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# Overlapping Central Government Policy with Regional Governments: Study of Conflict Anchor Port Management in Kepulauan Riau Province 2017-2022

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## Abstract

This study discusses the implementation of decentralization that triggers conflict. The case study is the conflict in the management of anchorage in the Riau Islands Province in 2017-2022. This conflict occurred between the Ministry of Transportation (central government) and the Riau Islands Provincial Government (local government). The findings of this study indicate that the conflict between the two parties occurred due to overlapping, mutual claims of authority to use marine space for the anchorage area. This conflict is further complicated by the different interpretations of nine government agencies on anchor management policies. This difference occurs vertically and horizontally. This study shows the strengthening of the dominance of the central government in the era of decentralization in Indonesia, this indicates a shift in the decentralization pendulum towards re-centralization.

**Keywords:** Anchoring, Central-Regional Conflict, Decentralization, Policy Overlap

## 1. Introduction

It is impossible for any single country to implement a government with a centralized or totally decentralized system (Hans Kelsen (1973) in Hoessein, 2003). There must be government affairs that are carried out in a centralized or decentralized manner. The difference is that the pendulum of governance is more dominant towards centralization or decentralization.

Decentralization has become an attractive alternative and is widely used as an option for governance in various countries in the world in different ways and patterns (Prasodjo, 2015). Schrottshammer and Kievelitz (2006) noted that since 1980, about 95% of all countries have given power and responsibility to lower (regional) governments both politically, administratively, and fiscally. The same thing was also stated by De Alwis (2020) that the trend of government management in various developing countries is the transfer of responsibility and authority from the

central government to several institutions at the regional level. In the view of Convery and Lundberg (2017), it is not only the delegation of authority but also the delegation of greater power to the regions. The implementation of decentralization has also grown and developed in some East Asian countries, such as China, Cambodia, Thailand, Vietnam, and Indonesia after 1990 (White et al, 2005).

This explanation shows that decentralization is an alternative that is widely used by countries in the world in regulating the balance of relations between the central government and the regions. The same thing happened in Indonesia. Some expert views state that the implementation of decentralization and regional autonomy in Indonesia is a consolidation medium in reducing turmoil in various regions to remain within the framework of the Indonesian state in the reform era (Magenda, 2018, Prasodjo, 2006). At the beginning of the reform, the implementation of decentralization in Indonesia was part of an effort to minimize conflicts. However, in the course of the implementation of decentralization in the reform era, it also triggered conflicts between the central and local governments (Armin, 2003, Suryadi, 2008, Kurniawati, 2012, Zuhro, 2013, Putra, 2014, Abdullah, 2016, Effendi, 2016, Sondakh, 2017, Zaenuddin, 2017, Setiawan, 2020).

This paper looks at the aspects of decentralization implementation that trigger conflicts in Indonesia. The focus of this paper looks at policy conflicts between the central and local governments in the management of anchorage areas in the Kepulauan Riau Province in 2017-2022. There are two parties involved in this conflict, namely the Ministry of Transportation which is a representation of the central government, and the Kepulauan Riau Provincial Government as a representation of the local government. Anchor anchoring is any activity of a stopped ship using a special sea space with permission from the port authority to dock for a certain period of time until the ship sails. As long as the ship stops in a predetermined sea space, this is called anchoring.

### *1.1. Literature Review*

There are two theories used as analytical tools in discussing this study, namely the theory of decentralization and political conflict. Many opinions and views of experts interpret decentralization. In general, decentralization is always associated with the delegation or handover of authority from the central government to locals or government institutions in the regions. In general, the type of decentralization can be categorized into two perspectives, namely the political decentralization perspective and the administrative decentralization perspective. Triesman (2007) develops the perspective into three types, namely political, administrative, and fiscal decentralization (Henderso, 2014). This perspective develops into four dimensions of decentralization, namely political, administrative, fiscal, and economic decentralization (Rondinelli, 1999). The dimensions of administrative decentralization are divided into three, namely; deconcentration, delegation, and devolution.

Political decentralization is related to regional autonomy in governance and government accountability. Administrative decentralization refers to how much autonomy regional institutions have in determining policies and programs. Fiscal decentralization concerns the extent to which regions can control their income and expenditure increases. Meanwhile, economic decentralization is related to privatization and deregulation. These four types of decentralization have been carried out in Indonesia during the reform era.

The second theory used in this study is a political conflict. Political conflict is a conflict between actors collectively over the structure, officials, or policies of a political regime and is a characteristic of political regimes in political life (A.B. Atkinson in Sarabjit Kaur, 2006). Meanwhile, according to Rauf (2001) political conflict is part of social conflict, where political conflict has characteristics similar to social conflict. Political conflict has a political connotation that is related to the state/government, political/government officials, and policies. What distinguishes political conflict from other social conflicts is the nature of the political conflict which is always a group conflict. These two opinions emphasize that political conflict is always related to the state, state policies, and officials, the nature of political conflict must be group.

