



Independent Water Consumer Protection Ciapus Village Through Bandung Regency Government Supervision of Independent Water Management

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Abstract: Water is a natural resource that humans need as a source of livelihood and shelter. Business actors address this as a way to earn income. However, the methods used do not or do not have permits by the terms and procedures specified in the statutory regulations. One of them is the independent water management business actor in Ciapus Village, which of course, this situation has attracted the interest of researchers to research how to protect consumers and producers/independent water management business actors and what the government's responsibility is regarding this situation and preserving the environment in Ciapus Village, Banjaran District, Regency. Bandung. To get answers to these problems, researchers used an empirical juridical approach, descriptive analysis research specifications, document study data collection techniques to obtain secondary data, and field studies to obtain primary data by means of observation and interviews. Based on the results of research in the Ciapus Village area, Banjaran District, it was found that independent water companies managed by individuals [3 entrepreneurs] do not yet have permits, but those managed by Bumdes Raksa Manggala have establishment permits, and business permits, and certificates of drinking water product test results from Bandung District Health Service Laboratory. The Regional Government of Bandung Regency has not yet supervised independent water management, so that independent water management entrepreneurs can take as much water as possible from their springs, without paying attention to environmental sustainability. This results in when the dry season arrives, the water flow decreases and even dries up.

Keywords: Supervision, Legal Protection, Independent Water

INTRODUCTION

The depot water refill business or bottled drinking water business is an event that needs serious attention considering Article 33 of the 1945 Constitution, which states that natural resources should be used by society for its prosperity. Now the majority of Indonesian people use bottled drinking water (AMDK) and consume it for their daily needs as drinking water. Even though the price of AMDK is quite expensive, people are willing to spend money to meet their drinking water needs. This happens, apart from being practical and efficient, AMDK

products are kept clean and safe by having National Standard (SNI) quality. The SNI label shows that the AMDK is safe for consumption and is by Law No. 8 of 1999 concerning Consumer Protection (UUPK).

However, the economic crisis occurred in Indonesia which caused the price of AMDK to become increasingly expensive and unaffordable for the majority of people who use AMDK. This event is certainly an opportunity for business actors to build a new business, namely drinking water refill depots. The growth of refillable Drinking Water Depots (DAM) during the economic crisis has mushroomed and become another alternative for consumers who previously used AMDK considering that the price is relatively cheaper.

The existence of a refillable Drinking Water Depot (DAM) apart from helping clean water users, on the other hand, raises problems about the quality of the drinking water, has it been clinically tested to be suitable for drinking, and how the water management carried out by the private sector pay attention to the environment and its surroundings?

Another problem is the low level of consumer knowledge regarding their rights to obtain correct, clear, and honest information regarding the goods they consume, including water, which is a primary need. In connection with this problem, researchers will conduct research in Ciapus Village, Banjaran District, Bandung Regency. This area is an area that has many springs, every day \pm 30 tanks of clean water are transported to Bandung City/Regency, but these springs are still controlled by individuals and entrepreneurs, without any real contribution to village development.

Because clean water management is individual/independent, of course, it requires an assessment of the quality of the water resources, considering the 1999 Law concerning Consumer Protection, as well as Ministerial Regulation Number 43 of 2014 concerning Sanitation Hygiene of Drinking Water Depots, in addition to whether the Drinking Water Depot entrepreneurs (DAM) in the area has a funding permit by the provisions above.

METHOD

In preparing this legal writing, appropriate research methods are used as a guide for writing so that it can answer the problems to be discussed. The method chosen for research is normative juridical, namely a method where the emphasis of the research is on library data or what is known as secondary data. The approach taken is through research on legal norms which serve as a benchmark so that we can behave as we should. In line with the approach method, a study was carried out on norms, which were obtained from secondary data. This secondary data is spread across primary, secondary, and tertiary legal materials.

RESULT AND DISCUSSION

Aspects of Consumer Protection of Air Mandiri Ciapus Village, Article 1 number 2 Law no. 8 of 1999 concerning Consumer Protection (UUPK), it is stated that a consumer is every person who uses goods and/or services available in society, whether for the benefit of themselves, their family, other people, or other living creatures and not for trading. Article 1 number 1 UUPK states that consumer protection is all efforts to guarantee legal certainty to protect consumers.

