

LEGAL IMPLICATIONS OF WATER SUPPLY MANAGEMENT IN BATAM CITY (POST ISSUENCE OF INDONESIA'S COURT OF CONSTITUTION'S DECREE NO. 85/PUU-XI/2013)

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Abstract

Indonesia's Court of Constitution has issued decree No. 85/PUU-XI/2013, which annuls the Law No. 7 Year 2004 governing water resources. It has implicated the state's acquisitions over the water resources in particular and in general other resources of natural productions of the common basic need of entire people in the country (as stated in the Indonesia's constitution in Article 3 of Chapter 33). In Batam city water resources has been administered by PT Adhya Tirta Batam (ATB) for 25 years as an exclusive holder of full concession for sites of water resources. Afterward it carried on by PT Moya Indonesia that was appointed through a scheme of government – private parties cooperation (KPBU) between the Administrative Body of Batam (BP Batam) and the company for another 15 years. The BP Batam then established PT Air Batam Hulu and PT Air Batam Hilir, which violates Batam residents' constitutional right and human right for water. This research is committed with methods of normative jurisdiction – and so the research outputs will eventually show norms that are recognized by the law. We seek truths through reconstructions of law enforcements over BP Batam's failures of water management in Batam city. Citizen law suits is one out of some options chosen for legal protection of residents' rights 'to rule the state' that will ensure the existence of current and future generations.

Keyword: *the constitutional court, right to rule the state, BP Batam, citizen law suit and people's right for water*

A. Background

People's right for water is humane & recognized in Indonesia's constitution - of the applications of use of water (in persona).¹ Article I of Chapter 28 of Indonesia's constitution is the legal standing. It is stated that the state as the authorized institution is obliged to execute it. In Chapter 33 Article 3 of the Constitution it commands such as the following; earth, water and any natural wealth that is lies within is taken over by the state and is used for the whole people's welfare massively. It is the trust for the state to run ventures over kinds of production from the natural resources. This trust to run is not

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¹ Ismala Dewi, dkk, Aspek Hukum Pengelolaan Sumber Daya Air, Pusat Penelitian badan Keahlian DPR RI, Jakarta, 2019

meant to own. Instead it means to grant rights to administrate the natural resources – therefore they can be used as ways to achieve the state’s goals.²

The Constitution Court’s decree No. 85/PU-XI/2013 Jo. Law no 17 year 2019 concerning water resources has specified six limitations for administration of water resources.³ Number one, any administrations of water must not disrupt, set aside or abolish people’s right for water because earth, water & other natural resources must be taken over by the state for people’s welfare; number two, the state is obliged to fulfil people’s right for water by granting accesses that are part of that which is defined in Chapter 281 article (4) of the Indonesia’s Constitution; number three, the state must maintain the sustainability of environment while administering the water resources as respects for Human Right which is in accordance with Chapter 28H article (1) of the national constitutions; number four, the state right of administering the water resources is absolute due to hands in hands with the common need of people; number five, priorities for the water resources administration is given to state-owned companies (BUMN) or municipal companies (BUMD) as delegations of the state’s right for administering; number six, the government can always grant the licence to private companies under specific and strict conditions. This restrictions are made for a purpose of keeping the right of ruling the state on it’s proportion and prevent private companies from dominating water consumption management. Therefore the water consumption management will not only contributes economically but also socially and environmentally.⁴

For issues of water consumption management people’s rights of ruling the state and water have been neglected since a consortium of private companies are appointed in November 15, 1995 – First appointment was given to PT Adya Tirta Batam (ATB) based on The Authority of Batam’s decree No. 062/UMKPTS/XI/1995 for the terms of 25 years.⁵ Afterward the water consumption management was granted to PT Moya Holding Asia Limited based on cooperation between the government and private companies. It operates the supplying unit of drinking water at PT Air Batam Hulu and PT Air Batam Hilir in 2022 – and will come to an end in 2037. PT Pembangunan Perumahan (PP) owns the company’s share of 40% and PT Moya Indonesia holds the rest, which

² Mahfud, M. D. (2010). Membangun politik hukum, menegakkan konstitusi. (*No Title*).

³ Puspitasari, S., & Nindyaningrum, U. (2015). Implikasi Putusan Mahkamah Konstitusi Nomor 85/Puu-Xi/2013 Terhadap Sistem Penyediaan Air Minum. *Jurnal Penelitian Hukum Gadjah Mada*, 2(1), 45-61.

⁴ Rizaldy, W. F. (2023). Paradigma Dan Pengaturan Pengelolaan Sumber Daya Air Pasca Lahirnya Undang Undang Nomor 17 Tahun 2019. *Journal of Law and Administrative Science*, 1(2), 51-62.

⁵ Ridha, L. A. (2023). Pelaksanaan Perjanjian Konsensi Antara Otoritas Pengembangan Daerah Industri Pulau Batam Dengan Konsorsium Bewater International Limited, Pt Bangun Cipta Kontraktor, Pt Syabata Cemerlang Tentang Pengelolaan Air Bersih Di Pulau Batam. *Jurnal Hukum Positum*, 8(1), 138-153.

is 60%.⁶ This indicates the government failure to prioritize state-owned company (BUMN) or village-owned companies (BUMD) and a negation to people's right for water – which is against the law. This situation shows lacks of commitment for efforts of supplying water without disrupting, setting aside and neglecting people's right for water.⁷

This research is based on previous ones, such as Tarwin Idris who focuses on the legal status of implementing regulations after the law of natural resource was annulled by the Constitution Court, that stressed on replacement of the Law no. 7 Year 2004 with the Law no. 17 year 2019 for sure fair access for every citizen – while the government regulations issued before the new law remains valid as long as they are not conflicting with the new one.⁸ Number two, Ronny (Winarno at al.) outlines an idea that the politic of law must come from Pancasila – therefore any water consumption management run by private companies threatens the sustainability of water and people's right for water.⁹ Number three, Galih Puji Mulyono who highlights legal protections towards water consumption management in Indonesia. He stated that specific and strict requirements by the Constitution Court for water consumption management is not only for licence issuance but also the entire operations of water management.¹⁰ Number four, Agus Rahman spells out management of natural resources after the annulment of Law No. 7 Year 2004. He stated that water privatisation of water shifts the water management from public to private parties. The cancellation of the natural resource law is done to meet the world bank's conditions for debts agreement.¹¹ Number five, (Andi Aswar, dkk), study the implications of natural resources management after the Constitutional Court's decree No.85/PUU–XI/2013, which implies water commercialisation, the absence of government's responsibility, imminent horizontal conflicts and discriminated policies towards people.¹² Furthermore this research enriches and finalises data that expose facts of clean water management in Batam city, where the right of ruling the state is dominated by private companies – particularly in running the unit venture of the management system for water supply at PT Air

⁶ http://www.moyaasia.com/uploads/1/0/9/1/109184111/moya_profile.pdf

⁷ Winarno, R., & Kusumaputra, A. (2020). Water Resources Concession Law Based on Justice for Water Rights. *Jurnal Analisis Hukum*, 3(2), 169-179.

⁸ Idris, T. (2020). Status Hukum Pemberlakuan Peraturan Pelaksana Undang-Undang Setelah Di Bataalkannya Undang-Undang Oleh Mahkamah Konstitusi.

