

# The Impact of Changes Authority for Marine Resources Management in Local Government: Case Study in Riau Island Province

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## Abstract

*The purpose of this study was to analyze changes in policies on marine resource management from district/city governments to provincial governments in the Riau Islands Province. The research method used is normative legal research using secondary data. Data collected by interview and literature study of applicable law, this research involved the Department of Transportation of the Riau Islands Province, the Department of Maritime Affairs and Fisheries, and the Legal Department of the Riau Islands Province Government. This study uses qualitative data analysis techniques by collecting data, qualifications, then connecting theories related to the problem, and finally concluding to determine the results. The results of this study indicate that there was a conflict of interest between the central government and the provincial government, and there was a budget deficit in the provincial government related to changes in authority in the Regional Government Law.*

**Keywords:** *authority, marine resources management, local government, Riau Island Province*

## 1. Introduction

Indonesia is an archipelago; two-thirds of Indonesia's territory is the sea. Indonesia has a coastline of 5.8 million square kilometres, a coastline that spans more than 81,000 km and a population of more than 240 million resources. Marine resources are very abundant in Indonesia [1]. Usually, the majority of natural resources are managed by central government institutions and industries [2]. The state controls all natural resources for the prosperity of the people listed in the 1945 Constitution article 33 Paragraph (3). However, in carrying out this role, the state gives authority to manage its marine resources to the central government.

An authority is an approved and legal right to make a decision [3]. Authority can be seen as the legitimacy of top-down control based on the point of view of a particular force [4]. Authority is a form of power that goes hand in hand and requires some degree of approval by the recipient of authority [5]. Reviewing the authority in the science of administrative law is closely related to the implementation of government functions. Authority (authority, *gezag*) is what is called formal power, the power that comes from the legislative power or executive or administrative power. Authority (which usually consists of several powers constitutes authority over a defined group of people or authority over a specific spherical field of government (or field of affairs). In contrast, authority only concerns a specific spare part. Authority is a characteristic of political-legal institutions to exert influence on other social actors [6].

Every state administration official in carrying out government affairs is firstly affixed with a valid authority based on legislation that is a source of authority for a state administration official. Authority is the right to comply with regulations [7]. Every act of a state administration official must have a basis of authority that is made an ultimate

source for carrying out specific actions in the public sphere. Efforts to get authority from the government can come from three ways, namely attribution, delegation, and mandate [8]. Federal and industrial agencies have systematic privatizations place decision-making, monitoring, and law enforcement authorities [9].

Marine resources are a significant factor in the implementation of the marine economy in many countries [10] with the wealth of ocean resources in the form of renewable and non-renewable resources. Marine resources have economic, social, cultural benefits, and opportunities for the supply of future resources [11]. The potential of marine resources consists of recoverable resources, non-recoverable resources, marine energy, and environmental services [12]. The management of marine resources is the management of resources by humans in the form of physical, social, economic, and political activities [13]. Current policies and laws affecting marine protected areas are explained concerning management and field results [14]. The European Union has recognized the potential to safeguard marine resources for future generations from the exploitation of marine resources [15].

The development of the marine economy by the Indonesian central government has not been optimal in contributing to people's welfare. The central government is the authority holder in managing the sector. Law number 23 of 2004 is a regional regulation concerning the protection of marine resources. This regulation was amended in 1999, 2004, and 2014. One effect of the implementation of decentralization is a large number of laws and regulations issued by various national and regional government bodies [16].

The management of coastal marine resources is multidisciplinary and multisectoral. The management of marine resources is surrounded by the need to link natural relations with social science as part of a global movement towards the sustainability of the Great Sea Ecosystem in the world [17]. The management of resources from the sea is seen as a field derived from biophysics. Decision making and policies based on human livelihoods and perceptions result in creating management of marine resources created by culture and politics [18]. Marine resource management is part of marine management in which marine management is carried out by the central government and regional governments. Marine management aims at the prosperity of the people through the use and exploitation of Marine Resources. The local government law and the coastal law need to include the planning and management authority of the marine sector [19]. The administration of government is based on the applicable laws, regulations, and state administrative court [20].

The transfer of power from the central authority to the lower levels in the political and territorial hierarchy is called decentralization [21]. The last local government law turned out to be a significant change regarding the authority to manage marine resources. District/city governments only receive revenue sharing from marine resource management. The role of provincial and district governments must be more critical than the central government and Need help and community participation. The Indonesian government issued Law No. 23 of 2014 concerning decentralization [13]. Unlike the Philippines, which still regulates the authority to manage marine resources by the central government [22].

