

Reconstruction of Policy Arrangements for the Regulation of Mining Business Licenses for the Sale of Marine Sedimentation Products in the Perspective of Environmental Administration Law

Indra Lorenly Nainggolan¹, Nina Zainab², Rona Apriana Fajarwati³

Faculty of Law, Bhayangkara University, Jakarta, Indonesia

Email: indra.nainggolan@dsn.ubharajaya.ac.id, nina.zainab@dsn.ubharajaya.ac.id
rona.aprianafajarwati@dsn.ubharajaya.ac.id

Article info

Received: Sep 26, 2025

Revised: Nov 13, 2025

Accepted: Dec 28, 2025

DOI: <https://doi.org/10.31599/krtha.v19i3.4671>

Abstract : The results of deep sea sedimentation PP No. 26 of 2023 concerning the management of sedimentation products in the sea have provided space for mining business permits for sale. Mining business licenses for sale from the perspective of environmental administration law must be placed in the provisions of article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia, especially regarding a good and healthy environment. Is the management of marine sedimentation products for reclamation using mining business license instruments for sale in accordance with the legal values of environmental administration as stipulated in article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia? The research method used is normative juridical, by analyzing laws and regulations using a conceptual approach. The results of the study found that the concept of mining business licenses for sale in Government Regulation No. 26 of 2023 is not in line with the principles of a good and healthy environment. A good and healthy environment is a guarantee for all people to participate fully, providing a sense of concern for environmental protection. Furthermore, mining business permits for sale are indeed intended for the economic interests of business actors, because the final form of management of sedimentation products in the sea is indeed prioritized to obtain profits. An increase in the added value of the community's economy will never be achieved in Government Regulation No. 26 of 2023. This makes the principle of special rights and the right to development for the general public, related to the guarantee of free and complete participation of indigenous peoples, will be ignored.

Keywords : Marine sedimentation results, mining business licenses for sale, and environmental administration laws.

I. INTRODUCTION

Article 10 of Government Regulation Number 26 of 2023 concerning the Management of Sedimentation Products in the Sea has opened opportunities for everyone regarding the use of marine sedimentation products, through mining business licenses for sale. The results of marine sedimentation are divided into sea sand and other sedimentary



materials. Especially for the use of sea sand, the Government allows its use for domestic reclamation, government infrastructure development, infrastructure development by business actors, and even allowed to be exported to other countries as long as domestic needs have been met.

Sea sand can be sold to other parties for reclamation use through mining business licenses for sale. This norm has the potential to be counterproductive to the norms above, because the existence of sea sand that is used, especially for reclamation in the country, will actually have the potential to damage the existence of the environment. Reclamation is an activity carried out in order to increase the benefits of land resources from an environmental and socio-economic perspective by means of dredging, land drainage or drainage.¹ Utilizing natural resources of sea sand which is then diverted for reclamation (land drying or drainage) are two activities at once that have the potential to damage the environment.

Reclamation actions tend to result in several things, such as:² possible changes to hydro-oceanography which include parts of currents, waves, and the quality of seabed sediments; possible changes in water flow and drainage systems; there is a possibility of an increase in water volume/frequency which of course causes flooding and/or inundation; there is a change in bathymetry; there is a change in coastal morphology and typology; there is an impact on the decline water quality and environmental pollution; and the possibility of degradation of coastal ecosystems. The lawmakers did order to avoid these possible impacts. The existence of preventive efforts indicates that it is likely to lead to these various things.

The government actually understands very well that mining business permits for sale through reclamation activities are indeed very influential and have an impact on complex environmental damage. In fact, the reclamation of Jakarta Bay has caused several environmental problems, including:³

- a. It has caused a decline in water quality in the Jakarta Bay area, a decrease occurs in the salinity and brightness of the water;
- b. It will cause sedimentation and sedimentation to the bottom of the water;
- c. The decline in water quality will have an impact on the production and diversity of phytoplankton types in these waters;
- d. It will also have an impact on the loss of coastal ecosystem complexity such as mangrove forests;
- e. The further impact of the decline in water quality and the decline of mangrove forests will reduce the main function of Jakarta Bay as a place for various types of marine life such as fish, shrimp, and others;
- f. There is a decrease in the abundance of fish; and

The same thing also happens in the reclamation policy on the coast of Lampung Bay that the reclamation process has changed the economic condition of coastal

¹ Article 1 Number 1 of Presidential Regulation Number 122 of 2012 concerning Reclamation in Coastal Areas and Small Islands.

