Reviewing the regulation of dispute settlement mechanism for marine spatial utilization

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Abstract. The provisions of the marine spatial order are quite good in regulating control, especially the obligation for everyone to have a permit in the form of approval or confirmation of the suitability of marine space utilization activities issued by the Ministry of Maritime Affairs and Fisheries (KKP). Unfortunately, on the other hand, KKP only provides a mechanism for resolving disputes over marine spatial utilization in the administrative and Administrative Court (PTUN) for holders of KTUN in the form of Approval or Confirmation of KPRL. The characteristics of marine utilization activities can be categorized as follows: a) RZWP3K compliant and licensed activities, b) Activities not in accordance with RZWP3K and licensed, c) Activities in accordance with RZWP3K and not licensed. This character shows that the utilization of marine space is not only carried out by activities that have a permit or KPRL but also those that do not have a permit. Objections in this administrative effort only apply if what is disputed is KPRL as a KTUN product, it will be difficult if legality is not owned in the activities in these sea waters. For example, some conflicts over the utilization of marine space in the waters of the Sumenep Regency are slow to be resolved due to differences in perceptions of authority between the institutions or institutions that handle them. Dispute resolution mechanisms provided by the state in cases of marine space utilization need to be reviewed, especially strategies are needed related to the settlement model tailored to the character of the case.

1 Introduction

Indonesia has 3.25 million km of ocean and 2.55 million km of Exclusive Economic Zone (EEZ). Indonesia obtains the right and authority to utilize sea space concerning exploration, exploitation and management of biological and non-biological resources, research, and jurisdiction to establish institutions or artificial islands. [1] If Indonesia does not maximize policies in regulating marine space, conflicts will occur and harm the state and society. Coastal areas are areas that are very vulnerable to change, both caused by natural processes and by human activities. Land conversion and utilization in coastal areas is often the main cause of problems that have an impact on land use irregularities in the area. [2] Human activities that do not comply with the rules often cause problems, such as in the development of coastal areas which can encourage economic growth and improve the image of the region, but also bring social and environmental impacts if not carried out sustainably [3].

The definition of the sea is the entire series of salt water that inundates the earth's surface, but this definition is only physical. [4] The definition of the sea according to law is all sea water that is freely connected throughout the earth's surface. Utilization activities in marine space certainly have different characteristics from activities carried out in land space. [5] To be able to utilize sea space, various facilities and infrastructure, including the availability of technology play an important role. Utilization of marine space, both on the surface, water column and seabed must be adjusted to the spatial plan or zoning plan known as the Conformity of Marine Space Utilization Activities (KKPRL) which is one important aspect to ensure sustainable management of water resources [6].

[7] The purpose of spatial planning is to harmonize the various activities of the development sector, so that in utilizing land and space can be done optimally, efficiently, and harmoniously, while the Zoning Plan is a plan that determines the direction of resource use for each planning unit accompanied by the determination of the structure and pattern of space in the planning area which contains activities that may be carried out and may not be carried out and activities that can only be carried out after obtaining a permit. To achieve the objectives of spatial management in coastal, marine and small island areas, incentive and disincentive tools can be arranged to direct and control changes in the function of the area, both sectorally and cross-sectorally. Incentive tools aim to encourage activities that support the functions of coastal, marine and small islands in accordance with spatial planning objectives [9]. Meanwhile, disincentive tools aim to limit or reduce activities that are not in line with spatial plans, or that can damage the environment and marine resources in the area. The importance of sustainable marine utilization is to maintain ecosystem integrity, maintain environmental

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carrying capacity, and conservation of natural resources including biodiversity and can create equitable distribution of development results, social mobility, social cohesion, community participation, community empowerment (decratization), social identity, and institutional development [10].

