

Abuse of Authority in the Coastal Wall Project Case from the Perspective of Sharia Economic Law

Juliandre Lombo^{1*}

¹Law Faculty, Universitas Jurai Siwo Metro

e-mail: andrylombo@gmail.com

*Corresponding Author: andrylombo@gmail.com

| Received: 14-04-2025 | Revised: 17-05-2025 || Accepted: 31-07-2025 | Published On: 31-07-2025

Abstract: This study aims to analyze the case of abuse of authority in the coastal wall construction project in Tangerang, Banten, from the perspective of Sharia Economic Law. The case drew attention due to the involvement of maladministration, document forgery, and illegal issuance of land ownership and building use rights certificates, which resulted in the loss of fishermen's access to their traditional fishing grounds and caused economic losses of up to IDR 24 billion. This study addresses two main questions: (1) What forms of authority abuse occurred in the project? and (2) How do the principles of Sharia Economic Law, such as trust (*amanah*), justice (*'adil*), and public benefit (*maslahah*), assess such actions? The research uses a qualitative approach with a normative-juridical method and a comparative sharia perspective, involving content analysis of legal documents, investigative reports from state institutions, and literature in *fiqh muamalah*. The findings show that the abuse of authority not only violates Indonesian positive law but also contradicts key principles of Sharia Economic Law. The absence of sharia-based principles in public governance contributes to social inequality, loss of public trust, and ethical decay in resource management. The study concludes that integrating the national legal system with Sharia Economic Law values is essential to prevent power abuse and strengthen public officials' accountability. This research offers an alternative framework based on *maqāṣid al-sharī'ah* for ethical assessment of public policies and serves as an early reference for applying Sharia Economic Law in authority abuse cases in infrastructure development.

Keywords: abuse of authority, sharia economic law, coastal wall, public trust, *maqāṣid al-sharī'ah*.

Abstrak: Penelitian ini bertujuan untuk menganalisis kasus penyalahgunaan wewenang jabatan dalam proyek pembangunan pagar laut di pesisir Tangerang, Banten, dari perspektif Hukum Ekonomi Syariah. Kasus ini menjadi sorotan karena melibatkan maladministrasi, pemalsuan dokumen, serta penerbitan sertifikat hak milik dan hak guna bangunan secara ilegal, yang berdampak pada hilangnya akses nelayan terhadap wilayah tangkap tradisional mereka dan menimbulkan kerugian ekonomi mencapai Rp24 miliar. Penelitian ini berupaya menjawab dua pertanyaan utama: (1) bagaimana bentuk penyalahgunaan wewenang dalam proyek tersebut? dan (2) bagaimana prinsip-prinsip Hukum Ekonomi Syariah, seperti amanah, keadilan, dan kemaslahatan, menilai tindakan tersebut? Penelitian ini menggunakan pendekatan kualitatif dengan metode normatif yuridis dan pendekatan syar'i komparatif, melalui analisis isi terhadap dokumen hukum, laporan investigasi lembaga negara, serta literatur fiqih muamalah. Hasil penelitian menunjukkan bahwa tindakan penyalahgunaan wewenang ini tidak hanya melanggar hukum positif Indonesia, tetapi juga bertentangan dengan prinsip-prinsip Hukum Ekonomi Syariah seperti amanah, keadilan, dan kemaslahatan publik. Temuan ini menegaskan bahwa absennya prinsip-prinsip syariah dalam tata kelola publik menyebabkan ketimpangan sosial, hilangnya kepercayaan masyarakat, serta kerusakan etis dalam pengelolaan sumber daya. Penelitian ini menyimpulkan bahwa integrasi antara sistem hukum nasional dengan nilai-nilai Hukum Ekonomi Syariah sangat penting untuk mencegah penyalahgunaan kekuasaan dan memperkuat akuntabilitas pejabat publik. Kontribusi akademik dari studi ini adalah memberikan kerangka alternatif berbasis *maqashid al-syari'ah* dalam penilaian etis terhadap kebijakan publik, serta sebagai rujukan awal dalam penerapan Hukum Ekonomi Syariah pada kasus penyalahgunaan wewenang di sektor pembangunan infrastruktur.

