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Utilization of Land Rights in Marine Areas: Conflict Over Issuance of SHM/HGB Legislation on Coastal Lands in Tangerang Regency

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ABSTRAK

Kasus pagar laut di Tangerang memunculkan isu hukum agraria yang kompleks. Penerbitan hak atas tanah seperti SHM dan HGB di wilayah yang secara geografis dianggap sebagai wilayah laut tidak hanya melanggar batas-batas objek hak atas tanah dalam UU No. 5 Tahun 1960 tentang Peraturan Dasar Agraria, tetapi juga menciptakan konflik norma dengan UU No. 1 Tahun 2014 tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil serta UU No. 32 Tahun 2014 tentang Urusan Maritim. Penelitian ini menggunakan metode yuridis normatif, yang menggabungkan pendekatan hukum dan studi kasus. Hasil penelitian menunjukkan bahwa penerbitan SHM dan HGB di wilayah laut tidak memiliki dasar hukum, bertentangan dengan prinsip domain publik wilayah perairan, dan mengakibatkan sertifikat tersebut cacat secara hukum, dengan implikasi batal demi hukum. Lebih lanjut, praktik ini mengganggu hak masyarakat pesisir, khususnya nelayan, untuk mengakses dan memanfaatkan ruang laut. Penelitian ini merekomendasikan harmonisasi peraturan, penguatan pengawasan administratif, dan penegasan larangan penerbitan hak atas tanah di laut untuk mencegah penyalahgunaan wewenang dan melindungi kepentingan umum.

Kata Kunci: Hak atas Tanah, Laut, Pantai, Hukum Agraria

ABSTRACT

The sea fence case in Tangerang raises complex agrarian legal issues. The issuance of land rights such as SHM and HGB in areas geographically considered marine not only violates the boundaries of land rights objects in Law No. 5 of 1960 concerning Basic Agrarian Regulations, but also creates a conflict of norms with Law No. 1 of 2014 concerning Management of Coastal Areas and Small Islands and Law No. 32 of 2014 concerning Maritime Affairs. This research employs a normative juridical method, incorporating a statutory approach and case studies. The results show that the issuance of SHM and HGB in marine areas lacks a legal basis, contradicts the principle of the public domain of water areas, and results in certificates being legally flawed, with implications of being null and void. Furthermore, this practice disrupts the rights of coastal communities, especially fishermen, to access and utilize marine space. The research recommends harmonizing regulations, strengthening administrative oversight, and affirming the prohibition on issuing land rights in the sea to prevent abuse of authority and protect the public interest

Keywords: Rights to Land, Sea, Coast, Agrarian Law

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INTRODUCTION

The issuance of land rights in maritime areas is a topic that seldom receives detailed discussion in Indonesian civil law literature, despite its considerable influence on natural resource management. Law No. 5 of 1960 concerning the Principles of Agrarian Law (Basic Agrarian Law/UUPA) explicitly restricts the granting of land rights to land only, while the sea falls under state control according to Article 33,

paragraph (3) of the 1945 Constitution. The traditional agrarian concept regards the sea as res communis or public domain, not as an object of property rights. (Supriadi, 2015)

Article 33, paragraph (3) of the 1945 Constitution states that land, water, and natural resources are controlled by the state for the greatest prosperity of the people. The Public Trust Doctrine (PTD) emphasizes that the state only acts as a trustee to safeguard public interests, not to grant private rights in marine areas (A.B. Rahmawan & K. Cetera, 2020). Therefore, the issuance of Land Ownership Certificates (SHM) and Building Use Rights (HGB) at sea may conflict with the constitutional mandate and the social function of land as regulated in the UPPA. (Santoso Urip, 2010)

The case of the sea fence in Tangerang Regency clearly illustrates how marine space is being privatized through the issuance of HGB (W. Fikarudin, A.D. Martadikusuma, 2025). Installing fences along the coast has blocked access for local communities and led to conflicts with fishermen (Mongabay Indonesia, 2025). This represents a legal distortion, as HGB should only be granted for land on land, not at sea (Klinik Hukumonline, 2025).

