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The Controversy of Water Resources Legislation in Indonesia: an Islamic Constitutional Law Approach

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Abstract

This study aims to explain the protracted water legislation controversy in Indonesia. Any birth law on water resources always raises the pros and cons of the Indonesian people. This study is descriptive-analytical research, with a socio-political, juridical normative, and doctrinal approach. This study finds that the cause of the controversy over water legislation in Indonesia is that references of legislation do not stand on a solid concept, as conceptualized in the Islamic constitutional law, namely meaning of the legal text, social realities, proportional between maslahat *and* mafsadat, *the priority of content rules and law changes.*

Keywords; *Regulatory Vacuum; Privatization; Islamic Constitutional Law; Cancellation Lawsuit; Entrepreneur Unrest.*

Abstrak

Penelitian ini bertujuan untuk menjelaskan kontroversi legislasi air yang berlarut-larut di Indonesia. Setiap kelahiran undang-undang tentang sumber daya air selalu menimbulkan pro dan kontra bagi masyarakat Indonesia. Penelitian ini merupakan penelitian deskriptif-analitis, dengan pendekatan sosio-politik, yuridis normatif, dan doktrinal. Kajian ini menemukan bahwa penyebab kontroversi legislasi air di Indonesia adalah referensi legislasi tidak berdiri di atas konsep yang kokoh, seperti yang dikonseptualisasikan dalam hukum tata negara Islam, yaitu makna teks hukum, realitas sosial, proporsional antara maslahat dan mafsadat. , prioritas aturan konten dan perubahan hukum.

Kata Kunci*; Gugatan Pembatalan; Kekosongan Regulasi; Privatisasi; Hukum Tata Negara Islam; Keresahan Pengusaha.*

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Introduction

In recent decades water management became a key issue of the world (Zakis and Ernsteins, 2008; Barnadr, 2007; Closas, 2020; Isaac, 2020), as many areas of the world were hit by very severe water shrinkage, encouraging the change of public perception of water and its use (Ziolkowska and Ziolkowski, 2016; Holmes et al., 2016; Gharios, 2020; Zeitoun, 2020). Meanwhile, ideological conflict is a visceral color that occurs in the issue of water management in almost all countries in the world and becomes an obstacle in making national water governance policies and regulatory reforms (Lein and Tagseth, 2009; Skinner and Langford, 2013; Martinez, et al., 2020). Decision-makers about water often reflect decisions of the broader social dimension, such as ethics, culture, values, and beliefs. Religious and cultural values related to the use and management of water are important motivations for many people in the world (Priscoli, 2012; Lefers, Maliva, and Missimer, 2015; Dolan et al., 2012; Nanni and Foster, 2005; Hofstetter, 2020; Fustec, 2020).

Indonesia is the country with the fourth-largest population in the world (MacRae and Reuter, 2020), most capital is facing water scarcity problems due to population growth (Fulazzaky and Akil, 2009). Besides, with the rapid economic development currently, the shortage of water resources at the national level has even become very critical. To provide sustainable natural resources for 250 million people in the future (Parker, 2018), the Indonesian Government has reformed the governance of water resources management (Yunita et al., 2018), which focuses on improving efficiency and effectiveness in water use.

Water resource management in Indonesia has now become a core strategy in developing water resources governance model, aimed at building a caring society in the utilization of water as well as saving in its use. Several water governance regulations are issued by the Indonesian Government, among which is Law Number 7 of 2004 on water resources. In the beginning, this law assessed some parties as a forward-looking regulation and could potentially cope with the problems of water utilization in Indonesia. However, on the next trip, the Laws began to emerge controversy in the community and was sued by many parties, as it was assessed to have many problems in terms of arrangement material that is considered too liberal and contrary to the ideology of developing values in the community. At its peak, the law examined the material by

some parties to the Constitutional Court, a judicial institution that has the authority to assess the contents of the legislation.

