

GOVERNMENT REGULATIONS

IMPLEMENTATION OF DISASTER CONTROL

(Government Regulation of the Republic of Indonesia No.21 Year 2008, dated February 28, 2008)

WITH THE BLESSING OF THE ONE AND ONLY GOD
PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

That to implement the provision in Article 50, paragraph (2), Article 58, paragraph (2), and Article 59, paragraph (2) of Law No. 24 Year 2007, concerning Disaster Control, it is necessary to stipulated Government Regulation on the Implementation of Disaster Control;

In View of:

1. Article 5, paragraph (2) of the 1945 Constitution of the Republic of Indonesia (*BN No. 7152 pages 14A - 23A*);
2. Law No.24 Year 2007, concerning Disaster Control (Statute Book of the Republic of Indonesia Year 2007 No.66, Supplement to Statute Book of the Republic of Indonesia No.4723);

DECIDES:

To stipulate:

THE GOVERNMENT REGULATION ON IMPLEMENTATION OF
DISASTER CONTROL

CHAPTER I

GENERAL PROVISION

Article 1

What is meant in this Government Regulation by:

1. Disaster shall be an event or a series of events threatening and disrupting lives and the people's lives arising, either from natural factors and/or non-natural factors or human factors causing human victims, environmental damage, property loss, and psychological impact.
2. Implementation of disaster control shall be a series of efforts covering stipulation of policy on development with risks in disaster, disaster prevention activities, emergency awareness, and rehabilitation.
3. Disaster prevention shall be a series of activities conducted to minimize or eliminate disaster risk, either by minimizing the disaster threat susceptibility of those parties threatened by the disaster.
4. Alertness shall be a series of activities to anticipate disaster by organizing action and efficient and effective measures.
5. Early warning shall be a series of activities in issuing urgent reminder to the community on the probable occurrence of disaster at a certain place by the competent institution.
6. Mitigation shall be a series of efforts to minimize disaster risk, either through physical development or awareness and improvement of capability in encountering disaster threats.

7. Disaster risks shall be a series of potential risks caused by the disaster in a certain region and in certain period that may be in form of death, injury, pain, threatening lives, lost feeling of security, evacuation, damage or loss of property and disruption to the people.
8. Emergency alert shall be a series of activities conducted immediately at the occurrence of disaster to handle the bad impact caused, covering rescue and evacuation activities of the victims, property, fulfillment of the basic needs, protection, handling the evacuees, rescuing, and rehabilitation of infrastructure and facilities.
9. Disaster victims shall be any person a group of persons suffering or died caused by the disaster.
10. Rehabilitation shall be action and recovery in all aspects of service provision to public or the community up to adequate level in post-disaster region with the main target to reasonably normalize or operate all aspects of administration and the people's lives in the post-disaster region.
11. Reconstruction shall be re-development of all infrastructure and facilities, institutions in the post-disaster region, either in administration level or the people with the main target to grow and develop activities on economy, social and culture, enforcement of the law and order, and the rise of the role of the people in all aspects of the community lives in the post-disaster region.
12. Disaster region shall be a certain region affected by disaster impact.
13. Community shall be individual, group of persons and/or legal entities.
14. Evacuees shall be person or group of persons who are in duress or are forced to leave their residence for a certain indefinite period as the result of the bad impact of the disaster.
15. Susceptible group shall be babies, children under five, children, pregnant or breast-feeding mothers, disabled persons and old age persons.
16. Central Government, hereinafter referred to as Government, shall be President of the Republic of Indonesia holding the power of administration of the Unity State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.
17. Regional Government shall be Governor, Regent/Mayor or regional instruments as elements for the implementation of regional administration.
18. National Disaster Control Agency, hereinafter referred to as BNPB, shall be non-department governmental institution as provided in the prevailing statutory regulation.
19. National Disaster Control Regional Agency, hereinafter referred to as BPBD, shall be regional government agency implementing disaster control in the region.

Article 2

Implementation of disaster control shall mean to guarantee planned, integrated, coordinated, and entire control of disaster in the context of providing protection to the people from threats, risks and impact of the disaster.

Article 3

Implementation of disaster control shall cover pre-post-disaster, emergency alertness, and post-disaster stages.

CHAPTER II
PRE-DISASTER

Part One

General

Article 4

Implementation of disaster control during pre-disaster referred to in Article 3 shall include:

- a. in situation where no disaster occurs; and
- b. in situation where disaster shall potentially occur.

Part Two

Situation Where No Disaster Occurs

Article 5

- (1) Implementation of disaster in situation where no disaster occurs referred to in Article 4, letter a shall cover:
 - a. disaster control plan;
 - b. minimizing disaster risk;
 - c. prevention;
 - d. integrated development plan;
 - e. requirements for analysis of disaster risk;
 - f. implementation and enforcement of space layout;
 - g. education and training; and
- (2) To support implementation of disaster control in situation where no disaster occurs as referred to in paragraph (1) this may be conducted through research and development on disaster matters.

Article 6

- (1) The disaster control plan referred to Article 5, letter a, shall constitute part of development plan.
- (2) The disaster control plan referred to in paragraph (1) shall be compiled based on the result of analysis of disaster risk and effort of disaster control as clarified

in the disaster control activities program and details of its budget.

- (3) The disaster control plan referred to in paragraph (1) shall cover:
 - a. introduction and study of disaster threat;
 - b. understanding of the people's susceptibility;
 - c. analysis of probable disaster impact;
 - d. selection of action to minimize disaster risk;
 - e. stipulation of mechanism, readiness and control of disaster impact; and
 - f. allocation of duty, authority and available resources.
- (4) Preparation of disaster control plan shall be coordinated by:
 - a. BNPB for national level;
 - b. Provincial BPBD for provincial level; and
 - c. Regional/municipal BPBD for regency/municipality level.
- (5) The disaster control plan referred to in paragraph (1) shall be determined by the Government or regional government according to their respective authority for a term of five (5) years.
- (6) The disaster control plan referred to in paragraph (5) shall be reviewed periodically every two (2) years or at any time if a disaster occurs.
- (7) The disaster control plan referred to in paragraph (4) shall be prepared based on the guideline stipulated by the Head of BNPB.

Article 7

- (1) Minimizing disaster risk referred to in Article 5, letter b shall constitute activity to minimize threat and susceptibility and to improve capability of the people in encountering disaster.

- (2) The minimizing action plan of disaster risk referred to in paragraph (1) shall consist of:
- a. national minimizing action plan of disaster risk; and
 - b. regional minimizing action plan of disaster risk.
- (3) National minimizing action plan of disaster risk referred to in paragraph (2), letter a, shall be compiled in whole and integration in one forum that covers the Government elements, non-government elements, the community, and business institutions under the coordination of BNPB.
- (4) The national action plan referred to in paragraph (3) shall be stipulated by the head of BNPB after coordinating with the agency/institution responsible in the national development planning.
- (5) The regional action plan for minimizing disaster risk referred to in paragraph (2), letter b shall be compiled in whole and integration in one forum that covers regional government elements, non-government elements, the community, and business circle in the region concerned under the coordination of BPBD.
- (6) Regional action plan referred to in paragraph (6) shall be stipulated by the Head of BPBD after coordination with the agency/institution responsible in regional development plan by referring to national action plan on minimizing disaster risk.
- (7) National action plan and regional action plan for minimizing disaster risk shall be stipulated for three (3) years and may be reviewed as required.

Article 9

- (1) Prevention referred to in Article 5, paragraph (1), letter c, shall be conducted to minimize or eliminate disaster risk.

- (2) Prevention referred to in paragraph (1) shall be conducted by minimizing disaster threat and susceptibility of those threatened by disaster.
- (3) Prevention referred to in paragraph (2) shall be conducted by:
- a. identifying and perceiving the source of the danger or disaster threat;
 - b. monitoring:
 1. control and management of natural resources;
 2. use of high technology.
 - c. supervision of space layout and management of living environment;
 - d. strengthening defense of the social community.
- (4) Prevention activities referred to in paragraph (3) shall be responsibility of the Government, regional government and the people.

Article 10

- (1) Scouting of disaster control in the development plan referred to in Article 5, paragraph (1), letter d shall be conducted by the Government or regional government in coordination, integration and synchronization.
- (2) Scouting of disaster control in the development plan referred to in paragraph (1) shall be conducted by including the disaster control elements into the national and regional development plan.

Article 11

- (1) Requirement for analysis of disaster risk referred to in Article 5, paragraph (1), letter e, shall mean to perceive and view the risk level from one condition or activity that may lead to disaster.

- (2) Requirement for analysis of disaster risk referred to in paragraph (1) shall be compiled and stipulated by the Head of BNPB by involving relevant agency/institution.
- (3) Requirement for analysis of disaster risk referred to in paragraph (2) shall be used as the basis for compiling analysis on environmental impact, space layout and taking preventive action and disaster mitigation.

