

Ban Policy on Nickel as Natural Resources from the Perspective of Mashlahah by Imam Al-Ghazali

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Abstract

This study examines Indonesia's policy of restricting nickel exports and its implications, focusing on the state's approach to enhancing the value of nickel through downstream processes. It adopts a normative juridical research method with a legislative approach, utilizing primary, secondary, and tertiary legal materials. Legal sources are gathered through literature review and internet study, and analyzed using deductive and descriptive reasoning methods. Based on relevant analysis and discussions, the study concludes that Indonesia's export restrictions primarily aim to improve nickel quality through downstream processing line with principles of prosperity and economic welfare. Despite concerns about potential limitations, such as the impact of smelter construction on local communities, Indonesia's policy remains consistent with international trade principles to support domestic economic growth and job creation. Future research should comprehensively address these obstacles provide a deeper understanding of the socio-economic implications of nickel export restrictions and downstream development in Indonesia.

Keywords: Nickel; Natural resources; *Maslahah*

Abstrak

Penelitian ini mengkaji kebijakan Indonesia yang membatasi ekspor nikel dan implikasinya, dengan fokus pada pendekatan negara dalam meningkatkan nilai nikel melalui proses hilir. Penelitian ini merupakan penelitian yuridis normatif dengan pendekatan perundang-undangan. Bahan hukum yang digunakan yaitu primer, sekunder dan tersier. Teknik dalam pengumpulan bahan hukum melalui studi kepustakaan dan internet serta dianalisis menggunakan metode penalaran deduktif dan deskriptif. Berdasarkan analisis dan diskusi yang relevan, studi ini menyimpulkan bahwa pembatasan ekspor Indonesia terutama bertujuan untuk meningkatkan kualitas nikel melalui hilirisasi, sejalan dengan prinsip kemakmuran dan kesejahteraan ekonomi. Meskipun ada kekhawatiran mengenai potensi keterbatasan, seperti dampak pembangunan smelter terhadap masyarakat lokal, kebijakan Indonesia tetap konsisten dengan prinsip-prinsip perdagangan internasional untuk mendukung pertumbuhan ekonomi dan penciptaan lapangan kerja di dalam negeri. Penelitian di masa depan harus mengatasi hambatan-hambatan secara komprehensif untuk memberikan pemahaman yang lebih mendalam mengenai implikasi sosial-ekonomi dari pembatasan ekspor nikel dan pembangunan hilir di Indonesia.

Kata Kunci: *Nikel; Sumber Daya Alam; Masalah*

Introduction

The welfare of citizens is the goal of Indonesia, as stated in the preamble of the 1945 Constitution of the Republic of Indonesia (Abrar, 2022). Indonesia is blessed with abundant natural resources, one of which is Nickel. Nickel is a natural resource of superior quality,

nitably as a raw material for industrial manufacturing. The utilization of nickel in Indonesia still relatively low. In fact, Indonesia has to import stainless steel originates from Indonesia. In essence, proper utilization of nickel would provide significant opportunities for the Indonesian economy (Wibisana, 2023). Therefore, Indonesia issued the Nickel Export Ban Policy in accordance with Law Number 3 of 2020 Amendment to Law Number 4 of 2009 concerning Minerals and Coal (Wijaya, 2022). Indeed, this policy is in line with the mandate of Article 33 Paragraph 3 of the 1945 Constitution of Republic of Indonesia, which states and “The land and water and the natural riches contained therein shall be controlled by the State and utilized to the greatest benefit of the people”. However, this policy has been criticized by consumer countries, one of which is the European Union. In 2021, the European Union sued Indonesia at the World Trade Organization (WTO) on the grounds that Indonesia was considered to be violating Article XI.1 of the General Agreement on Tariffs and Trade (GATT) of 1994, which states that “there shall be no restrictions other than duties, taxes, or other charges, whether made effective through quotas, import or export licenses”. The final outcome of panel decision number DS592 stated that Indonesia violated Article XI.1 of GATT 1994 and could not be justified using Article XI.2 of GATT 1994 (Nisya Nursyabani dan Dr Irawati, 2023). On the other hand, in Islam, it is explained that every policy of a leader must consider the welfare of its citizens (Ibrahim, 2018).

