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INDONESIA - LAW ON WATER RESOURCES, 2004



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## INDONESIA - LAW ON WATER RESOURCES, 2004

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LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 7 OF 2004  
CONCERNING WATER RESOURCES  
WITH THE GRACE OF THE ALMIGHTY GOD  
PRESIDENT OF THE REPUBLIC OF  
INDONESIA

THE HOUSE OF REPRESENTATIVES OF THE  
REPUBLIC OF INDONESIA AND

THE PRESIDENT REPUBLIC OF  
INDONESIA

DECIDED:

Considering:

To promulgate : LAW ON WATER  
RESOURCES.

- a. whereas water resource is a gift from the Almighty God that provides benefit for the welfare of the entire people of Indonesia in all sectors;
- b. whereas in order to respond to the imbalance between the availability of water that tends to continue to decrease and the need for water that continues to increase, water resources must be managed by observing the harmony between the social, environmental and economic functions;
- c. whereas it is important to provide guidance for water resources management to achieve synergy and a harmonious integration among the regions, among the sectors, and among the generations;
- d. whereas in accordance with the spirit of democratization, decentralization, and transparency within the social, civic, and governance system, it is important that the community be given a role in the management of water resources;
- e. whereas Law Number 11 of 1974 concerning Irrigation no longer conforms to the growing needs, and changes in the life of the community, thus it needs to be replaced with a new law;
- f. whereas based on the consideration as referred to under points a, b, c, d, and e, it is necessary to establish a law concerning water resources;

Bearing in mind : Article 5 paragraph (1), Article 18, Article 18A, Article 20 paragraph (2), Article 22 point D paragraph (1), paragraph (2), paragraph (3), Article 33 paragraph (3) and paragraph (5) of the 1945 Constitution of the Republic of Indonesia;

With the Joint Approval of

## CHAPTER I: GENERAL PROVISIONS

### Article 1

Reference to the following under this law shall mean:

1. Water resources shall mean water, water source, and water force contained in it.
2. Water shall mean all water present in, above, or under the ground's surface, this definition comprises surface water, ground water, rain water, and sea water that exist on land.
3. Surface Water shall mean all water that exists on the ground surface.
4. Ground Water shall mean water that exists in the ground surface or the rocks under the ground's surface.
5. Water Source shall mean the natural and/or artificial place or container for water that exists at, above, or under the ground surface.
6. Water Force shall mean the potential contained in water and/or in the water source that is able to provide benefits or generate losses for the life and livelihood of human as well as their environment.
7. Water Resources Management shall mean the effort of planning, implementation, observation, and evaluation in regard to the conservation of water resources, exploitation of the water resources, and the control of the destructive force of water.
8. Water Resources Management Scheme shall mean the basis framework in planning, implementing, observing, and evaluating the

- conservation of water resources, exploitation of the water resources, and the control of the destructive force of water.
9. Water Resources Management Plan shall mean the result of a comprehensive and integrated planning that is necessary to manage the water resources.
  10. River Area shall mean the integrated water resources management area in one or more river flow areas and/or small islands having an acreage that is less or the same as 2.000 km<sup>2</sup>.
  11. River Flow Area shall mean a land area that constitutes an integral part of the river and the river branches, which serve a function to accommodate, store, and flow water that originated from the rainfall into the lake or the sea in a natural manner, of which on land boundary serves as a topographic divider and the sea boundary up to the water area is still affected by the on land activities.
  12. Ground Water Curvature shall mean an area that is constrained by hydrogeological borders, where the entire hydrogeological event such as the supplemental, flow, and discharge process of the ground water takes place.
  13. Water usage right shall mean the right to obtain and use or exploit water for various needs.
  14. Water utilization right shall mean the right to obtain and use water.
  15. Water exploitation right shall mean the right to obtain and exploit water.
  16. Regional government shall mean the head of the region along with other instruments of the autonomous region as the regional executive body.
  17. Central Government, hereinafter referred to as the Government, shall mean the instrument of the Republic of Indonesia consisting of the President and the ministers.
  18. Water resources conservation shall mean the effort to maintain the existence as well as the sustainability of the circumstance, nature, and function of the water resources so as it will continue to be available in a sufficient quantity and quality to meet the needs of living beings, either at the present time or in the future.
  19. Utilization of water resources shall mean the effort to regulate order, provide, utilize, develop, and exploitation of water resources in an optimum manner so as it can function effectively and efficiently.
  20. Control the destructive force of water shall mean the effort to prevent, overcome, and restore the damage to the environmental quality due to the destructive force of water.
  21. Destructive force of water shall mean the water force that may have a detrimental impact on life.
  22. Planning shall mean an activity process to determine the action to be taken in a coordinated and directed manner within the framework of achieving the objectives of the water resources management.
  23. Operation shall mean the regulation, allocation as well as the provision of water and water source to optimize the utilization of the water resources infrastructure.
  24. Maintenance shall mean the maintenance of the water source and water resources infrastructure aimed to guarantee the preservation of the function of the water source and water resources infrastructure.
  25. Water resources infrastructure shall mean the water construction and other constructions that support the management of water resources management, either directly or indirectly.
  26. Manager of water resources shall mean the institution authorized to manage the water resources.

## **Article 2**

Water resources shall be managed based on the principle of conservation, balance, public benefit,

integrity and harmony, justice, independence, as well as transparency and accountability.

#### **Article 3**

Water resources shall be managed in a comprehensive, integrated, and environmentally friendly manner with the aim to realize the benefits of water resources in a sustainable manner for the greater welfare of the people.

#### **Article 4**

Water resources shall serve a social, environmental, and economic function that will be implemented and realized in a harmonious manner.

#### **Article 5**

The State guarantees everyone's right to obtain water for their minimum daily basic needs in order to achieve a healthy, clean, and productive life.

#### **Article 6**

- (1) Water resources shall be controlled by the state and used for the greater welfare of the people.
- (2) The management of water resources as referred to in paragraph (1) shall be carried out by the Government and/or regional government by continuing to recognize the traditional right of the local traditional law community and any similar rights, to the extent that it does not contradict the national interest as well as the laws and regulations.
- (3) Traditional right of the traditional law community over water resources as referred to in paragraph (2) shall continue to be recognized to the extent that it still exists and has been affirmed with the local regional regulations.
- (4) The water utilization right shall be determined based on the state's authorities as referred to in paragraph (1).

#### **Article 7**

- (1) Water utilization right as referred to in Article 6 paragraph (4) shall take the form of water utilization right and water exploitation right.

- (2) Water utilization right as referred to in paragraph (1) may not be leased or assigned, partially or entirely.

#### **Article 8**

- (1) Water utilization right may be obtained without any permit in order to fulfill the daily basic needs for individuals and for smallholder estate crops within the irrigation system.
- (2) Water utilization right as referred to in paragraph (1) shall require permit in the event that:
  - a. the method of utilization is carried out by changing the natural condition of the water source;
  - b. is aimed for the interests of a group that requires a significant amount of water; or
  - c. is used for smallholder estate crops outside of the existing irrigation system.
- (3) Permit as referred to in paragraph (2) shall be granted by the Government or regional government in accordance to their authorities.
- (4) Water utilization right as referred to in paragraph (1) shall comprise the right to flow water from or to their land through another person's land that lies adjacent to their land.

