

DEPARTMENT OF HOME AFFAIRS,

**DECREE OF THE MINISTER OF HOME AFFAIRS
NUMBER : 166 OF 1996 : SEPTEMBER 26, 1996**

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**PROMOTION, CONTROL AND SUPERVISION ON TAKING
OF UNDERGROUND WATER**

THE MINISTER OF HOME AFFAIRS,

Considering : that for the purpose of underground water conservation and preservation as implementation of the Regulation of the Minister of Mines and Energy Number : 02.P/101/MPE/1994, efforts shall be made for promotion, control and supervision on the taking of underground water, regulated by Decree of the Minister of Home Affairs.

**Bearing
in mind :** 1. Act Number 12 Drt. of 1957 on the General Regulation on Regional Retribution (State Gazette of 1957 Number 57, Supplementary State Gazette Number 1288);

CAFI 50/APRIL 26, 1997

2. Act Number 5 of 1974 on the Principles of Regional Administration (State Gazette of 1974 Number 38, Supplementary State Gazette Number 2037);
3. Act Number 11 of 1974 on Irrigation (State Gazette of 1974 Number 65, Supplementary State Gazette of 1974 Number 65, Supplementary State Gazette Number 3046);
4. Act Number 4 of 1982 on the Main Provisions on the Environmental Management (State Gazette of 1982 Number 12, Supplementary State Gazette Number 3215);
5. Government Regulation Number 22 of 1982 on the Water Regulation System (State Gazette of 1982 Number 37, Supplementary State Gazette Number 3225);
6. Government Regulation Number 51 of 1993 on Analysis concerning the Environmental Impact (State Gazette of 1993 Number 384, Supplementary State Gazette Number 3538);
7. Government Regulation Number 8 of 1995 on the Delegation of Part of the Regional Administration Affairs to 26 (twenty six) Pilot IInd. Grade Regions (State Gazette of 1995 Number 18, Supplementary State Gazette Number 3590);
8. Presidential Decree Number 96/M of 1993 on the Formation of the VIth. Development Cabinet;
9. Regulation of the Minister of Mines and Energy Number : 02.P/101/MPE/1994 on the Underground Water Administrative System;
10. Decree of the Minister of Mines and Energy Number 1945.K/102/MPE/1995 on the Guidelines for Underground Water management for IInd. Grade Regions.

H A S D E C I D E D :

To stipulate : THE DECREE OF THE MINISTER OF HOME AFFAIRS ON THE PROMOTION, CONTROL AND SUPERVISION ON THE TAKING OF UNDERGROUND WATER.

CHAPTER I GENERAL PROVISIONS Article 1

In this Decree, referred to as :

- a. Underground water shall be all waters found in all strata containing underground water, ground surface water, including there-in the water springs emerging scientifically above the ground surface;
- b. The taking of underground water shall be any activity of taking underground water, conducted bay way of excavation, drilling, or by way of making other stucco buildings of which the water is to be utilized and/or used for other purposes.

CAFI 50/APRIL 26, 1997

- c. Promotion shall be all efforts comprising the provision of directives, indicators, guidance, training and extensions in the implementation of underground water management.
- d. Control shall be all efforts comprising the activities of regulating, researching and monitoring the taking of underground water to guarantee that it is used wisely and to safeguard a sustainable availability and good quality;
- e. Supervision shall be the activities conducted to guarantee the upholding of the legislative regulations for the underground water administrative system;
- f. Underground water conservation shall be the management of underground water to guarantee that it is used wisely and to safeguard a sustainable availability by continuing to maintain and improve the quality there-of.
- g. The PABT Team shall be the Central level Underground Water Promotion Team;
- h. The P2ABT Team shall be the Provincial Level Underground Water Control and Supervision Team.

