

**GOVERNMENT REGULATION OF THE REPUBLIC  
OF INDONESIA  
NUMBER 22 OF 1982  
ON  
WATER MANAGEMENT REGULATION**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

**Considering that :**

- a. In the frame of implementation of the Law Number : 11 of 1974 on Water Resources Development, it is deemed necessary the Government's policy on the application of Water Management Regulation which covers all efforts of legal provisions governing the right of use, the control, management, utilization, processing and policing of water and water resources including the natural inorganic riches contained therein, for optimization of benefits with a view to satisfying the vital needs of the People ;
- b. it is deemed necessary to establish Government Regulation as basic policy for further regulation about water resources management policies in accordance with its statutory, functions and roles :

**Whereas :**

1. Article 5 paragraph (2) of the Constitution of 1945 ;
2. The Law Number 5 of 1960 on Basic Agrarian Rules (Government Gazette of the Republic of Indonesia Number 104 of 1960, supplement to the Government Gazette Number 2043) ;

3. The Law Number 5 of 1974 on Local Government Administration (Government Gazette of the Republic of Indonesia Number 38 of 1974, supplement to the Government Gazette Number 3037) ;
4. The Law Number 11 of 1974 on the Water Resources Development (Government Gazette of the Republic of Indonesia Number 65 of 1974, supplement to the Government Gazette Number 3046) ;
5. The Law Number 4 of 1982 on Principle of Environmental Management (Government Gazette of the Republic of Indonesia Number 12 of 1982, supplement to the Government Gazette Number 3215) ;

**HEREBY PROMULGATES :**

**GOVERNMENT REGULATION ON WATER MANAGEMENT  
REGULATION  
CHAPTER I.  
DEFINITIONS**

**Article 1.**

In this Government Regulation, the following terms shall have the following meaning :

- a. Minister is the Minister who is responsible for water resources development.
- b. Governor is the head of Provincial Government.
- c. Region is Provincial Region.

- d. Local Government is Provincial Government.
- e. Drainage basin is hidrological unit which is naturally formed where the water infiltrates and or flows through the concerned river and its tributaries.
- f. River basin is water management unit as defined in Article 1 number 7 of Law Number 11 of 1974 on Water Resources Development as the result of the development of one more drainage basin.
- g. Water appropriation right is the right to obtain and use water for certain necessity.
- h. Authorized party is officer assigned by and acting for and on behalf of Minister.
- i. Hydraulic structures is water resources development facilities in the form of canals and other structures.

**CHAPTER II.  
PRINCIPLE AND FUNDAMENTAL OF WATER RIGHT.**

**Article 2.**

- (1). In the water management regulations the principle of public utility, harmony and conservation shall be applied.
- (2). The right on water is water appropriation right.

- (3). The authority as specified in paragraph (1) of this Article for a river basin which is located in more than one Region adheres to the Minister.

#### **Article 6.**

- (1). The administration of groundwater resources, and of hot spring as mineral and geothermal resources shall fall under the competence and responsibility of the Minister who is responsible for mining.
- (2). The use of groundwater at a certain depth can be done only with the consent of the concerned Governor after obtaining technical guidance from the Minister stated in paragraph (1) of this Article.
- (3). The application of provisions of this Article is subject to further regulation by the Minister as specified in paragraph (1) of this Article.

#### **Article 7.**

- (1). The protection, development and utilization planning of water and or water resources in each river basin is to be formulated integrately and comprehensively.
- (2). The planning as stated in paragraph (1) of this Article will be included in National Water Resources Plan as a part of National Development Plan.

### **CHAPTER IV. WATER MANAGEMENT REGULATION COORDINATION Article 8.**

**Without reducing the authority of the Ministries or other Institutions**

in their respective function, the Minister applies the authority and responsibility for coordinating all efforts, as referred to in Article 5 paragraph (1) of Law Number 11 of 1974:

#### **Article 9.**

Regulation of efforts as specified in Article 8 or this Government Regulation includes the following matters :

- a. determination of water resources utilization priority plan.
- b. determination of the sequence of water and water utilization priorities in protection, development and utilization planning of water resources.
- c. regulation of water use or water resources utilization.
- d. regulation of disposal methods for waste and other wastes.
- e. regulation for construction of hydraulic structures or other structures in water resources.
- f. regulation of other potential problems.