²Article 29 of Presidential Regulation Number 122 of 2012 concerning Reclamation in Coastal Areas and Small Islands

³ Reny Puspasari, Sri Turni Hartati, and Regi Fiji Anggawangsa, *Analysis of the Impact of Reclamation on the Environment and Fisheries in Jakarta Bay*, Indonesian Fisheries Policy Journal, Vol.9, No.2, November 2017, pp. 88-91.

fishermen, not bringing economic benefits.⁴ It is questionable the relevance of this, why can the results of sedimentation of marine products (sea sand) be diverted for the reclamation process? There has been a leap and an irrelevant easing of norms. The relaxation of norms that allow reclamation is even contrary to the constitution, especially article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia related to the right of everyone to get a good and healthy living environment.

Facts show that the sea sand export policy is actually closely related to meeting the needs of reclamation to expand coastal areas in other countries.⁵ For example, Singapore for its coastal reclamation activities requires 1.8 billion m³ of sea sand from 2003 to 2010.⁶ In 2003, the Indonesian government temporarily stopped the policy of sea exports to Singapore on the grounds of damage to the coastal environment and small islands, which also had an impact on the preservation of biodiversity and the problem of the country's maritime boundaries.⁷ This fact clearly implies that in every form of reclamation, there are always environmental problems. This precedent is actually denied by the reopening of the sea sand export faucet for reclamation. So that the public also wonders about the issuance of the regulation in question.

In order to gain a comprehensive understanding of marine protection from sedimentation results in the sea, especially those that use mining business licenses for sale, it must also be understood in the context of environmental administration law that the implementation of every community activity must not be contrary to the environment as stipulated in article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia. Moreover, pointing to Government Regulation No. 26 of 2023 blatantly states that the use of sea sand is carried out through the taking, transportation, placement, use, and/or sale of sedimentation products in the sea, not based on the provisions of article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia. The dictum section of PP No. 26 of 2023 only uses the provisions of Article 5 paragraph 2 of the 1945 Constitution of the Republic of Indonesia, as the basis for the formation of the regulation.

In comparison, there are several scientific papers and scientific articles discussing the same topic. *First*, a scientific article entitled "Sea Sand Mining Causes Environmental Damage in Review of Law Number 27 of 2007", written by Christiani Tanuri, in 2020. The results of this study discuss sand mining that does not have a sand mining permit, which includes environmental permits. In addition, this study also focuses on violations of the provisions of Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands,⁸ which is certainly different from the study discussed this time based on the provisions of Law Number 32 of 2014 and the Constitution.

⁴ Fitri Wahyuni Dan Meiliyana, *Evaluasi Dampak Kebijakan Reklamasi Pantai Di Teluk Lampung*, Jurnal Ilmiah Administrasi Publik Dan Pembangunan, Vol. 8 No. 1, Januari-Juni 2017, hlm. 97.

⁵ Erry Ricardo Nurzal, *Upaya Penanganan Pasir Laut Dari Sisi Kebijakan*, Jurnal Tek. Ling. P3tl-Bppt Vol. 5, No.3 193-197. Kordi, M. Ghufro. 2004, Hlm. 212.

⁶ Tommy Hendra Purwaka, *Peluang Menurut Unclos Dan Hukum Positif Indonesia Untuk Membuka Kembali Ekspor Pasir Laut Ke Singapura*, Jurnal Dinamika Hukum Vol. 14 No. 3, September 2014, hlm.390.

⁷ *Ibid.*, p.385.

⁸ Christiani Tanuri, *Penambangan Pasir Laut Yang Menimbulkan Kerusakan Lingkungan Di Tinjau Dari Undang-Undang Nomor 27 Tahun 2007*, Jurnal Education And Development Institut Pendidikan Tapanuli Selatan, Vol.8 No.3, Agustus 2020, hlm. 8.

