

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

**THE REPUBLIC OF INDONESIA**

**LAW NO. 7/2004**

**ON**

**WATER RESOURCES**

BY THE GRACE OF THE ONE AND ONLY GOD,

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering:

- a. that water resources constitute a blessing from the One and Only God that provide benefit for the welfare of all the Indonesian people in all aspects of life;
- b. that in addressing the imbalance between the decreasing water supply and the increasing demand for water, it is necessary to manage the water supply by taking account of its balanced social, environmental and economic functions;
- c. that water resources management needs to be directed to create a balanced inter-regional, inter-sector and inter-generational synergy and integrity;

- d. that in line with the spirit of democracy, decentralization and transparency in social, national, and state life, it is necessary to provide the people with a role in the management of water resources;
- e. that Law No. 11 of 1974 on irrigation is no longer effectively appropriate for the demands of developing conditions and changes in the life of the people and it is requisite to replace it with a new law;
- f. that based on considerations as intended under points (a), (b), (c), (d), and (e), it is necessary to stipulate a law on water resources;

In View of: Article 5 paragraph (1), Article 18, Article 18A, Article 20 paragraph (2), Article 22 letter (d) paragraphs (1), (2), (3), Article 33 paragraphs (3) and (5) of the 1945 Constitution of the Republic of Indonesia;

With the Mutual Approval of  
THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA  
AND THE PRESIDENT OF THE REPUBLIC OF INDONESIA  
HAVING DECIDED

To Stipulate: **A LAW ON WATER RESOURCES**

**CHAPTER I**  
**GENERAL PROVISIONS**

Article 1

What is intended in this Law by:

1. Water resources consist of water, water sources, and water potentials contained therein.
2. Water is specified as all types of water found in, on or under the land surface, including surface water, groundwater, rainwater, and seawater that are found on land.
3. Surface waters are all types of water that are found on the land surface.
4. Groundwater is water that is found in land strata or rock sediments under the land surface.
5. Water sources are natural and/or artificial water catchments or basins that are found on or under the land surface.
6. Water potentials are potentials contained in water and/or water sources that can be beneficial for or detrimental to life and the life of humankind and their environment.
7. Water resources management consists of efforts to plan, execute, monitor, and evaluate the operation of water resources conservation and utilization, and control water damaging potentials.
8. Water resources management pattern constitutes a fundamental framework in the planning, execution, monitoring and evaluation of water resources conservation, utilization and controlling potential water damaging activities.
9. Water resources management plan is the result of a comprehensive and integrated plan that is required for the implementation of water resources management.

10. River area is a water resources management area unit in one or more river flow area/s and/or small islands covering an area of less than or equivalent to 2,000 sq. km.
11. River flow area is a land area constituting a unit with a river and the streams that function to catch, store and distribute water originating from rainfall to lakes or to the sea in a natural manner, the land boundaries of which constitute topographical divisions and sea boundaries up to the areas of waters that are still affected by land activities.
12. Groundwater depression is an area confined by hydrological boundaries where all hydrological events such as the replenishing, flowing and shedding of groundwater occur.
13. Use Water Right is a right to obtain and use or operate water for various purposes.
14. Beneficial Use Water Right is a right to obtain and use water.
15. Commercial Use Water Right is a right to obtain and operate water.
16. Regional Government consists of a regional head as well as other autonomous regional forces functioning as a regional executive body.
17. Central Government is hereinafter referred to as the Government, the forces of the Unitary State of the Republic of Indonesia that consists of the President and his ministers.
18. Water Resources Conservation is the endeavor to maintain the existence and continuation of the condition, nature, and function of water resources to ensure continued availability in sufficient quantity and quality to fulfill the needs of living creatures at present and in the future.
19. Water Resources Utilization is the effort to optimally administer, provide, use,

- develop and operate water resources effectively and efficiently.
20. Water Damaging Potential Control is the effort to prevent, cope with and restore the damage to environmental quality caused by water damaging potentials.
  21. Water Damaging Potentials are the potentials of water that can be detrimental to life.
  22. Planning is a process of activities to determine measures to be taken coordinately and directionally in achieving the purposes of water resources management.
  23. Operation is the activity of organizing, allocating, and providing water and water sources to optimize the utilization of water resources infrastructures.
  24. Maintenance encompasses the activities of maintaining water resources and water resources infrastructures with the aim of ensuring the harmony of water sources functions and water resources infrastructures.
  25. Water Resources Infrastructures are water constructions as well as other constructions that directly and indirectly support the activities of water resources management.
  26. Water Resources Manager is the institution that is given the authority to carry out water resources management.

## Article 2

Water resources are managed based on the principles of harmony, balance, public benefit, integrity and concurrence, justice, independence, and

transparency and accountability.

#### Article 3

Water resources are managed comprehensively and integrally with an environmental concept, with the aim of realizing sustainable water resources benefits for optimal public welfare.

#### Article 4

Water resources have social, environmental, and economic functions that are harmoniously organized and realized.

#### Article 5

The state guarantees the right of every person in obtaining water for minimum rudimentary daily use to fulfill a healthy, clean and productive life.

#### Article 6

- (1) Water resources are controlled by the state and used for the optimal welfare of the people.
- (2) The control of water resources as intended under paragraph (1) is organized by the Government and/or regional governments by maintaining the recognition of local traditional communal rights and similar rights, so long as they are not contradictory to national interests and legislative regulations.
- (3) Traditional communal rights on water resources, as intended under paragraph (2), will be recognized so long as they actually exist and have

been confirmed with local regional regulations.

#### Article 7

- (1) Use Water Right as intended under Article 6 Paragraph (4) consists of the beneficial use of water rights and the commercial use of water rights.
- (2) Use Water Right as intended under paragraph (1) cannot be leased or transferred in part or in whole.

#### Article 8

- (1) Beneficial Use Water Right is obtained without any license to fulfill the normal daily needs of individuals and for small-scale farming within an irrigation system.
- (2) Beneficial Use Water Right as intended under paragraph (1) requires a license if:
  - a. the manner of its use is by changing the natural condition of water sources;
  - b. it serves the purposes of a group of people who need water in large amounts; or
  - c. it is used for small-scale farming outside the existing irrigation system.
- (3) A license as intended under paragraph (2) is provided by the Government or by regional governments in accordance with the respective authority.
- (4) Beneficial Use Water Right as intended under paragraph (1) comprises the rights to flow water from or to one's land through another person's land that borders on one's land.

Article 9

- (1) Use water right can be granted to individuals or corporations with a license from the Government or regional governments in accordance with the relevant authority.
- (2) The holder of commercial use water right can flow water on another person's land based on an approval of the holder of the title of said land.
- (3) Approval as intended under paragraph (2) may constitute a repayment or compensation agreement.

Article 10

Provisions on use water rights as intended under Articles 7, 8 and 9 will be stipulated further by a government regulation.