Marine space management is actually regulated by Law No. 1 of 2014 concerning the Management of Coastal Areas and Small Islands, as well as Law No. 32 of 2014 concerning Archipelagos. These regulations govern utilization through permits and zoning, not through the granting of property rights such as SHM or HGB (WALHI, 2025). However, in practice, weak law enforcement and overlapping regulations in Indonesia often create opportunities for abuse of authority. (Media Justitia, 2025)

Under land law, valid land rights depend on having a proper land title, which must correctly identify land as the object, follow valid procedures, and be free of formal or substantive flaws. If the object is incorrect, like unreclaimed sea, the title can be contested in civil or administrative courts. This legal process is essential to prevent public space from being lost through unauthorized privatization.

Beyond legal aspects, the social justice dimension is also significant. Privatizing marine space through the installation of fences limits access for coastal communities and conflicts with the social function of land as outlined by the Basic Agrarian Law (Soetiknjo, 1990). Environmental analysis confirms that marine privatization can also harm coastal ecosystems. (Gavra Fiko Rusdianantoa; Prastiti Suryaning Ramadhanib; Shafa Syfiyahc; Muhamad Gagah Aufa, 2025)

Conversely, when state officials involve themselves in providing administrative legitimacy, it undermines public trust. The issues with the sea fence case in Tangerang Regency highlight legal concerns that extend beyond marine area management and question the legitimacy of land title certificates issued in areas legally part of the public domain. This situation calls for a thorough review of Indonesian positive legal regulations governing the issuance of SHM/HGB in marine zones, alongside an analysis of whether these regulations meet civil law standards for valid land rights. Moreover, any legal flaws in issuing these certificates prompt questions about possible legal remedies, such as civil lawsuits or other appropriate legal procedures, to annul them.

METHOD

This research employs a normative juridical method with a statute approach and a case approach. The normative juridical approach was selected because the study focuses on analyzing legal norms governing the granting of land rights, particularly in relation to marine and coastal areas, and examines these norms against actual practices, specifically in the case of the sea fence in Tangerang.

The main data sources are secondary data, including primary legal materials such as related laws, regulations, and official documents from the National Land Agency (BPN). Secondary legal materials comprise legal literature, scientific journals, academic articles, previous research findings, and expert analyses related to agrarian conflicts in coastal areas. Tertiary legal materials, like legal dictionaries and encyclopedias, are utilized to strengthen conceptual definitions. Data analysis is conducted using qualitative methods, specifically examining the relationship between agrarian legal norms and maritime law, identifying conflicting norms, and evaluating the legal implications of issuing SHM/HGB in marine areas. This study also employs the theory of state control rights and the concept of the public trust doctrine to assess the legitimacy and social implications of the privatization of marine space.

FINDING AND DISCUSSION

Issuance of Land Rights SHM And HGB In the Coastal Area of Tangerang Regency

Indonesia is endowed with abundant natural resources, a gift from Almighty God. This is highlighted in Article 33 paragraph (3) of the 1945 Constitution, which states that the land, water, and natural resources are owned by the state and should be used optimally for the people's welfare (Eka Irene Sihombing, 2009). Based on these constitutional principles, the concept of the Right to Control by the State (HMN) was developed, serving as the basis for regulating, managing, and utilising natural resources in the country.

The concept of HMN was later clarified through several decisions by the Constitutional Court, including Decision No. 35/PUU-X/2012, Decision No. 50/PUU-X/2012, and Decision No. 3/PUU-VII/2010. These rulings highlighted that state authority concerning HMN involves five key aspects: policy formulation (beleid), regulation (regelendaad), administrative implementation (bestuursdaad), management (beheersdaad), and oversight (toezichtshoudensdaad) (Hutagalung, 2005). Therefore, the state's role extends beyond merely being a ruler in a formal capacity; it also acts as a manager responsible for ensuring the fair and sustainable use of natural resources for the benefit of the people.

Furthermore, in Article 2, paragraph (2) of Law No. 5 of 1960 concerning Basic Agrarian Regulations (Basic Agrarian Law), it is emphasized that the scope of HMN includes land, water, and the natural resources contained therein. In the same article, letter (b), states that the state has the authority to determine and regulate legal relations between people and land. This provision then became the basis

for the creation of various forms of Land Rights, namely rights granted by the state to individuals or specific legal entities to control and utilize land. (Adhisty Radhita Vasya dan Faustina Aida Irmadela, 2025)

Further understanding of land rights is governed by Article 1, number (1) of Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration. This regulation highlights that land rights are rights originating from a legal relationship between the rights holder and the land, including the space above and below, to control, own, use, and maintain the land and its associated space.

