



**LAW OF THE REPUBLIC OF INDONESIA
NUMBER 24 OF 2007
CONCERNING
DISASTER MANAGEMENT**

**NATIONAL AGENCY DISASTER MANAGEMENT
(BNPB)**



PRESIDEN
REPUBLIK INDONESIA

THE PRESIDENT OF THE REPUBLIC OF INDONESIA
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 24 OF 2007
CONCERNING
DISASTER MANAGEMENT
BY THE GRACE OF THE ONE ALMIGHTY GOD
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Having considered** :
- a. That Unitary State Of The Republic of Indonesia shall bear responsibility to protect the entire nation of Indonesia as well as the whole homeland with the aim of providing protection for the life and livelihood including protection against disasters, in order to attain public welfare based on Pancasila Ideology, as mandated in 1945 Constitution of the Republic of Indonesia
 - b. That the territory of the Unitary State Of The Republic of Indonesia has geographical, geological, hydrological, and demographical conditions with potential disasters due to natural factors, nonnatural factors as well as human factors, which result in fatalities, damage to the environment, loss of material possessions with a psychological impact, which in certain circumstances can hinder national development;
 - c. That the provisions of legislation on existing disaster management are not able to serve as a strong and comprehensive legal ground and are not in line with latest social developments and needs of the Indonesian nation, preventing

well-planned, coordinated, and integrated disaster management efforts;

- d. That on the basis of the considerations as set forth in the letter a, letter b, and letter c, it is necessary to pass the law concerning Disaster Management;

Having observed: Article 20 and Article 21 in the 1945 Constitution of the Republic of Indonesia;

**With The Joint Approval of THE HOUSE OF
REPRESENTATIVES OF THE REPUBLIC OF INDONESIA**

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

**To Issue : LAW CONCERNING DISASTER
MANAGEMENT.**

CHAPTER I

GENERAL PROVISIONS

Article 1

In this law:

1. Disaster shall mean an event or a series of events threatening and disturbing the community life and livelihood, caused by natural and/or nonnatural as well as human factors resulting in human fatalities, environmental damage, loss of material possessions, and psychological impact.
2. Natural disaster shall mean an event or a series of events caused by nature such as earthquake, tsunami, volcanic eruption, flood, drought, typhoon, and landslide.
3. Nonnatural disaster means a nonnatural event or a series of nonnatural events such as technological failure, modernization failure, and epidemic.
4. Social disaster means an event or a series of events caused by humans, which include social conflicts between community groups, and terrorism.

5. Disaster management means a series of efforts encompassing policies on development with disaster risk, disaster prevention, emergency response, and rehabilitation.
6. Activities of disaster prevention means a series of activities carried out to eliminate and/or reduce disaster threat.
7. Alertness means a series of activities in anticipation of disaster through organizing as well as efficient and effective measures.
8. Early warning means a series of activities of giving an urgent warning to community about a potential disaster in a certain area by authorized agency.
9. Mitigation means a series of efforts to reduce disaster risk, through physical development as well as awareness and improved capability to face disaster threat.
10. Disaster emergency response means a series of prompt actions during the disaster to deal with negative impacts, such as rescuing and evacuating victims and material possessions, providing basic necessities and protection, taking care of refugees, salvaging and recovering infrastructure and facilities.
11. Rehabilitation means repairing and recovering all aspects of public or community services to an adequate level at post-disaster areas particularly to normalize or recover all aspects of government administration and community life at post-disaster areas.
12. Reconstruction means rebuilding of all facilities and infrastructure, institutions at post-disaster areas, at government and community levels particularly aim to enable growth in economic, social and cultural activities, enforce law and order, and revive public participation in all aspects of community life at post-disaster areas.
13. Disaster threat means an event that runs a risk of disaster.
14. Being disaster-prone means geological, biological, hydrological, climatological, geographical, social, cultural, political, economic, and technological conditions or characteristics in a territory that for a certain period of time may decrease the territory's capability to prevent, alleviate, reach full alertness, and respond to negative impacts from a certain danger.
15. Recovery means a series of activities aiming at bringing the conditions of disaster-affected community and the environment back

to pre-disaster conditions by restoring the functions of institutions, infrastructure, and facilities through rehabilitation.

16. Disaster prevention means a series of activities to reduce or eliminate disaster risk, through reducing disaster threat and disaster-prone people's vulnerability.
17. Disaster risk means potential loss from a disaster in a certain area and in a specific period of time such as deaths, wounds, illnesses, threatened lives, missing sense of security, refugee, damaged or lost assets, and disturbance to community activities.
18. Disaster emergency aid means provision of aid for basic necessities during the emergency.
19. Disaster emergency status means a situation set by the Government for a certain period of time on the recommendation of the Agency given the task of disaster management.
20. Refugees means people or groups of people forced to leave their dwelling places for an uncertain time due to negative impact of disaster.
21. Anybody means an individual, a group of people, and/or a legal entity.
22. Disaster victim means a person or a group of people suffering or dying from disasters.
23. Central Government, hereinafter referred to as Government, means the President of the Republic of Indonesia, who shall hold executive powers of the Unitary State Of The Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.
24. Regional governments means governor, regent/mayor or regional government or regional personnel as the organizing element of the regional government administration.
25. Business institution means any legal entities that may take the forms of state-owned enterprises, regional-owned enterprises, cooperatives, or private sector established in accordance with the provisions of legislation, doing a fixed and continued business, working and domiciled in the territory of the Unitary State Of The Republic of Indonesia.
26. International institutions means organizations inside the United Nations organizational structure or those representing the United

Nations or other international organizations and foreign non-governmental organizations from other countries outside the United Nations.

CHAPTER II

FOUNDATION, PRINCIPLES, AND OBJECTIVE

Article 2

Disaster management shall be based on adhered to Pancasila Ideology and the Republic of Indonesia's 1945 Constitution of the Republic of Indonesia.

Article 3

- (1) Disaster management as referred to in Article 2 shall be implemented on the basis of:
- a. humanity;
 - b. justice;
 - c. equality before the law and government administration;
 - d. balance, harmony, and congruence;
 - e. order and legal certainty;
 - f. togetherness;
 - g. environmental conservation; and
 - h. science and technology.
- (2) Disaster management principles as referred to in Article 2, shall be implemented on the basis of include the principles of:
- a. being quick and appropriate;
 - b. priority;
 - c. coordination and integrity;
 - d. efficiency and effectiveness;
 - e. transparency and accountability;
 - f. partnership;
 - g. empowerment;

- h. nondiscrimination; and
- i. non-proselytism.

Article 4

The use of Disaster Management shall be to achieve the objectives:

- a. to provide protection for community against disaster threat;
- b. to harmonize the existing legislation;
- c. to guarantee a well-planned, integrated, coordinated, and comprehensive disaster management;
- d. to respect local culture;
- e. to encourage participation and partnership of both public and private sector;
- f. to encourage the spirit of mutual cooperation, loyalty, and philanthropy; and
- g. to create peace in social and national lives.

CHAPTER III

RESPONSIBILITY AND AUTHORITY

Article 5

Government and regional governments shall bear responsibility for disaster management.

Article 6

Government's responsibility of the government for disaster management shall include:

- a. disaster risk reduction and integration thereof into the development program;
- b. protection for community against disaster impact;
- c. guarantee of fulfillment of disaster-affected communities members' and refugees' rights in a fair manner and in accordance with minimum service standard;
- d. recovery from disaster impact;
- e. sufficient disaster management budget allocation in National Budget;

- f. disaster management budget allocation in the form of ready fund; and
- g. safeguard of authentic files/documents against disaster threat and impact.

Article 7

- (1) The authority of the government over disaster management shall encompass:
 - a. stipulation of disaster management policy in line with national development policy;
 - b. development planning that includes elements of disaster management policy;
 - c. decision on status and level of national and regional disasters;
 - d. policy option for cooperation with other countries, agencies, or other international parties in disaster management;
 - e. formulation of policy on using technologies with potential disaster threat or danger;
 - f. formulation of policy on preventing natural resource control and depletion beyond nature ability of recovery; and
 - g. check on money or goods collection and channeling on a national scale.
- (2) Decision on status and level of national and local disasters as referred to in paragraph (1) letter c shall contain the following indicators:
 - a. number of victims;
 - b. loss of material possessions;
 - c. damage to facilities and infrastructure;
 - d. coverage of disaster-affected area; and
 - e. socioeconomic impacts.
- (3) Further provisions concerning decision on disaster status and level as referred to in paragraph (2) shall be stipulated by a Presidential Regulation.

Article 8

The responsibility of regional governments for disaster management shall include:

- a. guarantee of disaster-affected community members and refugees rights in a fair manner and in accordance with minimum service standard;
- b. protection for community against disaster impact;
- c. disaster risk reduction and integration thereof into the development program; and
- d. allocation of sufficient disaster management budget in APBD.

Article 9

The authority of regional governments over disaster management shall include:

- a. decision on disaster management policy in line with regional development policy;
- b. development planning that include elements of disaster management policy;
- c. implementation of policy on disaster management cooperation with other provinces and/or Regencies/cities;
- d. regulation on use of technologies with potential sources of disaster threat or danger in its territory;
- e. formulation of policy on preventing natural resource control and depletion beyond nature ability of recovery; and
- f. check on money or goods collection and channeling on a provincial, Regency/city scale.

CHAPTER IV INSTITUTION

Part One

National Disaster Management Agency

Article 10

- (1) As referred to in Article 5 Government shall establish National Disaster Management Agency.

- (2) As referred to in paragraph (1) National Disaster Management Agency a Nondepartmental Government Institution on a level equal to ministries.

Article 11

As referred to in Article 10 paragraph (1) National Disaster Management Agency shall comprise the elements of:

- a. steering committee; and
- b. managing executive body.

Article 12

National Disaster Management Agency shall have the tasks of:

- a. providing guidelines and directions on disaster management which include disaster prevention, emergency response, rehabilitation, and reconstruction in a fair and equitable manner;
- b. setting disaster management standardization and requirements by virtue of Legislation;
- c. communicating information on activities to community;
- d. reporting on disaster management to the President once a month, in normal condition and at any time in disaster emergency condition;
- e. using and giving account for international and national contributions/aid;
- f. giving account for use of budget received from State Budget;
- g. carrying out other obligations in accordance with Legislation; and
- h. preparing guidelines on establishment of Regional Disaster Management Agency.

Article 13

National Disaster Management Agency shall have the functions encompassing:

- a. formulation and stipulation of disaster management policy and handling of refugees through quick, appropriate, effective and efficient actions; and
- b. coordination of disaster management activities in a well-planned, integrated, and comprehensive manner.

Article 14

- (1) Disaster management steering committee referred to in Article 11 letter a shall have the functions of:
 - a. formulating the concept of policy on national disaster management;
 - b. monitoring; and
 - c. evaluating disaster management.
- (2) The steering committee membership as referred to in paragraph (1) shall include:
 - a. related government officials; and
 - b. professional community members.
- (3) The steering committee membership referred to in paragraph (2) letter b shall receive appointment through a fit and proper test conducted by the House of Representatives of the Republic of Indonesia.

Article 15

- (1) Establishment of disaster management executing element as referred to in Article 11 letter b shall remain the Government's authority.
- (2) The managing executive referred to in paragraph (1) shall have coordinating, commanding, and executing functions in disaster management.
- (3) The managing executive membership referred to in paragraph (1) shall comprise professional and expert staff.

Article 16

To carry out the functions as referred to in Article 13 letter b, the disaster management managing executive shall receive integrated tasks during:

- a. pre-disaster period;
- b. emergency response; and
- c. post-disaster period.

Article 17

Further provisions concerning the establishment, functions, tasks, organizational structure, and working arrangement of National Disaster Management Agency. shall be stipulated by a Presidential Regulation.

Part Two

Regional Disaster Management Agency

Article 18

- (1) Regional governments referred to in Article 5 shall establish Regional Disaster Management Local Agency.
- (2) Regional Disaster Management Agency as referred to in paragraph (1) shall comprise:
 - a. provincial level agency presided over by an official who rank second to governor or equivalent to echelon Ib; and
 - b. Regency/city level agency presided over by an official whose position rank second to regent/mayor or equivalent to echelon IIa.

Article 19

- (1) Regional Disaster Management Agency shall comprise the elements of:
 - a. steering committee; and
 - b. executive body.
- (2) Regional Disaster Management Agency referred to in paragraph (1) shall be established in coordination with National Disaster Management Agency.

Article 20

Regional Disaster Management Agency shall have the functions of:

- a. formulating and stipulating disaster management policy, and handling refugees through quick, appropriate, effective, and efficient actions; and
- b. coordinating disaster management in a well-planned, integrated, and comprehensive manner.

Article 21

Disaster Management Local Agency shall have the tasks of:

- a. stipulating guidelines and directions in accordance with local government and Disaster Management National Agency policies on disaster management that include disaster prevention, emergency response, rehabilitation, and reconstruction in a fair and equitable manner;
- b. stipulating disaster management standardization and requirements by virtue of Legislation;
- c. preparing, deciding on, and disseminating maps of disaster-prone areas;
- d. preparing and deciding on disaster handling fixed procedure;
- e. carrying out disaster management in its territory;
- f. reporting disaster management to head of local government on a monthly basis in normal condition and at any time in disaster emergency condition;
- g. check on money or goods collection and channeling;
- h. giving account for the use of budget from APBD; and
- i. carrying out other obligations in accordance with Legislation.

Article 22

- (1) Regional disaster management steering committee as referred to in Article 19 paragraph (1) letter a shall have the functions of:
 - a. preparing the concept of local disaster management policy implementation;
 - b. monitoring; and
 - c. evaluating local disaster management.
- (2) The steering committee membership as referred to in paragraph (1) shall include:
 - a. related regional government officials; and
 - b. professional and expert community members.
- (3) The steering committee membership as referred to in paragraph (2) letter b shall receive appointment through a fit and proper test conducted by Regional House of Representatives.

Article 23

- (1) Establishment of local disaster management executive body as referred to in Article 19 paragraph (1) letter b shall remain authority of regional government.
- (2) Regional disaster management executive body as referred to in paragraph (1) shall have the functions of:
 - a. coordination;
 - b. command; and
 - c. executive in disaster management within its territory.
- (3) Regional disaster management's executive body membership as referred to in paragraph (1) shall include professional and expert staff.

Article 24

To carry out the functions as referred to in Article 23 paragraph (2), regional disaster management executive body shall receive integrated tasks during:

- a. pre-disaster period;
- b. emergency response; and
- c. post-disaster period.

Article 25

Further provisions concerning the establishment, functions, tasks, organizational structure, and work procedure of Regional Disaster Management Agency shall be governed by a Regional Regulation.

CHAPTER V

RIGHTS AND OBLIGATIONS OF THE COMMUNITY

Part One

Rights of The Community

Article 26

- (1) Anybody shall have the rights to:
 - a. enjoy social security and sense of security, particularly for disaster-prone community groups;

- b. have education, training, and skill in disaster management.
 - c. obtain written and/or oral information on disaster management policy.
 - d. participate in planning, operation, and maintenance of healthcare aid program including psychosocial support;
 - e. participate in decision-making on disaster management activities, particularly those related to him/her and to his/her community; and
 - f. exercise supervision in accordance with regulated mechanism for disaster management.
- (2) Anybody affected by disaster shall have the right to receive aid for basic necessities.
- (3) Anybody shall have the right to receive compensation for losses from disaster due to construction failure.

Part Two

Obligations of The Community

Article 27

Anybody shall come under obligations of:

- a. keeping a harmonious social community life, maintaining the balance, congruence, harmony, and sustainability of environmental functions;
- b. carrying out disaster management activities; and
- c. providing correct information to the public on disaster management.

CHAPTER VI

BUSINESS INSTITUTIONS'

AND INTERNATIONAL INSTITUTIONS' ROLES

Part One

Business Institutions Role

Article 28

Business institutions shall have an opportunity to take part in disaster management, both jointly and severally with other parties.

Article 29

- (1) Business institutions shall adjust their activities to disaster management policy.
- (2) Business institutions shall come under obligation to submit a report to the government and/or agency in charge of disaster management and to transparently inform the public thereof.
- (3) Business institutions shall come under obligation to consider the principles of humanity in performing their disaster management economic functions.

Part Two

International Institutions' Role

Article 30

- (1) International institutions and foreign non-governmental organizations can participate in disaster management activities and receive Government protection for their workers.
- (2) International institutions and foreign non-governmental organizations as referred to in paragraph (1) can carry out disaster management severally, jointly, and/or together with Indonesian working partner while considering the local community social, cultural, and religious backgrounds.
- (3) Further provisions concerning the implementation of disaster management activities by international institutions and foreign non-governmental organizations shall be governed by a Government Regulation.

CHAPTER VII

DISASTER MANAGEMENT

Part One

General

Article 31

Disaster management shall take account of 4 (four) aspects:

- a. social, economic, and cultural lives;
- b. environmental conservation;

- c. benefit and effectiveness; and
- d. scope of territory.

Article 32

- (1) In disaster management, the Government may:
- a. determine that the disaster-prone areas shall come under prohibition for settlement; and/or
 - b. revoke or reduce, in part or in whole, anybody's proprietary rights to an object in accordance with Legislation.
- (2) Anybody whose proprietary rights have been revoked or reduced as referred to in paragraph (1) letter b shall have the rights to receive compensation in accordance with Legislation.

Part Two

Stages

Article 33

Disaster management shall comprise 3 (three) stages:

- a. pre-disaster;
- b. emergency response; and
- c. post-disaster.

First Paragraph

Pre-Disaster

Article 34

Disaster management at pre-disaster stage referred to in Article 33 letter a shall include:

- a. situation without disaster; and
- b. situation with potential disaster.

Article 35

Disaster management in a situation without disaster as referred to in Article 34 letter a shall include:

- a. disaster management planning;
- b. disaster risk reduction;

- c. prevention;
- d. integration into development planning;
- e. disaster risk analysis requirements;
- f. spatial structure plan implementation and enforcement;
- g. education and training; and
- h. technical standard requirement for disaster management.

Article 36

- (1) The Government and Regional government shall stipulate disaster management planning as referred to in Article 35 letter a in accordance with their authority.
- (2) The Agency shall coordinate disaster management planning as referred to in paragraph (1).
- (3) Disaster management planning as referred to in paragraph (1) shall require preparation of disaster risk data in a territory at a certain time based on the official document that contains disaster management activity program.
- (4) Disaster management planning as referred to in paragraph (1) shall include:
 - a. recognition and study of disaster threat;
 - b. understanding on community's vulnerability;
 - c. analysis of potential disaster impact;
 - d. options for reducing risk disaster measures;
 - e. selection of mechanism for alertness and for disaster impact management; and
 - f. allocation of tasks, authority, and available resources.
- (5) The Government and Regional government at a certain time shall review the disaster management planning document on a periodical basis.
- (6) To harmonize disaster management planning activities, the Government and Regional governments may obligate the disaster management team to implement disaster management planning.

Article 37

- (1) Disaster risk reduction as referred to in Article 35 letter b shall aim to reduce potential negative impacts, particularly in a situation without disaster.
- (2) Activities as referred to in paragraph (1) shall include:
 - a. recognition and monitoring of disaster risk;
 - b. participatory disaster management planning;
 - c. promotion of disaster-awareness practices;
 - d. greater commitment of disaster management team; and
 - e. application of physical and non-physical efforts, and instructions on disaster management.

Article 38

Prevention as referred to in Article 35 letter c shall include:

- a. sure identification and recognition of sources of disaster danger or threat;
- b. check on control and management of natural resources with abrupt and/or gradual potential to become a source of disaster;
- c. monitoring the use of technology with abrupt and/or gradual potential to become a source of disaster threat or danger;
- d. spatial structuring and environmental management; and
- e. strengthening of community's social resilience.

Article 39

Integration of disaster management into development planning as referred to in Article 35 letter d shall include disaster management plan elements in central and Regional development plans.

Article 40

- (1) Disaster management plan as referred to in Article 36 paragraph (3) shall require periodical reviews.
- (2) Disaster management plan preparation as referred to in paragraph (1) shall require coordination by the Agency.

