

**GOVERNMENT REGULATION OF
THE REPUBLIC OF INDONESIA
NUMBER 23 OF 1982**

ON

I R R I G A T I O N

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering that :

- a. in the frame-work of implementation of Law Number 11 of 1974, the Government Regulation Number 22 of 1974 on Water Management Regulation has been promulgated regulating all efforts for water management such as the right of use, control, management, utilization, processing and policing of water and water resources for the optimization of benefits with a view satisfying the vital needs of the People ;
- b. based on the provision of Article 10 Law Number 11 of 1974, the Government shall promulgate specific water resources management policies in accordance with its statutory functions and powers, including irrigation ;
- c. Algemeen Waterreglement 1936 Staatsblad 1936 Number 489 (Government Gazette 1936 Number 489) especially Chapter III governing irrigation system is no longer in conformity with the present situation ;
- d. for all these purposes, the Government Regulation on Irrigation shall be promulgated, to be used as legal foundation ;

HEREBY PROMULGATES:

Confirm :

THE GOVERNMENT REGULATION ON IRRIGATION

**CHAPTER I
Part One
DEFINITIONS**

Article 1.

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

- a. Government is Government of the Republic of Indonesia.
- b. Minister is the Minister who is responsible for water resources development.
- c. Region is Provincial Region.
- d. Local Government is Provincial Government.
- e. Governor is the head of Provincial Governor.
- f. Authorized party is official assigned by and acting for and on behalf of Governor.
- g. Village is an area occupied by a group of People as a community having a smallest administrative unit directly under Camat (Head of Sub Regency administration) entitled to run their own internal affairs within the Republic of Indonesia.
- h. Subak is traditional organization based on socio religious agrarian system of historically grows and develops as a water management system organization on the farm level.

- i. Irrigation is water supply and regulation to support agricultural purposes.
- j. Irrigation network is canals and structures as system functioning for supply diversion distribution and use of irrigation water.
- k. Irrigation area is and area being irrigated by one irrigation water.
- l. Irrigation block is a piece of irrigated land.
- m. Tertiary block is a group of irrigation block which is a system irrigated by the same tertiary canal.
- n. Supply of irrigation water is determination amount of water allowable to support agricultural purposes.
- o. Distribution of irrigation water is the discharge of water executed by authorized party from the main irrigation networks up to tertiary canals.
- p. Allocation of irrigation water is rationing water from the main irrigation networks to tertiary blocks.
- q. Irrigation water use is the utilization of water at the farm level.

Part Two.

AUTHORITY OF MANAGEMENT OF IRRIGATION WATER AND IRRIGATION NETWORK

Article 2.

- (1). The management and regulation of irrigation water and irrigation networks together with their accessory structure within Provincial area jurisdiction shall be delegated to the relevant Local Government subject to the provisions of this Government Regulation, unless otherwise governed by Government Regulation or Law.

- 2). The management of irrigation water and irrigation networks together with their accessory structures within tertiary blocks, Desa irrigation and Subak shall be delegated to the water user farmers or Desa or Subak under the administration of Local Government taking into account the provisions of this Government Regulation.
- 3). The management of irrigation water and irrigation networks together with their accessory structures, constructed by corporation associations and individuals shall be delegated to the relevant corporations, associations and individuals taking into account the provisions of this Government Regulation.

Part Three INVENTORY OF IRRIGATION NETWORKS

Article 3.

- 1). The irrigation networks together with their accessory structures managed by the Local Government shall be registered by the Local Government concerned legalized by Minister.
- 2). Irrigation networks as well as accessories structures thereof as referred to in Article 2 paragraph (2) and paragraph (3) of this Government Regulation shall be registered and reported by everyone concerned to the Governor concerned for authorization and registered as referred to in the paragraph (1) of this Article.
- 3). The register legalized by the Minister shall be valid for 5 years.
- 4). For promulgation of further development plan the Governor shall submit the register as referred to in paragraph (1) and (?) of this Article to the Minister not later than end of the fourth year of every development Era.

- (5). Any modification of the register as referred to in paragraph (3) of this Article, shall be made in separate register every year and shall be submitted to the Minister at the end of first quarter of every fiscal year.

**CHAPTER II.
IRRIGATION WATER SUPPLY**

Part One

PRINCIPLE

Article 4.

