherent and rational, but it often masks inequality, depoliticizes conflict, and legitimizes domination. This is especially acute in extractive contexts, where law is a stabilizing fiction amidst unstable power relations.

Third, this article aligns with political ecology and critical resource studies, which theorize extraction not merely as economic activity, but as a mode of ordering space, sovereignty, and authority [24, 25]. In this view, the governance of natural resources is not about optimal regulation, but about the political reproduction of control, often through forms that appear legal but function informally. What is extracted, then, is not only tin but the meaning and function of law itself.

In contrast, mainstream scholarship and regulatory policy on environmental law and mining governance in Indonesia have largely remained technocratic and institutionalist in orientation. Emphasis is placed on enhancing compliance mechanisms, formalizing artisanal mining, and streamlining licensing procedures [9, 17, 18]. While useful, such frameworks overlook a more uncomfortable possibility: that law may constitute the problem, not merely a tool for its solution.

Despite a growing body of work on extractive governance, few studies have interrogated how legality is strategically displaced, not through regulatory absence, but through its internal repurposing to sustain informal and elite power. Existing analyses often concentrate on institutional design or enforcement gaps, leaving the legal frameworks of political labor underexplored, legitimizing impunity.

This study addresses that gap by theorizing legal failure not as dysfunction but as a systemic adaptation under conditions of extractive dominance. It departs from reformist assumptions and instead asks: What happens when law does not merely fail but facilitates?

This study does not aim to diagnose the weaknesses of Indonesia's mining regulatory framework as a problem of administrative incapacity or technical shortfall. Such framings, common in development reports and regulatory audits, obscure the more fundamental issue: that legal failure in extractive regimes is often the result of deliberate political design, not institutional neglect [16, 20]. What is observed in Bangka Belitung is not the absence of law, but its engineering to serve extractive power.

The legal system does not simply "fail to work"; it is made to work differently. Norms are retained, but emptied of coercive force, rendered malleable by political discretion, and animated through informal arrangements that blur the boundary between legality and impunity. As such, legal dysfunction becomes a modality of governance, a way of managing extraction without accountability, under the cover of regulatory form [1, 2].

This article thus advances the argument that the collapse of law in Indonesia's tin sector is not a legal anomaly, but a political strategy. It represents a systemic displacement of constraint by collusion: a transformation of law from a field of rights and limitations into a flexible architecture for rent-seeking, evasion, and legitimacy. As has been argued, law is not outside history and power; it is one of their principal expressions [6]. By foregrounding the death of law not as failure but as function, this study situates itself against technocratic reformism and within a tradition of critical legal and political thought that asks not how law can be restored, but whom it has been restructured to serve. This article advances the claim that the death of law in extractive regimes is not a symptom of regulatory breakdown, but a political strategy that reconfigures legality to authorize impunity. Theoretically, this study contributes to debates on legal displacement by advancing the concept of "extractive legality", a condition in which law survives not to constrain power, but to sustain its operation

through juridical form. By reframing legal failure as a systemic adaptation, the article builds on and extends critical legal theory in contexts of resource governance.

If law can persist without regulating and survive as a form while dying as a force, then the stakes of legal analysis must go beyond institutional performance and procedural reform. The condition observed in Bangka Belitung is not merely a regulatory failure, but a symptom of a broader transformation in how legality is produced, mobilized, and instrumentalized in resource frontiers. When the state participates in the strategic hollowing out of law, it undermines the foundational premise of legal authority as a limit on arbitrary power [26, 27].

This matters profoundly for legal theory because it challenges the liberal presumption that more law necessarily produces more justice or accountability. As scholars of critical legal studies have warned, law can reproduce domination as effectively as it can protect against it, especially when it is selectively enforced or captured by elite interests [4, 6]. The Bangka Belitung case thus becomes a lens through which to interrogate the political life of legality, where legal instruments serve as scaffolding for extractive governance rather than barriers to it.

The stakes are equally urgent for natural resource governance. Reform initiatives often focus on capacity-building, institutional redesign, or formalization of the informal sector [18, 28]. However, such approaches risk reinforcing the system they seek to correct if they ignore how the law is embedded within entrenched power networks. Reforms risk re-legitimizing extractive impunity under new institutional veneers without confronting the political architecture of collusion.

Finally, for democratic accountability, the implications are stark. When legality becomes a shield for impunity, when the juridical language of permits, audits, and compliance masks collusion and violence, citizens are deprived of protection and recognition as legal subjects [16, 20]. In this context, the death of law is not only a legal crisis, but a political one: a profound rupture in the promise of legal modernity itself.

These conditions reveal not only a juridical paradox but also a methodological challenge. Investigating how legality operates under regimes of extraction requires an approach that can trace the formal presence of law and its functional displacement. To this end, the study employs a critical socio-legal methodology that combines doctrinal interpretation with interpretive document analysis, grounded in a political economy of law framework.

8

2 Research Methodology

2.1 Research Design

This study adopts a critical socio-legal research design grounded in a normative-empirical methodology. It combines doctrinal legal analysis with interpretive, context-sensitive inquiry into the political economy of law, particularly within extractive governance regimes. Rather than treating law as a closed and autonomous system of norms, the study conceptualizes law as a dynamic social construct shaped by institutional power, political alliances, and material interests [29, 30].

