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TIRTANADI REGIONAL DRINKING WATER COMPANY OF NORTH SUMATRA AS A STATE INSTRUMENT IN CONTROL OF WATER RESOURCES

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ABSTRACT: Control over water resources is important , because water is basic needs of life for all human beings. State control over water resources is intended to enable the state to guarantee the rights of all Indonesian society . These rights include the right to obtain water to meet need everyday staples . The community's right to water as set up in the provisions of Article 6 of Law Number 17 of 2019 concerning Water Resources that Fulfillment of people's rights to water is guaranteed by the state at least for basic needs daily staples from society for a healthy and clean life , and with sufficient water, good water quality , safe and maintained as well as affordable to the community.

Keywords- Tirtanadi, Drinking, Company, North Sumatra

I. INTRODUCTION

Control over water resources is important , because water is basic needs of life for all human beings. State control over water resources is intended to enable the state to guarantee the rights of all Indonesian society . These rights include the right to obtain water to meet need everyday staples . The community's right to water as set up in the provisions of Article 6 of Law Number 17 of 2019 concerning Water Resources that Fulfillment of people's rights to water is guaranteed by the state at least for basic needs daily staples from society for a healthy and clean life , and with sufficient water, good water quality , safe and maintained as well as affordable to the community .

Country according to Van Vollenhoven is organization highest from a nation that is given the power to be able to regulate everything and also based on his position can have authority to regulate legal regulations in its territory .¹ State control over water resources must be utilized as big as possible for prosperity Indonesian society as stipulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. On the basis of state control over these water resources , both the government and the state center and also government regions are given tasks and authority in terms of arrange as well as managing water resources , including in its duty to fulfill the community's right to water in order to fulfill it need daily staples .

The needs of every society will water always experience a huge improvement tall from time to time. Improvement need community over the water occurs Because increasing intensity and variety water needs , such as for needs daily basic needs , for business or industrial activities , and also for agriculture (irrigation) .²The state's right to control water resources can be carried out by granting management to State- Owned Enterprises (BUMN) or Regional - Owned Enterprises (BUMD). However , companies private sector can also be given business on water resources , with the provision that Still there is water availability ,

¹ Notonagoro , 1984, Legal Politics and Agrarian Development ., Bina Aksara : Jakarta, p. 99.

² Ibn Sina Chandranegara , 2016, “ Purification Constitutional Law of Indonesian Water Resources ”, Jurnal Rechtsvinding , VolV /No-03/ December /2016, National Legal Development Agency , p. 365.

and water management for BUMN and BUMN have been fulfilled .³One of the Regional Owned Enterprises in Indonesia is the Tirtanadi Regional Drinking Water Company in Lake Toba located in Toba Regency , North Sumatra Province .

Tirtanadi Regional Drinking Water Company or also known as PDAM Tirtanadi is company that was founded on September 8, 1905. PDAM Tirtanadi built by the government colonial The Netherlands , which was originally given Name *NV Waterleiding Food Ajer Clean* . However After Indonesia's independence , the company was handed over to the government. North Sumatra Province through the Indonesian government . PDAM Tirtanadi is a company that provides drinking water services for public especially 9 districts in the region Lake Toba is a Regency Simalungun , Deli Serdang Regency , Toba Regency , South Tapanuli Regency Central Tapanuli , Regency Mandailing Natal, Regency Samosir , Regency Nias and Regency South Nias .⁴

Based on the background that has been described above, then writing this paper will discussing the Tirtanadi Regional Drinking Water Company as an Instrument of the State of Indonesia in Controlling Water Resources . This topic is interesting to study , to find out how the role of from PDAM Tirtanadi in fulfilling water needs for communities in the area Lake Toba, North Sumatra Province .

A. Formulation of the problem

The formulation of the problem in writing this paper is:

1. How is the State's control over Resources Water?
2. What is the role from company Tirtanadi drinking water area as a state instrument in controlling water resources in North Sumatra ?

