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The Role of the Kebumen Regency Local Government in Efforts to Control Shrimp Pond Business in the South Coastal Area of Kebumen Regency

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Abstract

The Kebumen Government's efforts to encourage shrimp farming must be under the mandate of Law No. 27 of 2009, which was revised into Law No. 1 of 2014. The Regional Spatial Plan (RTRW) No. 23 of 2012 states that the 100-meter long coastal border is used as a conservation area. So related to the construction of ponds in coastal areas. So the uneven location must be used according to its designation. In the RTRW, it has even been mentioned that the south coast, which is better known as Urut Sewu, is a defense and security area. Especially in the Dislitbang TNI AD environment in Setrojenar Village, Buluspesantren District to Mirit District. The rise of shrimp ponds in the Urut Sewu area without a permit must be of particular concern to the Kebumen district government. Therefore, this study aims to determine the role of the local government of Kebumen Regency in controlling shrimp farming businesses to comply with applicable regulations and to find out the legal consequences for shrimp farmers who set up a pond business without having a business license. In this study, the researcher used a descriptive qualitative research method. Descriptive research aims to provide an overview of a particular symptom. Data collection was conducted by interviewing the Kebumen District Licensing Service, the Kebumen Fisheries and Marine Service, and the residents of Jogosimo Village as samples of shrimp farmers. The results of research related to the existence of these ponds, related parties guide pond owners. As has been done by Satpol PP, the Integrated Licensing and Investment Agency of Kebumen Regency, and the Department of Maritime Affairs and Fisheries of Kebumen Regency. I even followed up by checking directly into the field-Head of the Planning Subdivision at the Kebumen Regency Marine and Fisheries Service. The government should take preventive and repulsive efforts such as issuing a special regional regulation regarding shrimp farming, a new livelihood for residents around the south coast of Kebumen Regency.

Kata kunci: Local Government, Shrimp Farming, Business License

Abstrak

Upaya Pemerintah Kebumen mendorong budi daya tambak udang harus sesuai, amanat Undang Undang Nomor 27 Tahun 2009 yang direvisi menjadi Undang Undang Nomor 1 Tahun 2014. Rencana Tata Ruang Wilayah (RTRW) Nomor 23 Tahun 2012 daalam Undang Undang tersebut menyebutkan sempadan pantai sepanjang 100 meter digunakan sebagai kawasan konservasi. Sehingga terkait pembuatan tambak di wilayah pesisir itu harusnya berada di luar kawasan konservasi. Sehingga lokasi yang tidak rata tersebut harus digunakan sesuai peruntukannya. Dalam RTRW bahkan telah disebutkan, pantai selatan yang lebih dikenal dengan Urut Sewu tersebut sebagai wilayah pertahanan dan keamanan. Terutama di lingkungan Dislitbang TNI AD Desa Setrojenar, Kecamatan Buluspesantren hingga Kecamatan Mirit. Maraknya pembuatan tambak udang di wilayah Urut Sewu yang tanpa disertai izin tersebut harus menjadi perhatian khusus pemerintah kabupaten Kebumen. Oleh karena itu penelitian ini bertujuan untuk mengetahui bagaimana peran pemerintah daerah Kabupaten Kebumen dalam penertiban usaha tambak udang agar sesuai dengan aturan yang berlaku dan mengetahui Usaha bagaimana konsekuensi hukum yang diterima petambak udang yang mendirikan usaha tambak tanpa mempunyai izin usaha. Penelitian ini, peneliti memilih menggunakan metode penelitian kualitatif bersifat deskriptif. Penelitian deskritif bertujuan untuk memberikan gambaran tentang suatu gejala tertentu. pengumpulan data dilakukan dengan cara wawancara kepada Dinas Perizinan Kabupaten Kebumen, Dinas Perikanan dan Kelautan Kabupaten Kebumen, dan warga Desa Jogosimo sebagai salah satu sample petambak udang. Hasil dari penelitian terkait keberadaan tambak tersebut, pihak terkait melakukan pembinaan kepada pemilik tambak. Seperti yang dilakukan Satpol PP, Badan Penanaman Modal dan Perizinan Terpadu Kabupaten Kebumen serta Dinas Kelautan dan Perikanan Kabupaten Kebumen. Bahkan ditindaklanjuti dengan mengecek langsung ke lapangan. Kasubag Perencanaan pada Dinas Kelautan dan Perikanan Kabupaten Kebumen. Pemerintah sebaiknya tidak hanya melakukan upaya preventive dan upaya repesive seperti mengluarkan perbup khusus mengenai usaha tambak udang yang merupakan mata pencaharian baru bagi warga sekitar pantai selatan Kabupaten Kebumen.