CHAPTER II
PROMOTION, CONTROL AND SUPERVISION
ON THE TAKING OF UNDERGROUND WATER
Article 2

- (1) To carry out the efforts for conservation and preservation of underground water a promotion, control and supervision shall be conducted on the taking of underground water to be conducted by the PABT and the P2ABT Teams.
- (2) The PABT Team consists of elements of the Department of Home Affairs and the Department of Mines and Energy of which the formation shall be stipulated by the Director General of PUOD/Public Administration and Regional Autonomy jointly with the Director General Geology and Mineral Resources.
- (3) The P2ABT Team formation shall be stipulated by the Governor, Head of the Ist. Grade Region of which the members shall consist of :
 - a. elements of the Ist. Grade Regional Administration and of the Territorial Office of the Department of Mines and Energy for outside the Islands of Java and Madura;
 - b. elements of the Ist. Grade Regional Administration and the Directorate of Environmental System Geology for the Islands of Java and Madura.
- (4) The promotion of the control and supervision on the taking of underground water in IInd. Grade regions which have already received part of the affairs of government in the sector of underground water management shall be further regulated by the Regent/Municipality Mayor Head of the IInd. Grade Region, according to the guidelines in this Decree.

Article 3

- (1) The PABT Team has the task :

- a. to assist the Minister of Home Affairs and the Minister of Mines and Energy in accordance with the respective task and competency to :
 - 1) compose the guidelines and directives of general as well as technical nature;
 - 2) provide the required suggestions;
 - b. to conduct underground water promotion of general as well as technical nature;
 - c. to compose and carry out an annual work program;
 - d. to conduct a coordination in the composition of the P2ABT Team's Work Program;
 - e. to conduct a monitoring and evaluation of the implementation of the P2ABT Team activities;
 - f. to assist in the operational technical implementation of underground water conservation and preservation in the regions;
 - g. to report the implementation of the task of the Team to the Minister of Home Affairs and the Minister of Mines and Energy.
- (2) The P2ABT Team has the task :
- a. to assist the Governor/Head of the Ist. Grade Region to :
 - 1) carry out the control and supervision of the taking of underground water in the regions in accordance with the directives of the PABT Team;
 - 2) provide the required suggestions to the Governor, Head of the Ist. Grade Region;
 - b. to compose and carry out the annual work program;
 - c. to report the results of the task implementation of the Team to the Governor, Head of the Ist. Grade Region.

CHAPTER III WORK PROGRAM Article 4

- (1) The PABT Team Work Program is composed based on the demand for promotion activities in an efficient and effective way with due observance of the principles of utility, balance and preservation of underground water.
- (2) In composing the PABT Team's Work program services can be used of experts, universities and Research Institutions.

Article 5

The P2ABT Work Program is composed based on the demand of activities of controlling and supervising the taking of underground water for the effective and efficient conservation of under ground water with due observance of the principles of utility, balance and preservation of the ground water.

CAFI 50/APRIL 26, 1997

**CHAPTER IV
FINANCING
Article 6**

- (1) The implementation costs of the PABT and the P2ABT Teams and the underground water conservation and preservation activities costs shall be charged to Ist. Grade Regional Revenues and Expenditures Budget/APBD from the proceeds of the underground water retribution revenues.
- (2) The magnitude of the cost as referred to in paragraph (1) of this Article, is stipulated to be 20% (twenty percent) of the underground water retribution revenues after deduction with the collection fee.
- (3) The cost distribution as referred to in paragraph (2) of this article shall be as follows:
 - a. 15% for the promotion cost of the PABT Team;
 - b. 85% for the implementation cost of the conservation program and for the P2ABT Team.
- (4) The cost utilization as referred to in paragraph (3) letter a. of this article shall be further regulated by the Director General of Public Administration and Regional Autonomy (PUOD) jointly with the Director General of Geology and Mineral Resources.

**CHAPTER V
CONCLUDING PROVISIONS
Article 7**

This decree shall start to be effective as of the date of stipulation.

Stipulated at J A K A R T A
On September 26, 1996

THE MINISTER OF HOME AFFAIRS
signed

MOH. YOGIE S.M.

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