



## Coordination and Advocacy of National Oil Spill Response Center to Achieve Maritime Security in Indonesia

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### **Abstract**

Offshore oil spills that repeatedly occur in Indonesia require government responsibility and supervision. National-scale offshore oil spill response is carried out by PUSKODALNAS (National Center for Command and Control of Operations for Mitigating Oil Spill Emergency at Sea). However, there is still a lack of PUSKODALNAS in the realization of its duties and functions, as seen from the National Legal Development Agency report on the Montara case which states that coordination is not fast and advocacy is not good. The purpose of this study was to analyze the constraints and strategies to overcome the coordination and advocacy constraints on the regulation of offshore oil spill response by PUSKODALNAS. This research is a qualitative type with interviews and literature study methods. The analysis showed that the coordination constraints on the regulation of offshore oil spill response by PUSKODALNAS involve the conception of the oil spill tier, the limitations of derivative regulations, and the dynamics of actors that have not been adjusted; while the advocacy constraints are related to the regulation of advocacy mechanisms, limitations of derivative regulations, and advocacy budget policies. The strategies to overcome coordination constraints on regulations for offshore oil spill response by PUSKODALNAS involve the review of Presidential Regulation 109/2006, technical planning for coordination on derivative regulations, and adjustments to the institutions structure; while the strategies to overcome advocacy constraints are related to the ratification of derivative regulations regarding the Compensation Team and marine quality inventory as well as ratification of international regulations.

**Keywords:** *Advocacy; Coordination; Offshore Oil Spill; PUSKODALNAS; Regulation*

### **Introduction**

Environmental degradation has the potential to disrupt the lives of coastal communities and cause maritime instability (Bueger & Edmunds, 2017). Mainly due to oil spills, which have been recorded since the 1970s have increased the environmental dimension profile of marine safety as part of maritime security. The dimensions of maritime security are shown by 4 main concepts, which include seapower, marine safety, blue economy, and human resilience (Bueger, 2015). The pollution caused by the oil spill poses a serious threat to maritime security in the environmental field, given the adverse effects it causes.

Oil spills at sea are often caused by accidents involving refineries, drilling rigs, and storage facilities. This can be caused by human factors, equipment, nature, or acts of violence. The cause of the accident triggering the oil spill include human error, equipment damage, natural disasters (such as hurricanes, storm surges, or strong winds), and willful terrorist acts and acts of war (U.S. Coast Guard, 2016). Oil spills as part of maritime security issues in the environmental field have the potential to disrupt bilateral relations with neighboring countries and increase regional tensions.

Although in general, awareness of the environment has developed, the pace of securing maritime environmental pollution is still relatively slow (Odeku & Paulos, 2017). For example, the 1989 Exxon Valdez oil spill still lingers even after decades, given that the most sophisticated clean-up efforts have not completely eliminated oil pollution. Other than that, cleaning up the 1.8 million gallon oil spill in the Gulf of Mexico 2010 using dispersants is classified as dangerous for the environment (Denchak, 2018).

Offshore oil spills that repeatedly occur in Indonesia require government responsibility and supervision. This is because it is not only a threat to security related to the livelihoods of coastal communities, but also to environmental sustainability which provides biota lives that make up biodiversity. The offshore oil spill case in Borneo in 2018 even caused the death of five fishermen, besides causing the death of Irrawaddy dolphins and 17,000 hectares of mangroves, as well as the destruction of 162 fishermen's livelihoods and crab ponds worth billions of rupiah (Walton, 2018). Meanwhile, a new case of leaking underwater drilled wells belonging to Pertamina, Indonesia's state-owned oil company, in 2019 polluted 4.5 km<sup>2</sup> of sea and affected the livelihoods of thousands of local residents (Sukma, 2019). The impact of these two cases shows the importance of risk minimization in overcoming offshore oil spills, considering that the recovery of an oil-polluted ecosystem will take a long time.