Some experts say that one of the causes of political conflict is the struggle for scarce or limited resources (Coser, 1957; Rauf, 2001; and Wallenstein, 2002). The higher the level of scarcity of the resources needed to live, the greater the possibility of political conflict.

These two theories are used as analytical tools in this study. The theory of decentralization is used to analyze the power interplay between the central and regional governments and the theory of political conflict to map conflicts that occur as a result of the implementation of decentralization.

### *1.2. Some Relevant Studies.*

The implementation of decentralization in various countries in the world has had a positive impact, but in several other countries, it has had a negative impact. One of the negative impacts of implementing decentralization is that it triggers conflict. Many study findings prove that one of the negative impacts of implementing decentralization is the trigger for conflict. One of the causes of conflicts in the implementation of decentralization is overlapping policies between the central and regional governments.

Several studies in the world have concluded that one of the causes of intergovernmental conflict occurs because of overlapping authorities and different interpretations between government institutions on regulations that regulate the center and regions (Iwuamadi, 2001; Ofoeze, 2002; Rodríguez, 2018 Harguindéguy, 2020). This has led to mutual claims of authority between central and regional institutions.

The same thing happened in Indonesia. Many studies state that one of the triggers for conflict between the center and the regions is due to the indecision of rules, various interpretations of regulations, and overlapping authorities between central and regional institutions. As in Armin's (2003) study discussing the financial conflict between local governments and the central government in the case of East Kalimantan, Zuhro's (2013) writings which examine the implementation of decentralization in Indonesia, Sondakh's (2017) study on the case of mining investment control, and Putra's research, 2014; Effendi, 2016 and Zaenuddin, 2017 which discuss the dualism of authority between the Batam City Government which is a regional representation and the Batam Concession Board which is an organ of the central in the regional governments.

The difference between this study and some of the studies above is the novelty of the object of study. Based on the literature review, no study in Indonesia discusses intergovernmental conflicts on the use of 12-mile sea space for anchoring activities. Therefore, this study has a meaning in filling the void in the repertoire of political studies and decentralization in Indonesia in the conflict between the center and the regions in the use of sea roars for anchoring activities.

## **2. Method**

This research was carried out with a qualitative approach through case studies (Yin, 2002). The paradigm of this research is advocacy and participatory, namely studies related to politics and political agendas (Creswell, 2017). In Lawrence's (2017) perspective, this paradigm is closer to the perspective of critical social science. In essence, in this paradigm research begins because of inequality. This study departs from the central government's injustice to the Kepulauan Riau Province in the management of anchorage. Geographically, 96% of the Kepulauan Riau Province is the ocean, but this province cannot use its authority to manage natural resources at sea within a 12-mile radius for anchoring activities. The case studied in this study is the conflict of authority between the central and the regional government in the management of anchorage. This is the first case in Indonesia that has occurred between the Ministry of Transportation and the Kepulauan Riau Regional Government.

This research data search utilizes the types of data collection strategies that are possible in qualitative research (Creswell, 2017). Data collection was done through document review and in-depth interviews with informants. The secondary data examined in this study include statutory regulations and government documents related to anchorage management. Some of the key informants in this study include; Andung Supandi (Head of Service and Tariff Section of the Port Directorate, Ministry of Transportation), M Rasman Manafi (Assistant to Deputy for Marine and Coastal Spatial Management, Coordinating Ministry for Maritime Affairs and Investment), Faisal (Autonomy and Decentralization Division, Coordinating Ministry for Political, Legal and Security Affairs), M. Ali Irmanda and Ushah Muchtar (Sub-directorate of Transportation, Directorate of Synchronization of Regional

Government Affairs II, Ministry of Home Affairs), Lily Kuntratih, Triana Kusuma Dewi and Hafiizh Anugrah Pratama (Ministry of Finance) and Aziz Kasim Djou (Head of Port Division of the Kepulauan Riau Province Transportation Service).

### 3. Result

The conflict between the Kepulauan Riau Provincial Government and the Ministry of Transportation began in 2014. This conflict began with the Kepulauan Riau Local Government's desire to actualize the authority of the archipelagic regions as mandated by Law No. and Provinces with Archipelagic Characteristics. This chapter authorizes the province to manage natural resources at sea within a 12-nautical mile radius within its territory. The Kepulauan Riau Provincial Government utilizes this authority by issuing Regional Regulation No. 9 of 2017 concerning the Second Amendment to Regional Regulation No. 1 of 2012 concerning Regional Levies for the Kepulauan Riau Province. One of the charges regulated in this Regional Regulation is the port business service levy. This levy includes ships carrying out activities in the ship's anchoring area and the use of waters for business activities. The port business service levy levied by the Kepulauan Riau Provincial Government is more popularly known as the anchorage levy (ship parking).