#### **Article 10.**

In the implementation of the regulation specified in Article 9 of this Government Regulation the Minister is obliged :

- a. to collect data regarding the quantity and quality of water resources, and to maintain water resources inventory.
- b. to collect data for water demand and to establish water resources balance.
- c. to carry out general or special study related to protection,

**development and utilization of water or water resources.**

- d. to prepare formulation and establishment of policies in the frame of water resources development planning.**
- e. to prepare formulation and establishment of water resources development planning based on the specified policies in point d of this Article.**
- f. to advice and contribute technical services to other Departments, Local Governments, institutions and concerned agencies in arranging national, regional and local water utilization plan.**
- g. to regulate method and conditions, and registration list of water and water resources.**
- h. to regulate methods and conditions of waste water and other wastes disposal, both as liquids or solids.**
- i. to regulate methods of supervision and control upon the above mentioned policies.**

#### **Article 11.**

- (1). In supporting the implementation of the regulation as specified in Article 8, 9, and 10 of this Government Regulation, institutions either at the Central or Region, and or special corporated bodies should prepare for the Minister the data of studies and planning in their respective fields which are related to water resources development.**
- (2). The Minister provides water resources development plan which has been mutually agreed by other institutions as specified in paragraph (1) of this Article and together with other informa-**

tions needed as basic principle for implementation in their respective fields.

**Article 12.**

- (1). The authority and responsibility as specified in Article 8, 9, and 10 of this Government Regulation may be delegated by the Minister to Local Government for river basin which are in their respective jurisdiction, except adjudicated differently in Government Regulation.
- (2). The implementation of the regulation as specified in paragraph (1) of this Article subject to further regulation by the Minister.

**CHAPTER V.  
WATER AND OR WATER RESOURCES UTILIZATION**

**Part One  
Water and water resources utilization priorities.**

**Article 13.**

- (1). The use of water for drinking is the primary priority above all other uses.
- (2). Priority sequence of water use in paragraph (1) of this Article is to be set up in accordance with public needs at each locality and their respective conditions.
- (3). Priority sequence referred to in paragraph (2) of this Article will be adjudicated in water resources development planning.

**Article 14.**

Without lessening the importance of water resources developme

planning as specified in Article 13 paragraph (3) of this Government Regulation, under certain necessities and local situation, the Government shall implement or give the order implementation of water or water resources utilization works for immediate needs.

#### **Article 15.**

In case a group of water users community obtains a licence for utilizing water or water resources from one specified intake which is a commonly used structure or canal, the allocation of water among members of the community should be arranged by the concerned group based on guideline provided by the Governor.

#### **Part Two.**

#### **Non licence water and or water resources utilization.**

#### **Article 16.**

- (1). Every person holds the right to use water for basic needs and or for his domestic stock.
- (2). The utilization of water originated from a source as referred to in paragraph (1) of this Article can be done as far as it does not cause any detriment upon the water source, its environment and the related public structure.
- (3). Diversion of water from a hydraulic structure or through private lands for purposes as referred to in paragraph (1) of this Article shall be done with the consent of parties who hold the right upon the hydraulic structure or the concerned land.
- (4). If any water utilization or diversion as referred to in paragraph (2) and (3) of this Article creates harms, the concerned person is obliged to compensate the losses according to further regulation to be provided by the Minister.

**Article 17.**

The use of water and water supply for daily and vital necessities as specified in Article 13 of this Government Regulation either by individuals or community, shall be in accordance with the relevant provisions of local custom (adat) Law of the sanitary and environmental health regulations.

**Article 18.**

- (1). Any person who holds the right upon piece of land at a lower ground is obliged let water flow naturally from other pieces of lands which lies at higher levels.
- (2). Any person who holds the rights upon a piece of land at a lower or higher level is not permitted to carry out any action which causes disturbance on the natural flow of water and creates damages to the neighbours.