Kata Kunci: Penyalahgunaan Wewenang, Hukum Ekonomi Syariah, Pagar Laut, Amanah Publik, *Maqashid Al-syari'ah*.

Introduction

The case of the Sea Fence off the coast of Tangerang, Banten, is a clear example of abuse of power that has harmed many parties. The project, which stretches over 30 kilometers, is allegedly fraught with problems, including unauthorized document processing, forgery, and the illegal issuance of land certificates. As a result, thousands of fishermen lost access to their usual fishing grounds, with total losses estimated at Rp 24 billion.¹

An investigation by the Indonesian Ombudsman uncovered six alleged violations of the law in the Sea Fence project, including illegal maritime occupation and falsification of permit documents. Furthermore, the Attorney General's Office and the National Police Criminal Investigation Agency (Bareskrim Polri) also uncovered

¹ Marcellus Hakeng Jayawibawa, "Marine Fencing in Tangerang: A Threat to Ecology and Coastal Residents," *Kompas.com*, January 14, 2025, <https://nasional.kompas.com/read/2025/01/14/06030321/pemagaran-laut-di-tangerang-ancaman-bagi-ekologi-dan-warga-pesisir?page=all>. Editor: Sandro Gatra Kompascom+.

allegations of bribery, graft, and abuse of power involving several officials, including village heads and National Land Agency (BPN) employees.²

Abuse of power by public officials remains a serious problem in governance in Indonesia. Such actions not only cause state financial losses but also undermine the fairness and trust that officials are supposed to uphold. One clear example is the case of the construction of a sea fence along the coast of Tangerang, Banten, which allegedly involved various violations, such as abuse of authority, document falsification, and the illegal issuance of land certificates. As a result, thousands of fishermen lost access to the sea areas where they normally earn their living, with total losses estimated at Rp 24 billion.³

This case not only violates Indonesian positive law, particularly the Corruption Crimes Act (UU Tipikor), but also contradicts the basic principles of Sharia Economic Law. According to Sharia, acts such as abuse of authority, corruption, and the unlawful appropriation of public resources are considered a betrayal of trust and justice—two core values in social and economic relations according to Islamic teachings.

Therefore, it is crucial to examine the Pagar Laut case from the perspective of Sharia Economic Law. This approach helps understand the ethical and moral implications of the perpetrators' actions and encourages solutions that are not solely oriented toward formal legal aspects but also prioritize the values of justice, trustworthiness, and social responsibility in accordance with Islamic teachings.

Several previous studies have discussed the importance of Sharia Economic Law in preventing corruption and abuse of power. Prayoga et al. (2023) highlighted that the basic principles of Sharia Economic Law, such as transparency, justice, and accountability, can provide a strong foundation for building integrity in the economic sector.⁴ Meanwhile, Harahap and Lubis (2024) reviewed how the concept of *jinayah* in Islamic law is relevant to preventing corrupt practices and abuse of authority, particularly in human resource management. They emphasized the importance of implementing Islamic ethics to foster a just and responsible organizational culture.⁵

Although various studies have discussed the role of Sharia Economic Law in preventing corruption and abuse of power, there are still gaps in its application to real-world cases in Indonesia. In particular, few studies have in-depth examined cases of abuse of power in infrastructure development projects—such as the sea fence case in Tangerang—from the perspective of Sharia Economic Law. This highlights the need for

² Rhama Purna Jati, “Ombudsman Finds Maladministration and Indications of Criminal Conduct in Sea Fence Construction,” *Kompas.id*, February 3, 2025, <https://www.kompas.id/artikel/ombudsman-temukan-maladministrasi-dan-indikasi-pidana-dalam-pembangunan-pagar-laut>. Accessed May 25, 2025.

³ Karolus Charlaes Bego et al., “Juridical Review of Abuse of Authority by Public Officials from the Perspective of State Administrative Law,” *Collaborative Journal of Science* 7, no. 10 (2024): 3786.