After the issuance of Kepulauan Riau Regional Regulation No. 9 of 2017, there was a conflict between the Kepulauan Riau Local Government and the Ministry of Transportation in the management of anchorage. Each party claims to have the authority to collect anchor money. The Kepulauan Riau Provincial Government wants to collect the nomenclature of regional levies and the Ministry of Transportation collects based on Non-Tax State Revenue for anchorage services.

#### 3.1. The Kepulauan Riau Regional Government and the Ministry of Transportation have Claims of Authority

In the conflict of management and collection, each party claims to have a strong legal basis in the management of the anchorage. Based on an interview with Aziz Kasim Djou on August 7, 2019, the Kepulauan Riau Provincial Government stated that it has the authority to manage and collect anchor anchors based on nine laws and regulations. In summary, these claims are listed in the table below.

Table 1: Legal Basis of Kepulauan Riau Province in Management of Anchors

No	Law	Article	Substance
1	1945 Constitution	Article 18A	<ul style="list-style-type: none"> <li>▪ The relationship between the center and the regions pays attention to the specificity and diversity of the region.</li> <li>▪ Principles of justice in the use of natural resources and other resources</li> </ul>
2	Law No. 33 of 2004 concerning Financial Balance between Central and Local Government	Article 3	As a form of decentralization, Regional Original Revenue aims to empower local governments to fund the implementation of regional autonomy according to regional potential.
3	Law No. 28 of 2009 concerning Regional Taxes and Levies	Article 135 & 140	<ul style="list-style-type: none"> <li>▪ Port Service Retribution Object</li> <li>▪ Objects of Certain Licensing Retribution</li> </ul>
4	Law No. 1 of 2014 concerning Amendments to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands	Article 16 & 150	Governor's authority in granting and revoking Location Permits

5	Law No. 23 of 2014 concerning Regional Government	Article 14, 27, & 407	Provinces have the authority to manage Natural Resources in the deep sea 12 miles
6	Law No. 32 of 2014 concerning Marine Affairs	Article 1, 14, 47, & 48	Regions have the authority to utilize unconventional marine resources
7	Law No. 30 of 2014 concerning Government Administration	Article 8, 9, 17, 18, & 80	Decisions and/or actions by government agencies and/or officials must be based on legal and regulatory requirements and general principles of good corporate governance.
8	Presidential Regulation No. 16 of 2017 concerning Indonesian Marine Policy	Appendix I, Chapter I. Introduction, 15th Paragraph, Appendix I, Chapter. III	The Provincial Government is given the authority to manage marine resources, including small islands within a radius of 12 nautical miles
9	Regional Regulation No. 9 of 2017 concerning the Second Amendment to Perda No. 1 of 2012 concerning Retribution	Article 10	Legal basis for collecting levies anchored

Source: processed in 2022

The Ministry of Transportation also claims to have the authority to collect anchor money. There are two main rules used by the Ministry of Transportation as the basis for attracting anchorage services (Andung Supandi Interview, 2 June 2022). In summary, the claims are in the table below.

Table 2: Legal Basis of the Ministry of Transportation in Management of Anchors

No	Law	Article	Substance
1	Law No. 17 of 2008 on Shipping	Article 5	The Ministry of Transportation is the regulator and shipping operator
		Article 81	The Technical Implementation Unit of the Ministry of Transportation is the authority for the operation of ports that are managed commercially and non-commercially
		Article 83 and Article 87	Port Authorities and Port Operator Units provide and maintain shipping lanes
		Article 116	The Ministry of Transportation has the duties and functions of shipping safety and security.
2	Government Regulation No. 15 of 2016 concerning Types and Tariffs of Non-Tax State Revenues Applicable to the Ministry of Transportation	Attachment to Government Regulation No. 15 of 2016	Regulates the tariff for anchorage services at commercial and non-commercial operated ports

Source: processed in 2022

The main source of this conflict is the overlapping of laws and regulations. Each party claims to have a strong legal basis. The Kepulauan Riau Provincial Government claims to have the authority to collect fees according to 9 laws and regulations, while the Ministry of Transportation adheres to 2 laws and regulations. This overlapping authority occurs because there are differences in the philosophical spirit of the laws and regulations referred to by these two institutions.

