



## Water Rights Monopoly: Preliminary Study of Water Politics in Bandung Regency

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### Abstract

Water is an essential resource for humans and other living creatures so its conservation efforts in realizing a sustainable life are necessary. However, this conservation effort often collides with the interests of those who control private water sources. By using the theory of water politics, this study seeks to reveal the efforts made by various stakeholders to conserve water resources in Bandung Regency, amid a water monopoly through privatization. This study uses qualitative methods and desk studies to examine the efforts made by the government and corporations to manage water resources in Bandung Regency. Preliminary data from this study indicate that many water sources in Bandung Regency are located on privately owned properties, both individually and corporately. This is certainly a challenge if you don't want to be called an obstacle,

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### 1. Preliminary

Access to the quantity and quality of water is essentially a human right. Quoting Vandana Shiva in Zaky Yamani's work "Thirst in the Field of Water" he said that "Water has been treated for generations as a human right, namely a right that arises from human nature, historical conditions, basic needs, or ideas about justice. The right to water as a human right does not originate with the state, but it is the particular ecological context of human existence that gives rise to this right to water. As a human right, the right to water is a usufructuary right, water may be used but cannot be owned. Humans have the right to live and are entitled to resources for their survival such as water" (Yamani, 2010). This view is of course based on the understanding that water is part of human daily needs and therefore the most important natural resource on planet Earth because it is the essence of all life. When reading the quote, of course our minds will immediately agree. Unfortunately, this ideal image of water as a human right does not always correspond to reality.

The dissolution of this ideal image of water occurs because water is a necessity that cannot be replaced by other goods (nonsubstitution good) (Setyawan, 2014). Furthermore, not all water found on this Earth can be used or used by humans to meet their needs, where only water that has a level of cleanliness or quality can be used. This has made water today a commodity, where access to it is no longer determined solely by ideals of human rights and ecology, but

has further involved other aspects, especially social, economic and political.(Bakker, 2012; Beecher, 2000; Kusumah & Mustofa, 2020).

As a result, the problems that cover it are also increasingly complex. Previous studies have shown various issues and problems that arise as a result of changing views on water, including those related to monopoly access and privatization.(Beecher, 2000; Clark & Mondello, 2002; Larastiti, 2017); conflict and socio-cultural(Al-Muqdad, 2022; Halimatusa, 2013; Mustofa et al., 2021; Naz, 2013); and Ecology Politics and Water Governance(Megdal et al., 2017; Mustofa et al., 2021; Pahl-Wostl et al., 2010; Romadhan, 2020; Ward et al., 2020; Yildiz & Yildiz, 2016). These studies further confirm that water today is a very complex issue. However, if we examine further the discussion in these studies, one thing that is the root of the problem that makes this perspective on water very complex is a matter of access, where water limitations lead it to a commodification process which ultimately hands over water to market mechanism determined by supply and demand.

Barker (2009) reveals that the commodification of traditional open spaces is a process that cannot be separated from capitalism, in which an object is used as a commodity which is eventually released to the market. Fairclough (1995) adds that commodification is not only about the process of producing a commodity and exchanging services, but also includes how goods and services are distributed and consumed by the market. Water is one of the key elements of life, just like the oxygen we breathe. For this reason, water has traditionally been considered a public good. However, from a neoliberal point of view, water is considered an economic good that must be managed under market logic, as a commodity. The commodification of water refers to the processes that convert water, especially fresh water, from a public good to a tradable commodity. That is, instead of being a resource that is accessible to everyone, water becomes a product in which the owner tries to make the most profit.(Romadhan, 2020; Rozalina, 2021).

The commodification process of water usually begins with the privatization of water sources in various regions. Water, which should be the right of the wider community, instead becomes an object whose utilization is managed by the private sector and/or individuals with the aim of achieving benefits for those managing it. After the privatization of water sources, the right to use water can be traded like oil or gold. An example is when a company or individual buys an area in an area, which may also include a spring or other water source in the area. This means that water or water sources are subject to ownership laws so that access to them is also very limited. In this situation, water is no longer a public good. but economic good where access to it will be determined by market forces such as supply and demand. With increasingly difficult access to water, of course the demand will be even higher. With high demand, prices can only move in one direction; go on. For example, farmers who want access to water must buy it from a company that holds water rights in the area, and those who cannot afford it will fail to get water or hope for rain.

