



Implementation of Drinking Water Supply System in Guaranteeing People's Right to Drinking Water in Denpasar City

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Abstract. Drinking water is indispensable for the community to fulfill a healthy, clean, and productive life. The government has implemented a Drinking Water Supply System (SPAM) to guarantee people's rights to drinking water, access to drinking water services, and the fulfillment of basic daily drinking water needs. Regional Public Company (Perumda) Drinking Water Tirta Sewakadarma Denpasar City is one of the Regionally Owned Enterprises organizing SPAM is obliged to guarantee the people's right to drinking water. The main problems of the study are: how is the implementation of SPAM implementation in Denpasar City?; and what efforts are being made by the Tirta Sewakadarma Drinking Water Perumda in optimizing the fulfillment of the people's right to drinking water in Denpasar City? This research is a normative legal research with a statutory approach. To complete the discussion, research was also carried out on the Tirta Sewakadarma Drinking Water Perumda, Denpasar City as one of the Perumda in Bali. The results showed that the implementation of SPAM in Denpasar City has paid attention to the aspects of quantity, quality, continuity, and affordability by enacting various policies. Based on the 2021 Drinking Water BUMD Performance Report, the Tirta Sewakadarma Drinking Water Perumda of Denpasar City achieved the highest rank in region IV with a Performance Value of 3.99 and a total of 88,820 SL customers. Common problems in organizing SPAM include low service coverage, lack of availability of raw water, lack of coordination between stakeholders, funding problems, Non Revenue Water (NRW) water loss, and efficiency energy (EE). The efforts of the Tirta Sewakadarma Drinking Water Regulation in fulfilling the people's right to drinking water are: carrying out the construction of water storage areas or reservoirs, providing discounts to customers, providing web services, complaints, information, and notifications to customers and the wider community.

Keywords: Drinking water supply system · people's rights

1 Introduction

Water is the source of human life and humans cannot live without water. Water is used by humans in addition to the needs of daily life is also used for industry, development

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and general activities. Therefore, the water sector needs to get top priority. If not handled properly, there will be a clean water crisis which will have a serious impact on the survival of humans as well as other creatures such as pollution which results in the emergence of various diseases.

The community's need for water continues to increase along with the increase in population and the development of productive business activities in the community, while the availability of water tends to decrease, therefore, the availability of water must be managed properly so that the goal of distributing water evenly for the survival of the community can be realized.

The earth, water, and the natural resources contained therein are under the sovereignty of the state and are utilized for the maximum prosperity of the populace, according to Article 33, paragraph 3, of the Constitution of the Republic of Indonesia from 1945. According to the clause, the State is given control over all natural resources, including water resources. State control of water is further regulated in Law Number 17 of 2019 concerning Water Resources, in Article 6 it is emphasized that the State guarantees the people's right to water to meet minimum daily basic needs with sufficient quantity, good quality, safe, maintained sustainability, and affordable.

According to Government Regulation Number 122 of 2015 regulating Drinking Water Supply Systems, the State is responsible for ensuring that the people's right to water, notably drinking water, is upheld (abbreviated as PP SPAM). One of the implementers of the implementation of SPAM must be a BUMD, according to Article 42 of the SPAM REGULATION. The Regional Drinking Water Company (abbreviated as PDAM) is one of the BUMDs that provides services and provides benefits in the field of drinking water. PDAMs are found in every province, district, and municipality throughout Indonesia.

One of the PDAMs in Bali Province is PDAM Denpasar City which is stipulated by Denpasar City Regional Regulation Number 7 of 2019 concerning Public Companies of Tirta Sewakadarma Drinking Water Area, hereinafter referred to as Perumda Drinking Water Tirta Sewakadarma Denpasar City. As one of the BUMDs, the Tirta Sewakadarma Drinking Water Perumda of Denpasar City is obliged to organize SPAM as regulated in the SPAM PP and is obliged to realize the mandate of the 1945 Constitution and the Natural Resources Law in guaranteeing the people's right to drinking water. Based on this background, it is necessary to conduct research with the title "Implementation of a Drinking Water Supply System in Guaranteeing people's Rights to Drinking Water in Denpasar City".

2 Method

A legislative approach, a conceptual approach, and a factual approach are all used in this normative legal research on the drinking water delivery system. Laws and regulations, books, journals, the Internet, performance reports, and documentation pertaining to the execution of the drinking water delivery system are some of the legal resources employed. The process of gathering legal evidence involves researching document types and recording methods. Legal arguments based on inductive and deductive legal logic are used to analyze legal materials methodically and descriptively.

