

The Impacts of Transferring Marine and Fisheries Affairs in West Java Province and Indramayu Regency

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Abstract

This article aims to discuss implications prompted by the transfer of administrative affairs in the field of marine and fisheries following the enactment of Law 23 of 2014 on Regional Governance. The locus of this study lies in the West Java Province Marine and Fisheries Office and the Indramayu Regency Fisheries and Marine Office. The policy implications were analyzed based on three aspects, namely human resource, organization, and finance. In both offices there was an issue concerning the lack of human resource capacity to support the authority they applied. The number of provincial office personnel did not support the expansion of the office's given authority. Meanwhile, the potential of regionally generated revenue through activities such as laboratory testing and export certification for processed fish products had been dropped since such authority had been transferred to the central government. The process of transferring regional/municipal assets to the province had also left behind remaining issues due to indeterminate status of lands in the regency. Based on the description of the matter, the coordination process between the regional and central government seemed very poor in the implementation of this law. The process of fiscal independency also became threatened due to regulatory format weakening the regions to increase their regional revenue contributions.

Keywords:

authority; marine and fisheries; organization; finance; human resource.

Introduction

The emergence of Law 23 year 2014 on Regional Governance, as a revision to Law 32/2004, had led to several changes in the institutional structure of regional autonomy. One of them refers to the transfer of authorities that were previously managed by the regency/municipality to the provincial government or from the province to the central government. Inevitably, some scholars have linked such transfer of authority as an effort to narrow down the significance of regional autonomy,

which has been operational since the end of the New Order (Rasyid, 2016). It is also viewed as re-strengthening government recentralization (Ali Safa'at, 2015).

The sense of recentralization is indeed quite clearly visible in this law. Different to its predecessor, Law 23/2014 contains arrangement on the absolute authority of the central government in the decentralization concept. This new arrangement has emphasized that the Governor/Regent/Mayor were nothing than the authoritative extension of the President

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appointed to carry out central government authority.

Conceptually, decentralization in the unitary states is understood as a system of government administration that places the locus of authority in the central government (Bowman & Kearney, 1996; USAID, 2009; Choudhry & Stacey, 2014). The regional government function as the subordinates of the central government by accepting delegation of authorities in an organized manner. The bearer of authority is the central government, whereas the regions accept limited authorities short of their own independence. Nevertheless, according to Fesler (1965), centralization and decentralization is considered as a continuum because, in principle, there is no country in the world that is being administered merely via centralization, although there may always be some authorities that are centrally carried out. Conversely, there is no country that only administers an entirely decentralized governance.

The transfer of most of these authorities can in itself be seen as an effort to improve regional autonomy management until today. Yet, the consequences generated from such policy is certainly not trivial. Many problems will ensue in cases where there are government affairs that do not involve the regency/municipality in its management. This is because the regencies have a closer span of control when compared with the provincial and central governments. The standard arguments for this relate to responsiveness and accountability: that local governments are closer to the citizens and to the consumers of services, and are thus better able to make choices that reflect the needs and priorities in their jurisdiction than is a remote central government (Devas, 1997). One of the factors making such transfer difficult to carry out relates to the frailty of inter level governmental coordination. For approximately two decades, the coordinative, assistance, and monitoring functions carried out by the

Province (Governor), as a representative of the Central Government, tend to lack effectiveness in their implementation (Sutrisno, 2015). Inter level governmental relations were often mired in disharmony (Hariyono, 2003).

Therefore, transfer of authority is seen to generate a considerable amount of significant implications. This study focuses on the change of authority of governmental affairs in marine and fisheries that had undergone quite significant changes due to the implementation of Law 23/2014. As provisioned in article 14, the authority of the regencies/municipalities in managing marine and fisheries affairs had been gradually reduced. In Law 32/2004, the authority to manage marine and fisheries affairs had been distributed among the Central, Provincial, and Regional/Municipal, whereas in the recent law, the authority is only shared between the central and provincial governments. Some of the authorities that had been taken away included marine spatial planning, law enforcement and monitoring, coordination of management and utilization, as well as licensing (except for fisheries licensing). The extent of the province's marine spatial authority is stipulated to be 0-12 nautical miles, of which initially was 4-12 nautical miles.

This study aims to explore implications experienced by two research locus, namely the West Java Province Marine and Fisheries Office and the Indramayu Regency Fisheries and Marine Office following the policy change that has been embodied in Law 23/2014. These policy implications are examined through three aspects: Capacity of government personnel, institutional capacity, and financial capacity.