At the first test, the Constitutional Court rejected a material test filed against Law Number 7 of 2004 and was not contrary to the constitution of the state. However, on the second test, the Constitutional Court granted a lawsuit by the plaintiff, so the law was declared contrary to the state constitution and shall be canceled. On February 18, 2015, the Constitutional Court has ruled that Law Number 7 of 2004 concerning Water Resources is declared invalid because it is contrary to the constitution of 1945, the Constitution of the Republic of Indonesia. As a result, the Indonesian government has experienced a legal vacuum for four years in the field of water resources management and has a major impact on the uncertainty of water governance, investment, and efficient water treatment.

This paper focuses on explaining the evidence of chaos in water laws and regulations in Indonesia with an analysis of Islamic constitutional law on four things, first, namely the prolonged debate over the legislation on water resources regulations, second, the failure of laws and regulations on integrated water management, third, unclear regulation of water utilization, four, the uncertainty of legal protection for water entrepreneurs.

The study of Islamic constitutional law has several theories related to legislation and its application. These theories can be used to analyze the problems of water management laws in Indonesia which always cause controversy among the public and have an impact on water resources governance irregularities. Several concepts of Islamic constitutional law, known as *fiqh siyasa*, can review the substance of the law and its application, to find the basic problems that cause ongoing controversy over the legislation.

Method

This study is descriptive-analytical research with qualitative methods. This method is used to explore the research objective more comprehensively and detailed related to various information about the dimensions of chaotic water regulation in Indonesia, with a socio-political, juridical normative, and doctrinal approach. The meaning of the doctrinal approach is a legal analysis that is connected with theories in Islamic constitutional law which in understanding the content of rules and dynamics. This method was chosen because the data variety in this article was

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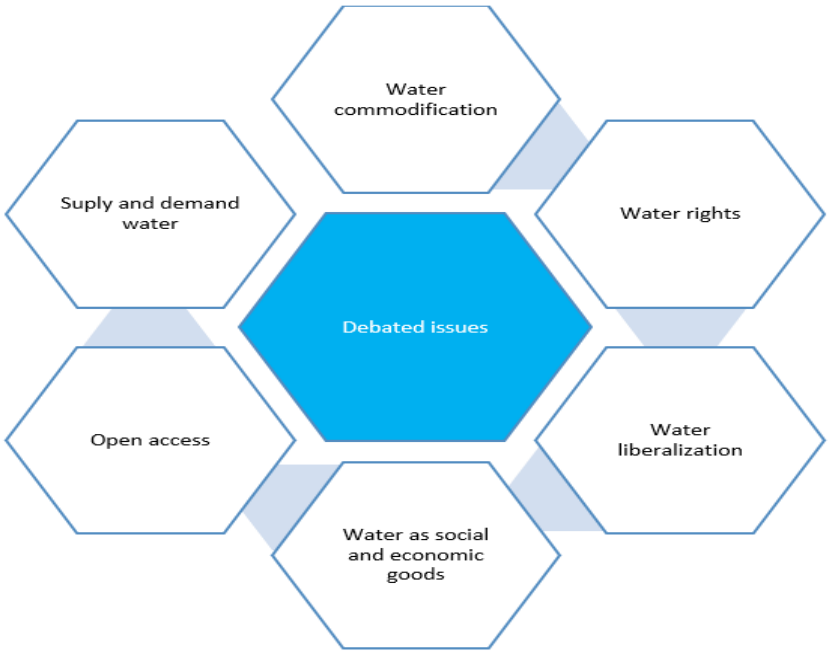
qualitative data which can be observed and recorded so that these methods and approaches more easily explained it.

Results and Discussion

1. Prolonged Debate Over Water Regulation

The Indonesian Government considers that the regulations on existing water, both law, and government regulations, are inadequate to regulate water resources problems. Thus, on 18 March 2004 was enacted Law Number 7 of 2004 on Water Resources. However, the law caused a fierce debate in the community, because its contents were judged to be conditional with controversy. The content of the law that is debated among the public can be seen in figure 2.