This situation started the complexity of problems related to water. Access to water is limited due to the privatization and commodification of water, expanding water problems into latent conflicts, both vertical and horizontal in society. Apart from that, the privatization and commodification of water also threatens the preservation and sustainability of the water itself. This means that efforts must be made to resolve this problem, especially in order to create

equal access to water while maintaining its sustainability and sustainability, one of which is efforts to control or control water.(Astriani, 2018; Boelens, 2014).

Control or control over water, needs to be understood as the use of resources that are contested politically(Leni et al., 2021; Megdal et al., 2017; Nugroho, 2016; Pertamsari & Munandar, 2020). Control over water is part of water control and management. Since ancient times, every human intervention on water power has had an impact on the condition and nature of water availability and/or water quality spatially, which has become a form of water control. According to Mollinga and Bolding (2004), there are three dimensions in water control: technical, managerial organization, and socio-economic regulation. In this category we can see that there is a process of manipulation of water regulation by human behavior that uses it legally, administratively, socio-economically, and other structures which emphasize that control over water is something that is instilled as a condition and constraint in managing and regulating water dynamics. . Another thing that can be seen in water politics is that there is something at stake in water management and the individuals or groups involved have different interests (Molinga, 2008). The addition of political adjectives to water contestation is intended to highlight that there are political aspects of contestation in the control of water. This is not only meant to suggest that water control can be reduced to its political nature—namely that water control is only political or that its political aspect determines all other aspects. How and how strongly mediated actor interests and social relations of power shape the nature and different dimensions of water control processes is an empirical question (Mollinga, 2008). The addition of political adjectives to water contestation is intended to highlight that there are political aspects of contestation in the control over water. This is not only meant to suggest that water control can be reduced to its political nature—namely that water control is only political or that its political aspect determines all other aspects. How and how strongly mediated actor interests and social relations of power shape the nature and different dimensions of water control processes is an empirical question (Mollinga, 2008). The addition of political adjectives to water contestation is intended to highlight that there are political aspects of contestation in the control of water. This is not only meant to suggest that water control can be reduced to its political nature—namely that water control is only political or that its political aspect determines all other aspects. How and how strongly mediated actor interests and social relations of power shape the nature and different dimensions of water control processes is an empirical question (Mollinga, 2008).

Mollinga also adds that the institutions and organizations created by society to achieve water control also have spatial references, although these reach do not necessarily conform to the physical boundaries of water control practices. The organizing principle is socio-political space, not physiographical order. Water politics is regulated in four different domains (Mollinga, 2008).

#### **A. The everyday politics of water control**

Krekvilet (1991) in Mollinga (2008) said that everyday politics refers to the contestation of daily water use and management. In many cases, everyday politics are relatively small-scale phenomena, for example, how access to local groundwater markets is negotiated between community members and how maintenance obligations related to the right to water are enforced in smallholder-managed irrigation systems.

## **B. National water policy**

Policy politics is a phrase coined by Grindle (1999), which refers to the contested nature of the policy process. In the water resources domain I use it to refer to policy processes at the country level. The premise is that water policy, like any other policy, is negotiated and renegotiated at all phases and at all levels, and is often changed from formulation to implementation. The political contestation on water policy does not only occur within the state apparatus, but also in the interactions between state institutions and groups that are directly and indirectly affected by the policy.

## **C. Hydropolitics between countries**

Hydropolitics is a phrase that has been coined in the international water literature. primarily refers to conflicts and negotiation processes between sovereign states over the allocation and distribution of water, particularly in relation to transboundary rivers or aquifers.

## **D. Global water politics**

Global water politics refers to a relatively new phenomenon at the end of the 20th century reinforcing water tentative discourse, policies and regulations at the international level including the institutions and organizations set up as a follow-up to the 1992 Dublin and Rio international conferences on water, environment and development. , notably the World Water Forum, the World Water Council (WWC) and the Global Water Partnership (GWP).

