

Duties and Functions of Department of Public Works, Water Resources and Spatial Planning in Water Resources Management in Central Java Province

Miranda Azizah Tohari¹, Retno Saraswati², Lita Tyesta Addy Listya Wardhani³
{mirandatohari@gmail.com^{1*}, saraswatiretno@yahoo.co.id²}

Faculty of Law, Diponegoro University, Semarang, Indonesia^{1,2,3}

Abstract. The granting of government affairs, public works, particularly sub-affairs of water management, and planning for space mandated by Government Law provide opportunities for regions, provinces, districts, or cities, including the Central Java Provincial Administration, to manage water resources. It is carried out in collaboration with the The divisions of Public Works, Water Resources, and Spatial Planning. Based on this, this research was conducted to find out the duties and functions of the Department of Public Works, Water Resources and Spatial Planning and the obstacles faced in managing water resources in Central Java. The used method utilizes a normative juridical approach that is backed by the results of the interviews and processed into the qualitative analysis. This study can demonstrate the implementation of water resource facility and infrastructure management in central Java province, which is operating under the mandate of regional government law and encountering challenges connected to human resource and community engagement, as well as budget limits.

Keywords: Department of Public Works, Water Resources and Spatial Planning, Duties and Functions, Central Java Province.

1 Introduction

Based on laws, Indonesia protects human rights and governs the country's economic and social well-being. In terms of national economic activity, Article 33 paragraph (2) of the 1945 Constitution states that the state controls the branches of production that are relevant to the general welfare of the people. It is critical that national economic activity be utilised properly for the benefit of the people. State control is important because the fulfillment of public interest in water and other resources encourages the realization of social welfare because it will be very frightening if a foreign nation controls Indonesian land, water, and even assets that should be used for the people's success. Several theories of state power can be utilized to examine the concept of state control [1][3].

Several theories of state power can be used to analyze the concept of state control. According to Van Vollenhoven, the state, as the governing body of the nation, is granted the right to control everything, and the state has the right to enact legislation based on its standing [4][5].

The state's power resides in enacting regulations to ensure the proper operation of the economy. Guidelines additionally prohibit the exploitation of the vulnerable in the absence of capital. State control can be defined as the government's role in controlling water, land, and

earth's resources by regulating and overseeing their usage through regulations and legislation. [6].

Article 33, clause (3) empowers the legislature to establish arrangements concerning water and the assets stored within it. According to this piece, water is one of the state's resources. The state controls all water on Indonesian territory, and its use is for the benefit of the Indonesian people. Humans and water are inseparable since water is an essential object that sustains the lives of all living beings on Earth. Water is required in everyday life for a variety of activities such as drinking, cooking, washing, and others.

Everyone on this planet has the same right to water. Even on a global scale, a person's right to water is established in articles 11 and 12 of the United Nations Covenant on Economic, Social, and Cultural Rights, as well as General Comment No. 15 (2002) on The Right to Water. Furthermore, by Law No. 11 of 2005, Indonesia accepted the Covenant on the Rights of the Economy, Society, and Culture, making Indonesia obligated to ensure the implementation of the convention's freedoms.

However, according to a World Health Organization (WHO) assessment, there are 785 million people worldwide who have not got basic drinking water services, including 14 million people who rely on surface water, at least until 2020. Furthermore, at least 2 billion people drink water from feces-contaminated sources. It demonstrates that water is a critical resource for humans, and they must pay close attention to its availability [7].

Following the reformation in 1998, the constitution was amended to emphasize the existence of regional governments, both provincial and district or city, and their ability to regulate and manage their government affairs in accordance with the principles of autonomy and co-administration [8].

This autonomy is a logical result of Indonesia's decision to use a decentralized system for the administration of government. However, the implementation of this system is based on a variety of considerations, including the size of the country's territory and the numerous interests that the central government must carry out, as well as the progress of society, so the government cannot manage these interests properly unless it adheres to regional principles in governance [9][11].

Equity is one of the goals of developing regional autonomy in Indonesia. As a result, community development and services can be distributed across the country's many areas [12].

The Local Management Law (hereafter referred to as the Regional Government Law) governs regional governance and the division of authority between the central government and local governments.

There are two types of government matters: compulsory government affairs and optional problems with the government. Water resource management is one of the required government affairs connected to fundamental services. Regional governments are given jurisdiction to manage water resources in the disciplines of public works and spatial strategy in government issues relating to public works, sub-sectors of water resources, and territorial development. [13][15]. The problems that can be arranged based on the preceding description are as follows:

1. What are the responsibilities and functions of the Department of Public Works, Water Resources, and Spatial Planning in the management of Central Java Province's water resources?
2. What are the constraints impeding water resource control implementation in Central Java Province?.

