HANG TUAH LAW JOURNAL

Volume 9 Issue 2 October 2025

Systemic Approach Repatriation of Communities Rights Affected by Marine Fencing in Tangerang

Rayyan Alkhair[1]✉, Dani Muhtada[2]

[1,2]Faculty of Law, Universitas Negeri Semarang, Indonesia

✉ corresponding email: rayyanalkhairgt@gmail.com

Article

Keywords:
Marine Privatization; Repatriation of Rights; Systemic Approach.

Article History
Received: Jun 04, 2025;
Reviewed: Oct 04, 2025;
Accepted: Oct 12, 2025;
Published: Oct 13, 2025.

Abstract

The construction of Pantai Indah Kapuk 2 (PIK 2), a waterfront city mega-project in Tangerang, Indonesia, has raised legal, social, and environmental concerns. While designated as a National Strategic Project (PSN) due to its economic benefits, such as job creation and green tourism development, the project has caused significant adverse impacts. Specifically, a 30-kilometer sea fence obstructed access for approximately 4,000 fishermen, resulting in an estimated economic loss of IDR 16 billion since September 2024. This study examines the constitutionality of sea privatization through land certificates (SHM and SHGB) issuance and evaluates government responses to this issue. Using a normative juridical approach, the research analyzes legal frameworks governing coastal resource management, including UNCLOS 1982 and Indonesian laws such as Law No. 27/2007 and Law No. 26/2007. The findings reveal that government actions—sealing the area, dismantling the sea fence with military assistance, and revoking SHM/SHGB—align with regulations but lack systemic coordination. Key issues remain unresolved: criminal prosecution of perpetrators, economic restitution for affected fishermen, and environmental rehabilitation. This article proposes a systemic approach to restoring fishermen's rights through criminal enforcement

against illegal actors, financial compensation for economic losses, ecosystem restoration, and strengthening public participation in spatial planning. Drawing lessons Australia's Community Participation Plans (CPP), the study emphasizes inclusive development that balances economic growth with social justice and environmental sustainability.

Introduction

Infrastructure development in a region is a real investment that can accelerate economic development and the flow of goods. The development will create a chain of economic activities, from labor absorption to buying and selling activities on a micro to macro scale, increasing income and welfare.[1]

One of the mega development projects currently underway in Indonesia is Pantai Indah Kapuk 2 (PIK 2). This project, with its potential to significantly boost economic growth, is a beacon of hope for the region. PIK 2 is a mega-independent city project with a waterfront city concept, spanning a 9000-hectare reclamation island from Kosambi District to Kronjo District, Tangerang Regency.[2] In 2024, PIK 2 was designated a National Strategic Project by the Coordinating Ministry for Economic Affairs, a testament to the positive economic impacts it is projected to generate. These impacts range from the absorption of more than 10,000 workers to the development of green tourism areas that will become new green tourism landmarks and the construction of national and international campuses for scientific development.

The determination of PIK 2 as a National Strategic Project does not mean that development will use state funds or the APBN, but the determination gives PIK 2 a special privilege, namely the acceleration of the process of receiving recommendations from the relevant

1 Constantinos Challoumis, "The Role of Infrastructure in Economic Development," *SSRN Electronic Journal*, 2024, 1–13, https://doi.org/http://dx.doi.org/10.2139/ssrn.4915778.

2 Saifun Nufus, "Dampak Pembangunan PIK 2 Terhadap Pelanggaran Hak Ekonomi Sosial Dan Budaya Masyarakat Lokal," *Doktrin: Jurnal Dunia Ilmu Hukum Dan Politik* 3, no. 1 (2025): 229–36, https://doi.org/: https://doi.org/10.59581/doktrin.v3i1.4757.

ministry, which oversees urban planning and development, to accelerate and facilitate the development of the PIK 2 project.[3]

While the economic impact of a project like PIK 2 is significant, it is crucial that we do not overlook the environmental and social aspects. The success of this ambitious project hinges on its adherence to the correct substance and procedures according to law, and its commitment to sustainability. From an environmental perspective, the development must prioritize the sustainability of life and benefits, implementing environmentally friendly practices and efficient resource management to ensure that future generations can also enjoy the same benefits.[4]

From a social perspective, the development of PIK 2 is not just about economic progress, but about improving the quality of life for all members of the community. It is a commitment to the people of Indonesia that the benefits of this development will be shared equitably, not just among a select few.[5] The project's goal is to eliminate sharp differences in inequality and social disparities, in line with the mandate of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

However, the construction of PIK 2 involves a 30-kilometer sea fencing process, which is the antithesis of development that considers environmental, social, and legal aspects. The sea fencing that crosses 16 villages in Tangerang Regency has caused significant losses for fishermen, namely the loss of their livelihoods. They cannot go to sea because they are blocked by a fence 500 meters from the shoreline. The losses experienced by fishermen affected by the sea fencing are estimated at 16 billion Indonesian rupiah calculated since the sea fence was built in September 2024.

---

3 Togar Natigor Siregar and Martin Roestamy, "Tinjauan KritisProyek Pengembangan Pik-2 'Tropical Concept'SebagaiProyek Strategi Nasional (PSN)Dan Korelasinya Dengan Hak Menguasai Negara Atas Tanah," *D'RECHTSSTAAT*, no. July (2024): 39–51, https://doi.org/https://doi.org/10.30997/jhd.vi Togar.

4 Muhammad Rahjay Pelengkahu and Najib Satria, "The Role of Environmental Legal Instruments and Government Policies in Realizing Sustainable Development in Indonesia," *Administrative and Environmental Law Review* 4, no. 2 (2023): 127–38, https://doi.org/10.25041/aelr.v4i2.2971.

5 Jiaying Du, "Balancing Growth and Sustainability : Exploring the Optimal Global Population," *Journal of World Economy* 3, no. 3 (2024): 60–67, https://doi.org/10.56397/JWE.2024.09.07.

The sea fencing in Tangerang Regency is intended to prevent abrasion. It is claimed to have been built by the Pantura People's Network (JRP) based on the contributions of each resident. The sea fencing costs up to 15 billion with a breakdown of Four hundred twenty thousand Indonesian rupiah per meter, and the cost of installing the fence is IDR 100,000 - 200,000 per day for the sea fencing workers. This claim is considered illogical because the value is too significant for the community to work on, and it would make more sense if a corporation carried out the fencing.