Transference of Marine and Fisheries Affairs

Marine and fisheries affairs in Law 23/2014 is considered to be biased against regencies/municipalities. Upon reading the attachment relating to the distribution of this affair in the law, it is blatantly clear that a very substantial transfer of authority had taken place.

In Law 32/2004 via its implementing regulation, Government Regulation (PP) 38/2007 on the Distribution of Governmental Affairs among Central Government, Provincial Government, and Regional/Municipal Government, there was quite a fair distribution of affairs among the central, provincial, and regional/municipal governments, but in Law 23/2014 the change had significantly varied and is noticeably imbalanced (see Table 1).

Table 1.
Comparing Quantity of Authority
Distribution in Marine & Fisheries Affairs

Regulation	Central	Province	Regency/ Municipality
Law 32/2004 and PP 38/2007	108	104	101
Law 23/2014	23	10	3

Source: Data composed by the writer (2017)

Although marine and fisheries affairs may be regarded as a limitative affair, meaning that it is adjusted to the region's conditions and capacity, the field of marine and fisheries is a crucial matter that should be managed in a holistic manner, collectively involving all governmental levels. As an archipelagic state with maritime characteristics, the sea and all its elements become an integrated part in the efforts of realizing public welfare as mandated by the constitution. A synergy between central and regional governments is, thus, necessary, and not merely placing it at one governmental level.

Theoretical Review

Centralization and Decentralization Discourse

All this time the dichotomy between decentralization and centralization has often been simplistically understood. The fact that centralization and decentralization are seen as two opposing concepts is often overlooked. In public administration study, there is no single definition afforded to centralization and

decentralization. From its Latin linguistic roots, centralization means to move toward a single point, whereas decentralization means to move away from the center.

The term of centralization and decentralization means different things to different people (Cummings, 1995; Dickovick, 2003; Hutchcroft, 2001; Cheema & Rondinelli 1983; Rondinelli, McCullough, and Johnson 1989; Conyers, 1983; Bennett, 1990; Mawhood, 1993). Centralization is defined as the concentration of authority at the top level of the administrative system. Meanwhile, decentralization is defined as transference of authority, legislative, judicial, or administrative, from a higher level of government to a lower level. In the political system of unitary state, decentralization includes devolution and deconcentration (Smith, 1967). According to Duchacek (1986, p. 59), there is not one country in the world capable of maintaining its existence without centralization, and there is no country administered by decentralization *an sich*. Since founded, a country will always adhere to centralism, one of the reasons is to distribute and define their roles and functions in government administration. The level of centralization depends on the system of government as influenced by economic, political, and social system, as well as external demands of national or global character, such as the issue of democracy (Kelsen, 2006). Centralization and decentralization are also inseparable since in the concept of decentralization, not all power should be delegated by the central government to the regions, as Turner states, the central government must retain a core function over essential matters and ultimately has the authority to redesign the system of government and to discipline or suspend decentralized units that are not performing effectively (Turner and Hume, 1997).

The Concept of Governmental Affairs and Level of Regional Autonomy

In Law 23/2014 government affair is defined as "government supremacy under

the authority of the President in which its implementations are conducted by state ministries and Regional Government administrators in order to protect, serve, empower, and provide public welfare to the people." The emphasis here lies in the statement "government supremacy under the authority of the President", which indicates that the law aims to clarify the concept of decentralization within a unitary state. Wherein the authority of government affairs distributed to the ministries and regional governments essentially belongs to the President as the head of state. The regional heads at the provincial or regional/municipal levels are nothing more than the President's subordinates who have received a delegative mandate to carry out the authority for managing government affairs the President afforded them with.

Decentralization practices in unitary states such as Indonesia, ultimately return to the coherence between authoritative levels and government affairs. Alderfer (1964) argue that the measure of local autonomy in any nation may be gauged by two criteria: the allocation of governmental powers between national and local units, and the control of the national administration over the subordinate entities. The allocation of powers is observed from the aspect of legislation hierarchy that allocates authority to the regions. The higher the legislation hierarchy that underlies the establishment of governmental powers allocation, the more decentralized the government system. Improving on Alderfer's opinion, Hart (1972) proposed the argument that aside from a quantitative measurement, the level of autonomy should also be measured qualitatively by examining the willingness of the party relinquishing its authority in support of greater autonomy in the regions.