#### **Article 9**

- (1) Water exploitation right may be given to individuals or enterprises pursuant to the permit from the Government or regional government in accordance to their authorities.
- (2) Holder of the water exploitation right may flow water above another person's and based on the approval from the holder of rights over the relevant land.
- (3) The approval as referred to in paragraph (2) may take the form of indemnity or compensation agreement.

**Article 10**

Provisions concerning the right to use water as referred to in Article 7, Article 8, and Article 9 shall be further regulated under a government regulation.

**Article 11**

- (1) To guarantee a water resources management that is able to provide benefits for the greater interest of the community in all sectors of life, a water resources management scheme shall be prepared.
- (2) The water resources management scheme as referred to in paragraph (1) shall be prepared based on the river area under the principle of integrity between the surface water and ground water.
- (3) The preparation of the water resources management scheme as referred to in paragraph (2) shall be carried out by involving the participation of the community and the business circle as much as possible.
- (4) Water resources management scheme shall be based on the principle of balance between the effort to conserve and exploit the water resources.
- (5) Provisions concerning the water resources management scheme as referred to in paragraph (1) shall be further regulated under a government regulation.

**Article 12**

- (1) The management of surface water shall be based on the river area.
- (2) The management of ground water shall be based on the ground water curvature.
- (3) Provisions concerning the management of surface water and the management of ground water as referred to in paragraph (1) and paragraph (2) shall be further regulated under a government regulation.

**CHAPTER II: AUTHORITIES AND RESPONSIBILITIES**

**Article 13**

- (1) The river area and the ground water curvature as referred to in Article 12 paragraph (1) and paragraph (2) shall be stipulated under a Presidential Decree.
- (2) The president shall determine the river area and the ground water curvature as referred to in paragraph (1) by observing the considerations of the National Council of Water Resources.
- (3) The stipulation of the river area as referred to in paragraph (1) shall comprise the river area in one regency/municipality, trans regency/municipality river area, trans provincial river area, trans national river area, and nationally strategic river area.
- (4) The stipulation of the ground water curvature as referred to in paragraph (1) comprises the ground water curvature in one regency/municipality, trans regency/municipality ground water curvature, trans provincial ground water curvature, and trans national ground water curvature.
- (5) Provisions concerning the criteria and procedure to determine the river area and the ground water curvature shall be further regulated under a government regulation.

**Article 14**

The authorities and responsibilities of the Government shall comprise of:

- a. determining the national policy on water resources;
- b. determining water resources management scheme at the provincial river area, trans national river area, and nationally strategic river area;
- c. stipulating the water resources management plan in the trans provincial river area, trans

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| <p>national river area, and nationally strategic river area;</p> <p>d. stipulating and managing the water source conservation area at the trans provincial river area, trans national river area, and nationally strategic river area;</p> <p>e. managing the water resources in the trans provincial river area, trans national river area, and nationally strategic river area;</p> <p>f. regulating, stipulating, and granting permit for the provision, designation, utilization, and exploitation of the water resources in the trans provincial river area, trans national river area, and nationally strategic river area;</p> <p>g. regulating, stipulating, and providing technical recommendation for the provision, designation, utilization and exploitation of ground water in the trans provincial ground water curvature and trans national ground water curvature;</p> <p>h. to establish a National Council of Water Resources, water resources council for the trans provincial river area, and the water resources council for the nationally strategic river area;</p> <p>i. to facilitate the settlement of trans provincial disputes in the management of water resources;</p> <p>j. stipulating the norm, standard, criteria, and guidance in regard to managing the water resources;</p> <p>k. to maintain the effectiveness, efficiency, quality, and order in the management of water resources at the trans provincial river area, trans national river area, and nationally strategic river area; and</p> <p>l. to provide technical assistance in the management of water resources to the provincial government and the regencies/municipal government.</p> | <p>a. stipulating policies in managing the water resources in its area based on the national policies on water resources by observing the interests of the surrounding provinces;</p> <p>b. stipulating the water resources management scheme for the trans regency/municipality river area;</p> <p>c. stipulating the water resources management plan for the trans regency/municipality river area by observing the interests of the surrounding provinces;</p> <p>d. stipulating and managing the water source conservation area at the trans regency/municipality river area;</p> <p>e. managing the water resources in the trans regency/municipality river area by observing the interests of the surrounding provinces;</p> <p>f. regulating, stipulating, and to grant permits for the provision, designation, utilization and exploitation of water resources in the trans regency/municipality river area;</p> <p>g. regulating, stipulating, and providing technical recommendation for the provision, acquisition, designation, utilization and exploitation of the ground water in the trans regency/municipality ground water curvature;</p> <p>h. to establish a water resources council for or under another name at the provincial level and/or in the trans regency/municipality river area;</p> <p>i. to facilitate the settlement of trans regency/municipality disputes in managing the water resources;</p> <p>j. to assist the regency/municipality within its area in fulfilling the basic needs of the community for water;</p> <p>k. to maintain the effectiveness, efficiency, quality, and order in managing the water resources in the trans regency/municipality river area; and</p> <p>l. to provide technical assistance in managing the water resources to the regencies/municipal government.</p> |
|---|---|
- Article 15**
- The authorities and the responsibilities of the provincial government shall comprise of:
- |           |   |
|-----------|---|
| <p>l.</p> | <p>to provide technical assistance in managing the water resources to the regencies/municipal government.</p> |
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#### **Article 16**

The authorities and responsibilities of the regencies/municipal government shall comprise of:

- a. stipulating the policies in managing the water resources in its area pursuant to the national policy on water resources and the policy in managing the provincial water resources by observing the interests of the surrounding regencies/municipalities;
- b. stipulating the water resources management scheme in the river area in a regency/municipality;
- c. stipulating the water resources management plan in a river area within one regency/municipality by observing the interests of the surrounding regencies/municipalities;
- d. stipulating and managing the water source conservation area in the river area within one regency/municipality;
- e. managing the water resources in the river area within one regency/municipality by observing the interests of the surrounding regencies/municipalities;
- f. regulating, stipulating, and to grant permits for the provision, designation, utilization and exploitation of ground water in its area as well as the water resources in the river area within one regency/municipality;
- g. to establish the water resources council for or under another name at the regency/municipality level and/or in the river area within one regency/municipality;
- h. to fulfill the minimum daily basic need for water of the community in its area; and
- i. to maintain effectiveness, efficiency, quality, and order in managing the water resources in the river area within one regency/municipality.

#### **Article 17**

The authorities and responsibilities of the government of villages or as referred to under another name shall comprise of:

- a. the management of water resources in the village areas that have not been carried out

by its community and/or government by considering the principle of public benefit;

- b. to maintain effectiveness, efficiency, quality, and order in managing the water resources order in managing the water resources under its responsibility;
- c. to fulfill minimum daily basic need of the village residents for water in accordance to the existing availability of water; and
- d. to observe the interests of other villages in managing the water resources in its area.

#### **Article 18**

Part of the authorities of the Government in managing the water resources as referred to in Article 14 may be carried out by the regional government in accordance to the laws and regulations.

#### **Article 19**

(1) In the event the regional government has not been able to implement part of their authorities as referred to in Article 15 and Article 16, the regional government may delegate the said authorities to the government level above it in accordance to the laws and regulations.

(2) The implementation of part of the authorities of the regional government to manage the water resources as referred to in Article 15 and Article 16 must be acquired by the government level above it in the event:

- a. the regional government is unable to implement part of the authorities to manage the water resources so as to endanger the public interest; and/or
- b. in the event of a trans provincial or trans regency/municipality dispute.

