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RESEARCH ARTICLE

ASYMMETRIC CONCEPT OF DECENTRALIZATION MANAGEMENT OF INDONESIAN MARINE RESOURCES.

Prof. Dr. Nirahua Salmon EM¹, SH, M.Hum² and M.Ridwan², SH. MH.

1. Lecture at Faculty Of Law. Pattimura University, Ambon Indonesia
2. Graduate Student PhD, Study Program : Legal Science. Pattimura University, Ambon Indonesia

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Abstract

This research is to reveal and describe the normative dynamics that serve as the legal basis for the regulation and management of marine resources in the regions of Indonesia, based on the normative and sociological juridical approach based on qualitative research observations. The results showed that the concept of Asymmetric Decentralization has not been fully used as a basis in decision-making process, both at the national level and at the regional level. Consequently, the management of marine resources is based solely on public policy, so it has not been able to contribute greatly to the improvement of people's welfare, so that a Government Regulation and / or Presidential Regulation is required to follow up the regulation of marine resources based on the concept of asymmetric decentralization. Management of marine resources based on asymmetric decentralization, can provide justice for the community, because the community is involved both in the process of planning, implementation, implementation and evaluation and supervision, so that the rights of the community can be fulfilled both juridical and economically.

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Introduction:-

The Provincial Islands Cooperation Board defines the archipelago as an area with terrestrial aquatic characteristics such as Riau Islands Province 96%, East Nusa Tenggara 80.8%, Bangka Belitung Islands Province 79.9%, West Nusa Tenggara 59.13%, North Sulawesi Province 95.8% and North Maluku 69%, and Maluku Province with sea area of 92.6% [1]. In line with the island context, leatemia proposes a regional development model for terrestrial terrain with an island-based development model, since an island cluster, including parts of the island and waters among them and other natural forms, have close relationships with each other, into an integral geographic, social, cultural, economic, political and defense security entity [2].

It can be understood that empirically archipelagic-based areas have well-developed maritime resources that can help the region to achieve economic, social and political objectives, where the development of the maritime sector can also contribute to economic integrity through increased production, industry, services, and self-sufficiency in the maritime field, and can be developed to enhance the integrity of the economy either locally, nationally or internationally with a focus on the marine industry sector [3]. Some of them are the utilization of space above the sea as a means of sea transportation (transportation) and the port area into a marine terminal. While the utilization of

underwater space as a means of exploitation and exploration of marine biological resources that are generally spread in almost all areas of the archipelago, both in the sea waters of the Regency, the sea waters of the Province and in the territorial waters of the National.

Based on the constitutional basis of Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia concerning the regulation of marine natural resources, the arrangements in the context of exploration and exploitation management of marine resources that are environmentally sound can be regulated by paying attention to aspects of expediency so that such arrangements can be avoided excessive exploitation to marine resources, as well as arrangement of all activities above the sea, including fisheries management. The arrangement based on the empirical experience fosters the wisdom of maritime ecology that becomes the main pillar of local wisdom in human setting with the environment. [4]

The juridical correlation, in conjunction with the issues raised, indicates that the habits of coastal communities in Indonesia towards the utilization of marine resources, is very different from the government's efforts as a policymaker that regulates the management of marine resources in both the marine boundary aspect, arrests, ships used, to the type of marine resources explored, so it seems that government arrangements on marine activity only apply to the interests of the government and private interests on a large scale, while community interests based on local rules tend to be neglected, where society is bound and indirectly bowed by repressive governmental rules, in other words such circumstances permit the existence of a legal dualism between the repressive regulating law, sourced from the rules of government and laws governing the sociological context of local wisdom, so that when viewed objectively according to pre-observation, the existence of legal dualism which allows the existence of a legal clash or even can be referred to as "juridical asymmetry" ie the legal imbalance to the subject of law that manages the same object in the field of marine.

Thus, it can be comprehensibly understood that the realities of marine resource management if followed up based on the legal order both between norms and between legal systems, it will cause a collision with the function of the law itself that should be presented to give a fair sense to all legal subjects. Therefore, to understand legal contextualism based on diversity paradigm in unity system as the legal basis of regulation of marine resource management, the ground of article 35A of 1945 Constitution about the motto of *bhinneka tunggal ika*, is representative of interpretation of national recognition of the existence of diversity that depart from society pluralism, cultural diversity, diversity of ideology, linguistic diversity, and geographical differences to the diversity of natural resources in the Territory of the Republic of Indonesia. Thus thus, Politics *bhinneka tunggal ika* can be used as a reference in managing the community order including the government and natural resources that are full of diversity. Politics so *culturally diverse*, coming from Kakawin Sutasoma, can provide appropriate places on diversity in question and can provide right opportunities and equal access to all citizens to strengthen political building, empowering all citizens of the nation in a unity that is based on the ideals goals and goals are the same.

