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Sea Sand Export Policy: A Sustainability Perspective in Spatial Planning Law

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ABSTRACT

The reopening of sea sand export permits through PP 26/2023 has sparked controversy for favoring entrepreneurs while harming coastal communities through ecosystem damage, declining quality of life, and income loss. This article aims to analyze the politics of law of the sea sand export policy as regulated in PP 26/2023 and examines the sea sand export policy for coastal communities from the perspective of the principle of sustainability in spatial planning law. This research is a normative legal research that uses a statutory regulatory, conceptual, and case approach. The politics of law of sea sand export policy is purely instrumentalist, prioritizing short-term economic gains over intergenerational equity and sustainability. Ultimately, the Supreme Court emphasizes that legal policies disregarding environmental protection cannot be sustained within Indonesia's rule-of-law system. This policy fundamentally violates sustainability principles in spatial planning. Socioeconomically, marine sand mining offers immediate income but triggers a precarious shift from fishing to labor, causing long-term harm through habitat loss, social conflict, and poverty. Environmentally, the activity inflicts massive damage on coastal ecosystems, destroying mangroves and reefs while degrading water quality. These impacts create sedimentation imbalances, leading to severe erosion, coastal retreat, and disasters like flooding.

INTRODUCTION

The reopening of sea sand export permits via Government Regulation No. 26 of 2023 in September 2024 sparked a massive wave of opposition from coastal communities across various regions of Indonesia, from South Sulawesi to North Maluku, organized by WALHI, as it was viewed as a serious setback in marine governance. This policy is considered controversial because it lifts an export ban that has been in effect for 20 years since the era of Presidential Decree No. 33 of 2002¹, which was previously established precisely to halt long-term negative impacts on marine ecosystems, prevent water turbidity, and preserve the carrying capacity of coastal environments for the sake of national marine health.²

¹ Rozi Beni and Sharfina Milla Atsari, "Potential Adverse Impacts of Sea Sand Export Policy on Ecologically Sustainable Development In Indonesia," *Al-Daulah : Jurnal Hukum dan Perundangan Islam* 13, no. 1 (2023): 28.

² "Coastal Communities and Women Join Forces with WALHI to Oppose Seabed Mining and Sand Exports," Joint Press Release Wahana Lingkungan Hidup Indonesia (WALHI), 2024, <https://www.walhi.or.id/masyarakat-dan-perempuan-pesisir-bersama-walhi-melawan-pertambangan-dan-ekspor-pasir-laut>.

However, with the existence of Government Regulation No. 26 of 2023, it appears as though the government is legitimizing the export of marine sand, which had previously been prohibited. In its implementation, this policy has been justified and supported by the issuance of Ministry of Trade Regulation No. 20 of 2024 on the Second Amendment to Ministry of Trade Regulation No. 22 of 2023 on Goods Prohibited for Export, and Ministry of Marine Affairs and Fisheries Decision No. 47 of 2024 on Specifications for Marine Sediment-Derived Sand for Export.³

The government claims that this export policy has a positive objective of addressing sedimentation to support ecosystem restoration and development, emphasizing that the material being exported consists solely of sediment that has undergone strict verification and surveyor procedures.⁴ However, this claim has drawn sharp criticism because the distinction between sedimentation and marine sand is deemed insignificant without an adequate control system, thereby risking a violation of Environmental, Social, and Governance (ESG) principles and undermining the spirit of downstream processing due to the export of raw commodities.⁵ Additionally, Singgih Widagdo, Head of Indonesia Mining and Energy Forum (IMEF), warned that the short-term economic benefits for logistics routes do not outweigh the negative impacts caused, whether from environmental aspects such as erosion and water quality degradation, or social aspects in the form of a real threat to the income stability of coastal communities.⁶

One concrete example of such losses is the situation faced by the community on Kodingareng Island. Since its implementation a year ago, the policy legalizing the export of sea sand has proven to inflict massive economic losses on coastal communities, particularly fishermen. On Kodingareng Island in Makassar City, South Sulawesi Province, for instance, fishermen have lost 80 billion rupiah in income over 257 days due to seabed sand mining activities conducted by the foreign company PT Boskalis. Not only have they lost their income source, but many fishermen have been forced to leave the island to seek other work, leaving behind mounting debts, and facing economic hardships that have compelled them to marry off their children at a young age. Another example is what has happened to communities in Bangka Belitung. There, seabed sand mining for export to Singapore has also caused severe ecosystem damage. The area of coral reefs, which once reached 82,000 hectares,

³ Aisha Amelia Putri, "Responding to Questions About Seabed Sand Exports, Luhut: It's Just Sediment and Is Being Monitored," Kompas.com, 2024, <https://www.kompas.tv/video/538974/jawab-soal-ekspor-pasir-laut-luhut-hanya-sedimen-dan-diawasi>.