B. Objective

The purpose of The purpose of writing this paper is to find out role from company Tirtanadi drinking water area as a state instrument in controlling water resources in North Sumatra.

**CHAPTER II
DISCUSSION**

A. Literature review

1. Regional Drinking Water Company Review

Article 1 number (1) of the Regulation of the Minister of Home Affairs Number 2 of 2007 concerning the Organs and Personnel of Regional Drinking Water Companies, Regional Drinking Water Companies or also known as PDAM are business entities owned by a area that functions in providing drinking water services . PDAM is A the company whose formation carried out by the government with the support of organs and personnel area .

Organs within PDAM as follows regulated in the provisions of Article 2 paragraph (2) of the Regulation of the Minister of Home Affairs Number 2 of 2007 concerning the Organs and Personnel of Regional Drinking Water Companies, consisting of the regional head who is positioned as the capital owner and there is also a supervisory board . as well as Board of directors . The board of directors in PDAM is appointed by the regional head after the proposal from the Supervisory Board with applicable provisions , such as the existence of limitations age , education , work experience , has completed training and other requirements .

2. Review of State Control over Water Resources

control over water resources means that the state has the authority to regulate and manage water resources to meet need all over people . State control over water resources also means that the state is responsible for this matter management , licensing use of water resources , water resources information systems, empowerment and supervision , funding ,

³ Anna Triningsih , 2020, “ State Control of Water Resources as an Effort Supporting the Economy”, Indonesian Legislation Journal , VolXVII /No-03/September/2020, p. 350.

⁴ <https://tirtanadi.co.id/>, Accessed March 22, 2025.

rights and obligations , participation community and also the existence of coordination between government center with region .

The state controls resources nature , government the center and regions must cooperate with each other coordinate to be able to carry out its authority and responsibility in managing water resources . State control over water resources must always prioritize the people's right to water and also facilitate society in getting access to water. The state must pay attention to aspect strategic meaning that in controlling water resources , the state must prioritize interests and welfare general . The state must also prevent the occurrence practice monopoly and oligopoly in the implementation of the state as the ruler over water resources .⁵

B. Theoretical basis

As for what is the basis the author 's theory use in studying the role of from company drinking water area as an instrument the state in controlling water resources in North Sumatra is the Welfare State Theory . Leon Duguit and Harold J Laski view the state as a institution welfare public service *institute* and law is not a series command , but ways organization welfare general . With so the country does not in power but responsible answer . Individual will obey the state because goals organized by the ⁶state

Franz Magnis Suseno to argue that the purpose of the state is organization welfare general . The country exists For support and complement business public For build a prosperous life , where public can life with as best and as fairly as possible .⁷

C. Control Over Water Resources

control over water resources is the authority granted by law as stipulated in Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The state 's control over water resources is intended in the following cases :

1. Organize and organize designation , use , supply and maintenance earth , water and space space
2. Determine and organize legal relations between humans and the earth , water and space space
3. Determine and organize legal relations between humans and legal acts concerning earth , water and space space .
4. Article 6 of the SDA Law which
5. arrange that :
6. (1) Source Water power is controlled by the state and
7. used For as big as possible prosperity
8. people .
9. (2) Mastery source water power as
10. referred to in paragraph (1) is organized by
11. Government and/ or government area with
12. still confess right customary law public law
13. custom local and similar rights with
14. that , all along No contradictory with
15. interest national and regulations legislation -
16. invitation .
17. Article 6 of the SDA Law which
18. arrange that :
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21. people .
22. (2) Mastery source water power as
23. referred to in paragraph (1) is organized by
24. Government and/ or government area with

⁵Muhammad Arip , 2016, Analysis of State Control over Water Resources , Thesis , Faculty of Law, University of One Superior , p. 20.

⁶A. Mukthie Fajar , 2005, Types of Legal States., Banyumedia Publishing: Malang, pp. 16-17.