Article 11

- (1) A water resources management pattern will be prepared to guarantee the organizing of water resources management that can provide optimal benefit to the people in all aspects of life.
- (2) Water resources management pattern as intended under paragraph (1) will be prepared based on river areas with a principle of harmony between surface water and groundwater.
- (3) The drafting of water resources management pattern as intended under paragraph (2) will be carried out by optimally involving the participation of the people and business circles.
- (4) Water resources management pattern is based on the principle of harmony



between water resources conservation and utilization endeavors.

- (5) Provisions on the preparation of water resources management pattern as intended under paragraph (1) will be stipulated further by a government regulation.

#### Article 12

- (1) Surface water management is based on river areas.
- (2) Groundwater management is based on groundwater depressions.
- (3) Provisions on the management of surface water and groundwater as intended under paragraphs (1) and (2) will be stipulated further by a government regulation.

## **CHAPTER II**

### **AUTHORITIES AND RESPONSIBILITIES**

#### Article 13

- (1) River areas and groundwater depressions as intended under Article 12 paragraphs (1) and (2) will be stipulated by a Presidential Decree.
- (2) The President will determine river areas and groundwater depressions as intended under paragraph (1) by taking into consideration the views of the Board of National Water Resources.
- (3) The determination of river areas as intended under paragraph (1) covers regent/municipal, inter-regent/municipal, inter-provincial, inter-country river areas, and nationally strategic river areas.
- (4) The determination of groundwater depressions as intended under

paragraph (1) covers regent/municipal, inter-regent/municipal, inter-provincial, inter-country groundwater depressions.

- (5) Provisions on the criteria and procedures of determining river areas and groundwater depressions will be stipulated further by a government regulation.

#### Article 14

The authorities and responsibilities of the Government cover:

- a. the stipulation of national water resources policies;
- b. the stipulation of water resources management pattern in inter-provincial river areas, inter-country river areas, and nationally strategic river areas;
- c. the stipulation of water resources management plan in inter-provincial river areas, inter-country river areas, and nationally strategic river areas;
- d. the stipulation and management of water sources conservatory zones in inter-provincial river areas, inter-country river areas, and nationally strategic river areas;
- e. the implementation of water resources management in inter-provincial river areas, inter-country river areas, and nationally strategic river areas;
- f. the regulation, stipulation, and granting of a permission for the provision, designation, use and operation of water resources in inter-provincial river areas, inter-country river areas, and nationally strategic river areas;
- g. the regulation, stipulation, and granting of technical recommendations for the provision, designation, utilization, and commercial operation of groundwater in inter-provincial groundwater depressions and inter-country groundwater depressions;

- h. the formation of the Board of National Water Resources, and the board of inter-provincial river areas, and the board of nationally strategic river areas;
- i. the facilitation of inter-provincial water resources management disputes settlement;
- j. the stipulation of water resources norms, standards, criteria and guidance for water resources management;
- k. the maintenance of the effectiveness, efficiency, quality, and discipline of the implementation of water resources management in inter-provincial, inter-country river areas, and nationally strategic river areas; and
- l. the provision of technical support in water resources management for provincial and regent/municipal governments;

#### Article 15

The authorities and responsibilities of provincial governments comprise:

- a. the stipulation of water resources management policies in their respective areas based on national water resources policies by taking into account the interests of the surrounding provinces;
- b. the stipulation of water resources management pattern in inter-regent/municipal river areas;
- c. the stipulation of water resources management plan in inter-regent/municipal river areas by taking into account the interests of the surrounding provinces;
- d. the stipulation and management of water source conservatory zones in inter-regent/municipal river areas;

- e. the implementation of water resources management in inter-regent/municipal river areas by taking into account the interests of the surrounding provinces;
- f. the regulation, stipulation, and granting of licenses for the provision, withdrawal, designation, use and operation of groundwater inter-regent/municipal river areas;
- g. the regulation, stipulation, and provision of technical recommendations for the provision, withdrawal, designation, use and operation of groundwater inter-regent/municipal groundwater depressions;
- h. the formation of water resources boards or under a different name at the provincial and/or inter-regent/municipal river areas;
- i. the facilitation of inter-regent/municipal water resources dispute settlements;
- j. the assistance to regencies/municipalities within the said provincial area in fulfilling the main need of water for the people;
- k. the maintenance of the effectiveness, efficiency, quality and discipline of the implementation of water resources management in inter-regent/municipal river areas; and
- l. the provision of technical assistance to regent/municipal river areas in water resources management.

#### Article 16

The authority and responsibilities of regent/municipal government comprise:

- a. the stipulation of water resources management policies in the area based on national water resources policies and provincial water resources

- policies by taking into account the interest of the surrounding regencies/municipalities;
- b. the stipulation of water resources management pattern in the river areas of the regency/municipality;
  - c. the stipulation of water resources management pattern in the river areas of the regency/municipality by taking into account the interest of the surrounding regencies/municipalities;
  - d. the stipulation and management of water sources conservation areas in the river areas of the regency/municipality;
  - e. the implementation of water resources management in the river areas of the regency/municipality by taking into account the interests of the surrounding regencies/municipalities;
  - f. the regulation, stipulation and granting of licenses for the provision, designation, use, and operation of groundwater in the area and water resources in the river areas of the regency/municipality;
  - g. the formation of a water resource board or by any other names at the regent/municipal level and/or at the river areas of the regency/municipality;
  - h. the fulfillment of minimum daily need of water for the people in the area; and
  - i. the maintenance of the effectiveness, efficiency, quality and discipline of the realization of water resources

#### Article 17

The authorities and responsibilities of the village government or as referred to

by any other names, comprising:

- a. the management of water resources in the village area that has not been implemented by the people and/or higher level government, by considering the principle of public benefits;
- b. the maintenance of the effectiveness, efficiency, quality and discipline of the implementation of water resources management under its authority;
- c. the fulfillment of minimum daily need of water for the village people in accordance with the existing water availability; and
- d. the taking into account the interests of other villages in the implementation of water resources management in the area.

#### Article 18

The regional governments in accordance with legislative regulations can organize part of the Government's authority in water resources management as intended under Article 14.

#### Article 19

- (1) In the event that the regional governments cannot implement part of their authority as intended under Articles 15 and 16, the regional governments can transfer their authority to a higher level of government in accordance with legislative regulations.
- (2) The exercise of part of the water resources management authority by regional governments as intended under Articles 15 and 16 should be conducted by a higher level government, in the case of:
  - a. regional governments do not exercise part of their authority in water

- resources management that may endanger the public interest; and/or
- b. inter-provincial or inter-regent/municipal disputes.

### **CHAPTER III**

#### **WATER RESOURCES CONSERVATION**

##### *Article 20*

- (1) Water resources conservation is aimed at the maintenance of the sustainability of the existence of water resources supportability, and the function of water resources.
- (2) Water resources conservation as intended under paragraph (1) should be conducted through water resources preservation and conservation activities, water preservation, and water quality management and water pollution control activities, by referring to the water resources management pattern stipulated in the respective river area.
- (3) Provision on water resources conservation as intended under paragraph (2) constitutes one of the references in landscape planning.

