

Research Article

Legal Analysis of Social Protection in Disaster Management in the Province of Lampung

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Abstract.

Based on Law Number 24 of 2007 and Government Regulation Number 21 of 2008 concerning the implementation of disaster management, which consists of pre-disaster, emergency response, and post-disaster stages, as well as four types of social protection in the post-disaster stage, which include social assistance, social insurance, labor market intervention, and social care services. This research aims to interpret the legal framework of disaster management for 15 districts/cities in Lampung Province. This research uses a normative legal research method (legal research), which bases its analysis on applicable laws and regulations that are relevant to the issues that are the focus of the research. According to data analysis conducted on 15 districts and cities in Lampung Province, 11 of them have regional rules on disaster management that include pre-disaster, emergency response, and post-disaster phases. Regulations for all phases of disaster management are still lacking in the other four districts.

Keywords: pre-disaster, emergency response, and post-disaster stages, social assistance, social insurance, labor market intervention, social care services

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1. Introduction

Lampung Province is one of the provinces with a high frequency of natural disasters because it is located in the Semangko fault zone that stretches across the western part of Sumatra Island. In addition, climatic and geological conditions also affect the occurrence of natural disasters in Lampung Province. Research conducted by Sulistyawati et al. (1) showed that the level of vulnerability to natural disasters in Lampung Province consisting of 15 districts/cities was dominated by a moderate level of vulnerability to natural disasters, with 12 districts/cities at the medium vulnerability level and 3 districts/cities at the high vulnerability level, namely South Lampung Regency, West Coast, and Bandar Lampung City. While the low level of natural disasters was not detected in Lampung Province. This shows that the 15 districts/cities in Lampung Province have potential disaster situations that require a legal framework on disaster management.

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In Indonesia, regulations on disaster management have been outlined in Law Number 24 of 2007 concerning Disaster Management and Government Regulation Number 21 of 2008 concerning the Implementation of Disaster Management. Lampung Province has also issued Lampung Province Regional Regulation No. 13/2011 on Disaster Management. With the existence of a legal framework on disaster management at the national and provincial levels, the existence of regional regulations on disaster management in the district / city has a strategic role and a significant contribution to providing disaster protection in the region (2).

Government Regulation Number 21 of 2008 concerning the Implementation of Disaster Management Article 3 states that the implementation of disaster management includes pre-disaster, emergency response and post-disaster stages. According to Aleksandrova *et. al* (3) four types of social protection in the post-disaster stage include: social assistance, social insurance, labor market intervention, and social care services. Research conducted by Maryanti *et al.* (4) identified that the post-disaster stage of the Sunda Strait tsunami in 2018 consisted of post-disaster rehabilitation and reconstruction for each sector, namely: settlement sector, infrastructure, productive economic sector, social sector, cross-sector, and recovery and improvement of social economy, health culture.

This research aims to interpret the legal framework of disaster management for 15 districts/cities in Lampung Province based on reference to Law Number 24 of 2007 and Government Regulation Number 21 of 2008 concerning the Implementation of Disaster Management consisting of pre-disaster, emergency response, and post-disaster stages, as well as four types of social protection in the post-disaster stage which include: social assistance, social insurance, labor market intervention, and social care services.

2. Literature Review

2.1. Social Protection in Disaster Management

According to Ulum (5) a disaster is an extreme disruption of the functioning of a community that causes widespread social, material and environmental losses and exceeds the ability of the affected community to cope using only its own resources. In general, Ulum (5) categorizes disasters into two, namely disasters that are more or less caused by humans (including landslides, floods, abrasion, forest fires) and disasters that are purely natural phenomena (including earthquakes, volcanic eruptions, tornadoes and tsunamis). These disasters have varied impacts depending on the intensity of the

disaster, the location of the affected settlements, the time of occurrence and so on. Disasters also bring psychological, economic, social, political and ecological impacts to communities.

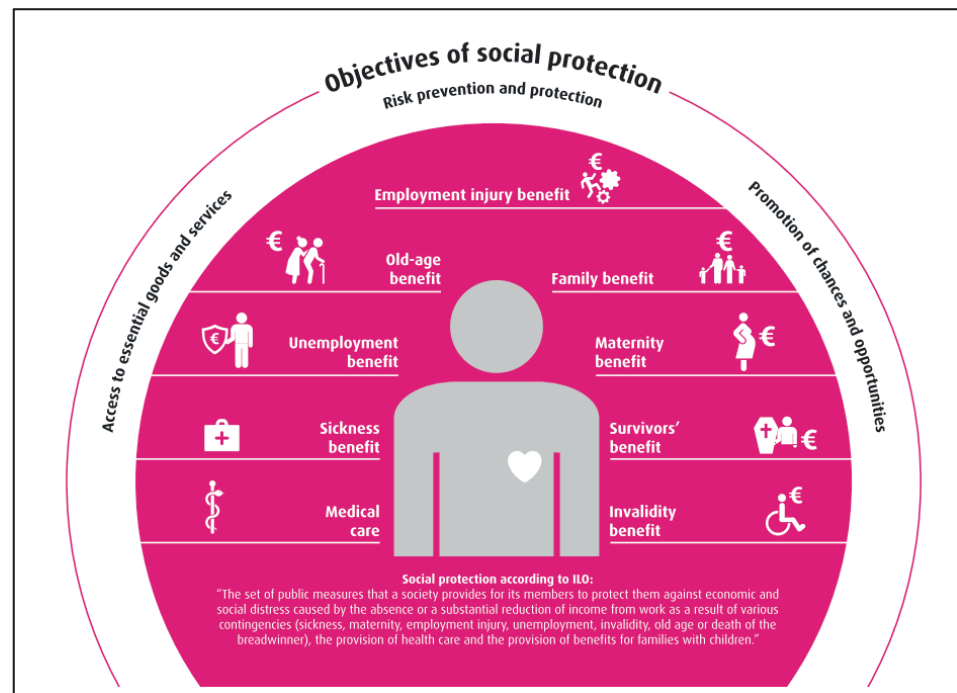
In the realm of disaster management (also known as disaster management), regulations officially state that the implementation of disaster management includes pre-disaster, emergency response and post-disaster stages (6). Moe and Pathranarakul (7) then outline five main phases of disaster management activities, namely prediction, warning, emergency relief, rehabilitation and reconstruction.

According to ILO (3) social protection is understood as the totality of measures that society provides to its population to protect them from economic and social hardship. Social protection is based on the pillars of reserve building and solidarity. The spectrum of social protection ranges from work accident insurance to pension security, from medical care to family benefits, from benefits in case of illness or disability to the provision of unemployment and survivors' benefits. In this context, access to essential goods and services, prevention and protection against risks, and promotion of opportunities and chances are three key objectives (see Figure 1). In terms of formal benefit structures - often provided or supported by the state - a distinction can be made between four types of social protection (3):

1. Social assistance: this includes non-contributory benefits for highly vulnerable groups such as unconditional or conditional cash transfers, in-kind transfers, social housing, or school meals.
2. Social insurance: This includes additional benefits such as health care or pension provisions.
3. Labor market interventions: these include non-contributory and contributory labor market programs. Active programs include, for example, training opportunities or job placement services. Passive programs include unemployment insurance or early retirement options.
4. Social care services: this includes specialized pre- and post-treatment services such as trauma care in the context of social risks such as discrimination or violence.

3. Research Method

This research uses a normative legal research method (legal research) which bases its analysis on applicable laws and regulations that are relevant to the issues that are the



Source: dalam Aleksandrova *et al.* (3)

Figure 1: Social protection objectives.

focus of the research. This research uses primary legal sources in the form of Regional Regulations, Regent Regulations, and Mayor Regulations on Disaster Management from 15 districts/cities in Lampung Province. The technique of collecting legal materials is done through searching and documentation studies. Processing techniques for legal materials that have been collected are carried out in stages: inventory, identification, classification, and systematization. The analysis used in this research uses a qualitative analysis method, namely by interpretation or interpretation of legal materials that have been processed. All legal materials that have been collected are then selected, processed, reviewed, then analyzed in accordance with the legal issues at hand to further draw a conclusion on the concrete problems at hand.

4. Results and Discussion

4.1. Local Regulation on Disaster Management

The characteristics of the draft regional regulation that will be begun must be an elaboration of higher of higher laws and regulations based on inventory, categorization, and analysis of laws and regulations relevant to the implementation of regional disaster management. Based on Law Number 12 of 2011 concerning Formation of Legislation,

the legal position of Regional Regulations (Perda) is under the national legal products which have the following hierarchy:

1. The 1945 Constitution of the Republic of Indonesia;
2. Decree of the People's Consultative Assembly;
3. Law / Government Regulation in Lieu of Law;
4. Government Regulation;
5. Presidential Regulation;
6. Provincial Regional Regulations; and
7. Regency/City Regional Regulations

Law No. 24/2007 on Disaster Management has provided a legal basis for the implementation of disaster management in the country. The law also outlines the organization of disaster management, funding and management of disaster relief, supervision, and criminal provisions. The provisions in this law that give duties, obligations, responsibilities, and authority to local governments include. Article 5 states that the Government and local governments are responsible for organizing disaster management. Article 8 states that the responsibilities of local governments in organizing disaster management include:

1. guaranteeing the fulfillment of community and refugee rights affected by disasters in accordance with minimum service standards;
2. protection of the community from the impact of disasters
3. disaster risk reduction and integration of disaster risk reduction with development programs; and
4. the allocation of adequate disaster management funds in the regional budget.

4.2. Pre-disaster, disaster and post-disaster in regulations

Based on the search results, there are 11 districts/cities in Lampung that have local regulations on disaster management. These regulations are in accordance with Law No. 24/2007 on Disaster Management and Government Regulation No. 21/2008 on the Implementation of Disaster Management and include pre-disaster, emergency response

TABLE 1: Local Regulation on Disaster Management.

No	Regency/City	Regulation Number	Pre Disaster	Emergency Response	Post Disaster
1	West Lampung Regency	Regional Regulation Number 04 of 2019 concerning the Implementation of Disaster Management	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction
	Metro City	Regional Regulation No. 01/2015 on Disaster Management	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction
3	North Lampung Regency	Regional Regulation Number 01 of 2014 concerning the Implementation of Disaster Management in North Lampung Regency	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction
4	Pesawaran Regency	Regional Regulation Number 02 of 2015 concerning the Implementation of Disaster Management in Pesawaran Regency	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction
5	Pringsewu Regency	Regional Regulation No. 07 of 2013 concerning the Implementation of Disaster Management	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction
6	Tulang Bawang Regency	Regional Regulation Number 03 of 2019 concerning the Implementation of Disaster Management	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction
7	West Tulang Bawang Regency	Regional Regulation Number 04 of 2014 concerning Disaster Management	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction
8	West Pesisir Regency	Regional Regulation No. 04 of 2016 on the Implementation of Disaster Management)	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction

TABLE 2: (Continued).

No	Regency/City	Regulation Number	Pre Disaster	Emergency Response	Post Disaster
9	Tanggamus Regency	Regional Regulation No. 06 of 2016 on the Implementation of Regional Disaster Management	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction
10	Central Lampung Regency	Regent Regulation Number 33 of 2014 concerning Guidelines and Management of Disaster Relief in Central Lampung Regency	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction
11	East Lampung Regency	Regional Regulation Number 09 of 2010 concerning the Establishment and Organization of the Regional Disaster Management Agency and Regent Regulation Number 23 of 2015 concerning Standard Operating Procedures for Disaster Management	Non-disaster situation; situation where there is a potential disaster	Implementation of assessment; determination of emergency status; evacuation of the community; fulfillment of basic needs; protection of vulnerable groups; restoration of facilities/ infrastructure	Rehabilitation; reconstruction
12	South Lampung Regency	Regional Regulation Number 11 of 2014 Regional Geological Disaster Mitigation in South Lampung Regency Area	Regional geological disaster mitigation implementation activities that include all pre-disaster stages consisting of: Non-disaster situation; situation where there is a potential for disaster	-	-
13	Bandar Lampung City	Regional Regulation No. 05 of 2010 concerning the Establishment of the Bandar Lampung City Disaster Management Agency (BPBD)	BPBD has the task of carrying out integrated disaster management including the pre-disaster stage.	BPBD has the task of carrying out integrated disaster management including the emergency response stage.	BPBDs have the task of carrying out integrated disaster management including the post-disaster stage
		Regional Regulation No. 06 of 2015 concerning Fire Hazard (Prevention and Management).	Each building must be equipped with life-saving facilities and exits, provision of facilities and infrastructure in fire rescue, simulation, and disaster management.	when a fire occurs, firefighters are obliged to rescue and may destroy or demolish buildings with the aim of saving based on the situation and conditions in the field	

and post-disaster stages. Districts/municipalities in Lampung Province that have local

TABLE 2: (Continued).