Along with the increasing economic growth that occurs in the Republic of Indonesia, as the largest archipelago in the world, Indonesia has tremendous potential to become a global maritime axis [11]. Armed with this power, Indonesia is increasingly rushing to build an ocean-based economy for the greatest prosperity of the people of the archipelago. Article 33 Paragraph 3 of the 1945 Constitution reads "The land and water and the natural resources contained therein shall be under the control of the state and shall be used for the greatest prosperity of the people". (Constitution-RI.1945, 1945). The meaning of state control in the context above is "the state has full freedom or authority (volldige bevoegdeid) to determine the necessary policies in the form of regulating (regelen), managing (bestuuren) and evaluating, use and utilization of natural resources [12].

Improving the quality of life of the community and the surrounding environment can be done by spatial planning. This arrangement must begin with spatial planning as a very important initial phase. This is because planning in spatial planning is a basic element that is vital for controlling and utilizing space at the same time. Some factors that are taken into consideration in this planning include the economic activities of marine and coastal communities, including cultivation areas and preservation of protected areas. All interests can ideally be accommodated in the spatial planning process so that there are no problems in the utilization of marine space.

To organize marine space, Law No. 27 of 2007 was issued which has been updated with Law No. 1 of 2014 concerning Management of Coastal Areas and Small Islands (PWP3K Law) and finally amended several Articles with the stipulation of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation (State Gazette of the Republic of Indonesia of 2022 Number 238, Supplement to the State Gazette of the Republic of Indonesia Number 6841) Law No. 6 of 2023 concerning Job Creation. In the regulation of Law No. 6 of 2023 on Job Creation regarding business licensing, every space user is required to obtain environmental approval. Permits and approvals granted by the government are closely related to the responsibility of the state and the protection of society from the actions of state administrative officials who abuse authority for purposes other than the public interest in accordance with the regulations on which their authority is based. If an administrative agency makes a decision that is contrary to the principles of good governance and general legal awareness, the decision must be adjusted to Pancasila and the 1945 Constitution [13].

The provisions of the marine spatial order are quite good in regulating control, especially the obligation for everyone to have a permit in the form of approval or Confirmation of Conformity of Marine Spatial Utilization Activities issued by the Ministry of Maritime Affairs and Fisheries (KKP). But unfortunately, on the other hand, KKP only provides a mechanism for resolving disputes over marine spatial utilization in the administrative and Administrative Court (PTUN) for holders of KTUN in the form of Approval or Confirmation of KPRL.

The characteristics of marine utilization activities in Situbondo Regency based on the results of research conducted by Nugroho Putro et al, are as follows [14]:

a. Activities in accordance with RZWP3K and licensed
b. Activities not in accordance with RZWP3K and licensed
c. Activities according to RZWP3K and not licensed

The results show that the utilization of marine space is not only carried out by activities that have permits or KPRL but also those that do not have permits. The results of this study can be used as a basis for further study that the administrative remedy mechanism provided by the CTF in the event of a dispute over the utilization of marine space. So that what can be resolved in this mechanism is only the category of activities according to the RZWP3K and licensed. Objections in this administrative effort only apply if what is disputed is KPRL as a KTUN product, it will be difficult if legality is not owned in the activities in the sea waters. For example, some conflicts over the utilization of marine space in the waters of the Sumenep Regency are slow to be resolved due to differences in perceptions of authority between institutions or institutions that handle them.

Law enforcement in Indonesia itself still has basic problems that need to be addressed together, namely the regulatory arrangement of the authority of all agencies in terms of law enforcement in the Indonesian sea.

The open access nature cannot be separated from the understanding that natural resources are common pool resources, thus encouraging all parties to utilize resources, including marine resources as much as possible [15]. In the socio-spatial concept, the government as a regulator and facilitator is difficult to ignore the use value of sea space, so that its utilization must be regulated [16].