The existence of this paper, therefore, is intended as a material for Juridical Study and Analysis of Asymmetric Decentralization Concepts in Marine Resource Management in Indonesia

Formulation Of The Problem:-

Based on the description of the background as mentioned above, the researchers formulate the problem that can be collected as follows:

1. How the legal regulation of marine resources in the Indonesia?
2. What is the onset of decentralization asymmetric, in regulating the law of marine resources in Indonesia?
3. Does the management of marine resources based on the concept of decentralization a symmetric provide justice for the people?

Methodology:-

This research reveals and describes the normative dynamics that serve as the legal basis for the regulation and management of marine resources in the regions of Indonesia, based on the normative and sociological juridical approach based on qualitative research observations. The research approaches used the legislative approach and conceptual approach with the concept of asymmetric decentralization, based on the point of view of justice, environment and norms as a knife of analysis of marine area management issues, and technically the analysis of legal materials is done according to the method of interpretation qualitatively descriptive and holistic

Result and Discussion:-

Legal Setting of Marine Resources in Indonesia:-

Indonesia Marine Resource Setup:-

The juridical arrangements of marine areas can be categorized into two dimensions of law, namely (i) arrangements that are pleasurable with oceans in a geographical context, and (ii) ocean arrangements with respect to marine resources. The normative arrangements that are concerned with oceans in a geographical context are based on Law no. 17 of 1985 on Ratification of International Sea Law Convention (KHLI) 1982, Law no. 5 of 1983 on Exclusive Economic Zone, Law no. 6 of 1996 on Indonesian Waters, PP No.38 of 2002 as has been amended by PP. 37 of 2008 on List of Geographic Coordinates of T ducks - The Point of the Islands and Regulation of the Minister of Home Affairs Number 76 Year 2012 on Guidelines for Affirmation of Regional Boundaries. Regulation above, substantially regulates sea boundaries, methods of measurement of sea area state border and sea areas, distance calculation sea boundaries, as well as the provision of marine resources exploration in the country.

While the arrangements that are concerned with marine resources are based on the object of marine resources itself which is regulated in various sectoral laws and regulations such as Law no. 23 of 2014 on Regional Government, which also regulates the distribution of authority of marine resources management, Law no. 18 of 2008 on Shipping, under the coordination of Ministry of Transportation Director General of Hubla , PP. 61 Year 2009 About Port, under the coordination of Ministry of Transportation Dirjen Hubla ., Law no. 45 Year 2009 on Fisheries, under the coordination of KKP , PP. 21 of 2010 on Maritime Environment Protection, under the coordination of Ministry of Transportation Director General of Hubla , Law no. 4 of 2009 on Mineral and Coal Mining, under the coordination of the Ministry of Energy and Mineral Resources, and Law no. 1 of 2014, on the Management of Coastal Areas and Small Islands, under the CTF.

Analytically, setting the sea area in the context of regionalism based on the setting territories National Water consisting of waters in land (*Internal Waters*), archipelagic waters (*Archipelagic Waters*) and sea territory (*Territorial Sea*), in this case follow-up by the government to give birth Regulation Of The Minister Of StateNo. 76 of 2012 on Guidelines for the Confirmation of Regional Boundaries, which asserts that the form of marine boundary measurement in Indonesia is known in 3 (three) types of baseline stipulation, ie norm *baseline*, *straight baseline* and straight line archipelago (*achipelagic baseline*). Thus, the description of the method of determining the boundaries of regional marine areas in the territory of Indonesia will certainly differ from one region to another and will tend to affect the wide area of government authority in the sea of the sea to the management of marine resources.

By political jurisdiction, the comparative distribution of authority in Law no. 23 of 2014 on Regional Government indicates that the central government has authority over all fields and sub-sectors of activities throughout the Indonesian sea territory , while the provincial government has the authority to manage the field of activities in the limited sea area at a distance of 0-12 miles, with limited sub-sectors in the field of shipping, regional feeder harvesting, marine spatial planning, coastal community empowerment, fishery management and fishing vessels <30 GT, as well as mining business permits. As for the district / municipal governments, the authority of the sea is limited to the delivery of shipping businesses within the scope of the district / municipality, the organization of shipyard business, the issuance of the management of the local feeder port and dredging and reclamation in the local feeder harbor area

The existence of grammar laws to control marine resources as the description above, in the hierarchy rooted in the upper (*superior*) and leads to a lower level (*inferior*), and sectoral based field - the field of regulation of marine, was seen carrying two implications namely (i) positive implications that there is a division of roles and duties based on the main tasks and functions of each sector; (ii) Negative implications are understood on the basis of two assumptions namely the first that the occurrence of institutional disharmonization and harmonized regulation related to the management of marine resources between the regulation at the central level and at the regional level or the regulations that one with the other rules related to the authority of the regulation of resources sea. The second is the inter-sectoral interconnection disinterkoneksi of the implementation of authority of marine resources management because the management of marine areas has involved many sectors, resulting in overlapping authority.[5]