Situated within the tradition of critical legal scholarship, the research interrogates how legal instruments, such as permits, regulations, and judicial rulings, are not merely under-enforced but actively repurposed to legitimize accumulation, shield impunity, and sustain extractive orders. The legal system is thus examined not as a constraint on domination but as a central apparatus through which domination is juridically articulated and sustained.

This design is particularly suited for examining the Indonesian tin mining sector, where formal legality persists alongside entrenched informality, discretionary enforcement, and legal pluralism. By combining normative legal reasoning with empirical scrutiny of governance practices, the research explores how legality is reconfigured and strategically performed in resource frontiers. The conceptual framework, centered on extractive legality, facilitates a multi-layered law reading as both discourse and institutional practice.

2.2 Data Sources and Empirical Scope

This study relies on qualitative document analysis, using a purposive selection of primary and secondary sources. The empirical focus is the tin mining sector in Bangka Belitung Province from 2020 to 2025, following the revision of Law No. 3 of 2020 on Mineral and Coal Mining, which significantly restructured licensing authority and enforcement mechanisms. This legal shift generated new regulatory ambiguities and expanded avenues for elite appropriation.

Data sources include formal legal documents (national statutes, ministerial regulations, regional bylaws, and judicial rulings), environmental audit findings, investigative reports published by reputable media organizations, and civil society briefings. Academic publications and policy analyses complement those focused on mining governance, decentralization, and regulatory enforcement. Documents were selected for their relevance to the central research concern: how legal instruments are activated, suspended, or reinterpreted in ways that support extractive relations.

This method draws on documentary interpretation as a legitimate socio-legal approach [31], particularly when political sensitivities or access limitations constrain direct interviews with elites or officials. Official documents and published investigations provide traceable, publicly verifiable records that reflect legality's strategic and symbolic deployment in extractive governance.

To enhance validity, triangulation was applied across multiple document types, legal texts, media narratives, court rulings, and NGO publications [32, 33]. Documents were not treated as neutral records but as institutional artifacts shaped by competing interests, rhetorical strategies, and bureaucratic logic. The analysis emphasizes how legality is performed and preserved, not despite impunity but through it.

2.3 Analytical Strategy

This study applies a critical-interpretive analytical strategy, informed by critical legal studies, the political economy of law, and discourse analysis. Rather than merely diagnosing regulatory failure, it seeks to uncover how legal forms operate ideologically and institutionally to sustain extractive power.

The analysis follows three interlinked stages:

(1) Contextual Reading (Genealogical Mapping)

Legal and policy texts are in historical, political, and institutional contexts. This includes tracing the evolution of Indonesia's mining governance following the 2020 revision of the Mineral and Coal Law, decentralization shifts, and the proliferation of informal mining networks in Bangka Belitung. Secondary literature from political ecology and legal anthropology maps these developments.

(2) Discourse and Narrative Deconstruction

Drawing on critical discourse analysis [34], this stage examines how legality is framed and narrated across laws, audit reports, court decisions, and media exposés. Recurrent tropes such as “procedural compliance,” “community empowerment,” or “restoration responsibility” are interpreted as discursive strategies that mask extractive harm and normalize elite capture. Legal instruments are thus read as rhetorical devices that stabilize domination while projecting legal order.

(3) Synthesis via Theoretical Framework

The final stage interprets empirical patterns using the integrated theoretical lens, particularly the concepts of extractive legality, twilight institutions, and legal fragmentation. Regulatory inconsistencies, such as selective enforcement or overlapping jurisdictions, are treated not as administrative failure but as features of a strategic juridical reconfiguration. Legality is preserved symbolically while emptied of constraint.

Data analysis follows the principles of inductive thematic analysis [35]. This means that units were coded iteratively, producing interpretive categories such as *symbolic legality*, *instrumental enforcement*, and *regulated unaccountability*. Reflexivity was maintained through continuous memo writing and analytical journaling. Rather than seeking causal generalization, the objective is to provide a deep, theoretically anchored interpretation of how legality sustains extractive regimes.

2.4 Positionality and Ethical Considerations

The study is guided by a reflexive awareness of the researcher's positionality as a legal academic based at a public university in Bangka Belitung, the region under analysis. While this positional embeddedness facilitates access to legal, bureaucratic, and civil society contexts, it also necessitates critical distance to avoid reproducing dominant institutional narratives.

Consistent with critical socio-legal traditions, the researcher adopts an engaged interpretive stance, aiming not for neutral observation but for analytical accountability. The inquiry is informed by a normative commitment to social justice, legal transparency, and ecological responsibility, while remaining methodologically rigorous.

As the study does not involve human participants, no formal ethics approval was required. However, the research adheres to key ethical principles:

- Full attribution and citation of all sources,
- Caution in interpreting politically sensitive or contested materials,
- Avoidance of misrepresentation, and,
- Transparency in analytical inference.

Where politically sensitive cases, such as collusion, regulatory capture, or impunity, are discussed, the study avoids naming individuals unless already disclosed in public, verifiable investigations. The analysis centers on institutional structures and juridical patterns, not on personal blame.

Finally, the study recognizes that legality is a tool of domination and a terrain of contestation. While the analysis foregrounds how legal forms are co-opted to maintain extractive power, it also acknowledges the potential for resistance, reform, and critical reappropriation, primarily through civil society action and transformative legal practice.

