



## Legal Protection of Consumer Rights for Clean Water Services of Tirta Mulia Regional Public Company in Pemalang Regency

Muhammad Zainul Ma'rufin<sup>1\*</sup>, Rahayu Subekti<sup>2</sup>, Purwono Sungkowo Raharjo<sup>3</sup>

<sup>1</sup> Universitas Sebelas Maret, Surakarta, Indonesia

Email: [zainulufin@gmail.com](mailto:zainulufin@gmail.com)

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### Abstract

This research examines the legal protection of consumers' rights to clean water services by the Regional Public Company (Perumda) Tirta Mulia, Pemalang Regency. The research background illustrates the importance of the availability of clean water as a basic human need in the context of Indonesian law, which is regulated by Law Number 8 of 1999 concerning Consumer Protection. The main focus of the research is to analyze how Perumda Tirta Mulia fulfills its obligations as a business actor in line with the Consumer Protection Law. In this context, research also identifies obstacles that may arise in protecting consumers legally, especially concerning clean water services. The method used is empirical legal research with a statutory and conceptual approach. Primary data was obtained through interviews with Perumda and consumers, while secondary data came from legal literature, statutory regulations, and related information sources. Data analysis was conducted qualitatively by referring to legal theories and consumer protection concepts. It is hoped that the results of this research can contribute to understanding the implementation of Law Number 8 of 1999 in the context of clean water services by Perumda. Apart from that, it is also hoped that this research can provide recommendations for increasing consumer legal protection and improving clean water services provided by Perumda Tirta Mulia, Pemalang Regency.

**Keywords** : Legal Protection, Consumer Rights, Clean Water Services, Pemalang Regency

### 1. Introduction

Regional autonomy is part of the Law and is an integral part of the social structure, playing an essential role in ensuring the smooth running of various aspects of life in society and the country, including economics (Usman, Wirawan, & Zulkifli, 2021). As time passes, the Law must keep up with changes to maintain justice and legal certainty for the entire community. As a rule-of-law state, Indonesia emphasizes this in the 1945 Constitution of the Republic of Indonesia.

The Preamble to the 1945 Constitution emphasizes forming a government that protects the entire nation, improves general welfare, and makes the nation's life intelligent (Dimiyati et al., 2021). In this context, fulfilling basic human needs indicates a nation's prosperity, as expressed by Abraham Maslow's theory, which includes physical needs, a sense of security, love, appreciation, and self-actualization.

Law is part of the working apparatus of the social system. Law is essential in social and state life so that all areas can run well and not cause chaos. Times are increasingly developing, which means that the Law must keep up with the times to realize justice and legal certainty obtained by the entire community, thereby increasing prosperity, tranquility, and peace in society.

As stated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, Indonesia is a legal state. The preamble to the 1945 Constitution, paragraph IV, reads, "in order to establish an Indonesian state government that protects the entire nation, promotes general welfare, to educate the life of the nation, and in an effort to implement world order based on independence, peace and justice, a Constitution of the Republic of Indonesia was drafted which is based on the Almighty God, just and civilized humanity, Indonesian Unity, Democracy which is led by wisdom in Deliberation/Representation by realizing social justice for all Indonesian people."

To advance general welfare, fulfilling basic human needs can be a benchmark for the level of prosperity and well-being of a nation. According to Abraham Maslow in the theory he put forward (Maslow, 1954), basic human needs include:

1. Physical Needs
2. The need for security
3. The need for affection
4. Appreciation Needs
5. The need for self-actualization and growth

Physical needs have a very important meaning for human life or are the main needs among other needs. Some things that are included in physical needs include air, water, food, clothing, and shelter. One of the important physical needs for humans is water. Water is a fluid or flowing substance whose role is very important for human life and cannot be separated from human life (Mareta, 2016). The availability of clean water is a special concern for every country in the world. Population growth, sustainable development, and increasing human living standards are the causes of increasing water demand.

Clean water is a basic human need that must be met. This is because clean water is a basic requirement for daily needs, such as drinking, bathing, washing, and cooking. Clean water is also important for maintaining human health.