⁹ Winarno, R., Retnowati, E., & Kusumaputra, A. (2024). Kedaulatan Negara Atas Pengelolaan Sumber Daya Air Yang Bermoral Menuju Kemakmuran Rakyat. *Yustitiabelen*, 10(1), 87-104.

¹⁰ Mulyono, G. P. (2019). Perlindungan hukum terhadap tata pengloalaan air di Indonesia. *Jurnal Cakrawala Hukum*, 10(1), 18-29.

¹¹ Surachman, A. (2019). Pengelolaan Sumber Daya Air Pasca Dibataalkannya Undang-Undang Nomor 7 Tahun 2004 Tentang Sumber Daya Air. *Jurnal Ilmiah Living Law*, 11(2), 96-105.

¹² Aswar, A. (2021). *IMPLIKASI HUKUM PENGATURAN SUMBER DAYA AIR PASCA PUTUSAN MAHKAMAH KONSTITUSI NO 85/PUU-XI/2013* (Doctoral dissertation, Universitas Hasanuddin).

Batam Hulu and PT Air Batam Hilir. This research offers a solution of filing a citizen law suit through the court of justice¹³ – and so the cooperation between the government and PT Moya Indonesia will be cancelled. The cancellation then is followed with management of economic sustainable development, that accommodates three aspects such as social function of people’s right for water, environmental function of water’s right and economic function of democratic economy that include people’s participations as one of the existing stake holders. This approach hopefully will be able to create fair and full relations in aspects of social culture, environment, sectorial structures and economy.¹⁴

Legal approach that is applied for this research refers to Professor Mochtar Kusuma Atmaja’s views regarding the importance of laws that is alive and relevant to people – instead of just becoming dead strict ones.¹⁵ The law must be regarded as a tool of social engineering.¹⁶ This research focuses on the theme of **Legal Implications of Water Consumption Management in Batam City (Post Issuance of the Constitutional Court’s Decree No. 85/PUU-XI2013)**. It is intended to reconstruct and revitalise roles of Government-private sectors’ cooperation as a mechanism to choose private parties for water consumption management in Batam city.

B. Identified Problems

1. How does water consumption management run in Batam city?
2. What legal implications that take place in Batam city after the Constitutional Court’s decree No. 85/year 2013 come to force?
3. How do efforts for protection of Batam’s residents rights in water consumption management?

C. Research Methods

This research applies normative jurisdiction. We started with library research and collected secondary data of primary law from various valid laws (statue approach),¹⁷ norms of law, doctrine of law & jurisprudential from books, articles, journals and previous researches. In addition we also gather tertiary

¹³ Fatah, A. (2013). Gugatan warga negara sebagai mekanisme pemenuhan hak asasi manusia dan hak konstitusional warga negara. *Yuridika*, 28(3), 293-303.

¹⁴ Kusumaputra, A. (2021). Dekonstruksi Pembangunan Berkelanjutan Melalui Otonomi Daerah Dalam Pengelolaan Sumber Daya Air Pasca Omnibus Law. *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria*, 1(1), 45-58.

¹⁵ Mochtar Kusumaatmadja, *Pengantar Ilmu Hukum*, Penerbit Alumni, Bandung, 2009

¹⁶ Lili Rasjidi, *Modul Pengantar Ilmu Hukum*, Fakultas Hukum Universitas Pasundan Bandung, Bandung, 2014

¹⁷ Mahmud Marzuki, *Penelitian Hukum*, Kencana, Jakarta, 2008

data of dictionary of law and the internet.¹⁸ The method of normative jurisdictions serve as ways to reconstruct law enforcement after the CC's decree of 85/PUU-XI/2013 (which annuls the law of natural resources) to emerge certainty of law and protection for the city residents' access for water. Therefore it will lead to fairness over water consumption management that take sides to many people.¹⁹

Analytical technic applied in research uses deductive writing, that concludes from general issues to specific ones (General – specific).²⁰ We use this technic for data of two secondary laws, The Constitution; CC's decree No.85/PUU-XI/2013; Law No. 17 Year 2019 on natural resources; the governmental regulation No. 121 Year 2015 on management of water consumption; the governmental regulation No. 122 Year 2015 on management system for drinking water and other laws or regulations related to this research.

D. Research Findings and Discussions

1. Water Management in Batam City

It was initiated when the government established the authority of industrial development site of Batam Island (The Authority of Batam) based on the Presidential Decree No. 41 Year 1973. Today it changes as governed in Chapter 2A article (1) of The Government Regulation (GR) No. 62 Year 2019 – to become The Body of Management for Free Sites of Trades and Harbours (BP Batam). It works as an extension of the central government in administering the free site of trades and harbour for supports of the national economy's growth.²¹ BP Batam is headed by an ex officio that also serves as a mayor of Batam. This was done as a step of harmonisation to provincial autonomy.²²

Then BP Batam is authorised to issue business permits that are required by entrepreneurs in Batam (Chapter 10 of The Regulations in Lieu of Law No. 1 Year 2020). On November 15, 1995 the head of The Authority of Batam issued a decree No, 062/UMKPTS/XI/1995

¹⁸ Zainuddin, M., & Karina, A. D. (2023). Penggunaan Metode Yuridis Normatif Dalam Membuktikan Kebenaran Pada Penelitian Hukum. *Smart Law Journal*, 2(2), 114-123.

¹⁹ Jhony Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, Banyumedia Publishing, Malang, 2007

²⁰ Zainuddin Ali, *Metode Penelitian Hukum*, PT. Sinar Grafika, Jakarta, 2021

²¹ Putri, K. M. Y. (2023). HUBUNGAN KERJASAMA ANTARA BADAN PENGUSAHAAN BATAM (BP BATAM) DAN PT ADHYA TIRTA BATAM (PT ATB) DALAM PENGELOLAAN AIR BERSIH DI BATAM TAHUN 2019-2020. *Journal of Politic and Government Studies*, 12(3), 385-396.

²² Kusumaputra, A. (2021). Dekonstruksi Pembangunan Berkelanjutan Melalui Otonomi Daerah Dalam Pengelolaan Sumber Daya Air Pasca Omnibus Law. *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria*, 1(1), 45-58.

concerning agreement of exclusive appointment for full concession granted to PT ATB as the administrator of clean water in Batam city that last in 25 years. It was concluded on November 14, 2020. The delegations of drinking water management to private parties is done for the following reasons; number one, a condition requested by PT Batamindo Investment Cakrawala to the head of Batam Authority to initiate an integrated sites of industry in Muka Kuning – where dependability in producing clean water, telecommunications and electricity must be equal in quality, quantity & continuity (including rates for clean water) to those in Singapore; Number two, the municipal company - PDAM that was supposed to be prioritised, didn't have that qualifications.²³