This research is different from previous studies, in this study, a deep analysis will be conducted on two policies: the regulation regarding the ban on nickel exports stipulated in Law Number 3 of 2020 Amendment to Law Number 4 of 2009 concerning Minerals and Coal, and its implementing regulations. Additionally, the study will analyze and align the Indonesian government’s policy regarding the ban on nickel exports with the principles of international trade. Furthermore, the research will examine the government’s policy from the aspect of societal welfare.

The aim of the research is to analyze the limitations stipulated in Law Number 3 of 2020 Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining with the law number 7 of 1994 concerning the Agreement Establishing the World Trade Organization, which is the ratification of the GATT 1994, and to review the policy using the principle of *maslahah* by Imam AL-Ghazali. Additionally, it is hoped that this research can contribute to the field of law and serve as a reference for future researches.

The literature review encompasses five distinct studies on Indonesia’s nickel export restrictions and their implications. Panjadinata (2023) examines the legal aspects of the ban, revealing its influence on nickel quality enhancement through downstream processes, while also highlighting Indonesia’s violation of WTO regulations. Hassanah (2021) explores

international trade agreement, emphasizing economic opportunities and currency disparities, with disputes mediated through the WTO's DSB. Pratiwi's (2023) research delves into environmental social governance in nickel management, emphasizing its potential for national revenue growth and environmental sustainability. Abra's (2022) study focuses on the legal intricacies regulatory mandates. Meanwhile, Hadad (2022) assess Indonesia's nickel export ban in the context of international trade stability, noting discrepancies with GATT principles. Arifin's (2023) focuses on the urgency of implementing Imam Al-Ghazali's *maslahah* in mixed marriages in order to achieve prosperity and benefit. Huda (2017) discusses the importance of meeting human needs with natural resources (SDA) through the concept of *maslahah* to improve human welfare. According to Al-Ghazali, *maslahah* aims to maintain the objectives of sharia, including the protection of religion. Sa'diah (2023) impulse buying is not in line with Imam Al-Ghazali's concept of *maslahah*. This is because these activities result in waste. So it is contrary to the flow of benefits or *kulliyat al-khamsah*. These studies from the present research in their focus. The present study examines the Nickel Export Ban Policy from two perspectives: the regulations concerning the policy and international trade principles, and from the perspective of *maslahah* (public interest).

Methods

The type of research used is normative juridical research employing a legislative approach. Normative research is a process of discovering legal rules, legal principles and legal doctrines. While the statutory regulatory approach is an approach using legislation and regulations (Marzuki, 2021). Regarding legal regulations, this research utilizes three sources of legal materials: 1) primary sources, consisting the Law Number 3 of 2020 Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining, Law Number 7 of 1994 concerning the Ratification the *Agreement Establishing The World Trade Organization* (WTO Agreement); and Minister of Energy and Mineral Resources Regulation Number 17 of 2020 Third Amendment to Minister of Energy and Mineral Resources Regulation Number 25 of 2018 concerning Mineral and Coal Mining. 2) Secondary sources, comprising Imam Al-Ghazali's book *Al-Mustasfa*, relevant books, theses, and journals related to the nickel export ban policy. 3) Tertiary sources, such as legal dictionaries, data from the Central Statistics Agency and English Dictionary. The technique for collecting legal materials involves library research and internet searches. Furthermore, the legal materials were then analyzed using legal discovery methods in the form of grammatical law interpretation and systematic law interpretation. Both interpretations of the law were used to determine the meaning of the term "Ban" in export policies based on relevant legislation.

Export Ban Policy

The nickel export ban policy is a government measure aimed at prohibiting the exportation or removal of goods from Customs territory (Nugroho, 2018). Essentially, the ban on nickel exports in Indonesia stems from Indonesia's efforts to develop its downstream industry, particularly in the production of nickel-based products such as batteries and stainless steel. Indonesia aims to increase the value-added of nickel products and protect its limited natural resources. However, the Europe Union perceives it as a form of protectionism and has lodged a complaint with the World Trade Organization (WTO). The EU argues that the ban restricts their access to nickel, which is a crucial raw material for steel production and other products, violates the principles of free trade and fair competition. On the other hand, Indonesia defends its policy on the grounds of the need to preserve natural resources, especially nickel, whose reserves are expected to be depleted soon. Indonesia argues that its policy remains in line with WTO principles. Additionally, the ban on nickel exports is also seen as a way to strengthen Indonesia's position in international trade and promote its national interests.

