



Reconstructing Land Administration Law to Prevent Administrative Reclamation in the Control of Marine Spaces in Indonesia: An Ecological Justice Perspective

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Abstract

This study examines the phenomenon of administrative reclamation, a legal-administrative practice in which marine spaces are transformed into legally recognized land through formal certification procedures without physical reclamation. Despite the clear distinction between land and sea in Indonesia's agrarian and maritime legal regimes, such practices continue to occur due to regulatory fragmentation, weak institutional coordination, and administrative formalism. Using a normative juridical approach grounded in statutory, conceptual, and analytical methods, this research critically analyzes the legality of land certification over marine areas and its implications for ecological justice and coastal communities' rights. The study argues that administrative reclamation constitutes a deviation from the principle of legality and undermines the public nature of marine space. It proposes a reconstruction of land administration law through the integration of marine spatial planning, strengthened field verification, and an ecological justice-oriented governance framework to prevent future abuses and ensure sustainable control of marine spaces.

Keywords: *Administrative reclamation; Ecological justice; Land administration law; Marine space governance; Sustainable coastal management.*

A. Introduction

Indonesia is constitutionally and geographically positioned as the world's largest archipelagic state, with more than 17,000 islands and approximately two-thirds of its territory covered by marine waters. This maritime character places the sea not merely as a natural resource, but as a foundational space for sovereignty, ecological sustainability, and the livelihood of coastal communities. Under Article 33 paragraph (3) of the 1945 Constitution, land, waters, and natural resources are controlled by the state and must be utilized for the greatest prosperity of the people¹. Consequently, marine spaces are legally conceived as public domains governed under public law regimes, not as private property subject to individual ownership².

Despite this constitutional and legal framework, recent developments indicate a troubling practice in which marine areas are administratively transformed into legally recognized land through certification procedures, without any physical reclamation process³. This phenomenon, referred to in this study as administrative reclamation, represents a shift from material-based legality toward document-based legality. Empirical cases in coastal regions such as Tangerang

¹ I Gede Yusa and Bagus Hermanto, "Implementasi Green Constitution Di Indonesia: Jaminan Hak Konstitusional Pembangunan Lingkungan Hidup Berkelanjutan," *Jurnal Konstitusi* 15, no. 2 (2018): 32, doi:10.31078/jk1524.

² Sri Ratu Ratna Intan, Bunga Desyana Pratami, and Iqbal Kamalludin, "Administrative Reclamation: A Critical Study of the Abuse of Land Certification in Indonesian Maritime Areas," *IOP Conference Series: Earth and Environmental Science* 1537, no. 1 (2025): 28, doi:10.1088/1755-1315/1537/1/012002.

³ M Parsons, L Taylor, and R Crease, "Indigenous Environmental Justice within Marine Ecosystems: A Systematic Review of the Literature on Indigenous Peoples' Involvement in Marine Governance ...," *Sustainability* (mdpi.com, 2021), 928, <https://www.mdpi.com/2071-1050/13/8/4217>.



and Makassar demonstrate that land certificates have been issued over open sea areas, verified through satellite imagery and investigative reports, revealing a growing gap between legal formalities and physical reality.

From a doctrinal perspective, Indonesia's agrarian law system, as established under Law No. 5 of 1960 on Basic Agrarian Principles (UUPA), strictly limits land rights to the physical surface of the earth. Marine waters, seabeds, and coastal waters are excluded from the object of land rights and instead fall under maritime and environmental legal regimes⁴. Likewise, Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands regulates marine space through zoning and utilization permits, emphasizing temporary use rather than ownership. The issuance of land certificates over marine areas therefore constitutes a fundamental legal contradiction that challenges the principle of legality⁵.

The persistence of administrative reclamation cannot be separated from institutional fragmentation within Indonesia's spatial governance system. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) exercises authority over land registration and certification, while marine space is governed by the Ministry of Marine Affairs and Fisheries (KKP) through the Coastal and Small Islands Zoning Plan (RZWP3K)⁶. The absence of mandatory integration between land cadastral systems and marine spatial planning has created regulatory blind spots, enabling marine areas to be processed as land objects through purely administrative mechanisms.⁷

Data from the Indonesian Audit Board (BPK) and findings by civil society organizations indicate recurring weaknesses in field verification during land registration processes, particularly in coastal zones. In several cases, certificates were issued based solely on administrative documents and coordinate data, without confirming the physical existence of land. This practice reflects a broader administrative culture in which procedural compliance is prioritized over

⁴ M Jurjonas and E Seekamp, "A Commons before the Sea: climate Justice Considerations for Coastal Zone Management," *Climate and Development*, 2020, 122, doi:10.1080/17565529.2019.1611533.

⁵ X Chen, W Yang, and Y Liu, "Recent Developments in China's Coastal Zone Management Legislation: An Appraisal," *Coastal Management*, 2024, 927, doi:10.1080/08920753.2024.2425473.

⁶ M Ntona and M Schröder, "Regulating Oceanic Imaginaries: The Legal Construction of Space, Identities, Relations and Epistemological Hierarchies within Marine Spatial Planning," *Maritime Studies* (Springer, 2020), 399, doi:10.1007/s40152-020-00163-5.

⁷ G G Singh, J Keefer, and Y Ota, "An Inequity Assessment Framework for Planning Coastal and Marine Conservation and Development Interventions," *Frontiers in Marine Science* (frontiersin.org, 2023), 98, doi:10.3389/fmars.2023.1256500.



substantive legality, allowing legal instruments to construct “legal facts” that contradict ecological and geographical realities⁸.

Beyond legal inconsistency, administrative reclamation raises serious concerns regarding ecological justice. Marine spaces serve as critical ecosystems supporting mangroves, seagrass beds, coral reefs, and traditional fishing grounds⁹. When such spaces are reclassified as land through administrative means, they are often excluded from marine environmental protections and bypass environmental impact assessments (AMDAL). This results in ecological degradation and restricts access for coastal communities whose livelihoods depend on marine resources, reinforcing structural inequality between capital-driven development and traditional maritime livelihoods¹⁰.

From a theoretical standpoint, administrative reclamation exemplifies the dominance of legal positivism and administrative formalism, where legality is derived from procedural correctness rather than substantive justice¹¹. This approach reduces law to documentation and bureaucratic output, marginalizing ecological considerations and social consequences. Such a model is increasingly incompatible with contemporary developments in environmental law, which emphasize sustainability, precautionary principles, and justice-based resource governance¹².

Comparative experiences from countries such as the Netherlands, Japan, and Singapore demonstrate that the conversion of marine areas into land is subject to strict legal, technical, and environmental requirements, and only recognized after physical reclamation has occurred¹³. These jurisdictions maintain clear legal distinctions between land and sea, ensuring that marine spaces cannot be privately owned through administrative manipulation. Indonesia’s experience

⁸ R Tafon et al., “Blue Justice through and beyond Equity and Participation: A Critical Reading of Capability-Based Recognitional Justice in Poland’s Marine Spatial Planning,” ... *of Environmental ...*, 2024, 47, doi:10.1080/09640568.2023.2183823.

⁹ F Tubridy, M Lennon, and M Scott, “Managed Retreat and Coastal Climate Change Adaptation: The Environmental Justice Implications and Value of a Coproduction Approach,” *Land Use Policy*, 2022, 162, <https://www.sciencedirect.com/science/article/pii/S0264837721006839>.

¹⁰ M Ntona, “Legal Place-Making in Europe’s Seas: Laying the Foundations for a Human Rights-Based Approach to Maritime Spatial Planning in the EU” (stax.strath.ac.uk, 2021), 27, <http://stax.strath.ac.uk/downloads/4q77fr85c>.

¹¹ E Suwandono, L Tri, and D J Setiyono, “Legal Problems and Ideal Concepts in Reclamation Management Environmental Law Perspective,” *Available at SSRN 4223921*, 2022, 328, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4223921.

¹² W T D Vries and S Pinuji, “Balancing Between Land and Sea Rights—An Analysis of the ‘Pagar Laut’ (Sea Fences) in Tangerang, Indonesia” (preprints.org, 2025), 238, https://www.preprints.org/frontend/manuscript/92e0d405d13d5e9b50593c2f089f8789/download_pub.

¹³ D Ferdinan, “Between Walls and Waves: Coastal Development Legal Gaps,” *Available at SSRN 5277673*, 2025, 762, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5277673.



with administrative reclamation thus highlights a regulatory vulnerability that threatens legal certainty, environmental protection, and state control over marine space¹⁴.

