

## POLICY ON NATURAL DISASTER RESPONSE TO GUARANTEE THE PRINCIPLES OF POST-DISASTER ASSISTANCE

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### ABSTRACT

Indonesia is an area belonging to the Ring of Fire line, fascinating the beauty of the panoramic, so attract much foreign tourists to come and see its beauty. Furthermore, Indonesia is a country that often experience natural disasters, Indonesia Located in a geographical location that is prone to disaster. Disasters can be caused by both natural and behavioral factors for utilizing and managing natural resources.

In some areas of Indonesia, disasters examples that hit the country. So far, there are available disaster management regulation tools, which provides disaster management framework, Pre-disaster comprehend, emergency response, and post-disaster. Although the law has outlined comprehensive disaster management provisions, so far is still focused on the emergency response period. Further actions such as mitigation, rehabilitation and reconstruction appear not to be a top priority of disaster management activities. Other issues that are still scattered are coordination, rescue aid, appropriateness of assistance, and logistic distribution.

**Keywords:** Policy, Disaster, Aid, BNPB, Environment

## **1. INTRODUCTION**

Capacity building of human resources (capacity building) to strengthen institutional capacity and preparation of disaster support capacity should be implemented in a measurable and planned manner as an effort to anticipate the impact of more severe disasters. Law 24/2007 clearly affirms that disaster management is not just an emergency response action. It also includes a broader process, ie mitigation (pre-disaster) and reconstruction rehabilitation (post-disaster). Various disaster management agencies must provide a proportional priority to the three stages of disaster management, especially in the mitigation, reconstruction, and rehabilitation stages are still often stagnant and not even clear how to handling. In relation to the mitigation process, the government should optimize the role of participative parties from all disaster stakeholders. One of them with educational institutions such as universities. Cooperation with universities can be done in order to approach the disaster with existing science theories, which in fact can be used as a basis for us to improve human resource capabilities in the range of planning and application of better disaster management problems. Therefore, the participation of universities as partners becomes significant in this context. Some of the things that need attention in cooperation are, among others, the importance of mapping of disaster prone areas, the issuance of modules and information systems in disaster management, community-based disaster management training and social recovery after the disaster. With a synergic pattern of cooperation, it is hoped that the government role in dealing with disaster is not merely to be a fire extinguisher in the event of a disaster. Governments can play a more important role in the pre-crisis stage and are able to prepared national disaster development, especially disaster management capabilities.

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Government efforts to synergize with all disaster stakeholders can also be directed in the formulation of education strategies and programs to anticipate natural disasters as well as build a network of stakeholders who play a role in anticipatory and disaster education programs. This can be followed up by forming task forces (tasks) anticipation and disaster education in order to accelerate and streamline the implementation of disaster education program, and empower communities to adapt to the environment that is prone to natural disasters. There is a lot of public helplessness in anticipating the natural causes of human casualties and economic losses in the event of natural disasters such as earthquakes, tsunamis, volcanic eruptions, floods and

landslides. Therefore, a natural disaster education strategy and program is urgent to be formulated immediately. It better educates the community to be more responsive to the disaster. With the right strategy, it is hoped that the education program to anticipate natural disasters can be done effectively, then it is hoped that the community can be more empowered and anticipative in responding to natural disasters. What is need to be observed is the number of agencies dealing with disasters can lead to overlapping and confusion regarding the domain of duties and responsibilities in disaster management. Coordination also needs to be enhanced with non-governmental institutions that also carry out disaster duties by collecting and distributing resources and assistance for disaster management. This should be well managed and needs to be built effective communication and coordination formats so that it does not become a new problem in the disaster management process.