Nickel as a Natural Resource

Nickel is a type of metallic mineral naturally formed in the Earth's crust (Salim, 2012). Characterized by its shiny and silvery appearance (Arif, 2022). Nickel was first discovered in Indonesia in 1901 by Kroyut, a Dutch national, in the Verbeek area of Sulawesi (Arif, 2022). Since then, mining companies have been established. Nickel can be utilized to produce pure nickel metal (nickel ore), nickel matte, feronikel dan Nickel Pig Iron (NPI). Nickel matte can be used as a raw material for batteries, while ferronickel and NPI are used as raw materials for stainless steel (household appliances) (Arif, 2022).

Maslahah by Imam Al-Ghazali

Maslahah means something that provides benefit or advantage (Asiah, 2020). Imam Al-Ghazali defines *Maslahah* as an effort to preserve the goals of Sharia (*maqashid asy-syar`i*). In his book *Al-Mustashfa*, Imam Al-Ghazali divides *maslahah* into three levels: *Maslahah Dharuriyat* (Primary), which is the highest level and emphasizes five fundamentals: preserving religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-aql*), lineage (*hifz al-nasl*), and property (*hifz al-maal*); *Maslahah hajiyyat* (Secondary), necessary to alleviate difficulties and overcome obstacles, with the main principle being to lighten the burden of obligations and facilitate human affairs; and *Maslahah Tahsiniyat* (Tertiary), aimed at improving quality and beautification (Al-Ghazali, 2022).

Validity of International Agreement of National Law

An international Agreement is an agreement made across national borders. The validity of international Agreements on National Law involves two theories: dualisme and monisme (Agusman, 2010). Dualisme theory regards International Law as a separate legal system from National Law. Therefore, for an International Agreement to be applicable, it must undergo a transformation process to become an integral part of national law (Agusman, 2010). On the other hand, monism theory considers International Law and National Law as part of the same legal system (Agusman, 2010). This theory asserts that any country participating in an International Agreement automatically incorporates the agreement into its national law without undergoing a transformation process. Monism theory is divided into two: primacy of National Law and primacy of international law (Moelino, 2018). In essence, article 7 Paragraph 1 of Law Number 13 of 2022 regarding the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation asserts that International Law is not included in the hierarchy of legislation. Therefore, countries bind themselves to International Agreement through ratification, accession, acceptance, and approval (Ume, 2020).

The Restriction Policy on Nickel Export

Indonesia has abundant natural resources, one of which is nickel. Nickel is a raw mineral with a high selling price. Therefore, in order to optimize the management of natural resources, the government implemented a downstreaming program by using Law Number 3 of 2020 Amendments to Law Number 4 of 2009 Regarding Minerals and Coal. This regulation is in line with the mandate of Article 33 paragraph 3 of Constitution, which states that “the earth and water and the natural resources contained therein are controlled by the state and are used for the greatest prosperity of the people.” As this mandate emphasizes, natural resources are controlled by the state to achieve the prosperity/ welfare of the people (Redi, 2015).

Salus Populi Suprema Lex, Prosperity and Welfare of the People are the Highest Law in Country. In line with this adage, the government issued policies to achieve prosperity through the improvement of the country's economy. Therefore, as stated in Article 102 Paragraph 1 of Law Number 3 of 2020 Amendments to Law Number 4 of 2009 Regarding Minerals and Coal, every mining company that has an IUP/IUPK in the mining production stage is required to increase the added value of minerals through processing/ refining (downstreaming). Furthermore, there is Article 103 Paragraph 1 states that every mining company is obliged to refine/ process mining results domestically. Thus, mining companies are very active in building smelter.

Every mining company before exporting mining results must increase added value through processing/ refining (downstreaming); and also, for nickel and bauxite content in the form of raw minerals. The provision regarding nickel content below 1.7% has been abolished. Minister of Energy and Mineral Resources regulated to prohibiting mining companies from exporting nickel ore (raw minerals) and requiring every mining company to downstream mining results.