These various needs are offered by business actors and they need each other. Various goods and services offered by business actors to consumers as a reciprocal relationship. The interdependence between consumers and business actors means that the positions of consumers and business actors must be balanced, but in reality, the needs of consumers and business actors are not balanced. Consumers are always in a weak position compared to the position of business actors.

Consumers whose existence is unlimited with very varied strata cause producers to carry out marketing and distribution activities for goods and services in the most effective way possible to reach the very diverse range of consumers, for this reason, all approaches are attempted to possibly give rise to various types of waste including conditions that leading to

negative or even dishonorable actions that originate from bad/bad intentions. Common impacts include, among other things, quality or the quality of goods, unclear or even misleading information, counterfeiting, and so on.

Rights are the power to do something because it has been determined by law or the right power over something or according to something. According to Soerjono Soekanto and Purnadi Purwacaraka, rights are roles or roles that fluctuate because they may not be implemented. The rights that can protect consumers are being fought for by the Indonesian Consumers Foundation (YLKI), known as Panca Consumer Rights, which consists of:

1. Consumer rights to security

Consumers have the right to obtain protection for security and safety and to consume certain goods and/or services if something happens that could endanger the health and safety of their bodies, as well as the safety of their souls.

2. The right to obtain correct information

Consumers have the right to obtain correct, honest, and complete information about a product, goods and/or services. This right is a protection for consumers against deceptive, misleading and deceptive information.

3. The right to choose

Consumers have the right to choose goods or services according to their needs and interests, but consumers still receive a guarantee of quality and satisfactory service. By fulfilling this right, it is hoped that consumers will avoid losses.

4. The right to be heard

Consumers have the right to express their opinions and problems individually or collectively, both regarding things that are detrimental to them and things that are considered to cause harm to themselves.

5. The right to obtain goods and/or services according to the exchange value provided

This right means that consumers must be protected from unfair price play. In other words, the quantity and quality of goods and/or services consumed must correspond to the value of the money paid in exchange.

6. The right to obtain compensation for damages

If a consumer feels that the quantity and quality of the goods and/or services he consumes does not correspond to the exchange value given, he has the right to receive appropriate compensation.

7. The right to obtain legal resolution

The right to obtain legal settlement actually includes the right to obtain compensation, but these two rights are by no means identical. To obtain compensation for consumer losses, consumers do not always have to take legal action first.

8. The right to a good and healthy living environment

The consumer's right to a good and healthy environment is a right that is accepted as one of the basic consumer rights by various consumer organizations in the world. A good and healthy living environment has a very broad meaning and every living creature is a consumer of its environment. The living environment includes the environment in the physical sense and the non-physical environment.

9. The right to be protected from the negative consequences of unfair competition

Fraudulent competition or in Law no. 5 of 1999 concerning Prohibition of Monopoly Practices and Business Competition. What is called unfair business competition can occur if an entrepreneur tries to attract customers or clients from other entrepreneurs to advance his business, or expand his sales or marketing by using tools or something contrary to good faith and honesty in economic relations.

10. The right to obtain consumer education

The problem of consumer protection in Indonesia is new, it is natural that many consumers are still not aware of their rights. Awareness of rights is in line with legal awareness. The higher a community's level of legal awareness, the higher its respect for the rights of itself and others.

Apart from having rights, as legal subjects consumers also have responsibilities that they must carry out. The consumer must pay the price of the goods and/or services they have purchased in each transaction by the agreement between the consumer and the producer or business actor. Consumer responsibilities include:

1. Be critical

A critical attitude in consuming is a good attitude in life to avoid losses and regrets that may arise in the future. Consumers can be responsible for acting more vigilantly and critically, both regarding the price and quality of the goods and/or services used, as well as other consequences that may arise.

2. Dare to act

The courage of consumers to act based on self-awareness aims to strengthen the consumer's position so that consumers are treated fairly by producers or business actors and receive more attention from the government.

3. Have social awareness

Consuming behavior, consumers should not be excessive so as not to cause social jealousy. Consumers need to consider and take into account the impact on the environment.