Kata kunci: Pemerintah Daerah, Budi daya Tambak Udang, Izin Usaha

I. Introduction

The district government of Kebumen encourages the cultivation of shrimp ponds on the south coast. However, in cultivation, it should comply with existing regulations, according to Law No. 27 2009, revised into Law No. 1 of 2014 concerning Management of Coastal Areas and Small Islands. In addition, it must comply with the Regional Spatial Plan (*Rencana Tata Ruang Wilayah*, RTRW) No. 23 of 2012. The law states, among other things, that the 100-meterlong coastal border is used as a conservation area. So related to the construction of ponds in the coastal area. The rules must, of course, be binding. That area is used as a green belt; the uneven location must be used according to its designation.

In the RTR, the Shrimp pine forest in the Petanahan Beach area in Karangreja Village, Petanahan District, was damaged by the existence of shrimp ponds owned by residents. The pine forest is part of the Wanagama III research and natural tourism forest, the result of the cooperation of UGM Yogyakarta, which was inaugurated by the Minister of Forestry, Zulkifli Hasan in 2010. A member of the Indonesian House of Representatives from the Gerindra faction, Darori Wonodipuro, was surprised to receive reports of the destruction of coastal forests that he initiated while still serving as Director-General of Forest Protection and Conservation the Ministry of Forestry. Especially in the Dislitbang TNI AD environment in Setrojenar Village, Buluspesantren District to Mirit District. The rise of making shrimp ponds in the Urut Sewu area without a permit must be a particular concern of the district government. The Maritime Affairs and Fisheries Service noted 132 shrimp ponds located in Mirit, Klirong, Petanahan Puring, and Ayah sub-districts.

Ayah Subdistrict is located in Ayah Village with as many as 16 plots with an area of 10 hectares, and Pasir Village with eight plots with 2 hectares. Puring District is located in Surorejan Village with 40 plots with an area of 6 hectares, Petanahan District is located in Tegalretno and Karangrejo villages with as many as 33 plots covering 6.625 hectares, Klirong District is located in Tanggulangin Village as many as 28 plots with an area of 7 hectares, and Mirit District is located in Wiromartan Village. With seven plots with an area of 1 hectare, the potential for marine and land fisheries in this district with the slogan of Faith is quite large. Marine fishery production in 2009 reached 1,729.87 tons, 2010 reached 496.06 tons, 2011 reached 2,976.87 tons, 2012 reached 3,222.66 tons, 2013 reached 1,603.98 tons and 2014 reached 6,856.89 tons. The land fishery production in 2009 reached 1,454.04 tons. In 2010 it reached 1,146.25. 2011 reached 1,119.- 37 tons. In 2012, it reached 2,131.85 tons. In 2013 it reached 2,257.54 tons, and in 2014 reached 1,566.21 tons.

Based on the data mentioned above, it can be understood that the shrimp farming business in the Kebumen Regency area is quite large and can be used as employment opportunities for the surrounding community. With people who do not understand the legal provisions that a business must have an official license to avoid various risks in the future causing losses to the community itself, the government must play an active role in controlling shrimp ponds in the Kebumen Regency area. In addition to avoiding risks in the future, the people's business is also quite risky because it was built on a dune around the beach. The dunes should be taken care of properly because they can prevent the waves from reaching people's homes when the tide is high.

In addition, the waste from the shrimp ponds has not been appropriately managed. Some fishers dump waste from shrimp ponds into the sea and around the coast. That is, of course, very disturbing to the environment around the beach. With a good business role without a good government plan directing the community in controlling the shrimp farming business, it will undoubtedly be able to create a good business environment without any future risks and avoid environmental damage due to business waste and the spatial layout of the dune area is also maintained. Based on this, the author tries to dig deeper into the efforts of the Kebumen Regency Government in controlling shrimp farming businesses in the Coastal area of Kebumen Regency.