It is clear that the need for synergies between ministries has to do with the need in various fields. Perhaps still overlapping handling. The BNPB must outline duties and responsibilities, whether pre-disaster, during disaster, or post-disaster. For example, the handling of schools and hospitals damaged by natural disasters, whose job. Even if the National Education Ministry, Health Ministry or Social Affairs Ministry, for example, when they should give assistance. Natural Disaster Management in the Region need a fast handling precisely and certainly in accordance with the applicable legislation therefore the readiness and responsiveness of local government apparatus in the face of Natural Disasters in need of togetherness, and can localize the impact caused by Natural Disasters own. And besides that since the fall of Soeharto's totalitarian dictatorial era of the last millennium, conflict after conflict arose in the society. Not only with the background of differences in beliefs, the seizure of land associated with the money, but also to conflicts with the aim of secession from Indonesian entities with the theme of self-determination. More complex, the occurrence of this conflict is often accompanied by the occurrence of natural disasters, So that in the circumstances in the field need to refer to what legal basis should be completed first, disaster management or conflict management.

Indonesia is a rich country, but it is in a geographical location that is vulnerable to disasters. Disasters can be caused by natural factors and the consequences of human behavior

that is not responsible for utilizing and managing natural resources (SDA) and environment. Earthquake and tsunami in Mentawai, Merapi eruption in Yogyakarta as well as floods of Wasior in Papua and floods in various areas of disastrous examples that hit the country. So far, there are available disaster management regulation tools, namely Law Number 24 Year 2007 which provides disaster management framework, covering pre disaster, emergency response, and post disaster. Although the law has outlined comprehensive disaster management provisions, so far the response is still focused on emergency response issues. Further actions such as mitigation, rehabilitation and reconstruction appear not to be a top priority of disaster management activities. Other issues that are still scattered are coordination, speed of assistance, appropriateness of assistance, and distribution spread evenly. Institutional On the mandate of Law 24/2007 also have been established National Disaster Management Agency (BNPB) at the regional level throughout and Indonesia. BNPB also established a regional technical unit (UPTD) of 12 units, in several areas. The details are 2 units of Sumatra Island, 2 units of Sulawesi, 2 units of Kalimantan, 3 units of Java-Bali, 1 unit of NTT-NTB, 1 unit of Papua and 1 unit of Maluku. However, for Indonesia with tremendous potential disaster, current disaster management capacity is still far from adequate. Improvement of UPTD units still needs to be improved as needed. For example, for East Java area that still often appear vulnerable to disaster, obviously need more UPTD unit.

All parties certainly crave a BNPB institution that is supported by human resources (HR) trained already to be deployed to the most difficult terrain. Of course, with standard equipment as well as having an activity center that collects all the resources needed in the context of disaster management. This should be supported by adequate and measurable funding in APBN (National Fund Source) and APBD (Regional Fund Source). Institutional Strengthening Grand Design is needed in order to strengthen institutional capacity and disaster management standards quickly, responsively and professionally in accordance with international standards. For example in some developed countries (Australia and the United States), their disaster hazard center is based on a railway station, equipped with adequate equipment, even some with special fast-moving aircraft that serve as logistics suppliers as well as emergency hospitals.

## **1. Research methods**

This research aims to give a contribution of thought and brief description to all parties who have same interest with this research material. For the authors themselves, this research would like to examine the disaster that has been appropriately achieved against the people experiencing natural disasters for the Government policy is demanded to pay attention to the aid really reached the victims of natural disasters.

## **2. Research Approach**

The author uses a normative Juridical approach in discussing this Research. Notice the prevailing legal norms and their application to disaster relief problems must be well targeted to the neediest.

### **1. Source of Legal Material**

#### **1.1 Legal Material Primary Source**

The primary legal materials are derived from interviews with the BNPB Institution (National Disaster Management Agency) as public servants and residents / people who need assistance due to natural disasters that often occur in Indonesia.

#### **1.2 Legal Material Secondary Resources**

Secondary law material comes from studying literature and legislation, scientific writings, newspapers and magazines that have similar topics to the discussion of this research.

## **2. Data Collection and Processing Procedures**

The primary data collection procedure is done by conducting field study through interview with related parties ie BNPB employee and disaster affected community. Secondary data collection is done by literature study, then process the data by collecting, selecting and arranging in mathematical system so that obtained data accurate and can be accounted for.

### **3. Data Analysis**

The data have been compiled further analyzed using analytical descriptive method, which describes the problem, express the views and opinions and finally solve the problems contained in the data.

