

UDC 332

## INDONESIAN MARITIME POLITICAL REGIME

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### ABSTRACT

Indonesia's maritime affairs have experienced ups and downs in management, and the approaches used in governance since the republic's establishment can now turn into at least three practices, sovereignty, security, and prosperity. They are using Lefebvre's spatial framework, which consists of three parts: spatial representation, space representation, and spatial representation, which as the basis of activating that space free of political and economic elements and also borrowing Foucault's governance to see the regulatory structure of the government regime, this study aims at seeing how the political regime of Indonesia's maritime space from security to prosperity.

### KEY WORDS

Maritime, space, regime.

The process of forming the modern state, and the accompanying territorialization process, has started since colonial rule. The initial goal was to increase government control over the workforce by implementing a territorial system for village government. According to Breman, the territorialization initiative has by both colonial and post-colonial regimes because of the urge to profit from privileged elites, to obtain tax revenues to support the system of government, or because they need to assert government power in territories which, although lie within national boundaries (Tania Li, 2002).

The World Maritime Axis in Presidential Regulation Number 2 of 2015 concerning the 2015-2019 National Medium-Term Development Plan (RPJMN). Five main pillars, namely support Indonesia as the world's maritime axis: first, rebuilding Indonesian maritime culture; second, the commitment to maintain and manage marine resources with a focus on building seafood sovereignty through the development of the fishing industry by placing fishers as the central pillar; third, the commitment to encourage the development of maritime infrastructure and connectivity by building sea highways, seaports, logistics, and shipping industries, as well as maritime tourism; fourth, maritime diplomacy that invites all Indonesian partners to work together in the maritime sector; and fifth, building a maritime defense force (Angga, 2018).

As part of the World Maritime Axis, the Indonesian government wants to create a large, prosperous maritime nation by restoring Indonesia's maritime identity, securing maritime interests and security and encouraging all maritime potentials for the nation's prosperity through sea toll roads, and implementing maritime diplomacy as part of Indonesia's foreign policy for the next five years (Astuti, 2013). Furthermore, this study will explain that space is a political product and an instrument for socio-economic change so that space is not neutral and passive but an area and a tool that functions to preserve the political-economic order. Furthermore, the space has interactive characteristics of investors/capitalists (entrepreneurs), the state (government), and the community (including non-governmental organizations that have concerns in the field of ecology).

Space as a political product results in spatial planning practices that are never free from the alignments of actors who make spatial regulations. Regulator policies reveal the actors' bias or neutrality regarding wielding power (government). The practice of spatial planning includes the production and reproduction of space in which there is a struggle between classes to acquire and control that space (Lefebvre 1974, 1991). Lefebvre emphasized that

the various phenomena of the class struggle over space are related to an area, region, territory, site, and land, and this must as part of the same spatialization process.

## LITERATURE REVIEW

The authors begin the literature study by reviewing and describing previous studies relevant to the research that the author will do. It aims to obtain relevance and comparison by the problems of research. The big theme in this research is the Politics of Marine Space; the author will reveal a paradigm shift (security towards prosperity) in marine spatial management based on regulations in the regulatory regime before and after the maritime reform before entering the marine context, let us first examine the study of politics.

Starting with urban space, Setiawan's (2017) research entitled "Production of Social Space as a Concept of Urban Space Development" explains the thoughts of Modernism. The latter believe that urban space is the result of their idealization thinking as part of their responsibility to improve humans as a result of their idealization thinking. However, this proved to be in various situations that did not match modern designers' expectations. The phenomenon of urban spatial planning today, which by the interests of capitalist capital, makes city residents lose their right to control their city. Therefore, it is essential to examine Lefebvre's criticism as part of an effort to unravel spatial planning problems in urban areas.

Shifting to the spatial polemic in the mining area, namely "Politics of Spatial in the Mining Area (Representation of Space and Resource Competition in the Pasir Mining Area of Keningar Village, Magelang Regency)," the findings are a representation of space which in maps and layouts. The State uses an internal territorialization strategy to gain complete control over the sand resource and the actors who use it only within certain limits through concessions and the issuance of exploitation permits. Capitalization of sand mining areas by the State and sand mining investors, resulting in the marginalization of resource ownership and damaging the environment, has encouraged social groups to counter or commodify space.