Regional Regulation No. 9 of 2017 which is used as the basis for collecting anchors by the Provincial Government of the Kepulauan Riau, in its preamble refers to a number of laws and regulations including Law No. 28 of 2009 concerning Regional Taxes and Levies and Law No. 23 of 2014 concerning Government Area. The laws and

regulations that become the main reference for this regulation are the rules made during the decentralization period. This means that the philosophical spirit in this regional regulation contains the principles of decentralization and regional autonomy. So this rule provides a large space for regions to get involved and explore the potential of Regional Original Revenue.

Meanwhile, the rules referred to by the Ministry of Transportation, namely Government Regulation No. 15 of 2016 are derived from Law No. 20 of 1997 concerning Non-Tax State Revenue and Government Regulation No. 22 of 2016 concerning Types and Deposits of Non-Tax State Revenue. The two laws and regulations that form the basis of Government Regulation No. 15 of 2016 are rules made in the legal regime before the implementation of decentralization in Indonesia. So the spirit of the regulation is still centralized. So the rules used by the Ministry of Transportation in collecting anchorage services are the rules made during the centralization period.

It is this different philosophical spirit that creates different perspectives and interpretations when this rule is implemented. The regulatory regime used by the Ministry of Transportation was born during the centralization period, while the regulatory regime used by the Kepulauan Riau Provincial Government was born during a period of decentralization and regional autonomy. Power interplay between these two institutions occurred because there was no meeting point from the two perspectives of different legal regimes between centralized and decentralized. In the context of decentralization, this conflict occurs because the Kepulauan Riau local government wants to optimize the three dimensions of decentralization, namely the political, administrative and fiscal dimensions. On the political and administrative dimensions, the Kepulauan Riau Provincial Government believes that based on Law 23 of 2014 it is the party that has the right to manage and collect anchor money. In the fiscal dimension, the Kepulauan Riau Provincial Government wants to increase local revenue through the potential of the ocean area it has by managing and collecting anchor money. The implementation of these three dimensions of decentralization is what triggers the tug-of-war of authority in the management of anchorage.

### *3.2. Differences in the Interpretation of Government Institutions on the Authority for the Management of Anchors*

The conflict between the Ministry of Transportation and the Kepulauan Riau local government is getting more complicated because 9 government institutions are providing legal views, assistance, and opinions and supervising conflicts over the authority to collect anchor money. These nine institutions have different views and interpretations of the rules governing anchoring.

At the regional level, there are 4 institutions involved. First, the Financial and Development Supervisory Agency for the Kepulauan Riau Province. This institution assists the Governor of the Kepulauan Riau through Letter No: S-1015/PW28/3/2019 dated November 16, 2018. This institution assists the Governor of the Kepulauan Riau through Letter No: S-1015/PW28/3/2019 dated November 16, 2018. The assistant from this institution stated that the Kepulauan Riau Province has the authority and the district/city government to collect fees for docking services provided determined by regional regulations and constitutes regional revenue.

Second, the Kepulauan Riau High Prosecutor's Office issued a law dated January 8, 2019, through letter No: Letter No: B-18/N.10/Gp.2/01/2019, law dated January 8, 2019. The legal opinion of this institution states that the Provincial Government of the Kepulauan Riau can collect levies for anchoring. Third, the Ombudsman for the Representative of the Kepulauan Riau gave an opinion through Letter No: 0110/ORI KEPRI-SRT/VII/2019 dated July 1, 2019. This institution also stated that local governments could collect levies for anchoring.

Fourth, the recommendation of the Audit Board of the Representatives of the Kepulauan Riau Province on the financial statements of the Kepulauan Riau Provincial Government in 2019. The results of the examination recommend that the Governor of the Kepulauan Riau make a technical agreement with the Ministry of Transportation regarding the implementation of the collection of anchorage services and the use of waters within a radius of 0-12 miles.

On the other side, there are five institutions at the central government level that also provide opinions and supervise this issue. First, the Ministry of Home Affairs. The opinion and position of this institution are twofold. In the first

position, at the 2018 non-litigation session, the statement from the representative of this ministry in the trial on the dispute over authority strengthened the position of the Kepulauan Riau Provincial Government to collect levies at anchor. In the second position, in 2021, the attitude of this ministry will begin to change. After the meeting of the Ministry of Finance, Ministry of Transportation, and Ministry of Home Affairs on July 6, 2021. Based on the agreement of the three ministries, the provincial government can only collect port fees for ports that are under the authority of the province (interviews with M. Ali Irmanda and Ushah Muchtar on July 18, 2022).

