

CONSTRUCTING THE MARITIME STATE OF INDONESIA IN THE FRAMEWORK OF LOCAL AUTONOMY

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Abstract

The research aims at examining how sturdy Indonesia's maritime state is constructed in the framework of local autonomy by analysing maritime state principles in regulations on recently local autonomy realization in Indonesia. The research constitutes a literature review known as normatively legal research in legal studies. Collected legal sources on research topics are qualitatively analysed in three steps, i.e. to firstly systemise, then to explicate, and to finally evaluate the collected legal sources. The results show that a construction of Indonesia maritime state in the framework of local autonomy is enough sturdy. Local autonomy in managing and utilizing the sea of Indonesia as regulated in Act Number 23 of 2014 on Local Governance is basically conducted in provincial territory by the provincial governments. Nevertheless, district and municipal governments still have the authority in managing and utilizing marine sector. The authority to power and control the sea of Indonesia is dominantly on the central government hands, while the authority to manage and utilize the sea is divided to the central government and provincial and district or municipal governments. Therefore, prosperity from the sea can equally be obtained by local communities and all Indonesian people.

Keywords

Maritime State of Indonesia, Local Autonomy, Archipelagic State

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Introduction

The second amendment of the 1945 Constitution of the Republic of Indonesia (hereinafter cited as the 1945 Constitution) in 2000 asserts that local governments, on the one hand, carry out autonomy as broadly as possible within the framework of a unitary state. In another hand, it asserts that Indonesia is an archipelagic state in which every region belongs to its boundaries and rights. A fact that two-thirds of Indonesia's territory consists of seas and oceans encourages the government to realize the marine vision of Indonesia as the world's maritime axis.

Since 1999, local autonomy has prevailed based on Act Number 22 of 1999, but it has not prevailed toward the marine sector. Indonesia has just implemented local autonomy in the marine sector in 2004. Based on Act Number 32 of 2004 on Local Governance, changing the former act on the same thing, national government delegates a part of authorities to manage the marine sector to local government. Province governments obtain an authority to manage marine resources, including to manage small islands within a 12 sea miles radius from the shoreline. District or city governments get a profit-sharing right of managing marine resources within a 4 sea miles radius. Meanwhile, if the sea territory between two Provinces is less than 24 sea miles, the authority to manage marine resources is divided into the same radius or measured as the principle of the centre line of territory between the two Provinces (Rozali Abdullah, 2005). In addition, local government and society are measuredly involved in controlling sea areas. Therefore, it is necessary to pay particular attention on relationship design between national government and local government, and society.

Essentially, the local autonomy on managing marine resources is still going on the framework of unitary state which the established Indonesian government for the first time is national government. It is a logical consequence that the national government establish local regions and governments as attributed by laws and regulations. Article 18 paragraph (2) and paragraph (5) of the 1945 Constitution states that local governments have the authority to regulate and manage their governmental affairs pursuant to the principle of broad autonomy and co-administration. Providing broadly local autonomy aims at accelerating community welfare realization through improved services, and community empowerment and participation. In addition, through broadly local autonomy in a strategic globalization environment, the local community and government are expected to be able to increase competitiveness under the principles of democracy, equity, justice, privileges and specialties as well as potential and local diversity in the framework of the Unitary State of the Republic of Indonesia.

Realizing broadly local autonomy cannot be basically separated from a principle of unitary state. In a unitary state, the sovereignty is only available over the state government or national government and there is no state sovereignty over the locals. Therefore, no matter how broad the autonomy is given to the locals, the final responsibility for the administration of local government will remain in the hands of

the national government. For this reason, local government in a unitary state is an integral part of the national government. In addition, policies the local governments make and implement are an integral part of national policies. Something different is how to utilize local wisdom, potential, innovation, competitiveness and creativity to achieve these national goals at the local level which in turn will support the achievement of the overall national goals.