### **CHAPTER III: CONSERVATION OF WATER RESOURCES**

#### **Article 20**

(1) The conservation of water resources is aimed to maintain the sustainability of the water

- resources' ability to provide support, ability to accommodate, and function.
- (2) The conservation of water resources as referred to in paragraph (1) shall be carried out by means of the protection and conservation of the water source, preservation of water, as well as the management of the water's quality and controlling water pollution by using the water resources management scheme stipulated for each river area as a point of reference.
- (3) Provisions concerning the conservation of water resources as referred to in paragraph (2) shall become one of the points of reference in preparing the spatial planning.
- i. preservation of the conservation forest, wildlife reserve, and natural preservation area.
- (3) Effort to protect and preserve the water source as referred to in paragraph (2) shall be used as the basis in administrating the land.
- (4) The protection and preservation of the water source shall be carried out by vegetative means and/or civil engineering by means of social, economical, and cultural approach.
- (5) Provisions concerning the protection and preservation of the water source as referred to in paragraph (2) shall be further regulated under a government regulation.

#### Article 21

- (1) The protection and preservation of the water source is aimed to protect and preserve the water source as well as the surrounding environment thereof against any damage or disturbance caused by the forces of nature, including drought and human acts.
- (2) The protection and preservation of water source as referred to in paragraph (1) shall be carried out by means of:
- a. maintaining the sustainability of the function of the water absorption and water catchments areas;
- b. controlling the utilization of the water source;
- c. water filling at the water source;
- d. regulating the pre facilities and sanitation facilities;
- e. protection of the water source in relation to the development activities and the utilization of land at the water source;
- f. controlling the cultivation of land at the upstream area;
- g. regulating the water source demarcation area;
- h. forest and land rehabilitation; and/or

#### Article 22

- (1) Water preservation is aimed to maintain the existence and availability of water or water quantity, in accordance to its function and purpose.
- (2) Water preservation as referred to in paragraph (1) shall be carried out by means of:
- a. storing excess water during the rain so as it can be used when it becomes necessary;
- b. to conserve water by means of efficient and effective utilization; and/or
- c. controlling the usage of ground water.
- (3) Provisions concerning water preservation as referred to in paragraph (2) shall be further regulated under a government regulation.

#### Article 23

- (1) The management of water quality and water pollution control is aimed to maintain and restore the water quality that enters and exists in the water sources.
- (2) The management of water quality as referred to in paragraph (1) shall be carried out by repairing the water quality in the water source and water resources infrastructure.

- (3) Water pollution control as referred to in paragraph (1) shall be carried out by preventing the entrance of water pollution in the water source and water resources infrastructure.
- (4) Provisions concerning the management of water quality and water pollution control as referred to in paragraph (1) shall be further regulated under a government regulation.

#### **Article 24**

Every person or enterprises shall be prohibited from carrying out activities that may damage the water source and its pre facilities, disturb the effort to preserve water, and/or cause water pollution.

#### **Article 25**

- (1) The conservation of water resources shall be carried out in the river, lake, reservoir, swamp, ground water curvature, irrigation system, water catchments area, wildlife reserve area, natural preservation area, forest area, and coastal area.
- (2) The regulation of the conservation of water resources within the wildlife reserve area, natural preservation area, forest area, and coastal area shall be regulated under the laws and regulations.
- (3) Provisions concerning the conservation of water resources as referred to in paragraph (1) shall be further regulated under a government regulation.

### **CHAPTER IV: EXPLOITATION OF THE WATER RESOURCES**

#### **Article 26**

- (1) The exploitation of water resources shall be carried out by means of administrating, provision, usage, development, and utilization of the water resources by using the water resources management scheme as the point of reference as stipulated under the river area.
- (2) Exploitation of the water resources is aimed to utilize the water resources in a sustainable manner by prioritizing the fulfillment of the basic need of the community life in a fair manner.

- (3) Exploitation of the water resources as referred to in paragraph (1) shall be exempted for the wildlife reserve area and natural preservation area.
- (4) Exploitation of the water resources shall be carried out in an integrated and fair manner, either between the sectors, between the regions or among the community groups by encouraging the cooperation scheme.
- (5) Exploitation of the water resources shall be based on the conjunction between rain water, surface water, and ground water by prioritizing the exploitation of surface water.
- (6) Everyone shall be obligated to conserve water as much as possible.
- (7) Exploitation of the water resources shall be carried out by prioritizing the social function in order to achieve justice by observing the principle of the beneficial user of water shall pay the water resources management service fee and by involving the role of the community.

#### **Article 27**

- (1) The administration of the water resources as referred to in Article 26 paragraph (1) is aimed to stipulate the utilization of the water source zone and the water designation in the water source.
- (2) The stipulation on the utilization of the water source zone as referred to in paragraph (1) shall constitute as one of the points of reference to compose or change the regional spatial plan and the water resources management plan in the relevant river area.
- (3) The stipulation on the utilization of the water resources zone shall be carried out by:
  - a. allocating the zone to serve the protective and cultivation functions;
  - b. to utilize the basis of the study result and the result of the hydrologically technical measurement;

- c. by observing the water source space that is constrained by the water source demarcation line;
  - d. to observe the interests of various types of utilization;
  - e. to involve the role of the surrounding community and other concerned parties; and
  - f. to observe the function of the area.
- (4) The provisions and procedure to stipulate the water source zone shall be further regulated under a government regulation.

**Article 28**

- (1) The stipulation on the designation of water in the water source as referred to in Article 27 paragraph (1) in every river area shall be carried out by observing:
- a. water source's ability to provide support;
  - b. amount and distribution of the population as well as its growth projection;
  - c. calculation and projection of the water resources requirements; and
  - d. utilization of the existing water.
- (2) Government and the regional government have supervised the implementation of the provisions on the designation of water as referred to in paragraph (1).
- (3) Provisions concerning the stipulation on the designation of water as referred to in paragraph (1) shall be further regulated under a government regulation.

**Article 29**

- (1) The provision of water resources as referred to in Article 26 paragraph (1) is aimed to fulfill the need for water and water force as well as to fulfill various needs in accordance to quality and quantity.

(2) The provision of water resources in every river area shall be carried out in accordance to the administration of the water resources that have been stipulated to fulfill basic need, environmental sanitation, agriculture, energy, industry, mining, transportation, forestry and bio diversity, sport, recreation and tourism, ecosystem, esthetique, as well as other needs as determined in accordance to the laws and regulations.

(3) The provision of water to fulfill the daily basic needs and irrigation for the smallholder estate crops in the existing irrigation system that became places the provision of water resources as the main priority over all needs.

(4) The priority sequence for the provision of water resources other than those referred to in paragraph (3) shall be determined for each river area by the Government or the regional government in accordance to their authorities.

(5) In the event the stipulation of the priority sequence in regard to the provision of water resources as referred to in paragraph (4) shall incur losses for the users of water resources, the Government or the regional government shall be obligated to stipulate the compensation to the users.

(6) The provision of water resources as referred to in paragraph (2) shall be planned and determined as part of the water resources management plan for each river area by the Government or the regional government in accordance to their authorities.

**Article 30**

(1) The provision of water resources shall be carried out based on the water resources management plan stipulated for each river area.

(2) The Government or the regional government may take action to provide the water resources to fulfill urgent needs based on the consideration of the local needs and condition.

### **Article 31**

Provisions concerning the provision of water resources as referred to in Article 29 and Article 30 shall be further regulated under a government regulation.