Then, Molina also emphasized two main issues which are a crucial part of the political process and water reform. First, the 'new' internalization of environment, poverty and democratic governance related to professional identities, approaches, and institutional frameworks of water resources professionals and their organizations appears to be rare and with great difficulty. The second is the opening of the process of institutional transformation and hydrocratic organization, in order to build a more balanced and productive relationship between water managers and water users, especially in changing the social relations of power between the various actors involved in managing water resources.

The issue related to the right to access to water seems to be a problem that never ends. This water monopoly practice occurs quite a lot in Indonesia, one of them is Bandung Regency. including in Bandung Regency. Moreover, Bandung Regency is an area in Indonesia that is geographically surrounded by various water resources, both surface water, groundwater and groundwater that comes out naturally or what is termed as springs.(Harnandi & Herawan, 2009). This geographical condition has a clear impact, unequal access to water in this region will become very obvious. The indications are also easy, namely with the abundance of water resources in Bandung Regency, how easy is the access to it for the surrounding community.

The water problem in Bandung Regency is quite worrying, because in several areas there has been a decrease in water discharge during the dry season as well as serious water quality problems. As an example, there are SPAMs where the water discharge has decreased by up to 60%, even if there is no decrease in water discharge, the problem of water shortages has become a serious problem due to the ever-increasing demand for clean water. In addition to a decrease in water discharge, the cleanliness of water in Bandung Regency is also questionable due to the lack of tools to ensure water quality. Not because of ordinary things, but when faced with the dry season the water there turns cloudy which we as people who consume water should question this. In fact, the conditions on the ground are quite worrying, starting from springs that are almost dry/restricting access for many people. If this condition

is not followed up further, it can lead to potential conflicts in the future. Therefore, in this research, the question raised is about how the private monopoly over water rights in Bandung Regency.

For this reason, this article attempts to investigate further regarding the right of access to water in Bandung Regency and the efforts made by various stakeholders to ensure equal access and no monopoly on access to water.

## **2. Method**

This study uses a qualitative approach with a case study method to examine the phenomenon of monopoly rights over water that occurs in Bandung Regency. This study uses two data sources, namely primary data sources obtained based on interviews with stakeholders related to water management in the Kab. Bandung, as well as secondary data sources from various documents related to the number and use of springs in the district. Bandung. The data obtained is then reduced according to the need for analysis related to water politics and sustainable development which is then presented in the discussion flow regarding the context of water privatization in Kab. Bandung, the contestation of power over water rights and the middle way of mastery rights over water.

## **3. Results And Discussion**

### **Privatization of water in Kab. Bandung**

Water as a basic necessity of life, water should be understood as a human right. When water is traded and not everyone can easily get it, does that mean that human rights have been traded? The spirit of water privatization cannot be understood as a response to poor water management by the government. In 1996, the World Water Council inflamed the spirit of water privatization by campaigning for cooperation between the government and the private sector to manage water. The following year, the United Nations Water Conference was held by the United Nations in the same spirit. In Indonesia, the spirit of water privatization is encouraged by Law no. 7/2004 on Water Resources, which provides easy access for private companies to extract natural resources, in this case water, with a stronger guarantee of property rights.

Savas (in Beecher, 2011) said that privatization itself has several sources of support for privatization, namely ideological, populist, pragmatic, and commercial. This means that ideologues want minimal government interference, populists want what's best for society, pragmatists want effective solutions, and commercials want more business. This typology can show how privatization can affect water management. Privatization is only considered good in business because trade has played such an active role in promoting privatization that it should not come as a surprise.

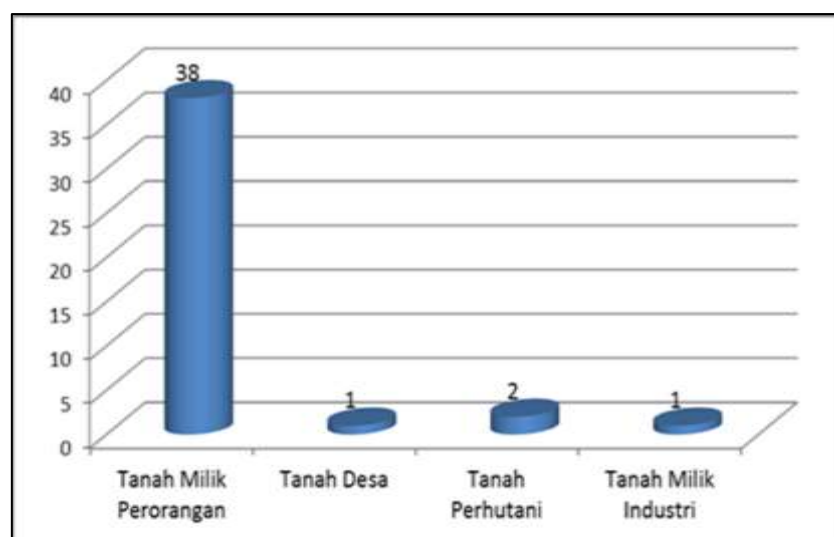
In addition, trends show that the government is facilitating the water privatization process by providing space for the private sector in the water treatment process. This process, which is operated by the private sector, is the upstream part where drinking water is produced. The downstream part of water service, namely distribution and operation, is under the PDAM domain which is still managed and owned by the public. The earliest wave of water privatization in Indonesia occurred in Jakarta in 1997. At that time two private companies managed to take over the operation of drinking water services in Jakarta. The privatization failed miserably, leaving half the population without access to proper piped water. Because of

this, other problems have arisen such as skyrocketing tariffs and financial losses to regional budgets.

The community continues to struggle to end water privatization. One of the strongest efforts is through legal action. In 2012, residents and community organizations filed a citizen law suit against water privatization carried out by private operators in Jakarta. But only in 2015, it was decided that the residents won and the privatization contract agreement was canceled by the court. Unfortunately, the decision was challenged by the defendants, including private water operators and the central government. This prevented the municipality from taking over the water service, as the agreement in the contract giving the private operator the exclusive right to deliver the water service is still effective. It is quite possible that private operators are trying to buy time through legal tactics to defend their right to privatize water services until their contracts expire. In October 2017, the Supreme Court ordered an end to water privatization and restoration of public management to ensure the human right to water. It is hoped that the steps taken by the Supreme Court can be implemented effectively and can prevent water privatization in other regions in Indonesia. But in reality in other regions in Indonesia, water privatization is still happening, one of them is in Bandung Regency. It is hoped that the steps taken by the Supreme Court can be implemented effectively and can prevent water privatization in other regions in Indonesia. But in reality in other regions in Indonesia, water privatization is still happening, one of them is in Bandung Regency. It is hoped that the steps taken by the Supreme Court can be implemented effectively and can prevent water privatization in other regions in Indonesia. But in reality in other regions in Indonesia, water privatization is still happening, one of them is in Bandung Regency.

In Bandung Regency, water is an abundant resource due to the many springs there. With so much water, it can be the reason that all people in Bandung Regency have access to clean water. However, the reality is inversely proportional, in fact there are still 17% of residents in Bandung Regency who do not have access to clean water. Disperkimtan Bandung Regency (2020) presents data that in 2019 the total percentage of households that have access to clean water is 80.52%, so 19.48% of the people of Bandung Regency do not yet have access to clean water. Then, if it is explained that most of the people of Bandung Regency take water directly from springs or the private sector.

Over time, the population will increase and the demand for water will also increase. The increased demand compared to the supply of water has resulted in difficult access to water. Not only that, the practice of water privatization can also be found in Bandung Regency where the status of the existence of springs in Bandung Regency, the majority are on privately owned land, both individuals and companies. This condition is certainly a challenge, in the efforts made to ensure the preservation and sustainability of springs.



**Graph 1.** Status of Land for Water Sources in Cimencyan District, Bandung Regency  
Source: DLH Bandung Regency, 2020

The factual conditions related to this ownership status will have many impacts.

### **The Contestation of the Power of Springs: Between Conflict and Preservation**

*First* From a political, social and economic aspect, the ownership status of the land where the spring is located will create relations between interested actors, especially landowners and the government, in this case as a regulator who has aspirations for sustainable development. This means that there will always be potential obstacles that arise when these interested actors do not have the same vision regarding the use of this spring so that it can continue to provide economic and social benefits to the community, without eliminating awareness and efforts to maintain its sustainability and sustainability. In fact, what is there is an effort to continue to compete in fighting over access to water.

This needs to be taken into consideration, because when talking about natural resource issues including water, it is almost certain that there will be a contestation for power carried out by actors. (Bichsel, 2016; Mustofa et al., 2021; Talib, 2021). The power contest itself becomes a power struggle between actors that aims to find out who has the right to manage these resources. With the power to manage a resource, an actor can do things with the power they have acquired. Even small communities can only be silent and cannot do many things even though they also have the right to use resources as the people who live in the area.

The problem of contestation itself is based on a feeling of belonging that is embedded in humans. This feeling of belonging is the basis that they are entitled to use resources. The problem itself is present because each individual has his own desire to own which makes the contestation of power an unavoidable thing. Resources that do not have their own ownership make people have the desire to control resources to use these resources to meet their daily needs.

If you look at how water resources are managed, a water crisis cannot be avoided because people's need for water is increasing along with the times. The growth in the population of the community has resulted in more people needing water to meet their daily needs. Especially with the shift in meaning regarding water, which was originally a right to become a necessity. This shift in the meaning of water makes the concept of water as a collective

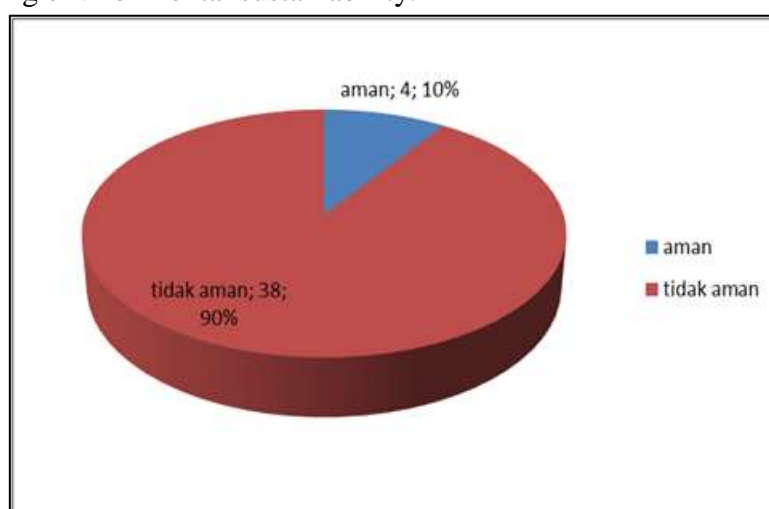
good no longer relevant because water is no longer managed by the public but by the private sector which has turned water into a private good.

This problem is of course based on poor governance regarding springs. Ownership of springs will be based on a contestation or power struggle, not based on which party needs water more. Apart from that, the actors managing the springs will plunder as much water as possible in order to gain profit and the surrounding community will only get the rest of the water that has escaped from the plunder of these irresponsible actors and has caused water to become a scarce and difficult commodity to obtain, especially when entering the dry season.

*Second*, from an ecological aspect, the status of land ownership will have an impact on the riparian springs, which is an indicator of the sustainability of springs. The existence of springs located on privately owned lands makes the condition of the springs border unsafe for springs. The unsafe status indicates that within the boundary of a spring with a radius of 200 meters there is a built-up area. Built-up land within the boundary will have a negative impact on the presence of springs, both in terms of the quality and quantity of spring water. Domestic waste and household waste will contaminate the quality of springs which can create a water crisis.

The water crisis that occurs itself is not only caused by climate problems in the form of the dry season, but many things that contribute to the water crisis that occurs in an area. The problem regarding the water crisis can be seen as something that is done by humans in the form of reducing the water discharge from springs. The problem is based on the power contestation that occurs regarding the ownership of water resources. These actors make use of these springs but in their use they do not carry out conservation which results in damage to the springs and makes water a scarce commodity.

Based on a monitoring survey conducted by DLH Bandung Regency in nine villages namely Padasuka Village, Mandalamekar Village, Cikadut Village, Sindanglaya Village, Cimenyan Village, Mekarsaluyu Village, Cibeunying Village, Mekarmanik Village and Ciburial Village in 42 springs, it is known that the status of the springs 90% of water in Cimenyan District is in an unsafe condition. Such conditions need to be watched out for through spatial planning control in realizing environmental sustainability.



**Graph 2. Graph of Percentage Status of Water Source Boundary in Cimenyan District**

Source: DLH Bandung Regency, 2020



This problem is compounded by the presence of actors who monopolize water for personal gain. Water, which is a resource that can be accessed by the community itself, is being privatized with the aim of monopolizing water in the area which will later generate personal benefits. In addition, water sources are prioritized for distribution to densely populated urban communities, making it difficult for people who live near water sources to obtain water. For these people, water is a source of life because the presence or absence of water itself will affect the smooth running of their livelihood as a farmer. Lack of water supply can affect crop yields and can even cause crop failure. This is of course due to the contestation of power, especially in the Bandung Regency area. Many of their water sources are 'monopolized' by the state through the PDAM or by the private sector. For local people, they do not have strong power to compete in power contestation to manage water sources. Therefore, they just give up, especially in cases against PDAMs which are under the local government or private actors.

### **Finding the Middle Way: Water for All**

Drought, shortage, unavailability of water is popping up everywhere. This problem arises from the many springs that are monopolized as private rights, the commercialization of water, and other community rights that are used only for private/private interests. The search for a solution to the water problem is not an easy thing, because the demand for water is increasing due to the human growth rate which will definitely increase from time to time. Problems regarding water can also originate from the rate of population movement which is high enough to affect land use which in the end does not pay attention to soil and water conservation. absorption of rainwater into the soil.

Humans need water to carry out social activities and to continue life. The condition of water shortages in Bandung Regency has indeed occurred, but many efforts can help restore water availability in Bandung Regency and allow all people to enjoy a supply of clean water to continue their lives. The West Java Provincial Government has actually included a Draft Regional Regulation on Environmental Protection and Management Plans in the Propemperda for 2022. Meanwhile, the Bandung Regency government has ratified a Regional Regulation for the Protection of Springs at the Plenary Session in October 2022. These existing regulations can be used as a basis for formulating policy formulation that will have an impact on the integration between socio-economic aspects of political ecology,

The government itself can do several things to restore the situation that has occurred in society. First, the government needs to pay attention to the supply of clean water from springs. Data from the field itself shows that the majority of the people of Bandung Regency are very dependent on springs that supply clean water in the area. The government needs to carry out natural resource management in the area. This management is necessary to ensure that the stock of clean water in each spring can meet the needs of the local community. Management can be in the form of good managerial guidance, as well as how to optimize the use and distribution of clean water.

However, in practice, the Bandung Regency government also needs to collaborate with the Bandung City Government because some of the clean water enjoyed by Bandung City residents themselves comes from the Bandung Regency area. This condition makes water sources increasingly scarce because Bandung Regency itself is not yet sufficiently independent regarding clean water to be able to distribute clean water to Bandung City. This

is important because the more stakeholders involved, the greater the potential for the success of the policies adopted (Leni et al., 2021; Pahl-Wostl et al., 2010; Rahman et al., 2022).

The government also needs to manage and take action against actors who carry out privatization which results in a lack of water supply for local communities. It is necessary to apply a priority to the local community to use springs and if this need is fulfilled, then water distribution can be carried out to other areas that still lack water sources.

Strict licensing is also required regarding the collection and distribution of water from springs. The need for clear boundaries and regulations aims to prevent the collection and distribution of water that exceeds the community's need for water. Strict regulations can help restore and return water to the community and restore the dignity of water as a public good that can be used together without competition.

#### 4. Conclusion

This initial study related to water politics in Bandung Regency further confirms the findings of previous studies related to the root causes of water governance starting from the process of commodification and privatization. In the process, the Bandung Regency Government has actually made efforts to control and manage water, one of which is by passing the Bandung Regency Regional Regulation concerning Spring Protection which can be used as a basis for ensuring equality of access to water can be felt by the public in general, accompanied by conservation efforts for the sustainability of the water resources themselves. Of course, this initial research needs to be followed up with more detailed follow-up research, especially on how the regulation is implemented and the involvement of other stakeholders so that efforts to control and manage water in Bandung Regency can be successful.

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