Basically irrigation water shall be supplied for watering crops, but in establishing the supply it is also necessary to consider needs for settlement, animal husbandry, fresh water fishery in the irrigation areas.

Part Two.

PLANNING

Article 5.

- (1). Planning for irrigation water supply to meet the Regional needs shall be adjudicated by the Minister on the basis of proposal by the Governor concerned.
- (2). Institution, Association, Desa, Subak and individual who needs irrigation water for their purposes shall submit their application together with its plan for a licence to the Governor for approval and legislation.
- (3). The licencing procedure as referred to in paragraph (2) of this Article, shall be based on the licencing provisions governed by Local Government Regulation on Irrigation.

Part Three
IMPLEMENTATION

Article 6

- (1). Supply of irrigation water based on the plan adjudicated by Minister as referred to in the Article 5 paragraph (1) of this Government Regulation, shall be implemented by the Local Government concerned.

- (2). Institution, Association, village, Subak and individuals may carry out construction of irrigation networks for their necessities after holding water utilization licence issued by the Governor.

Part Four
PROCEDURES

Article 7

- (1). Irrigation water is supplied and utilized to obtain optimum yield of all agricultural efforts which get benefits from irrigation water.

- (2). Irrigation water shall be supplied to meet the requirement of agricultural efforts in the amount and time required by all crops in accordance with the already specified cropping pattern.

- (3). To achieve the objective as referred to in paragraph (1) of this Article, it may be necessary to discharge water from surplus water areas to shortage water irrigated areas.

Article 8

- (1). Governor shall determine tertiary blocks which receive water through out the year, tertiary blocks which receive water only

in the rainy seasons and tertiary blocks which receive water only in the dry seasons supplemented with the its location, boundaries and sizes specification of each village.

- (2). Any conversion of land use for rice field or otherwise thereof within an established irrigation area shall have in advance licence issued by Local Government in accordance with prevailing legislation.

Article 9

Licence holders of water utilization from a water resources for their concern may use the existing irrigation canals to discharge water they need under certain conditions adjudicated by authorized party.

CHAPTER III DISTRIBUTION AND ALLOCATION OF IRRIGATION WATER

Article 10.

- (1). Distribution and allocation of irrigation water shall be for watering crops the already established land as referred to in Article 8 paragraph (1) of this Government Regulation.
- (2). Crops out of the already established land as referred in paragraph (1) of this Article may use irrigation water if it is surplus after having permission from the aurthorized party.

Article 11.

- (1). Distribution and allocation of irrigation water for fresh water fishery shall supply provision as referred to in Article 10 paragraph (1) of this Governmen: Ragulation.
- (2). Fresh water fishery out of the fresh water fishery as defined in

paragraph (1) of this Article may use irrigation water if it is surplus after having permission from authorized party.

Article 12.

- (1). Within the frame work of appropriate and effective distribution and allocation of water, Local Government shall establish irrigation period for every irrigation area not later than one month before the beginning of the cultivation season.
- (2). In implementing provision as referred to in paragraph (1) of this Article, the Local Government may establish priority of irrigation water distribution in accordance with local situation and condition, in case the irrigation water debit is not sufficient to meet the requirement.
- (3). In case irrigation water debit is not sufficient to meet crops requirement on the already established land prevention so any harvesting failure of the existing crops, shall be :
 - a. irrigation water shall only be allocated for already existing crops ;
 - b. when necessary distribution of irrigation water may be reduced or rationed among tertiary blocks.
- (4). Distribution and allocation of irrigation water as referred in paragraph (1) of this Article, shall not minimize Local Government obligation to allocate irrigation water for domestic use to meet daily basic needs in the urban areas and for fire prevention use, in accordance with the principle as adjudicated in Article 4 of this Government Regulation.

Article 13.

- (1). The Local Government may determine schedule of the partial irrigation network to be drained for inspection and repair.

- (2). Time for drainage or partial irrigation networks as referred to in paragraph (1) of this Article shall be accurately selected and shall be notified to water users at least two weeks in advance.
- (3). Drainage period longer than 2 (two) weeks in every season shall only be executed in case of emergency or under permission by Governor.

Article 14.

- (1). Allocation of irrigation water into tertiary blocks shall use the already established diversion structures.
- (2). Distribution and diversion structures shall be equipped with water measuring device and board for notes distribution and allocation of water.