In addition to implementing local autonomy in the framework of a unitary state, Indonesia is also known as an archipelagic country that is emphasized by its maritime vision to be a World Maritime Axis as listed in Appendix I of Presidential Regulation Number 16 of 2017 on Indonesian Maritime Policy. The maritime vision is that Indonesia will be a sovereign, advanced, independent, strong maritime country, as well as being able to make a positive contribution to regional and world security and peace in accordance with national interests. The vision of the World Maritime Axis can be realized if there are appropriate, effective, and competitive policies and supporting programs. In this case, local government regulations hold an important role that will determine the achievement of Indonesia's aspirations as a World Maritime Axis. Such regulations have to contain maritime state principles i.e. dominating the sea, managing the sea, utilizing the sea, and obtaining prosperity from the sea (Tridoyo Kusumastanto, 2014).

Dominating the sea is related to Indonesia's sea power which central government dominantly hold the authority and role to realize it. Meanwhile, the authority and role to manage and utilize the sea, and to obtain prosperity from the sea can partially be delegated by central government to local governments. In dominating the sea, Marsetio (2014) has researched and published that there are six sources of very strategic instruments to realize Indonesia's sea power, namely Indonesia's geographical position, regional configuration, territory, population, nation character, and government character. In managing marine sector, (Masyhuri Imron, 2011) has found that even though local governments held authority to manage it, many available problems still impact on ineffectiveness of managing the local marine resources. The most serious problem, to him, is how to involve local community to participate in marine management. Therefore, he recommended to increase community participation, and to revitalize traditional management system. In dominating and utilizing the sea for people's prosperity, Sudirman (2019) emphasized implementation of cabotage principle in the area of national jurisdiction's legal sovereignty. The cabotage principle, i.e. foreign vessels still serving domestic sea transportation activities must have Indonesian flags, aims at constructing good governance as the world maritime axis.

Out of those published literatures, here is a research to examine how sturdy Indonesia's maritime state is constructed in the framework of local autonomy. The research focuses on regulating maritime state principles in the context of recently local autonomy realization in Indonesia.

Research Methods

The research constitutes a literature review known as normatively legal research in legal studies. Legal literatures consist of primary legal source and secondary legal source. The former is the official pronouncements of the governmental lawmakers: the court decisions, legislation, and regulations that form the basis of the legal doctrine. The latter is the works which are not themselves the law, but which discuss or analyse legal doctrine. These include treatises, hornbooks, restatement, and practice manuals (Morris L. Cohen and Kent C. Olson, 2016). Legal sources talking about the research topics are then qualitatively analysed in three steps, i.e. to firstly systemise, then to explicate, and to finally evaluate the collected legal sources (F. Sugeng Istanto, 2007).

Discussion

The paper discusses the research results on regulating maritime state principle in the context of local autonomy realization in Indonesia which cover three sub-heading discussion i.e. unitary state and local autonomy, maritime state, and maritime state principles within the recent law on local governance. Based on such three discussions, the paper can hopefully find how sturdy the construction of Indonesia's maritime state is in the framework of local autonomy.

1. Unitary State and Local Autonomy

A unitary state is a sovereign state organized as a single unit which the central government is the highest ruler, while the sub-national units only carry out the powers that the central government delegates. Whereas, local autonomy is the authority that local government belongs to regulate and manage local community interests according to their own initiatives based on community's aspirations (HAW. Widjaja, 2002). In this concept, Indonesia is a unitary state applying local autonomy principle.

Local autonomy applied by Indonesia still adheres to the principles of territorial unity and administrative unity. Therefore, local government should aware that no matter how extent the local autonomy is, its implementation must be within the framework of unitary state of the Republic of Indonesia and be in hierarchical relationship between central and local governments so the governments at the top level can coordinate, supervise and evaluate the governments at the lower level (Rozali Abdullah, 2005).

Initially, there is no division of power between central government and local government in a unitary state, so that state affairs remain as unanimity (eenheid) and that the holder of the top state power is the central government. However, the unitary state of Indonesia is not such a centralistic one. According to Soepomo (as cited in M. Solly Lubis, 1992) the structure of Indonesian government is based on a de-concentration system. It is actually appropriate for Indonesia due to a large archipelago country and a country whose community system has various ethnic groups, each of which has its own local characteristics. De-concentration of government means that local regions are given the opportunity to manage their own households, while local autonomy is granted as broadly as possible (M. Solly Lubis, 1992). Therefore, the

administration in the local regions is based on de-concentration, and assistance tasks (medebewind) principles.