- (3) Any development activity running a high risk of disaster shall require a disaster risk analysis as part of disaster management in accordance with the authority concerned.

Article 41

- (1) National Disaster Management Agency shall prepare and stipulate disaster risk analysis requirements as referred to in Article 35 letter e.
- (2) Fulfillment of disaster risk analysis requirements referred to in paragraph (1) shall be shown in a document ratified by a government official in accordance with Legislation.
- (3) National Disaster Management Agency shall carry out the risk analysis monitoring and evaluation as referred to in paragraph (1).

Article 42

- (1) Implementation and enforcement of spatial structure plan as referred to in Article 35 letter f shall aim to reduce disaster risk including the application of regulations on spatial structure, safety standard, and the imposition of sanction on violators.
- (2) The Government shall periodically monitor and evaluate the implementation of spatial structure and the achievement of safety standard.

Article 43

Government shall carry out and stipulate education, training, and technical standard requirements for disaster management as referred to in Article 35 letters g and h in accordance with Legislation.

Article 44

Disaster management in a situation with potential disaster as referred to in Article 34 letter b shall include:

- a. alertness;
- b. early warning; and
- c. disaster mitigation.

Article 45

- (1) Alertness as referred to in Article 44 letter a shall aim to ensure quick and appropriate efforts in facing disasters.
- (2) Alertness as referred to in paragraph (1) shall require:

- a. preparation and try-out for disaster emergency plans;
- b. organization, installation, and testing of early warning system;
- c. provision and preparation of supplies for fulfillment of basic necessities;
- d. organization, counseling, training, and rehearsal regarding emergency response mechanism;
- e. preparation of location for evacuation;
- f. composition of accurate data, information, and update on disaster emergency response fixed procedures; and
- g. provision and preparation of materials, goods, and equipment to fully recover facilities and infrastructure.

Article 46

- (1) The early warning as referred to in Article 44 letter b shall aim to take quick and appropriate disaster risk reduction actions and prepare emergency response actions.
- (2) Early warning as referred to in paragraph (1) shall require:
 - a. observation of disaster signs;
 - b. analysis of results from disaster signs observation;
 - c. decision-making by the authorities;
 - d. dissemination of disaster warning information; and
 - e. community actions.

Article 47

- (1) Mitigation as referred to in Article 44 letter c shall aim to reduce disaster risk for community in disaster-prone areas.
- (2) Mitigation as referred to in paragraph (1) shall require:
 - a. implementation of spatial structuring;
 - b. regulation of development, infrastructure development, building lay-out; and
 - c. conventional and modern education, counseling, and training;

Second Paragraph
Emergency Response

Article 48

Disaster management during the emergency response as referred to in Article 33 letter b shall include:

- a. quick and appropriate study of location, damages, and resources;
- b. deciding on the disaster emergency status;
- c. rescue and evacuation of disaster-affected community;
- d. fulfillment of basic necessities;
- e. protection for vulnerable group; and
- f. immediate recovery of essential facilities and infrastructure.

Article 49

Quick and appropriate study as referred to in Article 48 letter a shall aim to identify:

- a. disaster area coverage;
- b. number of victims;
- c. damage to facilities and infrastructure;
- d. disturbance to the functions of public service and government administration; and
- e. capability of natural and artificial resources.

Article 50

(1) Upon deciding on disaster emergency status, National Disaster Management Agency and Regional Disaster Management Agency shall have easy access to:

- a. mobilization of human resources;
- b. mobilization of equipment;
- c. mobilization of logistics;
- d. immigration, excise, and quarantine;
- e. licensing;
- f. procurement of goods/services;

- g. management of and accountability for money and/or goods;
 - h. rescue; and
 - i. command over sectors/institutions.
- (2) Further provisions concerning easy access as referred to in paragraph (1) shall be governed by a Government Regulation.

Article 51

- (1) The Government shall decide on disaster emergency status in accordance with the scale of disaster.
- (2) The President shall make decision as referred to in paragraph (1) on a national scale, likewise the governor on a provincial scale and regent/mayor on a Regency/city scale.

Article 52

Rescue and evacuation of victims as referred to in Article 48 letter c shall require humanity services in disaster area through:

- a. search and rescue of victims;
- b. emergency aid; and/or
- c. evacuation of victims.

Article 53

Fulfillment of basic necessities as referred to in Article 48 letter d shall include aid for:

- a. necessities of water supply and sanitation;
- b. food;
- c. clothing;
- d. healthcare;
- e. psychosocial service; and
- f. accommodation and dwelling place.

Article 54

The handling of disaster-affected communities and refugees shall require data collection, placement in safe locations, and fulfillment of basic necessities.

Article 55

- (1) Protection for vulnerable group as referred to in Article 48 letter e shall give priority to the vulnerable group in the forms of rescue, evacuation, protection, healthcare, and psychosocial services.
- (2) Vulnerable group as referred to in paragraph (1) shall comprise:
 - a. infants, preschoolers, and children;
 - b. pregnant women or nursing mothers;
 - c. the disabled; and
 - d. the elderly.

Article 56

Recovery of essential facilities and infrastructures referred to in Article 48 letter f shall require repair to and/or replacement of damages from disasters.

Third Paragraph

Post-Disaster

Article 57

Disaster management at post-disaster stage as referred to in Article 33 letter c shall include:

- a. rehabilitation; and
- b. reconstruction.

Article 58

- (1) Rehabilitation as referred to in Article 57 letter a shall require:
 - a. improvement to disaster area environment;
 - b. repair to public facilities and infrastructure;
 - c. provision of aid for community housing repair;
 - d. socio psychological recovery;
 - e. healthcare;
 - f. reconciliation and conflict resolution;
 - g. socioeconomic and cultural recovery;
 - h. security and order recovery;

- i. government administration function recovery; and
 - j. public services' function recovery.
- (2) Further provisions concerning rehabilitation as referred to in paragraph (1) shall be governed by a Government Regulation.

Article 59

- (1) Reconstruction as referred to in Article 57 letter b, shall require better development activities including:
- a. rebuilding of facilities and infrastructure;
 - b. rebuilding of community's social facilities;
 - c. revival of socio cultural community life;
 - d. use of appropriate design with improved and disaster-resistant equipment;
 - e. participation of social institutions and organizations, business world, and community;
 - f. improvement to social, economic, and cultural conditions;
 - g. improvement to public service functions; and
 - h. improvement to essential services in community.
- (2) Further provisions concerning reconstruction as referred to in paragraph (1) shall be governed by a Government Regulation.

CHAPTER VIII DISASTER AID FINANCING AND MANAGEMENT

Part One Financing Article 60

- (1) The Government and Regional governments shall jointly bear responsibility for disaster management fund.
- (2) The Government and Regional governments shall encourage community participation in provision of funds.

Article 61

- (1) The Government and Regional governments shall decide upon sufficient disaster management budget allocation referred to in Article 6 letter e, letter f and Article 8 letter d.
- (2) Government, Regional government, National Disaster Management Agency and Regional Disaster Management Agency shall use the sufficient disaster management budget allocation referred to in paragraph (1) in accordance with their respective primary duties and functions.

Article 62

- (1) During the emergency response, National Disaster Management Agency National Disaster Management Agency shall use ready fund as referred to in Article 6 letter f.
- (2) The Government shall provide ready fund as referred to in paragraph (1) in the budget of National Disaster Management Agency.

Article 63

Further provisions concerning disaster management funds handling mechanism as referred to in Article 60 to Article 62 shall be governed by a Government Regulation.

Article 64

Funds for disaster management interest caused by outer space-related activities shall remain the responsibility of the launching state and/or the owner in accordance with international law and agreement.

Part Two

Disasters Aid Management

Article 65

Disaster aid management shall encompass planning, use, maintenance, monitoring, and evaluation of goods, services, and/or national and international assistance funds.

Article 66

The Government, Regional government, National Disaster Management Agency and Regional Disaster Management Agency shall carry out disaster aid resource management as referred to in Article 65 at any disaster stages in accordance with Legislation.

Article 67

During the disaster emergency response, National Disaster Management Agency shall direct the use of existing disaster aid in all related sectors.

Article 68

Procedures for disaster aid utilization and accountability during the emergency response shall adapt specifically to the needs, situations, and conditions of the emergency.

Article 69

- (1) The Government and Regional governments shall provide grief and disability compensation money to disaster victims.
- (2) Disaster victims who have lost their livelihood can obtain soft loan for productive businesses.
- (3) The Government and Regional governments shall bear responsibility for providing grief and disability compensation money as referred to in paragraph (1) and soft loan for productive businesses as referred to in paragraph (2).
- (4) Procedures and amount of aid as referred to in paragraph (1) and paragraph (2) shall be regulated further by a Government Regulation.
- (5) Community elements may participate in provision of aid.

Article 70

Disaster aid management as referred to in Article 65 up to Article 69 shall be carried out in accordance with Legislation.

CHAPTER IX SUPERVISION

Article 71

- (1) Government and regional governments shall exercise supervision over the entire stages of disaster management.
- (2) Supervision as referred to in paragraph (1) shall include:
 - a. source of disaster threat;
 - b. policy on development with disaster risk;
 - c. exploitation activities with disaster risk;

- d. utilization of domestic goods, services, technologies, as well as engineering and design capabilities;
- e. environmental conservation activities;
- f. planning for spatial structuring;
- g. environmental management;
- h. reclamation activities; and
- i. financial management.

Article 72

- (1) In supervising contribution collection reports, Government and Regional governments may request an audit of the contribution collection reports.
- (2) Based on the report as referred to in paragraph (1) Government and community may request an audit.
- (3) If the audit as referred to in paragraph (2) should show any deviation in the use of the contributions, the organizer of the collected contributions shall face sanction in accordance with Legislation.

Article 73

Supervision as referred to in Article 71 and Article 72 shall be exercised in accordance with Legislation.

CHAPTER X

DISPUTE RESOLUTIONS

Article 74

- (1) Settlement of dispute about disaster management at the first stage shall be based on deliberation for consensus.
- (2) In case of no agreement on dispute resolutions as referred to in paragraph (1), the parties may agree on a settlement outside or inside the court.

CHAPTER XI
PENAL PROVISIONS

Article 75

- (1) Anybody who, through negligence, should undertake high-risk development without disaster risk analysis as referred to in Article 40 paragraph (3) and consequently cause disaster, shall be punishable by imprisonment of at the least 3 (three) years or at the most 6 (six) years and a fine of at the least Rp 300,000,000.00 (three hundred million rupiahs) or at the most Rp 2,000,000,000.00 (two billion rupiahs).
- (2) In the event the crime as referred to in paragraph (1) should lead to loss of material possessions or goods, the criminal shall be punishable by imprisonment of at the least 6 (six) years or at the most 8 (eight) years and a fine of at the least Rp 600,000,000.00 (six hundred million rupiahs) or at the most Rp 3,000,000,000.00 (three billion rupiahs).
- (3) In the event the crime as referred to in paragraph (1) should lead to fatalities, the criminal shall be punishable by imprisonment of at the least 8 (eight) years or at the most 10 (ten) years and a fine of at the least Rp 3,000,000,000.00 (three billion rupiahs) or at the most Rp 6,000,000,000.00 (six billion rupiahs).

Article 76

- (1) In the event the crime as referred to in Article 75 paragraph (1) should be committed deliberately, the criminal shall be punishable by imprisonment of at the least 5 (five) years or at the most 8 (eight) years and a fine of at the least Rp 2,000,000,000.00 (two billion rupiahs) or at the most Rp 4,000,000,000.00 (four billion rupiahs).
- (2) In the event the crime as referred to in Article 75 paragraph (2) should be committed deliberately, the criminal shall be punishable by imprisonment of at the least 8 (eight) years or at the most 12 (twelve) years and a fine of at the least Rp 3,000,000,000.00 (three billion rupiahs) or fines at the most Rp. 6,000,000,000.00 (six billion rupiahs).
- (3) In the event the crime as referred to in Article 75 paragraph (3) should be committed deliberately, the criminal shall be punishable by imprisonment of at the least 12 (twelve) years or at the most 15 (fifteen) years and a fine of at the least Rp 6,000,000,000.00 (six billion rupiahs) or at the most Rp 12,000,000,000.00 (twelve billion rupiahs).

Article 77

Anybody who should deliberately hinder the easy access as referred to in Article 50 paragraph (1) shall be punishable by imprisonment of at the least 3 (three) years or at the most 6 (six) years and a fine of at the least Rp 2,000,000,000.00 (two billion rupiahs) or at the most Rp 4,000,000,000.00 (four billion rupiahs).

Article 78

Anybody who should deliberately misuse disaster aid management as referred to in Article 65, shall be punishable by a life imprisonment or an imprisonment of at the least 4 (four) years or at the most 20 (twenty) years and a fine of at the least Rp 6,000,000,000.00 (six billion rupiahs) or at the most Rp 12,000,000,000.00 (twelve billion rupiahs).

Article 79

- (1) In the event the crime as referred to in Article 75 through Article 78 should be committed by a corporation, its management shall be punishable by imprisonment and fine. In addition, the corporation may also be punished with an aggravated fine of 3 (three) times the amount of fine referred to in Article 75 up to Article 78.
- (2) Other than the fine as referred to in paragraph (1), the following additional punishments may also be imposed on the corporation:
 - a. revocation of business license; or
 - b. revocation of legal entity status.

CHAPTER XII

TRANSITIONAL PROVISIONS

Article 80

Upon the effectiveness of this law, any legislation relating to disaster management shall remain effective as long as it is not contradictory or there has been no issuance of new implementing regulation by virtue of this law.

Article 81

Any activity program related to disaster management stipulated before the stipulation of this law shall remain effective until its validity period has come to an end, unless otherwise determined in Legislation.

Article 82

- (1) Before establishment of National Disaster Management Agency, the National Agency for Coordinating Disaster Management still may perform its tasks.
- (2) After establishment of Disaster Management National Agency, the National Coordinating Agency for Disaster Management shall be dissolved.

CHAPTER XIII CLOSING PROVISIONS

Article 83

Upon this law taking effect, the National Disaster Management Agency shall be established within no later than 6 (six) months and the Regional Disaster Management Agency shall be established within no later than 1 (one) year.

Article 84

A Government regulation for implementation of this law shall have been issued within no later than 6 (six) months after the promulgation of this Law.

Article 85

This Law shall come into effect as of the date of its promulgation.

In order that this Law is known to the general public, it is ordered that this Law be promulgated in the state Gazette of the Republic of Indonesia.

Enacted in Jakarta
On 26 April , 2007
THE PRESIDENT OF
THE REPUBLIC OF INDONESIA,
signed
DR. H. SUSILO BAMBANG
YUDHOYONO

Promulgated in Jakarta
On 26 April, 2007

MINISTER OF JUSTICE AND HUMAN RIGHTS OF THE
REPUBLIC OF INDONESIA
signed
HAMID AWALUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 66
OF YEAR 2007

This copy is in conformity with the original
STATE SECRETARIAT OF THE REPUBLIC OF INDONESIA
Head of Bureau for Legislation
Division of Politic and People's Welfare

signed and sealed

Wisnu Setiawan

Promulgate to announce a new law, etc. officially, to proclaim (...)
Enacted : (...) (...) to make or pass a law
Ratify : to make an agreement a contract, etc. officially valid,...by
signing it



**GOVERNMENT REGULATION
OF THE REPUBLIC OF INDONESIA
NUMBER 21 OF 2008
CONCERNING
DISASTER MANAGEMENT**

**NATIONAL AGENCY DISASTER MANAGEMENT
(BNPB)**



PRESIDEN
REPUBLIK INDONESIA

**GOVERNMENT REGULATION OF THE REPUBLIC OF
INDONESIANUMBER 21 OF 2008
CONCERNING
DISASTER MANAGEMENT**

**BY THE GRACE OF THE ONEALMIGHTY GOD
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,**

Having considered : that to carry out provisions in Article 50 paragraph (2), Article 58 paragraph (2), and Article 59 paragraph (2) of Law Number 24 of 2007 concerning Disaster Management, it is necessary to issue a Government Regulation on Disaster Management;

Having observed : 1. Article 5 paragraph (2) of The 1945 Constitution of the Republic of Indonesia;
2. Law Number 24 of 2007 on Disaster Management (The State Gazette of the Republic of Indonesia of 2007 Number 66, Supplement to Number 4723);

HAS DECIDED:

**To issue: GOVERNMENT REGULATION CONCERNING
DISASTER MANAGEMENT.**

**CHAPTER I
GENERAL PROVISIONS**

Article 1

In this government regulation:

1. Disaster means an event or a series of events threatening and disturbing the community life and livelihood, caused by natural and/or non-natural as well as human factors resulting in human fatalities, environmental damage, loss of material possessions, and psychological impact.

2. Disaster management means a series of efforts encompassing policies on development with disaster risk, disaster prevention, emergency response, and rehabilitation.
3. Disaster prevention means a series of activities to alleviate or eliminate disaster risk, either by reducing disaster threat or the vulnerability of people in disaster-prone areas.
4. Alertness means a series of activities in anticipation of disaster through organization and efficient and effective measures.
5. Early warning means a series of activities of giving an urgent warning to the community about a potential disaster in a certain area by authorized agencies.
6. Mitigation means a series of efforts to reduce disaster risk, through physical development as well as awareness and improved capability to face a disaster threat.
7. Disaster risk means potential loss from a disaster in a certain area and in a specific period of time such as deaths, wounds, illnesses, threatened lives, missing sense of security, refuge, damaged or lost assets, and disturbance to community activities.
8. Disaster emergency response means a series of prompt actions during the disaster to deal with negative impacts, such as rescuing and evacuating victims and material possessions, providing basic necessities and protection, taking care of refugees, salvaging and recovering infrastructure and facilities.
9. Disaster victims means people or groups of people suffering or dying from disasters.
10. Rehabilitation means repairing and recovering all aspects of public or community services to an adequate level at post-disaster areas particularly

to normalize or recover all aspects of government administration and community life at post-disaster areas.

11. Reconstruction means rebuilding of all facilities and infrastructure, institutions at post-disaster areas, at government and community levels particularly to enable growth in economic, social and cultural activities, to enforce law and order, and revive public participation in all aspects of community life at post-disaster areas.
12. Disaster area means a certain area affected by a disaster.
13. Community means individuals, a group of people and/or a legal entity.
14. Refugees means people or groups of people forced to leave their dwelling places for an uncertain time due to negative disaster impact.
15. Vulnerable means infants, preschoolers, children, pregnant women or breast-feeding mothers, the disabled and the elderly.
16. Central Government hereinafter referred to as Government means the President of the Republic of Indonesia, who holds executive powers of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.
17. Regional government means governor, regent/mayor or irregional governments personnel organizing the regional governments administration.
18. National Disaster Management Agencies, hereinafter abbreviated to BNPB, means a non-departmental government institution in accordance with the provisions of legislation.
19. Regional Disaster Management Agencies, hereinafter abbreviated to BPBD, means a regional government agency that carries out disaster management in the region.

Article 2

Disaster management aims at ensuring the implementation of disaster management in a well-planned, integrated, coordinated, and comprehensive manner to protect community from disaster threat, risk, and impact.

Article 3

Disaster management shall include pre-disaster, emergency response, and post-disaster stages.

CHAPTER II

PRE-DISASTER

Part One

General

Article 4

Disaster management at pre-disaster stage as referred to in Article 3 include:

- a. a situation without a disaster; and
- b. a situation with a potential disaster.

Part Two

A Situation without a Disaster

Article 5

- (1) Disaster management in a situation without a disaster as referred to in Article 4 letter a shall include:
 - a. disaster management planning;
 - b. disaster risk reduction;
 - c. prevention;
 - d. integration into development planning;
 - e. disaster risk analysis requirements;

- f. spatial structure plan implementation and enforcement;
 - g. education and training; and
 - h. technical standard requirements for disaster management.
- (2) Support for disaster management in a situation without a disaster as referred to in paragraph (1) shall require research and development relating to disasters.

