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| RESEARCH ARTICLE

## Legal Problems and Ideal Concepts in Reclamation Management Environmental Law Perspective

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| ABSTRACT

This study aims to analyze legal problems and ideal concepts in reclamation management from an environmental law perspective. The research method used is normative juridical law. The research results are the function of law in national development as a means of community renewal briefly stated as follows: first, that law is a means of community renewal based on the assumption that the existence of order or order in development or reform efforts is something that is desired or even seen (absolutely); need; second, that law, in the sense of legal rules or regulations can indeed function as a means of development in the sense of channeling the direction of human activity in the direction desired by development or renewal. The process of forming legislation in the field of the environment and natural resources requires a grand design of law as a means of community renewal, which is based on social changes. Reconstruction of development law in the formation of post-reform law is directed at the carrying capacity of the community, social welfare, and the environment. In addition, the process of law formation must use a holistic and interdisciplinary approach.

| KEYWORDS

Legal Problems, Ideal Concept, Reclamation Management, Environmental Law

| ARTICLE INFORMATION

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### 1. Introduction

In Indonesia, thinking about the problems of sustainable development (*sustainable development*), a development in a certain area (district, province, country, regional area, or the world) can take place sustainably if the total *demand* for natural resources and services environmental *services* (*environmental services*) do not exceed the ability of a development area ecosystem to provide (produce) these natural resources and environmental services within a certain period. Environmental problems will arise if human demand for certain natural resources or environmental services exceeds the ability of regional ecosystems to provide natural resources.<sup>1</sup>

Various understandings about the environment, both the role and function of the experts, are very diverse. Starting from foreign terms and terms that are commonly understood by the public. That the environment is a fundamental part of human life, humans basically can breathe and get light because there is air and sun space, as well as human needs in terms of meeting the needs of their daily lives, such as eating, drinking, farming, making houses, bathing, and sheltering, are part of the nature of the environment. The environment is something related to all external factors that are biological and physical that can directly affect the life, growth, development, and reproduction of organisms. That the environment should be distinguished from habitat, which in a broad sense

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<sup>1</sup> S H Rina Yulianti, *LEGAL PROTECTION OF PEOPLE'S RIGHT TO COASTAL RESOURCES* (SCOPINDO MEDIA PUSTAKA, 2022).

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indicates the place where the organism is located and the environmental factors; The environment is all objects and conditions that exist in the space we occupy that can affect human life.<sup>2</sup>

According to Munadjat Danusaputro, it is said that the environment is all objects and conditions, including humans and their actions, that are contained in the space where humans are and affect and relate to the welfare of humans and other living bodies. In the provisions of Law Number 32 of 2009 concerning Protection and Management of the Environment (hereinafter referred to as UUPPLH), that the environment is a unitary space with all objects, conditions, and living things, including humans and their behavior that affect the continuity of life and human welfare. and other living things.<sup>3</sup>

Thus, the presence of the environment is the most important and very decisive part of the presence and survival of humans for their culture and civilization. As long as there is human life, from birth, even while still in the womb, environmental factors are an inseparable part of human life. Therefore, no matter how much we look at environmental objects, in the continuity of human life, the existence of environmental objects is very important for their existence. Based on the various definitions of the environment, it can be said that the environment has a very broad scope. Not only humans, animals, plants, or objects that are physical. The environment includes various things, from biotic, organic (humans, animals, plants), inorganic (soil, rivers, buildings, mountains, air) to social (society).<sup>4</sup>

For this reason, from the beginning, planning activities must estimate changes in environmental zones due to the formation of an adverse condition as a result of carrying out development. However, the reclamation development has a positive impact on the environment. Reclamation is still allowed in the Republic of Indonesia based on Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands in conjunction with Law no. 1 of 2014 concerning the Management of Coastal Areas and Small Islands, namely the Management of Coastal Areas and Small Islands is a process of planning, utilization, supervision, and control of Coastal Resources and Small Islands between sectors, between the Government and Regional Governments, between land and sea ecosystems, as well as between science and management to improve people's welfare and Article 34 paragraph (1), namely the Reclamation of Coastal Zone and Small Islands is carried out to increase the benefits and/or added value of Coastal Zone and Small Islands in terms of technical, environmental, and socio-economic aspects. The reclamation area is usually used for agricultural, residential, industrial, shops or business areas, and tourism objects. This is why reclamation is allowed.<sup>5</sup>

The coastal reclamation permit process requires legal administration, which includes authority, procedures and management institutions, instruments used by the government in management, and guarantees of legal protection for the Indonesian people, including environmental law protection. For example, licensing procedures, determination of environmental quality standards, AMDAL procedures, and so on. Administrative authority is granted by the Government based on Article 33, paragraphs (3) and (4) of the 1945 Constitution of the Republic of Indonesia. Furthermore, the authorities and duties of the Government for environmental administration are regulated in Article 63 of the 2009 Environmental Protection and Management Law, which include:<sup>67</sup>

- a. Establish national policies;
- b. Establish norms, standards, procedures, and criteria;
- c. Establish and implement policies regarding the national RPPLH;
- d. Establish and implement policies regarding KLHS;
- e. Establish and implement policies regarding EIA and UKL-UPL;
- f. Organizing an inventory of national natural resources and greenhouse gas emissions;
- g. Develop cooperation standards;
- h. Coordinate and carry out control of pollution and/or environmental damage;
- i. To stipulate and implement policies regarding biological and non-biological natural resources, biodiversity, genetic resources, and biological safety of genetically engineered products;

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<sup>2</sup> Mashuril Anwar and Maya Shafira, "Harmonization of Lampung Coastal Environmental Management Policy in Community-Based Management Regime," *Indonesian Journal of Environmental Law* 6, no. 2 (2020): 266–87.

<sup>3</sup> Hilda Swandani Prastiti, "ASSESSING THE EFFECTIVENESS OF THE COMPLIANCE APPROACH AND THE DETERRENCE APPROACH IN ENVIRONMENTAL LAW ENFORCEMENT," *TANJUNGPURA LAW JOURNAL* 6, no. 1 (n.d.): 1–13.

<sup>4</sup> Aris Subagiyo, Wawargita Permata Wijayanti, and Dwi Maulidatuz Zakiyah, *Management of coastal areas and small islands* (Universitas Brawijaya Press, 2017).

<sup>5</sup> Syamsuharya Bethan, *Application of Legal Principles for the Preservation of Environmental Functions in National Industrial Activities: An Effort to Save the Environment and Life Between Generations* (Alumni, 2008).

