The Battle of Interests between The Central Government and Local Governments: The Case of Drafting the Archipelagic Regions Law in Indonesia (2005-2014)

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Abstract. This paper discusses about conflict of interest between Central Government and local governments in the case of drafting the Archipelagic Regions Law in Indonesia (2005-2014). This study uses a qualitative approach using power interplay theory by Lowi (2009). The demands of archipelago region began in 2005 by requesting policy affirmation to The Central Government. The culmination of the archipelago region demands was the submission of the Draft Law on the Acceleration of Islands Regional Development to the House of Representatives in 2012-2013. Based on the research findings, there are several interests of the archipelagic regions in the submission of the Draft Law (RUU), as follows: the need for special regulations and the determination of budget allocations according to the characteristics of the archipelagic region. The Central Government's rejection of the Draft Law (RUU) was based on the consideration that the substance of the demands of the archipelagic regions has been contained in various other laws, the phrase 'archipelago' is unidentify, recognised and regulated by international law of the sea and the 1945 Constitution. The conflict between the regional government of the eight islands and the central government occurred behind closed through government administration mechanisms and open conflicts through arguments in the mass media. Based on the findings of this research, the assumptions of power interplay theory are confirmed in the distributive policies model. In this model, the policy-making process tends to involve peaceful and collaborative negotiations. This is evident because there is no significant conflict between The Central Government and the islands in Indonesia. The impact of the rejection of Draft Law (RUU) on eight island regions is the inequality of development and the small development budget and many achievements of macro development indicators that are still below national achievements.

1 Introduction

Theoretically, the principle of governance is divided into centralisation or decentralisation. However, at an empirical level, no country uses one of these principles purely[1]. All governments in the world always combine these two principles. The difference is in which principle is more dominant. The trend of countries in the world today is more to use the principle of decentralisation in governance [2,3].

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The same development also happened in Indonesia, since the 1999 reformation there was a *big bang decentralisation*, this was marked by many authorities that were delegated to the regions. Conceptually and juridically, Indonesia has undergone four dimensions of decentralisation: political, administrative, fiscal and economic [4]. The political choice to implement decentralisation in Indonesia at the beginning of the reformation was part of an effort to accommodate the demands of various regions that asked for greater authority from The Central Government. Decentralisation became a solution to maintain political and governmental stability and reduce various regional turbulence at the beginning of reform in Indonesia [5,6].

The dynamics of central and local governments relations in Indonesia continue to occur, although after the reformation, authority has been delegated to the regions through the spirit of decentralisation and regional autonomy, but until now there is still a tug of authority between the central government and local governments [7]. During the reform period, there were several laws on local government, during the enactment of Law No. 22 of 1999 the pendulum of regional autonomy led to the widest, real, and responsible autonomy and decentralisation [8], [7]. During the enactment of Law No. 32/2004 on Regional Government, the pendulum of regional autonomy swung towards broad, real, and responsible autonomy [8] and there were indications to retract the spirit of decentralisation and regional autonomy [7]. Finally, during the enactment of Law 23 of 2014 concerning Regional Government, the pendulum of regional autonomy still leads to the widest possible autonomy, but there is a recentralisation of authority and deautonomisation [7,9].

However, the implementation of decentralisation and regional autonomy in Indonesia did not necessarily reduce the conflict between The Central Government and local governments. Many upheavals and demands from various regions in Indonesia were dissatisfied with the implementation of decentralisation, resulting in conflicts between The Central Government and local governments. A number of these conflicts are evident from various studies, such as [10–12], which discuss financial or fiscal conflicts, [13] examines the strengthening of regional egos, then [14–17]examine overlapping laws and regulations, while [18–20] discuss the dualism of the authority of The Central Government organs and local governments.

Another conflict that still exists today is between The Central Government and eight island provinces in Indonesia: Riau Islands, Maluku, North Maluku, East Nusa Tenggara, Bangka Belitung, North Sulawesi, Southeast Sulawesi and West Nusa Tenggara. In 2005, these island provinces formed the Forum for Inter-Governmental Cooperation of Island Provinces, which in 2009 was transformed into the Islands Province Cooperation Agency (BKPK).

