

ABSTRACT

The Constitutional Court's Decision Number 85/PUU-XI/2013 has abolished the Law No 7 of 2004 on Water Resources and reactivated the Law No 11 of 1974 on Irrigation. This decision has caused some legal implications for the regulation of Water and Clean Water Supplying System in Indonesia. This research is empirical and normative legal research. The result of this study shows that the constitutional court decision No 85/PUU-XI/2013 still leaves some problems. *First*, there are some legal implications after the issuance of the Constitutional Court's Decision Number 85/PUU-XI/2013 on regulation and clean water supply system in Indonesia. *Second*, the constitutional court assumed that the Law No 7 of 2004 on Water Resources contained privatization opportunities in water resources management which are not in accordance with Article 33 Paragraph (3) of the 1945 Constitution. *Third*, the regulation of water and clean water supplying system in Indonesia still using the Derivative Regulation under the Law Number 7 of 2004 even though the law has abolished and has no legal binding anymore. *Fourth*, if the Law No 7 of 2004 and the Law No 11 of 1974 are compared. In similarity, both of these Laws are essentially the same, both Laws regulate water to endure the fulfillment of every citizen needs of water while in the differences, these Laws actually are very different. This research proposes a recommendation to the government to immediately make a new law related to the water resources management which is in accordance with the consideration of the Constitutional Court.

Keyword: Constitutional Court Decision, the Regulation of Water Resources, Legal Implications