Article 15

In executing distribution and allocation of irrigation water shall ignore the existing agreement among individual irrigation water users.

Article 16

Temporarily cease or reduction of distribution and allocation of irrigation water may be exercised by the authorized party, in case water user farmers community either because of negligence or with intention did not well maintain tertiary or quaternary canals which entitle to get water.

CHAPTER IV IRRIGATION WATER USE

Part One

Article 17.

Irrigation water use shall only be allowed by intaking water from

tertiary or quarterly canals at predetermined diversion point by the authorized party.

Article 18.

- (1). Irrigation water use within tertiary blocks shall be executed water user farmers community themselves following technical guidance and other policies established by the Local Government concerned.
- (2). To implement the execution of irrigation water use in one or more tertiary blocks, water user farmers community shall appoint one or more water distribution executor.

Article 19.

- (1). Irrigation water use in the tertiary blocks for industrial crops already licenced by the authorized party based on prevailing legislation shall be arranged by giving priority to food crops in the neighbouring irrigation blocks.
- (2). In case irrigation water discharge is not sufficient to meet the needs of industrial crops and food crops simultaneously and averagely, the water use may be regulated in rotations on the basis of decision of the relevant Governor.

Part Two

ASSOCIATION OF WATER USER'S FARMERS

Article 20.

- (1). Subject to the development of irrigation areas, the Local Government establish the formation and development of the association of water user's farmers which organizationally technically, and financially capable to handle construction, rehabilitation, operation and maintenance of irrigation on networks

together with their accessory structures in the tertiary blocks, quarry blocks, Desa and Subak.

- (2). Any party who uses irrigation water, either individuals or corporations and associations shall become the member of the Association of Water User's Farmers.
- (3). In the implementation of the provisions as defined in the paragraph (1) of this Article, the Desa Administration shall give assistances.

Part Three.

DIRECT WATER USE FROM WATER RESOURCES

Article 21

- (1). Provisions as defined in the Article 18, Article 19, and Article 20 of this Government Regulation shall also be valid for the community of water user's farmer in the Desa Irrigation and Subak in accordance with the local condition.
- (2). Underground water uses for irrigation shall have licence issued by the Local Government with the technical recommendation from the Minister responsible for underground water resources.

CHAPTER V

IRRIGATION WATER AND IRRIGATION NETWORKS FOR OTHER PURPOSES

Article 22.

- (1). Subject to the Article 4 of this Government Regulation, in accordance with the local condition, irrigation water together with the networks thereof may be used freely for the following matters :

- a. domestic purposes ;
 - b. fire protection ;
 - c. non commercial navigation ;
 - d. fishing ;
 - e. to drink and water animals ;
-]. Matters as defined in the paragraph (1) of this Article shall only be exercised provided no quantitative damage is caused thereby to the water, networks and appurtenant land thereof.
-]. Provision as defined in the paragraph (2) of this Article also valid for extracting by hand shall quantities of sand, gravel, stone in the irrigation networks.

Article 23.

]. The use of irrigation water and irrigation networks other than for purposes as defined in the Article 22 of this Government Regulation shall have licence issued by the Governor.

CHAPTER VI D R A I N A G E

Article 24.

-]. For good regulation of irrigation water and to meet agricultural technique requirements, every construction of irrigation network shall be undertaken together with the construction of drainage networks as absolute part of the relevant irrigation networks.
-]. Return flow of irrigation water to a water resources through drainage networks shall be subject to and meet the water quality control and pollution prevention qualifications in accordance with the existing legislation.

- (3). Community shall participant in maintaining uninterrupted function drainage networks and shall not, install structures or others which may interfere water flow.
- (4). Drainage water because for irrigation may be exercised under certain requirements determined by water resources administration.

CHAPTER VII CONSTRUCTION OF IRRIGATION NETWORKS

Article 25.

- (1). Construction of main irrigation networks together with their accessory structures shall be undertaken by the relevant Local Government, in accordance with water supply plan established by the Minister as defined in the Article 5 of this Government Regulation.
- (2). Subject to the capability of the Local Government, the Government may give assistance to undertake construction of the main irrigation networks.
- (3). Corporations, associations or individuals shall undertake the construction of irrigation networks together with their accessory structures in accordance with the provisions as defined in the Article 5 paragraph (3) and Article 6 paragraph (2) of this Government Regulation.

Article 26.