##### *Article 21*

- (1) Water resources conservation and preservation are designated to protect and conserve water sources and the surrounding environment against damage or interference caused by acts of nature, including draught and the results of human acts.
- (2) Water resources conservation and preservation as intended under paragraph (1) shall be conducted through:

- a. The maintenance of water absorption function and water catchment areas;
  - b. The control of water sources utilization;
  - c. Water replenishment at water sources;
  - d. The regulating of sanitation infrastructures and facilities;
  - e. Water sources conservation in relation with development and area utilization activities at water sources;
  - f. The control of land management in upstream areas;
  - g. The regulating of water border areas;
  - h. The rehabilitation of forests and land areas; and/or
  - i. The conservation of preservation forests, natural sanctuary areas, and natural conservation areas.
- (3) Water resources conservation and preservation as intended under paragraph (2) will be regulated further by a government regulation.

## Article 22

- (1) Water conservation is aimed at the maintenance of the existence and availability of water or water quantity, in accordance with its function and utilization.
- (2) Water conservation as intended under paragraph (1) should be conducted by ways of:
  - a. Storing the excess water during rainfall for utilization when required;
  - b. Economizing water through efficient and effective use of water; and/or



- c. Controlling the use of groundwater.
- (3) Stipulations on water conservation as intended under paragraph (2) will be regulated further by a government regulation.

#### Article 23

- (1) The management of water quality and water pollution control shall be aimed at the maintenance and recovery of the quality of inflowing water and water at water sources.
- (2) The management of water quality as intended under paragraph (1) shall be conducted by way of improving the quality of water at water sources and water resources infrastructures.
- (3) The control of water pollution as intended under paragraph (1) shall be conducted by way of preventing water pollution in water sources and water resources infrastructures.
- (4) Stipulations on water quality management and water pollution control as intended under paragraph (1) will be regulated further by a government regulation.

#### Article 24

Every individual or business enterprise is prohibited from conducting any activity that may result in the damage of water sources and infrastructures, interfere in water conservation, and/or cause water pollution.

#### Article 25

- (1) Water resources conservation shall be conducted in rivers, lakes, dams,

swamps, groundwater depressions, irrigation systems, water catchment areas, natural sanctuaries, natural conservation areas, forest areas, and beach areas.

- (2) The regulating of water resources conservation in natural sanctuaries, natural conservation areas, forest areas, and beach areas shall be conducted based on legislative regulations.
- (3) Stipulations on the implementation of water resources conservation as intended under paragraph (1) will be regulated further by a government regulation.

## **CHAPTER IV**

### **WATER RESOURCES UTILIZATION**

#### Article 26

- (1) Water resources utilization shall be conducted through water resources administration, supply, utilization, development, and operation activities by referring to water resources management patterns that are stipulated in respective river area.
- (2) Water resources utilization is designated for sustainable water resources utilization by prioritising the fulfilment of the rudimentary living needs of the people in an impartial manner.
- (3) Water resources utilization as intended under paragraph (1) is exempted in natural sanctuaries and natural conservation areas.
- (4) Water resources utilization shall be organized integrally and impartially, in inter-sector, inter-regional as well as inter-community group activities by encouraging cooperation patterns.

- (5) Water resources utilization shall be based on the relatedness of rainwater, surface water, and groundwater by prioritising the utilization of surface water.
- (6) Every person is required to use water as efficiently as possible.
- (7) Water resources utilization shall be conducted by prioritising the social functions to realize the manifestation of justice by taking into account the principle of the payment of water resources management services by water users and by involving the role of the people.

#### Article 27

- (1) The administering of water resources as intended under Article 26, paragraph (1) should be designated for the stipulation of water resources utilization zones and water designation at water sources.
- (2) The stipulation of water sources utilization as intended under paragraph (1) constitutes one of the references in the preparation or amendment to the regional landscaping plan and water resources management plan in the river areas concerned.
- (3) The stipulation of water resources utilization zones should be conducted by:
  - a. Allocating the zones for conservation and cultivation functions;
  - b. Using research and technical hydrological measuring findings as a base;
  - c. Taking into account water sources spaces limited by water sources border lines;
  - d. Taking into account the purposes of various types of utilization;

- e. Involving the role of the surrounding community and other parties concerned; and
  - f. Taking into account the function of the zones.
- (4) Water sources zone stipulations and procedures will be regulated further by a government regulation.

#### Article 28

- (1) The stipulation of water designation at water sources as intended under Article 27, paragraph (1) in respective river area should be conducted by taking into account:
- a. Water source supportability;
  - b. The number and distribution of population and the growth projection;
  - c. The calculation and projection of water resources requirements; and
  - d. Utilization of the existing water.
- (2) The Government and regional governments should supervise the implementation of water designation provisions as mentioned under paragraph (1).
- (3) The provision regarding the stipulation of water designation as intended under paragraph (1) will be regulated further by a government regulation.

#### Article 29

- (1) Water resources supply as intended under Article 26, paragraph (1) aims

at the fulfilment of water and water potential need and the fulfilment of various needs in accordance with water quality and quantity.

- (2) Water resources supply in every river area should be conducted in accordance with the administration of water resources that is stipulated for the fulfilment of rudimentary living needs, environmental sanitation, agriculture, energy, industry, mining, transportation, forestry and biodiversity, sports, recreation and tourism, ecosystem, aesthetics, and other needs as stipulated in accordance with legislative regulations.
- (3) Water resources supply for the fulfilment of rudimentary daily living needs and irrigation of small-scale farming in the existing irrigation system constitute the main priority of water resources supply above all other needs.
- (4) The scale of priority for water resources supply other than that referred to in paragraph (3) shall be stipulated for respective river area by the Government or regional governments in accordance with the related authority.
- (5) If the stipulation of water resources supply scale of priority as intended under paragraph (4) incurs a loss to water sources users, the Government or regional governments must determine the compensation to the users.
- (6) Water resources supply as intended under paragraph (2) should be planned and stipulated as part of water resources management plan in each river area by the Government or regional governments in accordance with the related authority.

- (1) Water resources supply should be implemented based on the water resources management plan as stipulated for every river area.
- (2) The Government or regional governments may take water resources supply measures as stipulated for every river area.

#### Article 31

Provisions on water resources supply as intended under Articles 29 and 30 should be regulated further by a government regulation.

#### Article 32

- (1) Water resources use as intended under Article 26, paragraph (1) should be aimed at the utilization of water resources and their infrastructures as media and/or material.
- (2) Water resources use should be implemented in accordance with water resources administration and plan as stipulated in the water resources management plan of related river areas.
- (3) The use of water from water sources for the fulfilment of rudimentary daily living needs, and social and small-scale farming needs, shall not incur any damage to the related water sources and the surrounding environment or public infrastructures.
- (4) The use of water for the fulfilment of daily rudimentary living needs performed through water resources infrastructures should be implemented with the approval of the party having authority over the related infrastructures.
- (5) If the use of water as intended under paragraph (3) turns out to incur

damage to water sources, the related party must pay for the loss.