3 Theoretical Framework

3.1 Law as Ideological Form: The Critique of Legal Neutrality

This study is grounded in Critical Legal Theory (CLT), which challenges the liberal assumption that law is a neutral and autonomous institution. Instead, CLT asserts that law operates ideologically to stabilize social hierarchies and legitimize dominant interests. However, CLT's position is not epistemically neutral; it rests on a normative commitment to expose the political functions of law and advance its emancipatory potential. This reflexivity is vital: the claim that law is not neutral is rooted in a particular normative orientation.

As has been famously argued, “legal doctrine obscures the politics of law by presenting conflict as coherence,” concealing normative contestation beneath the surface of technical reasoning [4, 5]. Likewise, the myth of the rule of law is dismantled, cautioning that legality often serves “not as a check on power, but as a cloak for its exercise” [3]. Neutrality, in this sense, is not merely absent, it is an ideological construction that masks law's embeddedness in social struggle.

This study also approaches law as a semiotic form, that is, as a system of signification through which legal instruments, symbols, and performances generate the appearance of normative coherence and institutional order. Following the notion of “legal overproduction” [2] and the reading of enforcement as ritual [36], this analysis emphasizes that legality does not function solely as a normative framework, but also as a symbolic and performative register. Permits, environmental audits, spatial designations, and enforcement raids often operate less to regulate conduct than to perform state authority and legitimate extractive arrangements. In this view, legality becomes meaningful in what it mandates or prohibits and how it signals control, presence, and rationality within a contested political economy. The concept of extractive legality

builds on this semiotic logic by revealing how legal infrastructures are retained not to restrain power, but to give symbolic cover to its exercise, turning legal dysfunction into a staged performance of governance.

This critique holds particular relevance in resource frontiers, where the appearance of legality frequently conceals underlying extractive violence. Drawing on ethnographic research in Sulawesi, Indonesia [37], legal mechanisms construct the illusion of state neutrality while enabling systematic dispossession. Similarly, Bangladesh's legal categories in agrarian reform were ideologically constructed to sustain elite power under redistribution rhetoric [38].

From a postcolonial perspective [2], peripheral legal systems exhibit both "absence and overproduction", a proliferation of legal texts, forms, and institutions that lack coercive substance. This characterization resonates with the concept of the "twilight institution" [14], where legality operates as a symbolic shell, deployed to manage disorder without accountability.

Recent empirical studies reinforce these insights. An "arc of avoidance" in Global South mining regimes is identified [39], where firms uphold formal legal compliance while systematically evading substantive obligations, such as fiscal and environmental responsibilities. Neutral-appearing administrative mechanisms have also been shown to enable the legal dispossession of small-scale miners, as evidenced in a case study from Colombia [40]. In Southeast Asia, similar dispossessions occur in artisanal mining contexts, where bureaucratic hurdles and regulatory formalization disproportionately disadvantage local communities. Governance frameworks such as the Extractive Industries Transparency Initiative (EITI) and Free, Prior and Informed Consent (FPIC), while formally in place, are routinely undercut in practice, demonstrating a persistent gap between normative intent and operational reality [41]. In the Latin American context, a pattern of "regulated unaccountability" has been observed, in which legal systems protect capital investment while communities remain vulnerable to selective enforcement and structural conflict [42]. Complementing this, analysis of the intersection between mining and neoliberal conservation reveals how legal instruments can simultaneously authorize extraction and displace local environmental claims [43].

In Indonesia, these dynamics are vividly manifest in the tin mining sector. Although formally established, environmental licensing and permit systems in Bangka Belitung often function more as political symbolism than actual regulatory instruments [44]. Evidence shows that while regulations exist on paper, enforcement frequently collapses under political and economic pressure, allowing extractive activities to continue largely unchecked. Complementing this, an investigative report [45] uncovered how the state-owned enterprise PT Timah purchased tin from illegal mines operating within its concession areas, illustrating how formal legality is strategically aligned with informal networks and elite interests.

Thus, in Bangka Belitung, law is not simply weak or unenforced but instrumentalized to produce symbolic legality. Its function is not to prohibit but to authorize. Far from operating as a safeguard, the legal system becomes a terrain through which accumulation is legalized and accountability is deflected.

This body of work reinforces the central claim of this study: that legal failure in extractive regimes is not a malfunction, but a strategic and ideological adaptation.

The law remains present, on paper, in institutions, in rhetoric. However, its force as constraint is hollowed out, replaced by a legitimating narrative that sustains extractive power under the guise of the rule of law. The law remains present, on paper, in institutions, in rhetoric. However, its force as constraint is hollowed out, replaced by a legitimating narrative that sustains extractive power under the guise of the rule of law. Law enforcement can become largely symbolic, preserving the appearance of normative order even as its substantive functions are eroded [36]. In extractive regimes, this symbolic dimension enables law to operate as ritualized legitimacy, rather than as a vehicle for justice or regulation.

Together, CLS and Legal Realism form the analytic bookends of this study. While CLS highlights law's ideological character and symbolic function, Legal Realism focuses on institutional actors, discretion, and enforcement practices that give law its operative life.

3.2 Legal Realism and the Strategic Life of Law

This study also draws from American Legal Realism, which posits that law is not a closed, objective system but a contingent social practice shaped by institutional actors [46, 47]. Llewellyn emphasized that *"what officials do about disputes ... is, to my mind, the law itself"*, while Frank and Bix argued that judicial outcomes depend more on discretionary judgments than doctrinal norms.