Under the Basic Agrarian Law, land rights refer to the authority given to individuals or legal entities to use, manage, and utilize land according to relevant laws and regulations. These rights not only confer authority but also establish certain obligations and restrictions associated with the legal holder.

In practice, land rights in Indonesia are classified into several types, each with distinct functions, characteristics, and scope. The Basic Agrarian Law explicitly regulates these classifications. Firstly, there is the Right to Own, which is the strongest and most comprehensive hereditary right, available only to Indonesian citizens. This right provides the holder with complete freedom to utilize the land for personal needs or business activities. Secondly, there is the Right to Cultivate (Hak Guna Usaha/HGU), which authorizes the holder to utilize state-owned land for commercial purposes in agriculture, fisheries, or animal husbandry for a specified period. Thirdly, there is the Right to Build (HGB), granting an individual or legal entity the right to construct and own buildings on land that is not their own. Fourthly, there is the Right to Use (Hak Pakai), which allows an individual or legal entity to use and/or derive proceeds from state-owned land or land owned by another party, usually subject to a specific agreement. (Putri Pertiwi, 2025)

Additionally, other types of rights exist, such as leasehold rights, which are contractual and only give the lessee permission to use the land for a set period without conferring ownership. The Basic Agrarian Law also acknowledges the right of Indonesian citizens to clear land and collect forest products, primarily in remote regions. Moreover, the Basic Agrarian Law creates space for the development of new land rights that can be established through future legislation measures. (Arba, 2015)

Overall, the provisions regarding land rights in the Basic Agrarian Law aim to establish legal certainty, promote social justice in the management of agrarian resources, and support sustainable development. Therefore, a comprehensive understanding of various land rights is essential, especially in the context of land management, property investment, and regional spatial planning. (Arba, 2015)

Land registration is fundamentally a series of activities undertaken by the government on an ongoing and continuous basis. This means that from the start of the land registration process, the activity persists due to the need to keep data current, reflecting any changes that occur. These changes are then documented and recorded in the Land Title Certificate (STBH) which is valid for the rights holder.

Moreover, land registration activities are conducted based on the principle of order, namely according to applicable laws and regulations. The object of land registration consists of data concerning specific plots of land or parcels, which have defined boundaries and area measurements expressed in square meters. (Harsono, 2008)

Moreover, Government Regulation No. 24 of 1997 on Land Registration, particularly Articles 11 and 12, outlines that land registration involves two key activities: initial registration and data maintenance. The initial registration process comprises several crucial steps: 1) gathering and processing physical data; 2) gathering and processing legal data and recording rights; 3) issuing certificates; 4) presenting physical and legal data; 5) storing general registers and related documents. Meanwhile, data maintenance includes: 1) registering transfers of land rights and encumbrances; and 2) recording changes to other land-related data.

Furthermore, land registration activities can be conducted through two mechanisms. First, systematic land registration, which is carried out based on the national work plan and determined by the Minister of Agrarian Affairs/Head of the National Land Agency (BPN) in specific areas simultaneously. An example of this is the Complete Systematic Land Registration (hereinafter referred to as PTSL) program, which is a government priority. Second, sporadic land registration, which is undertaken upon requests from interested parties, including individuals and community groups. Overall, this land registration system aims to provide legal certainty and protection to land rights holders, while also supporting orderly land administration in Indonesia.

The PTSL Technical Guidelines (Mentari ATR/BPN Regulation No. 3 of 2023) outline a process divided into three main stages: Planning & Preparation, Data Collection & Validation, and Completion.

Table 1. Explanation of Stages in the PTSL Technical Guidelines, 2023 (Regulation of the Minister of ATR/BPN No. 3 of 2023)

Stage	Sub-Stage	Activities/Outputs
1. Planning & Preparation	a. Planning	Output: PTSL location analysis list, Kantah workload, land plot map & certificate target, Land Office Head review, budget implementation checklist
	b. Location Determination	The Head of the Land Office (Kantah) proposes the determination of the PTSL location to the Head of the Regional Office.
	c. Preparation	Preparing facilities, infrastructure, and initial PTSL documents.
	d. Formation of the Committee	Formation and appointment of the PTSL Adjudication Committee and Task Force.
	e. Counseling	Community: installation of boundary markers, identification/delineation of land boundaries, boundary approval, receipt of measurement results, submission of KTP & NIK.