Figure 1. Controversy on Water Legislation



Law Number 7 of 2004 triggers controversy in society, encouraging many parties against the law because it is deemed not following the spirit of article 33 paragraph (3) of the Constitution 1945 on People's welfare. A profoundly serious controversy occurred in the event of the commodification of water, namely the change of the basic meaning of the function of water as a social good into economic objects (Gialis et al., 2011). Another important controversy is that the law is dominated by economic interests because it changes water from what is

supposed to be public (Jaffee and Newman, 2013), and is controlled by the state, thus commercializing and releasing its customs to the private sector.

The culmination of the controversy over Law Number 7 of 2004 is the submission of judicial review to the Constitutional Court by the People's coalition advocacy team for the right to water on June 9, 2004. At the first test, the Constitutional Court rejected a material test filed against Law Number 7 of 2004 and was not contrary to the constitution of the state. However, on the second test, the Constitutional Court granted a lawsuit by the plaintiff, so the law was declared contrary to the state constitution and shall be canceled. As a result, the Indonesian government suffered a legal void in the field of water resource management and a major impact on the uncertainty of water rights.

After Law Number 7 of 2004 was overturned by the Constitutional Court in 2015, the Government of Indonesia has long experienced a regulatory vacuum of water resources management, which is for four years starting from 2015 until it is passed Law Number 17 of 2019. The ratification of the new Water Resources Act remains a controversy in the community and has received much criticism, as it is judged to be the same as Law Number 7 of 2004 which was overturned by the Constitutional Court in 2015. The controversy is still related to the issue of privatization given widely to corporations engaged in water treatment, both from home and abroad.

Controversial legal conception in Indonesia is related to water resources administration, as a form of utilization of water resources for economic purposes. Such kind of utilization can be done by anyone, either government or individual, community, or private group. Nevertheless, there are restrictive rules that prevent water administration from leaving the main principle of water as a social object to lead to the purpose of fulfilling community needs.

The issue of water resources administration has become controversial because of some worry that private roles can become dominant with the support of capital factors that can be sourced from international financial sources. This concern arises in the form of a statement that if the provision of water resources is handed over to the privatization, then the country's mastery of water for as much as great of the prosperity of the people will be lost. Also, the concern that arises is that there will be changes in the allocation of water usage, in addition to the increasingly ignored the poor and the groups are being affected in accessing clean water. The poor and the

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underprivileged groups will not be served, because they have no political power nor representation, and economic power to pay a high price due to privatization policies. The transfer of responsibility to ensure public access to water especially clean water from the government to the private sector caused the emergence of commodification practices and commercialization of water. In the perspective of environmental ethics, enforcing water as a commodity and then trading it is a violation. Privatization, the administration—or whatever his name—implies pricing on water. Providing prices on the water certainly reduced the whole value of the water itself (Gialis et al., 2011).

Allowing a private business entity is feared by some people in providing water to the community will eliminate the country's mastery over water resources. As a profit-oriented institution, private business entities will certainly only want to invest their investments if there is a guarantee that the invested investment can return. Therefore, the business entity needs the assurance of both the political risk and the risk of performance, and the problem of the guarantee is charged to the community through government compensation payments and tariff adjustments. The rate adjustment is done by applying full cost recovery, to guarantee a steady rate of return for the contract holder. Furthermore, in the provision of raw water to the public business entities will not invest the investment if its people's income is low and topographically difficult, because all of them make the investment that they invested very difficult to return so that the provision of raw water to communities in remote areas become neglected.

In principle, the government has a fundamental task to fulfill the basic needs of all its people including drinking water. In the perspective of human rights, in terms of state relations with its citizens, the people are positioned as rights holders, while the state is a duty holder. The fundamental duty of the state is to protect and guarantee the rights of the people, one of which is the right to water. The country is obliged to seek to allow the people to access the water to fulfill its needs, ranging from household affairs, irrigation, and other affairs. This is one manifestation of a social contract between the state and the citizens. Thus, the involvement of private parties (privatization) in the case of water management may not result in the transfer of responsibility for the provision of basic services from the government to the private. Thus, private involvement in the water service sector is not as a principal officer, but rather as an alternative.