BP Batam appointed PT Moya Indonesia – a subsidiary of PT Moya Holding Asia Limited, after PT ATB's contract concluded. It commenced its first six months as a transitional period then continued to run for the next 15 years - from 2022 to 2037 based on the scheme of cooperation between the government & private parties (KBPU). PT Moya Indonesia runs two venture units of the management system for drinking water (SPAM), which are PT Air Batam Hilir and PT Air Batam Hulu (As specified in Chapter 108 Jo. Chapter 109 of the Head of BP Batam Regulation No. 16 Year 2021). The two venture units are established on July 25, 2022 & capitalized by two other companies, which are PT Pembangunan Perumahan (a limited liability company) holding 40% shares & PT Moya Indonesia owning 60 % share – out of the total capital of IDR 80 billion. This joint venture is a follow up after BP Batam made a decision for winners of a bidding event of selecting operators that will run operational executions and system maintenances at the supply system for drinking water upriver & downriver.²⁴

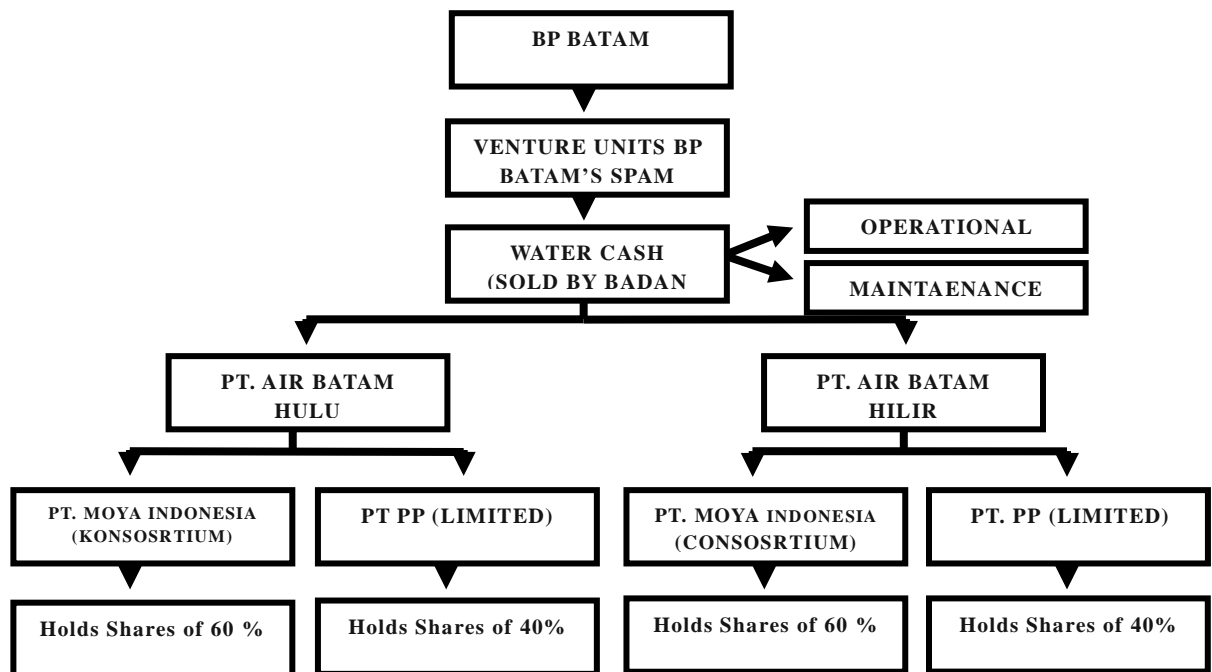
PT Moya's appointment was done without any public participation - which becomes a mandatory condition - right from phases of planning, decision making, executing & evaluating – as governed in The Government Regulation No. 121 Year 2015 on water management Jo. The Government Regulation No. 122 Year 2015 on water management Jo. Government Regulation No. 122 Year 2015 on management system for drinking water.²⁵ We, researchers, have requested any information to BP Batam related to the head of BP Batam's decree regarding the appointment of PT Moya Indonesia as the administrator of water in

²³ Ismala Dewi, dkk, *Aspek Hukum Pengelolaan Sumber Daya Air*, Pusat Penelitian badan Keahlian DPR RI, Jakarta, 2019

²⁴ <http://emitennews.com/news/kolaborasi-ptpp-moya-indonesia-lahirkan-dua-perusahaan-patungan>

²⁵ Idris, T. (2020). Status Hukum Penerimaan Peraturan Pelaksana Undang-Undang Setelah Di Batalkannya Undang-Undang Oleh Mahkamah Konstitusi.

Batam. However, BP Batam refused to share the information with us & excused that it was among the exceptions – as administered in Chapter 17 Law No. 14 Year 2008 concerning open public information. However, the information that we requested is never among the exceptions. BP Batam is among the state administrators that is funded from the state budget. It also benefits from becoming the objects of cooperation between the government and private parties – particularly in water management, which is the common share.²⁶ In addition to the rejection to our request BP Batam has also left Ombudsman of Kepri in uncertainty for the information - concerning the appointment - and questions the whole process of decision making for PT Moya’s winning the bidding. It can be concluded that the process of selecting operators for the water consumption management involved a lot of actors and complex procedures – from the scheme of full concession shifting to government – private parties cooperation without transparency or public participation.²⁷



Picture 1. Structure of Management System for Water Supply in Batam City First Hand Interview with Djohan Effendy, General Manager at SPAM Hilir

²⁶ Setiaman, A., Sugiana, D., & Mahameruaji, J. N. (2013). Implementasi kebijakan keterbukaan informasi publik. *Jurnal kajian komunikasi*, 1(2), 196-205.

²⁷ <https://www.ombudsman.go.id/perwakilan/news/r/pwkmedia--ombudsman-minta-bp-batam-jujur-selesaikan-permasalahan-air-di-batam>

2. Legal Implications Post Issuance of Constitution Court's Decree (CC) No. 85/PUU-XI/2013

a. Legal Analysis for Water Supply Management Post Issuance of the CC No. 85/PUU-XI/2013

Judicial reviews towards the Law No. 7 Year 2004 has been done three times. It was started with case No. 058-059-060-063/PUU-II/2004. Afterward it continued with another case No. 088/PUU-III/2005. This second review demanded total annul. However, the CC refused this two judicial reviews and confirmed that private parties' participation was called for monopoly preventions, improved professionalism and transparency in water consumption management.²⁸ The latest review came with case No.85/PUU-XI/2013. The CC assessed the constitutionality requirements and said they were not met – especially the one regarding the state's absolute right to dominate natural resources.²⁹ Therefore Law No. 7 Year 2004 was annulled - and Law No. 11 Year 1974 on concerning irrigation came back to force until it was replaced with Law No. 17 Year 2019 governing sources of water.

The Constitutional Court (MK) ruling on water management contains several important points. Besides setting six limitations on water management, this ruling also emphasizes that the use of water beyond the Right to Use Water, such as the Right to Exploit Water, must go through a permit application process with the relevant government authority. This process must also involve broad community participation, ensuring that decisions regarding the use of water resources take into account the interests and voices of the local community. This aims to maintain a balance between economic interests, environmental sustainability, and community rights.³⁰ The Right to Exploit Water functions as a licensing instrument that strictly limits the amount and volume of water that can be obtained or utilized, ensuring that this permit serves as a control instrument rather than a dominion instrument.³¹ The phrase "granting permits strictly with priority" in Article 5 paragraph (3) of Government Regulation No. 121 of 2015 explains that the priority

²⁸ Suteki, *Politik Hukum Hak atas Air*, Penerbit Thafa Media, Yogyakarta, 2020

²⁹ Aswar, A. (2021). *IMPLIKASI HUKUM PENGATURAN SUMBER DAYA AIR PASCA PUTUSAN MAHKAMAH KONSTITUSI NO 85/PUU-XI/2013* (Doctoral dissertation, Universitas Hasanuddin).