In extractive settings like Indonesia's tin sector, law does not primarily function through formal norms but via strategic adaptation. Regulations, licenses, and procedures are present on paper. However, their enforcement is mediated by political calculations, informal incentives, and rent-seeking networks, a condition aptly described as the "rule of law without enforcement" [3].

Recent empirical research reinforces this realist insight in resource economies. For example, a comprehensive analysis of Indonesia's new mining regulatory framework found that enforcement of environmental and permitting regulations in Bangka Belitung varies significantly by region [48]. Compliance often depends on political alliances and local economic interests, leading to fragmented law application. Their study demonstrates that, rather than ensuring uniform implementation, regulatory reform has introduced flexibility that enables selective enforcement, favoring powerful actors.

Globally, documented extractive governance patterns echo across resource-rich regions. An analysis of Latin America and Africa cases reveals how formal mining regulations frequently coexist with informal enforcement regimes, with negotiated practices determining outcomes more than statutory mandates [24]. This reflects that the law often functions as a political resource rather than a strict boundary.

This dynamic is also evident in Indonesia. A recent comprehensive study of regulatory reform confirms that enforcement of laws such as environmental safeguards and permitting systems varies significantly based on regional political alliances and economic interests, demonstrating selective application rather than absence of law [48].

The case of Bangka Belitung vividly illustrates this. Legal tools such as the Izin Pertambangan Rakyat (IPR) and environmental audits serve primarily as negotiation

leverage, activated strategically to secure rent flows, manage political risk, or deflect external scrutiny. Law in contested and institutionally fluid terrains often functions as a regulatory resource that adjusts to shifting power dynamics rather than enforcing a stable normative order [14] Rather than indicating legal absence, this reflects a dialectical process where legal norms are mobilized, suspended, or redefined depending on political utility. In this regard, law appears less as a stable constraint and more as a pliable infrastructure of discretion, legal in form and political in function.

Adopting this realist lens, this study moves beyond simplistic binaries of legality versus lawlessness. It demonstrates that law in extraction zones does not collapse; it endures but shifts its role from enforcing constraints to legitimizing arrangements. In Bangka Belitung, the legal system operates not through doctrinal adherence but through discretionary flexibility, serving the political-economic imperatives of extractive governance.

3.3 Legal Pluralism and the Fragmentation of Authority

Building on this, Legal Pluralism adds an institutional and spatial dimension to the strategic life of law. Rather than assuming a singular legal authority, Legal Pluralism posits that state law often operates alongside customary norms, informal arrangements, and non-state forms of regulation, especially in postcolonial and resource-rich settings [30, 49]. Far from being harmonious, these overlapping legalities often reflect profound asymmetries of power and institutional fragmentation.

In Indonesia's tin mining context, particularly in Bangka Belitung, this pluralism manifests in the coexistence of formal regulatory frameworks such as the People's Mining Permit (IPR), customary land claims, military-brokered concessions, and informal brokerage arrangements. While state law remains formally dominant, it does not monopolize authority. Instead, governance is dispersed across a constellation of actors, village elites, regional bureaucrats, private collectors, and military intermediaries, each invoking different legal or quasi-legal justifications to legitimize extractive activity. This complex mosaic of authority does not democratize regulation; instead, it produces a juridical opacity that facilitates elite capture and rent-seeking [50, 51].

Recent empirical studies reinforce this diagnosis. In Ghana, research on artisanal mining highlights the coexistence of statutory and customary norms that produce "zones of legal ambiguity," where formal laws are routinely bypassed in favor of informal practices [52]. Similarly, hybrid governance regimes in African mining communities allow traditional authorities to enter extractive deals that circumvent environmental and social protections [53]. Specifically, an analysis of illegal rock-mining enforcement in Bone Regency reveals how actions like raids are used sporadically and exhibitionistically, functioning more as tools to manage public perception than to enforce environmental law systematically [54]. This form of "responsive" enforcement demonstrates how regulatory fragmentation is strategically leveraged: responsibilities are dispersed across agencies and jurisdictions, creating ambiguity that undermines genuine accountability. These dynamics align with the concept of "twilight institutions," where the appearance of legality is maintained while regulatory authority is dispersed, hollowed out, or co-opted [14].

Emerging technologies and the transnationalization of legal authority further intensify this fragmentation. From satellite-based environmental monitoring to blockchain-driven mineral traceability systems, new modalities of surveillance and certification redefine regulatory power across borders. Global frameworks such as the OECD Due Diligence Guidance and the EU Critical Raw Materials Act introduce extraterritorial legal norms that intersect unevenly with local governance, creating layered and hybrid compliance regimes. In such environments, law becomes simultaneously deterritorialized and domesticated, operating as a global script and a local performance.

In Bangka Belitung, such pluralism enables the legal infrastructure of impunity. Regulatory instruments exist, but are rarely enforced in full. Instead, legal frameworks are flexibly activated to protect powerful actors, deflect public scrutiny, or stabilize informal economies. What emerges is not a collapse of law, but its reconfiguration: a fragmented legal order where state, market, and customary authority blend into an extractive legality that operates without meaningful constraint.

3.4 Toward a Theory of Extractive Legality

This analysis proceeds from a normative and evaluative understanding of law, not as a guarantor of formal certainty or procedural regularity, but as a safeguard against structural harm. The standard of judgment applied here does not derive from legal positivism or doctrinal coherence, but from law's capacity to constrain arbitrary power, protect ecological and social integrity, and uphold democratic accountability. In this sense, "functioning law" is not equated with institutional presence or regulatory text, but with law's material effects in defending vulnerable populations from extraction, impunity, and displacement. The critique that follows, therefore, adopts a positional lens: it does not claim neutrality, but foregrounds a political valuation of law based on its emancipatory promise.