- (6) In the use of water, every individual or business enterprise must make efficiency efforts by water recycling and reusing.
- (7) Provisions on the use of water resources as intended under paragraph (1) shall be regulated further by a government regulation.

### Article 33

Under force majeure, the Government and/or regional governments should regulate and stipulate the use of water resources for the purposes of water resources conservation, construction, execution, preparation, and fulfillment of water use priority.

### Article 34

- (1) Water resources development as intended under Article 26, paragraph (1) in river areas is aimed at the improvement of the function of water sources utilization for the fulfillment of rudimentary water needs for households, agriculture, industry, tourism, defence, mining, energy, transportation, and other various needs.
- (2) Water resources development as intended under paragraph (1) should be conducted without damaging the environmental balance.
- (3) Water resources development as intended under paragraph (1) should be conducted based on determined water resources management plan and zoning landscape plan by taking into account:
  - a. Water resources supportability;

- b. Regional and local community typicality and aspirations;
  - c. Funding capacity; and
  - d. Bio-diversity preservation in water sources.
- (4) The implementation of water resources development as intended under paragraph (2) should be conducted through public consultation by stages of survey, investigation and planning, and based on technical, environmental and economic feasibilities.
- (5) The potential impact that may incur as a result of the implementation of water resources development as intended under paragraph (2) should be holistically handled by involving various related parties in the plan drafting stage.

#### Article 35

Water resources development as intended under Article 34, paragraph (1) comprises:

- a. Surface water in rivers, lakes, swamps, and other surface water sources;
- b. Groundwater in groundwater depressions;
- c. Rainwater; and
- d. Seawater on land.

#### Article 36

- (1) Surface water development in rivers, lakes, swamps, and other surface water sources as intended under Article 35 (a) should be implemented by taking account of the characteristics and functions of the related water sources;



- (2) Provisions on the development of rivers, lakes, swamps, and other surface water sources shall be regulated further by a government regulation.

Article 37

- (1) Groundwater as intended under Article 35 (b) constitutes one of the water resources with limited existence the damages of which may result in an extensive impact with difficult recovery.
- (2) Groundwater development in groundwater depressions should be conducted integrally in water resources development of river areas through preventive efforts against groundwater damage.
- (3) Provisions on groundwater development will be stipulated further by a government regulation.

Article 38

- (1) The development of the functions and benefits of rain water as intended under article 35 (c) should be conducted by developing weather modification technology;
- (2) Business entities and individuals may endeavour to utilize clouds through weather modification technology with a license issued by the Government.
- (3) Provisions on the utilization of clouds for weather modification technology should be regulated further by a government regulation.

Article 39

- (1) The development of the function and utilization of seawater on land as intended under Article 35 (d) should be conducted by taking into account the environmental functions.
- (2) Business entities and individuals may utilize seawater on land for business activities after obtaining a water resources operation license from the Government and/or regional government.
- (3) Provisions on the utilization of seawater on land will be regulated further by a government regulation.

#### Article 40

- (1) The fulfilment of standard water needs for household potable water as intended under Article 34, paragraph (1) should be conducted through the development of a potable water supply system.
- (2) The development of a potable water supply system as intended under paragraph (1) should be the responsibility of the Government and regional governments.
- (3) State-owned business entities and/or regional-owned business entities will be the organizers of the development of the potable water supply system.
- (4) Cooperatives, private business entities, and the public may participate in the organizing of the drinking water supply system development activities.
- (5) The regulation on the development of a drinking water supply system aims at:
  - a. The establishment of good quality and affordable drinking water

- management and services;
- b. The establishment of a balance of interests of consumers and service providers;
  - c. Improved efficiency and scope of drinking water services.
- (6) The regulation on the development of a drinking water supply system as intended under paragraphs (1), (2), (3) and (4) should be organized integrally by developing sanitation infrastructures and facilities as intended under Article 21, paragraphs (2) (d).
- (7) To achieve the aim of a drinking water supply development operation as intended under paragraphs (5) and (6), the Government may establish an agency under and reporting to the minister in charge of water resources.
- (8) Provisions on the development of a drinking water supply system, affecting state-owned agencies and/or regional-owned business entities who operate the development of a drinking water supply system, the participation of cooperatives, private business entities, and the public in the development and operation of a drinking water system and the establishment of agencies as mentioned under paragraphs (1), (3), (4), and (7), should be regulated further in a government regulation.

#### Article 41

- (1) The fulfilment of rudimentary living needs of water for agriculture as intended under Article 34, paragraph (1) should be conducted through the development of an irrigation system.

- (2) The development of primary and secondary irrigation systems constitutes the authority and responsibility of the Government and regional government with the following provisions:
  - a. Inter-provincial primary and secondary irrigation systems development constitutes the authority and responsibility of the Government;
  - b. Inter-regent/municipal primary and secondary irrigation systems development constitutes the authority and responsibility of the provincial governments;
  - c. An integrated primary and secondary irrigation systems development in a regency/municipality constitutes the authority and responsibility of the related regent/municipal governments;
- (3) Tertiary system development should be the right and responsibility of the farmers association of water users.
- (4) Irrigation system development as intended under paragraph (2) should be conducted by involving the public.
- (5) Farmers associations of water users or other parties in accordance with their needs and capacities may conduct the development of primary and secondary irrigation systems.
- (6) Provisions on the development of irrigation systems will be stipulated further by a government regulation.

#### Article 42

- (1) The development of water resources for industrial and mining purposes as intended under Article 34, paragraph (1) should be conducted for the

fulfilment of the main needs of water in processing and/or exploration activities.

- (2) Provisions on water resources development for industry and mining will be regulated further by a government regulation.

#### Article 43

- (1) Water resources development for energy purposes as intended under Article 34, paragraph (1) may be conducted for the fulfilment of one's own purposes and for further operations.
- (2) Provisions on water resources development for energy purposes will be regulated further by a government regulation.

#### Article 44

- (1) Water resources development for transportation as intended under Article 34, paragraph (1) may be conducted in rivers, lakes, dams, and other water sources.
- (2) Provisions on water resources development as transportation infrastructure network will be regulated further by a government regulation.

#### Article 45

- (1) Water resources operation should be conducted by taking into account its social function and environmental preservation.
- (2) Surface water resources operation covering a river area may only be conducted by state-owned business entities or regional-owned business

- entities in water resource processing or by co-operation between state-owned business entities and regional-owned business entities;
- (3) Water resources operation other than those intended under paragraph (2) may be conducted by individuals, business entities, or co-operations between state-owned business entities and regional-owned business entities in accordance with their respective authorities;
- (4) Operations as intended under paragraph (3) may include:
- a. Water use in a certain location in accordance with requirements as stipulated in a license;
  - b. Water basin use in a certain location in accordance with requirements as stipulated in a license; and/or
  - c. Water potential utilization in a certain location in accordance with requirements as stipulated in a license.

