

THE PROBLEM OF THE MYSTERIOUS SEA FENCE IN THE WATERS OF TANGERANG REGENCY

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ABSTRACT:

The "sea fence" case has shocked the public and raised fundamental questions about how natural resources that should belong to the common good are instead controlled by a handful of people. The sea, which should be a national asset and support the people's welfare, has now become private property, arbitrarily claimed by large corporations. Even more ironic, this practice involves state officials, from the village level to ministerial officials. This was not simply an economic issue, but a betrayal of the values of Pancasila, particularly the fifth principle, Social justice for all Indonesians. Various legal, economic, social, and environmental issues have arisen as a result of the construction of the 30.16-kilometer sea fence in Tangerang waters. The presence of this sea fence prevents fishermen from accessing their fishing grounds, resulting in decreased catches, increased operational costs, and increased vessel damage. Furthermore, this sea fence also negatively impacts the marine ecosystem, disrupting water flow and accelerating sedimentation, which can damage marine biota habitats. From a legal perspective, this sea fence violates several national laws and the international law UNCLOS. This study uses a normative juridical method with a legislative approach and case studies. The results of the study show that the construction of sea fences benefits businesses more than the well-being of coastal communities, thus contradicting the principles of social justice and the public interest. Therefore, the government needs to take firm legal action and implement pro-community policies to address the negative impacts of sea fences on social life and the environment.

Keywords: problems, sea fence, mysterious

INTRODUCTION

As an archipelagic nation, Indonesia has vast maritime territories with abundant natural resources. Article 33 paragraph (3) of the 1945 Constitution of



the Republic of Indonesia affirms that the land, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. This provision indicates that marine space management must be carried out fairly and inclusively to support the welfare of the community, including traditional fishermen who depend on the sea as their primary source of livelihood. As stated in Article 47A of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, it states that proper utilization of marine space requires a permit. However, in practice, the utilization of marine space often gives rise to conflicts of interest between the state, corporations, and coastal communities. According to Tely Dasaluti, Head of the Legal Team for Indigenous Peoples and Local Communities of the Directorate of Coastal and Small Island Utilization of the Ministry of Maritime Affairs and Fisheries (KKP), business actors must pay attention to the surrounding coast and must examine the type of permit to see whether it is appropriate (JKPP, 2025).

Proper utilization of marine space Sea fences are artificial structures built in waters for various purposes, ranging from security, access restrictions, to land reclamation for business interests and infrastructure development. However, in many cases, the construction of sea fences actually causes serious problems, especially for fishermen who lose access to fishing areas. For example, the 8-kilometer sea fence along the waters of Tarumajaya, Bekasi Regency, and the 500-meter sea fence on Island C, North Jakarta, have had negative impacts such as hampering fishing activities, damaging marine ecosystems, and damaging buildings or local community facilities (Tempo, 2025). In Indonesia, there was recently a dispute regarding the use of sea fences, namely the construction of a 30.16-kilometer sea fence in Tangerang waters, which directly impacted thousands of fishermen and fish farmers (Tempo.com, 2025). According to a February 2025 report by the Indonesian Ombudsman, approximately 3,888 fishermen were impacted by the sea fence, with economic



losses estimated at Rp 24 billion (approximately US\$1.2 million) from August 2024 to January 2025. These losses included decreased catches, vessel damage, and increased operational costs due to having to sail further. Furthermore, 503 fish farmers were also affected by disruptions to water flow and quality.

Traditional fishermen are one of the groups vulnerable to policy changes and infrastructure development that do not favor them. Discussing this issue means paying attention to the protection of their economic and social rights. Moreover, the uncontrolled construction of sea fences can damage marine ecosystems that are a source of life for many species. By discussing this issue, it is hoped that there will be efforts to maintain the sustainability of marine ecosystems. In accordance with the mandate of Article 33 paragraph (3) of the 1945 Constitution, natural resources must be managed for the greatest prosperity of the people. Discussion of this issue is important to ensure that there is consistent legal compliance in this matter. Amidst the various chaos, this article aims to focus attention on the case (*casus positie*) and the legal and policy framework surrounding it. To do this, it is necessary to first examine the case, namely, how this case actually occurred and its background. Then, a legal and policy framework surrounding this mysterious sea fence controversy needs to be developed. Based on this legal and policy framework, a critical review will be conducted.