Riau Islands Province is a Region of the Archipelago Province. This Province has an area of 251.810.71 Km<sup>2</sup>, consisting of an ocean area of 241.215.30 Km<sup>2</sup> (95.79%) and the remaining area of 10.595.41 Km<sup>2</sup> (4.21%) is a land area Medium Term Development Plan Riau Islands Province, 2010-2015). Riau Islands has the potential of natural resources, mainly marine resources. Sustainable marine governance is still influenced by ecosystem-based management [23]. This Province has the longest distance from Natuna Regency (Ranai), while the Regency that is closest to this Province is Bintan Buyu, with a distance of 32 Km from Tanjungpinang.

Amending the local government law concerning the withdrawal of district government authority to the provincial government is a fundamental problem for marine management. Initially, the provincial government had the authority to manage sea and coastal areas and natural resources ranging from 4 to 12 miles from the coastline. District and city governments have agreements from 0 to 4 miles from the coast [24]. It was then submitted to the provincial government to be 0-12 miles. This change has an impact on the authority of all local governments in Indonesia to manage marine resources, including the Riau Islands province. This research will discuss the problem of changing the authority of local governments in managing marine resources that can lead to potential conflicts of authority between the provincial government and the central government and the provincial and district governments. The impact of the change in authority is the cause of the Riau Islands province's regional income budget deficit, and the Province bears financial costs. It is hoped that research can contribute to the welfare of society, especially people in Riau Islands Province.

## 2. Methodology

This research uses normative legal methods. This method is a procedure for finding truth based on law, scientific logic from the normative side. The underlying purpose in research is to reach and present new knowledge and ideas or to suggest changes and improvements. This study uses primary data in the form of interviews with the Riau Islands Province Transportation Department, the Maritime and Fisheries Service, and the Riau Islands Provincial Government Legal Department. Besides secondary data in the form of legislation, journals, documents, and data that support this research. The data analysis technique used in this study is a qualitative data analysis technique, which is by collecting data, qualifying, then connecting theories related to the problem and finally concluding to determine the results.

## 3. Result and Discussion

Interviews with various local government agencies in the Riau Islands Province were obtained to explore problems caused by changes in authority to manage marine resources. The results of the interview can be seen in Table 1.

**Table 1. The Implementation of the Authority of Marine Resource Management**

Respondents	Implementation of Authority of Marine Resource Management
1	Department of Transportation Riau Islands Province <ul style="list-style-type: none"> <li>• Riau Islands Province has the authority of 0-12 Miles in managing marine resources in the maritime service sector, more specifically in shipyards commonly called anchor anchors.</li> <li>• In the management of anchor anchors, there is a conflict of authority between the provincial government and the central government regarding the right to manage and income from anchor anchors. Until now, the management rights and revenue from anchor anchors go to the Central Government (Ministry of Transportation) even though the management is located at 0-12 miles, which should be the authority of the provincial government. The income from the management of anchor anchors in 1 parking space generates approximately Rp. 122,000,000,000 (122 billion rupiah). If the management can be shared or returned to the provincial government, it can meet the provincial budget.</li> <li>• As a result of the conflict of authority, the provincial government does not receive revenue for the region, so many of the expenditure burden</li> </ul>

	<p>has not been fulfilled, and the district/city government has not yet received profit-sharing from the anchor anchorage. Because of revenue from the maritime service sector in the form of anchor anchors, this is the central sector in Riau Islands Province.</p>
2	<p>Legal Division of Riau Islands Province</p> <ul style="list-style-type: none"> <li>• The authority of the Riau Islands provincial government in running the management of marine resources is based on Law No. 23 of 2014. Derivatives from the Laws regulated in the Riau Islands Province do not yet exist. However, it has only been proposed regarding Regional Regulations on Levies and Utilization of Marine Space.</li> <li>• • Impact of changes in authority in managing marine resources related to the management of sea anchors. Besides, there is a conflict between the provincial government and the district/city government regarding involvement in mining permit recommendations and regarding revenue sharing in the management of marine resources.</li> </ul>
3	<p>Department of Maritime Affairs and Fisheries of the Riau Islands Province</p> <ul style="list-style-type: none"> <li>• The authority of the Riau Islands provincial government in managing marine resources from the fisheries sector is not optimal because the opinions of this sector are not optimal. For the marine sector, the relevant agencies are managed; for example, the Transportation Department manages the maritime service sector regarding anchor anchors while this department focuses on managing the fisheries sector.</li> <li>• The impact of this change of authority is a conflict between the provincial government and the regency/city government that has lost its responsibility in managing marine resources in their area. District/city governments also demand revenue sharing regarding the management of this sector, but small fisheries sector revenues are not shared.</li> </ul>

The authority of the provincial government to manage natural resources in the sea area is contained in Article 27 of Law no. 23 of 2014. Local government has the right to manage the sea limit of 0-12 (twelve) miles measured from the coastline to the high seas. The authority of provincial to manage natural resources at sea includes Exploration, exploitation, conservation, and management of marine assets outside of oil and gas. The provincial government has administrative authority, spatial planning, maintaining sea security, and defending national sovereignty. Provincial Regions having Islands have the same authority to manage natural resources at sea as Provincial Regions.