⁴ Taufik Ilham Prayoga, Nurlaila Isima, and Suryadi Ibrahim, “The Potential of the Sharia Economic Legal System in Preventing Corruption and Realizing the Integrity of the Economic Sector,” *Al-'Aqdu: Journal of Islamic Economics Law* 3, no. 2 (2023): 137.

⁵ Fahrizal Mufti and Muhlisah Lubis, “The Relevance of the Jinayah Concept to the Prevention of Corruption and Abuse of Authority in Human Resources Management,” *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 5, no. 1 (2025): 650.

studies that connect Sharia principles with concrete practices to provide more contextual and applicable solutions.

This study aims to fill this gap by conducting an in-depth analysis of the application of Sharia Economic Law principles to assess and address cases of abuse of authority in sea fence construction projects. Furthermore, this study aims to formulate policy recommendations that are not only consistent with the formal legal framework but also grounded in the values of justice, trustworthiness, and social responsibility as taught in Islam

Method

This study **uses** a qualitative approach with a juridical normative approach.⁶ This approach was chosen because the study aims to examine and analyze applicable legal norms, both in Indonesian positive law and in Sharia Economic Law. Through this approach, the researcher seeks to understand how legal principles are applied in the context of abuse of authority.⁷ on the sea fence construction project on the coast of Tangerang, Banten. This study also uses **a comparative sharia approach**, namely comparing provisions in Indonesian positive law with the principles of Sharia Economic Law sourced from the Qur'an, Hadith, and the opinions of scholars in muamalah fiqh.⁸ This approach allows for a deeper analysis of the normative and ethical aspects of acts of abuse of power. **The data sources** used consist of: **Primary data**: legal documents, investigative reports from state institutions such as the Indonesian Ombudsman, the Attorney General's Office, the Criminal Investigation Agency of the Indonesian National Police, and mass media coverage. **Secondary data**: academic literature, scientific journals, books on muamalah jurisprudence, fatwas of scholars, and books on Islamic law and Sharia Economic Law. **The data analysis technique** uses **content analysis** to examine relevant documents, news, and literature, as well as an **Islamic legal hermeneutic approach** to interpret verses of the Qur'an, Hadith, and fiqh rules related to principles such as trustworthiness, justice, the prohibition of bribery (risywah), and public welfare (maslahah 'ammah).⁹

As **a conceptual framework**, this study uses **maqashid al-syari'ah**, focusing on two main objectives: maintaining public welfare and preventing harm (dar' al-mafasid). This framework is used to evaluate public policies and the behavior of officials from an Islamic perspective, as well as to formulate ethical and normative solutions to abuse of authority. With this approach and method, the study is expected to provide theoretical contributions to the development of Sharia Economic Law, while also offering practical solutions to build a more just and trustworthy governance.

⁶ Muhammad Fadhlan Is, 'Busthanul Arifin 's 'Thoughts and Role in the Law on Religious Courts and the Compilation of Islamic Law in Indonesia', *Jurnal Hukum Keluarga*, 01.02 (2025), 28–38 <<https://journal-rabiza.com/index.php/JHK/article/view/15/9>>.

⁷ Cholid Narbuko and Abu Achmadi, *Research Methodology* (Jakarta: Bumi Aksara, 2014), 58.

⁸ Juhaya S. Praja, *Philosophy of Islamic Law* (Jakarta: Kencana Prenada Media, 2011), 50.

⁹ Abuddin Nata, *Methodology of Islamic Studies* (Jakarta: Raja Grafindo Persada, 2013), 64.

Results and Discussion

This study demonstrates that the sea fence construction project in the coastal area of Tangerang, Banten, has become a clear example of abuse of power by a number of public officials. The practices uncovered include maladministration, document falsification, and the illegal issuance of property rights and building use rights certificates. The impact of these actions is significant, particularly for fishing communities who have lost access to their traditional fishing grounds, resulting in economic losses estimated at Rp 24 billion. This reflects a systemic failure in the governance of infrastructure projects that should prioritize the principles of social justice and sustainability.¹⁰