METHOD

This research uses normative juridical, a legal research method that refers to applicable legal standards in both statutory regulations and legal doctrine. The statute approach and the case approach are used. Currently, the case method is used to study the phenomenon of the construction of a sea fence in Tangerang waters and how it impacts coastal communities. The data for this research were obtained by collecting and analyzing legal documents, scientific journals, and reports from relevant agencies. Furthermore, legal interpretation techniques were used in the data analysis, interpreting relevant laws and



regulations to assess the legality of the construction of the sea fence. The results of this research are expected to provide a better understanding of the legal implications of the sea fence and efforts to resolve them in the future.

RESULTS AND DISCUSSION

Sea Fence



Figure 1. Sea Fence

A sea fence is a physical structure built in a sea or coastal area by a specific individual or group. Typically, these fences are made of bamboo, concrete, or other materials, with the aim of restricting access to the waters for personal reasons, such as fishing or other purposes. However, the practice of installing sea fences often comes under scrutiny because the sea is a public space controlled by the state. If not carried out according to regulations, this practice can negatively impact the environment, communities, and economic activities, especially for traditional fishermen who depend on free access to the sea for their livelihood.

Some reasons why sea fences are not permitted are as follows:

1. They Contradict Public Rights

Marine and coastal areas are part of public space regulated by the state. Based on Law No. 27 of 2007 concerning the Management of Coastal Areas and Small Islands, coastal area management must be



carried out for the benefit of the general public, not for the benefit of individuals or specific groups.

2. They Violate Environmental Provisions

The installation of sea fences can cause ecosystem damage, disrupt marine biota habitats, and obstruct fish migration routes. This violates the provisions of Law No. 32 of 2009 concerning Environmental Protection and Management.

3. They Obstruct Maritime Transportation Routes

Sea fences often obstruct transportation routes used by fishermen or other vessels, thus threatening navigational safety. This violates Law No. 17 of 2008 concerning Shipping (Kompasiana.com, 2025).

Sea fencing cases, such as those that occurred in Tangerang, may violate several articles in Law No. 27 of 2007, including:

Article 7 Paragraph (1):

Coastal areas and small islands are controlled by the state and must be managed for the public interest. Sea fences that restrict public access contradict this principle.

Article 7 of Law No. 27 of 2007 concerning the Management of Coastal Areas and Small Islands

- (1) Coastal Area and Small Island Management Planning as referred to in Article 5 consists of:
 - a. Strategic Plan for Coastal Areas and Small Islands, hereinafter referred to as RSWP-3-K;
 - b. Zoning Plan for Coastal Areas and Small Islands, hereinafter referred to as RZWP-3-K;
 - c. Management Plan for Coastal Areas and Small Islands, hereinafter referred to as RPWP-3-K; and
 - d. Action Plan for Coastal Areas and Small Island Management, hereinafter referred to as RAPWP-3-K.
- (2) Norms, standards, and guidelines for preparing Coastal Area and Small Island Management plans are regulated by Ministerial Regulation.
- (3) Regional Governments are required to prepare all plans as referred to in paragraph (1) in accordance with their respective authorities.
- (4) Regional Governments prepare Coastal Area and Small Island Management plans by involving the community based on the



norms, standards, and guidelines as referred to in paragraph (2).

- (5) Regency/City Regional Governments prepare detailed Zoning Plans for each Coastal Area Zone and Small Island within their respective territories.

Article 35:

Prohibits activities that damage marine ecosystems, such as mangroves, coral reefs, and seagrass beds, or activities that are inconsistent with coastal area management plans.