Against this background, this study seeks to critically examine administrative reclamation as a form of legal-administrative deviation and to propose a reconstruction of land administration law grounded in ecological justice. By integrating agrarian law with marine spatial governance and strengthening substantive verification mechanisms, this research aims to contribute to a more coherent and just legal framework for the control of marine spaces in Indonesia. The study positions administrative reclamation not merely as a technical anomaly, but as a systemic challenge that requires normative reform to safeguard marine ecosystems, coastal communities, and constitutional mandates.

B. Research Method

This study employs a normative juridical research method focusing on the analysis of legal norms governing land administration and marine spatial management in Indonesia¹⁵. The research adopts a statutory approach to examine primary legal materials, including the Basic Agrarian Law (Law No. 5 of 1960), Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands, and Law No. 32 of 2014 on Marine Affairs. These statutes are analyzed to identify normative inconsistencies and jurisdictional overlaps that enable the practice of administrative reclamation¹⁶.

In addition, the study applies a conceptual and analytical approach to develop and refine the concept of administrative reclamation as a form of legal-administrative deviation. Secondary legal materials—such as court decisions, academic literature, policy documents, audit reports, and investigative media findings—are examined to contextualize the phenomenon within broader debates on legality, ecological justice, and public control over marine space¹⁷. The collected legal materials are analyzed using prescriptive legal reasoning, emphasizing coherence, legality, and justice-based evaluation. The analysis aims to formulate normative recommendations for reconstructing land administration law through the integration of marine

¹⁴ Aditia Syapriillah, 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): 281, doi:10.53955/jhcls.v3i3.159.

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum* (Kencana, 2010), 38.

¹⁶ Hannatrie Syalsabillah, Muhammad Tunjang Syaeh, and Nadifa Keyla Ismail, “Tantangan Dan Peluang Dalam Penyelesaian Persengketaan Tanah Ulayat Suku Adat Bajo Wilayah Teluk Tomini Melalui Perspektif Hukum Dan Budaya,” *Quantum Juris: Jurnal Hukum Modern* 06, no. 2 (2024): 79–104, <https://journalpedia.com/1/index.php/jhm/article/view/1146>.

¹⁷ Asri Agustiwati, “Hukum Dan Kebijakan Hukum Agraria Di Indonesia,” 2014, 2828.



spatial planning, strengthened substantive verification, and an ecological justice-oriented governance framework to prevent future administrative abuses.

C. Results and Discussion

Building on the normative and conceptual framework outlined above, the discussion section critically examines the practice of administrative reclamation within Indonesia's land and marine governance system. This section moves beyond doctrinal analysis to explore how legal norms operate in practice, revealing structural deviations, institutional fragmentation, and their broader ecological and social consequences. By situating administrative reclamation as a systemic legal-administrative phenomenon rather than an isolated anomaly, the discussion is structured into four interrelated sub-sections. These sub-sections progressively analyze the nature of administrative reclamation, the regulatory and institutional gaps that sustain it, its implications for ecological justice and coastal communities, and finally, the reconstruction of land administration law as a normative response to prevent future abuses and ensure sustainable governance of marine spaces.

1. Administrative Reclamation as a Legal-Administrative Deviation in Indonesia's Land and Marine Governance

Administrative reclamation refers to a legal-administrative practice in which marine spaces are transformed into legally recognized land through formal bureaucratic procedures, without any preceding physical reclamation process¹⁸. Unlike conventional reclamation, which involves technical alteration of marine areas through filling or construction and is subject to environmental permits and public scrutiny, administrative reclamation operates entirely within administrative documentation. Through land surveys, coordinate plotting, issuance of land identification numbers, and certification, areas that remain physically sea are reconstituted as land in legal records. This phenomenon illustrates how legality can be administratively constructed even when it contradicts material and ecological realities¹⁹.

In Indonesia's legal system, the legitimacy of land rights is fundamentally grounded in the existence of land as a physical object. The Basic Agrarian Law (Law No. 5 of 1960) clearly confines land rights to the surface of the earth, excluding water bodies and marine areas from

¹⁸ Adonia Ivone Laturette et al., "Natural Resources Management Rights in Land Conservation Areas in Coastal Areas and Small Islands Based on Environmental Sustainability," *International Journal of Sustainable Development and Planning* (academia.edu, 2021), 328, doi:10.18280/ijstdp.160711.

¹⁹ L Yang, H Liang, and Y Li, "Governmental Claims System for Marine Ecological Damage in China," *Frontiers in Marine Science* (frontiersin.org, 2025), 272, doi:10.3389/fmars.2025.1612246.



its scope²⁰. Administrative reclamation therefore represents a deviation from the object requirement in agrarian law, as it allows rights to be issued over areas that do not meet the basic criterion of “land.” By bypassing the requirement of physical existence, administrative processes redefine the object of rights through paperwork rather than factual conditions.

This deviation is not merely technical but normative in nature. In legal doctrine, the validity of an administrative act depends on the conformity of authority, procedure, and object. Administrative reclamation fails at the level of object validity, because the sea is not recognized as an object of land rights under agrarian law²¹. Consequently, land certificates issued over marine areas constitute a form of ultra vires administrative action, where state authority exceeds its legally defined jurisdiction. Despite their formal appearance, such certificates lack substantive legality²².

The persistence of administrative reclamation highlights the dominance of administrative formalism within land governance. In practice, land registration procedures tend to prioritize documentary completeness over substantive verification²³. As long as application files, coordinate data, and administrative requirements are fulfilled, the process may proceed without rigorous confirmation of the physical condition of the land. This procedural orientation enables marine areas to be treated as registrable land objects, transforming administrative compliance into the sole measure of legality.

The reliance on coordinate-based mapping systems further reinforces this deviation. Digital cadastral systems allow spatial data to be entered and processed without sufficient integration with marine spatial planning maps²⁴. When marine zoning plans are not incorporated into land administration databases, administrative officers may inadvertently—or deliberately—process marine coordinates as land parcels. This technological gap illustrates how administrative systems can generate legal outcomes detached from ecological and geographical realities.

²⁰ R S Zoysa et al., “Afterlives of Reclamation: Coastal Privatization, Distanced Dispossession, and More-than-Human Calcifications in Jakarta Bay,” *Maritime Studies* (Springer, 2025), 329, doi:10.1007/s40152-025-00443-y.

²¹ D N Tejawati, F M Salviana, and A Sulaksono, “Harmonization Of Agrarian Law in The Resolution of Land Disputes in Reclamation Projects in Indonesia,” *Academia.Edu*, n.d., 492, <https://www.academia.edu/download/125642975/D259112533.pdf>.

²² R Nissim, *Land Administration and Practice in Hong Kong* (books.google.com, 2021), 3829, <https://books.google.com/books?hl=en&lr=&id=Yh1ZEAAAQBAJ&oi=fnd&pg=PR5&dq=agrarian+justice+indigenous+land+rights+land+governance+land+management+rights+state+control+over+land&ots=jIN2kIV7UX&sig=2-yD7D-YTMgYygAeTgjHl68HmHI>.

²³ E A Ebisi, Y Guo, and Z A Soomro, “Environmental Conservation and Corporate Social Responsibility (CSR): Insights from Nigerian Oil and Gas Industry Using Stakeholder and Environmental Justice ...,” *Administrative Sciences* (mdpi.com, 2025), 90, <https://www.mdpi.com/2076-3387/15/7/275>.

²⁴ S GAONKAR, “AN ASSESSMENT OF COASTAL ZONE REGULATIONS AND JUDICIAL APPROACH FOR CONSERVATION, PROTECTION AND SUSTAINABLE ...” (academia.edu, 2020), https://www.academia.edu/download/65411770/NLS_EL_2484_2016.pdf.



Administrative reclamation is also sustained by institutional fragmentation between land and marine governance authorities²⁵. While land registration falls under the authority of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, marine spaces are governed through zoning and utilization permits under the authority of the Ministry of Marine Affairs and Fisheries²⁶. The absence of a mandatory cross-referencing mechanism between these institutions creates a regulatory vacuum, enabling marine areas to slip into the land administration system without proper legal scrutiny.

From a governance perspective, administrative reclamation reflects a shift in the function of administrative law. Rather than serving as an instrument to record and regulate factual conditions, administrative law becomes a tool to construct new legal realities. In this context, administrative decisions do not merely recognize existing land but actively create legal objects that did not previously exist. This inversion undermines the corrective and regulatory role of administrative law and transforms it into a mechanism of spatial reclassification driven by bureaucratic logic²⁷.