The development of the PIK 2 project, which was projected to bring economic benefits, actually brought an economic burden to the surrounding community with the presence of sea fencing, which caused the community to lose livelihoods. Residents also said that the construction of PIK 2 had closed the access road usually used by the community, causing their journey to be further because they had to detour to reach their destination.

The 30-kilometer fenced sea area is intended to protect the land owned by the PIK 2 developer company. The land in the sea has received a Certificate of Ownership (SHM) and a Certificate of Building Use Rights (SHGB) through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (*Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional (ATR/BPN).*

From a legal perspective, the privatization of sea areas cannot be justified by anyone because the sea belongs to the state (the sea belongs to the public). This is confirmed internationally in the United Nations Convention on the Law of the Sea (UNCLOS) 1982, which regulates that the sea is part of the state's jurisdiction and the use of the sea as a natural resource is the right of the state, which is divided based on maritime zones.[6]

Article 56, paragraph (1) of UNCLOS states, "sovereign rights to explore and exploit, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil and about other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds" which emphasizes that the state has the right to utilize and exploit marine

---

[6] Ahmad Roby Rizal Ananta, Devi Berlian Syah Tri, and Zulfikar Erlangga, "Fenomena Pagar Laut Di PIK 2 Sebagai Ketidaktegasan Pemerintah Menjaga Ketahanan Nasional," *PUSPAKA : Pusat Studi Pancasila Dan Kebijakan* 1, no. 2 (2025): 52–62, https://doi.org/https://doi.org/10.62734/jurnalpuspaka.

resources by the provisions of Article 33 paragraph (3) of the 1945 Constitution which mandates that the utilization of natural resources be carried out as widely as possible for the prosperity of the people.

The pressing issue of sea fencing in the Tangerang area demands the PIK 2 project developer to clarify the alleged privatization of the sea area. The company's claim that the fenced area and the SHM and SHGB had been issued were previously rice fields and ponds owned by residents who are now affected by the expansion of the coastline or abrasion, has raised urgent concerns. The landowner, a subsidiary of the Agung Sedayu Group, has confirmed that the procedure for issuing SHM and SHGB belonging to his company has followed existing legal procedures.

The government's response to the first sea fencing action was swift and decisive. It involved sealing the area where the sea fence was installed and, through the Indonesia Army, dismantling the sea fence that crossed 16 villages in Tangerang Regency. Additionally, through the Minister of ATR/BPN, the government revoked the land ownership certificate and building use rights certificate located above the sea, demonstrating the government's commitment to addressing the issue.

The state's actions in responding to the problem of sea fencing in Tangerang Regency are not yet well-systematic. First, the Ministry of Maritime Affairs and Fisheries has been aware of the sea fencing activity since August 2024 but only took action in January 2025 because the ministry at that time was investigating whether other ministries had handled it. Second, although the dismantling of the sea fence carried out by the Indonesia Army has been sealed, it did not involve the Ministry of Maritime Affairs and Fisheries. Third, the rights of fishermen affected by the sea fencing have not been restored, and legal action has not been taken against the perpetrators of the sea fencing in 16 villages in Tangerang Regency along 30 kilometers.

Although procedurally, the issuance of SHM and SHGB owned by the company is said to be legally valid, de facto, the land and rice fields that have been owned have now turned into sea due to abrasion. Land privatization in sea areas has historically been regulated in Law Number 27 of 2007 concerning the Management of Coastal Areas and

Small Islands.[7] The articles in the quo law containing matters concerning the management of seawater and the seabed were tested materially and declared not to have binding force by the Constitutional Court in Decision Number 3/PUU-VIII/2010 *juncto* Decision Number 35/PUU – XXI/2023 which strengthens the position of coastal area management for the public interest and rejects the commercialization of coastal areas which can damage the environment and cause ecological and social risks.

The fencing of sea areas and the ownership of SHM and SHGB by companies are clear cases of privatization of sea areas that violate the constitutional rights of the Indonesian people and have caused significant losses. The marine fencing in Tangerang is not an isolated phenomenon, same cases also happened in Sidoarjo and Gresik. In Sidoarjo, the issuance of 656 hectare of HGB caused stir in public and triggers investigation led by East Java Regional Police. In Gresik, the 9 hectare sea fence also involved the issuance of HGB owned by PT SMIP. While the government has taken legal action to resolve marine fencing in Tangerang, it is crucial that a systemic approach is adopted to address the issue of sea fencing which has become a common issue in Indonesia. This is especially important for the restoration of the constitutional rights of fishermen affected by sea fencing and for taking strict action against the perpetrators of sea fencing.

Previous studies have only discussed sea fencing from an environmental perspective, a citizenship perspective, and state control rights over land. No research has comprehensively discussed the constitutionality of sea area privatization and its impact on society and presents a systematic approach to restoring fishermen's rights.

This article will discuss the constitutionality of sea fencing and the issuance of SHM and HGB in the Tangerang Sea and look at its legal impact on society, especially fishermen in Tangerang Regency who are directly affected by sea fencing. This article will also analyze the actions taken by the government in the case of sea fencing in Tangerang and present a systemic approach to restore the constitutional rights of fishermen affected by sea fencing.

---

[7] Aditia Syaprillah, Yahya Ahmad Zein, and Tove H. Malloy, "A Social Justice Legitimacy to Protect Coastal Residents," *Journal of Human Rights, Culture and Legal System* 3, no. 3 (2023): 541–68, https://doi.org/10.53955/jhcls.v3i3.159.

Method

This article uses qualitative legal research. Qualitative legal research is legal research that seeks meaning, understanding, and understanding of a phenomenon in human life by being directly involved or not in legal issues that are researched holistically.[8] The research approach used in discussing the constitutional urgency of moving the capital city uses a normative legal research approach. The normative legal research approach is also known as the doctrinal research approach.[9] Doctrinal/normative legal research is a research approach to legal science that looks at and analyzes statutory regulations and other written legal norms that apply, as well as a conceptual approach that studies the views, doctrines of legal experts, and principles in science. Laws are relevant to the issues raised.

The data collection technique in this research uses library research. The first step in the literature study is to understand the provisions or regulations used in the research. Next, an inventory of statutory regulations or other legal products as primary material and books or scientific articles as supporting (secondary) material for conducting research is carried out.[10] Primary data used in this research is Law Number 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning National Capital and Law Number 29 of 2007 concerning the Provincial Government of the Special Capital Region of Jakarta as the Capital of the Unitary State of the Republic Indonesia. Other data used to support the analysis of this research are legal books or articles and the results of interviews with experts.

