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Regional Government Authority in the Implementation of Natural Disaster Management

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ABSTRACT

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Natural disasters certainly have negative impact on the environment and society in community health, comfort, and economic conditions. This study aims to ascertain and analyze the regulation—regional government service authority in organizing natural disaster management in Indonesia. This study employed empirical legal method involving primary and secondary data and was conducted in Kuningan Regency. The data were collected through interviews, observations and literature studies. The finding revealed the regional government service authority is governed in Article 9 of Law Number 24 of 2007—Disaster Management, Government Regulation of the Republic of Indonesia Number 21 of 2008—the Implementation of Disaster Management, and Regional Regulation Number 6 of 2011—the Implementation of Disaster Management. Finally, their authority is mostly defined clearly in Law Number 24 of 2007 concerning Disaster Management. This law establishes apparent rules that each duty and function is already appropriate.

Introduction

Indonesia is in the midst of rapid development in which the government is required to carry out development throughout the country. Over the last five years, massive and evenly distributed infrastructure development in all corners of the country has become the foundation for Indonesia's progress. A disaster is an event or series of events that threaten and disrupt people's lives and livelihoods. It is caused either by natural and/or non-natural factors or human factors, resulting in human casualties, environmental damage, property losses, and psychological impacts¹. According to article 25A of the 1945 Constitution of the Republic of Indonesia, a Unitary State means an archipelagic country characterized with territories whose boundaries and rights are determined by law.

Due to its large land area, equatorial location, and geographical, demographic, sociological, and historical conditions, Indonesia has the potential to cause natural disasters. This natural disaster has been confirmed to have a negative impact on the environment and the community, especially in terms of health, comfort, and the economic condition of the community. For instance, the environment becomes an unpleasant place, many people lose their belongings, their health conditions have deteriorated significantly, and the community's economic cycle has been disrupted due to the cessation of disaster-affected community activities and lack of logistic during evacuation. Disaster risk is an event occurs and is designed to manage improperly handled events. Along with the time and increased human activities, environmental damage worsens, triggering an increasing number and intensity of hydrometeorological events (floods, landslides and droughts) that occur one after another in

¹ Biyam Anugrah Awusi, dkk, *Kinerja Badan Penanggulangan Bencana Daerah (BPBD) Kota Manado Dalam Upaya Penanggulangan Korban Bencana Banjir*, Jurnal Jurusan Ilmu Pemerintahan, Volume 1 Nomor 1, 2018, p. 2.

Indonesia². Disaster events serve as a record and data how natural disasters are extremely detrimental to human survival over time.³

Indonesia is a disaster-prone country where disasters can strike at any time. As a result, government policies in disaster management implementation are required. At the pre-disaster stage so far, the government's policies and the Indonesian people's awareness of disaster management are severely lacking⁴. As a result, when a natural disaster strikes, the Indonesian apparatus is unprepared. They are not well-prepared to reduce maximum material and fatalities losses. This incident demonstrates a lack of knowledge and application of natural disaster mitigation and preparedness.

The government has established the National Agency for Disaster Management (BNPB). The BNPB is the government's disaster management army. The BNPB is established based on Government Regulation Number 8 of 2008. It is related to Article 10 Paragraph (1) of the Law of the Republic of Indonesia Number 24 of 2007, Disaster Management. This Disaster Law states that this institution is a non-departmental institution which serves as a minister. Disasters occur not only in one area, but covers all areas. Based on Article 8 of Law No. 24 of 2007, a Regional Disaster Management Agency, abbreviated BPBD, should be formed at the provincial and regency/city levels to optimize its roles and functions.

BPBD (Regional Agency for disaster Management) authority is needed to reduce excess risk caused by natural disasters. Community socialization, education, and natural disaster simulation are highly needed. Thus, a natural disaster happened in East Nusa Tenggara has been included in the BNPB national disaster map. In fact, they are simply written on a paper. The disaster map has not been used as a guide for disaster mitigation planning. Accordingly, there were many victims—more than 100 residents in 10 districts died when the disaster hit East Nusa Tenggara.⁵

BPBD cannot function without rules, there must be guidelines for BPBD in optimizing its role as a disaster-responsible institution. According to the National Agency for Disaster management's policy (BNPB), The establishment of BPBDs is based on regional regulations, the central government submits the establishment of BPBDs to the Regional People's Representative Council (DPRD) coordinating with the Ministry of Home Affairs (Kemendagri) and BNPB. To date, most disaster-prone provinces in Indonesia are legally required to establish BPBDs. Disaster management efforts in the regions begin with regional policies aimed at tackling disasters based on the existing regulations. Accordingly, the authors formulated the following research questions: How is Regional Agency for Disaster Management' authority regulation in managing natural disaster? How they exercise their authority in managing natural disasters?