Article 12

- (1) Every action in development with high risk of disaster, must be equipped with analysis of disaster risk.
- (2) Analysis of disaster risk referred to in paragraph (1) shall be compiled based on the requirements for analysis of disaster risk referred to in Article 11, paragraph (3) by research and study on the condition or activity with high risk that may cause disaster.
- (3) Analysis of disaster risk referred to in paragraph (2) shall be set forth in the form of document ratified by the Government official in accordance with the statutory regulation.
- (4) BNPB or BPBD according to their respective authority shall monitor and evaluate the implementation of analysis of disaster risk.

Article 13

- (1) Implementation and enforcement of space layout plan referred to in Article 5, paragraph (1), letter f shall be conducted to control utilization of space according to the regional space layout.
- (2) Control, space utilization referred to in paragraph (1) shall cover enforcement of regulation related to space utilization, standard safety, and application of penalty on its violators.

- (3) The Government and regional government periodically shall monitor and evaluate the plan, implementation of space layout, and compliance with safety standard.

Article 14

- (1) Education and training referred to in Article 5, paragraph (1), letter g, shall mean to improve awareness, care, capability, and readiness of the people in encountering disaster.
- (2) Education and training referred to in paragraph (1), shall be implemented by the Government and regional government in the form of formal and non-formal education such as basic, advanced, technical, simulation training and rehearsal.
- (3) The agency/institution/organization related to the disaster control may conduct education and training on disaster control in accordance with their respective mandate and authority based on the guideline stipulated by Head of BNPB.

Part Three

Situation Where Disaster Potentially Occurs

Article 15

Implementation of disaster control in situation where disaster potentially occurs referred to in Article 4, letter b shall cover:

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

Article 16

- (1) The Government shall exercise alertness on disaster control as referred to in Article 15, letter a, to ensure quick and appropriate action when disaster occurs.

(2) Alertness activity referred to in paragraph (1) shall be conducted by the competent agency/institution, both technically and administratively under the coordination of BNPB and/or BPBD in the form of:

- a. preparation and trial test of disaster emergency control plan;
- b. organizing, setting up, and testing the early warning system;
- c. provision of ready supplies for fulfillment of basic needs;
- d. organizing, information provision, training, and rehearsal on the mechanism of emergency alert;
- e. provision of location for evacuation;
- f. preparation of accurate data, information, and update procedure to keep alert for disaster emergency;
- g. provision of ready supplies, goods and equipment for fulfillment of recovery of infrastructure and facilities.

(3) The alertness activity referred to in paragraph (2) shall be the responsibility of the Government, regional government and conducted jointly by the people and business circle.

Article 17

(1) Disaster emergency control plan referred to in Article 16, paragraph (2), letter a, shall constitute reference for the implementation of disaster control in emergency situation.

(2) Disaster emergency control plan referred to in paragraph (1) shall be compiled under the coordination of BNPB and/or BPBD and regional government.

(3) Disaster emergency control plan may be supported by preparation of contingency plan.

Article 18

(1) To be alert in the provision, storage and distribution of logistic and equipment to the disaster location, BNPB and BPBD shall establish logistic and equipment management system.

(2) Establishment of logistic and equipment management system referred to in paragraph (1) shall be exercised to optimize logistic and equipment existing in the respective agency/institution within the BNPB working network.

(3) Further provision on logistic and equipment management referred to in paragraph (1) and (2) shall be governed in Regulation of the Head of BNPB.

Article 19

(1) Early warning referred to in Article 15, letter b shall be given to take prompt and appropriate action to minimize risk from disaster impact and to prepare action for emergency alertness.

(2) Early warning referred to in paragraph (1) shall be exercised by:

- a. observing all warnings on disaster;
- b. analyzing all data resulting from observance;
- c. making decision based on the result of analysis;
- d. distributing the result of resolution; and
- e. taking action by the community.

(3) Observance of the signs of disaster referred to in paragraph (2), letter a shall be conducted by the competent agency/institution according to the type of the disaster threat, and the community to obtain data on the sign of disaster that may take place with due observance of the wisdom of the local community.

- (4) The competent agency/institution referred to in paragraph (3) shall submit the result of analysis to BNPB and/or BPBD according to the location and level of the disaster, as the basis for making decision and to determine action for early warning.
- (5) If early warning has been determined, immediately the decision referred to referred to in paragraph (4) must be distributed by the government institution, private broadcasting institution, and mass media to deploy all resources.
- (6) Such deployment of resources referred to in paragraph (5) shall be conducted the same as that of the mechanism for deployment of resources at emergency alert.
- (7) BNPB and/or BPBD shall coordinate actions taken by the community as referred to in paragraph (2), letter 3 for rescue and protect the community.

Article 20

- (1) Mitigation of disaster referred to in Article 15, letter c shall be conducted to minimize risk and impact caused by the disaster to the community living at the disaster-prone zone.
- (2) The disaster mitigation activity referred to in paragraph (1) shall be conducted by:
 - a. planning and implementation of space layout based on analysis of disaster risk;
 - b. layout of construction, construction of infrastructure, and the buildings landscape; and
 - c. implementation of education, training, and provision of information, both conventionally and modern.
- (3) The layout of construction, construction of infrastructure, and the buildings landscape referred to in paragraph (2), letter b, must apply the standard technical

rule for buildings stipulated by the competent agency/institution.

- (4) Implementation of education, training, and provision of information referred to in paragraph (2), letter c, shall apply standard technical rule of education, training and information provision stipulated by the competent agency/institution.

CHAPTER III

EMERGENCY ALERT

Part One

General

Article 21

- (1) Implementation of disaster control at emergency alert shall cover:
 - a. quick and appropriate study of the location, damage, loss, and resources;
 - b. decision of being in disaster emergency status;
 - c. rescue and evacuate the people affected by the disaster;
 - d. Fulfill the basic needs;
 - e. immediate recovery of vital infrastructure and facilities.
- (2) Implementation of disaster control at emergency alert referred to in paragraph (1) shall be under the control of the Head of BPPB or the Head of BPBD according to their respective authority.

Part Two

Immediate and Appropriate Study

Article 22

- (1) The immediate and appropriate study referred to in Article 21, letter a, shall be conducted to determine the need and appropriate action to be taken in the control of disaster at emergency alert.

- (2) Immediate and appropriate study referred to in paragraph (1) shall be conducted by the immediate study team as assigned by the Head of BNPB or the Head of BPBD according to their respective authority.
- (3) The immediate and appropriate study referred to in paragraph (1) shall be conducted by identification of:
- a. the coverage of the disaster location;
 - b. the total number of disaster victims;
 - c. the damage to infrastructure and facilities;
 - d. disruption to public service function and administration; and
 - e. capability of natural or artificial resources.

Part Three

Decision on Disaster Emergency Status

Article 23

- (1) The disaster emergency status referred to in Article 21, letter b, shall be decided by the Government or regional government according to the level of disaster.
- (2) The disaster emergency status referred to in paragraph (1) at national level shall be decided by the President, the Governor at provincial level, and the Regent/Mayor at regency/municipality level.

Article 24

At decision of disaster emergency status, BNPB and BPBD shall have the access facilities to:

- a. deploy human resource;
- b. deploy equipment;
- c. deploy logistic;
- d. immigration, excise, and quarantine;
- e. permits;

- f. procurement of goods/services;
- g. management and accountability of money and/or goods;
- h. rescue; and
- i. commando to instruct agency/institution.

Paragraph 1

Deployment of Human Resource,

Equipment, and Logistics

Article 25

- (1) At disaster emergency, the Head of BNPB and Head of BPBD shall the authority to deploy human resource, equipment, and logistic from all agencies/institutions and the community to exercise emergency alert.
- (2) The deployment of human resource and logistics referred to in paragraph (1) shall cover all requests, income and use of human resource, equipment and logistics.

Article 26

- (1) Deployment of human resource, equipment and logistics shall be conducted to rescue and evacuate disaster victims, fulfill the basic need, and recover vital infrastructure and facilities damaged by the disaster.
- (2) Deployment of human resource, equipment, and logistics to the disaster location must be based on need.

Article 27

- (1) At disaster emergency, the Head of BNPB or Head of BPBD; according to the location and level of disaster, shall ask relevant agency/institution to deliver human resource, equipment and logistics as referred to in Article 25 to the disaster location.

- (2) Based on the request referred to in paragraph (1), the relevant agency/institution shall be obliged to immediately deliver and mobilize human resource, equipment and logistics to the disaster location.
- (3) The relevant agency/institution in the delivery of human resource, equipment and logistics referred to in paragraph (2), shall assign an official as representative authorized to make decision.