³⁰ Lampus, Y. L., Sumilat, V. V., & Muaja, H. S. M. (2023). Pemberlakuan Ketentuan Pidana Dalam Undang-Undang Nomor 1 Tahun 2016 Tentang Penjaminan. *Lex privatum*, 11(3).

³¹ Pradhyksa, D. P. (2021). Pengaturan Pendayagunaan Sumber Daya Air dalam Undang-Undang Cipta Kerja dan Korelasinya dengan Pasal 33 UUD 1945. *Ascarya: Journal of Islamic Science, Culture, and Social Studies*, 1(2), 70-92.

for granting permits for the utilization of natural resources includes: Number one, meeting daily needs for groups requiring large amounts of water; Number two, meeting basic daily needs that alter the natural condition of water sources; Number three, people's agriculture outside existing irrigation systems; Number four, utilisation of natural resources to meet daily basic needs through Water Supply Systems (SPAM); Number five, non-commercial activities for public interest; Number six, utilisation of natural resources by State-Owned Enterprises (BUMN) or Regional-Owned Enterprises (BUMD); Number seven, utilisation of natural resources by private enterprises or individuals.

If BUMN or BUMD are unable to finance the implementation of SPAM, they may collaborate with private enterprises based on certain principles (Article 56 of Government Regulation No. 122 of 2015), which includes permits for water extraction, implementation of SPAM prioritizing low-income communities, and forms of investment involving the development of SPAM and/or management of raw water units and production units with technological investments for efficiency.³² The principle of benefiting from water management services requires bearing the management costs. However, water is not to be treated as an economic commodity, so the cost of water is not factored into the calculations for beneficiaries. The right to provide access to the community must respect, protect, and fulfill the right to health and safe drinking water, which is an inclusive right essential for maintaining human existence and water as a fundamental component.³³

In the interpretation of the Constitutional Court's ruling, the "Right to Control by the State" encompasses several aspects: Number one, policy (*beloid*); Number two, administration (*bestuursdaad*); Number four, regulations (*regelendaad*); Number four, management (*beheersdaad*); Number five, supervision (*toezichthoudensdaad*). The administration function is carried out by the government through the granting or revocation of permits, licenses, and concessions. The regulation function is performed by the DPR (House of Representatives) together with the government. The management function is conducted through the majority

³² Ismala Dewi, dkk, *Aspek Hukum Pengelolaan Sumber Daya Air*, Pusat Penelitian badan Keahlian DPR RI, Jakarta, 2019

³³ Murtadha Muthahhari, *Manusia dan Alam Semesta (Konsepsi Islam tentang Jagat Raya)*, Penerbit lentera, Jakarta, 2004

ownership and management of State-Owned Enterprises (BUMN) or Regional-Owned Enterprises (BUMD). The supervision function ensures that the control of natural resources achieves the prosperity of the people.³⁴ All of these aspects are reflected in the Constitutional Court's decision No. 001-021-022/PUU-I/2003, which emphasizes the importance of state oversight in managing the branches of production that control the livelihoods of many people for the greatest prosperity of the people.

b. Economic Democracy vs. Privatization of Water Management in Batam City Post-Constitutional Court Decision No. 85/PUU-XI/2013

The annulment of the Water Resources Law (UU SDA) by the Constitutional Court (MK) emphasizes that as a modern welfare state prioritizing principles of liberty, equality, and mutuality, the state is responsible for the welfare of its people.³⁵ Thus, the state is obliged to negate legislation that leans towards privatization and liberalization, such as the UU SDA.³⁶ Therefore the state is obliged to refuse laws that grant privatisation and liberalisation – like this law of natural resource.

The consideration of economic democracy within the 1945 Constitution also serves as the political and legal foundation in the enforcement of the Indonesian National Legal System (PSHNI).³⁷ This framework views water as a common property (*res communis*), rejecting privatization that restricts public access to water, granting it only to owners and operators as a privilege. Privatization leads to the loss of public ownership of water and water rights, imposing tariffs on the community to expedite the return on investment in water management and to maximize profits.³⁸ The economic function of water dominates due to market involvement.³⁹ In the context of water management in Batam City, the state loses its rights of control and ownership over water. The establishment of PT Air Batam Hulu and PT Air Batam Hilir exemplifies the dominance of private entities, contradicting the

³⁴ Kasim, H. (2015). Penegasan Peran Negara dalam Pemenuhan Hak Warga Negara Atas Air. *Jurnal Konstitusi*, 12(2), 353-372.

³⁵ Suteki, *Politik Hukum Hak atas Air*, Penerbit Thafa Media, Yogyakarta, 2020

³⁶ Muhammad Hatta, *Keadilan Sosial dan Kemakmuran*, PT. LP3ES, Jakarta, 2015.

³⁷ Mahfud, M. D. (2010). Membangun politik hukum, menegakkan konstitusi. (*No Title*)

³⁸ Fukuyama, F. (2004). *The End of History and The Last of Man*, Kemenangan Kapitalisme dan Demokrasi Liberal, diterjemahkan oleh Amrullah, Cet. Ke-3, Yogyakarta.

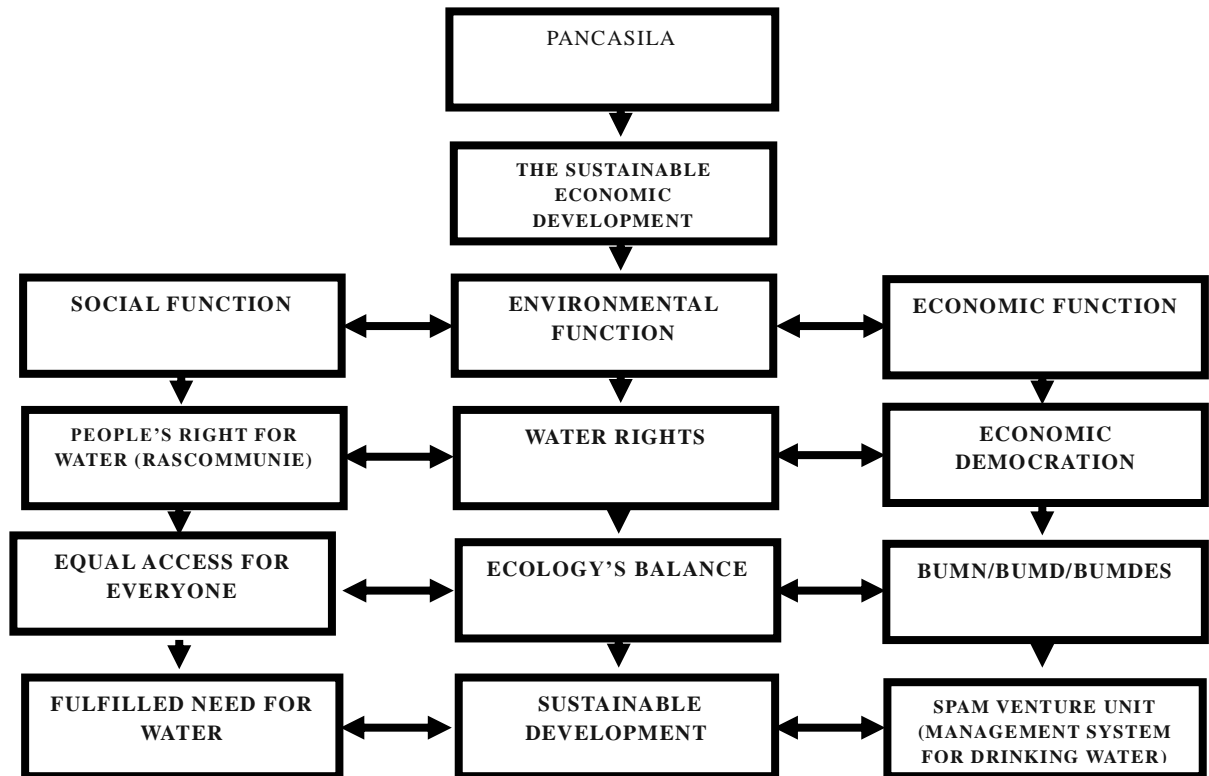
³⁹ Surachman, A. (2019). Pengelolaan Sumber Daya Air Pasca Dibatalkannya Undang-Undang Nomor 7 Tahun 2004 Tentang Sumber Daya Air. *Jurnal Ilmiah Living Law*, 11(2), 96-105.