Research Methods

The term methodology refers to the scientific process of gaining an understanding of the predetermined targets. According to this definition, research can also be defined as an effort

²⁰ Anwar Sadat, *Intergovernmental dalam Penanganan Bencana Alam di Pemerintahan Daerah*, Jurnal Studi Kepemerintahan, Volume 2 Nomor 1, 2019, p.67

³ Sugeng Rio, dkk, *Histori Bencana dan Penanggulangannya di Indonesia Ditinjau dari PrespektifKeamanan Nasional*, Jurnal of Science Education, Volume 2 Nomor 2, 2021, p. 181.

⁴ Sugipto Beong, dkk, *Peran dan Fungsi BPBD dalam Penanggulangan Bencana Alam di Kota Samarinda*, Jurnal Ilmu Pemerintahan, Volume 6, Nomor 4, 2018, p. 176.

⁵ Thomas Harming Suwarta, *Mitigasi Bencana Selalu Jadi Kelemahan*, was accessed on 27 December 2021 at 11.14 WIB from Media Indonesia

or activity that requires precision or accuracy in understanding reality as far as the target is concerned. According to Soerjono Soekanto, a legal research method is a scientific activity based on certain methods, systematics, and thoughts that aims to study and analyze one or more specific legal phenomena.

In conducting a research, the authors need data or information to discuss the issues. For this reason, the authors use methodology to complete this research writing. This study employed empirical-explanatory method to directly test or analyze hypotheses--the Natural Agency for Disaster Management. Its propose is to provide information on how they implement their the role in managing natural disaster in Kuningan Regency. Furthermore, this study involved empirical legal approach, combining legal materials (secondary data) and primary data.

Results and Discussion

In the event of a natural disaster, the BPBD (Regional Agency for Disaster Management) acts as a countermeasure to lessen the impact of the disaster and serves as a regional disaster insurer, creating a disaster distribution map prediction in Kuningan Regency. Kuningan Regency is classified as a disaster-prone area. The 32 (Thirty Two) Districts in Kuningan Regency, 15 (Fifteen) Districts, are prone to disasters, such as soil movement, landslides and floods. The types of disasters in each region are tailored to the region's geographical conditions. The following is the Kuningan District Multi-Disaster Risk Map:

Image 1. Multi-Disaster Risk Map



Source: Regional Agency for Disaster Management in Kuningan Regency

Law Number 24 of 2007, Disaster Management, is the national foundation for the implementation of disaster management. Its implementation must be lawful and coordinated with the National Agency for Disaster Management (BNPB). The regulation includes information on how to handle natural disaster.

Based on Article 2 of Government Regulation of the Republic of Indonesia Number 21 of 2008, disaster management aims to ensure a planned, integrated, coordinated, and comprehensive management. Its purpose is to protect the community from disaster threats, risks, and consequences. The national action plan—disaster risk reduction, referred to in Article 2, is developed in a forum in a comprehensive and integrated manner. It includes

11 elements from the BNPB-coordinated government, non-government, community, and business institutions.

The preparedness activities, managing disaster, is carried out by the competent agency or institution technically and administratively. It is coordinated by BNPB or the Regional Agency for Disaster Management (BPBD). The activities include preparing and testing disaster emergency management plans, organizing, installing, and testing warning systems. Furthermore, they must supply and prepare goods for troops to meet their basic needs. In addition, they also organize, counsel, train, and practice emergency response procedures. It entails preparing evacuation sites, compiling accurate data and information, and updating permanent procedures for disaster emergency response. They also provide the provision and preparation of materials, goods, and equipment for the restoration of infrastructure and facilities. Disaster management, according to Article 33 of the Government Regulation of the Republic of Indonesia, Number 24 of 2007, includes the pre-disaster, emergency response, and post-disaster stages.