Article 28

- (1) If the disaster is regency/Municipality level, the Head of BPBD of the regency/municipality affected by the disaster, shall deploy human resource, equipment, and logistics as needed in the disaster location.
- (2) If no human resource, equipment and logistics in the regency/municipality affected by the disaster is available/ is insufficient, the regional/municipality government may ask assistance from other closest regency/ municipality, either within one province or from other province.
- (3) The regional/municipality government asking for assistance as referred to in paragraph (2), shall bear the deployment and mobilization of human resource, equipment, and logistics from the other regency/municipality delivering its assistance.
- (4) If no human resource, equipment and logistics in the other regency/municipality is available/is insufficient, the regency/municipality government affected by the disaster may ask assistance from the provincial government concerned.
- (5) The receipt and use of human resource, equipment, and logistics at the disaster location referred to in paragraph (1) through paragraph (4) shall be conducted under the control of the Head of BPBD of the regency/ municipality.

Article 29

- (1) If the disaster is at provincial level, the Head of BPBD of the province affected by the disaster shall deliver human resource, equipment, and logistics as needed at the disaster location.
- (2) If no human resource, equipment and logistics at the province affected by the disaster is available/is insufficient, the government of the province affected by the disaster may ask assistance from other relevant province.
- (3) The provincial government asking for assistance as referred to in paragraph (2), shall bear the costs for deployment and mobilization of human resource, equipment and logistics.
- (4) If no human resource, equipment and logistics in the other province referred to in paragraph (2) is available/is insufficient, the provincial government affected by the disaster may ask assistance from the Government.
- (5) Receipt and use of human resource, equipment, and logistics at the disaster location referred to in paragraph (1) through paragraph (4) shall be conducted under the control of the Head of BPBD of the Province.

Article 30

- (1) In the event of limited human resource, equipment and logistics deployed by the Head of BPBD referred to in Article 28 and Article 29, BNPB may provide assistance by means of joint assistance pattern.

(2) Assistance through joint pattern referred to in paragraph (1) shall be granted at the request of BPBD or based on initiative of BNPB.

Article 31

- (1) The Head of BNPB or the Head of BPBD according to their respective authority may deploy equipment and logistics from regional depot closest to the disaster location duly established within the logistics and equipment management system as referred to in Article 18.
- (2) Deployment of equipment and logistics at the disaster location referred to in paragraph (1) shall be conducted under the control of the Head of BNPB.

Paragraph 2

Immigration, Excise and Quarantine

Article 32

- (1) Assistance obtained from overseas, either assistance in the form of foreign personnel, equipment, or logistics shall be granted access facilities as referred to in Article 24, letter d, in the form of facilities in immigration, excise and quarantine process and service.
- (2) The access facilities referred to in paragraph (1) shall include use of equipment imported by its foreign personnel into the disaster location.

Article 33

- (1) The foreign personnel assisting in the disaster control activities at emergency alert in the territory of the Unity State of the Republic of Indonesia as referred to in Article 32, paragraph (1) shall be granted access facilities in immigration in processing and providing services for visa, entry permit, limited staying permit and exit permit.

- (2) The foreign personnel referred to in paragraph (1) shall be based on assignment and recommendation from the government of the country of origin, international institution or non-governmental foreign institution assigning them.
- (3) The foreign personnel referred to in paragraph (1) after entering into the territory of the Unity State of the Republic of Indonesia, shall be obliged to report to the agency/institution which scope of duty covers immigration.
- (4) The visa, entry permit, limited staying permit, and exit permit referred to in paragraph (1) shall be granted after obtaining recommendation from the Head of BNPB.
- (5) The limited staying permit referred to in paragraph (1) shall be granted for a term based on the period of disaster emergency alert.

Article 34

Other than granted access facilities in the form of visa, entry permit, limited staying permit, and exit permit, the foreign personnel referred to in Article 32, paragraph (1) may be granted access facilities to provide assisting activities to and in the region where the disaster occurs which location is determined by the Head of BNPB or to the Head of BPBD according to the location and level of the disaster.

Article 35

For foreign personnel holding passport replacing diplomatic passport or assignment passport issued by international institution of the United Nations, after entering into the territory of the Unity State of the Republic of Indonesia, shall be obliged to report to the agency/institution which scope of duty covers foreign affairs.

Article 36

- (1) The equipment or logistics referred to in Article 32, paragraph (1) imported to the territory of the Unity State of the Republic of Indonesia for use to assist disaster control at disaster emergency alert, shall be granted access facilities in the form of free from import duty and other import taxes.
- (2) The facilities referred to in paragraph (1) shall be granted in accordance with the provision in the statutory regulation.
- (3) The facilities referred to in paragraph (1) shall be granted based on recommendation of the Head of BNPB.

Article 37

The equipment or logistics referred to in Article 36, paragraph (1) imported into the territory of the Unity State of the Republic of Indonesia for use to assist disaster control at emergency alert, shall be granted access facilities from quarantine, except equipment or logistics having potential hazard.

Paragraph 3

Permits

Article 38

- (1) The permits referred to in Article 24, letter e shall constitute special permit from the competent agency/institution on the import of certain foreign personnel and/or equipment into the territory of the Unity State of the Republic of Indonesia other than immigration and custom permits.
- (2) The competent management of the agency/institution referred to in Article (1) shall grant access facilities to the Head of BNPB to obtain special permit to import

certain equipment and/or personnel into the territory of the Unity State of the Republic of Indonesia for use to assist the disaster control at disaster emergency alert.

Paragraph 4

Procurement of Goods

Article 39

Procurement of goods/services referred to in Article 24, letter f, shall be conducted as planned with due observance of the type and the total needs according to the condition and characteristics of the region hit by the disaster.

Article 40

- (1) At disaster emergency alert, procurement of goods/services for implementation of emergency alert shall be conducted specifically through direct, efficient and effective purchase/procurement based on the condition at the disaster emergency alert.
- (2) Direct purchase/procurement referred to in paragraph (1) shall not be determined by the total number and price of the goods/services.
- (3) Procurement of goods/services referred to in paragraph (1) shall cover equipment and/or services for:
 - a. search and rescue of the disaster victims;
 - b. emergency aid;
 - c. evacuation of victims;
 - d. the need for potable water and sanitation;
 - e. food;
 - f. clothing;
 - g. health service; and
 - h. temporary accommodation and residence.

- (4) Procurement of goods/services other than referred to in paragraph (3) may be conducted by the relevant agency/institution after obtaining approval from the Head of BNPB or Head of BPBD according to their respective authority.
- (5) The approval referred to in paragraph (4) may be granted verbally followed by written approval within 3 x 24 (three times twenty-four) hours.
- (3) The ready-for-use fund referred to in paragraph (1) shall be used limited to the procurement of goods and/or goods referred to in Article 40, paragraph (4).
- (4) Other proof of transaction that could not be obtained at procurement of goods and/or services at emergency alert shall be granted special treatment.
- (5) The provision referred to in paragraphs (1) and (2), and paragraph (3) shall also apply to the management of the ready-for-use fund in the region.

Article 11

- (1) BNPB shall use ready-for-use fund placed in the BNPB budget for procurement of goods and/or services at disaster emergency alert.
- (2) BPBD shall use the ready-for-use fund made available in the APBD and placed in BPBD budget for procurement of goods and/or services at disaster emergency alert.
- (3) The ready-for-use fund referred to in paragraph (1) shall be used as required by the disaster emergency alert.
- (4) The provision on the source and use of ready-for-use fund shall be governed in separate Government regulation.

Paragraph 5

Management and Accountability of Money and/or Goods

Article 42

- (1) Management and accountability of money and/or goods referred to in Article 24, letter g shall be granted facilities for management and accountability of the ready-for-use fund referred to in Article 41.
- (2) The ready-for-use fund referred to in paragraph (1) shall be allocated separately in the BNPB budget.

Article 43

- (1) BNPB may grant ready-for-use fund directly in the region affected by the disaster according to need based on the situation and condition of the disaster emergency.
- (2) The ready-for-use fund referred to in paragraph (1) shall be granted through the Head of BPBD.
- (3) The BPBD after receiving the ready-for-use fund shall report to the Head of the Region.
- (4) The ready-for-use fund referred to in paragraph (1) shall be used based of priority level.

Article 44

- (1) BNPB shall be obliged to exercise supervision on the use of ready-for-use fund and report it to the Head of BPBD referred to in Article 43, paragraph (1).
- (2) BPBD that has received the ready-for-use fund shall be obliged to submit report on accountability to BNPB within three (3) months after receipt thereof.
- (3) The accountability referred to in paragraph (1) and paragraph (2) shall be reported in accordance with the guideline duly stipulated by the Head of BNPB.

Article 45

- (1) The Head of BNPB or the Head of BPBD according to their respective authority shall be obliged to make report of accountability on the ready-for-use fund received from the society.
- (2) The report of accountability referred to in paragraph (1) shall be submitted to:
 - a. the President by the Head of BNPB;
 - b. the Governor by the Head of BPBD for the province; and
 - c. the Regent/Mayor by the Head of BPBD for the Regency/Municipality.
- (3) The report of accountability referred to in paragraph (1) shall be notified to public.