Second, a thesis entitled "Legal Protection of Small Fishermen Against Sea Sand Mining in the Waters of Spermonde, South Sulawesi", written by Nur Ainun Wulandari, in 2022. The results of this study suggest that the implementation of sea sand mining is intended for the Makassar New Port reclamation project, which is the location of the fishermen's fishing area. The permits obtained will certainly have an impact on fisheries production that has been carried out by Kodingareng and Galaseng fishermen. The focus of this research is related to the legal protection of fishermen as a result of sea sand mining.⁹ This is certainly different from the study if what is discussed is the enforcement of the norms for the use of sea sand which is contrary to the Law Number 32 of 2009 concerning environmental protection and management. After the issuance of the regulation, the use of marine sedimentation products intersects and prioritizes economic value over constitutional values with the principle of a good and healthy environment as determined in article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia. The formulation of the problems presented in this paper is as follows, Is the management of marine sedimentation products for reclamation using mining business license instruments for sale in accordance with the principles of a good and healthy environment as stipulated in article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia? Is the management of marine sedimentation products for reclamation using mining business license instruments for sale in line with environmental administration laws?

II. RESEARCH METHOD

This paper uses normative juridical research or doctrinal research as its basis. Normative juridical research is a research that discusses and focuses its study on laws and regulations as a source and uses primary legal materials.¹⁰ The approaches used are conceptual approaches, legislative approaches, and case approaches. The conceptual approach discusses legal concepts so that they will get a complex meaning. Meanwhile, the legislative approach is reviewed by various laws and regulations regarding the results of marine sedimentation through mining business license instruments for sale which are often used for reclamation as a whole.

III. DISCUSSION

3.1. Results of Marine Sedimentation for Reclamation in the Context of Good and Healthy Environmental Principles

The utilization of natural resources departs from the provisions of Article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia), that everyone has the right to live a prosperous life in birth and mind, to live, and to get a good and healthy living environment. A good and healthy

⁹ Nur Ainun Wulandari, Skripsi Yang Berjudul "*Perlindungan Hukum Nelayan Kecil Terhadap Penambangan Pasir Laut Di Perairan Spermonde Sulawesi Selatan*", Fakultas Hukum Universitas Hasanuddin, Makassar, 2022, hlm. 20.

¹⁰ Amiruddin dan Zainal Asikin, *Pengantar Metode Penelitian Hukum*, Depok: Rajawali Pers, 2019, hlm. 235.

environment is part of human rights.¹¹ Based on this, there is a relationship between humans and a healthy environment.

Munadjat Danusaputro in his scientific work stated that the environment as all objects and conditions including human beings and their behaviors, which exist in the space where humans are located and affect the life and welfare of humans and other living bodies.¹² Whether the environment is good or not will affect people's lives. Sodikin in his writing stated that the existence of a good and healthy living environment is an ecological unit which is also a life cycle (*recycling*) or an ecosystem in which humans live. Furthermore, it is said that the existence of an ecosystem is a mutual relationship between various environmental components to support environmental sustainability or ecology itself.¹³ There is a reciprocal relationship, namely ecological balance and harmony, which is a state in which living things exist in a harmonious relationship with their environment, so that there is a balance and harmony of interaction between living things and their environment.¹⁴

The welfare of the community is not only seen as an economic problem, but also sees the relationship between humans and the environment in which they live.¹⁵ Jimly Asshiddiqie divided the development of human rights in various fields, namely:¹⁶

- a) The first group of human rights, concerned with civil rights, is divided into:
 - Everyone has the right to live.
 - Everyone has the right to be free from torture, treatment or other cruel, inhuman and degrading treatment or punishment of human dignity.
 - Everyone has the right to be free from all forms of slavery.
 - Everyone is free to embrace religion and worship according to their religion.
 - Everyone has the right to freely have beliefs, thoughts and conscience.
 - etc.
- b) The second group of human rights, concerned political, economic, social, and cultural rights which are divided into:
 - Every citizen has the right to associate, assemble, and express his or her opinion peacefully orally and in writing.
 - Every citizen has the right to vote and be elected in the framework of the people's representative institution.
 - Every citizen can be appointed to occupy public positions.
 - Everyone has the right to communicate and obtain information.
 - The state recognizes every culture as part of the national culture.

