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Case Study of the Sea Fence in Tangerang from a Legal Perspective: Environmental Impact and Maritime Jurisdiction Dispute in 2025

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ABSTRACT

This study examines the case of sea fence construction along the Tangerang coast in 2025, which has sparked legal, environmental, and maritime jurisdiction controversies. The sea fence was built without official permits and lacked environmental documents such as the Environmental Impact Assessment (AMDAL) and Marine Spatial Utilization Permit (KKPRL), highlighting weak oversight in the use of marine space. This study aims to analyze the legality of the sea fence construction, its impact on coastal environments and marine ecosystems, and the jurisdictional implications involving the central government, local authorities, and coastal communities. The findings indicate that the construction violated existing laws and regulations, potentially causing ecological damage and social conflict. This research underscores the importance of enforcing maritime

Keywords *: Sea fence, maritime law, marine spatial planning, Environmental Impact Assessment (AMDAL), Marine Spatial Utilization Permit (KKPRL), maritime jurisdiction, environmental impact, Tangerang coast.*

INTRODUCTION

Sea fences have become a significant issue in the management of marine areas, particularly in the context of Indonesia as an archipelagic country. The construction of sea fences—whether for security, conservation, or territorial delimitation—often gives rise to various legal and social problems. Therefore, it is essential to examine the legal aspects and impacts resulting from the presence of such sea fences.

Coastal areas are strategic zones with high ecological, economic, and social value. However, in recent years, the use of marine space in Indonesia has often led to conflicts due to weak governance and legal oversight. A concrete example is the construction of a sea fence along the Tangerang coast, which gained attention in 2025. The sea fence was built by a private party without official permits and was not accompanied by environmental documents required by law, such as the Environmental Impact Assessment (AMDAL) and the Marine Spatial Utilization Permit (KKPRL).

This case drew public attention as it involved violations of various legal aspects, ranging from marine spatial planning permits to alleged misuse of Building Use Rights (HGB) and Land Ownership Certificates (SHM) over marine areas that, by law, cannot be privately owned. On the other hand, the construction of the sea fence has also caused significant ecological impacts, including the disruption of marine habitats, coastal erosion, and obstruction of traditional fishing activities.

Furthermore, this project has triggered a jurisdictional dispute between the central and regional governments and raised questions regarding state sovereignty over marine space. In the context of international maritime law, such a project may conflict with the

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principles of the United Nations Convention on the Law of the Sea (UNCLOS), which governs the fair and sustainable use of the seas.

Through this case study, the author aims to examine in depth the legality of the sea fence project, its environmental impact, and the potential jurisdictional conflicts it may cause. Using a normative juridical approach and policy analysis, this paper is expected to contribute to the improvement of marine spatial governance in Indonesia.

Poblem Formulation

Based on the background of the problem, the research question is:
Has the construction of the Tangerang Sea Fence complied with the principles of environmental law and public participation in accordance with the applicable regulations?

RESEARCH METHODOLOGY

This study employs an **empirical legal research method**, as it not only analyzes legal norms doctrinally (based on statutory regulations), but also examines how the law is applied in practice—particularly in relation to environmental impacts and jurisdictional conflicts occurring in the field. The secondary data used in this research includes statutory regulations, books, academic journals, and international legal documents such as the 1982 UNCLOS. The data is analyzed using a **descriptive qualitative** approach.

Type of Research

This research is a **normative legal study**, aimed at examining the legal norms governing the use and construction of sea fences, as well as their implications for the environment and maritime jurisdiction. The approach used is **normative juridical** and **descriptive-analytical**.

1. **Case Study Approach**

   This research focuses on a specific case, namely the construction of a sea fence in the coastal area of Tangerang in 2025, making it in-depth and contextual in nature.
2. **Nature of the Research:**

   Descriptive-analytical, as it aims to describe the phenomenon and analyze its legal aspects. **Qualitative**, because the data is collected through interviews, observations, and documents, rather than numerical or statistical data.