As Law of the Indonesian Sea Resources Management:-

Pancasila is ideolo gi basis for the state of Indonesia, is the basis of state and ideology of the Indonesian nation [6]. As the foundation of the philosophy of the State, Pancasila then becomes the foundation of philosophy as well as the juridical basis which gives direction in the provision of state life[7] . The basic principle of Pancasila in the context

of governance of marine resources management is understood to be in the fifth principle based on the principle of social justice for all Indonesian people, which explicitly "justice" should be a condition and a measure of the success of all state products. Thus, in the context of maritime economic development, particularly in regulatory and management aspects of marine resources, it should be based on the policy paradigm conceptualized based on the principles prevailing in the context of development of equity of marine resources management, contained in the following principles:

1. The principle of Sustainability is, the utilization of marine resources that do not exceed the carrying capacity and have the ability to maintain the needs of future generations.
2. The principle of consistency is the consistency of various agencies and layers of government from planning, implementation, supervision, and control to implement Marine Resource Management Program.
3. The principle of integration is the integration of marine policy through the planning of various sectors of government horizontally and vertically between the Government and the Regional Government.
4. Principle of Legal Certainty, namely all management and utilization of Marine based on legal provisions.
5. Principle of Partnership, namely cooperation agreement between stakeholders concerned with the management of Marine Resources.
6. The principle of Equity, which is the utilization of the potential of Marine Resources conducted for the greatest prosperity of the people and the welfare of society.
7. Principle of Community Participation, which is intended for the public to have a role in planning, implementation, supervision, and control in the implementation of Marine.
8. Principle of Transparency, ie openness for the public to obtain correct, honest and non-discriminatory information concerning the implementation of the Marine from the planning, utilization, supervision and control stages with due regard to the protection of individual, state, and state privacy rights.
9. The principle of decentralization, namely the delegation of some government affairs which is the authority of the Government to the governor as the representative of the Government, to the vertical institution in a certain region, and / or to the governor and regent/mayor in charge of general government affairs.
10. Principle of Accountability, namely the implementation of marine is done openly and can be accounted for.
11. Principle of Justice, the content of this law should reflect the rights and obligations proportionally to every citizen.

The eleventh principle is the basis of thought that is born from the ideological paradigm of Pancasila as the philosophical foundation of the nation which becomes the guidance in governing the aspect of the management of resources, so that the law and management of marine resources must refer to the principles which is also philosophically born from the paradigm of Pancasila.

Asymmetric Concepts in Legal Sea Resource Settings:-

Asymmetric Spatial Sea Area:-

The reality of Indonesia as an archipelago country can be understood on the basis of the constitution of article 25A of the 1945 Constitution and the geographical characteristic of Indonesia which stretches from Sabang to Merauke region, which geographically Indonesia has 17,508 islands with an area of 74.3% marine waters or 5.8 million km² includes 0.3% of the territorial sea, 2.8 million km² of Nusantara waters, and 2.7 million km² of exclusive economic zone and 25.7% of land with long coastline reaching 81,000 km. The land area of Indonesia reaches 1.9 million km² and the sea area of approximately 7.9 million km². These empirical facts form the basis of the consideration of the Djuanda Declaration which affirms the principles of *archipelagic state principle* which contains the philosophy of "Tanah Air" unity which in turn gave birth to KHLI 1982, ratified in national legislation through Law no. 17 of 1985 on Legalization of KHLI 1982.

Marine geopolitical normative according to KHLI 1982 / UU no. 17 of 1985 is accommodated in Article 1 paragraph (3) of Law no. 6 of 1996 concerning Indonesian Waters divides the space of marine areas within the following zones : [9]

1. National Water region consisting of Inland Waterway (*Internal Waters*), archipelagic waters (*Archipelagic Waters*) and Maritime Regions (*Territorial Sea*)
2. Water Areas Under State Jurisdiction, consisting of the *Contiguous Zone*, *Exclusive Economic Zone* and Continental Shelf (*Continental Shelf*)
3. Bodies territory outside the jurisdiction of the State comprising the high seas (*High Seas*) and Seabed In / area (*Area / Deep Sea Bed*)

As a follow up of Law no. 6 of 1996 on Indonesian Waters, the government through Regulation Of The Minister Of StateNo. 76 Year 2012 on Guidelines Affirmation of Boundaries determines the way of setting maritime boundary in Indonesian waters into three ways namely:

1. Normal line (*baseline*), the baseline drawn along the coast at *low water line* recognizing the geographic curve of the coast
2. Straight Line (*straight baseline*), the baseline is pulled from end to end (*point ot point*) in *low water line* (*low water line*) that connects the outermost points of the outer shores or clusters of the outermost islands in front of the beach .
3. The *archipelagic straight baseline* , the base line connecting the outermost points of the islands and the outermost shells of the archipelago.