### **Article 32**

- (1) The utilization of water resources as referred to in Article 26 paragraph (1) is aimed to utilize the water resources and its pre facilities as the media and/or material.
- (2) The utilization of water resources shall be carried out in accordance to the administration and the water resources provision plan that has been stipulated under the water resources management plan for the relevant river area.
- (3) The utilization of water from the water source to fulfill the daily basic needs, social, and the smallholder estate crops shall be prohibited from incurring any damage to the water source and its environment or the relevant public pre facilities.
- (4) The utilization of water to fulfill the daily basic needs that is carried out by means of the water resources infrastructure must be carried out based on the approval of the rightful parties to the relevant pre facilities.
- (5) In the event the utilization of water as referred to in paragraph (3) in actuality incurred damage to the water source, the relevant party is obligated to provide compensation.
- (6) In utilizing the water, everyone or enterprises shall try to utilize the water by recycling and to reuse the water.
- (7) Provisions concerning the utilization of water resources as referred to in paragraph (1) shall be further regulated under a government regulation.

### **Article 33**

In the event of an emergency, the Government and/or the regional government shall regulate and

stipulate the utilization of water resources for conservation purposes, construction preparation, and fulfillment of the priority to utilize water resources.

### **Article 34**

- (1) The development of water resources as referred to in Article 26 paragraph (1) in the river area is aimed to increase the benefits of the function of water resources to fulfill raw water requirements for household, agriculture, industrial, tourism, defense, mining, energy, transportation purposes, and for various other purposes.
- (2) The development of water resources as referred to in paragraph (1) shall be carried out without disturbing the environmental balance.
- (3) The development of water resources as referred to in paragraph (1) shall be carried out based on the water resources management plan and the regional spatial planning that has been stipulated by considering:
  - a. the water resources' ability to provide support;
  - b. the uniqueness and aspiration of the region as well as the local community;
  - c. the financing capability; and
  - d. the conservation of bio diversity in the water source.
- (4) The development of water resources as referred to in paragraph (2) shall be carried out by means of public consultation, through the survey, investigation, and planning phases, as well as based on the technical, environmental, and economic feasibility.
- (5) The potential of the impact that may arise due to the development of the water resources as referred to in paragraph (2) must be handled comprehensively by involving various relevant parties in the planning phase.

**Article 35**

The development of water resources as referred to in Article 34 paragraph (1) shall comprise of:

- a. the surface water in the river, lake, swamp, and other surface water sources;
- b. The ground water in the ground water curvature;
- c. rain water; and
- d. sea water that exists on land.

**Article 36**

- (1) The development of surface water in the river, lake, swamp, and other surface water sources as referred to in Article 35 point a shall be carried out by observing the characteristic and function of the relevant water source.
- (2) Provisions on the development of river, lake, swamp, and other surface water sources shall be further regulated under a government regulation.

**Article 37**

- (1) Ground water as referred to in Article 35 point b shall constitute as one of the water resources that have a limited presence and of which damage may generate a vast impact and is difficult to restore.
- (2) The development of ground water in the ground water curvature shall be carried out in an integrated manner in the development of the water resources in the river area by preventing damages to the ground water.
- (3) Provisions concerning the development of ground water shall be further regulated under a government regulation.

**Article 38**

- (1) The development of function and the benefits of rain water as referred to in Article 35 point c shall be carried out by developing the weather modification technology.

(2) Enterprises and individuals may utilize clouds by means of the weather modification technology after obtaining a permit from the Government.

(3) Provision on the utilization of cloud by means of the weather modification technology shall be further regulated under a government regulation.

**Article 39**

(1) The development of the function and benefits of the sea water that exists on land as referred to in Article 35 point d shall be carried out by observing the environmental function.

(2) Enterprises and individuals may utilize the sea water that exists on land for business activities after obtaining the water resources exploitation permit from the Government and/or regional government.

(3) Provisions on the utilization of sea water that exists on land shall be further regulated under a government regulation.

**Article 40**

(1) The fulfillment of the raw water requirement for household drinking water purposes as referred to in Article 34 paragraph (1) shall be carried out by means of developing the drinking water provision system.

(2) The development of the drinking water provision system as referred to in paragraph (1) shall become the responsibilities of the Government and the regional government.

(3) The state owned enterprises and/or regionally owned enterprises shall carry out the development of the drinking water provision system.

(4) Cooperatives, private enterprises, and the community may participate in the development of the drinking water provision system.

(5) Regulation on the development of the drinking water provision system is aimed to:

- a. establish a quality management of drinking water and drinking water service at an affordable price;
  - b. achieve a balanced interest between the consumer and the service provider; and
  - c. improves the efficiency and scope of service of drinking water.
- (6) The development of the drinking water provision system as referred to in paragraph (1), paragraph (2), paragraph (3) and paragraph (4) shall be carried out in an integrated manner by developing the sanitation pre facilities and facilities as referred to in Article 21 paragraph (2) point d.
- (7) In order to achieve the objectives of the development of the drinking water provision and sanitation system as referred to in paragraph (5) and paragraph (6), the Government may establish bodies that exist under and are accountable to the minister who is responsible for water resources.
- (8) Provisions on the development of the drinking water provision system, the state owned enterprises and/or regionally owned enterprises that shall develop the drinking water provision system, participation of the cooperatives, private enterprises, and the community in developing the drinking water provision system, and the establishment of bodies as referred to in paragraph (1), paragraph (3), paragraph (4), and paragraph (7) shall be further regulated under a government regulation.

#### **Article 41**

- (1) Fulfillment of the raw water requirements for agriculture as referred to in Article 34 paragraph (1) shall be carried out by means of developing the irrigation system.
- (2) Development of the primary and secondary of the irrigation system shall become the authorities and responsibilities of the Government and regional government under the condition that:

- a. The development of the trans provincial primary and secondary irrigation system shall become the authorities and responsibilities of the Government;
  - b. The development of the trans regency/ municipality primary and secondary irrigation system shall become the authorities and responsibilities of the provincial government;
  - c. The development of the primary and secondary irrigation system in one regency/municipality shall become the authorities and responsibilities of the relevant regencies/municipal government.
- (3) Development of the tertiary irrigation system shall become the right and responsibilities of the water using farmer group.
- (4) Development of the irrigation system as referred to in paragraph (2) shall be carried out by means of involving the community.
- (5) Development of the primary and secondary irrigation system may be carried out by the water using farmer association or other parties in accordance to their need and ability.
- (6) Provisions on the development of the irrigation system shall be further regulated under a government regulation.

#### **Article 42**

- (1) Development of the water resources for industrial and mining purposes as referred to in Article 34 paragraph (1) shall be carried out to fulfill the raw water requirement in the processing and/or exploration process .
- (2) Provisions on the development of water resources for industrial and mining purposes shall be further regulated under a government regulation.

#### **Article 43**

- (1) Development of water resources for energy purposes as referred to in Article 34 paragraph

- (1) may be carried out to fulfill a personal need and to be further exploited.
- (2) Provisions on the development of the water resources for energy purpose shall be further regulated under a government regulation.

**Article 44**

- (1) Development of the water resources for transportation purposes as referred to in Article 34 paragraph (1) may be carried out in the river, lake, reservoir, and other water sources.
- (2) Provisions on the development of water resources as a network of transportation pre facilities shall be further regulated under a government regulation.