⁴ M. Ilham Ramadhan Avisena, "The Directorate General of Customs and Excise Will Strictly Monitor the Export of Sea Sand," Media Indonesia, 2024, <https://mediaindonesia.com/ekonomi/702791/ditjen-bea-dan-cukai-akan-awasi-ketat-ekspor-pasir-laut>.

⁵ Augustinus Yoga Primantoro, "Government Forms Special Task Force, Claims Seabed Sand Exports Will Proceed in Accordance with Regulations," Kompas.id, 2024, <https://www.kompas.id/check?next=%2Fbaca%2Fekonomi%2F2024%2F09%2F21%2Fbentuk-tim-khusus-pemerintah-klaim-ekspor-pasir-laut-bakal-berjalan-sesuai-ketentuan>.

⁶ "Seasand Exports Resume: Immediate Profits, Environmental Damage Threatens the Future!," Berita Komunikasi Warga Nusantara, Kowantara News, 2024, <https://kowantaranews.com/2024/09/24/ekspor-pasir-laut-dibuka-keuntungan-instan-kerusakan-lingkungan-mengancam-masa-depan/>.

now stands at only around 12,000 hectares, while 240,000 hectares of mangroves have been destroyed over a 20-year period.⁷

Thus, the legalization of seabed sand exports through Government Regulation No. 26 of 2023 calls for a thorough re-evaluation, as it appears to disregard the principle of sustainability, as enshrined in Presidential Regulation No. 111 of 2022, Law No. 26 of 2007, and Article 33, paragraph (4) of the 1945 Constitution, which mandates a balance between economic, ecological, and social aspects.⁸ The dominance of economic interests is evident in the high enthusiasm of 66 companies⁹ applying for concessions in strategic areas such as the Java Sea and Natuna to meet the massive demand from neighboring countries for large-scale infrastructure projects; consequently, the legislative rationale of this policy is deemed to prioritize economic growth and corporate profits over the protection of the constitutional rights of coastal communities and the preservation of the marine environment.¹⁰

Subsequently, Government Regulation No. 26 of 2023 underwent a substantive review and received a ruling, namely Supreme Court Decision No. 5 P/HUM/2025. This ruling marks a turning point in the constitutional failure of the government's politics of law regarding GR 26/2023, as the judges upheld the substantive review of Article 10, paragraphs (2), (3), and (4), deeming them inconsistent with the mandate for marine environmental protection under Article 56 of Law No. 32/2014. Through its *ratio decidendi*, the Supreme Court affirmed that the commercialization of marine sand constitutes a hasty policy, disregarding the principle of prudence in the face of a real threat of coastal erosion, and exceeding the government's authority regarding the conservation of coastal ecosystems. With the repeal of these essential provisions, the policy on the export and sale of marine sand has now lost its operational, philosophical, and sociological legitimacy as a form of judicial correction against executive economic ambitions that threaten environmental sustainability.

Therefore, this article will analyze the politics of law of seabed sand export as regulated in Government Regulation No. 26 of 2023 on the Management of Marine Sedimentation Products and will examine the legal implications of seabed sand export policies on coastal communities from the perspective of the principle of sustainability in spatial planning.

⁷ "Seasand Exports Resume: Immediate Profits, Environmental Damage Threatens the Future!"

⁸ Fatia Kultsum, "Implementation of The Principles of Sustainability in The Preparation of Provincial and Regency/City Spatial Plans in Indonesia," *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, dan Agraria* 3, no. 1 (2023): 4.

⁹ Antara, "In Addition to Yusril's Company, 65 Other Companies Are Awaiting Permits for Offshore Sand Dredging," *Tempo.co*, n.d.

¹⁰ Yuanita, "66 Companies Have Applied for Seasand Export Permits; KIARA: This is not Transparent!," *Sinar Harapan.co*, 2024, <https://www.sinarharapan.co/ekonomi/38513609788/ada-66-perusahaan-ajukan-izin-ekspor-pasir-laut-kiara-tidak-transparan>.

METHODS

This research is a normative legal research with a conceptual approach, statutory approach, and case approach. Normative legal research is a process of identifying legal rules, legal principles and legal doctrines in order to address the legal issues encountered in this research.¹¹ The conceptual approach is used to explain the concept of the principle of sustainability, particularly its unique characteristics within spatial planning law. Next, the statute approach is employed to analyze policies regarding the mining of marine sediment deposits as regulated in Government Regulation No. 26 of 2023, along with the implementing ministerial regulations. Meanwhile, the case approach is utilized by examining Supreme Court Decision Number No.5P/HUM/2025. Thus, this study has done to provide a systematic explanation of the inconsistency in the re-enactment of the sea sand export policy in terms of the principle of sustainability in spatial planning law.

