



The Authority of the Serang City BPBD in Legal Protection for Post-Disaster Natural Disaster Victims

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ABSTRACT

Legal protection provided by the Regional Disaster Management Agency is not given equally in receiving assistance in terms of logistical assistance and infrastructure repair. Article 8 paragraph (1) of Serang City Regional Regulation Number 16 of 2011 concerning Disaster Management, BPBD is responsible for disaster management. The problem identification of this research is how the implementation of the authority of the BPBD of Serang City in efforts to protect the law for victims of natural disasters through post-disaster rehabilitation and reconstruction and how the obstacles to the implementation of the BPBD's authority in efforts to protect the law for victims of natural disasters through post-disaster rehabilitation and reconstruction. The purpose of this study is to determine the implementation of the authority of the BPBD of Serang City in efforts to protect the law for victims of natural disasters through post-disaster rehabilitation and reconstruction and to find out the obstacles to the implementation of the authority of BPBD in efforts to protect the law for victims of natural disasters through post-disaster rehabilitation and reconstruction. This research method uses empirical juridical research methods with qualitative data analysis. The results of the study found that Disaster Management by BPBD has not been carried out optimally due to the inequality of receiving assistance in logistics and infrastructure assistance. The National Disaster Management Agency provides mandated authority to BPBD based on Serang City Regional Regulation Number 16 of 2011 concerning Disaster Management. Preventive legal protection by BPBD is provided through prevention such as conducting disaster-related socialization, disseminating disaster information and implementation, enforcing regional spatial plans through the PERKIM Office related to development and repressive legal protection by handling rehabilitation, namely logistical assistance and reconstruction, namely rebuilding facilities and infrastructure. The obstacles are lack of participation from related agencies, overlapping administration, lack of information and understanding of the community, and budget limitations. This research shows that the implementation of post-disaster rehabilitation and reconstruction by BPBD is not given equally to the provision of logistical assistance and infrastructure.

Keyword: Protection, Authority, Management, Disaster, Regional Disaster Management Agency.

ABSTRAK

Perlindungan hukum yang diberikan Badan Penanggulangan Bencana Daerah tidak diberikan secara merata dalam penerimaan bantuan dari segi bantuan logistik dan perbaikan infrastruktur. Pasal 8 ayat (1) Peraturan Daerah Kota Serang Nomor 16 Tahun 2011 tentang Penanggulangan Bencana, BPBD bertanggung jawab dalam penanggulangan bencana. Identifikasi masalah penelitian ini yaitu bagaimana pelaksanaan kewenangan BPBD Kota Serang dalam upaya perlindungan hukum bagi korban bencana alam melalui rehabilitasi dan rekonstruksi pasca bencana dan bagaimana hambatan pelaksanaan kewenangan BPBD dalam upaya perlindungan hukum bagi korban bencana alam melalui rehabilitasi dan rekonstruksi pasca bencana. Tujuan pada penelitian ini yaitu untuk mengetahui pelaksanaan kewenangan BPBD Kota Serang dalam upaya perlindungan hukum bagi korban bencana alam melalui rehabilitasi dan rekonstruksi pasca bencana dan untuk mengetahui hambatan pelaksanaan kewenangan BPBD dalam upaya perlindungan hukum bagi korban bencana alam melalui rehabilitasi dan rekonstruksi pasca bencana. Metode Penelitian ini menggunakan metode penelitian yuridis empiris dengan analisis data kualitatif. Hasil penelitian diperoleh bahwa Penanggulangan Bencana oleh BPBD belum terlaksana secara optimal karena ketidakmerataan penerimaan bantuan pada bantuan logistik dan infrastruktur. Badan Nasional Penanggulangan Bencana memberikan kewenangan secara mandat kepada BPBD



berdasarkan Peraturan Daerah Kota Serang Nomor 16 Tahun 2011 tentang Penanggulangan Bencana. Perlindungan hukum preventif oleh BPBD diberikan melalui pencegahan seperti melakukan sosialisasi terkait kebencanaan, penyebaran informasi kebencanaan dan pelaksanaan, penegakan rencana tata ruang wilayah melalui Dinas PERKIM terkait pembangunan dan perlindungan hukum represif melakukan penanganan rehabilitasi yaitu bantuan logistik dan rekonstruksi yaitu pembangunan kembali sarana dan prasarana. Hambatannya yaitu kurangnya partisipasi dari dinas terkait, administrasi yang tumpang tindih, kurangnya informasi dan pemahaman Masyarakat, dan keterbatasan anggaran. Penelitian ini menunjukkan bahwa pelaksanaan rehabilitasi dan rekonstruksi pasca bencana oleh BPBD tidak diberikan secara merata pada pemberian bantuan logistik maupun infrastruktur.

