

LEGAL DRAFTING OF REGULATIONS IN PRIORITY WATERSHEDS JABODETABEK AREA TOWARDS SUSTAINABLE DEVELOPMENT

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ABSTRACT

The framework for sustainable development of watersheds described in this paper is an ecosystem model capable of economic evaluation based on watershed systems theory and practice, by taking watersheds priority JABODETABEK (Jakarta, Bogor, Depok, Tangerang, Bekasi) area as a case that must be protect with regulation. This integrating framework proposed has three primary components (a) regulatory, (b) environmental policy, and (c) community development and regional networks. Environmental damage in Indonesia has been the concern of many parties, both domestically and by internasional. The low carrying capacity Watershed (DAS) as an ecosystem thought to be one of the main causes of natural disasters related to water (water related disaster). Watershed degradation is accelerated by an increase in the utilization of natural resources as a result of population growth and economic development, conflict of interest and lack of integration between sectors, between regions upstream - downstream center, especially in the era of regional autonomy. The approach used in this research problem is to use an empirical approach and normative juridical. Based on the description it can be concluded that the drafting of regulations on management of critical watersheds to be important done. Watershed management as implementation of state laws that recognize and protect and guarantee the rights of citizens of the need for access to justice and equality before the law.

Keywords: Legal drafting, regulations, watershed, sustainable development

INTRODUCTION

A sustainable development agenda is, almost by definition, one of systems change.¹ This is not to be confused with an environmental policy agenda, which is – or should be – explicitly effect-based, and derived from that, a program of policies and legislation directed towards environmental improvements, relying on specific goals and conditions. The sustainable development policy agenda focuses at least on processes, and may extend to more cross cutting technological and social systems changes. John Rawls argues that no transformation in a society should occur unless those that are worse off are made relatively better off.² Operationalizing a Rawlsian world has its difficulties, but law operates to create certain essential rights that enable just and sustainable transformations. These include the right-to-know, the right to participate in decisions affecting one's working/non-working life, and the right to benefit from transformation of the state or global economy. Struggles won at the national level are now being eroded by a shift in the locus of commerce. Without consensus about fair play and the trustee institutions to ensure fair distributions from, and practices in, the new global economy, equity and justice cannot be achieved. It is now agreed that future development must be 'sustainable,' but that means different things to different commentators. Sustainable development must be seen as a broad concept, incorporating concerns for the economy, the environment, and employment. All three are driven/affected by both technological innovation and by globalized trade.³ They are also in a fragile balance, are inter-related, and need to be addressed together in a coherent and mutually reinforcing way.⁴ Technological innovation and trade drive national economies in different ways.⁵

Environmental Regulation and sustainable development concept has grown vast in detail and scope over the past 30 years, addressing today a broad range of business operations and even certain household and individual behavior. The interactive relationship between law and society reveals itself first in the making of environmental law. The framework for sustainable development of watersheds described in this paper is an ecosystem model capable of economic evaluation based on watershed systems theory and practice, by taking JABODETABEK watershed as a case that must be protect with regulation. This integrating framework proposed has three primary components (a) regulatory, (b) environmental policy, and (c) community development and regional networks. Environmental damage in Indonesia has been the concern of many parties, both domestically and by internasional. Increase natural disasters, such as floods, landslides and droughts is increasing. The low carrying capacity Watershed (DAS) as an ecosystem thought to be one of the main causes of natural disasters related to water

¹ Nicholas A. Ashford. (2004). *Promoting New Forms of Work Organization and Other Cooperative Arrangements for Competitiveness and Employability*, Christina Nova-Kaltsouni and Michael Kassotakis (eds.), National and Kapodistrian University of Athens,

² Rawls, John A. (1971). *A Theory of Justice*, Cambridge, MA: Harvard University Press.

³ Ekins, Paul, Folke, Carl, and Costanza, Robert. (1994). Trade, environment, and development: the issues in perspective" *Ecological Economics* 1-12.

⁴ Ashford, Nicholas A. (2001). Innovation – The Pathway to Threefold Sustainability, in *The Steilmann Report: The Wealth of People: An Intelligent Economy for the 21st Century* Lehner, Franz, Charles, Anthony, Bieri, Stephan, and Paleocrassas, Yannis (eds.) Brainduct® - digital edition, pp 233-274, based on Ashford, Nicholas A., "Technological, Organisational, and Social Innovation as Pathways to Sustainability." Available at <http://hdl.handle.net/1721.1/1584>

⁵ Charles, Tony and Lehner, Franz. (1998). Competitiveness and Employment: A Strategic Dilemma for Economic Policy, in *Competitiveness and Change* 3:207-236.

