

**MANAGEMENT OF DRINKING WATER SUPPLY SYSTEM
(UMBULAN)
IN OPEN GOVERNMENT CONTEXT**

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ABSTRACT

The Drinking Water Supply System (Umbulan) project was planned for 43 years but only realized in 2016. The failure of the Umbulan SPAM project cooperation was caused by the project that was not financially feasible and the tariff applied was too high. In 2012 the Vice President of the Republic of Indonesia Boediono initiated the concept of Open Government to be applied to private companies or state-owned enterprises. The purpose of this study was to determine the application of the concept of Open Government from various relevant stakeholders, namely the Central Government, Provincial Government, District / City Government, related Ministries, PDAB, PDAM, PT PII, PT SMI, and the Community. This study used a qualitative research methodology, while the data collection techniques were carried out by in-depth interviews, FGDs, and empirical observational studies. The results show that most of the relevant stakeholders have implemented the principles of Open Government based on Open Government Indonesia (OGI), OECD, and the Ministry of Transportation. Although some data is not openly provided because it involves secret state documents that cannot be publicly published. The principle of Open Government accelerates coordination among stakeholders related to the Drinking Water Supply System (Umbulan) project.

Keywords: *SPAM (Umbulan), Open Government, Business Entity Government Cooperation*

A. INTRODUCTION

Drinking water is a very important and vital basic need. Provision of drinking water needs often conflicts of interest between the government, the private sector, and the community. This problem arises because drinking water management is also one of the national strategic programs to be developed in Indonesia. The increase in population of a country causes the consumption of water to increase and this results in the discharge of raw water sources.

The regulations governing Water Resources often overlap with related regulations. One example is Law no. 7 of 2004 Article 5 which explains "The State guarantees the right of everyone to get water for minimum daily basic needs in order to fulfill a healthy, clean and productive life. However, the regulation was canceled by the Constitutional Court decision Number 85 / PUU-XII / 2013, the Constitutional Court was convinced and stated that "Water Resources are part of human rights, the resources contained in water are also needed by humans to meet other needs, such as for agricultural irrigation. , power plants, and for industrial

purposes. The Constitutional Court considers that the right to control the state over water can be said to exist if to make policies (*beleid*), still control in implementing management actions (*bestuursdaad*), regulatory actions (*regelendaad*), management actions (*beheersdaad*), and supervisory actions (*toezichthoudensdaad*). The cancellation of Law Number 7 of 2004 means that it returns to the regulation of Law Number 11 of 1974.

The decision of the Constitutional Court Number 85 / PUU-XII / 2013 was strengthened through Government Regulation, namely PP Number 122 of 2015 concerning the Drinking Water Supply System, this regulation limits the space for the private sector in the drinking water supply business. In the future, the private sector can only invest in the supply, processing of raw water and construction of distribution networks. Thus the private sector can invest in drinking water pipe connection projects, however, those who distribute water to the community are BUMN / BUMD.

East Java has experienced quite rapid population and economic growth in the last few decades. This has an impact on the consumption of drinking water that is consumed by the community, the amount of this consumption and the quality of this drinking water are some of the challenges for public policy makers. So far, the quality of drinking water consumed by the community is still low, this is due to the fact that one of the water sources used is Kali Jagir, whose water quality is actually inadequate. The government has begun to launch another program, namely looking for better water sources. In this case the government observes that in Pasuruan there are springs (Umbulan) that are very clear, these springs have been managed since its 43 years since 1975 to 2018 this program has been resumed.

The provision of drinking water in East Java is one of the areas that chooses the main function as a living system by providing drinking water, apart from being seen from the feasibility of drinking water, it can also be seen from the percentage of households by Regency / City and Household Drinking Water Sources in East Java with details as follows:

Table 1. Percentage of Households by Regency / City and Source of Household Drinking Water in East Java 2014-2016

District/City	Bottled / Refilled Water			Plumbing / Pump			Protected wells / springs			Unprotected wells / springs			River / Rain / Other		
	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
Kota Surabaya	79.31	82.50	81.94	20.60	17.50	17.80	-	-	0.27	0.09	-	-	-	-	-
Gresik	75.04	77.02	77.56	13.51	14.00	10.72	8.97	7.08	8.73	-	-	0.68	2.49	1.89	2.32
Lamongan	59.23	57.95	68.93	22.22	19.79	14.79	11.79	15.22	11.67	0.81	0.33	0.85	5.94	6.73	3.76
Kota Mojokerto	59.16	61.42	69.83	40.08	37.39	29.59	0.77	0.91	0.57	-	0.28	-	-	-	-

Sidoarjo	54.59	51.6 6	56.9 7	17.1 5	19.3 1	18.8 5	28.2 6	28.9 5	24.1 1	-	0.08	0.07	-	-	-
Kota Pasuruan	35.72	32.8 4	40.3 9	60.2 9	64.7 5	57.6 7	3.99	2.40	1.94	-	-	-	-	-	-
Mojokerto	23.60	24.1 5	25.2 5	55.0 9	55.3 2	51.2 0	20.6 7	18.3 2	21.9 9	0.64	2.21	1.55	-	-	-
Pasuruan	8.79	13.1 4	12.1 3	44.3 7	41.1 2	37.6 6	45.3 7	41.8 4	48.4 4	1.30	3.81	1.65	0.17	0.10	0.12
East Java Average	23.24	23.6 9	25.8 1	33.0 3	33.2 2	32.2 0	38.8 3	37.9 6	36.7 5	4.10	4.42	4.61	0.82	0.70	0.62

Source: National Socio-Economic Survey Results, 2009-2016 BPS East Java Province

Based on Table 1, it can be explained that water consumption in East Java has increased from year to year along with population growth and economic growth. In the city of Surabaya, the fulfillment of drinking water needs reached 79.31% in 2014 and continues to increase to 81.94% in 2016. This illustrates that to fulfill drinking water needs in East Java, people rely more on bottled drinking water from companies. private.