The three ways of stipulating the boundaries stipulated under the law of sea law mentioned above, are absorbed into Law no. 6 of 1996 on Indonesian Waters, as in Article 5 which states that :

1. The baselines of the Indonesian archipelago are drawn by using the straight line of the archipelago.
2. In the event that the archipelagic straight line referred to in paragraph (1) can not be used, an ordinary base line or straight line shall be used.
3. The archipelagic straight line referred to in paragraph (1) shall be straight lines connecting the outer points of the low water line of the islands and the driest outermost crusts of the Indonesian archipelago.
4. The common base line referred to in paragraph (2) shall be the low water line along the coast.
5. The straight line as referred to in paragraph (2) is a straight line connecting the outermost points on the coastline which juttet and cornered to the mainland or a series of islands located near the coast.

Implementation of articles 5 , 7 & 47 of Law no. Of 1996 Indonesia regarding normal baseline (*normal baseline*), a straight baseline (*straight baselines*) and archipelagic baselines (*archipelagicstraightbaseline*), which describes the shape of the region, can be visually described as follows:

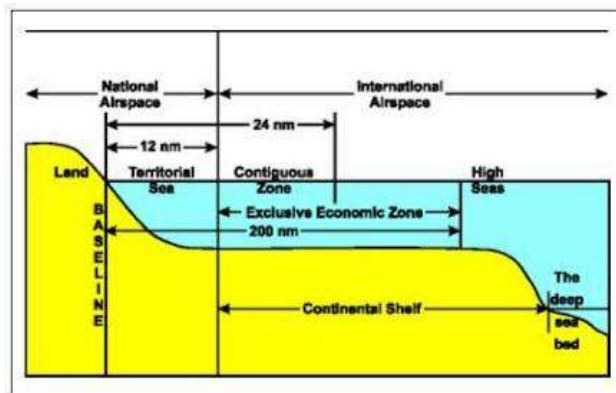


Figure 1:- Illustration of Division of Water Area

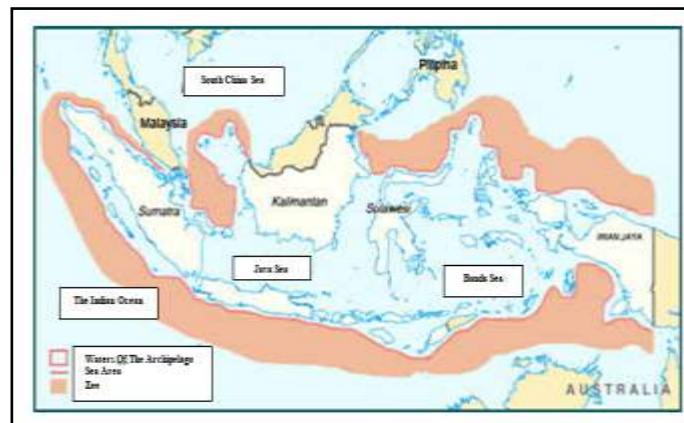


Figure 2:- Territorial Sea Map of Indonesia and ZEE

As an archipelago consisting of 17,508 islands and spread over 5.8 million km² of marine waters, the territory arrangement is implementable based on Regulation No. 76 of 2012 on Guidelines for Confirmation of Regional Boundaries, this regulation is intended as a follow-up of Law no. 23 of 2014 on Regional Government is concerned with the provision of boundaries of authority of marine resource management for provincial and district / municipal regions as mentioned in Article 27 paragraph (3) that the authority of provinces to manage marine resources is at most 12 nautical miles measured from the coastline toward the high seas and / or toward archipelagic waters.

The technical basis for the regulation of marine boundary boundaries for the provincial and municipal districts within the territorial waters of Indonesia based on Regulation Of The Minister Of Stateno. 76 of 2012 on Guidelines for Confirmation of Regional Boundaries, may be verified as follows:

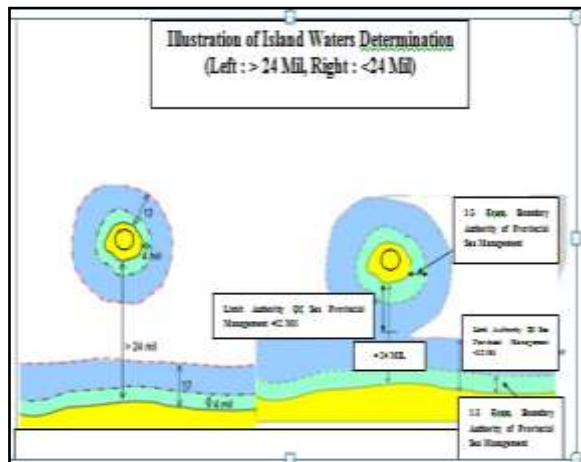
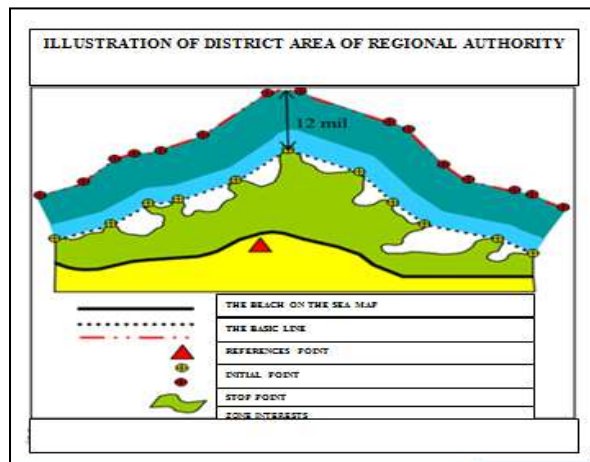


Figure 3:-Illustration of island water determination



Firgure 4:-Illustration of district area of regional authority

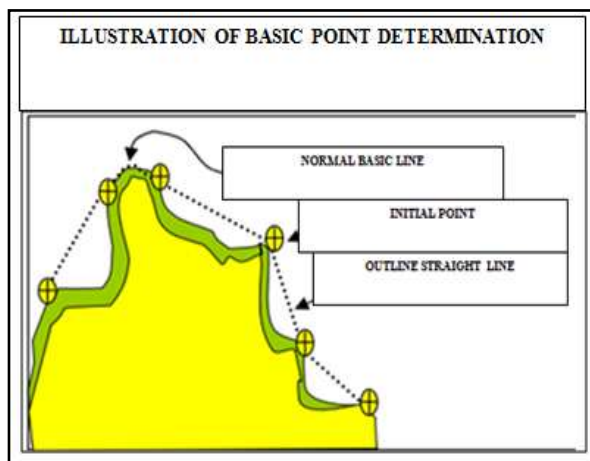


Figure 5:-Illustration of basic point detremination

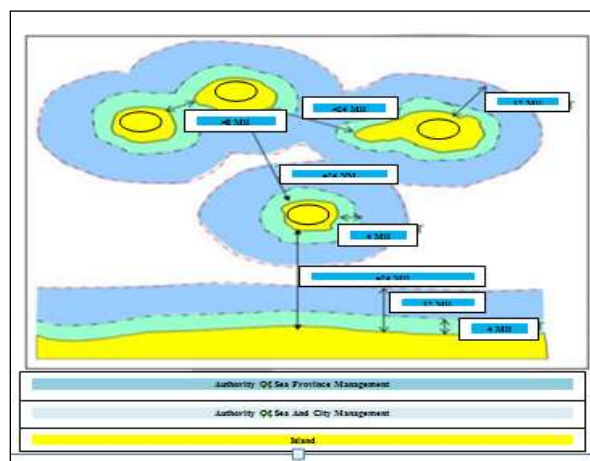


Figure 6:-Illustration of the determination of the waters of the island cluster

Source: Regulation Of The Minister Of State No. 76 Tahun 2012

In addition to the above mentioned Regulation Of The Minister Of State, there is also a regulation of the authority of marine areas based on the NO KKP Candidate. 1 Year 2009 on Fisheries Management Area (WPP), which consists of :

1. WPP RI 571 consisting of the waters of the Malacca Strait and the Andaman Sea
2. WPP RI 572 consisting of Indian Ocean Waters west of Sumatra and Sunda Strait

3. WPP RI 573 consisting of the Indian Ocean Waters south of Java to the South of Nusa Tenggara, Sawu Sea and West Timor Sea
4. WPP RI 711 which consists of the waters of Karimata Strait, Natuna Sea and South China Sea
5. WPP RI 712 consisting of Java Sea Waters
6. WPP RI 713 consisting of Makassar Strait Waters, Bone Bay, Flores Sea and Bali Sea
7. WPP RI 714 consisting of the Tolo Bay Waters and the Banda Sea
8. WPP RI 715 consisting of Tomini Bay Waters, Maluku Sea, Halmahera Sea, Seram Sea and Berau Bay
9. WPP RI 716 consisting of Sulawesi Sea and North Halmahera Island
10. WPP RI 717 consisting of the waters of Cendrawasih Bay and Pacific Ocean
11. WPP RI 718 consisting of Aru Gulf Waters, Arafura Sea and East Timor Sea

Visualization of the division of WPP RI as meant in KKP Regulation no. 1 Year 2009 is as follows :