From an explanatory perspective, the results of this study indicate that this abuse of authority not only violates Indonesian positive law but also contradicts the fundamental values of Sharia Economic Law. Principles such as trustworthiness, justice, and welfare, which are the foundation of Islamic transactions, have been ignored. In this case, the illegal control of maritime space and the appropriation of fishing communities' rights reflect a form of illegitimate acquisition of wealth (QS. An-Nisa: 29), which is not permitted in Islamic teachings. This demonstrates how the mismatch between field practices and normative Sharia values can give rise to inequality and an ethical crisis in the management of public resources.¹¹

The research findings confirm that the absence of principles such as *transparency* (*al-shafafiyah*), *justice* (*'adl*), and *accountability* (*mas'uliyah*) in the sea fencing project reflects the failure of an ethical and responsible public governance system. The practice of illegally issuing documents and ignoring the rights of fishing communities has given rise to social inequality and a crisis of public trust in the government.¹²

Furthermore, the *maqasid al-syari'ah approach* used in this study highlights the importance of maintaining *maslahah 'ammah* (public welfare) and preventing *mafsadah* (harm). In this context, the sea fence project has failed to fulfill these two basic objectives and instead exacerbated injustice and exploitation of vulnerable groups, namely fishermen.¹³

Predictively, this study suggests that if the principles of Sharia Economic Law are not promptly integrated into governance, abuses of power, such as those seen in the Pagar Laut case, could potentially recur in the future, even on a broader scale. However, by implementing the principles of transparency, distributive justice, and Sharia-based accountability, the potential damage from abuse of power can be minimized.

¹⁰ Bagaskoro, MR and Khumaero, IN, "Determination of Corruption Crimes of Abuse of Authority by Public Officials," *Collegium Studiosum Journal* 7, no. 1 (2024): 302.

¹¹ AA Zafi and LN Roja', "Analysis of Integrating Islamic Law and National Law Regarding Corruption in Indonesia," *DIKTUM: Journal of Sharia and Law* 18, no. 2 (2022): 147.

¹² Bakhtiar, N., & Sari, NR, and Suwandi, M., "Transparency and Accountability of Public Budget Realization Based on Islamic Principles in Preventing Corruption Practices," *Income Journal* 2, no. 1 (2023): 48.

¹³ Yoga Prasetya and Muhamad Hasan Sebyar, 'Legal Aspects of the Rights of Children from Siri Marriages', *JHK: Jurnal Hukum Keluarga*, 01.01 (2024), 9–17.

¹⁴Therefore, the findings of this study point to the need for structural reforms that combine the national legal system with Islamic ethics as a preventative and effective solution to address corruption and abuse of power in the public sector.

The discussion of the research findings found that the sea fence construction project on the coast of Tangerang, Banten, was a clear case of abuse of official authority that had a significant impact on the local community, especially fishermen. Maladministration, document falsification, and illegal issuance of certificates resulted in fishermen losing access to their traditional fishing grounds, with estimated economic losses reaching Rp 24 billion. These findings are consistent with the investigative report of the Indonesian Ombudsman, which identified indications of criminal acts and abuse of authority by public officials related to the project.¹⁵

Furthermore, this research also confirms that this misuse not only violates national law but also violates the basic principles of Sharia Economic Law, such as trustworthiness, justice, and public welfare. The practice of illegally occupying maritime space and issuing false documents constitutes a form of illegitimate wealth acquisition, which is prohibited in Islam (Quran, An-Nisa: 29). Therefore, this case not only has formal legal implications but also concerns ethical and moral aspects in the governance of public resources.¹⁶

These findings illustrate (the first theoretical function) the failure of the public project management system, which ignores the principles of transparency, accountability, and social justice. The theoretical explanation suggests that acts of abuse of authority are a manifestation of the lack of application of Sharia Economic Law values in the management of public resources and positions. The trust inherent in every public official has been violated, thus damaging public trust and resulting in socio-economic inequality.¹⁷

Based on predictive analysis (the third theoretical function), if this abuse of authority is not immediately addressed with an approach that integrates national law and Sharia principles, the socio-economic damage in coastal areas has the potential to worsen and set a bad precedent for other development projects in Indonesia. Conversely, implementing the principles of justice, transparency, and accountability based on Sharia Economic Law can predict significant improvements in governance and the protection of community rights.¹⁸

This research also proposes that legal and regulatory reforms should not be merely formalistic, but should also prioritize the moral and social aspects that underpin

¹⁴ Ilham Prayoga, Isima, and Ibrahim, "Potential of the Sharia Economic Legal System in Preventing Corruption to Realize the Integrity of the Economic Sector," 125.