The Indonesian government is responsible for meeting the community's clean water needs. The government has formed a Regional Drinking Water Company (PDAM) to manage and provide clean water for the community. PDAM is a

regionally owned business entity that operates in the field of providing clean water. PDAM has an obligation to meet the clean water needs of the community in accordance with established standards.

As the main physical need, water has a crucial role in human life. Although approximately 40 million cubic miles of water are available on the planet, only 0.5% can be utilized directly by humans. Population growth and sustainable development increase demand for clean water, while its availability is limited. Limited renewable water resources exacerbate this (Sallata, 2015). In the Indonesian context, the handling of clean water is regulated by Law Number 8 of 1999 concerning Consumer Protection. Regionally owned business entities, such as the Regional Public Drinking Water Company (Perumda), were established to meet the community's clean water needs. However, facts on the ground show that Perumda Air Minum Tirta Mulia Pematang Rejang Regency has not fully fulfilled consumer rights.

Violations of consumer rights frequently include irregular water flow, total water shutdown, and water quality that does not meet standards. Community complaints, such as those expressed by activist Hany Muhammad Fauzi and residents of Bojongsangka Village, highlight this problem. Perumda Air Minum Tirta Mulia was criticized for turning basic needs into a business, not providing adequate services, and causing consumer losses. Even though Law Number 8 of 1999 aims to protect consumer rights, its implementation in the field still causes problems. Consumer protection is expected to minimize losses experienced by society. An evaluation of the performance of Perumda Tirta Mulia Pematang Rejang Regency in fulfilling its obligations as a business actor needs to be carried out, taking into account the obstacles in legal protection for consumers (Marhaeni Ria Siombo, 2012).

The government has issued Law Number 8 of 1999 concerning Consumer Protection to protect consumer rights. This law regulates the rights and obligations of consumers, as well as the responsibilities of business actors. The Consumer Protection Law gives consumers the right to get good service from business actors. One of these consumer rights is obtaining clean water that meets quality standards.

If business actors violate consumer rights, consumers can file a lawsuit against the business actor. The lawsuit can be filed through litigation or non-litigation. The litigation route is a route for resolving disputes through the courts. Non-litigation channels are dispute resolution channels outside of court, such as mediation, arbitration, or conciliation.

The government also has a role in protecting consumer rights. The government can supervise the implementation of the Consumer Protection Law. The government can also impose sanctions on business actors who violate the Consumer Protection Law. By providing legal protection for consumer rights, it is hoped that violations of

consumer rights by business actors can be prevented. This legal protection can also provide legal certainty for consumers.

This article aims to examine the implementation of Law Number 8 of 1999 in the context of clean water services by Perumda Tirta Mulia, provide recommendations for increasing legal protection for consumers, and improve clean water services by Perumda Tirta Mulia, Pematang Regency.

## **2. Research Method**

Legal research is a scientific activity that aims to solve the legal issues faced. Legal research can be carried out using various methods, including empirical legal research. Empirical legal research is legal research that examines applicable laws, regulations, and social reality. In empirical legal research, the author uses two types of data: primary and secondary. Primary data is obtained directly from the first source, namely the community. Secondary data is obtained from library materials, such as books, journals, and scientific articles. Data collection techniques used in empirical legal research are interviews and literature studies. Interviews are data collection techniques carried out by communicating directly with sources. A literature study is a data collection technique carried out by collecting primary or secondary legal materials. The data analysis technique used in empirical legal research is qualitative analysis. Qualitative analysis is an analysis method by grouping and selecting data obtained from research and then connecting it with theories and statutory regulations.

## **3. Results and Discussion**

### **3.1 Forms of Consumer Protection Implemented by the Tirta Mulia Drinking Water Company, Pematang Regency in Providing Clean Water Services**

Perumda Air Minum Tirta Mulia Pematang Regency, as a public company that provides drinking water services in the Pematang Regency area, has the main responsibility for ensuring the availability and distribution of drinking water with a wide scope according to the needs of clean water reserves in the area. This Perumda is a form of public service that handles both profit- and society-oriented aspects in its operational area.