Prohibitions

Article 35

In utilizing Coastal Areas and Small Islands, every person is prohibited, directly or indirectly:

- a. from mining coral reefs that damage the coral reef ecosystem;
- b. from harvesting coral reefs in conservation areas;
- c. from using explosives, toxic materials, and/or other materials that damage the coral reef ecosystem;
- d. from using equipment, methods, and other methods that damage the coral reef ecosystem;
- e. from using methods and methods that damage the mangrove ecosystem and are not in accordance with the characteristics of Coastal Areas and Small Islands;
- f. from converting mangrove ecosystems in cultivation areas or zones that do not take into account the sustainability of the ecological function of the Coastal Areas and Small Islands;
- g. from cutting down mangroves in conservation areas for industrial, residential, and/or other activities;
- h. from using methods and methods that damage seagrass beds;
- i. Conducting sand mining in areas that, if technically, ecologically, socially, and/or culturally, cause environmental damage and/or pollution and/or harm the surrounding community;
- j. Conducting oil and gas mining in areas that, if technically, ecologically, socially, and/or culturally, cause environmental damage and/or pollution and/or harm the surrounding community;
- k. Conducting mineral mining in areas that, if technically, ecologically, socially, and/or culturally, cause environmental damage and/or pollution and/or harm the surrounding community; and
- l. Conducting physical development that causes environmental damage and/or harms the surrounding community.

Article 73 Paragraph (1):

All utilization of resources in coastal areas must have a location permit and a management permit from the government.



Criminal Provisions Article 73 (1) Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands

(1) Any person who intentionally:

- a. carries out coral reef mining activities, takes coral reefs in conservation areas, uses explosives and toxic materials, and/or other methods that damage the coral reef ecosystem as referred to in Article 35 letters a, b, c, and d shall be subject to imprisonment for a minimum of 2 (two) years and a maximum of 10 (ten) years and a fine of a minimum of Rp. 2,000,000,000.00 (two billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah);
- b. Using methods and means that damage mangrove ecosystems, converting mangrove ecosystems, cutting down mangroves for industrial and residential purposes, and/or other activities as referred to in Article 35 letters e, f, and g;
- c. Using methods and means that damage seagrass beds as referred to in Article 35 letter h;
- d. Mining sand as referred to in Article 35 letter i.
- e. Mining oil and gas as referred to in Article 35 letter j.
- f. Mining minerals as referred to in Article 35 letter k.
- g. Undertaking physical development that causes damage as referred to in Article 35 letter l.
- h. Failing to mitigate disasters in Coastal Areas and Small Islands caused by nature and/or human factors, resulting in disasters, or intentionally engaging in activities that could increase disaster vulnerability as referred to in Article 59 paragraph (1).
- a. (2) In the event of damage as referred to in paragraph (1) due to negligence, the penalty shall be imprisonment for a maximum of 5 (five) years and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).

Article 36 Paragraph (1):

Coastal communities have the right to free access to coastal areas, except in certain areas designated by the government.

Legal Basis:

Article 36 (1) of Law No. 27 of 2007 concerning the Management of Coastal Areas and Small Islands: To ensure the implementation of integrated and sustainable Management of Coastal Areas and Small Islands, supervision and/or control of the implementation of provisions in the field of Coastal Areas and Small Islands Management is carried out by certain officials authorized in the field of Coastal Areas and Small Islands Management in accordance with the nature of their work and are granted special police authority.

Article 75 Paragraph (1):



Activities that result in damage to the ecosystem without a permit are subject to criminal sanctions. Article 75) of Law No. Law No. 27 of 2007 concerning the Management of Coastal Areas and Small Islands:

Any person who, through negligence,;

- a. carries out business activities in Coastal Areas without the rights referred to in Article 21 paragraph (1); and/or
- b. fails to fulfill the obligations referred to in Article 21 paragraph (4) shall be subject to criminal sanctions.

The sea is a source of life that possesses cultural beauty and diversity, as well as invaluable natural resources. Management of marine space is principally aimed at improving the welfare of the surrounding communities. This is in line with Article 33 paragraph (3) of the 1945 Constitution, which states that "The land, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." Therefore, it is only natural that marine space can be used for purposes that bring benefits to the Indonesian people at large. This is in line with the theory of social justice proposed by John Rawls, which emphasizes that the distribution of natural resources must be carried out fairly, so that no particular group benefits exclusively at the expense of another group.