(water related disaster). Watershed degradation is accelerated by an increase in the utilization of natural resources as a result of population growth and economic development, conflict of interest and lack of integration between sectors, between regions upstream - downstream center, especially in the era of regional autonomy. In the era of regional autonomy natural resources placed as a source of income (PAD). Efforts to improve watershed conditions actually began in the 1970s through the Forest Rescue Program, Land and Water (PPHTA), through Presidential Decree Reforestation and Afforestation, followed by the National Movement for Forest and Land Rehabilitation (GN-RHL), the National Movement Saving Water partnership (GNKPA) and the Revitalization of Agriculture, Fisheries and Forestry (RPPK). The goal of these efforts is essentially to realize environmental improvements such as a natural disaster floods, landslides, and droughts in an integrated, transparent and participatory, so that land and forest resources to ensure the optimal functioning of environmental balance and watershed hydrology, and provide benefits socioeconomic significance to the community. In order to improve coordination and continue the communication processes among stakeholders in order to solve the problem of Jakarta Area watershed management in an integrated, it is necessary to initiatives from stakeholders. To realize the integration of programs, activities and funding needs to be an Integrated Resource Management Plan for the Jakarta watershed prepared in a participatory, involving stakeholders (stakeholders), both from the government bureaucracy which will act as a facilitator and actors among both the business community, as well as individuals as well as among academics and observers to formulate strategies (policies and programs / activities) the achievement of mutually agreed objectives on the basis of the distinctive character of the condition of natural resources (natural capital), the air (atmosphere), the land and its constituent rocks, vegetation, wildlife; human resources (human capital) and its formal institutions and informal institutions of society (social capital), as well as resource artificial (man-made capital).⁶ Based on the above description indicates the need for an integrated watershed management should involve natural resource management stakeholders consisting of the elements of society, business, government, and the local government with the principles of integration, equality and is committed to applying the implementation of natural resource management fair, effective, efficient and sustainable. In the implementation of the integrated watershed management required a comprehensive plan that accommodates various stakeholders in a DAS. For guidelines for the preparation of an Integrated Watershed Management Plan that can be used as a reference for such stakeholders. Stakeholders have a commitment to program and carry out activities in order to achieve the objectives that have been agreed. The integrated approach also recognizes the importance of the role of community participation in watershed management, including planning, policy formulation, implementation and collection of benefits. Originally watershed management planning more approach to physical and sectoral factors. Since the 2000s have begun watershed management with a holistic approach, called the Integrated Watershed Management planning, the watershed are categorized as priority watersheds. The determination of the order of priority watersheds based on the criteria and considerations such as: (1) the order of priority watersheds need to be adjusted in consideration of more advanced techniques and developing the policy considerations at this time; (2) watershed management also requires a strong principle of legality and binding to the relevant agencies in the coordination and planning of watershed management policies; and (3) changes in the direction of centralization to decentralization of government. The importance of the position of the watershed as a whole management unit is a logical consequence to maintain the sustainability of forest resources, land and water. Less precise information regarding the physical and social conditions in the watershed will affect the quality of planning and may eventually lead to degradation of natural resources and the ability of the watershed to support environmental balance. In line with the implementation of policy autonomy, which the local government, both provincial and district / city has the authority and responsibility to regulate his government's own household, then the use of natural resources and land is an important factor to drive the economic activities of society. In an effort to realize the management and utilization of natural resources and land optimally while maintaining the balance of ecosystems and the sustainability of the watershed, then all parties with an interest in watershed management should conduct its activities in a measurable and aligned with other related parties. To align activities and cross-sectoral activities and the scope of public administration across the province of Jakarta, the necessary local regulations governing the management and utilization of natural resources and land in the watershed ecosystem units in the Jakarta. Local regulations that will set forth in Regulation is a load on the utilization of natural resources such as forests, soil and water as one of the capital base of national development, to be implemented as well as possible on a sustainable basis, the principle of harmony and optimal utilization, which can provide economic benefits, ecological and social balance. Management and use of forests and land that is not in accordance with the principles of conservation and beyond the capabilities / carrying capacity, will cause degradation of the environment, including the presence of degraded land. Besides, the behavior of people who do not support the conservation such as illegal logging and forest encroachment will lead to deforestation and natural disasters spur floods and landslides during the rainy season, fires and drought in the dry season, as well as river water pollution, siltation of reservoirs, coastal erosion, and irrigation malfunction as a result of excessive sedimentation.