II. Research Problems

Based on the description of the background, problems arise in this study, namely:

- 1. What is the role of the local government of Kebumen Regency in controlling shrimp farming business in the southern coastal area of Kebumen Regency?
- 2. What are the legal consequences received by the community around the South Coastal Coast of Kebumen Regency with the establishment of a business without official permission from the government?

III. Research Methods

In this study, the researcher used descriptive qualitative research methods; thus, the data collected was from words, pictures, not numbers, and numbers as support. Descriptive research aims to provide an overview of a particular phenomenon. This article uses field research methods, and data collection is done by interviewing the Kebumen District Licensing Service, the Kebumen Regency Fisheries and Marine Service, and residents of Jogosimo Village as samples of farmers. Shrimp. In general, this research article uses a normative juridical approach to know the positive law that regulates the need for shrimp farming business permits on the south coast of the Kebumen district. The data used are primary data collected directly from sources so that it is known the role of local governments in efforts to control shrimp farming businesses in the southern coastal area of Kebumen Regency.

IV. Research Results And Discussion

1. The Role of the Kebumen Regency Government

One of the rules of law principles is wetmatigheid *van besturr*, or government based on legislation. In other words, every government legal action in carrying out the regulatory function and the service function must be based on the authority granted by the applicable laws and regulations. In some regional regulations that exist in the regencies/municipalities, it can be seen that most of the permits, especially those under the authority of the district/city government, are in the hands of the regent or mayor. In contrast, several other regulations have the authority to handle the permits left to the specialized agencies. The specialized agency is authorized to process and issue the permit in this case. With the strengthening of regional autonomy, especially in districts/cities, it is seen that the flexibility and independence of the regions in regulating various matters are increasingly felt.

Under the basic principle, permission grants rights or authority to a party to carry out a prohibited legal act. Licensing is a legal act of a state administrative nature granted by an authorized government official or agency and is given in the form of a determination or *beschikking*. This permit is a positive determination or decision granting part or all of the application and is classified as a positive determination that benefits an agency, entity, company, or individual. This licensing arises from the strategies and techniques used by the government to control or control various conditions, namely by prohibited without written permission to carry out any activities that the government wants to regulate or control. The government's authority to allow or prohibit a person or legal entity must be stipulated in the law. This authority manifests the principle of validity or legality in acting. This understanding shows that the arrangement of permits must always be straightforward.

As a form of stipulation, the cumulative permit issuance requirements are in Article 1, point 3 of the State Administrative Court Law. From these provisions, it can be detailed: a) that the permit stipulation must meet the requirements; b) it is in writing; c) issued by the

TUN Official/Agency; and d) contains government legal actions that cause legal consequences for a person, in the form of rights and obligations based on statutory regulations.

Ketetapan izin bersifat konkret, karena keputusan yang ditetapkan itu tertentu atau dapat ditentukan, misal keputusan tatausaha negara(keputusan TUN) tentang izin penyelenggaraan. Izin penyelenggaraan juga bersifat individual sebab izin tersebut tidak ditujukan untuk umum, tetapi tertentu, baik alamat maupun hal yang dituju. Jika yang dituju lebih dari seorang, maka siapa saja orang yang dituju harus disebutkan secara jelas. Persyaratan keharusan tertulis tidak lain dimaksudkan untuk memudahkan dalam proses pembuktian jika terjadi keberatan atas terbitnya keputusan pejabat pemerintah.

Through the permit instrument, the government has the legality to carry out acts of limiting individual freedom or bringing order to people's lives. These actions/deeds are under the purpose of issuing permits: a) To direct or control certain activities; b) To prevent the danger that can be caused by certain activities; c) To protect particular objects; and d) To select certain people or activities.

The Kebumen Regency Government encourages the cultivation of shrimp ponds on the south coast. However, in cultivation, it must comply with existing regulations, according to Law No. 27 of 2009, revised into Law No. 1 of 2014 concerning Management of Coastal Areas and Small Islands. In addition, it must comply with the Regional Spatial Plan (RTRW) No. 23 of 2012. The law states, among other things, that the 100-meter long coastal border is used as a conservation area. So related to the construction of ponds in the coastal area. "Of course, these regulations must be binding," said the Head of Protection and Supervision at the Marine Affairs and Fisheries Service of Kebumen Regency, Rosidi, yesterday. Furthermore, the area is used as a green belt, so the uneven location must be used according to its designation.