The case of the sea fence in Tangerang is a controversial phenomenon, because this 30.16 kilometer sea fence was built in the waters north of Tangerang, stretching across 16 (sixteen) villages in 6 (six) sub-districts, from Muncung Village to Pakuhaji Village. The sea fence is made of bamboo with an average height of 6 (six) meters. On top of it, bamboo matting, paranet and sandbags filled with weights were installed. The sea fence was built by a community group called the Pantura People's Network (JRP) with the reason to prevent sea abrasion. However, this reason is unreasonable, because statements from the House of Representatives (DPR) and the Ministry of Maritime Affairs and Fisheries (KKP) who inspected the sea fence estimated that the construction of the sea fence reached tens of billions. The statement by Sandi Martapraja, the JRP coordinator, that the construction funds were the result of mutual



cooperation and community contributions that took the initiative based on the solidarity of residents in these villages. Rather than preventing abrasion, the sea fence actually causes significant losses, sparking controversy because it disrupts local fishermen's economic activities. It can reduce fishing, and fishing boats frequently collide with the fence, resulting in damage and loss of livelihoods. Furthermore, the presence of the sea fence can damage the marine ecosystem.

The impacts resulting from the presence of the sea fence in Tangerang have actually violated Indonesian laws and regulations. Referring to Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it clearly states that "The land, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." According to the author, the existence of the sea fence is very contrary to this article, because in addition to making it difficult to trace marine resources, it causes damage that can worsen the economic situation of fishermen. The Dean of the Faculty of Fisheries and Marine Sciences, Airlangga University (Unair) Muhammad Amin Alamsjah said, from a maritime perspective, the action of installing a sea fence not only harms social justice, but also has the potential to damage the ecological and economic order of coastal communities.

According to Dr. I Made Andi Arsana, a Geospatial Expert from the Department of Geodesy, Faculty of Engineering, UGM, he stated that based on international regulations or UNCLOS (United Nations Convention on the Law of the Sea), the coast north of Tangerang is archipelagic waters, so its sovereignty cannot be owned by individuals or companies. The construction of a sea fence in Tangerang violates the United Nations Convention on the Law of the Sea (UNCLOS) because it violates the principle of freedom of navigation in Article 17 of UNCLOS, which guarantees the right of innocent passage for foreign vessels in territorial waters. In addition, UNCLOS stipulates that all forms of utilization and development at sea must comply with international law and valid permits from relevant authorities. If the construction of a sea fence is carried out without the Conformity of Marine Spatial Utilization Activities



(KKPRL) or permission from the central government, then this can be considered an illegal act and contrary to UNCLOS. Furthermore, UNCLOS regulates the protection of the marine environment. If a sea fence damages the ecosystem, hinders the migration of marine biota, or causes pollution, then this can violate Articles 192-194 of UNCLOS, which require countries to prevent and control marine pollution.

The fencing of the Tangerang coastline also violates Article 113 paragraph (1) in conjunction with Article 114 paragraph (1) of the Minister of Maritime Affairs and Fisheries Regulation Number 28 of 2021 concerning the Implementation of Marine Spatial Planning, which emphasizes that anyone who carries out Marine Spatial Utilization activities in Coastal Waters, water areas, and/or jurisdictional areas permanently in part of the Marine Space must have a Marine Spatial Utilization Activity Conformity (KKPRL). KKPRL is used as the basis for business permits and/or non-business permits. In the case of the sea fence in Tangerang, basically the perpetrator does not have a KKPRL to carry out marine space utilization activities for business or non-business purposes, with the absence of a permit, the perpetrator of the sea fence in Tangerang is an illegal activity that can cause unrest and negative impacts for the community who use the sea in their daily lives (Kompas.com, 2025). The Minister of Maritime Affairs and Fisheries, Sakti Wahyu Trenggono, emphasized that his ministry will remove sea fences if they lack a Marine Spatial Utilization Activity Compliance Permit (KKPRL). He has also instructed the Directorate General of Marine and Fisheries Resources Supervision (PSDKP) to conduct on-site inspections.