Building upon critiques from Critical Legal Theory, Legal Realism, and Legal Pluralism, this study advances a theoretical synthesis: the concept of extractive legality, a condition in which law is not absent but actively repurposed to authorize accumulation, shield impunity, and reproduce extractive orders. Rather than a void of legality, its transformation emerges, a mutation wherein law persists as symbolic infrastructure even as its constraining force is selectively turned off.

This phenomenon is vividly manifested in the Indonesian tin sector. Investigations in 2022–2024 revealed that state-owned PT Timah systematically purchased illegal tin extracted by unlicensed miners using networked intermediaries, despite holding formal concessions. A public court ruling confirmed these purchases, demonstrating how legal form is preserved while its substance is hollowed out [12, 45]. Similarly, it has been reported that the Attorney General's Office actively prosecutes high-level officials and PT Refined Bangka Tin executives for facilitating illegal tin operations, suggesting that legality is selectively weaponized against weaker actors while shielding systemic arrangements [13].

In connection with Law No. 3 of 2020, it has been found that decentralizing small-scale mining permits (IPR) to local governments has coincided with a surge in illegal mining and environmental damage in Bangka Belitung [44]. The law's delegation

transformed regulatory ambiguity into a source of opportunistic resource extraction. A case study of Teluk Kelabat underscores this dynamic: although designated by regional regulation as a no-mining zone, law enforcement has been sporadic and frequently undermined by local political and economic pressures. It has been reported that dredging continues unchecked in Teluk Kelabat, illustrating how legal prohibition provides visibility but lacks enforceable power [55].

The concept of extractive legality reframes legality not as a failed constraint, but as a pliable instrument of power. Legal mechanisms, permits, audits, and spatial designations are not dismantled but retained as part of a performative repertoire that legitimizes extractive violence. This is not a collapse of legality, but its reconfiguration. Legal form can obscure the political [4, 5], legality may cloak domination [3], and peripheral legal systems can be marked by overproduction without coercive depth [2]. These insights illuminate how law is not a neutral arena, but a semiotic and institutional apparatus, an order of signs that authorizes disorder.

This study thus rejects accounts that treat legal dysfunction in resource frontiers as an absence. Instead, it posits that law is retained precisely because of its utility, not in constraining power, but in staging its legitimacy. What appears as dysfunction is, in reality, functional adaptation: a legal performance that sustains extraction by simulating regulation. Law does not die in the margins of extraction; it survives as a hollow signifier of governance.

Consistent with traditions of critical jurisprudence and democratic accountability, this study proceeds from the normative conviction that law should safeguard against impunity, ecological degradation, and the structural dispossession of marginalized communities. When legal norms are consistently retooled to facilitate elite accumulation and deflect responsibility, the problem is not law's instrumentalization alone but the betrayal of its emancipatory potential. This study seeks to confront this betrayal and its semiotic, institutional, and political dimensions.

This analysis proceeds from the view that law is not a neutral structure but a contested site of power and meaning [3, 5, 56]. Rather than treating normative commitments as detachable from inquiry, it recognises that analytical accountability is strengthened when critique is situated within the lived realities of structural injustice. From this perspective, detachment can risk obscuring such realities, while scholarly engagement entails acknowledging and addressing the dynamics of domination.

4 Results and Discussion

Unlike doctrinal legal analysis, which is confined to evaluating legal norms based on internal consistency and formal validity, this study adopts a critical approach that interrogates the ideological design and strategic deployment of law. Rather than merely cataloguing legal violations, we examine how legal norms, procedures, and institutions are structured and invoked to legitimate extractive operations and displace accountability. This epistemic stance enables a shift from compliance-based assessment to analyzing the law's complicity in structuring and perpetuating impunity. Such a perspective foregrounds the performative and symbolic function of law