In the RTRW, the south coast, better known as Urut Sewu, is a defense and security area. Especially in the Dislitbang TNI AD environment in Setrojenar Village, Buluspesantren District to Mirit District. Local government attention. The Maritime Affairs and Fisheries Service noted as many as 132 rampant constructions of shrimp ponds in the Urut Sewu area, which had invited shrimp ponds in Mirit, Klirong without a permit Petanahan Puring, and Ayah sub-districts. Checking Directly for Ayah District, there are 16 plots in Ayah Village with 10 hectares and Pasir Village with eight plots with 2 hectares. Puring District is located in Surorejan Village with 40 plots with an area of 6 hectares, Petanahan District is located in Tegalretno and Karangrejo villages with as many as 33 plots covering 6.625 hectares, Klirong District is located in Tanggulangin Village. As many as seven plots with an area of 1 hectare. Currently, Kebumen Regency has shrimp ponds recorded at the Marine and Fisheries Service of Kebumen Regency, with as many as 682 plots with 62.66 hectares. Vaname shrimp production from January to December 2019 reached 1,344,534 kg worth Rp. 134.534.100.000,-.

Currently, shrimp ponds are owned by 341 people or agencies and employ 682 workers, assuming that each pond plot has one permanent worker. Shrimp ponds have an extraordinary multi-player effect on the surrounding human resources, namely the number of ponds that have new jobs to support the economic level of those who previously only worked as farmers. Not even a few of them commit criminal acts to fulfill their needs. Shrimp ponds also provide extraordinary multi-effects for their supporting businesses, including the business of selling shrimp feed, selling shrimp fry or seeds, making ponds with heavy equipment, setting up ponds, selling plastic mulch, selling pond supporting equipment (wheels, water pumps, spare parts, etc.), fuel oil sales business (diesel and gasoline), and shrimp farm operational transportation business.

Regarding the location of shrimp ponds that are not allowed by the government, these include conservation areas or areas commensurate with the coast and the preservation of Wanagama's pine forests. The problem presented at the environmental office is that pond wastewater has not been appropriately managed, so it is hoped that farmers can manage it. This opinion is different from what was conveyed by the Marine Service that the waste produced by shrimp ponds is not a chemical but an organic substance that can be used for fertilizer.

Regarding the existence of these ponds, the relevant parties guide the owners of the ponds as has been done by Satpol PP, the Integrated Licensing and Investment Agency of Kebumen Regency, and the Department of Maritime Affairs and Fisheries of Kebumen Regency. I even followed up by checking directly into the field. The Head of Planning for the Department of Marine Affairs and Fisheries of Kebumen Regency, Winarti, added that cultivating shrimp ponds on the south coast was a breakthrough. Currently, a fish auction place (*Tempat Pelelangan Ikan*, TPI) continues to work. The government is making large-scale ponds without proper procedures. It does violate the rules and threatens the sustainability of the coastal environment. Such as the destruction of sea pine forests and the pressing of dunes, which impact the loss of the protection component of the land area from high wave attacks. Also, a violation of the coastline will have the effect of beach abrasion.

The local government of Kebumen Regency has made an effort to hear shrimp farmers represented by the Regional Secretariat, Papers Service, KPPT, and Sat Pol PP related to ponds located in the coastal area that was established without the permit to find a new place for a period of 3 years by agreeing with an agreement that exists by following good permits in permitted places. Shrimp farmers in Wiromartan Village, Mirit District, Kebumen are now restless. Besides being asked to close their ponds immediately, the harvest price of Vanamei shrimp fell sharply compared to the previous harvest price. They received a warning letter to close the pond due to the absence of an operational permit for their pond.

The Wiromartan farmers have not yet applied for a pond operational permit, even though the pond has been operating for more than three years. According to one of the pond owners, they have not been moved to take care of licensing, considering that their ponds have no environmental problems and the pond business is very much supported by the landowner, namely the Wiromartan Village Government. The outbreak of shrimp farming business on the banks of the Buntu River, Wiromartan Village, Mirit District, Kebumen in the past year but without an application for a business license according to the procedures in the related Kebumen Regional Regulations now being observed by the Kebumen Regency Government.