Article 6

- (1) Disaster management planning as referred to in Article 5 letter a constitutes a part of development planning.
- (2) Disaster management planning as referred to in paragraph (1) shall be based on the results of disaster risk analysis and disaster management efforts spelled out in the disaster management program and the budget details.
- (3) Disaster management planning as referred to in paragraph (1) includes:
- a. recognition and study of disaster threat;
 - b. understanding of the vulnerability of the community;
 - c. analysis of potential disaster impact;
 - d. options for reducing disaster risk;
 - e. selection of mechanism for alertness and for disaster impact management; and
 - f. allocation of tasks, authority, and available resources.
- (4) Disaster management planning shall be coordinated by:
- a. BNPB at the national level;
 - b. Provincial BPBD at the provincial level; and
 - c. Regency /city BPBD at regency/city level.

- (5) The Government or regional governments in accordance with their respective authority shall stipulate disaster management plan as referred to in paragraph (1) for a period of 5 (five) years.
- (6) Disaster management plan as referred to in paragraph (5) shall be reviewed periodically every 2 (two) years or at any time in event of disaster.
- (7) Disaster management planning as referred to in paragraph (4) shall be based on guidelines set by BNPB Head.

Article 7

- (1) Disaster risk reduction as referred to in Article 5 letter b shall mean reducing threats and vulnerability and increasing community capability to face disaster.
- (2) Disaster risk reduction requires:
 - a. recognizing and monitoring of disaster risk;
 - b. planning of participatory disaster management planning;
 - c. promoting disaster-awareness practices;
 - d. improving of the commitment of disaster management team; and
 - e. implementing application of physical and non-physical efforts, and regulating disaster management.

Article 8

- (1) Disaster risk reduction shall require an action plan for disaster risk reduction.
- (2) Action plan for disaster risk reduction as referred to in paragraph (1) shall comprise:
 - a. a national action plan for disaster risk reduction; and
 - b. a regional action plan for disaster risk reduction.

- (3) Coordinated by BNPB, the national action plan for disaster risk reduction as referred to in paragraph (2) letter a shall go through a comprehensive and integrated preparation in a forum that includes governmental, non-governmental, community, and business institution elements.
- (4) In coordination with agency/institution responsible for national development planning, BNPB Head shall stipulate the national action plan referred to in paragraph (3).
- (5) Coordinated by BPBD, the regional action plan for disaster risk reduction as referred to in paragraph (2) letter b shall go through a comprehensive and integrated preparation in a forum that includes elements from regional government, non-governmental, community, and the world business in the region.
- (6) In coordination with agency/institution responsible for regional development planning, BPBD head shall stipulate regional action plan as referred to in paragraph (6) based on national action plan for disaster risk reduction.
- (7) National action plan and regional action plan for disaster risk reduction shall be stipulated for a period of 3 (three) years and can be reconsidered as necessary.

Article 9

- (1) Prevention as referred to in Article 5 paragraph (1) letter c shall aim at reducing or eliminating disaster risk.
- (2) Prevention as referred to in paragraph (1) shall require reduction in disaster threat and vulnerability of people in disaster-prone areas .
- (3) Prevention as referred to in paragraph (2) shall require:
 - a. identificating and recognizing of sources of disaster danger or threat;

- b. monitoring:
 - 1) the control and management of natural resources;
 - 2) the use of advanced technology.
 - c. supervising of spatial structuring implementation and environmental management;
 - d. strengthening of the community's social resilience of the community .
- (4) Prevention as referred to in paragraph (3) shall remain the responsibility of the Government's, regional government and community.

Article 10

- (1) Integration of disaster management into development planning referred to in Article 5 paragraph (1) letter d shall be carried out by the Government or regional governments through coordination, integration, and synchronization.
- (2) Integration of disaster management into the development planning as referred to in paragraph (1) shall require the inclusion of disaster management elements into national and regional development plans.

Article 11

- (1) Requirements for disaster risk analysis as referred to in Article 5 paragraph (1) letter e shall find out and evaluate the risk level of a condition or activity with disaster risk.
- (2) BNPB Head shall prepare and stipulate the requirements for disaster risk analysis as referred to in paragraph (1) by involving related agencies/institutions.
- (3) Requirements for disaster risk analysis as referred to in paragraph (2) shall govern preparation of environmental impact assessment, spatial structuring as well as actions of disaster prevention and mitigation.

Article 12

- (1) Any development activity running a high risk of disaster shall require a disaster risk analysis.
- (2) Disaster risk analysis as referred to in paragraph (1) shall comply with requirements for disaster risk analysis as referred to in Article 11 paragraph (3) through research and study of a condition or activity that runs a high risk of disaster.
- (3) Disaster risk analysis as referred to in paragraph (2) shall take the form of a document enacted by a government official in accordance with legislation.
- (4) BNPB or BPBD in accordance with their respective authority shall monitor and evaluate disaster risk analysis.

Article 13

- (1) Implementation and enforcement of spatial structure plan referred to in Article 5 paragraph (1) letter f aim at controlling spatial use in accordance with territory spatial structure plan.
- (2) Spatial use control's referred to in paragraph (1) shall include enforcement of regulations related to spatial structuring, safety standard, and sanctions on violators.
- (3) The Government and regional governments shall periodically monitor and evaluate spatial structure planning and implementation, as well as compliance with safety standard.

Article 14

- (1) Education and training as referred to in Article 5 paragraph (1) letter g shall enhance community's awareness, concern, capability, and alertness in facing disaster.
- (2) The Government and regional governments shall organize education and training as referred to in paragraph (1) as formal, non-formal, and informal education in the forms of basic, secondary,

technical, simulation, and rehearsal training programs.

- (3) Agencies/institutions/organizations related to disaster management can organize education and training in disaster management in accordance with their respective mandate and authority, based on guidelines set by BNPB Head.

Part Three

Situation with Potential Disaster

Article 15

Disaster management in a situation with potential disaster referred to in Article 4 letter b include:

- a. alertness;
- b. early warning; and
- c. disaster mitigation.

Article 16

- (1) The Government shall exercise alertness in disaster management as referred to in Article 15 letter a to ensure the implementation of quick and appropriate actions during the disaster.
- (2) Coordinated by BNPB and/or BPBD, the authorized agencies/institutions, both technical and administrative shall carry out alertness activities referred to in paragraph (1), in the forms of:
 - a. preparation and try-out for disaster emergency management plan;
 - b. organization, installation, and testing of early warning system;
 - c. provision and preparation of supplies for fulfillment of basic necessities;
 - d. organization, counseling, training, and rehearsal regarding emergency response mechanism;
 - e. preparation of location for evacuation;
 - f. preparation of accurate data, information, and

update on fixed procedures for disaster emergency response; and

g. provision and preparation of materials, goods, and equipment to fully recover facilities and infrastructure.

- (3) The Government and regional government shall take responsibility for alertness activities as referred to in paragraph (2) and carry them out with the community and business institutions.

Article 17

- (1) Disaster emergency management plan as referred to in Article 16 paragraph (2) letter a shall serve as a frame of reference for implementation of disaster management in an emergency.
- (2) BNPB and/or BPBD and regional governments shall prepare disaster an emergency management plan as referred to in paragraph (1) in a coordinated manner.
- (3) Disaster emergency management plan can be accompanied by a contingency plan.

Article 18

- (1) For alertness in providing, storing and distributing logistics and equipment to disaster areas, BNPB and BPBD have developed a management system for logistics and equipment.
- (2) Development of management system for logistics and equipment as referred to in paragraph (1) shall optimize existing logistics and equipment in each agency/institution within BNPB network.
- (3) Further provisions concerning logistics and equipment management systems as referred to in paragraph (1) and paragraph (2) shall be governed by Regulation of BNPB Head.

Article 19

- (1) Early warning as referred to in Article 15 letter b shall aim for a quick and appropriate action to

reduce disaster risk and prepare actions of emergency response.

- (2) Early warning as referred to in paragraph (1) shall require:
 - a. observation of disaster signs;
 - b. analysis of data from observation;
 - c. decision-making based on result of analysis;
 - d. dissemination of the result of decision; and
 - e. community actions.
- (3) Authorized agencies/institutions shall carry out observation of disaster signs as referred to in paragraph (2) letter a according to the type of disaster threat, along with the community to obtain data on the signs of potential disaster, considering the local wisdom.
- (4) Authorized agencies/institutions as referred to in paragraph (3) shall submit analysis result to BNPB and/or BPBD according to disaster location and level, as a basis for decision-making and early warning action.
- (5) Upon deciding on early warning as referred to in paragraph (4), government institutions, private broadcasting agencies, and the mass media shall disseminate it to mobilize resources.
- (6) Mobilization of resources as referred to in paragraph (5) shall work in the same way as the resource mobilizing mechanism does during the emergency response.
- (7) BNPB and/or BPBD shall coordinate community actions as referred to in paragraph (2) letter e in order to save and protect the community.

Article 20

- (1) Disaster mitigation measures as referred to in Article 15 letter c aim at reducing disaster risk and impact on the community living in disaster-prone areas.

- (2) Disaster mitigation measures as referred to in paragraph (1) shall require:
 - a. spatial structuring planning and implementation following the disaster risk analysis;
 - b. regulation of development, infrastructure building, and construction layout; and
 - c. education, training, and counseling, using conventional and modern methods.
- (3) Regulation of development, infrastructure building, and construction layout as referred to in paragraph (2) letter b shall apply technical standard rule for building set by the authorized agencies/institutions.
- (4) Education, training, and counseling as referred to in paragraph (2) letter c shall apply technical standard rule for education, training, and counseling set by the authorized agencies/institutions.

CHAPTER III

EMERGENCY RESPONSE

Part One

General

Article 21

- (1) Disaster management during the emergency response shall include:
 - a. quick and appropriate study on location, damage, losses, and resources;
 - b. decision on disaster emergency status;
 - c. rescue and evacuation of disaster-affected community;
 - d. fulfillment of basic necessities;
 - e. protection for vulnerable group; and
 - f. immediate recovery of essential facilities and infrastructure.

- (2) BNPB Head or BPBD head shall control disaster management during the emergency response as referred to in paragraph (1) in accordance with their respective authority.

Part Two

Quick and Appropriate Study

Article 22

- (1) A quick and appropriate study as referred to in Article 21 letter a shall determine the need and appropriate actions in disaster management during the emergency response.
- (2) A quick study team shall conduct a quick and appropriate study as referred to in paragraph (1) by assignment from BNPB Head or BPBD head in accordance with their respective authority.
- (3) A quick and appropriate study as referred to in paragraph (1) shall require identification of:
 - a. disaster area coverage;
 - b. number of disaster victims;
 - c. damage to facilities and infrastructure;
 - d. disturbance to functions of public services and government administration; and
 - e. capacity of natural and artificial resources.

Part Three

Decision on Disaster Emergency Status

Article 23

- (1) The government or regional governments shall decide on disaster emergency status as referred to in Article 21 letter b according to disaster level.
- (2) The President shall decide on disaster emergency status at the national level as referred to in paragraph (1), likewise the governor at the provincial level, and regent/mayor at regency/city level.

Article 24

Upon deciding on disaster emergency status, BNPB and BPBD shall have easy access to:

- a. mobilization of human resources;
- b. mobilization of equipment;
- c. mobilization of logistics;
- d. immigration, excise, and quarantine;
- e. licensing;
- f. procurement of goods/services;
- g. management of and accountability for money and/or goods;
- h. rescue; and
- i. command over agencies/institutions.

Paragraph 1

Mobilization of Human Resources, Equipment, and Logistics

Article 25

- (1) During the disaster emergency, authorized BNPB Head and BPBD Head shall mobilize human resources, equipment, and logistics from agency/institution and the community to initiate actions of emergency response.
- (2) Mobilization of human resources, equipment and logistics as referred to in paragraph (1) shall include request, receipt and use of human resources, equipment, and logistics.

Article 26

- (1) Mobilization of human resources, equipment, and logistics aim at rescuing and evacuating disaster victims, fulfilling basic necessities, and recovering the functions of essential facilities and infrastructure damaged by disaster.
- (2) Mobilization of human resources, equipment, and logistics onto disaster area shall be governed by the need.

Article 27

- (1) During the disaster emergency, BNPB Head or BPBD head, according to disaster location and level, shall request related agency/institution to dispatch human resources, equipment, and logistics as referred to in Article 25 to disaster area.
- (2) At such request as referred to in paragraph (1), related agency/institution shall immediately dispatch and mobilize human resources, equipment, and logistics onto disaster area.
- (3) Related agency/institution, in dispatching human resources, equipment, and logistics as referred to in paragraph (2) shall designate an official as an authorized representative for decision-making.

Article 28

- (1) In case of disaster at regency/city level, BPBD head in disaster-affected regency/city shall mobilize human resources, equipment, and logistics onto disaster area according to need.
- (2) In case of the unavailability and inadequacy of human resources, equipment, and logistics in disaster-affected regency/city, the regency/city government can request aid from the nearest regency/city, either in the same or in a different provincial territory.
- (3) Regency/city government requesting the aid as referred to in paragraph (2) shall bear the cost of mobilization of human resources, equipment, and logistics from another regency/city dispatching aid.
- (4) In case of the unavailability/inadequacy of the human resources, equipment, and logistics in the other regency/city as referred to in paragraph (2), the disaster-affected regency/city government can request aid from the provincial government concerned.
- (5) Receipt and use of human resources, equipment, and logistics in disaster area referred to in

paragraph (1) through paragraph (4) shall come under head of regency/city BPBD control.

Article 29

- (1) In case of a provincial level disaster, BPBD head in disaster-affected province shall dispatch human resources, equipment, and logistics onto disaster area according to need.
- (2) In case of the unavailability/inadequacy of the human resources, equipment, and logistics in disaster-affected province, the disaster-affected provincial government can request aid from the nearest province.
- (3) Provincial government requesting the aid as referred to in paragraph (2) shall bear the cost of mobilization of human resources, equipment, and logistics.
- (4) In case of the unavailability/inadequacy of the human resources, equipment, and logistics in the other province referred to in paragraph (2), the disaster-affected provincial government can request aid from the Government.
- (5) Receipt and use of human resources, equipment, and logistics in disaster area as referred to in paragraph (1) through paragraph (4) shall come under head of provincial BPBD control.

Article 30

- (1) In case of limitation of human resources, equipment, and logistics mobilized by BPBD head as referred to in Article 28 and Article 29, BNPB can provide help through assistance pattern.
- (2) Aid through assistance pattern as referred to in paragraph (1) shall be provided at the request of BPBD or on BNPB initiative.

Article 31

- (1) BNPB Head or BPBD head in accordance with their authority can mobilize equipment and

logistics from the regional depot nearest to the disaster area, set up in logistics and equipment management system as referred to in Article 18.

- (2) Equipment and logistics mobilization in disaster area as referred to in paragraph (1) shall come under BNPB Head's control.

Paragraph 2

Immigration, Excise, and Quarantine

Article 32

- (1) Foreign aid , whether in the form of foreign personnel, equipment, or logistics shall have easy access as referred to in Article 24 letter d to the process and service of immigration, excise or quarantine.
- (2) Easy access as referred to in paragraph (1) shall include the use of equipment carried by foreign personnel onto disaster area.

Article 33

- (1) Foreign personnel assisting with disaster management during the disaster emergency response in the territory of Unitary State of the Republic of Indonesia as referred to in Article 32 paragraph (1) shall have easy access in immigration matters to the process and service of visa, entry permit, limited stay permit, and exit permit.
- (2) Foreign personnel as referred to in paragraph (1) shall work by assignment from and on recommendation of the government of origin, international institution or nongovernmental foreign institution giving the assignment.
- (3) Foreign personnel referred to in paragraph (1), entering into the territory of Unitary State of the Republic of Indonesia shall report to agency/institution whose scope of task includes immigration matters.
- (4) Visa, entry permit, limited stay permit, and exit

permit as referred to in paragraph (1) shall be granted on recommendation of BNPB Head.

- (5) Limited stay permit as referred to in paragraph (1) shall be granted no later than the period of disaster emergency response.

Article 34

Besides easy access in the forms of visa, entry permit, limited stay permit, and exit permit, foreign personnel as referred to in Article 32 paragraph (1) may have easy access to the disaster area to carry out their aid program, which location shall be determined by BNPB Head or BPBD Head according to disaster location and level.

Article 35

Foreign personnel holding a passport as substitute for diplomatic passport or official passport issued by an international institution of United Nations, upon entering Unitary State of the Republic of Indonesia's territory, shall report to agency/institution whose scope of task includes foreign relations.

Article 36

- (1) Equipment or logistics as referred to in Article 32 paragraph (1) entering the territory of Unitary State of the Republic of Indonesia Unitary State for helping with disaster management during the disaster emergency response shall have easy access in the form of exemption from import duty and other import taxes.
- (2) The ease as referred to in paragraph (1) shall comply with the provisions of legislation.
- (3) The ease as referred to in paragraph (1) shall be subject to recommendation from BNPB Head.

Article 37

Equipment or logistics as referred to in Article 36 paragraph (1) entering the territory of the Unitary State of the Republic of Indonesia for helping with disaster

management during the disaster emergency response shall have easy access in regard to quarantine, except for equipment or logistics with potential danger.

Paragraph 3

Licensing

Article 38

- (1) Licensing as referred to in Article 24 letter e means a particular license from authorized agency/institution for entry of foreign personnel and/or certain equipment into the territory of the Unitary State of the Republic of Indonesia besides immigration and customs permits.
- (2) Head of authorized government agencies/institutions as referred to in paragraph (1) shall provide easy access to BNPB Head to obtain a particular license for bringing in certain equipment and/or personnel into the territory of the Unitary State of the Republic of Indonesia Unitary State that will be employed to assist with disaster management during the disaster emergency response.

Paragraph 4

Procurement of Goods/Services

Article 39

Procurement of goods/services as referred to in Article 24 letter f shall be carried out in a well-planned manner by considering the required type and amount according to conditions and characteristics of disaster area.

Article 40

- (1) During the disaster emergency, procurement of goods/services for disaster emergency response shall receive a special treatment through an effective and efficient direct purchase/procurement according to conditions during the emergency response situation.

- (2) Direct purchase/procurement as referred to in paragraph (1) shall not depend on the amount and price of goods/services.
- (3) Procurement of goods/services as referred to in paragraph (1) shall include equipment and/or services for:
 - a. search and rescue of disaster victims;
 - b. emergency aid;
 - c. evacuation of disaster victims;
 - d. necessary water supply and sanitation;
 - e. food;
 - f. clothing;
 - g. healthcare; and
 - h. accommodation and temporary dwelling place.
- (4) Related agencies/institutions can also carry out the procurement of goods/services, besides those referred to in paragraph (3), subject to the approval of BNPB Head or BPBD Head in accordance with their authority.
- (5) Approval as referred to in paragraph (4) can be granted orally followed by a written approval in a period of no later than 3 x 24 (three times twenty four) hours.

Article 41

- (1) BNPB shall use ready fund allocated in BNPB budget for procurement of goods and/or services during the disaster emergency response.
- (2) BPBD shall use ready fund that can be provided in Regional Budget and allocated in BPBD budget for the procurement of goods and/or services during the disaster emergency response.
- (3) Ready fund as referred to in paragraph (1) and paragraph (2) shall be used according to the need of disaster emergency response.

- (4) Provisions concerning the source and use of ready fund shall be made in a separate government regulation.

Paragraph 5

Management of and Accountability for Money and/or Goods

Article 42

- (1) Management of and accountability for ready fund as referred to in Article 41 shall have facilitation in accordance with the management of and accountability for money and/or goods as referred to in Article 24 letter g.
- (2) Ready fund as referred to in paragraph (1) shall have separate allocation in BNPB budget.
- (3) Ready fund as referred to in paragraph (1) shall be used only for procurement of goods and/or services as referred to in Article 40 paragraph (4).
- (4) Evidences of other transactions that cannot be obtained in the procurement of goods and/or services during the emergency response shall receive a special treatment.
- (5) Provisions as referred to in paragraph (1), paragraph (2), and paragraph (3) shall also apply to management of ready fund in the region.