RESEARCH PROBLEMS

Based on the above arguments it is necessary to become a reference in the regulation of integrated watershed management should involve stakeholders in natural resources and land management, which consists of the elements of society, business, government, and the local government with the principles of integration, equality and is committed to applying the implementation of natural resource management that is fair, effective, efficient and sustainable. The important question are:

1. How to formulate a draft academic paper on a comprehensive watershed management and is scientifically and fulfilling aspects of philosophic, juridical and sociologic.

⁶ Handayani, I Gusti Ayu Ketut Rachmi (2013) *Urgency of Regulatory Priorities Watershed in Order To Conduct An Integrated Watershed administrative Law In Indonesia*, International Conference on Law, Business and Government 2013, UBL, Indonesia

2 . How the points settings that need to be formulated in the draft regulation on watershed management in accordance with the principle *rechmatigheid* and *doelmatigheid* received by communities of Jakarta.

RESEARCH METHODS

The approach used in the research problem is to use an empirical research approach and normative juridical . Juridical empirical studies with the aim to see problems in the field that can be resolved or sought legal foundation or juridical reference. Empirical research means collecting and analyzing data about law. It is a method of research rather than an end in itself and may be conducted with different aims in mind; simply to know more about some aspect of law.⁷ The study documents the analysis consists of legislation and various policies relating to the subject matter under study in the province of Jakarta area and the problems it faces and report results from a variety of meetings, seminars , public hearings. The data used in this study can be classified into two types, primary data and secondary data. The primary data sources such as interviews , questionnaires and observations from the field. Secondary data sources include primary legal materials , secondary and tertiary, which includes : Act , government regulation and other legislation relating to the policies in the Local Government as well as the applicable provisions of the supporting research data. Methods of Data Collection : To obtain the data of primary legal materials and secondary legal materials as well as materials tertiary law , business studies conducted with documents or literature that includes data collection efforts by visiting libraries , reading , literature review and study materials that have a strong link with subject matter. Furthermore, the data obtained, edited, specifically identified objectively and systematically, clarified, presented and then analyzed further in accordance with the objectives and research problems. To obtain primary data conducted in-depth interviews with the relevant parties, distributing questionnaires, field surveys, and also performed in the form of colloquium with relevant resource persons, as well as intensive discussions with a limited number of participants.

ANALYSIS AND DISCUSSION

Strategic environmental planning for sustainable development of JABODETABEK watersheds is necessarily precisely because we cannot forecast, predict or manage the future reliably. Planning is necessary to design and develop the necessary framework and methodologies for sustainable development. The underlying planning principles used for developing this framework are those in UN Agenda 21. With the number of signatories to this international convention reaching the required levels stipulated in 1992 by heads of government from around the world, UN Agenda 21 has now become international law for sustainable development and environmental protection. There is an official summary of the 27 principles contained in Agenda 21. UN Agenda 21 is the empowering document of many different initiatives, local, regional and international. Both the United Nations Environment Program and Food and Agriculture Organisation of the United Nations in recent years have highlighted the implications of Agenda 21 for land and water resource management.⁸ UN Agenda 21 transcends the resource management paradigm in many ways. Management models are about making the best use of what we have, of managing resources and the environment wisely. This is the resource conservation model that dominated conservation thinking in the 20th century. Eight Priority Watershed in JABODETABEK are still very degraded. They are unable to perform normal watershed functions like storm water retention in regolith aquifers. In degraded environmental areas there is an urgent need to focus more on strategic planning for ecologically sustainable development rather than rely on sustainable resource management. It is important to benefit from the environmental restoration of landscapes through integrating conservation and development. This requires environmental planning for sustainable development. Agenda 21 transcends the resource management model and promotes a new set of more democratic and holistic models as the dominant paradigm for environmental protection and human settlement. Called environmental conservation by Dasman it is now generally referred to as ecologically sustainable development⁹. Unlike sustainable management by technical experts controlling natural resources, ecologically sustainable development is focussed on social equity and ecological dynamics of cultural change. The objective is making the world a safer, more healthy place to live though sustainable development of the environment.