Stigler (1957, in Shah, 2006) identified the principle to distribute governmental affairs between to regional governments, firstly, the closer a representative government is to the

people, the better it works. The closer the regional government—in the Indonesian context, this means the regencies/municipalities—is, the better it operates in providing basic services to the public. Secondly, people should have the right to vote for the kind and amount of public service they want. The people have the rights to directly participate in the government's public services or policies. The close proximity between the public and the government may increase government effectiveness in conducting its activities. The public can directly involved in the policy process or the monitoring of government administration.

Public Policy Change

The discussion about public policy change begins with an understanding of what public policy is. Friedrich (1967) defined policy as a series of actions or activities that always correlates with the attempt of attaining several intent and objectives. Although the goals of government activities are not always easy to accomplish, the idea that policy involves the behavior of actors is a vital part of that definition.

Relating to the policy change presented in the Law on Regional Governance, the question requiring an answer is how do policy makers make choices or take actions that were subsequently arranged in the said law? Understanding the actors' actions and choices is, therefore, essentially understanding how the actors "rationalize their selected actions". The regional decentralization policy change in the new Law on Regional Governance shows that the focus of the matter lies on how the patters and relations in authority distribution of governmental affairs between central, provincial, and regional/municipal governments work.

Kumorotomo (2007) argue that four main elements that lead to policy changes, namely the actors, policy objective, action, and reaction. Policy actors include the central government

as the composer of regulation. Actors analysis is conducted to understand the behavior and reasoning or factors prompting policy changes to occur. Policy objective relates to analysis of factors formulated by actors. When dealing with policy objectives, what alternatives (actions) are taken. Whereas, reaction refers to the response of other actors involved or impacted by policy change. The actor impacted the most by this change is undoubtedly the regional government. A deeper understanding on their reaction toward the new regional governance is necessary.

Methods

This study utilizes the case study approach. The case study approach is quite beneficial for exploring a phenomenon that is currently discussed among the public (Yin, 1994). There is a limited time frame employed in this study. The focus of study in this research is the issue of marine and fisheries affairs implementation following the enactment of Law 23/2014 in West Java Province and Indramayu Regency. The time frame of this study is limited within the time period of 2014 up to 2017, that is three years since Law 23/2014 had been established. This study is not intended to generalize this issue in other regions.

The sources of data in this study were gathered via two methods, wherein the first one is interviews. Interviews were carried out to conduct inquiries and explore perspectives as well as implications of authority transference. In sum, there were as much as 15 informants interviewed coming from several relevant institutions namely the Ministry of Home Affairs, Ministry of Marine and Fisheries, Marine and Fisheries Office of West Java, and Fisheries and Marine Office of Indramayu. In addition to using primary data sources, this study also uses secondary data sources in the form of documents and records through text books, national and international journal

articles, relevant manuscripts, and legislations. The study uses interactive data analysis methods throughout, from data collection to data presentation and conclusion or verification. (Miles et al., 1994).

Results

Implications in the Field of Human Resource

The problem concerning human resource is indeed the most striking for both locus of study. The West Java Marine and Fisheries Office considers the transference as a burden to them, as they have very little support in terms of human resource. The amount of personnel in the office is very small while the managed authority has increased with more extensive reach.

“Different to other fields of affairs, marine and fisheries authority had been transferred to the province, yet the personnel were not transferred. That is a big problem for us. We are questioning this today! When the school (Senior High School/SMA) authority moves, the teachers move along with it, even the school’s security personnel move as well.” (Statement from Secretary of the West Java Province Marine and Fisheries Office, May 2017).

Based on the data, it is observed that the lack of functional personnel becomes the most immediate issue confronted by the office. Upon deeper examination, there is urgency in transferred authorities deemed as the most vital to relate with functional, technical activities such as ship licensing, marine monitoring, physical check of ships, and harbormaster affairs. Therefore, the most required positions are that of certified harbormasters, fisheries inspectors, fisheries related Civil Servant Investigators (PPNS), and officers in charge of physical checking of ships. However, the transfer of authority was not followed with the transfer of personnel from the regencies/