3 Results and Discussion

3.1 Implementation of the Drinking Water Supply System in Denpasar City

Humans need drinking water to make ends meet, but not all drinking water is suitable for consumption. The government's efforts in ensuring drinking water that is suitable for consumption include implementing a Drinking Water Supply System (SPAM).

The purpose of organizing SPAM is regulated in Article 2 of PP SPAM, namely to:

- a. The accessibility of services for providing drinking water to ensure that everyone has access to it;
- b. The provision of economical, high-quality drinking water management and services;
- c. Balancing the interests of customers, SOEs, BUMDs, UPT, UPTD, community organizations, and business entities;
- d. expanding the use of drinking water by achieving effective and efficient water.

The following are included in organizing SPAM:

- a. Development of SPAM, a process undertaken to ensure the availability of SPAM infrastructure and facilities in order to meet the quantity, quality, and continuity of drinking water requirements;
- b. SPAM management is a process that involves using the infrastructure and built-in SPAM features for their intended use.

Article 4 paragraphs (2) and (3) of the Regulation of the Minister of Public Works and Public Housing Number 27/PRT/M/2016 concerning the Implementation of the Drinking Water Supply System (abbreviated as Permen PUPR No. 27/PRT/M/2016) stipulates that the implementation of SPAM is carried out following the basic management process that is interrelated and inseparable, and is stated in the foundation of SPAM Implementation which follows the principles of SPAM implementation. The basic process of spam management includes stages: planning, implementing, monitoring, and evaluating. The basic stages of the management process are carried out in the implementation of spam development and management.

The basis for the implementation of SPAM is regulated in Article 5 of the Pupr Regulation No. 27/PRT/M/2016 including: SPAM policies and strategies, and the SPAM Master Plan (RISPAM). Spam national policies and strategies are prepared and determined by the Minister, Governor or Regent/Mayor every 5 (five) years. The SPAM Master Plan is set for a period of 15 (fifteen) to 20 (twenty) years, and is reviewed every 5 (five) years.

Perumda Drinking Water Tirta Sewakadarma, which is a BUMD in Denpasar City, is obliged to organize SPAM to ensure Drinking Water services to consumers or customers by meeting the requirements of quality, quantity, and continuity in accordance with established standards. The service coverage of Perumda Drinking Water Tirta Sewakadarma covers the entire denpasar city area which includes 4 (four) districts, namely: West Denpasar, East Denpasar, South Denpasar and North Denpasar.

Perumda Drinking Water Tirta Sewakadarma has issued a Decree of the Board of Directors of the Tirta Sewakadarma Drinking Water Regional Public Company Number:

232 /PERUMDA/KPTS/2021 concerning Provisions for Customer Service Standards for Tirta Sewakadarma Drinking Water Regional Public Companies. The decision of the Board of Directors is issued in order to realize certainty about the rights, responsibilities, obligations, and authorities of all relevant parties in the implementation of public services, the fulfillment of community rights in obtaining optimal public services and realizing community participation and compliance in improving service quality.

Perumda Drinking Water Tirta Sewakadarma also issued a Decree of the Board of Directors of PDAM Denpasar City Number: 16/PDAM/KPTS/2018 concerning Provisions for The Cost of Regulating Customer Service For Drinking Water Companies of Denpasar City Drinking Water Area Companies. This decision of the Board of Directors was issued in order to maintain the continuity of drinking water services to customers and increase the participation of the customer community, especially as well as the general public related to drinking water services.

Perumda Drinking Water Tirta Sewakadarma specifically issued a Decree of the Board of Directors of PDAM Denpasar City Number: 18/PDAM/KPTS/2018 concerning the Provision of Discounts on House Connection Fees and Reconnection at Certain Events of Denpasar City Drinking Water Regional Companies. The Decision of the Board of Directors was issued considering that the need for drinking water is very vital to support the degree of public health and there are still many communities not served by drinking water, as well as in order to support the target of the Medium-Term Development Plan (RPJM) on access to services and the number of 100% drinking water connections.

Based on the 2021 Drinking Water BUMD Performance Report, of the 9 PDAMs/Perumda in the Bali region (region IV), Perumda Tirta Sewakadarma Denpasar City achieved the highest ranking in eastern Indonesia, namely a Performance Value of 3.99 with a total of 88,820 SL customers [1] in the eastern region. At the national level, Perumda Tirta Sewakadarma entered at number 9, the highest performance level value according to data released by the Ministry of Home Affairs, including the highest in the eastern region [2]. The performance assessment is carried out by the Financial and Development Supervisory Agency (BPKP) based on the Decree of the Ministry of Home Affairs Number 47 of 2021, which includes 4 aspects, namely financial, administrative, technical or operational and Human Resources.

