

Legal Status of Land Rights in the Coastal Area of Tangerang Based on the Basic Agrarian Law

Seto Prayogi*, Abdul Rokhim, Sunardi

Universitas Islam Malang, Indonesia

Email: spsprayogi24@gmail.com*

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Abstract

This study aimed to analyze the legal status of land ownership rights in the coastal area of Tangerang based on the Basic Agrarian Law (Undang-Undang Pokok Agraria / UUPA) and to formulate a legal settlement model for the practice of sea fencing in the area. The study employed normative legal research using a statute approach and analytical-conceptual approach. The collected primary, secondary, and tertiary legal materials were analyzed using qualitative descriptive methods. The results showed that the legal status of land rights in the coastal area of Tangerang lacked a valid legal basis under the UUPA. The issuance of Building Rights Certificates (HGB) and Property Rights Certificates (SHM) in these areas was considered legally defective because: (a) the areas did not have marine space utilization permits from the Ministry of Marine Affairs and Fisheries (KKP); (b) the issuance of such rights contradicted the principle of common ownership (common property) as affirmed in Constitutional Court Decision No. 3/PUU-VII/2010 concerning the Management of Coastal Areas and Small Islands, which prohibits the privatization of marine space; and (c) the rights were inconsistent with the Zoning Plan for Coastal Areas and Small Islands (Rencana Zonasi Wilayah Pesisir dan Pulau-Pulau Kecil / RZWP3K) of Banten Province. Dispute resolution could be pursued through administrative, criminal, and civil mechanisms, including permit revocation, criminal sanctions in the form of imprisonment and fines under Article 73 of the Law on the Management of Coastal Areas and Small Islands, compensation claims through court proceedings, and out-of-court mediation.

INTRODUCTION

Illegal fences in coastal areas and other water bodies have the potential to generate significant negative impacts on environmental, social, and economic aspects (Fajobi et al., 2026; Harry et al., 2025; Iyiola et al., 2022; Mubarak et al., 2025; Shampa et al., 2023; Yolanda et al., 2025). From an environmental perspective, such fences may damage marine ecosystems, degrade natural habitats such as coral reefs, mangrove forests, and seagrass beds, and disrupt water circulation by obstructing seawater flow (Dayananda et al., 2025; Kislay et al., 2026; Perricone et al., 2023; Prats Ribas, 2024; Teena Jayakumar & Sarkar, 2024; Waleed et al., 2025). From a social perspective, the existence of these fences may restrict traditional fishermen's access to fishing areas that serve as their primary source of livelihood, potentially creating conflicts between fence constructors and affected communities.

Coastal land in Indonesia represents a strategic natural resource with significant economic, social, and environmental value (Ariadi et al., 2024; Febriana & Utary, 2024; Haryana, 2022; Hendarto & Yuniwati, 2024; Nurhidayah et al., 2022; Waleed et al., 2025). Consequently, coastal areas have become centers of development activities in sectors such as

tourism, industry, and settlements. Intensive utilization of coastal land frequently generates conflicts among the government, business actors, and local communities, as demonstrated by the construction of a sea fence along the Tangerang coast, which resulted in disputes concerning land tenure. According to the Basic Agrarian Law (Undang-Undang Pokok Agraria / UUPA) Number 5 of 1960, all land in Indonesia, including coastal areas, is fundamentally controlled by the state, and land rights may only be granted to individuals or legal entities in forms such as property rights, use rights, or lease rights according to their intended purposes. However, coastal communities often claim land rights based on hereditary occupation or customary practices that are not always supported by formal documentation, creating legal uncertainty between state control rights and community-based claims (Fikri & Putri, 2026; Grover, 2025; Haryana, 2022; Mashdurohatun & Embong, 2025; Troell & Keene, 2022).

In 2024, a 30.16-kilometer sea fence was discovered in the waters of Tangerang Regency, Banten, extending across 16 villages and six sub-districts. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional / ATR/BPN) confirmed that 263 Building Rights Certificates (Sertifikat Hak Guna Bangunan / SHGB) had been issued under the name of PT Intan Agung Makmur, 20 SHGBs under PT Cahaya Inti Sentosa, nine plots under individual ownership, and 17 Property Rights Certificates (Sertifikat Hak Milik / SHM) within the area. Several legal experts considered the case to involve potential legal violations related to Constitutional Court Decision Number 3/PUU-VII/2010 concerning the Management of Coastal Areas and Small Islands, which prohibits the privatization of marine space by private parties. Another perspective emphasized that, based on Article 1 paragraph (4) of the UUPA, land includes the surface of the earth, the earth beneath it, and areas beneath water, indicating that water-related areas are not entirely excluded from agrarian regulation, provided that national interests and the rights of customary law communities are respected as stipulated in Article 2 paragraph (4), Article 3, Article 4, and Article 9 paragraph (1) of the UUPA.

The research gap identified in this study was the lack of comprehensive legal analysis integrating the examination of land rights status in coastal areas under the UUPA with the formulation of a legal settlement model covering administrative, criminal, civil, and alternative dispute resolution mechanisms for sea fencing practices. Previous studies had generally focused on either licensing mechanisms or certificate validity, whereas this study combined both perspectives to provide a more comprehensive legal assessment. The urgency of this research was supported by the increasing occurrence of sea fencing practices in Indonesian coastal areas, their significant economic and social impacts on coastal communities, and the need for clearer legal frameworks for dispute resolution. The novelty of this research lies in its integrated approach, which examined both the normative foundation of coastal land rights and the practical legal remedies available to address violations.

The legal debate involved issues concerning the legality of certificate issuance, the protection of indigenous and customary community rights, and the limitations of coastal area management regulated through Constitutional Court decisions and national agrarian legislation. The case also raised concerns regarding potential administrative irregularities, including allegations of corruption and collusion that were subject to investigation by law enforcement authorities. This situation illustrated how inconsistencies between agrarian law regulations and coastal development practices could generate social and legal conflicts.

Therefore, agrarian law plays an important role in balancing effective coastal resource management, protection of community rights, and environmental conservation. Based on this background, this research focused on examining “The Legal Status of Land Rights in the Tangerang Coastal Region Based on the Basic Agrarian Law.”

Previous Research Studies

To confirm the originality of this research, the author compares it with similar studies that have been conducted before, as presented in Table 1.

Table 1. Comparison of Previous Research

	Previous Research	This research	Comparison / Notes
Researcher	Riswandha Ismawan, Islamic University of Malang (2020)	Seto Prayogi, Islamic University of Malang (2025)	
Title	Implementation of Reclamation Permits for Coastal Areas Based on Presidential Regulation Number 122 of 2012 (Case Study of Sejati Village, Camplong District, Sampang Regency)	Legal Status of Land Rights in the Tangerang Coastal Region Based on the Basic Agrarian Law	Previous research focused on the mechanism of reclamation licensing, while this study examined the control of coastal land rights and the legal settlement model for sea fencing practices.
Conclusion	The reclamation licensing process is contrary to Presidential Decree 122/2012 because it is not accompanied by complete technical documents, so the issued permit is not legally valid.	See the research conclusions at the end of this article.	
Researcher	Galuh Rizky & Isyana Alif Marthani, Esa Unggul University	Seto Prayogi, Islamic University of Malang (2025)	
Title	Juridical Analysis of the Validity of Land Rights Certificates in Tangerang Waters	Legal Status of Land Rights in the Tangerang Coastal Region Based on the Basic Agrarian Law	Previous research focused on the validity of certificate issuance and its implications for national land governance, while this study adds an analysis of the legal settlement model of

		marine fencing practices.
Conclusion	The issuance of land rights certificates in the waters of Tangerang cannot be justified in agrarian law because it is contrary to the principle of common property as stipulated in Law No. 27 of 2007 jo. Law No. 1 of 2014 concerning the Management of Coastal Areas and Small Islands.	See the research conclusions at the end of this article.

Based on the comparison in Table 1, this study has a different focus from previous studies, namely combining the analysis of the legal status of land ownership in coastal areas according to the UUPA with the formulation of a comprehensive legal settlement model -- administrative, criminal, civil, and alternative dispute resolution -- on the practice of sea fencing on the coast of Tangerang.

Formulation of Research Problems and Objectives

Based on the above background description, this study formulates two problems, namely: (1) how is the legal status of land ownership rights in coastal areas according to the provisions of the Basic Agrarian Law (UUPA); and (2) what is the model for legal settlement of the practice of sea fencing in the coastal area of Tangerang. In line with the formulation of the problem, this study aims to find out and analyze the legal status of the possession and utilization of land rights in coastal areas according to the provisions of the UUPA and its implementing regulations, as well as analyze the legal settlement model for the practice of sea fencing on the coast of Tangerang. This research is expected to provide scientific contributions in the field of agrarian law and become a reference for interested parties in resolving land tenure disputes in coastal areas.

Theoretical and Conceptual Framework

This study uses the Progressive Legal Theory and the Theory of State Sovereignty over the Territory as analytical knives. Progressive Law departs from the assumption that "the law is for man, not man for law"; Law is not seen as an absolute document that stands autonomously, but rather as a means to realize substantive justice for society. The criteria of progressive law include a strong moral content of humanity, critical and functional nature, a great goal in the form of human welfare, and a dimension of liberation that includes the realm of practice and theory. In the context of illegal sea fencing, this theory is used to analyze how the practice is contrary to the value of social justice mandated by Article 33 paragraph (3) of the 1945 Constitution and Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands as amended by Law Number 1 of 2014.

The theory of State Sovereignty over Territory rests on the concept of the Right to Control the State (HMN) as stipulated in Article 2 paragraphs (2) and (3) of the UUPA, which is the delegation of the rights of the Indonesian people as mandated by Article 33 paragraph (3) of the 1945 Constitution, namely the earth, water, and natural resources contained in it are

controlled by the state to be used as much as possible for the prosperity of the people. The explanation of Article 2 of the UUPA emphasizes that "controlled" does not mean the same as "owned", but rather the authority of the state to regulate the legal relationship between people and the earth, water, and space, as well as to organize their designation, use, supply, and maintenance. State control over land thus gives birth to authority as well as responsibility to create the prosperity of the people, in contrast to the relationship of the individual with land which gives birth to civil rights and obligations.

Conceptually, this study also uses the definition of illegal sea fencing, which is the act of installing physical barriers in coastal waters without permission from the competent authorities, especially the Ministry of Maritime Affairs and Fisheries (KKP), which is contrary to the UUPA, Law Number 27 of 2007, Law Number 32 of 2014 concerning Marine Affairs, and Regulation of the Minister of Maritime Affairs and Fisheries Number 24 of 2021. The concept of control of land rights is understood in both a physical and juridical sense; Juridical control is based on rights that are protected by law and gives authority to the holder to use land, while the UUPA establishes a hierarchy of land control rights ranging from the rights of the Indonesian nation, the right to control the state, customary rights of customary law communities, to individual rights such as Property Rights, Building Rights, and Usage Rights. In addition, the concept of common property is also used, namely coastal and marine areas as resources that are under state control for the public interest and basically cannot be owned privately, except through a mechanism for legal marine space utilization permits.

METHOD

This study employed normative legal research, focusing on the examination of legal norms and regulations related to the legal status of land rights in coastal areas. The study applied two approaches: the statute approach, which analyzed Law Number 5 of 1960 concerning Basic Agrarian Regulations and other relevant regulations, and the analytical-conceptual approach, which examined the legality of illegal sea fencing practices in relation to marine space utilization, social justice, ecological justice, and state responsibility.

The data sources consisted of primary, secondary, and tertiary legal materials. Primary legal materials included Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, the Civil Code, Law Number 5 of 1960 concerning Basic Agrarian Regulations, Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands as amended by Law Number 1 of 2014, Law Number 32 of 2014 concerning Marine Affairs, and Regulation of the Minister of Marine Affairs and Fisheries Number 24 of 2021 concerning Procedures for Issuing Approvals for the Suitability of Marine Space Utilization Activities. Secondary legal materials included research findings, legal scholars' works, and regulatory drafts related to the primary legal materials, while tertiary legal materials consisted of legal dictionaries and encyclopedias.

Legal materials were collected through literature and documentation studies by reviewing relevant legal literature, legislation, legal documents, and previous research related to the research topic. The collected materials were analyzed qualitatively by interpreting and evaluating legal provisions based on applicable standards and legal realities. The analysis was presented descriptively to explain the legal status of land rights in coastal areas and formulate legal settlement models for sea fencing practices on the Tangerang coast.

RESULTS AND DISCUSSION

Legal Status of Land Rights in Coastal Areas According to the Basic Agrarian Law (UUPA)

Regulation of Land Rights in Coastal Areas According to the UUPA

In Indonesia, coastal areas are often prone to conflicts involving local communities, the private sector, and the government. The root of the problem lies in the unclear legal status of coastal land, which is often not officially registered in the national land system, while coastal communities have occupied and controlled land for generations without a valid certificate. On the other hand, development projects such as sea fencing in Tangerang involve entrepreneurs who obtain land rights through formal legal mechanisms such as Building Rights (HGB) or Right to Use.

The Basic Agrarian Law (UUPA) Number 5 of 1960 is the main basis for regulating legal relations between humans, land, and the state in Indonesia. Article 1 paragraph (4) of the UUPA states that the term "earth" includes the earth's surface, the layer underground, and the part of the earth that is under water, so that coastal and marine areas are included in the scope of state control. Article 2 paragraph (1) of the UUPA emphasizes the principle of the Right to Control the State (HMN), where all earth, water, space, and natural resources in it are controlled by the state and must be utilized as much as possible for the prosperity of the people. However, based on Article 4 paragraph (2) of the UUPA, land rights can only be granted to the earth's surface, while the use of the earth's body, water, and space on it is regulated through different sectoral laws and regulations, such as the Law on Marine Affairs and Fisheries. This provision emphasizes that although the land under the waters can be used as an object of rights, the use of the water column and the sea surface above it is still subject to marine sectoral regulations.

The case of the construction of a sea fence in Tangerang illustrates the overlapping interests between coastal communities who base their claims on physical control and customary law, with the developer and local governments who carry out projects on the basis of development interests. This condition requires fair law enforcement and a transparent dispute resolution mechanism, so that the management of coastal areas can run sustainably without harming one of the parties.

Conflict of Norms Between UUPA and Marine Sectoral Regulations

Regulatory conflicts regarding land rights in marine and coastal areas are one of the fundamental problems in the Indonesian legal system, which arises from the meeting of legal regimes departing from different paradigms. The 1960 UUPA was drafted based on the agrarian view of the land so that it was not fully able to accommodate the characteristics of the sea as a dynamic and open legal space. The presence of Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands, which was amended by Law Number 1 of 2014, was originally intended to provide a legal basis for more directed coastal governance, but gave rise to a separate mechanism for permits for the use of marine space in the form of Coastal Waters Business Rights (HP3).

The regulatory conflict is also seen in the conflict between Law Number 32 of 2014 concerning Marine Affairs and the UUPA and Law Number 27 of 2007, where the Maritime Law affirms state sovereignty over marine space through a defense and maritime economic approach, but does not pay attention to the rights of coastal communities who depend on marine

resources for generations. This disharmony of norms has led to a debate about whether the sea should be treated as an extension of land under an agrarian regime or as a separate legal space. In the spatial aspect, Law Number 26 of 2007 concerning Spatial Planning requires integrated coastal areas in the Regional Spatial Plan (RTRW), but many regional RTRWs are not in line with central policies and provisions of the marine and conservation sector, thus causing overlap in conservation, fisheries, tourism, and industrial zoning.

From a juridical perspective, overlap between regulations can undermine fundamental principles of the rule of law, as law enforcement officials and judges are faced with an interpretive dilemma as to which regulations should be prioritized, which can ultimately erode public trust in the law. Although the UUPA opens up space for the granting of land rights below the surface of the water, its implementation is not absolute, because its implementation must still be in line with Law No. 27 of 2007 jo. Law No. 1 of 2014 which explicitly prohibits the granting of ownership rights over water areas to private parties, as well as Law No. 32 of 2014 which affirms the sea as a public space under state control, not an object that can be owned individually.

Legality of Land Rights Certification in Coastal Areas

Based on the UUPA, the forms of land rights that can be granted in coastal areas include Property Rights (HM), Building Rights (HGB), and Right of Use, each of which has different characteristics and legal subjects. However, in the context of coastal areas, the granting of these rights must be in accordance with the Regional Spatial Plan (RTRW) and the Zoning Plan for Coastal Areas and Small Islands (RZWP3K), and must be accompanied by a permit to use marine space from the Ministry of Maritime Affairs and Fisheries (KKP) or the authorized local government. Without such a permit, any activity of control or development on the sea is considered unlawful.

In the case of sea fencing on the coast of Tangerang, the issuance of HGB and SHM Certificates over sea waters is considered legally invalid (legally flawed) because there is no permit to use marine space from the KKP, so the issuance of the certificate does not have a strong administrative or legal basis. This action is also contrary to the principle of common property as affirmed in the Constitutional Court Decision Number 3/PUU-VII/2010, which states that the sea and the coast are public spaces that should not be monopolized or privatized by certain parties. In addition, the sea fencing policy is contrary to the Banten Province RZWP3K which explicitly prohibits the privatization of marine space for exclusive interests, as well as violating the principle of social justice because it restricts the access of traditional fishermen who depend on marine resources.

Legal Implications for HGB and SHM Certificates in the Tangerang Coastal Areas

Article 4 paragraph (1) of the UUPA emphasizes that based on the right of state control as stipulated in Article 2, there are various types of land rights that refer to land, without distinguishing terminology between land and land in waters. However, more technical arrangements in Government Regulation Number 16 of 2004 and Law Number 27 of 2007 jo. Law Number 1 of 2014 shows that land in waters such as coastal and territorial seas has a different legal approach from land land, because land can be used as an object of rights such as HGU, HGB, Right of Use, and Property Rights whose granting authority is regulated in Article 2 of the UUPA and has been recorded in the land registration system national.

Based on Article 4 paragraph (2) of the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 9 of 1999, if the land requested is land with Management Rights (HPL), the applicant is required to obtain approval in the form of a Land Use Agreement (SPPT) from the HPL holder, which then gives birth to certain rights, obligations, and restrictions, generally in the form of HGB or Right of Use. The existence of HGB sourced from HPL does not break the legal relationship between the HPL holder and the land, so any extension, renewal, transfer, or imposition of dependent rights still requires the written consent of the HPL holder.

The UUPA basically does not provide a legal basis for the issuance of HGB in marine areas, because the regulation of marine space cannot be equated with the regulation of land. Thus, the issuance of HGB and SHM in marine areas or tidal areas can be categorized as a form of legal irregularity that has the potential to be canceled, either through administrative mechanisms or court decisions. Based on Government Regulation Number 40 of 1996, HGB can only be granted on land with the status of Management Rights (HPL) or state land, including reclaimed land that has met the provisions of the law. In practice, the National Land Agency (BPN) only issues HGB certificates on land or reclaimed land that has been legally recognized as land, while for the territorial waters the applicable legal instrument is not an HGB certificate, but a permit for the use of marine space.

Normatively, HGB can only be issued above the ground, not above sea level, because the sea is not a category of land in the definition of the UUPA but a water area that is subject to maritime law as a *lex specialis* that precedes the provisions of land law (*lex generalis*) based on Law Number 32 of 2014 concerning Marine Affairs. Therefore, every form of marine use must be through a permit for the location of waters or marine spatial planning, not through land rights certification such as HGB. Administratively, the authority to issue HGB certificates is under the responsibility of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), while the authority to manage, utilize, and supervise marine areas -- including coastal areas, exclusive economic zones (EEZs), and continental shelves -- is in the hands of the Ministry of Maritime Affairs and Fisheries (KKP) through licensing mechanisms such as Aquatic Location Permits (ILP) and Aquatic Management Permits (IPPs).

Model of Legal Settlement of Sea Fencing Practices in the Coastal Areas of Tangerang Administrative Law Enforcement

Administrative law enforcement is a legal instrument that is at the forefront in dealing with the rampant practice of sea fencing in the coastal area of Tangerang. In contrast to penalty-oriented criminal law, administrative law focuses on corrective action against non-compliance in the aspects of licensing and space utilization, with local governments holding the primary authority to carry out control. Considering Law Number 27 of 2007 jo. Law Number 1 of 2014 expressly prohibits the granting of ownership rights over water areas to private parties, and Law Number 32 of 2014 affirms the sea as a public space under state control, corrective action can be taken in stages starting from the issuance of written warnings to violators, freezing or revoking permits for the use of coastal and marine spaces, to government coercion in the form of demolition of illegal buildings or fences with the burden of costs charged to the perpetrators of violations. This approach emphasizes the preventive and corrective functions of administrative law in resolving conflicts over the use of coastal space without having to rely entirely on the time-consuming and costly criminal law process.

Criminal Law Enforcement

Criminal law enforcement efforts against the practice of sea fencing face complex challenges, both from juridical aspects and implementation in the field. The act of sea fencing is a form of physical control over the waters that are legally categorized as public spaces, so the criminal approach must be placed within the framework of protecting the public interest and state sovereignty. The main legal instrument that can be used is Article 73 paragraph (1) of Law Number 27 of 2007 jo. Law Number 1 of 2014 concerning the Management of Coastal Areas and Small Islands, which emphasizes that anyone who deliberately rents, controls, or fences marine waters can be subject to criminal sanctions in the form of imprisonment and fines.

The application of this criminal provision is multidimensional and faces a number of obstacles, namely: (a) the evidentiary aspect, because the elements of "controlling" and "fencing" the waters require concrete evidence such as visual documentation, zoning maps, and witness statements regarding obstructed public access; (b) inter-agency coordination, because law enforcement in coastal areas involves the cooperation of the Police, the Marine and Fisheries Service, and the Prosecutor's Office, where weak coordination and differences of perception can hinder the legal process; and (c) the relationship with the status of land certificates, because fencing actors often argue that fences only stand on certified land, even though they factually extend to block access to marine areas, so careful legal analysis is needed to separate the boundaries of land and water jurisdiction.

Civil Law Enforcement

Civil law enforcement of marine fencing practices faces complex problems because civil law instruments, designed to regulate relationships between individuals, are applied to objects that are legally public spaces. HGB or SHM Certificate holders in coastal areas have the right to use and enjoy property in full according to civil law, but this right clashes with Law Number 32 of 2014 concerning Marine Affairs which affirms the sea as a living space controlled by the state. Coastal communities, especially fishermen who have lost access to the sea, can file a civil lawsuit under Article 1365 of the Civil Code regarding unlawful acts, on the grounds that fencing causes material or immaterial losses.