Furthermore, the case violates Article 18 point 12 of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation. It stipulates that the spatial utilization of Coastal Waters must be carried out in accordance with the spatial plan and must have conformity with marine spatial utilization activities from the Central Government. The case of the construction of the sea fence clearly



does not comply with Tangerang Regency Regional Regulation No. 13 of 2011 concerning the Tangerang Regency Spatial Planning 2011-2031, because it causes losses to the community around the Tangerang sea, especially fishermen who experience losses in the form of difficulty catching fish. According to Yeka Hendra Fatika, a member of the Ombudsman, fishermen must take a route around the fence which takes up to 1.5 hours to go to sea. This condition affects fuel costs. Losses calculated from August 2024 to January 2025 reached IDR 24 billion, affecting 3,888 affected fishermen.

Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) also plays a role in the case of the construction of sea fences in Tangerang, because the UUPA also regulates the wise use of agrarian space so that it has a social function, this is in line with Article 6 of the UUPA. So if the sea fence limits the access of fishermen or coastal communities, then this is contrary to the principle of justice in the use of natural resources. In addition, the construction of the sea fence violates Article 9 paragraphs (1) and (2) of the UUPA which states that only Indonesian citizens (WNI) can utilize the earth, water, and space with equal opportunity to obtain the results. Therefore, with the restriction of the sea fence, local communities find it difficult to earn a living, so this can be considered a violation of the rights of indigenous peoples or traditional fishermen.

The Truth Behind the Mysterious Sea Fence Controversy

Before it caused a stir on social and conventional media in Indonesia in early 2025, on August 14, 2024, the Indonesian Fishermen's Association (HNSI) of Tangerang Regency reported to the Banten Provincial Maritime Affairs and Fisheries Agency (DKP Banten) the discovery of a "sea fence" off the coast of several villages in Kronjo District, Tangerang Regency (Tempo, October 5, 2024). The bamboo fence that stretched along the coast was said to be "mysterious" because its origin and purpose were unknown, triggering curiosity and concern among local residents and even the authorities. Based on



this report, five days later, on August 19, 2024, the Banten DKP together with the Marine and Fisheries Resources Surveillance (PSDKP) patrol of the local Ministry of Maritime Affairs and Fisheries (KKP) conducted a field inspection and found that the bamboo fence had reached a length of seven kilometers. Further investigations until September 5, 2024, revealed that the structure did not have official permits from the local village and sub-district (Jakarta Daily, February 25, 2025). Between September and December 2024, there was no significant progress in unraveling the mystery of the sea fences, which were growing longer each day (Tempo, October 3, 2024). Only when the issue of this “mysterious sea fence” went viral on social media in December 2024 (Media Indonesia, January 16, 2024), did central government authorities intervene. On January 9, 2025, the Directorate General of Maritime Affairs and Fisheries Management (DJPKRL) of the Ministry of Maritime Affairs and Fisheries confirmed that the sea fences did not have a Marine Spatial Utilization Activity Conformity (KKPRL) (CNN Indonesia, January 9, 2025).

The confirmation was followed by the sealing on January 15, 2025 (KKP RI, January 15, 2025). Three days later, the President of the Republic of Indonesia (RI) Prabowo Subianto ordered the dismantling of the sea fences (Detik, January 18, 2025), which was carried out sensationally, among others, using amphibious landing combat vehicles (ranratfib) belonging to the Indonesian Navy Marine Corps (TNI-AL) (Korps Marinir TNI-AL, January 22, 2025). Also carrying out the dismantling were the KKP, the Indonesian National Police (Polri), the Maritime Security Agency (Bakamla), the Ministry of Transportation (Kemenhub) in this case the Sea and Coast Guard Unit (KPLP), the Regional Governments (Pemda) of Banten and Tangerang and local fishermen (KKP RI, January 22, 2025).

