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Maritime policies in the era of regional autonomy: identifying the challenges

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Abstract. The maritime governance in the era of President Joko Widodo has raised some feats. Among them are handling the IUUF, increasing fish production, and forming maritime borders based on zonation. However, some aspects need to be scrutinized, especially regarding the implementation of Law 23 Years 2014 about the Local government that triggers the conflicts of maritime management in local areas. Some of those issues are managing maritime resources and the vertical relations between the central government and local governments and horizontal relations among local governments. Using the qualitative research methods in Bawean Island, East Java, this paper shows that the overlapping in managing maritime resources amongst them affects the attaining of the main goal in achieving social welfare of fisheries. Moreover, this overlapping has trapped fisheries in the scarcity of the maritime of plenty.

1. Introduction

Indonesia, in the post-Suharto era, applied a decentralized system that led to the delegation of authority to the regions from the central government. The policy refers to Law 23 of 2014 clarified in section V (five), where the central government draws the authority of regional governments, namely districts and cities, to provincial governments in marine governance [10]. This policy was designed to make the governance process effective. However, unintendedly, the policy resulted in conflict and enlarged sectoral egos between government bureaucratic institutions in the provinces and districts. Not only created new overlapping and conflictual situations but most importantly, the community is also disadvantaged by the implementation of the policy. Moreover, the community's lack of understanding of the policy resulted in new problems relating to licensing, overlapping management of fish auction sites, unclear information regarding public services related to maritime and coastal management. Regarding the risk of policy failure, according to Wahab (1997) is due to lousy implementation factors, government policies that are indeed unclear or that policy indeed not good [8].

The new issues of a conflictual situation come from the shift of the authority of maritime governance from local government to the provincial level. The Provincial Government, represented by the Marine and Fisheries Office, has confidence that management capabilities are manageable for them. Nevertheless, the reality has shown that provincial governance created some issues as follows: lack of coordination between institutions, human resources are not professional and competent, lack of supporting regulations in implementing the policy of marine governance at the provincial level. Further, there are other aspects of



community confusion with overlapping policies, the lack of representatives of provincial marine and fisheries offices at the district level, both institutionally and personnel. The issue of tug of interest in marine governance policies at the provincial level turned out had a systemic impact on governance in Indonesia. Above all, regarding maritime management, the government, as a policymaker, is not capable of providing a sense of comfort and prosperity for the community.

2. Research Methods

This research is descriptive and uses the policy approach based on applied research. The social applied research is to examine the issues within a country that are related to the policy, as stated in Blackmore's opinion that policy research is a planned research process that is done and evaluated based on the fundamental problems [2]. Thus, this research might result in recommendations for policymakers to create a solution for society. The research should focus on the formulation, implementation, and policy evaluation. This paper compares the one phenomenon and events or products based on the standard and program that have been planned [3].

This research examines the consistency between the formulation and implementation of Law No 23 2014 about regional government. This research started with the opinions and findings that stated there are problems in the implementation of the law. The problems occurred in this research are caused by the clash between the interest and sectoral ego between the provincial and district government. The argument occurred for the overlapping of law implementation on the marine management between the provincial and district government, especially about the policy on the licensing of public space management that is harmful to the people surrounding the coastal area. The data of the research was obtained through the interview, especially the nonexclusive ones in Bawean Island, Gresik, East Java, Indonesia.

3. Result and Discussion

3.1. Law No. 23 of 2014 Affects the Imbalance of Maritime Governance

The working of regional autonomy that was put in place after the reformation era in Indonesia brought the dynamics to the various policies. Regional autonomy provides an opportunity for regions to carry out regional management activities following the capabilities and potential of the region itself. The transition and change in the government system from a centralistic model to decentralization was done with the emergence of Law No. 22 of 1999 concerning regional governance [9]. The relevance of regional autonomy is related to three major issues in the process of decentralization and regional autonomy, namely the distribution of power and authority, equitable distribution of income, and independence of local government administrative governance[4]. Significant changes related to the transfer of authority both politically and administratively in maritime governance from the central government to the regions. Local governments at the district and city levels have the autonomy to make authority and budget management depend on situations and conditions at the local level. This authority was then supplemented by Law No. 32 of 2004, which clarified and strengthened the position of districts and cities in local governance [10].