2 Research Methods

The paper's approach method is a normative juridical approach. Normative juridical research, also known as normative legal studies, is conducted by doing literature searches or using secondary sources [16]. The secondary data used in this research are books, official documents, and research results in the form of journals and legislation. The research specification uses descriptive-analytical research that provides an overview of a problem in a certain area or at a certain time. The descriptive method collects actual detailed information that describes existing symptoms, identifies problems or examines conditions and related duties and functions. Secondary data in the form of primary, secondary, and tertiary legal materials was employed in this study. And data was collected via a literature review supplemented by interviews to validate and harmonize research results derived from secondary data, and then qualitative analysis was used to assess and process research data.

3 Results and Discussion

3.1 Duties and Functions of the Water Resources and Spatial Planning Public Works Service

The establishment of offices and agencies as regional apparatus in Central Java is Regional Regulation No. 9 of 2016 governs this. The Ministry of the Environment, Water Quality, and Spatial Planning (hence referred to as PUSDATARU) is one of 23 agencies.

Furthermore, the Central Java Governor Regulation No. 60 of 2016 about Organization and Work Procedures of the Water Resources Public Works and Spatial Planning Office of Central Java Province governs the tasks and functions, organizational structure, work procedures, and staffing.

The main task of the PUSDATARU Service, as defined in Article 3 of the Central Java Governor Regulation No. 60 of 2016, is to assist the governor in carrying out government affairs in the field of public works, water resource sub-affairs, and spatial planning, which is the regional authority and assistance tasks assigned to the regions. As a result, this role is quite clear: the agency aids regional heads in managing government-related duties in the fields of public operates, watershed sub-affairs, and land use planning, as prescribed by the Regional Government Law.

“The service performs the following activities in carrying out its duties (Article 4, Governor Regulation No. 60, 2016). (1) Policy formation in technical development and guidance, irrigation and raw water, rivers, dams, and beaches, as well as spatial planning; (2) Policy implementation in the fields of technical development and guidance, irrigation and raw water, rivers, dams, and beaches, as well as spatial planning; (3) Monitoring, evaluation, and reporting in the fields of technical development and guidance, irrigation and raw water, rivers, dams, and beaches, as well as spatial planning; (4) Administration and secretariat implementation and development in all work units within the service environment.”

This study will focus on three roles connected to water resource management, namely: (1) Policy formulation in the areas of technical development and guidance, irrigation and raw water, rivers, dams, and coastlines, as well as planning for space; (2) Policy implementation in

technical advancement and advice, irrigation and raw water, rivers, dams, and beaches, as well as planning for space; (3) Monitoring, assessment, and reporting on development and technical guidance, drainage and untreated water, waterways, barriers, and beaches, as well as territorial planning.

Functions of Policy Formulation in the Field of Technical Development and Guidance, Irrigation and Raw Water, Rivers, Dams and Beaches, and Spatial Planning

To formulate policies and determine the direction of institutional movement, the service as part of the regional apparatus has 2 (two) planning documents, namely the Strategic Plan (hereinafter referred to as *Renstra/ Rencana Strategis*) and the Work Plan (hereinafter referred to as *Renja/ Rencana Kerja*).

The Strategic Plan document comprises Central Java Province's objectives, plans, policies, programs, and development activities in the field of water resources and spatial planning. There is also an overview of several strategic concerns linked to water resources that are presently being addressed or will be addressed over the next five years at the global, national, and regional levels of Central Java Province, as well as goals and targets to be met in the current year. The Strategic Plan is a 5-year blueprint that expands on Central Java Province's Regional Medium-Term Development Plan (RPJMD) for 2018-2023.

Another policy document is Renja, a planning document for 1 year. In the Renja, the targets, strategies, and program of activities will look more concrete because it covers only 1 year and is a plan used to realize the mid-term plans of the agency.

The targets to be achieved by the service in the Strategic Plan related to water resources are improving the excellent condition of irrigation network facilities and infrastructure under the authority of the Central Java government, increasing the fulfillment of raw water needs of the Central Java provincial government authority, increasing the function and condition of rivers. To achieve this target, the department has outlined several strategies, including:

1. Under the authority of the Central Java Provincial Government, repair and development of facilities and infrastructure for irrigation networks, raw water, rivers, and beaches.;
2. Fostering, monitoring, and evaluating the performance and condition of the facilities and infrastructure of irrigation networks, raw water, rivers, and beaches
3. Operation and maintenance of facilities and infrastructure for irrigation networks, raw water, rivers, and beaches.