⁷Ni' matul Huda, 2010, State Science ., Raja Grafindo Press : Jakarta, pp. 56-57.

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219. Government and/ or government area with
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223.interest national and regulations legislation -
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232. Government and/ or government area with
233.still confess right customary law public law
234. custom local and similar rights with
235. that , all along No contradictory with
236.interest national and regulations legislation -
237.invitation

State control over this water resource No interpreted The same with principle domain which means ownership , but authority the used For arrange management and utilization water resources for as big as possible prosperity people . Rights state control over resource natural including water resources , is not right property (eigendom) as in field civil , but is at in scope law public (publicly recognized). In Indonesia it is also known principle domain which means staatsdomein which is also of a nature publicity . So from That Water Resources then become bridge for various interested party to management and or utilization

water resources . Water resources as branch production important for the country and to control desire life of many people must controlled by the state, not controlled by individuals and/ or legal entities or even controlled by individuals and/ or legal entities foreign .⁸

D. Analysis The Role of the Tirtanadi Regional Drinking Water Company as a State Instrument in Controlling Water Resources in North Sumatra

The North Sumatra Tirtanadi Regional Drinking Water Company is a Publicly Owned Enterprise The area that was founded based on Regional Regulation of the Province of North Sumatra Number 11 of 1979 concerning the Tirtanadi Regional Drinking Water Company . PDAM Tirtanadi domiciled in the city of Medan and has a number of office branches located in the area Lake Toba. PDAM Tirtanadi has business activities such as managing and distributing drinking water in North Sumatra which meets condition health to the community in a way evenly , orderly , and also regular .

PDAM Tirtanadi also does everything business activities related to management waste in a system that meets condition health environment . PDAM carries out other businesses related to water , waste and environmental processing . The capital of PDAM Tirtanadi is Rp 1,200,000,000,000. (One Trillion Rupiah) Two Hundred Billion Rupiah) which comes from from the APBD, loans , grants and other capital sources, as regulated in the provisions of Article 11 of the Regional Regulation of North Sumatra Province Number 2 of 2022 concerning the Tirtanadi Regional Public Company . PDAM Tirtanadi as a business entity owned by area get supervision both internally and externally .

Supervision internally carried out regarding PDAM Tirtanadi is supervision by the unit internal supervisors , audit committees , and/or other committees . Units PDAM Tirtanadi's internal supervisor is a company organ from PDAM Tirtanadi , which is tasked with supervising and providing advice to the Board of Directors in carrying out PDAM Tirtanadi management activities . The audit committee is a committee consisting of independent parties led by a member of the Supervisory Board . While supervision external carried out by the Regional Government carried out by authorized officials carry out function government oversight area , Minister for supervision general , and also technical ministers or leaders institution government non-ministerial for technical ⁹supervision .

In the implementation and management drinking water services by PDAM Tirtanadi in North Sumatra, carried out based on Strand Operational Procedures (SOP) and also by paying attention to Good Corporate Governance. PDAM Tirtanadi as a state instrument in controlling water resources in North Sumatra, has a very important role in providing drinking water for North Sumatra community . PDAM Tirtanadi also has role in carrying out maintenance and development to assets , participate in efforts protection and preservation of water resources in the context of conservation environment . PDAM Tirtanadi also plays a role in managing waste water service in a way piping and non- piping .

PDAM Tirtanadi also has the role is to carry out expansion coverage services in areas where groundwater sources are inadequate condition health for use by the people of North Sumatra as drinking water. Regulation of the drinking water distribution system according to capacity available production and make improvements human resource capabilities according to standards competence development of the Drinking Water Development System (SPAM) and/or Waste Water Supply System (SPAL) and its management . PDAM Tirtanadi as a companies also have to pay attention important elements

⁸ Andi, SRW & Anshori Ilyas, 2019, “ Water Resources Management in Indonesia: Water Management in a Framework Regional Autonomy ”, Gema Journal Justice , VolVI /No-III/November/2019, p. 295.