¹¹ Rochmani., Perlindungan Hak Atas Lingkungan Hidup Yang Baik dan Sehat DI Era Globalisasi, *Jurnal Masalah-Masalah Hukum*, Jilid 44, Nomor 1, Januari 2015, hlm. 19.

¹² Sodikin., Perumusan Hak Atas Lingkungan Hidup Yang Baik Dan Sehat Dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Serta Upaya Perlindungan Dan Pemenuhannya, *Supremasi Jurnal Hukum*, Volume 3, Nomor 2, hlm. 110.

¹³ Ibid., p. 111.

¹⁴ Ibid.

¹⁵ Andang Binawan dan Maria Grasia Sari Soetopo., Implementasi Hak atas Lingkungan Hidup yang Bersih, Sehat, dan Berkelanjutan dalam Konteks Hukum Indonesia, *Jurnal Hukum Lingkungan Indonesia*, Volume 9, Nomor 1, 2022, hlm. 133.

¹⁶ Jimly Asshiddiqie., *Pengantar Ilmu Hukum Tata Negara*, Depok: Rajawali Pers, 2017, hlm. 361-366.

- etc.
- c) The group of special rights and the right to development, which is divided into:
 - Every citizen who has social problems, including isolated community groups living in remote environments, has the right to special accommodation and treatment to have the same opportunities.
 - Everyone has the right to a clean and healthy living environment.
 - Every citizen has the right to participate in the management and enjoy the benefits obtained from the management of natural resources.
 - etc.

It is described that the right to a good and healthy environment is classified as a human right in the right to development group. This right to development is often referred to as the right to solidarity, which is related to the right to a healthy environment, the right to peace, the right to food, and the right to common ownership of the heritage of mankind.¹⁷

These various things state that the development of human rights embraced in the 1945 Constitution of the Republic of Indonesia, not only includes the idea of human rights, civil and political rights, but also includes economic, social and cultural rights, to new rights called solidarity rights, minority rights, group rights.¹⁸ The right to development is a human right, where the state must ensure the free and full participation of indigenous peoples in all aspects of society, especially those related to matters of concern to the community.¹⁹

The term good and healthy environment as a human right guarantees all people to participate fully, providing a sense of concern for environmental protection. The government and the people have a fundamental obligation to fill the social, economic, including cultural agendas so that the rights in development can be enjoyed by everyone without exception.²⁰

If you examine the existence of Government Regulation No. 26 of 2023, especially the general part of its explanation, the existence of a good and healthy environment does not lead to a guarantee that all people will participate fully, providing a sense of concern for environmental protection. The general part of the explanation of Government Regulation No. 26 of 2023, states that the importance of managing sedimentation products in the sea, because there are negative impacts and positive impacts if the management is not carried out. The negative impacts in question are:

- a) the decline in the environmental quality of marine and coastal waters;
- b) the decline in seawater quality due to the increase in water turbidity which has a significant impact on the penetration of sunlight which functions for the life process of aquatic biota;
- c) damage to fish spawning areas, fish rearing, and fish feeding areas;

¹⁷ Suparman Marzuki., Hak Atas Pembangunan Sebagai Hak Asasi Manusia, *Jurnal Unisia*, Nomor 44, XXV, Januari, 2002, hlm. 57.

¹⁸ Retno Kusniati., Sejarah Perlindungan Hak Asasi Manusia Dalam Kaitannya Dengan Konsepsi Negara Hukum, *INOVATIF Jurnal Ilmu Hukum*, Volume 4, Nomor 5, 2011, hlm. 86.

¹⁹ *Ibid.*, p. 58.

²⁰ *Ibid.*, p. 59.

- d) the onset of turbulence that causes an increase in the level of suspended solids at the bottom of sea waters; and
- e) There was siltation that caused flooding.

Meanwhile, the positive impacts of managing sedimentation products in the sea are:

- a) maintaining the domestication of the carrying capacity of coastal and marine ecosystems;
- b) reducing negative impacts on coastal ecosystems where coastal ecosystems have better carbon sequestration capabilities compared to terrestrial ecosystems; and
- c) maintain the function of the groove.