From the outset, the uproar wasn't primarily about the plight of fishermen or environmental damage, but rather about who owned the sea fence and for what purpose. This led to the issue that the area surrounding the sea fence had been certified with building use rights (SHGB) (Roiqoh & Ayu, 2025,



p. 77). Aside from a few privately owned properties, the majority of the SHGB for the sea fence were controlled by PT Intan Agung Makmur and PT Cahaya Inti Sentosa (BBC, January 20, 2025). These two real estate development companies are affiliated with the Agung Sedayu Group, owned by Sugianto Kusuma, also known as Aguan (Tempo, January 27, 2025), a property tycoon often referred to as a member of the "nine dragons" (Akbar, 2024, p. 111).

An investigation into the two companies revealed surprising facts. Nono Sampono—a former high-ranking Indonesian Navy officer who served as Commander of the Marine Corps (Dankormar) (2006-2007), Deputy Speaker of the Regional Representative Council of the Republic of Indonesia (DPD-RI) (2017-2024) and still serves as a Senator from Maluku (2024-2029)—is listed as the President Director of PT. Cahaya Inti Sentosa (Tempo, January 23, 2025), in addition to being the President Director of Agung Sedayu Group (Agung Sedayu, October 28, 2023). Meanwhile, Freddy Numberi, a former high-ranking Indonesian Navy officer who served as Minister of Maritime Affairs and Fisheries (2004-2009) and various other positions, is listed as a commissioner at both PT. Cahaya Inti Sentosa and PT. Intan Agung Makmur (Tempo, January 21, 2025).

Yolanda, Sudiarso, and Jhandana (2025, p. 816) report that these sea fences are not solely intended to prevent coastal erosion, but are linked to specific commercial interests, such as sea reclamation for property development. The issuance of hundreds of SHGBs controlled by property development companies is a strong indication of this. Furthermore, the stretch of sea fences is in fact located right offshore in an area designated as a National Strategic Project (PSN) for the development of "green areas" and "eco-cities" near the Pantai Indah Kapuk (PIK) 2 project owned by the Agung Sedayu Group (Betahita, January 11, 2025; Infobank News, March 25, 2024).

The green area and eco-friendly city is called "Tropical Coastland," and will cover an area of 1,836 hectares. The area will be divided into five zones: eco-tourism, places of worship, safari parks, resorts, and sports facilities. The



development of the Tropical Coastland National Strategic Project (PSN), which will cost Rp 39 trillion, is reported to come entirely from private investment (CNBC Indonesia, December 5, 2024). A closer look at the narrative suggests that this private investment likely comes from the Agung Sedayu Group's "contribution" in return for the development of the neighboring PIK 2 area, as has occurred in Jakarta (Warta BPK, 2017, pp. 11-13).

The temporary resolution to this mess is the revocation and review of hundreds of SHGB and several SHM (ownership rights certificates) whose locations overlap with sea fences. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (Kemen. ATR/BPN) explained that these land certificates are legally null and void because the land does not actually exist, as it is located offshore and under the sea. (CNN Indonesia, January 22, 2025) Furthermore, the certificates were issued between 2022 and 2023, so they are less than five years old, so they can be immediately revoked without going through a court process or decision because they contain administrative defects (PP No. 18/2021. Article 64).

The Mysterious Sea Fence Problem

The Indonesian Ombudsman revealed that fishermen suffered significant losses due to the mysterious sea fence in the coastal area of Tangerang, Banten. The Head of the Banten Province Ombudsman Representative, Fadli Afriadi, stated that the total losses suffered by fishermen in the area were estimated at around IDR 24 billion. The losses experienced by fishermen were caused by increased fuel costs because they had to turn around before going to sea. In addition, the presence of the sea fence also caused damage to vessels due to collision incidents. The Ombudsman also highlighted that this sea fence disrupts the aquatic ecosystem, which has an impact on fishermen's catches. Previously, the People's Coalition for Fisheries Justice (KIARA) revealed that there were 4,463 fishermen affected by the practice of maritime privatization following the emergence of the mysterious sea fence in Tangerang, Banten.



KIARA Secretary General, Susan Herawati, explained that the sea fence stretches 30.16 kilometers.