Paragraph 6

Rescue

Article 46

- (1) The access facilities for rescue referred to in Article 24, letter h shall be conducted by search, rescue and evacuation of disaster victims.
- (2) To facilitate rescue of disaster victims and property, the Head of BNPB and/or Head of BPBD shall have the authority to:
 - a. remove and/or destroy goods or items at the disaster location that may hazardous to lives;
 - b. remove and/or destroy goods or items that may disrupt rescue process;
 - c. instruct all people to leave the location or prohibit people from entering a certain location;
 - d. isolate or close the location either belonging to public or private; and
 - e. instruct the head of relevant agency/institution to put off all electric and gas current or close/open water gate.
- (3) Search and rescue of disaster victims shall cease if:
 - a. all victims have been found out, rescued and evacuated; or

b. after a period of seven (7) days as of the commencement of the searching operation, no sign of victims is found out.

- (4) The cease from search and rescue of disaster victims referred to in paragraph (3), letter b, may re-start with consideration of new information on any sign of existence of disaster victims.

Paragraph 7

Command

Article 47

- (1) In emergency situation, the Head of BNPB or Head of BPBD according to their respective authority shall have access facilities of command to give instruction to sector/institution in one command as referred to in Article 24, letter I to deploy human resources, equipment, logistics and rescue.
- (2) To carry out the command function referred to in paragraph (1), the Head of BNPB or Head of BPBD according to their respective authority may appoint an official as Commandant in handling the disaster emergency.
- (3) The Commandant in handling disaster emergency, according to the location of level of disaster, in carrying out the command to deploy human resources, equipment, logistics and rescue as referred to in paragraph (2) shall be authorized to be in command of all officials representing the agencies/institutions referred to in Article 27, paragraph (3).
- (4) Mechanism for the control under one command referred to in paragraph (1) shall be based on the disaster emergency alert command system.
- (5) Further provision on disaster emergency alert command system shall be governed in Regulation of the Head of BNPB.

Article 48.....

(To bc continud)

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DISASTER CONTROL

(Government Regulation No.21 Year 2008 dated February 28, 2008)

(Continued from Business News No. 7728 pages 1A-13A)

Article 48

- (1) In disaster emergency situation, the Commander for handling disaster emergency, according to other location and level of disaster shall activate and improve the operation control center to change to disaster emergency alert post of command.
- (2) The post of command referred to in paragraph (1) shall function to coordinate, control, monitor, and evaluate the treatment of disaster emergency alert.
- (3) The post of command referred to in paragraph (1) shall constitute institution authorized to provide data and information on the disaster emergency alert.

Article 49

- (1) In disaster emergency situation, the Commander, according to the location and level of disaster, shall establish field post of command for control of disaster emergency alert at the disaster location.
- (2) The field post of command for disaster emergency alert referred to in paragraph (1) shall function to control disaster emergency alert.
- (3) The duty in carrying out control of disaster emergency alert conducted by the field post of command referred to in paragraph (2) shall be submitted to the post of command referred to in Article 48, paragraph (1) for use as data, information and material for making decision for handling disaster emergency alert.

Article 50

- (1) In carrying out the duty in handling disaster emergency alert, the Commander handling disaster emergency, according to the location and level of the disaster, shall compile disaster emergency alert operation plan to be used as reference by every agency/institution operator of disaster emergency alert.
- (2) Guideline for compilation of disaster emergency alert operation plan shall be determined by the Head of BNPB.

Part Four

Rescue and Evacuation

Article 51

- (1) Rescue and evacuation of the people affected by the disaster referred to in Article 21; letter c, shall be conducted by search, help, and rescue efforts and activities of the people who become victims of the disaster.
- (2) The search, help and rescue of the people affected by the disaster as referred to in paragraph (1) shall be conducted by speedy reaction team by involving the people elements under the command of disaster emergency handling, according to the location and level of the disaster.
- (3) In the occurrence of escalated disaster, BNPB may give support to BPBD to rescue and evaluate the people affected by the disaster referred to in paragraphs (1) and (2).

- (4) The disaster emergency aid referred to in paragraph (1) shall give priority to the people affected by the disaster that suffered serious injury and susceptible group.
- (5) Identification and funeral of the dead victims of disaster shall be conducted.

Part Five

Compliance with Basic Requirement

Article 52

- (1) Compliance with the basic need referred to in Article 21, letter d, shall cover assistance for the provision of:
 - a. the need for potable water and sanitation;
 - b. food;
 - c. clothing;
 - d. health service;
 - e. social psychology service; and
 - f. accommodation and residence.
- (2) The basic needs shall be complied with by the Government, regional government, people, business circle, international institution and/or non-government foreign institution according to the minimum standard as governed in the provisions in the statutory regulation.

Part Six

Protection for Susceptible Group

Article 53

- (1) Protection of susceptible group referred to in Article 21, letter e shall be by giving priority to disaster victims suffering serious injury and susceptible group by rescue, evacuation, safeguarding, provision of health service and social psychology.

- (2) Effort of protection to susceptible group referred to in paragraph (1) shall be conducted by relevant agency/ institution under the coordination of the Head of BNPB and/or Head of BPBD with supporting facilities pattern.

Part Seven

Immediate Recovery of Vital Infrastructure and Facilities

Article 54

- (1) Immediate recovery of vital infrastructure and facilities referred to in Article 21, letter f is meant to recover the function of vital infrastructure and facilities, for survival of the people's lives.
- (2) Immediate recovery of vital infrastructure and facilities referred to in paragraph (1) shall be conducted by the relevant agency/institution under the coordination of the Head of BNPB and/or Head of BPBD according to its respective authority.

CHAPTER IV

POST-DISASTER

Part One

General

Article 55

Implementation of disaster control at post-disaster shall cover:

- a. rehabilitation; and
- b. reconstruction.

Part Two

Rehabilitation

Article 56

- (1) Rehabilitation in the post-disaster shall be conducted through the activities below:

a. repair

- a. repair of the disaster environmental region ;
 - b. repair of public infrastructure and facilities;
 - c. provision of assistance in repairing the people's house;
 - d. recovery of social psychology'
 - e. provision of health service;
 - f. reconciliation and settlement of conflict;
 - g. social, economic and cultural recovery;
 - h. recovery of security and order ;
 - i. recovery of government function ;and
 - j. recovery of public service function.
- (2) To accelerate recovery of the people's survival in post-disaster region, the regional government shall give priority to rehabilitation activities referred to in paragraph (1).
- (3) The priority referred to in paragraph (2) shall be based on analysis of the damage and loss caused by the disaster.

Article 57

- (1) Rehabilitation activities referred to in Article 56, paragraph (1) shall be the responsibility of the Government and/or regional government affected by the disaster.
- (2) The Government and/or regional government referred to in paragraph (1), shall compile rehabilitation program based on the analysis of the damage and loss caused by the disaster as referred to in Article 56, paragraph (3) with due observance of the people's aspiration.
- (3) In compiling rehabilitation program referred to in paragraph (2) observance shall be made on:

- a. regulation of the standard of building construction;
 - b. social condition;
 - c. custom and tradition;
 - d. culture; and
 - e. economy.
- (4) The rehabilitation program referred to in paragraph (2) shall be compiled based on the guideline stipulated by the Head of BNPB.

Article 58

- (1) In carrying out rehabilitation, regency/municipality government shall be obliged to use the disaster control fund from the regency/municipality budget.
- (2) If the APBD is insufficient the regency/municipality government may ask assistance for fund from the provincial government and/or the Government to carry on the rehabilitation activities.
- (3) If the regency/municipality asks assistance for rehabilitation fund from the Government, such request must go through the provincial government concerned.
- (4) Other than the request for fund referred to in paragraph (2), the regency/municipality government may ask assistance from the provincial government and/or the Government in the form of:
- a. expert worker;
 - b. equipment ;and
 - c. construction of infrastructure.

Article 59

- (1) The proposed request for assistance from regency/municipality government referred to in Article 58, paragraph (2) and paragraph (3) shall be verified inter-non-governmental regency/municipality departments under the coordination of the Head of BNPB.

- (2) The verification referred to in paragraph (1) shall decide the amount of assistance to be provided by the Government to the regency government proportionately.
- (3) Use of such assistance provided by the Government to regional government referred to in paragraph (2) shall be monitored and evaluated by inter- non-governmental department/institution by involving BPBD under the coordination of the Head of BNPB.

Article 60

The rehabilitation activities referred to in Article 55, letter a., shall be conducted by regional government work unit and relevant agency/institution under the coordination of the Head of BPBD.