The current case in Sumenep District shows that the dispute resolution mechanism provided by the state in the case of marine space utilization needs to be reviewed, especially strategies are needed related to the settlement model tailored to the character of the case that occurred in Madura waters. For example, after reclamation activities carried out by entrepreneurs for personal interests, the community around the coast of Gersik Putih can no longer carry out activities to seek the wealth of the sea.

In 2021, the problem was reported to the Sumenep police, with proof of report number 23. Ex.01/DPW-B571-TMP/Vll-16/2021, dated June 18, 2021. The report by the Sumenep police was followed up by investigators until the 8th SP2HP was issued. Ironically, according to the complainant, the investigator is still in the investigation stage and waiting for certainty from the Sumenep BPN to determine the coordinate points" [17].

Madura is one of the regions in East Java where the economy is supported by the micro and medium enterprise sector in the field of coastal and marine

tourism. The economic potential in Madura is very large because it is supported by natural potential and market conditions [18]. Such as agricultural products, marine products, culinary and folk crafts. The inaction shows that there is no understanding of the authority of utilization activities in sea space. The contribution of this research is to determine the legality of reclamation activities that should be the authority of KKP not ATR-BPN, these things are important to recognize the character of the dispute that occurs and then find the right formulation to resolve it.

2 Methods

The mechanism for resolving disputes over the use of marine space is only in the realm of administrative efforts and the state administrative court while the character of utilization cases does not only occur in the holder of state administrative decisions for which a resolution strategy based on the character of the dispute is needed. This type of normative legal research is used to discuss the availability of a dispute resolution mechanism for the use of marine space The Decree of the Director General of Marine and Marine Space Management Number 77 of 2023 is the source of primary legal material.

3 Result and discussion

3.1 Legality in the utilization of marine space in indonesian national law

Indonesia has enormous natural resource potential, both on land and at sea. The use of natural resources in the sea must be done carefully so that the preservation of the marine environment is maintained. Therefore, the Conformity of Marine Space Utilization Activities (KKPRL) is a basic requirement for the issuance of business licenses carried out in marine space, in accordance with the mandate of the Law of the Republic of Indonesia Number 6 of 2023 concerning Job Creation.

The definition of Conformity of Marine Spatial Utilization Activities or KKPRL is outlined in the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 28 of 2021 Article 1 paragraph 10. The regulation states that KKPRL is the conformity between plans for marine space utilization activities and spatial plans (RTR) and / or Zoning Plans (RZ). This KKPRL must be submitted by every person who carries out marine space utilization activities, both in coastal waters, water areas, and / or jurisdictional areas on a permanent basis carried out continuously for a minimum of 30 (thirty) days.

The requirements for obtaining a business license are outlined in Government Regulation of the Republic of Indonesia Number 5 of 2021 concerning Business Licensing, which states that to obtain a business license, business actors must fulfill basic requirements. The basic requirements are Approval of Conformity of Space Utilization Activities (PKKPR) for activities carried out on land, Conformity of Marine Space Utilization Activities (KKPRL) for activities carried out at sea, Environmental Approval (Perling), Building Approval (PBG), and Certificate of Functioning (SLF). The lack of understanding from the public and business actors regarding the basic requirements in the form of KKPRL makes the licensing process for activities at sea look complicated.

One of the marine spatial conformities in the definition of KKPRL is conformity with zoning plans. The zoning plan based on the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 28 of 2021 Article 1 paragraph (15) is a plan that determines the direction of resource use for each planning unit accompanied by the determination of the structure and spatial pattern in the planning area. The location of business plans and/or activities that utilize the sea can be in one or more than two zones. The Zoning Plan can be in the form of:

1. Specific National Strategic Area Zoning Plan (RZ KSNT)
   Is a plan prepared to determine the direction of Marine Spatial Utilization in certain national strategic areas.
2. Interregional Zoning Plan (RZ KAW)
   Is a plan prepared to determine the direction of Marine Spatial Utilization in inter-regional areas.
3. Coastal Zone and Small Islands Zoning Plan (RZWP-3-K)
   RZWP3K is a plan that determines the direction of resource use accompanied by the determination of space allocation in the planning area which contains activities that may be carried out and may not be carried out and activities that can only be carried out after obtaining a permit in the form of KKPRL. This RZWP3K contains Public Utilization Areas and/or Conservation Areas in the Sea and is regulated in zones.