<sup>6</sup> Herry Djainal, "Coastal Reclamation and Its Effect on the Physical Environment in the Ternate City Residency Area," *Sultan Agung Environmental Journal* 1, no. 1 (2022): 16–28.

<sup>7</sup> nature Section 63 of the Environmental Protection and Management Act of 2009

- j. Establish and implement policies regarding controlling the impact of climate change and protecting the ozone layer;
- k. Establish and implement policies regarding B3, waste, and B3 waste;
- l. Establish and implement policies regarding the protection of the marine environment;
- m. Establish and implement policies regarding pollution and/or environmental damage across national borders;
- n. Carry out guidance and supervision of the implementation of national policies, regional regulations, and regional head regulations;
- o. To provide guidance and supervision of the compliance of the person in charge of the business and/or activity to the provisions of environmental permits and statutory regulations;
- p. Develop and implement environmental instruments;
- q. Coordinate and facilitate cooperation and settlement of inter-regional disputes as well as dispute resolution;
- r. Develop and implement a public complaint management policy;
- s. Establish minimum service standards;
- t. Establish policies regarding procedures for recognizing the existence of indigenous peoples, local wisdom, and rights of indigenous peoples related to environmental protection and management;
- u. Managing national environmental information;
- v. Coordinate, develop, and socialize the use of environmentally friendly technology;
- w. Provide education, training, coaching, and awards;
- x. Develop environmental laboratory facilities and standards;
- y. Issuing environmental permits;
- z. Define ecoregion area; and
- aa. Enforce environmental law.

Based on Article 63, paragraph 2 of the Law on Environmental Protection and Management in 2009 that furthermore, the authorities and duties of the Provincial Government include:<sup>8</sup>

- a. establish provincial-level policies;
- b. establish and implement provincial-level KLHS;
- c. establish and implement policies regarding the provincial RPPLH;
- d. establish and implement policies regarding EIA and UKL-UPL;
- e. organize an inventory of natural resources and greenhouse gas emissions at the provincial level;
- f. develop and implement cooperation and partnerships;
- g. develop and implement environmental instruments;
- h. facilitate dispute resolution;
- i. carry out guidance and supervision of compliance with the person in charge of the business and/or activity concerning the provisions of environmental permits and statutory regulations;
- j. implement minimum service standards;
- k. implement policies regarding procedures for recognizing the existence of customary law communities, local wisdom, and rights of customary law communities related to environmental protection and management at the district/city level;
- l. manage environmental information at the district/city level;
- m. develop and implement environmental information system policies at the district/city level;
- n. provide education, training, coaching, and awards;
- o. issue environmental permits at the district/city level; and
- p. carry out environmental law enforcement at the district/city level. Based on Article 63, theoretically, the division of tasks and authorities adheres to the ultra vires doctrine pattern, namely the division in detail.

Environmental Law Administration to enforce the provisions and protection of interests protected by the violated provisions. There are several types of administrative law enforcement facilities, as follows: This is the same as the pattern used in Law number 32 of 2004 concerning the Division of Government Affairs between the Government, Provincial Government, Regency/Municipal Government, namely;<sup>9,10</sup>

- a. Government coercion or coercion (Bestuursdwang);
- b. Forced money;

<sup>8</sup> See Article 63 paragraph 2 of the Environmental Protection and Management Act of 2009.

<sup>9</sup> I Komang Kawi Arta and I Gede Arya WiraSena, "LEGAL CERTAINTY OF ADMINISTRATIVE EFFORTS PROVISIONS AFTER THE ISSUANCE OF LAW NUMBER 30 OF 2014 CONCERNING GOVERNMENT ADMINISTRATION," *Kertha Widya* 9, no. 2 (2022): 97–110.

<sup>10</sup> Deep Law number 32 of 2004 concerning the Division of Government Affairs between the Government, Provincial Governments, and Regency/City Regional Governments.

- c. Closure of the place of business (Sluiting van een inrichting);
- d. Cessation of the company's machinery activities (Buitengebruikstelling van een toestel);
- e. Revocation of permits through a process of reprimand, government coercion, closure, and forced money

In the management of coastal marine resources and small islands, which are developing rapidly, conflicts often arise between various interested parties. From the search results, there are 21 laws and 6 international provisions, both ratified and only as a reference (soft law). These laws and regulations mandate 14 development sectors in regulating the utilization of coastal marine resources and small islands, either directly or indirectly. The fourteen sectors include land, mining, industry, transportation, fisheries, tourism, agriculture, forestry, conservation, spatial planning, public works, defense, finance, and local government.<sup>11</sup>

Based on these sectoral regulations, there is a conflict of interest between institutions in managing coastal marine resources and small islands. In fact, along with the era of regional autonomy, there is a tendency for regional governments to make regional regulations based on their interests in increasing regional original income (PAD). Therefore, it is feared that this will create legal uncertainty in development in coastal areas and small islands, which can lead to damage to resources and the environment. In this case, this research will discuss legal issues related to the management of the sea coast and small islands, namely: 1. Problems and legal arrangements in the management of coastal areas; 2. Integrated coastal area reclamation development management; and 3. The legal protection of the reclamation of the community.

## **2. Research Method**

This research is a type of normative juridical law research with analytical descriptive nature by examining secondary data sources obtained from reading library materials which are then analyzed. Normative juridical research is legal research carried out by examining library materials or secondary data as a basis for research by conducting searches on regulations and literature related to the problems studied. In this study, the law is conceptualized as a written rule or norm by analyzing the problems and ideal concepts of legal regulation in coastal area management from the existing legal literature, such as the laws governing it, as well as the problems of regulating the coastal area protection system for reclamation.<sup>121314</sup>

## **3. Results and Discussion**

### **1. Legal Problems and Arrangements in the Management of Coastal Areas**

#### **a. Management of Coastal Areas is based on Law number 27 of 2007 concerning Management of Coastal Areas and Small Islands.**

The management of coastal areas in Indonesia is regulated based on Law number 27 of 2007 concerning the Management of Coastal Areas and Small Islands, and several changes are regulated by Law number 1 of 2014. Based on Article 1 of Law number 1 of 2014 that the Management of Coastal Areas and Small Islands is the coordination of planning, utilization, supervision, and control of coastal resources and small islands carried out by the Government and Regional Governments, between sectors, between land and marine ecosystems, as well as between science and management to improve people's welfare. . Based on Article 1 of Law number 1 of 2014 that the Coastal Area is a transitional area between land and sea ecosystems that are affected by changes on land and sea. The beach is the boundary between land and sea or coastal waters.<sup>15</sup>

The Act on the Management of coastal areas regulates reclamation in the management of coastal areas. Based on Article 1 of Law Number 1 of 2014 that reclamation is an activity carried out by everyone to increase the benefits of land resources from an environmental and socio-economic point of view by way of backfilling, drying of land, or drainage socioeconomic status using backfilling, drying of land, or drainage.<sup>16</sup>

The reclamation regulated by the Law on the Management of Coastal Areas is the reclamation located in the coastal area, namely the reclamation of the coast. Based on Article 5 of Law number 27 of 2007, Coastal Reclamation is one of the factors that affect

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<sup>11</sup> Nurul Ridwan Yusuf, "Local Government Authority over Zoning management of coastal areas and small islands in North Kalimantan Province," *Borneo Law Review* 3, no. 2 (2019): 155–71.