Table 1. Change and Development in Marine and Coastal Governance

Variable	Law No. 22 of 1999 & No. 32 of 2004	Law No. 23 of 2014
System	Decentralization	Decentralization
Authority	Authority in the hand of District/City	Authority divided between Province and District/City
Policy	The province as an Authority Facilitator	Province takes over the Authority
Conflict of Interests	District/City manages the maritime and coast	The Province manages the maritime

Source: Law No. 22 of 1999, Law No. 32 of 2004, Law No. 23 of 2014

The emergence of a new law on regional government, namely Law No. 23 of 2014, raises polemics and issues relating to the tug of policy and authority between districts and provinces. Referring to Law No. 23 of 2014, which is clarified in section V (five), which gives high authority to the Province in the management of forestry, marine and mineral and energy resources which used to be the affairs and authority of the district and city governments [11]. The measure of achieving decentralization is inseparable from the authority given by the central government to the regions so it is known that autonomy and authority are inherent in the regional government [5]. Decentralization of maritime management is not yet succeeded, especially those that are related to coordination between the provincial and district governments, the absence of provincial government's preparation, and management infrastructure. Those problems cause another issue within the coastal society that affects both people's empowerment and welfare. According to Farazmand (2009), bureaucracy needs to be adaptive to be able to work professionally and accountably [6]. In this case of Bawean, bureaucracy in the provincial government inevitably need to prepare adjustment period for the transition.

This research was conducted in Bawean, where data was obtained about the tug of authority between the provincial government and the district government in marine management. The facts show that the district and city governments are better prepared than the provincial government both in the readiness of programs and activities in the Strategic Plan (*Renstra*), development of maritime infrastructure, human resources, relations with the community, and regional regulations (Perda) in several districts. Those problems happened because the district had prepared itself based on the previous laws, namely Law No. 22 of 1999 and Law No. 32 of 2004, which gave the district government freedom in the management of the maritime and coast.

Both provincial and district governments do not reach good coordination. The provincial government had the task of coordination and assistance because it was an extension of the central government in the region. On the other hand, regional autonomy is in the hands of the district and city governments. The impact of implementing Law No. 23 of 2014 that is concerning regional government raises sectoral ego conflicts between provinces and districts. Thus, the community is disadvantaged by the implementation of the policy with problems related to licensing, overlapping management of fish auction sites, unclear information regarding public services related to the maritime and coastal management, and confusion in the application of zoning of coastal areas and small islands.

It seems that there is less coordination between institutions, unprofessional and competent human resources, no supporting regulations or regulations have, in this case, in implementing the marine governance policies at the provincial level, community confusion with the overlapping policies made, the lack of representatives of provincial marine and fisheries services at the district, both institutionally and personnel, which is only in the form of technical implementation unit.

The provincial government in marine management has minimal human resources. In Bawean Island, lack of apparatus was indicated by the minimum number of apparatus in the East Java marine and fisheries services stationed on this island. The number of apparatus from the Port of Integrated Service Unit and Management of Marine Resources and Bawean Fisheries, which has only 12 people with a composition of 8 civil servants and four honorary staff with huge tasks to cover this island. The Management requires competent and professional apparatus, expertise and competence in technology-based E-Government. All apparatus manages Port, Fish Auction Place (TPI), Controlling Fish Price, and education and community empowerment. The number of apparatus which are only 12 people has an impact on the budget which is also tiny so that upgrading the apparatus is not sustainable. Ideally, the apparatus of the Port and the Management of Marine and Fisheries Resources on Bawean Island, under the duties and positions, are 30-40 supported by the use of E-Government based technology to facilitate performance. They are constrained.