### **3. Discussion**

Government Efforts to implement with all disaster stakeholders can also be directed in the formulation of education strategies and education programs to anticipate natural disasters as well as build a network of stakeholders who play a role in anticipatory and disaster education programs. This can be followed up by forming a task force (tasks) anticipation and disaster education in order to accelerate and streamline implementation disaster education program, and empower the community to adapt with the environment that is prone to natural disasters. There are many people's helplessness in anticipating natural disasters resulting in massive loss of lives and economic losses in the event of natural disasters such as earthquakes, tsunamis, volcanic eruptions, floods and landslides. Because of it, a strategy and education program of natural disasters is urgent to be formulated immediately. It can better educate the community to be more responsive to the disaster. With the right strategy, it is hoped that the education program to anticipate natural disasters can be done effectively, it is expected that the community can be more empowered and anticipative in responding to natural disasters. What needs to be observed is that the number of disaster management agencies can lead to overlapping and confusion over the domain of duties and responsibilities in disaster management. Coordination also needs to be enhanced with non-governmental institutions that also carry out disaster duties by absorbing and channeling resources and assistance to disaster relief. This should be well managed and needs to be built on effective communication and coordination format so that it does not become a new problem in disaster management process. It is clear that the need for synergies between ministries is related various field needs. Perhaps handling is still overlapping. The BNPB should outline clearly its duties and responsibilities, whether pre-disaster, during a disaster, or post-disaster. For example, handling for schools and hospitals damaged by natural disasters, it's who's duty. Even if the National Education Ministry, Health Ministry or Social Affairs Ministry, for example, when they should aid. Likewise, with other ministries. If still overlapping of course maximum results cannot be realized. Need Funding Support So far for

disaster in APBN 2010 is approximately Rp 3 trillion, as well as last year (2009). On the other hand, local governments also allocate funds in the APBD in case of disaster. However, the facts in the field of the Regional Disaster Management Agency (BPBD) of the District admitted the agency is not ready to face natural disasters that occasionally hit the area.

1. The Disaster Relief Assistance Process. In relation to the mitigation process, the government should optimize the participatory role of all disaster stakeholders. One of them with educational institutions such as universities. Cooperation with universities can be done in order to approach the disaster with existing science theories, which actually can be used as a basis for us to improve the ability of human resources in the framework of planning and application of handling disaster problems better. Some of things that need attention to cooperation are, among others, the importance of mapping of disaster prone areas, the issuance of modules and information systems in disaster management, post-disaster social recovery training. With a synergic pattern of cooperation, it is expected that the Government can play a more prominent role in the pre-disaster stage and be able to develop national disaster preparedness, especially the ability of disaster relief fund management with the right target.

## **2. Responsibility for Disaster Aid**

Natural Disaster Management in the Region in need of a fast handling precisely and certainly in accordance with the applicable laws and regulations therefore the readiness and responsiveness of local government officials in the face of Natural Disasters in need of togetherness, and can localize the impact caused by Natural Disasters itself. And besides that, Since the fall of the era of totalitarian dictator Suharto last millennium, conflict after conflict emerged in the community. Not only with the background of differences in beliefs, the seizure of land associated with the money, but also to conflicts with the aim of secession from Indonesian state entities with the theme of self-determination. More complex, the occurrence of this conflict is often accompanied by natural disaster events, so that in the field conditions need to reference what the legal basis that must be resolved first, disaster management or conflict handling. Budget availability for disaster in APBN 2010 is approximately Rp 3 trillion, as well as last year (2009). On the other hand, local governments also allocate funds in the APBD in case of disaster. However, the facts in the field of Regional Disaster Management Agency

(BPBD) between districts are not ready to face natural disasters that occur during the period of time. The head of the PBD Emergency Response Party expressed concerns that no budget allocations were prepared for disaster relief and post-disaster costs. According to him, the absence of disaster budgeting post plotted through the 2010 budget (APBD) raises high levels of anxiety if the disaster occurs in this area, Although in emergency situations there are often donor agencies and grants, But the government should not rely on this uncertain nature. Because the disaster is much related to the survival of humans who need a fast movement.

### **3. Disaster Management Implementation System**

Next in Article 5 it is explained that the Government and regional governments are responsible for the implementation of disaster management. Following the provisions of Article 5 of the Disaster Management Act, the government established the National Disaster Management Board (BNPB). This Agency is a Non-Departmental Government Institution (LPND) that has task of assisting the President in plan coordinating and implementation of disaster management and integrated activities, and implementing disaster and emergency response from before, during and after the disaster Including prevention, preparedness, emergency response, and recovery.<sup>1</sup>National Disaster Management Agency established pursuant to Presidential Decree No. 8 of 2008. Before this entity called the National Coordinating Agency for Disaster Management established under Presidential Decree No. 83 of 2005, replacing the National Coordinating Agency for Disaster Management and Refugees, established by Presidential Decree No. 3 Year 2001.

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According to Article 12 of the Disaster Management Act, the National Disaster Management Agency has the following duties:

1. Provide guidance and direction to disaster management efforts that include disaster prevention, emergency response handling, rehabilitation and reconstruction of the structures in a fair and equal manner;

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<sup>1</sup> See Law No. 24 Year 2007 on Disaster Management and Presidential Decree No. 8 of 2008 on the National Disaster Management Agency.



2. Establish standardization and the need for disaster management in accordance with laws and regulations;
3. Delivering information on disaster management activities to the community;
4. Reporting disaster management to the President once a month under normal conditions and at all times in a state of emergency;
5. Using and responsible for national / international donations / assistance;
6. Responsible for the use of the budget received from the State Revenue and Expenditure Budget;
7. Carry out other obligations in accordance with the laws and regulations; and
8. Develop guidelines for the establishment of the Regional Disaster Management Agency.

With the establishment of Law Number 24 Year 2007 on Disaster Management and all its derivative legislation, the outline of the scope of disaster management will be:

- A. All disaster management efforts undertaken during pre-disaster, during emergency response, and post disaster;
- B. Emphasizing preventive efforts on pre-disaster;
- C. Providing easy access for disaster management agencies during emergency response; and
- D. Implementation of post-disaster rehabilitation and reconstruction efforts.

As well understanding of disaster management implementation, a series of efforts covering the establishment of development policies that are at risk of disasters, disaster prevention activities, emergency response, and rehabilitation. From this understanding, disaster management is divided into 3 (three) process stages:

### **1. Pre-disaster**

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In this stage, still divided into 2 (two) situations, namely:

- A. In no disaster situation; and
- B. In the event of a potential disaster occurring.

In the event of no disaster, some of the activities carried out include:

- A. Disaster management planning;
- B. Disaster risk reduction;
- C. Prevention;
- D. Integration in development planning;

- E. Disaster risk analysis requirements;
- F. Implementation and enforcement of spatial planning;
- G. Education and training; and
- H. Requirements of disaster management technical standards.
- I. As well as research and development in the field of disaster.

In the prevention activities at the pre-disaster stage, disaster risk reduction plans are formulated based on the results of disaster risk analysis and disaster management efforts described in the disaster management program and the details of its budget in Indonesia are coordinated by:

- A. National Disaster Management Agency for the national level;
- B. Provincial National Disaster Management Agency for provincial level; and
- C. National Agency for District / City Disaster Management for district / city level.

The disaster management plan as mentioned above is stipulated by the Government or regional government in accordance with its authority for a period of 5 (five) years, and reviewed periodically every 2 (two) years or at any time in the event of a disaster. This arrangement should refer to the guidelines set by the Head of the National Disaster Management Agency.

Risk reduction is an activity to reduce threats and vulnerabilities and increase the community ability to cope with disasters, and some activities that can be done in this process:

- A. The introduction and monitoring of disaster risks;
- B. Participatory planning of disaster management;
- C. The development of a disaster-conscious culture;
- D. Increased commitment to disaster management; and
- E. Implementation of physical, nonphysical, and disaster management efforts.