The phenomenon also exposes the limitations of legal positivism in addressing complex spatial and ecological issues. Under a positivist framework, legality is often equated with formal compliance to written rules and procedures. Administrative reclamation thrives within this framework because it satisfies procedural requirements while disregarding substantive justice and ecological integrity²⁸. The sea, despite its public and ecological character, becomes vulnerable to privatization through administrative formalities. Moreover, administrative reclamation blurs the boundary between public and private space. Marine areas are traditionally governed as public domains subject to collective use and state stewardship. When such areas are administratively converted into land and certified as private rights, the public character of

²⁵ N L Talib et al., “Three Centuries of Marine Governance in Indonesia: Path Dependence Impedes Sustainability,” *Marine Policy*, 2022, 92, <https://www.sciencedirect.com/science/article/pii/S0308597X22002184>.

²⁶ B E Turisno et al., “Analysis of the Role Model of Coastal Area Arrangement on Improving Community Welfare through Legal Perspective,” *J. Legal Ethical & Regul ...*, 2021, 320, https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/jnlollet24§ion=137.

²⁷ D Ferdinan, “Analisis Yuridis Reklamasi Teluk Di Filipina Dan Proyek Tanggul Laut Di Indonesia,” *Journal of Citizenship*, 2025, 29, <http://hk-publishing.id/index.php/joc/article/view/556>.

²⁸ Q Chen, H Yu, and Y Wang, “Research on Modern Marine Environmental Governance in China: Subject Identification, Structural Characteristics, and Operational Mechanisms,” *International Journal of Environmental Research ...* (mdpi.com, 2021), 665, <https://www.mdpi.com/1660-4601/18/9/4485>.



the sea is eroded. This transformation occurs without democratic deliberation or environmental assessment, reducing public space through bureaucratic acts rather than legislative decisions²⁹.

The legal-administrative deviation inherent in administrative reclamation also creates systemic risks for legal certainty. Although certificates issued over marine areas may appear valid, they remain vulnerable to cancellation due to their lack of legal basis. This uncertainty affects not only coastal communities but also investors, financial institutions, and government bodies, all of whom rely on the presumed legality of land certificates. Thus, administrative reclamation generates a fragile legality that undermines trust in the land administration system as a whole³⁰.

Importantly, administrative reclamation should not be understood as isolated misconduct by individual officials. The recurring nature of similar cases across different coastal regions suggests a structural problem embedded in land administration procedures³¹. Weak verification mechanisms, fragmented institutional authority, and the absence of ecological considerations collectively enable administrative reclamation to emerge as a systemic practice rather than an accidental error.

To assess whether administrative reclamation constitutes a normative anomaly or a permissible governance practice, it is necessary to situate Indonesia's experience within a comparative legal framework. This comparison does not focus on physical coastal reclamation as an engineering activity, but rather on the legal recognition of marine space as land through administrative procedures. The key parameters of comparison include: (i) the legal distinction between land and sea, (ii) the role of administrative authorities in recognizing land objects, and (iii) the requirement of physical transformation as a prerequisite for land rights. Examining practices in the Netherlands, Japan, and Singapore reveals that Indonesia's model of administrative reclamation diverges fundamentally from established comparative norms.

In the Netherlands, the transformation of marine space into land is strictly governed by the principle that physical reclamation must precede legal recognition. Land reclamation projects, such as polders, involve extensive engineering works that materially alter marine or aquatic areas

²⁹ T Hall, "Drawing Lines in the Sea: Indigenous Sovereignty Through the Coastal Zone," ... *Journal of Social & Environmental Justice* (digitalcommons.law.uw.edu, 2025), 376, <https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=1030&context=wjsej>.

³⁰ E Rivera-Arriaga, L Williams-Beck, and ..., "Crafting Grassroots' Socio-Environmental Governance for a Coastal Biosphere Rural Community in Campeche, Mexico," ... *Coastal Management*, 2021, 437, <https://www.sciencedirect.com/science/article/pii/S096456912100003X>.

³¹ A Nugraha, "Integrated Coastal Management in the Current Regional Autonomy Law Regime in Indonesia: Context of Community Engagement," *Australian Journal of Maritime & Ocean Affairs*, 2024, 276, doi:10.1080/18366503.2023.2283355.



into dry land before any cadastral registration occurs. Only after the reclaimed area has achieved physical stability and functional land characteristics can it be incorporated into the land administration system. Crucially, Dutch land administration does not allow administrative acts to create land as a legal object in the absence of material existence. The sea remains a public domain governed under public law until it is physically transformed, ensuring that administrative authority functions as a recorder of factual conditions rather than a constructor of legal reality.

A similarly restrictive approach is evident in Japan, where coastal and marine reclamation is treated as a legal exception subject to strict statutory control. Under Japan's reclamation regime, the conversion of marine areas into land requires multiple layers of approval, including environmental impact assessments, technical feasibility evaluations, and public interest considerations. Land rights can only be granted after reclamation has been physically completed and formally acknowledged by the state. Administrative procedures are designed to prevent shortcut mechanisms whereby marine space could be reclassified through documentation alone. This framework reflects a legal philosophy that places ecological protection and material verification above administrative efficiency, thereby preventing the administrative construction of land without factual grounding³².

In Singapore, despite the state's strong control over land and its extensive experience with reclamation, legal recognition of land similarly depends on actual physical transformation. Reclamation projects are centrally planned, executed by the state, and tightly regulated through environmental and spatial planning instruments. Marine areas remain under state control as part of the public domain until reclamation is completed and officially incorporated into land records. Notably, Singapore's strong developmental orientation does not translate into administrative permissiveness. On the contrary, the state's dominance reinforces centralized control and prevents the privatization of marine space through fragmented or document-based administrative processes³³.

³² Henssen, Joep, *Land Registration and Cadastre in the Netherlands and the Role of Cadastral Boundaries: The Application of GPS Technology in the Survey of Cadastral Boundaries*, FIG Working Week, 2001, p. 3–6, https://www.researchgate.net/publication/229020749_Land_registration_and_cadastre_in_the_Netherlands_and_the_role_of_cadastral_boundaries_the_application_of_GPS_technology_in_the_survey_of_cadastral_boundaries.

³³ Schofield, Clive, dan Tara Davenport, "State Practice in Reclamation and Artificial Islands: The Singapore Experience," in *SMU Research Collection*, Singapore Management University, 2019, p. 12–15. https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=3296&context=soe_research



When viewed against these comparative experiences, Indonesia's practice of administrative reclamation appears as a significant legal deviation³⁴. Unlike the Netherlands, Japan, and Singapore, Indonesia allows marine spaces to be recognized as land solely through administrative documentation, such as coordinate plotting and certification, without any preceding physical reclamation³⁵. In this model, administrative procedures do not merely register existing land but actively construct land as a legal object, even when the area remains physically sea. This document-based legality transforms administrative authority from a regulatory mechanism into a constitutive power that redefines spatial reality.

This divergence has profound normative implications. Comparative practice demonstrates that the legal separation between land and sea is a foundational principle of modern land and marine governance, preserved through the requirement of physical transformation. Indonesia's administrative reclamation, by contrast, collapses this distinction and enables the privatization of marine space through bureaucratic formalism. Such a practice undermines the principle of legality, erodes public control over marine domains, and exposes structural weaknesses in Indonesia's land administration system that are absent in the comparative jurisdictions examined.

In this sense, administrative reclamation constitutes a profound legal-administrative deviation within Indonesia's land and marine governance. It reflects how administrative mechanisms can be exploited to redefine spatial reality, bypassing substantive legal norms and ecological constraints. Recognizing administrative reclamation as a structural deviation is therefore essential, not only to critique existing practices but also to justify the need for reconstructing land administration law toward a more integrated, substantive, and ecologically just governance framework³⁶.

2. Regulatory Fragmentation and Institutional Overlap in the Control of Marine Spaces

³⁴ Suharso, Eko, Gino Nachrawi, dan D. J. Setiyono, "Legality of Issuing a Certificate of Land Rights with Objects Located in Marine Waters (Case Study of Sea Fence Building Rights Certificate in Tangerang)," *Jurnal Info Sains*, Vol. 5 No. 2 (2025): 45–52, <https://ejournal.seaninstitute.or.id/index.php/InfoSains/article/view/7146>.