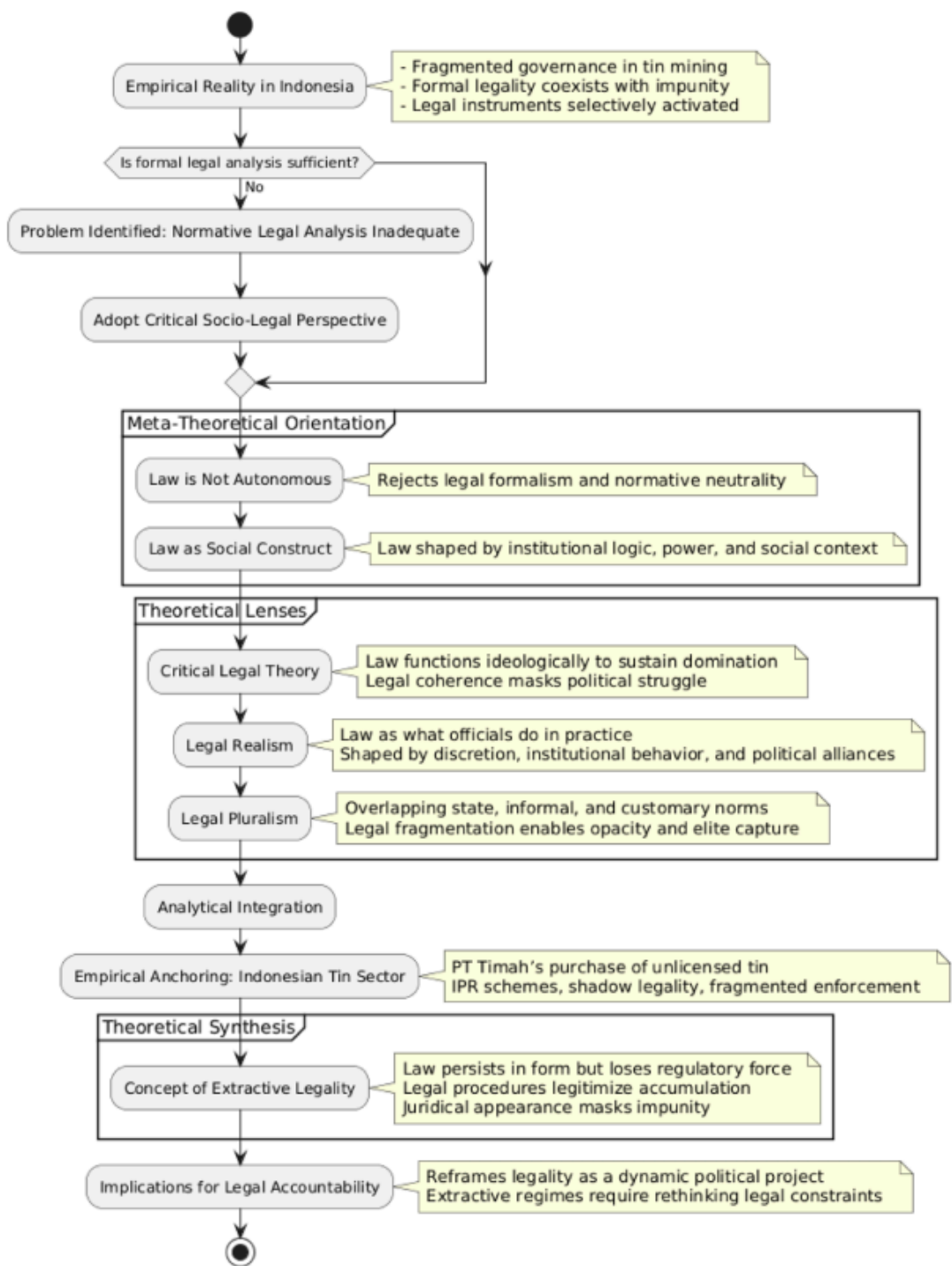


Fig. 1 Theoretical framework: the juridical logic of extractive legality

in extractive regimes, where legality serves not as a constraint on power but as a mechanism for its stabilization and legitimation.

This approach aligns with the view that legal analysis is inherently embedded in normative and political contexts [5, 56] Accordingly, the study adopts an engaged interpretive stance, is analytical rather than merely descriptive, and is committed to accountability rather than detachment.

In this light, “legal failure” is not a normative evaluation of institutional breakdown, but a descriptor of the disjuncture between the formal promise of law and its performative function in extractive regimes. The term signals how legality operates not in the absence, but in recalibrated form, to sustain impunity, allocate discretion, and perform accountability. In this context, what appears as failure under conventional rule-of-law metrics may reflect the law’s ideological adaptation to serve elite accumulation. This conceptual framing shifts attention from institutional deficiency to legal functionality within systems of domination.

The findings illustrate the central theoretical claim of this study: that legal failure in extractive regimes is not a symptom of institutional weakness or normative absence, but rather a strategic and ideological adaptation. Drawing from Critical Legal Theory (CLT), Legal Realism, and Legal Pluralism, we argue that law in Bangka Belitung’s tin sector has been hollowed out from within, retaining its formal shell while forfeiting its regulatory substance. This is not lawlessness, but extractive legality: a condition where law is repurposed to authorize accumulation and shield impunity under the guise of enforcement.

In doing so, we adopt a valuation system that treats law not simply as a normative apparatus, but as a political technology. Law’s significance lies not in its formal articulation but in its operationalization, how, by whom, and for what ends it is invoked or ignored.

Consistent with established strands of critical legal scholarship [2, 3, 5, 16], this study proceeds from the normative position that law should not merely formalize authority but serve as a safeguard against impunity, ecological harm, and the dispossession of marginalized populations. This perspective treats law as a potential constraint on arbitrary power rather than a vehicle for legitimizing extractive interests. When legal norms are systematically redirected to facilitate elite accumulation or to obscure harm, the result is not only the instrumental use of law but also the erosion of its emancipatory promise. It is from this standpoint that the present critique is undertaken.

Enforcement of tin mining regulations in Bangka Belitung was marked by symbolic compliance and strategic inaction. Despite a layered legal framework, Law No. 3 of 2020 on Mineral and Coal and Law No. 2 of 2025 on Environmental Oversight, there is consistent empirical evidence of formal adherence without substantive regulatory constraint. In 2022, court proceedings in Pangkalpinang revealed that PT Timah, through a network of shell cooperatives and intermediaries, systematically purchased tin from unlicensed and environmentally destructive mines. Several executives were convicted for their role, yet PT Timah, as a corporate entity, faced no administrative sanction. Its operational permits remained intact throughout the investigation [12, 45].