<sup>12</sup> Zainuddin Ali, *Legal Research Methods* (Rays Grafika, 2021).

<sup>13</sup> S H Bachtiar, *Designing Legal Research* (Deepublish, 2021).

<sup>14</sup> Rina Yulianti, *LEGAL PROTECTION OF PEOPLE'S RIGHT TO COASTAL RESOURCES*.

<sup>15</sup> Evivania Mangala, "JURIDICAL ANALYSIS OF SUSTAINABLE MANAGEMENT OF COASTAL AREAS ACCORDING TO LAW NO. 32 OF 2009 ON ENVIRONMENTAL PROTECTION AND MANAGEMENT," *LEX ADMINISTRATUM* 9, no. 7 (2021).

<sup>16</sup> Muhamad Ikbal et al., "The Urgency of Marine Potential Management Based on Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands," *Journal of Scientific Studies* 21, no. 4 (2021): 427–32.

resources in coastal areas and small islands. The article reads as follows "Two factors that affect the sustainability of resources in coastal areas, and small islands are:<sup>17</sup><sup>18</sup>

- a. human interaction in utilizing resources and environmental services, either directly or indirectly, such as development in the Coastal Zone and Small Islands, destructive fisheries, coastal reclamation, utilization of mangroves and marine tourism; and
- b. natural processes such as abrasion, sedimentation, waves, ocean waves, currents, winds, salinity, tides, tectonic earthquakes, and tsunamis."

Based on Article 34 of Law number 27 of 2007, there are several provisions for the implementation of reclamation, namely:<sup>19</sup>

- a. The reclamation of the Coastal Zone and Small Islands is carried out to increase the benefits and/or added value of the Coastal Zone and Small Islands in terms of technical, environmental, and socio-economic aspects.
- b. The implementation of the Reclamation, as referred to in paragraph (1), must maintain and pay attention to:
  - 1) Sustainability of the life and livelihood of the Community;
  - 2) a balance between the interests of utilization and the interests of preserving the environmental functions of the Coastal and Small Islands; and
  - 3) technical requirements for taking, dredging, and stockpiling materials.
- c. Planning and implementation of Reclamation shall be further regulated by Presidential Regulation.

Based on Article 35 of Law number 27 of 2007 that in the utilization of Coastal Areas and Small Islands, every person directly or indirectly several prohibitions are not allowed to be included in the implementation of reclamation, namely:<sup>20</sup>

1. mining coral reefs that cause damage to coral reef ecosystems;
2. take coral reefs in conservation areas;
3. using explosives, toxic materials, and/or other materials that damage coral reef Ecosystems;
4. using equipment, methods, and other methods that damage coral reef Ecosystems;
5. use methods and methods that damage the mangrove Ecosystem that is not by the characteristics of the Coastal Zone and Small Islands;
6. perform conversion of mangrove Ecosystems in the Area or Cultivation Zone that does not take into account the sustainability of the ecological functions of the Coastal and Small Islands;
7. cutting down mangroves in conservation areas for industrial, residential, and/or other activities;
8. using methods and methods that destroy seagrass beds;
9. carry out sand mining in areas which, if technically, ecologically, socially, and/or culturally, cause environmental damage and/or environmental pollution and/or harm the surrounding community;
10. carry out oil and gas mining in areas which, if technically, ecologically, socially, and/or culturally, cause environmental damage and/or environmental pollution and/or harm the surrounding community;
11. carry out mineral mining in areas which, if technically and/or ecologically and/or socially and/or culturally, cause environmental damage and/or environmental pollution and/or harm the surrounding community; and
12. carry out physical development that causes environmental damage and/or harms the surrounding community.
13. Setting Guidelines for Coastal Reclamation Planning in the Regulation of the Minister of Public Works number 40/prt/m/2007 concerning Guidelines for Spatial Planning for Coastal Reclamation.<sup>21</sup>

<sup>17</sup> Rwanda Imawan Imawan, "APPLICATION OF COASTAL AREA RECLAMATION PERMITS BASED ON PRESIDENTIAL REGULATION NUMBER 122 OF 2012 (Case Study in Sejati Village, Camplong District, Sampang Regency)," *Dynamics: Scientific Journal of Legal Sciences* 27, no. 1 (2021): 150–67.

<sup>18</sup> See Article 5 of Law number 27 of 2007 about Beach Reclamation.

<sup>19</sup> Article 34 of Law number 27 of 2007.

<sup>20</sup> Deep Article 35 Law number 27 the year 2007.

<sup>21</sup> Sri Herowanti, "THE LEGAL CERTAINTY OF RECLAMATION ARRANGEMENTS IN THE PERSPECTIVE OF THE WELFARE LAW STATE," *AKUAN LAW REVIEW* 7, no. 2 (2021): 206–19.

**b. Implementation of Coastal Reclamation that there are provisions regarding guidelines for coastal reclamation spatial planning based on the Regulation of the Minister of Public Works number 40/prt/m/2007.**

Ministerial Regulation number 40/prt/m 2007 is a guideline regulation for the implementation of coastal reclamation based on Law number 27 of 2007. The Minister of Public Works Regulation concerning guidelines for coastal reclamation spatial planning includes general provisions and technical provisions for spatial planning for coastal reclamation areas. This guideline only applies to reclamation areas in general, while special reclamation areas, such as reclamation areas that are prone to tsunamis, will apply special provisions that are not accommodated in the guidelines. The coastal reclamation area is the result of the expansion of the coastal area through technical engineering for the development of new areas. Coastal reclamation areas are included in the category of areas located on the coast, where growth and development, both socially, economically, and physically are strongly influenced by seawater bodies.<sup>2223</sup>

Based on Article 3 of Presidential Regulation number 112 of 2012 concerning reclamation in coastal areas and small islands that:<sup>24</sup>

- a. The government, regional government, and everyone who will carry out the reclamation is obliged to make a reclamation plan.
- b. The reclamation planning, as referred to in paragraph (1), is carried out through the following activities:
  - 1) location determination;
  - 2) preparation of master plans;
  - 3) feasibility study; and
  - 4) detailed planning.