The Archipelago Province feels neglected because juridically it shows a legal vacuum that regulates the management authority held by the region in the sea area and there is also no law that regulates the utilisation, management and administration of government in the archipelago (Academic Paper of the Draft Law on PPDK) [35].

Since the old order until the reform era there have been 11 regulations governing regional government, but local governments have only had authority over the sea and maritime space in Indonesia since Law No. 22 of 1999 and regulation of provinces characterised by islands since Law No. 23 of 2014. This juridical fact shows that in the context of the relationship between the centre and the regions in Indonesia, government policy towards the islands has only existed since 2014. It took 69 years before there was a nomenclature of provinces characterised by islands, even though Article 25A of the 1945 Constitution states that Indonesia is an archipelago. This fact shows that there is a regulatory vacuum regarding archipelagic regions in Indonesia [21]

On the other hand, in the context of budgeting, eight island provinces in Indonesia object to the fiscal decentralisation formula that does not calculate land area in the DAU distribution process. The main indicators in the DAU calculation are land area, population and the

inclusion of island-based indicators, of course this is detrimental to island regions with small land area and small population. This condition has an impact on the small portion of the budget obtained by the island regions [21,22]. There are four impacts of the DAU distribution formula that is less orientated towards the islands. Firstly, the budget inequality between the islands and the mainland. Second, inequality in the education sector, third, inequality in the health sector and fourth socio-economic impacts [21]

There are challenges to government management and development in the islands, including the span of government control, connectivity between islands, implementation of educational activities on the islands, equitable access to health for people living on the islands, community welfare, access to information and scattered population distribution [21]

The development context of the existence of the eight island provinces is very important for Indonesia, because Indonesia is an archipelago where 2/3 of its territory is the sea, on the other hand the island province is very important in maintaining the integrity of the Republic of Indonesia, because of the 111 outermost (foremost) islands in Indonesia 63 islands are in the Islands province or around 56.75% [21]

However, the eight island provinces have felt neglected by the central government, which has had an impact on the relationship between the islands and the central government. The conflict between The Central Government and the eight island provinces has been ongoing since 2005. This conflict is identified by the following facts: First, through the Ambon Declaration, the island provinces asked The Central Government to realise the implementation of juridical recognition of the island region through regulations and programmes needed to accelerate development [23]. Second, based on the annual meeting of the eight island provinces in 2013, they urged the revision of Law 32/2004 on Regional Government, to accommodate the interests of the island regions and requested an increase in the amount of General Allocation Fund (DAU) for the island provinces by submitting the Draft Law on the Acceleration of Islands Regional Development (RUU PPDK) to the House of Representatives in 2012-2013. Third, based on the meeting of eight islands provinces in February 2023, they have agreed on several strategic steps in order to accelerate the struggle for the Draft Law on the Islands Region.

However, on the other hand, the demands and struggles of the eight island provinces did not receive a significant response from The Central Government, as identified by the following facts: First, The Central Governmentalways states that the demands of the eight island provinces have been accommodated through Law No. 23/2014, especially in Article 27 to Article 30 [24]. Second, the Islands Region Draft Law has always been included in the proposed National Legislation Programme (Prolegnas) since 2019-2023. However, the draft has always been unrealised and rejected by The Central Government.

Based on this explanation, the battle of interests between The Central Government and the Islands Regional Government in the preparation of the Islands Regional Draft Law can be divided into two time phases. First, 2005-2014, in this time span eight island provinces submitted the Islands Regional Development Acceleration Draft Law. Second, from 2014-present, eight island provinces proposed the Draft Law on the Islands Region. Based on these considerations, this study describes and analyses the conflict of interest between The Central Government and the Islands Regional Government. The focus of this paper only discusses the conflict of interest that occurred during 2005-2014 in the Draft Law on the Acceleration of Islands Regional Development.

2 Literature Review

The main theory that will be used in this study is the theory of power interplay proposed by Lowi (2009) which discusses the interaction between political interests and the process of making a policy or regulation in modern societies (interplay between politics and policy-making in modern societies). Lowi's main argument is that the policy-making process is influenced by political forces in the political arena. Lowi also argues that policies or formal rules cannot be understood only through substantial analysis, but must also be understood based on procedural and constitutional analysis through various power interplay[25].

