



Legal Assurance on Consumers of Refill Drinking Water in the City of Denpasar

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Abstract. Drinking water is a basic need for humans because most of the human body consists of water. Along with the development of people's needs for drinking water which is getting higher and the development of free markets and competition in the business world, currently many refill drinking water depots have sprung up in Indonesia, especially in Denpasar City. These refill drinking water depots are usually managed on a small scale, but the impact is quite large. This refill business activity has taken a market share of bottled drinking water (AMDK) as much as 10% and involves 2000 points of sale. The rise of refill drinking water depots in Denpasar is currently very helpful for the community to meet their drinking water needs. This is because the price of refilled drinking water is considered much cheaper than bottled drinking water (AMDK). Refill drinking water that is not in accordance with drinking water quality standards will have an adverse impact on the body in the short and long term. With many refill drinking water depots whose water production is not in accordance with existing water quality standards, this means that one of the rights of consumers to obtain decent goods is not being fulfilled. Therefore, strict supervision is needed on the refill drinking water depot business, so that in its implementation it can meet the drinking water quality standards that have been determined by existing laws and regulations.

Keywords: Legal Certainty · Consumers · Refill Drinking Water

1 Introduction

One of the main needs for humans is drinking water. Drinking water is a basic need for humans because most of the human body consists of water. Along with the development of people's needs for drinking water which is getting higher and the development of free markets and competition in the business world, currently many refill drinking water depots have sprung up in Indonesia, especially in Denpasar City. These refill drinking water depots are usually managed on a small scale, but the impact is quite large. The rise of refill drinking water depots in Denpasar is currently very helpful for the community to meet their drinking water needs. This is because the price of refilled drinking water is considered much cheaper than bottled drinking water (AMDK). This is the main consideration for the community to use refilled drinking water because it is considered more economical. This causes business competition between them which results in less

attention to the quality of the refill water they sell and of course only prioritizes the profit factor for the depot. Refill drinking water that is not in accordance with drinking water quality standards will have an adverse impact on the body in the short and long term. Direct or short-term effects arising from consuming dirty water include diarrhea and stomach pain which are usually caused by the microbiology contained in the water. While the long-term effects can not be immediately known, it takes five to fifteen years to know the disease.

The government itself has issued rules regarding quality standards in drinking water which are stipulated in the Regulation of the Minister of Health of the Republic of Indonesia Number 492/Menkes/Per/IV/2010 concerning Drinking Water Quality Requirements. In addition, refill drinking water properly before being distributed to the general public must first be registered with the Industry and Trade Office. The implementation of supervision carried out on refill drinking water depots includes external and internal supervision, in accordance with what is stated in the Regulation of the Minister of Health of the Republic of Indonesia Number 736/Menkes/Per/IV/2010 concerning the Management of Drinking Water Quality Supervision as stated in Article 5, that for To achieve drinking water quality in accordance with the requirements stipulated under the laws and regulations, external and internal supervision must be carried out. In its implementation, external supervision is carried out by the Health Office and internal supervision is carried out directly by operating drinking water refill depots. With many refill drinking water depots whose water production is not in accordance with existing water quality standards, this means that one of the rights of consumers to obtain decent goods is not fulfilled. Therefore, there is a need for strict supervision of the refill drinking water depot business, so that in its implementation it can meet the drinking water quality standards that have been determined by existing laws and regulations.

2 Method

The type of research used is the type of empirical legal research. Empirical legal research can also be referred to as real legal research in accordance with the facts on the ground. This research was conducted with the intention of providing legal arguments as a basis for determining whether an event is right or wrong and or how an event should be according to law. While the problem approach used to discuss the problems in the writing of this research is an approach by connecting with the applicable laws and regulations and conceptually governing the problems to be discussed. The data were obtained by direct interview technique on the problems discussed with the Drinking Water Depot Entrepreneur, Denpasar City Health Office, Denpasar City Licensing Service.

3 Result and Discussion

3.1 The Role of the Government in Supervising the Licensing of the Business Feasibility of Refill Drinking Water Depots in Denpasar City

Along with the development of the state and government, the teaching of the state adopted by countries in the special world after World War II was a welfare state, with the main

characteristic being the government's obligation to realize the general welfare of its citizens. The concept of a welfare state requires the state to be responsible for social problems that entangle its citizens. The state must intervene in various social and economic problems to ensure the welfare of its people. To overcome various socio-economic problems that develop in the community, the government must plan and implement national economic development (Jimly Asshiddiqie, 2011). Development in the economic sector by the government which aims to create a just and prosperous society, the government must use its authority in accordance with the applicable regulatory system so that the rights of the community in granting business permits do not override the rights that grow in society.

The government's authority in the concept of a rule of law comes from the applicable laws and regulations. According to Huisman, a government organ cannot be considered to have the authority of government alone. Authority only belongs to the law. Legislators not only give government authority to government organs, but also to employees or special agencies. As the opinion of P de Haan, explained that the authority of government does not fall from the sky but is determined by legal ethics (Diyana Isnaeni, 2018).

The trading business license instrument as a government regulation that can be used as a source of local revenue (PAD) is regulated in such a way that it is monopolized by the central government. Almost all permits in the trade sector are controlled by the central government. The trading business licensing instrument should be able to increase PAD, but because it is managed centrally, the trade business license sector is less than optimal in increasing PAD (Wijaya, 2015).