2. Data Collection and Validation	a. Physical and Legal Data	- Physical data: mapping, compiling, and revising data. - Legal data: collecting personal documents and proof of ownership.
	b. Legal Data Study	Examination of files, assessment and research, land review, collection of information, consideration of granting rights.
	c. Announcement and Approval	Announcement of research data results, approval by authorized officials.
3. Completion	-	Completion of PTSL activities, confirmation of conversion, recognition and granting of rights, bookkeeping of rights, issuance of certificates, submission of results and reporting.

Regulations regarding the use of land rights in coastal areas are not necessarily subject to the general land law regime; instead, they are regulated explicitly through various instruments. One such legal basis is Regulation of the Minister of ATR/BPN No. 17 of 2016 concerning Land Management in Coastal Areas and Small Islands. This regulation provides guidelines for granting land rights, taking into account whether the land is located in coastal areas or coastal waters. Therefore, distinguishing geographical location is essential in determining the legality and boundaries of land rights use in coastal areas. (Rido Miduk Sugandi, 2015)

The regulatory framework has been repeatedly updated to reflect changes in national law, especially following the enactment of Law No. 11 of 2020 on Job Creation (the Job Creation Law). This law was further reinforced by Law No. 6 of 2023, which formalized the Regulation instead of Law No. 2 of 2022 concerning Job Creation as law. A key change introduced by the Job Creation Law is the shift from licensing based on location and management permits to the Conformity of Marine Spatial Utilization (KKPRL). Article 16 clearly states that: 1) Coastal water use must comply with spatial and zoning plans. 2) Any individual or legal entity engaging in marine spatial utilization activities must secure approval from the central government authorities.

Hence, all legal entities, whether commercial or non-profit, are required to hold a KKPRL document. Without it, legal certainty is compromised, and administrative sanctions may follow. Several technical regulations have been established as derivatives of the Job Creation Law, including: 1) Government Regulation No. 21 of 2021 on Spatial Planning Implementation. Chapter II focuses on the KKPR, particularly Articles 101 and 107–108, which state that business activities and strategic plans must secure KKPR approval from the Minister of Maritime Affairs and Fisheries. For non-business activities, KKPR confirmation or approval suffices. 2) Regulation of the Minister of ATR/BPN No. 18 of 2021 on Procedures for Determining Management Rights and Land Rights. This Regulation stipulates that land rights in coastal zones are granted by ATR/BPN but can only be issued if the applicant has a KKPRL from the Ministry of Maritime Affairs and Fisheries. This highlights the need for inter-ministerial coordination before land certification in coastal areas. 3) Ministerial Regulation of the Ministry of Marine

Affairs and Fisheries No. 28 of 2021 on Marine Spatial Planning Implementation. This Regulation is more operational, covering procedures for issuing KKPRL, monitoring and evaluating marine spatial activities, imposing sanctions, and resolving disputes. It also enforces Government Regulation No. 21 of 2021.

To make it easier, the authors create KKPRL-HAK regulation tables on land alongside administrative sanctions.

Table 2. Explanation of KKPRL in several laws and regulations

No.	Regulations	Main Settings	Connection with KKPRL	Administrative Sanctions
1	Government Regulation No. 21 of 2021 concerning the Implementation of Spatial Planning	Chapter II, Article 101 and Articles 107–108 regulate KKPR approval for business activities and strategic plans.	Business activities must obtain KKPR approval from the Minister of Maritime Affairs and Fisheries; non-business activities can be in the form of KKPR confirmation or approval.	Written warning, temporary suspension of activities, revocation of KKPR approval if not complied with.
2	Regulation of the Minister of ATR/BPN No. 18 of 2021 concerning Procedures for Determining Management Rights and Land Rights	Establish procedures for granting land rights in coastal areas by ATR/BPN.	Land rights in coastal areas can only be issued if the applicant has a KKPRL.	The application may be rejected or the certificate may be cancelled if the rights are granted without the KKPRL.
3	Regulation of the Minister of Maritime Affairs and Fisheries No. 28 of 2021 concerning the Implementation of Marine Spatial Planning	Regulates the technical aspects of issuing KKPRL, monitoring mechanisms, evaluation, imposition of sanctions, and dispute resolution.	The implementation of Government Regulation No. 21 of 2021, confirms the operational procedures of the KKPRL.	Written warning, administrative fine, termination of activities, revocation of permit/KKPRL.