An action plan for disaster management or often referred to as Renas PB (National development plan ) is a comprehensive and integrated one in a forum covering elements from Government, non-government, communities and business entities coordinated by the National Agency for Disaster Management, while in the regions coordinated by Regional Agency Disaster Management. This national action plan and action plan for disaster risk reduction is established for a period of 3 (three) years and can be reviewed as needed.

Prevention referred to pre-disaster stage is done by reducing the disaster threat and the vulnerability of the party that is threatened by the disaster through the activity:

- A. Identification of hazard sources or disaster threats;
- B. Monitoring of;
- C. Supervision on the implementation of spatial and environmental management;
- D. Strengthening community's social resilience.

In accordance with Article 35 letter e of Law Number 24 Year 2007 regarding Disaster Management that addresses the requirements of the intended disaster risk analysis to know and assess the risk level of a disaster prone condition or activity.

Disaster risk analysis is prepared and established by the Head of National Disaster Management Agency by involving related institutions / agencies. Disaster risk analysis is used as a basis for the preparation an analysis of environmental impacts, spatial planning and disaster prevention and mitigation, so that any development activities that have high risk to cause disaster, must be equipped with disaster risk analysis.

## **2. Emergency Response**

Implementation of disaster management during emergency response:

- A. Rapid and precise assessment of location, damage, loss and resources;
- B. Determination of disaster emergency status;
- C. Rescue and evacuation of affected communities;
- D. Fulfillment of basic needs;
- E. Protection of vulnerable groups; and
- F. Immediate recovery of vital infrastructure and facilities.

Rapid Assessment is done by Rapid Assessment Team based on assignment from Head of National Disaster Management Agency or Head of Regional Disaster Management Agency according to its authority. The rapid and precise assessment referred to above is done through identification of:

- A. Disaster site coverage;
- B. The number of disaster victims;
- C. Damage to infrastructure and facilities;

- D. Disruption to the function of public services and government; and
- E. Natural and artificial resource capacity.

Determination of the status of a state of emergency is carried out by the Government and local government in accordance with the level of disaster, so that if the disaster at the district / city level is done by the regent / mayor, the provincial level by the governor and the national level by the President. At this time, the Draft of Presidential Regulation on the Determination of Status and Disaster Levels which was formed by the National Disaster Management Agency has been in the State Secretariat for the signature of the President for his ratification.

When the status of a disaster emergency is established, BNPB and BPBD have easy access in the areas of:

- A. Deployment of human resources;
- B. Deployment of equipment;
- C. Deployment of logistics;
- D. Immigration, excise, and quarantine;
- E. Licensing;
- F. Procurement of goods / services;
- G. Management and accountability of money and / or goods;
- H. rescue; and
- I. Command to order agencies / institutions.

### **3. Post Disaster**

The implementation of disaster management in the post-disaster stage consists of:

- A. rehabilitation; and
- B. reconstruction.

In order to accelerate the recovery of people's lives in post-disaster areas, local governments set priorities for rehabilitation activities based on the analysis of damage and disaster losses. This rehabilitation activity is the responsibility of Government and / or affected local governments by paying attention to community aspirations. Rehabilitation in post-disaster areas is done through:

- A. Improvement of the disaster area environment;
- B. Improvement of public infrastructure and facilities;

- C. Provision of psychological social assistance;
- D. health services;
- E. Reconciliation and conflict resolution;
- F. Social, economic, and cultural recovery;
- G. Restoration of security and order;
- H. Recovery of government functions; and
- I. Recovery of public service functions.

Reconstruction is undertaken to accelerate the reconstruction of all infrastructure and facilities and institutions in post-disaster areas, the Government and / or local governments to prioritize reconstruction activities based on disaster damage and loss analysis. Reconstruction in post-disaster areas is done through:

- A. Rebuilding of infrastructure and facilities;
- B. Rebuilding of community social facilities;
- C. Revitalization of socio-cultural life of the community;
- D. Applying the proper design and better use of equipment and disaster-resistant;
- E. Participation and participation of civil society, business and community institutions and organizations;
- F. Improvement of social, economic, and cultural conditions;
- G. Improvement of public service function; or
- H. Improvement of primary services in the community.