#### Article 46

- (1) The Government or regional government in accordance with the respective authority, should regulate and stipulate water allocation of water sources for water resources commercial operation by a business entity or individual as intended under Article 45, paragraph (3).
- (2) Water allocation for water resources commercial operation by a business entity or individual as intended under paragraph (1) must be conducted based on a water allocation plan as stipulated in the water resources management plan in the related river areas.
- (3) Water allocation for water resources commercial operation as intended under paragraph (1) should be stipulated in a water resources

commercial operation license issued by the Government or regional governments.

- (4) In the case of the water resources management plan not yet being stipulated, the license for water resources commercial operation in river areas should be stipulated based on temporary water allocation.

#### Article 47

- (1) The Government must supervise the quality of services provided by:
  - a. State-owned/regional-owned business entities that manage water resources; and
  - b. Other business entities and individuals as holders of water resources commercial operation licenses.
- (2) The Government and/or regional government must facilitate public complaints for services provided by business entities and individuals as intended under paragraph (1).
- (3) Business entities and individuals as intended under paragraph (1) must participate in conducting water resources conservation activities and improving the welfare of the surrounding community.
- (4) The water resources commercial operation plan should be conducted through public consultation.
- (5) The water resources commercial operation should be organized by encouraging the participation of small-scale and medium scale business entities.

#### Article 48

- (1) The water resources commercial operation in a river area that is

executed by constructing and/or using distribution channels may only be used for another river area if the water supply exceeds the need of the population in the related river area.

- (2) Water resources commercial operation as intended under paragraph (1) should be based on the water resources management plan.

#### Article 49

- (1) Water commercial operations for another country is prohibited, unless the water supply for various needs as intended under Article 29, paragraph (2) have been fulfilled.
- (2) Water commercial operations for another country as intended under paragraph (1) should be based on the water resources management plan in the related river area, and by taking into account the interests of the surrounding areas.
- (3) The water commercial operations plan for another country should be conducted through a public consultation by the government in accordance with the related authority.
- (4) Water commercial operations for another country as intended under paragraphs (2) and (3) must obtain a license from the Government based on the recommendation from the regional government and in accordance with legislative regulations.

#### Article 50

Provisions on water resources commercial operations will be regulated further by a government regulation.



## **CHAPTER V**

### **THE CONTROL OF WATER DAMAGING POTENTIALS**

#### Article 51

- (1) The control of water damaging potentials should be conducted thoroughly and comprise preventive, handling and recovery efforts.
- (2) The control of water damaging potentials as intended under paragraph (1) should be prioritised for preventive efforts through water damaging potential planning that is integrally and thoroughly prepared in the water resources management pattern.
- (3) The control of water damaging potentials as intended under paragraph (1) should be organized by involving the people.
- (4) The control of water damaging potentials as intended under paragraph (1) should be the responsibility of the Government, regional government, and the water resources manager in the river areas and of the people.

#### Article 52

Every individual or business entity is prohibited from conducting activities that may result in the occurrence of water damaging potentials.

#### Article 53

- (1) Preventions as intended under Article 51, paragraph (1) should be conducted through physical and/or non-physical activities through upstream and downstream balancing of river areas.

- (2) Preventions as intended under paragraph (1) should be prioritised for non-physical activities.
- (3) Activity selection as intended under paragraph (1) should be made by the related water resources manager.
- (4) Provisions on the prevention of damages and disasters caused by water damaging potentials will be regulated further by a government regulation.

#### Article 54

- (1) Water damaging potentials handling as intended under Article 51, paragraph (1) should be conducted by disaster mitigation.
- (2) The handling as intended under paragraph (1) should be conducted integrally by the related agencies and the people through a national, provincial, and regent/municipal level disaster handling coordination agency.
- (3) Provisions on the handling of damages and disasters caused by water damaging potentials will be regulated further by a government regulation.

#### Article 55

- (1) The handling of disasters caused by national scale water damaging potentials should be the responsibility of the Government.
- (2) Disasters caused by national scale water damaging potentials should be stipulated by a presidential decree.

Article 56

Under emergency situations, the governor and/or regent/mayor will be authorized in taking emergency measures for the purpose of handling water damaging potentials as intended under Article 55, paragraph (1).

Article 57

- (1) The recovery of water damaging potentials as intended under Article 51, paragraph (1) should be conducted by recovering the ecological functions and water resources infrastructure systems.
- (2) Recovery as intended under paragraph (1) should be the responsibility of the Government, regional government, water resources managers, and the people.
- (3) Provisions on the recovery of water damaging potentials as intended under paragraph (1) will be regulated further by a government regulation.

Article 58

- (1) The control of water damaging potentials should be conducted in rivers, lakes, basins and/or dams, swamps, ground water depressions, irrigation systems, rainwater, and seawater on land.
- (2) Provisions on the control of water damaging potentials should be conducted in rivers, lakes, basins and/or dams, swamps, ground water depressions, irrigation systems, rainwater, and seawater on land as intended under paragraph (1) will be regulated further by a government regulation.

## **CHAPTER VI**

### **PLANNING**

#### *Article 59*

- (1) Water resources management planning should be prepared to produce a plan that acts as a guideline and directive for the implementation of water resources conservation, water resources leveraging, and water damaging potentials control.
- (2) Water resources management planning should be conducted based on the principle of water resources management as intended under Article 2.
- (3) Water resources management planning should be prepared in accordance with the water resources management plan as intended under Article 11.
- (4) The water resources management plan constitutes one of the elements in the preparation, reconsideration, and/or improvement of the regional landscaping plan.

#### *Article 60*

- (1) Water resources management planning should be prepared in accordance with the procedures and requirements through stages as stipulated in the national prevailing planning standard that covers the inventory of water resources, and the preparation and stipulation of the water resources management plan.
- (2) Provisions on the procedures and planning requirements as intended

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

#### Article 61

- (1) Water resources inventory as intended under Article 60, paragraph (1) should be conducted in every river area throughout Indonesia.
- (2) Inventory, as intended under paragraph (1), should be conducted co-ordinately in every river area by the related water resources manager.
- (3) The execution of the inventory, as intended under paragraph (2), should be performed by other parties based on stipulated provisions and procedures.
- (4) Water resources managers are required to maintain the inventory results and update the data in accordance with recent conditions.
- (5) Provisions on water resources inventory will be regulated further by a government regulation.

#### Article 62

- (1) Water resources management plans as intended under Article 59, paragraph (3) in all river areas should be conducted co-ordinately by the authorized agency in accordance with its task area by involving the stakeholders in the management of water resources.
- (2) The authorized agency in accordance with its task area should openly announce the water resources plans to the people.
- (3) The people are entitled to declare their objections to a water resources management plan that has been announced after a certain period in

- accordance with the local conditions.
- (4) The authorized agency may reconsider a water resources management plan that is objected to by the people as intended under paragraph (3).
  - (5) Water resources management draft plans should be determined by the authorized agency to be water resources management plans.
  - (6) Water resources management plans in every river area should be specified into programs related to water resources management conducted by governmental and private agencies, and by the people.
  - (7) Provisions on water resources management plans will be regulated further by a government regulation.

