

Government Policy Towards the Marine Fence Polemic in Tangerang (Civil Law Review of Coastal Areas Control Rights)

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Abstract: *The construction of a marine fence in Tangerang limits access for coastal communities, especially fishermen, to marine resources. This is an unlawful act (PMH) based on Article 1365 of the Civil Code. The construction of a sea fence also creates a conflict between the interests of the developer and the interests of the community. This research aims to analyze government policy in dealing with the maritime fence polemic in Tangerang. This research uses normative juridical methods with statutory, conceptual, and case approaches. The data analysis technique used is qualitative analysis with a descriptive-analytical approach. Research findings show that the construction of the sea wall in Tangerang was carried out without proper permits and violated Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. In addition, this action has the potential to harm the community both economically and socially, giving them the legal right to file civil claims for compensation or dismantling of the seawall. Regarding dispute resolution mechanisms, this study found that mediation and negotiation are more effective options than litigation. concluded that the construction of a sea wall in Tangerang violates civil law principles. The legal implications include potential civil claims based on Article 1365 of the Civil Code, as well as claims for compensation from affected communities. The recommendation of this research is that the government must strengthen regulations and licensing mechanisms and transparency of coastal infrastructure projects to prevent illegal land occupation in the future.*

Keywords: *Sea Wall; Unlawful Act; Civil Law; Coastal Ownership Rights; Dispute Resolution*

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Introduction

Coastal areas have a strategic role in supporting the economic, social, and ecological life of society. Indonesia, as an archipelagic country, faces major challenges in managing coastal areas, including aspects of land ownership, utilization, and control. One of the problems that has emerged is the construction of a sea fence in Tangerang waters, which has given rise to legal polemics and significant socio-economic impacts (Setiawan & Lestari, 2021). This sea fence, more than 30 kilometers long, was built without official permission, raising questions regarding the legality and rights to control coastal areas by parties whose identities are unknown (Harjono, 2022).

In civil law, rights to land and water areas are regulated through the principles of ownership and control, which must comply with applicable laws and regulations. Based on Article 570 of the Civil Code, the right to control an object, including land and coastal areas, must be based on valid law and recognized by the state (Subekti, 2017).

In the case of the sea fence in Tangerang, there are allegations that the construction of this structure was carried out without any agreement or valid legal rights, which has the potential to violate the principle of legal certainty in civil law (Ibrahim, 2022). In addition, Article 1365 of the Civil Code regarding unlawful acts (PMH) states that any action that harms another party can be subject to compensation sanctions, which in this context can have implications for fishermen's losses due to disruption of access to fisheries resources (Marzuki, 2019).

The maritime fence polemic also raises questions about the role of the state in managing coastal areas. According to

Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, the use of coastal areas must undergo permits and strict supervision to ensure that community interests are not disturbed (Setiawan & Lestari, 2021). Without environmental studies and official permits, it indicates the potential for violations of administrative law, which could have an impact on civil aspects, including lawsuits over coastal area control rights by affected communities (Sutanto, 2020).

The existence of a sea fence hinders fishermen's activities in managing existing marine resources in terms of fishing as the main livelihood where the majority of people are fishermen on the coast. This research is important to carry out as a study to find problems and win-win solutions so that developers and coastal communities get justice that is not one-sided.

Based on the explanation above, the formulation of the problem in this research is, how are coastal area control rights regulated in Indonesian civil law? Can the construction of a sea fence in Tangerang be categorized as an unlawful act, and what legal mechanisms can be used to resolve disputes over control of coastal areas resulting from the construction of a sea fence?

To answer these questions, this research uses several relevant civil law theories, namely, Property Rights Theory, Tort Law Theory, and Dispute Resolution Theory. Property Rights Theory: This theory explains that rights to land and natural resources must have a clear legal basis and be recognized by the state. In this context, the construction of sea fences without permits can be studied from the perspective of violations of ownership rights and territorial control (Friedman, 2016).