Table 2.
Employee Data of West Java Marine and Fisheries Office as of March 2017

No	WORK UNIT	Structural	Non Structural/ Administrative	Functional	Total
1	Secretariat	5	33	1	39
2	Marine Affairs	4	7	-	11
3	Capture Fisheries Section	4	6	-	10
4	Fish Farming Section	4	9	3	16
5	Production and Marketing of Fisheries Product Section	4	7	-	11
6	Wanayasa Goldfish and Nile Talapia Stock Acceleration and Development Agency	4	11	-	15
7	Cijengkol Catfish and Patin (<i>Pangasius</i> sp.) Fish Stock Acceleration and Development Agency	4	15	-	19
8	Singaparna Nilem and Gourami Fish Stock Acceleration and Development Agency	4	16	-	20
9	South of Pangandaran Marine Area and Brackish Water Fish Development Agency	4	18	-	22
10	North of Sungai buntu Marine Area and Brackish Water Fish Development Agency	4	11	-	15
11	South of Cilautereun Area Fishing Port Agency	4	7	-	11
12	North of Muara Ciasem Area Fishing Port Agency	4	10	-	14
13	Cirebon Fisheries Product Quality Development and Testing Agency	4	24	-	28
14	Ciherang Ornamental Fish and Public Waters Fisheries Preservation Agency	4	12	-	16
15	South of Pangumbahan, Sukabumi Area Fisheries and Marine Resources Conservation and Monitoring Agency	4	-	-	4
16	North of Cirebon Area Fisheries and Marine Resources Conservation and Monitoring Agency	4	-	-	4
Total		65	186	4	255

Source: West Java Province Marine and Fisheries Office (2017)

municipalities to the province.

“We are in dire need of people with particular specifications such as certified harbormasters, fisheries inspectors. Those who go on patrols must have their own certification. We also need someone who carries out physical checks on ships. Currently, the authority for vessels weighing more than 5 Gross Tonnage (GT) up to 10 GT have been transferred to the province, but the officers were not. We have 76 fishing ports (PPI) that was transferred, but there’s no civil servant (PNS) available” (Statement from Echelon II Official at the West Java Province Marine and Fisheries Office, May 2017).

In terms of ship licensing, the office currently manages the licensing of ships weighing 5 to 30 GT. Formerly, in Law 32/2004, the province only handled licensing for ships weighing 10 to 30 GT. This new provision has become a burden to the province since the majority of fishermen in West Java are small scale fishermen with vessels weighing under 10 GT.

“Now, the province must manage vessels sizes 5 to 30 GT. This increases our load since the majority of vessels in West Java are those below 10 GT. Whereas in my section, I only have two staff”. (Statement from one of the Echelon IV Officials at the West Java Marine and Fisheries Office, May 2017).

Moreover, the lack of personnel will not help in efforts of resolving licensing violation issues that has frequently been occurring, such as cases of marking-down vessel sizes. Serious provision of services and quality personnel as well as considerable amount of licensing administrators are needed to address this matter. With a restricted number of personnel, the efforts put into addressing this issue may be considered as questionable at best,

“All this time, fraudulent practices of fishermen have become common knowledge. Formerly the regencies were authorized for providing license to vessels up to 10 GT. Their ship size was 12 GT, but since they were lazy to head down to the province, the size was marked-down so that they just had to deal with the regency”. (Statement from one of the Echelon IV Officials at the West Java Marine and Fisheries Office, May 2017).

The issue concerning lack of personnel is also experienced by the Indramayu Regency Fisheries and Marine Office. Unavailability of personnel has, actually, been an old problem, even before Law 23/2014 has been enforced. Although the authority they carry out has been reduced, the number of available personnel is still considered insufficient to conduct the tasks and functions of the office. As a result, the office eventually recruited honorary employees to address their personnel needs.

“For us, although our authority has been reduced, the currently available personnel remains very insufficient. According to calculation results of recent regional unit organization time allotment management, our class is Type A because we got a score of 910. But the policy of the regional head, upon consideration of budget and personnel availability, stipulates that it be lowered to Type B. Even with a Type B classification, there should be two echelon IV

personnel at the secretariat, there are three sections requiring echelon IV and there are three so in total there are 9. So, we lack of Civil Service at Staff Positions (PNS Staffs). We have a dilemma” (Statement from echelon IV official at the Indramayu Regency Fisheries and Marine Office, June 2017).