¹⁵ MR Bagaskoro and I. N. Khumaeroh, "Determination of Corruption Crimes of Abuse of Authority by Public Officials," *Collegium Studiosum Journal* 7, no. 1 (2024): 301.

¹⁶ Rizky, RO et al., "Corruption Prevention in Islamic Economics against the Pension Fund Oligarchy of PT. Asabri (Persero)," *Journal of Governance and Politics* 5, no. 3 (2022): 203.

¹⁷ Siregar, NA, Hardi, EA, and Putriana, M., "The Influence of Accountability and Transparency of Financial Reporting on Muzakki's Trust" 4, no. 1 (2023): 3.

¹⁸ Sumarlin, K., Sormin, B., and Syahyunan, "The Effect of Accountability and Transparency of Financial Reporting on Muzakki's Trust," *Al-Kharaj: Journal of Islamic Economics, Finance & Business* 6, no. 5 (2024): 3964.

Sharia Economic Law. Thus, the combination of positive law enforcement and Sharia values can be an effective strategy in preventing future corruption and abuse of power.

Thus, this study not only explains how the sea fence case violates legal and sharia norms, but also emphasizes the urgency of implementing Islamic principles in public policy reform to create governance that is just, trustworthy, and oriented towards the welfare of society as a whole.

Conclusion

This comprehensive study demonstrates that the construction of a sea fence in the coastal area of Tangerang, Banten, constitutes a concrete example of abuse of power, involving various forms of legal violations, ranging from maladministration and document falsification to the illegal issuance of land ownership certificates. These irregularities have had a serious impact on the rights of local communities, particularly fishermen, who have lost access to their traditional fishing grounds and suffered significant economic losses. Under Indonesian law, these actions clearly constitute corruption and abuse of power.

However, the main focus of this research is how these violations also constitute a violation of fundamental principles of Sharia Economic Law. In Islam, public office is viewed as a trust (trust) that must be carried out responsibly and fairly. The perpetrators' actions, which led to the unlawful control of maritime space and the use of power for personal or group interests, directly contradict Sharia values such as justice (al-'adl), the common good (maslahah), and the prohibition against acquiring wealth through wrongdoing (QS. An-Nisa: 29).

This research demonstrates that addressing cases of abuse of power requires not only formal legal aspects but also ethical and spiritual dimensions, which serve as the foundation of Islamic law. Sharia Economic Law provides a robust normative framework for regulating the interaction between power, public ownership, and social responsibility. The principles of maqasid al-shari'ah—particularly in safeguarding wealth (hifz al-mal) and safeguarding the public good (maslahah 'ammah)—provide a philosophical foundation for evaluating and correcting corrupt and deviant public governance.

Thus, this research not only answers the primary question of how the Pagar Laut case constitutes an abuse of authority from a legal perspective, but also offers an alternative framework based on Sharia values that can fill the ethical void in the legal and bureaucratic system, which has historically relied too heavily on a purely legalistic approach. The integration of positive law and Islamic law is believed to strengthen the system of oversight of power and create just, integrated, and sustainable governance.

SUGGESTION

The integration of Sharia Economic Law values into the legal system and governance, particularly in public infrastructure development projects, is essential. The government and law enforcement agencies should not only focus on formal legal aspects but also consider Islamic moral and ethical approaches as a means of preventing and eradicating abuse of authority. Furthermore, structural reforms and ongoing education for public officials regarding the importance of trust and social responsibility in carrying

out their duties are necessary. Further research can be directed at developing a governance model based on *the maqasid al-Shari'ah (the principles of sharia)* to serve as an ethical guideline for public policy in Indonesia.