Conformity of Marine Spatial Utilization Activities (KKPRL) is a basic requirement for the issuance of business licenses carried out in marine space. KKPRL must be submitted by every person conducting marine space utilization activities to ensure conformity between marine space utilization activity plans and spatial plans (RTR) and/or Zoning Plans (RZ). The mandate around coastal area management was originally issued in Law No 27 of 2007, which was later amended in Law No 1 of 2014 on coastal waters permits. Now, marine spatial utilization regulations are explained in more detail in KP Regulations No. 21 and No. 28 of 2021.

Submission of KKPRL is carried out in accordance with the business plan and/or activities to be carried out. For business activities, business actors apply for Approval of Conformity of Marine Spatial Utilization Activities (PKKPRL) through risk-based OSS (OSS RBA). Meanwhile, for non-business activities, business actors submit an application for Conformity of Marine Spatial Utilization Activities (KKPRL) through the e-SEA portal.

For the government/local government, the application to obtain Confirmation of KKPRL (KKRL) is also submitted through the e-SEA portal. KKPRL and

KKRL are documents that certify the conformity between planned marine spatial utilization activities and the Spatial Plan (RTR) and/or Zoning Plan (RZ). KKPRL is submitted by business actors for business and/or non-business activities. Meanwhile, KKRL is only intended for non-business activities carried out by the government/regional government. In applying for a PKKPRL, the applicant is required to complete the requirements in the form of documents:

1. Plans for buildings and installations at sea
   The description contained in this document includes:
- Detailed activity plan;
- Location *map/plotting* of area boundaries and/or lines with coordinate points.

2. Information on marine space utilization
   This document contains information on the utilization of marine space around the business and/or activity location.
3. Data on the current condition of the location and its surroundings
   The contents of this document include:
- Ecosystem (mangrove, seagrass, and coral reef);
- Hydro-oseanography;
- Seabed profile;
- Socio-economic conditions/characteristics of the community;
- Accessibility of the location.

4. Reclamation requirements
   If reclamation is carried out in the sea space during the implementation of the business and/or activity, the person in charge of the business and/or activity must provide information on:
- Reclamation material sourcing plan;
- Reclamation land utilization plan;
- Overview of reclamation implementation;
- Schedule of reclamation implementation plan.

5. Other requirements
   In this section, what is meant by other requirements are:
- Technical recommendations,
- Minutes of the meeting,
- Supporting data/documents, and
- Other matters related to the PKKPRL application.

After completing the necessary requirements, business actors can apply for KKPRL through risk-based OSS (OSS RBA) in the following order:

1. Registration.
2. Document examination.
3. Assessment.
4. Approval issuance process.

KKPRL has a validity period until the expiration of the business license owned. If the business license has not been issued, the approval is valid for 2 years from the time it is issued.

Law No. 6 of 2023 Article 47A paragraph (2) in Article 19 also states that the suitability of marine space utilization activities must be requested for activities:

1. Marine biopharmacology,
2. Marine biotechnology,
3. Marine tourism,
4. Removal of sunken ship cargo objects,
5. Telecommunications,
6. Electricity installation,
7. Fisheries,
8. Transportation,
9. Oil and gas business activities,
10. Mineral and coal mining business activities,
11. Data collection and research,
12. Defense and security,
13. Provision of water resources,
14. Artificial islands,
15. Dumping,
16. Disaster mitigation,
17. Other marine space utilization activities.

Business and/or activities included in the list of business activities are required to submit PKKPRL through risk-based OSS (OSS RBA), while non-business activities submit PKKPRL through the e-SEA portal.