From these two studies, one word that describes the problem as a whole is "Control," control over resources in production space. Long before Vandergeest and Peluso (2001), in their work "Genealogies of the Political Forest and Customary Rights in Indonesia, Malaysia, and Thailand," they explained internal territorialization, which mapped the State's strategy to establish control over forest land resources. It refers to the declaration of state sovereignty over all territory within a specific area which is the initial legal action that justifies the State to control natural resources. State domain implicitly or explicitly means that the State as the ruler maintains jurisdiction over indivisible resources.

### Political Space

This research on the Politics of Marine Space will use the Theory of Spatial Space Production proposed by Henry Lefebvre (1991). The politics of space here is related to three main things: Spatial planning as an issue and product of public policy, space as a resource and space as a means of control or discipline citizens. On the other hand, this makes space an abstract entity where currently, spaces are formed based on an "interest." Space is no longer seen as concrete that shows the reality of human activities as its inhabitants but as an ideal design or idea with interest behind it.

Lefebvre (1991) details several contradictions that create the development of abstract spaces that are the product of capitalism's interests, one of which is the loss of common spaces controlled by the private property regime. As a result, collective spaces full of social activities have disappeared, and private spaces full of capital interests. A simple example in today's marine space is the emergence of resorts on the shores of the coast, which was initially public space as a vehicle for coastal community activities to meet their economic needs. Lefebvre (1991) put forward the concept of space production, namely:

1. Spatial practice; Concretely, spatial practice is a network of interaction and communication that appears in everyday life. Spatial practice refers to the production

and reproduction of spatial relations between objects and products (their production and exchange relations);

2. Representation of space; Descriptions and definitions are examples of linguistic representations of something as a place in the conversation. Lefebvre provides examples of this spatial representation on maps, spatial plans related to architecture, interior design, regional planning, and the social sciences, especially geography;
3. Representation space; Representation of space, on the other hand, does not refer to the space itself but to something else: the power of the mind, the State, and the principle that ties it to the symbol. Representational space refers to a space that is actually "lived" and is directly related to various forms of imagery and associated symbols.

Furthermore, Lefebvre (1991) views the three concepts of space production above into three elements that will form an interrelated social space, namely: Conceived space (still in the form of thought, a planning map), Perceived space (perspective aspect). Five senses-an architecture can capture that), Lived space (the experience of living in a living space/reality). The production of spatial space proposed by Lefebvre to be able to execute and justify marine space to be studied. The author will examine the creation of space in the connotation of "outermost region" as "frontier region" through Lefebvre's concepts. Maritime space reform that makes the leading area a maritime axis, namely the shift from security to prosperity, will also be framed through the concept of government proposed by Foucault (1991). Government from Foucault will look at the relations of actors involved in the shift and formation of marine space. Actors with all their interests become participants in a process that various parties have labeled as a mechanism for "improvement" of marine spatial management in the central areas to realize community welfare. Foucault put forward this effort as governance. It is an attempt "to regulation" that tries to modify the relationship between humans and nature through practices that reshape the behavior and desires of marine subjects to achieve what is called the intention to improve.

## **METHODS OF RESEARCH**

The research used library research, so the method used in the research was a literature study. The unique characteristics used as the basis for developing research knowledge include. This research is faced directly with data or texts, not with field data or through eyewitnesses in the form of events. In addition, researchers only deal directly with sources that already exist in the library or data are ready to use, as well as secondary data used (Snyder, 2019).

According to Mendes, Wohlin, Felizardo, & Kalinowski (2020), the library research literature review and topic analysis phases were completed. Bibliography searches can take advantage of sources in the form of journals, books, dictionaries, documents, magazines, and other sources without conducting field research and stating that providing a new theory with the support of appropriate data collection techniques is a form of literature review. The technique used in collecting data in this study uses secondary data, namely by collecting data indirectly by examining the object in question.

## **RESULTS AND DISCUSSION**

### **Mapping Spatial Practice Arrangements in Marine Space**

The movement for maritime decentralization began during the reform era when districts and cities had the right to share marine products produced from the management of marine resources within a four nautical mile radius, and provincial governments had the authority to manage marine resources, including small islands, within a 12 nautical miles radius. In addition, local governments and communities are measurably involved in supervising marine areas. Therefore, it requires special attention in the design of relations between the central government and local governments, as well as the community regarding the design of central and regional institutions (Diposaptono, 2017).