Tort Law Theory: This theory highlights actions that cause harm to other parties and can be the basis for claims for compensation in civil law. In the case of the sea fence in Tangerang, if it is proven to hinder fishermen's access and harm the local economy, it can be categorized as an unlawful act (Subekti, 2017). **Dispute Resolution Theory:** This theory includes dispute resolution mechanisms such as negotiation, mediation, arbitration, and litigation. In this case, this theory can be used to analyze legal solutions that can be taken to resolve conflicts related to sea fences (Sutanto, 2020).

This research aims to analyze the implications of civil law on coastal area control rights in the marine fence case in Tangerang, with a focus on aspects of legal certainty, unlawful acts, and dispute resolution mechanisms. It is hoped that the results of this research can contribute to the development of civil law science, especially in the context of coastal area management and ownership rights over marine resources. Apart from that, it is also hoped that this research can become a reference for policymakers, legal practitioners, and the public in understanding legal aspects related to controlling coastal areas and resolving disputes arising from the construction of sea fences.

Method

This research uses a normative juridical method, which focuses on studying positive law that applies in resolving disputes over control of coastal areas, especially in the case of the construction of a sea fence in Tangerang. This method aims to analyze statutory regulations, legal doctrine, and court decisions relating to coastal area control rights in civil law (Marzuki, 2019). The approach used in this research includes:

1. Legislative Approach, namely by reviewing statutory regulations relating to coastal area control rights, unlawful acts, as well as dispute resolution mechanisms in civil law (Ibrahim, 2022).
2. Conceptual Approach, which aims to understand civil law concepts related to land tenure rights and coastal areas, as well as how these concepts are applied in the case of sea fences in Tangerang (Friedman, 2016).
3. Case Approach, by analyzing court decisions and similar dispute resolution practices that have occurred in Indonesia and other countries (Setiawan & Lestari, 2021).

It is hoped that the three approaches above will provide an overview of governance in terms of the licensing process together before implementing the marine fencing process so that polemics do not occur in the community. The developer, community, and officials sit together to reach consensus before the fencing process so that no party feels disadvantaged.

This research uses secondary data consisting of:

1. Legislation, such as the Civil Code, Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, as well as regulations related to marine resource management.
2. Legal literature, including books, scientific journals, and academic articles discussing the concept of ownership and control of coastal areas in civil law (Harjono, 2022).
3. Court decisions, which include cases related to coastal area disputes and land ownership rights, to see how civil law is applied in dispute

resolution practices (Ibrahim, 2022).

4. Reports from government agencies and non-government organizations (NGOs) related to coastal area management and its impact on coastal communities.

The data in this research was collected through document studies by examining regulations, legal doctrine, and court decisions relating to coastal area control disputes. This technique allows an in-depth analysis of the legal basis used to resolve problems that arise as a result of the construction of the sea fence in Tangerang (Sutanto, 2020).

The data obtained was analyzed using qualitative analysis, with the following steps:

1. Identify relevant legal regulations and analyze their relationship to coastal area control rights in civil law.
2. Interpretation of civil law principles in the sea fence case in Tangerang to assess whether the action can be categorized as an unlawful act (PMH) based on Article 1365 of the Civil Code (Subekti, 2017).
3. Evaluate the dispute resolution mechanisms available in civil law, including negotiation, mediation, arbitration, and litigation (Setiawan & Lestari, 2021).
4. Comparison with similar case studies that have occurred in Indonesia and internationally to gain a broader understanding of the civil law approach in resolving coastal area control disputes (World Bank, 2020).

The normative juridical method was chosen because this research focuses on doctrinal studies regarding how civil law regulates control rights over coastal areas and how it is applied in the context of controversial marine fence

construction. Document studies are used to ensure that the analysis is carried out based on a strong legal basis so that it can provide theoretical and practical contributions to the development of civil law related to coastal area management.