2 Disaster management at the pre-disaster stage, as defined above, includes both situations in which a disaster does not occur and situations in which a disaster has the potential to occur. 5 Disasters are events or series of events that endanger and disrupt people's lives and livelihoods due to natural or non-natural factors and human factors, resulting in human casualties, environmental damage, property losses, and psychological impacts. The realization of disaster management is a series of efforts that include the establishment of disaster-prone development policies, disaster prevention activities, emergency response, and rehabilitation. There are three benchmark aspects for implementing the government-made rule. This process is to determine whether the role of BPBDs in disaster response has been carried out, as follows:

The BPBD authority is viewed from a pre-natural disaster standpoint. Article 35 (a) 18 of Law Number 24 of 2007 includes Disaster Management Planning, which includes Risk Assessment. However, it has not been implemented due to a lack of funds and disaster experts. Furthermore, due to a lack of contribution from the Regional Agency for Disaster Management in terms of Building Construction Permits, article 35 (d) of Law Number 24 of 2007, Integration and Development Planning, has not been implemented. It is demonstrated by the fact that many people continue to construct building in disaster-prone areas (at the cliffs).

The Regional Agency for Disaster Management also conducts community socialization. The resources cover what to do 27 before, during, and after a disaster. The Regional Agency for Disaster Management also runs Disaster Safe Education Schools and Disaster Resilient Villages (DESTANA) on a yearly basis. All villages in Kuningan Regency are expected to become disaster-resilient village. BPBD was also requested to provide a Disaster Risk Map document to the Regional Development Planning Agency (BAPPEDA). It is for the preparation of a Regional Spatial Plan (RTRW) which has not been implemented optimally. In terms of preparedness, the Regional Agency for Disaster Management has volunteers who are on call within 24 hours. They are on call for a full 24 hours, there is no holiday, especially in conditions of heavy rainfall, disasters often occur. BPBD also undertakes mitigation efforts, both structural and non-structural. The former includes both artificial and natural structures such as checkdams, dams, river embankments, and so on. The latter includes regulations,

spatial planning, and spiritual training. Mitigation must be done in accordance with the characteristics of the disaster because they require different mitigation efforts.

Impact is simply defined as an effect or result. Every decision made by a supervisor has both positive and negative consequences. The Impact can also be a follow-up process from the implementation of internal controls. A trustworthy leader should be able to predict the type of impact that a decision will have. The implementation of Law Number 24 Year 2007 has had a significant impact on Kuningan Regency. Because of this law, the community appears to understand more and fortify itself with the knowledge gained from the regulation. They are more alert, prepared, and responsive when dealing with situations, whether during, after, or before a disaster. The community hopes that all of these conditions will be maintained indefinitely because they feel protected by this government regulation.⁴⁶ As happened in Cibingbin in 2017, there was once a flood upstream of the river caused by a landslide, causing the water discharge to be higher than usual that lead to floods.⁴⁷

BPBD, with its smooth communication, can be fast and responsive, and responsive people immediately carry out mutual cooperation while waiting for logistical and basic needs assistance from BPBD. Landslides occurred in the Puhun sub-district, and the local government, through BPBD, immediately constructed a landslide retaining wall to prevent another landslide. In fulfilling its authority, the BPBD responds quickly to disasters in 2019. BPBD held disaster response training and planted seeds around the river. Then, as a precaution, BPBD is collaborating with LMDH in 2021 and 2022 to plant trees in the forest surrounding the river.

According to Lawrence M Friedman's Legal System Theory, the success of law enforcement requires the operation of all components of the legal system. According to Lawrence, the legal system is made up of three parts: the legal structure, the legal substance, and the legal culture. The legal structure can also be described as law enforcement officers, whether or not the law enforcement officers performed their duties according to the applicable rules. In this case, the regional Agency for Disaster Management is regarded as quite effective in terms of emergency response. They are always ready if there is a report of a natural disaster, always maintain good communication, and quickly record what the victims require in terms of food and clothing.