DISCUSSION

Politics of Law on the Management of Marine Sediment Policy Through the Sea Sand Export Policy

In general, the concept of politics of law refers to legal strategies or legislation aimed at achieving legal reform through legal instruments implemented via statutory regulations.¹² This aligns with Soedarto's perspective, who states that politics of law constitutes the state's policy, carried out through authorized state bodies to establish the desired regulations and utilize them to realize the aspirations of society.¹³ Furthermore, through politics of law, a national legal development plan and blueprint will be created aimed at realizing legal objectives, namely creating justice, utility, and legal certainty.¹⁴ In this context, by examining the politics of law behind the sea sand sales policy, it is hoped that the extent to which this policy can realize legal objectives, particularly regarding the conservation and utilization of marine resources, will become clear.

The policy for managing marine sedimentation products through the sale of marine sand began with the enactment of Government Regulation No. 26 of 2023 on the Management of Marine Sedimentation Products (hereinafter referred to as PP 26/2023) on May 15, 2023. In its preamble, this regulation is intended as a form of the government's responsibility to protect and preserve the marine environment, as mandated by Article 56 of Law No. 32 of 2014 on Maritime Affairs. More specifically, Article 10 of PP 26/2023 explicitly states the policy legalizing the sale of marine sedimentation products, namely marine sand, following the issuance of a mining business license for

¹¹ Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana, 2017).

¹² Erry Fitrya Primadhany, et al., *Political of Law in Indonesia* (Sada Kurnia Pustaka, 2023).

¹³ Anita, "Legal Politics in Law Enforcement in Indonesia," *Dharmasisya: Jurnal Fakultas Program Magister Hukum FHUI* 1, no. 1 (2022): 322.

¹⁴ Mia Kusuma Fitriana, "The Role of Legal Politics in The Formation of Legislation in Indonesia As A Means of Realized State Goals," *Jurnal Legislasi Indonesia* 12, no. 2 (2015): 6.

such sales.

Furthermore, the government's primary considerations in formulating this policy can be understood from the explanatory notes of GR 26/2023, which state that the management of marine sedimentation products can yield positive impacts across two main aspects: ecological and economic. From an ecological perspective, this policy can yield positive impacts in the form of (1) maintaining the carrying capacity of coastal and marine ecosystems, (2) reducing negative impacts on coastal ecosystems, where coastal ecosystems have a greater capacity to absorb carbon compared to terrestrial ecosystems, and (3) preserving channel functions.

Furthermore, the Government, through various ministries, has emphasized that the politics of law direction of Government Regulation No. 26 of 2023 focuses on managing sedimentation to maintain the health of marine ecosystems; where Luhut Binsar Pandjaitan guarantees that this policy will not harm the environment, while Sakti Wahyu Trenggono explains that the policy is designed to meet the high demand for reclamation project materials while simultaneously protecting coral reefs and seagrass beds from siltation. In line with this, Isy Karim emphasized that exports can only be conducted after domestic needs are met, with the ultimate goal of optimizing coastal carrying capacity and providing tangible economic contributions to the state through Non-Tax State Revenue (PNBP), which has not yet been fully utilized.

Thus, the politics of law set forth in Government Regulation No. 26 of 2023 is inconsistent with Law No. 32 of 2014 on Maritime Affairs. Normatively, the Maritime Law establishes the principles of sustainability and marine environmental protection as its main pillars. However, the government's politics of law choice to legalize sand exports, under the pretext of sediment management, is viewed as a deviation from the mandate of that law, wherein a legal instrument (Government Regulation) is instead used to facilitate activities that risk damaging marine ecosystems.¹⁵

Historically, Indonesia's politics of law since 2002 (through Presidential Decree No. 33 of 2002 and its implementing regulations) has prohibited the commercialization of sea sand due to its destructive impact on territorial sovereignty and the submergence of small islands. At that time, the policy was aimed at protecting and empowering fishermen, fish farmers, and coastal communities in general, as well as improving the market value of sea sand; therefore, control and supervision of sea sand exploitation were necessary. This was because, at that time, uncontrolled activities such as mining, dredging, transportation, and trade of marine sand were rampant, leading to the destruction of coastal and marine ecosystems, the decline of fishermen and fish farmers, and the collapse of marine sand prices.

¹⁵ Dhea Praja Gupta, Afita Safanisa, and Nacha Arnand Mahantika, "Examining the Regulation of Government Regulation No. 26/2023 on Marine Sedimentation Management in the Perspective of the Blue Economy: Evaluation of Indicators and Reconstruction Proposals," *RechtsVinding* 14, no. 3 (2025): 387–404.

The enactment of Government Regulation No. 26 of 2023 represents a legal-political backtracking. The government is attempting, in a normative sense, to erase the “legal memory” of that ban by creating the new terminology “sedimentation products”, specifically mud that obstructs ship channels, even though, in substance, it still refers to the same commodity that has been banned for two decades. This aligns with the statement by expert Roni Hermawan, who revealed that “sedimentation products” have no economic value or cannot be utilized as material for constructing artificial islands.