Meanwhile, the spring (Umbulan) in Pasuruan Regency, East Java, has a high water discharge and is estimated to be able to meet the water needs of the city of Surabaya. The data show that Pasuruan City uses its drinking water needs from piped / pump or protected wells / springs. Combined, the percentage reaches 90% of their drinking water needs. In the area of Pasuruan which is the best source of springs in East Java, it is estimated that the discharge of this spring can serve up to 1.3 million people around it, including the city of Surabaya.

The potential customers in the city of Surabaya are also very high, it can be seen from the number of customer data for the city of Surabaya as follows:

Table 2. Data on the Number of Drinking Water Customers in the City of Surabaya 2012-2016

No.	Type of Customer	Y E A R				
		2012	2013	2014	2015	2016
1	Housing	414.714	466.529	483.875	493.042	502.124
2	Government	1.396	1.213	1.247	1.265	1.239
3	Trading	32.561	33.899	35.423	36.411	38.089
4	Industry	403	398	411	403	404
5	General Social	3.482	3.573	3.676	3.741	3.794
6	Special Social	1.608	1.940	2.051	2.116	2.163

7	Port	5	5	5	5	6
Total		485.169	507.557	526.688	536.983	547.819
Total population		2.750.357	2.772.450	2.790.414	3.283.975	3.274.687
Population Served		2.389.498	2.495.737	2.585.137	3.042.931	3.127.782
Service Coverage		86.88%	90.02%	92.64%	92.66%	95.51%

Source: PDAM Surabaya City, 2017

Data Table 2 shows that the number of customers from 2013 in the government customer sector experienced a decline, and in the industrial customer sector in 2013 also experienced a decline. Some interesting things are that service coverage has never reached 100% when in the present, the City of Surabaya has everything down to technology, facilities, infrastructure, human resources, or raw materials.

The Drinking Water Supply System (Umbulan) Program has been carried out for 43 years, in 1955 the Pasuruan City Government was held by a Mayor but the application for control of water sources (Umbulan) failed to be implemented. In 1972 PDAM Kodya Pasuruan received the right to use a spring (Umbulan), but it has not been able to reach other areas in East Java. In 1987 a government project of ± USD 120 million was financed by the Japanese OECF Soft-Loan by the Ministry of Public Works, but it was canceled due to changes in the private implementation scheme and at that time it had not implemented the principle of Open Government.

In 1991-1995, one of the private companies that won the auction, namely (PT Bromo Consortium) was the winner appointed to replace (PT Bimantara Siti Wasesa), but (PT Bromo Consortium) did not yet have an Autonomous Trade Preference-Grant certificate to reduce the bulk water tariff that would be managed.

Continued in 1997-1999 (PT Mandala Citra (Umbulan)) as the initiator submitted an application to implement the project (Umbulan) to PDAB based on the Instruction of the Minister of Home Affairs No. 21 of 1996. However, it failed again because it was able to provide until the end of the Financial Close deadline.

Furthermore, the SPAM (Umbulan) project was also initiated by Bappenas and the Ministry of Public Works in 2000-2010 through a project procurement scheme (Umbulan) through KPS based on Perpes No. 67 of 2005. Where the provision of this (Umbulan) project was carried out by INDII (Indonesia Infrastructure Initiative) assigned by Bappenas. However, this initiation also could not take place.

The government is trying to continue this megaproject in various ways, one of the efforts is by conducting a 2011 auction committee conducted by the East Java Provincial Government based on Presidential Decree No. 67/2005. Running for one year, the East Java Provincial Government carried out the auction process by issuing the initial auction documents in February 2012, and 2 addendums to

the tender documents, namely in 2012 and 2013. This process is back because it is waiting for the approval process from the government, namely Viability Gap Found (VGF).

Presidential Decree No.3 of 2016 is the main basis for this project, which is one of the national strategic projects where accelerated development is used through the Public Private Partnership (PPP) scheme. The SPAM PPP project (Umbulan) was carried out between Soekarwo as the Person in Charge for Cooperation Projects (PJKP) with the Director (PT Meta Adya Tirta) (Umbulan), Yusirin and witnessed by the Minister of Public Works and Public Housing (PUPR) Basuki Hadimuljono, Coordinating Minister for the Economy Darmin Nasution and Deputy Minister of Finance Mardiasmo the signing was also witnessed by Coordinating Minister (Menko) for the Economy Darmin Nasution, Minister of State Secretary Pratikno, Minister of Finance Sri Mulyani, Minister of National Development Planning (PPN) / Head of Bappenas Bambang Brodjonegoro and East Java Governor Soekarwo in Jakarta.