Indonesia has enormous natural resource potential, both on land and at sea. The use of natural resources in the sea must be carried out carefully so that the preservation of the marine environment is maintained. Therefore, the Conformity of Marine Space Utilization Activities (KKPRL) is a basic requirement for the issuance of business licenses carried out in marine space, in accordance with the mandate of the Law of the Republic of Indonesia Number 6 of 2023 concerning Job Creation.

The requirements for obtaining a business license are outlined in Government Regulation of the Republic of Indonesia Number 5 of 2021 concerning Business Licensing, which states that to obtain a business license, business actors must fulfill basic requirements. The basic requirements referred to are Approval of Conformity of Space Utilization Activities (PKKPR) for activities carried out on land, Conformity of Marine Space Utilization Activities (KKPRL) for activities carried out at sea, Environmental Approval (Perling), Building Approval (PBG), and Certificate of Functioning (SLF).

Regulation of the Minister of Maritime Affairs and Fisheries Number 28 of 2021 is the basis for PKKPRL registration for business activities submitted by the applicant through online single submission (OSS) which is equipped with the required documents. The Online Single Submission (OSS) system was introduced with the aim of helping Indonesia accelerate the ease of business licensing services. Technically, OSS is a web-based application that serves to facilitate the process of applying for licenses and complaints, which will then be processed by the authorities. This OSS application provides information such as business application data, available licensing data, regional agency data, regional licensing data, and other related information [19]. In the process of granting PKKPRL, there are several sequences that are carried out for the issuance of license confirmation or approval [20]. This process is followed by an examination of the application documents with a period of 8 working days, followed by a feasibility test by a technical assessment team on the applicant's documents, which includes: a/. Consideration of data adequacy that can be supported by field verification; and/or, b/. for activities that are strategic and/or have a

broad impact, consultation with the Minister is carried out in advance.

KKPR Approval Service is one of the three granting schemes in KKPR. The reason for granting KKPR or PKKPR Approval is because an area does not / does not have RDTR or already has RDTR but has not been integrated with the OSS RBA system. This means that regions that still use the district/city RTRW as a single reference in granting KKPR must go through the PKKPR scheme. The PKKPR scheme is inseparable from the PTP process in it [21]. Because the district/city RTRW is still general in nature, starting from this it is necessary to detail the proposed business location.

The lack of understanding from the community and business actors regarding the basic requirements in the form of KKPRL makes the licensing process for activities at sea look complicated. Therefore, this article will explain to you about KKPRL and how to obtain it according to the regulations, especially for business activities.

The KKPRL obligation is outlined in Law Number 6 Year 2023 Article 16 paragraph (2) Part One in Article 18, which states that every person who carries out spatial utilization in coastal waters must have the suitability of marine spatial utilization activities from the Central Government (KKP). Then, Article 22B Part One in Article 18 also states that marine utilization must meet the suitability of activities and business licensing. Article 47 paragraph (4) in Article 19 also adds that every person who carries out the utilization of sea space permanently in the territorial waters and jurisdiction must have the suitability of sea space utilization activities.

Therefore, entrepreneurs need to obtain a KKPRL permit as a basic business requirement and/or risk-based business license before applying for an environmental permit. The basis of the KKPRL permit is to ensure that there is a clear spatial plan related to marine space utilization activities, which must consider the preservation of coastal water ecosystems, communities, traditional fishermen, national interests, and the right of peaceful passage for foreign vessels.