Based on Article 3 in the implementation of reclamation, it is obligatory to carry out reclamation planning first. One of the reclamation planning is determining the location. Furthermore, Article 4 states that the determination of the location as intended is carried out based on the Provincial, Regency/City Zoning Plan for Coastal Areas and Small Islands (RZWP-3-K) and/or National, Provincial, Regency/City Spatial Planning (RTRW). The regulation of the minister of public works regarding guidelines for implementing coastal reclamation includes general provisions and technical provisions for spatial planning for coastal reclamation areas. General provisions include requirements; typology; social, cultural, and economic aspects of the region; aspects of movement, accessibility, and transportation; as well as aspects of public convenience and public space. Technical provisions include the structure of regional space, regional spatial patterns, environmental management, infrastructure and facilities, public and social facilities, as well as criteria for spatial structure, spatial patterns, and space envelopes.<sup>25</sup>

The guidelines are intended for spatial planning of coastal reclamation areas in urban areas, especially areas that have been reclaimed. The guidelines are intended to provide a reference for Regional Governments in spatial planning in areas that have been reclaimed.<sup>26</sup>

- a. It is a need to develop cultivation areas that already exist on the mainland side;
- b. Is part of an urban area that is quite dense and requires land area development to accommodate existing needs;
- c. Located outside the mangrove forest area, which is part of a protected area or national park, nature reserve, and wildlife reserve;
- d. It is not an area that borders or is used as a reference for regional boundaries with other regions/countries.

Coastal reclamation areas that have complied with the provisions, especially those that have a large scale or that have experienced significant changes in the landscape, need to prepare a detailed spatial plan (RDTR) for the area. Large-scale coastal reclamation is the reclamation of +500Ha. The preparation of the RDTR of this coastal reclamation area can be carried out if it meets the following administrative requirements:

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<sup>22</sup> Dominggus Raymond SL and H K Karli, "ALIGNMENT OF JUSTICE-BASED COASTAL AREA UTILIZATION," *DE JURE Critical Laws Journal* 2, no. 2 (2021): 1–13.

<sup>23</sup> Suryadi Yusmalina, "ANALYSIS OF SPATIAL UTILIZATION OF COASTAL AREAS OF COASTAL AREAS OF KABUPATEN KARIMUN," n.d.

<sup>24</sup> Article 3 Regulation President number 112 the year 2012 about Reclamation in the region shore and islands small.

<sup>25</sup> Novita Hariyanti, "Suitability Study on Coastal and Marine Space Utilization Based on RTRW and RZWP-3-K in the Coastal Area of Probolinggo City" (UIN Sunan Ampel Surabaya, 2021).

<sup>26</sup> Herman Hermit, *Discussion of the Spatial Planning Law (Law No. 26 of 2007): Equipped with problems in urban spatial planning and spatial planning in several other countries* (Mandar Maju, 2008).

- a. Have an RTRW that has been determined with a regional regulation that delineates the coastal reclamation area;
- b. The location of the reclamation has been determined by the Decree of the Regent/Mayor, both those to be reclaimed and those that have already been reclaimed;
- c. There is already a feasibility study on the development of a coastal reclamation area or a property study/feasibility (investment study);
- d. There have been regional and regional AMDAL studies.

The detailed spatial plan for the coastal reclamation area includes a spatial structure plan and spatial pattern. The spatial structure in the coastal reclamation area includes the road network, clean water network, drainage network, electricity network, and telephone network. The spatial pattern in the coastal reclamation area generally includes protected areas and cultivated areas. Protected areas referred to in this guideline are green open spaces. Cultivation areas include residential areas, trade and service areas, industrial areas, tourism areas, education areas, seaports/crossing areas, airport areas, and mixed areas.<sup>27</sup>

The reclamation area is based on the regulation of the minister of public works regarding guidelines for the implementation of coastal reclamation; there are several typologies, as follows:<sup>28</sup>

- a. Typology of Coastal Reclamation Based on Function
  - 1) Residential designation area; Trade and service area;
  - 2) Industrial designation area;
  - 3) Tourism designation area;
  - 4) Education area;
  - 5) Seaport area/crossing airport area;
  - 6) mixed-use area (mixed);
  - 7) Green open space area.
- b. Typology of Coastal Reclamation Areas Based on Areas Coastal reclamation areas based on the area are grouped into:
  - 1) Large reclamation Reclamation area with an area of > 500 Ha.
  - 2) Small reclamation Reclamation area with an area of < 500 Ha.
- c. Typology of Reclamation Areas Based on Physical Form
  - 1) Connecting with the mainland This reclamation area is in the form of an old land area that is directly related to the new land. The application of this typology should not be carried out in areas with special characteristics such as:
    - a) Fisherman settlement area;
    - b) Mangrove forest area; Coastal forest area;
    - c) Capture fisheries area;
    - d) Coral reef areas, seagrass beds,
    - e) protected marine biota;
    - f) Prohibition area (prone to disaster);
    - g) Marine park area.
  - 2) Separate from the mainland. This reclamation area should be applied to areas that have special characteristics, as mentioned above. This typology separates the old land in the form of an area that has special characteristics from the new land area with the aim of:
    - a) Maintain the balance of the existing water system;
    - b) Maintaining the preservation of protected areas (mangroves, beaches, coastal forests);
    - c) Preventing social impacts/conflicts;
    - d) Maintain and prevent potential damage to areas (marine biota, fisheries, oil);
    - e) Avoid disaster-prone disaster-prone areas.
  - 3) Combination of 2 physical forms (separated and connected to the land) The reclamation typology is a combination of two reclamation typologies, namely a combination of typology connecting to the mainland and separated from the mainland.

<sup>27</sup> Ananda Prima Yurista and Dian Agung Wicaksono, "QUO VADIS SPATIAL ARRANGEMENT OF RECLAIMED RESULTS," *Journal of Indonesian Legislation* 15, no. 2 (2018): 81–90.

<sup>28</sup> Two Retna Surjaningsih et al., *Urban Farm Layout* (We Write Foundation, 2021).

Based on the regulation of the minister of public works regarding guidelines for the implementation of coastal reclamation, several aspects must be met in the implementation of coastal reclamation, namely:

- a. Social, cultural, and economic aspects of the area Spatial planning for the coastal reclamation area must pay attention to the social, economic, and cultural aspects of the reclamation area, as follows:
  - 1) Coastal reclamation has a transitional impact on the pattern of social, cultural, and economic activities as well as the community's water space habitat before it is reclaimed. Changes that occur must adjust:
    - a) The transition of regional functions and regional spatial patterns;
    - b) Furthermore, the above changes have implications for changes in the availability of new types of employment and new forms of business diversity/diversification offered.
  - 2) The social, cultural, tourism, and economic aspects that are accumulated in the social, cultural, tourism, and economic networks of the coastal reclamation area utilize the water/coastal space.
- b. Aspects of movement, accessibility, and transportation Planning for movement, accessibility, and transportation of the coastal reclamation area must meet the following provisions:
  - 1) The pattern of vehicle movement on road sections must be integrated into the main framework/coastal road that crosses the beach/water so that the public can enjoy the panorama and comfort of the beach;
  - 2) The spatial planning of the coastal reclamation area must provide canals and or other water spaces for accessibility and integration between the regional center and the sub-regions of the city;
  - 3) Must be easily accessible and integrated with the city system of infrastructure and facilities on the water, land, and air;
  - 4) The pattern of movement and transportation of land and water must have variations of integration and variations of transportation based on the concept of "ride and park system" in several thematic areas;
  - 5) Transportation system management planning and completeness of transportation supporting facilities.
- c. Aspects of public convenience and public space To ensure the realization of public facilities in the coastal reclamation area, the spatial planning of this area must pay attention to:
  - 1) The figurative layout of the building and the hierarchical building height lines maintain public convenience in enjoying the panorama of the beach;
  - 2) The existence of a public space that can be accessed, utilized, and enjoyed easily and freely by the public without the limitations of space, time, and cost;
  - 3) The potential of coastal elements to be re-represented through the creative process of extracting, designing, and packaging significant natural/sea/beach/water potentials to create public convenience and comfort;
  - 4) Natural/coastal potentials that need to be developed as well as conserved, for example, sand, forest, aquatic flora and fauna, mangroves, cliffs/beach lips, contours, shade, sky, and scenery/panorama;
  - 5) The embodiment of comfort on the beach element in the form of, among others:
    - a) silence atmosphere;
    - b) the beauty of the beach panorama;
    - c) the naturalness of the village;
    - d) the clarity of the ripples and waves of the beach water;
    - e) green hills & valleys;
    - f) lush coastal forest;
    - g) sand cleanliness;
    - h) bluish sky;
    - i) shade around the beach.

Based on the regulation of the minister of public works regarding guidelines for the implementation of coastal reclamation that there are technical provisions for spatial planning for coastal reclamation areas, including the determination of the spatial structure

of the area, regional spatial patterns, environmental management, infrastructure, and facilities, as well as public and social facilities.<sup>29</sup>

- 1) A balance between land use plans for cultivation functions and land for protection functions by taking into account environmental sustainability, which includes natural resources and artificial resources; The spatial pattern of the coastal reclamation area is prepared by taking into account:
- 2) The balance of the composition of land use space between space on land and waters/blue/coastal system;
- 3) The designation of the coastal reclamation area must be utilized effectively,
- 4) appreciate the significance of water space; there is a synergism of the spatial pattern of the cultivated area with the natural environment around it;
- 5) The pattern of space along the coastline, which is the area of Line
- 6) Coastal borders (GSP) must be directed to become public spaces (coastal roads or open spaces) that can be accessed and enjoyed by the public;
- 7) Regional spatial patterns are directed to accumulate several functions
- 8) An area that values, integrates and exploits the potential of the coast.

Based on the regulation of the minister of public works regarding guidelines for the implementation of coastal reclamation that environmental management in the spatial planning of reclamation areas must consider environmental aspects, especially in terms of energy use, natural resources, land clearing, and waste management. It aims to minimize the impact on the environment. In general, the type of protected area that can be developed in the coastal reclamation area is green open space.<sup>30</sup>

- a. Residential designation area; Meanwhile, cultivation areas that can be developed in the coastal reclamation area include:
- b. Trade and service area;
- c. Industrial designation area;
- d. Tourism designation area;
- e. Education area;
- f. Seaport/crossing area;
- g. Airport area
- h. Mixed area.

### c. Regulation of Law number 32 of 2009 concerning Environmental Protection and Management Against the Prevention of Negative Impacts of Reclamation on Environmental Pollution

Can occur in the form of water pollution (rivers and lakes), marine pollution, air pollution, and noise. The development of coastal reclamation in coastal areas can result in the pollution of seawater. The danger that always threatens environmental sustainability from time to time is pollution and environmental destruction.<sup>31</sup>

- a. Environmental pollution is the entry or inclusion of living things, substances, energy, or other components into the environment by human activities so that the quality decreases to a certain level which causes the environment to be unable to function under its designation (Article 1 paragraph (12) of Law No. 23 of 1997 concerning Environmental Management. The sustainability of the ecosystem of an environment can be disrupted due to environmental pollution and destruction. People often confuse the meaning of pollution and environmental destruction, even though the two have different meanings, namely:
- b. Environmental destruction is an action that causes direct or indirect changes to its physical and/or biological properties, which causes the environment to no longer function in supporting sustainable development (Article 1 paragraph (4) of Law number 23 of 1997 concerning Environmental Management.

This difference does not become principal because everyone who destroys the environment automatically pollutes the environment and vice versa. The difference lies in the intensity of the actions carried out on the environment and the level of

<sup>29</sup> Azmi Fendri, "Regulation of Government and Local Government Authority in the Utilization of Mineral and Coal Resources" (Universitas Brawijaya, 2011).

<sup>30</sup> Regional and Coastal And Marine Zoning Plan Drafting Team, "Guidelines for Zoning Plan Preparation" (Department of Marine Affairs and Fisheries, Directorate General of Marine, Coastal, and ..., 2007).

<sup>31</sup> MUHAMAD FREDY Arianto, "The Potential of Coastal Areas in Indonesia," *Journal of Geography* 10, no. 1 (2020): 204–15.

consequences suffered by the environment as a result of the actions suffered by the environment, according to RTM. Sutamihardja states that pollution is the addition of various materials as a result of human activities to the environment and usually harms the environment. Examples of environmental pollution such as contamination, which results in dirt but can be cleaned, and environmental damage for example such as damage can result in irreparable.<sup>32</sup>

Stephanus Munadjat Danusaputro defines environmental pollution as follows: "Pollution is a condition in which a substance and or energy is introduced into an environment by human activities or by natural processes themselves in such concentration as to cause a change in circumstances, including those resulting in the environment. it does not function as it used to in terms of health, well-being, and biosafety." Environmental pollution causes losses, and these losses can be in the form of:<sup>33</sup>

- a. Economic and social loss (economic and social injury)
- b. Sanitary hazard

Meanwhile, according to the class, pollution can be divided into:

- a. Chronic; where the damage occurs progressively but slowly.
- b. Shock or acute; sudden and severe damage, usually arising from an accident.
- c. Dangerous; with heavy biological loss and in the presence of radioactivity, genetic damage occurs.
- d. Catastrophic; is the death of many living organisms, and perhaps those living organisms become extinct.

Beach reclamation can cause water pollution. Water as a natural resource has a very vital meaning and function for mankind, that there is no life without water. Based on the water cycle, water is needed by humans, and other living things such as plants on the surface and in the soil, in lakes and seas, evaporate up into the atmosphere, then clouds form, fall in the form of rain, infiltrate into the earth/earth's body, form underground water, fill lakes and rivers and seas, and so on the water cycle.<sup>34</sup>

Pollution causes environmental quality to decrease; it will be fatal if the environment cannot be utilized as it functions. Whereas every activity, including coastal reclamation, basically has an impact on the environment, it is necessary to estimate the initial planning so that in this way, steps can be prepared to prevent and overcome the negative impacts and strive to develop the positive impacts of these activities.<sup>35</sup>

## **2. Management of Integrated Coastal Area Reclamation Development Reclamation**

Is a development carried out in coastal areas? One of the causes of poverty in coastal communities is that the application of integrated coastal area development has not been implemented. Based on this, to avoid adverse impacts on coastal communities, the development of coastal areas must be integrated. Sectoral development policies that emphasize economic growth can lead to poverty and socio-economic disparities between community groups. Such a development prescription must be revised because it finds characteristics and differences in geographical aspects, the level of community development, and the potential of economic resources. These differences necessitate the use of a relevant development paradigm. The development of coastal reclamation in coastal areas cannot be equated with the development in inland areas. The integrated development policy for coastal and ocean areas is formulated in three integrated strategic policies, namely economic policy, natural resource policy, and environment, as well as institutional policy.<sup>36,37</sup>

- a. The coastal area is a unique resource system (typical); Some basic principles that should be considered in establishing an integrated regional development paradigm in coastal areas are as follows:
- b. Land and sea spatial planning must be managed in an integrated manner;
- c. The border area between sea and land should be the main focus (focal point) in every coastal area management;

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<sup>32</sup> Sri Hartati, "Law Enforcement Against Environmental Pollution in Indonesia," *Scientific Journal of Law and Society Dynamics* 16, no. 1 (2018).

<sup>33</sup> S H Wilsa, *Environmental Law (Environmental Law History Approach Study)* (Deepublish, 2020).

<sup>34</sup> Siti Sundari Rangkuti, *Environmental Law & National Ling Wisdom Ed 4* (Airlangga University Press, 2020).

<sup>35</sup> Muhammad Sood, *Indonesian Environmental Law* (Rays Grafika, 2021).

<sup>36</sup> Suparji and Roro Wanda Ayu DA, "THE RIGHT OF CONTROL OVER COASTAL RECLAIMED LAND," *Suparji Journal of Master of Legal Sciences* 3, no. 2 (2021): 1–5.

<sup>37</sup> Montoro Untoro and Hamdan Azhar Siregar, "RECLAMATION OF K ISLAND IN THE PERSPECTIVE OF SUSTAINABLE DEVELOPMENT AND THE LEGAL FORCE OF ITS PERMITS," *ADHAPER: Journal of Civil Procedural Law* 4, no. 1 (2018): 73–90.

- d. The main focus of resource management in coastal areas is to conserve common property resources and maintain their sustainability;
- e. All levels of government and communities are involved in the planning and management of coastal areas;
- f. Evaluate the economic and social benefits of coastal ecosystems;
- g. Multipurpose management and utilization are very precise and are the key to success in resource management and sustainable development of coastal areas;
- h. Traditional coastal resource management (based on ulayat rights or other local institutions) must be respected, and;
- i. Environmental impact analysis is essential for effective coastal area management

Integrated Coastal Zone development with sectoral development has the following advantages:<sup>38</sup>

- a. Provide opportunities for stakeholders to develop coastal and marine resources sustainably, to resolve conflicts over the use of space and natural resources.
- b. Possibility of absorbing community aspirations related to the management of natural resources and environmental services in development planning, both for the future and the future.
- c. Provide a framework that can respond to all the social, economic, and seasonal fluctuations and uncertainties that characterize coastal and marine ecosystems.
- d. Assist the central and local governments in fostering economic development and improving the quality of life of the community.
- e. Although it requires a longer data collection, analysis, and planning process than the sectoral development approach, in the end, overall integrated coastal and ocean development is cheaper.

The policy for the development of coastal and marine areas is based on Article 18 of Law number 32 of 2004, which has regulated local governments in managing resources in their areas of authority to accelerate the realization of community welfare through improvement, service, empowerment, and community participation, as well as increasing regional competitiveness. Taking into account the principles of democracy, equity, justice, privileges, and specificity of an area in the system of the Unitary State of the Republic of Indonesia.<sup>39</sup>

Based on these provisions have important meanings as follows:<sup>40</sup>

- a. It is the door to the realization of regulated and sustainable fisheries because it will provide space for community participation in the management of coastal and marine resources as a form of social responsibility for the future of these resources.
- b. Appreciation for local institutions and local cultural wisdom as an instrument for community-based coastal and marine resource management. These provisions are social capital for the development of local communities and a protector of the sustainable use of resources.
- c. Provide guaranteed access to coastal and marine resources for traditional fishermen, who are small-scale businesses. These provisions provide space to obtain economic benefits from existing resources and are protected from unfair competition with modern fishermen.
- d. Providing democratization space for local communities on the coast to be actively involved in the management of coastal and marine resources so that local community control over policymakers is increasingly open.