Subsequently, Government Regulation No. 26 of 2023 was challenged in court, specifically Articles 10(2), 10(3), and 10(4), in January 2025 by Muhammad Taufiq, a lawyer from Surakarta, Central Java. The petition for judicial review was decided in Supreme Court Decision No. 5 P/HUM/2025. The essence of these three provisions concerns the dredging of marine sediments, specifically marine sand and their utilization by business entities holding valid permits, one form of which involves selling the dredged material as marine sand, provided the entity holds a valid mining business permit for such sales. In the petition, the challenge was directed at Article 56 of Law No. 32 of 2014 on Maritime Affairs. The core of Article 56 of Law No. 32 of 2014 addresses the government’s responsibility to protect and preserve the marine environment through prevention, reduction, and control of marine pollution and damage to the marine environment.

In its ruling, the Supreme Court granted the petition, stating that the three articles in question conflict with Article 56 of Law No. 32 of 2014 on Maritime Affairs and are therefore not applicable to the general public or lack legal binding force. As for the judges’ reasoning (*ratio decidendi*) that served as the primary grounds for the rejection, these include: (1) the three articles were deemed to contradict Article 56 of Law No. 32 of 2014 because they legalize the mining of marine sand for subsequent sale or commercialization, (2) the court determined that the policy of commercializing marine sedimentation products, specifically the sale of marine sand is a hasty policy that fails to consider due diligence, as the government has yet to take serious and systematic steps to address coastal environmental damage resulting from the actual occurrence of the submergence of the northern coastal area of Java Island due to erosion and rising sea levels, (3) the court considers the commercialization of sedimentation products in the form of sea sand to be a dereliction of the government’s duties and responsibilities regarding the protection and conservation of the coastal and marine environment, and the government has absolutely no authority to commercially exploit marine resources through mining business permits for sale.¹⁶

Thus, the politic of law underlying the marine sediment sales policy ultimately suffered a constitutional setback following the issuance of Supreme Court Decision No. 5 P/HUM/2025. The

¹⁶ Supreme Court Decision No. 5 P/HUM/2025.

Supreme Court, as the holder of judicial power, corrected the executive branch's politics of law by revoking three essential articles that formed the core of the commercialization of sea sand. Legally, this ruling affirms that the export policy lacks a strong philosophical and sociological foundation and contradicts higher legal principles, thereby causing the policy to lose its operational legitimacy.

Based on the above explanation, it is clear that the politic of law underlying the sea sand export policy is instrumentalist in nature, whereby the law is merely used as a tool to pursue short-term economic goals without regard for the principle of intergenerational equity. The Supreme Court's invalidation of key provisions demonstrates that a politics of law that disregards environmental protection and sustainability cannot be sustained within Indonesia's rule-of-law system.

The Practice of Sea Sand Export Policy in Indonesia

The issuance of Government Regulation (PP) Number 26 of 2023 concerning Sedimentation Management at Sea has revoked Presidential Decree Number 33 of 2022 concerning Control and Supervision of Sea Sand Companies. There is one article that has received attention among the public, namely the reopening of the sea sand export tap. Article 9 paragraph (2) of the regulation states that dredged sea sand may be utilized for several purposes, including domestic reclamation, government infrastructure development, infrastructure development by business actors, and/or exports as long as domestic needs.¹⁷

Historically, the export of sea sand has been known since the 1970s. Initially, the utilization of the potential of sea sand in the Riau Islands was intended as a step to overcome the silting of the sea, however, on an ongoing basis, it turned out that the sea sand was used as an economic commodity that was traded to the Singapore Government.¹⁸ According to the survey results obtained from Riki Rahmad's research, as many as 300 million cubic meters of sand have been exported from Indonesia to Singapore which is used in the Singapore State land expansion project. Then, this is what causes Indonesia's sea area to shrink because the sand in Indonesian territory is used to expand other countries in large quantities. The exploitation of natural resources in the form of marine sand mining in the waters of the Riau Islands, which includes dredging, transportation and trading of marine sand for Singapore's coastal reclamation project, has had serious damaging consequences on coastal and marine ecosystems, such as abrasion, damage to fisheries and aquaculture fishing areas, and causing

¹⁷ Kristiawan Putra Nugraha, "Impact Analysis of the Implementation of Government Regulation No. 26 of 2023 on the Management of Marine Sedimentation: A Review of Environmental Impacts," *Quantum Juris: Jurnal Hukum Modern* 6, no. 2 (2024): 42–58.