**Part Three.**

**Water and or water resources utilization by licence.**

**Article 19.**

- (1). The use of water or water resources other than those specified in Article 16 of this Government Regulation shall require a licence.
- (2). The use of water or water resources as specified in paragraph (1) of this Article, covers the utilization for municipalities, agriculture, hydropower, industry, mining, navigation, floating, recreation, health, and other necessities according to the situation.

**Article 20.**

Water utilization for agricultural purposes is carried out in accord-

ance with local custom, as far as not contradictory with public necessities and prevailing regulation.

#### **Article 21.**

- (1). The use of water or water resources for hydropower purposes aimed at prevailing individual need be done on condition that it does not exceed as long as a certain installed capacity nor interfere water resources development plan.
- (2). The use of water or water resources for hydropower purposes more than a certain installed capacity shall be based on and in the frame of water resources development plan.
- (3). Technical requirements for the use of water or water resources as referred to in paragraph (1) and paragraph (2) of this Article shall be adjudicated by the concerned Minister.

#### **Article 22.**

The use of water or water resources for industrial and mining including oil and natural gas purposes, shall be adjudicated by the Minister and Minister concerned.

#### **Part Four.**

#### **Procedure and Condition for Licencing.**

#### **Article 23.**

- (1). Except for agricultural or hydropower purposes, any licence application for water and or water resource utilization for purposes as referred to in Part Three of this Chapter shall be submitted to the authorized party as referred to in Article 5 of this Government Regulation, completed with required information and data which is to be further regulated by the Minister.

- (2). Water use licence for hydropower purposes as referred to in paragraph (1) of this Article is to be given by the Minister.
- (3) Application as referred to in paragraph (1) of this Article has to be submitted together with plan of methods for the disposal of waste water and other wastes, both as liquids or solids.
- (4). Procedures and conditions as referred to in paragraph (1), (2) and (3) of this Article are to be further arranged by the Minister.

#### **Article 24.**

- (1). Within 30 days since the licence application with complete requirements received as referred to in Article 23 of this Government Regulation, the authorize party should decide either accept or reject.
- (2). For an unaccepted application, the rejection shall be completed with its reasons.
- (3). Before granting a licence for each necessities as referred to in Article 19 of this Government Regulation, the authorize party has to consider :
  - a. The value of the specified necessities and its effect to the water balance, both in quantity or quality in concerned water manament area.
  - b. To fulfil the requirements for waste water and other waste disposal as adjudicated in prevailing legislation.

#### **Article 25.**

Water and or water resources utilization licence including its disposal as referred to in Article 19 of this Government Regulation may not

modified, suspended temporarily, forfeited before the expiration of its validity, unless in accordance with the provision of this Government Regulation.

**Article 26.**

- (1). Conditions of a licence can be modified if circumstances used as the basis of consideration for its granting already changes, to that alternation of conditions is deemed necessary for the sake of water balance in the concerned river basin of water management area.
- (2). In case such modification as referred to in paragraph (1) of this Article creates disturbance to the licence holders business; concern, he/she may be considered to obtain compensation from an alternative water intake as far as possible.

**Article 27.**

In case of emergency the licence could be suspended temporarily for the sake of conservation, development, and utilization priority of water and water resources.

**Article 28.**

The licence which has been granted could be forfeited in case the licence holder didn't fulfil the conditions stated in the licence.

**Article 29.**

- (1). The licence of water and or water resource utilization could be cancelled in case water use planning is no longer in conformity with what that stipulated in the licence.
- (2). The licence of water and or water resource utilization, can be not longer valid in case of unavailability supplies in the water resources concerned.

**CHAPTER VI.  
CONSERVATION**

**Part One.  
Conservation of Water Management Area.**

**Article 30.**

- (1). In attempting maintenance of water resource function including hydraulic structures, the Minister shall declare the size of conservancy area.
- (2). According to the opinion and consideration of concerned Ministers, the Minister adjudicates conservancy area in a water management area.
- (3). The conservation, modification or demolition of all kinds of structure within borderline of water resources shall be based on permission of the authorized party which will be further regulated by the Minister.
- (4). The Governor, based on the Ministerial adjudication as referred to in paragraph (2) of this Article shall take necessary measures for the protection of the above mentioned conservancy area within his jurisdiction.