The relationship between Perumda Pematang Regency as a service provider and consumers as service recipients is mutually beneficial. Perumda benefits through payment for the services offered, while consumers benefit by fulfilling their daily needs through drinking water services. However, this relationship does not always run smoothly, and some obstacles can result in violations of rights and obligations and potential disputes between Perumda and consumers. Several obstacles faced by drinking water consumers in Pematang Regency, such as pipe leaks caused by

shifting land, resulting in obstruction of proper water distribution, unclear water, and water wastage. Law Number 8 of 1999 provides rights to consumers, including the right to comfort, security, and safety in consuming drinking water from Perumda Air Minum Tirta Mulia, Pemalang Regency. This includes correct, clear, and honest information regarding the condition and guarantee of the goods or services provided.

Consumer protection for clean water services from Perumda Air Minum Tirta Mulia Pemalang Regency also includes the right to obtain drinking water that meets quality standards without discrimination or discrimination (Neto & Camkin, 2020). In carrying out its duties, Perumda must pay attention to Quality, Quantity, and Continuity (2Q1C) in meeting the community's drinking water needs. This is done by considering clean water standards suitable for drinking according to the Minister of Health Regulations. Consumer rights include correct, transparent, and honest information regarding drinking water rates, bill simulations, customer groups, installation costs, tank water service rates, and meter reading information. This consumer protection is essential so that people can make the right decisions and get proper service from the Tirta Mulia Drinking Water Company, Pemalang Regency. This information can have a significant impact on increasing the efficiency of consumers in choosing products and increasing their loyalty to specific products so that it will provide benefits for individual companies, as well as collectively, whether conveyed directly or represented by a particular institution, for example through YLKI (Ahmad Miru dan Sutarman Yodo, 2004).

Protection of comfort, security, and safety in consuming goods and/or services in providing clean water services must meet 3K (Quality, Quantity, and Continuity). In efforts to fulfill the 3K above, various aspects are taken into account because they refer to clean water standards suitable for drinking according to Ministerial Regulations Health (PERMENKES) Number 492/MENJES/PER/IV/2010 concerning Requirements for the Quality of drinking/clean water requires 4 (four conditions), namely:

- a. Persyaratan Bakteriologi;
- b. Persyaratan Kimia;
- c. Persyaratan fisik
- d. Persyaratan Radioaktifitas

This is related to the right to obtain comfort in consuming goods or services.

Protection of the right to obtain correct, transparent, honest information regarding the condition and guarantee of goods and/or services (Bachri & Prasetyo Kurniawan, 2019). Perumda Air Minum Tirta Mulia Pemalang Regency provides consumer protection by providing as precise information as possible through the official

website. One crucial aspect of this effort is the delivery of Drinking Water Tariff Information. Consumers can easily find the applicable drinking water tariffs, creating transparency, which is the main basis for Perumda's services. This aspect is considered the core of consumer protection, ensuring that the people of Pemalang Regency have definite knowledge regarding the fees charged for drinking water consumption. Apart from that, in carrying out its service activities, Perumda refers to the principles of good service, as regulated in Law Number 30 of 2014. These principles include legal certainty, procedural certainty, certainty of results, community empowerment, openness, and transparency, held in high esteem. By implementing these principles, Perumda is committed to providing services that meet standards, providing certainty to consumers, and involving community participation in decision-making regarding drinking water services.

Consumer protection regarding drinking water tariffs is also regulated through legislation, including Minister of Home Affairs Regulation Number 21 of 2020 and Pemalang Regent's Regulation Number 14 of 2023. The Regent's decision outlines detailed mechanisms and procedures for setting tariffs, creating a clear legal basis regarding tariff determination. This effort indicates the regional government's commitment to providing firm and measurable legal protection for consumers, ensuring that tariff determination is carried out in good faith and accordance with applicable regulations. With consumer protection efforts that include tariff transparency, sound service principles, and regulations governing tariff setting, the Tirta Mulia Water Drinking Company, Pemalang Regency, tries to provide correct, transparent, and honest information to the public. This is necessary to ensure consumer rights are protected and the public can use drinking water services with optimal confidence and certainty.