3.2 Dispute resolution mechanism for marine spatial utilization in the perspective of indonesian law

The management and utilization of coastal resources for economic interests without considering the ecological carrying capacity can disrupt the overall balance of the coastal ecosystem and negatively impact the welfare of local communities [22]. Therefore, it is important to resolve various issues related to the management of marine areas in order to regulate the boundaries of management and utilization of space in the sea, which currently still does not have legal certainty. In addition, planning and implementation of marine and coastal resource development is often sectoral and land-based, which affects the spatial planning aspect itself [23]. In Indonesia, the structuring and planning of coastal areas has been regulated through various official documents established by the government. The policies in these documents are designed to manage and control coastal resource utilization activities [24]. The management of coastal areas involves various sectors and stakeholders that have different objectives, thus adding complexity to the management. This condition often leads to overlapping policies, even conflicts, which have the potential to cause great losses, especially for local communities [25]. Control of space utilization is carried out through licensing mechanisms, provision of incentives and disincentives, and application of sanctions [26]. Licensing of space utilization aims to curb the use of space, so that every utilization must be in accordance with the spatial plan. If the utilization of space is not in accordance with the spatial plan, whether it has a permit or not, sanctions will be imposed [27].

The State Administrative Court (PTUN) was established as a means for the community to correct a government decision made by a state administrative official/government official that contains/disputes elements. The existence of PTUN aims to accommodate the interests of the community and civil legal entities in seeking resolution of the disputes they experience through the law enforcement process, therefore, as an institution in law enforcement, PTUN is a means for the community to seek justice, certainty and expediency in law enforcement. As part of the system of judicial power, the Administrative Court is within the scope of general courts whose organizational position is under the Supreme Court. As a dynamic state of law, Indonesia's concept of the rule of law is contained in the Preamble of the 1945 Constitution of the Republic of Indonesia, the 4th paragraph, which has the aim of realizing a system of national and state life that provides welfare, security, order, and peace.

This situation will only be obtained if there is a guarantee and equality of citizens before the law. To realize this, the state administration adopted in the 1945 Constitution of the Republic of Indonesia, the state through its apparatus in the field of state administration requires its officials to play an active and positive role. Efforts made by the Government must continuously foster, refine and discipline the government apparatus in order to become an effective, efficient, clean and authoritative state apparatus. In carrying out its duties, the state apparatus must be based on legal provisions based on the spirit and attitude of unconditional devotion to society. Therefore, to support the active and positive role of the state apparatus, the government needs to prepare measures to deal with the possibility of disputes and conflicts of interest, disputes between state administrative bodies or officials and citizens or communities.

In the provisions of Article 1365 BW which reads "every unlawful act (unlawful), which brings harm to another person, obliges the person who through his fault causes the loss, to compensate for the loss". The provisions of Article 1365 BW determine the obligation to compensate for unlawful acts. In judicial practice, this provision is also applied to unlawful government actions, which are "civil actions", because the point is the obligation to compensate for unlawful government actions [28].

Disputes that occur between state administrative bodies or officials and citizens or communities as well

as civil legal entities are called State Administrative disputes. Thus, when there is a dispute and has not been submitted to the court, there is room to resolve the problem through administrative efforts. Based on the provisions contained in Article 48 of Law Number 5 of 1986 concerning State Administrative Courts, it is stated that not every State Administrative Decree (beschikking) which is the object of a State Administrative dispute can be directly sued through the State Administrative Court, but there are other stages before being brought to court, these stages are called administrative efforts, thus the state administrative dispute must first be resolved through administrative efforts before being resolved through the State Administrative Court process. State Administrative Court is a procedural process using the authority to examine, hear and decide state administrative disputes (Riza, 2019). In the Explanation contained in Article 48 of Law Number 5 of 1986 Jo. Law No.51 of 2009 concerning State Administrative Courts states that administrative remedies are a procedure that can be taken by a person or civil legal entity if they are not satisfied with a state administrative decision issued by a state administrative official. The procedure is carried out within the government itself, which consists of administrative objections and appeals. The process of settlement, objections and appeals must be carried out by the superior agency or other agencies of the issuing state administrative decision in question, and the procedure is called "administrative appeal".