Meanwhile, Joeniarto (1992) applies the term 'decentralization' as autonomy i.e. central government delegating the authority to local governments to regulate and manage certain matters as their own domestic affairs. According to Ni'matul Huda (2013) decentralization or autonomy shows several benefits such as that units of decentralization (autonomy) are more flexible in meeting various changes that occur quickly; decentralized units can carry out their tasks effectively and more efficiently; decentralized units are more innovative; and decentralized units encourage the growth of a higher moral attitude, higher commitment and more productive.

In marine affairs, the central government of Indonesia can delegate the authority to local government by three means, i.e. de-concentrating the authority to local government in managing marine sectors, granting tasks to local government in assisting the central government to manage marine sectors, and granting an autonomy as broadly as possible to local government to manage its own marine sectors. However, the central government authorities to regulate and manage marine sectors have to hold dominantly such authorities than the local governments have to. It is significant to ensure that national development on marine sectors can go on all local regions equally and so that Indonesian people can obtain the prosperity from marine sector indifferently in spite of local regions having no much marine sectors.

2. Maritime State

Article 25A of the 1945 Constitution affirms that Indonesia is an archipelagic state with archipelago and maritime characteristics. According to Article 46 of the United Nations Convention on the Law of the Sea 1982 (hereinafter referred to as UNCLOS 1982), the archipelagic state means a state constituted entirely by one or more archipelagos and may include other islands. While, archipelago means a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such. As an archipelagic state, Indonesia has determined its maritime vision, i.e. be a world maritime axis. Thus, Indonesia at a same time is a maritime state.

Maritime state is a state that is sovereign, controlling, able to manage and utilize the sea sustainably, and obtaining prosperity from the sea. Thus, speaking Indonesia, it identically discusses about maritime state that is how to manage and utilize the sea for Indonesia's glory and advance. In addition, it discusses about marine in physical meaning of the sea and property which is how to use marine resources and marine functions for achieving maritime state. To be a maritime state, Indonesia should be able to meet the following criteria: a) being sovereign in territory of the Republic of Indonesia and being respected by other states over the territory, b) controlling all land, sea and air territories through effective occupancy and having on nationally and globally relied sea power, c) able to manage and utilize various development potentials

in accordance with national and international regulations, and d) generate prosperity for all Indonesian people (Tridoyo Kusumastanto, 2014).

The maritime state should be able to utilize the sea, although the state probably have no many seas, by applying technological, scientific, equipment and other capabilities to manage and utilize the sea, either its space or its natural resources and its strategic location. Therefore, many archipelagic states are still not be maritime states yet, because they have not been able to utilize the sea that is already under their power. Vice versa, many states have no seas or have very few seas, but they are able to be a maritime states. If Indonesia wants to be a world maritime axis, firstly Indonesia must strive to be a maritime state (Hadi Supratikta et.al. 2015). To be the maritime state, according to Hasjim Djalal (as cited in Shidarta et.al. 2005) Indonesia must be able to manage and utilize its marine wealth and space, such as knowing the various types of Indonesian seas with their various provisions; knowing and respecting its international rights over Indonesia's waters; able to eradicate illegal practices and prevent all kinds of law breaks in Indonesia's territorial waters and in their jurisdiction; able to establish and manage maritime borders with neighboring states and maintain their security; able to maintain shipping safety across Indonesia's waters; able to utilize natural resources and space outside Indonesia's waters such as high seas and international seabed. Thus, the maritime state of Indonesia should not only be able to utilize all marine sectors around Indonesia for people's welfare and nation's advance, but it should also be able to present adequate maritime security forces, such as a sea and coast guard, in order to maintain the security of Indonesia's waters from various law violations.