In preparing the reconstruction plan should pay attention to:

- A. Spatial plan;
- B. Arrangements on building construction standards;
- C. Social conditions;
- D. customs;
- E. Local culture; and
- F. Economy

The reconstruction plan as referred to is prepared on the guidance based stipulated by the Head of BNPB. In conducting the reconstruction, local governments must use disaster management funds from APBD. In the event that the APBD is inadequate, district / city government may request funding from the provincial and / or government to fund the

reconstruction activities. And in case the district / city government requests reconstruction funds to the Government, the request must go through the relevant provincial government. Local governments may also request assistance to provincial and / or government authorities in the form of:

- A. experts;
- B. equipment; and
- C. Infrastructure development.

Government assistance proposal from the local government is done through verification by a team of inter-department / non-departmental government institution coordinated by BNPB. The verification determines the amount of assistance to be provided by the Government to the Local Government proportionally and carried out in conjunction with the implementation of the rehabilitation certificate. Regarding the use of assistance provided to local governments, monitoring and evaluation by interdepartmental / non-governmental government agencies involving BPBD, coordinated by BNPB, were conducted.

#### **V. Disaster Relief System**

Disaster Management is any effort or activity undertaken in a range of prevention, mitigation, preparedness, emergency response and disaster-related recovery undertaken before, during and after the disaster. (*Law No. 24 of 2007 on Disaster Management*). Compare with South Africa, republic recovering from racial discrimination for decades, also has a policy of comprehensive disaster handling, namely the *Disaster Management Act 2002*. This policy organize the relationship among government agencies (intergovernmental structures), handling hierarchy starting from the center (National disaster management center), province (provincial disaster management center), to city / district (municipal disaster management center).

Disaster Management Activities are basically a series of activities both before, during and after a disaster to prevent, reduce, disappear from and recover from the impact of disasters. In general the activities which is conducted in disaster management is Pre Disasters which includes prevent effort and mitigation, the reduction of the impact of hazards, preparedness. In the event of a disaster that is the phase of Emergency Response, and Post Disaster includes recovery (rehabilitation and reconstruction), and reconstruction of infrastructure as follows:

### **1. Pre-Disaster Stages**

Prevention: Prevention is an attempt to eliminate completely or reduce threats. In Phase Prevention, made the drafting of the Disaster Handling (*Disaster Management Plan*) or often called a Readiness Plan (*Disaster Preparedness Plan*). This plan is a comprehensive plan of Disaster Management to pre-disaster until post-disaster, but limited in what activities to be implemented, and who its perpetrators and funding sources will be used.

Examples of precautions:

- Making artificial rain to prevent drought in the region.
- Prohibit or stop logging.



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#### **4. Conclusion**

If the stage after the disaster, expected the activity continues to be done is to increase disaster preparedness and prevention / risk. Through training and simulation of action when disaster strikes on educational institutions, companies, government, and so on. The activity aims to awaken the public to know about the disaster (awareness) and community organizing in the framework of advocacy. Indeed, this policy is prepared to deal with disasters with all devices holistically and sustainably. However, the policy has institutional or continuous variables. This includes disaster mitigation efforts that emphasize disaster prevention and preparedness activities, including: disaster management planning, disaster risk reduction, prevention, integration in development planning, disaster risk analysis requirements, implementation and enforcement of spatial plans, education and training, and the technical standard requirements for disaster management.

#### **5. Suggestion**

At the time of the disaster happen usually many parties who pay attention and reached out to aid energy, morale and material. The amount of aid that comes is actually an advantage that must be managed properly, so that any incoming aid can be appropriate, right on target, appropriate benefits, and efficiency occurs. Thus, it is expected that the implementation of logistics management and equipment can run effectively and efficiently and well-coordinated. To the government to improve the management of disaster prevention and anticipation. It is expected that the government has the Agency or Special Agency to overcome disaster. Giving socialization and simulation to people living in disaster prone areas. In addition, community participation is needed in the rescue and preservation of the environment, because most of the disaster caused by environmental damage.



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