

IMPLICATIONS OF WATER RESOURCES DISTRIBUTION IN INDONESIA (ISLAMIC PERSPECTIVE): A PHENOMENOLOGICAL PARADIGM APPROACH

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Abstract

Several regions in Indonesia began to feel difficulty in obtaining access to water for agricultural, horticultural or even for their daily needs. Scarcity of water resources that occurred as a potential source conflicts. A phenomenological paradigm approach is used to interpret the phenomenon of water resources distribution in Indonesia. The main findings that in some big cities in Indonesia, the distribution of water resources has been handed over to private and not in accordance with the principle of equitable and sustainable. Expected contributions is to government in issuing policies relating to public needs that create social welfare evenly.

Keywords: *distribution, water resources, equitable, sustainable*

INTRODUCTION

Water is one of important elements for life. It should not commodity to be traded. Since 1998, twenty-eight states in the world have experienced shortages water, even this figure is expected to up to fifty-six countries in 2025. According to data from UNESCO, in 2050 as many as two billion people who located in forty-eight countries and more than 7 billion in sixty countries will be short of water. In Indonesia, the clean water crisis began to be felt by the inhabitants of the capital and in some areas of Java. This fact is very ironic, because Indonesia is an archipelago with 470 watershed flowing across Indonesia.

Scarcity of water resources that occurred as a potential source conflicts across sectors, regions, even interstate. The conflict will involve various stakeholders with different interests. It can be used as a means of controlling a variety of interests. So, management of water resources should still pay attention to human rights.

Ironically, UNESCO encourages governments in the world to open up the possibility of private investment in the water sector. When the public sector privatized, then the poor who became the most unable to access water services because of low purchasing power. The water can not be treated as private assets, but to the entire community. Water is not an economic asset, but a part of human rights and the environment.

Government must fundamentally change attitudes in the management of water resources. Guarantee of the right to water for the community is the responsibility of the government. The government should return to the constitutional mandate that the management of water resources should be run for the benefit for the greatest prosperity of the people.

ACCESS TO WATER; PUBLIC GOODS OR ECONOMIC GOODS?

For many, water is unthinkable as a commodity to be bought and sold. Water has always been seen as a public good. Water is essential for human life and survival of living things on earth. It is based on the assumption that the water is natural and related to the environment in which many living things that depend on water. Water is one of the basic human needs is a public resource that belongs to all mankind may be used freely. Water is a human right, meaning without water, humans do not deserve to be called human. Water is the livelihood of many people.

WATER RESOURCES POLICY IN INDONESIA

Water resources policy in Indonesia stated in the 1945 Constitution Article 33 paragraph (2) and (3), which states that the branches of production which are important for the country and serving the people as well as land, water, and other natural resources controlled by the state to be used for the greater welfare of the whole people. Through Law No. 7 of 2004 on Water Resources establishes the domination and authority over water resources. The published of this law on February 19, 2004 followed by the publication of a number of local regulations relating to the privatization of water. The finding that a lot happening in various places, current water management has adopted a market-oriented approach that continues to create water scarcity for the poor and provide special rights for those who can afford to pay. With the privatization, the government stressed that water is a rare commodity that requires marginal cost pricing, this also applies to people who are poor. Differences in access between the poor and rich is very visible. The poor say that it looks like the government to let them fight alone to gain access to water. The government should reconsider the policy of water resources, as household access to water is a human right which is a fundamental principle of water resources policy. If this continues then the result is a drought for most of the people who really need and availability of excess water to those most vulnerable to abuse it. And finally, the distribution of water is even more unfair than the population income distribution. It is ironic if the people having trouble accessing clean water, while there are certain groups who reap profits from its control of water resources actually belong with the community.

Water resources is a vital resource for life and living creatures as well as a very strategic for economic development, maintaining unity and national resilience. Water resources used by various sectors, not only for domestic purposes such as drinking and washing, but also for businesses in agriculture, industry, power plants, farm animals, as well as transportation. Availability of water resources is uneven, both in terms of time, place, amount, and quality must

be managed wisely and professionally. Due to the nature of water resources requires longevity when used well by the present generation and future generations (intergenerational).

Given the increasingly vital role, then the utilization of ground water should pay attention to balance and preservation of the resource itself, or in other words the use of ground water must be environmentally sound and sustainable.

In general, the water resources sector in Indonesia face long-term problems related to the management and investment challenges, which will affect the economic development of the country and led to reduced food security, public health and environmental damage. There have been many conflicts that give rise to the social, economic, and political due to the scarcity of clean water. If we do not dramatically alter how to use, manage and protect clean water, the next few decades mankind will go through life with a severe shortage of clean water. Differences in water availability may lead to conflict between users and personal use. Pollution of water sources and increased demand for water resulting unavoidable conflict between urban and rural communities; across ethnic groups / tribes; the industrial and non-industrial areas; companies and citizens; between socio-economic class; and between humans and nature. The development of residential and industrial areas led to a decreased ability for the provision of water resources has reduced water catchment areas and threaten the water supply capacity in the environment. Pollution of surface water (rivers, lakes, reservoirs) and groundwater also cause water quality gets worse.