The data analysis used by the author in the discussion is the triangulation technique. According to Moleong, the triangulation technique is a data validity checking technique that utilizes an object

---

8 Muhammad Naeem et al., "A Step-by-Step Process of Thematic Analysis to Develop a Conceptual Model in Qualitative Research," *International Journal of Qualitative Methods* 22, no. October (2023): 1–18, https://doi.org/10.1177/16094069231205789.

9 Sanne Taekema, "Theoretical and Normative Frameworks for Legal Research: Putting Theory into Practice," *Law and Method*, 2018, 1–17, https://doi.org/10.5553/rem/.000031.

10 Tunggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Originis and Approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (2023): 1–9, https://doi.org/10.22219/aclj.v4i1.24855.

other than the data, which aims to review or compare the data.[11] This study uses source triangulation, which is carried out by collecting various data used in the study. Source triangulation is done by first grouping and selecting primary and secondary materials used in the research.[12] The data that has been collected is then studied with a deductive framework of thought by connecting theories with data and making conclusions that will answer the formulation of the problem in the research.[13]

Result and Discussion

A. Evaluation of Government Policy towards Solving Marine Fencing Problems

The Government took three actions in response to the phenomenon of sea fencing in Tangerang Regency, first, sealing the fenced sea area for thirty kilometers, revoking the sea fence by involving the Military, and revoking the land ownership certificate and building use rights certificate belonging to the Agung Sedayu Group subsidiary that owns land in the fenced sea area.

The first government action was the sealing of the sea fence by the Ministry of Maritime Affairs and Fisheries (*Kementerian Kelautan dan Perikanan (KKP)*). This action, taken in response to the violation of Law Number 26 of 2007 concerning spatial planning, demonstrates the Government's unwavering commitment to upholding the law. The Law Number 26 of 2007 clearly states that spatial planning in Indonesia must be in accordance with the principles of sustainability, openness, togetherness and partnership, and protection of public interests.

The sea fence in Tangerang Regency does not meet the principles above. The principle of sustainability requires that the use of space must consider its benefits for future generations, the principle of openness requires that the use of space must provide the broadest

---

11 Dr. Swarooprani. K, "A Study of Research Methodology," *International Journal of Scientific Research in Science, Engineering and Technology* 9, no. 3 (2022): 537–43, https://doi.org/10.32628/ijsrset2293175.

12 Philip Langbroek et al., "Methodology of Legal Research: Challenges and Opportunities," *Utrecht Law Review* 13, no. 3 (2017): 1–8, https://doi.org/10.18352/ulr.411.

13 Andrea J. Bingham, "From Data Management to Actionable Findings: A Five-Phase Process of Qualitative Data Analysis," *International Journal of Qualitative Methods* 22, no. April (2023), https://doi.org/10.1177/16094069231183620.

possible access for the public, the principle of togetherness and partnership requires that the use of spatial planning involve affected stakeholders and the principle of protection of public interests requires that utilization prioritize the interests of the community.

The sea fence in Tangerang Regency, stretching 30 kilometers, has had a devastating impact on the local fishermen. They have lost their economic and social rights, cannot go to sea, and livelihoods. This fencing process, which did not involve the surrounding community, clearly violates Article 65 of the quo law. This article requires the community to be involved in the preparation of spatial planning, spatial utilization, and control of spatial utilization. The fact that the surrounding community, especially the fishermen, has been negatively impacted, further underscores the violation.

Therefore, the utilization of spatial planning that is not in accordance with Law Number 26 of 2007 can be subject to administrative sanctions regulated in Article 63, one of which is the closure of the location. The government's steps through the Ministry of Marine Affairs and Fisheries to seal the sea fence area appropriately demonstrate the government's commitment to upholding the law. These actions are in accordance with the procedures of laws and regulations that take action against the utilization of spatial planning that violates the provisions.

The government's second action was revoking the sea fence in Tangerang Regency, which involved the Military and the community. This action is in accordance with the provisions contained in Article 63 of Law Number 26 of 2007 concerning spatial planning. One of the administrative sanctions for spatial planning that violates the rules is the Demolition of buildings. Demolition of buildings is carried out by the ministry or authorized agency. The community can voluntarily participate in the Demolition, ensuring their rights are respected and their voices are heard.

According to the quo law, Demolition must first be carried out by the relevant agency, in this case, the Ministry of Maritime Affairs and Fisheries, which handles maritime issues. The involvement of the Indonesia Army in the Demolition of buildings that do not comply with the rules is not further explained in the quo law, but this cannot be said to be unlawful because of the Constitutional Court Decision regarding the Judicial Review of Perppu No. 51 of 1960 concerning the Prohibition of Land Use Without Permission from the Authorized Person or Their Authorization, the Constitutional Court Judge is of

the opinion that land control involving the Indonesia Army may be carried out because it is included in the issue of state security. However, the Constitutional Court Judge added that this step is a last resort (ultimum remedium). This legal principle justifies using force when all other measures have failed so that the relevant agency has more authority to control, which in the context of sea fencing in Tangerang Regency is the Ministry of Marine Affairs and Fisheries.

The third step is the revocation of SHM and SHGB, which are owned by companies that own land in the sea area of Tangerang Regency by the Ministry of ATR/BPN. Philosophically, ownership of sea areas legally lies with the state and is utilized as widely as possible for the prosperity of the people by Article 56 paragraph (1) of the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and Article 33 paragraph (3) of the 1945 Constitution.

Therefore, the division of sea areas by corporations as carried out is contrary to the aspects of equality and usefulness because the privatization of the sea will cause the sea to be owned and accessed by capital owners and not by ordinary people, especially those who are culturally, economically and socially tied to the sea and the coast.

Indonesia has a rich historical context in dealing with the privatization of sea areas, as evidenced by Law Number 27 of 2007 concerning the management of coastal areas and small islands. This law, which was tested at the Constitutional Court in 2010, is a significant government initiative aimed at managing and developing coastal areas for regional and national development. It introduced the concept of Coastal Waters Control Rights (HP-3) as a means of regulating the utilization of coastal areas.

