

Pemanfaatan hak atas air pasca berlakunya undang-undang nomor 7 tahun 2004 tentang sumber daya air (studi kasus pemberian hak guna usaha air di Kabupaten Bogor Provinsi Jawa Barat) = Utilization of right over water post enactment of law number 7 of 2004 concerning water resources (case study concerning issuance of water business use right in Bogor Regency West Java Province)

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Abstrak

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Air sebagai benda sosial (res commune) merupakan hak asasi manusia yang fundamental dan saling berhubungan dengan hak-hak asasi lainnya. Hal tersebut diatur di dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Bab XA Pasal 28H, dan Bab XIV Pasal 33 ayat (3). Konstitusionalitas menegaskan tentang hak penguasaan negara terhadap air untuk dipergunakan sebesar-besarnya kemakmuran rakyat. Negara memiliki tugas dan wewenang untuk menghormati (to respect), melindungi (to protect), dan memenuhi (to fulfill). Pemanfaatan hak atas air merupakan upaya dari pemenuhan kebutuhan manusia yang dipenuhi melalui pemanfaatan yang efisien, equity, dan keberlanjutan. Pasca berlakunya Undang-undang Nomor 7 Tahun 2004 mengatur hak atas air dalam hak guna air yang terbagi menjadi dua (2) jenis yaitu pertama hak guna pakai air, dan kedua hak guna usaha air. Air tanah merupakan sumber daya air yang memiliki karakteristik sulit untuk dipulihkan. Sistem alokasi air berupa pemberian sejumlah kuota (debit) air menimbulkan permasalahan pada pemanfaatan air. Berdasarkan kasus-kasus pemberian hak guna usaha air berupa izin pengusahaan air tanah di Kabupaten Bogor, Provinsi Jawa Barat. Pengaturan air di Republik Indonesia sudah tidak komperhensif untuk diberlakukan.

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ABSTRACT

As a social object (res communes), water is a fundamental human right and interrelated with other human rights. This matter is stipulated in the Constitution of the Republic of Indonesia of 1945 Section XA Article 28H, and Section XIV Article 33 paragraph (3). Constitutionality emphasize the right to control of the state for water to be used for the benefit of maximum prosperity of people. The states has a the duty and authority to respect, protect, and fulfill. The utilization of right over water is an effort of satisfaction of human needs through efficient utilization, equity, and sustainability. Post Enactment of Law Number 7 of 2004 stated the right over water utilization comprising two (2) types, namely first right over water use, and second right over water business use. Groundwater is a water resources with characteristics that is difficult to regenerate. Water allocation

system in the form of provision of a quota of water has engendered a problem on water utilization. Bases on cases of issuance of right over water business use in the form of groundwater business permit in Bogor Regency, West Java Province. Application of regulation concerning water in the Republic of Indonesia is not any longer comprehensive;As a social object (res communes), water is a fundamental human right and interrelated with other human rights. This matter is stipulated in the Constitution of the Republic of Indonesia of 1945 Section XA Article 28H, and Section XIV Article 33 paragraph (3). Constitutionality emphasize the right to control of the state for water to be used for the benefit of maximum prosperity of people. The states has a the duty and authority to respect, protect, and fulfill. The utilization of right over water is an effort of satisfaction of human needs through efficient utilization, equity, and sustainability. Post Enactment of Law Number 7 of 2004 stated the right over water utilization comprising two (2) types, namely first right over water use, and second right over water business use. Groundwater is a water resources with characteristics that is difficult to regenerate. Water allocation system in the form of provision of a quota of water has engendered a problem on water utilization. Bases on cases of issuance of right over water business use in the form of groundwater business permit in Bogor Regency, West Java Province. Application of regulation concerning water in the Republic of Indonesia is not any longer comprehensive, As a social object (res communes), water is a fundamental human right and interrelated with other human rights. This matter is stipulated in the Constitution of the Republic of Indonesia of 1945 Section XA Article 28H, and Section XIV Article 33 paragraph (3). Constitutionality emphasize the right to control of the state for water to be used for the benefit of maximum prosperity of people. The states has a the duty and authority to respect, protect, and fulfill. The utilization of right over water is an effort of satisfaction of human needs through efficient utilization, equity, and sustainability. Post Enactment of Law Number 7 of 2004 stated the right over water utilization comprising two (2) types, namely first right over water use, and second right over water business use. Groundwater is a water resources with characteristics that is difficult to regenerate. Water allocation system in the form of provision of a quota of water has engendered a problem on water utilization. Bases on cases of issuance of right over water business use in the form of groundwater business permit in Bogor Regency, West Java Province. Application of regulation concerning water in the Republic of Indonesia is not any longer comprehensive]