The maritime state should be reflected in political, economic, social and cultural system of the state as well as in defense and security system. Indonesia, in political system, should be able to guarantee the integrity over Indonesia's archipelago as a single territorial unit, including border areas, inland areas, outermost and remote islands in the framework of the Republic of Indonesia based on Pancasila and the 1945 Constitution. In economic system, Indonesia should be able to grow domestic and overseas trades up, to build sea transportation connecting Indonesia's archipelago wholly, to encourage the growth of maritime industrial and service businesses, to explore and exploit marine and seabed wealth for people's prosperity and welfare throughout Indonesia's archipelago. In social and cultural system, Indonesia should uphold human dignity, and ethnical, cultural and religious diversities and be able to foster a spirit of loving the sea by maintaining maritime community traditions and values i.e. making the sea as livelihood, connector and unifier of the nations. Meanwhile, in defense and security system Indonesia should be able to guarantee sovereignty upholding and law enforcement as well as to sustainably present the sea power throughout territorial sea of national sovereignty and jurisdiction, so that guarantees powering entire Indonesia's archipelago including land, sea and air areas (Wahyono Suroto Kusumoprojo, 2009).

To realize such a political, economic, social and cultural system as well as defense and security system, there are four supporting pillars of the maritime state i.e. trade,

shipping, industry and sea power which must all grow and develop together. Economic power and sea power should grow and develop together. Entire sea areas are under full supervision and controlling. Many requirements to construct the maritime state, such as geographic position, land and coast nature, territory (land and sea), population number and character, marine-related economic and trade activities, and governmental institutions.

The geographic position that is an archipelago belonging to much marine potentials is the basic capital to construct Indonesia as a large maritime state. In addition, Indonesia's position is economically and politically very strategic, i.e. between Pacific and Atlantic oceans. Regarding the land and sea nature, Indonesia consists of 17,508 islands where the coastal length is 104,000 km. Indonesia's sea territory is 5.8 million km² or 2/3 of the territory of the Republic of Indonesia. About population number and character are that more than 60% of Indonesia's population lives in coastal areas. The number of fishermen is 2.7 million. Of the existing 440 districts/cities, 297 of them are coastal districts/cities. The number of poor people in coastal areas reaches 7,879,468 people or around 13.05 percent of the national poor. Apart from geographic, territorial, and population factors, marine-oriented social and cultural factors are also very important as an integral part of a maritime state. In addition, economic and trade activities related to the sea should be fully encouraged by marine resources i.e. natural resources and marine services, such as sea transportation systems that are shipping, maritime industry and services, ports, and other activities, like sea borne trade. Finally, governmental institutions, including private institutions, are responsible for managing marine resources and all marine related activities (Hadi Supratikta et.al. 2015). These six requirements must be accompanied by the ability to manage and exploit the potentials of natural resources and marine services as well as defense potential, as a supporting element for economy, trade and state sovereignty. Therefore, the potentials that can be mobilized to construct maritime state cover marine transportation, shipping industry, minerals and energy, marine tourism, fisheries, marine biotechnology, and other potentials.

3. Regulating Maritime State Principles within the Recent Law on Local Governance

To understand and analyze how sturdy the construction of Indonesia's maritime state in the framework of local autonomy, it is wonderful to elaborate principles of maritime state regulated in Act No. 23 of 2014 on Local Governance which include provisions on: powering the sea, managing the sea, utilizing the sea, and obtaining prosperity from the sea.

Powering the sea is a state's ability to utilize and control the sea for state interests and to prevent opponents to utilize it (sea denial). Controlling the archipelago is not only in times of war, but precisely in times of peace where the sea can be utilized maximally for people's prosperity. Sea power is very important, because 75% of the world consists of seas. A sea constitutes the source of everything good and bad for a state journey. From the sea there is everything useful. By uniting all groups in the Maritime Sealift

Command (MSC) as a platform for Multinational, Multi-Agency, Multi-Disciplinary, Multi-Domain Informational-Sharing and Sense-Making (M4IS2), the state maritime powers will also convey a peace from the sea to the world (Kemas M. Ikhwan Madani, 2013).