¹⁸ Riki Rahmad, "Penambangan Pasir Laut (Sejarah, Pengaturan, dan Dampak)", OSF, 2018. doi: <https://doi.org/10.31227/osf.io/dk8eb>.

a decrease in the price of marine sand.¹⁹

According to Walhi's records, there are currently approximately 20 small islands around Riau, Maluku and other islands that have sunk. In this case, as many as 115 small islands have the potential to sink in Indonesian waters, precisely in deep water areas. A simple example can be seen on Nipah Island, which has begun to sink, even though the island is the boundary of Indonesia's territory with Singapore. It does not stop there, as many as 83 outer islands which are border islands are also threatened with sinking. Sea sand is an integral part of the ecosystem, if when sedimentation containing sea sand is sucked up, it will still have an impact on the ecosystem even though it is not mining sea sand like 20 years ago. In response to this situation, the government issued a Joint Decree (SKB) by the Minister of Industry, the Minister of Environment and Trade, and the Minister of Maritime Affairs and Fisheries, numbered SKB 07/MEN/2/2002, and SKB 01/MENLH/2/2002 on the Temporary Suspension of Sea Sand Exports. This SKB decided to temporarily suspend the export of sea sand. However, at present, the regulation has been replaced by Government Regulation No. 26 of 2023 which reopens the export of sea sand.

Enforcement of the Sea Sand Export Policy in View of the Principle of Sustainability in Spatial Planning

The principle of sustainable development is a concept that emerged in response to environmental degradation caused by the uncontrolled exploitation of natural resources. This principle aims to preserve the integrity of environmental functions through various approaches, such as policies, regulations, maintenance, control, and environmental management.²⁰ In the context of spatial planning, the principle of sustainability serves as the primary guide for planning, utilizing, and controlling space.²¹ Sustainable spatial planning must be able to accommodate development needs while preserving the functions of coastal ecosystems so that they continue to support community life and sustainable economic activities.²² The application of the principle of sustainability in natural resource management and spatial planning is key to achieving inclusive and environmentally conscious development.²³

¹⁹ Jauhari Arman and Agus Suroso, "The Impact of Marine Sand Sediment Export Permits on Ecological Justice and the Well-Being of Coastal Communities," *National Conference on Law Studies (NCOLS)* 71, no. 1 (2023): 68–81.

²⁰ Rofi Wahanisa and Septhian Eka Adiyatma, "The Concept of the Principles of Conservation and Sustainability in Environmental Protection and Management within the Values of Pancasila," *Bina Hukum Lingkungan* 6, no. 1 (2024): 93.

²¹ Edward James Sinaga, "Land Use Planning and the Role of the Community in Regional Development," *Pandecta: Research Law Journal* 15, no. 2 (2020): 242–60.

²² Tommy Cahya Trinanda, "Management of Indonesia's Coastal Areas in Support of Environmentally Sustainable Development," *Matra Pembaruan: Jurnal Inovasi Kebijakan* 1, no. 2 (2017): 75.

²³ Ferina Cahyanti, "Efforts to Enhance Environmental Carrying Capacity Through the Application of Sustainable Development Principles in Accordance with Law No. 32 of 2009 on Environmental Protection and Management," *Indonesian State Law Review (ISLRev)* 2, no. 2 (2020): 168.

Normatively, Law No. 26 of 2007 on Spatial Planning (Spatial Planning Law) also integrates the principle of sustainability into spatial management. Article 2 states that spatial planning is carried out based on the principle of sustainability to achieve harmony between the natural, social, and economic environments.²⁴ This principle serves as a guideline for planning, utilizing, and controlling space to ensure that development does not compromise environmental functions.

Furthermore, spatial planning law plays a crucial role in realizing the principle of sustainability, serving as an instrument for both investment control and preservation that comprehensively regulates the management of marine resource utilization.²⁵ Conceptually, spatial planning comprises three inseparable elements that must be implemented in accordance with spatial planning principles: spatial planning, land use, and land use control. In the context of marine sand extraction, this plan serves as a zoning system that clearly separates conservation areas and traditional fishing zones from extraction zones, thereby minimizing conflicts over land use.²⁶

Additionally, this instrument functions as a mitigation mechanism that sets activity thresholds based on the carrying capacity of coastal areas to prevent ecological impacts such as chain erosion.²⁷ Ultimately, the spatial plan provides legal certainty regarding site locations through the Marine Space Utilization Activity Compliance Document (KKPRL) and the Provincial Spatial Planning Plan (RTRWP), which serve as the primary legal foundation and a “bulwark” for coastal communities to reject extractive activities inconsistent with the designated land use in their areas.²⁸ These three elements are essential for achieving effective and efficient spatial utilization that supports sustainable environmental management, prevents wasteful use of space, and avoids degradation of marine environmental quality.²⁹

Based on the principle of sustainability, any use of marine space must maintain a balance between economic, social, and environmental interests. The policy on marine sand extraction in Government Regulation No. 26 of 2023 tends to disregard environmental considerations in spatial planning because marine sand extraction, even though it is referred to as sediment management, technically risks altering seabed contours and coastal morphology. This contradicts the spirit of marine spatial planning, which should be preventive against ecosystem damage, as stipulated in

²⁴ Article 2 Law No. 26 of 2007 Concerning Spatial Planning.