Results and Discussion

Impact On Social Life and Capital as An Issue in The Topic Of Coastal Justice

In some cases, the construction of sea fences in coastal areas is often influenced by the behavior of oligarchs, namely a small group of individuals or entities who have power or control over strategic decisions, including infrastructure development. This phenomenon often involves political elites and large entrepreneurs who have access to financial resources and power in formulating policies or development projects. The construction of marine fences in this context often does not take full account of the social and economic impacts on coastal communities, especially those who depend on coastal natural resources as their main livelihood. In oligarchic behavior, decisions regarding the construction of maritime fences are often driven by the interests of a few parties who prioritize short-term profits or political interests over the welfare of the wider community. Marine fences that are built are more often used to beautify and secure areas of high commercial value, such as tourism areas, luxury housing, or commercial properties, rather than to protect more vulnerable and poor areas. In many cases, fishing communities or coastal residents who do not have political or economic power are often marginalized, even forced to relocate without adequate compensation.

This oligarchic behavior pattern has the potential to worsen social and economic inequality in coastal areas.

Natural resources that should be utilized for the common good are often controlled by a few people or groups who have capital and access. As a result, coastal communities that should enjoy the benefits of marine fence protection are marginalized, both economically, socially, and environmentally.

The construction of sea fences has quite complex social impacts on coastal communities. The first impact that emerged was a change in the life patterns of fishing communities. Fishermen who depend on the sea as their source of livelihood may experience difficulties in accessing fishing areas due to marine fences that limit their fishing areas. Marine fences that are built too close to the coastline or block traditional shipping routes will reduce their productivity and welfare.

Another social impact is a shift in social patterns in coastal areas. The presence of marine fences, in some cases, causes coastal land to be converted into commercial, entertainment, large business, or luxury housing areas, which then displaces traditional fishing settlements. This could trigger social inequality and increase the potential for tension between affected community groups and parties involved in the construction of the sea fence, such as the government and property developers.

In addition, marine fence construction projects often involve the process of relocating residents, which can disrupt their social and cultural lives. This relocation not only has an impact on economic aspects but also on social relationships, cultural identity, and emotional connection to their homeland. Losing access to coastal natural resources and homes that have been passed down from generation to generation adds psychological and physical pressure to

communities forced to move.

Economically, sea fences can provide benefits by increasing protection of infrastructure and assets on the coast, such as ports, airports, and tourist areas. With a marine fence, the risk of damage from floods or tsunamis can be reduced, which in turn can reduce repair and recovery costs after a disaster. This is expected to support long-term economic stability, especially in areas that depend on the tourism and fisheries sectors.

However, the negative impact cannot be ignored either. The high cost of building a sea fence can increase the financial burden on the state or region. The large initial investment may be difficult to offset with economic benefits in the short term. Apart from that, long-term maintenance and maintenance costs for marine fences can also burden the government budget. Marine fences can change land use patterns, which can harm the fisheries sector. Many traditional fishermen have lost their livelihoods due to reduced access to the sea or decreased catches due to changes in coastal ecosystems. In addition, changing the function of coastal land into commercial or industrial areas reduces potential income from the agricultural and fisheries sectors. In addition, the existence of marine fences is often associated with the phenomenon of gentrification, where the price of land around protected coastal areas rises drastically, while poor communities or traditional fishermen are forced to move to other places. This phenomenon can worsen social inequality and create increasingly marginalized economic groups.

The environmental impact of constructing a marine fence can vary, depending on its design and implementation. In general, sea fences can function to protect coastal ecosystems, but

if not designed properly, sea fences can disrupt the natural balance. One of the most significant environmental impacts is changes in coastal ecosystems. Marine fences that are built without considering the sustainability of coastal ecosystems can change water flows, cause soil erosion in certain areas, or affect the salinity and quality of seawater. This can have bad consequences for marine biota such as fish, coral reefs, and coastal vegetation, which depend on natural ecosystems for their survival. In addition, the construction of marine fences that close migration routes for several species that need free access to land or sea can damage their natural habitats. Coral reefs, mangroves, and seagrass beds as important ecosystems that function as barriers to abrasion could also be threatened with loss due to the construction of marine fences that hinder the natural regeneration process.

Coastal Area Control Rights in Civil Law

The right to control coastal areas is regulated in various legal instruments in Indonesia, including the Civil Code, Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, as well as regulations related to marine resource management. In Article 570 of the Civil Code, it is stated that the right to control an object, including coastal areas, must be based on valid law and recognized by the state (Subekti, 2017).