"According to the rules, all business forms related to social and environmental interests must follow the applicable licensing procedures. We are now taking steps to start looking at the pond business in that location," said the Head of the Kebumen Civil Service Police Unit (Satpol PP), RI Ageng Sulistyo Handoko SIP, in his office. Even though the business owner has never applied for a business license, according to Ageng, it does not mean that the Kebumen Regency Government immediately closed the pond business, which was initiated in 2011. Currently, the Regency Government first takes a persuasive approach to the farmers in the development corridor. "Before taking action, we must first study and examine various aspects of social, economic, and environmental aspects," explained Ageng. Head of the Licensing Section of the Kebumen Integrated Licensing and Investment Services Office, Karyanto SH, said that until Thursday (12/3)) The owners of the Wiromartan ponds have never applied for a permit to make shrimp ponds in the area near the mouth of the Wawar River to the Kebumen Regency Government.

Based on the investigation by the Kebumen Regency Government, it turns out that it is not only the shrimp ponds in Wiromartan Village, Mirit District, Kebumen that have not been licensed. Dozens of other ponds in Klirong, Petanahan, and Puring Kebumen sub-districts are not yet licensed but are already operating. According to one member of the Sat Pol PP, when he succeeded in revealing that the ponds were not licensed, the Kebumen Regency Government could immediately close the business. However, as a coaching step, the Regency Government is still tolerant by reprimanding the pond owner and asking to take care of licensing immediately.

The number of ponds affected by the control operation is 52 ponds, the most in Tanggulangin Village, Klirong Subdistrict, 40 ponds, and others in Surarejan Village, Puring Subdistrict, and Tegalretno Village, Petanahan District. When asked by officers about their negligence in not applying for a permit, on average, they reasoned that they wanted to delay the permit application. That business has a significant capital of up to hundreds of millions of rupiah for land rent, manufacturing costs, purchasing seeds, feed and fuel, and maintenance

costs. Permit applications pond owners must process location permits, nuisance permits, and business permits. The application for a location permit is made by asking for permission from the Kebumen Regent and a permit from the landowner. After processing a nuisance permit or asking for approval from the surrounding landowners, they complete the requirements for a business permit.

In addition to conducting hearings, the Kebumen district government also holds regular outreach to shrimp farmers. With typical southern coastal communities that do not understand the applicable legal rules, various approaches directly to individual shrimp farmers have also been carried out by the Kebumen Regency Government, including making WWTP for farmers and even reducing land rent costs for farmers who set up ponds under applicable regulations. Even the farmers are allowed to pay in installments over one year. The division of procedures for granting permits for the establishment of ponds is divided into class 2; if the land area is less than 0.5, a permit from the marine service is sufficient. More than 0.5 areas must get permission from the Unified Agreement service. Related to shrimp farming licensing, farmers must pay the local government land rent, and then the farmers will get a payment receipt. The receipt is then attached with the KTP of the pond owner to make a letter of agreement. The agreement letter is used as a legal basis for farmers if there are problems related to the farmers' business land in the future.

2. Legal Consequences for Unlicensed Farmers

Shrimp ponds in the Urut Sewu area must be emptied. That is because the use of the land is not licensed. In addition, it is not under its designation because it is located in the defense and security area. That was confirmed by the Head of the Indonesian Army Research and Development Agency Representative in Setrojenar Village, Buluspesantren District, Kebumen Major Inf Kusmayadi, after checking the pond's location in Wiromartan Village, Mirit District, Kebumen with the POM Sub-Department Purworejo Murtopo. And Pasi Intel Kodim 0709 Kebumen Captain Inf M Kholiludin, yesterday.

According to Major Inf Kusmayadi, there is no justification for building a shrimp pond in the TNI shooting range. As stated in the Letter of the Director-General of Taxes, Inspection of Regional Development Fees, Ministry of Finance of the Republic of Indonesia Number S.1.085/WPJ.05/KI.1807/1982 dated July 12, 1982, regarding the boundary between private land and coastal state land in Buluspesantren, Ambal, and Mirit sub-districts. "Also, the Letter of the Director-General of State Assets of the Ministry of Finance of the Republic of Indonesia Number S-825/KN/2011 regarding the search for data/documents of the TNI's weapons training/testing site in the Urut Sewu area, Kebumen Regency," he said. Weapons training/testing sites in the Mirit, Ambal, and Buluspesantren sub-districts covering an area of 1,150 hectares obtained from the KNIL heritage are state property because they are registered in the State Assets Inventory of the Ministry of Defense/TNI cq TNI AD Kodam IV Diponegoro with number registers 30709034.

