

Reconstruction Model of Social Justice Water Management for Society in Sharia Economy Perspective: A Study of Literature

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Abstract. *Exploration to find a fair Water Resources management model is very important to do; especially there is an academic debate in water resources management. Some parties allow the management to be handed over to anyone including the private sector. However, some parties do not allow it. This research explored the water management in Umbul Cokro Tulung Klaten Regency which has fair atmosphere so that no one harmed either by local people, farmers, Klaten Regency Government, Solo City Water Supply Company and Aqua Drinking Water Company so he can find a fair water resource management model to improve the welfare of the community and the original income of Klaten Regency. Technical analysis that is used is designing model of the policy of management of water resources fair through enrichment of library until found concept of a model concept.*

Keywords: social justice, water management, sharia economy

I. INTRODUCTION

Among academics, there are disagreements over the management of natural resources. On the one hand, allowing anyone (including foreigners) to manage it. While the other party states that management to foreign parties may endanger the State. The Constitution Article 33 of the 1945 Constitution explicitly states: the State controls Earth, water and natural resources contained therein and used for the greatest prosperity of the people.

In Indonesia, there are many conflicts related to the management of water sources. According to Bappenas Study (Directorate of Irrigation 2011), the conflict of water utilization is caused by differences in the value of a view and the value of the benefit, the presence of actors or main actors along with the role of interest to water. Most of the conflicts arise because of the conflict between the local community and the drinking water companies that want to manage for their interest. Government licensing of water resources management to drinking water companies also creates a conflict of interest that impact on the occurrence of conflict.

The decentralization policy over the delegation of authority to local governments in managing resources in their territories unconsciously also causes the water resources to be overexploited. Utilization of water resources that should be for the people welfare as if a business field under the pretext to increase the Original Local Government Revenue. This water utilization conflict occurs in Cokro Tulung spring water source of Klaten regency. Conflict problems arise when people feel the flow of water at the Cokro springs formerly abundant but now is declining when in the area

around the springs built water taps and the existence of Aqua Company. The establishment of PDAM and Aqua Factory that take up the water with the power of a large power pump resulted in reduced water supply for rice fields around the springs. Whereas before the development of PDAM and Aqua company the range of springs can flow to Pedan District and Cawas District about 20 KM from Cokro Tulung spring.

Besides, there is a conflict between the Government of Klaten Regency and Solo City Government that does not want to accept a decision which is considered unilateral by the Government of Klaten Regency in increasing the tariff of retribution every year. It is burdening the Solo City budget so that it makes Solo City Government does not pay water charges since 2013. On the other hand, the Government of Klaten regency in increasing the water distribution from Cokro Tulung to PDAM Solo is not merely looking from the aspect of buying and selling water only. The Klaten District Government uses the consideration that surface water partly taken to Solo involves many interests, including water user farmers. Therefore, inevitably every year the Government of Klaten District increases the tariff of distribution fees because Solo also uses the water, so the increase in retribution is used to prosper the people of Klaten Regency around Cokro Tulung and others.

This study aimed to find a model of Water Resource Management with social justice as well as a value-added for Original Local Government Income (PAD) through in-depth interviews to experts, related institutions and enrichment of both the Law, previous research, and verses of Al-qur'an and Hadist until found the concept of model design. In this paper, it will be presented various discussions in the form of literature review underlying this research.

II. LITERATURE REVIEW

Water is an essential substance for all living things, a life form known to now on earth and not found on other planets in the solar system and water covering nearly 71% of the earth's surface. The form can be liquid, ice (solid) and steam/gas. [4]. Water source is a place or container of natural water and artificial contained on, above, or below the soil surface. Water sources can be classified into two sources namely groundwater and surface water. Groundwater is water contained in soil layers or rocks beneath the surface of the ground that can be collected to the surface with wells, pumping or flow that naturally flows into the soil surface

through jets or seepage. Surface water is all water found on the ground surface such as water in river systems, water in irrigation systems, reservoirs, lakes, and retention ponds [5]. The spring is part of the groundwater. In hydrogeological sciences, spring is a point or sometimes a small area where groundwater appears or is released from an aquifer to the ground [4].