The construction of a sea fence in Tangerang raises questions regarding the legality of controlling this coastal area. In many cases, coastal area control rights are held by the government as *public domain*, which means that their use and management must be subject to applicable permits and regulations (Ibrahim, 2022). However, the installation of a sea fence more than 30 kilometers long does not

have a clear legal basis, so it can be categorized as a form of illegal control (Setiawan & Lestari, 2021).

Coastal areas are part of water areas that have strategic value from an economic, ecological, and legal perspective. In civil law, control of an area must have a valid legal basis, as regulated in Article 570 of the Civil Code, which states that "property rights are the right to enjoy an object freely and to act with that object freely, as long as it does not conflict with the law or the rights of other people" (Subekti, 2017). Thus, ownership or control of a coastal area cannot be carried out arbitrarily without clear legality.

In the context of the construction of a sea fence in Tangerang, the right to control coastal areas is the main debate because there is no clear official permit from the government. Based on Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, it is stated that the right to manage and utilize coastal areas must be obtained with permission from the government and must not hinder public access to coastal resources (Ibrahim, 2022). Therefore, if the construction of a sea fence is carried out without a valid permit and blocks access to coastal communities, then this action can be categorized as unlawful control of territory.

The construction of a sea fence in Tangerang raises fundamental questions regarding the legality of controlling coastal areas carried out by parties whose identities are unclear. According to Article 16, paragraph (1), of Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA), rights to land and territory must have a valid legal basis and receive recognition from the state (Setiawan & Lestari, 2021). In this case, the installation of a sea fence that blocks fishermen's access without official permission from

the government can be categorized as possession without rights.

In civil law, possession without rights can be categorized as a form of unlawful act (PMH) as regulated in Article 1365 of the Civil Code, which states that "every act that violates the law and causes harm to other people requires the guilty party to provide compensation" (Subekti, 2017). If the construction of a marine fence is proven to be detrimental to coastal communities and fishermen, then they can file a civil lawsuit to demand the demolition of the fence and compensation for the losses suffered (Marzuki, 2019).

One of the main principles in civil law related to coastal areas is the right of public access. Based on Article 60, paragraph (1), of Law No. 1 of 2014 concerning Amendments to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands, communities have the right to gain access to coastal resources, including waters used for fishing and other economic activities (Sutanto, 2020).

In the case of the marine fence in Tangerang, coastal communities' access rights were disturbed because the fence restricted the movement of fishermen in search of fish. Legally, access restrictions without valid permission can be considered a violation of the civil rights of coastal communities. If fishermen experience economic losses due to limited access to the sea, they have the right to file a claim based on the principle of compensation in civil law as regulated in Article 1243 of the Civil Code, which states that compensation can be requested if there is a delay in fulfilling an obligation or obstruction of a legal right (Ibrahim, 2022).

In several similar cases in Indonesia, control of coastal areas without permission has resulted in legal disputes.

A comparable case example is the reclamation dispute in Benoa Bay, Bali, where a development project hampered fishermen's access and gave rise to legal claims from the local community (Harjono, 2022). In this case, the court stated that every project in coastal areas must comply with applicable laws and regulations and obtain permits before development is carried out.

In addition, in several countries, such as the United States and Australia, the right of access to coastal areas is guaranteed in environmental law and civil law. In California, for example, state law requires that all infrastructure projects that could limit public access to the ocean must go through a community consultation process and obtain environmental permits before they can be implemented (World Bank, 2020). This comparison shows

that the construction of a sea fence without clear permission has the potential to violate the principles of civil law that apply globally.

Based on civil law analysis, the construction of a sea fence in Tangerang without a valid permit has the following legal implications:

1. Violation of coastal area control rights If there is no official permit, then the construction of a sea fence can be categorized as illegal territorial control.
2. Acts against the law (PMH) If a sea fence causes harm to coastal communities, then this action can be sued under Article 1365 of the Civil Code (Subekti, 2017).
3. The right to compensation for affected communities Fishermen who are harmed can demand compensation based on the principles of tort and unlawful acts in civil law (Ibrahim, 2022).