Perumda Air Minum Tirta Mulia Pemalang Regency provides convenience to consumers by providing a Water Bill Simulation, which can be accessed via the official website. This simulation aims to provide consumers with independent information regarding the estimated bill size they will receive. The main aim is to ensure that consumer payments are in accordance with actual usage and reduce the risk of overbilling, which could harm consumer rights. This feature lets consumers quickly and easily access it on the official Perumda website. People only need to choose the tariff group that suits their category, with 13 choices divided into six groups: household, social, government agencies, schools, hospitals, and commerce. Calculating bills is simple: users only need to choose the type of group and fill in the meter stand for last month and now, and the bill results will be immediately displayed.

On the other hand, Perumda Tirta Mulia Drinking Water, Pemalang Regency enforces sanctions and fines as an essential aspect to ensure fair consumer protection,

as regulated in Regent Regulation No. 41 of 2006 dated 20 August 2006. Information regarding water meter readings is explained transparently, where Android-based smartphones are used to capture customer water meter figures every month. These results are sent in real-time to the Perumda server and validated to ensure the accuracy of the meter figures. Customers get certainty regarding monthly water usage, eliminating the practice of approximate meter readings. This process also allows customers to verify their data at the Perumda office. In addition, Perumda provides information on how to read water meters and avoid causes of high bills, including high usage, network leaks, forgetting to close the tap, delayed bill payments, and pipe merging.

Service procedures, such as installing new connections and reconnections, are explained in detail to ensure customer understanding. In addition, Perumda quickly responds to problems, such as pipe leaks, by providing 24-hour service. Protection of consumer rights, including the right to be treated correctly and honestly without discrimination, is regulated based on Law Number 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination. Perumda tries to serve every level of society regardless of ethnicity, religion, culture, or race.

The guarantee of legal protection is realized through the provisions of Law No. 8 of 1999 concerning consumer protection. Perumda provides compensation or compensation for damage or loss experienced by consumers due to using the goods or services provided. For example, Perumda provides free water tankers to areas experiencing water problems due to pipe leaks. Perumda Tirta Mulia Drinking Water, Pematang Regency, is actively providing clean water services to the community according to quality standards. Even though there are challenges, such as unequal access to clean water in some areas, Perumda tries to maintain transparency, be responsive to consumer complaints, and provide optimal responses in emergencies, such as water not flowing. Even though compensation still needs to be increased, Perumda continues to carry out its duties with the principle of protecting consumer rights and a sustainable clean water supply.

Based on the Law of the Republic of Indonesia Number 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination:

"Racial and ethnic discrimination is any form of differentiation, exclusion, limitation or selection based on race and ethnicity which results in the revocation or reduction of recognition, acquisition or implementation of human rights and basic freedoms in terms of equality in the civil, political, economic, social and cultural fields."

The need for clean water is a basic need that everyone must meet because clean water is a source of life, but the fact is that in the Pematang community, this basic

need cannot be met by everyone. Some areas do not have access to clean water, as is the case with Klareyan Village, Petarukan District residents. The people of Klareyan Village use well water daily to meet their clean water needs, even though the quality of healthy water is generally more complex and contains higher levels of minerals such as calcium and magnesium than the clean water provided by the Pemalang Regency Drinking Water Company. Well, water is more susceptible to bacterial contamination. Other dangerous substances such as arsenic, radon, and excessive iron will undoubtedly have a further impact on society, and health problems will be the most detrimental.

Discrimination also occurs in areas reached by the Pemalang Regency Drinking Water Company, namely in the form of differences in water quality in the Pemalang city area compared to other areas, even in areas closer to water sources. This is because there are different types of filtration used in pipes in city areas where the type of filtration used has a higher density so that it can more effectively filter out unnecessary particles. Apart from that, the problem of water not flowing in the Pemalang city area is handled more quickly than in other areas.

Even though differences can still be felt, the Tirta Mulia Drinking Water Company, Pemalang Regency, serves every consumer as best as possible without discriminating against those who use clean water services. All levels of society can use clean water services without worrying about differences in services due to differences in ethnicity, religion, culture, and religion.