The Islamic view of the resources contained in the Koran, Hadith of the Prophet and thoughts of jurists. Based on Allah as the absolute owner of water resources and intended for humans then some Islamic jurists have thought that the water resource is a social object. This concept puts water as the object to which access is open to the public. More specifically, the understanding of water resources as social objects, that water resources are the source of life and life for all people and water are objects that can be obtained free of charge. The statement is based on the verse in the Quran which states that Allah made every living thing of water and make it to all men (Suntana, 2010: 129). There are also Islamic law experts who argue that the water resource is a commercial object. This is controversial because there is a hadith of the Prophet Muhammad which states ban any buying and selling of water. Only two Islamic jurists who developed the concept of water resources as a commercial object, namely ash-Syarbini and Al-Zuhaili (Suntana, 2010: 131).

However, the system of production, consumption and distribution patterns of water that does not have the complexity of today's causes of Islamic jurists in the past not much developed the concept of water as a commercial object. The concept of water resources as commercial objects evolving and adapting to changing times. Change the view of the Islamic jurists because of the consideration of benefit. At present, water is the concept of social objects that can be obtained free of charge can cause misunderstandings among the public if not the law of the detailed explanation. Society will not be able to appreciate water resources as a scarce resource and has economic value. In effect, the people exploiting water resources freely and excessively and do

not have the desire to preserve the environment and water resources in terms of quality as well as quantity. In addition, the public feared would not appreciate the individual ownership of water resources and could happen annexation of property rights (Suntana, 2010: 132). Application of concepts related to the above is that the water resource is a public good which serves both social and economic, in which the control, management, and distribution of water resources by the state for the welfare of the entire community in a fair and sustainable.

OVERVIEW OF WATER RESOURCES IN THEORY AND PUBLIC POLICY OF WATER RESOURCES IN INDONESIA

In a modern economy, the role of government can be classified into 3 major things, namely the role of the allocation, distribution, and stabilization as described in the following explanation (Mangkoesoebroto, 2000: 2). Role allocation by the government with regard to the provision of economic resources (goods and services) and implemented efficiently. The next government's role is in terms of the distribution of income and wealth / resources in a fair production. Then, the other is the government's primary role stabilizing the economy. Economy without government interference would be very sensitive to the circumstances that give rise to unemployment and inflation / deflation. The role of government in allocating economic resources, distribution of income and economic stability of government policy can cause conflict. Relating to water resources are included in the category of public goods, the Al-Mishri mention that water is a common good that every person equally entitled to access and use it without exception (Suntana, 2010: 176). Hume states will arise togetherness tragedy (tragedy of the commons) water resources as public goods. For example, the presence of a spring in a village that is used along the entire village and every person has the right to sell the rights of ownership. Every person has the right to use it so that sometimes the excessive use of (overused). It can be concluded that in terms of wealth shared the optimal behavior for each individual is an act which is not optimal in terms of the group (Mangkoesoebroto, 2000: 33).

In this regard, the role of government is needed to regulate the wealth that goes with wealth category (common property). The role of government is to allocate the use of wealth in order to achieve mutual satisfaction with the optimal (Pareto Optimal) in the short term and long term. The cost of the course settings to society through tax payment system. In terms of water resources as a public good, in Indonesian water rights have been guaranteed by the state, such basic rights as stated in the 1945 Constitution, Article 33, paragraph 3, but the provision of water management in detail contained in Law No. 7 of 2004 of Water Resources. Implementation of regulations related to water resources is realized through the competent institution for the management of water resources is Perum Jasa and taps. One of the government's evidence concerns the use of water is giving great attention to the farmers through irrigation for agriculture. Irrigation water as one of the public goods does not apply where the supply and demand as individual items (private goods), but more the collective dimension because its use will have a positive or negative towards other individuals.