HP-3 is considered to change the Indonesian sea management regime from previously open access and common property to property rights that grant exclusive rights to capital owners, thus creating injustice for citizens, especially those living in coastal waters.[14]

Several regulations that are considered problematic because they are thick with the privatization of coastal waters include the provisions of Article 16 paragraphs (1) and (2) which state that utilization of coastal waters is given in the form of HP-3 and covers the surface, water column to the bottom of the sea, Article 20 paragraph (1) which states

---

[14] Alfi Taufiq Asyidqi, Sultan Alvaro Dwiyanto, and Anwar Hafidz Amrullah, "Privatization Through Building Use Rights in The Tangerang Sea Fence Area According to Positive Law," *Syiar Hukum Jurnal Ilmu Hukum* 22, no. 2 (2025): 60–76, https://doi.org/10.29313/shjih.v22i1.13831.

that HP-3 as a right can be transferred, used as collateral for debt and burdened with mortgage rights, Article 60 paragraph (1) which states that communities who lose access to coastal resources can receive compensation/restitution. The provisions of the above article in Law Number 27 of 2007 are antithetical to the Indonesian economy, which is based on family and shifts the concept of the sea from common access which can be collectively managed and utilized by indigenous, local, and traditional communities to only being utilized by capital owners with HP-3.

The articles regulating the privatization of sea areas in the quo law were declared to have no binding legal force by the Constitutional Court in decision number 3/PUU-VIII/2010 in the case of the application for Judicial Review of Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands against the 1945 Constitution of the Republic of Indonesia which means tightly closing the space for privatization of coastal areas.

From a technical perspective, Minister Nusron said the revocation of SHM and SHGB carried out by the Ministry of ATR/BPN was because the issuance was procedurally flawed and materially flawed. It is said to be materially flawed because, in the issuance of SHM and SHGB in the Tangerang Sea, there was a discrepancy between practice and legal substance. After all, our national law does not allow for marine privatization as explained above. It is said to be procedurally flawed because the issuance of the certificate violates the administrative procedures for issuance that are regulated. In the context of the sea fence in Tangerang, the procedures for issuing SHM and SHGB in coastal waters are also not regulated in our national law.

Because there are proven defects in the issuance of SHM and SHGB in the coastal waters of Tangerang, then by the provisions of Article 46 letter b of government regulation number 18 of 2021 concerning management rights, land rights, apartment units, and land registration, the Minister of ATR/BPN has the authority to revoke HGB for four reasons, one of which is because there is an administrative defect in the issuance of HGB.

The government's response to the sea fence in Tangerang Regency can be viewed as a demonstration of its commitment to upholding legal standards. The actions taken, from the sealing of the sea fence by the Ministry of Maritime Affairs and Fisheries, to the dismantling of the sea fence by the Military, and the involvement of

the community, all align with legal procedures. The subsequent revocation of SHM and SHGB by the Ministry of ATR/BPN further underscores the government's adherence to legal standards.

However, the government's actions cannot be said to be effective and systematic because there are several actions that should be taken by the government as a follow-up to the fencing of the sea area in Tangerang Regency. First, although administrative sanctions have been enforced by revoking SHM and SHGB and demolishing buildings, criminal law enforcement has not been carried out against the perpetrators of the 30.16-kilometer sea fencing in Tangerang Regency. This lack of enforcement is a pressing issue that needs to be addressed urgently. In fact, in the provisions of Article 69 in conjunction with Article 72 of Law Number 26 of 2007, anyone who does not comply with the established spatial plan and does not provide access to areas that are declared public areas by law can be punished with a maximum of 3 years in prison, a maximum fine of five hundred million Indomesian rupiah and a maximum of 1 year in prison and a maximum fine of one hundred million Indonesian rupiah.

Second, according to Article 75 paragraph (1) of the a quo law, people who suffer losses due to the actions of Articles 69 and 72 of the a quo law can sue in civil court to compensate for the losses. In the context of sea fencing in Tangerang Regency, fishermen who have not been able to go to sea since September 2024 can sue the perpetrators for compensation for the economic losses.

The absence of the above actions will set a bad precedent for environmental law enforcement in Indonesia. First, large corporations or capital owners are not prosecuted when they commit violations and crimes. From the perspective of a state of law, this does not respect the existence of the law and is subject to applicable laws.[15] Second, the minimal involvement of the community by the government, namely at the recovery level (dismantling of sea fences) proves that the government still views the community as second class and prioritizes capital owners as the first class. This violates the constitutional rights of the community and negates the impartial quality of a state of law.[16] The community's involvement is not just a formality, but a crucial part

---

[15] Najmadeen Ahmed Muhamad and Hemin I. Qadar, "Law and Human Dignity: Two Conceptual Problems," *The Social Contract Journal SCJ*, 2021, 1–33, https://doi.org/10.2139/ssrn.3917643.

[16] Michał Rupniewski, "Human Dignity and the Law," *Human Dignity and the Law* 26, no. 4 (2022), https://doi.org/10.4324/9781003252733.

of the process that should be valued and integral to the decision-making.

The involvement of the Indonesia Army in the dismantling of sea fences by involving the community and the Ministry of Marine Affairs and Fisheries also needs to be highlighted because the involvement of the Indonesia Army in this area is the last resort (ultimum remedium) so that the Ministry of Marine Affairs and Fisheries as the authorized agency initiated the dismantling of sea fences in Tangerang Regency not only up to the sealing stage.

The government needs to take a more systematic and practical approach to restore the rights of communities that have been harmed by the existence of sea fencing, which has caused economic losses due to the loss of livelihoods since September 2024. The systemic approach to restoring the rights of fishermen negatively impacted by the first sea area fencing must ensure that after the sea fence is dismantled, fishermen can go back to sea and there are no subsequent sea fences. Second, the systemic approach must increase community participation in the decision-making process related to national strategic projects. Third, the systemic approach must guarantee that violations, such as sea privatization, no longer occur and are dealt with firmly to respect the rule of law in every development policy.