Kata Kunci: *Perlindungan, Kewenangan, Penanggulangan, Bencana, Badan Penanggulangan Bencana Daerah.*

Introduction

The government and local governments have duties and responsibilities that must be carried out in carrying out disaster management, both in the central region, namely the National Disaster Management Agency (BNPB) and those in the regions, namely the Regional Disaster Management Agency (BPBD).¹The Regional Disaster Management Agency is a government agency that has the task of handling disaster management in the region. The Indonesian state has an obligation in disaster management to provide protection to all Indonesian people from the threat of disasters as outlined in Article 6 of Law Number 24 of 2007 concerning Disaster Management. Disaster is an event or series of events that threatens and disrupts people's lives and livelihoods caused, either by natural factors and / or non-natural factors and human factors resulting in human casualties, environmental damage, property losses, and psychological impact.²

Related to previous research in a study conducted by Desy Lestari entitled Implementation of the Rehabilitation and Reconstruction Program Policy after the North Lombok Regency Earthquake Disaster in 2020, the results of her research indicate that in implementing program policies, factors that can affect the success or failure of running a program must be considered, in this study human resources are ineffective, the characters of some implementers are inappropriate, the attitude taken is standard and there is poor communication between implementers. This was researched using Presidential Instruction Number 5 of 2018 concerning the Acceleration of Rehabilitation and Reconstruction.³ The difference in this study is that the results of this study show that the authority exercised by the Regional Disaster Management Agency of Serang City has been done as much as possible so

¹ Pasal 5 Undang-Undang Republik Indonesia Nomor 24 Tahun 2007 Tentang Penanggulangan Bencana, JDIH , 2007, <https://jdih.serangkota.go.id>.

² Denny Susanto, Bunga Rampai Manajemen Bencana (Cilacap, Jawa Tengah: Media Pustaka Indo, 2023), https://fliphtml5.com/fkzrz/cbkb/Ebook_Buku_Manajemen_Bencana_Denny_Susanto_2023/.

³ Desy Lestari, "Implementasi Kebijakan Program Rehabilitasi Dan Rekonstruksi Pasca Bencana Gempa Bumi Kabupaten Lombok Utara Tahun 2020 (Studi Kasus Desa Gondang Kecamatan Gangga Kabupaten Lombok Utara)" (Universitas Muhamaditah Mataram, 2021).

that the implementation of rehabilitation and reconstruction runs smoothly. However, this is constrained by budget limitations which make the entire implementation hampered in terms of rebuilding facilities and infrastructure as well as rehabilitation related to the mental recovery of disaster victims. This research was analyzed using Serang City Regional Regulation Number 16 of 2011 concerning Disaster Management.

The Regional Disaster Management Agency of Serang City recorded on the infographic of disasters in the Serang City area in 2023, based on the results of research with interviews by the Regional Disaster Management Agency, namely Mr. Heri Sumbara, as Secretary of the Regional Disaster Management Agency of Serang City when conducting pre-research there were 7 disaster events including fallen trees, collapsed houses, floods, fires, drought (clean water crisis), lightning-struck houses, and landslides. The total disasters in Serang City from January to December 2023 were 28 floods, 42 fallen trees, 3 houses struck by lightning, 36 fires, 2 landslides, and 115 droughts (clean water crisis). The incident caused damage to 106 houses, including 19 lightly damaged houses, 63 moderately damaged houses, and 24 heavily damaged houses.⁴

Serang City has a Regional Regulation on Disaster Management, namely the Regional Regulation of Serang City number 16 of 2011 on Disaster Management. Article 12 of the Local Regulation of Serang City on Disaster Management states that the implementation of disaster management consists of three stages, namely pre-disaster, emergency response, and post-disaster. The implementation of post-disaster management as referred to in Article 12 letter (c) includes rehabilitation and reconstruction. Rehabilitation is an effort made after a disaster to help the community in terms of repairing houses, public facilities, and important social facilities, as well as reviving the economy.⁵ Reconstruction is the rebuilding of facilities and infrastructure in post-disaster areas to foster and redevelop economic, social, cultural, legal activities, and the revival of community roles in post-disaster aspects of life.⁶

The results of interviews conducted with Mr. Heri Sumbara, as Secretary of the Regional Disaster Management Agency of Serang City, conveyed related disaster infographics in 2023 starting from January 1, 2023 - December 31, 2023, stating:

There were 106 house damages due to extreme weather disasters such as collapsed houses, lightning-struck houses, floods, fallen trees, and fires, as

⁴ Heri Sumbara, "Info Grafis BPBD Kota Serang," *BPBD Kota Serang*, 2024, <https://bpbd.serangkota.go.id/>.

⁵ Khambali, "Manajemen Penanggulangan Bencana," *Penerbit ANDI, Yogyakarta*, 2017, 17.

⁶ Putri Cep Alam and Herbasuki, "Upaya Rehabilitasi Dan Rekonstruksi Wilayah Pasca Bencana Erupsi Gunung Merapi Di Kecamatan Kemalang Kabupaten Klaten Provinsi Jawa Tengah," *Journal Of Public Policy And Management Review* 2, no. 3 (2013): 4, <https://doi.org/https://doi.org/10.14710/jppmr.v2i3.3043>.

well as 7,724 family cards and 9,047 people affected by the disaster who were entitled to assistance programs from the government after the disaster, but in reality only 174 registered family cards received logistical assistance such as clothing, food, and first aid assistance and 18 registered houses were reconstructed after the disaster.