Table 3.
Personnel Composition at the Indramayu Regency Fisheries and Marine Office

No	Work Unit	Total
1	Structural (Echelon II – IV)	32
2	PNS of general function	21
3	PNS of Particular Function for Fisheries Counseling	9
4	Fisheries Counselors (PPB – Contract Workers with employment contract from the Ministry of Marine and Fisheries)	18
5	Honorary Staff/Voluntary Workers	39
Total		119

Source: Indramayu Regency Fisheries and Marine Office (2017)

Based on the data, it can be said that the composition of personnel at the Marine and Fisheries Office is less than ideal. The number of echelon officials and PNS staff is nearly the same. When the ratio between them is calculated, there is a 0.65 ratio of echelon officials and staff, its means there are officials who do not have PNS staff. This condition clearly produces significant impact in the office’s work process. First and foremost relates to the obstructed process of personnel regeneration, particularly in particular function positions (JFT) such as laboratory officer, fish health officer.

Implications in the Field of Institutional

Problems relating to institutional aspects may be described from several existing issues such as regulation disharmony, one of them concerning the regulation on ship licensing. It is stipulated in article 407 Law 23/2014 that all regulations directly relating to the region must comply and be adjusted to this Law. This

means that every sector ministry issues their own regulation, and the provisions must be adjusted to the Law on Regional Governance. Nevertheless, current conditions show that synchronization among existing regulations is in fact frequently undermined.

In Law 32/2004, the authority of issuing license for fish capture was distributed among the central, provincial, and regional/municipal governments. The central government had the authority to issue license for vessel capacity over 30 GT and under 30 GT for vessels employing foreign worker. The province had the authority to issue fish capture license for vessels weighing over 10 GT up to 30 GT without employing any foreign worker and the regency was given authority to issue fish capture license for vessels between 0 up to 10 GT.

However, since the implementation of Law 23/2014, the regency is no longer afforded the authority to issue license for fish capturing ships. That authority has been transferred to the province to issue business license for fish capture with vessels weighing over 5 GT up to 30 GT. The Small Scale Fishermen, just need to proceed their application into the Regional Ship License Information System (SIMKADA) managed by the regency.

There is an issue when one of the sector laws, namely Law 7/2016 on the Protection and Empowerment of Fishers, Fish Raisers, and Salt Farmers states a definition different to Law 23/2014. One of them relates to the definition of small scale fishers, which differs between Law 23/2014 and Law 7/2016. In the former, although it does not explicitly state the definition, it is specified that small scale fishers are those who have vessels up to 5 GT. Whereas the later stipulates that small scale fishers are those who capture fish to sustain their daily life, be it those who do not use fish capturing vessel or those who do with a maximum weight of 10 GT.

The difference in definition of the two has created consequences on the process of

ship licensing. There is ambiguity in this case, because according to Law 7/2016 small scale fishers are defined as those having fish capturing vessels under 10 GT, while according to Law 23/2014, it is defined as those between 5 up to 10 GT which falls under the authority of the province. This causes confusion in the regency and fishers' community" (Statement from one of the echelon IV official at the West Java Marine and Fisheries Office, May 2017).

In addition to Law 7/2016, there are other regulations with contents different to Law 23/2014, such as Government Regulation (PP) No. 11/2015 on the Types and Tariffs of Non-Tax Revenues. According to PP, the tariff applied to vessel types starts from those weighing 7 GT. This means the PP has worsened the existing confusion in terms of vessel types charged with tariff, because based on the decree of the minister of marine and fisheries, vessels under 10 GT are tariff free.

"According to Law 7/2016, vessels up to 10 GT should not be charged. But in this PP vessels weighing from 7 GT are charged" (Statement from an echelon IV official at the West Java Marine and Fisheries Office, May 2017).

Another institutional issue is the misconception about the establishment of branch office (*Cabang Dinas*). The branch office is a new institution that may be established by the province as an impact brought about by the transference of affairs. Based on MoHA Regulation No. 12/2017, branch office is defined as a work unit under the office with a particular work area. It functions to carry out coordination, evaluation, program administration, and activities of the office within its work area. From the definition, the work procedure of the branch office is the same as the head office (*Dinas Induk*). Meanwhile, the most urgent institution needed by the office is operational unit namely Regional Technical

Implementation Unit (UPTD). The perception of establishing a branch office is very different between the Province Organization Bureau and the Office. The Organization Bureau defines the branch office as having similar form and function as the UPTD, whereas the Office does not consider it the same as UPTD, because the task and function of the UPTD is more technical and operational.