Lowi (2009) states that there are three main arenas of power that influence the policy or regulation-making process: the legislative, executive and judicial arenas [25]. Specifically, this research will be in the executive and legislative arenas regarding the drafting of the Islands Region Draft Law in Indonesia. Each arena has different powers and affects the way policies are made and implemented. The policies formed depend on the balance of power between the three arenas.

Lowi (2009) also discusses the concept of interest distribution in the policy-making process. According to Lowi (2009), policies or regulations are not only influenced by general public interests, but also by special interests owned by certain interest groups. These interest groups can influence policy-making by mobilising political support and influence within the power arena. Finally, Lowi (2009) argues that to understand a policy and political power, a deep understanding of political and constitutional processes is needed. This includes an understanding of the political power that exists in each arena, the distribution of interests, and the balance of power between the three main arenas of power [25]

Referring to Lowi (1972), this model of interest struggle can be grouped into four. The first is distributive policies, which tend to involve peaceful negotiations and not much conflict as they simply distribute resources without taking from other groups. Second, constituent policies usually do not involve much direct coercion, but change the environment or structure of the arena in which individuals and groups operate. These policies structure or regulate the broader environmental conditions without direct coercion. Third, regulatory policies, this model often leads to conflict because they force individuals to change their behaviour through specific rules and regulations. This policy regulates individual behaviour with direct coercion. Fourth, redistributive policies are the most conflictual as they involve a significant shift of resources and power from one group to another, requiring a higher level of coercion. These policies shift resources from one group to another, often through high levels of direct coercion. This model of competing interests can be easily seen in the following figure [26]:

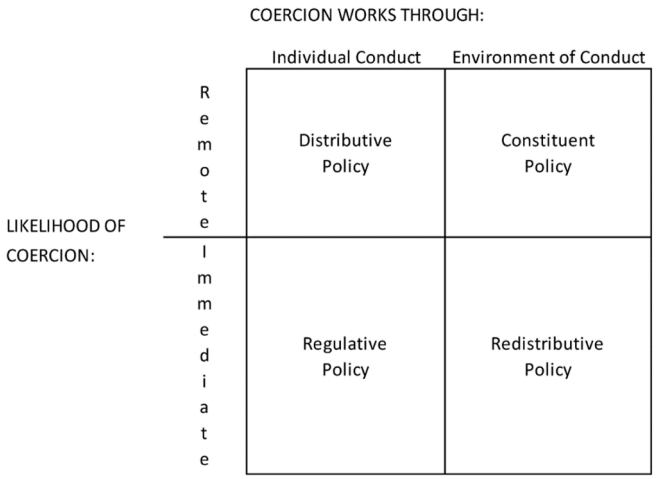

Fig.1 Types of Coercion, Types of Policy, and Types of Politics [26]

The theory of power interplay is used as an analytical tool to describe and analyse the dynamics of the drafting of the Islands Regional Draft Law and the differences in interests between The Central Government and the island governments in the drafting of the Islands Regional Draft Law.

3 Methods

This study uses a qualitative approach with the aim of going deeper into the research issues. This study uses an advocacy and participatory paradigm where research must be connected to politics and political agendas [27]

This paradigm is considered relevant to this study, because the main problem of this study is related to politics, namely the difference in interests between the Central Government and the Islands Regional Government regarding the appropriate decentralisation policy to regulate the islands in Indonesia. This conflict has been going on for 18 years, of course this is a big question, why there are still differences of interest between the central government and the archipelago government in the preparation of the Islands Region Draft Law. This study is also related to the political agenda, where a number of island regions want to get policy affirmation through rules that specifically regulate the islands, on the other hand the central government thinks that the current policy has accommodated the interests of the islands or is status quo.

This study uses a qualitative approach with an advocacy and participatory paradigm where research must be connected to politics and political agendas[27]. This study departs from the differences of interest between The Central Governmentand the archipelago government regarding the appropriate decentralisation policy to govern the archipelago in Indonesia. This conflict has been going on for 18 years, of course this is a big question, why is there still a difference of interest between The Central Governmentand the island governments in the drafting of the Islands Region Draft Law?

The data collection method in this study utilises the types of data collection strategies possible in qualitative research[27]. First, through document reviews sourced from the minutes of the trial of the Draft Law on the Islands Region, books, journals, research results, proceedings, working papers, printed and electronic media laws and regulations and other documents relevant to the research problem. The second data collection method is in-depth interviews with informants about the research problem.