Based on document review, it is known that there are several mysterious sea fence problems in Tangerang, Banten, namely:

- 1) Regarding the planning of marine spatial utilization in Tangerang Regency
 - a) The environmental quality of the waters north of Tangerang Regency has declined, a fact recognized by the Tangerang Regency Government, as evidenced by the considerations in letter a of the Tangerang Regency Regional Regulation (PRKPPB), which reads, "The North Coastal Area of Tangerang Regency continues to experience changes and shows a decline in environmental quality as a result of dynamic natural processes such as abrasion, sedimentation, environmental pollution, seawater intrusion, and slum settlements." This continued until 2020, as evidenced by the narrative in the Banten Province environmental evaluation document and the Jakarta Province Environmental Impact Assessment (KLHS). However, the coastal waters planning in Tangerang Regency consistently adheres to a reclamation plan, without any comprehensive explanation as to why reclamation was chosen over environmental restoration efforts.
 - b) Development planning appears to be inconsistent with the guidelines for the use of coastal areas as stipulated in laws and regulations. One example is Article 36 paragraph (1) of the Regulation of the Minister of Maritime Affairs and Fisheries concerning the Implementation of Marine Spatial Planning which stipulates that 1 nautical mile (1,852 km) of the coastline is prioritized for ecosystem protection, traditional fisheries, public access, public beaches and/or defense and security. Despite this norm, Building Use Rights (HGB) certificates are still being issued



for developers in the waters of Tangerang Regency, and there are also still plans to carry out reclamation which is emphasized by the existence of the National Strategic Project giant sea wall from Banten to East Java.

- c) To date, the draft document of the Presidential Regulation on the Jabodetabekpunjur RZ-KSN is not easily available to the public. This violates the Article on the public's right to obtain public information and participate in the preparation of legislation as guaranteed by Article 7 paragraph (6) of the PWP3K Law, Article 60 paragraph (1) of the PWP3K Law, and Article 96 of the Law on the Formation of Legislation⁷⁴ and violates the obligation to involve the public meaningfully (i.e., protecting the public's right to have their opinions heard (right to be heard); second, the right to have their opinions considered (right to be considered); and third, the right to receive an explanation or answer to the opinions given (right to be explained) which is protected by Article 27 paragraph (1) of the 1945 Constitution.
- d) This condition demonstrates a weak sustainable development paradigm that assumes that natural capital can be replaced by man-made capital without limitation. This theory is essentially human-oriented, placing the needs and interests of human economic activity in the implementation of sustainable development. Current law still places humans as the center and primary subject of the legal system (human-centered). In other words, the anthropocentrism embedded in the law results in the law only regulating human interests and treating all other living systems (animals, plants, ecosystems) as objects that exist solely to serve humanity, without recognizing the intrinsic value or rights of other living beings. Non-humans (nature) have been reduced to objects that exist solely to fulfill the needs of their human subjects. Within this framework, a



legal system is needed that utilizes a perspective on the relationship between humans and nature (human-nature relations) and is capable of shifting from a human-dominant approach to an inclusive approach for all living beings.

2) Regarding land rights in waters (sea):

- a) There is no submerged land area as large as the area of the HGB certificate issued in the waters of Tangerang Regency. b) The provisions of the UUPA give rise to multiple interpretations regarding the granting of rights to land in waters, which has led to the emergence of the view that land on the seabed can be certified (based on the text of Article 1 paragraph (4) of the UUPA "in the sense of the earth, in addition to the surface of the earth, also includes the body of the earth beneath it and that which is under water," and Article 1 paragraph (5) of the UUPA which reads "in the sense of water includes both inland waters and the territorial sea of Indonesia) and the opposing view that land on the seabed cannot be certified (based on the text of Article 4 paragraph (1) of the UUPA "on the basis of the right of control from the State as referred to in Article 2, it is determined that there are various rights to the surface of the earth, called land, which can be given to and owned by people either alone or together with other people and legal entities," and the general explanation of the UUPA which states "in the meantime, only the surface of the earth, namely what is called land, can be claimed by a person.")
- b) Constitutional Court Decision Number 3/PUU-VIII/2010 which is final and binding confirms the view that land on the seabed cannot be certified (based on the text of Article 4 paragraph (1) of the UUPA "on the basis of the right of control from the State as referred to in Article 2, it is determined that there are various rights to the surface of the earth, called land, which can be given to and owned by people