Both of these things will indeed happen, but they will not significantly affect environmental pollution. The meaning is that marine sedimentation occurs, not because it occurs naturally but because of a human activity on land and in the sea that has a direct influence on the life of marine ecosystems. Because marine sediments can come from two sources: *First*, they come from land and biological, physical, and chemical processes that occur on land and in the ocean; *Second*, there are some that originate from volcanic and cosmic processes.²¹ For this reason, the framers of the regulation do not carefully examine the intention of a good and healthy environment.

Moreover, it is also said that in the explanation of Government Regulation No. 26 of 2023, it is also said that the economic aspects that can be contributed from the results of marine sedimentation are used to:

- a) reclamation in the country;
- b) government infrastructure development such as National Strategic Project (PSN) infrastructure development;
- c) the development of infrastructure facilities in the country by business actors; and/or
- d) exports as long as domestic needs are met and in accordance with the provisions of laws and regulations, and
- e) increasing the added value of the community's economy.

The various descriptions above are clear that this regulation was formed for economic needs only, especially large capital owners. The reason is that the description of letters a to c is the first cluster of uses for the management of sedimentation products in the sea. The remaining points, d and e, are intended for the second cluster. The narrative "and/or" in the letter c, indicates that the existence of a second cluster is only a complement to the management of sedimentation products in the sea.

Moreover, the enhancement of economic value for the community is part of the second cluster and serves as the concluding element in point e. That means that the existence of the community to access the management of sedimentation products in the sea will never be achieved. On the other hand, owners of large capital, the red carpet door was opened as a basis for reclamation. Every reclamation activity will damage the environment anyway, even never providing a guarantee for all people to participate fully, providing a sense of concern for environmental protection.

²¹ *Ibid.*, p. 3.

The reclamation policy on the coast of Lampung Bay that the reclamation process has changed the economic condition of coastal fishermen, not bringing economic benefits.²² The prolonged domino effect on the management policy of sedimentation products in the sea will also have an impact on new locations targeted by the government for reclamation. Basically, the process of taking sedimentation results in the sea requires heavy equipment that can damage the environment. That way, it will not be possible for local communities to access the results of sedimentation in the sea.

The spirit to carry out reclamation will never foster a sense of concern for environmental protection as intended by Article 28H, paragraph 1 of the 1945 Constitution of the Republic of Indonesia. Because the state itself has denied special rights and the right to development for the general public. The constitutional values have failed to be reflected in Government Regulation No. 26 of 2023. There must be revisions to this regulation, with its legal foundation firmly anchored in the provisions of Article 28H, paragraph 1 of the 1945 Constitution of the Republic of Indonesia.

3.2. Mining Business License Instrument for Sale in the Utilization of Marine Sedimentation Products Based on the Legal Principles of Environmental Administration

As stated earlier, Government Regulation No. 26 of 2023 explained that the existence of the regulation is aimed at the aspect of the economic needs of capital owners. At this discussion point, it will be examined what form of instruments are used by the government to complement the actions of business actors to carry out their business activities. Is this action really only concerned with the interests of certain groups? For this reason, it is necessary to study from the perspective of environmental administration law.

Environmental administrative law is a derivative of state administrative law in general. J.H. Logemann, provides the definition of state administrative law, which is a law regarding the relationships between one position and another, as well as the relationship between the state positions and the citizens.²³ Meanwhile De La Bassecour Laan states that the administrative law of the state is a set of certain regulations that cause the state to function or act, it regulates the relations between each citizen and his government.²⁴

Administrative law is indeed so broad, it concerns all aspects of people's lives, including employment, personnel, health, including environmental law as well. Hotma P. Sibuea stated that the division of administrative law objects is divided into special administrative law and general administrative law.²⁵ Furthermore, it is said that the Special Administrative Law that has been developed first is the personnel administration law, the spatial administration law, the labor administration law, the forestry administration law, the mining administration law, the environmental administration law, and the tax administration law, among others.²⁶

²² Fitri Wahyuni Dan Meiliyana, *Evaluasi Dampak Kebijakan Reklamasi Pantai Di Teluk Lampung*, Jurnal Ilmiah Administrasi Publik Dan Pembangunan, Vol. 8 No. 1, Januari-Juni 2017, hlm. 97.