²⁵ Maret Priyanata, “Implications of the Concept of Compatibility of Marine Space Utilization Activities in Sustainable Marine Resource Management,” *Jurnal Wawasan Yuridika* 5, no. 1 (2021): 20–39.

²⁶ Maret Priyanta, *Buku Ajar Hukum Tata Ruang* (Bandung: Logoz Publishing, 2021).

²⁷ Cut Sabina Anasya Z, Dadang Epi Sukarsa, and Maret Priyanta, “Coastal Spatial Planning Regulation Through Strategis Enviromental Assessment Approach for Coral Reef Protection In Indonesia,” *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, dan Agraria* 1, no. 2 (2022): 206–28.

²⁸ Fatia Kultsum, “Implementation of The Principles of Sustainability in The Preparation of Provincial and Regency/City Spatial Plans in Indonesia.”

²⁹ Kent Adytia Kusnanto, “The Role of Spatial Planning Law in Sustainable Development: A Legal Thought Perspective,” *Ethics and Law Journal: Busniess and Notary* 2, no. 1 (2024): 58.

global standards for Integrated Coastal Zone Management (ICZM).³⁰

From a technical spatial planning perspective, seabed dredging increases the risk of coastal erosion and seawater intrusion, which directly threaten the sustainability of coastal settlements. The principle of sustainability demands that environmental carrying capacity and resilience be maintained; however, massive extraction for export purposes actually reduces the resilience of coastal areas to the impacts of climate change and rising sea levels. This creates negative externalities for coastal communities, who must bear the burden of environmental damage without receiving proportional economic benefits.³¹

Social sustainability in spatial planning requires active participation from affected communities. However, the legal framework of Government Regulation No. 26/2023 tends to be top-down, where the designation of sediment management sites is carried out by the central government without substantial and adequate involvement of coastal communities. The absence of Free, Prior, and Informed Consent (FPIC) indicates that this policy disregards the principle of spatial democracy, which is a key element of sustainable development.³²

Furthermore, the principle of sustainability also emphasizes the balance between economic, social and environmental interests. The ecological dimension demands the preservation of the environment and ecosystems, especially marine ecosystems, which are important habitats for various living things. From an economic perspective, sustainability encourages the utilization of natural resources, such as marine sand, for development that not only benefits the present but also provides long-term benefits. Meanwhile, the social dimension underlines the impact of policies on people's welfare, especially those who are vulnerable to environmental changes due to resource exploitation. In this case, community participation becomes an important element to ensure that the policies implemented do not only involve the community as objects, but also as subjects who play an active role in the planning, decision-making and monitoring processes, so that the policies can truly reflect their needs and interests.³³

The sea sand export policy is one of the strategic issues that has significant environmental, social and economic impacts in Indonesia. The government, through Government Regulation (PP) Number 26 of 2023 concerning Management of Sedimentation Results in the Sea, provides a legal framework that allows the export of sea sand after almost two decades of being banned through Presidential Decree (Keppres) Number 33 of 2002. This policy approach poses a major challenge to

³⁰ Dina Sunyowati, "Marine Spatial Planning Based on Integrated Coastal Management," *Mimbar Hukum* 20, no. 3 (2008): 411–588.

³¹ Kusnanto, "The Role of Spatial Planning Law in Sustainable Development: A Legal Thought Perspective." Kusnanto.

³² Kana Kurnia and Reza Hadrian, "A Legal Analysis of the Enactment of Government Regulation No. 26 of 2023 on the Management of Marine Sedimentation," *Jurnal Legislasi Indonesia* 22, no. 3 (2025): 295–312.

³³ Dina Susiana, *Hukum Tata Ruang* (Jember: Pustaka Abadi, 2020).

the principle of sustainability, especially in the context of spatial planning oriented towards the preservation of coastal and marine ecosystems. If examined more deeply, the impact of the reversal of the sea sand export policy can affect the environment, social and economy.

First, the environmental impact. The marine sand export policy, which aims to support economic development, has faced criticism due to the potential for ecosystem damage that threatens the balance of the marine environment. Damage to marine ecosystems caused by marine sand dredging activities has been identified as a major threat to environmental sustainability. Marine ecosystems serve vital functions as habitats for biodiversity and as natural barriers against coastal erosion. Seabed sand acts as a natural buffer protecting coastlines from ocean waves. Massive extraction of seabed sand can trigger coastal abrasion, loss of marine habitats, and disruption of the food chain that sustains coastal communities.

Some concrete examples of the environmental impacts of sand mining can be seen in the table below.