**Part Two.  
Conservation of Water, Water Resources and Hydraulic Structures.**

**Article 31.**

- (1). Either Central or Local Government, institutes and special corporated bodies under their functions and responsibilities shall take appropriate measures for the control of destructive potentials of water towards water resources and its environment.

- (2). People are obliged to participate in efforts to control destructive potentials of water as referred to in paragraph (1) of this Article.

#### **Article 32.**

- (1). People may be asked to participate in flood mitigation activities according to their necessity and ability.
- (2). Further provision on organization and method of flood mitigation shall be adjudicated by the concerned Ministers.

#### **Article 33.**

People are obliged to participate in efforts for the control and prevention of water pollution which may be detrimental to water use and its environment.

#### **Article 34.**

- (1). People are obliged to participate in protecting, consolidating, keeping and maintaining the continuity of hydraulic structures function.
- (2). Land right holder whose land is adjacent to hydraulic structures is obliged to prevent and to maintain the continuity of the function of the structure.
- (3). Land right holder who construct or order to construct hydraulic structures in his or her land for his/her own necessities ought to be responsible individually for the structures concerned.

#### **Article 35.**

People is strictly prohibited to carry out activities related to land use

which may cause detriment to the continuity of water resources functions.

**CHAPTER VII.  
OPERATION AND MAINTENANCE OF HYDRAULIC  
STRUCTURES.**

**Part One.  
Distribution of Function and Responsibility.**

**Article 36.**

The implementation of the operation and maintenance of hydraulic structures for public welfare and security, shall be adjudicated as follows :

- a. Operation and maintenance of hydraulic structures under jurisdiction of the Local Government shall be the responsibility of concerned Local Government.
- b. Operation and maintenance of hydraulic structures under jurisdiction of Central Government shall be the responsibility of Central Government.

**Article 37.**

- (1). Operation and maintenance of hydraulic structures constructed either by Central or Local Government or special corporation authorized by Government to give direct benefits to a certain community, is done through participation of the beneficiaries.
- (2). Depending upon Local Government limitation, the Central Government up to a certain extent can give assistance required for implementation of operation and maintenance works as referred to in paragraph (1) of this Article to the Local Government in accordance with the prevailing procedures.

**Article 38.**

- (1). Operation and maintenance of hydraulic structures constructed by a community shall be the duty and responsibility of the community concerned.
- (2). In case there is a disturbance to water management functions caused by the operation and maintenance failure of hydraulic structures due the community fault or negligence as referred to in paragraph (1) of this Article, the Government could execute or instruct other parties to execute operation and maintenance implementation on the concerned community expence.

**Part Two.**

**Methods for Operation and Maintenance of Hydraulic Structures.**

**Article 39.**

Provisions of methods for operation and maintenance of hydraulic structures as referred to in this Chapter shall be adjudicated by the Minister.

**CHAPTER VIII.  
F I N A N C I N G**

**Part One**

**Hydraulic Structure Construction Financing**

**Article 40.**

- (1). Construction financing of hydraulic structures either for public welfare and security or to give direct benefits to certain community will be borne by Central Government or Local Government according to their authorities and responsibilities.

- (2). Construction financing of hydraulic structures for certain business/activities carried out by institutional bodies, association or individuals shall be borne by themselves respectively.
- (3). Beneficiaries of the availability of hydraulic structures as referred to in paragraph (1) of this Article can be asked to participate in financing the construction according to their necessity and ability.
- (4). Depending upon financial limitation of the Local Government, institutional bodies, association, or individuals for their non commercial activities, the Government up to a certain extent can give financial assistance for the construction of hydraulic structures as referred to in paragraph (1) of this Article.