2. The Failure of Water Legislation

Agrarian reform is an effort to develop the capacity of the community through development based on the strength of natural resources, economic resources, and human resources (Bryant, 1998). Agrarian reform proclaimed by a government is a program that consists of activities of capacity development of the lower community so that they can overcome the various problems faced, especially welfare problems.

National Land Agency of the Republic of Indonesia mentions that the meaning of agrarian reform is the restructuring of the use, utilization, mastery, and possession of agrarian resources, especially the land, which can ensure justice and sustainability improvement of the people's welfare. The land agency formulated five concepts of agrarian reform. *First,* restructure the mastery of natural wealth to create a more equitable socio-economic and political structure. *Second,* increased welfare based on agrarian. *Third,* utilization of the land and other production factors optimally. *Fourth,* the sustainability of natural resources. *Fifth,* the dispute settlement of natural resource ownership (Suntana, 2010).

The concept of agrarian in Indonesia refers to a variety of relationships between humans and agrarian resources, namely land, water, and space. Meanwhile, agrarian subject consists of three types, namely community, government, and private. These three agrarian subjects have ties with agrarian resources through the institution of mastery.

Agrarian reform in Indonesia has a close relationship with the idea of the management of water resources in an integrated, as an idea, and a donation of international thinking (Stoyanova, Bartos, and Petkova, 2018). The International World underapplies the need for integrated water resources management as water is a limited and sensitive vital resource (Rolston, Jennings, and Linnane, 2017). The Basic principle of integrated water resource management consists of three things, namely (1) fairness, (2) efficiency, and (3) sustainability (Faruqui, 2001).

Integrated Water Management in Indonesia focuses on handling water resource problems with six scopes. First, the quality and quantity of water, second, technical issues, environment, and social issues, third, land utilization and water use, fourth, the regional management of the banks and estuary, fifth, the legal framework, which is concerned with the

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legal system and State policy, and sixth, community involvement in water management (Suntana, 2019).

Since the early 1990s, the Indonesian government has begun to crowdsource the need for integrated water resources management. Various seminar activities, both national and international, about it have been widely implemented and financed by the State budget. The seminar activities resulted in several follow-up changes in the form of government development programs in the field of water resources, which began from the aspect of conservation, utilization, and control of power damage. At its peak, the main agenda of the Integrated Water Management program in Indonesia is replacing Law Number 17 of 2019 on Water Resources.

In the beginning, the presence of Law Number 17 of 2019 brought great hopes for the process of integrated water management. However, the hope becomes dispersed when controversy arises in the community, which leads to the cancellation of the law by the Constitutional Court. Consequently, a series of integrated water management ideas became cut in the middle of the road, so that it could not continue because the rules were not available. Until now the Indonesian Government is having difficulties performing the integrated water management program.

3. Water Utilization And Unclear Regulation

The international community has affirmed human rights over water in several international treaties, declarations, and other documents. Most notably, the United Nations in November 2002 issued a general decree on international standards for obligations and rights to water (Klawitter and Qazzaz, 2005). In 2010 The United Nations officially announces that access to decent water and sanitation is a human right, considering that nearly 800 million of the world's citizens have no access to a decent source of water (Hall et al., 2014).

The rules on water rights in Indonesia are currently formulated in Law Number 17 of 2019 on Water Resources. This law differentiated two types of water rights, namely use rights and business rights. Water rights are the right to acquire and use water, while the right to use water is the right to acquire and manage water. The introduction of water business rights is a framework of water function that is no longer just social functioning but has an economic function.

The distribution of the two types of rights above is based on the purpose of water use. If water is used to meet the basic needs and agriculture of the people, the right is included in the rights category of use. When the water is used for business purposes, the right to work will be given. Although not explicitly asserted, the distinction between these two types of rights is also based on the nature of water use, namely social rights and business rights are economic or oriented towards economic gains (Boelens and Seemann, 2014).