- (1). Construction of Desa irrigation networks, Subak irrigation networks, and irrigation networks in tertiary block shall be undertaken by community of water user's farmers subject to the provisions in the Article 5 paragraph (2) and Article 6 paragraph (2) of this Government Regulation.

- 2). Subject to capability of the community, the Local Government may give assistance in heavy planning and construction of irrigation networks for the relevant community.

Article 27.

Anyone shall not modify or demolish structures or canals in irrigation networks or accessory structures without any licence issued by the Governor.

**CHAPTER VIII
OPERATION AND MAINTENANCE OF IRRIGATION
NETWORKS.**

Parts One

FUNCTION AND RESPONSIBILITIES

Article 28.

- 1). Operation and maintenance of irrigation networks together with their accessory structures from the intake structures into the tertiary canal 50 meters downstream of the diversion structures shall be the function and responsibility of the Local Government.
- 2). Operation and maintenance of Desa irrigation, Subak irrigation and irrigation in the tertiary block together with their accessory structures shall be the function and responsibility of the community of water user's farmers.
- 3). Operation and maintenance of irrigation networks together with the accessory structures belonging to the corporation, associations, individuals shall be the function and responsibility of the owners.

Article 29.

- 1). For exercising operation and maintenance of irrigation networks

as defined in the Article 28 paragraph (1) of this Government Regulation, on a certain extent and subject to the condition and capability of the relevant Region, the Government may give assistance in accordance with the procedures established by the Minister.

- (2). For exercising operation and maintenance of irrigation networks as defined in the Article 28 paragraph (2) and paragraph (3) of this Government Regulation the Government or the Local Government shall give required technical guidances.

Part Two.
PROTECTION OF IRRIGATION NETWORKS AND ACCESSORY STRUCTURES.

Article 30.

In the operation and maintenance of irrigation networks, the Local Government shall also regulate provisions on protection of ensuring uninterrupted function of irrigation networks together with accessory structures within relevant Region.

Article 31.

- (1). The Local Government shall establish protection zone along and around canal bodies and irrigation structures.
- (2). To avoid any loose of water, the Local Government shall have authority to establish provisions to prohibit excavation in certain range outside protected zone as defined in paragraph (1) of this Article.
- (3). Anyone is prohibited to install, modify or demolish structures other than as defined in the Article 27 of this Government Regulation existed within above or across irrigation networks,

without licence issued by the relevant Local Government Regulation.

- (4). Provisions as defined in the paragraph (1), paragraph (2), and paragraph (3) of this Article shall be further subject to Local Government Regulation.

Article 32.

Community shall participate actively to maintain the function of irrigation networks together with the accessory structures.

CHAPTER IX FINANCING

Part One

FINANCING OF THE CONSTRUCTION OF IRRIGATION NETWORKS AND THE ACCESSORY STRUCTURES

Article 33.

- (1). Financing for the construction of main irrigation networks together with their accessory structures shall be borne by the Local Government.
- (2). Subject to the capability of the relevant Local Government, the Government may give assistance in financing for the construction of main irrigation networks together with their accessory structures.
- (3). Financing for the construction of Desa irrigation, Subak irrigation together their accessory structures and tertiary and quarternary networks directly benefiting for the production as defined in the Article 14, Article 15, Article 16, Article 17, Article 18, Article 19, and Article 20 of this Government Regulation, shall be borne by the relevant community.

- (4). Subject to social and economic condition of the relevant community of water beneficiaries, the Local Government up to certain extent may give assistance in financing the construction of irrigation network as defined in the paragraph (3) of this Article in accordance with the procedures established by the relevant Governor.

Article 34.

Corporations, associations or individuals having licence to construct irrigation networks together with the accessory structures shall bear the financing thereof.

Part Two.

OPERATION AND MAINTENANCE OF IRRIGATION NETWORKS AND ACCESSORY STRUCTURES

Article 35.

- (1). Financing for operation and maintenance of irrigation networks together with their accessory structures as defined in the Article 28 paragraph (1) of this Government Regulation, shall be borne by the Local Government.
- (2). Subject to the capability of the relevant Local Government, the Government may give assistance in financing for the operation and maintenance of the irrigation networks together with the accessory structures.
- (3). Communities directly benefiting from existing irrigation networks as defined in the Article 25 of this Government Regulation may be required to share the financing for operation and maintenance of the irrigation networks and their accessory structures in the form of contribution.