It is important to recognize that the UNEP/FAO focus on natural resource management, land and water management and sustainable management of the environment is only part of the holistic picture contained within Agenda 21. UNESCO's programs for example, are more focussed on integrating cultural and scientific aspects of Agenda 21 through various programs such as World Heritage Areas. It is necessary to recognise that the technocratic and regulatory approach of resource management is being replaced with more equitable participatory approaches of community development through environmental planning frameworks. Resource organisations do not necessarily disappear, however their roles and responsibilities change in fundamental ways. To help clarify this important issue, so that policies for integrated environmental programs can be implemented more effectively.

Evaluation and analysis of this legislation to emphasize two points. First, how to do an analysis of the legislation . Second, how to evaluate the legislation. The first more contact with the theory of legislation, such as the definition of legislation, grouping rule of law , the nature , the hierarchy of legislation , the charge contained in the legislation , including the right to examine the legislation . While the latter will be seen from the perspective of public policy. This was done to determine the legal needs of the community, especially to assess the legislation being enacted.

⁷ D.J. Galligan. (2007). *Legal Theory and Empirical Research*. The Oxford Handbook of Empirical Legal Research. pp. 977

⁸ UNEP & FAO. (1996). *Our Land Our Future*. UNEP & FAO, Rome, Italy.

⁹ Dasman R. (1959). *Environmental Conservation*. John Wiley & Sons New York USA.

In the context of watershed management , legislation related directly and indirectly are as follows :

1. Act No. 5 of 1960 on Basic Regulation Agrarian.
2. Act No. 5 of 1990 on Conservation of Biological Resources and ecosystem.
3. Act No. 13 of 2014 on Forestry.
4. Act No. 7 of 2004 on Water Resources.
5. Act No. 18 of 2004 on Plantations.
7. Act No. 32 of 2004 on Regional Government.
8. Act No. 26 of 2007 on Spatial Planning.
9. Act No. 32 of 2009 on the Protection and Environmental Management.
10. Act No. 41 of 2009 on the Protection of Agricultural Land Sustainable Food.
- 12 . The Government Regulation No. 32 of 1950 on the Effectivity of the Act No. 13 of 1950 on the Establishment of district areas in Jakarta Area Provincial Environment.
13. The Government Regulation No. 28 of 1985 on the Protection of Forests.
14. The Government Regulation No. 6 of 1988 on the Coordination of Vertical Institutions.
15. The Government Regulation No. 69 of 1996 on Implementation of Rights and Obligations And Forms and Procedures for Public Participation in Spatial Planning.
16. The Government Regulation No. 47 of 1997 on National Spatial Plan.
17. The Government Regulation No. 68 of 1998 on Nature Reserve Area and Conservation Areas.
18. The Government Regulation No. 8 of 1999 on the Use of Wild Fauna and Flora.
19. The Government Regulation No. 27 of 1999 on Environmental Impact Assessment.
20. The Government Regulation No. 10 of 2000 on the level of accuracy Map for Spatial Planning.
21. The Government Regulation No. 16 of 2004 on Land Use Administration.
22. The Government Regulation No. 44 of 2004 on Forestry Planning.
23. The Government Regulation Number 45 of 2004 on the Protection of Forests.
- 24 . The Government Regulation No. 79 of 2005 on Guidelines for the Development and Control of Regional Government.
26. The Government Regulation No. 20 of 2006 on Irrigation.
- 27 . The Government Regulation No. 6 of 2007 on Forest Management and Forest Management Planning and Forest Utilization.
- 28 . The Government Regulation No. 38 of 2007 on the coordination between the Government, Provincial Government, and the Government of Regency / City.
29. The Government Regulation Number 42 of 2008 on Water Resources Management.
30. The Government Regulation No. 24 of 2010 on the Use of Forest Area.
31. The Government Regulation No. 37 of 2010 on Dams.
- 32 . The Government Regulation No. 1 of 2011 on the Determination of Transfer Function of Land and Food Sustainable Agriculture.
33. The Government Regulation No. 38 of 2011 on the River.
34. The Government Regulation No. 37 of 2012 on Watershed Management.
35. Decree of the President of the Republic of Indonesia Number 32 of 1990 on the Management of Protected Areas.
36. Regulation of the Minister of Public Works of the Republic of Indonesia Number 11 A/PRT/M/2006 on Criteria and Determination of the River Region.
37. Regulation of the Minister of Forestry of the Republic of Indonesia , No. P.39/Menhut-II/2009 on Guidelines for Preparation of Integrated Watershed Management Plan.
- 38 . Regulation of the Minister of Home Affairs Number 53 of 2011 on the Establishment of Regional Legal Products.
- 39 . The Jakarta Area Provincial Regulation No. 22 of 2003 on the Management of Protected Areas in Jakarta Provincial.
- 40 . The Jakarta Provincial Regulation No. 6 of 2010 on the Provincial Spatial Plans Jakarta Year 2009-2029.