The unevenness of receiving assistance is a problem that must be overcome because the assistance should be received by all parties entitled to post-disaster assistance, but in reality this is not done properly where protection related to rehabilitation that is carried out is not perfect and related to the reconstruction of houses that have not been realized all.

Protection through rehabilitation is assisted by several parties such as the social service office to provide logistical assistance for disaster victims, the health service office for health services for disaster victims, and the food security, agriculture and fisheries office to provide assistance in fulfilling basic needs in the form of large and other food staples for disaster victims, where the agency was chosen based on recommendations from the Serang City Regional Disaster Management Agency.⁷ Heri Sumbara as Secretary of the Disaster Management Agency stated "The implementation of rehabilitation carried out by the Regional Disaster Management Agency of Serang City but only realizes related logistical assistance assisted by the Social Service."

Implementation related to Reconstruction by the Regional Disaster Management Agency is assisted by the Housing and Settlement Area Office in rebuilding facilities and infrastructure due to disasters.⁸ Assistance funds for reconstructing buildings are distributed based on building damage criteria, which include light damage, medium damage, and heavy damage.⁹

The implementation of rehabilitation and reconstruction activities must use disaster management funds from the district/city APBD, while if the district/city APBD is inadequate, it can request funding assistance from the provincial government. District/city governments can also request assistance such as experts, equipment and infrastructure development to the central government coordinated

⁷ Peraturan Walikota Nomor 11 Tahun 2022 Tentang Tata Cara Pemberian Bantuan Kepada Masyarakat Akibat Darurat Bencana Yang Bersumber Dari Anggaran Pendapatan Dan Belanja Daerah Kota Serang, accessed May 9, 2025, <https://jdih.serangkota.go.id/>.

⁸ Pasal 13 ayat (2) Peraturan Walikota Nomor 11 Tahun 2022 Tentang Tata Cara Pemberian Bantuan Kepada Masyarakat Akibat Darurat Bencana Yang Bersumber Dari Anggaran Pendapatan Dan Belanja Daerah Kota Serang.

⁹ Pasal 8 Peraturan Walikota Nomor 11 Tahun 2022 Tentang Tata Cara Pemberian Bantuan Kepada Masyarakat Akibat Darurat Bencana Yang Bersumber Dari Anggaran Pendapatan Dan Belanja Daerah Kota Serang.

by the National Disaster Management Agency by involving the Regional Disaster Management Agency.¹⁰

There are still many problems related to rehabilitation and reconstruction that have not been carried out optimally, such as budget limitations, lack of coordination between institutions which causes the provision of assistance to be undirected, it is difficult to reorganize areas affected by disasters, as well as the lack of community participation.¹¹ This indicates the need for improvement and good planning and coordination for a successful rehabilitation and reconstruction program. Disaster management has been coordinated with related parties but still requires greater attention from the government.¹²

Various disasters that occur in the community cause a lot of damage and losses, so it requires attention from the government such as rehabilitation and reconstruction including physical repairs and non-physical recovery. In the rehabilitation and reconstruction process, it is also seen whether there are obstacles or obstacles in the implementation of rehabilitation and reconstruction. From the above problems, researchers are interested in studying further about post-disaster management efforts including this rehabilitation and construction program. Therefore, the researcher is interested in conducting research with the title **"AUTHORITY OF THE SERANG CITY REGIONAL DISASTER RESPONSE BADAN IN THE LEGAL PROTECTION OF NATURAL DISASTER VICTIMS THROUGH REHABILITATION AND RECONSTRUCTION AFTER DISASTER BASED ON THE SERANG CITY REGULATORY REGULATION NUMBER 16 OF 2011 ON DISASTER RESPONSE"**.

The Identification of this research problem is:

1. How is the implementation of the authority of the Regional Disaster Management Agency of Serang City in efforts to provide legal protection for victims of natural disasters through post-disaster rehabilitation and reconstruction based on Serang City Regional Regulation Number 16 of 2011 concerning Disaster Management?
2. How are the obstacles to the implementation of the authority of the Regional Disaster Management Agency of Serang City in efforts to provide legal protection for victims of natural disasters through post-

¹⁰ Pasal 9 Ayat (1) Peraturan Kepala Badan Nasional Penanggulangan Bencana Nomor 17 Tahun 2010 Tentang Pedoman Umum Rehabilitasi Dan Rekonstruksi Pasca Bencana.

¹¹ Erna Yus, Wulandari Novita, and Lionardo Andries, "Efektivitas Program Rehabilitasi Dan Rekonstruksi Pasca Bencana Pada Badan Penanggulangan Bencana Daerah Kabupaten Pali," *Journal Of Law & Policy Review* 2, no. 1 (2024): 141.

¹² BPBD Kota Serang, "Rakor Penilaian Kerusakan Dan Kerugian Sosial Ekonomi Korban Bencana," 2023, <https://bantenintens.co.id/2023/01/26/walikota-serang-sebut-permasalahan-di-kecamatan-serang-paling-krusial/>.

disaster rehabilitation and reconstruction based on Serang City Regional Regulation Number 16 of 2011 concerning Disaster Management?