³⁵ Government of Japan, *Environmental Impact Assessment Act*, Act No. 81 of 1997, terjemahan resmi bahasa Inggris, Japanese Law Translation Database System, <https://www.japaneselawtranslation.go.jp/en/laws/view/3375>

³⁶ H Murray-O'Connor and A Cooper, "On the Centrality of Tenure in Spatial Data Systems for Coastal/Marine Management: International Exemplars versus Emerging Practice in Ireland," *Ocean and Coastal Management*, 2024, 328, <https://pure.ulster.ac.uk/en/publications/on-the-centrality-of-tenure-in-spatial-data-systems-for-coastalma>.



Indonesia's system of spatial governance is characterized by a complex division of authority between land and marine sectors, which, in theory, is intended to ensure specialized regulation of different spatial domains. Land administration and certification fall under the authority of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), while marine space is regulated by the Ministry of Marine Affairs and Fisheries (KKP) through marine zoning and utilization permits³⁷. This institutional separation, however, has resulted in regulatory fragmentation that weakens coherent control over coastal and marine spaces.

The Basic Agrarian Law (Law No. 5 of 1960) provides the foundational framework for land governance by limiting the object of land rights to terrestrial areas. Conversely, Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands introduces a zoning-based approach to marine space, emphasizing controlled utilization through permits rather than ownership³⁸. Normatively, these two regimes are designed to be complementary. In practice, however, the absence of clear operational integration between them creates overlapping regulatory spaces that are vulnerable to administrative exploitation.

One of the central manifestations of this fragmentation lies in the lack of synchronization between land cadastral systems and marine spatial planning instruments. The Coastal and Small Islands Zoning Plan (RZWP3K), which serves as the primary legal basis for marine space allocation, is not automatically linked to land registration databases managed by ATR/BPN³⁹. As a result, marine areas that should be governed exclusively under marine law may be inadvertently processed as land parcels within the cadastral system.

This regulatory disconnect is further exacerbated by the decentralization of spatial planning authority. Regional governments play a significant role in issuing location permits and integrating spatial plans at the local level⁴⁰. However, inconsistencies between regional spatial plans and national marine zoning frameworks often occur, particularly in coastal regions experiencing rapid development. These inconsistencies provide administrative entry points for marine areas to be reclassified through land-based legal instruments.

Institutional overlap also arises from differing interpretations of authority among government agencies. ATR/BPN may interpret its mandate broadly to include any spatial area

³⁷ I Syafi'i et al., "Displaced by Progress: The New Capital Development and the Powers of Exclusion in Balikpapan Bay, Indonesia," ... *Coastal Management*, 2025, 382, <https://www.sciencedirect.com/science/article/pii/S0964569125002637>.

³⁸ Y Deng and Y Shi, "Recent Developments of China's Institutional Reform for Ocean Management: An Appraisal," *Coastal Management*, 2023, 43, doi:10.1080/08920753.2023.2176277.

³⁹ W Hu et al., "China's Marine Protected Area System: Evolution, Challenges, and New Prospects," *Marine Policy*, 2020, 97, <https://www.sciencedirect.com/science/article/pii/S0308597X19303987>.

⁴⁰ Ibid., 98.



that can be technically mapped and registered⁴¹, while KKP maintains jurisdiction over marine space based on ecological and maritime considerations⁴². Without a binding mechanism to resolve such interpretative conflicts, administrative decisions are often made unilaterally, reinforcing sectoral dominance rather than integrated governance⁴³.

The absence of a unified spatial reference system intensifies this problem. While marine governance relies on zoning maps that account for ecological characteristics and maritime functions, land administration systems focus on cadastral precision and property boundaries⁴⁴. When these systems operate independently, spatial data may be interpreted inconsistently, allowing the same geographic area to be governed under different legal regimes without coordination or oversight.

Regulatory fragmentation also affects the procedural safeguards embedded in each governance regime. Marine space utilization is subject to environmental assessments, public participation, and zoning conformity⁴⁵. Land registration procedures, by contrast, emphasize administrative completeness and technical mapping. When marine areas are processed through land administration channels, they effectively bypass environmental and participatory safeguards, undermining the protective intent of marine governance laws⁴⁶.

The overlap between land and marine authorities is not merely procedural but reflects deeper structural issues in legal design. Indonesia's legal framework lacks a clear hierarchy or conflict-resolution mechanism when agrarian and maritime regulations intersect. In the absence of such a mechanism, administrative actors may selectively apply norms that favor efficiency or economic interests, rather than legal coherence or ecological protection.

This institutional ambiguity creates opportunities for strategic behavior by private actors. Developers and investors may exploit regulatory gaps by seeking land certification in areas

⁴¹ Bunga Desyana Pratami et al., "Status Hukum Tanah Musnah Berdasarkan Permen ATR/BPN No. 17 Tahun 2021," *Jurnal Officium Notarium* 1, no. 2 (2021): 329, doi:10.20885/jon.vol1.iss2.art2.

⁴² L O T Jers et al., "From Nomads to Sedentary: The Role of Coastal Reclamation in the Socio-Economic Transformation of the Bajo People on Wawonii Island," *Journal of Human ...*, 2025, 403, doi:10.1080/10911359.2025.2537666.

⁴³ T Setiawan et al., "The Environmental Dynamics in Shaping Ecological Governance for Sustainable Development in Coastal Areas," ... *Sustainability* (Springer, 2025), 983, doi:10.1007/s43621-025-01849-8.

⁴⁴ Bunga Desyana Pratami, Minarsih, and Sri Ratu Ratna Intan, "Protection of Constitutional Rights for Female Coastal Workers in Pekalongan Against Loss of Land Rights: An Agrarian Law and Islamic Law Approach," *Al-Ma'zabib* 12, no. 1 (2024): 28, doi:10.14421/al-mazaahib.v12i1.3662.

⁴⁵ M Hegde et al., "Karwar Fisherfolk's Quest for Environmental Justice: Examining the Roles of Impact Assessment, Environmental Regulatory Agencies and Legal Institutions," ... *Environmental Justice for ...*, 2021, 291, doi:10.4324/9781003141228-12.

⁴⁶ S H Susilo, "Reclamation as Land Procurement Efforts for Development for Public Interest," ... *Conference of Law, Government and Social Justice ...*, 2020, 329, <https://www.atlantis-press.com/proceedings/icolgas-20/125948290>.



where marine zoning restrictions would otherwise limit utilization. By navigating administrative channels strategically, marine spaces can be transformed into land objects, enabling private control over areas that should remain under public marine governance.

The consequences of this fragmentation are particularly evident in coastal regions, where land scarcity and high economic value intersect with weak regulatory coordination. Coastal zones become contested spaces where multiple authorities claim jurisdiction, yet no single institution exercises comprehensive oversight. This governance vacuum facilitates the normalization of administrative reclamation as a routine administrative outcome rather than an exceptional legal deviation.

From an administrative law perspective, institutional overlap undermines accountability. When authority is dispersed across multiple agencies without clear boundaries, it becomes difficult to attribute responsibility for unlawful administrative acts⁴⁷. This diffusion of responsibility weakens oversight mechanisms and limits the effectiveness of legal remedies, allowing administrative reclamation practices to persist without meaningful institutional correction.

The fragmentation of regulatory authority also affects the enforceability of marine spatial plans. Although RZWP3K is legally binding, its effectiveness depends on recognition by land administration institutions. When land certification proceeds independently of marine zoning, the normative force of marine spatial plans is diminished, reducing them to policy documents rather than enforceable legal instruments⁴⁸.

This situation reflects a broader governance paradox: while Indonesia has developed increasingly sophisticated marine governance regulations, these frameworks remain vulnerable due to weak integration with land administration systems⁴⁹. The regulatory sophistication of marine law is undermined by the administrative simplicity of land registration procedures, creating an imbalance that favors document-based legality over substantive spatial control.

⁴⁷ T Zhai, "An Empirical Study of Marine Environmental Civil Public-Interest Litigation in China: Based on 216 Cases from 2015 through 2022," *Ocean & Coastal Management*, 2024, 2923, <https://www.sciencedirect.com/science/article/pii/S0964569124001492>.

⁴⁸ Z Zou et al., "The Transformation of Coastal Governance, from Human Ecology to Local State, in the Jimei Peninsula, Xiamen, China," *Water* (mdpi.com, 2023), 372, <https://www.mdpi.com/2073-4441/15/14/2659>.

⁴⁹ Z U Jattak et al., "Advancing the Initiatives of Sustainable Coastal and Marine Areas Development in Pakistan through Marine Spatial Planning," *Science ...*, 2023, 49, doi:10.1177/00368504231218601.