- (4). Financing for operation and maintenance of irrigation networks together with their accessory structures as defined the Article 28 paragraph (2) and paragraph (3) of this Government Regulation shall be borne by the respective owners.
- (5). Subject to social and economic conditions of the relevant community of water beneficiaries the Local Government up to certain extent may give assistance for the operation and maintenance of irrigation networks together with their accessory structures as defined in the Article 28 paragraph (2) of this Government Regulation, in accordance with the procedures established by the Governor.

CHAPTER X
METHOD OF IRRIGATION MANAGEMENT
Part One
LOCAL GOVERNMENT REGULATION ON IRRIGATION

Article 36.

is a guideline for the irrigation management method in every Region, the Local Government Regulation on irrigation shall be established in accordance with the provisions of this Government Regulation.

Part Two
COORDINATION

Article 37

- 1). To meet the irrigation water needs for various users, the Governor shall create consultative forums at the Provincial level and at the Regency level respectively stated as Provincial Irrigation Committee and Regency Irrigation Committee.
- 2). Irrigation Committees shall have functions to assist the

Governor in the supply, distribution, and allocation irrigation water for crops and other purposes.

(3). The composition of Provincial Irrigation Committee as defined in the paragraph (1) of this Article shall consist of :

- 1. Governor as Chairman ;**
- 2. The highest Provincial water resources officer as Secretary ;**
- 3. Other highest technical agencies relevant to irrigation matters in the Province as members**

(4). The composition of Regency Irrigation Committee as defined in the paragraph (1) of this Article shall consist of :

- 1. Regent as Chairman ;**
- 2. The highest water resources officer of the Provincial Public Works Service for the relevant Regency area as Secretary ;**
- 3. Other highest technical agencies relevant to irrigation matters in the Regency as members.**

Article 38.

In discharging its functions, the Irrigation Committee holds the rights to call relevant person for attending the meeting of the said Committee to give needed informations.

Article 39.

(1). In case irrigation matters covered more than one Regency areas, meeting among Regency Irrigation Committees may be hold, chaired by Governor or other official assigned by the Governor.

(2). Conclusion at the intermeeting as defined in the paragraph (1) of this Article shall bind the relevant Irrigation Committee.

Article 40.

The further provision on the matters of Irrigation Committee, shall be established by the relevant Governor.

**CHAPTER XI
SUPERVISION**

Article 41.

- 1). The Governor and the water resources officials assigned by the Governor shall supervision the implementation of the provision of this Government Regulation.
- 2). The officials defined in the paragraph (1) of this Article shall submit report to the responsible officers any offence arise in the implementation of this Government Regulation.

**CHAPTER XII
PENAL PROVISION**

Article 42.

- (1). Anyone who contravenes the provisions of the Article 6 paragraph (2), Article 8 paragraph (2), Article 23 and Article 27 of this Government Regulation shall be liable to the penalties specified at the Article 15 of the Law No. 11 of 1974 on Water Resources Development.

**CHAPTER XIII
MISCELLANEOUS PROVISIONS**

Article 43.

- (1). Matters on irrigation areas relevant to more than one Region may be jointly settled by the relevant Regions in accordance

with the provision of the Law Number 5 of 1974 on Local Government Administration.

- (2). Further provision on the implementation of this Government Regulation, shall be regulated by the relevant Minister either individually or jointly.

CHAPTER XIV TRANSITORY PROVISIONS

Article 44.

The Local Government Regulations issued on the basis of Algemeen Waterreglement and Algemeen Water Scheersverordening shall continue in force as long as the Regulation not contradictory to this Government Regulation and until new Regulation are issued as provided for in this Law.

CHAPTER XV FINAL PROVISIONS

Article 45.

By promulgation of this Government Regulation, Chapter III Algemeen Waterreglement 1936 (Staatblad 1936 Number 489) and Algemeen Water Bcheersverordening (Staatblad 1936 Number 559) are hereby repealed.

Article 46.

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

In order that everyone shall know thereof, this Regulation shall be published in the Government Gazette of the Republic of Indonesia.

**Promulgated in Jakarta
On the 12nd of August 1982
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
Signed by,**

S O E H A R T O

**Published in Jakarta
On the 12nd of August 1982.
THE MINISTER/SECRETARY OF STATE
Signed by,**

SUDHARMONO, S.H.

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