²³ Dwi Andayani Bs dan Jeane Neltje Saly., *Pengantar Hukum administrasi Negara*, Depok: Rajawali Pers, 2022, hlm. 15.

²⁴ *Ibid.*

²⁵ Hotma P. Sibuea dan Hotmaria H Sijabat., *Hukum Administrasi Keperawatan*, Depok: Rajawali Pers, 2021, hlm. 41-42.

²⁶ *Ibid.*

The development of special administrative law is indeed possible, due to the development of increasingly rapid and global community needs. The needs of the community must be immediately met by the government and through a set of certain regulations as a basis for action, it is formed to regulate the relationships between each citizen and the actions of the government. Similarly, environmental administrative law is also included in special administrative law.

The concept of environmental administration law from a legal and policy perspective is part of the national legal development agenda in the field of environment.²⁷ As a national agenda, of course, the basis for the implementation of the environmental administration law is tiered starting from the highest to the lowest hierarchy. That means that there should be no conflict with each other between the lowest and highest regulations.

Mas Achmad Santosa, stated that there are 5 (five) tools or legal instruments of environmental administration, including the following:²⁸

- a) Permits, as an instrument of supervision and control from the state to the community.
- b) The granting of permits must be required by AMDAL, environmental quality standards, laws and regulations.
- c) Structuring supervision mechanism.
- d) The existence of a proper supervisory officer based on laws and regulations. and
- e) Administrative sanctions

Based on Regulation PP No. 26 of 2023, it has been determined that the instruments used for the management of sedimentation products in the sea. Article 10 of Government Regulation No.26 of 2023 states that business actors who will clean up sedimentation products in the sea and utilize sedimentation products in the sea are required to have a permit. The transition from the state in controlling marine resources to the private sector is given in the form of permits. Actions that can be taken by business actors through the permit are the taking, transportation, placement, use, and/or sale of sedimentation products in the sea. Furthermore, business actors in carrying out sales must also be equipped with a mining business license for sales.

The form of mining business license for sale makes the existing environmental administration legal instrument, indeed intended for economic interests. The final form of managing sedimentation products in the sea is indeed prioritized to make a profit. Based on this analysis, it can be concluded that the existence of PP No. 26 of 2023 does override the principle of a good and healthy environment.

In addition, permit instruments for the taking, transportation, placement, use, and/or sale of sedimentation products at sea can only be carried out by business actors with a large capital scale. Until the increase in the added value of the community's economy will never be achieved. This makes the principle of special rights and the right to development for the general public, related to the guarantee of free and complete

²⁷ Mukhlis., *Konsep Hukum Administrasi Lingkungan Dalam Mewujudkan Pembangunan Berkelanjutan, Jurnal Konstitusi*, Volume 7, Nomor 2, April 2010, hlm. 80.

²⁸ Aditia Syaprih., *Penegakan Hukum Administrasi Lingkungan melalui Instrumen Pengawasan*, *Jurnal Bina Hukum Lingkungan*, Volume 1, Nomor 1, hlm. 103-104.

participation of indigenous peoples and matters of concern to the community will be ignored. Therefore, the management of sedimentation results in the sea, which is intended for reclamation, has been contrary to the constitution and environmental administrative legal instruments.

IV. CONCLUSION

The management of sedimentation products in the sea intended for reclamation must be conceptualized from the right to obtain a good and healthy living environment. This right is part of being classified as a human right in the right to development group. The term good and healthy environment as a human right guarantees all people to participate fully, providing a sense of concern for environmental protection. If you examine the existence of Government Regulation No. 26 of 2023, especially the general part of its explanation, the existence of a good and healthy environment does not lead to a guarantee that all people will participate fully, providing a sense of concern for environmental protection.

Government Regulation No.26 of 2023 has also determined the instruments used for the management of sedimentation products in the sea through mining business licenses for sale. This permit has become the legality of business actors and there has been a transition from the state to the private sector in controlling marine resources, especially sedimentation products. Even business actors can sell sedimentation products in the sea. Furthermore, business actors in carrying out sales must also be equipped with a mining business license for sales. Mining business licenses for sale in environmental administration law further emphasize that the existence of Government Regulation No. 26 of 2023 is not in line with the principles of special rights and the right to development for the general public, related to guaranteeing free and full participation of indigenous peoples.

