

Authority of the Environmental Service in Disaster Management Based on the Law on Environmental Protection and Management

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<https://doi.org/10.25134/unifikasi.v9i2.2469>

ARTICLE INFO

ABSTRACT

Article History

Received: January 22, 2022
Revised: August 22, 2022
Accepted: December 10, 2022

Keywords

Environment;
Disaster;
Disaster Management.



The environment can be a resource or even a danger once a disaster strikes. Natural disasters are phenomena that occur at any time of day or night, posing risks to property loss and psychological damage that can be anticipated by taking action in line with Indonesia's Disaster Law. This research aims to investigate and analyze the regulations made by the government to handle disasters in Indonesia, Kuningan Regency in particular. This research employed an empirical juridical approach, involving primary and secondary data. In addition, this research also used interviews, observation, and literature studies as instruments. The results of this study are putting the disaster management law No. 7 of 2007 into practice—the working program and activities from the Department of the Environment, the disaster management. In conclusion, there is a sufficient arrangement for disaster management at the central to regional level. However, it only includes fundamental environmental services, so it needs to be further improved. Therefore, The Environmental Services are suggested to cooperate with students; provide guidance and engage the community in disaster management referencing the Kuningan Regency, the disaster law.

Introduction

In comparison to other countries, Indonesia is home to assets of extraordinary natural beauty because of its equator-based location. It is blessed with stunning natural surroundings including beaches, an ocean that is wider than land, and mountainous terrain. On the contrary, the country also has the highest potential of natural disaster in almost all provinces, including landslides, earthquakes, tsunamis, volcanic eruptions and others.¹ Disaster is a natural phenomenon or a series of natural events that endangers and disrupts human survival. It is brought on various factors, such as natural and non-natural factors or irresponsible human behavior in preserving nature, which results in casualties and losses materials.

Indonesia as an archipelagic country that is vulnerable to natural disasters, as President Jokowi Dodo noted while presiding over a meeting at the State Palace. Indonesia is listed on one of the 35 world's most disaster-prone nations. "I want to remind us all that our country Indonesia is a disaster prone nation. The top 35 country at risk of disaster globally," he said.² In terms of vulnerability to natural disasters: hydro-meteorological disasters and geological

¹Amril Mutoi Siregar, "Penerapan Algoritma K-Means Untuk Pengelompokan Daerah Rawan Bencana di Indonesia", INTERNAL (Infirmitation Sistem Journal), Volume 1. Nomor 2,f p. 1.

²Ghina Intan, 2021, "Indonesia Masuk Daftar 35 Negara Paling Rawan Bencana di Dunia", accessed on 13 January 2022, <https://www.voaindonesia.com/a/indonesia-masuk-daftar-35-negara-paling-rawan-bencana-di-dunia/5801062.html>.

disasters, Indonesia ranks the highest. This is due to the fact that Indonesia's large population will increase the country's high rate of disaster victimization.³ Natural disasters can strike at any time of day or night, and they frequently strike while we sleep. Thus, disasters are an unavoidable natural phenomenon; even from year to year, natural disasters continue to occur and increase at an alarming rate, with as many as 5,402 natural disasters occurring in Indonesia in 2021.

Numerous disaster-prone areas in Indonesia demonstrate the importance of increasing disaster risk management and reduction efforts. This action could serve as a solid foundation for future integrated and directed actions. Before getting into the realm of disaster management, it is clear that disasters can also be caused by inappropriate environmental management. According to I Made Arya Utama, there are three fundamental elements in environmental management:

1. Environmental management activities such as structuring, utilizing, developing, maintaining, monitoring, and controlling.
2. Environmental management is based on the principle of preserving "environmental function"; and
3. That environmental management is integrated, with spatial planning and environmental element protection.⁴

The environment, also known as the human environment, is the sum of all the objects and conditions that exist in the space we live in and have an impact on our lives.⁵ The environment, in biosphere meaning, includes the earth's surface, water, and the atmosphere where there are living bodies. In other words, the environment includes all objects, power, and life including humans and their behavior in a space that affects human sustainability and welfare, as well as other bodies.⁶ In broader sense, the term "environment" encompasses not only the physical and biological environment, but also the economic, social, and cultural environment.⁷ Referring to Article 65, paragraph (4) of Law No. 32 of 2009 on environmental protection and management, which states that "everyone has the right to participate in environmental protection and management in accordance with laws and regulations." This is further emphasized that everyone is obliged to maintain the preservation of environmental functions, which is stated in Article 67 which reads "Everyone is obliged to maintain the preservation of environmental functions and control environmental pollution and/or damage."