This research can provide information and understanding related to the implementation of authority with legal protection provided by the Regional Disaster Management Agency of Serang City through post-disaster rehabilitation and reconstruction and is expected to contribute ideas in the development of legal science, especially related to the issue of the implementation of authority with legal protection provided by the Regional Disaster Management Agency of Serang City through post-disaster rehabilitation and reconstruction.

Research Methods

The method in this research uses a qualitative research method with an empirical juridical approach through interviews related to this research problem. The specifications of this research use descriptive analytical research specifications which describe, find facts, and examine national regulations as well as local government policies.¹³ Data analysis in this research is by means of qualitative research. This research describes how legal protection with reconstruction and rehabilitation of post-disaster victims. Data collection techniques in this study used literature research, namely literature, journals, or books, and field research through interviews and documentation. Data sources in this study used primary data sources and secondary data sources. Primary data research uses data collection techniques conducted through interviews. Secondary data in this study used books, journals, theses, and laws and regulations.

Results and discussion

1.1 Profile of the Regional Disaster Management Agency of Serang City

The Regional Disaster Management Agency (BPBD) of Serang City was formed based on the Regulation of the Mayor of Serang Number 12 of 2010 on April 1, 2010 concerning the Establishment and Organizational Structure of the Regional Disaster Management Agency. The Regional Disaster Management Agency of Serang City was formed to perform its duties and functions related to disaster prevention and management.¹⁴

The Regional Disaster Management Agency (BPBD) of Serang City is a regional apparatus that carries out the wheels of government based on the general policies of the Serang City area, in accordance with Law Number 23 of 2014 concerning Regional Government and Law Number 33 of 2004 concerning Financial Balance between the Center and Regional Governments which gives authority to City / Regency Regions to manage and advance their regions.¹⁵

¹³ Ronny Hanitijo Soemitro, *Metode Penelitian Hukum Dan Jurimetri* (Jakarta: Ghalia Indonesia, 1988).

¹⁴ Badan Penanggulangan Bencana Daerah Kota Serang, "Sejarah Singkat," November 23, 2024, <https://bpbd.serangkota.go.id/pages/sejarah-singkat>.

¹⁵ Diat Hermawan, *Rencana Kerja Badan Penanggulangan Bencana Kota Serang Tahun Anggaran 2024-2026* (Serang, 2023).

The Chief Executive and his ranks have the duties and functions of the implementing elements of the Regional Disaster Management Agency of Serang City based on Article 14 of the Regional Regulation of Serang City Number 12 of 2010 concerning the Establishment and Organizational Structure of the Regional Disaster Management Agency, including: Chief Executive, Secretariat, Prevention and Preparedness Section Head, Emergency and Logistics Section Head, Rehabilitation and Reconstruction Section Head.¹⁶

1.2 Implementation of the Authority of the Regional Disaster Management Agency of Serang City in Legal Protection for Natural Disaster Victims through Post-Disaster Rehabilitation and Reconstruction

Disaster management is an effort to provide community protection from the threat of disasters in a planned, focused, coordinated and comprehensive manner to create peace in the life of the community, nation and state.¹⁷ The government based on Article 12 paragraph (1) of Law number 23 of 2014 on Regional Government which states that disaster management is a shared responsibility between the central, provincial and district/city governments.

Disaster management based on the theory of authority of the Central Government has authority by attribution based on Law Number 24 of 2007 concerning Disaster Management where the authority is given directly by law to establish national policies. The National Disaster Management Agency (BNPB) is given delegated authority by the Central Government to implement national policies and provide direction to the Regional Disaster Management Agency (BPBD) based on the Head of the National Disaster Management Agency Regulation Number 17 of 2010 concerning General Guidelines for Organizing Post-Disaster Rehabilitation and Reconstruction. The Regional Disaster Management Agency of Serang City receives mandated authority from the National Agency to implement operational policies in Serang City based on Serang City Regional Regulation No. 16/2011 on Disaster Management.

The implementation of disaster management based on Article 33 of Law Number 24 Year 2007 concerning disaster management is carried out in pre-disaster, emergency response and post-disaster situations. The post-disaster handling mechanism in the legal protection of victims of natural disasters by the Regional Disaster Management Agency of Serang City is located in Article 39 of the Regional Regulation of Serang City Number 16 of 2011 concerning the Implementation of Disaster Management, including rehabilitation and reconstruction. Fulfillment of basic needs in legal protection provides assistance

¹⁶ Diat Hermawan, *Rencana Strategis Badan Penanggulangan Bencana Kota Serang Tahun 2024-2026* (Serang, 2023).