Article 43

- (1) BNPB can provide ready fund directly for disaster area according to situation and conditions of disaster emergency.
- (2) Ready fund as referred to in paragraph (1) shall be provided through BPBD Head.
- (3) After receiving the ready fund, BPBD shall submit a report to head of regional government.

- (4) The use of ready fund as referred to in paragraph (1) shall be subject to the level of priority.

Article 44

- (1) BNPB shall supervise the use of ready fund provided for BPBD Head as referred to in Article 43 paragraph (1).
- (2) BPBD that has received ready fund shall submit an accountability report to BNPB no later than 3 (three) months after receipt thereof.
- (3) Accountability as referred to in paragraph (1) and paragraph (2) shall follow the guidelines set by BNPB Head.

Article 45

- (1) BNPB Head or BPBD head in accordance with their authority shall make an accountability report on money and/or goods received from the community.
- (2) Accountability report as referred to in paragraph (1) shall be submitted:
 - a. to the President by BNPB Head;
 - b. to the Governor by head of provincial BPBD;
and
 - c. to the Regent/Mayor by Head of regency/city BPBD.
- (3) Accountability report as referred to in paragraph (1) shall be communicated to the public.

Paragraph 6

Rescue

Article 46

- (1) Easy access in the rescue as referred to in Article 24 letter h shall be provided during the search, aid, and evacuation of disaster victims.
- (2) To facilitate the rescue of disaster victims and material possessions, BNPB Head and/or BPBD Head shall have authority to:

- a. remove and/or destroy items or objects in disaster area that might endanger the people's lives;
 - b. remove and/or destroy items or objects that can disturb the rescue process;
 - c. order people to get out of a location or prohibit people to enter a location;
 - d. isolate or close a public or private-owned area; and
 - e. order the head of related government agencies/institutions to shut down electricity, gas, or to close/open water gate.
- (3) Search and rescue of disaster victims shall cease if:
- a. all victims have been found, helped, and evacuated; or
 - b. after 7 (seven) days since the beginning of search, no signs of victims have been found.
- (4) Search and rescue of disaster victims made to cease as referred to in paragraph (3) letter b can be resumed in case there is new information on the existence of disaster victims.

Paragraph 7

Command

Article 47

- (1) In an emergency, BNPB Head or BPBD head in accordance with their respective authority shall have easy access to a commanding position over the sector/institution under one command as referred to in Article 24 letter i, in order to mobilize human resources, equipment, logistics, and rescue.
- (2) To perform the command function as referred to in paragraph (1), BNPB Head or BPBD head in accordance with their respective authority shall appoint an official as Commander for handling disaster emergency.

- (3) Commander for handling disaster emergency, according to disaster location and level, in carrying out the command for mobilizing human resources, equipment, logistics, and rescue as referred to in paragraph (2) shall have authority to control officials representing their respective agencies/institution as referred to in Article 27 paragraph (3).
- (4) Mechanism for control under one command as referred to in paragraph (1) shall follow the command system for disaster emergency response.
- (5) Further provisions concerning the command system for disaster emergency response shall be stipulated by the regulation of BNPB Head.

Article 48

- (1) In a disaster emergency, Commander for handling disaster emergency, according to disaster location and level shall activate and step up the operation control center to become a command post for disaster emergency response.
- (2) The command post as referred to in paragraph (1) shall function to coordinate, control, monitor, and evaluate the giving of disaster emergency response.
- (3) The command post as referred to in paragraph (1) shall become an authorized institution to provide data and information on the giving of disaster emergency response.

Article 49

- (1) In a disaster emergency, Commander for handling disaster emergency, according to disaster location and level, shall establish field command posts for giving disaster emergency response at the disaster area.
- (2) Field command post for disaster emergency response as referred to in paragraph (1) shall have the task of giving disaster emergency response.

- (3) Result from the task of giving disaster emergency response carried out by the field post command as referred to in paragraph (2) shall be communicated to the post command as referred to in Article 48 paragraph (1) to be used as data, information, and material for decision-making in giving disaster emergency response.

Article 50

- (1) In giving disaster emergency response, Commander for handling disaster emergency, according to disaster location and level, shall prepare a plan for disaster emergency response operation to be used as a reference by each agencies/institution giving disaster emergency response.
- (2) Guidelines on planning for disaster emergency response operation shall be stipulated by BNPB Head.

Part Four

Rescue and Evacuation

Article 51

- (1) Rescue and evacuation of disaster-affected community as referred to in Article 21 letter c shall require efforts and activities of search, aid, and rescue of community members who become disaster victims.
- (2) Rapid reaction team involving the community element under command of Commander for handling disaster emergency shall carry out the search, aid and rescue of disaster-affected community members as referred to in paragraph (1), according to disaster location and level.
- (3) In case of disaster escalation, BNPB can provide support to BPBD for rescue and evacuation of disaster-affected community members as referred to in paragraph (1) and paragraph (2).

- (4) Disaster emergency aid as referred to in paragraph (1) shall give priority to disaster-affected community members suffering from severe wounds and to the vulnerable group.
- (5) There shall be efforts to identify and bury community members who become disaster fatalities.

Part Five

Fulfillment of Basic Necessities

Article 52

- (1) Fulfillment of basic necessities as referred to in Article 21 letter d shall include aid for supply of:
 - a. need for water supply and sanitation;
 - b. food;
 - c. clothing;
 - d. healthcare;
 - e. psychosocial services; and
 - f. accommodation and dwelling place.
- (2) The government, regional government, community, business institution, international institution and/or non-governmental foreign institution shall carry out the fulfillment of basic necessities as referred to in paragraph (1) in accordance with minimum standard as regulated in the provisions of legislation.

Part Six

Protection for Vulnerable Group

Article 53

- (1) Protection for vulnerable group as referred to in Article 21 letter e shall prioritize disaster victims suffering from severe wounds and the vulnerable group through rescue, evacuation, protection, healthcare, and psychosocial services.

- (2) Coordinated by BNPB Head and/or BPBD head, the related agencies/institution and shall make efforts of protection for vulnerable group as referred to in paragraph (1) with assistance/facilitation pattern.

Part Seven

Immediate Recovery of Essential Facilities and Infrastructure

Article 54

- (1) Immediate recovery of essential facilities and infrastructure as referred to in Article 21 letter f shall aim to immediately recover the functions of essential facilities and infrastructure to keep supporting the community life.
- (2) Related agencies/institution coordinated by BNPB Head and/or BPBD head in accordance with their respective authority shall immediately recover essential facilities and infrastructure as referred to in paragraph (1).

CHAPTER IV

POST-DISASTER PERIOD

Part One

General

Article 55

Disaster management at post-disaster stage shall comprise:

- a. rehabilitation; and
- b. reconstruction.

Part Two

Rehabilitation

Article 56

- (1) Rehabilitation at post-disaster area shall require the following activities:

- a. improvement to disaster area environment;
 - b. repair to public facilities and infrastructure;
 - c. provision of aid for community housing repair;
 - d. sociopsychological recovery;
 - e. healthcare;
 - f. reconciliation and conflict resolution;
 - g. social, economic, and cultural recovery;
 - h. security and order recovery;
 - i. government administration's function recovery;
and
 - j. public services' function recovery.
- (2) To accelerate recovery of community life at post-disaster area, regional government shall set priorities for rehabilitation activities as referred to in paragraph (1).
- (3) Prioritization as referred to in paragraph (2) shall follow the analysis of loss and damage from disaster.

Article 57

- (1) The government's and/or disaster-affected region's regional governments shall take responsibility for rehabilitation activity as referred to in Article 56 paragraph (1).
- (2) The government and/or regional governments as referred to in paragraph (1) shall make a rehabilitation plan based on analysis of loss and damage from disaster as referred to in Article 56 paragraph (3), taking the community aspiration into account.
- (3) Rehabilitation planning as referred to in paragraph (2) shall consider the following:
- a. regulation of building construction standard;
 - b. social condition;

- c. customs;
 - d. culture; and
 - e. economy.
- (4) Rehabilitation planning as referred to in paragraph (2) shall comply with the guidelines set by BNPB Head.

Article 58

- (1) In the rehabilitation, regency/city government shall use disaster management fund from regency/city Regional Budget.
- (2) In case of insufficient Regional Budget, regency/city government can request assistance fund from provincial government and/or The Government to carry out rehabilitation activity.
- (3) Should regency/city government request rehabilitation assistance fund from Government, the request shall be submitted through the provincial government concerned.
- (4) Other than request for fund as referred to in paragraph (2), regency/city government may request aid from provincial government and/or the government in the forms of:
- a. expert;
 - b. equipment; and
 - c. infrastructure development.

Article 59

- (1) Proposed request for aid from regional government as referred to in Article 58 paragraph (2) and paragraph (3) shall require verification by interdepartmental team/nondepartmental government institution coordinated by BNPB Head.
- (2) Verification as referred to in paragraph (1) shall determine the amount of aid that the Government

will provide proportionately to regional government.

- (3) Use of aid from the Government to regional government as referred to in paragraph (2) shall require interdepartmental team's/ nondepartmental government institution's monitoring and evaluation involving BPBD coordinated by the BNPB Head.

Article 60

Regional government work unit and related agency/institution shall carry out rehabilitation activity as referred to in Article 55 letter a coordinated by BPBD head.

Paragraph 1

Improvement to Disaster Area Environment

Article 61

- (1) Improvement to disaster area environment as referred to in Article 56 paragraph (1) letter a means physical activities of environmental improvement to fulfill technical, social, economic, and cultural requirements and ecosystem of an area.
- (2) Activities of physical improvement to the environment as referred to in paragraph (1) shall include the environment of settlement area, industrial zone, business area, and building structure area.
- (3) Environmental improvement to areas as referred to in paragraph (1) shall comply with technical planning, considering the inputs on types of activities from related agency/institution and the aspiration of community in disaster-prone areas.

Article 62

- (1) Technical planning as referred to in Article 61 paragraph (3) shall comprise preparation of technical plan document containing an action plan diagram to be accomplished.

- (2) Technical planning as referred to in paragraph (1) shall require the best preparation through survey, investigation, and design, considering the social, cultural and economic conditions, customs, and standard for building construction.
- (3) Technical planning for environmental improvement as referred to in paragraph (1) shall contain at least:
 - a. data on population, social, culture, economy, infrastructure, and facilities before disaster;
 - b. data on damage including the location, data on disaster victims, amount and level of damage from disaster, and estimated loss;
 - c. resource potentialities in disaster area;
 - d. thematic map containing matters as referred to in letter a, letter b, and letter c;
 - e. program and operation plans;
 - f. a design drawing;
 - g. budget plan;
 - h. schedule; and
 - i. guidelines on rehabilitation.

Article 63

Related agencies/institutions shall carry out environmental improvement to disaster area as referred to in Article 56 paragraph (1) letter a in accordance with their respective functions and responsibilities in their lines of work in joint efforts with the community.

Paragraph 2

Repair to Public Facilities and Infrastructure

Article 64

- (1) Repair to public facilities and infrastructure as referred to in Article 56 paragraph (1) letter b means repair to facilities and infrastructure for needed transportation, smooth running of economic activities, and community sociocultural life.

- (2) Repair to public facilities and infrastructure as referred to in paragraph (1) shall comply with technical planning, considering the input on types of activities from related agencies/institutions and the aspiration of the community.
- (3) Repair to public facilities and infrastructure as referred to in paragraph (1) shall include:
 - a. repair to infrastructure; and
 - b. social facilities and public facilities.

Article 65

- (1) Technical planning as referred to in Article 64 paragraph (2) means preparation of technical plan document containing an action plan diagram to be accomplished.
- (2) Technical plan document as referred to in paragraph (1) shall require the best preparation through survey, investigation, and design, considering the environmental, social, economic and cultural conditions, customs, and building construction standard.
- (3) Preparation of technical plan document as referred to in paragraph (2) shall at least comply with the provisions concerning:
 - a. safety requirement;
 - b. sanitation system requirements;
 - c. building materials usage requirement; and
 - d. technical standard requirements for road, bridge, building and water structure constructions.
- (4) Technical planning for repair of public facilities and infrastructure as referred to in paragraph (1) shall comply with the guidelines set by related agencies/institution.

Article 66

Repair to public facilities and infrastructure as referred to in Article 56 paragraph (1) letter b shall require community self-help, with guidance and/or technical aid from the Government and/or regional government.

Paragraph 3

Aid for Community Housing Repair

Article 67

- (1) Provision of aid for community housing repair as referred to in Article 56 paragraph (1) letter c means Government aid as a stimulant to help community members repair their houses damaged by disaster for reoccupation.
- (2) Government aid as referred to in paragraph (1) may include materials, house components or money in the amount based on the results from verification and evaluation of house damage level.
- (3) Government aid for community housing repair as referred to in paragraph (2) shall follow a community empowerment pattern, considering the regional character and community culture, in coordination with BPBD.
- (4) Community housing repair as referred to in paragraph (3) shall follow technical standard in accordance with the provisions of legislation.
- (5) Aid for community housing repair shall require technical guidance and technical aid from related agencies/institution.

Paragraph 4

Sociopsychological Recovery

Article 68

- (1) Sociopsychological recovery as referred to in Article 56 paragraph (1) letter d provides assistance for disaster-affected community to bring social and psychological lives back to pre-disaster condition.

- (2) Assistance for disaster-affected community as referred to in paragraph (1) shall require sociopsychological services in the forms of:
 - a. family counseling and consultation;
 - b. trauma recovery assistance; and
 - c. training in psychological condition recovery.
- (3) Related agencies/institution shall carry out sociopsychological services as referred to in paragraph (2) in coordination with BPBD.

Paragraph 5

Healthcare

Article 69

- (1) Healthcare as referred to in Article 56 paragraph (1) letter e shall provide assistance for disaster-affected community to recover public health condition.
- (2) Health recovery for disaster-affected community as referred to in paragraph (1) shall require:
 - a. treatment of ill and wounded disaster victims;
 - b. treatment of dying disaster victims;
 - c. medicines;
 - d. health equipment;
 - e. medical staff and paramedics; and
 - f. referral to nearest hospital.
- (3) Public health recovery as referred to in paragraph (2) shall require healthcare centers/posts established by related agencies in coordination with BPBD.
- (4) Public health recovery as referred to in paragraph (3) shall follow emergency service standard in accordance with the provisions of legislation.

Paragraph 6

Reconciliation and Conflict Resolution

Article 70

- (1) Reconciliation and conflict resolution as referred to in Article 56 paragraph (1) letter f shall provide assistance for the community in areas prone to disasters and social conflicts to reduce escalation of social conflict and tension and to recover social conditions of community life.
- (2) Reconciliation and conflict resolution activities as referred to in paragraph (1) shall require persuasive mediation efforts, involving community figures and considering the local community situation, condition, characters and culture, and respecting their sense of justice.
- (3) Related agency/institution shall carry out reconciliation and conflict resolution activities as referred to in paragraph (2) in coordination with BNPB or BPBD in accordance with their respective authority.

Paragraph 7

Socioeconomic and Cultural Recovery

Article 71

- (1) Socioeconomic and cultural recovery as referred to in Article 56 paragraph (1) letter g shall provide assistance for disaster-affected community to bring social, economic, and cultural lives back to pre-disaster condition.
- (2) Social, economic, and cultural recovery activities as referred to in paragraph (1) shall provide assistance for the community to revive and reactivate social, economic, and cultural activities through:
 - a. advocacy and counseling services;
 - b. aid for stimulating economic activities; and
 - c. training.

- (3) Related agency/institution shall carry out social, economic, and cultural recovery activities as referred to in paragraph (2) in coordination with BPBD.

Paragraph 8

Security and Order Recovery

Article 72

- (1) Security and order recovery as referred to in Article 56 paragraph (1) letter h shall provide assistance for the community to bring public security and order in disaster-affected areas back to pre-disaster condition.
- (2) Security and order recovery shall require:
 - a. reactivation of security and order institution functions in disaster areas;
 - b. greater community participation in activities related to security and order; and
 - c. coordination with agencies/institution with authority over security and order issues.
- (3) Related agencies/institution shall carry out security and order recovery as referred to in paragraph (2) in coordination with BPBD.

Paragraph 9

Government Administration Function Recovery

Article 73

- (1) Government administration function recovery as referred to in Article 56 paragraph (1) letter i shall bring government administration functions back to pre-disaster condition.
- (2) Government administration function recovery shall require:
 - a. reactivation of government administration as soon as possible;

- b. rescue and protection of state and government administration documents;
 - c. consolidation of government administration officers;
 - d. recovery of functions and equipment that support government administration tasks; and
 - e. reorganization of government administration tasks in related agencies/institution.
- (3) Related agencies/institution shall carry out the activities as referred to in paragraph (2) in coordination with head of government administration in the region, with support from BPBD and BNPB.

Paragraph 10

Public Service Function Recovery

Article 74

- (1) Public service function recovery as referred to in Article 56 paragraph (1) letter j shall aim at bringing back the function of services for community to pre-disaster condition.
- (2) Public service function recovery as referred to in paragraph (1) shall require:
- a. rehabilitation and recovery of public facilities and infrastructure functions;
 - b. reactivation of public service functions in related agencies/institution; and
 - c. reorganization of public service functions.
- (3) Related agencies/institution shall carry out public service function recovery as referred to in paragraph (2) in coordination with head of government administration in the region, with support from BPBD and the BNPB.

Part Three
Reconstruction

Article 75

- (1) Reconstruction at post-disaster area shall require:
 - a. rebuilding of facilities and infrastructure;
 - b. rebuilding of community social facilities;
 - c. revival of community sociocultural life;
 - d. use of appropriate design with improved and disaster-resistant equipment;
 - e. participation of social institutions and organizations, business world and community;
 - f. improvement to social, economic, and cultural conditions;
 - g. improvement to public service functions; or
 - h. improvement to essential services in community.
- (2) To accelerate the rebuilding of all facilities and infrastructure as well as institutions at post-disaster areas, the Government and/or regional government shall set priorities for this reconstruction activity as referred to in paragraph (1).
- (3) Prioritization as referred to in paragraph (2) shall be based on analysis of loss and damage from disaster as referred to in Article 56 paragraph (3).

Article 76

- (1) Reconstruction activity as referred to in Article 75 paragraph (1) shall remain the responsibility of disaster-affected regional government, except for facilities and infrastructure being Government responsibility.
- (2) Regional government shall prepare a reconstruction plan to be included in the unit of rehabilitation plan as referred to in Article 57 paragraph (2).

- (3) Preparation of reconstruction plan as referred to in paragraph (2) shall take into account:
 - a. spatial structure plan;
 - b. regulation on standard for building construction;
 - c. social condition;
 - d. local customs;
 - e. local culture; and
 - f. economy.
- (4) Preparation of reconstruction plan as referred to in paragraph (2) shall comply with the guidelines set by the BNPB Head.

Article 77

- (1) In carrying out reconstruction, regional government shall use disaster management fund taken from APBD.
- (2) In case of insufficient APBD, regency/city government may request assistance fund from provincial government and/or the Government to carry out reconstruction activity.
- (3) In case that regency/city government should request reconstruction assistance fund from Government, the request shall be submitted through the provincial government concerned.
- (4) In addition to request for fund as referred to in paragraph (2), regency/city government may request aid from provincial government and/or Government in the forms of:
 - a. experts;
 - b. equipment; and
 - c. the constructing of infrastructure.

Article 78

- (1) Coordinated by BNPB, the interdepartmental team/

nondepartmental government institution shall verify aid request proposal from regional government as referred to in Article 77 paragraph (2) and (3).

- (2) Verification as referred to in paragraph (1) shall govern the amount of aid that the Government will provide to regional government proportionately.
- (3) Verification as referred to in paragraph (1) shall be done in conjunction with verification of rehabilitation.
- (4) With BPBD's involvement coordinated by the BNPB, the interdepartmental team/nondepartmental government institution shall monitor and evaluate the use of aid provided to regional governments as referred to in paragraph (2).

