

Political Ecology Study: Implementation of Presidential Decree Number. 52 of 1995 About the Jakarta Bay Reclamation and Revitalization

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Abstract: The reclamation of the north coast of Jakarta is carried out based on the government policy stipulated in Presidential Decree No.52 of 1995 concerning the Reclamation and Revitalization of the Jakarta Bay policy DKI Regional Government with the issuance of Perda DKI No. 8 of 1995. This research on the implementation of the reclamation policy aims to prove that there are mistakes in implementing the bicycle policy in the form of a Presidential Decree or a DKI regional government's decision. The research method used a qualitative approach by conducting surveys, collecting primary data, interviewing resource persons from the Government, communities, and NGOs. As for the discussion results, the policy's implementation found an impact on the environment, including on the livelihoods of the fishing communities in the vicinity. The results of the evaluation of the reclamation policy of the north coast of Jakarta based on political ecology, for the implementation of Presidential Decree No. 52 of 1995, there is a policy failure because this policy does not consider long-term interests such as the existence of coastal resources and the environment. Meanwhile, Perda DKI No. 8/1995, as a follow-up to Presidential Decree No. 52/1995, can be a failure in its implementation (implementation failure) because it ignores environmental damage socio-economic problems, thus threatening the livelihoods of fishing communities. While the conclusion from the research results there has been a failure of policy formulation (policy failure) and failure of implementation of policies (implementation failure), so that policies in the form of Presidential Decree No. 54 of 1995 and DKI PerDa No 8 of 1995, were the beginning of a mistake in implementing the reclamation of Jakarta Bay which then created a conflict of interest.

Keywords: *Reclamation Policy, Political Ecology, Policy Failure, Implementation Failure*

Introduction

In line with human civilization development, coastal reclamation activities are starting to be needed for the expansion of agricultural land, urban expansion, coastal fisheries business by building ponds, and expansion of industrial areas (Bo Tian et al., 2016). In the United States and many countries with beaches, reclamation is carried out by filling, stockpiling soil and rock materials in wetlands (estuaries) or beaches that have a certain depth (Craig et al., 1979; and Meyer-Arendt, 1988). The impacts of coastal reclamation are also mentioned in several articles. Among other things, shoreline changes, changes in the microclimate from wetlands to drylands, loss of coastal habitat, disruption of river flows to the sea, loss of mangrove forests, and subsequent disruption of biodiversity due to changes in ecosystems (Cheong et al., 2013).

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The North Coast reclamation of Jakarta is stipulated in Presidential Decree No. 52 of 1995 concerning Reclamation and Revitalization of Jakarta Bay; This is a follow-up to Presidential Decree No. 17/1994 on the Five-Year Development Plan (RPJM VI, 1994 / 95-1998 / 99). In RPJM VI, Jakarta, as the capital of the State, is prepared as the capital of the State as well as one of the cities of international trade. However, due to limited land, it is deemed necessary to carry out reclamation. With this mandate, the DKI Regional Government-issued Regional Regulation No. DKI. 8 of 1995 concerning the Implementation of Reclamation and Planning for the Management of the Jakarta Pantura Area. Based on the two policies that have been mentioned, the DKI Regional Government is planning a reclamation of 2,700 ha to the sea and 2,500 ha to the mainland (ITB Community Service Institute, 2000).

In 2002 the Government of DKI submitted EIA study Jakarta Bay Reclamation Plan to the Ministry of the Environment (MOE). The assessment of the KLH Central Amdal Assessment Commission the study was not environmentally feasible; This is stated in the Decree of the Ministry of Environment No. 14 of 2003 concerning the Inadequacy of the Plan for Reclamation and Revitalization for the North Coast of Jakarta. This decision has undoubtedly triggered a conflict between the Central Government and the DKI Regional Government. The DKI Regional Government and the developer continued to submit a complaint to the District Administrative Court (PTUN Jakarta Timur). This action to sue the PTUN is a political step taken by the DKI Regional Government to obtain a permit to reclamation. The first PTUN decision accepted the reasons for objections from the DKI Regional Government. However, the appeal of KLH and the community in the decision of the two PTUNs rejected the objections of the DKI Regional Government and asked that the reclamation activities be stopped.