The policy implemented by Indonesia essentially has positive implications: an increase in nickel sales prices, an increase in state revenue, and an increase in domestic investment. Increase in Nickel Sales Price. As shown in the Central Statistics Agency data, the development of Nickel Exports. In 2020, when the export of nickel ore was banned, the value of derivative nickel product exports only reached US\$808 million. Then, in 2021 the export value increased by 58.9% to US\$1 billion. Meanwhile, in 2022 the nickel export value grew by 364.7% from the previous year. The increase in nickel export value in 2022 was driven by significant growth in nickel matte exports amounting to US\$4 billion, which is four times higher than the previous year. However, the most striking surge was in ferro-nickel products. In 2019, the export value of ferro-nickel was around US\$2.5 billion. This figure nearly doubled to US\$5 billion in 2020, and further increased to US\$7 billion in 2021. In 2022, ferro-nickel exports even surged higher, reaching US\$14 billion. This indicates strong demand and significant growth in the ferro-nickel industry (Datanesia, 2023).

Increase in State Revenue. Febri Antoni Arif, as the Spokesperson of the Ministry of Industry, provided an overview of the value of nickel in the form of ore valued at USD30/Ton. However, when nickel has been processed domestically and becomes Nickel Pig Iron (NPI), the price will increase by 3.3 times to USD90/Ton. Furthermore, such processing of nickel ore into Ferronickel can increase its price by up to 6.76 times or reach USD203/Ton. Even if downstreaming continues to produce Nickel Matte, its added value will skyrocket to 43.9 times or USD3,117/ton (Indonesia, 2023).

Increase in Domestic Investment. As data published by the Investment Coordinating Board (BKPM) shows, the realization of investment (July - September) in 2023 reached Rp.374.4 trillion. This figure indicates an increase of 7.0% compared to the previous year. And increased by 21.6% compared to the period in 2022. In 2023, the total realization of investment for downstreaming in Indonesia reached Rp 266.0 trillion. This realization includes five sectors namely the mineral sector; agriculture; forestry; oil and gas; As well as the electric vehicle ecosystem. As indicated in the data, the highest investment amount was obtained from the mineral sector's downstreaming, reaching Rp.151.7 trillion. The commodity values include:

nickel with an investment value of Rp97.0 trillion, bauxite with a value of Rp7.1 trillion, and copper with a value of Rp47.6 trillion (Muliawati, 2023).

On the contrary, Indonesia's policy of nickel export ban has adversely impacted the industries in the European Union. Therefore, the European Union filed a complaint against the nickel export ban policy with the World Trade Organization (WTO). This complaint was based on Article XI:1 of the General Agreement on Tariffs and Trade 1994, which regulates WTO members' obligations not to impose restrictions or limitations other than duties, taxes, and other charges, whether through import or export quotas or licensing requirements (Ndruru, 2021). The final outcome of the European Union's complaint, as indicated in WTO Panel Decision number DS592, declared Indonesia as the losing party. Indonesia was found to have violated Article XI:1 of the General Agreement on Tariffs and Trade (GATT). The imposition of nickel export restrictions by Indonesia was deemed unjustifiable under Article XI:2 of GATT, which deals with exceptions to trade restriction rules. However, Indonesia disagreed with the panel's decision. Essentially, the panel decision is not binding; if either party disagrees, they can appeal and seek a review (Sood, 2011).

The General Agreement on Tariffs and Trade (GATT) of 1994 is an international agreement. Indonesia was involved in negotiations in the international trade sector, including the GATT 1994. Thus, on November 2, 1994, President Soeharto signed the ratification of the international agreement into national law, resulting in Law Number 7 of 1994 concerning the Ratification of the Agreement Establishing The World Trade Organization (Agreement on the Establishment of the World Trade Organization) (Redaksi, 2023). As contained in this Law, there are 6 (six) principles of international trade, including: Non-discrimination; Transparency; Prohibition of Restrictions (Quantitative Restrictions); Protection through Tariffs; Reciprocity; and Special Treatment for Developing Countries (Zaki, 2021).

Indonesia's Nickel Export Ban Policy is not contrary to the principles of non-discrimination, protection through tariffs, and reciprocity. Conversely, this policy has been in line with the principle of transparency because Indonesia has publicized regulations related to policies such as Law Number 3 of 2020 Amendments to Law Number 4 of 2009 Concerning Minerals and Coal and Minister of Energy and Mineral Resources Regulation Number 17 of 2020 Third Amendment to Minister of Energy and Mineral Resources Regulation Number 25 of 2018 Concerning the Implementation of Mineral and Coal Mining. Furthermore, special treatment for developing countries. The purpose of the nickel export ban policy is to increase value-added. Essentially, Indonesia is still considered a developing country.