B. A Systemic Approach to Restore the Fishermen Rights Affected by Sea Fencing in Tangerang Regency

The case of marine privatization in Indonesia is a stark example of the state's failure to uphold environmental regulations that balance the interests of investment and the constitutional rights of citizens. This injustice is evident in the regulations of Law Number 6 of 2023 concerning Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation.[17]

The Job Creation Law, also known as Law Number 6 of 2023, significantly alters the development paradigm in Indonesia. It shifts the focus from a balanced consideration of environmental, social, economic, and decentralization aspects to a more centralized and

---

[17] Nabilla Farah Quraisyta & Ilham Dwi Rafiqi, "Legal Protection for Persons with Disabilities Due to Work Accidents After the Job Creation Law", *Hang Tuah Law Journal* 7, no. 2, (2023): 189–205, https://doi.org/10.30649/htlj.v7i2.162

efficiency-driven approach.[18] This change effectively centralizes all development decision-making, removing the participation of local communities and regional authorities. This shift in focus has profound implications for marine privatization and the rights of affected communities.[19] The Job Creation Law (Law No. 6 of 2023) radically altered Indonesia's environmental governance by replacing the Environmental Impact Assessment (AMDAL) with a more administrative form of Environmental Approval. This shift re-centralizes environmental licensing under the central government and eliminates the independent scientific and participatory assessments previously required by AMDAL. In the maritime and coastal context, these procedural changes have profound consequences one of which is eliminating the mandatory scientific review and restricting community participation only to those deemed "directly affected" that stated in Law number 32 of 2009. The change in the regulation weakens the public participation which resulting in development that eliminates transparent ecological evaluation.

Replacing AMDAL with environmental approval has two significant impacts. First, AMDAL is that the assessment of development permits will have a more bureaucratic review nuance than a scientific review, which will position the environment only as an object of development that will support important projects for the country without involving elements of independent assessment from affected communities or experts.[20] Second, AMDAL is included in environmental permits in Law Number 32 of 2009 and is included in state administration. Replacing AMDAL with environmental approval removes it from the scope of state administration so that when the

---

18 Sudharto P Hadi, Rizkiana S Hamdani, and Ali Roziqin, "A Sustainability Review on the Indonesian Job Creation Law," *Heliyon* 9 (2023): 1–7, https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e13431.

19 Yulia Neta, Malicia Evendia, and Ade Arif Firmansyah, "Implications of Omnibus Law on Job Creation Towards Regulations in Decentralization Perspective," *Cepalo* 6, no. 1 (2022): 63–76, https://doi.org/10.25041/cepalo.v6no2.2683.

20 Aulia Akbar Navis, Achmad Izzuddin Hanif, and Muhammad Iqbal, "Application Of The Omnibus Law Concept In The Job Creation Law On The Environment And Economic Revival," *Legal Brief* 12, no. 2 (2024): 461–70, https://doi.org/https://doi.org/10.35335/legal.v13i2.974.

environmental permit review is carried out again, its substance or formality cannot be tested.[21]

The Job Creation Law has significantly altered the concept of community involvement in the preparation of AMDAL. Previously, the community, whether affected or not, had a say in the process. Now, this involvement has been narrowed down to only those directly affected by the development.[22]

The implementation of environmental development policies, as seen in the case of the privatization of marine areas in Tangerang Regency, has led to the marginalization of the community. There is an urgent need for systemic action from the government to restore the rights of these affected communities.

The first step is to take legal action against the perpetrators of the sea fencing. Although it is still unclear who the perpetrators of the sea fencing are, the government must actively investigate who is behind the perpetrators of the sea fencing in Tangerang Regency. There is an oddity that must be investigated. Namely, the fencing was admitted to be carried out by the Pantura Community Network to prevent abrasion, but the sea fence was placed on land owned by a company that has SHM and SHGB.

First, there was no protest from the company because the land it owned was fenced, and even though the company knew the perpetrators of the fencing, there was no action from the company to respond to the fence. Second, if the fencing was done to prevent abrasion, why were there no demands from the community when the sea fence was dismantled? What happened was that the surrounding community supported dismantling the sea fence because it was considered to interfere with fishing activities.

Criminal action can be taken using Article 69 of Law Number 26 of 2007, which states, "Any person who does not comply with the spatial plan that has been determined as referred to in Article 61 letter a which results in changes in spatial functions, shall be punished with

---

21 Nadila Safitri, Sahda Saraswati Akbar, and Tifanny Nur Yacub, "Examining Community Participation in the AMDAL Preparation Process Post-Job Creation Law Viewed from a Human Rights Perspective," *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 4, no. 1 (2024): 103–18, https://doi.org/10.15294/ipmhi.v4i1.74681.

22 Maskun Sopian, "Ease of Business Licensing Based on the Job Creation Law (Study of Public Participation in Preparation of AMDAL Document)," *Activa Yuris: Jurnal Hukum* 3, no. 1 (2023): 1–6, https://doi.org/10.25273/ay.v3i1.15661.

imprisonment for a maximum of 3 (three) years and a maximum fine of IDR 500,000,000.00 (five hundred million rupiah)".

The perpetrators of sea fencing in Tangerang Regency have fundamentally altered the spatial function of the sea. Traditionally, the sea is considered a common resource, belonging to the state and utilized for the prosperity of the community.[23] However, sea fencing changes this concept, effectively turning the sea into private property that can only be accessed by a select few. This change not only limits access to the sea but also undermines fishermen's economic, social, and cultural rights in the Tangerang Regency.

The perpetrators of sea fencing can also be charged with Article 72 of the quo law, which reads, "Any person who does not provide access to an area which by law is declared as public property as referred to in Article 61 letter d, shall be punished with imprisonment for a maximum of 1 (one) year and a maximum fine of IDR 100,000,000.00 (one hundred million rupiah)". Sea fencing makes fishermen lose access to the sea because the 30.16-kilometer fence stretches far and is interconnected, so boats and ships belonging to fishermen cannot go to sea to fish.

The Ministry of Maritime Affairs and Fisheries, as the party authorized to conduct investigations, must actively search for the perpetrators of sea fencing in Tangerang Regency. The Ministry of Marine Affairs and Fisheries can also cooperate with the Indonesian National Police in conducting investigations to take firm action against the perpetrators of sea fencing in Tangerang Regency. On the other hand, the government can also hold a whistle-blower competition to find the perpetrators of sea fencing by rewarding parties who successfully help the government find the perpetrators. The second step is to restore the community's rights that were negatively impacted by fencing the sea area in Tangerang Regency. The sea fencing has caused local fishermen to be unable to fish since September 2024 and is estimated to have suffered material losses of IDR 16,000,000,000 (sixteen billion rupiah). Marine farmers experienced the second loss around the fenced area in Tangerang Regency.