In Indonesia, the National Command and Control Center for Oil Spill Emergency Response Operations at Sea (*PUSKODALNAS*) organizes a national scale offshore oil spill response. Regulations that underlie the performance of *PUSKODALNAS* include Minister of Transportation Decree No. KM 355 of 2008 concerning the Establishment of the National Command and Control Center for Oil Spill Emergency Response Operations at Sea (*PUSKODALNAS*) which regulates the tasks of *PUSKODALNAS* including coordination and advocacy. However, quick response was not carried out in the 2010 Montara oil spill case. Meanwhile, the report from the Minister of Transportation to the President in the following year after the case occurred did not include the coordination and advocacy carried out by *PUSKODALNAS*. Poor advocacy and weakness proved to be a loss, especially for seaweed farmers, making it easier for PT TEP Australasia for years to evade Indonesia's lawsuit. This is worse than the coordination and advocacy of the United States (US) team regarding the offshore oil spill in the Gulf of Mexico. In that case, the US team was considered to understand the division of tasks and was quick to calculate the economic impact so that the response to compensation was completed within months (National Legal Development Agency, 2015).

Based on Presidential Regulation No. 109 of 2006 concerning Mitigation of Oil Spill Emergencies in the Sea, in the context of integrated tier 3 mitigation, a National Team was formed. The team later formed and fostered *PUSKODALNAS*, which consists of representatives from National Team agencies. Meanwhile, the National Team is chaired by the Minister of Transportation with the Minister of Environment and Forestry as deputy chairman and members consisting of (1) Minister of Energy and Mineral Resources, (2) Minister of Home Affairs, (3) Minister of Foreign Affairs, (4) Minister of Marine and Fisheries, (5) Minister of Health, (6) Minister of Forestry, (7) Minister of Finance, (8) Minister of Law and Human Rights, (9) Commander of the Indonesian Armed Forces, (10) Chief of Police, (11) Head of the Executive Agency for Upstream Oil and Gas Business Activities, (12) Head of Regulatory Agency for Supply and Distribution of Oil Fuel and Business Activities of Transporting Natural Gas through Pipelines, (13) Governors, Regents/Mayors whose areas include the sea.

The tier-based emergency preparedness and response approach becomes the basis for planning for offshore oil spill mitigation, by categorizing potential incidents according to severity and scale related to the required response capabilities. Tier 1 tends to be relatively small and/or affect local areas, so may be handled with local resources. Tier 2 has the potential to involve a wider range of impacts and stakeholders, so it could include mutual assistance agreements between industry operators or collaborations with local/provincial government levels. Tier 3 requires local, regional, and even national resource capabilities because it requires fast movement in an organized and coordinated response (IPIECA-OGP, 2013).

In the Balikpapan oil spill case in 2018, the community sued the government regarding the non-fulfillment of the *PUSKODALNAS* function in compiling oil spill national Standard Operation Procedure (SOP). The oil spill national SOP has just been ratified through a regulation in the form of Minister of Transportation Decree No. KP 263 of 2020 concerning Procedures for Mitigating Oil Spills (Tier 3) at Sea, which regulates the division of agency tasks, emergency response operations, reporting and communication systems, as well as submission of compensation claims by *PUSKODALNAS*.

Other than coordination issue, claims for compensation in offshore oil spill cases are still found to be slow to take years. In addition, the nominal verdict borne by polluters can be said to be small compared to lawsuits based on evidence of ecological and anthropological impacts. For example, although the initial charges claim of the Montara case in the amount of 22 trillion, a fine of 252 million was decided by the court in 2021, and even then, the defendant is still responding to an appeal (Hikam, 2021). This research is driven by the importance of examining what are the coordination and advocacy constraints and the extent to which *PUSKODALNAS*'s strategies are to overcome them on regulations, in the context of the need to realize the expected response for offshore oil spills.

## **Methods**

Qualitative research methods used in this study are interviews and literature studies to explore the problem (Dahlberg & McCaig, 2010). Interviewing can be described as a technique in which privately ask questions of another person in a one-on-one conversation. This study used a semi-structured interview technique that involves a number of open-ended questions based on topic guidelines. Data collection technique which using literature study involved searching for relevant publications (such as books and journal articles) and then critically analyzing and explaining them. Data analysis included three activities (Miles, Huberman, & Saldana, 2014).

- a. Data condensation: abstracting data that appears in a complete corpus (body) from written field notes, interview transcripts, and others.
- b. Data display: organizing information so that it can be quickly accessed.
- c. Conclusion drawing and verification: concluding and then verifying it in the form of arguments and a long review of the findings of other researchers before.