As a recommendation, it is necessary to strengthen regulations regarding control rights of coastal areas so that similar incidents do not happen again in the future. The government must increase supervision of coastal infrastructure development and ensure that each project obtains valid permits before construction is carried out.

Sea Fencing as an Unlawful Act in Civil Law

Based on Article 1365 of the Civil Code, actions that cause harm to other parties can be categorized as unlawful acts (PMH). In the case of the sea fence in Tangerang, several parties, especially fishermen, experienced losses due to limited access to their fishing areas. Apart from that, the construction of this sea fence was carried out without official permission from the regional government or related ministries, so it has the potential to violate applicable legal provisions (Marzuki, 2019).

In Indonesian civil law, unlawful acts (PMH) are regulated in Article 1365 of the Civil Code, which states that "every act that violates the law and causes harm to others requires the guilty party to provide compensation" (Subekti, 2017). An action can be categorized as PMH if it meets four main elements, namely:

1. There are actions that are contrary to the law: Actions that violate applicable laws and regulations or legal principles.
2. There are errors or omissions: Actions done intentionally or as a result of negligence that harm the other party.
3. There is a loss: These actions cause material and immaterial losses to the injured party.
4. There is a cause-and-effect relationship between the act and

the loss: The losses that occurred were a direct result of the unlawful acts committed (Marzuki, 2019).

In the context of the construction of a sea fence in Tangerang, these four elements can be found, so they can be categorized as unlawful acts in civil law.

The construction of a sea fence in Tangerang waters was carried out without official permission from the government, so it can be categorized as an unlawful act. Based on Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, every activity that changes or utilizes coastal areas must obtain permission from the local government and meet environmental legal requirements (Setiawan & Lestari, 2021). The construction of a sea fence without permission can be considered a form of control without rights over coastal areas that should belong to the public.

In this case, the element of error or negligence is also fulfilled because the party building the sea fence did not heed applicable legal procedures and did not consider the social impact on coastal communities. As a result, fishermen who depend on these waters to earn a living experience economic losses because their access to fishing areas is limited (Harjono, 2022). Thus, this action can be categorized as an unlawful act that harms other parties.

The losses incurred due to the construction of a sea fence without permission cover various aspects, including

1. Economic Losses: Fishermen experience a decrease in income due to reduced access to their traditional fishing territory (Ibrahim, 2022).
2. Social Losses: Coastal communities experience legal uncertainty regarding access and utilization of

coastal resources (Sutanto, 2020).

3. Environmental Losses: Marine fence structures have the potential to change coastal ecosystems and disrupt the balance of marine biota (World Bank, 2020).

Based on the principles of Article 1365 of the Civil Code, a party who feels aggrieved has the right to file a civil lawsuit to demand compensation. In several similar cases in Indonesia, the court has granted coastal communities' lawsuits against parties who exercise illegal control over coastal areas without government permission (Setiawan & Lestari, 2021).

The sea fence case in Tangerang is similar to several international cases where the act of building coastal infrastructure without permission is categorized as an unlawful act. As an example:

1. Reclamation case in Benoa Bay, Bali, where development was carried out without consultation with local communities and was considered to violate community access rights to marine resources (Harjono, 2022).
2. The case of restricting sea access in California, United States, where infrastructure projects blocking public access to the coast were declared unlawful and had to be dismantled (World Bank, 2020).

This comparative study shows that in many jurisdictions, controlling coastal areas without a valid permit can be categorized as an unlawful act that results in lawsuits and compensation obligations.

Based on civil law studies, the construction of a sea fence in Tangerang can be categorized as an unlawful act that is detrimental to coastal communities. Therefore, there are several legal implications and policy recommendations that can be taken:

1. The government must immediately dismantle marine fences that were built without permits to restore coastal communities' access rights to marine resources.
2. Coastal communities can file civil lawsuits based on Article 1365 of the Civil Code to obtain compensation for the economic and social losses they have experienced.
3. There is a need to strengthen regulations related to coastal area management so that similar cases do not happen again in the future (Setiawan & Lestari, 2021).