C.2 Sources and Methods of Data Collection

This study employs a qualitative approach with a descriptive-analytical method to analyze the issue of sea fences in the context of law, environment, and maritime jurisdiction. Data collection was carried out through two main sources, namely:
The methods used in data collection include:

Literature Review involves the examination of legal and environmental literature related to sea fences and maritime jurisdiction disputes. This review aims to provide a theoretical foundation and a comprehensive legal and environmental context regarding the issue of sea fences and maritime jurisdiction conflicts. The results of this literature review

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will strengthen the research arguments, assist in formulating the problem, and guide the appropriate analytical approach.

In-Depth Interview: Conducted both face-to-face and online using a pre-prepared interview guide. In-depth interviews are an important method for gaining deep insights from key informants. By using a structured interview guide, the researcher can maintain focus during the discussion while remaining open to new information that may emerge during the interview process, whether conducted in person or virtually.

Field Observation involves visual documentation and direct recording of the geographical and social conditions in the affected area. Field observation provides a real and concrete picture of the issues being studied. By directly observing the condition of the sea fence and the maritime jurisdiction situation on-site, the researcher can gain a more comprehensive and in-depth understanding, while also avoiding potential biases that may arise from relying solely on written sources or interviews.

Document Analysis is a critical review of international agreements, court decisions, government policies, and official news reports. Document analysis provides a strong legal and policy foundation for understanding the conflicts and dynamics of sea fences and maritime jurisdiction disputes. Through a critical examination of official and legitimate sources, the researcher can construct well-founded arguments, assess the legality of state actions, and place field findings within the context of international law and diplomacy.

LITERATURE REVIEW

1. Definition and Function of Sea Fences

Sea fences are man-made installations in marine areas used to delimit or protect specific zones. In practice, sea fences are constructed in ports, industrial zones, or marine conservation areas. Their purposes may include security, economic interests, or environmental protection.

In this context, a sea fence refers to a physical structure in the form of a permanent barrier built in coastal or marine areas, typically made of concrete, bamboo, or stone, and installed parallel to or extending into the sea. The formal objectives often claimed by the builders of sea fences include:

- Protecting coastal areas from erosion (abrasion)
- Securing areas claimed as private or corporate property
- Supporting reclamation activities or port development

However, in the case of the Tangerang Sea Fence, the structure was built by a private party without valid permits, with the intent of partitioning the sea and claiming control over the marine area for personal or commercial interests.

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Table 1: Function of Sea Fences (Ideal vs. Reality in the Tangerang Case)

Ideal Function:	Function in the Tangerang Case (Reality)
Protecting the coast from erosion	Used to illegally claim ownership of marine areas
Organizing coastal areas for legal reclamation	Used as a tool to control marine space without official permits (KKPRL)
Supporting the development of port areas or maritime industries	Obstructs access for traditional fishermen and disrupts the marine ecosystem
Supporting national strategic projects with legal spatial planning	Not part of a National Strategic Project (PSN), constructed without an Environmental Impact Assessment (AMDAL) and environmental documents.

Image Source: Guruh Sugeng Mulyono

From a Legal Perspective, the sea fence lacks a legal basis because it was constructed without a KKPRL permit and environmental documents (AMDAL/UKL-UPL). It violates **Law No. 32 of 2014 on Marine Affairs** and **Government Regulation No. 21 of 2021**, and has led to the issuance of land certificates over marine areas (SHM and HGB) which are considered illegal by the government.

Regarding Environmental Impacts, the construction of sea fences can:

- Disrupt ocean currents and the migration of marine life
- Accelerate erosion in other areas due to altered currents
- Eliminate coastal communities' access to the sea and its biological resources

From a Maritime Perspective, there is a **Maritime Jurisdiction Dispute**:

- Conflicts arise between the central government, local government, and private parties
- Raises questions of jurisdiction: who has the authority to regulate marine space?
- The issue is further exacerbated by the fact that the sea fence construction is not part of a National Strategic Project (PSN).