**Article 45**

- (1) The utilization of water resources shall be carried out by observing the social function and environmental conservation.
- (2) The utilization of surface water resources that comprises one river area may only be carried out by a state owned enterprise or regionally owned enterprise engaging in the field of water resources management or cooperation between state owned enterprises with a regionally owned enterprises.
- (3) The utilization of water resources other than those referred to in paragraph (2) may be carried out by individuals, enterprises, or cooperation between enterprises pursuant to the exploitation permit from the Government or regional government in accordance to their authorities.
- (4) Utilization as referred to in paragraph (3) may take the form of:
  - a. water utilization in a certain location in accordance to the requirements stipulated under a permit;
  - b. utilization of a water content in a certain location in accordance to the requirements stipulated under a permit; and/or

- c. utilization of the water force in a certain location in accordance to the requirements stipulated under a permit.

**Article 46**

- (1) The Government or regional government in accordance to their authorities, shall regulate and stipulate the allocation of water in the water source for the utilization of the water resources by the enterprises or individuals as referred to in Article 45 paragraph (3).
- (2) The allocation of water for the utilization of water resources as referred to in paragraph (1) must be based on the water allocation plan stipulated in the water resources management plan for the relevant river area.
- (3) Water allocation with respect to the utilization as referred to in paragraph (1) shall be stipulated under the water resources exploitation permit from the Government or regional government.
- (4) In the event the water resources management plan has not been stipulated, the water resources exploitation permit for the said river area shall be stipulated based on the temporary allocation of water.

**Article 47**

- (1) The Government shall be obligated to supervise the quality of service for:
  - a. the state owned enterprises/regionally owned enterprises managing the water resources; and
  - b. other enterprises and individuals who holds the water resources exploitation permit.
- (2) The Government and/or regional government shall be obligated to facilitate the community complaints from the enterprises and individuals as referred to in paragraph (1).
- (3) The enterprises and individuals as referred to in paragraph (1) shall be obligated to

participate in the conservation of water resources and to improve the welfare of the surrounding community.

- (4) The water resources utilization plan shall be carried out by means of public consultation.
- (5) The utilization of water resources shall be carried out by encouraging the participation of small and medium business enterprises.

**Article 48**

- (1) The utilization of water resources in one river area that shall be carried out by means of constructing and/or utilizing the distribution channel may only be used for other river areas in the event the availability of water still exceeds the requirement of the residents of the relevant river area.
- (2) The utilization of water resources as referred to in paragraph (1) shall be based on the water resources management plan for the relevant river area.

**Article 49**

- (1) The utilization of water for other state shall not be permitted, unless the provision of water for various needs as referred to in Article 29 paragraph (2) has been met.
- (2) The utilization of water for other states as referred to in paragraph (1) must be based on the water resources management plan for the relevant river area, and by observing the interest of the surrounding area.
- (3) The water utilization plan for other states shall be carried out by means of the public consultation process by the government in accordance to their authorities.
- (4) The utilization of water for other states as referred to in paragraph (2) and paragraph (3) must obtain a permit from the Government based on the recommendation from the regional government and in accordance to the laws and regulations.

**Article 50**

Provisions on the utilization of water resources shall be further regulated under a government regulation.

**CHAPTER V: MANAGEMENT OF THE DESTRUCTIVE FORCE OF WATER**

**Article 51**

- (1) The control of the water's destructive force shall be carried out comprehensively and shall comprise preventive, handling, and restoration efforts.
- (2) The control of the destructive force of water as referred to in paragraph (1) shall be prioritized to the preventive effort by means of preparing a control plan for the destructive force of water that is composed in an integrated and comprehensive manner in managing the water resources scheme.
- (3) The control of the destructive force of water as referred to in paragraph (1) shall be carried out by involving the community.
- (4) To control the destructive force of water as referred to in paragraph (1) shall become the responsibilities of the Government, regional government, as well as the manager of the water resources for the river area and community.

**Article 52**

Everyone or enterprises shall be prohibited to carry out activities that may generate the destructive force of water.

**Article 53**

- (1) Prevention as referred to in Article 51 paragraph (1) shall be carried out by means of physical and/or non physical activities or by means of balancing the upstream and downstream river area.
- (2) Preventions referred to in paragraph (1) shall be prioritized more on the non physical activities.

- (3) The option of activities as referred to in paragraph (1) shall be determined by the manager of the relevant water resources.
- (4) Provisions on the prevention of damage and disasters due to the destructive force of water shall be further regulated under a government regulation.

#### **Article 54**

- (1) The handling of the destructive force of water as referred to in Article 51 paragraph (1) shall be carried out by means of mitigation of disasters.
- (2) Handling as referred to in paragraph (1) shall be carried out in an integrated manner by the relevant institution and community by means of a disaster handling coordination agency at the national, provincial, and regency/municipality level.
- (3) Provisions on the handling of damages and disasters due to the destructive force of water shall be further regulated under a government regulation.

#### **Article 55**

- (1) Handling of disasters due to the destructive force of water at the national scale shall become the responsibilities of the Government.
- (2) Disasters due to the destructive force of water at the national scale shall be stipulated under a Presidential Decree.

#### **Article 56**

In the event of a dangerous situation, the governor and/or regent/mayor shall be authorized to take emergency action to handle the destructive force of water as referred to in Article 55 paragraph (1).

#### **Article 57**

- (1) The restoration of the destructive force of water as referred to in Article 51 paragraph (1) shall be carried out by means of restoring the environmental function and the water resources infrastructure system.

- (2) The restoration as referred to in paragraph (1) shall become the responsibilities of the Government, regional government, manager of the water resources, and the community.
- (3) Provisions on the restoration of the destructive force of water as referred to in paragraph (1) shall be further regulated under a government regulation.

#### **Article 58**

- (1) The control of the destructive force of water shall be carried out in the river, lake, reservoir and/or dam, swamp, ground water curvature, irrigation system, rain water, and sea water that exist on land.
- (2) Provisions on the control of the destructive force of water in the river, lake, reservoir and/or dam, swamp, ground water curvature, irrigation system, rain water, and sea water that exists on land as referred to in paragraph (1) shall be further regulated under a government regulation.

### **CHAPTER VI: PLANNING**

#### **Article 59**

- (1) Water resources management planning shall be composed to produce a plan that function as a point of reference and guidance to conserve the water resources, exploit the water resources, and control the destructive force of water.
- (2) Water resources management planning shall be carried out based on the principle of water resources management as referred to in Article 2.
- (3) Water resources management planning shall be composed in accordance to the water resources management scheme as referred to in Article 11.
- (4) The water resources management plan shall constitute as one of the elements in preparing, reviewing, and/or completing the regional spatial planning.

**Article 60**

- (1) Water resources management planning shall be prepared in accordance to the procedure and requirements through the stages stipulated under the nationally applying planning standard comprising the inventorying of water resources, composing, and stipulating the water resources management plan.
- (2) Provisions on the procedure and requirements in regard to planning as referred to in paragraph (1) shall be further regulated under a government regulation.

**Article 61**

- (1) Inventories of the water resources as referred to in Article 60 paragraph (1) shall be carried out on each river area throughout Indonesia.
- (2) Inventorying as referred to in paragraph (1) shall be carried out in a coordinated manner on each river area by the relevant manager of the water resources.
- (3) Inventorying as referred to in paragraph (2) may be carried out by another party pursuant to the stipulated terms and procedures.
- (4) Managers of the water resources must maintain the results of the inventorying process and update the data in accordance to the development of the situation.
- (5) Provisions on the inventorying of the water resources shall be further regulated under a government regulation.