Comparatively, jurisdictions with strong coastal governance frameworks require mandatory cross-sectoral approval before any spatial reclassification can occur⁵⁰. The absence of similar requirements in Indonesia highlights a structural deficiency in institutional design rather than isolated administrative failure. Without formal integration mechanisms, sectoral authorities continue to operate in silos, perpetuating regulatory fragmentation.

Ultimately, regulatory fragmentation and institutional overlap form the structural foundation upon which administrative reclamation operates. The lack of coherent integration between land and marine governance systems enables administrative actors to reclassify marine space through land-based procedures, undermining legal certainty, ecological protection, and public control over marine resources. Addressing administrative reclamation therefore requires not only doctrinal correction but also institutional restructuring to ensure coordinated, accountable, and ecologically informed governance of marine spaces.

3. Ecological Justice and the Impact of Administrative Reclamation on Coastal Communities

Ecological justice places the environment and human communities within a single normative framework, recognizing that environmental degradation and social injustice are often interlinked. In the context of marine governance, ecological justice requires that the sea be treated not merely as an economic resource but as a shared ecological space whose sustainability is essential to human dignity and intergenerational equity⁵¹. Administrative reclamation directly challenges this principle by enabling the privatization of marine space through bureaucratic mechanisms that ignore ecological limits and social dependence on marine ecosystems.

Marine spaces serve as critical ecological systems that support biodiversity, regulate coastal dynamics, and sustain traditional livelihoods. Mangroves, seagrass beds, coral reefs, and shallow fishing grounds function as interconnected ecosystems that provide food security, coastal protection, and economic stability for coastal communities⁵². When these spaces are

⁵⁰ H Mukti and B B Sobirov, "Environmental Justice at the Environmental Regulation in Indonesia and Uzbekistan," ... *of Human Rights, Culture and Legal ...* (pdfs.semanticscholar.org, 2023), 40, <https://pdfs.semanticscholar.org/31aa/434117e6c924707edefec655f38a497b19b7.pdf>.

⁵¹ Hegde et al., "Karwar Fisherfolk's Quest for Environmental Justice: Examining the Roles of Impact Assessment, Environmental Regulatory Agencies and Legal Institutions," 49.

⁵² I Misiune, "Coastal Land Reclamation Reclaiming Land from the Sea Has Often Been the Pre-Ferred Solution towards Meeting the Need for More Land for Urban Development," *Ieva Misiune Daniel Depellegrin* (library.oapen.org, 2022), 90, <https://library.oapen.org/bitstream/handle/20.500.12657/57310/978-3-031-01980-7.pdf?sequence=1#page=427>.



administratively converted into land, their ecological functions are disrupted, often irreversibly, as legal reclassification precedes environmental assessment or protection.

Administrative reclamation undermines the precautionary principle that is central to environmental law. By granting land rights over marine areas before any physical transformation or environmental evaluation, the state effectively legitimizes potential ecological harm in advance. This inversion of regulatory logic places administrative certainty above ecological sustainability, contradicting contemporary environmental governance standards that prioritize prevention over remediation.

The impact of administrative reclamation is particularly severe for traditional coastal communities whose livelihoods depend on open access to marine space. Small-scale fishers rely on nearshore waters for daily subsistence, yet administrative reclamation transforms these waters into legally restricted zones⁵³. Without consultation or compensation, communities may suddenly find their fishing grounds reclassified as private land, leading to exclusion, criminalization, and loss of livelihood.

From a justice perspective, this practice exacerbates structural inequality. Coastal communities often lack legal literacy, political influence, and access to administrative processes, while private actors and developers possess the resources to navigate bureaucratic systems⁵⁴. Administrative reclamation thus becomes a mechanism through which legal instruments disproportionately benefit capital interests at the expense of vulnerable communities, reinforcing asymmetrical power relations in spatial governance.

The exclusionary effects of administrative reclamation also extend to cultural and social dimensions of coastal life. Marine space is not only a site of economic activity but also a locus of cultural identity, customary practices, and intergenerational knowledge⁵⁵. When marine areas are administratively transformed into land objects, these intangible dimensions are rendered legally invisible, reducing complex socio-ecological relationships to abstract property claims.

Ecological justice further requires recognition of intergenerational rights. Marine ecosystems are essential for the survival and well-being of future generations, particularly in a

⁵³ E Suharso, G Nachrawi, and ..., "Legality of Issuing a Certificate of Rights Land With Object in on Waters Sea (Studies Case Publishing Certificate Right Purpose Building Fence Sea in Tangerang)," *Jurnal Info Sains ...*, 2025, 29, <https://ejournal.seaninstitute.or.id/index.php/InfoSains/article/view/7146>.

⁵⁴ M Muña, *Occupied Oceans, Submerged Sovereignty: Marine Conservation and Chamorro Dispossession in the Northern Mariana Islands* (search.proquest.com, 2023), 293, <https://search.proquest.com/openview/26ce8e748fe21dab5bb7e990c357a7ec/1?pq-origsite=gscholar&cbl=18750&diss=y>.

⁵⁵ A Singh, "Coastal Ballads and Conservation Ironic: Understanding Implementation Slippages of the CRZ Law," ... in *Coastal Zones and Disaster Management*, 2020, 90, doi:10.1007/978-981-15-4294-7_17.



country highly vulnerable to climate change and sea-level rise. Administrative reclamation disregards this temporal dimension by prioritizing short-term administrative and economic gains over long-term ecological resilience, thereby transferring environmental risks to future coastal populations.

The administrative conversion of marine space also weakens environmental accountability mechanisms. Once an area is certified as land, it may fall outside the jurisdiction of marine environmental regulations, allowing developments to proceed under land-based regulatory frameworks that are ill-equipped to address marine ecological risks. This regulatory shift dilutes environmental protection and creates enforcement gaps that further endanger coastal ecosystems.

In constitutional terms, administrative reclamation conflicts with the principle that natural resources, including waters, must be controlled by the state for the greatest benefit of the people. Ecological justice demands that state control be exercised as stewardship rather than facilitation of private appropriation. When administrative processes enable the privatization of marine space without substantive safeguards, the state's constitutional duty is effectively compromised.

The marginalization of coastal communities through administrative reclamation also undermines social cohesion and legal legitimacy. Communities that experience sudden loss of access to marine space often respond through protest, legal challenges, or informal resistance. Such conflicts reflect not only disputes over space but also a broader crisis of trust in legal institutions perceived as favoring bureaucratic and economic elites⁵⁶.

From a broader environmental justice perspective, administrative reclamation illustrates how environmental harm is unevenly distributed. The ecological risks and social costs are borne primarily by coastal communities, while the benefits of spatial conversion accrue to private actors. This unequal distribution of environmental burdens violates the core tenets of ecological justice, which emphasize fairness, participation, and protection for marginalized groups.

The lack of meaningful public participation in administrative reclamation processes further aggravates injustice. Decisions affecting marine space are often made within closed administrative procedures, excluding communities from deliberation and denying them the opportunity to contest or influence outcomes. This procedural exclusion reinforces substantive

⁵⁶ W T de Vries and I Rudiarto, "Testing and Enhancing the 8R Framework of Responsible Land Management with Documented Strategies and Effects of Land Reclamation Projects in Indonesia," *Land* (mdpi.com, 2023), 938, <https://www.mdpi.com/2073-445X/12/1/208>.



injustice by denying affected communities a voice in decisions that shape their environment and livelihoods⁵⁷.

Administrative reclamation also intersects with climate vulnerability. Coastal regions are among the most exposed to sea-level rise, coastal erosion, and extreme weather events. Reclassifying marine space as land through administrative means ignores these environmental realities and may encourage development in areas inherently unsuitable for permanent land use, increasing disaster risk for communities and the state alike.

In this context, ecological justice demands a reorientation of legal reasoning from property-centered approaches toward ecosystem-based governance. Marine space must be regulated based on its ecological characteristics and social functions, rather than its administrative convertibility. Administrative reclamation, by contrast, represents a legal failure to align governance mechanisms with ecological realities.

Ultimately, the impact of administrative reclamation on coastal communities reveals that the issue is not merely one of regulatory compliance but of justice. By privileging administrative formalism over ecological sustainability and social equity, administrative reclamation erodes the normative foundations of marine governance. Addressing this phenomenon therefore requires embedding ecological justice as a guiding principle in both land administration and marine spatial governance, ensuring that legal systems protect not only administrative order but also the living spaces and rights of coastal communities.