Mapping to the regulation of marine space management when referring to the fragments of the contents of Presidential Regulation Number 16 of 2017 concerning Indonesian Maritime Policy by meanings, namely the reformation era is the initial gate for autonomous marine space management in each region/regardless of centralized regulation, the community is involved in the supervision of marine space as actors of spatial representation, and the forerunner to the shift in management policy from state security to human security based on prosperity.

### **Opening Regime in the Reform Era (1999-2004)**

Along with the enactment of Law Number 22 of 1999 concerning Regional Government, the Region's role in managing various household order matters will be significant, including managing development in the marine sector and using space. During the New Order era, in addition to the government system tending, maritime development has also placed less priority on handling maritime development. Implementing regional autonomy will encourage more equitable growth throughout the Region, and the role of the community in development can be more empowered.

Government policies over the past 32 years have excluded the use of marine space, which on considerations of economic rationality, given the enormous potential of natural resources and market opportunities mentioned above. Even if observed closely, the policy is more related to political issues. The maritime policy results from the weak political position of this space in the eyes of the government, so for the government, the aspirations and interests of maritime space are not so essential in public policy. Therefore, efforts to reconstruct maritime space policies must be in two areas: economic and political.

Along with the spirit of reform, it is the basis for formulating policies on using marine space with more local characteristics. It is through a decentralization mechanism (regional autonomy) in which the interests of the parties concerned can relatively and proportionately. The policy for the development and utilization of marine space has placed the Region and the community as the main actors in resource management, and they will get a larger share of development funds based on the new fiscal arrangement. This ongoing process creates a sense of community ownership of marine resources, provides community participation in development opportunities, and increases transparency in allocating space and resources for all stakeholders (Dahuri, 2001).

The problems faced in marine spatial planning in the regions include several aspects at the beginning of the reform era; what can the rebuilding transition stage to marine spatial management from centralized, which in the following description (Foucault, 1991):

1. Space utilization conflicts; The non-integration of various spatial use activities in coastal areas in utilizing coastal area resources has triggered conflicts between the interests of the sector, the private sector, and the community. The main reason is that so far, there have been no clear rules, both in terms of law and substance, regarding marine spatial planning. As a result, activities apart from lack of synergy often interfere with and harm each other between interests, such as polluting industrial activities with adjoining aquaculture activities;
2. Incompatibility of space utilization function; there are many causes of the use of marine space that is not following the function of the area. It reduces the conservation function of the marine coastal environment. For example, aquaculture activities that reclaim mangrove forests uncontrollably often have increased coastal abrasion. In addition to the destruction of mangrove ecosystems as a place to depend for most of the marine biota cycle, Mining and industrial activities that damage the ecosystem of coral reef conservation areas in the waters and surrounding areas are in the form of pollution impacts and waste sedimentation. Moreover, many other spatial use cases do not pay attention to the functions of marine coastal conservation areas;
3. There is no directive on the location of permits/space utilization activities; The private sector/business sector requires location direction and legal certainty for their investment activities. The absence of a spatial plan for coastal seas and small islands that can guide the location of space utilization activities will make it difficult for the

Region to grant permits to investors and other development activity actors. In addition, to be used as the basis for licensing, spatial plans also need to have a legal basis for ratification;

4. Lack of integrated development between land and sea coastal areas; At this time, there is no integrated development plan between land and sea areas. The urban system, infrastructure, and activity center the growth of production, processing, distribution, and marketing system that rely on using raw materials from natural resources on the mainland. There is no functional linkage between the production activity system in the sea area and the marketing and processing system in the land area.

#### **Maritime Security Regime/State Security in Reform Era (2004-2014)**

The development of the maritime spatial management situation currently focuses on security, especially in border areas. Signs of this can include establishing the BNPP (National Border Management Agency) and determining LOKPRI for development programs or activities in border areas, as well as maritime patrols by the Marine Police (military power dominance). However, in reality, the maritime security defense system at this time is still weak. Because Indonesia, as a maritime and archipelagic country, does not yet have a defense force. It is also related to the weak defense policy, policy priorities, and defense budget (Lefebvre, 1991).

