

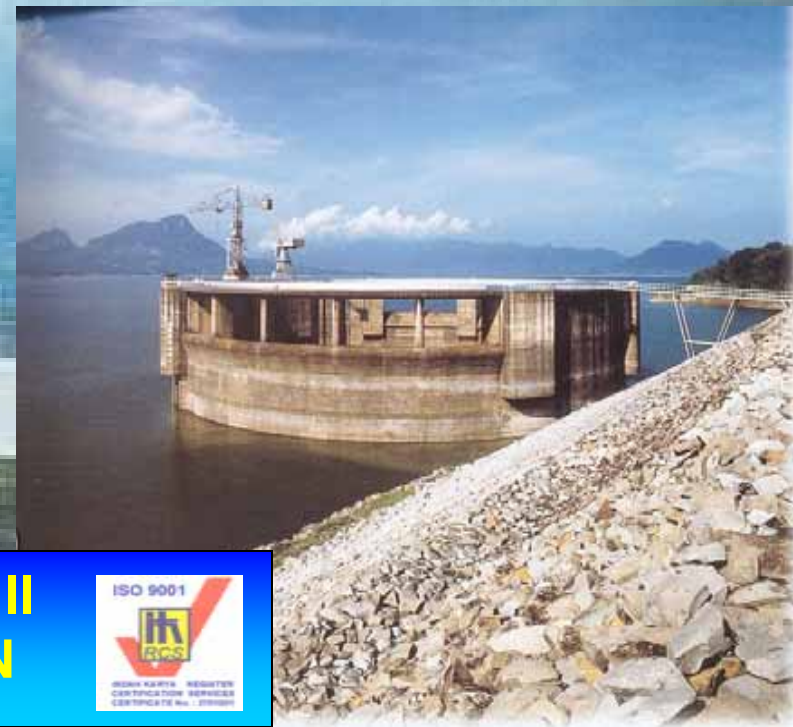
# INTRODUCTION OF WATER RIGHT IN INDONESIA

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**J A S A T I R T A I I**  
**P U B L I C C O R P O R A T I O N**



# Water Right System (1)

## Background

- Paragraph 6, 7, 8, 9 the Water resources Law number 7/2004 and paragraph 10 : water right regulation that intended in paragraph 7,8 and 9 will be arrange by government regulation

## Ownership of water

- Water resources is state property and to be use for public prosperity (paragraph 6

## Contents of Water Right (*Local Government Regulation No. 10/2001*)

- Purpose of water use
- Venue of water intake
- The method of water intake (ex. Pump up, gravity flow)
- The amount of water intake
- Drop regarding hydropower generation
- The amount of storage in a reservoir
- Permitted period



# Water Right System (2)



- Not necessary if right to use water for principal needed and agriculture populace, for other puposes are necessary to get permission
- **Permitted** : Government is ministry of public work and local government is governor

## Limitation of water right holder

- The River Law doesn't provide the limitation of water right holder, but the purpose of water use is investigated by Government strictly from the viewpoint of public interest. Most of water use is occupied by irrigation, water supply, hydropower generation and industrial use

## charger for water use

- charger for water use (paragraph 80, art1)

## Permitted period

- Permitted period is 2 years

# Water Right System (3)

## Register of river water use

- Paragraph 14,15, 16 and 17 the Water Resources Law: Government have to prepare the register of water utilization in order to grasp the status of water use in river basins

## Compulsory measure

- Any person who intake water without permission for water use from river shall be punished with penal servitude for not more than 3 year or a fine of not more than five hundred million rupiah (Art 3, Paragraph 94)

## Procedure of permission for water use

- on the process for Government regulation

## Coordination among stakeholders in the procedural flow of permission

- Art 1, 2, 3, 4, and 5 Paragraph 87, The water resources law arrange to coordination in several level ( National, Province, Distrik, Village and among level)