This series of regulations was primarily established to address the core issue of coastal areas being considered common property. These areas cannot be privately owned by individuals or corporations, as doing so could restrict public access and harm ecosystem sustainability. Consequently, any utilization must obtain a license through the KKPRL mechanism, and ATR/BPN can only issue land rights, such as Management Rights (HP), for a limited period under specific conditions. These rights are non-tradable and must serve their original purpose. Additionally, granting coastal land rights requires consideration of indigenous communities, marine environmental factors, and social functions like public access and facilities. (Rido Miduk Sugandi, 2015)

The situation became more complicated when the investigation into who built the sea fence was still ongoing, yet new evidence showed that the land was already granted HGB (right to build) and SHM (right to build). This was confirmed directly by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). These certificates raised serious doubts about possible irregularities in the land certificate issuance process in coastal areas.

The controversy surrounding the sea fence along the coast of Tangerang Regency arises from a finding by the Banten Maritime Affairs and Fisheries Agency (DKP) on 14 August 2024, that the fence was installed in the waters without permission from the village or sub-district leaders. This fact was further supported by the SHM and HGB issued through the conversion of girik (land title) under the PTSL (Complete Land Clearance) program (Ministry of ATR/BPN, 2017). From a positive legal perspective, this situation intersects three legal areas simultaneously: agrarian, maritime/coastal, and marine space licensing following the Job Creation Law. This situation highlights the potential for maladministration in land registration mechanisms, particularly concerning the granting of land rights in coastal and marine areas, which are not legally eligible for ownership rights under agrarian laws. (Maria S.W. Sumardjono, 2008)

The author's analysis is as follows: First, there is a conflict with the Basic Agrarian Law. The Basic Agrarian Law explicitly states that the object of land rights is land, not water. Article 4, paragraph (1) of the Basic Agrarian Law clarifies that land rights only apply to the surface of the earth, which is called land. Therefore, granting SHM/HGB for objects that are actually located in marine areas or permanent tidal zones contradicts the principles and scope of land rights. In the HMN concept, the state regulates and manages resources for the greatest possible prosperity of the people, but "land" remains distinct from "sea" (Eka Irene Sihombing, 2009). Thus, the issuance of SHM and HGB in marine areas is an action that is not in accordance with the legal basis of agrarian law.

Second, issuing land certificates in maritime areas also contradicts the Maritime Law. This law emphasizes that the sea is fully under state control as a public space that cannot be owned by individuals or legal entities. Utilization of the sea is only possible through licensing mechanisms, such as a marine space utilization permit, not through the granting of land rights such as SHM or HGB. This is in line with the provisions of Article 7 of the Maritime Law, which emphasizes the prohibition on controlling the sea through land certification.

Third, similar violations also occurred under the PWP-PPK Law. This regulation stresses that the use of coastal areas and small islands is conducted through location permits and management permits, not through the granting of land rights. Therefore, the existence of SHM and HGB in marine and coastal areas clearly conflicts with the applicable legal principles as regulated in Article 16 of the PWP-PPK Law.

Fourth, this case highlights the misuse of the PTSL program. The PTSL program was primarily created to ensure legal certainty for land that has long been owned by the community (Harsono, 2008).

However, the fact that SHM or HGB in maritime zones originate from the conversion of girik (land titles) under PTSL (Complete Land Use and Land Management System) reveals weaknesses in the administrative verification process. This inaccuracy creates opportunities for abuse, allowing the PTSL program to be exploited to legalize claims to land that is legally ineligible for rights due to its location in restricted areas such as the sea. Therefore, issuing certificates through PTSL in maritime zones can be regarded as a form of maladministration.(Rachmad Safa'at, 2019)

Fifth, following the enactment of the Job Creation Law, the use of marine space requires a Marine Spatial Utilization Activity Compliance Certificate (KKPRL). Without this document, any activity in marine areas could be subject to administrative sanctions. This scheme is regulated in Articles 101, 107, and 108 of Government Regulation No. 21 of 2021, and further detailed in Regulation of the Minister of Maritime Affairs and Fisheries No. 28 of 2021 concerning procedures for issuance, supervision, sanctions, and dispute resolution. Additionally, this provision was aligned with the Regulation of the Minister of ATR/BPN No. 18 of 2021, which mandates the existence of a KKPRL before ATR/BPN can issue land rights in coastal areas. Thus, the issuance of SHM/HGB at sea without KKPRL clearly contradicts the applicable legal mechanisms.

Sixth, regarding legal implications, the issuance of SHM or HGB in marine areas can be deemed legally flawed or even null and void because it conflicts with higher statutory regulations. The issuance of certificates not only creates legal uncertainty but also has the potential to generate legal and social conflicts. These conflicts may arise between communities and the government, or between certificate holders and coastal communities who believe their right to access the sea is being hindered. (Rido Miduk Sugandi, 2015)

This phenomenon highlights regulatory inconsistency and inadequate administrative oversight in land practices. The presence of certificates in coastal regions raises significant concerns about the consistent application of the domein verklaring and res communes principles in maritime law, exposing legal loopholes exploited in land conversion through PTSL. Therefore, the sea fencing case in Tangerang Regency is more than a technical land administration issue; it also involves coastal spatial governance, environmental protection, and legal certainty for coastal communities who have the right to access marine areas as a shared space. The government, via the Ministry of ATR/BPN, must assess and revoke illegally issued certificates and enhance the verification system in PTSL to prevent misuse in legitimizing claims to marine areas.

Resolution of Conflicts Related to the Use of Land in Sea Areas

In land law, a land title certificate plays a vital role as proof of legal ownership. It acts as official evidence of the physical and legal details linked to a piece of land, provided the information aligns with that recorded in the land survey letter and land register. As an authentic deed, a land certificate possesses

full evidentiary strength (volledig bewijs) and is legally binding, making it the foundation for various transactions and resolving land disputes. (Harsono, 2008)

With the advancement of information technology, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has started modernizing its land use by issuing electronic certificates. These digital land certificates are electronic documents with the same legal function as traditional certificates, but feature a certified electronic signature and a digital verification system managed by the BPN. This initiative aims to enhance the validity of the certificates while preventing potential forgery or misuse. (Arba, 2015)

This issue becomes increasingly complex when the discourse on land certification is related to water areas. In Tangerang Regency, conflicts arise due to the construction of sea fences that restrict access for coastal communities, particularly fishermen, to the waters. These conflicts typically emerge from clashes between permits for marine utilization granted to private parties or developers and the traditional rights of coastal communities, who have long depended on marine resources for their livelihoods. (Iman Sudiyat, 2025)

Indonesia regulates marine space use through several derivative regulations of the Job Creation Law. These include Government Regulation No. 18 of 2021, which stipulates that land rights in waters can only be granted with official permits from relevant ministries. Additionally, Government Regulation No. 21 of 2021 and Minister of ATR/BPN Regulation No. 13 of 2021 introduce the concept of Marine and Fishery Areas (KKPRL) as a legal requirement. In practice, however, these permits are often issued without sufficient community participation, leading to a lack of consensus.

Although the Basic Agrarian Law does not explicitly address land rights in maritime areas, the core principle of Article 33 of the 1945 Constitution remains central. It states that "the land, water, and natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people." This aligns with Law No. 1 of 2014 concerning the Management of Coastal Areas and Small Islands, which recognizes indigenous communities and traditional fishermen's rights to coastal resources.

Resolving land title disputes in maritime areas can be achieved through various mechanisms. At the administrative level, communities can file objections and request a review of their land with the National Land Agency (BPN) or the relevant ministry if maladministration is discovered. Furthermore, mediation and negotiation between the government, permit holders, and coastal communities can also serve as solutions. If these efforts fail, communities have the right to pursue litigation by submitting a lawsuit to the State Administrative Court (PTUN) (Philipus M. Hadjon, 2007). In certain cases, the government can even offer compensation or alternative access for coastal communities so they can continue their economic activities without being impeded by sea fences.

If a land title certificate, such as an SHM or HGB, has been issued and disputes arise from other parties who believe their rights have been infringed, a resolution can also be sought through civil

channels. In agrarian law, the certificate does indeed serve as strong evidence, but this does not mean it is absolute and cannot be revoked if proven to have legal flaws, either in administrative procedures or regarding the substance of the rights granted. (Harsono, 2008)

The public or any party who feels aggrieved can file a lawsuit to cancel the certificate with the District Court. The legal basis refers to Article 32, paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration, which provides space for parties with stronger evidence to demand the deletion or correction of data contained in the certificate. In practice, civil lawsuits usually cite the basis of unlawful acts (PMH) as regulated in Article 1365 of the Civil Code (Kuhper), namely, when the issuance of the certificate occurs without regard to the pre-existing rights of other parties. (Subekti, 2005)