With stricter law enforcement, it is hoped that coastal area control rights can be better protected and development in coastal areas is carried out in accordance with applicable legal principles.

Dispute Resolution Mechanisms in Civil Law

In civil law, there are several dispute resolution mechanisms that can be used in this case, namely:

1. Negotiation: The parties can negotiate to reach an agreement regarding the removal or adjustment of the sea fence so as not to harm fishermen (Harjono, 2022).
2. Mediation: Local governments or related institutions can facilitate negotiations between fishermen and parties responsible for the construction of sea fences to find solutions that benefit all parties (Setiawan & Lestari, 2021).
3. Arbitration: If negotiations and mediation fail, the parties can take the dispute to arbitration as an alternative settlement outside of court (Sutanto, 2020).
4. Litigation: If the sea fence is proven to be detrimental to society and violates the law, a civil lawsuit can be

filed in court based on Article 1365 of the Civil Code (Subekti, 2017).

In previous cases, litigation was often the last resort due to the lengthy process and high costs. Therefore, a non-litigation approach is recommended to achieve a faster and more effective solution (Ibrahim, 2022).

In civil law, dispute resolution can be carried out through various mechanisms aimed at achieving justice for the parties involved. The main principle in resolving civil disputes is the principle of *pacta sunt servanda*, which states that every agreement made legally binds the parties and must be implemented in good faith (Subekti, 2017). If there is a violation of the agreement or existence

unlawful act, then the aggrieved party can take the dispute resolution route in accordance with applicable law.

In the case of the sea fence in Tangerang, dispute resolution can be carried out through several mechanisms in civil law, namely negotiation, mediation, arbitration, and litigation. Each mechanism has advantages and disadvantages depending on the complexity of the dispute and the level of involvement of the disputing parties (Ibrahim, 2022).

Negotiation is an initial effort in resolving a dispute in which the parties negotiate to reach an agreement without the involvement of a third party. In civil law, negotiations are often carried out as a first step before taking more formal legal routes (Marzuki, 2019).

In the case of the sea fence in Tangerang, negotiations can be carried out between the local government, the affected fishing communities, and the party building the sea fence. The main aim of negotiations is to find a solution that benefits all parties, such as the voluntary dismantling of sea fences or providing

compensation for injured parties (Harjono, 2022). However, negotiations have weaknesses if one party insists on maintaining its position, so further settlement mechanisms are needed.

Mediation is a dispute resolution mechanism that involves a neutral third party (mediator) to help the parties reach an agreement (Sutanto, 2020). In civil law, mediation is widely used in contract and asset ownership disputes to avoid long and expensive litigation processes (Setiawan & Lestari, 2021).

In the context of the maritime fence dispute in Tangerang, mediation can be facilitated by the regional government or related institutions such as the Ombudsman of the Republic of Indonesia. Mediators can help mediate differences of opinion between affected communities and those responsible for the construction of the sea fence. If mediation is successful, the parties can reach a binding agreement without having to involve the court.

Arbitration is a dispute resolution mechanism outside of court involving an independent arbitrator who has the authority to provide decisions that are binding on the parties (World Bank, 2020). Arbitration is often used in business and infrastructure disputes because the process is faster than litigation in court (Ibrahim, 2022).

In sea fence disputes in Tangerang, arbitration can be an option if there is an agreement or contract between the party building the sea fence and the party who feels disadvantaged. If the agreement contains an arbitration clause, the dispute can be resolved through a national arbitration institution such as the Indonesian National Arbitration Board (BANI). However, if there is no arbitration clause in the contract, then dispute resolution must be carried out through litigation.

Litigation is a dispute resolution mechanism through the courts carried out based on applicable civil law. In the context of the sea fence in Tangerang, litigation can be pursued if negotiations, mediation, and arbitration do not produce results. Parties who feel disadvantaged, such as fishermen who have lost access to the sea, can file a civil lawsuit based on Article 1365 of the Civil Code regarding unlawful acts (Subekti, 2017).