On a national scale, environmental management is managed by an institution that coordinates with the Minister, in accordance with the provisions of Article 64 of Law Number 32 of 2009 on the environmental protection and management which reads "the Government duties and authorities as referred to in Article 63 paragraph (1) are carried out and/or coordinated by the Minister". Reflecting on Article 63, Paragraph (3) of PPLH (Protection and Management of the Environment) Law No. 32 of 2009 which reads "Determining district/city level policies". In this case, Kuningan Regency delegates some of its authority to the Head of Environmental Service in Kuningan Regency, as set forth in Article 1 Paragraph (4) of

³*Ibid.*

⁴Suwari Akhmaddhian, "*Hukum Konservasi Sumber Daya Alam*", EDUKATI Press, Kuningan, 2019, p. 84.

⁵M. Daud Silalahi, "*Hukum Lingkungan Dalam Sistem Penegakan Hukum Lingkungan di Indonesia*", PT. Alumni, Bandung, 2014, p. 9.

⁶*Ibid.*

⁷*Ibid.*

Kuningan Regent Regulation No 24 of 2020; Delegating some authority for signing administrative sanctions, environmental protection and sector management. However, efforts to manage the environment continue to necessitate cooperation and synergy among all elements of the nation, from government to citizens who, incidentally, understand the ins and outs of the area in which they live, with the goal of creating a safe and comfortable environment for the community and reducing the occurrence of disasters.

In Indonesia, comprehensive disaster management is demonstrated by Law No. 24 of 2007 on Disaster Management, which is reinforced by Government Regulation No. 21 of 2008 on the implementation of Disaster Management.⁸ According to Article 2 of Law No. 24 of 2007, Disaster Management is founded on Pancasila and the 1945 Constitution of the Republic of Indonesia. This disaster management strategy aims to:

1. Keep the public safe from the threat of a disaster;
2. Align existing laws and regulations;
3. Ensure that disaster management is carried out in a systematic, integrated, coordinated, and all-encompassing manner;
4. Value local culture;
5. Build public and private participation and partnerships;
6. Encourage mutual cooperation, solidarity, and generosity; and
7. Bring about peace in society, nation, and state.

The government, community, and business institutions all play important roles in disaster management, implying that disaster management is not solely the responsibility of the government but of all elements of society.⁹ A variety of efforts have been made, including disaster-prone development policies, various disaster prevention activities, emergency response, and rehabilitation, all of which constitute disaster management implementation.¹⁰

Kuningan Regency, West Java, as one of the areas on the Republic of Indonesia's territory well known for the beauty of the towering Mount Ciremai, also known as West Java's highest peak, has natural disaster-prone areas. According to the geographical conditions in Kuningan Regency, up to 15 areas are vulnerable to hydrometeorological disasters such as floods, landslides, and shifting soils. The Head of BPBD (National Agency for Disaster Management) of Kuningan Regency even added "Kuningan Regency has also been on alert for a hydrometeorological emergency from November to April 2022."¹¹ The disaster-prone areas are located in the East Kuningan Region and the South Kuningan Region, and include the 15 districts of Kadugede, Karangkencana, Selajambe, Nusaherang, Hantara, Darma, Subang, Cilebak, Ciniru, Ciwaru, Cimahi, Cibeureum, Cibingbin, Luragung, and Cidahu.