Realizing sea power will meet various challenges which Indonesia has to prepare to face them like facing hidden enemies. There are at least six challenges (Connie Rahakundini Bakrie, 2013). Those are the art of making change such as initiating the change, and determining the process, system and culture; closing the gap between strategy and execution which the state must think of a strategy with 4 stages: making a sense of a situation, making choices, making things happen and making revision; and people's capacity which leaders need to identify and be up against the enemies to avoid mismatches between strategy and implementation. Furthermore, there is a strategic planning model which the state can follow environmental changes, can make and adjust strategies and empowers organization members to make effective choices. Another is a wrong approach when the state continuously takes a short-term tactical approach in communicating with constituents will find it increasingly difficult to compete. Therefore, the state must develop an integrated strategic communication approach to determine the success. Finally, it is a strategic plan, such as a clear vision, clear mission, clear intentions, clear action plans and clear goals.

Meanwhile, constituents of sea power consist of residents, communities and government; other tools; technology; geographic location of the sea; resources; and marine economy. Amidst the six constituents is the Navy force. Marine power presents to answer the challenges of security, welfare, patriotism and history in terms of the fundamental principles of war that apply to naval strategy and operations. Shortly, in implementing sea power it depends on two components which are, to Geoffrey Till (as cited in Marsetio, 2014) power sources and power elements. The power sources cover geography, resources, maritime communities and styles of government. While the power elements include civilian ships, bases/ports and battle instrument.

The central government take the authority dominantly to realize the sea power. Meanwhile, an effort to utilize the sea for people's prosperity, it can be optimized in managing the sea under which its authority is divided between central government and local government. The authority to manage marine resources as regulated in Article 27 of Act Number 23 of 2014 is on provincial government hands. Provincial regions receive profit sharing from marine resources under and/or on the seabed in accordance with the prevailing laws and regulations. In managing marine resources, autonomy principle is carried out by the provincial government really and responsibly. The real autonomy is a principle that governmental affairs in the Province are carried out based on the duties, authorities and obligations which are actually available and potential to grow, live and develop in accordance with provincial potentials and uniqueness. Meanwhile, the responsible autonomy means that provincial-based autonomy must strictly be implemented in line with aims and purposes of granting

autonomy which is basically to empower local regions including improving people's welfare which is the main part of national goals.

In managing marine resources, a province-based autonomy means that districts or cities have no longer the authority to manage marine resources, including exploration, exploitation, conservation and management of marine resources; administrative arrangements; spatial arrangement; enforcement of regulations which the local governments issue or delegated by central government; participating in security maintenance; and participating in defending state sovereignty. Districts or cities still receive profit sharing from the management of marine resources under the bottom and/or in the bottom of the sea in accordance with statutory regulations. Provinces have the authority of 12 (twelve) nautical miles measured from the coastline towards the high seas and/or to archipelagic waters for the province and 1/3 (one third) from the provincial jurisdiction for districts or cities. Nevertheless, if the sea territory between two provinces is less than 24 nautical miles, the authority to manage marine resources is divided equally or measured according to the principle of the diameter of the area between the two provinces. This provision does not prevail for small fishermen in fishing. They can catch fish as far as they are able. Thus, the provincial governments have very important roles in exploiting all marine resources in order to realize national and local development for people's welfare and prosperity, especially for those who live in coastal areas.

The central government and provincial governments have to pay attention to coastal areas that are prone to damage due to people's activities exploiting resources or due to natural disasters. Furthermore, accumulation between various activities exploiting partially coastal areas and impact of those activities on the upstream coastal area which are encouraged by prevailing laws and regulations often cause damage to coastal resources.

To manage marine resources, coastal and small islands, the provincial government has the following authorities: to manage marine space up to 12 miles apart from oil and natural gas; to issue permits and utilize marine space below 12 miles outside of oil and gas; and to empower coastal communities and small islands. Otherwise, not all authorities to manage the sea, coast and small islands are granted to the provincial government. Other authorities are held by the central government such as managing marine space over 12 miles and national strategic; issuing the national marine space utilizing permits; issuing the interstate fish species and genetic utilizing permits; stipulating fish species which are protected and regulated by international trade; designing conservation areas; and stipulating coastal and small island databases.