Water Resources Management

In Law No. 7 of 2004 article 1 on Water Resources Management states that: Management of water resources is an effort to plan, to implement, to monitor and to evaluate the implementation of water resources conservation, utilization of water resources and control water damage. Water resources management activities include planning, implementation, monitoring and evaluation activities, conservation, negative power control, and utilization. Water resources management can also be defined as a process of coordinating the development and management of water, soil, and resources related to the goal of optimizing the harmonious economic benefits and social welfare without disrupting the stability of vital ecosystems [4]. According to Grigg (1996) that water resources management is defined as an application of structural and non-structural means to control natural and human-made water resources systems for human benefit and environmental purposes.

Referring to the earth summit held by the UN UNCED agency (1992) [4] on the environment and development that is realizing a partnership relationship that aims to create harmony between two interests of a high-quality environment and healthy economic growth for the entire population with the following substances:

1. Freshwater (both surface water and groundwater) is limited and vulnerable but essentially to sustaining life, development, and environment that must be managed in an integrated and holistic way
2. Water development and management should be based on a participatory approach, involving users, planners, and policymakers at all levels, managing water with humans and close to humans.
3. Water has economic value in every competitive use and must be understood as an economic object.
4. Water also has social value as one source of life. This means that everyone has the right to water and for those who can not afford the government must provide it.

The groundwater management principle based on Ministerial Decree of Energy and Mineral Resources number 1451. K / 10 / MEM / 2000 is implemented based on the principle of social function and economic value including:

1. The principle of general benefit, in the sense of groundwater resource management that is implemented to provide maximum benefit to the public interest effectively and efficiently.
2. The principle of alignment and harmony, it means that groundwater management needs to be carried out in a balanced manner in realizing harmony for various interests by observing the dynamic nature of water.
3. The principle of sustainability, i.e., groundwater management is maintained to protect its sustainability function sustainably.

III. METHOD

Literature study is a written summary of articles from journals, books, and other documents describing both past and current theories and information, organizing libraries into topics and documents needed for the research. In the research, researchers usually emphasize literature studies taken from articles in journals. However, researchers also need other information taken from conference papers, books, and government documents.

According to Creswell, the stages of conducting literature review are as follows: (1) Identifying key terms; (2) Locate literature in accordance with topics that have been found from the database or the internet; (3) Arranging the selected literature (organizing the literature); (4) Writing a Literature Review [1].

IV. RESULT AND DISCUSSION

According to [10] they stated that the type and status of water ownership could be divided into four groups namely : (1) common propert. General ownership, when viewed concerning the economy, is not a property right because the good is generally owned good that can be used by everyone for various purposes in the absence of expenses such as air and water. (2) Restricted common propert). Generally, community assets are managed by a public body or government where the government can restrict the use of such property in various ways. (3) Status tenure. The user of the asset is restricted to certain persons or entities established by law. Thus ownership guarantees the use of assets by the authority over such ownership. Used rights can be changed hands. (4) Private property rights. . In this case, the property can be transferred, and the transfer of an asset leads to the formation of the actual price. This means that property rights can be moved so that property rights will have a price. Something that is owned can be appreciated, and something valuable can be had, but the functional relationship between price and property rights is complicated to determine precisely. Although this property is the basis of the conception of ownership in society, it must be limited in order to prevent the emergence of social inequality.

The Law No. 7/2004 on Water Resources in Article 6 section (2) and section (3) states:

1. Section (2) The control of water resources as referred to in section5 (1) shall be carried out by the Government and / or regional government while still recognizing customary rights of local customary law community and similar rights and similar rights with that, as long as it is not contrary to national interest and legislation.
2. Section (3) The customary right of customary law communities over water resources as referred to in section (2) shall continue to be recognized as long as the fact remains and has been confirmed by local regulations.