## **CHAPTER VII**

### **IMPLEMENTATION OF CONSTRUCTION, OPERATION AND MAINTENANCE**

#### **Article 63**

- (1) The execution of water resources infrastructure construction should be conducted based on the norms, standards, guidelines and manuals by utilizing local technology and resources, and by prioritising the work safety, security, and sustainability of ecological functions in accordance with legislative regulations.
- (2) Every individual or business entity is prohibited from conducting water resources infrastructure construction that is not based on the norms, standards, guidelines and manuals as intended under paragraph (1).
- (3) Every individual or business entity executing construction activities at water sources is required to obtain a license from the Government or

regional government in accordance with the related authority.

- (4) The execution of water resources infrastructures and facilities on the land belonging to another party should be conducted after the settlement of the compensation process to the entitled party in accordance with legislative regulations.
- (5) Provisions on the license as intended under paragraph (3) will be regulated further by a government regulation.

#### Article 64

- (1) The execution of water resources operation and maintenance consist of water source maintenance and water resources operation and maintenance.
- (2) The execution of operation and maintenance as intended under paragraph (1) consists of the regulating, execution, monitoring, and evaluation to ensure the conservation of water resources functions and benefits.
- (3) The execution of water resources operation and maintenance should be conducted by the Government, regional government, and water resources managers in accordance with their respective authority.
- (4) The execution of water resources infrastructure operation and maintenance constructed by business entities, communal groups, or individuals, should be the task and responsibility of the constructing party.
- (5) The people should participate in the execution of the operation and maintenance as intended under paragraph (1).

- (6) The execution of the operation and maintenance of irrigation systems is stipulated as follows:
  - a. The execution of the operation and maintenance of primary and secondary irrigation systems should be the authority and responsibility of the Government and regional government in accordance with the respectable authority.
  - b. The execution of the operation and maintenance of tertiary irrigation systems should be the authority and responsibility of water users in agricultural communities.
- (7) Every individual or business entity is prohibited from conducting any activity that may cause damage to the water resources infrastructure.
- (8) Provisions on the operation and maintenance of water resources will be regulated further by a government regulation.

## **CHAPTER VIII**

### **WATER RECOURCES INFORMATION SYSTEM**

#### *Article 65*

- (1) To support water resources management, the Government and regional government should organize the water resources information system management in accordance with the respective authorities.
- (2) Water sources information as intended under paragraph (1) comprises information on the hydrological, hydro-meteorological and hydro-geological information, water resources and water resources infrastructure policies, water resources, water resources technology, and the ecology of the water sources and the surrounding areas, and the



social economic and cultural activities of the community related to the water sources concerned.

#### Article 66

- (1) Water resources information systems as intended under Article 65, paragraph (1) constitutes water resources information disseminated and managed by various institutions.
- (2) The water resources information network as intended under paragraph (1) must be accessible by various parties concerned in water resources.
- (3) The Government and regional government may establish a technical execution unit to organize water resources information system activities.

#### Article 67

- (1) The Government and regional government as well as water resources managers in accordance with their respective authorities, should provide water resources information for all parties concerned in water resources.
- (2) For the execution of information providing activities as intended under paragraph (1), all Government agencies, regional governments, legal entities, organizations and individuals conducting activities which are related to water resources, should submit reports on their activities to the Government agencies and regional government which are in charge of water resources affairs.
- (3) The Government and regional government, water resources managers,

legal entities, organizations, agencies and individuals as intended under paragraphs (1) and (2) should be responsible for ensuring the accuracy, validity, and timeliness of the provided information.

#### Article 68

- (1) To support water resources information system management, it is a requisite to establish hydro-meteorological and hydro-geological information system management at the national, provincial and regent/municipal levels.
- (2) Hydrological, hydro-meteorological and hydro-geological information system management policies should be stipulated by the Government based on proposals from the Council of National Water Resources.
- (3) Hydrological, hydro-meteorological and hydro-geological information system management as intended under paragraph (1) should be conducted by the Government, regional government, and water resources managers in accordance with their authority.
- (4) Hydrological, hydro-meteorological and hydro-geological information system management as intended under paragraph (3) may be conducted through co-operation with other parties.

#### Article 69

Provisions on water resources information system as intended under Articles 66, 67 and 68 will be regulated further by a government regulation.

### **CHAPTER IX**

## **EMPOWERMENT AND SUPERVISION**

### *Article 70*

- (1) The Government and regional government should organize the empowerment of water resources stakeholders and institutional owners in a well-planned and systematic manner to improve water resources management performance.
- (2) Empowerment as intended under paragraph (1) should be conducted in water resources planning, construction execution, supervision, operation and maintenance, by involving the role of the people.
- (3) Community groups on their own initiative may organize empowerment efforts for their respective needs guided by the purposes of empowerment as intended under paragraphs (1) and (2).
- (4) Empowerment as intended under paragraph (1) should be conducted in the form of education and training, research and development as well as counselling.

### *Article 71*

- (1) The minister in charge of water resources and those related to water resources affairs should stipulate specific educational standards in water resources affairs.
- (2) The organizing of water resources education may be conducted by the Government, regional governments or by private parties in accordance with the specific educational standards as intended under paragraph (1).

### *Article 72*

- (1) Water resources research as well as scientific and technological development should be organized to support and improve water resources management performance.
- (2) The minister in charge of science and technology with the recommendations from the minister in charge of water resources and the minister related to water resources, will stipulate policies and guidelines required in the execution of researches and scientific and technological development as intended under paragraph (1).
- (3) The Government and regional governments in accordance with their respective authorities should conduct water resources and scientific research as well as technological activities.
- (4) The Government and regional governments in accordance with their respective authorities should encourage and create conducive conditions for the improvement and execution of water resources research and technological development by the people, business circles and universities.

#### Article 73

The Government should facilitate the protection of innovator rights and scientific and technological innovations in water resources, in accordance with legislative regulations.

#### Article 74

- (1) Water resources counselling and training should aim at the empowerment of river area stakeholders and institutional owners.

- (2) The Government and regional governments in accordance with their respective authorities and responsibilities in water resources management should stipulate a guideline for counselling and training activities as intended under paragraph (1).
- (3) Government and regional government agencies related to water resources management activities must support and cooperate in organizing counselling and training activities.

#### Article 75

- (1) To ensure the achievement of the aims of water resources management, supervisory activities should be organized on the entire process and the result of water resources management execution in every river area.
- (2) The Government and regional governments in accordance with their respective authorities carry out supervision as intended under paragraph (1) by involving the public role.
- (3) The role of the people and supervision as intended under paragraph (2) should be conducted by submitting reports and/or claims to the related authorities.
- (4) The Government should stipulate a guideline for public reporting and claims in water resources management control.

#### Article 76

Provisions on the empowerment and supervision of water resources management as intended under Articles 70 and 75 will be regulated further by a government regulation.