⁸Arief Ivana Putra, "Analisis Kerja Dina Sosial Kota Padang dalam Penanggulangan Bencana di Kota Padang (Suatu Studi Manajemen Kebencanaan)", JMIAP : Jurnal Manajemen dan Ilmu Administrasi Publik, Volume 1 Nomor 2, p. 106.

⁹ Arief Ivana Putra, *loc.cit.*

¹⁰ Arief Ivana Putra, *loc.cit.*

¹¹Meida Indonedia.com, 2021, "15 Kecamatan di Kabupaten Kuningan Rawan Bencana", accessed January 27 2022, <https://www.medcom.id/nasional/daerah/8N0w7J7K-15-kecamatan-di-kabupaten-kuningan-rawan-bencana>.

The National Disaster Management Agency (BNPB) has completed the verification and validation of disaster data from all provinces and regencies/cities for the year 2021.¹² According to data collected from all Regional Disaster Management Agencies (BPBD), there were 5,402 disaster events in 2021, with 99.5% of the events being hydrometeorological disasters, with West Java Province having 1,358 disaster events, Central Java Province having 622 disaster events, East Java Province having 366 disaster incidents, and Aceh Province having 272 disasters.¹³ This figure represents an increase of 16.2% over the previous year, when there were only 4,649 disaster events in 2020. Furthermore, according to data from the Indonesian Disaster Data Geoportal for 2022, Indonesia has experienced a total of 1,613 disaster events spread across various provinces, with the largest number of events spread across Java Island, especially West Java with a total of 405 incidents. The significant increase indicates that the Disaster Law will face challenges in its future implementation in Indonesia. As a result, the following research question is formulated to highlight the problem under consideration to achieve an appropriate solution and goal; how is disaster management governed by positive law in Indonesia?

Research Methods

This research employed normative legal research involving a statute approach and utilizing primary and secondary legal materials. The former materials covers the 1945 Constitution of the Republic of Indonesia; Disaster Management Law No. 24 of 2007; Environmental Protection and Management Law No. 32 of 2009. Furthermore, it is also in the form of government Regulation No. 21 of 2008 (the Implementation of Natural Disasters) and No. 22 of 2021 (the Implementation of Environmental Protection and Management); Presidential Regulation of the Republic of Indonesia No. 92 of 2020 (the Ministry of Environment and Forestry); Kuningan Regency Regional Regulation No. 6 of 2011 (the Implementation of Disaster Management) and No. 7 of 2014 (Regional Environmental Protection and Management). In addition, the primary legal materials also includes Kuningan Regent Regulation No. 41 of 2020 concerning Amendments to Kuningan Regent Regulation No. 53 of 2019 (Position, Organizational Structure, Main Duties, Functions and Job Descriptions, and Working Procedures of the Environmental Service in Kuningan Regency); Kuningan Regent Regulation No. 24 of 2020 (Delegating Partial Authority for Signing Administrative Sanctions, Environmental Protection and Management to the Head of Environmental Service in Kuningan Regency). The latter, on the other hand, are scientific works written by scholars or related media available on the internet. These two types of materials were analyzed prescriptively to generate recommendations on the legal issues under consideration.

Results and Discussion

The Environmental Services authority in Disaster Management are contained in the following regulations:

- 1. The 1945 Constitution of the Republic of Indonesia**

¹² Andri Cipto Utomo, “BNPB Verifikasi 5.402 Kejadian Bencana Sepanjang Tahun 2021”, Badan Nasional Penanggulangan Bencana on <https://bnpb.go.id/berita/bnpb-verifikasi-5-402-kejadian-bencana-sepanjang-tahun-2021>