Under the terms of the legislation mentioned above , the analysis and evaluation of the law as follows. :

a . Substance of the Act No. 7 of 2004 on Water Resources includes philosophy relating to the need to maintain the availability of water that is in the imbalance between the availability of water which tends to decline and increasing water demand , water resources must be managed with due regard social function, environment and economic harmony. So the management of water resources should be managed to realize synergies and harmonious integration between regions , between sectors , and between generations . This is in line with the spirit of democratization, decentralization, and openness in order of society, nation, and state, people need to be given a role in water resources management.

b. Several important substance in Act No. 7 of 2004 related to related to water resources :

River basin is the territorial integrity of water resources management in one or more watersheds and or small islands covering an area of less than or equal to 2,000 km². A watershed is an area of land which is an integral part of the river and its tributaries , which serves to accommodate, store, and drain water from rainfall to the lake or the sea naturally, which is the dividing boundary on land topographic and boundary in the sea until the water area is still affected by land activities .

In the Act is set on how to keep the existence of water resources so that its presence can be beneficial to the interests of humanity, which is done through the conservation of water resources . Conservation of water resources is intended to maintain the continuity of the existence of the carrying capacity, capacity, and functions of water resources , and carried out through the protection and preservation of water resources , water preservation and water quality management and water pollution control with reference to the pattern of water resources management per region on the river. Conservation of water resources implemented in rivers, lakes, reservoirs, wetlands, groundwater basins, irrigation systems, water catchment areas, nature

reserves, conservation areas, forests, and coastal areas. The protection and conservation of water resources is intended to protect the environment and their water sources existence or disruption caused by natural. While the protection and conservation of water resources through:

- a. maintenance of the continuity of the functions of water absorption and catchment area
- b. controlling the use of water resources
- c. filling of water at the water source
- d. setting and sanitation infrastructure
- e. protection of water resources
- f. control of soil cultivation in the uplands
- g. setting a border area of water resources
- h. forest and land rehabilitation
- i. conservation of protected forests, nature reserves, and areas
- j. nature conservation.

Including water preservation efforts in the Act is also described, ie preservation of water intended to maintain the existence and availability of quantity of water, in accordance with the functions and benefits. Water preservation is done with ways:

- a. storing excess water in the rain to be utilized at the time of need
- b. conserve water with the use of an efficient and effective
- c. controlling the use of ground water
- d. In the Government Regulation No. 37 Year 2012 on Watershed Management philosophy explained the urgent need to decrease the carrying capacity of the watershed is characterized by the occurrence of floods, landslides, erosion, sedimentation and dryness, which can lead to disruption of the economy and the livelihood of the people, then the carrying capacity of the watershed should be increased.

Several important substance Government Regulation No. 37 of 2012 on Watershed Management:

- a. Watershed herein after referred watershed is an area of land which is an integral part of the river and its tributaries, which serves to accommodate, store and drain water from rainfall to the lake or the sea naturally, the limit on land is topographic and boundary separation in the ocean until the water area is still affected by land activities.
- b. Watershed management is man's attempt to regulate the mutual relationship between the human resource in the watershed and all its activities, in order to realize sustainability and harmony of ecosystems and natural resources for the benefit of increasing human sustainable.
- c. Setting watershed management in government regulation is a comprehensive settings from upstream to downstream in full and shall be implemented through the following phases:
 1. planning
 2. implementation
 3. monitoring and evaluation
 4. coaching and supervision.

And conducted in a coordinated involving cross- Related Agencies in the administration area as well as community participation. One of the regional authority in this case is set in Regent Watershed Management Plan, which will be one of the basis in the preparation of development plans in each sector and region - district. Public participation in watershed management apart done either individually or through watershed management coordination forums. For community participation is done through coordination Forums watershed management is done to assist in supporting the implementation of watershed management integration.

Watershed management coordination forum has functions for:

- a. community and share their aspirations related to watershed management
- b. contribute ideas in watershed management
- c. grow and develop the role of community supervision in watershed management.

Public participation in person can be:

- a. establish, maintain and enjoy a quality environment produced by watershed ecosystems
- b. obtain and provide information, advice and consideration in watershed management and
- c. training and education related to watershed management.