The production of spatial space proposed by Lefebvre in creating space in the connotation of "outermost region" to be "frontier region" will be examined in this section. Although, before becoming a frontier region, the border area was the "outermost region," where the government wanted to realize its political ideals, namely the realization of adequate regional security and welfare for border communities. That state security is still a priority in managing marine space. However, the State's policy to put forward the security paradigm cannot answer the various problems faced by the community, especially the people at the border. This method indicates that only relying on the military force will not necessarily be able to solve all the problems that occur; the State should start moving to a security paradigm that emphasizes efforts to be more humane at the border and emphasizes a humanist approach. So that not only one actor (military force) plays a role, but other components outside the military should be involved in building marine space, especially in border areas (Hidayat & Ridwan, 2017).

#### **Maritime Axis Regime in the Reformation Era (2014-present)**

The vision and mission of the Maritime Axis in Presidential Regulation Number 2 of 2015 concerning the 2015-2019 National Medium-Term Development Plan (RPJMN). Five main pillars, namely support Indonesia as the world's maritime axis: first, rebuilding Indonesian maritime culture; second, the commitment to maintain and manage marine resources with a focus on building seafood sovereignty through the development of the fishing industry by placing fishers as the central pillar; third, the commitment to encourage the development of maritime infrastructure and connectivity by building sea highways, seaports, logistics, and shipping industries, as well as maritime tourism; fourth, maritime diplomacy that invites all Indonesian partners to work together in the maritime sector; and fifth, building a maritime defense force (Hidayat, 2017).

From the description above, the question will arise about how and whether the regulation of maritime space can help uphold the five pillars of the maritime axis. Some of the answers to this question are as follows (Muhar, 2017):

1. Marine spatial planning allocates strategic marine space for social, economic, cultural, defense and security interests;
2. Marine spatial planning can synergize between economic utilization and protection/conservation of marine resources;
3. Marine spatial planning drives economic investment and connects inter-regional potentials in economic connectivity, resources, and infrastructure;
4. Marine spatial planning in border areas provides the power of state diplomacy to fight

for national interests. Marine spatial planning also protects customs, culture, and local wisdom in the sea.

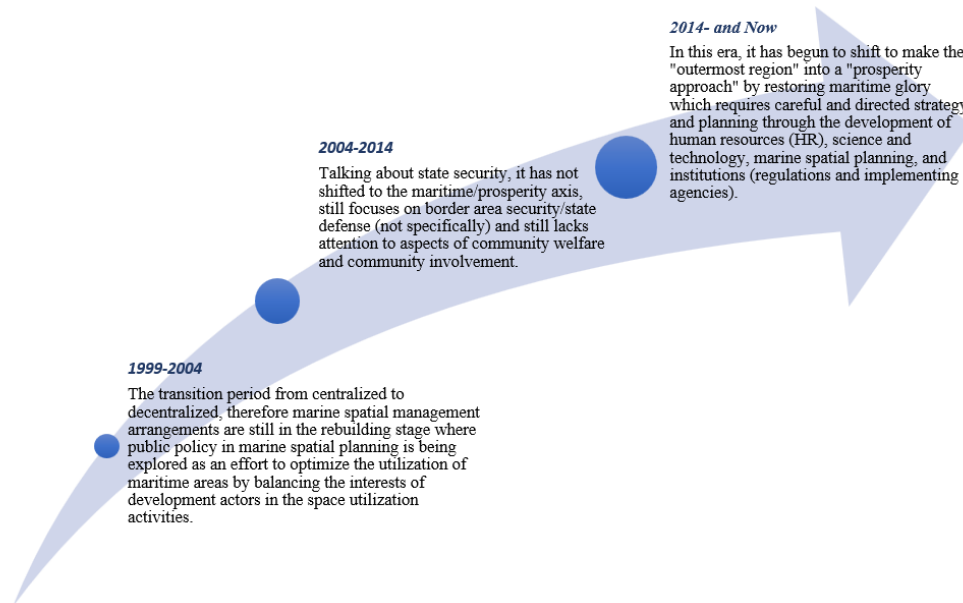


Figure 2 – Marine Spatial Regulatory Process Scheme in Indonesia

With adequate governance capacity to present reality to the community by providing excellent service and optimal development, one of which is to regulate sea space based on the prosperity approach to realize the human security strategy. Marine spatial planning is needed as a spatial basis to ensure synergy and legal certainty in maritime development. Thus, a balance between regions using space for economic development, environmental protection, and defense and security needs.