¹³ *Ibid.*

Paragraph IV of the 1945 Constitution of the Republic of Indonesia mandates that the Government of the Republic of Indonesia shall protect the whole Indonesian nation and the entire native land of Indonesia and to advance the public welfare, to educate the life of the nation, and to participate in the execution of world order which is by virtue of freedom, perpetual peace, and social justice. Within the framework of the Unitary State of the Republic of Indonesia, national development is carried out with the goal of creating a just and prosperous society that always prioritizes the right to livelihood and protection for all citizens. In the 1945 Constitution of the Republic of Indonesia Article 28, guarantee human rights as a whole, including the right to life and establish a family, be entitled for protection against violence and discrimination, be entitled to self-development through the fulfillment of his/her basic needs, equal treatment before the law, be free to embrace a religion and to worship according to his/her religion, and other rights. Meanwhile, the right to a good living environment is clearly stated in Article 28 H Paragraph (1) which reads "The right to live physically prosperous and spiritually, to have a place to reside, and to acquire a good and healthy living environment as well as be entitled to obtain health care. The Unitary State of the Republic of Indonesia has a vast territory and is located on the equator, at the crossroads of two continents and two oceans, with favorable natural conditions. This position, on the other hand, is in a geographical, geological, hydrological, and demographic area that is prone to disasters with a high enough frequency that it necessitates systematic, integrated, and coordinated handling. Disaster management is a component of national development that consists of a series of disaster management activities prior to (pre-disaster), during (emergency response), and after a disaster (post-disaster).

2. Law No. 24 of 2007 concerning Disaster Management

In handling disaster, Indonesia has Disaster Management Law No. 24 of 2007, which regulates comprehensive disaster management in Indonesia and was ratified by President Susilo Bambang Yudhoyono on April 26, 2007 in Jakarta. The Minister of Law and Human Rights, Hamid Awaludin, promulgated this Law in the State Gazette of the Republic of Indonesia Number 66 of 2007 and Explanation of Law Number 24 of 2007 concerning Disaster Management in the Supplement to the State Gazette of the Republic of Indonesia Number 4723 on April 26, 2007 in Jakarta.

To provide a solid legal foundation for the implementation of Disaster Management, a Law on Disaster Management was drafted, which in principle regulates the stages of a disaster, including pre-disaster, disaster emergency response, and post-disaster, with the substance of the Law containing the main provisions as follows:

- a. The implementation of Disaster management is the government's and regional governments' responsibility and authority, and it must be carried out in a planned, integrated, coordinated, and comprehensive manner;
- b. The National Disaster Management Agency (BNPB) and the Regional Disaster Management Agency (BPBD) fully implement disaster management during emergency response. The Agency is made up of a steering and an implementing component. In accordance with their authority, the BNPB and BPBD have duties and functions to coordinate the implementation of disaster management in a planned and integrated manner;

- c. Disaster management is carried out while people's rights are respected, such as receiving assistance for basic needs, social protection, education and skills in disaster management, and participating in decision-making;
- d. Disaster management are carried out by offering numerous opportunities to businesses and international organizations;
- e. Disaster management is implemented at three stages: before the disaster, during the emergency response, and after the disaster, because each stage has different handling characteristics;
- f. During the emergency response, disaster management is provided with ready-to-use funds with accountability through a special mechanism, in addition to being supported by APBN and APBD funds;
- g. At each stage of the disaster, the government, regional governments, and the community monitor all disaster management activities to ensure that there are no irregularities in the use of disaster management funds; and
- h. To ensure compliance with this law and to provide a deterrent effect on parties, parties negligently and on purpose causing disasters that cause losses, both to property and to people's lives, obstructing easy access in disaster management activities, and misusing disaster relief resources are subject to criminal sanctions, including imprisonment and fines, with minimum and maximum penalties applied.

Referring to abovementioned provisions, Law Number 24 of 2007 concerning Disaster Management is expected to become a strong legal basis in the implementation of disaster management, allowing disaster management to be carried out in a planned, integrated, coordinated, and comprehensive manner. The following describes the context for the passage of Disaster Management Law No. 24 of 2007:

- a. That the Unitary State of the Republic of Indonesia shall protect the whole Indonesian nation and the entire native land of Indonesia, aiming to provide protection for life and livelihoods including disaster relief to realize general welfare based on Pancasila, as mandated in the Republic of Indonesia Constitution of 1945;
- b. That the territory of the Unitary State of the Republic of Indonesia has geographical, geological, hydrological, and demographic conditions conducive to disasters, including those caused by natural, non-natural, and human factors, resulting in human casualties, environmental damage, property loss, and psychological effects that, under certain conditions, may impede national development;
- c. Whereas existing disaster management provisions of laws and regulations cannot be used as a strong and comprehensive legal basis and are out of step with societal developments and the needs of the Indonesian nation, thereby impeding a planned, coordinated, and integrated disaster management; and
- d. That, in light of the considerations mentioned in letters a, b, and c, a Disaster Management Law is required.