In managing catch fisheries, the authority is divided to central government, provincial governments and district or city governments. The central government has the authority on: a) managing the fishing activities over sea areas above 12 miles; b) estimating the national fish stocks and allowable fish catch; c) issuing the catch fisheries business permits for fishing boat in size above 30 Gross Tonnage (GT) and below 30 Gross Tonnage (GT) using foreign capital and/or foreign workers; d)

determining the location for the development and management of national and international fishing ports; e) issuing the fishing vessel procurement permits and fish carrier vessel in size over 30 GT; and f) registering the fishing vessels over 30 GT. Meanwhile, the provincial governments have the authority on: a) managing the fishing activities in sea areas up to 12 miles; b) issuing the catch fisheries business permits for fishing boats over 5 GT up to 30 GT; c) determining the location to develop and manage the provincial fishing ports; d) issuing the permits for the procurement of fishing vessels and fish-transporting vessels in sizes above 5 GT to 30 GT; and e) registering the fishing vessels over 5 GT to 30 GT. The district or city governments only have the authority on empowering the small fishermen in the district or city area; and managing and operating the Fish Auction Place.

Enclosure of Act Number 23 of 2014 asserts that authority to organize governmental affairs in the field of cultivated fisheries is also granted to the central government, provincial governments and district or city governments. The central government has the authority on certifying and distributing the permit for drugs and fish feed; issuing fish importing permits from abroad and releasing live fish from the territory of the Republic of Indonesia; and issuing fishery business permits in the field of cross-provincially cultivated fisheries and/or using foreign workers. Meanwhile, the provincial governments have the authority to issue the fishery business permits in the field of fish cultivation across districts or municipalities in one province. Then the district or city governments have the authority to issue fishery business permits in the field of fish cultivation whose business is in one district or one city; to empowering fish farming small businesses; and to manage fish farming.

Governmental affairs on monitoring marine and fisheries resources are conducted by the central government and provincial governments. The central government holds the authority to control marine and fishery resources over 12 miles, national strategic and certain marine spaces. Meanwhile, the provincial governments have the authority to control marine and fishery resources up to 12 miles.

The central government and provincial governments hold the authority to process and market fishery products. The central government has the authority on standardizing and certifying fishery product processing; issuing permits to import consumption and non-consumption fishery products into the territory of the Republic of Indonesia; and issuing business permits to market and process fishery products across provinces and across countries. Meanwhile, the provincial governments have the authority to issue business permits for marketing and processing fishery products across districts or cities within one province.

Conducting fish quarantine, and controlling quality and safety of fishery products only become central government's authority. Likewise, human resource development for the marine and fisheries community becomes central government's authority, such as organizing national fisheries counseling, accrediting and certifying fishery extension workers, and capacity building of marine and fisheries community resources.

In addition to management type of marine resources, there are also types of sea utilization as a transportation route, like shipping affairs. In this case, the authority to manage the governmental affairs on shipping sectors is divided into the central government, provincial governments and district or city governments. Central government's authority covers issuing sea transportation business permits for business entities carrying out activities at inter-provincial and international ports, and issuing the operating permits of river and lake transportation routes for ships serving inter-provincial and/or interstate routes. In addition, central government's authority includes stipulating crossings and approval for operating ships on the national road network, national railroad network, and/or among countries or crossings among countries and/or among provinces.

The central government also hold the authority to stipulate crossover and operating approval for ships serving the voyage among provinces and/or countries. Other authorities are to issue related service business permits such as ship management, trading intermediary and/or vessel chartering, ship agency and ship crew; to determine domestic sea transportation rates for economy class passengers; to stipulate ferry rates for economy class passengers and vehicles and their cargo crossover countries and provinces; and to determine port location. In addition, they are to determine the master plan of main ports and collecting ports; to construct and issue permits to construct and operate major ports and collecting port; to construct and issue permits for river and lake ports serving interstate and/or inter-provincial routes. There are also the authority to issue location permits, building and operating special terminals; to issue port business entity permits at the main port and collecting port; to issue port development permits for major ports and collecting ports; and to issue port operating permits for 24 hours for major ports and collecting ports. Finally, it is to issue dredging permits and reclaiming permits in main port and collecting port waters; to issue terminal managing permits for Own Interest in main ports and collecting ports; to administrate shipping safety and security; and to protect maritime environment.