Permission from the state is not required for the determination of the use of water rights for individuals who use it to meet daily basic needs without altering the conditions of the water source and for individuals or groups using water to meet the needs of agricultural people in the irrigation network. If the use of water is for basic needs until changing the condition of the water source then the user must obtain permission from the authorized officers and permits provided as well as proof of the use of water rights owned by the user concerned.

Although it does not change the state of the water resources, if the use of water for the basic needs is done jointly by a community, the permits must be obtained by them. Permits are also required for individuals and communities who use water for agricultural people outside of existing irrigation networks or for community groups for social needs. Besides, the use of water for water exploitation by individuals, groups, or business entities must obtain permission.

Another important arrangement that did not meet the bright point and is still controversial, that there is no provision set due to the cancellation of Law Number 17 of 2019, which is related to the transfer of water rights that have been obtained to the other party, either partially or entirely. The absence of these rules raises the practice of speculation in the use of water through buying or renting lease rights. As a very important public property, the practice of speculation on water rights resulted in a precedent that is harmful to the community, namely the purchase of water resources by a person or business entity but only to be left displaced until a certain time where the price of water is expensive.

Settings that are chaotic to date regarding water rights are about the detailed terms, period, scope of rights, and obligations related to water rights, procedures to obtain the water, and so on. Beyond the technical problems, there are still matters of principle, among others concerning the enforcement of the principles of agrarian law as stipulated in Law Number 5 of 1960, in particular concerning the right to water, land rights, and the enforcement of customary

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laws related to water. If the principle of customary law is held it will arise controversy, which is the law that will be chosen in the settlement of water use cases by a certain group of indigenous peoples.

Furthermore, there is uncertainty related to the rights terminology that becomes the grip on water management. The water rights in Indonesia are unclear whether the manifestation of the concept of water rights or the right to water. The right to water is a concept in the human rights tradition that suppresses water as a fundamental human right, equal to the right to life, education, and other fundamental rights (Hall et al., 2014). Meanwhile, water rights refer to the process of owning someone over a particular object (property right). As with other proprietary rights, water rights provide freedom and authority to a person who has been deemed legally to have water. In this case, water is understood as something that was originally *terra nullius* (no one has). The legal tradition of *terra nullius* mentions that if an object has not been possessed by a person (or another legal subject), it can be owned later by the person who has managed to master it so that no other parties are resistant to the mastery (Sen, 2017).

Water rights originate from the tradition of proprietary law that recognizes the existence of human rights to certain objects, even the result of logical power can be equated with this right. As with other proprietary rights, water rights are also exclusive, monopoly, and interchangeable (tradeable). Being exclusive means that if someone has earned this right, no one else has the right to claim the same right on the same object. An example is land rights. Meanwhile, the monopoly's nature of this right makes ownership of the object uncontested and inviolable.

4. Water Entrepreneurs And Legal Protection

The debate over the privatization of water management has historical precedent in many countries, not least in Western countries such as America. In Southeast Asian countries the debate about water regulation occurs in almost all Southeast Asia countries, such as Cambodia and others. Among the most contentious issues is related to the vagueness of the responsible mechanisms of water governance actors, so domestic nongovernmental organizations seek to hold governments and foreign water companies accountable for what is believed to have contributed to environmental degradation (Schorr, 2006; Young, 2019).

The regulatory debate on water governance is generally divided into two clusters, namely the cluster of environmental issues and the cluster of liberalization issues. Clusters of

environmental issues respond pragmatically to avoid the harmful consequences of uncontrolled climate change. Meanwhile, the cluster of liberalization issues responds to the commercialization of water as a social object and is open to the public, which is feared to cause socioeconomic problems, because water prices will become expensive and affect people's purchasing power (Walton, and Tankersley, 2019). The right to a water community is feared to be violated if the water commodification is completely protected by the legislation (Karunananthan, 2019).