Disaster Management Law Number 24 of 2007 governs disaster implementation and stages, including pre-disaster, during emergency response, and post-disaster. The Law on Disaster Management, which serves as the foundation and legal framework for disaster management in Indonesia, aims to protect the public from disaster threats and to ensure

disaster management is carried out in a planned, systematic, integrated, and coordinated manner, which includes:

- 1) All-encompassing and proactive efforts beginning with disaster risk reduction, emergency response, rehabilitation, and reconstruction;
- 2) Collaboration among stakeholders who have complementary roles and functions; and
- 3) A component of the development process for disaster resilience.

According to Article 1 paragraph (5) of Law Number 24 of 2007, Disaster Management is a series of efforts that establish disaster-prone development policies, disaster prevention activities, emergency response, and rehabilitation. According to Article 33 of Law Number 24 of 2007, disaster management is implemented in three stages:

1. Pre-Disaster Stage

Article 34 of Law Number 24 of 2007 defines the pre-disaster stage as follows:

- a. In no disaster situation

In this situation, the implementation of disaster management is outlined in Articles 35 to 43 of Law Number 24 of 2007, Disaster Management which includes the following provisions:

- 1) Disaster management planning, which is further discussed in Article 36 of Law Number 24 of 2007
- 2) Disaster risk reduction, which is further discussed in Article 37 of Law Number 24 of 2007
- 3) Prevention, which is further discussed in Article 38 of Law Number 24 of 2007
- 4) Development planning guidance, which is further discussed in Articles 39 and 40 of Law Number 24 of 2007.
- 5) Disaster risk analysis requirements, which are further discussed in Article 41 of Law Number 24 of 2007.
- 6) Enforcement of spatial planning, as discussed further in Article 42 of Law Number 24 of 2007.
- 7) Education and research, as discussed further in Article 43 of Law Number 24 of 2007.
- 8) Technical standards for disaster management, which are further discussed in Article 43 of Law Number 24 of 2007.

- b. In the situation where a disaster potentially occurs.

The implementation contained in Articles 44 to 47 of Disaster Management Law Number 24 of 2007, the contents of which include:

- 1) Preparedness

According to Article 1 paragraph (7) of Law Number 24 of 2007 on Disaster Management, preparedness is a series of activities carried out to anticipate disasters through organization and appropriate and efficient steps. Preparedness includes developing a plan for action when a disaster is imminent, as defined in Article 45 of Disaster Management Law Number 24 of 2007. Article 45, paragraph (2) defines preparedness as follows:

- a) Create and test disaster emergency response plans
- b) Organize, install and test early warning systems;

- c) Provide and prepare supply goods to meet basic needs;
- d) Emergency response mechanism organization, counseling, training, and rehearsals;
- e) Site preparation for evacuation;
- f) Gathering accurate data and information, as well as updating disaster emergency response procedures; and
- g) Provision and preparation of materials, goods, and equipment for infrastructure and facility restoration.

2) Early Warning of a Disaster

According to Article 1 paragraph (8) of Law No. 24 of 2007 (Disaster Management), early warning is a series of activities carried out by an authorized institution to immediately warn the public of the disaster possibility occurring somewhere. Early warning is also stated in Article 46 No. 24 of 2007, in which activities such as:

- a) Observing disaster symptoms;
- b) analyze the observations result;
- c) The competent authority making a decision;
- d) Disaster warning information dissemination; and
- e) Community action.