Meanwhile, provincial governments' authority covers: issuing sea transportation business permits for business entities domiciled within the region and operating at inter-regional ports within the district or municipality within the provincial territory; and issuing public shipping sea transportation business permits for persons or business entities domiciled and operated across ports between districts or municipalities within provincial areas, inter-provincial ports and international ports. Others are to issue the operating permits of river and lake transportation routes for ships serving inter-district or municipal routes within the province; and to stipulate crossover and operating approval for ships between districts or municipalities within the province which are on the provincial road network and/or provincial railway network.

Their authorities are to stipulate crossing routes and operating approvals for ships serving crossover among district or city ports within one province; and to issue related service business permits such as goods loading and unloading, transportation

managing services, port water transportation, leasing of marine transportation equipment or service equipment related to sea transportation, independent tallies, and container depots. In addition, they are also to stipulate tariffs for crossover of economy class passengers and vehicles and their cargo at crossover among districts or municipalities within the province; to establish master plans for local feeder ports; to issue the regional feeder ports establishing and operating permits; and to issue permits for river and lake ports serving crossover among district or municipal routes within one province. Furthermore, their authorities are to issue business permits for port business entities at regional feeder ports; to issue port building permits for regional feeder ports; to issue port operating permits for 24 hours for regional feeder ports; to issue dredging permits in the territorial waters of the regional feeder port; to issue reclamation permits in the territorial waters of the regional feeder ports; and to issue terminal management permits for self-interest within working and interest area for regional feeder ports.

District or city governments hold authority on shipping affairs, i.e. issuing sea transportation business permits for business entities domiciled in district or municipal areas and operated across ports in district or city areas; issuing public shipping sea transportation business permits for persons or business entities domiciled and operated across ports within the district or city area; issuing river and lake transportation business permits as domicile of an Indonesian citizen or business entity; and issuing a route permit for operating the river and lake transportation of ships serving routes within the relevant district or city. Others are to issue ferry operating business permits as business entity domicile; to stipulate crossovers and operating approval for ships in district or municipal road network and/or district or city railway network; to stipulate crossing routes and operating approvals for ships serving crossovers within district or municipal areas; and to issue service business permits on ship maintenance and repair. In addition, they are to stipulate the tariff for economy class passenger crossovers and vehicles and their cargo at crossings within districts or municipalities; to establish master plan and working or interest areas for local feeder ports; and to determine master plans and working or interest areas for river and lake ports.

District or municipal governments' authorities also cover issuing permits for constructing and operating local feeder ports; issuing constructing and operating permits for river and lake ports; issuing port business entity business permits at local collecting ports; and issuing port development permits for local feeder ports. In addition, they are to issue port operating permits for 24 hours for local feeder ports; to issuing dredging permits in waters of the local feeder port; to issuing reclamation permits in waters of the local feeder port; and to issuing the Terminal Management Permit for Own Interest in the working or interest areas of the local feeder port.

Such a division of authorities for central government and local governments aim at optimizing sea management and utilization for Indonesian and local people prosperity. Therefore, local autonomy can hopefully strengthen the construction of Indonesia

maritime state. In powering the sea, the central government hold dominantly the authority to regulate and actualize it. Meanwhile, in managing and utilizing and obtaining prosperity from the sea, the authority to regulate and realize it is divided to the central government and local governments.

Conclusion

The construction of Indonesia maritime state in the framework of local autonomy is enough sturdy. Local autonomy in managing and utilizing the sea of Indonesia as regulated in Act No. 23 of 2014 on Local Governance is basically conducted in provincial territory by the provincial governments also known as vices of the central government in local regions. Nevertheless, district and municipal governments still have the authority in managing and utilizing marine sector. The authority to power and control the sea of Indonesia is dominantly on the central government hands, while the authority to manage and utilize the sea is divided to the central government and provincial and district or municipal governments. Therefore, obtaining prosperity from the sea is not only dominated by the government and businessmen, but it is also obtained equally by all local communities and all Indonesian people.

Hopefully, on the one hand, maritime state of Indonesia can participate in global security and peace of the world, and on the another hand, it can present in increasing national people welfare. This construction of Indonesia maritime state which is enough sturdy is not only on regulation, but it is also on realization.

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