Figure 7:- Picture of Illustration of Regional Division of WPP RI

Based on the reality of marine boundary regulation, it can be interpreted that there are 4 (four) types of sea border arrangements applicable in Indonesian waters , namely (i) Regulation of national water territory ; (ii) Regulation of territorial waters under the jurisdiction of the State ; (iii) Arrangement of the territorial waters of the provincial and municipal districts and (iv) the regulation of the waters territory of fisheries management

Thus, the normative implementation of the context of the Archipelagic State based on the Minister of Religious Affairs No. 76 of 2012 on Guidelines for Confirmation of Regional Boundaries which is the implementing regulation on regional regulation at the regional level, as well as a follow-up regulation of Law no. 6 of 1996 on Indonesian Waters and Law no. 23 of 2014 on Regional Government, should accommodate the regional geospatial region according to the characteristics and characteristics of their respective regions, so that in the regions - areas that are characterized *continental* or *archipelagic continental*, normatively, the spatial planning of geospatial areas according to the principle of *normal base line* , and *straight baseline*, whereas for *archipelagic*- based regions, the geospatial area spatial planning should be based on the principle of *archipelagic straight baseline* ie the base line connecting the outermost points of the islands and shells to the outermost dry ridge of the archipelago.

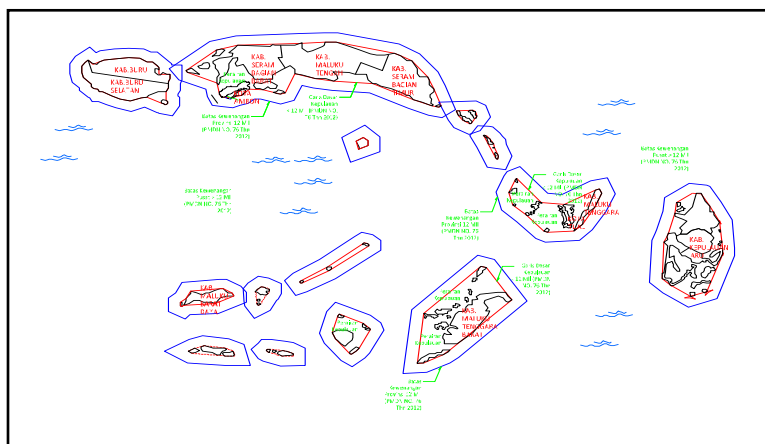
For example, an overview of marine and terrestrial areas in the island cluster area of Maluku indicates that the accumulation of marine areas in the Maluku region of island clusters is 1: 9, where the sea area is 89.20% compared with the land area of 10.80%.



Figure 8:-Picture of Maluku Province

Men normative analysis of the wave that Regulation Of The Minister Of State no 76 of 2012 on Guidelines for Confirmation of Regional Boundaries, is a derivative of Law no. 6 of 1996 on Indonesian Waters and Law no. 23 of 2014 on Regional Government. If further reviewed Law no. 6 of 1996 concerning Indonesian Waters does not provide confirmation on the regulation of the territorial waters of the provinces and municipal districts, the law on the Indonesian Waters is only a normative foundation that regulates the territorial waters of Indonesia in general which is nationally valid. Regulation Of The Minister Of State No. 76 of 2012 on the Guidance of Confirmation of Regional Boundaries, hierarchically has no basis of footing with the affirmation of regional borders, on the contrary, the confirmation of regional boundaries in this rule should be based on laws and regulations governing the establishment of a region, boundaries of an area, other than that if Regulation Of The Minister Of State no. 76 of 2012 on the Guidelines for the Confirmation of Regional Boundaries, shall remain based on laws and regulations concerning the establishment of a province or municipality, the position of this ministerial regulation shall only constitute technical guidance with regard to the procedure of affirmation of regional borders, not the legal norms implicated in a legal act. So it is towards the establishment of a base line should not have relied to a ministerial regulation, but must be based on the basic laws equivalent laws and the presence of a law should be based on the principle of power coming into effect of the Act – legislation.

Thus, attention characteristic of the Moluccas in the context of the islands or territories based island group then determining spatial geospatial which is based on the principle of *archipelagic straight baseline* that is the base line connecting points - the outermost point of the island and shellfish scallops dry the outer islands, implemented with two concepts as follows :



**Figure 9:-Assumption Model Sea Spatial Based Provincial Line
(Based on Regulation Of The Minister Of State Number 76 Year 2012)**

provincial and district/city) by waters area, where at a distance of 0-12 miles is the authority of the provincial government, while the distance over 12 miles is the authority of the central government, while the authority of the district / municipal governments to the sea is only centered on the issuance of licenses as mentioned in the shrimps - the invitation of the local government concerned.