3) Disaster Mitigation

According to Article 1 paragraph (9) of Law Number 24 of 2007, disaster mitigation is a series of efforts to reduce disaster risk through physical development, as well as awareness and capacity building in dealing with disaster threats. In accordance with Article 47, paragraph (2), disaster mitigation is carried out by:

- a) Spatial planning implementation;
- b) Planning for development, infrastructure development, and building layout; and
- c) Implementing traditional and modern education, counseling, and training.

2. Disaster Emergency Response Stage

In Article 1 paragraph (10) of Law Number 24 of 2007 (Disaster Management), disaster emergency response is defined as a series of activities carried out immediately following a disaster to deal with the adverse effects that arise, such as victim rescue and evacuation, property and basic needs fulfillment, refugee protection and management, and rescue and restoration of infrastructure and facilities. Emergency disaster response is carried out in accordance with Article 48 of Law Number 24 of 2007, as follows:

- a) Accurate and timely assessment of location, damage, and resources

Article 49 of Law Number 24 of 2007 on Disaster Management requires a prompt and appropriate assessment to identify:

- 1) Disaster-related coverage;
- 2) Number of Victims;
- 3) Damage to infrastructure and facilities;
- 4) Disruption in the operation of public services and government; and

- 5) Natural and man-made resource capabilities.
- b) Establishing disaster emergency status

According to Article 50, paragraph (1) of Law Number 24 of 2007, BNPB and BPBD have easy access to the determination of disaster emergency status, which includes:

 - 1) Human resource deployment;
 - 2) Equipment deployment;
 - 3) Logistic deployment;
 - 4) Immigration, customs and quarantine;
 - 5) Licensing;
 - 6) Procurement of goods/services;
 - 7) Money and/or goods management and accountability;
 - 8) Rescue; and
 - 9) Giving commands to sectors/agencies
- c) Rescue and evacuation of disaster-affected people

According to Article 53 of Law Number 24 of 2007 (Disaster Management), victims are rescued and evacuated by providing humanitarian services resulting from disasters through the following efforts:

 - 1) Victim search and rescue;
 - 2) Emergency relief; and/or
 - 3) Victim evacuation
- d) Basic needs Fulfillment

Meeting basic needs, according to Article 53 of Law Number 24 of 2007, includes assistance in the provision of:

 - 1) The need for safe drinking water and sanitation;
 - 2) Food;
 - 3) Clothing;
 - 4) Health Services;
 - 5) Psychosocial services; and
 - 6) Shelter

Furthermore, Article 54 states that disaster-affected communities and refugees are handled by collecting data, relocating to safe locations, and meeting basic needs.
- e) Vulnerable groups protection

The protection for vulnerable groups according to Article 55 is done by prioritizing rescue, evacuation, security, health, and psychosocial services. The vulnerable groups are:

 - 1) Infants, toddlers and children;
 - 2) Pregnant or breastfeeding mothers;
 - 3) People with disabilities; and
 - 4) The elderly.
- f) Immediate and complete restoration of vital infrastructure and facilities

The function of infrastructure and facilities is restored in accordance with Article 56 of Law Number 24 of 2007 (Disaster Management) by repairing and/or replacing disaster-caused damage.

3. Post-Disaster Stage

This stage includes three activities as follows:

1) Recovery,

According to Article 1 paragraph (15) of Law Number 24 of 2007, post-disaster recovery is a series of activities to restore the community and the environment affected by disaster, re-functioning institutions, infrastructure, and facilities; carrying out rehabilitation as stipulated in Article 57 of Law Number 24 of 2007 (Disaster Management recovery) by repairing and/or replacing damage caused by the disaster.

2) Rehabilitation

Rehabilitation, according to Article 1 paragraph (11) of Law Number 24 of 2007 (Disaster Management), is the repair and restoration of all aspects of public or community services to an adequate level in post-disaster areas, normalizing or properly functioning all aspects of governance and life.

3) Reconstruction

According to Article 1 paragraph (12) of Law Number 24 of 2007 (Disaster Management), post-disaster reconstruction is the rebuilding of all infrastructure and facilities, institutions in post-disaster areas at the government and community levels, with the goal of growing and developing economic, social, and cultural activities, maintaining law and order, and increasing community participation.