¹⁷ Pasal 4 Undang-Undang Republik Indonesia Nomor 24 Tahun 2007 Tentang Penanggulangan Bencana.

including clean water and sanitation needs, food and clothing, health services, psychosocial services, and shelter and temporary housing.¹⁸

The most urgent task is in the aftermath of a disaster as it is necessary to immediately assess humanitarian needs and provide rescue assistance to victims affected by the disaster.¹⁹ Disaster management consists of 4 (four) components, namely: mitigation, preparedness, response, and recovery.²⁰ The recovery phase is the return or restoration and development of facilities, quality of life and livelihoods in disaster-affected communities where efforts are made to reduce disaster risk factors.²¹ The recovery phase is rehabilitation and reconstruction activities carried out after the emergency response phase ends.²²

The results of disaster victim data by the Regional Disaster Management Agency of Serang City through infographics are 106 house damages due to extreme weather disasters such as collapsed houses, lightning-struck houses, floods, fallen trees, and fires, as well as 7,724 family cards and 9,047 people affected by disasters who are entitled to government assistance programs after disasters. The infographic of the Serang City Regional Disaster Management Agency states that there were several disasters that occurred, such as 42 fallen trees, 79 collapsed houses, 36 fires, 115 droughts, 3 houses struck by lightning, and 2 landslides. Infogarfis states that there are 9,047 people affected and 7,724 family cards affected. The total number of events from 6 regions is 307, including 51 events in Serang City, 25 events in Walantaka, 14 events in Cipocok Jaya, 184 events in Kasemen, 3 events in Curug and 30 events in Taktakan..

The Regional Disaster Management Agency of Serang City carries out several delegation tasks given by the National Disaster Management Agency in accordance with Article 4 paragraph (3) of the Head of the National Disaster Management Agency Regulation Number 17 of 2010, including in the Input point the Regional Disaster Management Agency has carried out an assessment and assessment of the consequences of the disaster in the form of classifying the damage experienced after the disaster according to the categories in the Serang City Regional Regulation Number 16 of 2011 concerning Disaster Management. Estimates of rehabilitation and reconstruction needs have also been coordinated

¹⁸ Pasal 36 Peraturan Daerah Kota Serang Nomor 16 Tahun 2011 Tentang Penanggulangan Bencana, JDIH Kota Serang, December 22, 2011, <https://jdih.serangkota.go.id>.

¹⁹ Global Faculty for Disaster Reduction and Recovery, "Post Disaster Needs Assessments," 2022, <https://www.gfdrr.org/en/post-disaster-needs-assessments>.

²⁰ Coppola Damon P, *Introduction to International Disaster Management*, 2nd ed. (Boston: Butterworth-Heinaemann, 2011).

²¹ Fitrisia Rama and Hafizha Ilma, "Evaluasi Pelaksanaan Rehabilitasi Dan Rekonstruksi: Konsep Dan Metode Teknis Monitoring," *Jurnal of Information, Communications, and Disaster* 1, no. 1 (2024): 4, <https://doi.org/https://doi.org/10.61511/icd.v1i1.2024.607>.

²² United Nations International Strategy for Disaster Reduction, "UNISDR Terminology on Disaster Risk Reduction," 2009, <https://www.undrr.org/publication/2009-unisdr-terminology-disaster-risk-reduction>.

by the Regional Disaster Management Agency of Serang City's emergency and logistics section by preparing the needs required for post-disaster rehabilitation and reconstruction.

The process of preparing action plans and determining priorities has been carried out by the Regional Disaster Management Agency of Serang City. The preparation of action plans has been made by the Regional Disaster Management Agency of Serang City which is written in the Work Plan of the Regional Disaster Management Agency of Serang City which is used as a guideline and reference in preparing the activity program of the Regional Disaster Management Agency of Serang City. The implementation of Post-Disaster Rehabilitation and Reconstruction in its rescue prioritizes vulnerable groups such as the elderly, women, children and people with disabilities.

The implementation process related to post-disaster rehabilitation and reconstruction by the Regional Disaster Management Agency of Serang City has also been carried out well, but it is not maximally implemented where there are still many victims who do not get full rights. Protection in the form of rehabilitation provided is still constrained regarding psychological health, victims need to get greater attention regarding mental health not only physical health. Protection in the form of reconstruction is also still a lot of victims who have not been able to repair facilities and infrastructure. Reporting has also been carried out by the Regional Disaster Management Agency of Serang City. Data reports on disasters, victims and repairs are carried out annually and collected in the middle of the year between February and April.

The Regional Disaster Management Agency has duties and functions as described in Article 8 of the Regional Regulation of Serang City Number 16 of 2001 concerning the Implementation of Disaster Management. The duties of the Regional Disaster Management Agency are explained in Article 8 paragraph (1) of the Regional Regulation of the City of Serang Number 16 of 2011 concerning the Implementation of Disaster Management, namely:

- a. Establish guidelines and directions in accordance with local government and National Disaster Management Agency policies for disaster management efforts that include disaster prevention, emergency management, rehabilitation, and reconstruction in a fair and equal manner;
- b. Establish the standardization and needs of disaster management implementation based on laws and regulations;
- c. Developing, stipulating, and informing disaster prone maps;
- d. Developing and stipulating fixed procedures for disaster management;

- e. Carry out the implementation of disaster management in the region;
- f. Reporting the implementation of disaster management to the regional head once a month under normal conditions and at any time during a disaster emergency;
- g. Controlling the collection and distribution of money and goods; being accountable for the use of the budget received from the regional budget;
- h. Carry out other obligations in accordance with laws and regulations.