To realize the targets in the planning document, there are 4 main programs implemented by the service, namely:

1. Irrigation network and raw water management program
2. River, coastal, and flood control management programs
3. Natural resource technical development and coaching program.

Policy Implementation Functions in the Field of Technical Development and Guidance, Irrigation and Raw Water, Rivers, Dams, and Beaches

The implementation of activities to achieve the targets and the programs contained in the planning documents are carried out at each location of irrigation, weirs, rivers, and raw water, which are the authority of Central Java Province. However, due to the large area, for work

efficiency and also to optimize performance, there are Balai spread across several work areas in Central Java Province, namely:

1. Water Resources Management Center (hereinafter BPSDA/*Balai Pengelola Sumber Daya Air*) Pemali Comal, for the working areas of Brebes Regency, Tegal Regency, Pemasang Regency, Pekalongan Regency, Batang Regency, Tegal City, and Pekalongan City
2. BPSDA Bodri Kuto, for the working area covering part of Batang Regency, Kendal Regency, Semarang City, Semarang Regency, Salatiga City, Part of Temanggung Regency, part of Grobogan Regency, Part of Demak Regency
3. BPSDA Seluna, covers the Jratunseluna river area, which consists of 2 watersheds (DAS), namely the Jratun watershed (Jratun and Tuntang rivers) and the Seluna watershed (Serang, Lusi, and Juana rivers)
4. BPSDA Bengawan Solo, it is working area, covers the Bengawan Solo watershed
5. BPSDA Probolo, the area, includes the Progo watershed, Bogowonto, and Luk Ulo
6. BPSDA Serayu Citanduy, its area includes the Serayu and Citanduy watersheds around Banyumas

Not all rivers are under the authority of the province to manage rivers; only rivers across districts/cities are under the province's authority. Likewise, only primary and secondary irrigation in irrigation areas with an area of 1000 ha – 3000 ha and across districts/cities.

In order to achieve an improvement in good condition of water resources facilities and infrastructure, several activities are carried out by the service, including repairing damaged riverbanks, repairing irrigation cliffs that fail, maintenance of irrigation cliffs by painting irrigation linings or edges, maintenance of door threads at dam floodgates, dredging sedimentation in irrigation streams, cleaning of waste in irrigation streams, maintenance around irrigation streams by cutting grass.



Fig. 1. Thread cleaning of Seluna BPSDA documentation door via Twitter.

Maintenance is also carried out on other supporting facilities such as CCTV monitoring the dam's water level, the sensor warning system's maintenance, and the floodgates around the dam. The service also monitors the water level of weirs and rivers.



Fig. 2. Maintenance of the Pemali Comal BPSDA documentation warning system via Twitter.

In technical development and guidance, the agency can also build water resources facilities and infrastructure and determine designs that have passed the feasibility check. The service accommodates input from the community if suggestions regarding water resources facilities, infrastructure, and even technical considerations. Of course, the suggestions will be carried out with a feasibility study before proceeding to engineer design planning.

Functions of Monitoring, Evaluation, and Reporting in the Field of Technical Development and Construction, Irrigation and Raw Water, Rivers, Dams, and Beaches

The agency carries out various activities and uses the budget; of course, it is obliged to report on the implementation of activities and the achievement of targets. For this reason, monitoring is carried out on the accuracy and suitability of activities against the plans that have been prepared. In addition, monitoring and reporting can be used as material for departmental evaluation for future activities to be more effective and efficient.

There are 2 (two) reports regarding the achievements of the service, namely the first weekly report related to work programs whose source of funds comes from the Regional Budget. The second is the Government Agency Performance Report (LKjIP/ *Laporan Kinerja Instansi Pemerintah*), an annual report on the development of service activities and service achievements within one year.

The report will be used as material for the department's evaluation for the future period. As of 2021, achieving facilities and infrastructure in good condition is 53.79% from the initial target of 53.75%. Then the absorption of the state budget where the realization of spending in 2021 is Rp. 180,660,084,404. In this era of information disclosure, of course, reports, activities, and planning documents owned by the agency can be accessed easily on the official website or social media of the PUSDATARU Office.

3.2 Barriers to Water Resources Management in Central Java Province

In the implementation of duties and function in managing water resource facilities and infrastructure in Central Java, the agency certainly faces internal and external obstacles that affect the service's performance.