The debate and controversy over water regulation in Indonesia go into the two clusters above. Some communities have concerns about the future of the degraded environment, so the issue of controversy is linked to the future of the environment. Meanwhile, some other communities have concerns about the future of socioeconomic due to water commodification, namely the change in the status of water as a social object into a costly economic object to obtain it. Water supply is no longer supply-based but rather demand-based, which impacts changes in demand-adjusted water prices and market prices.

The issue of water liberalization in Indonesia is drawn into theological issues, which are contrary to religious teachings that prohibit the sale of water, and human rights issues. Water as a human right is an inseparable right from human life, as something that is absolute and requires the state to recognize it. Human rights emphasize three rights, namely inclusive, universal, and inalienable. Inclusive nature makes the right to water privately owned as well as shared by everyone. A person's claim to this right does not make others lose a claim for that right. The universal nature of water rights points to the recognition of the public as a whole. As for the inalienable nature of asserting that any person can automatically have this right and not a single authority, neither individual nor State, has the right to remove and revoke this basic right from anyone.

The victims of the above two clusters are water companies operating in Indonesia. Although Law Number 17 of 2019 on Water Resource has been passed by parliament in Indonesia, concerns still plague water entrepreneurs as the new regulations are still debated by some parties, including by some politicians in the House of Representatives, with two clusters of contentious issues as mentioned earlier.

The ratification of Law Number 17 of 2019 received a lot of criticism and threatened to test the material to the Constitutional Court, although the criticism and controversy were not as

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blunt at the time of the ratification of Law Number 7 of 2004 which was colored by *the walkout process* by some legislators of Indonesian People's Representative Council. Law Number 17 of 2019 still opens up the possibility of material testing and *citizen lawsuits* by civil society communities, which will have an impact on the regulatory uncertainties governing the management and business of water resources.

Based on the explanation above, it appears that water management in Indonesia is plagued by chaos, which can be seen in these four aspects, namely every water regulation that is always debated with ideological bias, integrated water resources management that always fails, uncertainty regarding water right, especially regarding business rights, and the uncertainty of entrepreneurs because they cannot invest their capital safely and comfortably in the water treatment sector. As a result of these four things, the abundant water resources in Indonesia are not a blessing for the people, because they are not managed in a planned and efficient manner, instead, they become disasters in the form of large floods due to the natural environment that is not well managed. Thus, the Indonesian people have failed to achieve their water governance objectives, not because of a lack of political will or an implementation deficit, but because of basic conceptual problems known as a perceptual and ontological fallacy (Linton and Krueger, 2020).

5. Analysis of Islamic constitutional law (*fiqh siyasah*)

The framework of the analysis of Islamic constitutional law on water resources law legislation above is mapped into two forms. First, analysis in terms of the purpose of the legislation. The cause of the prolonged controversy over water legislation in Indonesia is that the main objectives of the legislation are not being met properly. Second, analysis in the terms of reference of laws and regulations. Theoretically, water legislation in Indonesia does not refer to a strong reference framework in the process.

A. Purpose of Islamic legislation

The purpose of legislation in the study of Islamic constitutional law is to protect five basic human rights, namely religious rights, rights to life, intellectual rights, hereditary rights, and rights to property (Suntana, 2015). The regulations made must contain rules in which there are points about the protection of the five basic rights.

It is not permitted at all to have rule points in which it allows someone to violate these five basic rights or be violated by others (Al-Salami, 1994). Among the basic rights that are crucial

are the people's right to access water resources (*hifzh al-mal*) (Al-Buthi, 1997). In general, water resources legislation in the Indonesian legal system tries to protect basic rights, but it is not absolute. This is because Law Number 7 of 2004 and Law Number 17 of 2019 still open space for a water governance paradigm based on the principle of supply and demand, as seen in terms of opening up opportunities for liberalization of water management by the private sector.

B. Islamic legislation references

1. Meaning of legal text

Making rules (legislation) must refer to the intent of the legal text, namely the creation of benefits. In connection with that, the formulation of legislation is not allowed to narrow humans to do good on the pretext that there is no legal text. For the creation of benefit, the people must be given ample space in each legislation, so that water management regulations in Indonesia must include an open space for the community to explore the benefits of treating water resources.