The implementation of post-disaster rehabilitation and reconstruction has a basic principle to prioritize the interests of vulnerable groups based on Article 5 paragraph (3) of the Regulation of the Head of the National Disaster Management Agency Number 17 of 2010 concerning General Guidelines for Organizing Post-Disaster Rehabilitation and Reconstruction states that it will prioritize the interests of vulnerable groups such as the elderly, women, children and people with disabilities. Rehabilitation is an effort made after a disaster to help the community in terms of repairing houses, public facilities, and important social facilities, as well as reviving the economy.²³

The Regional Disaster Management Agency must provide legal protection to victims of natural disasters where everyone has rights in disaster management as explained in Article 50 of the Serang City Regional Regulation Number 16 of 2011 concerning Disaster Management Implementation, namely:

- a. Everyone has the right:
 - 1) Receive social protection and a sense of security, especially for disaster-prone communities;
 - 2) Receive education, training and skills in organizing disaster management;
 - 3) Obtain written and/or oral information on disaster management policies;
 - 4) Participate in the planning, operation and maintenance of health care provision programs, including psychosocial support;
 - 5) Participate in decision-making on disaster management activities, especially those related to themselves and their communities; and
 - 6) Conduct supervision in accordance with the mechanism stipulated in the implementation of disaster management.
- b. Everyone affected by a disaster is entitled to fulfillment of basic needs.
- c. Every person is entitled to compensation for losses due to disaster caused by construction failure.

²³ Khambali, Op. Cit., "Manajemen Penanggulangan Bencana.", (2017); 17

Legal protection provided by the Regional Disaster Management Agency of Serang City through preventive and repressive measures based on the Regional Regulation of Serang City Number 16 of 2011 concerning Disaster Management. Preventive legal protection is provided through prevention to prevent disasters and reduce disaster risk.

Preventive protection provided by the Regional Disaster Management Agency of Serang City based on the results of the interview is in accordance with Article 14 of the Regional Regulation of Serang City Number 16 of 2011 concerning Disaster Management. The Regional Disaster Management Agency carries out various ways of preventing disasters, including socializing disaster preparedness to the community, conducting emergency response simulations as training in dealing with disasters, disseminating disaster-related information through the website of the Regional Disaster Management Agency of Serang City and social media, as well as implementing and enforcing regional spatial plans in collaboration with related agencies in terms of development planning in the event of a disaster.

The Regional Disaster Management Agency of Serang City in disaster management also provides repressive legal protection where the Regional Disaster Management Agency of Serang City will overcome or deal with the impact of disasters after a disaster occurs. Repressive protection provided after a disaster as referred to in Article 12 letter (c) of the Serang City Regional Regulation Number 16 of 2011 is explained in Article 39 of the Serang City Regional Regulation Number 16 of 2011 concerning Disaster Management where repressive legal protection after a disaster is carried out through rehabilitation and reconstruction.

Repressive protection related to rehabilitation and reconstruction carried out by the Regional Disaster Management Agency is explained in Article 40 paragraph (1) of the Regional Regulation of the City of Serang Number 16 of 2011 concerning Disaster Management, including by carrying out environmental improvements in disaster areas, repairing public facilities and infrastructure, providing assistance to repair community houses, social psychological recovery, health services, rebuilding infrastructure and facilities, determining the right design and using better equipment, and improving social, economic and cultural conditions.

Repressive legal protection provided by the Regional Disaster Management Agency of Serang City on rehabilitation based on the results of the interview explained that "Providing assistance related to rehabilitation, the Regional Disaster Management Agency only provides logistical assistance such as clothing, food, and first aid which is carried out by the Social Service".

Logistical assistance provided by the Regional Disaster Management Agency of Serang City is in the form of clothing, food and first aid, while psychological assistance is not provided in depth. Victims of natural disasters should receive assistance related to mental and physical health services directly, because natural disasters can traumatize victims. This should be given more attention in restoring the health of victims of natural disasters.

Repressive protection related to reconstruction carried out by the Regional Disaster Management Agency of Serang City cooperates with the Public Housing and Settlement Area Office of Serang City in carrying out infrastructure development damaged by disasters, such as repairing damaged houses, and building public facilities. Legal protection provided by the Regional Disaster Management Agency will be very influential where the law has a direct and indirect influence in supporting social change.²⁴ The implementation of Disaster Management in the legal protection of victims of natural disasters can be done through several things such as preparing and responding to the emergency needs of victims of natural disasters that require the availability of natural resources, and resources are used effectively.²⁵

The implementation of post-disaster rehabilitation and reconstruction by the Regional Disaster Management Agency of Serang City is assisted by the Public Housing and Settlement Area Office of Serang City, Ms. Resty Fitria as a Property Appraiser at the Public Housing and Settlement Area Office of Serang City, that the procedures for implementing rehabilitation and reconstruction include:

- a. Received a letter of recommendation from the Regional Disaster Management Agency of Serang City;
- b. Receive a statement letter from the Kelurahan;
- c. Collected by the Public Housing and Settlement Area Agency of Kota Serang;
- d. Conduct direct verification to the field to place the damage category in terms of reconstruction carried out by the Field Facilitator (TFL);
- e. Verification results are determined in the Mayor's Decree according to the category;
- f. Preparation of RAB to reduce assistance to beneficiaries.