4. Reconstructing Land Administration Law to Prevent Administrative Reclamation

Reconstructing land administration law to prevent administrative reclamation requires a fundamental reorientation of how legality, space, and authority are understood within Indonesia's legal system. The persistence of administrative reclamation demonstrates that existing regulatory frameworks are insufficient to prevent the misuse of administrative procedures in redefining marine space. Therefore, reconstruction must go beyond technical adjustments and address the normative foundations of land administration itself⁵⁸. The first element of reconstruction concerns the reaffirmation of legal object boundaries within agrarian law. Land administration must explicitly recognize that only physically existing land constitutes

⁵⁷ R Alfiana and E P S Utami, "LEGAL ANALYSIS OF LAND LAW ENFORCEMENT REGARDING LAND TITLE CERTIFICATES IN THE TANGERANG MARITIME AREA," ... *Rationality in Nationhood, Governance* ..., 2025, 119, <https://jurnal.unsaka.ac.id/index.php/nalarnagara/article/view/217>.

⁵⁸ M Mycoo, "Environmental Governance in Small Island Developing States: Challenges and Opportunities for Transformation Using a Trinidad and Tobago Case Study," *Handbook of Governance in Small States*, 2020, 120, doi:10.4324/9780429061356-13.



a valid object of land rights. This principle, although implicitly embedded in the Basic Agrarian Law, must be operationalized through clearer administrative standards and implementing regulations that categorically exclude marine areas from land registration processes prior to lawful physical reclamation.

A second dimension of reconstruction involves strengthening substantive field verification in land registration procedures. Current practices often rely heavily on administrative documentation and digital mapping, allowing legality to be constructed without material confirmation. Reconstructed land administration law should mandate multi-layered verification, including physical inspection, ecological assessment, and confirmation of spatial classification before any land rights are granted, particularly in coastal and transitional zones⁵⁹.

The integration of marine spatial planning into land administration systems constitutes a third critical reform. Marine zoning instruments, such as coastal and small islands zoning plans, must be treated as binding legal references in land registration processes⁶⁰. Without such integration, land administration operates in isolation from marine governance, perpetuating regulatory fragmentation. Reconstruction should therefore require automatic cross-referencing between cadastral systems and marine spatial data.

Institutional reconstruction is equally necessary to address overlapping authority. Clear mechanisms must be established to regulate coordination between land administration authorities, marine governance institutions, and regional governments⁶¹. Rather than operating in sectoral silos, these institutions should function within an integrated governance framework where jurisdictional boundaries are clearly delineated and mutually recognized.

A reconstructed system should also introduce mandatory inter-agency approval procedures for spatial reclassification in coastal zones⁶². Any administrative action with the potential to alter the legal status of marine space must involve marine authorities and environmental agencies. This requirement would prevent unilateral administrative decisions and ensure that marine space remains governed according to its ecological and public characteristics.

⁵⁹ C C Cho and R H Kao, "A Study on Developing Marine Space Planning as a Transboundary Marine Governance Mechanism—the Case of Illegal Sand Mining," *Sustainability* (mdpi.com, 2022), 37, <https://www.mdpi.com/2071-1050/14/9/5006>.

⁶⁰ A I Hamzani et al., "Balancing Utilitarianism with Access to Environmental Justice: An Indonesian Case Study," *Environmental ...*, 2025, 908, doi:10.1177/18785395251374205.

⁶¹ Kexin Yin et al., "Empirical Research on the Risk Measurement of Mortgage Loans on Rural Land Contract and Management Rights: A Case Study of Heilongjiang Province," *Journal of Coastal Research* 103, no. sp1 (2020): 29, doi:10.2112/SI103-049.1.

⁶² Syams Nashrullah et al., "Study of Flood Inundation in Pekalongan, Central Java," *34th Asian Conference on Remote Sensing 2013, ACRS 2013* 4, no. 2 (2013): 200, doi:10.30536/j.ijreses.2013.v10.a1845.



Another essential aspect of reconstruction is the incorporation of ecological justice as a guiding legal principle. Land administration law has traditionally been oriented toward property certainty and economic efficiency. While these objectives remain relevant, they must be balanced against ecological sustainability and social equity. Embedding ecological justice within land administration would ensure that administrative decisions consider environmental impacts and community dependence on marine space.

Reconstruction must also address the procedural rights of coastal communities. Administrative processes affecting marine and coastal areas should require meaningful public participation, transparency, and access to remedies. By recognizing communities as stakeholders rather than passive objects of regulation, land administration law can shift from a technocratic model toward a participatory governance approach consistent with democratic and environmental principles⁶³.

From an administrative law perspective, reconstruction should clarify the legal consequences of unlawful land certification over marine areas. Clear standards for nullification, administrative sanctions, and institutional accountability are necessary to deter future abuses. Without enforceable consequences, reconstructed norms risk remaining symbolic rather than effective.

Legal reconstruction should further include the development of a marine-sensitive cadastral framework, recognizing that coastal and marine spaces possess dynamic physical characteristics distinct from terrestrial land. Static cadastral concepts must be adapted to account for tidal movements, erosion, and ecological variability, preventing the rigid application of land-based registration models to marine environments.

Comparative legal experiences demonstrate that effective prevention of administrative reclamation requires a combination of legal clarity, institutional integration, and environmental safeguards. Drawing lessons from jurisdictions with strict land–sea distinctions, Indonesia can design a governance model that recognizes reclamation only after physical transformation and comprehensive environmental review, thereby preserving the integrity of marine space⁶⁴.

Reconstruction also demands a shift in administrative culture. Legal norms alone are insufficient if administrative actors continue to prioritize procedural efficiency over substantive

⁶³ M Burkett, “A Justice Paradox: On Climate Change, Small Island Developing States, and the Quest for Effective Legal Remedy,” *U. Haw. L. Rev.*, 2013, 89, https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/uhawlr35§ion=25.

⁶⁴ M Higgins, “Legal and Policy Impacts of Sea Level Rise to Beaches and Coastal Property,” *Sea Grant L. & Pol’y J.*, 2008, 90, https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/sglum1§ion=8.



legality. Capacity building, ethical standards, and oversight mechanisms must be strengthened to ensure that land administration officials act as guardians of legal integrity rather than mere processors of documents.

In the context of national development, reconstructed land administration law should resist narratives that frame marine space conversion as an inevitable path to economic growth. Sustainable development requires legal restraint as much as legal facilitation⁶⁵. By setting clear limits on administrative authority, reconstruction ensures that development proceeds within ecological and constitutional boundaries.

Reconstructing land administration law also contributes to legal certainty by restoring coherence between agrarian, maritime, and environmental regimes. When legal norms are aligned and institutional authority is clarified, both communities and investors benefit from predictable and legitimate governance structures. Preventing administrative reclamation thus enhances, rather than undermines, legal certainty.

Ultimately, reconstruction must be understood as a constitutional obligation rather than a policy option. The state's duty to control land and waters for the greatest benefit of the people requires legal systems that prevent the privatization of public space through administrative manipulation. Land administration law must therefore function as a protective mechanism, safeguarding marine space from unlawful appropriation.

In conclusion, preventing administrative reclamation requires a comprehensive reconstruction of land administration law grounded in ecological justice, institutional integration, and substantive legality. By redefining the relationship between administrative procedures and spatial reality, such reconstruction can ensure that marine spaces remain protected as public ecological domains, while restoring trust in the integrity of Indonesia's land and marine governance systems

D. Conclusion

This study concludes that *administrative reclamation* represents a systemic legal-administrative deviation in Indonesia's land and marine governance, whereby marine spaces are unlawfully transformed into land through procedural formalism detached from physical, ecological, and legal realities. Enabled by regulatory fragmentation, institutional overlap, and weak substantive verification, this practice violates the principle of legality, undermines ecological justice, and

⁶⁵ Joan Martínez-Alier, "Agrarian Justice and Human Ecology," *Land, Water, Air and Freedom* (Fakultas Hukum UNDIP, 2023), 39, doi:10.4337/9781035312771.00028.



marginalizes coastal communities by eroding public control over marine space. The findings demonstrate that administrative reclamation is not an incidental error but a structural consequence of land administration systems that prioritize document-based legality over substantive norms. Accordingly, the study affirms the necessity of reconstructing land administration law through clear object delimitation, institutional integration with marine spatial planning, strengthened verification mechanisms, and the incorporation of ecological justice as a guiding legal principle, to restore legal coherence, protect marine ecosystems, and ensure equitable governance of Indonesia's marine spaces.

BIBLIOGRAPHY

- Agustiwi, Asri. "Hukum Dan Kebijakan Hukum Agraria Di Indonesia," 2014, 1–7.
- Alfiana, R, and E P S Utami. "LEGAL ANALYSIS OF LAND LAW ENFORCEMENT REGARDING LAND TITLE CERTIFICATES IN THE TANGERANG MARITIME AREA." ... *Rationality in Nationhood, Governance ...*, 2025. <https://jurnal.unsaka.ac.id/index.php/nalarnagara/article/view/217>.
- Burkett, M. "A Justice Paradox: On Climate Change, Small Island Developing States, and the Quest for Effective Legal Remedy." *U. Ham. L. Rev.*, 2013. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/uhawlr35§ion=25.
- Chen, Q, H Yu, and Y Wang. "Research on Modern Marine Environmental Governance in China: Subject Identification, Structural Characteristics, and Operational Mechanisms." *International Journal of Environmental Research ...* mdpi.com, 2021. <https://www.mdpi.com/1660-4601/18/9/4485>.
- Chen, X, W Yang, and Y Liu. "Recent Developments in China's Coastal Zone Management Legislation: An Appraisal." *Coastal Management*, 2024. doi:10.1080/08920753.2024.2425473.
- Cho, C C, and R H Kao. "A Study on Developing Marine Space Planning as a Transboundary Marine Governance Mechanism—the Case of Illegal Sand Mining." *Sustainability*. mdpi.com, 2022. <https://www.mdpi.com/2071-1050/14/9/5006>.
- Deng, Y, and Y Shi. "Recent Developments of China's Institutional Reform for Ocean Management: An Appraisal." *Coastal Management*, 2023. doi:10.1080/08920753.2023.2176277.
- Ebisi, E A, Y Guo, and Z A Soomro. "Environmental Conservation and Corporate Social Responsibility (CSR): Insights from Nigerian Oil and Gas Industry Using Stakeholder and Environmental Justice ..." *Administrative Sciences*. mdpi.com, 2025. <https://www.mdpi.com/2076-3387/15/7/275>.
- Ferdinan, D. "Analisis Yuridis Reklamasi Teluk Di Filipina Dan Proyek Tanggul Laut Di Indonesia." *Journal of Citizenship*, 2025. <http://hk-publishing.id/index.php/joc/article/view/556>.
- . "Between Walls and Waves: Coastal Development Legal Gaps." *Available at SSRN 5277673*, 2025. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5277673.
- GAONKAR, S. "AN ASSESSMENT OF COASTAL ZONE REGULATIONS AND JUDICIAL APPROACH FOR CONSERVATION, PROTECTION AND



- SUSTAINABLE ...” *academia.edu*, 2020.
https://www.academia.edu/download/65411770/NLS_EL_2484_2016.pdf.
- Hall, T. “Drawing Lines in the Sea: Indigenous Sovereignty Through the Coastal Zone.” ... *Journal of Social & Environmental Justice*. *digitalcommons.law.uw.edu*, 2025.
<https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=1030&context=wjsej>.
- Hamzani, A I, A Soeharto, T Taufiq, and ... “Balancing Utilitarianism with Access to Environmental Justice: An Indonesian Case Study.” *Environmental ...*, 2025.
 doi:10.1177/18785395251374205.
- Hegde, M, K Patel, A P Diduck, and ... “Karwar Fisherfolk’s Quest for Environmental Justice: Examining the Roles of Impact Assessment, Environmental Regulatory Agencies and Legal Institutions.” ... *Environmental Justice for ...*, 2021. doi:10.4324/9781003141228-12.
- Higgins, M. “Legal and Policy Impacts of Sea Level Rise to Beaches and Coastal Property.” *Sea Grant L. & Pol’y J.*, 2008. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/sglum1§ion=8.
- Hu, W, J Liu, Z Ma, Y Wang, D Zhang, W Yu, and B Chen. “China’s Marine Protected Area System: Evolution, Challenges, and New Prospects.” *Marine Policy*, 2020.
<https://www.sciencedirect.com/science/article/pii/S0308597X19303987>.
- Jattak, Z U, W Wu, J Gao, K Zhang, and ... “Advancing the Initiatives of Sustainable Coastal and Marine Areas Development in Pakistan through Marine Spatial Planning.” *Science ...*, 2023. doi:10.1177/00368504231218601.
- Jers, L O T, E Efriani, A Jalil, Alias, and ... “From Nomads to Sedentary: The Role of Coastal Reclamation in the Socio-Economic Transformation of the Bajo People on Wawonii Island.” *Journal of Human ...*, 2025. doi:10.1080/10911359.2025.2537666.
- Jurjonas, M, and E Seekamp. “‘A Commons before the Sea:’ climate Justice Considerations for Coastal Zone Management.” *Climate and Development*, 2020.
 doi:10.1080/17565529.2019.1611533.
- Laturette, Adonia Ivone, Rory Jeff Akyuwen, Barzah Latupono, Arman Anwar, La Ode Angga, and Muchtar Anshary Hamid Labetubun. “Natural Resources Management Rights in Land Conservation Areas in Coastal Areas and Small Islands Based on Environmental Sustainability.” *International Journal of Sustainable Development and Planning*. *academia.edu*, 2021. doi:10.18280/ijstdp.160711.
- Martínez-Alier, Joan. “Agrarian Justice and Human Ecology.” *Land, Water, Air and Freedom*. Fakultas Hukum UNDIP, 2023. doi:10.4337/9781035312771.00028.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Kencana, 2010.
- Misiune, I. “Coastal Land Reclamation Reclaiming Land from the Sea Has Often Been the Pre-Ferred Solution towards Meeting the Need for More Land for Urban Development.” *Ieva Misiune Daniel Depellegrin*. *library.oopen.org*, 2022.
<https://library.oopen.org/bitstream/handle/20.500.12657/57310/978-3-031-01980-7.pdf?sequence=1#page=427>.
- Mukti, H, and B B Sobirov. “Environmental Justice at the Environmental Regulation in Indonesia and Uzbekistan.” ... *of Human Rights, Culture and Legal ...*
pdfs.semanticscholar.org, 2023.
<https://pdfs.semanticscholar.org/31aa/434117e6c924707edefec655f38a497b19b7.pdf>.
- Muña, M. *Occupied Oceans, Submerged Sovereignty: Marine Conservation and Chamorro Dispossession in the Northern Mariana Islands*. *search.proquest.com*, 2023.
<https://search.proquest.com/openview/26ce8e748fe21dab5bb7e990c357a7ec/1?pq-origsite=gscholar&cbl=18750&diss=y>.
- Murray-O’Connor, H, and A Cooper. “On the Centrality of Tenure in Spatial Data Systems for Coastal/Marine Management: International Exemplars versus Emerging Practice in