Based on the paradigm of local governance over its authority in the sea area, the identification of the asymmetric concept according to its terminology dimension must be understood as the transfer of special authority only given to the region in order to maintain the existence of regionalism, and should be interpreted as a part in understanding the administrative distribution of governance, political objectives on a national scale, but in the context of regionalism itself. therefore, the decentralization of the authority of the administration asymmetrically becomes the solution to the problems of the region especially in the aspect of economic development which is deemed unfavorable to the local people based on the administration of the government in a symmetric way. The symmetric concept in the administration of governance tends to give birth to uniformity of governance in the region, respectively, in other words, the central point of governance arrangements are implemented centrally.

The central point of the administration of government authority asymmetrically decentralized to local government in broad outline can be implemented based on the principle (i) Recognition of Regional Typical Features; (ii) Positivism of Regional Recognition ; (iii) the model of the Governing based *bootom - up* ; (iv) Reconstruction of Tata Norma. Reality of asymmetric governance assumption mentioned above is based on the recognition of distinctive regional characteristics into consideration the regional administration is not symmetrical, can be traced in several regions in Indonesia such as:

Special Status of Special Capital Region (DKI) Jakarta:-

where the existence of Special Capital Region (DKI) Jakarta has the concept of different areas with other areas. nationally not escaped as a place organized events - a major event; (ii) Concentration of power of the government then make Jakarta as the Capital of the State; (iii) Jakarta as the Capital of the State, must have international-standard city, as a result of this privilege makes development in Jakarta so intense thereby Jakarta Governor involved in the president's cabinet meeting concerning the affairs of governance of space in the Iota ; (iv) Jakarta did not conduct the election to the local municipal level. Mayoral election in Special Capital Region (DKI) Jakarta was chosen by the Governor of Provincial Parliament for consideration of civil servants are eligible.

Provision of Special Autonomy (Autonomy) Papua:-

Basic policy of special autonomy from the fact various forms of disparity and inequality of various sectors in Papua. This inequality can be seen from the low level of welfare, public services are bad, the network infrastructure is still poor, to the low quality of human resources. As well as geographically, Papua, including the area *fountier* which there is a separatist movement makes the vulnerability separated from Indonesia to be high. Various problems that is the main reason for the provision of Special Autonomy (Autonomy) for Papua. So the purpose of this government that asymmetric loading of interest (i) Reducing the gap between the provinces of Papua and other provinces, (ii) Improving the lives of people in Papua province, (iii) Provide opportunities government to indigenous Papuans.

Regional Privileged Status Jogjakarta:-

Pleasing with Jogjakarta, there is little resemblance to the granting of special status to the Special Capital Region of Jakarta. Namely, (i) the historical aspect is a vital consideration for the granting of privilege status to Jogjakarta, before the independence of Indonesia, Jogjakarta already had full sovereignty as a kingdom led by Sri Sultan Hamengkubowono IX and Sri Paku Alaman XIII; (ii) the determination of Sultan Hamengkubuwono as the Governor of Jogjakarta Special Region, and Duke of Paku Alam as the Deputy Governor of Jogjakarta Special Region, which is done by automatic determination, without election; (iii) in the case of spatial planning, that the utilization or use of land in the Special Territory of Jogjakarta must obtain permission from the Sultanate and the Duchy; (iv) Jogjakarta is also considered a pivot of Indonesian culture that can attract domestic and foreign visitors.

The porch Nanggroe Aceh Darussalam:-

By juridical privilege regarding Aceh regulated by Law No. 8 of 2001 on Special Autonomy for Aceh Special Province as Nanggroe Aceh Darussalam. Things medasar of this regulation adalahpemberian broader opportunity to control and manage their own households including source of economic, explore and empower natural resources and human resources, foster innovation, creativity and democracy, improve community participation, to explore and implement social order in accordance with the noble values among the Acehnese, the optimal functioning of the Regional Representatives Council Aceh Province in advancing the implementation of the government in Nanggroe Aceh Darussalam and to apply Islamic law in society. Besides those mentioned above, as supporting the

implementation of regional autonomy in Aceh was formed Wali Nanggroe and Tuha Nanggroe which is customary institutions that accompany the indigenous life in Aceh.

Justice Based Marine Resource Management Concepts Decentralization Asymmetric:-

Kraft asymmetric decentralization in governance is a form of devolution to local government to form an organizing authority is not the same between the regional administration with government other areas. Generally caused by a variety of factors, some of them are historical factors, political factors, sociological factors, factors, economics and geographical factors. Departing from empirical paradigm geographic and distribution of island communities are forming a union territory, the realization of the development should be established in the context of fairness to the management of marine resources is a justice that is based on (i) Aristotle's substance distributive justice ; (ii) the principle of distinction John Rawls ; and (iii) social justice *Pancasila* .