Before 2014, the authority to manage marine resources was regulated by local government laws in 1999 and 2004. The previous law regulates the authority to manage marine resources by the provincial government for 4-12 nautical miles and district/city governments for 0- 4 nautical miles. Changes in authority regarding the management of marine resources in its implementation still cause problems that occur in some areas. The change in authority should have fulfilled the role the Government in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, that natural resources are controlled by the state, and used the greatest prosperity of the people. In Article 33 paragraph (3), it is a source of law as well as a legal basis for each of the Statutory Regulations governing the management of natural resources, especially in this study concerning marine resources to realize the welfare and prosperity of the people.

The role of the state that has mandated the central and regional governments to manage marine resources has not proceeded in harmony. This role can be seen in the application

of the Local Government Law related to the Management of Marine Resources in Riau Islands Province. The change in authority had an impact on the Riau Islands provincial government. Conflict of authority regarding the management of the sea from 0 to 12 miles regarding the maritime service sector in the form of sea space utilization in the form of anchor carried out by large vessels. So far, levies have been imposed by the Ministry of Transportation (Central Government). However, the revenue generated from the use of the 0-12-mile space goes to the Ministry of Transportation, not the Riau Islands Provincial Government.

Secondly, the problem occurs between the provincial government and the regency government, which is the revenue sharing that should be given by the provincial government for the management of natural resources at sea within a 4-mile radius. For example, management of marine resources is not yet optimal, the fisheries sector which only generates revenue of 1.2 billion and the maritime services sector that has not yet received revenue, because it is still managed by the central government (Ministry of Transportation). Due to the lack of revenue received by the region from various significant sectors in the Riau Islands province, there is no profit sharing that can be given to the district/city government. Article 14 of the 2014 Local Government Law explains that the calculation of the distribution of marine benefits is the result of the ocean, which is within the boundaries of an area of 4 (four) miles measured from the coastline in a clear direction. While the regency / municipal boundaries are less than 4 (four) miles, the territorial boundaries are divided equally by distance or measured following the principle of the midline of the bordering regions.

Third, the impact of the change of management authority is that the provincial government must budget more regional expenditure because the burden of the district government has shifted to the provincial government. This causes the district government to lose responsibility and hand it over to the provincial government. For example, there is a dispute between fishers in the district/city, which is the Province that finances the settlement. Aside from that, there is an abundance of high school / vocational high school management to the Province, which adds to the burden of the provincial budget in meeting regional needs. This is one of the causes of a budget deficit of Rp 350,000,000,000 (350 billion rupiahs) in the Riau Islands provincial government [25].

Management of marine resources in the Riau Islands Province is considered not optimal even though the potential of natural resources is enormous when seen from the sea area of almost 96% of the land area. The level of poverty of the people in Province, it turns out that the poor in the Riau Islands increased, based on BPS Riau Islands data that the total poverty rate in the Riau Islands up to September 2017 rose by 3,060 people compared to March 2017 by 127,370 people (6.06%). For this reason, if it is related to changes in the Law on Regional Governments concerning the authority to manage maritime resources handed over to the Province, it turns out that for the Riau Islands Province, it is a burden to accept that authority. Although there are a special general allocation fund and special allocation fund for provinces with an archipelago, it seems that this has not been realized, causing a budget deficit in the Riau Islands Province.

Based on the case experienced by the Riau Islands Province that the implementation of the Regional Government Law, which emphasizes the authority to manage marine resources at the provincial government level, is ambiguous with the concept of regional autonomy, which emphasizes the presence of the government to be closer to the community. The change of authority in the management of marine resources by the provincial government is contrary to Article 18 paragraph (5) of the 1945 Republic of Indonesia Constitution, which regulates the broadest possible autonomy that gives authority to government affairs to the provincial and district/city governments. For this reason, the efforts of regional autonomy to regulate governmental authority so that they

are harmonious and focused on the demands of community needs. Thus, regional autonomy is not a goal but an instrument for achieving goals.

#### 4. Conclusion

the impact of the management of marine resources by the Government of the Riau Islands Province after the enactment of the Regional Government Law in 2014 experienced various problems, namely the conflict of authority between the provincial government and the central government, as well as conflicts between the provincial government and district governments. Besides, there was also a deficit in the regional budget due to less optimal management of marine resources and the imposition of various expenditure budgets that were not balanced with regional revenues. For this reason, it is necessary to review the regulations regarding the implementation of local government authority in managing marine resources. It is necessary to accelerate the implementation of regulations on the implementation of the Regional Government Law relating to the Province of the Islands. So that the local government can manage marine resources to realize community welfare.

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