DISTRIBUTION OF WATER RESOURCES IN INDONESIAN; ISLAMIC PERSPECTIVE

Activity distribution of water resources in Indonesia mentioned in Regulation No. 16 of 2005 on Water Supply Article 10 states that the distribution of raw water to the public by the government consists of pumping systems, distribution networks, building shelters, measuring instruments and monitoring equipment. The distribution of the raw water required to provide certainty quantity, water quality, and continuity drainage. Water services by the government through the Regional Water Company (PDAM) has not been able to reach all parts of Indonesia. While the region has received the service taps are not certain to meet the water needs of entire communities in the region. However, many people are also reluctant to subscribe taps for water use must pay a fee every month and increasing water prices. For example, the price of water under the control of the taps (water utilities) Malang on May 2010 jumped dramatically. If previously people only spend a budget of Rp 1,000 per cubic meter of clean water, then in May 2010 taps selling price rose more than 50 percent to Rp 1,800 per cubic meter. The water rate increase with an excuse to further improve service to the community. Basic considerations of water usage rate increase because the price of surface water run Jasa Tirta Public Corporation in April 2010 also rose from \$ 66 per cubic meter to Rp 84 per cubic meter. This rate increase is done to offset the cost of operations. In addition, the price of water to be expensive, because the water had collected in the tanks of drinking water taps were only owned by the City Government of Malang. Malang Regency sell water in springs Wendit, Mangliawan Village, District Ferns for USD 65 per cubic meter to the Government of Malang. Malang City Government then re-sell the water to PDAM Malang Rp 1000 per cubic meter. Existing water in the taps Wendit was taken by the City Government of Malang and accommodated first and then the water is channeled to the PDAM Malang to be distributed to the public Malang. If the local government already has its own tank, of course, the selling price to the public / consumers can be less than Rp 1,000 per cubic meter. Formal legally, for the distribution of water resources is used as irrigation described in PP RI No. 20 of 2006 on Irrigation. In Article 36 states that the provision of irrigation water is intended to support agriculture. The use of water for irrigation is taken directly from surface water sources and ground water basin must obtain permission from the district / city governments in accordance with the legislation.

Indonesia also has the irrigation water distribution systems are endogenous the user community also acts as a designer pattern of distribution of irrigation water, and maintain the system itself. For example, irrigation water distribution system in Bali is better known as subak. In addition, the distribution of irrigation water in Indonesia is occurring temporal space and time. Temporal distribution in space because of the potential availability of water is different in each region, while the distribution of the time because Indonesia is experiencing the rainy season and dry season. In the wet months (October / November to March / April), low irrigation water demand. It happens because most of the water requirements for tillage and flooding are met from the high rainfall and low evaporation rate of water. While the dry months (April / May to September / October), the water supply from rainfall tends to be very little even in certain months there. This temporal distribution pattern would affect the economic value and the value of irrigation water

use. Formally, in some parts of Indonesia has made the determination of irrigation fees in order to help fund the operation and maintenance of irrigation. Number of Irrigation Service Fee (IPAIR) is calculated based on the cost of operation and maintenance of irrigation plus the cost of collection. The imposition of these costs on the basis that the government should provide irrigation facilities and infrastructures. Islam positively intervene in the distribution of natural and whatever it contains. By dividing the resources into three institutional ownership, namely: private ownership, public ownership or co-ownership, and state ownership. Distribution of water resources in Islamic law is explained through the principles of distribution, namely: (1) The principle of the oneness of the source or tauhidullah a principle which asserts that everything that is in the earth belongs to Allah. This is an ideological principle and parameters of freedom for each individual to access any resource on earth. Relation to water resources, these principles form the concept that water is a public resource owned and is not private property. Islam makes water as goods that can be accessed by everyone. (2) The principle of fairness in the distribution of water resources refers to the management of water resources is done evenly to all people so that each individual is entitled to the same opportunities to play and enjoy the results significantly. (3) The principle of sustainability is the use or management of water resources is done to preserve the source function in a sustainable manner. (4) The principle is the principle of consensus decision-making in determining the policies of common interest. Principles of management of natural resources, including water according to Islamic law should pay attention to aspects of shared goodness and truth that will be created through a process of consultation to ensure the implementation of fair distribution.

For the concept of irrigation water distribution, jurists stated that there are two concepts of distribution of irrigation water for agriculture, the historical rights and legal rights (Suntana, 2010: 210). The right history is a set of norms and traditions that have been institutionalized irrigation in a community and give them their own rights in accessing water. Meanwhile, the legal rights of a person is the right of access to water resources from irrigation canals for agricultural land defined by the applicable law. A manifestation of the concept of distribution of water resources in Indonesia forth in Law no. 7 of 2004 on Water Resources. However, in practice, this law has not provided good protection against the distribution of water resources is equitable. Taps should be able to use existing funds more efficiently in the field of water resources infrastructure. Taps must use the principle of cost recovery mechanism and is supported by appropriate subsidies. Community-public partnership in terms of maintenance can also be applied. Nication public partnership is the most realistic mechanism that can be applied to utility companies. Hydrants and taps provide terminals that are managed and maintained by local communities. Management and maintenance by the local community is expected to realize the distribution of water resources is fair and equitable. The most important thing is to make sure the mechanism is well run and that the needs of local communities are met through proper funding. In addition, the ease of access to water resources by the poor at an affordable price.

CONCLUSION

Conclusions of this paper are as follows:

1. The concept of ownership of water resources in Indonesia, that water resources belong to the Almighty God and men get the right to life and the right to attempt to use it according to the capacity and needs of each.
2. Distribution of clean water in Indonesia occurred in temporal space and time. The Indonesian government also authorized the taps to make the distribution of clean water to the community. In some major cities in Indonesia, the distribution of water resources has been handed over to private parties. For irrigation water distribution arrangements, giving the government authority to a group of farmers to make irrigation water distribution arrangements for their members.
3. From an Islamic perspective, that the distribution of water resources in Indonesia is not in accordance with the principle of consultation and the principle of fairness to ensure that the management of water resources equitably distributed.

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