Correlatively, Aristotle holds that in equitable distributive justice equal pay is given for equally equal achievements. In the context of distribution generally apply to the distribution, honor, wealth and other goods that can equally be found in society, and in this case the concept of asymmetric decentralization is considered in line with the principle of distributive justice aristoteles. In other words, the implementation of distributive justice can be justified in the context of regulating the authority of the government, especially in the aspect of marine resource management, where the central government grants regional government authority based on the maritime geographical conditions, the natural resources possessions of the region, the ability of the region to manage its marine resources.

As for the "principle of distinction" John Rawls says that the different social and economical must be adjusted to provide the greatest benefits for those most disadvantaged , because the situation of inequality must be given rules such that the most favorable of the weakest segments of society. This occurs when two conditions are met. First, the situation of inequality ensures *maximum minimorum* for the weakest groups. This means that the situation of the society should be such that the highest profit generated may be generated for the small groups. Second, inequality is tied to positions open to all. That is to say that everyone is given equal opportunity in life.^[11]

In the context of Pancasila-based justice on the regulation of marine resources law, it can be substantially understood from the philosophical aspect, (groundslag) on the basis of the formation of Pancasila, which is broadly aimed at a unity and unity in the context of differentiation without the identification of differences or separating the difference spaces. As the basis of thinking "the third precept" is a religious fact of difference that can not be separated, but should be incorporated into the unitary system of asymmetric decentralization in line with the *culturally diverse* , while the basic thinking " five precepts " concerned by the fact characteristic of community diversity, geographic diversity, and diversity of natural resources, so the form of the arrangements of society and the natural resources should lead to the achievement of social justice that ber- *culturally diverse* , Social justice in the context of natural resources, must be distributed uniformly in the territory of Indonesia according to the condition of its diversity. In other words, the juridical constitutional legal arrangements of natural resources should be based on a geographical fact, the organization is based according to the concept and political development center to the regions should take into account the geopolitical region, and implementation of the normative should provide economic priorities continental for the area - based regional continental and provide maritime economic priorities, for the region - the area of maritime-based. Reality is in line with the principle of the primacy of the paradigm, as mentioned by Ndura that The principle of primacy, they mean, people come first, which diperinah precedence, and in this area with the potential for broader marine resources should take precedence.

Conclusion:-

The results of empirical juridical research on the Asymmetric Decentralization Concept on the management of marine resources in Indonesia show that:

1. Settings marine resources Indonesia carried out on various regulatory laws sectoral namely Law No. 18 Year 2008 on the voyage, PP 69 of 2001 on Ports, Law No. 45 Year 2009 on Fisheries, PP 21 Year 2010 on Protection of Maritime Environment, Law No. 4 Year 2009 on Mineral and Coal Law 1 Year 2014 tentang Management of Coastal and Island - Small Island, Law No. 6 of 1996 Indonesia, PP 37 Year 2008 on the Geographic Coordinates Point - Base Point Islands and Regulation Of The Minister Of State 76 Year 2012 on Guidelines Region Emphasis .
2. The concept of Asymmetric Decentralization has not been fully used as a foundation in the decision-making process, both at the national level and at the regional level. As a result the management of marine resources is only based on public policy, so it has not been able to contribute greatly to the improvement of people's

welfare, so the need for a Government Regulation and / or Regulation of the President to follow up regulation of marine resources, based on the concept of asymmetric decentralization.

3. Marine resource management based on decentralization asymmetric, can provide justice for the people, because the people involved both in the planning, implementation, implementation, and evaluation and monitoring, so that the people can be met both legally and economically

Recommendation:-

For your consideration, input and feedback on the results of this research, they could offer a political assertion of jurisdiction that:

1. States should authorize the management of marine resources to regions based on asymmetric decentralization, through the affirmation of norms by issuing Government Regulations and / or Presidential Regulations and the reconstruction of norms with respect to regulation of marine area management in two categories namely (i) general norms containing principles and rules on the management of marine resources nationally, along with its technical matters sectorally; (ii) the special norm that is the norm applicable within the scope of the region only (Regional Regulation), is the norm regulating the aspects of regional authority in the field of licensing, technical implementation and supervision of the regional implementation of marine resources management at the regional level over all sectoral based over the general norm
2. State shall implements decentralization asymmetric on spatial marine and authority for governing through affirmation and recognition of the characteristic of regionalism in each region in Indonesia, and positively recognizes the characteristic of the area within a law - laws (presidential regulation / legislation government) based on the authority's discretion, as a follow-up of Article 18 of the Constitution of NRI 1945
3. Countries should implement the concept of decentralization asymmetric across Indonesia against the context of the management of marine resources in Indonesia, which is implemented with the principles of diversity in one unit, in particular with the principle of the primacy and authority discretion, as a form of Aristotle, the principle of distinction of John Rawls and specifically in line with justice Social Pancasila

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