Efforts to regulate maritime political space in this regime are to harmonize several laws, namely Law no. 26 of 2007 concerning Spatial Planning, Law no. 27 of 2007 Jo. UU no. 1 of 2014 concerning the Management of Coastal Areas and Small Islands, as well as Law no. 32 of 2014 concerning the Ocean, is a milestone for the management of the sea and coastal areas and small islands in Indonesia. This is because the three legal products become the legal umbrella that regulates spatial planning, both on land and at sea. The three laws complement each other and allow for an integrated spatial arrangement between land and sea waters, where this is still an aspiration that the government wants to immediately realize.

### Marine Space After the Cipta Kerja Law

Prior to the enactment of the Cipta Kerja Law, it was known that the division of authority between the Government and regional governments or better known as congruent affairs was known. Based on Law No. 23 of 2014 congruent affairs then became the basis for the implementation of regional autonomy, but after the Cipta Kerja Law Act was passed by the House of Representatives, we will find that the basic basis for implementing regional autonomy has been disrupted or in other words, there has been recentralization. Legislation in essence cannot be separated from legal politics, because it determines the direction of a country's legal policy. The formal legal politics of the Cipta Kerja Law Act starts from planning, drafting, discussing, ratifying, to enacting. The legal politics of the Job Creation Law stems from the political will of the President to form a Job Creation Law with the legal method for all/everything (omnibus law). This is intended to simplify regulations and deregulate regulations that hinder job creation and empower micro, small and medium enterprises through an omnibus law in the form of the Job Creation Law (President, 2019: 7).

Merrifield (2006) explains that spatial representation of space is better understood as jargon and space symbolism. Outer space can be called an arena for meeting various

interests, as a fluid place, a meeting place for states, agents and actors with various social class backgrounds, so that control over space becomes a contestation of the power of the subjects behind these interests. Backgrounds of social class, economy, profession and different age groups blend in the marine space. Maritime space after the issuance of the Employment Copyright Act eliminated regional autonomy which became the development mantra of the reform era, because the entire regulation on maritime space became the domain of the central government, as well as the people who inhabited the marine space and the coastal communities were no longer powerful actors in utilization of the space.

## CONCLUSION

Efforts to regulate maritime and political space in this regime are to harmonize several laws, namely Law no. 26 of 2007 concerning Spatial Planning, Law no. 27 of 2007 Jo. In addition, UU no. 1 of 2014 concerning the Management of Coastal Areas and Small Islands, as well as Law no. 32 of 2014 concerning the Ocean, is a milestone for managing the sea and coastal areas and small islands in Indonesia. Three legal products become the legal umbrella that regulates spatial planning (to the room), both on land and at sea. They complement each other and allow for an integrated spatial arrangement between land and sea waters, which is still an aspiration that the government wants to realize immediately.

In its development, the politics of maritime space in Indonesia experienced a regression based on the security-based paradigm, which did not undergo a transformation to human security and eventually became one based on prosperity. It is the Cipta Kerja Law that stops all transformation efforts. 26 of 2007 concerning Spatial Planning, Law no. 27 of 2007 Jo. UU no. 1 of 2014 concerning the Management of Coastal Areas and Small Islands, as well as Law no. 32 of 2014 concerning the Marines, the whole positive law becomes meaningless.

At the global level, the concept of sustainable development has strengthened which lays down the (three) pillars of Sustainable Development: economic, social, and environmental aspects. The government must optimize so that the three pillars of Sustainable Development run simultaneously and not only prioritize one aspect. Unfortunately, in the Job Creation Law, the paradigm of the development approach adopted emphasizes development in the economic realm and tends to ignore social (social justice) and environmental aspects. This tendency is a setback from the previous approach to inclusiveness with a sustainable development model.

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