Constitutional Court's decision and Law No. 17 of 2019, which prioritize the management of water resources by State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMD), and Village-Owned Enterprises (BUMDes) for such business activities.

c. **Sustainable Economic Development as a Solution for Reconstruction and Revitalization of the Public-Private Partnership (KPBU) Agreement on Clean Water Management in Batam City**

The management of natural resources (SDA) by State-Owned Enterprises (BUMN) or Regional-Owned Enterprises (BUMD) embodies the economic democracy embraced by our country.⁴⁰ In this system, branches of production that affect the livelihood of many must be controlled by the state, which may establish a monopoly. This monopoly is a form of harmonization of social, economic, and environmental functions, summarized by the researcher as follows: Number one, economic Function: Based on profits gained through the Right to Exploit (*Hak Guna Usaha*). To maximize these profits, SPAM enterprises are established with ownership and management given to BUMN or BUMD, with minor participation from private entities; Number two, environmental Function Based on ecology, where conservation to maintain ecosystem sustainability is the method used to protect water rights. This ensures the balance of water availability for both the present and the future. This principle also grounds the operations of enterprises, which must adhere to sustainable development principles; Number three, social Function. Recognizing water as a common property derived from the Right to Use (*Hak Guna Pakai*) for community members who use water for agricultural irrigation and basic needs. There is no hierarchical ownership of water, with equality as the underlying principle.

⁴⁰ Maryati, D. (2020). Analisis Kedudukan Hukum Badan Usaha Milik Daerah Dalam Penyelenggaraan Sistem Penyediaan Air Minum Regional. *Al Ahkam*, 16(1), 11-23.



Picture 2. Researcher's Opinion on the Harmonization of Three Functions in Water Management within the Framework of Sustainable Economic Development

The researcher believes that the harmonization of the three functions—economic, environmental, and social—in water management can be achieved within the framework of sustainable economic development. In this context, inclusivity and flexibility become the main focus, without neglecting the basic principle of recognizing water rights and the right to water as part of human rights. The economic function of water is carried out based on the economic democracy system,⁴¹ and the environment is positioned as a subject in development. This approach serves as a synthesis for the reconstruction and revitalization of natural resource management in Batam City, starting from the full concession by PT ATB and continued by PT Moya Indonesia through the Public-Private Partnership (KPBU). This management complies with Constitutional Court Decision No. 85/PUU-XI/2013, Law No. 17 of

⁴¹ Subiakto Tjakrawerda, Soenarto Soedarno, P. Setia Lenggono, Budho Purwandaya, Muhamad Karim, Lestari Agusalim, *Sistem Ekonomi Pancasila*, Penerbit Universitas Trilogi, Jakarta, 2016

2019 on Water Resources, and Law No. 6 of 2023 on the Establishment of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation, in the management of water resources.

3. Efforts to Protect Community Members in Water Management in Batam City

a. Legal Protection of Citizens' Right to Clean Water in Batam City

The adage by Cicero, “*salus populi suprema lex esto*,” meaning the welfare of the people is the highest law,⁴² was used by Park Dong-Ho, a former prosecutor who became Prime Minister of South Korea, to implement reforms when he ousted Jang Il Joon from the presidency and subsequently replaced him. Park Dong-Ho's reforms did not stop with the fall of Jang Il Joon. His loyal follower, Jeong Su-jin, who ambitiously sought the presidency to protect family interests and seek revenge, was stopped after being proven guilty of corruption by accepting bribes from the large consortium Daejin Group. Park Dong-Ho sacrificed his life to end all forms of political and legal crimes in South Korea, giving a new world to the younger generation of Koreans to build a fair and prosperous nation. This is the synopsis of the latest South Korean political drama titled "The Whirlwind."

What Park Dong-Ho did is a form of legal protection for the people that can be implemented.⁴³ BP Batam by exercising its authority in managing water in Batam City, prioritizing morality and the interests of the people.⁴⁴ According to Friedrich Julius Stahl, legal protection itself must include guarantees of human rights, the division of powers, the principle of legality, and the existence of judicial institutions. Theoretically, legal protection consists of preventive measures, where citizens are given the right to object to a government decision that has not yet taken effect, and repressive measures, where citizens are given the right to object to a government decision that has already taken effect and requires resolution. Both emphasize government actions.⁴⁵

⁴² Andriansyah, A. (2020). Penerapan Asas Salus Populi Suprema Lex Pada Pelaksanaan Demokrasi Di Tengah Wabah Covid-19. *Jurnal Lemhannas RI*, 8(3), 74-83.

⁴³ Pratiwi, A. (2022). Pemanfaatan dan perlindungan hukum terhadap sumber daya air dalam perspektif investasi dan kesejahteraan. " *Dharmasisya* " *Jurnal Program Magister Hukum FHUI*, 2(1), 1.

⁴⁴ Winarno, R., Retnowati, E., & Kusumaputra, A. (2024). Kedaulatan Negara Atas Pengelolaan Sumber Daya Air Yang Bermoral Menuju Kemakmuran Rakyat. *Yustitiabelen*, 10(1), 87-104.

⁴⁵ Nandang kusnadi, Analisis Penerapan Teori Perlindungan Hukum dalam Sengketa Tata Usaha Negara, *Pakuan Law Review* Vol. 6 No. 2, 2020.