Second Ministry of Finance. Since the beginning of the conflict, the position of this ministry has emphasized that the levy for anchoring fees carried out by the Kepulauan Riau Provincial Government is not following statutory regulations and can only levy fees on ports that are under the authority of the province (interviews Lily Kuntratih, Triana Kusuma Dewi and Hafizh Anugrah Pratama 18 August 2022).

Third, the Coordinating Ministry for Maritime Affairs and Investment. The position of this ministry can be seen from two positions. First, in a supportive position, this can be seen from the support and facilitation of meetings conducted to resolve conflicts over the management of anchorage in the waters of the Kepulauan Riau Province throughout 2017-2020. During this time the ministry supported the involvement of the Kepulauan Riau Provincial Government and Regional Owned Enterprises in the management of anchorage. However, in 2021, the position of this ministry began to change. Deputy for Maritime Sovereignty and Energy through letter No 160/D1/MARVES/VII/2021 dated 19 July 2021, asking the Minister of Home Affairs to cancel Kepulauan Riau Governor Regulation No. Waters Designated as Ports in the Kepulauan Riau Province. This cancellation request letter does not support the collection of anchorage fees carried out by the Kepulauan Riau Provincial Government. On the other side, based on the results of the author's interview with Muh Rasman Manafi, Assistant Deputy for Marine and Coastal Spatial Management, Deputy for Maritime Resources Coordination, stated different things from the Deputy for Maritime Sovereignty and Energy. In Muh Rasman Manafi's view, regions must have a role and authority in managing marine space within a radius of 0-12 miles (interview on 30 June 2022).

Fourth, the Coordinating Ministry for Political, Legal, and Security Affairs. The position of this institution is to support the Kepulauan Riau Provincial Government to collect anchor fees. This can be seen in Letter No B-207/DN.00.01/12/2021 dated December 20, 2021, Regarding the Authority for Management of Port Services in the Waters of the Riau Archipelago Province. The letter emphasized that the Central Government, in this case, the Ministry of Transportation, gave the Kepulauan Riau Provincial Government the right and authority to manage the levy for anchorage services/parking for marine space under 12 miles following the mandate of the legislation of 6 types of levies imposed by the Ministry of Transportation, among others: (1) anchorage/parking, (2) VTS (Vessel Traffic Service), (3) Signs, (4) Guidance, (5) Delay, and (6) transfer of loading and supervision of dangerous goods against ships that will be loading and unloading at the Port of Singapore (interview with Faisal June 15, 2022).

Fifth, Cabinet Secretary. The position of this ministry is that the Kepulauan Riau Province can only collect anchor fees at ports that are under the authority of the province. In summary, the position of state and government institutions in viewing the conflict in the management of anchorage in the waters of the Kepulauan Riau is in the following table.

Table 3: Mapping of Legal Opinions, Views, and Assistance in Resolving Conflicts in the Management of Anchors in 0-12 mile Waters in the Kepulauan Riau Province

No	Institution	Opinion/Assistance Position*		Explanation
		Kepulauan Riau Provincial Government	Ministry of Transportation	
1	Financial Supervisory Agency and Representative Development of the Kepulauan Riau Province	√	×	Vertical Agency in the Region
2	Kepulauan Riau High Court	√	×	Vertical Agency in the Region



3	Ombudsman Representative of the Kepulauan Riau Province	√	×	Vertical Agency in the Region
4	The Supreme Audit Agency Representative of the Kepulauan Riau Province	√	×	Vertical Agency in the Region
5	Ministry of Finance			Central government
	Year 2017-July 2021	×	√	
	July 2021-July 2022	√	√	
6	Ministry of Internal Affairs			Central government
	2018 Non-litigation Session	√	×	
	3 Ministries Agreement, 6 July 2021	√	√	
7	Coordinating Ministry of Maritime Affairs and Investment			Central government
	Year 2017-2020	√	×	
	Deputy for Maritime Sovereignty and Energy (July 2021)	×	√	
	Assistant Deputy for Marine and Coastal Spatial Management, Deputy for Maritime Resources Coordination (June 2022)	√	√	
8	Coordinating Ministry for Political, Legal and Security Affairs	√	×	Central government
9	Cabinet Secretary	√	√	Central government

Source: processed in 2022

**Explanation**

- √ : Support
- ×
- : Unknown
- \* : The position of opinion/assistance in mapping is interpreted as the impact of legal opinions, views, and assistance provided by these various institutions towards strengthening the position of the Kepulauan Riau Provincial Government or the Ministry of Transportation in the conflict over the authority to collect anchors/anchoring services.