Political decisions in every activity plan that cause environmental impacts often do not see environmental interests, so that environmental problems are often marginalized or not prioritized. Political decisions like this will distract from achieving sustainable development because sustainable development emphasizes the environment as a basis for consideration. Politics is knowledge related to state administration or Government. Politics has a lot to say about power and the art (art) of achieving it. Based on the Ministry of National Education (2008), politics can be interpreted as knowledge related to governance. Politics is also understood as the behavior of a person or group, or organization to fight for their idealism. Political decisions often prioritize common interests that do not use scientific considerations (objectivity).

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Researchers see that research on Jakarta Bay's reclamation policy with a political-ecological approach is necessary to evaluate the Jakarta Bay reclamation policy based on political ecology...

Research Methods

The research was conducted in the administrative area of North Jakarta's city at the geographical position of 106020'00 "East Longitude and 06010'00" South Latitude, covering Marunda, Cilincing, and Muara Angke Fisherman Villages, in Penjaringan, Pademangan, and Tanjung Priok Districts. The research was conducted for six months, from September 2019 to February 2020. The research objects were the people from the three fishing villages mentioned, policies related to the reclamation of Jakarta's north coast, officials, and key informants.

The policies used are a) Presidential Decree No. 52 in 1995; b) DKI Regional Regulation No. 8 years; c) Decree of the Minister of Environment No14 of 2003. The study used a qualitative method with qualitative sample selection (informants), namely selected respondents (Sugiyono, 2017). The analysis was carried out by systematically arranging the collected data (organizing the data). From the data collected, researchers looked for the relationship between policy and practice. Implementation of policies as 'Das Solen (ideal), if practice is in accordance with policy. If the practice is not in accordance with the policy, it is called "Das Sain". The difference between 'Das Solen' and 'Das Sain' can be considered as thoughts or encouragement of the interests of a person or group to influence policies that can be directed according to goals or desires, or manipulating interests (Setyono, 2017). The content of the policy is analyzed by relating its concern for the environment. If there is a policy content that involves the environment, the policy is considered caring, and vice versa (Sudarwanto, 2017). Biological aspects are studied by looking at the presence of flora and fauna in the waters as an indication of the presence of mangrove forests. The socio-economic aspect is studied as an indication of the social impact of the reclamation. Evaluating policies, researchers use certain articles contained in the policies used in this study.

Finding and Discussion

1. General condition of fishermen settlement

Three fishing villages were chosen, respectively Muara Angke, Cilincing, and Marunda, because these settlements are located on the shoreline and are part of the areas directly affected by reclamation activities. Of the 1,520,235 residents in North Jakarta, 44,040 people are in the three research villages (North Jakarta City Statistics Agency, 2018). Fishers' origin is said to come from residents of settlements along the coast, Madura, Java, Lampung, Makassar, Buton, and Mandar. Most of their jobs are fishermen, catch fishers, processing fishers, or merchant fishermen with an Rp income range. 5,000,000 - Rp. 6,500,000. In general fishing villages, there are no proper household water drains in settlements, a lack of locations for temporary garbage dumps (TPS) so that garbage piles up. Fishermen settlements on the shoreline often experience 'rob' (pressure of seawater to the land), which results in frequent inundation of seawater.

2. General condition of Angke Kapuk Nature Park (TWA).

TWA Angke Kapuk was initially managed by the DKI Provincial Natural Resources Conservation Agency (KSDA DKI), 1000 Ha. However, since 2002 the management has been handed over to PT. Nindya Suwarti with an area of 116 hectares. When researchers checked and interviewed officers, the area of TWA now only remains around 99.8 Ha (...%). TWA Angke Kapuk area shrinkage due to dredging of sea sand next to TWA used for reclamation materials. The reduced TWA location has now become a sea channel. Furthermore, the reduced area was due to a change in land function as a residential area and part of the Jalan Sedyatmo toll road section. The various types of plants recorded on the beach are fire and mangroves such as *Avicennia* spp, *A.marina*, *A.officinalis*, *A. alba*, *A.delonix* Regia, *Soneratia caseolaris*, *Rhizophora*, *Rhizophoramucronata* (Angke Tourism Park Data, 2019), even in the field, they are rarely encountered. For *Rhizophora* and *Rhyzomucronata*, replanting has been carried out by the

management (interview with TWA officer Angke Kapuk, 2019).