The meeting to discuss the SPAM PPP Project Cooperation (Umbulan) also signed three derivative agreements, namely the agreement between East Java Governor Soekarwo and the Director (PT Penjamin Infrastruktur Indonesia) (PII) (Government Guarantee) Sinthya Roesly. Then the agreement for the supply of bulk drinking water between the Regional Clean Water Company (PDAB) East Java between the President Director of PDAB East Java, Joko Triono and the Director (PT Meta Adhya Tirta (Umbulan)) Yusirin. Then a third agreement was also signed between (PT Penjaminan Infrastruktur Indonesia) and (PT Meta Adhya Tirta (Umbulan)). In addition, there has also been a handover of infrastructure guarantees from (PT Penjaminan Infrastruktur Indonesia) (PII) to (PT Meta Adya Tirta (Umbulan)) as the project implementing business entity and the delivery of support for feasibility of construction costs (Viability Gap Fund) / VGF of IDR 818 , 01 billion as a form of initial support for the SPAM PPP project (Umbulan) by the Minister of Finance and submission of support from the Ministry of PUPR submitted by Basuki to the Governor of East Java, namely Soekarwo.

The many failures of the PPP Model which are a long story of the implementation of the SPAM (Umbulan) project have made the government apply a new principle introduced in 2012, namely Open Government. The principle of Open Government was initiated when the Open Government Partnership (OGP) was formed with 7 countries, namely: the United States, Brazil, Mexico, England, Norway, South Africa and the Philippines. OGP was launched by President Barac Obama and President Dilma Rousseff at the United Nations General Assembly in New York, United States. In Indonesia, the concept of Open Government was introduced by Vice President Boediono in January 2012. Through the Open Government Indonesia agreement, the government and non-governmental institutions can agree on and determine the right steps to encourage access to information on the activities of Public Bodies that are financed by the State and for the realization of public services. cheap, easy and high quality.

Open Government Policy is a tool to improve the quality of democratic life in a country to improve the fulfillment of people's needs (OECD: 2016). This

policy generates a variety of benefits for the investment climate and society, including for the government implementing the policy. Some key examples of Open Government policies are ensuring better policy outcomes, increasing policy efficiency and effectiveness, improving compliance with policies and regulations, promoting inclusive socio-economic development, and fostering innovation.

Government policy through Open Government commitments in this case is the openness of data related to the Viability Gap Fund (VGF). VGF is a fund provided by the government for a PPP or PPP project in order to increase the financial viability of an infrastructure project. This VGF fund is prioritized for infrastructure projects with high social functions, such as toll road construction or drinking water supply.

B. THEORETICAL FRAMEWORK

Water and Sanitation Provision in eThekweni Municipality: A Spatially Differentiated Approach (Sutherland et al, 2014: 469-488)

This study This research discusses water governance in South Africa. This study identifies and discusses four dominant discourses on water governance. This research provides a context for the reforms being undertaken in water supply and sanitation in the city of eThekweni. Water governance in the city of eThekweni can be categorized as being in an experimental governance phase. Most of the shifts that have taken place can be attributed to good leadership, high levels of capacity, and co-production of knowledge through the involvement of various actors in the water management area. The author makes this research a reference that observes water governance and how the local cultural community responds to these reforms.

The Role of Public Private Partnership (PPP) in Development of Indian Railway (IR) (Phuyal, 2015: 13-27)

This study analyzes the procurement of public private partnerships to develop the rail industry and economy in India. Previous studies are not sufficient to discuss the clear features, policies and opportunities of the Public Private Partnership (PPP) of railways in India. The aim of this study is to explain the role of PPP in the development of Indian railways. This research is based on secondary data obtained from various related sources. This study discusses the history of partnerships that exist in India, especially in the railroad sector. This research is a descriptive qualitative research that describes how PPP plays in the development of the railway sector. This writer takes this research to integrate existing partnership theory studies in order to answer a phenomenon that occurs. The phenomenon in this study explains the role of the Public Private Partnership in the construction of Indian railways. This research raises the topic of the government's failure in clean water management that occurred in New Delhi, India.

Water Governance and Supply in Urban Areas (Roy et al, 2013: 293-302)

This research was conducted in New Delhi India. The purpose of this study is to describe how the governance of water supply in New Delhi is not running well due to government policies that prioritize development in the city center compared to those in the suburbs. The conclusion of this study is against the

governance provided by the government on the basis that the marginalized community also needs to get proper clean water, based on the research findings that in that area clean water is not able to serve 50% of the population, which means the community is experiencing a clean water crisis.

Open Government Theory

Open Government is a concrete form when a country will carry out comprehensive public sector reforms. It is hoped that Open Government will generate ideas, initiatives and practices of open government that can accelerate the achievement of targets and priorities. Mainly in realizing governance that is clean, effective, democratic, and reliable.

Open Government in general is a form of open data carried out by the government to provide education to the public. According to the Open Government Indonesia (OGI), the Open Government Partnership (OGP) is a global movement that aims to provide a framework for stakeholders in member countries to encourage the development of a government that is open, accountable and responsive to the needs of citizens. In addition, OGP also encourages the use of the latest technological innovations to facilitate the process of government administration.

In line with this, the OECD defines Open Government as "transparency of government actions, accessibility of government information and services and responsiveness to government to new ideas, demands and needs". Together, these three points mutually support a number of benefits for the government and society, namely: improving the evidence base for policy making, strengthening integrity, discouraging corruption and building public trust in the government. An open government agenda is changing how governments around the world conduct their business.