The litigation process in this dispute can include several legal aspects, namely:

1. Lawsuit for unlawful acts (PMH): If the sea fence is proven to block coastal communities' access, it can be considered a violation of community rights and can be sued civilly (Marzuki, 2019).
2. Application for damages: If fishermen experience economic losses due to sea fences, they can file a claim for compensation in accordance with Article 1243 of the Civil Code (Ibrahim, 2022).
3. Sea fence dismantling application: If the court states that the sea fence was built without valid permits and is detrimental to the community, it can be ordered to be demolished by the authorities (Setiawan & Lestari, 2021).

Litigation has the advantage of providing strong legal certainty, but it also has disadvantages such as high costs and a long process. Therefore, litigation is often considered a last resort in dispute resolution.

Based on civil law analysis, sea fence dispute resolution in Tangerang can be carried out through various mechanisms depending on the situation and involvement of the parties involved. Recommendations that can be given in this case are

1. Increase the government's role in facilitating mediation to achieve a fair settlement for coastal communities and those building sea fences.
2. Apply a litigation approach if the sea fence is proven to violate the law in order to provide a deterrent effect for parties carrying out construction without permits.
3. Develop stricter regulations regarding coastal infrastructure development to prevent the recurrence of similar cases in the future (Setiawan & Lestari, 2021).

With the existence of an effective dispute resolution mechanism, it is hoped that conflicts related to coastal area control rights can be minimized and legal certainty in the management of coastal resources can be more guaranteed.

Legal Implications and Policy Recommendations

The marine fence case in Tangerang raises significant legal implications in coastal area management. The government needs to increase supervision of coastal infrastructure development so that it does not violate community rights and does not conflict with applicable regulations (Setiawan & Lestari, 2021). Some recommendations that can be implemented to avoid similar problems in the future are

1. Preparation of stricter regulations regarding permits for infrastructure development in coastal areas.
2. Increase transparency in coastal resource management to prevent illegal development.
3. Increasing the role of local governments in monitoring coastal areas to prevent legal violations that harm local communities.

With these steps, it is hoped that conflicts related to coastal area control rights can be minimized and legal certainty in the management of coastal resources can be more guaranteed.

The construction of a sea fence in Tangerang waters carried out without permission gives rise to various legal implications in the realm of civil law, administrative law, and environmental law. Based on Article 1365 of the Civil Code, actions that block access to coastal communities without a valid legal basis can be categorized as unlawful acts (PMH), which require the guilty party to compensate for the losses incurred (Subekti, 2017).

From an administrative law perspective, the construction of a sea fence carried out without a permit is contrary to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, which requires permits and environmental studies before implementing projects that impact coastal areas (Setiawan & Lestari, 2021). If the construction of a sea fence is proven to violate this regulation, the government has the authority to carry out the demolition and impose administrative sanctions on the party responsible (Ibrahim, 2022).

Other legal implications relate to protecting the rights of coastal communities. Based on Article 60, paragraph (1), of Law No. 1 of 2014, communities have the right to access and utilize coastal resources in a sustainable manner. Therefore, access restrictions carried out through the construction of a sea fence without legal basis can give rise to civil disputes that allow the community to file a lawsuit for compensation and cancellation of the action through the courts (Harjono, 2022).

So that similar cases do not occur in the future, strategic steps are needed in the

form of policy recommendations to improve management and supervision of coastal areas. The following are several policy recommendations that can be implemented:

1. Increased Regulation and Law Enforcement

Regulations related to coastal area management need to be strengthened to ensure that every project that impacts coastal ecosystems is carried out in accordance with legal procedures. The government needs to optimize supervision and law enforcement regarding coastal infrastructure development, including by clarifying sanctions for parties who carry out control without permission (Marzuki, 2019).

2. Strengthening the Role of Regional Governments in Supervising Coastal Areas Regional governments have an important role in monitoring development that occurs in coastal areas. Coordination between the central and regional governments must be strengthened to avoid overlapping policies that allow certain parties to control coastal areas illegally (Sutanto, 2020). Local governments also need to increase community involvement in the decision-making process regarding coastal infrastructure projects.

3. Transparency and Public Involvement in Coastal Infrastructure Projects Every project that impacts coastal communities must go through a transparent public consultation process. In the case of the sea fence in Tangerang, the lack of community involvement in the decision-making process was one of the main factors in the dispute. Therefore, community participation mechanisms must be strengthened so that coastal communities can provide input and monitor projects that have the potential to interfere with their rights (Setiawan &

Lestari, 2021).

4. More Effective Dispute Resolution Mechanism

Settlement of disputes related to coastal area management needs to be carried out using a multi-door dispute resolution approach, namely by prioritizing mediation and arbitration before taking the litigation route (Ibrahim, 2022). This aims to avoid prolonged conflict and provide a quicker and fairer solution for all parties.

5. Evaluation and Strengthening of Coastal Spatial Planning Policies

Coastal spatial planning policies must be evaluated periodically to ensure that their management is in accordance with the principles of sustainability and protecting the rights of local communities. The government needs to formulate clear zoning for infrastructure development in coastal areas so that it can prevent illegal control practices that can harm the community and the environment (World Bank, 2020).

The implementation of these policy recommendations is expected to provide positive social and economic impacts, including:

1. Increase legal certainty for coastal communities so that they no longer experience obstacles in accessing their fishing areas.
2. Prevent economic losses for fishermen, who were previously affected by illegal control of coastal areas.
3. Maintain the balance of coastal ecosystems by ensuring that every development project is carried out in accordance with a comprehensive environmental study.
4. Increase public trust in the government with transparency and better law enforcement in the

management of coastal areas.

By strengthening regulations, increasing transparency, and implementing more effective dispute resolution mechanisms, it is hoped that similar cases such as the sea fence in Tangerang can be prevented in the future so that coastal area management can run fairly and sustainably.

Conclusion

Based on the research that has been carried out, it can be concluded that the construction of a sea fence in Tangerang raises various legal problems related to coastal area control rights. From a civil law perspective, the act of building a sea fence without a valid permit can be categorized as an unlawful act (PMH) as regulated in Article 1365 of the Civil Code, because this action has caused losses to coastal communities, especially fishermen who have lost access to the waters that are the source of their livelihood.

The right to control coastal areas should be subject to the principle of *pacta sunt servanda*, which states that every valid agreement or legal action must be carried out in good faith. However, in this case, there was a deviation from applicable regulations, such as Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, which stipulates that every use of coastal areas must go through a licensing mechanism that is transparent and involves community participation. This discrepancy indicates illegal control of territory, which has the potential to give rise to further legal disputes.

Dispute resolution in this case can be achieved through various civil law mechanisms, whether through negotiation, mediation, arbitration, or litigation. Of these various alternatives, mediation is the most recommended

option because it can provide a quicker solution and avoid prolonged conflict. However, if an agreement cannot be reached through mediation, the disadvantaged coastal communities have the right to file a civil lawsuit based on Article 1365 of the Civil Code, which could result in demands for compensation or requests for the dismantling of the sea fence.

In terms of legal implications, the construction of an unauthorized sea fence creates risks for the parties responsible, both in the form of administrative sanctions and civil lawsuits. The government needs to increase supervision of development activities in coastal areas so that illegal control does not occur, which is detrimental to the community and the environment. In addition, revision of regulations related to coastal area management is needed to ensure that licensing mechanisms are stricter and more transparent.

As a policy recommendation, several concrete steps are needed to avoid similar disputes in the future. First, regulations related to coastal area governance need to be strengthened so that every infrastructure project must have a valid permit and undergo strict environmental studies. Second, the government must be more active in involving coastal communities in decision-making regarding projects that can impact their lives. Third, mediation and arbitration-based dispute resolution mechanisms must be expanded to avoid conflicts that could drag on in court.

With better law enforcement and more transparent policies, it is hoped that disputes regarding coastal area control rights can be minimized. This will not only provide legal certainty for coastal communities but also encourage more sustainable and equitable development

practices.

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