Furthermore, public investigations reveal that five mining companies, including PT Refined Bangka Tin, colluded with PT Timah executives between 2018 and 2019 to facilitate illegal mining activities within PT Timah’s concessions, causing estimated state losses of approximately IDR 29 trillion and environmental damage valued at IDR 271 trillion. Although former executives were sentenced to prison, PT Timah as a corporation was not sanctioned, reinforcing a broader pattern of selective legal enforcement [57, 58].

These patterns are not isolated failures but manifestations of a deeper juridical logic, where enforcement is designed to simulate oversight rather than constrain power.

This institutional inertia exemplifies what has been described in critical legal scholarship as the ideological function of law [3, 5]. Legality is maintained at the surface while masking underlying power asymmetries. Legal doctrine, audits, and licensing systems operate performatively, sustaining the appearance of regulation while shielding dominant extractive interests. What presents itself as regulatory oversight is, in effect, a carefully orchestrated staging of legality.

This reading of legality aligns with a semiotic understanding of law, not merely as a normative structure, but as a symbolic and performative apparatus. Law is here treated as an object of semiosis, a system of signs whose meaning is constituted through its public display, ritual enactment, and strategic invisibility [2, 5, 16].

During the same period, WALHI Bangka Belitung reported at least 38 fatalities among artisanal miners working on unauthorized offshore pontoons. Despite gross safety and environmental standards violations, no purchasing actors, formal or informal, were prosecuted. Environmental degradation, including mangrove destruction and sedimentation, was widely observed near key mining areas. However, environmental audits by state-appointed consultants concluded “no significant deviations” [45, 59].

The ritualization of legality is not limited to licensing systems but extends to the environmental performance apparatus. Despite PT Timah’s central role in illegal procurement networks, it received ‘Proper Emas’ awards in 2022 and 2023, government-issued honors for environmental compliance [60, 61]. This apparent contradiction underscores how audits and recognition programs function less as mechanisms of accountability than as performative displays, aligning with the concept of symbolic enforcement that preserves legitimacy without substantive enforcement [36].

This dissonance between ecological reality and official reports reflects the diagnosis of peripheral legal systems as marked by both “overproduction and absence” – a proliferation of legal instruments lacking coercive effect [2]. Here, dissonance is used not as a normative judgment but as an analytical expression of the gap between symbolic performance and regulatory substance. Legal audits and permits may exist in abundance, yet their enforcement is often nullified through strategic discretion. In such cases, enforcement becomes largely symbolic, preserving the appearance of normative order while substantive functions are progressively eroded [36].

Furthermore, Law No. 3 of 2020 delegated the issuance of People’s Mining Permits (IPR) to local governments with the stated aim of empowering community-based miners. In practice, this decentralization has generated legal fragmentation and intensified environmental degradation in Bangka Belitung. Evidence shows that the proliferation of IPR was appropriated by politically connected actors, turning decentralization into a mechanism of legalized ambiguity and reinforcing extractive legality rather than constraining it [44].

In early 2025, the Attorney General’s Office publicly named five downstream private companies as suspects in a high-profile illegal mining case involving damages estimated at IDR 300 trillion (approximately USD 19 billion). Although PT Timah’s procurement chain was central to this case, it was conspicuously absent from the list

of indicted corporations [58]. Rather than triggering institutional reform, these public admissions are absorbed into a symbolic accountability narrative, further stabilizing extractive legitimacy. This selective prosecution reveals the Realist insight [46, 47] that the law in action is contingent upon discretionary institutional behavior rather than normative rule. Regulatory enforcement is not uniformly absent; it is strategically distributed to deflect pressure while insulating core actors.

Crucially, PT Timah's procurement of tin from illegal sources was not an isolated breach but part of an institutionalized pattern. Investigative reports and court documents from 2022 to 2024 confirm that shell cooperatives served to mask illicit sourcing. This practice illustrates the Realist notion that law's application is not dictated by formal norms but by institutional positioning, where core actors enjoy selective insulation. At the same time, peripheral brokers bear the burden of enforcement.

Moreover, in July 2024, the government launched the SIMBARA mineral tracking system to monitor the flow of nickel and tin from mines to processing facilities. Although designed to prevent illegal mining and improve state revenue, the absence of follow-up or impact evaluation in Bangka Belitung reveals that the system has functioned symbolically rather than substantively, failing to reduce illegal mining [12, 13]. This symbolic deployment of technology reflects what has been described as the anti-politics machine, a bureaucratic apparatus that depoliticizes structural inequality under the guise of technical neutrality [62]. Comparable dynamics have been observed in state simplification schemes that obscure local complexity while enhancing extractive legibility [63]. In this sense, SIMBARA operates less as a governance tool than as a state optic, an instrument of performative order rather than substantive regulation.

Across these episodes, regulatory instruments, permits, audits, and enforcement mandates remained formally in place but functioned more as tools of negotiated discretion than mandatory obligation. Enforcement was narrowly targeted at intermediaries, while institutional beneficiaries such as PT Timah remained protected. This illustrates how legality operates not as a mechanism of constraint but as a differentiation tool, allocating responsibility downward while shielding the apex of extractive networks.

In May 2025, PT Timah's CEO publicly disclosed that 1,175 illegal mining cases were operating in and around the company's licensed areas: 175 inland, 890 offshore, and 110 in Belitung [64]. This institutional revelation did not result in any internal sanction or regulatory revocation. Instead, PT Timah continued to report high environmental performance, citing post-mining reclamation of 16,236 hectares, deployment of 3,105 fish shelters, 3,840 artificial reefs, and consecutive Proper Emas awards in 2022 and 2023 [60, 61, 65]. The contrast between environmental violations and institutional self-praise illustrates the ideological work of law in legitimating extractive impunity.