---

[23] Miranda Hetu Marsella and Putu Adhitya Dita Putra, "Analysis of Independent City Concept in Reclamation Area PIK 1 & PIK 2 Based on Community, Government, and Private Sector Role," *Interaction, Community Engagement, and Social Environment* 1, no. 2 (2024): 94–107, https://doi.org/10.61511/icese.v1i2.2024.416.

The first step towards recovery for the affected fishermen in Tangerang Regency is to file a lawsuit against the party responsible for the sea fencing. This legal recourse is outlined in Article 75, paragraph (1) of Law Number 26 of 2007, which allows individuals who have suffered losses due to criminal acts to seek civil damages from the perpetrator.

The estimated number of fishermen is 3,888, and they can file a class action civil lawsuit against the perpetrator of the sea fencing and claim the losses they have experienced, such as loss of livelihood due to the sea fencing. Loss can be calculated by adding up the average income or categorizing the fishermen's income, multiplying it by the duration of the loss of livelihood due to the sea fencing, and multiplying it by the total number of fishermen.

The 500 marine farmers can also file a class action lawsuit against the perpetrators of the sea fencing by replacing the loss of income from cultivation by averaging the income or grouping the income calculated from the start of the sea fencing.

The third step is the government's efforts to strengthen public participation in long-term environmental development. Changes in the Job Creation Law regulations have narrowed public participation in development matters. The government must strengthen public participation so that sea privatization does not become a precedent in other regions in Indonesia that sacrifice people's rights for investment interests.[24]

Indonesia can adopt steps to strengthen public participation in Australia, such as the concept of Community Participation Plans, Planning Panels Victoria, and Planning Agreement. Community Participation Plans or CCPs are a development strategy designed by the Australian government to increase public involvement in the city and spatial planning process. This policy is designed to ensure that communities have a place in development as parties are actively involved in determining decision-making involving their place of residence.[25]

---

[24] Nabila Aulia Rahman, et.al., "Legal Politics of Environmental Licensing Governance After Job Creation Law", *Hang Tuah Law Journal* 6, no. 2, 123–134, https://doi.org/10.30649/htlj.v6i2.109

[25] I. Gusti Ngurah Parikesit Widiatedja et al., "Developing Effective Procedures for Public Participation in Spatial Planning Regulation in Indonesia: Lesson Learned from Australia," *Padjadjaran Jurnal Ilmu Hukum* 10, no. 3 (2023): 389–410, https://doi.org/10.22304/pjih.v10n3.a5.

CCP is regulated in the Environmental Planning and Assessment Act 1979 and is based on transparency, accountability, and participation principles to increase community involvement in urban development planning. Environmental planning and assessment requires planning authorities, councils, and related government agencies to have a CCP that comprehensively explains how they will involve the community in decision-making.

CCP is prepared by involving the government, local government, community, and community organizations. CCP must contain at least methods and procedures for community involvement in development plans that are integrated into every stage of development, starting from identifying development plans, socialization or public notification, consultation, and decision-making.

CCP can increase public participation in development decision-making, including transparency in spatial and urban planning policies, increasing public trust in the government and project developers, and, most notably, reducing conflict in development projects because all parties are involved in decision-making so that there are no objections.

However, with complex steps, CCP also has shortcomings, especially if we look at it from the perspective of efficiency and centralization from the perspective of the Job Creation Law. CCP planning that involves many stakeholders will make project development take longer, especially in terms of planning. The second risk is if, in an area, there is a very vocal group with a specific agenda that is not by the development objectives and participation of the affected community.

The second step to strengthen public participation is to establish an assessment institution such as the Planning Panels Victoria (PPV). The PPV, as outlined in the Planning and Environment Act 1987 in the state of Victoria, plays a crucial role in hearing and assessing submissions related to planning schemes. It provides recommendations or advice to planning authorities, ensuring a fair and transparent planning amendment process.[26]

The PPV, with its authority to hold public hearings and evaluate aspects of planning, ensures a fair and transparent process. It collaborates with local governments, project developers, communities, and other stakeholders to gather input. After conducting a hearing and receiving input from various parties, the PPV prepares a report

---

26 Widiatedja et al., *Ibid.*

containing recommendations regarding planning amendments that can be continued, rejected, or modified.[27]

The PPV, while not a judicial institution like an environmental court, is an independent body formed to assess whether a change to the city planning plan should be made. It increases citizen participation in spatial planning and spatial change decision-making. Spatial changes here are intended to improve the country's development goals, implement local, national, and international policies, correct errors in planning and use previously prohibited land, or prohibit the use of previously utilized land.

The PPV work scheme begins with the applicant submitting an amendment to the planning scheme to the City Council or the Minister of Planning. The amendment will first be reviewed by the authorities for a maximum of 30 days.[28] If the community objects to the proposed changes, the Minister of Planning, as the ultimate decision-maker, will appoint the PPV to assess the amendment to the planning scheme that requires in-depth evaluation. Then the PPV chairman will form and appoint a team and members to assess the amendment to the city planning consisting of various experts and conduct a hearing and evaluation panel inviting project developers, government, community groups and experts to submit their views. After all aspects have been reviewed, the PV prepares a report containing an assessment, considerations, and recommendations on whether the amendments can be accepted, rejected, or modified.

PPV as an institution has advantages, including ensuring that all parties can express their opinions regarding a policy change in the urban planning scheme, helping the government make fair decisions, and reducing vertical conflict, which refers to the potential conflicts between different levels of government or between government and citizens. However, PPV also has weaknesses, namely that the execution of development implementation will take a long time because many parties are involved. Implementing development changes also takes a long time because the recommendations are prepared after hearing the interested parties, and the Minister of Planning makes the final decision.

---

27 Daniel Pearson et al., "Is Victoria's Planning System Designed to Deliver Health Supportive and Liveable Cities?," *Urban Policy and Research* 1146 (2025): 1–16, https://doi.org/10.1080/08111146.2025.2481507.

28 Pearson et al., *Ibid.*

The third step to strengthen public participation is implementing a Planning Agreement (PA). PA is regulated in the Planning and Environment Act 1987 in Section 173 Agreements in Victoria. PA is an agreement between the developer and the government that outlines the obligations and responsibilities of the parties regarding land development, provision of public facilities, or infrastructure contributions. This agreement is legally binding.