3. Law Number 32 of 2009 on Environmental Protection and Management

All members of society are obligated to protect the environment. As a result, the Indonesian government enacted Law No. 32 of 2009 (environmental protection and management), which was signed by President Susilo Bambang Yudhoyono and Menkumham (Minister of Law and Human Rights), Andi Mattalata on October 3, 2009.

In general, the law are systematic and integrated, and it is used to preserve the environment and prevent environmental pollution and/or damage, as stated in Article 1 paragraph (2) of Law No. 32 of 2009: "Environmental protection and management are systematic and integrated efforts made to preserve environmental functions and prevent environmental pollution and/or damage, which includes planning, utilization, control, maintenance, supervision, and law enforcement.

Article 3 of Law No. 32 of 2009 states the goals of environmental protection and management as follows:

- a) Protect the Republic of Indonesia's territory from pollution and/or environmental damage.
- b) Ensure human safety, health, and life.
- c) Ensure the survival of living things and the ecological sustainability.
- d) Maintain the sustainability of environmental functions.
- e) Achieve environmental conformity, harmony, and balance.
- f) Ensure that justice is served for current and future generations.
- g) Ensure the fulfillment and protection of the human right to the environment.
- h) Oversee the prudent use of natural resources.

- i) Realize sustainable development.
- j) Anticipate global environmental issues.

Meanwhile, Law No. 32 of 2009, Article 1 paragraph (2), divides environmental protection and management into six parts, namely:

a) Environmental Protection and Management Planning Efforts

According to Article 5 of Law No. 32 of 2009, environmental protection and management plans are carried out in three stages, as follows:

1) Environmental inventory

It is conducted to collect data and information about natural resources. The investment is done at the ecoregional, island, and national levels.

2) Ecoregion designation

It is done by considering various aspects, such as landscape, climate, flora and fauna, socio-culture, economy, and so on.

3) RPPLH preparation (Environmental Protection and Management Plan)

It is accomplished through the compilation of the RPPLH at the national, provincial, and district levels. This planning is tailored to environmental investment.

b) Efforts to Utilize Resources

According to Article 12 of Law No. 32 of 2009, resource utilization is carried out in accordance with the previously made RPPLH. However, if the RPPLH has not yet been formed, its use must consider three factors: the sustainability of environmental processes and functions, the sustainability of environmental productivity, and the safety of life and society.

c) Efforts to Control Pollution and/or Environmental Damage

According to Article 13 of Law No. 32 of 2009, the control effort is carried out in three stages: prevention, mitigation, and recovery.

d) Environmental Maintenance Efforts

According to Article 57 of Law No. 32 of 2009, efforts to preserve the environment are carried out in three ways: natural resource conservation, natural resource reserves, and/or preservation of the atmosphere's function.

e) Oversight Efforts and Administrative Sanctions

According to Articles 71 to 83 of Law No. 32 of 2009, officials or related parties supervise environmental protection and management efforts. In addition, the article discusses the existence of administrative sanctions that will be imposed if violations are discovered. For example, through written warnings, government coercion, the freezing or revocation of environmental permits.

f) Law Enforcement Efforts

Law enforcement is immediate action for those who violate the provisions mentioned in Law No. 32 of 2009. For example, if someone provides false, misleading, or incorrect information about environmental protection and management, they face a maximum one-year prison sentence and a maximum fine of one billion Rupiahs. The disaster management-related regulation and the field study show that the Environmental Service authority's rule, as referenced in the Disaster Law—Kuningan Regency, is strong enough to be implemented in social life. However, gaps and weaknesses continue to be discovered, necessitating a renewed arrangement for disaster management to function properly.