**Article 62**

- (1) Preparation of the water resources management plan as referred to in Article 59 paragraph (3) on each river area shall be carried out in a coordinated manner by the competent authority in accordance to their scope of duties by involving the stakeholders in the water resources.
- (2) The competent authority in accordance to their scope of duties shall publicly announce

the draft of the water resources management plan to the community.

- (3) The community shall be entitled to declare their objection against the draft of the water resources management plan that has been announced within a certain period in accordance to the local condition.
- (4) The competent authority may review the draft of the water resources management plan based on the objections of the community as referred to in paragraph (3).
- (5) The draft of the water resources management plan shall be stipulated by the competent authority to be used as the water resources management plan.
- (6) The water resources management plan on each river area shall be specified into the relevant program to manage the water resources by the government institutions, private sector, and community.
- (7) Provisions on water resources management planning shall be further regulated under a government regulation.

**CHAPTER VII: IMPLEMENTATION OF THE CONSTRUCTION, OPERATION AND MAINTENANCE**

**Article 63**

- (1) The construction of the water resources infrastructure shall be carried out based on the norms, standard, guidance, and manual by utilizing the technology and local resources as well as prioritizing security, work safety, and sustainability of the ecological function in accordance to the laws and regulations.
- (2) Everyone or enterprises shall be prohibited from carrying out the construction of water resources infrastructure that is not based on the norm, standard, guidance, and manual as referred to in paragraph (1).

- (3) Everyone or enterprises that are carrying out the construction work on the water source must obtain a permit from the Government or regional government in accordance to its authorities.
  - (4) The construction of pre facilities and facilities of the water resources located above another party's land shall be carried out after the process of indemnity and/or compensation out to the rightful parties has been carried in accordance to the laws and regulations.
  - (5) Provisions on permit as referred to in paragraph (3) shall be further regulated under a government regulation.
- shall become the authorities and responsibilities of the Government and regional government in accordance to their authorities,
  - b. the operation and maintenance of the tertiary irrigation system shall become the rights and responsibilities of the water using farmer community.
- (7) Everyone or enterprises shall be prohibited from carrying out activities that may damage the water resources infrastructure.
  - (8) Provisions on the operation and maintenance of the water resources shall be further regulated under a government regulation.

#### Article 64

- (1) The operation and maintenance of the water resources consists of the maintenance of the water source as well as the operation and maintenance of the water resources infrastructure.
- (2) The operation and maintenance as referred to in paragraph (1) comprises the regulation, implementation, monitoring, and evaluation to guarantee the preservation of the function and benefit of the water resources.
- (3) The operation and maintenance of water resources shall be carried out by the Government, regional government, or manager of water resources in accordance to their authorities.
- (4) The operation and maintenance of water resources infrastructure constructed by the enterprises, community group, or individuals shall become the duties and responsibilities of the constructing parties.
- (5) The community shall participate in the operation and maintenance work as referred to in paragraph (1).
- (6) The operation and maintenance of irrigation system shall be stipulated as follows:
  - a. the operation and maintenance of primary and secondary irrigation system

## CHAPTER VIII: WATER RESOURCES INFORMATION SYSTEM

#### Article 65

- (1) To support the water resources management, the Government and regional government shall manage the water resources information system in accordance to their authorities.
- (2) Water resources information as referred to in paragraph (1) comprises information concerning the hydrological, hydrometeorological, hydrogeological conditions, water resources policies, water resources infrastructure, water resources technology, the environment of the water resources and its surrounding area, as well as the social, economical and cultural activities of the community relating to the water resources.

#### Article 66

- (1) Water resources information system as referred to in Article 65 paragraph (1) shall constitute the water resources information distributed and managed by various institutions.
- (2) The water resources information network as referred to in paragraph (1) must be able to be accessed by various stakeholders in the field of water resources.

- (3) The Government and regional government may establish the technical implementing unit to carry out the activities of the water resources information system.

**Article 67**

- (1) The Government and regional government as well as the manager of the water resources, in accordance to their authorities, shall provide water resources information for all of the stakeholders in the field of water resources.
- (2) In order to carry out information providing activities as referred to in paragraph (1), all of the Government institutions, regional government, legal entity, organization, and agencies as well as individuals engaging in the activities relating to water resources shall submit reports concerning the result of their activities to the Government institution and regional government that are responsible for the field of water resources.
- (3) The Government, regional government, manager of water resources, legal entity, organization, agencies and individuals as referred to in paragraph (1) and paragraph (2) shall be responsible to guarantee the accuracy, truth, and timeliness of the information being submitted.

**Article 68**

- (1) To support the management of water resources information system, it is necessary to manage the hydrological, hydrometeorological, and hydrogeological river area information system at the national, provincial, and regencies/municipality level.
- (2) The policies in regard to the management of the hydrological, hydrometeorological, and hydrogeological information system shall be stipulated by the Government based on the recommendation of the National Council of Water Resources.
- (3) The management of the hydrological, hydrometeorological, and hydrogeological information system as referred to in

paragraph (1) shall be carried out by the Government, regional government, and manager of the water resources in accordance to their authorities.

- (4) The management of the hydrological, hydrometeorological, and hydrogeological information system as referred to in paragraph (3) may be carried out by means of cooperation with other parties.

**Article 69**

Provisions on water resources information system as referred to in Article 66, Article 67, and Article 68 shall be further regulated under a government regulation.

**CHAPTER IX: GOVERNMENT SUPERVISION**

**Article 70**

- (1) The Government and regional government shall empower the stakeholders and water resources institutions in a planned and systematic manner to improve the work performance of the water resources management.
- (2) The empowerment as referred to in paragraph (1) shall be carried out in the activities of planning, construction, supervision, operation and maintenance of water resources by involving the role of the community.
- (3) The community group at their own initiative may carry out empowerment efforts for their own interest by using the objectives of empowerment as referred to in paragraph (1) and paragraph (2) as their points of reference.
- (4) The empowerment as referred to in paragraph (1) shall be organized in the form of education and training, research and development, as well as assistance.

**Article 71**

- (1) The minister responsible for water resources and the minister relating to the field of water

resources shall stipulate the standard of special education in the field of water resources.

- (2) The provision of education in the field of water resources may be carried out, either by the Government, regional government or the private sector in accordance to the special educational standard as referred to in paragraph (1).

#### Article 72

- (1) Research and development of science and technology in the field of water resources shall be carried out to support and improve the working performance of the water resources management.
- (2) The minister responsible for science and technology, after receiving recommendations from the minister responsible for water resources and the minister relating to the water resources, shall stipulate the necessary policies and guidance within the framework of carrying out research and development for science and technology as referred to in paragraph (1).
- (3) The Government and regional government in accordance to their authorities shall carry out research and development of science and technology in the field of water resources.
- (4) The Government and regional government shall support and create a supportive condition to improve the implementation of research and development of technology in the field of water resources by the community, business circle, and universities.

#### Article 73

The Government will facilitate protection over the rights of inventors and scientific findings and technological innovation in the field of water resources in accordance to the laws and regulations.

#### Article 74

- (1) Assistance and training in the field of water resources shall be aimed to empower the stakeholders and institutions at the river area.

- (2) The Government and regional government, in accordance to their authorities and responsibilities to manage the water resources, shall stipulate guidance for the assistance and training activities as referred to in paragraph (1).