⁹ Siska Lydia Hutasoit & Taruli Rohan Sinaga , 2023, “Analysis External Drinking Water Quality in Perumda Tirtanadi Medan”, Haga Journal of Public Health (HJPH), Vol01/No-01/November/2023, p. 14.

in water supply for the people of North Sumatra. As for important elements such as fulfilling condition physical , microbiological , chemical , and radioactive .¹⁰



Tirtanadi Water Tower

Several field studies were conducted , such as those conducted by Siska Lydia Hutasoit and Taruli Rohan Sinaga which is student health Sari Mutiara University Medan, which conducted research at the Tirtanadi PDAM location . Based on study results obtained show that Indicator drinking water quality like turbidity , color , odor and taste of drinking water , TDS, pH, E. Coli, and total coliform Perumda Tirtanadi Medan is still there is a number of water samples that are not fulfil conditions . However , the indicators drinking water quality like nitrate and nitrite has fulfil conditions . Study it also reports that E. Coli variable is the most in the category fulfil condition namely 92.3% of water samples , but 7.7% of water samples were not fulfil condition .¹¹

E. **Welfare State Theory with the Role of PDAM Tirtanadi as a State Instrument in Water Resources Management in North Sumatra**

The Republic of Indonesia as a country that adheres to democracy constitutional confirm the purpose of the state is protect gasp the Indonesian nation and all spilled Indonesian blood , advancing welfare general , intelligent life nation and join carry out world order . Advancing welfare general and intelligent life nation is two objective positive that is needed realized together in effort realize the concept of the welfare state . As The Theory of the Welfare State is presented by Leon Duguit and Harold J Laski view the state as a institution welfare public service *institute* and law is not a series command , but ways organization welfare general .

With so the country does not in power but responsible answer . Individual will obey the state because the goals held by the state. Franz Magnis Suseno to argue that if We depart behind from the country's goal for support and complement business public For build a prosperous life , where public can life with as best and as fairly as possible , then the purpose of the state is organization welfare general . Welfare state means that a free society from poverty , free from disease , and can also fulfil need main everyday .¹²

Based on matter said , the presence of PDAM Tirtanadi as A company owned by area , which is also a state instruments in do service drinking water supply for society in North Sumatra, as embodiment from the country to can prosper society . The state is present For fulfil right from North Sumatra community for get healthy and good drinking water use fulfil need main everyday .

¹⁰ Yunita Rohmawati & Kustomo , 2020, “ Analysis Water Quality in PDAM Semarang City Reservoirs Using Physical , Chemical, and Microbiological Parameter Tests , and Combined with Chemometric Analysis ' , VolIII /No-02/ December /2020, p. 17.

¹¹ Siska Lydia Hutasoit & Taruli Rohan Sinaga , Op.Cit ., p. 17.

¹² Ahmad Redi, 2015, “ Dynamics Conception State Control Over Resources Nature ”, Journal Constitution , VolXII /No-02/2015, p. 51.

**CHAPTER III
CLOSING**

A. Conclusion

The country has authority in matters control over water resources as stipulated in Article 33 paragraph (3) of the 1945 Constitution. In terms of exercising control over water resources to fulfill community over water, can be assisted by the government regions through state-owned and regionally-owned companies . The role of from the Tirtanadi Regional Drinking Water Company as a state instrument in controlling water resources in North Sumatra starting from provide clean drinking water services , participating in efforts water resources protection , managing waste water service in a way piping and non- piping , implementing expansion coverage services in areas where groundwater sources are inadequate condition health to be used as drinking water, and to regulate the drinking water distribution system .

B. Suggestion

Remember that Still there is 7.7% of water samples were not fulfil conditions , then government must more notice as well as strict supervision to PDAM Tirtanadi , so that the implementation drinking water supply for the people of North Sumatra can done with good and steady notice aspect cleanliness and health of the water that will given to public .

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