On the other hand, the principle of quantitative restriction, which is the main basis of the dispute between the European Union and Indonesia, prohibits the use of quantitative restrictions

such as quotas, licenses, and monitoring of export and import products. The principle of quantitative restriction is an internationally recognized rule and is written in Article XI.1 of the GATT 1994 (Zaki, 2021). Essentially, Indonesia did not violate the principle of quantitative restriction (export quota limitation for nickel). However, Indonesia imposed restrictions on the quality of nickel products. According to data from the Central Bureau of Statistics in 2022, Indonesia successfully exported nickel that had undergone downstream processing by 777.4% thousand tons. It increased by 367% (year-on-year/yoy) compared to 2021. In 2022, China received nickel exports amounting to 661.7% thousand tons from Indonesia. Besides China, Indonesia also exported to other consumer countries such as Japan, South Korea, Malaysia, Norway, India, Singapore, Hong Kong, Belgium, and Timor-Leste (Ahdiat, 2023). As evidenced by these facts, Indonesia does not limit the quantity of nickel (export quota) but rather imposes specific requirements regarding the quality of nickel products to be exported or what can be called qualitative restrictions. Indonesia focuses on downstream processing requirements that necessitate nickel to be processed into finished or semi-finished products before export. By banning the export of raw or unprocessed nickel, the aim is to increase the value-added of products and boost the domestic processing industry sector.

Policy of Nickel Export Ban as Natural Resource Perspective of *Maslahah* by Imam Al-Ghazali

Islam religion was revealed by Allah SWT with the aim of achieving human welfare. Indeed, the main purpose of the implementation of Islamic law is to maintain the welfare of humans in this world and in the hereafter (Alaiddin, 2004). In addition, if related to the implementation of government policies in line with the fiqh principle:

تَصْرُفُ الْأَعْمَامِ عَلَى الرَّعِيَّةِ مَنُوطًا بِالْمَصْلَحَةِ

"The leader's actions towards his people must be linked to benefit"

According to this principle, the leader's decision affirms that the decisions of a leader in a government must always be oriented towards the good of its people (Ibrahim, 2018). The Nickel Export Ban Policy is a regulation issued by the government with the aim of maintaining welfare. President Joko Widodo as the President of Indonesia explained in his speech that the ban on the export of raw minerals, including nickel, aims to increase economic activity and the welfare of the people. In essence, the goal of the nickel export ban policy is in line with the principle of *maslahah*, namely to bring benefit and ward off harm. The fiqh principle states:

دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

"Repelling harm takes precedence over attaining benefits" (Djazuli, 2006).

The harm to be avoided is the depletion of Natural Resources (nickel) if mining companies are aggressive in exploiting nickel in the form of raw minerals. Meanwhile, the welfare intended is to create economic independence for the country and increase the welfare of the people.

Imam Al-Ghazali in his book *Al-Mustashfa* divides *maslahah* into three levels: *dharuriyat* (primary), *hajiyyat* (secondary), and *tahsiniyat* (tertiary) *maslahah* (Al-Ghazali, 2022). Based on Imam Al-Ghazali's opinion, if related to the implementation of the Nickel Export Ban Policy in Indonesia, the compatible *maslahah* is the *hajiyyat maslahah*. *Hajiyyat maslahah* is eliminating difficulties and facilitating human affairs. Nickel is a treasure from Allah SWT that must be managed by humankind to facilitate human affairs (Irwan, 2021). Therefore, if the country continues to excessively exploit Nickel, it will have an impact on the sustainability and balance of nickel reserves in Indonesia. Thus, the government promotes downstreaming programs and stops the export of raw minerals to maintain the sustainability of nickel reserves for long-term utilization.