The Regional Regulation in Kuningan Regency regulates the stages of disaster management, which include the pre-disaster stage, disaster emergency response, and post-disaster stage, as shown in the disaster management regulation and the Environmental Service above. Disaster management in no-disaster situations is guided by development planning, according to Article 13 letter d of the Regional Regulation in Kuningan Regency No. 6 of 2011 (the Organization of Disaster Management). Article 17 clarifies that Regional Governments provide disaster management guidance through coordination, integration, and synchronization, incorporating disaster management elements into regional development plans. According to aforementioned description, the Environmental Service authority in Disaster Management has been implemented based on the Disaster Law in Kuningan Regency. Even though, some people are forced to build houses near cliffs in landslide-prone areas. Certain trees, in fact, should be planted on cliffs to reduce the risk of landslides. It does, however, become residential areas, posing a disaster risk. However, it turns into residential areas, posing a disaster risk. There are no regulations related to development in disaster-prone areas in Kuningan Regency Regional Regulation No. 6 of 2011, leaving gaps in the implementation of disaster management in Kuningan Regency.

Conclusion

In conclusion, the government has enacted disaster management regulations ranging from the national to the regional levels. The Law No. 24 of 2007 covers institutions and stages in disaster management as a guide for each region and as a concrete written effort; realizing the mandate contained in Paragraph IV of the 1945 Constitution of Republic Indonesia, protecting the whole Indonesian nation, advancing the public welfare, and educating the life of the nation. In addition, the implementation of disaster management regulations in Kuningan Regency is written on Regional Regulation No. 6 of 2011 as a reference for disaster management agencies.

Suggestion

A disaster management plan in Kuningan Regency should be tailored to the current cultural and community conditions. It is also suggested that the local government create more detailed, village-specific disaster management plans (villages in disaster-prone areas in particular). This is because villagers are the ones who are most familiar with the conditions of their respective village areas. Thus, a comprehensive and genuine synergy between the government, related institutions and the community can be reached. Furthermore, strict regulations prohibiting construction in disaster-prone areas, such as building houses on cliffs; areas prone to landslides, should be enacted.

Acknowledgement

We would like to express our appreciation and gratitude to the Directorate General of Higher Education (Ditjen Dikti), the Ministry of Education and Culture for funding research with the 2022 budget. We are also compelled to mention the following people: the Chancellor of Kuningan University, the Regional Government of Kuningan Regency, and all parties who have participated in this research.

References

Books and Journals

- Amril Mutoi Siregar, “Penerapan Algoritma K-Means Untuk Pengelompokan Daerah Rawan Bencana di Indonesia”, INTERNAL (Information Sistem Journal), Volume 1. Nomor 2,.
- Ghina Intan, 2021, “Indonesia Masuk Daftar 35 Negara Paling Rawan Bencana di Dunia”, diakses tanggal 13 Januari 2022, <https://www.voaindonesia.com/a/indonesia-masuk-daftar-35-negara-paling-rawan-bencana-di-dunia/5801062.html>.
- Suwari Akhmaddhian, “Hukum Konservasi Sumber Daya Alam”, EDUKATI Press, Kuningan, 2019
- M. Daud Silalahi, “Hukum Lingkungan Dalam Sistem Penegakan Hukum Lingkungan di Indonesia”, PT. Alumni, Bandung, 2014.
- Arief Ivana Putra, “Analisis Kerja Dina Sosial Kota Padang dalam Penanganan Bencana di Kota Padang (Suatu Studi Manajemen Kebencanaan)”, JMIAP : Jurnal Manajemen dan Ilmu Administrasi Publik, Volume 1 Nomor 2.
- Meida Indonedia.com, 2021, “15 Kecamatan di Kabupaten Kuningan Rawan Bencana”, diakses tanggal 27 Januari 2022, <https://www.medcom.id/nasional/daerah/8Now7J7K-15-kecamatan-di-kabupaten-kuningan-rawan-bencana>.
- Andri Cipto Utomo, “BNPB Verifikasi 5.402 Kejadian Bencana Sepanjang Tahun 2021”, Badan Nasional Penanggulangan Bencana melalui <https://bnpb.go.id/berita/bnpb-verifikasi-5-402-kejadian-bencana-sepanjang-tahun-2021>

Laws and Regulations

- The 1945 Constitution of the Republic of Indonesia;
- Law No. 24 of 2007 concerning Disaster Management;
- Law No. 32 of 2009 on Environmental Protection and Management