- (3) The Government institutions and regional government relating to the management of water resources management must provide support and cooperation to provide assisting and training work.

#### Article 75

- (1) To guarantee the achievement of water resources management, supervisory activities shall be carried out on all process and results of the implementation of the water resources management on each river area.
- (2) The Government and regional government in accordance to their authorities and responsibilities shall carry out the supervisory work as referred to in paragraph (1) by involving the role of the community.
- (3) The role of the community in the supervisory work as referred to in paragraph (2) shall be carried out by means of submitting reports and/or complaints to the competent authority.
- (4) The Government shall stipulate the guidance for reports and complaints from the community in supervising the management of water resources.

#### Article 76

Provisions on empowering and supervising the water resources management as referred to in Article 70 and Article 75 shall be further regulated under a government regulation.

## CHAPTER X: FINANCING

#### Article 77

- (1) The financing of water resources management shall be stipulated based on the actual need for water resources management.

- (2) The types of financing for water resources management shall comprise of:
- a. information system costs;
  - b. planning costs;
  - c. construction costs;
  - d. operational, maintenance costs; and
  - e. monitoring, evaluation and community empowerment costs.
- (3) Source of fund for every type of financing may take the form of:
- a. government budget;
  - b. private sector budget; and/or
  - c. proceeds from the water resources management service fees.
- may involve the participation of the farmer community,
- b. the financing of the construction of the tertiary irrigation system shall become the responsibilities of the farmers, and may be assisted by the Government and/or regional government, except for tap buildings, a 50 m channel from the tap building, and the tertiary box as well as other supplementary tertiary buildings shall become the responsibilities of the Government and/or regional government,
  - c. the financing of the operation and maintenance of the tertiary irrigation system shall become the responsibilities of the farmer, and may be assisted by the Government and/or regional government.

**Article 78**

- (1) The financing of water resources management as referred to in Article 77 paragraph (1) shall be borne by the Government, regional government, state owned enterprises/regionally owned enterprises that manages the water resources, cooperatives, other enterprises, and individuals, either respectively or in the form of a cooperation.
- (2) The financing of water resources management that became the responsibilities of the Government and regional government as referred to in paragraph (1) shall be based on their respective authorities in managing the water resources.
- (3) The financing of the construction and operation and maintenance of the irrigation system shall be regulated as follows:
- a. the financing of construction, operation and maintenance of the primary and secondary irrigation system shall become the responsibilities of the Government and regional government in accordance to their authorities; and

- (4) In the event of an emergency need to exploit the water resources in the trans provincial river area, trans regency/municipality, and nationally strategic, the financing of the management thereof shall be jointly stipulated by the Government and the relevant regional government through the cooperation scheme.

**Article 79**

- (1) The financing of water resources management as referred to in Article 77 paragraph (1) that is aimed to utilize the water resources exploited by the cooperatives, state owned enterprises/regionally owned enterprises that manages the water resources, other enterprises and individuals shall be borne by them respectively.
- (2) With respect to the social, welfare, and public safety service, the Government and regional government within a certain limit may provide financial aid for the management activities to the state owned enterprises/regionally owned enterprises that manage the water resources.

**Article 80**

- (1) The use of water resources to fulfill the daily basic needs and for smallholder estate crops shall not be charged with water resources management service fee.
- (2) The users of water resources other than those referred to in paragraph (1) shall bear the water resources management service fee.
- (3) The stipulation of the amount of water resources management service fee as referred to in paragraph (2) shall be based on a rational economic calculation that can be accounted for.
- (4) The stipulation of the unit value of the water resources management service fee for every type of water resources utilization shall be based on the economic capability considerations of the user group and volume of water resources utilization.
- (5) The stipulation of the unit value of the water resources management service fee for the type of non business utilization shall be exempted from the rational economic calculation as referred to in paragraph (3).
- (6) The manager of water resources shall be entitled to receive the proceeds of fund collected from the user of the water resources management service as referred to in paragraph (2).
- (7) The funds collected from the users of water resources as referred to in paragraph (6) shall be used to support the implementation of a sustainable management of water resources in the relevant river area.

**Article 81**

Provisions on the financing of water resources management as referred to in Article 77, Article 78, Article 79, and Article 80 shall be further regulated under a government regulation.

**CHAPTER XI: RIGHTS, OBLIGATIONS, AND ROLES OF THE COMMUNITY**

**Article 82**

In managing the water resources, the community shall be entitled to:

- a. to obtain information relating to the management of water resources;
- b. to obtain a reasonable compensation for the damages suffered by them due to the management of water resources;
- c. to obtain benefit from the management of water resources;
- d. to declare objection against the water resources management plan that has been declared within a certain period in accordance to the local condition;
- e. to submit a report and complaint to the competent authority with respect to the losses that they have suffered in relation to the management of water resources; and/or
- f. to file a claim to the court of justice in regard to various issues of water resources that is detrimental to their life.

**Article 83**

In utilizing their water utilization right, the community that holds the water utilization right shall be obligated to observe the public interest that is realized through their role in conserving the water resources as well as the protection and securing the water resources infrastructure.

**Article 84**

- (1) The community shall have an equal opportunity to play a role in the planning, implementation, and supervisory process on the water resources management.
- (2) Provisions on the role of the community to manage the water resources as referred to in

paragraph (1) shall be further regulated under a government regulation.

## **CHAPTER XII: COORDINATION**

### **Article 85**

- (1) The water resources management shall comprise of trans sectoral and trans regional interests that requires an integrated act to maintain the sustainability of the function and benefits of water and water source.
- (2) Water resources management as referred to in paragraph (1) shall be carried out by means of coordination by integrating the interests of various sector, area, and the stakeholders in the field of water resources.

### **Article 86**

- (1) The coordination as referred to in Article 85 paragraph (2) shall be carried out by a coordinating vehicle called the water resources council or as referred otherwise.
- (2) The coordinating vehicle as referred to in paragraph (1) shall have the main duties to prepare and compose the policies as well as strategy to manage the water resources.
- (3) The coordinating vehicle as referred to in paragraph (1) shall consist of members from the governmental and non governmental elements in an equal number based on the principle of representation.
- (4) The composition of organization and work order of the coordinating vehicle as referred to in paragraph (1) shall be further regulated under a Presidential Decree.

### **Article 87**

- (1) Coordination at the national level shall be carried out by the National Council of Water Resources established by the Government, and at the provincial level it shall be carried out by the coordinating vehicle called the water resources council for the province or under another name established by the provincial government.

(2) With respect to the coordination at the regencies/municipality level a coordinating vehicle can be established under the name of the water resources council for the regency/municipality or under another name by the regencies/municipal government.

(3) The coordinating vehicle at the river area may be established in accordance to the requirements for water resources management in the relevant river area.

(4) The working relationship between the coordinating vehicles at the national, provincial, regencies/municipality level, and the river area shall be consultative and coordinative by nature.

(5) Guidance pertaining to the establishment of the coordinating vehicle at the provincial, regencies/municipality level, and the river area shall be further regulated under a ministerial decree responsible for the water resources.

## **CHAPTER XIII: SETTLEMENT OF DISPUTE**

### **Article 88**

(1) Settlement of the dispute pertaining to the water resources on the first stage shall be endeavored to be carried out based on the principle of the deliberation to reach a consensus.

(2) In the event that no consensus can be achieved from the dispute settlement as referred to in paragraph (1), the parties may endeavor to settle the dispute out of court or through the court of justice.

(3) The dispute settlement out of court as referred to in paragraph (2) shall be carried out by means of arbitration or alternative dispute settlement in accordance to the laws and regulations.

### **Article 89**

Disputes pertaining to the authorities to manage the water resources between the Government and the regional government shall be settled in accordance to the laws and regulations.

## **CHAPTER XIV: LAW SUITS FROM THE COMMUNITY AND ORGANIZATION**

### **Article 90**

Community that has suffered detrimental impacts due to various issues of water resources management shall be entitled to file a class action suit to the court of justice.

### **Article 91**

The government institution responsible for water resources shall act for the interests of the community in the event of an indication that the community is suffering impacts due to the water pollution and/or water source damage that affects the life of the community.

### **Article 92**

- (1) Organizations responsible for the field of water resources shall be entitled to file a claim against the person or enterprises that carried out the activities that damaged the water resources and/or its pre facilities, for the interest of sustaining the function of the water resources.
- (2) The claim as referred to in paragraph (1) shall be constrained to the claim to carry out certain acts relating to the sustainability of the function of the water resources and/or claims to pay the costs that have actually been expended.
- (3) The organization that is entitled to file the claim as referred to in paragraph (1) must fulfill the following requirements:
  - a. takes the form of community organization that holds a status as a legal entity and engages in the field of water resources;
  - b. states the objective of incorporation of the organization in the articles of association for the interest relating to the sustainability of the function of the water resources; and

- c. has carried out the activities in accordance to the articles of association.

## **CHAPTER XV: INVESTIGATION**

### **Article 93**

- (1) In addition to the investigators of the Police Force of the Republic of Indonesia, civil servant officials who hold a scope of duty and responsibility in the field of water resources may be given special authorities as an investigator as referred to in the Code of Criminal Procedure.
- (2) The civil investigators as referred to in paragraph (1) shall be authorized to:
  - a. verify a report or information on the occurrence of a criminal act pertaining to the water resources;
  - b. examine a person or enterprise suspected to have committed a criminal act pertaining to the water resources;
  - c. summon a person to provide testimonies and examined as a witness or suspect in the criminal act pertaining to the water resources;
  - d. to examine the water resources infrastructure and halt the equipments suspected to have been used to commit the criminal act;
  - e. to seal and/or confiscate the activity tools used to commit the criminal act as evidence;
  - f. to request the assistance of an expert within the framework of implementing their duties to investigate the criminal act pertaining to the water resources;
  - g. to prepare and sign the minutes and deliver it to the investigator with the Police Force of the Republic of Indonesia; and/or
  - h. to cease the investigation in the event of insufficient evidence or should the

said event is not deemed to be a criminal act.

- (3) The civil investigator as referred to in paragraph (2) shall notify the commencement of an investigation to the investigator with the Police Force of the Republic of Indonesia.
- (4) The civil investigator as referred to in paragraph (2) shall submit the results of the investigation to the public attorney via the investigators with the Police Force of the Republic of Indonesia, in accordance to the Code of Criminal Procedure.

## **CHAPTER XVI: CRIMINAL PROVISIONS**

### **Article 94**

- (1) The following criminal act shall be subjected to a maximum jail sentence of 9 (nine) years and a maximum penalty of Rp1.500.000.000,00 (one billion five hundred million rupiah):
  - a. Everyone who deliberately committed acts that incurred damages to the water source and its pre facilities, disturb the effort to preserve water, and/or causes water pollution as referred to in Article 24; or
  - b. everyone who deliberately committed acts that may generate the destructive force of water as referred to in Article 52.
- (2) The following criminal act shall be subjected to a maximum jail sentence of 6 (six) years and a maximum penalty of Rp1.000.000.000,00 (one billion rupiah):
  - a. everyone who deliberately committed acts of water utilization that are detrimental to other people or parties and damages the function of the water source as referred to in Article 32 paragraph (3); or
  - b. everyone who deliberately carried out activities that damages the water resources

infrastructure as referred to in Article 64 paragraph (7).

- (3) The following criminal act shall be subjected to a maximum jail sentence of 3 (three) years and a maximum penalty of Rp500.000.000,00 (five hundred million rupiah):
  - a. everyone who deliberately leases or assigns part or the entire water utilization right as referred to in Article 7 paragraph (2);
  - b. everyone who deliberately exploits the water resources without permit from the competent authority as referred to in Article 45 paragraph (3); or
  - c. everyone who deliberately carries out water resources infrastructure construction activities that are not based on the norms, standard, guidance, and manual as referred to in Article 63 paragraph (2);
  - d. everyone who deliberately carried out construction activities on the water source without obtaining any permit from the Government or regional government as referred to in Article 63 paragraph (3).

### **Article 95**

- (1) The following criminal act shall be subjected to a maximum jail sentence of 18 (eighteen) months and a maximum penalty of Rp300.000.000,00 (three hundred million rupiah):
  - a. everyone who due to their negligence has caused damage to the water resources and its pre facilities, disturbs effort to preserve water, and/or cause water pollution as referred to in Article 24; or
  - b. everyone who due to their negligence has carried out activities that may generate the destructive force of water as referred to in Article 52.
- (2) The following criminal act shall be subjected to a maximum jail sentence of 1 (one) year

and a maximum penalty of Rp200.000.000,00 (two hundred million rupiah):

- a. everyone who due to their negligence has carried out water utilization actions that are detrimental to other people or parties and damages the function of the water source as referred to in Article 32 paragraph (3); or
  - b. everyone who due to their negligence has carried out activities that damages the water resources infrastructure as referred to in Article 64 paragraph (7).
- (3) The following criminal act shall be subjected to a maximum jail sentence of 6 (six) months and a maximum penalty of Rp100.000.000,00 (one hundred million rupiah):
- a. everyone who due to their negligence has exploited the water resources without permit from the competent authority as referred to in Article 45 paragraph (3);
  - b. everyone who due to their negligence has carried out construction activities on the water resources infrastructure that are not based on the norms, standard, guidance, and manual as referred to in Article 63 paragraph (2);
  - c. everyone who due to their negligence has carried out construction activities on the water source without permit as referred to in Article 63 paragraph (3).

#### Article 96

- (1) In the event the crime pertaining to the water resources as referred to in Article 94 and Article 95 is committed by an enterprise, the criminal sanction shall be imposed on the relevant enterprises.
- (2) In the event the criminal act as referred to in paragraph (1) is imposed to an enterprise, the criminal sanction imposed shall be a penalty of fine plus one third of the fine imposed.

## CHAPTER XVII: TRANSITORY PROVISIONS

### Article 97

Upon the enactment of this Law, all implementing regulations relating to water resources shall remain to be effective to the extent it does not contradict or to the extent that no new implementing regulation has been issued pursuant to this Law.

### Article 98

Permits relating to the management of water resources that have been issued prior to the enactment of this law shall remain to be effective until the expiry of its time period

## CHAPTER XVIII: CLOSING PROVISIONS

### Article 99

With the application of this Law, then Law Number 11 of 1974 concerning Irrigation (State Gazette of the Republic of Indonesia Year 1974 Number 65, Supplement to the State Gazette Number 3046) shall be declared no longer effective.

### Article 100

This Law shall commence to enter into force at the date of its promulgation.

So that everyone may take cognizance thereof, this Law is promulgated by announcing it in the State Gazette of the Republic of Indonesia.

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