## **Discussion**

Indonesia's maritime security in the environmental field faces the risk of the threat of offshore oil spills originating from offshore oil and gas production. In the context of minimizing the impact, regulations regulate the handling of offshore oil spills which on a national scale (tier 3) are organized by *PUSKODALNAS*. Maritime security is a complex issue so that 13 institutions in the *PUSKODALNAS* structure are involved in dealing with tier 3 oil spills.

To deal with offshore oil spills, regulations in the form of Presidential Regulation 109/2006, Minister of Transportation Decree No. KP 355 of 2008, and Minister of Transportation Decree No. KM 263 of 2020 has specifically listed *PUSKODALNAS*. As the legal basis for the institutions that are members of *PUSKODALNAS* in carrying out actions, regulations for handling offshore oil spills reflect the readiness to minimize impacts and prosecute polluters. With good regulations, *PUSKODALNAS* as the coordinator of tier 3 oil spill response can be possible to quickly carry out its role because the plan has been formulated.

The task of *PUSKODALNAS* is primarily related to coordination and advocacy. However, there are still constraints on regulations related to efforts to carry out this task. *PUSKODALNAS* is expected to be able to handle tier 3 oil spills even though the constraints has not yet been fully resolved. Coordination and advocacy are also related to the commitment of responsiveness between institutions in the implementation of their functions. Agencies in the membership structure of *PUSKODALNAS* as actors carrying out regulatory mandates are related to each other, so that they cannot be separated from dependencies and collaborations.

### Coordination Constraints on Offshore Oil Spill Response Regulations

According to Bueger & Edmunds (2017), the maritime sphere is increasingly understood as a complex and holistic security issue that requires coordination. The interpretation of research data showed that there are several coordination constraints on regulations faced by *PUSKODALNAS*. First, the tier conception criteria are not clear so that one oil spill incident is classified differently. For example, there are those who classify the 2018 Balikpapan oil spill case as tier 1 on the grounds that, among others, the procurement of equipment assistance from outside the location is not through the Tier 2 Emergency Mission Coordinator, namely the Coordinator Harbormaster. There are also those who classify the incident as tier 2 considering that assistance was brought in from other locations, following up on local capacity unable to cope. Some even saw that the same case was a tier 3 oil spill because *PUSKODALNAS* representatives were found to have gone to the field supervising the mitigation process, even though this tends to be motivated by requests from senior officials because of the large amount of news even though the real situation is not on a national scale.

Problems for many governments in dealing with large-scale oil spills, are including limited compensation, lack of support from polluters during emergency response operations, lack of public accountability, and failure of restoration of environmental damage (Veiga, 2004). Even so, the conception of the duties and functions of *PUSKODALNAS* which consists of 13 institutions already includes the issues above. The implementation of advocacy for coastal fishermen is mainly carried out by the Marine and Fisheries Ministry, technical coordination of response included as the role of Ministry of Energy and Mineral Resources, monitoring the availability of tools to verifying reports is the role of the Ministry of Transportation, and the restoration of ecosystems is held by the Ministry of Environment and Forestry. However, the concept of the duties and functions of *PUSKODALNAS* still needs to be clarified. For example, in a tier 1 or tier 2 incidents, is *PUSKODALNAS* involved in supervising the technical response as in the Balikpapan case, or the limits of its duties and functions as according to regulations only receive reports without follow-up actions except when it comes to tier 3 oil spills.

The second *PUSKODALNAS* coordination constraint is related to derivative regulations. This means that legal products that regulate the handling of offshore oil spills in the form of a Presidential Regulation will be implemented slowly without the assistance of more specific and technical regulations, such as Ministerial Decrees or Regulations. This can be seen from the coordination of the 2009 Montara oil spill case, which although it has been already underway, it is undeniable that the speed can be increased if government already have technical instructions in the form of tier 3 SOP, which has just been ratified through Minister of Transportation Decree No. KM 263 of 2020. In addition, the constraint of the coordination process that was not responsive when the Montara incident occurred could be related to the

limitations of instruments that require the fulfillment of pollution control requirements in waters and ports, which were recently ratified through Minister of Transportation Regulation No. PM 58/2013. These regulatory requirements are certainly needed in the implementation of Minister of Transportation Decree No. KP 355 of 2008, which states that one of the functions of *PUSKODALNAS* is to supervise the availability of facilities, infrastructure, and trained personnel.