Article 79

Coordinated by BPBD, the related regional government work unit and agencies/institution shall carry out construction activity as referred to in Article 75 paragraph (1).

Paragraph 1

Rebuilding of Facilities and Infrastructure

Article 80

- (1) Rebuilding facilities and infrastructure as referred to in Article 75 paragraph (1) letter a means physical activities of building new facilities and infrastructure to fulfill economic, social, and cultural needs, considering the provincial and regency/city spatial structure plan.
- (2) Physical activities of rebuilding facilities and infrastructure as referred to in paragraph (1) shall take spatial structure plan into account.
- (3) Provincial and regency/city spatial structure plan as referred to in paragraph (2) shall contain:

- a. territory spatial structure plan;
 - b. territory spatial pattern plan;
 - c. area designation;
 - d. directive on territory spatial use; and
 - e. directive on territory spatial use control.
- (4) Rebuilding of facilities and infrastructure as referred to in paragraph (1) shall comply with technical planning, considering the input from related agencies/institution, and disaster-affected community aspiration.

Article 81

- (1) Technical planning as referred to in Article 80 paragraph (4) means preparation of technical plan document containing action plan diagrams to be accomplished.
- (2) Technical planning as referred to in paragraph (1) shall require the best preparation through surveys, investigations, drawing of design considering the social and economic conditions, local culture, customs, and standard for building construction as well as nature condition.
- (3) Technical planning for rebuilding facilities and infrastructure as referred to in paragraph (1) shall contain:
- a. formulation of operational strategy and policy;
 - b. detailed plan for rebuilding facilities and infrastructure in accordance with master plan;
 - c. work plan and budget;
 - d. implementation document;
 - e. document on cooperation with other parties;
 - f. document on procurement of goods and services in accordance with the provisions of legislation;
 - g. executory provisions concerning rebuilding

activities carried out by Government, regional government and other related parties; and

- h. provisions concerning the use of fund for rebuilding facilities and infrastructure by highly respecting integrity along with freedom and accountability.
- (4) Guidelines on technical planning for rebuilding facilities and infrastructure shall follow the guidelines set by related ministry and coordinated by BNPB Head.

Paragraph 2

Rebuilding Community Social Facilities

Article 82

- (1) Rebuilding community social facilities as referred to in Article 75 paragraph (1) letter b means rebuilding of new social and public facilities for necessary social and public activities.
- (2) Rebuilding community social facilities as referred to in paragraph (1) shall comply with technical planning, considering the inputs from related agencies/institution and aspiration from community living in disaster area.

Article 83

- (1) Technical planning as referred to in Article 82 paragraph (2) means preparation of technical plan document containing an action plan diagram for development to be accomplished.
- (2) Technical planning as referred to in paragraph (1) shall require the best preparation through survey, investigation, drawing of design diagram, considering the social, economic and cultural conditions, local customs, and building structure technical standard.
- (3) Technical planning as referred to in paragraph (2) shall at least comply with technical provisions concerning:

- a. building construction technical standard;
 - b. area designation; and
 - c. directive on spatial use.
- (4) Technical planning as referred to in paragraph (3) shall include:
- a. detailed plan for building educational and health facilities, orphanage, worship facilities, old-age home, and village meeting hall;
 - b. document on activity and budget implementation;
 - c. work plan;
 - d. document on cooperation with other parties;
 - e. document on procurement of goods and/or services in accordance with the provisions of legislation; and
 - f. executory provisions to be implemented by the Government, regional governments, and related parties.

Article 84

The Government and/or regional government shall carry out the rebuilding of community social facilities as referred to in Article 75 paragraph (1) letter b according to level of disaster.

Paragraph 3

Revival of Community Sociocultural Life

Article 85

- (1) Revival of community sociocultural life as referred to in Article 75 paragraph (1) letter c shall aim at reorganizing life and developing patterns of life to improve community sociocultural life condition.
- (2) Reorganizing community sociocultural life shall require:
 - a. elimination of community disaster trauma;

- b. community preparedness through disaster awareness and disaster concern campaigns;
 - c. adjustment of community sociocultural life to disaster-prone environment; and
 - d. greater community participation in disaster risk reduction activity.
- (3) In coordination with BNPB Head or BPBD head, the related agencies/institution shall carry out community sociocultural life revival activities as referred to in paragraph (1), in accordance with their respective authority.

Paragraph 4

Design Application

Article 86

- (1) Application of appropriate design and the use of improved and disaster-resistant equipment as referred to in Article 75 paragraph (1) letter d shall:
- a. improve stability and functions of facilities and infrastructure to become capable of anticipating disasters and disaster-resistant; and
 - b. reduce possibility of greater damage from disasters.
- (2) Application of appropriate design and the use of improved and disaster-resistant equipment shall require:
- a. a design resulted from research and development;
 - b. adjustment to spatial structuring;
 - c. awareness of condition of and damage to the region;
 - d. awareness of local wisdom; and
 - e. adjustment to level of disaster in the region concerned.

- (3) In coordination with BNPB Head, the related agencies/institution shall carry out the application of appropriate design and use of improved and long-lasting equipment.

Paragraph 5

Participation of Social Institution/Organization, Business World, and Community

Article 87

- (1) Participation of social institutions and organizations, business world and communities as referred to in Article 75 paragraph (1) letter e shall aim at encouraging greater participation to help reorganizing disaster-prone areas in a better direction and raise concern in disaster-prone areas.
- (2) Reorganization of disaster-prone areas as referred to in paragraph (1) shall require:
 - a. disaster concern campaigns;
 - b. appeal for greater concern and solidarity within institutions, social organizations, and business world; and
 - c. appeal for greater participation in financing and preparation for facing disasters.
- (3) Participation of social institutions and organizations, business world and communities shall be undertaken by related agency/institution in coordination with the BNPB.

Paragraph 6

Improvement to Social, Economic, and Cultural Conditions

Article 88

- (1) Improvement to social, economic, and cultural conditions as referred to in Article 75 paragraph (1) letter f shall aim at better conditions and life.
- (2) Improvement to social, economic, and cultural conditions as referred to in paragraph (1) shall

require:

- a. fostering of disaster-affected community capability and skill;
 - b. empowerment of joint business groups through provision of aid and/or goods; and
 - c. creation of productive lines of business.
- (3) In coordination with BNPB and BPBD, the related agencies/institution shall make improvement to social, economic, and cultural conditions as referred to in paragraph (2).

Paragraph 7

Improvement to Public Service Functions

Article 89

- (1) Improvement to public service functions as referred to in Article 75 paragraph (1) letter g shall reorganize and improve public services for community to motivate community life at post-disaster area for the better.
- (2) Reorganization and improvement to public service functions as referred to in paragraph (1) shall require:
 - a. preparation of long term program for improvement to public service functions; and
 - b. development of more effective and efficient mechanism and system for public services.
- (3) Related agencies/institution shall carry out improvement to public service functions as referred to in paragraph (1).

Paragraph 8

Improvement in Essential Services to the Community

Article 90

- (1) Improvement to essential services to the community as referred to in Article 75 paragraph (1) letter h shall help improving essential services

for providing prime services.

- (2) Improvement to essential services to the community as referred to in paragraph (1) shall require efforts of developing effective and efficient patterns of service to the community.
- (3) Related agencies/institution shall carry out improvement in essential services to the community as referred to in paragraph (1).

CHAPTER V

MONITORING AND EVALUATION

Part One

Monitoring

Article 91

Disaster management monitoring is essential to continually monitor the implementation of disaster management.

Article 92

The steering committee along with the executive committee of BNPB and/or BPBD shall carry out disaster management monitoring as referred to in Article 91 and may involve national and regional development planning agencies. The result will serve as materials for overall evaluation of disaster management.

Part Two

Reporting

Article 93

- (1) The steering committee and the executive committee of BNPB and/or BPBD shall prepare reports on disaster management.
- (2) Reports on disaster management as referred to in paragraph (1) shall serve for verification of BNPB and/or BPBD program planning.

Part Three

Evaluation

Article 94

- (1) Evaluation of disaster management shall aim at achieving minimum standard and improving the performance of disaster management.
- (2) BNPB steering committee for handling disasters at national level and BPBD steering committee for handling disasters at regional level shall carry out the evaluation as referred to in paragraph (1).

CHAPTER VI

OTHER PROVISIONS

Article 95

- (1) In event that disaster management aid comes from a foreign country, BNPB shall have consultation and coordination with the Ministry of Foreign Affairs.
- (2) The provision as referred to in paragraph (1) shall be implemented in accordance with the provisions of legislation.

CHAPTER VII

CLOSING PROVISIONS

Article 96

This government regulation shall come into effect as of the date of the promulgation.

In order that this regulation is known to general public, it is ordered that this law be promulgated in the State Gazette of the Republic of Indonesia everybody may take cognizance hereof, enactment of this Government Regulation shall be published in the Republic of Indonesia's Government Official Gazette.

Enacted in Jakarta

On 28 February, 2008

THE PRESIDENT OF THE REPUBLIC
OF INDONESIA,

signed

DR. H. SUSILO BAMBANG
YUDHOYONO

Promulgated in Jakarta

On 28 February, 2008

MINISTER OF JUSTICE AND
HUMAN RIGHTS OF THE
REPUBLIC OF INDONESIA,

signed

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2008
NUMBER 42

This copy is in conformity with
original

STATE SECRETARIAT OF
THE REPUBLIC OF
INDONESIA

Head of Bureau for Legislation
Division of Politic and People's
Welfare,

signed and sealed

Wisnu Setiawan

**ELUCIDATION OF GOVERNMENT REGULATION OF THE
REPUBLIC OF INDONESIA
NUMBER 21 OF 2008
CONCERNING
DISASTER MANAGEMENT**

I. GENERAL

Indonesia comprises various ethnic groups coexisting with one another in the Unitary State of the Republic of Indonesia as a reflection of unity being a potential foundation for growth and development of the nation of Indonesia in facing various challenges, obstacles, and threats to people's lives that are increasingly complex.

The presently sound and enduring unity must always be maintained by the entire components of Indonesian citizens. This means that each and every challenge, obstacle, and threat to any of the territories of the Unitary State of the Republic of Indonesia would pose a threat to the entire nation and territories of the Unitary State of the Republic of Indonesia.

The Unitary State of the Republic of Indonesia Unitary State that is consists of islands and located between the continents of Asia and Australia is not only strategically positioned in world trade route but also sensitive to disasters with a relatively high frequency that it calls for a systematic, integrated and well-coordinated disaster management.

For a systematic, integrated, and well-coordinated disaster management, the Government has stipulated and enacted Law Number 24 of 2007 concerning Disaster Management. The law shall be aimed at providing a strong legal ground for disaster management, at regency/city, provincial and national levels. Law Number 24 of 2007 concerning Disaster Management, as set forth in Article 4 shall aim at:

1. providing protection to community from disaster threat;
2. guaranteeing a well-planned, integrated, well-coordinated, and comprehensive disaster management.

Thus, Law Number 24 of 2007 shall give a balanced attention to disaster management from previous tendency towards provision of aid and support, to efforts of pre-disaster management.

In this regard, it is necessary to stipulate a government regulation on disaster management which the scope shall include:

- a. all efforts of disaster management during pre-disaster, emergency response, and post-disaster periods;
- b. emphasis on preventive efforts during pre-disaster period;
- c. providing easy access to disaster management agencies during emergency response period; and
- d. implementation of rehabilitation and reconstruction efforts during post-disaster period.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Self-explanatory.

Article 3

Self-explanatory.

Article 4

Self-explanatory.

Article 5

Self-explanatory.

Article 6

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

“Disaster threat” means any natural symptom/disaster or activity/event with potential disaster.

Letter b

“Community vulnerability” means community social, economic, and cultural conditions leading to incapability of facing disaster threat.

Letter c

“Analysis of potential disaster impact” means efforts to evaluate the risk of potential disaster occurrence and impact.

Letter d

“Disaster risk reduction” means efforts to face disaster risk.

Letter e

“Selection of mechanism for alertness and for disaster impact management” means selection of implementation procedure and working arrangement.

Letter f

“Allocation of tasks, authority, and resources” means planning for allocation of existing tasks, authority, and resources in each related agencies/institution.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Article 7

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Recognition and monitoring of disaster risk shall aim at gathering data on threat, vulnerability, and community capability to face disasters. These three aspects then shall be used to carry out disaster risk analysis.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

“Physical efforts” shall include the building of facilities and infrastructure, houses, public facilities, and other constructions.

“Nonphysical efforts” shall mean training and community awareness activities.

Article 8

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

“National action plan” means action plan at national level carried out in a certain period.

Letter b

“Regional action plan” means action plan at regional level carried out in a certain period.

Paragraph (3)

Agencies involved in planning for disaster management at national level include: BAPPENAS, related department/nondepartmental government institution.

“Business institution” means any legal entity that may take the forms of state-owned enterprise, region-owned enterprise, cooperative, or private company established in accordance with the provisions of legislation, which runs a type of fixed and continual business, working and residing in the territory of the Unitary State of the Republic of Indonesia .

Paragraph (4)

Self-explanatory.

Paragraph (5)

Agencies involved in planning for disaster management at provincial level shall include: BAPPEDA, related Regional Government Personnel Work Units.

Regency/city level they include: BAPPEDA, related Regional Government Personnel Work Units.

Paragraph (6)

Self-explanatory.

Paragraph (7)

National action plan and regional action plan for disaster risk reduction shall mean integration of plans of operation carried out by related agencies/institution in disaster risk reduction.

Article 9

Self-explanatory.

Article 10

Self-explanatory.

Article 11

Self-explanatory.

Article 12

Self-explanatory.

Article 13

Self-explanatory.

Article 14

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

“Agency/institution/organization” means an agencies/institution/organization with the main tasks of research and development.

Article 15

Self-explanatory.

Article 16

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

“Business institution” means any legal entity that may take the forms of state-owned enterprise, region-owned enterprise, cooperative, or private company established in accordance with the provisions of legislation, which runs a type of fixed and continual business, working and residing in the territory of the Unitary State of the Republic of Indonesia .

Article 17

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

“Contingency plan” means a process of forward planning for unforeseen situations in order to better prevent or overcome an emergency or critical situation by mutually agreeing on scenario and objective, determining technical and managerial actions as well as response and mobilization of potentialities.

Article 18

Self-explanatory.

Article 19

Self-explanatory.

Article 20

Self-explanatory.

Article 21

Paragraph (1)

Letter a

Quick study during the emergency response shall aim at determining the level of damage and the need for quick management.

Letter b

Deciding on disaster emergency status shall include disaster level.

Letter c

Rescue and evacuation of disaster-affected community shall include emergency health

services.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

The term “immediate recovery of essential facilities and infrastructure” in these provisions shall also be called emergency recovery.

Paragraph (2)

Self-explanatory.

Article 22

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Damage to facilities and infrastructure shall include material and non-material losses.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Article 23

Paragraph (1)

Emergency status shall begin since the time of red alert status, emergency response, and transition from emergency to recovery.

Paragraph (2)

Self-explanatory.

Article 24

Letter a

Self-explanatory.

Letter b

In these provisions, “mobilization of equipment” shall include equipment for land, air and sea transportation, evacuation equipment, health equipment, water supply equipment, sanitation equipment, emergency bridge, heavy equipment, tents, and temporary dwelling places.

Letter c

In these provisions, "mobilization of logistics" shall include foodstuff, clothing, medicines, water supply, and sanitation.

Letter d

In these provisions, “excise” shall include customs.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Letter h

Self-explanatory.

Letter i

Self-explanatory.

Article 25

Paragraph (1)

In these provisions, “agency/institution” shall mean, among others, National SAR Agencies, Indonesian Armed Forces, Republic of Indonesia National Police, Department of Public Works, Department of Health, and Department of Social Affairs.

In these provisions, “community” shall include volunteers and nongovernmental organizations, with independency, skill, competence, and knowledge, as well as high commitment and spirits in providing humanitarian aid.

Paragraph (2)

Self-explanatory.

Article 26

Paragraph (1)

In these provisions, “rescue and evacuation of disaster victims” shall include search and rescue, emergency aid for, and evacuation of victims.

In this provision, “fulfillment of basic necessities” shall include fulfillment of need for water supply and sanitation, food, clothing, healthcare, and temporary accommodation.

In these provisions, “recover the functions of essential facilities and infrastructure” shall include recovery of the functions of drinking water installation, electricity, communication network, and transportation.

Paragraph (2)

Self-explanatory.

Article 27

Self-explanatory.

Article 28

Self-explanatory.

Article 29

Self-explanatory.

Article 30

Self-explanatory.

Article 31

Paragraph (1)

Self-explanatory.

Paragraph (2)

Mobilization of equipment and logistics to disaster area shall mean the use or operation of aid equipment coming from outside the territory of the Unitary State of the Republic of Indonesia for disaster emergency response in the forms of motor vehicles, aircrafts, and communications equipment.

Article 32

Paragraph (1)

In these provisions, “easy access” shall mean not only exemption from import duty and import taxes but shall also include other easy access, such as permit to enter territory and fueling up.

Paragraph (2)

Self-explanatory.

Article 33

Paragraph (1)

Ease of process and service for granting limited stay permit shall include ease of process and service in preparing their departure from Indonesia.

Paragraph (2)
Self-Explanatory.

Paragraph (3)
Self-explanatory.

Paragraph (4)
Self-explanatory.

Paragraph (5)
Self-explanatory.

Article 34
Self-explanatory.

Article 35
Self-explanatory.

Article 36
Paragraph (1)
Self-explanatory.

Paragraph (2)
“The provisions of legislation” refers to legislation on customs and taxation, such as:

- a. Law Number 10 of 1995 concerning Customs as amended by Law Number 17 of 2006 concerning Amendment to Law Number 10 of 1995 concerning Customs;
- b. Government Regulation Number 19 of 1955 concerning Regulation on Exemption from General Import Duty and Export Duty for Need of Certain Foreign Official and Expert Groups;
- c. Government Regulation Number 8 of 1957 concerning Exemption from Import Duty on the Basis of International Relations;
- d. Government Regulation Number 6 of 1969 concerning Exemption from Import Duty.

Paragraph (3)

Recommendation from BNPB shall have attachments of letter of estimated goods value, bill of lading/air waybill, and donation certificate.

Article 37

Equipment or logistics with potential danger shall be kept in quarantine.

Article 38

Subsection (1)

“Foreign personnel and/or certain equipment” shall include foreign military personnel or foreign personnel from a country with no diplomatic relations with the Government of the Republic of Indonesia and/or foreign military transportation equipment carrying aid for disaster emergency management. Therefore, it is necessary to have a particular license from responsible agency/institution in defense and security sector or in foreign relations.

Paragraph (2)

“Easy access” in these provisions means that a particular license can be obtained any time, any place, and through easy communication facilities.

Article 39

Self-explanatory.

Article 40

Self-explanatory.

Article 41

Self-explanatory.

Article 42

Self-explanatory.

Article 43

Self-explanatory.

Article 44

Self-explanatory.

Article 45

Paragraph (1)

“Community” in these provisions means individuals, business world, corporate bodies, non-governmental organizations, international institutions, and non-governmental foreign institutions.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Reporting to the public shall require the use of mass media accessible to the community.

Article 46

Self-explanatory.

Article 47

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

“Command system for disaster emergency response” means a disaster emergency management standard used by all agencies/institutions through an integrated mobilization of facilities, equipment, personnel, procedures, and communication in an organizational structure.

Paragraph (5)

Self-explanatory.

Article 48

Self-explanatory.

Article 49

Self-explanatory.

Article 50

Self-explanatory.

Article 51

Self-explanatory.

Article 52

Self-explanatory.

Article 53

Paragraph (1)

Self-explanatory.

Paragraph (2)

“Assistance/facilitation” means required efforts and roles that can be provided by the BNPB to the region for disaster management in technical, administrative, equipment, and financing terms.

Article 54

Paragraph (1)

“Immediate recovery of essential facilities and infrastructure” shall include cleanup of ruins, garbages, muds, and damaged and hazardous materials, as well as repair to emergency facilities such as water installation, electricity network, telecommunications, and irrigation network.