From the above explanations, a brief conclusion can be drawn: Sea fences, which are ideally intended to serve protective and spatial planning functions for coastal areas, in the Tangerang case have instead become a tool for illegally claiming marine territory, damaging the environment, and triggering jurisdictional conflicts. This highlights the importance of strict and transparent legal oversight and marine spatial planning.

2. Research Data

This study examines the phenomenon of sea fence construction from legal, environmental, and maritime jurisdiction perspectives. The data collected is qualitative in nature and consists of both primary and secondary data obtained through various data collection techniques as described in the previous chapter.

The data used in this research consists of primary data obtained through interviews and field observations, as well as secondary data in the form of laws and regulations, project

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documents, academic literature, and media reports. The use of both types of data is intended to provide a comprehensive overview of the legal, environmental, and jurisdictional aspects of the sea fence construction case in the coastal area of Tangerang.

In qualitative empirical legal research using a case study approach, the data used is divided into two types:

1. Primary Data: This refers to the main data obtained directly from the field through interaction with research subjects. The relevant forms of primary data include:

- **Interview results** with:
  - Officials from the Environmental Agency and the Marine & Fisheries Agency (of Tangerang Regency/City or Banten Province)
  - Communities or fishermen affected by the sea fence construction
  - Environmental activists or NGOs (such as WALHI or local organizations)
  - Environmental law experts or academics
- **Direct observation of**:
  - The sea fence location
  - The surrounding ecosystem conditions (coastline, mangroves, coastal waters)
  - Community activities around the sea fence project
- **Field documents and evidence**:
  - Photographs of field conditions
  - Minutes of meetings between the community/government
  - Field reports from relevant agencies

2. Secondary Data: This refers to supporting data obtained from literature studies, documentation, and official written sources. The forms of secondary data used include:

- **Laws and regulations**, such as:
  - Law No. 32 of 2009 on Environmental Protection and Management[1]
  - Law No. 32 of 2014 on Marine Affairs
  - Banten Province's Marine Spatial Planning (RZWP3K) Regional Regulation
  - Coastal zone zoning regulations
- **Official documents**:
  - Environmental Impact Assessment (AMDAL) or Environmental Management/Monitoring Efforts (UKL-UPL) documents related to the sea fence project
  - Decrees issued by local or central government
  - Official reports from ministries or relevant agencies
- **Scientific literature and journals**:
  - Articles on environmental and marine law
  - Studies on jurisdictional conflicts in coastal area management
- **Mass media reports** related to controversies or disputes over the sea fence project

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3. **Research Findings Analysis**

This study examines the phenomenon of sea wall construction as a maritime spatial management policy that brings legal, environmental, and geopolitical consequences. The findings reveal that the construction of the sea wall along the Tangerang coast has led to legal issues, environmental degradation, and jurisdictional disputes between government institutions. Legally, the project does not fully comply with the prevailing statutory regulations.

The environmental impacts reflect weak oversight and a lack of precautionary principles in the management of coastal areas. In addition, policy inconsistencies between the central and local governments have become a source of jurisdictional conflict, hindering the effective enforcement of maritime law.

This analysis is based on findings from primary and secondary data and uses both empirical and normative legal approaches.

3.1. Legal Aspect Analysis

Findings:

- There is an overlap of authority between the central government (through the Ministry of Marine Affairs and Fisheries) and the local government (Tangerang Regency) in granting permits for the sea wall project.
- Several legal procedures, such as the Environmental Impact Assessment (AMDAL), were allegedly not carried out in a transparent or participatory manner.

Meanwhile, analysis based on **Law No. 32 of 2014 on Maritime Affairs** and **Law No. 23 of 2014 on Regional Government** indicates that the management of marine areas within 0–12 nautical miles falls under the authority of the provincial government. Therefore, the construction of the sea wall must be coordinated with the Banten Provincial Government. Furthermore, the exclusion of the public in the preparation of the Environmental Impact Assessment (AMDAL) violates the participatory principle in environmental law.