The income level of the respondent indicates the socio-economic condition of the community. The results of observations and interviews stated that the reclamation activity resulted in a decrease in the fishing community's income level. Before reclamation activities, fishermen's income was still good, indicated that fishers had several types of the fishing business, such as zero, floating bagang, nets, or nets. However, now the fishing gear is no longer permitted to be deployed at the fishing location so far because now it is a sea channel and a reclaimed island.

Reclamation Policy

a. Care for the environment

Presidential Decree No. 52 of 1995 concerning the Jakarta Pantura Reclamation appears to have been formulated without considering environmental issues. At the time of the drafting of this Presidential Decree, the Government had enacted Law Number 4 of 1982 concerning Basic Provisions for Environmental Management. The above is shown in consideration of "Given," which does not include Law No. 4 of 1982 as a consideration. With this situation, it is feared that a negative impact will arise on the implementation of reclamation. Researchers assess the considerations in this Presidential Decree, which do not remember environmental problems can mean that environmental problems are not an important thing. Meanwhile in Article 7 (1) of Law no. 4/1982 regarding environmental management says that; 'Every person who runs a line of business is obliged to maintain the preservation of the ability of the environment in a harmonious and balanced manner to support sustainable development. The reclamation of the north coast of Jakarta occupies coastal space, which contains coastal, coastal, and marine resources. The preservation of its function and existence should be of concern, and this is guaranteed by Article 7 (1) of Law No.4 of 1982.

In Presidential Decree No. 52/1995, Article 11 (1) states that; "The implementation of the Pantura Reclamation must pay attention to environmental interests, port interests, mangrove forested coastal areas, fishermen interests and other functions in the Pantura area." Likewise, the integration in one paragraph between environmental aspects and other aspects such as ports, fishers, and so on shows that environmental problems are equated with other problems. In terms of environmental problems, they cover various aspects and are very complex, so that they cannot be equated with only one aspect, especially those related to technical problems such as port problems.

Of the two situations of the Presidential Decree No. 52 of 1995 mentioned above, the researcher found an error in the formulation of policymaking. The formulation error referred to is the incompleteness in incorporating the prevailing laws and regulations into it so that the consideration of its juridical aspects is incomplete. The incompleteness of including the applicable laws and regulations in the formulation of a policy is called a policy failure (Sudawanto, 2017).

b.Environmental impact on policy implementation

Article 11 (1) Presidential Decree No. 52 of 1995 stated that "The implementation of the reclamation of the Pantura is obliged to pay attention to the interests of the environment, the interests of the port, the interests of the mangrove forested coastal area, the interests of fishermen and other functions that exist in the Pantura Zone."

In line with this, in Article 1 (1) of Law No. 32 of 2009 concerning protection and management of the environment and Article 1 (1) of Law no. 4 of 1982 states, "Environment is a spatial unity with all objects, forces, conditions, and living things, including humans and their behavior, which affect the continuity of life and the welfare of humans and other living

creatures."

Preparation of Presidential Decree No.52 of 1995 Value researchers does not prioritize the importance of the environment so that environmental problems may become victims of implementing this policy.