## **CHAPTER X**

### **FINANCING**

#### *Article 77*

- (1) The financing of water resources management should be stipulated based on the actual need of water resources management.
- (2) Types of financing for water resources management includes:
  - a. Information system costs;
  - b. Planning costs;
  - c. Construction execution costs;
  - d. Operational and maintenance costs; and
  - e. Monitoring, evaluation and community empowerment costs.
- (3) The sources of funds for every type of financing may constitute:
  - a. state budget;
  - b. private budget; and/or
  - c. revenue of water resources management services.

#### *Article 78*

- (1) The financing of water resources management as intended under Article 77, paragraph (1) should be charged to the Government, regional governments, state-owned/region-owned enterprises that manage water resources, cooperatives, other business entities, as well as individuals, individually as well as in other forms of cooperation;

- (2) The financing of water resources management borne by the Government and regional governments as intended under paragraph (1) should be based on the respective authorities in the water resources management.
- (3) The financing of irrigation system construction execution and operation as well as maintenance, should be regulated as follows:
  - a. The financing for the construction execution of primary and secondary irrigation systems will be the responsibility of the Government and regional governments in accordance with their respective authorities; and may involve the participation of farmers community,
  - b. The financing of construction execution of tertiary irrigation system will be the responsibility of farmers, and may be assisted by the Government and/or regional governments, except tapping buildings, channels of 50 long from tapping buildings, and tertiary boxes and other tertiary ancillary buildings which will be the responsibility of the Government and/or regional governments.
  - c. The financing of tertiary irrigation systems should be the responsibility of farmers, and may be supported by the Government and/or regional governments.
- (4) In the case of any urgent purposes for the utilization of water resources in inter-provincial, inter-regent/municipal and nationally strategic river areas, the management fees should be decided mutually by the Government and related regional governments through a cooperation pattern.

Article 79

- (1) Water resources management financing as intended under Article 77, paragraph (1) designated for water resources operation organized by cooperatives, state-owned/regional/owned enterprises that manage water resources, as well as other business entities and individuals, should be borne by the respective parties.
- (2) For public social, welfare and safety, the Government and regional governments to a certain extent may provide management expense support to state-owned/regional-owned enterprises that manage water resources.

Article 80

- (1) Water resources users for the fulfilment of principal daily needs and for small-scale agriculture should not be charged any fees for water resources management.
- (2) Water resources users other than those as intended under paragraph (1) should bear a fee for water resources management.
- (3) The determination of the amount of water resources management fees as intended under paragraph (2) should be based on accountable and rational economic calculations.
- (4) The determination of the unit value of water resources management service fees for each type of water resources use should be based on the consideration of the economic capacity of the user groups and the volume of water resources used.



- (5) Determination of the unit value of water resources management service fees for the type of non-commercial use should be exempt from the rational economic calculations as intended under paragraph (3).
- (6) Water resources managers are entitled to the revenue collected from water resources management service users as intended under paragraph (2).
- (7) The fund collected from water resources users as intended under paragraph (6) should be used to support the organizing of sustainable water resources management in the related river areas.

#### Article 81

Provisions on the financing of water resources management as intended under Articles 77, 78, 79, and 80 will be regulated further by a government regulation.

### **CHAPTER XI**

#### **THE RIGHTS, OBLIGATIONS AND ROLES**

#### **OF THE PEOPLE**

#### Article 82

In the execution of water resources management, the people are entitled to:

- a. Obtain information related to water resources management;
- b. Obtain proper compensation for loss incurred as a result of the execution of water resources management;
- c. Obtain the benefits of water resources management;

- d. Declare their objection against the announced water resources management plan within a certain period in accordance with local conditions;
- e. File reports and claims with the related authority for loss incurred to them regarding the execution of water resources management; and/or
- f. File a suit with the court regarding various water resources issues that inflict a loss in their lives.

#### Article 83

In exercising water use rights, the people that hold use water rights are required to consider public use that is materialized through their role in the conservation of water sources and the conservation and safety of water resources infrastructures.

#### Article 84

- (1) The people have equal opportunities to participate in the process of water resources management planning, execution and supervision.
- (2) Provisions on the role of the people in water resources management as intended under paragraph (1) will be regulated further by a government regulation.

### **CHAPTER XII**

### **COORDINATION**

#### Article 85

- (1) Water resources management covers inter-sector and inter-regional interests that require integrated actions to maintain the sustainability of the functions and benefits of water sources and resources.
- (2) Water resources management as intended under paragraph (1) should be conducted through a coordination by integrating the interests of various sectors, regions, and stakeholders in water resources.

#### Article 86

- (1) Coordination as intended under Article 85, paragraph (2) should be conducted by a coordination institution under the name of water resources board or by any other names.
- (2) The coordination institution as intended under paragraph (1) has the main task of preparing and formulating water resources policies and strategies.
- (3) The members of the coordination institution as intended under paragraph (1) consist of a balanced number of state and non-state elements based on the principle of representation.
- (4) The organizational structure and work procedures of the coordination institution as intended under paragraph (1) will be regulated further by a presidential decree.

#### Article 87

- (1) Coordination at the national level should be conducted by the National Board of Water Resources that is established by the Government, and at the provincial level it should be conducted by coordination institutions

under the name of provincial board of water resources or by any other names, and established by the provincial governments.

- (2) For the execution of the coordination at the regent/municipal level a coordination institution may be established under the name of regent/municipal board of water resources or by any other names, and established by regent/municipal governments.
- (3) Coordination institutions at river areas may be established in accordance with the needs of water resources management at the related river areas.
- (4) Work inter-relations of coordination institutions at the national, provincial, regent/municipal levels, and inter-river areas should be consultative and coordinative.
- (5) A guideline on the establishment of coordination institutions at the national, provincial, regent/municipal levels, and inter-river areas will be regulated further by a decree of the minister who is in charge of water resources affairs.

### **CHAPTER XIII**

#### **DISPUTE SETTLEMENT**

##### **Article 88**

- (1) The first stage of water resources dispute settlement should be based on the principle of deliberation for consensus.
- (2) In the event that agreement fails to be reached in dispute settlements as intended under paragraph (1), the parties concerned may select a settlement effort outside the court or through the court.

- (3) Settlement efforts outside the court as intended under paragraph (2) should be conducted by arbitrations or by alternative dispute settlements in accordance with legislative regulations.

#### Article 89

Disputes on water resources management authority between the Government and regional governments should be settled in accordance with legislative regulations.

### **CHAPTER XIV**

#### **PUBLIC AND ORGANIZATIONAL CLAIMS**

#### Article 90

The people that suffer any loss as a result of various water resources management issues are entitled to file representative claims with the court.

#### Article 91

Government agencies in charge of water resources affairs should take measures for the interest of the people if there is any indication that the people suffer any loss as a result of water pollution and/or water source damage that affects the lives of the people.

#### Article 92

- (1) Organizations that operate in water resources activities are entitled to file claims against individuals or business entities that commit activities

resulting in the damage of water resources and/or their infrastructures,  
for the purposes of the sustainability of water resources functions.