Paragraph (2)

Self-explanatory.

Article 55

Self-explanatory.

Article 56

Paragraph (1)

Letter a

Improvement to disaster area environment in these provisions shall aim at returning the conditions of environments that can support community life such as those of settlement, industry, business, and conservation area adjusted to spatial structuring.

Letter b

Repair to public facilities and infrastructure in these provisions shall aim at supporting the smooth running of economy and community life, including road network system, transportation, water supply, sanitation, electricity and energy, communication and other networks.

Letter c

Provision of aid for community housing repair in these provisions shall aim at repairing the condition of community houses in support of community life, including house components, infrastructure, and housing environment facilities that enable adequate social and economic life in accordance with the standard for housing construction as regulated in legislation.

Letter d

Sociopsychological recovery in these provisions shall aim at improving the community social and psychological life that they can continue their living and livelihood through social rehabilitation services in the form of counseling for families of victims that experienced disaster trauma, family consultation service, and social assistance/facilitation.

Letter e

Healthcare in these provisions shall aim at recovering disaster victims health.

Letter f

Reconciliation and conflict resolution in these provisions shall aim at decreasing social conflict escalation, including preparation for foundation of reconciliation and social conflict resolution.

Letter g

Social, economic, and cultural recovery in these provisions shall aim to recovering the community social, economic, and cultural life by reviving the community social, economic, and cultural activities.

Letter h

Security and order recovery in these provisions shall aim at recovering conditions of public security and order by reactivating the related security and order institutions.

Letter i

Self-explanatory.

Letter j

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 57

Paragraph (1)

Self-explanatory.

Paragraph (2)

“Insufficient APBD” occurs if based on analysis of damage and loss, the required fund for rehabilitation reaches 20% (twenty percent) of APBD.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 58

Paragraph (1)

Self-explanatory.

Paragraph (2)

“Insufficient APBD” occurs if based on analysis of damage and loss, the required fund for rehabilitation reaches 20% (twenty percent) of APBD.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 59

Self-explanatory.

Article 60

Self-explanatory.

Article 61

Self-explanatory.

Article 62

Self-explanatory.

Article 63

Self-explanatory.

Article 64

Self-explanatory.

Article 65

Self-explanatory.

Article 66

Self-explanatory.

Article 67

Self-explanatory.

Article 68

Self-explanatory.

Article 69

Self-explanatory.

Article 70

Self-explanatory.

Article 71

Self-explanatory.

Article 72

Self-explanatory.

Article 73

Self-explanatory.

Article 74

Self-explanatory.

Article 75

Paragraph (1)

Letter a

Rebuilding of facilities and infrastructure in these provisions shall aim at rebuilding facilities and infrastructure for the growth

of community life at post-disaster area.

Letter b

Rebuilding of community social facilities in these provisions shall aim at enhancing the function of social community facilities damaged by disaster so that the community activities can grow at post-disaster area, to include educational facilities, health facilities, orphanage, worship facilities, old age home, and village meeting hall.

Letter c

Community sociocultural life revival in these provisions shall aim at reorganizing sociocultural community life damaged by disaster so that the community's activities can grow at post-disaster area, including re-fulfillment of social functions of disaster victims so that the life condition of disaster victims becomes more worthy.

Letter d

Use of appropriate design with improved and disaster-resistant equipment in these provisions shall aim at reducing disaster risk caused by the succeeding disaster, so that the community life at post-disaster area can grow in accordance with spatial structuring.

Letter e

Participation of social institutions and organizations, business world and communities in these provisions shall aim at enhancing participation of social institutions and organizations, business world and communities in any aspects of community life at post-disaster area.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Letter h

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 76

Self-explanatory.

Article 77

Self-explanatory.

Article 78

Self-explanatory.

Article 79

Self-explanatory.

Article 80

Self-explanatory.

Article 81

Self-explanatory.

Article 82

Self-explanatory.

Article 83

Self-explanatory.

Article 84

Self-explanatory.

Article 85

Self-explanatory.

Article 86

Self-explanatory.

Article 87

Self-explanatory.
Article 88
Self-explanatory.
Article 89
Self-explanatory.
Article 90
Self-explanatory.
Article 91
Self-explanatory.
Article 92
Self-explanatory.
Article 93
Self-explanatory.
Article 94
Self-explanatory.
Article 95
Self-explanatory.
Article 96
Self-explanatory.

**SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC
OF INDONESIA NUMBER 4828**

TRANSLATOR'S STATEMENT

The translation is rendered accurately and consistently from Indonesian into English.

Jakarta, March 28, 2009

Pahala Tamba-
Sworn Translator
E-mail: ptamba@indo.net.id



**GOVERNMENT REGULATION
OF THE REPUBLIC OF INDONESIA
NUMBER 22 OF 2008
CONCERNING
DISASTER AID FINANCING AND
MANAGEMENT**

**NATIONAL AGENCY DISASTER MANAGEMENT
(BNPB)**



PRESIDEN
REPUBLIK INDONESIA

**GOVERNMENT REGULATION OF THE REPUBLIC OF
INDONESIA**

NUMBER 22 OF 2008

CONCERNING

DISASTER AID FINANCING AND MANAGEMENT

BY THE GRACE OF THE ONE ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Having considered: That to apply the provisions in Article 63 and Article 69, Paragraph (4) of Law Number 24 of 2007 concerning Disaster Management, it is necessary to promulgate a Government Regulation concerning Disaster Aid Financing and Management;

Having observed:

1. Article 5, Paragraph (2) of the 1945 Constitution of the republic of Indonesia;
2. Law Number 24 of 2007 concerning Disaster Management (Republic of Indonesia's Government Official Gazette of 2007 Number 66, supplement to the state gazette number 4723 to Republic of Indonesia's Government Official Gazette Number 4723);

HAS DECIDED:

**To issue: GOVERNMENT REGULATION CONCERNING
DISASTER AID FINANCING AND
MANAGEMENT**

CHAPTER I

GENERAL PROVISIONS

Article 1

In this government regulation:

1. Disaster management fund means a fund used for

disaster management at pre-disaster, emergency response, and/or post-disaster stages.

2. State Budget, hereinafter referred to as APBN, shall mean state's governmental annual financial plan approved by the House of Representatives.
3. Regional Budget, hereinafter referred to as APBD, means regional government administration annual financial plan approved by the Regional House of Representatives.
4. Disaster contingency fund means a fund reserved for potential disasters.
5. Ready fund means funds available and reserved by the Government for use during disaster emergency response until the emergency response has come to an end.
6. Grant-patterned social assistance fund means a fund provided by the Government for regional governments as aid for post-disaster management.
7. Disaster emergency aid means an aid for basic necessities during the emergency response.
8. Disaster management means a series of efforts encompassing policies on development with disaster risk, disaster prevention, emergency response, and rehabilitation.
9. National Disaster Management Agency hereinafter referred to as BNPB means a non-departmental government institution in accordance with the provisions of legislation.
10. Regional Disaster Management Agency hereinafter abbreviated to as BPBD means a regional government agency in charge of disaster management.
11. Related government agency/institution shall mean a government agency/institution related to disaster management.

Article 2

Disaster aid financing and management shall aim to support disaster management efforts in an efficient, effective, and justifiable manner.

Article 3

Regulation of disaster aid financing and management shall include:

- a. disaster management fund sources;
- b. disaster management fund use;
- c. disaster aid management; and
- d. disaster aid financing and management supervision, reporting, and accountability.

CHAPTER II

DISASTER MANAGEMENT FUND SOURCES

Article 4

- (1) Disaster management fund shall remain a shared responsibility between Government and regional governments.
- (2) Disaster management fund as referred to in Paragraph (1) shall come from:
 - a. APBN;
 - b. APBD; and/or
 - c. community.

Article 5

- (1) Government and regional government shall sufficiently allocate a disaster management budget in APBN and APBD as referred to in Article 4 Paragraph (2) letter a and letter b.
- (2) The budget as referred to in Paragraph (1) shall be provided at pre-disaster, disaster emergency response, and post-disaster stages.

- (3) In disaster management budget coming from APBN as referred to in Paragraph (1), Government shall also provide:
 - a. disaster contingency fund;
 - b. ready fund; and
 - c. grant-patterned social assistance funds.

Article 6

- (1) Disaster contingency fund referred to in Article 5 Paragraph (3) letter a shall be provided in APBN for pre-disaster alertness measures.
- (2) Ready fund as referred to in Article 5 Paragraph (3) letter b shall be provided in APBN, allocated in BNPB budget for emergency response activities.
- (3) Regional government may provide ready fund in disaster management budget coming from APBD allocated in BPBD budget.
- (4) Ready fund the as referred to in Paragraph (2) shall always be available according to the need during the emergency response.
- (5) Grant-patterned social assistance fund as referred to in Article 5 Paragraph (2) letter c shall be provided in APBN for post-disaster activities.

Article 7

- (1) Government and regional governments shall encourage community participation in provision of funds from community as referred to in Article 4 Paragraph (2) letter c.
- (2) Funds from community as referred to in Paragraph (1) received by the Government shall be recorded in APBN.
- (3) Funds from community as referred to in Paragraph (1) received by regional governments shall be recorded in APBD.

- (4) Regional government may only receive funds from domestic community groups.
- (5) Further provisions concerning funds records as referred to in Paragraph (2) shall be governed by a Regulation of the Finance Minister.
- (6) Further provisions concerning funds as referred to in Paragraph (3) shall be governed by a Regulation of the Minister of Home Affairs.

Article 8

In encouraging community participation as referred to in Article 7, Government or regional government may:

- a. facilitate community plan to provide aid for disaster management fund;
- b. facilitate community plan to raise funds for disaster management; and
- c. increase the community's concern to participate in provision of funds.

Article 9

- (1) Any fundraising for disaster management shall be subject to a license from the authorized agency/institution.
- (2) A copy of any licenses granted by the agency/institution as referred to in Paragraph (1) shall be submitted to BNPB or BPBD.
- (3) Procedure for licensing the disaster management fundraising shall comply with the provisions of legislation.

CHAPTER III
DISASTER MANAGEMENT FUND USE

Part One

General

Article 10

- (1) Government, regional governments, the BNPB, and/or the BPBD shall use disaster management fund in accordance with their respective primary duties and functions.
- (2) Disaster management fund shall be used in accordance with disaster management procedure, which includes pre-disaster, emergency response, and/or post-disaster stages as referred to in Article 6.

Part Two

Pre-disaster

Article 11

Planning, budgeting, implementation, reporting, and accountability for the use of disaster management fund coming from APBN or APBD at pre-disaster stage shall comply with the provisions of legislation.

Article 12

Disaster management fund at pre-disaster stage shall be allocated for activities in the following situations:

- a. situation without disaster; and
- b. situation with potential disaster.

Article 13

Disaster management fund the use of in a situation without disaster referred to in Article 12 letter a shall include:

- a. facilitation for disaster management planning;
- b. disaster risk mitigation program;

- c. disaster prevention program;
- d. integration of development planning into disaster management planning;
- e. preparation of disaster risk analysis;
- f. facilitation for implementation and enforcement of spatial structure plan;
- g. education and training in disaster management; and
- h. preparation of technical standard for disaster management.

Article 14

- (1) The use of disaster management fund in a situation with potential disaster as referred to in Article 12 letter b includes:
 - a. alertness activities;
 - b. development of early warning system; and
 - c. disaster mitigation activities.
- (2) Alertness activities as referred to in Paragraph (1) letter a shall use contingency fund referred to in Article 5 Paragraph (3) letter a.

Part Three

Disaster Emergency Response

Article 15

- (1) Disaster management fund for use during the emergency response includes:
 - a. disaster management fund allocated in APBN or APBD to each related agency/institution;
 - b. ready fund as referred to in Article 5 Paragraph (3) letter b allocated in BNPB budget; and
 - c. ready fund allocated by regional government in BPBD budget.

- (2) BNPB or BPBD in accordance with their respective authority shall direct the use of disaster management fund as referred to in Paragraph (1) letter a.

Article 16

The use of disaster management fund during the emergency response as referred to in Article 15 Paragraph (1) letter a includes:

- a. implementation of quick and appropriate study on location, damage, and resources;
- b. rescue and evacuation of disaster-affected community;
- c. provision of aid for basic necessities of disaster victims;
- d. protection for vulnerable group; and
- e. emergency recovery of facilities and infrastructure.

Article 17

- (1) Ready fund as referred to in Article 15 Paragraph (1) letter b shall be used according to need for disaster emergency response.
- (2) The use of ready fund shall be limited to procurement of goods and/or services for:
 - a. search and rescue of disaster victims;
 - b. emergency aid;
 - c. evacuation of disaster victims;
 - d. necessary water supply and sanitation;
 - e. food;
 - f. clothing;
 - g. healthcare; and
 - h. accommodation and temporary dwelling places.

- (3) Ready fund shall be used in compliance with guidelines set by the BNPB Head.

Article 18

In the event that regional governments has allocated ready fund in BPBD budget, Article 17 shall apply mutatis mutandis to regulation of the ready fund use.

Part Four

Post-disaster

Article 19

Planning, budgeting, implementation, reporting, and accountability for the use of disaster management fund coming from APBN and APBD at post-disaster stage shall take place in accordance with the provisions of legislation.

Article 20

Disaster management fund at post-disaster stage shall be used for:

- a. rehabilitation; and
- b. reconstruction.

Article 21

Rehabilitation as referred to in Article 20 letter a shall include:

- a. improvement to disaster area environment;
- b. repair to public facilities and infrastructure;
- c. provision of aid for community housing repair;
- d. sociopsychological recovery;
- e. healthcare;
- f. reconciliation and conflict resolution;
- g. socioeconomic and cultural recovery;
- h. security and order recovery;
- i. government administration's function recovery; or
- j. public service function recovery.

Article 22

Reconstruction activities as referred to in Article 20 letter b include:

- a. rebuilding of facilities and infrastructure;
- b. rebuilding of community social facilities;
- c. revival of community sociocultural life;
- d. use of appropriate design with improved and disaster-resistant equipment;
- e. participation of social institutions and organizations, business world and community;
- f. improvement to social, economic, and cultural conditions;
- g. improvement to public service functions; or
- h. improvement to essential services in community.

Article 23

- (1) Government may provide aid for post-disaster financing to disaster-affected regional governments in the form of grant-patterned social assistance fund referred to in Article 5 Paragraph (3) letter c.
- (2) In order to receive aid as referred to in Paragraph (1), regional governments shall submit a written application to Government through BNPB.
- (3) At a written request as referred to in Paragraph (2), the BNPB shall carry out an evaluation and verification, in coordination with related agency/institution.
- (4) The BNPB Head shall determine the results of evaluation and verification as referred to in Paragraph (3) and submit them to the Minister of Finance for subsequent submission to the House of Representatives to obtain approval for use of grant-patterned social assistance fund.

CHAPTER IV
DISASTER AID MANAGEMENT

Part One

General

Article 24

- (1) The government and regional governments shall provide disaster aid to disaster victims.
- (2) Disaster aid as referred to in Paragraph (1) shall comprise:
 - a. donation to relative of a ceased person;
 - b. compensation money for disability;
 - c. soft loan for productive businesses; and
 - d. aid for basic necessities.

Part Two

Compensation Money for Grief

Article 25

- (1) donation to relative of a ceased person as referred to in Article 24 Paragraph (2) letter a shall be provided to fatalities, i.e.:
 - a. burial cost; and/or
 - b. donation to relative of a ceased person.
- (2) Donation to relative of a ceased person as referred to in Paragraph (1), shall be provided after data collection, identification, and verification by the authorized agency/ institution coordinated by BNPB or BPBD in accordance with their respective authority.
- (3) Donation to relative of a ceased person as referred to in Paragraph (2) shall be provided to the victim's heir.
- (4) Further provisions concerning the amount of donation to relative of a ceased person as referred

to in Paragraph (3) shall be governed by a regulation of the BNPB Head after obtaining approval from the Minister of Finance.

Part Three

Disability Compensation Money

Article 26

- (1) Disability compensation money as referred to in Article 24 Paragraph (2) letter b shall be provided to disaster victims suffering from mental and/or physical disability.
- (2) Disability compensation money as referred to in Paragraph (1) shall be provided after data collection, identification, and verification by the authorized agency/institution coordinated by the BNPB or BPBD in accordance with their respective authority.
- (3) Further provisions concerning the amount of disability compensation money as referred to in Paragraph (1) shall be governed by a Regulation of BNPB Head after obtaining approval from the Minister of Finance.

Part Four

Soft Loan for Productive Businesses

Article 27

- (1) Soft loan for productive businesses shall be provided to disaster victims who have lost their livelihood.
- (2) Soft loan for productive businesses as referred to in Paragraph (1) shall be provided, i.e.:
 - a. credit for productive businesses; or
 - b. credit for ownership of capital goods.
- (3) Soft loan as referred to in Paragraph (2) shall be provided after data collection, identification, and verification by the authorized agency/institution

coordinated by the BNPB or BPBD in accordance with their respective authority.

- (4) Further provisions concerning the amount of soft loan as referred to in Paragraph (2) shall be governed by a Regulation of BNPB Head after obtaining approval from the Minister of Finance.

Part Five

Aid for Basic Necessities

Article 28

- (1) Aid for basic necessities referred to in Article 24 Paragraph (2) letter d shall be provided to disaster victims, i.e.:
 - a. temporary accommodation;
 - b. aid for food;
 - c. clothing;
 - d. water supply and sanitation; and
 - e. healthcare.
- (2) Disaster emergency aid for basic necessities of disaster victims shall be provided, considering the minimum standard for basic necessities by prioritizing the vulnerable group.
- (3) Further provisions concerning aid procedures for basic necessities as referred to in Paragraph (1) shall be stipulated by a Regulation of BNPB Head.

Part Six

Aid Management and Accountability

Article 29

- (1) The BNPB has the authority to coordinate the control, collection, and distribution of disaster emergency aid at national level.
- (2) BPBDs have the authority to coordinate the control, collection and distribution of disaster emergency aid at regional level.

Article 30

- (1) Management and accountability procedures for use of disaster emergency aid shall receive a special treatment according to emergency needs, situation, and conditions.
- (2) Further provisions concerning management and accountability procedures for use of disaster emergency aid as referred to in Paragraph (1) shall be governed by a Regulation of the BNPB Head.

CHAPTER V

SUPERVISION AND ACCOUNTABILITY REPORT

Part One

General

Article 31

- (1) The government, regional governments, the BNPB or BPBD in accordance with their respective authority shall exercise supervision and make accountability reports on administration of disaster management fund and aid.
- (2) Related agency/institution together with the BNPB or BPBD shall supervise the distribution of fund assistance by community to disaster victims.

Part Two

Supervision

Article 32

The government and regional governments shall supervise administration of fund and aid at all disaster management stages.

Part Three

Accountability Report

Article 33

Disaster management accountability report on financial

condition as well as performance at pre-disaster and post-disaster stages shall be produced in accordance with the provisions of legislation.

Article 34

- (1) The use of accountability for disaster management fund during the disaster emergency response shall receive a special treatment according to emergency conditions, in accordance with the principles of accountability and transparency.
- (2) Disaster management accountability report on financial condition and performance during the emergency response shall be submitted no later than 3 (three) months after the emergency response period.

Article 35

- (1) Report on disaster management finance originating from APBN or APBD shall comply with the government accounting standard.
- (2) Accounting system for disaster management fund originating from community shall comply with guidelines set by Minister of Finance.

Article 36

All disaster management accountability reports on financial condition and performance shall be audited in accordance with the legislation.

CHAPTER VI

CLOSING PROVISIONS

Article 37

This government regulation begin to take effect on the date of the enactment.

In order that everybody may take cognizance hereof, enactment of this Government Regulation shall be published in state gazette of Republic of Indonesia.