Part from PMH, a civil lawsuit mechanism due to ownership disputes (eigendom) can also be carried out if two or more parties claim rights to the same plot of land (Yahya Harahap, 1986). In this case, the judge will assess the evidence, including the legal basis, land history, and the certificate issuance process, to determine who has the greater right. Suppose there is evidence of administrative defects or abuse of authority in the issuance of the certificate. In that case, the court can declare the certificate invalid and order its correction through the National Land Agency (BPN). Although a land certificate has the status of an authentic deed with full evidentiary force, this does not preclude the possibility of a civil lawsuit. This route is significant in the context of conflicts over the use of marine space, such as the case of the installation of a sea fence in Tangerang Regency, where affected coastal communities can also file a lawsuit to cancel the certificate if their rights are violated by the issuance of land rights in that area.

Conflicts like this affect not just legal issues but also lead to socio-economic losses, such as decreased catches for fishermen, lower incomes, and greater legal uncertainty for coastal communities (Rajagukguk, Erman, 2019). To avoid such conflicts in the future, there is a need for more inclusive and participatory policies that promote coastal environmental sustainability. This approach helps balance economic growth, environmental protection, and the rights of local communities.

Additionally, resolving land conflicts in maritime zones requires an examination from an international legal standpoint. The 1982 United Nations Convention on the Law of the Sea (UNCLOS), ratified by Indonesia via Law No. 17 of 1985, states that the sea is a res communis—held in common, not owned by individuals but managed by the state for public interests. Accordingly, issuing land rights like SHM/HGB in maritime regions could conflict with international maritime law principles. Thus, aligning national laws with international conventions is essential to prevent jurisdictional overlaps.

Additionally, social justice considerations are essential. Disputes over maritime areas tend to marginalize coastal communities, particularly those with limited economic and political influence. Legal strategies focusing solely on formal land rights often overlook the substantive rights of local populations. From a progressive legal standpoint, resolving conflicts should involve not only positive laws but also ensuring substantive justice for the most vulnerable groups.

From this description, resolving conflicts related to land rights use in marine areas must be addressed through a combination of administrative, civil, and state mechanisms, and a socio-participatory approach. This step is vital to ensure legal certainty, not only benefiting formal certificate holders but also supporting the survival of coastal communities that rely on marine resources.

CONCLUSION

The issuance of SHM and HGB in Tangerang Regency's coastal areas does not fully comply with applicable laws and regulations. Normatively, the Basic Agrarian Law does not cover land rights in marine areas, as its scope is limited to land only. Conversely, the sea as a public space is governed explicitly by Law No. 1 of 2014 on Coastal Area and Small Island Management and related regulations, which stipulate that marine space use requires a permit called Marine Spatial Utilization Activity Conformity (KKPRL). Issuing SHM and HGB for marine areas through land registration mechanisms, such as the Complete Systematic Land Registration (PTSL) program, contradicts land law principles and may result in formal and material legal defects. This situation also jeopardizes the rights of coastal communities, particularly traditional fishermen who rely on sea access and are now obstructed by sea fences and claims legalized through land certificates. Therefore, issuing land certificates in maritime zones involves not just administrative procedures but also regulatory inconsistencies, legal uncertainties, and risks of infringing on local community rights.

Regarding conflict resolution, aggrieved parties have access to legal channels, including administrative, civil, and state mechanisms. Administratively, the public can lodge objections or seek judicial reviews with the National Land Agency (BPN) or relevant ministries if they identify maladministration during certificate issuance. From a fairness standpoint, lawsuits can be filed in the District Court based on unlawful acts (Article 1365 of the Civil Code) or to resolve overlapping land claims. Article 32, paragraph (2) of Government Regulation No. 24 of 1997 on Land Registration provides for filing for cancellation of land certificates by parties with more substantial evidence. While land certificates are strong evidence as authentic deeds, they are not infallible and can be canceled if issued with legal flaws. In the Tangerang Regency conflict, civil channels are vital because they enable coastal communities to defend their rights and promote correction of unlawful administrative practices. Thus, resolving land disputes in coastal zones should be viewed not only as administrative matters but also as efforts to ensure legal certainty, social justice, and the sustainability of vital coastal ecosystems supporting local livelihoods.

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