Based on this mapping can be grouped into three. First, government agencies that fully state that the collection of fees for anchoring 0-12 nautical miles is under regional authority, namely: the Financial and Development Supervisory Agency, the High Prosecutor's Office, the Ombudsman, and the Supreme Audit Agency for the Kepulauan Riau Province and the Coordinating Ministry for Political, Legal and Security Affairs. Second, government agencies have changed their attitude towards this conflict of authority, namely the Ministry of Home Affairs and the Coordinating Ministry for Maritime Affairs and Investment. Third, the authority to collect anchor money is the authority of the central and local governments by the port hierarchy, namely: the Ministry of Home Affairs, the Ministry of Finance, and the Ministry of Cabinet Secretary.

This finding can be seen from two perspectives, namely the struggle for political support and the perspective of governance. First, is the perspective of political support. Politically, based on this mapping of support, the position of the Kepulauan Riau Regional Government is inferior to the Ministry of Transportation. Although from the aspect of number, the Kepulauan Riau Regional Government received more support, namely as many as 5 institutions and the Ministry of Transportation only 4 institutions. However, the support obtained by the Kepulauan Riau Provincial Government is mostly from vertical institutions in the regions, namely as many as 4 institutions and only 1 institution at the central government level. Meanwhile, the support received by the Ministry of Transportation succeeded in changing the attitude of the Ministry of Home Affairs, which in the non-litigation session firmly stated that the management and collection of anchor fees/anchoring services became the regional authority within a radius of 0-12 nautical miles. ports according to the port hierarchy. This means that the Ministry

of Transportation can collect port services that are under the authority of the center even though the anchorage area is within a radius of 0-12 nautical miles.

The position of the Kepulauan Riau Regional Government is getting weaker in this tug of war because Indonesia is a unitary state. Jimly Asshidiqie (2004) said that in the practice of a unitary state, the central government always controls various government affairs. This means that in a unitary state, the pattern of relations between the central and regional governments, the position of the central government is stronger than that of the regions. This happens because power belongs to the central government in a unitary state.

Second, is the perspective of governance. The difference in support between institutions shows the chaos of governance. This can be seen from, first, the change in the attitude of the two ministries, namely the Ministry of Home Affairs and the Coordinating Ministry for Maritime Affairs and Investments, which initially supported local governments in their development, turned to support the Ministry of Transportation. Second, the difference in attitude or support between the two coordinating ministries, namely the Coordinating Ministry for Political, Legal, and Security Affairs and the Coordinating Ministry for Maritime Affairs and Investments. Structurally the parties involved in this conflict are under these two ministries. The Ministry of Transportation is under the coordination of the Coordinating Ministry for Maritime Affairs and Investment, and the position of the Kepulauan Riau Provincial Government is under the Ministry of Home Affairs which incidentally is under the coordination of the Coordinating Ministry for Political, Legal, and Security Affairs.

Based on the results of the mapping, there are differences in views that occur vertically and horizontally. Vertical differences in views can be seen from differences in legal opinions, views, and assistance from the Financial and Development Supervisory Agency, High Prosecutor's Office, Ombudsman, and the Audit Board of the Kepulauan Riau Province with the views, opinions, and assistance provided by institutions at the ministry level, including the Ministry of Home Affairs, State Affairs, the Ministry of Transportation, the Ministry of Finance, and the Coordinating Ministry for Maritime Affairs and Investment.

Horizontal differences occur among ministries. The Coordinating Ministry for Political, Legal, and Security Affairs is in the position of the Kepulauan Riau Provincial Government in this conflict, while the Ministry of Home Affairs Coordinating Ministry for Maritime Affairs and Investments, which initially supported the Kepulauan Riau Provincial Government in its development, turned to support the Ministry of Transportation, meanwhile, the Ministry of Finance from the beginning of the conflict already have the same view as the Ministry of Transportation.

This finding shows the very weak coordination between ministries in resolving conflicts over the management of anchorage in the waters of the Riau Archipelago Province. To make it easier to see the movement of the support can be seen in table 4 below.

Table 4: Mapping of the Position of Government Institutions on Anchor Anchor Conflicts by Time

No	Agree	Year				
		2017	2018	2019	2020	2021
1	Kepulauan Riau Provincial Government	Coordinating Minister for Maritime Affairs & Investment	<ul style="list-style-type: none"> <li>▪ Financial and Development Supervisory Agency for Riau Islands Representative</li> <li>▪ High Court</li> <li>▪ Ombudsman Representative of the Riau Islands</li> <li>▪ The Audit Board of the</li> </ul>	Coordinating Minister for Maritime Affairs & Investment	Coordinating Minister for Maritime Affairs & Investment	<ul style="list-style-type: none"> <li>▪ Coordinating Minister for Political, Legal and Security Affairs Ministry of Home Affairs</li> <li>▪ Deputy for Maritime Resources Coordination</li> <li>▪ Cabinet Secretary</li> </ul>