The government can use PA for landowners or project developers to set a restriction or use a provision for land development or other planning purposes related to the land. PA is the same as other agreements in the form of legal contracts, but the benefits of this agreement are contained in the land title certificate. This means that the agreement's benefits, such as creating public facilities or other contributions from development planning, are not just short-term but are attached to the land in the long run.[29] This PA aims to facilitate the achievement of planning objectives on a particular plot of land that might happen if it relies on other legal mechanisms.

PA is carried out through three stages: negotiation, agreement drafting, implementation, and supervision. At the negotiation stage, the government, as a regulatory body, and the developer or landowner discuss the project's impact to be built and how the developer or owner can contribute to the surrounding community.[30] The government's role here is crucial as it ensures that the project aligns with the community's needs and the overall city planning. At the drafting stage of the agreement, the points of the agreement are officially written, which include the obligations of the developer or landowner, and at the implementation and supervision stage, the government, through authorized agencies, ensures that the agreement is implemented as stated in the land certificate and ensures that the developer or landowner complies with their obligations.

All the solutions above can be applied in Indonesia at the regional level under the Ministry of Fisheries and Maritime Affaies to strengthen public participation by involving local governments, communities, and project developers in discussing the marine spatial planning designs to be implemented. This will invite public participation to provide input and opinions regarding the marine

---

29 Widiatedja et al., *Ibid.*

30 Terje Holsen, "Negotiations Between Developers and Planning Authorities in Urban Development Projects," *Disp* 56, no. 3 (2020): 34–46, https://doi.org/10.1080/02513625.2020.1851904.

spatial planning that will be implemented so that there is no conflict when implementing the development project because the community is involved in discussing the development plan. This is very different from the facts that occurred in the case of sea fencing in Tangerang Regency, where the planning and construction of the fence were utterly unknown to the surrounding community. Implementing CCP by involving the local government, local communities affected by the marine spatial planning and the central government can avoid the problem happended in Tangerang while strengthening public participation in sustainable development.

PPV can be applied in Indonesia when a maritime planning plan that has been prepared and built has significant differences of opinion in the community. A committee such as PPV will assess, evaluate, and bring in interested parties to share their opinions and report on what the government should make policy recommendations regarding changes to the development plan in matine spatial planning. In Indonesia's development context, people with different opinions can file objections and submit changes to the marine spatial planning plan. This process involves submitting a formal document outlining the objections or proposed changes, which will then be assessed by a committee such as PPV to compile a report to assist decision-making.

PA can be applied in sensitive marine planning if other legal mechanisms are applied or applied generally. The government can make agreements with project developers create public facilities or other contributions from development planning so that development benefits can be widely felt especially by the affected communities. For example, the developers could contribute to the local coomunities by building a modern fish markets for the local fishermens if the marine project is tourism related so the communities could benefit more from the marine spatial project. Although policies such as CCP, PPV, and PA can slow down development and are contrary to the objectives of establishing PSN, which are aimed at accelerating project development, community involvement is not something that should be negotiated in order to create sustainable development whose benefits can be felt by future generations and to avoid vertical and horizontal conflicts.

Conclusion

The Government responded to the sea fencing in Tangerang with three actions; the first was sealing the sea fence area. Second, through the Indonesia Army and community involvement, the Government dismantled the sea fence. The Indonesia Army, as the ultimate premium (last resort) in dismantling the sea fence, was involved due to the urgency and potential security risks associated with the issue. Thirdly, the revocation of SHM and SHGB was carried out through the ATR/BPN Ministry. The steps taken have been in accordance with the law but still cannot be said to be effective and systemic, which can strengthen public participation in development. This is due to several factors, including the absence of the Ministry of Marine Affairs and Fisheries, which is the authorized party in sea-related matters, in the dismantling of the sea fence, no criminal penalties have been imposed on the perpetrators of the sea fence, there has been no compensation for the affected community and there is no mechanism to strengthen public participation so that the sea fencing action does not become a precedent for privatization in the future.

The Government must investigate and punish the perpetrators of the sea fence. After that, the Government must strengthen public participation by implementing planning mechanisms such as CCP and creating an independent assessment commission such as PPV. The Government can also create a PA with project developers to ensure public participation in sustainable development. CCP can be implemented at the regional level under the Ministry of Environment to strengthen public participation by involving local governments, communities, and project developers in discussing the city planning plan that will be implemented. Independent institutions such as PPV will assess, evaluate, and bring in stakeholders to share their opinions and report on what the Government should make policy recommendations regarding changes to the development plan. The Government can make agreements with project developers or land owners similar to PA to create public facilities or other contributions from development planning so that development benefits can be widely felt.

References

Ananta, Ahmad Roby Rizal, Devi Berlian Syah Tri, and Zulfikar Erlangga. "Fenomena Pagar Laut Di PIK 2 Sebagai Ketidaktegasan Pemerintah Menjaga Ketahanan Nasional." *PUSPAKA : Pusat Studi Pancasila Dan Kebijakan* 1, no. 2 (2025): 52–62. https://doi.org/https://doi.org/10.62734/jurnalpuspaka.

Asyidqi, Alfi Taufiq, Sultan Alvaro Dwiyanto, and Anwar Hafidz Amrullah. "Privatization Through Building Use Rights in The Tangerang Sea Fence Area According to Positive Law." *Syiar Hukum Jurnal Ilmu Hukum* 22, no. 2 (2025): 60–76. https://doi.org/10.29313/shjih.v22i1.13831.

Bingham, Andrea J. "From Data Management to Actionable Findings: A Five-Phase Process of Qualitative Data Analysis." *International Journal of Qualitative Methods* 22, no. April (2023). https://doi.org/10.1177/16094069231183620.

Challoumis, Constantinos. "The Role of Infrastructure in Economic Development." *SSRN Electronic Journal*, 2024, 1–13. https://doi.org/http://dx.doi.org/10.2139/ssrn.4915778.

Dr. Swarooprani. K. "A Study of Research Methodology." *International Journal of Scientific Research in Science, Engineering and Technology* 9, no. 3 (2022): 537–43. https://doi.org/10.32628/ijsrset2293175.

Du, Jiaying. "Balancing Growth and Sustainability : Exploring the Optimal Global Population." *Journal of World Economy* 3, no. 3 (2024): 60–67. https://doi.org/10.56397/JWE.2024.09.07.