- (2) Claims as intended under paragraph (1) are limited to those aimed at the implementation of certain measures related to the sustainability of water resources functions and/or claims to repay for actual costs incurred.
- (3) Organizations that are entitled to file for claims as intended under paragraph (1) should fulfill the following requirements:
  - a. Constituting a social organization having legal entity status and operating in water resources activities.
  - b. Mentioning the incorporation aims in the articles of association for purposes related to the sustainability of water resources functions;  
and
  - c. Having conducted activities in accordance with their articles of association.

## **CHAPTER XV**

### **INVESTIGATION**

#### **Article 93**

- (1) In addition to investigating officers from the Republic of Indonesia State Police, civil servant officers whose scope of duties and responsibilities covers water resources may be given social authority as investigators as intended under the Criminal Code (*KUHP*).
- (2) Civil servant investigating officers as intended under paragraph (1) are authorized to:

- a. Perform an examination on the correctness of a report or information regarding the occurrence of a water resources criminal act;
  - b. Perform an examination on individuals or business entities that are suspected to have committed a water resources criminal act;
  - c. Summon persons for hearings and investigation as witnesses or suspects in a water resources criminal acts;
  - d. Perform an examination on water resources infrastructures and discontinue equipment that is suspected of being used for committing a criminal act;
  - e. Seal and/or seize for evidence any activity instruments which are used to commit a criminal act;
  - f. Request for expert assistance in the execution of an investigation of a water resources criminal act;
  - g. Write and sign official investigation reports and send them to the Republic of Indonesia State Police; and/or
  - h. Discontinue an investigation if there is not enough evidence or the event does not constitute a criminal act.
- (3) Civil servant investigating officers as intended under paragraph (2) should inform investigators of the Republic of Indonesia State Police about the start of the investigation.
- (4) Civil servant investigating officers as intended under paragraph (2) should submit the investigation findings to the general prosecutor through the investigators of the Republic of Indonesia State Police, in accordance with the Criminal Code (*KUHP*).

## **CHAPTER XVI**

### **PENALTY PROVISIONS**

#### Article 94

- (1) To be imposed with an imprisonment of no longer than 9 (nine) years and a fine of no more than Rp. 1,500,000,000.00 (one billion five hundred million rupiah):
  - a. Anyone who purposefully performs activities that cause the damage of water sources and the infrastructure, interfere with water conservation efforts, and/or causes water pollution as intended under Article 24; or
  - b. Anyone who purposefully performs activities that may result in the occurrence of water damaging potentials as intended under Article 52.
- (2) To be imposed with an imprisonment of no longer than 9 (nine) years and a fine of no more than Rp. 1,000,000,000.00 (one billion rupiah):
  - a. Anyone who purposefully performs water use activities that result in a loss for another person or other parties and a damage of water source function as intended under Article 32, paragraph (3); or
  - b. Anyone who purposefully performs activities that cause a damage of water resource infrastructure as intended under Article 64, paragraph (7).
- (3) To be imposed with an imprisonment of no longer than 9 (nine) years and a fine of no more than Rp. 500,000,000.00 (five hundred million rupiah):



- a. Anyone who purposefully rents or transfers part or all of water right use as intended under Article 7, paragraph (2);
- b. Anyone who purposefully performs water resources operations without any license from the related authority as intended under Article 45, paragraph (3); or
- c. Anyone who purposefully performs construction execution activities of water resources infrastructure which are not based on the norms, standards, guidelines, and manuals as intended under Article 63, paragraph (2);
- d. Anyone who purposefully performs construction execution activities at water sources without obtaining a license from the Government or regional governments as intended under Article 63, paragraph (3).

#### Article 95

- (1) To be imposed with an imprisonment of no longer than 18 (eighteen) months and a fine of no more than Rp. 300,000,000.00 (three hundred million rupiah):
  - a. Anyone who due to his/her negligence causes the damage of water sources and the infrastructure, interferes with water conservation efforts, and/or results in water pollution as intended under Article 24; or
  - b. Anyone who due to his/her negligence performs activities that may result in the occurrence of water damaging potentials as intended under Article 52.

- (2) To be imposed with an imprisonment of no longer than 1 (one) year and a fine of no more than Rp. 200,000,000.00 (two hundred million rupiah):
- a. Anyone who due to his/her negligence performs water use activities that result in a loss for another person or party and the damage of water source function as intended under Article 32, paragraph (3);  
or;
  - b. Anyone who due to his/her negligence performs activities that result in a loss of water resources infrastructure as intended under Article 64, paragraph (7).
- (3) To be imposed with an imprisonment of no longer than 6 (six) months and a fine of no more than Rp. 100,000,000.00 (one hundred million rupiah):
- a. Anyone who due to his/her negligence performs water resources operations without any license from the related authority as intended under Article 45, paragraph (3); or
  - b. Anyone who due to his/her negligence performs construction execution activities of water resources infrastructures which are not based on the norms, standards, guidelines, and manuals as intended under Article 63, paragraph (2);
  - c. Anyone who due to his/her negligence performs construction execution activities at water sources without any license as intended under Article 63, paragraph (3).

- (1) In the event that water resources crimes as intended under Articles 94 and 95 are committed by business entities, penalties should be imposed on the related business entities.
- (2) In the event that water resources crimes as intended under paragraph (1) are committed on business entities, penalties imposed should be criminal penalties as well as fines constituting one third of the imposed fine penalty.

## **CHAPTER XVII**

### **TRANSFER PROVISIONS**

#### *Article 97*

With this law taking effect, all implementation regulations related to water resources are declared effective so long as they do not contradict this law or no new implementation regulations have been issued based on this law.

#### *Article 98*

Any licenses related to water resources management that have been issued prior to the issuance of this Law are declared effective up to their expiration.

## **CHAPTER XVIII**

### **CLOSING PROVISIONS**

#### *Article 99*

With this law taking effect, Law No. 11/1074 on Irrigation (Republic of Indonesia State Gazette No. 65/1974, State Gazette Supplement No. 3046) is declared null and void.

Article 100

This Law takes effect as of the date of its promulgation.

Publication of this announcement has been ordered for the information of all  
by placement in the Republic of Indonesia State Gazette.

Promulgated in Jakarta

On 8 March 2004

THE PRESIDENT OF THE REPUBLIC  
OF INDONESIA

(signature)

MEGAWATI SOEKARNOPUTRI

Enacted in Jakarta

On 18 March 2004

THE REPUBLIC OF INDONESIA

STATE SECRETARY

(signature)

BAMBANG KESOWO

THE REPUBLIC OF INDONESIA STATE GAZETTE NO. 32/2004

True copy of the original

The Deputy Secretary of the Cabinet

For Legal and Statutory Affairs

(signature)

Lambock V. Nahattands

The undersigned, **Maria Elvire Sundah, SS, Sworn Translator** by virtue of the Decree of the Governor of the Special Provincial Region of the Municipality of Jakarta (*DKI Jaya*) **No. 3064/2003**, declares that this document has been properly translated from the Indonesian copy of the original into English, in compliance with the requirements as stated in the above decree.

Jakarta, 5 August 2004

Maria Elvire Sundah