References

- AA Zafi and LN Roja'. "Analysis of Integrating Islamic Law and National Law Regarding Corruption in Indonesia." *DIKTUM: Journal of Sharia and Law* 18, no. 2 (2022): 145–60.
- Bagaskoro, MR and Khumaeroh, IN "Determination of Corruption Crimes of Abuse of Authority by Public Officials." *Collegium Studiosum Journal* 7, no. 1 (2024): 299–306.
- Bakhtiar, N., & Sari, NR, and Suwandi, M. "Transparency and Accountability of Public Budget Realization Based on Islamic Principles in Preventing Corruption Practices." *Income Journal* 2, no. 1 (2023): 45–59.
- Charlaes Bego, Karolus, Edy Sony, M. Aslam Fadli, Arief Fahmi Lubis, and Irman Putra. "A Legal Review of Abuse of Authority by Public Officials from a State Administrative Law Perspective." *Collaborative Journal of Science* 7, no. 10 (2024).
- Is, Muhammad Fadhlán, 'Busthanul Arifin 's Thoughts and Role in the Law on Religious Courts and the Compilation of Islamic Law in Indonesia', *Jurnal Hukum Keluarga*, 01.02 (2025), 28–38 <<https://journal-rabiza.com/index.php/JHK/article/view/15/9>>
- Ilham Prayoga, Taufik, Nurlaila Isima, and Suryadi Ibrahim. "The Potential of the Sharia Economic Legal System in Preventing Corruption and Realizing the Integrity of the Economic Sector." *Al-'Aqdu: Journal of Islamic Economics Law* 3, no. 2 (2023).
- MR Bagaskoro and I. N. Khumaeroh . "Determination of Corruption Crimes of Abuse of Authority by Public Officials." *Collegium Studiosum Journal* 7, no. 1 (2024).
- Marcellus Hakeng Jayawibawa. "Marine Fencing in Tangerang: A Threat to Ecology and Coastal Residents." *Kompas.com* , January 14, 2025. <https://nasional.kompas.com/read/2025/01/14/06030321/pemagaran-laut-di-tangerang-ancaman-bagi-ekologi-dan-warga-pesisir?page=all>. Editor: Sandro Gatra Kompascom+.
- Mufti, Fahrizal, and Muhlisah Lubis. "The Relevance of the Jinayah Concept to the Prevention of Corruption and Abuse of Authority in Human Resources Management." *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 5, no. 1 (2025).
- Narbuko, Cholid, and Abu Achmadi. *Research Methodology* . Jakarta: Bumi Aksara, 2014.
- Nata, Abuddin. *Methodology of Islamic Studies* . Jakarta: Raja Grafindo Persada, 2013.

- Prasetia, Yoga, and Muhamad Hasan Sebyar, 'Legal Aspects of the Rights of Children from Siri Marriages', *JHK: Jurnal Hukum Keluarga*, 01.01 (2024), 9–17
- Purna Jati, Rhama. "Ombudsman Finds Maladministration and Indications of Criminal Conduct in Sea Fence Construction." *Kompas.id* , February 3, 2025. <https://www.kompas.id/artikel/ombudsman-temukan-maladministrasi-dan-indikasi-pidana-dalam-pembangunan-pagar-laut>.
- Rizky, RO, Faziani, M., Saputra, RA, and Mashudi. "Corruption Prevention in Islamic Economics against the Pension Fund Oligarchy of PT. Asabri (Persero)." *Journal of Governance and Politics* 5, no. 3 (2022): 201–20.
- S. Praja, Juhaya. *Philosophy of Islamic Law* . Jakarta: Kencana Prenada Media, 2011.
- Siregar, NA, Hardi, EA, and Putriana, M. "The Effect of Accountability and Transparency of Financial Reporting on Muzakki's Trust" 4, no. 1 (2023): 1–25.
- Sumarlin, K., Sormin, B., and Syahyunan. "The Effect of Accountability and Transparency of Financial Reporting on Muzakki's Trust." *Al-Kharaj: Journal of Islamic Economics, Finance & Business* 6, no. 5 (2024): 3962–73