- Ireland.” *Ocean and Coastal Management*, 2024.
<https://pure.ulster.ac.uk/en/publications/on-the-centrality-of-tenure-in-spatial-data-systems-for-coastalma>.
- Mycoo, M. “Environmental Governance in Small Island Developing States: Challenges and Opportunities for Transformation Using a Trinidad and Tobago Case Study.” *Handbook of Governance in Small States*, 2020. doi:10.4324/9780429061356-13.
- Nashrullah, Syams, Aprijanto, Junita M. Pasaribu, Manzul K. Hazarika, and Lal Samarakoon. “Study of Flood Inundation in Pekalongan, Central Java.” *34th Asian Conference on Remote Sensing 2013, ACRS 2013* 4, no. 2 (2013): 3471–77. doi:10.30536/j.ijreses.2013.v10.a1845.
- Nissim, R. *Land Administration and Practice in Hong Kong*. books.google.com, 2021.
<https://books.google.com/books?hl=en&lr=&id=Yh1ZEAAAQBAJ&oi=fnd&pg=PR5&dq=agrarian+justice+indigenous+land+rights+land+governance+land+management+rights+state+control+over+land&ots=jIN2kIV7UX&sig=2-yD7D-YTMgYygAeTgjHl68HmHI>.
- Ntona, M. “Legal Place-Making in Europe’s Seas: Laying the Foundations for a Human Rights-Based Approach to Maritime Spatial Planning in the EU.” stax.strath.ac.uk, 2021.
<http://stax.strath.ac.uk/downloads/4q77fr85c>.
- Ntona, M, and M Schröder. “Regulating Oceanic Imaginaries: The Legal Construction of Space, Identities, Relations and Epistemological Hierarchies within Marine Spatial Planning.” *Maritime Studies*. Springer, 2020. doi:10.1007/s40152-020-00163-5.
- Nugraha, A. “Integrated Coastal Management in the Current Regional Autonomy Law Regime in Indonesia: Context of Community Engagement.” *Australian Journal of Maritime & Ocean Affairs*, 2024. doi:10.1080/18366503.2023.2283355.
- Parsons, M, L Taylor, and R Crease. “Indigenous Environmental Justice within Marine Ecosystems: A Systematic Review of the Literature on Indigenous Peoples’ Involvement in Marine Governance” *Sustainability*. mdpi.com, 2021.
<https://www.mdpi.com/2071-1050/13/8/4217>.
- Pratami, Bunga Desyana, Rindiana Larasati, Sri Ratu Ratna Intan, and Iqbal Kamalludin. “Status Hukum Tanah Musnah Berdasarkan Permen ATR/BPN No. 17 Tahun 2021.” *Jurnal Officium Notarium* 1, no. 2 (2021): 218–29. doi:10.20885/jon.vol1.iss2.art2.
- Pratami, Bunga Desyana, Minarsih, and Sri Ratu Ratna Intan. “Protection of Constitutional Rights for Female Coastal Workers in Pekalongan Against Loss of Land Rights: An Agrarian Law and Islamic Law Approach.” *Al-Mazaahib* 12, no. 1 (2024): 95–124. doi:10.14421/al-mazaahib.v12i1.3662.
- Ratna Intan, Sri Ratu, Bunga Desyana Pratami, and Iqbal Kamalludin. “Administrative Reclamation: A Critical Study of the Abuse of Land Certification in Indonesian Maritime Areas.” *IOP Conference Series: Earth and Environmental Science* 1537, no. 1 (2025). doi:10.1088/1755-1315/1537/1/012002.
- Rivera-Arriaga, E, L Williams-Beck, and ... “Crafting Grassroots’ Socio-Environmental Governance for a Coastal Biosphere Rural Community in Campeche, Mexico.” ... & *Coastal Management*, 2021.
<https://www.sciencedirect.com/science/article/pii/S096456912100003X>.
- Setiawan, T, R Myrna, N W Isnawati, M F Samith, and ... “The Environmental Dynamics in Shaping Ecological Governance for Sustainable Development in Coastal Areas.” ... *Sustainability*. Springer, 2025. doi:10.1007/s43621-025-01849-8.
- Singh, A. “Coastal Ballads and Conservation Ironic: Understanding Implementation Slippages of the CRZ Law.” ... in *Coastal Zones and Disaster Management*, 2020. doi:10.1007/978-981-15-4294-7_17.
- Singh, G G, J Keefer, and Y Ota. “An Inequity Assessment Framework for Planning Coastal



- and Marine Conservation and Development Interventions.” *Frontiers in Marine Science*. frontiersin.org, 2023. doi:10.3389/fmars.2023.1256500.
- Suharso, E, G Nachrawi, and ... “Legality of Issuing a Certificate of Rights Land With Object in on Waters Sea (Studies Case Publishing Certificate Right Purpose Building Fence Sea in Tangerang).” *Jurnal Info Sains ...*, 2025. <https://ejournal.seaninstitute.or.id/index.php/InfoSains/article/view/7146>.
- Susilo, S H. “Reclamation as Land Procurement Efforts for Development for Public Interest.” ... *Conference of Law, Government and Social Justice ...*, 2020. <https://www.atlantispress.com/proceedings/icolgas-20/125948290>.
- Suwandono, E, L Tri, and D J Setiyono. “Legal Problems and Ideal Concepts in Reclamation Management Environmental Law Perspective.” *Available at SSRN 4223921*, 2022. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4223921.
- Syafi'i, I, D Suryani, S Satriani, D Aulia, and ... “Displaced by Progress: The New Capital Development and the Powers of Exclusion in Balikpapan Bay, Indonesia.” ... *Coastal Management*, 2025. <https://www.sciencedirect.com/science/article/pii/S0964569125002637>.
- Syalsabillah, Hannatrie, Muhammad Tunjang Syaeh, and Nadifa Keyla Ismail. “Tantangan Dan Peluang Dalam Penyelesaian Persengketaan Tanah Ulayat Suku Adat Bajo Wilayah Teluk Tomini Melalui Perspektif Hukum Dan Budaya.” *Quantum Juris: Jurnal Hukum Modern* 06, no. 2 (2024): 79–104. <https://journalpedia.com/1/index.php/jhm/article/view/1146>.
- Syapriillah, 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. doi:10.53955/jhcls.v3i3.159.
- Tafon, R, F Saunders, J Zaucha, M Matczak, and ... “Blue Justice through and beyond Equity and Participation: A Critical Reading of Capability-Based Recognition Justice in Poland’s Marine Spatial Planning.” ... *of Environmental ...*, 2024. doi:10.1080/09640568.2023.2183823.
- Talib, N L, A Utomo, J Barnett, and D S Adhuri. “Three Centuries of Marine Governance in Indonesia: Path Dependence Impedes Sustainability.” *Marine Policy*, 2022. <https://www.sciencedirect.com/science/article/pii/S0308597X22002184>.
- Tejawati, D N, F M Salviana, and A Sulaksono. “Harmonization Of Agrarian Law in The Resolution of Land Disputes in Reclamation Projects in Indonesia.” *Academia.Edu*, n.d. <https://www.academia.edu/download/125642975/D259112533.pdf>.
- Tubridy, F, M Lennon, and M Scott. “Managed Retreat and Coastal Climate Change Adaptation: The Environmental Justice Implications and Value of a Coproduction Approach.” *Land Use Policy*, 2022. <https://www.sciencedirect.com/science/article/pii/S0264837721006839>.
- Turisno, B E, R Suharto, E A Priyono, and ... “Analysis of the Role Model of Coastal Area Arrangement on Improving Community Welfare through Legal Perspective.” *J. Legal Ethical & Regul ...*, 2021. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/jnlollet124§ion=137.
- Vries, W T D, and S Pinuji. “Balancing Between Land and Sea Rights—An Analysis of the ‘Pagar Laut’ (Sea Fences) in Tangerang, Indonesia.” preprints.org, 2025. https://www.preprints.org/frontend/manuscript/92e0d405d13d5e9b50593c2f089f8789/download_pub.
- Vries, W T de, and I Rudiarto. “Testing and Enhancing the 8R Framework of Responsible Land Management with Documented Strategies and Effects of Land Reclamation Projects in Indonesia.” *Land*. mdpi.com, 2023. <https://www.mdpi.com/2073->



445X/12/1/208.

- Yang, L, H Liang, and Y Li. "Governmental Claims System for Marine Ecological Damage in China." *Frontiers in Marine Science*. frontiersin.org, 2025. doi:10.3389/fmars.2025.1612246.
- Yin, Kexin, Qinggao Lan, Shuaishuai Kan, and Yadi Su. "Empirical Research on the Risk Measurement of Mortgage Loans on Rural Land Contract and Management Rights: A Case Study of Heilongjiang Province." *Journal of Coastal Research* 103, no. sp1 (2020): 226–30. doi:10.2112/SI103-049.1.
- Yusa, I Gede, and Bagus Hermanto. "Implementasi Green Constitution Di Indonesia: Jaminan Hak Konstitusional Pembangunan Lingkungan Hidup Berkelanjutan." *Jurnal Konstitusi* 15, no. 2 (2018): 306. doi:10.31078/jk1524.
- Zhai, T. "An Empirical Study of Marine Environmental Civil Public-Interest Litigation in China: Based on 216 Cases from 2015 through 2022." *Ocean & Coastal Management*, 2024. <https://www.sciencedirect.com/science/article/pii/S0964569124001492>.
- Zou, Z, Y Y Zhang, S H Lee, and S C Tsai. "The Transformation of Coastal Governance, from Human Ecology to Local State, in the Jimei Peninsula, Xiamen, China." *Water*. mdpi.com, 2023. <https://www.mdpi.com/2073-4441/15/14/2659>.
- Zoysa, R S, M S C Gemilang, A S Al-Haq, M Rama, and ... "Afterlives of Reclamation: Coastal Privatization, Distanced Dispossession, and More-than-Human Calcifications in Jakarta Bay." *Maritime Studies*. Springer, 2025. doi:10.1007/s40152-025-00443-y.