The object of dispute that arises in the field of state administration is everything related to state administrative decisions. The object of dispute at the State Administrative Court is the State Administrative Decision in accordance with Article 1 point 9 of Law 51 of 2009: A State Administrative Decree is a written decision issued by a state administrative body or official that contains a state administrative legal action based on applicable laws and regulations, which is concrete, individual, and final, which has legal consequences for a person or civil legal entity.State Administrative Decisions (TUN) are also called by another name, namely Government Administration Decisions as stipulated in Article 1 point 7 of Law Number 30 of 2014 concerning Government Administration: A Government Administration Decision, which is also called a State Administrative Decision or State Administration Decision, hereinafter referred to as a Decision, is a written decision issued by a Government Agency and/or Official within the sphere of government administration".

Article 12 paragraph (3) of the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 31 of 2021 concerning the Imposition of Administrative Sanctions in the Field of Maritime Affairs and Fisheries regulates that violations of the utilization of sea space are subject to administrative sanctions in the form of temporary suspension of operations. Article 16A Part One in Article 18 and Article 49 in Article 19 "Every person who utilizes the space of Coastal Waters that does not have the suitability of marine space utilization activities is subject to administrative sanctions". Article 18 Part One in Article 18 "In the event that the holder of the suitability of marine space utilization activities does not realize its activities within a maximum period of 2 (two) years since the suitability of marine space utilization activities is issued, the holder of the suitability of marine space utilization activities is subject to administrative sanctions in the form of revocation of the suitability of marine space utilization activities".

The issuance of the Regulation of the Supreme Court of the Republic of Indonesia Number 6 of 2018, dated December 4, 2018 concerning Guidelines for Settlement of Government Administrative Disputes. That the settlement of disputes in the state administrative court can only be done after making administrative efforts first. Thus, there are two paths or two flows in litigating in the State Administrative Court. In the case of a state administrative decision that does not recognize the existence of administrative remedies, the lawsuit is directly addressed to the State Administrative Court (Hadjon, 2002). It can be seen that the State Administrative Court and its procedural law contained in Law Number 5 of 1986 Jo. Law Number 51 of 2009, is facing a number of challenges in its implementation with the birth of Law Number 30 of 2014 concerning Government Administration. The birth of Law Number 30 of 2014 concerning Government Administration (hereinafter abbreviated as UUAP) is a material law in the state administrative justice system [29].

Conformity of Marine Space Utilization is a product of state administrative decisions, therefore the Ministry of Maritime Affairs and Fisheries through the Decree of the Directorate of Marine Management and Marine Spaces Number 77 of 2023 concerning Technical Guidelines for the Implementation of Marine Space Utilization Control regulates the mechanism for resolving disputes over marine space utilization based on administrative efforts. This provision is stipulated in Chapter VIII of the Directorate General Decree as follows:

"The settlement of disputes over marine spatial planning is organized by the Marine Spatial Planning Dispute Resolution Team based on the principle of deliberation for consensus. The scope that can be resolved in the settlement of marine spatial planning disputes related to:

1. *Marine spatial planning; and/or*
2. *Utilization of sea space.*

Every citizen who is harmed as a result of the issuance of KKPRL can submit administrative efforts to the Minister. Administrative efforts as intended are administrative objections. Administrative objections do not delay the implementation and/or validity of the KKPRL unless:

1. *Otherwise specified in the law; and*
2. *Results in greater losses.*

Administrative objections are not limited to the result of the issuance of KKPRL, they can also be addressed if the RTR document and/or zoning plan results in losses to community members. The community members in question are those whose daily livelihoods depend on marine space and the stipulation of the RTR and/or zoning plan has resulted.

Citizens who file administrative objections are referred to as objectors/opponents. Citizens or related agencies whose interests are submitted administrative objections are referred to as objectors/opponents.

The Minister through the Marine Spatial Dispute Resolution Team will immediately resolve administrative objections if they have the potential to burden state finances. The process of filing administrative objections by every citizen is free of charge.

