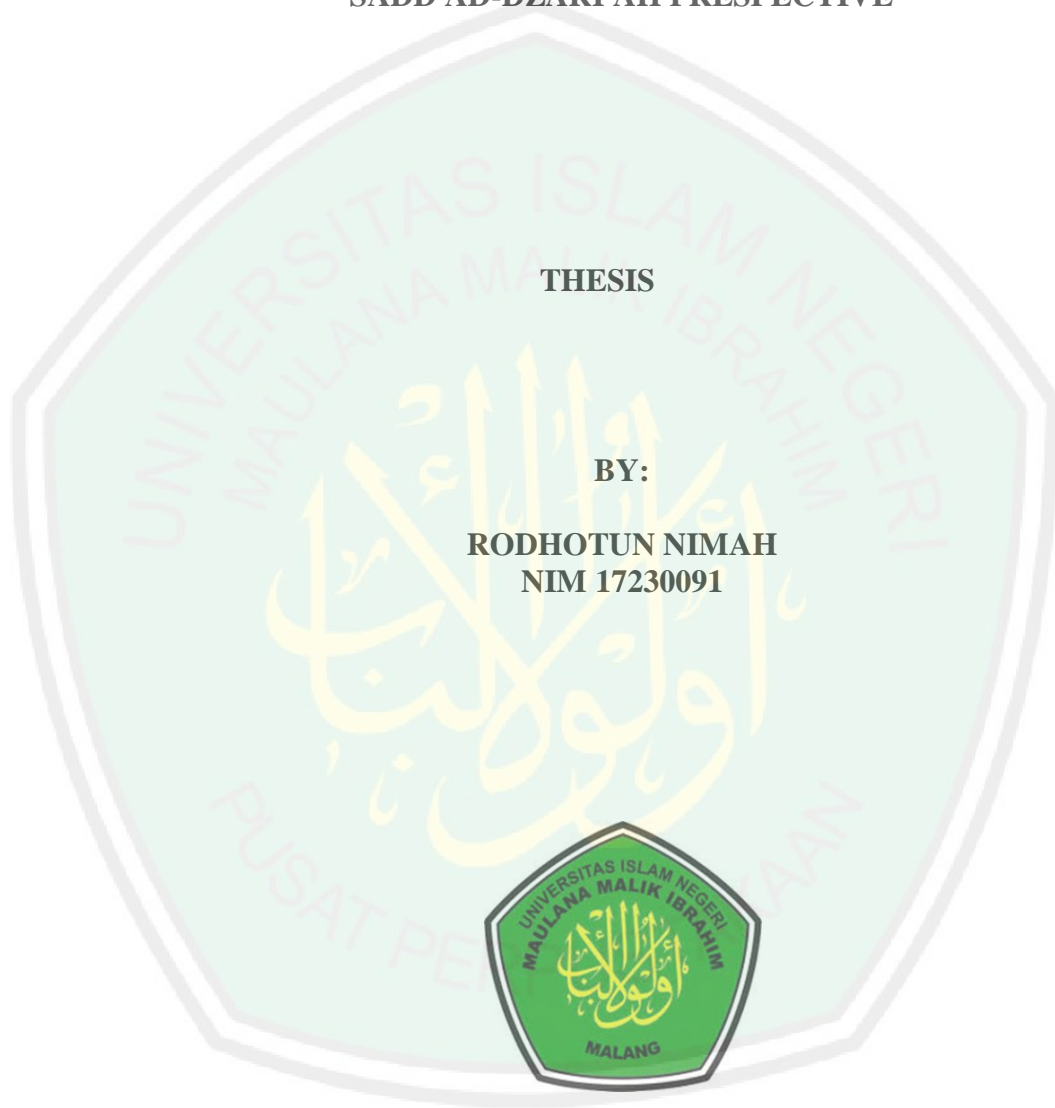


**THE EFFECTIVENESS OF TUBAN LOCAL GOVERNMENT
REGULATION NUMBER 09 OF 2012 ON SPATIAL PLANS OF
SETTLEMEN IN GLONDONGGEDE BEACH
SADD AD-DZARI'AH PRESPECTIVE**

THESIS

BY:

**RODHOTUN NIMAH
NIM 17230091**



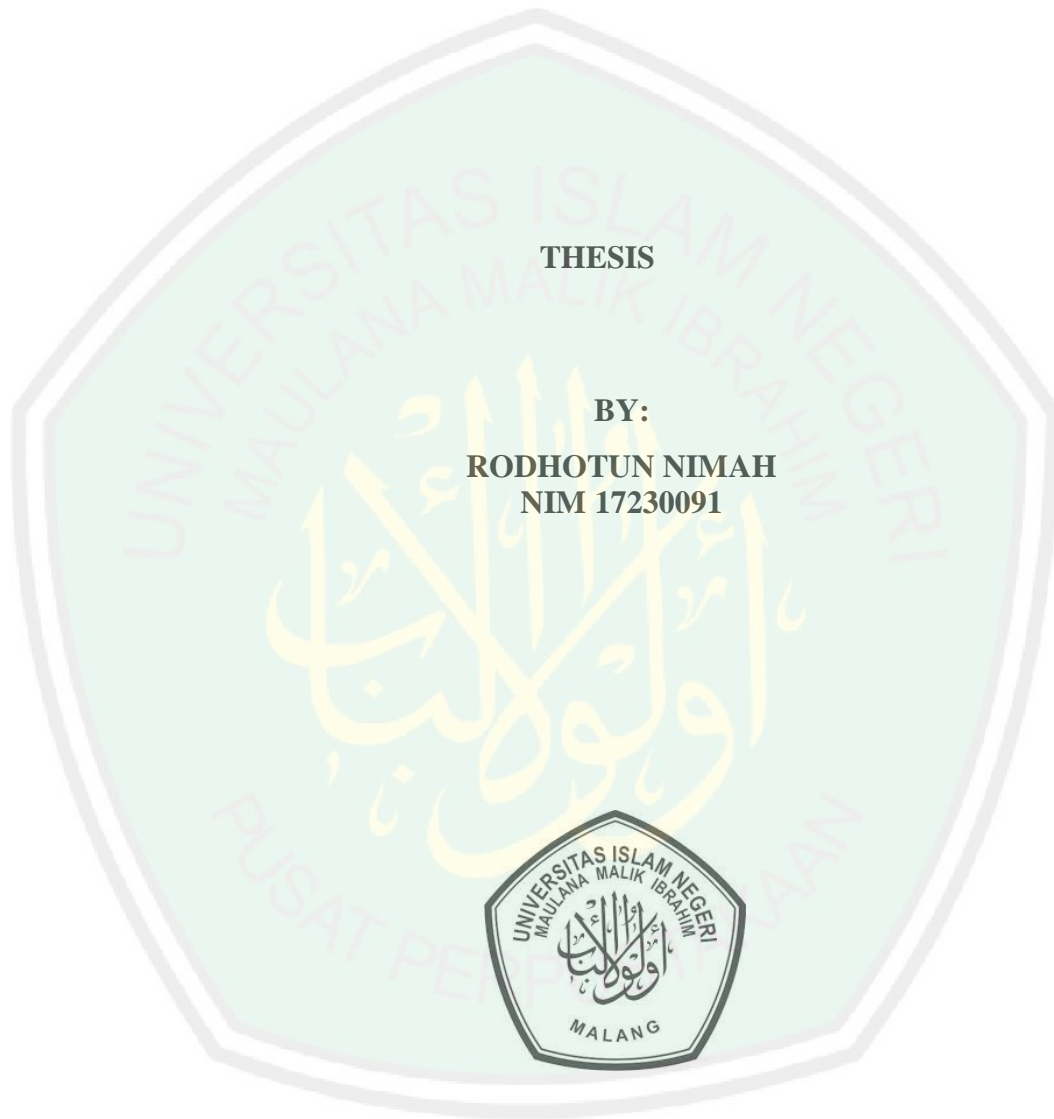
**CONSTITUTIONAL LAW DEPARTEMENT (SIYASAH)
FACULTY OF SHARIA
STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM
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MALANG
2020**

STATEMENT OF THE AUNTENTICITY

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In the name of Allah, With consciousness and responsibility toward the development of science, the writer declares that thesis entitled:

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SETTLEMEN IN GLONDONGGEDE BEACH SADD AD-
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Is truly writer's original work which can be legally justified. If this thesis is proven result of duplication or plagiarism from another scientific work, it as precondition of degree will be stated legally invalid.

Malang, 11 November 2020
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APPROVAL SHEET

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REGULATION NUMBER 09 OF 2012 ON SPATIAL PLANS OF
SETTLEMEN IN GLONDONGGEDE BEACH SADD AD-DZARI'AH
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the supervisor stated that this thesis has met the scientific requirements to be proposed and to be examined on the Assembly Board of Examiners.

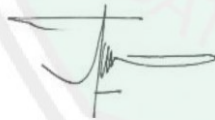
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
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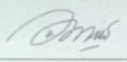
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MOTTO

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ

Meaning: *"It has been seen that the damage on land and at sea was caused by human hands; Allah wants them to feel some of (the result) of their actions, so that they will return (to the right path)".*

QS. Ar- Rum: 41



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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Alhamdulillahirabbil'alamin, have given His rahmat and servan, so we can finish this thesis entitled **“THE EFFECTIVENESS OF TUBAN LOCAL GOVERNMENT REGULATION NUMBER 09 OF 2012 ON SPATIAL PLANS OF SETTLEMEN IN GLONDONGGEDE BEACH SADD AD-DZARI'AH PRESPECTIVE”**. Peace be Upon into The Rasulullah Prophet Muhammad SAW who has taught us guidance (*uswatun hasanah*) to do activity correctly in our life. By following Him, may we belong to those who believe and get their intercession on the last day of the end. Amien.

From all the teaching, advice, guidance, and helps of service for us to finish this thesis, then with all humility the writer will expresses the gratitude which is unequalled to:

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With the completion of this thesis report, the hope that knowledge which we have gained during our studies can provide the benefits of life in the world and the hereafter. As a human who has never escaped fault, the author is very hopeful for the forgiveness, criticism and suggestions from all parties for future improvement efforts.



Malang, 11 November 2020
Writer,

Rodhotun Nimah
NIM 17230091



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ABTRAK

Rodhotun Nimah, 17230091, 2020, **“EFEKTIVITAS PERDA KABUPATEN TUBAN NOMOR 09 TAHUN 2012 TENTANG RENCANA TATA RUANG WILAYAH TERHADAP PEMUKIMAN DI SEMPADAN PANTAI PRESPEKTIF SADD AL-DZARI’AH. (Studi di Pantai Glondonggede Kabupaten Tuban)”**, Skripsi, Jurusan Hukum Tata Negara Fakultas Syari’ah, UIN Maulana Malik Ibrahim Malang.
Pembimbing: Dra. Jundiani, S.H, M.Hum.

Kata Kunci: *Efektifitas, Pemukiman, Sempadan Pantai, Sad Ad- Dzari’ah.*

Wilayah pantai merupakan kawasan yang rentan terhadap perubahan baik perubahan yang disebabkan oleh alam atau faktor lainnya. Kabupaten Tuban merupakan daerah yang mempunyai banyak pantai sehingga diperlukan pengawasan terhadap sempadan pantai sebagai zona konservasi. Pada kenyataannya banyak didirikan bangunan permanen disempadan pantai sehingga mengganggu fungsi utama pantai. Dalam skripsi ini mengkaji fenomena tersebut dengan menggunakan Perda Kabupaeten Tuban Nomor 09 Tahun 2012 Tentang RTRW Tahun 2012-2032, serta ditinjau dari pandangan Sad Adzari’ah.

Penelitian ini bertujuan untuk mengetahui bagaimana efektifitas Perda Kabupaeten Tuban Nomor 09 Tahun 2012 Tentang RTRW terhadap pemukiman di sempadan pantai desa Glondong Kecamatan Tambakboyo Kabupaten Tuban. Serta pandangan Sadd Ad-Dzari’ah sebagai salah satu metode istimbat hukum dalam Islam.

Metode penelitian yang digunakan adalah jenis penelitian hukum empiris dengan menggunakan pendekatan yuridis sosiologis. Sedangkan sumber data yang digunakan adalah sumber data primer, sekunder dan tersier. Metode pengumpulan datanya menggunakan wawancara, dokumentasi serta observasi langsung. Analisis data yang digunakan pada penelitian ini menggunakan analisis deskriptif kualitatif, dengan cara mereduksi data, melakukan penyajian data kemudian ditarik sebuah kesimpulan.

Dalam penelitian ini diperoleh dua kesimpulan, yaitu Pertama, Berdasarkan fakta dilapangan Perda tersebut kurang efektif karena disebabkan oleh faktor kurangnya tindak tegas dari pihak yang berwenang serta minimnya kesadaran masyarakat terhadap hukum. Kedua, Jika dipandang dari kaca mata Sad Ad-Dzari’ah pembangunan pemukiman di sempadan pantai tidak sesuai dengan tujuan syariat, karena pembangunan pemukiman disempadan pantai menjadi sebab timbulnya bahaya yang lebih besar.

ABSTRACT

Rodhotun Nimah, 17230091, 2020," ***THE EFFECTIVENESS OF TUBAN LOCAL GOVERNMENT REGULATION NUMBER 09 OF 2012 ON SPATIAL PLANS OF SETTLEMEN IN GLONDONGGEDE BEACH SADD AD-DZARI'AH PRESPECTIVE''***, Thesis, Department of Constitutional Law, Faculty of Syari'ah, UIN Maulana Malik Ibrahim Malang.
Supervisor: Dra. Jundiani, S.H, M.Hum.

Keywords: Effectiveness, Settlements, Sad Ad-Dzari'ah.

The coastal area is an area that is susceptible to changes, whether changes caused by nature or other factors. Tuban Regency is an area that has many beaches so that monitoring of the coastal border is needed as a conservation zone. In fact, many permanent buildings are erected along the coast, thus disturbing the main function of the beach. In this thesis examines this phenomenon using the Tuban District Regulation Number 09 of 2012 concerning RTRW 2012-2032, as well as viewed from Sad Adzari'ah's point of view.

This study aims to determine how the effectiveness of Tuban District Regulation Number 09 of 2012 concerning RTRW for settlements on the coastal border of Glondong village, Tambakboyo District, Tuban Regency. As well as the view of Sadd Ad-Dzari'ah as a method of legal remedy in Islam.

The research method used is a type of empirical legal research using a sociological juridical approach. Meanwhile, the data sources used are primary, secondary and tertiary data sources. Methods of data collection using interviews, documentation and direct observation. Analysis of the data used in this study using qualitative descriptive analysis, by reducing the data, presenting the data and then drawing a conclusion.

In this study, two conclusions were obtained, namely First, that the Tuban Regency Regional Regulation Number 09 of 2012 concerning RTRW 2012-2032 states that the coastal border area is a local conservation or protection area so that permanent buildings cannot be erected which can damage the coastal ecosystem and accumulate garbage. Plastic. Based on the facts, the regional regulation is not effective because it is caused by a lack of firm action from the authorities and the lack of public awareness of the law. Second, if viewed from Sad Ad-Dzari'ah's point of view, the construction of settlements on the coastal border is not in accordance with the objectives of the Shari'a, because the construction of settlements along the coast is a cause of greater danger.

ملخص البحث

روضة النعمه، ١٧٢٣٠٠٩١، ٢٠٢٠، **فعالية القانون الاقليمي بمديرية طوبان رقم ٩ عام ٢٠١٢ عن RTRW للمستوطنات الساحلية في وجهة قاعدة سد الذريعة (دراسة في ساحل غلونغ كدى مديرية طوبان)** بحث رقم القانون الدستوري كلية الشريعة الجامعة لإسلامية الحكومية مولان مالك إبراهيم مالانغ.

الكلمة الرئيسية : الفا علية، المستوطنات، الساحل، سد الذريعة منطقة الساحل هي منطقة قابلة للمتغيرات سواء كانت التغيرات من العالم أو من عوامل أخرى. و مديرية طوبان من مديرية التي كثرت فيها السواحل حتى يحتاج لأجله الحرص عليها بالنسبة إلى أهما منطقة محفوفة، إذ في الواقع قد بني فيها كثير من المباني الدائمة في حدود الساحل مما تنزع بها الوظيفة الأولى من الساحل نفسه. وتبحث الباحثة هذه الظاهرة هذا البحث باستخدام القانون الإقليمي بمديرية طوبان رقم ٩ عام ٢٠١٢ عن RTRW عام ٢٠٣٢-٢٠١٢ وكذلك بقاعدة سد الذريعة.

وأما الغرض من هذا البحث هو معرفة فعالية القانون الإقليمي بمديرية طوبان رقم ٩ عم ٢٠١٢ عن RTRW للمستوطنات في ساحل غلونغ كدى، منطقة تامباك بويو، مديرية طوبان وكذا معرفة كونها في نظر قاعدة سد الذريعة إستنباطا للحكم في الإسلام، والمنهج الذي استخدم في هذا البحث نوع من استقراء الحكم المعتقد بالمنهج القانوني الاجتماعي. ومصادر البيانات التي إستخدمت في هذا البحث هي مصادر البيانات الضرورية الحاجيات والتحسينيات ومن مناهج جمعها المقابلة والتوثيق والملاحظة أما تحليل البيانات التي استخدمت في هذه البحث تحليل الوصفي حيث يتجلى هذا التحليل في تصيير البيانات وعرضها الذي منها سوف استخلصت النتائج.

ومن هذا البحث استخلصت الباحثة نتيجتين : النتيجة الأولى: القوانين الإقليمية بمديرية طوبان رقم ٩ عام ٢٠١٢ عن عام ٢٠٣٢-٢٠١٢ أن منطقة الساحل هي منطقة محفوفة بحيث يمنع أن يبنى فيها المباني الدائمة التي يظن أن تخلق بها الضرر والفساد لبيئة الساحل وكثير قمامة بلاستيك، وبالنسبة إلى هذه الظاهرة في الواقع لا يكون القانون الإقليمي مؤثرا لعدم وجود إجراءات صارمة من قبل السلطات ولنقص وعي المواطن بهذا القانون والثانية : إذا لاحفلنا إلى بناء المباني الدائمة التي بنيت في حدود الساحل في نظر قاعدة سد الذريعة فنجد أنه يعارض مقاصد الشريعة نظرا إلى أن ذلك يسبب أكثر من الضرر.





CHAPTER I INTRODUCTION

A. Research Background

The law is the whole of the rules enforced by the competent body, where it has the aim of creating harmony, order and peace in the social life together. Realizing a balance between rights and obligations¹. So here the law shows its existence to solve problems or interests that exist in society fairly and wisely. Thus, the law should be made to be obeyed not to be violated because the essence of the law itself is for the common interest. It has a compelling nature so that it requires a public awareness to know and participate in enforcing the applicable law. Law becomes an energy as the implementation of development in the life of

¹ Titik TriwulanTutik, *Pengantar Ilmu Hukum* (Jakarta: Prestasi Pustaka, 2006), 32.

the state, when all levels of society are aware of the existence of law, in the end, it will lead to the law becoming a force capable of supporting the life of the state and society.².

In order to create an awareness in the community of the importance of law enforcement and in order to realize the objectives of the law, there is a need for socialization or communication to the wider community, one of which is through legal counseling, disseminating legal information, providing understanding of legal norms, as well as applicable laws and regulations. In addition, it is also necessary to develop the quality of legal counseling in order to create legal awareness in the community so as to create a legal culture in an orderly form and obey or obey the norms of the law and regulations in force. After all, we live in a law state that all must comply with the law.

When discussing the issue of land there will be no end throughout the ages. The government on September 24, 1960 issued a regulation on the provisions of conversion which is better known as the main agrarian law or UUPA, this law was born from article 33 paragraph (3) of the 1945 Constitution which states that the earth and natural resources and what is contained therein shall be controlled by the State and used maximally for the welfare of the people³. At present, land issues have become a very important role in supporting development. Therefore, the land issue has attracted the attention of several

²Muh. Najih dan Shoimin, *Pengantar Hukum Indonesia* (Jakarta: Setara Press, 2016), 21.

³ Pasal 33 ayat (3) Undang-undang Dasar 1945.

people to make it a means of achieving certain goals. Therefore, land issues are categorized as a vulnerable problem in Indonesia.

The right to control the state juridically is regulated in article 2 paragraph (1) UUPA which explains that the state has the authority to implement the regulation and administration of the designation, use, supply and maintenance of earth, water and space⁴. The right to be controlled by the state here does not mean that the state has ownership of the land, but rather the authority is given to the state as the highest power organization of the Indonesian nation to regulate and administer the allocation, use, supply and maintenance of earth, water and space. Apart from that, the state also has the authority to determine and regulate the rights that can be had over the earth, water and space as well as to determine and regulate legal relations between people and legal actions regarding earth, water and space. All of this aims to achieve the prosperity of the people in the context of the realization of a just and prosperous society. It is also explained in Article 14 paragraph (1) of UUPA Number 5 of 1960 that the government makes a general plan regarding the supply, allocation and use of the land⁵. The policy in other words is the authority to carry out spatial planning. In carrying out the spatial planning, it must pay attention to the principles of environmental management and other principles related to this as contained in other statutory regulations. Based on Law Number 23 of 2014 concerning Regional Government, each region has full authority over its own region, where each regional head has the right to then

⁴ Boedi Harsono, *Hukum Agraria Indonesia: Himpunan Peraturan-peraturan Hukum Tanah*, Cet.19 (Jakarta: Djambatan, 2008), 31.

⁵ Pasal 14 ayat (1) Undang-Undang Nomor 5 Tahun 1960 tentang Pokok Agraria

carry out spatial planning⁶. Although it must be based on the laws and regulations above it.

In spatial planning, it is not only limited to the existing spatial structure in the mainland area, but covers the entire regency / city area, including the coastal area of the area. The coastal area has a strategic meaning because it is an intermediate area between terrestrial and marine ecosystems⁷. We need to know that the wealth of coastal resources controlled by the state is then managed to realize people's welfare, providing benefits to the current generation without sacrificing the needs of the next generation.

It is not uncommon anymore, now more and more people are establishing settlements in coastal areas and some even have land rights in these coastal areas. This has resulted in a change in the coastal ecosystem due to the presence of people who live in the area and who are not in accordance with the applicable regulations, causing the accumulation of household waste, thus damaging the coastal ecosystem. The fact that most of the Indonesian coasts also occurred in Tuban regency, to be precise, on the north coast of Glondonggede village, Tambakboyo sub-district. Tambakboyo sub-district is one of the areas that is a local protected area. In accordance with the existing regulations, namely the RTRW (Regional Spatial Planning) of Tuban Regency 2012-2032, which includes a regional and city spatial planning arrangement. The regulation states that the coastal border area is a local protected area, where the beach distance is at least

⁶ Pasal 12 ayat (1) Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah

⁷ Nanin Trianawati Sugito, Dede Sugandi, "URGENSI PENENTUAN DAN PENEGAKAN HUKUM KAWASAN SEMPADAN PANTAI", Jurnal Geografi, Vol.2 (2008): 54
<http://garuda.ristekbrin.go.id/author/view/388509>.

100m wide from the highest tide point, besides that in the regulation of Perda Number 09 of 2012 concerning RTRW (Regional Spatial Planning) 2012-2032 Article 125 there are provisions sanctions for spatial use that are not in accordance with the spatial layout plan and zoning regulations. In paragraph 3 of Article 31 point (a) states: "The local protected area as referred to in Article 28 paragraph 2 letter c consists of (a). coastal area at least 100 m from the highest tide point " The regulation states that the coastal border area is a local protected area, where the beach distance is at least 100m wide from the highest tide point, besides that in the regulation of Perda Number 09 of 2012 concerning RTRW (Regional Spatial Planning) 2012-2032 Article 125 there are provisions sanctions for spatial use that are not in accordance with the spatial layout plan and zoning regulations. In paragraph 3 of Article 31 point (a) states: "The local protected area as referred to in Article 28 paragraph 2 letter c consists of (a). coastal area at least 100 m from the highest tide point " The regulation states that the coastal border area is a local protected area, where the beach distance is at least 100m wide from the highest tide point, besides that in the regulation of Perda Number 09 of 2012 concerning RTRW (Regional Spatial Planning) 2012-2032 Article 125 there are provisions sanctions for spatial use that are not in accordance with the spatial layout plan and zoning regulations. In paragraph 3 of Article 31 point (a) states: "The local protected area as referred to in Article 28 paragraph 2 letter c consists of (a). coastal area at least 100 m from the highest tide point " In addition, in the regulation of Perda Number 09 of 2012 concerning RTRW (Regional Spatial Planning) 2012-2032 Article 125, there are provisions for sanctions against spatial

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Based on the fact that the existing residential area is only a few meters from the shoreline, this will certainly eliminate the function of the coastline as a local protection area. In the discussion of this research is expected to become a reference and consideration in granting permission for the construction of a building. Because the activities on the coast that do not pay attention to the coastal ecosystem have an impact on the dysfunction of the beach as an abrasion-retaining zone in addition to contaminating the beach by garbage as a result of economic activity.

As the government regulator plays a role in planning and controlling development on the coast, especially local protected areas, it can be seen in the Tuban Regency RTRW regional regulation Number 9 of 2012, which explains the directions for controlling activities in and around coastal borders and preventing

⁸ Paragraf 3 pasal 31 poin (a) Perda Nomor 09 Tahun 2012 tentang RTRW (Rencana Tata Ruang Wilayah) Tahun 2012-2032.

activities along the coast. May be interfering with the main function of the beach. This is in line with Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, in article 20 paragraph 1 it has indicated the role of the local government as a facilitator in granting appropriate coastal management permits, With formation⁹. However, the fact is that the Glondonggede Village government and the Tuban Regency government seem to let the settlement construction activities carried out by residents in the coastal border area. Due to human resource factors, people assume that the coastal border land is free to own. Although there are some residents who are aware of the status of these coastal lands, they have no other choice but to build houses on the coast.

Along with the times, in Indonesia the growth and growth of the population is increasing, especially in Tuban Regency, precisely in Tambakboyo District. This resulted in many changes in the function of open land into settlements, including land along the coast or often called the coastal border, including Glondonggede beach.

The demands of life give birth to a change in society both in terms of social and organizational behavior patterns as well as in the composition of social institutions. Not only that, excessive use of coastal areas for settlement and not in accordance with existing regulations results in damage to coastal ecosystems, as well as a high risk of disasters in the area. While the existing regulations are not

⁹ Pasal 20 ayat (1) Undang-Undang Nomor 1 Tahun 2014 Tentang Perubahan atas Undang-undang Nomor 27 Tahun 2007 Tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil.

yet fully able to answer problems in the field and have not been implemented properly, this is exacerbated by the lack of quality of human resources. This is evidenced by the continuing reduction in the coastal area of Tambakboyo. Increasingly, settlements are being established, resulting in many environmental problems and damage to marine and coastal ecosystems. Besides, the level of disaster prone to disasters is getting higher.

Likewise, the above problems need to be studied using the perspective of Islamic law, one method of *Istinbat* Islamic law is *Sadd Ad-dzariah*. *Sadd Ad-Dzariah* consists of two words *sadd* and *Dzariah*, the meaning of *sadd* is to close the meaning of prohibiting the occurrence of damage, while *Dzari'ah* means an intermediary to lead to a case¹⁰. Badran defines *Dzariah* as an intermediary for arriving at something that is prohibited which contains damage¹¹.

What he means is preventing or detaining something whose legality is permissible, but which can lead to a prohibited case that causes damage. Wahbah Zuhaili argues that *dzariah* is a prohibition or rejects everything that makes it prohibited or prohibited. This is intended to prevent harm¹². *Sadd ad-dzariah* is a method of taking law (*Istinbath Al-hukm*) in Islam which is not explicitly written in the *Al-Qur'an* and *Sunnah*. Then the events or problems that occur in Glondonggede must need to be viewed from the point of view of sharia or Islamic law where the purpose of the sharia here is for the benefit that is desired by *syara'* namely the benefit of the General, not just the desire of the individual, therefore it

¹⁰Amir Syarifuddin, *Ushul Fiqh*, Jilid 2 (Jakarta: KENCANA PREMADAMEDIALGRUP, 2008), 449.

¹¹ Syarifuddin, *Ushul Fiqh*, 449.

¹²Wahbah Zuhaili, *Al wajiz Fi Ushulil-fiqh* (Damaskus, Suriyah: TT), 108.

must be understood comprehensively apart from understanding other than Indonesia's positive law, because all aspects of life are regulated also in Islamic law, including environmental issues related to whether it is permissible or building settlements on the coast, even though the original law of establishing a settlement is permissible or permissible. However, the existence of several factors can make something that is permissible to be haram. Because here it is the rule of fiqh which reads¹³ :

درء المفسد أولى من جلب المصالح ، فإذا تعارض مفسدة ومصالحة قدم دفع المفسد غالبا

Meaning: *"Preventing the damage is more prioritized than bringing benefit, if there is a conflict between a benefit and an accident, then in general what is put forward or take precedence is to prevent adversity"*.

This rule explains if in a case there is benefit and benefit but there is benefit or damage. it must take precedence in eliminating the benefit because in the future it can expand and spread everywhere so that it will result in even greater damage.

We can see that building a house is a benefit for the population, but if a settlement is built in a coastal area it will also cause damage such as abrasion and

¹³Izzat Ubaid Ad-Du'aas, *Qowaid Fiqqiyah Ma'a As-Syarkhi Al-Mujaz* (Humsh: Dar At-Tirmizdi, 1989), 33.

other disasters. Besides that, there are problems where people need a place to live. However, if we refer to the rules below¹⁴:

"إذا تعارض مفسدتان روعي أعظمهما ضررا بارتكاب أخفهما"

Meaning: "*When two dangers converge, what is avoided is a greater danger*".

Then what is avoided is the construction of settlements on the coast. Then what is the policy solution taken by the government as the competent authority so that no one feels sanctioned either about environmental sustainability or the surrounding population.

From the background above, the authors wish to conduct further research related to existing problems, for further action or efforts made by the Tuban Regency Government regarding the effectiveness of the District Regulation on RTRW (Regional Spatial Planning) of Tuban Regency related to coastal lands, especially in Glondonggede Village, Tambakboyo District, Tuban Regency. For this reason, the author examines and discusses more deeply through a study entitled ***"THE EFFECTIVENESS OF TUBAN LOCAL GOVERNMENT REGULATION NUMBER 09 OF 2012 ON RTRW OF SETTLEMEN IN GLONDONGGEDE BEACH SADD AD-DZARI'AH PRESPECTIVE"***.

B. Statement of Problem

¹⁴ Abdul Hamid Hakim, *Mabadi'awaliyah Fi Ushul Al-Fiqh wa Qowaid Al-Fiqhiyah* (Jakarta: Maktabah Saadiyah Futra, 1927), 34.

Based on the background of the problems mentioned above, some research questions are formulated as follows:

1. How is the implementation of the Tuban Regency Regional Regulation Number 09 of 2012 on RTRW of settlements areas at coastal border of Glondonggede Beach, Tambakboyo District, Tuban Regency?.
2. How is the Sadd Ad-Dzari'ah Prespective on settlements areas at coastal border of Glondonggede Beach, Tambakboyo District, Tuban Regency?.

C. Objectives of Research

1. To Know the implementation of the Tuban Regency Regional Regulation Number 09 of 2012 on RTRW of settlements areas at coastal border of Glondonggede Beach, Tambakboyo District, Tuban Regency?.
2. To Know the Sadd Ad-Dzari'ah Prespective on settlements areas at coastal border of Glondonggede Beach, Tambakboyo District, Tuban Regency?

D. Benefits of Research

The benefits of the research that will be studied are:

1. Theoretical

This research is expected to be able to become a reference for all districts or villages in Indonesia, especially in Tambakboyo District in optimizing Regional Regulations to create a coastal environment that is maintained for the sake of life for our next children and grandchildren.

2. Practical

Practical benefits of this research are:

- a. It is hoped that it will be able to expand the scientific treasury of state administration in terms of the effectiveness of regional regulations for readers, especially the authors themselves.
- b. In this research, it is hoped that it will also become a measure of the importance of a regulation if it is applied in people's lives. With such noble legal goals as what this nation has aspired to, creating a law-conscious society.

E. Operational Definition

1. Effectiveness

According to KBBI, effectiveness comes from the word effective which means it can bring results or have an effect. Or it can be said as an indicator of achieving predetermined goals.

Whereas a law is said to be effective in its formation, it must be based on the principle of forming good laws and regulations according to article 5 of Law Number 12 of 2011, including¹⁵:

- a. Clarity of purpose
- b. Appropriate forming institutions or organs
- c. Match between types, hierarchy and content
- d. Can be implemented
- e. Usability and efficiency

¹⁵ Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan.

- f. Clarity of formulation
- g. Openness.

2. Regional Spatial Planning (RTRW)

Based on the Tuban Regency Regional Regulation Number 09 of 2012 concerning the 2012-2032 Spatial Plan for Tuban Regency. Spatial planning is a form of spatial structure and spatial pattern where the spatial structure is an arrangement of residential centers and a network of infrastructure and facilities that functions as a support for the community's socio-economic activities which hierarchically have functional relationships. Regional spatial planning is a process for determining the spatial structure and spatial pattern which includes the preparation and stipulation of a spatial plan which aims to utilize space, namely the effort to realize the spatial structure and spatial pattern in accordance with the regional spatial planning arrangement through the preparation and implementation of programs and their financing .

3. Settlement

Settlements are one of the primary human needs (basic needs) that must be fulfilled so that humans can live in prosperity and dignity. Settlements are essentially individual needs, but change into collective needs when humans have families and communities. Apart from being an individual human being as well as a social being, humans do not live alone but live together and form groups, likewise the houses where they live will be built together so that they are grouped

or scattered in an area, equipped with infrastructure and facilities. what the occupants need, these groups of houses are called settlements.

In Law Number 1 of 2011 concerning Housing and Settlement Areas, article 1 explains that what is meant by settlements is a part of a residential environment consisting of more than one housing unit which has infrastructure, facilities, public utilities, and has supporting activities for other functions in the area. urban or rural areas¹⁶.

4. Beach Border

Based on Presidential Regulation of the Republic of Indonesia Number 51 of 2016 concerning Coastal Boundaries, it explains that the coastal boundary is land along the coastline whose width is proportional to the shape and physical condition of the beach at least 100m from the highest tide point towards the land, while the coastal boundary is a defined coastal boundary based on a particular method¹⁷. The determination of coastal boundaries here aims to protect and maintain the preservation of ecosystem functions and all resources in coastal areas and small islands as well as to protect people's lives in coastal areas and small islands from the threat of natural disasters. Space allocation for public access through the coast allocation of space for drains and sewage.

5. Sadd Ad-dzari'ah

¹⁶ Poin 1 Pasal 1 Undang-Undang Nomor 1 Tahun 2011 tentang Perumahan dan Kawasan Permukiman.

¹⁷ Peraturan Presiden Republik Indonesia Nomor 51 Tahun 2016 tentang Batas Sempadan Pantai.

Sadd Adz-Dzariah is one of the methods of ijttihad in Islamic law, to establish Islamic law beyond what has been explained in the texts of the Qur'an and the sunnah. In language dzari'ah means a path that leads to something. Hissi or ma'nawi, good or bad¹⁸.

Meanwhile, according to the ulama 'Ushuliyyin Sadd Adz-dzariah is to prevent what is conveying to something that is forbidden which contains a damage¹⁹.

F. Structure of Discussion

In the discussion of the research entitled "The Effectiveness of Tuban Regency Regional Regulation Number 09 of 2012 concerning RTRW on Settlements in Sadd Al-Dzari'ah Perspective Beaches (Study at Glondonggede Beach, Tambakboyo District)". Compiled with a systematic discussion as follows:

Chapter 1: Is an introduction, chap This is a basic element of this research, including the background of the problem that provides a basis for thinking about the importance of research and a review of the title chosen in the study. Furthermore, it examines the formulation of the problem regarding the proposed research specifications, the research objectives regarding the objectives achieved in the research which are coupled with the benefits of research, operational definitions, and writing systematics.

¹⁸Muhammad bin Mukarram bin Mandzur, *Lisanul Arab*, Juz.8, 93.

¹⁹Zuhaily, *Al wajiz Fi Ushulil-fiqh*, 108.

Chapter II: Is a review of Sadd Ad-Dzari'ah theory and laws relating to the development of settlements along the coast as a theoretical basis for the study and analysis of problems and contains the development of data and / or information, both substantially and with relevant methods. With research problems.

Chapter III: Is a research method that is used as an instrument in research to produce research that is more focused and systematic. The research method will be explained in full regarding the type of research, research approach, data sources, data collection methods, and data processing analysis.

Chapter IV: An explanation of the results of research and discussion of the review of the Tuban Regency Regional Regulation Number 09 of 2012 concerning RTRW 2012-2032 and according to Sadd-Adzariah's perspective on residential development in the coastal border area of Glondonggede Village, Tambakboyo District, Tuban Regency.

Chapter V: In the form of the entire description in this research and contains suggestions and conclusions.



CHAPTER II

LITERATURE REVIEW

A. Previous Research

This section describes scientific works related to research, in order to avoid similarities. In addition, it is also an additional reference for researchers. The following are scientific works related to coastal development:

1. The thesis from Ahmad Idrus Showabi, Sharia Faculty of UIN Maulana Malik Ibrahim Malang, entitled; **Construction of Hotels and Cafes in the Border of Tegal Sambu Beach, Jepara Regency (Law**

**No. 1/2014 on Management of Coastal Areas and Small Islands &
Maqasid**



Al-Syari'ah Imam As-sathiby²⁰. Explains the existence of cafe and hotel development along the coast. tegal sambi Jepara Regency, in Law Number 1 of 2014 concerning Management of Coastal Areas and Small Islands, states that the coastal boundary protection area includes land that has a proportional length according to the shape and condition of the coast, as far as 100 m inland from the tide point. However, in reality on Tegal sambi beach, does not heed these regulations, with the construction of cafes and hotels around the coast, which is less than 100 m from the highest tide point towards the land. So this is contrary to the existing regulations. Apart from that, this research also examines the perspective of *maqasid Syari'ah*, to find out how Islamic law views development on the coast. In essence, the privatization of Tegal beach in the construction of cafe and hotel does not meet the *maslahah* standards emphasized by the *maqasid syari'ah*. In examining this problem the researcher used a qualitative descriptive approach, the data collection method was obtained from interviews and direct observation. In this study, the findings show that in the Jepara Regency Regional Regulation which regulates the RTRW of Jepara Regency in 2011-2032, There are several articles that are still gray, which say that coastal areas can be built to support research and recreation, so that this becomes a reproach for entrepreneurs to build

²⁰ Ahmad Idrus Showabi, "Pembangunan Hotel dan Kaffe di Sempadan Pantai Tegal Sambu Kabupaten Jepara (Prespektif Undang- Undang Nomor 1 Tahun 2014 Tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil & Maqasid Al-Syari'ah Imam As-sathiby (Ungraduate Thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2017), <http://etheses.uin-malang.ac.id/11325/1/13220219.pdf>.

hotels and cafes on the beach. This affects the difficulty of accessing Tegal Sambu beach by the wider community and the large amount of garbage that has piled up.

2. Thesis from Lukman Nurhandy Pradana, Faculty of Law, State University of Semarang, entitled; **Law Enforcement Provisions on the Prohibition of Establishing Permanent Buildings in Coastal Areas Based on the Purworejo Regency Regulation Number 27 of 2011**²¹. In this study, it describes law enforcement regarding the prohibition of establishing permanent buildings on coastal borders. Based on the regulation based on the Regional Regulation of Purworejo Regency Number 27 of 2011 concerning Regional Spatial Planning, it states that free distance or coastal area boundaries (coastal borders) may not be used for cultivation land or for construction of buildings. However, in reality the coastal areas of Purworejo Regency still have permanent and semi-permanent buildings that are not in accordance with the Regional Spatial Plan of Purworejo Regency, so there is a need for law enforcement regarding the prohibition. In this scientific work, qualitative research uses a sociological juridical research approach. The data collected are primary data and secondary data. The data validity used triangulation technique. The results of this study indicate that there are several factors that become deterrent to law enforcement against the prohibition of building permanent

²¹ Lukman Nur Hady, Penegakan Hukum Ketentuan Larangan Mendirikan Bangunan Permanen Di Wilayah Sempadan Pantai Berdasarkan Perda Kabupaten Purworejo Nomor 27 Tahun 2011, (Ungraduate thesis, Universitas Negeri Semarang, 2017), <https://lib.unnes.ac.id/30205/>.

buildings along the coast, including the indecisiveness of the Civil Service Police Unit in enforcing regional regulation; The people of Jatimalang Village think that it is not wrong to erect a permanent building on the coastline even though they are not aware of the prohibition before data collection is carried out by the village government. In this scientific work, qualitative research uses a sociological juridical research approach. The data collected are primary data and secondary data. The validity of the data used triangulation techniques. The results of this study indicate that there are several factors that become deterrents of law enforcement against the prohibition of building permanent buildings along the coast, including the indecisiveness of the Civil Service Police Unit in enforcing regional regulations; the people of Jatimalang Village think that it is not wrong to erect a permanent building on the coastline. In this scientific work, qualitative research uses a sociological juridical research approach. The data collected are primary data and secondary data. The validity of the data used triangulation techniques. The results of this study indicate that there are several factors that become deterrent to law enforcement against the prohibition of building permanent buildings along the coast, including the indecisiveness of the Civil Service Police Unit in enforcing local regulation; The people of Jatimalang Village think that it is not wrong to erect a permanent building on the coastline even though they are not aware of the

prohibition before data collection is carried out by the village government. The results of this study indicate that there are several factors that become deterrent to law enforcement against the prohibition of building permanent buildings along the coast, including the indecisiveness of the Civil Service Police Unit in enforcing Perda; The people of Jatimalang Village think that it is not wrong to erect a permanent building on the coastline even though they are not aware of the prohibition before data collection is carried out by the village government. The results of this study indicate that there are several factors that become deterrent to law enforcement against the prohibition of building permanent buildings along the coast, including the indecisiveness of the Civil Service Police Unit in enforcing Perda; The people of Jatimalang Village think that it is not wrong to erect a permanent building on the coastline even though they are not aware of the prohibition before data collection is carried out by the village government.

3. Thesis from Nyoman Andika Kertha, Faculty of Law, University of Atma Jaya Yogyakarta, entitled; **Implementation of Buleleng Regency Regional Regulation Number 9 of 2013 concerning RTRW in connection with the construction of hotels and restaurants on the coast of Lovina**²². In this study, it examines the implementation of Buleleng Regency Regulation No. 9/2013

²² Nyoman Andika Kertha, "Pelaksanaan Perda Kabupaten Buleleng Nomer 9 Tahun 2013 Tentang Rtrw Berkaitan Dengan Pembangunan Hotel dan Restoran di Sempadan Pantai Lovina", (Ungraduate thesis, Universitas Atma Jaya Yogyakarta, 2018), <http://e-journal.uajy.ac.id/16810/>.

concerning RTRW in controlling the existence of hotel and restaurant buildings in the coastal area of Lovina Beach as well as factors that hinder controlling the existence of hotel and restaurant buildings in the coastal border area of Lovina Beach. In the provisions of Article 72 letter b Perda RTRW Lovina Beach area, only non-permanent or temporary buildings are allowed. However, in reality there are permanent restaurant and hotel buildings lining the coastline. So that this is not in accordance with existing regulations. This legal research is an empirical legal research; in this study the data obtained were analyzed qualitatively; The main data sources were obtained from direct interviews with respondents. The results of this study are the lack of firm action from the local government of Buleleng Regency against the construction of hotels and restaurants along the coast which are not in accordance with the Buleleng Regency Regional Regulation Number 9 of 2013 concerning RTRW Related to the Construction of Hotels and Restaurants.

4. Thesis from Shofie Rudhy Aghozsi, Faculty of Law, University of Jember, entitled; **Management of Land in Coastal and Coastal Areas**²³. In this study, it examines the regulation of coastal boundaries and coastal areas as well as ways to protect and manage coastal borders and coastal areas. The type of research used is juridical normative, while the approach to the problem is to use laws and

²³ Shofie Rudhy Aghozsi, "Pengusahaan Tanah di Sempadan Pantai dan Wilayah Pesisir (Ungraduate Thesis, Universitas Jember , 2018), <http://repository.unej.ac.id/handle/123456789/88402>

conceptual methods of collecting legal materials used are primary and secondary sources of legal materials and analysis of legal materials. The result of this thesis research is that the existence of coastal boundaries needs to be determined in relation to its function as protection and protection of coastal sustainability, in this case each area is allowed to determine the width of the coastal boundary area according to the needs of utilization and characteristics of the coast while still paying attention to the function of the area while controlling land in the coastal area by coastal communities can be granted a land title.

5. Muhammad Ridho Sungskan Rais, Faculty of Law, Sebelas Maret University Surakarta, entitled; **The Legality of the Development of Tourism Accommodations in the Perimeter of Glagah Beach**²⁴. This study aims to determine the legality and how administrative law enforcement carried out by the government on tourism accommodation buildings on the border of the lake. This legal research includes normative legal research or commonly known as doctrinal legal research which is the perspective approach that the author uses is a statutory approach and the case approach the data obtained is literature study data, interviews and information from land and spatial office officials in Kulon Progo district. will be analyzed using content analysis. Based on this research, it is found that the construction of

²⁴ Muhammad Ridho Sungskan Rais, "Legalitas Pembangunan Akomodasi Pariwisata di Sempadan Pantai Glagah"(Undraduate Thesis Universitas Sebelas Maret Surakarta, 2018), <https://digilib.uns.ac.id/dokumen/jenis/261/Skripsi/48>

tourism accommodation on the border of Glagah beach in the form of an inn is an illegal building, the legality of the tourism accommodation building in the form of the inn is viewed from the regional regulations of Kulon Progo district number 1 of 2012 spatial plan for Kulon Progo district in 2012 2023 The legal consequence of economic and tourism development on the Glagah coast is in the form of sanctions for demolition of accommodation buildings that do not have legality based on regional regulations of Kulon Progo district.



Table 1
Similarities and differences in research

No.	Name / University / Year	Title	Equation	Difference
1.	Ahmad Idrus Showabi / Sharia Faculty / UIN Malang / 2017	Construction of Hotels and Cafes on the Border of Tegal Sambu Beach, Jepara Regency (Law No. 1/2014 on Management of Coastal Areas and Small Islands & Maqasid Al-Syari'ah Imam As-sathiby	This research with The research to be reviewed by the author has in common, namely in Research methods; has the same legal issue, namely the construction of buildings in the coastal area.	<p>1. The analysis is only limited to research Law No.1 of 2014 concerning the Management of Coastal Areas and Small Islands, while the object of the regulations to be examined in this study is the Tuban Regency Regional Regulation Number 09 of 2012 concerning Rtrw of 2012-2032.</p> <p>2. different in taking the point of view of Islamic law, in this study using the perspective of Maqashid Al-Syari'ah Imam Al-Syathibiy while in research that will be studied by the author using the perspective of Sadd-Adzariah.</p> <p>3. Only focuses on hotel and cafe</p>

				buildings.
2.	Lukman Nurhandy Pradana / faculty of Law /Semarang State University / 2017	Law Enforcement of Prohibition Provisions Establishing Permanent Buildings in the Territory Coastal Border Based on District Regulation Purworejo Number 27 of 2011	Emphasizes the law enforcement of the prohibition of building permanent buildings in coastal areas based on regional regulations.	1. Emphasizing only on the analysis of the Purworejo Regency local regulation, 2. Does not use Islamic legal analysis.
3.	Nyoman Andika Kertha / Faculty of Law / Atma Jaya University Yogyakarta / 2018	Implementation of Buleleng Regency Perda Number 9 of 2013 concerning Rtrw Relating to Development Hotels and restaurants on the border of Lovina Beach.	emphasizes on the effectiveness and application of laws regulating coastal border areas in accordance with their functions.	Does not analyze from the perspective of Islamic law. Only focus on the tourist beach
4.	Shofie Rudhy Aghozsi/ Fakultas Hukum/ Universitas Jember/ 2018	Management of Land in Coastal Borders and Coastal Areas	Emphasizes the application of laws regulating coastal border areas in accordance with their function as protection and protection of coastal sustainability.	This research focuses on the regulation of coastal boundaries and coastal areas as well as ways to protect and manage coastal borders and coastal areas.

				While the research that the author studies is concerned with the effectiveness of the Local Regulation.
5.	Muhammad Ridho Sungsank Rais/ Fakultas Hukum/ Universitas Sebelas Maret Surakarta/ 2018	The Legality of the Development of Tourism Accommodations in the Border of Glagah Beach	Assessing the legality and how the administration of administrative law enforced by the government on tourism accommodation buildings on the coastline	Focuses on the administration of tourism accommodation buildings only. And not reviewing from the perspective of Islamic law.

B. Review of Settlement Development in Coastal Borders

1. Coastal Zoning

Based on article 1 point 21 of law number 1 of 2014 concerning amendments to law number 27 of 2007 concerning the management of coastal areas and small islands, that the coastal border protection area covers land along the coast whose length is proportional to the shape and condition of the coastline width. This boundary is 100 m from the highest tide point to the land²⁵. This aims to maintain and protect the sustainability of the coast.

In Paragraph 3 of Article 31 Paragraph (1) Point (a) Regional Regulation of Tuban Regency RTRW (Regional Spatial Plan) for Tuban Regency 2012-2032 states that the coastal border area is a protection area along the coast that

²⁵ Undang-Undang Nomor 27 Tahun 2007 tentang Pengelolaan Wilayah Pesisir Dan Pulau-Pulau Kecil.

is functioned for green open space or protected plants and not functioned for cultivation activities or built areas. The coastal border is land along the edge of the sea with a distance of at least 100 meters from the highest tide point towards the land²⁶. Article 82 explains the directions for controlling the use of space through the stipulation of zoning regulations, permits, giving incentives and disincentives, and imposition of sanctions.²⁷.

2. Coastal Land Policy

In general, land policies in development in coastal areas are focused on the use of coastal land, especially in relation to the problem of land needs in the context of urban development and expansion. The main factor in implementing this land policy is due to a lack of land availability in cities or efforts to expand the city. coastal and marine areas are utilized and converted into land areas as an alternative to hoarding coastal and marine areas known as coastal and marine reclamation activities as land acquisition policies²⁸.

In this regard, the development and development of coastal areas must be carried out responsibly meaning that it must pay attention to the greatest possible prosperity and public interest, meaning that the development and development of coastal areas must be profitable from an economic point of

²⁶ Paragraph 3 Pasal 31 Ayat (1) Poin (a) Peraturan Daerah Kabupaten Tuban Nomor 09 Tahun 2012 tentang RTRW (Rencana Tata Ruang Wilayah) Kabupaten Tuban Tahun 2012-2032.

²⁷ Pasal 82 Peraturan Daerah Kabupaten Tuban Nomor 09 Tahun 2012 tentang RTRW (Rencana Tata Ruang Wilayah) Kabupaten Tuban Tahun 2012-2032.

²⁸ Flora Pricilla kalalo, *Hukum Lingkungan dan Kebijakan pertanahan di wilayah pesisir* (Jakarta: Rajawali Pers, 2016), 5.

view, be beneficial to the surrounding community and not cause environmental damage.²⁹.

The concept of development must be directed at the concept of sustainable development, which means development that takes into account the harmony of humans and nature as well as the interests of future generations, while legal protection is meant by controlling assumptions and production patterns so that they run fairly so that humans can enjoy adequate benefits from the use of natural resources for that. The use of natural resources must be regulated in such a way as to provide benefits for each generation. This is an important concern in implementing coastal reclamation³⁰.

In the development of facilities and infrastructure and coastal space with regard to land aspects, it is necessary to pay attention to the provisions in law number 17 of 2007 concerning the national long-term development plan 2005-2025 in point 11 stipulating a land management system that is efficient and effective and carries out law enforcement of the rights to Land by applying the principles of fairness, transparency and democracy, apart from that, it is necessary to improve ownership of land use through the formulation of land reform implementation rules as well as the creation of intensive or intensive taxation in accordance with the area of land use so that economically weak communities can easily get rights to land. The politics of land law outlined in point 11, namely³¹:

²⁹ Kalalo, *Hukum Lingkungan dan Kebijakan pertanahan di wilayah pesisir*, 39

³⁰ Kalalo, *Hukum Lingkungan dan Kebijakan pertanahan di wilayah pesisir*, 41.

³¹ Lampiran Undang-Undang Nomor 17 Tahun 2007 tentang Rencana Pembangunan Jangka Panjang Nasional Tahun 2005-2025, Bab IV (Arah Tahapan Dan Prioritas Pembangunan Jangka

- a. Implementing an efficient and effective land management system and enforcing law enforcement of land rights by applying the principles of fairness, transparency and democracy.
- b. It is necessary to improve control over ownership of land use through the formulation of various rules for implementing land reform as well as the creation of intensive or disintensive taxation in accordance with the area of location and land use so that economically weak communities can more easily obtain land rights.
- c. Improve the legal system and land law products, take inventory and improve land laws and regulations by taking into account the rules of customary communities.
- d. Increasing efforts to settle land disputes through the authority of judicial administration and alternative dispute resolution resolutions.
- e. There will be improvements to land institutions in accordance with the spirit of regional autonomy and within the framework of the unitary state of the Republic of Indonesia, especially those related to increasing the capacity of human resources in the land sector in the regions.

3. Building permit

Regulation of the minister of public works and public housing of the republic of Indonesia number 05 / PRT / M / 2016 concerning building

construction permits defines that building management is a development activity which includes the technical planning process and construction implementation as well as activities to use the preservation and demolition of buildings in the implementation of building operations required there is a building construction permit, in this case the permit is carried out by submitting a building construction permit³².

Building Construction Permit, hereinafter abbreviated as IMB, is a permit granted by the Tuban Regency Government to building owners to construct new, modify, expand, reduce, and / or maintain buildings in accordance with applicable administrative and technical requirements.³³

Building arrangement aims to realize buildings that are functional and in accordance with the building structure which is in harmony and in harmony with the environment; realizing an orderly building operation that guarantees the technical reliability of the building in terms of safety, health, comfort and convenience; and realizing legal certainty in building management³⁴.

In the Tuban Regency Regional Regulation Number 5 of 2015 concerning Buildings, Article 13 confirms that every person or entity carrying out activities for the construction of buildings and / or building infrastructure is required to have an IMB document by submitting an IMB application to the regent.³⁵

³² Peraturan Menteri Pekerjaan Umum Dan Perumahan Rakyat Republik Indonesia Nomor 05/Prt/M/2016 tentang Izin Mendirikan Bangunan Gedung.

³³ Pasal 1 Poin 13 Peraturan Daerah Kabupaten Tuban Nomor 5 Tahun 2015 tentang Bangunan Gedung.

³⁴ Pasal 3 Peraturan Daerah Kabupaten Tuban Nomor 5 Tahun 2015 tentang Bangunan Gedung.

³⁵ Pasal 13 Peraturan Daerah Kabupaten Tuban Nomor 5 Tahun 2015 tentang Bangunan Gedung.

This building construction permit must be in accordance with the location designation stipulated in the RTRW, RDTR and / or RTBL. Buildings These buildings include buildings built on public infrastructure and facilities; under public infrastructure and facilities; under or above water; in areas of high-voltage power transmission networks; in areas with the potential for natural disasters; in urban areas and in rural areas³⁶.

According to Adrian Sutedi, there are several things in building a building that requires a Building Construction Permit (IMB), including³⁷:

First, so as not to cause a lawsuit by other parties after the building is erected, before erecting the building there must be clarity on the status of the land concerned. This can be seen from the existence of land certificates such as certificates, plot letters, land fatwas, Committee A's Minutes and the land is not occupied by other people. Unclear land ownership will be detrimental to both land owners and / or building owners.

Second, the city environment requires a good and orderly arrangement, beautiful, safe, orderly and comfortable. In order to achieve this goal, proper building arrangement is expected not to have a negative impact on the environment. The implementation of building construction in urban areas must be adjusted to the City Spatial Plan. Therefore, before obtaining a building construction permit, the community must first obtain a City Plan Information.

Third, the granting of building permits is intended to avoid physical harm to building users. For this purpose, every building construction requires a

³⁶ Pasal 18 Peraturan Daerah Kabupaten Tuban Nomor 5 Tahun 2015 tentang Bangunan Gedung.

³⁷ Adrian Sutedi, *Hukum Perizinan dalam Sektor Pelayanan Publik* (Jakarta: Sinar Grafika, 2011), 230.

development plan that is mature and meets established standards or technical normalization of buildings which include architecture, construction and installation including fire installation (fire prevention and suppression systems).

Fourth It is hoped that monitoring of standard or technical normalization of buildings through a Building Use Permit is expected to prevent hazards that may arise, especially during construction, for the environment, workers, the surrounding community, as well as for prospective building users. Thus, the development carried out can run well according to planning.

4. Impact of Development on the Environment

The meaning of the living environment according to the Law on Protection and Management of the Environment Number 32 of 2009 as stated in Article 1 point 1 is "The unity of space with all objects, power, conditions, and living things, including humans and their behavior, affects nature itself, continuity, livelihoods, and the welfare of humans and other living creatures"³⁸.

Based on the Law on Environmental Protection and Management Number 32 of 2009 Article 23 Paragraph (1) clearly states that the criteria for a business and / or activity having an important impact must be completed with an environmental impact analysis consisting of³⁹:

- a. Land conversion and landscape conversion;
- b. Exploitation of natural resources, both renewable and non-renewable;

³⁸ Pasal 1 angka 1 Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.

³⁹ Pasal 23 ayat (1). Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.

- c. Processes and activities that can potentially cause environmental pollution and / or damage as well as waste and deteriorate natural resources in their utilization;
- d. Processes and activities whose results can affect the natural environment, the artificial environment, and the social and cultural environment;
- e. Processes and activities whose results will affect the preservation of natural resource conservation areas and / or protection of cultural heritage;
- f. Introduction of types of plants, animals and micro-organisms;
- g. Manufacture and use of biological and non-biological materials;
- h. Activities that have a high risk and / or affect national defense; and / or
- i. Application of technology which is estimated to have great potential to affect the environment.

Environmental damage in coastal areas is a change in environmental conditions in coastal areas which adversely affects the survival of humans and other living creatures. In essence, the damage to the coastal environment is caused by development in coastal areas. This constitutes a violation of the utilization of area functions, especially in local protected areas (coastal boundaries). Many physical buildings supporting tourism or non-tourism facilities are built along the coast. The existence of a permanent physical building disregards existing regulations.

Human desire is one of the factors that have an impact on the environment, the patterns of desire are based on the potential and the influence of the balance of the ecological order. These patterns are as follows⁴⁰:

1) Individual pattern

Every human being has the potential to have an impact on the environment that comes from the desire of a person's actions that tend to affect the environment, this can happen either because of the support and control facilities or because he deliberately violates existing rules and does not pay attention to the prescribed norms. Individual patterns include several factors including:

- a) The factor of the absence of means of fostering a person's environment tends to do something that is not good in his environmental system.
- b) The factor of egoism, a pattern of reduced desires that lacks control, is often driven by factors that are always selfish or egocentric. The interests related to problems with public interest are usually less of a concern for many people in relation to environmental problems.
- c) Supervisory and law enforcement factors, supervisory factors and law enforcement or low inforcement. In an effort to maintain environmental conservation, collisions of impacts and excessive interaction on the environment can be prevented by a

⁴⁰ N.H.T. Siahaan, *Hukum Lingkungan dan Ekologi Pembangunan* (Jakarta: Erlangga, 2004), 64-67.

system of supervision and law enforcement, but on the other hand, weak control factors and indecisive information systems can be a great opportunity for the community to use the environment as they wish.

- 2) The patterns of development politics, including:
 - a) Ambition that is never satisfying. The politics of development referred to in this relationship is a system implemented by a country to advance the development of its country in various aspects. The needs discussed here are mainly developing countries, because precisely in relation to development policies in developing countries it is more often seen. several environmental problems including Indonesia.
 - b) Development politics versus environmental politics.
- 3) The patterns of industrialized countries include:
 - a) Dishonesty in developed countries;
 - b) A developing country that is thirsty for development.

The increasing use of space so that it seems excessive if it is not immediately controlled, it can reduce the quality of the existing environment and even threaten the sustainability of the area's environment. In other words, there has been damage to the ecosystem or environment.

C. Theoretical

1. Review of Sadd Adz-Dzari'ah

Sadd Adz-zariah consists of two words, namely sadd and dzariah, the word sadd, meaning⁴¹ :

السَّدُّ بِمَعْنَى: إِغْلَاقُ الْحَلْكِ وَرَدْمُ الثُّلْمِ ، وبمعنى المنع

Meaning: "to cover the reproach, and cover the damage, and also means to prevent or prohibit".

While the word dzari'ah literally means⁴² :

الْوَصِيْلَةُ الَّتِي يَتَوَصَّلُ إِلَى الشَّيْءِ سَوَاءً كَانَ حَسِيًّا أَوْ مَعْنَوِيًّا

Meaning: "cases that deliver something both hissi and meaningful.

This lughawi meaning has a neutral connotation without giving results to actions. Based on the meaning of lughawi above, Ibn Qayyim gives an understanding of adzariah according to him Adz-dzariah contains two definitions, namely Sadd Ad-dzariah (something that is prohibited) and Fath Ad-dzariah (demands to do something). According to Imam Syatibi, the essence of the dzari'ah principle is a matter that leads to goodness to damage. Namely someone who initially does a case that is permissible because it contains goodness in it, but at the end the goals achieved cause harm or damage. Meanwhile, the definition of dzaria'ah according to Badran is:

هِيَ الْمَوْصِلُ إِلَى الشَّيْءِ الْمُنْعُوعِ الْمَشْتَمِلِ عَلَى مَفْسَدَةٍ

⁴¹Hifdhotul Munawaroh, "Sadd Al- Dzari'at dan Aplikasinya Pada Permasalahan Fiqih Kontemporer", *Jurnal Ijtihad* , Vol. 12 No. 1 (2018): 64

<https://ejournal.unida.gontor.ac.id/index.php/ijtihad/article/download/2584/1735>

⁴² Syarifuddin, *Ushul Fiqh*, 449.

Namely the arrival of something forbidden which contains kamafsadatan in it. Whereas Sadd Ad-dzari'ah according to Qarafi (w: 684 H) is defined as an intermediary or means for a case to prevent and avoid a path that seems permissible but leads to a prohibited case. Not much different from the ushul experts above, Wahbah Zuhaili defines sadd Adzariah by prohibiting or rejecting all cases that mediate something that is forbidden, with the aim of preventing harm⁴³.

According to Hasyim Al-Burhani dzari'ah has three pillars including the following⁴⁴:

- a. A case which is not prohibited by itself.
- b. There are strong accusations against the relationship between the intermediary and the act which is prohibited, which is the act will bring damage.
- c. Prohibited actions (mutawasil ilahi), if the act is prohibited, then the thing that is intermediary or wasilah leading to the act is also prohibited. Likewise, if the act is permissible or permissible then the intermediary leading to the action is not prohibited⁴⁵.

In terms of its implementation sadd adzariah is one of the methods of ijtiihad in Islam to establish a law. Even so, there are some scholars who

⁴³ Zuhayli, *Al wajiz Fi Ushulil-fiqh*, 108

⁴⁴ Muhammad Hasyim Al-Burhani, *Sadd Adz-Dzarai 'Fi As-Syariah Al-Islamiyah* (Bairut: Dar Al-Fikr, 1985), 103.

⁴⁵ Hifdhotul Munawaroh, "Sadd Al- Dzari'at dan Aplikasinya Pada Permasalahan Fiqih Kontemporer", 67

<https://ejournal.unida.gontor.ac.id/index.php/ijtiihad/article/download/2584/1735>.

classify sad adzariah as a line of arguments for syara 'which the ulama do not agree with'. In this case, even though there are disputes between scholars regarding the position of sad adzariah as one of the istinbath methods of law in Islam, it indicates that syara 'does not clearly stipulate the law of an act, but because the action is determined as an intermediary for an act that is not clearly permitted , then this becomes an indication or argument that the wasilah law is as the law stipulated by syara 'on the main action'⁴⁶. The Qur'an also hints at this as in the letter Al-Nur, verse 31:

وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ

Meaning: "And do not strike their feet so that the jewelry they are hiding is known."

Actually stomping a woman's foot on the ground is permissible, but if it causes a hidden cause for her to wear it is known by people and causes stimulation to the person hearing then stamping her foot is neither allowed nor prohibited.

From the example of the paragraph above, it appears that there is prohibition for cases that can lead to prohibited acts, even though the case is originally permitted. The rationale for law according to the scholars' includes two sides, the first is the urge to do and the second is the goal or target which becomes the natijah (conclusion) of the action. Good or bad. If the final conclusion is good then everything that leads to a case is

⁴⁶ Syarifuddin, *Ushul Fiqh*, 451.

required to be done. Vice versa, if the *natijah* or the final conclusion is bad or causes harm then everything that leads to that goal is prohibited.

There are also *fihiyyah* rules which form the basis of *sad-Adzariah* as a method of taking law in Islam, namely⁴⁷:

دَرْءُ الْمَفَاسِدِ أَوْلَىٰ مِنْ جَلْبِ الْمَصَالِحِ

Meaning: "Rejecting badness (*mafsadah*) takes precedence over achieving goodness" (*maslahah*). This rule is used as a rest for *sad Adzariah* because in *Sadd A-Dzariah* there is an element of danger (*damage*) that must be avoided or prevented.

If we think logically, if someone is allowed to do an action then whatever is the intermediary to arrive at that action is also allowed. Likewise, vice versa, if a person is prohibited from committing a case, then anything that acts as an intermediary for arriving at the case is also prohibited. As Ibn Qayyim's opinion stated that, "when Allah forbids a thing, then Allah will also prohibit and prevent all roads and intermediaries that can lead to it. This is to strengthen and confirm the prohibition. However, if Allah allows all these ways and intermediaries, of course this is contrary to the prohibition that has been established.

2. Review of Legal Effectiveness

Talking about the effectiveness of the law cannot be separated from two related variables, namely the dimensions of the object and the

⁴⁷Ad-Du'aas, *Qowaid Fiqqiyah Ma'a As-Syarkhi Al-Mujaz*, 34.

targets used⁴⁸. Effectiveness itself means the effect of an effect, a success, efficacy. When we discuss the extent to which the law is effective, we need to know the extent of public compliance and obedience to these rules. If some of the targets of the legal rule have obeyed and obeyed the legal rules made, it can be said to be effective⁴⁹.

According to Sorjono Soekanto, the effectiveness of law is measured by the level of community obedience to the law, including law enforcers, so that an assumption of a high level of compliance emerges as a measure of the functioning of a rule of law and the realization of legal ideals which shorten harmony and peace in social life together in society⁵⁰.

There are five conditions for the effectiveness of a legal system covering⁵¹:

- a. The factor that comes from the rules itself or whether or not the meaning of the contents of the rules is captured.

That there are several disturbances to law enforcement stemming from the law itself which is caused by⁵²:

- 1) Failure to follow the principles of enactment of laws;
- 2) There are no implementing regulations needed to implement the law;

⁴⁸ Barda Nawawi Arief, *Kapita Selekta Hukum Pidana*, ctk Ketiga (Bandung: Citra Aditya, 2013), 67.

⁴⁹ Salim,H.S dan Erlis Septiana Nurbani, *Penerapan Teori Hukum Pada Tesis dan Disertasi, Edsis Pertama*, ctk Kesatu (Jakarta: Rajawali Press, 2013), 375.

⁵⁰ Soerjono Soekanto, *Efektivitas Hukum dan Peranan Saksi* (Bandung: Remaja Karya, 1985), 7.

⁵¹ Soerjono Soekanto, *Faktor-Faktor yang mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Press, 2008), 8.

⁵² Soekanto, *Faktor-Faktor yang mempengaruhi Penegakan Hukum*, 17-18.

3) The unclear meaning of words in the law results in confusion in their interpretation and application.

b. Community factors, how broad the community is in knowing the contents of the rules applied.

If the community members already know their rights and obligations, they will also know about activities using legal remedies to protect, meet and develop their needs with existing regulations, all of which are usually called legal competences which cannot exist if members of the community⁵³:

- 1) Not knowing or not realizing if their rights are being violated or disturbed;
- 2) Not knowing that there will be legal remedies to protect their interests;
- 3) Powerless to take advantage of legal measures due to financial, psychological, social and political factors;
- 4) Having no experience being a member of an organization that fights for comfortable interests.
- 5) Bad experiences in the process of interaction with various elements of the formal legal circles.

c. Law enforcement factors, both those who form or implement, assistance from administrative officials in mobilizing legal rules make these rules more effective and efficient.

⁵³ Soekanto, *Faktor-Faktor yang mempengaruhi Penegakan Hukum*, 58.

Law enforcers are role models in society who should have certain abilities according to the aspirations of society. They must be able to communicate and get understanding from the target group in addition to being able to carry out or carry out the roles accepted by them, except from that, the role models must be able to take advantage of certain traditional pattern elements so as to stimulate participation from the target group or the wider community. The role model group must also be able to choose the right time and environment in introducing applicable legal norms or rules and providing good examples.

Obstacles that may be encountered in implementing the role that should be of role models or law enforcement may come from themselves or from the environment, the obstacles that require overcoming are as follows⁵⁴:

- 1) limited ability to put oneself in the role of the other party with whom he interacts;
- 2) two relatively low levels of aspiration;
- 3) so limited wealth for thinking about the future that it is difficult to make projections;
- 4) the absence of the ability to postpone the satisfaction of a particular need, especially material needs;

⁵⁴ Soekanto, *Faktor-Faktor yang mempengaruhi Penegakan Hukum*, 34.

- 5) the lack of innovative power which is actually a counterpart to conservatism;

These obstacles can be overcome by educating, training and getting used to having attitudes that are open to experiences and new discoveries, always ready to accept changes after assessing the shortcomings that exist at that time, being sensitive to the problems that occur around them. based on awareness, awareness and respect of rights and obligations to adhere to decisions made on the basis of sound reasoning and calculation.

- d. Facility factors or means that support law enforcement, such as effectiveness in resolving disputes.

Without certain means or facilities, it is impossible for law enforcement to proceed smoothly. The facilities or facilities include, among others, educated and skilled human resources in good organizations, adequate financial equipment, and so on. If this is not fulfilled, it is impossible for law enforcement to achieve its objectives. Without these things it would be impossible for law enforcement to complete the role it should have with the actual role, especially for these facilities or facilities⁵⁵:

- 1) Nothing __ was held recently
- 2) The one that was damaged or wrongly repaired or corrected
- 3) What is lacking __added

⁵⁵ Soekanto, *Faktor-Faktor yang mempengaruhi Penegakan Hukum*, 44.

- 4) The one that jammed ___ was launched
 - 5) Who retreats or feels ___ forwarded or enhanced.
- e. Cultural factors. There is an assumption and recognition that is quite evenly distributed among members of the community who think that the legal rules and institutions are indeed capable and effective.

The legal culture (system) basically includes the values that underlie the prevailing law values which are abstract conceptions of what is considered good or so adopted and what is considered bad so that these values are usually a pair of values that are reflects the two extreme conditions that must be resolved, that is the subject of discussion in this cultural factor.

In order for the rule of law to be integrated in society so that it can change and influence people's behavior to obey and obey the law, it is necessary to disseminate the law. The dissemination of the law is encouraged by the existence of means of communication which can be used formally in an officially organized manner.

Whether a law is effective or not can be seen from the role of legal officials in enforcing the law, if the role of law enforcement is close to the objectives of the law then the regulation is said to be effective, and vice versa if it is far from the purpose of the law then the regulation is not yet effective. In legal sociology, Soerjono Soekanto explains that the general factor that becomes the main measure of the effectiveness of a rule of law is law obedience.

In the study of legal effectiveness, examining shows the relationship between law in action and law in theory, a comparison between legal reality and legal ideals. Where the legal reality here is law in action⁵⁶.



⁵⁶Soleman B. Taneko, *Pokok-Pokok Studi Hukum dalam Masyarakat* (Jakarta: Raja Grafindo Persada, 1993), 49.

CHAPTER III

RESEARCH OF RESEARCH

The research method is a method of how to conduct research or a way to solve problems or how to develop science using scientific methods⁵⁷. Therefore, the research method becomes a systematic way to organize knowledge by searching, recording, formulating, and analyzing to compile a thorough report.

A. Types of research

In law, there are two kinds of research, namely normative legal research and empirical legal research⁵⁸. Empirical research is legal research that includes legal identification, and research on the effectiveness of law, and the implementation of legal norms⁵⁹. Empirical research is a study of the actual situation that occurs in society with the aim of knowing and finding field facts and data needed in a study. After the required data is collected, it continues at the next

⁵⁷ Johnny Ibrahim dan Jonaedi, *Metode Penelitian Hukum Normatif dan empiris* (Jakarta: Kencana. 2016), 3.

⁵⁸ Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2018), 22.

⁵⁹ Ali, *Metode Penelitian Hukum*, 30.

stage when identifying problems to get solutions to the problems found in the field⁶⁰.

This type of research is empirical research, namely research on the effectiveness of legal norms, which discusses how the law operates in society or is called field research which examines the applicable legal provisions and what happens in reality in society.⁶¹. Because the title raised refers to " Efektivitas Perda Kabupaten Tuban Nomor 09 Tahun 2012 Tentang Rtrw Terhadap Pemukiman di Sempadan Pantai Gondonggede Prespektif Sadd Al-Dzari'ah".

B. Research Location

In determining the location of the research, it is necessary to consider substantially and explore the focus of the problem to be studied. Then it also requires geographic and practical considerations such as time, cost, labor in determining research locations. Research that will discuss more deeply about " The Effectiveness of Tuban Local Government Regulation Number 09 of 2012 on Rtrw of Settlements in Glondonggede Beach *Sadd Ad-Dzari'ah* Perspective". Glondonggede Village is used as the object of research because it looks at the facts in the field because until now many people still use coastal land without paying attention to the coastal ecosystem, causing damage to the coastal environment and increasing the risk of disaster.

In determining the research location, one must consider the problem to be solved, including the interests concerned in it and financial interests. The factors

⁶⁰Bambang Waluyo, *Penelitian Hukum Dalam Praktek* (Jakarta: Sinar Grafika 2002), 15.

⁶¹ Ali, *Metode Penelitian Hukum*, 31.

of labor, costs and existing assistance from others cannot be used arbitrarily. Researchers have limited abilities in the number and quality of their energy. Likewise, the assistance given from other people is generally not as much and as good as desired, because they have their own activities or activities. Therefore, researchers must adjust their research to the existing elements. For these reasons, the researchers decided to make the coastal area of Glondonggede Village, Tambakboyo District, Tuban Regency as a research location.

C. Research Approach

The approach method used in this study is a sociological juridical approach. Sociological juridical approach is an approach to legal research that identifies and conceptualizes law as a real and functional social institution in the community life system⁶². Sociological juridical approach is research that focuses on the behavior of individuals or society in relation to law. This legal social research aims to gain knowledge about how the effectiveness of the Tuban Regency Regulation Number 09 of 2012-2032 on the development of settlements along the coast. Then the researchers also used a statutory approach (statute approach) by examining all regulations or statutory regulations related to legal issues to be studied, Tuban Regency Regional Regulation Number 09 of 2012 concerning RTRW 2012-2032.

D. Data source

In this study, three types of data were used, namely:

⁶²Bahder Johan Nasution, *Metode Penelitian Hukum* (Bandung: Mandar Maju, 2008), 126.

1. Primary

The main data in this research were obtained from direct field interviews with: a. Head of Glondonggede Village, Tambakboyo District, Tuban Regency; b. Residents of Glondonggede Village, Tambakboyo District.

2. Secondary Data

Secondary data is data that complements the primary data obtained from books and other literacy sources⁶³. In this study, secondary data were obtained by conducting literature reviews such as scientific books, research results and so on. Secondary data consists of documents, books, research reports. In this research, the books which become the secondary data source are books on the effectiveness of law and land policy in the coastal areas.

3. Tertiary Data

Tertiary legal materials are legal materials that can provide additional explanations for primary and secondary legal materials⁶⁴.

The tertiary legal material is the internet media.

E. Technique of Data Sources Collection

Data is the main material that will be used to answer problems in a study. Therefore, data must always be available so that the research problem can be solved. In this research, the type of data collected consists of primary data and secondary data. Primary data is data that is directly obtained from data sources in

⁶³ Ali, *Metode Penelitian Hukum*, 54.

⁶⁴ Salim HS, dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis dan Desertasi* (Jakarta: Rajawali Pers, 2018), 20.

the field (field research). Primary data were obtained using questionnaires, interviews and observations. Researchers here obtain accurate and authentic data because it is done by collecting data sources both primary and secondary data, which are adjusted to the research approach. Primary data collection techniques and secondary data used in this study are:

1. Interview

The interview is a question and answer process in research that takes place verbally where the interviewer meets face to face with the respondent to ask about the facts as well as the opinions and perceptions and suggestions of the respondent.⁶⁵ Interviews were conducted freely openly using a tool in the form of a list of questions that had been prepared (as an interview guide) in accordance with the problems to be solved. And it does not rule out the possibility to add other questions that are spontaneous in relation to the answers given by the respondents. This direct interview aims to obtain true and accurate information from predetermined sources. Where this interview is the most effective method in collecting primary data in the field⁶⁶. The data processing is obtained through:

a) Direct interview to:

- 1) Daimun, Head of Glondonggede Village, Tambakboyo District, Tuban Regency;

⁶⁵Burhan Ashsofa, *Metode Penelitian Hukum* (Jakarta: Rineke Cipta, 2004), 95.

⁶⁶Waluyo, *Penelitian Hukum Dalam Praktek*, 57.

2) Kurdiyono, Head of Environmental Impact Section of the Environmental Service of Tuban Regency;

3) Residents of Glondonggede Village, Tambakboyo District, Tuban Regency;

2. Direct observation

Observation at the research location, namely at village office and coastal border area of Glondonggede Village in Glondonggede, Tambakboyo District, Tuban Regency. The purpose of direct observation is to find out the actual situation in the field and seek direct data from the field. Direct observation in this study was carried out for approximately two to three months.

3. Documentation

Documentation technique is a technique in collecting data in the form of images or written data sources. Written or image sources in the form of official documents, books, magazines, archives, personal documents, and photos related to research problems. This is done to obtain and understand the concepts and theories as well as provisions regarding the effectiveness of the Tuban Regency Regional Regulation Number 09 of 2012 concerning RTRW 2012-2032 on Settlements in the Coastal Borders of Glondonggede Village, Tambakboyo District, Tuban Regency.

F. Data analysis technique.

In a study, data analysis is needed so that the data that has been obtained is then analyzed. Data analysis is the process of sorting data into patterns, categories and fundamentally described so that a theme emerges and a hypothesis can be formulated.⁶⁷ Grouping the data that has been obtained from the field is the main objective of data analysis. After the data in the field has been collected, the researcher will manage the data using qualitative data analysis. Qualitative data analysis is describing data in the form of words or words from people or sources who have been observed⁶⁸. In this qualitative analysis we interpret the collected data to get a picture of the actual situation in the field.

1. Data Reduction

Data reduction deals with the filtering process of condensation coding and transforms empirical data in various ways. The purpose of data reduction is to ensure that data can speak authentically a researcher's choice of how to code data is an important part of data reduction⁶⁹. The stages that the researchers carried out in data reduction were the following explanations.

- a. Researchers classify and sort the data obtained according to research needs.
- b. Editing or correcting the clarity of the meaning of the answers from the sources and the relevance of the answers.

⁶⁷ Nasution, *Metode Penelitian Hukum*, 173-174.

⁶⁸ Suketi dan Galang Taufani, *Metodologi Penelitian Hukum (Filsafat, Teori dan Praktik)* (Depok: Raja Grafindo Persada, 2018), 139.

⁶⁹ Haddy Suprpto, *Metodologi Penelitian Untuk Karya Ilmiah* (Yogyakarta: Gosyen Publishing, 2017), 146.

2. Presentation of Data.

Data presentation or data display is an organized data presentation that allows researchers and their audience to draw some conclusions from the data to proceed to the next stage of research⁷⁰. In this case the researcher took the following steps:

- a. The researcher arranged the collected and classified data.
- b. Researchers classify the data that has been collected then describe and describe in detail with the interpretation of the researcher.

3. Draw Conclusions

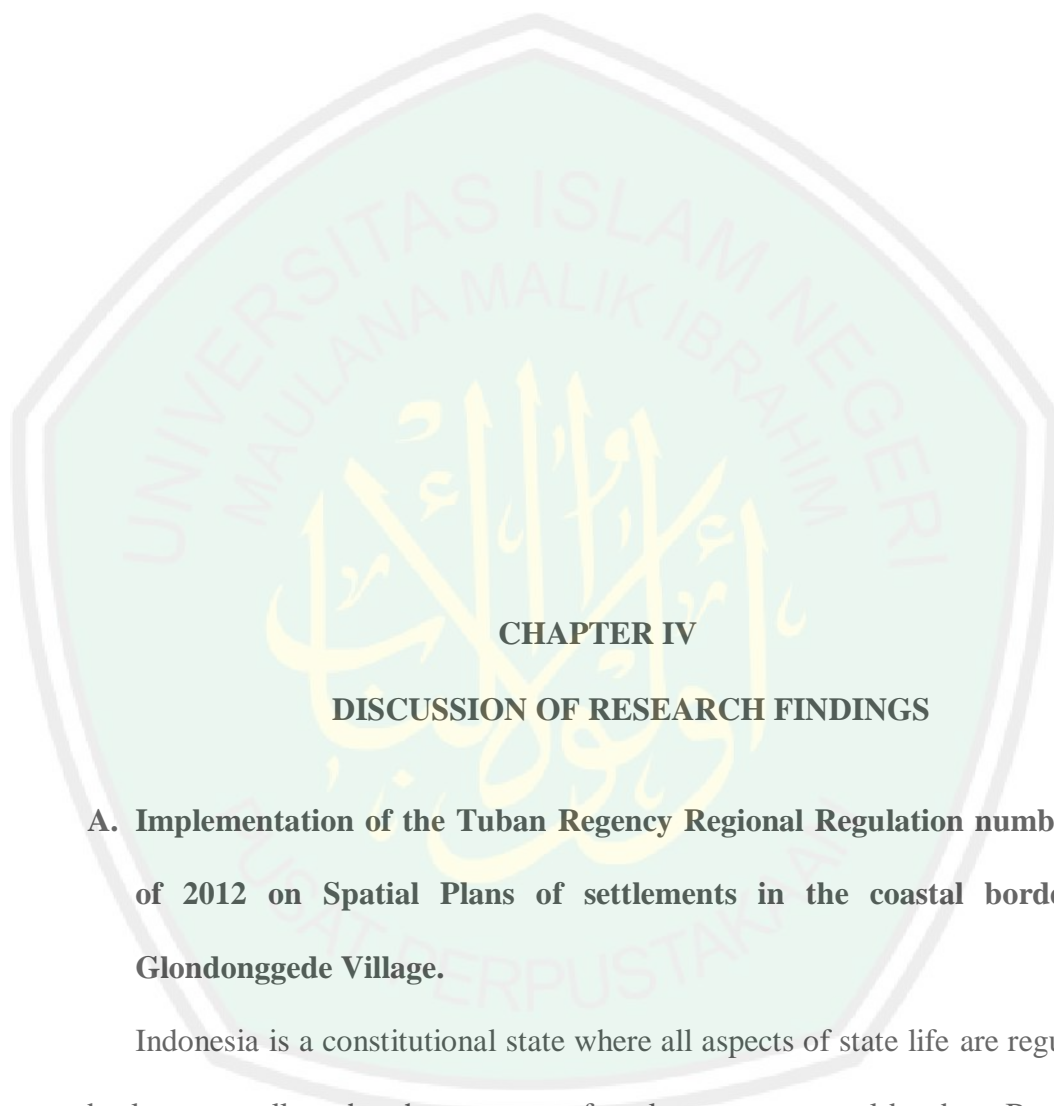
At this stage the researcher describes the conclusions obtained from the data, the conclusion drawn is done through the analogy of the suitability of the descriptions of the sources from the research subject with the meaning included in the research theory. From the explanation above, the steps in drawing the conclusions of this research are:

- a. The researcher answered the problem formulation by summarizing the results of the discussion that had been presented in a brief and clear description.
- b. Researchers perform induction in order to produce static inferences.

⁷⁰Monette Duane R. et, al, *Applied Social Research: A tool for The Human Service* (United States of America: Cengage Learning 2011), 443.

- c. The researcher performs another induction then concludes using a normative point of view so that the researcher understands more clearly and in detail.





CHAPTER IV

DISCUSSION OF RESEARCH FINDINGS

A. Implementation of the Tuban Regency Regional Regulation number 09 of 2012 on Spatial Plans of settlements in the coastal border in Glondonggede Village.

Indonesia is a constitutional state where all aspects of state life are regulated by law, as well as the phenomenon of settlement on coastal borders. Based on Law Number 23 of 2014 concerning Regional Government Article 12 paragraph (1), Regional Governments have the authority to regulate their regional affairs, including regulations on spatial planning.⁷¹

⁷¹ Pasal 12 ayat (1) Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.

Considering that in order to direct development in Tuban Regency by utilizing regional space in an efficient and effective, harmonious, balanced and sustainable manner in order to improve public welfare and defense and security, it is necessary to prepare a Regional Spatial Plan; as well as in the context of realizing integrated environmental development between sectors, regions and communities, the Regional Spatial Plan is the direction for the location of development investments carried out by the government, the community and / or the business world; and with the enactment of Law Number 26 of 2007 concerning Spatial Planning and Government Regulation Number 26 of 2008 concerning National Spatial Planning,

According to the Tuban Regency Regional Regulation on Regional Spatial Planning (RTRW), it explains that the coastal border area is a protected area. In paragraph 3 of Article 31 point (a) states: "The local protected area as referred to in Article 28 paragraph 2 letter c consists of (a). coastal area at least 100m from the highest tide point "⁷². So based on these regulations it is clear that the prohibition of all activities on the coastline with a distance of less than 100 m from the highest tide point, because the existence of economic activities that do not pay attention to environmental sustainability can have a negative impact on the coastal environment including the establishment of settlements on the coastal border. These negative impacts are in the form of accumulation of garbage in the ocean, loss of coastal ecosystems, and coastal abrasion that endanger the community. This is also agreed by Law of the Republic of Indonesia Number 27

⁷² Paragraf 3 Pasal 31 poin (a) Peraturan Daerah Kabupaten Tuban Nomor 09 Tahun 2012 tentang RTRW Tahun 2012-2032.

of 2007 concerning Management of Coastal Areas and Small Islands which states that:

*"Management of Coastal Areas and Small Islands is a process of planning, exploiting, supervising and controlling Coastal and Small Islands Resources between sectors, between the Government and Local Governments, between land and marine ecosystems, and between science and management for improve community welfare"*⁷³.

Based on the facts in Glondonggede village, the coastal area, especially the coastal border, is inhabited by many people for settlements with permanent buildings and other economic activities. In the beginning, based on the existing regulations, the boundary area can only be used or utilized 100 m from the highest tide point for environmental preservation and to protect the coastal ecosystem.

The coastal area of Glondonggede Village is filled with densely populated settlements with permanent buildings that are barely 10 m from the shoreline so that when the tide rises they can enter residents' homes. This has become a very common thing for the people of Glondonggede, because they have no other choice but to occupy the coastal border land to live in. Not only that, there is a unique history in Glondonggede village where the coastal border land was once controlled by a figure who was feared by the people of Glondonggede village, where at that time the coastal border land

⁷³ Pasal 1 angka 1 Undang-Undang Republik Indonesia Nomor 27 Tahun 2007 tentang Pengelolaan Wilayah Pesisir Dan Pulau-Pulau Kecil.

was sold⁷⁴. This has an impact on the next generation who consider the coastal border land to be private property or inheritance. This is very contrary to existing laws. Settlement activities along the coast are still continuing. Many permanent buildings and future buildings will be erected in the coastal area where there is no building permit. This activity is very disturbing the sustainability of the coastal environment besides that the day the garbage on the beach is increasingly piling up, especially plastic waste.

The village of Glondonggede agrees with the applicable law and does not remain silent and ignore this problem. According to one of the village officials said that, the village wants the comfort and peace of its residents. Even though the village has the authority to prohibit the construction of settlements along the coast which are increasingly eroding the coast, this action cannot be properly realized due to unruly community factors⁷⁵.

A regulation so that it does not become a dead text, it is necessary to have openness in the process of making laws, it is necessary to grant the right to citizens to submit certain proposals, such as the local authorities inviting the community to attend a discussion regarding the regulations to be made⁷⁶. In the making of the Tuban District Regulation No. 9/2012 on Spatial and Regional Planning, it has fulfilled the principle that the goal is that the law has a positive impact so that it is effective. However, the community is a major factor in the ineffectiveness of Perda No. 09/2012 on spatial planning for this area. Where the lack of public understanding of

⁷⁴ Karwi, wawancara, (Tuban, 20 Juli 2020).

⁷⁵ Suhatman, wawancara, (5 Oktober 2020).

⁷⁶ Soekanto, *Faktor-Faktor yang mempengaruhi Penegakan Hukum*, 13.

existing regulations or laws so that people do not know their rights and obligations. If the community is aware of their rights and obligations, they will also know about activities using legal measures to protect, fulfill and develop their needs with existing regulations⁷⁷. This will not happen if people do not know and realize, if their rights are violated or disturbed. When the community is already "*doctrinated*" and adheres to its local habits, it will not be easy to shift commitment to the formal rules of the newly recognized law⁷⁸. Where the law regulates state life, including the construction of settlements. In order for law enforcement and enforcement of sanctions against violations of legal norms to run smoothly, facilities or means are needed to support the implementation of regulations made. These facilities or facilities include adequate finance, good organization, skilled human resources, and so on. In order for the regulations regarding the spatial planning and area of Tuban Regency to be realized properly, the facilities mentioned above are needed. However, in its implementation, the government seems to allow the development of settlements on the coast, by not providing solutions or providing land for people who do not have land to live. This is one of the obstacles in the effectiveness of local regulations.

Culture becomes a factor of the effectiveness of a legal norm, culture which basically underlies the applicable law, values which are abstract conceptions of what is considered good (so that it is followed) and what is

⁷⁷ Soekanto, *Faktor-Faktor yang mempengaruhi Penegakan Hukum*, 56.

⁷⁸ Soetadyo Wignjosebroto, *Hukum Dalam Masyarakat* (Yogyakarta: Graha Ilmu, 2013), 103.

considered bad (so that it is avoided)⁷⁹. However, this is inversely proportional to the facts in the field, the culture of the people on the coast of Glondonggede does not realize that what they should not do is hereditary until now, namely the use of border lands that do not pay attention to the condition of the coastal ecosystem. This happens because of the loss of discipline and public order against existing regulations.

In addition, there is an individual pattern factor that becomes a barrier, namely the individual pattern which includes the absence of environmental development facilities such as the Glondonggede coastal community forced to establish settlements along the coast due to unavailability of land for shelter. The next factor is the egoism factor in which the coastal communities of Glondonggede are concerned with themselves for personal comfort without paying attention to common interests including being concerned about environmental sustainability, and this is a dominant factor. This egoism factor can be driven either because there are no clear norms or ethical boundaries or because the nature of a person's egoism is so dominant so that the factors of ethical norms or reasonableness or propriety do not become an obstacle for him⁸⁰. The two factors above are exacerbated by the weakness of the control system and the indecisive system of enforcement so that it becomes a great opportunity for the community to use the environment as they wish, even though the village has taken several actions based on the explanation from the hamlet head that,

⁷⁹ Soekanto, *Faktor-Faktor yang mempengaruhi Penegakan Hukum*, 60.

⁸⁰ Siahaan, *Hukum Lingkungan dan Ekologi Pembangunan*, 64-67.

after holding a joint meeting between the hamlet head and the Consultative Body The village (BPD), resulted in a policy with the last limitation of not allowing the use of coastal border lands⁸¹. Despite the fact, the development activities continue to this day.

With regard to the damage to the coastal environmental ecosystem and the accumulation of garbage in the village of Glondonggede, The Department of Living Environment (LHK) gave a response, referring to the existing regional regulations, the construction of settlements on the coastal border is indeed not allowed, but the head of the environmental impact assessment subdivision Kurdiyono explained that it is mandatory for a building to be established after the issuance of said Regional Regulation, it must have a Building Construction Permit (IMB), in order to pay attention to preserving the surrounding environment. Environmental permits for buildings under 5000m must have an Environmental Management Declaration (SPPL) or often referred to as a small category environmental document. However, the reality in the community that builds permanent buildings in the coastal area does not have (SPPL), or do not have permission from the authorities. In the sense that who previously came, he who owns the land and has the right to build a building on it⁸².

Related to the accumulation of garbage in the ocean, one of which is caused by the presence of densely populated settlements on this coastal border, The Department of Living Environment (LHK) has taken several

⁸¹ Suhatman, wawancara, (5 Oktober 2020).

⁸² Kurdiyono, wawancara , (17 Oktober 2020).

actions. According to Kurdiyono, the role of The Department of Living Environment (LHK) to solve the problem of solid waste and environmental sustainability, they conduct counseling and socialization in collaboration with the village or sub-district to provide direction to the community regarding the environment, in addition to providing assistance to the community to manage waste by 3 R (Reuse-Reduce-Recycle), consists of reuse, reduce, and recycle. Reuse means reusing waste that can still be used for the same function or for other functions⁸³. Examples of daily reuse activities are reusing empty containers or packages for the same function or for other functions. For example, used beverage bottles are reused into cooking oil containers. Reduce means reducing everything that results in waste; Examples of daily reduce activities: Choose products with recyclable packaging. Avoid using and buying products that produce large amounts of waste. Use products that can be refilled (refill). For example stationery that can be refilled). And Recycle means reprocessing (recycling) waste into new useful goods or products. Examples of daily recycle activities: Choose products and packaging that can be recycled and are easily biodegradable. Recycle paper waste into paper or cardboard again. Process organic waste into compost. Perform non-organic waste processing into useful items.

The explanation above contradicts the facts in the community where plastic waste, especially plastic waste, still piles up on the beach of Glondonggede Village, based on the village's information, the village has

⁸³ Kurdiyono, wawancara, (17 Oktober 2020).

provided a garbage bank in every house and there is also a Garbage Disposal Site (TPS). However, this is less effective due to the lack of public awareness of the environment⁸⁴.

B. The Settlement at Coastal Border of Glondonggede Beach Sadd Ad-Dzari'ah Prespective.

Settlement problems that occur on the Glondonggede coastline apart from having to be reviewed from positive law, must be viewed from the perspective of Islamic law. In order to get a comprehensive understanding between the two. Where Islamic law in addition to regulating the relationship with the creator also regulates the relationship between creatures.

In order to find and establish fiqh laws beyond what is described in the texts of the Qur'an and hadith, the experts do everything they can to multiply the law, which is known as ijtiḥad. In multiplying the law, the mujtahid use methods or formulate methods of seeing to find laws that are not explicitly explained in the texts of the al-qur'an and hadiths⁸⁵. There are several kinds of ijtiḥad methods formulated by the mujtahids. One of these methods is sadd Ad-Dzariah. The word dzari'ah literally means:

الْوَصِيْلَةُ الَّتِي يَتَوَصَّلُ إِلَى الشَّيْءِ سَوَاءً كَانَ حَسِيًّا أَوْ مَعْنَوِيًّا

Meaning: *"The path that leads to something, hissi or ma'nawi (good or bad)"*⁸⁶.

⁸⁴ Kurdiyono, wawancara, (17 Oktober 2020).

⁸⁵ Syarifuddin, *Ushul Fiqh*, 231.

⁸⁶ Syarifuddin, *Ushul Fiqh*, 449.

Meanwhile, Syatibi said that dzari'ah means a person doing a job that is basically permissible because it contains a benefit, but the goal he will achieve ends in an exasperation.

Ibn Qayyim divided the intermediaries based on their consequences for damage into 4 parts⁸⁷:

1. Intermediaries aimed at inflicting damage.
2. An intermediary that is intended for something that is permissible and is not intended to do damage, but sometimes causes damage but its good is superior to its bad.
3. Intermediary for something that is permissible but is intended for evil, such as doing marriage for the purpose of tahlil, buying and selling with the aim of making usury.
4. An intermediary who is intended to do something that is permissible and is not intended to do evil but will generally cause harm, and the damage outweighs the good.

Pillars of Sadd Ad-Dzari'ah

Wasilah

1. Wasilah is meant which means wasilah which is meant and this is the original goal.

⁸⁷Muhammad bin Abi Bakar bin Qoyyim Al-Jauziyah, *I'lamul Muwaqin an Rabbal 'Alamin*, Juz 3 (Bairut: Dar Al-Kutub Al-'Imiyah, 1991), 109.

2. Wasilah is meant for his *dzatmya*, where does something that is not meant to arrive at it. Process because it is as if the action was the intermediary itself. from which the law in question will be prohibited.
3. Wasilah is the main foundation for the occurrence of *dzariah* because there is *wasilah*, so automatically there will be *dzari'ah* and subsequent pillars. Either it's been done or it's just predicted.

Cases that must exist so that *dzariah* is prohibited are:

1. It has been reported in the Al-Qur'an and hadist that *dzariah* is not allowed
2. It has been agreed that there will be a result caused by *dzariah* itself, either with certainty or in a prayer that is almost certain.
3. The existence of the *Dzari'ah* relationship to something that is prohibited and worrying with the aim of being careful as a form of rejecting damage.

Result / Event

That is something that connects the two aspects of *dzari'ah* (intermediary and goal) and is divided into 2 namely⁸⁸:

1. *Amr ma'nawi*, who is punished for his existence after the result is either deed or predicted and there are 2 images including:

⁸⁸ Al-Burhani, *Sadd Adz-Dzarai 'Fi As-Syariah Al-Islamiyah*, 117.

- a. As a result after an action, namely the achievement of a goal after doing an intermediary, for example: the taste of wine produced after planting grapes;
- b. The predicted result, in this case there are several aspects:
 - 1) A person who intervenes / deliberately does his actions to achieve a goal.
 - 2) A person who performs an intermediary / action does not intend to do his actions to achieve a goal, but most of the actions that are carried out have a specific purpose so that they are punished as actions that have a specific purpose
 - 3) People who do intermediaries or do actions that do not intend to do something to achieve a goal but indirectly lead to a specific purpose.
 - 4) A person who performs an intermediary / act or otherwise does not intend to carry out his actions to achieve a specific goal but indirectly results in a certain impact which is prohibited from being carried out.
2. The arrival of a force at a certain limit which is forced to prohibit it, and to a certain extent a power may be due to too many or too many dangers to something that is prohibited, but not all of which cause consequences obligatory prohibited.

The Goal

Split to 2⁸⁹:

1. It must be something that is prohibited, if it is something that is allowed then it is not called dzari'ah khos but it is called dzari'ah amm, and it must also be an act that can be done by mukallaf.
2. In the form of the basis or foundation of the strength or weakness of an effect or event.

The construction of settlements along the coast, if viewed from the sad Ad-Dzari'ah, needs to be studied more deeply. We already know that humans need a place to live to survive, this place to live in the form of a house or other shelter. Settlement development is a community need, and it is a benefit for the comfort and welfare of the community. However, if the settlement construction is carried out other than in the right place, it will cause new problems that have major consequences for the environment. Various problems arising from the construction of settlements along the coast are the large amount of plastic waste that has piled up due to economic activities on the coast and this is very damaging to the coastal ecosystem, because the beach is a habitat for amphibious animals. Lots of animals that live in water depend on beaches, seas and lakes that provide a source of life for animals that live in water such as crabs, squid, jellyfish, and other animals that live in water. Besides the beach is a natural habitat for many animals, the beach is also a habitat for various types of flora, such as mangroves and other trees that provide shade from the hot sun. In addition, the existence of

⁸⁹ Al-Burhani, *Sadd Adz-Dzarai 'Fi As-Syariah Al-Islamiyah*, 121.

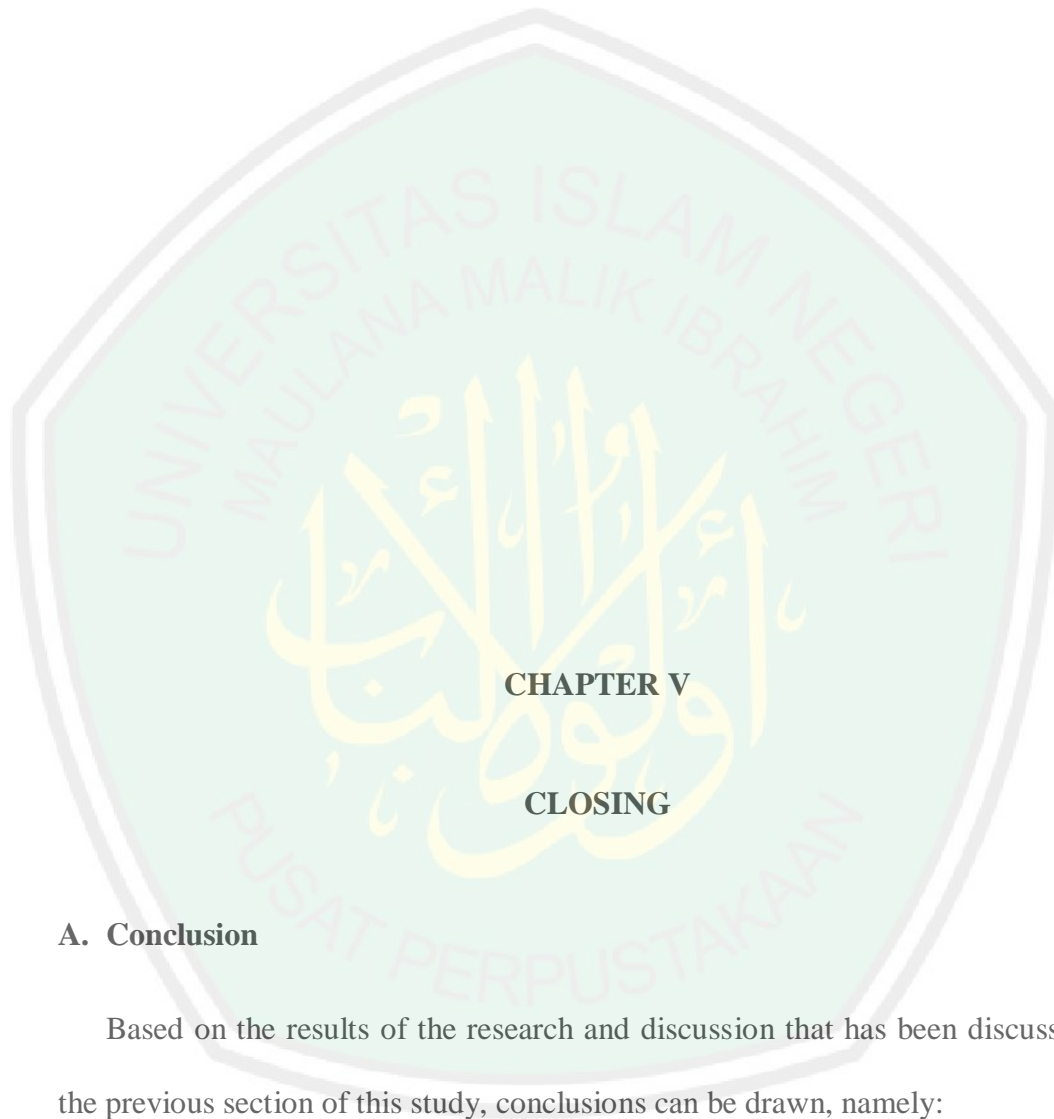
settlements on the coastline results in the loss of the function of the coast as a buffer zone for sea water abrasion. So when the land is lower than the ocean, the benefits of the coast as a flood prevention are ineffective and can flood the land when the tide occurs. high waves that can cause beach water to rise to the surface of the beach so that it enters residential areas. The low land area is one of the results of the development of settlements on the coast. Therefore, we must protect the sustainability of the beach properly, so as not to damage the habitat of the diversity of flora and fauna around the coast which provides beauty and coolness around the coast.

If viewed from *Sad Adzariah's* perspective, the construction of settlements on the coastal border in Glondonggede is not allowed or prohibited even though the purpose of building these settlements is for the welfare of the community. As one of the tools of Glondonggede village, Suhatman, said that what the Glondonggede village government wanted was the comfort and welfare of the community. Although the law of origin to build a house or settlement is allowed, if the construction of the settlement brings greater danger then it is not allowed.

It has been explained above that there are three pillars of Dzariah. First; Wasilah is the original destination where the main foundation for the occurrence of dzari'ah, because if there is wasilah there will automatically be dzari'ah. The original purpose in the construction of this settlement is as a place to live or a place to stay in order to survive. An intermediary is prohibited if there is a connection between dzari'ah on something that is prohibited and worrying with the aim of being careful as a form of resisting damage, in this case the dzariah is

to build a house on a coastal border where the distance is not 100m from the line of the highest tide point . This is prohibited because it poses a danger to both the safety of the population and the preservation of the coastal ecosystem.

The second pillar: consequence, which is something that connects the two aspects of dzari'ah (intermediary and objective), in this case, the harm caused in the form of damage to coastal ecosystems due to settlements on the coast and not paying attention to the coastal environment. Referring to the second Sad Ad-dzariah pillar, the construction of settlements along the coast is prohibited even though the people around the coastal border do not intend to damage the coastal ecosystem, but indirectly by establishing dense and slum settlements it results in a prohibited impact. With the emergence of these consequences, the construction of settlements along the coast is obliged to be prohibited, because too many dangers are caused. For the third pillar, which is in the form of "dzariah khos", here is the construction of settlements on the coastline, and this is the cause of the strong consequences, namely damage to the coastal environment. From this explanation, we can see how Sad Ad-dzariah's review of the phenomenon of settlement development on coastal borders.



CHAPTER V

CLOSING

A. Conclusion

Based on the results of the research and discussion that has been discussed in the previous section of this study, conclusions can be drawn, namely:

1. Based on existing laws and regulations, one of which is the Tuban Regency Regional Regulation Number 9 of 2002 of 2012 concerning the RTRW of Tuban Regency 2012-2032, one of the articles stipulates that the coastal border area is a local conservation or protection area so that all activities on

the coast must pay attention to ecosystem of the coastal environment, and this must be adhered to by all levels of society, especially the community around the coastal border in Glondonggede Village, Tambakboyo District, Tuban Regency. If the regional regulation is reviewed from the process of making it, it is in accordance with the principles of effectiveness of legal norms. However, in practice these regulations are not heeded because many residential buildings stand on the coastal border where the limit is not 100m from the highest tide line. Culture and society are the main factors in the ineffectiveness of this regulation. This factor is motivated by the human resources in Glondonggede Village, community disobedience to existing regulations, lack of understanding of the law in the community. And it is exacerbated by weak control factors and insecure system enforcement by law enforcers and the absence of facilities or facilities provided by the local government so that people do not build settlements on coastal borders.

2. Sad Ad-Dzari'ah emphasizes a case where the original law is permissible, but if it becomes an intermediary that creates a danger then according to Sharia law it is prohibited. This is in line with the phenomenon that is the object of research, where the original law of establishing a settlement is allowed, but if it leads to a greater harm (danger) then the law is not allowed. The danger is in the form of damage to the coastal environmental ecosystem which has long-term consequences. In addition, the existence of settlements on the coast that do not pay attention to environmental harmony

causes coastal abrasion which at times threatens the lives of the surrounding community.

B. Suggestion

Based on the above conclusions, there are several suggestions that the author proposes, including:

1. The Government, in the smallest scope, disseminates legislation, particularly laws related to sea and coastal management. Because the socialization theory of legislation uses the theory of legal fiction, if it has been published in the regional paper and given a certain period of time, the whole community is considered to know, even though one of the factors causing the large number of settlement developments on the coast in Glondonggede Village is due to people who are not legally competent or lack knowledge about the prevailing regulations and the high nature of social egotism. The Village Government takes firm action against people who will build permanent buildings along the coast, and make regulations regarding permits for residential builders on the coast. The local government must provide a way out for residents who have been forced to live in coastal border settlements, by building public housing so that the community is maintained security, safety and welfare and as a form of revitalization of the coastal ecosystem.
2. The Department of Living Environment provides more comprehensive guidance to all coastal communities in particular, how to recycle waste so

that it has a sale value. As well as socializing and providing assistance to the dangers of plastic waste for human life and nature.



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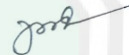
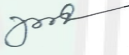
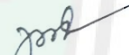
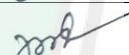



Aghozsi, Shofie Rudhy, “Pengusaan Tanah di Sempadan Pantai dan Wilayah Pesisir”, Ungreduate Thesis, Universitas Jember , 2018. <http://repository.unej.ac.id/handle/123456789/88402>



APPENDIXES

Appendix 1: Consultation Proof

Name : Rodhotun Nimah
 NIM : 17230091
 Department : Constitutional Law (Siyasah)
 Supervisor : Dra. Jundiani, S.H, M.Hum.
 Thesis Title : The Effectiveness of Tuban Local Government Regulation Number 09 of 2012 on Spatial Plans of Settlements In Glondonggede Beach Sadd Ad-Dzari'ah Prespective.

No.	Day/Date	Subject of Consultation	Signature
1.	9 Agustus 2020	Proposal Guidance	
2.	2 Oktober 2020	Chapter I,II and III	
3.	22 Oktober 2020	Revision of Chapter I, II, and III	
4.	12 November 2020	Chapter IV and V	
5.	26 November 2020	Revision of Chapter IV and V	
6.	27 November 2020	Abtrac	
7.	2 Desember 2020	All of Part The Thesis	

Malang, 25 Februari 2021

Acknowledged by:

Head Department of Constitutional Law



Dr. Muhammad Aunul Hakim, M.H.

NIP 196509192000031001

Appendix 2: Interview Result

1. Interview: Rodhotun Nimah
 Interviewer: Kurdiyono
 Position: Head of Environmental Impact
 Date: 17 October 2020

No.	Interview	Interviewer
1.	The coastal border area is a local protected area, what is the opinion of the Environmental Office regarding the development of settlements on the coastal border?	According to the Tuban Regency Regulation No. 09/2012 concerning RTRW, the coastal border area is a local protection area and the LHK office agrees that settlement development that does not pay attention to coastal ecosystems and environmental sustainability is not allowed.

2.	What is the role of the Department of LHK regarding environmental damage caused by the construction of settlements along the coast?	in this case, the LHK Service is related to the large amount of plastic waste caused by economic activities on the coastal border. provide advice and disseminate how to manage waste (recycle waste) so that it has a sale value, and provide counseling about the importance of protecting the environment in collaboration with local parties.
3.	What are the suggestions and solutions given by the LHK office in this problem?	The Department of LHK appealed to all communities, especially coastal communities, to pay more attention to environmental sustainability as a future asset, while the solution given is to expand the number of waste banks to collect waste for recycling.
4.	What are the obstacles for the LHK Department in preserving the coastal environment, especially in conservation areas?	The main obstacle is the factor of community compliance with existing regulations.

2. Interview: Rodhotun Nimah
 Interviewer: Suhatman
 Position: Village Officer
 Date: 5 October 2020

No.	Interview	Interviewer
	How do you view the zoning of the coastal border protected area in Glondonggede village?	Actually, in terms of coastal areas, it has been regulated in the mandate of Law No. 27 of 2007 in conjunction with Law No. 1 of 2014 concerning Management of Small Coastal & Island Areas, and in its management it is in the Village area, of course, the same permit is the Village, but the Fishermen Community collides with their human resources so that In its management, it never enters the Village, due to the assumption of fishermen as coastal land and entering State Land.
	What is the role of the village in the problem of zoning on the coast?	After deliberation with the BPD, the village government made a boundary prohibiting building settlements on the coastal border.
	What is the legality status of residential buildings on the coast where there is no 100m distance from the highest tide point?	The permanent housing construction is illegal and is not subject to land and building tax, and cannot be privately owned.
	What are the obstacles for the village in curbing settlement development on the coastal border?	Human resource factor is the main factor, where the lack of public awareness of the regulations and sustainability of the coastal environment. And it is worsened by the low level of human resources for the people around the Glondonggede beach.

3. Interview: Rodhotun Nimah
 Interviewer: Karwi

Position: Villager of Glondonggede

Date: 20 July 2020

No.	Interview	Interviewer
1.	How do you view the settlement on the coastal border of Glondonggede village?	Basically we (the community) know that the construction of settlements on the coastal border that is not 100m away from the highest tide point is not allowed, but we (the fishing community) have no other choice but to make this border land as a place to live.
2.	How did the settlement development along the coast in Glondonggede village begin?	In the beginning, the land on this coastal border was controlled by one of the respected community leaders. And traded by him so that the next generation considered that the coastal border land of Glondonggede village was inherited land (private property). And it has been hereditary until now.
3.	How is the mechanism of building	People when they want to

	settlements along the coast? Is there a land and building tax for each house?	build a house do not need permission from the village government. And do not have the obligation to pay land and building tax.
4.	Does the community feel disturbed by the pile of garbage on the beach and when the tide starts to flood the house?	Originally the community was annoyed by the pile of garbage, and felt worried when the high tide flooded the house. Since we had no other choice, it became commonplace.

Appendix 3: Documentation

1. Interview with Mr. Kurdiyono, the head of the environmental impact sub-sector.



2. Interview with Mr. Karwi, Villager of Glondonggede

3. Interview with Mr. Suhatman, Village Officer



4. Beach Border in Glondonggede Beach



5. Settlement Areas in Glondonggede Beach



6. Plastic Waste That Meets The Beach



Appendix 4: Letter of Statement Research from village government of Glondonggede

PEMERINTAH KABUPATEN TUBAN
KECAMATAN TAMBAKBOYO
DESA GLONDONGGEDE

Jalan Glondong-Kerek Nomor 03 Desa Glondonggede Telp. 081217391660
 Email : glondonggede.ta@gmail.com Website : glondonggede-tambakboyo.desa.id

Nomor : 005/644/414.406.11/2020 Tuban, 19 Oktober 2020
 Lampiran : -
 Hal : Surat Balasan

Kepada Yth.
 Dekan Fakultas Syariah
 UIN Maulana Malik Ibrahim Malang

Berdasarkan Surat Permohonan Izin Penelitian Nomor B-3328/F.Sy.i/TL.00/10/2020 tertanggal 8 Oktober 2020 mengenai permohonan izin penelitian atas nama :

Nama : Rodhotun Ni'mah
 NIM : 17230091
 Fakultas : Syariah
 Prodi : Hukum Tata Negara

Dengan ini Pemerintah Desa Glondonggede memberikan izin penelitian kepada yang tersebut dalam pokok surat di wilayah Pemerintah Desa Glondonggede.

Demikian surat ini dibuat dengan sebenarnya dan dapat dipergunakan sebagaimana mestinya.

Glondonggede, 19 Oktober 2020
 Kepala Desa Glondonggede


DAIMUN

Appendix 5: Letter of Statement Research from Departement of Investment, PTSP and Labor of Tuban Regency

PEMERINTAH KABUPATEN TUBAN
DINAS PENANAMAN MODAL,
PELAYANAN TERPADU SATU PINTU DAN TENAGA KERJA
 Jl. Dr.Wahidin Sudirohusodo No. 32 Telp.(0356) 320455
TUBAN

IZIN SURVEI/RISET/PKL/KKN
 Nomor : 070 / 369 / 414.107 / 2020

Dasar : 1. Peraturan Menteri Dalam Negeri Nomor 64 Tahun 2011 tentang Pedoman Penerbitan Rekomendasi Penelitian, sebagaimana telah diubah dengan Peraturan Menteri Dalam Negeri Nomor 17 Tahun 2014.
 2. Peraturan Bupati Tuban Nomor 55 Tahun 2016 tentang Uraian Tugas, Fungsi dan Tata Kerja Dinas Penanaman Modal, Pelayanan Terpadu Satu Pintu dan Tenaga Kerja Kabupaten Tuban, sebagaimana telah diubah dengan Peraturan Bupati Nomor 87 Tahun 2018.
 3. Peraturan Bupati Tuban Nomor 60 Tahun 2017 tentang Penyelenggaraan Pelayanan Terpadu Satu Pintu pada Dinas Penanaman Modal, Pelayanan Terpadu Satu Pintu dan Tenaga Kerja Kabupaten Tuban

Menimbang : 1. Surat Wakil Dekan Bidang Akademik Fakultas Syariah Nomor B-3359/F.Sy.i/TL.00/10/2020 tanggal 12 Oktober 2020 Perihal Permohonan Surat Rekomendasi Penelitian atas nama Rodhotun Ni'mah.
 2. Formulir Permohonan Izin Survei/Riset/PKL/KKN Nomor 070/369/414.107/2020 tanggal 16 Oktober 2020 atas nama Rodhotun Ni'mah.

Dengan ini memberikan izin kepada :

Nama / NIM : **RODHOTUN NI'MAH / 17230091**
 Alamat : RT.002 RW.004 Ds. Dasin Kec. Tambakboyo – Tuban
 Pekerjaan / Jabatan : Mahasiswa
 Fakultas / Program Studi : Syariah / Hukum Tata Negara
 Instansi / Organisasi : Universitas Islam Negeri Maulana Malik Ibrahim Malang
 No.Telepon / Hp : 081249380532

Untuk Melakukan Penelitian Dengan :

Judul : Implementasi Perda Kabupaten Tuban Nomor 09 Tahun 2012 tentang RT RW Terhadap Pemukiman di Sempadan Pantai Prespektif *SADD AL-DZARIAH*
 Tujuan : Penyusunan Tugas Akhir (Skripsi)
 Anggota / Peserta : 1 (satu) Orang
 Waktu : 20 Oktober s/d 30 November 2020
 Lokasi : Desa Glondonggede Kec. Tambakboyo

Dengan Ketentuan

1. Dalam jangka waktu 1 x 24 Jam setelah tiba ditempat kegiatan, diwajibkan melapor kedatangannya kepada Camat setempat;
2. Menjaga Tata Tertib keamanan, ketertiban, kesopanan dan kesucilaan serta menghindari perbuatan – perbuatan baik lisan maupun tulisan yang dapat melukai / menyinggung perasaan atau menghina Agama, Bangsa dan Negara dari suatu golongan penduduk;
3. Pelaksanaan Izin Survei/Riset/PKL/KKN kegiatan agar tidak disalahgunakan untuk tujuan tertentu yang dapat mengganggu kestabilan keamanan dan ketertiban;
4. Melaporkan hasil pelaksanaan Survei/Riset/PKL/KKN kepada Bupati Tuban Cq. Dinas Penanaman Modal, Pelayanan Terpadu Satu Pintu dan Tenaga Kerja Kabupaten Tuban;
5. Dalam pelaksanaan Penelitian yang mengikutsertakan Warga Negara Asing (WNA) sebagai Tenaga Ahli / Petugas Lapangan supaya melaporkan kepada Kepala Kepolisian Resort Tuban;
6. Izin ini dicabut dan dinyatakan tidak berlaku apabila ternyata pemegang izin ini tidak memenuhi ketentuan – ketentuan tersebut diatas.

Demikian izin ini dibuat untuk dipergunakan seperlunya.

Tuban, 20 Oktober 2020
Pt. KEPALA DINAS PENANAMAN MODAL,
PELAYANAN TERPADU SATU PINTU
DAN TENAGA KERJA
KABUPATEN TUBAN


ASRI BUANA, ST, M.AP
 Pembina Tingkat I
 NIP. 19730907 199901 2 002

TEMBUSAN Kepada :

1. Yth. Kepala Kepolisian Resort Tuban
2. Yth. Komandan KODIM 0811 Tuban
3. Yth. Kepala Kantor Kesatuan Bangsa dan Politik Kabupaten Tuban
4. Yth. Kepala Dinas Lingkungan Hidup Kab. Tuban
5. Yth. Kepala Dinas Pekerjaan Umum dan Perumahan Rakyat Kab. Tuban

Appendix 6: Tuban Regency Spatial Plan Map

CURRICULUM VITAE



Biography

Name : Rodhotun Nimah
TTL : Tuban 17 June 1998
Address : Rt.02 / Rw.04 Dasin Village, Tambakboyo District, Tuban
Regency
Religion : Islam
Department : Constitutional Law
Faculty : Syari'ah
University : UIN Maulana Maulana Malik Ibrahim Malang

Educational Background

1. Dasin 01 Elementary School, Tambakboyo Tuban. (2005-2010)
2. Tambakboyo 4-5 Islamic Junior High School, Tambakboyo Tuban (2010-2013)
3. Mambaus Sholihin Islamic Senior High School, Suci Manyar Gresik. (2013-2016)
4. Ma'had Aly UIN Malang (2018-2021)
5. Mambaus Sholihin Islamic Boarding School, 2013-2016.

Organizational Experience

1. Member of Intellectual Student (Mantek), 2017-2019;
2. Secretary Kabbir 2019;
3. Treasurer of the Center for Legislation Studies (Puskoper), Faculty of Sharia, Year 2019;
4. Manager of Ainusy Syam Club (ASC), 2018-2020;
5. Manager of the Mambaus Sholihin Students Association (Himmam), 2018-2020;
6. Member of BEM Ma'had Aly UIN Malang, 2020-2021.