Access to information laws, which were first pioneered in Sweden more than 200 years ago, is becoming mainstream worldwide, with about 70 countries having some variation of laws in place. A growing number of countries have independent oversight and enforcement bodies such as the Audit Board, Ombudsman Office, or Information Commissioner to ensure that public authorities comply with their duties with regard to transparency and accessibility. Many governments are now also experimenting with ways to make public services more responsive to community needs, through consultation and other forms of citizen and stakeholder participation.

As governments fully commit to an openness agenda, we are beginning to see the impact that commitment has on governance and service delivery on the ground. This impact varies widely between countries because the notion of openness is interpreted and applied differently. However, despite these inevitable national variations, general principles about what openness means and how it can be applied can emerge. A number of attempts have been made in recent years to track, measure and compare developments in government openness internationally, including a comparative analysis conducted by the OECD since 2002.

Open Government has also become a major measure of the openness of several good governments. According to the official website of the Open

Government Partnership where this site is the one that bridges several common opinions about how Open Government is implemented in several countries, the site defines the Open Government Partnership as:

“The Open Government Partnership is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a Steering Committee including representatives of governments and civil society organizations. ”

Furthermore, the Ministry of Transportation of the Republic of Indonesia stated that the concept of Open Government basically implies that an open / transparent government invites elements of the people to participate and invites all elements of society to collaborate in solving various problems for the welfare of the people. Open Government practically actualizes the notion of government from, by and for the people.

The Open Government Partnership was officially launched on September 20, 2011, when 8 founding countries (Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, United Kingdom and United States of America) supported the Open Government Declaration, and announced their countries action plans. Since 2011, the OGP has welcomed the commitment of an additional 67 governments to join the Partnership. In total, the 75 OGP participating countries and 15 local governments have made more than 2,500 commitments to make their governments more open and accountable.

As committed by several countries, Open Government in Indonesia itself seems to have started trying to apply the Open Government to state institutions. The direct impact is that it is easier for the community to obtain information on the extent of the performance or development of these institutions. Thus the community also participates in monitoring the performance of several state institutions that are members of the Open Government. The same thing will also be applied when the government resumes the SPAM (Umbulan) project where the project will involve several private parties and the public as a form of commitment to information disclosure through Open Government.

C. METHOD

This study uses a qualitative method with a descriptive-qualitative approach. In this study, after the researcher has collected data in the form of interviews, documentation, and observations, then the data will be analyzed more deeply so as to form a scientific-natural conclusion that can be accepted by various groups, especially in this case the Central Government, Ministry of Finance. , Ministry of PUPR, (PT SMI), (PT PII), East Java Provincial Government, City Government of each region, PDAB, PDAM, and the community as objects of qualitative research in this research.

Qualitative research investigates the patterns of similarities and differences in all cases and tries to come to terms with their diversity. Qualitative research usually only has various forms of variation, in this study will explain the method

used by the government to revive the SPAM (Umbulan) drinking water supply project which was planned 43 years ago. This method describes the abstraction of various kinds of alternative development partnerships between local government and private sector theoretically - critically and objectively. Another reason for choosing this method is because one's understanding of a problem is more qualitative in nature based on perception, exploration of thought, explanation and concept development.

Qualitative research is almost entirely descriptive in nature and avoids theoretical analysis. In general, this research makes theories and concepts explicit. Without interpretation or analytical theory, readers of qualitative research can use easy ideas in their own day-to-day. These ideas rarely provide general knowledge.

This study uses a qualitative descriptive method to explain the history of the development of the Public Private Partnership in Indonesia. This method will also explain the form of cooperation that exists among stakeholders related to the provision of drinking water for SPAM (Umbulan). In addition, this method will explain the form of central government assistance through data findings in the field.

The data collected in this study are based on primary data and secondary data. Primary data were obtained from field research, including direct interviews and observations with SPAM-related institutions (Umbulan) both on institutions / institutions and individuals. The data collected, codified and described are sourced from the informants' answers to the questions posed in the interview.

Qualitative data comes in various forms: photos, maps, open interviews, observations, documents, and so on. Some of the qualitative data draws data from research conducted in the field. Field research begins with loosely formulated questions, then has a group or location for research, gains access, and then implements a social role in structuring and begins to make observations.

Field researchers carefully observed and interacted in the field setting for several months. The data is in the form of detailed notes that are taken on a daily basis. Researchers are constantly considering their observations and refining ideas about their significance. Next, the researchers left the field site, reviewed their notes, and prepared a written report. Field research is used for exploratory and descriptive studies.

Data analysis is carried out using inductive descriptive analysis (specific conclusions become general), namely efforts to obtain conclusions based on natural thinking from various answers obtained or in other words trying to explore and telescope socio-political phenomena by interpreting the problems contained in them.

The conclusions on the interpretation of the answers to be drawn from this descriptive analysis are tentative / indefinite, always repeated because at any time the current conclusions may change in the future. The essence of the conclusions that will be made from the results of qualitative data analysis is intended so that we can understand complex political / governmental phenomena.

Qualitative analysis is generally not used as a means of searching for data in terms of frequency but is used to analyze ongoing social processes and the

meaning of the facts that appear on the surface. Qualitative research is used to understand empirical facts and processes, not based on facts.

There are several data analysis techniques that can be done, namely data reduction (data filtering / sorting), data display (data presentation), data verification (data validity testing), and data triangulation. Display data, namely presenting a set of information that gives the possibility of drawing conclusions and taking action, seeing the overall picture or certain parts of the research results by making matrices or tables. The verification stage is looking for relationships, equations, from the data obtained both before, during and after data collection so that a conclusion can be reached.