The Marine Spatial Planning Dispute Resolution Team is a state civil apparatus in charge of resolving marine spatial planning disputes at:

1. *Directorate that organizes technical tasks in the field of marine spatial planning; and / or*
2. *Technical implementation unit within the directorate general.*

If necessary, the Marine Spatial Planning Dispute Resolution Team in the implementation of marine spatial planning dispute resolution can involve elements:

1. *Directorate General secretariat;*
2. *Directorate within the Directorate General;*
3. *Work units within the Ministry;*
4. *Ministries/institutions/ bodies;*
5. *Regional Government;*
6. *Experts and universities in accordance with their fields of expertise; and/or*
7. *Community.*

The Marine Spatial Planning Dispute Resolution Team as intended is tasked with:

1. *Summoning;*
2. *Requesting information;*
3. *Resolve disputes out of court; and/or*
4. *Take other necessary actions.*

The settlement of administrative objections filed by objectors/opponents is carried out through a mechanism for resolving marine spatial planning disputes by means of out-of-court settlement, namely deliberation to reach consensus. Consensus is a condition where an agreement is reached by all parties, including the objector/objector, objector/objector, and/or other parties involved.

In the event that deliberation does not reach consensus, then settlement is carried out by means of:

1. *Negotiation;*
2. *Mediation; or*
3. *Conciliation.*

In the event that out-of-court dispute resolution cannot resolve the problem, the problem can be resolved in court in accordance with the provisions of laws and regulations. Every citizen involved in efforts to resolve disputes over marine spatial planning has an equal position so that they have rights and obligations as well as recognition and fair treatment without discrimination".

[30] The weaknesses of dispute resolution through administrative appeals are; (1) At the level of objectivity of the assessment because the state administrative body/official who issued the Decree is sometimes/or usually related to his/her interests either directly or indirectly so as to reduce the maximum assessment that should be taken; (2) There are no definite rules, especially the expiration time of the assessment or hearing; (3) there is an opportunity to ignore a person's administrative appeal report or application.

Dispute settlement process carried out in the Government Administration environment as a result of the issuance of adverse decisions and/or actions.

The Minister who organizes government affairs in the marine sector has the authority to grant and revoke KKPRL Approval and can delegate the authority to grant approval for the suitability of marine space to the governor based on norms, standards and criteria from the Central Government [31].

The dispute resolution mechanism provided by the Ministry of Maritime Affairs and Fisheries makes it difficult for law enforcement to handle in practice. Cases of marine space utilization in reality occur not only to parties who have permits so that a formula must be found where to choose a forum for resolution.

4 Conclusion

The government of Pasongsongan village, Pasongsongan subdistrict, Sumenep district, in the process of forming village regulations, starts from planning, drafting, discussing, stipulating and promulgating. However, in the process of forming the village regulations, there was a lack of community participation, namely 25% of the community participated and 75% were not involved, so that the community felt that the village regulations created in their implementation lacked certainty, especially regarding their rights.

A village policy, in this case village regulations, can be said to be a democratic policy if it originates from active community participation, is processed transparently by the community and can provide benefits to the community. Steps that can change the behavior of village government administrators with a more pro-community attitude in a village, in the preparation of legal instruments, namely village regulations, must be implemented in a participatory manner, by involving all elements in society in a transparent manner so that the village regulations that are created later are truly meet the requirements of a good village regulation.

Village regulations tend to be problematic, the main reason being that the formation process is less careful and does not adhere to the principles of forming good village regulations, not being in tune with the conditions of the local village community and a lack of community involvement. The solution for village regulations that are considered problematic, it would be better to carry out a legislative review, executive review and judicial review. The indicators that village regulations in a village are generally problematic can be seen from the economic, socio-political, legislative drafting and investment perspectives. These are some of the causal factors that might occur in Pasongsongan village in synergizing with the community regarding participatory village regulation making.

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