This consideration became the main reason the Constitutional Court annulled the Water Resources Law, which eliminated the state's authority over branches of production that control the livelihood of many people and rejected all forms of privatization and liberalization of water resources as a form of legal protection for the people. People's access to clean water is a basic right recognized by the UN General Assembly Resolution in 2010, which states that access to clean and safe drinking water and sanitation is a human right. General Comment No. 15 of 2002, as an interpretation of Articles 11 and 12 of the International Covenant on Economic, Social, and Cultural Rights, also emphasizes that water is a limited natural resource and a public good fundamental to life and health.⁴⁶ The normative content in General Comment No. 15 of 2002 regarding the right to water consists of, firstly, the right to water comprising freedoms and rights. These freedoms include maintaining access to existing water supplies needed to fulfill the right to water, the right to be free from interference, such as the right to be free from arbitrary disconnections or contamination of water supplies, and equal opportunities for everyone to enjoy the right to water; secondly, the elements of the right to water must be adequate for human dignity, life, and health. The adequacy of water cannot be interpreted narrowly, referring only to quantity and technology used, but water must be treated as a social and cultural good, not merely as an economic commodity. Therefore, the state has an obligation in fulfilling the right to water, namely: First, ensuring access to a minimum adequate and safe amount of water for personal and domestic use to prevent disease; Second, ensuring that the right to access water and irrigation facilities and services is non-discriminatory, especially for disadvantaged and marginalized communities; Third, ensuring physical access to irrigation facilities and services that provide adequate, safe, and regular water; Fourth, ensuring that personal security is not compromised when accessing water, to ensure fair distribution of all irrigation services and facilities; Fifth, to establish and implement a strategy for people's access to water.

The recognition of water as a basic right guaranteed by the state is reflected in Article 28H and Article 33 paragraph (3) of the 1945 Constitution, and Law No. 11 of 2005 on the Ratification of the International Covenant on Economic, Social, and Cultural

⁴⁶ Ismala Dewi, dkk, *Aspek Hukum Pengelolaan Sumber Daya Air*, Pusat Penelitian badan Keahlian DPR RI, Jakarta, 2019

Rights. Meanwhile, the protection of citizens as water service users is generally regulated through Article 4 of Law No. 8 of 1999 on Consumer Protection, which states: First, the right to comfort, security, and safety in consuming goods/services; Second, the right to choose and obtain goods/services according to the exchange value and conditions as well as the guarantees promised; Third, the right to correct, clear, and honest information regarding the condition and guarantee of goods/services; Fourth, the right to be heard on opinions and complaints about the goods/services used; Fifth, the right to obtain advocacy, protection, and proper dispute resolution for consumer protection; Sixth, the right to receive consumer education and guidance; Seventh, the right to be treated or served properly and honestly and without discrimination; Eighth, the right to compensation, restitution, or replacement if the goods/services received are not in accordance with the agreement or as they should be; Ninth, other rights regulated by statutory provisions.

The appointment of PT Moya Indonesia by BP Batam to manage water in Batam City must meet these requirements, considering the historical and sociological aspects of water management through previous privatization efforts. The state's obligation in controlling natural resources is to respect, protect, and fulfill the right to water, which is generally recognized as a human right.⁴⁷ Bagir Manan states that the state must ensure that the utilization of natural resources is used to improve the prosperity of the people, protect the rights of the people, and prevent actions that harm the people in enjoying their natural wealth.⁴⁸

However, the appointment of PT Moya Indonesia by BP Batam did not meet these expectations. The failure in technology transfer, revenue enhancement for the people, and the promised development of human resources did not materialize. The Public-Private Partnership (PPP) concept has merely become a new form of privatization that burdens the people with increased tariffs as investment costs. In fact, the investment profit of 1.7 trillion obtained by BP Batam over 25 years should have been used for

⁴⁷ Kasim, H. (2015). Penegasan Peran Negara dalam Pemenuhan Hak Warga Negara Atas Air. *Jurnal Konstitusi*, 12(2), 353-372.

⁴⁸ Bagir Manan, *Pertumbuhan dan Perkembangan Konstitusi Suatu Negara*, Bandar Maju, Badung, 1995

reinvestment in water infrastructure, rather than imposing further burdens on the people, as requested by the Head of BP Batam.⁴⁹

b. Citizen Lawsuit: A Step Forward for People to Protect Their Human Rights

Steps to restore the people's right to water in Batam City can be taken through a citizen lawsuit (action popularis) in the judiciary.⁵⁰ This lawsuit allows citizens to file claims against state officials for negligence or inaction (by omission) that threatens public interests, including constitutional and human rights.⁵¹ The lawsuit does not require the plaintiffs to be directly affected; it is sufficient to prove that they are lawful citizens.⁵² Although not explicitly regulated in legislation like Class Action lawsuits under PerMA No. 1 of 2002, the legal basis for citizen lawsuits can be found in Article 5 paragraph (1) Jo. Article 10 (1) of Law No. 48 of 2009 on Judicial Power, which obligates judges to explore legal values and justice in society, and not to refuse to examine, adjudicate, and decide on cases presented.⁵³ Several legal precedents support this basis, such as: Decision of the Central Jakarta District Court No. 28/Pdt.G/2023/PN.Jkt.Pst, regarding a CLS lawsuit over state neglect of 480,000 migrant workers deported in 2023, resulting in Law No. 39 of 2004 on the Placement and Protection of Migrant Workers; Decision of the Central Jakarta District Court No. 527/Pdt.G/2012/PN.Jkt.Pst, concerning a CLS lawsuit over the granting of water management permits in Jakarta to private parties; Decision of the Samarinda District Court No. 55/Pdt.G/2013/PN.Smda, regarding a CLS lawsuit on the right to a good and healthy environment, related to mining permit evaluations in Samarinda.

The citizen lawsuit (CLS) filed by the plaintiffs in court should include proof of unlawful actions (Article 1365 of the Civil Code) committed by state officials due to their negligence, which

⁴⁹ <https://regional.kompas.com/read/2023/01/18/175235878/isu-kenaikan-tarif-air-batam-pt-atb-tidak-tepat-keuntungan-spam-cukup>

⁵⁰ Dananjaya, P. B., & Rahayu, N. G. A. M. N. (2022). Mekanisme Citizen Lawsuit dalam Perspektif Sistem Peradilan Di Indonesia. *Jurnal Hukum Saraswati (JHS)*, 4(1), 15-30.

⁵¹ Sharaningtyas, Y. N. (2016). Gugatan Warga Negara (Citizen Law Suit) dan Justiciability Pemenuhan Hak Atas Lingkungan Hidup Yang Baik Dan Sehat. *Kertha Patrika*, 38(1), 40.

⁵² Iqbal, M. (2012). Aspek Hukum Class Action Dan Citizen Law Suit Serta Perkembangannya Di Indonesia. *Jurnal Hukum dan Peradilan*, 1(1), 89-112.

⁵³ Julaidin, J., & Sari, H. P. (2019). Citizen Lawsuit (Gugatan Warga Negara) Terhadap Penyelenggara Negara Dalam Mencari Keadilan. *Unes Journal of Swara Justisia*, 3(1), 13-23.

could threaten public interests.⁵⁴ Regarding the appointment of PT Moya Indonesia by BP Batam for managing water in Batam City, the Batam community can file a CLS with the following grounds:

- 1) The Public-Private Partnership (PPP) has ignored the Principles of Good Governance (AUPB)

The PPP between BP Batam and PT Moya Indonesia, which led to the formation of PT Air Batam Hulu and PT Air Batam Hilir, is suspected of violating principles of public interest, utility, and accountability. The appointment of PT Moya Indonesia by BP Batam did not involve community participation and lacked transparency regarding the content of the PPP agreement and the decree from the Head of BP Batam on the appointment of PT Moya Indonesia. This lack of transparency affected not only ordinary citizens but also the Ombudsman and council members from city to provincial levels, indicating potential maladministration by BP Batam.