4. Responsibility towards the environment

Consuming goods and/or services, especially those that have access to environmental pollution, should also consider the impact on the environment.

5. Have a sense of loyalty to friends

A sense of loyalty to friends is needed to mobilize strength to influence and fight for consumer interests. The aim is that producers/business actors cannot do whatever they want toward consumers so it is hoped that consumer rights will be protected and consumer losses can be minimized.

The term business actor is generally known as an entrepreneur. An entrepreneur is any person or business entity that runs a business, produces, offers, delivers, or distributes a product to the wider community as consumers. Business actors do not only seek maximum profits but must also pay attention to the interests of consumers. Therefore, apart from having rights, business actors are also seen to have responsibilities in producing both goods and services. It is very necessary to raise the awareness of business actors that consumer protection is important so that an honest and responsible attitude in doing business can grow, as well as guarantee the health, comfort, security, and safety of consumers.

Legal certainty includes all efforts based on the law to empower consumers and business actors in making choices regarding the goods/services they need and empowering consumers and business actors by increasing awareness, ability, and independence to protect themselves so that they can raise the honor and dignity of consumers and business actors.

According to Article 1 paragraph (2) of Ministerial Regulation Number 43 of 2014 concerning Hygienic Sanitation of Drinking Water Depots, what is meant by drinking water is water that has gone through a processing process or without a processing process that meets health requirements and can be drunk directly. Meanwhile, according to Article 1 paragraph (1), the definition of drinking water depot, hereinafter abbreviated as DAM, is a business that processes raw water into drinking water in bulk form and sells it directly to consumers.

AMD refill businesses have several basic regulatory concepts so that drinking water products produced by AMD refill entrepreneurs have standards and requirements for the quality of drinking water that is suitable for consumption.

Raw water is clean water that meets the clean water quality requirements as the raw material for AMD refills, from at least 3 sources, namely from mountain springs or PAM springs that are ready to drink, ground water, and PAM water categorized as clean water. The production of AMD refills which is carried out by oneself in a home industry, usually uses simple equipment, namely:

- a. The raw water used by AMD for refills must meet quality standards according to health minister regulations.
- b. Basically, the AMD refill processing process includes raw water storage, filtering, disinfection (ultraviolet light and ozone for sterilization) for heating, and filling.
- c. AMD refills must comply with the technical provisions of good production guidelines.

AMD refill products must have healthy water quality, namely clear, odorless, colorless, and free from all types of dangerous bacteria. Every business activity, especially those related to the environment, must have permits (legality). Licensing is the granting of legality to a person or certain business actor/activity, either in the form of a permit or business registration certificate.

Permits are one of the instruments most widely used in administrative law, to restore the behavior of citizens. Permission can be interpreted as a dispensation or release/exemption from a prohibition. The definition of permission in the broad sense is anything that gives rise to consequences, namely that in a certain form permission is given to do something that must be prohibited, whereas in the narrow sense, namely an action that is prohibited under control is permitted, with the aim that the provisions relating to the permission can be carefully defined. - certain limits for three cases.

The permission system consists of:

1. Prohibition;
2. Consent which is the basis for exception (permission);
3. Provisions relating to permits.

The form is usually contractual or a combination of a license and the granting of a certain status with certain rights and obligations and conditions. The purpose and function of licensing is to control government activities related to provisions containing guidelines that must be implemented either by interested parties or by officials given their authority. From the government's point of view, granting permits is;

1. To implement regulations;

Whether the provisions contained in certain regulations are by the reality in practice or not, even to regulate order.

2. Sources of regional income;

By applying for a permit, the government's income will directly increase because, for every permit issued, the applicant must pay a levy first.

Ciapus Village Through Bandung Regency Government Supervision Of Independent Water Management

Ciapus Village has 19 Rukun Warga [RW], 80 Rukun Tetangga [RT], and 4 Hamlet. Implementation of development in Ciapus Village is the responsibility of the entire community, and to carry out development activities that are planned and beneficial to the village community, the Village government carries out a motivator function that takes into account the aspirations of the community and has referred to the development plans that have been made, including the medium-term development plans. or long-term development.