According to some hadith, several principles must be considered in water management namely the principle of equity. It is shown by some hadith that prohibits water monopoly and the principle of proportional that is not allowed to use excessive water shown by the Prophet when giving the lecture to his companion in performing ablution. Hadith is the second source of law after the Qur'an, some models of water management in the hadith perspective of the Prophet namely: Water distribution system, solution to water struggle, the primacy of providing water, people who think that the owner of a pond or a bag of water more entitled to

use the water more than anyone else, and the drinking water of people and the drinking of animals in the river, and the last in the context of Indonesia by looking at the hadith of the prophet then there are some things that can be done in order to overcome the water crisis namely making water uptake, law enforcement and utilization of technology [1], [3].

Natural Resources is a beneficial environment for humans [6]. Allah says in QS. Al-Baqarah / 2: 29,

هُوَ الَّذِي خَلَقَ لَكُمْ مَّا فِي الْأَرْضِ جَمِيعًا ثُمَّ أَسْتَوَىٰ إِلَى السَّمَاءِ
فَسَوَّاهُنَّ سَبْعَ سَمَوَاتٍ وَهُوَ بِكُلِّ شَيْءٍ عَلِيمٌ ﴿٢٩﴾

Which means: It is He who created for you all of that which is on the earth. Then He directed Himself to the heaven, [His being above all creation], and made them seven heavens, and He knows of all things.

The natural resources mentioned in the Qur'an are the sea, water, wind and cloud, plants and trees, and animals. Due to the exploitative use of natural resources in these resources, there is damage and imbalance to natural resources. Therefore a solution is needed that can restore the function of water resources and environmental balance. The effort of improving and restoring the function of water resources is called the conservation of water resources. Conservation that can be done to the damage of water resources among others: maintaining the balance of the soul, maintaining the stability of the food chain, maintaining the hydrological cycle and reforestation

V. CONCLUSION

Water management as the necessary capital for the development of a region will contribute to the improvement of people's prosperity and economy if it is managed effectively and efficiently. If it is not appropriately managed and wisely, it will lead to conflicts that can harm living things (humans, animals, plants) as well as regional or national interests. Therefore, to be able to utilize the function of water resources and environmental balance, it needs a model of Water Resource Management with social justice

and become an added value for Original Local Government Revenue (PAD) through in-depth interviews to experts, related institutions and the enrichment of both invite, previous research, and verses of Al-qur'an and Hadith until found the concept of model design.

REFERENCES

- [1] Fallis, A. (2013). John Cresswell - Research Design. *Journal of Chemical Information and Modeling*. <https://doi.org/10.1017/CBO9781107415324.004>
- [2] Grigg, N. S. (1996). *Find great deals for Water Resources Management: Principles, Regulations, and Cases*. New York: McGraw-Hill.
- [3] Ushuluddin, F., Fahmi, A., & Albar, B. *Etika pengelolaan sumber daya air dalam perspektif hadis nabi skripsi* (2008).
- [4] Kodoatie, R. J. (2012). *Tata Ruang Air Tanah*. Yogyakarta: ANDI.
- [5] Kodoatie, R. J., & Sjarief, R. (2008). *Pengelolaan Sumber Daya Air Terpadu Edisi Revisi*. Yogyakarta: ANDI.
- [6] Muhartono, E. (2008). *Pemanfaatan dan Konservasi Sumber Daya Alam*, 1–28.
- [7] Sutopo, H. . (2002). *Metodologi Penelitian Kualitatif - Dasar Teori dan Terapannya dalam Penelitian*. Surakarta: Sebelas Maret University Press.
- [8] Undang-undang No 7 Tahun 2004 Tentang Sumber Daya Air.
- [9] Veni, P. S. (2008). *Faktor-faktor Yang Mempengaruhi Presepsi Masyarakat Terhadap Kegiatan Konservasi Sumber Daya Alam*, 30(2).
- [10] Pearce, D.W., R.K. Turner and I. Bateman. 1994. *Economics of Natural Resources and the Environment*. Harvester Wheatsheaf. New York.