Table 1.
The Real Impact of Seabed Sand Mining on the Environment

Location	Environmental Impact
Kamelanta Village, Kapontori Subdistrict, Buton Regency (2023)	partial destruction of mangrove forests, leading to coastal erosion, increased beach erosion, as well as deteriorating water quality and increased pollution. ³⁴
Sumbersari Village, Nglegok Subdistrict, Blitar Regency (2024)	land degradation, including soil erosion, which leads to coastal erosion; hinders the development of flora and fauna in coastal areas; increases the risk of flooding and landslides; and causes air and water pollution. ³⁵
Patua Village, Tomia Subdistrict, Wakatobi Regency (2024)	A reduction in sediment volume on the seafloor that alters the natural balance between deposition and erosion in coastal areas, leading to a narrowing of the beach, a retreating shoreline, and the potential loss of productive coastal land. ³⁶
Pabian Village and Angon-Angon Village, Kangean Island, Madura (2024)	erosion caused by rising sea levels, damage to coral reefs, and the turbidity of seawater due to the use of dredgers. ³⁷
Moro Subdistrict, Karimu Regency, Riau Islands (2024)	Coastal erosion, damage to marine ecosystems, and disruption of the local hydrological cycle. ³⁸

³⁴ Surianti, Asrim, and Riko Wardana, "Analysis of the Impact of Sea Sand Mining on the Environment and Socio-Economy in Kamelanta Village, Kapontori District, Buton Regency," *Jurnal Media Inovasi Teknik Sipil Unidayan* 12, no. 2 (2023): 59–64.

³⁵ Ain Nurahmi and A. Zahid, "Illegal Sand Mining: A Case Study of the Ecological Impact of Illegal Sand Mining in Sumberasri Nglegok Village, Blitar," *Jurnal Ekologi, Masyarakat Dan Sains* 5, no. 1 (2024): 20–32.

³⁶ Surianti and Tomi, "Analysis of the Impact of Seabed Sand Mining in Patua Village, Tomia Subdistrict Wakatobi Regency," *Jurnal Media Inovasi Teknik Sipil Unidayan* 13, no. 1 (2024): 21–26.

³⁷ David Kurniawan, Putera Perdana, and Juang Gagah Mardhika, "Seasand Mining as a Source of Disaster: The Impact of Illegal Seasand Mining on Kangean Island," *Daulat (Jurnal Agraria, Adat Dan Desa* 1, no. 1 (2024): 1–20.

³⁸ Kiki Amalia, Sri Dandi, and Yuyun Wahyuningsih, "Environmental Policies Regarding Sand Mining Issues in Moro, Riau Islands, and Their Impact on the Moro Community," *Public Knowledge* 1, no. 2 (2024): 139–57.

Based on the table, it can be concluded that marine sand mining tends to have significant negative impacts on the environment, including causing massive damage to coastal ecosystems, ranging from the destruction of mangrove forests and coral reefs to a decline in water quality due to pollution and turbidity. These conditions trigger sedimentation imbalances that lead to severe erosion, coastal retreat, and an increased risk of disasters such as flooding and the loss of productive land.

Therefore, the policy on the export of sea sand is deemed to be in violation of Article 28H (1) of the 1945 Constitution and Article 7(3) of Law No. 32/2014, as the implementation of Government Regulation No. 26/2023 tends to prioritize economic interests over ecosystem protection and the well-being of coastal communities. Although regulations require a comprehensive environmental impact assessment, weak oversight and a lack of transparency and accountability on the ground have fueled environmentally destructive exploitation practices, casting serious doubt on the government's commitment to the principles of sustainability and environmental law enforcement, as mandated by Law Number 26/2007.

Second, social impacts. Ocean sand export policies often ignore this principle of community participation. Directly affected coastal communities are rarely involved in decision-making processes, even though they rely heavily on marine ecosystems for their livelihoods. This condition creates social inequality that has the potential to trigger conflict at the local level.³⁹ In addition, a policy approach based on the principle of sustainability in spatial planning requires integration across sectors at the national and regional levels. The central and local governments must work together to ensure that the sea sand export policy does not conflict with the established regional spatial plan (RTRW). Article 10 paragraph (1) of Law No. 26/2007 stipulates that the RTRW must consider the carrying capacity of the environment in determining spatial utilization. The incompatibility between the sea sand export policy and the RTRW will create policy conflicts that lead to environmental degradation. The main recommendation to ensure the implementation of the principle of sustainability in the sea sand export policy is to tighten regulations and supervision.

Third, the impact on the economy. The balance between economic utilization and environmental preservation is the core of the principle of sustainability. Article 65 paragraph (2) of Law No. 32/2009 on Environmental Protection and Management requires every activity that has the potential to cause environmental impacts to involve the community in decision-making. In the context of the sea sand export policy, the application of sanctions against regulatory violations often

³⁹ Helena Dwi Yansen, et al., "Analysis of the Marine Sediment (Seasand) Export Policy in Relation to Government Regulation No. 26 of 2023 on the Management of Marine Sediment Resources," *Lex Sharia Pacta Sunt Servanda: Jurnal Hukum Islam Dan Kebijakan* 1, no. 1 (2023): 14.

does not provide a deterrent effect.⁴⁰ An assessment of the economic impact of this policy also shows that the short-term gains from the export of sea sand are not worth the long-term losses.⁴¹ State revenues from taxes and PNBP obtained through the export of sea sand cannot compensate for the ecosystem damage that affects the fisheries sector, marine tourism and the socio-economic sustainability of coastal communities. Marine sand is a non-renewable resource, so overexploitation will reduce the ecosystem's capacity to sustainably provide economic benefits in the future.⁴²

Some concrete examples of the socioeconomic impacts of sand mining can be seen in the following table.

