

Privatization of Water Resource Management in the Discourse of Local Government Autonomy

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ABSTRACT

Water is an inseparable element of human life. Data from National Geographic shows that Indonesia holds 6% of the world's water supply or about 21% of Asia Pacific water supply. Indonesia's potential water resource reserves are around 3,900 billion cubic meters per year. That potential lies in 5,886 streams and 521 lakes. The amount of potential water can be utilized around 690 billion liters per year. As much as 82 percent of surface water nationally is in Kalimantan, Papua, and Sumatra. Unfortunately, the potential of water is prone to run out because it is not managed responsibly. Regional autonomy that becomes the basis of independence of natural resource management in each region, is often misinterpreted. As a result, many areas experience drought in the dry season and floods in the rainy season. Through normative legal research methods, this study tries to find the root cause of water privatization in the regional autonomy regime. The problematic was then analyzed using prescriptive methods to find new concepts related to legal protection efforts against the symptoms of privatization of water management in the region. The results of this study show that: 1) Symptoms of privatization of water management are almost all over Indonesia; and 2) Legal protection efforts that can be done is to amend the Law on Water Resources and issue Local Regulations relating to the conservation and protection of water resources in the region. The recommendations given through this research are in the form of efforts to provide proper education on the management of water resources in the region.

Keywords: *privatization, water, autonomy, local government, Indonesia.*

1. INTRODUCTION

Water is the source of life [1]. Without water, living things can never live and die. In fact, one of the parameters in finding a replacement planet for Earth, is the presence of water. Water is an element that cannot be separated from human life, namely for the sake of human civilization [2]. It can even be ascertained, without consistent development of water resources, human civilization will not be able to reach the level that can be enjoyed until now [3]. Thus, the development and management of water resources, especially groundwater that supports human life, is the basis for the development of civilization [4].

Indonesia has tremendous potential for water resources. This is evidenced by Indonesia occupying the fifth position as a country that has the largest water resources in the world. Indonesia has six percent of the world's water supply or about 21% of the Asia Pacific water supply [5]. The potential reserves of Indonesia's water resources are around 3,900 billion cubic meters per year. The potential is in 5,886 rivers and 521 lakes. This potential amount of water can be utilized around 690 billion liters per year. As much as 82 percent of surface

water nationally is on the islands of Kalimantan, Papua and Sumatra. While on the island of Java, there are 4 percent or 124,000 liters per second [6][7].

The provision of clean water in Indonesia is starting to be feasible but far from safe. Data shows that only about 6% more of Indonesia's water is in the safe category. Ziadah Umami, Sanitarian of Tebet Timur Health Center, Jakarta, said it is important to realize access to safe and decent water for the community. The government, the private sector and the community, he said, must work together. Matthew Burton, Director of the USAID Indonesia Environment Office, said that the challenge of providing clean water today is climate change. Indonesia has a raw water deficit of 90 cubic meters per second. The need for water in Indonesia is increasing, but there is a decrease in raw water reserves. Bappenas data, ownership of access based on the main drinking water sources in Indonesia: bottled drinking water (AMDK) and refilled water 39%, drinking water sources are not suitable 7%, rain water 2%, protected springs 8%, protected wells 15%, drilled wells/pumps 19%, and pipes (plumbing) 10% [8].

The great potential for water that Indonesia has, encourages the government to guarantee sovereignty

over the constitutional rights of water for all people. The state is responsible for the welfare of the people, that the government must regulate the distribution of state wealth so that no people go hungry, no people die because they do not get social security [9]. Moreover, in the context of this water resource, the state should ensure the availability of decent water for the entire community. Including, people living in areas/region/district, where local governments are responsible for ensuring the fulfillment of basic needs for clean water. The practice and symptoms of water privatization must be prevented by the local government so that all people can enjoy clean water

Many people in the regions have felt the direct impact of the presence of water privatization which is very detrimental to the interests of the wider community. In Makassar, for example, in July 2011 the price of clean water suddenly rose to more than 100%. Then, in Penataan Village, Winongan District, Pasuruan Regency, there was a drought in the residents' wells due to water exploitation carried out by the Aqua Danone Factory [10]. Aqua has also exploited the springs in Klaten Regency since 2002 on a large scale. This has caused the water flow to decrease drastically and now farmers are forced to rent pumps to meet their irrigation needs. For their daily needs, residents must buy water from water tanks at high prices because their wells have started to dry up. And there are many more areas that have become victims of the massive privatization and exploitation carried out by the private sector. Based on that background, the authors want to examine, the practice of privatization of water resource and relation of local government autonomy in Indonesia.