3.2. Environmental Impact Analysis

Findings indicate that observations revealed damage to the mangrove ecosystem and disruption of local fishermen's activities as a result of the sea wall project. There was also a decline in seawater quality around the sea wall area, based on field data and interviews with local residents.

The analysis we obtained is in accordance with Article 63 of Law No. 32 of 2009 on Environmental Protection and Management (PPLH), which states that any activity with significant environmental impact must have an Environmental Impact Assessment (AMDAL). The discrepancy between environmental documents and actual field conditions may serve as a basis for legal action. The sea wall project is considered to have violated the principles of sustainable development and ecological justice.

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3.3. Analysis of Maritime Jurisdiction Disputes

From the analysis, it was found that there are overlapping claims of authority between district and provincial agencies, as well as between the central and regional governments. The lack of clarity regarding administrative maritime boundaries exacerbates jurisdictional conflicts.

The analysis reveals that jurisdictional disputes arise due to the lack of integration in spatial zoning plans across levels of government (local and central). Conflict resolution should be carried out through coordination mechanisms and policy harmonization among agencies, as stipulated in **Presidential Regulation No. 16 of 2017 on Indonesia's Ocean Policy**.

DISCUSSION

A. Case Study of the Tangerang Sea Wall from a Legal Perspective

The case study of sea wall construction in the coastal area of Tangerang serves as a concrete representation of the complexity of maritime policy involving legal, environmental, as well as potential social and jurisdictional conflicts. The following is a discussion based on field findings and theoretical analysis:

A.1. Legal Aspect: Regulatory Ambiguity

The construction of the sea wall in the coastal waters of Tangerang was carried out as part of a reclamation and coastal industrial zone protection project. However, a review of relevant regulations indicates a mismatch between the implementation of the project and the national and international legal frameworks.

Based on Law No. 32 of 2014 on Maritime Affairs and Government Regulation No. 32 of 2019 on Marine Spatial Planning, the construction of permanent structures such as sea walls in coastal areas must obtain a marine spatial utilization permit and undergo an environmental feasibility assessment. However, documents obtained from secondary data and local government officials indicate that the construction was carried out before the formal issuance of the Environmental Impact Assessment (AMDAL) approval and location permit. This reflects weak law enforcement and poor oversight in the governance of marine areas.

From an international legal perspective, the sea wall that extends too far into the ocean raises questions regarding maritime boundary limits and the rights of passage for local fishing vessels. Although the area is not within a zone of inter-state conflict, there remains a potential violation of the principle of *innocent passage*—navigation carried out without actions that harm or endanger the coastal state—if not regulated transparently.

A.2. Environmental Impact: Coastal Ecosystem Degradation

Based on field observations and reports from fishermen and coastal residents in Kohod Village, the construction of the sea wall has caused significant disruption to the shallow marine ecosystem. The construction process involved dredging and land reclamation, which damaged mangrove areas and fish breeding grounds. Observations from the local environment indicate increased water turbidity and a decline in fish populations over the past two years. As a result, fishermen have complained of reduced catches. This situation is worsened by the loss of traditional access to fishing areas, as the sea wall

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restricts the movement of small boats.
An analysis of the existing Environmental Impact Assessment (AMDAL) documents reveals weaknesses in the mitigation plan, particularly regarding compensation for affected communities and ecosystem restoration.

A.3. Social Disputes and Potential Jurisdictional Conflict

Although administratively located within Indonesian legal territory, the construction of the sea wall in Tangerang has triggered horizontal conflicts among investors, local government, and the local community. Several groups of fishermen have submitted protests and petitions to the central government, rejecting the project on the grounds that it causes economic harm and lacks transparency in its licensing process.