### 3. Legal Protection of Coastal Reclamation of the Community

Based on Law number 32 of 2009, which protects the community that the implementation of coastal reclamation is mandatory to involve the affected community in environmental feasibility. Based on Article 25, the AMDAL document must contain suggestions for input and community responses to business and/or activity plans. Based on Article 26, the community, as referred to in paragraph (1), may file an objection to the Amdal document, which results in the need for a review of the AMDAL. And even based on Article 30, the membership of the AMDAL assessment must include representatives from the community affected by the reclamation.<sup>41</sup>

<sup>38</sup> Syifa Saputra et al., *Integrated Coastal Management for National Resilience* (We Write Foundation, 2020).

<sup>39</sup> SURYANTI SURYANTI, Supriharyono Supriharyono, and Sutrisno Anggoro, "Integrated Coastal Area Management," 2019.

<sup>40</sup> Nature Law number 27 of 2007 concerning the Management of coastal areas and small islands.

<sup>41</sup> Syaiful Hadi, Tahegga Primananda Alfath, and Trianita Yandhini Syarifudin, "Protection of Human Rights in Reclamation in Coastal Areas and Small Islands," *Lex Scientia Law Review* 2, no. 2 (2018): 215–26.

Furthermore, it is based on Article 39 that the Minister, governor, or regent/mayor, following their respective authorities, are obliged to announce every application and decision for an environmental permit in a way that is easily known by the public. The announcement is an implementation of information disclosure. The announcement allows the participation of the public, especially those who have not used the opportunity in the objection procedure, hearings, and others in the permit decision-making process. And this is confirmed in Article 44 of Government Regulation Number 27 of 2012 concerning Environmental Permits.<sup>42</sup>

Based on Article 60 of Law number 1 of 2014 that in the management of coastal areas and small islands, the community has the right to:<sup>43</sup>

- a. gain access to parts of Coastal Waters that have been given a Location Permit and Management Permit;
- b. propose traditional fishing areas into the RZWP-3-K;
- c. propose the territory of the Customary Law Community into the RZWP-3-K;
- d. carry out the management of Coastal Resources and Small Islands based on applicable customary law and not in conflict with the provisions of laws and regulations;
- e. obtain benefits from the implementation of the Management of Coastal Zone and Small Islands;
- f. obtain information regarding the Management of Coastal Zone and Small Islands;
- g. submit reports and complaints to the competent authorities for the losses that befell him related to the implementation of the Management of Coastal Zone and Small Islands;
- h. express objections to the management plan that has been announced within a certain period;
- i. report to law enforcement as a result of suspected pollution, pollution, and/or destruction of the Coastal Zone and Small Islands that are detrimental to their lives;
- j. file a lawsuit to the court against various problems of the Coastal Zone and Small Islands that are detrimental to their lives;
- k. obtain compensation; and
- l. receive legal assistance and assistance on the problems encountered in the Management of Coastal Zone and Small Islands by the provisions of the legislation.

Based on Article 70 of Law Number 32 of 2009 that the community has the same and widest possible rights and opportunities to play an active role in environmental protection and management. The role of the community can be in the form of social supervision, giving suggestions, opinions, proposals, objections, complaints; and/or submission of information and/or reports. The role of the community is carried out to:<sup>44</sup>

- a. increase awareness in environmental protection and management;
- b. increase independence, community empowerment, and partnerships;
- c. develop community capabilities and pioneers;
- d. develop community responsiveness to carry out social supervision; and
- e. develop and maintain local culture and wisdom in the context of preserving environmental functions.

Environmental legal protection given to the community does not only involve the coastal reclamation community but can have the right to challenge the decision on the coastal reclamation permit; there are community rights to sue and environmental organizations' rights to sue. Based on Article 91 of Law number 32 of 2009 that the community has the right to file a group representative lawsuit for their interests and/or for the benefit of the community if they suffer losses due to pollution and/or environmental damage. The lawsuit can be filed if there are similarities in facts or events, legal basis, and types of claims between group representatives and group members furthermore.<sup>45</sup>

Based on Article 92 of Law number 32 of 2009 that in the context of implementing the responsibility for environmental protection and management, environmental organizations have the right to file lawsuits in the interest of preserving environmental functions even if the claim is protected so that it cannot be sued again. <sup>46</sup> Based on Article 66 of Law Number 32 of 2009 that anyone who fights for the right to a good and healthy environment cannot be prosecuted criminally or be sued civilly. Legal protection against

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<sup>42</sup> Saputra et al., *Integrated Coastal Management for National Resilience*.

<sup>43</sup> Article 60 Law number 1 of 2014 that in the management of coastal areas and small islands.

<sup>44</sup> Article 70 Law Number 32 the year 2009

<sup>45</sup> Rina Yulianti, *LEGAL PROTECTION OF PEOPLE'S RIGHT TO COASTAL RESOURCES*.

<sup>46</sup> Article 92 Law number 32 the year 2009

violations of environmental law can be given an administrative lawsuit, a lawsuit for compensation and environmental restoration, and a criminal environmental lawsuit.<sup>47</sup>

Based on Article 93 of Law Number 32 of 2009, Anyone can file an administrative lawsuit against a state administrative decision if:

- a. State administrative agency or official issues environmental permits to businesses and/or activities that are required to medal but are not equipped with documents;
- b. state administrative agency or official issues environmental permits for activities that are required to be UKL-UPL but are not equipped with UKL-UPL documents; and/or
- c. state administrative agency or official that issues business and/or activity permits that are not equipped with environmental permits.

Legal protection for victims of pollution and/or environmental destruction due to actions of polluters that cause harm to victims and cause sufferers to have the right to file a claim for compensation against polluters. Environmental law contains provisions relating to the fulfillment of the civil rights of individuals, groups of people, and civil legal entities about a good and healthy life. Environmental law contains provisions if civil rights are harmed by one party, for example, due to environmental pollution or destruction, then to protect the law, civil law means are used.<sup>48</sup>

Environmental protection for victims of pollution and/or environmental damage is provided by giving the plaintiff the right to file a claim for compensation or environmental restoration action against the polluter. Civil environmental law contains provisions that regulate the social order of people and civil legal entities with each other, as well as those that underlie the legal relationship between individuals and civil legal entities dealing with state bodies when these state bodies act as a civil legal entity in carrying out its rights and obligations.<sup>49</sup>

Environmental liability means that a person or civil legal entity is obliged to be responsible for paying compensation or taking certain actions as a result of the actions and losses they have committed, either individually or jointly. The term liability is used to distinguish between liability in criminal law.<sup>50</sup> Several types of environmental legal liability, among others:

- a. Liability based on fault, which in the continental European legal system is called *schuld aansprakelijkheid* or in the Anglo-American system is known as liability based on fault or tort liability, is a type of liability that is very old and can be said to have originated in Roman times. The concept of liability based on guilt implies that the defendant is responsible if they can be proven guilty. On the other hand, if the defendant is not proven guilty, then he is released from civil lawsuit liability in terms of compensation. For example, compensation due to pollution or environmental damage due to actions that can be proven for their mistakes. The weakness of environmental lawsuits is the difficulty of proving the elements of an unlawful act, especially the element of guilt and the causal relationship between the act and the loss caused because the burden of proof is on the victim.
- b. Liability is based on a fault with the best burden of proof. The concept of liability with a reversed burden of proof includes a sharpened type of liability, namely by reversing the burden of proof obligation. The plaintiff does not need to prove the defendant's guilt, but on the contrary, it is the defendant who must prove that the defendant has made sufficient efforts to be careful so that the defendant cannot be blamed.
- c. Absolute liability is a development of liability based on Anglo-American law known as the principle or doctrine of "strict liability". Since the mid-19th century, strict liability has been introduced in many countries. According to Lumbert, "Since the middle of the nineteenth century, strict liability has been introduced in all countries, at least for particular types of cases, a large number of which are connected to environmental hazards." Absolute liability (strict liability) implies that liability arises immediately at the time of the act without questioning the defendant's fault. However, not all activities can apply the principle of strict liability but are reserved for certain cases that are large and endanger the environment.
- d. The concept of joint responsibility is applied if the defendant consists of several persons or legal entities that cannot specifically designate the perpetrators of pollution from the many companies that have the potential to cause environmental pollution. This concept was applied in 1972 in New York in the case of consumer protection

<sup>47</sup> Febrianto Gabriello Owen Katiandagho, "LEGAL ASPECTS OF THE MANAGEMENT OF THE DEVELOPMENT OF COASTAL AREAS AND OUTER SMALL ISLANDS ACCORDING TO LAW NUMBER 1 OF 2014 CONCERNING AMENDMENTS TO LAW NUMBER 27 OF 2007 CONCERNING THE MANAGEMENT OF COASTAL AREAS AND SMALL ISLANDS," *LEX AND SOCIETATIS* 8, no. 1 (2020).

<sup>48</sup> Saputra et al., *Integrated Coastal Management for National Resilience*.

<sup>49</sup> Sood, *Indonesian Environmental Law*.

<sup>50</sup> Edy Lisdiyono, "Settlement of environmental disputes should be based on absolute responsibility or elements of error," *Journal of the Legal Spectrum* 11, no. 2 (2018).

hall v. EL Dupont De Nemours. In that case, the lasting stamp industry and the trade association in the industry that formulates the standards that must be followed by industrialists are jointly responsible for the suffering suffered by the plaintiff.

- e. The concept of liability is used by stipulating that each defendant is responsible for part of the activities that arise by the fairness of the pollution. This view is known as "market share liability", which carries with it an inverse burden of proof. Defendants who can prove that they cannot be held liable because they were not the ones who caused the loss are freed from their liability. The remaining polluter is responsible for an equal share of the losses created by his share.

Based on Article 87 of Law number 32 of 2009 that adopting accountability is based on error. Furthermore, based on Article 88 of Law number 32 of 2009 that the actions of any person whose actions, business, and/or activities use B3, produce and/or manage B3 waste, and/or those that pose a serious threat to the environment, are responsible for the losses that occur without the need to prove the element of error and adopt absolute responsibility. And specifically for nuclear power, based on Article 30 of Law Number 10 of 1997, it adopts shared responsibility<sup>51,52</sup>

- a. Compensation for people who suffer losses due to pollution and/or environmental damage due to coastal reclamation; Based on Article 87 of Law number 32 of 2009 that civil sanctions that can be given to the defendant for pollution due to the implementation of coastal reclamation, namely:
- b. Compensation for the environment itself due to beach reclamation

In addition to civil law protection, there are also criminal sanctions for certain actions. Criminal provisions are regulated in Articles 94-120 of Law number 32 of 2009. The implementation of coastal reclamation is included in a criminal act in the provisions of environmental law. For example, intentional reclamation of beaches results in exceeding seawater quality standards. Based on Article 98 that any person who intentionally commits an act that results in exceeding the ambient air quality standard, water quality standard, seawater quality standard, or environmental damage standard criteria shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 years. (ten) years and a minimum fine of Rp.3,000,000,000.00 (three billion rupiahs) and a maximum of Rp.10,000,000,000.00 (ten billion rupiahs). The implementation of coastal reclamation that exceeds the seawater quality standard may be subject to criminal provisions.<sup>53</sup>

#### **4. Conclusion**

Based on legal problems and ideal concepts in reclamation management from an environmental law perspective, environmental supervision in the field of protection includes environmental management, reclamation, and post-mining, including environmental management and monitoring by environmental management documents or environmental permits that are owned and approved; arrangement, restoration, and improvement of land following its designation; determination and disbursement of reclamation guarantees; post-mining management; determination and disbursement of post-mining guarantees; and fulfillment of environmental quality standards under the provisions of laws and regulations.

1. Enforcement of administrative environmental law in the mining sector in the form of written warnings; temporary suspension of part or all of the exploration activities or production operations; and/or; license revocation.
2. Enforcement of environmental criminal law in the form of imprisonment and fines for not having a permit, providing false information, and applying additional penalties in the form of confiscation of goods used in committing criminal acts; deprivation of profits derived from criminal acts; and/or the obligation to pay the costs incurred as a result of the crime.
3. The legal force of a reclamation permit for civil judges can be explained that the holder of a reclamation permit cannot freely conduct reclamation even though he already has a permit; he must look at the surrounding conditions, especially whether the activities of fishermen are disturbed or not, because the holder of a reclamation permit cannot be free from the possibility of a lawsuit in a civil manner based on an unlawful act

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<sup>51</sup> Deviana Az Zahra Rakasiwi, Miftah Nur Khayanto, and Muhammad Rosyid Ridhlo, "INSURANCE LIABILITY AGAINST ENVIRONMENTAL DAMAGE IN INDONESIA," *Indonesian State Law Review (ISLRev)* 4, no. 1 (2021): 7–15.

<sup>52</sup> See Article 87 Law number 32 the year 2009

<sup>53</sup> Prisk S Sasuwuk, "Alternative Settlement of Environmental Disputes According to Law N0. 32 the Year 2009 On Environmental Protection And Management," *Lex and Societatis* 6, no. 5 (2018).

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