# Water Right System (4)

## Consideration of Environmental flow in granting water right

Art 3, Paragraph 23, 24 : Management of Water Quality for environmental

## Transfer of water right

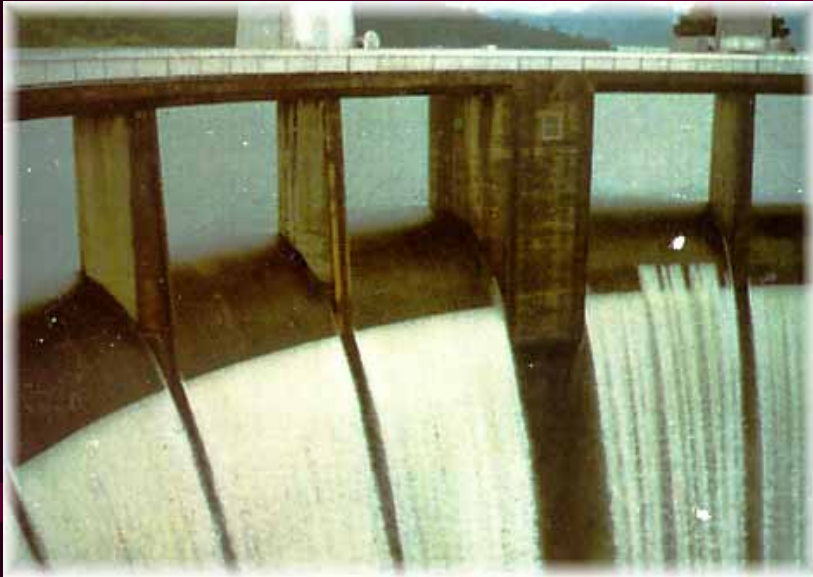
- Art2, Paragraph 7 the Water resources Law: Water right cannot be transferred

## Other information 1

- Water right system has not existed with regard to ground water. However, extraction of ground water is restricted from the viewpoint of prevention of ground sink or salt contamination.

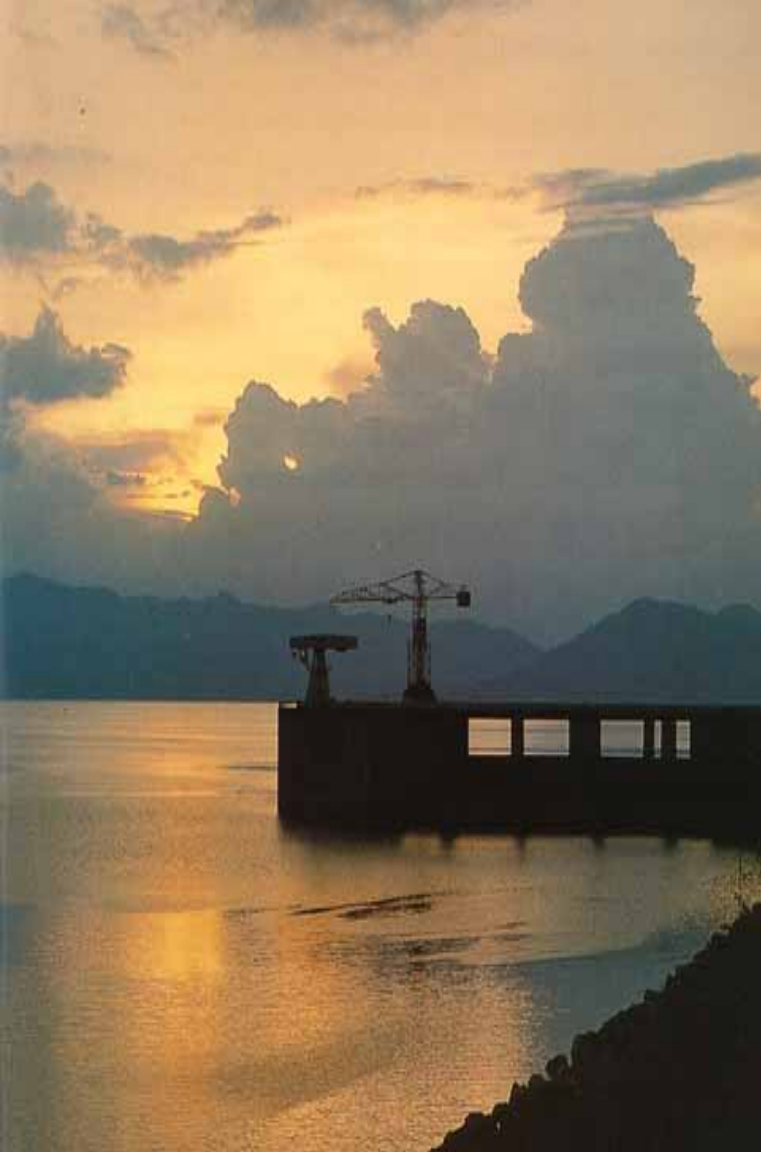


# Conclusion



- Water is considered a national asset under public ownership, there are some countries which implicitly treat water as an unlimited resource, where it is de facto a common resource without clearly defined property rights.
- Stable and secure water rights should be pursued because they are an important incentive for private investment.
- Water rights are rights to use certain amounts of water rather than the right to the ownership of the resource itself.

# Thank You !



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