In order that this law is known to the general public, it is ordered this Government Regulation be promulgated in the state gazette of the Republic of Indonesia

Enacted in Jakarta

On 28 February 2008

THE PRESIDENT OF THE
REPUBLIC OF INDONESIA,

signed

DR. H. SUSILO BAMBANG
YUDHOYONO

Promulgated Jakarta

On 28 February, 2008

THE MINISTER OF JUSTICE AND
HUMAN RIGHTS OF THE
REPUBLIC OF INDONESIA,

signed

ANDI MATTALATTA

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2008
NUMBER 43**

This copy is in conformity with the
original

STATE SECRETARIAT OF THE REPUBLIC OF INDONESIA

Head of Bureau for Legislation Politics
Division of Politic and People's Welfare,

Signed and Sealed

Wisnu Setiawan

ELUCIDATION OF

REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF

INDONESIA

NUMBER 22 OF 2008

CONCERNING

DISASTER AID FINANCING AND MANAGEMENT

I. GENERAL

Indonesia is known as a disaster-prone territory. Disaster occurrences in Indonesia vary greatly both in type and magnitude. Besides being prone to natural disasters, Indonesia is also prone to human-caused disasters. This is due to Indonesia's geographical and geological location and demographic condition.

Disasters result in loss of human lives, material possessions, and damage to facilities and infrastructure. The losses of material possessions and infrastructure can reach a very huge amount, thus quite a large amount of funds is also needed for recovery.

Disaster management shall comprise a series of prevention, rescue, and rehabilitation activities carried out in a coordinative, comprehensive, simultaneous, appropriate and accurate way, being cross-sector and cross-territory. Hence, it calls for coordination of various related agencies with emphasis on public concern and mobilization of the community.

The entire system, regulation, organization, plan and program related to these matters shall be called disaster management. To make it effective, the disaster management shall involve all sectors, including non-government sector, private sector and community, including all layers of community from the highest national level down to the smallest village.

To prevent and reduce huge losses, it calls for management efforts from the time of prevention, mitigation, emergency response, rehabilitation up to reconstruction. To carry out these activities, disaster management fund is required.

Enactment of Law Number 24 of 2007 concerning Disaster Management is one step forward in the Government's effort to handle disasters.

Law Number 24 of 2007 Articles 63 and 69 Paragraph (4) mandated the need for a government regulation on mechanism for fund management and procedure for channeling and determining the amount of disaster management aid. To implement these two provisions, Government Regulation on disaster aid financing and management regulates some important matters, such as source, allocation, planning, implementation, supervision, reporting and accountability at pre-disaster, emergency response and post-disaster stages.

In relation to disaster aid financing and management, Disaster Management National Agency (BNPB) shall coordinate the planning for the use of disaster management fund at pre-disaster and post-disaster stages at central level, while at regional level the coordination shall be under Disaster Management Regional Agency (BPBD). Government shall allocate disaster management budget for emergency response in particular in the National Budget (APBN). Meanwhile regional governments may allocate ready fund in the Regional Budget (APBD).

To prevent mistakes and deviation in the implementation, the planning for and the use of disaster fund and aid shall be reported and accounted for in adherence to accountability and transparency principles. The government, regional governments, the BNPB, and BPBD shall exercise supervision of and give accountability report on the management of disaster fund and aid.

The government, regional governments, and the community shall exercise supervision of the entire disaster management activities at each disaster stage to prevent deviation in the use of disaster management fund.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Self-explanatory.

Article 3

Self-explanatory.

Article 4

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

“Community” means individuals, business concerns and nongovernmental organizations, both domestic and foreign.

Article 5

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c.

“Grant-patterned social assistance funds” shall take the form of block grant.

Article 6

Self-explanatory.

Article 7

Self-explanatory.

Article 8

Self-explanatory.

Article 9

Self-explanatory.

Article 10

Self-explanatory.

Article 11

Self-explanatory.

Article 12

Self-explanatory.

Article 13

Self-explanatory.

Article 14

Self-explanatory.

Article 15

Paragraph (1)

Letter a

Self-explanatory.

Letter b

In these provisions, ready fund shall also be used in emergency status.

Letter c

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 16

Self-explanatory.

Article 17

Self-explanatory.

Article 18

Self-explanatory.
Article 19
Self-explanatory.
Article 20
Self-explanatory.
Article 21
Self-explanatory.
Article 22
Self-explanatory.
Article 23
Self-explanatory.
Article 24
Self-explanatory.
Article 25
Self-explanatory.
Article 26
Self-explanatory.
Article 27
Self-explanatory.
Article 28
Self-explanatory.
Article 29
Self-explanatory.
Article 30
Self-explanatory.
Article 31
Self-explanatory.
Article 32

Self-explanatory.

Article 33

Self-explanatory.

Article 34

Paragraph (1)

In these provisions, to “receive a special treatment” means that although the accountability evidence given is not in accordance with the prevailing provisions, the accountability evidence shall be treated as a legitimate financial accountability document.

Paragraph (2)

Self-explanatory.

Article 35

Self-explanatory.

Article 36

Self-explanatory.

Article 37

Self-explanatory.

**SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF
INDONESIA NUMBER 4829**

TRANSLATOR’S STATEMENT

The translation is rendered accurately and consistently from Indonesian into English.

Jakarta, March 30, 2009

Pahala Tamba -
Sworn Translator

E-mail: ptamba@indo.net.id



**GOVERNMENT REGULATION
OF THE REPUBLIC OF INDONESIA
NUMBER 23 OF 2008
CONCERNING
PARTICIPATION OF INTERNATIONAL
INSTITUTIONS AND FOREIGN NON-
GOVERNMENTAL ORGANIZATIONS IN
DISASTER MANAGEMENT**

**NATIONAL AGENCY DISASTER MANAGEMENT
(BNPB)**



PRESIDEN
REPUBLIK INDONESIA

**GOVERNMENT REGULATION OF THE REPUBLIC OF
INDONESIA**

NUMBER 23 OF 2008

CONCERNING

**PARTICIPATION OF INTERNATIONAL INSTITUTIONS AND
FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN
DISASTER MANAGEMENT**

BY THE GRACE OF THE ONE ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Having considered : that to apply the previous of article 30 paragraph (3) of Law Number 24 of 2007 concerning Disaster Management, it is necessary to stipulate a government Regulation concerning participation of International Institutions and Foreign Non-Governmental Organizations in Disaster Management;

Having Observed : 1. Article 5 paragraph (2) of the 1945 constitution of the Republic of Indonesia;
2. Law Number 24 of 2007 concerning Disaster Management (state gazettes of the Republic of Indonesia of 2007 Number 57, supplement to the state Gazettes of the Republic of Indonesia);

HAS DECIDED:

**To issue : THE PARTICIPATION OF INTERNATIONAL
INSTITUTIONS AND FOREIGN NON-GOV
GOVERNMENTAL ORGANIZATION.**

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

According to this government regulation the definition is as follows:

1. International institutions means organizations within the United Nations the organizational structure of the United Nations or representing the United Nations or other international organizations.
2. Foreign non-governmental organizations means international institutions that are functionally, organized from and not representing a government, or an international organization established separately from the state where it was established.
3. Disaster management means a series of efforts encompassing policies on development with disaster risk, disaster prevention, emergency response, and rehabilitation.
4. Disaster Management National Agency hereinafter referred to as BNPB means a non-departmental government institution in accordance with the provisions of legislation.
5. Related agencies/institutions means the agencies/institutions related to disaster management.

Article 2

Participation of International institutions and foreign non-governmental organizations in disaster management aim to support empowerment of disaster management, reduction disaster in threat and risk reduction, and in victims suffering, and to accelerate community life recovery.

Article 3

Regulation on participation of international institutions and foreign non-governmental organizations in disaster management shall include pre-disaster, emergency response, and post-disaster measures.

Article 4

BNPB Head shall have authority to determine participation of international institutions' and foreign non-governmental organizations in disaster management.

CHAPTER II

PROCEDURES FOR PARTICIPATION OF INTERNATIONAL INSTITUTIONS' AND FOREIGN NON-GOVERNMENTAL ORGANIZATIONS

Article 5

- (1) International institutions or foreign non-governmental organizations that will participate in disaster management shall prepare:
 - a. a proposal;
 - b. a memorandum of understanding; and
 - c. a work plan.
- (2) Proposal as referred to in paragraph (1) letter a shall be prepared by international institutions or foreign non-governmental organizations in consultation with overseas representative of the Republic of Indonesia.
- (3) Memorandum of understanding as referred to in paragraph (1) letter b shall be prepared jointly by the BNPB and the international institution or foreign non-governmental organization involving agencies in charge of foreign affairs.
- (4) Memorandum of understanding as referred to in paragraph (1) may be prepared by related agencies/institution and international institution or foreign non-governmental organization under coordination of the BNPB by involving responsible agencies in charge of foreign affairs.

Article 6

- (1) The BNPB and international institution or foreign non-governmental organization shall jointly prepare the work plan as referred to in Article 5 paragraph (1) letter c and may involve related agencies/institutions.
- (2) Work plan preparation as referred to in Article 5 paragraph (1) letter c by related agencies/institution and international institution or foreign non-governmental organization shall be under coordination of the BNPB.

Article 7

The application of Memorandum of Understanding and work plan as referred to in Article 5 and Article 6 shall be under coordination of the BNPB.

Article 8

- (1) During the emergency response, international institution or foreign non-governmental organization can directly provide aid without going through the procedure as referred to in Article 5 and Article 6.
- (2) Aid from international institutions or foreign non-governmental organizations as referred to in Article (1) shall be provided along with a list of personnel, logistics, equipment, and location of the activities.
- (3) The list of personnel, logistics, and equipment as referred to in paragraph (2) may be submitted before, on, or immediately after the aid arrival in Indonesia.
- (4) Based on the list of personnel, logistics, and equipment as referred to in paragraph (3), the head of the BNPB shall grant approval according to the needs for disaster emergency response.

- (5) In carrying out the provisions as referred to in paragraph (4), the head of the BNPB shall have coordination with related agencies/institutions.
- (6) In the event the international institutions or foreign non-governmental organization providing aid in the form of funds, shall be delivered or sent directly to BNPB.
- (7) Provisions concerning the fund aid as referred to in paragraph (6) shall be regulated in accordance with the provisions of legislation.

Article 9

Mobilization of personnel, logistics, and/or equipment as referred to in Article 8 paragraph (2), paragraph (3), and paragraph (4) shall have accessibility in accordance with the provisions of legislation.

CHAPTER III

IMPLEMENTATION OF INTERNATIONAL INSTITUTIONS' AND FOREIGN NON-GOVERNMENTAL ORGANIZATIONS' PARTICIPATION

Article 10

- (1) Participation of International institutions or foreign non-governmental organizations in disaster management at pre-disaster and post-disaster stages shall adapt to disaster management policy.
- (2) Participation of International institutions or foreign non-governmental organizations referred to in paragraph (1) shall be under coordination of the BNPB.
- (3) Participation of International institutions or foreign non-governmental organizations in disaster management during the emergency response shall be command of the BNPB.

Article 11

- (1) The Government shall guarantee to provide protection for workers from international institutions or foreign non-governmental organizations who carry out disaster management measures.
- (2) Protection as referred to in paragraph (1) shall be provided in accordance with the provisions of legislation.

Article 12

- (1) International institutions or foreign non-governmental organizations may participate in disaster management severally, jointly, and/or in conjunction with Indonesian working partner.
- (2) International institutions or foreign non-governmental organizations that provide inclusive aid in the form of foreign personnel, logistics, and/or equipment as referred to in Article 8 may participate in disaster management severally.
- (3) International institutions or foreign non-governmental organizations that provide non-inclusive aid referred to in paragraph (2) may participate in disaster management jointly, to be complementary to other international institutions or foreign non-governmental organizations.
- (4) International institution or foreign non-governmental organization as referred to in paragraph (2) and paragraph (3) may participate in disaster management in conjunction with its Indonesian partner, either with related agencies/institutions or non-governmental organizations that have similar vision and mission.

Article 13

- (1) International institutions or foreign non-governmental organizations referred to in Article 12 may be provided with facilitation for disaster management measures.
- (2) Facilitation as referred to in paragraph (1) shall be provided in accordance with the provisions of legislation.

Article 14

- (1) International institutions and foreign non-governmental organization that participate in disaster management shall be prohibited from engaging in activities with political or national security background.
- (2) To determine whether an activity contains a political or national security element as referred to in paragraph (1), the Head of the BNPB shall have coordination with agencies having the tasks and responsibilities in the fields of intelligence service and national security.
- (3) International institutions and foreign non-governmental organizations that participate in disaster management shall consider and respect of the local community social, cultural, and religious backgrounds.

CHAPTER IV

SUPERVISION AND REPORTING

Article 15

- (1) The BNPB shall supervise participation of international institutions' and foreign non-governmental organizations' in disaster management.
- (2) Supervision referred to in paragraph (1) shall be exercised to observe the activities.

- (3) Provisions concerning supervision procedure referred to in paragraph (1) shall be stipulated by BNPB Head's Regulation.

Article 16

- (1) International institutions and foreign non-governmental organizations shall submit an accountability report on their activities to the BNPB periodically, at the end of its term of service or at any time at the request of the BNPB.
- (2) BNPB shall announce the report referred to in paragraph (1) to the public in a transparent manner.
- (3) Provisions on reporting procedure and the report's substance referred to in paragraph (1) shall be stipulated by the Head of BNPB the Regulation.

CHAPTER V

OTHER PROVISIONS

Article 17

- (1) In the event that the disaster management aid from a foreign country, the Head of the BNPB shall consult and coordinate with the minister in charge in foreign affairs.
- (2) Provisions as referred to in paragraph (1) shall be apply in accordance with the provisions of legislation.

CHAPTER VI

CONCLUDING PROVISIONS

Article 18

This government regulation takes effect from the date of the enactment.

In order that everybody may take cognizance hereof,
enactment of this Government Regulation be
promulgated in the state gazette of the Republic of
Indonesia.

Stipulated in Jakarta

On 28 February 2008

THE PRESIDENT OF

THE REPUBLIC OF INDONESIA,

signed

DR. H. SUSILO BAMBANG
YUDHOYONO

Promulgated in Jakarta

On February 28, 2008

MINISTER OF JUSTICE AND
HUMAN RIGHTS OF THE
REPUBLIC OF INDONESIA,

signed

ANDI MATTALATTA

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA
OFFICIAL GAZETTE OF 2008 NUMBER 44**

This copy is in conformity with the
original

STATE SECRETARIAT OF THE
REPUBLIC OF INDONESIA

Head of Bureau for Legislation Division of
Politic and People's welfare

Signed and sealed

Wisnu Setiawan

**ELUCIDATION
OF
GOVERNMENT REGULATION NUMBER 23 OF 2008
CONCERNING
PARTICIPATION OF INTERNATIONAL INSTITUTIONS AND
FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN
DISASTER MANAGEMENT**

I. GENERAL

The regulation of participation of international institutions and foreign non-governmental organizations' in disaster management in Indonesia aims not only to support the empowerment of disaster management efforts, reduction disaster threat and risk reduction, disaster victims' suffering reduction, and to accelerate community life recovery, but also:

1. to guarantee respect for the government's role and action based on the public interest, as the only in charge of regulating and coordinating disaster management measures;
2. to enable international communities to effectively provide support and contribution to disaster management measures;
3. to clarify the process, role, and responsibility of the Government and the international communities in disaster management measures;
4. to minimize administrative and legal obstacles that can affect the effectiveness and efficiency of providing international aid in an emergency situation; and
5. to guarantee international cooperation and aid provided in accordance with humanity principles as well as national and international standard quality.

Participation of International institutions and foreign non-governmental organizations in disaster management in Indonesia shall be based on the principles referred to in Law Number 24 of 2007 concerning Disaster Management. It shall be based on Law Number 37 of 1999 concerning Foreign Relations and Law Number 24 of 2000 concerning International Agreement. The international institutions and foreign non-governmental organizations shall respect the sovereignty of the unitary state of the Republic of Indonesia, put humanity principles as the only objective and

guarantee that the aid shall be provided without differentiating between ethnic groups, religions, cultural, social, economic and political backgrounds, as well as genders, in accordance with the prevailing law in good coordination and integrity with the government, the regional governments, other international institutions and foreign non-governmental organizations, of the government working partner and the communities, based on high institutional competence, and employs workers having national and international recognition; use the prevailing mechanism in Indonesia and involve the disaster victims communities and the working partner in disaster management properly; and in accordance with the prevailing international and national laws including the law of human rights and humanity.

International institutions and foreign non-governmental organizations, in playing their roles in Indonesia, shall meet the national prevailing minimum quality standard, shall involve disaster victims communities starting from planning, implementation, monitoring, up to program evaluation, shall not have any negative impact on the community life and economic, social, and cultural institutions of the communities, shall not go beyond the expiration on a type of given aid, shall not be linked to certain political, ideological and religious interests, and shall not serve as a policy instrument of a certain foreign government.

To maximize all existing resources particularly those coming from foreign aid, the government shall:

1. bear the main responsibility to provide or manage efforts for disaster risk reduction, aid and assistance for recovery in the territory of the unitary state of the Republic of Indonesia;
2. have the full right, in accordance with humanity principles and international law, to coordinate, monitor, and manage disaster aid and recovery assistance provided by aid providers in the territory of the Unitary State Republic of Indonesia;
3. guarantee that the required procedure has been prepared for facilitating the conveyance of information on natural disasters promptly, including information on potential disasters, together with other countries or international organizations if necessary, including the office of the Emergency Relief Coordinator United Nations Office;

4. provide correct information to the international community on national legislation that is very relevant to initiation and implementation of disaster management activities;
5. provide a clear and effective system in coordinating with the international community for all disaster management activities;
6. guarantee the fulfillment of disaster victims necessities by seeking or receiving aid from the international community when the disaster situation exceeds capability of the Government to overcome the situation;
7. provide protection to workers, structures, archives, and communication equipment used by the international institution and foreign non-governmental organization in disaster management measures; and
8. guarantee that the international institutions especially the agencies, financing, programs, workers and properties of the United Nations, can play their roles in disaster management in accordance with the Convention on Privileges and Immunity of the United Nations Convention on the Privileges and Immunities.

II. ARTICLE BY ARTICLE

Article 1

cleared.

Article 2

cleared.

Article 3

cleared.

Article 4

cleared.

Article 5

cleared.

Article 6

cleared.

Article 7

cleared.

Article 8

cleared.

Article 9

“Provisions of the legislation means the legislation on disaster management.

Article 10

cleared.

Article 11

cleared.

Article 12

Paragraph (1)

cleared.

Paragraph (2)

cleared.

Paragraph (3)

cleared.

Paragraph (4)

“Foreign non-governmental organizations that may work in conjunction related agencies/institutions or non-governmental organizations” means foreign non-governmental organizations that have been provided with support by virtue of technical cooperation agreements in economic, social, and cultural affairs.

Article 13

Paragraph (1)

cleared.

Paragraph (2)

“Legislation” in these provisions includes:

- a. Law Number 10 of 1995 concerning Customs as amended by Law Number 17 of 2006 concerning Amendment to Law Number 10 of 1995 concerning Customs.
- b. Government Regulation Number 19 of 1955 concerning Regulation on Exemption on General Import Duty and Export Duty for the Benefit of Certain Foreign Official and Expert Categories.
- c. Government Regulation Number 8 of 1957 concerning Exemption on Import Duty Based on International Relations.
- d. Government Regulation Number 6 of 1969 concerning Exemption on Import.

Article 14

Paragraph (1)

cleared.

Paragraph (2)

To “have coordination” in these provisions means verification process for determining whether an activity contains a political or national security element.

Paragraph (3)

cleared.

Article 15

cleared.

Article 16

Paragraph (1)

“Periodically” in these provisions means the report submitted on a semester or annual basis.

Paragraph (2)

cleared.

Paragraph (3)

cleared.

Article 17

cleared.

Article 18

cleared.

**SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC
OF INDONESIA NUMBER 4830**

TRANSLATOR'S STATEMENT

The translation is rendered accurately and consistently from Indonesian into English.