2. DISCUSSION

The Indonesian constitution has provided guarantees and guarantees that people can enjoy the results of natural resources in a responsible manner through the right to control by the state. This guarantee is mainly stated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia [11]. The right to control the state in the earth, water and natural resources contained therein is a form of social human right, which demands government intervention in its management to realize the prosperity of the people themselves. Thus, the right to water is a human right that does not come from the state, but human existence that gives rise to the right to water [12].

However, modern developments indicate a change in perspective (paradigm) towards the development and management of water resources. The paradigm shift is caused by 2 things, namely the increasingly crisis of water resources and the movement

for environmental conservation. The implications of this fact have been concluded at the International Conference on Water and the Environment in Dublin, 26-31 January 199. The conference produced The Dublin Statement as one of the basic documents used to reach agreement on the development and management of world water resources [3].

The Dublin Statement states four guiding principles that describe a changing perspective on water. First, clean water is limited and vulnerable to external influences, it is very important to sustain life, development and the environment. Second, water development and management must be based on a participatory approach, involving users, planners and decision makers at all levels. Third, women have an important role in the provision, management and protection of water. Fourth, water has economic value in competition for its use and must be recognized as an item of economic value [3]. With the agreement of these four guiding principles, water, which was originally only a social object, has now shifted into an economic object that has a social function [13].

The consequence of this paradigm shift is that the role of the government changes to that of a facilitator which causes changes in the water resources development system [14]. Local governments have a very important role in managing water resources. In the Water Resources Law, these two types of Local Government authority. The Water Resources Law provides regional authorities and responsibilities for the management of water resources, namely in terms of establishing policies for managing water resources, establishing patterns of resource management. water resources, stipulates water resources management plans, stipulates and manages water resources protected areas, carries out water resources management, regulates, stipulates and grants permits for the supply, designation, use, and exploitation of water, establishes a water resources council, fulfills basic needs for a minimum of a day -days on water and maintain effectiveness, efficiency, quality, and order in the implementation of water resources management in river areas in one regency/city [1].

As a result, many water resources in the regions are controlled by the private sector which have been raised by the respective regional governments. The dangers of drought in the dry season and flooding in the rainy season lurk behind the symptoms of the privatization of water resources [15]. The community does not remain silent, some real actions have begun to

be carried out, for example The Community Coalition Against the Privatization of Jakarta Water (KMMSAJ) won the lawsuit against the President, Vice President, Minister of Finance, Minister of Public Works, Governor of DKI Jakarta, DKI DPRD, Jaya Drinking Water Company (PAM), and also defendants Palyja and Aetra (water operator) private sector) through the Central Jakarta District Court Decision in 2015 [16]. Through the Central Jakarta District Court Decision, the government is required to manage water resources in its territory for the greatest benefit of the people's prosperity and cancel the water management rights of Palyja and Aetra. The community considers that water is a part of human rights that cannot be privatized and privatized.

So that similar incidents do not happen again, the local government needs to improve. Local government authority in the management and management of water resources which is good in supporting sustainable development is at the level of local government, this authority includes setting management patterns and plans water resources in cross-provincial river areas. While in keeping relations with other countries, still managed regarding the existence of river areas cross-country and national strategic river areas. The government is authorized in protect protected areas, while the government's authority includes the determination and management of water resources protected areas in cross-provincial river areas, cross-country river areas and national strategic river areas, regulate and set and give permission. Management of water resources in areas that sustainability is under the responsibility of the government based on Article 33 paragraph (3) the 1945 Constitution. The state has the right to control water resources, in its control is used for the prosperity of the people [17].

Moreover, to overcome the impact of the phenomenon/symptoms of privatization of water resources in all regions in Indonesia, local governments must make good regulations to combat these phenomena. At the central level, the government also needs to make amendments to the law on water resources management, for example the nomenclature is changed to a law on the protection and management of water resources.

3. CONCLUSION

The results of this study show that: 1) Symptoms of privatization of water management are almost all over Indonesia; and 2) Legal protection efforts that can be done is to amend the Law on Water Resources and issue

Local Regulations relating to the conservation and protection of water resources in the region. The recommendations given through this research are in the form of efforts to provide proper education on the management of water resources in the region.

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