Reflecting on the case of Montara, which is classified as international tier 3 oil spill, which was not followed up quickly, handling oil spills also requires derivative regulations that lead to assignment substances to accelerate impact mitigation. Not only addressing environmental impacts, community losses also include the impact of oil spills that need to be addressed, primarily involving the coordination of Ministry of Environment and Forestry as well as Marine and Fisheries Ministry. This is in line with Albert, Amaratunga, & Haigh (2018) which states that the direct impacts of oil spills include ecological damage, while indirect impacts include food, social and economic aspects.

The third *PUSKODALNAS* coordination constraint is regarding the appointment of actors in preparedness regulations for offshore oil spills, where there are institutions with changes in nomenclature, they are required to coordinate with one another. Coordination as the integration of planning to control in the context of the realization of goals is characterized by several characteristics, including the responsibility of the head of the department, the unity of group action, the continuity of the process, and the interdependence of the departments (Naidu & Rao, 2008). *PUSKODALNAS* coordination constraint in appointing preparedness actors for offshore oil spills can result in delays in the coordination flow since the purpose of the invitation letter for the coordination meeting whose position is different from the current one.

It takes preparedness and appropriate oil spill management based on government regulations, in minimizing the negative impact of oil spills (Jabbar, Soesilo, & Hamzah, 2020). The problem with *PUSKODALNAS* coordination on the appointment of preparedness actors for offshore oil spills can also be due to the 13 institutions in the current number of membership structure that received input to be adjusted. Such adjustments can be in the form of a proposal for the need for development or addition of institutions regarding the not yet joining of several institutions such as Marine Security Agency as well as Coordinating Ministry for Maritime Affairs and Investment. Apart from that, it can also take the form of downsizing or reducing institutions which according to some opinions are unnecessary, such as *BP Migas*.

### **Advocacy Constraints on Offshore Oil Spill Response Regulations**

According to Bueger & Edmunds (2017), environmental degradation has the potential to cause maritime instability, especially for coastal communities. With regard to handling if pollution occurs in the form of offshore oil spills that cause damage to the marine environment, the first *PUSKODALNAS* advocacy constraint concerns the form of advocacy prepared for affected communities. The regulations governing the form of advocacy are not detailed enough, so that in one case of oil spill, synchronization between institutions did not take place immediately. For example, the Montara oil spill in October 2009 which caused environmental damage as well as a decrease in income and skin diseases for the community was followed up in the form of an initial advocacy step to collect evidence which was completed in May 2010, which was relatively slow compared to the US advocacy for the 2010 BP oil spill which in 6 months succeeded disburse compensation. In the Montara case, which considered tier 3 oil spill across national border, the President of the Republic of Indonesia only delivered his response in July 2010 or almost a year later, less swiftly than the US President who expressed a firm stance instructing the completion of BP oil spills within 3 months. The steps taken by the Ministries/Agencies against the Montara oil spill did not involve communication with Australia as a regulator.

The results of Veiga's research (2004) showed that England, France, Spain, and Portugal tend not to calculate the impact of oil spills on non-economic resources. As for Indonesia, the form of advocacy prepared for affected communities in the offshore oil spill incident has been regulated in Minister of Transportation Decree No. 263 of 2020 which explains that the Compensation Team consists of experts from relevant agencies in charge of reviewing the legal, operational, and administrative claim files. The regulation states that the types of community losses that can be replaced are damage to ownership, loss of income, and losses due to death of fishery products. In fact, the Minister of Environment Regulation No. 7 of 2014 stipulates that community losses due to pollution and/or environmental damage also include sick costs.

The second *PUSKODALNAS* advocacy constraint is the collection of evidence for offshore oil spills to filing for compensation. At the time the tier 3 incident in Montara occurred in 2009, the regulation that stipulates that *PUSKODALNAS* is tasked with advocating for victims of offshore oil spills did not yet have technical guidelines in the form of a Ministerial Decree or Regulation. This can be a factor in the difficulty of proving the impact of oil spills, so that the polluting company in the Montara case avoids paying compensation on the grounds that the evidence presented by the Government of Indonesia was unscientific. In addition, the constraint in the process of recording evidence that were not good and actual when the Montara incident occurred could be related to the limitations of environmental inventory arrangements, which are important in ensuring the initial status of sea quality in order to ensure the range of impacts after the oil spill incident, especially closely related to the process of calculating community losses nominal. Albert, Amaratunga, & Haigh (2018) mention that there are several main impacts of oil spills on communities, including socio-cultural, job loss, unrest, and socio-economic.

The reporting to archiving/documentation that is closely related to the collection of evidence of offshore oil spill incidents for the application of compensation is regulated through Ministry of Transportation Regulation No. KP 263 of 2020. It is not only limited to issues of handling operations, reporting to filing/documenting oil spill incidents also included in initial advocacy steps that lead to the need for compensation claims. Failure to claim compensation can occur if the community eliminates sample evidence because they are in a hurry to handle the oil spill themselves, in order to immediately save the tourism and health sectors. Minister of Transportation Decree No. KP 263 of 2020 stipulates that reporting of oil spills is facilitated through telephone and radio channels, while compensation claims are reviewed and forwarded with completeness, one of which is an incident report.

The third *PUSKODALNAS* advocacy constraint is the claim for compensation for offshore oil spills, which requires a large nominal budget, such as accommodation for sending expert witnesses, especially when it comes to courts abroad, not including the cost of sample testing which is also expensive for the purposes of proving and restoring ecosystems. According to Dally (2011), advocacy involves activities to overcome resistance and make decision makers agree to demands. Meanwhile, the overall advocacy steps for the financing of compensation claims are generally regulated using the State Budget, which has the potential to be constrained by the absence of regulations regarding the agency that plays a role in following up the submission process to the disbursement of the internal budget. This constraint can result in delays in the progress of advocacy steps while waiting for the availability of funds. Meanwhile, efforts to claim compensation if it is not carried out quickly can lead to a tendency to enter a period of vacuum, as happened in the settlement of the Montara case.

Even though *PUSKODALNAS*'s advocacy on the claim for compensation for offshore oil spill tier 3 which includes international parties showed that there is constraint, this result is not similar to incidents due to domestic oil and gas operations where compensation is generally successfully completed without taking years. According to article 84 paragraph 3 of Law Number 32 of 2009 concerning Environmental Protection and Management, "a lawsuit through the courts can only be taken if the efforts to resolve the dispute outside the chosen court are declared unsuccessful". In an effort to claim compensation in the Montara case, the government once scheduled negotiations with the polluting company but it was

deadlocked, so the settlement eventually turned to the litigation process. Obstacles to advocacy in negotiating compensation for offshore oil spills can be in the form of methods for calculating losses and the appointment of verifiers and sample testing laboratories whose credibility is questionable, regarding whether the determination has a basis according to international implementation.

### **Strategies to Handle Coordination Constraints on Offshore Oil Spill Response Regulations**

According to Jabbar, Soesilo, & Hamzah (2018), effective oil spill management requires strategy and implementation. The strategy to overcome the first *PUSKODALNAS* coordination constraint is related to regulations governing the tier conception as well as the duties and functions of *PUSKODALNAS*. Different from cooperation, which is voluntary in nature, coordination is regular and official (Naidu & Rao, 2008). Coordination between institutions is based on regulations rather than rely on initiative. Thus, the various tier concepts for an oil spill incident require a common perception, one of which is by considering the inclusion of the area of contamination estimation to the tier definition, in the ongoing review process of Presidential Regulation 109/2006. Although the different tier conceptions do not necessarily hinder coordination, the different tier classifications stated by the institutions indicate the need for an explanation of the definitions in the regulations accompanied by socialization of their application through the *PUSKODALNAS* forum. This is because the classification in incident reports is closely related to the duties and functions of *PUSKODALNAS*, between only receiving reports, participating in supervising the field, or carrying out follow-up countermeasures.

According to Yu & Bi (2019), the rights and obligations of the state to protect the marine environment and take action to prevent, reduce and control ocean pollution are stipulated by the 1982 UNCLOS (United Nations Convention on the Law of the Sea). This happens is the reason for the importance of clarity on preparedness regulations which are found to be increasingly adequate at the national level, after the ratification of tier 3 SOP through Minister of Transportation Decree No. 263 of 2020. The strategy to overcome coordination constraint, apart from clarifying the oil spill tier conception in Presidential Regulation 109/2006 as the highest legal product in Indonesia that specifically regulates oil spills, also requires a simulation of the implementation of the applicable coordination flow system means so as to identify gaps.

Yarger (2006) states that strategy is proactive and anticipatory, which includes ends, ways, and means. The next strategy that aims to overcome the constraints of *PUSKODALNAS* coordination is by ratifying juridical means in the form of tier 3 offshore oil spill derivative regulations. Several derivative regulations related to the coordination of *PUSKODALNAS* include Minister of Transportation Decree No. KP 355 of 2008 concerning the Establishment of *PUSKODALNAS*, Minister of Transportation Regulation No. 58 of 2013 regarding Pollution Control in Waters and Ports, Minister of Marine and Fisheries Decree No. KP. 54 of 2016 concerning the Team for Mitigating the Impact of Oil Spills on Marine and Fishery Resources, as well as Minister of Transportation Decree No. KM 263 of 2020 concerning Procedures for Combating Oil Spills (Tier 3) at Sea. However, supervision is still needed regarding the preparation of tiers 1 and 2 SOP, as well as regional oil spill management team programs such as ATSEA-2 (Arafura and Timor Seas Ecosystem Approach Phase II).

In maritime security studies, the blue economy is directly related to human security (Bueger, 2015). One of them is about the vulnerability of coastal residents from the threat of offshore oil spills. Derivative regulations that lead to the technical substance of coordinating emergency response to environmental impacts and community losses have increased from year to year. However, the institutions in the membership structure of *PUSKODALNAS* have not undergone any adjustments since the first ratification of Presidential Regulation No. 109 of 2006. The next strategy in order to overcome the obstacles in the constraints of *PUSKODALNAS* is by adjusting the appointment of actors in regulatory means.

Based on the results of data processing, it can be interpreted that the appointment of actors in *PUSKODALNAS* is sufficient, but cannot be separated from the need for improvement in terms of regulatory content. In addition, it is necessary to synchronize the implementation of responsibilities so that they do not run independently, as stated by Naidu & Rao (2008) that one of the characteristics of coordination is that the functions of each department are different in nature but interdependent. One of the points discussed in the review of Presidential Regulation 109/2006 is the adjustment of the nomenclature of oil spill response institutions. Not only that, the discussion on the need for Coordinating Ministry for Maritime Affairs and Investment as well as Marine Security Agency to be included in the *PUSKODALNAS* membership structure also takes place by first considering the urgency and role needed. In addition to the discussion regarding the addition of members which are expected to avoid double responsibilities with other institutions, the reduction of members including *BP Migas* so that the coordination flow is simpler is also discussed.

### Strategies to Handle Advocacy Constraints on Offshore Oil Spill Response Regulations

The first strategy to overcome the constraints to *PUSKODALNAS* advocacy, namely by ratifying a regulatory tool in the form of SOP which regulates the Directorate General of Sea Transportation to form a Compensation Team to advocate for victims of offshore oil spills. Ezeoba (2021) states that marine governance primarily includes the formulation of rules and their implementation to regulate marine use. This means that activities of marine resources using require regulations that ensure the implementation of advocacy in the event of an incident that damages the environment and harms the community. According to Dally (2011), advocacy is persuading people who is important in making decisions to negotiate issues. Although advocacy has been running on incidents many years ago since *PUSKODALNAS* was formed, the speed of settlement of compensation, which was not short, even a dozen years in the Montara case that involving international parties, showed that there is still a gap to accelerate compensation resolution.

According to Yarger (2006), strategy bridges the gap between reality and expectations, expressed in the form of goals to be achieved, ways to achieve goals, and the means used. Tier 3 offshore oil spill which has the potential to occur in the territory or cross national borders is the reason for setting up a fast advocacy plan that needs to be prepared. In addition to being pursued in the form of initiating the formation of a Compensation Team regulated by SOP, setting the types of community losses that can be claimed along with the submission format also helps make advocacy steps shorter. Although, the health aspect that in the Minister of Environment Regulation No. 7 of 2014 is classified as public losses due to pollution and/or environmental damage, is not included as types that can be replaced according to the Minister of Transportation Decree No. 263 of 2020.