The implementation of legal protection for victims of natural disasters through post-disaster rehabilitation and reconstruction by the Regional Disaster Management Agency of Serang City has not been maximally implemented. The

²⁴ Otje Salma and Anthon F Susanto, *Beberapa Aspek Sosiologi Hukum* (Bandung: PT Alumni, 1993).

²⁵ Kementerian Sosial Republik Indonesia, *Modul Petugas Pendamping Sosial Penanggulangan Bencana* (Jakarta, 2011).

assistance provided by the Regional Disaster Management Agency related to post-disaster rehabilitation and reconstruction is only assisted by one agency, namely the Social Service, which provides logistical assistance to disaster victims. Providing assistance related to post-disaster rehabilitation and reconstruction in terms of social legal protection should be assisted by several agencies such as the Social Service to provide logistical assistance, the Health Service to provide health services for disaster victims.²⁶

The provision of assistance through post-disaster rehabilitation and reconstruction in terms of Infrastructure Rebuilding is carried out by the Public Housing and Settlement Areas Office of Serang City based on the Recommendation of the Regional Disaster Management Agency of Serang City. The assistance provided by the disaster victims was not carried out in its entirety, where disaster victims only received logistical assistance from the Social Service and assistance in repairing building infrastructure by the Public Housing and Settlement Areas Office of Serang City.

The provision of logistical assistance and infrastructure repairs to disaster victims is still not realized based on infographic data and data tables on the provision of assistance by the Regional Disaster Management Agency. Information on Infographics issued by the Regional Disaster Management Agency of Serang City there are 7,724 Family Cards affected by the disaster, but in the table listing the recipients of logistical assistance only 174 Family Cards, where the difference is very significant.

The provision of assistance for the reconstruction of damaged buildings is also still largely unrealized. The infographic data of the Serang City Regional Disaster Management Agency states that there are 106 houses damaged by disasters in the 2023 period, but the list of house repairs carried out by the Public Housing and Settlement Areas Office is only 18 houses registered to receive building reconstruction assistance.

1.3 Obstacles to the Implementation of the Authority of the Regional Disaster Management Agency of Serang City in Legal Protection for Natural Disaster Victims through Post-Disaster Rehabilitation and Reconstruction

The implementation of legal protection through post-disaster rehabilitation and reconstruction by the Regional Disaster Management Agency of Serang City has several obstacles. The results of an interview with Mr. Heri Sumbara, as

²⁶ Pasal 14 dan 18 Peraturan Walikota Nomor 11 Tahun 2022 Tentang Tata Cara Pemberian Bantuan Kepada Masyarakat Akibat Darurat Bencana Yang Bersumber Dari Anggaran Pendapatan Dan Belanja Daerah Kota Serang.

Secretary of the Regional Disaster Management Agency of Serang City, and further explained by Ms. Resti Fitriya as Property Appraiser of the Public Housing and Settlement Area Office of Serang City, which stated:

The obstacles contained in the implementation of rehabilitation and reconstruction are currently the lack of participation from related agencies where related to post-disaster rehabilitation and reconstruction are only assisted by the social service in logistical assistance, this is a limitation in providing maximum assistance from other aspects. The next obstacle is based on administration, namely the overlap that often occurs between the province and the city where prospective beneficiaries propose not only to the City office but sometimes also submit to the Provincial office. This is because in the event of a disaster, it is very much needed for survival, so it happens that prospective beneficiaries try in several places to get a quick response, but actually this will slow down the processing because they have to do verification repeatedly.

Another obstacle in the reconstruction process occurs in land titles, where buildings that can be repaired or can receive assistance must have land status, so rental or contract buildings cannot be given assistance. Certification activities are carried out to record damage, but when certification is carried out, sometimes some residents say that proof of ownership rights does not exist in the prospective recipient of assistance, so it cannot be declared as a candidate for the right to receive assistance. Buildings that can be repaired at least have blood relationship status such as parents, descendants, or grandparents. Buildings that cannot be proven by certificates can be asked for information from the urban village to be declared entitled to receive assistance. The biggest obstacle is related to the budget because the damage caused by the disaster is not only Rp. 10,000,000, but even more, where the cost is divided into several parts such as builders and materials. The budget obtained is very lame with the Province, because the local income of Serang City is still relatively small.

The implementation of legal protection carried out by the Regional Disaster Management Agency of Serang City faces several obstacles based on the results of the interview, as follows:

1. Lack of Participation from Related Agencies

The implementation of disaster management through post-disaster rehabilitation and reconstruction by the Regional Disaster Management Agency of Serang City is only assisted by the Social Service in providing logistical assistance and the Public Housing and Settlement Area Office in repairing building reconstruction. The implementation of post-disaster management should be assisted by several related agencies such as the

Health Office, the Agriculture and Fisheries Food Security Office, the Social Service, and the Public Housing and Settlement Area Office in Serang City.

2. Overlapping Administration

The implementation of post-disaster rehabilitation and reconstruction administratively often clashes between the Provincial Disaster Management Agency and the Serang City Regional Disaster Management Agency. This occurs because of the submission of disaster assistance from prospective beneficiaries who submit in two places, namely the Provincial Office and the City Office. As a result, verification to victims clashes where verification should be carried out by one agency but becomes two verifications, namely from the Province and the City.