While there is no international jurisdictional dispute in this case, there is potential for vertical conflict between central and local governments due to differing views on the management of coastal and marine areas. Some legal experts argue that regulatory disharmony between central and regional authorities can create legal loopholes that may be exploited by private entities.

A.4. Critical Analysis and Policy Lessons

The sea wall case study in Tangerang highlights the importance of planning based on thorough legal and environmental assessments. Moreover, the involvement of coastal communities as key stakeholders in maritime policy must become a fundamental principle in the development process of maritime infrastructure.

Sea wall policies implemented without a solid legal framework and participatory governance instead open the door to social conflict and long-term environmental degradation. The government needs to draft specific regulations governing the construction of permanent structures at sea, as well as improve the permitting system and establish an integrated monitoring mechanism.

The installation of sea walls is not only a legal violation but also an issue of social and environmental justice. A solution based on wise management can ensure that marine resources remain sustainable for future generations.

CONCLUSION

Summary:

The construction of sea walls is a phenomenon that requires serious attention from both legal and environmental perspectives. National regulations and international provisions must serve as the foundation for implementing sea wall projects. Community participation and comprehensive environmental assessments are essential to ensure that sea walls do not cause conflict or ecological damage.

The construction of a 30.16 km-long sea wall along the northern coast of Tangerang has been declared illegal by various state institutions. The Ministry of Environment and Forestry (KLHK) affirmed that the project lacks the required environmental documents, such as the Environmental Impact Assessment (AMDAL) or Environmental Management and Monitoring Efforts (UKL-UPL), which constitutes a violation of Article 4 of Government Regulation Number 22 of 2021 concerning Environmental Protection and Management.

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The government has also annulled several Building Use Rights Certificates (HGB) and Land Ownership Certificates (SHM) issued in the area, on the grounds that their issuance violated the law.
This seawall construction has the potential to damage coastal ecosystems, disrupt marine life migration routes, and increase the risk of coastal erosion. Furthermore, the construction This seawall has the potential to threaten national sovereignty, may violate the United Nations Convention on the Law of the Sea (UNCLOS), and could interfere with national defense.

The construction of this seawall has also triggered maritime jurisdiction disputes. The Seawall Case in Tangerang reflects weak oversight in the use of marine space and the misuse of certificates in coastal areas. This project not only violates national laws but also poses a threat to the environment and national sovereignty. Both central and regional governments need to strengthen coordination and oversight to prevent similar cases from occurring in the future.

REFERENCES

Guruh Sugeng Mulyono. "Sea Fence: Its Impact and Legal Aspects." Kompasiana, January 26, 2025. https://www.kompasiana.com

https://www.kompasiana.com/guruhsugengmulyono3452/67963f3fc925c478ee3de762/pagar-laut-dampak-dan-aspek-hukumnya?utm_source=Whatsapp&utm_medium=Refferal&utm_campaign=Sharing_Mobile

Ministry of Home Affairs of the Republic of Indonesia. Law No. 23 of 2014 on Regional Government. 2014. https://peraturan.go.id

Ministry of Marine Affairs and Fisheries of the Republic of Indonesia. Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands. 2007. https://peraturan.go.id

Ministry of Marine Affairs and Fisheries of the Republic of Indonesia. Law No. 32 of 2014 on Marine Affairs. 2014. https://peraturan.go.id

Ministry of Environment and Forestry of the Republic of Indonesia. Government Regulation No. 22 of 2021 on Environmental Protection and Management. 2021. Peraturan.go.id.

Ministry of Environment and Forestry of the Republic of Indonesia. Law No. 32 of 2009 on Environmental Management. 2009. https://peraturan.go.id

President of the Republic of Indonesia. Government Regulation No. 32 of 2019 on Marine Spatial Planning. 2019. https://peraturan.go.id

President of the Republic of Indonesia. Presidential Regulation No. 16 of 2017 on Indonesia's Maritime Policy. 2017. https://peraturan.go.id

United Nations. *United Nations Convention on the Law of the Sea (UNCLOS)*. 1982. https://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf