



**International E-mail Conference on
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WUA Legislation Country Profiles: INDONESIA

Constitutional framework Regulation of water resources is a responsibility of the national Government, however, local governments are called to regulate the management of water resources for irrigation in compliance with the framework directives given by the Government.

1. Name of organization

The legislation uses the terms “water user farmer associations”, “water consuming farmer associations” and “P3A”. These are referred to indistinctly as Water Users’ Association (WUA) in this document.

2. Purpose

Management of irrigation systems below 500 ha in service area, water distribution and maintenance of irrigation infrastructure.

3. Legal status and capacity

The law states that WUAs have a distinct social connotation. It is unclear what this implies in terms of legal status.

4. Establishment

No specific provision, however, the law requires that traditional irrigation management institutions be respected. No provisions on the procedure for establishment.

5. Membership

Open to all who meet the membership criteria.

5.1 Eligibility criteria

All farmers or farmers’ associations who use the same tertiary irrigation system. According to the law, members include: ricefield owners, agricultural workers, fish-pond owners obtaining water from irrigation systems, Village Administration members who possess land, associations (undertaking body) cultivating ricefield or operating fishponds and all other irrigation water users in the area under the WUA’s jurisdiction.

5.2 Rights and duties of members

Members are entitled to receive water in accordance with their water use rights and the agreements stipulated with the WUA. Each member has the duty to participate in preserving the irrigation network, to pay contributions and to respect and implement decisions taken by the Meeting of Members.

6. Internal structure

Meeting of Members, composed of all members of the WUA. Its functions comprise drawing up the statutes and rules of the WUA, electing and dismissing the Executive Board and establishing the work programs of the WUA.

Executive Board composed of a chairman, a vice-chairman, a secretary, a treasurer, a technical manager and the chairmen of plot blocks (no specific provision on these members). The Executive Board is responsible for the implementation of decisions taken by the Meeting of Members and the settlement of disputes among members.

Subject to approval of the local authorities, WUAs can adopt their own statutes.

7. Functions, Powers and Rights

7.1 Functions

Delivery of irrigation water and operation and maintenance of canals

Dispute settlement. WUAs are responsible for the settlement of disputes among their members.

7.2 Powers

Levying and collection of assessments By implication, WUAs can levy assessments – termed in the law as “contributions”- on their members.

Imposition of fines No specific provision.

Others WUAs can build irrigation systems.

7.3 Rights

Water rights by implication, WUAs can be granted water use rights.

Rights in the infrastructure WUAs can own the infrastructure they construct, but not infrastructure constructed by the government.

Rights of way No specific provision.

8. Financing

Sources of income Revenue from the collection of “contributions” levied on members. Grants.

9. Government role

In compliance with the directives given by the central Government, local Governments promote the formation and establish WUAs.

Local Governments approve the statutes and rules adopted by WUAs.

The central Government is responsible for regulating matters related to WUAs.

10. Dissolution

No specific provision.

11. Federation of Associations

No specific provision.

References

Legislation

Law on Water Resources Development (Law No. 11 of 1974), 26 December 1974;

Government Regulation on Water Management Regulation (No. 22 of 1982) 12 August 1982;

Government Regulation on Irrigation (No. 23 of 1982), 12 August 1982;

Instruction of the President No. 2 the Promotion of Water User Farmer Associations, 26
January 1984.

All documents are available in the FAOLEX database at URL <http://faolex.fao.org/faolex>