This contradiction, between public recognition of widespread illegal activity and sustained claims of compliance, illustrates a central feature of extractive legality. In resource frontiers, law is not absent but functionalized to stabilize accumulation while displacing accountability [37]. What matters is not the mere presence of legal texts or institutions, but the ways in which they are activated or ignored to serve elite

interests. In such contexts, regulatory frameworks exist less to enforce than to signal order.

Further reinforcing this is the case of Teluk Kelabat. Although designated as a protected marine zone under Regional Regulation No. 5/2019, offshore dredging continued between 2022 and 2024. The Governor's Office issued a warning in December 2022, but operations resumed within weeks. Local authorities cited "pending IPR applications" to justify inaction. This scenario is emblematic of Legal Pluralism in practice: state, customary, and informal norms coexist in a fragmented legal order that permits selective invocation of rules depending on strategic utility [30, 49, 51].

In such contested terrains, law does not vanish but mutates—fragmented, instrumentalized, and redeployed. This transformation reflects the dialectical movement of legality: simultaneously invoked to legitimize accumulation and selectively ignored to evade accountability. In this sense, law in Bangka Belitung persists not as a counterweight to impunity, but as its infrastructure, a scaffold for accumulation rather than its regulator. This fragmentation mirrors the ambivalence of legal pluralism: while it allows the coexistence of multiple normative orders, it can also be mobilized to authorize selective enforcement. In Southeast Asia, plural legal orders frequently facilitate forum shopping and legal manipulation by powerful actors, particularly in extractive sectors [66].

This juridical logic of extractive legality in Bangka Belitung does not emerge in isolation but is embedded within transnational supply chains, global commodity flows, and evolving assemblages of informal legalities. The circulation of tin as a global resource is governed by national laws, international certification regimes, investor expectations, and technical standardizations that often obscure local harms. Frontier economies frequently operate within hybrid legal orders shaped by formal sovereignty and global market imperatives [37]. Extractive enclaves are similarly sustained by processes of "extraversion", whereby accountability is externalized while profit is internalized [62]. The Bangka Belitung case illustrates this extraverted legalism: formal law remains, but its function is decoupled from justice and redirected toward both local and global accumulation. The endurance of extractive legality is thus inseparable from the informal economies of power that traverse national boundaries and operate within the interstices of international legality [16].

As argued in *International Law from Below*, legal systems in the Global South are often shaped less by universal norms than by local power configurations that co-opt legality for elite interests [16]. The findings of this study reinforce the proposition that legal frameworks in extractive regimes are not eroded by disorder; rather, they constitute the very architecture through which disorder is legitimated. Legal pluralism enables regulatory ambiguity; realist perspectives explain its discretionary enforcement; and critical approaches expose its ideological function. The resulting condition is not simply a failure of law but a juridical mutation: legality without justice, regulation without constraint, and compliance without accountability.

Such a condition demands a reconceptualization of legal accountability in resource frontiers: not the restoration of normative order, but the exposure of law's complicity in sustaining extractive regimes.

5 Conclusion

This study has demonstrated that the collapse of legal authority in Indonesia's tin mining sector, particularly in Bangka Belitung, does not reflect a vacuum of law but rather a strategic and ideological reconfiguration of legality. Drawing from Critical Legal Theory, Legal Realism, and Legal Pluralism, we have shown that law in extractive regimes is not simply circumvented; it is refunctionalized to authorize accumulation, depoliticize accountability, and legitimize impunity. Through a multi-source document analysis, the findings reveal that formal regulations, environmental audits, and permit systems continue to operate not as instruments of constraint but as tools of symbolic enforcement, enabling powerful actors such as PT Timah to shield themselves from prosecution while continuing extractive operations under the banner of compliance. Regulation architecture has become performative: legal forms are retained to sustain the appearance of order, while their substantive functions are selectively suspended. However, this research is not without limitations. The study is based solely on publicly accessible documents, court records, and secondary reports; it does not incorporate primary interviews with government officials, corporate actors, or affected communities, which may have yielded richer insights into institutional motivations and everyday legal experiences. Future research would benefit from ethnographic or participatory methods that explore how local actors perceive and navigate these legal ambiguities in situ. Comparative studies across other mineral sectors or regions in Indonesia could further illuminate whether the dynamics reflect a localized pathology or a broader structural condition of extractive legality within the post-authoritarian Indonesian state.

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3

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Data Availability All empirical data collected in this study, including anonymized interview notes and policy documents, are stored securely by the authors. Due to confidentiality agreements with participants and ethical guidelines, these data are not publicly available. Requests for data access for academic purposes may be considered case-by-case and should be directed to the corresponding author.

Declarations

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Conflict of interest The authors declare that there are no competing interests or conflicts of interest related to the publication of this study. The research was conducted independently and was free from any influence by corporate, governmental, or non-governmental stakeholders.

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PAGE 1

PAGE 2

PAGE 3

PAGE 4

PAGE 5

PAGE 6

PAGE 7

PAGE 8

PAGE 9

PAGE 10

PAGE 11

PAGE 12

PAGE 13

PAGE 14

PAGE 15

PAGE 16

PAGE 17

PAGE 18

PAGE 19

PAGE 20

PAGE 21

PAGE 22