Hadi, Sudharto P, Rizkiana S Hamdani, and Ali Roziqin. "A Sustainability Review on the Indonesian Job Creation Law." *Heliyon* 9 (2023): 1–7. https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e13431.

Holsen, Terje. "Negotiations Between Developers and Planning Authorities in Urban Development Projects." *Disp* 56, no. 3 (2020): 34–46. https://doi.org/10.1080/02513625.2020.1851904.

Langbroek, Philip, Kees van den Bos, Marc Simon Thomas, Michael Milo, and Wibo van Rossum. "Methodology of Legal Research: Challenges and Opportunities." *Utrecht Law Review* 13, no. 3 (2017): 1–8. https://doi.org/10.18352/ulr.411.

Marsella, Miranda Hetu, and Putu Adhitya Dita Putra. "Analysis of Independent City Concept in Reclamation Area PIK 1 & PIK 2

Based on Community, Government, and Private Sector Role." *Interaction, Community Engagement, and Social Environment* 1, no. 2 (2024): 94–107. https://doi.org/10.61511/icese.v1i2.2024.416.

Muhamad, Najmadeen Ahmed, and Hemin I. Qadar. "Law and Human Dignity: Two Conceptual Problems." *The Social Contract Journal SCJ*, 2021, 1–33. https://doi.org/10.2139/ssrn.3917643.

Naeem, Muhammad, Wilson Ozuem, Kerry Howell, and Silvia Ranfagni. "A Step-by-Step Process of Thematic Analysis to Develop a Conceptual Model in Qualitative Research." *International Journal of Qualitative Methods* 22, no. October (2023): 1–18. https://doi.org/10.1177/16094069231205789.

Navis, Aulia Akbar, Achmad Izzuddin Hanif, and Muhammad Iqbal. "Application Of The Omnibus Law Concept In The Job Creation Law On The Environment And Economic Revival." *Legal Brief* 12, no. 2 (2024): 461–70. https://doi.org/https://doi.org/10.35335/legal.v13i2.974.

Negara, Tunggul Ansari Setia. "Normative Legal Research in Indonesia: Its Originis and Approaches." *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (2023): 1–9. https://doi.org/10.22219/aclj.v4i1.24855.

Neta, Yulia, Malicia Evendia, and Ade Arif Firmansyah. "Implications of Omnibus Law on Job Creation Towards Regulations in Decentralization Perspective." *Cepalo* 6, no. 1 (2022): 63–76. https://doi.org/10.25041/cepalo.v6no2.2683.

Nufus, Saifun. "Dampak Pembangunan PIK 2 Terhadap Pelanggaran Hak Ekonomi Sosial Dan Budaya Masyarakat Lokal." *Doktrin: Jurnal Dunia Ilmu Hukum Dan Politik* 3, no. 1 (2025): 229–36. https://doi.org/: https://doi.org/10.59581/doktrin.v3i1.4757.

Pearson, Daniel, Billie Giles-Corti, Belen Zapata-Diomedi, and Carl Higgs. "Is Victoria's Planning System Designed to Deliver Health Supportive and Liveable Cities?" *Urban Policy and Research* 1146 (2025): 1–16. https://doi.org/10.1080/08111146.2025.2481507.

Pelengkahu, Muhammad Rahjay, and Najib Satria. "The Role of Environmental Legal Instruments and Government Policies in Realizing Sustainable Development in Indonesia." *Administrative and Environmental Law Review* 4, no. 2 (2023): 127–38. https://doi.org/10.25041/aelr.v4i2.2971.

Quraisyta, N. F. & Rafiqi, I. D. "Legal Protection for Persons with Disabilities Due to Work Accidents After the Job Creation Law",

H*ang Tuah Law Journal* 7, no. 2, (2023): 189–205, https://doi.org/10.30649/htlj.v7i2.162

Rahman , N. A. ., Mochtar, Z. A., Rafiqi, I. D., & Jalloh, M. Y., "Legal Politics of Environmental Licensing Governance After Job Creation Law", *Hang Tuah Law Journal* 6, no. 3(2022): 123–134, https://doi.org/10.30649/htlj.v6i2.109

Rupniewski, Michał. "Human Dignity and the Law." *Human Dignity and the Law* 26, no. 4 (2022). https://doi.org/10.4324/9781003252733.

Safitri, Nadila, Sahda Saraswati Akbar, and Tifanny Nur Yacub. "Examining Community Participation in the AMDAL Preparation Process Post-Job Creation Law Viewed from a Human Rights Perspective." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 4, no. 1 (2024): 103–18. https://doi.org/10.15294/ipmhi.v4i1.74681.

Siregar, Togar Natigor, and Martin Roestamy. "Tinjauan KritisProyek Pengembangan Pik-2 'Tropical Concept'SebagaiProyek Strategi Nasional (PSN)Dan Korelasinya Dengan Hak Menguasai Negara Atas Tanah." *D'RECHTSSTAAT*, no. July (2024): 39–51. https://doi.org/https://doi.org/10.30997/jhd.vi Togar.

Sopian, Maskun. "Ease of Business Licensing Based on the Job Creation Law (Study of Public Participation in Preparation of AMDAL Document)." *Activa Yuris: Jurnal Hukum* 3, no. 1 (2023): 1–6. https://doi.org/10.25273/ay.v3i1.15661.

Syaprillah, Aditia, Yahya Ahmad Zein, and Tove H. Malloy. "A Social Justice Legitimacy to Protect Coastal Residents." *Journal of Human Rights, Culture and Legal System* 3, no. 3 (2023): 541–68. https://doi.org/10.53955/jhcls.v3i3.159.

Taekema, Sanne. "Theoretical and Normative Frameworks for Legal Research: Putting Theory into Practice." *Law and Method*, 2018, 1–17. https://doi.org/10.5553/rem/.000031.

Widiatedja, I. Gusti Ngurah Parikesit, Ida Bagus Erwin Ranawijaya, Sagung Putri M.E. Purwani, and Bima Kumara Dwi Atmaja. "Developing Effective Procedures for Public Participation in Spatial Planning Regulation in Indonesia: Lesson Learned from Australia." *Padjadjaran Jurnal Ilmu Hukum* 10, no. 3 (2023): 389–410. https://doi.org/10.22304/pjih.v10n3.a5.

Funding Information

This research is funded individually mainly by the first author

Conflicting Interest Statement

There is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.