Table 2.
The Real Impact of Seabed Sand Mining on the Social-Economic

Location			Social-Economic Impact
Kamelanta Village, Subdistrict, Buton Regency (2023)	Kapontori		Serving as a source of income, fostering economic diversification, and providing a supply of construction materials for village development. ⁴³
Seluma, Bengkulu			The loss of living space, the loss of livelihoods, social divisions, and reduced access to marine resources—all of which could lead to poverty and hunger. ⁴⁴
Patua Village, Wakatobi Regency (2024)	Tomia Subdistrict		Higher income levels and increased purchasing power among the public. ⁴⁵
Pabian Village, Kangean Island (2024)	Angon-Angon Island, Madura		The shift in the population's livelihood from farming and fishing to sand mining, increased income, and a decline in fish catches. ⁴⁶
Moro Subdistrict, Riau Islands (2024)	Karimun Regency		Increased income and improved availability of sand for village development needs. ⁴⁷

Based on the table above, it can be seen that marine sand mining provides economic benefits in the form of increased community income and the supply of construction materials for village development. However, from a social perspective, this activity also triggers serious negative impacts, such as environmental damage, the loss of fishermen's livelihoods, and the risk of poverty due to the

⁴⁰ Ibra Fulezni Amri, A. Minga, and Ramdhani, "Vertical Harmonization of Government Regulation No. 26/2023 with the 1945 Constitution of the Republic of Indonesia: Legal Policy on the Export of Laur Sand," *UNES Law Review* 6, no. 2 (2023): 2338–49.

⁴¹ Reza Aditya and Tetty Marlina Tarigan, "Pros and Cons of Government Regulation No. 26 of 2023 on the Management of Marine Sediment Deposits: A Perspective from Fiqh Siyasah Syar'iyah," *As-Syar'i: Jurnal Bimbingan Konseling Keluarga* 5, no. 3 (2023): 1106.

⁴² Rofi Wahanisa and Septhian Eka Adiyatma, "The Conception of Principle of Sustainability in Environmental Protection and Management Value of Pancasila," *Bina Hukum Lingkungan* 6, no. 1 (2021): 93–118.

⁴³ Surianti, Asrim, and Wardana, "Analysis of the Impact of Sea Sand Mining on the Environment and Socio-Economy in Kamelanta Village, Kapontori District, Buton Regency."

⁴⁴ Ocean Justice House, "Legal Analysis of Policies on the Extraction and Export of Seabed Sand," *Indonesia Ocean Justice Initiative*, 2024.

⁴⁵ Surianti and Tomi, "Analysis of the Impact of Seabed Sand Mining in Patua Village, Tomia Subdistrict Wakatobi Regency."

⁴⁶ Kurniawan, Perdana, and Mardhika, "Seasand Mining as a Source of Disaster: The Impact of Illegal Seasand Mining on Kangean Island."

⁴⁷ Amalia, Dandi, and Wahyuningsih, "Environmental Policies Regarding Sand Mining Issues in Moro, Riau Islands, and Their Impact on the Moro Community."

depletion of marine resources.

CONCLUSION

Based on the previous explanations, a common thread can be drawn that the politics of law of the sea sand export policy is instrumentalist in nature, whereby the law is merely used as a tool to pursue short-term economic goals without regard for the principle of intergenerational equity. The Supreme Court's invalidation of key provisions demonstrates that a politics of law that disregards environmental protection and sustainability cannot be sustained within Indonesia's rule-of-law system. Then, based on the analysis of the principle of sustainability in the sea sand export policy implemented through Government Regulation No. 26 of 2023 shows that this policy has the potential to conflict with the principle of sustainability in spatial planning. The principle of sustainability emphasizes the importance of balance between economic, social and environmental interests, which in this context is not fully met. From a socioeconomic perspective, marine sand mining provides an immediate boost to local incomes and supplies construction materials for villages; however, it also triggers a drastic shift in livelihoods from the fishing sector to the labor industry. On the other hand, this activity causes long-term harm in the form of habitat loss, social conflict, and declining fish catches, which pose risks of poverty and hunger. Meanwhile, in the environmental sector, marine sand mining causes massive damage to coastal ecosystems, ranging from the destruction of mangrove forests and coral reefs to a decline in water quality due to pollution and turbidity. These conditions trigger sedimentation imbalances that lead to severe erosion, coastal retreat, and an increased risk of disasters such as flooding and the loss of productive land.

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