Based on Act No. 5 of 1990, Act No. 32 of 2009, Act No. 13 of 2014, and Act No. 26 of 2007, that the natural resources in this regard, including natural resources, management controlled by state, its management by government and used for the prosperity and welfare of the people. Public services in order to utilize the natural resources for the people's welfare should be used for long-term good for today and for generations, then the utilization should be carried out with a fixed base for sustainable use, it is in accordance with the provisions contained in the Act No. 5 of 1990, Act No. 32 of 2009 and Act No. 13 of 2014. In addition, the use of natural resources must also respect the rights of indigenous communities, so the use of natural resources, especially forests, can be managed by customary law society, but the terms are still in the construction of national interest.

Inside the Act No. 7 of 2004 on Water Resources includes philosophy relating to the need to maintain the availability of water that is in the imbalance between the availability of water which tends to decline and increasing water demand, water resources must be managed with due regard social function, environment and economic harmony. So the management of water resources should be managed to realize synergies and harmonious integration between regions,

between sectors , and between generations. This is in line with the spirit of democratization, decentralization, and openness in order of society, nation, and state, people need to be given a role in water resources management.

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- a. maintenance of the continuity of the functions of water absorption and catchment area.
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In addition, the use of natural resources must also respect the rights of indigenous communities, so the use of natural resources, especially forests, can be managed by customary law society, but the terms are still in the construction of national interest. To the problem of the division of authority, in accordance with the current developments with the issuance of Act No. 22 of 1999 which was later replaced by Act No. 32 of 2004 where there has been a shift in authority from centralized to decentralized, so need a clear division of authority between the Provincial Government and District Government.

The law above lowered on Government Regulation No. 28 of 1985, Government Regulation No. 35 of 1991, Government Regulation No. 69 of 1996, Government Regulation No. 8 of 1999, Government Regulation No. 27 of 1999, Government Regulation No. 10 of 2000, Government Regulation No. 16 of 2004, Government Regulation No. 44 of 2004, Government Regulation No. 45 of 2004, Government Regulation No. 79 of 2005 and Government Regulation No. 37 Year 2012. Development environment aimed at the realization of preservation of the environment in balance and harmony dynamic with population growth and national development efforts to ensure sustainable development. Particularly regulated in Government Regulation No. 37 of 2012 for the formulation Regulation on Integrated Watershed Management at the provincial and district levels, the presence of watershed forum, and the protection of protected areas and areas of cultivation. To carry it out and then set in the Regulation of the Minister of Public Works of the Republic of Indonesia, No. 11 A/PRT/M/2006 and Regulation of the Minister of Forestry of the Republic of Indonesia, No. P.39/Menhut-II/2009, which mandates the importance of the implementation of integrated watershed management requires comprehensive planning that accommodates various stakeholders in a watershed. For that we need guidelines for the preparation of an Integrated Watershed Management Plan that can be used as a reference for stakeholders.

A key step in environmental planning for sustainable development of watershed catchments, perhaps the most important from the view of stakeholders, is reaching agreement on a sustainable development strategy. Both participatory approaches and capacity building methods are necessary to gain the commitment of stakeholders to this important instrument. Without this agreement there is insufficient community commitment to a long-term vision suitable for coordinating sustainable development initiatives within the watershed. Watersheds require common sense approaches far more than rules and regulations. Common sense becomes cultural intelligence, the collective wisdom of society, when it enters the collective unconscious. In the field of environmental psychology, environmental common sense can take hundreds even thousands of years to become so natural and normal that it is no longer recognised or considered as knowledge to be taught. Commonsense cannot be taught or learnt as knowledge because it operates at the subconscious level automatically often from the earliest years. In Jungian psychological terms it has entered into the collective consciousness of the culture. More often than not cultural intelligence is enshrined in cultural myths and legends and reinforced regularly by festivals and other social institutions. They are so apparent that it is taken for granted by most people, much like land tenure and resource assignment systems.

CONCLUSION

Based on the description, it can be concluded that the drafting of regulations on management of critical watersheds to be important. Watershed management as implementation of state laws that recognize and protect and guarantee the rights of citizens of the need for access to justice and equality before the law. Juridical implications are clear evidence of the existence of attribution of authority in the formation of legislation (attributie van wetgevingsbevoegdheid) form authorizing the legislation given by the law to a local government to prepare a follow-up to the Regional Regulation SDA Act, Forestry Act, Local Government Act and Regulation watershed management. The presence Regulation on Management of watersheds in the province of Jakarta in order to fulfill the command hierarchy of legislation and sociologically will further streamline the implementation of watershed management to the residents in the Jabodetabek.

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