either alone or together with other people and legal entities," and the general explanation of the UUPA which states "in the meantime, only the surface of the earth, namely what is called land, can be claimed by a person.") The sea cannot be certified because this Constitutional Court ruling revokes the provisions regarding HP-3 in the 2007 PWP3K Law, which have the characteristics of property rights similar to land rights.

- c) In a scenario where land rights are deemed to be granted to seabed land, the determining factor remains the spatial/zoning plan and related laws and regulations. For example, as mentioned above, Article 36 paragraph (1) of the Regulation of the Minister of Maritime Affairs and Fisheries concerning the Implementation of Marine Spatial Planning stipulates that 1 nautical mile (1,852 km) of the coastline is prioritized for ecosystem protection, traditional fisheries, public access, public beaches, and/or defense and security. With this article in place, residential or commercial development activities in coastal waters, for example, will never be able to be carried out in coastal waters.

CONCLUSION

The controversy surrounding the "mysterious sea fence" in Tangerang was actually sparked by the concerns of Said Didu, whose private land in Kronjo was affected by the PIK-2 project, and even linked it to the National Strategic Project (PSN). As a social media activist, Said Didu created various content about it, as well as conducting various offline activities such as demonstrations and advocacy, under the pretext that PSN-PIK was causing hardship for residents of Tangerang's north coast. His activities succeeded in attracting the attention (read: going viral) of both the public and government officials, leading to reactive, sensational, and ultimately viral actions, such as the demolition using a ranratfib (a type of land clearing).



The presence of the sea fence in Tangerang has caused many serious environmental, social, and economic problems. Environmentally, the sea fence has the potential to damage various elements of marine life, such as coral reefs, marine plants, and other biota. Socially, it has resulted in increased water turbidity, which is not only dangerous for marine life but also disrupts the activities of fishermen who depend on the clear waters for fishing. Economically, this ecosystem damage has resulted in declining fish catches, ultimately harming fishermen.

Based on the discussion and conclusions that have been made, the following suggestions can be given:

- 2) Amidst the planning of the giant sea wall National Strategic Project (PSN), which will cover the area from Banten to East Java, the government is required to first conduct an inventory and Environmental Impact Assessment (KLHS) to determine the environmental carrying capacity and carrying capacity along the north coast of Java and to meaningfully involve the public in the regulatory and policy development processes, such as spatial planning and coastal zoning. The Environmental Law and the PWP3K Law stipulate the obligation to prioritize environmental protection and the rights of coastal communities in coastal spatial planning, particularly public participation in the preparation of planning documents.
- 3) Regarding the multiple interpretations of the granting of land rights in waters, the Ministry of ATR/BPN and the Ministry of Maritime Affairs and Fisheries are conducting an in-depth study to harmonize laws and regulations to align with the intent and purpose of the Constitutional Court Decision No. 3/PUU-VIII/2010, which revoked Article 3 of the PWP3K Law of 2007.
- 4) Regarding law enforcement:
 - a. Urge the Ministry of ATR/BPN to not only impose administrative sanctions on officials/employees at the Tangerang Regency Land



Office, but also to investigate officials who issued approvals for the Conformity of Spatial Utilization Activities that do not comply with the Spatial Plan as referred to in Article 73 of the Spatial Planning Law.

- b. Urge the Indonesian National Police to not only take legal action against the alleged criminal act of document falsification committed by the Kohod Village Head, but also to conduct investigations and inquiries against corporations and all functional actors (who participated in the crime) under the criminal articles in the Maritime Law, the Public Works and Housing Law, the Environmental Management Law, and/or the PWP3K Law.
- c. Urge the Ministry of Maritime Affairs and Fisheries to conduct investigations under the PWP3K Law.

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