The making and issuance of a Trading Business License (SIUP) is a government legal action. As a legal action, there must be an authority given by legislation or must be based on the principle of legality. Without the basis of authority, the legal action becomes invalid. Therefore, in terms of making and issuing a Trading Business License, it must be based on the authority granted by the applicable laws and regulations because without the basis of such authority the provisions of the Trading Business Permit are invalid.

According to M. Manullang said that: "Supervision is a the process of determining what work has been done, evaluate it and correct it if necessary with the intention that implementation work according to the original plan (M.Manullang, 2015).

All types of drinking water must meet water health requirements drink. The drinking water health requirements as referred to include: bacteriological, chemical, radioactive and physical requirements. These requirements are in above as well as the standard used for drinking water. Drinking water depot business is an alternative for small-scale businesses independent with relatively small capital with the aim of helping the community for the need for cheap, healthy and practical drinking water without have to bother cooking it again. A drinking water depot is a business entity that treat drinking water for community needs in bulk and not packed.

Drinking Water Depot is a business that requires a permit to be controlled because this business is a business related to the primary needs of the community, namely the need for drinking water. Especially in the city of Denpasar, drinking water depots have mushroomed, this is evidenced by the number of hygiene-worthy certificates issued in Denpasar. To run a Drinking Water Depot business, there are several Documents that need to be owned by the business actor are nuisance permit/HO i.e. Permit for place

of business that runs a potential business field cause harm, loss and disturbance to the community as well as sustainability environment such as Drinking Water Depots that use water on a scale which can affect water sustainability. Then Business License Trade, namely this permit is given to entrepreneurs to carry out business in trade and services. And the last Sign of Business Registration Company.

The role of the Denpasar City government is very much needed to monitor the development of the drinking water depot business. One of the supervisory roles. The supervision carried out by the Denpasar City government is specifically carried out by the licensing service to unite the permits needed by business actors to meet the requirements for water production. And no less important is the role of the Denpasar City Health Office. The Denpasar City Health Office will unite the quality of water produced or produced by refill drinking water depots from water sources not sourced from PDAMs, then hygienic procedures when taking water, transporting water by truck, treating water in tanks or pumps up to gallons to be used. as the refillable drinking water packaging.

3.2 Legal Protection for Consumers Whose Rights Have Been Violated by Business Actors for Refill Drinking Water Depots in Denpasar City

In choosing drinking water depots, choose drinking water depots that have been accredited and certified by the District/City Health Office, this is a guarantee of drinking water quality by taking into account aspects of raw water quality, sanitation quality, and production facilities. For entrepreneurs making depots, of course, they must pay attention to the quality aspects of depot facilities. Do not let potential water depot business actors suffer losses because they do not know about the depot equipment and then cause the water they produce to contain things that can endanger the health of consumers.

Consumers as users of goods or services have a number of rights and obligations. It is very important for consumers to know their rights, so that can act critically and independently. The goal is that consumers can defend rights if there is an unfair action against him. Consumer can then go further to fight for their rights. In other words, consumers don't just stay silent when their rights violated by business actors.

The low level of legal awareness among consumers is due to less attention from the government, consumers get less socialization from the government on consumer protection education. Even though already regulated in article 44 of the Consumer Protection Law that consumer protection agencies can be assisted in realizing consumer protection in carrying out the duties of consumer institutions, in one institution's task, namely, to increase awareness of the rights and consumer obligations, helping and fighting for consumer rights and cooperate with relevant agencies. The problem of consumer protection is very less effective, this is because many consumers and/or business actors have not know their rights and obligations. Consumer protection not only regulated in the Consumer Protection Act. Lots also the law which includes provisions which the goal is to provide consumer protection, such as the Law food and medicine, health, and others. But the law consumer protection is very important because it becomes the glue for the law. Consumer protection laws become umbrella that integrates and strengthens law enforcement consumer protection.

The responsibility of the producer of the refill drinking water depot to the consumer if it turns out that the producer of the refilled drinking water depot is detrimental to the

rights of the consumer. And every consumer who feels that his rights have been harmed, the consumer has the right to sue the producer, thus it is clear that the government is very protective of the consumers of refilled drinking water by imposing responsibility on the producers.

4 Conclusion

1. The role of the Denpasar City government is very much needed to monitor the development of the drinking water depot business. One of the supervisory roles. The supervision carried out by the Denpasar City government in particular is carried out by the licensing service to monitor the permits needed by drinking water depot business actors so that the feasibility of water production is adequate. And no less important is the role of the Denpasar City Health Office. The Denpasar City Health Office will monitor the quality of drinking water produced or produced by refill drinking water depots from source springs which of course are not sourced from PDAMs, then hygienic procedures when taking water, transporting water by truck, treating water in tanks or pumps until gallons that will be used as refill drinking water packaging.
2. Consumers generally have a lower position than business actors, so the government takes preventive action to protect consumers by enacting Law No. 8 of 1999 concerning Consumer Protection. In the case of consumers who feel that their rights have been harmed by the refill drinking water business actor, the consumer has the right to sue the business actor, thus it is clear that the government is very protective of the refill drinking water consumer by placing the responsibility on the refill drinking water business actor.

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