

Water Resources Law of Republic of Indonesia

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Abstract. On Wednesday, February 18, 2015, the Law no 7 of 2004 about the Water Resources Law of Republic of Indonesia was annulled by a Judicial Review of the Constitutional Court of Republic of Indonesia. The main reason of the annulment is because the law was not in accordance with the Constitution of Republic of Indonesia (or UUD 1945). The article 33 clause 3 of the Constitution state that the land, the water and the natural resources within shall be under the powers of the State and shall be used to the greatest benefits of the people. However, there are some foreign private companies that control and dominate several water springs in Indonesia and limit the water supply for people and irrigation. Thus, it leads into water conflict between private company and community. The Water Resources Law focuses on water conservation, exploitation, infrastructures and management in Indonesia. The annulment of the Law caused the implementing regulation of the Law became invalid. Furthermore, it caused temporary shutdown of private company related to the water exploitation and provision, particularly bottled water in Indonesia. Then, the government of Indonesia must immediately enact a new law to replace the Water Resource Law to provide a legal basis for water management in Indonesia. The government of Indonesia should consider the social aspect of water resources management as well as technical aspect when preparing a new law. The government also should prioritize the basic water needs of people, particularly for people with lower income, over the exploitation project.