**Part Two**  
**Hydraulic Structure Operation and Maintenance Financing.**

**Article 41.**

- (1). Operation and Maintenance financing of hydraulic structures as referred to in Chapter VII Part One of this Government Regulation shall be borne by Central Government or Local Government according to their authorities and responsibilities.
- (2). Operation and maintenance financing of hydraulic structures which give direct benefit to a certain community, shall be borne by the Government or special corporation authorized by Government with the participation of beneficiaries.
- (3). Depending upon financial condition and capacity of Local Government, the Central Government up to certain extent can give assistance to the Local Government in the form of operation and maintenance financing for hydraulic structures as referred to in Article 37 of this Government Regulation.

- (4). Operation and maintenance of hydraulic structures as referred to in Article 37 of this Government Regulation which is constructed by institutional bodies, association or individuals shall be borne by themselves respectively.

## CHAPTER IX. SUPERVISION

### Article 42.

- (1). Supervision as referred to in Article 5 paragraph (1) of Law Number 11 of 1974 shall be executed by the Minister and performed by appointed water resources official.
- (2). The official as referred to in paragraph (1) of this Article is authorized to carry out inspection and investigation to obtain data related to the continuity of water resource protection at required places.
- (3). Responsible party for hydraulic structures are obliged to render true information regarding required matters and to accompany the official as referred to in paragraph (2) of this Article in carrying out inspection and investigation whenever asked.
- (4). The above mentioned official is obliged to prepare a statement regarding his/her inspection and investigation according to facts and truths, signed by his/her self, and submitted to the Minister.
- (5). If the result of inspection an investigation proven or suspected to have criminal aspects as adjudicated in prevailing legislation, further investigation shall be transferred to authorized investigator.

**CHAPTER X  
PENAL PROVISION**

**Article 43.**

Imprisonment based on Article 15 of the Law Number 11 of 1974 shall be applied to :

- a. Anyone who, without permission from the authorized party, uses water or water resources for one of his/her necessities as referred to in Article 19 of this Government Regulation;
- b. Anyone who already gets the licence from the authorized party as referred to in Article 19 of this Government Regulation fail to undertake or participate in the effort water conservation, water resources and hydraulic structures as referred to in Article 30 paragraph (3), Article 31, Article 32 paragraph (2), Article 34 and Article 35 of this Government Regulation.

**CHAPTER XI  
MISCELLANEOUS PROVISION**

**Article 44.**

- (1). In the implementing of water management works, People are obliged to assist water resources officials by allowing them to install and maintain work signals concerned.
- (2). People are obliged to assist in maintaining the community functions of the said work signals.
- (3). The implementation of installation or maintenance of work signals as referred to in paragraph (1) and (2) of this Article shall have permission from the head of Local Government concerned in advance.

**CHAPTER XII  
TRANSITORY PROVISION**

**Article 45.**

- (1) The licence of water and water resources utilization which has been granted before the issuance of this Government Regulation shall remain in force as long as no new substitution is issued based on this Government Regulation.
- (2) The procedures of the renewal licence as referred to in paragraph (1) of this Article shall be adjudicated by the Minister.

**Article 46.**

Local Regulation issued based on the 1936 Algemeen Waterreglement (Staatsblad 1936 Number 489) not contradictory to this Government Regulation shall remain in force as long as no new substitution is issued based on this Government Regulation.

**CHAPTER XIII  
FINAL PROVISION**

**Article 47**

By issuance of this Government Regulation, Chapter I, II, IV, V and VI of the 1936 Algemeen Waterreglement (Staatsblad 1936 Number 489) are hereby repealed.

**Article 48.**

This Government Regulation shall come into force on the date of the issuance.

In order everyone become knowledgeable, this Government Regulation shall be published in the Government Gazette of the Republic of Indonesia.

Promulgated in Jakarta  
on the 12nd August, 1983  
PRESIDENT OF THE REPUBLIC OF INDONESIA  
Signed by

**S O E H A R T O**

Published in Jakarta  
on the 12nd August, 1983  
MINISTER/SECRETARY OF STATE  
Signed by

**S U D H A R M O N O, S. H.**

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