Furthermore, coordination between provincial, district, and community governments in implementing marine governance policies in the province of East Java is also minimal. The transfer of management from the Regency to East Java Province in the management of Maritime Affairs and Fisheries raises new problems. This problem is related to the transfer of the apparatus, the transfer of assets and management of the area, and the transition of community empowerment. The right of management by the provincial government through the Office of Maritime Affairs and Fisheries in the presence of the Ports

and Management of Marine Resources and Bawean Fisheries have also affect on community empowerment. Previously, community empowerment carried out by the marine and fisheries service in the Gresik district to the marine and fisheries service of East Java Province. For instance, community empowerment in tourism awareness groups (*pokdarwis*) at Bawean decreased. The empowerment activity was conducted, which p[reviously are two months to once a year. Another aspect is the licensing of fishing boats, both new and old licenses, has also been grim because infrastructure and administration have not yet been established after the transfer of management rights. As the service point change from the district to the Province, the affairs of public services are ineffective as it further.

3.2. Policy Implementation of the East Java Provincial Government in Marine and Coastal Governance

There was a shift in the authority from the district government to the provincial government in the management of the marine sector. Clarified through Law No. 23 of 2014 concerning regional government in Section V (five), which contains the authority of the provincial regions in the maritime and the islands characterized by islands [11]. Unfortunately, the considerable provincial authority is imbalanced with supporting regulations and regulations that strengthen the performance of the provincial government in marine governance.

We will analyze the implementation of provincial government marine governance policies from four factors that influence the success or failure of policy implementation. The four factors include factors of coordination, apparatus, authority delegation, and bureaucratic structure.

Table 2. The problem in implementing Law No. 23 of 2014

Variable	Problems
Coordination	Overlapping policies in management with districts/cities
Apparatus	The bureaucratic apparatus is not yet competent and professional in marine governance
Delegation of authority	Policies do not reach the community because of the tug of authority at the Provincial level in the management of the maritime and the District / City in coastal management
Bureaucratic Structure	Teamwork that is not adaptive and unable to understands partnership pattern

Source: Law No. 22 of 1999, Law No. 32 of 2004, Law No. 23 of 2014

Referring from the findings of the data after the enactment of the Regional Government Law No. 23 of 2014, showed how the communication was not established because of the sectoral egos between the provincial government and the district government. The socialization of programs and activities has not yet reached the target. The coordination between the maritime and fisheries offices and the technical units in the district is weak. There was also the confusion of provincial and district governments in managing zoning-based boundaries and outermost islands.

On the other hand, the community is disadvantaged by the implementation of the policy with problems related to licensing, overlapping management of fish auction sites, unclear information regarding public services related to the maritime and coastal management. The problem of a policy will arise if the policies made are contrary to the facts that must be faced. Policymakers will tend to use their discretion to ignore or distort policies that must be implemented. Failure of policy coordination is a failure to transmit orders for policy implementation.

From the results of the above data can be analyzed that there are problems related to coordination between the provincial, district, and community governments in implementing marine governance policies in the East Java province. The vital key to achieving good coordination lies in the policy information that can be adequately implemented as policymakers and implementers understand the contents, objectives, direction and policy objectives. The importance of policy substance that is conveyed to policy actors must be prepared and carried out to implement the instructions and guidelines that become policy goals and objectives.

The findings of other data indicate that there were limited resources of the provincial government, especially the marine and fisheries department. This situation can be seen from the limited number of apparatus or officials of the maritime and fisheries service in the districts and cities, the fact that is seen in the regions is that there are only Technical Implementation Units (UPT) with limited human resources, minimal budgetary resources, and competencies at the apparatus level. Whereas, the need for information and public services for the community is critical. Community needs are not only technical but there is legal certainty regarding the implementation of these policies so that competent and adequate human resources are needed to carry out the tasks.