The need for establishing UPTD is also considered to be more vital to the Provincial Marine and Fisheries Office keeping in mind that the authority afforded to the province tends to be more operational in nature, such as ship licensing, marine monitoring, ship check, and so on. Additionally, the lack of PNS also becomes a problem in itself for the establishment of branch offices.

“When we had a meeting with the Regional Secretary, the organization bureau asked which UPTD will be converted into a branch office. Well, that’s not how we think! UPT is UPT. It’s different with branch office. For instance, say that there is a Fishing Port Agency that is converted into a branch office, so will the branch office then retain the task of issuing ship licenses. This is the task of the port (UPTD) not the branch office. That’s technical stuff! The branch office are tasked with functions relating to coordination, facilitation, evaluation, those are its functions, nothing operational. If it is meant to provide service, then that is the UPTD.” (Statement from an Echelon II official at West Java Marine and Fisheries Office, May 2017).

Another institutional implication is the emergence of regional/municipal negligence toward conservation and monitoring activities as such authority has been transferred to the province. Since the transfer of authority, coordination between the province and the regency/municipality has become more rigid in the implementation of their monitoring function.

“Now, because they (the regencies) no longer have any authority, they become more negligent. While in fact it is their community that we are patrolling in”. (Interview with an echelon IV official at the West Java Marine and Fisheries Office, May 2017).

Meanwhile, in Indramayu Regency, the emerging institutional issues are, firstly, the appearance of ‘marine’ nomenclature in the office name. The official designation for the field of marine and fisheries is the Marine and Fisheries Office. Whereas, based on Law 23/2014, regencies/municipalities no longer have the authority to manage the marine sector. Based on the Minister of Marine and Fisheries Regulation 26/2016 on the Guideline for Nomenclature of Regional Unit and Work Unit in Provinces and Regencies/Municipalities Conducting Governmental Affairs in the Field of Marine and Fisheries, it is stated in article 3 verse (2) that the Regional Unit Nomenclature for Regency/Municipality is the Regional/Municipal Fisheries Office. Thus, the marine nomenclature should not be inscribed in Indramayu. Furthermore, within the organizational structure, the section tasked with marine affairs and its budget structure was not found as well. The three field of tasks the regency office has consist of:

- a. Small Scale Fishers Empowerment Section
- b. Fish Market and Business Development Section
- c. Fish Farming Section.

The emergence of this nomenclature is related to the poor harmonization process between the regencies and the province, as well as between the Ministry of Marine and Fisheries and the Ministry of Home Affairs. At the regional level, the perception of the West Java Organization Bureau as regional coordinator is different with the regency’s perception that is based on the the Minister of Marine and Fisheries

Regulation. The Ministry of Home Affairs declared that the appropriate nomenclature for regional/municipal office should include marine on it, while the Minister of Marine and Fisheries Regulation states otherwise.

“Even I’m asking that. In the Minister of Marine and Fisheries Regulation it’s just fisheries. But when I asked the (Indramayu) organization section, verification results with the province has determined that the nomenclature marine should appear. They think that this is in accordance with the guideline available in the Minister of Home Affairs Regulation. So, according to the Organization Bureau, the marine nomenclature should remain. That’s why, its official name is the Fisheries and Marine Office. Fisheries is positioned first followed by marine.” (Statement from an echelon IV official at the Indramayu Fisheries and Marine Office, June 2017).

According to the Ministry of Home Affairs, the nomenclature guideline issued by the Ministry of Marine and Fisheries Regulation is incorrect,

“It shouldn’t be necessary to say regency/municipality, from a nomenclature aspect, they only allow Fisheries Office. Then who would take care of small scale fishers? They are all out at sea. The right one should be Regional Marine and Fisheries Office, but their role in the marine sector is insignificant. Now, if there’s no marine in the title, what will happen? While, de facto they still have their marine areas. I was also surprised me when someone from the regency made a complaint to me that they are not allowed to form a marine office. I said “That’s wrong, you can!” (Statement from an echelon III official at the Ministry of Home Affairs, May 2017).

The differences of views presented above have indirectly provided the conviction that the decentralization process in Indonesia remains to be stained with failures in creating communications and coordination among institutions, be it between regional and central administrators, or even between different central government institutions.

Implications in the Field of Finance

One of the most hard-hitting implication experienced by the regions relates to finance. For the regions, marine and fisheries potentials provide quite a substantial income to their local own-source revenue (PAD). In the West Java Province, one of the authorities transferred to the central government is laboratory testing and issuance of health certificate for processed fish product export, which annually contributed 4 to 5 billion rupiahs to the PAD. This transference was protested by the provincial office since there was no effort in attaining a win-win solution between the central and provincial government when this authority was retracted to Jakarta. The province felt disadvantaged with the loss of such PAD potential.