3.2 The Efforts of the Tirta Sewakadarma Regional Public Water Company in Optimizing the Fulfillment of the People's Right to Drinking Water in Denpasar City

Article 33 paragraph (3) of the 1945 Constitution contains provisions on state power over natural resources. The state is seen as an institution of the general public, so that it is given the authority or power to regulate, manage and maintain (supervise) the intensive use of all potential natural resources in its territory [3].

Water is one of the natural resources controlled by the state. Regulation, operation, and supervision of water resource management are the authority of the Government as the holder of power granted by the State and implemented by state companies, by optimizing the role of BUMN/BUMD.

The 1945 Constitution's Article 28 H guarantees everyone the right to water, and Law No. 17 of 2019 Concerning Water Resources further regulates this right. Water

is a fundamental human necessity provided by God Almighty for the entire nation of Indonesia. Water is also a significant branch of production that affects the lives of many people, thus it is managed by the government to be used for the benefit of the populace's greatest prosperity. The provision of clean water for the community is one of the duties of the Government and Local Government as part of public services, according to Law No. 23 of 2014 concerning Regional Government.

The government's efforts in ensuring the people's right to water, especially drinking water, are to implement SPAM, with the top priority of its management given to BUMN or BUMD. SPAM is organized to ensure people's rights to drinking water, access to drinking water services, and the fulfillment of basic daily drinking water needs for the community.

Strategic issues related to the implementation of SPAM in general are: still low coverage of services; lack of availability of raw water caused by: reliable capacity of raw water decreases, raw water quality decreases due to pollution of water sources, conflicts over the use of raw water, do not have a plan for raw water needs, the occurrence of drought disasters that have hit several regions due to global climate change and environmental degradation in catchment areas; there is still a lack of coordination between stakeholders and there is still overlapping programs; funding issues; laws and regulations; and Non Revenue Water (NRW) water loss and Energy Efficiency (EE) [4].

Perumda Drinking Water Tirta Sewakadarma has made various efforts in order to fulfill the people's right to drinking water in Denpasar City both in terms of quantity, quality, continuity, and affordability. The efforts made include: intensively carrying out the construction of water storage sites or reservoirs in several locations in Denpasar City [5], giving a discount of 50% of the normal price to customers who are about to make a new connection and to customers who are inactive or in arrears of payment [6], and providing web services, complaints, information, and notifications to customers and the wider community.

Perumda Drinking Water Tirta Sewakadarma continues to innovate by realizing various work programs, namely Canal Construction at Belusung IPA, Reservoir Development and Periodic Maintenance, efficiency optimization, selective investment, retaining customers, anticipating water loss reduction by intensification of monitoring and acceleration of leak repairs, as well as equitable distribution of jetting in all regions [7] in order to provide optimal and sustainable services to the people of Denpasar City.

Public Consultation related to the Determination of Drinking Water Rates was also carried out by the Tirta Sewakadarma Drinking Water Regulation based on the Regulation of the Minister of Home Affairs Number 21 of 2020 concerning the calculation and determination of drinking water rates, as well as the Decree of the Governor of Bali No. 826/01-C/HK/2021 concerning the Amount of Lower Limit Tariffs and Upper Limit Tariffs for Drinking Water regencies/cities throughout Bali in 2022. The purpose of the Public Consultation is to make the customer community understand the mechanisms that exist in every policy formulation made by Perumda; so that the determination of tariffs has the principles of affordability, fairness, quality of service, cost recovery, water use efficiency, water protection and transparency and accountability; to maintain sound financial performance and support the acceleration of service coverage achievement according to targets in the SDG'S; and Full recovery of costs including reasonable profits

[8]. The implementation of the Public Consultation is carried out in order to provide maximum services that are right on target for customers, and is a form of transparency of the Tirta Sewakadarma Drinking Water Regulation to the customer community.

4 Conclusion

The implementation of SPAM in Denpasar City has been carried out by following the provisions of laws and regulations related to the scope, basic management process, and the basis for organizing SPAM. Perumda Drinking Water Tirta Sewakadarma has also issued various policies in the form of a Decree of the Board of Directors in order to improve drinking water services to the community in the Denpasar City area. In terms of performance in 2021, the Tirta Sewakadarma Drinking Water Perumda of Denpasar City has achieved the highest ranking in eastern Indonesia and number 9 of the highest level of performance at the national level according to data released by the Ministry of Home Affairs.

Perumda Drinking Water Tirta Sewakadarma has made various efforts in order to fulfill the people's right to drinking water in Denpasar City by paying attention to quantity, quality, continuity, and affordability. The efforts that have been made include: intensively carrying out the construction of water storage areas or reservoirs; the provision of a discount of 50% of the normal price; providing web services, complaints, information, and notifications to customers and the wider community; innovation of work programs; and public consultations.

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