To carry out mission number 5, namely improving and creating the community economy by developing productive economic businesses, Ciapus Village currently has Bumdes Raksa Manggala which was established based on Notarial Deed Number 06 dated 22 December 2016 made by Notary Defto Yuzastra, S.H., M. Kn. Currently, BUMDES Raksa Manggala serves the entire Ciapus Village community in the form of T Bank services (BRI Bank Electronic Money), mini ATM services, and Laku Pandai services (Tabungam, Micro Credit, Micro Insurance). Apart from the services mentioned above.

BUMDES Raksa Manggala also manages clean water for the needs of the local community. BUMDES has 2 water springs, in the form of a well and a village empang (reservoir). Drinking water managed by BUMDES has a certificate issued by the Health Laboratory of the Bandung District Health Service, that the water managed is suitable for drinking because the quality of the water is chemically clean, meaning that clean water is water used for daily needs whose quality meets health requirements. can be drunk if cooked first.

Water managed by BUMDES is channeled to 2 hamlets, namely Hamlet I and Hamlet II, with a total number of customers of 600 heads of families. According to the Chairman of BUMDES, Mr. Deni, currently the existence of BUMDES can help increase the original regional income of Ciapus Village.

In 2017, he made a profit of Rp. 6,000,000,- (six million rupiah). These profits are used to help cross-subsidize all activities organized by the Ciapus Village government, in addition to paying employees and credit payments. However, in 2018, due to the long dry season, there was a drought which had an impact on reducing the distribution of water to people's homes. The procedure for becoming a clean water customer is done by registering and then having a meter installed. Payment is made at the end of each month [after usage] at a rate for usage of 1 m³ -10m³ = IDR 2000, 10 m³-20 m³ = IDR 3000.

Drinking water management in Ciapus village, apart from being carried out by BUMDES, is also carried out by 3 independent individual entrepreneurs, namely:

1. Tirta Kencana belongs to Mr Ana Karmana.
2. Tirta Mandiri belongs to Mr Joko.
3. Alam Ambu belongs to Mr. Ujang.

Based on observations and interview results, it is known that the drinking water management carried out by the 3 entrepreneurs does not have permits as has been done by BUMDES, even according to the General Head of Ciapus Village, Mr. Dana Priana, the three individuals entrepreneurs (Tirta Kencana, Tirta Mandiri, and Alam Ambu) has not contributed to the village government.

Drinking water management carried out by BUMDES is by applicable regulations, that business actors are responsible for protecting consumers so that an honest and responsible attitude grows in business and improves the quality of goods and/or services which ensures the continuity of productive business goods or services, consumer health, comfort, security and safety.

Apart from having a drinking water management permit and certificate issued by the Health Service Laboratory, BUMDES also regularly/semi-annually checks the water distributed to consumers, which of course aims to make consumers feel comfortable consuming clean water and is legally protected. However, drinking water management carried out by individuals (Tirta Kencana, Tirta Mandiri, Alam Ambu) cannot provide legal protection to

consumers because the 3 entrepreneurs do not yet have clean water management permits even though the water comes from the same village, namely Ciapus.

BUMDES Raksa Manggala as the entrepreneur managing drinking water distributed to 600 families, has an establishment permit (Notarial Deed) and has carried out drinking water tests by the Health Service Laboratory. In this regard, BUMDES has the right to receive payments by the agreement regarding the conditions and exchange value of goods and/or services being traded, this is by Article 6 letter (a) UUPK. BUMDES has the right to receive payment for drinking water used by customers, the amount of which depends on consumer usage. The rate is 1m³- 10 m³= Rp. 2000,-; 10m³- 20 m³= Rp. 3000,-, the amount of usage can be seen from the meter installed in each consumer/customer's house. If consumers/customers are in arrears, BUMDES has the right to collect payment for water usage. According to the Chairman of BUMDES (Mr. Deni), until 2018, BUMDES had a bill of IDR 100,000,000 (one hundred million rupiah).

The bill of IDR 100,000,000 (one hundred million rupiah) is the right of BUMDES, and of course, this is a form of legal protection from consumer actions with bad intentions (not paying bills for drinking water usage), by the provisions of Article 6 letter (b) UUPK.