During post-disaster periode, BPBD has implemented rehabilitation and reconstruction programs in collaboration with the relevant Technical Office. However, several indicators have not been implemented, particularly in Post-Disaster or Preparedness, where the BPBD has not contributed to building permits. BPBD should have participated in the approval of building permits, especially in disaster-prone areas. There should be no buildings on cliffs, but in reality. many buildings built on cliffs which increases the risk of disasters. It is due to a lack of socialization, which occurs only once a year. As a result, many people lack adequate disaster knowledge. Furthermore, due to a lack of funds and fairly large budget needed, there is no disaster risk assessment. Furthermore, it is due to a scarcity of qualified disaster experts. Substance is a societal rule, and in this case, it is felt that the arrangement is good because it clearly covers all areas of disaster.

The regulations in question are as follows: Law Number 24 of 2007 concerning Disaster Management; Government Regulation Number 21 of 2008 concerning the Implementation of Disaster Management; Regional Regulation Number 6 of 2011 concerning the Implementation of Kuningan Regency Disaster Management; and legal culture. Legal

culture is a demand or request made by those who use legal services. These demands or requests are usually driven by interests, knowledge, experience, ideas, attitudes, beliefs, hopes and opinions or judgments about the law and its enforcement institutions. Thus, the Indonesian legal system functions as a tool of society, uniting the interests of community members to create order. Essentially, the law governs the relationship between humans and society, and justice is the yardstick by which this relationship is measured. In this case, Kuningan Regency residents, particularly those in disaster-prone areas such as Cibingbin village. They are well-versed in what to do in the event of a disaster and before BPBD assistance arrives.

The analysis based on State of Law Theory, Indonesia is a state of law, as mentioned in Article 1 paragraph 3 of the 1945 Constitution, the regulations should be enacted as a forum that refers to the ideals, goals and functions the law, so that everything done is more orderly and does not harm each other. Based on the authority theory, the implementation of disaster management has been regulated by the state. It is stated in the Government Regulation Number 21 of 2008, the implementation of disaster management which is a mandate from the state to BPBD which is as disaster management organizer in each region. A mandate occurs when a government allows another organization to exercise its authority in its name. There is no transfer of responsibility in the mandate, but the responsibility remains with the person who gave the mandate. In addition to government regulations, regional regulation number 6 of 2011 governs disaster management implementation.

Conclusion

In conclusion, BPBD (Regional Agency for disaster Management) authority is needed to reduce excess risk caused by natural disasters. Community socialization, education, and natural disaster simulation are highly needed. BPBD cannot function without rules, there must be guidelines for BPBD in optimizing its role as a disaster-responsible institution. According to the National Agency for Disaster management's policy (BNPB), The establishment of BPBDs is based on regional regulations, the central government submits the establishment of BPBDs to the Regional People's Representative Council (DPRD) coordinating with the Ministry of Home Affairs (Kemendagri) and BNPB. To date, most disaster-prone provinces in Indonesia are legally required to establish BPBDs.

Regional disaster management efforts must begin with regional policies aimed at dealing with disasters referring to the existing regulations. Officers from the Regional Agency for Disaster Management (BPBD) Kuningan Regency carry out various procedures in line with Law Number 24 of 2007. The officers then worked with a variety of parties, including the River Reservoir Center, the Public Works and Spatial Planning Agency, and the Regional Agency for Planning Development, to launch all BPBD efforts in carrying out their duties. Furthermore, the officers work with implementers and target groups to identify and resolve obstacles that arise during a disaster, whether moderate or non-disaster. In short, the impact of the regulation of Law No. 24 of 2007 is felt strongly by various parties, with the community bearing the brunt of the burden. Of course, the community benefits greatly from this government regulation. Accordingly, they hope this regulation will be well-implemented in the future.

Suggestion

The authors strongly advise updating disaster management, particularly in Kuningan Regency. Thus, disaster management can be implemented optimally, especially in terms of minimizing risks in natural disasters. In addition, the authors also suggest ³⁴ the Regional Agency for Disaster Management to carry out pre-disaster stage optimally. It is possible to contribute to the pre-disaster Building Permit and conduct risk disaster studies to reduce Natural Disasters.

Acknowledgments

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Laws and Regulations

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- Government Regulation Number 21 of 2008 concerning the Implementation of Disaster Management
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