Paragraph 1

Repair of Disaster Environmental Area

Article 61

- (1) Repair of disaster environmental region referred to in Article 56, paragraph (1), letter a, shall constitute physical repair of the environment to comply with the technical, social, economic and cultural requirements and ecosystem of a region.
- (2) The physical repair activities of the environment referred to in paragraph (1) shall cover residential, industrial, business and building construction areas.
- (3) The repair of environmental area referred to in paragraph (1) shall be based on technical plan with due observance of inputs on the type of activities from relevant agency/institution the people's aspiration in disaster susceptible region.

Article 62

- (1) The technical plan referred to in Article 61, paragraph (3) shall constitute compiling of technical plan document containing drawing plan of the activities desired to be accomplished.
- (2) The technical plan referred to in paragraph (1) shall be compiled to the optimum through survey, investigation and design with due observance of the social, cultural, economic, custom and tradition conditions, and standard of building construction.
- (3) The technical plan for environmental repair referred to in paragraph (1) shall at least cover:
- a. data on population, social, culture, economy, infrastructure, and facilities affairs before the disaster;
 - b. data on the damage covering the location, data of disaster victims, total number and level of damage by the disaster, and estimated loss;
 - c. potential resources existing in the disaster area;
 - d. thematic map containing all data referred to in paragraphs a, b, and c;
 - e. plan and activities;
 - f. design drawing;
 - g. budget plan;
 - h. schedule of activities; and
 - i. guideline for rehabilitation.

Article 63

Environmental repair of In the disaster region referred to in Article 56, paragraph (1), letter a, shall be conducted by the relevant agency/institution based on the mutual function and responsibility of duty of the community.

Paragraph 2

Repair of Public Infrastructure and Facilities

Article 64

- (1) *Repair of public infrastructure and facilities referred to in Article 56, paragraph (1), letter h shall constitute repair of public infrastructure and facilities to fulfill the needs for transportation, smooth economical activities, and social and culture of the community.*
- (2) *Repair of public infrastructure and facilities referred to in paragraph (1) shall be based on technical planning, with due observance of input on the type of activity of the relevant agency/institution and aspiration of the people.*
- (3) *The repair of public infrastructure and facilities referred to in paragraph (1) shall cover:*
 - a. *repair of infrastructure; and*
 - b. *social facilities and public facilities.*

Article 65

- (1) *The technical planning referred to in Article 64, paragraph (2) shall constitute compiling of technical plan containing drawing of the plan to be achieved.*
- (2) *The technical plan referred to in paragraph (1) shall be compiled optimally by means of survey, investigation, and design with due observance of the condition of the environment, social, economy, culture, custom and tradition, and standard of building construction.*
- (3) *The compilation of technical plan document referred to in paragraph (2), shall comply with at least the provisions in the requirements on:*
 - a. *safety;*
 - b. *sanitation system;*
 - c. *use of construction material; and*

d. *technical standard for construction of roads, bridges, building construction and water construction.*

- (4) *The technical repair for public infrastructure and facilities referred to in paragraph (1), shall be compiled based on the guideline stipulated by the relevant agency/institution.*

Article 66

The repair of public infrastructure and facilities referred to in Article 56, paragraph (1), letter b, shall be conducted in mutual cooperation under the management and/or technical assistance of the Government and/or regional government.

Paragraph 3

Provision of Assistance for Repair of the People's Houses

Article 67

- (1) *The provision of assistance for repair of the people's houses referred to in Article 56, paragraph (1), letter c shall constitute assistance from the Government as stimulant to assist the people to repair their houses damaged by the disaster to be re-occupied.*
- (2) *The Government's assistance referred to in paragraph (1) may be in the form of material, house components or money which amount shall be determined based on the result of verification and evaluation of the level of damage to the houses encountered.*
- (3) *The Government's assistance for repair of the people's houses referred to in paragraph (2) shall be granted based on community empowerment pattern with due observance of the characteristics of the region and culture of the community, which implementing mechanism shall be stipulated under the coordination of the BPBD.*

- (4) The repair to the people's houses referred to in paragraph (3) shall comply with the technical standard in accordance with the provisions in the statutory regulation.
- (5) The grant of assistance for repair of the people's houses shall be implemented through technical management and technical assistance by the relevant agency/institution.

Paragraph 4

Recovery of Social Psychology

Article 68

- (1) Recovery of social psychology referred to in Article 56, paragraph (1), letter d, shall mean to help the people affected by the disaster, recover social lives and psychological condition reinstated to normal condition as it was before the disaster.
- (2) The activities in assisting the people affected by the disaster referred to in paragraph (1) shall be provided through effort of social psychological service in the form of:
 - a. counseling assistance and family consultation;
 - b. companionship during the state of trauma; and
 - c. training for recovery of psychological condition.
- (3) The social psychological service referred to in paragraph (2) shall be provided by the relevant agency/institution under the coordination of the BPBD.

Paragraph 5

Health Service

Article 69

- (1) Health service referred to in Article 56, paragraph (1),

letter e, shall mean to assist the people affected by the disaster in the context of recovering the health condition of the people.

- (2) The recovery activities of health condition of the people affected by disaster referred to in paragraph (1) shall be conducted by all efforts to:
 - a. help treat the victims of disaster encountering pain and injury;
 - b. handle deceased victims of disaster;
 - c. provide medicines;
 - d. provide health appliances;
 - e. provide medical staff and paramedics; and
 - f. refer to the nearest hospital.
- (3) All efforts for recovering the people's health condition referred to in paragraph (2), shall be conducted through health service center stipulated by the relevant agency/institution under the coordination of the BPBD.
- (4) The recovery of the people's health condition referred to in paragraph (3) shall be conducted by referring to the standard of emergency service in accordance with the provisions in the statutory regulation.

Paragraph 6

Reconciliation and Resolution of Conflict

Article 70

- (1) Reconciliation and resolution of conflict referred to in Article 56, paragraph (1), letter f is meant to assist the people in areas potentially hit by disaster and social conflict to minimize escalation in social conflict and agitation and to recover the social condition of the people.

(2) The

- (2) The reconciliation and resolution activities referred to in paragraph (1) shall be conducted through persuasive mediation efforts by involving relevant communities figures with due observance of the situation, and characteristic and culture of the local people and to honor the sense of justice.
- (3) The reconciliation and resolution of conflict referred to in paragraph (2) shall be implemented by the relevant agency/institution in coordination with BNPB or BPBD according their respective authority.

Paragraph 7

Recovery of Social Economy and Culture

Article 71

- (1) Recovery of social economy and culture referred to in Article 56, paragraph (1), letter g, is meant to assist the people harmed by the disaster impact in the context of recovery of social lives, economy, and culture as it was prior to the disaster.
- (2) The recovery of social lives, economy and culture as referred to in paragraph (1) shall be conducted by assisting the people to regenerate and re-activate social, economy and cultural activities through:
- a. advocacy and counseling services;
 - b. stimulant assistance to economy activities; and
 - c. training.
- (3) The recovery of social, economy and culture referred to in paragraph (2) shall be implemented by the relevant agency/institution in coordination with BPBD.

Paragraph 8

Recovery of Security and Oder

Article 72

- (1) Recovery of security and order referred to in Article

56, paragraph (1), letter h is meant to assist the people to recover security and order of the people in the area affected by the disaster impact in order to reinstate to the condition prior to the disaster.

- (2) The recovery of security and order shall be endeavored by:
- a. re-activating the function of security institution and order in the disaster area;
 - b. improve participation of the people in the recovery of security and order activities;
 - c. coordinate with the competent agency/institution in security and order section.
- (3) The recovery of security and order referred to in paragraph (2) shall be implemented by the relevant agency/institution in coordination with BPBD.

Paragraph 9

Recovery of the Administration Function\

Article 73

- (1) Recovery of administration function referred to in Article 56, paragraph (1), letter I is meant to recovery the administration function back to the former condition prior to the disaster.
- (2) Recovery activities of administration function shall be implemented through efforts below.
- a. re-activate the duties of the administration promptly;
 - b. safeguarding and keep safe all documents belonging to the State and administration;
 - c. consolidate all administration officers;
 - d. recovery of the functions and equipment supporting the administration duties; and
 - e. re-govern all administration duties at the relevant agency/institution.

- (3) All activities referred to in paragraph (2) shall be implemented by the relevant agency/institution under the coordination of the administration management in the region supported by BPBD and BNPB:

Paragraph 10

Recovery of Public Service Function

Article 74

- (1) Recovery of public service function referred to in Article 56, paragraph (1), letter j is meant to recover service function to the people in such condition prior to the disaster.
- (2) The recovery of public service function referred to in paragraph (1) is meant to go through efforts below:
- rehabilitation and recovery of the function of infrastructure and facilities for public service;
 - re-activate the function of public service at the relevant agency/institution; and
 - re-govern the function of public service.

Part Three

Reconstruction

Article 75

- (1) Reconstruction in the post-disaster region shall be conducted by:
- re-construction of infrastructure and facilities;
 - re-construction of social facilities of the community;
 - restore the social culture lives of the community;
 - application of proper design, build and use of better and disaster sustainable equipment;
 - participation and the role of institution and organization of the community, business circle and the people;

- improvement of the social condition, economy and culture;
- improvement of the function of public service; or
- improvement of prime service in the community.