In the Regional Regulation of Kebumen Regency, Number 23 of 2012 concerning the Spatial Planning of the Kebumen Regency of 2011-2031, Article 40 reads, the areas for training and testing of TNI weapons include Mirit, Ambal, and Buluspesantren. The letter from the Integrated Licensing Service Office of the Kebumen Regency Government Number 590/04/Kep/2013, dated February 28, 2013, regarding the Permit for Determination of Land Locations for the Indonesian Army's Shooting Range and Testing of Weapons, which is located in Mirit Petikusan Village, Tlogodepok Village, Mirit Village, Tlogopragoto Village, Lembupurwo Village, and Wiromartan Village.

Major Inf Kusmayadi added that there should be no permanent buildings or complex plants, including shrimp ponds in the shooting range area. In Article 2 of the Government Regulation in place of Law (Perppu) Number 51 of 1960 concerning the Prohibition of Use of Land without the Rightful Permit or Proxy, it is stated that it is prohibited to use land without the appropriate permit or legal proxy. Article 3 then states that regional authorities can take action to settle the use of land that is not plantation and not forest without the appropriate permit or legal proxy, which is in their respective regions at one time. Article 4 states that to complete land use, regional authorities can order those who use it to vacate the land in question with all the goods and people who receive rights thereof. If, after the validity of the grace period specified in the vacancy order, the person concerned has not fulfilled the vacancy, the regional authority or the official given an order by him to carry out the vacancy at the expense of the land user himself.

"The time limit given is after the shrimp harvest this March. So that the beginning of April must be vacated," said Major Inf Kusmayadi. Separately, the Commander of the Subdenzibang Purworejo, Lt. Czi Deniy Setiawan, invited related officials, including village and community officials, to obey the existing rules so that no one was harmed.

V. Conclusions

- 1. The Government of Kebumen Regency's efforts to regulate shrimp pond business in the southern coastal area of Kebumen Regency is by issuing Regional Regulation no. 123 of 2008 concerning Lease of Pond Land on the Coastal Coast. Each farmer who will set up a pond business must pay the rent for the land to be subsequently given a receipt attached with a photocopy of his ID card as the legal basis for the pond owner to have followed the procedure for permitting the construction of a pond. Regarding the existence of these ponds, the relevant parties guide the owners of the ponds as has been done by Satpol PP, the Integrated Licensing and Investment Agency of Kebumen Regency, and the Department of Maritime Affairs and Fisheries of Kebumen Regency. I even followed up by checking directly into the field Head of the Planning Subdivision at the Kebumen Regency Marine and Fisheries Service. Characteristics of coastal communities that are still in a crisis of knowledge about the law are given regular socialization by the Department of Fisheries and Marine Affairs and the Office of Licensing.
- 2. The legal consequences that shrimp farmers receive if they do not have a business license, then they do not have a legal basis for ownership of a shrimp farming business so that if in the future something detrimental happens to the shrimp farming business, it is not the responsibility of the local government of Kebumen Regency. To control it, the government also conducts inspections at certain times. For ponds that do not have a permit, the government has the right to evict if the owner is not cooperative. In completing land use, regional authorities may order those who use it to vacate the land in question with all the goods and people who receive rights thereof. If, after the validity of the grace period specified in the vacancy order, the person concerned has not fulfilled the vacancy, the regional authority or the official given an order by him to carry out the vacancy at the expense of the land user himself.

VI. Suggestions

Local governments should use repressive measures and preventive measures to control shrimp farming businesses. Preventive efforts include the government being more assertive in

issuing regional regulations relating to special provisions for shrimp farming businesses to control shrimp farming businesses in the southern coastal area because this relates to conservation areas that should be areas that are well guarded so as not to cause new destructive impacts due to changes. The function that was initially for conservation has turned into a shrimp pond.

Farmers should be aware of the importance of having a permit to do business not to harm themselves, the community, and the area where the shrimp farm business is located.

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