“Our laboratory has been thoroughly accredited. The health certificate has penetrated the European market. If it has penetrated the European market, it means that it can go anywhere. As a result, our PAD has decreased. Every year we were able to contribute approximately 4 to 5 billion per annum from the results of laboratory fish test and issuance of health certificate.” (Statement from echelon II official at the West Java Marine and Fisheries Office, April 2017).

In addition to the problem of losing potential PAD, the process of transferring assets from the regencies/municipalities to the province has not entirely been cleared, particularly the transfer of Fishing Ports (PPI)

amounting 76 units spread out throughout regencies/municipalities along the north and south coasts of West Java. The process of asset transference, in fact, seemed very complicated due to the unclear status of land ownership in the regencies/municipalities.

“The current fact is that when we go to the field, some of the lands are customary lands, while it is clear that what we will accept belongs to the regency administration, it is recorded in the inventory card (KIB) at the Financial Management Board and the Regional Asset (BPKAD) as well as at the Regional Secretariat. (Statement from an echelon II official at the West Java Marine and Fisheries Office, April 2017).

The province is indeed protesting issues pertaining to PPI land ownership in the regencies/municipalities. The construction process of PPI at the regencies/municipalities were not fully clear. Numerous PPI seemed to have been constructed haphazardly and are inadequate to operate.

Meanwhile, in Indramayu the process of asset transference to the province was indeed not an easy task. Out of the 13 PPI to be transferred to the province, only five (5) PPI have clear land ownership status as it is owned by the state or government, while the land ownership status of the remaining PPI is that of villages or individuals.

Discussion

Regional Autonomy and Inter-governmental Level Coordination

The various problems presented from the two locus indicate that implementation of regional autonomy in Indonesia still has numerous challenges to overcome. One of the main challenges is the lack of inter-governmental coordination of institutions at the central and regional levels. While in fact, in the concept of hierarchical autonomy such as

Indonesia, coordination is the key to success. Yet, during the two decades, what unfolded was instead an emphasis on the sector egos of each government level. Actually, the most basic question to ask, when the central government say that all this time after the authority of managing affairs such as energy and mineral resources, forestry, maritime had been afforded to the regencies/municipalities without success, is whether it is unsuccessful due to mistakes made by the regencies/municipalities or, if it truly is unsuccessful, is it still debatable.

The transference of some affairs to the province is seen as an attempt at reinforcing the province, which has less strategic role throughout the regional autonomy process (Ministry of Home Affairs, 2011). However, the analysis was too premature. In the context of marine monitoring for example, in reality the number of illegal fishing in Indonesia remained very high when monitoring was still under the authority of regencies/municipalities (Food and Agriculture Organization of the United Nations, 2014).

For the West Java Province Marine and Fisheries Office, with the expansion of their authority, coordination with regencies/municipalities becomes a vital point. The provincial office is surely incapable of implementing the policy alone, keeping in mind their expanding administrative scope. This is even more substantiated upon observation of the considerably broad coast line of West Java reaching 755.83 kilometers (BPS of West Java, 2016), wherein 11 regencies/municipalities have marine areas in them. Maritime monitoring is clearly one of the substantial burdens keeping in mind the prevailing lack of personnel and budget. Efforts in strengthening coordination with the regencies/municipalities has indeed been carried out by the provincial office, despite it being limited to administrative coordination. This is because the provincial office program could not reach all existing regencies/municipalities.

“We have to find a way to be able to conduct estuary dredging on the shore. Because this year (2017) estuary dredging in the coast of Indramayu was not included in the provincial office program of activities.” (Statement from an echelon IV official at the Indramayu Fisheries and Marine Office, June 2017).

To the Indramayu Fisheries and Marine Office, maintaining good coordination and communications with the provincial office is a must. This is because of the regency’s dependency on economic turnover at the Fish Market (TPI). The authority of PPI management, which includes the TPI, has currently been transferred to the province. Meanwhile, every month, the estuaries around the PPI need to be dredged due to high level of sediments along the north coastline of Indramayu. Such dredging must be conducted so that fish capturing vessels can dock on the harbor and economic transactions can take place at the TPI so that the Indramayu Government can charge tariff from the fish auction occurring at the TPI as local own-source revenue (PAD). Hence, coordination with the provincial office prioritizing estuary dredging along the Indramayu coast is desired, to maintain Indramayu’s regionally generated revenues. At the central level, coordination between the Ministry of Home Affairs and the sectoral ministries is, unavoidably, a vital part in order to assure the implementation of policies at the regional level.