REFERENCES

Journal

- Binawan, Andang dan Maria Grasia Sari Soetopo., Implementasi Hak atas Lingkungan Hidup yang Bersih, Sehat, dan Berkelanjutan dalam Konteks Hukum Indonesia, *Jurnal Hukum Lingkungan Indonesia*, Volume 9, Nomor 1, 2022.
- Kusniati, Retno., Sejarah Perlindungan Hak Hak Asasi Manusia Dalam Kaitannya Dengan Konsepsi Negara Hukum, *INOVATIF Jurnal Ilmu Hukum*, Volume 4, Nomor 5, 2011.
- Marzuki, Suparman., Hak Atas Pembangunan Sebagai HakAsasi Manusia, *Jurnal Unisia*, Nomor 44, XXV, Januari, 2002.
- Mukhlis., Konsep Hukum Administrasi Lingkungan Dalam Mewujudkan Pembangunan Berkelanjutan, *Jurnal Konstitusi*, Volume 7, Nomor 2, April 2010.
- Nurzal, Erry Ricardo., *Upaya Penanganan Pasir Laut Dari Sisi Kebijakan*, Jurnal Tek. Ling. P3TL-BPPT, Volume 5, Nomor 3.
- Purwaka, Tommy Hendra., *Peluang Menurut Unclos Dan Hukum Positif Indonesia Untuk Membuka Kembali Ekspor Pasir Laut Ke Singapura*, Jurnal Dinamika Hukum Vol. 14 No. 3, September 2014.
- Puspasari, Reny, Sri Turni Hartati, Dan Regi Fiji Anggawangsa., *Analisis Dampak Reklamasi Terhadap Lingkungan Dan Perikanan Di Teluk Jakarta*, Jurnal Kebijakan Perikanan Indonesia, Vol.9, No.2, November 2017.
- Rochmani., Perlindungan Hak Atas Lingkungan Hidup Yang Baik dan Sehat DI Era Globalisasi, *Jurnal Masalah-Masalah Hukum*, Jilid 44, Nomor 1, Januari 2015.
- Sodikin., Perumusan Hak Atas Lingkungan Hidup Yang Baik Dan Sehat Dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Serta Upaya Perlindungan Dan Pemenuhannya, *Supremasi Jurnal Hukum*, Volume 3, Nomor 2.
- Syapriallah, Aditia., Penegakan Hukum Administrasi Lingkungan melalui Instrumen Pengawasan, *Jurnal Bina Hukum Ligkungan*, Volume 1, Nomor 1.
- Tanuri, Christiani., *Penambangan Pasir Laut Yang Menimbulkan Kerusakan Lingkungan Di Tinjau Dari Undang-Undang Nomor 27 Tahun 2007*, Jurnal Education and Development Institut Pendidikan Tapanuli Selatan, Vol.8 No.3, Agustus 2020.
- Wahyuni, Fitri dan Meiliyana, *Evaluasi Dampak Kebijakan Reklamasi Pantai Di Teluk Lampung*, Jurnal Ilmiah Administrasi Publik Dan Pembangunan, Vol. 8 No. 1, Januari-Juni 2017.

Books

Amiruddin dan Zainal Asikin, *Pengantar Metode Penelitian Hukum*, Depok: Rajawali Pers, 2019.

Asshiddiqie, Jimly., *Pengantar Ilmu Hukum Tata Negara*, Depok: Rajawali Pers, 2017.

Bs, Dwi Andayani dan Jeane Neltje Saly., *Pengantar Hukum administrasi Negara*, Depok: Rajawali Pers, 2022.

Sibuea, Hotma P. dan Hotmaria H Sijabat., *Hukum Administrasi Keperawatan*, Depok: Rajawali Pers, 2021.

Thesis/Dissertation/Papers

Wulandari, Nur Ainun., Skripsi Yang Berjudul “*Perlindungan Hukum Nelayan Kecil Terhadap Penambangan Pasir Laut Di Perairan Spermonde Sulawesi Selatan*”, Fakultas Hukum Universitas Hasanuddin, Makassar, 2022.