- (2) To accelerate re-development all infrastructure and facilities and institution in the post-disaster region, the Government and/or regional government shall prioritize in the re-construction activities referred to in paragraph (1).
- (3) The prioritization referred to in paragraph (2) shall be based on analysis on the damage and loss caused by the disaster as referred to in Article 56, paragraph (3).

Article 76

- (1) Reconstruction activities referred to in Article 75, paragraph (1) shall constitute the responsibility of the regional government affected by the disaster, except the infrastructure and facilities that constitute the responsibility of the Government.
- (2) The regional government shall compile reconstruction plan that constitutes a unit of the rehabilitation plan referred to in Article 57, paragraph (2).
- (3) The compilation of the reconstruction plan referred to in paragraph (2) shall observe:
- space layout;
 - governing of the standard of building construction;
 - social condition;
 - custom and tradition;
 - local culture; and
 - economy.
- (4) The construction plan referred to in paragraph (2) shall be compiled based on the guideline stipulated by the Head of BNPB.

Article 77

- (1) In conducting reconstruction, the regional government shall be obliged to use the funds allocated for disaster control from the APBD.
- (2) In the event of insufficient APBD, the regency/municipality administration may ask for fund assistance from the provincial government and/or the Government to carry out the construction activities.
- (3) If the regency/municipality administration asks for construction fund assistance from the Government, such request shall go through the provincial administration concerned.
- (4) Besides the request for fund referred to in paragraph (2), the regency/municipality administration may ask assistance from the provincial administration and/or the Government in the form of:
 - a. expert;
 - b. equipment; and
 - c. construction of infrastructure.

Article 78

- (1) The proposed request for assistance from regional administration referred to in Article 77, paragraphs (2) and (3) shall be verified by inter-department/institution government team and non-department coordinated by the BNPB.
- (2) The verification referred to in paragraph (1) shall determine the amount of assistance to be granted by the Government to the regional government in proportion.
- (3) The verification referred to in paragraph (1) shall be conducted jointly with the verification of rehabilitation.
- (4) Use of the assistance granted to the regional government referred to in paragraph (2) shall be monitored

and evaluated by inter-department/institution and non-department institution by involving the BPBD coordinated by BNPB.

Article 79

The reconstruction activities referred to in Article 75, paragraph (1) shall be conducted by the regional government and relevant agency/institution work unit coordinated by BPBD.

Paragraph 1

Re-Construction of Infrastructure and Facilities

Article 80

- (1) Re-construction of infrastructure and facilities referred to in Article 75, paragraph (1), letter a, shall constitute physical construction activities of new infrastructure and facilities to comply with the need for economy, social and culture activities with due observance of the regional space layout plan of the province and regency/municipality.
- (2) Physical re-construction of infrastructure and facilities referred to in paragraph (1) shall observe the space layout.
- (3) Regional space layout of the province and regency/municipality referred to in paragraph (2) shall cover:
 - a. regional space structure plan;
 - b. regional space pattern plan;
 - c. decision of zone;
 - d. direction on the use of regional space; and
 - e. direction of control on the use of regional space.
- (4) Re-construction of infrastructure and facilities referred to in paragraph (1) shall be based on technical planning with due observance of input from the relevant agency/institution, the local regional government and aspiration of the people of the disaster affected region.

Article 81

- (1) The technical planning referred to in Article 80, paragraph (4) shall constitute document compiling activities of technical planning containing drawings of plan of activities desired to be accomplished.
- (2) The technical planning referred to in paragraph (1) shall be compiled optimally by conducting survey, investigation, designing with the due observance of the social, economy, local culture, custom and tradition conditions and standard of building construction and observance of the condition of nature.
- (3) The technical planning for re-construction of infrastructure and facilities referred to in paragraph (1) shall contain:
 - a. formula on strategy and operational policy;
 - b. detailed plan on re-construction of infrastructure and facilities in accordance with the master plan;
 - c. work plan and budget;
 - d. implementation document;
 - e. cooperation document with other parties;
 - f. goods and services procurement document in accordance with the provisions in the statutory regulation;
 - g. provision for implementation of re-construction by the Government, regional government and other related parties; and
 - h. provision on the use of fund for re-construction of infrastructure and facilities.
- (4) Guideline on technical planning for re-construction of infrastructure and facilities shall be compiled based on the guideline stipulated by the relevant ministry and coordinated by the Head of BNPB.

Paragraph 2

Re-Construction of People's Social Facilities

Article 82

- (1) Re-construction of people's social facilities referred to in Article 75, paragraph (1), letter b, shall constitute construction activities of new social facilities and public facilities for fulfillment of the need for social and community activities.
- (2) Re-construction activities of social and community facilities referred to in paragraph (1) shall be based on technical planning with due observance of input from relevant agency/institution and the people's aspiration in the disaster region.

Article 83

- (1) The technical planning referred to in Article 82, paragraph (2) shall constitute preparation activities of technical plan document containing drawings of construction activities desired to be accomplished.
- (2) The technical planning referred to in paragraph (1) shall be compiled with optimally through survey, investigation, preparation of design drawing with due observance of the social, economy, culture, custom and tradition condition, and building technical standard.
- (3) The technical standard referred to in paragraph (2) shall at least comply with the technical provision on:
 - a. technical standard of building construction;
 - b. stipulation of zone; and
 - c. direction on space use.
- (4) The technical planning referred to in paragraph (3) shall cover:
 - a. detailed plan for construction of education, health, orphanage, old folks home, and village meeting hall;

- b. document for implementation of activities and budget;
- c. work plan;
- d. cooperation document with other parties;
- e. document for procurement of goods and/or services in accordance with the provisions in the statutory regulation; and
- f. provision implemented by the Government, regional government, and relevant parties.

Article 84

Re-construction of community social facilities referred to in Article 75, paragraph (1), letter b, shall be carried out by the Government and/or regional government according to the level of disaster.

Paragraph 3

Rejuvenation of the Life of Social Culture of the Community

Article 85

- (1) Rejuvenation of the life of social culture of the community referred to in Article 75, paragraph (1), letter c, shall mean to re-arrange method of life and develop pattern of life towards better social and culture life of the people.
- (2) The effort to re-arrange method of social and culture of the community shall be conducted by:
 - a. eliminating the people's trauma from the disaster;
 - b. organizing the people through disaster awareness and care campaign;
 - c. motivating participation of the people in minimizing disaster risks.

- (3) The community social culture rejuvenation activities referred to in paragraph (1) shall be implemented by the relevant agency/institution in coordination with the Head of BNPB or Head of BPBD according to their respective authority.

Paragraph 4

Application of Design and Build

Article 86

- (1) Application of proper design and build and use of better and disaster-sustainable equipment referred to in Article 75, paragraph (1), letter d shall be directed to:
 - a. improve stability and function of infrastructure and facilities that are capable to anticipate and sustain disaster;
 - b. minimize possible greater damage as the consequence of the disaster.
- (2) The effort to apply proper design and build and use of better and disaster sustain equipment shall be conducted by:
 - a. developing design and build resulting from research and develop;
 - b. adjusting with space layout;
 - c. observing the condition and damage in the region;
 - d. observing local skill capability; and
 - e. adjusting to the level of disaster susceptibility in the region concerned.
- (3) Application of proper design and build and use of better and durable equipment shall be implemented by the relevant agency/institution in coordination with the Head of BNPB.

Paragraph 5

Participation and Role of Community
Institution/Organization, Business Circle
and the People

Article 87

- (1) Participation and role of community institution and organization, business circle and the people referred to in Article 75, paragraph (1), letter e shall mean to improve participation in the context of assistance in re-organizing disaster susceptible region towards betterment and awareness toward susceptible to disaster area.
- (2) Re-organizing of susceptible to disaster region referred to in paragraph (1) shall be conducted by effort of:
 - a. disaster awareness campaign;
 - b. motivating the sense of awareness and solidarity in institution, community organization, business circle; and
 - c. motivating participation in funding matter and preparation activities in encountering disaster.
- (3) The participation and role of community institution and organization, business circle and the people shall be implemented by the relevant agency/institution in coordination with the BNPB.

Paragraph 6

Improvement of Social, Economy and
Cultural Conditions

Article 88

- (1) The improvement of social, economy and culture referred to in Article 75, paragraph (1), letter f shall mean to bring back to normal and better condition and life.
- (2) The improvement of social, economy and culture referred to in paragraph (1) shall be by:
 - a. management of the people's skill capability affected by the disaster;
 - b. empowerment of the joint business group may be in the form of assistance and/or goods; and
 - c. motivate to create field of productive business.
- (3) The improvement to the social, economy and culture referred to in paragraph (2) shall be implemented by the relevant agency/institution in coordination with BNPB and BPBD.