- 2) The PPP has violated Article 33 (3) of the 1945 Constitution, Constitutional Court Decision No. 85/PUU-IX/2013, and Law No. 17 of 2019 on Water Resources

The appointment of PT Moya Indonesia by BP Batam represents a new form of privatization of branches of production that control the livelihood of many people. The PPP has shifted the responsibility for management, regulation, and oversight of water resources from the state to private entities. The majority private ownership and minority government ownership in the water supply management entities are concrete evidence of the erosion of authority that should have been vested in state-owned enterprises (BUMN) or regional-owned enterprises (BUMD) for water management in Batam City, as part of the "State Control Rights."

- 3) The PPP has violated Article 8 of Law No. 39 of 2009 on Human Rights Jo. Law No. 11 of 2005 on the Ratification of Economic, Social, and Cultural Rights

The protection, promotion, enforcement, and fulfillment of human rights are the responsibilities of the government, including the right to water, which is a fundamental human right that the state must guarantee. In practice, this responsibility has been delegated by the government to the

⁵⁴ Sharaningtyas, Y. N. (2016). Gugatan Warga Negara (Citizen Law Suit) dan Justiciability Pemenuhan Hak Atas Lingkungan Hidup Yang Baik Dan Sehat. *Kertha Patrika*, 38(1), 40.

private sector. The neglect and inaction by the state have resulted in a threat to the people's access to water in Batam City.

The grounds for this citizen lawsuit (CLS) can be used by the people of Batam City to protect their rights to access water and safeguard the right to water itself. Both of these interests must be preserved as a means to sustain human life both now and in the future. The cancellation of the PPP agreement between BP Batam and PT Moya Indonesia is a preliminary step towards reinstating the state's obligation to protect its citizens, a mandate given by the Constitutional Court through its rulings and the 1945 Constitution. The state's control rights must be implemented as intended by granting dominant authority for water management and operations to state-owned enterprises (BUMN), regional-owned enterprises (BUMD), or village-owned enterprises (BUMDes), while not disregarding the role of private companies.⁵⁵

E. Conclusions

1. The authority for managing water in Batam City was granted to BP Batam through Government Regulation No. 62 of 2019. BP Batam, in turn, delegated the responsibility for water management to the private company PT Moya Indonesia for 15 years under a performance-based PPP, from July 25, 2022, to July 25, 2037. Under this PPP, PT Moya Indonesia and BP Batam established a water supply management company consisting of two business units: PT Air Batam Hulu and PT Air Batam Hilir, to manage clean water in Batam City. This delegation of responsibility to the private sector is not new; it was previously granted to PT Adhya Tirta Batam for 25 years, from November 15, 1995, to November 14, 2020;
2. Following the Constitutional Court's Decision No. 85/PUU-XI/2013 on the annulment of Law No. 7 of 2004 on Water Resources, and the enactment of Law No. 17 of 2019 on Water Resources, which stipulates that branches of production affecting the livelihood of many people should be managed by the state as part of the "State Control Rights," water management in Batam City should be conducted by the local government, namely BP Batam. The formation of the PPP with PT Moya Indonesia as the water manager in Batam City constitutes a violation of the mandate given by the Constitutional Court. The majority private ownership and minority government ownership in the PPP agreement are inconsistent with the principles of economic democracy regarding the

⁵⁵ Mulyono, G. P. (2019). Perlindungan hukum terhadap tata pengelolaan air di Indonesia. *Jurnal Cakrawala Hukum*, 10(1), 18-29.

- management of branches of production that control the livelihood of many people;
3. The Right to Access Water and the Right to Water as Human Rights are forms of fundamental human rights, and it is the state's obligation to protect these rights for its citizens as a reciprocal duty. If the state fails to uphold this protection, citizens have the right to defend themselves by filing a lawsuit in the judiciary, including through a citizen lawsuit (CLS). This type of lawsuit can be initiated by any citizen, whether directly or indirectly affected, due to the negligence of state officials that threatens public interests. The outcome of such a CLS seeks to compel the state to issue policies to protect the rights of its citizens and to annul any agreements that threaten these rights. For instance, the negligence of BP Batam in appointing PT. Moya Indonesia to manage water has endangered the people's right to water and the right to water itself.

REFERENCES

- Andriansyah, A. (2020). Penerapan Asas Salus Populi Suprema Lex Pada Pelaksanaan Demokrasi di Tengah Wabah Covid-19. *Jurnal Lemhannas RI*, 8(3), 74-83.
- Aswar, A. (2021). *IMPLIKASI HUKUM PENGATURAN SUMBER DAYA AIR PASCA PUTUSAN MAHKAMAH KONSTITUSI NO 85/PUU-XI/2013* (Doctoral dissertation, Universitas Hasanuddin).
- Ayu Desiana, *Analisa Konsep Pengawasan Ombudsman terhadap Penyelenggaraan Pelayanan Publik*, Jurnal Inovatif, Vol. 6 No. 2, 2013.
- Bagir Manan, *Pertumbuhan dan Perkembangan Konstitusi Suatu Negara*, Bandar Maju, Badung, 1995.
- Dananjaya, P. B., & Rahayu, N. G. A. M. N. (2022). Mekanisme Citizen Lawsuit dalam Perspektif Sistem Peradilan Di Indonesia. *Jurnal Hukum Saraswati (JHS)*, 4(1), 15-30.
- Fatah, A. (2013). Gugatan warga negara sebagai mekanisme pemenuhan hak asasi manusia dan hak konstitusional warga negara. *Yuridika*, 28(3), 293-303.
- Fukuyama, F. (2004). *The End of History and The Last of Man*, Kemenangan Kapitalisme dan Demokrasi Liberal, diterjemahkan oleh Amrullah, Cet. Ke-3, Yogyakarta.
- Idris, T. (2020). Status Hukum Pemberlakuan Peraturan Pelaksana Undang-Undang Setelah Di Bataalkannya Undang-Undang Oleh Mahkamah Konstitusi.
- Iqbal, M. (2012). Aspek Hukum Class Action Dan Citizen Law Suit Serta Perkembangannya Di Indonesia. *Jurnal Hukum dan Peradilan*, 1(1), 89-112.
- Ismala Dewi, dkk, *Aspek Hukum Pengelolaan Sumber Daya Air*, Pusat Penelitian badan Keahlian DPR RI, Jakarta, 2019.
- Jhony Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, Banyumedia Publishing, Malang, 2007.
- Julaiddin, J., & Sari, H. P. (2019). Citizen Lawsuit (Gugatan Warga Negara) Terhadap Penyelenggara Negara Dalam Mencari Keadilan. *Unes Journal of Swara Justisia*, 3(1), 13-23.
- Kasim, H. (2015). Penegasan Peran Negara dalam Pemenuhan Hak Warga Negara Atas Air. *Jurnal Konstitusi*, 12(2), 353-372.
- Kusumaputra, A. (2021). Dekonstruksi Pembangunan Berkelanjutan Melalui Otonomi Daerah Dalam Pengelolaan Sumber Daya Air Pasca Omnibus Law. *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria*, 1(1), 45-58.
- Lampus, Y. L., Sumilat, V. V., & Muaja, H. S. M. (2023). Pemberlakuan Ketentuan Pidana Dalam Undang-Undang Nomor 1 Tahun 2016 Tentang Penjaminan. *Lex privatum*, 11(3).
- Lili Rasjidi, *Modul Pengantar Ilmu Hukum*, Fakultas Hukum Universitas Pasundan Bandung, Bandung, 2014.
- Mahfud, M. D. (2010). Membangun politik hukum, menegakkan konstitusi. (*No Title*).