To maintain objectivity in the interview process, informants were interviewed from all parties to the conflict, the central government and the islands as well as other related parties such as the house of representative and the house of representative regional. The interview findings are also confronted between the interviewed informants. The interview findings will be validated with several of secondary data and quantitative data to be theoretically interpreted and analysed.

4 Result

This sub-section will discuss regional interests in drafting of the Islands Regional Draft Law and the reasons or interests of The Central Government that reject the interests of the islands in the drafting of the Islands Regional Development Acceleration Draft Law.

Based on the findings, there are six reasons that motivate some island regions to ask The Central Government to release the regulation that specifically regulate island regions in

Indonesia (Academic Paper of the Draft Law on PPDK). The basis for the desire to accelerate development in the Islands Region is as follows: First, as many as 60% of the population or as many as 140 million Indonesians live in coastal areas, 22% of them live in coastal villages and remote islands that have been marginalized by development.

Second, the development policy approach in Indonesia so far has used a land-oriented regional development approach, even though Indonesia is an archipelago, therefore a different approach is needed for development in the marine province. Third, the difficulty in the regional control pattern, in land-based provinces, communication is much easier, while communication is much more difficult in island-based provinces. Fourth, the difficulty of local governments in empowering small islands within island provinces, especially those in border areas. Fifth, the small amount of General Allocation Fund (DAU) and Special Allocation Fund (DAK) provided by The Central Government. This is because the calculation of DAU and DAK is based on continental perspective, that determination of the formula only takes into account the land area and population. Sixth, the isolation of communities on islands that are located in archipelagic areas so that they have been marginalized by development.

Substantially there are three things, that become the scope fought for by eight island provinces in Indonesia: first, the criteria of the archipelago, this section regulates the criteria for a region to be categorised as an archipelago province or archipelago regency/city. Second, authorities and obligations, this scope regulates the limits of the islands' authority over the sea area in order to manage it. The boundaries of marine areas for island provinces and island regencies/cities have different provisions and do not contravene the rules agreed upon in UNCLOS. This section also regulates what authority is obtained by the archipelago in managing its marine resources. It also regulates the obligations of local governments in the management and utilisation of natural resources in the marine area

The third scope concerns the management and utilisation of natural resources in the archipelago. The process of regional management in the archipelago includes the process of planning, utilisation, also supervision and control. The process of utilisation of the island province should be for the prosperity of all the people in the island province. While the process of supervision and control of the island province by the governor as the holder of power in the autonomous region of the island province.

Substantially, these eight island provinces are requesting a regulation that specifically regulates the island regions, because the island regions have different characteristics from the mainland regions. The difference in these characteristics affects the challenges of development, services and development financing required by the island regions. Therefore, these eight island provinces urgently need a special cost standard that is regulated to facilitate the Regional Government of the Island Province and the regency/city of the island in preparing the island region program, with the existence of regulations and authority of the island regions will be able to accelerate efforts to realize the welfare of the people in the island regions and nationally.

Another findings, there are several of arguments by The Central Government in responding to demands from several of these island regions. The Central Government in its development rejected most of the demands of the island regions that wanted the Law on the Acceleration of Development of the Island Regions (PPDK).

The arguments of The Central Government that reject the demands of this archipelagic region: First, the terminology of the archipelagic region is not known and is not recognized by International Maritime Law, the 1945 Constitution of the Republic of Indonesia (UUD 1945) and national laws and regulations. The Central Government stated that in Chapter IV of the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982) which has been ratified by Law No. 17 of 1985 concerning the Ratification of the United Nations Convention on the Law of the Sea (United Nations Convention on the Law of the Sea), only

identify, recognizes and regulates the concept of "Archipelagic State", so that the concept of "archipelagic region" is not legally justified and is contrary to UNCLOS 1982.

The Central Government also said that Article 25A of the 1945 Constitution states that: *"The Unitary State of the Republic of Indonesia is an Archipelagic State with Nusantara characteristics with territories whose boundaries and rights are determined by law"*, this means that the 1945 Constitution only recognizes and regulates the concept of an "archipelagic state", so that the phrase "archipelagic region" in the Title of the PPDK Draft Law contradicts Article 25A of the 1945 Constitution.