D. RESULT AND DISCUSSION

Potential Production of SPAM PPP (Umbulan)

Cooperation between the Government of Business Entities is the government's effort to implement public policies as a form of government responsibility in providing drinking water in the East Java region. The benefits obtained economically are very broad, covering most of the people affected by this development project.

The quality of spring water (Umbulan) is the best in Java. The management of this spring must of course be managed by the government in accordance with the constitutional mandate, namely Article 33 of the 1945 Constitution. Earth, Water, Land and other important branches are controlled by the state and used to meet the needs of the community. This water source (Umbulan) can produce a water discharge of $\pm 4,000$ liters / second and is able to provide quality drinking water for 1.3 million people (260 thousand drinking water connections) in five districts / cities in East Java, namely PDAM Surabaya (1,000 liters per second), Pasuruan Regency PDAM (410 liters per second), Pasuruan City PDAM (110 liters per second), Sidoarjo City PDAM (1,200 liters per second), and Gresik City PDAM (1,000 per second).

This collaboration project is carried out through the concept of Open Government which upholds public involvement, transparency, accountability and integrity. Furthermore, this collaboration has passed the test of social and environmental principles according to the IIF (Indonesian Infrastructure Finance) global standard. This is a reference for stakeholders to be motivated in building infrastructure in Indonesia by applying the principle of responsibility for social and environmental conditions based on the principles of Open Government.

The spring (Umbulan) is located at 24m above the mean sea level. This is an advantage of this spring because the high utilization of the water source is expected to be able to flow naturally. In general, the water drainage route will pass through village, regency, provincial, national and toll roads.

The construction of the SPAM (Umbulan) project requires a Transmission Pipe Network System of approximately 97 km and an Offtake System of 16 points, which stretches from the springs (Umbulan) in the Pasuruan Regency to the Gresik Regency and crosses the City of Pasuruan, Sidoarjo Regency and the City of Surabaya. . If the water supply is fulfilled in each relevant PDAM, the

people in the area who are served by the PPP SPAM (Umbulan) project can enjoy drinking water of good quality and can flow continuously for 24 hours.

The Drinking Water Supply System (Umbulan) has a legal basis, namely Presidential Regulation Number 56 of 2011 concerning Cooperation between the Government and Business Entities in the provision of infrastructure. The regulation also regulates the role mechanism of the government and the private sector in the development of the SPAM (Umbulan) infrastructure project, which is an amendment from the previous law, namely Presidential Regulation No.67 of 2005.

The government agency that plays an important role in the SPAM (Umbulan) project is the East Java Regional Clean Water Company. PDAB is a BUMD that has the duty and function of paying bulk water rates to private parties. The following describes the amount of the tariff adjustment:

Table 3. Tariff Calculation Scheme

Financial Model Calculation with VGF 49%	Initial Tariff of PDAB Bulk Water to Business Entities	PDAB Operational Cost Projection	Initial Weighted Fare for PDAM Bulk Water to PDAB	Initial Tariff for Each PDAM
- Capex: ± IDR 2T - Concession period: 25 years	VGF 49% : Rp2370/m3	- PDAB Operational Cost Projection - Projection of PDAB Stanby Loan Costs		

Source: East Java Provincial Government 2018

Based on Table 3 regarding the Tariff Calculation Scheme that will be applied to the provision of SPAM (Umbulan) drinking water, it shows that the SPAM PPP (Umbulan) obtains a lower limit on the price of bulk water that must be paid by PDAB to business entities, which is then allocated by the East Java Provincial Government via PDAB to each PDAM.

SPAM PPP Project Licensing (Umbulan)

The permit letter for the East Java SPAM (Umbulan) PPP project is P2T / 14 / 17.05 / 01 / VII / 2014 dated July 3, 2014. Several changes to the implementation plan occurred, one of which was design changes which resulted in changes to the scope of activities. Other changes include transmission pipelines and changes in the number of tapping points and reservoirs.

Changes in the implementation plan also have implications for the revised regulations, namely the submission of a Request for Revision of SPAM PPP environmental documents (Umbulan) to the Environmental Agency of East Java Province with Number 690/1658/112/2015 dated 21 October 2015. Taking place several years later, the Environmental Agency East Java Province issued an

Environmental Document Amendment Directive Number 660/13163 / 207.12015 dated November 6, 2015.

Furthermore, we will explain the form of licensing that has been agreed by several parties related to the planned PPP SPAM (Umbulan) project in East Java in the following table:

Table 4. SPAM (Umbulan) Licensing for East Java

LICENSING DESCRIPTION	LICENSING INSTITUTION	CURRENT STATUS
Land use permit at pond (Umbulan) for the construction of intake and pipeline to the reservoir	East Java P2T / East Java Province Irrigation Service	Already there, Letter Number: 600/207 / 424.057 / 2011 dated: June 7, 2013
Permit to determine the location of the SPAM transmission pipeline (Umbulan)	Governor of East Java	Already there, Letter Number: 188/692 / KPTS / 013/2012 dated: 27 November 2012
Permit for use of road utilities of PU Kab. Pasuruan for investment in transmission pipelines (Umbulan)	Dinas PU Bina Marga Kab. Pasuruan	Already there, Letter Number: 600/370 / 436.6.1 / 2012 dated: April 12, 2012
Permit for use of road utilities of PU Kab. Sidoarjo for transmission pipeline investment (Umbulan)	Dinas PU Bina Marga Kab. Sidoarjo	Already there, Letter Number: 600/370 / 436.6.1 / 2012 dated: April 12, 2012
Permit for use of road utilities of PU Kab. Surabaya to invest in transmission pipelines (Umbulan)	Dinas PU Bina Marga Kota Surabaya	Already there, Letter Number: 690/370 / 437.51 / 2012 date: April 18, 2012
Permit for use of road utilities of PU Kab. Gresik for investment in transmission pipelines (Umbulan)	Dinas PU Bina Marga Kab. Gresik	Already there, Letter Number: 620/476 / 437.51 / 2012 date: 29 February 2012