Meanwhile in Article 9 paragraph (1) and (2) Perda No. 8 of 1995 states that '(1) The development of the Pantura Jakarta area is the development of an integrated reclamation area and a coastal land area which are jointly designated as a planning area; (2) The development of the Pantura Jakarta area must ensure the maintenance of ecosystems and the preservation of protected forest areas, mangrove forests, nature reserves, and marine biota '. However, in the implementation of PerDa No. 8 of 1995 concerning Reclamation and Planning for the Management of the Pantura Jakarta Area, there was disobedience from the developer to the existing regulations. The results of the developer's work have an impact on environmental damage and pollution. The mangrove forests originally in three areas, Muara Angke, Cilincing and Marunda, are now greatly reduced, especially in the Cilincing and Marunda areas (LPM ITB, and PT. Kapuk Naga Indah.

The shrinking of the mangrove forest area shows the negative impact of the implementation of reclamation. The impact on the shrinking area of mangrove forests will result in the loss of spawning sites for coastal fish and a decrease in the function of wave resistance, resulting in more excellent abrasion and infiltration of seawater into the land (Budiastuti, 2010). The area of mangrove forest in Muara Angke with a length of 5 km, a width of 100 m with an area of 500,000 m² in 1996, has now shrunk to a length of 1 km, a width of 50 m with an area of 50,000 m² in 2011 (LKM ITB, 2000 and PT Kapuk Naga, 2017). This situation illustrates a development that does not take sides with the environment and has ignored and simplified environmental problems.

c.socio-economic impact on policy implementation

The decision of the East Jakarta District Administrative Court (PTUN), which handles disputes between the community and the DKI Regional Government and developers, is as follows:

'In the construction phase, the consequences of the impact of reclamation on pollution and damage to marine waters have an impact on fishermen's income. This impact is due to the difficulty of access to fishing areas, loss of existing fishing areas, and sediment runoff, reducing the quality of the fish caught. Furthermore, in the operation phase, reclamation will have a long-term socio-economic impact on fishers. These impacts include the loss of fishing areas, difficulty accessing fish landing sites, and the impact of cloudy waters. In the implementation of the Jakarta Beach Reclamation project covering an area of 2500 ha, during 2000-2011, at least 3,579 heads of fisherman families were evicted. '(Decision No.193 / G / LH / 2015 / PTUN-JKT).

The data shows the developer's inability to implement Article 9 paragraph (4) in the protection and management of the environment, which says, "... the development of the Pantura Jakarta area must guarantee the interests of fishermen's life." The social and economic impacts directly experienced by fishermen in Muara Angke, Cilincing, and Marunda are deviations from the policies for implementing reclamation procedures carried out by the DKI Regional Government and developers. Thus, the research finds that failure implementation has occurred.

Observations in the field show that there is no more fishing gear for Muara Angke fishers because the location for placing their fishing gear is in the form of a reclamation island, so that fishers lose their fishing spots, especially on the beach. Thus, fishers experience a decrease in income, which negatively impacts the fishing community's socio-economic life due

to reclamation development. The relocation of fishermen's housing originally located on the beach to the apartment's location has resulted in difficulties for fishers to moor their boats, repair damaged fishing gear, and maintain their boats. The apartment location is 3-4 km from the shoreline, making it difficult for fishers to move because it requires additional transportation costs to their boat moorings. The income of fishermen (skipper) before the reclamation construction can reach up to Rp. 7,000,000, now under Rp. 6,000,000. Fisherman-laborers are even lower from an income of Rp. 1,625,000 / month to less than Rp. 1,500,000 after reclamation (interview with fishing communities, August 2019).

Political ecology has begun to be known as a study that discusses ecological conflicts, such as conflicts over the use of natural resources, conflicts about monitoring of natural resource management and access to information about the potential existence of natural resources, as well as conflicts about the costs of restoring environmental damage (Martinez-Alier, 2002).

Discussion

From the results previously presented, research shows that there is a mismatch between the statements in the paragraphs of policy regulations (Das Solen, ideally) and the practice in the field (Das Sain).

Das Solen said that the mangrove forest area as a buffer must be preserved, in this case, it is stated in the DKI Regional Regulation No. 8 of 1995 Article 9 (2), but in reality (Das Sain), there was a reduction in the area of the mangrove forest. Das solen should pay attention to the existence of fishing communities; in reality (Das Sain), fishing communities have been affected so that they experience fundamental changes in their lives.