Based on this argument, the phrase "archipelagic region" in the Title of the PPDK Draft Law creating legal problems because it can cause confusion between the concept of "archipelagic region" and the concept of "archipelagic state" which is identify, recognized and regulated by International Maritime Law and the 1945 Constitution. Therefore, legally, the concept and material contained in the PPDK Draft Law are contrary to the 1945 Constitution, International Maritime Law and national laws and regulations.

The second argument, The Central Government stated that most of the demands of the island regions have been accommodated in other regulations and laws that synergistically support each other. So if the regulation regarding the acceleration of the development of the island regions is regulated in a separate law, it has the potential to overlap regulations with other laws.

The third argument, The Central Government agrees with the spirit to accelerate development in provincial areas with island characteristics. In order to optimize development in the maritime sector, the Draft Law on Regional Government which is currently being discussed by the Government and the House of Representatives as a replacement for Law No. 32 of 2004, specifically regulates "provincial areas with island characteristics". This nomenclature does not cause confusion with the concept of "archipelagic state" because the definition of a provincial area with island characteristics in the Draft Law on Regional Government is only intended to acknowledge the existence of several provincial areas in Indonesia that geographically have special characteristics: the sea area is larger than their land area so that they require special attention. The Central Government accommodates the demands of these archipelagic areas through Law No. 23 of 2014 concerning Regional Government, in Chapter V concerning the Authority of Provincial Areas at Sea and Provincial Areas with Island Characteristics.

As a consequence of the neglect of the PPDK Draft Law, the eight island regions still feel the inequality of development and the small development budget. This condition has an impact on the slow pace of growth and development in the islands. Nurkholis, an University of Indonesia Economics and Business academic, stated that there is a gap between population and economic growth in the islands of 2.5%. Population growth is 5%, economic growth is only 2-3% [28].

Another impact can also be seen from the achievement of macro indicators of development in the islands. Referring to the findings of Arianto's research, et al (2023), five achievements of macro indicators of development in the islands with the following findings; first, the Human Development Index (HDI) indicator in 2022 was only Riau Islands Province (76.46) which exceeded the national HDI achievement (72.91), while 7 other island provinces were below the national HDI. Second, the indicator of the percentage of poor people there are 4 achievements in the Islands Province that are lower than the national and 4 island provinces that are higher than the national. The best achievement of the island province is Bangka Belitung Province (4.45%) and the national achievement (9.54%). Third, the open unemployment rate indicator, there are 5 island provinces with better development achievements than the national and 3 provinces higher than the national TPT. The best achievement of the island provinces is West Nusa Tenggara Province (2.89%) and the national achievement (5.86%). Fourth, the economic growth indicator, 4 island provinces

achieved higher than national growth and 4 provinces were lower than the national achievement. The best achievement of the island provinces is North Maluku Province (22.94%) and the national achievement (5.31%). Fifth, the gini ratio indicator, seven other provinces were better than the national level, while Southeast Sulawesi Province's achievement was worse than the national level. The best achievement of the island province is Bangka Belitung Province (0.236) and the national achievement (0.384).

The findings accumulated from these five indicators, 21 indicators or 52.5% in the eight island provinces achieved better than the national level and 19 indicators or 47.5% lower than the national level. The implementation of decentralisation in Indonesia has had an impact on improving people's welfare, which can be seen from the increase in the achievement of five macro indicators of development in the islands [29].

The research confirms that the implementation of decentralisation has an impact on improving community welfare. Development achievements in the islands will improve if the region gets policy affirmation through rules that specifically regulate it. With affirmation, the islands will have broader authority and a larger budget allocation. This will accelerate the development process in the islands in Indonesia.

This finding refers to the theory of the power interplay by Lowi [25], the power interplay that occurred in the process of drafting the Draft Law on the Acceleration of Regional Development of the Islands only involved two arenas: the executive and legislative. This executive arena involves actors from The Central Government, the actors are the Ministry of Home Affairs and regional government actors: the Governors in eight Island Provinces in Indonesia. While the legislative actors involve Commission II of the Indonesian House of Representatives and several members of the Regional People's Representative Council in eight island provinces in Indonesia.