Source: AMDAL Project KPBUSPAM (Umbulan), 2013

The central government, local governments, and business entities (private) work together to realize cooperation in the management of SPAM (Umbulan). The central government has an important role as a state institution that has the mandate to make policies. The central government is also in charge of providing

investment guarantees for the private sector as well as being responsible as the project preparation agency. For the provincial government of East Java, it has the same role as a regulator or rule maker that will be implemented later. The East Java Provincial Government is also in charge of overseeing the course of cooperation, so that cooperation can run according to the agreements that have been made. Meanwhile, the private sector has a role to provide funding support as well as bulk water treatment up to a predetermined time limit.

Local government agencies have the authority to impose sanctions against the private sector in accordance with the laws and agreements that have been agreed upon. This agreement is used as a legal umbrella for each institution involved in the SPAM collaboration (Umbulan), the government in this agreement has the authority to monitor and evaluate performance carried out by the private sector. The cooperation between the government and the private sector has been agreed upon by several parties, including the central government in relation to guaranteeing infrastructure investment. Different interests often arise from each area where the SPAM (Umbulan) drinking water supply is located, these interests are managed by the government BUMD, namely PDAB East Java. The function of PDAB East Java is as a business entity that manages the aspirations of related PDAMs and their interests.

Meanwhile, the preparation of project facilities is carried out by a company established by the central government, namely (PT Sarana Multi Infrastruktur). This company functions as a financing, consulting service, and project development. (PT Sarana Multi Infrastruktur) is preparing a SPAM (Umbulan) project which will be undertaken by a business entity as the winner of the tender, namely (PT Meta Adhya Tirta) (Umbulan).

The SPAM (Umbulan) collaboration model is carried out through the Build Operate Transfer (BOT) model. This system is used by the government to minimize the funds issued by the government, considering that APBN funds are not prioritized for the supply of drinking water for SPAM (Umbulan). This scheme was chosen with a concession period of 25 years, meaning that after 25 years the private sector handed over assets to the East Java Provincial Government as the PJPk.

Empirical Problems

The Drinking Water Supply System (SPAM) (Umbulan) has several obstacles related to its management. Based on the history of the project implementation, the lack of openness of the Government in its implementation and not implementing a good Open Government concept resulted in the project being difficult to implement. It is proven that after 43 years the project was initiated only in 2012 with the concept of Open Government from Vice President Boediono when it could be realized again.

Another obstacle faced in this SPAM (Umbulan) project is that if it is calculated on the basis of a financial perspective, it can be said that this project will actually suffer losses, but if it is calculated based on the benefits received by the community, this project is very feasible. So the SPAM (Umbulan) project is not financially feasible but economically feasible, because the need for good raw water can be provided to the community.

The private sector, which is the government's partner in the effort to supply drinking water, has the authority to build, manage and intervene in several policies. This form of private engagement collaboration is better known as Public Private Partnership (PPP), this is in accordance with the mandate of Government Regulation Number 38 of 2015 concerning government cooperation with business entities in the provision of infrastructure. The Government Regulation explains PPP objectives, PPP principles, and types of infrastructure.

Along with the development of forms of cooperation, government transparency is needed in the implementation of the Business Entity Government Cooperation project. The openness of government in this case is the context of Open Government carried out by each related institution in the cooperation carried out. Through the context of Open Government, it is hoped that the ideas, initiatives and practices of government openness in this PPP scheme will be born.

The Public Private Partnership or PPP scheme is used in the SPAM (Umbulan) drinking water supply project in East Java. This project collaborates with the private sector to finance reservoir construction, production systems, transmission pipe systems, and offtake to serve five areas in East Java. The area includes Pasuruan City, Pasuruan Regency, Gresik Regency, Sidoarjo Regency, and Surabaya City. In its implementation, this collaboration is carried out based on the concept of Open Government, namely the openness of the government to data that can be accessed by the public so that it does not become a polemic in the community. If Open Government is implemented properly, the level of public trust regarding the goals and benefits of the project will be very high.

Problem Solving

Government agencies interpret the concept of Open Government in several ways, one of which is by providing information to the public through official websites owned by each agency. Although not all data can be given to the public, because there are some data that have won come from the central government, which are very confidential data. This form of data disclosure is also carried out by government agencies in terms of outreach to the community related to the SPAM (Umbulan) drinking water supply project. In the socialization, the SPAM development plan (Umbulan) was delivered, then socialization related to land acquisition and reservoir development at several points, and asked the residents' approval regarding the development project.