The difference between 'Das Solen' and 'Das Sain' is the impact of Presidential Decree No. 52 of 1995 and PerDa DKI No. 8 of 1995. This difference occurs due to imperfections in the preparation and implementation of laws and regulations. This shows that there are thoughts and encouragement of desires and interests that deviate from a policy's objectives.

Table 1. Analysis of environmental considerations in the three Jakarta Bay reclamation policies

No.	Policy Name	environmental considerations	Implementation
1	Kepres 52/95	Tidak termuat	Kegagalan kebijakan (<i>policy failure</i>)
2	PerDa 8/95	Termuat 12 pasal dari 51 pasal	Kegagalan pelaksanaan (<i>Implementation failure</i>)
3	Kepmen LH 14/2002	Termuat	Menimbulkan konflik

Source: Research analysis, 2019.

By not paying attention to the environmental aspects in Presidential Decree Number 52 of 1995, then its implementation will hurt the environment and society. This Presidential Decree also shows other interests, namely the economy. Developers' efforts to pursue yields in the form of reclaimed islands show that the economic aspect takes precedence. Presidential Decree No. 52 of 1995 has become a policy that is categorized as a policy failure. While Perda No.8 / 1995 has contained environmental aspects, there have been violations in its implementation because economic considerations have been put forward, so this Perda is categorized as implementation failure.

The assessment of the inadequacy of the implementation of the Jakarta Bay reclamation led to the issuance of the Minister of Environment Decree Number 14 of 2003 concerning the

Inadequacy of the Plan for Reclamation and Revitalization for the North Coast of Jakarta. The assessment of infeasibility is conveyed in the Ministerial Decree considerations in the Considering section, which explains the negative impacts caused and the environmental problems that follow. The AMDAL carried out is said to have not considered environmental impacts in implementing construction activities. Furthermore, it was conveyed that the implementation of reclamation has had an essential impact on the environment that crosses the DKI administration area's boundaries. In consideration of the "Paying attention" section, it is stated that several parties have expressed objections to the implementation of the Jakarta coastal reclamation development, namely PT Pembangkit Jawa and Bali Tangerang Regency Government.

Table 2. Parties who object to the reclamation of Jakarta Bay

type of activity	Function	Responsible
Jaringan kabel laut komunikasi	Hubungan internasional	PT. Indosat
Jaringan pipa BBM	Pengiriman logistic BBM	PT. Pertamina
Jaringan pipa BBM	Pengiriman BBM PLTU	PLTU-PLN
Jaringan Pipa Gas	Peniriman Gas	PT. Pertamina

Source; preparation of Amdal for reclamation of Pantura DKI, LKPM, ITB, 2000

With the MENLH Decree Number 14 of 2003, reclamation activities should not be continued and stopped unless the DKI Regional Government and the developer make improvements to the activity plan and environmental studies. However, in reality, the reclamation activities are still being carried out, and even the DKI Regional Government, together with the developer, has submitted a claim to the PTUN. The actions of the DKI Regional Government, together with the developer who brought this case to the PTUN, show the political steps they took to fight for their wishes in carrying out reclamation.

The Ministry of Environment stopped the reclamation activity plan and asked the DKI Regional Government to conduct a more comprehensive review. In the inter-ministerial coordination meeting discussing the reclamation of Jakarta Bay, the Ministry of Environment provided input to the Ministry of State Secretariat (KemenSekneg) to evaluate the Presidential Decree Number 52 of 1995. In connection with the reclamation development that continues to be carried out by the DKI Regional Government with all its problems, then on August 12, 2008, the Government issued Presidential Decree No. 54 of 2008 concerning the Spatial Planning of the Jakarta, Bogor, Depok, Tangerang, Bekasi, Puncak, Cianjur Area which in Article 34 (2) and Article 42 (2) regulates zoning which is allowed for reclamation in Jakarta Bay. In 2012 the Government again issued Presidential Regulation Number 122 of 2012 concerning Reclamation in Coastal Areas and Small Islands. Likewise, the DKI Regional Government issued the Governor of DKI Regulation Number 121 of 2012 concerning Spatial Planning for the Jakarta Pantura Reclamation Area.