The conflict between the island regions and the central government occurs in two patterns. First, closed conflicts are administrative conflicts through official letters from both parties and governmental institutional meetings between the conflicting parties and a number of other related parties. The second pattern of conflict is open conflict, in which the conflicting parties argue in various media related to the demands of the islands and the rejection of the central government.

The process of negotiation, the main actors from the islands are the governor and his staff, while the central government is the Ministry of Home Affairs through the Director General of Regional Autonomy. The pattern of negotiations carried out more through formal government approaches through letters and formal meetings. This pattern of negotiation makes the thrust of the demands of the eight island regions limited, because the position of the regional head is dilemmatic when dealing with the central government. This occurs because the governor is in two positions, elected by the people and on the other hand as the representative of the central government in the region, so that the negotiation process between the local government and the central government is not in an equal position.

On the other hand, political support from the House of Representatives for the islands in this conflict is also very limited, as there are only 47 members of the House of Representatives from the eight islands from the 2009 elections or 8.39% of the 560 members of the House of Representatives. This has limited manoeuvre to influence policy in the House of Representatives and has had no impact in exerting pressure at the national level on the central government.

The conflict of interests that occurred between the eight island provinces and The Central Government in the Drafting of the Law on the Acceleration of Development of the Island Regions into the distributive policies model. In this model it tends to involve peaceful negotiations and not much conflict because they only distribute resources without taking from other groups. This condition is reflected in the dynamics that happen between the eight island provinces and The Central Government which are relatively running in a formal mechanism

between Governors of the eight Island Provinces who interact with the Ministry of Home Affairs and Commission II of the Indonesian House of Representatives. The accumulation of this conflict of interest is marked by the accommodation of some of the desires of the island regions through Law No. 23 of 2014 concerning Regional Government, in Chapter V concerning the Authority of Provincial Regions at Sea and Provincial Regions with Island Characteristics.

5 Conclusion

Based on the discussion in the previous section, several conclusions can be drawn from this study, first, the interests of the island regions are to request policy and financial affirmation from The Central Government through regulations that specifically regulate the island regions. Second, The Central Government rejects some of the demands of the eight island provinces with the consideration that legally, the concept and material contents of the PPDK Draft Law are contrary to the 1945 Constitution, international maritime law and national laws and regulations and in substance some of these demands have been accommodated in a number of other applicable regulations and laws.

Third, the battle of interests between the eight island provinces and The Central Government in the case of the Drafting of the Law on the Acceleration of Development of the Island Regions is classified as a distributive policies model. Fourth, in this battle of interests, the position of the regional government is losing in negotiating with The Central Government. This is evidenced by one draft law demanded by the island regions only being accommodated into one chapter in Law No. 23 of 2014 by The Central Government.

The context of decentralisation, the findings of this study indicate the weaker bargaining power of local governments and the stronger position of the central government in Indonesia during this reform period. The stronger position of the central government is also actualised in the general provisions of Law No. 23/2014 on Regional Government which confirms that Government Affairs are governmental powers that fall under the authority of the President whose implementation is carried out by state ministries and regional government administrators to protect, serve, empower, and improve the welfare of the community. This explanation illustrates that the power belongs entirely to the central government run by the President.

The weaker position of the regions in the context of decentralisation is because Indonesia is a unitary state. Jimly Asshidiqie said that in the practice of a unitary state, the central government always holds control over various government affairs (Asshidiqie, 2004). This means that in a unitary state, in the context of the relationship between the central and local governments, the position of the central government is stronger than the local governments. This is because power basically belongs to the central government in a unitary state.

Based on the previous discussion, this study recommends the following steps as policy alternatives to solve this problem. First, the central government through the Ministry of Home Affairs should accelerate the issuance of Government Regulations on Provinces at Sea and Provincial Regions Characterised by Islands as mandated by Law 23/2014 on Regional Government in an effort to accommodate the interests of island regions in Indonesia. Second, the central government through the Ministry of Finance needs to change the indicators and weights in the calculation of the General Allocation Fund (DAU) by including indicators based on the islands, so that the DAU allocation for the islands will increase in number. Third, the islands should continue to fight for rules governing the islands in the frame of asymmetrical decentralisation for the islands by considering the geographical characteristics of Indonesia, which is an archipelago. This struggle must involve all forces in the islands such as the House of Representative, House of Representative Regional, local

governments, colleges, community leaders to put stronger pressure on the central government.

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