Paragraph 7

Improvement of Public Service Function

Article 89

- (1) Improvement to public service function referred to in Article 75, paragraph (1), letter g shall mean to organize and improve public service function to the people to motivate the people's lives in the post-disaster region towards betterment.
- (2) Organization and improvement to public service function referred to in paragraph (1) shall be implemented by:
 - a. preparing long-term improvement program of public service function; and
 - b. develop mechanism and system for more effective and efficient public service.
- (3) The improvement to public service function referred to in paragraph (1) shall be implemented by the relevant agency/institution.

Paragraph 8

Improvement to Prime Service within the Community

Article 90

- (1) Improvement of prime service within the Community referred to in Article 75, paragraph (1), letter h shall be implemented with the purpose to assist improvement of the prime service in the context of prime service.
- (2) To assist in improving prime service within the community referred to in paragraph (1) this shall be conducted by developing pattern for effective and efficient community service.

CHAPTER V

MONITORING AND EVALUATION

Part One

Monitoring

Article 91

Monitoring the implementation of disaster control shall be required as effort to continuously monitor the process of implementation of disaster control.

Article 92

Monitoring the implementation of disaster control referred to in Article 91 shall be conducted by elements of the BNPB and/or BPBD directors and may include National and regional development planning institution, as material for evaluation of the whole in implementing disaster control.

Part Two

Reporting

Article 93

- (1) Preparation of report on the implementation of disaster control shall be conducted by the BNPB and/or BPBD directors and operators.
- (2) The report on the implementation of disaster control referred to in paragraph (1) shall be used for verification of the BNPB and/or BPBD program planning.

Part Three

Evaluation

Article 94

- (1) Evaluation of implementation of disaster control shall be conducted in the context of achieving the minimum standard and improvement of performance in the disaster control.
- (2) The evaluation referred to in paragraph (1) shall be conducted by the BNPB directing elements in charge of National disaster control and the BPBD directing elements in charge of regional disaster control.

CHAPTER VI

OTHER PROVISIONS

Article 95

- (1) If the assistance for disaster control originating from foreign country, BNPB shall be obliged to consult and coordinate with the Department of Foreign Affairs.
- (2) The provision referred to in paragraph (1) shall be implemented in accordance with the provisions in the statutory regulation.

CHAPTER VII

CLOSING PROVISION

Article 96

This Government Regulation takes effect on the date it is enacted.

For public cognizance, this Government Regulation shall be announced by placing it in the Statute Book of the Republic of Indonesia.

Stipulated in Jakarta

On February 28, 2008

THE PRESIDENT OF THE
REPUBLIC OF INDONESIA

.sgd

DR. H. SUSILO BAMBANG YUDHOYONO

Enacted in Jakarta

On February 28, 2008

THE MINISTER OF LAW AND
HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA

Sgd.

ANDI MATTALATTA

STATUTE BOOK OF THE REPUBLIC OF INDONESIA
YEAR 2008 NO. 42

ELUCIDATION.....

(To be continued)

----- (MA) -----

DISASTER CONTROL

(Government Regulation No.21 Year 2008 dated February 28, 2008)

(Continued from Business News No. 7731 pages 9A-21A)

ELUCIDATION

ON

GOVERNMENT REGULATION NO.21 YEAR 2008 CONCERNING DISASTER CONTROL

I. GENERAL

Indonesian Nation comprises various ethnics living together in the Unity State of the Republic of Indonesia as an image of unity that acts as fundamental basis of development for the growth and development of the Indonesian Nation in encountering various challenges, obstacles, and threats in lives that are becoming more complex.

The intact and ever lasting of the Unity that has been entwined so far must be maintained by all components of the Indonesian citizens. This shall mean that any challenge, obstacle, and threat towards either of

the territories of the Unity State of the Republic of Indonesia shall constitute a threat to all the nation and territories of the Unity State of the Republic of Indonesia.

The Unity State of the Republic of Indonesia consisting of islands located in between Asia and Australia continents besides the strategic position located within the world trade traffics and is also susceptible to disaster with sufficiently high frequency, so that it requires systematic, integrated and coordinated disaster control.

In the effort of systematic, integrated and coordinate disaster control, the Government has ratified and enacted Law No.24 Year 2007, on Disaster Control. This Law is meant to provide strong legal basis for the implementation of disaster control, either regency/municipality, provincial and national level disaster control. Law No.24 Year 2007, on Disaster Control as set forth in Article 4, shall mean to, among other things, to:

- 1. provide protection to the people from the disaster threat;
- 2. guarantee implementation of planned, integrated, coordinated and entire disaster control.

As such, Law No.24 Year 2007 shall provide balanced attention in the implementation of disaster control from the beginning with the tendency at rescue and providing assistance to all efforts of treatment prior to occurring of disaster.

With respect to the foregoing, it is necessary to stipulated government regulation on implementation of disaster control which scope covers:

- a. all efforts in disaster control conducted at pre-disaster, during emergency alert, and post-disaster;
- b. focusing on preventive efforts during pre-disaster;
- c. provision of access facilities to disaster control agency during emergency alert; and
- d. implementation of rehabilitation and reconstruction efforts at post-disaster.

II. ARTICLE BY ARTICLE

Articles 1 up to Article 5

Self explanatory.

Article 6

Paragraphs (1) and (2)

Self-explanatory.

Paragraph (3)

Letter a

What is meant by "disaster threat" shall be any sign/natural disaster or activity/event that potentially causes disaster.

Letter b

What is meant by "people susceptibility" shall be the people social, economical, and cultural conditions that result in incapability in encountering disaster threat.

Letter c

What is meant by "analysis of disaster impact probability" shall be effort in evaluating risk level that may occur and the impact caused by the disaster.

Letter d

What is meant by "minimizing action for disaster risk" shall be effort conducted in encountering disaster risk.

Letter e

What is meant by "determination of mechanism for alert and control of disaster impact" shall be determination of procedure and its implementing work procedure.

Letter f

What is meant by "allocation, assignment, authority, and human resource" shall be planning, assignment allocation, authority and human resource existing at any relevant agency/institution.

Paragraph (4) and (7)

Self-explanatory.

Article 7.....

(To be continued)

====(MA)====



DISASTER CONTROL

(Government Regulation No.21 Year 2008 dated February 28, 2008)

(Continued from Business News No. 7732 pages 31A-32A)

Article 7

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Letter a

Identification and monitoring activities of disaster control shall mean to obtain data on threat, susceptibility, and capability of the people to encounter disaster. These three aspects shall later be used to conduct analysis of disaster risks.

Letters b through d

Self-explanatory.

Letter e

What is meant by "physical effort" shall be construction of facilities and infrastructure, housing, public facilities, and other building construction.

What is meant by "non-physical effort" shall be in the form of training activities and initiating awareness of the people.

Article 8

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

What is meant by "national action plan" shall be plan of activities nationwide prepared in a certain period of time.

Letter b

What is meant by "regional action plan" shall be plan of activities of the region prepared in a certain period of time.

Paragraph (3)

Agencies involved in the preparation of national disaster control plan shall be: BAPPENAS, relevant government department/institution and non-department/institution.

What is meant by "business institution" shall be any legal entity that may be in the form of State-owned business entity, regional-owned business entity, cooperatives, or private business duly established based on the provisions in the statutory regulation that operate permanent and continuous business activities and domiciled within the territory of the Unity State of the Republic of Indonesia.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Agencies involved in the preparation of disaster control plan for provincial level shall be among other things, BAPPEDA, relevant Regional Instrument Work Unit.

For regency/municipality level shall be among other things, BAPPEDA, relevant Regional Instrument Work Unit.

Paragraph (6)

Self-explanatory.

Paragraph (7)

National action plan and regional action plan for minimizing disaster risks shall constitute integrated activities plan conducted by relevant agency/institution in minimizing disaster risks.

Articles 9 through 13

Self-explanatory.

Article 14

Paragraphs (1) and (2)

Self-explanatory.

Paragraph (3)

What is meant by "agency/institution/organization" shall be agency/institution/organization which main duty shall be research and development.

Article 15

Self-explanatory.

Article 16

Paragraphs (1) and (2)

Self-explanatory.

Paragraph (3)

What is meant by "business institution" shall be

any legal entity that may be in the form of State-owned business entity, regional-owned business entity, cooperatives, or private business duly established based on the provision in the statutory regulation that runs permanent and continuously operating business and domiciled within the territory of the Unity State of the Republic of Indonesia.

Article 17

Paragraphs (1) and (2)

Self-explanatory.

Paragraph (3)

What is meant by "contingency plan" shall be process of future plan against uncertain condition to prevent, or for better control in emergency or critical situation with agreed upon scenario and objective, determining technical and managerial action, and alert and deployment of all potentialities that have been mutually agreed upon.

Articles 18 through 20

Self-explanatory.