Until 2017, the Jakarta Bay reclamation development problem has not been resolved; the reclamation still has problems that cannot be continued, so that in 2018 the Governor of the DKI Regional Government stopped the operation of the reclamation construction. The halt of the reclamation construction was decided with political considerations because the Governor fulfilled his promise during the election campaign for the head of the DKI region. The reclamation results were the construction of three islands, namely islands C, D, and N, a sea wall that had not been completed entirely, one island G, which had not yet finished its reclamation, and several apartment units Marunda for evicted fishing communities. In conditions of uncertainty between continuing or not the Jakarta Bay reclamation development, in April 2020, the Government issued Presidential Regulation Number 60 of 2020 concerning the Urban Spatial

Plan for Jakarta, Bogor, Depok, Tangerang, Bekasi, Puncak and Cianjur, hereinafter abbreviated as Perpres No. 60 of 2020. Presidential Decree No. 60 of 2020 renewed Presidential Decree No. 54 of 2008 concerning Spatial Planning for the Jakarta, Bogor, Depok, Tangerang, Bekasi, Puncak, Cianjur Area. Presidential Decree No. 54 of 2008 relating to the reclamation of the pantura is regulating zoning where the cultivation zone becomes a reclamation location, and Presidential Decree No. 60 of 2020 regulates more about city layout. Because the space above the reclaimed land is included in the area affected by Presidential Decree No. 60 of 2020, then the use of space on the reclaimed island needs to be arranged to secure the island's existence that has been built.

The issuance of Presidential Decree No. 60 of 2020, in which there is a map of H's whereabouts, being in the body of Presidential Decree No. 60 of 2020, does not contain the problem of island H. In June 2020, the Governor of DKI issued Pergub DKI No. 237 of 2020 concerning the Granting of Reclamation Permits for the Expansion of Taman Impian Jaya Ancol in two locations with an area of 20 ha and 120 ha; this shows that legal uncertainty in the development of reclamation in Jakarta Bay is becoming increasingly apparent. Simultaneously, political decisions will never resolve development planning issues related to environmental utilization because the DKI Regional Government's political orientation is to prioritize economic interests. The reclamation goal as desired in the RPJPM and regulated in Presidential Decree No. 52 of 1995 was never achieved. This actually shows the Government's failure in the development of the city of Jakarta as an international trade city.

Until now, the development of the Jakarta Bay reclamation has caused environmental problems that have not ended, even though the hope of the RPJM (Long-Term Development Plan) for the city of Jakarta calls for a city development that is free from environmental problems. In reality, the Government still wishes to carry out the reclamation of Jakarta Bay, as shown successively the issuance of the Presidential Decree Number 54 of 2008 concerning the Spatial Planning of the Jakarta, Bogor, Depok, Tangerang, Bekasi, Puncak, Cianjur Area, Presidential Decree Number 122 of 2012 concerning Reclamation in Coastal Areas And Small Islands and Presidential Decree Number 60 of 2020 concerning Urban Spatial Plans for Jakarta, Bogor, Depok, Tangerang, Bekasi and Cianjur.

Conclusion and Summary

1. Presidential Decree No. 52 of 1995 concerning the Reclamation and Revitalization of Jakarta Bay failed to realize development that cares for the environment and does not side with the ecology. This Presidential Decree failed in policy formulation or policy failure.
2. Implementation of Regional Regulation No.8 of 1995 as a follow-up to Presidential Decree No. 52 of 1995 is not in accordance with the provisions of the articles governing its implementation. This regional regulation failed in its implementation or implementation failure.
3. Policy failure and implementation failure are the beginning of the mistake in implementing the Jakarta Bay reclamation. The implementation of the Jakarta Bay reclamation does not pay attention to environmental issues and creates many conflicts of interest. The goal of a sustainable Jakarta Bay reclamation development will not be achieved.

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