Jakarta, March 30, 2009

Pahala Tamba -

Sworn Translator

E-mail: ptamba@indo.net.id



**PRESIDENTIAL REGULATION
OF THE REPUBLIC OF INDONESIA
NUMBER 8 OF 2008
CONCERNING
NATIONAL AGENCY DISASTER
MANAGEMENT**

**NATIONAL AGENCY DISASTER MANAGEMENT
(BNPB)**



PRESIDEN
REPUBLIK INDONESIA

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA
PRESIDENTIAL REGULATION OF THE REPUBLIC OF
INDONESIA**

NUMBER 8 OF 2008

CONCERNING

NATIONAL AGENCY DISASTER MANAGEMENT

BY THE GRACE OF THE ONE ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Having Considered: that to carry out provisions in Article 17 of Law Number 24 of 2007 concerning Disaster Management, it is considered necessary to issue a Presidential Regulation on National Disaster Management Agency ;

Having observed: 1. Article 4 Paragraph (1) of 1945 Constitution of the Republic of Indonesia;
2. (State Gazette of the Republic of Indonesia Number 66 of 2007 Supplement to State Gazette of the Republic of Indonesia Number 4723);

HAS DECIDED:

**To issue: PRESIDENTIAL REGULATION ON
NATIONAL DISASTER MANAGEMENT
AGENCY**

**CHAPTER I
POSITION, TASKS, AND FUNCTIONS**

Article 1

(1) National Disaster Management Agency , hereinafter referred to as BNPB, means a Nondepartmental Government Institution as referred to in Law Number 24 of 2007 concerning Disaster Management.

- (2) BNPB shall be under and responsible directly to the President.
- (3) BNPB shall be led by a Head.

Article 2

BNPB shall have the tasks of:

- a. providing guidelines and directions on disaster management which include disaster prevention, emergency response, rehabilitation, and reconstruction in a fair and equitable manner;
- b. setting disaster management standardization and requirements by virtue of Legislation;
- c. communicating information on disaster management activities to the community;
- d. reporting on disaster management to the President on a monthly basis in a normal condition and at any time in disaster emergency condition;
- e. using and accounting for national and international contributions aids;
- f. accounting for the spending of budget received from the State Budget;
- g. carrying out other obligations in accordance with legislation; and
- h. preparing guidelines on the establishment of Regional Disaster Management Agency.

Article 3

In carrying out the tasks as referred to in Article 2, BNPB shall organize the functions of:

- a. formulating and stipulating policies on disaster management and on handling of refugees through quick, appropriate, effective and efficient actions; and
- b. coordinating the implementation of disaster management activities in a well-planned, integrated, and comprehensive manner.

Article 4

In performing its tasks and functions, BNPB shall be coordinated by the Coordinating Minister for People's Welfare.

CHAPTER II ORGANIZATION

Part One

Organizational Structure of BNPB

Article 5

BNPB shall comprise:

- a. Head;
- b. Disaster Management Steering Committee; and
- c. Disaster Management Executive Committee.

Part Two

Head

Article 6

The Head shall have the task of leading BNPB in performing its tasks and functions.

Part Three

Disaster Management Steering Committee

Paragraph 1

Position, Tasks and Functions

Article 7

Disaster Management Steering Committee shall be under and accountable to BNPB Head.

Article 8

Disaster Management Steering Committee shall have the task of providing inputs and suggestions to BNPB Head in disaster management.

Article 9

Disaster Management Steering Committee shall organize the functions of:

- a. formulating the concept of policy on national disaster management;
- b. monitoring; and
- c. evaluating the implementation of disaster management.

Paragraph 2

Membership

Article 10

Disaster Management Steering Committee shall comprise a Chairperson, whose position is to be held by BNPB Head, and 19 (nineteen) members.

Article 11

(1) Member of Disaster Management Steering Committee's Members shall comprise:

- a. 10 (ten) Echelon I of Government Officials or equivalent, nominated by Head of Governmental Institutions; and
- b. 9 (nine) professional community Members.

(2) Government Officials as referred to in Paragraph (1) letter a, shall represent:

- a. Coordinating Ministry for People's Welfare;
- b. Department of Home Affairs;
- c. Department of Social Affairs;
- d. Department of Public Works;
- e. Department of Health;
- f. Department of Finance;
- g. Department of Transportation;

- h. Department of Energy and Mineral Resources;
- i. National Police of the Republic of Indonesia; and
- j. National Army of the Republic of Indonesia.

(3) Disaster Management Steering Committee originating from professional community as referred to in Paragraph (1) letter b, shall come from experts/professionals and/or community figures.

Part Four

Disaster Management Executive Committee

Paragraph 1

Position, Tasks, and Functions

Article 12

Disaster Management Executive Committee shall be under and accountable to BNPB Head.

Article 13

Disaster Management Executive Committee shall have the task of carrying out integrated Disaster Management that shall encompass pre-disaster, emergency response, and post-disaster periods.

Article 14

Disaster Management Executive Committee shall organize the functions of:

- a. coordinating disaster management;
- b. commanding disaster management; and
- c. implementing disaster management.

Paragraph 2

Organizational Structure

Article 15

Organizational Structure of Disaster Management Executive Committee shall comprise:

- a. Chief Secretariat;
- b. Deputy for Prevention and Alertness ;
- c. Deputy for Emergency Management ;
- d. Deputy for Rehabilitation and Reconstruction ;
- e. Deputy for Logistics and Equipment ;
- f. Chief Inspectorate;
- g. Center; and
- h. Technical Executing Unit.

Paragraph 3

Chief Secretariat

Article 16

- (1) Chief Secretariat shall be under and accountable to BNPB Head.
- (2) Chief Secretariat shall be led by Chief Secretary.

Article 17

Chief Secretariat shall have the task of coordinating the planning, fostering and controlling of program, administration and resources as well as cooperation.

Article 18

In carrying out the tasks as referred to in Article 17, Chief Secretariat shall organize the functions of:

- a. coordination, synchronization, and integration within BNPB;

- b. coordination, planning, and formulation of BNPB technical policy
- c. fostering and providing services of administration, law and legislation matters, organization, management, personnel, finance, coding, equipment, and BNPB household;
- d. public relations and protocol fostering and implementation within BNPB;
- e. facilitating the performance of tasks and functions of Disaster Management Steering Committee;
- f. coordination in preparation of BNPB report.

Paragraph 4

Deputy for Prevention and Alertness

Article 19

- (1) Deputy for Prevention and Alertness shall be under and accountable to BNPB Head.
- (2) Deputy for Prevention and Alertness shall be led by a Deputy.

Article 20

Deputy for Prevention and Alertness shall have the task of coordinating and implementing general policy on disaster management during the pre-disaster period and on community empowerment.

Article 21

In carrying out the tasks as referred to in Article 20, Deputy for Prevention and Alertness shall organize the functions of:

- a. formulating general policy on disaster management during the pre-disaster period and on community empowerment;
- b. coordinating and implementing general policy on disaster management during the pre-disaster period and on community empowerment;

- c. maintaining employment relations of disaster management during the pre-disaster period and community empowerment;
- d. monitoring, evaluating, and analyzing the reporting on the implementation of general policy on disaster management during the pre-disaster period and on community empowerment.

Paragraph 5

Deputy for Emergency Management

Article 22

- (1) Deputy for Emergency Management shall be under and accountable to BNPB Head.
- (2) Deputy for Emergency Management shall be led by a Deputy.

Article 23

Deputy for Emergency Management shall have the task of coordinating and implementing general policy on disaster management during the emergency response.

Article 24

In carrying out the tasks as referred to in Article 23, Deputy for Emergency Management shall organize the functions of:

- a. formulating general policy on disaster management during the emergency response and on refugee management;
- b. coordinating and implementing general policy on disaster management during the emergency response and on refugee management;
- c. commanding the implementation of disaster management during the emergency response;
- d. maintaining employment relations of disaster management during the emergency response and refugee management;

- e. monitoring, evaluating, and analyzing the reporting on the implementation of general policy on disaster management during the emergency response and refugee management.

Paragraph 6

Deputy for Rehabilitation and Reconstruction

Article 25

- (1) Deputy for Rehabilitation and Reconstruction shall be under and accountable to BNPB Head.
- (2) Deputy for Rehabilitation and Reconstruction shall be led by a Deputy.

Article 26

Deputy for Rehabilitation and Reconstruction shall have the task of coordinating and implementing general policy on disaster management during the post-disaster period.

Article 27

In carrying out the tasks as referred to in Article 26, Deputy for Rehabilitation and Reconstruction shall organize the functions of:

- a. formulating general policy on disaster management during the post-disaster period;
- b. coordinating and implementing general policy on disaster management during the post-disaster period;
- c. maintaining employment relations of disaster management during the post-disaster period;
- d. monitoring, evaluating, and reporting analysis on implementation of general policy on disaster management during the post-disaster period.

Paragraph 7

Deputy for Logistics and Equipment

Article 28

- (1) Deputy for Logistics and Equipment shall be under and accountable to BNPB Head.
- (2) Deputy for Logistics and Equipment shall be led by a Deputy.

Article 29

Deputy for Logistics and Equipment shall have the task of carrying out logistics and equipment coordination and support in disaster management.

Article 30

In carrying out the tasks as referred to in Article 29, Deputy for Logistics and Equipment Deputy Office shall organize the functions of:

- a. formulating policy on logistics and equipment in disaster management;
- b. implementing the planning for logistics and equipment in disaster management;
- c. monitoring, evaluating, analyzing the reporting on the implementation of policy on logistics and equipment in disaster management.

Paragraph 8

Chief Inspectorate

Article 31

- (1) Chief Inspectorate shall be under and accountable to BNPB Head.
- (2) Chief Inspectorate shall be led by Chief Inspector.

Article 32

Chief Inspectorate shall have the task of carrying out functional supervision over performance of tasks and functions within BNPB.

Article 33

In carrying out the tasks as referred to in Article 32, Chief Inspectorate shall organize the functions of:

- a. preparing formulation of policy on functional supervision within BNPB;
- b. implementing supervision of performance, finance, and supervision for certain purposes under the direction of BNPB Head;
- c. conducting Chief Inspectorate administration affairs;
- d. preparing reports on supervision results.

Paragraph 9

Center

Article 34

- (1) Within Disaster Management Executive Committee, 2 (two) Centers may be established as supporting committees for Disaster Management Executive Committee's tasks and functions.
- (2) A Center shall be led by Center Head under and accountable to BNPB Head.

Article 35

The Establishment of Center as referred to in Article 34 shall be stipulated by BNPB Head after having a written approval from the Minister in charge of state apparatus reform.

Paragraph 10

Technical Executing Unit

Article 36

- (1) To carry out operating technical tasks and/or certain supporting technical tasks, a Technical Executing Unit may be established.
- (2) Technical Executing Unit shall be led by Technical Executing Unit Head.

Article 37

The Establishment of Technical Executing Unit as referred to in Article 36 shall be stipulated by BNPB Head after having a written approval from the Minister in charge of state apparatus reform.

Paragraph 11

Other

Article 38

- (1) Chief Secretariat shall comprise at the most 4 (four) Bureaus, each Bureau shall comprise at the most 4 (four) Divisions, and each Division shall comprise 2 (two) Subdivisions.
- (2) Each Deputy shall comprise at the most 4 (four) Directorates, each Directorate comprising at the most 3 (three) Subdirectorates, and each Subdirectorate comprising 2 (two) Articles.
- (3) Chief Inspectorate shall comprise at the most 3 (three) Inspectorates, each Inspectorate comprising 1 (one) Administration Subdivision, and a Group of Auditor Functional Jobs.
- (4) A Center shall comprise at the most 3 (three) Divisions and 1 (one) Administration Subdivision, each Divisions comprising 2 (two) Subdivisions.

Article 39

Within BNPB, certain functional jobs may be set up according to need, whose implementation shall be in accordance with the provisions of legislation.

CHAPTER III WORKPROCEDURES

Article 40

BNPB Head shall control the performance of Disaster Management Steering Committee and Disaster Management Executive Committee tasks and functions.

Article 41

- (1) Disaster Management Steering Committee shall hold member sessions periodically and/or at any time according to the need determined by BNPB Head as Disaster Management Steering Committee Chairperson.
- (2) Disaster Management Steering Committee may invite Central or regional government institutions, business institutions, international institutions and/or other parties considered necessary to members' sessions of Disaster Management Steering Committee.

Article 42

In carrying out their tasks, all committees within BNPB shall apply the principles of coordination, integration, and synchronization, within BNPB itself and in the relationship between governmental institutions at Central and regional levels.

Article 43

Each head of Disaster Management Executive Committee's organizational units shall implement an internal control system in their respective environment to enable a cross-check mechanism.

Article 44

Each head of Disaster Management Executive Committee's organizational units shall be responsible for leading and coordinating their respective subordinates and providing guidelines and directives on implementation of subordinates' tasks.

Article 45

Each head of Disaster Management Executive Committee's organizational units shall follow and observe the guidelines and be responsible to their respective superior and submit a timely report on a periodical basis.

Article 46

In carrying out the tasks, each head of Disaster Management Executive Committee's organizational units shall take care of the fostering and supervision of sub-organizational unit.

Article 47

Disaster Management Executive Committee's coordination function shall be exercised in coordination with government institutions at Central and regional levels, business institutions, international institutions and/or other parties considered necessary at pre-disaster and post-disaster stages.

Article 48

- (1) Disaster Management Executive Committee's command function shall be exercised through mobilization of human resources, equipment and logistics from related agencies, Indonesian Armed Forces and National Police of the Republic of Indonesia and other measures required for disaster emergency management.
- (2) The provision as referred to in Paragraph (1) shall be implemented in accordance with the provisions of legislation.

Article 49

Disaster Management Executive Committee's implementation function shall be exercised in a coordinated and integrated manner with government institutions at Central and regional levels, Indonesian Armed Forces and National

Police of the Republic of Indonesia, considering the policy on disaster management and the provisions of legislation.

Article 50

BNPB Head shall regulate further provisions concerning work procedures BNPB

CHAPTER IV

APPOINTMENT AND DISMISSAL

Part One

Appointment and Dismissal of Head

Article 51

The President shall appoint and dismiss BNPB Head.

Article 52

BNPB Head shall be granted financial and administrative rights at an equal level to that of a Minister.

Part Two

Appointment and Dismissal of Members of Disaster Management Steering Committee

Article 53

The President shall appoint and dismiss members of Disaster Management Steering Committee.

Article 54

- (1) Head of government institution shall nominate members of Disaster Management Steering Committee coming from Government committees to BNPB Head as referred to in Article 11 paragraph (2).
- (2) BNPB Head shall nominate Member candidates as referred to in paragraph (1) to the

President for appointment as members of Disaster Management Steering Committee.

Article 55

- (1) BNPB Head shall nominate members of Disaster Management Steering Committee coming from professional community to the President, namely 18 (eighteen) member candidates for Disaster Management Steering Committee.
- (2) Member candidates as referred to in paragraph (1) shall be presented to the House of Representatives of the Republic of Indonesia to undergo a fit and proper test in accordance with the provisions of legislation.

Article 56

9 (nine) member candidates approved by the House of Representatives of the Republic of Indonesia based on the result of the fit and proper test shall be appointed and stipulated by the President to serve as members of Disaster Management Steering Committee.

Article 57

Members of Disaster Management Steering Committee as referred to in Article 56 shall be appointed for a 5 (five) years term of service.

Article 58

Selection mechanism and criteria for Members Disaster Management Steering Committee coming from professional community shall be regulated further by a Regulation of BNPB Head.

Part Three
Echelon, Appointment, and Dismissal
of Disaster Management Executive Committee

Article 59

- (1) Chief Secretary, Deputy, and Chief Inspector are structural positions of echelon I.a.
- (2) Bureau Head, Director, Inspector, and Center Head are structural positions of echelon II.a.
- (3) Technical Executing Unit Head within BNPB is a structural position of echelon II.b at the highest.
- (4) Subdirector Head, Division Head, and Sector Head are structural positions of echelon III.a.
- (5) Section Head, Subdivision Head, and Subsector Head are structural positions of echelon IV.a.

Article 60

- (1) The President shall appoint and dismiss Chief Secretary, Deputy, and Chief Inspector on the recommendation of BNPB Head.
- (2) BNPB Head shall appoint and dismiss Officials of Echelon II and below.

Article 61

Positions in Disaster Management Executive Committee shall be civil positions filled by professional and expert civil servants in accordance with the provisions of legislation.

CHAPTER V
FINANCING

Article 62

Financing in support of BNPB activities shall be charged to State Budget and/or other legal and non-binding budget sources.

CHAPTER VI
OTHER PROVISIONS

Article 63

- (1) To carry out the tasks of disaster management in Province as well as Regency/City, it is necessary to establish Disaster Management Regional Agency hereinafter referred to as BPBD, stipulated with a Regional Regulation.
- (2) Establishment of BPBD as referred to in paragraph (1) shall be in coordination with BNPB.
- (3) BNPB shall hold coordination meetings with BPBD, at least 2 (twice) in 1 (one) year.

Article 64

BNPB Head shall stipulate further details on the tasks, functions, organizational structure, and work procedures of BNPB after having a written approval from the Minister in charge of state apparatus reform.

CHAPTER VII
TRANSITIONAL PROVISIONS

Article 65

Upon this presidential regulation coming into effect:

- a. National Agency for Coordinating Disaster Management shall carry out the tasks of

disaster management until completion of BNPB's structuring organization by virtue of this Presidential Regulation;

- b. No later than 6 (six) months from stipulation of this Presidential Regulation, National Agency for Coordinating Disaster Management shall hand over all files and documents relating to performance of disaster management tasks to BNPB;
- c. Civil Servants within National Agency for Coordinating Disaster Management Daily Executive Board shall become Civil Servants in BNPB on condition that no later than 6 (six) months they may choose a permanent status as BNPB Civil Servants or going back to their main agency;
- d. BNPB Head and State Agency for Civil Service Head shall regulate the administrative process for the transfer of Civil Servants from National Agency for Coordinating Disaster Management Daily Executive Board to BNPB as referred to in letter c;
- e. The entire state's assets managed and used by National Agency for Coordinating Disaster Management's Daily Executive Board for performance of disaster management tasks no later than 6 (six) months, shall transfer to BNPB after having approval from the Minister in charge of finance.

Article 66

Upon this Presidential Regulation coming into effect, the cost for performance of BNPB tasks and functions shall be charged to the budget of National Agency for Coordinating Disaster Management Daily Executive Board until BNPB has had its own budget in accordance with the provisions of legislation.

Article 67

- (1) The implementing regulation for Presidential Regulation Number 83 of 2005 concerning National Agency for Coordinating Disaster Management as amended by Presidential Regulation Number 3 of 2007 shall remain effective as long as it has not been amended and/or replaced with a new regulation by virtue of this Presidential Regulation.
- (2) Upon this Presidential Regulation coming into effect, all the existing positions along with officials within National Agency for Coordinating Disaster Management's Daily Executive Board shall keep on performing their tasks and functions until they have been re-regulated by virtue of this Presidential Regulation.

CHAPTER VIII

CLOSING PROVISIONS

Article 68

With this Presidential Regulation having taken effect, Presidential Regulation Number 83 of 2005 concerning National Agency for Coordinating Disaster Management as amended by Presidential Regulation Number 3 of 2007 shall be revoked and declared null and void.

Article 69

Upon this Presidential Regulation taking effect, any regulations relating to Disaster Management shall remain effective as long as they are not contradictory and a new implementing regulation has not been issued by virtue of this Presidential Regulation.

Article 70

This Presidential Regulation shall begin to take effect on date of stipulation.

Enacted in : Jakarta
On : January 26, 2008

THE PRESIDENT OF THE REPUBLIC OF
INDONESIA,

signed
DR.H. SUSILO BAMBANG YUDHOYONO

This copy is in conformity with the
original
Deputy to the Cabinet
Secretary for Law Divison,
Signed and sealed
Dr. M. Iman Santoso

TRANSLATOR'S STATEMENT

The translation is rendered accurately and consistently from Indonesian into English.

Jakarta, March 25, 2009

Pahala Tamba -
Sworn Translator

E-mail: ptamba@indo.net.id