Odeku & Paulos (2017) state that marine pollution can be handled effectively by using regulatory instruments. In other words, the next strategy to overcome the constraints to *PUSKODALNAS*'s advocacy is by ratifying derivative regulation means regarding the technical substances of pollution proving and claiming. With the collection and testing of samples to reporting that has a juridical basis, the results of the implementation of the proving stage are scientifically difficult to deny. Several derivative regulations related to collecting evidence of offshore oil spill incidents for the application of compensation include the Minister of Environment Regulation No. 7 of 14 concerning Environmental Losses Due to Pollution and/or Environmental Damage, Minister of Transportation Decree No. KM 263 of 2020 concerning Procedures for Combating Oil Spills (Tier 3) at Sea, as well as Minister of Marine and Fisheries Decree No. KP. 28 of 2020 concerning Procedures for Settlement of Disputes in the Management of Coastal Areas and Small Islands.

While the ratification of specific laws governing oil spills as already owned by the US can be a strategy to overcome advocacy constraints, the time taken for the drafting process makes it difficult to be realized in the short period. The strategies that can be implemented in the short term are in the form of



ratifying derivative regulations following up on Government Regulation no. 22 of 2021 concerning the Implementation of Environmental Protection and Management. The regulation mandates an inventory of marine quality, which is important as a database of comparative evidence of ecosystems before and after an oil spill incident. This comparison can show how severe the impact of oil spill is for the argument for claiming compensation. The status of marine ecosystems owned by Indonesia at this time has not been integrated into one data, but is scattered in the results of research by universities and research agencies of ministries/agencies. Derivative regulations still need to be followed up by increasing the responsiveness of stakeholders for offshore oil spills advocacy and updating one data.

The third strategy in order to overcome the constraints to *PUSKODALNAS* advocacy is by ratifying international regulations or formulating regional conventions on oil spills. One of the things included in pollution management is effort to overcome anthropological impacts, especially on the health and livelihoods of coastal communities. Meanwhile, international and regional convention regulations concerning joint response to compensation commitments involving countries are a step in planning the flow of advocacy against tier 3 oil spill risks.

Based on the results of data processing, it can be interpreted that the ratification of the OPRC (International Convention on Oil Pollution Preparedness, Response and Cooperation) as well as the preparation of the Regional Convention on The Protection of The Marine Environment and The Coastal Region in The Arafura and Timor Sea are steps to minimize the impact of oil spills. Odeku & Paulos (2017) state that various international instruments on regulation of the marine environment are an important foundation for various national laws that prohibit marine pollution. This is no exception for Indonesia, which through participation in international instruments can be helped in terms of joint handling of oil spills and communication of cross-border oil pollution resolution communications.

### ***Conclusion and Recommendation***

Coordination constraints on offshore oil spill response regulations by the National Command and Control Center (*PUSKODALNAS*) include the concept of oil spill tier in Presidential Regulation 109/2006 which is perceived to be diverse, the limitations of derivative regulations, and the dynamics of actors that have not been adjusted to the regulations. Meanwhile, advocacy constraints include the lack of detailed advocacy mechanism arrangements, limitations of derivative regulations regarding the collection of evidence on the impact of oil spills, and delays in advocacy steps due to waiting for budget disbursement policies.

The strategies to overcome coordination constraints on offshore oil spill response regulations by *PUSKODALNAS* consist of a review of Presidential Regulation 109/2006 including considering the inclusion of the estimated area of contamination in the tier definition, technical planning for coordination on derivative regulations accompanied by simulation of implementation, as well as adjustments to the nomenclature and the number of institutions in *PUSKODALNAS* membership structure. Meanwhile, the strategies to overcome advocacy constraints consist of the ratification of derivative regulations regarding the Compensation Team and marine quality inventory as well as ratification of international regulations.

It is recommended for *PUSKODALNAS* to follow up on the revision of Presidential Regulation 109/2006 which has been reviewed since 2018. *PUSKODALNAS* should also socialize derivative regulations for countering offshore oil spills at its annual meeting to several institutions so that perceptions between institutions are synchronized. Further research is needed on the relationship between other organizational aspects and the offshore oil spills response. Comparison of offshore tier 1 and 2 oil spill can also be done covering various regions and countries. In addition, the internal regulations of government and private institutions can be used as objects in this kind of research.

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