- Mahmud Marzuki, *Penelitian Hukum*, Kencana, Jakarta, 2008.
- Maryati, D. (2020). Analisis Kedudukan Hukum Badan Usaha Milik Daerah Dalam Penyelenggaraan Sistem Penyediaan Air Minum Regional. *Al Ahkam*, 16(1), 11-23.
- Maulana, H., & Putri, G. S. (2023). Isu Kenaikan Tarif Air Batam, PT ATB: Tidak Tepat, Keuntungan SPAM Cukup Fantastis, <https://regional.kompas.com/read/2023/01/18/175235878/isu-kenaikan-tarif-air-batam-pt-atb-tidak-tepat-keuntungan-spam-cukup>
- Mochtar Kusumaatmadja, *Pengantar Ilmu Hukum*, Penerbit Alumni, Bandung, 2009.
- Moh. Mafud MD, *Politik Hukum di Indonesia*, PT. Raja Grafindo Persada, Jakarta, 2016.
- Moyo, (2023). Moyo Company Profile, http://www.moyaasia.com/uploads/1/0/9/1/109184111/moya_profile.pdf
- Muhammad Hatta, *Keadilan Sosial dan Kemakmuran*, PT. LP3ES, Jakarta, 2015.
- Mulyono, G. P. (2019). Perlindungan hukum terhadap tata pengelolaan air di Indonesia. *Jurnal Cakrawala Hukum*, 10(1), 18-29.
- Murtadha Muthahhari, *Manusia dan Alam Semesta (Konsepsi Islam tentang Jagat Raya)*, Penerbit lentera, Jakarta, 2004.
- Nandang kurnadi, *Analisis Penerapan Teori Perlindungan Hukum dalam Sengketa Tata Usaha Negara*, Pakuan Law Review Vol. 6 No. 2, 2020.
- Natsir, M (2022). Kolaborasi PTPP - Moya Indonesia Lahirkan dua Perusahaan Patungan, <https://emitennews.com/news/kolaborasi-ptpp-moya-indonesia-lahirkan-dua-perusahaan-patungan>
- Pradhyksa, D. P. (2021). Pengaturan Pendayagunaan Sumber Daya Air dalam Undang-Undang Cipta Kerja dan Korelasinya dengan Pasal 33 UUD 1945. *Ascarya: Journal of Islamic Science, Culture, and Social Studies*, 1(2), 70-92.
- Pratiwi, A. (2022). Pemanfaatan dan perlindungan hukum terhadap sumber daya air dalam perspektif investasi dan kesejahteraan. " *Dharmasiswa* " *Jurnal Program Magister Hukum FHUI*, 2(1), 1.
- Puspitasari, S., & Nindyaningrum, U. (2015). Implikasi Putusan Mahkamah Konstitusi Nomor 85/Puu-Xi/2013 Terhadap Sistem Penyediaan Air Minum. *Jurnal Penelitian Hukum Gajah Mada*, 2(1), 45-61..
- Putri, K. M. Y. (2023). HUBUNGAN KERJASAMA ANTARA BADAN PENGUSAHAAN BATAM (BP BATAM) DAN PT ADHYA TIRTA BATAM (PT ATB) DALAM PENGELOLAAN AIR BERSIH DI BATAM TAHUN 2019-2020. *Journal of Politic and Government Studies*, 12(3), 385-396.
- Riau, K (2022). Ombudsman Minta BP Batam Jujur, Selesaikan Permasalahan Air di Batam <https://www.ombudsman.go.id/perwakilan/news/r/pwkmedia--ombudsman-minta-bp-batam-jujur-selesaikan-permasalahan-air-di-batam>

- Ridha, L. A. (2023). Pelaksanaan Perjanjian Konsensi Antara Otoritas Pengembangan Daerah Industri Pulau Batam Dengan Konsorsium Biwater International Limited, Pt Bangun Cipta Kontraktor, Pt Syabata Cemerlang Tentang Pengelolaan Air Bersih Di Pulau Batam. *Jurnal Hukum Positum*, 8(1), 138-153.
- Rizaldy, W. F. (2023). Paradigma Dan Pengaturan Pengelolaan Sumber Daya Air Pasca Lahirnya Undang Undang Nomor 17 Tahun 2019. *Journal of Law and Administrative Science*, 1(2), 51-62.
- Setiawan, A., Sugiana, D., & Mahameruaji, J. N. (2013). Implementasi kebijakan keterbukaan informasi publik. *Jurnal kajian komunikasi*, 1(2), 196-205.
- Sharaningtyas, Y. N. (2016). Gugatan Warga Negara (Citizen Law Suit) dan Justiciability Pemenuhan Hak Atas Lingkungan Hidup Yang Baik Dan Sehat. *Kertha Patrika*, 38(1), 40.
- Subiakto Tjakrawerdha, Soenarto Soedarno, P. Setia Lenggono, Budho Purwandaya, Muhamad Karim, Lestari Agusalm, *Sistem Ekonomi Pancasila*, Penerbit Universitas Trilogi, Jakarta, 2016.
- Sukidi, (2024). Hukum sebagai Senjata Politik terhadap elite politik yang mau beraliansi dengan pemimpin otoriter populis, hukum tidak ditegakkan, <https://www.kompas.id/baca/opini/2024/06/13/hukum-sebagai-senjata-politik>
- Surachman, A. (2019). Pengelolaan Sumber Daya Air Pasca Dibatalkannya Undang-Undang Nomor 7 Tahun 2004 Tentang Sumber Daya Air. *Jurnal Ilmiah Living Law*, 11(2), 96-105.
- Suteki, *Politik Hukum Hak atas Air*, Penerbit Thafa Media, Yogyakarta, 2020.
- Winarno, R., & Kusumaputra, A. (2020). Water Resources Concession Law Based on Justice for Water Rights. *Jurnal Analisis Hukum*, 3(2), 169-179.
- Winarno, R., Retnowati, E., & Kusumaputra, A. (2024). Kedaulatan Negara Atas Pengelolaan Sumber Daya Air Yang Bermoral Menuju Kemakmuran Rakyat. *Yustitiabelen*, 10(1), 87-104.
- Zainuddin Ali, *Metode Penelitian Hukum*, PT. Sinar Grafika, Jakarta, 2021.
- Zainuddin, M., & Karina, A. D. (2023). Penggunaan Metode Yuridis Normatif Dalam Membuktikan Kebenaran Pada Penelitian Hukum. *Smart Law Journal*, 2(2), 114-123.