			Representatives of the Riau Islands ■ Coordinating Minister for Maritime Affairs & Investment ■ Ministry of Home Affairs			
2	Ministry of Transportation	-	■ Ministry of Finance	-	-	■ Ministry of Home Affairs ■ Ministry of Finance ■ Deputy for Maritime Sovereignty and Energy ■ Cabinet Secretary

Source: processed in 2022

At the beginning of the conflict, the Kepulauan Riau Regional Government received a lot of support so that its position became strong, but in the past year, the support received by the Riau Islands Provincial Government has weakened, because the same amount of support was also given by several ministries to the Ministry of Transportation. Meanwhile, the position of the Ministry of Transportation which was weak at the beginning of the conflict, especially after the non-litigation trial, has received a lot of support in the past year, so its position is politically stronger. Politically, the Ministry of Transportation can change the map of support from the regional authority to manage and collect anchor fees within a radius of 0-12 nautical miles to shift to the provincial government being given the authority to collect port service levies at ports provided, owned, and/or managed by the government. province.

Differences in views between institutions and ministries have an impact on the complexity of resolving overlapping authorities in the management of anchorage in the waters of the Kepulauan Riau Province. Because the conflicting parties will use the opinions and suggestions of the institutions that support them.

### 3.3. Anchor Management Conflict Mapping

Power interplay between the Riau Islands Provincial Government and the Ministry of Transportation in a conflict perspective is included in the category of political conflict. Theoretically, there are several factors contained in the political conflict, namely; there are conflicts related to the state/government, political/government officials, and policies, as well as conflicts between actors that occur collectively (A.B. Atkinson in Kaur, 2006 and Rauf, 2001). In this case, all of these elements are met. First, there are conflicts related to the state/government. In this case, there are some laws and regulations governing the management and collection of anchor money. Three conflicting legal regimes are used as the legal basis by the conflicting parties, namely; the shipping and port law regime, the non-tax state revenue law regime, and the regional government law regime. These three regulatory regimes overlap as a source of differences between the conflicting parties.

The second element, this conflict involves political/government and policy officials. This conflict involved some government/political officials in the regions and the central government. Officials within the Riau Islands Provincial Government who are directly involved in this conflict include the Governor, the Regional Secretary, the Department of Transportation, the Head of the Port Division, and several members of the DPRD. Meanwhile, the central government elements involved in this conflict include the Minister of Transportation, the Directorate General of Sea Transportation, the Director of Ports, the Directorate General of Sea Transportation, and the Batam Special KSOP.

The third element, the conflict between the actors occurs collectively. This conflict in the management and collection of anchor money falls into the collective category. The parties involved in this conflict represent two institutions, namely the Kepulauan Riau Regional Government and the Ministry of Transportation.

According to Paul Conn's opinion, the conflict between the Kepulauan Riau Regional Government and the Ministry of Transportation is in the category of positive conflict (In Surbakti, 2010). Because the Kepulauan Riau Regional Government channeled its disappointment still through a constitutional mechanism, namely through democratic institutions such as political parties, people's representative bodies, courts, government, press, and courts.

Talking about the causes of political conflict, some experts say that one of the causes of political conflict is the struggle for scarce (limited) resources (Coser, 1957, Rauf, 2001, Wallenstein, 2002). The findings of this study show that the contested natural resource is sea space (water) which is used as an area for anchoring ships. The resources contested by the parties in the case of this research are resources that have economic value. The limitation in the context of the findings of this study lies in the authority or authority to control the sea space which is used as an anchorage area.

#### **4. Discussion: Indonesia's Decentralization Pendulum Leads to Re-Centralization**

The conflict between the two parties over the management and collection of anchor money has lasted for about eight years starting from 2014 to the present. This conflict was triggered by the desire of the Kepulauan Riau Regional Government to carry out the authority obtained through political, administrative and fiscal decentralization. However, the implementation of this authority conflicts with the Ministry of Transportation, resulting in mutual claims and overlapping authorities.

In addition, this conflict is triggered by the struggle for resources. The object that is contested by both parties is the use of marine space to serve as an anchorage area. The Ministry of Transportation collects it with the anchor service nomenclature and the Kepulauan Riau Regional Government wants to collect it on the basis of regional retribution. In this conflict, there is a struggle for the same object by two different institutions and they want to collect fees with different nomenclatures.