The City Government, in this case, strives for data transparency by uploading some general data to the official website of the Surabaya City Government, namely <https://www.surabaya.go.id/>. In the website that has an attractive appearance, it explains some of the programs owned by the Surabaya City Government, Public Services, Socio-Culture, and the Latest Surabaya. All people can access the site very easily, this is a form of data disclosure carried out by the Surabaya City Government. Apart from this, data related to SPAM (Umbulan) was also provided including forms of cooperation between agencies, the authority of the Surabaya City Government, and several tariff setting files. The Surabaya City Government is in charge of monitoring and evaluating the performance of PDAM Surabaya City, and also collaborating with PDAB East Java.

Data related to the form of cooperation between agencies can also be provided to the public as a form of data transparency of Public Bodies and Private Parties. Cooperation in drinking water management involving the private sector should be carried out based on clear transparency, so that the public knows the flow of the process for selecting the tender winner. This transparency is also a form of open government data related to Open Government. The following will explain the form of data openness in the context of Open Government, each actor running the SPAM (Umbulan) drinking water supply project:

Table 5. Forms of Disclosure of SPAM Actors (Umbulan)

Institutions	Forms of Disclosure of Data
Ministry of PUPR	<ol style="list-style-type: none"> 1. Upload data to the official website 2. Socialization of the program to the community 3. Availability to provide the data needed by the community 4. Providing public complaint services 5. Conduct a press conference 6. Provide statements to the mass media
Central government	<ol style="list-style-type: none"> 1. Upload data to the official website 2. Providing public complaint services 3. Conducting a press conference 4. Providing statements to the mass media
Provincial government	<ol style="list-style-type: none"> 1. Upload data to the official website 2. Availability to provide the required data 3. Providing complaint services 4. Conducting a press conference 5. Provide statements to the mass media
City government	<ol style="list-style-type: none"> 1. Upload data to the official website 2. Availability to provide the required data 3. Providing public complaint services
Private Parties	<ol style="list-style-type: none"> 1. Give statements to the mass media
PDAB	<ol style="list-style-type: none"> 1. Upload data to the official website 2. Socialization of the program to the community 3. Availability to provide the data needed by the community

Institutions	Forms of Disclosure of Data
PDAM	<ol style="list-style-type: none"> 1. Upload data to the official website 2. Socialization of the program to the community 3. Availability to provide the data needed by the community 4. Providing public complaint services 5. Provide statements to the mass media

Source: Results of Researcher Analysis, 2018

The provision of drinking water in the context of Open Government is actually a form of cooperation carried out through the Public Private Partnership (PPP) scheme. Open Government in this case is the disclosure of data carried out by related institutions, namely the Ministry of Finance, the Ministry of Public Works and Public Housing, (PT Penjaminan Infrastruktur Indonesia), (PT Sarana Multi Infrastruktur), (Medco Energi International), (PT Bangun Cipta Kontaktor), (PT Meta Adhya Tirta) (Umbulan), East Java Provincial Government, City Government, PDAB, and related PDAMs. Furthermore, the results of data reduction in the context of Open Government will be explained in the following table:

Table 6. Data Reduction Results

Subject	Variation of Data
Openness of data in the context of open government	<ul style="list-style-type: none"> - One form of data disclosure is related to SPAM (Umbulan) - The form of data disclosure can be through online mass media - The form of data disclosure through the official website established by the agency - Some data is not disclosed to the public because there is confidential state data - Launching the application for the smartphone is a form of open data - Public disclosure standards are in accordance with the public disclosure law - Disclosure of data can be provided when there is a clear permit - Disclosure of data is carried out in accordance with the objectives and functions of the company - Data openness is a criterion for assessing BUMD as data disclosure is carried out as a form of responsibility to the community

Source: Results of Researcher Analysis, 2018

From the results of the reduction in table 6, it is explained how the openness of data in the context of Open Government. The form of data disclosure carried out by government agencies and the private sector is in the form of program socialization, uploading general data to the official website, holding press conferences, conducting press releases, and providing statements to the mass media. Data disclosure is carried out as an effort to provide education to the community regarding the SPAM (Umbulan) drinking water supply project. Forms of cooperation between each government agency are also provided through the official website or through interviews.

Meanwhile, some data is not provided to the general public, this data comes from countries that are not allowed to be publicly disclosed. In accordance with Law Number 14 of 2008 concerning the disclosure of data on public bodies, which states several regulations related to data disclosure to the public. Some people sometimes use data obtained from Public Bodies to sue several related parties. This is a point of caution that is continuously maintained by public agencies, government agencies actually provide the desired data properly but must go through clear licensing procedures.

Furthermore, according to the OECD in the journal "Open Government: beyond static measures", it explains that Open Government is a transparent form of government action, accessibility of government services and information, and responsive to new ideas and demands. The resulting benefits include: improving the evidence base for policy making, strengthening integrity, reducing corruption efforts, and building public trust in the government.

In the first point, Open Government is a transparent form of government action. The implication for the SPAM (Umbulan) project is the disclosure of data carried out by all government and private institutions. The data in question is a general description of how the project takes place, who does it, what the project is for, when the project takes place, and what the implications are. Such general data, at least, must be provided by the government without waiting for the public to ask for it. In this case the government must take the initiative to socialize the program that will be carried out, in accordance with the commitment of the Open Government, namely transparency.

The second point is the accessibility of government services and information. The implication for the government as a public agency is that it should provide information related to the sustainability of government institutions such as structures, functions, long-term programs, and so on. Information like this should be provided to the public by uploading the data to the official website of each agency. In this case all government agencies as well as the private sector in the SPAM (Umbulan) project do this. The commitment to open corporate or government data continues to gain public trust.