Article 21

Paragraph (1)

Letter a

Quick review at emergency and alert shall mean to determine the level of damage and the need for quick control thereof.

Letter b

Included in the determination of the status of disaster emergency situation shall be determination of level of disaster.

Letter c.

Letter c

Included in the rescue and evacuation of the people affected by disaster shall be emergency health service.

Letters d and e

Self-explanatory.

Letter f

The term "immediate recovery of vital infrastructure and facilities" in this provision is also referred to as emergency recovery.

Paragraph (2)

Self-explanatory.

Article 22

Paragraphs (1) and (2)

Self-explanatory.

Paragraph (3)

Letters a and b

Self-explanatory.

Letter c

Included in damage to infrastructure and facilities shall be loss of material and non-material.

Letters d and e

Self-explanatory.

Article 23

Paragraph (1)

What is meant by emergency situation shall

commence as of emergency awareness, emergency alert, and emergency transition to recovery.

Paragraph (2)

Self-explanatory.

Article 24

Letter a

Self-explanatory.

Letter b

What is meant by "equipment deployment" in this provision shall be, among other things, land, air and sea transporting equipment, evacuation equipment, health equipment, clean water equipment, sanitation equipment, emergency bridges, heavy equipment, tents, and temporary dwelling places.

Letter c

What is meant by "logistic deployment" in this provision, shall be, among other things, food stuffs, clothing, medicines, clean water, and sanitation.

Letter d

What is meant by "excise" in this provision shall be included in customs duty.

Letters e through I

Self-explanatory.

Article 25

Paragraph (1)

What is meant by "agency/institution" in this provision shall be, among other things, the National SAR

Agency, the Indonesian National Army and the Police of the Republic of Indonesia, Public Works Department, Health Department and Social Department.

What is meant by "people" in this provision shall be, among other things, voluntary individuals and self-support institution, having independency, skill, competence, knowledge, and commitment and high spirit in providing aid for human rights.

Paragraph (2)

Self-explanatory.

Article 26

Paragraph (1)

What is meant by "rescue and evacuate disaster victims" in this provision shall be, among other things, search and rescue, emergency rescue, and evacuation of victims.

What is meant by "recovery of the function of vital infrastructure and facilities" in this provision shall be, among other things, to re-function potable water installation, electric current, communication network, and transportation.

Paragraph (2)

Self-explanatory.

Articles 27 through 30

Self-explanatory.

Article 31

Paragraph (1)

Self-explanatory.

Paragraph (2)

Included in the equipment and logistic deployment in disaster location shall be utilizing or operating all aid

equipment originating from outside the territory of the Republic of Indonesia for disaster emergency alert such as motor vehicle, aircraft, and communication equipment.

Article 32

Paragraph (1)

What is meant by "access facilities" in this provision shall be, not only in the form of exemption from import duty and import tax but also including provision of other facilities, such as permit to import into the territory and fuel filling.

Paragraph (2)

Self-explanatory.

Article 33

Paragraph (1)

Included in processing facilities and provision of limited stay permit service shall be processing facilities and services in preparing for their repatriation from Indonesia.

Paragraphs (2) through (5)

Self-explanatory.

Articles 34 and 35

Self-explanatory.

Article 36

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "provisions in the statutory regulation" shall be statutory regulation in customs and tax matters, such as:

- a. Law No.10 Year 1995, concerning Customs matter as amended by Law No.17 Year 2006, concerning Amendment to Law No.10 Year 995, concerning Customs matter;
- b. Government Regulation No.19 Year 1955, concerning Regulation on Exemption of General Import Duty and Export Duty for Necessities of the Official Class and Certain Foreign Experts;
- c. Government Regulation No.8 Year 1957, concerning Exemption from Import Duty based on International Relationship;
- d. Government Regulation No.6 Year 1969, concerning Exemption from Import Duty.

Paragraph (3)

Recommendation of BNPB must be supported by estimation letter of goods value, sea/air transport loading certificate, list of goods, and certificate of donation.

Article 37

The equipment or logistic having potential hazards must be quarantined.

Article 38

Paragraph (1)

What is meant by "foreign personnel and/or certain equipment" shall be such as foreign military personnel or foreign personnel from countries having no diplomatic relationship with the Government of the Republic of Indonesia and/or foreign transporting equipment carrying aid for disaster emergency control, so that it needs special permit from the agency/institution in charge of defense and security or overseas relationship.

Paragraph (2)

What is meant by "access facilities" in this provision shall be obtaining special permit at any time, any place, and any communication facilities easily reached.

Articles 39 through 44

Self-explanatory.

Article 45

Paragraph (1)

What is meant by "people" in this provision shall be individuals, business circle, legal entity, community self-support institution, international institution, and non-government foreign institution.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Submission of report to public shall be made in mass media easily accessible by the people.

Article 46

Self-explanatory.

Article 47

Paragraphs (1) through (3)

Self-explanatory.

Paragraph (4)

What is meant by "disaster emergency alert command system" shall be standard for disaster emergency handling used by all agencies/institutions integrated with deployment of facilities, equipment, personnel, procedure, and communications in one operational structure.

Paragraph (5)

Self-explanatory.

Articles 48 through 52

Self-explanatory.

Article 53

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "accompany/facilities" shall be the required effort and role may be provided by BNPB to the region for disaster control in the form of technical, administrative, equipment and funds assistance.

Article 54

Paragraph (1)

What is meant by "immediate recovery of vital infrastructure and facilities" shall be, such as cleaning the debris, waste, mud, and damaged and hazardous materials and repair of emergency facilities, such as, water installation, electric network, telecommunications and irrigation networks.

Paragraph (2)

Self-explanatory.

Article 55

Self-explanatory.

Article 56

Paragraph (1)

Letter a

The purpose of repair of environment of regional

disaster in this provision shall mean to recover environmental condition that may support the people's lives, such as residential environment, industrial environment, business environment, and conservation zone according to the space layout.

Letter b

The purpose of repair of public infrastructure and facilities in this provision shall mean to support smooth flow of the people's economy and lives, such as roads and communications network system, potable water, sanitation, electricity and energy, communications and other networks.

Letter c

What is meant by provision of assistance for repair of the people's houses in this provision shall be for repair of the condition of the people's houses, such as house components, infrastructure and facilities of the housing environment that facilitate the lifespan of social lives and *sufficient economy according to standard of construction of houses as governed in the statutory regulation.*

Letter d

The purpose of social psychology in this provision shall be repair the social lives and psychology of the people in order to remain alive and live through social rehabilitation in the form of counseling the families of disaster victims encountering trauma, family consultation service and accompany/social facilities.

Letter e

The purpose of health service in this provision shall be recovery of the disaster victim's health.

Letter f

Letter f

The purpose of reconciliation and resolution of conflict in this provision shall be minimizing social conflict escalation, including preparation of foundation for reconciliation and resolution of social conflict.

Letter g

The purpose of social, economy and culture recovery in this provision shall mean to repair the people's social lives, economy, and culture by rejuvenating the people's social, economic and cultural activities.

Letter h

The purpose of recovery of security and order in this provision shall mean to repair the people's security and order by reactivating relevant security institutions and order.

Letters i and j

Self-explanatory.

Paragraphs (2) and (3)

Self-explanatory.

Paragraph (2)

What is meant by "insufficient APBD" shall mean if based on analysis of damage and loss of money needed for rehabilitation reaches 20% (twenty percent) of the APBD.

Paragraphs (3) and (4)

Self-explanatory.

Article 58

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "insufficient APBD" is that the fund needed for rehabilitation reaches 20% (twenty percent) of the APBD.

Paragraphs (3) and (4)

Self-explanatory.

Articles 59 through 74

Self-explanatory.

Article 75

Paragraph (1)

Letter a

The purpose of re-construction of infrastructure and facilities in this provision, shall mean to re-construct infrastructure and facilities in order to grow and develop the people's lives in the post-disaster region.

Letter b

The purpose of re-construction of people's social facilities in this provision shall mean to improve the function of the people's social facilities that were damaged by the disaster so that the people's social activities may grow and develop in the post-disaster region, such as education, health, orphanage, religious activities facilities, old age dwellings, and village hall.

Letter c

The purpose of re-developing the people's social cultural lives in this provision shall mean to re-organize the people's social culture damaged by the disaster so that the people's social activities may grow and develop in the

post-disaster region, such as re-compliance with the social function of the disaster victims for better lives of disaster victims.

Letter d

The purpose of application of proper design and build and use of better and disaster sustainable equipment in this provision shall mean to minimize disaster risks that may caused by the next disaster, so that the people in the post-disaster region may grow and develop according to the space layout.

Letter e

The purpose of participation and role of institution and people's organization in this provision shall mean to improve the role of institution and people's organization in

all aspects of the people's lives in post-disaster region.

Letters f through h

Self-explanatory.

Paragraphs (2) and (3)

Self-explanatory.

Articles 76 through 96

Self-explanatory.

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