No	Regency/City	Regulation Number	Pre Disaster	Emergency Response	Post Disaster
14	Way Kanan Regency	Regent Regulation Number 14 of 2010 concerning the Establishment of the Way Kanan Regency Regional Disaster Management Agency (BPBD)	BPBD has the task of carrying out integrated disaster management including the pre-disaster stage.	BPBD has the task of carrying out integrated disaster management including the emergency response stage.	BPBDs have the task of carrying out integrated disaster management including the post-disaster stage
15	Mesuji Regency	Regional Regulation of Mesuji Regency No. 2 of 2010 concerning the Establishment of Organization and Work Procedures of Regional Devices of Mesuji Regency, as the basis for the establishment of the Regional Disaster Management Agency (BPBD) of Mesuji Regency)	-	-	-

Source: processed from various sources

regulations on disaster management consisting of pre-disaster, emergency response and post-disaster stages are: West Lampung, Metro City, North Lampung, Pesawaran, Pringsewu, Tulang Bawang, West Tulang Bawang, West Pesisir, Tanggamus, Central Lampung, and East Lampung.

In the pre-disaster stage, which in the preparedness stage is focused on prevention and readiness activities, starting from the readiness of posts, heavy equipment, early warning systems and counseling which includes:

1. Formation of working groups, recommending infrastructure improvements, preparing disaster-prone maps and facilities, monitoring and evaluating disaster threats.
2. Carrying out logistics planning, preparing funds and preparing SOPs.
3. Conduct evacuation training to check the readiness of the community and organize coordination meetings among relevant agencies to identify disaster-prone areas.
4. Establish a network of NGOs through TV, Radio for disaster information.

In the emergency stage, operations are focused on rescue and evacuation of victims. Disaster management in the post-disaster stage consists of rehabilitation and reconstruction.

Rehabilitation is carried out through activities:

1. improvement of the disaster area environment;
2. repair of public facilities and infrastructure
3. provision of assistance to repair community houses
4. social psychological recovery
5. health services
6. reconciliation and conflict resolution
7. social, economic and cultural recovery
8. restoration of security and order
9. restoration of government functions; and
10. restoration of public service functions.

Reconstruction is carried out through activities:

1. rebuilding facilities and infrastructure
2. rebuilding of community social facilities
3. revival of the socio-cultural life of the community;
4. the application of appropriate design and the use of better and disaster-resistant equipment in accordance with applicable technical standards;
5. participation of community institutions and organizations, the business world and the community;
6. improvement of social, economic and cultural conditions;
7. improvement of public service functions; and
8. improvement of primary services to the community

4.3. Social protection in regulation

Based on the stages of rehabilitation and reconstruction that have been described, the post-disaster stage of disaster management in 11 districts / cities in Lampung Province is in accordance with post-disaster social protection according to Aleksandrova (2021) which consists of:

1. Social assistance, such as: providing assistance to repair community houses;
2. Social insurance, such as: health services;
3. Labor market interventions, such as: social, economic and cultural recovery;
4. Social care services, such as: social psychological recovery.

Meanwhile, in the regional regulation of South Lampung Regency, the implementation of regional mitigation of geological disasters includes all pre-disaster stages which include a situation where no disaster occurs; and situations where there is a potential for disaster. The regulation does not explain disaster management in the emergency response and post-disaster stages.

In Bandar Lampung City and Way Kanan Regency, no regional regulations on the implementation of disaster management were found, but regional regulations and regent regulations were found on the establishment of the Regional Disaster Management Agency, as an implementing element of the BPBD has the task of carrying out integrated disaster management including pre-disaster stages, emergency response stages, and post-disaster stages. For the city of Bandar Lampung, there are also local regulations on disaster management, one of which is a regulation on fire disaster management.

In Mesuji District no local regulations on disaster management were found. Only found Regional Regulation of Mesuji Regency Number 2 of 2010 concerning the Establishment of Organization and Work Procedures of Regional Apparatus of Mesuji Regency, then as a supporting element of the Regional Head's duties in the field of Disaster Management and Regional Fire Fighters in the working area of the Mesuji Regency Government so that the formation of the Regional Disaster Management Agency (BPBD) of Mesuji Regency.

5. Conclusion

From the data analysis obtained from 15 districts / cities in Lampung Province, there are 11 districts / cities that have regional regulations on disaster management consisting of pre-disaster, emergency response, and post-disaster stages. While there is 1 regency whose regional regulation on disaster management only consists of all pre-disaster stages, 1 regency and 1 city did not find regional regulations on disaster management but found regional regulations and regents' regulations on the establishment of the Regional Disaster Management Agency as an integrated disaster management implementing

element covering pre-disaster, emergency response, and post-disaster stages, and 1 regency did not find regional regulations on disaster management but found regional regulations on the basis of the establishment of the Regional Disaster Management Agency.

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