The third point is to be responsive to new ideas and demands. This is related to online information technology which is currently being carried out massively. In responding to new ideas and demands, the government and the private sector must endeavor to at least make some applications accessible to the public and the government. One example is what was carried out by the Ministry of PUPR, the Ministry of PUPR launched nine applications that make it easier for the public

and government agencies to access the required data. The nine applications were launched to provide education to the public regarding the SPAM (Umbulan) program or the required data. The Ministry of PUPR also provides service complaints for the public to serve as an evaluation of the performance of a government agency.

The conclusion from the theory stated by the OECD is that transparency, accessibility, and the idea of new needs for new needs are very important for the government. The three points will support each other to get the real benefits from the concept of Open Government. Commitment to an openness agenda will have an impact on governance and service delivery to society. The general principle of the meaning of openness is to provide the best possible service to the community.

From the results of the discussion of various theories of Open Government, it will be summarized in the following table:

Table 7. Summary of the Open Government Theory Discussion

No	Institution	Information
1	Open Government Indonesia (OGI)	<ul style="list-style-type: none"> - Open Government aims to provide a framework for government to be open, accountable and responsive to citizens' needs - The form of Open Government in SPAM (Umbulan), namely: access to the website, outreach to the public, press conferences, press releases, providing suggestions and criticism, and availability of agencies to provide additional data. Semua hal tersebut dilakukan oleh lembaga pemerintah maupun swasta sebagai bentuk tanggung jawab kepada masyarakat terkait dengan proyek pembangunan SPAM (Umbulan)
2	OECD	<ul style="list-style-type: none"> - Open Government is a form of transparency of government actions, accessibility of government services and information, and responsiveness to new ideas and demands - In the first point, Open Government is a form of transparency in government actions. Implications for the SPAM (Umbulan) project is the disclosure of data carried out by all government and private institutions - The second point is the accessibility of government services and information. The implications for the government as a public agency should provide information related to the sustainability of government institutions such as structures, functions, long-term programs, and so on. - The third point is responsiveness to new ideas and demands. This is related to online information technology which is currently being carried out massively - One example is what was carried out by the Ministry of PUPR, the Ministry of PUPR launched nine applications that make it easier for the public and government agencies to access the data needed

No	Institution	Information
3	Kementrian Perhubungan	<ul style="list-style-type: none"> - The concept of Open Government basically means that an open / transparent government invites elements of the people to participate and invites all elements of society to collaborate in solving various problems for the sake of prosperity - The implication for SPAM (Umbulan) is that when several parties who are opposed to the project hold a demonstration demanding the closure of the project, the government and the private sector jointly conduct outreach and listen to community complaints

Source: Researcher Analysis Results, 2018

Based on a summary of the discussion of Open Government theory, it can be explained that Open Government is related to the openness of data provided to the public. The form of Open Government in SPAM (Umbulan), namely: access to the website, socialization to the public, press conferences, press releases, issuing statements in the mass media, providing customer complaints, providing suggestions and criticism, and the availability of agencies to provide additional data. The benefits obtained from Open Government are the acceleration of policy implementation, strengthening integrity, narrowing opportunities for corruption, and building public trust in the government.

E. CONCLUSION

This study discusses the Drinking Water Supply System (Umbulan) in East Java in the Context of Open Government, the role of stakeholders regarding the cooperation that exists between related parties, and the form of assistance provided by the government to solve the problem of the financial feasibility of the SPAM (Umbulan) project. The Public Private Partnership model used in the management of SPAM (Umbulan) is a new cooperation model in Indonesia. In a Public Private Partnership or Public Private Partnership (PPP), the government provides assistance in the form of a Viability Gap Fund, infrastructure guarantees, preparation of project facilities and funding assistance for pipeline distribution construction.

The purpose of the SPAM (Umbulan) drinking water supply cooperation policy as stated in Government Regulation Number 38 of 2015 concerning Cooperation between the Government of Business Entities in the provision of infrastructure, is tested through the results of interviews, observations, and documentation. Based on the results of the research conducted, it shows that the government is committed to providing infrastructure based on the context of Open Government. The concept of data disclosure carried out by public and private bodies is uploading data to the official website, socializing the program, providing data availability, providing public complaints, holding press conferences, and giving statements to the mass media. This concept is used as a form of responsibility of public or private bodies to the community, at least the community already knows about the programs, tasks and functions of the project carried out by the government.

Based on the theory used, it can be explained that the government in this case provides assistance beyond what is actually given to infrastructure provision projects. The risk that is actually borne by the private sector is taken over by the government so that the level of risk of the private sector is very minimal. Meanwhile, the community in the PPP SPAM (Umbulan) scheme has a very big role during the construction phase, while the operational phase does not have the power to at least influence the policies to be made, while in the post concession phase the community will benefit from affordable water prices. . Unlike the private sector, during the construction period and during the operational period, the private sector has a very strong role in influencing the policies to be made. This influence is caused by the private party getting a guarantee based on the agreed agreement.

The openness of data in the context of Open Government is not implemented by the private sector as evidenced by the existence of several conflicts that have occurred. The conflict is actually related to the disclosure of data carried out by the private sector in managing the SPAM (Umbulan) project. The level of trust from the community in government performance will determine the smooth running of the SPAM (Umbulan) project. In this case, the government tries to increase public trust by implementing the concept of Open Government, namely data openness. Although the disclosure of data is not as good as what is happening in the field.

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