Billing for customers/consumers has been done in a good manner, but there are still consumers/customers who state that because the water comes from their village, they can assume that the water has been used as a grant from the Ciapus Village government, so they don't have to pay the bill. However, on the other hand, BUMDES has spent funds to install meters, pipes and water reservoirs, which of course has spent quite a bit of money.

To resolve the billing problem, efforts must of course be made to resolve consumer disputes between BUMDES and consumers/customers so that an agreement can be reached between the two. The rights obtained legally by BUMDES are of course not the same as the rights that individual entrepreneurs (Tirta Kencana, Tirta Mandiri, Alam Ambu) should have because these entrepreneurs have not taken care of their permits, so legally they do not receive protection.

The distribution of drinking water by individual entrepreneurs is carried out using tankers and distributed to Refill Drinking Water Depots in areas around Bandung. Refill Drinking Water Depot products must have healthy water quality, namely clear, odorless, colorless, and free from bacteria.

The government has an important role in efforts to protect consumers and business actors in the form of statutory regulations and policies related to business to protect the interests of consumers and business actors, as well as carrying out guidance and supervision functions.

Government guidance and supervision in independent water management is very necessary considering that this activity utilizes natural/water resources which of course will have an impact on the environment. If groundwater exploitation is not monitored, the environment will gradually be damaged, resulting in a lack of water flow and even dryness. The Bandung district government has not yet supervised independent water management entrepreneurs regarding environmental sustainability. However, the Ciapus Village government has carried out supervision, although it is limited to security aspects, namely those carried out by BABINSA and BABINKAMTIBNAS.

Based on the above, the Bandung Regency government and the Ciapus Village government must carry out strict supervision regarding water management considering that water is a basic need, so that humans preserve the environment, which is the responsibility of the community and government together.

The government must manage the environment as stated in Law Number 32 of 2009 concerning Environmental Protection and Management, local governments must supervise environmental management, if this is not done, especially in independent water management which has not yet been implemented. permit, then the threats that are very likely to occur in the Ciapus Village Area are;

a. The risk of ecosystem balance being threatened

- b. Possible loss of underground water reserves
- c. Damage to the surrounding natural environment due to the absence of much-needed decomposing substances
- d. There is a threat of flooding during the rainy season because there is no water absorption or drought during the dry season.

CONCLUSION

Legal protection for consumers who use independent drinking water in Ciapus Village has been carried out by Bumdes Raksa Manggala, one of whose businesses is processing and distributing drinking water to Ciapus village residents, because Bumdes Raksa Manggala has a permit (SIUP) for processing drinking water, and has a certificate from Bandung District Health Service Laboratory, while other entrepreneurs/business actors (Tirta Kencana, Tirta Mandiri, Alam Ambu), do not yet have protection for consumers because they do not have permission from the government. That legal protection for producers/business actors managing drinking water in Ciapus Village is based on the obligation of business actors to have good intentions in carrying out their business, provide correct, clear, and honest information to consumers, serve consumers without discrimination, guarantee the quality of goods, and/ or production services, provide guarantees and provide compensation or compensation to consumers who suffer losses. Business actors who already have a business permit (SIUP) and a legal deed of establishment and have a Health Service Laboratory certificate, legally have legal protection to obtain their rights. However, business actors who have not yet obtained their permits will of course not receive legal protection until the business actors obtain their permits legally. The role of the regional government (Bandung Regency) in supervising independent water managers is not optimal, it is the responsibility of the government and the community to carry out environmental protection and management in a systematic and integrated manner so that the environment is sustainable and prevents pollution and/or environmental damage. This is done by planning, utilization, control, maintenance, supervision, and law enforcement. Legal protection for consumers using independent drinking water needs to be considered by providing education that consumers' rights are legally protected by Law No. 8 of 1999 concerning consumer protection. Business actors in carrying out their business must pay attention to consumer rights, and for business actors to obtain legal protection, in carrying out their business they must pay attention to fulfilling the requirements by applicable regulations. Government supervision of independent water management businesses needs to be carried out and improved, so that environmental sustainability in Ciapus Village can be maintained, so that its natural resources can be enjoyed by the next generation.

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