Threat to Fiscal Independency

Fiscal decentralization is one of the important aspects of regional autonomy. The level of regional fiscal autonomy indicates the regional government’s capacity in increasing local own-source revenue (PAD) contribution. However, it must be admitted that the level of fiscal decentralization in Indonesia remains low.

The level of regional dependency on balancing fund afforded by the central government is still very high despite the delegation of a number of authorities to the regions (Ministry of Finance, 2017). The regional government must financially become independent from the central government by finding and amassing as much PAD sources as possible.

With the issuance of Law 23/2014, the region’s financial independence process has ended up in a dilemmatic condition instead. The West Java Province had to lose a potential PAD of 4 to 5 billion rupiahs from the fisheries sector due to the transfer of authority in laboratory testing and issuance of certificate for export of processed fish product to the central government. This definitely raises questions concerning the commitment of creating fiscal independence.

Concerning the authority for laboratory testing and export certification, the West Java Province Processed Fish Product Development and Testing Agency (BP2HOI) has actually secured proper accreditation and the health certificates issued by the agency have been acknowledged by the European market. Here, international acknowledgement toward local contribution can be observed, and if it were maintained it may propel fiscal independence.

“Our expectation is that not all export certification authority be entirely transferred to the central government. The province would still like to conduct laboratory testing at the Processed Fish Product Development and Testing Agency, while the central government issues health certificates. So the province can still obtain PAD from laboratory testing.” (Statement from an echelon II official at the West Java Marine and Fisheries Office).

However, the view of the central government regarding the loss of PAD potential may be said to be counterproductive to the efforts of fiscal autonomy, as mentioned by

our informant,

“If we talk about the loss of PAD potential, what’s the difference between the region’s money and central government money. No matter what it is still our money. It’s just that it’s managed by the central government. There will still be schemes of funds returned to the regions.” (Statement from an echelon III official at the Ministry of Marine and Fisheries, March 2017)

The understanding of fiscal autonomy has not been considered as a significant topic within the framework of regional autonomy in Indonesia. The central government’s argument about fiscal decentralization needs to be articulated as a full commitment to establish a self-sufficient regional government, so that the central government can reduce the budget load that has to be transferred to the local government.

Conclusion

The transference of governmental affairs in marine and fisheries based on Law 23/2014 has brought about quite significant implications to the regions. This is described in the analysis results of the two study locus, namely the West Java Province Marine and Fisheries Office and the Indramayu Regency Fisheries and Marine Office, by examining three aspects of human resource, organization, and finance.

In the aspect of human resource, the problem of insufficient personnel quantity both at the provincial and regional offices is clearly a crucial matter. The need for more personnel is obviously gaining significance in the province because of the expansion of authority and broader scope of work area. Concerning institutional aspects, the problem of regulation disharmony in the field of ship licensing deserves particular attention. Meanwhile, partial coordination relations between the province and regencies/

municipalities have turned conservation and maritime monitoring implementation into a challenge due to the emergence of regencies’/ municipalities’ negligence caused by the sense that they no longer have authority over the matter. In the aspect of finance, transference of authority has resulted in the loss of potential regionally generated revenues. The West Java Marine and Fisheries Office lost a potential PAD of 4 to 5 billion rupiahs per year from laboratory testing and certification of export for processed fish product. Meanwhile, the process of asset transference from the regencies/municipalities to the province experienced difficulties due to unclear status of land ownership.

This study shows that inter-governmental coordination is a challenge in the implementation of Law 23/2014. There is a policy gap between central and regional governments. Hence, the central and regional governments need to establish an integrated pattern of coordination in order to ensure effective implementation of policies in the field of marine and fisheries. The process of policy harmonization at the central level needs to be improved in order to provide legal certainty on the implementation of policies in the regions, so that there will be no regulation disharmony prior to their regional implementation. Enhancement of not just the quantity, but also the quality of human resource should be given special attention. Easier transfer process for civil servants may be a strategy for reducing staff unavailability so that regional office programs and activities can be implemented effectively.

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