Indonesia is one of the largest nickel producers in the world. Thus, Indonesia plays an important role in international trade. As data from the Geological Agency of the Ministry of Energy and Mineral Resources in 2021 shows, Nickel Resource data reaches 17.68 billion tons with reserves of 5.24 billion tons. Meanwhile, nickel metal resources reached 177 million tons with reserves of 57 million tons. Based on this data, it is clear that high-grade Nickel reserves are estimated to last only for 15 years, while low-grade Nickel reserves can reach 34 years (Indonesia W. P., 2023). With data from the Geological Agency, it is evident that Indonesia faces challenges related to the utilization of Nickel ore. The Geological Agency also presents information illustrating the limitations of nickel reserves in Indonesia. This is a call for the government to manage natural resources by downstreaming. Previously, Indonesia exported raw minerals, which led to depletion of nickel ore reserves.

In addition, the policy of banning the export of Nickel in raw form and the obligation of downstreaming for mining companies have a very significant impact on communities, especially those in mining areas. With the obligation of downstreaming, the construction of smelters in Indonesia is increasing. Irwandy Arif as a special staff of the Ministry of Energy and Mineral Resources in the field of Acceleration of Mineral and Coal Governance stated that the number of smelters in 2023 had reached 116 smelters. Smelters that process high-grade nickel reach 97 smelters, while those processing low-grade nickel reach 19 smelters (Muliawati, 2023). As a result, it will create job opportunities for the community.

As expressed by Roy Arman Arfandi, President Director of Tri Megah Bangun Persada (Harita Nickel), until 2023, the smelters built had absorbed 20 thousand workers. Interestingly,

85% of the total employees are Indonesian citizens, and 50% of them are from Maluku (local residents of the smelter) (CNN, 2023). Compared to 2022, PT Harita Nikel only absorbed 1,200 workers, then at the end of the year recruited another 600 workers. This was revealed by Stevi Thomas (Head of External Relations Harita Nickel). Meanwhile, in 2021, PT Harita Nikel only recruited around 700 workers and prioritized locals (Media Nikel, 2022).

Not only in Maluku, but the construction of smelters in Sulawesi also creates new job opportunities for the community. The Deputy for Investment and Mining Coordination highlighted the fact that the majority of downstreaming investments in Sulawesi and Halmahera regions have a significant gap with Java Island in terms of the economy. A concrete example of the impact of Nickel downstreaming in Sulawesi and Halmahera regions can be seen from the success of PT Indonesia Marowali Industrial Park (IMIP) in creating employment for 74.7 thousand people (Siswanto, 2023). In addition to creating job opportunities, downstreaming investments in Nickel also have a significant impact on reducing income inequality, measured by coefficients. For example, in Central Sulawesi and Halmahera, this positive impact is seen in the reduction of the Gini coefficient from 37.2% and 32.5% in 2014 to 30.8% and 27.9% in 2022 (Siswanto, 2023). This indicates that this investment not only creates jobs but also reduces economic inequality in those regions. Furthermore, data from the Central Statistics Agency for the period 2015-2023 shows that downstreaming has affected the reduction of poverty rates in nickel regions. The poverty rate in Morowali decreased from 15.80% to 12.31%; Central Halmahera, North Maluku from 15.23% to 11.44%; and in Konowe, Southeast Sulawesi from 16.09% to 13.02% (Metro TV, 2024).

Based on the above facts, the policy of banning Nickel exports and the construction of smelters can create job opportunities and reduce economic inequality. Thus, this policy is a step in line with the principle of *hajiyyat maslahah*, namely providing convenience and eliminating difficulties for the community.

Conclusion

Based on the discussion that has been outlined, it can be concluded that Indonesia's restriction focuses more on the quality of nickel through the process of downstreaming. The downstreaming policy aims to increase the added value of nickel. In essence, Indonesia does not violate one of the principles of international trade, namely quantitative restrictions. In fact, Indonesia does not limit the amount of nickel to be exported to consumer countries. The purpose of this policy is in line with the concept of *maslahah hajiyyat*. Imam Al-Ghazali mentions that *maslahah hajiyyat* is a step to eliminate difficulties and facilitate human affairs. When associated with the policy of banning nickel exports, the difficulty feared is the depletion of nickel

reserves, while the ease provided is to create economic independence, create job opportunities, and reduce economic disparities in society. This research has limitations due to the lack of information regarding the implications of the construction of smelters in mining areas on community welfare. Therefore, there is a suggestion for further researchers to conduct juridical empirical research in nickel mining areas such as North Maluku, Sulawesi, and Papua regarding the implications of smelter construction.

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