3. Lack of Information and Public Understanding

The implementation of rehabilitation and reconstruction by the Regional Disaster Management Agency of Serang City still has many misunderstandings due to lack of information and understanding from the community. This occurs in one of the provision of building reconstruction assistance where building infrastructure repairs can only be carried out on certificates of ownership or still have a blood relationship with the owner of the house, such as grandparents. Certificates other than property rights such as Building Rights Certificates cannot obtain post-disaster reconstruction assistance and cannot continue verification.

4. Budget Limitations

The implementation of legal protection for victims of natural disasters through rehabilitation and reconstruction has not been realized due to the limited budget issued by the government and the income of Serang City which is still far from the necessary assistance needs. The assistance provided has not been adequate, both logistical distribution and assistance in infrastructure development.

Conclusion

The results of the research and the description of the discussion regarding the authority of the Regional Disaster Management Agency of Serang City in the Legal Protection of Natural Disaster Victims through Post-Disaster Rehabilitation and Reconstruction in the previous chapters and subchapters, the researchers draw the following conclusions:

1. Implementation of the Authority of the Regional Disaster Management Agency of Serang City in the Legal Protection of Natural Disaster Victims through Post-Disaster Rehabilitation and Reconstruction based on Regional Regulation Number 16 of 2011 concerning Disaster Management. Legal protection provided by the Regional Disaster

Management Agency of Serang City is provided preventively and repressively, preventive legal protection is carried out through the prevention of disasters by conducting socialization to the community related to disaster preparedness, disseminating disaster-related information through social media and the official website of the Regional Disaster Management Agency, as well as implementing and enforcing regional spatial plans through cooperation with the Public Housing and Settlement Areas Office in carrying out development. Repressive legal protection is carried out through rehabilitation and reconstruction. Rehabilitation is carried out through environmental improvement of disaster areas, and socio-economic and cultural recovery through logistical assistance. Reconstruction is carried out through the rebuilding of facilities and infrastructure and the application of appropriate design in the use of better equipment. These efforts are a form of legal protection for victims of post-disaster natural disasters in accordance with Articles 40 paragraph (1) and 41 paragraph (1) of Serang City Regional Regulation Number 16 of 2011 concerning Disaster Management.

2. Obstacles to the Implementation of the Authority of the Regional Disaster Management Agency of Serang City in the Legal Protection of Natural Disaster Victims through Post-Disaster Rehabilitation and Reconstruction based on Serang City Regional Regulation Number 16 of 2011 concerning Disaster Management where preventive legal protection provided by the Regional Disaster Management Agency of Serang City is by conducting socialization related to disaster preparedness and disaster management, disseminating information directly or through social media or websites and enforcing regional spatial plans assisted by the Office of Public Housing and Settlement Areas in its implementation there are obstacles where the lack of understanding of the community regarding the socialization carried out by the Regional Disaster Management Agency makes the community confused about what to do when reporting the assistance needed after a disaster. Providing assistance to the community is provided through an administrative stage to obtain verification regarding the correctness of the data so that assistance is provided. The administration carried out by the Public Housing and Settlement Areas Office still overlaps as a result of which the assistance to be provided to victims clashes during verification. Repressive legal protection provided by the Regional Disaster Management Agency of Serang City includes rehabilitation and reconstruction, namely by providing assistance in the form of logistics carried out by the Social

Service and providing assistance for infrastructure development assisted by the Public Housing and Settlement Areas Office. The obstacles in repressive legal protection are the lack of participation from the Health Office to restore mental health to victims and the Food Security and Agriculture Office to provide basic fulfillment assistance such as rice and other food staples, causing the provision of assistance to be not optimal.

The Regional Disaster Management Agency of Serang City is only assisted by. The implementation of disaster management by the Regional Disaster Management Agency of Serang City is still a lot that has not been realized due to the limited budget available.

Recomendation

The results of the description of the conclusions described above, the researchers provide recommendations and suggestions as follows:

1. It is necessary to maximize the assistance of related agencies such as the health office and the food security, agriculture and fisheries office of Serang City to provide post-disaster management assistance so that the assistance provided to victims is realized from all aspects, such as physical and mental health, opening public kitchens for victims, providing logistical assistance, providing assistance to fulfill basic needs and repairing building infrastructure in accordance with what is mandated in the Serang Mayor Regulation Number 11 of 2022 concerning Procedures for Providing Assistance to Communities Due to Disaster Emergencies Sourced from the Regional Revenue and Expenditure Budget of Serang City.
2. It is necessary to improve good communication between agencies to avoid overlapping files caused by potential beneficiaries. In order for the assistance provided to run smoothly, the Provincial and City Offices must establish good communication to continue to work together regarding verification of assistance to victims of natural disasters.
3. The need to improve public awareness and understanding of disaster management to prevent further misunderstandings among the community. Information provided by the agency to the community must be explained in detail and clearly so that the community can easily understand what is meant by the information provided.
4. The need to increase regional income for more optimal disaster management. The reason why all of the assistance provided has not been realized is due to a limited budget, which is insufficient to build better facilities and infrastructure or provide other forms of assistance. Therefore, it is hoped that

the amount of assistance can be increased for more optimal disaster management.

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