A paradox arises when the court has to answer whether fencing in the sea area is a legitimate right to be defended; If the certified land includes an area designated as a marine public space, the legal basis for ownership or certificate becomes weak, so that a civil lawsuit can open up opportunities to question the validity of the owner's ownership rights. There are two possible settlement routes, namely the purely civil route that orders compensation and the dismantling of the fence but is reactive and does not touch the root of the administrative problem, and the administrative and criminal route where the local government through the Marine and Fisheries Service is authorized to impose administrative sanctions such as the revocation of permits or recommendations for the cancellation of certificates. Overall, this issue reflects the blurring of boundaries between the domain of civil law and public law, so that synergy between agencies and synchronization of regulations are needed so that the protection of people's rights and the principle of state control over the sea can run in balance.

Alternative Dispute Resolution (APS)

The sea fencing conflict on the coast of Tangerang is basically a clash between the claim of private rights based on land certificates and the public access rights to the sea area as

guaranteed by maritime law. Given that litigation mechanisms in court often take a long time and have the potential to muddy social relationships, the implementation of Alternative Dispute Resolution (APS) is a more rational option. First, the mediation approach should involve the active participation of all stakeholders (multi-stakeholders) -- certificate holders, fishermen's groups, local governments through the Marine and Fisheries Service and the Land Service, and local community leaders -- with the government acting as an active facilitator. The goal is not to determine the right or wrong party, but to find common ground, for example profit-sharing agreements or the granting of traditional access rights for fishermen through a memorandum of mutual agreement, in line with the spirit of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.

Second, if mediation does not yield results, the local government as a representative of the state that holds the mandate to control the sea area can take administrative adjudication by imposing sanctions in the form of written reprimands, administrative fines, to the revocation of location permits or the dismantling of fences and buildings that close public access, as stipulated in Article 66 of Law Number 32 of 2014 concerning Marine Affairs. Both mechanisms show a spectrum of conflict resolution that moves from the most cooperative (mediation) to the most coercive (administrative adjudication) approach, the success of which is highly dependent on the institutional capacity and political will of local governments in carrying out the dual functions of facilitators and law enforcers.

CONCLUSION

Based on the results of the research and discussion, it was concluded that the legal status of land rights control in the coastal area of Tangerang through Building Rights Certificates (Sertifikat Hak Guna Bangunan / HGB) and Property Rights Certificates (Sertifikat Hak Milik / SHM) issued over marine areas was legally invalid because it contradicted the Basic Agrarian Law (Undang-Undang Pokok Agraria / UUPA), Constitutional Court Decision Number 3/PUU-VII/2010, and the Zoning Plan for Coastal Areas and Small Islands (Rencana Zonasi Wilayah Pesisir dan Pulau-Pulau Kecil / RZWP3K) of Banten Province, and was not supported by marine space utilization approval from the Ministry of Marine Affairs and Fisheries (KKP). The practice of sea fencing also threatened the social function and sustainability of marine resources for coastal communities, particularly traditional fishermen. Legal resolution of illegal sea fencing practices on the Tangerang coast could be pursued through administrative, criminal, and civil mechanisms. The government could impose administrative sanctions in the form of warnings, permit revocation, and removal of illegal fences. Perpetrators could be subject to criminal sanctions in the form of imprisonment and fines based on Article 73 of the Law on the Management of Coastal Areas and Small Islands. Meanwhile, affected communities could file compensation claims based on Article 1365 of the Civil Code or pursue alternative dispute resolution through multi-stakeholder mediation and administrative dispute resolution by the local government. Therefore, it was recommended that the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, together with the Ministry of Marine Affairs and Fisheries, evaluate and revoke HGB and SHM certificates issued in marine areas without valid marine space utilization approval. Furthermore, regulatory harmonization between the UUPA, the Law on the Management of Coastal Areas and Small Islands, and the Marine Law should be strengthened to prevent normative conflicts. Coordination among law

enforcement institutions and the implementation of multi-stakeholder mediation should also be improved as preventive and resolution mechanisms for addressing coastal land tenure disputes in a fair, participatory, and sustainable manner for coastal communities and traditional fishermen.

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