The struggle of the Kepulauan Riau Regional Government to obtain this authority is based on efforts to increase local revenue because the characteristics of the territory are archipelagic areas. The contribution from marine space management is only 0.20% (Rp 2.398 billion) of PAD of Rp 1.191 trillion in the Kepulauan Riau Province Regional Revenue and Expenditure Budget for the 2021 fiscal year. Contradictory conditions have a large ocean area but do not contribute to other regional revenues. On the other hand, the Ministry of Transportation does not want to relinquish this authority for fear of losing a large source of income that has been collected so far. If this authority is delegated to the province, of course, the same will also be requested by other provinces in Indonesia. Thus the Ministry of Transportation will lose most of its revenue sources from the sea transportation sector. The findings of this study indicate that the conflict between the two parties to compete for a source of income is large. This polemic of mutual claims of authority and the reluctance of the central government to share this source of income was expressed 15 years ago by Prasodjo. There are two models of disharmony between central and local relations in Indonesia. First, in for-profit sectors, there is often an overlap of authority between the central, provincial, and district/city levels. Second, in the financing sector, there is often a vacuum of authority (Prasodjo, 2006). This opinion is still relevant to explain this conflict in anchorage management. The overlapping of rules has an impact on being unclear and clear on who has the right to collect the anchor money. Each party claims a different legal basis and legal regime. The regions are based on the regional government legal regime, on the other hand, the central government is adamant about the port and shipping law regime and the non-tax state revenue law regime.

In the Indonesian context, the findings of this study strengthen Prasodjo's opinion and add that the overlapping authority between the center and the regions is one of the reasons for the difference in the spirit of the legal regime that is used as a reference by the center and the regions. In the case of the anchoring conflict, the legal regime held

by the Ministry of Transportation was a law made during the New Order era which was centralized in nature, while the legal regime used by the Riau Islands Provincial Government was a statutory rule made during the New Order era. strong reformation spirit of decentralization and regional autonomy. So this overlapping authority occurs because of the different philosophical spirit of the law, between the regime of neutralization and the regime of decentralization. It is this difference in philosophical spirit that triggers conflict and it is difficult to find the point of finding it.

In the case of the anchorage management conflict, the conflict arose not only because of a one-sided perception of the region about its authority, but the conflict arose because of different interpretations or perceptions of many parties, in this case, government institutions. In this case, 9 government institutions that participated provided opinions, legal views, and assistance and carried out supervision. The findings of this study state that in the context of central and regional relations in Indonesia, conflict is not only triggered by a one-sided perception of the region about its authority but also arises because of the different interpretations of many parties to the authority contested by the central and regional governments. The difference occurs vertically and horizontally.

Based on empirical findings, the conflict between the Kepulauan Riau Regional Government and the Ministry of Transportation in the context of decentralization shows the strong position of the central government. The regional government is not able to maximally exercise its authority in the utilization of the 0-12 mile marine space because it conflicts with some regulations implemented by the central government. The findings of this study also concluded that the process of synchronization and harmonization of laws and regulations does not work well in the era of decentralization, thus triggering conflicts. The position of the local government was lost in this conflict over the authority to manage the anchorage. The stronger dominance of the central government in the use of marine space shows the trend of re-centralization in central and regional relations in Indonesia.

Referring to the view of Hoessein (1995) the implementation of decentralization in Indonesia has undergone five rounds. The first round was 1903-1922, this stage was towards efficiency, the second round was 1922-1942, the stage was towards efficiency and participation, the third round was 1945-1959, this phase was towards democracy (people's sovereignty), the fourth round was 1959-1974, the fourth round was in 1959-1974. which leads to stability and efficiency of government and the fifth round during the enactment of Law No. 5 of 1974 stages towards efficiency (and effectiveness) of development services. Hoessein predicts that the sixth round to be aimed at implementing decentralization in Indonesia is democracy and efficiency. What Hoessein predicted happened when the 1998 reformation of the implementation of decentralization entered the sixth round toward democracy (Prasodjo, 2006). It seems that the decentralization round in Indonesia will enter its seventh round, where there are symptoms of re-centralization of authority in the implementation of decentralization.

## **5. Conclusion**

The findings of this study prove that one of the negative impacts of implementing decentralization is that it can trigger conflicts. This study shows that conflicts between regions in decentralization occur because of overlapping and mutual claims of authority. The transition process from a centralized to a decentralized regime in Indonesia is not necessarily followed by a synchronization of the prevailing legal regime. This conflict is increasingly complex due to differences in the interpretation of regulations between government institutions. This difference occurs vertically and horizontally. This finding also proves that the central government is still reluctant to share sources of opinion with the regions. One of the passions of implementing decentralization is the sharing of the proceeds from the collection of natural resources.

In the context of the relationship between the center and the regions, the findings of the study show that the central government's position in the management and utilization of marine space in Indonesia is getting stronger. This central dominance indicates a shift in the pendulum of decentralization in Indonesia towards re-centralization.

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