Perumda Air Minum Tirta Mulia Pemalang Regency, as a business actor, is required to establish legal protection guarantees concerning consumer protection in accordance with Law No. 8 of 1999.

One of the responsibilities based on UUPK is providing compensation for damage, pollution, and loss to consumers due to consuming goods or services from sales. One of the compensation measures provided by business actors includes:

- a. The return of goods or services that have similar value.
- b. Providing compensation based on applicable laws and regulations.

Perumda Air Minum Tirta Mulia Pemalang Regency gives the form of responsibility in providing compensation or compensation for cases of water not flowing by sending tank trucks to areas experiencing water jams due to leaking pipes for free. Furthermore, if a pipe leak occurs, the costs will be acceptable. And usage will be the responsibility of Perumda. Pemalang Regency Perumda must guide the impacts and other possibilities to realize environmental sanitation maintenance.

Based on complaints from consumers using Perumda drinking water in Pemalang Regency, no cases were brought to court or the consumer dispute resolution body

(BPSK). This is due to the losses suffered by Pemalang Regency Perumda consumers, which are still very low. If the case is brought into law, the results are inconsistent with the costs incurred. However, the Pemalang Regency Perumda is very responsive, communicative, and cooperative regarding complaints experienced by consumers. However, the compensation sought was not optimal in the form of a water transport truck that arrived after the water had not flowed within 1x24 hours. It is felt that the water is still insufficient to meet the water needs of the people affected by the non-flowing water.

### **3.2 Obstacles in Providing Legal Protection for Consumers in Clean Water Services by Perumda Tirta Mulia, Pemalang Regency**

In implementing business policies, Perumda Air Minum Tirta Mulia Pemalang Regency faced several obstacles. Even though basic consumer rights have been fulfilled, there are still challenges in providing drinking water services. Obstacles can arise from both business actors and consumers. The process of meeting clean water needs by the Tirta Mulia Drinking Water Company, Pemalang Regency, is also faced with a number of obstacles, such as:

- a. Lack of understanding of the Consumer Protection Law, which, although it has been in effect for twenty years, is not yet fully understood by employees and customers. They do not yet understand all the provisions contained in the UUPK.
- b. Limited capital investment is another obstacle, considering the size of Perumda's service area, which covers 1,115.30 square kilometers with a population of 1,262,013 people. Increased investment is required for installation, water distribution, and equipment.
- c. Regarding human resources, many people feel dissatisfied with Perumda's services, especially regarding bills that suddenly increase. Perumda needs to improve the ability of its human resources to respond to community complaints, show empathy towards customers, and train its workforce in special work areas such as water installation and distribution.
- d. Stagnant production capacity is a problem, considering the wide area coverage and population of Pemalang Regency. Perumda needs to increase production capacity by adding raw water sources, optimizing receivables collection, and monitoring to reduce water loss.

Obtaining raw water sources from springs is another obstacle, prompting a search for alternatives that require high costs. The dry season and raw water crisis in several service areas make it difficult to develop several new connections. In addition, distribution pipes in several areas are located under road asphalt, making operations difficult and disrupting water flow, either weak or dead.

#### 4. Conclusion

Following up on Perppu No. 1 of 2020, Perumda Air Minum Tirta Mulia Pematang Rejang Regency seeks to provide legal protection for consumer rights in accordance with Law Number 8 of 1999 concerning consumer protection. Even though it is not yet optimal due to consumer complaints, Perumda has implemented efforts to protect consumer rights by providing security in drinking water according to quality standards, providing service information via the website, and protecting the right to be treated correctly, honestly, and non-discriminatorily. Protection is also carried out by compensating or providing replacements if goods or services are unsuitable, for example, by sending free water trucks to areas experiencing water problems. Obstacles faced by Perumda Air Minum Tirta Mulia Pematang Rejang Regency in legal protection of clean water services include lack of knowledge about the Consumer Protection Law, lack of capital investment, limited human resources in responding to community complaints, and production capacity, which is still stagnant. It is necessary to increase knowledge, investment, and human resource capabilities and increase production capacity to overcome these obstacles.

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