2. Social realities

Making rules (legislation) must refer to social reality. Regulations are not only formulated on a table or paper but are formulated on the facts that occur in society. In this case, the materials of regulation must adapt to the realities that occur. In particular, regulations in the field of water resources management must refer to the socio-economic realities of the community, so that they are objective and effective.

3. Proportional between *maslahat* and *mafsadat*

The content of a regulation must be balanced between benefit (*maslahat*) and harm (*mafsadat*) (Al-Juwaini, 1996). When a regulation contains prohibitions or permissibility, it is not allowed that the rules regarding permissibility are greater than prohibitions, when the public benefit is disturbed. For example, when water exploration activities endanger environmental safety, the prohibition must be stronger than the permissible. Another example, if state revenues are hampered by considerations of environmental conditions that do not have a big impact, then the rules for strengthening state revenues must be prioritized over maintaining environmental conditions whose impacts are not crucial for human life.

Islamic constitutional law experts make the category of benefit (*maslahat*) into two types, namely (1) individual-subjective benefit (*al-mashlahah al-khashshah*), and (2) social-objective

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benefit (*al-mashlahah al-'ammah*). Individual-subjective benefits are benefits that involve individual interests that are separate from the interests of the people. While the social-objective benefit is a benefit that concerns the interests of many people. This categorization is the background for the birth of a popular rule among Islamic constitutional law experts:

اَلمَصلَحَةُ العَامَّة مقدمة على المَصلَحَةِ الخاصَّة

"The public benefit takes precedence over the individual benefit."

To be able to distinguish between social-objective benefits and individual-subjective benefits, the most likely authority to determine it is the state through law as a result of an agreement in a deliberation.

4. Priority Content Rules

Any regulations are not allowed to contain rules that are small in scale and have no impact on human life. Materials of a technical nature do not have to be included in detail in the legislation. Small things do not need to be made big and things that should be big are not reduced. The five basic human rights that have been mentioned in the section on the objectives of the legislation should receive priority over other secondary rights.

The concept of content priority can be seen in the theory of the division of the types of benefits, namely dharuriyat, *tahsiniyat*, and hajiyat. *Maslahat dharuriyat* are public interests related to basic human needs, such as eating, drinking, and housing. The legal rules governing the fulfillment of basic human needs must take precedence over the legal rules governing the fulfillment of secondary needs, especially for tertiary (complementary) needs.

The conception of benefit in the study of Islamic constitutional law recommends that the law be based on something that is not called law but is more fundamental than law, namely human values. The fundamental thing about building legal thinking is a benefit. *Maslahat* is a barometer of the formation, formulation, and application of laws that must adopt a sense of justice for everyone. Thus, any offer of legal concepts, whether supported by law or not, must be able to guarantee the realization of benefits for humans. Every legal concept is considered valid if it is formed in the context of realizing the benefit. On the other hand, any offer of a legal concept, which does not support the benefit, even more, causes harm to society, is theoretically flawed and must be rejected.

5. Law Changes

A rule that is formulated must be open to change. The points of the laws and regulations must not cover the potential for changes to the content of the rules. The correct rule is if it provides ample room for changes in the transitional rules. Amendments to a law must be given way to respond to various internal and external developments. Thus, the pattern of laws and regulations on water management should not narrow the space for legal changes on the grounds that there is no written law that regulates it.

Conclusion

The problem of the prolonged controversy over the legislation of water resources in Indonesia, according to the study of Islamic constitutional law, is the impact of the non-compliance of law-making with the references and objectives of the legislation. In addition, another influential factor is ideological bias. Ideological bias is so evident in Indonesian society that everything that arises is addressed with an ideological approach. Rejection of a rule made by the government is not seen from the point of view of its benefits and objectives but is seen from the issue of ideological conflicts. As a result, they judged a rule based on a subjective viewpoint, which has an impact on the failure of comprehensive water legislation, unclear governance of water rights, and uncertainty of water entrepreneurs to invest their money in the water treatment sector.

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