Other problems that maritime in the form of dispositions relating to the reluctance of policy implementers at the provincial level. Implemented Law No. 32 of 2014 has the effect of increasing the authority of the Department of Marine Affairs and Fisheries in marine governance, but on the other hand, there is still a tug of interest on the unfinished policies related to the division of tasks between provinces and districts. The enactment of the law is imbalanced with the capacity and capability of the apparatus and supporting policies such as Regional Regulations. This tug of interest makes the apparatus experiencing confusion and reluctance in carrying out their duties.

The bureaucratic structure has a significant influence on the implementation of marine governance policies. The tug of interest between the provincial and district governments raises sectoral egos that cause uncertainty over policy outcomes. Dominant claims for contested areas from both provincial and district/city governments made the adaptive teamwork do not form, and the partnership pattern is unclear. This chaotic approach arises from political interests that are more dominant than administrative interests. Referring to Laws No. 22 of 1999 and Law No. 32 of 2004 that decentralization-based regional autonomy is in the hands of the district and city governments. Then it was revised through Law No. 23 of 2014 that provinces had authority in the governance of forestry, marine and energy and mineral resources. So far, the provincial government has only been in a capacity of coordination and assistance as an extension of the central government in the region. This change in policy has not been matched by a competent, capable and responsive bureaucratic structure.

3.3. Evaluation of the implementation of marine governance policies

The key points of policy evaluation focus on outcomes or impacts while also developing ways to explain policy implementation. According to Dunn (2003), the policy process is one of the keys to success in policy action [7]. The analysis used in this research is in the form of process evaluation (the process of public policy implementation). The research is carried out with several implementation guidelines and technical guidelines that refer to Law No. 23 of 2014 concerning regional governance. Assessment of the results of this research specializes in the implementation of marine governance policies by the provincial government. The research results also aim to find out the potential and opportunities for the implementation of the law, especially in the East Java area with a focus on Bawean. According to Wahab (1997), this result of implementation was caused by lousy execution and policy [8].

The provincial government, as an extension of the central government in the region, has substantially no authority in regional management. Problems arise when provinces are given the authority to manage the maritime but are not given coastal management rights so that authority overlaps and seizure of management with district and city governments. The integration of authority in the management of maritime and coastal areas is not formed so that the impact of high sectoral ego arises because of the overlapping authority provincial and district/cities government held.

Field findings can be found showed that the lack of optimal implementation of marine governance policies is a manifestation of an unresolved problem indicated. First, coordination is not well-formed because sectoral egos are still dominant, socialization of program activities that have not yet reached the target, besides that the community has not enjoyed the results of this policy regarding licensing, management of fish auction sites and other public services. Secondly, the limited number of apparatus or officials of the maritime and fisheries services, which are limited to districts and cities, there is only a Technical Implementation Unit (UPT) with a limited amount of human resources. Third, there are many unfinished policies related to the division of tasks between provinces and districts. The enactment of the

law is not balanced with the capacity and capability of the apparatus and supporting policies. Fourth, the bureaucratic structure that still facing tug of interest between the provincial and district governments raises sectoral egos that cause uncertainty over policy outcomes.

There is a possibility of the implementation of marine governance policies becomes distorted. Distortion in the implementation of this policy occurred due to the conflict between the provincial government as the executor of the policy and the orders and guidelines made by Law No. 23 of 2014 not accompanied by coordination, apparatus, a delegation of authority and bureaucratic structure in supporting the policy.

4. Conclusion

This study obtained findings relating to the implementation of provincial government marine governance policies that refer to Law 23 of 2014 concerning regional government. Several problems arise after implementing the policy. The findings indicate that four factors influence the success or failure of the implementation of the policy. The four factors are the coordination, the apparatus, the delegation of authority, and the bureaucratic structure. The author suggests that to achieve this marine governance policy there are some keys as follows: First, a comprehensive evaluation to form coordination and consolidation in policymaking and implementation. Second, synergies between the provincial and district governments in the distribution and implementation of authority. Third, alignment of activities and joint programs between institutions in marine and coastal governance so that synergic and collaborative teamwork is formed.

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