Limited Human Resources

One of the important factors that drive the success of an activity is human resource. However, the limited human resources experienced by the service arise because at least every year, 30 people are retired (Interview with Sudaryadi, Secretary of the PUSDATARU Department).

Community Participation and Organizational Behavior

Community participation is needed in managing water resources because the community is the closest object to water sources, especially surface water. However, garbage is still dumped in rivers and irrigation, which causes the flow to be blocked.

Insufficient budget

Budget allocations that are in accordance with needs can encourage the achievement of the planned targets. However, there were obstacles, especially when the Covid-19 pandemic hit. Funds earmarked for implementing activities were reallocated for handling Covid-19 so that the activities carried out could not be maximized. Even under normal conditions, sometimes funding also suffers from a shortage if things happen in an emergency, such as dredging, repairing damaged dams, and other things that are sudden.

4 Conclusion

From the discussions above, it can be stated that the PUSDATARU Service assists the governor in carrying out official duties in the fields of public works, water resource sub-sectors, and spatial planning. The agency performs duties relating to water resources in the course of its responsibilities. The office's tasks and functions have been carried out in accordance with its directives, notably Governor Regulation (Pergub) No. 60 of 2016 and the Regional Government Law. The agency's responsibilities include ensuring and improving the state of water resources facilities and infrastructure so that they can be used correctly. Internal and external impediments cannot be isolated from the agency's obligations and operations. The main barrier, especially during the epidemic, is, of course, the money, which has been mostly transferred to handle Covid-19, requiring a budget modification to be employed in the present year. A distinct point in the impediments to the performance of the tasks and functions of the PUSDATARU Office is the problem of insufficient human resources and the community's role that has to be improved.

References

- [1] Asshiddiqie, J.: Gagasan negara hukum Indonesia. In: Forum Dialog Perencanaan Pembangunan Hukum Nasional yang Diselenggarakan oleh Badan Pembinaan Hukum Nasional Kementerian Hukum dan HAM (2011)
- [2] Hamzah, H.: Legal Policy of Legislation in the Field of Natural Resources in Indonesia. *Hasanuddin Law Review*. 1, 108–121 (2016)

- [3] Setiawan, B., Hadi, S.P.: Regional autonomy and local resource management in Indonesia. *Asia Pacific Viewpoint*. 48, 72–84 (2007)
4. Notonagoro: *Politik Hukum dan Pembangunan Agraria*. Bina Aksara, Jakarta (1984)
5. Syaufi, A., Zahra, A.F.: The Existence of Customary Law: Badamai Customary Law. *Research Horizon*. 1, 94–99 (2021)
6. Hatta, M., Abdulgani, R., Saleh, M.: *Penjabaran Pasal 33 Undang-Undang Dasar 1945*. Mutiara, Jakarta (1977)
7. WHO, UNICEF: Almost 2 billion people depend on health care facilities without basic water services – WHO, UNICEF, <https://www.who.int/news/item/14-12-2020-almost-2-billion-people-depend-on-health-care-facilities-without-basic-water-services-who-unicef>
8. Majelis Permusyawaratan Rakyat Republik Indonesia (MPR RI): *Buku Panduan Pemasyarakatan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dan Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia*. Sekretariat Jenderal MPR RI, Jakarta (2017)
9. Moonti, R.M.: Hakikat Otonomi Daerah Dalam Sistem Ketatanegaraan Di Indonesia. *Al-Ishlah: Jurnal Ilmiah Hukum*. 20, 26–37 (2017)
10. Butt, S.: Regional Autonomy and Legal Disorder: The Proliferation of Local Laws in Indonesia. *Sydney Law Review*. 32, 177–197 (2010)
11. Bedner, A.: Consequences of decentralization: Environmental Impact Assessment and water pollution control in Indonesia. *Law & Policy*. 32, 38–60 (2010)
12. Holtzappel, C.J., Ramstedt, M.: *Decentralization and regional autonomy in Indonesia: implementation and challenges*. Institute of Southeast Asian Studies, Singapore (2009)
13. Hadipuro, W.: Indonesia's water supply regulatory framework: between commercialisation and public service? *Water Alternatives*. 3, 475–491 (2010)
14. Andriansyah, A., Sulastri, E., Satispi, E.: The role of government policies in environmental management. *Research Horizon*. 1, 86–93 (2021)
15. Al'Afghani, M.M.: Constitutional court's review and the future of water law in Indonesia. *Law Env't & Dev. J.* 2, 1 (2006)
16. Soekanto, S., Mamudji, S.: *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Rajawali Pers, Jakarta (2001)